

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, May 06, 2014, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Shon Small  
Commissioner Jerome Delvin  
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, Sustainable Development Manager; Finance Manager Keith Mercer; Public Works Manager Steve Becken; County Engineer Daniel Ford; Planning Manager Mike Shuttleworth; RJ Lott, DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; Sheriff Steven Keane; Undersheriff Jerry Hatcher; Commander Jon Law; Treasurer Duane Davidson.

#### Approval of Minutes

The Minutes of April 29, 2014 were approved.

#### Consent Agenda

**MOTION:** Commissioner Small moved to approve the consent agenda items "a" through "1". Commissioner Delvin seconded and upon vote, the Board approved the following:

#### Building

- a. Copier Lease Agreement w/Ricoh USA

#### Commissioners

- b. Contract w/Integrus Architecture PS for Analysis on Remodel @ Corrections Facility
- c. Guidelines for Placement on the Benton County Non-Bargaining Salary Schedule

#### Human Services

- d. Agreement w/Catholic Family & Child Services for Rental Assistance Program

#### Office of Public Defense

- e. District Court Public Defense Contract Termination w/A Ochs

#### Parks

- f. Contract w/Wildlands, Inc. for Badger Mountain North Face Restoration

#### Personnel

- g. Payment Authorization to Barbara Strote for Trainer Services

#### Public Works

- h. Authorization to Proceed w/Bid Process for Two Truck Cab & Chassis Units

- i. Purchase of 2 Dump Bodies from Northend Truck Equipment, Inc.

**Sheriff**

- j. Line Item Transfer, Fund No. 0000-101, Dept. 119
- k. Line Item Transfer, Fund No. 0000-101, Dept. 120
- l. Agreement w/Randall Barnes for Business Consultation Services

**Public Hearing- Short Plat Vacation, SPV 2014-002**

RJ Lott presented the application for a short plat vacation filed by Dakota Tripp. He said the application was signed by all four owners of lots within Short Plat 3157, owners within 300 feet of the outer perimeter of Short Plat 3157 were notified, and Public Works commented there were no issues with Lot 1 accessing Oak Street rather than Myrtle Street. Additionally, all concerned agencies were notified.

He said based upon the information received, the Planning Department recommended approval of the vacation.

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

**MOTION:** Commissioner Small moved to approve the vacation of a portion of note #12 that restricts access from Lot 1 from Myrtle Street on Short Plat 3157 of the records of Benton County. Commissioner Delvin seconded and upon vote, the motion carried.

**Port of Benton Discussion**

Commissioner Delvin proposed the Board support the Port of Benton for Crow Butte Park with \$50,000 the first year, \$25,000 the second year, \$25,000 the third year and that would be the end of Benton County's support. He said those monies would need to be tied to specific projects and he proposed the County send a letter to the Port Commissioners stating that is what they were willing to do.

Commissioner Small said he believed the farmers have done a lot of work in that area and it was an outstanding recreational area. He said he wanted to invest in that park but agreed it was time to wean them from Benton County.

**MOTION:** Commissioner Delvin move to have David Sparks or his designee compose a letter from the Board proposing to the Port of Benton that Benton County contract with them for up to \$50,000, \$25,000, and \$25,000 and the monies would be tied to projects, and that would be the end of the financial contribution to that park. Commissioner Small seconded.

**Discussion**

Chairman Beaver asked Mr. Brown if the County could get there legally and Mr. Brown commented they had to get something in return for the money.

Mr. Sparks confirmed the amounts would be “up to” and the Port would have to provide documentation that they spent the money on those projects. The Board agreed.

Upon vote, the motion carried unanimously.

### **Continued Discussion – Jail**

Sheriff Keane said they reached out to see what other counties were doing with population issues and heard from Yakima, Thurston and Kitsap Counties. Yakima County used overtime, Thurston County used overtime (they attempted to use temporary help and it became a labor nightmare) and Kitsap County used booking restrictions.

Sheriff Keane said he wanted to take overtime off the table; they were short-staffed and did not have a relief factor built in and had to allow for sick time and vacation. He said others options were to keep doing what they were doing or use booking restrictions (others were using that because they exceeded the maximum space). He said Benton County’s reason was because it was a cost issue but if you used booking restrictions, you made the decision not to book people who have committed offenses.

He said he still wanted direction from the Board on whether jail use contracts made sense. Additionally, he discussed the meeting with the cities and said that Mr. Mercer showed an analysis of what it cost to house in our facility and the consensus from the cities was that Benton County should try to fill its jail with contracts because it would reduce their costs. He said he wanted to evaluate and figure out whether Benton County had consensus on its own before having any workshops with the cities.

Commissioner Delvin said he understood why the cities wanted to do that, but when talking about liability, wanted to know if they were willing to work out a liability sharing program. DPA Brown said if they were going to assume liability they would probably want to be involved in the operations.

Sheriff Keane also stated that when reviewing the contracts for beds with the U.S. Marshall’s office and DOC the numbers for the different contracts were not as bad as what you would think and he believed it still made sense to have these contracts.

Chairman Beaver said he wanted to get to a point that having contract prisoners was having it budget neutral (not reaching into Current Expense to complete a program). He said he was really interested in the program not losing money and not using Benton County taxpayer money to support a program that was not Benton County. He said he wanted to be very supportive but it came down to cost and he agreed with Mr. Mercer that Benton County shouldn’t take the contract prisoners unless they paid the same rate as in-county prisoners.

Sheriff Keane said they had discussed bringing in a consultant, but they also did their own staffing evaluation and according to standards they were understaffed. He said they needed to be prepared with what the consultant might tell them regarding staffing.

Commissioner Small said they reduced staff this last budget cycle and they now had documentation they were over populated for the last 4-6 months.

**MOTION:** Commissioner Small moved to approve hiring six new clerical positions in the amount of \$466,000 to cover population control until the RFQ was complete to see if they could find new alternatives. He said he was looking at concerns about liability and they needed to cut down population or beef up staff. Commissioner Delvin seconded.

### Discussion

Commissioner Delvin said he still didn't have a clear picture in his mind where that money was going to come from and wanted to know if anybody had a proposal. Sheriff Keane said that Mr. Sparks talked about the surplus in revenue and they brought in more than anticipated but didn't know for how long.

Mr. Sparks said that whatever decision was made, the bed day rate was going up regardless of whether they eliminated prisoners or added staff. He said he looked more at an income and expense summary; if they kept the same amount of prisoners and added staff, the bed day rate was going up; if they reduced prisoners, the bed day rate would go up but didn't know which one would hurt them the most.

Additionally, he said they billed on estimates and at the end of the year they tried up. He said if you looked at the cities' jail analysis, their cost has gone up 10% but Benton County's has gone up 33%.

Commissioner Delvin asked how they would get that money and Mr. Sparks said it would have to be moved into their budget.

Ryan Brown stated that he drafted the cities' contract and budget neutral was not better. He said you needed to rent it for more than it was costing to be better. Mr. Sparks said that currently the jail budget was running 2% under and contracts were 3% over so adding 1/2 million to the budget from what they had collected would be neutral, because right now they were ahead.

Sheriff Keane said there was a lot to consider and find out what it truly cost to have an extra inmate in the facility and agreed they should be charging them more than the locals.

Chairman Beaver said he wanted to make a decision but wanted to get more comfortable; he didn't think getting rid of the contracts was the answer, but wanted to get to a point so they knew if it made more sense to add officers. He said he didn't want to make the jump and make the decision until he was more comfortable.

Undersheriff Hatcher stated the cost of \$466,000 was the annual cost so it would be prorated. Commissioner Delvin said he would like the decision to be unanimous. Sheriff Keane said it would take some time commitments to get where they had an understanding.

Mr. Sparks reiterated that as long as you talked about the bed day rate, there would be philosophical differences, but a simple revenue and expense statement would tell you.

Commissioner Delvin said at the end of the biennium budget, if whatever new money was costing was covered in the end that would make him feel a lot better.

Commissioner Small asked if Benton County and the cities wanted to go forward with a private study if they added staff to adjust for population. The Sheriff said the cities appreciated the transparency and they were happier to know they were going to have an independent person come in. Chairman Beaver agreed the cities felt that way and that the County had escalating costs.

Upon vote, the motion carried unanimously.

### **Unscheduled Visitors**

#### **Whitstran Marijuana Grown Issue**

Tom Paul, Sunnyside, said his nephews (ex-marines) were starting a marijuana business in Whitstran. He said it originally was going to be in Yakima (but they put in a moratorium) and they were also looking at Mabton (they talked about taxing for extra police protection). However, they found a location in Benton County and were in the process of setting up. He said there has been some conflict and the neighbors didn't appreciate what they were doing. He said they were receptive to the idea of having the County look at taxing them like Mabton proposed so they could have extra police protection.

Commissioner Delvin said he couldn't think of any authority where they could allow the County to tax them.

Mr. Paul said they were wondering if the growers of the County could make a proposal to give donations to get more police protection. DPA Brown said the Board could look at proposals for donations.

The Board expressed its concerns and the neighbors' concerns and indicated the County did not regulate it and the State was issuing the license. Also, they had asked Code Enforcement to go out there and look at the construction and the neighbors were going forward to the Liquor Board to make their opposition.

John Dennis, disabled veteran and owner of the property, said they kept the house out of the mix and were building on his land. He said there were issues in the neighborhood, and his daughter filed a restraining order against neighbors. He said this business was legal as long as they did it correctly and they were trying to do it right. He said he was an ex-veteran and because of that it scared the neighbors.

Mr. Paul said his thought was to let it go through, put in cameras and have police so it would be recorded.

Commissioner Small said he went out to the property and talked to the boys and believed they were good people and they also had concerns about some of Mr. Dennis's actions.

#### DID #10 – Wastewater Issue

Gordon Christensen said he had concerns about wastewater on their property since the pressurized irrigation system was put in and they have asked the County to assist with the pumping of the water.

Steve Becken said this referred to DID #10 and when Drainage Improvement Districts did not have a board of directors, it was under the direction of the Road Department. He said they were getting ready to pump and DPA Reid Hay said he could not find authority for the County Engineer to proceed and so they were asking the Board for authority. He proposed using DID #10 funds to put in the infrastructure and pump the water. He indicated that Benton REA previously agreed to put in power and maintenance of the pump would be paid by DID #10 funds.

**MOTION:** Commissioner Small moved to direct the Public Works Director to address the DID #10 wastewater issue and approve as requested. Commissioner Delvin seconded and upon vote, the motion carried.

#### Other Business

Commissioner Delvin requested to purchase a round trip ticket to attend the Legislative Steering Committee for WSAC meeting at SEATAC on June 12 from 10-12 instead of driving.

**MOTION:** Commissioner Beaver moved to approve Commissioner Delvin to purchase a round trip ticket to SEATAC as requested. Commissioner Small seconded and upon vote, the motion carried.

Chairman Beaver said the Board received a request from Josh Sheridan recognizing him for his accomplishment of receiving his Eagle Scout award and sending a letter expressing such recognition. The Board agreed.

Mr. Sparks said that he and Fred Bowen interviewed candidates for the Human Services Manager and had narrowed it down to three. He said that Personnel would be working to schedule a bi-county board meeting to interview the three candidates.

Commissioner Small reported the new Crisis facility was up and running.

#### Vouchers

Check Date: 05/02/2014  
Warrant #: 101196-101372  
Total all funds: \$469,614.83

Check Date: 05/02/2014  
Transfer #: 050201-050207  
Total all funds: \$222,296.11

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

**Resolutions**

- 2014-370: Copier Lease Agreement w/Ricoh USA
- 2014-371: Contract w/Integrus Architecture PS for Analysis on Remodel @ Corrections Facility
- 2014-372: Guidelines for Placement on the Benton County Non-Bargaining Salary Schedule
- 2014-373: Agreement w/Catholic Family & Child Services for Rental Assistance Program
- 2014-374: District Court Public Defense Contract Termination w/A Ochs
- 2014-375: Contract w/Wildlands, Inc. for Badger Mountain North Face Restoration
- 2014-376: Payment Authorization to Barbara Strote for Trainer Services
- 2014-377: Authorization to Proceed w/Bid Process for Two Truck Cab & Chassis Units
- 2014-378: Purchase of 2 Dump Bodies from Northend Truck Equipment, Inc.
- 2014-379: Line Item Transfer, Fund No. 0000-101, Dept. 119
- 2014-380: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2014-381: Agreement w/Randall Barnes for Business Consultation Services
- 2014-382: Approval of Vacation of SPV 2014-002

There being no further business before the Board, the meeting adjourned at approximately 10:16 a.m.

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Clerk of the Board

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Chairman