

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

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

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

Consent Agenda

Motion - Mr. Peck: I move approval of the consent agenda for June 15, 2009:

1. Approval of **Resolution 2009-233** authorizing the Chairman to sign the Minolta Copier (renewal) Maintenance Contract between Abadan and the Franklin County Sheriff's Office for the Dispatch Center, model #DI161F, serial #50003477, for a period of twelve months commencing July 25, 2009, for an annual fee of \$277.83 for 15,000 copies, plus applicable copy overages at a cost of \$.013892 to be paid from the Current Expense County Sheriff's - Communication Budget, #001-000-560, line item 528.80.45.0001 (Copier Lease).
2. Approval of **Resolution 2009-234** authorizing Facilities to recycle four metal, open lateral file cabinets assigned to District Court as identified on the *Franklin County Storage – Salvage* form, in conjunction with RCW 36.32.210 (inventory).
3. Approval of **joint Resolution 2009-235** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Food Services Contract amendment between the Juvenile Justice Center and Aramark Correctional Services, effective June 30, 2009, through July 31, 2009, thus, amending Franklin County Resolution 2006-428. (Exhibit 1: Information sheet.)
4. Approval of **joint Resolution 2009-236** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Personal Services Contract between the Juvenile Justice Center and Maria Vera, effective June 8, 2009, through December 31, 2009, with annual renewal options. (Exhibit 2: Information sheet.)
5. Approval of County Road Fund payroll in the amount of \$82,117.81 and Motor Vehicle Fund payroll in the amount of \$11,489.99 for pay period ending June 11, 2009.

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

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Tri-City Herald Reporter Dalina Castellanos joined the audience.

Vouchers

Motion – Mr. Peck: I move approval of vouchers for 6/15/2009 in the total amount of \$50,894.64: Current Expense warrants 18225 through 18283 for \$28,878.37; Courthouse Facilitator warrant 18284 for \$260.00; Veteran's Assistance warrants 18285 through 18287 for \$850.00; Current Expense warrants 18288 through 18303 for \$2,341.28; Auditor O&M warrant 18536 for \$10.04; Current Expense warrants 18537 through 18561 for \$18,430.24; and Election Equipment Revolving warrants 18562 through 18563 for \$124.71. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 3)

Minutes

Motion – Mr. Koch: I move for approval of Commissioners Proceedings for June 1, 2009. Second by Mr. Peck. 3:0 vote in favor.

Corps of Engineers

Mr. Peck told the Board about a resolution he is preparing regarding some docks on the Columbia River. He expects it to be ready to be approved during Wednesday's Board meeting.

Hanford Communities

Mr. Koch told the other Board members that they will be receiving information from Hanford Communities asking for their review of information about renewal of interlocal agreements.

Greater Columbia Basin Behavioral Health

Mr. Koch gave an update to the other Board members regarding the process taking place regarding updating the by-laws.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Dalina Castellanos, Becky Mulkey and Yesenia Torres.

Approval of Economic Development Projects

Mr. Bowen said staff members from the City of Pasco, Franklin County and the Port of Pasco met together to review the proposed economic development projects. Since

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

there are a limited amount of funds, three projects were selected: \$100,000 for TRAC (sign, capital improvements and equipment upgrades); \$50,000 for City of Pasco (East A Street Right-of-Way Acquisition); and \$100,000 for Port of Pasco (Sacajawea Industrial Park Rail Spur).

Mr. Peck said he wants to avoid having a rail line that goes beyond the east line of Big Pasco.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Becky Mulkey, Yesenia Torres and Dalina Castellanos.

Vouchers

Motion – Mr. Peck: I move approval of County Road vouchers in the total amount of \$148,495.50: County Road Fund for \$111,072.68; MV & PW Equipment Fund for \$36,021.13; Solid Waste Fund for \$1283.00; and Solid Waste Fund for \$118.69. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 4)

R170 Landslide area

Mr. Fife said we've received a contract from the County Road Administration Board (CRAB) for the R170 landslide area of \$252,957. We asked for a total of \$3 million. This is the first allotment that we will get for this biennium because we've reached the cap for this biennium. The next money will become available for the next two bienniums. We're limited to about \$1.5 million per year. If we do not get Federal funding, which I hope we do, we will still have these funds to finish the project. We will just have to wait for it or figure out a way to borrow money and then get reimbursed later on. He said it looks like this project is a go; it's just a matter of when.

Mr. Miller asked if we do get the \$2 million we've asked for from Federal legislators, there would be \$400,000 to \$500,000 left in RAP that we need. Mr. Fife said we can use this as a match to the ARRA that we're using.

Motion – Mr. Peck: I move approval of RAP Project Agreement for County Road Project 596, Project #1109-01. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-237.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

In response to Mr. Miller's questions, Mr. Fife said if we don't do the project, we'll have to pay it back. If we don't get the Federal money, then we will eventually get \$3 million total. We're limited to about \$1.5 million per biennium so it would be about four years before we have all the money to do the project. Once you have it under contract, you can start expending funds.

Mr. Peck said it's essentially an escrow fund that we can either spend or use to match Federal dollars and we don't have to give it back unless we don't use it.

Resolution: Standard Consultant Agreement, Supplement #4, between Franklin County and J-U-B Engineers, Inc.

Mr. Fife asked for approval to allow extension of the contract with J-U-B Engineers for another two years and another \$200,000. We only use J-U-B Engineers if we have specific tasks for them to do. One example is having them do archaeological evaluations on projects that we're not capable of doing. We would go to them and get a cost estimate and we're on our way. Without the agreement in place, we would have to go through a consultant selection for each project. Mr. Fife asked for approval to extend the agreement for J-U-B Engineers to do work on projects that are approved by the Board.

Mr. Peck asked if any of the work covered by the agreement is projects that would be done by the Public Works Department normally but you just don't have time. Mr. Fife said not typically, no. He said we hired them to do the Road 100 work because it went through a great deal of public hearings as far as design and location and they had the expertise to do it. Mr. Peck said it's really for things we don't have expertise for, it's not a time issue. Mr. Fife said yes. Mr. Peck said obviously I was going to ask if we could afford to have you working in Benton County if it's because of a shortage of time because they're going to cost us more than Benton County is paying you.

Mr. Fife anticipates the work for J-U-B Engineers will tail off. We are going to keep everything in house that we can. We're only going to have J-U-B Engineers do those things that we don't have the expertise to do, which is the archaeological reviews and that sort of thing.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Motion – Mr. Peck: I move approval of Standard Consultant Agreement Supplement #4 with JUB Engineers, Inc., as presented. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-238.

Draft Six-Year Transportation Improvement Program (TIP)

Mr. Fife said the Six-Year Transportation Improvement Program is scheduled for adoption on Wednesday.

Appraisal of Parcel on Road 100

The negotiator has reached a negotiated settlement on the Barker parcel for Road 100. The settlement requires Board approval because we're asking for more money. The negotiator feels it's justified based on their appraisal and our appraisal. They're asking for about \$9440 more than what our appraisal said. Our appraisal was \$28,060. Their appraisal was \$42,700. There are five pieces of property in the Road 100 project that remain to be settled.

COUNTY ADMINISTRATOR (continuing)

Present in audience: Dalina Castellanos, Yesenia Torres, Becky Mulkey, Connie Curiel, Steve Marks and Rosie H. Rumsey.

Approval of Economic Development Projects

Mr. Peck would be interested in knowing where the rail spur is intended to go. Mr. Bowen does not know where the Port of Pasco intends to run the rail. The Port of Pasco has been awarded \$650,000 for this project and they are already underway, so regardless of whether the county participates or not, the project is going forward.

Mr. Koch said if it's a matter of clarification, a couple of days won't make any difference in the resolution. Mr. Bowen said the City of Pasco is anxious to get approval of their portion of the funds.

Mr. Peck said what I'm trying to do is keep a lane clear between the west end of Sacajawea Park and the State of Washington's proposed interchange up by Tank Farm. A major rail line could interrupt a truck route down to a new bridge.

The Board spoke by phone with Randy Hayden of the Port of Pasco.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Motion – Mr. Koch: I would move for approval of Resolution #2009-239, approval of economic development projects as listed. Second by Mr. Peck. 3:0 vote in favor.

Inter Budget Transfer of \$250,000 from Miscellaneous Expense Distressed Capital GO Bonds to Franklin County Public Facilities Construction Fund for Economic Development Projects

Motion – Mr. Koch: I would move for approval of Resolution 2009-240 authorizing the Treasurer to transfer \$250,000 utilizing the warrant process from the 2009 Miscellaneous Distressed Capital GO Bonds Fund #280-000-002 to the 2009 Miscellaneous Franklin County Public Facilities Construction Fund #390-404-001. Second by Mr. Peck. 3:0 vote in favor.

Joint Resolution regarding Construction of new County Jail and Municipal Court Space

Mr. Bowen said if the Board passes the resolution today, it would go to Pasco City Council tonight for their approval.

Mr. Peck asked is it necessary or timely for this to have a reference to sunseting this tax when the project is paid off or a portion of it dedicated to construction?

Mr. Bowen said his understanding is when we go out for bonds, that's when the language is put in as far as when it will be sunsetted. For the county's bonds, that will be solely the county's choice as to when or whether they want to sunset or continue the tax.

Mr. Peck said it sounds like the county's bonds and the city's bonds could have a different life for the same project: One could extend beyond the life of the project and the other could be sunsetted, or would it all be together? More importantly, is that something we have to answer today? Mr. Koch asked would that be something you would add to the ballot? Mr. Peck said I want to try to ensure that voters have an opportunity to be assured that when the project is complete and the bonds are paid, then it goes away, that we don't have a lingering tax that has long outlived its intended purpose.

Mr. Bowen said we've always discussed sunseting at the end of the bond. Mr. Peck said I know it's always been the intent. What's the appropriate document and what's the appropriate timing to ensure that that happens?

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Mr. Bowen said he can pull the resolutions and have that discussion with the city. Mr. Peck said I don't want to delay the process. If we move forward with this, that isn't our only opportunity to make that happen, is it? Mr. Bowen said no.

Mr. Koch said I think it would be a clear process by putting it on the ballot description, that people are going to see it more so than this resolution. Mr. Miller agreed.

Mr. Peck said so we're in consensus that if this goes forward to a ballot measure that we would include the language in the ballot measure. Mr. Koch said I would agree with that, that there should be a sunset. Mr. Miller said I would, too. Mr. Peck said as long as we've got it on the record that we all agree that the portion dedicated to construction would be sunsetted when the bonds were paid and any portion for the operation could be allowed to continue. Mr. Koch said correct. I could agree with a ballot description of that. Mr. Peck said that resolves my concern. We don't have to have it in the resolution.

Mr. Miller asked will that work? Can we continue to run the jail for 40 years with the expense? Mr. Bowen nodded his head. Mr. Miller said it's been the hope that 2/10ths would pay for complete construction and 1/10th would go towards operation and maintenance and it has been discussed, as we've talked about, that the 2/10ths would sunset at the end of the bond life and the 1/10th would continue for operations of the jail. Mr. Miller said that sounds fine.

Mr. Peck said he thinks the ballot language will need to say the portion dedicated to construction is estimated at 2/10ths so if it turns out that construction is 2-1/2 and the operation is .5, then it's a half a tenth.

Mr. Koch agreed. He said it would need some kind of wording like that; we don't know 30 years from now it's going to be a cent and a half for O&M. Mr. Peck said that's right. That's what I'm getting to, that the portion allocated to paying the construction bonds would sunset and any portion dedicated –

Mr. Koch said needed for O&M.

Mr. Peck said – right, to O&M would remain.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Mr. Koch said that's why I would have a hard time putting an exact number on the ballot. Mr. Peck said right; that was my concern as well because it could move either way. Mr. Miller said okay.

Motion – Mr. Koch: Mr. Chairman, I move for approval of Resolution 2009-241 in the matter of jointly placing on the ballot a proposition before the voters of the county in November proposing an additional 3/10ths of 1% local sales tax and jointly develop an agreement to facilitate construction and occupancy space for the Pasco Municipal Court as part of the new jail plan planned by Franklin County. Second by Mr. Peck. 3:0 vote in favor.

Dan Blasdel joined the audience.

WSAC: Sedgwick and Retro Pool

Ms. Rumsey told the Board about handling of L&I claims and the county's use of Sedgwick as a third party administrator. Ms. Rumsey and Mr. Bowen were told by Tonia Sugarman that the rate is 6% of the L&I claims. Ms. Rumsey said if we did not have the third party administrator, Chief Civil Deputy Prosecutor Ryan Verhulp, she, or another county employee would have to attend L&I claims hearings which are often held in Olympia. Last year, it cost about \$6000 for Franklin County to use Sedgwick. Mr. Koch said it's a no brainer. We can't afford to not use them.

Ms. Rumsey responded to Mr. Peck's hypothetical question about if we had a perfect year with no claims.

Mr. Miller asked why the paperwork says 5% instead of 6%. Ms. Rumsey does not know why because she was told 6%. Mr. Peck said it's a small enough number to not cause concern. Mr. Miller and Mr. Koch agreed.

Mr. Peck said it is a small enough dollar amount and the risk of great cost by doing something different is pretty apparent so he would be in favor of approving the continued arrangement with Sedgwick. Mr. Koch and Mr. Miller agreed. The matter will be put on the consent agenda.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

CORONER

Coroner Dan Blasdel met with the Board. Present in audience: Dalina Castellanos, Steve Marks, Rosie H. Rumsey, Connie Curiel, Becky Mulkey and Yesenia Torres.

Request for approval of Out-of-State Travel

Mr. Blasdel has been selected to receive the 2009 County Courthouse Award from the National Association of Counties (NACo). It will be presented in Nashville, Tennessee. In addition, a \$5000 college scholarship will be presented to award to a graduating high school senior in Franklin County (Exhibit 5).

Mr. Blasdel asked for approval of travel expenses for airfare and rental car to receive the award. He will stay with family members and cover the cost of his own meals. He does not think he has to pay any registration.

The Board reviewed the Coroner travel budget.

Mr. Peck said it's a tough budget year but he thinks it's a pretty good recognition and they're also going to give a scholarship for someone in the county.

Mr. Peck said he hopes we get to have some involvement with who that is awarded to and on what terms. He said his initial thought is it would be nice to give it to someone who in some way has a connection with youth safety and the kinds of things that went into the award.

The Board members gave **consensus approval** for Mr. Blasdel to travel to Nashville.

COUNTY ADMINISTRATOR (continuing)

Resolution: Authorizing Franklin County Human Resource Assistant to accrue compensatory time in an amount not to exceed 120 hours during the period of June 2009 through December 2009

Human Resources Director Rosie H. Rumsey and Mr. Bowen met with the Board. Present in audience: Dalina Castellanos, Becky Mulkey, Yesenia Torres and Connie Curiel.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Mr. Bowen asked for approval of a resolution authorizing compensatory time. He said it won't affect the budget. It will give the Human Resources office some flexibility that is needed in order to have the office remain staffed because of some family medical issues. The policy now states you can only accrue up to 24 hours. The proposed resolution would allow three weeks of comp time built up.

Ms. Rumsey said an employee has a choice of taking comp time or being paid for those hours. The Human Resources Assistant is a part-time person so she could get paid for those extra hours but in trying to help with the budget situation, she has agreed that she will take the comp time rather than getting extra pay.

In response to Mr. Peck's question, Mr. Bowen said the expense will occur partially in 2009 and partially in 2010.

Mr. Miller wants to hold the matter for now.

Executive Session at 10:27 am expected to last 15 minutes based on RCW 42.30.140(4) contract negotiations. Mr. Bowen and Ms. Rumsey stayed in the meeting.

Executive Session continued, expected to last 10 more minutes. Those waiting outside were notified.

Executive Session continued, expected to last until 11:00 am. Those waiting outside were notified.

Open Session at 11:02 am.

Present in audience: Dalina Castellanos, Connie Curiel, Becky Mulkey and Yesenia Torres

Resolution: Implementation of Furloughs

Mr. Bowen asked for approval of a resolution for implementation of furloughs in the form of unpaid leave for Department Heads and non-bargaining personnel, effective July 1, 2009, through December 31, 2009, and authorizing the change of status of exempt employees to hourly status during identified work weeks, effective July 1, 2009, through December 31, 2009.

Motion – Mr. Peck: I move approval of the resolution as just presented by the County Administrator. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-242.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Mr. Bowen said we are currently making changes to three union contracts (Courthouse, Appraisers, and Clerk's and Dispatchers) who have also agreed they would take furloughs. We will have that to you prior to July 1 for signature.

We will have to do some workshopping regarding the rest of the issues we have with our budgets. We will open the budget up and make the changes, including the cuts that were volunteered from elected officials and department heads, and will correct the budget for the rest of 2009.

Mr. Peck asked since the furlough actions and other actions that are still pending will not solve our budget issues, you're recommending that we re-open the budget and look for additional cuts as needed?

Mr. Bowen said yes. We have to do that. He wants to make sure it's clear that the implementation of furloughs is an action that we're taking to get us through the end of the year. If we continue to have shortfalls and cuts, then we have no choice but to open the budgets back up and take further action. We're hoping – and that's all it is -- this gets us through the end of the year.

Mr. Peck asked are we in agreement as a Board that if these furloughs don't get us there that we're willing to re-open the budget and look for additional savings as needed? Mr. Koch said we need to. Mr. Peck said I don't think we have a choice. I'm just looking to see if there is consensus. Mr. Miller said we don't have a choice. There is consensus.

VOUCHERS

Motion – Mr. Koch: I move that we approve Salary Clearing payroll in the amount of \$583,002.68 and on the same cover sheet is Emergency Management payroll and Irrigation payroll:

Salary Clearing Payroll warrants 48601 through 48695 for \$180,514.14; warrants 48696 through 48701 for \$84,731.35; and Direct Deposit for \$317,757.19;

Emergency Management Payroll warrants 18419 through 18425 for \$3566.92; warrants 18426 through 18429 for \$1914.73; and Direct Deposit for \$8313.08; for a total amount of \$13,794.73; and

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

Irrigation Payroll warrants 18430 through 18445 for \$9238.11; and warrants 18446 through 18449 for \$1741.51; for a total amount of \$10,979.62.

Second by Mr. Peck. 3:0 vote in favor. (Exhibit 6)

Adjourned at 11:07 am.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2009

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 18, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed June 29, 2009.