

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for May 4, 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.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson met with the Board.

Public Hearing: Short Plat SP 2009-07, to consider an application by Drew Vincent to short plat approximately 2.33 acres (gross) into two (2) lots. As proposed, Lot #1 is approximately 1.09 acres in size and Lot #2 is approximately 1.24 acres in size. The property is located in the Rural Community 1 (RC-1) Zoning District.

Public Hearing convened at 9:30 am. Present: Commissioners Miller, Koch and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; and Clerk to the Board Mary Withers. Present in audience: TRAC Manager Troy Woody.

Mr. MacPherson said depending on the outcome of a public hearing on Wednesday, May 6, this may or may not be the last short plat the Board sees.

Mr. MacPherson reviewed the information on the Action Summary (Exhibit 1), showing an aerial photograph of the site on the screen. He reviewed the Conditions of Approval. Mr. MacPherson said the property to the south has access onto Larkspur Road.

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

Motion – Mr. Koch: Mr. Chairman, I would move we grant preliminary approval of Short Plat 2009-07 subject to the seven findings of fact and five conditions of approval. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2009-166.

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Tri-City Herald Reporter Joe Chapman.

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Profit Improvement Plan (PIP) Update

When the position that is currently titled Director of Sales and Marketing is refilled, it will be titled Catering Sales Manager.

The Event Supervisor has asked to go from full-time benefited to part-time non-benefited status effective June 1. The position is essentially the primary maintenance position. At this time we will not fill that position at a full-time level until hopefully towards the end of the year. The employee will not be a contracted employee but will be a part-time employee, scheduled to work when routine maintenance projects are done.

When the position is filled as a full-time position, it will be re-titled as a Facilities Maintenance Person or something of that nature. The Event Supervisor position title was put in place years ago, before Mr. Woody began working at TRAC.

TRAC Advisory Board

Mr. Woody gave the Board two applications for a TRAC Advisory Board position. Another application was given to the Board earlier. Only one of the three applicants lives in unincorporated Franklin County. Mr. Woody said the guidelines don't specify that the position needs to be filled by someone from unincorporated Franklin County. It is the preference of the Board to have three representatives from the County be from unincorporated Franklin County. The city's representatives are all within the incorporated areas of Pasco.

Mr. Peck said, "Mr. Chair, I would recommend just by consensus that we give approval for the selection of Ms. Alford on the basis that she is the only candidate residing in the unincorporated portion of Franklin County which I think is in keeping with the spirit and intent of how that committee was set up with three city and three county representatives."

Mr. Miller said I support that. The other applicant looks very good. When we write back, we can ask her to apply again because she has a good resume. I think just to be fair and keep it in line, Mr. Peck's suggestion is correct.

Mr. Koch said I could support that also. We're trying to keep an even board or somewhat equal board voice-wise.

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Letters will be prepared to the applicants, telling them the Board appreciates their interest and hopes they will apply for positions in the future.

A resolution appointing Brenda Alford will be prepared for the consent agenda.

Road 68 Sign

The RFP for the Road 68 sign is being reviewed. The funding source is .09 money.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Joe Chapman.

Consent Agenda

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

1. Approval of **Resolution 2009-167** for an Interagency Agreement, Number GCA-6025, between Franklin County and the Washington State Department of Transportation to cooperatively undertake and complete an aerial photography and orthophoto mapping project of two portions of Franklin County, effective through October 31, 2009.
2. Approval of **joint Resolution 2009-168** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Contract Amendment between the Juvenile Justice Center and Ernie Chapin, effective through June 30, 2009, thus, amending Franklin County Resolution 2008-273. (Exhibit 2: Information sheet.)
3. Approval of **joint Resolution 2009-169** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Interlocal Agreement for Provision of Engineering Services between County of Franklin and County of Benton, effective through July 31, 2009.

Second by Mr. Koch.

Mr. Peck asked to have discussion about Item #1 on the consent agenda. He said the resolution talks about a partnership and that we're avoiding redundancy. He asked what the state is contributing. Mr. Bowen explained how the contract works. Mr. Peck has a question about what portion the state pays. He has not been able to see in the contract where the resolution language is listed.

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Mr. Peck said on Consent Agenda Item #3, the resolution on the front page gives an expiration date of July 31 but paragraph 7 of the agreement says this goes until terminated in writing. He said it is not a big deal; we know what the intent is.

Mr. Bowen talked to County Engineer Tim Fife by phone. Mr. Bowen said the State of Washington is not participating but is providing the services to us. Franklin Regional Information Services (FRIS) will be dividing the costs of the aerial photos. The City of Pasco is also involved in this particular contract and will pay 40% of the urban area costs. Mr. Peck said it's not very well constructed but he can live with it.

3:0 vote in favor. Mr. Miller said the consent agenda for May 4 is approved.

Recessed at 9:55 am.

Reconvened at 10:15 am.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Commissioners Budget #001-000-680

The commissioners reviewed the travel portions of their budget briefly.

PUBLIC WORKS

Engineer Tim Fife met with the Board.

Certificate of Good Practice

Mr. Miller presented Mr. Fife with a 2008 Certificate of Good Practice from Chairman Dean Burton.

Vouchers

In response to Mr. Peck's question, Mr. Fife explained the purchasing and voucher review process.

Motion – Mr. Koch: I move for approval of vouchers for County Road Fund for \$351,355.80; MV & PW Equipment Fund for \$66,721.78; Solid Waste Fund for \$4386.50; Solid Waste Fund for \$1726.50; and CR Unemployment Trust for \$1341.00.

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

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Draft Policy regarding Ordinance 5-2007 (Irrigation Water on Public Roads)

Mr. Fife said a meeting was held last week regarding what actions should be taken when there is irrigation water on the roads. The Public Works Department will work closely with the Sheriff's Department as far as issuing corrective notices and/or citations depending on appropriateness. The Public Works Department has prepared a draft policy for the Public Works Department regarding what employees would do when we encounter violations. He asked the Board members to review the policy. It also needs to be reviewed by others in the Public Works Department. The proposed policy was prepared with input from Commissioner Peck and staff members from the Sheriff's Department, Prosecutor's Office and Public Works Department.

Mr. Fife said the policy was prepared with the thought that if there is an imminent threat that our employee would remain on site until either we provide the proper signage and warning to the public and/or the threat goes away. Some examples would be if it's washing the road out or if the water from a circle end gun is hitting the road so a driver can't see. The employee will call Dispatch no matter what.

Mr. Peck said we agreed in the meeting that some county employees who were previously deputized to issue warnings and/or citations but are not Sheriff's Department employees would have that status removed.

Mr. Peck would like to review the policy further for some wording changes.

Mr. Peck said his view is if there are clear violations and the individuals don't appear inclined to follow the ordinance, then the next step would likely be to ask the Sheriff to cite them under our ordinance and under state law for state highways in creating a public hazard. He said I'm not trying to beat anybody up; I'm trying to keep somebody's child from being killed in a car accident.

Mr. Fife said we are also working on some way to follow through with the Sheriff's Office after we inform them. It would give us a means of seeing if a citation or corrective notice went out and when it went out so that if it's happening again, we can see whether they need to come back and issue a citation.

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Mr. Fife said the bottom line is he doesn't care about the fine or going to court; he just wants the sprinkler fixed and permanently fixed. When roads have been paved, we have to notify people about the chip sealing process when the road needs to be dry. The operators have turned the sprinklers off during that time but then after that, they keep spraying water on the roads. It's a change in philosophy that we need to incorporate.

Mr. Miller said with circle technology, there are lots of ways to control the water. Mr. Fife said a lot of the farmers are doing it already. Some are upset we're not going after the ones who are not controlling the water.

Other Business

Mr. Fife said his office received an email late Friday that our Solid Waste program funding was cut by the state between 50% and 60%. We don't know what the full implications are yet. The cut was part of the last-minute work on the state budget. No details are available from the state yet.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Prosecutor Steve Lowe, Chief Civil Deputy Prosecutor Ryan Verhulp and Joe Chapman.

Commissioners Budget #001-000-680

The Board reviewed the Travel line items in the Commissioners Budget.

Mr. Koch asked Mr. Miller if he is going to Nashville. Mr. Miller would like to go. Mr. Koch said he couldn't go to the conference in Washington, D.C., because you two decided that Mr. Miller would go.

Mr. Miller said he thinks the annual convention is important for all of us to go to. He thinks the committee about public law and criminal justice is probably an important one to go to. He said the travel changes started because we were going to cut our budget when we saw some financing problems. Mr. Koch said the financing problems haven't changed.

Mr. Miller believes Nashville is important especially for committee members because it is the annual meeting.

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Mr. Bowen said there is a budget shortfall of pretty close to \$600,000. He will be meeting with all of the unions this week to negotiate a pay decrease of 5% for everyone. He has sent memos asking all departments to review their budgets for travel, asking for essential travel only, with a deadline of last Friday, May 1. A list is being compiled of the responses. He said we've actually started laying people off. If we won't make cuts, we will use our reserves by the end of the year. He asked the Commissioners to make their decisions about their travel line items now.

Mr. Miller said he can cut his travel budget to \$10,000. He thinks there are some things it is very important to attend. He thinks the annual meeting is important because it is where chairs and vice chairs are chosen, which can be important to Washington state. He said if Mr. Peck has an interest in being a committee member, he should attend. Mr. Miller talked about the importance of the committees.

Mr. Peck thinks all three commissioners should attend the WSAC meeting in Kennewick, that Mr. Koch should attend the National Association of Counties (NACo) Western Interstate Region (WIR) meeting in Pendleton, that Mr. Peck should attend the WSAC meeting at SeaTac, and that Mr. Miller should attend the NACo meeting in Nashville.

Mr. Koch said I've been scheduled for about a month already with room and airfare for Nashville. We had a discussion earlier in the year that we would have one commissioner go to a meeting. He said Mr. Miller went to the Washington, D.C., meeting. Mr. Miller said maybe Mr. Koch assumed that Mr. Koch would go to the Nashville meeting. Mr. Koch said it wasn't an assumption at the time.

Mr. Peck thinks the Law and Justice committee member ought to go to the Nashville conference.

Mr. Miller said he has also been approached to write in for vice chair for the juvenile committee.

Mr. Peck said he does not think this is about giving up travel equally among commissioners. He thinks it is about spending as few dollars as we can to get as much benefit as we can for Franklin County. Mr. Peck would forgo going to Nashville. He

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would like to attend the WSAC fall meeting. He said Mr. Koch is already representing the county at the WIR conference.

Mr. Koch said because I was registered to go to Washington, D.C., and cancelled out, I had a \$630 credit from airfare that was applied to the Nashville trip so that bumped the cost down considerably. It's up to you two if you want me to cancel out of this trip and lose that.

Mr. Peck said it's about what is in the best interests of the county under the current budget situation. Since the credit belongs to the county, not an individual, it should be no problem to transfer that.

Mr. Bowen asked Mr. Peck, you're asking that your travel budget for the year be \$10,000? Mr. Peck said he would anticipate not using that much. For planning purposes, use \$10,000.

Motion – Mr. Peck: I propose attending annual WSAC conference at SeaTac, Bob to WIR in Pendleton, Rick to NACo conference in Nashville, and all of us attend the WSAC conference in Kennewick. He asked if another commissioner would support him on it. Second by Mr. Miller.

Mr. Koch said I'm secretary-treasurer of the Eastern District so I'll be going to WSAC meetings whether the county pays for me or not. Mr. Peck asked who would pay? Mr. Koch said "Bob would pay." Mr. Peck said his understanding was WSAC had funds to pay. Mr. Koch said I'm not aware of it if there are, not since I've been a commissioner. Mr. Peck asked were the trips for the legislative steering committee all county-paid? Mr. Koch said yes. Mr. Koch said he thinks there were six legislative steering committee meetings held during the legislative session.

2:1 vote in favor. Yeas: Miller and Peck. Nay: Koch.

Mr. Koch's travel budget dropped \$7500. Mr. Peck said I can get mine to \$7500, too. He asked Mr. Bowen to drop his travel line item to \$7500.

Mr. Bowen asked Mr. Miller to give him a number quickly. Mr. Miller said he has already worked with the staff to provide a number. Mr. Miller said I can maybe cut it back from the \$10,000 figure. He said he will give Mr. Bowen the figure.

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Vehicle Allowances

Mr. Bowen said Public Works suggested dropping the car allowances from \$7.00 to \$4.50, which would bring some savings to the budget. He has given the Commissioners the paperwork previously but has not had a response. He asked if the Commissioners have given it any consideration.

Mr. Miller said last year when we raised it, it was because of the price of fuel. Does anyone know if it will go back up to \$5 per gallon? Mr. Bowen said it's a crystal ball; we don't know. Indications are gas prices are stabilized but we don't know for how long. They are not expected to go back to \$4 to \$5 per gallon in the near future.

Mr. Peck asked how does that affect people who have county vehicles? Mr. Bowen said the county vehicles are charged with the dollar amounts so they will remain the same. Mr. Koch said it would lower the amount, the same as everyone else's. Mr. Bowen said it wouldn't change the fact that you're still going to have a vehicle and a fuel card.

Mr. Peck said the reality is we're paying ourselves, in another county department. The money doesn't leave the county.

There was a discussion about county vehicle use. In response to a question from the Board, Mr. Bowen said what we're doing is building a reserve in ER&R that I don't think at this particular point we can afford.

PROSECUTOR

Prosecutor Steve Lowe and Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Joe Chapman and Assessor Steve Marks.

City of Mesa

Mr. Lowe met with Attorney Lee Kerr awhile ago who is now representing the City of Mesa. The City of Mesa has a judgment against them and the inability to pay at this point. Mesa asked Mr. Lowe for legal help to pursue it but Mr. Lowe told them he can barely do the county's work right now so he declined to provide legal assistance for the City of Mesa simply because he doesn't have the staffing or ability to do that at this point.

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Mr. Lowe said they then asked to meet with the mayor. Mr. Koch, Mr. Bowen and Mr. Verhulp were at that meeting. They made a specific money request of the commissioners. Mr. Lowe said Mr. Bowen asked Mr. Verhulp and himself to meet with the Board to give background with respect to the options and why the city would come to us and what implications the city has for their decision-making, deciding where they're going to go in the future.

At Mr. Miller's request, Mr. Koch and Mr. Bowen reported about the meeting. Mr. Lowe said the city's insurance company is not paying for defense or costs. Mr. Koch said he was told it is almost a third of their city budget. The current amount of the judgment is about \$265,000, which is rising every day.

Mr. Lowe said it is in litigation now. They have to pay for the litigation costs. They do not have in-house counsel. They have to pay the cost of the appeal at this point and have to make a decision. The bottom line is they don't have the money to pay it. Mr. Lowe said the City of Mesa is appealing the Superior Court judge's decision but does not have the money to pay for the appeal. The choice that the city gave us is that they can disincorporate which means that the county has to take over the city functions. We do have a small contract for law enforcement that we already do. There are number of other functions including streets and utilities that the county would have to take over.

Mr. Peck asked if we would assume their liabilities. Mr. Lowe said we haven't looked into that. He thinks we do not assume the liabilities unless they are associated with the infrastructure, such as if there is a sewage lagoon, we have to assume the bonds for payment. He said none of us have looked at the details.

Mr. Lowe said the other option is bankruptcy which requires attorneys and attorney fees. He does not have staff capacity to handle the work. He has told the City of Mesa we can't help in a bankruptcy situation either because he assumes the county would be taking over some of the facilities so we would be an interested party at some point.

Mr. Lowe said the issue for the Board is are you willing to give them \$50,000 as a gift to assist them in paying for their litigation costs. He told them he did not have it in his budget so he would ask the Commissioners. The Board does not have the funds

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available. Mr. Lowe said we stand by to assist if needed in transition, whether disincorporation or bankruptcy. We would be involved in both of those aspects. If the city makes those decisions, we would certainly want to at least sit down with the city and you also and tell you what the process is. We want to make sure they have the right legal advice to follow the process for us to take over the assets and keep the services provided such as running the streets and running the sewer lagoon, the water, and the things that have to continue after a city dissolves.

Mr. Peck said I'm opposed to helping for two reasons: one, we don't have the money, and two, they violated the law according to the court. Sorry, no sympathy.

Mr. Miller asked if we were to help them out with \$50,000 for legal costs, then that could just be a start? Mr. Lowe said yes. There was no indication that would complete the litigation. Mr. Lowe said none of us in our office have looked at any of the merits. We're familiar with the case but not with the details.

Mr. Lowe said they have asked for our assistance regarding public records requests that overwhelm small entities. Mr. Lowe said he has testified about this before and continues to testify. We need to support local governments and get them on-line in electronic format. Then we don't have to spend staff time looking for records.

Mr. Miller said we have just heard we have about a \$600,000 shortfall at this point. We are trying to find ways to fix that and it looks like we will be eliminating positions. At this point, I can't see how we can do anything.

Mr. Koch said I agree with both of you. I don't know that we are in a position to be doing any of that right now including work from the Prosecutor's Office.

Mr. Lowe said I am just here to provide advice to the Board.

Mr. Bowen will prepare a letter for Board signature to the mayor of Mesa.

Mr. Lowe will talk to Attorney Kerr. Mr. Lowe said we need to be prepared for what happens either way.

COUNTY ADMINISTRATOR (continuing)

Present in audience: Joe Chapman.

Commissioner Vehicle Allowance (continuing)

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Mr. Peck said there are two different issues: how much are we saving in the Current Expense budget and how much are we saving the county? It's all county money. The reason I'm making that point is if you whittle down the vehicle allowance it suddenly becomes much more attractive to have a county vehicle. I'm not sure how that works out for the county. If those funds are charged to ER&R, does that save us?

Mr. Bowen said in his mind, it is more cost effective to have a county-owned vehicle than it is to have a commissioner travel allowance. At the end of four years, the allowance that you receive is gone. At the end of four years the allowance you receive on a vehicle is replaced with a brand new vehicle so it's constantly regenerating itself with a vehicle. As far as the county goes, I think it's a lot more cost effective to actually drive a county vehicle.

Mr. Miller thought of it differently. Having a county vehicle is quite expensive especially when there is insurance involved. I can see it going both ways. I don't know if I can agree with that.

Mr. Bowen understands the formula for calculating vehicle allowance is an established formula that comes from the State of Washington.

Mr. Koch said for mine for sure I want to accept the county vehicle. It's up to you two what you want to do with yours. The amount of money that we're paying ER&R at \$10,000 per year for four vehicles is roughly \$40,000. A vehicle is roughly half of that so that leaves \$20,000 for gas and tires for four years which I think is plenty.

Mr. Peck asked are we required to do this through ER&R? Mr. Bowen said no. It was put in place because of the up and down nature of county budgets. Mr. Peck said so in theory we could go to a local business and lease vehicles. Mr. Bowen said yes.

Mr. Peck asked if the money that goes into the ER&R is supposed to be at cost, meaning there's no profit margin in that to Public Works. Is it the actual cost we pay them for a county vehicle? Mr. Bowen said yes. His understanding is it is based on the state's formula for keeping their fleets current. That goes for all operations and maintenance of the vehicle. Also, the ER&R does support operation of the shop. Mr. Koch said it includes graders, loaders, and all Public Works vehicles along with the

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shop. The RCW states they cannot take a loss; they have to pay for themselves.

Mr. Bowen said not every vehicle is set at the same rate. Some vehicles go for ten years replacement, some four years, some eight years. There is a range depending on the price of the vehicle and the cost to operate that vehicle. Not everything is set at \$4 or \$7 an hour.

Mr. Miller said he finds it interesting to have the Public Works Department cut costs in this way. Mr. Bowen said they have cut costs in their department also. He said we are asking all departments to cut costs. They didn't suggest it. They offered it as an area that can be reduced. It was just one of many ideas that have come in.

Mr. Peck wants to do some more research. He wants to look into a private vehicle lease.

Mr. Bowen said he agrees with Mr. Koch, that Current Expense savings would be affected a lot if we weren't taking some vehicles through the ER&R. The Sheriff's vehicles are different altogether. For individual vehicles, a \$20,000 car over a four-year period, we would pay so much more for it. It costs about \$125 to get an oil change at the shop. We would have to make sure we maintain those vehicles. Mr. Bowen said he's always said all along it's a lot more cost-effective for certain vehicles if they were out of the ER&R because of the extreme costs for oil changes and routine maintenance.

Mr. Peck would like to look at the lease costs. It will probably take him a few days. Mr. Koch said a lease wouldn't work for me because of the number of miles I put on a vehicle.

Mr. Bowen said even if the vehicles were purchased outright, when they hit 125,000 miles they could be auctioned off and typically we bring back anywhere from \$2000 to \$3000 on the auctioned vehicles. He thinks we could do some homework and find out there would be some savings to Current Expense.

Mr. Miller said let's come back to this later. He thinks we need to do whatever is the best way that saves our county money. We need to look at it further and make a decision shortly on the Commissioner vehicle allowance. He expects it can be done on Wednesday.

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Executive Session at 11:42 am based on RCW 42.30.1(g) expected to last 10 minutes.

Mr. Chapman left the meeting.

Open Session at 11:52 am.

Executive Session at 11:52 am regarding RCW 42.30.110(1)(g) expected to last 10 minutes. Mr. Bowen and Mrs. Withers left the meeting.

Open Session at 12:02 pm.

Adjourned at 12:02 pm.

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

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed May 27, 2009.