

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 1, 2009

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

OFFICE BUSINESS

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

Consent Agenda

Motion - Mr. Peck: I move approval of today's consent agenda excepting item 4 unless we have discussion before the vote:

1. Approval of ***Out-of-State Travel Request*** for Dan Blasdel to attend the International Coroner's Training Conference in Las Vegas, Nevada, August 1-8, 2009, for an estimated total cost of \$1,625. (Exhibit 1)
2. Approval of **Resolution 2009-199** reappointing Lois Hansas to serve on the Franklin County Planning Commission to a four-year term expiring June 12, 2013.
3. Approval of **Resolution 2009-200** authorizing payment of \$3,333.26 for Franklin County's portion (1/5 share) of an invoice accrued by the Landfill Group to Aspect Consulting LLC for professional consulting services.
4. Approval of **Resolution 2009-201** designating authority to approve settlement agreement to Franklin County Planning and Building Department Director Jerrod B. MacPherson.
5. Approval of **Resolution 2009-202** authorizing payment of \$2,798.72 for Franklin County's portion (1/5 share) of an invoice accrued by the Landfill Group to Aspect Consulting LLC for professional consulting services.

Second by Mr. Koch.

Mr. Peck asked if item 4 was discussed earlier. Mr. Koch said he received the information last week from Chief Civil Attorney Ryan Verhulp. Mr. Peck reviewed some information. Mr. Peck said the part he is questioning is why the Board of Commissioners is delegating its authority to a department head to in effect settle a legal dispute. He said

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he is always sensitive to the commissioners delegating that authority, not because he doesn't want to empower other people but because I think an accountability issue requires us to be out in front. Mr. Peck said that's sufficient discussion. I just wanted to have a brief discussion and have it on the record that I don't think we ought to be delegating our authority unless there is some legal basis for doing so and I wasn't aware that there was but this one appears to have been done out of expediency.

3:0 vote in favor.

Vouchers/Warrants

Motion – Mr. Koch: Mr. Chairman, I move for payment of vouchers for Current Expense warrants 17837 through 17917 in the amount of \$73,246.59. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 2)

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Joe Chapman.

Event Update

Mr. Woody told the Board about recent events held at TRAC including BRN4D, Hanford Health and Safety Expo, State High School Equestrian meet, James Otto concert and dance, and a dinner.

Forecast 2009

Mr. Woody reviewed a draft 2009 forecast by revenue streams with the Board. Mr. Woody said in a nutshell, we are going to be challenged with revenues this year, which is no great surprise. We are not losing business but we are not booking anything new. He gave some examples of differences from 2008 to 2009 for some events. July, August and September are typically the worst months for business.

Mr. Koch asked why the Latina Festival left TRAC. Mr. Woody said the promoter wanted to try another facility and see if it affected her attendance. There were not service or price issues.

A Summary Sheet prepared by Mr. Woody was reviewed showing actual figures for January through April 2009 and forecasted figures for May through December 2009.

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Mr. Woody will go through the draft budget forecast information in detail with County Administrator Fred Bowen and Pasco City Manager Gary Crutchfield. He has some ideas for what may be used, such as paid days off or reductions. A change in the retirement system contribution rate may also affect the budget. Mr. Woody feels the revenue forecast is conservative.

Sales Position

Mr. Woody said a couple months ago, he voluntarily said we should not refill the sales position. Looking at the forecast now, one of his concerns in not filling the position is how does that affect TRAC in 2010. There is a six months to one year sales window. If we wait until January or late this year to fill that position, that could put us potentially six months behind the curve ball in 2010. He asked for some guidance from the Board.

Mr. Woody said I think it's in our best interest to hire someone right away. The \$25,000 that you save by not filling the position could be gained by booking one convention in 2010. Our current sales person is able to handle what has been booked but is not able to solicit new business. Mr. Woody described how the two sales jobs would be different. He explained how the amount of business brought in by someone filling the empty sales position would be measurable.

Mr. Miller asked have you been able to show what the prior person made in prior years? Mr. Woody said yes, it's been a half-million dollar position and the event person has been a million dollar position. Mr. Miller said with that, it seems ridiculous to not do what you're asking.

Mr. Peck said I think the worst time to stop advertising is when you need business most and that's effectively what this person is, so while I understand it flies in the face of what might seem like common sense, the fact is you can either stop the bleeding, maybe turn it around, or you can accelerate the bleeding. Mr. Peck would approve hiring the person.

Mr. Miller said from a business view, I think that is the correct way to look at it.

Mr. Peck said his understanding is that Mr. Woody has a high degree of confidence that at worst it's a breakeven. Mr. Woody nodded his head. Mr. Peck said

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there are additional intangibles of creating a business relationship that might bring people back in future years.

In response to Mr. Koch's question about being under the 2009 budget amount for the salary because the position has been unfilled for a time, Mr. Woody said it will be a wash because of payouts for sick and vacation time.

Mr. Bowen said he agrees with the decision to hire at this time. Now is not the time to save on sales or advertising.

The Commissioners all agreed with filling the position.

Upcoming Events

Mr. Woody listed some upcoming events.

RV Park

Mr. Woody answered the Board's questions about the current occupancy of the RV park.

Recessed at 9:33 am.

Reconvened at 9:44 am.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Faye Phipps, Jan Dorman, Joe Chapman, Dave Phipps, Jill Mathews, Alice Didier, Byron and Sally Pugh and two other people.

Vouchers

Motion – Mr. Koch: Mr. Chairman, I would move to approve vouchers for County Road Fund, Motor Vehicle and Public Works Equipment Fund and Solid Waste Fund in the total amount of \$439,924.11. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 3)

City of Mesa Request for Reimbursable Work

Mr. Fife said the City of Mesa has requested that the Public Works Department do some reimbursable work. Our Public Works policy requires that we put an estimate together which he approves and if we have time we do the work. The Board gives final approval. The current project is primarily chip seal and related work. The City of Mesa wanted us to do the work last year but asphalt was not available. Mr. Fife said the Port of

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Pasco through the Benton Franklin Council of Governments (BFCoG) is considering transferring some Federal aid funds that would help with rural projects.

Mr. Peck asked when a local community comes to you to do this kind of work at county expense, are those funds held in escrow? Mr. Fife said we bill them afterwards. He explained the process.

Mr. Koch said we've done the reimbursable type of work in the past, almost on an annual basis. The work would have been done last year if asphalt had been available.

Mr. Fife said through our Federal aid process, we end up making payments to the City of Mesa and usually this is our way of getting it back. The City of Mesa would dedicate it to roads and this is usually what they end up doing with it.

Motion – Mr. Koch: Mr. Chairman, I would move that we accept the reimbursement for work for City of Mesa. The grand total for the project is \$77,211.75 which is reimbursable. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 4)

Resolution: Public Works General Policy and Procedure: Irrigation Water on Public Roadways

Mr. Fife said only one change has been made since the last time the draft policy was presented to the Board members. The words "and an immediate supervisor" have been added. If there is an imminent threat of health and safety, the supervisor can relieve the employee so the employee can get back to their normal work.

Mr. Peck asked why the commissioners have to approve the Public Works Department policy since we have already approved an ordinance that is the basis for this policy. Mr. Fife said we do that because you have some protections that I don't have if it ever does go to a lawsuit. Your protections as an elected official are a lot higher. Mr. Peck said he understands but thinks we are covered since your policy refers to the ordinance. He wants to get it pared down to one ordinance with one set of guidelines. He thinks if the ordinance is cited, then you're covered.

Mr. Bowen said past practice has been that we bring everything to the Board. Mr. Fife said it provides some additional protections. He can check with the Prosecutor's Office.

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Mr. Miller asked Mr. Fife to hold the matter until Wednesday.

East Foster Wells Road

Mr. Fife said the Port of Pasco anticipates granting \$10,000 of Federal aid funds to the county for use on the East Foster Wells Road project. We could then take \$10,000 that was budgeted for the East Foster Wells Road project and put it towards the Mesa project. The Benton-Franklin Council of Governments (BFCoG) is involved in the process.

RINGOLD FARM WORKER HOUSING PROJECT

Present in audience: Joe Chapman, Tim Fife, Greg Wendt, and about 30 people concerned about the Ringold Farm Worker Housing Project including those listed on the sign-in sheet (Exhibit 5): Faye Phipps, Susan A. Flatau, Kody Michel, Dave Phipps, Jan Dorman, Alice L. Didier, Jodie Guilbeau, Jill Mathews, Byron and Sally Pugh, LaBerta Heiman, L__ and Grace Tyrrell, Iris and Clarence Smith, Heather Benson, LeRoy Mert__, Kathleen West Bauermeister, Don Bauermeister, Pat Hailey, Karl Eppich, Cathy and Jon Fox, Ben Casper and Joan Casper.

Mr. Miller welcomed those who came to the meeting regarding a proposed migrant farm worker housing camp near Ringold. He invited comments from those present.

Faye Phipps said I own land near the Road 170 site. I still do not think this is a good location for a building of 96-bed housing project. I've been told the county doesn't have much to say about this but I understand that you can look at height of structures, setback review, and road access requirements. I ask that you look at these very carefully.

Road 170 is very busy with the hill and the curves. If we have 96 people there with cars or even 50, this is going to make a very congested area.

I have been quoted the RCW law many times. It says temporary worker housing located on a rural worksite and used for the workers employed on the worksite. This is not a work site and the workers will not be employed on that site. They will have to travel for work. This seems to me to have been set up to help farmers to have housing on their farms and I really believe this would be the best way to do it. Farmers take care of

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their property and workers. Location seems to be the most important factor in these projects being successful.

Has there been a worker survey? If the worker had a choice to live there with no amenities or be closer to town, which do you think they might choose? Who will live there? First we were told about 96 men. Wouldn't this be discriminating? Don't women work in the orchards? How will they handle this? What about married couples? Then we're going to have families. What is the real plan?

Local workers have homes and families to go home to after work. Where will these workers come from? How will they be screened for criminal background, drugs or other health problems?

Toots Heiman and I visited the Benton City Cherry Hill Project on Saturday. We wanted to see it and talk with the manager. We found some very nice buildings and you can tell a lot of money had been spent on these buildings. We found a closed manager's office with a sign reading 8:00 to 5:00 Monday through Thursday, 8:00 to 12:00 on Fridays, closed Saturday and Sunday. David Manterola has told us this project will have a manager on duty 24 hours. Is this realistic? I wonder how they will even find a good manager who will want to live on that site.

We have many concerns. I want others to have their time. I ask you, please, listen and think about whether this is really needed at this time and if this location is the best one. Please consider what impact this will have on our community and the taxpayers of the county. I'm asking for your support to stop the funding at this site. It is not wise to spend so much money just because we can. Thank you very much for your time.

Jill Mathews, 9120 Russell Road. When I was a teenager my family bought the Basin City Trailer Court and enlarged it. As a teenager, I didn't know what impact that would have on the community. Now that I'm an adult and see what it has done to the community -- At one time emergency services wouldn't even go in there. There had to be so many police officers before they would go in there. The ambulance had to have so many escorts before they would go in there. I'm not sure what it is now. I think it may be better but it's not what it could be or what I would have chosen for it to be at the time.

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Now that I'm an adult and can have a voice, I choose to speak out against this 96-bed facility that has been proposed for the Ringold area. Ms. Mathews said she attended the meeting held at the Fire Hall in Basin City where some issues were brought up. She said being against the facility is not about race and it's not about who is a better Christian as was brought up at that meeting. It's about crime, it's about safety, and it's about the wise spending of tax dollars. As we know, our government doesn't really have money to be spending right now even though that's what they're choosing to do.

Ms. Mathews said on the one hand the government spends money to patrol the borders to stop people to come in with talk of a wall or a fence and on the other hand we have a government wanting to spend \$3.2 million for this housing facility to house seasonal workers who may or may not be legal but we can't really tell. She said if you think the document is not real and you don't hire a person, then you're discriminating. It's a double-edged sword.

Ms. Mathews said it was brought up at the meeting at Basin City that the committee had spent five years researching and studying this. Just because you've spent that amount of time doesn't mean that it's the right thing to do or a good thing to do.

Ms. Mathews said another thing that was brought up was that the money is there and so if we don't spend it, the other side is going to spend it. I personally don't understand that mentality. Government money always comes with strings attached. The more government money you use and the more bound you are by those strings, you lose your freedoms.

Ms. Mathews said she thinks the 96 beds for men is unsafe. Throw a little booze in the mix and you get the mob mentality. I've seen it.

Ms. Mathews said because the government can build this facility, is there going to be government money to rework the roads? Is there going to be government money for more county services, for sheriff and deputies? Is there going to be more government money for schools and for other needs that are going to come up when these 96 beds are filled?

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Ms. Mathews said it was also brought up that this is to get rid of the camping at Ringold. Who's to guarantee that there are not going to be more people move in to camp? There's no guarantee.

Ms. Mathews said she has thought of the widows that live within a one- to two-mile radius of this projected facility. That's a safety concern.

Ms. Mathews said speaking of the widows, there was something mentioned about someone who had done a lot for agriculture. Her thought was the people who have done most for agriculture are these ladies and their husbands who developed the ground. Everything that my generation and on have gotten to do has been the gravy. The real sacrifice came from these women and their husbands and their families.

Ms. Mathews said it was stated at the meeting that there are not enough workers to do the work or they can't afford to put the workers on their farms. My thought was one thing that will draw workers is if you pay them more. She was told "we can't afford to pay them more because there's not enough money." Ms. Mathews said she knows that if she's not making enough money from a particular crop, then she needs to be thinking about putting in a different crop that's going to make some money. When you choose to put in a high risk crop, that's a risk you take, and I as a taxpayer should not have to be asked to supplement your operation because I in turn do not ask you to supplement my operation.

Heather Benson, 10731 Russell Road, Basin City, about two miles from the site. Ms. Benson said she is here to talk about the school district. About seven months ago, she was asked to be on the school bond committee and not once were we aware of potential growth in Basin City. We were aware of the potential prison growth at Connell. All of our schools are maxed out. The bond just passed. She listed the improvements the bond will cover. She listed the numbers of students in the North Franklin School District buildings. The superintendent has cut over \$600,000.

Ms. Benson said she has talked with Sheriff's Deputy Lee Barrow who told her the Sheriff's Department is supposed to cut \$500,000. He told her one to three officers

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are on duty between Merrill's Corner and Adams County border and Lyons Ferry down to the river depending on what the situation is.

Ms. Benson does not know what studies have been done to determine the impact on the area and on the school district, what data has been looked at that this project needs to happen. Is this based on a census or is this just based on available housing? She is very concerned because our farm is within a quarter of a mile of the location, which her children go down at least twice a day to change water on their property. She is concerned about road dangers. She would like the project to be thought of very carefully.

Byron Pugh, 12380 Road 170, Mesa. We live about two miles from the project. Mr. Pugh said what concerns me is we have a tendency to talk emotionally but we need to address this from what you as commissioners can do for us. All of the people in the room are your constituents. There is an RCW and the State of Washington is obviously pushing the H2A program. The money has been allocated. We probably at this juncture cannot reverse the funding for H2A programs but what we can do is ask the commissioners to come out and take a stance requesting that the legislature before authorizing this particular project take a distinct and hard look at all of the pros and cons of this particular site.

Mr. Pugh said we were told through the Tri-City Herald and the Franklin County Farm Bureau that this has been brought before the people, they had a large meeting, and that there was no objection to it. Therefore, the analogy is that all of us are in favor of it. That's not true. He gave an example. He said the Farm Bureau is a special interest group that is being used, maybe with their complicity, by the state government to promote an H2A worker program.

Mr. Pugh said he currently employs about 130 seasonal workers. I don't have a problem finding workers. Those workers don't have problems finding housing. To promote a 96-bed unit for H2A workers says in and of itself that we believe the H2A program will work. Personally from my own experience, it won't work. My labor costs are extreme now. Our state government promotes an ever-increasing minimum wage regardless of what the Federal government says we have to have. So I'm competing

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against states that don't have our current escalating minimum wage and I'm already over 20% higher on my labor costs than they are. H2A workers would cost me more and I have to provide housing and I have to provide transportation. So it doesn't work for me.

Mr. Pugh said that doesn't mean people should subsidize my labor costs. They shouldn't. That's my problem. If it doesn't work, plow it.

Mr. Pugh asked the Commissioners to listen to a group of your constituents and adopt a non-binding resolution because I understand you can't fly in the face of state law but you can take a position on it. He said Byron Pugh saying I'm opposed to it does not mean a whole lot. The Franklin County Commissioners in a body saying we are opposed to this site -- please take a look at it means a great deal. We can take that to our state legislators with your support.

Jan Dorman said she does not live within two miles of the facility that is being proposed. She did not know about it until a week ago. She said she thinks the one most important thing to note is that this is a different facility than has ever been proposed before. It is not a long-term family organized facility. It's more like a motel. When you have a convention or a wedding, you set aside so many rooms in a local motel and they are yours to give to who you want to give to. This has been set up with the idea the people who need it will be leasing the beds. They are responsible for who they send to this facility. If those people get into trouble at the facility or going back and forth, they are fired. It's not a case of bringing the whole family in and taking care of the kids and going to school and things like that anymore than when you go to a convention you take your whole family and ask them to entertain them. This is a business that is just for people who are working for a farmer and they are getting response from people who do contract work, like detasseling for corn seed and roguing for grass crops. They bring crews in for one or two weeks. They have to have a place to stay. These are the ones that are being interested in this facility. It's not long-term. There is not going to be play equipment for kids. It's going to be fenced. When you're there, you're under the auspices of the person who hired you. He's the one that has to check your records, has to check your identification.

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She described some other facilities. She said the proposed facility is a first time project and if it works it will be used other places because contract work is becoming more popular than it was even five years ago.

Jon Fox, 171 Road 170, Basin City. He is the owner of the trailer park at Basin City. He said it is not run down. There are some very nice people there. He wanted the Board to know if there is not a manager or owner right there on the premises, problems can happen. He gave some descriptions. He said people mean well but things happen when people aren't being watched or restricted. He said maybe in the beginning people will be fired but he does not think it will continue. He has talked to some deputies in Benton City that patrol a housing site who told him the crime rate will go up and the possibility of gangs starting will go up. He said right now it is only for the summertime but he is concerned about that changing in coming years into a year-round project.

Mr. Fox said we just want safety. He does not want this to go through.

Jodie Guilbeau, 3003 Albany Road, Othello, but I'm building a home on 400 Greenar Lane, about a mile from this proposed site. She said many of my objections and points have already been addressed. She said this is a first-time opportunity and if it works, I don't feel like being the guinea pig. I am a taxpayer and I feel I have a right to ask and expect safety within my community. She said we do not have a labor shortage. She said her children have not been able to get work with farmers because they have workers already so her children work on her dad's farm. This is not an issue of race. It is an issue of our right to expect safety and have a say in what goes on in our community. I don't want my tax dollars being spent on an experimental project. She said she does not have a problem with Mexicans per se. She does have a problem with people coming in that we do not have the facilities or the right to look into their past, to question their documents.

Ms. Guilbeau said she feels this project will bring about exactly what we are trying to prevent as far as a worker shortage. It will increase the cost to the farmers and the orchardists. Those migrants that come into this area and are not provided free housing will go somewhere else. Those orchardists that cannot afford to provide housing

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through this facility either because it's already taken or it's simply not cost-effective, they will not have the workers because that worker will not work for them without the free housing that is promised. So you will create the worker shortage that you are trying to prevent.

Ms. Guilbeau feels the Farm Bureau should be working against the burdensome policies that are legislated instead of lobbying for them. She feels the policies limit the ability to be competitive in an increasingly international market. The small family farm simply cannot continue to absorb the ever-increasing costs.

Ms. Guilbeau said I believe in the American dream. People have a right to come here. We have a better life. But I don't think I should have to work hard to provide for others. I would like to provide for my own family.

Ms. Guilbeau said I don't think the people in this room have been given a sufficient voice. If Farm Bureau spent five years studying this, how come nobody knew about this until a month ago? We are members of this community. We are the ones who are going to be living with this in our backyards and there has been no contingency plan. Questions were not sufficiently addressed at the town hall meeting that we had. People were polite, they were very articulate, they had lists of questions and concerns that they expected to be addressed at that meeting. They were not addressed. They were not prepared to answer our questions.

Ms. Guilbeau said she expects things to be looked at, pros and cons weighed on all aspects. If you're going to do a survey, not only survey the people that would be tenants of this facility but survey the people within the community. I think you will find there is a lot of objection to this. We were not given a voice.

Ms. Guilbeau said we're told this is temporary housing. We all know that it's going to be a long-term, as the Tri-City Herald article pointed out with the facility in Benton City which started out as temporary housing.

Ms. Guilbeau said she has worked in the orchards. Families come with the workers. It's fine to have the families with them but why should a farmer have to buy or rent a bed for the individual that is not helping to pick the crop? That's not fair. As far

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as who is going to manage the facility, if the farmers are going to be held financially liable or going to have to police their workers to make sure they are abiding by the rules, then the farmers ought to have a say in who is going to manage the facility. I think any applicant who is going to apply for the job of manager ought to be interviewed by those who are going to be using the facility, those who are going to be contracting for the use of that facility to provide beds.

If you don't want to buy a bed for a family, that's discrimination. It will come back on the farmer.

Ms. Guilbeau said there simply have not been policies put in place, at least that we have been informed of, that are going to address these issues. Until that happens, I think that you have an obligation for a moratorium on this or do whatever you can to hold this up until those questions and those concerns and those issues are properly addressed.

Ben Casper said he owns land north of the proposed site. First off, I don't think it's a good place to put it. It's not a place that's designed to hold people. It's farmland. It's a rural area. He told about some experiences on his farm including several wrecks caused by drunkenness, one causing a fatality, numerous break-ins over the years, and interrupting a rape. He said it takes the Sheriff's Office half an hour to get there. Sometimes the people involved are gone before the deputies arrive. He feels it will be the same situation, maybe worse because it's not in Basin City. He thinks if the Board does not take a stand on this, they will probably end up regretting it. He said it's a long period of time before anything can take place from a law enforcement standpoint.

Mr. Casper said he wonders why the county and state continually press landowners as to what they can do with their land. He said landowners can't subdivide or put houses where they want even though it's their property and they're paying taxes on it. They're told what to do with their land. He said I guess this is to prevent urban sprawl and yet that's what is going to happen with this, financed by the state and the taxpayers.

Mr. Casper said he doesn't understand why the local people will have to bear the negative aspects and the brunt of this situation that's going to help a few farmers. He

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thinks they have adequate resources on their own land. They should take care of the problem. It's their problem; it's not our problem.

Mr. Casper said it bothers me that there was no communication. He was told it has been in the works for five years. He asked do we have to be a member of the Farm Bureau in order to protect our interests? We shouldn't have to be. He said we found out about it a month ago and already it looks like it's too late.

Mr. Casper encouraged the Board to fight it and take a stand and say you don't want it there. Put it someplace where it can handle the population and where at least law enforcement can take care of it. I don't want to have to be down there sleeping overnight guarding my stuff because there's a 100-unit outfit a half mile from my place with guys coming up the road every night.

LaBerta Heiman, lives at 5560 Ringold Road. She is a widow and has lived there since 1966. We lived in a trailer. She described asking for funding to build a house and being denied because "you're the wrong color." Ms. Heiman said we want you Commissioners to work for us. Get the program stopped. Get the funding stopped.

Dave Phipps resides in Benton City. His farm location is 1600 Ranger Drive. He said we have another farm on the road less than half a mile from the facility. Mr. Phipps said he understands the county has some control over the road easement and that the road easement was looked at from High Point Road versus Road 170. Road 170 is where the true problem is and needs to be looked at and addressed. If you have a potential of 96 people driving 96 cars up and down that road, it is a double yellow line road. It is a strong curve and a strong hill coming down. Because of being a farm community, there are heavy trucks coming down the hill. If there is a backup of unexpected cars, which is going to happen, there could be tremendous accidents and problems.

Mr. Phipps said another concern is environmental issues. With a 96-bed facility, there will be large septic drain tanks and drain fields. When we contacted the county, they said they looked into that a little bit but with the high volume flow that was going to be put out also, it would end up going to the state from what he understands. Those tanks are going to be very large, much larger than a single-family dwelling. A single-family

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dwelling has well over a 1000-gallon tank. If you figure a 1500- to 1000-gallon tank for a single family dwelling, you're looking at much larger tanks and much larger wastewater holding capacity. He said a large canal is nearby that feeds directly into where the river comes up to go to the fish hatchery and right into the Columbia River. He thinks some serious environmental issues need to be looked at for the salmon and the river.

Mr. Phipps said when we talked to the state representatives, they basically always came back saying we haven't heard anything from your local commissioners or anyone saying there is a problem with this so it appears that your commissioners support this. Mr. Phipps told Mr. Miller he heard on the radio that you do support this.

Mr. Miller said I support migrant housing for agriculture, period.

Mr. Phipps said okay. He wanted to make sure if you don't support this one, this is your chance to come out and say I don't support it. Please write a letter saying as our representative commissioners of Franklin County, after reviewing all that's been said and all the safety concerns that have been brought up, there are still many unanswered concerns. Until those concerns are answered and it's looked at more carefully, we cannot support it at this time. I'm not saying never. I'm just saying at this time you can't support it because there are too many safety concerns that haven't been answered.

Mr. Phipps said they talked about how they're going to bring the people into this low income housing. They said the farmer will be the one that validates it. I have a little bit of concern with that because I believe that the person who's running the facility, just like if you went to any other motel, should ask for your license plate number, the vehicle you drove up in, ask for your current residency (where your home base is) – if that's Mexico, that's fine – also ask for a copy of their driver's license so that you know who it is and they validate that they are who they say they are, so if there is a fight or someone gets killed or murdered or something terrible does happen or vandalism, you can say in this room there were these four people and give it to the county. That will help the Sheriff's Department. Right now there's nothing like that set up. There's nothing that holds them tight. There's no way of holding the people that are staying in the room accountable.

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Mr. Miller said we can direct questions to Assistant Planner Greg Wendt and Public Works Director Tim Fife.

Mr. Miller said the RCW has a gray area on where farm labor housing can be. The RCW says "work site." The interpretation of where the work site is, whether off farm or on farm, is unclear. Mr. Miller said he and Mr. Wendt attended meetings for a couple months and asked for an Attorney General (AG) review of the term "work site." He said an Assistant AG came back with determination that a work site can be off site as long as it is in an agricultural area. That's what we would have to work on with the legislators.

Mr. Miller said the state sets the RCW that says temporary housing can be on a work site.

Mr. Miller said we have a whole other side that wants labor. He said he flew over the area from about five miles south of Basin City to about five miles north of Pasco and saw the tremendous, large orchards. In Pasco they're renovating SeaMar Motel and Travelodge for 170 seasonal workers which will be completed by next season. They're doing it here in Pasco, too. It is temporary housing. It is a state issue. He said there are migrant labor camps such as Mr. Alford's. He said he thinks the idea was that the Basin City area with the amount of orchards and agriculture needed that housing for migrant labor. When this all came because Ringold closed down, I personally thought this would be someplace for those people. Now the idea is we have so much seasonal with asparagus, detasseling, going on and on, that they can keep this place going.

Mr. Miller said he didn't tell the Farm Bureau about this meeting today. He is glad the people who are attending today came so we could discuss the points.

Mr. Miller asked the other commissioners if they had any questions or statements.

Bob Koch said I don't think I have any questions. He thanked everyone for coming in. It is a gray area. He also tried to get a read on rural worksite from the Attorney General last week but they could not find any opinion from the past and I'm not eligible to ask them for an opinion. It has to come through our Prosecuting Attorney's

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office. I have not had a chance to do that yet. I think that's one thing we need to find out for sure, what is the read on RCW 71.14A as far as rural worksite.

Mr. Wendt said he has an email from a Ringold Workgroup meeting about 2-1/2 years ago from Debra Fisher who was the head of the State Department of Health, Farmworker Housing Program. He said we raised this question on and off to her. She had meetings with the Attorney General and she verbalized a response at the Ringold Work Group Meeting. In an email, she did write down in essence the difference between what rural was, which in their minds was not urban, and work site, which was in close proximity to the rural work site. It didn't have to be on a farm necessarily. We never saw an official opinion.

Mr. Phipps said that is hearsay and is not official. He thinks it is inappropriate to base anything on that. If you read the RCW, it is very clear that it says on the work site. It doesn't say in proximity. He said the lady who is talking about it, her whole purpose is to spend this money for the state and put this kind of housing in. That's her job. She has an interest in allowing it to go in anywhere and everywhere. I'm not questioning her motives but I am questioning that she has the authority or the legal right to make that interpretation.

Mr. Wendt said he does not believe it has been challenged in court.

Kathleen West Bauermeister, 1451 West Klamath, Mesa. She has looked at the financial end of it. She will give the Farm Bureau credit in that they were trying to solve the problem at Ringold. It started out as a very modest thing that they were trying to do. Cherry pickers can be housed in tents. They proposed a very modest, like a trailer park slab, that people would come in and use, then empty and it's done. The fence could be closed and no one would have to maintain it or anything else the rest of the year. However, they thought they were doing a good thing so it escalated. Then they found out that the money was available immediately. They didn't investigate enough. They relied on the Rural Housing Corporation which is a private individual's business. They advised the state on these kinds of units. In talking to them, Mr. Spurlock told me that they have designed several around the state, not exactly like this. Ms. West Bauermeister said she

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asked Mr. Spurlock to give her the financial picture, the long-term plan, that makes it economically viable for some orchardists to come in and say I can afford to put my workers there. She said nobody will release those figures. Mr. Spurlock says they are all done. He thinks it will work. But because it's before the committee to be approved, they will not release those figures. So we contacted CTED. They said we've never had an individual ask for those figures before. We'll have to take it up with the Attorney General. Funding is due to be released on June 16. Ms. West Bauermeister would bet that decision will be made about June 30.

Ms. West Bauermeister said she asked the gentleman who has worked on this through Farm Bureau, can you give me the figures that makes this an economically feasible unit? He said well, not really. We're relying on Mr. Spurlock's figures. She asked if he has seen them. He told her he had not seen them directly but we know it will work. Ms. West Bauermeister said any farmer will figure out what it will cost, what the bottom line is.

Ms. West Bauermeister said in Benton City, they found out it didn't work so the state did a waiver and said you can make it low income housing. The bottom line is, probably it will end up low income housing out in the country where people are isolated.

Ms. West Bauermeister said until somebody can prove to me that anybody in the area can actually afford to use it, what good is it?

Byron Pugh said he wants to respond to Mr. Miller's comments. He said Mr. Miller is correct, there are two sides to the issue. He said you three commissioners who are our elected representatives need to hear both sides. What I ask is that you as elected officials then take a position. I personally want to know how each one of you stand on this situation. I do not want you to take the easy road. The easy road is to defer it to the RCW or to defer it to the Attorney General or to a Planning Commission or somewhere. That's the easy way out. This is not an easy issue and it's a long-term issue. The goal as I understand it is to have 1000 of these units in our area. This is the first one. We need to take a stand and we need you to take a stand so that we know where each one of you stand.

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Mr. Miller said I do believe in farm labor migrant housing and the need of it out in the Basin. I think we could all agree on that. Where? That's a difficult situation because if you put it by anybody's home, they're upset. I even know a place where they put it in an orchard and neighbors a mile away were upset. This is a real controversial issue. I think we need farm housing. I think there is a lot of tax base for the county. I as a commissioner, number one, want to do the best for the county.

Mr. Miller said he went to the meeting at Basin City. He went to the Ringold meetings but the Farm Bureau wasn't there. We were trying to interpret what "work site" meant. Mr. Miller said he heard both sides at the town hall meeting at Basin City.

Mr. Miller said where do you go on this? Do you want to support agriculture? We're all farmers together. The tax base is 92% agriculture land in this county, 250,000 irrigated acres. Mr. Miller said I've talked to a lot of people that need this. I understand your situation. I understand the Basin City vicinity. My job as a commissioner is to do the best for the county and safety. If this is going to be a safety issue, that is something that we have to worry about. Now, whether we can stop it or what we can do, I don't know. We can make calls, we can do whatever, but at this point I don't think we can make a law that says no migrant housing here because there's an RCW that is a state law. The county law is permanent housing but you have to have conditional use permits. Most likely something in that area may not have passed; I don't know. That is a different discussion.

Alice Didier said I'm not directly involved in this. I have a question. If down the line this is switched over to not just migrant housing on a temporary basis but becomes migrant housing per se, do you rule on that? Would you have the ruling on whether that was allowed or not? Mr. Peck said no. Mrs. Didier asked we're at the mercy then if it doesn't pay for itself and they decide to convert it to all-year-round housing, you have no say? Mr. Peck said it would be a state waiver. Mrs. Didier asked are we obligated to accept that if it was a state waiver? Franklin County would have no say?

Mrs. Heiman said how about lowering our taxes?

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Mrs. West Bauermeister said she understands this facility will pay no property taxes. Mr. Miller said he doesn't know if that is true.

Karl Eppich said I understand the need for labor housing but I don't understand why the state is putting the labor housing in instead of the individual entities or why isn't there lower interest or some kind of financial opportunity that can be captured by these individuals or farmers. We all know what happens when government institutions get involved and there is no accountability and there are a whole bunch of people who get paid and no decisions that can be made. It just seems to me when these 1,000 sites or whatever it is come up and they're all being run through government agencies, there is a whole bunch more money that will be thrown at this stuff that is not efficient, not effective, and it's just going to create more problems in the communities. I can see what you're saying about we do need labor housing, immigrant housing, whatever the case is, but I don't understand why it needs to be financed or run by government institutions.

Mr. Miller said I agree with you on that. Taxes are way too high and these are the reasons why. I understand that.

Kody Michel said he was asked to move to the farm to help Eugene Andrews out. He sold the house he lived in. The day after he signed the contract is when he found out about the migrant housing. Mr. Michel asked each commissioner to call CTED just to put that Franklin County does not really approve of this project in this location. I don't think anybody here is against migrant housing projects. The big concern – and we've had quite a few of them – is not only for the safety of the community but the safety of the people that are going to stay there and the fish in the river. It doesn't seem like anybody has any answers for us. I think that's what you see is a lot of frustration, a lot of emotion, because we talked to the representatives and the senators, and the ones that are nice enough to respond to us tell us that it's a local issue. We talk to you guys – and I don't doubt that your hands are tied on these types of projects – but somebody should have some answers for us. I would just ask that you please call them. I'm sure there are a lot of other applications for this money. It might be better served in other areas of the county. We don't know that. There might be four or five other projects, maybe not as

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big as this one. We found out it was \$3.25 million to \$3.5 million. Maybe they could fund three or four different projects that they have applications for. None of that has been addressed or looked at. Just to say that this one project, the money disappears, it goes away, that's not necessarily true. There still could be a lot of help for our county. We don't know that. I'd just appreciate it if you'd do that.

Rick Orozco, 14485 Road 170, High Point Road. Mr. Orozco said he farms and has orchard. He doesn't have high peaks in his labor so whether he ever would use it or not, he does not know. Things could change real fast. It depends on what the Federal government does. If they say they have to have good Social Security numbers, it would be full every day. If we play by the rules we're playing by now, I don't know how full that would be. If they change it like they were close to doing last year, on the other side of the canal we would probably be forced to do that. That's why I've never said anything. We would have to put our own housing on the other side if we're forced to use H2A. I hope that never happens but if it does, that's a real issue.

Mr. Orozco said he was told that the driveway would be by the spud cellar and yesterday a neighbor told him the entrance to the project would be in his driveway. He asked if anyone knows. Mr. Miller said it's High Point. Mr. Orozco said that's the only road into my house. There are real concerns about the traffic there. Between our labor flow and if that entry is in our driveway, there are blind spots and trucks going up that hill could be just as dangerous because you're going to the grade.

Mr. Orozco said just looking at the physical site, he didn't think it would ever be built on because of the amount it would cost to put a drain field system in by the canal and the slope of that ground. He said it seems like if we're spending taxpayers' money, maybe another site that was flatter and you wouldn't spend half the money moving dirt might be more efficient use of taxpayer money.

Mr. Miller asked is it fair to say you're opposed? Mr. Orozco said I'm in a really hard spot because I think there are going to be real needs for it. I don't think that's the best site for it. I'm not against it. I think it would be nice if there was a little more time to find a better spot for it. In spending taxpayer money, I think we could spend it in a

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different site and we could have a better facility in a different spot for the same price, or more, if that's what happens. That's not a very price-effective building site in my opinion.

Mr. Miller closed the discussion.

Mr. Koch said there are two things we could hopefully do. One would be to talk to the migrant housing authorities with a letter or something suggesting they look further into this before they wrap it up as a final approval. There are a number of issues we haven't seen and we probably never will see because of what their authority is but at least we could go publicly and ask them to slow down. Secondly, when the legislature meets next spring we could get a reading on this RCW for future consideration.

Mr. Peck said as a point of clarification, Commissioner Koch, I'm interested in knowing when you say slow this thing down, should we interpret that as you support this project in the long run but just want more time, or do you think there are questions on the table that must be answered before this can go forward and the legislature is the right place to get those answers? The reason I ask is to find out whether you and I are in agreement, because if we are, two commissioners can make it happen.

Mr. Koch said I think we should make it known from this board to the Migrant Housing Board that there are more issues that need to be looked at than what we are seeing. I don't know if we're seeing the whole thing or not. I don't know how to answer that in its entirety. I think we should at least put a position point as to where I am anyway on it. I think there are questions that need to be answered before this is finished. I'm not against farm housing by any means. I just think this particular spot needs to have more discussion.

Mr. Peck said so you're saying that you have not made a decision for or against; there isn't adequate information? Is that correct? I just want to be sure I understand what you're saying. Mr. Koch asked that I'm not for or against what? Mr. Peck said this particular project at this particular site. Are you saying that you're opposed to this project at this site or you're still undecided and you need more information? If I'm putting words in your mouth, please correct me because that's not my intent.

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Mr. Koch said with what I have heard today, without being a health department or something to say it is the wrong spot, I'm not in the position to verify. That is why I just mentioned that I would like to have some verification of why they decided to put it in this spot.

Mr. Peck thanked Mr. Koch for the clarification.

Mr. Peck said I spent some time at the site meeting with people and trying to collect as much information as I can. As with any issue this contentious, you've got people on both sides. Some of the arguments on each side have merit and some are largely concerns that we won't know if they're unfounded or legitimate concerns until we get years down the road. So it comes down to assessment and judgment and foresight and all the things you expect out of us as your elected leaders.

Mr. Peck said he has a list of things that he has made notes of. He wants to share some of his concerns about the project.

Mr. Peck said the first is the old saying that there's no free lunch. I think when the state gives you money for anything, you've misread their intent. I don't believe the state gives you money for anything. I believe the state provides money for projects that they believe are in the best interest of your site, your area. I'm not convinced that the state knows frankly what's best for Franklin County. I'm not particularly pleased about a process or a law that effectively ties the hands of local elected leaders who are closest to you and are supposed to be accountable to you. How can we be accountable to you if we don't have the authority to make decisions in one direction or another? They kindly left us three considerations: the height of buildings, the setback distance, and access from the highway, but frankly I think a project of this potential magnitude, those border on non-involvement on our part. It doesn't really give us a say.

Anyone who has attended very many of these Board meetings knows that I have a real pet peeve with what I call entrepreneurial government. It's when the government uses your tax dollars to promote a project or activity or business and those tax dollars provided by Taxpayer A benefit Taxpayer B when these two are in competition with one another. Mr. Peck gave an example.

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Mr. Peck talked about legislative intent. He doesn't care for Attorney General or his assistant deciding what the legislators intended. He said in this particular case he thinks you had it right when you said there's a potential conflict of interest. When the advocates for a particular project or program are the same ones who are making the interpretations of the legislators' intent, that's mighty convenient. It doesn't fully address both sides of the issue fairly, equitably and in an open discussion. That can be done with the legislature next year or it can be done in the courts. My guess it is will end up being one or the other, potentially both.

Mr. Peck said he does not like the idea that a project like this doesn't generate the funds necessary to provide the public services, whether it's law enforcement for the Sheriff, whether it's health department oversight, or whether it's National Marine Fisheries consideration for endangered species of salmon in the Columbia River. The list goes on and on. It's not to say that these issues can't be resolved, or that they can't be worked out. It is to say that they haven't been resolved and they aren't worked out. It is conceivable that those answers can be achieved and the majority of citizens in the county can be satisfied that those things have been addressed but we aren't there today.

Mr. Peck said he understands this particular project has been in process for five years. While I am always reluctant to play the new guy card, the fact that it's been going on for five years and I'm a resident of the area who reads the newspaper carefully, not to have more awareness concerns me. He believes there should have been a whole lot more public discussion sooner.

Mr. Peck said he has already somewhat addressed the issue of trading one-time state dollars for future unfunded costs. He said the county budget is already sufficiently challenged for us to endorse, either by overt action or by our silence, that would cause us to bring further burden on the county budget with unfunded expenses this would probably bring.

Mr. Peck said he believes the temporary nature of the seasonal workers would cause this place to be vacant the majority of the time, which I believe would lead to

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financial difficulty, which in turn would lead to the state issuing a waiver for it to be used as Section 8 housing, which I think puts us on a bad road.

Mr. Peck said one earlier discussion I heard on this subject prompted me as a board member of Benton Franklin Council of Governments (BFCoG) that participates in the process of issuing low interest loans for a variety of projects that are aimed toward economic development, I actually steered this group toward the BFCoG encouraging them to seek low interest loans to fund this program as opposed to taking state dollars. My initial instinct was the state doesn't give you money, the state hands you back some of the money they already took from you, and in this case they're doing it in exchange for more control than I think they ought to have at the local level.

Mr. Peck said I'm pleased my fellow commissioner, Commissioner Koch, shares my concerns. I would not be opposed to a letter or resolution or something of that form of an official nature from the Franklin County Board of Commissioners to the state thanking them for their interest in our housing needs, acknowledging that we do need safe, adequate housing for our farm workers, that it is a large part of our state's economic vitality, and ask them to set this money aside and hold it for us to give us the time to follow down this path and find out if this is the right site. Frankly, I would be much more interested in seeing two or three smaller sites that are on farm or on site as I think this legislation was initially intended for. I'd like us to have the time to go back to the legislature and find out if it was their intent. If it is, then I think we can all come to agreement pretty quickly. If it's not their intent, then we probably still have some more discussion.

Mr. Peck said his last point is the County Commissioners are closest to this issue but ironically perhaps have the least say. Your state representatives in the House and Senate need to hear from you as well regardless of your position, for or against.

Mr. Miller thanked the people for coming in. He said he is sure there will be more discussion.

Ms. Guilbeau said she has contacted state legislators. One did not respond, one responded with a form letter, and one responded with help.

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Recessed at 11:18 am.

Reconvened at 11:35 am.

COUNTY ADMINISTRATOR

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

Resolution establishing a uniform work week from 40 hours per week to 37.5 hours per week for the Sheriff's Clerical employees, applying appropriate accruals and implementing a new salary matrix, with Dispatch remaining the same as stated in the Collective Bargaining Agreement

Mr. Bowen asked for approval of a resolution affecting a union contract.

Motion – Mr. Peck: I move we approve the proposed Addendum to Collective Bargaining agreement between Franklin County, Franklin County Sheriff, and United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW), Local 12-369, on behalf of Sheriff's Clerical and Dispatch employees, establishing a uniform work week at 37.5 hours per week, applying appropriate accruals and implementing a new salary matrix. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-203.

Adjourned at 11:43 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 3, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed June 15, 2009.