

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 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.

TRAC

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

Revised Draft 2009 TRAC and RV Park Budget Forecasts

Mr. Woody has prepared a revised draft 2009 TRAC Budget forecast using the absolute worst case scenario and a draft 2009 RV Park Budget forecast. He will review the materials with County Administrator Fred Bowen prior to preparing the documents in final form.

Mr. Peck asked if the RV Park rate change is affecting the budget numbers at all. Mr. Woody said he thinks it does a little bit. It is the one trend that seems to be going up, not down. Mr. Miller asked about the occupancy rates. Mr. Woody said there is currently a waiting list.

Arena Rock Picking Plan 2009

Mr. Woody said Public Works found out that Lincoln County has a portable sifting machine. TRAC will plan to use the machine one weekend probably in March 2010 to sift rocks from the dirt. The cost is expected to be between \$1500 to \$2000. He does not want to incur the expense this year. The work will probably be done after an event like a Monster Truck show when the dirt is already in piles. It is a portable sifting machine with a diesel motor. A loader brings dirt to the machine.

Mr. Peck said the fine dirt sifts down but the rocks don't actually raise up. He asked if a membrane or some type of layer could be put in place to keep the rocks from being on the surface. Mr. Woody said he is sure it could be done but there is not a good way to do it without putting in concrete. The concrete layer would need to be about 18 inches to 24 inches in depth.

Events

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

The Northwest Desert Classic Rodeo and a Jehovah Witness Convention were held this weekend. The annual Cougar tailgate party and the Jordan Circus will take place this week.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Dalina Castellanos.

Consent Agenda

Motion - Mr. Peck: I would move approval of today's consent agenda for Monday, June 8, 2009:

1. Approval of *Voluntary Transfer of Annual Leave Request*, per Resolution 2001-246, for Sara Duncan (Clerk's Office) to transfer 7.5 hours for Shirley Belisle (Clerk's Office).
2. Approval of **Resolution 2009-213** in the matter of reappointing Forrest Alexander to the Benton-Franklin Workforce Development Council to fill the B-15 position for Business representation, with said term expiring June 30, 2012.
3. Approval of **Resolution 2009-214** in the matter of reappointing Robert Bertsch to the Benton-Franklin Workforce Development Council to fill the B-14 position for Business representation, with said term expiring June 30, 2012.
4. Approval of **Resolution 2009-215** in the matter of reappointing Victor Cruz to the Benton-Franklin Workforce Development Council to fill the B-30 position for Business representation, with said term expiring June 30, 2012.
5. Approval of **Resolution 2009-216** in the matter of reappointing Todd Dixon to the Benton-Franklin Workforce Development Council to fill the B-1 position for Employment Services representation, with said term expiring June 30, 2012.
6. Approval of **Resolution 2009-217** in the matter of reappointing James Egan to the Benton-Franklin Workforce Development Council to fill the B-6 position for Small Business representation, with said term expiring June 30, 2012.
7. Approval of **Resolution 2009-218** in the matter of reappointing Robert Kelly to the Benton-Franklin Workforce Development Council to fill the F-23 position for Business representation, with said term expiring June 30, 2012.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

(Clerk's Note: Item 8 was missing in error. It was approved by a motion following the motion approving the consent agenda.)

9. Approval of **Resolution 2009-220**, Interlocal Cooperative Agreement between Franklin County and Adams County for general equipment and/or services through their Department of Public Works.
10. Approval of **Resolution 2009-221**, Interlocal Cooperative Agreement between Franklin County and Benton County for general equipment and/or services through their Department of Public Works.
11. Approval of **Resolution 2009-222**, Interlocal Cooperative Agreement between Franklin County and Chelan County for general equipment and/or services through their Department of Public Works.
12. Approval of **Resolution 2009-223**, Interlocal Cooperative Agreement between Franklin County and Columbia County for general equipment and/or services through their Department of Public Works.
13. Approval of **Resolution 2009-224**, Interlocal Cooperative Agreement between Franklin County and Garfield County for general equipment and/or services through their Department of Public Works.
14. Approval of **Resolution 2009-225**, Interlocal Cooperative Agreement between Franklin County and Grant County for general equipment and/or services through their Department of Public Works.
15. Approval of **Resolution 2009-226**, Interlocal Cooperative Agreement between Franklin County and Lincoln County for general equipment and/or services through their Department of Public Works.
16. Approval of **Resolution 2009-227**, Interlocal Cooperative Agreement between Franklin County and Walla Walla County for general equipment and/or services through their Department of Public Works.
17. Approval of **Resolution 2009-228**, Interlocal Cooperative Agreement between Franklin County and Yakima County for general equipment and/or services through their Department of Public Works.
18. Approval of **Resolution 2009-229** authorizing expenditures in the amount of \$1,675 utilizing funds from the Miscellaneous Trial Court Improvement Fund, Number 128-000-001, line item 594.12.60.0000 (Capital Expenditures), as requested pursuant to the letter from the Trial Court Improvement Fund

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Authorization Committee, for Imagenet to transfer scanned County Clerk case files to their on-line Datanet site repository.

19. Approval of **joint Resolution 2009-230** in the matter of execution of a Professional Services Agreement , Number PSA-09/12-EDNETICS, between Ednetics, Inc., and Benton and Franklin Counties' Department of Human Services, effective March 1, 2009, through February 29, 2012, and authorizing the Chairman to sign said agreement on behalf of the Board. (Exhibit 1: Information sheet.)
20. Approval of *Voluntary Transfer of Annual Leave Request*, per Resolution 2001-246, for Dennis Huston (Public Works) to transfer 49.5 hours to Shanna Calderon (Auditor's Office).

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

Motion – Mr. Peck: I'd move approval of reappointment of Mr. Mark Reavis to the Benton-Franklin Workforce Development Council to fill the F-24 position for Business representing Labor. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-219.

A man joined the audience.

Vouchers

Motion – Mr. Peck: I move approval of 2009 vouchers for June 8, 2009, for the Franklin County RV Facility in the amount of \$33,225.06, warrants 18115 through 18124. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 2)

Kent and Jane McMullen and Mary Manterola joined the audience.

Rescinding a Voluntary Transfer of Annual Leave

The County Clerk has requested approval to withdraw a voluntary transfer of annual leave of 15 hours that was approved last week for Melissa Larios. The employee requested that it be rescinded because of personal reasons.

Motion – Mr. Koch: I move that we allow Melissa Larios to remove her donation to Shirley Belisle of 15 hours. Second by Mr. Peck. 3:0 vote in favor.

COUNTY ADMINISTRATOR

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

County Administrator Fred Bowen met with the Board. Present in audience: Dalina Castellanos, Mary Manterola, Angie Manterola, Kent and Jane McMullen, Steve Cooper and one other man.

Executive Session at 9:40 am expected to last 10 minutes regarding contract negotiations based on RCW 42.30.140(4). Those in the audience left the meeting.

Open Session at 9:53 am.

Recessed at 9:53 am.

Reconvened at 9:58 am.

HUMAN RESOURCES (HR)

HR Director Rosie H. Rumsey met with the Board. Present in audience: Dalina Castellanos, David and Angie Manterola, Mary Manterola, Kent and Jane McMullen, Todd Merrill, Steve Cooper, and three other women and three other men. Other people joined the audience as the meeting progressed.

L&I Retro Pool MOU

Ms. Rumsey gave the Board copies of some L&I Retro Pool information regarding recapturing a portion of Worker's Compensation premiums. Franklin County belongs to the L&I Retro Pool. Sedgewick is the third party administrator of the county's L&I claims. The Board reviewed a proposed language change regarding "duty to cooperate" in the Memorandum of Understanding (MOU). Ms. Rumsey asked the Board to review the language change prior to placement on the consent agenda to approve the annual renewal to WSAC and Sedgewick. She explained additional information about the L&I Retro Program.

Ms. Rumsey answered Mr. Bowen's questions about the use of the third party administrator. She feels the work done by Sedgewick is valuable to the county. The county was required to use a third party administrator for several years. The number of claims is less now than in the past.

The Board members asked if the county still needs to use Sedgewick. The paperwork says a decision is required this week but Ms. Rumsey said she has obtained an

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

extension until June 30 to make the decision. She asked the Board to make a decision by Monday, June 15, because it takes awhile to assemble and deliver the required materials.

Mr. Peck said he can see why we were paying an extra amount of money to get things straightened out in earlier years, but now that things are straightened out and claims are down, he doesn't want to throw away county money.

Mr. Koch said Tonia Sugarman from the Risk Pool will be at the WSAC meeting this week so Board members could talk to her individually.

Ms. Rumsey asked the Board to provide her with any questions they have before Monday.

Recessed at 10:11 am.

Reconvened 10:26 am.

RURAL HOUSING AND FARM WORKER HOUSING

David Spurlock, Housing Development Specialist, met with the Board. Present in audience: Those listed on sign-in sheet (Exhibit 3) including Dalina Castellanos, Lisa Avery, Kent and Jane McMullen, Mary Manterola, Angie and David Manterola, James Alford, Ramona Rommereim, Tracy Smith, Desiree Hall, Todd Merrill, Steve Cooper, David and Miranda Morgan, Jochen Engelke, Rosalinda Mendoza with Washington State Farmworker Housing Trust, Mike Corrales, Bob Whitelatch with RC Farms, Stacy and James Gilmore with Stacy Gilmore Farms, Jeff Gordon with KVI, Mark Wieseler, Cully Easterday, Dan Holmes, O____, Lori Hayles, Dan Schneider, Jody Barker, Leonore Rico with OIC, Israel Delamoro with OIC, Dr. _____ with OIC, J___ with OIC, Jeff Robison with OIC, Gilbert ____ with OIC ____, Adam MacHugh, Dick Evanoff, Alfonso Garcia, Keith Middleton, and Al Watson with the Richland Housing Authority. There were at least 35 people present when the meeting began. Others joined the meeting as it progressed.

Mr. Miller introduced the topic of the meeting and invited Mr. Spurlock to speak.

David Spurlock, Office of Rural Farmworker Housing, 1400 Summitview, Suite 203, Yakima, Washington 98902. Thank you, Commissioners, for allowing us to have this meeting today. We called the office and wanted to set the meeting up because we

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

heard about the opposition having their meeting. Some questions came up in that meeting so we wanted to have our opportunity to appear before you to answer any questions the Board may have or to address any issues that the Board may have. We know that at the last meeting there was a motion made and I believe it was seconded for writing a letter to CTED. I don't know if that has taken place yet. We wanted you to hear the other side of the story, for lack of better words, hopefully prior to sending that off.

Mr. Spurlock said the company he works for is a nonprofit housing developer located in Yakima. We work pretty much all over the state of Washington. We've been in business since 1979 developing affordable housing. Farmworker housing is one of those but we also do other types of affordable housing. At the end of this year we'll probably be up to around 1300 units since our company started as far as very similar types of developments to this one that we've done around the rest of the state. We assist, whether it be growers or other nonprofit organizations, housing authorities, in developing their housing.

Mr. Spurlock said he has spoken to two of the commissioners. He said if anyone has any questions regarding the project, he is willing to answer them, and would also like to address any concerns the Board may have.

Mr. Miller asked if the Board members have statements they would like to make now. Mr. Koch did not. Mr. Peck said he will reserve his right to ask questions later.

Mr. Peck said he tried to help Mr. Spurlock identify some low interest Federal funding. Mr. Spurlock said Mr. Peck has helped his office look at some pre-development funding. He thanked Mr. Peck for that assistance.

Bob Whitelatch, RC Farms/_____ Winery, 1031 Glenwood Road, Pasco. Mr. Whitelatch said his farm is within sight of the project. He is not exactly a next-door neighbor but he is a neighbor. He thinks it's long overdue. He thinks it's a project that we should support. It's the right thing to do. We should do it immediately, now.

Gilbert Alaniz, works for OIC of Washington. Mr. Alaniz said he is in partnership with the Farm Bureau and Mike Gempler's Growers League. We do training

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

for agricultural workers throughout the state. Mr. Alaniz said there is a great need for this housing for migrant workers. He said we have a shortage of housing throughout the state of Washington so he would hope the Commissioners would take this project in consideration.

Mr. Peck said I've had people tell me that even low cost housing that this represents is still a financial burden and that many of the workers would opt to keep the money in their pocket and not use it. He asked Mr. Alaniz if it is his understanding that that is really not a valid observation since this has been described as a project where the farmers would pay the rent, not the workers.

Mr. Alaniz said yes, he does agree with the project, because he thinks if there was a scale fee of some kind, agricultural workers or migrant workers would be more than glad to do something like that, and we have them throughout the Catholic Charities, migrant housing where they pay a scale rent. I think they would be willing to do whatever is needed to do to have decent housing. I'm more than sure that a lot of the farm workers we work with would pay their share of costs just to be able not to live in their cars or the riverbanks.

Cully Easterday spoke in favor of the project.

Adam MacHugh, 200 Frontier Lane. We are in favor of this project because we need the workers. We need them to have a nice place to stay. I think a well-maintained area for these people would be greatly appreciated.

Ed Skelton, 1059 Cottonwood Drive. I came here today in support of this because I do have farmworker housing myself. The point I want to make here today is I think we should take a look at what Chelan-Douglas is doing and make it a little bit easier in this county to get this done. I've been through the process. I think it's cumbersome and it needs to be tailored to this county. I think we need to be more progressive.

Rosalinda Mendoza, Washington State Farmworker Housing Trust, 1402 3rd Avenue, Seattle, WA. Ms. Mendoza said the Farmworker Housing Trust is a statewide nonprofit that has united growers, farmworker advocates, housing providers and other concerned citizens to address the need of safe and decent housing for farmworkers in

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Washington State. Agriculture is one of the major pillars of Washington state's economy. It has a larger economic multiplier than both aerospace and the software sectors. If we want our growers in Franklin County to remain competitive in a global economy, they need a stable and very skilled workforce and housing does that. Apart from providing a stable workforce, housing also gives children the chance to succeed in school and in life, which all begins with their family being able to afford a safe place to live in.

Ms. Mendoza said our board is comprised of growers and advocates. They have been debating for a long time about where housing should be placed. Many people believe housing should be in the community where it's close to services, while others believe it should be on the farm or near the farm. We recognize this is no easy task. The Trust board supports the full spectrum of farmworker housing if we want to solve this. We're just amazed that people in this area are trying to address this need and so the Trust really supports this development and we support the work of the people who are trying to ensure that everybody has the opportunity to live in safe housing.

Mr. Peck asked since you work with farmworker housing development and farmworkers on a regular basis, what has been your experience in terms of those two dynamics? Which tends to be more successful, the housing that's located near services or housing located near the worksite? Ideally it would be both of course.

Ms. Mendoza said yes. For example, Douglas and Chelan has done a combination of both and they have been very successful. Some is community-based for people who live year-round in the area that want to live in the community, whereas others that come in just, for example, especially for the cherry harvest season, where people want to live near the farm, especially because with the cherries you want to be right there in the morning and when it gets too hot, you want to take a break and so forth. So a combination of both would be ideal. Chelan and Douglas have done a really good job and both of them have worked well.

Mr. Peck said what I think I heard you say was it varies by situation and for the high value soft fruit type of crops that we're talking about here, cherries in particular, that your experience says that the preference is to be as close to the work site as possible?

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Ms. Mendoza said correct, yes.

Dan Schneider, 2122 Ironwood Road. Mr. Schneider said I'm not a direct neighbor in location but I can see this would be very beneficial to our community. Especially having management from Farm Bureau directly having an on-site manager there would be excellent. I can give a very good example of a well-maintained labor housing unit on Glade Road between Cedar and Dogwood next to my folks' where we farmed. I grew up there. I think it was installed in the mid-'70s or so. It is very clean, very useful, actually kind of a benefit to the community. There have been no problems whatsoever. As a well-maintained housing unit, I think it's a thumbs-up for me.

Jody Barker said he runs a labor crew and farm in Connell. I'd just like to bring up a great need for this, not only in the aspect of the orchards, but a lot of my work is in the rotational crops. I cross the gamut of everything so I see a great need for it. The housing is just a great challenge for short-term workers here. I'd like to just say there is a great need for it.

Mr. Miller asked Mr. Barker if he has housing for migrant labor. Mr. Barker said no. Mr. Miller asked where do they stay? Mr. Barker said a lot of people rent places, rent motels. He said it is very challenging for such a short-term stay, moving around from farm to farm and location-wise, so something like this I think would be a great, great tool across the board of the whole farming community in the area.

Mr. Miller said he grew up near Mr. Barker, between Connell and Othello. He asked Mr. Barker where do most of those people stay? Mr. Barker said in the towns, rent houses or rent trailers, or some if they're more on the real short-term side will stay in motels. There's no real specific place. Sometimes they will rent places out in the irrigation blocks. It's just very challenging for the short term.

Jochen Engelke, 2061 West Klamath Road. I'm a small scale operator, diversified, with a small cherry orchard. I'm heavily reliant on a strictly seasonal workforce or their support to pick my cherries. I still do all the other work myself but I can't do the picking. The reason I support this – and I've worked with members of Farm Bureau and other organizations over the years to try to put this together or determine what

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

to do in this case. A lot of it is simply driven by visa requirements as well. In my own opinion, the horse is being tacked backwards in all of this because of the inaction of maybe Federal legislators to pass a comprehensive immigration reform package and a guest worker program and the like that would actually tell us what the future looks like and what we are to do or not to do with a future agricultural work force.

Mr. Engelke said saying that, the crops are here, they're growing, they have been here, and we're held to do something at this time. Even though I do not personally support and never have supported fixed infrastructure (housing) for a strictly seasonal work force that comes through the area -- and I have expressed my opinions when asked to comment to the Legislature on this -- but the law is what it is and the funding that was set aside by the Legislature didn't specify it this way and it was made available.

In my particular case and in the case of many other smaller growers, why I was very much interested to participate with Farm Bureau on this is because this is a venue that provides space for seasonal workers to more than one individual grower. I absolutely do not support taxpayer funding to individual operators. In my opinion it skews the competitiveness and is a misappropriation of taxpayer money, where in this case, at least the way the business plan looks, it would provide a broad spectrum of growers of all sizes without discriminating specifically to house their workforce as demanded by present-day visa statutes.

Mr. Engelke said there are many aspects that go around it and I've also communicated with the opposition on this project. I can't help but think that a lot of it is emotion that flows into it beyond just reasonable argument and fact.

Antonio Daniel with the Washington State Migrant Council spoke. We work for the Migrant Head Start Program. We started about a block from here back in 1965. We had three centers here. We have another center in Basin City. I support the migrant housing because I know what it is when migrants come, they are going to need a place to live, especially if they have children. I support the housing 100%. We've been involved in housing in the State of Washington. We helped the County Commissioners in Walla Walla to rebuild a camp. We got the grant and did a need assessment. We got a special

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

consultant from D.C. to come and help us. We also have worked starting at the Navy homes here in Pasco. That's why I'm 100% in support. I would appreciate it if you would let these people live in those kinds of housing. I will do the partnership with any kind of growers, Bureau, or any other group that's involved in housing and education. I live in Sunnyside, 6391 ___ Road, but I have lived most of my years here in Pasco, between Pasco, Franklin County and Yakima County, and I cover the whole state. The partnership coordinators have to deal with Federal projects on schools and with Employment Security because of a court order. I am familiar with the migrant situation throughout the state from Lynden to College Place and all other parts clear to Okanogan.

Israel Delamora, working with the OIC of Washington, address 5010 Sinai Drive, Pasco. I first talk to people when they come as migrants looking for housing. It is tough. I'm in support of this. As far as discrimination, they come to work for this grower or this other grower, as far as the politics in the housing, I wouldn't know anything about it, but what I hear from them is they come here to work. They do discriminate when they say, hey, I've been treated good at this farm so I'm going to go work for this farm. They are loyal sometimes. But as far as the housing, their need, I work with the MSFWs here at Work Source. We go out and see a lot of people living in their cars, partly trying to save money and the other is they can't find affordable housing.

Dan Holmes, 3443 Birch Road. This migrant housing is something that's been needed in this county for a long time, especially for the seasonal workers. Long-term workers, that's another thing. I hope you see fit to let it go through.

Angie Montejano, 730 East Spruce in Othello. I've been working with the Washington State Migrant Council for 13 years as a family service worker. We have about 150 families we serve with 221 children. All of them are migrant. We have very few seasonal families there. There is a great, great need. People don't understand the need for housing in our community. We have no housing for them. There are two, three, four families living in little houses. Some are not livable. You have to see it to humble yourself and to actually see where these people have to live. I'm for the housing project.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Leonore Rico, 427 North Cedar Avenue in Pasco, working for OIC of Washington. Our office serves Benton, Franklin and Walla Walla Counties. We provide employment training, job placement and housing assistance to migrant and seasonal farm workers. This year we have seen a great increase in the number of workers moving into our area due to the current economic conditions in our country. Many people are moving back into agricultural work and this is bringing a lot of people into our area that are not familiar with housing resources so we have a lot of people referred to our office who are in need of housing. Most of the adequate housing is already full so people are staying in their cars already and camping. We feel that this is going to increase this year. I think it's a trend that's going to continue over the next few years until our economy stabilizes again.

Ms. Rico said I grew up in the Connell area and worked in agricultural work. Housing has been an issue for a really long time, as long as I can remember. I think that unless we stand up and start doing something about it, it's not going to fix itself.

Ms. Rico said also there have been concerns about crime and other things, but I feel any time you have something that's organized, well-planned and well-managed, those issues do not happen as frequently. When we allow people to camp and there is not organization and there is not supervision, we have more issues.

Mr. Peck asked how would your organization define "adequate housing?"

Ms. Rico said adequate housing: running water, working sewer systems, areas for cooking, for bathing, utilities, electricity – the basic needs that everyone has, whether they're a farmworker or not. I think we all have the same basic needs and if we can provide those basic services for migrant workers, I think that it pays off for everybody in the community.

Mr. Peck said I noticed that you did not include costs in there. How come? Obviously there's adequate housing by your definition if price is not an issue. Speak to costs, if you would.

Ms. Rico said cost is an issue. We have resources available sometimes to help people and other times we don't. When the need is great, people can work towards that.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

When they know what their cost is going to be for adequate housing, they can work at trying to afford.

Mr. Peck asked what in today's market for basic clean, safe housing is affordable and who do you think should pay that?

Ms. Rico said I think right now there are existing scales for what is paid for housing based on the Housing Authority. I think that's a good start to try and determine that. I'm not an expert on that. Right now we have people that are paying a lot of money. Because of the housing situation, we have a lot more people moving back into rental units and I feel like that's starting to drive up the cost for housing for people. I'm not the expert on that. What I do know is that there are definitely people in need. There are people who are more qualified than I am to say what is affordable.

Mr. Peck said there is a lot of discussion about the need for housing. I don't think anybody disagrees on that. When we start getting down to the real issues – what constitutes adequate housing? What's affordable? Who pays for it? – then suddenly the interpretations and definitions start to change. I'm not trying to point you in a particular direction at this point. What I'm trying to do is shed some light that what is adequate to one person is not to another and cost is a big factor here and who's paying that cost. He said Mr. Engelke made a comment about putting this on a single farm and the disproportionate benefit to a single farm being derived from taxpayer dollars to fund a project is a concern that he has. I'm just trying to get some dialogue about the fact that “adequate” means different things to different people and we're going to have to at some point decide what that is.

Ms. Rico said right, and the thing is that in the end we all pay for it, whether it's we pay for it now or we pay for it later. We're all taxpayers.

Mr. Peck said the way this is working now, that's true, since all the money that the state is giving us is not the state's money. It's your money that they're giving back. So you're absolutely right.

Angie Montejano said they're paying right now \$500, \$600. We do home visits on these families. Some of them live in little travel trailers that you can just

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

(demonstrated by taking a step in each direction) – there's the restroom, here's the bedroom. They're willing to pay the rent but there's nowhere to go. They're paying already \$500, \$600, \$700, and it just makes our jaw drop because that's one of the things we ask is how much do you pay in rent? I don't know why some of these places haven't been condemned. But there's nowhere for them to go. They're willing to pay the market rates for rent because there's nowhere to go. They don't want it for free. They know there's going to be rent.

Mr. Peck said I hope you didn't take my comments that way. What I'm trying to do is get exactly to the kind of information that you have that, frankly, I don't, because I don't have firsthand experience with rentals. You're saying \$500, \$600, \$700 a month or for the two weeks that they're there?

Ms. Montejano said this year we have seen a big influx on migrants. They're coming from Texas, California, Tennessee. When they migrate out to Basin City to the farm work, they hit us first because we're the child care provider and they need child care for their kids. Their income bracket is really low, they have these kids, and they're looking for somewhere to stay. There's nowhere there at Basin City.

Mr. Peck asked is this semi-permanent or temporary housing?

Ms. Montejano said a lot of it is going to where they're staying there, they're making that home base.

Mr. Peck said what I'm hearing you say is it's not a cost issue. Even if they could afford whatever the market was, it's just not available?

Ms. Montejano said there's nowhere.

Mr. Peck said thanks for speaking up because that's the kind of information I'm trying to get to.

Mr. Spurlock said I think I can clarify a little bit more where you're going, about what is affordable. Under any of the Federal or state funding sources, what they deem as affordable is 30% of your income is what you should pay for rent. You should pay no more. He thinks even at banks the rate is 30%. The situation we're running into is a family shouldn't pay more than 30% of their income to be deemed affordable for any kind

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

of rental. What is unfortunately happening is due to lack of housing here, they are pushed into other types of housing that would not meet that criteria. They're paying more than 30% of their income. Especially when you're a seasonal farm worker, your income levels are not that high.

Mr. Peck said I understand the concept. From a personal finance standpoint, it gets dramatically skewed when you go to the two extremes of a budget, someone who's living at the poverty level versus somebody at a much higher level.

Mr. Spurlock talked in general about the area median income and target population. He said most of the families served are within the 30% or 50% range of the area median income. They are poverty level.

Mr. Peck asked him to use the formula and put a number on it.

Mr. Spurlock said it would be what the market rate is and what they should be paying. He does not have the number with him but could get it.

Mr. Peck asked if we're talking 50% of the average median income and 30% of that for housing burden, what does that equate to? Do you know offhand what the median is? Mr. Spurlock said he does not. It's different for every area. He has the information in a file for this project. Mr. Peck said it would be interesting to see how that factors out compared to the numbers we are talking about because this is not being offered up as family housing as I understand it.

Mr. Spurlock said in this project, no, it's not marketed towards family housing. Can it support families? Yes. The original concept behind it was to market it towards growers. The Housing Trust Fund does require us to leave 10% set aside for walk-ins for community-base so 90% of the beds would be dedicated fully for growers in this case, as the project concept has been put together. So nine beds in this case would be available for anybody that would qualify as an agricultural worker to rent that bed.

Mr. Peck said don't ascribe too much meaning to my words at this point but just in terms of shedding light on the subject, if we're talking \$300, \$400, \$500 a month for a family and we're talking \$300 a month for an individual, they're probably on par. In fact, \$300, \$400, \$500 a month for a family is low compared to the cost of this project. Don't

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

put too much meaning to that; all I'm trying to do is create awareness of the numbers and what we're really talking about.

Mr. Spurlock said usually when other models like this have been put together, like Chelan and Douglas County, if you have a family of four, you're not paying for those four individuals, you're paying a family rate versus an individual rate.

Mr. Peck said so the individual rate we're talking about is roughly \$300 a month.

Mr. Spurlock said at the current proposal, to make it cover its budget, for lack of a better word, nine dollars a night is what we've looked at. That's being fairly conservative as we look at the budget. Depending on the interest, the marketability, of course the more use it gets out of it, it could go down.

Mr. Peck said I'm not digging into numbers just for fun. There are some people who have suggested that if this isn't viable and it doesn't pay for itself and it's too expensive for the market and it isn't perceived as affordable, then it won't be used and it won't be filled, and if it's not filled then it becomes within the state's legal authority if they wanted to waive it and allow it to be Section 8, they could do that. So in terms of understanding both sides and trying to weigh both sides, that's what I'm getting at with all these numbers is how viable is the project.

Mr. Spurlock said I think there's some misinformation going around the community especially about the Section 8 program. With this project being funded by the Housing Trust Fund, they make us record a 30-year covenant with the property that says it can only be used for seasonal farm worker housing.

Mr. Peck asked who's "they"?

Mr. Spurlock said the State Housing Trust Fund, Community Trade and Economic Development (CTED), requires us to sign that covenant.

Mr. Peck asked, and you're aware that CTED could change that if they chose to?

Mr. Spurlock said they possibly could. It is rare. It is extremely rare.

Mr. Peck asked have they ever done that in the State of Washington?

Mr. Spurlock said we've developed about 1300 units. I can think of two developments that I know of.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Peck said that's my point. Not only do they have the authority; it's actually been done. All I'm trying to get to – and again, I'm not pushing one way or the other. I'm just trying to cut through a lot of the rhetoric and say you can tell me that it isn't going to happen, but the fact of the matter is it has. So when people tell me that could happen, I can't ignore that point of view.

Mr. Spurlock said in Section 8 it could not but it could be –

Mr. Peck said you just did it again; you said Section 8 it could not.

Mr. Spurlock said Section 8 is a completely different program.

Mr. Peck said the State Attorney General's Office says that yes, CTED through the Governor's office has the authority to do it if they chose to. That's where I'm coming from.

Mr. Spurlock said I have not seen one that they've done Section 8. They could waive -- and what they have done is waived the requirement that it must be an agricultural worker. Any of the waivers that I've seen, all they have done is taken away the agricultural worker. It means it's still the same; they just don't have to work in direct agriculture. It's still a similar program. It's just the documentation requiring that they be an agricultural worker. Their income source is agriculture.

Mr. Peck said he wants to make one other quick note. I think we need farmworker housing. I think we ought to be doing whatever we can to get it in place and we ought to be doing whatever we can to design it and style it and operate it and locate it in a way that it benefits everybody as much as possible. It's really hard to satisfy 100% of the people all the time. I realize that. But I think one of the biggest mistakes we could make would be to build a project and have it not be successful because then that becomes ammunition for people who don't want to see farmworker housing expand. That's part of the reason for some fairly harsh discussion and digging now is to say, look, we need to all understand what the potentials are here, and if we say that it's going to attract 96 people at \$10 a night or 56 or whatever the number is, we need to be pretty confident we can pull that off. This needs to succeed.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Spurlock said we agree with that. For us as a business, it's not good for us to develop a project that doesn't succeed. Otherwise we don't continue going on. In the 30 years we've done this, we've been very successful.

Mr. Peck said success is not just the balance sheet. If it turns out that we have a lot of problems out there and it becomes an ongoing burden for the Sheriff's Department and we end up having to hire additional personnel, that's not my definition of success.

Mr. Spurlock said success can be measured in many different ways. I've heard some people use examples of Chelan and Douglas Counties. I would encourage you to talk to your counterparts in those counties. Commissioner Ron Walter is a very good source on farmworker housing within Chelan County. He has been very involved from the get-go. Mr. Spurlock said Mr. Walter made a statement at an open house in Malaga in Chelan County recently. Mr. Spurlock said Mr. Walter has been in office perhaps eight years. Chelan County started off with tent camps, only being open 28 days, really no hard-sided, no permanent housing. They're in a situation where the housing authority there now has four or five very similar projects to this that all are very successful. They've been very progressive in that county and very successful and it made me think about this county. When I envision Franklin County, we're kind of where they were ten years ago and we have an opportunity in this county to really open the doors and do something great for the county but it has to be successful and a lot is riding on this project. It's the first one.

Mr. Peck said my big focus point since we've gone this far in the conversation is that whatever we do has got to be successful for the long term, and two is I'm not real keen on the state holding all the keys on the project. I'm a big believer that there ought to be a good deal more county control and oversight because effectively we have little say – effectively we have no say.

Mr. Spurlock said as a slight side note, one great thing that maybe this project is opening up with Franklin County is one of the things when we first looked at this project, there's been a lot of work that has gone in to try to do something in this county, and

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

unfortunately the zoning and there are some other roadblocks that do not provide the ability for the county to do this type of project.

Mr. Peck said you're looking at three people that can fix that in five minutes. The point is we need to do it, we need to do it right so that it's successful, and we need to have the control at the county level, because right now we don't; it's the state.

Mr. Spurlock said he would be willing to sit down with the three of you at any time to discuss it.

Todd Merrill, 1100 North Bellevue, Eltopia. I have 10 farmworker housing units on my farm. They're full or are rented out for future use. I wanted to address a couple different things. First the money issue: I charge \$400 a month for my housing. That turns out to be anywhere between \$200 a month per worker to \$350 a month per worker. These people are in my housing for six months so it's not a weekly deal. So \$7 to \$10 range I would think would be reasonable that people would be willing to pay from my own experience.

Mr. Merrill said I know the opponents of the project. My brother-in-law is one of them. I understand his arguments. One of his big arguments is crime and he's been hit bad by crime. But my experience with the migrant farmworkers that come and live with me, they go to work at 4:30, 5:00 o'clock in the morning, and if I go to do some repairs on the housing, at 8:30 they're in bed and all the lights are off and they're asleep because they're working. I've never had any problem with crime. Occasionally they play the music too loud and I have to go and tell them to turn down the music, which they do. I understand there's those possibilities. I've heard them talk about having big alcohol parties and things like that. They like their Coronas once in awhile. But my experience is they're under control and not a problem. So with good management, I don't see that the opponents' arguments are real strong. Yes, is there going to be a need for police there once in awhile? Probably so. But if we put it in Basin City, it's going to probably be worse maybe; I'm not sure. It's not going to be any different. So I just wanted to support. I'm not ever going to put people in this thing but I'm in support of it. I've had to turn people away who wanted to rent my housing so I know the need's there.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mary Manterola, 4606 Maple Drive, Pasco. I have worked for the last 25 years as supervisor for cherry harvest in the Ringold area. We used to do harvest with some of the local people and it got to be a really hard job. So the last over 15 years we've been getting migrant workers from California. They have experience. They do the job. They're always on time. They are there. Everybody comes together at 4:30 in the morning. They go home. They have to be sleeping in the creek or by the river and even there they have problems because the fishermen complain so then they move someplace else. There was a time when we used to let them stay on our farm but then we were not allowed to do that anymore because they told us we had to have running water, we had to have all the things that they should have. Still, they are coming every year, they do a great job for us, but they are sleeping on the creek, either in a tent or in their cars. I think a housing development in that area would be a great benefit for everybody. They deserve to have better living arrangements than having to be sleeping on the ground because agriculture needs this type of workers. They do a good job and we need them. I was really excited to hear that Farm Bureau was working on this project and I do hope it gets approved because I think they deserve better than what we're giving them.

Mr. Miller asked if the other Commissioners need to hear what the actual Farm Bureau plan is and what they're doing and how long they've been doing it. He said at the last discussion -- he does not know if it might have been exaggeration -- we were misinformed on a lot of things. He asked Dave Manterola to give a synopsis of the plan and how you're doing it.

Dave Manterola is on the Franklin County Farm Bureau Board and is the board member on the Washington Farm Labor Association Board. He said this project came about a long time ago because of the people that were camping down on the river. We had some issues there and the Health Department and others came in. We had to find a solution to the problem. I've been going personally to meetings for years. The Ringold Workforce Group got put together and people from the Health Department and CTED and growers and Commissioners. Everybody came together to try to find solutions for this labor housing issue.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

At Ringold, we started off as a Farm Bureau by saying, well, they're allowed to camp down there for 14 days so let's just make it so the campsite is a little better for people. So we supplied dumpsters and port-a-potties for the full year, because that site also needed improvements for the fisherman and others. The Department of Fish and Wildlife and Bureau of Reclamation did a wonderful job of working with us on this, and that worked for a year, as a band-aid for the problem. In the process they said we will do this short-term but then we need to find a permanent solution.

Through discussions with them, it progressed to where they asked us if we would be willing to put in labor housing if they were to sell us a piece of property and the funding were to become available to us. We took this on as a board. We discussed it. It's not an easy decision. This project is going to take a lot of work. We got hold of a lot of area growers and said here's what we've been proposed; what do you think? Everybody said this is great. If you can get this done and the Bureau of Reclamation, Department of Fish and Wildlife have been this good to you and now the Bureau is going to help you out in this way and CTED is going to come in and give you the funding, if you can make this work, this will really help us.

So we voted on the proposal of doing this and we've moved ahead. We got into contact with the Office of Rural and Farmworker Housing and that's how this deal got started.

What our goal is and what we're hoping will be the way this facility runs is that it is going to benefit as many local growers as possible to help in the influx times. Even the large growers that people talk about that are putting in housing on their own facilities -- which in my opinion is great; I think that's helping the community too -- those people even that generally have, say, 40 people working for them all year have influx times where they're picking more crops at one time than normal and they need an extra 30 or 40 people or whatever the case may be. When these influxes happen in agriculture, we're going to need a place to house people.

The other issue that has not been discussed is we're doing this in preparation to try to get a stable legal workforce which is what our members have asked us to do. This

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

facility is going to be prepared for any guest worker program that comes down the pike. Any guest worker program that has been proposed so far has housing included. This facility is going to be built with all the requirements of the H2A program right now. All of the guest worker programs proposed have to have housing.

So what that does is it makes it so many growers cannot afford to do the H2A program where they have to supply housing for such a short period of time. They cannot afford to build it on their own property. This will give people an opportunity to rent the facility short term and help them with that.

I believe this project is a step in the right direction to getting us a stable legal work force. I believe that we need to have a lot of the private industry putting facilities in and we need a lot of groups like the Farm Bureau putting these in. I don't believe that the 20-acre cherry grower should have to go out of business because of rule changes that have come along. I believe he should have the opportunity to stay in business and this is going to help with that.

People also on this project are talking about it being strictly a cherry and orchard deal. That is false. This area has become very labor-intensive in numerous different crops. We have a big seed facility going in. The seed crops take a lot of labor. Some growers do not even realize that they're using migrant laborers because Pioneer and Syngenta and Monsanto and these people that de-tassel the seed corn fields that are in every little corner around here use the laborers but the farmer doesn't actually have to set it up. The company does it for them.

So this is where all this has come about. We've put all the numbers together. Dave says that \$9 a day is what it would be. People have talked about the costs of the migrant labor. On the guest worker programs, the farmer has to supply that bed. So in the future when this facility gets used for that also, the costs to the migrant will not be an issue because the grower will have to pay it.

Mr. Peck said I wouldn't disagree -- you're probably right -- but since we don't have a program in place we probably shouldn't state as a fact that growers will pay.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Manterola said we do have an H2A program in place right now that requires that. We are working every day to get new rules to a guest worker program but every one of the guest worker programs that are being proposed, the one thing that is not flexible is housing. To work the guest worker programs, the growers are going to have to supply housing.

That's how we got to where we're at. Do you have any questions?

Mr. Peck said he didn't realize the H2A covered across the board all farms, all sizes. Mr. Manterola asked what do you mean? Mr. Peck said you said that there's an H2A program in place that requires the farms to provide housing and that applies to all farms regardless of size? Mr. Manterola said anybody running an H2A program has to supply the housing, yes. So small growers that need five people have to supply housing for five people. Mr. Peck said as long as they're running an H2A program?

Mr. Manterola said correct.

Mr. Miller said one thing I want to make clear because I've been involved -- You say you've been working on this for five years but this project has not been going for five years. This particular project you've probably worked on for about two years, maybe two and a half at the most?

Mr. Manterola said he doesn't know the exact date but he would say about a year and a half that we've -- I shouldn't say we've been working on this project for a year and a half. We've been in discussion trying to figure out if we can purchase the ground. We just got the ground purchased. I believe we filed it on April 5. That is one of the things that people have told us, that we haven't informed the community well enough, which we've announced it at our Farm Bureau meetings, we've sent out to our membership, we've talked to the Commissioners about it, we've talked to the Planning Department. We've been talking about it as much as we can if people will listen. We were hoping to talk about it so people would help.

Mr. Miller said I don't have any other questions.

Mr. Koch asked who did you purchase it from and who owns it? Mr. Manterola said the Bureau of Reclamation is who we purchased it from and the Franklin County

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Farm Bureau owns the property. The housing is going to be developed by the Washington Farm Labor Association and they are going to own and operate the building on it. In order to get the funding, we needed to be in partnership with -- He asked Mr. Spurlock to explain.

Mr. Spurlock said to qualify for Housing Trust Fund money from the state, you have to be a non-profit and you have to be a non-profit with a housing goal or mission within your Articles of Incorporation. The Farm Bureau being an association of members for lack of a better word was the wrong type of non-profit so they needed to find somebody that could develop and operate this. There will be a lease agreement between the Washington Farm Labor Association and the Franklin County Farm Bureau for this project.

Mr. Peck asked if housing has to be the primary element of the charter or just incorporated in the charter. Could the Farm Bureau add housing to their charter and add it to their By-Laws and they would qualify? Mr. Spurlock said they would have had to re-incorporate.

Lisa Avery said 501C(3) does not qualify to be the operator or the builder. Mr. Spurlock said you can be a 501C(3) but it has to be in the Articles of Incorporation. He thinks the Washington State Farm Bureau has a similar charter. As an overall organization, if they were to reincorporate, he thinks it would be a conflict with the rest of the organization. He said he could be wrong.

Mr. Peck said he has a fair amount of corporate experience. He does not think you have to reincorporate to update your By-Laws and Charter but he will take that offline.

Mr. Peck asked Mr. Manterola regarding the H2A matter, for farms that don't participate in H2A programs that perceive that this pushes them in that direction whether they want to or not, what do you say to them?

Mr. Manterola said they're going to get pushed in that direction whether they want to or not. This housing project isn't what's going to do it. If a person wants to figure out how we're going to have a long-term legal stable workforce, there's going to be a lot of

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

changes in the future and people are going to have to adapt to them, and that's what we're trying to give them the opportunity to be able to do.

Mr. Manterola said one complaint I have got a lot about is location. We as a board looked at numerous locations. The first thing that everybody says is why don't you put it in your backyard. We have a board member on the Franklin County Farm Bureau Board. It is right across the road from him. The circle that is the closest to it, Steve Cooper and myself have a ten-year lease on it. It's the closest property to this project going in. The driveway that is used by another orchardist in the area is going to be on our Washington Farm Labor Association Board. It is also surrounded -- He suggested the Commissioners take a drive and see the amount of new orchard going in within a couple miles of the facility. The project isn't bringing people into the community. Agriculture is. That's the one thing the opponents aren't understanding. This housing project isn't going to get their community crowded. The labor necessary to pick these crops and do these high density labor-intensive crops, orchard and others, is what's bringing the people in.

Mr. Manterola said we looked at all that. This was the location we were able to purchase that fit in our opinion the best. There is no place we could have put this facility that we wouldn't have had opposition. We've got a case in this county right now of in my opinion a farmer trying to put a feedlot in the best location in the world and they're having to fight tooth and nail to try to get it in. There is no place that everybody's going to want any changes, whether it be a feedlot, a dairy, a labor housing, anything like that.

We've got to keep in mind people's property rights. As a Farm Bureau, we own that property. We're not going to tell the neighbors not to build a house on their property and I don't believe that them telling us not to build a house on our property is fair either.

Now I'd like to talk as me personally. People talk about how their land values go down when migrant housing comes in. In the last year I've purchased a farm with a buddy of mine that is a half mile away from that labor housing that Dan Schneider was talking about. It had zero bearing on my decision. I believe we paid good fair market value for the property.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

I have personally lived next to labor housing. I am not an orchardist. I am a hay grower. I probably will never use this facility personally. I do grow some seed crops that the companies I deal with, there is a very good chance that they will some day have people in there that will be on my property. But I personally probably will never ever rent this facility.

I have been very involved and hopeful that we can get a solution to this problem. We've heard a lot of comments, both for and opposed to this, and there's a letter supposedly going in to try to stop this project from the Commissioners. I would like to hear now from the three of you where you stand on this particular project and if you're going to send that letter off, what it's going to say, because I think this project is very needed and now everybody has been informed of how everything's proposed to work on this. If someone can come up with a better solution to the problem, I'm all ears. I want to hear how we're going to fix the labor housing issue in a better manner than what we have done. Thank you.

Mr. Miller said we had the same request from the last group.

Jeff Robison, 4121 West Sylvester, Pasco. I work for OIC of Washington and my wife and I are small business owners in Pasco. We have a commercial daycare center. On both sides I've seen a need for more housing. We have individuals that come into our OIC office on a consistent basis that are looking for housing that are migrating up from Texas or California or whatnot, and we have seen increased migration due to the economic conditions. We've seen an increase. At our childcare center we've seen a lot of people come in. We get a lot of referrals from CAC and from other areas for childcare and a lot of the parents are looking for housing. Unfortunately, we're turning quite a few people away because as the migrant influx comes in, we're already full. We don't have the space. So we're seeing it from a private sector and we're seeing it from our nonprofit sector as well. I think it is a need in the community.

The other thing is that I can only see this as a benefit for the community because instead of having people go two, three families at a motel in downtown Pasco, they will now be able to live closer to where they work. Their travel expense is going to be

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

minimized which will help them free up dollars to spend in the community as well. They'll be able to buy more food, live better, contribute more to the tax base, and so forth, so I see that as a positive as well. Instead of just burning a bunch of gas traveling 40 miles a day for work, they'll be able to save that money and at the same price, get into something that's more close to their work site.

Mr. Peck said you just referred to it as family housing again. Is it family housing?

Mr. Robison said you could have some that are families, you could have some that are individuals. I'm talking about the migrant influx that comes in.

Mr. Peck said I'm talking about this specific project which is the subject of our discussion today. Is it your impression that that's for families?

Mr. Robison said my impression is that it's for migrants that are coming. Now, you may have migrant families coming up. You may have migrant single people that are coming up. I think that that scope fits the general population like it does with any housing need. Typically it's probably more single people but to assume that there's not going to be any families I think would be shortsighted as well. There's got to be a combination of both.

Mr. Peck said I think there's no question. I think it's obvious. He asked Mr. Manterola to speak.

Mr. Manterola said the project has been put together with flexibility to be able to operate in either manner. It is suitable for family or individual.

Mr. Peck asked so sections will be walled off so there are family living units instead of individual shared common areas?

Mr. Manterola said it will be set up in a duplex-type form. There are going to be eight people per duplex. They're going to have their own shower, their own bathroom, their own everything.

Mr. Peck said the reason I'm asking the question is because I've heard single, I've heard family, I've heard single, I've heard family, back and forth. I'd like to have it on the record what it is.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Manterola said this facility is set up to do either. It will do anything. We originally were going to have a plan where it would be houses that would be 16 people in a house and we changed that to a duplex style so that eight people per duplex in case we have issues with women and men to be able to separate easier, separate families. It gives us more flexibility in the way the facility is operated.

Mr. Peck said so it is designed to handle both and your intent is to handle both and the percentage breakout is to be determined. Mr. Manterola said correct.

Lisa Avery spoke. I'm on the Franklin County Farm Bureau Board. I also am on the Washington State Farm Bureau Labor Advisory Committee. I know that there were some questions or some areas that weren't really covered by the H2A question. I don't have numbers at my fingertips. I would like the opportunity to respond later about the great increase in the state of Washington in the use of H2A by farmers in the state of Washington. The argument that we do not have restrictions on farmers or labor at this time, it's not true. The Federal laws and the state laws at this time that are constricting continually our use of the way that we used to do business, where somebody came to our farm, we checked their ID and we put them to work, is no longer a viable option.

You've heard several people here today talk about specific crews that they're using that come from someplace else. They depend on those crews specifically. The increase in farmers in the state of Washington using farm labor contractors who would then be responsible for issues of whether or not that person is qualified and authorized to work in the United States in the state of Washington becomes the labor contractor's responsibility, not the farmer's.

I would be glad to provide the Board within 24 hours of the numbers of the increase of farmers who are using the current H2A program because those restrictions and complications of the law are becoming so complicated that farmers pay out the extra money to have a legal, stable workforce, which does include the farmer being responsible for housing, among other things.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

That issue with the Federal government has not been settled, as has been said, but we are operating on laws from 1986 and those laws haven't been changed in all that time. We're still being restricted.

Ms. Avery gave an example as proof of her point regarding how the new Department of Homeland Security increases its own power and ability to enforce its own laws on a daily basis. She said more and more employers, not just farmers, are being restricted and forced into Federal programs like the H2A program.

Ms. Avery said regarding the single versus family, people talk about family and people think about a man and a lady and a whole bunch of little kids. On the farm when a family in general comes to work – I'm saying this in general because I know that there are some that have smaller children – if they have smaller children, one of the people in the group, family or extended family, takes care of those. The rest of them all come to work. Anybody over the age of 16 and in some cases (berries and things) 14, can come and work. A lot of the families that we see, it's grandfather, grandmother, mother, father, and grown children. So in some instances we may have the wrong concept in our mind about whether or not this is family housing for the age of the children that would be involved in the family. That's possible. Those kinds of families can stay there. But if somebody is coming as a temporary farmworker, in general they're going to be people who can work, not people of an age that they would need to have housing for smaller children.

We're talking about temporary farmworker housing, not permanent. We're talking about people who come specifically for crops, not people who would live in the area for the rest of their life. Those people when they come are intent on making money. That's why they came here. They want people in their group, in their family, whatever, that can make that money per day, and then they want to move on to make some more.

Dr. Alfonso Garcia spoke. I work with the OIC. I am the coordinator of the Community Agricultural Vocational Institute. The reason I want to participate in this process is to provide the perspective that the agricultural workers are part of the agricultural industry and the agricultural industry is the one to provide for rural America. So when we talk about farmworkers as somebody who is there, well, the reality is they

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

are a very important part of the agricultural industry in the area. The people have come to work here. They are taxpayers. They are coming to work seasonal because that's the way the agricultural business works. Whatever we can do to assist that part of the agricultural industry, it is very, very important that we can provide support. So my support is for the agricultural industry. That's the main intent. And whatever we can put in supporting this component, which is the labor force, is going to be very important.

Mr. Miller said you asked about a letter. He said I'm against it; I won't sign it. The other two have voted for it because they need more information I believe is their reason. I understand the situation very well as being a farmer. That's one advantage I've had is farming all these years. I hadn't even thought about it but I lived on Sagemoor Road and Sagemoor Farms had a labor camp just half a mile up and half a mile in. I had no problem. I really had no problem with that. I totally forgot about that group. Yes, there might be some music but it never was late. It all depends on who controls this and how it's controlled. I think the issue here is what happens in the future, how it's going to be controlled.

I flew over with Kevin Heinen on Saturday, about ten days ago. I couldn't believe the amount of orchards. Then I went to a birthday party this Saturday. I couldn't believe the amount of orchards back there, too. Unbelievable! New trees you can't even see from the planes. It's a tremendous, tremendous asset to the county.

I had looked up some values because I know there were some questions asked about the tax value. This is for vineyards and orchards because we don't separate it. 21,000 acres is what they have now in Franklin County. The tax value is \$1800 for open space. On top of that, for the orchard – this is an average because it depends on the age and other factors -- \$5000 on average. That brings in \$6800 an acre, opposed to like a wheat circle or Open Space circle which is \$1800. We've got this improvement on there so we make good taxes on this. The market value is \$4600 an acre and \$5000 of orchard or vineyard so that's \$9600, the market value in this county.

I've got to remind you that 70% of these tax revenues goes to schools. Keep that in mind.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

I support it because I know that the reason why farmland is expensive is because we have a strong economy going on with different diversified crops. You have to have a strong workforce period. That's all there is to it.

I support it also because I don't really care for them living in Pasco, Basin City or Connell or anywhere else to have to travel 40 miles, 30 miles or something, to go to work when they could be right there. After flying over the area, I think the spot is actually within an eighth of a mile, a quarter mile of all that orchard I just talked about. It's right on top of that spot, right above.

I understand the circumstances of people that oppose, but you know what? This is agriculture we're talking about. I just feel that it's needed in agriculture. It's a good thing. Farm Bureau did it for a service for agriculture. Who knows what the future's going to bring, but I don't think this project is going to turn out bad.

Mr. Koch said I would answer to your question also, Dave, I am not against farm housing. That was never stated. The only thing that I brought up is the fact that if I own that property personally, is that piece of property large enough for me to get by the Health District and put sewer on and a well?

Mr. Manterola said before we started this project, I got hold of the Health Department when we were talking about purchasing that and asked them to dig perc holes and let us know what would be legal, how many beds we could put in there, and/or if the project would be allowed. The Benton-Franklin Health Department came out and they said this project is suitable for 100 beds. That's why the number of 100 beds is there because that was our first step of the project.

Mr. Koch said okay. That's one of the questions that I would apply to that letter. Another one, what is "temporary"? And then we'll come back to the RCW as far as what is "on farm"?

Mr. Manterola said the "on farm" was an issue that we discussed.

Mr. Koch said he asked the Attorney General and there is no opinion on it. There may be a personal opinion or a verbal opinion but there is no formal opinion.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Spurlock described how this came about. The Ringold Workgroup started meeting. The county was there, Department of Health was there, and County Planning staff was there, too. The big issue came about – Everybody knew the problem. We said let's find the solution. We kept running into the roadblock of the county didn't have any zoning ordinances, nothing that really allowed a solution. The Department of Health was running these meetings. The Department of Health was approached and asked is there a solution here? The Department of Health is the permitting agency for this on farm housing. So we brought this to them. They took it and then we got a response back. So we're going off of – I'll be frankly honest – a response back that here's this AG opinion. There's some emails from the AG to Department of Health staff saying here's our interpretation of on farm. We applied this project and said does this meet your definition? And we got a letter back from the Department of Health saying yes, this does meet the definition.

Mr. Koch said but it's all verbal.

Mr. Spurlock said we have letters from the Department of Health.

Mr. Koch said right, I've seen that also, that just states that they talked to the AAG and got a verbal gray area. That's why I say, that's the only things that I had brought up that need some clarification. As I said, too, I think we need to spend time in legislation in getting that read: What did the legislators actually mean when they wrote that?

Mr. Spurlock said I think we all are in agreement that there needs to be some further clarification of definition for this issue regardless of where it is. Typically, ideally, we usually go through a county for permitting for similar projects to this. Unfortunately, in this county we were not able to and that's what sparked this. As a developer, for lack of better words, we're going off a permitting agency's response back to us in a letter. Whether we agree it's gray or whatever, I think it's no difference coming down to the county and asking for a building permit if you get a letter back from the building official saying yes, this is permissible. As an applicant, that's what you have to go off of.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Koch said well, if I got one back from the Attorney General, that would have been a different letter. This is coming through the Health District with just verbal from some attorney general or assistant attorney general.

Mr. Spurlock said I believe it's an assistant attorney general.

Mr. Koch said like I say, I'm not against it by any means. What it's doing is just taking any and all control out of the county's hands.

Mr. Peck said Commissioner Koch and I shared a lot of the same concerns. One of my pet peeves frankly is when I'm talking to one side of an issue and I'm trying to get to the root of it and find out what the no kidding truth is and people tell me it's this, it's this and it's this, and then I make a phone call to the Attorney General's Office and I find out there is no opinion. So when you say there's an Assistant Attorney General's opinion or an Attorney General's opinion, that has a legal basis. That's a formal opinion. In many cases, that has a rule of law behind it. But when you've got third-hand hearsay about an email from the Attorney General's Office to the Health Department that got forwarded on that says we think it means this, that's a whole different story. And the result of that has been that over the weeks that I've been looking at this, I've been forced to go this way and then this way and then this way and then this way (indicated) because the information is inconsistent. If it sounds like I'm calling you out individually and personally, that's not my intent.

My point is to say that there is a difference between "on site" and "on farm." The last time I read the law it says "on site." How the legislature intended that, I frankly don't have a clue. I was over there a lot during the session but wasn't particularly involved in this issue because frankly I wasn't clued into it when I was over there and could have been doing work on it. It doesn't mean that I was oblivious to it and maybe people mentioned it to me but I had no idea it was this contentious.

The fact of the matter is that I personally, if I could sit down with all the legislators that voted on this, my guess is that they would say that our intent – and here I am doing exactly what the Assistant AG's office did. It's just my opinion -- but I believe

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

their intent was to put it in the proximity of farms, not necessarily on an individual's farm. I think what you're trying to do is probably consistent with what they intended.

Mr. Peck said Mr. Engelke makes a really good point here, which is when you take everybody's tax dollars, those that are for and those that are against, and you use it to put housing on a particular farm that might advantage that farmer disproportionately, that's not a fair thing to do with his competitor's tax dollars. So frankly I hope the legislature didn't intend it to be specifically on farm but rather in the vicinity of. So conceptually I think what you're doing is fine. In my mind it's the best possible interpretation of what the intent was. But we don't know what the intent was. That's the point I'm trying to get to.

Too much of the economy in Franklin County obviously is ag-based for us not to take this very seriously. There have been plenty of people who have pointed out the need for additional housing. Frankly, I appreciate some of the firsthand examples of people who have housing who have turned people away and could give us that firsthand, who could tell us how much they charge and the fact that that's within the scope of reason. That's good firsthand, objective data that makes this a whole lot easier to see.

I don't think any one of the three of us have ever had any resistance to the notion of providing farmworker housing. We think it's just the smart thing to do. Dave has educated me some on some of the legislative things that are probably coming down the pike that not only make it smart but probably make it essential if we're going to continue to have a growing ag economy. So I don't think you've got any reluctance to the concept here.

I'll just speak for myself. I don't like the fact that the State of Washington reaches into your pocket and takes a big chunk of your money and takes it over there, then holds it hostage and says we'll give you some of it back if you'll do everything our way. I think you elect us to do what you want here in your county, our county.

Your comment earlier that this wasn't worked through the county because the county has no zoning provisions or way to do that, I'll tell you again, the three of us can fix that. If that were a problem and you had come and sat down in front of me and said

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

we want to do this, but we're about to relinquish control to the state because we don't have a zoning ordinance that allows it, we know how to fix that I believe.

Mr. Spurlock said I could be wrong and Commissioner Miller can correct me, but I think that may have been approached prior to you being on the Board.

Mr. Peck said it may have been. He said I think we ought to have control at the county level for county issues like this.

Mr. Peck said to Dave Manterola, I know how much of yourself you've poured into this and how much time you've dedicated and virtually all of it volunteer time I'm sure. It would have been great if the people who lived even a little bit farther away had been involved in this process sooner. I don't want to try on the backside of this to do 20/20 hindsight and judge what efforts you did or didn't make because I don't know what all those efforts were. They may have been very, very reasonable. So don't misunderstand. All I'm saying is that going forward when we do more of these in the future – and I hope we do – that we learn from this and we maybe cast that net just a little bit wider. Again, that's not a criticism because I don't know everything you did to reach out. But it sure would have -- In this case if all these people, the people who have stepped up and said they don't want it in that area had been involved from the beginning, we could have addressed a lot of these issues. As the new guy, maybe they were and maybe I just don't have the benefit of that hindsight. I'm not trying to criticize here.

Mr. Manterola asked to comment. He said that's one thing I agree with you, that we should have to follow the same rules as anybody else in the county and it should go through the county. I have been in here with our Planning Department quite often on this deal and keeping everybody up to speed. When it came time to notify the public -- We didn't have to send that letter out to notify the public just because we have this state exemption. We said we need to be above board, we're the Farm Bureau, we're not going to be hiding anything. And we sent it out to everybody within a mile, just the same rules as anybody else would have had to do. We did that voluntarily. We didn't have to do that.

We purchased the ground on April 5 and the letter went out –

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Peck said I guess what I'm really saying is if you'd had a crystal ball and you knew everything about everything, you'd have foreseen this and taken care of it. I realize that's an unreasonable expectation. All I'm really trying to do is not say that you didn't do a great job because from everything I've heard, you did more than you were required to do. I acknowledge that. What I'm saying is going forward, we need to learn from this and keep ourselves from being in this position again.

Mr. Manterola said the one thing that we need to have somebody define for us, too – Steve Cooper and I were talking about this earlier. They said you need to inform your neighbors. Is one mile a neighbor, a quarter of a mile a neighbor, 20 miles a neighbor? Where do we draw the line?

Mr. Peck said I think it depends a lot on where you live frankly. If you're in incorporated Pasco, your neighbor is a lot smaller circle than if you're out in the Blocks.

Mr. Manterola said the only thing we could go by is what the Planning Department does over history and that's what we did.

Mr. Peck said you guys went beyond what is required and I know that and I appreciate that.

Mr. Manterola said we have neighbors three to five miles away that are opposed and it's like, well, how far do I spread out this net. We didn't know.

Mr. Peck said just so we're clear, I'm not saying that what you did was wrong or inadequate. I'm saying that going forward we need to learn from this experience.

Mr. Manterola said right.

Mr. Peck said I had a list of about five points that I wanted to make sure that I got in.

The first was that I absolutely agree that additional migrant worker housing is needed. I don't think there's any question.

Two, we absolutely need to make sure that whatever we do here works so that we don't handicap ourselves for future projects and slow down the progress.

Third, I already talked about my dislike for state control and how they handle your money, take it from you and then put conditions on giving it back to you.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Fourth, the letter that was referred to, and Commissioner Koch and I both had talked about sending a letter and I believe agreed to send a letter to the state, I specifically talked about the fact that I didn't like the overbearing state approach, I didn't like an Attorney General or Assistant Attorney General trying to second-guess what the legislature meant, at least not in an informal way, and that the letter was to express our desire for local control at the county level, not state control of these projects, and was to clarify what the legislative intent was.

Fifth, the last point, that the intent issue is complicated by the fact that the smaller growers I believe are the ones that need this project the most. The fact of the matter is that they're also the same ones that probably can't justify the costs of building permanent on-site hard structures on their property. And then there's that potential selected benefit that I mentioned.

So it was important to me to find out what the intent was because there are so many things that rest on it. If the intent was that it truly be on the farm where the workers are going to be used, it's not a viable model. If the intent was what you're trying to do, then we need to try and get that in writing from the Attorney General or from the legislature in the next session so that it was clear that these don't have to be on an individual's farm, which relieves Mr. Engelke's concern and mine about disproportionate advantage in using Taxpayer A's money for Taxpayer B.

So the intent of the letter was to tell the state that we want these handled at the local level and that we want to know what the legislature really meant. As you can imagine, there were people here who were opposed to the project and interpreted that as we're going to set out to intentionally stop this project. My intent was to go to the state and say look, we don't like the way this is being done. Let's set this money aside for a minute and go ask the legislature what they really intended and get clarification. The third piece of that was frankly so that it would give me time to dig deeper into this issue and find out what is really going on.

I think the bottom line, core principle things that you probably are most concerned about are: Do I support the project? Yes. Do I think it's essential and we ought to do

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

more of them? Yes. Do I think we need to get clarification on the state's intent in the law? Absolutely. I think that's going to be very important going forward, and at the same time I want to wrestle control back to the county level without losing the funding. That last part may be the hardest part of it is getting back control without losing the funding.

In terms of the particular site, I'm glad Commissioner Koch talked about the Health Department because I had received information that it was never intended to accommodate that number, that population, so I presume you've got something from the Health Department that says 100 is good.

Mr. Spurlock said yes. We've worked closely with the State Health Department and the local Health Department as far as the well and the septic issue.

Mr. Peck said the other thing was that the access was going to be onto the highway there as opposed to onto High Point. And I've since discovered since that time that it's actually onto High Point, is that correct?

Mr. Spurlock said it is on Road 170 as proposed but that is actually one thing that is a permitted action from the county. We have to get a road access permit from Public Works.

Mr. Manterola said we're trying to put it down on Road 170 for some of the neighbors there so they wouldn't have to share a driveway with our labor camp. That's something we're trying to do. We've been working with the neighbors.

Mr. Peck said when he came down the hill on 170 headed north, there is a bridge about 300 to 400 yards before getting to the turn. I was doing the speed limit and had somebody pass me going down that hill through that narrow bridge with traffic cresting the hill on the other side by High Point. When there's only one car involved like that, there's probably enough sighting distance that you can recover from it and just slow down. It ticks you off but it's not going to kill anybody. You add other cars coming in and out in that depression and I can see that being a problem.

Mr. Manterola said that guy that passed you wasn't staying in our complex.
(laughter)

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Mr. Peck said I understand the humor of where you're trying to go, but the mother of three pulling out of that driveway from that complex might be and she might be the one that gets splattered all over the road.

Mr. Spurlock said I can speak a little bit to that because prior to coming to ORF, I was a development engineer for Yakima County for quite a few years. There are specific – We have to go through Public Works for permitting criteria of specific sight distance and sighting distance we will have to follow and meet. Those are national standards that are of course enforced by the county. We have to follow all those.

Mr. Peck said okay. I think we've been pretty clear about where we stand. If you've got a question about where any one of us stands, I'm sure we'd be happy to respond.

Mr. Manterola said I've got one. In that article, one of the suggestions it said you had made was smaller campsites in a better location.

Mr. Peck said actually what I said was if you don't like the location, then perhaps rather than just complain about this one, you should recommend something better and perhaps the notion of smaller camps distributed where they're – like temporary structures you use for construction sites that have water and self-contained sewer and so forth – as a what-are-the-other-options kind of comment.

Mr. Manterola said after hearing our discussion and being educated more on the H2A and guest worker programs and the rules that are in place for that, have you changed your opinion on what kind of housing then and that kind of situation that we're in in order to be legal?

Mr. Peck said I still have concerns about the impact of H2A on non-participating small growers at this point, whether or not they can afford it, but the reality is -- well, I believe the reality is that eventually it's going to get forced upon them regardless. Having a low-cost option already in place, whether it feels like it today or not, is probably a benefit that they see as a threat currently, if that makes sense.

In terms of the efficiency of distributed smaller housing, that was in part in reference to the wording in the law, which I still believe – maybe I'm remembering this

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

wrong – but it seems like it said on site, not on farm. That's a work site. How you define that and what their intent was, I don't know. But if we went back with a letter requesting them to define it and they came back and said, actually, the Assistant Attorney General meant well but we're the legislature and what we meant was that's on the farm, on the site, does that create a problem for this project after it's built and is there an option for lower-cost housing that isn't 100-year housing but maybe is 30- or 40-year housing that is of a relocatable nature? Maybe for half of a season it's here and half of a season it's somewhere else because that's where the work is. I don't know the answer. I was throwing it out as a discussion point as much as anything.

Mr. Spurlock said the actual word that's being defined is "rural worksite." It's not "on site" or "on farm." It's actually called "rural worksite."

Mr. Peck said "rural worksite." I don't know what that means. I presume probably the only person that really does is whoever drafted that piece of legislation for whatever representative or senator that put it forward. Why those things don't get better defined before they become law is beyond me, but then I've been to Olympia. I think maybe I know.

Mr. Manterola said pretty much working the gray.

Mr. Peck said yes. If there are other questions about where any of us stand, I don't think any of us are shy about stating our mind.

Mr. Manterola said I don't have any more questions. I don't know if anybody else does. On behalf of the Franklin County Farm Bureau and the Washington Farm Labor Association, I'd like to thank you for the opportunity to discuss this with you. We appreciate your time.

Mr. Koch said thank you all.

Miranda Morgan said we are probably the closest neighbors. It's going to be in our front yard basically. My concern I just wanted to mention is if the access goes in on High Point rather than off of R170, it is going to be right in front of my lawn. I have four young children.

Mr. Peck asked is High Point a public road or private? I should know but I don't.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

Ms. Morgan said it's public they said.

She said my oldest is 8 and my youngest is 2 and I have one child with a hearing loss and I'm concerned about that. I just would ask you to take that into consideration.

Mr. Miller said it was a good discussion. I want to thank you for everybody showing up here. We're going to adjourn the meeting.

Adjourned at 12:05 pm.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 8, 2009

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 11, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board