

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, August 4, 2020, 9:00 a.m.

Meeting provided by Video Live-Broadcast and Telephonically

Present: Chairman James Beaver
Commissioner Jerome Delvin (via/teleconference)
Commissioner Shon Small (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; Cristina Woods and Doug D'Hondt, Public Works; Finance Manager Linda Ivey; PA Andy Miller; Commander Steve Caughey.

Approval of Minutes

The Minutes of July 28, 2020 were approved.

Consent Agenda

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

Auditor

- a. Surplus of Personal Property

Commissioners

- b. Setting Salaries for Elected Officials

Coroner

- c. Line Item Transfer – Current Expense, Dept. 109

Corrections

- d. Line Item Transfer – Current Expense, Dept. 120

Facilities

- e. Contract w/Johnson Controls Fire Protection

Human Resources

- f. Neogov Contract for Insight Services

Human Services

- g. Line Item Transfer – Homeless Housing Fund

Information Technology

- h. Lease Agreement with Ricoh for Copier for PW Shop – Wiser Parkway
- i. Purchase of Cyber Security Monitoring from Tyler Technologies

Juvenile

- j. Line Item Transfer – Juvenile Center Fund, Dept. 171
- k. Food Services Contract w/Aramark Correctional Service

Office of Public Defense

- l. Compensating Attorney Eric Scott

Planning

- m. Reappointment of Brian Skeels to Planning Commission
- n. Reappointment of Marjorie Kaspar to Planning Commission

Public Works

- o. Accepting Work by Central WA Asphalt – Amon Road Paving Project
- p. Purchase of Magnesium Chloride from EnviroTech Services
- q. Line Item Transfer – Solid Waste Fund

Sheriff

- r. 2020 Byrne Justice Assistance Grant

Public Comment

John Hodge, Kennewick, WA, (via/teleconference) said there was no legal requirement for the Board to provide legal counsel to Sheriff Hatcher and it was morally and ethically wrong. Further, he didn't want any taxpayer money being spent on his defense.

Public Hearing - Adoption of 2021-2026 Six-Year Road Program

Douglas D'Hondt, County Engineer, presented the 2021-2026 Six Year Road Program. He said the program was prepared every year and included all amendments from the last program.

As no one called in to the public comment line, public testimony was closed.

MOTION: Commissioner Small moved to approve the 2021-2026 Six-Year Road Program as presented. Commissioner Delvin seconded and upon vote, the motion carried.

Public Hearing – Franchise Application – Eddie Farms, Inc.

Cristina Woods, Public Works, presented the franchise application as submitted by Eddie Farms Inc. to place a single irrigation pipe to cross North Griffin Road to supply irrigation water.

As no one called in to the public comment line, public testimony was closed.

MOTION: Commissioner Small moved to approve the Franchise Order and Agreement with Eddie Farms Inc., subject to the six items listed in the report to the Commissioners. Commissioner Delvin seconded and upon vote, the motion carried.

Public Hearing – Franchise Application – Paterson Heights Water Association

Cristina Woods presented the application to establish a Franchise Order and Agreement for domestic water system from Paterson Heights Water Association.

As no one called in to the public comment line, public testimony was closed.

MOTION: Commissioner Delvin moved to approve the Franchise Order and Agreement with Paterson Heights Water Association, subject to the six items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried.

Public Hearing – Franchise Application – Sundance Improvement Association

Cristina Woods presented the application to establish a Franchise Order and Agreement for domestic water system and facilities from Sundance Improvement Association.

As no one called in to the public comment line, public testimony was closed.

MOTION: Commissioner Delvin moved to approve the Franchise Order and Agreement with Sundance Improvement Association, subject to the six items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried.

Public Hearing – Budget Adjustment – 2019-2020 Current Expense Fund

Linda Ivey presented proposed budget adjustments to the 2019-2020 Current Expense Fund as follows:

- Current Expense Fund, Dept. 139, \$11,099,000 – a new department to identify CARES Act Fund expenditures
- Current Expense Fund, Dept. 121, \$110,800 for the FY19 BJA STOP School Violence Prevention and Mental Health Training Program grant

As no one called in to the public comment line, public testimony was closed.

MOTION: Commissioner Small moved to approve the budget adjustments for Current Expense Fund, Dept. 139 and Dept. 121 as presented by Ms. Ivey. Commissioner Delvin seconded and upon vote, the motion carried.

Request for Legal Defense by Sheriff Hatcher in Recall Petition Effort

PA Andy Miller said the statutory process for an elected official requesting legal defense was a two-step process. First, the PA would decide whether it was appropriate and then the Commissioners would make the final decision. He said the guidance was not particularly helpful since there was no legal authority or specific case law to guide them.

He said he did not believe the decision to provide Sheriff Hatcher with representation was connected with whether the Board thought he should be recalled, but if he was recalled it would be a political decision if the judge found there was legal basis.

PA Miller said one reason he agreed to allow legal representation was a belief in the legal system. He said one concern he had was if the Sheriff was denied representation, if there was a sense that

the judge made the decision without adequate representation, would it cause a cloud over the fairness or integrity of the process; that would be one reason to approve the representation. He said he was not recommending to the Board one way or the other, but he believed in due process and this did not reflect his personal decision. Again, there was no legal principles to guide the Board one way or the other and the decision was solely up to the Board to determine what they thought was best for Benton County.

Commissioner Small said he had been very supportive of Sheriff Hatcher for a multitude of years and believed there were several good things he did while in the Sheriff's office. However, his conduct and what was played out in the public eye, not to mention that good employees left his employment, was wrong and he was embarrassed he helped get him elected. He said he was not going to agree to pay any taxpayer money for his defense and his answer was no.

Commissioner Delvin said his answer was no and he regretted appointing him as the Sheriff because he let the jail become unsafe for employees and prisoners and he felt taking over the jail was a good thing. He said he did not want to use taxpayer money to defend him and if he wanted to defend himself then he would need to pay for it.

Chairman Beaver said he would echo his fellow commissioners' comments and that this tarnished the County and the whole organization. He was not interested in paying for his defense and agreed it was embarrassing. He said there were a multitude of emails that came to the Commissioners and not one had a kind word to say.

MOTION: Commissioner Small moved to deny county representation of Sheriff Hatcher in the recall petition. Commissioner Delvin seconded and upon vote, the motion carried.

Other Business

CARES Act Funding

Jerrod MacPherson said they were working with the Health Department and cities on increasing the PR and marketing campaign on how to slow the spread of COVID-19. He said the counties wanted to do more and utilize CARES Act Funding and he was looking for consensus to engage with VISIT Tri-Cities to develop an outreach program and bring back an agreement at a later date.

MOTION: Commissioner Small moved to approve the recommendation as presented by Mr. MacPherson. Commissioner Delvin seconded and upon vote, the motion carried.

Resolutions

- 2020-510: Surplus of Personal Property
- 2020-511: Setting Salaries for Elected Officials in Benton County
- 2020-512: Line Item Transfer – Current Expense, Dept. 109
- 2020-513: Line Item Transfer – Current Expense, Dept. 120
- 2020-514: Contract w/Johnson Controls Fire Protection
- 2020-515: Neogov Contract for Insight Services

- 2020-516: Line Item Transfer – Homeless Housing Fund
- 2020-517: Lease Agreement with Ricoh for Copier for PW Shop – Wiser Parkway
- 2020-518: Purchase of Cyber Security Monitoring from Tyler Technologies
- 2020-519: Line Item Transfer – Juvenile Center Fund, Dept. 171
- 2020-520: Food Services Contract w/Aramark Correctional Service
- 2020-521: Compensating Attorney Eric Scott
- 2020-522: Reappointment of Brian Skeels to Planning Commission
- 2020-523: Reappointment of Marjorie Kaspar to Planning Commission
- 2020-524: Accepting Work by Central WA Asphalt – Amon Road Paving Project
- 2020-525: Purchase of Magnesium Chloride from EnviroTech Services
- 2020-526: Line Item Transfer – Solid Waste Fund
- 2020-527: 2020 Byrne Justice Assistance Grant
- 2020-528: Approval of the 2021-2026 Six-Year Road Program
- 2020-529: Budget Adjustment – 2019-2020 Current Expense, Dept. 139
- 2020-530: Budget Adjustment – 2019-2020 Current Expense, Dept. 121

There being no further business before the Board, the meeting adjourned at approximately 9:33 a.m.

Clerk of the Board

Chairman