

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, April 28, 2015, 9:00 a.m.
Benton County Planning Annex
1002 Dudley Avenue, Prosser, WA

Present: Chairman Jerome Delvin
Commissioner Shon Small
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; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; GIS Manager Mary Phillips; DPA Ryan Lukson; Human Services Manager Linda Robb; Assistant County Engineer Matt Rassmussen; Sgt. Carlos Trevino; Treasurer Duane Davidson; Detective Larry Smith; Clark Posey, Planning Dept.

Approval of Minutes

The Minutes of April 21, 2015 were approved.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items “a” through “o”, adding “p”, “q”, “r” (Appointments to the Benton County Advisory Council – Office of Aging & Long Term Care). Commissioner Small seconded and upon vote, the Board approved the following:

Auditor

- a. Increase of Petty Cash Funds In Auditor’s Office

Clerk

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

Commissioners

- c. Line Item Transfer, Fund No. 0305-101, Dept. 000

Facilities

- d. Contract w/Kone, Inc. for Elevator Maintenance and Repair Services
- e. Contract w/ABM Janitorial Services, South Central, Inc for Janitorial Services

Information Technology

- f. Purchase of Twelve Brother Printers, One Bluetooth & Vehicle Mounts From PCS Mobile

g. Line Item Transfer, Fund No. 0502-101, Dept. 000

Office of Public Defense

h. Superior Court Public Defense Agreement w/P Younesi

Personnel

i. Participation Agreement w/United Employees Benefit Trust for Bailiff Employees

j. Line Item Transfer, Fund No. 0305-101, Dept. 000

Public Works

k. Sign Right of Plans for Tyrell Road, Phase I

l. Purchase of Two Wheel Compactor Attachments from Western States Equipment Co.

m. Project Review Reimbursement Agreement w/WA State Dept of Transportation

Sheriff

n. Purchase of Two Work Crew Vehicles from Columbia Ford Nissan

Sustainable Development

o. Line Item Transfer, Fund No. 0135-101, Dept. 000

Commissioners

p. Appointment of Debra Brumley – Aging & Long Term Care

q. Appointment of Janice Fulk – Aging & Long Term Care

r. Appointment of Phillip Lemley – Aging & Long Term Care

Gang Unit Update

Sgt. Trevino briefly updated the Board on the gang unit as follows:

- With the epidemic of drug addiction, they had focused on a case in the Benton City area (working gang cases along with drug crimes and working on a dozen known people in that area). He said they wanted to make long term impacts and there were only a few left that were not in jail; they were looking at federal drug indictments and long term prison sentences and believe it definitely made an impact.
- Intervention and suppression – working on the GREAT program (Gang Resistance Education & Training) with 7th graders (DARE was for 5th & 6th graders); read letters from some of the students.

Magnet Forensics Software Maintenance Support Renewal

Detective Larry Smith said the Sheriff's office currently had the software but after review by the PA, there was concern the County could be held liable for the cost of any attorneys hired to defend them in a lawsuit (it was a Canadian company). He said they had the software for a year and it was provided by the Secret Service free for a year. The license renewal would also allow updates for the phone app programs and cost \$550.00 for one year. He said that hundreds if not thousands of agencies were using the program (including City of Richland and Walla Walla) and it was a widely used forensic software.

DPA Ryan Lukson said if someone sued Magnet Forensics for Benton County's use of the program, Benton County was required to indemnify the company, they would control the defense and Benton County was required to pay the cost of the attorney. He said they tried to negotiate

the terms, but the company turned them down because it wasn't worth the cost of the license renewal.

MOTION: Commissioner Small moved to approve the payment to Magnet Forensics for the annual IEF Software Maintenance Support in an amount not to exceed \$550.00. Commissioner Beaver seconded and upon vote, the motion carried.

Interlocal MATRICS Agreement Discussion

Chairman Delvin said he attended a meeting and presented the other four parties with Ryan Brown's markup version of the interlocal agreement. He said they would get back together in two weeks to discuss it. He mentioned that Mr. Brown found another interlocal done in King County that covered their use but Franklin County was not interested. He said that Commissioner Peck wanted separate bylaws and an agreement that would allow the executive board to make decisions without going to the governing boards. He said they discussed the trust issues and also using the \$78,000 available in funds from the State to continue the agreement process with the SCIENS group.

Commissioner Beaver said he wanted one agreement not two in front of the Board and still had reservations about other agencies joining with assets already in place. Chairman Delvin said there was also a discussion about the reserve fund and capital expenditures, including that MATRICS would not pay for upgrades unless it had value for the MATRICS system as whole and not just one entity.

He said he would update the Board when he had further input from the group.

Unscheduled Visitors

Curt Still, contractor in Grandview, said he was concerned about the county requirement to pave a road approach for a shop he was going to build next to an existing house. He said there was an existing road and they were not adding new traffic (the shop was just for their own private use and not for business) and it would add \$2,000 to the cost of construction. He said it was unfair and unjust to require it.

Matt Rassmussen, Assistant County Engineer, said the policy was written in 2005 and it potentially left the decision to the discretion of the County Engineer. He said the policy stated that when a building permit was required and the road was paved, it required a paved approach. He said they would review the policy and look at changing it to specific standards rather than at the discretion of the County Engineer each time.

Chairman Delvin asked if the contractor, owner and Public Works could meet to discuss the issue. Mr. Still asked if they could move on the project while they were working out the details. The Board agreed it was a good idea to have them meet and come back to the Board.

Paul and Jill Hedgpeth, Clodfelter Road, discussed their concern regarding an application to grow marijuana in their neighborhood. Mr. Hedgpeth said the application was zoned rural lands

5 and located in a rural residential neighborhood and adjacent to single family dwellings. They said the application was not appropriate for the specific type of use. Mike Shuttleworth stated they had received the application and already commented to the State.

Ms. Hedgpeth said they were asking the Board to look at rezoning rural lands 5 and where it was being allowed and maybe look at larger zoning and have it be looked at more like other agriculture and livestock. Additionally, maybe change it to a conditional use permit requirement in residential areas in these zones (lands rural 5). She also expressed concern about the construction of the building.

Chairman Delvin said the State was going to issue the license, even if the County said no. He said Benton County's code enforcement officer went out there and sent a warning letter regarding the fence but he was still reviewing what was happening inside the property.

Additionally, they reviewed the issue before the law went into effect and made a decision they would not allow processing in RL5. He said he personally had viewed some sites and so far the County had not received any complaints about the current ongoing operations. However, if this neighbor was not following codes, they could look at it.

Commissioner Small said he sympathized with them and Benton County as a whole said no, but it still passed. He said they were looking at a moratorium but then the Attorney General changed his mind and said he would assist in suing counties or cities that put in moratoriums. He said they did the best they could with what they had and he asked them to give it time for code enforcement; if he was doing something wrong, it would be found and could be shut down.

Chairman Delvin said they would send out code enforcement and would look at rezoning, although most of the agricultural regulations were driven by the State. He also asked them to contact their legislators.

Roy Cole, Windward Lane, said he didn't know what to do at this point. He asked what the County's procedure was when they were notified. He said he was concerned about the lights that were going up since this was more like a subdivision.

Mr. Shuttleworth said he would provide a copy of the policy; he said once they received the application, it was only required to answer yes or no. They sent to other departments for comments including the Sheriff's office on whether the applicant had any warrants and they looked at the zoning.

Linda Bower, Clodfelter Road, said now she had to look at a big ugly fence. She loved living up there because it was safe and peaceful and was concerned about what it would become.

Other Business

Metro

Commissioner Small said they just had a meeting for Metro and talked about the shortfall (\$54,000 shortfall on July 1). He said it was discussed that Benton County would contribute \$15,000 by not getting refunded for the PA's office. If Franklin County followed suit, it would only be a shortfall of \$24,000 for the other entities.

Mr. Sparks said he received a letter from PA Miller supporting the decision that Benton County would pay for the Prosecutor to help fill the gap, contingent upon Franklin County paying their share.

He said the Law & Justice Committee made a list of priorities but he didn't believe they could fund all the items on the list. He said the first phase approved by the Board did not include Metro since it was not one of the top priorities. He said he had a hard time believing the other entities could not fill the remaining funding gap.

Commissioner Beaver said he would agree to a short term solution but wanted to look at the details and fix the long-term problem so it didn't happen again.

Chairman Delvin said he received a letter from Wildlife Recreation & Coalition asking the Board to join.

At 10:20 a.m. the Board recessed for approximately five minutes.

Executive Session – Potential/Pending Litigation

The Board went into executive session at 10:27 a.m. with DPA Ryan Lukson for potential and pending litigation for up to 15 minutes. Also present were Ryan Brown, Sgt. Trevino, David Sparks, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 10:38 a.m. Mr. Lukson said the Board discussed potential and pending litigation but no action was taken.

Executive Session – Review Performance of Public Employee

The Board went into executive session at 10:38 a.m. to discuss the performance of a public employee for up to 30 minutes. Also present were David Sparks, Loretta Smith Kelty, and Linda Robb. The Board came out at 11:15 a.m. No action was taken in executive session.

Vouchers

Check Date: 04/24/2015
Warrant #: 120626-120783
Total all funds: \$54,155.65

Transfers #: 04241501-04241513
Total all funds: \$408,998.03

Warrants #: 120784-120933
Total all funds: \$1,089,232.04

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

Resolutions

- 2015-312: Increase of Petty Cash Funds In Auditor's Office
- 2015-313: Line Item Transfer, Fund No. 0000-101, Dept. 106
- 2015-314: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-315: Contract w/Kone, Inc. for Elevator Maintenance and Repair Services
- 2015-316: Contract w/ABM Janitorial Services, South Central, Inc for Janitorial Services
- 2015-317: Purchase of Twelve Brother Printers, One Bluetooth & Vehicle Mounts From PCS Mobile
- 2015-318: Line Item Transfer, Fund No. 0502-101, Dept. 000
- 2015-319: Superior Court Public Defense Agreement w/P Younesi
- 2015-320: Participation Agreement w/United Employees Benefit Trust for Bailiff Employees
- 2015-321: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-322: Sign Right of Plans for Tyrell Road, Phase I
- 2015-323: Purchase of Two Wheel Compactor Attachments from Western States Equipment Co.
- 2015-324: Project Review Reimbursement Agreement w/WA State Dept of Transportation
- 2015-325: Purchase of Two Work Crew Vehicles from Columbia Ford Nissan
- 2015-326: Line Item Transfer, Fund No. 0135-101, Dept. 000
- 2015-327: Appointment of Debra Brumley – Aging & Long Term Care
- 2015-328: Appointment of Janice Fulk – Aging & Long Term Care
- 2015-329: Appointment of Phillip Lemley – Aging & Long Term Care
- 2015-330: Authorizing Payment to Magnet Forensics – Software License Renewal

There being no further business before the Board, the meeting adjourned at approximately 11:15 a.m.

Clerk of the Board

Chairman