

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for February 2, 2009

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Rick Miller, Chairman; Bob Koch, Chair Pro Tem; and Brad Peck, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board.

**OFFICE BUSINESS**

Secretary Patricia Shults met with the Board. Present in audience: Tri-City Herald Reporter Joe Chapman and Troy Woody.

Consent Agenda

**Motion** - Mr. Koch: I move for approval of the consent agenda for February 2, 2009, as follows:

Mr. Miller asked to pull item #8 regarding the Franklin County Travel Policy.

Mr. Peck asked why the second cash drawer is needed. Mr. Koch said the front desk area was remodeled last fall so now there is room for two drawers.

Mr. Peck said he also has questions on item #8. Mr. Miller said he thinks the whole policy needs to be redone because there are some pretty old, vague sections. He wants to look at the whole policy with this issue from item #8 included.

Mr. Peck asked if the meal reimbursement issue needs to be done right away. Ms. Shults said it was the treasurer's request because there are currently two different ways of people submitting vouchers and this establishes one way. The Treasurer was hoping to get it taken care of so the state auditor would not have a problem.

Mr. Koch said we can decide between us as Commissioners what our meal policy is but that doesn't take care of the other county employees who all have their idea of what per diem is. He does not disagree with reviewing the whole policy but wants everyone to know what per diem means and also the matter regarding in- and out-of-state travel. He referred to the proposed resolution.

**Motion** – Mr. Peck: I would move that we amend that motion for approval of the consent agenda absent item 8 which is the meal reimbursement travel policy update.

Second by Mr. Miller. All in favor of the amendment: 3:0 vote in favor.

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**The original motion was seconded by Mr. Peck.** All in favor of the motion with the amendment: 3:0 vote in favor.

1. Approval of **Resolution 2009-054** authorizing a second cash drawer in the Franklin County Clerk's Office in the amount of \$300 and authorizing the Treasurer of Franklin County to issue a warrant in the sum of Three Hundred dollars (\$300) against the 2009 Miscellaneous Clerk LFO Collection Fund, Number 117-000-001, line item 512.31.00.0001 (Contingency) to establish said cash drawer. (Exhibit 1: Information sheet.)
2. Approval of ***Out-of-State Travel Request*** for Dispatch employee Dan Werr to attend the Intergraph Conference in Washington, DC, June 15-19, 2009, for an estimated cost of \$4,500, reimbursable by E911 State funding. (Exhibit 2)
3. Approval of ***Out-of-State Travel Request*** for Dispatch Director Ed Bush to attend the National Academics of Emergency Dispatch (NAED) Conference in Las Vegas, Nevada, April 26 through May 1, 2009, for an estimated cost of \$2,400, reimbursable by E911 State funding. (Exhibit 3)
4. Approval of ***Out-of-State Travel Request*** for Dispatch employee Kraig Warr to attend the National Academics of Emergency Dispatch (NAED) Conference in Las Vegas, Nevada, April 29 through May 1, 2009, for an estimated cost of \$1,750, reimbursable by E911 State funding. (Exhibit 4)
5. Approval of ***Out-of-State Travel Request*** for Dispatch employee Hugo Valencia to attend the National Academics of Emergency Dispatch (NAED) Conference in Las Vegas, Nevada, April 29 through May 1, 2009, for an estimated cost of \$1,750, reimbursable by E911 State funding. (Exhibit 5)
6. Approval of ***Out-of-State Travel Request*** for Dispatch employee Mark Torrescano to attend the National Academics of Emergency Dispatch (NAED) Conference in Las Vegas, Nevada, April 29 through May 1, 2009, for an estimated cost of \$1,750, reimbursable by E911 State funding. (Exhibit 6)
7. Approval of **Resolution 2009-055** authorizing the Superior Court Clerk to purchase media boards for the Interactive Voice Response (IVR) pc as requested from the Trial Court Improvement Fund Authorization Committee, utilizing funds from the Miscellaneous Trial Court Improvement Fund, Number 128-000-001, line item 594.12.60.0000 (Capital Expenditures), in the amount of \$958.

(Clerk's Note: Item 8 was removed from the consent agenda.)

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8. Approval of **Resolution** \_\_\_\_\_ rescinding Franklin County Resolution 2001-154 and amending the Franklin County Travel Policy, Section IV – Meal Reimbursement.
9. Approval of **Resolution 2009-056** authorizing the County Clerk to purchase case files from Safeguard Business Systems in the amount of \$3,151.63, to be paid from the **2008** Auditor O&M Fund, Budget Number 102-000-001.
10. Approval of **joint Resolution 2009-057** in the matter of requesting approval for the Personal Services Contract between Inter-City Legal Processing & Messenger Service and Benton-Franklin Counties, effective for one year commencing date of execution.
11. Approval of **Resolution 2009-058** for the TRAC Center Pavilion Naming Rights Agreement between Franklin County, by and for TRAC, and Noel Corporation, promoter for the “Pepsi” brand name, effective February 1, 2009, through February 28, 2012.

National Association of Counties (NACo)

Mr. Miller attended a meeting of the NACo Criminal Justice and Public Safety Committee last week. He said the opinion of many of the committee members is about the philosophy of re-entry for prisoners in the transition stage from jail back into the public. The programs they have in place are to reduce recidivism. Another emphasis is pre-trial, that people with minor offenses are not put in jail. He said he is not saying this is his philosophy but that was mostly what the discussion involved. He said he felt that Franklin County is on top of everything. We're so much better off than many, many states and counties. They talked about programs similar to our deferral program. He said there are things we could change or do differently but in general our system for our state works well.

**TRAC**

TRAC Manager Troy Woody met with the Board. Present in audience: Joe Chapman.

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RV Park Rates

The Board reviewed a paper showing RV park rates in the area with a proposed TRAC RV park rate of \$32.00 per day. Mr. Woody said it is difficult to compare because the services offered are not the same. Mr. Woody said he would recommend increasing the rates. He doesn't think it is appropriate to be the lowest rate. We have less units to sell. We only sell a few of the units on a full-time basis. Although we don't have a lot of the amenities, he thinks we have the nicest, quietest park. He thinks we have a premium park in the marketplace. He does not want to be undercharging. TRAC currently charges \$30.90 per day. The rate could be higher than the \$32 on the chart.

Mr. Peck said he is strongly opposed to the concept of entrepreneurial government where our local government-run businesses like this RV park competes with local taxpaying businesses. I think we ought to be clearly more expensive than the competition. Any time we're using public money to cash flow a business, it's not appropriate for us to be in direct competition in the first place and to the extent that we can minimize that by raising the fee, we should. Obviously, there are extremes that are not in the county's best interest either. I don't think these rates are high enough.

Mr. Miller said we have a luxury for people in a horse show to be right there at TRAC. That's the reason why he thinks RV parks are important. He thinks raising the rate would not be bad.

Mr. Woody asked do we want to be 10% or 15% above Horn Rapids or are we more concerned with Sandy Heights RV Park in our county?

Mr. Peck said my premise is if you are a Franklin County resident and business owner, you're paying taxes, and we ought not to be using those dollars to run our business in competition with them. I'm not concerned about our rate as opposed to Benton County or some other county. I'm talking about Franklin County taxpayers and that we have a responsibility not to disadvantage those businesses using their tax dollars against them.

Mr. Woody asked is everyone comfortable with at least 10% above Sandy Heights' rate? The weekly and monthly rates will flow according to the percentages. Mr. Woody answered Mr. Peck's question about price sensitivity in the market.

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Mr. Peck said he would favor a daily rate at minimum 10% to even as much as 15% above, and then where you've got roughly a 62% to 64% discount on the longer stay, I would probably look at being consistent with what you are now but not against your daily rate.

The Board members want to adjust the discount for the extended stay customers so you don't have as much of a hit there.

Promoter Dispute

Mr. Woody gave the Board a copy of the TRAC Event Spacing and Scheduling policy which relates to booking of dances and auto show/auto sales. The purposes are twofold. Mostly the policy is to protect TRAC. For example, if there is a car show in January and someone wants a second car show in January, we ultimately end up with no car shows. Then we have problems. We set processes in place to in effect limit competition to some degree so we have a successful event instead of two or three marginal events. Most events we work on a base and percentage rate.

A promoter wants to book three Hispanic dances in 2009. There is a promoter who already has the 2009 year locked up for Hispanic dances. Noe has been doing business with TRAC since well before Mr. Woody got there. Mr. Woody has been dealing with him for his four years of employment and without question, Noe's Hispanic dances are more lucrative for us than any others we've done, period. The biggest issue with these types of dances is cancellations, which are frequent. We don't have those with him.

David Cortinas is the promoter who wants these dates. We've done business with Mr. Cortinas in the past. Mr. Cortinas is using words such as exclusivity and monopoly and other words that I don't find appropriate at all. I don't think it is a monopoly and I don't think any statute says we have to share the wealth so to speak in incoming revenue. We need to do that for purchasing items. But if people are giving us checks, it always has been a policy that we have the discretion of who and how we want to receive those checks. He gave an example of a bull bash which has two full events a year.

Eric Hsu joined audience.

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Mr. Koch said there are discrepancies in the stories he hears from TRAC and the Angus Association representative as far as the Angus Association asking for a contract and not getting one until much later. Mr. Woody said he does not know the representative. Mr. Koch said it is likely there will be some attorneys involved shortly.

Mr. Peck said I like your approach to business and the fact you're aggressive on behalf of the county. I've got a small concern on whether you really do have a license or legal authority to turn away future business without necessarily seeing or hearing a proposal because it begs a question of how do we know it's in the best interest of the county if we have not seen a proposal. He would like a review by the civil attorney to review statutes just to ensure that the way we're doing this is not going to put us in some sort of legal constraint. He would like some professional advice in this case. It ultimately comes down to what's in the best interest of the county. He understands the value of maintaining a good relationship with an existing promoter. Mr. Woody said I agree with you and tried to get Chief Civil Deputy Prosecutor Ryan Verhulp here this morning but he had a previous engagement.

Mr. Woody said let me address the proposal component. They're not submitting a proposal to us. They're asking us to submit a proposal to them. They want a quote on rental and then everything after that is ancillary revenue so we have to estimate whether that's going to be positive or not. He gave an example of what he would have to do if he were required to give the promoter a proposal. Mr. Peck does not think it is out of place to make a proposal to them.

Year-End Sales Reports

Mr. Woody gave the Board a year-end sales report. He said it does not show a complete revenue stream. For example, dance beer garden revenue would not be in this document but comes out on the bill to the promoter instead. TRAC employee Chanda Tebay produced over \$1 million which is fabulous in this market. Maureen Vincent exceeded \$500,000 in the social catering market, which is a significant number.

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Leann Rimes Concert Attendance

About 2200 people attended the Leann Rimes concert. Ticket stubs are being counted today. Ticket sales amounted to about \$75,000. Mr. Woody will bring a full P&L on that next week.

**OFFICE OF PUBLIC DEFENSE**

Benton-Franklin Office of Public Defense Indigent Defense Coordinator Eric Hsu met with the Board. Present in audience: Joe Chapman.

Shelley Ajax contract

Mr. Hsu asked for approval of a contract with Attorney Shelley Ajax. He answered the Board's questions about the contract.

**Motion** – Mr. Peck: I move that we approve Professional Services Agreement between Shelley Ajax and Franklin County to provide legal representation in *State of Washington v. Ashone Hollinquest*, Contract #FCSC0800SAA001H. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-060.

Tim Fife joined the audience.

District Court Contracts

Mr. Hsu said the current District Court contract attorneys signed a 60-day extension. He told the Board about the current contract negotiations. Mr. Hsu said if additional funds are needed, they go to a District Court judge for approval and if it is approved, it is paid from the District Court funds. He answered the Board's questions.

The Board is in favor of staggered contract ending dates so there is continuous coverage. The Board is in favor of contracts that have the current market rate rather than including a cost of living adjustment each year.

**PUBLIC WORKS**

Engineer Tim Fife met with the Board. Present in audience: Joe Chapman and Rosie H. Rumsey.

2009 Vouchers

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**Motion** – Mr. Peck: I would move we approve Franklin County Public Works vouchers, County Road Fund \$20,020.59 and the MV & PW Equipment Fund \$41,070.98. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 7)

**Weed Spray Program**

There was discussion about the differences between a commercial applicator license versus a private applicator license. The Department of Agriculture has been asked for information about whether a commercial applicator's license is required. Some people that had expressed an interest in doing the spraying have now expressed an interest in not doing it because of requirements such as insurance and liability.

Mr. Miller said he wants to have this weed spray program as a discussion for a workshop.

**HUMAN RESOURCES (HR)**

HR Director Rosie H. Rumsey met with the Board. Present in audience: Joe Chapman, Chief Accountant Thomas Westerman and County Engineer Tim Fife.

**Classification Review**

Ms. Rumsey had given the Board members information for review previously. She explained the request for reclassification for the Administrative Accountant position. Mr. Westerman explained the additional responsibilities that are required in the position. The Board's questions were answered about the process of evaluating the position grades.

Ms. Rumsey asked for approval of a request to change from Grade 17 Step 4 to Grade 18 Step 3 as of January 1, 2009.

**Motion** – Mr. Peck: I move approval for a Change of Status for Roberta A. Stanco, employee payroll #STA150. This would be from a Grade 17 Step 4 to a Grade 18 Step 3. Second by Mr. Koch. 3:0 vote in favor. The Board noted that the Change of Status lists January 1, 2009, as the effective date. (Exhibit 8)

The Board reviewed the request from the Classification Committee to regrade the Equipment Superintendent position to Grade 18. Mr. Peck asked about the Classification Committee representation: Is there consideration given to representation on the committee from the employee's department or perhaps excluding representation from an

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employee's department? Mr. Bowen gave an explanation of the history of the formation of and representation on the Classification Committee.

**Motion** – Mr. Peck: I move we approve Change of Status for Darrel Farnsworth, employee Payroll #FAR250, as presented to us dated January 1 and effective January 1, 2009. This would be from a Grade 17 Step 7 to a Grade 18 Step 6. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 9)

**Recessed** at 10:28 am.

**Reconvened** at 10:34 am.

**Executive Session** at 10:34 am regarding union negotiations expected to last 15 minutes based on RCW 42.30.140(4). Joe Chapman left the audience.

**Executive Session** continued at 10:50 am expected to last 10 minutes. The person waiting outside was notified.

**Open Session** at 11:01 am.

**COUNTY ADMINISTRATOR**

County Administrator Fred Bowen met with the Board. Present in audience: Joe Chapman.

**Public Relations Officer**

Mr. Bowen asked the Board who they want to give responses to phone calls from the media and who they want to write articles for Franklin County.

Mr. Peck explained the difference between “public affairs” and “public relations.” He said there are some legal distinctions based on a 1911 Transportation Act.

Mr. Peck said the question is should we have a public affairs officer? He said only if it provides a benefit for citizens of Franklin County. I don't know if it does. If we had a position like that, I would want that person to be responsible for expanding our web site and putting as much information on it as possible to make it more accessible to citizens. Our web site is not bad but it could be much better. If a position like that was truly providing public service, I could support it. I don't know that it's something we absolutely have to have.

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Mr. Bowen said we're talking two different things. If the media wants to ask me about certain things that are happening in the county that can be answered by probably any four of us, is it my place to answer their questions or to send them to somebody else, to one of the commissioners? Mr. Peck said I think it's your place to answer it if it can be answered in a fact-based perspective.

Mr. Miller asked isn't it similar to what has happened? Mr. Bowen said it has been. He wants to be clear when these calls come in, is it my responsibility to do that or should I ask them to talk to you? Mr. Koch said his feeling is if the media calls him on something he is not completely familiar with, he would forward it to someone that was. Mr. Bowen said he doesn't think in the past anyone has ever spoken for someone else. Mr. Peck said it is incumbent upon each of us to make it clear we're speaking for ourselves, not for the Board.

Mr. Koch said we need to be aware of requests from places requesting a vote such as NACo or WSAC that unless we get together and sign a joint letter, anything each of us do individually is from us individually, not from the Board of County Commissioners. Mr. Peck and Mr. Miller agreed.

Mr. Koch said to Mr. Bowen that the matter remains status quo.

Mr. Peck said you've raised this issue of a communicator position. He thinks it is separate from what Mr. Bowen is talking about. Someday in the future we can take it up again. Budgets are such that he does not think we should look at new positions at this time.

#### Permit Request

In response to an inquiry regarding special event permits, Mr. Bowen checked with the Planning Department. No permit is required for events with less than 1000 people in attendance.

#### Inter Budget Transfers

Mr. Bowen asked for approval of inter budget transfers totaling \$1957 for witness fees and jury fees in the County Clerk's Budget.

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**Motion** – Mr. Peck: I move approval of this Franklin County Resolution titled inter budget transfers totaling \$1957 from 2008 Current Expense Non-Departmental Budget #700, line item 0001 (Contingency Reserve) to the County Clerk Budget #160. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-061.

Washington State Department of Community Development Block Grant (CDBG) - Eltopia

Mr. Bowen notified the Board of a CDBG process. The funding is required to flow through the county. The county paid \$60 to run an ad to get requests for qualifications for engineers to work on the plan agreement.

Interagency Agreement for Historical Preservation: \$5000 grant to Connell Heritage Museum

**Motion** – Mr. Peck: I move approval of Interagency Agreement between Franklin County and Connell Heritage Museum to provide funds to promote historical preservation for historical programs. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-062.

Blackberry Handheld Device

Mr. Bowen would like to purchase a Blackberry himself but would like the county to pay for the services. Mr. Koch said he cannot support it. Mr. Bowen said he assumes people who use Blackberrys for county use would have no use for it at home. He thinks it should be treated similarly to a cell phone. It should be purchased by the person and a portion of the fee should be picked up on their own. He thinks any piece of equipment would be used for some personal use. The state auditor required some reimbursement of a portion of cell phone costs for personal use. Mr. Bowen said the Blackberry issue comes up from the Prosecutor's office, the Commissioners office, and other offices. Some staff could very much utilize a Blackberry for county use.

Mr. Peck said the PDA, Blackberry, and Iphone type of devices cannot be synchronized to more than one computer. There is a dilemma about blending personal and public use. There is a question about public records accessibility.

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He said the approach is pretty well established to reimburse some or all of the cost for the devices throughout Washington State government for people in key positions where they need to be accessible such as elected officials and department heads with emergency response requirements. In his past employment, it was routine procedure at Energy Northwest to get some or all of the cost reimbursed. In many companies, the company provides the device themselves.

Mr. Miller asked that it be made a workshop item.

Mr. Koch said one of his questions is which employees need them? He knows the coroner and assistant coroner need it because they are on call 24 hours a day. He has a little bit of a problem with Planning Department staff needing one.

Mr. Peck said in workshop session we could break down the objective criteria (what are the functional requirements that the county would benefit from by people being immediately available). It's not about convenience. There might be some argument for efficiency of the work process. What is a justifiable expense of public resources? There has to be a public benefit.

Mr. Koch said he has had his Blackberry for about three years and has never charged the county for any of it. He has charged for phone use.

At the Board's direction, Mr. Bowen will meet with Prosecutor Steve Lowe to ask him to draft a county policy.

Discussion regarding Workshop Sessions

The Board postponed the scheduled workshop session regarding development of criteria for future workshops due to other time commitments today.

**OTHER BUSINESS**

Minutes

**Motion** - Mr. Koch: I would make a motion to approve the Commissioners Proceedings for January 26, 2009. Second by Mr. Peck. 2:0 vote in favor.

Legislative Issues

The Board held a general discussion about legislative issues they will be talking to state legislators about later this week.

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Human Services Department

The Board wants to continue having Human Services Director Carrie Huie Pascua report to the Board in a Board meeting on a monthly basis.

**Adjourned** at 11:42 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 9, 2009.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Chairman

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Chairman Pro Tem

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Member

Attest:

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Clerk to the Board

Approved and signed February 18, 2009.