

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for April 15, 2009

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

OFFICE BUSINESS

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

Consent Agenda

Motion - Mr. Peck: Mr. Chairman, I would move approval of consent agenda for April 15, 2009:

1. Approval of **Resolution 2009-146** to recycle property stored at the Port of Pasco as identified on the attached *Franklin County Storage – Salvage* form and Physical Inventory Count Sheets dated April 9, 2009, in conjunction with RCW 36.32.210 (inventory).
2. Approval of **Resolution 2009-147** to dispose of property as identified on the attached *Franklin County Storage – Salvage* form and Physical Inventory Count Sheets dated April 9, 2009, in conjunction with RCW 36.32.210 (inventory).
3. Approval of **Resolution 2009-148** for the Personal Services Contract between Franklin County Public Works Department and Basin Tree Service & Pest Control, Inc, for 2009-2010 herbicide application.

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

OFFICE OF INDIGENT DEFENSE

Benton-Franklin Counties Indigent Defense Coordinator Eric Hsu met with the Board.

D-MED Contract for indigent screening

Mr. Hsu told the Board his office is hoping to move forward with an effective means to properly screen for indigence so that we can ensure that only people who should be receiving services are receiving services from the Office of Public Defense. One of the mechanisms is a company named D-MED. They provide a software-based screening system that uses some artificial intelligence algorithms and credit scores to basically

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verify that a person who comes in and applies for indigent defense is providing accurate information. They create an estimate of someone's income based off of their credit score and some other factors. D-MED is offering Benton and Franklin Counties the opportunity to participate in what they call a Proof of Concept project which is a free study that they provide the counties where they take 250 indigent defense cases, plug it into their system, and basically provide to us the information they would if we were to purchase their services, just to show us how accurate our screening is right now.

Mr. Hsu said he is in the final stages of preparing for the Proof of Concept pilot project. A contract has been prepared between Franklin County, Benton County and Transunion who is providing the credit reports. The contract has been reviewed by outside counsel and Prosecutor Steve Lowe's office. With the Board's permission, Mr. Hsu will put the contract on the consent agenda.

Mr. Hsu is hoping to get the Proof of Concept study done within the next month or two and then discuss that with the various stakeholders. He will then meet with the Board again to present our findings as well as a recommendation about whether or not it would be in the best interests of the counties.

The Board agreed to place the contract on the consent agenda.

Mr. Peck asked in the interests of general fairness if we would provide the same opportunity to another company if they came along. Mr. Hsu said absolutely. He said the reason D-MED was selected is because they are specifically recommended by NACo and that's how they came to the county's attention. His understanding is there may be one or two other companies that may do this but no one has come forward except for D-MED. Choice Point might do it also.

Mr. Peck asked do you feel there's any obligation for us to offer Choice Point the opportunity? Mr. Hsu said I don't think we have a specific obligation. I think it may be wise after we see what D-MED has to offer and we go through the Proof of Concept process and we learn more about what this is all about to perhaps approach Choice Point.

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Mr. Hsu said it was explained him that D-MED uses someone's credit history to estimate income. They also cross-reference to try to eliminate ID theft. They also send the information to the Social Security Administration.

Mr. Peck asked if there is some sort of human overview or review, not just generating a yes – no. He asked if there is some sort of human common sense that goes into it. Mr. Hsu said there is. That would come from our end of things. The company just provides us with a tool and expects that we would take that tool and use it.

Mr. Peck would like to read the contract before the meeting when it is on the consent agenda.

Mr. Peck asked about a rough timeline of when we might get through the Proof of Concept. Mr. Hsu is hoping to get it done by probably the latter part of summer. D-MED told him that once the two counties have signed the agreement, it will take about four weeks to set up. Mr. Hsu said after that instead of going to past records, Mr. Bowen and I have spoken about going to the future and even including a clause in the screening to cover liability indicating that we will be submitting your records to a credit reporting bureau to verify your information. We would then verify 250 records in each county. So it might take a bit of time. He thinks there are probably 250 screenings in very little time when both District and Superior Court are considered.

Mr. Peck will be interested in how the process works and what sort of human intervention there is because credit scores can give misimpressions. For instance, people who don't borrow money don't necessarily have great credit scores but they may not borrow money because they don't need to.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Executive Session at 9:15 am regarding contract negotiations expected to last 15 minutes based on RCW 42.30.140(4).

Open Session at 9:30 am.

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TREASURER

Treasurer Tiffany Coffland met with the Board for a department update. She gave the Board a list of her update items (Exhibit 1). Present in audience: Joe Chapman.

Land Sale

All four county-owned properties sold in the land sale on March 19.

Current Expense Cash Flow

Ms. Coffland and Mr. Bowen reviewed some cash flow figures with the Board.

Investment Interest

Ms. Coffland said the county has received \$25,619 in interest from January through March. Most of the investment right now is in the state pool because it is safe. CD rates are not good at this time. We're trying to be very cautious, especially with the banking industry as it is right now.

Foreclosure and Distraint

The Treasurer's Office is starting the foreclosure and distraint process for the year.

COUNTY ADMINISTRATOR (continuing)

Present in audience: Joe Chapman.

County Property

Mr. Bowen received a request from a nonprofit organization for the county to donate some antique chairs and a pedestal that are stored at the Port of Pasco. The furniture is some of the original equipment that was with the courthouse and we were not planning on surplusing them but storing the antiques in a particular area of the storage section. Mr. Bowen asked Chief Civil Deputy Prosecutor Ryan Verhulp to review the request. The Board reviewed Mr. Verhulp's response.

Mr. Bowen said the man called yesterday and said he was withdrawing his request. Mr. Bowen decided to bring it to the Board because it was not the first time the question was asked.

Mr. Miller asked what are we going to do with the items? Mr. Bowen said they would probably just be stored. They are oak chairs. Mr. Miller said the value depends on what condition and what they look like.

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Mr. Peck asked is this furniture that is historic and originally Courthouse furniture? Mr. Bowen said yes. Mr. Peck said I have a bit of a bias toward historical structures and the things that are in them contribute a valuable piece of history and the value to the county for historical quality in my mind far exceeds any market value that they might have. Before we sold or donated those, I would make an effort to personally go out and see if I could round up some other items for the man requesting them because I think it makes sense for that to stay with the county.

Mr. Peck said as a second point, Mr. Bowen is bringing up we have a way to surplus it. Most counties and cities sell at a public forum as opposed to selling to a specific individual. He thinks the reason is so you don't upset other organizations that are entitled to equal access.

Mr. Miller said he agrees. He does not know what type of condition the items are in. They have not been brought back into the Courthouse.

Mr. Bowen said the pieces have been sitting in the Port for a long time. They are just old engineer's and clerk's chairs. They are four-legged. They are the original oak furniture of the Courthouse. We've been storing original oak in the fourth floor of the Courthouse just to keep it preserved. Will the county ever use it? Mr. Bowen said he did make a recommendation to the Board when we did the remodel that a room could maybe be set up with the original furniture and have it as a display room of what the courthouse looked like in 1912 but the need for a break room exceeded the need for a display room. He said will the county ever use it? I don't know. It is not practical.

Mr. Miller said in this case there is no rush. Maybe later we can make a move on it.

Mr. Bowen will respond to the requestor so he knows there was a follow-through done.

Mr. Bowen said he is getting the feeling it is more important to keep the equipment than to let it go somewhere else. Mr. Miller said exactly. He said it is, but are we ever going to use it? If we're going to junk it or sell it, maybe we should move on it. Mr. Bowen said there is no cost for the storage.

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Mr. Peck said if it's original historic furniture from the courthouse, I'm very much opposed to disposing of it. If it doesn't go to the local Franklin County Museum, you can put it in my office and I'll use it. Mr. Miller said it depends on what condition it is.

Mr. Peck said sure.

PUBLIC WORKS

Assistant Engineer Guy Walters met with the Board. Present in audience: Joe Chapman and Patricia Shults.

Vouchers

Motion – Mr. Peck: Mr. Chair, I would move approval of County Road Fund vouchers for April 15, 2009, in the aggregate amount of \$63,107.01. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 2)

Organizational Chart

Mr. Walters asked for approval of the current Public Works Organizational Chart. It was amended about a year ago to add a GIS position but was not formally adopted by the Board. He asked for official adoption by the Board. It is part of the annual certification that we need to turn into the CRAB Board.

Mr. Peck asked why the Board is required to approve the organizational chart. Mr. Bowen said this department is directly underneath the Board of County Commissioners. Mr. Walters said the GIS position is a whole new position.

Mr. Peck does not have a problem approving it but does not see why the Board would need to approve it.

After brief further discussion, the Board asked that a resolution be prepared to adopt the organizational chart on the consent agenda.

SAFETEA-LU

Mr. Walters gave the Board a copy of the email Mr. Fife has sent to Senator Patty Murray's office asking that the last phase of the R170 landslide road replacement project be included on the SAFETEA-LU list.

Mr. Miller said he also emailed information to three places yesterday.

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OFFICE BUSINESS (continuing)

Secretary Patricia Shults met with the Board.

Vouchers/Warrants

The Board discussed a voucher from the Elections Department to pay for a water cooler for use by the Canvassing Board at the Franklin County Annex. Ms. Shults said the water is used for the Canvassing Board. The Health Department said the building water is good to drink but it is yellowish in color so previous Commissioner Neva Corkrum gave verbal approval to use the water cooler. Water coolers are also in place in Superior Court and District Court for juror use which were approved previously.

The Board decided that it is appropriate as a miscellaneous type of expense for the Elections Department.

Motion – Mr. Peck: I would move approval of 2009 vouchers for April 15 in the amount of \$21,968.89: Elections Equipment warrants 15582 through 15583 for \$206.22; and Current Expense warrants 15560 through 15674 for \$21,762.67. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 3)

Payroll

Ms. Shults listed the payroll amounts.

Motion – Mr. Peck: Mr. Chairman, I would move approval of those vouchers as just described by Ms. Shults: County Road Fund payroll for \$74,867.19 and Motor Vehicle Fund payroll for \$10,884.12. Second by Mr. Miller. 2:0 vote in favor.

OTHER BUSINESS

Present in audience: Joe Chapman and Rosie H. Rumsey.

Agendas

Mr. Miller asked Mr. Chapman to explain his request regarding agendas.

Mr. Chapman told the Board that he would like to have more detailed agendas.

Mr. Peck said he's not saying we can't improve this process but the Board agenda says: "The Board may add, delete, or postpone items and may take action on an item not on the agenda." He said it is inevitable that topics are going to come up spontaneously as

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a part of discussion and he thinks it is an unreasonable expectation for us to try to predict what those are going to be.

Mr. Miller said most of it is discussion so we can understand what is going on and we have to do it in the process of a meeting.

Mr. Chapman said he thinks the disclaimer on the agenda is appropriate. He said he is not objecting to the Board's right to address topics spontaneously as it arises. He feels like that should be more of an exception or an option reserved when needed but he thinks as it is, it's the rule more often than not. He explained further. Mr. Chapman suggested using the City of Pasco agendas as an example.

Mr. Peck thinks there is a different dynamic with Pasco City Council meeting weekly versus the County meeting two days apart. He told Mr. Chapman he thinks his comments are entirely valid and he appreciates candid feedback. I think we can do better. He thinks a Benton County agenda would be a better analysis than the City of Pasco agenda.

Mr. Bowen said the City of Pasco has a workshop between each meeting so they have basically two weeks between meetings.

Mr. Bowen said his agenda changes. He cannot talk with the Board as a group until they are in a meeting. Issues come up constantly. He needs Board direction constantly. He would slow down the progress we're trying to achieve to a snail's pace if he had to workshop, then meet with the Board, then decide the next week.

Mr. Peck said I'm a huge advocate of open government. He said he is in favor of recording executive sessions as long as there is judicial review before any of that is ever released. He said Mr. Chapman's request leads to a broader discussion of how open and how available is the people's government to the people. He said maybe it is something as simple as moving our board meetings from Monday and Wednesday to Tuesday and Thursday. He said we can promise to try to do better.

Mr. Miller told Mr. Chapman I want to work with you as much as we can.

Mr. Miller said just for the record, I don't have a problem with recording the executive sessions either. I don't see any harm in that at all.

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Mr. Chapman suggested the Board decide to put some discussion items onto the next meeting date when it can be included on the agenda rather than discussing it when it comes up.

Mr. Chapman said as far as other department heads/elected officials meeting with the Board, he would be satisfied if he got their agendas as part of the posted agenda.

Mr. Miller said he will try to put discussion on a future day when it comes up spontaneously. He said there are some items that will need immediate discussion and a decision.

Mr. Chapman thanked the Board for listening.

COUNTY ADMINISTRATOR (continuing)

Present in audience: Joe Chapman and Rosie H. Rumsey.

Benton Franklin Community Action Committee (CAC)

Mr. Bowen asked the Board members to review a grant application from CTED regarding homeless housing and low income housing based on the ten-year plan. It has a May 18 submittal deadline. Both the CAC and the Department of Human Services have asked to be the lead agency. He asked the Board members to try to be prepared to make a decision next week.

Mr. Peck would like to have a workshop session early Monday afternoon to allow CAC and Human Services each a half hour to present their positions because the decision which is made has the potential to impact a lot of people. Then it could be put on the agenda on Wednesday for Board action.

Mr. Bowen said this is not pass-through money. The CTED contract goes directly to whatever agency the county commissioners appoint to be the lead agency in the community.

Resolution designating the Human Services Director with administration and contract oversight and compliance responsibilities for the state housing income transmittal and homeless housing

Mr. Bowen asked for approval of the resolution.

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Mr. Miller asked if this change will dilute the oversight committee. Mr. Bowen said no. The Human Services Director will just be our representative for contract review. Mr. Miller said okay, good.

Motion – Mr. Peck: I move approval of Franklin County Resolution 2009-149 designating the Benton-Franklin Human Services Director or designee with the responsibility to administer and oversee compliance responsibilities for 2163 and 2060 funds. Second by Mr. Miller. Mr. Miller said this was decided by the Board earlier and this action just formalizes by resolution. Mr. Peck agreed. 2:0 vote in favor.

Wireless Communications Policy

Mr. Bowen said the Prosecutor's Office has reviewed the proposed Wireless Communications Policy. The Prosecutor feels if the Communications line item is approved in the budget, the department head/elected official should have authority to determine who uses the devices. Mr. Bowen does not necessarily disagree. He said an earlier draft of the policy gave authority to the Board of Commissioners to determine who truly had the need for the wireless communications devices.

Mr. Miller wants to look at the proposed policy further. Mr. Peck would also like to look at it further. Mr. Peck suggested the Commissioners provide independent feedback to Mr. Bowen so it is ready for approval next week.

Mr. Peck said with respect to the Prosecutor's comments, he agrees in principle. He just wants to look at whether it would be appropriate in general terms to set a county policy that makes it appropriate at various levels within an organization and then allow the individual departments to have discretion as to what individuals use the devices. He does not want to see a situation where departments are moving additional money into Communications and then giving every employee a county-paid cell phone. He does not want to micromanage but wants to establish some broad policy to keep it in balance.

Mr. Bowen will give the Board members two different draft policies to review.

Policy Manual

Mr. Miller would like to start formalizing county policies and getting an updated set of policies prepared. Mr. Peck thinks it might be helpful if each commissioner

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reviewed the index of the current policies and if we see any we think are unnecessary or outdated or if there need to be additional policies that we note that and provide that to Mr. Bowen and let him work with staff to get those updated and settle on a date in the future when we'd like to see that complete set ready for review. Mr. Miller agreed.

Ms. Rumsey said the Risk Pool reviewed the policy manual last year. The Risk Pool said there are three policies in particular which should be updated first.

Executive Session at 10:56 am regarding contract negotiations based on RCW 42.30.140(4).

Executive Session continued at 11:12 am expected to last until 11:30 am.

Open Session at 11:30 am.

Adjourned at 11:30 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until April 20, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed April 27, 2009.