

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
April 19, 2010, 8:30 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Leo Bowman  
Commissioner Max E. Benitz, Jr.  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy Administrator Loretta Smith Kelty; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; DPA Ryan Brown, Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; Malcolm Bowie, Steve Becken, and Sue Schuetze, Public Works; Treasurer Duane Davidson; DPA Sarah Perry; Erhiza Rivera, Treasurer's Office; Susan Walker, Planning Department.

Workshop Agenda

Park Board Workshop

Chairman Beaver asked about setting a workshop with the Park Board to discuss their plans and what they were trying to get done. The Board agreed.

Red Mountain Interchange

Commissioner Bowman provided a copy of the new brochure related to the Interchange with updated timelines and the Phase II to be completed by the State.

Letter from Judith Gidley

Commissioner Bowman said he wanted staff to review the letter from Judith Gidley regarding grant funding and the Board agreed.

Human Services Administration/Crisis Location

Commissioner Bowman discussed the issue of relocating the Human Services administration and Crisis Response. Chairman Beaver agreed it was time to have a bi-county meeting to get the issue started.

Commissioner Benitz said that David Sparks and Fred Bowen were reviewing the list of applicants for the Human Services position so that issue could be discussed during a bi-county meeting as well. Additionally, he said the location and space needs were being reviewed and the initial review looked very positive.

### LaClinica

Ed Thornbrugh introduced Carl Walters, LaClinica CEO and Mr. Walters introduced his team of supervisors.

The Board recessed, reconvening at 9:00 a.m.

### **Approval of Minutes**

The Minutes of April 12, 2010 were approved.

### **Consent Agenda**

**MOTION:** Commissioner Bowman moved to approve the consent agenda items “a” through “p”. Commissioner Benitz seconded and upon vote, the Board approved the following:

#### Assessor

- a. Salary Request Statement

#### Board of Equalization

- b. Reappointment of Dale Olander to the Board of Equalization Board

#### Commissioners

- c. Contract w/Bernardo Wills Architects
- d. Line Item Transfer, Fund No. 0305-101, Dept. 000
- e. Line Item Transfer, Fund No. 0000-101, Dept. 115

#### Facilities

- f. Contract w/Straight Flush, Inc.

#### Fairgrounds

- g. Line Item Transfer, Fund No. 0124-101, Dept. 000

#### Human Services

- h. Amendment, #09/10-PREV-BFSAC-01, w/Benton Franklin Substance Abuse Coalition
- i. Amendment, #09/10-PREV-VISTA-01 w/Vista Youth Center
- j. Amendment, #09/11-SA-NECC-01, w/Nueva Esperanza Counseling Center
- k. Amendment, #09/11-SA-EDS-01, w/Educational Service District 123
- l. Amendment, #09/10-PREV-ESD-01, w/Educational Service District 123

#### Personnel

- m. Benton County Policy on Disability and Accommodation Request/Grievance Procedures

#### Prosecuting Attorney

- n. Collective Bargaining Agreement for Juvenile Clerical

#### Public Works

- o. Bituminous Surface Treatment 2010
- p. Public Hearing Authorization for Sundown Estates Franchise

The Board briefly recessed, reconvening at 9:05 a.m.

**Public Hearing – AgriNorthwest Franchise Application**

Sue Schuetze stated that AgriNorthwest filed a petition to continue a nonexclusive franchise for electrical and water lines system and facilities within all of unincorporated Benton County right of way. She said that based upon current franchise requirements, her office recommended approval of the request subject to the listed conditions.

As there was no one present to testify, public testimony was closed.

**MOTION**: Commissioner Bowman moved to approve the franchise application as presented with conditions. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:10 a.m.

**Public Hearing – Badger Mountain Irrigation District Franchise Application**

Sue Schuetze stated her office received an application from Badger Mountain Irrigation District to continue their nonexclusive franchise for a water system and facilities in various sections in the unincorporated Benton County road right of way. She said the recommendation was to approve the request subject to the conditions.

**Proponent**

Brad Anderson, Badger Mountain Irrigation District Manager, said he had been involved in the franchise since 1986 and decided to show up and see how the process worked. He said in the rare event of a pipe break, this franchise allowed them to go in and make necessary repairs.

As there was no one else present to testify, public testimony was closed.

**MOTION**: Commissioner Benitz moved to approve the franchise application as presented with conditions. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

**Continued Public Hearing – Hunts Plat**

Steve Becken and Sue Schuetze stated that Mr. and Mrs. Heath were attempting to get an access easement and the neighbor had agreed to grant an easement to the landlocked parcel. Additionally, they were attempting to put in a fire truck turnaround and the City of Richland was requesting a surveyor be hired so the sewer line could be found. Mr. Becken recommended the public hearing be continued an additional 30 days.

The Board continued the public hearing to 9:05 a.m. on Monday, May 17, 2010.

The Board briefly recessed, reconvening at 9:20 a.m.

### **EPIC Center Building Update**

Loretta Smith Kelty and Ryan Brown presented a proposed letter to EPIC regarding notice of noncompliance. Commissioner Bowman requested the letter be changed to include language that the Board was saddened by the loss of the youth facility due to funding cuts.

**MOTION:** Commissioner Bowman moved to authorize the Board to sign the letter, with the suggested changes in the opening paragraph. Commissioner Benitz seconded and upon and upon vote, the motion carried unanimously.

### **Executive Session – Pending Litigation**

The Board went into executive session at 9:26 a.m. for approximately 10 minutes with DPA Ryan Brown to discuss pending litigation. Also present were Mike Shuttleworth, Susan Walker, Melina Wenner, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out of executive session at 9:34 a.m. Mr. Brown stated the Board discussed pending litigation but no action was taken.

The Board briefly recessed, reconvening at 9:37 a.m.

### **Executive Session – Union Negotiations**

The Board went into executive at 9:37 a.m. with DPA Sarah Perry and DPA Ryan Brown for approximately 15 minutes to discuss union negotiations. Also present were David Sparks, Cami McKenzie, Steve Becken, Malcolm Bowie, Melina Wenner, and Loretta Smith Kelty. The Board came out at 9:50 a.m. Ms. Perry stated the Board discussed union negotiations and took no action.

**MOTION:** Commissioner Bowman moved to approve 2010-2012 Collective Bargaining Agreement Between Benton County and Local 874HC, Representing Courthouse Employees. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

### **Unscheduled Visitors**

Bob Hawks and Russell Shervin (Teamsters) and Brad Taylor, Road Department, requested to speak to the Board about the union negotiation process.

DPA Ryan Brown read in part the negotiation “ground rules” that were agreed to and signed by the parties and said the Board was not going to negotiate the union contract with them.

Bob Hawks said they were not here to bargain, but just want to say what direction they were interested in going.

Brad Taylor said the union had submitted a new proposal to the County and said they were asking the Board to support that proposal.

Ryan Brown again expressed his concern about the individuals trying to negotiate with the Board. Bob Hawks said if there was a concern about the process, the remedy would be through PERC and he asked that Mr. Taylor be allowed to continue.

Commissioner Bowman said in his years on the Board, this had never happened before. He stated he assumed the proposal made by the union was honest and sincere but did not believe it was appropriate or necessary to discuss in this open form and believed the ground rules should be adhered to in spirit and principle.

Bob Hawks said he considered the ground rules null and void along with the proposal because the Union voted them down. Again, he said they were not there to negotiate.

Commissioner Benitz said he believed it was best to negotiate through the appointed personnel and they wanted to get the issue resolved.

Chairman Beaver said he concurred with his colleagues that all negotiations were done with the negotiating team. Mr. Hawks asked whether the Board was interested in what the employees thought. Chairman Beaver said they were interested in what the employees thought every day, however, he thought it was ironic it was happening during negotiations. He said the Board was going to honor the ground rules in good faith.

### **Vouchers**

Check Date: 04/15/2010  
Taxes #: 10110045  
Total all funds: \$35,097.86

Check Date: 04/15/2010  
Warrant #: 230305-230332  
Direct Deposit #: 53411-53614  
Total all funds: \$114,239.82

Total amounts approved by fund can be reviewed in the Benton County Auditor's Office.

### **Resolutions**

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| 10.229 | Reappointment of Dale Olander to the Board of Equalization Board |
| 10.230 | Contract w/Bernardo Wills Architects                             |
| 10.231 | Line Item Transfer, Fund No. 0305-101, Dept. 000                 |
| 10.232 | Line Item Transfer, Fund No. 0000-101, Dept. 115                 |
| 10.233 | Contract w/Straight Flush, Inc.                                  |
| 10.234 | Line Item Transfer, Fund No. 0124-101, Dept. 000                 |

- 10.235 Amendment, #09/10-PREV-BFSAC-01, w/Benton Franklin Substance Abuse Coalition
- 10.236 Amendment, #09/11-SA-NECC-01, w/Nueva Esperanza Counseling Center
- 10.237 Amendment, #09/11-SA-EDS-01, w/Educational Service District 123
- 10.238 Amendment, #09/10-PREV-ESD-01, w/Educational Service District 123
- 10.239 Benton County Policy on Disability and Accommodation Request/Grievance Procedures
- 10.240 Amendment, #09/10-PREV-VISTA-01 w/Vista Youth Center
- 10.241 Collective Bargaining Agreement for Juvenile Clerical
- 10.242 Bituminous Surface Treatment 2010
- 10.243 Public Hearing Authorization for Sundown Estates Franchise
- 10.244 Approval of Collective Bargaining Agreement Between Benton County and Local 874HC, Representing Courthouse Employees

There being no further business before the Board, the meeting adjourned at approximately 10:00 a.m.

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Clerk of the Board

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Chairman