

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, September 29, 2020, 9:00 a.m.

*Meeting provided by Video Live-Broadcast and Telephonically*

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

**Absent:** Chairman James Beaver (Vacation)

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; Robert Blain, Director of Operations/Capital Programs; Greg Wendt, Planning Manager; Michelle Cooke, Planning; Darryl Banks, Juvenile Administrator; Superior Court Judge Alex Ekstrom (via/WebEx); District Court Judge Katie Butler (via/WebEx); Chief Scott Souza (via/WebEx); Paul Schut, Procurement/Contract Coordinator.

#### Approval of Minutes

The Minutes of September 22, 2020 were approved.

#### Review Agenda

The Board added an executive session to discuss the performance of a public employee.

#### Consent Agenda

**MOTION:** Commissioner Small moved to approve the consent agenda items “a” through “aa”, Commissioner Delvin seconded and upon vote, the Board approved the following:

#### Corrections

- a. Incentive Payment MOU with Social Security Administration
- b. RFQ and Proposals for Inmate Food Services – CB 20-24
- c. 2<sup>nd</sup> Contract Amendment with Tri-Cities Chaplaincy
- d. Third Amendment to Professional Services Agreement w/Ideal Options

#### District Court

- e. Line Item Transfer – Current Expense Fund – Dept. 111

#### Facilities

- f. Ratify Emergency Purchase from Compunet

- g. Ratify Emergency Purchase from Amplivox Sound Systems
- h. Ratify Emergency Purchase from Brutzmans

**Human Services**

- i. Creating & Appointing the Criminal Justice Treatment Account Panel
- j. Ratify 1<sup>st</sup> Amendment to Agreement w/WA St. Dept. of Commerce - Eviction Rent Assistance Program
- k. Ratify 1<sup>st</sup> Amendment to Agreement w/WA St. Dept. of Commerce – COVID-19 Emergency Housing Grant
- l. Ratify Agreement w/Goodwill Industries of Columbia, Inc.

**Information Technology**

- m. Lease Agreement for Copier with Ricoh for Human Resources Dept.
- n. Purchase IBM Video Streaming Service from SHI International Corp.

**Juvenile**

- o. Public Works Contract w/Apollo Heating & Air
- p. Personal Services Contract w/Karyn Oldfield
- q. Fee for Services Truancy Contract w/Pasco School District

**Prosecuting Attorney**

- r. Line Item Transfer – Current Expense Fund 0000-101, Dept. 117

**Public Works**

- s. Approval of Franchise Agreement – Oasis Water Corporation
- t. Approval of Franchise Agreement – Benton Irrigation District
- u. Approval of Franchise Agreement – Paterson Heights Water Association
- v. Approval of Franchise Agreement – Sundance Improvement Association
- w. Extension of Contract w/Coleman Oil – Card Lock Service for Fuel
- x. Approval to Purchase and Install Baffles in Water Tank Trailer from Tankmax, Inc.
- y. Approval to Purchase Two Axle Assemblies from Six States Distributors, Inc.
- z. Approval of Construction Plans – Moore Road Extension

**Sheriff**

- aa. Purchase of Night Vision Sights from The Bunker

**Public Comment**

None.

**Ratify Emergency Contract with Chervenell Construction Co.**

Robert Blain presented the emergency contract with Chervenell Construction Co. for ratification by the Board. He said the contract was adding audio/video communication to courtrooms on site, in Prosser, and in the Jail for hearing rooms. He said this plan started awhile back and a small portion was in the capital plan; however, with COVID-19, they added to the design through the emergency order and entered into a contract with Chervenell Construction.

Paul Schut discussed funding of the project, including CARES Relief Funds (\$3,575,752.00), WA State AOC Funds (\$556,175.00) and Trial Court Improvement funds (\$466,713.00).

Judge Ekstrom (via/WebEx) thanked everyone who made this possible by hosting their courtrooms in various parts of the facility. He mentioned that absent the changes in the jail itself, none of the installation would operate as it should, and that portion was key to making it work. He mentioned that all parties involved had been very flexible in making this work (including Prosecuting attorneys, defense attorneys, and District Court as well). He said a lot of conveniences were becoming expectations and there would be reasonable expectations of the public of the Courts going forward. Additionally, he discussed changes made to the design due to the CARES Act and they wanted to make sure they were using the public funds responsibly.

Judge Butler (via/WebEx) also thanked everyone and said this was essential to providing an efficient court system.

Chief Souza (via/WebEx) echoed it was a cooperative team experience and the project would improve safety in the jail, streamline the process for the court experience, inmates, attorneys and everyone involved.

**MOTION:** Commissioner Small moved to ratify the emergency contract with Chervenell Construction Company for the construction of the Courtroom Technology Upgrade as presented. Chairman Pro Tem Delvin seconded and upon vote, the motion carried.

### **FEMA Community Assistance Visit, Corrective Action Plan, and Professional Services Contract w/Safe Built LLC**

Greg Wendt and Michelle Cooke, Planning updated the Board on the FEMA Community Assistance Visit.

Mr. Wendt said that every 10 years FEMA comes through and does an evaluation and a tour, and looks at procedures, policies and codes. They wrote Benton County a letter in June outlining their concerns and findings through that process and one of Benton County's duties is to present a corrective action plan.

- Improvements
  - Permitting process improvements – with both Planning Department and Building Departments co-located in Public Services Building has helped with coordination
  - All planners and building inspectors taking FEMA training
  - New floodplain and development permit process
  - Smartgov software platform – both departments working on the same software – provides coordination and consistency
  - Developing amendments to flood plain management regulations – will be presenting in the next 60 days
- Items to be addressed
  - Properties that need remediation – 83 violations were identified – Permit, Planning and Building have resolved 18 and submitted 11 for consideration; active violations down to 54 properties, most of which are documentation issues

- Corrective Action Plan – outlines each property and summarizes the remediation and steps
- Five (5) violations are quite complex and outside their current abilities – asking for outside assistance and ability to pursue a professional contract and have identified Safe Built as a good option for this service

The Planning Department requested the Board approve the Resolution and letter to FEMA and allow Planning Department to pursue a contract with Safe Built.

**MOTION:** Commissioner Small moved to approve the Resolution allowing the Planning Department to finalize and submit the Corrective Action Plan to FEMA prior to the October 6, 2020 deadline and authorize the Planning Manager to sign the Response Letter to FEMA on the Board’s behalf. Chairman Pro Tem Delvin seconded and upon vote, the motion carried unanimously.

**MOTION:** Commissioner Small moved to authorize the Planning Department to pursue a Professional Services Contract with Safe Built LLC to assist with the implementation of the County’s Corrective Action Plan for those properties that may require a more complex remediation process, in an amount not to exceed \$17,500.00. Chairman Pro Tem Delvin seconded and upon vote, the motion carried unanimously.

#### **Position Request – Temporary Truancy Counselor**

Darryl Banks, Juvenile Administrator requested the Board approve posting and filling a temporary part-time seasonal Truancy Counselor. He said they use this position to help the schools monitor the attendance and provide case management services to youth.

Commissioner Small asked if Franklin County approved this position and Mr. Banks said they did not have currently have a requirement to approve positions before being posted and filled.

**MOTION:** Commissioner Small moved to approve position 1911 – Temporary Help Truancy Counselor to be posted and filled. Chairman Pro Tem Delvin seconded and upon vote, the motion carried unanimously.

#### **Position Request – Relief Detention Officer**

Darryl Banks, Juvenile Administrator said this was an on-call position they used to backfill vacation and sick leave and helped them manage their overtime budget and was an ongoing posting.

**MOTION:** Commissioner Small moved to approve an open posting for the Relief Detention Officer position and fill such positions as necessary. Chairman Pro Tem Delvin seconded and upon vote, the motion carried.

## **CARES Act Amendment “A” to Agreement w/WA State Department of Commerce**

County Administrator Jerrod MacPherson presented Amendment “A” to the original CARES Act agreement. He said the original agreement provided for over \$11 million for expenses and community grants related to COVID-19. Benton County was notified there was an additional \$4 million available from the Dept of Commerce and they have been working to identify needs in the community. He said that Mr. Rasmussen identified a need for child-care providers in the area, as well as upgrades to audio and video recording equipment, and ongoing COVID related expenses for Benton County. Additionally, the Amendment “A” would extend the deadline through the end of November 2020.

**MOTION:** Commissioner Small moved to authorize the Chairman to sign Amendment “A” to the contract with the Department of Commerce in the amount of \$4,036,000.00 for a total contract amount of \$15,135,000.00 as presented. Chairman Pro Tem Delvin seconded and upon vote, the motion carried unanimously.

### **Executive Session – Pending/Potential Litigation**

Mr. MacPherson announced at 9:30 a.m. the Board would be going into executive session for up to 20 minutes to discuss pending/potential litigation. The Board briefly recessed to reconvene in the Executive Conference Room.

The Board went into executive session at 9:37 a.m. for up to 20 minutes with Attorney Mike Kitson (via/teleconference) to discuss pending/potential litigation. Present were Chairman Pro Tem Delvin, Commissioner Small (via/teleconference), Jerrod MacPherson, Matt Rasmussen and Cami McKenzie. The Board came out of executive session at 9:58 a.m. and briefly recessed to reconvene back in the Commissioners’ Conference Room.

Chairman Pro Tem Delvin announced that no decisions were made in executive session.

**MOTION:** Commissioner Small moved to approve the letter to Alan Harvey in response to the additional whistleblower complaint of September 16, 2020 as presented. Chairman Pro Tem Delvin seconded and upon vote, the motion carried.

### **Executive Session - Review Performance of Public Employee**

At 10:00 a.m. Mr. MacPherson announced the Board would go back into executive session for up to 10 minutes to review the performance of a public employee. The Board briefly recessed to reconvene in the Executive Conference Room.

The Board went into executive session at 10:00 a.m. for up to 10 minutes to discuss the performance of a public employee. Present were Chairman Pro Tem Delvin, Commissioner Small (via/teleconference), Jerrod MacPherson, Matt Rasmussen and Cami McKenzie. The Board came out of executive session at 10:04 a.m. and briefly recessed to reconvene back in the Commissioners’ Conference Room.

The Chairman announced that no decisions were made in executive session.

**Resolutions**

- 2020-660: Incentive Payment MOU with Social Security Administration
- 2020-661: RFQ and Proposals for Inmate Food Services – CB 20-24
- 2020-662: 2<sup>nd</sup> Contract Amendment with Tri-Cities Chaplaincy
- 2020-663: Third Amendment to Professional Services Agreement w/Ideal Options
- 2020-664: Line Item Transfer – Current Expense Fund – Dept. 111
- 2020-665: Ratify Emergency Purchase from Compunet
- 2020-666: Ratify Emergency Purchase from Amplivox Sound Systems
- 2020-667: Ratify Emergency Purchase from Brutzmans
- 2020-668: Creating & Appointing the Criminal Justice Treatment Account Panel
- 2020-669: Ratify 1<sup>st</sup> Amendment to Agreement w/WA St. Dept. of Commerce - Eviction Rent Assistance Program
- 2020-670: Ratify 1<sup>st</sup> Amendment to Agreement w/WA St. Dept. of Commerce – COVID-19 Emergency Housing Grant
- 2020-671: Ratify Agreement w/Goodwill Industries of Columbia, Inc.
- 2020-672: Lease Agreement for Copier with Ricoh for Human Resources Dept.
- 2020-673: Purchase IBM Video Streaming Service from SHI International Corp.
- 2020-674: Public Works Contract w/Apollo Heating & Air
- 2020-675: Personal Services Contract w/Karyn Oldfield
- 2020-676: Fee for Services Truancy Contract w/Pasco School District
- 2020-677: Line Item Transfer – Current Expense Fund 0000-101, Dept. 117
- 2020-678: Approval of Franchise Agreement – Oasis Water Corporation
- 2020-679: Approval of Franchise Agreement – Benton Irrigation District
- 2020-680: Approval of Franchise Agreement – Paterson Heights Water Association
- 2020-681: Approval of Franchise Agreement – Sundance Improvement Association
- 2020-682: Extension of Contract w/Coleman Oil – Card Lock Service for Fuel
- 2020-683: Approval to Purchase and Install Baffles in Water Tank Trailer from Tankmax, Inc.
- 2020-684: Approval to Purchase Two Axle Assemblies from Six States Distributors, Inc.
- 2020-685: Approval of Construction Plans – Moore Road Extension
- 2020-686: Purchase of Night Vision Sights from The Bunker
- 2020-687: Ratifying Emergency Contract with Chervenell Construction Company
- 2020-688: National Flood Insurance Program Community Assistance Visit – FEMA – Benton County’s Corrective Action Plan
- 2020-689: Approval of Amendment A to WA State Dept. of Commerce Agreement – Cares Act – Covid-19

There being no further business before the Board, the meeting adjourned at approximately 10:05 a.m.

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Clerk of the Board

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Chairman