

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for August 10, 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 8:35 am. Mr. Miller was absent at the start of the meeting to give a welcoming address at a Farmworkers convention in Pasco. Mr. Peck was absent at the beginning of the meeting because of being involved in a discussion about county business.

Mr. Koch opened the meeting at 8:35 am and recessed the meeting until a quorum could be present.

Recessed at 8:35 am.

Reconvened at 8:40 am with Commissioners Koch and Peck present. Mr. Miller joined the meeting later.

GROUND WATER MANAGEMENT AREA (GWMA)

GWMA Director Paul Stoker and Scott Cave met with the Board. Present in audience: Roger Lenk, Les Litzenberger, Doug Conner, Earl Nettin, Todd Blackman, Ron Shuck, Jerrod MacPherson and Tri-City Herald Reporter Kristi Pihl.

Request for approval of deliverables of Hydrologic Modeling Project

Mr. Stoker said the groundwater model project has been completed using funds from a two-year grant cycle and asked for approval. The state has authorized additional funding for two projects. Mr. Stoker explained why he feels GWMA has moved from a discovery mode to an assessment mode.

Work Plan

Mr. Stoker reviewed the GWMA Work Plan with the Board and asked for acknowledgement and/or acceptance of the plan (Exhibit 1). Mr. Stoker answered Mr. Koch's question about why the age of water pumping from wells is an average, stating they are mixed ages. He also answered Mr. Peck's question about Department of Ecology (DOE) and United States Geological Survey (USGS) involvement.

Request for approval of letter to Governor Gregoire asking for additional funding

Mr. Stoker asked for approval of a request for an additional \$1.6 million of state funding. There was discussion about the work GWMA is doing.

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Tim Fife and June Hues joined the audience.

Future role of GWMA

Mr. Cave gave the Board a copy of an article that was printed on the front page of the Davenport newspaper.

Mr. Stoker reviewed a document titled "Future Role of the GWMA" (Exhibit 2). There was discussion about the points in the paper and the role of various governmental entities. Mr. Peck stated as the work moves from discovery to assessment, decisions will be based on hard science and nothing more. Mr. Stoker said it is not his intention to have an agenda but rather to be a monitor.

Mr. Stoker said he feels that with a basic budget of \$500,000 a year GWMA can do basic levels of all nine items listed in the Future Role of GWMA paper. Mr. Cave said regarding future GWMA work, the local funding is important so it can be used to leverage state and federal funding. There are a lot of projects we can apply for if we have a local match.

Mr. Stoker said he expects an annual wellhead assessment would cost between \$10 and \$20 per domestic well and \$75 to \$200 for large wells, depending on size and volume.

Motion - Mr. Miller: I move that we request approval of Groundwater Management Area Municipalities Work Plan and budget of \$1 million as appropriated through the FY 2011-2013 legislative capital budget. Second by Mr. Peck. 3:0 vote in favor. Mr. Koch signed the letter to Governor Gregoire on behalf of the board (Exhibit 3)

The Board had unanimous **consensus approval** of the proposed work plan.

PLANNING AND BUILDING DEPARTMENT (9:27 am)

Planning Director Jerrod MacPherson met with the Board.

Public Hearing: Vacation of Easement VOE 2011-01, Thomas Elizondo

Public Hearing convened at 9:27 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; and Clerk to the Board Mary Withers. Present in audience: Roger Lenk, Les Litzenberger, Doug Conner, Earl Nettin, Todd Blackman, Ron Shuck, Kristi Pihl, June Hues, Tim Fife, and two other men and a woman.

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Mr. MacPherson explained the request for vacation of easement and gave the Board an Agenda Summary Report (Exhibit 4). He showed an aerial photograph of the site on the screen.

Motion – Mr. Peck: I move for approval of Vacation of Easement 2011-01.

Mr. Koch asked if anyone would like to speak against the vacation of easement. There was no response. He asked if anyone would like to speak for it. There was no response.

Vote: 3:0 vote in favor.

Public Hearing: To take testimony for and against amending the Franklin County Building Code Ordinance 3-2010. Said amendment involves rescinding the 2006 Washington State Energy Code, and adopting the 2009 Washington State Energy Code (WSEC), all as required by RCW 19.27 (State Building Code). Additionally, the Board of County Commissioners will be considering the adoption of the 2009 International Property Maintenance Code

Public Hearing convened at 9:30 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; and Clerk to the Board Mary Withers. Present in audience: Roger Lenk, Les Litzenberger, Doug Conner, Earl Nettin, Todd Blackman, Ron Shuck, Kristi Pihl, June Hues, Tim Fife, Josie Koelzer, and two other men and a woman.

The Board reviewed the Agenda Summary Report (Exhibit 5). Mr. MacPherson explained the ordinance.

Mr. Koch asked if anyone would like to speak against the ordinance. There was no response. He asked if anyone would like to speak for it. There was no response.

Mr. Peck said the state is mandating that we do this and asked what penalty the state makes if we refuse. Mr. MacPherson does not know. Mr. Koch said it could get into some mortgage/lending problems.

Motion – Mr. Peck: I move for approval as presented. Second by Mr. Miller. 3:0 vote in favor. Ordinance 5-2011 was approved.

PUBLIC WORKS (9:35 am)

Engineer Tim Fife met with the Board.

Public Hearing: To consider establishment of Peterson Road for access to Juniper Dunes

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Public Hearing convened at 9:35 am. Present: Commissioners Koch, Miller and Peck; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; and Clerk to the Board Mary Withers. Present in audience: Roger Lenk, Les Litzenberger, Doug Conner, Earl Nettin, Todd Blackman, Ron Shuck, Kristi Pihl, June Hues, Josie Koelzer, Matt Beaton, Sally McKenzie, Darrick Dietrich, and another man and woman.

Mr. Fife explained the request for establishment of Peterson Road, a 2.18 mile road which would be built from Pasco-Kahlotus Highway to the beginning of Bureau of Land Management (BLM) land. The County Engineer's report was reviewed (Exhibit 7). Mr. Koch told about visits to the Washington, D.C., Bureau of Land Management office and work that has been done with Representative Doc Hastings to have land exchanges done which has led to the access to Juniper Dunes becoming available. Mr. Fife said the Franklin County Commissioners committed to pursue the funding based upon Federal government funding.

Mr. Fife showed an aerial photograph of the area on the screen and explained some issues involved including right-of-way acquisition, recommendation of a 60-foot width and route design elements. A pipeline is located near the route.

If the road is established, there would be a public benefit above and beyond access to Juniper Dunes. Mr. Koch said fire department and medical access would be improved to the general area. Mr. Fife said the school district does not currently use the private road.

Mr. Fife said the funding is a little short of what is expected to be needed but we have some options.

Mr. Peck asked what sort of assurances do we have from BLM that they will actually continue the road into the Juniper Dunes area or construct it or allow access? Mr. Fife introduced Judy Hues, border field management for BLM in Spokane. Ms. Hues said BLM is developing a resource management plan that will address this issue. Until BLM has established access, it's difficult to complete the plan. She explained further, saying a transportation management plan will be prepared that will designate those roads. Once the road is approved, we can say we have access. BLM is also aware of the potential need for additional funding.

Mr. Koch asked if anyone in the audience would like to speak in favor.

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Les Litzenger spoke in favor on behalf of Fire District #3 as Fire Chief and also spoke in favor personally.

Doug Conner, recreational user, spoke in favor. He said maybe cutting back on the length of the road that is paved would be a way to get the balance of the funding.

Alene Ibarra spoke in favor, saying she uses the Juniper Dunes area and would love to have legal access to go hiking so we all can enjoy the beauty we have in our back yard.

Earl Nettin, regional director of Pacific Northwest Four-Wheel Drive Association, spoke in favor.

Mr. Koch asked if anyone else would like to speak in favor. There was no response.

Mr. Koch asked if anyone would like to speak against the proposal. There was no response.

Motion – Mr. Peck: Mr. Chairman, I would move for approval of the request from the county engineer that we formally designate Peterson Road as a county road to further the process of putting the proper road into the Juniper Dunes area, and part of my motion is to direct the county engineer to monitor the costs of building this road and advise us if it becomes necessary to reduce the paved section and increase the gravel section with the objective being to make sure the road gets the full 2.18 miles, rather than stopping short, with a fully paved road as Mr. Conner alluded to.

Mr. Miller said we've worked on this for so long. It's been apparent we are willing to do this and with what money we have, we can make this work. Second by Mr. Miller.

Mr. Koch said I definitely am in favor of it.

3:0 vote in favor. Resolution 2011-276 was approved.

CRP 593 Road 100 (Broadmoor Boulevard)/Dent Road Extension: Rural Arterial Program Project Agreement Amendment No. 1, time extension

Mr. Fife said the Rural Arterial Program (RAP) Agreement needs a date extension to continue to be eligible, extending the date to July 1, 2012. We are anticipating bidding the project in November 2011. The amendment doesn't change the timeline but just ensures eligibility.

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Motion – Mr. Miller: Mr. Chairman, I move that we approve CRP 593 Road 100 (Broadmoor Boulevard/Dent Road Extension: Approval of Rural Arterial Program Project Agreement for construction proposal, Amendment No. 1, between Franklin County and Washington State County Road Administration Board (CRAB). Second by Mr. Peck. 3:0 vote in favor. Resolution 2011-277 was approved.

Household Hazardous Waste Facility: Security Agreement with Basin Disposal

Darrick Dietrich with Basin Disposal met with the Board. Present in audience: Franklin County Solid Waste Coordinator Sally McKenzie, Les Litzenberger, Ron Shuck, Todd Blackman, Kristi Pihl, Kevin Carle, Roger Lenk, Ryan Verhulp and one other woman.

Mr. Dietrich explained the reason for the new security agreement. The Board members had no concerns. Mr. Dietrich will finalize the agreement.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Darrick Dietrich, Matt Beaton, Roger Lenk, Les Litzenberger, Ron Shuck, Todd Blackman, Kristi Pihl, Ed Bush, Kevin Carle, and another woman.

Washington Counties Risk Pool (WCRP) FY2012 information

After discussion, the Board **gave approval** for the county to continue with a \$25,000 liability insurance deductible and **gave approval** to purchase the optional \$5 million layer of insurance above the \$20 million already in place.

Alternative insurance quotes are being obtained for the Board to consider.

Recessed at 10:17 am.

Reconvened at 10:17 am.

BOND REFINANCING

Bond Agent Jim Nelson with Martin Nelson Company and Attorney Jeff Nave met with the Board. Those present in the audience included: Les Litzenberger, Ron Shuck, Todd Blackman, Tim Fife, Robin Stanco, Thomas Westerman, Josie Koezler, Kristi Pihl, a TV reporter, Toni Fulton, Roger Lenk and Matt Beaton.

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Contract to Purchase

Mr. Nelson summarized the information in his presentation (Exhibit 8). By refinancing, the county will have a total net savings after costs of \$485,000 over the remaining 12 periods on the 2002 bonds, an average annual net savings of \$48,676. The 2002 voted bonds were issued for the courthouse improvement project. The County's bond rating grade was reaffirmed at A by Standard and Poor's. He commended county staff for their work on the bond refinancing.

Mr. Peck acknowledged Treasurer Josie Koelzer's work to refinance the bonds.

Mr. Nelson clarified that the county is only refinancing bonds with maturities in 2013 through 2022. The original 2011 and 2012 maturities were not refinanced.

Motion – Mr. Peck: Mr. Chairman, I would move that this board accept the proposed refinancing briefed to us today by Martin Nelson and Company and indicate so by signing the letter presented on the signature block for the chairman on page 3. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 9: Contract of Purchase dated August 10, 2011)

Bond Resolution

Mr. Nave explained what the bond resolution will do.

Harry Lillo and Craig Middleton joined the audience.

Motion – Mr. Peck: Mr. Chairman, I move for approval of Resolution 2011-274 as presented on August 10, 2011, by Foster Pepper. Second by Mr. Miller. 3:0 vote in favor.

Motion - Mr. Peck: My previous motion did not include approval to sign insurance commitment for this bond action so I would move the board sign these insurance commitments at this time. Second by Mr. Miller. 3:0 vote in favor. Mr. Koch signed the documents and returned them to Mr. Nave.

FRANKLIN COUNTY FIRE DISTRICT #3

Les Litzenberger and Todd Blackman met with the Board. Present in audience: TV reporter, Kristi Pihl, Tim Fife, Franklin County Fire District #3 Commissioner Ron Shuck, Toni Fulton, Roger Lenk, Harry Lillo and Craig Middleton.

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Annexation Process

Mr. Litzenberger and Fire Commissioner Todd Blackman asked for Board approval to enter into negotiations for an annexation agreement with the City of Pasco. There was extensive discussion.

Motion – Mr. Peck: I would move that we table this for a week so that I can take some of these new data points and confer with the people that I represent. Mr. Miller said I have no problem with that. I think it would be a good idea. Mr. Koch said I think there will be more questions come up. Since we have media here, it will be more out in the open. He would like to put it on the agenda. Second by Mr. Miller. 3:0 vote in favor.

OFFICE BUSINESS

Administrative Assistant Toni Fulton met with the Board. Present in audience: Roger Lenk, Kristi Pihl, Harry Lillo and Craig Middleton.

Vouchers

Motion – Mr. Peck: I move for approval of Salary Clearing, Emergency Management and Irrigation payrolls in the total amount of \$607,076.58 as presented and approved by the Franklin County Auditor. Second by Mr. Miller. 3:0 vote in favor.

Salary Clearing Payroll warrants 54044 through 54145, Direct Deposit, and Benefits warrants 54146 through 45151 for \$582,954.67;

Emergency Management Payroll warrants 53658 through 53664, Direct Deposit, and Benefits warrants 53665 through 53668 for \$11,783.38; and

Irrigation Payroll warrants 53669 through 53686 and Benefits warrants 53687 through 53690 for \$12,338.53. (Exhibit 10)

Motion – Mr. Peck: I move for approval of County Road and Motor Vehicle vouchers/warrants in the total amount of \$98,998.74 as presented by Mr. Dennis Huston signed as approving for the Public Works Director. Second by Mr. Miller. 3:0 vote in favor.

County Road for \$85,917.28 and Motor Vehicle for \$13,081.46 (Exhibit 11)

Motion – Mr. Peck: I move for approval of fund expenditures submitted by the Auditor's Office in the total amount of \$168,903.74. Second by Mr. Miller. 3:0 vote in favor.

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<u>Fund Expenditures</u>	<u>Warrants</u>		<u>Amount Issued</u>
Dept of Commerce Pass Through	53612	53613	\$8,066.70
Current Expense	53691	53762	\$27,914.27
Election Equipment Revolving	53763	53763	\$212.86
Crime Victims/Witness Assist	53764	53765	\$2,908.77
Veteran's Assistance	53766	53769	\$643.03
Fr. Co. Unemployment Trust	53770	53770	\$14,255.71
Dept of Commerce Pass Through	53771	53772	\$114,902.40

(Exhibit 12)

Consent Agenda

Motion – Mr. Peck: I move for approval of the consent agenda with three items as presented.

Second by Mr. Miller. 3:0 vote in favor.

1. Approval of Joint Resolution 2011-278, negotiated modification to the 2010-2012 Collective Bargaining Agreement between the Benton Franklin Counties Juvenile Justice Center and the American Federation of State, County and Municipal Employees, AFL-CIO Local 3892 (AFSCME)
2. Approval of Joint Resolution 2011-279, Agreement between Benton and Franklin Counties and The Confederated Tribes of the Umatilla Indian Reservation for Provision of Juvenile Detention Facilities
3. Approval of Joint Resolution 2011-280, appointment of Debra Olson to the Substance Abuse Administrative Board

COUNTY ADMINISTRATOR (11:22 am)

County Administrator Fred Bowen met with the Board. Present in audience: Kristi Pihl, Roger Lenk, Ed Bush, Harry Lillo and Craig Middleton.

Special Election for 3/10ths of 1% sales tax for criminal justice

The wording of the proposed resolution was reviewed.

Motion – Mr. Miller: I move approval of the resolution in the subject matter of calling for an election on the levy of a sales and use tax for county and cities' criminal justice and public safety

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purposes including for the improvement, expansion, operation, and maintenance of a county jail and other facilities. Second by Mr. Peck.

Mr. Miller said I support this issue and realize how important it is. We need to look into the future. We have the benefits of bonds being less and construction costs being less. I think it is important for our county to expand the jail. By expand, I mean cement floors, bars – none of the luxuries. After working on different ideas such as a regional jail, I feel this is the best situation for our county. I think it's very much needed.

Mr. Peck said I'm going to support it today. I want to be clear as to what my reasons are. The first is that unlike many other taxes that come along, this one is right in the heart of the county's constitutional responsibility for public safety (along with education). This is a core function of the county. Second, the timing of this is particularly advantageous because if we're ever going to do this -- and I think it's inevitable that some day we will have to -- this is financially speaking the time. Construction costs and bond costs are down. It's an advantageous time for a project like this. Lastly, I want to make clear that I'm not so much voting for the tax, although I do think that we have legitimate public safety and criminal justice needs in the county that are currently unmet. I could say the same for other needs that are currently unmet as well. I want to be clear that what I'm really supporting here is that because I see a need, I think we have a responsibility as a board to give the citizens who will be paying this tax if it's approved the opportunity to put it in place if they wish. I'm not so much saying there should be a tax; I'm saying we owe it to the citizens to give them the opportunity to direct our legislative activity.

Mr. Koch said he also agrees very much that with the items that have been brought up, that it is in the best interests of Franklin County at this time because of the jail population because of Franklin County population, that as we have known for awhile we have run out of space to do a good and proper job of jails. I would rather not see our inmates released early. Also, we are allowing the constituents to tell us what they think about it, interest rates and construction rates are down now, we have the property available to do this, and there is a 30-year sunset on it. This 3/10ths of 1% tax is not going on forever. Once the bond is paid, the tax is removed.

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Mr. Miller said I agree, this is not our vote. We're taking it to the people so they can vote in the community. It's important they have this choice.

The Board thanked Ryan Verhulp and Fred Bowen for their work.

3:0 vote in favor. Resolution 2011-281 was approved.

Amendment to existing lease with Our Lady of Lourdes Hospital for Wilson House

Motion – Mr. Peck: I would move for approval. Second by Mr. Miller. 3:0 vote in favor.

Resolution 2011-282 was approved.

City of Pasco Annexation Agreement Letter

The matter has been tabled until the next Board meeting.

Sales Agreement: Storage Container for Prosecutor's Office

Mr. Peck said the PA's office will be able to scan a large portion of the documents they had planned to store in a storage container. Any paper copies that will need to be stored can perhaps be placed in the Franklin County Annex building on Clark Street. The request for the storage container has effectively been put on hold and the PA's office is working with other offices who have scanning capability.

Mr. Koch said occasionally the containers become available at local auctions, sometimes at a lower cost.

OTHER BUSINESS

WA Kearn Module Transportation Plan

Harry Lillo with Imperial Oil Company (in connection with ExxonMobil) and Craig Middleton with Mamute Trucking Company met with the Board. Present in audience: Roger Lenk, Ed Bush and Kristi Pihl.

Imperial and Exxon Mobil routes

Mr. Lillo told the Board about plans to transport modules from the Port of Pasco over streets and roads in Franklin County as they travel towards a new Imperial Oil plant in northern Alberta, Canada. Both trucks with conventional trailers and specialized hydraulic platform trailers will be used.

Mr. Peck said thanks for bringing some of your business to Franklin County.

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Mr. Lillo asked if the portion of the road coming out of the Port of Pasco is county roadway. The Board members said they do not believe it is.

Mr. Peck told Mr. Lillo that he has permission to express to the Washington State Department of Transportation (WSDOT) that we appreciate his briefing and support the request.

Mr. Lillo said we will also contact the Sheriff's Department.

Adjourned at 11:55 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until August 17, 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 August 31, 2011.