

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, March 3, 2015, 9:00 a.m.
Benton County Planning Annex
1002 Dudley Avenue
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; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Auditor Brenda Chilton; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; GIS Manager Mary Phillips; RJ Lott, Planning, Donna Holmes, Public Works; Matt Rasmussen, Assistant County Engineer; Assessor Bill Spencer.

Approval of Minutes

The Minutes of February 24, 2015 were approved.

Review Agenda

Items “s” (OPD, Amended Agreement w/Danielle Purcell), “t” (OPD, Amended Agreement w/Jeff Briggs) and “u” (OPD, Juvenile Agreement w/Susan Henwood) were added to the consent agenda.

An executive session was added to the agenda.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items “a” through “r”, adding “s”, “t” and “u”. Commissioner Small seconded and upon vote, the Board approved the following:

Commissioners

- a. Line Item Transfer, Fund No. 0133-101, Dept. 000
- b. Line Item Transfer, Fund No. 0305-101, Dept. 000
- c. Line Item Transfer, Fund No. 0305-101, Dept. 000

Fairgrounds

- d. Contract w/Superior Tree Service, Inc. for Tree Pruning Services

Human Services

- e. Agreement w/Community Action Committee for Emergency Solutions Grant Services

Information Technology

- f. Purchase of 8 Workstations From Dell for Auditor's Office
- g. Contract Amendment w/Smarsh

Juvenile

- h. Purchase of Bus Tickets From Ben Franklin Transit for Transportation Expenses
- i. Approving Flat Monthly Payment for 2015-2016 Juvenile Budget

Office of Public Defense

- j. Amended District Court Public Defense Agreement w/A Farabee
- k. Termination of M Cano's Public Defense Contract

Personnel

- l. Establishing a Mental Health Court Program Manager Classification Description & Salary Grade

Public Works

- m. Awarding Bituminous Surface Treatment 2015 to Granite Construction Company
- n. Rejecting Bids for Purchase of Surfacing Materials-Hot Mix Asphalt & Authorization
- o. Amending 6-Year Road Program
- p. Appointments to the Solid Waste Advisory Committee
- q. Purchase of Hazardous Waste Handling & Disposal Services

Sheriff

- r. Salary Request Statement

Office of Public Defense

- s. Amended Agreement w/Danielle Purcell
- t. Amended Agreement w/Jeff Briggs
- u. Amended Agreement w/Susan Henwood

Public Participation Plan for 2017 Comprehensive Plan Amendment

RJ Lott said a Public Participation Plan (PPP) was required for Benton County's 2017 Comprehensive Plan and as required by the Growth Management Act and RCW 36.70A.020, the Planning Department created its own. He said the intent of the Plan was to guide public participation related the planning processes in updating the Comprehensive Plan for 2017. It went before the Benton County Planning Commission on February 10, 2015 and the Planning Commission voted unanimously for a positive recommendation to the Board of County Commissioners.

He said some of the highlights included internet website availability to review updates, accepting and responding to written comments, and establishing a timeline. He said they were essentially at Phase 1 of the process.

MOTION: Commissioner Small moved to approve the Benton County Public Participation Plan – 2017 Comprehensive Plan Update. Commissioner Beaver seconded and upon vote, the motion carried.

Solid Waste Advisory Committee Grant Funds Discussion

Donna Holmes said the Board had previously had expressed concern the City of Kennewick might not support the siting of the moderate waste risk facility at the road shop property on South Ely Street in Kennewick.

Cary Roe, Director of Public Works, City of Kennewick, said this issue was discussed at the last SWAC meeting so he approached the City Council and a Kennewick subcommittee and received positive feedback that they were willing to consider that site as a moderate risk facility.

He said it was their hope to earmark \$35,000 in funds from the Department of Ecology grant (for money that was not going to be used) to look at the site for appraisal, a planning study, and look at a conditional use permit application to submit to the City of Kennewick Planning to see how viable this site would be. He said the money needed to be spent by June of this year and the Dept. of Ecology would need to know so they could repurpose those funds if they were not going to be spent.

He said they were not asking for a decision to use the site, but rather only to evaluate the site further. He said there were still unanswered questions about liability and sharing of responsibility, but this would just be a logical step in evaluation of the site and they would be able to use money they were otherwise going to lose back to the Dept. of Ecology.

Commissioner Small said he saw the positive feedback from the City of Kennewick as a good opportunity to assess the property and was in favor of going forward. He said he had a conversation with the Dept. of Ecology and they were encouraging the County to use the grant funds.

Commissioner Beaver said he was encouraged by the statement that this was not a decision and he was in favor of evaluating the property, however said he was still sensitive about the eventual outcome of the project.

The Board agreed to have the scope of work prepared and bring back to the Board for approval before going out for a proposal.

Pete Rogalsky, City of Richland, said there were obviously missteps in the previous round of planning and it was never his intention it would be a unilaterally carried burden by one entity. He said they saw a lot of value in this service and facility and was encouraged by this action.

Other Business

Commissioner Beaver reported on his attendance at the following meetings: Dept. of Commerce - talked about major projects in Benton County; Workforce Development Center – matching employers with worker base.

Chairman Delvin reminded the Board he would be in Washington D.C. next week attending the Transit conference.

Additionally, he referenced the letter from BLM regarding the vacancy on the Eastern Washington Advisory Committee to see if anyone was interested. No board member expressed interest in sitting on that group.

He said he met with the group regarding the Conservation Futures tax and they were interested in trying that again. He said he would bring it back to the Board for feedback; he said he did not have an issue with people voting on something and was always up for the public having a vote.

Commissioner Beaver said he also met with the leader of that group and he didn't have a problem with the public vote, although he thought it might be too soon.

Commissioner Small commented that if it was him, he would definitely wait awhile.

MATRICES Issue - Continued

Chairman Delvin said he talked to Marie Mosley and Cindy Johnson and read Mr. Brown's comments on the proposed interlocal. He said he knew there would be another agreement for the financing portion and they would also need a determination of assets.

Commissioner Beaver said he also had a discussion with Marie Mosley at the City of Kennewick. He said he didn't like the makeup of how it would operate and the financial arrangement, but not necessarily the idea because he thought the concept was right. However, he was uncomfortable with sharing voting rights with people who didn't have the same level of investment. He said it appeared it was being approved by the other entities and he figured the pressure would be put on Benton County. He said he asked them to slow down so Benton County could discuss it further but there seemed to be a big push to just get it done.

Commissioner Small said this concept had been in the works for quite a while and the MOU appeared to be the big picture. He said if the cities signed now, they could add what they wanted to make sure the division of assets, buy-in, etc. was in there to take care of the concerns and then have them re-sign. They could then go deeper with the bylaws to see how the assets and finances would be divided.

Commissioner Beaver said he thought these answers needed to be defined at the front of the agreement, not the back and contracts needed to be well defined and not put in generalities.

Chairman Delvin said he saw this as the framework to just start and if they could not agree on bylaws, finance, and assets, there was no reason for everyone to join in. He said he didn't know if that needed to be included in the interlocal and whether they could take it on its face this was just joining the organization. He said he understood the concerns and wanted to make sure everyone was paying their fair share. Additionally, he said he told them he wanted it to be a 3-0 vote to start out so it looked like they needed to work on it further.

Commissioner Beaver said that maybe between now and then they could convince him. Commissioner Small said he didn't feel like it was a big deal to add wording that it would be defined in the bylaws.

Chairman Delvin asked Mr. Brown if he could add language regarding the next steps. Mr. Brown said he didn't think he could address Commissioner Beaver's concerns in a sentence or two. He said this agreement legally was committing to join this agency and how it would be governed and basically they were in it once they signed and majority ruled. He said if you were going to form a corporation, you would know how you were going to finance it. He said the MOU was not set up as a letter of intent in good faith to go forward, it was a sales agreement for "buying a house" without a price. He said he questioned why they hadn't the addressed the financing and why they were waiting. He stated that if it was a letter of intent, it would make sense but it was not set up that way.

Chairman Delvin commented that the current BCES was working fine, but now they would have five partners in this thing and the taxes being brought in were not clear.

David Sparks said he wanted to know if Benton County would still have the right to set up the bylaws or would they be giving up that right; currently they had 100% rejection rights with 50% of the assets. He added that every agreement with Franklin County in the past had become a rundown asset because Franklin County didn't have the money. Additionally, Benton County currently had the authority to say yes or no and if they signed it would it give them the right to veto if it didn't work in their favor.

Commissioner Small asked if they could add language to address those concerns. Mr. Brown stated he could not think of a way to logically fix the agreement to do that.

Chairman Delvin asked the Board if it was agreeable to asking Richland and Kennewick to have Benton County's attorney sit down with their attorney to address the issues of emergency services and the other issues and see where that went. The Board agreed. Mr. Brown said he would need a client with him and Chairman Delvin agreed to go with him.

Wyndham Publications, Inc. - Letter of Understanding

Commissioner Delvin requested the Board sign the Letter of Understanding with Wyndham Publications, Inc.

MOTION: Commissioner Beaver moved to approve the resolution authorizing the letter of understanding between Wyndham Publications, Inc. and Benton County to create a publication about Benton County entitled "Benton County and the Tri-Cities: A Community of New Ideas". Commissioner Small seconded.

Discussion

Commissioner Small said he thought it was an outstanding concept and would bring economic growth to the area.

Upon vote, the motion carried.

Letters of Invitation

Commissioner Delvin presented the letters of invitation to local businesses stating that Benton County supported the idea. He then read a letter into the record.

MOTION: Commissioner Small moved to approve the Board to sign the letters. Commissioner Beaver seconded and upon vote, the motion carried.

Executive Session

The Board went into executive session at 10:03 a.m. for 15 minutes with DPA Ryan Brown to discuss pending litigation. Also present were David Sparks, Loretta Smith Kelty and Cami McKenzie. The Board came out of executive session at 10:15 a.m. Mr. Brown said the Board discussed pending litigation but no action was taken.

Vouchers

Check Date: 02/27/2015

Warrant #: 117209-117380
Total all funds: \$7,230.90

Warrant #: 117500-117527
Total all funds: \$52,275.64

Transfers #: 02271501-02271507
Total all funds: \$413,845.20

Warrants #: 117826-117965
Total all funds: \$528,367.60

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

Resolutions

- 2015-179: Authorizing the Letter of Understanding with Wyndham Publications, Inc.
- 2015-180: Line Item Transfer, Fund No. 0133-101, Dept. 000
- 2015-181: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-182: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-183: Contract w/Superior Tree Service, Inc. for Tree Pruning Services
- 2015-184: Agreement w/Community Action Committee for Emergency Solutions Grant Services
- 2015-185: Purchase of 8 Workstations From Dell for Auditor's Office
- 2015-186: Contract Amendment w/Smarsh
- 2015-187: Purchase of Bus Tickets From Ben Franklin Transit for Transportation Expenses
- 2015-188: Approving Flat Monthly Payment for 2015-2016 Juvenile Budget

- 2015-189: Amended District Court Public Defense Agreement w/A Farabee
- 2015-190: Termination of M Cano's Public Defense Contract
- 2015-191: Establishing a Mental Health Court Program Manager Classification Description & Salary Grade
- 2015-192: Awarding Bituminous Surface Treatment 2015 to Granite Construction Company
- 2015-193: Rejecting Bids for Purchase of Surfacing Materials-Hot Mix Asphalt & Authorization
- 2015-194: Amending 6-Year Road Program
- 2015-195: Appointments to the Solid Waste Advisory Committee
- 2015-196: Purchase of Hazardous Waste Handling & Disposal Services
- 2015-197: Amended Agreement w/Danielle Purcell
- 2015-198: Amended Agreement w/Jeff Briggs
- 2015-199: Amended Agreement w/Susan Henwood
- 2015-200: Approving the Public Participation Plan – Comprehensive Plan Amendment 2017

There being no further business before the Board, the meeting adjourned at approximately 10:15 a.m.

Clerk of the Board

Chairman