

BINGEN CITY COUNCIL MINUTES

Joint Council Meeting with White Salmon City Council

November 29, 2011

The meeting was called to order by Mayor David Poucher at 6:00 p.m. Bingen Council members present: Clinton Bryan, Sandi Dickey, Maria Perez, Laura Mann, Catherine Kiewit. White Salmon City Council members present: Mark Peppel, Alan Wolf, Bob Landgren. White Salmon City Council members absent: Richard Marx. Bingen staff present: City Administrator Jan Brending, City Attorney Tad Connors. White Salmon staff present: City Administrator Pat Munyan, City Attorney Ken Woodrich, City Clerk Treasurer Leana Johnson, Police Chief Tony Domish. Audience: Adrian Bradford, Clyde Knowles, Sverre Bakke, Larry Murphy, Jeanette Fentie, John Newman, Suzie Willey, Joan Barret, Scott Clements, Timi Keene, George Rau, Lloyd DeKay, Helga Burkhardt, Helen Paulus.

Discussion of Flat Fee Contract for Law Enforcement Services for City of Bingen

Pat Munyan noted several corrections in the draft flat fee contract. He said with the flat fee there would be a \$16,000 savings to Bingen in 2012 with an option to also buy out Bingen's share of the equipment. Munyan said that if budgets fluctuate there is no impact to Bingen by going with a flat fee. He said staff was asked to present information on a flat fee contract. Munyan said the proposed rate for 2012 would be \$210,000.

Betty Barnes asked how the amount of \$210,000 was developed.

Leana Johnson said she took the average costs using actual costs for 2005-2010 including overhead costs. She provided a spreadsheet showing the actual costs for 2005-2010 including overhead.

Betty Barnes asked if the costs associated with Rich Cortese were removed.

Leana Johnson said no. She noted that she did account for grants and the health suspense funds.

Betty Barnes asked if it included the union attorney costs.

Leana Johnson said the 2010 costs do not include any union attorney costs.

Pat Munyan said the contract includes a provision for an increase each year based on the cost of living allowance increase included in the union contract plus one percent.

Betty Barnes asked how the cost of equipment will be determined. She asked if Bingen's share is paid over time is that a loan with interest.

Pat Munyan said those details would need to be worked out.

Bob Landgren asked how costs for inmates who are hospitalized would be handled.

Ken Woodrich noted that the contract specifically exempts the incarceration agreements which would continue to be held individually by each city. He said that the city responsible would be determined on the location of arrest.

Tad Connors said that if the individual is arrested on a felony then that is a county problem. He said that he would assume that the jail agreements would remain the same.

Pat Munyan said that he believes jail, communication, and prosecutor arrangements would remain the same. He said insurance would be White Salmon's responsibility.

Jan Brending said the City of Bingen has risk liability insurance but it does not cover the police department.

Betty Barnes asked about the reporting requirements in the proposed contract noting that the current contract requires monthly reports. She said the proposed contract also does not mention the Joint Police Committee.

Pat Munyan said the proposed contract provides for quarterly reports but they could be as often as Bingen would like them. He noted that the proposed contract is just a starting point.

Mark Peppel said the flat fee contract idea was discussed at a joint police committee meeting. He said control of the police department and funding has been a problem and there has been concern with micromanagement. Peppel said this would put one city in charge of the department and Bingen would get a service. He asked how much time does the police spend in Bingen – is it 50%.

Pat Munyan said he believes the two cities should be looked as one patrol area and not two separate areas.

Bob Landgren said he wishes both cities would act as one. He said he feels it has been beneficial for both cities to have a joint police force.

Dave Poucher said he believes that having an exact fee to budget with is beneficial to Bingen. He said the proposed cost for 2012 is less than the 25% that Bingen would be paying under the current contract.

Catherine Kiewit asked if White Salmon intends to make up the difference.

Dave Poucher said White Salmon would have to.

Pat Munyan said staff does not intend to make changes to the 2012 budget. He said there are fixed amounts in the budget. Munyan said he cannot predict what the council will do in the future – it depends on the economy and other things.

Catherine Kiewit said it appears there are no options being provided to reduce the budget for 2012.

Bob Landgren said the council has not figured out what White Salmon is going to do about the liquor funds issue and the governor's budget. He said he has concerns about the 2012 budget.

Mark Peppel said there might not be 24/7 coverage. He said the department will be down an officer soon and hopes that they can get someone on board for replacement.

Tad Connors noted that based on the proposed flat fee contract Bingen could end paying more than half of the budget if White Salmon reduced it.

Pat Munyan again noted the proposed contract is a starting point for to negotiate. He said the draft contract is not a "take it or leave it" proposal.

Tad Connors said he feels flat fee contracts can be exploited on both sides. He said the original contract was intended to be a collaborative process.

Ken Woodrich said White Salmon is obligated to provide law enforcement services to its citizens. He said there is a political threshold when providing services to Bingen and that Bingen would get no less services than White Salmon.

Tad Connors said that if the area is looked at as one community then the City of Bingen would be paying what it is now and have political input.

Leana Johnson said both cities manage themselves differently and budget differently. She said Bingen looks at the budget completely different than White Salmon.

Ken Woodrich asked how White Salmon can make sure Bingen is getting what it needs – can the deliverables in the proposed contract be made more specific.

Tad Connors said one of his concerns with the proposal is that if White Salmon buys all of Bingen's share of the equipment and then gives Bingen a 90-day notice to terminate the contract it would be a problem for Bingen.

Ken Woodrich noted that the City of Stevenson has contracted very successfully with Skamania County and that it has been a good arrangement and cost effective.

Catherine Kiewit asked if White Salmon wants to be in the business of providing police services.

Pat Munyan said he believes that both cities need each other.

Catherine Kiewit said that if Bingen is going to consider a flat fee contract she feels Bingen should go out and shop around.

Dave Poucher said he also feels the two cities need to work together.

Betty Barnes said she feels the flat fee proposal has no investment built into it.

Clinton Bryan said he is gathering information and looking at what would be best for both cities.

Sandi Dickey said she feels the proposal is not a true flat fee because other costs would be added.

Clinton Bryan asked if White Salmon would like Bingen to come back with a revised version assuming that Bingen is interested in pursuing a flat fee contract.

Sandi Dickey said there are a lot of questions that need answered.

Pat Munyan said he likes Clinton Bryan's idea.

Sandi Dickey asked if the department would continue to be known as the Bingen-White Salmon Police Department.

Pat Munyan said it would be very costly to change all the signage, uniforms, etc.

Bob Landgren asked can White Salmon sustain their own police department. He said it is important for the two cities to work together.

Laura Mann said a statement was made about control and micromanagement issues. She said she thinks those issues have come from the cost of the budget. Mann said Bingen has been asking questions about line items and how to reduce the budget.

Mark Peppel said he would agree that the micromanaging does come from budget issues.

Laura Mann said she thinks a flat fee contract would take at least four months to develop. She said there are some good things about the contract. Mann asked White Salmon if they are happy with the budget for 2012 as it currently stands.

Laura Mann said the old contract addressed "municipal authority" but it is not included in the new proposal.

Pat Munyan said the proposal does talk about municipal authority.

Jan Brending said it probably should be more specific.

Laura Mann said she would like to continue to make the current contract work. She said she feels it gives Bingen and its citizens an opportunity to speak to the budget.

Tad Connors said he is hearing White Salmon needing a certainty for their budget.

Pat Munyan said that is a fair statement. He said there are areas that White Salmon would like to annex but it would cause White Salmon's assessed valuation to go up and Bingen's percentage of the police budget to go down.

Laura Mann said there may be different ways of looking at how to handle that issue. She said White Salmon and Bingen have been in a difficult position due to the negotiations on the union contract. Mann said she does not feel that will continue into 2012.

Betty Barnes said she is concerned with the costs for "extraordinary services and control of enforcement. She said what is "routine patrol or other law enforcement services."

Betty Barnes read the following statement.

The current contract was a well-thought out process by well qualified individuals taking into account both cities' needs. Every attempt was made to put in checks and balances that were fair for both cities. That process took months of time and effort to create.

They took into account annexation and understood that the pie is a whole and when one piece gets bigger, the other piece gets smaller causing the cost to the smaller portion to be reduced.

They took into account that each city has obligations under the law to their citizens such as RCW 35A.12.100 – Duties and authority of the mayor. He or she shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests.

Bingen has a form of government that is called a democracy – government by the people – a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system. The Bingen mayor and council must remain the pulse of the city and have the ability to determine what ordinances best fit our citizens and the best ways to carry that out. It is our duty as their representatives as stated in the oath of office we taken when we take office.

This proposed contract as written gives all power to the Chief of Police and or White Salmon administration which undermines the sworn duties of Bingen's elected officials delegated to them by the citizens of Bingen.

The current agreement was set up the way it was to benefit both cities.

The flat rate proposal is a service only contract with no input from Bingen. If that was the intent in 2000 Bingen would have contracted with the county sheriff.

This proposal as written would do away with the working partnership between the cities of Bingen and White Salmon that the original contract tries to promote.

Perhaps some minor adjustments are in line to address issues on the ground today. If so, then we should address them. But to throw the baby out with the bathwater does not make sense to me, when the original contract has proven its worth over time.

Discussion of 2012 Police Department Budget

Leana Johnson said the police budget was discussed at the last White Salmon council meeting. She said the White Salmon council has not directed its staff to look at further cuts.

Sandi Dickey asked if White Salmon has a response to the questions/concerns presented by the City of Bingen.

Pat Munyan said he did not think it was necessary to respond as staff has had no direction from the council. He noted there was unanimous support of the budget committee for the budget.

Catherine Kiewit said the White Salmon council is now present. She asked if the council is considering reducing the 2012 budget and asked for a yes or no answer.

Mark Peppel said there could be changes in the overall budget. He said the budget has not been discussed at the council level.

Mark Peppel said he had questions at the last meeting. He said the council makes the budget.

Bob Landgren said he did not attend the budget committee meetings because they were held in during the day which he was aware of. He said he did note when they were scheduled that it would be better if they could be held in the evening.

Catherine Kiewit said the current interlocal agreement requires Bingen to raise issues or concerns about the proposed budget by a certain time. She said Bingen is trying to communicate with White Salmon. Kiewit asked if staff is going to be directed to respond to the questions and issues.

Pat Munyan said staff has not had time to discuss with the council the letter and questions/concerns with the council.

Bob Landgren said funding from the state is going to change the budget. He said White Salmon needs to look at those issues. Landgren said White Salmon is going to have to face less dollars coming in.

Sandi Dickey said other cities in the state are facing the same issue.

Mark Peppel asked why Bingen is paying for separate animal control when the animal control officer cannot write tickets.

Betty Barnes said that is not true – the animal control officer can write tickets.

Mark Peppel said he must have been misinformed.

Clinton Bryan said something had to be done about animal control in Bingen.

Betty Barnes noted that the animal control officer does not just respond to barking and biting dogs. She said the officer also provides education. Barnes said Bingen is very pleased with the service provided.

Mark Peppel noted that a document provided by Leana Johnson indicates that Bingen has not paid for overhead in previous years.

Betty Barnes said everyone makes mistakes and whose fault it is is sometime hard to say. She noted that White Salmon had an audit that said employees were overpaid. Barnes said Bingen is not asking for repayment of those costs.

Laura Mann said Bingen would like to ask again that White Salmon look at the questions and issues and provide clarification to Bingen.

Dave Poucher said that if Bingen council members want a response they should talk to the White Salmon council or to Tony Domish.

The council members of both cities and staff discussed responding to the questions and concerns raised by Bingen.

Dave Poucher said Bingen should talk to Tony Domish directly.

Tad Connors asked if Tony Domish's answers are White Salmon's answers.

Dave Poucher said yes.

Tad Connors asked if Tony Domish speaks for the City of White Salmon.

Dave Poucher said yes.

Catherine Kiewit said Bingen may need to just to continue to move forward if White Salmon is not going to address the concerns of Bingen. She said however if White Salmon is going to address them then this is the opportunity to discuss the budget. Kiewit said Bingen is trying to work with White Salmon. She asked how White Salmon would like Bingen to communicate.

Pat Munyan said staff has had no direction from the White Salmon council.

Catherine Kiewit asked if there will no active reconsideration of the 2012 budget.

Pat Munyan said he is waiting for direction from the White Salmon council.

Dave Poucher said the proposed budget stands unless directed by the White Salmon council to make changes.

The meeting was adjourned at 7:15 p.m.

City Clerk

Mayor