

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
August 2, 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; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Deputy Treasurer Erhiza Rivera; Human Services Administrator Ed Thornbrugh; Planning Manager Mike Shuttleworth; Public Works Manager Steve Becken; County Engineer Malcolm Bowie; Marianne Ophardt, WSU Extension; DPA Ryan Brown; Treasurer Duane Davidson; Central Services Manager Randy Reid; Nick Kooiker, Treasurer's Office; Building Manager Steve Brown; Fire Marshal Ken Williams; Susan Walker and Clark Posey, Planning.

#### Workshop Agenda

##### ECEAP/Head Start Letter

Commissioner Bowman asked about responding to the letter and Commissioner Benitz said he should direct him to the Health Dept.

##### Mutual Aid Agreements – Emergency Mgmt

Commissioner Benitz said they were still resolving the issue with the legal department.

##### Secretary Of Transportation Presentation

Commissioner Bowman provided a copy of the presentation and said that Red Mountain was on the list.

##### River Walk – Salmon Spawning

Commissioner Benitz said the river walk would be held on August 10 and if the members were interested he would forward the email to them.

### Distinguished Budget Award

Loretta Smith Kelty presented the Board with the Distinguished Budget Award (received the 5<sup>th</sup> year in a row). Chairman Beaver asked Ms. Smith Kelty to express the Board's appreciation to everyone involved in the process.

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

### Approval of Minutes

The Minutes of July 26, 2010 were approved.

### Consent Agenda

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

#### Commissioners

- a. Support Letter for Mercer Canyons – "2010 Wildlife Farmer of the Year"

#### Coroner

- b. Line Item Transfer, Fund No. 0000-101, Dept. 109

#### Human Services

- c. Amendment, #09/10-DD-PTC-01, w/Peopleworks Tri-Cities, LLC
- d. Amendment, #09/10-DD-PHG-01, w/Provident Horizon Group
- e. Amendment, #09/10-DD-AWI-01, w/Ambitions of Washington, Inc.
- f. Appointment to the County Designated Mental Health Professionals
- g. Authorizing Human Services Administrator to Execute Contracts

#### Sheriff

- h. Maintenance Agreement w/ Day Wireless Systems - Portable Radio Maintenance

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

### WSU – Pathways Project Update

Marianne Ophardt and Laurie Sherfey updated the Board on the "Pathways Project". Ms. Sherfey said the project involved working with Latino childcare providers to merge Spanish literacy with childcare best practices. She said the Gates funding was ending March 2011 and they were working on a "multi-level strategy" to change the funding stream.

The Board briefly recessed, reconvening at 9:25 a.m.

### Public Hearing - Sunheaven Farms Franchise

Sue Schuetze said that Sunheaven Farms filed a petition to continue a nonexclusive franchise for irrigation water system and facilities. She said that all requirements were met and it was her recommendation to approve.

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

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

The Board briefly recessed, reconvening at 9:30 a.m.

### **Public Hearing – Repeal Ordinance – Benton County Code 6.08 – Litter Control**

Ryan Brown said that state law had taken over this issue so the ordinance was now out of date and the Board had previously indicated it wanted to have a public hearing to repeal the ordinance.

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

Commissioner Bowman wanted to know who would enforce the state law and Mr. Brown said it would be the Sheriff's Office. Additionally, he asked if the public should be informed or if it should be referenced in the code. Mr. Brown said the County did not reference state laws in its code and he would not recommend it.

**MOTION:** Commissioner Benitz moved to approve the resolution repealing all ordinances relating to litter control. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:45 a.m.

### **Central Services 2010 Report/2011-2012 Goals**

Randy Reid reviewed his 2010 Report and 2011/2012 Goals and briefly discussed the following:

- Mission Statement and Core Values
  - Communication, Responsiveness, Competence, Professionalism, Consistency, TeamWork, Innovation, and Cost Effectiveness
- Projects & Goals
  - Strategic Plan & Infrastructure Evaluation (RFP being completed)
  - Servers/Storage/Backup
  - Network/Security/Records Retention
  - Asset Management
  - Desktop Software Upgrade
  - Telecommunications
  - Intranet/In-House Development
  - Third Party Applications
  - New Technologies

## **Planning/Building Departments – 2010 Strategic Plan**

Mike Shuttleworth and Steve Brown reviewed the 2010 Strategic Plans for both the Planning and Building Departments and briefly discussed the following:

### **Planning Department**

- Department Goals
  - Public Service – Improving public friendly permitting process
  - Public Involvement/Public Hearings – Enhance public participation
- Long Range Planning
  - Comprehensive Plan
  - Development Regulations
- Planning Permit Activities for 2009

### **Building Department**

- Department Goals
  - Ordinance Update/Update handouts to reflect update
  - Enforcement of Building Code
  - Research New Permit Tracking System
  - Maintain communication w/Home Builders Association
  - Find ways to increase efficiency with limited resources
- Long-Term Goals
- Primary Accomplishments for 2009
- Revenue Report/Building Activity Report
- Create Flow Chart for Fire Marshal and Code Enforcement Responsibilities

### **Hearings Examiner**

Mr. Shuttleworth discussed the department's desire to hire a hearings examiner to replace the Board of Adjustment and to handle code enforcement issues. Mr. Shuttleworth said a hearings examiner would be included in the 2011 budget request.

Commissioner Benitz discussed his concern about code enforcement issues and said that something had to change and the County had to start enforcing the code.

Chairman Beaver suggested the County look at working in conjunction with the Sheriff's office regarding code enforcement issues.

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

At 10:52 a.m. the Board went into executive session with Sarah Perry for up to eight minutes to discuss union negotiations. Also present were David Sparks, Cami McKenzie, Melina Wenner, Loretta Smith Kelty, and DPA Ryan Brown.

The Board came out of executive session at 10:56 a.m. Ms. Perry said the Board discussed union negotiations and took no action.

**MOTION:** Commissioner Benitz moved to approve the 2010 collective bargaining agreement between Benton County and Teamsters Local 839 Representing Benton County Sheriff's Office Corrections Officers. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

### **Emergency Management – 911 Tax**

Jim Barber, SECOMM Manager reviewed the executive summary on the 9-1-1 Modernization Tax Use increase. He said the State had approved to allow counties to increase the tax from 50 cents to 70 cents to modernize the system to permit callers the use of any analog or digital device to request emergency assistance. Additionally, it would allow for delivery of additional data and would permit the deaf, hearing, and speech impaired residence better access to the communications and would reinstate the original value of the tax as established in 1992.

Mr. Barber stated that if the County chose not to adopt, it would risk losing state funding support. Additionally, if it did not increase the tax, it would still need to make changes to the current ordinance.

Commissioner Benitz said he wanted to see a report on how the money was being spent before and after the proposed tax, the requirements of the increase, and that the legal issues had been addressed. Commissioner Benitz also wanted to know who would be notifying all the service agencies if the tax were increased. Mr. Barber said that would need to be determined by Emergency Services and the Board of Commissioners.

Commissioner Bowman said he was not interested in proceeding without going through some sort of public process to make the public fully aware of the impacts.

Chairman Beaver said he wanted to see a new ordinance that made the necessary changes to fix the current problem, however, was not yet interested in a 20-cent increase. He asked Mr. Barber if the current 9-1-1 system did not work. Mr. Barber said it did not support the new technology and that Benton County was one of eight "test" counties to prove the concept with the new technology.

Commissioner Benitz asked Emergency Services to work on a resolution with the PA's office and work with the Treasurer's office regarding the collection process.

Commissioner Bowman asked if police chiefs and fire chiefs were involved in the process. Mr. Barber said the local and state fire and police groups were all staunch supporters of the increase.

The Board agreed to go forward with addressing the minimum required changes to the ordinance.

## **Unscheduled Visitors**

Chuck Sheely asked the Board to define (by survey) the easement that was created when the county approved the vacation of right of way on Hunts Plat. He said he did not know where the easement was located so he could access his property.

Sue Schuetze said that (per Steve Becken) the County did not stake easements or unimproved right of ways once vacated by the county and that local agencies did not go beyond public right of way.

Malcolm Bowie said there was a dispute about the private property line and the landowner would need to hire a surveyor.

Mr. Brown said the County did not require an individual landowner to delineate the property line once the right of way was vacated.

Mr. Sheely said the County allowed the vacation to occur and now he didn't know where his easement was located. He then asked for a copy of the legal description. Ms. Schuetze said she had already requested a copy and would get it to him once it was prepared.

The Board briefly recessed, reconvening at 11:47 a.m.

## **Executive Session – Pending Litigation**

The Board went into executive session with DPA Ryan Brown at 11:47 a.m. for up to five minutes to discuss pending litigation. Also present were Mike Shuttleworth, Susan Walker, David Sparks, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 11:55 a.m. Mr. Brown said the Board took no action.

## **Resolutions**

- 10.443 2010 Collective Bargaining Agreement with Sheriff's Office Corrections
- 10.444 Line Item Transfer, Fund No. 0000-101, Dept. 109
- 10.445 Amendment, #09/10-DD-PTC-01, w/Peopleworks Tri-Cities, LLC
- 10.446 Amendment, #09/10-DD-PHG-01, w/Provident Horizon Group
- 10.447 Amendment, #09/10-DD-AWI-01, w/Ambitions of Washington, Inc.
- 10.448 Appointment to the County Designated Mental Health Professionals
- 10.449 Authorizing Human Services Administrator to Execute Contracts
- 10.450 Maintenance Agreement w/Day Wireless System
- 10.451 Repealing Ordinance Relating to Litter Control

There being no further business before the Board, the meeting adjourned at approximately 11:55 a.m.

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Clerk of the Board

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Chairman