

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for April 1, 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; and Mary Withers, Clerk to the Board. Fred Bowen, County Administrator, was absent on vacation.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Karen Rickenbach.

Consent Agenda

Motion - Mr. Koch: Mr. Chairman, I would for approval of the consent agenda as presented for April 1, 2009:

1. Approval of **Resolution 2009-125** authorizing Facilities to dispose of property as identified on the *Franklin County Storage – Salvage* form and Physical Inventory Count Sheets, in conjunction with RCW 36.32.210 (inventory).
2. Approval of **Resolution 2009-126** authorizing payment in the amount of \$2,280.60 for Franklin County's portion (1/5 share) of an invoice accrued by the Landfill Group to Aspect Consulting LLC for professional consulting services.
3. Approval of **Resolution 2009-127** authorizing Facilities to recycle property stored at the Port of Pasco as identified on the *Franklin County Storage – Salvage* form and Physical Inventory Count Sheets, in conjunction with RCW 36.32.210 (inventory).

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

Vouchers/Warrants

Motion – Mr. Koch: I move for approval of payment of the following vouchers/warrants: Courthouse Renovation warrant 14992 for \$7238.75; Treasurer O&M warrants 14993 and 14994 for \$287.01; Auditor O&M warrant 14995 for \$336.10; Trial Court Improvement warrant 14996 for \$691.80; Courthouse Renovation warrant 14997 for \$5696.58; Ending Homeless warrant 14998 for \$22,595.21; Trial Court Improvement warrant 14999 for \$477.59; TRAC Renewal and Replacement warrant 15000 for \$12,996.00; Election Equipment Revolving warrants 15001 and 15002 for \$362.45; and

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Current Expense warrants 15003 through 15046 for \$18,047.87; for a total amount of \$68,729.36. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 1)

Board Discussion regarding Commissioner Travel Authorization

Mr. Peck asked do we act as independent commissioners or as a Board of Commissioners? He thinks the answer is both; it depends on the time and circumstance. I'm hoping we can have a discussion about what that really means. To help clarify, he gave an example. If I want to travel to Florida or some other place outside of the county to go to a meeting that I think is interesting or beneficial to the county, is that a unilateral decision that I can make and expend county funds and just go without asking anybody, or is that something that should properly be brought before the Board for consensus because we're spending county resources? I'm interested in knowing what the guidance is from the Chair and what the consensus is as a Board.

Mr. Miller said I think we need to get our policies updated. My feeling is we approve a budget beforehand with some travel in it. I don't necessarily think that's an okay to go but the plan is for each commissioner, if that item is in there, to attend. When it comes down to a budget crunch or something else, then things change.

Mr. Miller said he received a compliment from a gentleman about the letter that was put in the Tri-City Herald Progress Report. What he liked to see was all three commissioners' names on the article, the teamwork effect. Mr. Miller said I think teamwork is real important with the commissioners. He feels it's a board and it's a vote. Maybe that's the way some of these decisions should go.

Mr. Koch said as far as what we're lined up for this year is because it was put in the budget for travel for this year as far as the National Association of Counties (NACo) trips and Western Interstate Region (WIR) trips and so forth; if that should change in the future, we'll have to do that. Because of the budgets, I backed off from the legislative trip for NACo and consequently didn't get to participate in a subcommittee. I guess it just depends on what the Board wants to see happen as far as national issues.

Mr. Peck said if I understand what I just heard, if it's in the approved budget, we are free to go and spend the resources and travel without consulting our fellow

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commissioners. If it's not in the budget, we should, or we shall consult the other commissioners?

Mr. Miller said if it's in the budget at this time I think it's a plan. That is how it has been, unless anybody brings it up. If we're going to change that, that's why I'm really adamant that we need a policy on these directions so we know, because it's too open, too vague right now.

Mr. Peck is trying to get some clarity on where we are now. Obviously we can make changes in future. It sounds like if it's in the approved budget, then the approval is already there and we can go and travel. If it's outside the budget is really what I'm asking mostly about. Is that something where we have consensus of the Board that we three of us agree that we are not going to travel outside the county on business at county expense unless we get approval of a majority of the Board ?

Mr. Miller said to agree or disagree at the time, depending on the circumstance.

Mr. Peck asked if we agree on that premise, then the only other question I have is, is this something we are going to do informally between us in the office or is it going to be a formal process in a meeting? He would think he would be able to send an email and say I'm planning on making this travel and asking if anyone has a concern to let him know, saying it is not in the budget.

Mr. Miller said I think when it comes to any kind of travel that is not planned ahead because of the budget, it should be brought to the Board to explain it. I think it's important to the county to justify why you should go. If the Board approves, then go.

Mr. Peck said we're asking the same thing for the rest of the county staff. He thinks for us to do any less would be poor leadership.

Mr. Koch said there are things like the Groundwater Management (GWMA) trip -- and other things -- that come up because you're on that board. It's a pretty high benefit for the county, actually four counties, but the end result is Franklin County. That type of involvement as far as I'm concerned is needed.

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Mr. Peck said I absolutely agree. I just wanted to get clarity so that we're all working on the same kind of rules. He reminded the Board members he did bring the GWMA trip to the Board.

Mr. Peck said to recap, it sounds like if it's in the budget and already approved, we are free to go. Mr. Miller said unless it's brought back because of budget restrictions or something else that the group here says no.

Mr. Peck said if it's not in the budget and you're traveling outside the county, then the three of us agree to consult with one another and at least get a majority consensus to go.

Mr. Koch said he feels an email between us is sufficient unless it's a large amount such as a \$5000 bill. Mr. Peck said I do, too. Mr. Koch said I think you're thinking the same way I am. Mr. Miller asked such as the GWMA trip, an email would have been sufficient? Mr. Koch said yes. Mr. Peck said he thinks so, or maybe just an email. The email could say this is what I'm intending to do. If you have a concern, bring it up in the meeting on the record and further discuss it.

Commissioners representing Franklin County on other committees

Mr. Peck asked when I'm appointed to a committee, whether it's GWMA or any other, where I'm the only Franklin County Commissioner there representing Franklin County, when I go and vote, is it the understanding of this Board that I'm voting on behalf of the Board and Franklin County, or am I going and voting my own position? There will inevitably be times when my position doesn't align with the full Board. He asked the other Board members to think about the question.

Mr. Koch said the first blush is you were appointed to that position. Normally if it's a fiscal decision you're going to make, that's going to be brought to your attention prior to a vote and that can be brought to the Board if it's something that's going to affect the county fiscally. But as far as electing somebody or your normal business meeting items, I think you should have the latitude to vote as the county would. I think by being appointed to that position, you're given that authority.

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Mr. Peck said we don't have near enough time to discuss this completely today. He asked that we revisit it later.

HUMAN RESOURCES (HR)

HR Director Rosie Rumsey met with the Board. Present in audience: Karen Rickenbach.

COBRA Update

Ms. Rumsey reviewed some of the information about new COBRA rules based on the 2009 law. COBRA is health insurance that is offered to employees that have left the county. Anyone that involuntarily left the county, either terminated or laid off, back to September 1, 2008, will be getting letters and given the opportunity to take COBRA health insurance again. The Federal government will subsidize the COBRA premiums by 65% which will be paid upfront by the employer. The amount is not in the county's budget. It will affect eight to ten people. Another three previous employees will be affected from January 1 through April 1. We will get reimbursed by the government at some point. The details of the law are not yet in place but they expect the reimbursement to be done as a credit to the payroll taxes. Forms and details are not available yet. We do not even know when we will be able to submit for reimbursement.

Ms. Rumsey has met with other county staff who handle payroll and Human Resources work to review the timeline. Zenith is the third party administrator that will do all of the claims and letters. We are strictly following the timeline that was provided by Zenith.

Tri-City Herald Reporter Joe Chapman joined the audience.

COBRA coverage lasts 18 months for an employee. Dependents are eligible for an additional 18 months for a total of 36 months. We do not have to go back and pay premiums back to September if an employee elected to use COBRA. The subsidy is received for nine months up through December 31, 2009. In addition, we would still pay in 2010 if any people were eligible up through December 31, 2009.

This subsidy only covers totally involuntary leaving of employment such as layoffs or firing. Franklin County has had no layoffs at this time. Someone who left

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employment for gross misconduct would be ineligible. Franklin County does not have any people in that category.

The COBRA subsidy is in the economic stimulus package called the American Recovery and Reinvestment Act 2009, House Bill #HR1.

Children's Health Insurance Program (CHIP)

The Children's Health Insurance Program (CHIP) is already in effect. Letters are going out today regarding a change. Ms. Rumsey explained the program. Typically in the past employees are only able to do an open enrollment when there is a life-changing event. Two eligibilities have been added. One is if an employee or spouse/domestic partner loses eligibility for the CHIP program, now they are eligible to come onto our health insurance. Franklin County has already been allowing this to occur.

Sheriff's Deputies Contract

Ms. Rumsey told the Board that the Sheriff's Deputies contract was approved by the deputies. Ms. Rumsey is gathering signatures. The Memorandum of Agreement will be brought to the Board next week.

Voluntary Employee Benefit Accounts (VEBA)

VEBA representative Rick Dickman will meet with elected officials and department heads today to answer their questions about VEBA. The elected officials and department heads will give us some of the history as to the intent of VEBA. We will talk to them about the current ideas regarding VEBA.

Wellness Grant

Franklin County has received a \$4000 Wellness Grant from the Washington Counties Insurance Fund/Pool.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Karen Rickenbach and Joe Chapman.

Benton County Licensed Engineering Services

Benton County has asked Mr. Fife if he is willing to provide licensed engineering services while they are without a licensed engineer. They have also contacted the Yakima

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County engineer. Mr. Fife said he can probably accommodate the request for the short term. He told Benton County officials it is all subject to the Board allowing him to do it.

Mr. Peck said he thinks it's great to help them out for the short term. Mr. Koch and Mr. Miller agreed.

Mr. Fife said the only things he would do is what is required for a licensed engineer to review and approve. He expects it would last six months at the longest.

Mr. Peck said in any agreements, reinforce that it's as time is available, and reserve the right to withdraw at any time.

Recessed at 9:37 am.

Reconvened at 9:45 am.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson met with the Board.

Public Hearing: Short Plat SP 2009-06 for applicant James Middleton to short plat approximately 86.66 acres (gross) into two lots. As proposed, Lot #1 is approximately 2.50 acres in size and Lot #2 is approximately 84.16 acres in size. The property is located in the Agricultural Production 20 (AP-20) Zoning District.

Public Hearing convened at 9:45 am. Present: Commissioners Miller, Koch and Peck; Planning Director Jerrod MacPherson; and Clerk to the Board Mary Withers. Present in audience: Karen Rickenbach and Joe Chapman.

Mr. MacPherson reviewed the information on the Action Summary (Exhibit 2). He showed a 2007 aerial photograph with parcel overlay on the screen. He reviewed the conditions of approval. The Health District required the 2.5 acres because of an existing septic system. At the county zoning level, we would allow a one-acre size.

Mr. Miller asked if anyone would like to speak in favor.

Karen Middleton Rickenbach spoke in favor. She presently lives at the site.

Mr. Miller asked twice more if anyone would like to speak in favor. There was no response.

Mr. Miller asked three times if anyone opposes the short plat. There was no response.

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Motion – Mr. Peck: I move that we grant preliminary approval of Short Plat 2009-06 subject to the seven findings of fact and six conditions of approval. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-128.

Final Approval Short Plat 2009-05, Charles Mahler

Motion – Mr. Peck: I move final approval for Short Plat 2009-05 as requested by Mr. Charles Mahler. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-129.

HUMAN SERVICES (HS)

HS Director Carrie Huie Pascua met with the Board. Present in audience: Joe Chapman.

Developmental Disabilities Services

Ms. Huie Pascua said the Transition Student Work Fair went very well.

Person to Person services will have a big impact on ARC of the Tri-Cities, one of our largest providers. We are working closely with providers regarding restructuring services if necessary. The issue is that the services they are providing do not look like employment or pre-employment vocational services which means we cannot pay for them. Person to Person services have to be related to their pathway to employment. Once the new contract language is implemented, we will not be able to use the dollars that are for employment services to pay them for what they're doing unless they adjust their services. She thinks they will be successful. The decision ultimately is up to them. Either they reprogram their services or they will say they cannot provide the services.

Housing Services

Regionally Assisted Collaborative Housing (REACH) Project: We are now the new epicenter for a six-county region (Asotin, Garfield, Benton, Franklin, Walla Walla and Columbia). We have started providing case management housing services.

Mental Health Services

A chart showing numbers of outpatient services was reviewed. Crisis Response Unit (CRU) figures were also reviewed.

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Mr. Koch asked how many people does Franklin County send to Valley Memorial for involuntary treatment assessments (ITAs)? Ms. Huie Pascua said our number for Franklin County for the year thus far is about 11. We don't want to have to send anybody out of our county. If they're going to be hospitalized, we'd like to have them hospitalized at Lourdes. Sometimes Lourdes' beds are full so we do end up having to send them to Memorial or Sacred Heart or some other inpatient unit. We want to keep the number of people using hospital diversion services low. We are working with Lourdes to try to avoid having to send people to Memorial.

Mr. Koch said notice has been given that Yakima County plans to start billing \$400 every time the attorneys commit somebody for any additional period of time to Valley Memorial. Ms. Huie Pascua said we haven't paid anything yet. We have not seen a bill. We do not have a signed agreement for the court costs in Yakima. Memorial has not refused anyone that they're seeing. It does mean there will not be court services. Another concern is that people would be released without a court hearing.

Mr. Peck asked for trend data showing changes over time. It may show seasonal variables. Ms. Huie Pascua said she can convert the information she provided into a graph to show the trend line.

Ms. Huie Pascua said the percentages are very consistent and we're pleased with that.

Substance Abuse and Prevention Services

We are continuing to restructure the Sub-Acute Detoxification Center.
Ms. Huie Pascua talked about the state budget changes.

Homeless Housing – Affordable Housing Funds

Ms. Huie Pascua thanked the Board for trusting the Human Services Department to manage the Homeless Housing and the Affordable Housing funds on behalf of the Board of Commissioners.

Recessed at 10:18 am.

Reconvened at 10:25 am.

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OFFICE OF PUBLIC DEFENSE

Indigent Defense Coordinator Eric Hsu met with the Board. Present in audience: Joe Chapman.

District Court Indigent Defense Contracts

Mr. Hsu asked for approval of two indigent defense contracts. He explained the changes to the contracts. He answered the Board's questions.

Motion – Mr. Peck: I move approval of District Court indigent defense contract for attorneys Nicole Preszler and an identical contract for Attorney Patrick McBurney.

Mr. Hsu said the terms are staggered. One is a two-year contract and one is a three-year contract, so they are not identical. That was done to avoid a situation where both contracts would expire at the same time.

Mr. Peck: Continuing with my motion, recognizing one distinction being the term of service between the two contracts which were intentionally staggered. Second by Mr. Koch. 3:0 vote in favor. Resolution 2009-130 is the contract with Patrick McBurney. Resolution 2009-131 is the contract with Nicole Preszler.

OTHER BUSINESS

Present in audience: Joe Chapman.

RSN

Mr. Koch responded to Mr. Miller's and Mr. Peck's questions regarding the RSN board. He said he expects a final draft to be reviewed by the RSN tomorrow, followed by review by the Prosecutor's Office. Mr. Koch said the RSN will have a two-layer system of boards. A governance board will take care of policy and budget matters and meet at least quarterly. Another board will meet monthly, comprised mainly of staff members.

Ben Franklin Transit and Franklin County Jail Needs

Tim Fife joined the audience during the discussion.

The Board had a discussion about the two 3/10ths of 1% taxes that support Ben Franklin Transit and about jail needs in Franklin County. They discussed the potential of ballot issues regarding the current taxes and the possibility of a ballot measure regarding imposing an additional criminal justice tax.

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Mr. Miller said the Law and Justice Council will be meeting soon. There is also a citizens committee that is expected to meet.

Mr. Peck talked about the possibility of having a ballot measure asking voters to approve or reject removing one of the 3/10ths of 1% taxes for Transit. He also talked about the possibility of having a ballot measure regarding imposing a new criminal justice tax, perhaps 3/10ths of 1%.

Mr. Peck asked Mr. Miller and Mr. Koch as part of their service on the Transit Board to make a motion at the Transit Board meetings to put the measure on the ballot. Mr. Miller invited Mr. Peck to make a presentation to the Transit Board.

After further discussion, Mr. Miller agreed to bring the matter up for discussion at a Transit Board meeting.

Mr. Koch said if an additional criminal justice tax is sought, official support would be needed from the City of Pasco.

In response to Mr. Peck's question about the viability of going forward with ballot issues, Mr. Koch said he is not against going out for 3/10ths of 1% but he would want to make sure we have proper numbers from an architect, not just pie in the sky numbers, support from the Law and Justice Council and the citizens committee -- which he expects there will be -- and formal support from the City of Pasco.

Mr. Peck asked with respect to Transit, do you feel it would be appropriate to ask the voters at the same time we're asking for an increase for a new jail if they wish to scale back expenditures for Transit by 3/10th of 1% to avoid a net tax increase or go for a tax increase without asking that?

Mr. Koch said his understanding is that the voters voted for the tax, both times, as a transportation area, not just Franklin County. He questions what kind of rights do we have as three Franklin County Commissioners to put that on the ballot?

Mr. Peck said we don't have any authority to put that on there. It would be up to the Transit Board or a citizens petition. He has talked with representatives from Benton County and he has confidence that they have need of the same additional criminal justice funds that we do, not for exactly the same purposes, and that if the Transit Board were

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willing to put forward a ballot measure to reduce by 3/10ths of 1% that at least informally his impression is that they would support that. We're not speaking for them and it is the Transit Board that would have to put it on the ballot.

The discussion continued.

The Board members all agreed with Mr. Peck's statement that our constitutional obligation to provide for public safety through courts and jails is a much higher obligation than the privilege of public transit.

Mr. Miller told Mr. Peck he would be willing to let Mr. Peck be on the Transit Board. Mr. Peck said he would be glad to serve on the Transit Board. (Clerk's Note: The Board did not take formal action on the Transit Board membership.)

Mr. Peck said he has already met with the chairman of the Transit Board and discussed the issues.

Vouchers/Warrants

Motion – Mr. Koch: I move approval of Motor Vehicle payroll in the amount of \$10,884.12 and Public Works payroll in the amount of \$74,210.52. Second by Mr. Peck. 3:0 vote in favor.

Adjourned at 11:22 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until April 6, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed April 8, 2009.