

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for September 29, 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.

VICIOUS DOG CONCERN

Present in audience: Jochen Engelke and Ed Thornbrugh.

Ruben Lemos, 1220 Road 64, Pasco, said he is in support of Commissioner Miller's suggestion that he read in the Tri-City Herald about a dog leash law in Franklin County. He described some situations that have occurred with dogs in his neighborhood including dogs trying to attack him, family members and neighbors. He asked the Board to do something regarding dogs.

PLANNING AND BUILDING DEPARTMENT (9:09 am)

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board. Present in audience: Jochen Engelke, Ed Thornbrugh, another man and Ed Bush. TC 2010-01/ workshop to review the Planning Commission's recommendation for an application by Franklin County regarding a text amendment to the Franklin County Zoning Ordinance (#7-2005)

A workshop was held to review the proposed text changes.

DISPATCH

Dispatch Director Ed Bush met with the Board. Present in audience: Mr. Engelke, Ed Thornbrugh and another man.

Adoption of Ordinance 07-2010/E911 Excise Tax

Mr. Bush asked for approval of Ordinance 7-2010. It would repeal the ordinance that set the E911 excise tax at 50 cents and impose an E911 excise tax of 70 cents as authorized by the state legislature. Mr. Bush explained some of the work that would be done with the additional funds regarding E911 services. Mr. Peck said he had heard the legislative action called "state extortion." Mr. Bush answered Mr. Peck's questions about what would happen if the tax were not imposed, listing some of the money amounts and services the county would lose including

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the language line and emergency systems network. This ordinance would impose a tax on any device that will call 911.

Motion – Mr. Koch: Mr. Chairman, I would move for approval of Ordinance 007-2010, an ordinance providing for the imposition and collection and administration of enhanced E911 excise tax for each switched access line, radio access line, and interconnected voice over internet protocol service line. Mr. Miller said he is reluctant to approve any tax increase, but because this is for safety, he will **second the motion**.

Mr. Peck said it's clear to me that all three commissioners are exceedingly reluctant to pass any new tax of any kind. He is also painfully aware that if we refuse to approve the tax, the citizens will be harmed. He said since our first obligation is always to the citizens of Franklin County, I don't know how we can say no, as much as I would truly love to say no. I don't know we have a choice.

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

Department of Revenue Agreement

The Department of Revenue has requested approval for the Dispatch Superintendent to sign documents to collect the tax. The agreement has been reviewed and approved as to form by the prosecutor's office. Mr. Bush answered Mr. Peck's questions about the document titled "Secrecy Clause." Mr. Peck said it is a non-disclosure agreement that prohibits you from giving out sensitive private business information.

Motion – Mr. Miller: Mr. Chairman, I move that we authorize the Franklin County E911 director to sign the agreement between Franklin County and the State of Washington Department of Revenue for state administration of county Enhanced 911 taxes effective January 1, 2011. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2010-278.

HUMAN SERVICES (HS) (9:58 am)

HS Director Ed Thornbrugh met with the Board. Present in audience: Mr. Engelke.

Contract Development between Benton County and Department of Human Services

Mr. Thornbrugh gave an update on contract development between Benton County and the Department of Human Services to rent a portion of a building owned by Benton County for the Human Services administrative offices. Mr. Koch asked Mr. Thornbrugh to obtain cost estimates

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for additional items such as utilities and snow removal. When the contract is completely prepared, it will be placed on the consent agenda for Board consideration.

State Budget Cuts to Human Services

Mr. Thornbrugh told the Board about how HS is expected to be affected by state budget funds.

Housing Funds

Mr. Thornbrugh explained some changes that are occurring regarding House and Urban Development (HUD) funding for homeless prevention that will allow the counties to be more involved. The county can choose to have another agency handle the funds but the county then would not be eligible for any additional funds that become available during the year.

Mr. Thornbrugh said the state is very pleased with frontline services provided by the Community Action Committee (CAC) which is currently administering the program and the state may recommend the Home Base program to others.

Mr. Thornbrugh asked for Board approval to apply for a consolidated grant from HUD on behalf of Franklin County. The Board **gave approval**.

Mr. Thornbrugh answered Mr. Miller's questions. The interlocal agreement with the cities regarding homeless housing and affordable housing will need to be amended.

2163 Fund

Mr. Thornbrugh asked for approval to begin discussions with the Community Action Committee (CAC) to change management of the 2163 fund from CAC to HS. The current contract expires in 2011. HS would like CAC to continue to be a primary service provider but have contract oversight handled in the HS office to eliminate any conflict of interest problems with the funds.

Mr. Peck would like to proceed to make the change now. He said this change should not be perceived as a reflection on CAC. This is an administrative process, not any sort of a reflection on their performance as the contractor.

The Board **gave approval** to start the process to terminate the contract with CAC.

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Child Services Update

Mr. Thornbrugh said he is very concerned that youth services will be impacted adversely due to the state funding cuts. HS has been trying to keep at-risk children out of the state hospital system.

OFFICE BUSINESS (10:16 am)

Administrative Assistant Toni Fulton met with the Board.

Consent Agenda

Motion - Mr. Miller: Mr. Chairman, I move that we approve the consent agenda as listed with the eight items. Second by Mr. Koch. 3:0 vote in favor.

1. Approval of Resolution 2010-279 Minolta Copier Maintenance Contract between Franklin County and Abadan for copier located in the Prosecutor's Office.
2. Approval of Resolution 2010-280 Minolta Copier Maintenance Contract between Franklin County and Abadan for copier located in the Child Support office.
3. Approval of Joint Resolution 2010-281 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 Kennewick School District.
4. Approval of Resolution 2010-282 in the matter of the request for signature from the Board of Franklin County Commissioners on Interagency Agreement #ICA11073 between Franklin County and the State of Washington Administrative Office of the Courts.
5. Approval of Resolution 2010-283 in the matter of the request for signature from the Board of Franklin County Commissioners on Interagency Agreement #ICA11074 between Franklin County District Court and the State of Washington Administrative Office of the Courts.
6. Approval of Resolution 2010-284 approving Renewal Application for Storage Tank Pollution Liability Insurance coverage through Conover Insurance.
7. Approval of Resolution 2010-285 renewing Agreement between Franklin County Sheriff's Office and Bureau of Land Management (BLM) to provide law enforcement patrols for BLM-administered land located in Franklin County, effective October 1, 2010 through September 30, 2011.

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8. Approval of Resolution 2010-286 proclaiming November 19, 2010 as National Adoption Day in Franklin County.

Copier Contracts

Mr. Koch talked about copier contracts. He said we need to get a better handle on the copier contract costs or maybe try to go out for RFP. In the budget workshop, he noticed that the Prosecutor's Office pays \$900 and District Court pays \$4800. The Board asked staff to research and find out more information.

COUNTY ADMINISTRATOR (10:22 am)

County Administrator Fred Bowen met with the Board. Present in audience: Jochen Engelke.

Land Swap between county and City of Connell

Mr. Peck asked for the Board's consent to send a county commissioner or the county administrator to meet with Connell city council and state in person the county's offer to trade land and that this is an open issue that should be resolved and we still think that's the right way to do it. The county's land is an improved parking lot adjacent to a community center.

Mr. Miller said he's always thought we should work with that process and not look for an outrageous deal that we can take advantage of but one that we can work with the City of Connell and maybe release a piece of property that we don't need and which could be a liability in some ways.

Mr. Koch said at this point he would like to try to meet one-on-one with at least one of the council members to just actually see if it was presented to them in the same way the commissioners were thinking. He would do that for the Board. If it was presented in that way to the council, the county's next move would be to try to get a release of liability.

Vouchers

Motion – Mr. Miller: I move that we approve the vouchers audited and certified by the auditing office 7/29/2010, fund expenditures listed here in the total amount of \$175,318.83. Second by Mr. Koch. 3:0 vote in favor.

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TRAC Operations Fund warrants 39448 through 39503 for \$75,618.78; Franklin County RV Facility warrants 39504 through 39511 for \$5423.91; Auditor O&M warrants 39512 and 39513 for \$207.43; REET Technology Fund warrant 39514 for \$26,533.50; Enhanced 911/State Contract warrants 39515 through 39520 for \$5987.56; Veteran's Assistance warrant 39521 for \$130.00; Current Expense warrants 39522 through 39574 for \$60,163.54; and Enhanced 911/State Contract warrant 39575 for \$1254.11; for a total amount of \$175,318.83. (Exhibit 2)

COUNTY ADMINISTRATOR (continuing)

Present in audience: Jochen Engelke.

Dangerous Dog Control

Mr. Bowen told the Board about recent discussions with the Sheriff's Office and the City of Pasco regarding dog control. Mr. Miller said he was involved in discussions with the City of Pasco about two years ago. They wanted an astronomical amount of money at that time. If you can work something out with the city at a reasonable rate, okay. Mr. Bowen said we now have a veterinarian within Franklin County who is willing to house the dogs.

Mr. Peck said the issue of animal control comes under another elected official (Sheriff). Commissioners enact county laws. A good part of this issue is really in the sheriff's arena. He does not have any problem with Mr. Bowen discussing the matter with the city but everything has to be hand-in-hand with the Sheriff's office and remember this really is their area of responsibility with us in a supporting role. I don't want to see us step in front of them.

Mr. Peck said when it comes to animal control, there are many different elements: stray animals, injured animals, wounded animals, vicious animals. Maybe the county will need an ordinance that delineates these categories and how they're going to be addressed.

Mr. Miller said he agrees. The problem is he keeps getting phone calls saying the deputies say you're not providing funding to do this. The Commissioners need to make sure that whatever it costs for the Sheriff's Department, that it's covered in the budget. He said the Sheriff's Department requested \$2000 in the 2011 budget workshop yesterday.

Mr. Peck stated the county has received a request to impose a leash law. He explained some concerns he has about having a leash law.

Mr. Peck would like Mr. Bowen to meet with City of Pasco regarding animal control.

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He said he is not inclined to write a detailed ordinance with detailed control of animals at this time. Mr. Bowen said he has talked with Sheriff Lathim who has no objections to Mr. Bowen proceeding with discussions with Pasco.

Mr. Miller cautioned the Board that the county needs to move on this matter before another incident happens.

Inter Budget Transfer

Mr. Bowen requested a budget transfer to cover expenses for ongoing murder trial costs. Mr. Hsu is estimating a need for about \$250,000 after this transfer. A murder trial is being sent to Spokane.

In answer to the Board question, what are our options, Mr. Bowen said you have no options.

Mr. Bowen answered Mr. Peck's questions about the Public Defense budget and bills. The Office of Public Defense anticipates a total of \$343,000 will be needed before the end of 2010. He is asking for approval to transfer \$100,000 now. Mr. Bowen hopes the state will reimburse for extraordinary murder costs.

Motion – Mr. Miller: I move for approval of inter budget transfer of \$100,000 from the 2010 Current Expense Non-Departmental Budget #700, line item 519.90.00.0100, Contingency Reserve-Reserved Fund Balance, to the Public Defense Budget #180, line item 512.81.41.1000, Miscellaneous Professional Services. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2010-287.

OTHER BUSINESS

Dog Control

Jochen Engelke talked about dog control. He said it comes back to personal responsibility. The liability rests with the owners. He mentioned the open range issue was discussed about a year ago. He asked the Board to consider something as streamlined as the open range proposal which appeals to the individual animal owner -- it is your animal, you do have to take responsibility. If not, you're looking at a law enforcement issue.

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He said another idea is to create a buffer zone against the urban zone or incorporated areas that is clearly defined and set aside a 4-1/2 mile buffer in which to consider licensing or at least an ID system.

Mr. Engelke said the Board should consider as little restriction as possible but yet get the job done. He thinks it can be done without trying to micromanage.

Recessed at 10:57 am.

Reconvened at 11:05 am.

PLANNING AND BUILDING DEPARTMENT (continuing)

TC 2010-01: Workshop

The workshop continued.

Mr. MacPherson said state law requires review of the proposed text changes by the Department of Commerce. The Department of Commerce has granted an expedited review. A public hearing will be scheduled before the Board. There is no time deadline for adoption.

Mr. Peck asked that the matter be put on hold at this time until the 2011 budget process is complete. He thinks the Commissioners' focus should be on the budget now.

Sign Ordinance

Mr. MacPherson said a workshop has been scheduled to review revising the sign ordinance.

Adjourned at 11:45 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until October 6, 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.