

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, September 30, 2014, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Shon Small
Commissioner Jerome Delvin
Deputy County Administrator Loretta Smith Kelty
Clerk of the Board Cami McKenzie

Absent: County Administrator David Sparks

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; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; GIS Manager Mary Phillips; Michelle Simpson, Treasurer's Office; Dan Mack, Nicole Kirby and Matt Rasmussen, Public Works; DPA Ryan Lukson; Clark Posey and R.J. Lott, Planning; Clay Vannoy and Jon Law, Sheriff's Office.

Approval of Minutes

The Minutes of September 16, 2014 and September 24, 2014 were approved.

Review Agenda

Chairman Beaver requested item "qq" (Line Item Transfer – Sheriff Patrol) be pulled for discussion.

Consent Agenda

MOTION: Commissioner Small moved to approve the consent agenda items "a" through "eee", pulling "qq" (Line item Transfer – Sheriff Patrol, Dept. 121). Commissioner Delvin seconded and upon vote, the Board approved the following:

Commissioners

- a. Thank you Letter to Doc Hastings
- b. Canvassing Board Appointment

District Court

- c. Contract w/Washington Collectors for Collection Services

Facilities

- d. Contract w/National Maintenance Contractors, LLC for Janitorial Services
- e. Amended Agreement w/Apollo Sheet Metal, Inc. for HVAC System Maintenance & Repair

Horticultural Pest

- f. Line Item Transfer, Fund No. 0150-101, Dept. 000

Human Services

- g. Salary Request Statement
- h. Contract w/Nueva Esperanza Counseling Center for Shelter Plus Care Program
- i. Agreement w/Ambitions Community Support Services for Disability Services
- j. Amended Agreement w/Our Lady of Lourdes Hospital for Substance Abuse Services
- k. Agreement w/Service Alternatives, Inc. for Disability Services
- l. Contract w/Columbia Industries for Disability Services
- m. Terminating Agreement w/Records Management Services, Inc.; Resolution 08 1025
- n. Appointment of J Bliss to Human Services Advisory Board
- o. Line Item Transfer, Fund No. 0154-101, Dept. 000

Information Technology

- p. Purchase From Courthouse Technologies, LTD for Jury Management System
- q. Purchase From Imagesource, Inc. for County Scanner Maintenance
- r. Purchase & Maintenance of Tyler Content Manager From Tyler Technologies

Juvenile

- s. Contract w/Fridley's Construction for Removal of Dividing Wall
- t. Contract w/Kennewick School District for Truancy Services
- u. Line Item Transfer, Fund No. 0115-101, Dept. 171
- v. Line Item Transfer, Fund No. 0115-101, Dept. 175
- w. Line Item Transfer, Fund No. 0115-101, Depts. 173 to 174
- x. Line Item Transfer, Fund No. 0000-101, Dept. 138

Office of Public Defense

- y. Salary Request Statement
- z. Agreement w/Attorney Dipeso for Case Credit on District Court Appeals

Personnel

- aa. Calculating Compensation for Appointed Non-Bargaining Positions in the Benton County Sheriff's Office; Rescinding Resolution 2012-436

Public Works

- bb. Public Hearing Authorization for Franchise Renewal of Harrison Water Co/Kiona LLC
- cc. Line Item Transfer, 0155-101, Dept. 000
- dd. Purchase Authorization of Surfacing Material from Inland Asphalt Company, Amending Resolution 2014-102
- ee. Local Agency Consultant Supplemental Agreement w/Shannon & Wilson, Inc.
- ff. Payment Authorization to Guardian Security Systems, Inc. for Security Monitoring
- gg. Agreement w/Guardian Security Systems, Inc. for Continued Alarm Security Monitoring
- hh. Contract w/Wondrack Distributing for Gasoline & Diesel Fuel
- ii. Contract w/American Tree Trimmers for Tree Removal
- jj. Purchase Authorization of Four Mower Tires From Tire Factory
- kk. Purchase Authorization of Herbicides From Crop Production Services, Inc.
- ll. Rental of Crack Sealing Machine From Arrow Construction Supply, Inc.
- mm. County Road Easement w/WA State Dept. of Natural Resources for Antinori Rd

Sheriff

- nn. Line Item Transfer, Fund No. 0000-101, Dept. 119
- oo. Line Item Transfer, Fund No. 0000-101, Dept. 120
- pp. Line Item Transfer, Fund No. 0000-101, Dept. 120 to 119
- rr. Line Item Transfer, Fund No. 0000-101, Dept. 125
- ss. Authorization to Solicit Bids for the Procurement of Inmate Supplies
- tt. Authorization to Solicit Bids for the Procurement of Paper & Gloves Supplies
- uu. Authorization to Solicit Bids for the Procurement of Employee Uniforms – Class A
- vv. Authorization to Solicit Bids for the Procurement of Employee BDU Uniforms

Superior Court

- ww. Purchase Authorization From Trial Court Improvement Fund
- xx. Agreement w/M Dolven for Court Facilitator Services
- yy. Line Item Transfer, Fund No. 0000-101, Dept. 138
- zz. Line Item Transfer, Fund No. 0000-101, Dept. 123

Sustainable Development

- aaa. Closing Out Petty Cash Revolving Fund

Treasurer

- bbb. Line Item Transfer, Fund No. 0000-101, Dept. 124

Workforce Development Council

- ccc. Appointment of B Ellison to Position B-13

WSU Cooperative Extension

- ddd. Line Item Transfer, Fund No. 0000-101, Dept. 108
- eee. Copier Lease Agreement w/Pacific Office Automation

“qq” Line Item Transfer – Sheriff Patrol – Dept. 121

Chairman Beaver said he believed this transfer would have an impact on Current Expense and would change the bottom line and said the request should come forward in the 2015-2016 budget. Additionally, he said it was his understanding there were ample resources to cover it through the end of the year.

Ms. Smith Kelty commented the transfer was coming out of a special revenue fund into Current Expense. The Board asked why the fund ran out of money and Clay Vannoy said he could not speak for Ms. Thompson, but only knew the Boat/K-9 fund had substantial overtime.

Ms. Smith Kelty said she would get clarification for next week.

Continued Public Hearing - Comprehensive Plan Amendment, CPA 2014-002

Mr. Lott said this was a continued public hearing and the Planning Department prepared written findings and conclusions and a resolution for Board approval. He said that no other comments were submitted.

Testimony

Russ Connole, Community Development Department, City of W. Richland, spoke in support of the application and said it was important to their growth and economic development.

Commissioner Delvin asked if they had met with anyone else and Mr. Connole said they met with Futurewise in Seattle and they stated they were not in opposition to this proposal and would work to build a cooperative relationship.

Public testimony was closed.

MOTION: Commissioner Delvin moved to approve the Comprehensive Plan Amendment application CPA 2014-002, to include 93.94 acres into the City of West Richland Urban Growth Area and adopt the written findings and conclusions and changes to the official maps of the Comprehensive Plan reflecting the approval of Comprehensive Plan Amendment application File No. CPA-2014-002. Commissioner Small seconded and upon vote, the motion carried unanimously.

Agreement w/DEA Agreement w/US Department of Justice, Drug Enforcement

Commander Law presented the renewal agreement between Benton County and US Department of Justice DEA. He the contract would detail one experienced deputy from the Sheriff's Office who was currently assigned to Metro and deputized as a Task Force Officer of DEA to assist. He said these groups were a benefit to the community and they would not normally have these resources without these groups. He said there were some weaknesses in the way the agreement was worded, specifically the indemnification agreement. He said if they didn't sign the agreement, the deputy would still be involved with Metro, but not deputized through DEA; he said they did not charge for deputizing. He indicated that all other agencies had signed the agreement and he was asking the Board to sign with the understanding there were some vulnerabilities but he felt the benefit outweighed the potential liability.

Ryan Lukson said there had been a move the last few years to have the Board sign all agreements anywhere there was potential liability, specifically with current expense, to make sure the county as a whole was aware of the potential risks and liabilities. He said if the Sheriff only signed, then he was personally liable as opposed the Board and county as a whole.

The Board wanted to know if the Sheriff had the authority to sign. Mr. Lukson said there was the issue if the County was brought into a lawsuit that it had nothing to do with, should that individual deputy be defended. He said the Sheriff had the authority but he brought it to the Board for approval and he didn't know what would happen if the Board didn't take any action.

Commissioner Small said he did not see the risk and hoped that common sense and good judgment would prevail and didn't have a problem at all with Sheriff Keane signing.

Chairman Beaver said the Sheriff had already signed and so he wanted to request Mr. Lukson to review the issue of elected officials signing their own agreements.

Commissioner Delvin said if it was monetary, the Board needed to be involved, but if it was just to get stuff done, he didn't think the Board needed to sign. The Board agreed.

Private Road Name Change, PR 2014-002

R.J. Lott said that Berniel Hartley submitted a petition for a private road name change to Produce PR SE. He said that based on the comments from SECOMM, the Public Works Department and the applicant, it was the recommendation of the Planning Department that the Board approve the road name request to Produce PR SE.

MOTION: Commissioner Small moved to approve planning staff recommendations to adopt the road name change of the private road formerly known as Reese Road lying west of Travis Road be named Produce PR SE, with the condition that the applicant had thirty (30) days to pay the required sign fee for the construction and placement of the private road sign(s) to the Benton County Public Works Department. If the fee was not paid within thirty (30) days, the approval of the Board of County Commissioners shall be declared null and void. Commissioner Delvin seconded and upon vote, the motion carried.

Final Plat of The Ridge @ Reata West Ridge, Phase 2, SUB 2014-001

Mike Shuttleworth said the applicants had completed all conditions of approval and the final plat was ready for signature by the Chairman of the Board.

Commissioner Delvin asked if approving this final plat would affect the County's position on the current litigation on this matter. DPA Ryan Brown said the County had been named in that lawsuit regarding subdivision ordinances, however, the Planning Department stated the requirements for this were satisfied and the Road Department had accepted the road easement. Mr. Shuttleworth said that lawsuit was not part of this plat.

MOTION: Commissioner Delvin moved to approve the Final Plat of the Ridge at Reata West, Phase 2, SUB 2014-001 and authorize the Chairman to sign the Final Plat. Commissioner Small seconded and upon vote, the motion carried.

2015 One-Year Road Program Discussion

Dan Ford, Nicole Kirby and Dan Mack reviewed the 2015 One-Year Road Program, with an estimated \$16 million in revenues and expenditures. Mr. Ford briefly discussed the following projects:

- Some money set aside to get started on the Antinori Road CRID;
- Willamette Heights CRID – would be meeting w/City of W. Richland;
- Nine Canyon Phase 1 – currently in construction and two more phases;
- Hanks Road – will follow as soon as RAP funding is available;
- Tyrell Road – first two miles;
- Sellards Road – finishing up final 2 miles

Dan Mack finished up the presentation with a discussion regarding special equipment and vehicle purchases.

Unscheduled Visitors

Sandra Marcusen, American Lands Council, presented the Board with some information regarding federal owned land in Washington State. She said there was a growing movement to take back the lands and it was a concern to Benton County because of the Hanford area and that 29% of Washington State land was owned by the federal government. She then presented a video on the subject and asked the County to get involved.

Other Business

Commissioner Small requested permission to attend the WSAC County Leaders Conference November 18-20.

Commissioner Delvin said he appreciated the sensitivity regarding the bi-county issues in relation to the request from Superior Court.

The Board discussed the recent offer from a group to run the racetrack for horseracing and the Board agreed it would be a good idea to put out an RFP to for horse racing. Ms. Smith Kelty said she would work on that RFP.

Commissioner Delvin said he was working with Adam Fyall on the County's legislative priorities and once they had a rough document, they would get that out to the elected officials.

Commissioner Small said he was happy with the success of Flip Flop Friday and thanked the employees for their help and service. The Board agreed.

Claim For Damages

CC 2014-21: Received on September 22, 2014 from Wiley Ranches, Inc. – Rachelle Wiley

Vouchers

Check Date: 09/19/2014

Transfers: 091901-091916
Total all funds: \$606,197.22

Warrant #: 108732-108941
Total all funds: \$944,544.81

Check Date: 09/26/2014

Warrant #: 108942-109057

Total all funds: \$33,055.49

Warrant #: 109336-109475

Total all funds: \$4,014.21

Transfers #: 092601-092613

Total all funds: \$157,825.07

Warrant #: 109476-109637

Total all funds: \$971,915.21

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

Resolutions

- 2014-680: Contract w/Washington Collectors for Collection Services
- 2014-681: Contract w/National Maintenance Contractors, LLC for Janitorial Services
- 2014-682: Amended Agreement w/Apollo Sheet Metal, Inc. for HVAC System Maintenance & Repair
- 2014-683: Line Item Transfer, Fund No. 0150-101, Dept. 000
- 2014-684: Contract w/Nueva Esperanza Counseling Center for Shelter Plus Care Program
- 2014-685: Agreement w/Ambitions Community Support Services for Disability Services
- 2014-686: Amended Agreement w/Our Lady of Lourdes Hospital for Substance Abuse Services
- 2014-687: Agreement w/Service Alternatives, Inc. for Disability Services
- 2014-688: Contract w/Columbia Industries for Disability Services
- 2014-689: Terminating Agreement w/Records Management Services, Inc.; Resolution 08 1025
- 2014-690: Appointment of J Bliss to Human Services Advisory Board
- 2014-691: Line Item Transfer, Fund No. 0154-101, Dept. 000
- 2014-692: Purchase From Courthouse Technologies, LTD for Jury Management System
- 2014-693: Purchase From Imagesource, Inc. for County Scanner Maintenance
- 2014-694: Purchase & Maintenance of Tyler Content Manager From Tyler Technologies
- 2014-695: Contract w/Fridley's Construction for Removal of Dividing Wall
- 2014-696: Contract w/Kennewick School District for Truancy Services
- 2014-697: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2014-698: Line Item Transfer, Fund No. 0115-101, Dept. 175
- 2014-699: Line Item Transfer, Fund No. 0115-101, Depts. 173 to 174
- 2014-700: Line Item Transfer, Fund No. 0000-101, Dept. 138
- 2014-701: Agreement w/Attorney Dipeso for Case Credit on District Court Appeals
- 2014-702: Calculating Compensation for Appointed Non-Bargaining Positions in the Benton County Sheriff's Office; Rescinding Resolution 2012-436

- 2014-703: Public Hearing Authorization for Franchise Renewal of Harrison Water Co/Kiona LLC
- 2014-704: Line Item Transfer, 0155-101, Dept. 000
- 2014-705: Purchase Authorization of Surfacing Material from Inland Asphalt Company, Amending Resolution 2014-102
- 2014-706: Local Agency Consultant Supplemental Agreement w/Shannon & Wilson, Inc.
- 2014-707: Payment Authorization to Guardian Security Systems, Inc. for Security Monitoring
- 2014-708: Agreement w/Guardian Security Systems, Inc. for Continued Alarm Security Monitoring
- 2014-709: Contract w/Wondrack Distributing for Gasoline & Diesel Fuel
- 2014-710: Contract w/American Tree Trimmers for Tree Removal
- 2014-711: Purchase Authorization of Four Mower Tires From Tire Factory
- 2014-712: Purchase Authorization of Herbicides From Crop Production Services, Inc.
- 2014-713: Rental of Crack Sealing Machine From Arrow Construction Supply, Inc.
- 2014-714: County Road Easement w/WA State Dept. of Natural Resources for Antinori Rd
- 2014-715: Line Item Transfer, Fund No. 0000-101, Dept. 119
- 2014-716: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2014-717: Line Item Transfer, Fund No. 0000-101, Dept. 120 to 119
- 2014-718: Line Item Transfer, Fund No. 0000-101, Dept. 125
- 2014-719: Authorization to Solicit Bids for the Procurement of Inmate Supplies
- 2014-720: Authorization to Solicit Bids for the Procurement of Paper & Gloves Supplies
- 2014-721: Authorization to Solicit Bids for the Procurement of Employee Uniforms–Class A
- 2014-722: Authorization to Solicit Bids for the Procurement of Employee BDU Uniforms
- 2014-723: Purchase Authorization From Trial Court Improvement Fund
- 2014-724: Agreement w/M Dolven for Court Facilitator Services
- 2014-725: Line Item Transfer, Fund No. 0000-101, Dept. 138
- 2014-726: Line Item Transfer, Fund No. 0000-101, Dept. 123
- 2014-727: Closing Out Petty Cash Revolving Fund
- 2014-728: Line Item Transfer, Fund No. 0000-101, Dept. 124
- 2014-729: Appointment of B Ellison to Position B-13
- 2014-730: Line Item Transfer, Fund No. 0000-101, Dept. 108
- 2014-731: Copier Lease Agreement w/Pacific Office Automation
- 2014-732: Amendment to the Benton County Comprehensive Plan – Urban Growth Area – File CPA 2014-002 – City of West Richland
- 2014-733: Approval of Private Road Name Change – PR 2014-002 - Berniel Hartley
- 2014-734: Final Plat of The Ridge at Reata West Phase 2 – SUB 2014-001 –Tri-City Development Corp.

There being no further business before the Board, the meeting adjourned at approximately 10:07 a.m.

Clerk of the Board

Chairman