

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
April 5, 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; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; Treasurer Duane Davidson; Nick Kooiker and Erhiza Rivera, Treasurer's Office; Sheriff Larry Taylor; DPA Ryan Brown; Malcolm Bowie, Public Works; Clerk Josie Delvin; Auditor Brenda Chilton; Pat Powell, Auditor's Office; Steve Becken, Public Works; Van Petty and Rosie Sparks, Auditor's Office

#### Workshop Agenda

##### EPIC

Commissioner Bowman said he had received an email about EPIC going out of business and wanted to know how the Board should go about taking back control of the property.

Commissioner Benitz stated that Loretta Smith Kelty had been in contact with EPIC and would research the issue and bring back a recommendation to the Board. Chairman Beaver asked if there was a reversionary clause in the contract and Mr. Sparks said there was.

##### Pending Ordinance – Wineries

Commissioner Bowman asked about the status of the pending winery ordinances. Mr. Shuttleworth said there was a sequence of zoning ordinances that had to be completed and they hoped to have the Red Mountain zoning completed in the fall.

##### Biennial Budget

Chairman Beaver asked about the biennial budget process and Mr. Sparks said the Commissioners' office and Auditor's office would be working with the software company on that project at the end of the month.

### Treasurer Office Update

Nick Kooiker said they had received the full \$100,000 REET technology grant and would be working with Central Services to select a vendor. He said the project would not exceed the grant and it was for filing deeds electronically with the Auditor.

Erhiza Rivera said they recently purchased additional software for batch processing and had gone live to remotely send out check images to the bank for deposits. Mr. Davidson said this was an additional benefit from switching banks.

Mr. Davidson updated the Board on the historical grant application process and said that Bobbie Gagner would be joining the committee and they had recently received the applications for grants from the different entities.

Mr. Davidson also updated the Board on the new process the Treasurer's office would be implementing to allow taxpayers to prepay their property taxes.

### BLM Planning Process

Mr. Shuttleworth said he had talked to his contact at BLM and the County could participate as much or as little as it wanted. He said that BLM wanted to do a presentation to the Board about the planning process. The Board agreed to have Mr. Shuttleworth make the first contact with the representative and bring back the information to the Board.

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

### Approval of Minutes

The Minutes of March 29, 2010 were approved.

The Minutes of March 31, 2010 were approved.

### Review Agenda

Commissioner Benitz requested that item "c" (Red Mountain resolution) be pulled for discussion.

### Consent Agenda

**MOTION:** Commissioner Benitz moved to approve the consent agenda items "a" through "s", pulling "c". Commissioner Bowman seconded and upon vote, the Board approved the following:

#### Auditor

- a. Surplus of Personal Property

#### Clerk

- b. Line Item Transfer, Fund No. 0000-101, Dept. 106

Commissioners

- d. Letter to J Dawson on Road Access
- e. Salary Request Statement

Human Services

- f. Line Item Transfer, Fund No. 0108-101, Dept. 504
- g. Agreement, #09/11-SA-AFW-01, w/Advocates for Wellness
- h. Agreement, #09/11-SA-KCS-01, w/Knowledge Counseling Services
- i. Agreement, #09/11-SA-SCC-01, w/Somerset Counseling Center
- j. Agreement, #09/10-PREV-JJC-01, w/Juvenile Justice Center
- k. Agreement, #09/09-DIV-NECC-03, w/Nueva Esperanza Counseling Center
- l. Travel Expense Reimbursements

Juvenile

- m. Contract Amendment w/J & J Security

Public Works

- n. Final Assessment Roll for County Roads Improvement District #15, Amending Resolution 10-191
- o. Termination Letter for Cequel III Communications I, LLC Franchise
- p. Cottonwood Business Park, Kennewick School Dist. Improvement Plans, Sheet 1
- q. Authorization of Public Hearing for Good Neighbor Water Asso Franchise Application
- r. Authorization of Public Hearing for Electric Lightwave, LLC Franchise Application
- s. Authorization of Public Hearing for Badger Canyon Water Asso Franchise Application

Item “c” - Joint Leadership Commitment for the Red Mountain Interchange Project

Commissioner Benitz expressed his concern that if the money didn't come through or if the bids exceeded the money available, it might obligate the County to pay for the Interchange and there were other projects with higher priority.

Commissioner Bowman said it identified federal funds that could only be used for the Kiona underscrossing or the proposed Red Mountain Interchange and could not be used anywhere else. Additionally, it only solidified that DOT should take over the project (consistent with other resolutions) and any remaining funds would be committed to WSDOT for this project.

Chairman Beaver said his only issue with the resolution was that the County didn't know what the remaining funds would be.

**MOTION:** Chairman Beaver moved to amend the resolution establishing joint leadership for the Red Mountain Interchange Project by deleting the paragraph referring to the \$250,000. Commissioner Bowman seconded.

Discussion

Commissioner Benitz asked if the funds could be used for the Badger Mountain railroad crossing and Malcolm Bowie said they could not. Commissioner Benitz wanted to know who would make up the difference if the cost exceeded the project. Commissioner Bowman said the State would not have any obligation because it had always been a county project and these were federal

funds. Chairman Beaver said the issue was that the Board did not know what the remaining funds would be.

Upon vote, the motion carried unanimously.

### **Bid Opening – Official County Newspaper**

The Board received the following bids for official county newspaper, as advertised for by the Benton County Auditor.

#### **Prosser Record Bulletin**

Column inch rate – first insertion: \$8.00  
Column inch rate – subsequent insertion: \$7.50

Electronic rates:

Column inch rate – first insertion: \$7.00  
Column inch rate – subsequent insertion: \$6.50

#### **Tri-City Herald**

Column-inch rate, first insertion, including online: \$17.21 (Mon-Fri.) \$17.66 (Sat.-Sun)  
Column-inch rate, subsequent insertions: \$15.47 (Mon-Fri.) \$15.81 (Sat.-Sun)

Ms. Chilton said the Board should review the bids and provide a recommendation.

### **Private Road Name Change**

Mr. Shuttleworth said they received a request for a private road name change from Aissata Sidibe. He said that Emergency Management and Public Works did not support the name change, however, the Planning Department recommended approval.

**MOTION:** Commissioner Benitz moved to approve the change of road name from 129 PR SE to Sidibe PR SE with the condition that Ms. Sidibe has thirty days to pay the required sign fee for the construction and placement of the private road sign to the Benton County Public Works Department. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

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

### **Yakima Basin Water Resources Agency Update**

Jim Milton, director of YBWRA gave a Powerpoint presentation to the board on groundwater and said it was his plan to revive a vision. The presentation included the following information:

- Background, water crisis
- Connections between surface and groundwater
- Hydrogeology
- Effective policies and management practices

- Groundwater rights, groundwater studies
- Water management
- Municipal water suppliers; rural water users
- YBWRA Priorities
- Focus on solutions
- Workgroup
- Solutions and Benefits

Commissioner Benitz said the issue was how to continue to work toward an adequate water supply for the future. Mr. Milton said the next meeting was scheduled for April 22 and he hoped Benton County could attend to provide support.

The Board briefly recessed, reconvening at 9:55 a.m.

### **Certificate of Achievement**

Brenda Chilton said that Benton County received the Certificate of Achievement & Financial Reporting Award presented by the Government Financial Officers Association. Ms. Chilton said this was the highest recognition in governmental accounting.

David Sparks stated it was an important achievement when meeting with the bond rating companies and showed the financial commitment to the County.

### **County Seat Discussion**

David Sparks said the Board requested him to work with the elected officials on the economic impacts to Kennewick, Prosser, and employees if the County seat were to move to Kennewick. He said he met with Brenda Chilton, Duane Davidson, and Barb Wagner and they discussed different scenarios. He said the proposed Administration Building had been in the Capital Facilities Plan and they saw that as a need whether the county seat moved or not. He said they didn't see the county seat moving as a big impact because the departments had needs in Kennewick regardless of what happened. Mr. Sparks said the biggest impact for the Commissioners would be that regular board meetings would need to be held at the county seat.

Duane Davidson, in Barb Wagner's absence, read her statement into the record that outlined her needs for both the County seat remaining in Prosser and being moved to Kennewick. Both scenarios reflected her growing public service demand in Kennewick and need for more space.

Duane Davidson said he saw the space needs as a separate issue from the county seat issue. He indicated he had moved some operations to Kennewick and with his expanded office space, had a well-balanced system that currently worked. He did say one problem was the mistake the public made by coming to his office when they needed the Assessor and that it would be beneficial to have an administration building with all departments co-located.

Mr. Sparks commented on the new legislation regarding county seats that gave the County an option and flexibility to make this a long-term plan instead of a knee-jerk reaction.

Brenda Chilton said it was important to distinguish between the two issues of space needs and moving the county seat because they have known for some time there were space needs in Kennewick. She said they were all committed to providing services in Prosser, regardless of what the public decided, and if the people decided the county seat should move, they were committed to providing services in Prosser and moving the services to Kennewick over time.

Chairman Beaver said he agreed it was extremely important to separate capital facilities needs for the future because those needs were going to revolve around the population base in the county.

**MOTION:** Commissioner Benitz requested the Board proceed with authorization to hire a consultant for an independent study on what it meant to move the county seat. Chairman Beaver seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 10:30 a.m.

### **Supplemental Appropriation Request – Clerk’s Office**

Josie Delvin said she wanted to start digging away at juvenile fines and restitutions and presented a proposal to hire an additional collection deputy in the Clerk’s Collection Department, to be paid for from the Clerk’s Collection fund.

Ms. Delvin said she proposed her department take over this collection and expected to receive about 2,500 cases. She said there had not been any effort to collect these fines, that all entities were in agreement with this proposal, and that Juvenile would terminate jurisdiction of the collection process. Ms. Delvin said the program had been successful in Spokane County. Additionally, she provided a copy of the 2009 report to the Legislature and briefly discussed collection figures for Benton County and its success with the collection program.

Commissioner Bowman said it made common sense to try and collect these fees. Ms. Delvin did say it was not common across the state to work on collection of Juvenile. Commissioner Benitz said he would support the issue going to public hearing, but would have questions about reducing Juvenile’s budget if they had been funded for this service but were not doing the collection and would have questions regarding the impacts of the Sheriff’s Department as well.

**MOTION:** Commissioner Benitz moved to go to public hearing on the supplemental appropriation request in the amount of \$40,932 for the Clerk’s Collection Fund. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 10:45 a.m.

### **Unscheduled Visitors**

Bill DeRousie, said he had an easement access issue. He said it was his understanding that his neighbor talked to the Board the previous week and made accusations about speeding. He

provided pictures that showed it was impossible to speed, let alone get to his house. He said the real issue was that he just built his house but could not safely access it. He said he had contacted the Fire Marshal and the PA's office and felt he had been given the run around. He indicated he had to follow the building code to build his house and now the County was not following the code.

Ryan Brown said that his office gets calls from the Sheriff's office that someone is blocking these private property easements and they tell them it is a private property dispute. He said they generally have to get a private attorney to settle the issue. He added that although the County requires a private access easement to build, they do not go out and police the area to make sure the access is available.

The Board agreed to have the issue researched by the PA's office and that someone would respond in writing to Mr. DeRousie within five to seven days.

Commissioner Bowman said there appeared to be two issues (private issue with this gentleman and private access easement issues). He said that maybe it was time to work with the citizens and Congress to try and address this issue.

## **Resolutions**

- 10.195 Surplus of Personal Property
- 10.196 Line Item Transfer, Fund No. 0000-101, Dept. 106
- 10.197 Line Item Transfer, Fund No. 0108-101, Dept. 504
- 10.198 Agreement, #09/11-SA-AFW-01, w/Advocates for Wellness
- 10.199 Agreement, #09/11-SA-KCS-01, w/Knowledge Counseling Services
- 10.200 Agreement, #09/11-SA-SCC-01, w/Somerset Counseling Center
- 10.201 Agreement, #09/10-PREV-JJC-01, w/Juvenile Justice Center
- 10.202 Agreement, #09/09-DIV-NECC-03, w/Nueva Esperanza Counseling Center
- 10.203 Contract Amendment w/J & J Security
- 10.204 Final Assessment Roll for County Roads Improvement District #15, Amending Resolution 10-191
- 10.205 Termination Letter for Cequel III Communications I, LLC Franchise
- 10.206 Cottonwood Business Park, Kennewick School Dist. Improvement Plans, Sheet 1
- 10.207 Authorization of Public Hearing for Good Neighbor Water Asso Franchise Application
- 10.208 Authorization of Public Hearing for Electric Lightwave, LLC Franchise Application
- 10.209 Authorization of Public Hearing for Badger Canyon Water Asso Franchise Application
- 10.210 Establishing Joint Leadership Commitment for the Red Mountain Interchange Project
- 10.211 Approval of Private Road Name Change to E. Sidibe PR SE

There being no further business before the Board, the meeting adjourned at approximately at 11:02 a.m.

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Clerk of the Board

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Chairman