

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, November 26, 2013, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner James Beaver
County Administrator David Sparks
Clerk of the Board Cami McKenzie

Absent: Commissioner Jerome Delvin (excused)

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; County Engineer Daniel Ford; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Jacki Lahtinen, District Court; Clerk Auditor Brenda Chilton; Bob Woody, IT; Michelle Simpson and Erhiza Rivera, Treasurer's Office; Bryan Perry, Safety Manager; Marianne Ophardt, WSU; Eric Hsu, OPD.

Approval of Minutes

The Minutes of November 19, 2013 were approved.

Consent Agenda

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

Animal Control

- a. Contract w/Coleman Veterinary Clinic PLLC for "As Needed" Spay & Neutering Services
- b. Contract w/S Morris Co. for "As Needed" Pet Rendering Services

Commissioners

- c. Approval of City of Kennewick Community Planning & Development Services Application

Facilities

- d. Contract w/Booth & Sons Construction Inc. for the Courthouse Shuffle

GIS

- e. Line Item Transfer, Fund No. 0000-101, Dept. 131

Human Services

- f. Contract w/Nueva Esperanza Counseling Center for Shelter Plus Care Program

- g. Contract w/Our Lady of Lourdes Hospital for Shelter Plus Care Program

Juvenile

- h. Line Item Transfer, Fund No. 0115-101, Dept. 171

Office of Public Defense

- i. Title Change of Indigent Defense Coordinator to Public Defense Manager
- j. Line Item Transfer, Fund No. 0000-101, Dept. 136
- k. Compensation Authorization for D Campbell for Indigent Defense Services
- l. Payment Authorization to Techline Communications, Inc. for Libertynet Consulting

Personnel

- m. Appointment of Employee of the Month

Planning

- n. Reappointment of B Chigbrow to the Benton County Board of Adjustment

Prosecuting Attorney

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

Public Works

- p. Detour Road Agreement of Badger Road & Dallas Road
- q. Rental of John Deere Crawler Dozer From Rowand Machinery

Sheriff

- r. Contract Modification w/United States Department of Energy for Law Enforcement Services
- s. Vehicle Purchase Authorization from Bud Clary and Columbia Ford Lincoln

Sustainable Development

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

Agreement w/State of WA DSHS for Short Term Transition Program

Darryl Banks, Juvenile, presented a contract for short term transition with DSHS. He said the agreement was not approved as to form by the Franklin County DPA Ryan Verhulp due to some contract language and he provided a copy of a letter from Mr. Verhulp. However, it was previously signed under same terms and conditions and he was requesting the Boards sign the agreement. Without it, they would have a problem with Juvenile Detention since it was a state contract for juvenile beds and the money was needed.

MOTION: Commissioner Beaver moved to approve the program agreement #1363-89223 in the amount of \$128,069.20 between Juvenile Justice Center and Washington State DSHS. Chairman Small seconded and upon vote, the motion carried.

Department of Ecology Community Litter Cleanup Program Funds

Lt. Souza presented a grant approval agreement from the Department of Ecology in the amount of \$59,741.00 to assist with the costs of the Work Crew for Community Litter Cleanup Program.

MOTION: Commissioner Beaver moved to approve the award of grant by the WA State Department of Ecology to Benton County for Community Litter Cleanup Program backdated to July 1, 2013 to June 30, 2015. Chairman Small seconded and upon vote, the motion carried.

WSU Extension Food Safety & Nutrition Program Update

Lizann Powers-Hammond along with Marianne Ophardt, WSU updated the Board on a new grant program they would be applying for. Ms. Powers-Hammond said they would be taking the framework of another program done in Connell that was a community based focus program for weight healthy kids and communities. She said they would be working with the Benton-Franklin Health Department on the new program application for a grant in the amount of \$250,000.

2014 WA State Office of Public Defense Grant

Eric Hsu presented the proposed grant funding agreement from the Washington State Office of Public Defense in the amount of \$171,186 for use in 2014. He said the grant was without local matching funds or any financial requirements but did have use requirements. He said this grant was distributed to counties that agreed to operate within certain standards and Benton County was well within those standards.

MOTION: Commissioner Beaver moved to approve the grant agreement ICA14212 between Benton County and the Washington State Office of Public Defense. Chairman Small seconded and upon vote, the motion carried.

Final Plat of Summit View Phase 8 – SUB 13-01

Mike Shuttleworth presented the final plat of Summit View Phase 8, SUB 13-01 for approval. He said that all conditions of approval were satisfied and all signatures obtained.

MOTION: Commissioner Beaver moved to approve the Final Plat of Summit View Phase 8, SUB 13-01 as presented. Chairman Small seconded and upon vote, the motion carried.

Other Business

Special Meeting - District Court

David Sparks asked the Board if it wanted him to do any follow up from the special board meeting with District Court; possibly send a letter to the Judges asking how they wanted to proceed. Commissioner Beaver agreed and said this was not a Commissioner issue but a community issue and that it would be appropriate to address this. Chairman Small agreed.

Mr. Sparks said it appeared that everyone thought this was a Board policy but that it was not. He said he would draft a letter to the District Court Judges.

Lease Agreement – Crisis Response

Ed Thornbrugh said he followed up with Franklin County Commissioners and asked if they would reconsider signing the agreement to lease office space for Crisis Response and they politely declined. Additionally, they requested Mr. Thornbrugh retain a commercial broker to review other property options that would represent the interests of the counties.

Commissioner Beaver asked what their options were and Mr. Thornbrugh said Franklin County wanted to make sure the market had been re-examined and find out if there were appropriate alternatives.

Chairman Small asked what they were currently doing and Mr. Thornbrugh said they were waiting and working out of the current facility; the current lease was paid from pass through funding from GCBH in the amount of \$4,700/month.

Mr. Sparks commented that Benton County had previously considered changing its relationship with its partner Franklin County. He stated that has Franklin County previously refused to sign agreements and put all the responsibility on Benton County. He said it might be a good time to start a pilot program to provide services to Benton County residents instead of Franklin County determining the services for Benton County. He said Franklin County had about 20% to 30% of the financial responsibility but seemed to have 50% of the decision making authority.

Commissioner Beaver said he thought Benton County needed to remain partners from a public and political standpoint but maybe it could amend some of these agreements to reflect a silent partnership. He said maybe it was time have a joint workshop to talk about the future of the relationship.

Chairman Small asked about the cons of the current site and Mr. Thornbrugh indicated it required substantial remodeling and there was a problem with available parking. He also asked about the advantages to the new lease and Mr. Thornbrugh said the lease would allow them to co-locate the emergency housing program as well as the Dept. of Corrections, community services with the State, along with Division of Developmental Disabilities. Additionally, it was located in an area with other services including a fire station, consumer credit services, and First Step counseling for substance abuse. Chairman Small said the next step appeared to be a joint meeting to discuss these issues.

David Sparks suggested the Board review Eric Hsu's model for Office of Public Defense. He said that both Benton and Franklin Counties utilized Mr. Hsu and his services to provide public defense but the two counties did not meet. He said they shared people and resources but each county ran its own public defense program and Franklin County paid for Mr. Hsu's time rather than Mr. Hsu being a bi-county employee and the program worked great.

He said the current relationship with Franklin County caused problems in union negotiations as well and he thought it was a good idea to re-look at some of these programs so it would be equitable for both entities and OPD's model worked great.

The Board agreed it was time to look at a new formula.

Commissioner Beaver reported on his attendance at the following: meeting with Friends of Badger Mountain regarding Candy Mountain, special meeting regarding District Court, Dan McDaniels regarding Fair Lease, HAIEFIC Loan meeting, TRIDEC luncheon regarding Hanford issues and state transportation, and Workforce Development Council meeting.

The Board briefly recessed, reconvening at 9:40 a.m.

Executive Session

The Board went into executive session at 9:40 a.m. for approximately 10 minutes with DPA Ryan Brown to discuss potential litigation. Also present were DPA Ryan Lukson via/videoconference, Bryan Perry, Melina Wenner, Loretta Smith Smith Kelty, David Sparks, and Cami McKenzie. The Board came out at 9:48 a.m. Mr. Brown said the Board discussed potential litigation but took no action.

Vouchers

Check Date: 11/22/2013
Warrant #: 91768-92129
Total all funds: \$860,659.10

Check Date: 11/22/2013
Warrant #: 92130-92369
Total all funds: \$6,742.31

Check Date: 11/22/2013
Transfers#: 112201-112210
Total all funds: \$209,022.51

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

Resolutions

- 2013-829: Contract w/Coleman Veterinary Clinic PLLC for "As Needed" Spay & Neutering Services
- 2013-830: Contract w/S Morris Co. for "As Needed" Pet Rendering Services
- 2013-831: Approval of City of Kennewick Community Planning & Development Services Application
- 2013-832: Contract w/Booth & Sons Construction Inc. for the Courthouse Shuffle
- 2013-833: Line Item Transfer, Fund No. 0000-101, Dept. 131
- 2013-834: Contract w/Nueva Esperanza Counseling Center for Shelter Plus Care Program
- 2013-835: Contract w/Our Lady of Lourdes Hospital for Shelter Plus Care Program
- 2013-836: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2013-837: Title Change of Indigent Defense Coordinator to Public Defense Manager
- 2013-838: Line Item Transfer, Fund No. 0000-101, Dept. 136
- 2013-839: Compensation Authorization for D Campbell for Indigent Defense Services
- 2013-840: Payment Authorization to Techline Communications, Inc. for Libertynet Consulting
- 2013-841: Reappointment of B Chigbrow to the Benton County Board of Adjustment
- 2013-842: Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2013-843: Detour Road Agreement of Badger Road & Dallas Road

- 2013-844: Rental of John Deere Crawler Dozer From Rowand Machinery
- 2013-845: Contract Modification w/United States Department of Energy for Law Enforcement Services
- 2013-846: Vehicle Purchase Authorization from Bud Clary and Columbia Ford Lincoln
- 2013-847: Line Item Transfer, Fund No. 0135-101, Dept. 000
- 2013-848: Program Agreement Between Juvenile Justice Center and DSHS
- 2013-849: Grant Agreement with WA State Department of Ecology for Community Litter Cleanup Program
- 2013-850: Grant Agreement ICA14212 between Benton County and the Washington State Office of Public Defense
- 2013-851: Final Plat - Summit View Phase 8, SUB 13-01

There being no further business before the Board, the meeting adjourned at approximately 9:48 a.m.

Clerk of the Board

Chairman