

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, January 15, 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; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Central Services Manager Randy Reid; District Court Administrator Jacki Lahtinen; Clerk Josie Delvin; Treasurer Duane Davidson; Susan Walker, Planning; County Engineer Daniel Ford and Sue Schuetze, Public Works; Erhiza Rivera, Treasurer's Office; Auditor Brenda Chilton; Rosie Sparks, Auditor; Charlene Vowels and Skip Gest, Benton County Noxious Weed.

Approval of Minutes

The Minutes of January 8, 2013 were approved.

Consent Agenda

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

Animal Control

- a. Contract w/Vista Veterinary Hospital for Veterinarian Services

Auditor

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

Commissioners

- c. Reappointment of P Johnstone-Jones to the Aging and Long Term Care Board
- d. Reappointment of J Dosch to the Aging and Long Term Care Board

Facilities

- e. Line Item Transfer, Fund No. 0000-101, Dept. 110

Juvenile

- f. Amended Contract w/S Henwood for Indigent Legal Representation

- g. 2013 Operations Budget & Facilities Budget Monthly Payments
- h. 2013 – 2014 Operations & Facilities Budget Monthly Payments
- i. Agreement w/M Mendoza for Indigent Legal Representation
- j. Contract w/Apollo Heating & Air for HVAC Services

Office of Public Defense

- k. Line Item Transfer, Fund No. 0000-101, Dept. 136
- l. Line Item Transfer, Fund No. 0000-101, Dept. 136
- m. Payment Authorization to Armstrong, Klym, Waite, Atwood & Jameson, P.S. Law Firm

Parks

- n. Payment Authorization to Blueline Equipment Company LLC for Tractor Repair
- o. Payment Authorization to Tire Factory for Tractor Tires
- p. Payment Authorization to Tri-Cities Visitor & Convention Bureau

Personnel

- q. Appointment of Western States Insurance Agency, Inc. as Agent of Record
- r. Termination of the Washington Counties Insurance Pool
- s. Line Item Transfer, Fund No. 0503-101, Dept. 000
- t. Line Item Transfer, Fund No. 0504-101, Dept. 000

Prosecuting Attorney

- u. Line Item Transfer, Fund No. 0000-101, Dept. 117
- v. Line Item Transfer, Fund No. 0120-101, Dept. 000

Public Works

- w. Purchase Authorization for Two Backhoes

Sustainable Development

- x. Reappointment of M Plahuta to the Hanford Advisory Board
- y. Reappointment of L Lockrem to the Hanford Advisory Board

Treasurer

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

Continued Public Hearing on County Road Improvement District #23 – (CRID 23)

Steve Becken asked the Board if they had been contacted by anyone other than staff about this issue and if so, what they discussed.

Commissioner Beaver stated that Cecil Kindle gave him some information in a packet that he did not read and he forwarded to Public Works. Also, he received an email but did not read it.

Chairman Small said he also received an email that he did not read. Additionally, he received a phone call from Mayor Donna Noski and he told her they would not discuss the CRID issue. Also, he had a phone conversation with George Janecek, CID Commissioner and they did not discuss the issue.

Commissioner Delvin said he received packets that he reviewed and he did not attend the first public hearing and looked at the packets prior to becoming a county commissioner. He said he received emails but did not read the emails and had not been in contact with anyone.

Steve Becken read the staff report dated January 8, 2013 that included information regarding benefit and access information for lots requesting to be excluded from the CRID, reverse zonal method of assessment, separation into two CRID's, addition and subtraction of roads, revising assessments, and other items brought up by the public.

Mr. Becken stated that RCW 36.88.030 required assessment estimates not exceed a figure equal to the increased true and fair market value that the improvement added to the property. Additionally, they were not sure what authority the commissioners had to do a special assessment and recommended their office work with the PA to determine what authority the Commissioners had for special assessments and delay making a decision for two to three weeks.

Commissioner Delvin asked if the issue of fair market value increase to property had come up with other CRID's and Mr. Becken said it had not been brought up before. Additionally, he asked if Atlas Road was extended through to 38th, if it would change the 10% requirement. Mr. Becken said the 10% requirement was still there but he thought they could do that and still stay under the 10% based on information received regarding right of way.

Commissioner Beaver said he was bothered by the fact that the issue of assessment and whether the Board had any authority just came up. Additionally, he said that 38th looked like an arterial to him and that it would eventually be owned by someone so wanted to know why it wasn't being built by the County and the City. Mr. Becken said it was privately owned road and Commissioner Beaver said he believed it should be a cooperative effort by the city and county to get it built.

Mr. Becken said that 38th was not in the Six-Year Road Program as a county road project and that would take budget changes.

Chairman Small said first thing first and the County should look at what other counties were doing regarding CRID's and what the legal rights were. Mr. Becken said there was a website they could utilize to make a request to other counties and they usually could get an answer within a week.

Commissioner Beaver said he wanted to postpone the public hearing, review the assessments, and solve the arterial street problem, which he believed was a responsibility of the government.

MOTION: Commissioner Beaver moved to postpone the public hearing.

Commissioner Delvin said after talking to the PA he wanted to abstain from this vote because there were letters submitted that asked him to recuse himself because he signed letters in support as a State Senator before he was elected as county commissioner. He said some issues had been raised on the legal side exactly where the fairness doctrine came in so he should abstain from the vote on the consideration. Commissioner Beaver said his motion was not for the CRID. Commissioner Delvin said he could probably vote on that motion, but wanted to bring up there were legal issues raised from people opposed to it. He said he didn't think he needed to abstain from this motion just to reconsider or delay it.

Commissioner Beaver said he believed the Board needed to do some more homework and thought this project could work if they involved themselves.

The motion was clarified to state it was to continue the public hearing to February 5, 2013 at 9:00 a.m.

Commissioner Delvin asked if they could get a ballpark figure on what it would cost for the County to build 38th and Mr. Becken said he would provide that.

Upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:35 a.m.

Non-Bargaining One-Time Wage Adjustment

David Sparks asked the Board for approval to prepare a resolution for a one-time payment to the non-bargs in lieu of a cost of living adjustment. He said his concern going forward was increasing costs to future budgets, however, there was an opportunity to offer a one-time payment in lieu of a cost of living adjustment. He said they finished negotiations with one union and they returned a letter accepting the proposal.

MOTION: Commissioner Beaver moved to authorize Mr. Sparks to prepare a resolution for the Board's consideration.

Commissioner Delvin asked about the approximate cost and where the money would come from. Mr. Sparks said they would look at a one-time cost out of cash reserves since there was some money carry forward from prior years and the one-time payment would not increase future costs. Commissioner Delvin said he wanted to clarify that elected officials did not get that one-time payment and Mr. Sparks confirmed that was true. He said there were nine non-bargaining positions that were not on the salary schedule but were tied to a COLA or their elected official and asked that those be included in the one-time payment. He said this was along the lines of what they were looking at for the unions as well and one union had approved it and another was going to vote.

Upon vote, the motion carried unanimously.

Commissioner Assignment Update

Commissioner Delvin said he was still fulfilling duties as State Senator. He indicated that Commissioner Beaver went to a water meeting for him and passed along that information and Commissioner Small went to Transit for him. Additionally, Olympia went off to a good start and the committees were all set and he would be coming back and forth until the end of January.

Commissioner Beaver said he attended the Council of Governments; met with Dan McDaniels at the Fair Association; HAIEFIC loan review meeting; water meeting in Yakima; attended the Blue Ribbon Commission at the City of Kennewick; and toured the CRID. Commissioner

Delvin said he took that tour as well. Commissioner Beaver said he would also be attending his first Fairgrounds Improvement Board meeting on Thursday.

Chairman Small said he attended a couple of board meetings as well. He said he attended the Ben-Franklin Transit and they discussed wanting additional representation for the annual meeting in D.C. around the second week in March and asked Commissioner Delvin to think about that. He said also completed the CRID tour on Thursday. Additionally, he requested approval to attend the legislative Tri City Visitor & Convention Bureau meeting in Olympia and the Board agreed. Commissioner Delvin said he would be attending as well and there was no objection noted.

Vouchers

Check Date: 01/04/2013
Warrant #: 235092-235193
Direct Deposit #: 80378-80981
Total all funds: \$2,125,143.85

Check Date: 01/04/2013
Warrant #: 72514-72538
Taxes #: 10113011-10113013
Total all funds: \$2,051,585.70

Check Date: 01/11/2013
Warrant #: 72786-72944
Procurement Cards #113
Total all funds: \$910,506.02

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

Resolutions

2013-034: Contract w/Vista Veterinary Hospital for Veterinarian Services
2013-035: Line Item Transfer, Fund No. 0111-101, Dept. 000
2013-036: Reappointment of P Johnstone-Jones to the Aging and Long Term Care Board
2013-037: Reappointment of J Dosch to the Aging and Long Term Care Board
2013-038: Line Item Transfer, Fund No. 0000-101, Dept. 110
2013-039: Amended Contract w/S Henwood for Indigent Legal Representation
2013-040: 2013 Operations Budget & Facilities Budget Monthly Payments
2013-041: 2013 – 2014 Operations & Facilities Budget Monthly Payments
2013-042: Agreement w/M Mendoza for Indigent Legal Representation
2013-043: Contract w/Apollo Heating & Air for HVAC Services
2013-044: Line Item Transfer, Fund No. 0000-101, Dept. 136
2013-045: Line Item Transfer, Fund No. 0000-101, Dept. 136
2013-046: Payment Authorization to Armstrong, Klym, Waite, Atwood & Jameson, P.S. Law Firm

2013-047: Payment Authorization to Blueline Equipment Company LLC for Tractor Repair
2013-048: Payment Authorization to Tire Factory for Tractor Tires
2013-049: Payment Authorization to Tri-Cities Visitor & Convention Bureau
2013-050: Appointment of Western States Insurance Agency, Inc. as Agent of Record
2013-051: Termination of the Washington Counties Insurance Pool
2013-052: Line Item Transfer, Fund No. 0503-101, Dept. 000
2013-053: Line Item Transfer, Fund No. 0504-101, Dept. 000
2013-054: Line Item Transfer, Fund No. 0000-101, Dept. 117
2013-055: Line Item Transfer, Fund No. 0120-101, Dept. 000
2013-056: Purchase Authorization for Two Backhoes
2013-057: Reappointment of M Plahuta to the Hanford Advisory Board
2013-058: Reappointment of L Lockrem to the Hanford Advisory Board
2013-059: Line Item Transfer, Fund No. 0000-101, Dept. 124

There being no further business before the Board, the meeting recessed until 1:30 p.m. for Noxious Weed Board interviews.

Other Business – Travel Authorization

David Sparks said that Commissioner Delvin wanted to attend the NACo conference the first part of March and wanted permission to schedule that trip.

MOTION: Commissioner Beaver moved to approve. Chairman Small seconded and upon vote, the motion carried.

Noxious Weed Board Interviews

Julie Trumble

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

Ms. Trumble said she was a rancher and farmer and battled noxious weeds in her yard and pasture and was very familiar with its problems. She said the commitment to attend meetings would depend on when they were held because she was involved in other community activities.

Charlene Vowels said the meetings were was once a month and the Board was the general overseer of the department and would authorize any vouchers to be paid and the general program and how to spend the money and the operations was run by the employees.

Ms. Trumble indicated she could commit to that schedule.

2. What experiences have you had that would benefit your performance in the Board's future?

Ms. Trumble said she had been on several boards in the past for other organizations.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

She said she couldn't answer that because she didn't know where they were going and didn't know about future problems, but she had been reading up to see what they were currently doing.

Ms. Vowels said this would be a brand new board and so far they had been a non-enforcement agency and they hadn't needed the enforcement part.

Chairman Small said he was interested in seeing a new creative board and wanted them to review what other counties were doing and raise the bar.

Melina Wenner, via videoconference said it should be noted that Ms. Trumble applied for Position 4 but it appeared she was actually in Position 3. It was stated the Board would have to research the district boundaries and petition signatures before a final decision was made.

The Board briefly recessed, reconvening at 1:50 p.m.

Johan Curtiss

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

She said that agriculture was a very important component of the community and weeds had an economic impact to our community. She said she had a side job working with small farms on these issues and to also make sure they were good stewards. She said she didn't know about any restrictions because she didn't know when the meetings were. She was told they were currently the 3rd Tuesday but that could be changed depending on the new board. She said she served on the West Richland Planning Commission, but her schedule was flexible.

2. What experiences have you had that would benefit your performance in the Board's future?

She said she previously served on the West Richland Chamber Board, the Planning Commission, the Economic Board for West Richland and education boards so she had leadership experience.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

She said it was her understanding the Board had some public outreach to community to educate landowners and not to be the enforcer, but to engage people about what was happening. She said as there was more transportation in and out of the community, they needed to make sure everyone understood the importance of taking care of their property. Also, it was important the organic farmers were not competing with large farmers and pesticides and to do proactive weed control so there wouldn't be conflicts between the two types of growers.

The Board briefly recessed, reconvening at 2:30 p.m.

Richard Roos

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

He said he wanted to be on the Board because noxious weeds were tremendously destructive and devastating to native ecology and he wanted to keep them out of Benton County. He said he had no restrictions as far as meeting on the board.

2. What experiences have you had that would benefit your performance in the Board's future?

He said he managed the noxious weed control board at Hanford and was an ecologist so he understood plants and how to manage them

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

He said they needed to plan carefully and he didn't know if there was a written plan about what to do with noxious weeds in Benton County so they could work proactively. He indicated it was a good program but thought it could be improved with some careful planning. He said if they knew what was there, with a plan in place for that species they could lay out a strategy for years down the road.

The Board briefly recessed, reconvening at 3:08 p.m.

Steven Link

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

He said he was a professional botanist and studied plants in all forms and had done so in this area since 1985. He said he had no problem making the board meetings.

2. What experiences have you had that would benefit your performance in the Board's future?

He indicated his experience was broader in the public sphere and he would take a more vigorous position with respect to the board. He said he wrote columns for the Herald on this specific subject, had experience at the Hanford site, represented the Umatilla Indians and his role was to advise on how the site should be managed or restored. Additionally, he helped raise funds for the weed board.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

He stated the direction for the board for the immediate should be a little more hands-on with the workers. He felt the past manager might have gotten a little too relaxed and so wanted to be more involved so they understood what was happening. He said that beyond the first five years, as the economy grew, funding might need to be increased. He said he was very connected with the political arena here in the County and didn't feel that fundraising or changes in assessment were handled correctly in the past.

Chairman Small said he was not in favor of a 39% assessment increase and was very excited to hear he wanted to be proactive and involved.

Mr. Link said that with only three employees and no manager it was very important to take an active role.

The Board briefly recessed, reconvening at 3:30 p.m.

Charlene Vowels let the Board know that four out of the five board members had to be in the production of agriculture.

Hermann Thoennissen

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

Mr. Thoennissen said he had been in agriculture for 33 years and lived in Benton County for 20 years. He said that over the years he had stepped down from his responsibility in the industry but they all had to take responsibility. He said the meeting schedule should work but he travelled to China twice a year.

2. What experiences have you had that would benefit your performance in the Board's future?

He said he had 33 years in agriculture, mostly tree fruits and worked for Ag Northwest for 15 years. He said he had a strong agriculture background with a Master's Degree in Horticulture.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

He stated that as farmer he enjoyed working with the Board because it was a good resource and connection to the County and dealing with noxious weeds was a never ending battle. He said he believed the future was in developing partners with commodity groups and identifying groups to partner with to combat the weeds. He said it could start in the schools to educate as well.

The Board briefly recessed, reconvening at 3:45 p.m.

David Berry

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

He said he was a long-time resident and believed a fresh face would assist in identifying issues. He stated he had no conflicts to attend the meetings.

2. What experiences have you had that would benefit your performance in the Board's future?

He said he worked for Franklin County Noxious Weed board and was very familiar with the structure and protocol of the Board. He dealt with weed control on his own farm and was previously a project coordinator in Idaho. He said that most of the time involved weed control and new practices.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

Mr. Berry said there were weed issues in the County that needed to be addressed and being community friendly was important, as well as increasing visibility to the public. He said he had a lot of experience that could be beneficial to help format a little better program that was more visible from the bottom up. He wanted the Board to reach out and fulfill obligations to the community before it went to the Commissioners.

The Board indicated a decision would be made in approximately two weeks.

The Board discussed the different positions with Melina Wenner and Lexi Wingfield and Ms. Wingfield said they would need to continue to recruit Districts 2 and 4. She confirmed the following applicants were in these positions:

Julie Trumble – Position 3
Johan Curtiss – Position 5
Richard Roos – Position 3
Steve Link – Position 5
Hermann Thoennissen – Position 3
David Berry – Position 3
Cathleen Williams – Position 1

Commissioner Beaver said he wanted to make a recommendation that Cathleen Williams be approved for Position 1. He said he read her resume and that she also fulfilled the agriculture requirement.

Commissioner Beaver said he also wanted to recommend Johan Curtiss for Position 5.

Chairman Small said he wanted to take a look at David Berry for Position 3; he liked that he talked about being visible. He said he also liked Hermann Thoennissen for Position 3.

Commissioner Beaver said he could also go with David Berry for Position 3.

The Board agreed to provide three names for recommendations to the full board once Commissioner Delvin returned and asked Personnel Department to verify they were eligible in these districts. Additionally, Personnel would advertise for the open positions.

There being no further business before the Board, the meeting adjourned at approximately 4:03 p.m.

Clerk of the Board

Chairman