

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for June 24, 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. Koch: Mr. Chairman, I would move for approval of the consent agenda for June 24, 2009:

1. Approval of **joint Resolution 2009-256** in the matter of appointing Carlos Alvarez as a County-Designated Mental Health Professional. (Exhibit 1: Information sheet.)
2. Approval of **Resolution 2009-257** authorizing salvaging one Billy Goat debris loader with vanguard, 18 horse V-Twin motor, model number HTR1803V, serial number 013006224, as identified on the *Franklin County Storage – Salvage* form received from TRAC, in conjunction with RCW 36.32.210 (inventory), and authorizing Facilities to store the equipment until the next convenient auction.
3. Approval of **Resolution 2009-258** for the Memorandum of Agreement, Addendum to Collective Bargaining Agreement between the Board of County Commissioners for Franklin County, Washington, and the Franklin County Sheriff, and the United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW), for itself and on behalf of its Local 12-369, on behalf of the Sheriff's Clerical Employees, implementing furloughs effective July 1, 2009 through December 31, 2009, thus, amending Resolution 2009-100.
4. Approval of **Resolution 2009-259** authorizing payment of \$2,426.07 for Franklin County's portion (1/5 share) of an invoice accrued by the Landfill Group to Aspect Consulting LLC for professional consulting services.
5. Approval of **Resolution 2009-260** for the Memorandum of Agreement, Addendum to Collective Bargaining Agreement between the Board of Franklin County Commissioners, Franklin County Assessor, Franklin County Auditor, Franklin County Clerk, Franklin County Treasurer, Franklin County Prosecuting Attorney, Franklin County District Court Judge, WSU/Franklin County Extension and the Local 874CH, of the American Federation of State, County, and

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Municipal Employees, and the Washington State Council of County and City Employees, Council 2, on behalf of the Courthouse Union employees, is hereby approved by the Board, implementing furloughs effective July 1, 2009 through December 31, 2009, thus, amending Resolution 2008-176.

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

Minutes

Motion – Mr. Koch: Mr. Chairman, I move for approval of Commissioners Proceedings for June 17, 2009. Second by Mr. Peck. 3:0 vote in favor.

WSU EXTENSION

WSU Franklin County Extension Director Lauri Sherfey and Benton County Extension Director Marianne Ophardt met with the Board.

Community Forestry

Ms. Ophardt told the Board about the work she does regarding trees on public properties such as in cities, counties and parks. The Mid-Columbia Community Forestry Council was started about 11 years ago to work on issues involving community forestry. The City of Richland has been working on municipal codes based on urban forestry which they haven't had in the past. The City of Pasco has also been working on an urban forestry plan and we've helped with that. The City of Kennewick has indicated they will also adopt a plan. We are also developing a tree list that will be used to recommend trees to local residents and also that the cities can hand out as part of their codes for urban forestry so if someone wants to plant a street tree, they will know recommended types. Job's Nursery has been a long-time participant in the council.

"Don't Top the Trees" is a new campaign developed for the three cities and the PUDs. The Forestry Council wants safe trees and wants to prolong the life of trees. It is more educational in its approach, not a tree-hugger type that would say don't cut down the trees. The Forestry Council has an exhibit every year at Tri-Cities Home and Garden Show. Ms. Ophardt said trees are important to the economic vitality, having people like to live in the Tri-Cities, and important to creating a good quality of life in both counties.

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Master Gardener Program

The Master Gardening Program includes both Franklin and Benton County residents. A tomato taste test is being planned at the Farmer's Market in August. Some education about growing produce is being done. A lot of people are doing food production. There are Master Gardeners in the office from 10:00 to 3:00 Monday through Friday this time of year.

Mr. Peck asked are you talking with the cities in the county as to what they should advise contractors to put in as trees on streets? Ms. Ophardt said yes. Extension Agent Gwen Hoheisel is working with Horticulture and Pest Control Board Director Tom Wilson to do research. We are no longer recommending planting ornamental pears until we have a handle on what's happening.

We're trying to make sure the list has trees that will work here and that people can find here.

Mr. Peck asked do you work with nurseries and encourage them to add varieties? Ms. Ophardt said we do. A lot of the nurseries buy from wholesale nurseries which often are affected by western Washington demands rather than eastern Washington demands.

When people have problems in their yards, we ask them to bring samples in to clinics and deal with them that way rather than going to homeowners' properties.

Web Site Information

Ms. Ophardt received permission from WSU to have both the Franklin and Benton County Weed Boards and Pest Boards located on our website. Within a day an update can be put in place through the Prosser Extension Office.

Benton County Impact Statements

Ms. Ophardt gave the Board a copy of a flyer of Benton County impact statements to the local area. Ms. Sherfey said Franklin County also has impact statements.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

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Crime Insurance Policy

Mr. Verhulp reviewed the Declarations Page with the Board. The Risk Pool recommended employee theft coverage be raised to \$1 million which is a standard amount that other counties are using. The Board members agreed to have Mr. Verhulp ask for varied quotes and deductible amounts for the different categories of coverage.

Mr. Peck asked Mr. Verhulp to also check on deductible amount ratios to see how they affect the premium.

PUBLIC WORKS

Engineer Tim Fife and Chief Civil Deputy Attorney Ryan Verhulp met with the Board.

Block Party Request

Mr. Fife has received information from Richland, Kennewick and Walla Walla about requirements affecting block parties. Pasco is developing a process.

Mr. Fife and Mr. Verhulp will research information and laws about insurance requirements, banquet permits, use of alcohol, whether a hold harmless agreement would need to be signed by all residents, temporary adjustment of traffic regulations, recreational immunity status, and temporary park designation status.

Fireworks

Mr. Miller said a number of people have asked to use fireworks. He said they can obtain a permit. Mr. Koch said Franklin County has eliminated the sale or use or handling of fireworks. Mr. Miller said he understands that, but there are permits from the state. Mr. Peck said he thinks that's a separate issue and separate permitting process. Mr. Koch said it requires a pyrotechnics license and a permit to handle it.

Discussion: 2010-2015 Six-Year Transportation Improvement Program (TIP)

Present in audience: Tiffany Coffland, Jerrod MacPherson, Greg Wendt and Troy Woody.

Mr. Fife reviewed the proposed projects using a map on the screen.

Regarding paving of gravel roads, Mr. Miller asked if the county has the money to pave a short distance, for instance someone who's lived there 50 years where there are

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several houses on a stretch of road. Mr. Fife said there is not funding now but the key is to have the area on the TIP. He said Murphy, Page and McClenny Roads were scheduled to be paved but have not been paved because of lack of funds. The survey work has been completed.

One of the projects on the TIP includes a study to determine how to place roads for access to the Columbia River area, in the general area between Dent Road, Fanning Road and Selph Landing Road.

The Board will review the rest of the projects with Mr. Fife on an individual basis as needed.

TREASURER

Treasurer Tiffany Coffland met with the Board for a department update. Present in audience: Troy Woody, Jerrod MacPherson, Jennifer Bowe, Nanette Blackburn, Sharon Paradis and Carrie Runge.

Voluntary Furlough: Donation to the county

Ms. Coffland presented the Board with a letter stating she will be donating 5% of her income back to the county from July 1 to December 31 (Exhibit 2).

Department Update

Ms. Coffland gave a department update, reviewing the following topics: Current Expense Cash Flow, June 2009 large revenue amounts received, PUD Privilege Tax based on RCW 54.28.090, and foreclosure and distraint status.

PUD Privilege Tax

Ms. Coffland asked that the Board prepare an ordinance or resolution directing the Treasurer how to distribute the PUD privilege tax (Exhibit 3).

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board.

Public Meeting: To review the Planning Commission recommendation for Subdivision SUB 2009-02 for applicant EL & JH Ray Farms to subdivide 36.72 acres into thirteen single-family residential lots in the RC-1 Zoning District.

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Public Meeting convened at 10:40 am. Present: Commissioners Miller, Koch and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Troy Woody, Judge Carrie Runge, Sharon Paradis, Nanette Blackburn and Jennifer Bowe.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 4). When a rezone of the area was done last fall, the applicants were required to do an aquifer impairment analysis if they ever develop the property to see if there would be any impairment on the building of wells, and second, they would have to add some Right to Farm language on the plat. Both of those have been completed. Mr. Wendt gave a copy of the impairment analysis to the Board (Exhibit 5). He said in essence, it says there will be no impairment.

Mr. MacPherson showed a copy of 2007 aerial photographs with parcel overlay on the screen. Larkspur Road was done as a five-acre segregation, not a plat. Larkspur Road is a gravel road. Mr. MacPherson showed the current zoning on the screen.

Mr. MacPherson showed a copy of the plat on the screen. He pointed out where the applicant is proposing a new county hard-surfaced road will be located accessing the 13 proposed lots. He described how the irrigation water would be obtained on the lots. The applicant is proposing that the road be named Giesler Road.

Mr. MacPherson showed detail of how the road would dead end in a temporary cul-de-sac at the south end but is expected to eventually connect with a road on the south that is owned by the same owners, giving emergency access and the ability to tie into the existing road. It is currently a private access easement that was established through a short plat done in the 1980s. It also would make a connection with Larkspur Road. Mr. MacPherson said the planned road helps with traffic flow of the area and provides some flexibility as the additional area develops.

Mr. Wendt said we did receive one comment. The Larkspur neighbors did not show up to the hearing before the Planning Commission. The manager of Sagemoor Farms just to the north of this asked in concept how this came about, how they were able

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to do the division of land, what the zoning was, and what the comprehensive plan designation was. Mr. Wendt gave him some background. No one was at the hearing to speak against the application. The landowner and another person spoke in favor.

Mr. Miller asked the phone call was not really for or against, just questions? Mr. Wendt said he thinks if anything it was more concerns, not wanting to see it go further beyond the current boundary. Mr. Wendt said he was not really for or against it, just some concerns.

Mr. Wendt reviewed the conditions of approval. Mr. MacPherson noted the aquifer impairment analysis was done by the individual that also did the Easterday feedlot so he has quite a bit of experience.

Mr. Peck asked if you've discussed the conditions of approval with the proponent. Mr. MacPherson said yes. The applicant had no problems.

Motion – Mr. Peck: Mr. Chairman, I move that we grant preliminary approval of subdivision SUB 2009-02 subject to the six findings of fact and twelve conditions. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-261.

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Judge Carrie Runge, Sharon Paradis, Nanette Blackburn and Jennifer Bowe.

Bid Opening

Mr. Woody recommended denying all bids and re-posting the notice with the bid opening rescheduled to July 6 and expected award of the bid on July 8. The Board agreed.

Credit Card Resolution

Motion – Mr. Koch: Mr. Chairman, I move for approval for TRAC to apply for a Bank of America Visa business card. Second by Mr. Peck.

Mr. Woody said the application was approved in concept awhile ago. The paperwork has now been completed. Mr. Woody answered Mr. Peck's questions. 3:0 vote in favor. This is Resolution 2009-262.

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Reader Board Policy Thoughts

Mr. Woody asked the Board to review concepts for a draft Reader Board Policy. Mr. Peck gave input on some of the items. Mr. Miller asked that any other discussion be sent to Mr. Woody by email or phone.

Press Release

Mr. Woody asked the Board to review a proposed press release and give him any comments.

Yard Sale

Sixty booths have already been sold for the yard sale.

Recessed at 11:03 am.

Reconvened at 11:07 am.

JUVENILE JUSTICE CENTER (JJC)

JJC Director Sharon Paradis, Superior Court Judge Carrie Runge, Jennifer Bowe and Nanette Blackburn met with the Board.

Juvenile Drug Court Funding

Ms. Paradis said she does not feel there are enough carry forward funds available in the JJC budget to provide additional funding for the Juvenile Drug Court. She said there are three potential options.

One is that we don't fund it. There are 16 youth in the program now. We can get them through the program and reduce services based on the 50% funding from the state.

A second option is to use funding from the current JJC budget. She would have to ask the judges whether they want to take that risk.

The third option is to have the counties provide the additional funding. Benton County is willing to fund it. Franklin County's budget is in pretty serious hurt at this time.

Ms. Paradis said if the Franklin County Board was to consider funding Juvenile Drug Court and it meant there was a potential staff layoff in Franklin County that the judges would want the opportunity to consider whether or not they would move forward. She thinks it would be difficult for them to do it.

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Ms. Paradis said the writing is on the wall that at least the 50% additional drug court funding is not going to be funded by the counties next year so this really is a question of do we shut it down to 50% now, do we shut it down to 50% in January, and if we make it through January, how do we do that? Mr. Koch said we're between a rock and a hard spot.

Mr. Miller said I think we had a good, fair discussion about it last week. I don't know if there are any changes. He asked if the commissioners are willing to fund the rest of this. He asked for a motion.

Mr. Peck said I think a motion might be a little premature. What we've just heard is that the program manager and some or all of the judges would be reluctant to have us fund this if we thought there was potential for that to impact the number of positions that may have to be eliminated in Franklin County this year. We've had some budget discussions in which we've been pretty clear that as it stands now we don't know how we're going to avoid position cuts. Therefore any additional expenditures out of the budget now that were previously unplanned, I think it would be illogical to think that it didn't have the potential to lead to further cuts. As Commissioner Koch aptly pointed out, we're between a rock and a hard spot. One of the things that occurred to me was do we want to risk eliminating a position to keep a program alive for an additional six months, because that might be the effect of doing this. If it's an inevitable outcome, it becomes a question of timing.

Mr. Koch said that's unfortunately what we're up against right now. I haven't had a chance to talk to anybody about the finance meeting yesterday but with the current revenues, I don't see how we're going to be able to fund it next year, so are we prolonging this by six months? I think a lot of this program. I know that there's a basis to show the good that it does down the road. Unfortunately, we're here today short of money.

Mr. Miller said I don't necessarily think we're prolonging it. I think we're completing some people that are in it and that's the idea and the motion was called for to find out where we are. If we're going to fund it, that's what we need. I can tell you it's

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probably inevitable that we're going to have to dip into reserves to balance it out if we don't do something drastic anyway so what you're asking for is \$14,000 from reserves is basically what it comes down to. It's the Board's decision.

Mr. Peck said I would offer that if we're going to open up the reserve account for this, what do we say to the many other people who also had needs who want us to open up the reserve account for them? Is it the same answer?

Mr. Miller said no, of course. It's a priority. It's where your priorities are and as a Board where our priorities are.

Mr. Peck said another observation needs to be made, that the 2010 budget is a fresh opportunity to set priorities. It's not a given that the 2010 budget would mirror the 2009 budget for the drug court program so I don't necessarily think it's a given that this is the death knell for the program. I think we're really talking about six months and whether or not they can limp through on the resources they have to prevent us from potentially having to cut additional positions and allowing us to take a fresh look in the 2010 budget. Mr. Peck said I would invite the county administrator's thoughts since you are more conversant with the budget than I am certainly.

Mr. Bowen said I think everything that's been brought up here was accurate. Our budget has shortfalls. If you were to fund this out of Current Expense, it would come out of the reserve. There's no other place. It's the priority of the Board. What's the Board's priority? I'll just tell you there is no money for it other than the reserves. If you choose to use the reserves, it's your choice.

Mr. Miller said the idea is when we open up the budget for 2010 and work at it, we will have to fill that reserve back in, so you're basically borrowing off of something in the future.

Judge Runge said I think you all know that I am a proponent of Drug Court, as you've all expressed you are as well. We recognize that this is a tough fiscal year for Franklin County in particular and that 2010 isn't looking so great statewide or county-wide. I think Sharon has done an excellent job of setting out what the options are. She is correct, if this board says okay we'll fund it, but it's going to impact a potential employee

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of Franklin County, then I think the judges are going to have a whole other look at whether they think it's appropriate as a whole to impact a current employee and say you're going to lose your job so that we can take this \$14,000 to support the Juvenile Drug Court through the end of the year.

Mr. Peck said he did some rough calculations just while we were talking in our head. A number of employees have volunteered to do a day-a-month furlough. While the \$14,000 is a relatively small number, it equates probably to the furlough money that a dozen or so employees have given up. I'm not sure how that factors in, but it's an observation.

Mr. Bowen said as it is right now, we are sitting about \$370,000 still in the red after everybody gives their furloughs. Usually 95% of expenditures are done every year so we're looking at the additional 5% to make up for the \$370,000. That will put us at the end of the year with possibly no cash carryover. Historically this county has budgeted a cash carryover to carry them into the next year. I think 2010 is going to be a very difficult year. I think some very hard decisions are going to have to be made by you as a Board and it will affect the livelihoods of employees in the county. We've cut to our knowledge all we can cut and even went so far as to lay off four employees and one other employee left. The reserve funds are the only funds that are really discretionary. I think Commissioner Peck makes a good point that the people who have already given their 5% furloughs will basically lose what we gain on that 5% furlough. However, if you go back to the reserves which we've been trying to protect, that is a choice that the Board has to make.

Mr. Peck asked about last year's cash carryover. Mr. Bowen said he believes it was about \$1.2 million. Mr. Peck said so we're going to be starting out effectively \$1.2 million in the hole for 2010 compared to previous year budgets. Mr. Bowen said compared to previous years, yes. Mr. Peck said that's historically the way it's been done, which you and I have had discussions about the fact that I think that's irresponsible. Mr. Miller said it is.

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Mr. Miller said Fred has already found \$1 million and by doing different kind of financial procedures you can do that, correct? Mr. Bowen said yes, we have. I know how we can put \$1 million back into the budget this year of expenses that we incurred this year that we will not have next year. That would also be a choice of the Board because the Board will have to decide whether or not the road shift is going to go to Public Works, and make decisions regarding COLAs and medical increases.

Mr. Peck said these are all prioritization decisions, though. This is not windfall money that is going to make up the difference. Mr. Bowen said absolutely. Mr. Miller said right.

Mr. Miller said I think this discussion has gone long enough. I think we know where we're at as a Board.

Mr. Koch said as much as it hurts me to say, I don't know how we can support it.

Ms. Paradis said I greatly appreciate the time and consideration that you've given this. It's very nice to be sitting here with the three of you who understand what we do and the impact but I also understand the very difficult decision you have to make here. I don't know that I can in good conscience push this because I see the dilemma and I see what the balancing factors are. I just have to thank you for your consideration.

Mr. Peck said I appreciate you acknowledging that all three commissioners are advocates of the program and see its value.

Mr. Miller said I appreciate you coming, too. I feel bad that the partnership doesn't work with Benton County since they put the majority of the money in in relationship to the population. I think it's a small expense to keep the program going. I think with the financial distress we're in, it's the opinion of the Board that we can't come up with that money.

Ms. Paradis will approach the Circle of Hope board to see if there is something they can do.

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VOUCHERS/WARRANTS

Motion - Mr. Koch: Mr. Chairman, I'd like to make a motion to approve Franklin County Public Works County Road Fund payroll for \$85,409.24 and the Motor Vehicle Fund Payroll for \$11,556.13. Second by Mr. Peck. 3:0 vote in favor.

FACILITIES

Bid Opening: Janitorial Supplies

No bids were received.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Shooting Range in Smith Canyon

Mr. Claire Cranston on behalf of a gun club has requested that the county obtain a lease from the Bureau of Land Management (BLM) and make the shooting range a public recreation area. The gun club wants to be able to do improvements. BLM owns the lease and allows people to use it but will not allow any improvements. Mr. Bowen said in the past the prosecuting attorney advised not to do it because of liability concerns.

Mr. Bowen told Mr. Cranston he would ask the Board. The BLM will not lease to anyone except the county (not to a private club or individual).

Mr. Peck asked will BLM sell it? Mr. Bowen has not asked.

Mr. Bowen asked if the Board is interested in it at all.

Mr. Peck said he is interested in pursuing it more. I don't think we should automatically step away from it just because of potential liability but I do think we need to determine whether or not it makes sense for it to be a purchase or lease or maybe a county lease with a sublease to some other entity. There are lots of questions. He would be willing to meet with the Sheriff and others who are advocates to try to hash out if there is a possible solution.

Mr. Koch said I could understand a lease and a sublease. I would be a little uncomfortable as far as being the total lessee and letting another entity come in. They're shooting out there now because BLM lets them shoot.

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Mr. Peck said I understand. We could sublease to someone who accepts liability, provides public access, and have it still be suitable for law enforcement to do their training. It could be used for public recreational shooting and safety training. There are many, many issues. The Board agreed that Mr. Peck will work on it.

Out of County Travel for public works contracts training

Motion – Mr. Koch: I would move for approval of Fred Bowen and Bridgette Scott to attend the AWC training in North Bend. Second by Mr. Peck. 3:0 vote in favor.

Exhibit 6)

Inter Budget Transfer through voucher process

Mr. Bowen asked for approval of the transfer, closing out the Courthouse Renovation Fund

Motion – Mr. Peck: Mr. Chair, I move approval of inter budget transfer of \$1924.49 from the Miscellaneous Courthouse Renovation Fund #310-000-001 to the Capital Projects Fund #300-000-001, line item 397. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-263.

Adjourned at 11:39 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 29, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed June 29, 2009.