

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, January 12, 2021, 9:00 a.m.

*Meeting provided by Video Live-Broadcast and Telephonically*

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

**Benton County Employees Present During All or a Portion of the Meeting:** Robert Heard, IT Manager; Shyanne Palmus, Communications Coordinator; Greg Wendt and Michelle Cooke, Planning Department; County Engineer Douglas D'Hondt (via/WebEx); Treasurer Ken Spencer.

The Board welcomed new Commissioner Will McKay.

#### Approval of Minutes

The Minutes of December 22, 2020 and December 29, 2020 were approved.

#### Review Agenda

Jerrod MacPherson requested the following changes to the agenda:

- Provide notice to employees of unfair labor practice – to be read into the record

#### Consent Agenda

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

#### Animal Control

- a. Rescinding Resolution No. 2020-810, Agreement w/Vista Veterinary Hospital, Correcting the Termination Date

#### Capital Projects

- b. Line Item Transfer, Fund No. 0305-101, Dept. No. 000

#### Commissioners

- c. Contract w/CI Support for Local Document Destruction Services
- d. Line Item Transfer, Fund No. 0000-101, Dept. 115 to 138
- e. Line Item Transfer, Fund No. 0000-101, Dept. 115 to 123

**Coroner**

- f. Agreement w/Snohomish County Medical Examiner's Office for Forensic Pathology Services

**Corrections**

- g. Line Item Transfer, Fund No. 0000-101, Dept. 120
- h. Line Item Transfer, Fund No. 0000-101, Dept. 120
- i. Revising the Benton County Inmate Benevolence Fund; Rescinding Resolution 2019-770
- j. Agreement w/Ideal Option for Medicated Assisted Treatment for Opioid Treatment Networks

**Facilities**

- k. Payment to Banlin Construction for Unpaid Sales Tax for Emergency Locker Room Access
- l. Line Item Transfer, Fund No. 00001-101, Dept. 110

**Fairgrounds**

- m. Line Item Transfer, Fund No. 0124-101, Dept. 000

**Human Resources**

- n. Line Item Transfer, Fund No. 0000-101, Dept. 105
- o. Line Item Transfer, Fund No. 0000-101, Dept. 124
- p. Line Item Transfer, Fund No. 0000-101, Dept. 127
- q. Line Item Transfer, Fund No. 0109-101, Dept. 000
- r. Line Item Transfer, Fund No. 0124-101, Dept. 000
- s. Contract w/ProClaim, Inc for Unemployment Third Party Administrator Services
- t. Contract w/Penser North America for Worker's Compensation Claims Management Services
- u. Amendment II, Agreement w/Teamsters Local 839, Representing Bailiff Employees
- v. Re-Adoption of the Voluntary Early Retirement Plan

**Human Services**

- w. Line Item Transfer, Fund No. 0108-101, Depts. 551, 560 & 568

**Information Technology**

- x. Purchase of One Fujitsu Scanner for OPD From Amazon.Com
- y. Purchase of One Docking Station w/90W Power Supply for Sheriff Patrol From Dell
- z. Purchase of One-Year AutoCAD Software Subscription Renewal from SHI International
- aa. Purchase of Three Laptops, Three Docking Stations & Two Monitors for OPD From Dell
- bb. One-Year Eden Software Maintenance & Support Plan Renewal From Tyler Technologies

**Juvenile**

- cc. Line Item Transfer, Fund No. 0115-101, Dept. 171
- dd. Line Item Transfer, Fund No. 0115-101, Dept. 171

**Office of Public Defense**

- ee. Agreement w/WA State Office of Public Defense for Grant Funding

**Parks**

- ff. Line Item Transfer, Fund No. 0000-101, Dept. 126

**Pest Board**

- gg. Line Item Transfer, Fund No. 0150-101, Dept. 000

**Planning**

- hh. Line Item Transfer, Fund No. 0000-101, Dept. 116

**Prosecuting Attorney**

- ii. Line Item Transfer, Fund No. 0000-101, Dept. 117

**Public Safety**

jj. Line Item Transfer, Fund No. 0148-101, Dept. 123 to 138

**Public Works**

kk. Adoption of ER&R Department Shop Rate

ll. Contract w/Continental Door Company for On-Call Garage Door Maintenance & Repair

mm. Line Item Transfer, Fund No. 0155-101, Dept. 000

nn. Franchise to Washington State University to Place An Irrigation System & Facilities in County Road Rights of Way

oo. Agreement w/City of Richland to Seal Coat Roads

pp. Authorization for Bid Process for 2021 Bituminous Surface Treatment Area 5 & Edge Repair

**Public Comment**

George Penn, Benton County, spoke in favor of the proposed proclamation and said it was a great idea and local businesses locally were suffering.

Marilyn Dickenson, Kennewick, spoke in favor of the resolution proposed by Commissioner McKay.

Dorothy Luzzo spoke in opposition to the proclamation and expressed concern about who would be responsible for paying fines if businesses opened.

Shelly Berg, Richland, said she fully supported the proclamation.

Saber Sterling, Richland, spoke in favor of the proclamation, and that she was in favor of focusing on individual responsibility to allow people and businesses to open.

Dan Mildon, Kennewick, said he fully supported the proclamation, and that the large businesses were not suffering as much as the small businesses, and he wanted to ensure people could make a fair wage with their business.

Marilyn Dickenson (called in again), said it was unacceptable the State was choosing big box stores over small businesses.

Joanne Hudson, Kennewick, said she supported the proclamation, and that it was ridiculous they could go into large stores where they could not socially distance. Additionally, the small businesses should be able to open as they did before because they were very responsible about following the rules.

**Public Hearing – Right of Way Vacation – County Right of Way Abutting SR 397**

County Engineer Douglas D'Hondt (via/WebEx) presented the right of way vacation for a portion of right of way abutting SR 397, that he determined was useless as part of the County road system and recommended it be vacated.

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

**MOTION:** Commissioner Small moved to proceed with the right of way vacation as presented. Commissioner McKay seconded and upon vote, the motion carried.

### **Public Hearing – Altered Plat of Steeplechase, Phase 2 – SA 2020-002**

Greg Wendt and Michelle Cooke presented the Altered Plat of Steeplechase, Phase 2. This was previously approved on December 15, 2020, however, shortly after recording, the surveyor found some of the data was inadvertently omitted on the plat map.

They recommended approval of the altered plat, as presented.

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

**MOTION:** Commissioner Small moved to approve the Altered Plat of Steeplechase Phase 2 – SA 2020-002 and authorized the Chairman so indicate by signing the plat. Commissioner McKay seconded and upon vote, the motion carried.

### **2021 Historic Preservation Grant Applications**

Shyanne Palmus presented the recommendations for the Historic Grant Applications as follows:

- Six applications were received in the total amount of \$48,026.40 – the review committee reviewed these remotely and recommended fully funding as follows:
  - Benton City Revitalization Organization - \$6,000.00
  - Benton County Museum & Historical Society - \$10,000.00
  - Desert Fiber Arts - \$3,936.00
  - East Benton County Historical Society & Museum - \$7,680.00
  - REACH Museum - \$3,770.00
  - White Bluffs Quilt Museum - \$16,640.00

The Board approved Ms. Palmus to bring back the grant agreements for formal approval at the next Board meeting.

### **2021 Benton County Legislative Agenda**

Ms. Palmus presented the following 2021 Benton County Legislative Agenda and requested the Board approve the Resolution as presented:

- COVID-19 Relief & Recovery
- Two Rivers Behavioral Health Recovery Center – Chairman Delvin commented that this project had now changed and so it might need to be revised.
- Protect State-Shared Revenues and Funding for Critical Programs
- Defend Against Unfunded Mandates
- Support of Partner Priorities

The Board discussed the “Two Rivers Behavioral Health Recovery Center” project. Chairman Delvin said their parent organization had not responded to concerns and they were looking at a different route than using the Trios location. However, state legislators were interested in helping on a regional basis (Benton-Franklin and surrounding areas) to get funding and the Recovery Coalition was moving ahead.

**MOTION:** Commissioner Small moved to approve the Resolution Adopting the Benton County 2021 Legislative Agenda as presented. Commissioner McKay seconded and upon vote, the motion carried.

### **Financial Software Upgrade**

Debbie Calhoun, Chief Financial Officer, gave a Powerpoint presentation and discussed the proposed financial software upgrade as follows:

- Current Eden software – purchased in 2000 – dated and existing system does not meet the County’s needs
- Upgrade – if approved to migrate to Munis (current Eden program and new program is through the same vendor – Tyler)
- Worked with Auditor, Office of Finance, Commissioners’ staff, and staff from other depts.
- Evaluated several major software programs and researched other counties; also considered the financial stability of the companies
- Set up a live demonstration of Munis with 20 departments in attendance
- Treasurer is not yet on board with Munis
- Cost comparisons and timeline for new programs - \$800,000 v. \$4 million – 24 months v. 5 years
- Tyler is willing to offer incentives since Benton County is a current customer
- Additional time would be needed to add other modules
- Executive team recommends this upgrade based on the following:
  - Cost of upgrade, project time, staff time, positive feedback, total cost is estimated at \$800,000, and ER&R would be able to use a module and eliminate double entry into programs
- Requesting approval to move forward

Treasurer Ken Spencer requested the Board allow his office more time to make sure this program was workable for the Treasurer’s office. Ms. Calhoun indicated they had a meeting scheduled on Wednesday with a demonstration for the Treasurer’s office. Additionally, she had forwarded the Treasurer’s questions to Tyler.

Chairman Delvin stated the money was previously budgeted and set aside for this project. The Board requested Ms. Calhoun bring back an update after the meeting with the Treasurer’s office.

### **Discussion – Governor’s Current Proclamation**

Commissioner McKay said he had been working with local business owners and employees to find a way to work with the Governor on the new proclamation and implementation into regions.

He said the local elected officials have no voice and this proclamation was requesting the Governor to let Benton County have local control and let it be the customer's choice whether they wanted to go into a business or open up their business. He said they recognized that businesses have spent thousands of dollars to abide by covid requirements and understand they have done everything they could, and we want them to be open. This proclamation was not about getting fines and having the County pay for it, but it was about asking the Governor to let us control our own county. Additionally, there were bills being proposed in the legislature that might be helpful, but at the end of the day, it was about allowing local elected officials to have local control.

Commissioner Small said it was a great Resolution, but he did not want people to misinterpret the meaning of the proclamation. If approved, they would only be asking the Governor to allow them to have local control but would not be allowing Benton County to open.

Commissioner McKay said that was the intent, and they were speaking for the constituents and asking the Governor to allow Benton County to open. He also said that Yakima County approved this proclamation today and if more counties did the same thing, this might get the message out.

Chairman Delvin said he agreed that something needed to be done, and he wanted to make it clear they were not opening the County but requesting to let the local elected officials, along with local health officers make the decisions.

Mr. MacPherson said he would work on editing the proclamation and review schedules for a special board meeting for adoption of the Resolution.

### **Board Assignments - 2021**

Chairman Delvin indicated there was one change to the Resolution that was presented by changing the alternate for the Hanford Advisory Board to Pam Larsen.

**MOTION**: Commissioner Small moved to approve the Resolution for the Organization of the Benton County Commissioners for the Year 2021, as amended. Commissioner McKay seconded and upon vote, the motion carried.

### **Other Business**

#### **PERC Decision**

Jerrod MacPherson read the following notice into the record:

“NOTICE TO EMPLOYEES OF UNFAIR LABOR PRACTICE

CASE: 128595-U-16 & 128900-U-17 – DECISION: 12790-A  
STATE LAW GIVES YOU THE RIGHT TO:

- Self-organize, join, or assist labor or employee organizations.
- Bargain collectively through a representative of your choice.
- Refuse to pay dues to a union unless you have affirmatively agreed to make such payments.

THE WASHINGTON STATE PUBLIC EMPLOYMENT RELATIONS COMMISSION (PERC) CONDUCTED A LEGAL PROCEEDING, ISSUED A RULING THAT BENTON COUNTY COMMITTED AN UNFAIR LABOR PRACTICE, AND ORDERED THAT THIS NOTICE BE POSTED TO EMPLOYEES:

WE UNLAWFULLY REFUSED TO BARGAIN WITH TEAMSTERS LOCAL 839 (UNION) BY REFUSING THE UNION'S REQUEST TO BARGAIN OVER HOW EMPLOYEES WOULD REPAY THE WAGE OVERPAYMENTS AND BY CIRCUMVENTING THE UNION IN REGARD TO REPAYMENT OPTIONS.

WE UNLAWFULLY REFUSED TO BARGAIN WITH TEAMSTERS LOCAL 839 (UNION) BY UNILATERALLY APPLYING WAGE DEDUCTION AND ACCRUED LEAVE CASH OUTS TO COLLECT EMPLOYEE REPAYMENT WITHOUT FIRST PROVIDING THE UNION NOTICE AND AN OPPORTUNITY FOR BARGAINING.

TO REMEDY OUR UNFAIR LABOR PRACTICE(S):

WE WILL UPON TEAMSTERS LOCAL 839'S REQUEST, RESTORE THE STATUS QUO ANTE BY RETURNING TO BARGAINING UNIT EMPLOYEES ALL WAGES AND ACCRUED LEAVE COLLECTED BY THE EMPLOYER THROUGH THE UNILATERAL ACTIONS FOUND UNLAWFUL IN THE ORDER, PLUS INTEREST.

WE WILL GIVE NOTICE TO AND, UPON REQUEST, NEGOTIATE IN GOOD FAITH WITH TEAMSTERS LOCAL 839 REGARDING REPAYMENT OF THE 2016 WAGE OVERPAYMENTS CAUSED BY KTU ACCOUNTING SOFTWARE ERROR.

WE WILL NOT FAIL OR REFUSE TO BARGAIN IN GOOD FAITH WITH TEAMSTERS LOCAL 839 OVER HOW EMPLOYEES WILL REPAY THE EMPLOYER FOR WAGE OVERPAYMENTS CAUSED BY THE KTU ACCOUNTING SOFTWARE ERROR, WHICH OCCURRED BETWEEN THE JUNE 2016 AND SEPTEMBER 2016 PAY PERIODS.

WE WILL NOT CIRCUMVENT TEAMSTERS LOCAL 839 BY DEALING DIRECTLY WITH BARGAINING UNIT EMPLOYEES REGARDING REPAYMENT OPTIONS FOR THE 2016 WAGE OVERPAYMENTS CAUSED BY THE KTU ACCOUNTING SOFTWARE ERROR.

WE WILL NOT UNILATERALLY APPLY REPAYMENT METHODS FOR THE 2016 WAGE OVERPAYMENTS CAUSED BY THE KTU ACCOUNTING SOFTWARE ERROR, WITHOUT BARGAINING WITH TEAMSTERS LOCAL 839 TO AGREEMENT OR TO IMPASSE AND RECEIVING AN AWARD THROUGH INTEREST ARBITRATION.

WE WILL NOT IN ANY OTHER MANNER, INTERFERE WITH, RESTRAIN, OR COERCE OUR EMPLOYEES IN THE EXERCISE OF THEIR COLLECTIVE BARGAINING RIGHTS UNDER THE LAWS OF THE STATE OF WASHINGTON.

The decision relating to this violation can be found on the PERC website at <https://decisions.perc.wa.gov>.

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS AND MAY NOT BE ALTERED, DEFACED, OR COVERED.”

### Pledge of Allegiance

Commissioner McKay asked if the Board was willing to cite the Pledge of Allegiance at the start of Board meetings, or if there was a reason why they did not. Chairman Delvin said he did not have an objection and they used to do it in the State Legislature but did not know why the Commissioners did not cite the Pledge of Allegiance. Commissioner Small said he inquired about that when he started as well, but he did not have an objection.

The Board agreed to add it to the next agenda.

### Meeting Cancellation

Mr. MacPherson reminded the Board the meeting of January 19, 2021 would be cancelled due to the Monday holiday.

### **Executive Session – County’s Position/Strategy for a Union Grievance**

Jerrod MacPherson announced at 10:19 a.m. the Board would go into executive session for up to 15 minutes to discuss a union grievance, following a five-minute break. The Board briefly recessed to reconvene in the Executive Conference Room at 10:24 a.m.

Present were Chairman Delvin, Commissioner McKay, and Commissioner Small (via/teleconference), Jerrod MacPherson, Stephen Hallstrom, Matt Rasmussen (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 10:38 a.m. and Mr. Hallstrom announced the Board discussed a strategy for proceeding in a union grievance, but no decisions were made in executive session.

### **Accounts Payable**

Check Date: 12/31/2020

EFT’s #: 1567-1592

Transfers #: 12312001-12312005

Total all funds: \$382,923.97

Warrants #: 213291-213493

Total all funds: \$1,300,790.27

Check Date: 01/05/2021

Warrants #: 213494

Total all funds: \$904.64

**Payroll**

Check Date: 01/05/2021

Payroll Checks

Total all funds: \$2,492,717.89

Warrant # 242948-242986

Direct Deposit #: 158687-159286

Payroll Deductions/Transfers

Total all funds: \$2,395,022.06

Taxes #: 101210101-101210113

ACH #: 1593-1599

Payroll Deduction Warrants

Total all funds: \$134,040.34

Warrants #: 213495-213502

**Resolutions**

- 2021-001: Rescinding Resolution No. 2020-810, Agreement w/Vista Veterinary Hospital, Correcting the Termination Date
- 2021-002: Line Item Transfer, Fund No. 0305-101, Dept. No. 000
- 2021-003: Contract w/CI Support for Local Document Destruction Services
- 2021-004: Line Item Transfer, Fund No. 0000-101, Dept. 115 to 138
- 2021-005: Line Item Transfer, Fund No. 0000-101, Dept. 115 to 123
- 2021-006: Agreement w/Snohomish County Medical Examiner's Office for Forensic Pathology Services
- 2021-007: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2021-008: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2021-009: Revising the Benton County Inmate Benevolence Fund; Rescinding Resolution 2019-770
- 2021-010: Agreement w/Ideal Option for Medicated Assisted Treatment for Opioid Treatment Networks
- 2021-011: Payment to Banlin Construction for Unpaid Sales Tax for Emergency Locker Room Access
- 2021-012: Line Item Transfer, Fund No. 00001-101, Dept. 110
- 2021-013: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2021-014: Line Item Transfer, Fund No. 0000-101, Dept. 105
- 2021-015: Line Item Transfer, Fund No. 0000-101, Dept. 124
- 2021-016: Line Item Transfer, Fund No. 0000-101, Dept. 127

- 2021-017: Line Item Transfer, Fund No. 0109-101, Dept. 000
- 2021-018: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2021-019: Contract w/ProClaim, Inc for Unemployment Third Party Administrator Services
- 2021-020: Contract w/Penser North America for Worker's Compensation Claims Management Services
- 2021-021: Amendment II, Agreement w/Teamsters Local 839, Representing Bailiff Employees
- 2021-022: Re-Adoption of the Voluntary Early Retirement Plan
- 2021-023: Line Item Transfer, Fund No. 0108-101, Depts. 551, 560 & 568
- 2021-024: Purchase of One Fujitsu Scanner for OPD From Amazon.Com
- 2021-025: Purchase One Docking Station w/90W Power Supply for Sheriff Patrol From Dell
- 2021-026: Purchase One-Year AutoCAD Software Subscription Renewal - SHI International
- 2021-027: Purchase of 3 Laptops, 3 Docking Stations & 2 Monitors for OPD From Dell
- 2021-028: 1-Yr Eden Software Maintenance/Support Plan Renewal From Tyler Technologies
- 2021-029: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2021-030: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2021-031: Agreement w/WA State Office of Public Defense for Grant Funding
- 2021-032: Line Item Transfer, Fund No. 0000-101, Dept. 126
- 2021-033: Line Item Transfer, Fund No. 0150-101, Dept. 000
- 2021-034: Line Item Transfer, Fund No. 0000-101, Dept. 116
- 2021-035: Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2021-036: Line Item Transfer, Fund No. 0148-101, Dept. 123 to 138
- 2021-037: Adoption of ER&R Department Shop Rate
- 2021-038: Contract w/Continental Door Co. for On-Call Garage Door Maintenance & Repair
- 2021-039: Line Item Transfer, Fund No. 0155-101, Dept. 000
- 2021-040: Franchise to Washington State University to Place An Irrigation System & Facilities in County Road Rights of Way
- 2021-041: Agreement w/City of Richland to Seal Coat Roads
- 2021-042: Authorization for Bid Process for 2021 Bituminous Surface Treatment Area 5 & Edge Repair
- 2021-043: Approval of the Altered Plat of Steeplechase Phase 2 -SA 2020-002 By Tri City Development Corporation
- 2021-044: Adopting the Benton County 2021 Legislative Agenda
- 2021-045: Organization of Benton County Commissioners for the Year 2021

There being no further business before the Board, the meeting adjourned at approximately 10:38 a.m.

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Clerk of the Board

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Chairman

# NOTICE TO EMPLOYEES OF UNFAIR LABOR PRACTICE

CASE: 128595-U-16 & 128900-U-17

DECISION: 12790-A

## STATE LAW GIVES YOU THE RIGHT TO

- self-organize, join, or assist labor or employee organizations.
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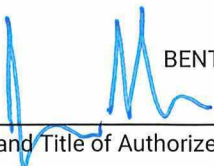
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WE WILL NOT IN ANY OTHER MANNER, INTERFERE WITH, RESTRAIN, OR COERCE OUR EMPLOYEES IN THE EXERCISE OF THEIR COLLECTIVE BARGAINING RIGHTS UNDER THE LAWS OF THE STATE OF WASHINGTON.

BY:  BENTON COUNTY  
Name and Title of Authorized Representative DATE: 01-12-2021

The decision relating to this violation can be found on the PERC website at <https://decisions.perc.wa.gov>.

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AND MAY NOT BE ALTERED, DEFACED, OR COVERED.



Questions? Visit [perc.wa.gov](http://perc.wa.gov) or contact a PERC unfair labor practice administrator:

Dario de la Rosa  
[dario.delarosa@perc.wa.gov](mailto:dario.delarosa@perc.wa.gov)  
360.570.7328

Emily Whitney  
[emily.whitney@perc.wa.gov](mailto:emily.whitney@perc.wa.gov)  
360.664.3047