

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
March 16, 2009, 9:00 am.
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; District Court Administrator Jacki Lahtinen; Dixie Jameson, District Court; Steve Becken and Sue Schuetze, Public Works; Deputy Auditor Brenda Chilton; Bryan Perry; Public Works Director Ross Dunfee; DPA Ryan Brown; DPA Sarah Perry.

Approval of Minutes

The Minutes of February 26, March 2, and March 4, 2009 were approved.

Review Agenda

Chairman Benitz requested item "g" (Line Item Transfer) be pulled.

Consent Agenda

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

Auditor

- a. Line Item Transfer, Fund No. 0111-101, Dept. 000
- b. Service Agreement w/Office of the Secretary of State – Election Management/Voter Registration System
- c. Interlocal Agreement w/Office of Secretary of State for Document Prep & Imaging Svcs

Commissioners

- d. Letter to Benton-Franklin Health District
- e. Second Amendment to Lease Agreement w/BF Health District

- f. Appointment of Designation of Associate Development Organization w/Dept of Community, Trade & Economic Development

Juvenile

- h. Termination of Personal Services Contract w/A Campbell
- i. Approval of Emergency Work w/Western States Equipment
- j. Contract w/City of Benton City for Graffiti Abatement Program

Personnel

- k. Appointments and Designations to the Washington Counties Risk Pool

Prosecuting Attorney

- l. Denial of Claim CC 09-02

Road/Engineer

- m. Public Hearing Authorization for City of Kennewick Franchise Application
- n. Public Hearing Authorization for US Department of Energy Franchise Application
- o. Purchase Authorization for Refined Petroleum Products – Bulk Diesel Fuel
- p. Certification of Road Fund Expenditures for Traffic Law Enforcement 2008
- q. Certification of Road Fund Expenditures for Fish Passage Barrier Removal 2008
- r. Approval of Annual Certification for 2008

Sheriff

- s. Contract Amendment w/Bergstrom Aircraft, Inc. for Aircraft Services
- t. Authorization to Purchase from Zep, Inc. for Cleaning Services
- u. Authorization to Purchase from Blumenthal Uniform Co. for Uniforms & Accessories
- v. Authorization to Purchase from Uniforms Manufacturing, Inc. for Inmate Clothing
- w. Authorization to Purchase from Bob Barker Company, Inc. for Inmate Linen & Footware
- x. Authorization to Purchase from Northwest Marine & Sport, LLC Two Boat Engines

Consent Agenda Item “g”

MOTION: Commissioner Bowman moved to approve Line Item Transfer, Fund No. 0305-101, Capital Projects Fund in the amount of \$13,000. Commissioner Beaver seconded and upon vote, the motion carried with Chairman Benitz opposing.

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

CRID #20 Update

David Sparks and Steve Becken discussed some new alternatives for CRID #20. Mr. Becken said that Mr. Wisner had requested the limits of construction for the roads within the CRID be scaled down to the railroad crossing only, at an estimated cost of \$480,815. Additionally, that Mr. Wisner would construct the interior roads of the originally proposed CRID with the County paying its share of the roadway adjacent to the lot owned by the County.

The estimated cost of the roadway adjacent to County property was \$145,350 and the County’s portion would be half (\$72,675).

Mr. Becken said the petition method for forming the CRID could no longer be used with the railroad crossing only. Mr. Becken stated the following options were available for the Board:

1. Utilizing the CRID method to construct the railroad crossing would require the Board to form the district by resolution and each landowner would be required to vote on the formation. Each landowner would have one vote per dollar of assessment and a simple majority would determine whether or not the district was formed.
2. The County could determine the crossing was a public necessity and would be paid for by the County from County road funds when they became available.

The Board agreed to have Mr. Becken research the steps necessary to declare CRID #20 as null and void and bring back information regarding funding sources for the County to pay for the railroad crossing.

Interlocal Agreement and Bylaws for Greater Columbia Behavioral Health (RSN)

Chairman Benitz presented a draft Interlocal Agreement for the reformation of the RSN that provided for County Commissioners to sit on the Board.

Commissioner Bowman said he believed it was important to have elected officials making decisions for the RSN. Additionally, he asked about tribal involvement. Chairman Benitz said the tribal nation had responded that they did not want to participate.

The Board made suggested changes and Chairman Benitz said he would bring back a final draft once all comments had been added.

Bond Rating Upgrade

Chairman Benitz said that Jack McLaughlin stated Benton County was in a good position to get a bond rating upgrade and suggested the County send a group to San Francisco to meet with bond agencies.

MOTION: Commissioner Beaver moved to approve that Benton County send a group to San Francisco to research the bond rating upgrade. Commissioner Bowman seconded and upon vote, the motion carried.

Health District Building Appraisal

David Sparks proposed the Board sign a contract with Chamberlain & Associates in the amount of \$4,000.00 to complete an appraisal on the Health District Building on Canal Drive.

MOTION: Commissioner Beaver moved to approve the Board sign a contract with Chamberlain & Associates. Commissioner Bowman seconded and upon vote, the motion carried.

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

Executive Session – Claim for Damages

The Board went into executive session at 9:35 a.m. with DPA Ryan Brown and Melina Wenner for approximately 10 minutes to discuss a claim for damages. Also present were David Sparks, Cami McKenzie, Steve Becken, Ross Dunfee, Loretta Smith Kelty, and Bryan Perry. The Board came out of executive session at 9:38 a.m. The Board went back into executive session for approximately two additional minutes.

The Board came out of executive session at 9:42 a.m. Mr. Brown stated the Board discussed the claim for damages but no action was taken.

The Board briefly recessed, reconvening at 9:45 a.m.

Executive Session – Pending Litigation

The Board went into executive session with DPA Ryan Brown at 9:45 a.m. for approximately 20 minutes to discuss pending litigation. Also present were David Sparks and Cami McKenzie.

The Board came out of executive session at 9:54 a.m. Mr. Brown announced that no decisions were made but direction was given.

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

800 MHz Funding

Richland Police Chief Corsi, Dispatch Manager Jim Barber, and City Manager Bob Hammond came before the Board to discuss the 800 MHz funding.

Chief Corsi gave the background and history of the BCES's decision to purchase the 800 MHz radios and the letters of commitment to participate in the funding by Benton County, Richland and Kennewick.

Commissioner Bowman discussed his concern about what or who was driving the changes and his dissatisfaction about being required to upgrade by the manufacturers. He questioned who made the assurances this new program would last up to 15 years and wanted to know if the County could get an agreement with the manufacturers to standardize the process to make it last a certain period of time before the manufacturers decided it had to be upgraded.

Commissioner Beaver said he understood Commissioner Bowman's concern, however, government could not slow down technology and the County had a responsibility to make sure the Emergency Services process worked for the citizens of Benton County.

Chairman Benitz said the County sent a letter asking five questions concerning Benton County's commitment in the amount of \$2 million and he requested the questions be answered in writing.

Bob Hammond said the executive board was amenable to answering the questions. Additionally, they believed there was a commitment in place and just wanted to know how to move forward with securing the funding.

Historical Preservation Fund

Duane Davidson said the Advisory Committee reviewed applications for funding requests and made recommendation for funding the following projects:

- White Bluffs Quilt Museum, \$15,000.00
- White Bluffs Quilt Museum, \$1,174.00.00
- East Benton County Historical Society, \$2,838.31
- East Benton County Historical Society, \$2,890.16
- Benton County Historical Museum, \$11,784.54
- CREHST, \$1,000.00

Mr. Davidson said he would present resolutions for disbursement and line item transfer at the next board meeting.

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

Other Business

District Court Judge Appointment

Mr. Sparks said the interview panel had made its selection of the following finalists for the Board to interview: Ryan Brown, Joe Burrows, and Katie Butler. Mr. Sparks said the interviews would be scheduled at 1:30 p.m. on March 23, 2009 during the regular board meeting.

Unscheduled Visitors

David Darnell, via videoconference discussed the following issues with the Board:

1. Update on ordinance to restrict tractor/trailer use in South Finley.
2. Access to Hover Park for disabled veterans.

Chairman Benitz stated that Mr. Fyall would respond to Mr. Darnell about access to Hover Park and the Board was currently working on an ordinance and would notify Mr. Darnell when it was ready to go to public hearing.

Executive Session – Review Performance of Public Employee

The Board went into executive session at 10:50 a.m. with DPA Sarah Perry and DPA Ryan Brown for approximately 30 minutes to discuss the performance of a public employee. The Board came out at 11:20 a.m. and announced it needed an additional 10 minutes. The Board

came out of executive session at 11:34 a.m. Ms. Perry announced that no decisions were made, but direction was given.

Other Business

Reports

Commissioner Bowman provided written information and gave brief reports on NACO, a transportation report, transit funding, state gas tax money report, APTA program, and WSAC legislation. He discussed his concern that Benton County did not have representation for certain legislation and wanted to look at addressing the issue.

Commissioner Beaver said he would be in favor of looking at something in relation to the overall economic development strategy.

Claim for Damages

CC 09-04: Received on March 3, 2009 from Sheryl Vantine for damage to road during construction

CC 09-05: Received on March 4, 2009 from Barbara Patterson-Skeen for damages to her vehicle and personal damages.

Vouchers

Check Date: 03/05/2009
Taxes # 10109031-10109033
Warrant #: 919611-919650
Total all funds: \$1,902,581.09

Check Date: 03/05/2009
Warrant #: 222506-222667
Direct Deposit #43197-43758
Total all funds: \$1,976,322.20

Check Date: 03/13/2009
Warrant #: 919830-920172
Total all funds: \$9,672.90

Check Date: 03/13/2009
Warrant #: 920173-920493
Total all funds: \$1,476,066.32

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

Resolutions

- 9.163 Line Item Transfer, Fund No. 0111-101, Dept. 000
- 9.164 Service Agreement w/Office of the Secretary of State – Election Management/Voter Registration System
- 9.165 Interlocal Agreement w/Office of Secretary of State for Document Prep & Imaging Srvc
- 9.166 Second Amendment to Lease Agreement w/BF Health District
- 9.167 Termination of Personal Services Contract w/A Campbell
- 9.168 Approval of Emergency Work w/Western States Equipment
- 9.169 Contract w/City of Benton City for Graffiti Abatement Program
- 9.170 Appointments and Designations to the Washington Counties Risk Pool
- 9.171 Denial of Claim CC 09-02
- 9.172 Public Hearing Authorization for City of Kennewick Franchise Application
- 9.173 Public Hearing Authorization for US Department of Energy Franchise Application
- 9.174 Purchase Authorization for Refined Petroleum Products – Bulk Diesel Fuel
- 9.175 Certification of Road Fund Expenditures for Traffic Law Enforcement 2008
- 9.176 Certification of Road Fund Expenditures for Fish Passage Barrier Removal 2008
- 9.177 Approval of Annual Certification for 2008
- 9.178 Contract Amendment w/Bergstrom Aircraft, Inc. for Aircraft Services
- 9.179 Authorization to Purchase from Zep, Inc. for Cleaning Services
- 9.180 Authorization to Purchase from Blumenthal Uniform Co. for Uniforms & Accessories
- 9.181 Authorization to Purchase from Uniforms Manufacturing, Inc. for Inmate Clothing
- 9.182 Authorization to Purchase from Bob Barker Company, Inc. for Inmate Linen & Footware
- 9.183 Authorization to Purchase from Northwest Marine & Sport, LLC Two Boat Engines
- 9.184 Transfer of Funds, Capital Projects Fund, \$13,000

There being no further business before the Board, the meeting adjourned at approximately 11:58 a.m.

Clerk of the Board

Chairman