

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, July 14, 2020, 9:00 a.m.

Meeting provided by Video Live-Broadcast and Telephonically

Present: Chairman James Beaver
Commissioner Shon Small (via/teleconference)
Commissioner Jerome Delvin (via/teleconference)
County Administrator Jerrod MacPherson
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Matt Rasmussen, Deputy County Administrator; IT Manager Robert Heard; Adam Fyall, Sustainable Development Manager; DPA Ryan Brown; PA Andy Miller; Douglas D'Hondt, County Engineer; Greg Wendt, Planning Manager; Michelle Cooke, Planner; DPA Stephen Hallstrom; Linda Ivey, Finance Manager; Human Services Manager Kyle Sullivan; Commander Steve Caughey; Commander Jon Law; Mari Clark, Human Services; Shyanne Palmus, Communications Coordinator; Katie Gillies, Sheriff's Office.

Approval of Minutes

The Minutes of June 30, 2020 were approved.

Review Agenda

An executive session was added to discuss potential litigation.

Consent Agenda

MOTION: Commissioner Small moved to approve the consent agenda items "a" through "v" Commissioner Delvin seconded and upon vote, the Board approved the following:

Assessor

- a. Line Item Transfer, Fund No. 0129-101, Dept. 000

Auditor

- b. Canvassing Board Appointment

Board of Equalization

- c. Line Item Transfer, Fund No. 0000-101, Dept. 103

Clerk

- d. Increasing 5 Cash Drawers; Amending Resolution 2013-222

Corrections

- e. Contract Renewal & Addendum w/LexisNexis for External Hard Drive Prison Solutions for Case Law & Revised Codes of WA State
- f. Purchase of Weapons, Air Tasers & Electronic Incapacitation Devices from Axon Enterprises
- g. Contract w/Tower Plaza Cleaners & Laundromat for Dry Cleaning & Laundry Services
- h. Contract w/Columbia Cleaners for Dry Cleaning & Laundry Services
- i. Second Contract Amendment w/Summit Food Service for Inmate Population Meal

Human Services

- j. Agreement w/Entrust Community Services for Employment Services
- k. Agreement w/The Arc of Tri-Cities for Spanish Outreach Staffing
- l. Agreement w/The Arc of Tri-Cities for Special Olympics Staffing & Supplies
- m. Line Item Transfer, Fund No. 0108-101, Dept. 560

Juvenile

- n. Award & Contract w/Lutheran Community Services Northwest for Functional Family Therapy

Parks

- o. Contract w/Intermountain West Insulation & Garage Doors for the Badger Mountain Westgate Trail Head Maintenance Building Insulation Project

Public Works

- p. Contract w/Cliff Thorn Construction for the Annex Restroom Renovation Project
- q. Accepting Work Performed by Boyd's Tree Service for 2019 Brush Cutting Area
- r. Accepting Work Performed by Banlin Construction for Public Services Building Project
- s. Accepting Work Performed by Banlin Construction for Justice Center Restroom Renovation
- t. Contract w/Stripe Rite for 2020 Pavement Marking
- u. Purchase of 100 Grader Blade Cutting Edges From Pape Machinery
- v. Line Item Transfer, Fund No. 0101-101, Dept. No. 500

Public Comment

None.

Public Hearing – Adopting Legislation to Authorize A Sales and Use Tax for Affordable & Supportive Housing

Kyle Sullivan read into the record a statement for members of the public to call into the public comment line if they wanted to provide testimony for the public hearing.

Kyle Sullivan said he came before the Board at the end of 2019 with a resolution of intent to move forward drafting a tax ordinance implementing Substitute House Bill 1406. This would allow the County to retain a portion of local sales tax in the amount of 0.0146 % and apply to affordable and supportive housing. He said both the cities and counties were allowed to collect the tax, but the cities were not interested in collecting the tax. He said they would treat it similar to the 2060 funds. Additionally, all proper notices were provided for the public hearing process.

Commissioner Delvin asked about the cities' decision to not take the tax. Mr. Sullivan said they were not interested in collecting the tax however, wanted to have the County do it and work in partnership to decide how the money was spent.

Commissioner Small asked about the projected revenue and Mr. Sullivan said at the time it was initially considered, the estimated revenue was \$600,000 to \$700,000 per year (as a 20-year tax credit for capital projects).

As there was no one present to testify (no one called into the public comment line), public testimony was closed.

MOTION: Commissioner Delvin moved to approve the resolution and adopt the ordinance implementing the additional sales tax collection and authorize the creation of the Affordable and Supportive Housing Fund as presented. Commissioner Small seconded and upon vote, the motion carried.

Public Hearing – 2020/2025 Six Year Road Program

Doug D'Hondt, County Engineer, read into the record a statement for members of the public to call into the public comment line if they wanted to provide testimony for the public hearing.

Mr. D'Hondt said this was an amendment to the Six-Year Road Program, a formality they must undertake, because they were ready to begin construction of the 2017 Roadside Improvement Project in the amount of \$435,000 to improve the roadsides to make them safer.

As there was no one present to testify (no one called into the public comment line), public testimony was closed.

MOTION: Commissioner Delvin moved to approve the 2020-2025 Six-Year Road Program to include the 2017 Roadside Improvement Project as presented. Commissioner Small seconded and upon vote, the motion carried.

Preliminary Plat Approval - SUB 2020-001 – Grace Estates

Mr. Wendt said the preliminary plat approvals were all closed record and the Board would not be accepting any new testimony.

Michelle Cooke and Greg Wendt presented the Grace Estates preliminary plat application to subdivide approximately 9.37 acres into 7 residential lots. The Planning Commission held an open record hearing and voted unanimously to forward a positive recommendation to the Board of Commissioners, subject to eight (8) findings of fact and eighteen (18) conditions of approval.

MOTION: Commissioner Delvin moved to adopt the Planning Commission's Recommendations, Findings of Fact and Conditions as the Board's own and approve the preliminary plat of Grace Estates – SUB 2020-001 as recommended by the Planning Commission. Commissioner Small seconded and upon vote, the motion carried.

Preliminary Plat Approval - SUB 2020-002 – Orchard View

Michelle Cooke and Greg Wendt presented the Shaw Vineyard Estates preliminary plat application to subdivide approximately 71.10 acres into 8 residential lots. The Planning Commission held an open record hearing and voted unanimously to forward a positive recommendation to the Board of Commissioners, subject to eight (8) findings of fact and sixteen (16) conditions of approval.

MOTION: Commissioner Delvin moved to adopt the Planning Commission's Recommendations, Findings of Fact and Conditions as the Board's own and approve the preliminary plat of Orchard View - SUB 2020-002 as recommended by the Planning Commission. Commissioner Small seconded and upon vote, the motion carried.

Preliminary Plat Approval - SUB 2020-003 – Shaw Vineyard Estates

Michelle Cooke and Greg Wendt presented the Orchard View preliminary plat application to subdivide approximately 9.1 acres into 29 residential lots. The Planning Commission held an open record hearing and voted unanimously to forward a positive recommendation to the Board of Commissioners, subject to eight (8) findings of fact and twenty (21) conditions of approval.

MOTION: Commissioner Small moved to adopt the Planning Commission's Recommendations, Findings of Fact and Conditions as the Board's own and approve the preliminary plat of Shaw Vineyard Estates - SUB 2020-003 as recommended by the Planning Commission. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

CARES Act Community Support Grant Program with TRIDEC

Adam Fyall presented the agreement with TRIDEC to assist the County with the implementation of the CARES Act grant. Mr. Fyall said the grant would provide support for the County's own needs, the Health District and \$3.5 million for the business community. Additionally, the money needed to be spent by October 31, 2020.

The business grants would be a one-time cash grant to be dispersed as follows:

- \$2.5 million for smaller businesses – up to \$15,000 per business
- \$50,000 – up to 10 grants for medium businesses
- \$100,000 – up to 5 grants for larger businesses

TRIDEC planned to host the program on their website tomorrow and grants would be awarded by a weighted lottery.

MOTION: Commissioner Delvin moved to approve the agreement between Benton County and TRIDEC as presented. Commissioner Small seconded and upon vote, the motion carried.

Supplemental Appropriation Requests

Linda Ivey requested the Board go to public hearing on August 4, 2020 for the following budget adjustments:

- Current Expense, Cares Act, Dept. 139 - \$11,099,000 – creating a new department so they could isolate and identify expenditures with the grant
- Current Expense, Sheriff Patrol, Dept. 121, \$110,800 (for 2019-2020 budget) - for BJA – STOP School Violence Program grant

MOTION: Commissioner Delvin moved to go to public hearing on August 4, 2020 for the budget adjustments for Current Expense, Dept. 139 and Current Expense, Dept. 121 as amended to reflect the amount of \$110,000, even though grant was \$250,000 (this is the amount for 2019-2020 budget). Commissioner Small seconded and agreed to the amendment. Upon vote, the motion carried.

Ratifying First Amendment to DSHS Agreement for Employment Services Programs

Kyle Sullivan & Mari Clark presented the agreement to be ratified. Mr. Sullivan said the timing was very critical and he had Mr. MacPherson sign the agreement as it was expiring on the same date the new agreement needed to be executed. He said that was not how the DSHS agreements were normally executed, so he didn't expect this to happen again.

MOTION: Commissioner Delvin moved to approve the resolution as presented ratifying the First Amendment to Agreement No. 1963-58964 Between Developmental Disabilities Administration and Human Services. Commissioner Small seconded and upon vote, the motion carried.

Amendment #1 to Benton County Emergency Services Interlocal Agreement

Matt Rasmussen presented the amendment to the current interlocal agreement to address a project they had been working on, to authorize expenditures for communications on Red Mountain. He said they were ready to move forward with design and construction of the communications site, all parties have agreed, and Benton County was the last group to consider the amendment.

MOTION: Commissioner Small moved to approve Amendment No. 1 to the 2018 Seconded Amended and Restated Interlocal Agreement for Benton County Emergency Services, as presented. Commissioner Delvin seconded and upon vote, the motion carried.

2021-2022 Public Safety Sales Tax Funding Recommendation

Matt Rasmussen and Shyanne Palmus presented the selection committee's funding recommendations. Mr. Rasmussen said they were looking for direction to proceed as recommended or modify. Additionally, the outside agencies had to apply every two-year cycle, however the internal requests were considered "new" and their current programs were already included in the baseline budget.

Also, when they put out the call for projects, Benton County was in a better position with sales tax, however they were currently experiencing approximately \$100,000 per month drop in revenue. Based on that, they reduced the projects/programs funded from the initial estimate of \$4 million to a total \$3.6 million.

Commissioner Delvin said it was his understanding there was some potential “mental health dollars” available to fund the Corrections Mental Health Program separately. Mr. Rasmussen said there was another funding mechanism they could use and would be exploring that possibility. Additionally, it was a funding source that was not subject to ending in a few years.

MOTION: Commissioner Small moved to approve the 2021-2022 Public Safety Sales Tax funding recommendations as presented, and direct staff to proceed with the necessary contracting or budget process, for final approval at a later date. Commissioner Delvin seconded and upon vote, the motion carried.

Joint Purchasing Agreement w/Benton Fire District No. 2 for Shallow Water Rescue Boat

Commander Jon Law & Ron Duncan, Fire #2 Chief, presented a memorandum of understanding and Interlocal Joint Purchasing Agreement for the purchase of a shallow water rescue boat for the Yakima River.

Commander Law said their ability to respond to rescues on the Yakima River was extremely limited and currently their only option was having Columbia Basin Dive respond.

Chief Duncan said they formed a committee and spent six months researching this and found a boat that was really made for shallow water rescue. Additionally, they spent money and time training for swift water rescue and this agreement would help solidify a quicker response than what they could get from Columbia Dive Rescue.

The boat would be housed at Fire District 2 and the Sheriff’s office would be able to quickly get to the fire station and get on the boat with them.

Mr. Duncan said they raised \$27,000 in donations and the remainder of their portion was coming out of reserves. Benton County’s portion would be paid for by the Boating Safety & Patrol Fund in the amount of \$35,000.00.

MOTION: Commissioner Delvin moved to approve the Interlocal Joint Purchasing Agreement, MOU and Resolution between Benton Fire Protection District #2 and Benton County Sheriff’s Office for the purchase of a RockProof Boat as presented. Commissioner Small seconded and upon vote, the motion carried.

Other Business

Covid-19 Update

Commissioner Delvin reported Benton County was getting good compliance for wearing masks and the numbers were going up. He said that hopefully when the Governor lifted the statewide pause, Benton County could ask to move to full Phase 2. Additionally, they would keep moving forward and would keep the communication going with the local businesses and state agencies.

Jerrold MacPherson announced the Board would go into executive session for up to one (1) hour in the executive conference room to discuss potential litigation.

The Board briefly recessed to reconvene in the Executive Conference Room.

Executive Session - Potential Litigation

The Board went into executive session at 10:05 a.m. for up to 1 hour to discuss potential litigation. Present were Chairman Beaver, Commissioners Small and Delvin (via/teleconference), Jerrold MacPherson, Matt Rasmussen, Cami McKenzie, PA Andy Miller, Ryan Brown, Stephen Hallstrom, Ryan Lukson (via/teleconference), and Otto Klein, Summit Law Group (via/teleconference). The Board came out at 11:00 a.m.

The Board briefly recessed, to reconvene back in the Commissioners' Conference Room.

Mr. Brown announced that no decisions were made in executive session, but direction was given.

Accounts Payable

Check Date: 06/26/2020

EFT's #: 1315-1338

Transfers #: 06262001-06262008

Total all funds: \$1,422,231.22

Warrant #: 207606-207727

Total all funds: \$796,428.05

Check Date: 07/02/2020

EFT's: 1339-1340

Total all funds: \$13,024.58

Transfers #: 7022001-7022005

Total all funds: \$326,262.72

Warrant #: 207753-207845
Total all funds: \$316,146.78

Payroll

Check Date: 07/02/2020

Payroll Checks
Warrant #: 242627-242672
Direct Deposit #: 154027-154626
Total all funds: \$2,391,938.57

Payroll Deductions/Transfers
Taxes #: 101200701-101200711
ACH #: 1341-1347
Total all funds: \$2,370,116.90

Payroll Deductions/Warrants
Warrant #: 207745-207752
Total all funds: \$131,983.73

Tort Claim

CC 2020-14: Received on July 9, 2020 from Jeffrey Allen Roberts

Resolutions

- 2020-440: Line Item Transfer, Fund No. 0129-101, Dept. 000
- 2020-441: Line Item Transfer, Fund No. 0000-101, Dept. 103
- 2020-442: Increasing 5 Cash Drawers; Amending Resolution 2013-222
- 2020-443: Contract Renewal & Addendum w/LexisNexis for External Hard Drive Prison Solutions for Case Law & Revised Codes of WA State
- 2020-444: Purchase of Weapons, Air Tasers & Electronic Incapacitation Devices from Axon Enterprises
- 2020-445: Contract w/Tower Plaza Cleaners & Laundromat for Dry Cleaning & Laundry Services
- 2020-446: Contract w/Columbia Cleaners for Dry Cleaning & Laundry Services
- 2020-447: Second Contract Amendment w/Summit Food Service for Inmate Population Meal
- 2020-448: Agreement w/Entrust Community Services for Employment Services
- 2020-449: Agreement w/The Arc of Tri-Cities for Spanish Outreach Staffing
- 2020-450: Agreement w/The Arc of Tri-Cities for Special Olympics Staffing & Supplies
- 2020-451: Line Item Transfer, Fund No. 0108-101, Dept. 560
- 2020-452: Award & Contract w/Lutheran Community Services Northwest for Functional Family Therapy
- 2020-453: Contract w/Intermountain West Insulation & Garage Doors for the Badger Mountain Westgate Trail Head Maintenance Building Insulation Project

- 2020-454: Contract w/Cliff Thorn Construction for the Annex Restroom Renovation Project
- 2020-455: Accepting Work Performed by Boyd’s Tree Service for 2019 Brush Cutting Area
- 2020-456: Accepting Work Performed by Banlin Construction for Public Services Building Project
- 2020-457: Accepting Work Performed by Banlin Construction for Justice Center Restroom Renovation
- 2020-458: Contract w/Stripe Rite for 2020 Pavement Marking
- 2020-459: Purchase of 100 Grader Blade Cutting Edges From Pape Machinery
- 2020-460: Line Item Transfer, Fund No. 0101-101, Dept. No. 500
- 2020-461: Adopting Legislation to Authorize a Sales and Use Tax for Affordable and Supportive Housing in Accordance with RCW 82.14.540 Establishing the Affordable and Supportive Housing Fund, Fund Number 0159-101
- 2020-462: Approving the Amendment of the 2020-2025 Six-Year Road Program to Include the 2017 Roadside Improvement Project
- 2020-463: Preliminary Plat Approval - SUB 2020-001 - Grace Estates
- 2020-464: Preliminary Plat Approval – SUB 2020-002 - Orchard View
- 2020-465: Preliminary Plat Approval - SUB 2020-003 - Shaw Vineyard Estates
- 2020-466: Approval of Standard Service Agreement Between Benton County and The Tri-City Development Council for Assistance with Implementing Benton County's Coronavirus Aid, Relief, and Economic Security Act Community Support Grant Program
- 2020-467: Ratifying First Amendment to DSHS Agreement Number 1963-58964 Between the Developmental Disabilities Administration within Department of Social and Health Services and Benton County Department Of Human Services
- 2020-468: Approving Amendment No 1 to the 2018 Second Amended and Restated Interlocal Agreement for Benton County Emergency Services for the Purpose of Funding an Additional Communications Site
- 2020-469: Interlocal Joint Purchasing Agreement and Memorandum of Understanding Between Benton Fire District No 2 and Benton County for Shallow Water Rescue Boat

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

Clerk of the Board

Chairman