

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 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.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson met with the Board. Present in audience: Tri-City Herald Reporter Kristi Pihl.

Public Hearing: Adoption of 2009 International Fire Code

Public Hearing convened at 9:01 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; and Clerk to the Board Mary Withers. Present in audience: Les Storms and Kristi Pihl.

Mr. MacPherson reviewed the proposed document. An Action Summary Report was given to the Board (Exhibit 1). Section 8 has been added for rural fire development areas where a source of water is not available. The guidelines in the section were developed in coordination with local fire departments. Rural area land development standards are also addressed.

Mr. Peck asked if anyone in the audience wished to comment. There was no response.

Mr. Koch said he has worked on the ordinance with Mr. MacPherson. He explained some of the discussions that have occurred regarding water storage through the years, particularly while he served as a fire marshal. He is in favor of adopting the ordinance.

Mr. Miller said he has no problem with the ordinance. He agrees with Commissioner Koch, that the changes are suitable.

Mr. Peck said it sounds like Section 8 is what is currently in practice. Mr. MacPherson nodded his head.

Mr. MacPherson answered Mr. Peck's questions about Fire Code Official duties and types of water storage.

Mr. Peck asked for a comma to be added on one paragraph.

Mr. Peck asked Mr. Storms if he would care to make any comments for or against the proposed adoption of the Franklin County Fire Code Ordinance and changes to it. Mr. Storms

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

said no. Ms. Pihl did not want to comment. The hearing was closed to public comment as no one else was present.

Motion – Mr. Koch: Mr. Chairman, I would move for approval of Ordinance Number 6-2010 and the adoption of the 2009 Edition of the International Fire Code. Second by Mr. Miller. Amendment to the motion by Mr. Peck: Adopted with the minor grammatical changes suggested by the Chair. Amendment was approved. 3:0 vote in favor.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Les Storms and Kristi Pihl.

Consolidating Responses to Questions/Inquiries Directed to all three Commissioners

The Board discussed ideas to respond in a timely, efficient manner to questions that are directed to all three commissioners.

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Les Storms, Toni Fulton, Steve Taylor and Kristi Pihl.

Garage sales recap for 2010 was reviewed.

Year-to-date Profit and Loss rough draft figures were reviewed.

TRAC room adjustments. The TRAC ticket booths have been moved to be all together, making another room available. The Tri-Cities Visitor and Convention Bureau (TCVCB) may be involved in using the space as a satellite office and welcome center area. It would be staffed only during large events but would be open to the public Monday through Friday.

RV Park fence: Bids are being obtained for a chain link fence to be placed between the RV Park and the Pavilion.

Patrons inside the TRAC “complex” overnight. Some groups have camped inside the fence perimeter of TRAC during their events without approval of TRAC staff. Mr. Woody described one way the problem could be solved using a security guard. The Board asked Mr. Woody to make the decision about how to handle the problem.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

Liquor Control Board citation follow-up. The Liquor Control Board reduced the amount of fine assessed to TRAC and has been very pleased with the efforts TRAC has made since the citation was issued.

TRAC Advisory Board Meeting is scheduled for September 21.

Upcoming Events were listed.

PUBLIC WORKS

Engineer Tim Fife and Maintenance Supervisor Darrel Farnsworth met with the Board. Present in audience: Les Storms, Toni Fulton, Steve Taylor and Kristi Pihl.

CS-2930 vehicle repair/replacement

Mr. Fife explained what work could be done in-house to repair a damaged vehicle. The cost would be covered from the Current Expense budget. Options are: 1. Do nothing. 2. Replace by purchasing a new vehicle. 3. Repair the vehicle.

Mr. Fife recommended making repairs by putting a new frame under the pickup truck. Once that is done, it can go back on patrol without any concerns as far as being roadworthy. He answered the Board's questions. **The Board decided to have the Public Works Department repair the vehicle in 2011.** The Board would consider fixing it now if the Sheriff has funds to pay for it.

Transportation Enhancement Program

Kahlotus, Connell and Pasco each submitted proposals that will be reviewed by a committee.

State Funds for roadside and intersection improvements

The state has allocated some additional funds. The Public Works Department will prepare recommendations for Board review before the November 19 due date.

Other Business

Mr. Miller has been notified by BLM about some efforts being made to provide access to the Juniper Dunes area.

OFFICE BUSINESS

Administrative Assistant Toni Fulton met with the Board. Present in audience: Les Storms, Steve Taylor, Kelly Martin and Kristi Pihl.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

Consent Agenda

Motion - Mr. Koch: Mr. Chairman, I would move for approval of the consent agenda for Wednesday, September 8, 2010, consisting of 11 items. Second by Mr. Miller. 3:0 vote in favor.

1. Approval of Motor Vehicle Fund payroll in the amount of \$10,662.85 and County Road Fund payroll in the amount of \$69,158.31 for pay period ending 9/2/2010.
2. Approval of **Joint Resolution 2010-253** in the matter of execution of a resolution to recognize Joel Chavez as the Substance Abuse County Coordinator for Benton and Franklin Counties.
3. Approval of **Joint Resolution 2010-254** in the matter of request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on fee for service contract between the Benton-Franklin Juvenile Justice Center and Finley School District.
4. Approval of **Joint Resolution 2010-255** in the matter of the request for signature from the Boards of Benton and Franklin County Commissioners on the services agreement between the Juvenile Justice Center and Evercom Systems, Inc.
5. Approval of **Joint Resolution 2010-256** in the matter of execution of extending the lease agreement between McCausland/Sonju J/V and Benton and Franklin Counties' Department of Human Services.
6. Approval of **Joint Resolution 2010-257** in the matter of execution of an agreement for the renewal of Grant #WA0072C0T010802 between the United States Department of Housing and Urban Development and Benton and Franklin Counties' Department of Human Services.
7. Approval of **Resolution 2010-258** in the matter of the request to the Franklin County Commissioners authorizing the Presiding Judge of the Court to sign the Purchase Reimbursement Agreement between the Washington State Courts – Administrative Office of the Courts (AOC) and Franklin County Superior Court.
8. Approval of **Resolution 2010-259** in the matter of the request to the Franklin County Commissioners authorizing the Presiding Judge of the Court to sign the Purchase Reimbursement Agreement between the Washington State Courts – Administrative Office of the Courts (AOC) and Franklin County District Court.
9. Approval of **Resolution 2010-260** in the matter of terminating Contract FCSC1012RJT001 between Franklin County and Attorney Robert J. Thompson for indigent defense services in Franklin County Superior Court.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

10. Approval of **Resolution 2010-261** in the matter of executing Contract FCSC1012SAA001 between Franklin County and Attorney Shelley A. Ajax for indigent defense services in Franklin County Superior Court.
11. Approval of **Resolution 2010-262** in the matter of approving Supplemental Agreement No. 6 to the Standard Consultation Agreement with HDR Engineering, Inc. for CRP 596 – R-170 Landslide Area.

Vouchers/Warrants

Motion – Mr. Miller: Mr. Chairman, I move that we accept the vouchers audited and certified by the auditing officer as of the date of 9/8/2010 in fund expenditures as listed for \$19,032.30.

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

Auditor O & M warrant 38438 for \$131.18; Veteran's Assistance warrants 38439 and 38440 for \$379.00; Trial Court Improvement Fund warrant 38441 for \$350.00; and Current Expense warrants 38442 through 38481 for \$18,172.12. (Exhibit 2)

DISTRICT COURT

Present in audience: Les Storms, District Court Judge Jerry Roach, District Court Administrator Kelly Martin, Connell Administrator Steve Taylor and Kristi Pihl.

Interlocal Agreements – City of Connell

Mr. Peck said the proposed agreements with the City of Connell for municipal court services are a carryover item from last week. He said the week has been useful in terms of gathering additional information. He said we've been asked to make a decision and approve the contracts that were presented.

Mr. Miller said he would like to make a motion. He asked if there should be three separate motions. Mr. Peck said his reading of the state statute is that these contracts are interconnected and what we do with the defense contract and prosecution contract in terms of the term of the agreements is largely irrelevant because if we enter into a contract with District Court it will be in place for four years and you can't realistically have that in place, unchangeable, and allow your prosecution and defense contracts to expire. In his opinion, you can't do one without the other. He said his perspective is we would approve all three contracts together. He is open to other ideas.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

Motion - Mr. Miller: I'll make a motion that we approve the Interlocal Agreements between City of Connell and Franklin County District Court, City of Connell and Franklin County Prosecutor's Office, City of Connell and Office of Public Defense. Second by Mr. Koch. Mr. Peck asked if Mr. Miller meant the contracts would be as presented. Mr. Miller said "as presented." Mr. Miller said he is ready to vote.

Mr. Koch said he reviewed information that he asked for last week and asked people in Connell about the pros and cons. He said people had concerns about people leaving Connell to do business but unfortunately there is not much retail business in Connell to keep them there. He knows a number of people in Connell will not agree with him. From what he has been able to find, part of the information he had been given regarding the options of parole and Work Release was not 100% true, but he thinks it will be more of a seamless court system with the adoption of the change. He said, "I do have some concerns but will vote for it."

Mr. Peck said in reviewing the matter in the last week, his position has not changed. In fact, a lot of the information he has gathered reinforced rather than resolved the concerns that he had.

First, his understanding after review of the law is that once we enter into this agreement, it is for no less than four years. The City of Connell cannot go back to a municipal court in that time.

Second, he thinks the costs to the citizens of Connell and the city are underestimated. He does not know how much. He thinks there are costs that have not been considered. He thinks there has been an underestimation of the potential costs of incarcerating people who violate probation, there is a potential for unforeseen costs having to do with representation now required as of last week during arraignment, and some unknowns that maybe none of us have foreseen.

Mr. Peck said his third point is that Mr. Taylor told him last week that the vote by the Connell City Council was unanimous in favor. However, he has been told there was at least one person who didn't vote or recused themselves or abstained. He does not count that as unanimous. It is clear that the vast majority of the council supported it. That's an important consideration that is impossible to overlook because those people were elected by the citizens of Connell who are going to pay the bill for this and they are the closest representative body to those

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

citizens. He thinks it would be inappropriate to undermine or thwart or prevent their will in representing the citizens of Connell, in spite of his instinctive dislike of the plan.

Mr. Peck said even though he is not comfortable with it and he thinks it will cost more than expected, he would be delighted if four years from now, it turns out he was dead wrong and this doesn't cost more and it is cheaper. He does not believe that will be the case but he would be happy to be wrong. He said, "With that said, I won't stand in the way, and I will vote to support even though it's not based on what I think is necessarily best but out of respect for the Connell City Council and their judgment."

Mr. Miller said he appreciates you thinking of the citizens in the future but he really doesn't think it's the county's jurisdiction to govern the City of Connell and if that is the choice, they're elected people; I think that they should be making that choice. I believe it is a win-win situation. I also serve on the National Association of Counties Criminal Justice Committee and they encourage collaborating, working together with communities to save money, so I hope it does work that way, too. I am definitely for it.

Mr. Peck said he agrees with Mr. Miller's sentiments about respecting the council and working together with them. Another point he had intended to make is while it is important for us to respect the decisions and the direction of the Connell City Council, it's never far from his mind that every single person that lives in the incorporated city limits of Connell is also a resident of Franklin County. He thinks our obligation here is to make sure that neither side takes advantage in any way of the other. He does not see any evidence here that either side is trying to take advantage of the other. He is just concerned that it may in fact work out that way.

Mr. Koch said he feels we basically all have the same concerns and hopefully we're all wrong.

3:0 vote in favor. These are Resolutions 2010-263, 2010-264 and 2010-265.

COUNTY ADMINISTRATOR (continuing)

Present in audience: Les Storms and Kristi Pihl.

Inter Budget Transfer

The Superior Court Administrator has requested an inter budget transfer of \$10,000 due to unexpected interpreter costs. Mr. Bowen recommended transferring \$5000 at this time.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

Motion – Mr. Miller: Mr. Chairman, I move that we approve the inter budget transfer of \$5000 from the 2010 Current Expense Non-Department Budget #700, Contingency Reserve line item, to the 2010 Superior Court Budget #165, Professional Services line item. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2010-266.

Contract Renewal: Jim Potts, Legislative Representative

The Board discussed the request from Jim Potts to renew his contract.

Motion – Mr. Miller: I make the motion to approve the agreement between Franklin County and James Potts for legislative representation effective January 1, 2011, through December 31, 2012. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2010-267.

OTHER BUSINESS

Mr. Miller said the Emergency Management exit audit was approved.

Health District – Human Services: Mr. Peck said Benton County has proposed numbers that involve the Human Services Department paying upfront costs of about \$90,000 for tenant improvements and furnishings. The initial discussion is the annual lease payment would be a set amount for 15 years. It is possible negotiations will occur to continue leasing the current Human Services facilities.

Adjourned at 10:47 am.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 8, 2010

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 22, 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 October 20, 2010.