

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, February 26, 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; County Engineer Daniel Ford; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; Jacki Lahtinen, Districts Court; Auditor Brenda Chilton; RJ Lott and Donna Hutchinson, Planning; DPA Steve Hallstrom; Van Pettey, Auditor's Office; Erhiza Rivera, Treasurer's Office.

#### Approval of Minutes

The Minutes of February 12, 2013 were approved.

#### Consent Agenda

**MOTION:** Commissioner Beaver moved to approve the consent agenda items "a" through "cc", pulling "bb" (Line Item Transfer – Dept. 120) for discussion. Commissioner Delvin seconded and upon vote, the Board approved the following:

#### Auditor

- a. Management Letter to the State Auditor's Office

#### Central Services

- b. Agreement w/Ciber, Inc. for Support of "Crimes" Software

#### Commissioners

- c. Line Item Transfer, Fund No. 0000-101, Dept. 115

#### District Court

- d. Line Item Transfer, Fund No. 0131-101, Dept. 000

#### Facilities

- e. Contract w/River City Environmental, Inc. to Clean Grease Trap @ the Jail
- f. Payment Authorization to Moon Security for Prosecuting Attorney's Office Remodel Project

**Human Services**

- g. Agreement w/Catholic Family & Child Service for 10-Yr Homeless Housing Plan Goals
- h. Renewal of Message Archiver Subscription from GovConnection

**Juvenile**

- i. Contract w/Tri-Cities Chaplaincy for Counseling Services
- j. Contract w/Connections Consulting for Interpreter Services
- k. Contract w/J Azure for Attorney Services
- l. Line Item Transfer, Fund No. 0115-101, Dept. 171
- m. Contract Amendment w/D Anderson for Civil Defense Representation
- n. Contract Amendment w/K Moreno for Civil Defense Representation
- o. Contract Amendment w/J Paulsen for Civil Defense Representation
- p. Contract Amendment w/D Campbell for Civil Defense Representation

**Personnel**

- q. Appointment of March 2013 Employee of the Month

**Prosecuting Attorney**

- r. Collective Bargaining Agreement w/WA State Council of County & City Employees, Representing Appraisers
- s. Collective Bargaining Agreement w/WA St Council of County & City Employees, Representing Crisis Response Unit
- t. Collective Bargaining Agreement w/Teamsters Local No. 839, Representing Sheriff's Office Clerical
- u. Collective Bargaining Agreement w/American Federation of State, County & Municipal Employees, Representing Courthouse Union

**Public Works**

- v. Purchase from Legacy Ford & Northend Truck Equipment Co. for Ford Cab & Flatbed
- w. Purchase from Trailer Town for Flatbed Tilt Trailers
- x. Purchase from Rowand Machinery Co. for John Deere Front Loader
- y. Denial of the Formation of County Road Improvement District No. 23
- z. Equipment Maintenance Agreement w/Prosser Fire District #3
- aa. Lease Agreement w/Benton County Mosquito Control District

**WSU Cooperative Extension**

- cc. Memorandum of Agreement w/Washington State University Extension

**Consent Agenda Item “bb” - Line Item Transfer, Fund No. 0000-101, Dept. 120**

Keith Mercer said the line item transfer was needed to move to a different expenditure code so the expenditures matched how they were reported in the financial statements. It was not an increase in the budget.

**MOTION:** Commissioner Beaver moved to approve the Line Item Transfer as presented. Commissioner Delvin seconded and upon vote, the motion carried.

**Public Hearing – B.C. Water Company, LLC – Franchise Application**

Sue Schuetze said that B.C. Water Company, LLC filed a petition to continue a nonexclusive franchise to place water lines within County Road right of way in the Cottonwood vicinity in

Benton County. She said that no comments were received and Public Works recommended approval of the franchise based upon the listed requirements.

As there was no public testimony, the public hearing was closed.

**MOTION:** Commissioner Beaver moved to approve the application for franchise for B.C. Water Company, LLC as presented with the listed conditions. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

### **Public Hearing - Short Plat Vacation – 13-01**

RJ Lott said they received an application from John Sullens requesting two easements be vacated off the face of Lot 1 of the Short Plat.

He said that based upon the comments received, the Planning Department recommended approval of the vacation of the easements.

As there was no one present to testify, public testimony was closed.

**MOTION:** Commissioner Beaver moved to approve the vacation of the easements described in paragraph 2 of the memo and located on Lot 1 of Short Plat 3249. Additionally, it was conditioned upon the applicant recording a document that relinquished that portion of the underlying 30-foot ingress-egress, road and utility easement that lies within the south 458.3 feet of the East 30 feet of Lot 1 of Short Plat 3249 and the document be recorded within one year of the date of approval or this approval would be null and void. Commissioner Delvin seconded and upon vote, the motion carried.

### **Public Hearing – Ordinance Amendment – BCC 7.16.140 – Outdoor Concerts**

Ryan Brown said his office received a letter from the Second Amendment Foundation questioning the legality of BCC 7.16.140 that was adopted in 1975 that stated it was unlawful for any person other than law enforcement officers to carry a firearm at an outdoor music festival. Under current law, Washington law regarding the possession of firearms preempted any local law regarding the possession of firearms at music festivals. He said the proposed ordinance would repeal the section relating to firearms at an outdoor music festival and it was his opinion the County no longer had the authority to ban firearms at music festivals.

As there was no one present to testify, public testimony was closed.

**MOTION:** Commissioner Delvin moved to adopt the resolution and ordinance to amend the Benton County Code to repeal BCC 7.16.140 relating to the possession of firearms at outdoor music festivals as defined by BCC 7.16.020. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

## **Discussion of S. 38<sup>th</sup> Avenue – West Richland**

Steve Becken reviewed the report dated February 13, 2013 and said when constructed the right of way for S. 38<sup>th</sup> Avenue in Willamette Heights was obtained via the easements retained on patents for each parcel. When the US Government sold the two tracts, they held out a 33 foot easement on one to four sides of each parcel. In 1986 when Benton County began proceedings to vacate of the easements (prior to BLM informing them they did not have authority to vacate), the PA's office stated that although the patents accepted a 33-foot easement for road and utility purposes, there was no indication Benton County had ever accepted the easements for road purposes. Therefore, they were considered private access easements until such time as Benton County accepted the easement for road purposes.

He said he spoke with BFCOG regarding having the road classified and it was suggested they apply for an Urban Collector classification, which could not be done until the County had ownership. Per past practices, the County would not accept a gravel road into the system until it was brought up to at least the minimum county standard of being a paved road. He said they had a rough estimate of \$950,000 to construct S. 38<sup>th</sup> Avenue and had not had any survey work done and there were not any funds available for this project. One thought was to move around CRIMP funds, but if they moved CRIMP monies around, it would jeopardize \$6 million in RAP and STP funds for Nine Canyon Road and Travis Road.

West Richland stated that if the County constructed 38<sup>th</sup>, they would pursue an LID on the north end. If that failed, the north end was in their Six-Year Road Program but with no construction date set. If the County constructed the road, it would be connecting to private gravel roads on both the north and south ends with no assurance either would be constructed.

If the County constructed 38<sup>th</sup> Ave. with county money, West Richland proposed the County and City work together to have 38<sup>th</sup> designated as a collector arterial and then apply for STP-U funds in the Fall of 2013 for construction money; the County would need to put up a match of \$100,000 to \$150,000 if successful in obtaining the funds.

Mr. Becken said the first step would be to determine if the County wanted to construct this as a County project with County funds.

Commissioner Beaver said he wanted designate this as a County project and he felt the situation was created by the federal government. Commissioner Delvin said he felt they could start there but the citizens needed to know construction was not going to happen right now.

Chairman Small said the County just dealt with a \$2.7 million shortfall and there were shortfalls in the State and United States Government. He said they were all for progress and knew about the issues with the road but they did not have the capacity with funding. However, they were willing to look at this and take a look at reclassifying and try to get it in the road plan and still try to balance the remainder of the needs and the road system.

## **Emergency Services System Discussion**

Loretta Smith Kelty and Ryan Brown updated the Board and provided a draft letter addressed to the Cities of Pasco, Kennewick, Richland, and Franklin County.

Ryan Brown said they had a telephone conference call with Robert Ezelle from the State Emergency Management Division to get a perspective on what was going on.

Robert Ezelle and Bill Peters, WA Military Department, Emergency Management Division discussed the issue with the Board. Mr. Ezelle said they had no preconceived notions whether a regionalization was in the County's best interest or not. He said they were here to provide support. He said they provided statewide services that benefitted all the counties for training and also provided financial support for smaller counties; they also helped counties modernize systems so they were compatible as the nation moved forward. He said they had some success with regionalization for a few other counties (Chelan and Douglas) and (Whitman and Asotin) and assisted with that in terms of doing the studies.

It was stated they were approached by Franklin County to see if they could assist Benton & Franklin Counties (neither qualified for financial assistance), but they saw some benefit and said they could help with the studies. Mr. Ezelle said the offer was still there and they were willing to assist the counties; additionally, they have rewritten their policy so that money could be used for a study or project manager or a combination of both (set to be approved). He said there were not any deadlines but it was up to the counties and cities what they wanted to see. He mentioned that as part of the cost benefit analysis they would want to see savings the State would receive, although there might not be a huge savings to the State since Benton & Franklin Counties did not qualify for financial assistance at this point. Additionally, they strictly dealt with the telephone portion of the system.

Commissioner Delvin talked about his concern that the costs were going to be spread to the radio system. It was stated that could be part of the deliverables in the study. Mr. Ezelle said the study should be a cooperative endeavor to make sure it addressed the needs of all the participants. He said they could assist in the RFP process but the counties would pay the consultant and the State would reimburse for those costs. He added they were not pushing regionalization but were here to support an initiative and have agreed to provide funding for a regionalization study or project manager.

The Board talked about the previous study that was completed by e-Gov and that it could be expanded on what was already completed. Additionally the State would contract with the counties for the MOU and did not typically do that at the city level.

The Board agreed it would continue this discussion during the special meeting scheduled for the next day and try to agree on some deliverables for the study.

## **Commissioner Assignment Update**

Jerome asked for an update on the RTPO issue. Commissioner Beaver said that Benton County lost \$409,000 from this round in a vote; Mr. Becken also attended the meeting (representing the City of Prosser). Commissioner Beaver said there were agencies within the county that voted against funds for Benton County and so they were not happy with them.

Additionally, Commissioner Beaver said that he and Adam Fyall met with Doc Hastings regarding Hanford Communities. Mr. Fyall added that Doc Hastings remained optimistic regarding the B Reactor and recent news about leaking tanks gave more momentum; he was also in favor of moving forward on Yucca Mountain and believed it was the law of the land to be the national depository. Commissioner Beaver said he also attended a Health Board meeting.

Commissioner Small said he attended the Health Board meeting and also attended a Red Mountain function with new Senator Sharon Brown and that they talked about transportation issues.

## **Vouchers**

Check Date: 01/15/2013  
Warrant #: 235194-235210  
Direct Deposit #: 80986-81185  
Total all funds: \$106,393.19

Check Date: 02/15/2013  
Warrant #: 74912-75073  
Total all funds: \$500,098.43

Check Date: 02/15/2013  
Warrant #: 235311-235327  
Direct Deposit #: 81836-82033  
Total all funds: \$105,116.62

Check Date: 02/15/2013  
Taxes #: 10113024  
Total all funds: \$34,671.37

Check Date: 02/22/2013  
Warrant #: 75074-75535  
Warrant #: 75818-76038  
Taxes #: 01010213.05010213.010102135  
Total all funds: \$941,671.47

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

## **Resolutions**

- 2013-145: Collective Bargaining Agreement w/WA State Council of County & City Employees, Representing Appraisers
- 2013-146: Collective Bargaining Agreement w/WA St Council of County & City Employees, Representing Crisis Response Unit
- 2013-147: Collective Bargaining Agreement w/Teamsters Local No. 839, Representing Sheriff's Office Clerical
- 2013-148: Collective Bargaining Agreement w/American Federation of State, County & Municipal Employees, Representing Courthouse Union
- 2013-149: Agreement w/Ciber, Inc. for Support of "Crimes" Software
- 2013-150: Line Item Transfer, Fund No. 0000-101, Dept. 115
- 2013-151: Line Item Transfer, Fund No. 0131-101, Dept. 000
- 2013-152: Contract w/River City Environmental, Inc. to Clean Grease Trap @ the Jail
- 2013-153: Payment Authorization to Moon Security for Prosecuting Attorney's Office Remodel Project
- 2013-154: Agreement w/Catholic Family & Child Service for 10-Yr Homeless Housing Plan Goals
- 2013-155: Renewal of Message Archiver Subscription from GovConnection
- 2013-156: Contract w/Tri-Cities Chaplaincy for Counseling Services
- 2013-157: Contract w/Connections Consulting for Interpreter Services
- 2013-158: Contract w/J Azure for Attorney Services
- 2013-159: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2013-160: Contract Amendment w/D Anderson for Civil Defense Representation
- 2013-161: Contract Amendment w/K Moreno for Civil Defense Representation
- 2013-162: Contract Amendment w/J Paulsen for Civil Defense Representation
- 2013-163: Contract Amendment w/D Campbell for Civil Defense Representation
- 2013-164: Purchase from Legacy Ford & Northend Truck Equipment Co. for Ford Cab & Flatbed
- 2013-165: Purchase from Trailer Town for Flatbed Tilt Trailers
- 2013-166: Purchase from Rowand Machinery Co. for John Deere Front Loader
- 2013-167: Denial of the Formation of County Road Improvement District No. 23
- 2013-168: Equipment Maintenance Agreement w/Prosser Fire District #3
- 2013-169: Lease Agreement w/Benton County Mosquito Control District
- 2013-170: Memorandum of Agreement w/Washington State University Extension
- 2013-171: Transfer of funds – Current Expense – Dept. 120
- 2013-172: Ordinance Amendment Relating to Outdoor Concerts – Repealing the section Relating to Prohibition of Firearms at an Outdoor Music Festival

There being no further business before the Board, the meeting adjourned at approximately 10:09 a.m.

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Clerk of the Board

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Chairman