

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, January 28, 2014, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Jerome Delvin  
Commissioner Shon Small  
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 Kely; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Jacki Lahtinen, District Court; Clerk Josie Delvin; Auditor Brenda Chilton; Bob Woody, IT; Aileen Coverdell, Auditor's Office; Bryan Perry, Safety Manager; Treasurer Duane Davidson; County Engineer Daniel Ford; Erhiza Rivera, Treasurer's Office.

#### Approval of Minutes

The Minutes of January 14, 2014 were approved.

#### Consent Agenda

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

#### Auditor

- a. Lease Renewal w/Fred Meyers Stores

#### Clerk

- b. Line Item Transfer, Fund No. 0136-101, Dept. 000

#### Commissioners

- c. Approval of Benton County Tax Levy for 2014
- d. Line Item Transfer, Fund No. 0000-101, Dept. 121
- e. Line Item Transfer, Fund No. 0000-101, Dept. 125
- f. Line Item Transfer, Fund No. 0000-101, Dept. 137
- g. Line Item Transfer, Fund No. 0115-101, Dept. 171
- h. Line Item Transfer, Fund No. 0142-101, Dept. 000
- i. Line Item Transfer, Fund No. 0501-101, Dept. 650
- j. Amended Contract w/Design West Architects for As Needed Architectural Services
- k. Appointment of A Coronado to the Mid-Columbia Library Board

- l. Appointment of D Wadsworth to the Mid-Columbia Library Board

**Fairgrounds**

- m. Line Item Transfer, Fund No. 0124-101, Dept. 000
- n. Lease Agreement w/Benton-Franklin Fair Association for “South of the Rail”

**Human Services**

- o. Amended Agreement w/Greater Columbia Behavioral Health for Mental Health Services
- p. Contract w/Columbia Industries for Community Center Program
- q. Agreement w/Dept of Social & Health Services, Division of Behavioral Health & Recovery
- r. Line Item Transfer, Fund No. 0154-101, Dept. 000
- s. Line Item Transfer, Fund No. 0108-101, Dept. 566
- t. Line Item Transfer, Fund No. 0108-101, Dept. 560
- u. Line Item Transfer, Fund No. 0108-101, Dept. 504
- v. Line Item Transfer, Fund No. 0108-101, Dept. 506

**Juvenile**

- w. Agreement w/Transunion Risk & Alternative Data Solutions Inc for Public Records Access
- x. Interagency Agreement w/Administrative Office of the Courts for Interpreter Funding

**Office of Public Defense**

- y. Line Item Transfer, Fund No. 0000-101, Dept. 136
- z. Amended Contract w/S Ajax for Superior Court Indigent Defense Services
- aa. Amended Contract w/K Kane for Superior Court Indigent Defense Services
- bb. Agreement w/J Griffin dba GT Investigations for Investigative Services
- cc. Agreement w/M Torres dba Casey Investigations for Investigative Services
- dd. Amended Agreement w/M Cano for District Court Indigent Defense Services
- ee. Amended Agreement w/A Ochs for District Court Indigent Defense Services
- ff. Agreement w/D Campbell for Superior Court Indigent Defense Services

**Personnel**

- gg. Line Item Transfer, Fund No. 0000-101, Dept. 127
- hh. Line Item Transfer, Fund No. 0503-101, Dept. 000
- ii. Contract w/Sonshine Collision Services, Inc for Towing Services

**Planning**

- ii. Planning Commission Service Appreciation for L Coughlin
- kk. Appointment of Y Qu to the Benton County Planning Commission
- ll. Appointment of M Kaspar to the Benton County Planning Commission
- mm. Appointment of A Harris to the Benton County Planning Commission

**Public Works**

- nn. Bid Authorization for Card Lock Service for Gasoline & Diesel Fuel
- oo. Payment Authorization to Cascade Software Systems Inc for Maintenance & Upgrade Fee
- pp. Purchase Authorization of Production Model Truck Cab from Jim’s Pacific Garages
- qq. Certification of 2014 Road Levy & Estimated Revenue
- rr. Contract w/Granite Construction Company for Purchase of Surfacing Material
- ss. Contract w/American Rock Products, Inc. for Purchase of Surfacing Material
- tt. Contract w/A&B Asphalt, Inc. for Purchase of Surfacing Material
- uu. Contract w/Inland Asphalt Company for Purchase of Surfacing Material

- vv. Equipment Maintenance Agreement w/Benton County Fire District #5
- ww. Agreement w/City of Prosser to Seal Coat Roads

**Sheriff**

- xx. Contract w/Olympic Security Services, Inc. for Security Guard Services
- yy. Payment to Cascade Engineering Services, Inc for Certification of Radar Devices
- zz. Contract w/Action Auto Services, LLC for Towing Services
- aaa. Line Item Transfer, Fund No. 0000-101, Dept. 119
- bbb. Line Item Transfer, Fund No. 0000-101, Dept. 120
- ccc. Line Item Transfer, Fund No. 0000-101, Dept. 121
- ddd. Line Item Transfer, Fund No. 0127-101, Dept. 000

**Treasurer**

- eee. Cancellation of Uncollectible Personal Property Taxes

**Public Hearing - Vacation of King Tull Road**

Jeff Liner, Public Works, summarized the request from Sunnyside Valley Irrigation District to vacate a portion of King Tull Road right of way. He said they reviewed and examined the right of way proposed for vacation and recommended the vacation as presented.

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

**MOTION:** Commissioner Small moved to approve the vacation of King Tull right of way lying in the Northwest ¼ of Section 30, Township 9 North, Range 24 East, W.M. lying west of the S.V.I.D. canal except the west 30 feet. Commissioner Delvin seconded and upon vote, the motion carried.

**Continued Public Hearing – Comp. Plan Amendment – CPA 13-01**

Mike Shuttleworth said at the public hearing on January 7, 2014 the Board voted to approve the Comprehensive Plan Amendment CPA 13-01 and directed to prepare written findings and conclusion to be considered by the Board. He said in the interim, the Planning Department received an email from the City of Kennewick that they were working with the Department of Commerce on the issue and asked to add additional information to the record. He said they did not have a problem with that except that the hearing should be continued to the 28<sup>th</sup> and they would notify everyone they notified before and anyone that provided testimony so everyone had a chance to review the information or submit additional information.

**MOTION:** Commissioner Delvin moved to continue the CPA 13-01 public hearing to February 28, 2014 (**later clarified by the Board to be February 25, 2014**) to allow additional testimony and to be re-advertised as well. Commissioner Small seconded and upon vote, the motion carried.

**Hanford Briefing**

Pam Larsen briefly updated the Board on the following issues:

- First record of decision – Waste Management EIS
- Hanford for the Highway – Different Facilities at Hanford
- Website – all recent videos available
- Three newsletters; frequent communication with members of Congress
- New manager of Bechtel Waste Treatment Plant

Maynard Plahuta also briefed the Board on the following issues:

- Operations at the site
  - RL office – progress and major contribution
  - Office of River Protection – major activities
- Summarized waste treatment facility
  - Framework for DOE site – issues relative to the waste treatment facility – it is a really good first step; not really a plan but a conceptual document
- Leaking tanks issue

David Sparks confirmed for the record the public hearing on CPA 13-01 was continued to February 25, 2014, not February 28, 2014.

### **Benton Conservation District Update**

Mark Nielson, Heather Wendt and Board member Danny Downs updated the Board on the Benton Conservation District activities. Specifically, the following issues were discussed:

- \$180,000 in state funds received for incentives and used for irrigation management (looking to get credit for water saved)
- Variable frequency drive installed on the Columbia River, irrigation conversions, and livestock fencing projects
- Received monies to start riparian project to help landowners; irrigation water management; several best management practices planned for landowners
- Took over management of Benton County Noxious Weed Control Board – currently working on foundation pieces for a good structural organization and looking at what they should be doing; will adopt a noxious weed list; one board member short – will be presenting for appointment; looking at budget (no money for capital funds) and will be coming back to the Board with a proposed budget and maybe looking at increased parcel rates; will be analyzing parcel divisions (per David’s request); revenue was currently at 1% growth but expenses were at 2.5%
- Analyzing whether Noxious Weed should be a department of the County or a separate entity (completely autonomous) and wanted to work with the County on making that decision and recommendation; Mr. Sparks recommended Mr. Neilson work with Personnel and he would be there to assist
- Mr. Downs discussed the issues of how the program was functioning and said personally as a board member he wanted to see more separation as opposed to being a county entity

## **PEDA Update**

Deb Heintz and Scott Keller updated the Board and highlighted 2013 activities:

- Business recruitment and expansion;
- Very successful PEDA annual meeting;
- Clore Center had a toast to construction;
- Toured with new legislative aid for Doc Hastings and Richard Lock - they looked at the area economic development; visit from the Governor
- Manufacturing Survey;
- Legislative Tour with the Port of Benton;
- Leadership Prosser;
- UW business certificate – 6 week long course for businesses;
- Global entrepreneurship week – they represented Benton County;
- \$12 million in new construction

Scott Keller commented that the Clore Building was complete and would have its first event with 300 people tonight.

Ms. Heintz said they currently had capital needs of about \$300,000 and they were working on getting contributions; (\$50,000 shortfall this year for operating budget); \$117,000 immediate capital needs; \$200,000 needs for exhibits; (they have started receiving contributions)

## **Consumer Run Organization – Human Services**

Ed Thornbrugh gave an overview of the concept of a consumer run organization which is a model supported and encouraged by the State. He was approached by Kevin Kennedy to develop a “warm line” as a pilot project for a period of one year that would supplement crisis services and would be a consumer run organization. He said they were looking to reinforce that recovery was possible and have individuals that have used the services give back to the community through these programs.

The Board agreed to have Mr. Thornbrugh pursue Consumer Run Organizations.

The Board briefly recessed, reconvening at 10:09 a.m.

## **Emergency Management Planning**

Bryan Perry said he attended the Elected Officials meeting and they discussed lockdown procedures and emergency drills within County facilities and the challenges in scheduling drills. He said he was left with the impression there was interest in developing and assessing the current emergency management plans and communicating these plans. He said there was a new system that had enhanced capabilities for emergency communications and should be ready to look at and demo in February or March and see how it could be incorporated. The Board agreed it was in favor of moving forward.

## **Security Camera Update**

Bryan Perry stated they had a good portion of the RFP in draft form but were at a critical point and it involved the jail PLC system (OPTO) and whatever PLC system the jail would be operating with would need to work with the cameras. He said it was a pretty important piece of the RFP they would need so they would know how to program and have the right specs so the two systems worked together. He said another consideration was a recommendation that the County might consider the use of a designed or engineered system (which would have advantages in case something went wrong) and he received recommended names of individuals that did this type of designing.

Commissioner Small asked about separating into different projects and getting started on the Courts and Mr. Perry said it was more economical to have one system for both and they still had the same problem with making sure the cameras would interface with the PLC.

Pat Austin (via/videoconference) said that even though the drills were disruptive to the Courts, it was more important to be prepared in the event of an emergency and the Courts were in favor of doing what was necessary.

## **County Budget Discussion**

David Sparks presented a proposal to revert budget authorizations back to category level. He said the Board adopted line item budgeting and at the time it made sense, however he recommended category budgeting, but with restrictions on interfund line items and other category line items that would require Board approval. Additionally, he recommended line item transfers requiring Board approval be put on the agenda as discussion items so it was a conscious effort by the Board instead of on consent agenda; this way they could also look carefully at attrition money.

**MOTION:** Commissioner Small moved to approve the resolution amending 2013-2014 Benton County Budgets – Amending Resolution 2013-824 and Resolution 2012-868. Commissioner Delvin seconded and upon vote, the motion carried.

## **Unscheduled Visitors**

Heather Ruse, Benton City, said that Benton Irrigation District put in a new pressurized system three years ago and also upgraded the private road that she lived on. They now have major traffic issues on the road and have concerns about safety. She said they were interested in blocking the right of way and had the concurrence of Benton City and Benton Irrigation District but were told they needed to talk to the County. The Board referred her to the Planning Department.

Additionally, another resident (name unknown) discussed concerns about an I-502 farm going in and people coming in on the private road. Again, they were referred to Mike Shuttleworth at the Planning Department.

## **Executive Session – Litigation Update**

The Board went into executive session at 10:43 a.m. for approximately 15 minutes with DPA Ryan Brown to discuss 4<sup>th</sup> quarter litigation update. Also present were David Sparks, Cami McKenzie, Melina Wenner, and Loretta Smith Kelty. The Board came out at 10:55 a.m. Mr. Brown said no action was taken.

**MOTION:** Commissioner Delvin moved to authorize the PA's office to commence a declaratory judgment action to obtain a judicial ruling that the County is not obligated to create electronic records and response to a public records request and that if it elects to do so, it is authorized to have a vendor do so and charge the requestor for the actual time. Commissioner Small seconded and upon vote, the motion carried.

## **Other Business**

Commissioner Delvin requested staff look into sending a bill to Franklin County for 30% of the new telephone system installed in the Juvenile system. The Board agreed.

Commissioner Small asked if the Board was still considering sending out a letter to the elected officials regarding budget and forecasting. Mr. Sparks said he was working with Loretta and Keith on some issues regarding the next two biennium budget forecasts and assumptions and said he should have something to present in March.

Chairman Beaver said there was another organization (Rivers to Ridges) that was lining up to ask the Commissioners to raise taxes. Commissioner Small suggested the Board review what tax increases they would look at and put to the public for a vote. Chairman Beaver said there was a cost associated with putting these issues on the ballot and maybe the Board should ask them to bring a check for the cost of elections; maybe they needed to draw the line and look at those financial issues as well.

Brenda Chilton said it depended on what the issue shared the ballot with and the State does not share the cost in even years. Commissioner Delvin said he would hate to restrict anybody's ability to put something on the ballot and there might be some laws relating to that and further research was needed.

## **Vouchers**

Check Date: 01/15/2014  
Payroll Draw Checks  
Warrant #: 236754-236771  
Direct Deposit #: 91036-91234  
Total all funds: \$107,881.11

Check Date: 01/15/2014  
Payroll Draw Deductions  
Taxes #: 101140110  
Total all funds: \$35,583.10

Check Date: 01/17/2014  
Warrant #: 94799-95035  
Total all funds: \$1,121,588.87

Check Date: 01/17/2014  
Transfers #: 011701-011710  
Total all funds: \$160,614.79

Check Date: 01/24/2014  
Warrant #: 95156-95261  
Total all funds: \$323,893.62

Check Date: 01/24/2014  
Transfers #: 012401-012410  
Total all funds: \$291,934.02

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

### **Resolutions**

- 2014-057: Lease Renewal w/Fred Meyers Stores
- 2014-058: Line Item Transfer, Fund No. 0136-101, Dept. 000
- 2014-059: Approval of Benton County Tax Levy for 2014
- 2014-060: Line Item Transfer, Fund No. 0000-101, Dept. 121
- 2014-061: Line Item Transfer, Fund No. 0000-101, Dept. 125
- 2014-062: Line Item Transfer, Fund No. 0000-101, Dept. 137
- 2014-063: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2014-064: Line Item Transfer, Fund No. 0142-101, Dept. 000
- 2014-065: Line Item Transfer, Fund No. 0501-101, Dept. 650
- 2014-066: Amended Contract w/Design West Architects for As Needed Architectural Services
- 2014-067: Appointment of A Coronado to the Mid-Columbia Library Board
- 2014-068: Appointment of D Wadsworth to the Mid-Columbia Library Board
- 2014-069: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2014-070: Lease Agreement w/Benton-Franklin Fair Association for "South of the Rail"
- 2014-071: Amended Agreement w/Greater Columbia Behavioral Health for Mental Health Services
- 2014-072: Contract w/Columbia Industries for Community Center Program
- 2014-073: Agreement w/Dept of Social & Health Services, Division of Behavioral Health & Recovery
- 2014-074: Line Item Transfer, Fund No. 0154-101, Dept. 000

2014-075: Line Item Transfer, Fund No. 0108-101, Dept. 566  
 2014-076: Line Item Transfer, Fund No. 0108-101, Dept. 560  
 2014-077: Line Item Transfer, Fund No. 0108-101, Dept. 504  
 2014-078: Line Item Transfer, Fund No. 0108-101, Dept. 506  
 2014-079: Agreement w/Transunion Risk & Alternative Data Solutions Inc for Public Records Access  
 2014-080: Interagency Agreement w/Administrative Office of the Courts for Interpreter Funding  
 2014-081: Line Item Transfer, Fund No. 0000-101, Dept. 136  
 2014-082: Amended Contract w/S Ajax for Superior Court Indigent Defense Services  
 2014-083: Amended Contract w/K Kane for Superior Court Indigent Defense Services  
 2014-084: Agreement w/J Griffin dba GT Investigations for Investigative Services  
 2014-085: Agreement w/M Torres dba Casey Investigations for Investigative Services  
 2014-086: Amended Agreement w/M Cano for District Court Indigent Defense Services  
 2014-087: Amended Agreement w/A Ochs for District Court Indigent Defense Services  
 2014-088: Agreement w/D Campbell for Superior Court Indigent Defense Services  
 2014-089: Line Item Transfer, Fund No. 0000-101, Dept. 127  
 2014-090: Line Item Transfer, Fund No. 0503-101, Dept. 000  
 2014-091: Contract w/Sonshine Collision Services, Inc for Towing Services  
 2014-092: Appointment of Y Qu to the Benton County Planning Commission  
 2014-093: Appointment of M Kaspar to the Benton County Planning Commission  
 2014-094: Appointment of A Harris to the Benton County Planning Commission  
 2014-095: Bid Authorization for Card Lock Service for Gasoline & Diesel Fuel  
 2014-096: Payment Authorization to Cascade Software Systems Inc for Maintenance & Upgrade Fee  
 2014-097: Purchase Authorization of Production Model Truck Cab from Jim's Pacific Garages  
 2014-098: Certification of 2014 Road Levy & Estimated Revenue  
 2014-099: Contract w/Granite Construction Company for Purchase of Surfacing Material  
 2014-100: Contract w/American Rock Products, Inc. for Purchase of Surfacing Material  
 2014-101: Contract w/A&B Asphalt, Inc. for Purchase of Surfacing Material  
 2014-102: Contract w/Inland Asphalt Company for Purchase of Surfacing Material  
 2014-103: Equipment Maintenance Agreement w/Benton County Fire District #5  
 2014-104: Agreement w/City of Prosser to Seal Coat Roads  
 2014-105: Contract w/Olympic Security Services, Inc. for Security Guard Services  
 2014-106: Payment to Cascade Engineering Services, Inc for Certification of Radar Devices  
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 2014-108: Line Item Transfer, Fund No. 0000-101, Dept. 119  
 2014-109: Line Item Transfer, Fund No. 0000-101, Dept. 120  
 2014-110: Line Item Transfer, Fund No. 0000-101, Dept. 121  
 2014-111: Line Item Transfer, Fund No. 0127-101, Dept. 000  
 2014-112: Cancellation of Uncollectible Personal Property Taxes  
 2014-113: 2013-2014 Benton County Budgets – Amending Resolution 2013-824 and Resolution 2012-868

There being no further business before the Board, the meeting adjourned at approximately 11:09 a.m.

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Clerk of the Board

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Chairman