

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, February 28, 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; County Engineer Malcolm Bowie; Clerk Josie Delvin; Jacki Lahtinen, District Court; Larry Moser, Public Works; Central Services Manager Randy Reid; Treasurer Duane Davidson; DPA Ryan Brown; Detective David Hughes; Auditor Brenda Chilton.

#### Approval of Minutes

The Minutes of February 14, 2012 were approved.

#### Review Agenda

Commissioner Bowman asked about Item "p" (Terminating Superior Court Professional Services Agreement w/R Johnston) effective December 2010 and wondered about the timing of that termination. Eric Hsu, OPD, via/videoconference said the contractor gave notice of his termination and his department treated the contract as if it had been closed. However, it was not closed officially by resolution.

#### Consent Agenda

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

#### Auditor

- a. Amended Agreement w/Ikon Office Solutions for Office Copiers

#### Fairgrounds

- b. Contract Amendment w/Lindstrom Construction Co., LLC Now Known As Banlin Construction, LLC Amending Resolution 2012-061

- c. Line Item Transfer, Fund No. 0124-101, Dept. 000
- d. Line Item Transfer, Fund No. 0124-101, Dept. 000
- e. Lease Agreement w/Tri Cities Rabbit Association for Spring Rabbit Show
- f. Lease Agreement w/Tri Cities Rabbit Association for Fall Rabbit Show
- g. Lease Agreement w/WA State University for 4H Poultry Seminar
- h. Lease Agreement w/WA State University for Rabbit Show Fundraiser

**Human Services**

- i. Grant Agreement w/Lourdes Counseling Center for Behavioral Health Services
- j. Grant Agreement w/Domestic Violence Services of Benton & Franklin Counties to Fund 24-Hour Emergency Shelter
- k. Grant Agreement w/Therapeutic Innovations and Recovery for Outreach Services
- l. Grant Agreement w/My Friend’s Place to Fund Overnight Youth Shelter
- m. Agreement w/The Salvation Army for Housing Services; Rescinding Resolution 11-767

**Juvenile**

- n. Adoption of Fees for Services (Parent Pay); Rescinding Resolution 05-738
- o. Line Item Transfer, Fund No. 0115-101, Dept. 171

**Office of Public Defense**

- p. Terminating Superior Court Professional Services Agreement w/R Johnston
- q. Line Item Transfer, Funds No. 0000-101, Dept. 136

**Personnel**

- r. Employee of the Month Award
- s. Line Item Transfer, Fund No. 0000-101, Dept. 127

**Public Works**

- t. Contract Award to Columbia Asphalt & Gravel, Inc. for Bituminous Surface Treatment
- u. Contract w/Stratton Surveying & Mapping for Short Plat Services

**Sheriff**

- v. Certification Report for the Federal Equitable Sharing Agreement w/Federal Government
- w. Contract w/Cascade Engineering Services, Inc. for Services on Radar & Speed Measuring Devices
- x. Contract Modification w/Dept of Energy for Law Enforcement Services
- y. Line Item Transfer, Fund No. 0000-101, Dept. 120
- z. Line Item Transfer, Fund No. 0126-101, Dept. 000
- aa. Purchase Authorization from Wingfoot Commercial Tire

**Supplemental Payment to Benton County Engineer**

Commissioner Bowman said the Board had entered into a contract with Franklin County for the provision of engineering services and it appeared the County Engineer was doing a lot more than originally expected. He said Benton County’s Non-Bargaining Personnel Policy allowed a temporary promotion of 5% for “out of class” assignments and he recommended the Board approve a supplemental payment to the Benton County Engineer.

**MOTION:** Commissioner Bowman moved to approve a resolution for a supplemental payment for the temporary assignment of the Benton County Engineer to the Franklin County Public Works Department for Engineering Services. Commissioner Small seconded.

## Discussion

Commissioner Small agreed the County Engineer was working a considerable amount of time in Franklin County.

Upon vote, the motion carried unanimously.

## **Public Hearing – Application For Franchise - PacificCorp dba Pacific Power**

Steve Becken said that PacificCorp dba Pacific Power filed a petition to continue a nonexclusive franchise for a telecommunication system and all facilities within unincorporated Benton County right of way. He said it was Public Works' recommendation to extend the franchise for another 10 years.

## Testimony

Clark Satre, Regional Manager for Pacific Power, said he did not have any comments, but was available for questions.

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

**MOTION:** Commissioner Small moved to approve the application for franchise for PacificCorp dba Pacific Power with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

## **Public Hearing - Ordinance Amendment – BCC 11.52.089 & 11.52.090**

Mike Shuttleworth said the proposed ordinance amendments related to changing conditional use and special permit language. He said the Planning Commission held its hearing and recommended approval of the proposed ordinance.

## Testimony

DPA Ryan Brown said these changes were suggested by the PA's office and they were more clarifications than changes; additionally, changing the burden to the applicant instead of the County.

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

**MOTION:** Commissioner Small moved to approve the ordinance amendment to BCC Sections 11.52.089 & 11.52.090 and adopt the Planning Commission's findings of fact as presented. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

## **Ticket Deferment Program**

Detective David Hughes and Deputy Glenn Thompson gave a Powerpoint presentation on the proposed Ticket Deferment Program. Detective Hughes said that speeding was a problem and a lot of time people didn't understand the laws. The presentation included the following:

- Public Service Mission
- Benton County Safe Driver Program – traffic school (safe, aware, focused, educated on most current laws)
- Benefits the Driver, Community, Courts, County/Sheriff's Office, Deputies
- Cost of Doing Business – funding (paid for by itself) – Initial startup cost of \$8,000 that would be paid back in the first year
- Concept in Motion
  - Citation Issued; pamphlet w/application to traffic school
  - Notify courts, apply at the Sheriff's office
  - Attend school, ticket is dismissed entirely (if cancelled they deal w/ticket on their court day)
- Success
  - Since Spokane Valley started – significant reduction in first year; community support
  - If we don't do it, somebody else will – (cities)

Commissioner Bowman asked if anybody could attend (even without a citation) and Detective Hughes said they could look at developing that program.

The Board agreed with moving forward but asked for confirmation that the program was presented to other elected officials and they were in favor so that everyone was advised.

## **Commissioner Assignment Update**

Commissioner Bowman said the Kennewick UGA legislation was moving right along and going back to the Senate for concurrence on a change. Additionally, he provided a copy of the House budget with a list of county concerns (potential of \$5.5 million hit to counties if budget was passed), although nothing was confirmed yet.

Commissioner Bowman also talked about what he considered to be his responsibilities as a Commissioner. He said the first was community vision and sharing that vision with cities and other economic development partners. He stated the second was to provide direction to staff (i.e. balance the budget). He said the Board hired competent staff (David Sparks) and it expected him to hire competent staff and/or eliminate as needed and provide resources to get that done. He said it was the Board's responsibility to let him do his job and get out of his way.

Chairman Beaver said he agreed with the vision and was here to build a better community and felt that Benton County had a conservative board. He suggested there were problems with the Benton County family but was encouraged by progress and wanted to continue to move forward.

He said his message was to stay close (talk and invite us to the meeting and that his door was still open).

Commissioner Small said there had been vandalism at the Horse Heaven Cemetery and he had contacted the Sheriff's office for extra patrol, however there was not a state law or county ordinance regarding cemetery trespass. First, he requested the Board put the cemetery under the responsibility of the Sustainable Development Department. The Board agreed.

Additionally, he requested the Board look at implementing a county ordinance regarding hours of operation that could mirror other parks. The Board agreed and directed the issue be moved forward.

Commissioner Small also requested the organizational chart for the Public Works Department be revised to have both the Public Works Manager and County Engineer report directly to David Sparks.

Commissioner Beaver suggested that if Mr. Sparks had a recommendation for an organizational change that would be beneficial, then he should bring it forward.

### **Vouchers**

Check Date: 2/15/2012  
Payroll Draw Taxes  
Taxes #: 10112024  
Total all funds: \$33,394.83

Check Date: 2/15/2012  
Warrant #: 233701-233721  
Direct Deposit #: 71677-71877  
Total all funds: \$111,560.37

Check Date: 2/17/2012  
Warrant #: 51995-52220  
Total all funds: \$1,487,310.18

Check Date: 2/24/2012  
Warrant #: 52482-52715  
Wire Transfer #: 10102123  
Total all funds: \$878,888.30

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

### **Resolutions**

2012-104 Amended Agreement w/Ikon Office Solutions for Office Copiers

- 2012-105 Contract Amendment w/Lindstrom Construction Co., LLC Now Known As Banlin Construction, LLC Amending Resolution 2012-061
- 2012-106 Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2012-107 Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2012-108 Lease Agreement w/Tri Cities Rabbit Association for Spring Rabbit Show
- 2012-109 Lease Agreement w/Tri Cities Rabbit Association for Fall Rabbit Show
- 2012-110 Lease Agreement w/WA State University for 4H Poultry Seminar
- 2012-111 Lease Agreement w/WA State University for Rabbit Show Fundraiser
- 2012-112 Grant Agreement w/Lourdes Counseling Center for Behavioral Health Services
- 2012-113 Grant Agreement w/Domestic Violence Services of Benton & Franklin Counties to Fund 24-Hour Emergency Shelter
- 2012-114 Grant Agreement w/Therapeutic Innovations and Recovery for Outreach Services
- 2012-115 Grant Agreement w/My Friend's Place to Fund Overnight Youth Shelter
- 2012-116 Agreement w/The Salvation Army for Housing Services; Rescinding Resolution 11-767
- 2012-117 Adoption of Fees for Services (Parent Pay); Rescinding Resolution 05-738
- 2012-118 Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2012-119 Terminating Superior Court Professional Services Agreement w/R Johnston
- 2012-120 Line Item Transfer, Funds No. 0000-101, Dept. 136
- 2012-121 Line Item Transfer, Fund No. 0000-101, Dept. 127
- 2012-122 Contract Award to Columbia Asphalt & Gravel, Inc. for Bituminous Surface Treatment
- 2012-123 Contract w/Stratton Surveying & Mapping for Short Plat Services
- 2012-124 Certification Report for the Federal Equitable Sharing Agreement w/Federal Government
- 2012-125 Contract w/Cascade Engineering Services, Inc. for Services on Radar & Speed Measuring Devices
- 2012-126 Contract Modification w/Dept of Energy for Law Enforcement Services
- 2012-127 Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2012-128 Line Item Transfer, Fund No. 0126-101, Dept. 000
- 2012-129 Purchase Authorization from Wingfoot Commercial Tire
- 2012-130 Supplemental Payment to County Engineer
- 2012-131 Adoption of Ordinance 521 Relating to Zoning – Amending The Sections Relating Variances and Conditional Use and Special Permits

There being no further business before the Board, the meeting adjourned at approximately 10:09 a.m.

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Clerk of the Board

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Chairman