

COMMISSIONERS RECORD 52  
FRANKLIN COUNTY  
Commissioners' Proceedings for September 11, 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 9:01am with the Pledge of Allegiance.

**PUBLIC WORKS**

Public Works Director Matt Mahoney met with the Board. Present in audience: Kathleen Neuman, Matt Mahoney, Tim Waters, AnaMaria Diaz Martinez, Tri-City Herald Reporter Geoff Folsom, Ryan Verhulp, Greg Wendt and one other man.

Bid Opening: CRP 601, Franklin County Road Safety Program Phase III

Bid opening convened at 9:02 am. Mr. Mahoney reviewed bid requirements and project work. Two bids were received. One bid had been opened because the FedEx envelope did not say it was a bid. The Board did not look at that bid and determined the bid was unresponsive because it did not meet the specifications on the envelope as a sealed bid.

One bid was opened:

Rotschy Inc., Vancouver, WA      \$426,700.00

Engineer's estimate: \$304,350.

Mr. Mahoney said the grant funding is for about \$750,000 total with \$400,000 extra funding for quick response. The funding is 100% FHWA money. At this point the county hasn't committed any of its own funds for these projects. The bid will be reviewed.

**PROSECUTOR**

Deputy Prosecuting Attorney Ryan Verhulp and Assistant Planning Director Greg Wendt met with the Board.

Ordinance imposing a six-month moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law and directing the scheduling of a public hearing as proposed

Present in audience: Tim Waters, AnaMaria Diaz Martinez and Geoff Folsom.

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Mr. Verhulp explained what the moratorium would do and stated it would allow time for the legal and planning departments to do further research. A public hearing would have to be set within 60 days to allow public input. There would be six months allowed to adopt regulations or to extend the moratorium.

The status quo is that licensure of these types of businesses is not allowed. This ordinance would preserve that status quo going forward. The Board can consider the impacts of these businesses.

**Motion** – Mr. Koch: Mr. Chairman, I would move for approval of Ordinance 7-2013, an ordinance imposing a six month moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law, and directing the scheduling of a public hearing. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 1)

**WSU EXTENSION (9:27 am)**

WSU Extension Director Tim Waters and WSU Extension Youth and Family Regional Specialist Educator AnaMaria Diaz Martinez met with the Board. Present in audience: Geoff Folsom.

**Department Update on Community Needs Assessment and activities**

Ms. Diaz Martinez told the Board about her background and about her WSU Extension work projects including the Strengthening Families program and writing a grant for a literacy program that will serve ages 0 through 8.

**OFFICE BUSINESS**

Administrative Assistant Margo Hines met with the Board. Present in audience: Geoff Folsom.

**Vouchers**

**Motion** – Mr. Peck: I move for approval of two payroll vouchers, the first for County Road and Motor Vehicle, total amount of \$81,435.88 signed by Mr. Beaton, and the second voucher is Salary Clearing payroll, Emergency Management payroll and Irrigation payroll for the total amount of \$631,527.37, also signed by Mr. Beaton. Second Mr. Koch. 3:0 vote in favor.

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<u>Fund</u>	<u>Warrant</u>	<u>Amount</u>
<b>County Road</b>		
Payroll	87135-87149	18,132.49
Direct Deposit		39,024.67
		<u>57,157.16</u>
Benefits	87150-87153	10,979.05
	<b>Total</b>	<b><u>\$68,136.21</u></b>
 <b>Motor Vehicle</b>		
Payroll	87154-87167	\$5,202.24
Direct Deposit		5,925.51
		<u>\$11,127.75</u>
Benefits	87168-87171	2,171.92
	<b>Total</b>	<b><u>\$13,299.67</u></b>
	<b>Grand Total:</b>	<b><u>\$81,435.88</u></b>

(Exhibit 2)

<u>Fund</u>	<u>Warrant</u>	<u>Amount</u>
<b>Salary Clearing Payroll:</b>		
Payroll	59099-59158	161,608.82
Direct Deposit		355,349.28
		<u>516,958.10</u>
Benefits	59159-59164	91,225.66
	<b>Total</b>	<b><u>\$608,183.76</u></b>
 <b>Emergency Mgmt Payroll:</b>		
Payroll	87111-87117	\$2,481.19
Direct Deposit		6,918.31
		<u>9,399.50</u>
Benefits	87118-87121	1,576.26
	<b>Total</b>	<b><u>\$10,975.76</u></b>
 <b>Irrigation Payroll:</b>		
Payroll	87122-87130	\$5,364.28
Direct Deposit		4,946.75
		<u>10,311.03</u>
Benefits	57131-87134	2,056.82
	<b>Total</b>	<b><u>\$12,367.85</u></b>
	<b>Grand Total All Payrolls</b>	<b><u>\$631,527.37</u></b>

(Exhibit 3)

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**Motion** – Mr. Peck: I move for approval of fund expenditures in the total amount of \$1,589,455.89 with a note that Warrant #87004 is in the amount of \$1,034,487.84. That is out of the .3% Criminal Justice Fund for the new jail. Mr. Bowen has reviewed the vouchers and has no issues. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 4)

<u>Fund Expenditures</u>	<u>Warrants</u>		<u>Amount Issued</u>
Current Expense	86904	86933	\$12,055.42
Current Expense	86934	86966	\$9,078.24
Current Expense	86967	87003	\$441,271.47
.3% Criminal Justice Const Fnd	87004	-	\$1,034,487.84
Election Equipment Revolving	87005	87006	\$239.82
Boating Safety Fund	87007	87009	\$2,114.96
DUI Recovery Fund	87010	-	\$1,000.00
Jail Commissary	87011	87014	\$1,652.17
Dare Fund Sheriff	87015	-	\$607.50
Veteran's Assistance	87016	-	\$207.86
Ending Homelessness Fund	87017	-	\$2,108.00
FC Public Facilities Const Fund	87018	-	\$80.36
TRAC Operations Fund	87019	87030	\$7,879.64
Franklin County RV Facility	87031	-	\$1,280.00
County Roads	87032	87045	\$15,900.52
Solid Waste	87046	-	\$34.55
Motor Vehicle/Public Works	87047	87060	\$20,854.23
Current Expense	87061	87077	<u>\$38,603.31</u>
		<b>Grand Total:</b>	<b>\$1,589,455.89</b> (Exhibit 4)

**Consent Agenda** (9:50 am)

**Motion** – Mr. Peck: I move for approval of the consent agenda items 1, 2, 4 and 5, with the understanding that the County Administrator has made arrangement to pull item 3 to provide additional details for the commissioners and will speak to that separately. Second by Mr. Koch. 3:0 vote in favor.

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1. Approval of Resolution 2013-319, Statement of Support for the Guard and Reserve
2. Approval of Resolution 2013-320, amending Resolution 2013-258 to change date for Public Hearing and adoption of final 2014 budget from November 20, 2013 to November 25, 2013  
  
(Clerk's Note: Consent Agenda Item #3 was not approved.)
3. Approval of Resolution 2013-\_\_\_\_\_, authorizing Information Services Department to dispose of surplus property
4. Approval of Commissioners Proceedings for August 28, 2013
5. Approval of Resolution 2013-321, approval of a deductible of \$25,000 for the county's insurance contract with the Washington Counties Risk Pool; and approval of the purchase of \$5 million of optional excess insurance

**Recessed** at 9:56 am.

**Reconvened** at 10:02 am.

**COUNTY ADMINISTRATOR**

County Administrator Fred Bowen met with the Board. Present in audience: Shawn Sant, Ryan Verhulp, Matt Mahoney and Geoff Folsom.

**Executive Session** at 10:03 am pursuant to RCW 42.30.110(1)(i) involving legal risks of a proposed action with regards to the SCBID canal break expected to last 15 minutes. Matt Mahoney, Ryan Verhulp and Shawn Sant remained in the meeting. Mr. Folsom left the room.

**Open Session** at 9:56 am. Geoff Folsom joined the audience.

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

**Open Session** at 10:32 am.

Geoff Folsom joined the audience. Mr. Mahoney left the meeting.

**Executive Session** at 10:33 am pursuant to RCW 42.30.110(1)(d), qualifications of an applicant for employment or review performance of a public employee, expected to last 15 minutes. Mr. Folsom left the meeting.

**Open Session** at 10:51 am. Geoff Folsom joined the audience.

**ADJOURNMENT**

**Motion** – Mr. Koch: I move for adjournment. Second by Mr. Peck. 3:0 vote in favor.

**Adjourned** at 10:52 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 18, 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 25, 2013.

**ORDINANCE NUMBER 7-2013**

**AN ORDINANCE IMPOSING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, PERMITTING, LICENSING, OR OPERATION OF MARIJUANA PRODUCTION, PROCESSING, AND RETAIL TO THE EXTENT AUTHORIZED BY INITIATIVE 502 OR APPLICABLE LAW; AND DIRECTING THE SCHEDULING OF A PUBLIC HEARING.**

**WHEREAS**, Washington voters passed Initiative 502 at the November 2012 General Election, and

**WHEREAS**, said Initiative in part authorized effective December 6, 2012 adults twenty-one years of age or above to legally possess, under State of Washington law, up to one ounce of marijuana, or sixteen ounces of marijuana-infused product, or seventy-two ounces of marijuana-infused product in liquid form; and

**WHEREAS**, said Initiative also authorized under State of Washington law the production, processing, and sale of marijuana upon State licensure; and

**WHEREAS**, I-502 provides for the State licensure of producers, processors, and retailers of marijuana by December 1, 2013 in accordance with the Washington State Liquor Control Board's (WSLCB) promulgation of rules for such; and

**WHEREAS**, it is anticipated that the WSLCB's rules governing licensure of marijuana producers, processors, and retailers will become effective on or about mid-September 2013 allowing for the submittal of license applications at that time followed by the issuance of licenses by December 1, 2013; and

**WHEREAS**, Franklin County's code/ordinances do not specifically address the type and location of facilities or premises authorized by I-502 for the production, processing, and retail of marijuana; and

**WHEREAS**, primarily I-502's regulation of the siting of producers, processors, or retailers is limited to such being prohibited within one thousand feet of the perimeter of areas of any elementary or secondary school, playground, recreational center or facility, child care center, public park, public transit center or library, or any game arcade where persons under twenty-one years of age may enter; and

**WHEREAS**, the activities authorized by I-502 to date remain in violation of the federal Controlled Substances Act; and

**WHEREAS**, RCW 69.51.A.140 authorizes counties to adopt and enforce zoning, business, health, and safety regulations concerning marijuana; and

**WHEREAS**, due to the degree of I-502's regulatory framework and its conflict with Federal laws concerning marijuana Franklin County needs additional time to study any land use, health, or safety impacts and any development regulations necessary to negate or mitigate said impacts before Franklin County proceeds with any local legislative action related to such and to analyze any potential legal liabilities thereto; and

**WHEREAS**, RCW 36.70A.390 allows counties' governing bodies to adopt a six-month moratorium as an interim zoning control to preserve the status quo and a period of time for Franklin County to study, consider, and draft regulatory controls pertaining to producers, processors, and retailers of marijuana licensed by the WSLCB; and

”

**WHEREAS**, a six-month moratorium is necessary due to the WSLCB's rules taking effect on or about mid-September hereby allowing for submittal of applications for licensure at that time followed by license issuance by December 1, 2013; and

**WHEREAS**, said moratorium is in the best interests of Franklin County and is necessary to preserve the public health, safety, and welfare of the citizens.

**NOW THEREFORE**, the Board of Franklin County Commissioners ordains as follows:

**Section 1:** **Preliminary Findings of Fact.** The recitals and findings set forth above are hereby adopted as preliminary findings of fact in support of the moratorium imposed by this ordinance.

**Section 2:** **Moratorium Imposed.** Pursuant to the laws of the State of Washington, a moratorium is hereby imposed prohibiting within all areas of unincorporated Franklin County the establishment, location, operation, licensure, or maintenance of premises, facilities, businesses, or any other activities or operations involving the production, processing, or sale of marijuana and marijuana products authorized by Initiative 502 or any other laws of the State of Washington. While said moratorium is in effect no building permit, occupancy permit, other development permit or approval, or business license shall be issued for any of the purposes or activities set forth above. Should any permits or licenses be issued in error for the above purposes or activities, such shall be null and void.

**Section 3:** **No Nonconforming Uses.** No use that constitutes or purports to be production, processing, or sale of marijuana that was engaged in prior to the enactment of this ordinance shall be deemed to have been a legally established use and shall not be entitled to claim legal nonconforming status.

**Section 4:** **Duration.** The moratorium imposed by this ordinance shall continue in effect for six consecutive months from its effective date, unless repealed or modified by the Board of Franklin County Commissioners in accordance with applicable law.

**Section 5:** **Public Hearing.** Pursuant to RCW 36.70A.390 the Board of Franklin County Commissioners shall hold a public hearing on this moratorium within sixty days of the adoption of this moratorium.


**Section 6:** **Severability.** If any section, sentence, or portion of this ordinance or its application to any person or circumstance should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.




**Section 7: Effective Date.** This ordinance shall become effective on the date of its adoption set forth below.

APPROVED AND ADOPTED this 11 day of September, 2013.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

  
\_\_\_\_\_  
Rick Miller, Chair

  
\_\_\_\_\_  
Robert E. Koch, Chair Pro Tem

  
\_\_\_\_\_  
Brad Peck, Member

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Ryan E. Verhulp  
Deputy Prosecuting Attorney

df



**FRANKLIN COUNTY AUDITOR**

*Matt Beaton, Auditor*

September 11, 2013

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

Action: As of this date, September 11, 2013 *Beaton*  
 move that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
<b>County Road</b>		
Payroll	87135-87149	18,132.49
Direct Deposit		39,024.67
		<hr/>
		57,157.16
Benefits	87150-87153	10,979.05
	<b>Total</b>	<b><u><u>\$68,136.21</u></u></b>
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Direct Deposit		5,925.51
		<hr/>
		\$11,127.75
Benefits	87168-87171	2,171.92
	<b>Total</b>	<b><u><u>\$13,299.67</u></u></b>
	<b>Grand Total All Payrolls</b>	<b><u><u>\$81,435.88</u></u></b>

In the total amount of **\$81,435.88** (\$68,136.21 + \$13,299.67)

The motion was seconded by *PeKool* and passed by a vote of 3 to 0.

*Matt Beaton*  
 The attached payroll has been approved by Auditor or Deputy

*Kristen Behrman*  
 Payroll Prepared By



**FRANKLIN COUNTY AUDITOR**

*Matt Beaton, Auditor*

September 11, 2013

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

Action: As of this date, September 11, 2013 *Burdick*  
 move that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
<b>Salary Clearing Payroll:</b>		
Payroll	59099-59158	161,608.82
Direct Deposit		355,349.28
		<u>516,958.10</u>
Benefits	59159-59164	91,225.66
	<b>Total</b>	<b><u>\$608,183.76</u></b>
<b>Emergency Mgmt Payroll:</b>		
Payroll	87111-87117	\$2,481.19
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Direct Deposit		4,946.75
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Benefits	57131-87134	2,056.82
	<b>Total</b>	<b><u>\$12,367.85</u></b>
<b>Grand Total All Payrolls</b>		<b><u>\$631,527.37</u></b>

In the total amount of **\$631,527.37** (\$608,183.76+\$10,975.76+\$12,367.85)

The motion was seconded by *PE Koch* and passed by a vote of 3 to 0.

*Matt Beaton*  
 The attached payroll has been approved by Auditor or Deputy

*Conor O'Connell*  
 Payroll Prepared By



# FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

9/11/2013

**Franklin County Commissioners:**

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

Action: As of this date, 9/11/2013 Bond Lake

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>
Current Expense	86904	86933	\$12,055.42
Current Expense	86934	86966	\$9,078.24
Current Expense	86967	87003	\$441,271.47
.3% Criminal Justice Const Fnd	87004	-	\$1,034,487.84
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Solid Waste	87046	-	\$34.55
Motor Vehicle/Public Works	87047	87060	\$20,854.23
Current Expense	87061	87077	\$38,603.31

In the amount of

ReKool  
\$1,589,455.89

The motion was seconded by

And passed by a vote of 3-0 to

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

Julie Jordan  
Vouchers Audited By: Julie Jordan