

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, January 10, 2012, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Shon Small
Commissioner Leo Bowman
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; RJ Lott, Planning; Clerk Josie Delvin; Jacki Lahtinen, District Court; Rosie Sparks, Auditor's Office; Treasurer Duane Davidson; Sue Schuetze, Public Works; Pat Powell, Auditor's Office; DPA Ryan Brown; Nick Kooiker and Erhiza Rivera, Treasurer's Office.

Approval of Minutes

The Minutes of December 20, 2011 were approved.

Review Agenda

Chairman Beaver said there was a request to add "kk" (Certifying Budgeted Taxes for Collection in 2012 – Rescinding 11-755) to the consent agenda.

Consent Agenda

MOTION: Commissioner Small moved to approve the consent agenda items "a" through "kk". Commissioner Bowman seconded and requested item "i" be discussed.

Discussion

Commissioner Small said it was his original understanding this would take care of the emergency radio issue for "dead spots" in the Benton City area. However, the \$3,300 was actually for consulting services to test the low or dead spots but did not actually fix the problem.

Upon vote, the Board approved the following:

Animal Control

- a. Contract w/Vista Veterinary Hospital for Veterinarian Medical Services
- b. Contract w/S Morris Company for As Needed Pet Cremation Services

Auditor

- c. Cancellation of Unclaimed Warrants
- d. Surplus of Personal Property
- e. Surplus of Personal Property

Clerk

- f. Personal Services Agreement w/M Dolven for Family Law Court Facilitator Services

Commissioners

- g. Letter to WA State Liquor Control Board
- h. Canvassing Board Appointment
- i. Line Item Transfer, Fund No. 0305-101, Dept 000

Facilities

- j. Contract w/Apollo Sheet Metal, Inc. for Replacement of Boiler Sequencing Panels
- k. Contract w/Industrial Equipment Solution, Inc. for Door Installation and Repair

Fairgrounds

- l. Lease Agreement w/Atomic City Rollergirls
- m. Contract w/R.W. Cox Drilling, LLP for Plumbing, Electrical & Welding Services

Human Services

- n. Agreement w/Lourdes Counseling Center; Rescinding Resolution No. 11-768
- o. Grant Agreement w/Domestic Violence Services to Modify 2060 Funds Project Budget
- p. Agreement w/Domestic Violence Services to Fund Housing & Shelter Program
- q. Reappointment of C Eaton to the BF Counties Substance Abuse Administrative Board
- r. Reappointment of T Adams to the BF Counties Mental Health Advisory Board
- s. Reappointment of B Dubois to the BF Counties Mental Health Advisory Board
- t. Reappointment of C Latorre to the BF Counties Mental Health Advisory Board
- u. Line Item Transfer, Fund No. 0108-101, Dept. 564

Juvenile

- v. Interpreter Services Contract w/M Rudeen
- w. Civil Defense Panel Attorney Agreement w/D Campbell
- x. Contract w/City of Benton City for Graffiti Abatement Program
- y. Contract Amendment w/Aramark Correctional Services for Detention Food Services
- z. Contract w/Apollo Sheet Metal for Heat & Air Conditioner Unit Supplier

Office of Public Defense

- aa. Superior Court Indigent Defense Agreement w/S Silverthorn
- bb. Superior Court Indigent Defense Agreement w/S Ajax
- cc. Superior Court Indigent Defense Agreement w/S Mendoza, Jr.
- dd. Superior Court Indigent Defense Agreement w/N Rodriguez
- ee. Superior Court Indigent Defense Agreement w/S Johnson
- ff. Compensation Authorization to District Court Indigent Defense Attorney J Celski
- gg. Terminating District Court Indigent Defense Contract for Attorney J Celski

Parks

- hh. Line Item Transfer, Funds No. 0110-102, Dept. 000

Personnel

- ii. Contract w/Local Gov U for Online Safety Training Services

Public Works

- jj. Bid Award for Purchase of Diesel Powered Truck Cab, Chassis and Utility Box

Commissioners

- kk. Certifying Budgeted Taxes for Collection in 2012 – Rescinding 11-755

The Board briefly recessed, reconvening at 9:05 a.m.

Executive Session – Pending Litigation

The Board went into executive session at 9:05 a.m. for up to 15 minutes to discuss pending litigation with special counsel Ken Miller via telephone conference. Also present were David Sparks, Loretta Smith Kelty, Cami McKenzie, and Melina Wenner. The Board came out at 9:20 a.m. and announced it needed up to another five minutes. The Board came out of executive session at 9:23 a.m. Mr. Sparks said that direction was given and the Board took no action.

Public Hearing – Ordinance Amendment – Collection Fee

Clerk Josie Delvin said the ordinance amendment would allow for collection of fines imposed in juvenile criminal cases, as well as the adult criminal cases.

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

MOTION: Commissioner Bowman moved to approve the ordinance amending Ordinance 354 relating to collection costs for legal financial obligations in Superior Court. Commissioner Small seconded and upon vote, the motion carried unanimously.

Public Hearing – Northwest Open Access Network – Application for Franchise

Sue Schuetze presented the application for franchise by Northwest Open Access Network and said it was her recommendation to approve the application.

Testimony

Brad Langdell, Burbank, applicant, spoke in favor and said he was proposing to build telecommunication systems to public facilities and tie the PUD's together.

As no one else was present to testify, the public hearing was closed.

MOTION: Commissioner Small moved to approve the franchise as proposed for by Northwest Open Access Network (NOANET), with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Public Hearing - Voluntary Stewardship Program

Mike Shuttleworth said the Planning Commission completed its open record hearing to consider the voluntary stewardship program and voted to recommend the County "Opt In" to the program. In order for the County to participate in the voluntary stewardship program the County must adopt an ordinance or resolution by January 22, 2012, that:

- (i) Elects to have the County participate in the voluntary stewardship program;
- (ii) Identifies the watersheds that will participate in the voluntary stewardship program; and
- (iii) Nominates watersheds for consideration by the commission as state priority watersheds.

He said the public hearing was to decide whether to opt into the program and this would apply only to agricultural areas.

Mr. Shuttleworth also entered into the record new information that came after the staff report was provided to the Board. He submitted the following items into the record:

- CCH 1.1 Letter from Radphord-Leon Howard, Sr. dated December 30, 2011
- CCH 1.2 Letter from Radphord-Leon Howard, Sr. and Diana Howard December 30, 2011
- CCH 1.3 Letter from Steve Thonney dated January 3, 2012
- CCH 1.4 Letter from Benton County Assn. Of Wheat Growers dated January 3, 2012

Testimony

Teri Burkhardt, Prosser, Washington Wheat Growers and member of Benton County Farm Bureau spoke in favor. She said they submitted letters to the Board, met with the Planning Commission, and were in favor of opting in to the voluntary stewardship program. She said it would benefit the agricultural producers and wanted to include the entire county as one watershed and not three entities.

Dan Downs, Benton City, President of Benton County Cattlemen's Association and Supervisor for Benton Conversation District, said both associations were in favor. He said it was in the best interests of the agricultural community and urged the Board to adopt.

Rebecca Cook, Prosser, private property owner, said she was concerned about this proposal. She said she could see issues on both sides but property belonged to the people and the more the property owners allowed it to be legislated and controlled by others, the less control the property owner had. She also said she was troubled that the committee overseeing the program was comprised only of one-quarter property owners.

Don Jacobs, Ellensburg, WA, Field Services Manager for Farm Bureau, said he wanted to encourage the Board to approve adoption. He said this was a priority issue for the Farm Bureau to encourage counties to adopt and it gave the counties control and would not be appealable by third parties.

David Pearson, Prosser, representing Benton County Farm Bureau, said he was asking the Board to opt into the voluntary stewardship program. Additionally, they supported including all watersheds in the county and to follow the Planning Commission's findings.

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

Commissioner Bowman asked Mr. Shuttleworth about Ms. Cook's concern regarding committee appointments and Mr. Shuttleworth replied that she was talking about the State committee, not local committee.

MOTION: Commissioner Bowman move to adopt the Planning Commissions' recommendations, findings and conclusions as follows:

1. Benton County elects to participate in the Voluntary Stewardship Program as provided in RCW 36.70A.
2. Benton County identifies the Lower Yakima Watershed, the Alkai-Squilchuck watershed and the Rock-Glade Watershed within Benton County for participation in the Voluntary Stewardship Program.
3. That the Lower Yakima Watershed, The Rock Glade Watershed and the Alkai-Squilchuck Watershed are nominated for consideration by the State Conservation Commission as State Priority Watersheds.
4. Benton County will proceed under ESHB 1886 to implement the requirements of the Voluntary Stewardship Program provided adequate funding is provided by the State.

Commissioner Small seconded.

Discussion

Commissioner Small said there had been hundreds of hours working on this issue and that he personally was involved, in addition to talking with legislators. He commented that Washington State produced \$38 billion in agriculture with \$½ billion going up and down Travis Road. Additionally, whether the County decided to opt in or not, it still had to address critical areas and this allowed the landowners to be involved.

Commissioner Bowman commented on the language in the work plan that stated the County was not forcing the farmer to do anything he/she didn't want to do, other than what was State mandated. He said if the County could protect from third party lawsuits then it was good for the citizens, the community, and the farmer.

Chairman Beaver thanked the Planning Department for its work on the public hearings and said if the County didn't remain involved in the things that affected it, then the state or federal government would do it for us.

Upon vote, the motion carried unanimously.

Mr. Shuttleworth said they would send the resolution to the State and then it would wait for funding. He said they would still have to look at the critical areas ordinance as it applied to everything except agricultural uses.

SUB 11-02 Plat of Cottonwood Commercial Plaza

Mike Shuttleworth presented the preliminary plat application of Cottonwood Commercial Plaza. He said it was a closed record meeting to make a decision based on the record by the Planning Commission. He said this subdivision consisted of 36.89 acres to be divided into 13 Interchange Commercial Zoned lots and that it was currently developed but still needed utilities.

MOTION: Commissioner Small moved to approve the recommendations, findings and conclusions of the Planning Commission as their own and approve the preliminary plat of Cottonwood Commercial Plaza – SUB 11-02 with conditions. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Affordable Housing Fund Recommendations

Ed Thornbrugh gave a Powerpoint presentation on the recommendations of the Steering Committee regarding the potential awards to applicants for 2012. He said if the plan were approved, the individual awards would still come before the Board for final approval.

MOTION: Commissioner Bowman moved to approve the recommendations of the steering committee and direct the Human Services Administrator to begin the grant agreement process. Commissioner Small seconded and upon vote, the motion carried unanimously.

Treasurer Investment Pool – Request for Public Hearing

Loretta Smith Kelty requested authorization to go to public hearing to establish a budget for the Treasurer Investment Pool. The fund was initially established but a budget was not adopted.

MOTION: Commissioner Small moved to go to public hearing to adopt a budget for the Treasurer Investment Pool. Commissioner Bowman seconded and upon vote the motion carried unanimously.

Commissioner Assignment Update

State Audit – Exit Conference

Commissioner Bowman reported on the exit conference by the State Auditor and said it was the best audit that he could remember since becoming a Commissioner.

Letter from GFOA

Commissioner Bowman said the County received a letter from GFOA stating that Benton County qualified for a certificate of excellence in reporting for its Comprehensive Annual Financial Plan and he looked forward to Benton County receiving another certificate.

Additionally, Commissioner Bowman reported on his attendance at the West Richland Chamber Retreat and Sheriff's PARSTAT meeting. Also, he commented on the FAA shutdown and the temporary extension that would sunset on Jan. 31, 2012.

RSN Reduction Issue

Commissioner Small asked Ed Thornbrugh to discuss the RSN alignment issue regarding a state reduction of RSN's from 11 to 6. Mr. Thornbrugh said there was an opportunity to have conversations with other counties to partner and join our RSN and wanted to know if the Board was in favor of that. Chairman Beaver said he wanted to know if the other counties were capable of paying and whether or not the County should know their financial position; he said he wanted to be cautious about partnership opportunities.

Mr. Thornbrugh said the function of the RSN was to distribute money coming in from the state/federal level and it would not affect Benton County funds; there would be more money received into the GCBH. He said they were just looking for a venue to start dialogue regarding a possible partnership. Mr. Sparks said it was a good idea to look at financials. Commissioner Bowman said he was not opposed, but wanted to know what was in the County's best interest. The Board agreed.

McWhorter Ranch

Commissioner Small asked about what was going on at the McWhorter Ranch. Commissioner Bowman said there was a concern who was going to own that land; the State was interested in buying it and they were soliciting Benton County's support.

Workshop – Commissioner Goals/Objectives

Chairman Beaver requested the Board have a workshop to discuss Commissioner goals and objectives and asked the board members to work with David on a possible date. Additionally, he said that Yakima and Kittitas Counties would be approaching Benton County for funding for the watershed program in the basin and that should be discussed.

Mid Columbia Building Appeals – Appointments

The Board discussed the request to make appointment for the Mid-Columbia Building Appeals Board. Mr. Shuttleworth said he would research that issue and advise the Board what the County's role was.

Unscheduled Visitors

Veterans' Assistance Fund

Pat Powell presented a waiver request for Douglas Vawter for the Veterans Assistance Fund.

MOTION: Commissioner Bowman moved to approve the Veterans' Assistance Fund Wavier Request for Douglas Vawter as presented. Commissioner Small seconded and upon vote, the motion carried unanimously.

Vouchers

Check Date: 12/02/2011
Warrant #: 46769-47090
Total all funds: \$230,784.43

Check Date: 12/22/2011
Warrant #: 48068-48398
Taxes #: 01161211
Total all funds: \$723,005.21

Check Date: 12/30/2011
Taxes #: 010112112
Warrant #: 48615-48805
Total all funds: \$885,160.38

Check Date: 01/03/2012
Warrant #: 48806-49104
Total all funds: \$6,927.01

Check Date: 01/05/2012
Taxes #: 10112011-10112013
Warrant #: 49131-49153
Total all funds: \$1,954,297.35

Check Date: 01/05/2012
Warrant #: 233446-233558
Direct Deposit #: 70231-70828
Total all funds: \$2,157,135.61

Check Date: 01/06/2012
Warrant #: 49154-49299
Total all funds: \$487,902.41

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

Resolutions

- 2012-001 Contract w/Vista Veterinary Hospital for Veterinarian Medical Services
- 2012-002 Contract w/S Morris Company for As Needed Pet Cremation Services
- 2012-003 Cancellation of Unclaimed Warrants
- 2012-004 Surplus of Personal Property - Jenga Games
- 2012-005 Surplus of Personal Property
- 2012-006 Personal Services Agreement w/M Dolven for Family Law Court Facilitator Services
- 2012-007 Line Item Transfer, Fund No. 0305-101, Dept 000
- 2012-008 Contract w/Apollo Sheet Metal, Inc. for Replacement of Boiler Sequencing Panels
- 2012-009 Contract w/Industrial Equipment Solution, Inc. for Door Installation and Repair
- 2012-010 Lease Agreement w/Atomic City Rollergirls
- 2012-011 Contract w/R.W. Cox Drilling, LLP for Plumbing, Electrical & Welding Services
- 2012-012 Agreement w/Lourdes Counseling Center; Rescinding Resolution No. 11-768
- 2012-013 Grant Agreement w/Domestic Violence Services to Modify 2060 Funds Project Budget
- 2012-014 Agreement w/Domestic Violence Services to Fund Housing & Shelter Program
- 2012-015 Reappointment of C Eaton to the BF Counties Substance Abuse Administrative Board
- 2012-016 Reappointment of T Adams to the BF Counties Mental Health Advisory Board
- 2012-017 Reappointment of T Adams to the BF Counties Mental Health Advisory Board (Duplicate – Rescinded)
- 2012-018 Reappointment of B Dubois to the BF Counties Mental Health Advisory Board
- 2012-019 Reappointment of C Latorre to the BF Counties Mental Health Advisory Board
- 2012-020 Line Item Transfer, Fund No. 0108-101, Dept. 564
- 2012-021 Interpreter Services Contract w/M Rudeen
- 2012-022 Civil Defense Panel Attorney Agreement w/D Campbell
- 2012-023 Contract w/City of Benton City for Graffiti Abatement Program
- 2012-024 Contract Amendment w/Aramark Correctional Services for Detention Food Services
- 2012-025 Contract w/Apollo Sheet Metal for Heat & Air Conditioner Unit Supplier
- 2012-026 Superior Court Indigent Defense Agreement w/S Silverthorn
- 2012-027 Superior Court Indigent Defense Agreement w/S Ajax
- 2012-028 Superior Court Indigent Defense Agreement w/S Mendoza, Jr.
- 2012-029 Superior Court Indigent Defense Agreement w/N Rodriguez
- 2012-030 Superior Court Indigent Defense Agreement w/S Johnson
- 2012-031 Compensation Authorization to District Court Indigent Defense Attorney J Celski
- 2012-032 Terminating District Court Indigent Defense Contract for Attorney J Celski
- 2012-033 Line Item Transfer, Funds No. 0110-102, Dept. 000
- 2012-034 Contract w/Local Gov U for Online Safety Training Services
- 2012-035 Bid Award for Purchase of Diesel Powered Truck Cab, Chassis and Utility Box
- 2012-036 Certifying Budgeted Taxes for Collection in 2012 – Rescinding 11-755
- 2012-037 Adoption of Ordinance Relating to Collection Costs for Legal Financial Obligations in Superior Court

- 2012-038 Electing to Participate in the Voluntary Stewardship Program as Provided in RCW 36.70A
- 2012-039 Approval of Preliminary Plat Application of Cottonwood Commercial Plaza – File SUB 11-02

There being no further business before the Board, the meeting adjourned at approximately at 10:51 a.m.

Clerk of the Board

Chairman