

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, October 21, 2014, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Shon Small
Commissioner Jerome Delvin
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; Matt Rasmussen and Jeff Liner, Public Works; DPA Reid Hay; Linda Robb and Joel Chavez, Human Services; Treasurer Duane Davidson; Paul Schut, Commissioners' Office; Bryan Perry, Personnel; Dan Mack, Public Works.

Approval of Minutes

The Minutes of October 14, 2014 were approved.

Consent Agenda

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

Assessor

- a. Line Item Transfer, Fund No. 0000-101, Dept. 101

Auditor

- b. Surplus of Personal Property to City of Prosser
- c. Surplus of Personal Property for Auction

Commissioners

- d. Memorandum of Understanding for Circle of Hope Contribution to Juvenile Drug Court

Facilities

- e. Line Item Transfer, Fund No. 0000-101, Dept. 110
- f. Line Item Transfer, Fund No. 0000-101, Dept. 110 to Dept. 126

Human Services

- g. Line Item Transfer, Fund No. 0108-101, Dept. 560

h. Line Item Transfer, Fund No. 0108-101, Dept. 504

Office of Public Defense

i. Amended District Court Public Defense Contract w/J Rodriguez to Change Firm Name

j. Line Item Transfer, Fund No. 0000-101, Dept. 136

Public Works

k. Authorization to Proceed w/Advertisement and Bid Process for Crushing & Stockpiling 2015

l. Drainage Improvement District Budget and Levy for 2015 & 2016

m. Purchase of 3 Diesel Truck Cab & Chassis United from Pacific Truck Centers

n. Purchase of 3 Pup Trailers from Star Trailers

Sheriff

o. Payment Authorization to Precision Dynamics Corp. for Purchase of Metal Wrist Bands

Superior Court

p. Line Item Transfer, Fund No. 0000-101, Dept. 123

q. Line Item Transfer, Fund No. 0000-101, Dept. 138

Sustainable Development

r. Line Item Transfer, Fund No. 0135-101, Dept. 000

Public Hearing - Harrison Water Company Franchise

Jeff Liner presented the petition to renew a franchise order and agreement within Benton County road right of way by Harrison Water Company. He said that based upon the current franchise requirements, his office recommended approval of the request subject to the six conditions listed in the letter to the Board dated October 21, 2014.

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

MOTION: Commissioner Small moved to approve the franchise order subject to the six items listed in the report to the Commissioners. Commissioner Delvin seconded and upon vote, the motion carried.

Human Services - Termination of a Portion of Provider Contract

Linda Robb and Joel Chavez discussed terminating a portion of the contract with Nueva Esperanza Counseling Center. Ms. Robb said part of their contract required they meet certain standards for retention rates and those retention rates had not been met during the last year and three months. She indicated they had tried to resolve the problem with two separate performance plans and providing technical assistance. Ms. Robb stated the recommendation from Human Services was to close the Kennewick site from the grant funding portion and continue to work with them and move current staff from the Kennewick office to the agency in Franklin County.

Commissioner Small asked how Human Services had provided assistance and how much money was spent on the facility. The amount of money spent on the facility was not known but Mr. Chavez indicated the State had provided some technical assistance. Additionally, they had met monthly to assist with retention rates, had phone calls with the supervisor to provide technical

assistance, and offered training specifically for retention. He said by eliminating services in Kennewick they could use staff in Franklin County and could do more training.

Ms. Robb indicated that being understaffed in Kennewick had been difficult for them and she didn't know how aggressive they had been in trying to correct the problem; they had reached out to them at least four separate times.

Commissioner Delvin asked if they had documentation from the State saying they were concerned about the retention rates and if they had put the County on notice; also, whether they could differentiate between Franklin County and Benton County.

Mr. Chavez said the State sent an email three months ago and they would perform their first audit in December and let them know if they required a performance plan or would be reducing rates. He said if you combined the two Esperanza sites, they reached their target retention rates.

Mr. Robb said that by eliminating the Benton County site, it would not improve numbers in Franklin County, but would remove low numbers from the average all together in Benton County and they would not risk losing funding in Benton County. The patients in Benton County would be transferred to other agencies in Benton County and they would still be getting credit for the other agencies providing the service in Benton County.

Ms. Robb said they would be meeting with Franklin County Commissioners on Wednesday. Additionally, the agency was agreeable to an amendment and agreed with this proposal.

Chairman Beaver said he wanted to confirm they were asking for an amendment. Ms. Robb said the recent corrective action plan from the agency was not acceptable so they were seeking an amendment. Additionally, the agency did not want to lose the contract as a whole so they were willing to work with them.

Commissioner Small requested the Board table this discussion for one week so he could verify the agency would be able to make a smooth transition so services in Benton County would not be interrupted and to wait and see what Franklin County was agreeable to.

The Board agreed.

Ordinance Amendment – Establish Hearings Examiner System

Mike Shuttleworth presented 23 ordinance amendments that would modify the County Code by establishing the Hearings Examiner System in Benton County. He said it would eliminate some quasi-judicial Board of Adjustment and Board of Commissioners hearings and the Hearings Examiner would conduct hearings on Special Permits, Conditional Use Permits, Variances, Shoreline Conditional Use Permits, Shoreline Variances, and Appeals of the Planning Manager's Decision. He said the Hearings Examiner would be a contracted position and they had checked with other counties regarding cost and would come back with an amended fee schedule. Mr. Shuttleworth stated that part of the fee would depend on who responded and if it was someone local or out of the area and whether travel was required.

David Sparks stated there was a vacant position in Planning they did not fill and that money was moved to the Hearings Examiner position.

Mr. Shuttleworth said the Planning Commission considered the proposed ordinances at a public hearing and voted to recommend their adoption.

Risk Management Update

Bryan Perry gave a Powerpoint presentation on the Risk Management program and briefly discussed the following:

- Loss Control
- Goals for 2015/2016
- Training Attendance/Training Offered
- Tort Claims
- Work Comp Claims/Costs

Other Business

Commissioner Small asked for an executive session to discuss the performance of a public employee.

Executive Session – Performance of a Public Employee

The Board went into executive session at 9:47 a.m. per RCW 42.30.110 (1)(g) for up to 15 minutes to discuss the performance of a public employee. Also present were Ryan Brown, Loretta Smith Kelty, David Sparks, Cami McKenzie, Linda Robb and Joel Chavez. The Board came out at 10:00 a.m. It was stated that no decisions were made in executive session.

Executive Session – Potential Litigation

The Board went into executive session at 10:00 a.m. for approximately 10 minutes to discuss potential litigation with DPA Reid Hay. Also present were Ryan Brown, Dan Ford, Matt Rasmussen, David Sparks, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 10:10 a.m. and went back into executive session for approximately five additional minutes. The Board came out at 10:16 a.m. Mr. Hay said the Board discussed potential litigation but no decisions were made.

Vouchers

Check Date: 10/15/2014

Payroll Draw Checks
Warrant #: 237799-237807
Direct Deposit #: 98565-98763
Total all funds: \$104,090.67

Payroll Draw Deductions
Taxes #: 101141015
Total all funds: \$33,854.72

Check Date: 10/17/2014

Warrant #: 110308-110479
Total all funds: \$4,629.50

Transfers #: 101701-101709
Total all funds: \$1,419,452.78

Warrants #: 110480-110693
Total all funds: \$547,695.77

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

Resolutions

2014-760: Line Item Transfer, Fund No. 0000-101, Dept. 101
2014-761: Surplus of Personal Property to City of Prosser
2014-762: Surplus of Personal Property for Auction
2014-763: Memorandum of Understanding for Circle of Hope Contribution to Juvenile Drug Court
2014-764: Line Item Transfer, Fund No. 0000-101, Dept. 110
2014-765: Line Item Transfer, Fund No. 0000-101, Dept. 110 to Dept. 126
2014-766: Line Item Transfer, Fund No. 0108-101, Dept. 560
2014-767: Line Item Transfer, Fund No. 0108-101, Dept. 504
2014-768: Amended District Court Public Defense Contract w/J Rodriguez to Change Firm Name
2014-769: Line Item Transfer, Fund No. 0000-101, Dept. 136
2014-770: Authorization to Proceed w/Advertisement and Bid Process for Crushing & Stockpiling 2015
2014-771: Drainage Improvement District Budget and Levy for 2015 & 2016
2014-772: Purchase of 3 Diesel Truck Cab & Chassis United from Pacific Truck Centers
2014-773: Purchase of 3 Pup Trailers from Star Trailers
2014-774: Payment Authorization to Precision Dynamics Corp. for Purchase of Metal Wrist Bands
2014-775: Line Item Transfer, Fund No. 0000-101, Dept. 123
2014-776: Line Item Transfer, Fund No. 0000-101, Dept. 138
2014-777: Line Item Transfer, Fund No. 0135-101, Dept. 000

There being no further business before the Board, the meeting adjourned at approximately 10:16 a.m.

Clerk of the Board

Chairman