

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
September 20, 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; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Ed Thornbrugh, Human Services Administrator; Pat Powell, Auditor; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Erhiza Rivera and Nick Kooiker, Treasurer's Office; DPA Ryan Brown; Sheriff Larry Taylor; Steve Keene, Sheriff's Office; Treasurer Duane Davidson; Marianne Ophardt and Gwen Hoheisel; DPA Jonathan Young.

Workshop Agenda

Red Mountain Funding

Commissioner Bowman said it would be appropriate to transfer the \$294,000 to DOT since they had assumed responsibility of the project and they would be doing the engineering, etc. He said the money would be used for the Red Mountain Interchange vision only (and DOT's own letter stated it would be used only for the Interchange). He requested the resolution be put on the consent agenda.

Commissioner Benitz asked if it was a time sensitive issue and Commissioner Bowman said not that he was aware of. Commissioner Benitz said he was not opposed to it but he just hadn't had a chance to review the document.

Transportation Partnership

Commissioner Bowman said they had a large meeting in Seattle, it was well attended, and he wanted to know if Benton County wanted to sign on as a partner. The Board said yes.

WSAC

Commissioner Bowman said the WSAC Board approved the 15% reduction and he provided a copy of the new amounts to be charged.

Additionally, he said he would like to provide to Ryan Brown a set of criteria developed by WSAC on when it should join in amicus and that maybe the County should develop its own criteria on when to join in those lawsuits. The Board agreed.

Water Legislation

Commissioner Bowman said the water legislation that was proposed did get to the Columbia River Group and it was moved forward to WSAC for its support on that issue.

Benton City Contract

Commissioner Bowman said he met with Bea Baker from Benton City and that they were preparing their work plan and would be asking for support in the amount of \$5,000 for 2011. He said with the Board's permission he would work with Adam Fyall on the issue.

David Sparks said they had put \$2,000 in the budget and the Board had not discussed \$5,000.

Commissioners Benitz and Beaver agreed that Commissioner Bowman and Mr. Fyall could work on the issue and bring back a proposal.

Coroner – Autopsy Reimbursements

Mr. Sparks reported that the Coroner had not billed the State for autopsy reimbursements since the first half of last year, to the tune of \$25,000 every six months.

Commissioner Benitz recommended the Chairman send a letter to the Coroner about working with the Auditor and Treasurer to bill this amount to the State. The Board agreed, adding that the letter should include a deadline of five days to respond.

Health Building/Human Services

David Sparks said the proposed lease agreement with Human Services and amended Health District agreement was sent to Franklin County for their review.

Chairman Beaver asked about having a bi-county meeting after the Health District meeting. Ms. Smith Kelty said she would find out whether Franklin County was ready to meet on the issue on Wednesday.

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

Approval of Minutes

The Minutes of September 13, 2010 were approved as corrected.

Consent Agenda

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

Commissioners

- a. Canvassing Board Appointment

Human Services

- b. Line Item Transfer, Fund No. 0108-101, Dept. 560
- c. Appointment of Substance Abuse County Coordinator
- d. Shelter Plus Care Renewal Agreement w/US Dept of Housing and Urban Development
- e. Execution of Lease Agreement w/McCausland/Sonju J/V

Juvenile

- f. Truancy Contract for Kennewick School District

Office of Public Defense

- g. District Court Professional Service Agreement w/D Hickman
- h. District Court Professional Service Agreement w/R Hui
- i. District Court Professional Service Agreement w/S Johnson
- j. District Court Professional Service Agreement w/D Kathren
- k. District Court Professional Service Agreement w/A McKinley
- l. District Court Professional Service Agreement w/S Naccarato
- m. District Court Professional Service Agreement w/T Orosco
- n. District Court Professional Service Agreement w/M Poland
- o. District Court Professional Service Agreement w/E Riley
- p. District Court Professional Service Agreement w/L Swinney
- q. District Court Professional Service Agreement w/P Younesi
- r. Superior Court Professional Services Agreement w/K Holt
- s. Superior Court Professional Services Agreement w/R Thompson
- t. Superior Court Professional Services Agreement w/C Sonderman
- u. Superior Court Professional Services Agreement w/M Mooney
- v. Amended District Court Professional Service Agreement w/P Younesi
- w. Amended District Court Professional Service Agreement w/T Orosco
- x. Amended District Court Professional Service Agreement w/D Hickman

Personnel

- y. Hold Harmless and Marketing Agreement w/Liberty Mutual Insurance Group
- z. United Employees Benefit Trust Agreement for Non-Bargaining Employees
- aa. United Employees Benefit Trust Agreement for Crisis Response Union
- bb. United Employees Benefit Trust Agreement for Juvenile Clerical Union

Sheriff

- cc. Line Item Transfer, Fund No. 0000-101, Dept. 120

Red Mountain Resolution

Commissioner Benitz asked to postpone approval of the issue for one week to the next consent agenda and he would support that.

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

Final Plat – Summit View Phase 7

Mike Shuttleworth said the applicants had completed all conditions of the original plat and it was ready to finalize.

MOTION: Commissioner Benitz moved to approve the final plat of Summit View Phase 7, SUB 10-02 and authorized the Chairman to sign the final plat. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:10 a.m.

Public Hearing – E-911 Tax Ordinance

Ryan Brown said the Legislation passed a bill authorizing counties to extend E-911 excise taxes to the use of interconnected voice over internet protocol service lines, increase the tax, and require the excise taxes to be collected through the Department of Revenue. He said it was also his understanding the State would reduce or cut funding for those counties that did not impose the maximum tax rate. He said that regardless of whether the Board decided to increase the tax rate, it would have to change over the collection to the Department of Revenue. He said if the Board opted to not increase the tax, he recommend the public hearing be continued to address the agreement with the Department of Revenue.

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

Commissioner Benitz said they asked for input from the local jurisdictions and the City of Richland, City of Prosser, City of Benton City, City of Kennewick, and City of W. Richland had all weighed in and he felt it was vitally important the Board take affirmative action to increase the tax for the enhanced services.

Commissioner Bowman said he was very concerned and opposed to the type of action by the legislation that imposed punitive action to the counties that did not impose this tax. He said that Benton County would not apparently have any loss, but the lowest income counties stood to lose hundreds of thousands of dollars. He said it was his understanding they might cut funding regardless, since we will have new money. He said the Board needed to take some kind of action opposing this kind of action from the State.

Commissioner Bowman said that on the merits of the communication, seconds matter when responding to an emergency and he was a proponent of improving the communication process. He said that other counties had already passed their tax increase and he did not feel they had a choice but to approve the tax.

MOTION: Commissioner Benitz moved to approve the resolution authorizing the adoption of an ordinance relating to the telephone excise tax, amending Ordinance 188, 236, 254 and adding

new sections to Chapter 8.20 of the Benton County Code. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Commissioner Benitz said he agreed with writing a letter to all State Representatives and Senators regarding their position on this type of approach. The Board agreed.

The Board briefly recessed, reconvening at 9:30 a.m.

Dept. of Revenue Agreement

Ryan Brown and Jim Barber provided a draft agreement with the Department of Revenue regarding collection of the E-911 excise tax.

Commissioner Benitz wanted to confirm the new funding was a dedicated source of funding and could only be spent on E-911 related issues specifically. Mr. Brown said that whatever it had been is what it would continue to be.

Mr. Barger said the legislation required a report on what the money was being spent on.

The Board agreed to have the Treasurer continue to be the point person to manage the contract for the County.

Mr. Brown said there was also a secrecy agreement that needed to be signed. He said the Treasurer already had one on file, but they would need to see if they had to sign another.

Mr. Brown said he would fill in the blanks and bring back the agreement for the Board's execution.

Sprayer Technology Update – Benton County WSU Extension

Gwen Hoheisel and Marianne Ophardt updated the Board on the new sprayer technology, the new program for comprehensive automation for specialty crops, and the award of a new grant in the amount of \$50,000.

Executive Session – Potential Litigation

The Board went into executive session with DPA Jonathan Young at 9:58 a.m. for approximately 10 minutes to discuss potential litigation. Also present were David Sparks, Cami McKenzie, Melina Wenner, Ryan Brown, Loretta Smith Kelty, Larry Taylor, and Steve Keene. The Board came out of executive session at 10:03 a.m. Mr. Young stated the Board took no action.

Vouchers

Check Date: 09/15/2010
Payroll Draw Deductions
Taxes #: 10110094
Warrant #: 18374
Total all funds: \$34,045.78

Check Date: 09/15/2010
Payroll Draw
Warrant #: 231173-231198
Direct Deposit #: 57509-57709
Total all funds: \$111,246.70

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

Resolutions

- 10-528 Shelter Plus Care Renewal Agreement w/US Dept of Housing and Urban Development
- 10.529 Line Item Transfer, Fund No. 0108-101, Dept. 560
- 10.530 Appointment of Substance Abuse County Coordinator
- 10.531 Execution of Lease Agreement w/McCausland/Sonju J/V
- 10.532 Truancy Contract for Kennewick School District
- 10.533 District Court Professional Service Agreement w/D Hickman
- 10.534 District Court Professional Service Agreement w/R Hui
- 10.535 District Court Professional Service Agreement w/S Johnson
- 10.536 District Court Professional Service Agreement w/D Kathren
- 10.537 Adoption of Ordinance Relating to the Telephone Excise Tax
- 10.538 District Court Professional Service Agreement w/A McKinley
- 10.539 District Court Professional Service Agreement w/S Naccarato
- 10.540 District Court Professional Service Agreement w/T Orosco
- 10.541 District Court Professional Service Agreement w/M Poland
- 10.542 District Court Professional Service Agreement w/E Riley
- 10.543 District Court Professional Service Agreement w/L Swinney
- 10.544 District Court Professional Service Agreement w/P Younesi
- 10.545 Superior Court Professional Services Agreement w/K Holt
- 10.546 Superior Court Professional Services Agreement w/R Thompson
- 10.547 Superior Court Professional Services Agreement w/C Sonderman
- 10.548 Superior Court Professional Services Agreement w/M Mooney
- 10.549 Amended District Court Professional Service Agreement w/P Younesi
- 10.550 Amended District Court Professional Service Agreement w/T Orosco
- 10.551 Amended District Court Professional Service Agreement w/D Hickman
- 10.552 Hold Harmless and Marketing Agreement w/Liberty Mutual Insurance Group
- 10.553 United Employees Benefit Trust Agreement for Non-Bargaining Employees
- 10.554 United Employees Benefit Trust Agreement for Crisis Response Union

- 10.555 United Employees Benefit Trust Agreement for Juvenile Clerical Union
- 10.556 Line Item Transfer, Fund No. 0000-101, Dept. 120
- 10.557 Final Plat of Summit View Phase 7 – SUB 10-02

There being no further business before the Board, the meeting adjourned at approximately 10:03 a.m.

Clerk of the Board

Chairman