

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for April 27, 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 8:30 am.

OFFICE BUSINESS

Administrative Assistant Toni Fulton met with the Board. Present in audience: Teresa Chen, Kevin Scott and Matt Beaton.

Columbia River Crossing Study

After discussion, the Board made the following determination:

Franklin County's position is that we recommend that the transportation staff within the Benton Franklin Council of Governments (BFCoG) monitor state, Federal and any other funding streams that might become available and if and when they believe that there is a viable funding stream for both the environmental work and the construction, that they should bring it back to the Columbia River Crossing Committee. Until such time, we think that Franklin County funds are needed more desperately elsewhere; in other words, higher priorities exist.

Vouchers

Motion – Mr. Peck: Mr. Chairman, I move for approval of Franklin County vouchers totaling \$294,113.92 as certified and presented by the Auditor's Office. Second by Mr. Miller. 3:0 vote in favor.

Current Expense Excise Tax for \$20.64; Veteran's Assistance warrant 48572 for \$2,848.66; Landfill Closure Trust Fund warrant 48639 for \$3,013.45; Current Expense warrants 48759 through 48924 for \$154,236.50; Current Expense warrants 48925 through 48928 for \$3,674.37; Enhanced 911 warrant 48929 for \$3.44; Solid Waste warrant 48930 for \$405.68; Current Expense warrants 48971 through 49040 for \$95,835.59; Election Equipment Revolving warrants 49041 and 49042 for \$148.27; Crime Victims/Witness Assist warrants 49043 and 49044 for \$2,926.36; Clerk LFO Collection Fund warrant 49045 for \$25.00; Boating Safety Fund warrant 49046 for \$191.59; Sheriff/Sex Offender Grant warrant 49047 for \$511.66; Jail Commissary warrants 49048 through 49053 for \$4,269.67; Law Library warrants 49054 through

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49056 for \$9,777.10; FC Capital Projects Fund warrants 49059 and 49058 for \$6,089.04; and TRAC Operations Fund warrants 49059 through 49074 for \$10,136.90. (Exhibit 1)

Motion – Mr. Peck: Mr. Chairman, I move for approval of additional vouchers presented and certified by the Franklin County Auditor. These are for Salary Clearing payroll, Emergency Management payroll and Irrigation payroll, in the amount of \$733,932.55 for Salary Clearing, Emergency Management for \$14,511.51, and Irrigation payroll for \$14,485.76.76. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 2)

Consent Agenda

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

1. Approval of Resolution 2011-137, Fee for Services Contract Amendment between the Juvenile Justice Center and the City of Benton City to provide Graffiti Abatement Program (GAP), amending Resolution 2011-037
2. Approval of Resolution 2011-138, Interlocal Cooperation Agreement between Benton and Franklin Counties and the cities of Connell, Kennewick, Pasco, Richland and West Richland for Police Information Network (PIN), rescinding Resolution 2009-181
3. Approval of Out-of-State Travel for Coroner Dan Blasdel to attend the International Coroners Conference in Las Vegas, Nevada, on June 20-24, 2011
4. Approval of Resolution 2011-140, reappointing Claude Pierret to the Franklin County Planning Commission for a four-year term expiring May 4, 2015
5. Approval of Resolution 2011-141, Interagency Agreement #IG-11/142 between Franklin County and the State of Washington, Secretary of State, for combined state and local voters' pamphlet
6. Approval of Resolution 2011-142, Amendment to extend the duration of Public Works Contract numbered as Resolution 2010-372 between Franklin County and Day Wireless Systems to complete the original scope of work to December 31, 2011, amending Franklin County Resolution 2010-372
7. Approval of Resolution 2011-143, .US Locality Domain Name Registration Terms and Conditions between NeuStar, Inc., acting as the usTLD Administrator, and Franklin County

(Clerk's Note: Resolution Number 2011-139 was not used.)

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Minutes

Motion – Mr. Peck: Mr. Chairman, I move for approval of Commissioners Proceedings for April 11 and April 20. Second by Mr. Miller. 3:0 vote in favor.

AUDITOR

Auditor Matt Beaton met with the Board. Present in audience: Assistant Chief Deputy Jeff Burckhard, Teresa Chen, Kevin Scott and Kevin Carle.

Department Update

Mr. Beaton gave an update on yesterday's Pasco School District bond election.

Mr. Beaton told the Board about the improvements that will be made to the Elections building. Some of the improvements involve security both for staff and for ballot storage and some involve public access improvements.

OFF-ROAD (ORV) VEHICLE ORDINANCE

Teresa Chen from the Prosecutor's Office and Undersheriff Kevin Carle met with the Board. Present in audience: Ed Thornbrugh and Deputy Marcus Conner.

Ms. Chen said the Sheriff's Office requested an ORV ordinance. Mr. Carle explained the ordinance is needed to allow Sheriff's officers the authority to enforce Federal offenses at Juniper Dunes. Ms. Chen said the proposed ordinance regards any areas designated for public ORV. Currently the only public ORV in Franklin County is at Juniper Dunes. The county has a contract with Federal authorities for law enforcement at Juniper Dunes. The Bureau of Land Management (BLM) has some regulations that the deputies have not been able to enforce. The ordinance has three citation provisions: for not wearing a helmet, for more than one person on a vehicle, and a flag requirement. Other areas were already covered under state laws, like littering or dumping. Ms. Chen said Juniper Dunes has become more open to the public and as it becomes more open, there will be more and more traffic. She explained the public safety need for use of helmets, well-marked vehicles with flags, and only one person on a one-person vehicle. She said Grant County has several very large dunes and their ordinance has been in effect for quite a long time. Grant County's biggest problem has been alcohol. It is not currently outlawed but there are other laws that cover it.

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Mr. Koch said there are numerous other places with sand dunes in the county where people ride. He asked if the ordinance would be just for the Juniper Dunes area. Ms. Chen said the ordinance would cover any area designated for public ORV use in Franklin County. The area would have to be designated specifically.

In response to Mr. Peck's question, Ms. Chen said a base amount is provided in the RCW, a portion of which would go to the county. Mr. Peck said the fine amounts are not set by the county and we aren't trying to gouge the public.

Mr. Peck asked if there is any assurance that the current grant will continue. He asked are we obligated to do enforcement if the grant goes away? Ms. Chen said this is on county ground and this work is helpful to the BLM that the sheriff spend more time than they might otherwise spend. Mr. Peck asked by virtue of the ordinance, are we obligated to enforce it? Ms. Chen said no more than any other ordinance. The Ordinance does not require the presence of deputies on BLM land. If they are present, they can cite.

Mr. Peck noted that each of the requirements ties to public safety as well as personal safety by minimizing the potential for injury and potential for public cost, such as the cost for response by ambulances and other emergency vehicles.

Motion – Mr. Miller: Mr. Chairman, I move we approve the Ordinance regulating all terrain vehicles (ATV) and off road vehicles (ORV) in Franklin County and prescribing violations thereto.

Mr. Peck said the ordinance states "any area designated for public ORV use," and asked so unless it's specifically designated, it wouldn't be covered? Ms. Chen said yes.

Second by Mr. Peck. 3:0 vote in favor. Ordinance 2-2011 was approved. (Exhibit 3)

PLANNING AND BUILDING DEPARTMENT

Public Meeting: SUB 2011-02, an application to subdivide approximately 5.0 acres into eight single-family residential lots. The site is zoned Residential Suburban 20,000 (RS-20) and is located within the City of Pasco's Urban Growth Area Boundary. The land is located south of Argent Road, north of Wernett Road, along the east side of Road 72 near site address 2703 Road 72. (Parcel Number 118-352-151).

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Public Meeting convened at 9:24 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Ed Thornbrugh.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 4). On the screen, Mr. MacPherson showed aerial photographs taken in 2009 with parcel overlay and a plat map. Mr. Wendt reviewed the conditions of approval.

Motion – Mr. Peck: I move for approval of application number SUB 2011-02 subject to the six findings of fact and eight conditions of approval. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-144 was approved.

Public Meeting: SUB 2011-03, an application to subdivide approximately 6 acres in to six (6) single-family residential lots. The site is zoned Rural Community 1 (RC-1). The land is located within the Columbia River West Rural Shoreline Development Area as designated in the Franklin County Comprehensive Plan. The land is located west of Taylor Flats Road, south of Fanning Road, along the east side of McDonald Drive (126-230-015).

Public Meeting convened at 9:33 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Ed Thornbrugh.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 5).

On the screen, Mr. MacPherson showed 2009 aerial photographs with parcel overlays. He explained efforts being made to meet the rural fire standards for year-round fire protection. On-site water is required in a form approved by the fire official. He showed a copy of the plat on the screen. Mr. Wendt reviewed the conditions of approval.

The planners answered Mr. Peck's questions. Mr. Peck asked what the nature of the concern was from the letter received in opposition. Mr. MacPherson said it spoke about taking existing agricultural land out of production. Mr. Wendt read a portion of the letter: "When the property along the river was rezoned to single family plus or minus 40 years ago, it made some sense because it was unusable for agriculture. We all now know that it is a mistake to convert good agricultural production into single family lots far from city services and schools."

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Motion – Mr. Peck: Mr. Chairman, I move for approval of SUB 2011-03 subject to the six findings of fact and ten conditions of approval. Second by Mr. Miller. 3:0 vote in favor. Resolution 2011-145 was approved.

Mr. Koch said he thinks in the future, on-site fire suppression will be required, whether using sprinklers or self-contained systems. Mr. MacPherson said the county could modify the fire code to leave the decision to the developer whether on-site water is required or other means are used. Mr. MacPherson will ask the building official to do some research.

HUMAN SERVICES (HS) (9:49 am)

HS Director Ed Thornbrugh met with the Board. Present in audience: Raenette Carle and Scott Garberg.

Department Update: Mental Health Services

Because of a proposed policy change, it is possible that the Greater Columbia Regional Support Network (RSN) will be able to do direct contracting into outpatient providers, which would reduce administrative expense to the people of Benton and Franklin Counties. It would result in eliminating one full-time employee with the savings going back into providing service. We would retain the decision-making on who we want to be our vendors and providers and in what ratios and have an oversight role. Mr. Thornbrugh explained further. He said it would reduce administrative expense for the services but also shortens the responsiveness time to get contracts through so it would be more efficient and cost less. Mr. Thornbrugh said it's possible the compensation rate for vendors will change.

Mr. Thornbrugh said we have maintained the data center that other counties use because we have been the primary provider. If we move to the new system, we would have a diminished need for the data center so we have been talking about other options. It is another opportunity to reduce administrative expense. Basic work servers would still be necessary. Another server would transfer to GCBH.

Rosie H. Rumsey, Tim Fife and Shawn Sant joined the audience.

Chemical Dependency

It has been proposed to reduce the number of providers from seven to five. After an RFP process, five treatment service providers have been identified: Somerset Counseling,

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Educational Service District 123, Nueva Esperanza Counseling Center, Recovery Point Counseling Center, and First Steps Counseling. HS will be doing contract negotiations to make sure we can meet the needs for geographic coverage, systems capacity and minority treatment (bilingual) capacity. When that phase is completed, the contracts will be brought to the Board for approval for the 2011-2013 biennium. The agencies are very focused on evidence-based practices, on community networking, and on fitting into the integrated health care model that the state plans to use.

Moving

HS will be moving into the Health District building this week.

Recessed at 10:05 am.

Reconvened at 10:11 am.

HUMAN RESOURCES (HR) (10:11 am)

HS Director Rosie H. Rumsey met with the Board. Present in audience: Shawn Sant, Scott Garberg, Tim Fife, Ryan Verhulp and Ken Miller.

Change of Status Requests for Prosecutor's Office

Ms. Rumsey explained the requests. Mr. Sant explained how the attorneys in his office are handling the workload. The effective dates were also discussed and the Board gave direction to the HR director to add the correct dates.

Motion – Mr. Peck: I would move for approval of the three changes requested, noting that two of those are retroactive to the dates that HR will identify, and allow the chairman's signature. Second by Mr. Miller. 3:0 vote in favor.

Change of Status Request: CAD System Analyst for IS Department

Motion – Mr. Peck: I move for approval of the grade and step as requested by Mr. Scott and presented by Ms. Rumsey. Second by Mr. Miller. 3:0 vote in favor.

Classification Committee

The Classification Committee needs an elected official as required by the resolution passed in 2002. The Board **gave approval** for Ms. Rumsey to send a memo to elected officials asking for a volunteer.

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PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp and Attorney Ken Miller met with the Board.

Executive Session at 10:27 am expected to last up to 45 minutes for current litigation on the cases of *Bjorgo v. Franklin County* and *Castillo v. Franklin County* pursuant to RCW 42.30.110(1)(i).

Open Session at 10:58 am.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen and Human Resources Director Rosie H. Rumsey met with the Board. Present in audience: Tim Fife, Sandy Schroeder, Yesenia Torres, Kelly Martin, Ronelle Nelson, Raenette Carle, Scott Long, Scott Garberg, Adam Morasch, Bob Greeno, Greg Wendt, Connie Curiel, Ryan Verhulp and Deputy Marcus Conner.

Insurance Committee Recommendation

Ms. Rumsey told the Board about insurance ideas and insurance companies the committee reviewed. The committee interviewed six brokers. The Insurance Committee's top three recommendations in order are: Pacific Crest Benefits from Kennewick; Copperleaf from Spokane; and Ward Insurance from Eugene, Oregon. The committee is asking the Commissioners to accept the three recommendations so the Commissioners can interview the brokers to listen to their presentations and what they have to offer. We are looking at: What can the broker do for us? Are they going to take our business and then say you're on your own or are you going to take care of us and represent us?

The Insurance Committee has discussed things that would bring rates down for the county. One recommendation was that the county allow employees to continue to waive coverage of insurance provided they have proof of other group coverage. All of the brokers said allowing for group coverage would help keep the county's rates from spiraling the way the Risk Pool's rates did. She explained further. However, once a broker is picked, we will ask the broker to gets rates for everything, not only if we waive coverage. There are various ways insurance can be rated.

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The committee has discussed an option that would involve the county offering a stipend (a flat monthly amount). The employees would have to pay some taxes on that amount. The Insurance Committee had group consensus that they wanted to continue to offer a group plan as a group.

Mr. Peck asked did you look at a cafeteria plan? Ms. Rumsey said the committee did not want a cafeteria option. Mr. Peck explained the difference between a flat-rate stipend for employees to buy insurance independently, and a cafeteria plan with unspent funds going to the employee as taxable income. Ms. Rumsey said the brokers offered those as some of the options. We did discuss being self-funded or partially self-funded. We can develop plans with a broker.

Ms. Rumsey said the consensus of the Insurance Committee is that once a broker is picked that the Insurance Committee continue to work with that broker throughout the process.

Mr. Koch said the next step is for the commissioners to interview the top three brokers.

Mr. Peck asked for details on the criteria used to evaluate and select brokers. At his request, Ms. Rumsey gave her definition of group coverage.

Ms. Schroeder commented, explaining how the committee as a whole came to the conclusion to recommend the three brokers. Mr. Greeno and Mr. Conner also commented. The cost for services is comparable but the cost for the product has not been given.

Mr. Koch said he heard people were interested in the wellness programs offered by the insurance brokers. Ms. Rumsey said employees are interested in active wellness programs. We want them to help us engage our employees in the wellness programs.

Basin City Water and Sewer District: Contract with Sharpe & Preszler Construction Co., Inc.

Present in audience: Ryan Verhulp and Tim Fife.

Mr. Bowen has talked with the consultants (Sewell company). He has no concerns with the contract. He answered the Board's questions. Mr. Peck expressed his concerns.

Motion – Mr. Miller: Mr. Chairman, I move to approve the agreement between owner and contractor for construction contract, funding agency edition, and this is with Sharpe & Preszler Construction Company and Franklin County, and I ask that the chairman will sign. Second by Mr. Peck. 2:1 vote in favor. Yeas: Koch and Miller. Nay: Peck. Resolution 2011-146 was approved.

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Executive Session at 11:45 am expected to last up to 15 minutes regarding CRP 500 bid protest pursuant to RCW 42.30 110 (1)(i) as potential litigation and/or legal risks of a proposed action.

Open Session at 12:02 am.

OTHER BUSINESS

Request to place antique light pole at Franklin County Museum

Ed Goulet has requested approval to donate and install an antique light pole at the Franklin County Museum. The City of Pasco requires approval of Franklin County as the property owner.

Motion – Mr. Miller: I make a motion we approve to install an antique light pole on Franklin County property. At Mr. Peck's request, Mr. Miller added to the motion: with the approval of the Franklin County Museum. Second by Mr. Peck. 3:0 vote in favor.

Adjourned at 12:08 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until May 4, 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 May 11, 2011.