

COMMISSIONERS RECORD 46
FRANKLIN COUNTY
Commissioners' Proceeding for June 15, 2005

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

OFFICE BUSINESS

Secretary Patricia Shults met with the Board.

Consent Agenda

Motion - Mr. Koch: I move that we accept the Commissioners Consent Agenda for June 15, 2005:

1. Approval of **Resolution 2005-243** accepting the offer to terminate the Armored Car Service Agreement between Franklin County District Court and AT Systems Northwest, Inc., Customer Account Number 230 47 077992, effective July 1, 2005, thus, amending Franklin County Resolution 2004-234. (Exhibit 1)
2. Approval of **Resolution 2005-244** changing "Oregon Street lying between Mile Post 0.56 at the City limits and Mile Post 3.29 at the intersection of Selph Landing shall hereafter be known as "North Railroad Avenue." (Exhibit 2)

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

Dr. Larry Jecha joined the audience.

Dog Control

The Board discussed some ideas for handling stray dogs that are dropped off in the county.

BENTON-FRANKLIN HEALTH DISTRICT

Dr. Larry Jecha met with the Board.

Department Update

The Health District is receiving a lot of calls about dead birds, particularly crows and magpies. There have been no positive findings of West Nile virus in the birds.

A tabletop exercise was held for emergency preparedness on botulism.

A biodetection system (BDS) will be going into the Pasco Post Office. Dr. Jecha said work is continuing on a lot of issues. The Pasco Post Office has a public area so he

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feels the Health District needs to be involved. Dr. Jecha is going to order the antibiotics to treat anthrax so that they are on hand in case of an incident.

Mr. Bowen said he anticipates the county offices will move back into the courthouse in December or January. The Health District will be moving to the Courthouse Annex probably in January, February or March. Mr. Bowen will meet with Dr. Jecha to determine what needs to be done to the annex before the Health District moves in.

The current plan for occupation of the two buildings is: The Health District will take over the entire ground floor of 412 West Clark. The Extension Office will move to 410 West Clark (where the Licensing Department is now located). The Board said the need for certain amounts of square footage needs to be determined. Dr. Jecha said his office needs some areas at the front of a building.

Dr. Jecha said the Health District will not do the large flu clinic like was held at TRAC last year. It was a good experience but required a lot of effort. Dr. Jecha said the current Health District building next to the Courthouse does not have sufficient parking for a flu clinic. He plans to do the flu clinics perhaps at the Senior Center instead. The Board did not have any objections.

Health District labor negotiations are going to mediation.

The audit was just completed with no findings.

Mr. Koch told Dr. Jecha about personnel issues at the Regional Support Network (RSN) which involves the Department of Human Services.

PLANNING AND DEVELOPMENT DEPARTMENT

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

Public Hearing: Short Plat SP 2005-08 for applicants Dwight Johnson and the Johnson Family Trust to short plat 95.13 acres into two lots. Lot #1 is approximately 2.75 acres and Lot #2 is approximately 92.38 acres in size. The property is zoned Agricultural Production (A-P).

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Public Hearing convened at 9:31 a.m. Present: Commissioners Brock and Koch; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; and Clerk to the Board Mary Withers. No one was present in the audience.

Mr. Wendt reviewed the information on the Action Summary (Exhibit 3).

Mr. MacPherson showed the Board a copy of the plat. He reviewed the conditions of approval.

No one was present in the audience to comment.

Motion – Mr. Koch: I move that we grant the preliminary approval of Short Plat 2005-08 subject to the seven findings of fact and seven conditions of approval. This is Resolution 2005-245. Second by Mr. Brock. 2:0 vote in favor. (Exhibit 4)

Fire Information

Mr. MacPherson has been working with Chief Civil Deputy Prosecutor Ryan Verhulp to develop a draft interlocal agreement to present to individual fire districts for getting copies of their fire reports. If approved, the fire districts would give the county copies of all their fire reports. The county would be the resource center for all of the reports. The theory is that the county should not have to recreate the reports because they already are being prepared by the fire districts. Mr. MacPherson will meet with each fire district chief individually and have them take the agreement back to their individual boards. The Sheriff's Office can write the fire reports for fires which occur in the areas with no fire district coverage.

Mr. Wendt left the meeting.

Building Department

Mr. MacPherson reviewed the monthly building report with the Board. Through the month of May, 117 permits have been issued and \$91,080 has been received in permit revenue. New construction costs total \$9,323,686. Twenty-three single family homes have been permitted for construction. There were 72 built in 2004.

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There was discussion about the idea to limit the maximum size of homes on lots. The Board asked Mr. MacPherson to give some thought to whether a maximum size should be included in the county comprehensive plan.

Mr. Koch asked if everything is going smoothly as far as getting plans in and out the door in the Planning and Building Department. Mr. MacPherson said it is a busy time of year, particularly with staff wanting to take vacations. There have also been some large projects. Applicants are notified that there is a two-week turnaround time.

COUNTY CLERK

County Clerk Mike Killian met with the Board.

Request for four monitors

Mr. Killian has talked to Information Services Director Kevin Scott regarding purchasing four monitors. Mr. Killian said the monitors do not have to be flat screen but that is the way the industry is going. Mr. Scott asked Mr. Killian if he can put off the purchase. Mr. Killian said he could probably put off purchase of two but not four. The existing screens have poor resolution for the scanning work that is occurring. Each screen would cost \$432.11 including tax. If they can't be purchased out of the Capital Outlay budget, they can be purchased out of the Professional Services line item in the Clerk's Budget. Mr. Killian said he didn't use much of the Professional Services money last year. Since we're scanning documents, we have not had to use the line item for filming costs. Of the 11 computers total, the other seven will be replaced through the state. The other two computers do not have scanners now. They are used to just view documents.

Mr. Bowen asked if you were to replace all four scanners out of the Professional Services line item and can update the equipment now, it may be better to do it now. Mr. Killian could purchase all four out of the Professional Services line item. Mr. Brock asked if the Professional Services line item would need to have a supplement later this year. Mr. Killian said no. Mr. Brock asked that a resolution be prepared prior to a motion. The Board gave **consensus approval**. It will be put on Monday's consent agenda.

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Out-of-State Travel

Mr. Killian asked for approval to attend the National Association of Court Managers Conference in San Francisco. He has received scholarship moneys through the state for the conference registration and air travel. The cost to the county would be \$1491 for lodging and meals. Mr. Killian asked for approval to pay it out of the Professional Services line with funds transferred to the Travel line.

Mr. Brock doesn't object to the conference but does object to using a line item outside the Travel line item. He asked how much money would remain in the Professional Services line item. Mr. Killian said he would have used \$3100 of the \$10,000. None has been used in the Professional Services line item yet. Mr. Bowen asked how much is in the Travel line item. Mr. Killian thinks there is \$700 remaining but there is an in-state conference next week.

Mr. Brock is concerned about spending funds from Professional Services for a travel item and the precedent it might set. Mr. Koch said with the scholarship available, he can see Mike's side. Mr. Brock asked what are you going to do with the Travel budget the rest of the year? Mr. Killian said he will not attend the WACO conference in the fall and he doesn't anticipate staff will attend any more training this year.

Mr. Brock's reluctance is that every other department will be coming in with something they need to spend from another account. He asked this will be the last conference you'll be going to except for the Clerk's Conference? Mr. Killian said correct. Mr. Brock asked and you have money for that? Mr. Killian said correct.

The Board gave **consensus approval** and asked Mr. Killian to prepare an out-of-state travel form for the consent agenda.

Mr. Koch said it will have to be addressed in the next budget that things are getting tight and people will have to be very responsible on their budgets.

Auditor's O&M Budget

Mr. Killian answered the Board's questions about the Auditor's O&M budget proposal that was presented last week by Auditor Zona Lenhart.

Recessed at 10:19 a.m.

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Reconvened at 10:32 a.m.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen and Human Resources Director Tiffany Coffland met with the Board.

Executive Session at 10:32 a.m. regarding union contracts and negotiations and regarding personnel expected to last 15 minutes.

Chief Civil Deputy Prosecutor Ryan Verhulp joined the meeting at 10:35 a.m.

Executive Session continued at 11:11 a.m. expected to last 10 more minutes. (No one was waiting outside the meeting room.)

Open Session at 11:15 a.m.

PROSECUTING ATTORNEY

Chief Civil Deputy Prosecutor Ryan Verhulp and Human Resources Director Tiffany Coffland met with the Board.

Denial of Dane Ratsch claim

Mr. Verhulp asked for approval of a formal resolution denying the Dane Ratsch claim.

Motion – Mr. Koch: I move that we send this resolution regarding the claims for damages to Dane Ratsch and claims for damages are denied. This is Resolution 2005-246. Second by Mr. Brock. 2:0 vote in favor. (Exhibit 5)

Mr. Verhulp will forward the resolution to Mr. Ratsch's attorney notifying him of the Board's action.

Executive Session at 11:19 a.m. regarding alleged whistleblower complaints and potential litigation expected to last 15 minutes.

Open Session at 11:37 a.m.

DISTRICT COURT

District Court Judge Jerry Roach and District Court Clerk Terrie Yonts met with the Board.

Dispute Resolution Center

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Ms. Yonts gave the Board a letter requesting that the Commissioners adopt a surcharge to the maximum amount allowed by the legislature by RCW 7.75, which would fund a Dispute Resolution Center (Exhibit 6). Judge Roach said this would be done by instituting an increase in our filing fees. The Dispute Resolution Center's services would then be available at the District and Superior Court levels. He said it would be all self-funded by the filing fees.

Ms. Yonts said the state is changing our filing fees. Mr. Brock asked how much money it would generate. Ms. Yonts said the state thinks the filing fee increase with our amount of volume in our court will generate possibly \$87,000.

Judge Roach said there are two parts to their request. The state has adjusted filing fees statutorily. The change will begin July 1. Those fees will result in additional revenues to District Court that are on some type of pro rata basis. They will be reconciled quarterly. Some details are still unknown.

Mr. Brock asked if the utilization of these funds is specified specifically. Judge Roach said it is supposed to somehow remain in District Court. It was discussed at the judges conference but there wasn't a good answer about other funds being used in general county funds. He said the discussion was if we get \$87,000 additional monies here, what then happens with the overall budget and how does that affect us. The money will be allocated by the state. The estimate is that \$87,000 yearly will come back to District Court to be utilized in District Court in some fashion but not specified for a specific function. Ms. Yonts said part of that goes to the Law Library and part to the Public Education Fund. There is a lot of breakout on that money. There is a breakout on all civil filing fees. Judge Roach thinks a lot of this will be borne by collection agencies. For instance, he signed 40 to 50 default judgments yesterday.

Judge Roach said the second request reflects our desire locally to take advantage of a statute that would enable us to approve a surcharge of up to \$10 on civil filing fees and up to \$15 on small claims filing fees. Ms. Yonts explained what the total fees would be. If we add the full increase in fees, a new fund would be created from just these two

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sources that would be used to enable this process of mediation. The mediation/arbitration is done by the Dispute Resolution Center.

Mr. Brock asked if the money taken in from these increases would be specified specifically for this use. Judge Roach said the second amount would be. Mr. Brock asked so there is no latitude in how the second amount of money is used? Ms. Yonts said that is right. Only the \$15 on that filing fee and the \$10 on the civil filing fee would have to go into the special fund. Mr. Brock said so there is no option? Ms. Yonts said none. Mr. Brock said the \$87,000 is a separate issue. Judge Roach said yes. He said it is not dedicated to any particular fund. Mr. Brock asked if it is dedicated to District Court but not to any specific function in District Court. Ms. Yonts referred to the bill regarding the \$87,000, stating it has several issues in it including the Law Library, judges salaries, and effect on defense attorneys. Mr. Brock asked if you can give us a breakdown. Judge Roach said we really don't know the breakdown. The state meeting he attended did not address the breakdown. He will look through the materials he gathered at the meeting he attended to see if there is further information.

Mr. Brock said he is asking for information about what are we required by law specifically to allocate that money to. Judge Roach said he understands.

Ms. Yonts was not at the judges meeting. She said her understanding is that the \$87,000 will come into the budget like our regular fees. She was told the reimbursement of judges' salary will be controlled by the state and they will allocate funds to the counties. That will be in a special fund that she does not know anything about. It is not part of the \$87,000.

Judge Roach thinks the \$87,000 just flows into the pot through District Court and is not specially allocated except for coming into District Court. Mr. Brock asked does that function have to be performed in District Court? Ms. Yonts said not to her knowledge. Judge Roach said he doesn't think District Court will be required to put in any new programs, there is nothing additional expected of us, it's business as usual for us. Mr. Brock said the money just comes in, in addition to the judge's salary. Ms. Yonts said that is separate. Mr. Brock asked if we will have to pay to the Law Library out of

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the \$87,000. Ms. Yonts said just like we do now. There would be nothing different with the Law Library funding from District Court. Ms. Yonts said the breakout would remain the same. She said parts go to the Law Library, the Public Safety and Education Fund of the state, the Crime Victims fund, the Current Expense fund, and part to the state. It will have the same breakout that it always has had.

Judge Roach will look for some more information and meet with Mr. Bowen to review it. He said the question was asked at his conference about whether the funds are supplanting. However, the state officials did not answer that question.

Request

Judge Roach said we're asking to bump the fees a little higher on those two items. The reason is to enable the presence of a dispute resolution center participation. That would be a fund related to those issues. Judge Roach has discussed this with the Superior Court judges. In our court, the only thing that dispute resolution would be available for immediately would be small claims. It would be used for some cases but not all.

Judge Roach would like to investigate whether the Dispute Resolution Center is available for anti-harassment matters that do not need to come before him as a judge. That would benefit the county because it would reduce the amount of time that the Sheriff's Office and other county staff spends responding to the complaints and educate people so they will help educate their children to get away from this cycle of harassment.

Terrie Yonts said the other reason is the fees haven't changed in District Court in at least the 20 years she has worked there. If we were going to change, it's a good time to make a change because we're sending a letter to the collection agencies notifying them of the other changes occurring on July 1.

Judge Roach said since the law has passed, he doesn't see it as something that is going to be questioned by people as "why this new cost?" The presence of six Superior Court judges and our court supporting it should help clarify the fact that it is something that is necessary and reasonable. If there is a question, it can be directed to District Court.

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Judge Roach said we would ask you to pass a resolution. If there is something we can do to help in that process, we will do it. We want to do it by July 1 so the changes all happen at once. Mr. Brock said he can see no problem with it. Mr. Koch agreed.

Ms. Yonts will get figures to the Board about amounts expected to be generated.

Judge Roach said we pay only for matters we have resolved in Franklin County. The money will be used for Franklin County use of the Dispute Resolution Center (not spread over the whole Tri-Cities area).

Judge Roach had assumed it would not benefit just our court. He thinks it will be beneficial to the Superior Court but we need to be sure that the application of those funds is appropriate. He will check further about how the funds can be applied.

COUNTY ADMINISTRATOR (continuing)

Courthouse Renovation

Mr. Bowen told the Board about conversations he has had with Michael Sullivan of the state agency that is administering the courthouse restoration funds throughout the state. No funding has been guaranteed to Franklin County yet, although Mr. Sullivan anticipates some funding will be forthcoming to Franklin County.

Potential Change Orders 76 and 78

Mr. Bowen has explained the change order work to the Board previously. He explained again the duct work changes that are required. The paperwork for the potential change orders has been received. The work has already been completed. A resolution will be prepared. Change Order 76 cost totals \$4012.

Mr. Bowen explained the reasons for the work required by Change Order 78. In 1912, headers above doors were done using a V shape instead of a rectangle shape. The original plan was to use the area above the rectangle shape for air return areas but because it is a V shape instead, a change had to be made. Mr. Koch said he remembers discussing this when he walked through the construction site at the Courthouse. Change Order 78 cost totals \$5030.

Benton County Update

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Mr. Bowen met with the Benton County Commissioners to tell them Franklin County is interested in going out for a vote on a proposed 2/10ths of 1% sales tax increase at the same time Benton County does. However, he doesn't anticipate Benton County will be ready to go out for a vote in September or November when Franklin County plans to go out for a vote.

There is an additional 1/10th of 1% sales tax for Human Services that can be imposed by a county without a vote of the people.

Tree Trimming at Health District

Mr. Bowen requested approval for Maintenance Superintendent John Gessel to hire Superior Tree Service to do tree trimming on elm trees near the Health District. The Maintenance budget has \$5000 in its budget for the Health District and Museum. The Board gave approval. Mr. Koch asked if the county has sufficient help to take care of the clean up of wood. Mr. Bowen said it is not a change in the budget. Mr. Brock asked that a resolution be prepared. It will be put on the consent agenda.

MINUTES

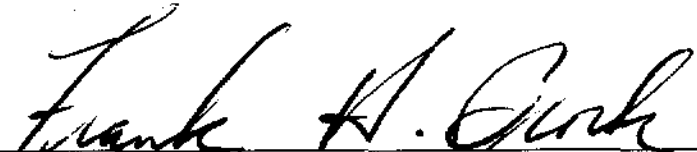
Motion – Mr. Koch: I move we approve minutes for Monday, June 13, 2005. Second by Mr. Brock. 2:0 vote in favor.

Adjourned at 12:17 p.m.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 20, 2005.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON


Chairman

ABSENT

Chairman Pro Tem


Member

Attest:


Clerk to the Board

Approved and signed June 27, 2005.

FRANKLIN COUNTY RESOLUTION NO. 2005 243

BEFORE THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, WASHINGTON

RE: ACCEPTING THE OFFER TO TERMINATE THE ARMORED CAR SERVICE AGREEMENT BETWEEN FRANKLIN COUNTY DISTRICT COURT AND AT SYSTEMS NORTHWEST, INC., CUSTOMER ACCOUNT NUMBER 230 47 077992, EFFECTIVE JULY 1, 2005, THUS, AMENDING FRANKLIN COUNTY RESOLUTION 2004-234

WHEREAS, the Franklin County District Court Administrator acknowledged appreciation for the many years of dedicated services provided by AT Systems Northwest, Inc.; and

WHEREAS, the Administrator notified the Board of Commissioners of the desire to discontinue armored car services with AT Systems Northwest, Inc. as the service is no longer necessary; and

WHEREAS, the agreement states it shall be in full force and effect for one year from the contract date and shall automatically renew thereafter from year to year until cancelled; and

WHEREAS, said agreement, approved by Resolution 2004-234, was effective April 30, 2004, thus, should remain in effect until April 30, 2006; and

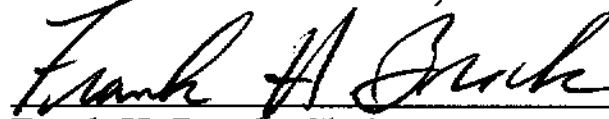
WHEREAS, Franklin County Chief Civil Deputy Prosecutor spoke with AT Systems Northwest Vice-President and General Manager, Dennis Silvestri, who graciously offered to terminate the contract effective July 1, 2005; and

WHEREAS, the Board of Franklin County Commissioners constitutes the legislative authority of Franklin County and desires to accept his generous offer as being in the best interest of Franklin County;

NOW, THEREFORE, BE IT RESOLVED the Franklin County Board of Commissioners hereby accepts the offer to terminate the Armored Car Service Agreement between Franklin County District Court and AT Systems Northwest, Inc., Customer Account Number 230 47 077992, effective July 1, 2005, thus, amending Franklin County Resolution 2004-234.

APPROVED this 15th day of June 2005.

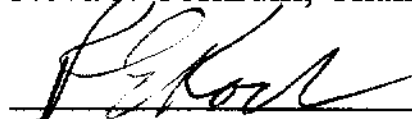
BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Frank H. Brock, Chair

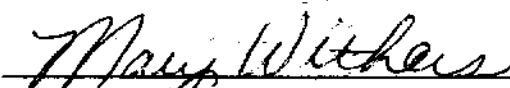
ABSENT

Neva J. Corkrum, Chair Pro Tem



Robert E. Koch Member

Attest:



Clerk to the Board

EXHIBIT 1
PROSECUTING ATTORNEY
FRANKLIN COUNTY, WASHINGTON

June 15, 2005

STEVE M. LOWE
PROSECUTING ATTORNEY

PAIGE L. SULLY
CHIEF CRIMINAL DEPUTY

RYAN E. VERHULP
CHIEF CIVIL DEPUTY

1016 North 4th Avenue
Pasco, WA 99301
Criminal Division (509) 545-3543
Fax (509) 545-2135

DEPUTIES:

FRANK W. JENNY
DAVID W. CORKRUM
MICHELLE M. McMILLEN
ERICA N. DAVIS
BRIAN V. HULTGRENN
TIMOTHY E. DICKERSON
SHAWN P. SANT

June 9, 2005

Board of County Commissioners
Franklin County Annex
412 West Clark Street
Pasco WA 99301

RE: Armored Car Service Agreement with Franklin County District Court

Dear Commissioners:

Since the Board meeting on Wednesday, June 8, 2005, I have had an opportunity to speak with Vice-President Dennis Silvestri of AT Systems Northwest regarding your request to be released from the Armored Car Service Agreement (Agreement) in spite of the terms of such Agreement.

I am pleased to report that negotiations with Mr. Silvestri have yielded the following offer. Mr. Silvestri has kindly offered to terminate the contract effective July 1, 2005. I informed Mr. Silvestri per Washington state law the Board of Franklin County Commissioners (Board) has the authority to consider and accept such offers, and that I would immediately submit his offer to the Board.

Please consider and take formal action in regards to this offer via resolution. Thereafter, if a copy of the resolution evidencing your decision could be forwarded to me, I will inform Mr. Silvestri of your decision. If you act to accept this offer the effect is that Franklin County will be obligated to comply with the terms and conditions of the Agreement, including compensation for services rendered, up to July 1, 2005.

It should be recognized that Vice-President Silvestri was very conciliatory and reasonable with the hope that if Franklin County's has a need for Armored Car Services in the future that the services of AT Systems Northwest Inc., will again be considered by Franklin County.

I will look forward to receiving a copy of your resolution in regards to this matter.

Very truly yours,


Ryan E. Verhulp
Chief Civil Deputy Prosecuting Attorney

REV:df

pc/sc: Steve M. Lowe, Franklin County Prosecuting Attorney
Fred Bowen, Franklin County Administrator
The Honorable Jerry Roach, Franklin County District Court Judge
Terrie Yonts, Franklin County District Court Administrator

FRANKLIN COUNTY RESOLUTION NO. 2005 244

BEFORE THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY
WASHINGTON

**RE: OFFICIALLY CHANGING A SEGMENT OF OREGON STREET TO
NORTH RAILROAD AVENUE**

WHEREAS, the Dispatch Lieutenant notified the Franklin County Board of Commissioners of the need to change the name of a segment of road in order to eliminate confusion in addressing and emergency response; and

WHEREAS, the Board of Franklin County Commissioners constitutes the legislative authority of Franklin County and deems this to be in the best interest of Franklin County;

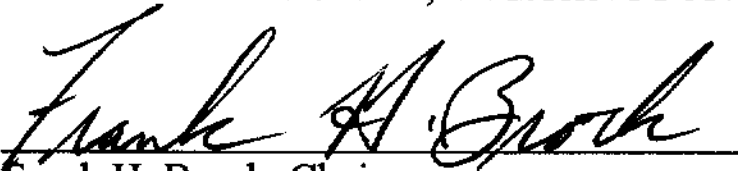
NOW, THEREFORE, BE IT RESOLVED the Franklin County Board of Commissioners hereby approves changing Oregon Street to North Railroad Avenue for the segment listed below:

1. "Oregon Street" lying between Mile Post 0.56 at the City limits and Mile Post 3.29 at the intersection of Selph Landing shall hereafter be known as "North Railroad Avenue".

BE IT FURTHER RESOLVED the above road name change shall take place immediately upon the adoption of this resolution.

APPROVED this 15th day of June 2005.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON


Frank H. Brock, Chairman

ABSENT

Neva J. Corkrum, Chair Pro Tem


Robert E. Koch, Member

Attest:


Clerk of the Board

Originals: Auditor
Minutes
Dispatch

cc: City of Paso
GIS
Sheriff

FRANKLIN COUNTY ACTION SUMMARY

Agenda Item: Dwight Johnson and Johnson Family Trust	<u>TYPE OF ACTION NEEDED</u>	Consent Agenda
Meeting Date: June 15, 2005	Execute Contract	Public Hearing X
Subject: SP-2005-08 to Short Plat 95.13 acres into 2 lots.	Pass Resolution X	1st Discussion
	Pass Ordinance	2nd Discussion
Prepared By: Greg Wendt	Pass Motion X	Other: <i>Preliminary Approval</i>
Reviewed By: Jerrod MacPherson	Other	

BACKGROUND INFORMATION

The applicant has applied to short plat 95.13 acres into 2 lots. Lot #1 is approximately 2.75 acres and Lot #2 is approximately 92.38 acres in size. The property is zoned Agricultural Production (A-P). The property is located adjacent and south of Elm Road, north of Dogwood Road, west of Coulee Road, and east of Taylor Flats Road, near site address 3281 Elm Road, Pasco, WA 99301.

As submitted, the application is in compliance with the standards specified in the County Subdivision and Zoning Ordinances.

According to Chapter 8 of the County Subdivision Ordinance, the Board of County Commissioners shall, after conferring with appropriate officials and agencies, make and enter findings into the record and determine whether the short plat be approved with conditions, returned to the applicant for modification or denied.

FINDINGS OF FACT: (Chapter 8, Section 8.10 Subdivision Ordinance):

- 1). The proposed lots **do conform** to the Comprehensive Plan and Zoning Requirements;
- 2). The proposed short subdivision **does contribute** to the orderly development and land use patterns in the area;
- 3). The proposed lots **are served** with adequate road system/means of access, fire protection, drainage, water supplies and means of sanitary sewage disposal;
- 4). Land **is not required** to be dedicated for public right-of-way;
- 5). Utility and irrigation easements **are required** to serve the proposed lots within the short plat and/or adjacent properties;

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- 6). The public use and interest will be served by permitting the proposed divisions of land;
- 7). Subdivision improvements are not required for this application and therefore are not required to be guaranteed by one of the methods described in the Subdivision Ordinance.

AGENCY COMMENTS/CONDITIONS OF APPROVAL:

General Comments:

1. **Fire District:** Not located in a Fire District.
2. **Big Bend Electric:** No comments.

Conditions of Approval:

1. **Benton Franklin Health Department:** The applicant shall meet and comply with the requirements of the Benton Franklin Health Department (see letter dated May 31, 2005).
2. **Public Works:** The lots and boundary close okay. **Please add the following language to the plat** "Approach permits are required for any new approaches onto county roads".
3. **USBR:** Applicant shall meet and comply with the requirements of the United States Bureau of Reclamation. Specifically, see the letter written to the Planning Department dated June 13, 2005 for requirements.
4. **GIS/Assessor:** The Basis of Bearing appears to be incorrect.
5. **Burn Control/Code Enforcement Officer (Fire Code Official):**

Because this area is not covered by a Fire District for fire suppression in this area the following shall be required for all new structures on either lot:

- a. Front yard setback: Twenty-five (25) feet from a road right-of way and/or road easement, and/or fifty-five (55) feet from the center line of such road right-of way and/or road easement which ever is greater.
- b. Rear yard setback: Twenty-five (25) feet.
- c. Side yard setback: Twenty (20) feet.
- d. Separation between Building/Structures: Fifteen (15) feet. The structure separation could be adjusted with an approved firewall construction.

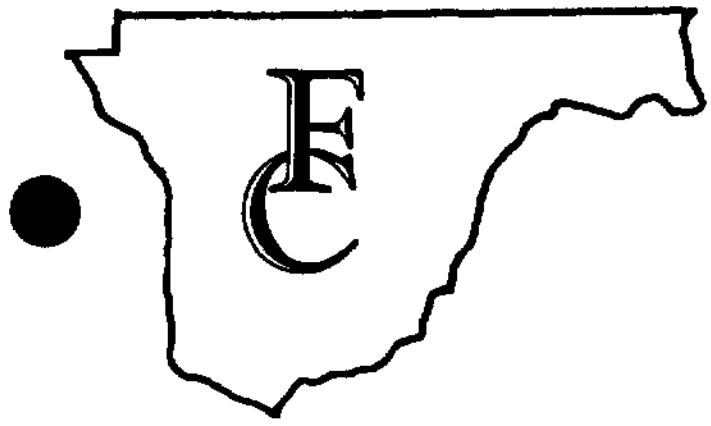
This separation standard shall be placed on the face of the plat.

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Johnson - June 15, 2005
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6. **South Columbia Basin Irrigation District:** RCW 58.17.310 requires an irrigation easement from the farm unit's point of delivery to each new lot when a farm unit is short platted. A minimum 10 ft wide irrigation easement (separate from other easements) is required from the unit's legal point of delivery (NE corner of FU 159) to Lot 1.
7. **Franklin County Planning Department:**
 - a. Short Plat approval shall be effective for one (1) year (per Co. Subdivision Ordinance, Section 8.14). If final recording has not occurred within the one-year time period, reapplication shall occur.
 - b. Lot #2 is subject to a Park Dedication Fee (\$50.00 per new lot/expected new dwelling unit). This fee may be paid prior to recording the final subdivision plat or at the time when a building permit for a new home is to be issued for the applicable lot. If the applicant chooses to not pay the fee prior to recording, **then a statement shall be placed on the plat stating that a Park Dedication Fee applies to Lot #2. This shall be paid prior to building permit issuance for a new home on the applicable lot.**
 - c. Signature Blocks shall be provided for the following: County Engineer, County Auditor, Benton-Franklin Health Department, Big Bend Electric, South Columbia Basin Irrigation District, USBR, County Treasurer, Chairman-Board of County Commissioners.
 - d. The Final Short Plat shall be developed in accordance with the County Subdivision Ordinance. See Chapter 8 of Ordinance 03-2000 for specifications.

MOTION

Grant preliminary approval of Short Plat 2005-08 subject to the seven (7) findings of fact and seven (7) conditions of approval.



FRANKLIN COUNTY

COMMISSIONERS

Courthouse - 1016 North 4th
Pasco, Washington 99301
(509) 545-3535

RESOLUTION NUMBER 2005 245

PRELIMINARY APPROVAL

BEFORE THE BOARD OF COMMISSIONERS, FRANKLIN COUNTY, WASHINGTON IN THE MATTER OF COUNTY PLANNING

RE: SP 2005-08, to short plat 95.13 acres into 2 lots. Lot #1 is approximately 2.75 acres and Lot #2 is approximately 92.38 acres in size. The property is zoned Agricultural Production (A-P). The property is located adjacent and south of Elm Road, north of Dogwood Road, west of Coulee Road, and east of Taylor Flats Road, near site address 3281 Elm Road, Pasco, WA 99301.

APPLICANT: Dwight Johnson and the Johnson Family Trust, 3021 Birth Road, Pasco, WA 99301.

WHEREAS, the Board of County Commissioners of Franklin County have reviewed the preliminary short plat application for **Dwight Johnson and the Johnson Family Trust** and has recommended preliminary approval of the preliminary short plat and finds the following:

FINDINGS OF FACT: (Chapter 8, Section 8.10 Subdivision Ordinance):

- 1). The proposed lots **do conform** to the Comprehensive Plan and Zoning Requirements;
- 2). The proposed short subdivision **does contribute** to the orderly development and land use patterns in the area;
- 3). The proposed lots **are served** with adequate road system/means of access, fire protection, drainage, water supplies and means of sanitary sewage disposal;
- 4). Land **is not required** to be dedicated for public right-of-way;
- 5). Utility and irrigation easements **are required** to serve the proposed lots within the short plat and/or adjacent properties;
- 6). The public use and interest **will be** served by permitting the proposed divisions of land;
- 7). Subdivision improvements **are not required** for this application and therefore are not required to be guaranteed by one of the methods described in the Subdivision Ordinance.

RESOLUTION NUMBER 2005 245

Preliminary Approval
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CONDITIONS OF APPROVAL:

1. **Benton Franklin Health Department:** The applicant shall meet and comply with the requirements of the Benton Franklin Health Department (see letter dated May 31, 2005).
2. **Public Works:** The lots and boundary close okay. **Please add the following language to the plat** "Approach permits are required for any new approaches onto county roads".
3. **USBR:** Applicant shall meet and comply with the requirements of the United States Bureau of Reclamation. Specifically, see the letter written to the Planning Department dated June 13, 2005 for requirements.
4. **GIS/Assessor:** The Basis of Bearing appears to be incorrect.
5. **Burn Control/Code Enforcement Officer (Fire Code Official):**

Because this area is not covered by a Fire District, the following shall be required for all new structures on either lot to assist in fire suppression:

- a. Front yard setback: Twenty-five (25) feet from a road right-of way and/or road easement, and/or fifty-five (55) feet from the center-line of such road right-of way and/or road easement which ever is greater.
- b. Rear yard setback: Twenty-five (25) feet.
- c. Side yard setback: Twenty (20) feet.
- d. Separation between Building/Structures: Fifteen (15) feet. The structure separation could be adjusted with an approved firewall construction.

This separation standard shall be placed on the face of the plat.

6. **South Columbia Basin Irrigation District:** RCW 58.17.310 requires an irrigation easement from the farm unit's point of delivery to each new lot when a farm unit is short platted. A minimum 10 ft wide irrigation easement (separate from other easements) is required from the unit's legal point of delivery (NE corner of FU 159) to Lot 1.
7. **Franklin County Planning Department:**
 - i. Short Plat approval shall be effective for one (1) year (per Co. Subdivision Ordinance, Section 8.14). If final recording has not occurred within the one-year time period, reapplication shall occur.

2005 245

RESOLUTION NUMBER

Preliminary Approval
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Page Three

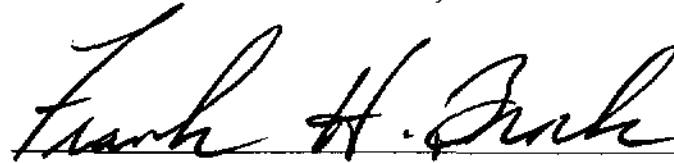
- ii. Lot #2 is subject to a Park Dedication Fee (\$50.00 per new lot/expected new dwelling unit). This fee may be paid prior to recording the final subdivision plat or at the time when a building permit for a new home is to be issued for the applicable lot. If the applicant chooses to not pay the fee prior to recording, **then a statement shall be placed on the plat stating that a Park Dedication Fee applies to Lot #2. This shall be paid prior to building permit issuance for a new home on the applicable lot.**
- iii. Signature Blocks shall be provided for the following: County Engineer, County Auditor, Benton-Franklin Health Department, Big Bend Electric, South Columbia Basin Irrigation District, USBR, County Treasurer, Chairman-Board of County Commissioners.
- iv. The Final Short Plat shall be developed in accordance with the County Subdivision Ordinance. See Chapter 8 of Ordinance 03-2000 for specifications.

WHEREAS, the public use and interest will be served by giving preliminary approval to the above-mentioned application, and;

NOW THEREFORE, BE IT RESOLVED that the above-mentioned application be given preliminary approval in accordance with the provisions of the Franklin County Subdivision Ordinance #03-2000.

SIGNED AND DATED THIS 15th DAY OF JUNE 2005.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**



CHAIRMAN

ATTEST:

ABSENT

CHAIR PRO TEM


MEMBER


Clerk of the Board

FRANKLIN COUNTY

RESOLUTION NUMBER 2005- 246

BEFORE THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, WASHINGTON:

RE: CLAIM FOR DAMAGES

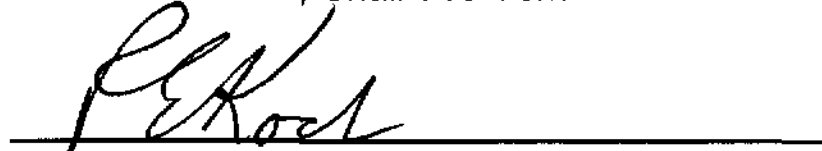
WHEREAS, Dane Ratsch filed a Claim for Damages on April 12, 2005, alleging the County Correctional staff failed to provide appropriate medical treatment for a displaced fractured jaw while incarcerated in the Franklin County Correctional Center; and

WHEREAS, an investigation of the facts surrounding the Claim for Damages was done.

THEREFORE, IT IS HEREBY RESOLVED that the Claim for Damages filed by Dane Ratsch is denied.

DONE this 15 day of June, 2005.BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON
Frank H. Brock, Chairperson

ABSENT

Neva J. Corkrum, Chair Pro Tem
Robert Koch, Member

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Ryan E. Verhulp
Deputy Prosecuting AttorneyFranklin County Resolution Number 2005 - 246

**FRANKLIN COUNTY
DISTRICT COURT**

GERALD F. ROACH, JUDGE
1016 N. 4th Avenue, Pasco, Washington 99301
Phone (509) 545-3597 Fax (509) 545-3588

TERRIE YONTS, ADMINISTRATOR
1016 N. 4th Avenue, Pasco, Washington 99301
Phone (509) 545-3595 Fax (509) 545-3588

May 11, 2005

Franklin County Commissioners.

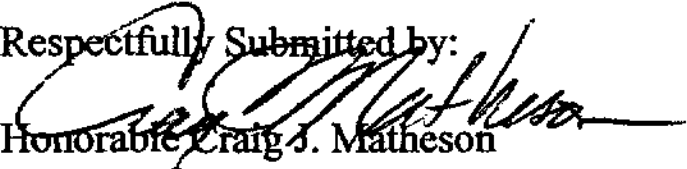
Our State Legislature has enacted RCW 7.75 in order to assist communities, municipalities, counties and courts in the management and minimization of increasing demands on our judicial system and financial resources.¹ This law is designed to encourage the creation and development of Dispute Resolution Centers. The purpose of the DRC is basically three-fold: to provide dispute resolution services (mediation) to all interested persons, (regardless of their ability to pay), to develop trained and qualified volunteer mediators to serve the communities' needs, and to provide education to the public about the benefits of mediation as an alternative to the courts.


The Benton Franklin Dispute Resolution Center was created six years ago under RCW 7.75.030². This law gives communities a unique opportunity to support the development and growth of this highly advantageous mechanism for resolving conflict. In addition to substantial volunteer support, fees for services provided, income from training seminars, a DRC is funded by a surcharge on civil filing fees and small claim court filing fees, as provided in RCW 7.75.035³. At this point, the County Commissioners can approve a surcharge of up to \$10.00 on civil filing fees and up to \$15.00 on small claims filing fees. This law also provides that the clerk of the court collects the fees, and they are distributed by the County Treasurer.

We believe that institution of the surcharge on both the civil filings and small claims filings in Franklin County is appropriate and we respectfully request that the Franklin County Commissioners adopt the surcharge to the maximum amount allowed by the legislature. After reviewing the program, the Benton Franklin Dispute Resolution Center, the costs and benefits, we believe that institution of this program will benefit Franklin County residents, Franklin County Courts, and will be financially beneficial to our County as a whole.

If you have any questions or require additional information, please contact Ms. Sue Thornton, Executive Director of the Benton Franklin Dispute Resolution Center (783-3325). Of course, if we can be of service, please do not hesitate to call.

Respectfully Submitted by:


Honorable Craig J. Matheson
Superior Court Judge


Honorable Terry Roach
Franklin County District Court Judge

¹ RCW 7.75.010 (Exhibit 1)

² Exhibit 2

³ Exhibit 3

**Superior Court of the State of Washington
for Benton and Franklin Counties**

7122 W. Okanogan Place, Box B Kennewick, WA 99336

Judge
Craig J. Matheson

Benton County Justice Center
Franklin County Courthouse
Telephone (509)736-3071
Fax (509)736-3057

June 6, 2005

The Hon. Neva J. Corkrum
Franklin County Commissioner, District 1

The Hon. Robert E. Koch
Franklin County Commissioner, District 2

The Hon. Frank Brock
Franklin County Commissioner, District 3
1016 N. 4th
Pasco, WA 99301

Dear Commissioners Corkrum, Koch and Brock:

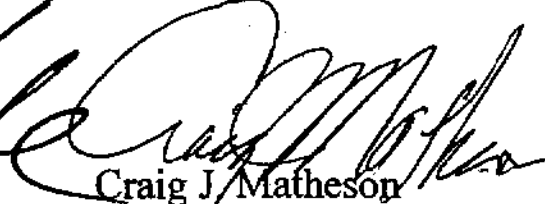
As Judges of the Superior Court, we are writing to support the proposed Franklin County District Court surcharge on civil and small claims filings. The purpose of the surcharge is to fund the local Dispute Resolution Center.

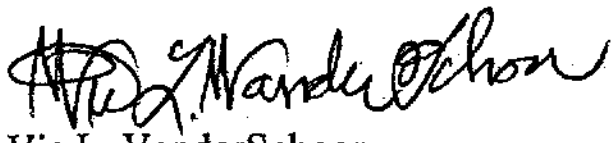
The Dispute Resolution Center was established six years ago and is currently funded by fees for services, income from training seminars and by a surcharge in the Benton County District Court. It is important to note that skilled volunteers who are recruited and trained by the Dispute Resolution Center provide the mediation services, making good use of the funding provided.


As judges, we make many referrals every year to the Dispute Resolution Center. Families in conflict are able to talk out their differences with the help of trained mediators. Neighbors and business people are also able to use the Center, without the expense of an attorney. Mediation leads to a lasting resolution, salvages strained relationships, and reduces the demand on the Superior Court. We strongly recommend that you adopt the surcharge proposed by the District Court.


Respectfully Submitted,



Dennis D. Yule
Superior Court Judge


Craig J. Matheson
Superior Court Judge


Vic L. VanderSchoor
Superior Court Judge


Robert G. Swisher
Superior Court Judge


Carrie L. Runge
Superior Court Judge


Cameron Mitchell
Superior Court Judge

RCW 7.75.035**Surcharge by county legislative authority.**

(1) A county legislative authority may impose a surcharge of up to ten dollars on each civil filing fee in district court and a surcharge of up to fifteen dollars on each filing fee for small claims actions for the purpose of funding dispute resolution centers established under this chapter.

(2) Any surcharge imposed shall be collected by the clerk of the court and remitted to the county treasurer for deposit in a separate account to be used solely for dispute resolution centers established under this chapter. Money received under this section is not subject to RCW 3.62.020(2) or 3.62.090. The accounts created pursuant to this subsection shall be audited by the state auditor in accordance with RCW 43.09.260.

[1990 c 172 § 1.]

NOTES:

Effective date — 1990 c 172: "This act shall take effect July 1, 1990." [1990 c 172 § 4.]

EFFECTIVE 7/01/05

FILING FEE	Old	New Plus DRC	New Filing Fee
Civil Filing Fee	31	43+ 10	53.00
Writ of Garnishment	6		12.00
Supplemental Proceeding	12		20.00
Civil Jury Demand	50		125.00
Transcript of Judgment	6		20.00
Certifying any document			5.00
Small Claims	10	14+15	29.00

DRC	Dispute Resolution Surcharge - Civil Filings			341.24.00	MR
A surcharge of up to \$10 on civil filing fees which is used to support a county's dispute resolution center.					
Authority	BARS	Sub Account	Split	Effective Date	
7.75.035(1)	341.24.00	10 Cur Exp	100%	07-01-90	
This cost fee code can be used on the following screens: CVF, CVB, MSP					
DRS	Dispute Resolution Surcharge - Small Claims Filings			341.24.01	MR
A surcharge of up to \$15 on small claims filing fees which is used to support a county's dispute resolution center.					
Authority	BARS	Sub Account	Split	Effective Date	
7.75.035(1)	341.24.01	10 Cur Exp	100%	05-01-93	
This cost fee code can be used on the following screens: CVF, CVB					

Washington State
House of Representatives
Office of Program Research

BILL
ANALYSIS

Judiciary Committee

E2SSB 5454

Title: An act relating to court operations.

Brief Description: Revising trial court funding provisions.

Sponsors: Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles; by request of Board For Judicial Administration.

Brief Summary of Engrossed Second Substitute Bill

- Requires the state to pay one-half of district and municipal court judges' salaries and makes those judges eligible for the Supplemental Judicial Retirement Fund if certain conditions are met.
- Requires cities and counties in which the state is paying half the salaries of judges to create trial court improvement funds.
- Increases superior and district court civil filing fees and other miscellaneous court fees.

Hearing Date:

Staff: Trudes Tango Hutcheson (786-7384).

Background:

District courts are county courts and municipal courts are those created by cities and towns. Funding for courts is provided by both the state and local jurisdictions. The state funds all court operations for the Supreme Court and the Court of Appeals and funds the benefits and half of the salaries of superior court judges. Local jurisdictions fund the other half of superior court judges' salaries and all court operations for district and municipal courts.

Judges' Salaries

The number of district court judges in each county is set by statute. The Washington Citizens' Commission on Salaries for Elected Officials sets all judges' salaries except the salaries for municipal court judges. Municipal court judges' salaries are set by the city's legislative body and cannot be more than the county's superior court judge's salary. There are currently 107 elected district court judges and 24 elected municipal court judges.

Supplemental Judicial Retirement Account

Generally, judges are members of the public employees' retirement system (PERS). In addition, a supplemental judicial retirement account was created for judges of superior courts, the Court of Appeals, and the Supreme Court who are members of PERS. Judges pay into the supplemental account two and one-half percent of their salaries, and the state contributes an equal amount.

Court Fees

The filing fee for a civil cause of action in superior court is \$110 and \$31 in district court. Currently, there is no filing fee when a party files a counter claim, cross-claim, or third-party claim in civil actions. Courts also impose other fees, set by statute, for various services. For example, fees are imposed for: jury demands; criminal convictions in superior court; appeals filed in superior court from a lower court; filing a petition to contest a will; preparing transcripts; and other services.

Most, but not all, of the fees collected by superior and district courts are split between the state and the local government. Generally, 46 percent of the money collected from superior court fees and 32 percent of the money collected from district court fees are deposited in the Public Safety and Education Account (PSEA).

Law Libraries

Each county with a population of 8,000 or more is required to maintain a county law library. The library is governed by a board of trustees. Counties may join to form a regional law library.

State law provides that \$12 of every new probate or civil filing fee collected in superior court and \$6 of every civil filing fee collected in district court are to be used for the support of the county law library. Upon approval of the library board of trustees and the county legislative authority, the \$12 contribution amount may be increased to \$15.

Summary of Engrossed Second Substitute Bill:

The Legislature finds that local government should not be primarily responsible for funding trial courts. The Legislature intends to increase state funding responsibility of trial courts and provide trial courts with additional resources.

Judges' Salaries

Beginning July 1, 2006, the state will pay one-half the salaries of district court judges and one-half of an elected municipal court judge's salary if the municipal court judge's salary is equivalent to 95 to 100 percent of the salary set for full-time district court judges. The city is responsible for all other compensation, benefits, and expenses related to municipal court judges except where specifically provided otherwise.

Trial Court Improvement Accounts

Beginning July 1, 2006, cities and counties in which the state is paying one-half of the municipal and district court judges' salaries must establish trial court improvement accounts. The city or county must deposit into the account an amount equal to one-half of the state's contribution for the payment of judges' salaries. The money must be used to fund improvements to the city and county's courts.

Supplemental Judicial Retirement Account

Elected district and municipal court judges who are members of PERS and who qualify for state payment of one-half of their salaries are eligible for the Supplemental Judicial Retirement Account.

Court Fees

Fees in district and superior courts are amended as follows:

District Court (subject to PSEA split)	Current	E2SSB 5454
Filing fee	\$31	\$43
Filing counterclaim, cross-claim, or third-party claims	No provision	\$43 + dispute resol. center fee authorized by county
Issuing writs	\$6	\$12
Filing supplemental proceedings	\$12	\$20
Demanding jury in civil case	\$50	\$125

Preparing transcripts of judgments	\$6	\$20
Upon conviction or guilty plea court may impose fee	No provision	\$43
Jury fee (criminal cases)	\$25	\$125
Jury fee (civil cases)	\$25	\$125
Small claims court filing	\$10	\$14
Small claims counter, cross, and third-party claims	No provision	\$14 + dispute resol. center fee authorized by county

Superior Court Fees (subject to PSEA split)

Civil filing fee	\$110	\$200
Filing counter, cross, and third-party claims	No provision	\$200
Initial unlawful detainer filing	\$30	\$45
Civil appeal from lower court	\$110	\$200
Filing petition for review of administrative act	\$110	\$200
Filing unlawful harassment petition	\$41	\$53
Filing notice of debt due for crime victim comp.	\$110	\$200
Instituting probate proceedings	\$110	\$200
Filing petition to contest will in probate	\$110	\$200
Upon criminal conviction	\$110	\$200
Filing a judgment from a different court	\$15	\$20
To proceed with an unlawful detainer action	\$80	\$112
Filings in a nonjudicial probate dispute	\$2	\$20 (if it is filed within an existing case in the same court)
Transferring venue	No provision	\$20

Superior Court Fees (not subject to PSEA split)**Current****E2SSB 5454**

Filing petition for modification of a dissolution or paternity decree	\$20	\$36
Jury fee for 6 person jury (criminal)	\$50	\$125
Jury fee for 12 person jury (criminal)	\$100	\$250
Preparing certified copies w/ seal	\$2 first page \$1 add. pages	\$5 \$1
Authenticating a document	\$1 per seal	\$2
Preparing copies of documents w/o seal	\$2 first page \$1 add. pages	\$0.50 per page \$0.35 per page if document is in electronic format
Copies of documents on CD	No provision	\$20
Filing supplemental proceedings	No provision	\$20
Filing of oaths and affirmations	\$20	language removed
Filing a disclaimer of interest	\$2	language removed
Registering land titles	\$5	\$20

Issuing extension of judgments	\$110	\$200
Family law facilitator program fee (at discretion of county)	\$10	\$20
Filing frivolous mechanic and materialmen's lien	No provision	\$35
Filing a will or codicil	No provision	\$20
Law Libraries	Current	E2SSB 5454
For every superior court civil filing fee, county must deposit in law library fund	\$12 (up to \$15 if approved by county)	\$17 (up to \$20 if approved and up to \$30 in counties with multiple library sites)
For every district court civil filing fee, county must deposit	\$6	\$7

Fees Constitute Reimbursement to Counties by the State

The revenue to counties for some of the superior court fees is deemed to be a complete reimbursement from the state for the state's share of benefits paid to the superior court judges prior to the effective date of the act, and no claim shall lie against the state for such benefits.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except for sections 101 through 108 and 201 through 205, which take effect July 1, 2006.