

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
November 30, 2009, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Max E. Benitz, Jr. Chairman
Commissioner Leo Bowman
Commissioner James Beaver
Clerk of the Board Cami McKenzie

Absent: David Sparks (on vacation)

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; Bryan Perry, Safety Coordinator; Planning Manager Mike Shuttleworth; Steve Becken and Malcolm Bowie, Public Works; DPA Ryan Brown; Auditor Bobbie Gagner; Deputy Auditor Brenda Chilton; Assessor Barb Wagner.

Approval of Minutes

The Minutes of November 23, 2009 were approved.

Consent Agenda

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

Board of Equalization

- a. Line Item Transfer, Fund No. 0000-101, Dept. 103

Fairgrounds

- b. Lease Agreement w/Xerox for Copier

Human Services

- c. Agreement, #09/11-SA-ESD-00, w/Educational Service District 123
- d. Amendment, #07/09-SA-ESD-02, w/Educational Service District 123
- e. Appointments to the Developmental Disabilities Advisory Board

Juvenile

- f. Contract Amendment w/Aramark Correctional Services for Food Services
- g. Personal Services Contract w/Perfect Circle Construction, Inc.

Office of Public Defense

- h. Excess Cases Compensation for J Celski in 2008 Indigent Defense Representation
- i. Subscription Plan Amendment w/Lexisnexis for Legal Research Services
- j. Professional Services Contract w/M. Almquist, DBA Columbia Private Investigation
- k. Professional Services Contract w/B Bowe, DBA Bowe & Associates, LLC
- l. Professional Services Contract w/M Torres, DBA Casey Investigations
- m. Professional Services Contract w/J Porteous, DBA Working Investigations

Personnel

- n. Guest Speaker Agreement w/J LeFrance

Public Works

- o. Authorization to Schedule a Call for Bids for CE 1918 CRP – Wiser Parkway
- p. Contract w/Deatley Crushing Company for Crushing & Stockpiling 2009 & 2010

Other Business

December 7 Meeting

Chairman Benitz stated he would like to be excused from the December 7 meeting because he would need to attend a water meeting in Yakima.

Unscheduled Visitors

Petition to Move County Seat

Kay Staples provided three boxes of petitions to move the Benton County seat to Kennewick. Chairman Benitz stated the petitions would be stamped page by page and then a receipt given to Ms. Staples. Ms. Staples requested the receipt be mailed to her.

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

Executive Session - Pending Litigation

The Board went into executive session with DPA Ryan Brown at 9:05 a.m. for approximately 10 minutes to discuss pending litigation. Also present were Melina Wenner, Mike Shuttleworth, Loretta Smith Kelty, and Cami McKenzie.

The Board came out of executive session at 9:14 a.m. Mr. Brown stated the Board discussed pending litigation and that no action was taken.

Briefly recessed, reconvening at 9:18 a.m.

MOTION: Commissioner Beaver moved that the Board not appeal the Futurewise case, also known as Wiser. Commissioner Bowman seconded and upon vote, the motion carried.

Benton-Franklin Counties Domestic Violence Services

Kelly Abken, executive director gave a Powerpoint presentation on the 2008 Annual Report and services provided by Benton-Franklin Counties Domestic Violence Services.

The Board briefly recessed, reconvening at 9:47 a.m.

Public Hearing – SPV 09-04

Mike Shuttleworth said that Benton County received an application requesting to vacate the entire Short Plat 1632. He said the Board approved a similar request, however, it did not accomplish what the applicants needed and they were now requesting to vacate the entire short plat.

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

The Board briefly recessed so Mike Shuttleworth could speak to a member of the public regarding the public hearing process. The Board reconvened at 9:54 a.m.

MOTION: Commissioner Bowman moved to approve the short plat vacation of Short Plat 1632, with conditions. Commissioner Beaver seconded and upon vote, the motion carried.

Other Business

Health District

Commissioner Beaver requested the Board take action regarding the schedule for the Health District to pay back the money owed on the Canal property.

MOTION: Commissioner Beaver moved to approve the Chairman draft a letter outlining the terms of the payment plan. Commissioner Bowman seconded.

Discussion

Commissioner Bowman asked if the letter needed to come from the Health Board or if it needed to come from the Board of Commissioners. Additionally, he wanted to know what would happen if the property didn't sell.

Commissioner Beaver said they could set up a payment plan to pay \$100,000 each year, and in the event the property sold, the debt would be reduced by the payments made. Commissioner Bowman said he was in agreement with that concept.

Upon vote, the motion carried.

Salaries/COLA Discussion

Commissioner Beaver asked if the Commissioners were scheduled to receive a COLA for the year 2010. It was stated the salaries for elected officials were set by resolution and it did not include a COLA.

Health District – Cont.

Commissioner Bowman asked about a plan for the Health District to deal with any budget shortfalls within 90 days. Chairman Benitz said he would make sure the item was on the agenda for the meeting on the 16th. Commissioner Beaver requested a letter that outlined Benton County's expectations for the strategic financial plan to deal with budget shortfalls be provided in the packet on the 10th. Chairman Benitz said he would work on a letter.

Petition to Move County Seat - Discussion

Chairman Benitz asked the Auditor to assist with the verification of the petition process. Ms. Gagner stated they would have the new program in place in two weeks and could start verifying signatures at that time.

Mr. Brown said he would need to review applicable statutes and the AG's opinion. Additionally, although the Board could start the prep work, the final verification process would be some time around May 1.

Vouchers

Check Date: 11/30/2009
Warrant #: 938836-939072
Taxes #: 01011109
Total all funds: \$1,137,884.02

Check Date: 11/30/2009
Warrant #: 938809-938822
Total all funds: \$722.54

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

Resolutions

9.778 Line Item Transfer, Fund No. 0000-101, Dept. 103
9.779 Lease Agreement w/Xerox for Copier
9.780 Agreement, #09/11-SA-ESD-00, w/Educational Service District 123
9.781 Amendment, #07/09-SA-ESD-02, w/Educational Service District 123
9.782 Appointments to the Developmental Disabilities Advisory Board
9.783 Contract Amendment w/Aramark Correctional Services for Food Services
9.784 Personal Services Contract w/Perfect Circle Construction, Inc.

- 9.785 Excess Cases Compensation for J Celski in 2008 Indigent Defense Representation
- 9.786 Subscription Plan Amendment w/Lexisnexis for Legal Research Services
- 9.787 Professional Services Contract w/M. Almquist, DBA Columbia Private Investigation
- 9.788 Professional Services Contract w/B Bowe, DBA Bowe & Associates, LLC
- 9.789 Professional Services Contract w/M Torres, DBA Casey Investigations
- 9.790 Professional Services Contract w/J Porteous, DBA Working Investigations
- 9.791 Guest Speaker Agreement w/J LeFrance
- 9.792 Authorization to Schedule a Call for Bids for CE 1918 CRP – Wiser Parkway
- 9.793 Contract w/Deatley Crushing Company for Crushing & Stockpiling 2009 & 2010

With no further business before the Board, the meeting adjourned at approximately 10:11 a.m.

Clerk of the Board

Chairman