

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for February 9, 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; and Mary Withers, Clerk to the Board. Meeting convened at 9:00 am. Fred Bowen, County Administrator, was absent due to illness.

OFFICE BUSINESS

Present in audience: Lester Storms, Jeff Burckhard, Tim Fife and Tri-City Herald Reporter Kristi Pihl.

Firearms in parks

The Board briefly discussed a letter that was received regarding firearms in parks.

LOBBYIST (9:07 am)

Present in audience: Lester Storms, Jeff Burckhard, Richard Lathim, Tim Fife and Kristi Pihl.

Lobbyist Jim Potts talked with the Board about legislative issues by speaker phone. Mr. Koch asked Mr. Potts to check on several legislative issues. Mr. Potts answered Mr. Miller's question about progress on a bill. Mr. Potts told the Board about House Bill 1915 relating to the Public Works Trust Fund (PWTF) and another fund. Mr. Potts answered Mr. Peck's question about bills in general.

Mr. Koch asked Mr. Potts to keep track of Bill Number 5165 regarding commissioner redistricting. He also asked Mr. Potts to relay any information regarding reimbursement to the county for extraordinary criminal justice costs so that the commissioners know if they need to testify or make contacts with legislators. The Office of Public Defense has been sending in bills.

PUBLIC WORKS (9:21 am)

Engineer Tim Fife met with the Board. Present in audience: Lester Storms, Jeff Burckhard, Richard Lathim and Kristi Pihl.

Award of Bid - Police Interceptor Units

Mr. Fife recommended award of bid for \$99,807.75 including sales tax.

Motion – Mr. Miller: Mr. Chairman, I move that we award four new police interceptors to Lobby Ford in the amount of \$99,807.75. Second by Mr. Peck. 3:0 vote in favor.

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Creation of CRP 601 / Franklin County Road Safety Program

Grant funding of \$775,000 is available.

Motion – Mr. Peck: Mr. Chairman, I move approval of Franklin County Road Project 601, the Franklin County Road Safety Program as presented. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-053 was approved.

CRP 601 / Franklin County Road Safety Program Local Agency Agreement between Franklin County and Washington State Department of Transportation (WSDOT)

Motion – Mr. Peck: Mr. Chairman, I move approval of County Road Project 601 - County Road Safety Program Local Agency Agreement between Franklin County and Washington State Department of Transportation as presented. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-054 was approved.

Local Agency Federal Aid Project Prospectus between Franklin County and Washington State Department of Transportation (WSDOT) for CRP 601 – Franklin County Road Safety Program

Motion – Mr. Miller: Mr. Chairman, I move that we approve the Local Agency Federal Aid Project Prospectus between Franklin County and the Washington State Department of Transportation for CRP 601 – Franklin County Road Safety Program. Second by Mr. Peck. 3:0 vote in favor. Resolution 2011-055 was approved.

Public Works jobs

The Commissioners had received an unsigned letter expressing a concern. Mr. Fife said most of the work done for other counties by Franklin County Public Works is because the other counties do not have the equipment available to do the job. He would hope whoever sent the letter would come forward with more information.

Possible Road Closures

Mr. Fife said some roads have such low traffic volume and don't really serve a purpose in the winter. Another county has a system to identify roads that get closed because of snow or other reasons. It doesn't make sense to spend resources to keep the road open. He gave an example of Wallace-Walker Road in Franklin County that has no need for people to be driving down it. Mr. Koch said on that particular road, he could totally understand because of the grade and the lack of need. Mr. Peck said some factors to consider would be maintenance cost, impact

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on the roadway itself either from lack of maintenance or because road grading can be destructive to the road edge, environmental consequences from accumulating snow or from letting it run off naturally, anything falling under typical SEPA review, any sort of emergency response capabilities, if the area is accessible from another road but that road is by far the shortest route, and extending response times for emergencies.

Mr. Koch asked Sheriff Lathim for comments. Sheriff Lathim said Wallace-Walker Road has no one hauling wheat to the river because of how steep it is. He was thinking more about gravel roads but would be in favor of having some paved roads closed because people don't need to wander around on them.

Mr. Koch asked that the Public Works Department coordinate with the Sheriff's Office.

Mr. Fife will figure out some criteria that would be applicable. He would want to meet with the property owners as well and then have a public hearing. The Public Works Department will create a policy and see what is workable and go forward with it, hoping to have it in place before next winter. Mr. Koch said the idea is worthy of more discussion for sure. Mr. Peck said it might work well into the plan for maintaining roads for soft fruit traffic.

SHERIFF (9:40 am)

Sheriff Richard Lathim met with the Board. Present in audience: Lester Storms, Jeff Burckhard and Kristi Pihl.

Interlocal Agreement for special investigations unit to investigate officer-involved incidents

Sheriff Lathim said the agreement will allow for a thorough investigation and to have it as unbiased as possible. It is designed off a similar MOU in Snohomish County.

Mr. Koch asked if the agreement will also apply to Coyote Ridge prison. Sheriff Lathim said they're not part of it. It would be available to the City of Connell if a correctional officer was involved in a situation off-site. It would cover situations in the Benton and Franklin County jails. It is not binding to use the resource but is available.

Motion – Mr. Peck: Mr. Chairman, I move for approval of the interlocal agreement for special investigations unit to investigate officer involved incidents. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-056 was approved.

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OFFICE BUSINESS (9:49 am)

Administrative Assistant Toni Fulton met with the Board. Present in audience: Lester Storms, Jeff Burckhard, Kristi Pihl and Ken Miller.

Consent Agenda

Motion - Mr. Peck: I move for approval of the consent agenda as listed. 3:0 vote in favor.

1. Approval of Resolution 2011-057, approval of an extended service agreement for X-ray machines between Astrophysics, Inc., and Franklin County and accepting quote #SRVKA899 for \$6660
2. Approval of Resolution 2011-058, inter-budget transfer of \$43.03 from the 2010 Current Expense Non-Departmental Budget #001-000-700, Contingency Reserve line item, to the Coroner Budget #001-000-220, Communications line item
3. Approval of Resolution 2011-059, re-appointment of Devi Tate to the Mid-Columbia Building Appeals Commission to serve as Franklin County layperson, five-year term expiring December 31, 2015
4. Approval of Resolution 2011-060, Professional Service Agreement for Legal Representation of indigent individuals in Benton and Franklin Counties Superior Court, Juvenile Division, between the Juvenile Justice Center (JJC) and Nanette K. Blackburn
5. Approval of Resolution 2011-061, acceptance of Market Drive, Brothers Drive and Market Court as shown on Final Plat of Columbia Flats II
6. Approval of County Road Fund payroll for 2/3/2011 in the amount of \$69,961.91 and Motor Vehicle Fund payroll for 2/3/2011 in the amount of \$11,405.33

Vouchers

Motion – Mr. Peck: Mr. Chair, I move for approval of vouchers as presented in the total amount of \$170,332.28. Second by Mr. Miller. 3:0 vote in favor.

Current Expense warrants 45304 through 45348 for \$83,335.37; Current Expense warrants 45349 through 45368 for \$8119.35; Election Equipment Revolving warrants 45369 through 45372 for \$37,125.45; Crime Victims/Witness Assistance warrant 45373 for \$100.00; Clerk LFO Collection Fund warrant 45374 for \$280.00; Trial Court Improvement Fund warrant 45375 for \$350.00; Jail Commissary warrants 45376 through 45379 for \$6930.28; Enhanced 911 warrants 45380 through 45382 for \$5973.68; Veteran's Assistance warrants 45383 through

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45388 for \$3814.62; Current Expense warrant 45393 for \$48.00; TRAC warrant 45394 for \$14.31; RV Park warrants 45395 and 45396 for \$1816.10; Current Expense warrants 45397 through 45402 for \$2975.46; Auditor O&M warrants 45403 and 45404 for \$331.18; Enhanced 911 warrant 45405 for \$7292.00; and TRAC warrants 45406 through 45422 for \$11,826.48; for a total amount of \$170,332.28. (Exhibit 1)

Minutes

Motion – Mr. Peck: Mr. Chair, I move for approval of Commissioner Proceedings for February 2, 2011, as presented. Second by Mr. Koch. 2:0 vote in favor.

PROSECUTOR (10:00 am)

Chief Civil Deputy Prosecutor Ryan Verhulp, Attorney Ken Miller, and Tim Fife met with the Board. Mike Cook, Claims Analyst from Washington Counties Risk Pool (WCRP) was present by speaker phone. Present in audience: Kristi Pihl, Les Storms, Tim Fife

Executive Session at 10:02 am regarding current litigation, *Woodbury*, up to 45 minutes based on RCW 42.30.110(1)(i). Ms. Pihl and Mr. Storms left the meeting.

Open Session at 10:47 am.

Recessed at 10:47 am.

Reconvened at 10:52 am.

COUNTY ADMINISTRATOR

Present in audience: Christopher Herron and Kristi Pihl.

Payroll Release letter

The Auditor has requested approval to disburse payroll prior to Board approval because the payroll cannot always be processed before a Board meeting. The Board discussed the request.

Motion – Mr. Peck: I would move that we accept this email communication as a request from the auditor for this pre-approval process with the understanding that the auditor in his role as an elected official is making this request and is going to certify that these are accurate and if they're not, make necessary corrections after the fact. Second by Mr. Miller. Mr. Peck said that would allow Mr. Koch to sign the letter. 3:0 vote in favor. (Exhibit 2)

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Extension Office Request

WSU Extension has requested help from the Commissioners. Mr. Miller has talked to Eric Johnson of Washington State Association of Counties (WSAC). Mr. Peck said my interest is in providing the best support that we can from the county. He would support Mr. Miller to continue. Mr. Koch said I feel the same way, that we should be involved in it, if the time works out. He asked Mr. Miller if he will carry on. Mr. Miller said yes.

OTHER BUSINESS (10:59 am)

Chris Herron met with the Board. Present in audience: Les Storms and Kristi Pihl.

Stock-Restricted Areas

Mr. Herron said he has been the victim of another event of repeated animal trespass. To the best of his knowledge, for 16 days 137 head of cattle grazed not only his growing crops but also his CRP land, filter strips, and land that he leases from the Department of Natural Resources (DNR), State of Washington. The offender was contacted several times. Commissioner Koch gave him a copy of the county's animal control ordinance. Also a Franklin County Sheriff's corporal came out. The sheriff's deputy, DNR land manager and his insurance agent made photographs and recorded the damage for this particular instance. It is the seventh time in five years that he has had incidents of animal trespass on his property.

Mr. Herron referred to RCW 16.24.110 and the county's ordinance. He said he wanted to make it clear that the sheriff has the authority to impound animals once they meet certain aspects of trespass. He stated the sheriff may not have the willingness but has the authority to impound.

He asked for the Board's understanding and he showed the Board some photographs as evidence of his situation.

The Board authorized Mr. Peck to speak with the sheriff about the matter.

Mr. Herron said this is an issue east of Connell that is ongoing and egregious. It is illegal to shoot them. You can't force a guy to keep cows in by words. I'm being backed into a corner to construct fence at my own expense to keep them out.

Mr. Peck said he is not an attorney but he thinks you would be within your rights to take possession of these cattle and the expenses would not be borne by you. He recommended Mr. Herron contact an attorney.

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Courthouse Front Door

Mr. Herron said the courthouse front door is not sitting correctly so it is banging every time it shuts. The Board told him about ongoing efforts to fix the problem.

Property Rights Concerns

Lester Storms gave the Board members some pamphlets regarding Agenda 21. He is a member of a committee which has concerns about Agenda 21 regarding growth management and other things. He said part of the proposed legislation is to have a 500-foot buffer from any water in the farming district for applying pesticides and herbicides. He gave an example of not being able to farm. He thinks it's an infringement on our property rights and our rights for development. He said I am one of many who are concerned about it.

He asked the Board to review the information he gave them and provide him with some feedback after reviewing it.

Mr. Miller explained some work that is being done in the state about growth management and property rights.

Mr. Storms said the estimates are that if this was approved, it would put 50% to 60% of farming out of business in our county.

Mr. Storms said the Olympic Tea Party group has notified his group that an effort is underway to try to put meters on all private wells and charge homeowners for using their own water.

Mr. Storms said the Environmental Protection Agency (EPA) is infringing more and more into our private property and I object to it.

Adjourned at 11:30 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 16, 2011.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Robert E. Koch, Chairman

Rick Miller, Chairman Pro Tem

Brad Peck, Member

Attest:

Clerk to the Board

Approved and signed March 2, 2011.