

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
October 4, 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 Keltz; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Human Services Administrator Ed Thornbrugh; Planning Manager Mike Shuttleworth; Juvenile Administrator Sharon Paradis; Public Works Manager Steve Becken; Deputy Treasurer Erhiza Rivera; County Engineer Malcolm Bowie; Jennifer Bowe, Juvenile; Central Services Manager Randy Reid; DPA Ryan Brown; Steve Hallstom, PA's Office; Auditor Brenda Chilton; Eric Hsu, OPD; Susan Walker, Planning; Larry Moser, Norm Childress, and Bryan Thorp, Public Works.

Workshop Agenda

Red Mountain

Commissioner Bowman said there had been an understanding that DNR would support the Antinori Road extension, however, someone had now decided it would not be in their best interest. He asked the Board if it would write a letter to DNR asking for support on the project.

Chairman Beaver requested a review of the program (staff report from the Road Department) so he could make a decision at the next meeting. Mr. Sparks also recommended a report on the CRID policy. The Board agreed.

Ben Franklin Transit

Commissioner Bowman said that Ben Franklin Transit was applying for a regional mobility grant to provide transit to Hanford to help with traffic congestion. He provided a draft letter in support for the Board to review and Chairman Beaver said he would review it to be signed on the next consent agenda.

Risk Pool Awards

Melina Wenner said that Benton County received the “Dragon Award” from the Risk Pool recognizing Benton County has low severity and low claims and she presented two framed awards to the Board.

The Board briefly recessed, reconvening at 9:00 a.m.

Approval of Minutes

The Minutes of September 27, 2010 were approved as corrected.

Consent Agenda

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

Animal Control

- a. Personal Service Contract w/Eternal Rest Pet Services, Inc.

Board of Equalization

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

Clerk

- c. Contract w/Garda CL Northwest, Inc. for Armored Car Services

Commissioners

- d. Community Planning Assistance Support Letter

Fairgrounds

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

Juvenile

- f. Interagency Agreement, #ICA11075, w/Administrative Office of the Courts
- g. Personal Services Contract w/Pasco School District for Pass Through Funds

Office of Public Defense

- h. Amended District Court Professional Services Agreement w/S Sant

Public Works

- i. Interlocal Agreement w/Cities of Prosser & Benton City to Allocate Safetea-Lu Funds
- j. Amended Joint Agreement w/Cities of Richland and Kennewick for Leslie Rd. Improvements
- k. Grade Crossing Construction and Maintenance Agreement w/BNSF Railway Company

Sheriff

- l. Line Item Transfer, Fund No. 0000-101, Dept. 121
- m. Ammunition Purchases from Larsen Firearms
- n. Reduction of the Criminal Investigative Information Revolving Fund

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

Public Hearing – Supplemental Appropriation Requests

Keith Mercer presented the following supplemental appropriation requests for public hearing:

Juvenile Fund, Dept. 171 - \$13,765

The supplement is for excess compensation benefit charges associated with a PERS retiree and computer equipment purchases utilizing AOC funds.

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

Commissioner Benitz said the retirement had already been paid for and there was sufficient funding in cash carry forward to provide services. However, he said he was in support of the computer purchase.

Commissioner Bowman agreed that it was paid for but that it was a requirement and the Board needed to back-fill that money. He said he would support the request as presented.

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Benton-Franklin Counties Juvenile Fund No. 0115-101, Dept. 171 in the amount of \$13,765. Chairman Beaver seconded and upon vote, the motion carried with Commissioner Benitz opposing.

Current Expense Fund, Dept. 115 – \$5,856

The supplement is Benton County's portion of the additional excess compensation benefit charges for above Juvenile appropriation.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Current Expense Fund 0000-101, Dept. 115 in the amount of \$5,856. Chairman Beaver seconded and upon vote, the motion carried with Commissioner Benitz opposing.

Juvenile Fund, Dept. 172 - \$61,685

The supplement is for the replacement of electrical panels, computer and software upgrades for the lights and electric doors at the Juvenile Detention facility.

Commissioner Bowman asked if the resolution would be moot if Franklin County did not approve it since it was a bi-county resolution. Mr. Mercer responded that was correct.

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

MOTION: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Benton-Franklin Counties Juvenile Fund 0115-101, Dept. 172 in the amount \$61,685. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 115 - \$44,413

The supplement is for Benton County's portion of the replacement of electrical panels, etc. for the Juvenile facility.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Current Expense Fund No. 000-101, Dept. 115 in the amount of \$44,413. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 136 - \$287,651

This supplement is for the Office of Public Defense Department and additional costs associated with the new walk-in arraignment presentation as well as costs for a murder trial.

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

MOTION: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 136 in the amount of \$287,651. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 121, \$23,474

This supplement is for the increase in user fee costs for the EDC-800 MHZ system.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 121 in the amount of \$23,474. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 121 - \$4,180

This supplement is for a Notebook Computer for the Sheriff's office that did not qualify as a 2009 expenditure.

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

MOTION: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 121 in the amount of \$4,180. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 115 - \$5,662,083

This supplement is for transferring excess cash carry forward to the capital fund and park development fund.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 115 in the amount of \$5,662,083. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 121 - \$64,165

This supplement is for expenditures associated with monitoring registered sex offenders in Benton County.

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

MOTION: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 121 in the amount of \$64,165. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 121 - \$8,317

This supplement is for expenditures related to the 2010 Justice Assistance Grant.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Current Expense Fund 0000-101, Dept. 121 in the amount of \$8,317. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Current Expense Fund, Dept. 123 - \$2,505

This supplement is for desktop computer, laptop computer, and printer in Superior Court.

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

MOTION: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 123 in the amount of \$2,505. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Noxious Weed Control Fund - \$24,809

This supplement is for professional services for the Department of Ecology grant.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Noxious Weed Control Fund 0134-101 in the amount of \$24,809. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Election Reserve Fund - \$35,772

This supplement is for expenditures related to the 2010 Help America Vote Act (HAVA) grant.

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

MOTION: Commissioner Benitz moved to approve the supplemental appropriation to the 2010 Election Reserve Fund No. 0111-101 in the amount of \$35,772. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Central Services Fund - \$137,960

This supplement was for computers and software, as well as the revised lease payment for the new phone system installed in the jail.

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

MOTION: Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Central Services Fund No. 0502-101 in the amount of \$137,960. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

Proposed Credit Rate Increase for Inmates in Lieu of Paying Fines

Eric Hsu, Law & Justice Council Chair, said the City of Kennewick was concerned that the credit rate for inmates incarcerated in lieu of paying fines was too low when compared to the rate at which they were charged for jail bed-days. He said the Council voted to recommend the County increase the rate at which Benton County Jail inmates received credit toward their fines.

Mr. Hsu said the law allowed District Court judges to incarcerate someone for failing to pay their fines and for each day in custody, the person's fines would be reduced by a certain amount if they were doing "work" (trustee or work crew) and a lesser amount if they were not doing work. The Council recommended the Board increase the credit rate from \$30.00 to \$50.00 for non-working inmates and from \$56.00 to \$70.00 for working inmates.

Captain Scott Ruf, Kennewick Police Department, said the Kennewick Police Department proposed this change to the Law & Justice Council as a mechanism to allow offenders to be accountable but to bring in line those costs associated with keeping offenders incarcerated. He said the Kennewick and Richland Police Departments were in favor.

Commissioner Bowman wanted to know what the judges thought of reducing their sentence by giving them more credit.

District Court Judge Tanner (via/videoconference) said it didn't reduce jail time for sentencing, but would reduce the "sit out" rate for being incarcerated when they didn't pay their fine. He said the cities feel the crunch because they don't collect their fine money and are also paying to have them sit in jail. He said the judges were fine with whatever the rate was set at and the Law & Justice Council came up with a rate that was more in line with today's rate.

David Sparks asked why the non-working inmate credit was increased by 65% and the working inmate credit only by 25% because they should be encouraging "working".

Mr. Hsu said there was not a lot of formula involved but it was recommended as a tiered rate, however, the rate could be changed.

The Board agreed that Mr. Hsu could bring back a resolution for approval on the next consent agenda.

Executive Session – Pending Litigation

The Board went into executive session with DPA Ryan Brown at 9:45 a.m. for approximately 10 minutes to discuss pending litigation. Also present were David Sparks, DPA Steve Hallstrom, Loretta Smith Kelty, Melina Wenner, Susan Walker, Mike Shuttleworth, and Cami McKenzie.

The Board came out of executive session at 9:55 a.m. Mr. Brown stated the Board discussed pending litigation but no decisions were made.

Animal Control Update

Roy Rogers provided the Board with an update on the Animal Control building and the schedule for construction. He said it would take 25 days to erect the building once the materials were delivered. He said that materials were being ordered, cabinets were being produced and the schedule was flexible and could be moved back. He said he had been in contact with the Sheriff and items, materials and gifts were coming in and being stored in a secure area.

Commissioner Bowman said his concern about the timeline still remained, however, was also concerned about dust and dirt blowing in the area and onto the neighbors. He said the contractor needed to prevent any problems and be made fully aware of local wind issues.

Mr. Rogers said it was continually being watered down with trucks and they had checked with neighbors and there were not any complaints.

Chairman Beaver wanted to know how much coordination was being done with the subcontractors. Mr. Rogers said they were having monthly construction meetings to make sure and stay very close to what the contractor and his subs were doing.

Superior Court Update

Drug Court

Superior Court Judge Carrie Runge updated the Board on the success of the Drug Court with 122 graduates (103 from Benton County; 2-bi-county; and 17 from Franklin County). She said the numbers reflect the population and also that Benton County was better at referring individuals to the program. She said the program was reduced to 30 participants and Superior Court was making some changes to try and keep it going. She said the Court recognized the up-front costs were more expensive and they have raised the rate from \$900 to \$2,000 to the participants. Judge Runge also talked about statistics for reduced recidivism and that for every dollar spent in drug court, there was \$1.74 in savings in Washington State. Of the graduates, almost 91% have had no felony convictions and 78.69% have not had any convictions. Additionally, she said there were several individuals who have given birth to drug-free babies and the impacts were more than just to individuals but their families and the community as well.

CASA/Guardian Ad Litem Program

Judge Runge said they changed how the program was being run based on a reduced budget. She said that a subcommittee reviewed the program and proposed changes and they now have one employee who is also the investigator. She said they were already seeing efficiencies in the new system. Judge Runge also indicated the space on the 2nd floor at the Justice Center previously occupied by Superior Court was no longer needed.

Commissioner Benitz said at the meeting of January 4, 2010, Superior Court made proposals to keep Drug Court going and promised funding commitment from outside sources including Rotary, HAPO, Circle of Hope, and other dollars but that funding had not been received. He asked if Superior Court was going to follow through with those commitments.

Pat Austin said she had received CJTA funds in the amount of \$22,000 and that Andy Miller would follow up with the Circle of Hope as soon as his current trial was over. Ms. Austin said she had no doubt the organizations would follow through with their commitment.

Chairman Beaver said that as a Board, they did not try to say which programs would be cut but requested a cut across the board.

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

One-Year Road Program – 2011

Malcolm Bowie, Steve Becken, and Larry Moser presented the proposed 2011 Benton County Road Program. It included the revenue sources, proposed expenditures, computer software purchases from Road Fund, and proposed purchases from the ER&R Fund. Mr. Bowie also discussed possible purchase of a new vector in the amount of \$80,000 that was not included in the budget. The Board instructed the Road Department to bring back the updated budget for approval to go to public hearing.

Unscheduled Visitors

West Richland Mayor Donna Noski and Ruth Swain said they wanted to thank the Board for its attendance at the recent Black Heron Distillery “opening” and invited the Board to several upcoming events, including the Van Giesen Redevelopment Community Night and the annual Veterans Day celebration. They also thanked the Board for its participation in Red Mountain and said they had met with Mr. Fyall and also indicated the Council would like to host a joint meeting with the Board to support each other’s efforts and form partnerships on future projects.

Resolutions

- 10.571 Personal Service Contract w/Eternal Rest Pet Services, Inc.
- 10.572 Line Item Transfer, Fund No. 0000-101, Dept. 103
- 10.573 Contract w/Garda CL Northwest, Inc. for Armored Car Services
- 10.574 Line Item Transfer, Fund No. 0124-101, Dept. 000
- 10.575 Interagency Agreement, #ICA11075, w/Administrative Office of the Courts
- 10.576 Personal Services Contract w/Pasco School District for Pass Through Funds
- 10.577 Amended District Court Professional Services Agreement w/S Sant
- 10.578 Interlocal Agreement w/Cities of Prosser & Benton City to Allocate Safetea-Lu Funds
- 10.579 Amended Joint Agreement w/Cities of Richland and Kennewick for Leslie Rd. Improvements
- 10.580 Grade Crossing Construction and Maintenance Agreement w/BNSF Railway Company
- 10.581 Line Item Transfer, Fund No. 0000-101, Dept. 121
- 10.582 Ammunition Purchases from Larsen Firearms
- 10.583 Reduction of the Criminal Investigative Information Revolving Fund
- 10.584 Supplemental Appropriation - 2010 Benton-Franklin Counties Juvenile Fund No. 0115-101, Dept. 171 in the amount of \$13,765
- 10.585 Supplemental Appropriation - 2010 Current Expense Fund 0000-101, Dept. 115 in the amount of \$5,856
- 10.586 Supplemental Appropriation - 2010 Benton-Franklin Counties Juvenile Fund 0115-101, Dept. 172 in the amount \$61,685
- 10.587 Supplemental Appropriation to the 2010 Current Expense Fund No. 000-101, Dept. 115 in the amount of \$44,413
- 10.588 Supplemental Appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 136 in the amount of \$287,651
- 10.589 Supplemental Appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 121 in the amount of \$23,474
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- 10.591 Supplemental Appropriation to the 2010 Current Expense Fund No. 0000-101 Dept. 115 in the amount of \$5,662,083
- 10.592 Supplemental Appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 121 in the amount of \$64,165

- 10.593 Supplemental Appropriation to the 2010 Current Expense Fund 0000-101, Dept. 121 in the amount of \$8,317
- 10.594 Supplemental Appropriation to the 2010 Current Expense Fund No. 0000-101, Dept. 123 in the amount of \$2,505
- 10.595 Supplemental Appropriation to the 2010 Noxious Weed Control Fund 0134-101 in the amount of \$24,809
- 10.596 Supplemental Appropriation to the 2010 Election Reserve Fund No. 0111-101 in the amount of \$35,772
- 10.597 Supplemental Appropriation to the 2010 Central Services Fund No. 0502-101 in the amount of \$137,960

There being no further business before the Board, the meeting adjourned at approximately 10:55 a.m.

Clerk of the Board

Chairman