

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
December 6, 2010, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Leo Bowman
Commissioner Max E. Benitz, Jr.
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, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Erhiza Rivera, Treasurer's Office; Malcolm Bowie, Public Works; Ed Thornbrugh, Human Services; Mike Shuttleworth, Planning; Shon Small, Sheriff's Office; DPA Ryan Brown; Assessor Barb Wagner; Sue Schuetze, Public Works; Susan Walker, Planning.

Workshop Agenda

With nothing to report, the Board recessed, reconvening at 9:00 a.m.

Approval of Minutes

The Minutes of November 29, 2010 were approved.

Consent Agenda

MOTION: Commissioner Bowman moved to approve the consent agenda items "a through "bb". Commissioner Benitz seconded and upon vote, the Board approved the following:

Animal Control

- a. Copier Lease Agreement w/Ikon Office Supplies

Central Services

- b. Extension of County Voice System to Animal Control Facility

Commissioners

- c. 2011 Non-Bargaining Contribution to Employee Benefits
- d. 2011 Non-Bargaining General Increase of Wages
- e. Letter to City of Prosser re District Court
- f. Support Letter to WA State Department of Commerce
- g. Letter to Agri-Northwest re Horse Heaven Cemetery

Juvenile

- h. Interpreter Service Contract w/M Rudeen
- i. Interpreter Service Contract w/Connections Consulting
- j. Personal Services Agreement w/Coffey Refrigeration
- k. State of WA Administrative Office of the Courts Contract Amendment – Becca Programs
- l. State of WA Administrative Office of the Courts Contract Amendment – CASA Programs
- m. Personal Service Contract w/Inter-City Legal Processing & Messenger Service, LLC

Office of Public Defense

- n. Benton County Law & Justice Council Citizen Member Appointments
- o. Superior Court Professional Services Agreement w/S Johnson
- p. Superior Court Professional Services Agreement w/D Arnold
- q. Superior Court Professional Services Agreement w/S Swanberg
- r. Superior Court Professional Services Agreement w/L Zeigler
- s. Superior Court Professional Services Agreement w/S Cornish
- t. Superior Court Professional Services Agreement w/J Metro
- u. Superior Court Professional Services Agreement w/S Mendoza

Personnel

- v. Guest Speaker Contract w/C Poulsen

Planning

- w. Reappointment of R Burows to Board of Adjustment

Prosecuting Attorney

- x. Collective Bargaining Agreement for Sheriff’s Office Clerical

Public Works

- y. Vacation of Right of Way of Bofer Canyon Road

Sheriff

- z. Surplus of Personal Property – Personal Sidearm Purchase – Taylor
- aa. Surplus of Personal Property – Personal Sidearm Purchase – Hart
- bb. Surplus of Personal Property – Personal Sidearm Purchase - Small

The Board briefly recessed, reconvening at 9:05 a.m.

Ordinance Amendment BCC 3.26

Mike Shuttleworth presented changes to the Flood Damage Prevention Code as needed to comply with FEMA and recommended the Board approve the amendment as presented.

MOTION: Commissioner Bowman moved to approve the ordinance amending BCC 3.26 of the Flood Damage Prevention Code, complying with FEMA requirements, and adopting the Planning Commission’s findings as their own. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:15 a.m.

Ordinance Amendment BCC 16.10

Mike Shuttleworth presented the ordinance extending the effective date of Interim Growth Management Regulations, a continuing ordinance they do every year. He said hopefully this would be the last year since they would be applying new densities in the Comprehensive Plan.

MOTION: Commissioner Benitz moved to approve the ordinance amendment to BCC 16.10 relating to Interim Growth Management Regulations and adopting the Planning Commission's findings as their own. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:20 a.m.

Executive Session – Potential Litigation

The Board went into executive session at 9:20 a.m. for approximately 10 minutes with DPA Ryan Brown to discuss potential litigation. Also present were Malcolm Bowie, Sue Schuetze, David Sparks, Cami McKenzie, Loretta Smith Kelty, and Melina Wenner.

The Board came out at 9:32 a.m. Mr. Brown stated the Board discussed a potential claim against the County and would now go into executive session to discuss another potential claim against the county.

Executive Session – Potential Litigation

The Board went into executive session at 9:32 a.m. for approximately 20 minutes with DPA Ryan Brown to discuss potential litigation. Also present were Assessor Barb Wagner, David Sparks, Cami McKenzie, Loretta Smith Kelty, Melina Wenner.

The Board came out at 9:47 a.m. Mr. Brown stated the Board discussed potential litigation but no action was taken.

Yakima Basin Integrated Water Supply Plan

Commissioner Benitz presented a letter to Ben Floyd outlining comments by Benton County about the need for additional storage and requesting they consider all options and other viable projects for long-term economic growth.

Commissioner Bowman said he was not opposed to what was being said in the letter, but wondered if this was the best strategy. He said that Benton County should be on the same page as Yakima and Kittitas counties and believed this statement by Benton County was premature. He said he didn't believe they could move forward with the plan without the counties if it wasn't supported as written. He said he talked with Yakima County this morning and they were not going to oppose, but also were not going to put their position out there.

Chairman Beaver said he was not opposed to sending the letter.

Commissioner Benitz said that by clarifying the points, it would be beneficial for the congressional delegation in drafting legislation for water in the basin.

Unscheduled Visitors

Dan Deckert, Benton City, said he wanted to know if the Board had collectively taken any action to address the code enforcement issue that he previously brought to the Board.

Chairman Beaver said the Board had not collectively taken a position on the matter. Mr. Deckert said there was correspondence between himself and Commissioner Bowman and he felt it was lacking pertinent information and he felt like he was being “blown off”. He said the Benton County Code was severely lacking with enforcement authority and the one code enforcement officer was overwhelmed.

Chairman Beaver said this junkyard issue was one of the most difficult issues facing the cities and counties but there was a due process and the County had to operate within the confines of the law.

Commissioner Bowman said he apologized the issue wasn’t addressed in Mr. Deckert’s time frame, but he had done some work on this issue and discussed it with the PA, code enforcement, and staff, and it was his intention to move it forward with a complete review.

Chairman Beaver said the Board would work on the issue with the appropriate staff and would get some correspondence back to Mr. Deckert.

Vouchers

Check Date: 11/30/2010
Warrant #: 23546-23779
Taxes #: 10111101
Total all funds: \$919,312.73

Check Date: 12/3/2010
Warrant #: 23813-24011
Total all funds: \$1,136,853.97

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

Resolutions

- 10.755 Copier Lease Agreement w/Ikon Office Supplies
- 10.756 Extension of County Voice System to Animal Control Facility
- 10.757 2011 Non-Bargaining Contribution to Employee Benefits
- 10.758 2011 Non-Bargaining General Increase of Wages
- 10.759 Interpreter Service Contract w/M Rudeen
- 10.760 Interpreter Service Contract w/Connections Consulting

- 10.761 Personal Services Agreement w/Coffey Refrigeration
- 10.762 State of WA Administrative Office of the Courts Contract Amendment – Becca Programs
- 10.763 State of WA Administrative Office of the Courts Contract Amendment – CASA Programs
- 10.764 Personal Service Contract w/Inter-City Legal Processing & Messenger Service, LLC
- 10.765 Benton County Law & Justice Council Citizen Member Appointments
- 10.766 Superior Court Professional Services Agreement w/S Johnson
- 10.767 Superior Court Professional Services Agreement w/D Arnold
- 10.768 Superior Court Professional Services Agreement w/S Swanberg
- 10.769 Superior Court Professional Services Agreement w/L Zeigler
- 10.770 Superior Court Professional Services Agreement w/S Cornish
- 10.771 Superior Court Professional Services Agreement w/J Metro
- 10.772 Superior Court Professional Services Agreement w/S Mendoza
- 10.773 Guest Speaker Contract w/C Poulsen
- 10.774 Reappointment of R Burows to Board of Adjustment
- 10.775 Collective Bargaining Agreement for Sheriff’s Office Clerical
- 10.776 Vacation of Right of Way of Bofer Canyon Road
- 10.777 Surplus of Personal Property – Personal Sidearm Purchase – Taylor
- 10.778 Surplus of Personal Property – Personal Sidearm Purchase – Hart
- 10.779 Surplus of Personal Property – Personal Sidearm Purchase – Small
- 10.780 Adoption of Ordinance Amending BCC 3.26 - Flood Damage Prevention Code
- 10.781 Adoption of Ordinance Amendment to BCC 16.10 relating to Interim Growth Management Regulations

There being no further business before the Board, the meeting adjourned at approximately 10:17 a.m.

Clerk of the Board

Chairman