

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, March 13, 2012, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Shon Small  
Commissioner Leo Bowman  
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; Personnel Manager Melina Wenner; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; DPA Reid Hay; Central Services Manager Randy Reid; Bryan Perry, Safety Coordinator; Margaret Ault, PA's Office; Larry Moser, Public Works; DPA Ryan Brown; Erhiza Rivera, Treasurer's Office; Auditor Brenda Chilton; Treasurer Duane Davidson.

#### Approval of Minutes

The Minutes of March 6, 2012 were approved.

#### Review Agenda

Commissioner Bowman said the original item "f" (OPD Contract with T. Orosco) had some typos and incorrect figures in the original document. However, it had been amended to recalculate figures.

Commissioner Bowman requested that item "u"(Amending Resolutions Pertaining to Administrative Fees) be pulled for discussion.

#### Consent Agenda

**MOTION:** Commissioner Bowman moved to approve the consent agenda items "a" through "t", pulling "u" and including the corrected item "f" with the new figures. Commissioner Small seconded and upon vote, the Board approved the following:

#### Central Services

- a. Amended Agreement w/CenturyLink Sales Solution, Inc.

**Commissioners**

- b. Approval of Benton County Tax Levy for 2012

**GIS**

- c. Intergovernmental Cooperative Agreement w/City of Richland for Orthophotography Services

**Juvenile**

- d. Monthly Payment for Operations & Facilities Budget; Amending Resolution 11-016

**Office of Public Defense**

- e. Amended Agreement w/Mario Torres dba Casey Investigations
- f. Excess Cases Compensation for T Orosco
- g. Excess Cases Compensation for A Farabee
- h. Excess Cases Compensation for P Younesi
- i. Excess Cases Compensation for A McKinley
- j. Excess Cases Compensation for C Harkins
- k. Excess Cases Compensation for E Riley
- l. Excess Cases Compensation for M Poland
- m. Excess Cases Compensation for D Hickman
- n. Payment Authorization to P Younesi for Public Defense Services

**Personnel**

- o. Agreement w/Sonshine Collision Services dba North West Towing for Towing Services

**Prosecuting Attorney**

- p. Amendment to Crisis Response Collective Bargaining Agreement
- q. Child Abuse Investigation Agreement for Kids Haven Project

**Public Works**

- r. Bid Authorization for E.R.&R. Purchase of Metal Traffic Signs
- s. Amending Resolution 06-587 for Vacation of Road Right of Way, Section 11, Township 8 N
- t. Contract w/Columbia Asphalt & Gravel, Inc. for Bituminous Surface Treatment

**“u” - Amending Resolutions Pertaining to Administrative Fees Charged by Public Works**

Commissioner Bowman suggested that further review be conducted on the resolutions pertaining to administrative fees charged by Public Works since the original documents were at least 50 years old and RCW's, etc. might have changed since that time. The Board agreed.

**Private Road Change PR 12-01**

Mike Shuttleworth said they received a request from Aissata Sidibe to rename S. 999 PR SE, a private access easement to S. Toure PR SE. Mr. Shuttleworth said that based upon the comments received from SECOMM, Public Works, and the applicant, the Planning Department recommended approval of the road name change request.

**MOTION:** Commissioner Bowman moved to approve the road name change from S. 999 PR SE to S. Toure PR SE with the condition that Ms. Sidibe has 30 days to pay the required sign fee for the construction and placement of the private road sign to the Benton County Public Works

Department. If the fee is not paid within 30 days, the approval will be declared null and void. Commissioner Small seconded and upon vote, the motion carried unanimously.

### **Executive Session – Potential Litigation**

The Board went into executive session to discuss potential litigation with DPA Ryan Brown at 9:05 a.m. for approximately 30 minutes. Also present were David Sparks, Cami McKenzie, Larry Moser, Steve Becken, Malcolm Bowie, DPA Reid Hay, Melina Wenner, and Loretta Smith Kely. The Board came out at 9:35 a.m. Mr. Brown said the Board needed an additional 15 minutes for executive session. The Board came out at 9:45 a.m. and Mr. Brown stated the Board discussed potential litigation but took no action.

### **Unscheduled Visitors**

#### **Park Development Fund Budget**

Adam Fyall said the Park Board had finished a lot of projects early and he requested the \$300,000 in the fund balance be appropriated to the expense account to continue the projects. Mr. Sparks said it would be to access money that was currently in the Park Development Fund, but not budgeted, and was not new money.

The Board agreed to move forward with the public hearing process.

### **Commissioner Assignment Update**

Commissioner Small said the State was requesting some word changes to the Interlocal Agreement for the 911-study that was previously approved by Board. He said he sent the proposed changes to the Board and Mr. Brown and was awaiting his review and approval. Once that was complete, he would bring the agreement back to the Board for signature.

Commissioner Bowman reported on his NACO conference in Washington D.C. and briefly discussed his meetings with Congressional staff, legislators, and rail companies. He said his main focus at the conference was on transportation issues.

Commissioner Bowman also informed the Board about a proposed tour of the Prosser area, specifically in Red Mountain. He said the scheduled date was May 14 and the current plan was to start in Prosser at the Walter Clore Center with a presentation by the City of Prosser/ PEDAs, head to Benton City for another presentation, and ultimately end at Red Mountain. He said there would be six legislators included on the bus tour and the Commissioners were invited.

Commissioner Bowman said that he had been reflecting on his year of public service and he and his wife had discussed their future and whether he should run for re-election. He said he believed he still had more public service in him, however, had decided he would not run for re-election for County Commissioner.

Chairman Beaver thanked him for his years of public service and his hard work, specifically on transportation. Commissioner Small also thanked him for his outstanding leadership and assistance in learning the job.

**Vouchers**

Check Date: 03/09/2012  
Warrant #: 53379-53839  
Transfer #: 1020312  
Total all funds: \$917,305.80

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

**Resolutions**

- 2012-146 Amended Agreement w/CenturyLink Sales Solution, Inc.
- 2012-147 Approval of Benton County Tax Levy for 2012
- 2012-148 Intergovernmental Cooperative Agreement w/City of Richland for Orthophotography Services
- 2012-149 Monthly Payment for Operations & Facilities Budget; Amending Resolution 11-016
- 2012-150 Amended Agreement w/Mario Torres dba Casey Investigations
- 2012-151 Excess Cases Compensation for T Orosco
- 2012-152 Excess Cases Compensation for A Farabee
- 2012-153 Excess Cases Compensation for P Younesi
- 2012-154 Excess Cases Compensation for A McKinley
- 2012-155 Excess Cases Compensation for C Harkins
- 2012-156 Excess Cases Compensation for E Riley
- 2012-157 Excess Cases Compensation for M Poland
- 2012-158 Excess Cases Compensation for D Hickman
- 2012-159 Payment Authorization to P Younesi for Public Defense Services
- 2012-160 Agreement w/Sonshine Collision Services dba North West Towing for Towing Services
- 2012-161 Amendment to Crisis Response Collective Bargaining Agreement
- 2012-162 Child Abuse Investigation Agreement for Kids Haven Project
- 2012-163 Bid Authorization for E.R.&R. Purchase of Metal Traffic Signs
- 2012-164 Amending Resolution 06-587 for Vacation of Road Right of Way, Section 11, Township 8 N
- 2012-165 Contract w/Columbia Asphalt & Gravel, Inc. for Bituminous Surface Treatment
- 2012-166 Changing Name of Private Road – Applicant – Aissata Sidibe

There being no further business before the Board, the meeting adjourned at approximately 10:01 a.m.

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Clerk of the Board

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Chairman