

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, July 19, 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 Kelty; Adam Fyall, Sustainable Development Manager; County Engineer Matt Rasmussen; Assistant County Engineer Robert Blain; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Auditor Brenda Chilton; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Shyanne Faulconer, Community Programs/PR Coordinator; Judge Bob Swisher; DPA Ryan Lukson; Judge Alex Ekstrom; Superior Court Administrator Pat Austin; Public Services Administrator Fred Bowen; WSU/Benton County Manager Marianne Ophardt; WSU/Benton County Gwen-Alyn Hoheisel, WSU Benton County; Clark Posey, Planning.

#### Approval of Minutes

The Minutes of July 12, 2016 were approved.

#### Consent Agenda

**MOTION:** Commissioner Delvin moved to approve the consent agenda items “a” through “p”. Commissioner Beaver seconded and upon vote, the Board approved the following:

#### Commissioners

- a. Closing Funds & Adding Replacement Funds to ICMA Retirement Corporate Accounts

#### Juvenile

- b. 1<sup>st</sup> Amended Agreement w/NCourt LLC
- c. Grant Application w/DSHS for Juvenile Detention Alternatives Initiative

#### Office of Public Defense

- d. District Court Public Defense Services Agreement w/M Prince
- e. District Court Public Defense Services Agreement w/A Pechtel for Overflow Cases
- f. Amended Public Defense Services Interlocal Agreement w/City of W Richland for Billing of Costs w/Mental Health Court
- g. Amended Public Defense Services Interlocal Agreement w/City of Prosser for Billing of Costs w/Mental Health Court

**Public Safety**

- h. Agreement w/Kiona-Benton City School District for Crime Prevention Program

**Public Works**

- i. Establishing New Speed Limit on Clodfelter Road
- j. Contract w/ B.C.V., for Hanks Road & CR12 Pathway Asphalt Repair
- k. Accepting Work Performed by B.C.V., for Fall 2015 Crack Seal Project
- l. Accepting Work Performed by Fowler General Construction for Kennewick Maintenance Facility

**Sheriff**

- m. Salary Request Statement
- n. Salary Request Statement
- o. Salary Request Statement

**Treasurer**

- p. Approval of Disbursements from the Historical Preservation Fund

**Benton County IT Interlocal Agreement**

Judge Swisher, Judge Ekstrom and Pat Austin updated the Board on the IT interlocal agreement with Franklin County. Ms. Austin said they had been working since last summer with the counties to arrive at an interlocal satisfactory to both counties based on what they needed to accomplish their daily business as a bi-county judicial district. She said they were not involved in the financial information but were working with Loretta Smith Kelty, Keith Johnson and IT staff in both counties. She said it was currently out for final legal review and they were getting close to bringing it to the Board for its review.

Judge Ekstrom discussed the IGN network (like a pipeline) and said the best explanation was there was more data going into Benton County so the issue was to decide what the equitable arrangement was between the two counties. He said their sum total of the interest in the matter was that they be able to do their job efficiently.

Ms. Smith Kelty said one of the questions was whether they wanted to still continue with Odyssey, which is what Franklin County was using.

Commissioner Delvin said his bottom line was to make sure Franklin County was paying its share. Chairman Small agreed and said he wanted to make sure Benton County was not subsidizing Franklin County.

Commissioner Beaver asked about size of “pipeline” and Ms. Austin said they requested that Benton County’s be increased and it was increased at the State’s cost.

Mr. Sparks said he thought they were looking at taking Superior Court to the cloud and not using the Benton County server and creating one specific for Superior Court so it would be joint owned with joint liabilities and joint responsibility for public records. Ms. Austin said it was her understanding that IT was testing that method with another department before moving the Courts to it. She added they did not disagree with that method but were told it could not be accomplished by December.

Mr. Sparks said he would talk with IT to get a status on that and he wanted to see it addressed in the agreement that there was funding to make it happen when it was ready.

Judge Swisher added he thought maybe the agreement should be between the Courts and the cloud server.

The Board agreed to move forward and include provisions for including cloud storage for Superior Court in the agreement.

### **WSU Update**

Marianne Ophardt announced she would be retiring effective October 31, 2016 and that WSU Extension would be appointing Gwen-Alyn Hoheisel to administrate the extension office.

Ms. Ophardt updated the Board on the following:

- Community gardening (Plant a Row for the Hungry) doing well - raised \$11,000
- Grant for \$10,000 for United Way to build more food gardens
- Juvenile Justice garden – benefits to the community
- Census of Agriculture –Eastern WA largest producer of organic apples in the United States

Ms. Hoheisel updated the Board on the following:

- Viticulture/Fruit Trees
- Impact reports
- Exotic pests – large impacts on the industry; have a team with a multi-million grant for research team; training master gardeners as first detector network to identify these bugs; delivering the same education to the growers;
- Specialty crop research grant

### **Other Business**

Mr. Sparks referred to item “a” on the consent agenda regarding ICMA and said it was pretty significant. He gave credit to Ryan Brown for his work on the issue and said it would drastically reduce the fees the employees had to pay. He said as an example, if you had \$10,000 saved (in an index fund), the new fee paid would be \$5/year. He said by comparison, the NACO program would require the employee pay \$122/year for the same amount of money. He said the County may need to look at NACO and request it match this ICMA program or consider moving away from NACO. He said that Personnel also needed to let employees know about this program, especially the ones that had their money with NACO.

The Board recessed at 9:40 a.m. for approximately five minutes and Mr. Lukson said the Board could potentially make a decision after the executive session.

The Board came back into session at 9:47 a.m.

**Executive Session – Potential Litigation**

The Board went into executive session at 9:47 a.m. with DPA Ryan Lukson regarding potential litigation for approximately 10 minutes. Also present were David Sparks, Loretta Smith Kelty, Ryan Brown, and Cami McKenzie. The Board came out at 9:56 a.m. Mr. Lukson stated the Board discussed potential litigation and took no action.

**MOTION:** Commissioner Beaver moved to authorize the PA’s office to file a complaint for declaratory relief on behalf of the County against Christopher Hupy regarding his request for judicial emails. Commissioner Delvin seconded and upon vote, the motion carried.

**Vouchers**

Check Date: 07/11/2016

P-Cards: #0716  
Total all funds: \$282,017.01

Check Date: 07/15/2016

Checks #: 142382-142522  
Total all funds: \$625,656.55

Transfers #: 7151601-7151617  
Total all funds: \$1,865,713.44

Payroll Draw Checks  
Warrant #: 239797-239800  
Direct Deposit #: 115924-116105  
Total all funds: \$109,080.74

Payroll Deductions/Transfers  
Taxes #: 101160715  
Total all funds: \$35,978.89

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

**Resolutions**

- 2016-560: Closing Funds & Adding Replacement Funds to ICMA Retirement Corporate Accounts
- 2016-561: 1<sup>st</sup> Amended Agreement w/NCourt LLC
- 2016-562: Grant Application w/DSHS for Juvenile Detention Alternatives Initiative
- 2016-563: District Court Public Defense Services Agreement w/M Prince
- 2016-564: District Court Public Defense Services Agreement w/A Pechtel for Overflow Cases

- 2016-565: Amended Public Defense Services Interlocal Agreement w/City of W Richland for Billing of Costs w/Mental Health Court
- 2016-566: Amended Public Defense Services Interlocal Agreement w/City of Prosser for Billing of Costs w/Mental Health Court
- 2016-567: Agreement w/Kiona-Benton City School District for Crime Prevention Program
- 2016-568: Establishing New Speed Limit on Clodfelter Road
- 2016-569: Contract w/ B.C.V., for Hanks Road & CR12 Pathway Asphalt Repair
- 2016-570: Accepting Work Performed by B.C.V., for Fall 2015 Crack Seal Project
- 2016-571: Accepting Work Performed by Fowler General Construction for Kennewick Maintenance Facility
- 2016-572: Approval of Disbursements from the Historical Preservation Fund

There being no further business before the Board, the meeting adjourned at approximately 9:56 a.m.

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Clerk of the Board

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Chairman