

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 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; and Mary Withers, Clerk to the Board. County Administrator Fred Bowen was absent.

**HORTICULTURAL PEST AND DISEASE CONTROL BOARD**

Coordinator Tom Wilson met with the Board. Present in audience: Tri-City Herald Reporter Dalina Castellanos.

Public Hearing (continued from June 22, 2009), 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.

Public Hearing convened at 9:00 am. Present: Commissioners Miller, Koch and Peck; Coordinator Tom Wilson; and Clerk to the Board Mary Withers. Present in audience: Dalina Castellanos and Patricia Shults.

Mr. Wilson said the hearing was continued from June 22, 2009, for him to find out further information about being able to assess differently. It's pretty straightforward in terms of the RCW that applies to us. It simply explains how that assessment is to be done. The Board, which is the Pest Board, shall develop and forward to the County Board of Commissioners or other county legislative authority as a proposed level of assessment for each class an amount that seems just. The assessment rate shall be either a uniform rate per acre in its respective class, a flat rate per parcel, or a flat rate per parcel rate plus a uniform rate per acre, provided that if there are no benefits found to accrue from a class of land, a zero assessment can be levied.

Copies of the resolution setting the assessment and minutes from the meeting when the original assessment was put in place were reviewed. Mr. Wilson said the resolution set the classes of the assessments, taxable parcels within the county excluding government, range and dryland, and the tree fruit acres are assessed the \$4 per acre. Mr. Wilson gave the Board copies of the 2009 revenue information. He said there have

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

been no changes to the original assessment. We don't seek to make any changes to that except for the \$1.50 becoming \$2.00 per parcel.

Mr. Miller asked if anyone would like to speak in favor. Mr. Wilson spoke in favor. Mr. Miller asked twice more if anyone would like to speak in favor. There was no response.

Assessor Steve Marks joined the audience.

Mr. Miller asked three times if anyone would like to speak against the increased assessment. There was no response.

Mr. Miller reviewed the information given to him by Mr. Wilson, the original 2001 budget and the revenue information for 2009. Mr. Wilson said the 2001 budget showed the total revenue we anticipated at that time, \$25,000 from the parcels and \$52,000 from the acres. Mr. Miller said you had about half the parcel acres then as you do now. Mr. Wilson said yes, there are more parcels and more acres.

Mr. Miller said we asked at the last meeting that we try to find another way to assess the people. I can see two sides. I can see the orchard people that have the costs for spraying and other costs but the ones that have a parcel with a tree or two that they let go is what creates the problem. Mr. Wilson said for the most part, yes. Mr. Miller said this is why the orchard grower will pay \$4 per acre. Mr. Wilson said \$4 per acre plus they'll pay the per parcel fee. If they have 100 acres and it's all one parcel, they're going to pay \$400 plus what would be \$2 for the parcel. At the original hearing in 2000, it was decided that the orchardists have the most to gain, the most to benefit, and therefore should pay the lion's share of the funding.

Mr. Miller said I think there should be a responsibility of all but my feeling is this is a bad time for a tax increase for anyone. I'd just like to see, is there any other way to make it? If you cut the tree buyback from \$50 to \$25 or \$30, what effect would that have? Mr. Wilson said the impact I can see on the program is that it would be less of an incentive for somebody to take out a tree. Eliminating a tree is probably the biggest and best thing we can do. When you're talking about a tax increase, remember this is 50 cents for the entire year. It's not 50 cents per thousand or 50 cents a month, it's about

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

4 cents a month. In the original minutes it talks about our assessment seemingly being a little high to start out with but we didn't want to come back in one year, three years, five years, or maybe even ten. Well, we made it to nine years without any changes. We're talking about 4 cents a month. The homeowner that has a tree and cuts it down gets his assessment back for 25 years. The individual who doesn't have a tree benefits in terms of the fact that the whole industry impacts the county. I'm not sure if it still stands to reason but at one time a dollar was supposed to change over six times; in other words, that one dollar that got earned by the orchardist bought something and that person who they bought it from got paid and so on and so forth.

Mr. Peck asked to see 2009 budget for the program. Mr. Wilson gave the Commissioners a copy.

Mr. Peck said I see you've got 16,163 acres of tree fruit so that's a current number? Does that have the new acreage added?

Mr. Wilson said for 2010 I would have to wait until we got all that information. Mr. Peck asked Mr. Marks does that include the new acreage that you have identified? Mr. Marks said he has not seen the 2009 figures. He said we're projecting for 2010 collection that there will be about 25,300 parcels which would bring in about \$37,900. The number of acres of fruit currently is at 17,500, rounded off to the nearest hundred. I went through those on Thursday to verify that, which would bring in \$70,000 which would be \$107,900 for 2010 at this point in time.

Mr. Wilson said we're taking in from collections this year about \$101,400. That sounds like we'd take in about \$107,000 next year.

Mr. Peck said in the previous meeting I specifically asked for an option that would make a more fair calculation rather than simply using the parcel count. I think the example or a similar example I gave was you could have one person with a single parcel of 40 acres pay \$1.50 or \$2.00 and another person with 10 acres in five parcels and the effect is that the person with five parcels is paying five times the amount, yet has one-fourth or so of the acreage. While the dollars themselves are not large, there is a principle, and when we're being asked to approve a tax increase effectively it becomes

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

more important to make sure that it's equitably applied. At least with the information I've got so far, which is a budget that's not updated for the current acreage, an option that is not what I had requested, unless I hear something new or significantly different I'm going to oppose this on the basis that I don't think it's time for a tax increase. I don't think the case has been made in particular because I don't think that you have calculated in the new dollar figures off the new acreage. If you don't know what your revenues are, there's no way that you can know that you need more money. That's where I stand unless I hear something different.

Mr. Wilson said in terms of it not being updated, it's because we usually don't get these figures until September. I'm glad to hear these new figures. What you have is our current and accurate budget based on how we developed it from last year.

Mr. Wilson said in terms of another option, all of the state revenues including the counties are based on the per parcel basis and the acreage. If you tried to change it to a per taxpayer thing, first of all the law doesn't allow it --

Mr. Peck said let me stop you right there. I specifically in the minutes gave different examples of how we might do it and we've had subsequent discussions in which we've determined that a per taxpayer doesn't comply with the RCW and we've since thrown that out. But reading from this RCW, "an amount that seems just," in my opinion it's not just when you have disproportionate taxation given the parcel count example I gave a minute ago. It goes on to say that the assessment rate shall be either uniform per acre in its respective class, a flat rate per parcel, or a flat rate per parcel plus a uniform rate per acre. It clearly gives the option for a per acre by respective class. That seems to me a logical approach that is consistent with the two emails I sent you last week asking that you come to this meeting this morning with such a proposal. I was hoping that you would do that so that I could take a shot at supporting this, but because we don't have that option and because you're asking for an additional tax increase without even having counted all the acres that currently exist tells me that you're perhaps ahead of the curve in making this request and perhaps once you get into the budget process and are able to calculate in this new unknown revenue -- I say unknown because these are your revenue

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

numbers which are \$10,000 or \$15,000 short of reality based on the Assessor's acreage – once you have a chance to go through that budget process in light of what are the new revenue numbers, I'm thinking you may find that you don't need a revenue increase at all.

Mr. Wilson said the new revenue numbers bring in about \$107,000 over the 101 that we collect this year. That's about \$6000 more. Now, not knowing that ahead of time, our request is for about \$12,000. One of the problems we ran into is with some computer errors and so on, we had to refund \$20,000 last year because of an asparagus problem, as a mis-assessment. We would have been in good shape if that hadn't happened. We're trying to have carryover of around \$36,000 which is for the time when you're not being funded. It's just like a cash carryover so you're not writing out interest-bearing warrants and about a \$30,000 reserve for enforcement action, which we're low on right now. It is used when we have to pull out an orchard or something like that. The idea that we can somehow charge per acre, I imagine if you have a 7000 square foot lot and that's a sixth of an acre, I don't see a problem with that if it's feasible. I guess I would have to ask Steve Marks if it's feasible.

Mr. Marks said we have had this discussion, Commission Peck and I as well, about the possibility of putting an assessment on a per-acre basis. Currently we do not calculate acres on an in-town lot. We just don't. There has been no reason to. We don't carry that information. We don't calculate a rate per acre or an acreage on an in-town lot. The question is could we? Well, yes, we probably could, but it would be a lot of work to do that. Somebody would have to go through and do the calculations. It would be very time-consuming. So looking at the statute that Mr. Peck has referenced, we currently are doing it within what the statute says. He does bring up an interesting question. When you have three parcels versus one, the person with three parcels is going to pay more than the person with one if everything else is the same acreage.

Mr. Miller asked so what would you do with me who has a third of an acre? Would I pay a third if this was changed? Mr. Marks said that's up to the Commissioners. You just direct me on what you want to do. Currently we may or may not have it calculated as a third of an acre. We probably don't. We would have to go through to do

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

all those calculations and then we'd have to see -- We kind of know what the acreage of the county is already and we'd have to take out all the exempt lands. It's kind of working backwards to get to where they want to be with their budget. I think from what Tom is saying, they're wanting to try to build some kind of reserve so they have some kind of a carryover or rollover from year to year until taxes are paid at the end of April and in May.

Mr. Wilson said and have a reserve for enforcement purposes. That's the biggest expense if and when it happens.

Mr. Marks said when the program was put in place, the main funding was to come from the orchard people. He asked if this increase was put to the parcels, was there any talk about increasing the rate to the orchard people as opposed to everybody else?

Mr. Wilson said no, there wasn't, but they also pay the per parcel fee and so they would be affected by that increase, too. They have about 2% of the parcels so they would still be maintaining about 60% or 62%, carrying the burden of the funding.

Mr. Miller asked Mr. Koch if he had any comments. Mr. Koch said no. He has looked it over and listened to Mr. Wilson.

Mr. Miller said I've told the story a few times of flying over and seeing a lot of orchards recently from Pasco to Othello and then driving and seeing a lot more areas of small trees. I have a feeling there are more and more orchards going in. Maybe this is going to help this assessment.

Mr. Wilson said I think it will. It's about \$7000 just looking at Steve's figures here over what we're getting this year. We're not talking including carryover. The other thing is that fluctuates. It could be 17,000 acres this year and then you could have a large amount pulled out. Correct me if I'm wrong, Steve.

Mr. Marks said right.

Mr. Wilson said so that's not a static number because you get orchards that are nonproductive or like Red Delicious are not worth growing anymore. They'll get removed.

Mr. Miller said it's not as easy to remove when they put that much money into them but it does happen.

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

Mr. Marks said one of our difficulties is in the discovery process of discovering new orchards. Generally taxpayers aren't coming in to tell us they have new orchards when they plant them. It's really up to us to try to find them. Many times as you're aware it's difficult because they might be over a hill where they can't be seen from the road until something is brought to our attention. There may be some more acres that we're just not aware of. We're trying to discover as many as we can.

Mr. Miller said it's also the same problem with parcels, too. People might build something and they don't come and tell you. Mr. Marks said I'm not pointing blame at them. It's just the nature of the system.

Mr. Miller said I personally would like to see this hold off until we come with the new acres this next year because I think to ask for a tax increase now is not an appropriate thing with all the things going on. I appreciate your board working on this. I'm going to ask that there be a motion. I just think it's a tough time to be asking for an assessment increase and I would like you to look at some other options if we could.

Mr. Peck asked Mr. Wilson to tell us what \$38,400 is for other services and charges. As I look at these 2009 expenditures, that stands out to me. Mr. Wilson said the \$38,400 is the total of the budget category.

Mr. Miller said I know the importance of the program and the importance of trees being in a city and one of them could cause a lot of problems when the orchard people actually spray. So I think that the situation involves equal responsibility for parcels versus the orchards. I think I would like to see what numbers come back.

Mr. Koch said I don't have a resolution so I can't make a motion but if I had one I would make a motion to approve it. Mr. Peck asked as presented without knowing the acreage, without changing the process? Mr. Koch said for the amount of possible change, what do you feel the parcel numbers difference is between last year and projected? Mr. Peck said an increase of almost 1000 parcels. Mr. Marks said yes. He said the 25,280 figure was prepared on Thursday. He expects more parcels to be added between now and September when we start working budgets. In response to Mr. Koch's question, Mr. Marks said we're adding 50 cents on 25,000 parcels total. Mr. Peck said actually

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

we're adding 50 cents and \$2.00 on the additional 1000 plus another 1400 acres of tree fruit at a parcel plus the \$4 per acre so there's a lot of unaccounted-for revenue.

Mr. Wilson said that's projected for next year, yes. Mr. Marks said projected for 2010 at this point.

Mr. Wilson said what we're looking for – we didn't want to reinvent the wheel. We were just trying to follow the law that runs our board and our organization. Fifty cents would have given us about \$12,000 and then leave it alone. If we're getting another \$7000, my board would probably go with just simply raising the assessment by a measly 25 cents a year because that would then give us about another \$6000. I think that's very feasible because the total we were looking for was about \$12,000 and with these new acres coming in, we'd be pretty close to that.

Mr. Koch said with that in mind, let's see your revenue projections when we get that far then. Mr. Miller said that's what I'd like to see, too. At this time there's no motion. He suggested Mr. Wilson take it back to his board and maybe work on it more. I think it's a great program. I think we all do.

Mr. Wilson said I don't see how we can step outside the RCW in terms of the acreage. I can understand that. I don't have a problem with it. I think it's logistically probably kind of a nightmare and you would not just have us, you would have fire districts, weed boards, mosquito districts, all these agencies that are basically set up in the same frame of mind, same basic rules set out by the state.

Mr. Peck said you've made a couple references here to following the RCW and stepping outside the law. The law is clear that it gives you multiple avenues. The one you're using is not the only one and the one in fact that I proposed is in the RCW. So let's be clear that what you're doing is not just following the RCW. You're choosing one of the options in the RCW, and that's fine. I think in principle the notion of doing things the same way because we've always done them that way or because it's less difficult than digging in and finding out what is the most equitable and appropriate – I have a real issue with doing things a certain way because we've always done it that way. I think that really hinders progress. The last thing I wanted to comment is that it's my understanding that

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

the service that's provided by our exceedingly lean Assessor's office in terms of staffing is actually a function and responsibility that if I'm not mistaken falls under your organization. I want to point out that the Assessor is going above and beyond and actually doing work that falls to your organization. This reclassification on the acreage and all that tracking in fact is I don't believe their responsibility.

Mr. Marks said I believe that is the correct way to look at it as well. Weed boards and everything else, we've taken it on and we've done it but it is by statute as we understand it, it could be the responsibility of each board to actually develop and deliver the roll to the Treasurer for collection.

Mr. Peck said so the calculation for those acreages on those parcels, while it might take a little bit of initial work, once established would –

Mr. Marks said it makes sense to do it in our system because we've got all the records so we do it for the Pest Board, the Weed Board, Mosquito District.

Mr. Peck said I just want to acknowledge that you are going above and beyond. Thank you.

Mr. Wilson said I appreciate that, too. We have never had any problem with being willing to pay for services. We pay for our payroll services. We pay for the Auditor's Office work. We get a quarterly bill from them. We have no problem with paying for the services that the county provides us.

Public Hearing was closed with no action taken. Mr. Miller asked Mr. Wilson to go back and look at it further. Mr. Miller said I don't have any trees in my parcel, not one. But I think in this society and community we've got to all work together on these things and just do the best we can at making it as fair as we can. I do think the orchard people respect this.

Mr. Wilson asked if we don't come back deciding we don't need any change or increase, basically keeping and not requesting a change of the collection method and the parcel charge, not changing anything, doing it the way we've done it the last nine or ten years, and we come back discovering that we're not going to ask for an increase, the

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

board develops the budget, and then where do we stand if we choose not to make any changes?

Mr. Miller said I think just like what we're all having to do at this time: we're going to really be careful with our budgets and try to make the best we can. Mr. Wilson asked and not make any changes? Mr. Miller said if we can help it, that's what we've got to do, because financing is tight for our commission now, as you know. I think there are many, many counties that way, not just us. We're better than most by far.

Mr. Miller said I'm also anxious to see what the new acres are. I think there are more than we think out there.

Mr. Wilson said it would also be good to see how the parcels transmit into acreage.

Mr. Peck said if I understand your question, are you asking if you elect not to do a tax increase, are any of us willing to still press for a change in the methodology of how we assess it? Mr. Wilson said that would be a fair question. Mr. Peck said I don't think it's worth our time and energy to try and change the process if there isn't some other change happening simultaneously, meaning if we're not going to increase the rate, then I don't think we can justify the time and effort to change the accounting. But in the future the next time we look at an increase, I'm still going to be looking to make that more equitable, because as I pointed out with the acreage examples, you can end up with somebody paying 10 times as much with 1/10<sup>th</sup> the property.

Mr. Wilson said I agree with that and I understand it. I don't have any problem at all with taking a look at just a sample of some section of the county where there was a decent mix of parcels and acreage. Do you know how many square feet are in a parcel?

Mr. Marks said we have tools we can use to get there, yes.

Mr. Wilson suggested we could put together a sample to see how that would work out.

Mr. Peck said there are lots of options. I wouldn't be opposed to one that said given the modest amount of the tax that you would set a limit with a minimum of one acre. Therefore, you could take everything that was less than 44,000 square feet and I

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

suspect that 90% of your residential parcels would then be taken care of and you'd have 90% of the calculations done almost instantaneously.

Mr. Wilson said that would be easier.

Mr. Peck said again, as I've said a couple times, there are other ways to do this. I realize we're only talking a couple of bucks a year but when it's taxpayer money, whether it's 50 cents or \$5000, we have in principle the same responsibility to try to treat everybody equitably unless there's a reason to do it differently, as in the case with the fruit growers with the per-acre assessment.

### TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Dalina Castellano, Patricia Shults and a man.

#### Bid Opening: Sign

Three bids were received for LED Visual Display Readerboard.

Eagle Signs LLC	\$62,573.57 including tax
Dwinell's Visual Systems in Yakima	\$49,500.00
Yesco from Kennewick	\$53,847.84

The bids will be reviewed. Bid award is expected on Wednesday, July 8.

### OFFICE BUSINESS

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

#### Groundwater Management Area (GWMA)

Mr. Miller said the commissioners have signed a thank you to all the legislators involved regarding funding for the hydrologic model (Exhibit 1).

#### Consent Agenda

**Motion** - Mr. Peck: Mr. Chairman, I move approval of the consent agenda for Monday, July 6, 2009, with discussion:

1. Approval of **Resolution 2009-290** for the three-year Public Works Contract for Apollo Sheet Metal Inc., to provide maintenance of the heating, ventilation and air conditioning (HVAC) systems for all facilities owned by Franklin County, at a

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

- cost not to exceed \$163,699.78, including sales tax, effective April 1, 2010 through March 31, 2013.
2. Approval of **Resolution 2009-291** authorizing disposal of a dishwasher located in the Franklin County Annex as identified on the *Franklin County Storage – Salvage* form received from the Facilities Director, in conjunction with RCW 36.32.210 (inventory).
  3. Approval of **Resolution 2009-292** authorizing destruction of one U.S. flag, as identified on the *Franklin County Storage – Salvage* form received from Facilities, in conjunction with RCW 36.32.210 (inventory).
  4. Approval of **Resolution 2009-293** appointing Beryl Dawkins to serve the remainder of the two-year term on the Aging and Long Term Care Advisory Board, to fill the recently vacated Position #4, with said term expiring December 31, 2009.
  5. Approval of **Resolution 2009-294** authorizing Facilities to salvage and store the two historic bookcases previously located in the Superior Court judge's chamber, as identified on the *Franklin County Storage – Salvage* form received from the Clerk's Office, in conjunction with RCW 36.32.210 (inventory).
  6. Approval to submit a letter of support to the Franklin PUD for their efforts to secure federal stimulus funds for expansion of broadband fiber loop and automated meter infrastructure to Connell and Kahlotus. (Exhibit 2)

Second by Mr. Koch.

Mr. Peck asked does the term "salvage" mean these items will not be destroyed? Once they're designated as salvage, what does that really mean? Ms. Shults said the bookcases will be stored. Mr. Peck said so I'm comfortable that they're going to be stored and saved; "salvage" means take it off of our current equipment list to a storage list or something similar? Ms. Shults said yes.

Ms. Shults said the flag under Consent Agenda Item 3 will be given to the Boy Scouts for destruction.

Mr. Koch said I think Commissioner Peck's thoughts are good. Years ago, there was a room full of storage that should have been disposed of. You're exactly right; we

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

need to watch. I think it's a good practice to realize what we are and what we are not salvaging.

**3:0 vote in favor.**

Facilities

Mr. Miller said he was asked to have a discussion about turning the air conditioning on over the weekends.

Bi-County Meeting schedule for July 7, 2009

Mr. Peck said Benton County Commissioner Beaver and myself and Human Services staff have been meeting to work on different ideas and brainstorming and discussing about how we might better meet the needs of our community members who are afflicted with mental illness of one variety or another. One option was a proposal by Mr. Cadwell. I think we've done a reasonably responsible job of looking at different options. We'll be presenting a summary of what we think we've learned at the meeting tomorrow morning along with a recommendation as to how we believe the two counties can best move forward to meet that need.

Minutes

**Motion** – Mr. Koch: Mr. Chairman, I would move for Commissioner Proceedings approval for June 29, 2009, and July 1, 2009. Second by Mr. Peck. 3:0 vote in favor.

**Recessed** at 9:48 am.

**Reconvened** at 10:00 am.

**PUBLIC WORKS**

Assistant Engineer Guy Walters and Design Engineer/Associate Engineer Matt Mahoney met with the Board. Present in audience: Dalina Castellanos.

Vouchers

**Motion** – Mr. Koch: Mr. Chairman, I would move approval for the vouchers for County Road Fund, Motor Vehicle and Public Works, and the two Solid Waste Funds. County Road Fund is \$242,018.94; Motor Vehicle & Public Works Equipment Fund is \$45,168.60; Solid Waste Fund for \$837.82; and Solid Waste Fund for \$22,814.03; and the total amount is \$310,839.39. Second by Mr. Peck. (Exhibit 3)

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

Amend Franklin County Resolution 2009-123 and approve Amendment #1 to FEMA Agreement for Disaster Recovery, Grant #D09-516, FEMA Disaster #1825-DR-WA

Mr. Walters said the reason to amend the agreement was to change the participation share between the county and state.

**Motion** – Mr. Peck: Mr. Chair, I'd move approval of the resolution as presented and we'll short title it as State of Washington Military Department Emergency Management severe winter storm agreement #1825-DR-WA. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-295.

Disaster Assistance Payment Request

Mr. Miller signed the payment request as Chairman.

Amend Resolution 2009-237 and approve Supplement #1 for the Rural Arterial Program (RAP) Project Agreement for CRP 569 R-170 Road

Mr. Walters said we were fortunate enough to receive funding in the next biennium. We won't get our total funding for a two-year cycle because it is a biennial program but to get started and use a certain amount of it for our match with the stimulus money, CRAB has allowed us to phase the project into two phases. Phase 2 is out to bid currently. It shouldn't cost the county any money.

**Motion** – Mr. Peck: Mr. Chairman, I move approval of State of Washington County Road Administration Board (CRAB) Rural Arterial Program (RAP) Project Agreement Supplement #1, CRP 596, R170, landslide area. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-296.

Other Business

Mr. Mahoney told the Board about recent conversations regarding right-of-way properties on the Pasco-Kahlotus Highway.

**PROSECUTOR**

Chief Civil Deputy Prosecutor Ryan Verhulp and Design Engineer Matt Mahoney and Assistant Engineer Guy Walters met with the Board.

**Executive Session** at 10:14 am for up to 15 minutes based on RCW 42.30.110(1)(i).

**Open Session** at 10:29 am.

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

**DISTRICT COURT**

District Court Judge Jerry Roach and District Court Administrator Kelly Martin met with the Board. Present in audience: Dalina Castellanos, Ryan Verhulp, Guy Walters, Matt Mahoney and Adam \_\_\_\_.

Department Update

Current mid-year budget figures for District Court were reviewed.

We felt the amnesty program was very successful, especially because we were able to help 73 people get re-licensed. The amnesty program allowed payment of late District Court fines and fees.

Judge Roach answered the Board's questions about the pro tem budget amounts. In the court-appointed attorney category, we are working with Indigent Defense Coordinator Eric Hsu to restructure that and look at the handling of cases. About a third of our caseload is driving while suspended third cases. If we can process cases more efficiently and beneficially for all parties involved, it could result in a better flow of cases for persons as well as public defender costs. We've met three times in the past month and a half with defense attorneys and the state and the prosecutor and will continue to work on that to come to a resolution that is beneficial for everyone. We feel optimistic that it will continue. We won't have the money from the amnesty program. It was run two months but we do not feel it will be beneficial to run it any additional time until next year. This year is the first year we have participated.

Mr. Peck said so your filings and caseload are down, your income is \$1300 above projection, and your expenses are \$10,000 under budget. All that kind of fits together and makes sense, yet when I see 56 cases for filings and then I see court-appointed attorney cases up 64.5, that's interesting and useful but I wonder if you could equate that in maybe a percentage for me. I don't know how big a piece of your workload that is. Judge Roach said we may be mixing apples and oranges because of the civil versus criminal. We appoint attorneys only on criminal matters. The vast majority of our files are civil matters, mostly collections.

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

Judge Roach said he tries to do the in-custody docket as early in the day as possible for efficiency reasons. The need for an attorney arises immediately when determined by the Immigration and Naturalization Service (INS), which is one of the reasons for the increase in court-appointed attorneys for criminal matters.

Mr. Peck asked if the pro tem amount will be adequate for the year. Judge Roach said we think so.

**PROSECUTOR (continuing)**

Chief Civil Deputy Prosecutor Ryan Verhulp, Design Engineer Matt Mahoney and Assistant Engineer Guy Walters met with the Board.

**Executive Session** at 10:39 am regarding potential litigation based on RCW 42.130.110(1)(i) expected to last two minutes.

**Executive Session** continued at 10:41 am expected to last an additional 10 minutes.

**Open Session** at 10:53 am.

**AUDITOR**

Auditor Zona Lenhart and Accountant Robin Stanco met with the Board. Present in audience: Dalina Castellanos.

Payroll deduction authorization

Ms. Lenhart said the state auditor wanted the payroll deduction authorization in the form of a policy or resolution. The resolution makes the voluntary donation by elected officials a deduction from their paycheck. It also gives an option to write a personal check. We wanted flexibility to allow people to do what they wanted to do. The resolution will be placed on the consent agenda for Wednesday. The donation is tax deductible.

Election Day

Courthouse Hours need to be from 7:00 am to 8:00 pm on Election Day. Ms. Lenhart has notified Security Director Rick Rochleau and County Administrator Fred Bowen. She said the county could keep track of those hours and the cost of security and have them submitted as an expense for the election.

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

Mr. Koch asked if the Annex could be the official election office. Ms. Lenhart said no, because it is not set up for public access but is a secured area for ballots. She said ultimately, if the Board allows it after we find out what's happening with WSU Extension, we would like to be able to take over that front portion of the Annex and then if we moved the Elections section down there, we could take over the front part again. I'd also like to move Licensing down there as well because the public doesn't have to go through security then. We've actually dropped off a little bit in revenue. However, we're now picking up because the Hertz car dealership is now bringing their work to us. That's really huge. We're going to see an increase in revenue there. They usually process from 30 to 60 cars in a week.

Mr. Koch asked how many of the larger auto dealerships in Franklin County deal with Franklin County. Ms. Lenhart said right now the person who is taking over for Russ Dean dealership will be going to the subagent located in the Autoplex area. McCurley dealership sends about half here and half to Benton County. Typically they stay in the counties where the business is located.

Hertz approached us and we said we'll come get your work and we'll deliver your work if you bring it to us. Mr. Peck asked could we offer the same to Russ Dean? Ms. Lenhart said absolutely, and we have.

Recording Department

Ms. Lenhart said we are working on dealing with electronic recording. We're trying to get so that all the deeds and deeds of trust can be submitted electronically. It has been difficult because the two softwares don't interface so we have been working for two years to get that fixed. We expect to be testing for that in the next week or two. We'll be one of the first in the state to do what they call E-REET.

**Adjourned** at 11:09 am.

COMMISSIONERS RECORD 50  
FRANKLIN COUNTY  
Commissioners' Proceeding for July 6, 2009

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until July 7, 2009.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

---

Chairman

---

Chairman Pro Tem

---

Member

Attest:

---

Clerk to the Board

Approved and signed July 20, 2009.