

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, August 11, 2015, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Jerome Delvin
Commissioner Shon Small
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, Sustainable Development Manager; Public Works Manager Daniel Ford; Assistant Engineer Matt Rassmussen; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Steve Brown, Building Department; Mary Heather Ames and Grant DeJongh, Public Works; Erhiza Rivera, Treasurer's Office; Taylor Ranger, Auditor's Office; and Dixie Jameson, District Court.

Approval of Minutes

The Bi-County Minutes of July 29, 2015 were approved.

The Minutes of August 4, 2015 were approved.

Review Agenda

Three executive sessions (performance of public employees and potential litigation) were added to the agenda.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items "a" through "hh", pulling "b" (Letter to Mr. Stanton). Commissioner Small seconded and upon vote, the Board approved the following:

Commissioners

- a. Letter in Support of Wahkiakum County's Biosolids
- c. Line Item Transfer, Fund No 0305-101, Dept. 000; Rescinding Resolution 2015-523
- d. Line Item Transfer, Fund No 0504-101, Dept. 000

Human Services

- e. Amended Agreement w/Ambitions Community Support Services for Developmental Disability Services
- f. Amended Agreement w/Service Alternatives, Inc for Developmental Disabilities Services
- g. Amended Agreement w/Columbia Industries for Developmental Disabilities Services
- h. Amended Agreement w/Arc of Tri-Cities for Developmental Disabilities Services
- i. Grant Amendment w/WA State Department of Commerce, Community Services & Housing Division
- j. Agreement w/Department of Social & Health Services for Mental Health First Aid Program
- k. Amended Agreement w/Children's Developmental Center for Developmental Disabilities Services
- l. Amended Agreement w/Domestic Violence Services

Juvenile

- m. Truancy Contract w/Kennewick School District
- n. Truancy Contract w/Kiona-Benton School District
- o. Grant Application w/Office of Juvenile Justice for Juvenile Detention Alternatives
- p. Program Agreement w/WA State Department of Social & Health Services for WSART Consulting
- q. Program Agreement w/WA State Department of Social & Health Services for Evidence Based Expansion
- r. Program Agreement w/WA State Department of Social & Health Services for Consolidated Juvenile Services
- s. Contract w/Pasco School District for Probation Counselor @ Chiawana High School
- t. Contract w/J Elmenhurst for Family Therapy
- u. Payment Authorization to Tyco Simplexgrinnell System for Annual Fire Alarm Monitoring
- v. Truancy Contract w/Richland School District
- w. Contract w/Pasco School District for Probation Counselor @ Pasco High School

Office of Public Defense

- x. Terminating Agreement w/D Stovern for Juvenile Defense Services
- y. Contract w/E Scott for Indigent Legal Representation in District Court; Terminating Contract in Superior Court
- z. Public Defense Agreement w/C Briggs for Legal Financial Obligations
- aa. Terminating Consulting Services Contract w/A Sheridan
- bb. Amended Contract w/D Couture for District & Superior Court Investigative Services

Prosecuting Attorney

- cc. Settlement Agreement for Claim No. 2014-23
- dd. Rental Agreement w/Francotyp-Postalia, Inc for Postage & Mail Equipment

Public Works

- ee. Contract Extension w/Coleman Oil for Gasoline & Diesel Fuel

Sheriff

- ff. Line Item Transfer, Fund No. 0000-101, Dept. 119
- gg. Line Item Transfer, Fund No. 0000-101, Dept. 120

Treasurer

- hh. Disbursements from Historical Preservation Fund for Historical Preservation Projects

WASPC – RSO Grant Agreement

Lt. McCary via/videoconference said the State had awarded \$137,955.20 for the FY 2015/2016 Registered Sex Offender Address and Residency Verification Program and he was requesting authorization to allow the Sheriff to sign the interagency agreement.

MOTION: Commissioner Small moved to approve the Resolution and Agreement between the Washington Association of Sheriffs & Police Chiefs and Benton County Sheriff's Office for the FY 2015/2016 Registered Sex Offender Address and Residency Verification Program Award in the amount of \$137,955.20. Commissioner Beaver seconded and upon vote, the motion carried.

Community Development Block Grant w/WA State Department of Commerce

Kyle Sullivan and DPA Kyla Bennett-Marshall via/videoconference discussed the proposed agreement. Ms. Bennett-Marshall said the agreement expired on July 1, 2015 but the new terms effectively required Benton County to indemnify against the sub-grantee. She said she had been in contact with the Dept. of Commerce and AG program manager and they didn't seem to think it would be a problem to change the language back to the prior year's contract language. Additionally, the program was federally funded by HUD and the funding came out just last week so they had not missed out on any funding. Mr. Sullivan said the provider was aware of the reason for the delay and this was just for the Board's information.

Moderate Risk Waste Facility – Request for Proposal

Dan Ford and Grant DeJongh updated the Board on the feasibility study conducted by HDR on the Road Shop on Ely Street. Based on the findings, they could retrofit the shop and it would be cheaper than demolition and new construction and generally appeared to be a good site. Mr. DeJongh said it was presented to the Solid Waste Committee and they recommended proceeding to retrofit the Ely property to a moderate risk waste facility. He said contracting for design work would be the first step and they needed approval to proceed with the RFP for design of the retrofit for the facility.

David Sparks stated proceeds of this would offset costs of the new shop. Mr. Ford added there were three parcels associated with this property and the County would retain at least two of those for storage.

Mr. Sparks said there was \$750,000 in cash in the fund as of the end of July. Mr. DeJongh said they would get an additional \$422,000 from the state and \$166,000 from insurance on the loss of the previous facility. Total estimated cost of procurement, design, and improvement of the site was estimated at \$884,765.

Unscheduled Visitors

Merlin Brown said he was still concerned about the amount of people working on the Roads in the Prosser area. Additionally, he expressed concern about the weeds growing in the right of

way and the County vegetation program. He said if there was anything he could do to assist, for instance ride around the county roads, he was willing to do that.

Commissioner Small said they were trying to really take care of business and had a plan of action since the last meeting.

Robert Marguiles, Richland, said he was having difficulty conducting business in Benton County due to the insurance requirements. He said he was a firearms instructor, NRA certified, currently taught in Yakima County, Franklin County, and Oregon, but he could not teach in Benton County because Risk Management was requiring \$4 million in coverage. He said the maximum amount written for NRA instructors was \$2 million and he didn't understand the requirement.

Chairman Delvin said he had previously asked the question, but he was trying to gather the information needed to make an assessment and any information he could provide would be helpful. He asked for a couple of weeks to work through the issue and said he would get back to him. He said there might be a different requirement for private and publicly owned property but he would survey the ranges around the state and talk with the Risk Pool as well.

Other Business

Chairman Delvin said he would be sending a letter in support for the Charter merger to the FCC and if the other board members wanted to send a letter he would forward the information to them.

Mr. Sparks asked for clarification from the bi-county meeting regarding filling vacant positions in Human Services. Chairman Delvin said that Franklin County agreed as long as Benton County didn't obligate them on new contracts or commit to spending new money, they should proceed to do what they needed to do for the day to day operations. Mr. Sparks confirmed the positions were already budgeted for. The Board directed Mr. Sparks to proceed with hiring for the vacant positions.

Matt Rassmussen and Dan Ford updated the Board on the intersection where the recent accident occurred. They had mowed down the weeds in the right of way and were continuing that work on other intersections. Additionally, they had installed a stop-ahead sign and stop bars, upsized a smaller stop sign, and put out the traffic counters.

Executive Session – Potential Litigation

The Board briefly recessed, reconvening at 9:36 a.m. for approximately 10 minutes to discuss potential litigation with DPA Ryan Brown. Also present were Loretta Smith Kelty, David Sparks, Mike Shuttleworth, Steve Brown, and Cami McKenzie. The Board came out at 9:47 a.m. The Board discussed potential litigation and no decisions were made in executive session

Executive Session – Performance of Public Employee

The Board went into executive session at 9:48 a.m. to discuss the performance of a public employee for up to 10 minutes employee. Also present were David Sparks, Cami McKenzie, Loretta Smith Kelty, Dan Ford, and Matt Rassmussen. The Board came out at 9:58 a.m. No decisions were made in executive session.

Executive Session – Performance of Public Employee

The Board went into executive session with David Sparks at 9:59 a.m. for up to 20 minutes to discuss the performance of a public employee. The Board came out at 10:17 a.m. No decisions were made in executive session.

Claim for Damages

CC 2015-08: Received on August 6, 2015 from Donna Lee-Conner Zink

Vouchers

Check Date: 08/05/2015

Payroll Checks

Warrant #: 238776-238854

Direct Deposit #: 106252-106839

Total all funds: \$2,068,265.14

Payroll Deductions/Transfers

Taxes #: 10115081-101150814

Total all funds: \$1,822,672.69

Payroll Deductions/Warrants

Warrant #: 125980-125994

Total all funds: \$365,808.26

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

Resolutions

2015-540: Line Item Transfer, Fund No 0305-101, Dept. 000; Rescinding Resolution 2015-523

2015-541: Line Item Transfer, Fund No 0504-101, Dept. 000

2015-542: Amended Agreement w/Ambitions Community Support Services for Developmental Disability Services

2015-543: Amended Agreement w/Service Alternatives, Inc for Developmental Disabilities Services

- 2015-544: Amended Agreement w/Columbia Industries for Developmental Disabilities Services
- 2015-545: Amended Agreement w/Arc of Tri-Cities for Developmental Disabilities Services
- 2015-546: Grant Amendment w/WA State Department of Commerce, Community Services & Housing Division
- 2015-547: Agreement w/Department of Social & Health Services for Mental Health First Aid Program
- 2015-548: Amended Agreement w/Children's Developmental Center for Developmental Disabilities Services
- 2015-549: Amended Agreement w/Domestic Violence Services
- 2015-550: Truancy Contract w/Kennewick School District
- 2015-551: Truancy Contract w/Kiona-Benton School District
- 2015-552: Grant Application w/Office of Juvenile Justice for Juvenile Detention Alternatives
- 2015-553: Program Agreement w/WA State Department of Social & Health Services for WSART Consulting
- 2015-554: Program Agreement w/WA State Department of Social & Health Services for Evidence Based Expansion
- 2015-555: Program Agreement w/WA State Department of Social & Health Services for Consolidated Juvenile Services
- 2015-556: Contract w/Pasco School District for Probation Counselor @ Chiawana High School
- 2015-557: Contract w/J Elmenhurst for Family Therapy
- 2015-558: Payment Authorization to Tyco Simplexgrinnell System for Annual Fire Alarm Monitoring
- 2015-559: Truancy Contract w/Richland School District
- 2015-560: Contract w/Pasco School District for Probation Counselor @ Pasco High School
- 2015-561: Terminating Agreement w/D Stovern for Juvenile Defense Services
- 2015-562: Terminating Contract w/E Scott – Superior Court
- 2015-563: Contract w/E Scott for Indigent Legal Representation in District Court
- 2015-564: Public Defense Agreement w/C Briggs for Legal Financial Obligations
- 2015-565: Terminating Consulting Services Contract w/A Sheridan
- 2015-566: Amended Contract w/D Couture for District & Superior Court Investigative Services
- 2015-567: Settlement Agreement for Claim No. 2014-23
- 2015-568: Rental Agreement w/Francotyp-Postalia, Inc for Postage & Mail Equipment
- 2015-569: Contract Extension w/Coleman Oil for Gasoline & Diesel Fuel
- 2015-570: Line Item Transfer, Fund No. 0000-101, Dept. 119
- 2015-571: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2015-572: Disbursements from Historical Preservation Fund for Historical Preservation Projects
- 2015-573: Authorizing the Sheriff to Sign the Interagency Agreement – Washington Association of Sheriffs and Police Chiefs and Benton County
- 2015-574: Authorizing Public Works to Proceed with Request for Proposal – Design of Retrofitting Road Shop on Ely into a Moderate Risk Waste Facility

There being no further business before the Board, the meeting adjourned at approximately 10:17 a.m.

Clerk of the Board

Chairman