

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for June 6, 2012

This document is a summarized version of the Board of Commissioners proceedings. The minutes are paraphrased, not verbatim. Access to an electronic audio recording of the meeting is available upon request.

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Brad Peck, Chairman; Rick Miller, Chair Pro Tem; and Robert E. Koch, Member; Fred Bowen, County Administrator; and Mary Withers, Clerk to the Board. Meeting convened at 9:00 a.m.

OFFICE BUSINESS

Administrative Assistant Toni Fulton met with the Board. Present in audience: Rich Lahtinen, Jim Follansbee, Tom Larson, Roger Lenk, William Pennell, Thomas Lenberg, Mary Rosen and Troy Woody.

Vouchers

Motion – Mr. Koch: I move for approval of vouchers for County Road for \$300,305.24, Motor Vehicle for \$16,533.73; and Solid Waste for \$39.63. The total is \$316,878.60. It has been signed by Guy Walters and Len Langston. Second by Mr. Miller. There was discussion about appropriate review and signatures. Mr. Peck stated his opposition without review by Malcolm Bowie, interim engineer. The Board members all agreed the vouchers needed to be processed in a timely manner before the next Board meeting so they asked that another review be done by staff before final signature of the Board. 2:1 vote in favor. (Clerk's Note: After further review, Mr. Koch and Mr. Miller signed the cover sheet.) (Exhibit 1)

Motion – Mr. Koch: I move for approval of Public Works payroll dated June 5, 2012, for County Road payroll in the amount of \$75,659.91 and Motor Vehicle payroll in the amount of \$14,098.55, for a total of \$89,758.46. This is signed by Jeff Burckhard and Consuelo Curiel. Second by Mr. Miller. 3:0 vote in favor.

<u>Fund</u>	<u>Warrant</u>	<u>Amount</u>
County Road		
Payroll	67118-67140	28,552.77
Direct Deposit		36,327.17
		64,879.94

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for June 6, 2012

Benefits	67141-67144		10,779.97
		Total	\$75,659.91
Motor Vehicle			
Payroll	67145-67157		\$5,090.07
Direct Deposit			6,959.79
			\$12,049.86
Benefits	67158-67161		2,048.69
		Total	\$14,098.55
Grand Total All Payrolls			\$89,758.46

(Exhibit 2)

Motion – Mr. Koch moved for approval of vouchers totaling \$383,105.49. Second by Mr. Miller. 3:0 vote in favor.

Fund Expenditures	<u>Warrants</u>		Amount Issued
Landfill Closure Trust Fund	66908	-	\$1,978.09
Current Expense	66909	66944	\$58,149.67
Current Expense	66945	97117	\$8,439.06
Current Expense	67162	67163	\$938.70
Auditor O & M	67164	67167	\$448.07
Treasurer O & M	67168	-	\$26,000.00
Jail Commissary	67169	67173	\$2,931.64
Law Library	67174		\$3,745.55
Veteran's Assistance	67175		\$635.00
Ending Homelessness Fund	67176		\$6,413.25
1999 Distressed Capital GO Bonds	67177		\$100,000.00
Motor Vehicle/Public Works	67178		\$8,466.90
Dept of Commerce Pass Through	67179	67181	\$155,154.73
TRAC Operations Fund	67182	67197	\$9,325.50
Franklin County RV Facility	67198	67199	\$479.33

Total is \$383,105.49. (Exhibit 3)

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for June 6, 2012

Minutes

Motion – Mr. Koch: I move for approval of Commissioners Proceedings for May 16, May 23 and May 30. Second by Mr. Miller. 3:0 vote in favor.

Consent Agenda

Motion - Mr. Miller: I move that we approve the consent agenda items 1 through 8 as presented. Second by Mr. Koch. 3:0 vote in favor.

1. Approval of Resolution 2012-185 regarding responsible environmental policies: To heighten awareness of “Global” environmental policies and their impact on local communities in the United States
2. Approval of Resolution 2012-186, Independent Contractor Agreement to Provide Legal Representation to Indigent Persons Charged with Crimes in the Courts of Franklin County, Washington, Contract #FCDC1213NP001, between Franklin County and Attorney Nicole Preszler
3. Approval of Resolution 2012-187, payment of Franklin County’s portion (\$2614.33) of an invoice accrued by The Landfill Group to HiLine Engineering and Fabrication, Inc., for professional services
4. Approval of Resolution 2012-188, payment of Franklin County’s portion (\$6389.70) of an invoice accrued by The Landfill Group to HiLine Engineering and Fabrication, Inc., for professional services
5. Approval of Resolution 2012-189, Amendment No. 1 to the Software License and Services Agreement No. 120342 between Franklin County and Sungard Public Sector, Inc., amending Resolution 2012-110
6. Approval of Resolution 2012-190, Sympro Software License and Service Agreement
7. Approval of certificate of appreciation for Mavis Williams, Deputy Coroner (Exhibit 4)
8. Approval of Resolution 2012-191, Image Cash Letter Services Amendment between Franklin County and Bank of America, amending Resolution 2012-120

Patrick Barnett joined the audience.

Sanderson Estates

William Pennell, president of the Sanderson Estates Fire Protection System LLC, met with the Board. He referred to a letter sent to the Commissioners about fire protection in five

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for June 6, 2012

developments (Exhibit 5) and said residents of the areas have had some additional discussion since the letter was written. He emphasized that we are not asking the county to take over the system. We are asking for help to propose a solution. He said we've decided that perhaps the most feasible route to go to solve this problem would be to petition the county under RCW 57 for the creation of a water district, the boundaries of which would encompass the five plats that are served by this system. That process would require a petition signed by 10% of voters. It would then be submitted to the county commission. Mr. Pennell explained some of the process involved. He said we also wanted to see if there were any other possible ideas to deal with the financial and legal liability.

He said we also need to know what the consequences would be if the voters would vote against the establishment of this new taxing district.

Mr. Pennell introduced Tom Lenberg, one of the directors, and Mary Rosen, the secretary. He referred to RCW 57 and said since we have no way of raising funds to make sure a fire protection system meets the needs for which it is intended, we need to have a sustainable stream of revenue and also finance future improvements and repairs.

Mr. Koch said there are some options as far as working with Fire District 3. There was discussion. Mr. Peck asked Mr. Koch on behalf of the board to take the lead on this issue and help you walk through the process to the extent that's reasonable. Mr. Koch agreed to do that.

The Board approved a letter in response to the Sanderson Estates Fire Protection System, LLC, referring to five plats: Dream View Estates Property Owners Association, Sanderson Estates Homeowners Association, Sanderson Heights South Homeowners Association, Sanderson Heights Property Owners Association, and Montecello Estates (Exhibit 6)

Discussion about Public Comment during meetings

The Board decided to add a Public Comment section to the agenda at the beginning of Office Business and during the Other Business portion of its meetings.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen and TRAC Manager Troy Woody met with the Board. Present in audience: Rich Lahtinen, Jim Follansbee, Tom Larson, Roger Lenk, William Pennell, Thomas Lenberg and Mary Rosen.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for June 6, 2012

Executive Session at 9:26 am pursuant to RCW 42.30.140(4) for two matters of contract negotiations, the City of Pasco jail contract and the Pasco Public Facilities District, expected to last 15 minutes. Those in the audience left the meeting.

Open Session at 9:42 am.

PROSECUTOR

Deputy Prosecutor Janet Taylor met with the Board. No one was present in the audience.

Executive Session at 9:43 am based on RCW 42.30.110(1)(i) to discuss matters related to litigation or potential litigation regarding Dennis Huston for up to 30 minutes.

Open Session at 10:14 am.

Executive Session at 10:16 am based on RCW 42.30.110(1)(i) for potential litigation regarding Tim Fife expected to last 30 minutes. Prosecutor Shawn Sant joined the meeting at 10:29 am.

Open Session at 10:46 am.

Executive Session resumed at 10:47 am based on RCW 42.30.110(1)(i) for potential litigation regarding Tim Fife expected to last up to 15 minutes.

Open Session at 11:06 am.

Present in audience: Tri-City Herald Reporter John Trumbo.

Ms. Taylor said the pending direction related to Mr. Fife remains so she would not need any additional direction at this time.

ADJOURNMENT

Motion – Mr. Miller: I move that we adjourn. Second by Mr. Koch. 3:0 vote in favor.

Adjourned at 11:08 am.

COMMISSIONERS RECORD 51
FRANKLIN COUNTY
Commissioners' Proceedings for June 6, 2012

There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 13, 2012.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Brad Peck, Chairman

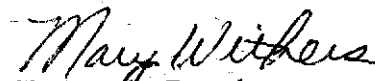


Rick Miller, Chairman Pro Tem

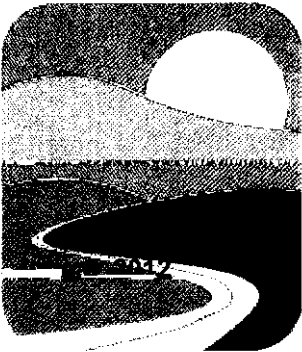


Robert E. Koch, Member

Attest:


Clerk to the Board

Approved and signed June 27, 2012.



FRANKLIN COUNTY

PUBLIC WORKS DEPARTMENT

Malcolm Bowie, P.E., County Engineer

Guy Walters, Interim Public Works Director

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.90, have been recorded on a listing, which has been sent to the board members.

Action: As of this date, June 6, 2012,
move that the following vouchers be approved for payment:

<u>FUND</u>	<u>AMOUNT</u>
County Road	
- Vouchers	\$300,305.24
Total	\$300,305.24
Motor Vehicle	
- Vouchers	\$16,533.73
Total	\$16,533.73
Solid Waste	
- Vouchers	\$39.63
Total	\$39.63
Probation Work Crew	
- Vouchers	\$0.00
Total	\$0.00

in the total amount of **\$316,878.60** (\$0.00 + \$39.63 + \$16,533.73 + \$300,305.24).
The motion was seconded by and passed by a vote of 2 to 1.

The attached vouchers are prepared by the Public Works Director

3416 Stearns Avenue, Pasco, WA 99301-3776 • (509)545-8514 • FAX (509)545-2133

EXHIBIT 2

June 6, 2012



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

June 5, 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, June 5, 2012
move that the following warrants be approved for payment.

A handwritten signature in black ink, appearing to be "Matt Beaton".

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
County Road		
Payroll	67118-67140	28,552.77
Direct Deposit		36,327.17
		64,879.94
Benefits	67141-67144	10,779.97
	Total	\$75,659.91
 Motor Vehicle		
Payroll	67145-67157	\$5,090.07
Direct Deposit		6,959.79
		\$12,049.86
Benefits	67158-67161	2,048.69
	Total	\$14,098.55

Grand Total All Payrolls

\$89,758.46

In the total amount of **\$89,758.46**

(\$75,659.91+\$14,098.55)

The motion was seconded by

A handwritten signature in black ink, likely of a county commissioner.

and passed by a vote of

3

to

A handwritten signature in black ink, likely of a county commissioner.

The attached payroll has been approved by Auditor or Deputy

A handwritten signature in black ink, reading "J. A. Turcke".

Payroll Prepared By

A handwritten signature in black ink, likely of the payroll preparer.

EXHIBIT 3

June 6, 2012



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

6/6/2012

Franklin County Commissioners:

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

Action: As of this date, 6/6/2012

Move that the following warrants be approved for payment:

certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

FUND Expenditures	WARRANTS	AMOUNT ISSUED
Landfill Closure Trust Fund	66908 -	\$1,978.09
Current Expense	66909 66944	\$58,149.67
Current Expense	66945 97117	\$8,439.06
Current Expense	67162 67163	\$938.70
Auditor O & M	67164 67167	\$448.07
Treasurer O & M	67168 -	\$26,000.00
Jail Commissary	67169 67173	\$2,931.64
Law Library	67174	\$3,745.55
Veteran's Assistance	67175	\$635.00
Ending Homelessness Fund	67176	\$6,413.25
1999 Distressed Capital GO Bonds	67177	\$100,000.00
Motor Vehicle/Public Works	67178	\$8,466.90
Dept of Commerce Pass Through	67179 67181	\$155,154.73
TRAC Operations Fund	67182 67197	\$9,325.50
Franklin County RV Facility	67198 67199	\$479.33

In the amount of

\$383,105.49

The motion was seconded by

And passed by a vote of 3 to 0

The attached vouchers have been approved by Auditor or Deputy

Vouchers Audited By

EXHIBIT 4

June 6, 2012



FRANKLIN COUNTY

BOARD OF COMMISSIONERS

BRAD PECK
DISTRICT 1

ROBERT E. KOCH
DISTRICT 2

RICK MILLER
DISTRICT 3

Fred H. Bowen
County Administrator

Rosie H. Rumsey
Human Resources Director

June 6, 2012

Mrs. Mavis Williams
928 West Jan
Pasco, WA 99301

Dear Mavis:

Please accept our deepest gratitude for the past thirty-six years of dedicated service you have given to Franklin County as the Deputy Coroner.

Your expertise and dedication to the County and professionalism is very much appreciated. We wish you the best in your retirement!

Enclosed please find a certificate of appreciation as a token of our gratitude.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON


Brad Peck, Chairman


Rick Miller, Chairman Pro Tem


Robert E. Koch, Member

Enclosure

YEARS OF CONTINUOUS SERVICE APPRECIATION AWARD

MAVIS WILLIAMS

This award is for appreciation for you
36 YEARS OF SERVICE AND DEDICATION to
Franklin County and its constituents

In recognition of valuable contribution to FRANKLIN COUNTY

June 6, 2012

Date

June 6, 2012

Date

June 6, 2012

Date

Brad Peck, Chairman

Rick Miller, Chairman Pro Tem

Robert E Koch, Member

June 6, 2012

April 27, 2012

Commissioner Brad Peck
Franklin County Board of Commissioners
1016 N. 4th Avenue
Pasco, WA 99301

RECEIVED
APR 30 2012
Franklin County Commissioners

Dear Commissioner Peck,

We are writing you and your fellow commissioners as the Board of Directors of the Sanderson Estates Fire Protection System, LLC. The LLC owns a fire protection system, consisting of various pumps, control systems, piping and fire hydrants, that serves five plats located off Kohler Road in Franklin County. The five plats total 88 lots and some 67 single-family residences, ranging from several hundred thousand to over one million dollars in assessed value.

The developers of these plats were required by the county to install a full fire-flow protection system before the county would approve their development. However, the county failed to require or provide for a mechanism to pay for the continued operation and maintenance of this system. Because the county's failure to provide for a sustainable fire protection infrastructure at the approval stages of these developments is the cause of this problem, we are petitioning the Franklin County Board of Commissions to work with us to find a remedy for this untenable situation.

In 2011 Sanderson Heights, LLC, which originally built and operated the fire protection system, transferred ownership of it to the Sanderson Estates Fire Protection System, LLC. The Sanderson Estates Fire Protection System was established in order to operate the fire protection system by four property owners associations that represent four of the five plats. (One of the plats, Montecello Estates, does not have a property owners association; thus, it is not an owner of the system, although it is served by it.) We originally, and naively, thought that it would be possible to maintain and operate the system within the existing budgets of our property owner associations; however, this assumption has proved false for the following reasons:

1. We estimate the annual cost of operating and maintaining the system to be \$150-\$200 per lot, with a significant fraction of this cost being liability insurance. This insurance is an absolute requirement, and the board cannot accept responsibility for continuing to operate this system without it.
2. While the above amount may seem to be a trivial cost for our homeowners, we have no mechanism for raising these funds. The estimated annual cost of maintaining and operating the fire protection system exceeds the current annual dues assessed by our associations. Moreover, only three of the four property owners associations have provisions in their by-laws for assessing annual dues. Thus, we have absolutely no means of assessing operating costs for 30% of the properties served by the system. The implications of this fact were made clear shortly after we assumed responsibility for the system. We found that it was

inoperable. We contracted for repairs, which came to a couple of thousand dollars, and 9 months after completion of the work we have still been unable to collect all the money required to pay off the contractor who did the work. The three associations that do have annual assessments categorically refuse to subsidize those property owners who cannot or will not pay, and this includes those association members who may choose not to pay their annual dues.

We cannot continue to take responsibility for this system under these conditions, and if a solution to the funding problem is not found, we will have no choice but to liquidate the LLC along with its assets. Without liability insurance, which is our principal cost driver, we are exposed to considerable personal liability should any loss result from failure of the fire protection system. In fact, some of us have been advised by our personal attorneys to sever any connection with the Sanderson Estates Fire Protection System in order to protect ourselves from such liability. As responsible citizens of our community, however, we are reluctant to do so until a workable solution can be found. And we do have a couple of suggestions along these lines:

1. Under Section 8 of the Franklin County Fire Code, provision of on-site water storage can substitute for a full fire-flow system "where the development of full fire-flow requirements is impractical." As we cannot possibly pay for the cost of maintaining a full fire-flow system under the current situation, our continuing to maintain this system is clearly impractical. We do have a 38,776-gallon reservoir as part of the system. We believe that we could maintain this reservoir as a fire protection system at a cost that could be borne by the revenue-generating property owners associations. However, this would require a finding by the county that the reservoir meets the requirements of the fire code for all five plats. It also means that we would remove the existing fire pump, controls, and fire hydrants and apply salvage revenues to pay for any modifications to the existing reservoir that might be required to make it more easily accessible to fire trucks.
2. If it is determined that we must maintain the existing system, it must be financed through property taxes applied to all benefitted properties. We presume that this would require creation of some sort of special taxing district. However, we see the establishment of such a district as the responsibility of the county and not of the individual property owners. In fact, we would need at least one year's worth of working capital before we could even begin to operate a tax-supported system, because there would certainly be some lag time between when a taxing district could be established and when revenues would begin to flow into it, and liability insurance must be obtained now. Where that initial working capital would come from is a mystery.

As you can see, there is no simple solution to this problem, and it is further complicated by recent knowledge that the system has broken down again, is currently inoperable, and requires additional repair. We do not want to liquidate this system. We recognize that this action would place all five plats out of compliance with the county fire code, which could affect our property values and preclude the building of any additional houses in this area. However, the policies of the county are responsible for this fiasco, and as Franklin

June 6, 2012

County taxpayers and voters, we expect the county to take the lead in solving this problem. We will be expecting to hear from you in the very near future.

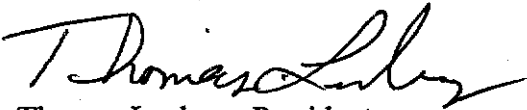
Very truly yours,



William Pennell, President
Dream View Estates Property Owners Association
7420 Ricky Road
Pasco, WA 99301



Kurt Thorne, President
Sanderson Estates Homeowners Association
12520 Eagle Reach Court
Pasco, WA 99301



Thomas Lenberg, President
Sanderson Heights South Homewoners Association
12231 Scenic View Drive
Pasco, WA 99301



Jeff Renz, President
Sanderson Heights Property Owners Association
12231 Hill Crest Drive
Pasco, WA 99301

EXHIBIT 6

June 6, 2012



FRANKLIN COUNTY

BOARD OF COMMISSIONERS

BRAD PECK
DISTRICT 1

ROBERT E. KOCH
DISTRICT 2

RICK MILLER
DISTRICT 3

Fred H. Bowen
County Administrator

Rosie H. Rumsey
Human Resources Director

June 6, 2012

Board of Directors
Sanderson Heights Fire Protection System, LLC
c/o William Pennell, President
Dream View Estates Property Owners Association
7420 Ricky Road
Pasco WA 99301

Re: Sanderson Estates Fire Protection System, LLC, fire protection for five plats:
Dream View Estates Property Owners Association
Sanderson Estates Homeowners Association
Sanderson Heights South Homeowners Association
Sanderson Heights Property Owners Association
Montecello Estates

Gentlemen:

Thank you for your letter of April 27, 2012. Our research shows that at the time of approval of each of the subdivisions for the five plats you represent, the county required each subdivision in its application to set forth as a condition of approval the fire protection system that was installed. Each subdivision agreed to the fire protection requirements.

Title 52 of the Revised Code of Washington (RCW) governs fire protection districts (FPD). Per RCW 52.02.020, FPDs are for the provision of fire prevention and suppression services to protect life and property "in areas outside of cities and towns." This RCW indicates FPDs are specifically tasked with these services rather than counties.

Once an FPD exists, per RCW 52.20.010, local improvement districts (LIDs) within the FPD may be initiated to acquire, maintain and operate apparatus and instrumentalities to provide fire protection services by (1) resolution of the Board of Fire Commissioners or (2) by the owners of a majority of the acreage of lands within the LID submitting a signed petition to the FPD. If the FPD receives a petition, the RCW requires the FPD to approve or dismiss the petition. Of course, this RCW contemplates the operation and maintenance of an existing fire protection system like that serving Sanderson Heights. This RCW also outlines the procedure for either the FPD to initiate a "resolution" or the procedure for the owners to submit a "petition" which could be provided to the owners in the Sanderson Heights area so they can initiate the process of having this issue addressed.

June 6, 2012

Board of Directors,
Sanderson Estates Fire Protection System, LLC
June 6, 2012
Page Two

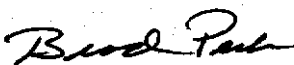
We recommend you consider using one of the methods outlined in RCW 52.20.010 as detailed above. You may also want to consider contacting Franklin County Fire Protection District Number 3 to determine if it is possible and/or desirable to petition to be included in a district LID.

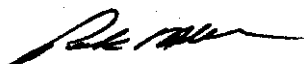
We do not have any contact information for owners of Montecello Estates. Please consider forwarding this letter to them for their information.

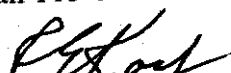
It should be recognized this letter is for informational purposes only and is not legal advice or a substitute for legal counsel. It is recommended that the residents of the Sanderson Heights area seek their own legal counsel to obtain advice regarding this matter.

Sincerely,

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


Chair


Chair Pro-Tem


Member

cc: Ryan Verhulp, Deputy Prosecuting Attorney

Kurt Thorne, President
Sanderson Estates Homeowners Association
12520 Eagle Reach Court
Pasco, WA 99301

Thomas Lenberg, President
Sanderson Heights South Homeowners Association
12231 Scenic View Drive
Pasco, WA 99301

Jeff Renz, President
Sanderson Heights Property Owners Association
12231 Hill Crest Drive
Pasco, WA 99301