

COMMISSIONERS RECORD 51  
FRANKLIN COUNTY  
Commissioners' Proceedings for January 12, 2011

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

**WSU EXTENSION**

WSU Extension Director Lauri Sherfey met with the Board. Present in audience: Christine Batayola, Matt Beaton and Kary Peterson.

WSU Extension agreement

**Motion** – Mr. Miller: Mr. Chairman, I move that we approve the Interagency Agreement between Franklin County and Washington State University Extension for 2011. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2011-009.

Open WSU positions

Mr. Miller will serve on the search committee for the Agronomy Forage position. Another WSU position is also open.

**AUDITOR (9:08 am)**

Auditor Matt Beaton met with the Board. Present in audience: Christine Batayola, Kary Peterson and Toni Fulton.

Administrative Assistant

Mr. Beaton requested approval to hire an administrative assistant at Step 6. Mr. Bowen explained the process used by the Salary Review Committee. Mr. Koch said in the past, we have asked for paperwork ahead of time. Mr. Beaton said there are packets available. There would be a net savings of \$3385 to the budget this year. Mr. Peck said despite the fact we didn't have a normal week's notice --

**Motion** – Mr. Peck: I move that we approve Mr. Beaton's request in the interest of expediting the stabilization of his office. Second by Mr. Miller. 3:0 vote in favor.

**PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PROGRAM / ELTOPIA WATER ASSOCIATION**

Public Hearing convened at 9:15 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Christine Batayola from Harms Engineering; Clerk to the

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Board Mary Withers; and Administrative Assistant Toni Fulton. Present in audience: Kary Peterson.

Ms. Batayola said the Eltopia Water District has a history of arsenic and high nitrates. Currently the nitrates are at an acceptable level. She listed the projects that have already been done. The CDBG grant funding would help address the water quality issues, reliability issues and poor service pressure issues because the reservoir is too small. A new reservoir, new well and new booster station will be put in place, galvanized water lines will be replaced (the system currently has a mix of galvanized and PVC), and service meters will be installed. The grant is necessary because the project is too large for the system to be able to fund with only loan money. The association has already secured a loan so we already have a portion of the funding in place.

The CDBG handouts are available in English and Spanish.

No one in the audience wished to comment. The county does not have to provide a match. The county's administrative expenses can be reimbursed.

**Motion** – Mr. Peck: Mr. Chair, I move that the Board of Commissioners authorize the Chairman of the Franklin County Board of Commissioners to sign the necessary documents to forward the application for the Eltopia Water Project under the Community Development Block Grant program as presented by the representative of Harms Engineering. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2011-010.

**AGRICULTURAL BURNING IN FRANKLIN COUNTY (9:26 am)**

Kary Peterson with Department of Ecology (DOE), outdoor burning and air quality monitoring unit, met with the Board. Present in audience: Mark Nielson from Franklin Conservation District, Franklin County Planning and Building Director Jerrod MacPherson, Chief Civil Deputy Prosecutor Ryan Verhulp and Tri-City Herald Reporter Kristi Pihl.

Update

Mr. Peterson gave an update about ag burning in the state. The fees were increased starting January 1, 2011. The delegation of authority from DOE to the county is now being done every other year. He explained some history of the agreements.

Mr. Peterson said as a result of a lawsuit settlement, the Department of Ecology was assigned to handle one burn decision for all counties. That was a large difference between the

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way it was and the way it is now. The conservation districts now issue and deny permits. They're also the agronomic expert for that county. He said he thinks the program is really good government. He answered the Board's questions.

Mr. Koch said the Board has some concerns about county liability. Mr. Peck asked would the DOE and the state be willing to indemnify the county the same way that the Conservation District is asking us to? Mr. Peterson said he asked the Attorney General's Office that question and they said no.

Mr. Verhulp answered Mr. Miller's question about the county's liability in the proposed contract. He said the reason the issue is before the Board is because historically the agreement has been approved with the Conservation District without issue. It came across his desk the end of 2010 and to his recollection he had not previously approved the form of it in the past. When he reviewed it, he noticed that one of the provisions required us to defend and indemnify the Conservation District as a third party for the work they were doing for the county, which is traditionally something the county does not do through agreements. Usually a third party has their own insurance, they're performing their own work, and therefore they're responsible for their own acts. The county's insurance does allow the county to contract with a third party and agree to provide them with coverage. So that is feasible under your current insurance. What the risk is to you in the county is if a claim and damages were to accrue, yes, the county would be liable, the county would have to pay for everything up through the \$25,000 deductible. Then if the damages exceeded that, the Risk Pool would have to pay the rest. Of course the risk to the county there is if the Risk Pool is having to pay a portion, then your experience rating is going up, your premium is going up, things like that, and then the additional consideration is of course that if we're obligated to defend, then the Prosecutor's Office resources are then triggered to engage in that so you have those resources being used as well.

Mr. Verhulp said do I agree with what's been said that there is minimal risk? Certainly. I don't know of any past claims or issues and I wouldn't necessarily expect any going forward. In terms of the comment that the Attorney General saying that most likely the state would be sued, I don't disagree with that, but I will remind you as well that most likely in my opinion as well the county would be sued. The reason is that the plaintiff's attorneys have to sue generally all parties

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involved because if they don't then it ends up being malpractice for them if it turns out later at the end of the case they should have included in the lawsuit another defendant and they failed to do so. That's why it's the shotgun approach and all defendants are usually included in a claim or lawsuit.

The discussion included: liability, the possibility of bonding, availability of insurance coverage, asking farmers groups for funding, the need that farmers have to be able to burn, the Franklin Conservation Board's concerns about liability, and asking legislators to change the law so the state will be liable.

Mr. Peck asked Mr. Peterson what effect he thinks it would have on DOE at the regional level if this process stayed at the DOE level, if the counties opted not to participate?

Mr. Peterson said it would be a larger workload for us. Some counties and conservation districts don't do it. Usually it's because they don't have enough acreage that it's that meaningful.

Mr. Peck asked so there's a cost savings to your office to have conservation districts and counties participate? Mr. Peterson said certainly. He thinks the biggest thing is the public service portion of it, that the farmer can actually get it from the county or the conservation district, know that he's getting good advice, that kind of thing. Mr. Peck asked do you have any sense of how much that saves DOE? Mr. Peterson said no.

Mr. Peck said he is wondering if maybe there is a better mechanism here which is for the state or for DOE to fund a bond or something for the conservation district. If there is a significant cost savings to DOE and it better serves the citizens and it better protects the environment and DOE is the one who's saving money, it seems logical to me that maybe DOE would want to fund a bond to protect the conservation district for helping them get this done.

Mr. Peterson said he doesn't know the answer to that.

Mr. Peck asked from a legal perspective is that feasible? We're still going to get sued, but does that add any additional protection for the county? Mr. Verhulp said certainly a bond can always do that. Obviously it just depends on the amount of the bond and in what ways the bond is written to protect the entity or persons involved. It has been my experience with the state as well that when it comes to indemnification or asking them to share in it and things like that that the answer is generally no and they don't usually provide reasoning other than the fact that,

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“well, we’re providing the funding,” or “we’re making this possible through state law.” As I referenced before, obviously when I see a contract come across like this, this is something where I can’t approve the form of it. It’s you as the Board who has to make the affirmative decision to assume the risk that would otherwise be involved in this type of a situation.

Mr. Koch said I can understand the State AG’s attitude. We’re one of about three states in the nation that has unlimited liability. He thinks Attorney General Rob McKenna is trying to change that this year.

Mr. Peterson answered Mr. Miller’s question about a lawsuit from Save Our Summers (SOS) against DOE. SOS said DOE was not upholding the Clean Air Act by protecting public health. A lot of what our program is now is because of the settlement agreement. They audit us every year. We had to do it and a lot of their suggestions are what we do. Mr. Koch said a number of farming changes have been made as far as grass seed burning, for instance.

Mr. Koch asked the other Board members if they want to go status quo as it has been in the past or eliminate it? Mr. Miller said I can’t agree with eliminating the burn and I think the process is good. I think the issue is just a matter of consideration of liability on the county. We know where that’s probably going to go with legislation. Hopefully the Attorney General can do something to help us. The bonding idea is not a bad idea if we can get that through, but again that’s going to be some work at legislation.

Mr. Peck said he is not sure that is the choices before the Board. He thinks he heard business as usual or eliminate the program. Mr. Miller said exactly.

Mr. Peck said he doesn’t think that’s the decision point that we’re at. I don’t think it’s a good program. I think the burden for implementing this law has filtered down to farmers, literally at the grassroots level, where they’re paying the expenses and the conservation district is being asked to accept all the liability and all the work that’s being done is ultimately to help DOE meet their legal requirements under state law. Obviously we don’t want to do something that hampers the ability of our farmers to make a living but by the same token this is, as our guest has already pointed out, bad government. The state has legislated some requirements and then left it to the counties and local jurisdictions to suck it up in terms of cost and liability. Working backward, I think we definitely need to be talking to our elected representatives in Olympia and

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get the law changed. Whether that mechanism is a bond to protect entities that take on this responsibility on behalf of DOE or some other mechanism, I suppose that remains to be seen. In a manner of speaking, we have enabled state government in this program. If we had refused to accept liability, my instincts tell me that DOE and the state would have already been working on a solution. But we have very cooperatively and I think in the spirit of what's in the best interests of our citizens taken on the lion's share of the work, the cost and the liability.

I'm wondering what would happen if we said no, we're not going to do that anymore and it's DOE's responsibility and I wonder just our quickly our legislators could respond to our farming community. That's my thoughts.

In terms of a solution, we may be in one of those unenviable situations between a rock and a proverbial hard space where we have to go along with it until we have a better solution in place. I do not like doing business that way but sometimes that's the choice that's left to us.

Mr. Koch asked you have a \$3 per acre with availability of a \$3.75 cap? Mr. Peterson said yes. Mr. Koch asked if another half dollar an acre or something could be thrown in to pay for a bond. Mr. Peterson said when this same issue came up in the late '90s, they had talked about that, raise the fees to get insurance. There is a file this thick (indicated) of, "No, you can't. There's not coverage for smoke."

Mr. Peck said this is the third time I've heard you say that. That really is kind of at the root of my concern. On one hand I heard you implying that effectively there's no liability or that it's very modest and that many counties have done this and it hasn't been a problem, yet no one seems to be able to buy insurance or get a bond for it and that tells me that the risk managers, the professionals in assessing what the risk is, are saying, yes, there's a lot of risk of getting sued. I started this research on this topic thinking the county assumes liability for a lot of things, it's probably not that big a deal, but the more I hear it repeated, that you can't buy insurance for this, tells me that the professional risk managers share a very different opinion than mine. They think it's very risky. He asked Mr. Peterson do you think there's a risk, a significant risk of the county or the conservation district being sued?

Mr. Peterson said looking at the past history, I don't think so, although your attorney said and it seems like that's the way lawsuits go, they name everybody there is to name. Ultimately

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the smoke management portion, the part that impacts people, is DOE's responsibility. I guess the thing would be is that they would name everybody but ultimately it would be the state.

Mr. Peck asked Mr. Verhulp if the agreement delineates liability responsibility for smoke issues as opposed to other types of damages, and if not, could it. Mr. Verhulp said it does not at all. He doesn't know that it necessarily could either. He gave an example of exclusions in an insurance policy that would have to be closely reviewed. He said it is complicated. The way the provision reads currently is that the county accepts all liabilities, all damages, regardless of the type. Of course, you can always write an agreement that essentially separates out the types of damages or losses, but then again, there would have to be another party involved who is willing to assume liability for the separate losses, separate incidents, and things like that.

Mr. Peck said so you're saying, one, given the nature of environmental damages and claims, there is no guarantee that our insurance at the county level would even cover them, and two, Mr. Peterson's references to the fact that smoke is typically the source of most complaints and in his opinion as a DOE person that perhaps there is a greater liability having to do with smoke than the other pieces of it, but that as it stands now there isn't any differentiation, even though DOE handles the smoke issues, we would still be as liable for those as we would be for anything else. Mr. Verhulp said correct.

Mr. Miller said I think we need to have a way for the farmers to burn and to complete their career. They're a taxpayer. They're the ones that support us. We have hard choices to make as a commission. I think this is a practice that we've been doing. I think we need to stay status quo. It's something we need to work on, maybe through legislation.

Mr. Koch said I think at this to stay point status quo but I want to really push in the future for us to be talking to the Wheatgrowers and/or Farm Bureau or – the people that are going to do the burning -- to see if we can't something from that side to bond us or bond the permit. He asked Mr. Nielson if that sounds at all feasible.

Mark Nielson said he clerks for the Conservancy Board and they had some liability concerns also. They did go to the legislature and got a hold harmless piece enacted in legislation. He said I honestly think that would take care of the liability issue under state law. Sure, you can still get sued. Anybody can get sued for anything. It would definitely make me more

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comfortable, having a state law saying basically conservation districts for counties would be held harmless for basically being delegated authorities or issuing permits.

Mr. Peck asked Mr. Verhulp if such a hold harmless in enabling legislation, while it might protect conservation districts, the same protections wouldn't accrue to the county unless we were specifically included in that change. Mr. Verhulp said correct. Mr. Peck said even if it did, we could still be sued. He asked Mr. Verhulp if the members of the Conservation Board in his opinion would be individually and personally liable or only as a board, which in his mind means only to the extent of all of their assets and cash and so forth. Mr. Verhulp believes they would only be personally liable if they acted outside the scope of their duties on the board itself. Then they could be possibly personally liable. Otherwise they would be covered essentially as members of boards and commissions under the county insurance do have coverage within the scope of their duties.

Mr. Peck said to him that suggests that the easiest way to minimize the liability for any organization is for the liability to remain with the conservation district on the premise that even if they got sued, the most that anybody could take would be the assets that they have, which I'm guessing are substantially less than the county. Mr. Nielson said "unfortunately." Mr. Peck said he is not trying to throw the conservation district under the bus. He is trying to look at it from the standpoint of what's a pragmatic way to minimize the risk. That's the same reason people put assets into corporations and have a corporate veil, so you can only go after what's in the corporation. If you can only go after what's in the conservation district, you may have to close your doors and reconstitute, but the fact of the matter is that's a way to minimize. So the liability might actually be a whole lot smaller under a plan where a conservation district holds that liability as they have in the past since you're not personally liable and all anybody can take is what's in the CD, as opposed to asking a county to accept that liability where they could then go after all the county's assets. Ultimately we're here because the conservation district is asking us to take on this liability and what I'm trying to say is that I think all the citizens of Franklin County are better served if it stays with the conservation district because the risk is far greater and since there's no personal liability unless there is wrongdoing, the liability effectively

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becomes limited to the assets of the conservation district. Do you know what ballpark that amounts to? Mr. Nielson said I would say our total assets are less than a million.

Mr. Peck said it seems to me in a genuine good faith, what is in the best interests of the farmers to ensure that the program continues, what's in the best interests of the citizens of Franklin County, that the liability stays there because there's a lot less to lose, and if there were a claim or a suit, reconstituting the conservation district afterward would be far easier than the county dealing with a multi-million-dollar, multi-year lawsuit. Mr. Nielson said he is not sure the Conservation Board would necessarily agree with that.

Mr. Peck said I'm trying to put myself in the boots of a farmer standing out in the field. How do we keep this program viable and at the same time minimize the risk to all Franklin County citizens? It strikes me that keeping it as is and then having this board actively go after the legislature over the next 90 days to get a change to the legislation to fix this liability issue – ultimately I think it's bad legislation that drives this from the state level down onto the conservation district and the counties – we need to get that fixed. But status quo until we can get that fixed I think is what is – take all the personalities out of it, take all the county vs. conservation district vs. DOE – what is in the best interests for the citizens of Franklin County, I think that it stays where it is, much as I would dislike that if I were on your board as well. As Mr. Peterson said, it's the way we've operated for years without issue, without problem. So maybe one more year to give us time to try to and effect a legislative fix is the best way to do it.

Mr. Peterson said in case I didn't lead you astray, in RCW it doesn't tell us that we have to go to the county or the CD. It says we can. We can even go to fire districts. It's just that the way it worked out with working with the locals, it worked better.

Mr. Peck said I agree it's in the interest of the farmers to get more speedy response and that that's difficult to do from a regional office, no question about it. So in a manner of speaking, the county and the CD are helping your agency be more effective and more responsive, and in return they get to accept the cost and the liability.

Mr. Peterson said I would put it as that we're working together to complete a task.  
Mr. Peck said I agree. We just need to work together smartly.

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Jerrod MacPherson said in reference to the status quo that you're talking about, I just want to make sure everyone is on the same page. In the past, the county has held the conservation district harmless and covered them. I want to make sure everyone is aware of what status quo means. Mr. Peck said I think that's synonymous with "the way we've always done this is." I can't remember if that's my number one or number two of my least favorite reasons for doing things.

Mr. Koch said what is the feeling of the Board at this point? As Commissioner Peck said, I know we need to really lobby to clean this liability up somehow or another, whether it's going out for a bond or some way of sharing this liability. Do we want to carry on this year as we have in the past and do our level best to get our legislators to work with us? Most all of our local legislators are farmers or farm-oriented.

Mr. Peck asked what is the timeline? Do we need to have a decision today? Is there a week to consult with our legislators in Olympia, which I intend to do regardless? Mr. Miller asked or is it when burning starts? Mr. Peterson said yes. If they were to start to issue permits, right now you wouldn't have the delegation to issue permits. And we can issue them if something comes up that needs to be done immediately.

Mr. Peck asked when the permits would likely begin to be issued. Mr. Peterson said an orchard tear-out might be involved but normally springtime. Mr. Koch said field burning itself won't go up until July. Mr. Miller said end of June maybe. Mr. Peterson said we get some spring burning.

Mr. Peck asked so the nature of these other burns which are not crop burns are far less time-sensitive and an entity could in fact work with your office? Mr. Peterson said yes. He said I think you should take some time. We certainly want you to be satisfied.

Mr. Verhulp said the term of the proposed agreement is for two years, expiring December 31, 2012, unless you change it. Mr. Peck said it is not effective unless it is approved. Mr. Peterson said we certainly could go back to a year.

Mr. Peck said it may be that the wisest course is for us to ask DOE to handle these for the next 90 to 120 days, roughly the current legislative session in Olympia, and we'll go to Olympia and see if we can get some enabling legislation to eliminate this problem since the number of

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burn permit requests would be minimal over the next couple of months. Mr. Peterson asked Mr. Nielson how many burn permit requests he gets in the spring. Mr. Nielson said they pretty much trickle in during January, February and March. Mr. Peck said if we were able to get some sort of legislative fix in the next 60 days or so, it would not have a tremendous impact. Obviously there would be some. It would give us time to pursue a fix in Olympia.

Mr. Koch said okay. Mr. Peck said that's one option. Mr. Koch said I think at this point that's probably our best option, and then also work with some of the farm groups and see what we can do from that side of it.

In response to Mr. Koch's question about having the Farm Bureau or the Wheatgrowers or others come up with a bond, Mr. Peterson said the committee had talked about raising the fees but the fees are designated for the permitting authority, DOE and research. Mr. Koch asked if Mr. Peterson has any background on if we could get the Wheatgrowers and/or the Farm Bureau to collectively purchase a bond. Mr. Peterson said not that he recalls reading. He said the counties have seemed to be satisfied for the last 10 years since the conservation districts have been indemnified.

Mr. Peck asked if we don't take action today and there is no agreement in place, this automatically reverts back to the DOE under state law? Mr. Peterson said yes, we'll issue the permits.

Mr. Koch asked so we'll get back to it within 90 days and see what transpires? Mr. Miller said I can agree with the 90 days. I would rather go status quo and just keep going with it until we figure something out but I think at this time, there won't be much burning for 90 days. Mr. Peck said it sounds like there are two possibilities here. I've sort of enumerated one and you've just enumerated another. Since those are different, I think it falls to the chair as the third member of the Board to choose which of those paths we're going to follow. I do not want to say this is how I think we probably ought to do it. This needs to be a majority decision of the Board.

Mr. Koch asked Mr. Peck to restate his statement. Mr. Peck said I'm suggesting that there would be minimal harm for us to take 60 to 90 days while the legislature is in session and let DOE handle these permits and in the meantime see if we can get the legislature to change

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enabling legislation to put the liability where it properly belongs, which is with the state. Then as soon as we can do that, then we can enter into an agreement because the liability situation will be resolved. I don't want to speak for Commissioner Miller but I think I heard him say status quo, no change to how we had done it last year.

Mr. Miller said I think I can handle the 90 days. I think that's acceptable. I personally would agree with the other way, too, but I can't see being hurt with 90 days. There are not that many burns, correct? Someone answered "correct." Mr. Miller said I cannot see being hurt by that. So, I would side with you.

Mr. Koch said that was my question to start with, if we could wait 90 days and readdress it within the 90 days.

**Mr. Peck asked so does that mean we have consensus, all three of us agree with that course? Mr. Miller and Mr. Koch agreed.**

**Recessed** at 10:35 am.

**Reconvened** at 10:41 am.

## **BOARD WORKSHOP**

### Domestic Violence

Kim Keltch, Domestic Violence Services Coordinator with City of Pasco, met with the Board. Present in audience: Toni Fulton and Kristi Pihl.

Ms. Keltch told the Board about the domestic violence work being done by the City of Pasco and how she would like the county to be involved. The Sheriff's Department will receive an invitation for a local March training session. There is also a week-long training scheduled later in Portland, Oregon.

## **MINUTES**

**Motion** – Mr. Peck: I would move for approval of the minutes as presented by the chair. Second by Mr. Miller. 3:0 vote in favor.

## **VOUCHERS/WARRANTS**

**Motion** – Mr. Miller: Mr. Chairman, I move that we accept the vouchers as audited and approved by the auditing officer as of the date of January 12, 2011. Second by Mr. Peck. 3:0 vote in favor.

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Salary Clearing payroll warrants 52570 through 52651 for \$153,735.24; warrants 52558 through 52569 for \$69,892.70; and Direct Deposit for \$341,478.92; for a total amount of \$565,106.86;

Emergency Management payroll warrants 44114 through 44120 for \$3020.90; warrants 44121 through 44124 for \$1345.06; Direct Deposit for \$7192.85; for a total amount of \$11,558.81; and

Irrigation payroll warrants 44092 through 44109 for \$9728.97; and warrants 44110 through 44113 for \$1542.14; for a total amount of \$11,271.11. (Exhibit 1)

**OTHER BUSINESS** (11:14 am)

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Kristi Pihl.

Pasco Sanitary Landfill: Aspect Consulting

Mr. Verhulp said Aspect Consulting has been testing the efficiency of the soil vapor extraction system using subcontractors, which is permitted. Golden Specialty is one subcontractor who has submitted an invoice submitted to Aspect and the county. They will offer a 5% discount if they are directly paid by each member of The Landfill Group versus routing through Aspect and then billing us. Franklin County's portion is \$12,633.39. The funds would come directly from the Pasco Sanitary Landfill Closure Trust Fund. Mr. Verhulp has reviewed the scope of work and it appears to be compliant with what we have authorized them to do. This is Resolution 2011-011.

**VOUCHERS/WARRANTS** (11:21 am)

**Motion** – Mr. Peck: I move for approval of fund expenditures in the total amount of \$ 44,762.71 as detailed in the document provided on Franklin County Auditor letterhead and stating the vouchers are audited and certified by the auditing officer. Second by Mr. Miller. 3:0 vote in favor.

Current Expense warrants 44056 through 44082 for \$10,941.34; Jail Commissary warrants 44083 through 44091 for \$3926.43; Current Expense warrants 44125 through 44152 for \$13,540.93 (adjusted by \$242.95); Current Expense warrants 44153 through 44161 for \$5440.12; TRAC Operations Fund warrant 44162 for \$218.37; Veteran's Assistance warrants 44163

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through 44169 for \$1236.93; Current Expense warrants 44170 through 44182 for \$2742.34; Auditor O&M warrant 44183 for \$7.28; Crime Victims/Witness Assist warrants 44184 and 44185 for \$2759.93; Clerk LFO Collection Fund warrant 44186 for \$194.88; Trial Court Improvement Fund warrant 44187 for \$350.00; Enhanced 911 warrant 44188 for \$3176.56; and Veteran's Assistance warrants 44189 and 44190 for \$227.60. (Exhibit 2)

### OFFICE BUSINESS

Administrative Assistant Toni Fulton met with the Board.

#### Consent Agenda

**Motion** - Mr. Peck: Mr. Chairman, I move for approval of the consent agenda as presented.

Second by Mr. Miller. Mr. Peck asked if a graffiti abatement program is done in Pasco and would like it to be considered. Mr. Bowen said the City of Pasco uses community service crews to do graffiti abatement. 3:0 vote in favor.

1. Joint Resolution 2011-012, Fee for Services Contract between the Juvenile Justice Center and the City of Kennewick, to provide the Graffiti Abatement Program (GAP)
2. Resolution 2011-013, authorizing expenditures in the amount of \$24,670, utilizing funds from the Miscellaneous Trial Court Improvement Fund, Number 128-000-001, as requested from the Trial Court Improvement Fund Authorization Committee
3. Approval of out-of-state travel request for Coroner to attend the Association of Coroners and Medical Examiners Winter Board Meeting
4. Joint Resolution 2011-014, approving a combined total flat monthly payment in the amount of \$131,229, payable to the Benton County Treasurer on or by the first working day of each month, for Franklin County's portion of the 2011 Juvenile Operations and Facilities Budgets
5. Approval of Motor Vehicle Fund payroll in the amount of \$11,900.65 and County Road Fund payroll in the amount of \$73,157.42 for pay period ending 1/6/2011
6. Resolution 2011-015, Interagency Agreement between Franklin County and the Washington State Railroads Historical Society
7. Joint Resolution 2011-016, Amendment #09/11-MH-NONPIHP-LCC-01 to provide mental health services between the Benton and Franklin Counties' Department of Human Services and Our Lady of Lourdes Hospital at Pasco, DBA Lourdes Health Network

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8. Joint Resolution 2011-017, Amendment #09/10-DD-CI-02 to provide developmental disabilities services between Benton and Franklin Counties' Department of Human Services and Columbia Industries
9. Joint Resolution 2011-018, Amendment #09/10-DD-ARC-02 to provide developmental disabilities services between the Benton and Franklin Counties' Department of Human Services and the ARC of the Tri-Cities
10. Joint Resolution 2011-019, in the matter of contracting for the provision of Janitorial Services Agreement #PSA-JANITORIAL-NMC-2010-11 for the Benton and Franklin Counties' Department of Human Services Office, located at 7207 West Deschutes Avenue, Kennewick, Washington
11. Joint Resolution 2011-020, Agreement #10/11-PREV-KCS-00 to provide prevention coordination services between the Benton and Franklin Counties' Department of Human Services and Knowledge Counseling Services
12. Joint Resolution 2011-021, Personal Services Contract Amendment between the Juvenile Justice Center and Apollo Sheet Metal, thus amending Benton County Resolution 07-113 and Franklin County Resolution 2007-080
13. Joint Resolution 2011-022, Amendment #09/11-MHPIHP-LCC-01 to provide mental health services between the Benton and Franklin Counties' Department of Human Services and Our Lady of Lourdes Hospital at Pasco, DBA Lourdes Health Network
14. Resolution 2011-023, approving 2011 Juvenile Center Operations and Facilities Budgets
15. Resolution 2011-024, approving payment of Franklin County's portion of an invoice accrued by the Landfill Group of Aspect Consulting LLC for Professional Services
16. Resolution 2011-025, approval of inter-budget transfer in the amount of \$3,398.14

**COUNTY ADMINISTRATOR (11:37 am)**

County Administrator Fred Bowen met with the Board. Present in audience: Kristi Pihl.  
Draft Environmental Impact Statement: Odessa Subarea Special Study, U.S. Bureau of Reclamation, groundwater

Mr. Koch asked the other Board members to review information so the Board can make a decision on a Franklin County response at a later meeting.

11:45 write our own letter with comments on EIS.

COMMISSIONERS RECORD 51  
FRANKLIN COUNTY  
Commissioners' Proceedings for January 12, 2011

**Executive Session** at 11:47 am based on RCW 42.30.140 (4) for contract negotiations expected to last 20 minutes. Ms. Pihl left the meeting.

**Executive Session** continued at 12:05 pm expected to last 15 minutes.

**Executive Session** continued at 12:20 pm expected to last 10 minutes.

**Open Session** at 12:30 am.

Other Business

The Board **gave approval** to schedule an Elected Officials/ Department Head meeting within the next 30 days.

Extraordinary Criminal Justice Costs: Legislative Issue

The Office of Public Defense met the state's deadline for turning in extraordinary murder expenses but has not yet received all of the December bills. Because the funding recommendations are based on percentages of the budget, the county's reimbursement would be decreased for 2011 and 2012 if the additional expenses are not considered. The Board members will ask legislators to extend the deadline for submittal of expenses for reimbursement.

**Adjourned** at 12:39 pm.

COMMISSIONERS RECORD 51  
FRANKLIN COUNTY  
Commissioners' Proceedings for January 12, 2011

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until January 19, 2011.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Robert E. Koch, Chairman

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Rick Miller, Chairman Pro Tem

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Brad Peck, Member

Attest:

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Clerk to the Board

Approved and signed February 2, 2011.