

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
May 3, 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; Facilities Manager Roy Rogers; Mike Shuttleworth, Planning Manager; Malcolm Bowie, County Engineer; Ed Thornbrugh, Human Services; Treasurer Duane Davidson; DPA Ryan Brown; Juvenile Administrator Sharon Paradis; Sue Schuetze, Public Works; Superior Court Administrator Pat Austin; Bryan Perry, Safety Coordinator; Superior Court Judge Cameron Mitchell; and Clerk Josie Delvin.

Workshop Agenda

Benton County Cemetery

Commissioner Benitz said an individual had requested the Board authorize local landowners and volunteers to put in gravel, a fence and offer perpetual care of the cemetery. He said that legal counsel had indicated it was okay and that he would prepare a short liability contract for the volunteers to sign. The Board concurred.

Law & Justice Council

Commissioner Benitz requested the Board send letters to members of the Law & Justice Council to reactivate the Board. The Board agreed.

Human Services Issues

David Sparks said he had researched moving Human Services administration into the new Health District building at an approximate cost of \$130,000 to remodel the space. He said the space was originally slotted for Clean Air Authority and the County was left with a \$50,000 hole in the bond payment. He said the County could charge Human Services \$50,000 for rent to pay the bonds (they were currently paying \$100,000) and he recommended the Board move forward. The Board agreed.

Crisis and Detox/Health Building on Canal

Mr. Sparks discussed the possibility of buying the Canal building from the Health District and remodeling it (at an approximate cost of \$700,000) and moving Crisis and Detox into the building to provide its services. Additionally, Chairman Beaver suggested the Board look at selling the facility and building a Consolidated Crisis Response Center and using RSN funds that were not dedicated.

Commissioner Benitz stated that Benton County needed to recoup its costs on the Canal Building; either use it or have the Health District sell it. Mr. Sparks said that Benton County was owed approximately \$400,000 on the building.

Commissioner Bowman said that using RSN funds was a new concept but that he was not opposed to it. He asked if the CCRC would also be used for Human Services, and Mr. Thornbrugh said it would be for Crisis Response, Detox, and County Substance Abuse Offices as well.

Mr. Sparks said he would prepare a letter to Franklin County outlining the two options. The Board agreed.

Human Services - Interim Administrator

Mr. Sparks provided a draft letter to Franklin County regarding hiring an interim administrator. The Board agreed it would discuss the issue at 9:40 a.m.

Fairgrounds

Mr. Sparks said that he met with members of the Fair Association, along with Chairman Beaver and Loretta Smith Kelty and requested the Board give direction on negotiating a new lease or having a workshop.

Chairman Beaver said he wanted the Board and the Fair Association to sit down together and determine what was being offered by the Fair Association in terms of taking over the grounds.

Commissioner Benitz said there had been over \$2 million invested and many of the goals at the Fairgrounds were now complete. He said the Fair Association continued to show a profit with its yearly Fair and he wanted to continue with the lease arrangement.

Commissioner Bowman said he had no reason to change his mind that the County should continue ownership. He said the Fairgrounds provide a “quality of life” service and he wanted it to perpetuate, even if it was a net loss.

Chairman Beaver said that Board direction was to have Mr. Sparks and himself meet with the Fair Association to discuss negotiating a new lease.

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

Approval of Minutes

The Minutes of April 26, 2010 were approved.

Consent Agenda

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

Auditor

- a. Agreement w/Pitney Bowes

Central Services

- b. Line Item Transfer, Fund No. 0502-101, Dept. 000

Facilities

- c. Contract w/Western States

Office of Public Defense

- d. 2009 Excess Case Compensation w/J Celski

Parks

- e. Contract w/Conrad Russell Excavation LLC

Public Works

- f. Bituminous Surface Treatment Authorization for Apricot Road
- g. Public Hearing Authorization for Ormiston Orchards Inc. Franchise Application
- h. Public Hearing Authorization for Oasis Water Corporation Franchise Application
- i. Public Hearing Authorization for PUD No. 1 of Klickitat County Franchise Application\
- j. Public Hearing Authorization for Beers Road Vacation

Public Hearing – Badger Canyon Water Association Franchise

Sue Shuetze said that Badger Canyon Water Association filed a petition to continue a nonexclusive franchise and her office recommended approval of the franchise.

Testimony

Ron Cline, Badger Mountain President, said he wanted to witness the government process, find out what the \$500.00 fee paid for, and why the application qualified as a “franchise”.

Sue Schuetze said that basically they were paying the County to use its property. Additionally, it paid for her time, the cost of legal notices and mailings, and that it was required by state law.

Commissioner Benitz said it was a standard franchise used for private utilities on a public right of way.

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

MOTION: Commissioner Bowman moved to approve the application for franchise with Badger

Canyon Water Association, with the listed conditions. Commissioner Benitz seconded and upon vote, the motion carried.

Public Hearing – Electric Lightwave, LLC

Sue Schuetze said that Electric Lightwave, LLC had filed a petition to continue a nonexclusive franchise and her office recommended approval of the request.

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

MOTION: Commissioner Benitz moved to approve the application for franchise with Electric Lightwave, LLC, with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried.

Public Hearing – Good Neighbor Water Association

Sue Schuetze said that Good Neighbor Water Association had filed a petition to continue a nonexclusive franchise and her office recommended approval of the request.

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

MOTION: Commissioner Benitz moved to approve application for franchise with Good Neighbor Water Association, with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried.

The Board recessed until 9:20 a.m.

Public Hearing – Supplemental Appropriation

Loretta Smith Kelty presented the supplemental appropriation request for the Clerk’s Collection Fund in the amount of \$40,932 to hire a collection deputy to begin collecting on fines and restitution for juvenile cases.

Public Testimony

Cameron Mitchell, Superior Court Judge, said he was there to answer any questions.

Clerk Josie Delvin said the figures show there were 812 cases with an outstanding balance of \$1.4 million (\$1.3 of which was restitution). Judge Mitchell said that Juvenile attempts to collect up to the age of 18 but the advantage for the Clerk is they can file a judgment, and if the juvenile (now adult) wanted to buy a house at some point, it showed up on their credit report and they were likely to pay that judgment.

Commissioner Benitz asked Ms. Delvin if she thought the revenue collected would offset the \$40,932. She said she didn’t know, but statutorily it was her responsibility. Commissioner Benitz wanted to know if collection had been attempted in the past and if funds were being

provided to Juvenile to perform this service. Judge Mitchell said once they were adults, they were brought in for sanctions and transported back to Juvenile, but that without a judgment, it was not very effective. Additionally, when a juvenile turn 18 and they have financial obligations, they are brought in for a show cause proceeding to see why they are not paying, but the Clerk's office was better equipped to collect on these debts.

Ms. Delvin said that \$73,000 had been collected to date. Additionally, she said collection was not being done across the state and she wanted to be one of the few Clerks that collected on these judgments.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Clerk's Collection Fund, as described in the resolution. Commissioner Benitz seconded.

Discussion

Chairman Beaver requested a collection report from the Clerk on these Juvenile cases and Commissioner Bowman also requested a report on all collections.

Upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:40 a.m.

Letter to Franklin County – Interim Administrator – Human Services

MOTION: Commissioner Bowman moved to authorize Chairman Beaver to sign the letter to Franklin county appointing Ed Thornbrugh as interim administrator for Benton-Franklin Human Services. Commissioner Benitz seconded and upon vote, the motion carried.

Letter to Franklin County – Analysis of Bi-County Operations – Health District/Human Services

David Sparks presented a draft letter to Franklin County regarding the proposed analysis of the bi-county operations for the Health District and Human Services.

MOTION: Commissioner Bowman moved to approve the Chairman sign the letter to Franklin County regarding the analysis of the bi-county Health District and Human Services. Commissioner Benitz seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:51 a.m.

Executive Session - Pending Litigation

The Board went into executive session with DPA Ryan Brown at 9:51 a.m. for approximately 15 minutes to discuss pending litigation. Also present were David Sparks, Cami McKenzie, Mike

Shuttleworth, and Loretta Smith Kelty. The Board came out at 10:07 a.m. Mr. Brown stated he updated the Board on pending litigation.

MOTION: Commissioner Bowman moved in the matter of the Eastern Washington Growth Management Hearings Board case numbers 10-1-0001c and 10-1-0002c to request the Prosecuting Attorney's Office not expend further time or resources to defend against these pending appeals of the decisions to expand the Benton City and Richland urban growth areas, reflected in Resolutions 09-727 and 09-728 and the defense of these appeals be the sole responsibility of the cities that requested this Board to take action to expand each of those city's respective UGA's. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Unscheduled Visitors

Andrea Mallonee, Modern Living Services, said they facilitated housing and living facilities for individuals with developmental disabilities in Benton & Franklin Counties. She said they were interested in the EPIC property and wanted to engage in further discussion for the use of this facility for the disabled adults.

Commissioner Benitz said the Board had been notified by EPIC they were no longer in service and wanted to direct Ms. Smith Kelty to work with them on this issue.

Ms. Mallonee said a contractor told her there would be a problem with HUD funding if there was an animal control facility next to the property. However, they still wanted to discuss the issue with the hope they might be able to use the EPIC land.

The Board stated it had committed to building the animal control facility but was hopeful the two businesses could co-exist. The Board agreed to have Commissioner staff meet with Ms. Mallonee and discuss the issue.

Claim for Damages

CC 2010-07: Received on April 30, 2010 from Mike Schaffer

Resolutions

10-260: Agreement w/Pitney Bowes
10-261: Line Item Transfer, Fund No. 0502-101, Dept. 000
10-262: Contract w/Western States
10-263: 2009 Excess Case Compensation w/J Celski
10-264: Contract w/Conrad Russell Excavation LLC
10-265: Bituminous Surface Treatment Authorization for Apricot Road
10-266: Public Hearing Authorization for Ormiston Orchards Inc. Franchise Application
10-267: Public Hearing Authorization for Oasis Water Corporation Franchise Application
10-268: Public Hearing Authorization for PUD No. 1 of Klickitat County Franchise Application

- 10-269: Public Hearing Authorization for Beers Road Vacation
10-270: Approval of Supplemental Appropriation to 2010 Clerks' Collection Fund

There being no further business before the Board, the meeting adjourned at approximately 10:28 a.m.

Clerk of the Board

Chairman