

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 9, 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.

Consent Agenda

Ms. Shults and Mr. Bowen answered Mr. Peck's question about the need for item #6.

Motion - Mr. Peck: I move for approval of today's consent agenda for Monday, February 9, all seven items, as follows:

1. Approval of **Resolution 2009-063** rescinding Franklin County Resolution 2008-588 and amending Resolution 2008-506 for the 2008 Length of Service and Attendance Awards.
2. Approval of **Resolution 2009-064** authorizing payment of Franklin County's portion of an invoice accrued by the Landfill Group to Aspect Consulting LLC for professional consulting services.
3. Authorizing the Chairman to sign the *Delegation of County Legislative Authority to Serve on Canvassing Board* form, designating each Board member to act on said board throughout the year 2009. (Exhibit 1)
4. Approval of **Resolution 2009-065** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Sponsored Project Agreement, Office of Grant and Research Development (OGRD) # 111993, between the Juvenile Justice Center and Washington State University, for the John T. and Catherine D. MacArthur Foundation's Models for Change Project, effective May 16, 2009, through August 15, 2009. (Exhibit 2: Information sheet.)
5. Approval of *Out-of-State Travel Request* for Rick Rochleau to attend Court Security Training in Meridian, Idaho, March 24-26, 2009, for an estimated cost of \$960.60. (Exhibit 3)
6. Approval of **Resolution 2009-066** authenticating the clarification of the TRAC Box Office fund to be \$10,000 and authenticating the TRAC petty cash fund to be \$25,000.

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7. Approval of County Road Fund payroll in the amount of \$92,149.71 and Motor Vehicle Fund payroll in the amount of \$13,821.61 for pay period ending February 5, 2009.

Second by Mr. Koch. 3:0 vote in favor.

Tri-City Herald Reporter Joe Chapman joined the audience.

Vouchers/Warrants

Motion – Mr. Koch: I would move for approval of the 2009 various vouchers in the amount of \$367,130.19: Current Expense warrant 12133 for \$1,470.07; Election Equipment Revolving warrant 12134 for \$29.97; Jail Commissary warrant 12135 for \$196.72; Current Expense warrants 12207 through 12249 for \$12,908.64; Current Expense warrants 12300 through 12335 for \$19,516.70; Current Expense warrants 12336 through 12377 for \$73,981.72; Current Expense warrants 12378 through 12442 for \$39,554.82; Supplemental Preservation Fund warrants 12443 through 12445 for \$12,500.00; Franklin County Unemployment Fund warrant 12446 for \$13,750.85; Auditor O&M warrants 12447 through 12448 for \$331.18; Franklin County Capital Projects Fund warrants 12449 through 12450 for \$37,539.56; Clerk LFO Collection Fund warrant 12451 for \$162.00; Trial Court Improvement Fund warrant 12452 for \$22,558.00; Crime Victims Witness warrant 12453 through 12454 for \$3,079.85; L&I Reserve Fund warrant 12455 for \$15,086.00; Franklin Count RV Facility warrants 12456 through 12460 for \$4,319.92; TRAC Operations Fund warrants 12461 through 12495 for \$78,464.89; Veteran's Assistance warrants 12496 through 12497 for \$300.00; Law Library warrant 12498 for \$11,449.21; Jail Commissary warrants 12499 through 12502 for \$7,147.81; Sheriff's Narcotic Trust warrants 12503 through 12504 for \$2,607.12; Boating Safety warrant 12505 for \$480.00; DUI Recovery Fund warrant 12506 for \$131.19; and Election Equipment Revolving warrants 12507 through 12511 \$9,563.97.

Second by Mr. Peck. 3:0 vote in favor. (Exhibit 4)

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COUNTY ADMINISTRATOR

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

Interfund Loan for \$14,000 from the 2008 Miscellaneous Expense Current Expense Cumulative Reserve Fund #100-000-001 to 2008 Miscellaneous Expense TRAC Operations Fund #405-000-001

Mr. Bowen asked for approval of a 30-day loan with 1% interest. It's a cash flow issue, not that TRAC overspent the budget. The revenue is coming in from events but has not been received yet. It is a close-out of 2008 budget amounts.

Motion – Mr. Peck: I move approval of an inter fund loan in the amount of \$14,000 from the 2008 Miscellaneous Expense CE Cumulative Reserve Fund #100-000-001 to the 2008 Miscellaneous Expense TRAC Operations Fund #405; and creation of non-expenditure line item 0002 within the 2008 Miscellaneous Expense Cumulative Reserve Fund #100-000-001 and creation of non-expenditure line item 00 (TRAC loan repay) within the 2008 Miscellaneous Expense TRAC Operations Fund #405-000-001; and authorizing the treasurer to transfer \$14,000 to the TRAC Operations Fund #405-000-001 from the Cumulative Reserve Fund as well as transfer funds for the subsequent repayment of principal and interest for this loan as stipulated in the resolution within a 30-day period commencing December 31, 2008. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-067.

Rosie H. Rumsey, Jerrod MacPherson and Jeremy Underwood joined the audience.

Inter Fund Loan for \$200,000 from the 2009 Miscellaneous Expense CE Cumulative Reserve Fund #100-000-001 to the 2009 Miscellaneous County Roads Fund #150-000-001

Mr. Bowen asked for approval of a 90-day loan at 1% interest. Funds should be repaid by April tax collection time. Mr. Bowen answered Mr. Peck's question about why the loan is necessary. It is a cash flow problem at this time. Some factors include higher fuel prices, higher asphalt prices, and bids over the engineer's estimate so the Public

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Works budget paid more than anticipated for some projects, knowing they had the cash available to do it.

Motion – Mr. Peck: I move that we approve inter fund loan in the amount of \$200,000 from the 2009 Miscellaneous Expense CE Cumulative Reserve Fund #100-000-001 to the 2009 Miscellaneous County Roads Fund #150-000-001. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-068.

Memo to Elected Officials and Department Heads

Mr. Bowen asked the Board to consider sending a memo because of the cash flow problems to implement a hiring freeze for all departments except Dispatch and Corrections and requesting that only necessary purchases be made, effective immediately.

Mr. Miller would like a memo to be sent. He would have preferred stronger language but feels this is okay. Mr. Koch asked is a hiring freeze enough verbiage to take care of a re-hire in case someone quits? Mr. Bowen said if it's unclear, then it should be made clear. Mr. Koch said he thinks we need to put a stop on things now until whatever point we feel comfortable proceeding.

Mr. Peck said he is generally not inclined to support things that are blanket policies. He would prefer a letter that had the same effect but allows some discretion, perhaps that said any hiring actions until further notice require review and approval from the County Administrator. The reason is because if there is a blanket policy, there may be a genuine need that never comes to you because the understanding is the answer is automatically no.

Mr. Bowen said the only thing I would ask is once the language is acceptable by all three board members that the Board give approval for the chairman to sign the letter instead of coming back to a formal board meeting.

Mr. Peck said he would support a letter that said due to unexpected revenue shortfalls in January, until further notice all hiring actions require review and approval of the county administrator with the exception of actions within Dispatch and Corrections. In addition, we request all departments to make only necessary purchases effective immediately.

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Mr. Miller said that's fine.

Mr. Koch said I would agree with that, too.

The Board had **consensus agreement** to send the memo when it is prepared (Exhibit 5).

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board.

Public Hearing: Short Plat SP 2009-01, to consider an application by John and Mary Probasco to short plat approximately 1.56 acres (gross) into two lots. As proposed, Lot #1 is approximately 30,215 square feet in size. The property is located in the Residential Suburban 20,000 (RS-20) Zoning District.

Public Hearing convened at 9:39 am. Present: Commissioners Miller, Peck and Koch; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman.

Mr. Underwood reviewed the information on the Action Summary (Exhibit 6).

Mr. MacPherson showed a copy of the 2007 aerial photograph with parcel overlay on the screen. He reviewed the conditions of approval.

A typographical error was noted that will be corrected on the documentation.

Mr. MacPherson answered Mr. Peck's questions.

Mr. Miller asked if Mr. Chapman wished to comment. Mr. Chapman did not. Mr. Miller asked three times if anyone wished to speak in favor of the application. There was no response. Mr. Miller asked three times if anyone wished to speak against the application. There was no response.

Motion – Mr. Peck: I move approval for preliminary Short Plat 2009-01 subject to the seven findings of fact and six conditions of approval. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-069.

Public Hearing: Short Plat SP 2009-02, to consider an application by Lyle Holt to short plat approximately 97.15 acres (gross) into two lots. As proposed, Lot #1 is

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approximately 1.52 acres in size and Lot #2 is approximately 95.63 acres in size. The property is located in the Agricultural Production 20 (AP-20) Zoning District.

Public Hearing convened at 9:48 am. Present: Commissioners Miller, Peck and Koch; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman and Troy Woody.

Mr. Underwood reviewed the information on the Action Summary (Exhibit 7).

Mr. MacPherson showed a copy of the 2007 aerial photograph with parcel overlay on the screen. He reviewed the conditions of approval.

Mr. Miller asked three times if anyone would like to speak in favor of the application. There was no response.

Mr. Miller asked three times if anyone would like to speak in opposition to the application. There was no response.

Mr. MacPherson answered Mr. Peck's questions.

Motion – Mr. Peck: I move we grant preliminary approval of Short Plat 2009-02 subject to the seven findings of fact and eight conditions of approval. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-070.

Short Plat Process

Mr. Peck asked if the other commissioners would entertain the idea of evaluating whether it would be in the best interests of the citizens of the county to switch to an administrative process of approving short plats.

Mr. MacPherson said it's something we bring up every few years. We're currently one of the few cities or counties that are not doing it administratively. As Mr. Peck pointed out, it's an option to look at to make it more expeditious.

Mr. Miller said I don't mind doing it administratively.

Mr. Koch said I guess I didn't fully understand what we're trying to do.

Mr. Peck said he would like the Planning Department to research it.

Mr. MacPherson said it is a developmental regulation that would have to go to the Planning Commission. Even when it is done administratively, there is still an appeals process.

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PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Joe Chapman and Troy Woody.

Notice for Hearing for Charter Communications Franchise

Motion – Mr. Koch: I would move for approval of setting a notice of hearing on application for franchise by Charter Communications. The date of the hearing would be the 16th day of March 2009 at 9:45 am. Second by Mr. Peck. 3:0 vote in favor.

(Exhibit 8)

Roadside Spray Program

Road Superintendent Ron Horn joined the meeting.

Mr. Fife gave the Board some information regarding applicator license requirements from the Washington State Department of Agriculture (Exhibit 9).

The next step is to set up a meeting with Ron Horn, some of the Weed Board staff, and farmers who had expressed an interest in doing the roadside spraying to give them all of the information including the Department of Agriculture requirements, insurance requirements and bonding information. We need to find out if they're still interested in participating.

After the meeting, Mr. Fife will return to the Board with either a policy or proposal for review or the information that the farmers do not want to do it themselves.

Chief Civil Deputy Prosecutor Ryan Verhulp joined the audience.

Cattle Guard Policy

Mr. Fife gave the Board a draft of a cattle guard policy and some maps. Some changes have been made since the initial proposal. It was sent out for comment to property owners who have cattle guards. Mr. Fife said we received two letters and Mr. Koch had discussions with some property owners. The issue that came up was the cleaning of the pit under the cattle guard. It is what makes the cattle guard effective. The property owners' viewpoint is that the cattle guards fill up from the grader operator filling it. The traffic also does it. They wanted us to clean it. It doesn't happen enough probably for us to make a big issue of it so we changed our policy and we are willing to

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do that. The other issue was liability because they didn't want the liability. Mr. Fife reviewed the language in the draft policy.

Mr. Fife thinks the next step is to show it to the property owners again. It does not require a public hearing but he thinks the Board could set a meeting so people could talk about it.

Mr. Koch said he has been working with this matter from the time of the original complaint. He thinks this draft is about as close as we're going to get with this. Because it is their fence line and it is not the county's even though it's on the county's road -- a pretty fine line -- some have been taken care of without the Public Works office knowing about it, not that it was against anybody's rules necessarily but it was just done and not talked about. He said he thinks this draft is fine.

Mr. Fife said we're trying to have some consistency.

Mr. Koch asked that the draft policy be sent to property owners and ask for their input for a couple weeks.

Mr. Bowen is concerned about county liability.

The draft policy will be reviewed by the Prosecutor's office.

Progress Reports

Mr. Fife gave the Board copies of the bi-monthly Progress Reports.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Public Hearing: To take testimony for and against adopting an ordinance creating restrictions on parking and providing for the enforcement of parking violations on the grounds surrounding the TRAC Facility Arena, Exhibition Hall, TRAC Pavilion, and TRAC Practice Arena in Franklin County, Washington.

Public Hearing convened at 10:29 am. Present: Commissioners Miller, Peck and Koch; County Administrator Fred Bowen; Chief Civil Deputy Prosecutor Ryan Verhulp; TRAC Manager Troy Woody; TRAC employee Chanda Tebay; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman.

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Mr. Verhulp summarized the contents of the ordinance. It has been reviewed by Mr. Woody. It was drafted at the request of Mr. Woody. We feel it is necessary because the law prohibits us from towing vehicles which are parked in public facilities or spaces that have been there for less than 24 hours unless there is a sign posted that clarifies such. Without signage and the ordinance, we do not have legal authority to tow or impound. At times, TRAC has need for immediate removal of vehicles.

The ordinance defines what vehicles are, defines what parking areas are by map, designates parking areas either through color-coded maps or signage, mandates vehicles must be parked in accordance with those signs or stripes, and grants the TRAC general manager authority to designate TRAC parking areas and post the signage. There are three types of parking areas set forth in the ordinance that are subject to enforcement or violation: loading zone, no parking zone, and designated reserved parking area. They are explained in the ordinance. The ordinance also details what an ordinance violation involves. It also sets out how an enforcement procedure is carried out, by a law enforcement officer or a special commissioned officer. He gave an example of a special commissioned officer, such as the county's code enforcement officer.

Mr. Verhulp said our recommendation once the ordinance is in place is that the TRAC General Manager use the Franklin County Sheriff's Office to carry out enforcement essentially because it is Franklin County property and also because when a law enforcement officer arrives on scene, they would issue a citation just like a normal traffic ticket. It would have to be filed with Franklin County District Court so the Sheriff's Office will be very familiar with that procedure and will carry out the filing of that citation. The ordinance also allows either a law enforcement officer on scene or the TRAC General Manager to direct that a tow truck operator respond and carry out the impound.

It would be a \$10 citation. Mr. Verhulp explained what the court process would involve. The ordinance details an impoundment procedure, how a vehicle would be redeemed, and how it would be released.

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Mr. Woody gave an example of a parking problem. The area is currently a public parking lot. He explained the need to designate areas of parking.

Mr. Verhulp said the intent at this time is to take any input the Board would have and enter that revision as well as one additional revision Mr. Woody has and then resubmit it for the consent agenda.

Mr. Miller asked three times if anyone in the audience would like to speak as a proponent. There was no response.

Mr. Miller asked three times if anyone in the audience would like to speak in opposition. There was no response.

Mr. Koch asked Mr. Woody what was your update? Mr. Woody explained his request to have the flexibility to use either painted stripes or signs. Mr. Woody said we've been doing this type of procedure at TRAC as a policy but not as a law.

Mr. Peck asked Mr. Verhulp to give the Board members an updated version with your edits. Mr. Peck asked Mr. Woody if the policy as written gives him the flexibility he needs. Mr. Woody said yes. The signs will be movable as opposed to permanent.

Mr. Koch asked Mr. Woody, how do you or staff know which function I'm going to? Mr. Woody said that's a good question. Cars are not the issue. Trailers are the issue. The problem is more about the type of vehicle.

An updated version will be prepared and submitted for approval on the consent agenda.

Mr. Peck asked that the way the ordinance is constructed and enforced becomes a tool to ensure customers have parking and not a tool that is used for the purpose of a revenue-generating, ticket-writing activity. He knows that is not the intent but he doesn't want the language to give that flavor.

Recessed at 10:42 am.

Reconvened at 10:45 am.

TRAC

TRAC Manager Troy Woody and Ryan Verhulp met with the Board. Present in audience: TRAC employee Chanda Tebay and Joe Chapman.

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Leann Rimes Profit and Loss Statement

The Board reviewed the Leann Rimes concert profit and loss statement. Mr. Woody said it is truly an operational profit and loss and does not include overhead costs. Mr. Peck said the event was not a money-maker. He asked Mr. Woody would you do it again? Mr. Woody said I would, with a couple of changes in circumstances including a significant sponsor.

Mr. Koch asked Mr. Woody why you felt it was a break-even rather than a full house. Mr. Woody said the simple answer is because not enough people bought tickets. Why? He does not know. The price point was consistent with the other shows in the marketplace. Promoters and contacts in the industry do not know why. At the Wenatchee show held two days earlier than ours, they sold 4000 tickets in a brand new venue. For about two years, any new venue will get a 40% to 50% lift.

Booking Policy Discussion

Mr. Woody told the Board about the way booking of events is handled. TRAC has a rolling deposit with about 10 clients. He gave an example. It has been done for years to benefit both parties. We have applied the rolling deposit to multiple events. He gave an example of a car show. He thinks we're being told we should not do that in the future. His position is we'll draft a policy to bring back later to say if you do book multiple events, we'll give you a break on the deposit amount.

A second issue is, do we have the right to refuse business? In this case, our 30-day-out policy regarding similar events says TRAC management has the right to override that policy. He gave an example of an RV show.

Mr. Woody gave some history of past events.

After extensive discussion, Mr. Woody said my position is we'll honor the existing contract for 2009 and I would deny requests for additional dates in 2009. Then we will work to draft a policy on future deposits and how they work and address rolling deposits within that and also start creating a draft that somehow attempts to make a level playing field on the rate structure.

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Mr. Peck said I would advise against a policy that needlessly restricts your flexibility. All my comments are based on going forward. He said we absolutely need to honor the current contracts. He asked Mr. Woody to check with legal counsel regarding future requests for events to make sure the reasons for which we're turning them down are appropriate bases for doing so. I would omit any references to past difficulties. I would speak almost exclusively to the fact that it is in the best interest of TRAC and the citizens to book as many events as we can without overbooking and saturating the market and in your professional judgment if the bookings we have now are at that saturation point, anything further would be counterproductive, and invite them to submit their interest for future business at an appropriate time consistent with the policy. He thinks the policy needs to address how far in advance you're willing to accept reservations for events.

COUNTY ADMINISTRATOR (continuing)

County Administrator Fred Bowen and Human Resources Director Rosie H. Rumsey met with the Board. Present in audience: Joe Chapman.

Executive Session at 11:20 am regarding union negotiations expected to last 10 minutes based on RCW 42.30.140(4). Mr. Chapman left the audience.

Open Session at 11:32 am.

No decisions were made.

TRAC: Six-acre parking lot

We sent Ben Franklin Transit a proposal that they could use the parking lot for \$1000 per month, which they have never paid for in the past. Transit has recommended paying \$750 per month for one year. Mr. Bowen explained the history of the process to Mr. Peck. Mr. Koch said his understanding is Transit is working with the City of Pasco on a Burden Boulevard parking lot so it may be moot.

Mr. Peck said if we can de-conflict with our events, \$750 is okay. Mr. Miller agreed. Mr. Peck would want to go three years, five years, something like that.

Recessed at 11:35 am until 1:30 pm.

Reconvened at 1:30 pm.

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The Board met in a workshop session to review proposed Text Change 2008-01
Critical Area Ordinance with the Planning Department.

Adjourned at end of workshop session.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 11, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed February 23, 2009.