

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for February 15, 2012

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.

AUDITOR and TREASURER

Auditor Matt Beaton and Treasurer Josie Koelzer met with the Board. Present in audience: Auditor's Administrative Assistant Jeff Burckhard, Chief Accountant Thomas Westerman, Accountant Robin Stanco, Sharon Paradis and Tri-City Herald Reporter Kristi Pihl. Franklin County Travel Policy

Mr. Beaton asked for Board approval of the Franklin County Travel Policy. Mr. Beaton and Ms. Stanco answered questions from the Board.

Mr. Peck noted that the Board has been requested to approve the policy and give the Auditor and Treasurer license to make minor adjustments and refine the policy, then come back in six months and either confirm no changes are needed or ask us to approve some minor adjustments. Mr. Miller said good, because he had some questions but they would not be answerable until it had been used for awhile.

Motion – Mr. Miller: I move that we approve the revised Travel Policy for Franklin County employees and providing for the repeal of Franklin County Resolutions 92-64, 94-161, 95-006, 98-289, 2001-155, 2006-243, 2008-593, 2009-434 and 2011-358, and any other prior Franklin County travel policies. Second by Mr. Koch. 3:0 vote in favor. Resolution 2012-060 was approved.

VOUCHERS

Present in audience: Sharon Paradis and Kristi Pihl.

Motion – Mr. Koch: I move for approval of Public Works County Road and Motor Vehicle payroll. They have been signed and approved by our temporary director Malcolm Bowie and Whitney Osborne. The County Road payroll is in the amount of \$106,324.18 and Motor Vehicle is \$16,889.14 for a total of \$123,213.32. Second by Mr. Miller. 3:0 vote in favor.

County Road payroll warrants 61931 through 61956 for \$36,183.25; Direct Deposit for \$33,968.96; and Benefits warrants 61957 through 61966 for \$36,171.97; total \$106,324.18; and

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Motor Vehicle payroll warrants 61903 through 61920 for \$5180.71; Direct Deposit for \$5507.02; and Benefits warrants 61921 through 61930 for \$6201.41; total \$16,889.14.

Grand total is \$123,213.32. (Exhibit 1)

JUVENILE JUSTICE CENTER (JJC)

JJC Director Sharon Paradis and Deputy Prosecutor Ryan Verhulp met with the Board. Contract Program Agreement #1263-43048, Consolidated Contract FY 12-13, between the JJC and State of Washington Department of Social and Health Services (DSHS), Juvenile Rehabilitation Administration

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

Ms. Paradis asked for approval of the contract, backdated to January 1, 2012. DSHS provides funding to the JJC. The contract obligates the JJC to be responsible for errors and omissions for subcontractors. We have several subcontractors under the contract. Mr. Peck said the county is not in the habit of taking on liability for third party providers. Ms. Paradis said this has been standard language in these contracts for a very long time. Mr. Peck asked are you aware of situations where there has been a problem? Ms. Paradis said no.

The Risk Pool does allow counties to accept third party liability. Subcontractors are required to have professional liability insurance, general commercial liability insurance, and employee insurance. There are also hold harmless clauses in the contracts with subcontractors.

Mr. Peck said it is a significant issue. He knows the JJC does not get to write these contracts or alter these contracts.

Mr. Verhulp said the Board is well aware of this issue. It is the practice of the Franklin County Prosecutor's office not to approve as to form any contract where the county is taking on third-party liability. He said this is just something the Board will have to consider and determine whether it wants to take on the risks for the county.

Mr. Verhulp said this form of the contract has been approved previously by the Benton County Prosecutor's Office. Benton County Prosecutor's Office reviews the JJC contracts for a portion of the year and Franklin County Prosecutor's Office reviews for the other portion of the year. The review of the contract had been done in the first quarter of the year, which means that the Benton County Prosecutor's office has been performing the review on this contract.

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Mr. Verhulp said it would seem that the Benton County Prosecutor's office doesn't have issue with these third party liability provisions like we do. Maybe their board has said it's okay, Benton County Board is going to always assume the liability.

Ms. Paradis said now that I understand this is a concern in Franklin County, I will be responsible for making sure to convey that information to the Benton County prosecutor because they are reviewing these contracts on behalf of Franklin County as well.

Mr. Koch said I don't believe I care to give blanket authorization for any and all contracts that have that provision in them; I'd rather know about them.

Mr. Peck said I second that thinking. I'm grateful you're highlighting it and saying we're not going to approve as to form. Our legal counsel advises but ultimately we decide and the responsibility for the decision clearly is on us and we need good advice that doesn't presume anything, so we appreciate that.

Mr. Peck asked how we might approach DSHS in getting these contracts written in a more appropriate form. Mr. Verhulp said he feels Sharon Paradis and he can still bring the issue to the state's attention each time essentially. Their response could change from time to time. It could depend upon the contract administrator you're working with for a particular contract. More often than not they won't make changes but I think it would be remiss of us not to ask and request. Mr. Koch agreed.

In addition, Mr. Peck suggested that Mr. Koch bring the matter to the attention of the Washington State Association of Counties (WSAC) through his service on the Legislative Steering Committee. Perhaps WSAC could ask on behalf of the 39 counties that the contract be amended to say that third party providers must have liability insurance in certain amounts and use that as a compromise between what this says and what is needed.

Motion – Mr. Koch: Mr. Chairman, I would move for approval of Resolution Number 2012-061 in regards to matter of request for signature from the chairman of the Boards of Benton and Franklin County Commissioners on a County Program Agreement between the Juvenile Justice Center and State of Washington Department of Social and Health Services, Juvenile Rehabilitation Administration. Second by Mr. Miller.

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Mr. Peck expressed concern about the signature page line. Mr. Verhulp said he would defer to the Board about whether they would want to strike "Agreed Review performed by Benton County."

3:0 vote in favor. Resolution 2012-061 was approved.

OFFICE BUSINESS (9:27 am)

Administrative Assistant Toni Fulton met with the Board. Present in audience: Ed Thornbrugh and Kristi Pihl.

Vouchers

Motion – Mr. Koch: I move for approval of fund expenditure vouchers, numerous miscellaneous items, in the bottom line of \$143,931.56. Second by Mr. Miller. Mr. Koch said they have been signed by Auditor Matt Beaton and audited by Tom Westerman and Julie Jordan. 3:0 vote in favor.

<u>Fund Expenditures</u>	<u>Warrants</u>		<u>Amount Issued</u>
Dept of Commerce Pass Through	61638		\$4,593.10
Dept of Commerce Pass Through	61694		\$3,124.83
Current Expense	61723	61828	\$36,611.39
Current Expense	61829	61863	\$20,108.92
TRAC Operations Fund	61864	61901	\$37,107.75
Franklin County RV Facility	61902		\$481.94
Motor Vehicle Payroll	Submitted by Public Works		
County Road Payroll	Submitted by Public Works		
TRAC Operations Fund	61967		\$140.34
Current Expense	61968		\$60.00
Supplemental Preservation Fund	61969		\$10,000.00
Crime Victims/Witness Assist	61970	61971	\$3,098.16
Jail Commissary	61972	61975	\$3,568.09
Enhanced 911	61976		\$36.72
Veteran's Assistance	61977		\$361.88
RV Park	61978	61980	\$3,302.91
Dept of Commerce Pass Through	61981	61983	\$21,335.53

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(Exhibit 2)

Motion – Mr. Koch moved for approval of vouchers received from the Franklin County Auditor for Salary Clearing payroll, Emergency Management payroll and Irrigation payroll. The Salary Clearing is \$663,872.08, Emergency Management is \$12,261.23, and Irrigation payroll is \$11,659.06, bringing that total to \$687,792.37, and approved by our Auditor Matt Beaton and prepared by Connie Curiel, our payroll bookkeeper. Second by Mr. Miller. 3:0 vote in favor.

Salary Clearing payroll warrants 55388 through 55474 for \$165,083.13; Direct Deposit for \$338,633.05; and Benefits warrants 55475 through 55480 for \$160,155.90; total \$663,872.08;

Emergency Management payroll warrants 61695 through 61701 for \$3196.50; Direct Deposit for \$7467.50; and Benefits warrants 61702 through 61705 for \$1597.23; total \$12,261.23; and

Irrigation payroll warrants 61706 through 61718 for \$6040.28; Direct Deposit for \$3834.53; and Benefits warrants 61719 through 61722 for \$1784.25; total \$11,659.06.

Grand total is \$687,792.37. (Exhibit 3)

Consent Agenda

Motion - Mr. Miller: Mr. Chairman, I move for approval of the consent agenda 1 through 6 with discussion. Second by Mr. Koch. Mr. Miller asked about the Richland Housing Authority, item #3. Human Services Director Ed Thornbrugh joined the meeting and explained some history involved regarding item #3 concerning the Richland Housing Authority. He answered the Board members' questions. **Consent Agenda Vote: 3:0 vote in favor.**

1. Approval of Resolution 2012-062, Independent Contractor Agreement #FCDC1214NP001D to provide legal representation to indigent persons charged with crimes in the courts of Franklin County, Washington, between Franklin County and Nicole Preszler
2. Approval of Resolution 2012-063, Agreement #2012-HHAA-BFCAC to assist the counties with meeting the goals of the Ten-Year Homeless Housing Plan through the Benton and Franklin County Homeless Housing and Assistance Program, between Benton and Franklin Counties Department of Human Services and the Benton-Franklin Community Action Committee
3. Approval of Resolution 2012-064, expressing written consent to the sale or transfer of homes from Richland Housing Authority to Lourdes Counseling Center as required by

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an agreement for an affordable housing project between Richland Housing Authority and Benton and Franklin Counties Department of Human Services (BFDHS)

4. Approval of Resolution 2012-065, authorizing Treasurer's Office to dispose of surplus property
5. Approval of Resolution 2012-066, contract between Franklin County and Apollo, Inc., CRP 593 – Road 100/Dent Road Extension Phase 2
6. Approval of Resolution 2012-067, amending Franklin County Resolution 2012-044, adjustment of cost of leasing a Ricoh copier for the Treasurer's Office from IKON Office Solutions from \$129.71 per month to \$126.38 per month

COUNTY ADMINISTRATOR

County Administrator Fred Bowen and Human Services Director Ed Thornbrugh met with the Board. Present in audience: Kristi Pihl.

Housing Trust Fund Surcharge Oversight Committee

Mr. Thornbrugh explained the request from Human Services Department for Franklin County to appoint a member to the committee and answered the Board's questions. The Board asked Mr. Bowen to bring some recommendations as to good candidates to consider.

OTHER BUSINESS

Prosecutor Shawn Sant asked the Board to review a District Court Services contract.

Mr. Sant plans to meet with the Board during an Executive Session. The Board asked him to return at 10:55 am.

COUNTY ADMINISTRATOR (10:10 am)

County Administrator Fred Bowen met with the Board. Present in audience: Malcolm Bowie and Kristi Pihl.

Compensatory Time

Motion – Mr. Koch: Mr. Chairman, I would move for authorization for payment of excess compensatory time for Jennifer Wagner and Betsy Crysel and authorize inter budget transfer of \$5630. Second by Mr. Miller. 3:0 vote in favor. Resolution 2012-068 was approved.

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Motion – Mr. Koch: As described by Mr. Bowen, our second resolution would be to authorize Franklin County Facilities employees to accrue compensatory time in an amount not to exceed 40 hours. Second by Mr. Miller.

Mr. Peck said I'm going to vote no. The reason for that is that I think three full work days of compensatory time is sufficient when it's per employee. In extending this out to 40, I think it encourages the bad habit of not staying on top of this account. I think when you have compensatory time it should be taken as soon as practical within the workplace and I would rather see this be handled more stringently. I think going to 40 hours sets just the wrong tone. I understand why Mr. Bowen is recommending it is to give more flexibility to the Facilities Director, but in this case if somebody is doing extra work for comp time, I want to see them take the time off the next week or as soon as practical.

Mr. Bowen said they accrue the comp time at 1-1/2 times their rate so the 40 hours actually is 26.6 hours. Mr. Peck said okay, noted.

2:1 vote in favor. Yeas: Miller and Koch. Nay: Peck. Resolution 2012-069 was approved.

Executive Session at 10:20 am per RCW 42.30.140(4) to discuss ongoing union contract negotiations expected to last 15 to 20 minutes but may last up to 30 minutes.

Open Session at 10:37 am.

Recessed at 10:37 am.

Open Session at 10:55 am. Present: Commissioners Peck, Miller and Koch; Josie Koelzer, Kristi Pihl, Ryan Verhulp, Shawn Sant, Janet Taylor, and Mary Withers.

OTHER BUSINESS

Prosecutor Shawn Sant met with the Board. Present in audience: Janet Taylor, Josie Koelzer, Ryan Verhulp and Kristi Pihl.

District Court Prosecutor

Mr. Sant asked for approval of an independent attorney agreement to provide special District Court prosecution for Franklin County, Washington, on a temporary basis.

Motion – Mr. Koch: Mr. Chairman, I would move for approval of a resolution regarding an Independent Attorney Agreement to provide special District Court prosecution for Franklin County. Second by Mr. Miller. 3:0 vote in favor. Resolution 2012-070 was approved.

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Executive Session at 11:02 am per RCW 42.30.110(1)(g), to evaluate and review the performance of one or additional of the employees currently on paid administrative leave and to consider further action thereto, expected to last 45 minutes to an hour. Mr. Peck asked for up to an hour of executive session.

Mr. Verhulp said a partial basis of the executive session will also be legal risks of any proposed actions that may come about, pursuant to RCW 42.30.110(1)(i). Mrs. Withers and Ms. Pihl left the meeting room.

Open Session at 12:08 pm. Kristi Pihl joined the audience.

Executive Session continued at 12:08 pm under the same RCW citations for up to an additional 45 minutes. Mrs. Withers and Ms. Pihl left the meeting room.

Open Session at 12:58 pm.

Present: Commissioners Peck, Miller and Koch; Cara Anderson, Josie Koelzer, Kristi Pihl, Ryan Verhulp, Shawn Sant, Janet Taylor, and Mary Withers.

Motion – Mr. Koch: Mr. Chairman, I would move to allow the chair to act on behalf of the Board to work with our legal counsel to effect the return of our employees back to the workplace. Second by Mr. Miller. Mr. Peck said the employees we're referring to would be any and all employees who were recently placed on paid administrative leave for the county's convenience. 3:0 vote in favor.

Adjourned at 12:59 pm.

This document is a summarized version of the Board of Commissioners proceedings. Access to an audio recording of the meeting is available upon request.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until February 22, 2012.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Brad Peck, Chairman



Rick Miller, Chairman Pro Tem



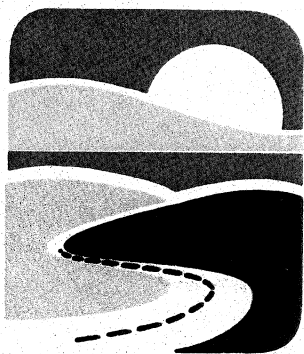
Robert E. Koch, Member

Attest:



Clerk to the Board

Approved and signed February 22, 2012.



FRANKLIN COUNTY

PUBLIC WORKS DEPARTMENT

Tim Fife, P.E., Public Works Director/County Engineer
Guy F. Walters, Assistant Public Works Director

February 16, 2012
 15

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, February 15, 2012, PEK on,
 move that the following warrants be approved for payment:

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
County Road		
- Payroll	61931 - 61956	36,183.25
- Direct Deposit (3241-3267)		33,968.96
		<u>\$70,152.21</u>
- Benefits	61957 - 61966	36,171.97
	Total	<u>\$106,324.18</u>
Motor Vehicle		
- Payroll	61903 - 61920	5,180.71
- Direct Deposit (3236-3240)		5,507.02
		<u>\$10,687.73</u>
- Benefits	61921 - 61930	6,201.41
	Total	<u>\$16,889.14</u>

in the total amount of **\$123,213.32** (\$106,324.18 + \$16,889.14). The motion was seconded by Frank Miller and passed by a vote of 3 to 0.

W. Fife
 The attached payroll has been approved by the Public Works Director

Whitney Osborn
 Payroll Prepared By



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

2/15/2012

Franklin County Commissioners:

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

Action: As of this date, 2/15/2012 *[Signature]*

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.

<u>FUND Expenditures</u>	<u>WARRANTS</u>	<u>AMOUNT ISSUED</u>
Dept of Commerce Pass Through	61638	\$4,593.10
Dept of Commerce Pass Through	61694	\$3,124.83
Current Expense	61723 61828	\$36,611.39
Current Expense	61829 61863	\$20,108.92
TRAC Operations Fund	61864 61901	\$37,107.75
Franklin County RV Facility	61902	\$481.94
Motor Vehicle Payroll	Submitted by Public Works	
County Road Payroll	Submitted by Public Works	
TRAC Operations Fund	61967	\$140.34
Current Expense	61968	\$60.00
Supplemental Preservation Fund	61969	\$10,000.00
Crime Victims/Witness Assist	61970 61971	\$3,098.16
Jail Commissary	61972 61975	\$3,568.09
Enhanced 911	61976	\$36.72
Veteran's Assistance	61977	\$361.88
RV Park	61978 61980	\$3,302.91
Dept of Commerce Pass Through	61981 61983	\$21,335.53

In the amount of

\$143,931.56

The motion was seconded by

And passed by a vote of 3 to 0

[Signature]
The attached vouchers have been approved by Auditor or Deputy

[Signature]
Vouchers Audited By



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

February 15, 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, February 15, 2012 *[Signature]*,
move that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
Salary Clearing Payroll:		
Payroll	55388-55474	165,083.13
Direct Deposit		338,633.05
		503,716.18
Benefits	55475-55480	160,155.90
	Total	\$663,872.08
Emergency Mgmt Payroll:		
Payroll	61695-61701	\$3,196.50
Direct Deposit		7,467.50
		\$10,664.00
Benefits	61702-61705	1,597.23
	Total	\$12,261.23
Irrigation Payroll:		
Payroll	61706-61718	\$6,040.28
Direct Deposit		3,834.53
		\$9,874.81
Benefits	61719-61722	1,784.25
	Total	\$11,659.06
Grand Total All Payrolls		\$687,792.37

In the total amount of **\$687,792.37**

(\$663,872.08+\$12,261.23+\$11,659.06)

The motion was seconded by *[Signature]* and passed by a vote of 3 to 4.

[Signature: Matt Beaton]

[Signature: Consuelo Curial]

The attached payroll has been approved by Auditor or Deputy

Payroll Prepared By