

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 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 9:01 am.

PUBLIC HEARING: Adoption of 2011 Budget (continued from December 1, 2010)

Public Hearing continued at 9:01 am. Present: Commissioners Peck, Miller and Koch; County Administrator Fred Bowen; Chief Accountant Tom Westerman, Accountant Robin Stanco; and Clerk to the Board Mary Withers. Present in audience: Judge Robert Swisher, Sharon Paradis, Jennifer Bowe, Pat Austin, Tim Fife and Tri-City Herald Reporter Kristi Pihl.

Mr. Bowen has received an email from an elected official asking to postpone the hearing for another week until he can be present. Mr. Bowen said there are some minor items that need to be adjusted so he is also requesting a postponement. Mr. Peck said the Coroner would like to discuss some additional needs for travel.

Mr. Bowen said a preliminary draft budget is being sent to all elected officials and department heads for review prior to adoption.

The Board discussed whether to allow public comment today.

Motion – Mr. Koch: I would move to recess this public hearing until the 15th day of December, allowing any discussion today of somebody that had a need to address us. Second by Mr. Miller. 3:0 vote in favor.

Mr. Peck said he believes the 2011 budget is basically balanced. There are a few minor adjustments that have been requested.

OFFICE BUSINESS (9:07 am)

Administrative Assistant Toni Fulton met with the Board. Present in audience: Tim Fife and Kristi Pihl.

Consent Agenda

Motion - Mr. Koch: I would move for approval of the vouchers and consent agenda listed in the Office Business as presented. Second by Mr. Miller. Mr. Fife answered Mr. Peck's questions about items 1, 2 and 3. 3:0 vote in favor.

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1. Approval and signature of letter authorizing Franklin County Public Works to purchase digital inventory components and software from Norpix, Inc. in the amount of \$16,679.80 (Exhibit 1)
2. Approval and signature of letter authorizing Franklin County Public Works to purchase a GPS receiver and vehicle mount from GeoLine in the amount of \$20,633.32 plus sales tax (Exhibit 2)
3. Approval and signature of letter authorizing Franklin County Public Works to purchase a 2011 Ford F-150 truck from Legacy Ford of Pasco (Exhibit 3)
4. Approval of Joint Resolution 2010-374, 2010-2012 Collective Bargaining Agreement between Benton-Franklin Counties' Juvenile Department and Teamsters Local 839, Representing Juvenile Detention Union
5. Approval of Joint Resolution 2010-375, reappointing Randal L. Fox to the Mid-Columbia Library Board of Trustees for a term expiring December 31, 2017
6. Approval of Joint Resolution 2010-376, appointing Laurie J. Church to Developmental Disabilities Advisory Board for a term commencing January 1, 2011 and expiring December 31, 2011
7. Approval of Joint Resolution 2010-377, reappointing Andrea Ray to the Benton-Franklin Substance Abuse Advisory Board for a term commencing January 1, 2011 and expiring December 31, 2013
8. Approval of Joint Resolution 2010-378, reappointing Ed Frost to the Developmental Disabilities Advisory Board for a term commencing January 1, 2011 and expiring December 31, 2013
9. Approval of Joint Resolution 2010-379, in the matter of execution of a Professional Services Agreement to provide fire extinguisher service and maintenance between Oxarc Fire Division and the Benton and Franklin Counties' Department of Human Services
10. Approval of Resolution 2010-380, reappointing Linda Mays to the Franklin County Board of Equalization for a term commencing January 1, 2011 and expiring December 31, 2013
11. Approval of Resolution 2010-381, approving proposal and contract between the Franklin County Prosecuting Attorney's Office and Karpel Solutions for a Prosecutor Case Management software system

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12. Approval of Resolution 2010-382, approving Interagency Agreement between Franklin County and Franklin County Historical Society and Museum
13. Approval of Joint Resolution 2010-383, in the matter of request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Personal Service Contract between the Benton and Franklin Counties' Juvenile Justice Center and Sierra Electric, Inc.
14. Approval of Joint Resolution 2010-384, in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Personal Services Contract between Juvenile Justice Center and Lutheran Community Services Northwest
15. Approval of Resolution 2010-385, Personal Services Contract Amendment between Franklin County and Altagracia L. Mendoza
16. Approval of Resolution 2010-386, 2011 annual construction and major equipment purchases

Vouchers/Warrants

Current Expense warrants 42514 through 42571 for \$33,410.21; Auditor O & M warrant 42618 for \$131.18; Boating Safety Fund warrant 42619 for \$288.00; Enhanced 911 warrant 42620 for \$638.05; Veteran's Assistance warrants 42621 and 42622 for \$500.00; TRAC Operations Fund warrants 42623 through 42640 for \$8,802.95; Franklin County RV warrants 42641 through 42648 for \$6,351.38; Current Expense warrants 42649 through 42693 for \$16,830.09; Current Expense warrants 42694 through 42696 for \$6,427.90; TRAC Operations Fund warrants 42697 through 42722 for \$34,998.16; and Current Expense warrant 42723 for \$2,000.00; for a total amount of \$110,377.92. (Exhibit 4)

COUNTY ADMINISTRATOR (9:14 am)

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

Board Meeting Schedule for December

The Board plans to meet December 20. No Board meetings will be scheduled for December 27 or 29 unless it becomes necessary.

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Tri-Cities Visitor & Convention Bureau Membership

The Board will pay the 2011 membership dues in 2011.

Inter-Budget Transfers / Extraordinary Criminal Cases Budget

The 800 budget account has been created for the *Ruiz* case. Expenses that have been incurred in other departments are being transferred into the new 800 budget account to reimburse what was already spent. Mr. Bowen told the Board about how replenishments in other budgets are working.

Motion – Mr. Koch: I would move for approval of inter-budget transfers totaling \$237,318.10 from various 2010 current expense budgets to the extraordinary criminal case budget #001-000-800. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2010-387.

Executive Session at 9:30 am regarding union grievance per RCW 42.30.140(4)a) and Bi-County Negotiations per RCW 42.30.140(4)(a) expected to last up to 20 minutes.

Executive Session continued at 9:51 am expected to last up to 20 minutes. Those waiting outside the meeting room were notified.

Open Session at 10:15 am. Present in audience: Kristi Pihl, Tim Fife, Jerrod MacPherson and Ryan Verhulp.

Pasco School District's Capital Facility Plan and DNS

Mr. Koch asked if an executive session is necessary. Discussion included Mr. Verhulp giving suggestions for the reasons for an executive session. The appeal deadline is December 13.

Executive Session at 10:20 am regarding Pasco School District's Capital Facility Plan and DNS per RCW 42.30.110(1)(i)(iii) – legal risks of a proposed action expected to last up to 10 minutes. Mr. Fife and Ms. Pihl left the room.

Open Session at 10:25 am.

Tim Fife and Kristi Pihl joined the audience.

Pasco School District's Capital Facility Plan and DNS

Mr. MacPherson said there is a 14-day comment and/or appeal period. Section 7 of the plan relates to the proposed impact of school and/or impact fees that the school district is requesting that the county consider. The section called Course of Action #2 amending the

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comprehensive plan of also of interest to the county. The county has a separate legislative process.

Mr. Peck does not feel there is a need for a formal appeal. Mr. Miller agreed. He would like to ask the school district to look at other options before asking the county to amend the comprehensive plan. Mr. Koch also agreed. He does not think an appeal is necessarily needed at this time but would like to have comments made. He knows the school district needs funds because of the school population but he doesn't feel this is a way to do it.

Mr. Peck asked Mr. MacPherson and Mr. Bowen to prepare a comment letter to be signed by Mr. Bowen. He stated the Board's position: The county will forego any formal appeal of the school district's process because we don't perceive it is necessary and will provide a written response to the school district as input that says we respectfully do not concur with their proposal to add the impact fee. We are sensitive and sympathetic to the needs of the school district and fully appreciate the valuable contribution that quality education brings to our community as a whole. However, we are concerned that this would have a significant detrimental impact on developing interests in our county, it would increase the cost of housing for our residents, and it would add significant cost for some families without any cost to other families. We recognize that school and education in general benefit our society as a whole but to place the burden on selected segments has the effect of asking just those new homeowners to bear the burden of improvements that benefit the entire community. I think that's the basis of our process of school levies that seek to share those kinds of burdens across the entire community since the addition of new schools doesn't just benefit those new areas and families but benefits the whole community. Mr. Koch said he believes that sums it up pretty well. Mr. Miller agreed.

Mr. Verhulp said a question has been raised regarding the statute as to whether appropriate provision has been made for schools or school grounds when impact fees are being considered. He can provide written comment.

Mr. Peck said you're telling us that there is a provision in the law that states the county has to make reasonable accommodation for the impacts of new families, new students coming in. My sense is that there are multiple avenues, not just an impact fee, to do that. Mr. Verhulp agreed. He said it is what he is seeing through case law. The courts do not want to second-guess

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county commissioners in that process. It's up to you to make the findings of fact and determine whether appropriate provision has been made for a school or school grounds. Of course, they're not going to interfere as long as you have thorough fact-finding in your process. Essentially your decision making is outside of any arbitrary and capricious kind of standards.

Mr. Peck said all the commissioners are fully supportive of school districts. We just don't believe this is the best way to approach this. The other board members agreed.

OTHER BUSINESS

Rick Miller attended the exit audit. He said the county did very well; there were not any problems.

Recessed at 10:40 am.

Reconvened at 10:50 am.

COUNTY ADMINISTRATOR (continuing)

Executive Session at 10:50 am regarding Bi-County Negotiations per RCW 42.30.140(4)(a) expected to take up to 20 minutes.

Open Session at 11:20 am.

Adjourned at 11:21 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until December 15, 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 December 15, 2010.