

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
June 1, 2009, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Max E. Benitz, Jr. Chairman
Commissioner Leo Bowman
County Administrator David Sparks
Clerk of the Board Cami McKenzie

Absent: James Beaver (attending legal proceedings for City of Kennewick)

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Keltz; Adam Fyall, Community Development Coordinator; Finance Manager Linda Ivey; Personnel Manager Melina Wenner; Ed Thornbrugh, Human Services; Juvenile Administrator Sharon Paradis; Superior Court Judge Carrie Runge, Marianne Ophardt, WSU; Central Services Manager Randy Reid; Larry Moser and Steve Becken, Public Works; DPA Ryan Brown; Planning Manager Mike Shuttleworth; Brenda Chilton, Deputy Auditor; Van Petty, Auditor's Office; Ehriza Rivera, Treasurer's Office; Eric Hsu, OPD; Donna Holmes, Public Works; Human Services Manager Carrie Huie-Pascua; Susan Walker, Planning.

Approval of Minutes

The Minutes of May 18, 2009 were approved.

Consent Agenda

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

Central Services

- a. Designating a Provider for Primary Rate Interface and Long Distance Services

Facilities

- b. Standard Service Contract w/Mint Condition, Inc. for Window Cleaning Service

Human Services

- c. Travel Expense Reimbursement

Juvenile

- d. Line Item Transfer, Fund No. 0115-101, Dept. 174
- e. Approval of Payment to Bellas Office Furniture for Used Partition Walls

Office of Public Defense

- f. Line Item Transfer, Fund No. 0000-101, Dept. 136

Parks

- g. Rattlesnake Mountain Shooting Facility Cadastral Survey

Personnel

- h. Establishing Salary Grade for a Public Defense Attorney I in Office of Public Defense

Public Works

- i. Agreement for Certificate Acceptance Svcs w/City of Prosser for Improvement Project
- j. Approval of Order & Agreement for Nonexclusive Franchise for City of Kennewick
- k. Approval of Order & Agreement for Nonexclusive Franchise for /Bonneville Power Administration
- l. Copier Lease/Purchase Agreement w/Ricoh

Sheriff

- m. Line Item Transfer, Fund No. 0000-101, Dept. 121
- n. Line Item Transfer, Fund No. 0000-101, Dept. 125

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

WSU Educator for Commercial Vegetable

Marianne Ophardt and Tim Waters gave an update on commercial vegetables in Benton and Franklin Counties and briefly discussed new commercial vegetable products, treatments, and testing.

Juvenile Drug Court Funding

Superior Court Judge Carrie Runge and Juvenile Court Administrator Sharon Paradis appeared before the Board to discuss Juvenile Drug Court funding.

Ms. Paradis said the State did not include drug court funding in its final budget for the second half of 2009. Additionally, Franklin County was supportive of the drug court but not sure if they could financially support it and wanted to know where Benton County stood before making a decision. Judge Runge indicated the Courts felt strongly about the program and that Franklin County said it was a high priority.

Chairman Benitz said if the State was going to pull out of the program, he was not in favor of funding it due to the continued deficit that Benton County was seeing.

Commissioner Bowman recommended the Board wait to make a decision until after Commissioner Beaver could weigh in on the subject. He also said he agreed with preventing overspending and he also recommended they bring in some information regarding the success of the program and how that was measured.

Judge Runge stated that all the reports across the country showed that money spent up front helped reduce the money spent in the long run.

Financial Forecast

Linda Ivey presented the 2010-2015 current expense revenue and expenditure forecast. She outlined a few changes, including a wage COLA contingency. Additionally, she recommended the Board keep the 2008 cash carry forward over 13% (per budget policy) in Current Expense instead of completing operating transfers and continue to monitor the budget.

Commissioner Bowman said it was important to look at the wage COLA's and do everything they could to prevent any layoffs. Mr. Sparks also commented that they had not yet factored in the eventual loss of revenue from outside contracts for the jail as more Benton County inmates occupied it.

Chairman Benitz said it was important to continue to keep expenditures in line and look at these numbers when reviewing the supplemental requests.

Other Business

Benton PUD Request

Commissioner Bowman said that Benton PUD had requested the Board write a letter opposing the removal of dams and that he would work with Mr. Fyall to prepare a letter if the Board agreed.

Chairman Benitz agreed.

Corps of Engineers – Private Docks

Commissioner Bowman discussed the intent of the Corps of Engineers to remove all private docks in the McNary-Pool area that do not meet certain criteria and that he had discussed this issue with Franklin County Commissioner Brad Peck. He said he wanted to work with Adam Fyall and Commissioner Peck to pen a letter regarding this issue and Chairman Benitz agreed.

The Board briefly recessed, reconvening at 10:00 a.m.

Supplemental Appropriation Requests

Linda Ivey presented the following requests for supplemental appropriation to go to public hearing:

Office of Public Defense, \$355,000 – approved
VIT Impact, \$500,000 – approved
Road, \$500,000 – approved
Road, \$1,200,000 – approved
Homeless Housing & Assistance, \$50,305 - approved
Solid Waste Collection Fund, \$50,000 - approved
Juvenile, \$110,856 – approved

Central Services, \$34,460 – approved
Central Services, \$14,460 – approved
Central Services, \$3,200 – approved
Central Services, \$4,550 – approved
Central Services, \$2,600 – approved
Current Expense, Operating Transfers - \$2,376,867 – denied

The Board briefly recessed, reconvening at 10:10 a.m.

Preliminary Plat - Vineyard Highlands – SUB 07-07

Mike Shuttleworth said the Planning Commission had completed its open record hearing for the preliminary plat application of Vineyard Highlands and voted to recommend approval as presented with conditions.

MOTION: Commissioner Bowman moved to adopt the Planning Commission’s recommendations, findings and conclusions as their own and approve the preliminary plat of Vineyard Highlands, SUB 07-07 with conditions. Chairman Benitz seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:20 a.m.

Preliminary Plat – River Vista Vineyard Estates – SUB 09-01

Mike Shuttleworth stated the Planning Commission had completed its open record hearing for the preliminary plat application of River Vista Vineyard Estates, SUB 09-01 and voted to recommend approval as presented with conditions.

MOTION: Commissioner Bowman moved to adopt the Planning Commission’s recommendations, findings and conclusions as their own and approve the preliminary plat of River Vista Vineyard Estates, SUB 09-01 with conditions. Chairman Benitz seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:40 a.m.

New Position Request – Human Services

Carrie Huie-Pascua requested the Board approve a new Housing Case Manager position that was grant funded with a commitment for three years. She said the County Administrator reviewed the information and she had worked with both the Benton and Franklin County personnel managers.

MOTION: Commissioner Bowman moved to approve the resolution establishing the salary grade for a housing case manager in the Benton and Franklin Counties Human Services Department. Chairman Benitz seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:40 a.m.

Defense Panel Representative - Truancy

Eric Hsu and Sharon Paradis informed the Board of the appellate decision requiring all first appearances for juveniles with truancy petitions to have legal representation. Ms. Paradis said she had worked with Eric Hsu to create a process to amend existing attorney contracts and the cost would be approximately \$25,000 a year, which would be paid from the current 2009 budget.

Mr. Hsu said contracts were ready to sign and there would be 10 attorneys with contracts that included the option to represent clients at the truancy hearings. Mr. Hsu said it would not add to their caseload cap.

The Board briefly recessed, reconvening at 11:00 a.m.

Ordinance Amendment - BCC 11.18.050 and 11.18.070

Mike Shuttleworth and Susan Walker said the Planning Commission held its open record hearing and recommended approval of the proposed ordinance amendment to allow wineries and breweries as agricultural related industries in the GMA Agricultural District. Additionally, the amendment would also allow conditional uses in the GMA Agricultural District within the Red Mountain AVA.

MOTION: Commissioner Bowman moved to approve the ordinance amendment relating to zoning and wineries and breweries in the GMA Agricultural District. Chairman Benitz seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 11:10 a.m.

Piert Road – Columbia Energy Refund Request

Steve Becken said that Columbia Energy had requested a refund of its \$30,000 for breach of contract since the Board had changed back to the originally approved alignment.

Commissioner Bowman said the Board entered into this agreement in good faith that Columbia Energy would come up with funding for the ethanol plant, however, they had not fulfilled their obligations. He said the County had spent a lot of money in this process and he recommended the Road Department try and negotiate a settlement.

Chairman Benitz said that Columbia Energy understood there was a possibility their preferred alignment would not happen. Additionally, he said he would not approve returning the money and wanted them to continue the payments until they fulfilled the obligation of the contract.

Ryan Brown recommended the Board discuss the matter with Kathleen Galieto in executive session.

Resolutions

- 9.337 Designating a Provider for Primary Rate Interface and Long Distance Services
- 9.338 Standard Service Contract w/Mint Condition, Inc. for Window Cleaning Service
- 9.339 Line Item Transfer, Fund No. 0115-101, Dept. 174
- 9.340 Approval of Payment to Bellas Office Furniture for Used Partition Walls
- 9.341 Line Item Transfer, Fund No. 0000-101, Dept. 136
- 9.342 Rattlesnake Mountain Shooting Facility Cadastral Survey
- 9.343 Establishing Salary Grade for a Public Defense Attorney I in Office of Public Defense
- 9.344 Agreement for Certificate Acceptance Srvcs w/City of Prosser for Improvement Project
- 9.345 Approval of Order & Agreement for Nonexclusive Franchise for City of Kennewick
- 9.346 Approval of Order & Agreement for Nonexclusive Franchise for /Bonneville Power Administration
- 9.347 Copier Lease/Purchase Agreement w/Ricoh
- 9.348 Line Item Transfer, Fund No. 0000-101, Dept. 121
- 9.349 Line Item Transfer, Fund No. 0000-101, Dept. 125
- 9.350 Approval of Preliminary Plat of Vineyard Highlands, SUB 07-07
- 9.351 Approval of Preliminary Plat of River Vista Vineyard Estates, SUB 09-01
- 9.352 Establishing the Position and Salary Grade for a Housing Case Manager
- 9.353 Approval of Ordinance 469 Relating to Zoning and Wineries and Breweries in the GMA Agricultural District

There being no further business before the Board, the meeting adjourned at approximately at 11:15 a.m.

Clerk of the Board

Chairman