

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
March 30, 2009 9:00 am.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Max E. Benitz, Jr. Chairman
Commissioner Leo Bowman
Commissioner James Beaver
County Administrator David Sparks
Alt. Clerk of the Board Lisa Small

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; Treasurer Duane Davidson; Lt. Brian White, Sheriff's Office; Steve Becken and Sue Schuetz, Public Works; and DPA Sarah Perry.

Approval of Minutes

The Minutes of March 23, 2009 were approved as corrected and the Minutes of the Special Bi-County Meeting of March 24, 2009 were also approved.

Consent Agenda

Item "m" was pulled from the agenda and item "d" was pulled for correction by the request of Commissioner Beaver.

MOTION: Commissioner Bowman moved to approve the consent agenda items "a" through "u". Pulling items "d" and "m" Commissioner Beaver seconded and upon vote, the Board approved the following:

Commissioners

- a. Letter to WSU
- b. Appointment of Agent to Receive Claims for Damages; Rescinding Resolution 01 352
- c. Letters on District Court Judge Vacancy

Fairgrounds

- e. Line Item Transfer – Fund No. 0124-101, Dept. 000

GIS

- f. Interlocal Agreement w/City of West Richland for GIS Services

Human Services

- g. Agreement, #2009-VYS-HH, w/Vista Youth Center for Homeless Housing Hope Program
- Office of Public Defense**

- h. Line Item Transfer - Fund No. 0000101, Dept. 136
Prosecuting Attorney
- i. Interlocal Legal Services Agreement w/West Richland
Road/Engineer
- j. Setting Public Hearing Date for Adoption of Comprehensive Six-Yr Road Program
- k. Award for Bituminous Surface Treatment 2009
- l. Award of Contract for Hess Road Bridge Guardrail
- n. Public Assistance Grant Agreement for Emergency Disaster Assistance Funds
- o. Authorization to Prepare New Bid Proposal for County Purchase of Card Lock Service
- p. Letter Extending Contract for Card Lock Service for Gasoline and Diesel Fuel
Sheriff
- q. Line Item Transfer, Fund No. 0000101, Dept. 120
- r. Contract w/Corp of Engineers for John Day Project
- s. Authorization to Purchase Tires From WA State Contract No. 00108
Treasurer
- t. Establishment of Treasurer Investment Pool Fund
- u. Investment Service Agreement w/Hanford Area Economic Investment Fund Committee

Public Hearing – Riek Road Vacation

Sue Schuetze proposed a right of way vacation and abandonment is for Riek Road Sections 26 & 35-8-30 CE 1526 VAC - vacation of the 50-foot wide strip of land and provided the Board with a map that showed the right of way to be vacated.

Proponents

Sandra Perez, spoke in favor of the right of way and Diana Merillo also spoke in favor of the vacation of the right of way Riek Road.

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

Commissioner Bowman and Commissioner Beaver did not have any questions or comments for discussion.

MOTION: Commissioner Bowman moved to approve the vacation of the 50-foot vacation and abandonment for Riek Road. Chairman Beaver seconded and upon vote, the motion carried.

Recovery Act Grant Funding

Lt. Brian White shared with the Board the interest the Sheriff's Office has in pursuing the Federal Grant Funding Under the 2009 Recovery Act: Edward Byrne Memorial Justice Assistance Grant. This would be a one-time funding provided through the 2009 economic stimulus package. The total Grant amount is \$281,926 and is dispersed between Benton County and the Cities of Richland and Kennewick, and would be based on the Uniform Crime Reporting (UCR). Benton County's portion would be \$39,175.

The Benton County Sheriff's Office would like to undertake the project of enhancing their efficiencies through improved technology in the following areas: 1) the ability to employ forensic type investigations on mobile phones and maintain the ability to stay on the cutting edge of computer forensic investigations; 2) to purchase a new Polygraph Instrument to replace their old outdated Instrument; 3) to purchase a new 800 MHZ Program-25 compliant digital portable radios; 4) to outfit the Patrol Division with Hand-Held Portable Breath Alcohol Testing Instruments.

The Board all agreed with this grant funding and usage and directed Lt. White to move forward with the grant paperwork and resolution for the Board to sign.

Hanford Discussion

Commissioner Bowman readdressed the subject of the Hanford discussion that Carl Adrian and Gary Peterson briefed the Board on at last weeks Board meeting. At the March 23, 2009 meeting the Board agreed with Mr. Adrian's suggestion of getting a go-to person in place for the County in order to bring back information to the Board. Commissioner Bowman questioned who that "go-to" person should be and what the workload would be for that person.

Commissioner Bowman asked the Board to request staff to come back to the Board with a proposal on how to handle the Hanford issues to include the land use plan and to clarify how we can best serve the citizens.

Commissioner Beaver recommended the staff come back with an approach and formulate a strategy and plan to see how we can partner and move forward.

Chairman Benitz agrees that this is a large issue and how it affects the County. In dealing with the issues on Rattlesnake Mountain, and possibly the Department of Energy releasing some of the land for Economic Development or for uses that are compatible with the surrounding areas. Chairman Benitz recommended that each of the Board members write down their thoughts on what they feel is the best approach on being involved and bring back before the Board for discussion at the next board meeting on April 6, 2009.

Mr. Sparks agreed to have the board members bring back their thoughts and Mr. Sparks also asked that planning get involved and provide some information on this matter.

The Board briefly recessed, reconvening at 9:45 a.m.

Executive Session – Potential Litigation – S Perry

The Board went into executive session with DPA Sarah Perry at 9:45 a.m. for approximately 15 minutes to discuss a potential litigation.

The Board came out at 9:58 a.m. after discussing a potential litigation and the Board took no action. DPA Sarah Perry requested an additional 10 minutes to discuss this same issue.

The Board came out of executive session at 10:07 after completing the additional 10 minutes for a potential litigation and no action as taken.

The Board took a short recess until 10:10 a.m.

MOTION: Commissioner Beaver moved to have the Board authorize legal counsel to draft a letter working with the Chairman to terminate the employment of Ross Dunfee and the terms of his contract and authorized the Chairman to sign the letter. Chairman Benitz seconded for discussion.

Discussion: Commissioner Bowman expressed his opinion that the action being taken is the wrong method in handling this issue and will have to vote against the decision.

Upon vote, the motion carried with Commissioner Bowman opposing.

Executive Session – Review Performance of a Public Employee

The Board went into executive session with DPA Sarah Perry at 10:15 a.m. for approximately 15 minutes to review the performance of a public employee. The Board came out at 10:28 a.m. with no action taken.

The Board took a short recess until 10:30 a.m.

MOTION: Commissioner Bowman moved for approval of moving public works department under the direction of the County Administrator as well as amending his agreement to reflect the salary increases to compensate for the additional responsibilities. Commissioner Beaver seconded and upon vote, the motion carried.

Other Business

Red Mountain Interchange

Commissioner Bowman indicated that he had forward a proposal from Gordon Thomas Honeywell Governmental Affairs group to the other Commissioners for review. Commissioner Bowman recapped the meeting he had with Congressman Hastings informing Commissioner Bowman that there was no money for the Red Mountain Interchange and the fact that we did not get any of the stimulus money. Commissioner Bowman also met with Senator Murray staff talking about Red Mountain and future funding and they recommended Benton County to utilize Dale Learn who works with the Federal Governmental Affairs Team to keep us up to speed.

With meeting with Senator Cantwell staff Commissioner Bowman learned that there was \$1.8 million for Benton-Franklin Transit and with the stimulus packet there was \$2.8 million calculating almost five million dollars of funding. Commissioner Bowman's concerns are that Benton County does not have representation there for certain projects such as Red Mountain and the Walter Clore Center. Commissioner Bowman asked for concurrence to move forward with

the proposal for represent the County at the Senator meetings for both Red Mountain and the Walter Clore Center. West Richland is also interested in sharing the cost for this lobbyist.

Commissioner Beaver is in favor of the lobbyist and to get some representation for perhaps several different projects. He supports the concept of a lobbyist to represent the County and recommends soliciting with an RFQ for said services.

Chairman Benitz indicated that he has not reviewed the proposal. He believes that we are moving forward with the partnerships and the entities on Red Mountain and the whole cost of the project. Benitz is concerned with the fact that our investment of this project will go for many years. If West Richland is willing to move forward with this then we may support them. Chairman Benitz would like to see the proposal prior to moving forward.

Vouchers

Check Date: 3/27/09

Warrant #: 921257-921548

Total all funds: \$839,526.53

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

Resolutions

- 09-207 – Appointing an Agent to Receive Claims for Damages and Rescinding Res. 01-352
- 09-208 – Line Item Transfer – Fund No. 0124-101, Dept 000
- 09-209 – Interlocal Agreement w/ City of West Richland for GIS Services
- 09-210 – Agreement #2009-VYS-HH, w/Vista Youth Center for Homeless Housing Hope Program
- 09-211 – Line Item Transfer – Fund No. 0000-101, Dept 136
- 09-212 – Interlocal Legal Services Agreement w/ West Richland
- 09-213 – Setting Public Hearing Date for Adoption of Comprehensive Six-Yr Road Program
- 09-214 – Award for Bituminous Surface Treatment 2009
- 09-215 – Award of Contract for Hess Road Bridge Guardrail
- 09-216 – Public Assistance Grant Agreement for Emergency Disaster Assistance Funds
- 09-217 – Authorization to Prepare New Bid Proposal for County Purchase of Card Lock Services
- 09-218 – Contract Extension for Card Lock Services for Gasoline and Diesel Fuel
- 09-219 – Line Item Transfer – Fund No. 0000-101, Dept 120
- 09-220 – Contract w/Corp of Engineers fro John Day Project
- 09-221 – Authorization to Purchase Tires for WA State Contract No. 00108
- 09-222 – Establishment of Treasurer Investment Pool Fund, 0113-101
- 09-223 – Investment Services for the Hanford Area Economic Investment Fund Committee

There being no further business before the Board, the meeting adjourned at approximately 10:43 a.m.

Clerk of the Board

Chairman