

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 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; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Brad Peck, Member, was absent to attend the Public Records Act and E-Records Training in Ellensburg, Washington.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

Cell Phone Use

The Board asked Mr. Bowen to send a memo regarding use of text messaging by county employees. No reimbursement for text messaging by county employees for county business has been authorized.

Consent Agenda

Motion - Mr. Koch: I move to accept the consent agenda for February 18, 2009, as presented:

1. Approval of **joint Resolution 2009-071** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Disproportionate Minority Contract (DMC) Action Network Agreement between the Juvenile Justice Center, the Center for Children's Law Policy, and the Center for Children & Youth Justice, for a term commencing October 1, 2008 through September 30, 2009. (Exhibit 1: Information sheet.)
2. Approval of **Resolution 2009-072** salvaging four office chairs and one partition as identified on the *Franklin County Storage – Salvage* form received from the Prosecutor's Office, in conjunction with RCW 36.32.210 (inventory) and authorizing the four chairs to be reassigned to the Public Works Shop.
3. Approval of **joint Resolution 2009-073** in the matter of amendment #1 of the State Mental Health Agreement #07/09-CMH-LCC between the Benton and Franklin Counties Department of Human Services and Lourdes Counseling Center for the addition of a Peer Counselor and to provide rapid enrollment for clients and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 2: Information sheet.)
4. Approval of **joint Resolution 2009-074** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners for an agreement between the Benton and Franklin Counties Department of

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

- Human Services and Lutheran Community Services NW for the Mental Health Block Grant Agreement #08/09-FBG-LCS, providing services to promote recovery for seriously mentally ill adults and resiliency for seriously emotionally disturbed children, effective October 1, 2008 through September 30, 2009. (Exhibit 3: Information sheet.)
5. Approval of **joint Resolution 2009-075** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Fee for Services Rendered Contract between the Juvenile Justice Center and the City of Kennewick, to provide the Graffiti Abatement Program (GAP), for a term commencing January 1, 2009 through December 31, 2010. (Exhibit 4: Information sheet.)
 6. Approval of **Resolution 2009-076** authorizing Information Services to purchase eleven Canon DR-2050C scanners for the Treasurer's Office, utilizing funds from the 2009 Miscellaneous REET Technology Fund, Number 107-000-001, line item 594.14.64.0000 (Equipment).
 7. Approval of **Ordinance Number 2-2009** 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. (Exhibit 5)
 8. Approval of ***Out-of-State Travel Request*** for District Court Clerk Kelly Martin and Superior Court Clerk Michael J. Killian to attend the National Association Court Management (NACM) Conference in Portland, Oregon, March 8-10, 2009, for an estimated cost of \$731.80 each. (Exhibit 6)

Second by Mr. Miller. 2:0 vote in favor.

Vouchers

Motion – Mr. Koch: I move for approval of the Salary Clearing payroll in the amount of \$574,121.15 with Emergency Management and Irrigation payroll on the same sheet:

Warrants 47734 through 47838 for \$188,280.67; warrants 47839 through 47845 for \$81,972.74; and Direct Deposit for \$303,867.74. Second by Mr. Miller. 2:0 vote in favor.

The cover sheet also includes the following amounts:

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

Emergency Management payroll warrants 12585 through 12591 for \$3,704.67; warrants 12592 through 12595 for \$1,910.51; and Direct Deposit for \$8,175.33; for a total amount of \$13,790.51; and

Irrigation payroll warrants 12565 through 12580 for \$8,200.80; and warrants 12581 through 12584 for \$1,524.34; for a total amount of \$9,725.14. (Exhibit 7)

Motion – Mr. Koch: I move for approval of fund expenditures in the amount of \$387,994.51: FC RV Facility warrant 12628 for \$60,000.00; County Road Unemployment Fund warrant 12629 for \$2294.40; Current Expense warrants 12702 through 12761 for \$124,245.91; Election Equipment Revolving warrant 12762 through 12764 for \$1454.20; and CE Cumulative Reserve warrant 12765 for \$200,000.00.

Second by Mr. Miller. 2:0 vote in favor. (Exhibit 8)

Transit

Ben Franklin Transit has requested letters of support from the Board regarding two projects. They will be hand carried to Senator Patty Murray, Senator Maria Cantwell, and Representative Doc Hastings.

Motion – Mr. Koch: I would move to accept that the letter to be signed and forwarded.

Second by Mr. Miller. 2:0 vote in favor. (Exhibit 9)

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson, Assistant Director Greg Wendt and Planner Jeremy Underwood met with the Board.

Public Hearing: Text Change TC 2008-01, to consider a text change application to address an update to the Franklin County Development Regulations (2008 Critical Area Ordinance) and repealing Ordinance 4-95.

Public Hearing convened at 9:16 am. Present: Commissioners Miller and Koch; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. No one was present in the audience.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

The Board viewed a Power Point presentation previously on February 9. Mr. MacPherson asked if the Board wanted to see it again. The Board said no and asked to just review the changes.

Mr. Wendt reviewed the modifications as shown in the paper titled "2008/2009 Critical Area Update Modifications" (Exhibit 10).

The Action Summary was reviewed (Exhibit 11).

Mr. MacPherson said it should be noted for the record that if the Board chooses to adopt the ordinance, it will bring to a conclusion the county's requirements under the Growth Management Act for comprehensive plans and development regulations as far as bringing them in compliance with the state laws. There will always be maintenance involved.

Mr. Koch said a letter was received from FutureWise on February 17 (Exhibit 12). Mr. MacPherson said FutureWise has been communicating with his office over the years. Mr. Wendt said in brief review of the letter, it is a mixture of support with some recommendations. Mr. Wendt said the FutureWise recommendations have mostly been addressed.

Mr. Miller dispensed with audience comment since no one was present.

Motion – Mr. Koch: I would move to grant the approval of Text Change Application TC 2008-01 subject to the eleven findings of fact and one condition of approval to adopt this update and associated maps, and Ordinance 4-95 will be repealed. Second by Mr. Miller. 2:0 vote in favor. This is Ordinance 3-2009. (Exhibit 13)

Mr. Wendt and Mr. Underwood left the meeting.

Building Department Update

The January 2009 Building Report was reviewed.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Park Acquisition Fund #155-000-001

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

Mr. Bowen asked for approval to use \$2000 from the Park Acquisition Fund to complete some work at the Wade Park area. As planned, the park will then be turned over to the City of Pasco. The Board **gave approval** for the expenditure.

Mr. Bowen reminded the Board of a request from the Port of Columbia to use \$10,000 for the Lyons Ferry Park. He gave some budget history. The county was going to pay back \$37,000 of the loan that was made out of Capital Improvements for the boat docks at Chiawana Park. At the time, the City of Pasco had asked that the county share the cost or pay for the improvements because the city was not willing to take it over unless the county did that. We were supposed to pay \$37,000 back but there is no documentation that it would be paid back so it cannot be paid back. There is no problem with the amount; it is just an internal bookkeeping matter.

Mr. Bowen asked if the Board wants to move forward to send \$10,000 for the Franklin County side of the Lyons Ferry park.

Mr. Koch said yes.

Mr. Miller said he and Mr. Peck toured Lyons Ferry Park. Mr. Miller said it wasn't so much that he was impressed with what is there as what could be there. Mr. Koch said Mr. Peck told him he was impressed. Mr. Koch said we need to keep some revenue going towards Lyons Ferry Park as long as we have some revenue for parks. He said Columbia County has the marina side of the park and plans to put money into the Franklin County side. He understands that the Port of Kahlotus also has put in \$20,000 to help on the Franklin County side. It would be only a two-year request at the outside if we were even able to do it next year. Mr. Koch said Jenny Dickinson with Port of Columbia said if the management company can't get going in two to three years, it won't be a subsidy forever. Mr. Koch said he has been told that The Last Resort owners who are managing the park feel the marina portion will be self-supporting.

Motion – Mr. Koch: I would move that we carry on with this conversation and donate the \$10,000 to the Franklin County side of what used to be Lyons Ferry state park.

Second by Mr. Miller. 2:0 vote in favor.

Tri-City Herald Reporter Joe Chapman joined the audience.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

Recessed at 9:50 am.

Reconvened at 10:00 am.

SHERIFF

Sheriff Richard Lathim met with the Board. Present in audience: Joe Chapman and Christopher Giles.

Request for new office chair

Sheriff Lathim asked for approval to replace a broken chair at a cost of \$197 plus tax. Normally the chair would cost about \$600 but Husk has a mis-order available.

Mr. Miller and Mr. Koch **gave approval** for the purchase of no more than \$250.

Current Expense Expenditure Request

Sheriff Lathim asked for approval for Information Services to spend previously approved funds to purchase computer equipment costing about \$50 each for a total of about \$1200 so that the E-citation equipment that he already has can be installed on 19 patrol cars.

Mr. Koch said if I understand the E-ticket process properly, it will bring money back pretty quickly because of time saved. Sheriff Lathim said it increases efficiency in court and in other areas. It's all electronic so less time is involved.

Mr. Koch and Mr. Miller **gave approval**.

Sheriff Lathim said he thinks we'll be the first law enforcement agency in the state that has every vehicle equipped.

COUNTY ADMINISTRATOR (continuing)

Corrections Center Master Control Electrical System

Facilities Director Chris Giles joined the meeting. Present in audience: Sheriff Lathim and Joe Chapman.

Mr. Giles said L&I found that Master Control is not up to code. L&I is working with us. They have not given us any citations but want us to get it fixed. Mr. Giles said his understanding is in 1999 when Master Control was remodeled, it was changed to a single console for more efficiency. When the wiring was done, apparently it was not done to code. Mr. Koch asked who did it? Mr. Giles said his understanding is the jail

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

captain and one of the sergeants and someone from IS did the work. Line voltage and low voltage are mixed together. Class 1 and Class 2 are mixed together.

Mr. Giles said L&I views it as a safety issue. The estimated repair cost is about \$25,000.

Contingency Reserve budget figures were reviewed. Mr. Bowen recommended taking \$25,100 from the Contingency Reserve budget and transferring it into the Corrections budget to do the work. It is an estimate right now. When the bids come in, the exact figure will be known.

The Board expressed concern about spending the money now when the jail maybe will be remodeled in the next few years.

Mr. Koch said this is why I am against anyone in the county trying to subcontract anything, because it does not save money.

Sheriff Lathim said I recall when some of this happened, an IS employee who is no longer here was doing a lot of the work. At the time, Sheriff Lathim understood it was low voltage wiring.

Mr. Koch said he suggests we need to go out to bids for it and get it done ASAP. Mr. Miller agreed.

MINUTES

Motion – Mr. Koch: I move that we accept the Commissioners Proceedings for January 28 and February 2 and allow Commissioner Peck to sign on his return. Second by Mr. Miller. 2:0 vote in favor.

Recessed at 10:20 am.

Reconvened at 10:29 am.

PROSECUTOR

Prosecutor Steve Lowe and Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Public Hearing: To take testimony for and against adopting an ordinance establishing the procedure by which public records requests are administered, adding a new chapter to the Franklin County Code.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

Public Hearing convened at 10:30 am. Present: Commissioners Miller and Koch; County Administrator Fred Bowen; Prosecutor Steve Lowe; Chief Civil Deputy Prosecutor Ryan Verhulp; and Clerk to the Board Mary Withers. Present in audience: Tri-City Herald Reporter Joe Chapman and Eric Meador from Woodland Resource Services, Inc.

Mr. Verhulp presented the proposed ordinance for a public records request policy for Franklin County. The Board has previously reviewed it in workshops and other meetings. He summarized the elements of the policy.

Mr. Verhulp said at the previous hearing, some issues were raised by a member of the public. Intern Ben Zelen gave the Board a written memo stating there was no need to change any of the current terms of the proposed policy unless the Board has deemed fit over the past month of considering it.

Mr. Miller said Mr. Verhulp's presentation answers all of his questions. Mr. Koch had no questions.

Mr. Verhulp said the issue of significance that was previously under consideration related to the statute saying that records must be available for inspection during normal business hours (8:30 to 5:00) and part of the ordinance says they are available but the duration of inspection is limited to either two hours per day or four hours total per week. Mr. Zelen has given the Board an analysis of why he felt that was permitted under the law. At this point, it remains part of the ordinance.

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

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

Motion – Mr. Koch: I move the approval of an ordinance establishing the procedure by which public records requests are administered, adding a new chapter to the Franklin County Code. Second by Mr. Miller. 2:0 vote in favor. This is Ordinance 4-2009. (Exhibit 14)

Mr. Verhulp left the meeting.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

Staffing

Mr. Lowe thanked the Board for providing funding for interns for his office. He said Mr. Ben Zelen worked on Ordinance 4-2009 as an intern prior to moving to another job.

Statistics from Prosecutor's Office

Mr. Lowe gave the Board copies of statistics of work done in his office. He said the figures do not show the appellate work that is beyond the initial casework.

Mr. Miller said he asked for the information so it can be shown to people if the Board decides to ask for a tax increase.

Brooke Bolyard and Daton Games from ASAP Spray joined the audience.

Office Hours

Mr. Lowe requested approval to change his office hours to work better with the courts. The courts traditionally have been held from 9:00 am to 4:00 pm but are often now starting at 8:30 am. Courthouse hours are 8:30 to 5:00. The Prosecutor's office hours have been 8:30 am to 5:00 pm with an hour's lunch since 1986. Mr. Lowe has used flex hours to have staff arrive at 8:00 so they can be ready for trials that start at 8:30.

Mr. Lowe requested approval to change his office hours to 8:00 am to 4:30 pm with most of the support staff working a 37-1/2 hour week. The phones will still be answered until 5:00 pm. The attorneys do not have a problem with the hours. He explained a concern about having witnesses sitting in the hallway instead of the witness room.

Mr. Miller said he has no problem. Mr. Koch said he could support that. Mr. Lowe will prepare a letter to explain the change to other offices.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Eric Meador of Woodland Resource Services, Inc., and Brooke Bolyard and Daton Games of ASAP Spray.

Vouchers

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

Motion – Mr. Koch: I move to accept the vouchers for County Road Fund for \$169,234.39; Motor Vehicle and Public Works Fund for \$74,449.46; Solid Waste Fund for \$49,340.26; and Solid Waste Fund for \$233.63. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 15)

Wheels of Justice Transport

Mr. Fife said the Wheels of Justice Transport truck is at the end of its useful life. He asked for approval to purchase a new transport off of the state contract. The Board reviewed the request.

Motion – Mr. Koch: I would move for approval of Wheels of Justice transport in the amount of \$36,584.95. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 16)

2009 Sign Truck Chassis Purchase

Mr. Fife asked for approval of a sign truck chassis purchase. It was scheduled to be replaced this year but the existing truck engine went so we have an immediate need. There is one available for less than the state contract. We would have to be without for 120 days if we ordered it and the cost is less than the state contract and we're allowed to do that.

Motion – Mr. Koch: I would move for approval of the 2009 sign truck chassis purchase in the amount of \$23,843.77. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 17)

Bid Opening: 2009-2010 Herbicide Application

Bid Opening convened at 11:00 am. Present: Commissioners Miller and Koch; County Administrator Fred Bowen; Engineer Tim Fife; and Clerk to the Board Mary Withers. Present in audience: Joe Chapman, Eric Meador of Woodland Resource Services, Inc., and Brooke Bolyard and Daton Games of ASAP Spray.

Five bids were received:

Washburn Contracting Services, Dallas, Oregon

Base bid	\$67,824.08	Alternate	\$67,824.08
----------	-------------	-----------	-------------

DeAngelo Brothers, Portland

Base bid	\$58,239.85	Alternate	\$61,083.13
----------	-------------	-----------	-------------

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

Basin Tree Service, Ephrata

Base bid	\$47,861.88	Alternate	\$54,496.20
----------	-------------	-----------	-------------

Woodland Resource, Ellensburg

Base bid	\$79,374.90	Alternate	\$80,559.60
----------	-------------	-----------	-------------

ASAP Spray

Base bid	\$115,500	Alternate	\$137,500
----------	-----------	-----------	-----------

There was no engineer's estimate. Mr. Fife expects to take at least a week to review and determine based upon our purchasing policy on whether they are competent and then come back to the Board with a recommendation.

Those in the audience left except for Joe Chapman.

Revised Just Compensation: CRP 596 R170 Landslide Area, Parcel #596-01 and 596-04

Mr. Fife said we are revising our just compensation amount based on recent sales for two parcels, one owned by W-Tee Properties and the other by Scott English at the intersection of R170 and Klamath. Mr. Fife said the sale of irrigated property is around \$6000 an acre now. The total amount includes acres in the right of way so the deed will be clean.

Motion – Mr. Koch: I move for approval of revised just compensation for CRP 596 Parcel Numbers 596-01 and 596-04 as listed. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 18)

Mr. Fife said there were some additional damages for a pasture fence and some irrigation that was not included earlier.

Mr. Koch said the amount for Parcel #596-01 totals \$29,500 and for Parcel 596-04 totals \$12,040. (Exhibit 18)

Just Compensation: CRP 596 R170 Landslide Area, Parcel Numbers 596-08 and 596-11

Mr. Fife asked for approval of just compensation offers for two parcels.

Motion – Mr. Koch: I move for approval of the just compensation for CRP 596, Parcel 596-08 in the amount of \$22,360.00 and Parcel 596-11 in the amount of \$6750.00. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 19)

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

BFCOG Federal Economic Stimulus Projects/Process

Mr. Fife told the Board about recent meetings that were held about the process and also determination of the priority of economic stimulus projects. He reviewed a list of some Franklin County projects that could be considered for submittal. The two projects that are most likely for Franklin County are R170 or a portion of it or an overlay on Glade North Road. He asked for Board direction.

Mr. Miller and Mr. Koch asked Mr. Fife to submit R170.

Orthophoto Mapping Project

Mr. Fife asked for approval of an Interlocal Agreement with the City of Pasco for aerial flights of the Pasco area. An identical agreement was signed last year. The agreement has already been reviewed. The size will be going from one foot pixels to six inch pixels. The City of Pasco is paying and we're getting the benefit.

Motion – Mr. Koch: I move for the approval of the Intergovernmental Cooperation Agreement between Franklin County and the City of Pasco for the orthophoto mapping project. Second by Mr. Miller. 2:0 vote in favor. This is Resolution 2009-077.

Payroll

Motion – Mr. Koch: I move approval of County Road payroll for \$75,308.41 and Motor Vehicle payroll for \$11,229.93. Second by Mr. Miller. 2:0 vote in favor.

Adjourned at 11:23 am.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for February 18, 2009

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 23, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed March 2, 2009.