

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, December 17, 2013, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner Jerome Delvin
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; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; County Engineer 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; R.J. Lott, Planning; Darryl Banks, Juvenile; Michelle Simpson, Treasurer; Pat Austin, Superior Court.

Approval of Minutes

The Minutes of December 10, 2013 were approved.

Chairman Small requested the Board add consent agenda item “jjj” (CBA for Bailiffs) and an executive session to discuss potential litigation.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items “a” through “iii”, adding “jjj” (CBA for Bailiffs). Commissioner Delvin seconded and upon vote, the Board approved the following:

Auditor

- a. Interlocal Agreement w/Kitsap County for Purchase of Online Ballot Delivery Software
- b. Changing Precinct Boundaries Within Benton County

Commissioners

- c. Letter to District Court Judges Re Sitting Out Fines
- d. Approval of Non-Bargaining General Increase of Wages for 2014

Fairgrounds

- e. Lease Agreement w/Benton-Franklin Fair Association for Benton County Fairgrounds

- f. Amended Contract w/Benton Franklin Fair Association for “South of the Rail”

Human Services

- g. Contract w/WA St Department of Commerce for Emergency Solutions Grant
- h. Contract w/WA St Department of Commerce for Consolidated Homeless Grant
- i. Agreement w/Benton-Franklin Community Action Connections
- j. Line Item Transfer, Fund No. 0108-101, Dept. 568

Information Technology

- k. Purchase Authorization from Cerium Networks, Inc. for Video Upgrade Equipment
- l. Purchase Authorization from Cerium Networks, Inc. for Voice Upgrade Equipment

Juvenile

- m. Line Item Transfer, Fund No. 0115-101, Dept. 171
- n. Line Item Transfer, Fund No. 0115-101, Dept. 174
- o. Contract w/K Oldfield for Indigent Legal Representation

Office of Public Defense

- p. Compensation Authorization for S Yedidia for Interpreter Services
- q. Agreement w/A Farabee for District Court Public Defense Services
- r. Agreement w/D Hickman for District Court Public Defense Services
- s. Agreement w/J Rodriguez for District Court Public Defense Services
- t. Agreement w/J Lilly for District Court Public Defense Services
- u. Agreement w/M Mendoza for District Court Public Defense Services
- v. Agreement w/A McKinley for District Court Public Defense Services
- w. Agreement w/M Poland for District Court Public Defense Services
- x. Agreement w/T Orosco for District Court Public Defense Services
- y. Agreement w/S Naccarato for District Court Public Defense Services
- z. Agreement w/R Hui for District Court Public Defense Services
- aa. Agreement w/A Ochs for District Court Public Defense Services
- bb. Agreement w/S Swanberg for Superior Court Public Defense Services
- cc. Agreement w/S Johnson for Superior Court Public Defense Services
- dd. Agreement w/S Ajax for Superior Court Public Defense Services
- ee. Agreement w/S Cornish for Superior Court Public Defense Services
- ff. Agreement w/A Tindell for Superior Court Public Defense Services
- gg. Agreement w/M Alexander for Superior Court Public Defense Services
- hh. Agreement w/Law Office Solutions, Inc for Transcription Services
- ii. Agreement w/Accurate Court Transcribers, LLC for Transcription Services
- jj. Agreement w/Pat Fleming for Transcription Services

Parks

- kk. Line Item Transfer, Fund No. 0000-101, Dept. 126

Personnel

- ll. Business Associate Agreement w/Washington Counties Insurance Fund

Public Works

- mm. Payment Authorization to Col Solare LLP; Rescinding Resolution 2013-581
- nn. Rescinding Resolution 2013-873 For Rental of John Deere From Rowand Machinery
- oo. Award of Run-Off Road & Intersection Safety Project to Tapani, Inc.
- pp. Interlocal Cooperative Agreement w/Kennewick Irrigation District to Obtain Quarry Rock
- qq. Interlocal Cooperative Agreement w/Columbia Irrigation district to Obtain Quarry Rock

- rr. Payment Authorization to Wondrack Distributing Inc for Gasoline & Diesel Fuel
- ss. Payment Authorization to Waltek II, Inc for Asphalt Testing on Sellards/Henson Road
- tt. Bid Authorization for Surfacing Materials
- uu. Payment Authorization to Tapani, Inc for Travis Road-Sellards to Henson Road Project
- vv. Bid Authorization for Crushing & Stockpiling 2014

Sheriff

- ww. Line Item Transfer, Fund No. 0000-101, Dept. 120
- xx. Amended Contract w/Columbia Industries Company for Document Destruction Services
- yy. Amended Contract w/DB Secure Shred, LLC for Document Destruction Services
- zz. Amended Agreement w/Thurston County for Jail Bed Space
- aaa. Memorandum of Understanding w/US Marshal for Joint Law Enforcement Operations
- bbb. Contract w/Consolidated Food Management, Inc. for Food Services at the Jail
- ccc. Contract Amendment w/Dr. Watson II MD-MBA for Inmate Physician Services
- ddd. Contract w/Tower Plaza Cleaners & Laundromat LLC for Dry Cleaning Services

Superior Court

- eee. 2014 Contribution of Insurance Benefits for Bi-County Non-Bargaining Employees

Sustainable Development

- fff. Contract w/Benton City Economic Development Council
- ggg. Contract w/Prosser Economic Development Association

Treasurer

- hhh. Benton County Debt Policy

WSU Cooperative

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

Superior Court

- jjj. CBA Agreement for Bailiffs

Public Hearing – Telephone Excise Tax Ordinance

DPA Ryan Brown presented the ordinance relating to the telephone excise tax amending the E911 to impose 70 cents on prepaid wireless communications phones. He said he spoke to the Department of Revenue and confirmed they would collect and administer the tax for the County however they were still working on the agreement for them to be able to do that.

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

Commissioner Delvin said this ordinance would bring fairness amongst the cell phones because there was an unfair advantage to those who did not pay the tax.

MOTION: Commissioner Beaver moved to approve the ordinance relating to a telephone excise tax and imposing an excise tax on the use of radio access lines by consumers whose retail transactions occurred within Benton County, as presented. Commissioner Delvin seconded and upon vote, the motion carried.

Fairgrounds Improvement Board Year Summary

R.J. Lott summarized the first year of the newly formed Fairgrounds Improvement Board. He said their primary duty was to provide recommendations for improvements to the facilities at the Fairgrounds. He briefly described six recommendations, unanimously agreed to as follows:

1. Website upgrade – separate from the Fair Association and would mimic what the Auditor currently had.
2. Increase in-town signage; main disadvantage was location – would increase visibility;
3. Parking lot beautification – tangible curb appeal;
4. Provide water to the south and east portions;
5. Install a public address system; even though most costly, would provide a way to address large crowds simultaneously to make emergency announcements.
6. Provide facility wide Wi-Fi for patrons and guests of the Fairgrounds.

David Sparks commented that the Fair Association had wanted to install the public address system for some time and it was possible they could put together an agreement with the Fair Association to address that.

MOTION: Commissioner Beaver moved to adopt the recommendations as presented by the Fairgrounds Improvement Board. Commissioner Delvin seconded and upon vote, the motion carried.

Initiative 502 – Recreational Marijuana - Workshop

Mike Shuttleworth presented a draft resolution addressing this issue and how it affected Benton County's existing zoning ordinances.

Ryan Brown said that Douglas County also adopted a similar resolution and the purpose was to eliminate the need for planning staff to try and explain the rules to the public. He said the resolution explained how it all applied and there would not be any verbal explanations that could be misconstrued; they would simply hand it out and tell them to talk to an attorney. Mr. Brown said the one concern he had was regarding the current zoning and allowance of conditional use permits for Rural Lands 5. He said the vast majority of land use litigation related to conditional use permits and the County would be better off if it was more black and white and not allow the Board of Adjustment to issue conditional use permits in the agriculture related industry. He said if the Board wanted to adopt the resolution, he recommend eliminating the language in paragraph 2 about issuing conditional use permits if it was defined as an "agricultural related industry".

Chairman Small expressed concern about proper notification to law enforcement on whether someone had a legitimate marijuana grow. Mr. Shuttleworth said that law enforcement, along with Public Works and the Health District would be informed anytime there was a permit filed.

MOTION: Commissioner Beaver moved to adopt the resolution with the amendment as recommended by the Prosecuting Attorney regarding conditional use permits. Commissioner Delvin seconded.

Discussion

Mr. Brown said if the Board wanted to eliminate the ag related conditional use permits, it would need to adopt an ordinance on that first; once that was passed then the Board could change the language in the resolution.

Commissioner Beaver withdrew his motion.

Commissioner Delvin suggested the Board pass the resolution “as is” for now so they had something in place and then start to change the ordinance.

MOTION: Commissioner Delvin moved to adopt the proposed resolution as presented for land use guidance regarding implementation of Initiative 502. Commissioner Beaver seconded and upon vote, the motion carried.

Commissioner Delvin asked staff to start working on the ordinance amendment. The Board agreed.

Bi-County Juvenile Operations Discussion

Commissioner Delvin said he had some concerns that things were not getting done; maintenance on the building had been delayed and Benton County usually paid for it. He suggested the Board discuss the Juvenile Operations becoming solely a Benton County operation and Franklin County would pay Benton County for use of that facility. He said he wanted to discuss the issue at the joint meeting. He said one approach would be the employees and the building itself would be Benton County but not necessarily the courts.

Commissioner Beaver said Juvenile was not the only bi-county arrangement the Board needed to look at but believed it was a good place to start. Chairman Small said they also needed to be aware of the assets and liabilities; he said he was also in favor of looking at the issue but thought starting with the Human Services Department would be easier since there were not any buildings to consider. Additionally, they currently had the issue of considering a lease for Crisis Response.

Other Business

Commissioner Delvin said the WSAC dates in Olympia were available and he planned to attend but encouraged the other board members to attend as well.

The Board briefly recessed, reconvening at 9:42 a.m.

Executive Session – Potential Litigation

The Board went into executive session at 9:42 a.m. for approximately 15 minutes with DPA Ryan Brown to discuss potential litigation. Also present were David Sparks, Cami McKenzie, Melina Wenner, and Loretta Smith Kelty. The Board came out 9:57 a.m. Mr. Brown said the

Board needed additional time up to 15 minutes. The Board came out at 10:10 a.m. Mr. Brown said the Board discussed potential litigation and took no action.

Vouchers

Check Date: 12/06/2013
Warrant #: 92497-92663
Total all funds: \$532,991.19

Check Date: 12/06/2013
Transfers #: 120601-120605
Total all funds: \$4,037.91

Check Date: 12/11/2013
P-Cards: #1213
Total all funds: \$183,392.29

Check Date: 12/13/2013
Transfers #: 121301-121313
Total all funds: \$298,902.49

Check Date: 12/13/2013
Warrant #: 92823-92921
Total all funds: \$487,521.63

Check Date: 12/13/2013
Warrant #: 92922-93092
Total all funds: \$4,221.49

Check Date: 12/16/2013
Payroll Draw Checks
Warrants #: 236625-236642
Direct Deposit #: 90192-90390
Total all funds: \$108,302.08

Check Date: 12/16/2013
Payroll Draw Deduction
Taxes #: 101131232
Total all funds: \$35,107.05

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

Resolutions

2013-898: 2013-2014 Amendment – Agreement Representing Bailiffs

- 2013-899: Interlocal Agreement w/Kitsap County for Purchase of Online Ballot Delivery Software
- 2013-900: Changing Precinct Boundaries Within Benton County
- 2013-901: Approval of Non-Bargaining General Increase of Wages for 2014
- 2013-902: Lease Agreement w/Benton-Franklin Fair Association for Benton County Fairgrounds
- 2013-903: Amended Contract w/Benton Franklin Fair Association for "South of the Rail"
- 2013-904: Contract w/WA St Department of Commerce for Emergency Solutions Grant
- 2013-905: Contract w/WA St Department of Commerce for Consolidated Homeless Grant
- 2013-906: Agreement w/Benton-Franklin Community Action Connections
- 2013-907: Line Item Transfer, Fund No. 0108-101, Dept. 568
- 2013-908: Purchase Authorization from Cerium Networks, Inc. for Video Upgrade Equipment
- 2013-909: Purchase Authorization from Cerium Networks, Inc. for Voice Upgrade Equipment
- 2013-910: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2013-911: Line Item Transfer, Fund No. 0115-101, Dept. 174
- 2013-912: Contract w/K Oldfield for Indigent Legal Representation
- 2013-913: Compensation Authorization for S Yedidia for Interpreter Services
- 2013-914: Agreement w/A Farabee for District Court Public Defense Services
- 2013-915: Agreement w/D Hickman for District Court Public Defense Services
- 2013-916: Agreement w/J Rodriguez for District Court Public Defense Services
- 2013-917: Agreement w/J Lilly for District Court Public Defense Services
- 2013-918: Agreement w/M Mendoza for District Court Public Defense Services
- 2013-919: Agreement w/A McKinley for District Court Public Defense Services
- 2013-920: Agreement w/M Poland for District Court Public Defense Services
- 2013-921: Agreement w/T Orosco for District Court Public Defense Services
- 2013-922: Agreement w/S Naccarato for District Court Public Defense Services
- 2013-923: Agreement w/R Hui for District Court Public Defense Services
- 2013-924: Agreement w/A Ochs for District Court Public Defense Services
- 2013-925: Agreement w/S Swanberg for Superior Court Public Defense Services
- 2013-926: Agreement w/S Johnson for Superior Court Public Defense Services
- 2013-927: Agreement w/S Ajax for Superior Court Public Defense Services
- 2013-928: Agreement w/S Cornish for Superior Court Public Defense Services
- 2013-929: Agreement w/A Tindell for Superior Court Public Defense Services
- 2013-930: Agreement w/M Alexander for Superior Court Public Defense Services
- 2013-931: Agreement w/Law Office Solutions, Inc for Transcription Services
- 2013-932: Agreement w/Accurate Court Transcribers, LLC for Transcription Services
- 2013-933: Agreement w/Pat Fleming for Transcription Services
- 2013-934: Line Item Transfer, Fund No. 0000-101, Dept. 126
- 2013-935: Business Associate Agreement w/Washington Counties Insurance Fund
- 2013-936: Payment Authorization to Col Solare LLP; Rescinding Resolution 2013-581
- 2013-937: Rescinding Resolution 2013-873 For Rental of John Deere From Rowand Machinery
- 2013-938: Award of Run-Off Road & Intersection Safety Project to Tapani, Inc.

- 2013-939: Interlocal Cooperative Agreement w/Kennewick Irrigation District to Obtain Quarry Rock
- 2013-940: Interlocal Cooperative Agreement w/Columbia Irrigation District to Obtain Quarry Rock
- 2013-941: Payment Authorization to Wondrack Distributing Inc for Gasoline & Diesel Fuel
- 2013-942: Payment Authorization to Waltek II, Inc for Asphalt Testing on Sellards/Henson Road
- 2013-943: Bid Authorization for Purchase of Surfacing Materials
- 2013-944: Payment Authorization to Tapani, Inc for Travis Road-Sellards to Henson Road Project
- 2013-945: Bid Authorization for Crushing & Stockpiling 2014
- 2013-946: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2013-947: Amended Contract w/Columbia Industries Company for Document Destruction Services
- 2013-948: Amended Contract w/DB Secure Shred, LLC for Document Destruction Services
- 2013-949: Amended Agreement w/Thurston County for Jail Bed Space
- 2013-950: Memorandum of Understanding w/US Marshal for Joint Law Enforcement Operations
- 2013-951: Contract w/Consolidated Food Management, Inc. for Food Services at the Jail
- 2013-952: Contract Amendment w/Dr. Watson II MD-MBA for Inmate Physician Services
- 2013-953: Contract w/Tower Plaza Cleaners & Laundromat LLC for Dry Cleaning Services
- 2013-954: 2014 Contribution of Insurance Benefits for Bi-County Non-Bargaining Employees
- 2013-955: Contract w/Benton City Economic Development Council
- 2013-956: Contract w/Prosser Economic Development Association
- 2013-957: Benton County Debt Policy
- 2013-958: Memorandum of Agreement w/Washington State University Extension
- 2013-959: Adoption of Ordinance 533 Relating to a Telephone Excise Tax
- 2013-960: In the Matter of Land Use Guidance Regarding Implementation of Initiative 502

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

Clerk of the Board

Chairman