

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 22, 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

Public Hearing: To take testimony for and against increasing the assessment from \$1.50 to \$2.00 per parcel per year for the Franklin County Horticultural Pest and Disease Control Board, commencing with the 2010 budget. The proposed increase from \$1.50 to \$2.00 per parcel per year would raise the assessment from 12.5 cents to 16.67 cents per month.

Present: Commissioners Miller, Koch and Peck; County Administrator Fred Bowen; Horticultural and Pest Control Board Coordinator Tom Wilson; and Clerk to the Board Mary Withers. Present in audience: Dalina Castellanos.

Mr. Wilson reviewed the points in the Horticultural Pest and Disease Control Board Resolution #1 PCB09 (Exhibit 1). Two public hearings were advertised and then held on May 20 and 27. The Pest Control Board met on June 1. Mr. Wilson reviewed the points in Resolution 1 PCB09.

The assessment has not been changed since December 20, 2000, when the assessment was first put in place. The cost of doing business has risen by an average of 5.6% per year. Revenues have grown by about 3.67%. Mr. Wilson took the original revenues and current ones to determine that figure and also our original and current expenditures to determine the 5.6% figure.

We're doing things we haven't done in the past. The state has a task force that is trying to eliminate the Cherry Leaf Roll Virus problem because it kills orchards. We were not doing that in the past. We were not working with the state on the apple maggot control. We try to back them up to make sure the traps get checked once a week so we don't get apple maggots spreading in Franklin County, causing the industry a lot of grief. Some workers are doing a research project right now on flowering pear, trying to determine what kind of a problem those ornamental trees are. There has been more

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orchard removal and enforcement work. He said we are just doing more work than we were doing when we first started as a natural progression.

We have an increase in the number of residential parcels which of course increases that source of revenue but it also increases demand for monitoring those areas.

The orchard industry does receive the most benefit from the program, as it did when the assessment was first set up. They also pay \$4 per acre and they pay the largest percentage of the funding coming into it. They also pay the per parcel fee. They have about 2% of the parcels that are assessed. This increased parcel fee would also affect them.

The proposed increase is to change from \$1.50 a parcel to \$2.00 per parcel per year, which is about 16 cents a month. It does not affect the county's taxing ability or the limitations on what you can assess.

Mr. Miller asked if there are any proponents or opponents but no one was present to comment. Mr. Wilson said he's asked a lot of people to attend but cherry harvest is occurring so the growers could not be here.

Mr. Koch asked did you have any input at the public meetings? Mr. Wilson said no, not from the public. He has received one phone call from a person who just wanted to know what it was. He said she did not seem concerned after talking with him. Mr. Wilson said people are given a \$50 certificate for removing a tree so they receive the cost of their assessment back for about 25 years if they do something like that. If they don't have a fruit tree, it's not to their advantage.

Mr. Miller asked if you have support from growers. He said it is a benefit for growers to take out a poor tree that's going to cause other problems. Mr. Wilson said you bet.

Mr. Peck said it says higher per parcel charge for the growers. What is that amount? Mr. Wilson said they are now being charged \$1.50 per parcel too, just like any residential person is, and they are also being charged \$4 per acre. The per parcel charge would be increased from \$1.50 on everybody – orchardists, residential neighborhoods – to \$2.00 per parcel. It would be per parcel, not per thousand dollars of valuation. The

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Assessor provides the information regarding which parcels are assessed. The largest bulk of them are houses in the county and the towns.

Mr. Peck said item 3 in the resolution states the increase in the number of residential parcels is placing extra pressure on the system. He said those are mostly new development. He asked are you finding that you have the kinds of undesirable trees in those new development parcels? Mr. Wilson said yes. He gave some examples of homeowners planting cherry and apple trees and flowering crabs and other ornamental trees.

Mr. Peck said what he is trying to separate is whether or not these are undesirable trees being put in by homeowners or by developers. Mr. Wilson said it can be both. Mr. Peck asked which is more prevalent? Mr. Wilson said it's the homeowners. We go to developers with a list of approved trees, trying to get them to put in something that's not a problem.

Mr. Peck said that was going to be my next question, why are they putting in undesirable trees, haven't you communicated with them? It sounds like you have but they've done it anyway? Mr. Wilson said right. That's why in the newer developments, especially on the medians, you're not seeing trees being planted there anymore, but they're being put in people's yards.

Mr. Peck said so you think you've got the developer's side taken care of; it's private individuals who are planting them? Mr. Wilson said not 100% but we've made inroads on it. We have been working with the Pasco City Planning Department. Mr. Peck asked have they made it a condition of their permitting process? Mr. Wilson does not know. Mr. Peck asked Mr. Wilson to find out.

Mr. Peck said on the per parcel rates, we're talking such small dollar amounts that it's not terribly consequential, but it strikes me as odd that it's done on a per parcel basis rather than a per taxpayer or per acre basis. Some people have 40 acres and one parcel, others have five acres and it's in four parcels. We're not talking big dollars here but in terms of where this goes in the future as these rates increase, wouldn't it be more equitable to do it on a per-taxpayer basis since that's where the benefit is derived?

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Mr. Wilson said when you say per taxpayer, I see what you mean, that a taxpayer may have several parcels. Mr. Peck said the parcels vary so much in size. He said in my case I've actually benefitted because I've received certificates. I think it's a wonderful program; don't misunderstand me. But there are people who have a single parcel that's 20 acres or 40 acres –

Mr. Wilson said or 7000 square feet.

Mr. Peck said and they pay one fee and then somebody else has maybe five or ten acres in six different parcels so now they're paying five, ten times the rate that somebody else is who has twice the acreage.

Mr. Wilson said he thinks it's more a mechanic's thing. The Assessor would probably be able to explain that better. He believes when it was first set up, it was modeled after the Weed Board assessment. He thinks it is easier for the Assessor and Treasurer to identify.

Mr. Peck said he understands it is probably easier for them to do it on a per-parcel basis but maybe you can ask that question for the future as to why it's per parcel and not per taxpayer or per acre. He said I can see that per acre becomes more difficult; there's an extra calculation there. Regardless of the small dollar amount, the principle still applies that you could have one citizen paying 10 times as much as another citizen and that citizen paying less may actually have more acreage. Mr. Wilson said I understand what you're saying. Mr. Peck said it just seems like a worthwhile question. He said what I'm interested in knowing is whether you'll pursue that with the assessor or do you want me to do that? Mr. Wilson said I'll do that. I'll ask the question and maybe get you an answer.

Mr. Miller said some of the problem is people who put one or two trees in their yards but do not spray them. Is that the majority of the problem? Mr. Wilson said that's basically it. Even people who try to take care of them, maybe spraying once a week, they can't get the kind of chemicals that have any lasting power, so if they decide to go on vacation, unless they've got somebody doing it for them and the expense in doing it and the labor of doing it, they can't keep it up. We try to educate people about how to take

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care of their trees. We try to get them to remove them. We try to give them all the different choices there are. We've never got ourselves in a situation where we've had to go to court because somebody was a problem and wouldn't take care of it because we haven't operated that way. Bribery has been working. The only time we get involved in that kind of situation is if we have a problem right close to an orchard where we need to get some enforcement because that orchard is getting hit by a person that's not taking care of a tree. Orchardists in general, 99% of the time, take care of their orchards because that's how they make their living. We run into issues on that when you get the 1% that either by bad farming practices, bad luck, or bad whatever are letting it go down and slip and don't take care of it, therefore affecting their neighbors. We get involved it seems almost yearly on one or two enforcements in that kind of a situation where we will actually try to save the orchard, work with the orchardist and pay for the spraying and put a lien on his property if he doesn't pay us but try to solve that.

Mr. Wilson said the vast majority of problem trees are by the individual homeowner.

In response to Mr. Miller's question, Mr. Wilson said the increase would be 50 cents per parcel, not per thousand dollars of valuation.

Mr. Wilson asked if the research you want me to do is for future situations. Mr. Peck said I'm going to propose that we delay the resolution for a week while we get that answer because it's what I call small dollars math. It's not a large amount of money for anybody but by the same token I'm a firm believer that there's a principle at work and we ought to as closely as possible match what people pay against who benefits and what the benefit is. My perception is that all the citizens, all the taxpayers, essentially benefit equally, and we ought to distribute the cost of the program equally.

Now, to illustrate the point one more time, there are people that have, say, five or ten acres, that are broken up into three, four, five parcels. They're going to pay three, four, five times as much as somebody who's got more land for the same benefit. If it's not an administrative burden and if it isn't a problem, we ought to at least ask the

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question can this be applied in an equally simple yet more equitable manner. You'll probably end up deriving more revenue for the program.

Mr. Wilson said that's what I was wondering. If you've got one taxpayer that has five parcels and you're going to charge them per taxpayer instead of per parcel, I can see unless you increase the rate more, you'd end up having less revenue as a possibility.

Mr. Peck said that's why it would be worth investigating and doing the simple math to find out how that plays out. He asked if a decision is needed today. If we've got a chance to put this on what I believe is a more appropriate formula, then why not ask the question before we start signing resolutions? Mr. Wilson asked for two weeks because we're really busy.

Mr. Peck said if it turns out that a different formula doesn't yield the same revenue, then we can scale the rate. He guesses you will find it will actually increase the revenue a little bit. It is just an estimation.

Mr. Miller said I only wonder why that hasn't been thought of before. Mr. Wilson said I have no idea. When we first got this started, we modeled it on another agency. Mr. Peck said "we've always done it this way," my favorite answer. Mr. Wilson said so we're going to be groundbreakers if that's what happens. Mr. Koch said go for it.

The Public Hearing will be continued to July 6 at 9 o'clock.

Mr. Wilson said I need to ask the Prosecutor, too, about how these things are set up. Mr. Peck said it wouldn't hurt but he thinks the Assessor will have all the answers.

Mr. Miller asked Mr. Wilson if he needs to meet with his board. Mr. Koch said if you change it, it will have to go through a public hearing again with notification. Mr. Wilson said let's see what the answer is. We have time because it would not become effective until 2010.

Mr. Peck said don't misinterpret these comments as lack of support for the program. Everything I see says it's a great program. I don't think there's any lack of support for the program or even for the increase. I just want to get the formula right.

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Motion – Mr. Peck: Mr. Chairman, I move we carry this public hearing forward for two weeks to allow time for the program proponent to do some additional research on the formula for applying this fee. Second by Mr. Koch. 3:0 vote in favor.

FACILITIES

Facilities Director Christopher Giles met with the Board. Present in audience: Dalina Castellanos, Kyle Cox, Kate Holloway and Jon Stuckel.

Bid Award: HVAC Environmental Maintenance Service

Mr. Giles recommended that the bid be awarded to Apollo since they were the sole bidder for \$163,699.78. Mr. Peck asked did the bid also meet the requirements, standards and conditions? Mr. Giles said yes.

MID-COLUMBIA REGIONAL LIBRARY

Mid-Columbia Library Services Director Kyle Cox, Network Administrator John Stuckel, and Communications Coordinator Kate Holloway met with the Board. Present in audience: Dalina Castellanos and Information Services Director Kevin Scott.

Mr. Cox gave a Power Point presentation regarding a proposal to apply for library stimulus funding based on the American Recovery and Reinvestment Act (ARRA), also known as the stimulus bill.

If the funding were received, the library would add more network capacity. Clear support from counties, cities and PUDs would be very helpful in receiving these grants.

Mr. Cox asked the Board for help by expressing interest in gaining broadband funding, perhaps by a Letter of Intent from the County Commissioners. He also asked the Board to help us identify partners including yourselves who might provide capacity.

Mr. Miller thanked Mr. Cox for his presentation. Mr. Miller has attended a Mid-Columbia Library meeting regarding the grant.

Mr. Miller said his understanding is there is quite a range of library books on the library's internet service for people to choose from. He said we have a lot of problems in libraries now such as racism. He asked where's the limit? How does that work and how will an internet library work? He mentioned racism and pornographic materials.

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Mr. Cox asked with regard to racism, are you thinking about specific auditory tapes that people with a higher socioeconomic status would be advantaged in getting? Mr. Miller said would you have any problem with that such as lawsuits? Mr. Cox said I don't think so with racism. Obviously, it's very timely with pornography. I've been interviewed by the press multiple times. At Mid-Columbia Library we're working in complete accordance with the law. We're completely in accordance with the Children's Internet Protection Act (CIPA). We're in compliance with E-rate as well. E-rate is administered by the FCC. It provides matching funding for basically broadband deployment. It's based on school lunches and subsidies. One of the conditions of E-rate which has not come up in any of the interviews I've given because I haven't had the opportunity or it hasn't been printed is that a condition of E-rate is that within the U.S. Code there has to be an option for the filters to be turned off for bona fide research purposes or other lawful or legal purposes. We get about \$80,000 in E-rate funding basically to meet some of these broadband deployment issues. We've been told we cannot double-dip so if we were to get funding for broadband deployment, we could not use it for some of the funding that we're getting for E-rate, for reoccurring costs. We can use it for deployment costs.

Mr. Cox said with regard to pornography, I think right now legally we are completely in compliance with Federal and state laws. The library's policies right now are much more aggressive than required by law. The policy is currently zero tolerance for pornography. Our policies are on our internet site and clearly state that looking at obscene materials, graphically violent, obscene materials that are harmful to children, which has been legally clarified (which basically is pornography) is not tolerated in our organization. From a legal perspective with regard to funding, I think we are completely on board. I think our board has been more than aggressive in being very clear that pornography is not tolerated.

Mr. Peck said I'm glad to hear you're complying with the law. I'm glad to hear that you feel you've taken a more aggressive stance. I'm glad to hear your policy is zero tolerance. What do you do when your compliance with the law, your aggressive

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behaviors, and your zero tolerance policy still allow an incident to happen where a child walks up on an individual viewing pornography on your system? Does that in your opinion indicate that the procedures you've put in place have failed or is your zero tolerance policy sort of a mitigated policy that says we can't prevent everything?

Mr. Cox said I think that's a great question. I think this is a scenario that virtually all public agencies have to deal with in the public space. For example, if someone was mugged at a park, obviously they could take measures that would prevent that as much as possible.

Mr. Peck said I'm not going to buy that. The reason is that a public park is a lot more difficult to patrol than the inner confines of a library. I thought you were going to make the argument that if somebody was in your parking lot using your wireless that that would be beyond your reasonable ability to control and that I could buy.

Mr. Cox said with regard to wireless, you have to have network authentication to even get on the wireless system as far as I know and it has more filtered access.

Mr. Stuckel commented. He said public wireless is only available by approaching a staff member.

Mr. Cox said we've taken very proactive steps with regard to the arrangement of our libraries. We have privacy screens as well to do that. We've been very proactive in taking measures to mitigate any risk that we could have. He knows that Mr. Peck received a letter from a woman whose teenager was exposed to pornography. It's obviously something that I'm very much opposed to and that the board is very much opposed to.

Mr. Peck said sure. So we're all clear, I understand that your motives are I believe in the right place and that you are doing perhaps more than the law requires. What I'm trying to focus on is that we have empirical evidence, actual fact, that those procedures and policies have been inadequate on at least one occasion and you're asking us to support expansion of this system. What I'm saying to you is we'd probably like to do that but at least for myself, I'd have to have greater assurance that you will find ways to not simply mitigate but in fact prevent children from being exposed to that material. If that

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means having isolated places where people view so that the only person that can see what's on the screen is the individual, then perhaps that's what's required. It seems to me a very difficult challenge when you then broadcast a wireless signal to a parking lot where anyone could be outside, unobserved, using your network. I realize you have filters in place but I think we both understand that filters aren't 100% perfect either. I acknowledge it's a very, very difficult challenge but at the same time you're asking us to help you expand this into our community. I want greater assurance that we're not going to have more of these instances.

Mr. Cox said the filter can be turned off. Again, that's to be compliant with what we are given by the Federal Communications Commission (FCC) to be able to get E-rate funding. Assuming that the person is using it for legal, lawful, bona fide research purposes when that filter is turned off, which is again a vast majority of the time that can happen.

Mr. Peck said maybe we can't afford E-rate money. Mr. Cox said the E-rate money is about \$80,000 for reoccurring broadband connectivity costs.

Mr. Peck said like I said, maybe we can't afford E-rate money if the cost is that we have to turn off filters that increase the likelihood of children being exposed. Mr. Cox said that's a decision that other library districts have decided to make, that they don't accept E-rate funding. Of course that would present a unique challenge to the Library System to come up with operating revenue to fund that shortfall.

Mr. Peck said at the risk of sounding flip, if it's your child that is exposed to that material, \$80,000 seems inconsequential. Mr. Cox said sure, and as a parent, I understand that.

Mr. Koch said as far as the broadband part of it, before we get into the pornography part of it, the broadband part I think is a needed process. The PUDs are also working to help expand the broadband to rural Franklin County. I think we have two separate issues. I realize that Commissioner Peck has a concern and from communications we've had, pornography is a definite concern that would have to be addressed also. But I think our big picture as far as the broadband, I would support.

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Mr. Peck asked do you see them as separate issues? Mr. Cox said I do. Our staff is looking at other ways to make the filter more effective. For example, we have already rearranged furniture in the Pasco Library to discourage or even mitigate some of those risks. We're continually looking at that with regard to technology purposes. We're looking at ways within the confines of the law that are placed before us.

Mr. Peck said he thinks they are inseparable issues because the broadband expansion is the vehicle that delivers that material, potentially to the wrong audience, and unless you've ruled out the likelihood of that happening, it wouldn't make sense to expand the system. I realize that it may not be possible to get to 100% but they're clearly linked if not the same issue.

Mr. Miller said we could take this out to the county as a benefit but I'm not sure – it's all over, where children or anyone can get on and find anything that we don't want them to see. If there was a way our public libraries could prevent that, I would feel much more secure about it and supportive of the program. It sounds like there isn't.

Mr. Cox said again, we're taking very proactive steps. We're looking into it. It's something we're taking seriously. As Commissioner Peck has said, I don't know if we can ever get to 100% because of the portion of the population that unfortunately might aggressively want that. We take it seriously. We're trying as much as possible to improve the current conditions. It happens very infrequently. I do respect what you're saying. From a parent's perspective, which I feel as well as a parent to children, I would be very upset as well.

Mr. Peck said just for sake of clarity, we're talking about minors. If someone is an adult and they choose to view that material, a piece of the Constitution gives them that right, but no one has the right to expose minor children to it. For people who are going to hear or read these comments, I don't want them to misconstrue what I'm saying. I certainly have no issue with adults' Constitutional rights. We're talking about protecting children here. I want to make sure our best intentions to bring a very valuable service to outlying areas of the county doesn't come with a price that we're not willing to pay.

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Mr. Cox said as far as next steps, it sounds like the Commissioners have some concerns with regard to the pornography and filtering issue as well as maybe some interest in pursuing the broadband capacity.

Mr. Peck said I'm happy to support expanding broadband but I want assurance that MCL is not just simply complying with the law but going well above and beyond to ensure that we're protecting our children. I don't think probably anybody would disagree.

Mr. Miller said we all received a letter of a complaint so we all realize the problem. It was one instance probably out of many, many times that people use this, so we understand that, but if we can eliminate that as well as we can, that sure would make this feel like a lot better decision.

Mr. Miller said you talked about this going out to the county and smaller towns. He asked does it have an advantage to improve the county system, such as 911? Mr. Cox said that's a possibility. Basically the point is technology out to Connell, Kahlotus, Merrill's Corner and Basin City. There is very much the opportunity to partner with county services because the infrastructure is already going in. He thinks that is the major advantage to the cities and county as well. We're going to have a meeting on June 30 with our technology consultant to explore more of the possibilities for partnering together to make sure if these are being deployed and we're able to get Federal funding to do this that it could be used for those purposes. He thinks that's the whole intent from what we've heard from representatives with this program is that they want to show partnering opportunities where we could have potential benefit, again not just the library as a building but services in general in the county.

Franklin County Information Services Director Kevin Scott said one of his questions was just answered. He asked is NoaNet part of this project? Are they involved in this?

Mr. Peck said NoaNet is the Northwest Open Access Network. Mr. Scott briefly described the county's connection with NoaNet services. He asked why are the libraries taking this on when NoaNet has already blazed the trail and is looking for partners to branch out to all communities? Mr. Cox said our understanding from a library

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perspective is that the funding has been earmarked exclusively for libraries to spearhead it. It is not to say we couldn't look into NoaNet. Mr. Peck said it sounds like NoaNet is an ideal partnership. He has talked to Franklin PUD which is part of NoaNet and they are pursuing the same funding so it sounds like an ideal partnership. Mr. Scott said there have been discussions between the Library and the PUD, especially after the first meeting. He said the issue is not so much getting the fiber to Connell, it's also getting the fiber from Connell to the library as well, figuring out where the funding is working.

Mr. Scott asked this is not just fiber libraries, this is to the rural communities? Mr. Cox said yes. Mr. Scott said for example we would like to connect the Connell Police Department to our 911 system. Mr. Cox said that is my understanding, that that is being encouraged, to partner to get funding to deploy to libraries and rural communities. That was very much the case. The grant information used the words "unserved" and "underserved" with regard to higher speed broadband access.

Mr. Miller said at this point we agree that the improvement is great for the county. We would like to see some kind of tightening up of access. That may take some different action by other boards.

Mr. Cox said sure. The library was just as displeased and saddened that a teenager was exposed to that.

Mr. Cox asked what would the County Commissioners want to hear as follow-up on maybe the proactive steps or the other things that we have been looking into as an organization to help prevent potentially some of these future incidents from occurring?

Mr. Miller said he thinks the Mid-Columbia Library Board could discuss it and tighten it up themselves. As commissioners, we can express our feelings. I don't think we're going to shut down the libraries because of it. I think you've got the support for this, though. Brad, do I hear that from you or do you feel there needs to be some other explanation to the problem at the libraries where anybody can access or does your support go for the broadband?

Mr. Peck said I absolutely support trying to take advantage of this funding to get fiber out to our rural communities that are unserved or underserved, no question. That's

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an easy one. But since that funding issue brings us to the question of access, we've got to I think always respect people's free speech and Constitutional rights. I think library leaders would appreciate that as much as anybody. That's a big part of your industry and your outlook. All I'm really saying is that empirical evidence is the best indicator. It doesn't matter what the laws are or the policies are or what the procedures are. If those things don't prevent children from being exposed to inappropriate material, then additional steps need to be taken. I don't think it's our place to try and micromanage or tell you how best to do that. You are the experts in that area together with your IT staff. I think it's clear that we support what you're trying to do. All I'm saying is in the process, please give additional thought to how you can take that small number of cases and reduce it to zero. While perfection is a difficult goal, in this case I'm not sure it's unachievable. It may simply be isolating people who are viewing material. I don't know. That's your department.

Mr. Miller said it sounds like you have consensus with the partnership at this point. Mr. Koch agreed. Mr. Miller said the other part is another issue that I think we need to tighten up.

Mr. Cox said we will be having a meeting on June 30 and will also be sending out letters of intent to potential partnering organizations to sign on with our grant application.

Recessed at 9:53 am.

Reconvened at 10:00 am.

OTHER BUSINESS

Final Approval Short Plat SP 2008-23, Scott Darrington

Motion – Mr. Koch: Mr. Chairman, I would move for final approval for Short Plat 2008-23 for Scott Darrington. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2009-249.

Minutes

Motion – Mr. Koch: Mr. Chairman, I would move for approval of Commissioners Proceedings for June 8, 2009. Second by Mr. Peck. 3:0 vote in favor.

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PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Dalina Castellanos.
Invitation to Bid: CRP 596 R170 Landslide Area Phase Two, Road Realignment – Bid Opening July 15, 2009, 9:45 am.

Phase 1 involved the canal work. Phase 2 is the first road piece. Mr. Fife said we are calling the balance of the project Phase 3.

Motion – Mr. Peck: Mr. Chairman, I'd move approval of CRP 596 R170 Landslide Area Phase Two Road Realignment, Invitation to Bid. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 2)

CRP 596 R170 Landslide Area: Establishing "Just Compensation" for Parcels 596-07, 596-14 and 596-12

Mr. Fife requested approval and concurrence of just compensation for three parcels of property owned by Salisburys for Phase 3 of the R170 project to start the negotiation process. Mr. Fife has copies of the appraisals that support the offers. HDR Engineers handled the appraisal work. Mr. Fife answered Mr. Peck's questions about the irrigation company estimate.

Motion – Mr. Koch: Mr. Chairman, I would move for the approval of CRP 596 R170 landslide area in the formal request. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 3)
Roads

Mr. Fife told the Board about work being done on the road paving projects. He answered Board questions about Juniper, Sheffield and Klamath Roads, Murphy Road, and Pasco-Kahlotus Highway.

Mr. Miller told Mr. Fife about a complaint regarding weeds on a road and the road being too narrow.

Mr. Koch asked where are we in the spray program? Mr. Fife said the first application has been put down. We don't spray gravel roads. Some grader operators have been reassigned to do chip sealing instead of grading. We hope to get back to the grading as soon as possible. The grading helps keep the weeds from getting big. Workers are already starting to mow as well.

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Mr. Miller said he is hearing complaints about tack weeds. Mr. Fife said tack weeds are not on the list of Noxious Weeds but we do try to spray for it.

Mr. Peck asked about the water on roadway issue. Mr. Fife said quite a few infractions or corrections have been written. Some operators are fixing the sprinklers. It will be an ongoing issue. Some of the problems have been from malfunctioning equipment.

OFFICE BUSINESS

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

Consent Agenda

Motion - Mr. Koch: Mr. Chairman, I would move for approval for the consent agenda for June 22 as presented:

1. Approval of **Resolution 2009-250** for the Agreement with Trans Union Data Services for Franklin County to obtain a one-time "proof of concept" study by D-MED Corporation, at no cost, to determine eligibility for indigent defense services, and authorizing the Chairman to sign said agreement on behalf of the Board.
2. Approval of **Resolution 2009-251** setting alternate dates for budget hearings for the 2010 Franklin County budgets.
3. Approval of **joint Resolution 2009-252** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Juvenile Detention Alternatives Initiative (JDAI) Grant Application between the Office of Juvenile Justice (OJJ) and the Benton-Franklin Counties Juvenile Justice Center, effective July 1, 2009, through June 30, 2010. (Exhibit 4: Information sheet.)
4. Approval of **joint Resolution 2009-253** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the County Program Agreement, Evidence Based Expansion, between the Juvenile Justice Center and Washington State Department of Social & Health Services, Juvenile Rehabilitation Administration, effective July 1, 2009, through June 30, 2011. (Exhibit 5: Information sheet.)
5. Approval of **Out-of-State Travel Request** for Dan Blasdel to attend the National Association of Counties (NACo) annual conference in Nashville, Tennessee, July

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23-28, 2009, for estimated expenses totaling \$788.04, to accept a 2009 County Courthouse Award. (Exhibit 6)

6. Approval of **Resolution 2009-254** for the Memorandum of Agreement, Addendum to Collective Bargaining Agreement between the Board of Franklin County Commissioners and the Local 2658-F Appraisers of American Federation of State, County and Municipal Employees and the Washington State Council of County and City Employees, effective July 1, 2009 through December 31, 2009, thus, amending Resolution 2008-174.
7. Approval of **joint Resolution 2009-255** 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 Somerset Counseling Center, effective through June 30, 2011. (Exhibit 7: Information sheet.)

3:0 vote in favor.

Vouchers/Warrants

Motion – Mr. Peck: I move approval for June 22, 2009, vouchers in the total amount of \$346,252.89: 2nd Quarter % Excise Tax Fund warrant 18766 for \$245,250.00; Crime Victims/Witness warrant 18767 for \$2,781.21; Veteran's Assistance warrants 18768 through 18770 for \$2,897.57; Jail Commissary warrants 18771 through 18776 for \$13,809.24; Current Expense warrants 18777 through 18878 for \$74,292.05; Auditor O&M warrants 18910 through 18913 for \$6,284.94; Courthouse Renovation Fund warrant 18914 for \$107.88; and Franklin County Capital Projects Fund warrant 18915 for \$830.00. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 8)

Open Range Area

Mr. Miller said he is researching information about a Washington State Herd Law prior to responding to a request received from the Franklin County Cattlemen's Association.

Mr. Koch said he has been contacted by some cattlemen who disagree with what's been proposed by the Franklin County Cattlemen's Association. He gave an example: What happens to you for instance as a farmer out there who has some wheat growing and

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your neighbor has cattle and doesn't take care of his fence and the cattle get in your wheat? It's open range. The wheat farmer has to fence his property to protect himself.

Mr. Miller said this isn't open range. This is herd range law which, from what I understand, the farmer is to fence it. What it prevents is if somebody slides into the fence and the cattle get out and somebody hits them, it prevents the liability. It's then a more equal cause. They cannot leave that fence down for a month. They've got to get it fixed, repaired right away. So there's some liability.

Mr. Peck said there is a distinction between Open Range and Range Law. We need our civil attorney to review and clarify what each of those means so it is clear when we are approving a Range Law ordinance that we all know exactly what it means. Mr. Koch and Mr. Miller agreed. Mr. Peck said your point, Commissioner Koch, is right on target, that true open range without limitation would create conflicts and problems, whereas he believes range law puts responsibility across the board but doesn't hold people liable for circumstances that are reasonably beyond their control. If a car goes through their fence at 2:00 am and they don't see it until 8:00 am, you can't really hold them responsible for the time in between. He thinks getting a civil reading on what those two mean and then deciding is the right course. Mr. Koch agreed. Mr. Miller agreed.

Adjourned at 10:43 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 24, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed June 29, 2009.