

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
August 30, 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; Facilities Manager Roy Rogers; Human Services Administrator Ed Thornbrugh; Planning Manager Mike Shuttleworth; Steve Becken, Public Works; DPA Ryan Brown; RJ Lott, Planning; Deputy Treasurer Erhiza Rivera; Central Services Manager Randy Reid; County Engineer Malcolm Bowie; Larry Moser, Steve Becken, Bryan Thorp, and Norm Childress, Public Works.

#### Workshop Agenda

##### Candidate Forum - CBC

Commissioner Bowman said he had received an invitation to a candidate forum at CBC regarding developmental disabilities and that he would attend.

##### Transportation Partnership

Commissioner Bowman said they had a meeting last week and provided the purpose and vision statement. He asked the Board to review it and decide whether Benton County should sign on as a Board or individually.

##### Red Mountain Brochure

Commissioner Bowman provided a copy of the latest and greatest Red Mountain brochure that was being distributed.

##### Fair Concert

Commissioner Bowman said he wanted to write a letter to the Fair Association expressing concern about the content of the Ted Nugent concert and requesting they do a better job of screening.

Commissioner Benitz said according to the lease the Fair Association had the right to bring in what they felt was the best entertainment. He said he was not sure if it was appropriate to send a letter but maybe a phone call instead.

Commissioner Bowman said that everything about the Fair was family oriented and it would be inappropriate for the Board not to address the concerns of the community. He said it was the Board's expectation, without it being in writing, that the Fair would be a family oriented event.

Chairman Beaver said he received complaints from citizens and it would be appropriate for the Board to pass along those citizens' concerns that were expressed to him. Chairman Beaver said he would get with Adam Fyall to draft a letter for the Board to review.

The Board agreed.

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

### **Approval of Minutes**

The Minutes of August 23, 2010 were approved.

### **Consent Agenda**

**MOTION:** Commissioner Benitz moved to approve the consent agenda items "a" through "o". Commissioner Bowman seconded requesting that item "e" be pulled for discussion. Upon vote, the Board approved the following:

#### **Central Services**

- a. Fujitsu Scanner Maintenance Contract w/Image Source

#### **Commissioners**

- b. Line Item Transfer, Fund No. 0000-101, Dept. 115
- c. Letter to Benton Franklin Fair Association

#### **Coroner**

- d. Service Agreement w/D Selove, MD for Forensic Pathology Services

#### **Fairgrounds**

- f. Payment to American Leak Detection for Leaking Well Services
- g. License Agreement w/Behavioral Health Laboratories
- h. Line Item Transfer, Fund No. 0108-101, Dept. 504

#### **Juvenile**

- i. Truancy Contract for Finley School District
- j. Master Services Agreement w/Evercom Systems, Inc.

#### **Parks**

- k. First Contract Amendment w/SunScapes, Inc.

#### **Prosecuting Attorney**

- l. Line Item Transfer, Fund No. 0000-101, Dept. 117
- m. Opt Out of the Revitalization Financing w/City of Richland

### Superior Court

- n. Line Item Transfer, Fund No. 0000-101, Dept. 123
- o. Purchase Reimbursement Agreement w/WA State Administrative Office of the Courts

### **Item “e” – District Court – Line Item Transfer – Pro Tem Judge**

Commissioner Bowman said he thought that pro tems would not be needed anymore with the addition of the new judges.

Jacki Lahtinen via/videoconference said the two new judicial positions replaced the court commissioners but it was still necessary to have pro tems to run the system. She said the Court did not ever say they didn't need pro tems because judges need time off for vacations, etc. She said they eliminated two full-time commissioners and replaced them with two full-time judges so the amount of judicial officers was the same as before.

**MOTION:** Commissioner Benitz moved to approve item “e” (Line Item Transfer). Commissioner Bowman seconded.

### Discussion

Chairman Beaver asked for copy of the minutes to review the process regarding approval of the new judges.

Commissioner Bowman asked why the pro tems had to be funded mid-term. Mr. Sparks said the budget process eliminated pro tem money during the budget process by specific request from the Commissioners.

**MOTION:** Commissioner Bowman moved to table the pending motion until the next meeting so the Board could review the matter further. Commissioner Benitz seconded and upon vote, the motion carried.

The pending motion regarding consent agenda item “e” will be brought up at the next meeting.

### **Public Hearing – Short Plat Vacation – SPV 10-05**

Mike Shuttleworth said that Benton County received a request to vacate a 60-foot ingress-egress, 10-foot irrigation and utility easement and replace it with a 20-foot private road easement. All concerned agencies were notified and they received comments from the Fire Marshal and Benton PUD requesting an approved turnaround and replacement 10-foot easement adjacent to the proposed road easement.

Mr. Shuttleworth said that based on the information received, his office recommended approval, conditioned on a replacement 10-foot utility easement and turnaround easement.

### Testimony

Leonard McGriff, applicant, asked for a correction on the plat (he said they lived on lots 2 & 3, not 1). Additionally, he said there was room for a fire truck to turnaround and asked about the new requirement for a turnaround and Mr. Shuttleworth explained that it was because of the distance.

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

**MOTION:** Commissioner Bowman moved to approve the vacation of the 60-foot ingress-egress, irrigation and utility easement with the conditions as described in the staff report. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

### **Public Hearing – Short Plat Vacation - SPV 10-06**

Mike Shuttleworth summarized the application for request for vacation of a 40-foot natural drainage easement and said his office recommended the vacation be approved.

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

**MOTION:** Commissioner Benitz moved to approve the vacation of the 40-foot natural drainage easement as described in the staff report. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

### **Meeting Cancellation**

The Board agreed to cancel the meeting of September 7, 2010 due to the Labor Day holiday.

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

### **Public Hearing – Short Plat Vacation - SPV 10-07**

Mike Shuttleworth summarized the request for vacation of the 20-foot drainage easement. He said the Public Works Department recommended denial of the easement unless a newly relocated easement was installed and engineered. He said it was the recommendation of the Planning Department to approve the vacation with that condition.

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

**MOTION:** Commissioner Benitz moved to approve the vacation of the drainage easement with the conditions as described in the staff report that a new easement be relocated and engineered. Upon vote, the motion carried unanimously.

### **Health District Building Tenant Improvements**

David Sparks said it was agreed at the last bi-county meeting that Benton County would come up with a proposal for Franklin County to review regarding cost to improve the space at the Health

Building for Human Services to occupy. He said they worked with the architect and a proposal was submitted in the amount of \$246,800 for FF&E. Mr. Sparks said that Human Services could pay \$90,000 down, leaving general construction at approximately \$150,000 to be paid by Benton County. Mr. Sparks recommended the Board look at a lease structure in the amount of \$65,000 over a 15-year lease. The Board agreed to send the proposal to Franklin County to review.

Commissioner Bowman asked Mr. Thornbrugh if the money saved on their current lease could be diverted into client programs and Mr. Thornbrugh indicated it potentially could.

The Board recessed, reconvening at 10:20 a.m.

### **Public Hearing - Six-Year Road Program – 2011-2016**

Malcolm Bowie, County Engineer, presented the proposed Six-Year Road Program outlining the projects and possible funding. He discussed in some detail the following:

#### **Piert Road**

Mr. Bowie said that had met with all the property owners and partners to discuss the project. He said it was a pretty attractive project with half of the funds already committed by grant and there was a good chance they would come to the Board to adopt alternate 8.

#### **Hanks Road**

Mr. Bowie said the strategy was to get some commitment from CRAB that the County wouldn't have to pay back what was spent and the next step would be to withdraw the project and reapply under a different program. He said they have a nice design in place, have improved the road this summer to make it better but it is a very important farm to market road and the project needs to be done.

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

**MOTION**: Commissioner Benitz moved to approve the resolution adopting the Comprehensive Six-Year Road Program 2011-2016. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

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

As there were no unscheduled visitors, the Board recessed until 1:30 p.m.

### **Benton County Seat Relocation Report by Entrix**

Chairman Beaver stated that Entrix would be giving its report on the financial impact statement for relocating the County Seat and the Board would not be taking any public testimony. He said the report would be presented again at 5:30 p.m. at the Kennewick Justice Center and the Boardroom in Prosser would also be open for the public and employees to watch the presentation

via/videoconference. He said the Board of Commissioners would not be taking any action and the issue would be decided by a vote of Benton County residents.

David Sparks said the RFQ scope was created to handle the legally required questions about moving the county seat.

Susan Burke, Cynthia Berne, Sian Roberts, team leaders for this project, gave a Powerpoint presentation on the financial impact statement for relocating the county seat, as required by Washington State Law. The presentation included information on the following:

- Precedent of County Seat Removals; Background
- Benton County Seat and Population
- Benton County Government, Employees, Facilities & Services
- Washington State Law regarding location of county seat
- What Moving the County Seat Means
- Financial Impact Statement
  - Current Conditions/Analyzed Changes to Current Conditions
  - Examples/Alternatives – Range of Outcomes (Minimum; Prosser Satellite Office; Maximum Employee Relocation)
  - Cost to County; Net Cost to Employees; Impact to Retail Sales

In summary, at a minimum, a yes vote would require two new offices in Kennewick (one for a commissioner and one for the road engineer) and the regular commissioner meetings would need to be held in Kennewick. The outcome of moving the county seat was not a black and white issue.

Commissioner Bowman asked why leasing space was considered and not the cost of construction. It was answered that a lease analysis was more stable to understand, land and construction costs were very different, and leasing was more cost effective for this analysis.

Commissioner Benitz wanted to know if the unfinished space currently available at the Justice Center was considered in the equation as allocated for future growth. It was stated that future space needs and growth plans were not considered in the financial impact statement.

Chairman Beaver said the cost analysis didn't appeal deal with future needs or whether or not there would be enhanced services in Kennewick. That was apparently a policy decision because it was a financial decision that was going to cost a lot of money. He stated that given the current economic situation, whether the vote was a yes or not, there would probably not be any enhanced services.

Chairman Beaver said the full financial report would be available on the County website by this afternoon.

The Board recessed, reconvening at 5:30 p.m. at the Benton County Justice Center.

**Benton County Seat Relocation Report by Entrix**

Entrix repeated its Powerpoint presentation on the financial impact statement for relocating the county seat.

After the presentation, Commissioner Benitz asked for an opportunity to make changes to the brochure that would be made available to the public. Chairman Beaver suggested that Commissioner Benitz bring back any suggested changes to the Board for approval.

**Vouchers**

Check Date: 08/27/2010  
Warrant #: 17347-17562  
Taxes Wire # 810 and 1160810  
Total all funds: \$1,318,237.33

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

**Resolutions**

- 10.494 Fujitsu Scanner Maintenance Contract w/Image Source
- 10.495 Line Item Transfer, Fund No. 0000-101, Dept. 115
- 10.496 Service Agreement w/D Selove, MD for Forensic Pathology Services
- 10.497 Payment to American Leak Detection for Leaking Well Services
- 10.498 License Agreement w/Behavioral Health Laboratories
- 10.499 Line Item Transfer, Fund No. 0108-101, Dept. 504
- 10.500 Truancy Contract for Finley School District
- 10.501 Master Services Agreement w/Evercom Systems, Inc.
- 10.502 First Contract Amendment w/SunScapes, Inc.
- 10.503 Line Item Transfer, Fund No. 0000-101, Dept. 117
- 10.504 Opt Out of the Revitalization Financing w/City of Richland
- 10.505 Line Item Transfer, Fund No. 0000-101, Dept. 123
- 10.506 Purchase Reimbursement Agreement w/WA State Administrative Office of the Courts
- 10.507 Approval of Vacation of Drainage Easement – SPV 10-06
- 10.508 Approval of Comprehensive Six-Year Road Program 2011-2016

There being no further business before the Board, the meeting adjourned at approximately 6:20 p.m.

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Clerk of the Board

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Chairman