

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, August 13, 2013, 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; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; County Engineer Daniel Ford; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; Jacki Lahtinen, District Court; Clerk Josie Delvin; Auditor Brenda Chilton; Bob Woody and Teri Holmes, Central Services; Erhiza Rivera, Treasurer's Office; Sue Schuetze and Norm Childress, Public Works.

Approval of Minutes

The Minutes of August 6, 2013 were approved.

Consent Agenda

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

Board of Equalization

- a. Notice of Approval to Hear Property Tax Appeals

Commissioners

- b. Amended Bylaws and Rules of Procedures for Board of Benton County Commissioners

Fairgrounds

- c. Purchase Authorization of Outlaw Mower From S.S. Equipment, Inc.

Human Services

- d. Salary Request Statement

Juvenile

- e. Amended Agreement w/Securus Technologies for Inmate Telecommunication System

Parks

- f. Line Item Transfer, Fund No. 0000-101, Dept. 126

Public Works

- g. Purchase Authorization of Crack Seal Materials From Special Asphalt Products, Inc.

- h. Rental of Crack Sealing Machine From Arrow Construction Supply, Inc.
- i. Contract w/A & B Asphalt, Inc. for Equipment & Material for Canal Repair

Superior Court

- j. Purchase Authorization From the Trial Court Improvement Fund Committee

Workforce Development Council

- k. Appointment of J Weber to the Benton-Franklin Workforce Development Council

Public Hearing - KID Franchise Request

Sue Schuetze stated that KID filed a petition to continue a nonexclusive franchise to place irrigation water distribution system and all facilities within county road right of way in Benton County. She said her office reviewed the request and recommended approval subject to the listed conditions in the staff report dated August 13, 2013.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner Beaver moved to approve the franchise petition and enter into a franchise order and agreement with KID, subject to the six listed items in the report. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

Contract w/DSHS, Division of Behavioral Health & Recovery

Ed Thornbrugh discussed the proposed contract amendment with DSHS and that it contained a technical error preventing the PA from approving as to legal form. He said the State sent the contract amendment to Benton County after it expired, however they claimed their letter of intent and amendment satisfied the extension of the contract prior to its expiration. He said he was asking the Board to sign it without the attorney signature so as not to put chemical dependency services at risk and that he would make every effort to make sure it didn't happen again. Additionally, Franklin County's attorney had the same concerns and he would be asking Franklin County Commissioners to sign as well.

DPA Ryan Lukson via/videoconference said the way to fix this would be to sign a new contract, however, the contractor said it was a timing issue and they could not sign a new contract. Mr. Lukson said you could not amend an expired contract and it would not be enforceable. He said it was more of a technical issue than anything.

MOTION: Commissioner Delvin moved to approve Amendment No. 5 Between DSHS, Division of Behavioral Health & Recovery and Benton-Franklin Human Services and authorize the Chair to sign on behalf of the Board. Commissioner Beaver seconded.

Discussion

Commissioner Beaver asked about sending a letter to the State outlining its concerns and the predicament it was putting the County in. The Board agreed that was a good idea.

Upon vote, the motion carried.

Housing Agreement with Department of Commerce

Mr. Thornbrugh said the PA was unwilling to sign this agreement since it had language regarding errors and omissions and they wanted the County to be liable to third parties. He said the State was unwilling to change the terms, however, they were working on trying to standardize their agreements. He said this was an issue with other counties as well and that it had been brought to WSAC so they could assist with the issue. He said he spoke to the Dept. of Commerce and they were recruiting someone to take the vacated contract position and the first order of business would be to resolve this issue. He said it was his recommendation to sign the agreement so it would not affect the grant and make sure the issue was resolved prior to the new contract in January.

Ryan Lukson said he did talk to Commerce last year when they had a similar issue on another contract but that the issue was still not resolved. He agreed it was a good idea to address the issue from a group wide effort.

The Board agreed to send a letter from the Board on this issue as well and also copy the Governor.

MOTION: Commissioner Delvin moved to approve signing the contract with Dept. of Commerce for Grant Number 11-46204-503 for housing and essential needs and to include a letter from the Board of County Commissioners. Commissioner Beaver seconded and upon vote, the motion carried.

Support Request – Greater Columbia Behavioral Health Application for Funding

Mr. Thornbrugh said the state budget included appropriations for the construction of free standing evaluation and treatment or crisis facilities and these funds were available to RSN's through an application process. He said he wanted to support the GCBH in its application process and the following two projects they wanted to submit:

1. Develop a crisis triage center in partnership with Lourdes Counseling Center to operate a Crisis Triage Center (up to 16 beds) to assist officers in diverting preventable hospitalizations and incarceration. Mr. Thornbrugh proposed using reserve funds for the required local match.
2. Conduct an RFP to identify a qualifying partner to operate a crisis intervention, stabilization and respite center. Additionally, he recommend the County use local funding to match this grant

MOTION: Commissioner Beaver moved to approve signing letters of support regarding the applications to be placed on the next available consent agenda. Commissioner Delvin seconded.

Discussion

Commissioner Delvin asked where the one-time money would come from and Mr. Thornbrugh replied it would be from Human Services Reserve Fund.

Upon vote, the motion carried unanimously.

Parking Restriction on Grosscup Road

Daniel Ford and Norm Childress presented the resolutions for parking restrictions to be placed on Grosscup Road. Mr. Ford indicated the signs would prohibit any vehicle to stop, park or be left standing upon the roadway at any time along either side of Grosscup Road from Yakima River Drive east to the end (approximately 0.12 miles).

Commissioner Beaver expressed his concern with putting up these signs to address the rafters at Twin Bridges and it was his understanding that Public Works did not recommend this solution.

Norm Childress stated this was due to Board direction and they previously posted no parking signs in an effort to keep the road open but those signs were not doing the job. He said this would take it a step further and add a level of restriction. Mr. Childress indicated that an individual put up signs that were not appropriate and those have been removed.

Commissioner Beaver said he has had numerous conversations with the county attorney and was told this was not the way to proceed; it would seem the County was trying to gift the culdesac. He added that depending on how the County proceeded, he would have the issue reviewed independently by legal counsel. He reiterated he believed this was the wrong path to take.

Commissioner Delvin asked if this was the legal process to put up signs. Mr. Childress said this was the process for the County to put up regulatory signs and the Board of Commissioners had this type of regulatory authority for restriction as authorized by the State.

Commissioner Small said it was only his intent to try and stop vehicles from being a public nuisance.

Commissioner Delvin said he had tried to encourage the landowners to try and direct rafters to other areas and there were other entities facing the same problems with parking. He said he had not been able to find a way to vacate the property and as far as he knew the County could not sell it to him, even though he was willing.

MOTION: Commissioner Delvin moved to approve the resolutions for parking restriction signage on Grosscup Road. Chairman Small seconded and upon vote the motion carried with Commissioner Beaver opposing.

Unscheduled Visitors

Cecil Kendall said he was asking for an update on the CRID issue and the discussion about using public monies to upgrade 38th Avenue.

Daniel Ford said they were waiting for a classification of 38th Avenue and once that was complete, it could be included in the roadway and they could address funding. He said they put

in application for functional classification but had not heard back, however, he would be meeting with WSDOT today on another issue and would check on that as well. He said he expected an answer possibly by the end of summer.

Once that classification was done, the County could look at possibly forming a CRID and discussing the costs to be paid by the County, the City of West Richland and the residents.

Chairman Small commented that there was only one Commissioner focusing on 38th Avenue but there were many other roads to consider in the County.

David Sparks said the direction from the Board was work on 38th Avenue, and then look at a Commissioner formed CRID. He said they could then determine how much money the County would contribute; however, the first step was a determination of 38th Avenue. He said he was working with the PA regarding the idea of completing pre-design work to determine costs on this since it was a private road.

Kendra Simpson said she lived on Grosscup Road and thanked the Board for approving the signs. She said they were not looking for handouts but were only looking for every way possible to feel safe in their home. She said they had tried to assist with the process the very best they could and had even looked at selling their house and they would be willing to buy the County property for whatever it was worth.

Commissioner Beaver said he wanted to help them as well but had an issue with the way it was being handled and didn't feel it was the correct way.

Other Business

Commissioner Beaver reported on a tour he attended that visited Sunhaven Farms and Zirkle Fruit.

Commissioner Delvin asked the Board would be willing to sign a letter supporting the "no" side for Initiative 522 regarding food labeling restrictions in Washington State only. The Board agreed.

Commissioner Delvin also discussed emails and correspondence regarding the gravel pit expansion and said he didn't know if they wanted to interject themselves in that issue; the Board agreed to just acknowledge receipt of the emails.

Chairman Small said he attended the drug court graduation and Walter Clore event.

David Sparks updated the Board on current projects the County was working on, in addition to the CRID and Grosscup: District Court remodeling; Courthouse Shuffle; HVAC projects; Central Services conversion and storage area network update; paperless project; computerized jail system for security; Fairgrounds Restroom; Public Works - Travis Road and Piert Road upgrades and chip sealing and striping; Parks – Badger Mt. Plan, and Horn Rapids Shop; Planning – master shorelines plan; Building - went on the cloud with a new permitting program

for a total amount of approximately \$10 million. He said he just wanted to let the Board know some of the good projects the County was working on.

Commissioner Delvin said he shared frustrations with individuals that came to the Board; he said one of the reasons he went into office was to make changes. He said he was very impressed with county staff and the projects they were working on and knew the County was busy. He indicated he was willing to go to the legislature next year and ask why the Counties couldn't have the same authority as cities as far as vacating roads.

Chairman Small also expressed his appreciation to the county staff for its work. Additionally, he said he received a request for a joint county meeting regarding the matrix proposal and asked the Board to review their calendars.

Vouchers

Check Date: 08/09/2013
Warrant #: 85677-85735
Total all funds: \$212,660.60

Check Date: 08/09/2013
Warrant #: 85736-85925
Total all funds: \$5,284.63

Check Date: 08/09/2013
Procurement Cards: #0813
Total all funds: \$200,983.83

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

Resolutions

- 2013-586: Notice of Approval to Hear Property Tax Appeals
- 2013-587: Amended Bylaws and Rules of Procedures for Board of Benton County Commissioners
- 2013-588: Purchase Authorization of Outlaw Mower From S.S. Equipment, Inc.
- 2013-589: Amended Agreement w/Securus Technologies for Inmate Telecommunication System
- 2013-590: Line Item Transfer, Fund No. 0000-101, Dept. 126
- 2013-591: Purchase Authorization of Crack Seal Materials From Special Asphalt Products, Inc.
- 2013-592: Rental of Crack Sealing Machine From Arrow Construction Supply, Inc.
- 2013-593: Contract w/A & B Asphalt, Inc. for Equipment & Material for Canal Repair
- 2013-594: Purchase Authorization From the Trial Court Improvement Fund Committee
- 2013-595: Appointment of J Weber to the Benton-Franklin Workforce Development Council
- 2013-596: Contract Amendment No. 5 with DSHS – Division of Behavioral Health & Recovery

- 2013-597: Grant with Dept. of Commerce – Housing & Essential Needs Grant
2013-598: Parking Restrictions on Grosscup Road

There being no further business before the Board, the meeting adjourned at approximately at 10:07 a.m.

Clerk of the Board

Chairman