

COMMISSIONERS RECORD 51  
FRANKLIN COUNTY  
Commissioners' Proceedings for August 31, 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.

**WSU EXTENSION**

WSU Extension Director Lauri Sherfey and Extension Agent Steve Norberg met with the Board. Present in audience: Toni Fulton.

Agronomy Educator

New WSU agronomy educator Steve Norberg told the Board about his work.

Broadband in Rural Communities

Ms. Sherfey told the Board about possible funding from the American Recovery and Reinvestment Act (ARRA) that could be used for infrastructure to provide broadband capabilities in rural communities. The Board asked her to talk to Franklin PUD staff and keep them apprised.

**OFFICE BUSINESS (9:16 am)**

Administrative Assistant Toni Fulton met with the Board.

Final Approval SUB 2011-01

**Motion** – Mr. Miller: I move for final approval of Subdivision SUB 2011-01 for Ismo Kotilainen. Second by Mr. Peck. Resolution 2011-292 was approved.

Vouchers

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of payroll vouchers presented and certified by the auditor in the total amount of \$793,382.24. Second by Mr. Miller. 3:0 vote in favor.

Salary Clearing Payroll warrants 54152 through 54258 for \$187,362.84; Direct Deposit for \$321,110.98; and Benefits warrants 54259 through 54270 for \$252,937.80; for a total amount of \$761,411.62;

Emergency Management Payroll warrants 54732 through 54740 for \$3577.40; Direct Deposit for \$6678.35; and Benefits warrants 54741 through 54750 for \$4697.31; for a total amount of \$14,953.06; and

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Irrigation Payroll warrants 54751 through 54766 for \$8137.29; Direct Deposit for \$2846.52; and Benefits warrants 54767 through 54774 for \$6033.75; for a total amount of \$17,017.56;

Grand total is \$793,382.24. (Exhibit 1)

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of vouchers presented and certified by the auditor in the total amount of \$79,149.48. Second by Mr. Miller. 3:0 vote in favor.

<u>Fund Expenditures</u>	<u>Warrants</u>		<u>Amount Issued</u>
Current Expense	54775	54792	\$34,409.21
Auditor O & M	54793	54795	\$848.85
Election Equipment Revolving	54796	54799	\$3,128.60
Enhanced 911	54800	54803	\$11,598.56
TRAC Renewal & Replacement Fund	54804	54805	\$8,379.05
TRAC Operations Fund	54806	54828	\$12,673.37
Current Expense	54871	54875	\$8,111.84

(Exhibit 2)

**Consent Agenda**

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

1. Approval of Resolution 2011-293, Fee for Service Contract between Kiona-Benton School District and Benton-Franklin Juvenile Justice Center
2. Approval of Resolution 2011-294, County Program Agreement #1163-33519 between the Juvenile Justice Center and State of Washington Department of Social and Health Services, Juvenile Rehabilitation Administration
3. Approval of Resolution 2011-295, Professional Services Agreement #FCSC1100RJT001H1 with Attorney Robert J Thompson for indigent defense services in the case of *State of Washington v Tashia Stuart*, Cause #11-1-50101-8
4. Approval of Resolution 2011-296, Professional Services Agreement #FCSC1100SM001H with Attorney Sal Mendoza Jr. for indigent defense services in the case of *State of Washington v Aaron Velasco*, Cause # 11-1-50284-7
5. Approval of Resolution 2011-297, authorizing Facilities Department to dispose of surplus property

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6. Approval of Resolution 2011-298, payment of Franklin County's portion (\$2836.09) of an invoice accrued by The Landfill Group to Aspect Consulting LLC for professional consulting services
7. Approval of Resolution 2011-299, Blanket Service Contract #BSC-SIERRA-2011/2012 between Benton and Franklin Counties and Sierra Electric, Inc., for as-needed electrical services for Benton and Franklin Counties Department of Human Services locations
8. Approval of Resolution 2011-300, Blanket Service Contract #BSC-APOLLO-2011/2012 between Benton and Franklin Counties and Apollo Heating & Air Conditioning for Benton and Franklin Counties Department of Human Services locations
9. Approval of Resolution 2011-301, Inter-Budget Transfer of \$40,000 from the 2011 Current Expense Non-Departmental Budget #001-000-700, Contingency line item, to the Miscellaneous Boards Budget #001-000-240, Medical-Prescriptions-LEOFF I Retirees line item
10. Approval of Resolution 2011-302, acceptance of Tower Space License Agreement between Franklin County and USCOC of Richland, Inc. (U.S. Cellular)
11. Approval of Resolution 2011-303, approval of Insurance Proposal for environmental liability coverage through Conover Insurance to meet the requirements of the U.S. Cellular Tower Space License Agreement

Mr. Koch commented about the superb job being done by staff member Michael Namchek on the radio system for the county.

Minutes

**Motion** – Mr. Miller: Mr. Chairman, I move that we accept the Commissioners Proceedings for August 3, August 10 and August 24, 2011. Second by Mr. Peck. 3:0 vote in favor.

**COUNTY ADMINISTRATOR** (9:33 am)

County Administrator Fred Bowen met with the Board. Present in audience: Rosie H. Rumsey, Jerrod MacPherson and Greg Wendt.

Animal Control

The City of Pasco has sent a proposal regarding animal control for the county. The Board reviewed the proposal and discussed the animal control measures that are needed. The Board decided to wait to make a decision until further review has been done. Mr. Koch wanted to know

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how the proposal would tie in with the county's code. Mr. Peck wanted to find out what citizens want for services for animal control and planned to ask citizens who meet with the Board tonight about annexation because animal control ties into the annexation issue. Mr. Miller said one of his concerns is safety.

The Board's understanding is that upon an annexation by the City of Pasco, any agreement regarding animal control for that area would be cancelled and the costs would be prorated.

Public Safety Building Lease

The Board agreed to use Tippett and Company to do professional service work for the county, doing a market analysis to determine what a fair and reasonable rental rate is for the Public Safety Building. They asked that variable operating costs such as security and operations and maintenance costs be taken into consideration.

Utilities: Legislation regarding requirement of purchase of renewal energy

Mr. Peck asked for approval of a resolution in support of House Bill 2124 and Senate Bill 5964. Franklin PUD had requested Franklin County's support. The legislation will prevent utilities from having to buy expensive power when they do not need it.

**Motion** – Mr. Peck: I move that we sign Resolution 2011-304, supporting House Bill 2124 and Senate Bill 5964 that narrow the requirement for utilities to purchase eligible renewable energy resources or credits when not needed to serve customers' loads. Second by Mr. Miller. 3:0 vote in favor.

Commissioner Redistricting

Mr. Bowen told the Board that Chief Civil Deputy Prosecutor Ryan Verhulp has reviewed a Commissioner redistricting question presented by the Auditor's Office. Mr. Verhulp's response stated the Board does have to do a redistricting plan in the eight-month period but it does not have to be adopted. Mr. Peck said the definition of what constitutes a plan is important. Mr. Koch agreed.

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Request for Congressional Action regarding HRA VEBA

**Motion** – Mr. Peck: Mr. Chairman, I move that this Board approve signing letters to Representative Doc Hastings and Congresswomen Patty Murray and Maria Cantwell. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 3)

**Executive Session** at 10:04 am regarding collective bargaining negotiations based on RCW 42.30.140(4)(b), expected to last up to 30 minutes. Mr. MacPherson and Mr. Wendt left the meeting.

**Executive Session** continued at 10:35 am expected to last 20 minutes.

**Open Session** at 10:56 am.

**PLANNING AND DEVELOPMENT DEPARTMENT**

Planning Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board.

Workshop Session: Text Change TC-2011-01, a workshop to review the Planning Commission's recommendation for an application by Franklin County regarding a text amendment to the Franklin County Subdivision Ordinance (#2-2008).

The Board held a brief workshop session.

**Recessed** at 11:01 am.

**Reconvened** at 7:40 pm.

**ANNEXATION AGREEMENT DISCUSSION**

The Board held a meeting in Courtroom 2 of the Franklin County Courthouse. The County has received notice from the City of Pasco initiating the annexation agreement negotiation process in RCW 35A.14.480. Those present in the audience included an estimated 125 people including the people listed on the sign-in sheet (Exhibit 4). (Clerk's Note: The names typed in italics are typed as heard phonetically and may not be correct.)

Larry Gomez, Pam Kelly, Roger Lenk, Janet Kerns, *John Rowley*, Bruce Clatterbuck, Phillip Belcher, Steve Schlegel, Jan Enrique, Mark MacFarlan, Dana Kranz, Robert Fleshman representing Harris Farms, Roger Bettencourt, Mr. Martinez, Doug Gould, Dennis Smith, Karen Vermillion, John Pietrusiewicz, Henry McKinlay, *Meribelle* \_\_\_\_\_, \_\_\_\_\_ Barrington, John

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Talbott, Tony McKarns, Toby McKay, Wendy Baker and Mike Vermillion addressed the Commissioners directly.

Nearly all of the people who spoke were opposed to annexation. A couple people expressed no strong support or opposition for annexation. Some asked questions.

*John Rowley* who lives on Road 48 said he needs to know if annexation did happen, what would happen to us? What would happen to our property taxes?

Bruce Clatterbuck asked what the legal capacity of the courtroom is.

The speakers' topics including the following:

- Previous experience with the city, where the property owner understood there would be free access to sewer hookup for all residents on Road 72 but it was not the case
- Concern about adding a layer of “inefficient” government
- Concern about negative impact on remaining Franklin County residents
- Desire to retain the ability to keep using own well, septic system, keeping large animals, and obtain Franklin County irrigation water
- Does not feel the City of Pasco would be able to handle another 4500 residents
- Land use densities:
  - disparities
  - high density developments in an area that now has large houses and large lots will “trash” our property values
- Does not feel the city will give more services for less tax dollars
- Incorrect annexation process is being used
- Lack of notice from the city
- Feeling that the City Council will not hear our case
- Feeling that the “counter parties” to an Interlocal agreement are untrustworthy
- Concerns about impact on Franklin County Saddle Club and the people/families that use it
- Concerns about costs of having to be involved in a city water system and sewer system

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- Concerns about increased taxes
- Concern about disruption in the rural quality of life
- Feeling that the city has been less than upfront, less than honorable, and unreliable
- Fear of some residents to come to a meeting because they had to sign away their right to annexation
- Want to retain choice as individuals, not be told by some government official
- Concern about whether answers from the city about water rights are correct/legal
- Question about whether there would be a loss of revenue for the county
- Concern about potential contamination of groundwater wells

*Ms. Enrique* said she is not sure she is opposed to annexation. She thinks there has to be some middle ground. She spoke about changing how Pasco does business by having a healthy voice about change. She doesn't want to just be afraid of what will happen but wants to have a voice in what happens.

Mr. MacFarlan said lot size, timing of annexation and septic are probably the most critical issues. If those matters are not negotiable, then the Board would probably be wasting your time to try to negotiate.

Several people told about experiences of working with several different cities in the past and their concerns and disillusionment with cities during those experiences.

Mr. Martinez asked if there are any advantages at all of being in the city.

Mr. Gould said at a previous meeting there was discussion about negotiating under our terms and asked for an update. Mr. Peck said he has learned that there does not appear to be any legal way through an interlocal agreement that we could get the city or anyone else to guarantee minimum lot sizes. It does not appear that we can guarantee in perpetuity that you can continue to be a horse farm.

A man asked if the Board can direct the Prosecutor on behalf of county residents to look into whether the agreements that homeowners have signed with the city are legal or not. The Board members answered that is not something the Prosecutor would be expected to do. The property owners could hire their own lawyer.

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Mr. MacFarlan talked about hiring a land lawyer as a group of citizens. Later during the meeting, people in the audience set a community meeting for next Wednesday.

Mr. Peck asked for a show of hands of people who want to tell the city and fire district that we do not want to negotiate. About 8 to 10 hands were raised.

Mr. Peck asked for a show of hands of people who want negotiations to occur, trying to get the best deal you can. Many hands were raised.

The Board members stated they would not sign an agreement without consulting with you (meaning the property owners).

Toby McKay, 2708 N Road 60, suggested lining out some things that are not negotiable such as the use of livestock. He understands lot size may not be negotiable. He would like to be one of the people that give some instructions on what we could accept and what we could not accept.

Some of the items mentioned for negotiation purposes were:

- Worried about the city micromanaging my place
- Leash law impacts: ability to have dogs on own property without a leash
- Ability for future owners of my property to continue having horses/other animals
- Ability to maintain same kind of flexibility as we have now
- Avoiding being charged for hooking up to city sewer and water
- Desire to have the property never be annexed, now or in the future
- Desire to have the current land use remain the same
- No pay for upgrades to infrastructure
- Continued use of septic systems on our own land as opposed to using city sewer
- If you want to develop land, would you have to pay a park fee?
- Would streets have to be the same width as they are in the city?
- If you have livestock, would you have to meet the same criteria for the number of livestock for so many square feet?
- Would setbacks on boundary lines have to match city's setback requirements?



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- Water rights: We should not be forced to cap our wells and pay the cost of installing the water line. We should be able to continue to use the active wells we have.  
(Mr. Peck noted this matter may be governed by state law, not by the city.)
- Desire to have annexation date occur as far in the future as possible

Wendy Baker asked if you negotiate, does it in any way impact our ability to de-annex later? Mr. Peck referred her to RCW 35.A.16.

Mr. Peck stated that two maps of some west Pasco areas can be put on the Franklin County web site. The maps show areas that he believes the City of Pasco intends to annex.

A man asked if we annex, what happens to our fire department?

In response to a question about continued use of septic systems on our own land as opposed to using city sewer, the Board members said that matter is determined by the Health District.

A man said it sounds like there is a financial incentive for the fire district to go along with annexation and asked if there is an incentive for the county. Mr. Peck said the county would lose taxpayers but from the county's standpoint there is not a huge fiscal difference. It is not affecting his view of the subject in the least.

A man asked if annexation occurs, can a property owner still get Franklin County Irrigation water?

A person in the audience asked if the city has a 20-30-50-year growth projection as to where their boundary is located. Mr. Miller said he believes the city plans ahead for 20 years.

**Adjourned** at 9:37 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 7, 2011.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

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Robert E. Koch, Chairman

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Rick Miller, Chairman Pro Tem

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Brad Peck, Member

Attest:

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Clerk to the Board

Approved and signed September 14, 2011.