

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, November 10, 2015, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Jerome Delvin  
Commissioner Shon Small  
Commissioner James Beaver  
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; County Engineer Matt Rasmussen; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; GIS Manager Mary Phillips; Paul Schut, Commissioners' Office; Larry Hueter, Project Manager; Clark Posey and Michelle Cooke, Planning; Assessor Bill Spencer; Dale Wilson, Building Dept.; Jeff Liner, Road Department; Auditor Brenda Chilton; Taylor Ranger, Auditor's Office; Erhiza Rivera, Treasurer's Office; Kyle Sullivan, Human Services; Tara Symons, Mental Health Court Manager.

#### Approval of Minutes

The Minutes of October 27, 2015 (Special Board Meeting) and November 3, 2015 were approved.

#### Review Agenda

Mr. Sparks requested to add an executive session to discuss the performance of a public employee.

#### Consent Agenda

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

#### Auditor

- a. Surplus of Personal Property
- b. Line Item Transfer, Fund No. 0106-101, Dept. 000

#### Facilities

- c. Contract w/Spokane Roofing Company, LLC for Patch Roof Repair

#### Human Services

- d. Amended Contract w/WA State Dept of Commerce for Emergency Solutions Grant
- e. Purchase of Bus Tickets & Passes from Ben Franklin Transit for Housing Programs

- f. Agreement w/Relias Learning, LLC for On-Line Training Module

**Information Technologies**

- g. Purchase of Cisco Network Data Projects and Services for Kennewick Shop

**Office of Public Defense**

- h. Amended Superior Court Public Defense Contract w/S Johnson for Adult Drug Court  
i. Amended Homicide Superior Court Public Defense Contract w/S Johnson

**Parks**

- j. Amended Contract w/Buell Recreation LLC for Installation of Two Playgrounds

**Personnel**

- k. Relationship w/WA Counties Risk Pool & Related Appointments and Designations

**Prosecuting Attorney**

- l. Covenant Not to Sue

**Public Works**

- m. Approval of Construction Plans of Summit View Phases 9 & 10  
n. Purchase of Six Body Vibrator Kits from Northend Truck Equipment, Inc.

**Sheriff**

- o. Salary Request Statement

**Workforce Development Council**

- p. Appointment of C Moser to the Benton-Franklin Workforce Development Council

**Public Hearing Request on Mid-Year/Public Safety Budget Adjustments**

Paul Schut presented the following requests for budget adjustments to go to public hearing:

1. Planning (the only Current Expense Fund request) in the amount of \$176,980; they received a grant for the voluntary stewardship program. The grant received was more than the request, but it would run through the next biennium and the remainder would be budgeted at that time.
2. Three budget adjustments relating to the Justice Center Bond Fund to transfer necessary funds to pay off the bonds as scheduled (the money was already allotted for and it just needed to go into the correct fund):
  - a. 1/10% CJ Jail-Juvenile Fund – \$1,377,759 to Justice Center Bond Fund
  - b. Rural Capital Fund - \$6,065,500 to Justice Center Bond Fund
  - c. Justice Center Bond Fund - \$695,245 to Capital Projects Fund
3. Park Development Fund – transferred \$500,000 into the fund after year end but needed to budget \$284,410 through the end of the biennium to cover projects.

Ms. Smith Kelty gave a Powerpoint presentation update on the Public Safety Tax:

- Phase 1 – space needs and defining programs - ongoing

Chairman Delvin commented that he had been meeting with groups on the youth gang prevention program but they had not been very successful; Franklin County had interest but no money. He said he wanted to do an RFP in Benton County and form a small group of individuals consisting of law enforcement, prosecuting attorney, schools, and community and let them decide where the

money should be spent on the youth gang issues. He said he would update the Board on that as it occurred.

- Phase IV– Hired the Mental Health Manager; Superior Court Judge; Deputy Prosecuting Attorney and Legal Secretary; Legal Process Assistant for the Clerk (tbd) and OPD Contract Attorney (tbd); Sheriff deputy hired and 2 Inmate Processing Specialists, 4 Sheriff Deputies, 4 vehicles and Inmate Management System (all to be determined).

Ms. Smith Kelty presented the following budget adjustments to go to public hearing for the Public Safety Tax Fund:

1. Sheriff Custody - Public Safety Tax in the amount of \$415,740 for wages, benefits and supplies for four custody officers.
2. Adult-Juvenile Drug Court - Public Safety Tax in the amount of \$146,073 for a 30 Person Adult Drug Court. Benton County money was going to Benton County individuals and Franklin County was paying for their own individuals and had not yet approved their final budget.
3. Adult-Juvenile Drug Court - Public Safety Tax in the amount of \$234,156 for a 25 Person Juvenile Drug Court.
4. Juvenile - Public Safety Tax in the amount of \$141,100 for Selective Aggressive Probation & Functional Family Therapy Programs.

**MOTION:** Commissioner Small moved to go to public hearing on November 24, 2015 for the proposed budget adjustments. Commissioner Beaver seconded and upon vote, the motion carried.

Commissioner Small commented that this program was not a turnkey operation and it had taken time to get these programs up and running and these funds were only allocated for criminal justice. Additionally, it had a sunset clause and if it was not approved, they would have to start cutting the programs.

### **Planning Department Update**

Mike Shuttleworth, Michelle Cooke, and Clark Posey updated the Board on the Planning Department as follows:

- Permit Activities
- Hearings Examiner – new program had worked out very well; very precise and professional and it was now being held during the day; no complaints received
- Voluntary Stewardship Program
  - County opted in; funded \$270,000 from the Conservation Commission; first task was to identify watershed group; develop a work plan; submit to Conservation Commission; if approved it would implement the work plan; submit a progress report every 5 years
- 2017 Comprehensive Plan Update
  - Meeting with the cities monthly
  - Developing Countywide planning policies
  - Buildable Lands Analysis

- UGA Update – Part of 2017 Update (might be bringing back request for consultant as part of that)
- Critical Areas Ordinance Update

### **Capital Projects Update**

Larry Hueter updated the Board on the following capital projects:

- He would be asking for retainage release to G2 Construction on Courthouse upgrades on about December 22, 2015.
- Justice Center Electronic Security System Retrofit (OPTO) - design development was complete and currently having a peer review; after that would go to bid and contract sometime in March, 2016
- Mental Health Jail Expansion – near completion in design development; construction documents would be ready April, 2016 and hope to go to bid by June. Construction would last approximately one year - (believed cost estimate to be about \$4.8 million)
- Office of Public Defense/Executive Conference Room - relocate Assessor to the Annex building and that space would become the new OPD office. WSU Extension office was also involved and that matter was being studied and they hoped to come up with recommendations to facilitate the new office but he did not have a time frame yet. The OPD design was being completed and construction documents would be ready but they had to incorporate the other conditions to facilitate the move.
- Prosecuting Attorney Space Analysis/Remodel – vacant undeveloped area on 2<sup>nd</sup> floor for Civil Department; was currently in design development phase and documents would be ready in mid-January. They were also looking into where to store important files that were currently located there.
- When OPD moved into Assessor’s office, they would use the current executive conference room space and executive conference room would be relocated upstairs. He said he would be looking at the first schematic design this week.

### **Benton County Noxious Weed Board**

Adam Fyall introduced Victor Reeve, the new Noxious Weed Board Coordinator. Mr. Fyall said the Noxious Weed Board was now a completely separate entity from Benton County.

Mr. Reeve said the transition would be challenging but he had only been there a month and would bring updates as they happened. He said he was the only employee at this point but they were currently looking for another and hoped to have someone hired by January.

### **Human Services Discussion**

Commissioner Small asked Kyle Sullivan and Ken Roughton (GCBH) to discuss the meeting regarding Human Services last week.

Mr. Roughton said that in preparation for integration of behavioral health care that would begin next year, they were interested in setting up a working committee to form a plan. He said the long

term goal was to have a system of care that was complete from one end to the other and addressed all needs; to create a behavioral health system that coordinated with the physical system.

Mr. Sullivan said they met with the stakeholders that had a collective knowledge of the services in the community and everyone was willing and excited to get this group together.

Mr. Roughton said he had arranged to have someone take the minutes at the meetings and they would be turned over so anyone could see the path and discussions they were having regarding the plan. He said they hoped to have a plan together in 60 days.

Chairman Delvin said he liked the approach and it was his understanding Franklin County Commissioners wanted to turn it over to their administrator so he asked to make sure the Franklin County Administrator was aware of the meetings so he could attend when he wanted, as well as the Benton County Administrator.

**MOTION:** Commissioner Beaver moved to approve the letter as presented to the local mental health providers regarding serving on a short-term committee to develop a work plan for the future of Human Services. Commissioner Small seconded and upon vote, the motion carried.

Commissioner Small said the letter discussed inviting Franklin County for the presentation of the work plan. He also commented that Benton County had invited Franklin County to two separate bi-county meetings on this subject, but they had declined.

### **Unscheduled Visitors**

Jacki Lahtinen introduced Tara Symons, the new Mental Health Court Program Manager.

### **Other Business**

Commissioner Beaver said he was being approached from groups about “.09 money”. Mr. Sparks said it was the rural county capital funds and was for economic development for capital infrastructure. When it was enacted the previous Boards agreed to divide the money and the ports and cities would submit projects for board approval. Also, at the time it was enacted, the use of the funds were not clearly defined and Benton County used it to expand the jail and signed a debt participation agreement with the cities if that money went away they would be equal partners on repayment.

He said as part of the budget adjustment requests, the money would be transferred to cover the debt on the jail that was previously dedicated and it would leave the future monies to be available for rural county economic development since it could no longer be used for criminal justice or jails. He said they had not yet decided how to utilize the money but they wanted to come back to the Board with a plan, however, that is why the cities and ports had been asking for the money.

Judge Swisher via/video conference said they had the 7<sup>th</sup> Judge on board and her office was located in Franklin County. He thanked the Board and commented that all seven judges spent the majority of their time in Benton County.

Chairman Delvin said he wanted to finalize the issue with Wyndham Publications and decide whether or to participate with the additional four pages. He said they were two separate agreements and they would get 250 books when it was done, no matter what. Commissioner Beaver agreed to move forward with the second agreement.

Chairman Delvin discussed the retail marijuana issue and said that Ryan Brown came up with the idea to zone them by distance. Mr. Shuttleworth said there was currently only one in unincorporated Benton County that had a license and the other had not made application. He said they could zone them for distance between facilities and other uses.

The Board agreed to look at it further.

The Board briefly recessed, reconvening at 10:30 a.m.

### **Executive Session – Performance of Public Employee**

The Board went into executive session with David Sparks at 10:30 a.m. for up to 15 minutes to discuss the performance of a public employee. Also present were Loretta Smith Kelty and Cami McKenzie. The Board came out at 10:38 a.m. No decisions were made in executive session.

**MOTION**: Commissioner Beaver moved to approve administration to hire Kyle Sullivan as Human Services Director and to negotiate the pay. Additionally, to authorize the Chairman to sign a letter to Franklin County addressing this issue. Commissioner Small seconded and upon vote, the motion carried.

### **Vouchers**

#### **Check Date: 11/05/2015**

##### Payroll Checks

Warrant #: 239062-239151

Direct Deposit #: 108680-109261

Total all funds: \$2,080,234.23

##### Payroll Deductions Transfers

Taxes #: 10115111-101151114

Total all funds: \$1,800,326.10

##### Payroll Deductions Warrants

Warrant #: 130170-130182

Total all funds: \$368,186.45

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

**Resolutions**

- 2015-792: Surplus of Personal Property
- 2015-793: Line Item Transfer, Fund No. 0106-101, Dept. 000
- 2015-794: Contract w/Spokane Roofing Company, LLC for Patch Roof Repair
- 2015-795: Amended Contract w/WA State Dept of Commerce for Emergency Solutions Grant
- 2015-796: Purchase of Bus Tickets & Passes from Ben Franklin Transit for Housing Programs
- 2015-797: Agreement w/Relias Learning, LLC for On-Line Training Module
- 2015-798: Purchase of Cisco Network Data Projects and Services for Kennewick Shop
- 2015-799: Amended Superior Court Public Defense Contract w/S Johnson for Adult Drug Court
- 2015-800: Amended Homicide Superior Court Public Defense Contract w/S Johnson
- 2015-801: Amended Contract w/Buell Recreation LLC for Installation of Two Playgrounds
- 2015-802: Relationship w/WA Counties Risk Pool & Related Appointments and Designations
- 2015-803: Agreement and Covenant Not to Sue
- 2015-804: Approval of Construction Plans of Summit View Phases 9 & 10
- 2015-805: Purchase of Six Body Vibrator Kits from Northend Truck Equipment, Inc.
- 2015-806: Appointment of C Moser to the Benton-Franklin Workforce Development Council

There being no further business before the Board, the meeting adjourned at approximately 10:40 a.m.

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Clerk of the Board

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Chairman