

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
January 4, 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; Superior Court Administrator Pat Austin; Steve Becken and Malcolm Bowie, Public Works; Superior Court Judge Carrie Runge; Planning Manager Mike Shuttleworth; Jennifer Bowe, Juvenile; Prosecuting Attorney Andy Miller; Juvenile Administrator Sharon Paradis; DPA Ryan Brown; Susan Walker, Planning; Erhiza Rivera, Treasurer's Office.

**Approval of Minutes**

The Minutes of December 28, 2009 were approved.

**Consent Agenda**

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

Auditor

- a. Cancellation of Unclaimed Warrants

Central Services

- b. Purchase of Computers, Printers, Network Devices, Software and Support

Facilities

- c. Blanket Service Agreement w/Murphey Brothers General Excavation for Snow Removal
- d. Blanket Service Contract w/Yoder, Inc. for Kitchen Repair Services
- e. Authorization for Payment to Apollo Sheet Metal, Inc.

Fairgrounds

- f. Contract w/J.R. Swigart Co., Inc.

Public Works

- g. Application for a Franchise By City of Richland
- h. Application for a Franchise By Plymouth Water District

Sheriff

- i. Agreement w/BC Fire District #1 for Work Crew Services
- j. Salary Statement Requests
- k. Personal Service Contract w/Tri-Cities Chaplaincy for Inmate Chaplain Services
- l. Contract Amendment w/Dr. W. Thomas Cooper for Inmate Physician Services
- m. Line Item Transfer, Fund No. 0000-101, Dept. 121
- n. Personal Service Contract w/ICOP Digital, Inc. for Digital Video Systems
- o. Personal Service Contract w/Columbia Cleaners for Uniform Cleaning
- p. Personal Service Contract w/Olympic Security Services, Inc. for Security Guard Services

Sustainable Development

- q. Beaver Storage Letter
- r. Energy Northwest Letter

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

**Public Hearing – Subdivision Vacation – SV 09-02**

Mike Shuttleworth reviewed the staff report and said that Benton County received an application requesting the vacation of a 20-foot drainage easement. He said it was the opinion of the Public Works Department that elimination of the drainage easement would not cause runoff problems and his department recommended approval of this request.

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

Commissioner Bowman questioned why the drainage easement was done in the first place. Mr. Shuttleworth said that drainage might have been present at that time and the adjacent property had not yet been graded. Additionally, other things may have happened since that time so there was no longer any drainage.

**MOTION:** Commissioner Bowman moved to approve SV 09-02, the vacation of that portion of the 20-foot drainage easement on Lot 5 of Badger View Ranchettes, as recommended by the Benton County Planning Department. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

**Supplemental Request/Line Item Transfer Request – Drug Court**

Linda Ivey presented the supplemental request and line item transfer request to fund Adult and Juvenile Drug Court for 2010. Ms. Ivey stated there was an issue with using revenue from the VIT fund and it would need to be corrected. Mr. Sparks said the concept would be the same but they would just need to pick another vehicle. However, the Board could still approve the issue to go to public hearing.

Andy Miller said the drug court was very important and they had worked hard on raising funds, however, he wanted to make sure everyone was on board with the program before continuing to try and raise funds from the community. Mr. Miller submitted a letter of support from Sharefest, a Christian group that coordinated community service projects, stating its intent to provide

money to the Juvenile Drug Court program. Additionally, he discussed other funding sources including Rotary, HAPO Community Credit Union, and Circle of Hope Board.

Pat Austin said they were not asking to impact current budgets and were not requesting additional funds from Benton County. Ms. Austin said the line item transfer would move funds from Superior Court Family Services to Adult Drug Court. She indicated the supporters were asking for the full program and the program would only be available while sustainability was available.

Chairman Beaver said they needed to be pretty clear about the message being sent about available funding. Mr. Miller said they were not saying they would not ask for additional funds if the economy got better and if grants became available that needed matching or other funds. However, he said he would work on some language regarding availability of funding to go in the cover letter.

Ms. Austin requested the Board proceed to public hearing on the supplement and approve the line item transfer today.

**MOTION:** Commissioner Bowman moved to approve the line item transfer as presented and to go to public hearing for the supplemental request. Commissioner Benitz seconded.

#### Discussion

Commissioner Benitz asked for clarification on taking money from the CASA program to support the drug court program. Ms. Austin said the County would still have two functioning programs and that she would be working harder for the reduced person. Commissioner Benitz requested a spreadsheet showing the commitments from funding and also asked about Franklin County's position on the issue. Ms. Austin stated that Franklin County had approved the budget for the Adult Drug Court program.

Upon vote, the motion carried unanimously.

#### **Executive Session – Pending Litigation**

The Board went into executive session at 9:30 a.m. with DPA Ryan Brown for approximately 10 minutes to discuss pending litigation. Also present were David Sparks, Cami McKenzie, Mike Shuttleworth, Susan Walker, Melina Wenner, and Loretta Smith Kelty. The Board came out at 9:40 a.m. Mr. Brown stated the Board discussed pending litigation and that no action was taken.

#### **Wiser Parkway Railroad Crossing**

Steve Becken reviewed his staff report dated December 29, 2009. He said when the County combined the Railroad's estimate with the County's estimate for construction and engineering, the total now exceeded \$900,000.

Commissioner Benitz requested Public Works negotiate with the Wisers and the School District on any amount over \$500,000 for the crossing, request the Wisers participate in road construction costs, and go ahead with bidding on the project.

Commissioner Bowman said he would concur with \$500,000 and anything over \$500,000 would need to be negotiated.

The Board agreed to draft a letter to the School Board and the Wisers regarding the County's position.

The Board briefly recessed, reconvening at 9:55 a.m.

### **Vouchers**

Check Date: 12/31/2009  
Warrant #: 940970-941181  
Total all funds: \$5,757.94

Check Date: 12/31/2009  
Warrant #: 941182-941487  
Taxes #: 01011209  
Total all funds: \$843,406.89

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

### **Resolutions**

- 10-001 : Cancellation of Unclaimed Warrants
- 10-002: Purchase of Computers, Printers, Network Devices, Software and Support
- 10-003: Blanket Service Agreement w/Murphey Brothers General Excavation for Snow Removal
- 10-004: Blanket Service Contract w/Yoder, Inc. for Kitchen Repair Services
- 10-005: Authorization for Payment to Apollo Sheet Metal, Inc.
- 10-006: Contract w/J.R. Swigart Co., Inc.
- 10-007: Application for a Franchise By City of Richland
- 10-008: Application for a Franchise By Plymouth Water District
- 10-009: Agreement w/BC Fire District #1 for Work Crew Services
- 10-010: Personal Service Contract w/Tri-Cities Chaplaincy for Inmate Chaplain Services
- 10-011: Contract Amendment w/Dr. W. Thomas Cooper for Inmate Physician Services
- 10-012: Line Item Transfer, Fund No. 0000-101, Dept. 121
- 10-013: Personal Service Contract w/ICOP Digital, Inc. for Digital Video Systems
- 10-014: Personal Service Contract w/Columbia Cleaners for Uniform Cleaning
- 10-015: Personal Service Contract w/Olympic Security Services, Inc. for Security Guard Services
- 10-016: Vacation of Drainage Easement – Badger View Ranchettes; SV 0-02
- 10-017: Line Item Transfer – Current Expense, Superior Court in the amount of \$48,086

There being no further business before the Board, the meeting adjourned at approximately 9:55 a.m.

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Clerk of the Board

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Chairman