



Keith Johnson
County Administrator

BOARD OF COMMISSIONERS
FRANKLIN COUNTY
WASHINGTON

BRAD PECK
District 1

ROCKY MULLEN
District 2

CLINT DIDIER
District 3

AGENDA
Regular Board Meeting
Tuesday September 14, 2021 at 7:00 p.m.

HAPO CENTER 6600 Burden Blvd. Pasco, Washington

This is a preliminary agenda. Discussion items may be added, deleted or modified. Public Hearings will not start earlier than the advertised time. Other agenda times are approximate and provided to aid in planning.

Join us virtually via YouTube Franklin County WA Commissioners meeting 09/14/2021

Masks are required for ALL in-person attendance

7:00 p.m. Call to Order and Pledge of Allegiance

7:01 p.m. Approval of Minutes

August 17, 2021 Commissioners Meeting Minutes

August 26, 2021 Commissioners Special I Meeting Minutes

August 26, 2021 Commissioners Special II Meeting Minutes

7:02 p.m. Commissioner/Administrator Updates

7:15 p.m. Washington Growth Management Act (GMA) Presentation and Discussion

Presented by Washington State Association of Counties Executive Director Eric Johnson and Policy Director Paul Jewell

Question and Answer period After Presentation

8:30 p.m. PUBLIC COMMENT in Person or by Phone 509-546-5859

8:40 p.m. Office Business

1. Approval of Payroll Rosters
2. Approval of Warrant Registers
3. Approval of Consent Agenda

8:45 p.m. Redistricting

9:00 p.m. Administration Office Business

- American Rescue Plan Act (ARPA)
- HAIFIC Committee Board Membership

9:30 p.m. PUBLIC COMMENT in Person or by Phone 509-546-5859

We welcome your comments, as they are important to us. Please limit your comments to 3 minutes.

9:45 p.m. Adjourn



FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

REGULAR MEETING
SEPTEMBER 14, 2021

The Minutes of the Board of Commissioners proceedings are not verbatim. Access to an electronic audio recording of meetings are available on the Franklin County website or upon request.

7:00 p.m.

Call to Order and Pledge of Allegiance

Commission Chairman Clint Didier called the Franklin County Commissioners' Regular Board Meeting to order at 7:00 p.m., at the HAPO CENTER located at 6600 Burden Blvd, Pasco, Washington.

Commissioners Present: Commission Chair Clint Didier, Chair Pro Tem Rocky Mullen and Member Brad Peck

7:01 p.m. **Approval of Minutes**

- ❖ *August 17, 2021 Commissioners Meeting Minutes approved as presented*
- ❖ *August 26, 2021 Commissioners Special I Meeting Minutes approved as presented*
- ❖ *August 26, 2021 Commissioners Special II Meeting Minutes approved as presented*

7:02 p.m. Commissioner Peck asked the Chair and Sheriff to request the audience to comply with the mask mandate. Commissioner Didier responded that he would protect the liberties of those who choose not to follow the mandate.

7:03 p.m. **Commissioner/Administrator Updates**

Administrator Keith Johnson update

- American Rescue Plan Act
- Shoreline Reconveyance meetings
- Ben Franklin Health District – COVIC -19 Response
- WSAC weekly meeting
- County Administrators Conference in Leavenworth

Commissioner Peck update

- Ben Franklin Health District – COVIC -19 Response
- WSAC weekly meeting
- Ben Franklin Council of Government
- Open House Transportation Improvement Board
- Letter Appointing Commissioner Peck to the HAEIFC Board

Commissioner Mullen update

- Ben Franklin Transit Meeting- Disappointment in not supplying rides to County Fair
- Met with constituents to discuss mental health issues in the county.
- Shocked when reading the Tri-City Herald concerning the Commissioners and their complete agreement on the redistricting matter, as there was no vote taken.

Commissioner Didier update



FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

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SEPTEMBER 14, 2021

- Ben Franklin Transit Meeting- Disappointment in not supplying rides to County Fair. He suggested they use smaller busses to save on fuel and road damage.
- Ben Franklin Health District – COVIC -19 Response
- Concerned with chip seal during harvest season and trucks kicking up rocks
- Shocked when reading the Tri-City Herald concerning the Commissioners and their complete agreement on the redistricting matter, as there was no consensus. He also voiced his concern as to how tri-City Herald obtained this information

7:10 p.m. **Washington Growth Management Act (GMA) Presentation and Discussion**

Washington State Association of Counties Executive Director Eric Johnson and Policy Director Paul Jewell presented a PowerPoint presentation on the Washington Growth Management Act.

Eric Johnson gave a History of the dual nature of Counties, which include Political subdivisions of State and General Purpose governments for unincorporated areas. He discussed "Dillions Rule" by Circuit Judge John Forrest Dillion.

Washington's Growth Management

- Enacted in 1990 RCW 36.70A
- Mandatory for some counties and cities
- Optional for others
- Some requirements mandatory for all
- Counties over 50,000
- Some counties "Opt-in" Counties
- Critical areas, shorelines, and resource lands
- 18 Counties required, 10 Counties Opted –In and 11 Counties subject to critical areas and natural resource lands requirements only
- Basic Requirements include 14 planning goals, 8 required elements for every county comprehensive plan.
- Critical Areas and Resource includes protecting critical areas and natural resource lands, such as forestry, agriculture, fisheries and mining.
- Future Growth and the UGA include designating urban growth areas based on the 20-year growth projections.
- Appeals process includes a third party appeal with hearing boards to resolves disputes. Non-compliance have consequences and the Governor may impose sanctions for non-compliance.

The Commissioners and the public asked questions pertaining to the GMA and Mr. Johnson and Mr. Jewell responded with answers.



FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

REGULAR MEETING
SEPTEMBER 14, 2021

8:08 p.m. Public Comment

- Dr. Jim Stevens addressed the Board about the mask mandate, vaccine mandate and the consequences of enforcing them.
- Young man opposed the mask and vaccine mandate
- Lawanda Hatch voiced her concerns with the redistricting commission and the summary judgement. She believes that there needs to be an investigation into this matter.
- James Gimenez is concerned with the redistricting issue and its basis. He would like an explanation. He is Latino from immigrant parents and may choose to run as Commissioner.
- Steve Bauman would like an explanation of how the Commissioners proceeded with a summary judgement if at least two Commissioners were not in agreement.
- Steve Simmons echoed the remarks of Mr. Bauman and Gimenez. The maps presented in Tri-City Herald were appalling and gerrymandered.
- Citizen voiced concerns on the vaccine mandate and how his father in WW2 was given test vaccines that were never disclosed.
- Kevin Heinen asked Commissioner Didier and Commissioner Mullen if they were informed of the summary judgement. They each replied no. He asked Commissioner Peck the same question. Commissioner Peck replied he had sat in the same room as the other two Commissioners where the summary judgement was discussed. He asked why Mr. Johnson had not informed the Commissioners on this.
- Steve Bauman read a brief newsletter stating "Latinos legal victory for single member district elections". Commissioners need to answer, "Who is in charge".

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FRANKLIN COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

REGULAR MEETING
SEPTEMBER 14, 2021

8:34 p.m. Approval of Fund Expenditure Warrants

09/07/2021

Franklin County Commissioners:

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

Action: As of this date, 09/07/2021

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.

Warrants \ Check Numbers:	00374138 - 00374197	\$224,458.30
EFT Check Numbers:	00000920 - 00000921	\$5,880.00
		<u>\$230,338.30</u>

Fund Expenditures	Amount Issued
CURRENT EXPENSE	\$69,285.34
COUNTY ROADS	\$152,484.55
FRANKLIN COUNTY RV PARK	\$63.00
MOTOR VEHICLE	\$8,505.41

In the amount of: \$230,338.30

The motion was seconded by: Jeff Burckhard

And passed by a vote of: 2 to 1

Reviewed by the County Administrator: Carolyn

The attached vouchers have been approved by Auditor or Deputy:
Jeff Burckhard

Vouchers Audited By:
Paola Mendoza

www.co.franklin.wa.us/auditor

- ❖ Commissioner Mullen moved to approve Fund Expenditures audited and certified by the auditing officer for warrants prepared for the week of September 7, 2021 for payment totaling \$230,338.30. Commissioner Peck abstained from the vote. Commissioner Didier seconded and the motion carried.



FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

REGULAR MEETING
SEPTEMBER 14, 2021

8:35 p.m. Approval of Salary Clearing and Emergency Management Payroll



1016 N 4th Ave, Pasco,
WA 99301
509-545-3502

September 7, 2021

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, September 7, 2021
moves that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
Salary Clearing Payroll:		
Net Payroll Checks	00374106-00374112	\$ 7,334.55
Net EFT Payroll Checks	00035585-00035850	\$ 473,316.80
Deduction and Contribution Checks	00374118-00374137	\$ 483,067.79
Total		\$ 963,719.14
Emergency Mgmt Payroll:		
Net EFT Payroll Checks	00035581-00035584	\$ 8,088.06
Deduction and Contribution Checks	00374113-00374117	\$ 5,451.14
Total		\$ 13,539.20
Grand Total All Payrolls		\$ 977,258.34

In the total amount of **\$977,258.34**

The motion was seconded by [Signature] and passed by a vote of 2 to 1.

[Signature]
The attached payroll has been approved by Auditor or Deputy

[Signature]
Payroll Prepared by Peter Gadomski

- ❖ *Commissioner Mullen moved to approve Salary Clearing and Emergency Management Payroll totaling \$977,258.34. Commissioner Peck abstained from the vote. Commissioner Didier seconded and the motion carried.*



FRANKLIN COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

REGULAR MEETING
SEPTEMBER 14, 2021

8:36 p.m. Approval of Fund Expenditure Warrants

Franklin County Commissioners

09/14/2021

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims.
Action: As of this date, 09/14/2021

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.

Warrants \ Check Numbers:	00374215 - 00374292	\$491,689.46
EFT Check Numbers:	00000924 - 00000925	\$2,900.00
		<u>\$494,589.46</u>
Fund Expenditures		Amount Issued
CURRENT EXPENSE		\$49,752.87
TREASURER O & M		\$396.94
BOATING SAFETY		\$112.51
DARE FUND SHERIFF		\$2,093.24
COUNTY ROADS		\$377,961.49
SOLID WASTE		\$1,090.83
THE HAPO CENTER		\$9,563.35
FRANKLIN COUNTY RV PARK		\$1,018.12
MOTOR VEHICLE		\$52,600.11

In the amount of: \$494,589.46

The motion was seconded by: Didier

And passed by a vote of: 2 to 1

Reviewed by the County Administrator: Beaton

The attached vouchers have been approved by Auditor or Deputy:
Matt Beaton

Vouchers Audited By:
Paola Mendoza

www.co.franklin.wa.us/auditor

- ❖ Commissioner Mullen moved to approve Fund Expenditures audited and certified by the auditing officer for warrants prepared for the week of September 14, 2021 for payment totaling \$494,589.46. Commissioner Peck abstained from the vote. Commissioner Didier seconded and the motion carried.



FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

REGULAR MEETING
SEPTEMBER 14, 2021

8:37 p.m. **Redistricting**

Commissioner Clint Didier stated it has been his position that the process by which the Commissioners are elected in Franklin County is lawful. The purported admission of at fault by the Attorney obtained by the Prosecutor to represent Franklin County was made without the informed consent or explicit direction a majority of the Board of Commissioners. Therefore, I think we should publicly vote on the collected position of the Board regarding the defense of the county in this litigation.

- ❖ *Commissioner Didier moved to direct the Prosecuting Attorney and Mr. Bruner (outside Council) to withdraw the admission of fault and respond to the litigation by rejecting the assertions in the complaint. Commissioner Mullen seconded.*

Prosecuting Attorney Shawn Sant, asked the Board to have the issue brought before the Board next week to discuss with Legal Counsel, as it was not listed on today's agenda.

- ❖ *After discussion, the motion carried. 2-yes Commissioner Didier and Commissioner Mullen to 1-no Commissioner Peck.*

Commissioner Didier expressed his concerns with the lack of communication by the Prosecuting Attorney and retained counsel with the Board. Under the rules of professional conduct in 1.4, an attorney is required to promptly inform the client of any decisions or circumstances with respect to which the client's informed consent is required. The Attorney is required to reasonably consult with their client about the means by which the client's objectives are to be accomplished. That clearly has not occurred in this case. The objectives of the Board were not followed. Retained counsel made statements on behalf of the county that were not consistent with the objective of the majority of the Board. The breach of trust between the Board as the client and our representation is problematic. The privileged covering discussions with our legal representation belongs to the client, not the lawyer. It is clear to me that a conflict of interest exists such as the PA and retained counsel have failed in their representation of the county and should withdraw. It is important to set the record straight regarding the intent of this Board and defend the current election process. We will not be successful if our legal representation seeks to undermine our objectives.

- ❖ *Commissioner Didier moved to direct the Prosecuting Attorney to fully support the position communicated today and defend his client. Commissioner Mullen seconded.*

Commissioner Peck stated for the record he has sat in the same exact meetings as the other two gentlemen. He agreed that there was not a vote, but the information was provided. He has listened to exactly the same information in executive session and open session. He has not received any other information than what they have received. Their claims would require them to merely have forgotten the information that was given to them. I do not know any other explanation for it.

Commissioner Mullen stated there was briefing and discussion but never a vote. Commissioner Didier stated there was not consent of the Board. He called for question on this vote.

- ❖ *After discussion, the motion carried. 2-yes Commissioner Didier and Commissioner Mullen to 1-no Commissioner Peck.*



FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

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8:46 p.m. Prosecuting Attorney Shawn Sant asked to address the Board. The Board has made accusations and he is not going to go into the memo that was sent. He did not wish to break Attorney /Client privilege.

- ❖ *Commissioner Didier moved to waive confidential privilege on correspondence as of September 1, 2021. Commissioner Mullen seconded.*
- ❖ *Commissioner Peck called point of order and did not give permission to waive attorney /client privilege.*

Commissioner Didier read the attached memo from Mr. Sant stating this attorney/client document cannot be shared in order to protect the privileged communications. Only the Board can waive confidential privilege.

Mr. Sant responded that the Commissioners were informed of the summary judgement during an executive session, and he presented the best way to move forward. The Board was given the opportunity to respond but did not do so.

Commissioner Didier requested all correspondence between Prosecuting Attorney's office and the Plaintiffs. Mr. Sant asked Commissioner Didier to put it in writing.

8:56 p.m. Administration Office Business

Administrator Keith Johnson gave a PowerPoint presentation on the American Rescue Plan Act (ARPA). In the presentation, he discussed the following:

- The dollar amount given and the time in which it to be used
- Allowable uses of Funds
- Mitigating Public Health Emergency and Negative Economic Impacts
- Providing Government Services for lost revenue
- Water, Sewer and Broadband Infrastructure
- Reporting Requirements
- Important Dates

9:11 p.m. Public Comment on ARPA

- Lawanda Hatch suggested the ARPA funds be used to hire an occupational hazard specialist to mitigate with the PPE used for COVID. She suggested changing the lights out for ultra violet to kill viruses.
- Citizen asked for the dollar amount for the nation. Mr. Johnson believed it was in the range of three hundred and fifty billion.

Hanford Area Investment Fund Advisory Committee have asked to two appointees. This will be addressed next week.



**FRANKLIN COUNTY, WASHINGTON
BOARD OF COMMISSIONERS**

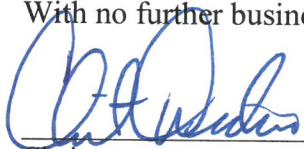
**REGULAR MEETING
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9:17 p.m. Public Comment

- Lawanda Hatch would like to have an investigation on the summary judgement. The Silentmajority.org will help those who do not wish to be vaccinated and lose their jobs due to the unlawful mandate.
- Dr. Jim Stevens voiced his concerns on our government caving in on a national and state level. He applauded Commissioner Mullen and Commissioner Didier for standing up for the American way.
- Collin Hastings, Executive Director of the Pasco Chamber of Commerce commented on the ARPA funds and how Mr. Johnson is working with the Chamber and Community. He proposed the Business Resiliency Grant Fund to educate businesses on how to be resilient by building a solid foundation.

Adjourn

With no further business to bring before the Board, the meeting adjourned at 9:27 p.m.


Chair


Clerk of the Board

12-14-2021
Date