

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, February 9, 2016, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner Jerome Delvin
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; County Engineer Matt Rasmussen; Assistant County Engineer Robert Blain; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Assessor Bill Spencer; GIS Manager Mary Phillips; John Donley, Fairgrounds Manager; Treasurer Duane Davidson.

Approval of Minutes

The Minutes of the January 28, 2016 Special Board Meeting were approved.

The Minutes of the February 2, 2016 Regular Board Meeting were approved.

Review Agenda

Chairman Small requested to add an executive session to discuss the performance of a public employee.

Consent Agenda

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

Auditor

- a. Contract w/CI Information Management for Scanning & Indexing Assessor's Records

Facilities

- b. Contract w/Sierra Electric, Inc. for Electrical Repairs & Services
- c. Contract w/Dynamic Laundry Systems, Inc for Washer & Dryer Maintenance & Repair

Information Technology

- d. Purchase Authorization of Three Meraki Access Points From Ednetics, Inc.

Juvenile

- e. Agreement w/DSHS, Juvenile Rehabilitation Administration

Office of Public Defense

- f. Compensating J Andrews for District Court Public Defense Services
- g. Compensating K Page for District Court Public Defense Services
- h. Compensating E Scott for District Court Public Defense Services

Parks

- i. Appointment of Y Rosas to the Park Board

Prosecuting Attorney

- j. Line Item Transfer, Fund No. 0000-101, Dept. 117

Public Works

- k. Line Item Transfer, Fund No. 0101-101, Dept. 500
- l. Contract w/Crop Production Services, Inc. for Herbicides
- m. Rental of Street Sweeper From Arrow Construction Supply, Inc.
- n. Authorization for Bid Process for Purchase of Surfacing Materials
- o. Contract w/Mel's Inter City Collision, Inc for Automobile Body Repair
- p. Contract w/Jack's Superior Auto Body LLC for Automobile Body Repair
- q. Construction Plans for Sagebrush Road/Finley Road Guardrail

Sheriff

- r. Memorandum of Understanding w/United States Marshal for Joint Law Enforcement Operations
- s. Payment to Magnet Forensics for Software License Renewal for Internet Evidence Finder

Sustainable Development

- t. Reappointment of D Olsen to the Benton County Water Conservancy Board

Cultural Access Washington - Presentation

Lisa Toomey gave a Powerpoint presentation on the Cultural Access Washington Legislation that would provide sustainable funding for cultural activities. She focused her discussion on the following:

- State law authorized any single county or group of contiguous counties to ask voters (the Board would place the issue on the ballot) to approve a .01% sales or equivalent property tax to support access to cultural, scientific, and heritage organizations.
- The Board would designate an authority for granting awards.
- Estimated revenue in Benton County was \$3.2 million.
- Eligible organizations and benefits to the public

She invited the Board to put the issue to a vote on the November ballot during the presidential election.

Commissioner Delvin asked what she saw as the common theme to be applied for and Ms. Toomey said it would depend on priorities whether it was actual development and delivery of programs and/or an opportunity to break into multiple grant amounts.

Commissioner Delvin said he wanted to see an outpouring of support from the community as a grassroots effort before he would consider putting it on the ballot.

Ms. Toomey said she would be presenting to non-profits and gauging their interest and support and would get back to the Board with her findings.

Fairgrounds Grant – WA State Department of Agriculture

John Donley said last year they created a new camping area at the Fairgrounds and Phase 1 was complete. Additionally, Lori Lancaster of the Fair Association applied for and was awarded a grant for installation of electrical panels at the new RV camping area. He said the grant was performance based and Benton County would oversee the entire installation and he requested the Board approve and sign the grant agreement.

MOTION: Commissioner Beaver move to authorize the Chairman of the Board to sign the Department of Agriculture 2016 interagency agreement for the installation of electrical panels at the new RV camping area at the Benton County Fairgrounds. Commissioner Delvin seconded and upon vote, the motion carried.

Candy Mountain Purchase Update

Adam Fyall briefly updated the Board on the acquisition of land on and around Candy Mountain. He said he did have an agreement for the Board to sign but pulled it because they were making a few changes and he would bring it back in two weeks.

Contract with Dept. of Licensing for Internet Host Publishing Service

Jacki Lahtinen requested the Board sign a resolution authorizing the Presiding Judge to sign a contract electronically giving the Court access to the Dept. of Licensing data base. She said it would give access immediately to the consumer and the service was provided by Dept. of Licensing at no cost to Benton County.

MOTION: Commissioner Beaver moved to approve the contract with the Department of Licensing for the Internet Host Publishing Service. Commissioner Delvin seconded and upon vote, the motion carried.

Planning Department Update

Mike Shuttleworth gave a Powerpoint presentation and discussed the following:

- 2015 Permit Activities
- 2016 Planning Department Projects
 - Critical Areas Ordinance Update
 - County Wide Planning Policies
 - UGA Updates
 - Voluntary Stewardship Program

- Permit Application and Process Review

Office of Public Defense Update

Eric Hsu gave the Executive Summary Version 3rd Quarter update for his office as follows:

- Public Defense Improvement Project
- District Court Operations (Caseload Trending High)
- Superior Court Operations
- Performance Metrics
 - Jail Visits
 - Trials Held
- Mental Health Evaluations – contracting with a Spokane evaluator – 15% to 20% reduction and no travel – one to two full days/per month

Mr. Sparks commented they were looking at expanding OPD offices to give them more room and because they were looking at more in-house counsel instead of contracting out.

Unscheduled Visitors

Terri Hansen, Benton City, said she was representing herself and neighbors including vineyards and cherry ranches and they were asking the County to revoke a permit issued for removal of 900 cubic yards of rock and soil. She said there was previously a ruling on these parcels to make this activity stop and they were told by the Building Department they could not revoke the permit. She said it was applied for using a parcel number that was different than the parcel where the activity was occurring.

Additionally, she said they had hired an attorney and she mentioned that Commissioner Small might want to recuse himself if he felt his relationship with Mr. Magnuson was a conflict of interest.

She said it was a concern due to the noise and dust from the rock hammering and crushing, mining without a license, and potential safety issue from rocks hitting the road, cars, or bicycles.

Ron Shippy, Benton City, said he believed the permit was for seven days a week and he was opposed to dump trucks and loaders being allowed seven days a week.

Teresa Anderson, Benton City, said they just relocated to the area in July and were building their dream home and a riding arena on 10 acres they purchased. She said they invested a lot of money and wrote a letter about the illegal mining and safety issues and they would like a calm retirement. She said the permit was for a certain parcel but the mining was happening on a different parcel and rocks were falling from his operation onto her land.

Ms. Hansen added that any amount of dust on a plant was damaging; they were having an early bloom and her neighbors were bringing in bees at a considerable cost so they were concerned about property damage.

Mr. Shuttleworth said they were trying to get him to clean up the concrete and timber and the current permit was to remove a pile of rock.

The Board indicated that Mr. Shuttleworth would meet with them and also involve the Building Department to try and work out the issues.

Other Business

Bi-County Issues – Letter from Judges

Commissioner Delvin asked Judge Cameron Mitchell (via/videoconference) about the letter sent to the Commissioners from the Superior Court Judges. He said there were inconsistencies in the letter about statements he purportedly made, proposed legislation, and the Juvenile Justice Building. He said he took offense to the letter because it stated things he never said and blamed Benton County for the bi-county breakdown; he said it had been tough to negotiate with Franklin County on multiple bi-county issues.

Judge Mitchell said he was very aware of Commissioner Delvin's efforts for replacement of the Juvenile Justice Building. However, the Court was concerned with the current state of affairs and no plans to go forward how it would be resolved if the judicial district were split. He said he understood one of the issues was not getting cooperation from Franklin County.

Chairman Small also discussed his concern about the lack of cooperation from Franklin County and reiterated Benton County's attempts to discuss the issue. He said he was disappointed with the letter.

Judge Mitchell said the purpose of the letter was to say they were not in favor of splitting the judicial district but he would attempt to find out about some of the allegations in the letter.

Commissioner Beaver also expressed concern about the letter received and that it did not demonstrate a level of cooperation between them. He stated they were not talking about continuity of the judicial system, but equity of paying for services between the counties.

Judge Mitchell said he hoped they could do better job of cooperating and they would look at ways to save money and improve efficiencies; he indicated they were coming from a different perspective but understood there was a finite amount of resources and they did not want to undermine that responsibility.

Chairman Small agreed they could get together and work it out and agreed there was a lack of communication between the counties.

The Board recessed for five minutes at 10:39 a.m., reconvening at 10:48 a.m.

Executive Session – Litigation Update

The Board went into executive session with DPA Ryan Brown at 10:48 a.m. for approximately five minutes to discuss litigation update. Also present were David Sparks, Loretta Smith Kelty and Cami McKenzie. The Board came out at 10:52 a.m. No decisions were made in executive session.

Executive Session – Performance of Public Employee

The Board went into executive session at 10:52 a.m. with David Sparks for approximately 10 minutes to discuss the performance of a public employee. The Board came out at 11:04 a.m. No decisions were made in executive session.

Other Business

MATRICES

Commissioner Delvin said the steering committee had met regarding the MATRICS issue and discussed continuing on a single PSAP. He suggested a letter back to the FOP stating the MATRICS issue had gone full circle and they now needed to consider having the cities, fire districts and Franklin County come on the system as subscribers and continue to try and work out the MATRICS issue. Additionally, that this was not an issue between Benton and Franklin Counties.

MOTION: Commissioner Delvin moved to approve the Board sign a letter to respond to the FOP regarding the PSAP/MATRICES issue. Commissioner Beaver seconded and upon vote, the motion carried.

Claim for Damages

The following claims were received on February 8, 2016:

CC 2016-02(a) from Jennifer Lynn Hulbert
CC 2016-02(b) from Blaine James Chesley
CC 2016-02(c) from Destiny Bessienne Chesley
CC 2016-02(d) from Sierra Cheyenne Chesley

Vouchers

Check Date: 02/05/2016

Warrant #: 134305-134521
Total all funds: \$4,448.22

Transfers #: 02051601-02051605
Total all funds: \$58,539.25

Warrants #: 134527-134629
Total all funds: \$622,249.51

Payroll Checks
Warrant #: 239347-239411
Direct Deposit #: 111143-111747
Total all funds: \$2,144,409.50

Payroll Deductions Transfers
Taxes #: 10116021-101160214
Total all funds: \$1,859,657.26

Payroll Deductions Warrants
Warrant #: 134630-134640
Total all funds: \$382,471.87

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

Resolutions

- 2016-100: Contract w/CI Information Management for Scanning & Indexing Assessor's Records
- 2016-101: Contract w/Sierra Electric, Inc. for Electrical Repairs & Services
- 2016-102: Contract w/Dynamic Laundry Systems, Inc for Washer & Dryer Maintenance & Repair
- 2016-103: Purchase Authorization of Three Meraki Access Points From Ednetics, Inc.
- 2016-104: Agreement w/DSHS, Juvenile Rehabilitation Administration
- 2016-105: Compensating J Andrews for District Court Public Defense Services
- 2016-106: Compensating K Page for District Court Public Defense Services
- 2016-107: Compensating E Scott for District Court Public Defense Services
- 2016-108: Appointment of Y Rosas to the Park Board
- 2016-109: Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2016-110: Line Item Transfer, Fund No. 0101-101, Dept. 500
- 2016-111: Contract w/Crop Production Services, Inc. for Herbicides
- 2016-112: Rental of Street Sweeper From Arrow Construction Supply, Inc.
- 2016-113: Authorization for Bid Process for Purchase of Surfacing Materials
- 2016-114: Contract w/Mel's Inter City Collision, Inc for Automobile Body Repair
- 2016-115: Contract w/Jack's Superior Auto Body LLC for Automobile Body Repair
- 2016-116: Construction Plans for Sagebrush Road/Finley Road Guardrail
- 2016-117: Memorandum of Understanding w/United States Marshal for Joint Law Enforcement Operations
- 2016-118: Payment to Magnet Forensics for Software License Renewal for Internet Evidence Finder
- 2016-119: Reappointment of D Olsen to the Benton County Water Conservancy Board
- 2016-120: Interagency Agreement Between State of Washington Dept. of Agriculture – 2016 Fairgrounds Electrical Panel Installation Assistance Grant

2016-121: Contract with Department of Licensing for the Internet Host Publishing Service –
District Court

There being no further business before the Board, the meeting adjourned at approximately 11:16
a.m.

Clerk of the Board

Chairman