

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, January 29, 2013, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner James Beaver
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 Kelty; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Lexi Wingfield, Personnel; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Central Services Manager Randy Reid; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Deputy Treasurer Erhiza River; Sheriff Steve Keane; Clay Vannoy and Sgt. Trevino, Sheriff's Office; Superior Court Administrator Pat Austin; Auditor Brenda Chilton; Charlene Vowels, Noxious Weed; County Engineer Daniel Ford.

Approval of Minutes

The Minutes of January 15, 2013 were approved.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items "a" through "ccc" removing "k" (Lease with Fair Association) and "vv" (Purchase of Ammo for Sheriff's Office"). Commissioner Delvin seconded and upon vote, the Board approved the following:

Animal Control

- a. Line Item Transfer, Fund No. 0000-101, Dept. 137

Auditor

- b. Line Item Transfer, Fund No. 0111-101, Dept. 000

Clerk

- c. Line Item Transfer, Fund No. 0000-101, Dept. 106

Commissioners

- d. One-Time Wage Payment for Non-Bargaining Full Time Benton County Employees
- e. Letter to US Senate & House of Representatives re US District Court Judge Appointment for the Eastern District of Washington
- f. Canvassing Board Appointment

- g. Appointment of M Valdez to the Mid-Columbia Library Board of Trustees
- h. Appointment of L Barrett to the Kiona Irrigation District Board of Directors

Coroner

- i. Contract w/C Wigren, MD for Autopsy Services

Facilities

- j. Line Item Transfer, Fund No. 0000-101, Dept. 120

Fairgrounds

- l. Line Item Transfer, Fund No. 0124-101, Dept. 000
- m. Line Item Transfer, Fund No. 0124-101, Dept. 000
- n. Line Item Transfer, Fund No. 0124-101, Dept. 000

Human Services

- o. Adopting 10-Year Plan to End Homelessness, Phase Two
- p. Appreciation of M Gerber as Administrative Board Member
- q. Appreciation of A Ray as Administrative Board Member
- r. Adoption of Benton County Excessive Force Policy

Juvenile

- s. Contract w/Stephenson Computer Consulting
- t. Line Item Transfer, Fund No. 0115-101, Dept. 171
- u. Line Item Transfer, Fund No. 0115-101, Dept. 171
- v. Line Item Transfer, Fund No. 0115-101, Dept. 173
- w. Line Item Transfer, Fund No. 0115-101, Dept. 174

Office of Public Defense

- x. Compensation for Peyman Younesi – 2012 Over Cap Cases
- y. Compensation for Attorney Jan Armstrong – Mediation/Arbitration Services
- z. Professional Services Agreement with Jennifer Johnson
- aa. Professional Services Agreement with Caleb DiPeso
- bb. Professional Services Agreement with Trinity Orosco
- cc. Professional Services Agreement with John Gary Metro
- dd. Professional Services Agreement with Dennis Hanson
- ee. Professional Services Agreement with Thomas Brooks
- ff. Professional Services Agreement with Patrick McBurney

Parks

- gg. Payment Authorization to Benton REA for Upgrades to Rattlesnake Mt Shooting Facility
- hh. Line Item Transfer, Fund No. 0000-101, Dept. 126

Personnel

- ii. 2013 Bi-County Non Bargaining Monthly Benefit Contribution
- jj. Line Item Transfer, Fund No. 0503-101, Dept. 000
- kk. Line Item Transfer, Fund No. 0000-101, Dept. 127
- ll. Appointment of February 2013 Employee of the Month
- mm. Amendment to Resolution 2013-050 Regarding Western States Agency, Inc.

Public Works

- nn. Authorization to Advertise and Bid for Bituminous Surface Treatment 2013
- oo. Certification of 2013 Road Levy and Revenue
- pp. Diverting Road Tax Levy Funds to Current Expense for Traffic Enforcement Purposes

- qq. Funding Award for 2013 Crushing & Stockpiling
- rr. Quit Claim Deed for Land Exchange for Piert Road
- ss. Purchase Authorization for Four New Ford Heavy Duty Pickups

Sheriff

- tt. Payment Authorization to Commercial Tire
- ww. Authorization to Pay Clearwater Collision & Towing
- xx. Line Item Transfer, Fund No. 0000-101, Dept. 120
- yy. Line Item Transfer, Fund No. 0000-101, Dept. 121
- zz. Line Item Transfer, Fund No. 0116-101, Dept. 000
- aaa. Line Item Transfer, Fund No. 0126-101, Dept. 000

Sustainable Development

- bbb. Support Letter to Kennewick Irrigation District

Treasurer

- ccc. Cancelling Taxes for Personal Property Determined As Uncollectible

Consent Agenda “k” – Lease Agreement w/Benton Franklin Fair Association

Loretta Smith Kelty said the lease was a temporary lease with the Fair Association to put on horse racing this year. She said they were working on a boundary line adjustment, but that would take some time and so wanted to lease out buildings instead of property so the lease was done in time to ensure horse racing could proceed. She said when the boundary line adjustments were complete they could look at doing a different lease. Mr. Sparks said this was a stepping stone to the Fair Association either buying or leasing the Fairgrounds and it was a good step to see how things went.

MOTION: Commissioner Beaver moved to approve the lease agreement with the Benton-Franklin Fair Association. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

Consent Agenda “vv” - Purchase Authorization from Dooley Enterprises, Inc, San Diego Police Equipment Company, Inc. and Surplus Ammo & Arms,

Sheriff Keane and Commander Law via//videoconference said were told by vendors that ammunition would be increasing by 30% and they wanted to spend what they could for 2013-2014 before the increase in price.

MOTION: Commissioner Beaver moved to approve the resolution authorizing purchase from Dooley enterprises, Inc., San Diego Police Equipment and Surplus Ammo & Arms. Commissioner Delvin seconded and upon vote, the motion carried.

Gang Task Force Update

Sheriff Keane and Sgt. Trevino gave the Gang Task Force update for the final quarter of 2012. Sgt. Trevino said they all realized there was a gang problem in Benton County, but they were very excited to have had significant impact on the gang problem by putting very violent gang members in jail.

Sgt. Trevino said their primary focus would continue to be intervention, prevention and suppression and the strategy had worked very well with zero violent gang crimes committed in 2012. Additionally, he said they worked with a lot of local agencies and in 2012 gave nine presentations to the community and schools. He gave statistics regarding suppression efforts and said their biggest impact was in graffiti (went down by 58% from previous years). In addition to the seizure of narcotics, they seized several vehicles used for distribution and \$10,000 in cash directly attributed to narcotic sales. Also, they processed three chop shops where stolen cars were taken and reduced stolen vehicles in Benton County by 43%, mainly by getting rid of the shops. He said they also continued to work directly with gang members by letting them know they wanted to help them out of gangs, but would prosecute them if they crossed the line.

He said the strategy for 2013 would be keeping the same but being prepared to change with the trends and putting emphasis in the summer months. Commissioner Delvin asked if they had seen human trafficking or prostitution and Sgt. Trevino said it was happening in Tri-Cities and it was gang driven.

Grant Application – Litter Cleanup Program – Dept. of Ecology

Sgt. Souza via/videoconference presented the grant application for the Litter Cleanup Program (2-year grant) to pay for a van and salary of the supervisor.

MOTION: Commissioner Delvin moved to approve the grant application with the Dept. of Ecology for the Litter Cleanup Program. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

Hanford Communities/Hanford Advisory Board – Annual Update

Pam Larson and Maynard Plahuta gave their annual report to the Board and briefly discussed the following issues:

Hanford Communities Annual Report

- Ecology Contract
- Programs for Cable
- Communications w/Congressman Hastings
- DOE, Meetings w/Assistant Secretary for EM1
- Tank Farm Operations
- 300 Area Cleanup
- Burial Grounds south of FFTF
- 200 Area Cleanup status
- Groundwater mediation
- Reactors along the river
- Development of the new RCRA permit
- Blue Ribbon Commission report
- Hanford Budget Process/Waste Treatment Plant Tour

- Advocacy Issues of Local concern
 - TRIDEC/Energy Park
 - Meeting w/Defense Nuclear Facility Safety Board
 - Meeting w/EPA
 - KONA program
- Combined Intergovernmental Working Group
- Heritage Tourism & B Reactor Preservation
- 2013 Goals

Hanford Advisory Board Annual Report

Specifically, Mr. Plahuta discussed the tri-party agreement and changing the milestones; review of the Tank Waste EIS (14,000 pages) and their major concerns including potential impact on groundwater; modeling; secondary waste; no preferred alternative to low level waste facility; and the records of decision (DOE said they would work with HAB on the work plan, but there was still concern that might change). Additional topics included HAB's advice to build more double shell tanks and the push by environmentalists regarding cleanup of old orchard lands (pre-1943 days) and what precedent it might establish.

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

Tapteal Greenway/Friends of Badger Mountain – Presentation

Scott Woodward and David Comstock, Friends of Badger Mountain requested the Board consider learning about "Conservation Financing". Mr. Woodward said the program and tools were available through the Trust for Public Lands and they said they would like the opportunity to see if it made sense for Benton County. He asked the Board if they would consider inviting the Trust for Public Land finance team to Benton County for a presentation so they could explore this opportunity.

Commissioner Delvin said he met with the Trust for Public Lands in December and would like to know more about this and would be interested in seeing the presentation and how the program worked.

Commissioner Beaver asked Adam Fyall to make sure there was an invitation to this group and said he was in favor of seeing the presentation.

Chairman Small said he also would be interested and wanted to see what Spokane County did to implement the program.

Noxious Weed Board Appointments - Update

Melina Wenner and Lexi Wingfield updated the Board on the recruitment process for Noxious Weed Board appointments. Ms. Wingfield said the Board previously approved three of the applicants, that one of those applicants withdrew (however, she now might be interested), and they were having trouble recruiting additional members. Ms. Wingfield said they confirmed the

map they were using was the correct one that was set in 1995 and unless the legal description was amended by the Board, this was the one they would continue to use.

The Board agreed to have Personnel review the current boundary lines and whether they should be changed and also a possible restructuring of the Board that might allow it to operate differently.

VEBA Discussion

Melina Wenner presented two proposed resolutions regarding the VEBA program. She said the attorneys representing the VEBA Trust had advised that the percentage of pay formula was discriminatory and they were advising to move to a uniform flat amount.

David Sparks said they were claiming it was discriminatory for the highly paid using the percentage formula because they got more benefit. Therefore, they were trying to be proactive and move to a uniform flat amount because if continued, it might jeopardize the tax status of the trust.

Ms. Wenner said the resolutions were reviewed by the VEBA Trust and legal counsel and approved as to form.

MOTION: Commissioner Beaver requested Personnel finalize the Resolutions and bring back to the Board for signature.

Discussion

Ryan Brown said the IRS didn't want highly compensated employees getting preferential treatment since it was not taxable. He indicated the rules had not been issued yet, but the VEBA folks were advising us to change now and not wait to see what the IRS ruling was.

Upon vote, the motion carried unanimously.

Outdoor Concerts Ordinance

Ryan Brown said he received a letter from the Second Amendment Foundation regarding an ordinance adopted in 1975 about regulation of outdoor concerts and the permitting process. He said part of the concern was that it would make it illegal to carry a firearm (this was the part they said was illegal and it should be repealed). Mr. Brown said the issue should be determined by state law and not county code and that section should be repealed.

The Board agreed to go to public hearing on the matter.

Commissioner Assignment Update

Commissioner Beaver said he attended meetings for Visitor & Convention Bureau and TRIDEC; had meetings with constituents; and a meeting with the cities regarding the urban growth issue.

Commissioner Delvin thanked everyone for putting together the meeting on the Senate appointment. Additionally, said with met with Eric Hsu to discuss his contracts and how he monitored that compensation.

Chairman Small said he had been reviewing the issue regarding the merger of Benton & Franklin Counties for SECOMM and wanted to request that Ms. Smith Kelty work with Ryan Brown to work out an interlocal to go forward with a study the State was funding as a grant.

Commissioner Delvin said they had changed the rules to allow what the money would be used for (now to hire a facilitator) and it was more a matter of using state resources to hire a facilitator and the County would be presented in the end with an interlocal agreement. The facilitator would be coming with the deliverables.

Commissioner Beaver said the study was fine as long as it defined Benton County's role.

DPA Ryan Brown said the scope of work has not been provided; and this would just be a contract with a vendor to do something. Additionally, he was still trying to find out the difference between this study and the study that was already done.

Commissioner Delvin said that Ms. Smith Kelty had conversations with the city managers and he wanted to hear what they were saying.

Chairman Small said this was basically a phase to be done before an interlocal agreement.

The Board agreed to have Ms. Smith Kelty provide a summary to the Board and look at completing the study so it could determine the costs and details of a merger.

Executive Session – 4TH Quarter Litigation Update

The Board went into executive session at 11:00 a.m. for up to 20 minutes with DPA Ryan Brown for the 4th Quarter Litigation update. Also present were David Sparks, Cami McKenzie, Loretta Smith Kelty, and Melina Wenner. The Board came out at 11:17 a.m. Mr. Brown said the Board received a litigation update and took no action.

Vouchers

Check Date: 01/15/2013
Taxes #: 10113014
Total all funds: \$35,092.44

Check Date: 01/15/2013
Warrant #: 235194-235210
Direct Deposit #: 81062-81185
Total all funds: \$106,393.19

Check Date: 01/18/2013
Warrants #: 73032-73436
Taxes #: 01010113, 01160113, 05010113
Total all funds: \$448,969.33

Check Date: 01/25/2013
Taxes #: 010101132
Warrants#: 73740-73890
Total all funds: \$415,209.62

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

Resolutions

- 2013-061: Line Item Transfer, Fund No. 0000-101, Dept. 137
- 2013-062: Line Item Transfer, Fund No. 0111-101, Dept. 000
- 2013-063: Line Item Transfer, Fund No. 0000-101, Dept. 106
- 2013-064: One-Time Wage Payment for Non-Bargaining Full Time Benton County Employees
- 2013-065: Appointment of M Valdez to the Mid-Columbia Library Board of Trustees
- 2013-066: Appointment of L Barrett to the Kiona Irrigation District Board of Directors
- 2013-067: Contract w/C Wigren, MD for Autopsy Services
- 2013-068: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2013-069: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2013-070: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2013-071: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2013-072: Adopting 10-Year Plan to End Homelessness, Phase Two
- 2013-073: Appreciation of M Gerber as Administrative Board Member
- 2013-074: Appreciation of A Ray as Administrative Board Member
- 2013-075: Adoption of Benton County Excessive Force Policy
- 2013-076: Contract w/Stephenson Computer Consulting
- 2013-077: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2013-078: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2013-079: Line Item Transfer, Fund No. 0115-101, Dept. 173
- 2013-080: Line Item Transfer, Fund No. 0115-101, Dept. 174
- 2013-081: Compensation for Peyman Younesi – 2012 Over Cap Cases
- 2013-082: Compensation for Attorney Jan Armstrong – Mediation/Arbitration Services
- 2013-083: Professional Services Agreement with Jennifer Johnson
- 2013-084: Professional Services Agreement with Caleb DiPeso
- 2013-085: Professional Services Agreement with Trinity Orosco
- 2013-086: Professional Services Agreement with John Gary Metro
- 2013-087: Professional Services Agreement with Dennis Hanson
- 2013-088: Professional Services Agreement with Thomas Brooks
- 2013-089: Professional Services Agreement with Patrick McBurney

- 2013-090: Payment Authorization to Benton REA for Upgrades to Rattlesnake Mt Shooting Facility
- 2013-091: Line Item Transfer, Fund No. 0000-101, Dept. 126
- 2013-092: 2013 Bi-County Non Bargaining Monthly Benefit Contribution
- 2013-093: Line Item Transfer, Fund No. 0503-101, Dept. 000
- 2013-094: Line Item Transfer, Fund No. 0000-101, Dept. 127
- 2013-095: Amendment to Resolution 2013-050 Regarding Western States Agency, Inc.
- 2013-096: Authorization to Advertise and Bid for Bituminous Surface Treatment 2013
- 2013-097: Certification of 2013 Road Levy and Revenue
- 2013-098: Diverting Road Tax Levy Funds to Current Expense for Traffic Enforcement Purposes
- 2013-099: Line Item Transfer, Fund No. 0501-101, Dept. 650
- 2013-100: Funding Award for 2013 Crushing & Stockpiling
- 2013-101: Quit Claim Deed for Land Exchange for Piert Road
- 2013-102: Purchase Authorization for Four New Ford Heavy Duty Pickups
- 2013-103: Payment Authorization to Commercial Tire
- 2013-104: Authorization to Pay Clearwater Collision & Towing
- 2013-105: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2013-106: Line Item Transfer, Fund No. 0000-101, Dept. 121
- 2013-107: Line Item Transfer, Fund No. 0116-101, Dept. 000
- 2013-108: Line Item Transfer, Fund No. 0126-101, Dept. 000
- 2013-109: Cancelling Taxes for Personal Property Determined As Uncollectible
- 2013-110: Approving Lease Agreement with Fair Association
- 2013-111: Authorizing Ammunition Purchase
- 2013-112: Dept. of Ecology Community Litter Cleanup Program

There being no further business before the Board, the meeting adjourned at approximately 11:17 a.m.

Clerk of the Board

Chairman