

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, April 29, 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 Kely; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Public Works Manager Steve Becken; County Engineer Daniel Ford; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Auditor Brenda Chilton; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; Susan Walker, Planning Department; Treasurer Duane Davidson; Sheriff Steve Kean; Undersheriff Jerry Hatcher; Commander Jon Law; DPA Steve Hallstrom.

Approval of Minutes

The Minutes of April 22, 2014 were approved.

Consent Agenda

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

Auditor

- a. Maintenance Agreement w/Comstor Information Management, Inc.

Clerk

- b. Line Item Transfer, Fund No. 0146-101, Department 000

Commissioners

- c. Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 111
- d. Design West Proposal for Rehabilitation of the Exterior of the Courthouse

Human Services

- e. Agreement w/River of Life Metropolitan Community Church for Facility Rehabilitation
- f. Agreement w/River of Life Metropolitan Community Church for Day Shelter
- g. Agreement w/Elijah Family Homes for Housing Support Services
- h. License and Service Agreement w/Netsmart Technologies, Inc.

Information Technology

- i. Purchase Authorization of Rugged Tablet From Wireless Access Technologies, Inc.

Juvenile

- j. Authorization to Purchase Two Vehicles From Bud Clary Auto

Noxious Weed

- k. Appointment of N Berg to the Noxious Weed Control Board
- l. Appointment of M Sackschewsky to Noxious Weed Control Board

Prosecuting Attorney

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

Public Works

- n. Contract w/Associated Appraisers of Walla Walla LLC for Appraisals Within the Proposed Willamette Heights C.R.I.D.
- o. Payment Authorization to Wondrack for Card Lock Service

Sheriff

- p. Lease Agreement w/Ricoh USA for Copiers

Shoreline Master Program Workshop

Susan Walker said that Benton County was required to review, update, and adopt its Shoreline Master Program (SMP) with a final completion deadline of June 2014. She said the Planning Commission held its hearing regarding the program on April 8, 2014 and made a motion to forward its findings and recommendation for approval to the Board of County Commissioners.

Ms. Walker said this workshop was to provide information to the Board for consideration at its future public hearing on June 3, 2014. She introduced Amy Summe, Senior Environmental Planner for the Watershed Company, who provided a Powerpoint and discussed the following highlights of the plan:

- Shoreline Master Program update process
- Public involvement
- Shoreline Advisory Committee
- Basic Principles; Key Features of the County SMP
- Environmental Designations
- Shoreline Vegetation, Buffers and Setbacks
- Agriculture
- Public Access Regulations

She said they were now at the final process for local adoption and the plan wouldn't go in into effect until review and agreement by the Dept. of Ecology and the local agency.

Ms. Walker said the plan conformed to everything the State required but gave flexibility to manage with the landowners.

Summary of Next Steps – Public Hearing on June 3, 2014 for adoption by the Board.

Facilities Department Update

Dean Docken gave a Facilities update on the following projects:

- Fairgrounds Restroom – structure is up – go through the building with architect on May 7 with punch list; substantial completion on May 10 and final 30 days after that
- Shuffle update – substantial completion on May 11 and final on June 10
- HVAC – preliminary planning almost complete – start bidding process in July; work on contract in August; construction/material procurement in September with a tentative construction start in January. (3rd & 2nd floor first, then 1st floor); putting up trailers in the parking lot for temporary housing and the City of Prosser was on board
- Exterior grant project - facade repair, lighting and door replacement – will coincide at the same time as HVAC, weather permitting.

Finance Update – March, 2014

Keith Mercer provided a financial update through March, 2014 outlining the revenues and expenditures. Time elapsed through March, 2014 was (62.50%) with revenues totaling 63.64% and expenditures totaling 60.61%.

He mentioned that adjustments were made to simulate revenues collected on a monthly basis and retail sales & use was adjusted according to the one-time fueling.

Jail Study RFQ Discussion

Sheriff Keane, Undersheriff Hatcher, and Commander Law provided the Board with some information regarding current inmate population and staffing concerns. He said they proposed going out for an RFQ to hire an expert jail consultant to evaluate staffing and population and also evaluate operational efficiencies. Some of the information discussed included:

- Daily bed rate – snapshot of what was currently happening
- Comparisons across the state with other full service jails with same population (Benton County was one of the lowest in the state as far as budgeted services versus jail population)
- No control over salaries/benefits - approximately 80% of entire budget
- Contracts in the jail (over 30 contracts, including Bi-Pin, health care for inmates, food, janitorial products, security, 800 mhz and SECOMM fees, and physician fees)

Sheriff Keane said it was important to look at what was driving the cost up in the jail and evaluating everything to be as efficient as possible. He said they were within budget in every category and if the County really wanted to reduce costs, they had to look at the 80%. He felt that hiring a jail consultant to look at the facility and population was a good way to evaluate if they could reduce costs. He said it didn't mean the County had to go with that recommendation but he believed they would see they had done a pretty good job.

Commissioner Delvin said he was in favor of looking at this and hopefully it would put to rest whether they were doing what they needed to do. He asked if there was a way to fluctuate the work force with the population of the jail population instead of ramping up and then having to reduce when crime or population went down or whether they had seen a model for that. Sheriff Keane indicated that Juvenile had a list of on-call officers that haven't went through the academy that they used and they were looking at some issues to determine whether it was appropriate to have jail use contracts or not.

Commissioner Small asked how long it would take to go through the process to hire a corrections officer and Sheriff Keane said it could be a six-month process, along with the cost to put them through the academy and get them uniformed.

MOTION: Commissioner Delvin moved to authorize the Sheriff and Mr. Sparks to put out an RFQ to look for a third party to complete a jail study. Commissioner Small seconded.

Discussion

Commissioner Small commented that some folks were getting excited about the bed day rate but this was a good opportunity to assess the situation.

Chairman Beaver said he was in favor of doing the study so the information was out there for the public and the cities to see.

Sheriff Keane agreed it was good for transparencies so the cities and the public could see why the bed day rate was the way it was. He said the reason they were not using the rest of the capacity in the jail was because of money and they currently had inmates sleeping on the floor.

Upon vote, the motion carried unanimously.

Commissioner Small said that population in the jail had ramped up and he gave them credit for keeping the costs down but was in favor of putting in motion the authority to hire more corrections officers due to the population.

Sheriff Keane also suggested the cities be involved in the selection process for the RFQ and the Board agreed.

Commissioner Delvin again asked if there was a way to manage the workforce so they didn't have to increase budget, lose overtime budget, or hire people that had to be laid off.

Sheriff Keane said he believed it was prudent to find ways to address the issue without adding staff; he talked about the current problems with extra inmates having to sleep on the floor. He said there were things they could do to move and fill some positions without sending them to the academy. He said he would look around the State to see what others were doing with the understanding they were in a difficult position right now.

Undersheriff Hatcher said they had flexibility and the capacity to put in temporary beds but right now they were way exceeding what they had for staff, however, they had ways to deal with the ebb and flow of population.

David Sparks said they were currently running over the budgeted revenue for contracts by about 3% (\$570,000).

Commissioner Delvin said he didn't know if now was the time or waiting until the RFQ was complete.

Commissioner Small said he was looking at the liability issues and wanted to jump on this thing sooner than later. He recommended the Board think on this for another week, have the Sheriff look at what was happening and work with Mr. Sparks on the numbers.

Chairman Beaver said he wanted to do the study and agreed it should involve the cities. He thought the idea of moving positions was a good idea but he wanted to get study done; additionally, he appreciated the temporary beds and maybe that would change if some other things were done.

Commissioner Small said those were all valid points but the County carried the liability and it was better to be safe than sorry since they were currently overpopulated. He said it was more imperative to review the proposal and wanted to discuss it next week and not wait for the RFQ.

Chairman Beaver said he was a big proponent of public safety and was here to solve the problem but he didn't want to create another one trying to solve this one. He wanted the issue to be evaluated and demonstrate to the cities the County was doing what it needed to do.

Sheriff Keane said part of the problem was the cities' misunderstanding and he offered to meet with the cities and the Commissioners.

Unscheduled Visitors

Sheryl Robinson, Whitstran resident, said she represented herself and neighbors and wanted to express concerns regarding potential marijuana growing and processing on their private road and applications filed by Dennis Farms and Sunny Buds. She read a letter into the record and discussed concerns about safety and security and the need for background checks. She said they were located in a residential area and had covenants for their neighborhood that allowed small agriculture, however, none that required an 8-foot fence and security cameras so didn't think this situation fell with the same guidelines.

She said currently these marijuana grows were not allowed within 1000 feet of certain schools and child care facilities and they had many school age children and arguably more than a child care facility. She said they felt their concerns were legitimate and immediate and were asking the County Commissioners what they could do to help them prevent this activity and their collective concern was they would be dealing with calamity at some point.

Commissioner Delvin said he would plan to go view the site. Additionally, he stated the State offered the licensing but it was his understanding everyone had to do a background check. He said the issue he had with moratoriums was he wanted to wait to see what happened when the first lawsuit was filed so they knew what the case law would be. He stated that as a County they didn't regulate agriculture or process business applications and that he talked with the Liquor Board regarding licensing and was told that no matter what the County did, they were going to issue the license. He said if the County passed something that prohibited this, they would probably get sued. He said he was willing to have legal staff legal look at a ban (what the steps were) but as a county, there was nothing they could do to prevent them from getting a license.

Mike Shuttleworth stated that Benton County had limited processing and they were only allowed to grow.

Commissioner Small said it had been a long process and he was not in favor of it. He said he had concerns about putting in moratoriums because they were told they would get sued since the State has passed it.

Susan Reames (sp) said that whatever ability the County had, she asked that they give due diligence to the background checks.

Susan Bunnell said she had a small winery and that part of her approval was making sure the county was comfortable with what she was doing. She was concerned about the apparent disregard for regulation and asked that if the State came to the County if it would be ready with some information to respond.

Mike Shuttleworth said if the County received an application from the Liquor Board, they were allowed a comment period if it related to zoning issues.

Charlotte Hippert(sp) said a neighbor had a home for sale and she told by the realtor it would drop the value and make it difficult to sell.

John Clark said he was opposed to this happening in the neighborhood and would cost him at least \$50,000 on his home value. He said the neighbor was going to get a lot of scrutiny and he personally took pictures of his place and the man took exception to that and he had to call the police. He also expressed his concern about the quality of the building being constructed. He said he understood the concern about lawsuits but there was concern about property values and there would probably be lawsuits about that as well and they counted on the Commissioners to back them and take care of certain things.

Paula Malden said they were hoping this would be the time to express their concerns. She said the volatility of the situation was concerning, not so much the marijuana grow itself but the people that would be doing it. She wanted to know who they could talk to that would listen. She said she was threatened by this gentlemen, was terrified of him, and some people were afraid to call the police.

Lucille Elder also expressed concern about the gentlemen and his prior actions that were threatening.

Commissioner Small said the Board was fully aware of their concerns but now they needed to contact Mike Shuttleworth and the State and emphasize their concerns and the problems that have happened.

Commissioner Delvin commented it was his understanding that no applications had been approved as of yet.

The Board recommended they continue to articulate their concerns to the Liquor Control Board. The Board also agreed to send a letter on their behalf to the Liquor Control Board and that it would evaluate what it could do as a County.

Dan Devren (sp) said the 400 plus feet 8-foot fence went along his property line and blocked off his view. He also expressed concerns about the quality of the building construction and that he was short-cutting and it was also being built on a federal flood plain.

Gentleman (name unknown) expressed his safety concerns about the situation as well.

Ryan Brown commented that covenants might be a legal means for them regarding their property rights to get a court order to prevent him from starting this operation.

The Board briefly recessed, reconvening at 11:30 a.m.

Other Business

Brenda Chilton said that Benton County was randomly selected for a review of its payroll tax returns for 2011 by the IRS. She said the process took approximately nine months and she was happy to report they received a clean audit and proposed no changes to the tax returns.

Chairman Beaver reported that Benton County received a certificate of good practice from CRAB.

Executive Session – Performance of Public Employee

The Board went into executive session at 11:37 a.m. for approximately 15 minutes with DPA Steve Hallstrom to discuss the performance of a public employee. Also present were David Sparks, Cami McKenzie, Sheriff Keane, Undersheriff Hatcher, and Loretta Smith Kelty. The Board came out at 11:58 a.m. and stated that direction was given, but no action was taken.

Claim for Damages

CC 2014-11:	Received on April 22, 2014 from Linda F. Gilmore
CC 2014-12a:	Received on April 24, 2014 from Cheryl Ann Fetherolf
CC 2014-12b:	Received on April 24, 2014 from Sherry Moore

CC 2014-12c: Received on April 24, 2014 from Nicole M. Miller
CC 2014-12d: Received on April 24, 2014 from Dawn Welter
CC 2014-12e: Received on April 24, 2014 from Greg Allen Ahlquist
CC 2014-12f: Received on April 24, 2014 from James Ernest Fetherolf
CC 2014-12g: Received on April 24, 2014 from Edward Joseph Goehering
CC 2014-12h: Received on April 24, 2014 from Marty Joseph Martin
CC 2014-12i: Received on April 24, 2014 from Chris J. Walsh

Vouchers

Check Date: 04/25/2014
Warrant #: 100828-101007
Total all funds: \$49,532.20

Check Date: 04/25/2014
Transfer #: 042501-042516
Total all funds: \$1,341,583.43

Check Date: 04/25/2014
Warrants #: 101010-101145
Total all funds: \$698,441.60

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

Resolutions

2014-354: License and Service Agreement w/Netsmart Technologies, Inc.
2014-355: Maintenance Agreement w/Comstor Information Management, Inc.
2014-356: Line Item Transfer, Fund No. 0146-101, Department 000
2014-357: Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 111
2014-358: Design West Proposal for Rehabilitation of the Exterior of the Courthouse
2014-359: Agreement w/River of Life Metropolitan Community Church for Facility Rehabilitation

2014-360: Agreement w/River of Life Metropolitan Community Church for Day Shelter
2014-361: Agreement w/Elijah Family Homes for Housing Support Services
2014-362: Authorization to Purchase Two Vehicles From Bud Clary Auto
2014-363: Purchase Authorization of Rugged Tablet From Wireless Access Technologies, Inc.

2014-364: Appointment of N Berg to the Noxious Weed Control Board
2014-365: Appointment of M Sackschewsky to Noxious Weed Control Board
2014-366: Line Item Transfer, Fund No. 0000-101, Dept. 117
2014-367: Contract w/Associated Appraisers of Walla Walla LLC for Appraisals Within the Proposed Willamette Heights C.R.I.D.

2014-368: Payment Authorization to Wondrack for Card Lock Service
2014-369: Lease Agreement w/Ricoh USA for Copiers

There being no further business before the Board, the meeting adjourned at approximately 11:58 a.m.

Clerk of the Board

Chairman