



**FRANKLIN COUNTY, WASHINGTON
BOARD OF COMMISSIONERS**

**EMERGENCY MEETING MINUTES
FEBRUARY 20, 2017**

CALL TO ORDER

Commission Chairman Robert Koch called the Franklin County Board of Commissioners' Emergency Meeting to order at 9:00 a.m., in the Commissioners' Meeting Room in the Franklin County Courthouse located at 1016 North Fourth Avenue, Pasco, Washington.

Commissioners Present: Commission Chair Robert Koch, Chair Pro Tem Brad Peck and Member Rick Miller

Staff Present: County Administrator Keith Johnson and Prosecuting Attorney Shawn Sant.

PLEDGE OF ALLEGIANCE

Commissioner Koch led the Pledge of Allegiance

DECLARATION OF COUNTY-WIDE EMERGENCY

Franklin County Administrator Keith Johnson explained the weather situation had deteriorated very rapidly over the weekend causing flooding within Franklin County due to sudden warmer temperatures resulting significant melting of snow and ice. He stated Franklin County Public Works was instructed to take action necessary to protect and preserve life and assist where needed. Several roads needed to be closed and will require repair. He explained the situation was still developing and future forecasted rain could cause continued and new flooding within the County.

Mr. Johnson suggested the Board of Commissioners take action to declare a County-wide emergency as allowed by *RCW 36.40.180* and *RCW 38.52.070* authorizing all departments and offices of Franklin County to exercise the powers vested under these *RCWs* without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including but not limited to budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment and the purchase of supplies and materials.

Mr. Johnson felt the County had taken necessary steps to keep drivers off the dangerous roads but there have been a number of reports of people driving around the barricades. He had spoken with Franklin County Sheriff Jim Raymond who had been personally visiting with the agricultural community encouraging them to use good judgment when driving and also acknowledging farmers' need to move their product.

Damages to date are estimated at \$2 million but that amount will undoubtedly increase. Mr. Johnson presented the Commissioners with a current list of road closures which will be updated as needed.



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Mr. Johnson will keep the Board updated on any future requests for state or federal funding as necessary.

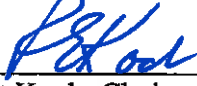
Commissioner Peck recommended contacting Washington State Association of Counties to enlist its support with state funding and a possible declaration by the Governor.

- ❖ *Commissioner Peck moved to approve Resolution 2017-48 Declaring a County-Wide Emergency due to sudden flooding. Commissioner Miller seconded and the motion was carried unanimously.*

ADJOURN

With no further business to bring before the board, the meeting was adjourned at 9:17 a.m.

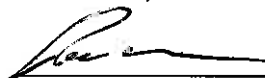
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Robert Koch, Chair



Brad Peck, Chair Pro Tem



Rick Miller, Member

ATTEST:


Clerk to the Board

FRANKLIN COUNTY RESOLUTION ~~2017~~ 48

BEFORE THE BOARD OF COMMISSIONERS OF
FRANKLIN COUNTY WASHINGTON

DECLARATION OF A COUNTY-WIDE EMERGENCY

WHEREAS, the Board of Franklin County Commissioners has been notified of a county-wide emergency in Franklin County; and

WHEREAS, the emergency situation requires the implementation of emergency protective actions to protect the property, health and welfare of the citizens of Franklin County; and

WHEREAS, the emergency response resources of Franklin County will not be sufficient to meet the requirements of a prolonged response to an emergency of this nature and magnitude; and

WHEREAS, the emergency event requires the activation of the Franklin County Comprehensive Emergency Management Plan and use of statutory emergency powers granted pursuant to RCW 36.40.180 and 38.52.070.

NOW, THEREFORE, IT IS HEREBY DECLARED AND RESOLVED BY THE BOARD OF FRANKLIN COUNTY COMMISSIONERS:

- 1) There is, and has existed since February 1, 2017, a county-wide emergency resulting from severe winter storms and related flooding which exceeds the Franklin County equipment, infrastructure, personnel, and budgetary resources available to protect the public health, safety, and welfare.
- 2) In response to the declared emergency and in accordance with RCW 38.52.070, all departments and offices of Franklin County are authorized to exercise the powers vested under this section without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.
- 3) All departments and offices of Franklin County are authorized to enter into contracts and obligations necessary to respond to the declared emergency to protect the public health, safety, welfare and property of the citizens of the County and to provide the citizens with emergency assistance.

FRANKLIN COUNTY RESOLUTION 2017 48

- 4) The actions taken, and to be taken by the Board of Commissioners, County Administrator and authorized designees, as deemed necessary to prevent or minimize the loss of life and property, are hereby confirmed.
- 5) A copy of this declaration shall be effective as an original.

DATED this 20th day of February, 2017

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Chair

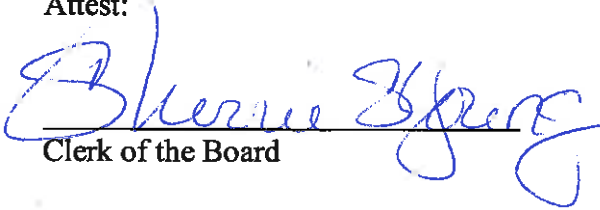


Chair Pro Tem



Member

Attest:


Clerk of the Board

Approved as to Form:

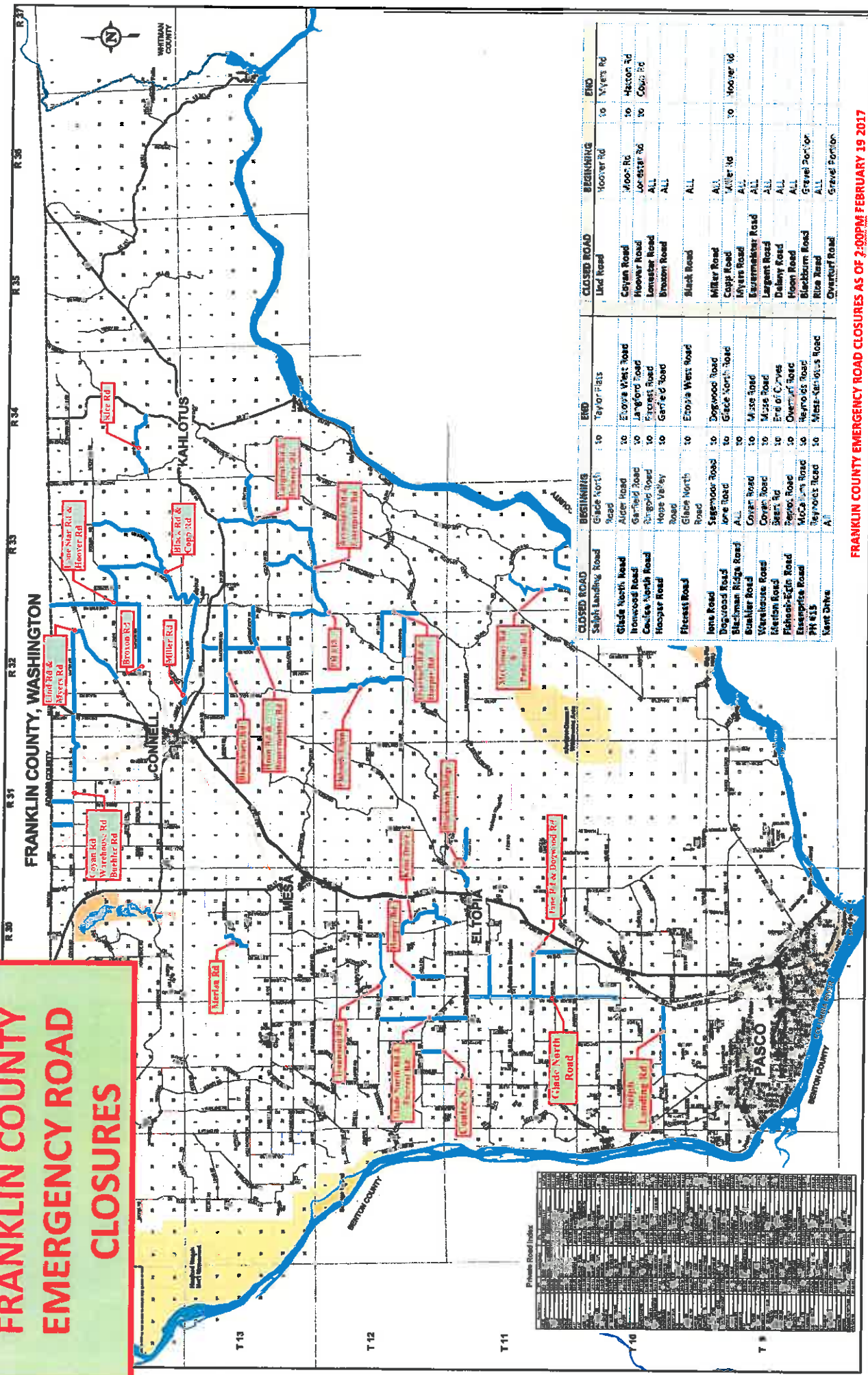
SHAWN P. SANT, #35535\#91039
Prosecuting Attorney for
Franklin County

By: 
Deputy Prosecuting Attorney

Originals: Clerk of the Board

Copy: Franklin Sheriff
Franklin County Emergency Management
Public Works Department
County Auditor / Accounting

FRANKLIN COUNTY EMERGENCY ROAD CLOSURES



Please Read Instructions:

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FRANKLIN COUNTY EMERGENCY ROAD CLOSURES AS OF 2:00PM FEBRUARY 19 2017

CLOSED ROAD	BEGINNING	END	CLOSED ROAD	BEGINNING	END
Solph Landing Road	Glade North Road	to Taylor Flats	Und Road	Hoover Rd	to Myers Rd
Glade North Road	Alder Road	to Eltopia West Road	Coyan Road	Moon Rd	to Hatton Rd
Ironwood Road	Garfield Road	to Langford Road	Hoover Road	Lonestar Rd	to Copp Rd
Coulee North Road	Ringold Road	to Fircrest Road	Lonestar Road	All	
Hooper Road	Hope Valley Road	to Garfield Road	Brokon Road	All	
Fircrest Road	Glade North Road	to Eltopia West Road	Black Road	All	
Ione Road	Sagemoor Road	to Dogwood Road	Miller Road	All	
Dogwood Road	Ione Road	to Glade North Road	Copp Road	Miller Rd	to Hoover Rd
Blackman Ridge Road	All	to	Myers Road	All	
Buehler Road	Coyan Road	to Muse Road	Bauermeister Road	All	
Warehouse Road	Coyan Road	to Muse Road	Largent Road	All	
Merion Road	Baart Rd	to End of Curves	Delany Road	All	
Fishhook-Elgin Road	Pepiot Road	to Overturf Road	Hoon Road	All	
Essenprise Road	McCallum Road	to Reynolds Road	Blackburn Road	Gravel Portion	
PH #15	Reynolds Road	to Mesa-Kahlotus Road	Rice Road	All	
Kent Drive	All		Overturf Road	Gravel Portion	

FRANKLIN COUNTY EMERGENCY ROAD CLOSURES AS OF 2:00PM FEBRUARY 19 2017

RCW 42.30.080**Special meetings.**

(1) A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body. Written notice shall be deemed waived in the following circumstances:

(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or electronic mail; or

(b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's web site. An agency is not required to post a special meeting notice on its web site if it (i) does not have a web site; (ii) employs fewer than ten full-time equivalent employees; or (iii) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.

Such notice must be delivered or posted, as applicable, at least twenty-four hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

[2012 c 188 § 1; 2005 c 273 § 1; 1971 ex.s. c 250 § 8.]

C. Emergency Meetings

The OPMA provides that, in the event of an emergency such as a fire, flood, or earthquake, meetings may be held at a site other than the regular meeting site, and the notice requirements of the OPMA are suspended during the emergency. RCW 42.30.070 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30.070>). An agency should, however, provide special-meeting notice of an emergency meeting, if practicable. RCW 42.30.080 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=42.30.080>)(4).

The courts have found that an agency must be confronted with a true emergency that requires immediate action, such as a natural disaster, for its governing body to hold an emergency meeting that does not comply with the OPMA. It has been held that a strike by teachers did not justify an "emergency" meeting by the school board. *Mead School Dist. No. 354 v. Mead Education Ass'n* (<http://courts.mrsc.org/mc/courts/zsupreme/085wn2d/085wn2d0140.htm>) (1975).

RCW 36.40.180

Emergencies subject to hearing—Nondebatable emergencies.

Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by any law, the board of county commissioners may, upon the adoption by the unanimous vote of the commissioners present at any meeting the time and place of which all of such commissioners have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon their minutes, make the expenditures necessary to meet such emergency without further notice or hearing.

[1963 c 4 § 36.40.180. Prior: 1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]

*Discussion / Question
Board motion
Rule 201
Merriman grant*

*Shawn Sat
Wendy -TCH
KVIN
+ 1TV*