

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for March 9, 2011

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Robert E. Koch, Chairman; and Brad Peck, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Rick Miller, Chair Pro Tem, was absent on county business to attend a National Association of Counties (NACo) meeting in Washington, D.C. Meeting convened at 9:01 am.

OFFICE BUSINESS

Present in audience: Tri-City Herald Reporter Kristi Pihl.

Preston Winery

Motion – Mr. Peck: I would move for approval of request from Preston Winery for an event to be held on their grounds on August 6, 2011, as described in the letter. Second by Mr. Koch. 2:0 vote in favor. (Exhibit 1)

Legislative Steering Committee

Troy Woody joined the audience.

Mr. Koch gave a report on the meeting he attended last week including an update on extraordinary criminal justice costs.

Burn Permits

Mr. Peck gave an update about his work regarding burn permits. He feels we are responsible for our individual actions and if a person wants a burn permit they need to be responsible for the activities and the consequences if there is some damage. Mr. Peck said I'm adjusting my position and recommending as a Board that we propose to the Franklin Conservation District that they create a hold harmless agreement stating that the permittee (the person requesting the burn permit) would need to sign holding the Conservation District harmless and agreeing to indemnify them and protect them if there is a lawsuit, and also have the Conservation District possibly require some evidence of liability insurance. How much could be discussed. He thinks it is probably a better, simpler, easier and more equitable solution.

Mr. Koch has also talked to Chief Civil Deputy Prosecutor Ryan Verhulp about the exact same thing. He said we call it a "burn permit" but the only control the Department of Ecology (DOE) has is regarding air quality. The permit is for air quality only. He thinks calling it a burn permit is a fallacy. If a person gets an ag burn permit, they are getting a permit to burn wheat

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stubble for instance. There are three zones in Franklin County that were determined three or four years ago with the DOE and Franklin Conservation District so that in Spokane the DOE can look at their air quality monitoring model and say yeah or nay to burning in relationship to air quality.

Someone who starts a fire is liable if the fire gets away from them and there are consequences. Before they can create an air quality issue, they have to wait to get an okay (via a permit) from DOE to do that. Mr. Koch thinks by using the word "burn," it's really confusing the issue.

Mr. Peck said he does not have any problem with changing the name of it. The real issue is if the Conservation District has a hand in approving the activity, then there is a potential for liability to accrue. Even if it were called an air quality permit, if a fire got out of control he can still see the potential for the Conservation District to be sued. The distinction is probably meaningful for us, but if an issue occurred he thinks everyone remotely connected would be sued.

Mr. Koch agrees that the person who applies for the permit should maybe sign a hold harmless agreement and show proof of insurance.

The Board expects to receive further information from the Prosecutor's Office before making a decision.

TRAC

TRAC General Manager Troy Woody met with the Board. Present in audience: Kristi Pihl.

Executive Session at 9:18 am for contract negotiations based on RCW 42.30.140(4)(b) expected to last up to 15 minutes. Ms. Pihl left the meeting.

Open Session at 9:33 am.

Kristi Pihl and Sharon Paradis joined the audience.

Mr. Peck suggested hiring a professional appraiser, not driving toward any outcome or necessarily any action, but increasing our knowledge about the value of county property.

Motion – Mr. Peck: I move that we hire a professional commercial real estate appraiser to give us some input and advice and an assessment of what the value of the property of TRAC is and associated properties. Second by Mr. Koch. 2:0 vote in favor.

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Capital Projects 2011

Mr. Woody reviewed his request for funding of capital projects in 2011. The cost to replace the digital readerboard is about \$90,000 (a change from \$50,000). If the funding is approved, Mr. Woody recommended eliminating banquet chairs and/or atrium floor resurfacing from the list in order to replace the readerboard. He asked the Board to provide input for a few weeks. After the Board makes a decision, it will be sent to City of Pasco for review.

There was discussion about what types of projects the .09 funding can be used for.

Mr. Peck said he feels the true cost for TRAC is in the range of \$650,000 per year. Mr. Woody agreed with that assessment

Mr. Peck and Mr. Koch both would eliminate floor resurfacing before giving up replacement chairs.

Gas Bill: Utility Issues

Mr. Woody will be meeting with power company representatives today.

Jerrod MacPherson joined the audience.

Miscellaneous Item

Mr. Woody has had requests from businesses to allow building a coffee shop on the TRAC property on Burden Boulevard. Mr. Bowen said it would have to be reviewed by the bonding experts.

OFFICE BUSINESS (9:45 am)

Administrative Assistant Toni Fulton met with the Board. Present in audience: Jerrod MacPherson, Sharon Paradis and Kristi Pihl.

Consent Agenda

Motion - Mr. Peck: Mr. Chairman, I move for approval of the consent agenda as presented.

Second by Mr. Koch. 2:0 vote in favor.

1. Approval of Resolution 2011-087, Professional Services Agreement with Attorney Nicole Preszler to provide indigent defense services in Franklin County District Court during initial arraignments
2. Approval of Resolution 2011-088, letter to Baker Boyer National Bank regarding New Waste Landfill -- post-closure trust

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3. Approval of Resolution 2011-089, Agreement between Franklin County and Tri-Cities Visitor and Convention Bureau (TCVCB) for visitor center to be located at the front entrance of the TRAC Center
4. Approval of Resolution 2011-090, Amended Professional Service Agreement to provide legal representation to indigent persons in Benton and Franklin Counties Juvenile Court Division between the Juvenile Justice Center (JJC) and Julie A. Brown, amending Franklin County Resolution 2010-393
5. Approval of Resolution 2011-091, appointment of Pat Underwood to the Mental Health Advisory Board for a three-year term expiring December 31, 2013
6. Approval of Resolution 2011-092, amending the 2010-2012 Collective Bargaining Agreement between Benton and Franklin Counties, Juvenile Justice Department, and the Washington State Council of County and City Employees, AFSCME, Council 2, Local 3892 (Juvenile Clerical)
7. Approval of Resolution 2011-093 setting the contribution for employee benefits for 2011 for non-bargaining employees in Human Services, Juvenile Justice, and Superior Court engaged in joint Benton-Franklin County operations
8. Approval as requested by the Housing Authority of the City of Pasco and Franklin County on form titled Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan (Exhibit 2)
9. Approval of payroll of County Road Fund for \$69,727.21 and Motor Vehicle Fund for \$10,520.93
10. Approval of Resolution 2011-094, authorizing Information Services to purchase 65 additional voicemail box licenses for the Prosecuting Attorney's and Auditor's Offices

Vouchers/Warrants

Motion - Mr. Peck: Mr. Chairman, I would also move for approval of Current Expense vouchers as presented in the total amount of \$209,516.62. Second by Mr. Koch. 2:0 vote in favor.

Landfill Closure Trust Fund warrant 46467 for \$2378.55; Current Expense warrants 46468 through 46522 for \$47,987.78; Current Expense warrants 46572 through 56609 for \$40,185.24; Current Expense warrants 46610 through 46736 for \$109,245.87; Auditor O&M warrants 46737 through 46739 for \$584.57; Election Equipment Revolving warrants 46740 through 46744 for \$4405.89; Crime Victims/Witness Assist warrants 46745 and 46746 for

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\$823.50; Sheriff's Narcotic Trust warrant 46747 for \$181.94; Jail Commissary warrants 46748 through 46751 for \$2788.95; Enhanced 911 warrant 46752 for \$374.00; Law Library warrant 46753 for \$379.04; RV Park warrant 46754 for \$174.89; and Enhanced 911 warrant 46755 for \$6.40; for a total amount of \$209,516.62. (Exhibit 3)

COUNTY ADMINISTRATOR (9:57 am)

County Administrator Fred Bowen and Juvenile Justice Center (JJC) Director Sharon Paradis met with the Board. Present in audience: Rosie H. Rumsey and Kristi Pihl.

OJJDP Grant Application

The Tri-Cities Gang Intervention Valuing Intervention and Support Task Force (TC-GIVES) has been established. A grant application has been prepared for a \$750,000 grant over the course of three years (\$250,000 per year). There is no match. The grant is intended to drive a comprehensive community approach to the gang problem, looking at suppression, prevention and intervention. The application is due today. Benton County, Connell and Prosser are also participating. If received, there is no long-term commitment.

Motion – Mr. Peck: I move for approval of the letter as presented and ask the chairman to sign on behalf of the Board. Second by Mr. Koch. 2:0 vote in favor. (Exhibit 4)

Ms. Paradis left the meeting.

Public Records Act Training

Mr. Bowen asked for approval for staff to attend Public Records Act Spring Training on April 13 in Yakima. The Board **gave approval**. The Board will schedule a Special Board Meeting on Monday, April 11.

Board Meeting schedule changes

Because of lack of quorum, a Special Board Meeting will be scheduled for Monday, May 16 (replacing May 18), and a Regular Board Meeting will be scheduled for Thursday, July 21 (replacing July 20).

City of Pasco's request for public hearing

The Board decided to have a commissioner and the county administrator meet with City of Pasco regarding the request by the Pasco School District to implement impact fees on new development.

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Authority of the Chairman

Municipal Research and Services Center (MRSC) has sent a response about the authority of the chair. Mr. Bowen's understanding is that items that were in a pre-approved budget could be signed by the chairman prior to official Board action.

Mr. Koch said what we're trying to fix is to make sure we are getting vouchers paid in the timely fashion, not giving any more authority to any one person than what is needed to carry on the day's business. Mr. Peck said I would agree with what Commissioner Koch has just said and would add that it might be fruitful for us to draft a resolution that the Board would use to delegate certain routine authorities to the chair, whoever it is, from year to year. Those would be things like payroll approvals and things that are almost exclusively administrative. The list of delegated duties would be very short but also very helpful.

Human Resources

Executive Session at 10:22 am regarding contract negotiations based on RCW 42.30.140(4) expected to last up to 30 minutes. Ms. Pihl left the meeting.

Open Session at 10:50 am.

Motion – Mr. Peck: Mr. Chairman, I would move for approval of the Memorandum of Agreement, Addendum to Resolution 2008-176, for the 2009-2011 Collective Bargaining Agreement between Franklin County and Local 874CH (Courthouse Clerical) of the American Federation of State, County, and Municipal Employees, and the Washington State Council of County and City Employees, Council 2, (union) for the year 2011 as are delineated in this written resolution. Second by Mr. Koch. 2:0 vote in favor. Resolution 2011-095 was signed.

Motion – Mr. Peck: I move for approval of Memorandum of Agreement as presented, Addendum to Resolution 2008-174, for the 2009-2011 Collective Bargaining Agreement between Franklin County and Local 2658-F (Appraisers) of American Federation of State, County and Municipal Employees and the Washington State Council of Council and City Employees (WSCCE AFSCME AFL-CIO) in the matter of providing contribution to employee benefits and contractual leave for the year 2011. Second by Mr. Koch. 2:0 vote in favor. Resolution 2011-096 was signed.

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Motion – Mr. Peck: Mr. Chairman, I move for approval of Memorandum of Agreement for 2010 and 2011 between Franklin County and the Franklin County Sheriff and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial Service Workers (USW) International Union, Local 12-369, on behalf of Sheriff's Patrol Deputies of Franklin County, Washington, as presented in the resolution from the County Administrator. Second by Mr. Koch. 2:0 vote in favor. Resolution 2011-097 was signed.

Adjourned at 11:03 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until March 16, 2011.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Robert E. Koch, Chairman

Rick Miller, Chairman Pro Tem

Brad Peck, Member

Attest:

Clerk to the Board

Approved and signed March 16, 2011.