

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 23, 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.

LOBBYIST

Lobbyist Jim Potts spoke with the Board by phone about current legislative issues. Present in audience: Tri-City Herald Reporter Kristi Pihl, Sheriff Richard Lathim, Sheriff's Officer Rick Kent, Auditor Matt Beaton and Tim Fife.

SHERIFF

Sheriff Richard Lathim and Sergeant Rick Kent met with the Board. Present in audience: Undersheriff Kevin Carle, Auditor Matt Beaton, County Engineer Tim Fife, Robin Stanco and Tom Westerman, Rick Rochleau and Kristi Pihl.

Request for funding to authorize Public Works to pay for deputy to work calls regarding water over the roadway, weight restrictions, and road maintenance/construction safety

Sheriff Lathim said a good process has been developed over the past several years to contact property owners and irrigation operators regarding water on the roadway. With cutbacks in funding, three positions were cut in the Sheriff's Office. It has been difficult to assign the work in the Sheriff's Department. We'd like to have Public Works fund that position to be fully dedicated to address these issues for a few months, perhaps four to six months. In addition, when major roadwork is being done, the deputy could provide some public safety work to road crews and the public who are using the roads.

County Engineer Tim Fife has met with the Sheriff. Issues include water on roadways, chipseal, construction, speeding problems, traffic issues, and overweight vehicles. Mr. Fife said the position as we discussed it would report to the Sheriff but Public Works would have some say in where they would spend their time when they need it. That's how we would pay for it. When they work for us, we would account for those hours and pay it and make sure they get the number of hours to pay. We need lead time on the water on the roadway problems because most of the fields are leased out so research has to be done by people other than the officer in the field. The deputy can write the warning. There is a benefit to Public Works because if we can keep the

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water off the road it eliminates a lot of damage and it truly is a maintenance function and affects safety. It also affects the safety of crews working on the chipseal program. If speeds are kept down, there is less damage from chipped windshields as well. Mr. Fife said we're in concurrence with this process and it would be beneficial to us.

Sergeant Rick Kent said we have considered having one person coordinating the work that will be done by multiple deputies and road department personnel. When he worked with a similar program in 1989, it was effective. In his experience, the response from property owners is more effective from a deputy in uniform than from a road department employee.

Mr. Miller said I think the water issue has been accomplished well because I don't see near as many sprinkler end guns hitting at least the main roads. It's different than it used to be several years ago.

Mr. Koch said we need to see some cost numbers.

Mr. Peck said I'm not convinced. When people spray water on county roadways, they're damaging county property. If they dump garbage or damage road signs, they are damaging county property. He is not comfortable that we're going to identify selective things that we're going to enforce and then have various departments fund those activities. The Board passed an ordinance saying it is illegal to spray irrigation water on county roadways so he thinks it's reasonable to expect law enforcement enforces that ordinance. They're not providing service to Public Works but enforcing an ordinance. He said he has a concern with the inherent practice of saying your department benefits from this so you should pay for it. He said I think it's far more appropriate if we think there are inadequate resources for the Sheriff's Department to enforce ordinances on the books that we look at improving their budget such that they can carry out their duties, regardless of whether the duties are tied to Public Works or some other department. He asked how do we legally use this money to pay for this activity?

Mr. Fife explained how traffic enforcement is a legitimate county road expense.

Mr. Koch said it is also a safety issue.

Mr. Peck suggested that the Public Works Department could do the research part of the work in finding landowners and the Sheriff's Department could do the actual law enforcement piece.

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Mr. Peck said he won't oppose it and he thinks the other two commissioners will support it. He thinks it is work that needs to be done. We passed an ordinance and expect it to be enforced but shame on us if we pass an ordinance and say we expect you to do this and then don't provide the resources to do it. So all I'm objecting to is the manner in which the resources are being provided.

Mr. Miller said he thinks the Sheriff asked for another deputy for this kind of work earlier. He said I don't see a problem, but when budget comes, maybe we can look at it again.

Mr. Peck asked if Sheriff Lathim had the funds, would you have some other higher priority need? Sheriff Lathim said if I had the three deputies I had to cut, then I wouldn't be here asking for this today. Mr. Peck asked if only this portion of a deputy salary was paid, would the road work be the priority? Sheriff Lathim said probably not, because of other priorities.

Mr. Fife will provide some numbers. The Board asked him to do so. Mr. Miller said he thinks it is a win-win situation. Mr. Koch nodded.

AUDITOR

Auditor Matt Beaton and Administrative Assistant Jeff Burckhard met with the Board. Present in audience: Robin Stanco, Thomas Westerman, Tim Fife, Darrel Farnsworth and Kristi Pihl.

Request for Inter-Budget Transfer of \$20,026 for salary and benefit costs for previous Administrative Assistant

Mr. Beaton requested approval of an inter-budget transfer of \$20,026 to pay salary and benefit costs for a previous employee. He told the Board that there is a built-up liability in the overall county budget due to vacation, sick leave, comp time, that kind of thing. On a reoccurring basis every year we do have people who leave. The budget does not have a budget line that sets aside costs associated with separations. When budget review is done next time, it may be a good idea to set funds aside.

Motion – Mr. Peck: Mr. Chairman, I move for the inter-budget transfer of \$20,026 as requested in the resolution presented. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-104 was approved.

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PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Darrel Farnsworth and Kristi Pihl.

Award of Bid: Motor Grader

Motion – Mr. Peck: Mr. Chairman, I move for approval of the purchase of a new motor grader as presented by the Public Works Director. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 1)

CRAB Reports

Motion – Mr. Peck: Mr. Chairman, I would move for approval of the certification to the County Road Administration Board from the county as presented by the Public Works Director and further authorize the chairman of this board to sign the necessary documents to effect that report. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 2)

Payroll Vouchers

Motion – Mr. Peck: Mr. Chairman, I move for approval of Franklin County Public Works Department Road Fund payroll dated 3/7/2011 as presented. Second by Mr. Miller.

Project Updates

The work on Pasco-Kahlotus (P-K) Highway has started. R170 was paved last week with seeding being done today. Mr. Fife expects R170 will be opened next week. Bid opening for the East Foster Wells project is scheduled for April 6.

Sheriff deputy

Mr. Fife answered Mr. Peck's questions about the sheriff's request for funding from Public Works. The same method is a fairly common practice in other counties as well.

OFFICE BUSINESS

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

Vouchers/Warrants

Motion – Mr. Peck: I would move for approval of the vouchers submitted by the Franklin County Auditor and certified by same in the amount of \$620,405.16. Second by Mr. Miller. 3:0 vote in favor.

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Current Expense warrants 47181 through 47202 for \$24,832.97; Current Expense warrants 47203 through 47364 for \$93,854.30; Current Expense warrants 47365 through 47407 for \$354,788.07; Election Equipment Revolving warrants 47408 and 47410 for \$430.27; Treasurer O & M warrants 47411 and 47412 for \$26.48; Sheriff/Sex Offender Grant warrant 47413 for \$605.17; Jail Commissary warrants 47414 through 47416 for \$9,268.45; Enhanced 911 warrants 47417 through 47422 for \$75,397.94; Law Library warrants 47423 through 47426 for \$6,508.95; TRAC Operations Fund warrants 47427 through 47452 for \$47,316.67; Franklin County RV Facility warrants 47453 and 47454 for \$4,379.52; Current Expense warrants 47455 through 47469 for \$2,927.62; and Auditor O & M warrants 47470 and 47471 for \$68.75; for a total amount of \$620,405.16. (Exhibit 3)

Consent Agenda

Motion - Mr. Peck: Mr. Chairman, I move for approval of the consent agenda with discussion on item 7. Second by Mr. Miller.

Mr. Peck expressed his concern about an agreement provision of the bi-county Police Information Network (PIN) that would allow the chairman of the PIN Executive Committee to approve adding members to PIN by addendum.

Amended Motion – Mr. Peck: I amend that motion and say I move for approval of the consent agenda absent item 7, otherwise as presented. Second by Mr. Miller. 3:0 vote in favor.

1. Approval of Resolution 2011-105, disposal of surplus property as requested by Prosecutor's Office
2. Approval of out-of-state travel request for Information Services employee Dan McCann to attend CAD Systems Annual Administrative Boot Camp with costs to be covered by E911 training funds
3. Approval of City of Pasco request for Franklin County to do chipseal work (Exhibit 4)
4. Approval of Resolution 2011-106, Professional Services Agreement between Franklin County and Robert J. Thompson to provide legal representation in *State of Washington v. Curtis Chapman*, Contract #FCSC1100RJT001H
5. Approval of Resolution 2011-107, Personal Services Contract Amendment between Benton-Franklin Counties Superior Court and Tri-Cities Chaplaincy

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6. Approval of letter to Nick Ceto, U.S. Department of Energy, recommending appointment of Bob Adler to the Hanford Advisory Board with Jim Weiss as the alternate, representing Franklin and Grant Counties

(Clerk's Note: Item 7 was removed from the consent agenda.)

7. Approval of Resolution 2011-____, Interlocal Cooperation Agreement between Benton County, Franklin County, Connell, Kennewick, Pasco, Richland and West Richland for the Police Information Network (PIN)
8. Approval of Resolution 2011-108, payment of Franklin County's portion of an invoice accrued by the Landfill Group to Aspect Consulting LLC for professional consulting services

Other Office Business

Present in audience: Sheriff Lathim, Kevin Carle and Kristi Pihl.

County Policies

Mr. Peck gave an update on work being done to prepare a new county travel policy.

Late Fees

Mr. Koch expressed appreciation to Ms. Fulton for her work with banks regarding late fees.

Columbia Basin Development League (CBDL)

The Board discussed whether to pay a \$300 membership fee to CBDL and also CBDL's request for sponsorship fees.

Mr. Peck said there is more than one way to approach the work done regarding irrigation water. He is not sure it is appropriate to fund one group who is advocating one approach. He doesn't know if it bars us from being a member but other groups have different opinions. At some point they may also ask us to join them.

Mr. Koch said a major portion of what the CBDL does is support the water supply of extending the Bureau of Reclamation's commitment they made in the late 1940s-1950s. I would entertain a motion to pay a \$300 dues/membership rather than a sponsorship.

Motion – Mr. Peck: So moved. Second by Mr. Miller. Mr. Miller said he supports the motion. He mentioned how economic development can be affected. 3:0 vote in favor.

Recessed at 10:16 am.

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Reconvened at 10:21 am.

OTHER BUSINESS

SHERIFF (continuing)

Sheriff Richard Lathim met with the Board. Present in audience: Undersheriff Kevin Carle, Dispatch Superintendent Ed Bush, Security Superintendent Rick Rochleau and Kristi Pihl. Law and Justice Council recommendation for sales tax issue to fund jail

Sheriff Lathim said the same law and justice issues that we had in 2009 that we put before the community for needs are still the needs today; the needs haven't changed. They include jail space for today and the future, courtroom space for Superior, Municipal and District courts, court administrative space for the City of Pasco, and also Connell has some pressing criminal justice financing needs. Those needs haven't gone away. On top of that is the pressing need of the roof on the existing jail. At some point in time we have to deal with it and our constituents have to deal with. It's not just our criminal justice system, it's theirs as well. We have the responsibility as leaders to take care of today's needs and also be proactive in taking care of future needs.

Discussion included: taking care of short-term needs, whether the amount of money collected by a 3/10ths of 1% tax would be sufficient to meet the needs, operational costs, building and structure costs, and the cities' share of the tax proceeds.

At the Board's request, Sheriff Lathim will ask the City of Pasco for a letter or document of support of the tax proposal. The other cities will also be asked if they support the proposal.

Because of the large share of the population being in the City of Pasco, Sheriff Lathim would like the city to pay a portion of the capital costs of building a jail. They do pay a daily rate for operational costs of the jail.

Mr. Peck said I would not be inclined to resist or oppose putting this on the ballot if the majority of the representatives for the other entities in the county said that they wanted it. The real decision is up to the citizens. Mr. Miller said I totally agree. Mr. Koch said that's what I've felt all along, too. He hopes for a solid commitment from the City of Pasco this time and noted more than 70% of the county population is in the city.

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Mr. Bowen said this is a moot point if we can't afford it. We have an idea of what the tax would generate but the big factor is can we build it with that amount. The Department of Revenue has had a change in tax collection on motorized farm equipment since the initial jail design was prepared. If it did pass, only \$17 million would be collected. The last cost figures were \$25 million to \$29 million. He asked for approval to do a Request for Qualifications so a committee can choose an architectural firm to prepare an estimate. The Board gave **consensus approval**.

Prosecutor's Office Software

Mr. Bowen and Ms. Fulton met with the Board. Present in audience: Kristi Pihl.

Mr. Bowen explained the need for an inter-budget transfer to pay for the case management software in the Prosecutor's Office and answered the Board's questions.

Inter-Budget Transfer

Motion – Mr. Peck: I move for approval of inter-budget transfer of \$500 as presented in the resolution. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-109 was approved.

Recessed at 10:56 am.

Reconvened at 11:20 am.

COUNTY ADMINISTRATOR (continuing)

Executive Session at 11:22 am regarding contract negotiations based on RCW 42.30.140(4) expected to last 15 minutes and regarding personnel based on RCW 42.30.110(1)(g), performance of a public employee, expected to last 15 minutes.

Open Session at 11:54 am.

OTHER BUSINESS

Agricultural Burning

Mr. Koch will talk with Mark Nielson at the Franklin Conservation District regarding the idea of using a hold harmless/indemnification type of agreement when people apply for burn permits. The Board members all expect a contract for the work can be approved with the Franklin Conservation District again.

Adjourned at 12:01 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until March 30, 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 30, 2011.