

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
April 27, 2009, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Max E. Benitz, Jr. Chairman
Commissioner Leo Bowman
Commissioner James Beaver
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; Adam Fyall, Community Development Coordinator; Finance Manager Linda Ivey; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; DPA Ryan Brown; Larry Moser, Steve Becken, Bryan Thorp, and Norm Childress, Public Works; Marianne Ophardt and Gwen-Alyn Hoheisel, WSU; Auditor Bobbie Gagner; District Court Administrator Jacki Lahtinen; Bryan Perry, Safety/Training Coordinator; Shon Small, Sheriff's Office; Planning Manager Mike Shuttleworth; and District Court Judge Bob Ingvalson.

Approval of Minutes

The Minutes of April 20, 2009 were approved.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items "a" through "q". Commissioner Bowman seconded and upon vote, the Board approved the following:

Auditor

- a. Professional Services Work Order w/Tyler Technologies

Board of Equalization

- b. Reappointment of L Bateman

Commissioners

- c. Alternate Dates for Budget Hearings 2010; Rescinding Resolution 09-116
- d. Police Information Network Interlocal Cooperation Agreement w/Cities of Connell, Kennewick, Pasco & Richland
- e. Public Works Organizational Chart

Facilities

- f. Contract w/Sierra Electric Inc. for Lighting and Wiring at Jail
- g. Contract Amendment w/Cascade Fire Protection

Fairgrounds

- h. Notice of Completion for Installation of Pump Station

Human Services

- i. Contract Amendment, #0763-20235-03, w/DSHS
- j. Agreement, #BENFR-MHBG, w/Greater Columbia Behavioral Health

Juvenile

- k. Contract Amendment w/Ernie Chapin

Office of Public Defense

- l. Letter Terminating All Current District Court Indigent Contracts

Personnel

- m. County Claim CC 09-03

Planning

- n. Travel Expense Reimbursements

Road/Engineer

- o. Contract Award for Horse Heaven Vista Improvements
- p. Final Assessment Roll Amendment for County Roads Improvement District #15

Sheriff

- q. Contract w/U.S. Army Corps of Engineers for the Ice Harbor - McNary Project

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

WSU Educator for Commercial Fruit

Marianne Ophardt and Gwen-Alyn Hoheisel gave an update on the automated tree fruit system implemented by award of the \$6 million grant.

The Board briefly recessed, reconvening at 9:15 a.m.

Public Hearing – Six-Year Road Program

Steve Becken presented the Six-Year Road Program 2010-2015 for adoption.

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

MOTION: Commissioner Bowman moved to approve the Six-Year Road Program 2010-2015 as presented. Commissioner Beaver seconded.

Discussion

Commissioner Beaver complimented the efforts of the Public Works Department in stepping up for the department. Commissioner Bowman said he agreed and complimented their efforts. Chairman Beniz said he agreed with the program and believed it was very doable.

Upon vote, the motion carried unanimously.

Other Business

KID/Red Mountain

Commissioner Bowman said he attended the Red Mountain KID meeting and they were moving forward with a program for redirection of water (taking it out of the Yakima River at Red Mountain). He provided copies of the program that included costs and anticipated water to be received.

Legislation

Commissioner Bowman briefly discussed the transportation budget legislation regarding commute trip reduction. He said that Benton County would have until at least after the completion of the interchange before it needed to comply.

The Board briefly recessed, reconvening at 9:35 a.m.

Interlocal Agreement – Tri-Cities Regional Special Weapons and Tactics Team

Sheriff Taylor (via videoconference) presented a new interlocal agreement that added the City of Pasco to the SWAT team and requested the Board approve the agreement.

MOTION: Commissioner Beaver moved to approve the Interlocal Agreement for the Benton County/Tri-Cities Regional Special Weapons and Tactics Team. Commissioner Bowman seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:40 a.m.

Legislative Approval for District Court Judges

District Court Judge Bob Ingvalson and Jacki Lahtinen presented a proposal to create two new elected judicial positions for District Court and have those positions filled by appointment. Judge Ingvalson gave background information and said the State was trying to make it rewarding and the goal was to get half of the judge's salary into the trial court improvement fund.

Commissioner Beaver said he was ready to move forward. He said the problem in Benton County was the amount of warrants and believed they needed judges to get the warrants through. He said he didn't believe the commissioner program was going to continue to work and that having two more judges would accelerate the program and make it run more efficiently.

Commissioner Bowman said it would cost the County money to fund the increase from a commissioner to a judge, even though the money would be returned to the trial court improvement fund. He said the best use of the money in Current Expense was on the weight of the Board. Commissioner Bowman suggested the County ease into the program and recommended at this time to convert one commissioner position to a judge and see how it washed out in the budget for the additional one.

Chairman Benitz said he believed it was important that Benton County have elected officials on the bench and that it would create efficiencies that require the individuals who have broken the law to be held accountable.

MOTION: Commissioner Beaver moved to approve the two new elected positions in District Court and have those positions appointed by County Commissioners. Chairman Benitz seconded.

Discussion

Commissioner Bowman requested that the current commissioners be appointed to the position of District Court judge and then run for election in 2010.

Judge Ingvalson said the Court had recommendations on appointments, but the decision would be up to the Commissioners. He said the Courts would be able to put them to work as soon as they came into office and they would become a judge on July 26, 2009.

Upon vote, the motion carried with Commissioner Bowman opposing.

Ordinance Amendment – BCC 11.65.030(d)

Mike Shuttleworth presented the ordinance amendment to allow the exemption level for communication towers for emergency preparedness and public safety purposes to 200 feet. He said the Planning Commission conducted a public hearing for the proposed ordinance and recommended approval.

Commissioner Bowman asked if the limit of 200 feet allowed some wiggle room for the agency that needed the exemption and Mr. Shuttleworth stated it did.

MOTION: Commissioner Beaver moved to adopt the Planning Commission's findings of fact as their own and approve the resolution and ordinance amendment to BCC 11.65.030(d). Commissioner Bowman seconded and upon vote, the motion carried.

District Court Judges – Cont.

David Sparks said the current policy for appointing judicial positions required the committee provide three names for each open position and he wanted to know if the Board would require six names.

Ryan Brown said the districting plan needed to be updated before proceeding because all judicial positions have to be included in the plan. Mr. Brown said he would provide a memo to the Board on that issue.

Commissioner Bowman said he was not in agreement with providing six names since the committee just went through a process and there were already some names available.

Mr. Sparks stated the process for other open positions in the County would be to use the same list if a new position came open.

Chairman Benitz recommended the Board work through the districting plan and then work off the same list of candidates. The Board agreed.

Executive Session – Litigation Update

The Board went into executive session with DPA Ryan Brown at 10:04 a.m. for approximately 15 minutes to discuss pending litigation. Also present were David Sparks, Cami McKenzie, Melina Wenner, and Loretta Smith Kelyt. The Board came out of executive session at 10:18 a.m. Mr. Brown announced that no action was taken but direction was given.

Claim for Damages

CC 09-12: Received on April 24, 2009 from Jon Jason King

Vouchers

Check Date: 04/24/2009
Warrant #: 923587-923838
Total all funds: \$978,189.28

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

Resolutions

- 9.265 Professional Services Work Order w/Tyler Technologies
- 9.266 Reappointment of L Bateman
- 9.267 Alternate Dates for Budget Hearings 2010; Rescinding Resolution 09-116
- 9.268 Police Information Network Interlocal Cooperation Agreement w/Cities of Connell, Kennewick, Pasco & Richland
- 9.269 Public Works Organizational Chart
- 9.270 Contract w/Sierra Electric Inc. for Lighting and Wiring at Jail
- 9.271 Contract Amendment w/Cascade Fire Protection
- 9.272 Notice of Completion for Installation of Pump Station
- 9.273 Contract Amendment, #0763-20235-03, w/DSHS
- 9.274 Agreement, #BENFR-MHBG, w/Greater Columbia Behavioral Health
- 9.275 Contract Amendment w/Ernie Chapin
- 9.276 Letter Terminating All Current District Court Indigent Contracts
- 09-276A Denial of County Claim CC 09-03
- 9.277 Contract Award for Horse Heaven Vista Improvements
- 9.278 Final Assessment Roll Amendment for County Roads Improvement District #15
- 9.279 Contract w/U.S. Army Corps of Engineers for the Ice Harbor - McNary Project
- 9.280 Six-Year Road Program 2010-2015

- 9.281 Interlocal Agreement for Benton County/Tri-Cities Regional Special Weapons and Tactics Team
- 9.282 Adoption of Ordinance 468 Relating to Communication Facility Criteria

There being no further business before the Board, the meeting adjourned at approximately 10:19 a.m.

Clerk of the Board

Chairman