

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, November 24, 2020, 9:00 a.m.

Meeting provided by Video Live-Broadcast and Telephonically

Present: Chairman James Beaver
Commissioner Jerome Delvin (via/WebEx)
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: Matt Rasmussen, Deputy County Administrator; Robert Heard, IT Manager; Cristina Woods, Public Works (via/WebEx); Finance Manager Linda Ivey; Darryl Banks, Juvenile Administrator; Lexi Wingfield, HR Manager; Kyle Sullivan, HR Manager; Chief Scott Souza, Corrections; Lisa Small, Corrections (via/WebEx).

Approval of Minutes

The Minutes of November 17, 2020 were approved.

Agenda Review

Mr. MacPherson stated they would like to add the following items to the agenda:

- Approval of Resolution – Pape Machinery
- Letter to Cities – Jail Use Agreement
- Ideal Option Contract
- Early Retirement Incentives County-Wide
- Executive Session – Settlement Agreements - Grievances

Consent Agenda

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

Auditor

- a. Lease Contract Amendment w/BWR Holding LLP
- b. Surplus and Disposition of Personal Property

Commissioners

- c. Annexation of Territory Into West Benton Regional Fire Authority
- d. Line Item Transfer, Fund No. 0000-101, Dept. 115 to 110

Human Services

- e. Line Item Transfer, Fund No. 0152-101, Dept. 000

Information Technology

- f. One-Year Subscription for NextRequest Public Records Management System From SHI International Corp.
- g. Purchase of 275 NetIQ Two-Factor Authentication One-Year Licenses From SHI International Corp.

Juvenile

- h. Line Item Transfer, Fund No. 0000-101, Dept. 138
- i. Line Item Transfer, Fund No. 0000-101, Dept. 138

Office of Public Defense

- j. District Court Public Defense Services Agreement w/Mark Cano
- k. District Court Public Defense Services Agreement w/Heather Carlson
- l. District Court Public Defense Services Agreement w/Adrienne Farabee
- m. District Court Public Defense Services Agreement w/Brian Gieszler
- n. District Court Public Defense Services Agreement w/Douglas McKinley
- o. District Court Public Defense Services Agreement w/Stacey McKinley
- p. District Court Public Defense Services Agreement w/Summer Rife
- q. District Court Public Defense Services Agreement w/Benjamin Riley
- r. District Court Public Defense Services Agreement w/Elisa Riley

Public Safety

- s. Line Item Transfer, Fund No. 0148-101, Dept. 171
- t. Line Item Transfer, Fund No. 0148-101, Dept. 138
- u. Line Item Transfer, Fund No. 0148-101, Dept. 115 to 123

Public Works

- v. Amending Resolution 2018-726 to Reflect Termination Date of Contract w/MMEC Architecture for Administration Building Project

Risk Management

- w. Agreement w/Kroll Information Assurance for Data Breach Notification & Monitoring Support

Sheriff

- x. Agreement w/WA Traffic Safety Commission Region 14 for Law Enforcement Funding

Sustainable Development

- y. First Amendment to Benton County Museum and Historical Society Historic Preservation Grant Program

Public Comment

Shelly Bird, West Richland, expressed her concern that she had previously tried to call in during the public comment portion and was not able to get through to the Board. She said they were working to get schools open and had asked for a special meeting with the B-F Health District regarding the health director. She indicated she had a special needs child that needed these activities in school to assist him and he currently was only able to attend for no more than a few minutes. She said she was requesting the Board of Commissioners assist her with getting the

schools back open and felt the special needs children were being discriminated against. Additionally, she asked the Board to open its meetings to the public.

Public Hearing - Broadview Water Association Franchise

Cristina Woods (via/WebEx) said that Benton County received an application for a Franchise Order and Agreement for a private domestic water pipeline from Broadview Water Association. Benton County Public Works recommended the Commissioners approve the Franchise Order and Agreement with Broadview Water Association, subject to the six items listed in the report to the Commissioners.

As there was no one present telephonically to testify, public testimony was closed.

MOTION: Commissioner Delvin moved to approve the franchise order and agreement with Broadview Water Association, subject to the six conditions items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried unanimously.

Public Hearing - Badger Mountain Irrigation District Franchise

Cristina Woods (via/WebEx) said that Benton County received an application for a domestic and irrigation water transmission and distribution lines from Badger Mountain Irrigation District. Benton County Public Works recommended the Commissioners approve the Franchise Order and Agreement with Badger Mountain Irrigation District, subject to the six items listed in the report to the Commissioners.

As there was no one present telephonically to testify, public testimony was closed.

MOTION: Commissioner Delvin moved to approve the franchise order and agreement with Badger Mountain Irrigation District, subject to the six items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried unanimously.

Adoption of Final Biennium Budgets for 2021-2022

Linda Ivey stated it was a particularly challenging budget for Benton County as follows:

- Starting the budget process in the red with baseline expenditures \$5.2 million over revenues;
- COVID affecting revenue streams from sales tax, Court revenues and Corrections Department;
- The Department of Corrections inmate revenues were currently at zero, which equaled \$6 million in potential loss of revenue over the biennium.

She said they presented the proposed budget on October 27 and were approved to go to public hearing. The proposed budget was posted on the website and in the Prosser Record Bulletin on November 11 and November 18. Per Board request, the following change was made to the budget:

- Reduced wages and benefits for 21 positions in the Corrections Department beginning January 1, 2021.
- \$3.6 million was transferred from Dept. 120 Corrections to Dept. 115 Non-Departmental to be put in the contingency line item.

Ms. Ivey then presented the following resolutions for adoption:

- Certifying Current Expense Levy for 2021 - no increase to levy rate; increasing the levy base and banking the 1% for future years.
- Certifying County Road Levy for 2021 – no increase to levy rate; increasing the levy base and banking the 1% for future years.
- Declaration of Substantial Need - this is required for the regular property tax levy because the inflation rate is less than 1% - setting the limit factor up to 101%.
- Certifying Budgeted Taxes for Collection in 2021 – notice was given to the public of the estimated collection rate for 2021.
- Adoption of Final 2021-2022 Benton County Budgets – made the change of reducing wages and benefits for 21 positions in the Corrections Department and moved \$3.6 million over to the contingency department, however, budget totals remain unchanged.

As no one called in to testify, public testimony was closed.

MOTION: Commissioner Small moved to approve the Resolution Certifying the Current Expense Levy for 2021 Collection. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

MOTION: Commissioner Delvin moved to approve the Resolution Certifying the County Road Levy for 2021 Collection. Commissioner Small seconded and upon vote, the motion carried unanimously.

MOTION: Commissioner Delvin moved to approve the Resolution Making a Declaration of Substantial Need for Purposes of Setting the Limit Factor for the Regular Property Tax Levy for 2021. Commissioner Small seconded and upon vote, the motion carried unanimously.

MOTION: Commissioner Delvin moved to approve the Resolution Certifying Budgeted Taxes for Collection in 2021 for Benton County. Commissioner Small seconded and upon vote, the motion carried unanimously.

MOTION: Commissioner Delvin moved to approve the Resolution Adopting the Final 2021-2022 Benton County Budgets as presented. Commissioner Small seconded and upon vote, the motion carried unanimously, and the following budgets were adopted:

- Total Current Expense Revenues \$142,287,932
- Total Current Expense Expenditures \$142,293,541
- To Balance \$ 5,609

- Total Road Fund Revenues \$ 33,577,421
- Total Road Fund Expenditures \$ 37,839,862
- To Balance \$ 4,262,441

- Total Other Funds Revenues \$108,832,265
- Total Other Funds Expenditures \$181,323,359
- To Balance \$ 72,491,094

- **Total Revenues \$284,697,618**
- **Total Expenditures \$361,456,762**
- **To Balance \$ 76,759,144**

Ms. Ivey also presented a letter to the Citizens of Benton County regarding the 2021-2022 Benton County Budgets for Board approval.

MOTION: Chairman Beaver moved to approve the letter to the Citizens of Benton County. Commissioner Delvin seconded and upon vote, the motion carried.

Rescinding Resolution 2020-602

Mr. Rasmussen said the Board previously approved Resolution 2020-602 requiring Board approval prior to posting and filling vacant positions. Although being fiscally conservative, particularly during the pandemic remained important, with the adoption of the new budget, approval for posting and filling vacancies was no longer necessary. However, with the potential of continued reduced revenues due to the pandemic, it was still expected that Department Managers and Elected Officials will review each vacancy, taking into account ongoing expenditure and revenue projections for their department, and determine if that position needed to be filled or not.

MOTION: Commissioner Delvin moved to rescind Resolution 2020-602 as presented, effective January 1, 2021. Commissioner Small seconded and upon vote, the motion carried.

Position Requests – Juvenile Justice

Darryl Banks requested the Board allow him to fill a Legal Secretary IV position who has been in that position for 20 years and was resigning. Additionally, if the position was filled in-house as a promotion, he needed permission to fill the Legal Processing Assistant III position.

MOTION: Commissioner Small moved to approve posting and filling the Legal Secretary IV position and backfill the Legal Processing Assistant III position if the Legal Secretary IV position was filled in-house. Chairman Beaver seconded and upon vote, the motion carried.

Community Development Department Re-Organization

Jerrod MacPherson and Lexi Wingfield presented resolutions regarding the Community Development Department Reorganization.

With the creation of the Community Development Department and with recent retirements in vital positions, a reorganization and request to fill a position was recommended. As part of this reorganization, the Community Development Department would be comprised of three divisions, including Planning, Building and Canine Control. The following steps were recommended as part of this phased reorganization:

- Adopt the Director of Community Development job description.
- Change the Plans Examiner/Building Inspector classification into an Assistant Building Manager classification (reclassifying an existing position).
- Place the Assistant Building Manager position as a grade 16 on the non-bargaining salary schedule.
- Approve a line item transfer to change the title of the Plans Examiner/Building Inspector to an Assistant Building Manager.
- Resolution 2020-602 requires Benton County Board of Commissioners approval prior to posting and filling vacant positions. Canine Control is a department of two and with the recent promotion of the current Canine Control Officer II to the Canine Control Supervisor after a retirement, it was imperative that the Canine Control Officer be hired.

MOTION: Commissioner Delvin moved to approve the Resolution creating the Director of Community Development job description. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Resolution creating the Assistant Building Manager job description. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Resolution placing the Assistant Building Manager as a grade 16 on the non-bargaining salary schedule. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Line Item Transfer to change the Plans Examiner/Building Inspector to an Assistant Building Manager position. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve position 1181 – Canine Control Officer II, to be filled as a Canine Control Officer I. Commissioner Small seconded and upon vote, the motion carried.

Benton County Noxious Weed Budget Presentation

Konrad Kauer, new coordinator for the Benton County Noxious Weed, gave a Powerpoint presentation and briefly discussed the following:

- New location – now on Terminal Drive
- Contracts: BPA, BLM, Lower Yakima River Grant; WDFW; FOB – Candy Mtn; Fairgrounds; Tapteal Greenway; Army Corps of Engineers; City of W. Richland

- COVID – they were considered essential workers due to agriculture; still met with homeowners and landowners; meetings really picked up this spring and summer; also worked with Conservation District
- Many meetings and conferences were held virtually
- 2021/2022 Focus

MOTION: Commissioner Small moved to approve the 2021-2022 Operating Budget for the Benton County Noxious weed Control Board as presented. Commissioner Delvin seconded and upon vote, the motion carried.

Feasibility Study Results – Behavioral Health Recovery Center

Lee Kerr, Superintendent for Two Rivers Health District, and others (via/WebEx) presented the feasibility study results, including the business plan and conversion costs for construction as follows:

- Purchase price for the facilities (the entire quadrant): \$1.6 million
- A & E Fees: \$1,120,000
- Construction Costs - \$11,200,000
- Sales Tax - \$963,200
- Total - \$14,883,200

Next steps include:

- Completing the purchase agreement (\$600,000 available from the District)
- Fund raising plan
- Seeking endorsement of the project from the County (and the other entities) for inclusion in the budget request to the State. They were seeking the full \$15 million in the State Capital budget and indicated it was looking very promising, but the outcome was unknown. If they did not receive the full amount from the State, they would continue with their fundraising efforts locally. This site was perfectly zoned, in a well-established vicinity where medical services have been taking place for over 60 years. Additionally, they received no negative responses (in particular, to the site).

Commissioner Delvin said it was good to see they were including mental health as law enforcement needed a place to bring these individuals because it was currently affecting the jail. He said the cities were making most of the arrests, so they needed to be a part of this. Additionally, the Dept. of Commerce was giving a lot of money out for these types of facilities to providers, so that should be looked at as well. He added that it was long overdue and would greatly benefit the community.

Commissioner Small said he appreciated this and the work that was done and liked the recommendations for housing on the 2nd floor to assist with revenue. He said he did not have a problem with committing dollars, if someone else was running the facility. Additionally, if the project failed, then he would want a way to recoup funds. He discussed using millage funds to participate, if needed, but the millage funds when then be fully tapped.

The Board agreed to endorse the project and said it would sign a letter of support. Mr. MacPherson said he would work with Mr. Sullivan and bring back something for the Board to review.

Other Business

Ideal Option Contract

Lisa Small (via/WebEx) and Chief Scott Souza said the Corrections Department previously received a grant from the Washington State Health Care Authority and the contract with Ideal Option was paid for with that grant. The contract was extended through the end of October however, Ideal Option had continued to provide services without a contract. In anticipation of receiving additional grant funding, they requested Board authorization to have the County Administrator sign the anticipated grant approval and contract with Ideal Option, retro back to the end of September.

MOTION: Commissioner Delvin moved to allow the County Administrator to sign on behalf of the Board the grant agreement with Washington State Health Care Authority and Ideal Option. Commissioner Small seconded and upon vote, the motion carried unanimously.

Purchase/Installation from Pape Machinery

Michael McGhan presented a resolution authorizing the purchase and installation of a rear differential and brakes in a John Deere motor grader. He said the motor grader was only halfway through it's expected lifecycle and needed to be repaired. Additionally, the repair needed to be done at a certified John Deere dealer and a quote was solicited from Papé Machinery in Pasco.

MOTION: Commissioner Delvin moved to approve the resolution authorizing the purchase and installation of a rear differential and brakes in a John Deere motor grader from Pape Machinery in an amount not to exceed \$24,999.00, including WSST as presented. Commissioner Small seconded and upon vote, the motion carried unanimously.

Early Retirement Incentive

Matt Rasmussen and Lexi Wingfield presented the idea of offering an early retirement incentive due to a significant reduction in staff in the Corrections Department since there were several long-term employees who were near retirement. Additionally, they asked if the Board was interested in looking at a county-wide incentive program. After researching policies of other agencies, they were looking at two options (based on either age, or years of service with Benton County and no age requirement). The Board agreed to have staff explore the idea of a county-wide early retirement incentive, with a proposal to be brought back in December that would give employees some time to review and decide, possibly in February.

Letter to Cities – Jail Use Contract and Arbitration Demand

A letter was presented for Board consideration responding to the Cities' proposal for a new jail use agreement and their arbitration demand. The letter included a counterproposal and outlined steps to move forward with the arbitration process since the cities demanded arbitration. The Cities' proposal would be a significant shift in their costs of 93% of the operating costs to the County, and that was not recommended.

MOTION: Commissioner Delvin moved to approve the proposed letter to the cities as presented regarding the jail use contract and arbitration demand. Commissioner Small seconded and upon vote, the motion carried unanimously.

COVID Update

Commissioner Delvin commented about the rally in Franklin County and the alleged voter fraud, among other things. He said Dr. Person at the Health District had been urging the schools to open, and he agreed with that, but the school districts had to make that decision and it was up to the elected school boards, not the County. He agreed that the latest rollbacks from the Governor were frustrating, but the pressure needed to be put on the Governor's office and the legislators. However, he would continue to stand up for the businesses.

Both Commissioner Small and Chairman Beaver agreed with Commissioner Delvin.

Meeting Cancellation Reminder

The December 1, 2020 regular board meeting was cancelled.

Executive Session – Grievance Settlement Agreements

Jerrold MacPherson announced at 10:46 a.m. the Board would be going into executive session for up to 10 minutes to discuss grievance settlement agreements. The Board briefly recessed to reconvene in the Executive Conference Room.

Present were Chairman Beaver, Commissioners Small and Delvin (via/teleconference), Jerrold MacPherson, Matt Rasmussen, Stephen Hallstrom (via/teleconference), Lexi Wingfield, and Cami McKenzie. The Board came out of executive session and briefly recessed to reconvene back in the Commissioners' Conference Room.

The Board came out at 10:57 a.m. and announced that no decisions were made in executive session.

MOTION: Commissioner Delvin moved to direct the HR Manager and civil attorney Stephen Hallstrom to work with the union to settle two grievances in the Assessor's office. Commissioner Small seconded and upon vote, the motion carried.

Resolutions

- 2020-871: Lease Contract Amendment w/BWR Holding LLP
- 2020-872: Surplus and Disposition of Personal Property
- 2020-873: Annexation of Territory Into West Benton Regional Fire Authority
- 2020-874: Line Item Transfer, Fund No. 0000-101, Dept. 115 to 110
- 2020-875: Line Item Transfer, Fund No. 0152-101, Dept. 000
- 2020-876: One-Year Subscription for NextRequest Public Records Management System From SHI International Corp.

- 2020-877: Purchase of 275 NetIQ Two-Factor Authentication One-Year Licenses From SHI International Corp.
- 2020-878: Line Item Transfer, Fund No. 0000-101, Dept. 138
- 2020-879: Line Item Transfer, Fund No. 0000-101, Dept. 138
- 2020-880: District Court Public Defense Services Agreement w/Mark Cano
- 2020-881: District Court Public Defense Services Agreement w/Heather Carlson
- 2020-882: District Court Public Defense Services Agreement w/Adrienne Farabee
- 2020-883: District Court Public Defense Services Agreement w/Brian Gieszler
- 2020-884: District Court Public Defense Services Agreement w/Douglas McKinley
- 2020-885: District Court Public Defense Services Agreement w/Stacey McKinley
- 2020-886: District Court Public Defense Services Agreement w/Summer Rife
- 2020-887: District Court Public Defense Services Agreement w/Benjamin Riley
- 2020-888: District Court Public Defense Services Agreement w/Elisa Riley
- 2020-889: Line Item Transfer, Fund No. 0148-101, Dept. 171
- 2020-890: Line Item Transfer, Fund No. 0148-101, Dept. 138
- 2020-891: Line Item Transfer, Fund No. 0148-101, Dept. 115 to 123
- 2020-892: Amending Resolution 2018-726 to Reflect Termination Date of Contract w/MMEC Architecture for Administration Building Project
- 2020-893: Agreement w/Kroll Information Assurance for Data Breach Notification & Monitoring Support
- 2020-894: Agreement w/WA Traffic Safety Commission Region 14 for Law Enforcement Funding
- 2020-895: First Amendment to Benton County Museum and Historical Society Historic Preservation Grant Program
- 2020-896: Certifying the Current Expense Levy for 2021 Collection
- 2020-897: Certifying the County Road Levy for 2021 Collection
- 2020-898: Declaration of Substantial Need – Setting the Limit Factor For Regular Property Tax Levy for 2021
- 2020-899: Certifying Budgeted Taxes for Collection in the Year 2021
- 2020-900: Adopting the Final 2021-2022 Benton County Budgets
- 2020-901: Rescinding Resolution 2020-602 – Requiring Approval Before Posting & Filling Vacant Positions
- 2020-902: Establishing a Director of Community Development Classification Description
- 2020-903: Establishing an Assistant Building Manager Classification Description
- 2020-904: Establishing a Salary Grade for an Assistant Building Manager
- 2020-905: Transfer of Funds – Protective Inspection Services Fund
- 2020-906: 2021-2022 Operating Budget for the Benton County Noxious Weed Control Board
- 2020-907: Purchase from Pape Machinery

There being no further business before the Board, the meeting adjourned at approximately 11:01 a.m.

Clerk of the Board

Chairman