

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Bob Koch, Chairman; Rick Miller, Chair Pro Tem; and Neva J. Corkrum, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Troy Woody.

Consent Agenda

Motion - Mr. Miller: I move for approval of the consent agenda as follows:

1. Approval of County Road Fund payroll in the amount of \$70,427.01 and Motor Vehicle Fund payroll in the amount of \$10,178.35, for pay period ending November 13, 2008.
2. Approval **joint Resolution 2008-481** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Personal Service Contract between the Juvenile Justice Center and Sight and Sound Services, for a term commencing November 17, 2008, and terminating on December 15, 2008. (Exhibit 1: Information sheet.)
3. Approval **joint Resolution 2008-482** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Federal Grant Contract, Number I-300-00708, between the Office of Juvenile Justice (OJJ) and the Benton-Franklin Counties Juvenile Justice Center, for a term commencing October 1, 2008, and terminating on June 30, 2009. (Exhibit 2: Information sheet.)

Second by Mrs. Corkrum. 3:0 vote in favor.

Vouchers/Warrants

Motion – Mr. Miller: I move approval of vouchers in the amount of \$126,062.70 as follows: Trial Court Improvement Fund warrant 8255 for \$547.64; Courthouse Facilitator warrant 8256 for \$537.50; Franklin County Enhanced 911 warrant 8257 for \$6,485.76; Current Expense warrants 8258 through 8303 for \$71,256.44; Franklin County Capital Projects warrant 8304 for \$76.50; Current Expense warrants 8305 through 8336 for \$10,193.00; and Current Expense warrants 8337 through 8373 for \$36,965.86.

Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 3)

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Motion – Mr. Miller: I move approval of Salary Clearing payroll warrants 47041 through 47129 for \$174,321.94; warrants 47130 through 47134 for \$77,840.91; and Direct Deposit for \$294,318.83; for a total amount of \$546,481.68. Second by Mrs. Corkrum. 3:0 vote in favor.

The cover sheet also includes the following amounts:

Emergency Management payroll warrants 8209 through 8215 for \$3580.71; warrants 8216 through 8219 for \$1833.59; and Direct Deposit for \$7915.29; for a total amount of \$13,329.59; and

Irrigation payroll warrants 8190 through 8204 for \$7611.58; and warrants 8205 through 8208 for \$1426.10; for a total amount of \$9037.68. (Exhibit 4)

TRAC

TRAC Manager Troy Woody met with the Board.

December Events

Mr. Woody gave the Board a list of events scheduled for December with attendance figures.

Computer Replacement

Mr. Woody said a computer needs to be replaced. He asked if replacement requires Board approval. He knows Board approval is required for additional computers. Mr. Bowen said if the replacement was approved in the original budget, Board approval is not required now. If the original budget had a capital replacement for X amount of dollars, then the Board just needs to be notified. All computers are capital purchases. We have to monitor and track them.

Mr. Woody asked whether the computers are part of Information Services Department's rotating replacement schedule. Mr. Koch said the TRAC computers may need to be separate with the cost put through TRAC's budget so the City of Pasco is part of it.

The Board said to have a resolution prepared for the computer replacement to be tracked through TRAC's capital budget with a transfer from whatever line Mr. Woody

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

has funds available in. The computer will also be placed in the computer pool. The funds should all stay in TRAC line items instead of in Information Services budget.

The reason TRAC's computers are not part of the replacement schedule is because TRAC is not a Current Expense budget. We would be subsidizing TRAC if we did that.

The resolution regarding the computer will be placed on the consent agenda.

Franklin County Awards Banquet

Mr. Woody asked about scheduling the Franklin County Awards Banquet in the future. Mr. Bowen said the Awards Banquet could be held anytime during the year. He said we don't want to bump anything that will bring revenues to TRAC.

Human Resources Director Rosie H. Rumsey joined the meeting.

TRAC will schedule future Awards Banquet for a Saturday in November.

Monthly Report

October 2008 monthly report was reviewed.

Cost Saving Incentive Program

Mr. Woody gave the Board a paper showing a cost saving. Mr. Bowen said the county Awards Policy states an employee can receive up to 10% of the savings up to \$5000. The award would be given to staff only, not management.

Tri-City Herald Reporter Joe Chapman joined the audience.

Renewable Energy

Mr. Bowen asked if the Board would approve doing an energy audit at all county facilities, including TRAC. Mr. Woody said a company is doing an energy audit for TRAC. He would support any other help. The Franklin PUD is working with TRAC and a solar energy company to try to do some sort of solar project in the Pavilion.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Tri-City Herald Reporter Joe Chapman.

Vouchers

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Motion – Mr. Miller: I move that we approve the vouchers for County Road Fund for \$360,069.92; MV & PW Equipment Fund for \$59,252.21; Solid Waste for \$21,395.30; and Solid Waste for \$692.07. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 5)
R170 Road: Standard Consultant Agreement, Supplement #3, between Franklin County Public Works and HDR Engineering, Inc., amending Resolution 2006-503

Mr. Fife told the Board about the additional work that has occurred on the R170 project including two appraisals, an intersection modification, and additional redesigns. The maximum has increased to approximately \$612,000, which is \$93,000 additional. The supplement will get us to the final design and final set of plans as far as the right of way. When we did the project to relocate the canal, we got RAP funding for it. We never did charge that design to do the RAP portion so we have RAP funds to cover this additional cost.

Mr. Fife answered Mr. Miller's questions about the need to pay the additional amounts.

Motion – Mr. Miller: I move that we approve Standard Consultant Agreement Supplement #3 between Franklin County and HDR Engineering, Inc., modifying Resolution 2006-503. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-483.

Surplus and Transfer Title for CS-2027 and CS-2117

Mr. Fife asked for approval to transfer title of two wrecked sheriff's vehicles to Columbia Basin College (CBC). CBC has never charged us for the work they've done on repairing but only for supplies and parts. They would use these vehicles for training in their class. Should we have another one to fix, they would probably want to be paid.

Motion – Mr. Miller: I move that we surplus and transfer title for the CS-2027 and CS-2117 for Columbia Basin College Body Shop for services rendered. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-484.

Sale of Surplus Vehicles to the Juvenile Justice Center (JJC) of Benton and Franklin Counties

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Mr. Fife asked for approval to sell a surplus vehicle to the JJC. The price was based on market value, mileage and condition, plus what we would have gotten at the auction.

Motion – Mr. Miller: I move we approve sale of surplus vehicle to Juvenile Justice Center of Benton and Franklin County for the amount of \$1910 from the Equipment Rental and Reserve Fund. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-485.

Recessed at 9:52 am.

Reconvened at 10:15 am.

PLANNING AND BUILDING DEPARTMENT

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

Closed Record Public Hearing: To consider an appeal of the Planning Commission's recommendation of an application by Easterday Ranches, Inc., for Conditional Use Permit CUP 2008-11. CUP 2008-11 is a land use application for a feedlot (cattle) operation on approximately 960 acres. A CUP is required for all feedlot operations exceeding a maximum head count size of 1000. The property is located in the Agricultural Production 40 (AP-40) Zoning District.

Closed Record Public Hearing convened at 10:15 am. Present: Commissioners Koch, Corkrum and Miller; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; Planner Jeremy Underwood; Chief Civil Prosecuting Attorney Ryan Verhulp; and Clerk to the Board Mary Withers.

Those present in the audience included: Planning Commission members Claude Pierret, Lois Hanses, Burl Booker, Gary Bosch, and Dave Piovesan; and

Darryll Olsen of Columbia-Snake River Irrigators Association, James B_____ of MBLLP, Bill Easterday of WCFA, Ed Field of FCPC, Cody M. Easterday of Easterday Ranches, Inc., Manton Bailie, Jerry Chatelain, Keifer Stoffel of Spokane Ecology, Henry Johnson, Ron Reimann of T&R Farms, Reid Reimann of T&R Farms, Randy Jones of C&R Ranch, Scott J. Collin of Five Corner Family Farmers, Blain Dougherty, Debbie

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Easterday, Jeff Dougherty, Pat Kenny of Five Corner, Tom Graham of UW Environmental Law Clinic, Sheila Thompson Poe, Jennifer Morey of UW Environmental Law Clinic. (Exhibit 6: copy of sign-in page)

Mr. Koch read the procedures for the meeting.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 7).

Mr. MacPherson said the Commissioners, appellants and applicant each received a copy of the official record from the Open Record Hearing in advance. We have a series of three maps that were presented at the Planning Commission Open Record Hearing. He showed them on the screen.

The first map was of the area. The second map showed the proposed facility site improvement map for the feedlot. The third map showed the area that was included as part of the aquifer impairment analysis and identified some wells in the area.

Mr. Wendt referred to the Findings of Fact and Conditions of Approval on the Action Summary. He said appellant Scott Collin has presented his appeal information which has been broken down into six different questions. Planning staff has prepared responses and findings to each one of those to assist the Board as needed. The Planning Commission has recommended approval. If the Board wishes to go against the Planning Commission decision, staff will help you with that process.

Mr. Koch said the appellant or representative can speak, taking 10 minutes.

Pat Kenney spoke, representing the Five Corners Group. He read from a paper. He said we believe the recommendation to approve CUP 2008-11 is wrong and was premised on a number of errors falling into the following three categories: errors with conditions of the CUP, errors with findings of fact, and errors with environmental review. We're asking that you reject the CUP or at the very least remand it to the Planning Commission for further review in light of these errors. He explained each of the categories he had listed.

Mr. Koch said the opponent can speak, taking 12 minutes because Mr. Kenney took 12 minutes.

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Cody Easterday from Easterday Ranches spoke. He said we've researched the site because of its remoteness from areas we could cause harm to. We believe it will add a tremendous tax base to Franklin County and the local communities and schools. As far as the water is concerned, there have been some issues which we have addressed. We were asked to encase our water to the Grande Ronde aquifer so we don't impair other water. Even though this is not mandatory by the Department of Ecology when it comes to stock water, we agreed to it and we believe that it will prevent -- we know that it will prevent any impairment to neighboring wells. Secondly, there have been some definitions on the stock water. Obviously we're using the AG's opinion in 2005. In 2001 the Pollution Control Hearings Board defined stock water. He read a definition from a paper. I encourage you to issue this conditional use permit as it will be a benefit for the county and there is a tremendous amount of support for it. Mr. Easterday said I do have experts in the crowd if there are questions.

Mrs. Corkrum asked is that a true statement that it can't be used for dust control? I just heard Cody say it could be but the opponent said no. Mr. MacPherson said there was a ruling with case findings of what were allowable uses which Mr. Easterday just read, controlling dust and watering and so forth.

Mr. Miller said he had no questions.

Mr. Koch said I believe it's pretty much straightforward. What I heard originally before even the Planning Commission side of it was water. I haven't talked to anybody since on this. I've been involved in the Ground Water Management Area (GWMA) for almost four years and have somewhat of a background of what GWMA has done in mapping waters and where the aquifers are and how they're controlled at the peaks and flows. There are a number of maps available to watch that damming effect that they have with the basalt layers. With that background and looking at some of those depths and maps of going to the Grande Ronde, I would -- From what I've heard all the wells out there now are on 700 to 800 foot level. Is that pretty true?

Claude Pierret said our well goes down 1000 feet but it's quite a ways east of this property.

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Randy Jones his well goes down 570 feet with water at 510 feet.

Scott Collin said his well goes down 800 feet, but in talking to the DNR, elevations have an awful lot to do with it too so I'm in a gray area.

Sheila Thompson Poe said the 2001 court case of *DeVries v. Ecology* has been overturned. I think that needs to be made clear. There's a new ___ v Ecology from Court of Appeals in 2003.

Mr. MacPherson said that information was never brought up as part of the record.

Mr. Koch said by going down into the Grande Ronde you're somewhere around 1150 to 1250 feet.

Darryll Olsen, Resource Economist and Administrator for Columbia Snake River Irrigators Association, said we are the ones who prepared a report of examination and detailed information on the water right. The two major things we looked at were the legal qualifications of the water right as an exempt well. We also have legal counsel available to answer any questions you may have. We also did three sets of detailed impairment analyses. Mr. Olsen said to give you the short answer, we see no record of impairment of the technical review that we have done as far as the new well.

We did look at the two closest wells that were directly in the Grande Ronde formation, the Pepiot and Russ-Hill Farms, and concluded there was no impairment to this. We also concluded there would be no impairment to residential wells. Nevertheless, we did look at all available records and information and concluded even the nearest residential well with Grande Ronde was a further distance than Pepiot and consequently would not have impairment. He explained further about efforts to determine impairment. He said as there is no impairment of the nearest wells, we concluded that there is no impairment to the well fields.

Mr. Koch said he has no other questions. Mr. Miller and Mrs. Corkrum had no questions.

Motion – Mr. Miller: Mr. Chairman, as a past farmer and in GWMA also and to read all this here, I'd like to make a motion to deny the appeal request as described in the Franklin County Action Summary. Further, the Board of Commissioners of Franklin County

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

re-affirms the Planning Commission's positive recommendation and approves Conditional Use Permit CUP 2008-11 subject to the six findings of fact and subject to the 17 conditions. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-486.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Public Works Contract: Perfection Glass

Mr. Bowen asked for approval of a contract with Perfection Glass. The City of Pasco has approved the work.

Motion – Mr. Miller: I move approval to authorize Public Works contract with Perfection Glass to install pressure bar and cover all vertical and horizontal meeting joints on the exterior marble wall at the Franklin County Annex, in an amount not to exceed \$9882.38 to be paid from the Miscellaneous Courthouse Renovation Fund #310-000-001. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-486.

Executive Session at 10:53 am based on RCW 42.30.110(1)(g), evaluate qualifications of applicant for employment or review performance of public employee, and based on RCW 42.30.140(4) contract negotiations, expected to last 15 minutes.

Open Session at 11:02 am.

Designation of time of meetings

The Board asked that a resolution be prepared designating that Board meetings will be held on Mondays and Wednesdays with Special Board meetings being held according to the RCW laws.

Requests to be notified of meetings

Joe Chapman joined the audience.

Mr. Bowen said the county does not have an obligation to send out the agenda unless there is a written request on file in the Commissioners Office.

Mr. Chapman said he the Tri-City Herald will send an official written request.

Indigent Defense Contracts

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Mr. Bowen asked for approval to continue with our existing indigent defense contract forms and for approval to ask for interested parties to apply for the positions. Notices will be put in the Tri-City Herald, Franklin County Graphic and with the Bar Association.

Motion – Mr. Miller: I move that we put the indigent defense contracts out to attorneys for continuation of services under the existing contract. Second by Mrs. Corkrum. 3:0 vote in favor.

Health District Budget

Mr. Bowen said the Health District budget has been balanced by using cash carryover amounts. There will be no layoffs. Installation of new medical records system software will be continued. Mrs. Corkrum said she feels that cities and towns should contribute to public health. The legislature will be asked to make this change.

Mr. Bowen said with Franklin County forgoing billing the Health District for utility expenses for the Franklin County Annex and the \$30,000 lease, our budget contribution would increase \$2000, at \$3.55 per capita. Altogether the county will be contributing about \$48,000 more.

MID-COLUMBIA LIBRARY DISTRICT (MCL)

MCL District Executive Director Danielle Krol and Board of Trustees Chair Sandra LePage met with the Board. Present in audience: Joe Chapman.

Ms. LePage said we have contracted with Othello for library services since 1994. In 2001 the southern part of Adams County formed Rural Library District #1. Now the library district wants to contract with us. The City of Othello would approve the change. Both Benton and Franklin County Commissioners also have to approve the change.

Ms. Krol told the Board about the negotiations with Othello and the Adams County Library District. She said we are negotiating contract fees at this time.

Mr. Koch asked are they going to be able to get their levy up to a point that you need to continue service up there? Ms. Krol said that's a great question because that's what we're discussing right now. Benton and Franklin County citizens are paying

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

43 cents per thousand. The rate is 31-1/2 cents in Adams County. We were working that out with them. She explained some of the financing information.

Mr. Koch said I could agree with the change if they come up to your levy standard. Ms. LePage answered his question about how Othello and the Adams County Library District are funding the contract at this time. Ms. Krol said we have not renegotiated the contract in 14 years because it basically just rolled over. We have contracts with five cities. If the cities want to change the terms or pull out, they have to give one year's notice.

Mr. Koch said I could agree with contracting with them if they can come up to your levy standards, up to your revenues.

Mr. Koch said he does not feel the Adams County Library District should have a standing person on the MCL Board. Ms. Krol said we received your letter sent last year. Benton County also felt that way. Mr. Koch said Adams County Library District could have a person sit on the board but not be a voting member. They're not in the district and don't have the type of financial interest that the other two counties have.

Mrs. Corkrum asked what's the status of the City of Pasco? Ms. LePage said we're still negotiating with them. Ms. Krol said we're having a library board meeting tonight that includes the Pasco library remodel. Pasco has agreed to meet some of the guidelines that we talked about so a contract to move ahead with the remodel is on the agenda tonight. We don't know where the City of Pasco will go. They have hired a consultant who has presented some recommendations. We're hopeful they will stay with MCL. The remodel will take about two months. We will have a bookmobile at the library as well as staff.

Ms. LePage said citizens of Pasco belong to the MCL District. That means they can frequent any library we have without any more fees. We're not closing library services while we remodel. They have lots of other library options.

Ms. Krol said we did discover people are visiting other libraries. People can visit libraries in 10 cities in three counties. Ms. LePage said we have a far larger collection than the City of Richland library.

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

Ms. LePage said we need to consider the fact that we may be contracting with Adams County Library District #1 and need to know how you feel about that instead of contracting with the City of Othello.

Mrs. Corkrum said the consensus is what Mr. Koch said, that we wouldn't want to subsidize them. Ms. Krol asked the Commissioners if we can receive a resolution to that effect from commissioners. We will have to meet with Benton County.

The Board gave **consensus agreement**.

Ms. Krol said the Benton County Commissioners have said they will consider a resolution as well.

The Board asked Ms. Krol and Ms. LePage to prepare a resolution with help from the Commissioners office staff.

MINUTES

Motion – Mrs. Corkrum: I move for approval of Commissioners Proceedings for November 10, 2008. Second by Mr. Miller. 3:0 vote in favor.

Recessed at 11:28 am until 1:30 pm at Basin City Fire Hall, 6725 Road 170, for a Special Board Meeting.

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 17, 2008

There being further business, the Franklin County Board of Commissioners meeting was recessed until afternoon of November 17, 2008, for a Special Board Meeting to be held at Basin City, Washington.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed November 19, 2008.