

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, June 16, 2015, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, 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; Public Works Manager Daniel Ford; Matt Rassmussen, Assistant County Engineer; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Auditor Brenda Chilton; Taylor Ranger, Auditor's Office; District Court Administrator Jacki Lahtinen; Treasurer Duane Davidson.

Approval of Minutes

The Minutes of June 9, 2015 were approved.

Consent Agenda

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

Auditor

- a. Surplus of Personal Property

Commissioners

- b. Canvassing Board Appointment
- c. Line Item Transfer, Fund No. 305-101, Dept. 000

Facilities

- d. Invitation for Bids for Janitorial Services
- e. Contract w/Integrus Architecture for Design & Engineering Services of Mental Health Expansion

Fairgrounds

- f. Amended Contract w/Clearwater Tech dba Roto Rooter Service

Information Technology

- g. Purchase of Optiplex 9020 Workstation for Office of Public Defense From Dell Premier
- h. Purchase of Latitude Laptop & Mouse for District Court Probation From Dell Premier
- i. Purchase of Barracuda Spam Firewall for Email Filtering From Right! Systems Inc.

Personnel

- j. Amended Contract w/Zee Medical, Inc for First Aid Supplies

Public Works

- k. Payment Authorization to Granite, Inc. for Bituminous Surface Project
- l. Purchase of Traffic Sign Materials From Traffic Safety Supply Co., Inc.

Sheriff

- m. Authorization to Pay Choice Martial Arts LLC for Lease of Facility for Training
- n. Amended Contract w/Keefe Commissary Network for Inmate Commissary Services

Continued Public Hearing – Interim Zoning Regulation Per Ordinance 561

Mike Shuttleworth stated the public testimony portion of the public hearing was closed at the June 2, 2015 public hearing. However, the hearing was continued to prepare an ordinance that incorporated findings of fact of the Board. If adopted, the ordinance would refer the proposed permanent legislation to its Planning Department and Planning Commission in order to consider an amendment to address marijuana production in the RL 5 District. The Planning Commission would hold public hearings and then the Board of Commissioners would hold another public hearing for final adoption.

Chairman Delvin said the interim zoning would continue and go through the Planning Commission process and advised the public to pay attention to those dates so they could testify at the Planning Commission hearings.

It was stated the interim zoning amendment would continue for six months from the date of adoption while they worked through this process.

MOTION: Commissioner Small moved to adopt the Ordinance that continued the immediate emergency interim zoning regulations to prohibit the production of marijuana in the Rural Lands Five District. Commissioner Beaver seconded and upon vote, the motion carried.

2015 Byrne Justice Assistance Grant

Cpt. Vannoy presented the 2015 Byrne Justice Assistance Grant interlocal agreement with the City of Kennewick to fund the grant for the purchase of non-ballistic external vest carrier equipment.

MOTION: Commissioner Small moved to approve the interlocal agreement with the City of Kennewick for the 2015 Byrne Justice Assistance Grant (JAG). Commissioner Beaver seconded and upon vote, the motion carried.

WA State Dept. of Corrections Agreement - Discussion

Commander Law said they received a letter from the Dept. of Corrections indicating the State was having budget problems. If they did not have a budget passed by July 1 they wanted Benton County to release all prisoners in its possession under the Dept. of Corrections contract. He said the prisoners were in the Benton County jail because they had violated their community corrections probation and were been sanctioned for something but had already served their time for their original conviction.

He said it was their intent to draft a letter from the Sheriff to the Dept. of Corrections to give notice if they didn't pass they budget, they would have to come and take the prisoners back to the Spokane area. If they were local prisoners, they would be released locally unless they had other charges against them.

Airline Service to Los Angeles – Port of Pasco

Gary Ballew, (Port of Pasco), Ron Foraker (Director for Tri-Cities Airport), and Carl Adrian, (TRIDEC), talked to the Board about airline service to Los Angeles from Pasco.

Mr. Ballew said they were applying for the small community air service grant supporting direct daily service to LA. He said they had pursued it in the past and were not successful and had worked to see how to strengthen their application. One way was to include the economic development impact and the other was to broaden community support by increasing the level of matching funds. He said they were talking to community partners including cities, port districts and Franklin County and requesting \$10,000 each (\$5,000 each year for 2016 and 2017).

Mr. Foraker said the airport served close to 1 million in population and they wanted to target LA because a lot of people were travelling outside the area to catch that flight. He said that approximately 150 passengers go to LA basin every day and the business was there to support two flights a day. He said they would be submitting the grant within 30 days and hoped to surpass the minimum of \$250,000 matching funds.

Carl Adrian said Los Angeles was the largest passenger destination market they did not currently have a direct flight for. He said the length of the agreement was for two years and assuming it was successful, it would continue; it would only get enacted if they got the grant and the air service.

The Board agreed to have legal review the issue with the Port's attorney and then look at the budget to see where the funds might come from.

Benton County Noxious Weed Control Board

Mr. Fyall said they had been working on the issue of separating Noxious Weed Control Board from Benton County government since January 2013 and had worked with Mark Nielson, Benton Conservation Board, the Auditor and staff, Treasurer and staff, PA's office, and Personnel. He said the Benton Conservation Board has substituted for the Weed Board to make sure they were getting service out to the community.

He said that in looking at what other counties were doing with their Weed Board, Duane Davidson put out an email and all 38 counties responded to him to say what they were doing.

Mr. Neilson said they had a full slate of board members ready to go and they would provide an assessment roll to the Treasurer's office every year. He said the costs were going to increase but not substantially just to cover the increased administrative costs.

MOTION: Commissioner Small moved to approve the resolution acknowledging Benton County Noxious Weed Control Board as a separate legal entity effective July 1, 2015. The County would continue to have a relationship with the Weed Board such as it does with other similar special purpose districts, including appointment of board members and collection of tax assessments. A new agency fund will be established by the Treasurer with all funds from the existing special revenue fund being transferred into the new account. The Auditor shall remove all citations for personal property owned by the Weed Board from the County's inventory. Separately, the Treasurer and the Weed Board will enter into an interlocal agreement describing how the tax collection and accounting relationship will work. Commissioner Beaver seconded and upon vote, the motion carried.

Mental Health & Human Services Discussion

Rick Weaver, CEO of Comprehensive Health (a non-profit) said they had developed a system of care in other regions and was here to talk about what a system could be. He said the County had an opportunity to guide the future or have others guide it for them. He said there had been a change of model in the State and Chemical Dependency and Behavioral Health would be combined and operated by managed care plans; the risk was the State would decide what the plan was if Benton County didn't have a system in place. He said that by having a non-profit manage, they could invest time and money instead of having the County invest. He added when they took over Walla Walla they saw a 50% increase in the number of staff, and the amount of people served in the first month were more than what was served all year. He said what they were doing was entirely with private dollars and it had proven itself time again that it could be successful. He said that Benton and Franklin Counties were one of the only communities left that had not made this change.

Commissioner Beaver asked about the revenue stream and Mr. Weaver said it was Medicaid and State dollars, expanded with insurance and grants as a non-profit, borrowed money, and contracts with other counties and RSN dollars.

He said that when Walla Walla had a contract with the RSN, they asked them to assist with getting the sales tax passed so that is how they got involved with Walla Walla. He said they did their own RFP process and the County had the choice who they wanted the RSN to contract with. Additionally, they have provided services in Yakima County since 1972 and Benton & Franklin Counties were the only Eastern Washington counties that provided Crisis services.

There was also a discussion regarding the financial risk and liability risk for the County by having these services.

Commissioner Small asked if there would be any lapse in service to the consumer if the Board decided to do this transition and move to another provider. Mr. Weaver said there shouldn't be; when they worked with Walla Walla they took six months and the switch was very smooth and they hired all their clinical staff.

Chairman Delvin said he was told that Yakima had more services with less money and Mr. Weaver said that was true and that Benton County had plenty of money but did not have all those services.

Ms. Smith Kelty said she had been working with the PA and Human Services and wanted to get direction on the current 32 bi-county contracts; did the County want to bifurcate or did it want to go one more year. Chairman Delvin said that some contracts could probably be done now. However, they needed a transfer of duties and somehow needed to structure that so they didn't have to worry about joint county issues.

Ms. Smith Kelty said the State was pushing back on splitting because they would have to manage two contracts. She suggested in some cases they would only have one year contracts so by June 2016 they would all be split. Mr. Weaver suggested that before they started talking about contracts, they should decide what they wanted for their system (how many provider networks, county or not with the county, and bi-county or not).

Chairman Delvin said it made some sense to split the contracts but they needed someone to help plan this process. Mr. Sparks commented that it was hard enough being an administrator, but it was difficult having two counties with separate goals and a department that worked for both. He suggested they contract with someone to help through this process and move forward.

Ms. Smith Kelty said Mental Health said to write to them and tell them that Benton County wanted to split; Commerce and Substance Abuse were pushing back against having two separate contracts. She added there were 15 contracts coming their way from Franklin County; they would end March or June of 2016 and the majority were amendments that would expire.

Chairman Delvin suggested meeting with Franklin County and then going through the RFP process.

Commissioner Beaver said if they had to sign some contracts that would give them some time to get this done; he indicated he wanted to be out of the bi-county business.

Commissioner Small said if the Board decided to have bi-county meeting, he wanted it to be professional and not be dictated by anyone and invite professionals including Mr. Weaver and commissioners from other counties. He said his biggest concern, other than the current employees, was the transition of services.

Chairman Delvin reiterated the County needed to have an articulated plan so the public understood what they were doing; they needed to do this because of the State but wanted the plan so it was smooth and the consumer would not be affected.

Unscheduled Visitors

Judith Cox, Richland via videoconference from Kennewick said she sent an email to the Commissioners regarding Crisis. She said she wanted the best system possible for those that suffered from mental health issues. She said what she heard about an articulated plan pleased

her since she hadn't seen that. She stated the transition piece was critical so people were not left without services. She added that she appreciated Commissioner Small's effort to make it better but did not want to rush and hoped they would take time and bring forth the stakeholders for input before making a decision.

DiAnna Maxwell, Kennewick, said she was concerned about education for youngsters regarding the effects of marijuana (mentally, physically, socially, etc.) and wanted to put a program together to address that. Commissioner Small said he personally gave presentations to schools regarding the use of drugs and recommended that she contacted ESD (Educational Service District) to help her implement this program.

James Snodgrass, Kennewick, expressed his concern about crime in Benton County. He said every year they have harvest in these RL5 zones and there were multi-national farms that brought in guest workers from foreign countries that didn't speak English. He said they drove tractors and sprayed chemicals and were not following instructions. He asked the Board to use its powers to make sure pesticides were not getting misapplied. His concern about crime included their neighborhoods being prowled, homes being broken into, dead bodies in their back yard, and stolen mail. He said he wanted a crackdown on these farms with check points to have them identified. He said this farm work was fueling these types of people.

Chairman Delvin suggested Mr. Snodgrass call the Sheriff and the State regarding these issues and also said he could meet with him after the meeting to discuss it further.

Justin Schneider, Selah, said he wanted to be grandfathered in for their business and was against the moratorium and said it was hindering their business.

Chairman Delvin said the vesting issue was being done on a case by case basis.

Joshua Schneider, Yakima, said he was against the ban and that he understood it was a case by case but wanted to know how to move forward and set up a meeting. Chairman Delvin told him to work with the Planning Dept. on the vesting issue and to send him an email and they could meet.

Louis McIntyre, Prosser, said he was opposed to the moratorium and if they wanted a business and it was legal, it should be allowed. By legalizing it, it would cut down on cartel and illegal sales and if the State received revenue, some of it was earmarked for education. He said if one person didn't follow the law, it shouldn't affect everyone.

James Kandu, Kennewick, said he took exception to the phrase "like other crops". He said it should not be allowed in residential and should be restricted to heavy industrial zone and kept out of residential and agricultural zones.

Carol Lewis, Prosser, said she moved here in May 2014 and was looking to buy a home in Prosser and move her construction business. She said she was not a recreational user and voted no but was a part business owner. She said the process was laborious and they followed all the rules and a ban was extreme just because one person did not follow the rules. She said there was

a new bill regarding the excise tax that was being drafted so the cities and counties could share in the excise tax. She said that by supporting legal marijuana business it could reduce the criminal element.

Deborah McIntyre, Prosser, read a letter into the record and said she believed it was unconstitutional to put a moratorium on an issue that was legal. She said the investors of the 502 businesses have followed the rules; she was against the moratorium and wanted it lifted and was for 502 businesses in Benton County.

Jeanne Blahut, Prosser, said she was representing her neighbors. She said a year ago they were testifying about a marijuana farm that was 3 ½ feet away from their house; she suggested the County consider requiring a 1,000 foot setback. Additionally, the farm was not going forward with the business and it had an 8-foot fence so she wanted to know about having a sunset clause on removing the fence. She also suggested including a comment period and a notification process for neighbors; something in between a moratorium and “everything goes”. She again expressed her concern about the fence and that she wanted something done about removing it.

Other Business

Metro Drug Task Force

Commissioner Small said he attended a Metro meeting and Franklin County had agreed to follow suit and absorb the cost of the PA until the end of June, however, they didn’t know if they wanted to continue that process.

He said that Metro was still short on funds (close to \$30,000) and they were asking the cities and counties to contribute approximately \$5,600 each to keep it going for right now until June 30. He said for the 2015-2016 year they were looking at eliminating the secretary position to fill the funding gap.

MOTION: Commissioner Beaver moved to approve paying the invoice for Metro in the approximate amount of \$5,600. Commissioner Small seconded and upon vote, the motion carried.

Mr. Sparks said they could figure out where to find the money to pay for the invoice.

Department of Energy Land Transfer

Chairman Delvin said he attended a meeting regarding this issue; it had to be completed by September and he didn’t see a need to participate other than monitor its progress. Benton County’s interest would lie in where the money from the land sale went and that Richland might have to come to the County in the future about the urban growth boundary.

MATRICS

Chairman Delvin said Mr. Brown sent an email regarding the interlocal agreement and he wanted to move forward and start working on the bylaws.

Commissioner Beaver expressed his concern and said it seemed evident they were trying to set up a corporation through an interlocal agreement and were not going about doing it the right way. Additionally, he still had a problem with giving them millions of dollars of assets that Benton County paid for. He said if they were worried about public safety they could have signed a user agreement.

Chairman Delvin said the question was about PCAP and whether Benton County wanted to do MATRICS. He said if they didn't want to do it, then they wouldn't go forward. He said the other entities would still have to pay to get on the system with their own equipment, not Benton County's.

Commissioner Beaver said it was about money to him; he suggested a workshop with the attorneys and the cities and other users.

Mr. Sparks said he didn't know what 20 people in a public meeting would accomplish. He said he understood the issue with law enforcement having what it needed but there were hard questions that had to be asked and answered. He expressed his concern and said they currently had a juvenile system with Franklin County and history has shown they have zero funds to upgrade and he wanted to protect Benton County's system.

Mr. Brown said they needed to create the bylaws first and then follow with an interlocal to include how to enforce that these entities pay their share.

The Board discussed the issue and agreed to have Mr. Brown meet with the other attorneys and let them know Benton County wanted to form the bylaws and articles of incorporation first before anything else. Additionally, Commissioner Beaver agreed to meet with the two city managers.

Mr. Sparks requested an additional executive session regarding labor negotiations.

The Board recessed, reconvening at 11:07 a.m.

Executive Session – Labor Negotiations

The Board went into executive session at 11:07 a.m. for up to 10 minutes to discuss labor negotiations with DPA Steve Hallstrom. Also present were David Sparks, Loretta Smith Kelty, Ryan Lukson, Ryan Brown, and Cami McKenzie. The Board came out at 11:15 a.m. Mr. Hallstrom said the Board discussed the strategy or plan for the County in labor negotiations but no decisions were made.

MOTION: Commissioner Small moved to approve signing the letter to Franklin County as modified. Commissioner Beaver seconded and upon vote, the motion carried.

Executive Session – Potential and Current Litigation

At 11:15 a.m. the Board went into executive session with DPA Ryan Lukson for 10 minutes to discuss potential and current litigation. Also present were David Sparks, Loretta Smith Kelty, Ryan Brown, Steve Hallstrom and Cami McKenzie. The Board came out at 11:20 a.m. No action was taken.

MOTION: Commissioner Small moved to reject the offer of \$325,000 on the Daniel Johnson claim. Commissioner Beaver seconded and upon vote, the motion carried.

MOTION: Commissioner Small moved to reject the offer of \$17,000 on the Meyer/Wilson claim and authorize a counteroffer at \$13,500. Commissioner Beaver seconded and upon vote, the motion carried.

Department of Corrections Issue - continued

Ryan Lukson clarified that Benton County would retain the local people as long as there was a court order in effect, but everyone that was not local would be required to be picked up by the Department of Corrections or they would transport them and bill the Department of Corrections.

Claim for Damages

CC 2015-05: Received February 27, 2015 from Dale McDowell

CC 2015-07: Received June 11, 2015 from Peter Squires

Vouchers

Check Date: 06/10/2015

Procurement Cards: #0615, 061501-061519

Total all funds: \$551,297.83

Check Date: 06/15/2015

Payroll Draw Checks

Warrant #: 238657-238662

Direct Deposit #: 105212-105396

Total all funds: \$98,206.77

Payroll Deductions/Transfers

Taxes #: 101150615

Total all funds: \$32,392.22

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

Resolutions

- 2015-427: Interlocal Agreement Between City of Kennewick and Benton County for the 2015 Byrne Justice Assistance Grant
- 2015-428: Surplus of Personal Property
- 2015-429: Line Item Transfer, Fund No. 305-101, Dept. 000
- 2015-430: Invitation for Bids for Janitorial Services
- 2015-431: Contract w/Integrus Architecture for Design & Engineering Services of Mental Health Expansion
- 2015-432: Amended Contract w/Clearwater Tech dba Roto Rooter Service
- 2015-433: Purchase of Optiplex 9020 Workstation for Office of Public Defense From Dell Premier
- 2015-434: Purchase of Latitude Laptop & Mouse for District Court Probation From Dell Premier
- 2015-435: Purchase of Barracuda Spam Firewall for Email Filtering From Right! Systems Inc.
- 2015-436: Amended Contract w/Zee Medical, Inc for First Aid Supplies
- 2015-437: Payment Authorization to Granite, Inc. for Bituminous Surface Project
- 2015-438: Purchase of Traffic Sign Materials From Traffic Safety Supply Co., Inc.
- 2015-439: Authorization to Pay Choice Martial Arts LLC for Lease of Facility for Training
- 2015-440: Amended Contract w/Keefe Commissary Network for Inmate Commissary Services
- 2015-441: Establishing the Benton County Noxious Weed Control Board as a Separate Legal Entity
- 2015-442: Adopting Findings & Conclusions to Support Previously Adopted Emergency Interim Zoning Amendment to Prohibit the Production of Marijuana in the Rural Lands Five Acre (RL5) District

There being no further business before the Board, the meeting adjourned at approximately 11:25 a.m.

Clerk of the Board

Chairman