

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for August 18, 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.

FRANKLIN CONSERVATION DISTRICT (FCD)

FCD Director Mark Nielson and Porky Thomson representing the Columbia-Snake River Irrigators Association (CSRIA) met with the Board. Present in audience: Eric Hsu, Stan Strebel and Tri-City Herald Reporter Kristi Pihl.

Proposed Department of Ecology (DOE) Legislation

Mr. Nielson said CSRIA has been trying to work with the DOE for about 18 months regarding water savings and in-stream flow processes. DOE has proposed legislation that would charge people to use the water they conserve even though it already costs the irrigators to implement conservation measures. Mr. Nielson explained some parts of the proposed legislation that are objectionable to the irrigators and explained what CSRIA has proposed. Mr. Nielson asked for Commissioners' support to oppose the DOE legislation. Mr. Thomson gave the Board a memorandum from CSRIA titled "Revised Right of Water Right Relinquishment." He said it includes some legislative ideas from the association which have not been completely developed but did have support of 50 legislators in the last Legislative session.

Mr. Miller said having to pay for the water takes away the incentive to conserve the water. He said another \$30 million to \$60 million in agricultural production would definitely help increase the economy in the county. He is in support of the request by the irrigators and of asking for WSAC support. Mr. Koch agreed.

The Board members will ask Washington State Association of Counties (WSAC) through the WSAC Legislative Steering Committee to officially oppose the legislation proposed by DOE and ask for support of legislation for the irrigators.

OFFICE OF PUBLIC DEFENSE

Public Defense Coordinator Eric Hsu met with the Board. Present in audience: Stan Strebel and Kristi Pihl.

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Mid-Year Report

Mr. Hsu gave a detailed mid-year report.

In-Custody Representation Program

He asked for approval to implement an in-custody representation program and answered the Board's questions about it. He said District Court Judge Jerry Roach has indicated his strong preference is that counsel be present at the first court hearing. He said having counsel present early has resolved a lot of cases early. He thinks liability would be the biggest cost avoidance. Mr. Hsu recommended going out for a request for proposals for the program. In Benton County in a year's time, jail usage use has been reduced compared to the average month in 2008 when the program wasn't in place by about half a million dollars. There are differences between Benton and Franklin Counties so it is hard to extrapolate the numbers but he feels it would lead to cost savings. Mr. Peck said there is guaranteed cost upfront, potential for cost savings but no guarantee, and avoidance of liability. Mr. Hsu said that is correct.

Contract Compliance

Mr. Hsu said we have all attorneys in place and 100% contract compliance at this time. A policy has been implemented so that for certain critical items in a contract (such as proof of insurance and response to complaints), if an attorney has not responded by 10 days, Mr. Hsu comes to the Board and asks that termination procedures be implemented. For other lesser problems, we give 30 days' response time.

The initial representation program is called the in-custody representation program.

Calendar

Mr. Hsu responded to Mr. Peck's question with ideas about how to deal with the crowded court calendar.

Superior Court update

Mr. Hsu told the Board about caseload capacity for the three indigent defense attorneys. We have also signed a contract with Attorney Shelly Ajax to handle cases when the other three attorneys have a conflict and also for assistance with overflow.

Mr. Hsu explained what the bind-over docket involves, including felonies that are initially filed in District Court. He gave some examples. In the past the entire docket has maybe

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totaled 80 a year. In 2010 the number has gone up more than 50% already. This year up to June 30 it's already at 67 and that's not counting a number of high profile cases that have occurred recently. It is sometimes referred to as the District Court felony docket. Mr. Hsu explained how case credits are currently assigned and proposed a solution by changing case credits amounts for some cases and having a very small contract exclusively for legal financial obligations (LFO) cases.

Mr. Hsu asked for approval to move forward with that change. Mr. Koch said I'm quite sure it makes sense to bring this forward and get a handle on it. Mr. Miller agreed. Mr. Hsu answered Mr. Peck's questions. Mr. Peck said the **Board had consensus approval** to move forward with the proposal.

Miscellaneous Professional Services Line item

The judge has now agreed to and ordered a change of venue in the Ruiz trial. The second trial this year may be more expensive than the first. There are also two homicide trials that have not been completed yet. There are also two new cases, *State v. Chapman* and *State v. Luna Luna*. Mr. Hsu expressed appreciation to the Board for providing supplemental monies. He expects to need more. Mr. Peck said we know it's going to be expensive and there's no way we can predict what it's going to cost.

Statute 1077: Guilty by insane or incompetent to stand trial

Mr. Hsu said DSHS is required to reimburse Benton and Franklin County for the work or pay it up front. The new practice in his office has been to submit those directly to DSHS. We've been keeping the costs to \$2000 which is what will be reimbursed. We had been paying \$3000 to \$5000 per case. His office manager Denise Gerry has done a phenomenal job. The case numbers vary. Mr. Hsu thinks there may be a savings of about \$40,000 a year considering the number of requests we have received.

Investigative services

Mr. Hsu told the Board about the investigative services.

The Strategic Plan was presented earlier this year. Most of the items have been completed.

Indigency Screening Report

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Mr. Hsu described the factors he was looking for while checking into indigency screening processes. He told the Board about the ways it is being done in different areas of the state and country and in Franklin County. Mr. Peck asked Mr. Hsu to find out if the collection of funds could be an Auditor's function.

Mr. Miller left the meeting for another appointment on county business.

OFFICE BUSINESS

Secretary Toni Fulton met with the Board. Present in audience: Eric Hsu, Stan Strebel from City of Pasco, Kristi Pihl, Kevin Scott, Ed Bush and Dan Werr.

Vouchers/Warrants

Motion – Mr. Koch: Mr. Chairman, I would move for approval of vouchers from Public Works: County Road Fund for \$105,655.03, Motor Vehicle and Public Works Equipment Fund for \$39,772.03, Probation Work Crew Fund for \$156.44, CR Unemployment Trust for \$8213.83, and Solid Waste for \$476.62, in the bottom line of \$154,273.95. Second by Mr. Peck. 2:0 vote in favor. (Exhibit 1)

Motion – Mr. Koch: Mr. Chairman, I move for approval of fund expenditures for August 18, 2010, for numerous different items on the cover sheet with the bottom line of \$149,774.19. Second by Mr. Peck. 2:0 vote in favor.

Current Expense warrants 37417 through 37472 for \$57,094.49; Current Expense warrants 37473 through 37599 for \$25,482.34; Treasurer O & M warrants 37672 and 37673 for \$67.49; Sheriff's Narcotic Trust warrant 37674 for \$64.00; Jail Commissary warrants 37675 through 37679 for \$3,898.58; Enhanced 911 warrants 37680 through 37682 for \$24,846.16; Courthouse Facilitator Program warrant 37683 for \$795.00; Clerk LFO Collection Fund warrant 37684 for \$68.15; Trial Court Improvement Fund warrant 37685 for \$350.00; TRAC Operations Fund warrants 37686 through 37709 for \$26,128.53; Franklin County RV Facility warrants 37710 through 37716 for \$9,370.67; and Current Expense warrants 37717 through 37723 for \$1,608.78. (Exhibit 2)

Consent Agenda

Motion - Mr. Koch: Mr. Chairman, I would for approval of the consent agenda for August 18. Second by Mr. Peck. 2:0 vote in favor.

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1. Approval of **Resolution 2010-237**, authorizing Information Services to purchase a Canon DR-2580C scanner for the District Court Probation Office and inter budget transfer in the amount of \$805 from the Probation Assessment Fund, Number 001-000-270, line item 512.41.31.0001 (Office Supplies) to Capital Outlay Budget, Number 001-000-710, line item 594.19.64.3501.
2. Approval of **Joint Resolution 2010-238**, in the matter of execution of an agreement between Behavioral Health Laboratories and Benton and Franklin Counties' Department of Human Services.
3. Approval of **Resolution 2010-239**, Energy Northwest Transition Funding Agreement Number X-331464 for reimbursement of transition costs on Rattlesnake Mountain.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen, Dispatch Superintendent Ed Bush, Information Services Director Kevin Scott and Technician Dan Werr met with the Board. Present in audience: Stan Strebel and Kristi Pihl.

Executive Session at 10:11 am expected to last up to 20 minutes for three items under contract negotiations based on RCW 42.30.140(4). Mr. Strebel and Ms. Pihl left the meeting.

Executive Session continued at 10:32 am expected to last up to 20 minutes. Those waiting outside the room were notified.

Executive Session continued at 10:54 am expected to last until 11:05 am. Those waiting outside the room were notified.

Open Session at 11:09 am.

Adjourned at 11:09 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until August 25, 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 September 22, 2010.