

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for June 17, 2009

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

**OFFICE BUSINESS**

Secretary Patricia Shults met with the Board. Present in audience: Tri-City Herald Reporter Dalina Castellanos and Jerrod MacPherson.

Consent Agenda

**Motion** - Mr. Peck: Mr. Chairman, I would move to approve the consent agenda for June 17, 2009:

1. Approval of **Resolution 2009-243** for the Memorandum of Understanding and Membership Agreement between Washington State Association of Counties (WSAC) and Franklin County for the Select Retrospective Ratings Program, effective July 1, 2009, through June 30, 2010, and authorizing the Chairman to sign said agreement on behalf of the Board.
2. Approval of **joint Resolution 2009-244** in the matter of execution of Agreement #09/09-DIV-NECC between Nueva Esperanza Counseling Center and Benton and Franklin Counties' Department of Human Services, effective March 1, 2009, through June 30, 2009, and authorizing the Chairman to sign said agreement on behalf of the Board. (Exhibit 1: Information sheet.)

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

Regular Agenda

1. The Board is requested to review and consider the email dated June 11, 2009, from Chief Civil Attorney Ryan Verhulp prior to approving:

**Joint Resolution 2009-\_\_** in the matter of execution of a Program Agreement between the Department of Corrections and Benton and Franklin Counties' Department of Human Services, Agreement Number COCO5508, Amendment Number 6, effective January 1, 2009 through December 31, 2009, and authorizing the Chairman to sign said agreement on behalf of the Board.

Ms. Shults gave the Board an update, stating that one of Mr. Verhulp's concerns in the original email has been resolved. The Board decided to extend the contract.

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**Motion** – Mr. Peck: I move approval of Program Amendment between Department of Corrections and Benton and Franklin Counties Department of Human Services, Agreement #COCO5508, Amendment #6, identified as Resolution 2009-245, and authorizing the chairman to sign said agreement. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 2: Information sheet.)

**Vouchers/Warrants**

**Motion** – Mr. Peck: I move approval for June 17, 2009, vouchers in the total amount of \$179,642.42: Sheriff/Sex Offender Grant warrant 18564 for \$44.00; DUI Recovery Fund warrant 18565 for \$69.21; Boating Safety warrant 18566 for \$1093.04; TRAC Operations Fund warrants 18567 through 18637 for \$101,298.38; Trial Court Improvement Fund warrant 18638 for \$1419.01; Election Equipment Revolving warrant 18639 for \$187.00; and Current Expense warrants 18640 through 18705 for \$75,531.78. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 3)

**Franklin County Cattlemen**

Ms. Shults gave the Board members a copy of a letter from the Franklin County Cattlemen's Association regarding the Open Range Livestock areas in the county (Exhibit 4).

**State Auditor's recommendation regarding depreciation of roads and structures**

Ms. Shults gave the Board members a copy of a draft resolution titled "Implementing the State Auditor Recommendation by establishing an infrastructure and useful lives policy" regarding depreciation of roads and structures.

**PLANNING AND BUILDING DEPARTMENT**

Planning Director Jerrod MacPherson met with the Board. Present in audience: Dalina Castellanos.

**Building Department Update**

The May 2009 Building Report was reviewed.

**ASSESSOR**

Assessor Steve Marks met with the Board. Present in audience: Dalina Castellanos.

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Assessor Report

Mr. Marks gave the Board members a copy of the Report of the Franklin County Assessor 2009. It includes statistical information, information about the property tax structure in the State of Washington, and some information about what's been taking place in Franklin County. The Assessor's office is audited on a yearly basis by the Department of Revenue.

In 2008, for taxes collectible in 2009, we changed from a four-year valuation cycle to an annual cycle. We re-value every parcel every other year. In 2008, we sent out about 13,000 valuation notices. This year we will send out about 16,000 valuation notices of the 28,000 parcels in the county. Some parcels are not changing in value so no notice will be sent to those parcels. From Road 52 west and inside I-182 is our physical inspection area this year.

In answer to Mr. Peck's question about how the valuation is determined for parcels not physically reviewed, Mr. Marks said statistical analysis data is used including county-wide sales information. By law, one-sixth of the area has to be physically inspected each year.

Mr. Marks said the Assessor's Office has had the same size staff since 1968. The county has grown in that time. He said his office is able to do the work because I have a great staff, number one, and they're hard workers, number two. Computerization has helped a lot. A new version of TerraScan software is being implemented.

Mr. Marks said in the last seven years we've had a significant increase in the new construction amount. Last year's new construction value was \$177 million. We are already almost done with new construction for this year and the amount is currently at \$75 million, which will be used for taxes collectible in 2010. It will have a few adjustments made to it before the July 31 deadline. The figure will have an impact on the county's budget next year.

Cell Phone Policy Question

Mr. Marks said he understands the Board is considering implementing a cell phone policy. The appraisers currently use a Nextel two-way communication system.

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We have phones for them while they're in the field. He is considering getting rid of the Nextel systems and letting them use their own personal cell phones for communication when they're in the field, then reimbursing them X amount of dollars a month. He explained how hard it has been to work with the two-way phones. They worked well when first implemented but cell phones would now be better.

Mr. Miller said we have been reviewing two different cell phone policies. He said what he was leaning towards was to get the whole policy done and fit the cell phone policy in as a chapter but we should probably just complete that section. Mr. Miller asked the Commissioners to make it a priority to get the cell phone policy done.

Mr. Miller said I just want to compliment your department. I think you do a wonderful job. As a department, you do very well.

Historic Preservation

Mr. Peck asked if Mr. Marks is seeing any growth in any special tax programs such as historic preservation. Mr. Marks said statewide, no. Mr. Peck asked what about locally? He knows the City of Pasco created a Historic Preservation Committee and one thing they wanted to do was to help encourage people to do historic restorations and pursue some of the tax benefits. Mr. Marks said we haven't had any inquiries into the historic preservation program.

**PUBLIC WORKS**

Engineer Tim Fife met with the Board. Present in audience: Dalina Castellanos.  
Resolution: Setting Public Hearing for 2010-2015 Six-Year Transportation Improvement Program (TIP)

**Motion** – Mr. Peck: Mr. Chair, I'd move the approval of the resolution in accordance with RCW 36.81.121 setting a public hearing for July 15, 2009, for the purpose of a hearing on the Six-Year Transportation Improvement Program. Second by Mr. Koch.

Mr. Miller asked about adding some road projects to the TIP. Mr. Fife said the Board can discuss adding or moving projects before the hearing. Projects can also be adjusted later. The whole thing comes down to what we have funding to do.

**3:0 vote in favor.** This is Resolution 2009-246.

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Resolution: Local Agency Agreement LA 6175, Supplement #4, between Franklin County and Washington State Department of Transportation (WSDOT) for CRP 591 – Countywide Safety Corridor Program

Mr. Fife described the projects that have been done with the safety funding including installation of flashing lights and rumble strips at some intersections and extension of culverts on Glade North Road. The projects came in under budget by about \$74,000. Mr. Fife asked for approval of the supplement to shift the money to allow flattening of slopes on Glade North Road before the funding expires at the end of June.

Mr. Peck asked if flashing lights are installed at all the places we think we need them now. Mr. Fife said we had them installed at all the places that were justified and were available to fund. There was specific criteria about where the money could be spent, on major collector arterials.

Mr. Miller said eight flashing lights were installed.

Mr. Fife said a traffic analysis was the basis for where we put these to begin with, where we had history of people going through stop signs. He said we went through an exhaustive process to make the determination. Then we had to spend the money on the arterials where we had the highest accident rates in our county. There were some limitations.

Mr. Peck asked so the state dictates the criteria for where we can use this money so in the places we could legally use the money, we've used it, and in other places where people might think we should have flashing lights, we're not using this money because it's not legal for us to do that? Mr. Fife said it was either not warranted or it wasn't eligible. Mr. Peck said he understands not eligible. Mr. Fife said it was not warranted based on a traffic analysis and/or accident history analysis done by Mr. Fife's office.

Mr. Peck asked if the money could be used to put in flashing lights on an intersection where Mr. Fife felt it would be warranted. Mr. Fife said it could but the time line it needs to be spent by is the end of the month so it would be very difficult to get it done. He asked is there a specific intersection that you're talking about? Mr. Miller described a road intersection of Sheffield and Glade. Mr. Fife said it did not have an

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accident history at the time. Also, at that time it wasn't paved on one side. The paving may affect that history.

Mr. Fife is requesting approval to move money to be used to flatten the in-slopes near the Esquatzel Wasteway bridge. Mr. Peck said they're all highway safety applications. He just wanted to be sure where we had accident history that demonstrated a need for flashing lights that we had covered those. It sounds like we have.

**Motion** – Mr. Peck: Mr. Chair, I'd move approval of Local Agency Agreement LA 6175, Supplement #4, between Franklin County and Washington State Department of Transportation for CRP 591- Countywide Safety Corridor Program. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-247.

**Letter of Request**

Mr. Fife has received a letter of request to close Road 59 south of Court Street on July 4<sup>th</sup> for a neighborhood block party. He said we've never done this before.

The Board members each felt it is a good idea for the neighborhood but expressed concerns about safety and liability. The biggest concern is if something happens that requires emergency vehicles to have access.

Mr. Peck recommended Mr. Fife ask other communities if someone has an established and time-proven policy. He said it is good to support relationship-building in neighborhoods.

**All commissioners agreed it is important to maintain emergency vehicle access.** Mr. Peck said the neighborhood would need to coordinate with local law enforcement. Also, a permit might be required from the State Liquor Control Board.

Mr. Koch said a sign might be required stating "Local Access Only" on Marie Street leading to Road 59.

The Board asked Mr. Fife to find out if closing the road would require full participation by all the neighbors.

**Executive Session** at 10:39 am expected to last 10 minutes regarding real estate purchase under RCW 42.30.110(1)(b).

**Open Session** at 10:50 am.

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**PUBLIC HEARING**

Christy Batayola with Harms Engineering met with the Board. Present in audience: Dalina Castellanos and Eric Hsu.

Public Hearing: To review the project performance for the Clark Addition Water Association Planning Only Grant project funded by the Community Development Block Grant (CDBG)

Ms. Batayola said the public hearing is being held to close out the planning-only grant. At the last public hearing we had, unfortunately we didn't advertise that it was also closing out the planning-only grant. This hearing is really more of a technicality than anything else. The grant was to do the planning process for the Clark Addition Water Association. For that, we did a feasibility study, a water system plan, and an environmental report. Those were completed about a year and a half ago. We're just doing the closeout paperwork now.

Mr. Peck said he has heard that people are delighted to have good water and a new system. He has not heard a single complaint. Ms. Batayola said they have a much better system now. They have better reliability and better water quality.

Mr. Miller asked three times if anyone would like to speak about the closing of the Clark Addition water project planning-only grant. There was no response.

**OFFICE OF PUBLIC DEFENSE**

Bi-County Indigent Defense Coordinator Eric Hsu met with the Board. Present in audience: Dalina Castellanos and Rosie H. Rumsey.

Office of Public Defense Ordinance

Mr. Hsu has drafted the proposed ordinance. It has been reviewed by judges and attorneys in both counties. He is not asking for action today. A public hearing has been scheduled. Mr. Hsu reviewed the proposed ordinance with the Board.

**FACILITIES**

Facilities Director Christopher Giles met with the Board. Present in audience: Dalina Castellanos and Bob Sandusky with Apollo.

Bid Opening: HVAC Contract (environmental systems)

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One bid was received from Apollo Sheet Metal for \$163,699.78 for a three-year contract. Mr. Giles had estimated it would cost about \$150,000 for a three-year contract.

The bid opening was advertised on May 21 and May 28 in the Franklin County Graphic. It was advertised in the Tri-City Herald on May 24. Two companies came to the mandatory walk-through: Apollo and Campbell & Company. Mr. Bowen said he received notice from Campbell & Company that they did not wish to bid on the project.

Mr. Miller said the bid will be reviewed with award expected to be on Monday, June 22.

### **COUNTY ADMINISTRATOR**

County Administrator Fred Bowen met with the Board. Present in audience: Dalina Castellanos.

**Executive Session** at 11:13 am regarding review performance of public employee based on RCW 42.30.110(1)(g) expected to last 10 minutes. Ms. Castellanos left the meeting.

**Executive Session** continued at 11:23 am expected to last five minutes. Those waiting outside were notified.

**Open Session** at 11:31 am.

Dalina Castellanos, Sharon Paradis and Nanette Blackburn joined the audience.

### Resolution

Mr. Bowen asked for approval of a resolution authorizing the 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.

**Motion** – Mr. Peck: Mr. Chairman, I move approval of the resolution as just read by the County Administrator. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-248.

### **JUVENILE JUSTICE CENTER (JJC)**

JJC Director Sharon Paradis and Juvenile Drug Court Coordinator Nanette Blackburn. Present in audience: Dalina Castellanos.

### Drug Court

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Ms. Paradis said Benton County has agreed to pay their share of the additional amount needed for Drug Court if Franklin County can pay its share. Benton County also feels we owe it to kids in the program to see it through. Benton County did ask if the supplement were approved that we not add any additional youth through the end of the year.

Mr. Miller said I think we have made a suggestion that we would support the program for this year. I do think this is a high priority. We are in budget distress but we also realize how important it is to finish this program for the ones that are in the class now.

Mr. Koch asked where the revenue is coming from. Mr. Miller said he thinks we talked about some things are priorities and we're going to find some money for it.

Mr. Bowen said \$111,000 is remaining in Contingency. We also have six murder trials that we're up against right now that could get costly. As of yesterday, the county currently has a \$359,000 deficit, although Mr. Bowen plans to verify some projected numbers before knowing if it is the exact amount.

There are 16 kids in the Drug Court program right now.

Mr. Peck asked what happens if you don't get the money? Ms. Paradis said we will see the kids through the program but not at the same level of service. We will cut a portion of the probation counselor program. We will decide if the coordinator position is eliminated completely or by a percentage. She said when we lose staff support, we lose the economics of scale to cover the program and track and meet with kids and monitor kids and programs and make referrals. Ms. Paradis said she thinks the contact level with the kids will be reduced, the program will look different, and it will have some impact on our outcomes. She said we will see these kids through a program; we won't just eliminate them from the program. We would not open a door for kids until we are below what would be 50% and what we think we can legitimately support to give these kids a valid experience.

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Mr. Peck asked if some of the savings from refinancing the bonds for 2009 could be used. Mr. Bowen said the bond funds are in the Miscellaneous budget, not Current Expense.

Ms. Paradis has not negotiated with the Clerk's Office and Prosecutor's Office to talk about reductions in support they give us. She is anticipating a 50% reduction. She also has not talked with the defense attorney involved.

Ms. Paradis explained how the funding has worked. She talked about recidivism.

Mr. Peck said I don't think anyone is opposed to the concept, and my guess is all three of us would like to support funding, but we have an ethical and legal responsibility to not spend money we don't have.

Ms. Paradis said historically the JJC has had a cash carry forward that the Boards have let us utilize. In the past we have asked the Boards to let us spend against that to maintain some programs. They have let us do that down to about \$300,000.

Mr. Bowen said there is a reserve amount set aside in Current Expense.

Mr. Peck said he thinks there are three pieces to this. Is it a valuable program that we think needs to be funded? It sounds like there is universal agreement that yes, it is. The second piece is where is the appropriate place for the funds to come from? The third piece is what is the effect of funding it? He said regardless of where we fund it from, we're still going to run short next year. He wonders if we aren't just delaying the inevitable.

Mr. Koch said for being involved in the few years that he has been, it's a program that is highly effective. Revenue is paramount right now. We also did ask Sharon to ask Benton County and if Benton County had the money we would look deep into helping out. So I can support using funds from the Contingency if we need to get into it. This is no guarantee that we will get into next year with funding.

Mr. Miller said I feel we have an obligation to finish this. I felt we would fund it if Benton County came back with funding their portion. If the money comes from Contingency, instead of \$300,000 in the red we might be \$314,000. That's not any better;

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that's worse. We can help six people complete their graduation and maybe keep the program going until the next funding comes.

Ms. Paradis said the potential for funding is not looking good at the state level. The Circle of Hope is a private group that has a lot of interest but maybe no funding available.

Mr. Bowen said there is about \$111,000 in the Contingency fund and about \$1.1 million in a Reserve fund that is unencumbered. The county has a \$360,000 deficit. The Board discussed estimated budget amounts.

Mr. Peck said in more direct terms, we've agreed for the sake of county fiscal responsibility that we need to protect those unencumbered funds. There are up to six murder trials. He said the reality is we either adjust our previous position, which was to protect those reserves at nearly all costs because that's the county's backup to make sure that we remain solvent in the face of a historic number of murder trials that can run into untold numbers. What I'm leading up to is, when you look at this in the big picture, funding this could very easily result in an additional position elimination. I think it's likely that funding this takes away somebody's job in Franklin County. I'm not saying that's good or bad or otherwise; I'm not placing a value judgment on that. I'm just putting it on the table so that everybody understands that we can't fund this or anything else without a cost attached. That's likely to be the cost. If we're okay with that, then fine, no argument, no problem, but we need to be honest with ourselves. We can't just say we've got this big pot of money over there. Let's just fund it and work it out later. Mr. Peck said I think it's a great program. I was one of the people who said last time we need to do everything we can to support it and fund it. My feeling hasn't changed but I just think we have to be very upfront and honest about where we are budget-wise. We've got some very, very big unknowns in the murder trials.

Mr. Miller said he agrees that we do have to watch the budget. He doesn't think \$14,000 is going to break the county, though. If we added on a bunch more costs, then yes, it would, but he thinks this is a priority we have to look at.

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Mr. Miller asked Mr. Bowen for an estimate on murder trial costs. Mr. Bowen said you're asking me to look into a crystal ball. He gave some figures of cases that occurred in the past.

Mr. Peck said nobody is arguing the merits of the program. The two points I'm trying to make, just so we're crystal clear: We can spend the money and end up in the same place, just delaying it by a period of time; and the other is, whether we fund it or not, we have a responsibility to communicate openly and candidly about where we are financially. Even if it's \$1000 or \$14,000 or \$140,000, we need to have this level of dialogue, because if we don't, we'll find ourselves saying yes, yes, yes, yes, and then saying what happened to all the money? Mr. Miller said that's what we can't do, though. There are priorities.

Mr. Bowen asked Ms. Paradis about the JJC cash carryover.

Ms. Paradis will review some information with Jennifer Bowe in her office next week and return to the Board with further information.

Mr. Koch said I do support the concept. I just don't want to leave a rock unturned.

Mr. Miller said I am very much aware of the budget and the problems but there are some priorities and maybe there are some other ways we need to cut or something. I just think this is an important program and hate to cut it off and have it finish. He told Ms. Paradis if there's any way to keep it going and you can help with that, great, and we'll do what we can.

#### **MINUTES**

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

**Adjourned** at 12:11 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 22, 2009.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Chairman

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Chairman Pro Tem

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Member

Attest:

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Clerk to the Board

Approved and signed June 24, 2009.