

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 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. Meeting convened at 9:06 am.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Lauri Sherfey.

Consent Agenda

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

1. Approval of **Resolution 2009-402** for the Interagency Agreement IAA10220 between State of Washington Administrative Office of the Courts and Franklin County (Superior Court), effective July 1, 2009 through August 31, 2010, and authorizing the Chairman to sign said agreement on behalf of the Board.
2. Approval of *Voluntary Transfer of Annual Leave Request* as per Resolution 2001-246 for Kimberley Yates (District Court) for a total of 194.5 hours as follows:
 - Jason Willer (District Court) to transfer 37.5 hours.
 - Jesus Ceja Chavez (District Court) to transfer 7.5 hours.
 - Gayle Carrasco (District Court) to transfer 22 hours.
 - Sara Duncan (Clerk's Office) to transfer 15 hours.
 - Joey Cooper (Probation) to transfer 7.5 hours.
 - Misty McBrearty (District Court) to transfer 15 hours.
 - Rosa Orozco (Probation) to transfer 15 hours.
 - Kelly Martin (District Court) to transfer 37.5 hours.
 - Teresa Garcia (District Court) to transfer 37.5 hours.
3. Approval of **Resolution 2009-403** for the Interagency Agreement IAA10221 between Franklin County, Franklin County District Court, and the State of Washington Administrative Office of the Courts, effective July 1, 2009 through August 31, 2010, and authorizing the Chairman to sign said agreement on behalf of the Board.

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

Letter of commendation

Motion – Mr. Peck: Mr. Chair, I move that the Board of Commissioners sign a letter recognizing Mr. Ramizov, acknowledging and thanking him for his integrity in returning found funds to a TRAC client. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 2)

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

We the People Competition

Motion – Mr. Koch: I would move for approval of the request from Judge Swisher to use the Courthouse on November 21 for We the People competition. Second by Mr. Peck. 3:0 vote in favor.

Civil Service Commission

Ms. Shults asked the Board to review a changed law regarding the Civil Service Commission.

Vouchers/Warrants

Motion – Mr. Koch: Mr. Chairman, I move for approval of Salary Clearing payroll in the amount of \$718,476.81, along with Emergency Management payroll and Irrigation payroll on the cover sheet:

Salary Clearing payroll warrants 49266 through 49367 for \$192,443.60; warrants 49368 through 49379 for \$231,759.97; and Direct Deposit for \$294,273.24; for a total amount of \$718,476.81;

Emergency Management payroll warrants 22987 through 22998 for \$4025.77; warrants 22999 through 23008 for \$5205.77; and Direct Deposit for \$7936.98; for a total amount of \$17,168.52; and

Irrigation payroll warrants 23009 through 23025 for \$9353.40; and warrants 23026 through 23033 for \$4726.11; for a total amount of \$14,079.51.

Second by Mr. Peck. 3:0 vote in favor. (Exhibit 3)

WSU EXTENSION

WSU Extension Director Lauri Sherfey met with the Board. Present in audience: Stella Pederson and KEPR TV Reporter Chelsea Kopta.

Department Update

Ms. Sherfey has requested that WSU Extension put the forage position in the lineup to be filled.

Ms. Sherfey has submitted the year-end progress report to Gates Foundation for the Pathways project. We have already met all of our project goals and are just over halfway through the project. The project is scheduled to end in March 2011. We're

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

asking for a no-cost extension because we will have a group of participants that are not finished until June. We've been very frugal with the monies so we don't see any problem with being able to extend. Ms. Sherfey has put a pretty substantial fund-raising campaign into the plan to find community resources to extend the project after that transition.

A full-time grant position is now permanent for the grant duration, at least a two-year time period.

Recessed at 9:24 am.

Reconvened at 9:30 am.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Public Hearing: (Continued from August 3, 2009): To take testimony to consider and possibly take final action on whether or not to authorize condemnation of certain property and/or property rights. The properties at issue are portions of the properties commonly known as Franklin County Parcel Nos. 593-01 (Tax Id. #115-170-048), 593-02 (Tax Id. #115-170-084), 593-03 (Tax Id. #115-180-019), and 593-04 (Tax Id. #115-180-037).

Public Hearing continued from August 3, 2009, on September 30, 2009, at 9:30 am. Present: Commissioners Miller, Koch and Peck; County Administrator Fred Bowen; Chief Civil Deputy Prosecutor Ryan Verhulp; County Administrator Fred Bowen; Assistant Public Works Director Guy Walters; Design Engineer Matt Mahoney; and Clerk to the Board Mary Withers. Present in audience: Stella Pederson, Lee Eickmeyer, Randy Mullen, Bruce Reid, Jack McElroy and KEPR TV Reporter Chelsea Kopta.

Mr. Verhulp said the hearing was continued to allow the parties approximately 60 days to address terms to possibly purchase the properties in question. About September 1 a counteroffer was issued to the property owners. That offer was set to expire on September 23. During that time we received correspondence back from property owners' counsel, Stella Pederson. He has provided the Board members with a copy. We are here today to discuss how you wish to proceed further. Ms. Pederson is also present today with some of her clients. I believe she is also prepared to update you on their position in

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

this regard. I am also prepared to discuss the matter with you further in executive session under potential litigation.

Stella Pederson said we've had correspondence back and forth. We are very close to agreement on one of the parcels. The new correspondence has raised a legal issue but because of the deadline, Mr. Verhulp and I have not had an opportunity to examine it more in depth.

Ms. Pederson responded to Mr. Peck's questions about her feelings regarding how close an agreement might be.

Bruce Reid said he would be a beneficiary of the Road 100 extension. He is the homeowners association's president for a group of 30 homes. He recommended the Board move forward to get the job done. Mr. Peck asked Mr. Reid if the homeowners' association had passed or approved any formal action in support of the Road 100 extension or if he was representing himself. The homeowners association has not taken any formal action to support, approve or disapprove this particular issue.

Jack McElroy lives in the same neighborhood as Bruce Reid. He expressed frustration with the process. He said we reviewed several options for this route in 2004, five years ago. The routing would cut more than three miles off of our travel to the Road 100/I-182 exchange. That's a lot of miles, a lot of gas, a lot of time. For the past three years, every year we've been told that this project is just one year away from breaking ground, that the only thing holding it up is right-of-way. We're still fighting that. I think we ought to move on with it. I think the people you're purchasing this property from are going to have extreme benefits. Any problems you have right now, I think it's going to be far outweighed by the development.

Mr. McElroy also requested if the county receives any supplemental money that you look at improving the routing north of Fanning Road.

Randy Mullen spoke. He is one of the landowners. He expressed frustration with the process. He suggested a different route should be used. He described where his favorite route would be, using Fraser Drive (indicated). He asked about the funding.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

Mr. Miller said we have discussed the Fraser Drive route idea. He explained that the funding for this project is for existing arterial roads.

Guy Walters explained how the Rural Arterial Program (RAP) funding works. He said we feel at Public Works that both those routes are necessary. This is the primary one we have selected at design hearings.

Mr. Peck asked who designates what is a rural arterial collector? Mr. Walters explained. He said the Federal Highways department makes the final decision.

Mr. Miller said he would assure the audience that the other route was brought up in discussion and public hearings were held about the routes.

Mr. Verhulp said in light of the testimony you've received, I would request up to 20 minutes of executive session regarding potential litigation pursuant to RCW 42.30.110(1)(i) and invite Assistant Public Works Director Guy Walters, Design Engineer Matt Mahoney and County Administrator Fred Bowen to be part of that executive session.

Executive Session at 9:45 am as noted above.

Open Session at 10:07 am. Those waiting outside rejoined the room, as well as Troy Woody.

Mr. Verhulp said he has presented a general recommendation in terms of a resolution for the Board to consider today. On the closing of today's public meeting, I would invite the Board to consider said resolution.

Motion – Mr. Peck: Mr. Chair, I move that we declare a public use necessity to extend Road 100 and Dent Road authorizing acquisition and condemnation of portions of real property located within Franklin County for said purposes; further to instruct the Prosecuting Attorney of Franklin County to proceed with appropriate legal action to secure the necessary lands and access; and further instruct that said action be held in abeyance until November 2, 2009, to afford the landowners in this discussion a final opportunity to present a best and final offer that they would consider acceptable such that this matter can be resolved without moving forward to litigation which is clearly not the

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

county's first preference but in this case it appears that we've come to an impasse.

Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-404.

The public hearing was closed.

Storage Tank Pollution Insurance

Mr. Verhulp asked for approval of a resolution authorizing purchase of insurance coverage for \$667.

Motion – Mr. Peck: Mr. Chair, I move approval of payment of Conover Insurance quote #0918287A for renewal of storage tank pollution liability coverage. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-405.

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: KEPR TV Reporter Chelsea Kopta, TRAC Operations Manager Dwayne McDonald and TRAC employee Mislim Ramizov.

TRAC sign

Mr. Woody said in order to secure the spot that the existing city sign sits on, we need to add the city's listings on the bottom of our sign. We can put our sign 50 or 60 feet back and not do that, but he thinks it is in our best interest to have the sign nearer the road. TRAC owns the sign.

Mr. Peck asked what allows us to use public money to advertise for private business? What is it, where is it, and can we adopt that and transfer it over to the county? He said I'm not opposed to having it on there but I want to know the basis we are doing that. Mr. Woody said he does not know the authority. Mr. Peck said he is not saying it is inappropriate. He just wants to make sure of the appropriate legal basis by which we are using public money for a sign to advertise for private business. We need to make sure we're treating all businesses equally.

Letter of Commendation

Mr. Woody said Mr. Ramizov found more than \$2000 left by a promoter in an unmarked unsecured envelope and was kind enough to track the promoter on that night and waited until she drove back from Walla Walla to get her money. The promoter has

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

sent a \$50 gift card as a thank you to Mr. Ramizov on her behalf. Mr. Miller read the letter to Mr. Ramizov and Mr. Woody gave him the gift card.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Chelsea Kopta, Tom Westerman and Robin Stanco.

Inter-Fund Loan for \$535,000 through the voucher process

Current Expense is having a cash flow shortage. Mr. Bowen asked for approval to transfer \$535,000 until taxes are received in October. It will be replaced then.

Motion – Mr. Koch: Mr. Chairman, I would move for approval regarding inter fund loan in the amount of \$535,000 through the voucher process as stated on Resolution 2009-406. Second by Mr. Peck. 3:0 vote in favor.

Tiffany Coffland and Zona Lenhart joined the audience.

2010 Current Expense Budget

The Board briefly reviewed a draft of the combination of the budget input ideas from the three Commissioners. The Board decided to schedule at least one more Board workshop.

VOUCHERS/WARRANTS

Present in audience: Chelsea Kopta.

Vouchers/Warrants

Motion – Mr. Koch: Mr. Chairman, I move for approval of Motor Vehicle Fund payroll for \$11,642.52; and County Road Fund payroll for \$70,000.30. Second by Mr. Peck. 3:0 vote in favor.

Motion – Mr. Koch: Mr. Chairman, I move approval of 2009 vouchers for fund expenditures in the total amount of \$668,359.26: Auditor O&M warrants 23078 through 23080 for \$34,046.49; Clerk LFO Collection Fund warrant 23081 for \$107.91; Law Library warrant 23082 for \$178.70; TRAC Operations Fund warrants 23083 through 23134 for \$69,026.16; Rental Car Excise Tax warrant 23135 for \$30,000.00; and 1999 Distressed Cap GO Bonds warrant 23136 for \$535,000.00; Second by Mr. Peck. 3:0 vote in favor. (Exhibit 4)

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

OTHER BUSINESS

Groundwater Management Area (GWMA)

Mr. Peck gave an update to the other Board members about the current GWMA funding and projects.

Adjourned at 10:35 am.

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for September 30, 2009

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until October 5, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed October 12, 2009.