

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
August 17, 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; Steve Becken, Public Works; Sheriff Larry Taylor; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; Treasurer Duane Davidson; Bryan Perry, Safety Coordinator; Eric Hsu, Office of Public Defense; DPA Ryan Brown; Erhiza Rivera and Nick Kooiker, Treasurer's Office.

Approval of Minutes

The Minutes of August 10, 2009 were approved.

Consent Agenda

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

Human Services

- a. Agreement Amendment w/ Nueva Esperanza Counseling Center - Crisis Stabilization Beds
- b. Agreement Amendment w/Nueva Esperanza Counseling Center - Substance Abuse Treatment
- c. Agreement Amendment w/Division of Alcohol & Substance Abuse

Juvenile

- d. Interagency Agreement for BECCA Programs & Services

Public Works

- e. Contract Award – Webber Canyon Road Phase 2
- f. Contract Award – Pavement Marking 2009

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

Office of Public Defense Update

OPD Manager Eric Hsu gave a mid-year update on the Office of Public Defense and briefly discussed the following:

- 2009 Highlights
 - Adoption of Ordinance
 - Hiring of two staff attorneys to handle district court cases and compliance cases
- New case management system
- Approval of investigator contracts
- New program for initial appearances for in-custody arraignments
- District Court walk-in arraignments (working on consolidation of dockets)
- Superior court walk-ins (less of a priority – will look in 2010 about coverage from staff attorneys)
- Indigency screening – use of DMED in place; within a month will give a report
- No more verbal contracts in place

Animal Control Update

Sheriff Taylor discussed with the Board a proposal to create a Benton County animal enforcement division within the Sheriff's office. He proposed building a 40 x 80 pole building on property located at the Benton County Fairgrounds. He said the property was currently zoned "open space", however, the City would be open to rezoning proposals in September and that water and electricity were available. Additionally, he said that County staff could build the kennel cages and the Sheriff's Office was given portable cages to handle the recent transfer of dogs that were taken into custody by Benton County. He also indicated that he had used vehicles that could be converted into apprehension vehicles. He proposed one full-time and one part-time employee to work at the site, along with help from the work crew that was currently located at the Fairgrounds to assist with maintaining the facilities and caring for the dogs.

Sheriff Taylor said he supported the ordinance for dog control as written, but did not feel there was a need for cat control. He said the Sheriff's office would continue to address the cats that were injured or killed along County roads and in those extremely rare instances, state law addressed the issue of cats. He requested the Board put this issue on the fast track, approve the schematic design, and let his office take charge and work with the appropriate Commissioner and Facilities staff.

Commissioner Beaver read his letter to the Board requesting the Board accept the proposal from Sheriff Taylor to provide an animal control facility.

Commissioner Bowman discussed his concerns of barking dogs bothering neighbors, annual costs, and whether or not the employees would be deputized. Sheriff Taylor said the building would be well insulated and the dogs would be inside the building at night. He said they would

need a contract in place with a veterinarian and estimated the annual cost of operation at considerably less than \$200,000 a year. Additionally, he said the employees would have a limited commission as animal control officer to enforce the ordinance.

Chairman Benitz said the proposal was cost effective and he was in support of moving forward.

MOTION: Commissioner Beaver moved to approve the issue be put on a fast track, prepare a Request for Proposal for construction, and have the county resources work together to come up with a plan. Commissioner Bowman seconded and upon vote, the motion carried.

Animal Control Ordinance

Adam Fyall presented two animal control ordinances, one including cats and one excluding cats. Commissioner Beaver said he was in favor of the proposal for “dogs only”. Commissioner Bowman said he would rather include the cats, but would not circumvent the decision. Chairman Benitz said he wanted to start with the dogs and revisit other animals in the future if needed. Additionally, he wanted to work out the impoundment fees to include vet and food costs and that he would advocate raising the penalty and fees costs in the future.

The Board agreed it would like to see costs over a 12-month period before readdressing fee increases.

The Board briefly recessed, reconvening at 10:11 a.m.

Tiger Grant Application

Steve Becken presented information about an application for a Tiger Grant for \$20 million to construct the Red Mountain Interchange. He said he did not believe there was adequate time to hire a consultant and would need to put an employee on the project full-time. However, he said he could investigate whether hiring a consultant could be done expeditiously.

Commissioner Bowman said he believed it would be a good idea, even to spend the money as a first application to get the work completed and would authorize an amount up to \$10,000 for a consultant. Commissioner Beaver said he believed the County would only be spinning its wheels and was not in favor of moving forward. Chairman Benitz said he did not believe they could get the application prepared in time and would not authorize moving forward.

Consolidated Crisis Response Facility

Commissioner Beaver requested the Board approve sending a letter to Franklin County Commissioners about Human Services taking a leadership position on the Consolidated Crisis Response Facility. He requested an analysis of the project to see if it was viable and wanted them to give a presentation to the Board and the Bi-County Boards.

The Board agreed to send a letter to Franklin County Commissioners requesting their approval to ask Human Services to provide a business plan for the Consolidated Crisis Response Facility. Commissioner Beaver and David Sparks stated they would put the letter together.

Exempt Well Restrictions

Chairman Benitz discussed the exempt well restrictions and application process. He requested the Board approve a letter be sent to Kittitas County regarding the proposed memorandum of agreement and WAC code changes. Commissioner Bowman discussed his concern regarding the WAC language and agreed that Benton County should be involved in the process. Commissioner Beaver also concurred the issues should be identified and addressed.

Chairman Benitz said he would personally take the letter to the meeting the next night and would also share it with local jurisdictions.

Kennewick Southridge Revitalization Area – Interlocal Agreement

David Sparks presented the interlocal agreement for the partnership with the City of Kennewick in the development of the Southridge area.

Bob Hammond, City Manager for City of Kennewick, said he appreciated the efforts of Benton County staff in getting the interlocal agreement accomplished.

MOTION: Commissioner Bowman moved to approve the Interlocal Cooperation Agreement with the City of Kennewick Relating to Southridge Revitalization Area. Commissioner Beaver seconded and upon vote, the motion carried.

Executive Session – Pending County Claim

The Board went into executive session with DPA Ryan Brown at 10:54 a.m. for approximately five minutes to discuss a county claim. Also present were Melina Wenner, Bryan Perry, David Sparks, Cami McKenzie, and Loretta Smith Kelty. The Board came out at 10:56 a.m. and Mr. Brown stated that no decisions were made.

The Board recessed until 11:00 a.m.

County Claim CC 09-15

MOTION: Commissioner Bowman moved to deny County Claim CC 09-15. Commissioner Beaver seconded and upon vote, the motion carried.

Claim for Damages

CC 09-19: Received on August 14, 2009 from Brian Hazzard

Vouchers

Check Date: 08/11/2009
Warrant #: 930390
Total all funds: \$579.80

Check Date: 08/11/2009
Warrant #: 930391
Total all funds: \$891.08

Check Date: 08/14/2009
Warrant #: 930554-930819
Total all funds: \$1,026,393.22

Check Date: 08/15/2009
Taxes #: 10109084-10109085
Total all funds: \$36,836.45

Check Date: 08/15/2009
Warrant # 224795-225036
Total all funds: \$113,939.42

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

Resolutions

- 9.526 Agreement Amendment w/ Nueva Esperanza Counseling Center - Crisis Stabilization Beds
- 9.527 Agreement Amendment w/Nueva Esperanza Counseling Center - Substance Abuse Treatment
- 9.528 Agreement Amendment w/Division of Alcohol & Substance Abuse
- 9.529 Interagency Agreement for BECCA Programs & Services
- 9.530 Contract Award – Webber Canyon Road Phase 2
- 9.531 Contract Award – Pavement Marking 2009
- 9.532 Interlocal Cooperation Agreement with City of Kennewick – Relating to Southridge Revitalization Area to Use Local Revitalization Financing
- 9.533 Denial of County Claim CC 09-15

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

Clerk of the Board

Chairman