

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
August 9, 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; Steve Becken and Malcolm Bowie, Public Works; Planning Manager Mike Shuttleworth; Human Services Administrator Ed Thornbrugh; Clerk Josie Delvin; Auditor Brenda Chilton; Van Petty, Pat Powell, and Rosie Sparks, Auditor's Office; Susan Walker and Valerie Smith, Planning Department; DPA Jonathan Young; Deputy Treasurer Erhiza Rivera; Lisa Small, Commissioners' Office.

Workshop Agenda

Red Mountain Undercrossing

Commissioner Bowman said he received an email from Doc Hastings' staff that they would be touring the site for the Red Mountain Undercrossing this afternoon.

Public Works – Six-Year Road Program

Malcolm Bowie provided a draft thumbnail sketch of the Six-Year Road program for the Board to review prior to public hearing. The Board reviewed the document with Mr. Bowie and made some suggested changes.

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

Approval of Minutes

The Minutes of the regular meeting of August 2, 2010 were approved.
The Minutes of the special meeting of August 4, 2010 were approved.

Consent Agenda

MOTION: Commissioner Benitz moved to approve the consent agenda items “a” through “o”. Commissioner Bowman seconded and upon vote, the Board approved the following:

Auditor

- a. Authorization to Upgrade Microfilm Reader Printer to Digital
- b. Authorization for Professional Services w/Tyler Technologies

Commissioners

- c. Appointment of D Akers to the Public Facilities District
- d. Family Day, A Day to Eat Dinner With Your Children Proclamation

Facilities

- e. Blanket Service Agreement w/Absolute Power, Inc. for As Needed Electrical Services
- f. Contract w/Encore Oil LLC to Pump & Clean Grease Trap @ the Jail

Fairgrounds

- g. Contract w/Industrial Equipment Solutions, Inc. for Installation of Garage Doors

Juvenile

- h. Payment to Tri-Tech Skills Center for Youth Criminal Court Process Video

Parks

- i. Contract w/SunScapes, Inc.

Personnel

- j. Contract w/PricewaterhouseCoopers for Actuarial Reviews

Public Works

- k. Line Item Transfer, Fund No. 0101-101, Dept. 500
- l. Award of Pavement Marking 2010 to Stripe Rite, Inc.
- m. Order and Agreement for Nonexclusive Franchise to Ormiston Orchards
- n. Order and Agreement for Nonexclusive Franchise to Badger Canyon Water Asso.

Sheriff

- o. Personal Services Contract w/Jacqueline Moore & Asso for Request for Proposal

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

Public Hearing – Dunham Road Right of Way Vacation

Malcolm Bowie summarized the proposed right of way vacation and said that based on current criteria, his office recommended vacation of the right of way, subject to a 10-foot utility easement for Benton PUD.

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

MOTION: Commissioner Benitz moved to approve the proposed vacation of right of way, subject to the listed condition. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:10 a.m.

Public Hearing – Comprehensive Plan Amendment 09-02

Susan Walker said the public hearing was being held to consider rescinding Resolution 09-727, an action that enlarged the City of Richland's UGA. Rescission of the resolution would resolve an appeal before the Eastern Washington Growth Management Hearings Board and the Planning Commission recommended rescinding Resolution 09-727.

Mr. Shuttleworth said there was a letter from the City of Richland supporting rescission of the original resolution.

Proponents

Marilyn Taylor, Kennewick, spoke in support of rescinding the resolution.

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

MOTION: Commissioner Bowman moved to approve the resolution amending the Benton County Comprehensive Plan to resolve an appeal to the Eastern Washington Growth Management Hearings Board rescinding Resolution 09-727, and adopting the Planning Commission's findings of fact. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Public Hearing – Comprehensive Plan Amendment 09-03

Susan Walker said the public hearing was being held to consider rescinding Resolution 09-728, an action that enlarged the City of Benton City's UGA. Rescission of the resolution would resolve an appeal before the Eastern Washington Growth Management Hearings Board and the Planning Commission recommended rescinding Resolution 09-728.

Opponents

Lloyd Carnahan, Mayor of Benton City, said they sent a letter to the Board asking to postpone the issue for 45 days. He asked the Board what would happen if the Board did not comply with the deadline.

Mr. Shuttleworth said that would be up to the Hearings Board. He said they would find the County not in compliance and could require the County to comply, impose sanctions, or determine a loss of funding.

Tom Harrison said he was not in favor of canceling the resolution. He said they put in legal application to the City of Benton City and his property seems to be in gray area. He said it was contiguous to the city's property line, was already an approved plat in the county with little change except to the lot and they were ready to move forward.

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

The Board discussed the next application cycle for the UGA and Comprehensive Plan and how to get more aligned with the cities' desire to grow.

Commissioner Bowman said this had been a learning experience and he didn't agree with what had to be done. He said hopefully this would give time to help the landowners and cities work on their applications so they could be approved.

MOTION: Commissioner Bowman moved to approve the resolution amending the Benton County Comprehensive Plan to resolve an appeal to the Eastern Washington Growth Management Hearings Board rescinding 09-728 and adopt planning commission findings of fact as our own. Chairman Beaver seconded and upon vote, the motion carried unanimously.

Washington State Auditor – 2009 Audit - Entrance Conference

Lisa Roundy and Kent Zirker reviewed the Benton County Washington State Auditor's Entrance Conference report dated August 9, 2010 for calendar year 2009. The report outlined the following areas: audit scope, accountability for public resources and legal compliance, financial statements, federal compliance, audit reports, reporting levels, and audit costs.

Van Petty, Auditor's Chief Financial Accountant, was named as the audit liaison for the State Auditor to communicate with throughout the audit.

Commissioner Bowman asked if there were areas of redundancy between the County and State Level. Ms. Roundy responded that the State Auditor completed the audit at a higher level and across the board trying to identify risky areas. She said they complied with government auditing standards and issued the required audit. Mr. Zirker said the State legislature mandated the State Auditor with the authority and responsibility to audit the local agencies.

The Board briefly recessed, reconvening at 9:52 a.m.

Animal Control Building Update

Roy Rogers updated the Board on the progress of the animal control building, provided pictures, and said they now had the building permit. Additionally, he said he still anticipated completion before the end of the year.

Adam Fyall said he had met with the Sheriff and Ryan Brown to review the ordinance and it was now getting re-worked with the PA's office and would be ready to go through the public hearing process.

The Board briefly recessed, reconvening at 10:00 a.m.

Proposed Rule Change to RCW 90.90

Commissioner Benitz said the Department of Ecology was in the process of proposed rule making (RCW 90.90) and Benton County needed to weigh in on the proposed amendments. He

presented a joint letter from Board of Commissioners and Water Conservancy Board for the Board's review.

Darryll Olsen, Benton County Water Conservancy Board, said the joint comments to be submitted related to the "Hillis Rule" amendment and RCW 90.90 (Columbia River Water Management Act) and were policy/administrative and technical in nature. Mr. Olsen reviewed the letter and explained the comments and recommended changes to the amendments.

MOTION: Commissioner Benitz moved to approve the letter to the Department of Ecology and provide necessary testimony. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Liberty Mutual Insurance – Benefit Program

Melina Wenner said that WSAC was partnering with Liberty Mutual Insurance Group to offer county employees a group auto and/or home insurance discount. She said that Benton County could offer this program to the employees and that other counties would be participating in the program effective January 1. Ms. Wenner said the PA's office reviewed the agreement and she asked the Board if it was interested in providing this benefit to the employees.

Commissioner Bowman said he was interested because it had the potential to save the employees money.

Commissioner Benitz said he was concerned that other insurance agencies were not allowed the same opportunity to provide insurance to employees and was concerned about employee time being spent on it.

Chairman Beaver said he didn't think the County should be supporting any company or acting as a salesman, but agreed that it should be provided at the benefit fair as an option to the employees and take advantage of employee strength and the relationship with WSAC. He said a resolution would be appropriate and he encouraged individuals to find ways to save the County and/or employees money.

Unscheduled Visitors

Marilyn Taylor said she was just a citizen watching what the Commissioners were doing.

Claim for Damages

CC 2010-09: Received on August 6, 2010 from Ronald Rahmig

Vouchers

Check Date: 08/05/2010
Warrant #: 230859-230996
Direct Deposit #: 56107-56685
Total all funds: \$2,042,616.34

Check Date: 08/05/2010
Taxes #: 10110081-10110083
Warrant #: 16131-16171
Total all funds: \$1,793,301.94

Check Date: 08/06/2010
Warrant #: 15944-16130
Total all funds: \$250,252.07

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

Resolutions

- 10-452 Authorization to Upgrade Microfilm Reader Printer to Digital
- 10-453 Authorization for Professional Services w/Tyler Technologies
- 10-454 Appointment of D Akers to the Public Facilities District
- 10-455 Family Day, A Day to Eat Dinner With Your Children Proclamation
- 10-456 Blanket Service Agreement w/Absolute Power, Inc. for As Needed Electrical Services
- 10-457 Contract w/Encore Oil LLC to Pump & Clean Grease Trap @ the Jail
- 10-458 Contract w/Industrial Equipment Solutions, Inc. for Installation of Garage Doors
- 10-459 Payment to Tri-Tech Skills Center for Youth Criminal Court Process Video
- 10-460 Contract w/SunScapes, Inc.
- 10-461 Contract w/PricewaterhouseCoopers for Actuarial Reviews
- 10-462 Line Item Transfer, Fund No. 0101-101, Dept. 500
- 10-463 Award of Pavement Marking 2010 to Stripe Rite, Inc.
- 10-464 Order and Agreement for Nonexclusive Franchise to Ormiston Orchards
- 10-465 Order and Agreement for Nonexclusive Franchise to Badger Canyon Water Asso.
- 10-466 Personal Services Contract w/Jacqueline Moore & Asso for Request for Proposal
- 10-467 Amending Comp. Plan – Rescinding Resolution 09-727
- 10-468 Amending Comp. Plan – Rescinding Resolution 09-728

There being no further business before the Board, the meeting adjourned at approximately 10:30 a.m.

Clerk of the Board

Chairman