

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 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. The meeting convened at 9:00 am.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

Consent Agenda

Motion - Mr. Peck: I move approval of the consent agenda:

1. Approval of **Resolution 2009-328** authorizing the Chairman to sign the Minolta Copier Maintenance Renewal Contract between Abadan and Franklin County Corrections for the copier located in Administration, model number C451, serial number A00K010011711, for a period of twelve months commencing September 1, 2009, for a monthly fee of \$17.85 for 2,000 copies, plus applicable copy overages at a cost of \$.008925 per copy, to be paid from the Current Expense Sheriff's – Detention/Correction Budget, Number 001-000-540, line item 523.20.31.0000 (Office & Operating Supplies).
2. Approval of **Resolution 2009-329** urging the employees and citizens of Franklin County to complete and mail their 2010 Census questionnaire to ensure a full and accurate census and authorizing the Chairman to sign the attached 2010 Census Partner Proclamation on behalf of the Board.
3. Approval of **joint Resolution 2009-330** in the matter of execution of an amendment to decrease the total amount in the Agreement for Providing Substance Abuse Treatment Services between the Division of Alcohol and Substance Abuse (DASA) and Benton and Franklin Counties' Department of Human Services, Agreement #0763-20235-04, effective June 17, 2009, through June 30, 2009, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 1: Information sheet.)
4. Approval of **joint Resolution 2009-331** in the matter of execution of amendment #07/09-SA-NECC-02 between Nueva Esperanza Counseling Center and Benton and Franklin Counties' Department of Human Services, extending the agreement three months for substance abuse treatment services through September 30, 2009, authorizing the Chairman to sign said amendment on behalf of the Board, and amending Franklin County Resolutions 2007-382. (Exhibit 2: Information sheet.)

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

5. Approval of **joint Resolution 2009-332** in the matter of execution of amendment #09/09-DIV-NECC-01 between Nueva Esperanza Counseling Center and Benton and Franklin Counties' Department of Human Services, extending the agreement three months for crisis stabilization beds through September 30, 2009, authorizing the Chairman to sign said amendment on behalf of the Board, and amending Franklin County Resolutions 2009-244. (Exhibit 3: Information sheet.)
6. Approval of **joint Resolution 2009-333** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Fee for Service Contract between the Benton-Franklin Juvenile Justice Center and Richland School District, for a term commencing September 1, 2009, through July 31, 2010. (Exhibit 4: Information sheet.)
7. Approval of **joint Resolution 2009-334** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Food Services Contract Amendment between the Juvenile Justice Center and Aramark Correctional Services, extending the term of the original contract through August 31, 2009. (Exhibit 5: Information sheet.)
8. Approval of **Resolution 2009-335** authorizing expenditures as requested on the letter from the Trial Court Improvement Fund Authorization Committee for expenditures totaling \$2,300, utilizing funds from the Miscellaneous Trial Court Improvement Fund, Number 128-000-001, line item 594.12.60.0000 (Capital Expenditures).
9. Approval of **Resolution 2009-336** authorizing the Chairman to sign the AmericanWest Bank Account Service Agreement for Franklin County District Court's Trust Fund, effective April 1, 2009, through June 30, 2010.
10. Approval of **Resolution 2009-337** authorizing the Chairman to sign the AmericanWest Bank Account Service Agreement for Franklin County Clerk's Trust Fund, effective April 1, 2009, through June 30, 2010.
11. Approval of **Resolution 2009-338** amending the Public Works Trust Fund Construction Loan Agreement, Number PW-06-962-015, between Washington State Public Works Board and Franklin County, as construction has been completed, thus, amending Franklin County Resolution Number 2006-247, and authorizing the Chairman to sign said amendment on behalf of the Board.
12. Approval of Franklin County Motor Vehicle Fund payroll in the amount of \$11,540.92 and County Road Fund payroll in the amount of \$80,891.92 for pay period ending August 6, 2009.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

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

Vouchers

Motion – Mr. Koch: Mr. Chairman, I would move for approval of fund expenditures relating to Capital Projects Fund warrant 20568 for \$500,000.00; Landfill Closure Trust Fund warrant 20569 for \$1,956.20; Enhanced 911 warrants 20664 through 20666 for \$19,380.71; Auditor O&M warrant 20667 for \$131.18; Clerk LFO Collection Fund warrant 20668 for \$192.13; Trial Court Improvement Fund warrant 20669 for \$676.92; Boating Safety warrant 20670 for \$222.80; Election Equipment Revolving warrant 20671 for \$527.50; and Current Expense warrants 20718 through 20790 for \$20,547.84 with the bottom line of \$543,635.28. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 6)

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Executive Session at 9:17 am for potential litigation based on RCW 42.30.110(1)(i) expected to last up to 15 minutes.

Open Session at 9:33 am.

Denial of Claim for Damages

Motion – Mr. Peck: Mr. Chairman, I move approval of a resolution referencing a claim for damages regarding a claim from Ms. Carrie Bjorgo. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-339.

PUBLIC WORKS

Engineer Tim Fife met with the Board.

Contract between Franklin County Public Works and Selland Construction, Inc.,
CRP 596 R-170 Landslide Area, Phase 2 – Road Realignment Project

Mr. Peck asked why the contract is labeled as “Franklin County Public Works” rather than “Franklin County” since it will be signed by the Commissioners. Mr. Fife will check with the Prosecutor’s Office. The work is expected to begin in September or October, after the irrigation water in the construction area is no longer needed.

Motion - Mr. Peck: I move approval of a resolution putting in place a contract between Franklin County Public Works and Selland Construction, CRP 596 R-170 Landslide

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

Area, Phase 2 Road Realignment Project. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-340.

Jack Field, Larry Olberding, Jr., and Ryan Verhulp joined the audience.

Recommendation: Just Compensation Parcel #596-03-05-06

Mr. Fife recommended Board concurrence to offer just compensation in the amount of \$115,500 to the McAfee Trust. He said the reason we split it was because there were some irrigation issues that we needed to address. The cost to cure for the irrigation issues is \$83,549. The bulk of what we are offering is for curing the irrigation system. The amount is based upon appraisals. This portion will be part of the final phase of the R-170 project. He showed the Board a map of the area.

Motion – Mr. Koch: Mr. Chairman, I move for approval of CRP 596, R-170 Landslide Area just compensation for Parcel #596-03-05-06, McAfee Trust, in the amount of \$115,500 rounded. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 7)

Replacement of CS2105

It was in the capital plan to replace the Metro vehicle, a 2001 Chevrolet 4X4 pickup, with a new vehicle. The Sheriff's Office would like to have it replaced more often than scheduled (every two years instead of every four to six years) because they don't want the vehicle to be recognized. We got three quotes for used vehicles from the Small Works Roster and from local dealers. It is possible the vehicles will have been sold. Mr. Fife asked for approval to spend \$10,225.26 for a 2007 Trailblazer. Public Works would pay for it and then be reimbursed by Current Expense. Mr. Bowen said it is budgeted in the Sheriff's budget. The original budget amount was for a new vehicle. Mr. Fife believes the original budget amount was about \$20,000 for a vehicle that would be used four to six years.

Mr. Miller said he feels the Metro Drug program is effective so he does not have a problem with the purchase.

Mr. Peck said in the long run, it costs more.

Mr. Koch said because of the good that Metro does, we have to address it. Right now we're ahead \$10,000 for two years.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

Mr. Bowen said he wonders if this is a common problem throughout the area, whether Metro's could trade cars with each other. Mr. Koch said he knows the Metro Drug Task Force used to be able to keep vehicles that were seized.

Mr. Peck said he doesn't have a problem doing this on a one-time basis but he would like the Sheriff to talk to other counties about trading off slightly-used vehicles in the future.

Motion – Mr. Peck: I would move approval of replacement purchase for a CS-2105 in the amount of \$10,225.26. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 8)

Kahlotus area roads

Mr. Fife said we have been doing a lot of maintenance on roads in the Kahlotus area in the past few weeks.

Some proposed by-laws for road spraying work as requested by the Wheat Growers Association are being reviewed by the Prosecutors office. Mr. Fife feels it would be best to have the working group in place before proceeding with other road concerns near Kahlotus.

Mr. Peck would like to have a calendar of proposed road maintenance work prepared to be done on a smarter schedule than in the past. Mr. Fife said he has a GIS staff member preparing a map of different types of crops. Once it is prepared, we can meet with growers and figure out if it is feasible and get a timeline in place.

Mr. Peck said my focus was in putting our maintenance on roads just before we start delivering crops.

Mr. Fife said it would be nice if there is another group like the Wheat Growers Association. We're assuming the most important time is harvest but it may not be. Mr. Peck said that's a good point. He thinks step one would be to get a list of all these different groups, step two is to send them a letter or visit them at their meeting and ask them for their input, and step three is to build a calendar.

Mr. Miller said it's obvious when the crops are harvested.

Mr. Peck said the real point is telling our customers, the taxpayers, that there is a limited amount of money to maintain these roads and we're going to do the best we can

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

but tell us when your greatest need is so we can focus on those areas and minimize damage to equipment. Mr. Fife said the flip side is that the rest of the time, the road may be rough and there will probably not be as high a level of service. That would be the tradeoff.

Mr. Miller said he has been traveling around the county and looking at the roads. It has been an odd year with a cool spring and then turning very hot. The kochia weeds are growing all over. He said the borrow pits along the roads look terrible. He said Drummond and Klamath have been widened somewhat and look better. He knows it's a hard task. He would like to have some kind of plan to get the weeds in the borrow pits cleaned up a little better. It has always been a problem. He knows it is hard.

Recessed at 9:57 am.

Reconvened at 10:02 am.

WASHINGTON STATE CATTLEMEN'S ASSOCIATION

Jack Field, Executive Vice President of the Washington State Cattlemen's Association, Larry Olberding, Jr., and Mark Wieseler met with the Board. Present in audience: Ryan Verhulp and Tim Fife. Jesse Fletcher joined in by speaker phone during the meeting.

Mr. Miller asked Mr. Field to explain some of the differences between the Open Range and Herd Law.

Mr. Field said he has collected information from other counties. Thurston County prohibits livestock to run at large. There is a penalty matrix included in their code. Yakima County, Benton County, Douglas County and Klickitat County take the approach of defining what are termed range areas. In those areas, livestock are permitted to run at large. However, a misnomer that many folks have is that the range areas are not the same as quote, unquote, open range from early days of statehood. In a range area if I am a landowner and I have a legal fence as defined in the RCW, evenly spaced at 12, 24 and 36" and livestock enter my property, I most certainly have the ability to have those animals removed. He explained the procedure that would take place.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

Mr. Field gave a Klickitat County example regarding llamas that chronically were getting out.

Noemi Ortega joined the audience.

Mr. Field talked about the differences between range areas and herd areas. The Cattlemen's Association has pushed to maintain as much of a range area as we can. One of the benefits that is obviously derived in range areas is that you have clear postings of the potential of livestock being at large, being on the roadways. In those areas what we see in general is that drivers are hopefully more informed and who will operate with a little more caution than they would if they are in a herd district area where there is prohibition of livestock being at large. In a range area, we would hope that people would operate vehicles with more caution and not be oblivious to the fact that there may be livestock at large.

Mr. Field said one of the important things for a livestock producer in range areas is that they can often get a little bit better rate on their insurance liability policies. There is not a livestock producer that does not think if you're in a range area that you don't need to worry about liability. Anytime there is an accident, there most certainly is the ability if someone can show gross negligence that the livestock producer still has the risk of being found negligent.

Mr. Field said the important thing is the range area is posted so folks realize that there very well may be livestock out and in the event that there are, people are generally more educated and aware of that and are hopefully operating their vehicles in a little more reasonable manner than they would in areas where they would think there is no livestock.

Mr. Miller asked but in range area, there is fence required? Mr. Field said correct. Mr. Miller asked and the liability of an animal getting out and there's a collision, that's where it's negotiated with insurance or whatever? Mr. Field said that's correct. Just because you say you're in a range area, that doesn't mean there's no fencing.

Mr. Field said we have asked the question but not received a clear answer about how state and Federal agencies factor into range areas or herd districts. With short budgets, the State Fish and Game Department in some areas in north central Washington

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

has claimed they are not required to abide by the same requirements as private landowners. He said a lot of times local landowners try to work together to figure out the most workable solution. He gave an example from Yakima County regarding chronically breached livestock that were continually and habitually getting into cropland in eastern Yakima County. A number of farmers had lobbied the county commissioners to close all of Yakima County due to essentially one bad actor. The cattlemen pointed out in these areas if you have a legal fence and have chronically breachy livestock coming onto your land, there is a recourse through contacting the Brand Department, getting the animals impounded, and holding the legal owner responsible. Mr. Field thinks people don't understand. It does take a little bit of education to let folks know what procedures are available. If you have a simple fence, you can protect yourself quite well and have good recourse in the event that breachy livestock come onto your land.

Mr. Koch said so you're saying you as a cattleman, me as a wheat farmer, I've got to fence my ground to protect your cattle? Mr. Field said in a range area if you have a legal fence as defined in the RCW and my cattle come onto your crop, you most certainly are protected. Mr. Koch asked whose fence, mine or yours? Mr. Field said that is one of the age-old issues in which there isn't clear RCW. It is a partnership between both landowners. I can't give you a crystal clear answer. We have asked that very question. Senator Bob Morton from the 7th Legislative District in Okanogan County has asked that question wondering how and where the line comes down in regards to who owns the fence. If the wire is on your side of the post or my side of the post, am I responsible to fix it? We have not received a clear answer on that.

Mr. Peck talked about a Senate bill that was introduced this year but not passed. It appears in open range if you've got two adjoining properties, if you install a fence around your property lines and it's a legal fence and cattle come through, then the cattle owner has liability to not only your fence but also your crops and other things, but it doesn't appear that there is a legal liability for a cattle owner to install the fence.

Mr. Olberding gave some examples of fences being in place in some counties for many years. He gave a personal example of cattle on one side with orchard now on the

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

other side that he and a neighbor have worked out at 50/50. This spring we talked about potentially putting in a new fence, but after determining the cost the neighbor decided he would rather I do some maintenance on the fence. It was something we worked at.

Mr. Peck asked is it common to not be able to determine whose land the fence is on? Mr. Olberding said the terminology in the RCW doesn't say a specific number of years but it says something about a fence that has been erected previously is basically a 50/50 proposition.

Mr. Koch asked if you as cattlemen have your cattle fenced in, then there is an access road or county road, and across that road is my wheat field, do I have to fence my wheat field to protect my wheat? Mr. Olberding said basically as it is right now, I would say that your ability to have a stronger legal standing, you would. However, in every county and the state RCW, every one has some terminology of either gross willful negligence or willful negligence, something to that effect. Even if you're in an open range area, if you just let things run and they do some damage and the guy across the road doesn't have a fence, I would say in most cases if you're not maintaining your fence or don't put up a fence at all – and I could be very wrong – people who run in open range areas, I don't think anyone will say I'll just tear the fence down.

Mr. Koch said if your fence does get knocked down for whatever reason and cattle get in the field, do I call my insurance company, or I have no leg to stand on?

Mr. Olberding said I certainly wouldn't say you have no leg to stand on.

Zona Lenhart and Duane Davidson joined the audience.

Mr. Olberding said to start off, the issue wasn't so much to expand a huge area as to correct the current patchwork in the county that really doesn't make a lot of sense for people from either side. He described some of the areas that are open range now and some areas that are not.

Mr. Olberding said we were looking at things that could help with liability costs but also help fit the current uses. We did some cleanup and added some areas on the Kahlotus Highway area in about 2003 or 2004. We were going to do a lot more but we

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

would have had to publish all the legal descriptions so it was going to be fairly cost prohibitive.

Jesse Fletcher responded to Mr. Koch's original question about as far as you own the wheat field and I own the cattle. We live in a right to farm county. As he understands, the liability factor is we build a fence. Every livestock man in our county is fencing their livestock. Nobody buys cattle and turns them out on it without it being fenced. It's not common practice and it is not something we are going to experience here. Fences do get damaged. Tractors are on the road. There are a variety of agricultural happenings on major roads that the public is using as well as the agriculturists. If you want to talk liability, are you responsible to fence your property even though I have cattle on adjacent property to protect your commodity? I would say if you want to be guaranteed 100%, yes, you would fence your own property. Are you legally required to in order to keep my livestock out of it? I don't believe so. Being part of the committee on open range nor as a livestock owner would I assume that to be your responsibility.

He gave a different situation, describing how sand could blow from one property to another and cause damage to a pasture so cattle didn't have as much feed.

Mr. Olberding said he does not know of any cases in the county under the current open range where a case of negligence or liability was brought up from a crop producer. He does know of one incident that occurred.

Mr. Koch said he is aware of one, probably two years ago.

Mr. Field said the Commissioners can consider addressing herd area language to incorporate something along the lines of habitual offense or incorporate language that includes practices that are common to the county. We certainly don't condone someone who wants to take an attitude of to heck with you, we're going to run on you. That's not defensible. I think there is room and the ability to craft your language to allow the county to have the protections for the livestock producer as well as some solid recourse for landowners.

Mr. Miller said he thinks our biggest concern was to make it consistent so we can come for a mutual agreement of what is best for the Cattlemen's Association, agriculture

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

and safety. He said we don't have to keep it open range. If we call it open range or herd law, we can add those provisions and say they have to keep their fence in. That is a key thing because I don't think anyone would agree that there should be no fences. We would have to have a public hearing.

Mr. Field said Douglas County has a process on line including a petition form to include additional areas into the herd area. You may want to consider including it in the Franklin County code as well.

Mr. Olberding said he is on the edge of an open range and restricted range area. The state Department of Transportation highway barrier fence is in excellent condition all the way through the open range area but then has very little maintenance where it is not open range. He said I know it's just a case of short budget. There may be some areas that are actually better controlled in keeping up their fencing and there may be other agencies involved.

Mr. Miller will give the copies of the laws that he has received from Mr. Field to the other commissioners and he expects to have a workshop on the matter.

BENTON COUNTY TREASURER

Benton County Treasurer Duane Davidson met with the Board. Present in audience: Coroner Dan Blasdel, Auditor Zona Lenhart, Treasurer Tiffany Coffland, Daniele Carlson, and Noemi Ortega.

County Fair Booth/Outreach

Mr. Davidson said Benton County would like to have a booth at the county fair in 2010 used as an outreach effort and invited Franklin County to participate also. A minimum amount of advertising before the fair would be done.

County Clerk Mike Killian joined the audience.

Mr. Miller said I think it's a great idea. Mr. Koch nodded in agreement.

Mr. Peck said I'm not opposed to it but I think it is a token investment. It is important to be out there and be accessible, but with each department only represented for a short time, I'm not sure it's going to be all that useful. I do think it's worth supporting

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

and worth doing from the standpoint that you have someone there who can answer where do I take this question to get an answer.

Mr. Miller asked what is the estimated cost? Mr. Davidson does not have exact figures but believes it would cost \$400 to \$500 for the fair booth and \$500 to \$700 for advertisement cost.

Ms. Coffland said she thinks the idea is very beneficial. Someone needs to be able to answer the public's questions.

Mr. Peck said he is curious why we would be charged to run an informational booth. Mr. Bowen said it is now the Benton-Franklin Fair, not a county fair. It is a private business.

Mr. Miller asked the other commissioners, do you want to go forward with this? Mr. Peck said I think it is a perfectly legitimate thing to do. Mr. Koch volunteered as a commissioner. Mr. Miller asked Coroner Dan Blasdel to also be on the committee, which Mr. Blasdel accepted.

U.S. CENSUS BUREAU

Noemi Ortega of the U.S. Census Bureau met with the Board. Present in audience: Auditor Zona Lenhart, Coroner Dan Blasdel and County Clerk Mike Killian.

Complete Count Committee

April 1, 2010, will be census day. We need to count everyone that lives within the geographical areas of the United States. We are attempting to reach all elected officials across the U.S. for support. The Board presented Ms. Ortega with Resolution 2009-329, 2010 Census Partner Proclamation.

Ms. Ortega explained that Franklin County is considered a hard-to-count community. She asked the county to consider either forming their own Complete Count Committee or join the City of Pasco's committee. The City of Pasco is restricting its efforts at this point to the city. Ms. Ortega said there is also a concern about counting in Franklin County's rural area. We have a diverse community with diverse linguistic abilities. She said Franklin County might want to consider a larger scope for a Complete Count Committee. She gave the Board information in a census folder. The census is

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

available in 29 languages. We are considering establishing centers to help with the count. We want to address the linguistic challenges, diversity and cultural identities. The census has 10 questions for every member of the household. The impact is estimated at \$1000 in lost funds to the state for every person missed.

Ms. Ortega showed the Board a proposed agreement. She said if the county thinks that is valuable and you want to fill out an agreement, we can initiate it without having a Complete Count Committee. The City of Pasco is concerned about having help with English, Spanish and Russian.

Prosecutor Steve Lowe and a woman joined the audience.

Ms. Lenhart said she is curious about whether to form a Complete Count Committee. She mentioned homeless and literacy issues from previous censuses. Ms. Ortega said a low count directly impacts educational systems, transportation systems, medical systems and new construction.

Mr. Miller asked Ms. Lenhart to volunteer to serve on the Complete Count Committee. Ms. Lenhart said she would be happy to.

Risk Pool Update

Present in audience: Zona Lenhart, Dan Blasdel, Noemi Ortega and another woman.

Mr. Lowe gave a Risk Pool update. Chief Civil Deputy Attorney Ryan Verhulp has been trained in Section 1983, civil rights lawsuits.

Effective October 1, the Risk Pool policy will not cover open public records claims. The Prosecutor's Office provided training to county employees regarding the Open Public Records Act but only eight people attended.

Ryan Verhulp joined the audience.

The Risk Pool has changed the way premiums are being calculated.

Mr. Lowe has requested help from the Commissioners staff to confirm worker L&I hours (including volunteers) and vehicle count before August 28.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

The Risk Pool premium will increase by 28.4%. The reason is because we have had a number of claims over the \$2 million mark in the last few years. The Risk Pool has used AIG Insurance.

Mr. Bowen asked is there any way the Risk Pool can cut back at all since the counties are having to take cuts? Mr. Lowe said the majority of the cost is the reinsurance amounts.

Northern Border Prosecution Initiative

The initiative was passed by Congress providing eligible governments in states having borders with Canada with funds for cases that the federal government initiates but then turns over to counties. We have a significant number of cases started by the Federal government under a Metro grant. There is a possibility of getting some money back on a per-bed-day basis for local prison use and for prosecution. The rate is about \$40 an hour for prosecution, which Mr. Lowe estimates would be about \$200 to \$300 a case for prosecution, plus about \$44 a day for prison bed days. The program is handled on-line. We would like to at least set up with the Federal government to get the reimbursement. It may not be worth it because it may take more staff time to track it. The sheriff is willing to do it but needs to be delegated by the county to make the claims. It is possibly another source of a small amount of revenue. There are currently eight cases that may qualify. Mr. Lowe said there is a risk of putting the county in a position where you can be audited by the Federal government and may have to pay it back. He said Sheriff Lathim wants to do it. Mr. Lowe would like to try it for a little while.

Mr. Miller said let's do that. Mr. Koch agreed.

Mr. Peck asked is there any downside to step out of it later? Mr. Lowe said no, we just would not file claims. He said it's all done on-line. Some line items will be set up in the Auditor's office. Mr. Peck said he is okay with it.

The Board agreed it is worth trying.

Recessed at 11:32 am.

Reconvened at 11:37 am.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Dan Blasdel and Zona Lenhart.

Jail Expansion

Mr. Bowen said he and Pasco City Manager Gary Crutchfield have discussed using the design firm of Sara Nelson Design, Ltd, to prepare information. He has a document stating City of Pasco will pay 50% of the cost not exceeding \$10,000. It is possible that we can save some cost by doing the printing in-house. He asked for consensus agreement from the Board to move forward to prepare a professional services contract. Franklin County will be the contract manager with the city reimbursing us. Funding would come from the Capital Projects budget.

Mr. Miller asked Ms. Lenhart about the costs of the election. Ms. Lenhart said she does not have a realistic number available at this time. Factors that determine cost include: number of items on a ballot, the entities involved (state, federal, local, school districts, cities), number of contests from each entity, and a population factor or registered voter count. She can provide the Board with the list of factors as determined by the State Auditor's Office.

Mr. Miller expressed his concern about spending money at this time but said if we're going to go for the tax increase, we want to do it right. Mr. Peck asked what he means. Mr. Miller said that means I think we need to market it correctly. Mr. Peck asked does that mean you think we need to approve this request? Mr. Miller said we're trying to expand the jail. I just hate to see this money be spent and the budget go down. It's really the city that needs this jail expansion.

Mr. Bowen said he agrees the city probably has a greater need than the county does but it's not just about building a jail to put more prisoners in. It's about maintaining the quality of life we have here with safety. The county is also running out of room in the jail. If this ballot measure is passed, we would have additional Sheriff's Office space which then allows the Prosecutor's Office to expand. It's of benefit to the county also.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

Mr. Peck asked is this an unsolicited proposal or did we put out a request for proposal? Mr. Bowen said the City of Pasco knew of the design firm through the Chamber of Commerce and asked for a proposal. His understanding is when we're asking for professional services, we do not have to go out for bid as long as it's not an architect.

Mr. Koch said he thinks the resolution putting the issue on the ballot should be determined before the design work is approved.

In response to Mr. Miller's question about support from the group of people interested in having the issue go to the ballot, Mr. Bowen said the information that will be presented to the public is not to vote yes or vote no but just to educate them and let them make the decision. The people in the group that have been meeting will talk to their neighbors and others.

Mr. Peck asked are we creating a precedent by hiring a company to do this work? Mr. Bowen said he thinks each situation would depend on the circumstance.

Mr. Peck said is there some hesitation we're not going to go forward? Is there some doubt in your minds as to whether we're going to proceed with this ballot measure?

Mr. Miller said I think we've got to do it. We're putting more and more money into it, but if we're going to do it right, I think we need to do it.

Mr. Koch said I'm on line with going forward. I was just trying to point out we had the cart before the horse here.

Mr. Peck said I think we ought to go forward.

Mr. Peck said I can support your proposal for professional services. I don't want to spend more than we have to but if we're going to put it on the ballot, I want a lot of well-informed voters. Mr. Miller and Mr. Koch nodded in agreement.

Motion – Mr. Peck: Mr. Chairman, I would move approval of the resolution presented as titled: Calling for an election on the levy of a county sales and use tax for public safety services and facility improvements. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-341.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

OTHER BUSINESS

Coroner Award

Mr. Koch congratulated Coroner Dan Blasdel on the award he won at the National Association of Counties (NACo) for the "Beat the Reaper" interactive DVD. Mr. Koch was able to join Mr. Blasdel at the presentations in the Large Urban County Caucus (LUCC) and the Rural Action Caucus (RAC) where Mr. Blasdel was presented with the award and a \$5000 scholarship to be awarded to a student in Franklin County. Mr. Blasdel will bring the award for the Board to see. Mr. Blasdel would like to form a committee to determine the scholarship selection.

Census 2010

Ms. Lenhart asked for clarification regarding the census committee. Mr. Miller said the Board supports Ms. Lenhart's participation on a Complete Count Census Committee.

Adjourned at 11:55 am.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for August 10, 2009

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until August 12, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed August 31, 2009.