

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 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.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson met with the Board. Present in audience: Clarence Bumgardner, Sharon Lind, Hector Alamillo, Lester Storms and Tri-City Herald Reporter Kristi Pihl.

Rural Lot Access Deviation request

Mr. MacPherson gave the Board an Agenda Summary Report (Exhibit 1) and explained the request for a deviation for rural lot access. He showed maps of the area. The Planning Department supports the request. Mr. MacPherson said the subdivision ordinance says the board may review and approve limited deviation requests. He answered the Board's questions. If approved, the access would allow in-fill development of the area with gravel roads built to a minimum fire apparatus standard. In addition to the specific request, Mr. MacPherson asked for Board approval to change the requirement for additional areas in the same neighborhood of Moore Road in the Martindale area. The Board asked for a clarification change in the wording.

Motion – Mr. Peck: Mr. Chair, I would move that we approve this with the change that we just discussed, which is that the resolution would make clear that requirement for improving the road is based on dwellings, not on simply a short plat. Mr. Koch added “building permits.” Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-080 was approved.

MINUTES

Motion – Mr. Miller: Mr. Chairman, I move that we approve the Commissioner Proceedings for January 26, 2011, February 9, 2011, and February 23, 2011. Second by Mr. Peck. 3:0 vote in favor.

OFFICE BUSINESS

Present in audience: Sharon Lind, Les Storms, Jerrod MacPherson, Hector Alamillo and Kristi Pihl.

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COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

Consent Agenda

Motion – Mr. Peck: I move for approval of the consent agenda as presented. Second by Mr. Miller.

Tim Fife joined the meeting. Mr. Bumgardner left the meeting. Also present: Sharon Lind, Les Storms, Hector Alamillo and Kristi Pihl.

In response to Mr. Koch's question about consent agenda item #2, Mr. Fife said the installation of the gates is expected to cost \$3000 to \$4000. Mr. Koch asked if the gate motors are included in the estimate. Mr. Fife said no, the cost shown is not a full project cost.

Regarding consent agenda item #7, Mr. Koch asked that the information on the hard drives listed in the disposal of surplus property be destroyed separately.

Vote: 3:0 vote in favor.

1. Approval of Resolution 2011-081, Professional Services Agreement with Attorney Dennis Hanson to provide indigent defense services in Franklin County District Court
2. Approval of purchase and installation of Compass Access Controllers for the Public Works yard (Exhibit 5)
3. Approval of Resolution 2011-082, payment of Franklin County's portion (\$2378.55) of an invoice accrued by The Landfill Group to Aspect Consulting LLC for professional consulting services at the Pasco Sanitary Landfill
4. Approval of Resolution 2011-083, American West Bank Account Service Agreement for Franklin County Clerk's Trust Fund, effective February 1, 2011, through February 1, 2012
5. Approval of Resolution 2011-084, American West Bank Account Service Agreement for Franklin County District Court's Trust Fund, effective February 1, 2011, through February 1, 2012
6. Approval of Resolution 2011-085, Equipment Rental Rates for the period January 1, 2011, through December 31, 2011
7. Approval of Resolution 2011-086, authorizing Information Services to dispose of surplus property as listed

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COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

PUBLIC WORKS (9:22 am)

Engineer Tim Fife met with the Board. Present in audience: Les Storms, Sharon Lind, Stan Strebel, Hector Alamillo, Kristi Pihl, Rick Long and Neal Miller.

Vouchers

Motion – Mr. Miller: Mr. Chairman, I move that we approve the County Road Vouchers for \$55,657.65 and Motor Vehicle and Public Works Equipment Fund for \$22,233.48, in the total amount of \$77,891.13. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 2)

East Foster Wells Road - CRP 500, Local Agency Agreement

The county has been asked to separate the current project portion of CRP 500 from previous projects so a new Local Agency Agreement is required. The prospectus will need to be changed as well. Nothing else has changed. Mr. Fife answered Mr. Peck's question about the reasons for the request. He explained how the project is handled. The TIGER II grant is only paying for the construction, not for the previous 20 years of work.

Motion – Mr. Peck: Mr. Chair, I move for approval of Local Agency Agreement between Franklin County and Washington State Department of Transportation for CRP 500 – East Foster Wells Road and rescinding Resolution 2009-064 as presented. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-079 was approved along with the Prospectus.

SHERIFF (9:29 am)

Sheriff Richard Lathim met with the Board. Present in audience: Sharon Lind, Les Storms, Dispatch Director Ed Bush, Pasco Assistant City Manager Stan Strebel, Security Director Rick Rochleau, Jail Captain Rick Long, Undersheriff Kevin Carle, Hector Alamillo, Kristi Pihl, Neal Miller, Judge Jerry Roach, and Jail Lieutenant Mike Monk.

Jail Conditions

Sheriff Lathim explained briefly the jail condition and needs. As a member of the Law and Justice Council, he said the council's recommendation is that a new jail is a pressing need and that the Board consider putting the 3/10ths of 1% sales tax on the ballot in fall 2011 or at least hold a public hearing to determine whether that is appropriate or not. Sheriff Lathim said when the issue was on the ballot before, it was a quality of life issue and to be able to be prepared for the future and to be able to hold people accountable for crimes they have committed. We've

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

come a long ways to change the reputation of the county and the City of Pasco from what we had years ago and we want to be able to stay on top of that, to maintain the quality of life that we have.

Mr. Miller is chairman of the Law and Justice Council. The council did not decide whether they would prefer it be on the ballot in August or November but that it be on the ballot this year, taking into consideration the amount of time it would take to complete the construction.

Mr. Koch said I'm on record as saying to wait until July to see whether the economy picks up, but honestly waiting until July is too late for this year. He has concerns about the cost to run a ballot. He said if it doesn't cost us \$60,000 to run a ballot, I think we need to press forward. Sheriff Lathim said it has to be run either in a primary or general election, not a special election. He would be happy to talk to the auditor to get information about the cost.

Mr. Koch said I also don't know that we need a public hearing. Sheriff Lathim said you may not have to. It would have to be on an agenda for people to at least comment on it.

Mr. Miller said I think it's very important that we pursue this. I think we have a safe county and I believe it's because of our law enforcement. He is opposed to concurrent terms sentencing. He said I could support putting this on the ballot.

Sheriff Lathim said the pressing issue is the roof condition. We have to pay other jails to hold prisoners. He said we will do the best we can with what we have to work with but the Board needs to be aware of the needs.

Mr. Miller asked about the need for a public hearing. He said the matter was on the agenda.

Mr. Peck does not think there is a requirement to have a public hearing. Unless there is a requirement to have one, he would say the ballot is the public hearing. With respect to ballot costs, he thinks the cost on a general ballot would be nominal so it is not a real concern.

Mr. Peck said I'm not opposed to putting it on the ballot and asking our bosses how they want us to proceed in their behalf. I support placing the measure on the ballot, given that it's going on the general ballot in the fall. He would not be in favor of it being on the primary ballot.

Mr. Peck said regarding short-term versus long-term needs with jails, he is not as convinced as he was a year ago of the need for a full-on \$20 million jail project versus updating

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

the existing jail and taking advantage of excess capacity, say at Benton County or other places. He realizes the cost is likely to be higher by using other facilities but is also aware that Benton County has recently lost contracts so they have excess capacity. He does not like the notion of Franklin County building a new jail here when within a reasonable distance we've got excess capacity, even though we don't own it directly. He knows there are issues with convenience and moving prisoners that would have to be worked out.

Mr. Peck said the bottom line is I'm not opposed to putting the issue on the general ballot in the fall but I still have a ways to go before I can get to saying that in this current economic climate I could support a \$20 million, \$30 million, \$40 million massive jail project.

Mr. Miller said we do need to look at other cost estimates. The cost to use other jails is tremendous. It can increase if the jail gets additional contracts and raises the rate. The leasing of jail space at other places can become a problem. It is a safety issue for the community.

Mr. Peck said the point is not that we won't eventually need a full-on jail but that perhaps a more prudent approach in the interim might be to make repairs to the existing jail and make use of local capacity. Economic reasons, reduction in demand, and existing capacity present an opportunity for an interim solution before we move to a full-on tax.

Sheriff Lathim said Benton County built their jail with future capacity needs in mind and relies on contracts now to help offset the operational costs. Another point is if we look at the short-term costs to fix the roof and moving prisoners while it is occurring for a cost of about \$500,000, then after that is done where do we put the additional 80 to 90 prisoners over the capacity amount of 100 prisoners?

Mr. Peck said I think we need to fix the roof right away. You've raised some excellent points. I think there is capacity in Benton County for us to solve their temporary vacancy which makes them more efficient and is a good interim solution for us while we make improvements to our jail.

Mr. Peck said I am interpreting our discussion today as sort of a touch-base, to determine where the commissioners are conceptually on the idea of a tax measure. The final vote would be predicated on what the actual proposal is. It makes a difference whether it would be a 1/10th of

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

1% tax versus a 3/10ths of 1% tax. I'm in support of asking the voters what they think but we still haven't decided what that question would be.

Sheriff Lathim mentioned that with delays, the costs of construction are anticipated to increase. Mr. Peck feels the reverse would be true at this time given what we have seen with construction bids over the past year. Those present agreed the costs may go up, that no one knows for sure.

Mr. Koch said the discussion is not done. We need more information.

Sheriff Lathim said currently the jail is using a 23-hour lockdown. Mr. Koch said no matter what happens in the future, he doesn't think that should be changed.

Mr. Peck asked that the Law and Justice Council do some work to let the Board know exactly what is being considered. Sheriff Lathim said the City of Pasco has some needs that also need to be considered.

VOUCHERS/WARRANTS (9:51 am)

Present in audience: Sharon Lind, Les Storms, Jerrod MacPherson, Hector Alamillo and Kristi Pihl.

Motion – Mr. Peck: Mr. Chairman, I move for approval of Salary Clearing, Emergency Management and Irrigation payroll as presented. Second by Mr. Miller. 3:0 vote in favor.

Salary Clearing payroll warrants 52868 through 52963 for \$169,921.22; warrants 52964 through 52975 for \$223,611.06; and Direct Deposit for \$307,569.37; for a total amount of \$701,101.65;

Emergency Management warrants 46006 through 46014 for \$3644.52; warrants 46015 through 46024 for \$4242.77; and Direct Deposit for \$6559.23; for a total amount of \$14,456.52; and

Irrigation payroll warrants 45985 through 45997 for \$8000.97; and warrants 45998 through 46005 for \$5375.47; for a total amount of \$13,376.44. (Exhibit 3)

Motion – Mr. Peck: Mr. Chairman, I move for approval of vouchers audited and certified by the auditing officer as of 3/2/2011 in the aggregate amount of \$287,134.07. Second by Mr. Miller. 3:0 vote in favor.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

Auditor O&M warrant 46189 for \$5000.00; Current Expense warrants 46190 through 46205 for \$31,224.47; Current Expense warrants 46226 through 26241 for \$83,239.29; Law Library warrants 46242 through 46244 for \$20,157.63; Current Expense warrants 46245 through 46251 for \$6006.90; Current Expense warrants 46294 through 46334 for \$15,202.89; Current Expense warrants 46335 through 46368 for \$61,616.39; Auditor O&M warrant 46369 for \$300.00; Veteran's Assistance warrant 46370 for \$109.16; FC Public Facilities Construction Fund warrant 46371 for \$27,007.69; Crime Victims/Witness Assist warrants 46372 through 46376 for \$3785.67; Jail Commissary warrants 46377 through 46379 for \$3132.97; Enhanced 911 warrants 46380 through 46382 for \$5848.39; TRAC Operations Fund warrants 46383 through 46390 for \$2030.93; RV Park warrants 46391 through 46393 for \$2293.98; and TRAC warrants 46394 through 46429 for \$20,177.71; for a total amount of \$287,134.07.

(Exhibit 4)

COUNTY ADMINISTRATOR (10:01 am)

County Administrator Fred Bowen met with the Board.

Award of Bid: Brooklyn Bean Coffee Co.

Motion – Mr. Peck: Mr. Chairman, I move for approval of the requested award of bid for RFP concessions to the Brooklyn Bean Coffee Company. Second by Mr. Miller. 3:0 vote in favor.

(Exhibit 6)

Planning and Building Department

Planning Director Jerrod MacPherson met with the Board. Present in audience: Sharon Lind, Les Storms, Kristi Pihl, Hector Alamillo, and Neal Miller.

Mr. MacPherson asked for approval to hire extra help in the Planning and Building Department until a vacant position is filled. The Board gave **consensus approval**.

OTHER BUSINESS

Agenda 21

Lester Storms met with the Board. Present in audience: Sharon Lind, Hector Alamillo, Kristi Pihl and Neal Miller.

Mr. Storms had given materials about "Agenda 21" to the Board a few weeks ago. He is particularly concerned about water rights regarding a proposed 500 foot buffer and private

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

property rights. His understanding is that a representative has presented an amendment to opt out of the requirement for the irrigation blocks. Mr. Storms said my interest is to make the Board aware that these things do happen and to keep track of our local interests.

Mr. Miller said he will be meeting with U.S. Representative Doc Hastings in the next week. He said our buffers are currently 50 to 100 feet at the most. He said the Ruckelshaus committee he serves on also watches this type of legislation.

Mr. Peck said this clearly has implications for the county. He would like to ask the Planning Department to review the material and meet with Mr. Storms and review the potential for actual impacts here in Franklin County and then bring the Board a briefing for what actual impacts are.

Mr. Koch will be attending a Legislative Steering Committee meeting tonight with people who will be addressing this issue.

Speed concerns near Riverview Baptist Church/School

Hector Alamillo met with the Board. Present in audience: Sharon Lind, Ryan Verhulp, Kristi Pihl and Neal Miller.

Mr. Alamillo explained his concern about not having enough school zone signs in place near Riverview Baptist church and school because of a safety issue due to speeding vehicles. The Board asked staff to find out whether the area is in the county or city and if signs are required.

Property at Kahlotus

Sharon Lind from Kahlotus met with the Board. Present in audience: Ryan Verhulp, Kristi Pihl, Neal Miller and Hector Alamillo.

Ms. Lind feels the county should be able to help resolve a property boundary problem in the Kahlotus area. The Board members have reviewed the information she had previously submitted. The Board told Ms. Lind that the county is not able to help unless the property is in the county, not the City of Kahlotus. Referring to the documents Mr. Koch had reviewed, he told Ms. Lind that the 2008 document she submitted is an amendment to the records from the past that include her property. It was not a change of boundaries. It was a clerical amendment. He

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

also suggested Ms. Lind should contact the title insurance company. Mr. Peck said she may also want to consult a lawyer.

Firearms/guns in parks

Neal Miller met with the Board. Present in audience: Ryan Verhulp, Shawn Sant and Kristi Pihl.

Neal Miller referred to Franklin County Code Number 12.12.70. He understands Franklin County currently does not control any parks but wants the Board to know if there are parks put in place in the future that the ordinance is worded incorrectly. He thanked the Board for the work they have done already. Mr. Koch said the ordinance is being revised.

Recessed at 10:28 am.

Reconvened at 10:33 am.

PROSECUTOR

Chief Civil Deputy Prosecutor and Prosecutor Shawn Sant met with the Board. Present in audience: Kristi Pihl.

Executive Session at 10:35 am to consider potential litigation from the Ann Mansfield claim for damages based on RCW 42.30.110(1)(i) expected to last 15 minutes. Ms. Pihl left the meeting.

Open Session at 10:49 am.

Executive Session at 10:50 am per RCW 42.30.110(1)(i) to discuss current litigation of *Woodbury v. Franklin County* expected to last 5 minutes.

Open Session at 11:06 am.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Executive Session at 11:08 am based on RCW 42.30.140(4) regarding contract negotiations expected to last up to 15 minutes.

Open Session at 11:21 am.

OTHER BUSINESS

Kristi Pihl joined the audience.

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COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

Property near TRAC

Mr. Koch showed the Board a map of the property near TRAC including a public road already in existence.

Tri-City Business and Visitor Center

The Tri-City Business and Visitor Center is sponsoring a "Meet the Buyer" event and has requested that Franklin County send a representative.

Elected Official/Department Head Meeting discussion

The county policies will be reviewed and updated with input from the three Commissioners.

Kahlotus Ridgetop

Mr. Koch noted that the designation of a National Natural Landmark for a Kahlotus ridgetop area by the Department of Interior would not take any land away from anyone. The Board does not need to take any action unless they have an objection so no action will be taken.

Adjourned at 11:31 am.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 2, 2011

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until March 9, 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 16, 2011.