

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
September 13, 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 Kely; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Facilities Manager Roy Rogers; Steve Becken, Malcolm Bowie, Bryan Thorp, and Larry Moser, Public Works; Personnel Manager Melina Wenner; District Court Judge Terry Tanner; District Court Administrator Jacki Lahtinen; Planning Manager Mike Shuttleworth; Deputy Treasurer Erhiza Rivera; DPA Ryan Brown; Sue Schuetze, Public Works; Juvenile Administrator Sharon Paradis; Auditor Brenda Chilton; Steve Brown and Ken Williams, Building Department; RJ Lott, Planning.

Workshop Agenda

District Court – Pro Tem Issues

Judge Terry Tanner said that he and Jacki Lahtinen were at the meeting to answer any questions or concerns about the request for line item transfer. He said the need for pro tem money had not changed at all because they still had a total of five judicial officers and that is how they covered district court. As an example, he said they had six courtrooms running today, but only five judges to cover. Another use is when there is a conflict case, when judges are on vacation, sick, or training and conferences. He said that need had not changed from three judges and two court commissioners. Additionally, he said they now had the flexibility to have more judges cover cases so no one can object to a court commissioner hearing a case. He stated since they started the year with zero, they have tried to reduce the need and reduce the cost and judges have been accepting double dockets. He said they were going to need the majority of the money in the latter part of the year. He said there was a statute that allowed 30 days pro tem per year for each judge, in addition to vacation, etc. and then a judge had to repay the pro tem cost.

Commissioner Bowman asked about the hours required of a judge. Judge Tanner said they were full-time judges and it was not a 35-hour week, but however long it took to do the job; they did not punch a clock. Commissioner Bowman asked what other counties in worse shape were doing about required funding. Judge Tanner said he was not saying by law you have to fund anything; just saying if they used more than 30 pro tem days the judge had to pay that back. He

said they didn't have to hire a pro tem each time and they were trying to cover the dockets. The funding level they were asking for was less than what was asked for in the past. He added that they have three new judges with a philosophy they were going to do what they could to be flexible.

WSAC

Commissioner Bowman said the WSAC Board would be meeting this week and they would be proposing a 15% decrease in dues and that he would vote in favor.

Symposium – Budget

Commissioner Bowman reported on the budget symposium, said it went well and that problems seem to be the same in all counties.

Livable Communities Conference

Commissioner Bowman asked if the County wanted to have someone present and the Board said it would review the issue.

Water Legislation

Commissioner Bowman said there would be a meeting in Chelan regarding this legislature and that he would not be able to attend and asked the other members if they could be present. Chairman Beaver said he would check his schedule.

Public Works - Hanks Road Project (Crosby to Aller)

Steve Becken provided an update on this project and said the actual shortfall could exceed \$200,000. He provided three options and asked the Board for some direction. Commissioner Benitz said he wanted to work with Mr. Sparks and bring back a 4th option and would have it for next week's meeting. The Board agreed

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

Approval of Minutes

The Minutes of August 30, 2010 were approved.
The Minutes of September 1, 2010 were approved.

Consent Agenda

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

Animal Control

- a. Line Item Transfer, Fund No. 0000-101, Dept. 137

Auditor

- b. Addendum to Warranty, Support and Lease Agreement w/Hart Intercivic

Commissioners

- c. Line Item Transfer, Fund No. 0000-101, Dept. 115
- d. Line Item Transfer, Fund No. 0142-101, Dept. 000

Fairgrounds

- e. Contract Amendment w/Cut Above

Human Services

- f. Contract Amendment, #07/10-HGAP-CAC-4, w/BF Community Action Committee
- g. Contract Amendment, #0963-68016-03, w/Division of Alcohol & Substance Abuse

Juvenile

- h. Food Service Contract Amendment w/Aramark Correctional Services

Office of Public Defense

- i. Termination of Professional Services Agreement w/S Ajax

Personnel

- j. Line Item Transfer, Fund No. 0504-101, Dept. 000

Planning

- k. Appointment of M Reis to the Benton County Planning Commission

Public Works

- l. Execution of Contract for Pavement Marking 2010
- m. Funding Authorization to Proceed for Pavement Marking 2010
- n. Consultant Agreement for Appraisal Services

Sheriff

- o. Contract Amendment w/Watch Systems, LLC
- p. Contract Extension Agreement w/Consolidated Food Management, Inc.
- q. Authorization to Purchase from Bob Barker Company, Inc.; Amending Resolution 09-896
- r. Ammunition Purchase Agreement From the WA State Contract, No. 10903
- s. Salary Request Statement

Public Hearing - Right of Way Vacation – Christy Road

Sue Schuetz summarized the request for vacation and that she received only one comment from the adjacent landowner and she was in favor of the vacation (read letter into record). Public Works recommended the right of way be vacated with the condition of the owner granting a 20-foot easement to the adjacent landowner.

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

MOTION: Commissioner Benitz moved to approve the vacation of right of way with the condition that a 20-foot easement be granted to Sharon Gray and recorded with 30 days. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

District Court – Line Item Transfer Discussion

Commissioner Bowman said they were still have problems funding Juvenile and did not feel he could say yes to this request and no to Juvenile. He said he appreciated the information provided, however, could not approve the line item transfer.

Commissioner Benitz said it appeared that personnel was addressing issues and the County had a good District Court Judge program, but after reviewing discussion at the last budget workshop, could not support it at this time.

Chairman Beaver said he would concur with his colleagues at this point.

Supplemental Appropriations - Review

Juvenile Facilities - \$61,685

Commissioner Benitz said he agreed to go to public hearing, providing that Franklin County also agreed. The Board agreed with Commissioner Benitz.

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

The Board agreed to go to public hearing.

Juvenile Operations - \$13,765

Commissioner Bowman said yes to public hearing. Commissioner Benitz said yes to computers, but no to retirement. Chairman Beaver asked if the retirement was a requirement. Mr. Sparks said it was a PERS 1 employee and the County had to pay the excess. Chairman Beaver said he agreed to go to public hearing on both items.

Current Expense, Dept. 115 - \$5,856

The Board agreed to go to public hearing with Commissioner Benitz opposing.

Juvenile Operations - \$66,681

Commissioners Bowman and Benitz denied the issue to go to public hearing. Chairman Beaver said he was in favor of it and explained the department was at the forefront of what the County should be doing as a government agency because they had asked agencies to be tough on crime. He said if the bi-county formula wasn't providing services, then maybe Benton County should own the building and sell services to Franklin County.

Current Expense – Dept. 115 - \$46,677

Both Commissioner Bowman and Benitz denied the supplement for public hearing with Chairman Beaver voting in favor.

Current Expense - OPD - \$287,651

Approved for public hearing.

Sheriff Custody- \$9,211

The Board denied for public hearing, stating they could find it in their budget.

Juvenile Budget Discussion

Commissioner Bowman said this could be addressed at a later time if it became a public safety issue and the County could fund it later if the money was available. He said they could take a serious look at it during the budget process.

Commissioner Benitz agreed the Board should look at new ideas for funding and he was ready to revisit the issue of funding services for Benton County Juvenile Justice.

Current Expense - District Court - \$35,000

The Board denied for public hearing.

Current Expense - Sheriff Patrol - \$23,474

Approved for public hearing.

Current Expense - Sheriff Patrol - \$4,180

Approved for public hearing.

Central Services - \$4,180

Approved for public hearing.

Current Expense, Dept. 115 - Cash Carry Forward - \$5,662,083

Approved for public hearing.

Current Expense – Sheriff Custody - \$170,000

Denied for public hearing.

Current Expense - Sheriff Patrol - \$64,165

Approved for public hearing.

Current Expense - Sheriff Patrol - \$8,317

Approved for public hearing.

Current Expense - Superior Court - \$2,505

Approved for public hearing.

Noxious Weed - \$24,809

Approved for public hearing.

Election Reserve - \$35,772

Approved for public hearing.

Central Services - \$47,500

Approved for public hearing.

Central Services - \$2,650

Approved for public hearing.

Central Services - \$3,290
Approved for public hearing.

Central Services - \$3,100
Approved for public hearing.

Central Services - \$27,240
Approved for public hearing.

Central Services - \$50,000
Approved for public hearing.

Short Plat Ordinance Amendment/Fire Code

Mike Shuttleworth, Steve Brown, Ken Williams, and Ryan Brown presented proposed amendments to ordinances since the last workshop on the issue and specifically discussed the following:

Access Easements

Ken Williams said they were making it clear in the ordinance the County was not responsible for maintenance of the easements.

Extension Time

Commissioner Benitz asked about the time allowed for an extension. The Board agreed it would be one-year, with an additional one-year extension for a total of two years.

Improvements

Ryan Brown suggested the language “initial” be added as follows regarding gravel on the easement: minimum acceptable “initial” improvement. He said that way it was a requirement at the beginning, but clear the County was not going to monitor nor regulate the requirement. The Board agreed with that language.

Ken Williams said this did not address single-family homes and that would need to be addressed in a separate ordinance.

Commissioner Benitz said he was not ready to go to public hearing and wanted some time to discuss the issue with Mr. Sparks before proceeding ahead. The Board agreed.

Chief Spring (via/videoconference) said this new ordinance appeared to be an attempt by the County to exempt itself from the fire code. He said it appeared to him the County was responsible for enforcing those issues and he asked that they have the State Building Code Council review the proposed changes. He said he called the State Building Code Council and

they would not be able to look at it until mid-October, however, he would be sending the proposed changes to them.

Letter to Fair Board

Adam Fyall presented a letter to the Fair Board regarding issues about the live entertainment at the 2010 Fair. The Board agreed to send the letter.

Claim for Damages

CC 08-02A: Received 09/07/2010 from Roy Springer

CC 2010-11: Received 09/13/2010 from Brett Charlton

Vouchers

Check Date: 08/31/2010
Warrant #: 17570
Total all funds: \$3,577.57

Check Date: 09/03/2010
Warrant #: 17573-17720
Total all funds: \$6,564.05

Check Date: 09/03/2010
Warrant #: 17737-17942
Total all funds: \$1,359,474.20

Check Date: 09/03/2010
Warrant #: 231032-231170
Direct Deposit #: 56921-57504
Total all funds: \$2,070,488.68
Check Date: 09/03/2010
Warrant #: 17943-17981
Taxes #: 10110091-10110093
Total all funds: \$1,787,693.32

Check Date: 09/10/2010
Warrant #: 18105-18373
Total all funds: \$286,769.12

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

Resolutions

- 10.510 Line Item Transfer, Fund No. 0000-101, Dept. 137
- 10.511 Addendum to Warranty, Support and Lease Agreement w/Hart Intercivic
- 10.512 Line Item Transfer, Fund No. 0000-101, Dept. 115
- 10.513 Line Item Transfer, Fund No. 0142-101, Dept. 000
- 10.514 Contract Amendment w/Cut Above
- 10.515 Contract Amendment, #07/10-HGAP-CAC-4, w/BF Community Action Committee
- 10.516 Contract Amendment, #0963-68016-03, w/Division of Alcohol & Substance Abuse
- 10.517 Food Service Contract Amendment w/Aramark Correctional Services
- 10.518 Termination of Professional Services Agreement w/S Ajax
- 10.519 Line Item Transfer, Fund No. 0504-101, Dept. 000
- 10.520 Appointment of M Reis to the Benton County Planning Commission
- 10.521 Execution of Contract for Pavement Marking 2010
- 10.522 Funding Authorization to Proceed for Pavement Marking 2010
- 10.523 Consultant Agreement for Appraisal Services
- 10.524 Contract Amendment w/Watch Systems, LLC
- 10.525 Contract Extension Agreement w/Consolidated Food Management, Inc.
- 10.526 Authorization to Purchase from Bob Barker Company, Inc.; Amending Resolution 09-896
- 10.527 Ammunition Purchase Agreement From the WA State Contract, No. 10903

There being no further business before the Board, the meeting adjourned at approximately 10:00 a.m.

Clerk of the Board

Chairman