

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 17, 2010

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Brad Peck, Chairman; Rick Miller, Chair Pro Tem; and Bob Koch, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Meeting convened at 9:00 am.

LOBBYIST

Jim Potts gave the Board a legislative update by phone. Present in audience: Lynn Blair, Jesse Fletcher, Elwyn Fletcher, Tom Voyles, David Manterola, Mark Wieseler, Tri-City Herald reporter Kristi Pihl, and Blaine Hulse.

OTHER BUSINESS (9:09 am)

Present in audience: Lynn Blair, Jesse Fletcher, Elwyn Fletcher, Tom Voyles, David Manterola, Mark Wieseler, Kristi Pihl, and Blaine Hulse.

Bureau of Land Management (BLM)

Mr. Koch has met with representatives from a consulting company preparing a 10-year BLM plan, spending about three hours at Juniper Dunes. Mr. Koch told them there is no public access, with access only by a private road. They talked to two different groups using Juniper Dunes so they had some firsthand discussion with people who use it.

Engineer Tim Fife joined the audience.

Shooting Range – Bureau of Reclamation (BR)

Mr. Peck has met with BR representative Stephanie Utter regarding the shooting range in Smith Canyon. Ms. Utter expressed BR concerns about a range on BR "project lands" and suggested several other BR land holdings in the county that BR would be willing to offer for a public recreation/shooting range in exchange for the present Smith Canyon location.

Juniper Dunes funding

The funding request for \$700,000 has been submitted. Rick Miller gave an update on his visit to Representative Doc Hastings in Washington, D.C., last week, who told him he thinks there may now be federal funding available.

PUBLIC HEARING: To hear testimony from all persons interested in the change of boundaries of range areas or stock restricted areas as authorized by RCW 16.24.020 and 16.24.050.

Public Hearing convened at 9:15 am. Present in audience: Lynn Blair, Jesse Fletcher, Elwyn Fletcher, Tom Voyles, David Manterola, Mark Wieseler, Kristi Pihl, Blaine Hulse and Tim Fife.

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Mr. Peck gave an introduction of the stock restricted/range area matter. He said the term "open range" is no longer recognized in the RCW that we can find. "Open range" is not the same as "range area." He said the days of "open range" when livestock could run at large across a variety of lands are long gone. He explained that within "range areas" owners will be required to take reasonable measures, consistent with state law, to keep their livestock separated from public lands and spaces. Those areas include public roadways and the private property of others. He believes the ordinance brings the county into compliance with current state law and seeks to balance the interests of all county residents.

Mr. Peck asked if anyone would like to speak in favor of the proposal. Jesse Fletcher, Elwyn Fletcher, Mark Wieseler and David Manterola spoke in favor. Mr. Peck asked twice more if anyone would like to speak in favor. There was no response.

Mr. Peck asked if anyone in the audience would like to speak in opposition.

Lynn Blair asked if the RCW says anything about the quality of fence that has to be maintained. Mr. Peck said this ordinance does not require a specific type of fence but requires a behavior which is reasonable measures to ensure that you keep your livestock safe. There was discussion about some examples of fencing and situations that could occur.

Mr. Blair asked if the county puts any restrictions on the quality of fences that are required. Mr. Peck said the ordinance doesn't dictate the fence requirements but rather requires stock owners to take reasonable measures to keep their livestock secure.

Mr. Blair referred to the fence standards from the US Department of Agriculture (USDA) through the National Resource Conservation Service (NRCS). He said there is also a temporary fence standard. He is concerned about the liability on the driving public compared to the livestock owner. Mr. Peck said the ordinance seeks to balance that liability in a manner consistent with current state law.

Mr. Peck asked twice more if anyone else in the audience would like to speak in opposition. There was no response.

Hearing was closed to public comment.

Mr. Miller said the technology of electric fences keeps cattle in. The mistake comes when a hunter or someone else knocks the fence down. Inconsistency is a problem. I want the law to be consistent. I don't think we need to impose fence laws. He wants to solve the problem of inconsistency. The farmers with cattle have a liability. They will not let cattle out and run free. There is a big issue of public safety, too. We have to depend on an ag county to

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uphold that. At this point, I see this as being the best way for the county to protect us from liability.

Mr. Koch said he is in favor of the ordinance after reviewing it numerous times, working on five or six drafts and meeting with many people about it. "Open Range" is not even a word in the RCWs or WACs. It's now "range area." My biggest concern was protecting, for instance, a field of wheat with a neighbor not fencing sufficient enough. With this ordinance and reading the RCWs, you are protected from that. You are open for any and all costs that would come from that. After going over this many times, I have to vote for this ordinance.

Mr. Peck referred to Section 5 under of the proposed ordinance. If the reasonable measures fence was not adequate and the livestock did damage, the livestock owner is responsible.

Lynn Blair gave some examples of problems with livestock getting out which were not caused by a hunter or recreationist but by leaving a gate open or forgetting to turn the power on. Mr. Peck said you make a good point and noted that leaving a gate open may be viewed by the courts as not taking reasonable measures. He said we are trying to balance liability so it isn't entirely one side of the other.

Motion – Mr. Koch: Mr. Chairman, I would move for approval of an ordinance to be known as the Franklin County Livestock Management Ordinance, establishing stock restricted areas within the county, Ordinance #1-2010. Second by Mr. Miller.

At Mr. Peck's request, Mr. Blair described the fences required by the NCRS standard. There was discussion about the current range areas.

Vote: 3:0 vote in favor. (Exhibit 1)

Mr. Peck thanked people for their participation. He said an ordinance can be changed if we find people are not taking reasonable measures to keep their livestock from harming the interests of others.

PUBLIC WORKS (10:04 am)

Engineer Tim Fife met with the Board. Present in audience: Kristi Pihl, Franklin County Shop Superintendent Darrel Farnsworth, Blaine Hulse with Rowand Machinery, Lynn Blair and Brian Benner.

Vouchers

The vouchers include \$30,000 to purchase right of way from Mr. Sandoval for R170 road work, which is the last piece of right of way required.

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Motion – Mr. Miller: Mr. Chairman, I move that we accept the vouchers for Wednesday, March 17, for County Road Fund for \$89,345.11, Motor Vehicle and Public Works for \$38,928.71, Solid Waste for \$962.08, and Probation Work Crew for \$313.67, for a total amount of \$129,549.57. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 2)

R170 Funding

Mr. Fife has received official notice that the county will receive \$1,947,667 for the R170 project. The Transportation Improvement Program (TIP) will need to be changed. A public hearing has been scheduled for March 31.

Award of Bid: Used Motor Grader

Mr. Fife recommended awarding bid for used motor grader to Central Machinery, Inc. He explained why the apparent low bid from Rowand Machinery was not chosen.

Blaine Hulse of Rowand Machinery expressed his concerns about the rejection of his bid, particularly regarding the projected cost of repairs between the two bids and the life cycle. He explained why the bid was for a 2004 rather than a 2005 or newer model.

Mr. Fife said the bid specified a 2005 or newer. The Rowand bid was for a 2004 but was included in the analysis process. The Public Works Department expects to use the used motor grader about 400 hours a year because it is used as a backup grader. We intend to keep it for 20 years. Manufacturer's recommendations were used for determining costs.

Mr. Hulse said the manufacturer's recommendations were not included in the bid. There was a line that asked what kind of life cycle do you get out of it. He said that is basically conjecture. The manufacturer builds these machines to a very exacting quality. If we're going to go to the manufacturer, you would see a very different range of hours projected for each component. Having put in the bid a range of hours that the machine is projected to run is again a conjecture. I question the way that was used in evaluating the bid because when I put in the bid that we generally run these components to a 10,000 hour lifespan, that was a conservative estimate.

Darrell Farnsworth, Equipment Superintendent, responded to Mr. Peck's question about the manufacturer's estimate.

Motion - Mr. Koch: Mr. Chairman, I totally agree with sticking by the bid process with the model year. I would move for approval of the award of bid for used motor grader to Central Machine, Inc., of Pasco, for \$127,794 for a Case motor grader. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 3)

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Award of Bid: 2010 Maintenance Rock

Mr. Fife explained why the county is awarding to two different vendors.

Motion – Mr. Miller: Mr. Chairman, I move that we accept the bid for special 5/8th inch maintenance rock to two vendors, to Cat Tracks for \$253,174.24 and to Basin Sod and Gravel for \$151,307.00. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 4)

Vehicle Purchases

Two sheriff's vehicles for Sheriff's Office and one pickup for WSU Extension Office are needed. Each will cost more than \$25,000. Mr. Fife answered the Board's questions. He recommended bidding the sheriff's vehicles, expecting to receive 2011 models in the fall. He recommended purchasing a pickup for WSU now using the state contract. The Extension agent needs the capacity to haul a trailer at this time.

Mr. Koch said he agrees to get the pickup now and go ahead with the bid process for the patrol vehicles. Mr. Miller agreed. Mr. Peck told Mr. Fife to proceed.

Beus Feedlot Access

Mr. Fife has been meeting with Mr. Beus and evaluating whether the county can obtain a right-of-way from Highway 395 to give access to the Beus feedlot area.

MOSQUITO CONTROL DISTRICT (10:37 am)

Mosquito Control District Director Brian Benner met with the Board. Present in audience: Christy Pihl.

Mr. Benner reviewed information with the Board regarding the Federal Water Act that will require a permit to use pesticides which is enforced by the Washington State Department of Ecology (DOE). Mr. Peck asked Mr. Benner to draft a letter expressing the county's concerns. The Board **gave approval** for Mr. Peck to send a letter to DOE.

OFFICE BUSINESS (10:53 am)

Secretary Bridgette Scott met with the Board.

Consent Agenda

Motion - Mr. Miller: Mr. Chairman, I move that we approve the consent agenda for March 17, 2010. Mr. Koch asked to pull item 11 for further discussion. He would then second the motion. (Item 11 was pulled from the consent agenda.) 3:0 vote in favor.

Discussion regarding Item 11: Mr. Koch said Mr. Bowen is on the Salary Review Board now so he is looking at the applications already. He feels the applications should go through that salary board and just come to us as a consent agenda item so that we know if there have

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been any salary changes. He would like to leave the Salary Administration Procedure as it is today. Mr. Peck said we have elected officials who are responsible for managing their organizations.

The Board decided to pull item 11 for more study.

1. Approval of Resolution 2010-067, appointment of Charles Eaton to the Benton-Franklin Counties Substance Abuse Administrative Board to replace Ketra Stumpf who has resigned. The term will expire on December 31, 2011.
2. Approval of Signature Authorization Form, Washington State Military Department, for FY10 E911 County Contract, authorizing Brad Peck as Chairman and Rick Miller as Chairman Pro Tem to sign documents. Contract was approved and signed on September 28, 2009, #E10-046, Franklin County Resolution 2009-401.
3. Approval of Joint Resolution 2010-068, Bi-County Contract #BFSC1010NR002D, with Attorney Norma Rodriguez for indigent defense services in Benton-Franklin Counties Superior Court, representing persons participating in the Benton-Franklin Counties Adult Drug Court, effective January 1, 2010, through December 12, 2010.
4. Approval of Resolution 2010-069, rescinding Franklin County Resolution Number 2010-062 and approval to hire a Fire Investigator for 2010; creation of line items in the 2010 Current Expense Sheriff's Budget, Number 001-000-520; and transfer of \$5,000 from the Non-Departmental Budget, Contingency Reserve, to fund said position.
5. Approval of Resolution 2010-070, amending Franklin County Resolution Number 2009-444 and approval of revised Wireless Device / Cellular Reimbursement Master List, effective January 1, 2010.
6. Approval of Joint Resolution 2010-071, appointing Louise R. Matzner to the Mid-Columbia Library Board of Trustees, term expiring December 31, 2013.
7. Approval of Joint Resolution 2010-072, Program Contract Amendment #0663-98393-04 between Juvenile Justice Center and the State of Washington, Department of Social and Health Services, Juvenile Rehabilitation Administration, to provide for Selective Aggressive Probation (SAP) through the Juvenile Accountability Block Grant (JABG).
8. Approval of Resolution 2010-073, for Personal Services Contract between the Juvenile Justice Center and Yoder, Inc., d/b/a Coffey Refrigeration.
9. Approval of payment of County Road Fund payroll in the amount of \$70,048.53 and Motor Vehicle Fund payroll in the amount of \$11,769.33 for the pay period ending 3/4/2010.
10. Certificate of Appreciation to Diana Ransom for 25 years of dedicated service to the Benton Franklin Department of Human Services. (Exhibit 5)

(Clerk's Note: Item 11 was pulled from the Consent Agenda.)

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11. Approval of Resolution 2010- _____, rescinding Franklin County Resolution 2008-574, and approving the Salary Administration Procedure.
12. Approval of Resolution 2010-074, approving Memorandum of Agreement, Addendum to Resolution No. 2009-037, Collective Bargaining Agreement between Franklin County and Local 874, Council 2 (Public Works) of the American Federation of State, County and Municipal employees, and the Washington State Council of County and City Employees.
13. Approval of Resolution 2010-075, approving Intergovernmental Agreement Number A10-0003 between the Washington State Military Department Information Technology Division and Franklin County for reimbursement up to \$50,000 for services provided by the Franklin County Microwave Technician (Telecommunications Engineer) effective through June 30, 2011.

Vouchers/Warrants

Motion – Mr. Miller: Mr. Chairman, I move that we approve the vouchers for Salary Clearing payroll:

Salary Clearing Payroll warrants 50481 through 50564 for \$163,873.18; warrants 50565 through 50570 for \$66,651.80; and Direct Deposit for \$316,409.09; for a total amount of \$546,934.07;

Emergency Management Payroll warrants 30009 through 30015 for \$3134.74; warrants 30016 through 30019 for \$1330.47; and Direct Deposit for \$7035.51; for a total amount of \$11,500.72; and

Irrigation Payroll warrants 30026 through 30042 for \$9064.50; and warrants 30043 through 30046 for \$1438.66; for a total amount of \$10,503.16.

Second by Mr. Koch. 3:0 vote in favor. (Exhibit 6)

Motion – Mr. Miller: I would like to move approval of vouchers for expenditures as listed for the total amount of \$332,728.04. Second by Mr. Koch. 3:0 vote in favor.

Current Expense warrant 30076 through 30093 for \$4193.85; Courthouse Facilitator Program warrant 30094 for \$815.00; Trial Court Improvement Fund warrant 30095 for \$2647.78; Dispatch/Enhanced 911 warrants 30096 through 30101 for \$7488.19; Law Library warrants 30102 through 30104 for \$4015.74; Veteran's Assistance warrants 30105 through 30111 for \$3401.09; Ending Homelessness Fund warrant 30112 for \$39,194.59; TRAC Operations Fund warrant 30113 for \$272.00; Franklin County RV Facility warrants 30114 through 30119 for \$10,866.21; Dept. of Commerce Pass Through warrant 30120 for \$51.00; Current Expense warrants 30121 through 30127 for \$3955.68; Auditor O&M warrants 30128

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and 30129 for \$149.32; Crime Victims/Witness Assist warrants 30130 and 30131 for \$2745.59; Jail Commissary warrants 30132 through 30135 for \$5443.47; Current Expense warrants 30206 through 30268 for \$80,578.32; Current Expense warrants 30269 through 30299 for \$19,550.11; Current Expense warrants 30300 through 30344 for \$83,071.53; Current Expense warrants 30345 through 30378 for \$7609.73; Election Equipment Revolving warrants 30379 through 30382 for \$6579.87; Boating Safety Fund warrant 30383 through \$49.88; Sheriff's Narcotic Trust warrant 30384 for \$49.09; and FC Capital Projects Fund warrant 30385 for \$50,000.00.

(Exhibit 7)

Minutes

Motion – Mr. Koch: Mr. Chairman, I would move for approval of Commissioner Proceedings for February 24, 2010, and March 3, 2010. Second by Mr. Miller. 3:0 vote in favor.

Recessed at 11:15 am.

Reconvened 11:20 am.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Kristi Pihl and a TV reporter.

Eickmeyer Meeting

Mr. Peck will attend a meeting with Mr. Eickmeyer, schedule permitting.

2009 Safe Driving, Length of Service and Attendance Awards

Motion – Mr. Koch: Mr. Chairman, I would move for approval of Resolution 2010-076 regarding 2009 Safe Driving, Length of Service and Attendance Awards. Second by Mr. Miller. 3:0 vote in favor.

Executive Session at 11:28 am for two items, regarding contract negotiations based on RCW 42.30.149(4) and personnel based on RCW 42.30.110(1)(g), expected to last no more than 15 minutes total.

Open Session at 11:45 am. Kristy Pihl rejoined the audience.

Personnel

Motion – Mr. Koch: Mr. Chairman, I would move for approval of Resolution 2010-077 regarding the approval of temporary promotion of Human Resources Assistant to Interim Human Resources Director. Second by Mr. Miller. 3:0 vote in favor.

Adjourned at 11:47 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until March 24, 2010.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Brad Peck, Chairman

Rick Miller, Chairman Pro Tem

Robert E. Koch, Member

Attest:

Clerk to the Board

Approved and signed March 24, 2010.