

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for April 22, 2009

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

OFFICE BUSINESS

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

Consent Agenda

Motion - Mr. Peck: I move for approval of the consent agenda for April 22, 2009, as follows:

1. Approval of *Out-of-State Travel Request* for Josh Bunten to attend the Covert Operations Training Conference in Las Vegas, Nevada, August 17-21, 2009, for estimated expenses totaling \$1,397. (Exhibit 1)
2. Approval to submit a letter to the Washington State Parks and Recreation Commission thanking them for recognizing the value of Sacajawea Park and helping to keep the park off the closure list. (Exhibit 2)
3. Approval of **Resolution 2009-152** for the TRAC Center Ranch & Home Naming Rights Agreement effective March 1, 2009, through March 1, 2014.

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

Vouchers/Warrants

Motion – Mr. Koch: I move approval of 2009 vouchers for April 22, 2009, in the total amount of \$103,923.34: Franklin County RV Facility warrants 16098 through 16102 for \$3,382.20; Franklin County Enhanced 911 warrants 16103 through 16105 for \$20,007.80; Franklin County Unemployment warrant 16106 for \$14,876.62; Veteran's Assistance warrants 16107 through 16108 for \$2,761.07; and Current Expense warrants 16109 through 16131 for \$62,895.65. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 3)

Final Approval Short Plat SP 2009-03, Jubilant, LLC (Roger Bailie)

Motion – Mr. Koch: I move for final approval for Short Plat 2009-03 for Jubilant, LLC. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2009-153.

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Minutes

Motion – Mr. Koch: I move for approval of Commissioner Proceedings for April 20, 2009. Second by Mr. Peck. 3:0 vote in favor.

COUNTY ADMINISTRATOR

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

Designating Human Services Director with responsibility to convene Community Planning Process for Franklin County

The Board reviewed a draft resolution that would appoint the Human Services Director to convene the Community Planning Process for Franklin County. Mr. Bowen feels it is appropriate to use Human Services to do the work since it is a county department.

Motion – Mr. Koch: I move to designate Benton-Franklin Human Services Director or his or her designee with the responsibility to convene over the Community Planning Process on behalf of Franklin County. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2009-154.

Mr. Bowen has spoken to Human Services Director Carrie Huie Pascua who told him that she is able to do the work required and will have it done by the deadline in May. She anticipates having the committee meet twice before the deadline.

Mr. Miller said the Benton Franklin Community Action Committee (CAC) has done this for years and they could have just as easily done the work. He said the only thing that swayed my mind is that we might as well have Franklin County's employee handle it. Mr. Bowen said his concern is that if CAC was to come back and recommend that Franklin County appoint them as the lead agency, would it really have been a fair process to the other agencies? He is not saying it wouldn't be, but this designation complies with CTED's requirements for this grant. Mr. Peck said it avoids any perception of impropriety. Mr. Miller said that's the only reason I can agree with it, because it does avoid any perception of impropriety. He does not think timing would have mattered. He said we've passed it and we'll move on now.

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PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Joe Chapman.

Executive Session at 10:17 am regarding litigation expected to last 15 minutes based on RCW 42.30.110(1)(i). Mr. Chapman left the meeting.

Open Session at 10:32 am.

PUBLIC WORKS

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

Recommendation: Revised Just Compensation CRP 596 R-170

Mr. Miller said he recognized on Monday that a parcel was misidentified or not included on the map.

Mr. Walters gave the Board a map showing the revised just compensation areas. He explained the corrections, saying one is a correction on a parcel number and the other is a just compensation amount that was left off by HDR Engineers.

Mr. Peck asked how it happened that the information was not checked and double-checked. He said we make a decision based on what the need is and what the value is. The decision was based on information that is now changed. Mr. Walters said HDR has been involved since day one and we thought it was checked and double-checked. Our people didn't know it was there to be reviewed. Mr. Peck asked so when it comes here, whose responsibility is it to make sure it's accurate? Mr. Walters said I would say it should be us.

Mr. Walters answered the Board's questions, reviewing portions of the map with the Board.

Motion – Mr. Peck: I move that we amend our approval of April 20, 2009, in which we approved \$42,000 for three parcels as part of CRP 596 for the R170 project and that the amendment to that action be to increase that approval amount from \$42,000 to approximately \$43,000 to account for administrative errors in the documentation

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provided by our Public Works Department. Second by Mr. Koch. 3:0 vote in favor.

(Exhibit 4)

R170 Project

The Board approved a previous cover letter to Representative Doc Hastings requesting funding for the R170 project but Mr. Hastings' office staff requested a change to the wording of the letter because of specific requirements for the funding request submittal process.

Motion – Mr. Koch: I move for approval of sending this letter to Representative Doc Hastings regarding high priority project request for the R170 landslide road replacement. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 5)

Mr. Miller said Senator Murray's office has contacted him requesting a map. He asked Mr. Walters to have Matt Mahoney in the Public Works office send the requested information to Senator Patty Murray.

Other Business

Mr. Walters told Mr. Peck that a County Road Improvement District (CRID) process cannot be used to construct a fire apparatus road.

Agricultural Herbicide/Pesticide Collection Event

The annual agricultural herbicide/pesticide collection event is taking place today.

COUNTY ADMINISTRATOR (continuing)

Ben Franklin Transit: consideration of request to have Brad Peck placed on Ben Franklin Transit Board agenda to discuss Transit taxes

Mr. Bowen has prepared a resolution for the Board to review to ask that Brad Peck be placed on the agenda of the Ben Franklin Transit Board meeting to discuss transit taxes.

Mr. Miller stated that the Transit Board chairman requested at the last meeting that Franklin County needs to bring this to Transit as a Board. He stated when one of the six Franklin and Benton County Commissioners has an issue to bring up and discuss, they should be able to discuss that issue. At this point just to continue the process and finish it up, he does not see any harm with Brad Peck having a discussion on the Transit taxes.

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Joe Chapman rejoined the audience.

Mr. Peck has not read the proposed resolution yet. He said Transit Board Chairman Leo Bowman disallowed any response to Mr. Bowman's speech against such an idea at the last Transit meeting. Mr. Peck is wondering how beneficial and how productive it would be to the community to make this presentation. He does not have a problem presenting his view on the subject but it needs to be noted for the record that my issue is not so much reducing Ben Franklin Transit taxes as it is creating a public awareness and dialogue about where citizens' taxes go now and providing an opportunity, a vehicle, a means, for taxpayers to tell their elected officials if they want any changes. If all we ever do is add new taxes and never create opportunities for the public to provide feedback, in theory we just layer tax upon tax upon tax.

Mr. Peck said it's my opinion there's not enough discussion about prioritizing where tax dollars go in this current economic climate. This is just one of several taxes that ought to be the subject of some public dialogue. At the end of the day, whether Transit taxes change or not is not my issue. My issue is whether or not the taxpaying citizens have the opportunity to revisit on occasion where their tax dollars are going.

Mr. Peck said I did choose Transit to illustrate the point because it has been seven years since the last time that question has been before the taxpayers. I do believe with an all-in budget of \$40 million a year -- three and a quarter times roughly what we put into our entire Benton Franklin public health program -- I do personally think that things are out of balance. But my objective is to find out what the people who are paying these taxes think and adjust accordingly.

I appreciate your indulging me for a moment to allow me to help clarify that because I think there are some people who believe I'm simply out to attack Transit and on the contrary I think Transit is an extremely valuable system in our community. I would never want to see it go away entirely. I just believe that when we're handling public funds we have an obligation to treat them with as much respect if not more so than we would our own dollars. In my mind that means when you don't have enough to pay for everything you want, you have to begin to make hard decisions about what is a want and

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what is a need. I think Transit is something we need in our community and I think we want it at the level it's at now if not better. I just don't believe we can afford it.

So with respect to this particular resolution, if it's the desire of the Board that I go and give a presentation to clarify these things, I'm certainly happy to do so. I'm equally happy not to do so if in your judgment it would not be productive for the public. So I leave it in your hands.

Mr. Koch said I can't support this resolution personally. I'm not against paragraphs one, three or four. I don't think that Transit is getting rich off what they're making now. They're supplying a service to our constituents that actually voted this in.

Mr. Peck said he would be interested to know what portions of my comments you would not agree with so that I can be aware and revisit those to ensure that I am clear in my understanding.

Mr. Koch said removing Transit tax.

Mr. Peck said again I've not made any proposals to do that. My proposal is to give taxpayers the choice as to whether or not they want to do that. So really the question is do we want to give taxpayers that decision authority.

Mr. Koch said if they come forward with a statement saying they want to do that, yes. I don't know that I want to do it from here.

Mr. Peck said for the record, it can't be done from here. It can be done by the Transit Board and it can be done by a citizens petition initiative. I think I heard you say you agree with everything I said except this Board asking the Transit Board to put it on the ballot.

Mr. Koch said I don't think it would hurt to ask them. I just can't support it. You can go and talk with them about if they want to put it on the ballot. As one of the three commissioners, I don't think it's the way to go.

Mr. Peck said I'm just a bit confused. It would help me if I knew, are you opposed to us asking the Transit Board to put it on the ballot or are you opposed to the question being put on the ballot, or both?

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Mr. Koch said as I said a moment ago, I'm not opposed to you going and asking. I am not going to vote for it but it would open discussion.

Mr. Peck said I understand now. I thought you were opposed to this resolution which it sounds like you're not.

Mr. Koch said because of that second paragraph, I am. I would not support asking for the discussion.

Mr. Peck said so your objection is to wording that we deem open discussion regarding transit taxes as being in the best interest of the county. Mr. Koch said yes.

Mr. Peck said so you deem that open discussion regarding Transit taxes with the Transit Board is not in the best interest of the county? I'm not trying to be difficult. I'm just confused. I'm hearing you say two different things. This is not saying that we deem open discussion and taxpayers voting on it as being in the best interest of the county. It's saying deems open discussion regarding Transit taxes with Ben Franklin Transit Board as being in the best interest of the county. I think the question is does this Board want this discussion to happen with the Ben Franklin Transit Board.

Mr. Miller said my position -- and I'm going to say it once again -- is we've got one of six commissioners in the bi-county regional Transit system that wants to talk and discuss something. The Transit Board is the board that makes this decision. Because of freedom of speech, because of democracy, I think that that one person should have the opportunity to talk to the Transit Board. Whatever happens then, we let the process continue. I would like to call for the motion.

Mr. Peck said I would like to have just a bit of additional discussion if we may.

Mr. Miller said we may. He said this is an important issue but let's not be redundant over and over. If there is anything that's new, let's bring it up and let's move on if we can. But if you've got a question, please ask.

Mr. Peck said my question is whether or not my fellow commissioners feel that going and making this presentation is in the best interests of Franklin County. While I appreciate and respect your reference to free speech and public meeting and public process, I'm less concerned about that than I am whether or not going and doing this is in

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the best interest of Franklin County. If your feeling is it is and you want me to go do this, I'm happy to do it, but I don't want to do it just because you think it ought to be allowed. The county's interest is paramount. If in your judgment this point has been made and taken in front of the Transit Board and pressing it further is not going to be in the best interest of Franklin County, then I don't want to do it, but if it's your feeling that it is in the county's best interest, then I'm happy to carry the message. I'd like to know what you think.

Mr. Miller said there's only one way to find out if it's in the best interest and that's to take it to the board, see if they will put it on the ballot. If they will, then it goes on the ballot, and that's how you will find out. I can't say. I would think it would be. I can't tell you 50% believe in reducing taxes because it's been seven years. I just think you have the opportunity to discuss to the Transit Board. I think it's what you've been asking. I think it's a good point for you to discuss with the Transit Board. It's your job. You're welcome to it.

Mr. Peck asked do you feel there is any likelihood that the Transit Board would seriously consider this?

Mr. Miller said if you bring up what you think and they can listen and understand, they may vote it in. I cannot tell you how they will vote at this point. I think it would be unlikely but I don't know. That's why we have these meetings. That's why we have the opportunity to give your opinion to the board. Who knows? I really don't know. I think people need to hear what you have to say. I think it needs to be brought out to the board and they can make the decision then. I don't want to set you up for failure. I don't think that's what I'm doing. I'm just allowing you to be able to discuss that because people may understand.

Mr. Peck said I'm not concerned about any element of failure here. I can certainly stand on my own two feet and make my point. I've got no difficulty whatsoever doing that. I don't want to push the point simply for the sake of pressing the point. If we believe that it's in the best interests of Franklin County, then I'm more than happy to press the issue, but I don't want to do so just for the sake of making a point.

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It's my understanding that the chair can make a motions as well and if you wanted to make a motion that I go and do this, I would second it.

Mr. Miller said as I stated before, I think this is an issue that you have brought up to the board and you were not allowed to speak at the time because it needed to come through Franklin County.

Motion – Mr. Miller: I will make the motion that Franklin County Board of Commissioners request Commissioner Brad Peck to be placed on Ben Franklin Transit Board agenda for open discussion regarding Transit taxes. Second by Mr. Peck. 2:1 vote in favor. Yeas: Mr. Miller and Mr. Peck. Nay: Mr. Koch. This is Resolution 2009-155.

Mr. Miller said we will contact the Ben Franklin Transit Board chairman and ask that it be put on the agenda.

Transfer 2001 light duty 4x4 Chevy Silverado truck from WSU Extension to Facilities Department

Mr. Bowen asked for approval of a resolution documenting the Board's earlier approval of transferring of a vehicle.

Motion – Mr. Peck: I move approval of authorization to transfer 2001 light duty 4x4 Chevy truck from WSU Extension to Facilities Department. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-156.

Out-of-County Travel Advance

Mr. Miller signed the out-of-county travel form for County Administrator Fred Bowen, Human Resources Director Rosie H. Rumsey and Assistant Lisa Schumacher to attend the Labor Relations Institute training conference in Yakima (Exhibit 6).

Personnel

The Board will schedule an executive session on April 27 to work on Mr. Bowen's annual employee evaluation.

Jail Expansion Design

Mr. Bowen said the architects have advised him that the footprint of the jail is not large enough to accommodate all of the needs for the Sheriff, Information Services, Security, Coroner and Municipal Court departments. If the Sheriff and Municipal Court

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are on the third floor, the footprint of the jail would be roughly 25,000 square feet. The square footage needed for the top floor was 28,000 square feet. We had a choice to either expand the footprint of the jail by 3000 square feet or look at using the Public Safety Building. Mr. Bowen has asked a county GIS employee to determine if 4000 square feet might be available in the Public Safety Building when the Sheriff and Municipal Court offices vacate some space. Mr. Bowen said no decisions are being made. We're just looking at options at this point.

Adjourned at 11:21 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until April 27, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed May 27, 2009.