

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, November 4, 2014, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Shon Small  
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 Kelty; Adam Fyall, Sustainable Development Manager; Public Works Manager Daniel Ford; Dan Mack and Matt Rassmussen, Public Works; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Auditor Brenda Chilton; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; GIS Manager Mary Phillips; Donna Holmes, Public Works; Captain Clay Vannoy; Teri Holmes, IT; DPA Reid Hay; Paul Schut, Commissioners' Office.

#### Approval of Minutes

The Minutes of October 28, 2014 were approved.

#### Review Agenda

Item "cc" (Public Works – Mineral Rights Purchase & Sales Agreement) was added to the consent agenda.

#### Consent Agenda

**MOTION:** Commissioner Delvin moved to approve the consent agenda items "a" through "bb", adding "cc" (Public Works – Mineral Rights Purchase & Sales Agreement). Commissioner Delvin seconded and commented that item "cc" was related to approval to purchase mineral rights for the new Kennewick Road Maintenance Shop that was discussed last week.

Upon vote, the Board approved the following:

#### Board of Equalization

- a. Line Item Transfer, Fund No. 0000-101, Dept. 103

#### Commissioners

- b. Reappointment of N Aldrich to the Benton Clean Air Agency Board

- c. Agreement w/State of WA Department of Revenue for Administration of Sales & Use Tax

**Human Services**

- d. Termination of Service Agreement w/Jet Computer Support
- e. Termination of Agreement w/Behavioral Health Laboratories, Inc., aka Outcome Referrals
- f. Contract w/Central Washington Comprehensive Mental Health for PharmD or ARNP SrvcsTi

**Office of Public Defense**

- g. Amended Agreement w/T Orosco for Public Defense in District Court

**Personnel**

- h. Line Item Transfer, Fund No. 0504-101, Dept. 000

**Prosecuting Attorney**

- i. Line Item Transfer, Fund No. 0000-101, Dept. 117
- j. Line Item Transfer, Fund No. 0120-101, Dept. 000

**Public Works**

- k. Approving the 2015 Annual Road Program
- l. Purchase of 3 Dump Bodies from Northend Truck Equipment, Inc.
- m. Line Item Transfer, Fund No. 0155-101, Dept. 000

**Sheriff**

- n. Amended Agreement w/Correctional Healthcare Companies, Inc for Health Care Services
- o. Amended Contract w/Action Auto Services dba/ Action Towing for Towing Services
- p. Amended Contract w/Sew Me Pretty for Replacement of Uniform Shoulder Patches
- q. Revised Grant Agreement w/WASPC; Rescinding Resolution 2014-543
- r. Contract w/Saul C. Castillo dba/The Interpreter for Transcription Services
- s. Notice of Lowest Bidding for Purchase of Inmate Supplies – CB 14-08
- t. Notice of Lowest Bidding for Purchase of Paper and Glove Supplies – CB 14-10
- u. Notice of Lowest Bidding for Purchase of Employee Uniforms – Class A – CB 14-11
- v. Notice of Lowest Bidding for Purchase of Employee BDU Uniforms – CB 14-12
- w. Purchase Authorization from SecureIt Tactical, Inc. for Storage Cabinets
- x. Payment Authorization for Lunch Provided to Oral Board Assessors
- y. Line Item Transfer, Fund No. 0000-101, Dept. 120
- z. Line Item Transfer, Fund No. 0000-101, Dept. 121
- aa. Line Item Transfer, Fund No. 0000-101, Dept. 125
- bb. Line Item Transfer, Fund No. 0126-101, Dept. 000

**Public Works**

- cc. Mineral Rights Purchase & Sales Agreement

**Memorandum of Understanding w/F.I.R.M.E. Outreach for the Bridge Project**

Captain Vannoy presented the Memorandum of Understanding with F.I.R.M.E. Outreach that was part of the Bridge Project to collect statistical information regarding gang statistics in this area. The grant would pay Benton County's crime analyst overtime to gather those stats.

**MOTION:** Commissioner Small moved to approve the MOU between the Sheriff's Office and F.I.R.M.E. Outreach to provide overtime funding for the Sheriff's Office Crime Analyst to complete data research for the Bridge Project for an amount not to exceed \$5,000. Commissioner Delvin seconded and upon vote, the motion carried.

### **Willamette Heights CRID Overview**

Chairman Beaver stated the Board would not be taking any public testimony on the issue.

Dan Ford reviewed the "Events Timeline" with the Board and provided the following overview:

- They hired an appraiser to look at the special benefits to the lots in the CRID.
- Bottom line was the special benefit applied through these lots (directly adjacent to the new paved surface) was \$8,300 per lot, with 38 lots, for a total benefit of \$315,400. He said it did not include those lots on 38<sup>th</sup> Avenue and still left the County with a shortfall of \$885,076.
- West Richland would still have a call for STP funds later this year for 38<sup>th</sup> Avenue – that part could possibly be done next year.
- Benton County would not be able to get funding for this \$900,000 because it was a local access road (it would have to come directly out of the budget).

Mr. Ford said that funding opportunities were very limited and there were other priority projects; they would be looking at several years out and it would take money from other projects.

Total Benton County expenditures to date were \$35,169.67 (\$20,000.00 for the appraisal) and they tried to work with residents to come up with an alignment that was not overdone.

The Board briefly recessed, reconvening at 9:15 a.m.

### **Community Branding Presentation**

Carl Adrian, Lori Mattson and Kris Watkins gave a Powerpoint presentation about the community branding process that was recently concluded and highlighted the following:

- Process completed by Roger Brooks International
- Committee Members; Community Input
- Importance of branding; Goals
  - Develop a regional identity
  - Find and promote unique selling propositions
  - Money
  - Put Tri-Cities on the map as a Northwest best destination
- Mission Statement
- Product Development Plan for the Tri-Cities

Commissioner Beaver requested to be on the committee and the Board agreed.

## **Horse Racing Commission Presentation**

Maylin Cowgill, Shorty Martin, and Doug Moore, Executive Secretary for Horse Racing Commission discussed the proposal to lease the back side of the rail at the Fairgrounds.

Mr. Cowgill said they were representing the group that put together the presentation to lease the Fairgrounds and represented the equine community to include horse racing, barrel racing, rodeo, hunter jumping and had the support of various organizations. He said they wanted to lease on a 3-year basis and had the expertise to make this a successful and positive thing for the County, the facility, community, and organizations.

Doug Moore talked about the financial investments for horseracing to sustain racing in the Tri-City area. He said this was the last area in Eastern Washington that offered live horse racing. He also talked about the negative financial impact to businesses and the community if horseracing were lost and that based on prior financial impact studies, believed it had a positive impact on the community.

He said when the lease was considered, they were asking the Commissioners to ensure that horse racing was continued in this area and that the Horse Racing Commission was fully prepared to support that. He indicated there was a lot of community support and if they could have some guarantee there would be a meet, regardless of the conflicts, there would be much more support and ability to have the money to run the season. He said he was currently working with the Governor's office to look at supporting non-profit racing in Washington and there was a possibility of the Blue Mountain Circuit being reopened.

Commissioner Delvin said they would have to put out an RFP for a new lease so everything was above board. He mentioned it had always interested him why there was conflict between the different activities out there and he said he wanted to work it out so everyone could have their event (Fair and Horseracing). He said if the issues and conflicts could be worked out so the taxpayers were not left with the bills, he would be willing to assist with that.

Commissioner Small said he agreed there had been a long-standing conflict and was willing to start at the beginning. In order to be successful, they all had to give and take on this issue and work together.

Mr. Sparks said they were currently working on an RFP to protect the county's interest, as well as the successful candidate.

Chairman Beaver commented there had been conflict between the associations for a long time. However, the County had spent money on improvements out there and it was committed to having a successful Fairgrounds and trying to accommodate these and other activities.

## **Planning Department Fee Schedule**

Mr. Shuttleworth presented the updated Planning Department Fee Schedule. He said the rates had not been increased in probably over 20 years and the new rates reflected the increase cost of legal notices and the Hearings Examiner.

Commissioner Delvin asked how much the fee schedule covered of the department budget and Mr. Shuttleworth said it probably only covered 5% of the budget.

**MOTION:** Commissioner Delvin moved to approve the changes to the Planning Department Fee Schedule. Commissioner Small seconded.

### **Discussion**

Commissioner Delvin said it had been many years since the fees were increased, but there needed to be some impacts to address costs for the people that were applying and the increases appeared to be reasonable.

Commissioner Small said he agreed and that having a flat rate appeared to be fair and reasonable. Chairman Beaver said that having a Hearings Examiner was a very important move.

Upon vote, the motion carried unanimously.

## **Adoption of 2015-2020 Capital Improvement Plan**

Paul Schut presented the 2015-2020 Capital Improvement Plan. He said he talked to the Commissioners individually about the CIP and had since added an addendum (bi-county departments) and a section for ongoing maintenance. Mr. Schut then briefly discussed the following:

- Completed Projects:
  - Courthouse Improvements
  - Fairgrounds Restroom
  - Travis Road
- New Projects coming up:
  - Fairgrounds Exhibit Hall
  - Jail shower renovation
  - Prosser HVAC renovation and historical renovation
  - Office of Public Defense remodel
  - Carpet replacement
  - IT – network firewall
  - Mental health facility in the jail
  - Jail booking center remodel
  - Contract for camera upgrade

Commissioner Delvin asked about revenue sources and Mr. Sparks said they used the VIT fund for IT purchases; the Budget policy used cash carry forward to fund most of the capital improvements, as well as PILT funds; and Fairgrounds projects used REET funds.

Commissioner Delvin said he would be looking to the Legislature for money to redo Juvenile Administration and for the Willamette Heights issue. Chairman Beaver said he was in favor of looking at the list and the Board needed to look at creative ways to make things happen.

**MOTION:** Commissioner Delvin moved to adopt the 2015-2020 Benton County Capital Improvement Plan as presented. Commissioner Small seconded and upon vote, the motion carried unanimously.

### **Unscheduled Visitors**

Cecil Kendall, Willamette Heights, thanked the Board for assistance with the Willamette Heights CRID issue moving forward.

### **Other Business**

Commissioner Delvin said the Board received a letter from Senator Patty Murray about Veterans Fund policies and he also attended the monthly Benton County Veterans' Advisory Board and they debated this issue. He said he asked the Advisory Board to send a letter to the Commissioners and that they would forward it to Patty Murray's office with a cover letter from the Board. The Board agreed.

Commissioner Delvin discussed the Twin Bridges area graffiti and tagging and that Mr. Ford had been talking to legal to see if there was something the County could do with that culdesac; he said he was again working on that bill for the Legislature. Commissioner Delvin said he was of the opinion the County could block the access for vehicles (except emergency vehicles) but allow pedestrian use (and it would be allowing access and not vacating the road). Commissioner Small said he wanted to hear from legal about this and table the discussion until he heard about the consequences. He said since it was winter they didn't need to worry as much about the issue.

Commissioner Delvin said if they could get put it in place now, people would get used to it.

Chairman Beaver discussed the lawsuit regarding the Tri-Party agreement and that TRIDEC wanted to get involved as a friend of the Court and was asking for financial aid from Benton County.

DPA Brown said County could pay an attorney only with Mr. Miller or a Superior Court Judge's permission.

Mr. Fyall said that TRIDEC had already decided to pay \$20,000 regardless, and they had asked Hanford Communities to pay \$8,000. If Benton County wanted to be involved, its share would be \$1,200 because that was Benton County's population share of Hanford Communities.

Hanford Communities had agreed to be part of the amicus brief, but Benton County had not agreed to be a part of this and the TRIDEC brief was due tomorrow.

The Board discussed the issue and Chairman Beaver said he didn't like people showing up the day before and saying you had to pay. Commissioner Small said he agreed with that he was not in favor of being involved in the 11<sup>th</sup> hour.

Commissioner Delvin said he would be agreeable to finding the money but understood the issue.

Mr. Sparks said the preliminary expenditure budget was on the website and the revenues would be posted by the end of the day and the Board would hold its public hearing to adopt the budget on November 18.

### Cancellation of Meetings

The Board discussed the cancellation of meetings and agreed it would wait to decide about the November 25 meeting, however agreed to cancel the December 23 and 30 meetings.

The Board briefly recessed, reconvening at 10:48 a.m.

### Executive Session

The Board went into executive session at 10:48 a.m. for approximately 10 minutes with DPA Reid Hay to discuss pending and potential litigation. Also present were David Sparks, Cami McKenzie, Loretta Smith Kelty, Ryan Brown, Dan Ford, and Matt Rassmussen. The Board came out of executive session at 10:58 a.m. Mr. Hay said the Board discussed pending and potential litigation, but no action was taken.

### Vouchers

Check Date: 10/31/2014

Transfers #: 103101-103107  
Total all funds: \$121,594.39

Warrants #: 111209-111332  
Total all funds: \$34,537.29

Warrants #: 111333-111483  
Total all funds: \$396,800.55

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

### Resolutions

2014-831: Line Item Transfer, Fund No. 0000-101, Dept. 103

- 2014-832: Reappointment of N Aldrich to the Benton Clean Air Agency Board
- 2014-833: Agreement w/State of WA Department of Revenue for Administration of Sales & Use Tax
- 2014-834: Termination of Service Agreement w/Jet Computer Support
- 2014-835: Termination of Agreement w/Behavioral Health Laboratories, Inc., aka Outcome Referrals
- 2014-836: Contract w/Central Washington Comprehensive Mental Health for PharmD or ARNP SrvcsTi
- 2014-837: Amended Agreement w/T Orosco for Public Defense in District Court
- 2014-838: Line Item Transfer, Fund No. 0504-101, Dept. 000
- 2014-839: Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2014-840: Line Item Transfer, Fund No. 0120-101, Dept. 000
- 2014-841: Approving the 2015 Annual Road Program
- 2014-842: Purchase of 3 Dump Bodies from Northend Truck Equipment, Inc.
- 2014-843: Line Item Transfer, Fund No. 0155-101, Dept. 000
- 2014-844: Amended Agreement w/Correctional Healthcare Companies, Inc for Health Care Services
- 2014-845: Amended Contract w/Action Auto Services dba/ Action Towing for Towing Services
- 2014-846: Amended Contract w/Sew Me Pretty for Replacement of Uniform Shoulder Patches
- 2014-847: Revised Grant Agreement w/WASPC; Rescinding Resolution 2014-543
- 2014-848: Contract w/Saul C. Castillo dba/The Interpreter for Transcription Services
- 2014-849: Notice of Lowest Bidding for Purchase of Inmate Supplies – CB 14-08
- 2014-850: Notice of Lowest Bidding for Purchase of Paper and Glove Supplies – CB 14-10
- 2014-851: Notice of Lowest Bidding for Purchase of Employee Uniforms – Class A – CB 14-11
- 2014-852: Notice of Lowest Bidding for Purchase of Employee BDU Uniforms – CB 14-12
- 2014-853: Purchase Authorization from SecureIt Tactical, Inc. for Storage Cabinets
- 2014-854: Payment Authorization for Lunch Provided to Oral Board Assessors
- 2014-855: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2014-856: Line Item Transfer, Fund No. 0000-101, Dept. 121
- 2014-857: Line Item Transfer, Fund No. 0000-101, Dept. 125
- 2014-858: Line Item Transfer, Fund No. 0126-101, Dept. 000
- 2014-859: Mineral Rights Purchase & Sales Agreement
- 2014-860: MOU Between Benton County and F.I.R.M.E.
- 2014-861: Adopting the Fee Schedule for the Planning Department
- 2014-862: Adopting the 2015-2020 Benton County Capital Improvement Plan

There being no further business before the Board, the meeting adjourned at approximately 10:58 a.m.

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Clerk of the Board

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Chairman