

COMMISSIONERS RECORD 52
FRANKLIN COUNTY
Commissioners' Proceedings for September 10, 2014

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

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

PUBLIC HEARING TO TAKE TESTIMONY ON WHETHER THE MORATORIUM IMPOSED BY FRANKLIN COUNTY ORDINANCE NO. 7-2013 AND EXTENDED BY FRANKLIN COUNTY ORDINANCE NO. 1-2014 SHOULD BE EXTENDED FOR AN ADDITIONAL SIX MONTHS

Public Hearing convened at 9:00 am. Present: Commissioners Koch, Peck and Miller; Prosecutor Shawn Sant; Deputy Prosecutor Tim Dickerson; County Administrator Fred Bowen; and Clerk to the Board Mary Withers. Those present in the audience included people listed on the sign-in sheet (Exhibit 1) including Allan Cantrell, Jim Kataroff, Linda Robb, Melinda Didier, Tri-City Herald Reporter Geoff Folsom, Sharon Louise, Jed Crowther, Eddy Ochoa, Jedidiah Haney, David Morgan, Greg Wendt, Josie Koelzer, Matt Mahoney, Jenna Hall, Carlee Nave, Andrew Hicks, Ed Ochoa, Larry Hueter and Michael Killian. Other people were also present.

Mr. Dickerson reviewed the process that has occurred and listed some options that the Board may wish to consider. The first is to let the current moratorium expire and allow recreational marijuana use to occur in Franklin County, adopting some type of zoning controls. The second is to extend the moratorium an additional six months. The reason would be to seek to place a ban on recreational marijuana in the county if that is the desire of the Board. The Prosecutor's Office is seeking direction from the Board.

The discussion between the Board members, Mr. Sant and Mr. Dickerson included:

- consideration of preparing to possibly ban the production, processing and selling of recreational marijuana in Franklin County;

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- consideration of extending the moratorium for six months;
- answers to Board members' questions from Mr. Sant and Mr. Dickerson about information that has been received since the last moratorium was put in place, including an Attorney General opinion and a local court decision;
- consideration of separating growing, processing and sales to possibly only allow growing and processing;
- possible options;
- possible effects of the county's decisions;
- recent legal action elsewhere in the state;
- possible Federal implications;
- how use of firearms affects the situation;
- handling of transactions of money by the county, and
- a recent state Attorney General's opinion.

Mr. Koch asked if anyone in the audience would like to speak. Comments will be limited to three minutes.

Jed Crowther, City Administrator for City of Connell, said Connell held a public hearing on September 2, 2014 and adopted a resolution to extend its moratorium for further comprehensive review. He believes it would be advisable for the county to extend the moratorium.

Jim Katzaroff lives in Kennewick. He feels the process of growing marijuana should be welcome because of economic development, furthering job growth and enhancing the population.

Jeremy Larson gave the Board a copy of a document with a subject "Do County Commissioners have the power to ban?" He noted he does not know how factual it is.

Jedidiah Haney, Executive Director of Commission for Adult Use Standards and Ethics of Marijuana (Cause M), said his company is a trade association. His comments included: explanation of differences in the process between Colorado and Washington states, how Initiative 502 (I-502) decriminalized marijuana and created access points, and how I-502 prevents the use by minors, prevents use of firearms, and controls funds. He reviewed some laws. He said the process has robust controls and a procedure on paper that can be effective in

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practice. He asked to take more time but the Board denied the request. (Clerk's Note: Mr. Haney left written materials with the Board.)

Mr. Peck asked that preference be given to Franklin County residents speaking rather than people from other areas.

Eddy Ochoa from Connell spoke in favor of removing the moratorium. He said currently we have legal marijuana in the state but it is unregulated, untaxed and untraceable. He feels the ban is going to allow organized crime to thrive in our community and gave an explanation. He answered Mr. Peck's questions. Eddy Ochoa said it was a state initiative, not a county initiative, and he thinks it should be allowed across the whole state.

Sharon Louise from Pasco spoke in favor. She said the real question is not does the Federal law supersede state law but does state law supersede local law.

David Morgan from Pasco spoke in favor of removing the moratorium because he hopes it will create a safer market for people who choose to consume marijuana. He said the medical side is highly unregulated. On the production side, there are no regulations as far as pesticides and chemicals that can be used in grows. On the retail side, a lot of people are flying under the radar and getting away with it. It is untracked and unregulated. If I-502 is in effect, there are strict background checks for license applicants, the product has to go through third-party testing before being sold in retail stores, and there are strict security requirements for cameras and alarms.

Ed Ochoa from Benton County who farms in Franklin County spoke in favor of removing the moratorium. He talked about revenue. He feels state laws are fairly adequate and very strong for growers, processors and retailers.

Jeffrey Busto talked about the scientific research and development work being done regarding plants that may have medical value.

Rose Adams from Connell spoke in favor of removing the moratorium, citing legislation that is in process in many states. She said the I-502 impact statement showed there would be quite a bit of money to state and counties from these taxes. (Clerk's Note: Ms. Adams left written materials with the Commissioners Office after the meeting.)

Mr. Koch asked if anyone else wished to comment. There was no response.

Hearing was closed to public comment at 9:46 am.

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Mr. Miller is in favor of banning the use of recreational marijuana in Franklin County.

Mr. Koch is in favor of imposing a six-month moratorium. He said it is a fallacy that the county receives revenue; it is not true. The prosecution costs would be borne by Franklin County. He feels there are too many unknowns at this point to allow the use.

Mr. Peck said individual liberties have boundaries when they interfere with the rights of other people. He feels as local elected officials we've got an obligation to look at the wishes of the people closest to us.

Mr. Sant asked for specific legal direction. Mr. Peck listed some direction, stating he did not want an overly exhaustive report but a look at potential implications, including: basic risk analysis rooted in Federal, state and county dynamics; what kind of legal entanglements or risks would be possible 24 months from now (recognizing that is hard to predict); Federal banking laws; would Federal highway transportation funds coming to the county be affected; opportunity for local governments through zoning or legislation to make rules more restrictive than they are at the state level; what percentage of tax collection remains at state level versus county level; and economics, particularly for agricultural products.

Mr. Peck mentioned the idea of having an advisory vote in the spring.

Mr. Miller noted since the temporary moratorium is **expiring**, the county would need to continue the moratorium at this time.

Motion – Mr. Miller moved for approval of an ordinance extending a six-month moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law. Second by Mr. Koch. 3:0 vote in favor. Ordinance 5-2014 was approved. (Exhibit 2)

HUMAN SERVICES (HS) (10:02 am)

Human Services Administrator Linda Robb met with the Board. Present in audience: Jed Crowther, Geoff Folsom, Matt Mahoney, Carlee Nave, Jenna Hall, Mike Killian, Josie Koelzer and Melinda Didier.

Termination of Professional Services Agreement #PSA-RMS-2008 between Benton and Franklin Counties Department of Human Services and Records Management Services, Inc. (currently known as CI Information Management)

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Ms. Robb explained the reason for the termination.

Motion – Mr. Miller moved for approval of termination of Professional Services Agreement #PSA-RMS-2008 between Benton and Franklin Counties Department of Human Services and Records Management Services, Inc. (currently known as CI Information Management), approved by Benton County Resolution No. 08 1025 and Franklin County Resolution No. 2008-532. Second by Mr. Peck. 3:0 vote in favor. Resolution 2014-370 was approved.

TREASURER (10:05 am)

Treasurer Josie Koelzer met with the Board.

Request for approval to hire applicant for Deputy Treasurer position at Grade 11 Step 4

Motion: Mr. Peck: Mr. Chairman, I move for approval of hiring applicant for Deputy Treasurer position at Grade 11, Step 4, based on the facts presented. Second by Mr. Miller. 3:0 vote in favor.

HUMAN RESOURCES (HR) (10:08 am)

HR Staff members Jenna Hall and Carlee Nave met with the Board. Present in audience: Larry Hueter, Linda Robb, Melinda Didier, Geoff Folsom and County Clerk Mike Killian.

Interim authorization for benefits for part-time Records Clerk LPA I position, Clerk's Office

Motion – Mr. Peck: Mr. Chairman, I move for approval of interim benefits for a part-time Records Clerk LPA 1 position in the Clerk's Office as requested. Second by Mr. Miller. 3:0 vote in favor. Resolution 2014-371 was approved.

PUBLIC WORKS (10:11 am)

Public Works Director Matt Mahoney met with the Board. Present in audience: Larry Hueter, Linda Robb, Melinda Didier and Geoff Folsom.

CRMP 2014-03 / Columbia River Road North culvert

Motion – Mr. Peck: Mr. Chairman, I move for approval of CRMP 2014-03, Columbia River Road North culvert, as reflected by Mr. Mahoney in documents sent to the Board. Second by Mr. Miller. 3:0 vote in favor. Resolution 2014-372 was approved.

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OFFICE BUSINESS (10:15 am)Vouchers

Motion – Mr. Peck: Mr. Chairman, I move for approval of County Road and Motor Vehicle vouchers in the total amount of \$86,241.17 as presented by the auditor's office, signed by Mr. Westerman on behalf of the Auditor. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 3)

<u>Fund</u>	<u>Warrants</u>	<u>Amount</u>
County Road		
Payroll	103247-103262	21,193.21
Direct Deposit		42,316.05
		<u>63,509.26</u>
Benefits	103263-103266	12,313.87
	Total	<u>\$75,823.13</u>
Motor Vehicle		
Payroll	103230-103242	\$4,449.03
Direct Deposit		4,209.63
		<u>\$8,658.66</u>
Benefits	103243-103246	1,759.38
	Total	<u>\$10,418.04</u>
	Grand Total All Payrolls	<u>\$86,241.17</u>

Motion – Mr. Peck: Mr. Chairman, I move for approval of fund expenditures in the total amount of \$141,545.27 with discussion. Second by Mr. Miller. After discussion, vote was 3:0 vote in favor. (Exhibit 4)

<u>Fund</u>	<u>Warrants</u>	<u>Amount</u>
TRAC Operations Fund	103048 – 103058	\$ 6,127.89
Treasurers O&M	103059 – 103060	\$ 2,735.14
Planning and Development	103061	\$ 13,325.85
Jail Commissary	103062 – 103064	\$ 277.91
Enhanced 911	103065 – 103066	\$ 9,892.93
Ending Homelessness	103067 – 103072	\$ 24,422.13
Affordable Housing	103073	\$ 6,690.52
Current Expense	103074 – 103112	\$ 30,986.49
.3% Criminal Justice Const Fund	103113 – 103120	\$ 23,185.81
Current Expense	103121 – 103145	\$ 18,320.10
Current Expense	103171 – 103182	\$ 4,192.66
Enhanced 911	103183 – 103184	\$ 794.00
Veterans' Assistance	103185 – 103186	\$ 593.84
	Grand Total:	\$141,545.27

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Consent Agenda

Motion – Mr. Miller: I move for approval of consent agenda items 1 through 6. Second by Mr. Peck. 3:0 vote in favor.

1. Approval of Resolution 2014-374, Public Works Contract between Benton-Franklin Counties Juvenile Justice Center and Fridley's Construction
2. Approval of Resolution 2014-375, Agreement for Government Banking Services between Franklin County and Bank of America
3. Approval of Resolution 2014-376, appointing Jason Bliss to the Benton and Franklin Counties Department of Human Services Advisory Board
4. Approval of Resolution 2014-377, Washington State Military Department Contract #E14-044 between Washington State Military Department and Franklin County for state enhanced 911 funds of \$363,500 to Franklin County
5. Approval of Resolution 2014-378, Agreement #14/15-DD-CI-00 between Benton and Franklin Counties Department of Human Services and Columbia Industries to provide developmental disabilities services
6. Approval of Franklin County Commissioner Proceedings for September 3, 2014

JAIL CONSTRUCTION (10:19 am)

Jail Construction Project Manager Larry Hueter met with the Board. Present in audience: Geoff Folsom, Linda Robb, Matt Mahoney and Melinda Didier.

Change Order #20

Motion – Mr. Miller: I move for approval of Change Order #20 to AIA Document A101-2007, Agreement between Franklin County and Lydig Construction, Inc. Second by Mr. Peck. 3:0 vote in favor. Resolution 2014-378 was approved.

Agreement between CKJT and Franklin County for Public Safety Building remodel (10:26 am)

Motion – Mr. Peck: Mr. Chairman, I move for approval of AIA Agreement document, standard form of agreement, between CKJT Architects and Franklin County, to remodel approximately 4500 square feet of the Public Safety Building as presented by Mr. Hueter and authorize the Chairman's signature. Second by Mr. Miller. 3:0 vote in favor. Resolution 2014-379 was approved.

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COUNTY ADMINISTRATOR (10:28 am)

County Administrator Fred Bowen met with the Board. Present in audience: Linda Robb, Matt Mahoney, Geoff Folsom and Melinda Didier.

County Road Administration Board (CRAB) letter re County Engineer vacancy/Interlocal Agreement with Benton County

Public Works Director Matt Mahoney explained the need for a letter to CRAB.

Board had **consensus approval** of signing the letter. (Exhibit 5)

Mr. Mahoney said Benton County has agreed to provide county engineering services to Franklin County. An interlocal agreement is being prepared.

Mr. Peck noted that Matthew Rasmussen did a fine job for the county as the engineer. It just appeared that he had opportunities that were better suited to his needs and preferences at this point so he chose to move. We wish him the best.

Executive Session at 10:32 am pursuant to RCW 42.30.110(1)(c), real estate sale, minimum price, expected to last 15 minutes. Those in the audience left the meeting.

Open Session at 10:50 am.

OTHER BUSINESS

Present in audience: Geoff Folsom and a woman reporter from KEPR.

TRAC funding: Pasco City Council

Mr. Bowen attended a workshop meeting of the Pasco City Council to explain a request for Pasco to fund \$100,000 for TRAC. The Pasco City Council is expected to approve the request.

ADJOURNMENT

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

Adjourned at 10:58 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 17, 2014.


BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Robert E. Koch, Chairman



Brad Peck, Chairman Pro Tem



Rick Miller, Member

Attest:



Clerk to the Board

Approved and signed October 1, 2014.

Denette Layne HR consult

September 3, 2014

ERIC HBJ OPD

Danall Olson, CSALT 509-788-1623
MATT MATHNEY PUBLIC WORKS

Janet Taylor DPA
Lynn Stoll HR
Carlee Nave HR

September 10, 2014

[Signature]

Wally Walker 5/10/14

Alan Cantrell 7/10/14

Jim Katzoff JAMES C. KATZOFF
Jinda Rabb -DHS.
Goff Folsom

Tri-City Herald

Sharon Louise

Jed Crowther City of Connell

Michaela Dickler ELTOPIA
MEDIDIAH HANEY YAKIMA, WA

David Meyers PASCO, WA
Shawn Sub FCR

Tim Dickler FLPA
Greg Wendt Co Planny

Sonia Koelzer
MATT MAHONEY
Jenna Hall
Caru Nam
Angus Hicks
CD OCHOA
Larry Hueter
Michael Killian

Treasurer
Public Works
HR
HR
Treasurer
Kennebick WA
F.C.P.M.
County Clerk

ORDINANCE NUMBER 5-2014

AN ORDINANCE EXTENDING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT, LOCATION, PERMITTING, LICENSING, OR OPERATION OF MARIJUANA PRODUCTION, PROCESSING, AND RETAIL TO THE EXTENT AUTHORIZED BY INITIATIVE 502 OR APPLICABLE LAW.

WHEREAS, on March 11, 2014 the Board of County Commissioners adopted Ordinance 1-2014 extending a six (6) month moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law; and

WHEREAS, in adoption of Ordinance 1-2014 the Board of County Commissioners found imposition and extension of a moratorium was in the public's best interest (to protect the public's safety, health and general welfare) and to maintain the status quo pending Franklin County's consideration of amending zoning classifications based on further study and public analysis; and

WHEREAS, the moratorium imposed and extended by Ordinance 1-2014 expires September 11, 2014; and

WHEREAS, additional time is necessary to develop and implement regulations to be considered by the Board of County Commissioners; and

WHEREAS, while development and implementation of regulations is pending it continues to be in the public's best interest to impose a moratorium and preserve the status quo by extending for another six (6) months the moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law; and

WHEREAS, this day a public hearing has been held to consider extending for another six (6) months the moratorium on the establishment, location, permitting, licensing, or operation of marijuana production, processing, and retail to the extent authorized by Initiative 502 or applicable law; and

WHEREAS, the Board of County Commissioners has the authority pursuant to RCW 36.70.795 to adopt a moratorium; and

WHEREAS, the Board of County Commissioners intends for these recitals and those set forth in Ordinance 1-2014 and incorporated herein, to constitute its "findings of fact" as required by RCW 36.70.795; and

WHEREAS, said moratorium is in the best interests of Franklin County and is necessary to preserve the public health, safety, and welfare of the citizens.

NOW THEREFORE, the Board of Franklin County Commissioners ordains as follows:

Section 1: **Preliminary Findings of Fact.** The recitals and findings set forth above are hereby adopted as preliminary findings of fact in support of the moratorium imposed by this ordinance.

Section 2: **Moratorium Imposed.** Pursuant to the laws of the State of Washington, a moratorium is hereby imposed prohibiting within all areas of unincorporated Franklin County the establishment, location, operation, licensure, or maintenance of premises, facilities, businesses, or any other activities or operations involving the

production, processing, or sale of marijuana and marijuana products authorized by Initiative 502 or any other laws of the State of Washington. While said moratorium is in effect no building permit, occupancy permit, other development permit or approval, or business license shall be issued for any of the purposes or activities set forth above. Should any permits or licenses be issued in error for the above purposes or activities, such shall be null and void.

- Section 3:** **No Nonconforming Uses.** No use that constitutes or purports to be production, processing, or sale of marijuana that was engaged in prior to the enactment of this ordinance shall be deemed to have been a legally established use and shall not be entitled to claim legal nonconforming status.
- Section 4:** **Duration.** The moratorium imposed by this ordinance shall continue in effect for six consecutive months from its effective date, unless repealed or modified by the Board of Franklin County Commissioners in accordance with applicable law.
- Section 5:** **Public Hearing.** Pursuant to RCW 36.70A.390 this day the Commissioners held a public hearing on the adoption of this moratorium.
- Section 6:** **Severability.** If any section, sentence, or portion of this ordinance or its application to any person or circumstance should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.
- Section 7:** **Effective Date.** This ordinance shall become effective on the date of its adoption set forth below.

APPROVED AND ADOPTED this 10th day of September, 2014.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON



Robert E. Koch, Chair



Brad Peck, Chair Pro Tem



Rick Miller, Member

ATTEST:



Clerk of the Board

APPROVED AS TO FORM



By: Timothy E. Dickerson
Deputy Prosecuting Attorney

df

ORDINANCE NUMBER 5-2014



FRANKLIN COUNTY AUDITOR

Matt Beaton, Auditor

September 10, 2014

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

Action: As of this date, September 10, 2014 *Board*,
move that the following warrants be approved for payment.

<u>FUND</u>	<u>WARRANT</u>	<u>AMOUNT</u>
County Road		
Payroll	103247-103262	21,193.21
Direct Deposit		42,316.05
		63,509.26
Benefits	103263-103266	12,313.87
	Total	\$75,823.13
 Motor Vehicle		
Payroll	103230-103242	\$4,449.03
Direct Deposit		4,209.63
		\$8,658.66
Benefits	103243-103246	1,759.38
	Total	\$10,418.04
 Grand Total All Payrolls		\$86,241.17

In the total amount of **\$86,241.17** (\$75,823.13 + \$10,418.04)

The motion was seconded by *[Signature]* and passed by a vote of 3 to 0

The attached payroll has been approved by Auditor or Deputy

[Signature]
Payroll Prepared By Julie Jordan



EXHIBIT 4
FRANKLIN COUNTY AUDITOR

September 10, 2014

Matt Beaton, Auditor

9/10/2014

Franklin County Commissioners:

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

Action: As of this date, 9/10/2014

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>
TRAC Operations Fund	103048	103058	6,127.89
Treasurers O&M	103059	103060	2,735.14
Planning and Development	103061	-	13,325.85
Jail Commissary	103062	103064	277.91
Enhanced 911	103065	103066	9,892.93
Ending Homelessness	103067	103072	24,422.13
Affordable Housing	103073	-	6,690.52
Current Expense	103074	103112	30,986.49
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Current Expense	103121	103145	18,320.10
Current Expense	103171	103182	4,192.66
Enhanced 911	103183	103184	794.00
Veterans' Assistance	103185	103186	593.84

In the amount of

141,545.27

The motion was seconded by

And passed by a vote of 3 to 0

Reviewed by County Administrator

The attached vouchers have been approved by Auditor or Deputy

Vouchers Audited By : Margaret Mathia



FRANKLIN COUNTY

BOARD OF COMMISSIONERS

BRAD PECK
DISTRICT 1

ROBERT E. KOCH
DISTRICT 2

RICK MILLER
DISTRICT 3

Fred Bowen
Administrator

September 10, 2014

Jay Weber, Executive Director
WA STATE COUNTY ROAD ADMINISTRATION BOARD
2404 Chandler Court SW, Ste 240
Olympia, WA 98504-0913

RE: FRANKLIN COUNTY ENGINEER

Dear Mr. Weber:

Franklin County's County Engineer/Assistant Public Works Director, Matt Rasmussen, has submitted his letter of resignation effective September 5, 2014.

Franklin County is taking immediate steps to find a replacement by advertisement for, and interview of, qualified applicants. Until a replacement is hired, Franklin County will be entering into an Inter-local Agreement with Benton County for part-time County Engineer services. We will forward you a copy of the Joint Resolution and Inter-local Agreement upon execution by both Boards.

Once a new County Engineer/Assistant Public Works Director is hired, we will notify you.

If you have any further questions, please contact our office at (509) 545-3535.

Sincerely,

**FRANKLIN COUNTY BOARD OF
COUNTY COMMISSIONERS**


Robert Koch, Chairman

c: Matt Mahoney, Director, Public Works