

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, February 11, 2014, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

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

Absent: Commissioner Shon Small (vacation)

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kelty; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; Daniel Ford Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Jacki Lahtinen, District Court; Clerk Josie Delvin; Auditor Brenda Chilton; Bob Woody, IT; County Engineer Daniel Ford; Judge Cameron Mitchell; Jennifer Bowe, Juvenile; DPA Reid Hay; Darryl Banks, Juvenile; DPA Stephen Hallstrom; Treasurer Duane Davidson.

Approval of Minutes

The Minutes of February 4, 2014 were approved.

Consent Agenda

Commissioner Delvin requested the addition of consent agenda item "p" (Benton County Tax Levy for 2014 - Rescinding Resolution 2014-130).

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

District Court

- a. Interagency Amended Agreement w/St of WA Administrative Office of the Courts
- b. Purchase Authorization of Law Books from Thompson West

Human Services

- c. Lease Agreement w/Ardell & Sue Curtis Survivor's Trust @ Crisis Response
- d. Assignment of Administration of Veteran's Assistance Fund; Rescinding Resolution 2013 854

Juvenile

- e. Amended Contract w/E Chapin to Provide Classes & Workshops

Parks

- f. Adoption of Comprehensive Parks Plan
- g. Contract w/MacKay & Sposito for Development Site Plan for Sheriff's Training Area

Public Works

- h. Amendment to the Project Agreement for Construction Proposal for Nine Canyon Road
- i. Payment Refund to WSDOT for Piert Road Extension

Sheriff

- j. Contract w/Mel's Inter City Towing for Towing Services
- k. Authorization of Salary Request Statement

Workforce Development

- l. Reappointment of S Harrell
- m. Reappointment of D Hovley
- n. Reappointment of L Mattson
- o. Reappointment of R Peenstra

Commissioners

- p. Benton County Tax Levy for 2014 – Rescinding Resolution 2014-130

Termination of Short Term Transition Program Agreement

Darryl Banks, along with Superior Court Judge Cameron Mitchell, discussed the loss of the short-term transition program. Mr. Banks said that in September the Juvenile Department notified the counties it could be jeopardy but then the State approved a contract for the program. However, in January, without any other notice, the State indicated it would terminate the program starting February. Consequently, they were going to have to lay off a detention officer on March 1 that was paid from this program. Mr. Banks said they would have to take a person off day shift to cover and said it was important to keep the detention officer in order to maintain safety and security and provide appropriate bed space.

Commissioner Delvin asked if the State was funding the officer and Mr. Banks said they were using those state dollars to subsidize that position and saving the county dollars. He said he did not currently have money in the budget to pay for the position; Mr. Sparks said that money would need to be transferred from somewhere into their fund to cover their position.

Commissioner Delvin asked what Franklin County's position was and Mr. Banks said he would be meeting with them tomorrow.

MOTION: Commissioner Delvin moved to approve the recommendation to fund the Detention Officer position and associated costs. Chairman Beaver seconded and upon vote, the motion carried.

Juvenile - Modification of Counselor III Position

Darryl Banks requested the Board increase a three-quarter time position to a full-time position in Dept. 173 utilizing an unfilled half-time time position; the vacated half-time time position would remain unfilled.

Commissioner Delvin asked if it the position was covered in the budget and Mr. Banks said that it was.

MOTION: Commissioner Delvin moved to formally approve the increase from three-quarter time to a full-time position for Dept. 173, line item 1604 effective January 1, 2014. Chairman Beaver seconded and upon vote, the motion carried.

Candy Mountain Proposal

David Comstock, Friends of Badger Mountain gave a Powerpoint presentation to the Board regarding Candy Mountain. He said they wanted to partner with Benton County to apply for a grant from the Recreation and Conservation Office (RCO) to create a second preserve on Candy Mountain and create public trails along the ridge systems. He said specific to land on Candy Mountain they were working with two individuals to purchase property. He said they would raise matching funds for the grant and once the land was purchased and donated, they would lead the volunteer effort to build trails and provide stewardship. He said they had agreements with the landowners and had factored costs for trail construction and future stewardship and would be applying for a \$750,000 matching grant that would work toward acquisition of the lands.

He said they currently had a master plan so were in a position to apply for the grant and needed the Board's approval and staff help to assist with the grant applications.

Chairman Beaver said it was his observation this was important to the communities and he received many letters in support.

MOTION: Chairman Beaver moved to approve the County facilitate (through Adam Fyall) the application for the funding for the Candy Mountain project. Commissioner Delvin seconded.

Discussion

Commissioner Delvin said he wanted to confirm they were just asking for staff help. Mr. Comstock said approval would initiate the process and they would need some staff time for review and actual submittal of applications.

Upon vote, the motion carried.

Ordinance Amendment – BCC 11.16A.050

Mr. Shuttleworth said the proposed ordinance would amend BCC 11.16A.050 by removing Agricultural Related Industries and Agricultural Market uses that may be allowed by conditional

use permit. It would also be amended by adding wording that would not allow a marijuana processor or retailer as a business activity.

MOTION: Chairman Beaver moved to approve the Planning Commission's Findings of Fact as their own and approve the resolution and ordinance amending BCC 11.16A.050. Commissioner Delvin seconded and upon vote, the motion carried.

Unscheduled Visitors

Jerry Martin, Kennewick, said he represented the Benton County Tea Party and was opposed to the proposal to increase property taxes to purchase land for open space (Conservations Tax) because he believed they were taxed enough already and he didn't believe the voters would be in favor of it. He suggested that at least 1% of county funds were lost to waste, fraud or mis-abuse in Benton County and suggested the State Auditor conduct a performance audit to find this 1% and reduce the need for the tax increase. He said he wanted to schedule a meeting with the Commissioners and Brian Sonntag to explore this option.

Commissioner Delvin asked Mr. Martin if he was opposed to the conservation fund tax going to a vote of the people. Mr. Martin said he was not opposed to it going to a vote, but didn't believe the chances were very good. Commissioner Delvin said he was not opposed to having the public get a chance to vote on tax increases; he also asked if Mr. Martin checked with the Auditor to see how it fit with her department. Mr. Martin said there was a mechanism that allowed the Commissioners to direct the Auditor to conduct a performance audit.

Commissioner Delvin said he was not opposed to meeting with Brian Sonntag. Chairman Beaver agreed and said he also was not opposed to a performance audit. He said he believed this issue should go to the voters and let them decide because he was receiving a lot of support to have this go to a vote.

Other Business

Commissioner Delvin requested the issue regarding the long term care agency agreement be put on the agenda once Commissioner Small returned. He said it appeared they wanted a temporary approval for the COG as it was on its way to becoming non-profit. He said Benton County needed to decide whether it wanted to join or wait until the non-profit was formed.

Chairman Beaver said he wanted to direct staff to find out what the repercussions of not signing into the COG were to Benton County. He said he was interested in being involved in a non-profit but not interested in signing the current agreement.

Commissioner Delvin said he saw a letter that Benton County would be receiving a Certificate of Achievement for excellence in financial reporting and complimented Benton County on its good work. Also, Chairman Beaver asked Mr. Sparks to thank the construction folks for the good work they were doing on construction projects.

The Board briefly recessed, reconvening at 9:43 a.m.

Executive Session – Potential Litigation/Performance of Public Employee

At 9:43 a.m. the Board went into executive session for up to 15 minutes with DPA Steve Hallstrom based on receiving and evaluating complaints or charges against an employee, reviewing performance of an employee, talking with legal counsel about the potential litigation, and possibly planning and adopting strategy position to be taken in negotiations . Also present were David Sparks, Cami McKenzie, Daniel Ford, Ryan Brown, Steve Becken, Loretta Smith Kelty, and Melina Wenner.

The Board came out at 9:58 a.m. and Mr. Hallstrom announced the Board needed another 15 minutes. The Board came out at 10:12 a.m. Mr. Hallstrom announced the Board took no action but direction was given.

Vouchers

Check Date: 02/10/2014
Procurement Cards: #0214
Total all funds: \$137,981.99

Check Date: 02/07/2014
Warrant #: 96065-96073
Total all funds: \$16,099.22

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

Resolutions

- 2014-131: Interagency Amended Agreement w/St of WA Administrative Office of the Courts
- 2014-132: Purchase Authorization of Law Books from Thompson West
- 2014-133: Lease Agreement w/Ardell & Sue Curtis Survivor's Trust @ Crisis Response
- 2014-134: Assignment of Administration of Veteran's Assistance Fund; Rescinding Resolution 2013 854
- 2014-135: Amended Contract w/E Chapin to Provide Classes & Workshops
- 2014-136: Adoption of Comprehensive Parks Plan
- 2014-137: Contract w/MacKay & Sposito for Development Site Plan for Sheriff's Training Area
- 2014-138: Amendment to the Project Agreement for Construction Proposal for Nine Canyon Road
- 2014-139: Payment Refund to WSDOT for Piert Road Extension
- 2014-140: Contract w/Mel's Inter City Towing for Towing Services
- 2014-141: Reappointment of S Harrell
- 2014-142: Reappointment of D Hovley
- 2014-143: Reappointment of L Mattson
- 2014-144: Reappointment of R Peenstra
- 2014-145: Benton County Tax Levy for 2014 – Rescinding Resolution 2014-130

- 2014-146: Adoption of Ordinance 534 Relating to Zoning
- 2014-147: Transfer of Funds Within Juvenile 0115-101, Dept. 173

There being no further business before the Board, the meeting adjourned at approximately 10:12 a.m.

Clerk of the Board

Chairman