

COMMISSIONERS RECORD 52
FRANKLIN COUNTY
Commissioners' Proceedings for September 4, 2013

This document is a summarized version of the Board of Commissioners proceedings. The minutes are paraphrased, not verbatim. Access to an electronic audio recording of the meeting is available upon request.

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Rick Miller, Chairman; Robert E. Koch, Chair Pro Tem; and Brad Peck, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Meeting convened at 9:00 am with the Pledge of Allegiance.

PUBLIC WORKS

Public Works Director Matt Mahoney met with the Board.

Public Hearing: Announcement of intention to sell county-owned parcel #121-211-054 through a sealed bid process. Any member of the public may provide testimony in favor of or in opposition to the intent to sell the property. However, a limit of three per side will be imposed, with those three being based on the first to arrive.

Public Hearing convened at 9:00 am. Present: Commissioners Miller, Koch and Peck; County Administrator Fred Bowen; Public Works Director Matt Mahoney; Engineer Matthew Rasmussen; and Clerk to the Board Mary Withers. Present in audience: Tri-City Herald Reporter Geoff Folsom, Rebeca Gilley, Roger Lenk and Victor Reeve.

Rebeca Gilley was available as a Spanish interpreter.

Mr. Mahoney reviewed information on the Notice of Hearing (Exhibit 1).

Mr. Miller asked if anyone in the audience would like to speak. There was no response.

There was discussion about easements, ponds, and the possibility of installing fencing. It was determined that fencing was not needed. Mr. Rasmussen said a recommendation will be made to have a tax exemption on the pond area which is estimated to be one-quarter acre in size.

Hearing was closed to public comment. The Board **gave approval** to sell the property. Public Works staff will prepare the appropriate paperwork.

Approval of Task Assignment #2 pursuant to Interlocal Agreement with Franklin County Noxious Weed Board (9:13 am)

Present in audience: Tri-City Herald Reporter Geoff Folsom, Rebeca Gilley, Roger Lenk, Victor Reeve, Ryan Verhulp and Jim Rabideau.

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Mr. Mahoney and Mr. Rasmussen briefly explained work that has been done by the Weed Board and asked for approval of Task Assignment #2.

Mr. Koch asked why task assignments are used instead of the work being approved administratively. Mr. Rasmussen explained that the current contract requires approval of the task assignments by the Board and noted that next year's contract can be changed to allow the Public Works Director to approve the task assignments. Mr. Reeve answered Mr. Koch's question about how the delays in approvals of the task assignments can affect the ability to control weeds.

Motion – Mr. Koch: I move for approval of Task Assignment #2 to the Interlocal Cooperation Agreement between Franklin County and Franklin County Noxious Weed Board for General Equipment and/or Services through the Department of Public Works. Second by Mr. Peck. During discussion, Mr. Peck asked that Public Works amend the agreement to allow the County Administrator authority to approve task assignments. 3:0 vote in favor. Resolution 2013-311 was approved.

Setting public hearing for Statewide Transportation Improvement Program (STIP) 2014-2019
(9:23 am)

The Board **gave approval** to set a public hearing.

Breach of irrigation canal on Cypress Drive (9:26 am)

Following a breach of an irrigation canal affecting Cypress Drive, Mr. Mahoney said all of the landowners have access in and out. The roads themselves need a lot of work done. A meeting will be held with South Columbia Basin Irrigation District (SCBID) staff to finalize a plan for how work is going to be accomplished and what the anticipated cost will be.

PROSECUTOR

Deputy Prosecutor Ryan Verhulp, Public Works Director Matt Mahoney and Engineer Matthew Rasmussen met with the Board. Prosecutor Shawn Sant was unavailable due to a hearing before the court. Present in audience: Vic Reeve, Geoff Folsom, Roger Lenk, Lester Storms and Jim Rabideau.

Executive Session at 9:32 am pursuant to RCW 42.30.110(1)(i), involving legal risks of a proposed action concerning the proposed contract between Franklin County and C&E Trenching, LLC, for the Basin City Waterline Extension, a Community Development Block Grant Project,

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on behalf of Basin City Water and Sewer District, expected to last 15 minutes. Those in the audience left the meeting.

Open Session at 9:48 am. Present in audience: Jim Rabideau, Geoff Folsom, Roger Lenk and Lester Storms.

PUBLIC COMMENT

Jim Rabideau met with the Board.

Employer Support for National Guard and Reserves

Mr. Rabideau asked for approval of a Statement of Support for Guard and Reserves and answered the Board's questions. The Board said it will be placed on next week's consent agenda.

OFFICE BUSINESS (9:53 am)

Administrative Assistant Margo Hines met with the Board. Present in audience: Geoff Folsom, Roger Lenk and Lester Storms.

Vouchers

Motion – Mr. Koch moved for approval of vouchers in the amount of \$480,794.05. The cover sheet is signed by Mr. Beaton and audited by Julie Jordan. The vouchers have been reviewed by Mr. Bowen. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 2)

<u>Fund Expenditures</u>	<u>Warrants</u>		<u>Amount Issued</u>
Landfill Closure Trust Fund	86734	-	\$1,717.25
Current Expense	86735	86776	\$20,080.73
Current Expense	86777	86792	\$55,933.80
Current Expense	86793	86803	\$222,924.55
Treasurer O & M	86804	86805	\$1,569.66
.3% Criminal Justice Const Fnd	86806	86812	\$109,784.99
FC Public Facilities Const Fund	86813	-	\$385.69
TRAC Operations Fund	86814	86837	\$18,677.98
Franklin County RV Facility	86838	86842	\$2,758.69
County Roads	86843	86856	\$25,984.32
Motor Vehicle/Public Works	86857	86873	\$5,132.71
Current Expense	86874	-	\$4,772.69
Auditor O & M	86875	-	\$598.55
Current Expense	86876	86902	\$1,876.84
Election Equipment Revolving	86903	-	<u>\$8,595.60</u>

Grand Total: \$480,794.05
(Exhibit 2)

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Consent Agenda

The Board reviewed the consent agenda items.

Motion – Mr. Koch: I move for approval of the consent agenda 1 through 8 as presented.

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

1. Approval of Resolution 2013-313, amending the resolution for the Program Agreement Consolidated Contract FY 14-15 #1363-79417 between the Juvenile Justice Center and the State of Washington Department of Social and Health Services, Juvenile Rehabilitation Administration, Franklin County Resolution 2013-281
2. Approval of Resolution 2013-314, Professional Services Agreement to Provide Legal Representation to Indigent Persons in Benton-Franklin Counties Juvenile Court Division, Contract #BFJC1315PEP001, between Benton-Franklin Counties Juvenile Justice Center and Pamela Elizabeth Peterson
3. Approval of Resolution 2013-315, appointing Dixie L. George as a county-designated mental health professional (CDMH) and limiting appointments of CDMHPs to the period during which they are employed by the Crisis Response Unit of Benton and Franklin Counties
4. Approval of Resolution 2013-316, renewal of Minolta Copier Maintenance Contract between Abadan and Franklin County Corrections for the copier located in Corrections Administration
5. Approval of Resolution 2013-317, renewal of Minolta Copier Maintenance Contract between Abadan and Franklin County Corrections for the copier located in Corrections Booking
6. Approval of Resolution 2013-318, Elevator Maintenance and Service Agreement for the Public Safety Building, Courthouse, Corrections, Museum and Jail Expansion between Franklin County and ThyssenKrupp Elevator Corporation
7. Approval of letter to Dan McConnon, Deputy Director, Department of Commerce, regarding the contracting process (Exhibit 3)
8. Approval of Commissioners Proceedings for August 21, 2013

COUNTY ADMINISTRATOR (10:04 am)

County Administrator Fred Bowen met with the Board. Present in audience: Geoff Folsom, Roger Lenk and Lester Storms.

Museum

There was discussion about the ownership of the museum.

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Sculpture Bust

Sculpturist Mike Salazar has offered to give a bust to the county at no cost. Mr. Peck said to ask for a bust of Benjamin Franklin in front of some sort of backdrop of Independence Hall. He would like it to say underneath: "Mr. Franklin, what have you wrought?" He asked staff to check with civil attorneys about receiving gifts. There may be some expectation of signage or credit, something that might tend to give it a commercial advertising flavor. It is possible other artists could be offered similar opportunities for other alcoves.

Recessed at 10:23 am.

Reconvened at 10:30 am.

BOARD WORKSHOP

Public Works Director Matt Mahoney and County Engineer Matthew Rasmussen met with the Board in a workshop session to review the summary report regarding occupation of county right of way. Present in audience: Vic Reeve and Geoff Folsom.


ADJOURNMENT

Adjourned at 11:08 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 11, 2013.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Rick Miller, Chairman



Robert E. Koch, Chairman Pro Tem



Brad Peck, Member

Attest:



Clerk to the Board

Approved and signed September 18, 2013.

NOTICE OF GENERAL PUBLIC HEARING

for the
Intent to Sell Parcel #121-211-054

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Franklin County Board of Commissioners on Wednesday, September 4, 2013, at 9:00 am., or as soon thereafter as possible, at the County Commissioners Chambers at the Franklin County Courthouse, 1016 N. 4th Avenue, Pasco, Washington.

The purpose of the public hearing is to announce the intent to sell a County-owned parcel (# 121-211-054) through a sealed bid process. Any member of the public may provide testimony in favor of or in opposition to the intent to sell the property. However, a limit of three (3) per side will be imposed, with those three being based on the first to arrive. (Ch. 36.34 RCW)

The parcel is located on Sagehill Road, northwest of the Basin City community. The parcel is 5.00 acres (approximately 160 feet fronting Sagehill Road and with a depth of approximately 1,275 feet). The grade on the property is relatively steep, exceeding 40 percent in some areas. The land is not irrigable, though 1.5 acres is within a farm block.

A Spanish interpreter will be available. The Commissioners' Chambers are handicap accessible. Arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving 24-hour advance notice. Please contact the Commissioners' Office at (509) 545-3535.



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

9/4/2013

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims.

Action: As of this date, 9/4/2013

Move that the following warrants be approved for payment:

certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

<u>FUND Expenditures</u>	<u>WARRANTS</u>		<u>AMOUNT ISSUED</u>
Landfill Closure Trust Fund	86734	-	\$1,717.25
Current Expense	86735	86776	\$20,080.73
Current Expense	86777	86792	\$55,933.80
Current Expense	86793	86803	\$222,924.55
Treasurer O & M	86804	86805	\$1,569.66
.3% Criminal Justice Const Fnd	86806	86812	\$109,784.99
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Auditor O & M	86875	-	\$598.55
Current Expense	86876	86902	\$1,876.84
Election Equipment Revolving	86903	-	\$8,595.60

In the amount of

\$480,794.05

The motion was seconded by

And passed by a vote of 3 to 0

Handwritten signature of Matt Beaton
The attached vouchers have been approved by Auditor or Deputy

Handwritten signature of Julie Jordan
Vouchers Audited By: Julie Jordan



FRANKLIN COUNTY

BOARD OF COMMISSIONERS

BRAD PECK
DISTRICT 1

ROBERT E. KOCH
DISTRICT 2

RICK MILLER
DISTRICT 3

Fred H. Bowen
County Administrator

Rosie H. Rumsey
Human Resources Director

September 4, 2013

Dan McConnon, Deputy Director
Department of Commerce
Olympia Main Offices
1011 Plum Street SE
P.O. Box 42525
Olympia, WA 98504-2525

Re: Contracting process

Dear Mr. McConnon:

The Franklin County Board of County Commissioners is writing to express our concern and frustration regarding the contracting process for multiple programs, to include the Community Development Block Grant Public Service Grant, Housing and Essential Needs Grant, and the Consolidated Homeless Grant.

In 2011, the counties identified language within these agreements that was contradictory and in need of correction. The Counties were asked to execute the agreement with the understanding that the language would be resolved in future agreements.

As you are aware, Benton County has declined to sign this year's Community Development Block Grant-Public Services Grant due to continued contradictory language. We continue to work with your staff in hopes of resolving this contract issue.

The current Housing and Essential Needs Grant contained the same contradictory language. Attempts to resolve this legal deficiency were rejected by the Department of Commerce. In order to preserve this service and not place many of our most vulnerable citizens at higher risk, County Commissioners executed an agreement that the counties' legal advisors were unable to approve as to legal form.

It is our current understanding, from conversations with your staff, that you have hired a new contract attorney. We request that one of the first tasks for this new hire would be to work with Benton and Franklin Counties to resolve the contract issues that have been identified over the previous years.

The specific issue we would like to see addressed is the contradiction contained in the indemnification clauses contained in each document. The subcontracting clause of the template language legally obligates the Counties to indemnify, defend, and hold harmless the State/Commerce for "any subgrantees'/ subcontractors' or its employees'" performance or failure to perform under the Grant. As you understand, subgrantees or subcontractors or their employees are third parties and the counties historically do not agree to assume legal responsibilities and liabilities of third parties.

Dan McConnon, Deputy Director
Department of Commerce
September 4, 2013
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However, the Indemnification clause in each contract more appropriately states that no party to this Contract shall be responsible for the acts/or omissions of entities or individuals not a party to this contract.

We are asking for your assistance in this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON


Rick Miller, Chairman


Robert E. Koch, Chair Pro-Tem


Brad Peck, Member