

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, January 5, 2016, 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 Kely; Adam Fyall, Sustainable Development Manager; County Engineer Matt Rasmussen; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Auditor Brenda Chilton; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Robert Blain, Assistant County Engineer; Treasurer Duane Davidson; RJ Lott, Planning Department; Assessor Bill Spencer; Taylor Ranger, Auditor's Office; DPA Steve Hallstrom; Superior Court Judge Robert Swisher; Superior Court Judge Alex Ekstrom; Superior Court Administrator Pat Austin; Fairgrounds Manager John Donley; Prosecuting Attorney Andy Miller.

Approval of Minutes

The Minutes of December 22, 2015 were approved.

Review Agenda

The discussion regarding the Fairgrounds Guidelines & Expectations Policy was pulled.

A discussion regarding percentage rates for Superior Court employees was added to "Other Business".

Consent Agenda

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

Auditor

- a. Cancellation of Unclaimed Warrants
- b. Canvassing Board Appointment

Facilities

- c. Contract w/Heritage Professional Landscaping for Snow Removal @ Justice Center & Annex

Fairgrounds

- d. Transfer of Water Rights to Fairgrounds; Parcel No. 108802000009003

Human Services

- e. Amended Contract w/J Griffin dba Jet Computer Support for Programming Service
- f. Amended Agreement w/DSHS for Substance Use Disorder and Support Services
- g. Amended Agreement w/DSHS to Provide Prevention Services
- h. Amended Agreement w/Goodwill Industries for Developmental Disabilities Services
- i. Amended Agreement w/The Arc of Tri-Cities for Developmental Disabilities Services
- j. Contract w/Inter-City Legal Processing & Messenger Service for Process Services
- k. Amended Agreement w/Children's Developmental Center for Developmental Disabilities Services
- l. Grant Agreement w/Domestic Violence Services for Ten-Year Homeless Housing Plan
- m. Grant Agreement w/Lourdes Counseling Center for Ten-Year Homeless Housing Plan
- n. Amended Agreement w/Columbia Industries for Developmental Disabilities Services
- o. Amended Agreement w/Service Alternatives, Inc for Developmental Disabilities Services
- p. Amended Agreement w/Ambitions Community Support Services for Developmental Disabilities Services

Information Technology

- q. Purchase of Symantec Mail Security Antivirus & Antispam Software From NuOz Corp.

Juvenile

- r. Contract w/Tri-Cities Chaplaincy for Counseling Services
- s. Contract w/Washington Collectors Tri Cities, Inc. for Payment Account Collections
- t. Contract w/M Rudeen for Interpreter Services
- u. Contract w/Connections Consulting for Interpreter Services
- v. Contract w/Ruegsegger Polygraph Services to Provide Polygraph Examinations

Office of Public Defense

- w. Juvenile Court Public Defense Services Agreement w/S Henwood
- x. Juvenile Court Public Defense Services Agreement w/D Campbell
- y. Juvenile Court Public Defense Services Agreement w/J Azure
- z. Juvenile Court Public Defense Services Agreement w/P Peterson
- aa. Juvenile Court Public Defense Services Agreement w/K Moreno
- bb. Juvenile Court Public Defense Services Agreement w/D Anderson
- cc. Extended Contract w/A Tindell for Involuntary Treatment Commitment Proceedings
- dd. Amended Juvenile Court Public Defense Services Agreement w/L Mapes
- ee. Amended Juvenile Court Public Defense Services Agreement w/A Rado
- ff. Public Defense Services Compensation for A Rado in District Court Arraignment Dockets

Parks

- gg. Line Item Transfer, Fund No. 0110-102, Dept. 000

Personnel

- hh. Appointment of Stephen Osborne to the Nonpartisan Elective Office of District Court Judge
- ii. Appointing PayneWest Insurance as Broker/Agent of Record for Insurance Policies & Bonds

Sheriff

- jj. Contract w/Absolute Power, Inc. for Inmate Tracking System

Fairgrounds Improvement Board Year Summary

RJ Lott and John Donley updated the Board on the Fairgrounds Improvement Board (FIB) and its existence for the last three years. Mr. Lott said the FIB recommended the following two projects for 2016:

- Upgrade the sound system at the horse arena
- Improvement to Horse Barn ventilation

Additionally, with the new Capital Improvement Plan coming up, the FIB might be coming forward with some additional projects. Mr. Sparks said now was the time to put something together before the Budget and Capital Improvements Plans were adopted so they were included.

The Board agreed with the two recommendations.

Island County Board of Commissioners - Discussion

Commissioner Delvin expressed his concern regarding a letter received from Island County Board of Commissioners regarding their push to change the law that allowed the Commissioners to obtain outside counsel for conflict of interest and if they were to take that remedy out of the statute the potential problems.

PA Andy Miller provided information regarding the lawsuit and the letter from Island County Commissioners and said information in the letter was simply wrong. He said the Commissioners were trying to change the law by going to Court and it was not the prosecutors that were pursuing it. PA Miller discussed the RCW's and the correct process to follow when hiring outside counsel.

He said in Benton County they hired special counsel after consulting with each other and it should be done in consultation with the prosecutor's office and there were provisions in the RCW for conflict of interest.

He said he would be disappointed if Benton County weighed in on what Island County was doing and endorsed it because they were hiring special counsel without consulting with their prosecutor. He said it appeared they felt they had authority to lay off the civil department and hire their own attorneys.

Commissioner Delvin said he was concerned about removing the provision for conflict of interest and just wanted to make sure the RCW was intact and would stay intact.

Commissioner Beaver said if Island County wanted to do this, it was their deal and he was not interested in participating. Chairman Small said he agreed.

Other Business

Percentage Rates for Salaries and Benefits – Benton-Franklin Superior Court

Ms. Smith Kelty said that every year the Board adopted a resolution for Superior Court that outlined the percentage rates for employees. She said this year was unique because they sent out a letter in April that stated Benton County did not think the percentage was fair and Franklin County just responded on November 4, 2015. She requested the Board adopt the percentage rates through March 31, 2016 to allow additional time to work on the memorandum of agreement that would allow Benton County to charge administrative costs and not continue to subsidize Franklin County.

Mr. Sparks said the Juvenile bi-county issue was bigger and they had agreed to have a new agreement in 2017. Additionally, they were still working on the OPD issue and were looking at extending services through March 31 as well; Franklin County was given a letter in June stating services would end December 31.

Commissioner Delvin said he was willing to give until March 31 to see if they could work out a new agreement. Chairman Small said there had been an issue communicating with Franklin County and getting a response.

Commissioner Beaver expressed his concern about this issue and the use of the public's money.

MOTION: Commissioner Delvin moved to approve the resolution adopting the percentage rates for Benton-Franklin County Superior Court through March 31, 2016. Chairman Small seconded and upon vote, the motion carried with Commissioner Beaver opposing.

The Board briefly recessed, reconvening at 9:51 a.m.

Executive Session – Grievance Position

The Board went into executive session with DPA Stephen Hallstrom at 9:51 a.m. for up to 10 minutes to discuss the County's position regarding a grievance position. Also present were Loretta Smith Kelty, David Sparks, Robert Blain, Matt Rasmussen, Ryan Brown and Cami McKenzie.

The Board came out at 10:00 a.m. It was stated that no decisions were made in executive session.

MOTION: Commissioner Beaver moved to approve signing the letter for the Employer's Step 3 Response as modified regarding the Bovee Grievance. Commissioner Delvin seconded and upon vote, the motion carried.

Claim for Damages

CC 2015-16: Received on December 31, 2015 from Zachary Fairley

Vouchers

Check Date: 12/09/2015

Transfers #: 12091501-12091503

Total all funds: \$12,710,078.00

Check Date: 12/11/2015

P-Cards #: 1215

Total all funds: \$337,756.15

Check Date: 12/31/2015

Warrants #: 132489-132766

Total all funds: \$6,000.86

Transfers #: 12311501-12311509

Total all funds: \$637,724.90

Warrants #: 132809-133010

Total all funds: \$1,576,423.72

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

Resolutions

- 2016-001: Cancellation of Unclaimed Warrants
- 2016-002: Contract w/Heritage Professional Landscaping for Snow Removal @ Justice Center & Annex
- 2016-003: Transfer of Water Rights to Fairgrounds; Parcel No. 108802000009003
- 2016-004: Amended Contract w/J Griffin dba Jet Computer Support for Programming Service
- 2016-005: Amended Agreement w/Goodwill Industries for Developmental Disabilities Services

- 2016-006: Amended Agreement w/DSHS for Substance Use Disorder and Support Services
- 2016-007: Amended Agreement w/DSHS to Provide Prevention Services
- 2016-008: Amended Agreement w/The Arc of Tri-Cities for Developmental Disabilities Services

- 2016-009: Contract w/Inter-City Legal Processing & Messenger Service for Process Services
- 2016-010: Amended Agreement w/Children's Developmental Center for Developmental Disabilities Services
- 2016-011: Grant Agreement w/Domestic Violence Services for Ten-Year Homeless Housing Plan

- 2016-012: Grant Agreement w/Lourdes Counseling Center for Ten-Year Homeless Housing Plan
- 2016-013: Amended Agreement w/Columbia Industries for Developmental Disabilities Services
- 2016-014: Amended Agreement w/Service Alternatives, Inc for Developmental Disabilities Services
- 2016-015: Amended Agreement w/Ambitions Community Support Services for Developmental Disabilities Services
- 2016-016: Purchase of Symantec Mail Security Antivirus & Antispam Software From NuOz Corp.
- 2016-017: Contract w/Tri-Cities Chaplaincy for Counseling Services
- 2016-018: Contract w/Washington Collectors Tri Cities, Inc. for Payment Account Collections
- 2016-019: Contract w/M Rudeen for Interpreter Services
- 2016-020: Contract w/Connections Consulting for Interpreter Services
- 2016-021: Contract w/Ruegsegger Polygraph Services to Provide Polygraph Examinations
- 2016-022: Juvenile Court Public Defense Services Agreement w/S Henwood
- 2016-023: Juvenile Court Public Defense Services Agreement w/D Campbell
- 2016-024: Juvenile Court Public Defense Services Agreement w/J Azure
- 2016-025: Juvenile Court Public Defense Services Agreement w/P Peterson
- 2016-026: Juvenile Court Public Defense Services Agreement w/K Moreno
- 2016-027: Juvenile Court Public Defense Services Agreement w/D Anderson
- 2016-028: Extended Contract w/A Tindell for Involuntary Treatment Commitment Proceedings
- 2016-029: Amended Juvenile Court Public Defense Services Agreement w/L Mapes
- 2016-030: Amended Juvenile Court Public Defense Services Agreement w/A Rado
- 2016-031: Public Defense Services Compensation for A Rado in District Court Arraignment Dockets
- 2016-032: Line Item Transfer, Fund No. 0110-102, Dept. 000
- 2016-033: Appointment of Stephen Osborne to the Nonpartisan Elective Office of District Court Judge
- 2016-034: Appointing PayneWest Insurance as Broker/Agent of Record for Insurance Policies & Bonds
- 2016-035: Contract w/Absolute Power, Inc. for Inmate Tracking System
- 2016-036: Adopting the Percentage Rates for Salaries and Benefits for Benton-Franklin Superior Court Through March 31, 2016

There being no further business before the Board, the meeting adjourned at approximately 10:01 a.m.

Clerk of the Board

Chairman