

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

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 Brad Peck, Chairman; Rick Miller, Chair Pro Tem; and Robert E. Koch, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Meeting convened at 9:00 am.

PROSECUTOR

Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Jim Follansbee, Rich Lahtinen, Jerrod MacPherson, Roger Lenk, Gray Douglas, Ed Thornbrugh, Rosie Rumsey and a woman TV reporter. Tri-City Herald Reporter Michelle Dupler joined the audience during the meeting.

Ordinance imposing a six-month moratorium on medical marijuana collective gardens in Franklin County

Mr. Verhulp answered the Board's questions about the ordinance. He noted the Board may decide to schedule a public hearing within 60 days. He said the term "collective gardening" is used in the sense of allowing marijuana to be grown for more than one user so it is a central location of a garden that grows marijuana for potentially multiple users. At this time the ordinance will not allow collective gardens to be had in Franklin County absent further action of the Board. The Board would need to pass an alternative ordinance in the future to set forth guidelines to allow for the permitting of medical marijuana collective gardens. He noted that moratoriums have been a common practice imposed by public entities since this law has come into effect to allow them time to decide how and in what way they might regulate collective gardens. The matter could come before the Board again if the Board wishes to adopt a change to its county zoning ordinance in regards to regulating marijuana gardens. Mr. Verhulp said another reason the matter was brought before the county at this time is because of recent state legislation legalizing the possession of small amounts of marijuana and uncertainty about how that law might affect this law on medical marijuana.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

Motion – Mr. Koch: Mr. Chairman, I move for approval of Ordinance Number 5-2012 regarding an ordinance imposing a moratorium on medical marijuana collective gardens in Franklin County. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 1)
State of Washington Department of Ecology Waste 2 Resources Program Application for Remedial Action Grant at Pasco Sanitary Landfill

Mr. Verhulp explained the grant application process and answered questions from the Board.

Motion – Mr. Miller: Mr. Chairman, I move that we approve the submittal for the Remedial Action grant application regarding the Pasco Sanitary Landfill. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-423 was approved.
Amendment to Personnel Policy Section X

Human Resources Director Rosie H. Rumsey joined the meeting.

Motion – Mr. Koch: Mr. Chairman, I move for approval regarding amendment to Personnel Policy adopted by Resolutions 88-32 and 89-14 and revision of the existing Franklin County Personnel Policy for non-bargaining unit employees, Section X. Second by Mr. Miller. 3:0 vote in favor. Resolution 2012-424 was approved.

OFFICE BUSINESS

Administrative Assistant Margo Hines met with the Board. Present in audience: Jim Follansbee, Troy Woody, Michelle Dupler, Roger Lenk, Gray Douglas, Tim Waters and Ed Thornbrugh. Tri-City Herald reporter Bob Brawdy joined the audience during the meeting.

Vouchers

Motion – Mr. Koch moved for approval of vouchers:

Salary Clearing Payroll warrants 57533 through 57536 for \$321.75 and Benefits warrants 57537 through 57539 for \$27.87 for a total amount of \$349.62. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 2)

Salary Clearing Payroll:

Payroll	57533-57536	321.75
Direct Deposit		0.00
		321.75
Benefits	57537-57539	27.87
	Total	\$349.62

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

Motion – Mr. Koch moved for approval of vouchers for County Road and Motor Vehicle payroll in the bottom line of \$117,466.05, signed by Mr. Burckhard and prepared by Kristina Bahovich. Second by Mr. Miller. Mr. Bowen found no issues with the vouchers. 3:0 vote in favor.

(Exhibit 3)

<u>Fund</u>	<u>Warrant</u>	<u>Amount</u>
County Road		
Payroll	75501-75525	30,247.03
Direct Deposit		35,516.56
		65,763.59
Benefits	75526-75535	34,704.14
	Total	\$100,467.73
 Motor Vehicle		
Payroll	75536-75554	\$5,301.63
Direct Deposit		5,519.17
		\$10,820.80
Benefits	75555-75564	6,177.52
	Total	\$16,998.32
	Grand Total	
	All Payrolls	\$117,466.05

Motion – Mr. Koch moved for approval of fund expenditures for a total of \$681,474.74 signed by Mr. Burckhard and audited by Julie Jordan. Second by Mr. Miller. Mr. Bowen has reviewed the vouchers. The Auditor's office has recommended Board approval but will hold one voucher for \$140.84 due to an overpayment amount that exceeds an approval level set by the Commissioners.

Motion was amended – Mr. Koch amended the bottom line of the fund expenditures to read \$681,333.90. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 4) One warrant in the amount of \$140.84 was removed from the following list.

<u>Fund Expenditures</u>	<u>Warrants</u>	<u>Amount Issued</u>
Current Expense	Excise Tax	\$2,378.63
TRAC Operations Fund	Excise Tax	\$182.40

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

Current Expense	75319	75371	\$46,849.84
Current Expense	75372	75412	\$64,181.49
Auditor O & M	75413	-	\$22.55
Supplemental Preservation Fund	75414	-	\$284.22
Veteran's Assistance	75415	75417	\$1,473.64
Motor Vehicle/Public Works	75418	-	\$167.20
County Roads	75419	75460	\$224,536.13
Solid Waste	75461	75465	\$1,624.73
Motor Vehicle/Public Works	75466	75500	\$121,001.59
Dept of Commerce Pass Through	75565	-	\$17,526.56
Current Expense	75566	75574	\$18,230.63
Election Equipment Revolving	75575	75581	\$62,058.54
Crime Victims/Witness Assist	75582	-	\$5,894.18
Jail Commissary	75583	75586	\$2,132.19
Enhanced 911	75587	75589	\$70,337.42
Ending Homelessness Fund	75590	75591	\$10,101.00
FC Capital Projects Fund	75592	-	\$8,759.23
TRAC Operations Fund	75593	75612	\$23,732.57

Minutes

Motion – Mr. Miller: Mr. Chairman, I move that we approve the proceedings for December 5, 2012, and also December 12, 2012. Second by Mr. Koch. 3:0 vote in favor.

Consent Agenda

WSU Extension Interim Director Tim Waters answered questions about consent agenda item #9.

Motion - Mr. Miller: Mr. Chairman, I move that we approve the consent agenda as listed.

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

1. Approval of Resolution 2012-425, Amendment #4 to Professional Services Agreement to provide legal representation to indigent persons in Benton-Franklin Counties Juvenile Court Division between Benton and Franklin Counties and Mary S. Poland, BFJC1212MSP004A
2. Approval of letter requesting renewal of Delegation of Authority to Franklin County for the years 2013 and 2014 for agricultural burning permits to Mr. Kary Peterson, Agriculture and

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

Open Burning Unit Supervisor, Washington State Department of Ecology Agricultural Burn Program (Exhibit 5)

3. Approval of Resolution 2012-426, Interlocal Cooperative Agreement #ICA13377 between State of Washington Administrative Office of the Courts and Franklin County for the purpose of distributing funds for court interpreter expenses to the Franklin County District Court
4. Approval of Resolution 2012-427, authorizing the Board Chair to sign amendments to the Homeless Housing and Assistance bi-county subcontracts upon approval as to form by attorneys: First Amendment to Agreement #2012-HHAA-LCC and First Amendment to Agreement #2012-HHAA-BFCAC
5. Approval of Resolution 2012-428, Inter-Budget Transfer of \$30,000 from the 2012 Current Expense Non-Departmental Budget #001-000-700, line item 519.90.00.0001 (Contingency) to the Public Defense Budget #001-000-180, line item 512.81.41.1000 (Miscellaneous Professional Services); and of \$30,000 from the 2012 Current Expense Non-Departmental Budget #001-000-700, line item 519.90.00.0100 (Reserves) to the Public Defense Budget #001-000-180, line item 512.81.41.1000 (Miscellaneous Professional Services)
6. Approval of Resolution 2012-429, Professional Services Agreement to provide legal representation to indigent persons in Franklin County Superior Court, #FCSC1314PY001, between Peyman Younesi and Franklin County
7. Approval of Resolution 2012-430, Professional Services Agreement to provide legal representation to indigent persons in Franklin County Superior Court, #FCSC1314AHL001, between Albert H Lin and Franklin County
8. Approval of Resolution 2012-431, Intergovernmental Agreement for State Purchasing Cooperative between Franklin County and the State of Washington, Department of Enterprise Services
9. Approval of Resolution 2012-432, Interagency Agreement Amendment between Franklin County and Washington State University Extension

COUNTY ADMINISTRATOR (9:47 am)

County Administrator Fred Bowen met with the Board.

TRAC

TRAC General Manager Troy Woody also met with the Board. Present in audience: Frances Watson, Bob Brawdy, Jim Follansbee, Michelle Dupler, Roger Lenk, Gray Douglas, Rich Lahtinen, Troy Woody and Tim Waters.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

Request to increase TRAC bottom line budget by up to \$150,000

Mr. Woody requested approval to set a public hearing to increase the TRAC bottom line budget by up to \$150,000. He anticipates using only somewhere between \$25,000 and \$50,000 of the request but past practice has always been that December is a swing month so we are asking for the increased amount so bills will not be held up. He will have a very firm number by the end of the week.

Motion – Mr. Koch – I move for approval to hold a public hearing to consider increasing the bottom line of the 2012 TRAC budget. Second by Mr. Miller. 3:0 vote in favor.

Recessed at 9:55 am.

Reconvened at 10:07 am.

PROSECUTOR

Deputy Prosecutor Janet Taylor, Human Resources Director Rosie H. Rumsey and Human Services Administrator Ed Thornbrugh met with the Board. Present in audience: Jim Follansbee, Rich Lahtinen, Roger Lenk, Gray Douglas and Michelle Dupler.

Executive Session at 10:10 am to discuss contract negotiations pursuant to RCW 42.30.140(4) expected to last up to 45 minutes. Mr. Peck stipulated for the record that should we be able to conclude this sooner than 45 minutes, we reserve the right to come back into session prior to 45 minutes. Ms. Rumsey left the meeting at 10:12 am due to a conflict of interest and returned to the meeting later. Mr. Thornbrugh left the meeting during the executive session.

Open Session at 10:55 am.

Executive Session continued at 10:55 am expected to last 20 minutes.

Open Session at 11:18 am. A TV reporter joined the audience.

Executive Session continued at 11:20 am expected to last 10 minutes. The reporter left the audience.

Open Session at 11:30 am. No one was present in the audience.

OTHER BUSINESS (11:30 am)

Janet Taylor and Rosie Rumsey met with the Board. No one was present in the audience. Collective Bargaining Agreement between Franklin County and Correctional Officers' Association

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

Ms. Taylor said she has received notice that the Corrections union has ratified the agreement. The agreement is not prepared for Board signature. She asked for Board approval to ratify the agreement as negotiated and sign a resolution today that would implement two of the changes that are time sensitive. She answered the Board's questions and summarized the changes that have been made.

Motion – Mr. Miller: Mr. Chairman, I would move that we approve the Collective Bargaining Agreement between Franklin County and the Fraternal Order of Police (FOP) Tri-City Lodge No. 7, Franklin County Correctional Officers' Association. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-433 was approved.

Prosecutor's Office: District Court contract with Jennifer Johnson

Motion – Mr. Miller: I move that we approve the resolution to approve the Independent Attorney Agreement to provide special District Court prosecution for Franklin County. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-434 was approved.

Motion – Mr. Miller: I move that the chairman will be able to sign the contract on behalf of the Board. Second by Mr. Koch. 3:0 vote in favor. Mr. Peck signed the contract attached to Resolution 2012-434.

2013 Commissioner Board organization and committee assignments (11:47 am)

Motion – Mr. Miller: Mr. Chairman, I move that we approve the 2013 committee assignments as just discussed. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-435 was approved.

Oath of Office

The Oath of Office was administered to Brad Peck and Robert E. Koch to serve as Franklin County Commissioners for terms beginning January 1, 2013.

ADJOURNMENT

Motion – Mr. Miller: Mr. Chairman, I move to adjourn at 12:10 pm. Second by Mr. Koch. 3:0 vote in favor.

Adjourned at 12:10 pm.

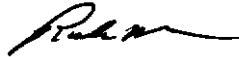
COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for December 19, 2012

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until January 3, 2013.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Brad Peck, Chairman



Rick Miller, Chairman Pro Tem



Robert E. Koch, Member

Attest:


Clerk to the Board

Approved and signed January 9, 2013.

ORDINANCE NUMBER 5-2012**AN ORDINANCE IMPOSING A MORATORIUM ON MEDICAL MARIJUANA COLLECTIVE GARDENS IN FRANKLIN COUNTY.**

WHEREAS, in 1998, the Washington voters chose to remove criminal penalties for patients who use medical marijuana for debilitating or terminal conditions; and,

WHEREAS, for the preceding 30+ years, production, sale, possession or dispensing of marijuana was a crime in the State of Washington; and,

WHEREAS, in 2011, the legislature has sought to expand the opportunities to grow, produce, process and dispense medical marijuana in the State of Washington; and

WHEREAS, the U. S. Attorney's Office has notified the legislature and the governor that such state legislation will not shield Washington citizens from the potential for federal prosecution; and

WHEREAS, the production, processing or dispensing of medical marijuana is an important public issue and the improper location of such facilities could cause serious harm to vulnerable populations, including youth; and

WHEREAS, the Board of County Commissioners has the authority pursuant to RCW 36.70.795 to adopt a moratorium without holding a public hearing (as long as a public hearing is held on the adopted moratorium within at least 60 days of its adoption) and whether or not there is a recommendation on the matter from the Planning Commission that may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such longer period. A moratorium may be renewed for one or more six-month period(s) if a subsequent public hearing is held and finding of fact are made prior to each renewal; and,

WHEREAS, the Board of County Commissioners finds a sufficient basis to establish the moratorium, believes that the above mentioned circumstances constitute an emergency, and that it is in the public's best interest (to protect the public's safety, health and general welfare) to maintain the status quo of the area pending the County's consideration of amending zoning classifications based on further study and public analysis; and

WHEREAS, the Board of County Commissioners intends for these recitals to constitute its "findings of fact" as required by RCW 36.70.795; and

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Franklin County, Washington, as follows: The Board of County Commissioners hereby adopts this Ordinance to establish for six months the moratorium on the acceptance and processing of any permit application to locate any facilities for the growing, production, processing and/or dispensing of medical marijuana prior to further study and public analysis on parcels located within unincorporated Franklin County and to establish a moratorium on the use of land or buildings for the growing, production, processing and/or dispensing of medical marijuana in unincorporated Franklin County.

PASSED this 19 day of December, 2012.

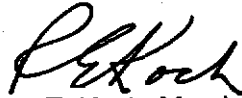
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Brad Peck, Chair



Rick Miller, Chair Pro Tem

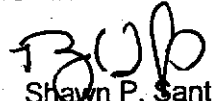


Robert E. Koch, Member

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:

By: 
Shawn P. Sant
Prosecuting Attorney



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

December 17, 2012

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, December 17, 2012
 move that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
Salary Clearing Payroll:		
Payroll	57533-57536	321.75
Direct Deposit		0.00
		321.75
Benefits	57537-57539	27.87
	Total	\$349.62
 Emergency Mgmt Payroll:		
Payroll		\$0.00
Direct Deposit		0.00
		\$0.00
Benefits		0.00
	Total	\$0.00
 Irrigation Payroll:		
Payroll		\$0.00
Direct Deposit		0.00
		\$0.00
Benefits		0.00
	Total	\$0.00
Grand Total All Payrolls		\$349.62

In the total amount of **\$349.62**

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

The attached payroll has been approved by Auditor or Deputy

Payroll Prepared By



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

December 20, 2012

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, December 20, 2012
 move that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
County Road		
Payroll	75501-75525	30,247.03
Direct Deposit		35,516.56
		65,763.59
Benefits	75526-75535	34,704.14
	Total	\$100,467.73
Motor Vehicle		
Payroll	75536-75554	\$5,301.63
Direct Deposit		5,519.17
		\$10,820.80
Benefits	75555-75564	6,177.52
	Total	\$16,998.32
	Grand Total All Payrolls	\$117,466.05

In the total amount of **\$117,466.05** (\$100,467.73 + \$16,998.32)

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

The attached payroll has been approved by Auditor or Deputy

Payroll Prepared By



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

12/19/2012

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 43.24.080, expense reimbursement claims.

Action: As of this date, 12/19/2012

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.

FUND Expenditures	WARRANTS		AMOUNT ISSUED
Current Expense	Excise Tax		\$2,378.63
TRAC Operations Fund	Excise Tax		\$182.40
Current Expense	75319	75371	\$46,849.84
Current Expense	75372	75412	\$64,181.49
Auditor O & M	75413	-	\$22.55
Supplemental Preservation Fund	75414	-	\$284.22
Veteran's Assistance	75415	75417	\$1,473.64
Motor Vehicle/Public Works	75418	-	\$167.20
County Roads	75419	75460	\$224,536.13
Solid Waste	75461	75465	\$1,624.73
Motor Vehicle/Public Works	75466	75500	\$121,001.59
Dept of Commerce Pass Through	75565	-	\$17,526.56
Current Expense	75566	75574	\$18,230.63
Election Equipment Revolving	75575	75581	\$62,058.54
Crime Victims/Witness Assist	75582	-	\$5,894.18
Jail Commissary	75583	75586	\$2,132.19
Enhanced 911	75587	75589	\$70,337.42
Ending Homelessness Fund	75590	75591	\$10,101.00
FC Capital Projects Fund	75592	-	\$8,759.23
TRAC Operations Fund	75593	75612	\$23,732.57

681,474.74
 - 140.84

 \$ 681,333.90

In the amount of

The motion was seconded by

And passed by a vote of 3 to

\$681,474.74

The attached vouchers have been approved by Auditor or Deputy

Vouchers Audited By

Peck
 Miller
 Koch



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

December 19, 2012

Mr. Kary Peterson
Agriculture and Open Burning Unit Supervisor
Washington State Department of Ecology
Agricultural Burn Program
4601 North Monroe
Spokane, WA 99205-1295

**Re: Request for Renewal of Delegation of Authority to Franklin County, Washington
for the Years 2013 and 2014 for Agricultural Burning Permits**

Dear Mr. Kary Peterson:

The Franklin County Board of Commissioners is requesting renewal of Delegation of Authority for Agricultural Burning, pursuant to Chapter 70.94 of the Revised Code of Washington and the rules and regulations of the Department of Ecology for the Years 2013 and 2014.

Please note that Franklin County is again in the process of renewing the cooperative agreement with the Franklin Conservation District regarding agricultural burn permitting authority. The agreement would be for a two (2) year time period (2013 and 2014), in an effort to maintain consistency with the Delegation of Authority timelines. A copy of the final Franklin County Resolution along with a copy of the Local Agricultural Burn Permitting Authority Cooperative Agreement will be sent to you once they have been finalized and completed.

Thank you for your assistance regarding this matter

Sincerely,

**Board of County Commissioners
Franklin County, Washington**

Brad Peck, Chairman

Rick Miller, Chair Pro Tem

Robert E. Koch, Member