

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, May 14, 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 Kely; 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; Jacki Lahtinen, District Court; Clerk Josie Delvin; Auditor Brenda Chilton; Sue Schuetze, Public Works; Erhiza Rivera and Nick Kooiker, Treasurer's Office; Clark Posey, Planning; Teri Holmes, Central Services; DPA Steve Hallstrom; Aileen Coverdell, Auditor's Office.

#### Approval of Minutes

The Minutes of May 7, 2013 were approved.

#### Agenda Review

Chairman Small requested to add agenda item "u" (Collective Bargaining Agreement – Road Department) to consent agenda.

Additionally, he said the scheduled discussion with WSU regarding Regional Tree Fruit was cancelled.

#### Consent Agenda

**MOTION:** Commissioner Delvin moved to approve the consent agenda items "a" through "t", adding "u" (CBA 2013 Between Teamsters and Road Department). Commissioner Beaver seconded and upon vote, the Board approved the following:

#### Animal Control

- a. Contract w/Tri-City Fence, Inc for Installation of Chain Link Fence

#### Commissioners

- b. Reappointment of L Bunch to the Benton-Franklin Workforce Development Council

- c. Reappointment of C Adrian to the Benton-Franklin Workforce Development Council
- d. Reappointment of C Freed to the Benton-Franklin Workforce Development Council
- e. Reappointment of N Moorer to the Benton-Franklin Workforce Development Council
- f. Reappointment of T Samuel to the Benton-Franklin Workforce Development Council
- g. Appointment of D Donley to the Benton-Franklin Workforce Development Council
- h. Appointment of G Gales to the Benton-Franklin Workforce Development Council

**Facilities**

- i. Contract w/Banlin Construction to Install New Window @ the Jail

**Fairgrounds**

- j. Line Item Transfer, Fund No. 0124-101, Dept. 000

**Human Services**

- k. Grant Agreement w/Elijah Family Homes for Rehabilitation Project Funding
- l. Grant Agreement w/Catholic Family & Child Service of the Tri-Cities for Rental Assistance

**Juvenile**

- m. Amended Contract w/Educational Services District 123

**Office of Public Defense**

- n. Termination of Superior Court Legal Financial Obligation Public Defense Contract w/J Azure
- o. Superior Court Indigent Defense Agreement w/S Henwood
- p. Superior Court Indigent Defense Agreement w/D Stovern

**Public Works**

- q. Lease Agreement w/L&M Truck Sales, Inc.
- r. Order & Agreement for the City of Prosser Franchise

**Sheriff**

- s. Amended Contract w/Bergstrom Aircraft, Inc. for Aircraft Maintenance & Repair
- t. Purchase Agreement w/Office Depot for Office Supplies

**Prosecuting Attorney**

- u. CBA – Teamsters and Road Department

**Public Hearing - Desert Winds Wireless Inc. – Franchise**

Sue Schuetze presented the application by Desert Winds Wireless Inc. to create a new utility franchise order and agreement. She said that Public Works recommended approval of the creation of a franchise order and agreement with Desert Winds Wireless, Inc. subject to the six listed conditions.

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

**MOTION:** Commissioner Delvin moved to approve with the franchise application filed by Desert Winds Wireless, Inc. subject to the six listed conditions in the Engineer’s report. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

## **Public Hearing - Ordinance Amendment Relating to Public Records**

DPA Ryan Lukson via video conference presented the ordinance amendment relating to public records. He said the amendment would update statutory references and some practices and would clean up the ordinance overall.

### **Public Testimony**

Jim Wade said he didn't have any problem as long as it stayed as it should according to law relating to verbal requests.

Commissioner Beaver said the Board could not make any changes that superseded state law.

Mr. Lukson said basically it updated the code to document any verbal requests so the county could track those and get them done in a timely manner.

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

**MOTION:** Commissioner Beaver moved to approve the ordinance amendment relating to public records as presented. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

## **Benton County Groundwater Discussion**

Commissioner Delvin said there was a groundwater task force and their purpose was to come up with an MOU on groundwater management. He said he asked Darryll Olsen to propose an alternative to this process or recommend the Board approve the MOU.

Mr. Olsen, Water Conservancy Board Chairman, said he talked with the Conservancy Board and Mark Nielsen, Conservation District, and they were recommending the Commissioners support a policy they think would be very high level. It could follow existing water code, emphasize using existing programs in place, and try to get away from the regulatory over-burden this would create. He said they felt there was enough regulation already in water policy and they attempted to address those high level pieces. Additionally, the exempt wells were so small in the basin it was extremely difficult to measure and try to sort this out. Instead, if the real concern was on the Yakima, they should pay attention to inefficiencies in the basin and look at conservation and use existing tools and give credit to the exempt wells and to additional measures. That way they would be addressing real concerns for Ecology by focusing on doing something that would get more bang for the buck. He said there was nothing wrong with the Commission going to the legislation to ask for money to help with the problems and take it to the Governor's office and say this was a better model.

Commissioner Beaver said he appreciated the presentation and expressed his concern about Ecology regulating and trying to make more money with this program. He was in agreement with the concept and suggested Mr. Fyall meet with Mr. Olsen and look at drafting something up to approve.

Commissioner Delvin said he was concerned that if they didn't have a prepared response to the MOU, there would be something dropped on the County by some organization. He said they should have a response ready and show some alternatives.

The Board said it was in agreement with moving forward on a draft preferred alternative and discussing it further at the special meeting on May 15, 2013 at the Justice Center.

### **Benton County Jail – Mental Health Enhancements – Pilot Program Discussion**

Ed Thornbrugh said he had been involved in discussion with leaders and chaplaincy in the Benton County Jail to focus on mental health enhancements in the jail. He said they had talked about what they could do with available resources and who the partners should be. He said the goal was improve access to a trained prescriber in psychiatry, to move seriously mental ill inmates from booking to release and more accurately monitor and offset costs for prescriptions. He said it was their goal to see a reduction in suicide attempts and completions, minimize the use of extreme measures and the safety cell, and the number of days per event. These reductions would also reduce the number of days for officers on suicide watch. Additionally, they wanted to see if they could identify those high risk individuals and reduce costs associated with malingering (exaggerating the level of mental illness to get the use of prescriptions).

Mr. Thornbrugh proposed publishing an RFQ for a qualified prescriber trained in psychiatry and preparing a contract with them for part time medical services. Additionally, he wanted to move forward with adding a mental health resource person who was assigned to the jail team and use current resources for funding this and funding unreimbursed costs for psychotropic medication.

The Board agreed to move forward.

### **Update - Interfund Loan to Treasurer's Investment Pool Fund**

Nick Kooiker said the Board authorized a transfer of funds from the Treasurer's O & M fund to the Investment Pool to purchase new software in the amount of \$70,000. Since August, 2012 they had collected \$38,000 in fees and it was their goal to pay back the loan in the biennial but that it should be paid back by the end of 2013.

### **Animal Control Update**

Keith Mercer updated the Board on the Animal Control Department. He gave statistics on dogs that were adopted, that died in the facility, were returned to owners, transferred out, or euthanized. He stated the dogs were euthanized only if it was medically necessary or the animal was deemed dangerous or potentially dangerous. Additionally, Mr. Mercer talked about the average length of stay in the facility and said in 2011 it was 43.5 days, 2012 it was 26.1 days, and in 2013 only 8.1 days. He said their target for length of stay was 20 days and they attributed part of their success to transferring out dogs to no kill shelters and adoptions. He said they offered and encouraged a trial adoption for seven days for potential owners to see if the dog was a good fit for their family. Additionally, trial adoptions provided good information on the dog to be used if the dog came back (whether it was housetrained, got along with cats, children, etc.).

### **Solid Waste - Grant De-Obligation**

Steve Becken said the County received a grant from the Department of Ecology for the purpose of purchasing property for siting a Moderate Risk Waste Facility. Additionally, they received a proposed amendment that would change the scope of the grant from purchasing a site to conducting a siting survey and authorizing equipment purchases for the compost facility at the Horn Rapids Landfill. This would involve some changes from the original grant agreement since the City of Richland would be purchasing the equipment. He said they met with the City of Richland and agreed it would be best to request de-obligation of the grant funds, which would allow DOE and the City of Richland to enter into a separate agreement for purchase of equipment.

Mr. Becken requested the Board sign a letter to the Department of Ecology requesting de-obligation of that grant.

**MOTION:** Commissioner Beaver moved to approve the letter to the Department of Ecology requesting de-obligation of Grant No. G1300017. Commissioner Delvin seconded and upon vote, the motion carried.

### **Public Works - Kennewick Shop Discussion**

Steve Becken provided a report on the proposed new Kennewick shop. He said that various sites were reviewed, water studies were complete, and the County purchased a 10-acre site in 2008 on land known as the Wisser property that met all the needs (domestic water and utilities were available). He said they were requesting authorization to submit a Request for Qualifications to allow them to select an architect to design a new shop at the Wisser location. Mr. Sparks said they were looking for authorization to engage an architect so the Board could evaluate the total cost and design.

Mr. Becken said they originally had \$2 million in ER&R funds they were going to use for the new shop, however, more than anticipated vehicles were going to be purchased and they now estimated conservatively they had \$1,250,000 to \$1,500,000 available in funds to build a shop.

Chairman Small said he wanted to make sure they wouldn't be asking to build a shop that it didn't have funds for. Mr. Becken stated that if the cost to build was more than funds available, they wouldn't move forward at this time.

Commissioner Delvin asked if they would need to add fuel tanks and Mr. Becken said he didn't think they would need them; additionally, there was a Pacific Pride business close to the site. Commissioner Beaver asked if they had talked to the school district about this issue. Mr. Becken said they had not at this time, but they knew the County owned the property. Commissioner Beaver said he thought it would be a good idea to meet with the school district as they went along in the process.

David Sparks stated the County already owned the property, it was centrally located to the areas that Benton County needed access to, and they had already done a good job of analyzing the

sites. He agreed it was a good idea to talk with the school district since an elementary school was located right next to the property.

The Board agreed that Public Works should talk to the school district and bring back the RFQ for approval.

### **Unscheduled Visitors**

Jim Wade said he previously talked to the Board about moving the grandstands for the Horse Racing and was disappointed they were not moved when he was told they would be moved. He said he hoped in the future the Board would have better communication with the Fair Association.

Chairman Small said that once the issue was brought forward, the County Administrator met with the Fair Association regarding this issue. Mr. Sparks said this was the first year the Fair Association put on the horse racing and felt there was room for improvement with communication. He said that maybe next year they could be more involved so they could accommodate the horse racing group.

### **Commissioner Assignment Update**

Commissioner Beaver said he met with some constituents in Kennewick, attended the car show in downtown Kennewick, attended a short elected officials meeting, and had a conversation with the Port of Kennewick about the upcoming election for Port Commissioners.

Commissioner Delvin said he attended the employee recognition at Ben Franklin Transit, the WSAC Board of Directors meeting, the Transit meeting and public employee recognition event in Kennewick.

Chairman Small presented a certificate of good practice issued by the County Road Administration Board to Steve Becken .

Commissioner Beaver said he wanted to attend the ECA Peer Exchange on June 3 & 4 in Idaho Falls, Idaho. Additionally, he said it was fully reimbursed by the ECA.

**MOTION:** Commissioner Small moved to approve Commissioner Beaver's travel for ECA as requested. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

David Sparks said there was a request from the City of Richland for support on the Duportail bridge project. Mr. Sparks said it would be on the consent agenda the following week.

The Board briefly recessed, reconvening at 10:39 a.m.

## **Executive Session – Potential Litigation**

The Board went into executive session at 10:39 a.m. with DPA Steve Hallstrom for approximately 15 minutes to discuss potential litigation regarding a personnel matter. Also present were Ryan Brown, Loretta Smith Kelty, David Sparks, Cami McKenzie, and Melina Wenner. The Board came out at 10:49 a.m. No decisions were made in executive session.

## **Vouchers**

Check Date: 5/10/2013  
Transfers #: 05050513, 010105131-010105133, 050205131-050505136  
Total all funds: \$360,704.94

Check Date: 05/10/2013  
Warrant #: 80335-80512  
Total all funds: \$1,575,883.60

Check Date: 05/09/2013  
Procurement Cards #: 0513  
Total all funds: \$155,236.77  
Total amounts approved by fund can be reviewed in the Benton County Auditor's Office.

## **Resolutions**

- 2013-363: Contract w/Tri-City Fence, Inc. for Installation of Chain Link Fence
- 2013-364: Reappointment of L Bunch to the Benton-Franklin Workforce Development Council
- 2013-365: Reappointment of C Adrian to the Benton-Franklin Workforce Development Council
- 2013-366: Reappointment of C Freed to the Benton-Franklin Workforce Development Council
- 2013-367: Reappointment of N Moorer to the Benton-Franklin Workforce Development Council
- 2013-368: Reappointment of T Samuel to the Benton-Franklin Workforce Development Council
- 2013-369: Appointment of D Donley to the Benton-Franklin Workforce Development Council
- 2013-370: Appointment of G Gales to the Benton-Franklin Workforce Development Council
- 2013-371: Contract w/Banlin Construction to Install New Window @ the Jail
- 2013-372: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2013-373: Grant Agreement w/Elijah Family Homes for Rehabilitation Project Funding
- 2013-374: Grant Agreement w/Catholic Family & Child Service of the Tri-Cities for Rental Assistance
- 2013-375: Amended Contract w/Educational Services District 123
- 2013-376: Termination of Superior Court Legal Financial Obligation Public Defense Contract w/J Azure

- 2013-377: Superior Court Indigent Defense Agreement w/S Henwood
- 2013-378: Superior Court Indigent Defense Agreement w/D Stovern
- 2013-379: Lease Agreement w/L&M Truck Sales, Inc.
- 2013-380: Order & Agreement for the City of Prosser Franchise
- 2013-381: Amended Contract w/Bergstrom Aircraft, Inc. for Aircraft Maintenance & Repair
- 2013-382: Purchase Agreement w/Office Depot for Office Supplies
- 2013-383: CBA – Teamsters and Road Department
- 2013-384: Adoption of Ordinance 526 Relating to Public Records

There being no further business before the Board, the meeting adjourned at approximately 10:50 a.m.

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Clerk of the Board

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Chairman