

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, August 25, 2020, 9:00 a.m.

*Meeting provided by Video Live-Broadcast and Telephonically*

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

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy County Administrator Matt Rasmussen; Douglas D'Hondt, County Engineer (via/video); Alex Garcia, IT; Kyle Sullivan, Human Services Manager.

#### Approval of Minutes

The Minutes of August 18, 2020 were approved.

#### Review Agenda

The following items were added to the agenda under "Other Business".

- Personal Services Contract with Visit Tri-Cities
- Update - Counseling Services for the Benton County Sheriff's Office Employees
- Request from Cities - Work Crew Reimbursement

#### Consent Agenda

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

#### Auditor

- a. Surplus & Disposition of Personal Property
- b. Amending Resolution 2020-337 Regarding the Purchase of Agilis Sorting Machine From Runbeck Election Services

#### Commissioners

- c. Line Item Transfer, Fund No. 0305-101, Dept. 000
- d. Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 107

#### Corrections

- e. Solicitation of Bids for the Procurement of Inmate Supplies – CB 20-19
- f. Solicitation of Bids for the Procurement of Paper & Glove Supplies-CB 20-20

- g. Solicitation of Bids for the Procurement of Jail Chemicals & Janitorial Supplies-CB 20-21
- h. Solicitation of Bids for the Procurement of Employee Uniforms–CB 20-22

**Facilities**

- i. Line Item Transfer, Fund No. 0000-101, Dept. 110

**Fairgrounds**

- j. Payment to Cyrring Hot Productions for Renewal of the “.com” Domain & Fees for Fairgrounds Website
- k. Line Item Transfer, Fund No. 0124-101, Dept. 000

**Juvenile**

- l. Contract w/Heather Villani for Attorney Representation in BECCA Cases/Matters
- m. Contract Amendment #1 w/Lutheran Community Services Northwest for Counseling Services
- n. Purchase of Vulcan 3 Pan Steamer From Crown Paper & Janitorial for the Detention Kitchen

**Office of Public Defense**

- o. Amended Superior Court Public Defense Contract w/Bart Tomerlin; Amending Resolution 2020-480

**Public Safety Tax**

- p. Line Item Transfer, Fund No. 0148-101, Dept. 115 to 136
- q. Agreement w/Benton-Franklin Health District for Nurse Family Partnership Program

**Public Works**

- r. Contract w/Welsh Commissioning Group for Commissioning Services @ the New Administration Building

**Workforce Development Council**

- s. Contract w/Career Path Services for Adult Services
- t. Contract w/Career Path Services for Dislocated Worker Services

**Public Comment**

None.

**Public Hearing – Franchise Application – Northwest Pipeline LLC**

Douglas D’Hondt, County Engineer (via/video) presented the application from Northwest Pipeline LLC to renew a Franchise Order and Agreement for a natural gas transmission system. He said the Public Works Department recommended approval subject to the six conditions listed on the report.

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

**MOTION:** Commissioner Beaver moved to approve the Franchise Order and Agreement with Northwest Pipeline LLC, 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 – Washington State University**

Douglas D'Hondt, County Engineer (via/video) presented the application from Washington State University to establish a Franchise Order and Agreement for an irrigation system. He said the Public Works Department recommended approval subject to the six conditions listed in the report.

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

**MOTION:** Commissioner Beaver moved to approve the Franchise Order and Agreement with Washington State University subject to the six items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried.

### **Human Services - Criminal Justice Treatment Account (CJTA) Panel**

Kyle Sullivan said the Greater Columbia Behavioral Health began receiving additional CJTA dollars for the development or expansion of therapeutic drug courts. He said there was guidance outlined in RCW for a panel to provide recommendations to the Board of Commissioners on how the CJTA dollars should be spent. Mr. Sullivan said he was requesting authority from the Board to form this panel. The panel would then provide funding options and develop a plan to be turned into the Health Care Authority. He stated that currently they received \$16,000 a month and the new dollars would be \$14,000 per month and he did not know if money would be available in 2021.

**MOTION:** Commissioner Beaver moved to approve the Human Services Manager to move forward with the creation of the CJTA panel as presented. Commissioner Small seconded and upon vote, the motion carried.

### **Wheeled All-Terrain Vehicles on County Roads**

Matt Rasmussen said in 2014 the Board considered an ordinance to allow wheeled all-terrain vehicles (WATVs) to be used on county roads but ultimately decided against it based on potential risk and lack of an interconnected network of eligible roads. Earlier this year, the County reduced the speed limits on certain roads in the area around Prosser, prompting renewed interest in allowing WATVs. Additionally, the City of Prosser and City of Kennewick have elected to allow WATVs on their roadways.

In October 2019 Board directed staff to prepare a draft ordinance and bring it back for further consideration. Delays resulted from the ongoing COVID-19 pandemic, but the draft language was now ready for Board consideration. The proposed language is intended to be compatible with the rules of the City of Prosser and City of Kennewick. Mr. Rasmussen said the next step was to have a public hearing to consider the ordinance and he expected it could create significant public interest.

The Board agreed to move forward with a public hearing. Mr. Rasmussen said he would put the public hearing notice further out so people that were interested would have a chance to participate.

## **Emergency Remote Work Policy**

Matt Rasmussen presented a policy that provided for certain employees, under certain circumstances to work remotely when they can complete all of their regular duty assignments while away from the office. He said during the pandemic there were resolutions approved that allowed working remotely, however, this formal policy was needed to have protocol in place. He said with school quickly approaching, and employees with younger children, they wanted to be able to accommodate those families and allow those county employees to do their 8-hour full duties or a modified version. He said they recognized it would not help everyone as it did have some parameters but wanted to get it approved. Additionally, they wrote this primarily for Commissioners' departments, but included elected officials for those elected departments that wanted to utilize the policy.

Mr. Rasmussen said he researched the issue around the state and the MRSC website and this policy was based primarily on Thurston County's policy and others posted on MRSC.

**MOTION:** Commissioner Small moved to approve the Emergency Remote Work Policy as presented. Commissioner Beaver seconded and upon vote, the motion carried.

## **Other Business**

### **Personal Services Contract with Visit Tri-Cities**

Matt Rasmussen presented a contract with Visit Tri-Cities aimed at continuing the community outreach related to the COVID-19 pandemic and community response. The Contract with Visit Tr-Cities was in an amount not to exceed \$435,500, to be paid for by the CARES Act funding. For now, the agreement was with Benton County and the Health District, but if Franklin County decided to contribute, Benton County's portion would be reduced. They were working with the Health District to ensure all messages going out were consistent and the first television spot was scheduled to go out on Monday.

**MOTION:** Commissioner Small moved to approve the resolution approving a personal services contract with Visit Tri-Cities for the Production and Marketing Associated with a Public Outreach Campaign as presented. Commissioner Beaver seconded and upon vote, the motion carried.

### **Sheriff's Employees Counseling Services - Update**

Mr. MacPherson said they were reviewing their options for providing additional counseling services to Sheriff's employees and would be bringing forward a recommendation next week.

### **Letter from Cities – Work Crew**

Mr. Rasmussen said he was drafting a letter for Board consideration to respond to the cities' requests for reimbursement for the currently suspended work crew program for the months of April, May and June. He said he would bring that forward next week as well.

He added that the deputies that currently served on the work crew have been reassigned but there were still ancillary costs associated with the work crews.

### Recall Effort

Commissioner Delvin discussed his understanding of the laws regarding the recall effort and appeal deadlines. He requested the County put something out on social media or the website outlining the law and timelines for the public to see. Mr. MacPherson said they would work with the PA's office to get that message out.

### COVID-19 Update

Commissioner Delvin said they were currently working with the State and local health officers about the five counties (Grant, Chelan, Yakima, Benton and Franklin) being on the same modified phase 1 plan. He said it was currently tied up in the Governor's office, but they hoped to get an answer today about the increased services in the modified phase 1. This would include indoor dining, photographers, domestic and professional services, and recreational services.

### Hiring – Unfilled Positions

Commissioner Delvin said the County's retail sales tax revenue was currently trending down 11-14% and he wanted the Board to consider not filling positions that have been open and not filled. He suggested they pass a resolution that would require the departments to receive Board approval before filling open positions. The Board agreed.

### **Executive Session - Potential Litigation**

Mr. MacPherson announced the Board would be going into executive session for up to 60 minutes to discuss potential litigation. The Board briefly recessed to reconvene in the Executive Conference Room.

The Board went into executive session at approximately 9:48 a.m. for up to 60 minutes to discuss potential litigation. Present were Chairman Pro Tem Delvin, Commissioners Small and Beaver (via/teleconference), Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Attorney Mike Kitson (via/teleconference). The Board came out of executive session at 10:14 a.m. and briefly recessed to reconvene back in the Commissioners' Conference Room.

The Chairman announced that no decisions were made in executive session, but direction was given.

**Other Business**

Letter to Attorney General & WA State Patrol

Chairman Pro Tem Delvin proposed the Board send a letter to the State Attorney General and Chief of State Patrol asking for a criminal investigation into the ammunition and guns that were found in the ex-home of Sheriff Hatcher. The Board agreed.

**Payroll**

Check Date: 08/17/2020

Payroll Draw Checks

Total all funds: \$119,206.97

Warrant #: 242732

Direct Deposit #: 155403-155570

Payroll Deductions/Transfers

Total all funds: \$36,246.28

Taxes #: 101200812

**Accounts Payable**

Check Date: 08/10/2020

P-Cards #: 0820

Total all funds: \$258,662.73

Check Date: 08/14/2020

EFT #: 1389

Transfers #: 08142001-08142011

Total all funds: \$503,751.08

Warrants #: 208851-209055

Total all funds: \$1,281,031.39

Check Date: 08/21/2020

EFT #: 1390-1392

Transfers #: 08212001-08212005

Total all funds: \$23,675.38

Warrants #: 209103-209200

Total all funds: \$1,062,293.11

**Resolutions**

- 2020-567: Surplus & Disposition of Personal Property
- 2020-568: Amending Resolution 2020-337 Regarding the Purchase of Agilis Sorting Machine From Runbeck Election Services
- 2020-569: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2020-570: Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 107
- 2020-571: Solicitation of Bids for the Procurement of Inmate Supplies – CB 20-19
- 2020-572: Solicitation of Bids for the Procurement of Paper & Glove Supplies-CB 20-20
- 2020-573: Solicitation of Bids for the Procurement of Jail Chemicals & Janitorial Supplies CB 20-21
- 2020-574: Solicitation of Bids for the Procurement of Employee Uniforms–CB 20-22
- 2020-575: Line Item Transfer, Fund No. 0000-101, Dept. 110
- 2020-576: Payment to Cyrring Hot Productions for Renewal of the “.com” Domain & Fees for Fairgrounds Website
- 2020-577: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2020-578: Contract w/Heather Villani for Attorney Representation in BECCA Cases/Matters
- 2020-579: Contract Amendment #1 w/Lutheran Community Services Northwest for Counseling Services
- 2020-580: Purchase of Vulcan 3 Pan Steamer From Crown Paper & Janitorial for the Detention Kitchen
- 2020-581: Amended Superior Court Public Defense Contract w/Bart Tomerlin
- 2020-582: Line Item Transfer, Fund No. 0148-101, Dept. 115 to 136
- 2020-583: Agreement w/Benton-Franklin Health District for Nurse Family Partnership Program
- 2020-584: Contract w/Welsh Commissioning Group for Commissioning Services @ the New Administration Building
- 2020-585: WDC Contract w/Career Path Services for Adult Services
- 2020-586: WDC Contract w/Career Path Services for Dislocated Worker Services
- 2020-587: Approving a Policy on Remote Working During County Wide Emergencies
- 2020-588: Approving a Personal Services Contract with Visit Tri-Cities for Production and Marketing Associated with a Public Outreach Campaign

There being no further business before the Board, the meeting adjourned at approximately 10:20 a.m.

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Clerk of the Board

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Chairman