

COMMISSIONERS RECORD 52  
FRANKLIN COUNTY  
Commissioners' Proceedings for August 27, 2014

*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 Robert E. Koch, Chairman; Brad Peck, Chair Pro Tem; and Rick Miller, Member; and Mary Withers, Clerk to the Board. Fred Bowen, County Administrator, was absent on vacation.

Meeting convened at 9:00 am with the Pledge of Allegiance.

#### **PLANNING AND BUILDING**

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

**Public Meeting: CUP 2014-03 a Conditional Use Permit application to operate agricultural entertainment activities in the Agricultural Production 20 (AP-20) Zoning District**

Public Meeting convened at 9:00 am. Present: Commissioners Koch, Peck and Miller; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. Present in audience: Don Llewellyn, Matt Mahoney, Matthew Rasmussen, Linda Robb, Melinda Didier and Keith Middleton.

Mr. MacPherson told the Board about some changes to the Agenda Summary Report and gave the Board a new report (Exhibit 1). Mr. Wendt reviewed information on the report.

Mr. MacPherson showed aerial photographs of the site on the screen including the site plan submitted by the applicant.

Mr. Koch opened the public meeting and asked if there are any pros or cons to this application. Keith Middleton, applicant, spoke in favor and answered questions from the Board.

Public Meeting was closed. There was extensive discussion about Findings of Fact and Conditions of Approval.

**Motion** – Mr. Miller: Mr. Chairman, I move that we grant approval of Conditional Use Permit 2014-03 subject to six findings of fact and seven conditions of approval. Second by Mr. Peck. 3:0 vote in favor. Resolution 2014-358 was approved.

COMMISSIONERS RECORD 52  
FRANKLIN COUNTY  
Commissioners' Proceedings for August 27, 2014

**PUBLIC WORKS (9:25 am)**

Public Works Director Matt Mahoney and Engineer Matthew Rasmussen met with the Board. Present in audience: Don Llewellyn, Linda Robb, Melinda Didier, Josie Koelzer and Becky Mulkey.

Occupation of County Right-of-Way draft ordinance

After discussion, the Board **gave consensus approval** to move forward to the public hearing process.

There was discussion about use of right-of-way by farmers. The intent is public safety.

Utility easement to Avista Utilities

Mr. Rasmussen showed the easement site on the screen. Mr. Mahoney and Mr. Rasmussen answered the Board's questions.

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of grant of utility easement to Avista Utilities as presented by County Public Works Department. Second by Mr. Miller. 3:0 vote in favor. Resolution 2014-359 was approved.

**WSU EXTENSION (9:39 am)**

WSU Extension Agent (Regional Livestock Specialist) Don Llewellyn met with the Board. Present in audience: Linda Robb, Melinda Didier, Josie Koelzer, Becky Mulkey, Margo Hines, Larry Hueter and Tri-City Herald Reporter Geoff Folsom.

WSU update on livestock extension work and research in Benton and Franklin Counties

Mr. Llewellyn gave an update about WSU Extension work, including: cow nutrition and fetal programming; low-stress cattle handling; youth Pork Quality Assurance (PQA) Plus training; Steer of Merit and Lamb of Merit programs; management systems projects that include Canola and Camelina meals and alternative forages research such as timothy hay with Teff, forage soybeans, and alternative silages that involve corn interseeded with soybeans and biennial Canola. He also listed the grants and extramural support that he is receiving in his position.

**TREASURER (9:55 am)**

Treasurer Josie Koelzer and Becky Mulkey met with the Board. Present in audience: Margo Hines, Linda Robb, Melinda Didier and Geoff Folsom.

COMMISSIONERS RECORD 52  
FRANKLIN COUNTY  
Commissioners' Proceedings for August 27, 2014

Request for approval of temporary accounting position

After discussion, the Board **gave approval** for a temporary accounting position to be funded using funding from the accounting software project. The resolution will be prepared for a consent agenda.

**JAIL CONSTRUCTION (10:00 am)**

Jail Construction Superintendent Larry Hueter met with the Board. Present in audience: Margo Hines, Linda Robb, Melinda Didier and Geoff Folsom.

Public Safety Building Remodel

**Motion** – Mr. Peck: Mr. Chairman, I move for approval of the resolution authorizing Franklin County to enter an agreement with CKJT Architects for architectural and engineering services for the Public Safety Building remodel as presented by Mr. Hueter. Second by Mr. Miller. 3:0 vote in favor. Resolution 2014-360 was approved.

**OFFICE BUSINESS (10:05 am)**

Administrative Assistant Margo Hines met with the Board. Present in audience: Linda Robb, Geoff Folsom and Melinda Didier.

Vouchers

**Motion** – Mr. Miller: I move for approval of payroll for County Road and Motor Vehicle fund, signed by Matt Beaton and Julie Jordan. The total amount is \$112,970.70. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 2)

<u>Fund</u>	<u>Warrant</u>	<u>Amount</u>
<b>County Road</b>		
Payroll	102710-102733	25,638.80
Direct Deposit		37,827.00
		<u>63,465.80</u>
Benefits	102734-102743	34,689.98
	<b>Total</b>	<b><u>\$98,155.78</u></b>
<b>Motor Vehicle</b>		
Payroll	102744-102760	\$5,091.73
Direct Deposit		3,611.85
		<u>\$8,703.58</u>
Benefits	102761-102770	6,111.34
	<b>Total</b>	<b><u>\$14,814.92</u></b>
	<b>Grand Total:</b>	<b>\$112,970.70</b>

COMMISSIONERS RECORD 52  
FRANKLIN COUNTY  
Commissioners' Proceedings for August 27, 2014

**Motion** – Mr. Peck: Mr. Chairman, I move for fund expenditures in the total amount of \$140,113.41. It shows approval by the Auditor Mr. Beaton and I am not aware of any irregularities here. Mr. Beaton has reviewed them carefully, as he always does. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 3)

<u>Fund Expenditures</u>	<u>Warrants</u>		<u>Amount Issued</u>
Current Expense	102547	102552	\$18,742.66
Election Equipment Revolving	102553	-	126.75
Planning & Development	102554	-	1,976.25
Crime Victims/Witness Assist	102555	102557	3,833.77
Boating Safety Fund	102558	102560	1,512.47
Enhanced 911	102561	102562	1,210.03
County Roads	102563	-	794.32
.3% Criminal Justice Const Fnd	102564	102566	1,110.97
Current Expense	102581	102597	40,147.31
Current Expense	102598	102633	29,442.24
Current Expense	102634	102654	10,229.80
FC RV Facility	102655	102659	6,991.29
Auditor O & M	102660	-	2,811.15
Law Library	102661	102662	9,368.88
Ending Homelessness Fund	102663	102668	5,470.52
Affordable Housing Fund	102669	102670	6,345.00
			<b>Grand Total: \$140,113.41</b>

**Consent Agenda**

**Motion** – Mr. Peck: I move for approval of consent agenda as presented. Second by Mr. Miller. 3:0 vote in favor.

1. Approval of Resolution 2014-361, resolution in support of Washington State Association of Counties (WSAC) Fiscal Sustainability Initiative
2. Approval of Resolution 2014-362, GCBH Amendment #BFCRUS-11/13-05, Amendment No. 05, between Benton and Franklin Counties Department of Human Services and Greater Columbia Behavioral Health
3. Approval of Resolution 2014-363, GCBH Amendment #BFCRUP-11/13-06, Amendment No. 06, between Benton and Franklin Counties Department of Human Services and Greater Columbia Behavioral Health
4. Approval of letter to Tri-Cities Legislative Council regarding legislative priorities (Exhibit 4)

COMMISSIONERS RECORD 52  
FRANKLIN COUNTY  
Commissioners' Proceedings for August 27, 2014

5. Approval of Franklin County Commissioner Proceedings for August 13 and 20, 2014

**Recessed** at 10:09 am.

**Reconvened** at 10:17 am.

**PROSECUTOR**

Deputy Prosecutor Janet Taylor, Jenna Hall and Danette Layne met with the Board.

Present in audience: Linda Robb, Geoff Folsom and Melinda Didier.

Prosecuting Attorney's Salary Increase

There was extensive discussion about the process of reviewing the Prosecutor's salary.

**Motion** – Mr. Peck: I move approval in the matter of adopting the salary for the Franklin County elected Prosecuting Attorney, effective September 1, 2014, and amending Resolution 2008-325 and Resolution 2013-367 as presented. Second by Mr. Miller. 3:0 vote in favor. Resolution 2014-364 was approved.

**Executive Session** at 10:36 am pursuant to RCW 42.30.110(1)(g) and (1)(i), to evaluate the performance of a public employee and to discuss potential litigation, expected to last 30 minutes. Ms. Robb, Mr. Folsom and Ms. Didier left the meeting.

**Open Session** at 11:11 am.

**Motion** – Mr. Peck: I would move to adjourn. Second by Mr. Miller. 3:0 vote in favor.

**Adjourned** at 11:11 am.


COMMISSIONERS RECORD 52  
FRANKLIN COUNTY  
Commissioners' Proceedings for August 27, 2014

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 3, 2014.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

  
\_\_\_\_\_  
Robert E. Koch, Chairman

  
\_\_\_\_\_  
Brad Peck, Chairman Pro Tem

  
\_\_\_\_\_  
Rick Miller, Member

Attest:

  
\_\_\_\_\_  
Clerk to the Board

Approved and signed September 3, 2014.

**Franklin County  
Board of Commissioners  
Agenda Summary Report**

<b>DATE:</b> August 18, 2014	<b>PRESENTED BY:</b> Jerrod MacPherson
<b>ITEM:</b> (Select One) <input type="checkbox"/> Consent Agenda. <input checked="" type="checkbox"/> To Be Brought Before the Board.     Date: <u>August 27, 2014</u> Time needed: <u>15</u> minutes	
<b>SUBJECT / ISSUE:</b> CUP 2014-03, a Conditional Use Permit (CUP) application to operate agricultural entertainment activities in the Agricultural Production 20 (AP-20) Zoning District.	
<b>ACTION(S) REQUESTED:</b> Review the Planning Commission Recommendation in a Public Meeting; Pass a motion; and Pass a Resolution.	
<b>BACKGROUND:</b>  This is a Conditional Use Permit (CUP) application request to operate a seasonal fall festival (agricultural entertainment) on approximately 10 acres in the Agricultural Production 20 (AP-20) Zoning District.  Activities proposed for the festival includes a corn maze, pumpkin patch, animal petting area, hay rides and fall festival games. The applicant has stated that the seasonal activity will occur during the months of September and October and will be conducted during daytime and evening hours until 11:00 p.m.  The applicant currently operates fall festival activities from a site which is approximately 1000 feet west of the proposed location. The zoning designation at this site is General Industrial (I-2) which allows fall festival activities as a permitted use. In the future, the applicant plans to continue using the existing industrial location and would like to expand fall festival activities to this new location as proposed, which requires this conditional use permit.  The property is east of the City of Pasco, approximately 1,500 feet east of Alderson Rd (private), along the south side of Pasco-Kahlotus Road (Portion of Parcel Number 113-610-085).  <b>Public Testimony and Discussions:</b>  <u>Phone and/or In-Office Discussions:</u> Planning Staff did not receive any inquiries on this application.  <u>Open Record Hearing Testimony:</u> <ul style="list-style-type: none"> <li>• In support of application: One person (applicant) spoke in support of the application.</li> <li>• Opposed to application: No public spoke against the application.</li> <li>• Clarification only: None.</li> </ul> <u>Planning Commission Voting/Discussion:</u> Positive recommendation with 5 in favor; 0 against.  <u>Summary:</u> At the regularly scheduled Planning Commission hearing on August 5, 2014 the Franklin County Planning Commission voted to forward a positive recommendation for this application to the Board of County Commissioners subject to the following six (6) findings of fact and seven (7) conditions of approval:	

**CUP 2014-03****Page 2****Findings of Fact:**

1. The operation of a seasonal fall festival (agricultural entertainment) in the Agricultural Production 20 (AP-20) Zoning District **IS** in accordance with goals and policies of the County Development Regulations (Zoning) and the County Comprehensive Plan.
  - a. The Comprehensive Plan and Zoning Ordinance establish a special permit review process for certain uses in the Agricultural Production Zoning District. Outdoor Recreation and Agricultural Entertainment type uses require the approval of a Special Use/Conditional Use Permit. Specifically, Agricultural Entertainment such as Animal Petting Areas, Corn Field Mazes, Fall Festival Games/Rides, Pumpkin Patch Activities and Rides such as animal or hay rides requires the approval of a Conditional Use Permit in the Agricultural Production 20 (AP-20) Zoning District.
  - b. The Comprehensive Plan encourages farm based accessory use businesses.
  - c. The applicant has applied for a Conditional Use Permit (CUP) application to operate a seasonal fall festival (agricultural entertainment) on approximately 10 acres in the Agricultural Production 20 (AP-20) Zoning District.
  - d. Agricultural Entertainment activities proposed for this application includes activities such as Animal Petting Areas, Corn Field Mazes, Fall Festival Games/Rides, Pumpkin Patch Activities, and Rides such as animal or hay rides. The applicant has stated that the seasonal activity will occur during the months of September and October and will be conducted during daytime and evening hours until 11:00 p.m.
  - e. The applicant currently operates fall festival activities from a site which is approximately 1000 feet west of the proposed location. This location is where the festival headquarters is situated. This property is currently zoned General Industrial (I-2) which allows fall festival activities as a permitted use. The festival operated from this site in September/October 2013.
  - f. For the future, the applicant plans to continue using the existing industrial location and would like to expand fall festival activities to this new location as proposed, which requires this conditional use permit.
  - g. A SEPA review was completed for this application on July 10, 2014. A Determination of Non-Significance (DNS) was issued.
2. The proposal **WILL NOT** adversely affect public infrastructure.
  - a. The proposed gravel entrance onto Pasco Kahlotus Road will require an approach permit from the Public Works Department. The entrance shall be constructed and maintained as a gravel approach. The applicant will be responsible to remove any debris tracked onto the roadway at the end of each day. The applicant will also be responsible to repair any damage to the roadway caused by the operation of the festival.
3. The proposal **WILL BE** constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
  - a. The existing and intended character of the immediate area is Agricultural.
  - b. The applicant currently operates a fall festival from its headquarters at the corner of Alderson Road (private) and Pasco-Kahlotus Road. The expansion of this operation will be in harmony with the existing fall festival and with the surrounding agricultural uses in the area.
4. The location and height of proposed structures and site design **WILL NOT** discourage the development of permitted uses on property in the general vicinity or impair the value thereof.



**CUP 2014-03****Page 3**

- a. The applicant owns or leases the farms surrounding the location for this conditional use permit proposal. The uses proposed will not discourage the development of agricultural practices or other permitted uses in the area.
5. The operation in connection with the proposal **WILL NOT** be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
- a. The AP-20 Zone allows for a wide range of activities that may produce noise, fumes, vibrations, dust, traffic and flashing lights. The proposed use is consistent with the activities allowed as a permitted use in the AP-20 Zoning District. Additionally, the activities at the site are proposed to occur during daytime and evening hours until 11:00 p.m.
6. The proposal **WILL NOT** endanger the public health, safety, or general welfare if located where proposed.
- a. Access: The Public Works Department is requiring that advanced warning signs be erected on Pasco Kahlotus Road in both directions during operating hours for the festival.
  - b. Health: A hand washing station shall be set up near the petting zoo area. In addition, signage shall be posted indicating the importance of hand washing after touching any animals (per WAC 246-100-192).

**Conditions of Approval:**

1. **County Public Works:**
- a. Advanced warning signs must be erected on Pasco Kahlotus Road in both directions during operating hours for the festival. Signs shall be Class 3, safety orange, reflective, and compliant with the Manual on Uniform Traffic Control Devices. The signs shall read "Vehicles Entering Roadway" or "Slow Moving Vehicles Ahead" or other verbiage approved by the County Engineer. Contact the Public Works Department for additional information.
  - b. The proposed gravel entrance onto Pasco Kahlotus Road will require an approach permit from the Public Works Department. The entrance shall be constructed and maintained as a gravel approach. The applicant will be responsible to remove any debris tracked onto the roadway at the end of each day. The applicant will also be responsible to repair any damage to the roadway caused by the operation of the festival.
  - c. Due to safety concerns, hay rides and other similar shuttle activities between the festival headquarters and the proposed site shall not occur within the public right of way.
2. **Benton Franklin Health Department:** This department has reviewed the above mentioned Conditional Use Permit to operate a temporary Fall Festival event and has no objections provided:
- a. The map shows an area for a petting zoo. A hand washing station shall be set up near the petting zoo area. In addition, signage shall be posted indicating the importance of hand washing after touching any animals (per WAC 246-100-192).
3. **Planning and Building Department:**
- a. The applicant shall obtain a County Business Registration on an annual basis for the activity.
  - b. Visitor vehicle parking shall occur in designated parking areas.

**CUP 2014-03****Page 4**

- c. New construction at the site shall comply with County Standards.
  - d. Any expansion of the fall festival activities beyond what is proposed by the applicant or approved through this CUP process will require the applicant to apply for and obtain an amendment of the approved CUP.
  - e. The applicant shall comply with the submitted site plan which includes designated parking areas, access, and a general location of proposed activities.
4. Fire District #3 is requesting voluntary compliance with 2012 IFC Section 310.3 No Smoking Signs posted. Additionally, compliance with the County adopted Section 503 Fire Apparatus Access Roads is required. This section is required to allow emergency vehicles to access and park within 150' of the corn maze.
  5. If the land owner chooses in the future to transfer this approval to any other corporation or entity, the Planning Department shall be notified of this change. All conditions and requirements will continue for the new owner/applicant.
  6. Nothing in this CUP approval shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project.
  7. This permit applies to the described lands and shall be for the above named individual and/or his heirs and/or assigns. Any transferring of this permit will require that notice be granted to the Franklin County Planning Department and Board of County Commissioners, or the permit will be cancelled. It cannot be transferred to another site.

**COORDINATION:**

Franklin County Planning and Building Department; Franklin County Public Works Department; Fire District #3; and Benton Franklin Health Department.

**RECOMMENDATION:**

The County Planning Commission recommends the Board of Commissioners approve CUP 2014-03 with the following motion:

**Motion:**

Grant approval of CUP-2014-03, subject to the six (6) findings of fact and seven (7) conditions of approval.

**HANDLING / ROUTING:**

N/A

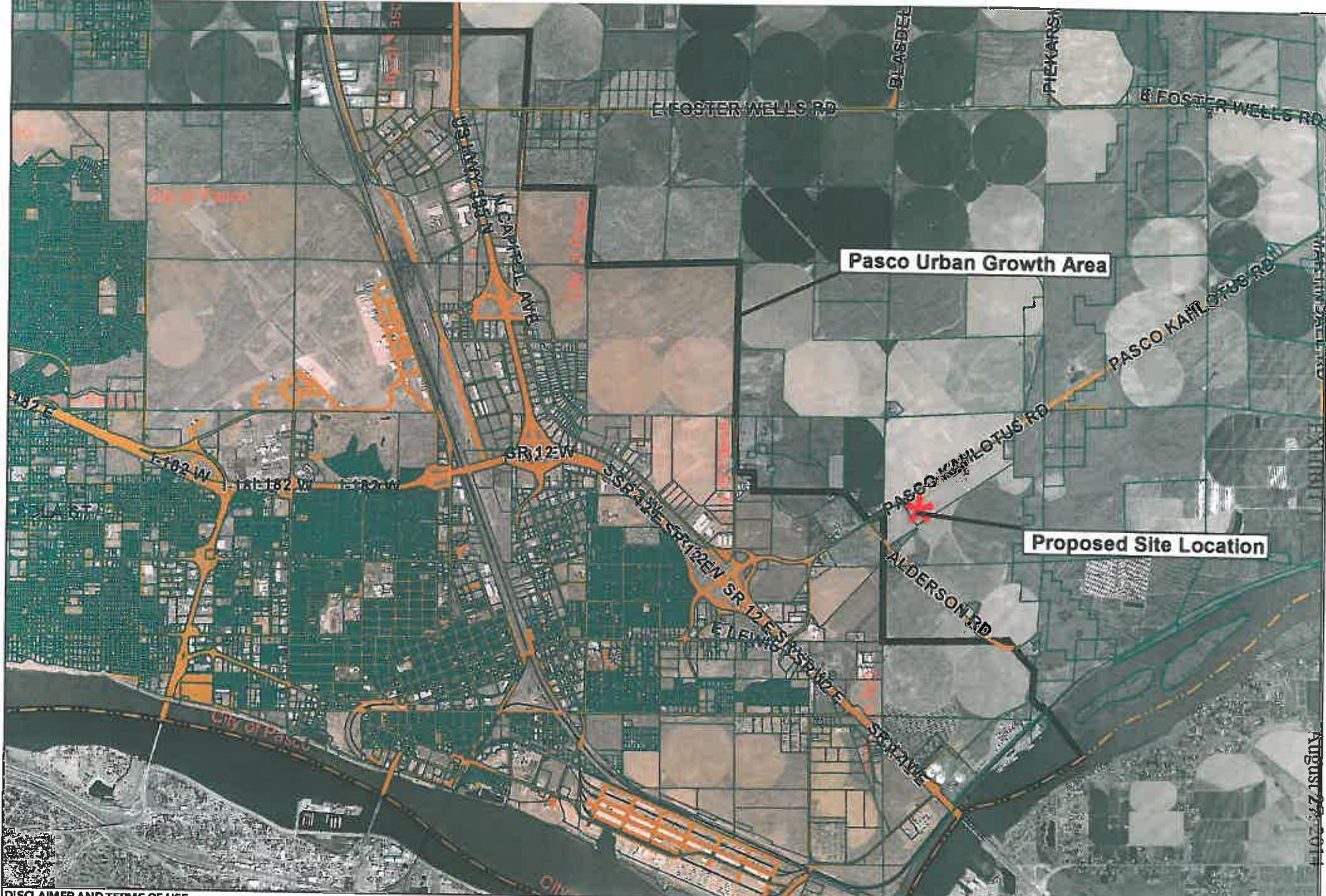
**ATTACHMENTS:**

Three (3) exhibits are attached for consideration: 1) An aerial overlay map of the general area and of the parcel in question; 2) A detailed aerial overlay map of the parcel in question and the proposed fall festival activities; and 3) An example of the corn maze design for the proposed fall festival.

I certify the above information is accurate and complete.



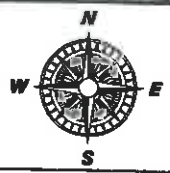
Jerrod MacPherson – Director of Planning and Building



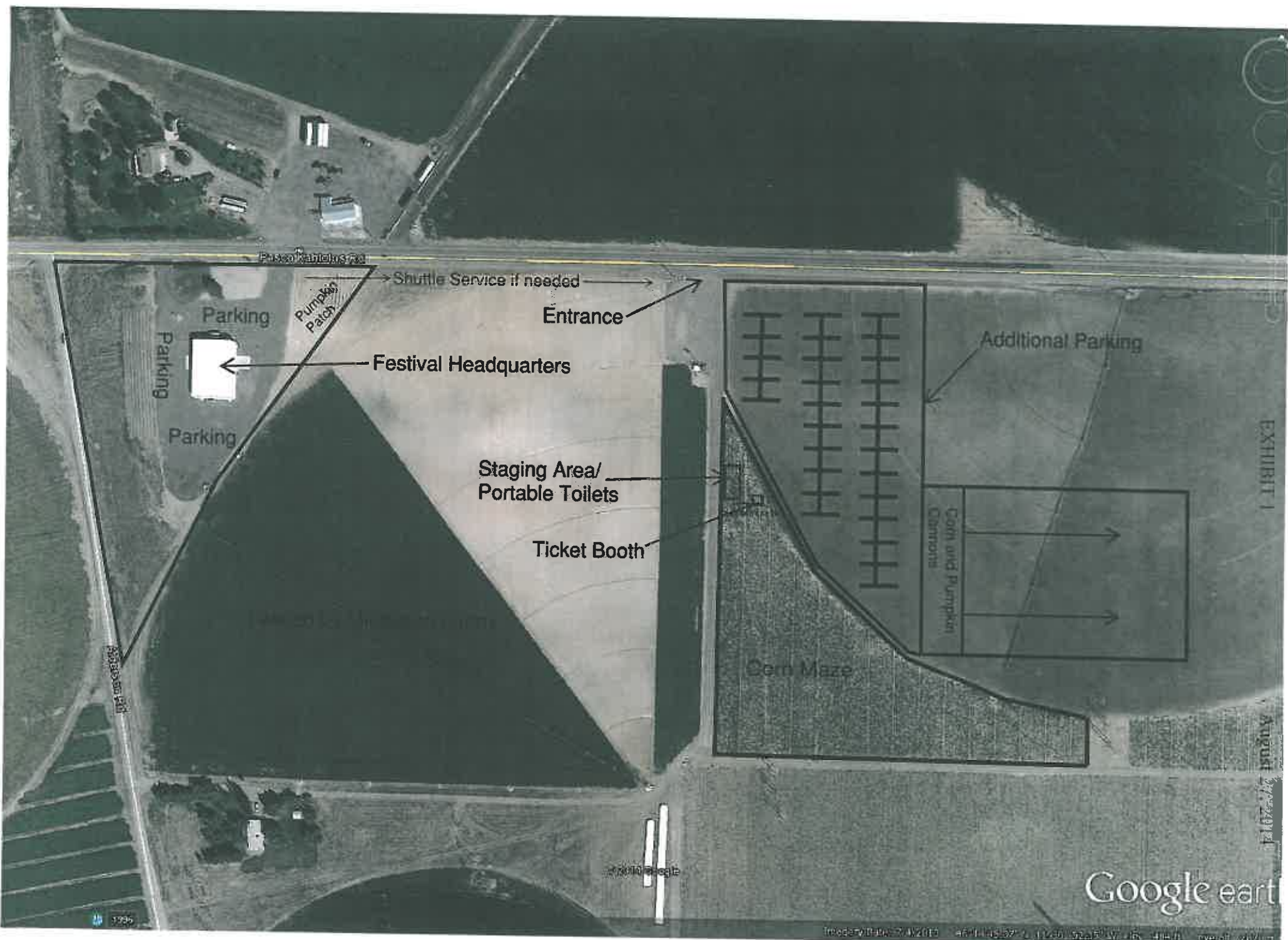
**DISCLAIMER AND TERMS OF USE:**  
 All information depicted herein is provided as-is, with no warranty, expressed or implied. No guarantee of information usability, accuracy or suitability is inferred, implied, or expressed. Neither Franklin County Regional Information System (FRIS), nor any member agency, shall be liable for any error or errors within, or implied by, the provided information. FRIS and its member agencies shall be held harmless for any loss, direct or indirect, immediate or subsequent, related to the use of this information or any information derived from this information. *This presentation is Copyright 2011, FRIS, All Rights Reserved.*

**CUP 2014-03 - Middleton - Fall Festival**

Franklin County Regional Information System 1016 North 4th Avenue Pasco, Washington 99301 Telephone: (509)545-3585 Fax: (509)546-5871	August 5, 2014  <a href="http://gis.co.franklin.wa.us">http://gis.co.franklin.wa.us</a> <a href="mailto:gis@co.franklin.wa.us">gis@co.franklin.wa.us</a>
--	---



August 27, 2011



Pasco Highway 200

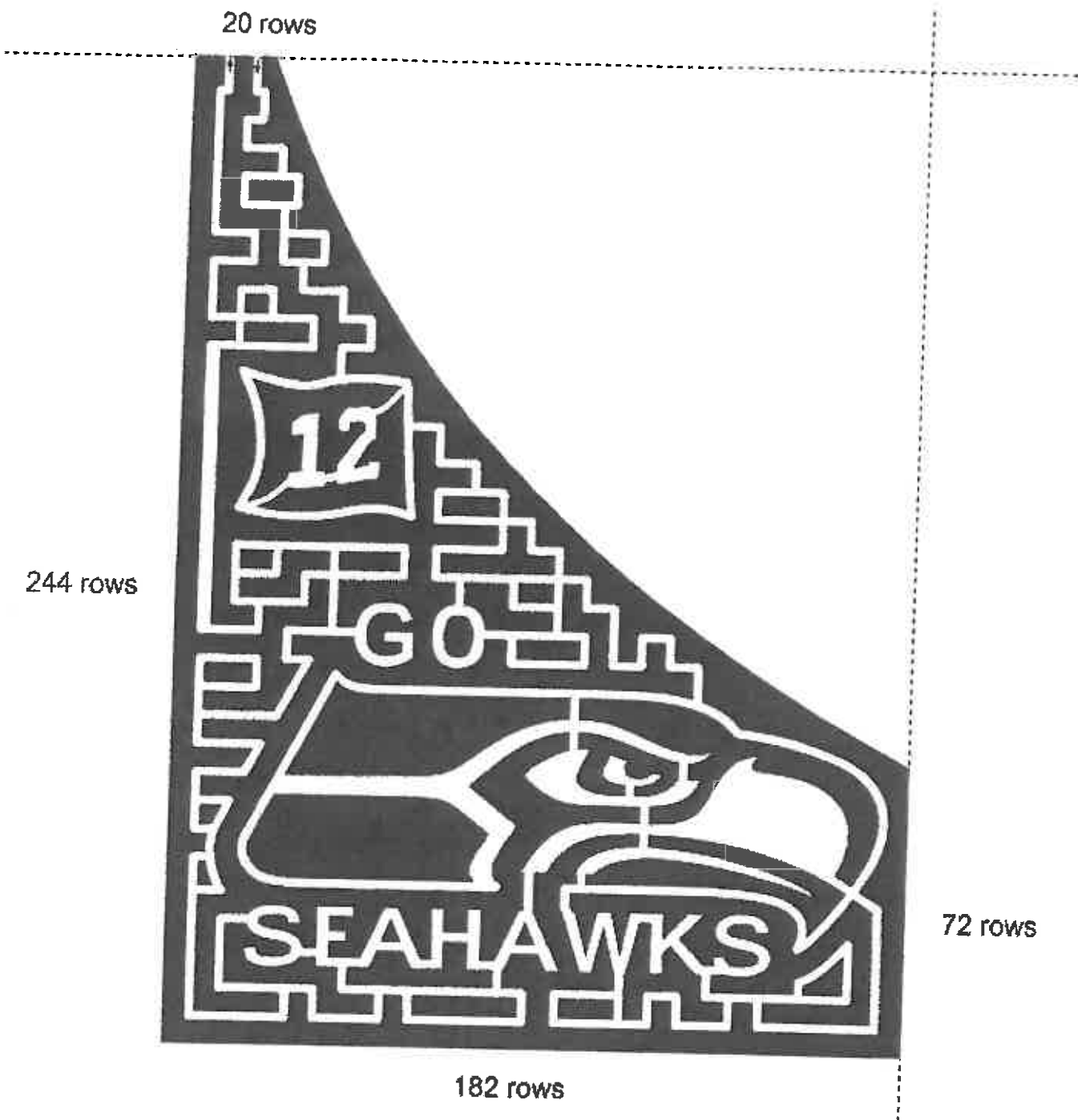
55000000 100

EXHIBIT 1

August 2011

Google earth

frederick@wv.gov 46.114357 -2.11255225 405m





# FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

August 27, 2014


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, August 27, 2014  move that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
<b>County Road</b>		
Payroll	102710-102733	25,638.80
Direct Deposit		37,827.00
		63,465.80
Benefits	102734-102743	34,689.98
	<b>Total</b>	<b>\$98,155.78</b>
 <b>Motor Vehicle</b>		
Payroll	102744-102760	\$5,091.73
Direct Deposit		3,611.85
		\$8,703.58
Benefits	102761-102770	6,111.34
	<b>Total</b>	<b>\$14,814.92</b>
 <b>Grand Total All Payrolls</b>		<b>\$112,970.70</b>

In the total amount of **\$112,970.70** (\$98,155.78 + \$14,814.92)

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 Julie Jordan



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

8/27/2014

Franklin County Commissioners:

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

Action: As of this date, 8/27/2014

*Beaton*

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	102547	102552	\$18,742.66
Election Equipment Revolving	102553	-	126.75
Planning & Development	102554	-	1,976.25
Crime Victims/Witness Assist	102555	102557	3,833.77
Boating Safety Fund	102558	102560	1,512.47
Enhanced 911	102561	102562	1,210.03
County Roads	102563	-	794.32
.3% Criminal Justice Const Fnd	102564	102566	1,110.97
Current Expense	102581	102597	40,147.31
Current Expense	102598	102633	29,442.24
Current Expense	102634	102654	10,229.80
FC RV Facility	102655	102659	6,991.29
Auditor O & M	102660	-	2,811.15
Law Library	102661	102662	9,368.88
Ending Homelessness Fund	102663	102668	5,470.52
Affordable Housing Fund	102669	102670	6,345.00

In the amount of

140,113.41

The motion was seconded by

*Beaton*

And passed by a vote of 3 to 0

Reviewed by County Administrator

The attached vouchers have been approved by Auditor or Deputy

Vouchers Audited By : Margaret Mathia

*Matt Beaton*

*Margaret Mathia*



# FRANKLIN COUNTY

## BOARD OF COMMISSIONERS

BRAD PECK  
DISTRICT 1

ROBERT E. KOCH  
DISTRICT 2

RICK MILLER  
DISTRICT 3

Fred H. Bowen  
County Administrator

August 27, 2014

Diahann Howard, Chair  
Tri-Cities Legislative Council

sent via email to [dhoward@portofbenton.com](mailto:dhoward@portofbenton.com)

Re: **FRANKLIN COUNTY LEGISLATIVE PRIORITIES**

Dear Diahann:

Thank you for the opportunity to offer suggested topics for the upcoming 2015 Washington State Legislative Session. While issues affecting a single county sometimes succeed, our experience is that legislative topics affecting most or all Washington counties are more likely to garner the legislative support necessary for success. It is with that understanding we offer three topics for proposed legislative discussion and action. We recognize the strong constituencies tied to each of these topics, especially the first two.

Once again, our three topics are Joint and Several Liability, Public Records Act, and Binding Arbitration.

Joint and Several Liability unfairly places taxpayers in the crosshairs for paying the full or majority portions of damage awards caused by and attributable to other negligent third parties lacking the ability to pay (i.e., without sufficient insurance) wherein the County had little or no fault. In practice, this means if a jury or judge finds Party A 99% negligent and the County 1% negligent and Party A has no ability to pay the damages, then by joint and several law the County pays the entire amount of damages. The mere risk of having to potentially pay the entire amount of damages for all negligent parties places the County in such a legally disadvantaged position that it is routinely forced to concede and settle questionable claims for the sake of paying less now versus paying more later.

The Public Records Act (PRA) clearly enhanced the transparency of government. However, it also provides a tool for malicious efforts to disrupt public governance and a vehicle for random attempts at generating administrative errors for the sole purpose of personal financial gain. Despite such, the PRA only allows agencies to seek relief from these types of requests when the request is from a "prisoner" – which is too narrow of a remedy.


The requirement for Binding Arbitration does little to ensure a fair outcome. In arbitration, there are far fewer procedural safeguards than in a court of law. Consequently, the risks of error and unfairness are greater, with potentially unjust "binding" outcomes. Too often the result is to simply split the difference – a practice more intent on mitigating harm than reconciling differences.


These are not new issues for Washington's counties and we recognize the difficulty of effecting change in these fractious areas. We appreciate the efforts of the Tri-Cities Legislative Council to pursue productive legislative dialogue on these important issues.


Also enclosed is Franklin County Resolution 2014- 361 in support of Washington State Association of Counties (WSAC) Fiscal Sustainability Initiative.

Sincerely,

FRANKLIN COUNTY BOARD OF COMMISSIONERS

  
Robert E. Koch  
Chairman

  
Brad Peck  
Chair Pro-Tem

  
Rick Miller  
Member

c: Washington State Association of Counties      File/LB