

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, August 6, 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; Superior Court Administrator Pat Austin; PA Andy Miller; Teri Holmes and Bob Woody, Central Services; Undersheriff Jerry Hatcher; Lt. Charles Jones.

#### Approval of Minutes

The Minutes of July 20, 2013 were approved.

#### Consent Agenda

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

#### Clerk

- a. Line Item Transfer, Fund No. 0000-101, Dept. 106

#### Facilities

- b. Contract w/Fire Systems West, Inc. to Provide Fire Alarm System Inspections

#### Fairgrounds

- c. Line Item Transfer, Fund No. 0124-101, Dept. 000
- d. Payment Authorization to Apollo Heating & Air for Furnace Repair

#### Human Services

- e. Program Agreement w/DSHS; Developmental Disabilities Administration
- f. Contract w/First Step Community Counseling Services, LLC for Community Connect Event

#### Juvenile

- g. Program Agreement w/DSHS for WA St Aggression Replacement Training Consultation

h. Agreement w/St of WA Administrative Office of the Courts for Becca Services

**Prosecuting Attorney**

i. Settlement Agreement w/B Lawrence and Sundown Training Center

**Public Works**

j. Order & Agreement for Wyckoff Farms, Inc. Franchise

k. Right of Way Acquisition from Col Solare LLP

l. Bid Award to Stripe Rite, Inc for Pavement Marking

m. Contract w/Doors & Specialties Installers, llc for Door Repair/Replacement

n. Authorization to Pay Maintenance Fees to Cascade Software Systems

**WA Counties Risk Pool Annual Report**

David Goldsmith and Veryle Hill gave a Powerpoint presentation for the 2012 Annual Report and briefly highlighted the following:

- Mission Statement
- What They Offer
  - Third Party Liability (Casualty) Program
  - Property Program (Commercially Insured Member Option)
  - Member Option (for Crime, Environmental, Public Officials Bonds and Special Events)
- No increase in rates to the pool
- Governing Structure
- Claim Activity - claims going down
- Risk Management-Loss Control Resources
- Financial Highlights

Mr. Goldsmith commented the pool was in its 25<sup>th</sup> year and as strong as it had ever been.

He then presented the Silver Anniversary Golden Dragon Award to Benton County. He said the Golden Dragon went to the County with the least amount of loss (combined loss ratio) and then took the ratio for 25 years (in 4 categories and 26 counties) and Benton County received the award.

**Registered Sex Offender Address & Residency Program – Grant Discussion**

Lt. Jones said the Sheriff's office currently operated under this grant and had been awarded one each year since 2009. He said they were once again awarded in the amount of \$133,788.55 to participate in the FY 2013 Registered Sex Offender Address and Residency Program.

**MOTION:** Commissioner Beaver moved to approve the resolution and agreement between the Washington Association of Sheriffs and Police Chiefs and Benton County for the FY 2013 Registered Sex Offender Address and Residency Verification Program Award in the amount of \$133,788.55. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

## **Citizens' Advisory Committee Presentation – Criminal Justice Sales Tax**

Eric Hsu, Chair of the Benton County Law & Justice Council, introduced Richard Nordgren as lead of the Citizens' Advisory Committee and said he would present the findings of the committee.

Mr. Nordgren said they had been meeting since last September to review the criminal justice system to determine if the resources available were adequate to perform the mission and duties of the departments and if not adequate, to determine if it would recommend a sales tax increase for the criminal justice sales tax. He presented written findings, but summarized as follows:

He said the good news was the Committee found that since the mid-1990's crime in Benton County had been dropping in aggregate and at the same time the population had increased. He said that overall the trend was down, although not even or steady and not every jurisdiction had experienced the same level of decrease. He said the bad news was that many departments had experienced the number officers per resident was declining; also the spectrum of crime had changed with the increase in gang crimes and internet and electronic crimes. These crimes were difficult to solve and bring to successful conclusion. Additionally, the cost of doing business had risen faster than the ability to raise revenue to cover the costs, including the increase in medical expenses and unfunded mandates. He said that mental health illness and substance abuse were contributing factors and they believed there were sufficient reasons to enhance mental illness and substance abuse programs.

Mr. Nordgren stated that invitations were sent to elected officials to address three key questions:

1. What are the primary threats that jeopardize public safety and quality of life;
2. Are they likely to persist over the next three years;
3. What resources would be necessary and not found in normal budgeting to take care of these issues.

Mr. Nordgren pointed out the offices of OPD, Clerk, and PA did not have any recommendations for funding requests for the Committee.

Mr. Nordgren said it was the Committee's recommendation to the Board of Commissioners to place a ballot measure before the voters of Benton County to raise the sales tax in Benton County by .3 %. If passed, the proceeds would be used for specific recommendations in the report and any new revenue from criminal justice should not be used to supplant any existing programs.

Commissioner Delvin asked if the committee researched the timing of placing the issue on the ballot and Mr. Nordgren said they did not and did not consider the political ramifications of their decision. The issue of supplanting was discussed and Mr. Sparks said Mr. Brown reviewed that issue previously and if the Board agreed to move forward, he could review that again.

Commissioner Small said it was seem if you have an increase in law enforcement that it would stimulate quite a bit of business for departments so felt there was conflicting data (the Clerk stated no recommendation but with decreased revenues would likely have to cut staff in 2014).

Mr. Nordgren also stated the brunt of additional arrests and law enforcement had hit District Court very hard.

Commissioner Delvin asked about the cost estimates and it was stated they were rough and calculated at best guess.

Commissioner Beaver said they knew there would be more population and change of demographics and he didn't need a lot of time to calculate the costs and was ready to put the issue on the ballot. He said he was a strong supporter of public safety and wanted to support the efforts of the Citizens' Advisory Committee and that it would be a decision of the voters.

Commissioner Delvin said he would also support putting the issue to a vote of the people.

PA Andy Miller said he felt there were some communication issues; he didn't remember being asked specific questions and thought they would be coming together again to review. He said the biggest change had been the gang problems and gang prosecutions were difficult; to say the time a prosecutor spent on those cases was the same as an assault case in the past was untrue. He indicated in the past year they had more complicated gang problems that required a lot of prosecutor time and this all happened after he met with the Citizens Committee. He said the other issue was mental health. He said he felt mental health court and diversion programs would save a lot of money in the long run and they had a good precedent with the Drug Court. He said he felt the next step would be to have all the departments in the same room to fine tune the issues together.

Eric Hsu extended his gratitude to the committee and said he agreed the difficulty in the process was that each department was interviewed separately. He said the three entities that did not have recommendations were all departments that would react at the end of the line after arrests were made. He agreed they needed more opportunities to have stakeholders get together to see where they would be impacted financially.

Chairman Small said he was also very pro law enforcement and wanted this to be successful. He asked if they wanted to go for the full .3% or maybe the .2%; he also wanted to see the departments get together and make sure everything was put together so they had a fine tuned product that was complete. He said he would support going to the voters but wanted it to be reassessed.

Commissioner Beaver said if the Board didn't give them authority, it would just be "kicking the can". He said as soon as the Board said yes, all this could go forward and get worked out and he believed it was time to approve. He said the group would have to let them know how the money would be spent so they could sell it to the community. He reiterated he was prepared to say yes and support law enforcement and understood it would impact the courts and departments.

Chairman Small said there was not a recommendation from the Committee to do anything at this time. Andy Miller commented there were timing and restrictions for this tax and that it wouldn't hurt to have Ryan Brown research the issues regarding the ballot.

**MOTION:** Commissioner Beaver moved to instruct administration to bring a resolution before the Board with respect to criminal justice tax with full disclosure and presentation. Commissioner Delvin seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:11 a.m.

### **Unscheduled Visitors**

Jim Wade said he had no issues with the criminal justice tax if it passed, but he did have problems with wasteful money. He gave an example of someone being given a frivolous citation, it going to a jury trial, and then it kept being postponed. He said the charges ended up being dropped, but it cost a lot of money and he had a real problem with that. He suggested better training for the officers to avoid this kind of frivolous citation. Commissioner Beaver said the since the officer worked for Kennewick Police Department, this would be an issue to bring up with the City of Kennewick.

### **Commissioner Assignment Update**

Commissioner Beaver said he attended a fundraiser for law enforcement and participated in the Benton City parade.

Commissioner Delvin reported on meetings regarding the Twin Bridges issue and commented that signs were put by an individual in the right of way. Mr. Becken said the signs were still there the last time he looked; they were also illegal since they were regulatory. He said if the Board authorized, the Public Works Department would put up its own signs for “no stopping, no unloading, etc.” defining the area. He said if the County put up the signs, the owners would risk being ticketed since they would be violating the law when they stopped to open their gates. Commissioner Delvin talked about use of the Yakima River and suggested working with Adam Fyall to engage the Shoreline Advisory Committee to assist.

**MOTION:** Commissioner Delvin moved to approve Public Works prepare signs for the right of way near Twin Bridges for “no parking and no unloading”. Commissioner Beaver seconded.

### **Discussion**

Commissioner Beaver asked if any laws were being violated and Mr. Becken said only if someone stopped, although it didn't apply to emergency or delivery vehicles. Commissioner Beaver said he was concerned about setting a precedent for putting up signs elsewhere in the County.

Upon vote, the motion carried with Commissioner Beaver opposing.

Commissioner Delvin said upcoming issues were: the Fair Parade, exempt well meeting; budget training workshop by WACO; and WA Transit Association meeting in Spokane. Additionally, he met with several entities and they would be working to form a water policy ordinance to address water issues in the Yakima Basin.

Commissioner Delvin also proposed the County hold “Flip Flop Friday” in Prosser and Kennewick and the Commissioners host a BBQ to show appreciation to the county employees. The Board agreed.

David Sparks said he met with two Superior Court judges and Juvenile about a capital facilities plan for bi-county assets. He said they would be talking to Franklin County to see if they were interested in working on a bi-county plan.

Additionally, he met with elected officials regarding vacating offices in Prosser to allow for the HVAC upgrades and they came to a resolution. He said that Dean Docken would bring a proposal in the next couple of weeks to move forward with the HVAC upgrades, mainly renting portables and working with cities to close some streets.

The Board recessed, reconvening at 10:35 a.m.

### **Executive Session – 2<sup>nd</sup> Quarter Litigation Update**

The Board went into executive session at 10:35 a.m. for approximately 10 minutes for a 2<sup>nd</sup> quarter litigation update with DPA Ryan Brown. Also present were David Sparks, Cami McKenzie, Melina Wenner, and Loretta Smith Kelty. The Board came out at 10:48 a.m. Mr. Brown said the Board discussed litigation update and took no action.

### **Vouchers**

Check Date: 08/02/2013  
Warrant #: 85415-85523  
Total all funds: \$216,976.08

Check Date: 08/02/2013  
Transfers #: 080201-080205  
Total all funds: \$291,398.99

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

### **Resolutions**

- 2013-571: Line Item Transfer, Fund No. 0000-101, Dept. 106
- 2013-572: Contract w/Fire Systems West, Inc. to Provide Fire Alarm System Inspections
- 2013-573: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2013-574: Payment Authorization to Apollo Heating & Air for Furnace Repair
- 2013-575: Program Agreement w/DSHS; Developmental Disabilities Administration
- 2013-576: Contract w/First Step Community Counseling Services, LLC for Community Connect Event
- 2013-577: Program Agreement w/DSHS for WA St Aggression Replacement Training Consultation

- 2013-578: Agreement w/St of WA Administrative Office of the Courts for Becca Services
- 2013-579: Settlement Agreement w/B Lawrence and Sundown Training Center
- 2013-580: Order & Agreement for Wyckoff Farms, Inc. Franchise
- 2013-581: Right of Way Acquisition from Col Solare LLP
- 2013-582: Bid Award to Stripe Rite, Inc for Pavement Marking
- 2013-583: Contract w/Doors & Specialties Installers, llc for Door Repair/Replacement
- 2013-584: Authorization to Pay Maintenance Fees to Cascade Software Systems
- 2013-585: Approval of FY 2013 Registered Sex Offender and Residency Verification Program Grant

There being no further business before the Board, the meeting adjourned at approximately 10:49 a.m.

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Clerk of the Board

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Chairman