

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
April 13, 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
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 Linda Ivey; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Treasurer Duane Davidson; Clerk Josie Delvin; Eric Hsu, Office of Public Defense; Planning Manager Mike Shuttleworth; Auditor Bobbie Gagner; Steve Becken and Norm Childress, Public Works; DPA Kathleen Galioto; District Court Judge Bob Ingvalson; Marianne Ophardt, WSU; Sheriff Larry Taylor; Keith Mercer, Sheriff's Office; Central Services Manager Randy Reid; and PA Andy Miller.

Approval of Minutes

The Minutes of April 6, 2009 were approved as corrected.

Consent Agenda

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

Auditor

- a. Retail Lease Agreement w/Fred Meyer Stores, Inc.

Commissioner

- b. Letter to Gary Schaefer re: 506 PRSE Private Bridge Crossing KID Canal
- c. Letter to Stacy McCorkle re: 506 PRSE Private Bridge Crossing KID Canal
- d. Letter to Ray Morfeld re: 506 PRSE Private Bridge Crossing KID Canal
- e. Letter to Ken Hohenberg re: Tri-Citizen of the Year Award

District Court

- f. Line Item Transfer – Fund Number 0131-101, Dept. 000

Facilities

- g. Contract w/Craftsman Cabinets & Floor Coverings

Human Services

- h. Travel Expense Reimbursements

Road/Engineer

- i. Contract for Hess Road Bridge Guardrail
- j. Contract for Bituminous Surface Treatment 2009

Sheriff

- k. Purchase of Public Safety Communication Equipment
- l. Purchase of Digital Video Camera System from ICOP Digital, Inc.
- m. Purchase of Sector Electronic Ticketing Machines
- n. Service Contract w/Northwest Marine and Sport LLC

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

Proposed Truck Traffic Ordinance for Finley Road

DPA Kathleen Galieto said she reviewed the law regarding enacting an ordinance on South Finley Road and that based upon the statutes, the County did not have legal authority to enact an ordinance. She said if the types of traffic or weather were damaging the road, the Board had authority to enact an ordinance or impose weight limits. However, the claims of safety issues did not meet the criteria.

Norm Childress said that South Finley Road was considered a truck route and for freight mobility purposes would be available for funding. He advised it would be wise to leave it with that designation. He said the truck route signs have been installed and hopefully would work with voluntary compliance.

Public Comment

David Darnell, South Finley Road, said he has witnessed these trucks every day and something had to be done before somebody got hurt. He said it was a chip-seal road and the taxpayers paid to have the new Intertie built and he wanted the Board to make the truckers use that road.

Commissioner Bowman said he was disappointed because they built the road for the purpose of thru-traffic, but at this point, hopefully there would be voluntary compliance.

Commissioner Beaver said if this was not the tool, then he would try to find an alternative approach because the Board was there to make sure the community was safe and he would keep working on it.

Chairman Benitz said he appreciated the signage and encouraged the Road Department to continue to work with the business people. However, he said if there was another approach, he would also like to pursue it.

Office of Public Defense – Reorganization

Eric Hsu presented a proposal to change the structure of the Office of Public Defense by converting three District Court contracts to full-time staff attorneys. He proposed hiring two attorneys by May or June 2009 and one attorney by the end of the year. Mr. Hsu also outlined the benefits, including manageable and predictable costs, no conflict with private practice, and flexibility with the ability to handle special cases.

District Court Judge Bob Ingvalson said it was a good proposal, District Court was in support of it, and they would be more than happy to provide space needed.

MOTION: Commissioner Bowman moved to approve the proposal, including any costs associated with remodeling. Commissioner Beaver seconded.

Discussion

In response to questions asked by Chairman Benitz, Mr. Hsu made the following comments:

Mr. Hsu said the State OPD was in favor of the proposal and that it would address the “walk-in” issue; Mr. Hsu was in the process of setting up a NACO sponsored pilot program “DMED” to provide better screening for indigent defense clients; Mr. Hsu was working with the Auditor and Central Services to track outstanding obligations and manage the budget in real time; an RFP would be sent out to the entire state within about a week for quality investigators; and training should not impact the budget because there were current in-house attorneys that were willing to train the junior attorneys, at no impact to the budget.

Upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:35 a.m.

Greater Columbia Behavioral Health (GCBH) –Amendment to Agreement

Chairman Benitz said the GCBH had been working under separate interlocal agreements and he presented a new interlocal agreement that put commissioners on the board, along with alternates, and removed the providers from the board.

Commissioner Bowman said he concurred with the mission of the new agreement but was concerned about the political impacts and adopting it without the approval of Franklin County’s attorney.

Commissioner Beaver said he agreed the RSN should not have providers making decisions that affected providers because it was a conflict and he was prepared to move forward.

Chairman Benitz said he appreciated Commissioner Bowman's concerns, but the agreement would not be effective unless all 11 counties signed it. He added that the agreement went out to all counties and everyone had an opportunity to provide input. He said the counties that had issues with the new contract expressed concern over governance.

The Board agreed to send a letter to the counties giving them an additional opportunity to respond before Benton County adopted the agreement.

WSU Benton County Extension– Food Sense Introductory Letter & Agreement

Marianne Ophardt presented the agreement that allowed Benton County WSU Extension to use its staff time in exchange for a match on the grant.

MOTION: Commissioner Bowman moved to approve the WSU Introductory Letter and Agreement Regarding Food Stamp Nutrition Education. Commissioner Beaver seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:05 a.m.

Federal Grant Representation

Commissioner Bowman presented the contract with "Gordon Thomas Honeywell Governmental Affairs" on the Red Mountain federal government legislature and requested the Board approve the contract. He said there were a few clerical errors that needed to be changed.

MOTION: Commissioner Bowman moved to approve the contract, with the clerical changes. Commissioner Beaver seconded.

Discussion

Commissioner Beaver said they had received information from Mr. Brown and wanted to know how to deal with it.

DPA Ryan Brown said the Board should be aware that home rule counties and cities could do whatever they wanted as long as it was not inconsistent with state law. He said that non-home home rule counties could only do what they were expressly authorized to do or an implication from one of those expressed authorizations.

Commissioner Bowman added that WSAC reported to him there were 12 counties that hired lobbyists, none of which were home-rule counties. Commissioner Beaver said he was in favor of the contract and if there was not a definition that said the county couldn't sign it, he wanted to sign it and wait for someone to say it was wrong.

Chairman Benitz said he had some real concerns about bringing on a lobbyist knowing that Benton County was not a home-rule county and whether or not this was the right firm. He said this contract was specifically for Red Mountain and there were a multitude of projects he wanted

to get accomplished. He mentioned there was currently an economic study being done and maybe the County could join in with the cities' agreement.

Commissioner Bowman said this particular issue was very time sensitive. However, this could be a pilot project and the County could do some RFP's for future projects.

MOTION: Commissioner Beaver moved to table the motion for one week until April 20. Chairman Benitz seconded.

Discussion

Chairman Benitz said he wanted to see what the cost would be with other partners. Commissioner Bowman said that delaying the decision would cost the County. Upon vote, the motion carried with Commissioner Bowman opposing.

Work Release Facility

Sheriff Taylor requested the Board move forward on determining the feasibility of a 100-bed Work Release Facility to be located over the existing salle port at the jail by approving funding for the cost of an architect to provide one-line drawings. He said the drawings would determine actual costs and feasibility of the engineering.

Sheriff Taylor said he had talked with Eric Hsu and Andy Miller and they had stated their support and ability to fill the facility. Additionally, the local police departments supported the idea. Sheriff Taylor said he recognized this might not be the number one priority for construction, but he was requesting it go to a one-line drawing so they would know the hard costs for construction.

Roy Rogers presented a schematic drawing, outlining 4,000 square feet, with four different dorms. He discussed his concern about whether the building could take the weight load on current structure and his desire to get a professional engineer to determine if the project was feasible.

Andy Miller said they do order work release but there was a three-month wait, sometimes up to six months and as a prosecutor he didn't like to wait. He stated the victims of these crimes also liked work release better because the defendants were able to work and pay restitution. He said he was in favor of the idea and believed it would save money and preserve the third floor for contracting beds and the work release program was well monitored. He added that he was not stating whether it should go before or behind the other construction projects and it was not a contest for priority.

Eric Hsu said he had discussed at length about defendants paying as they go and work release would allow them to pay for their families, pay for the costs of representation, and was an ideal way to deal with compliance issues.

MOTION: Commissioner Beaver move to go forward with the one-line drawing to see about the feasibility and cost of the work release facility. Commissioner Bowman seconded.

Discussion

Commissioner Beaver asked how many “no-shows” were in the program and whether he would be able to pay for the program. Sheriff Taylor said he had never had a walk-away from work release once they were actually signed up for the program, he had worked with Loretta and Keith on the financials and with 90% occupancy, it would pay for itself. Sheriff Taylor said he had 60% occupancy last year, but there was a problem internally and it had been addressed and changed.

Commissioner Bowman said there was a lot of difference between 60% and 90%. Andy Miller said he believed the 60% was an anomaly because there had always been a long waiting list. Sheriff Taylor said he could guarantee the program would be successful.

Chairman Benitz said he appreciated the presentation, concurred with moving forward, and wanted to see the project put in the Capital Facilities Plan. Commissioner Bowman asked if it was necessary to complete a one-line drawing, but perhaps just an engineering report and phase the project for a shortcut. Mr. Rogers said the Board was better off under the control of an architect because they would hire the engineer.

Mr. Sparks said it made sense to talk about this issue at the same time it talked about the capital facility plan and space needs analysis. Commissioner Bowman said he agreed and wanted to talk about them all at once.

Upon vote, the motion carried with Commissioner Bowman opposing the decision being made prior to the other projects being considered.

The Board briefly recessed, reconvening at 11:02 a.m.

Capital Facility Plan – Space Needs Analysis

Chairman Benitz requested the Board pursue one-line drawings on all three projects: Courthouse remodel, Justice Center Administrative Building, and Work Release Facility.

Commissioner Beaver said he was in favor of moving forward with plans and strategies so they could get the numbers and see where to start.

Commissioner Bowman said that based on the new county seat legislation (to be signed by July) a reassessment of the Courthouse remodel was in order.

Mr. Sparks reminded the Board there was only \$9 million to complete all the projects and there had not been any limits set on the building concepts. Additionally, he said the work release facility and administrative building would not necessarily compete because there was specific money available to build jails.

Commissioner Bowman stated the records storage issue should also be addressed at the same time. Chairman Benitz requested that Mr. Sparks stay with the same concepts that were identified in the report on February 5, 2008 and put together the agreements with the architect.

The Board agreed.

Other Business

Community Roundtable

Commissioner Bowman said he attended a meeting that reported the Tri-Cities had a new organization called “Young Professionals” that strived to create a community that attracted and retained young professionals.

Claim for Damages

CC 09-08: Received on April 7, 2009 from James B. Hambleton
CC 09-09: Received on April 8, 2009 from Natalie Chacon
CC 09-10: Received on April 9, 2009 from Glenn Charles Schultz

Vouchers

Check Date: 04/03/2009
Taxes #: 10109041-10109043
Warrant #: 921802-921842
Total all funds: \$1,850,013.44

Check Date: 04/03/2009
Warrant #: 222925-223090
Direct Deposit #: 43792-44354
Total all funds: \$1,997,771.34

Check Date: 04/10/2009
Warrant #: 921893-922106
Total all funds: \$307,527.57

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

Resolutions

9.243 Retail Lease Agreement w/Fred Meyer Stores, Inc.
9.244 Line Item Transfer – Fund Number 0131-101, Dept. 000
9.245 Contract w/Craftsman Cabinets & Floor Coverings
9.246 Contract for Hess Road Bridge Guardrail
9.247 Contract for Bituminous Surface Treatment 2009
9.248 Purchase of Public Safety Communication Equipment

- 9.249 Purchase of Digital Video Camera System from ICOP Digital, Inc.
- 9.250 Purchase of Sector Electronic Ticketing Machines
- 9.251 Service Contract w/Northwest Marine and Sport LLC
- 9.252 Authorizing the Chairman to Sign the WSU Introductory Letter and Agreement with Regarding Food Stamp Nutrition Education

There being no further business before the Board, the meeting adjourned at approximately 11:30 a.m.

Clerk of the Board

Chairman