

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
January 25, 2010, 9:00 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 Linda Ivey; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; DPA Ryan Brown; Superior Court Administrator Pat Austin; Steve Becken and Malcolm Bowie, Public Works; Mike Shuttleworth, Planning Manager; Bryan Perry, Safety Coordinator; Nick Kooiker, Treasurer's Office; Judge Cameron Mitchell; Judge Bruce Spanner; Sheriff Larry Taylor; Eric Hsu, OPD; Prosecuting Attorney Andy Miller; Jennifer Bowe, Juvenile; Larry Moser, Public Works; Erhiza Rivera, Treasurer's Office.

**Approval of Minutes**

The Minutes of January 6, 2010 were approved.  
The Minutes of January 11, 2010 were approved.

**Review Agenda**

Items "q" (Appraisers' Collective Bargaining Agreement) and "u" (ER&R Rental Rates) were pulled from the consent agenda.

**Consent Agenda**

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

**Commissioners**

- a. Letter of Support – 2Harvest
- b. Letter to District Court Judge – Hours of Business & Holidays
- c. Business Travel and Expense Policy; Rescinding Resolution 09-688
- d. Benton County Tax Levy for 2010

- e. Memorandum of Understanding for Columbia River Crossing Study

Facilities

- f. Purchase of a Polaris ATV w/ Plow Blade
- g. Contract w/ Apollo Sheet Metal for HVAC Preventative Maintenance
- h. Authorization to Pay Apollo Sheet Metal for HVAC Preventative Maintenance

Fairgrounds

- i. Contract w/ Cut Above for New Irrigation System at the Fairgrounds

Human Services

- j. Agreement, #2010-2163-BFCAC-00, w/Benton Franklin Community Action Committee

Juvenile

- k. Contract Amendment w/ARAMARK Correctional Services

Office of Public Defense

- l. Professional Services Agreement w/E Riley
- m. Compensating A Hewitt for Indigent Defense Contract
- n. Amended Professional Services Agreement w/S Ajax
- o. Compensating M Poland for Indigent Defense Representation

Personnel

- p. Contract w/ Washington Counties Risk Pool for Property Insurance

Prosecuting Attorney

- q. Appraisers' Collective Bargaining Agreement
- r. Salary Placement Statement

Public Works

- s. Diverting Road Tax Levy Funds to Current Expense for Traffic Enforcement
- t. Certification of the 2010 Road Levy and Estimated Revenue
- u. Equipment Rental Rates for County Road Equipment Rental & Revolving Fund
- v. Sandpiper Road CE 1878 CRP
- w. Application for City of W. Richland - Franchise to Install Water & Sewer Facilities in Roads
- x. Application for NW Pipeline – Franchise to Continue A Natural Gas Transportation System
- y. Granting Franchise – Benton Irrigation Dist. for Irrigation Water System Lines Facility
- z. Bituminous Surface Treatment 2010
- aa. Agreement Construction Proposal – Improvement to Clodfelter & Locust Grove Roads
- bb. Consultant Agreement for Appraisal Services

Sheriff

- cc. Contract w/ W. Thomas Cooper M.D., P.S.

Solid Waste

- dd. Acceptance of Benton County Coordinated Prevention Grant Agreement

Workforce Development Council

- ee. Memorandum of Understanding w/One-Stop Partners

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

### **Public Hearing – SV 09-03**

Mike Shuttleworth said that Benton County received an application requesting the vacation of the 20-foot drainage easement on Badger View Estates and his office recommended approval, with the listed conditions.

#### **Testimony**

John Dick wanted to know if the request had anything to do with Lot 21. Mr. Shuttleworth stated it did not.

Public testimony was closed for further comment.

**MOTION**: Commissioner Benitz moved to approve the vacation of that portion of the 20-foot drainage easement of Badger View Estates subdivision, as presented by the Planning Department. Commissioner Bowman seconded and upon vote, the motion carried.

### **PEDA Quarterly Update**

Deb Heintz, PEDA, provided the quarterly report to the Board and updated the Board on the Walter Clore Wine and Culinary Center.

Additionally, Scott Keller, Port of Benton, thanked the Board for its financial help with Crow Butte, and said he had received a lot of positive feedback.

Charlie Bush, City of Prosser, said they were developing a Boys & Girls Club in Prosser and that it would also benefit the county residents.

### **Public Hearing – Supplemental Appropriation Requests**

Ms. Ivey presented resolutions for the supplemental appropriation requests.

#### **Testimony**

Jeff Little said he was grateful the Commissioners decided not to cut the Family Court Services CASA program. He discussed the benefits of the program and the implementation of a new court rule requiring additional court appointed Guardian Ad Litem (GAL). He said the Board saw the value for the CASA program and decided to maintain the funding, however, he was struggling with the 25% reduction in that budget. He said if staffing was not returned to its original level, it would place the program in jeopardy and he pleaded with the Board to restore the office to its prior staffing level.

Linda Waters said she was a CASA and a compensated GAL and there were currently only 12 volunteers that were serving Benton County. She said the program in Benton County was a unique Title 26 program (with only two in the State). Additionally, she said the program had

saved Benton County approximately 267 days of trial by settling these cases. Ms. Waters requested the Board restore the program to its full budget.

Andy Miller said he previously asked if everyone was in favor before they went out to raise money. Additionally, he said they have talked about drug court for a long time and he was still in favor of keeping the drug court program.

Ken Hohenberg, Kennewick Police Chief, said he was aware that budgets were tough, however, they have had great support for raising money for drug court. He thanked the Board for its support and also said he was in support of the drug court program.

Pat Austin, Superior Court, said they had identified in the past the partnerships that were in support of the drug court program. Additionally, she said the judicial branch was looking at improving both the CASA and drug court programs.

Commissioner Bowman asked how she was going to take care of the 25% cut in the CASA program. Ms. Austin said the budget cuts meant that exempt employees would be putting in more hours to keep the program running.

Superior Court Judge Bruce Spanner said the judiciary was solely charged with managing their programs and the Commissioners were being asked to interfere with that management. He said the Commissioners decided how much to allocate and the judges decided that drug court was important enough to keep and the CASA program could be done with 1½ employees.

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

**MOTION**: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Current Expense Fund, Dept. 115 in the amount of \$82,561. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

**MOTION**: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Juvenile Fund, Dept. 174 in the amount of \$82,561. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

**MOTION**: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Current Expense Fund, Dept. 123 in the amount of \$109,256. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

**MOTION**: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Human Services fund, Dept. 566 in the amount of \$22,000. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

**MOTION**: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Current Expense Fund, Dept. 117 in the amount of \$17,140. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

**MOTION:** Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Current Expense Fund, Dept. 106 in the amount of \$3,333. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Commissioner Bowman said this was not an easy decision to make and he did not do this because he was trying to tread on the judges' turf. He said the community stepped up to leverage money for the drug court program. He said he appreciated the CASA program and he didn't know all the intricacies of the programs and relied upon the advice of the experts. He said he was sorry the County had to take some hits and it was not callousness towards one program or another.

Commissioner Benitz said the County had a responsibility to the public's money and the program was important, but they would be funded when they could afford them. He said the public stepped up so the Board should be held accountable.

Chairman Beaver said he appreciated everyone coming out and supporting the programs and the Board had to rely on the administration to help make these decisions.

### **SUB 07-03 - Final Plat Approval**

Mike Shuttelworth said the conditions of approval had been met and the final plat was ready to sign. However, he said that Public Works had a concern it wanted to address.

Mr. Becken said the applicant had an outstanding bill with the Public Works Department and so he requested the Board approve the final plat conditioned upon paying his final bill.

**MOTION:** Commissioner Benitz moved to approve the final plat of Rivers Edge Estates, SUB 07-03, conditioned upon the bill being paid at the Public Works Department. Commissioner Bowman seconded and upon vote, the motion carried.

### **Executive Session – Potential Litigation**

The Board went into executive Session with DPA Jonathan Young, Sheriff Taylor, and Melina Wenner at 9:59 a.m. for approx. 5 minutes to discuss potential litigation. Also present were Bryan Perry, Loretta Smith Kelty, Ryan Brown, David Sparks, and Cami McKenzie. The Board came out at 10:06 a.m. and announced it needed another three minutes. The Board came out 10:08 a.m. and Mr. Young announced the Board did not make any decisions, but direction was given.

### **Executive Session - Current Litigation**

The Board went into executive session at 10:08 am. for approximately 10 minutes with DPA Jonathan Young to discuss current litigation. The same parties were present. The Board came out at 10:15 a.m. Mr. Young stated that no decisions were made.

**MOTION:** Commissioner Benitz moved to approve the settlement offer for claim CC 09-25. Commissioner Bowman seconded and upon vote, the motion carried unanimously. The Board briefly recessed, reconvening at 10:19 a.m.

### **Animal Control Facility**

David Sparks, Sheriff Taylor, and Roy Rogers discussed the proposed Animal Control Facility with the Board. Mr. Sparks said they had been working with Kennewick on a special use permit to locate the facility at the Fairgrounds, but there were a lot of issues including additional costs and additional encroachment into the Kid Zone area for the Fair. He said the architect was still moving forward with the design, but he needed direction from the Board to look at additional properties.

Sheriff Taylor said the Quinault property was ideal due to location, infrastructure, and proximity to the veterinary clinic. Additionally, he suggested the Board look at the remaining lot on the campus at the Justice Center.

Commissioner Bowman said he was concerned about locating a county facility within the city limits and the confusion it might create for the residents. He also suggested the Board look at the Badger property near I-82 purchased for the Road Department.

The Board agreed to have Mr. Sparks review all three suggested sites and provide a report back to the Board.

### **Consent Agenda Item “u” – ER&R Rental Rates**

Chairman Beaver requested Mr. Sparks to review the proposed rental rates for the ER&R Department to make sure they were competitive with market rates. The Board agreed.

### **Unscheduled Visitors**

#### **Fairgrounds - Horse Racing**

Cliff Schillinger and Bill Hohlberg discussed their concern about the increased rental rates for the barns and the track being closed down for eight months. Mr. Schillinger said he didn't have a horse at the Fairgrounds and might not be able to put on a meet this year.

Commissioner Bowman suggested that Mr. Schillinger might be able to lease the track year round. He said it was not the Board's intent to shut down horseracing, so he wanted to know how it could be fixed.

The Board agreed to have Mr. Schillinger continue to work with Loretta Smith Kelty to find a solution.

## **Other Business**

### **WSAC**

Commissioner Bowman gave a report on the Legislative Steering Committee and provided a multitude of written and verbal information to the Board.

### **County Claims**

CC 2010-01: Received on January 5, 2010 from Joshua Charles Donley  
CC 2010-02: Received on January 5, 2010 from Joshua Charles Donley  
CC 2010-02A: Received on January 12, 2010 from Joshua Charles Donley

### **Vouchers**

Check Date: 1/15/2010  
Warrant #: 226818-227052  
Total all funds: \$114,255.47

Check Date: 1/15/2010  
Taxes #: 10110015-10110016  
Total all funds: \$35,102.66

Check Date: 1/15/2010  
Warrant #: 941984-942058  
Total all funds: \$1,103,325.11

Check Date: 1/22/2010  
Warrant #: 942124-942466  
Taxes #: 11160110  
Total all funds: \$1,108,945.74

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

### **Resolutions**

10-032: Business Travel and Expense Policy; Rescinding Resolution 09-688  
10-033: Benton County Tax Levy for 2010  
10-034: Memorandum of Understanding for Columbia River Crossing Study  
10-035: Purchase of a Polaris ATV w/ Plow Blade  
10-036: Contract w/ Apollo Sheet Metal for HVAC Preventative Maintenance  
10-037: Authorization to Pay Apollo Sheet Metal for HVAC Preventative Maintenance  
10-038: Contract w/ Cut Above for New Irrigation System at the Fairgrounds  
10-039: Agreement, #2010-2163-BFCAC-00, w/Benton Franklin Community Action Committee  
10-040: Contract Amendment w/ARAMARK Correctional Services

- 10-041: Professional Services Agreement w/E Riley
- 10-042: Compensating A Hewitt for Indigent Defense Contract
- 10-043: Amended Professional Services Agreement w/S Ajax
- 10-044: Compensating M Poland for Indigent Defense Representation
- 10-045: Contract w/ Washington Counties Risk Pool for Property Insurance
- 10-046: Diverting Road Tax Levy Funds to Current Expense for Traffic Enforcement
- 10-047: Certification of the 2010 Road Levy and Estimated Revenue
- 10-048: Sandpiper Road CE 1878 CRP
- 10-049: Application for City of W. Richland - Franchise to Install Water & Sewer Facilities in Roads
- 10-050: Application for NW Pipeline – Franchise to Continue A Natural Gas Transportation System
- 10-051: Granting Franchise – Benton Irrigation Dist. for Irrigation Water System Lines Facility
- 10-052: Bituminous Surface Treatment 2010
- 10-053: Agreement Construction Proposal – Improvement to Clodfelter & Locust Grove Roads
- 10-054: Consultant Agreement for Appraisal Services
- 10-055: Contract w/ W. Thomas Cooper M.D., P.S.
- 10-056: Acceptance of Benton County Coordinated Prevention Grant Agreement
- 10-057: Memorandum of Understanding w/One-Stop Partners
- 10-058: Supplemental Appropriation – 2010 Current Expense, \$82,561
- 10-059: Supplemental Appropriation – 2010 Juvenile - \$82,561
- 10-060: Supplemental Appropriation – 2010 Current Expense, \$109,256
- 10-061: Supplemental Appropriation – 2010 Human Services, \$22,000
- 10-062: Supplemental Appropriation – 2010 Current Expense, \$17,140
- 10-063: Supplemental Appropriation – 2010 Current Expense, \$3,333
- 10-064: Final Plat of Rivers Edge Estates – 07-03
- 10-065: Authorizing Risk Manager to Settle Claim CC 09-25

There being no further business before the Board, the meeting adjourned at approximately 10:58 a.m.

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Clerk of the Board

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Chairman