

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, October 25, 2011, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Leo Bowman
Commissioner James Beaver
Commissioner Shon Small
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, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; Steve Brown, Jackie McWherter, Building Dept.; Sue Schuetze, Public Works; Susan Walker, Valerie Smith, R.J. Lott and Clark Posey, Planning; Treasurer Duane Davidson; Erhiza Rivera and Nick Kooiker, Treasurer's Office; DPA Ryan Brown.

Approval of Minutes

The Minutes of October 18, 2011 were approved.

Review Agenda

Chairman Bowman said that item "h" (Contract Amendment, w/DSHS for Substance Abuse & Prevention Treatment) was pulled from the consent agenda.

Consent Agenda

MOTION: Commissioner Small moved to approve the consent agenda items "a" through "v", pulling "h". Commissioner Beaver seconded and upon vote, the Board approved the following:

Auditor

- a. Surplus of Personal Property

Commissioners

- b. Adoption of Budget Policies and Procedures

Human Services

- c. State Mental Health Agreement, BFCRUS-11/13-00, w/Greater Columbia Behavioral Health

- d. Prepaid Inpatient Health Plan Agreement, BFCRUP-11-13-00, w/Greater Columbia Behavioral Health
- e. Recovery Contract Amendment, #BENFR-MHBG-11/12-00, w/Greater Columbia Behavioral Health
- f. Housing & Essential Needs Grant w/WA State Department of Commerce
- g. Agreement, #11/13-SA-SCC-00 w/Somerset Counseling Center
- i. Agreement, #1163-35777, w/DSHS for Developmental Disabilities
- j. Agreement, #11/13-SA-FSCCS-00, w/First Steps Community Counseling Services

Office of Public Defense

- k. Excess Compensation for Indigent Defense Services for L Swinney

Parks

- l. Contract w/Lindstrom Construction Co., LLC for Restroom Project @ Rattlesnake Mt Shooting Facility

Personnel

- m. County Claim CC2011-23
- n. County Claim CC2011-25
- o. Contract w/Our Lady of Lourdes for Occupational Health Services
- p. Designation of Employer Representative w/Penser North America
- q. Employee of the Month Award

Sheriff

- r. Purchase Authorization from Crown Paper and Janitorial, Inc.

Superior Court

- s. National Adoption Day Proclamation
- t. Interagency Agreement w/St of WA Administrative Office of the Courts for Interpreter Expenses

Treasurer

- u. Amended Agreement w/Garda Cash Logistics for Armored Car Services
- v. Agreement w/Doxo, Inc. for Digital Property Tax Statements

Rattlesnake Mountain Summit

Chairman Bowman said that Congressman Hastings was holding a hearing today regarding the summit on Rattlesnake Mountain and asked the Board for a letter of support. Mr. Fyall provided a draft letter for the Board's signature.

MOTION: Commissioner Small moved to approve the letter in support of public access on Rattlesnake Mountain summit. Commissioner Beaver seconded.

Discussion

Commissioner Beaver said this was consistent with previous messages from the County.

Upon vote, the motion carried unanimously.

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

Public Hearing – Ordinance on Civil Fees

Lt. R. Plummer presented the resolution for increase in civil fees at the Sheriff's Office. It included mileage costs and service of warrants.

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

MOTION: Commissioner Small moved to approve the resolution adopting the ordinance to increase civil fees in the Sheriff's Office. Commissioner Beaver seconded and upon vote, the motion carried.

Continued Public Hearing – KID - Proposed Right of Way - Finley

Sue Schuetze and Steve Becken said they previously submitted a recommendation for a partial approval of the right of way but asked for a continuance. Additionally, KID had submitted a plat approval to the Planning Department that was ultimately returned. Ms. Schuetze said that Public Works had met with Planning staff and KID to try and work out a solution but felt like their request did not address the creation of the dead-end road right of way and therefore Public Works still recommended to deny part of the vacation.

Testimony

Scott Revell, KID, entered into the record a letter that was previously emailed to Public Works. He said their first choice would be approval of the original proposal so it could be master planned as a single piece. Additionally, KID would be willing to dedicate an equivalent access easement in the same location as the vacated road after the properties were made contiguous and was agreeable to the road vacation being contingent upon the new road be dedicated prior to recording of the plat. As an alternative, KID asked that the 300 feet of the unnamed east-west road be vacated to allow property to be continuous and rededicate that to complete the road project.

Gene Huffman, KID Board of Directors, said they wanted to continue to work out a solution as the school district and County would benefit from development of that property.

Chairman Bowman asked if KID had talked to Public Works about the alternative. Mr. Revell said they had discussed it in concept but it was not their first choice because any gap in the road would eventually be a problem. However, they had preliminary discussions with PUD to help fill the gap. He said that KID would include it in the application as a condition of approval so the county road system was kept whole.

Chairman Bowman asked whether public access was an issue. Mr. Revell said that approval of either option would not land lock anyone.

Commissioner Beaver said he believed there was a solution but it was not in front of the Board and he wanted to see the hearing continued and a solution worked out before coming back to the Board.

Commissioner Small said it appeared they were getting pretty close and also wanted to see about getting closer to solving this issue.

Chairman Bowman agreed and said a continuation would be appropriate.

MOTION: Commissioner Beaver moved to continue the public hearing for two weeks to November 8, 2011 at 9:05 a.m. Commissioner Small seconded and upon vote, the motion carried unanimously.

PEDA – Quarterly Update

Charlie Bush, Prosser City Administrator, gave the PEDA quarterly update and briefly discussed the following:

- Recognized as 1 of 100 best communities for youth - one of smallest cities in United States to be named (Prosser Aquatic Center and Boys & Girls Club)
- Economic development – remains a major focus; key projects are water tower and booster pump station – (part of Comp. Plan)
- Historic Downtown Association – new clock and benches
- Walter Clore Wine & Culinary Center – working on securing private donations
- Reduced workforce by 20% through attrition at City of Prosser – now down 1 in 5 employees;
- Balanced 2012 budget but without changes would not be able to balance 2013/2014
- Wastewater treatment plant scheduled for 2013

E-911 Memorandum of Understanding

Jim Barber, BCES Manager, presented the draft memorandum of understanding for Benton and Franklin to do a regional study on the 911 portion of the regionalization. He said his recommendation was a review by legal and wait until the legislative special session was complete in December to see if there would be funding by the State to complete the study.

He said the study would cost nothing if the state funded it; however, if the counties wanted to complete the study without funding by the State, it would have to be paid by Benton and Franklin Counties. He estimated the cost at no more than \$100,000.

The Board agreed to have legal review the contract.

Code Enforcement Update

Steve Brown and Jackie McWherter gave an update on the improvement policies that were implemented in the Code Enforcement division of the Building Department.

Mr. Brown said that all new policies were working out great, except they still had an ongoing issue getting linked up with District Court. The issue had to do with inputting information into the program and citations were being sent back. He said they were trying to get it worked out and the Prosecuting Attorney's office was offering some assistance.

The Board discussed different ways to assist with getting the issue resolved. Mr. Sparks said it was not as simple as changing the software program because that might not be cost effective.

Mr. Brown said his next step was to have a meeting with the person in charge of District Court.

Additionally, he reviewed the 3rd quarter violation report showing the cases filed and resolved. Commissioner Small said he had been hearing good reports about the department and thanked them for their good work and asked the department to continue to be proactive. The Board agreed.

The Board briefly recessed, reconvening at 10:16 a.m.

Executive Session – 3rd Quarter Litigation Update

The Board went into executive session at 10:16 a.m. with DPA Ryan Brown for approximately 15 minutes for a 3rd quarter litigation update. Also present with Melina Wenner, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out at 10:31 a.m. Mr. Brown said the Board discussed pending litigation and took no action.

Unscheduled Visitors

Malcolm Bowie said they opened up bids for the canal realignment for Piert Road (there were 13 bidders with some decent bids).

Commissioner Assignment Update

HB 1886 – Critical Areas

Commissioner Small said the Board needed to decide by January 22 whether to opt in or out. He had meetings with the Farm Bureau and Conservation District and recommended Benton County research the pros and cons.

Mike Shuttleworth recommended the Planning Commission have a workshop and a public hearing in December and provide a recommendation to the Board. He said there were other agencies that could be the lead on this instead of Benton County.

The Board agreed.

Horse Heaven Hills Water Project

Commissioner Small talked about the concern regarding the 2020 sunset clause. He said they received a letter from the Dept. of Ecology and there is apparently not a 2020 clause. Mr. Fall said he reviewed the matter and felt the letter was good enough for now.

HAIEFIC Meeting

Commissioner Beaver reported on his attendance at the HAIEFIC meeting and said the State didn't know what to do with them at this point.

Special Legislative Session

Chairman Bowman said he met with Senator Delvin regarding the special session and things that would impact Benton County. He said this session was more critical than any other session because roughly \$2 billion would be cut. He said it was imperative that Benton County have some representation there. He stated that some counties have lobbyists and the only way Benton County would have a voice was to be there to help the legislature find solutions. Chairman Bowman proposed the Board create a new line item in Sustainable Development Fund for lobby efforts. He strongly recommended the Board approve this so that somebody could be present during the special session and that it was in the best interest of citizens of Benton County.

Commissioner Small said he knew that Commissioner Bowman did a lot of good and had a good reputation and influence but Benton County had never faced this kind of budget situation before. He said the Board previously talked about the travel budget and he was concerned so was not in favor.

Commissioner Beaver said he was not in favor of creating another line item because the reality was that the budget did not look good and he wanted the Board to set an example.

Budget Summary

David Sparks reviewed a one-page summary of the 2011/2012 budget and the implications for the 2013/2014 budget. He discussed the following:

- 2011/2012 – approximately \$90,530 out of round since the budget was balanced
- 2013/2014 Issues/Implications
 - Gang Task Force –one-time revenue stream for 11/12; 13/14 (764,000)
 - Fines/forfeitures – down 4% - (313,000 conservative) to (626,000)
 - Intergovernmental revenues – (435,000) shortfall
 - Sales tax (stimulus money) – have to back out approx. (475,000)
 - Finance committee reported (200,000) to (300,000) short on investment interest
 - Drug Court funding (\$200,000)
 - Labor costs – every union contract, except for two are up for wages and benefits in 2012; 2013 all contracts will be up; Keith currently working on labor costs project (amount not yet calculated)
 - Since this report on 10/20/2011 – additional \$½ million shortfall for jail; tax collections issue – another (200,000) shortfall

Mr. Sparks said the Board was looking at a \$2.5 to \$3 million shortfall (amounting to 6% reduction to cover).

The Board discussed starting to cover the shortfall through attrition and not hiring any new non-essential personnel. Additionally, having conversations with elected officials and department managers regarding the budget issue.

The Board requested Mr. Sparks to send a letter to elected officials and department managers and include the one-page summary along with the highlights of the workshop.

Vouchers

Check Date: 10/12/2011
Warrant #: 43893-44300
Taxes # 010110113, 011610111, 050110111
Total all funds: \$862,921.84

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

Resolutions

- 11-656: State Mental Health Agreement, BFCRUS-11/13-00, w/Greater Columbia Behavioral Health
- 11-657: Prepaid Inpatient Health Plan Agreement, BFCRUP-11-13-00, w/Greater Columbia Behavioral Health
- 11-658: Recovery Contract Amendment, #BENFR-MHBG-11/12-00, w/Greater Columbia Behavioral Health
- 11-659: Housing & Essential Needs Grant w/WA State Department of Commerce
- 11-660: Agreement, #11/13-SA-SCC-00 w/Somerset Counseling Center
- 11-661: Agreement, #1163-35777, w/DSHS for Developmental Disabilities
- 11-662: Agreement, #11/13-SA-FSCCS-00, w/First Steps Community Counseling Services
- 11-663: Surplus of Personal Property - Auction Agreement
- 11-664: Adoption of Budget Policies and Procedures
- 11-665: Excess Compensation for Indigent Defense Services for L Swinney
- 11-666: Contract w/Lindstrom Construction Co., LLC for Restroom Project @ Rattlesnake Mt Shooting Facility
- 11-667: County Claim CC2011-23
- 11-668: County Claim CC2011-25
- 11-669: Contract w/Our Lady of Lourdes for Occupational Health Services
- 11-670: Designation of Employer Representative w/Penser NorthAmerica
- 11-671: Purchase Authorization from Crown Paper and Janitorial, Inc.
- 11-672: National Adoption Day Proclamation
- 11-673: Interagency Agreement w/St of WA Administrative Office of the Courts for Interpreter Expenses
- 11-674: Amended Agreement w/Garda Cash Logistics for Armored Car Services
- 11-675: Agreement w/Doxo, Inc. for Digital Property Tax Statements
- 11-676: Adoption of Ordinance No. 518 – Increase in Fee Schedule for Sheriff's Office

There being no further business before the Board, the meeting adjourned at approximately 11:25 a.m.

Clerk of the Board

Chairman