

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, October 13, 2015, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Pro Tem Shon Small  
Commissioner James Beaver  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Absent:** Chairman Jerome Delvin (Vacation)

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy Administrator Loretta Smith Kelty; Adam Fyall, Sustainable Development Manager; County Engineer Matt Rasmussen; Planning Manager Mike Shuttleworth; DPA Ryan Brown; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; Karlee Ainsworth, Personnel; Clark Posey and Michelle Cooke, Planning Department; Taylor Ranger, Auditor's Office; Treasurer Duane Davidson.

#### Approval of Minutes

The Minutes of October 6, 2015 were approved.

#### Consent Agenda

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

#### Commissioners

- a. Lease Agreement w/Washington Idaho Construction Teamsters for Matheson Gravel Pit
- b. Revising Classification Description & Salary Schedule for Construction Manager Position
- c. Line Item Transfer, Fund No. 0305-101, Dept. 000
- d. Base and Object Code Budget Adjustment to Public Safety Tax Fund No. 0148-101, Depts. 120 & 121

#### Fairgrounds

- e. Purchase of New Holland Tractor from S & S Equipment, Inc.

#### Human Services

- f. Agreement w/Goodwill Industries for Developmental Disabilities Services
- g. Agreement w/Benton-Franklin Community Action Connections for Direct Public Services
- h. Agreement w/K Larsen for Community Prevention Coordinator
- i. Agreement w/J Dorsett for Community Prevention Coordinator

### **Information Technology**

- j. Purchase of Five Microsoft Surface Pro 3 Tablets From Southern Computer Warehouse
- k. Rescinding Resolution 2015-670 & Transfer of Funds Within Fund No. 0502-101, Dept. 000

### **Office of Public Defense**

- l. Compensation Authorization for A Farabee for District Court Public Defense Services
- m. Agreement w/K Page for District Court Public Defense Services

### **Personnel**

- n. Washington Counties Risk Pool Appointments & Designations
- o. Contract w/E Germain to Provide CPR Training to Employees
- p. Amended Contract w/Mid-Columbia Forklift, Inc. for Forklift Training & Certification
- q. Establishing Victim/Witness Supervisor Classification Description & Salary Grade

### **Public Works**

- r. Response to Petition for County Road Right-of-Way Vacation & Abandonment at Piert Road
- s. Purchase Authorization from Office Depot for Office Furnishings for Maintenance Facility
- t. Authorization to Solicit Proposals for Herbicide Spraying for County Roadways
- u. Purchase Agreement w/Envirotech Services for Deicer
- v. Purchase Agreement w/LTI, Inc. for Road Salt
- w. Purchase of Mower from Alamo Sales Corporation

### **Sheriff**

- x. Letter to Olympia Security Services, Inc. for Security Guard Services
- y. Amended Contract w/Cascade Engineering Services, Inc. for Radar & Speed Devices
- z. Amended Contract w/Mel's Inter City Collision, Inc. for Towing Services

### **Mental Health Court Update**

Jacki Lahtinen said up to this point they had been training and spending time with other courts to learn as much as possible about mental health court. She said they advertised for a full-time mental health court manager but ultimately decided not to hire from that group and then decided to advertise for a part-time position. She said they found a good candidate that was very well equipped to start a mental health court and they offered her the job but were in salary negotiation with her. She indicated she would bring the salary request to the Board next week to place at a salary above a "b" step.

Mr. Sparks stated that departments had authority to hire at an "a" or "b" step but anything above that required Board approval.

Commissioner Small said he was very excited and asked if Ms. Lahtinen could bring the salary request back at the 2:00 p.m. session so they could move ahead with the job offer. Commissioner Beaver agreed.

Ms. Lahtinen added they had been meeting with prosecutors and defense attorneys and sponsored a mental health class and were trying to educate others as well as learning. She said the next step was to get the person on board (they had office space to put her temporarily), build a budget, and put together policies and procedures. Mr. Sparks asked if Ms. Lahtinen would be doing the

administrative oversight on this employee and she indicated she would not and that it would probably be a District Court judge.

### **502 Retail Facilities Discussion**

Mike Shuttleworth said he was asked by Commissioner Small to discuss some options and new legislation regarding 502 retail facilities. He gave a Powerpoint presentation and discussed the following:

- Licensed Retailer Zoning
  - General Commercial
  - Community Commercial
  - Interchange Commercial
- SSSHB 2136 combined recreational with medical
- Liquor Board must reconsider and increase retail outlets to accommodate medical needs
- No limit set in updated WAC
- Benton County – Recently Approved License
- New application for retailers opens on Monday

Chairman Pro Tem Small said the Liquor Board sent the Board a letter in response to its request to reconsider an application but said it would not be taking it into consideration nor granting a hearing.

Commissioner Beaver suggesting putting that letter on the website so folks could see the State's response.

Chairman Pro Tem Small said in the beginning the Board took the advice of prosecutors and decided to just observe while others put in moratoriums. However, he said there were now three retail marijuana stores in Benton County and he believed that was enough. He said he wanted to put a moratorium on the retail applications and there were a lot of people out there opposed and he wanted to take a stand against this. He suggested putting a cease and desist for 30 days until Commissioner Delvin returned.

Commissioner Beaver said he wanted to wait and have that discussion when Commissioner Delvin returned before pulling the trigger. He said he understood where the citizens were coming from but they were also dealing with State law and nothing they did would supersede state law.

### **Adoption of 2016 Annual Road Program**

Matt Rasmussen presented the 2016 Annual Road Program for approval.

**MOTION:** Commissioner Beaver moved to approve the 2016 Annual Road Program as presented. Commissioner Small seconded and upon vote, the motion carried.

Chairman Pro Tem Small asked if they included the new mowers. Mr. Rasmussen said the new mower for Prosser was on the consent agenda and the one for Kennewick was in the one year road program.

### **Change Order w/Fowler General Construction for Kennewick Road Maintenance Facility**

Mr. Rasmussen said the project was approximately three weeks from completion but there were items to address as they got things wrapped up:

- Relocation of water piping – to complete the eye wash station - \$1,432.10
- Fueling system that was compatible with card readers - \$14,624.23

**MOTION:** Commissioner Beaver moved to approve change order number eight to the contract with Fowler General Construction. Chairman Pro Tem Small seconded and upon vote, the motion carried.

### **Other Business**

#### Emergency Services

Chairman Pro Tem Small said there was a new service agreement for emergency services and he gave it to the PA for their review. The question came up that it appeared Benton County was being treated like a renter and why was this coming up now when they had been part of this for 15 years. They didn't know the purpose, especially with the timing of MATRICS.

Chairman Pro Tem Small said for now it would be on hold and they only be looking at Pasco being a subscriber. Commissioner Beaver said he was not sure where this was coming from, whether it was the committee or city managers but he was tired of other entities trying to run Benton County.

#### Benton City Tower

Chairman Pro Tem Small said he was trying to keep the Board informed but it has been an issue for 2-3 years and the communications system in Benton City was getting worse and they had done everything and exhausted all avenues. He said he would bring it back next week but they had a critical incident a month ago and it needed to be addressed.

#### Superior Court

David Sparks said he asked IT to analyze the “zero cost” for the Superior Court computer program and the estimated conservative cost for the new program was \$360,000. He said it included computers, increased band width, bi-pin costs, and fiber costs and it could have huge impacts on the network. He said committees and others had been looking at this without coming to the Board and Franklin County was driving this issue. He said they did not currently have a bi-county budget for administration costs for Superior Court and there were potential liability risks with Franklin County storing their case management system on a system that was designed by Benton County.

Mr. Sparks said that he and Loretta Smith Kelty had a meeting scheduled tomorrow morning with Judge Swisher.

The Board said it would meet with Jacki Lahtinen at 2:00 p.m. to discuss the salary request for the mental health court manager.

The Board briefly recessed, reconvening 9:45 a.m.

### **Executive Session – 3<sup>rd</sup> Quarter Litigation Report**

The Board went into executive session at 9:45 a.m. for approximately 10 minutes to discuss pending litigation with DPA Ryan Brown. Also present were David Sparks, Cami McKenzie and Loretta Smith Kelty.

The Board came out at 9:55 a.m. Mr. Brown said the Board would go back into executive session for an additional five minutes. The Board came out at 9:59 a.m. Mr. Brown stated that no action was taken.

The Board recessed until 2:00 p.m.

### **Salary Request Statement – Mental Health Court Manager**

Jacki Lahtinen presented the salary request statement for placement of the Mental Health Court Manager.

**MOTION**: Commissioner Beaver moved to authorize placement up to \$33.09 per hour for the Mental Health Court Manager. Chairman Pro Tem Small seconded and upon vote, the motion carried.

### **Cancellation of Meetings**

Mr. Sparks requested the cancellation of the December 1 and December 29 meetings due to the holidays and that it did not allow Commissioners' staff ample time for preparing the agenda.

**MOTION**: Commissioner Beaver moved to cancel the meetings of December 1 and December 29. Chairman Pro Tem Small seconded and upon vote, the motion carried.

### **Executive Session – Pending Litigation**

The Board went into executive session at 2:02 p.m. for up to 45 minutes with DPA Ryan Brown and PA Andy Miller (via/video conference) to discuss pending litigation. Also present were David Sparks, Eric Hsu, Judge Katy Butler, Jacki Lahtinen, Loretta Smith Kelty and Cami McKenzie.

The Board came out at 2:35 p.m. Mr. Brown stated that no action was taken.

## **Vouchers**

Check Date: 10/05/2015

### Payroll Checks

Warrant #: 238966-239043

Direct Deposit #: 107871-108453

Total all funds: \$2,089,207.46

### Payroll Deductions/Transfers

Taxes #: 10115101-101151014

Total all funds: \$1,810,259.88

### Payroll Deductions/Warrants

Warrant #: 128839-128849

Total all funds: \$365,079.12

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

## **Resolutions**

- 2015-713: Lease Agreement w/Washington Idaho Construction Teamsters for Matheson Gravel Pit
- 2015-714: Revising Classification Description & Salary Schedule for Construction Manager Position
- 2015-715: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-716: Base and Object Code Budget Adjustment to Public Safety Tax Fund No. 0148-101, Depts. 120 & 121
- 2015-717: Purchase of New Holland Tractor from S & S Equipment, Inc.
- 2015-718: Agreement w/Goodwill Industries for Developmental Disabilities Services
- 2015-719: Agreement w/Benton-Franklin Community Action Connections for Direct Public Services
- 2015-720: Agreement w/K Larsen for Community Prevention Coordinator
- 2015-721: Agreement w/J Dorsett for Community Prevention Coordinator
- 2015-722: Purchase of Five Microsoft Surface Pro 3 Tablets From Southern Computer Warehouse
- 2015-723: Rescinding Resolution 2015-670 & Transfer of Funds Within Fund No. 0502-101, Dept. 000
- 2015-724: Compensation Authorization for A Farabee for District Court Public Defense Services
- 2015-725: Agreement w/K Page for District Court Public Defense Services
- 2015-726: Washington Counties Risk Pool Appointments & Designations
- 2015-727: Contract w/E Germain to Provide CPR Training to Employees
- 2015-728: Amended Contract w/Mid-Columbia Forklift, Inc. for Forklift Training & Certification
- 2015-729: Establishing Victim/Witness Supervisor Classification Description & Salary Grade

- 2015-730: Response to Petition for County Road Right-of-Way Vacation & Abandonment at Piert Road
- 2015-731: Purchase Authorization from Office Depot for Office Furnishings for Maintenance Facility
- 2015-732: Authorization to Solicit Proposals for Herbicide Spraying for County Roadways
- 2015-733: Purchase Agreement w/Envirotech Services for Deicer
- 2015-734: Purchase Agreement w/LTI, Inc. for Road Salt
- 2015-735: Purchase of Mower from Alamo Sales Corporation
- 2015-736: Amended Contract w/Cascade Engineering Services, Inc. for Radar & Speed Devices
- 2015-737: Amended Contract w/Mel's Inter City Collision, Inc. for Towing Services
- 2015-738: Approving the 2016 Benton County Annual Road Program
- 2015-739: Approving Change Order No. Eight (8) With Fowler General Construction for the Kennewick Road Maintenance Facility

There being no further business before the Board, the meeting adjourned at approximately 2:35 p.m.

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Clerk of the Board

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Chairman