

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

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

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Juvenile Justice Center Administrator Sharon Paradis, Superior Court Administrator Pat Austin, Superior Court Judge Carrie Runge and Public Defense Coordinator Eric Hsu.

Consent Agenda

Motion - Mr. Koch: Mr. Chairman, I move the approval of the consent agenda for May 18, 2009:

1. Approval of **Resolution 2009-183** for the Franklin County Elections Department to lease a Ricoh MP 3350 SP copier for the Annex from IKON Office Solutions as identified on the Product Schedule and authorizing the Chairman to sign said lease and Equipment Removal or Buyout Authorization form on behalf of the Board.
2. Approval of **Resolution 2009-184** for the Interlocal Agreement for the Reformation of Greater Columbia Behavioral Health (GCBH) Regional Support Network (RSN).
3. Approval of ***Voluntary Transfer of Annual Leave Request*** as per Resolution 2001-246 for Shanna Calderon (Auditor's Office) for a total of 175.5 hours as follows:
 - Sue Boothe (Auditor's Office) to transfer 15 hours.
 - Rosa Fernandez (Elections Department) to transfer 5 hours.
 - Consuelo Curiel (Auditor's Office) to transfer 7.5 hours.
 - Diana Killian (Elections Department) to transfer 15 hours.
 - Linda Lafferty (Auditor's Office) to transfer 15 hours.
 - Thomas Westerman (Auditor's Office) to transfer 15 hours.
 - Robert Mendez (Engineering) to transfer 16 hours.
 - Donzetta Cole (Auditor's Office) to transfer 7.5 hours.
 - Becky Mulkey (Treasurer's Office) to transfer 8 hours.
 - Shelley Larson (Treasurer's Office) to transfer 15 hours.
 - Yesenia Torres (Treasurer's Office) to transfer 7.5 hours.
 - Darrel Farnsworth (Public Works Shop) to transfer 8 hours.
 - Jesse Zamora (Public Works Shop) to transfer 8 hours.

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

- Luis Gutierrez (Public Works Shop) to transfer 8 hours.
- Ralph Cook (Road Department) to transfer 10 hours.
- Gary Fitch (Road Department) to transfer 15 hours.

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

Tri-City Herald Reporter Joe Chapman joined the audience.

Vouchers/Warrants

Motion – Mr. Peck: I move for approval of payment of vouchers/warrants for May 18, 2009, with a total amount of \$618,379.84. These cover: Current Expense warrants 16926 through 17234 for \$92,335.60; Veteran's Assistance warrants 17235 and 17236 for \$2441.41; Current Expense warrant 17237 for \$51,812.50; Capital Outlays warrants 17238 and 17239 for \$22,029.25; TRAC Operations Fund warrant 17240 for \$6938.75; Current Expense warrants 17241 through 17274 for \$407,268.67; Current Expense warrants 17275 through 17279 for \$10,426.93; and Current Expense warrants 17280 through 17320 for \$25,126.73. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 1)

Mr. Peck expressed his concern to have an accountability trail for the vouchers. He does not doubt that they have been reviewed appropriately. He just thinks there could be a more efficient way so he doesn't have to wade through these each time. Mr. Koch said it is a matter of trusting Pat Shults because she goes through each and every one of them. Mr. Miller said it would be easy to overlook. Mr. Peck said his opinion, without reference to Pat Shults or anyone else, I think if we're signing it we have a responsibility to have verified the information or we shouldn't sign it. Mr. Miller said the only way he can see to make it simpler is to have a cover sheet that says they have approved all vouchers and they sign that. Mr. Peck said I'm sure they can find a more efficient way if they apply themselves.

Mr. Bowen joined the meeting.

JUVENILE JUSTICE CENTER (JJC)

JJC Director Sharon Paradis and Superior Court Judge Carrie Runge met with the Board. Present in audience: Superior Court Administrator Pat Austin, Public Defense Coordinator Eric Hsu and Joe Chapman.

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

Drug Court

Ms. Paradis said during budget workshops last year, the JJC asked the Franklin and Benton County Boards to consider incorporating full funding for the Juvenile Drug Court into the budget. At that time, the Board's direction was if the state does not fund its 50% of juvenile drug court for the last half of the year, to then bring this back to your attention and you would at that point in time consider a supplement. Ms. Paradis said the judges certainly understand the financial issues that you are facing but we felt it was critical to bring this to your attention and to have discussion about the circumstances that will befall the Juvenile Drug Court without supplemental support. The state and the counties have shared responsibilities for Juvenile Drug Court for several years. The state is on a different fiscal year than our calendar year. The state's 50% of funds runs out June 30. Senator Delvin made a valiant effort to get the funds considered at the last minute via a bill from the floor but was unsuccessful. Franklin County and Benton County have budgeted for the full year at 50% so what we are out essentially is 50% of the last half or a quarter of the total year funding.

Ms. Paradis gave the Board some budget information (Exhibit 2). It would cost the counties \$48,444 to replace the unfunded portion. Franklin County's share based on the 29% formula is \$14,049. This would be critical to maintain our current youth capacity in Juvenile Drug Court through the end of the year.

Mr. Miller asked Mr. Bowen if it is in the budget or would be an addition. Mr. Bowen said it would be in addition.

Mr. Miller said I support Drug Court, Juvenile especially. \$14,000 doesn't seem like a lot. It adds up in our budget. That's a tough one. I would really like to add it if we could.

Mr. Peck asked has Benton County agreed to fund their portion? Ms. Paradis has not talked to Benton County yet. She felt it was critical to know Franklin County's position before she would go to Benton County. She has not heard anything specific about their financial situation. At the time we had the budget discussions last year, they

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

were in support, and had Franklin County been able to include that in the budget last year, she thinks Benton County would have also included it.

Mr. Miller said the Byrnes Grant funding has increased quite a bit but it will not cover the Drug Court. Ms. Paradis said all of the economic stimulus money related to drug courts are dollars for which we would either have to show an increase in number of kids that we were running through drug courts so our capacity would have to increase, or the other option is that we provide some additional kind of programming so that we add an evidence-based program to something we currently are doing, but the funds will not supplement or supplant what we currently have.

Mr. Miller asked if we fund this now with 25% to finish up 2009, what happens in 2010? Does the JJC have money coming for 2010? Ms. Paradis said there are no dollars outside of the county funds at this point in time. She highly doubts there will be much consideration of this because of what she has heard about state funds. The legislature is very interested in programs like drug court because they are evidence-based. She said they know if you pay now you're not paying later at a greater cost. In a few years, there may be an opportunity for state funds again.

Mr. Peck asked how defense attorney/legal fees fit into the program separate and aside from the usual defense. Ms. Paradis said our current contracts with defense panel attorneys do not cover Juvenile Drug Court. Juvenile Drug Court is a program in addition. It requires additional hours and specific services from the defense panel. That particular individual is a part of the Drug Court team so it's kind of a stand-alone program in that respect.

Mr. Koch said I'm all for Drug Court in all aspects of it, but at this point we're still waiting for the unions to come back and see how they can help us with the budget shortfall and we don't have any definite answers yet so it's hard to make a definite answer.

Mr. Miller asked Mr. Bowen about the current budget situation. Mr. Miller said we're in the hole now so adding \$14,000 isn't going to help. Mr. Bowen said we're still fighting a deficit. Mr. Peck said so the reality is, whether you're flush with money or

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

short of money, everything comes down to priorities, what is, what isn't, and what's in between. He said the amount of shortage seems to change daily. Mr. Bowen said right now we're a little over \$200,000 short.

Mr. Peck said I would suggest the most appropriate course for us going forward is to hold this in abeyance until we get a little clearer picture on budget and then prioritize this against the other needs. Speaking for myself, although it sounds like my fellow commissioners agree, there are few things that I think I would put much higher on my personal priority list. I think both the short- and long-term benefits of this kind of investment are important. Ultimately we're talking \$14,000. If this is important enough that we need to bump something else on that priority list, then I would recommend we do that.

Mr. Miller said he'd like to mention that Benton County as a Board would need to go forward with this, too. It sounds like we're going to try to make this work.

Ms. Paradis asked if the Board wants her to talk with Benton County at this time or hold off to find out if they would support it if Franklin County could support it. Mr. Peck said my support is contingent on Benton County's support. Mr. Miller said I believe they will support it but I can't speak for them. He said I think in the next 30 days we'll know but you'll need this soon. Ms. Paradis said July 1 is the date. Mr. Miller said I agree it's a top priority. If we can find someplace, it's not a lot of money to keep people out of jail in the future. That's the main thing is keeping them out of jail in the future.

Truancy Program

Sharon Paradis and Eric Hsu met with the Board. Present in audience: Judge Carrie Runge, Pat Austin and Joe Chapman.

Ms. Paradis explained how the Truancy Program works. The JJC has historically run truancy boards for school districts. About a quarter of the average number of 800 cases that get filed with Juvenile Court end up in Truancy court hearings. Several months ago we got notice that the Washington State Appellate Court had made a decision that youth at first appearances on truanies or when there is an order on truancy entered have the right to be represented by an attorney. As a result of that, we have had to do a lot of

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

shuffling to try to keep things intact. At that time we had about 600 kids on truancy petitions in Benton and Franklin Counties. The only time historically we've had an attorney was when there was a contempt: A kid went to court, was ordered to go to school, and then continued not to attend school.

We worked with several defense attorneys and the court and all of the schools to continue with the truancy board process. If not, the 600 kids would have ended up in court at a significantly more costly amount. We temporarily have attorneys via an order appointing attorneys to appear at the truancy boards. We do all the work with them and the volunteers meet with them. Then the attorney meets with them, reviews the information to make sure it is accurate, and then usually signs off on the agreed order. For a few of those cases, the attorney said I think you really need to take this back to court.

The cost to us to not continue to do that would be exorbitant. We have negotiated with attorneys that it will come out of our Department 173 funds from the fee for service contract line item as an additional fee to defense attorneys for their time in court for the appearances and for coming to the truancy boards. It is not Current Expense funds. It means there are some professional services that we probably won't be able to provide, as well as some of the additional program services.

Ms. Paradis estimates it will cost \$20,000 to \$25,000 cost per year to provide the additional legal services. It would cost a substantially larger amount – and the majority of kids going through truancy boards do not return – to send the cases through a court process and still have to pay to have an attorney at those hearings. We felt this was the better decision.

Ms. Paradis has worked with Eric Hsu who has worked with defense attorneys to amend the contracts. She wanted the Board to be aware of what the contract was before it was presented for approval.

Mr. Miller asked Mr. Hsu, it sounds like this is a better way to run the program, having the kids right then and the defense right there. Mr. Hsu said absolutely. Now it is

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

basically a judicially mandated representation which is the change in this system which changes the cost factor.

Mr. Peck said it is judicially mandated if you have a truancy program. He asked what if there were no program? Mr. Hsu said if there were no program, the kids would still have the ability to appear in court. At that time there would have to be judicial resources as well as the defense resources available to them. He agrees with Ms. Paradis' evaluation about the truancy boards, because there is not a need for judicial resources because there is so much volunteer time provided that it is a much more effective use of resources and dollars. The kids would end up somewhere. They have to either be in the truancy board or in court.

Mr. Peck asked in a previous generation when schools had difficulty with a student who is not showing up, the school and the parents would handle the truancy but now it's migrated to the courts because these are minors for the most part? Ms. Paradis said the statute essentially requires the school up to a certain number of absences to work with the youth and the family. If that process fails, the schools are statutorily mandated to file a truancy petition. Mr. Peck asked so this is a program for habitual offenders? Ms. Paradis said pretty much.

Mr. Koch asked is there any revenue recourse from the truant himself? Ms. Paradis said no. She said because we receive a lot of funding from the state for the Becca Bill, we're essentially prohibited from collecting additional dollars. We are pursuing what we call revenue sharing with the other juvenile courts. Because of this ruling, other juvenile courts were not able to move as quickly as we could to resolve this so it's possible we may be able to recoup some of the additional dollars that we will spend this year from them. The schools that we have contracts with actually pass their Becca funds to us.

Mr. Koch asked about schools without contracts. Ms. Paradis said for the most part they are the smaller schools such as North Franklin School District. We still work with them and have truancy specialists funded through Becca dollars that work with them. They don't have the benefit of utilizing the volunteers and the truancy board.

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

Mr. Bowen asked what you're asking is to modify the existing defense contracts and there will be a cost associated with that. Ms. Paradis said this provides that if we had to have an additional attorney other than the one we currently have for Becca services, in the event dockets are so large and another attorney has to be added, we would pay them \$450 for that docket.

Mr. Bowen asked about an estimated cost for the remainder of the year. Ms. Paradis said the estimate is between \$20,000 and \$25,000 for a full year.

Mr. Bowen asked if the JJC has cash carryover in budgets. Ms. Paradis nodded her head. Mr. Bowen asked can some of the carryover amount be used for that? Can some be used for the Drug Court?

Ms. Paradis said we may have some carry forward. We have used carry forward funds to provide some of the additional Becca services and programming from those dollars. We've also utilized some of those dollars to offset basic service costs that would otherwise be the county's, some of those specific to Detention. It would essentially be those dollars that we pulled into the budget that we would need to utilize here. She is anticipating that we will shift some of our professional services program and fund this as opposed to that. We're going to have to make some choices within our current budget. Mr. Bowen said so you're not asking for additional funds. Ms. Paradis said I'm not asking for additional dollars. We may be able to leverage some of those dollars if we have an underspend amount to look at Juvenile Drug Court. She does not know if she can tell you that right now, whether or not we will have additional carry forward during this year. Are you asking could we look at the additional \$48,000 out of our current budget and potentially underspent portion?

Mr. Bowen asked if Ms. Paradis has any idea why the state dropped the Drug Court program, other than funding. Ms. Paradis said just funding. Mr. Bowen thinks it's odd the state would drop such a successful program. He asked if Franklin County gives \$14,000 to get to the end of the year, but in 2010 are we postponing the inevitable? Ms. Paradis said possibly. The \$14,000 for the last half of 2009 would turn into \$28,000 next year.

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

Mr. Bowen asked for this particular program, you think you have Becca funds to pay for this? Ms. Paradis said between Becca and truancy, yes, we will do what we need to do internally to cover the cost. She thinks because we have Becca and truancy dollars, we have some obligation to try and make those dollars work to support this program.

MINUTES

Motion – Mr. Koch: Mr. Chairman, I move for approval of Commissioners Proceedings for May 11, 2009. Second by Mr. Peck. 3:0 vote in favor.

Recessed at 9:41 am.

Reconvened at 9:45 am.

BLACKBERRY POLICIES

In response to Mr. Bowen's question, Mr. Peck and Mr. Miller said they have not finished their review of the proposed Blackberry policy yet.

PUBLIC WORKS

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

Vouchers

Mr. Peck asked for a cover sheet that would include all of the Public Works vouchers on one sheet. Mr. Fife said he can provide that, even though they are separate funds and don't commingle.

Motion – Mr. Peck: I move approval of Franklin County Public Works vouchers as follows: County Road Fund for \$101,544.79; Motor Vehicle and Public Works Equipment Fund for \$69,528.79; Solid Waste Fund for \$101.01; and another Solid Waste Fund in the amount of \$4054.01. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 2)
CRP 596 R170 Landslide Area Supplemental Agreement #4 for HDR Engineering

Mr. Fife said this is the fourth supplemental agreement. He described the changes that have occurred. The Board reviewed the contract amounts. The additional amount is about \$106,189. Most of the funding is from Federal aid (\$800,000). The rest of the funding is from the Rural Arterial Program (RAP) through CRAB.

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

Motion – Mr. Peck: I move approval of CRP 596, Landslide Area R170, approval of Supplemental Agreement #4 between Franklin County and HDR Engineering, Inc. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-185.

Mr. Miller said he has received a call from Senator Maria Cantwell's office stating they will include the county's project in the 2010 budget requests.

Mr. Fife said maybe next year the county will also want to push to get Juniper Dunes project on for possible funding. R170 is a high priority right now.

CRP 581 Pasco-Kahlotus Road (PK Highway) – Revised Project Prospectus for scope change request

Mr. Fife said the revised prospectus requires the Chairman's signature. He asked for approval so it can be sent in. He will be making a presentation to the CRAB Board in July. Mr. Miller signed the revised prospectus (Exhibit 4).

Bi-Monthly Progress Reports

March/April Progress Reports were reviewed. Mr. Fife said we're feeling some of the same budget effects as you are. Gas tax revenues are down by about 4% over projections. We have shifted some employees in a lateral transfer instead of hiring summer help. The last phase of the rural gravel road paving upgrade program is being completed. We had hoped to pave 30 miles but because the prices of asphalt went up, we are paving 26 to 27 miles.

Mr. Miller said he receives frequent calls asking that Alder Road be paved. Mr. Fife said we have a paving priority list. It has not been updated because there isn't any money to do more paving. He answered Mr. Peck's questions about responses to people who ask for their roads to be paved. Mr. Fife said we may have to reduce the maintenance level in the next few years. He said there may be some outside funds available for work on arterial roads in the next few years but probably not for access roads. The current paving projects are funded through a 20-year loan. It had been 18 years since we did the last paving project before we did the current paving project.

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

TREASURER

Treasurer Tiffany Coffland met with the Board for a department update. Present in audience: Joe Chapman and Eric Hsu.

She gave the Board information about the Current Expense cash flow status, Foreclosure and Distraint process, April 2009 tax collections, and April 2009 excise tax collections (Exhibit 5).

OFFICE OF PUBLIC DEFENSE

Eric Hsu, Director of Benton-Franklin Counties Office of Public Defense, met with the Board.

Executive Session at 10:21 am based on RCW 42.30.140(4) expected to last 15 minutes.

Open Session at 10:36 am.

COUNTY ADMINISTRATOR

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

Bond Refinancing: Conference Call with Jim Nelson, Senior Municipal Underwriter, Martin Nelson & Company

Mr. Bowen said Jim Nelson is the bond broker that works with Franklin County. The county has two bonds, one limited and one unlimited. One has five years left and the other has six years left.

The Board talked with Jim Nelson by speaker phone.

Mr. Bowen asked the Board if they are still interested in pursuing refinancing of bonds. Mr. Miller said yes. Mr. Koch said yes. Mr. Nelson answered Mr. Peck's questions about the current bond market. The Board asked Mr. Bowen and Mr. Nelson to proceed with preparations to refinance the county's bonds.

CDBG Planning Only Grant, Harms Engineers – Eltopia Water Association

Christine Batayola said the application is prepared for a planning grant asking for \$35,000 from the CDBG program. She said during the public hearing she misspoke and said \$25,000. The scope of work includes the feasibility study to determine the alternatives to mitigate arsenic and nitrate issues, the water system plan that will be

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

required, the environmental report, and the approval process if they do need a new well. Various agencies have to review findings that may lead to a requirement for a biological assessment and/or a cultural resource survey. Those items have been included in the scope and the budget in case they are needed.

Ms. Batayola said once the planning work is done, we will move towards actual design and construction under different funding.

Mr. Koch asked how many connections are involved. Ms. Batayola said there are 24 residences and one church served. An old school is being converted to a bed and breakfast so it would be a future connection but it is not connected to the system right now. The system is letting them use the water to keep the dust down. She said we're also looking into the feasibility if there are any other people to connect but currently there are not any others known that would connect.

Mr. Peck read from the proposed resolution about recovery of CDBG funds and asked it doesn't preclude us from recovering other capital costs involving the same project, right? Ms. Batayola said yes. The planning grant will take care of the planning portion. The construction portion will probably be funded with grant and loan money. The loan would be paid back through the fees that are associated with the water district. She said the association takes responsibility but you don't put an assessment on each property.

Motion – Mr. Koch: I move for approval of the Community Development Block Grant Community Investment Fund Grant (Planning Only Grant) with certifications of compliance for the Eltopia Water System. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2009-186.

Executive Session at 11:08 am regarding contract negotiations expected to last 10 minutes based on RCW 42.30.140(4).

Executive Session continued at 11:23 am expected to last 5 additional minutes.

Open Session at 11:23 am.

Adjourned at 11:23 am.

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

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