

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, March 16, 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:** Deputy County Administrator Matt Rasmussen (via/WebEx); Robert Heard, IT Manager; Human Services Manager Kyle Sullivan; Douglas D'Hondt, County Engineer; Greg Wendt, Brad O'Brien, and Rod Worthington, Community Development Department; Finance Manager Linda Ivey; Lexi Wingfield, HR Manager; Adam Fyall, Sustainable Development Manager; Commander Jon Law Judge Joe Burrowes; Superior Court Administrator Tiffany Deaton; Shyanne Palmus, Communications Coordinator; DPA Ryan Brown; Katie Gillies, Sheriff's Office.

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Minutes of March 9, 2021 were approved.

#### Review Agenda

The following changes were made to the agenda:

- Jail - grease trap cleaning contract
- Phase 3 Opening – Discussion

#### Consent Agenda

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

#### Information Technology

- a. iVe Toolkit Vehicle Forensic Software License From Berla Corp for Sheriff's Office
- b. Renewing 24 Month Premier Support Services Description Agreement w/Microsoft

**Office of Public Defense**

- c. District Court Amended Temporary Public Defense Contract w/Brittney Myles

**Purchasing Dept.**

- d. Revised Procurement, Leasing & Contracting Policy; Rescinding Resolution 2020-991
- e. Purchase of One Serving Table for the Jail From Smith & Greene
- f. Sixth Amended Contract w/Keefe Commissary Network for Commissary Services for Corrections Dept.
- g. Agreement for Use of Subscription Material for the Jail From Lexipol; Amending Resolution 2020-239
- h. Contract w/Day Management Corp for Support to Communication & Public Safety Systems
- i. Award of Purchase of 45 Trijicon Red Dot Sights From Galls, LLC for the Sheriff's Office
- j. Accepting Work Performed by Cliff Thorn Construction for the Annex Restroom Renovation Project
- k. Contract w/Central Washington Asphalt for Bituminous Surface Treatment & Edge Repair

**WSU Extension**

- l. Letter to WSU Regarding County Funding

**Public Comment**

None.

**Public Hearings**

**Close-Out WA State Dept. of Commerce – COVID Grant**

Kyle Sullivan and Tammy McKiernan said a public hearing was required to close out the community development block grant in the amount of \$79,061 awarded to BF Community Action Committee to fund public services for low-and moderate-income persons. The following services were provided to non-entitlement communities in Benton and Franklin Counties during the shutdown:

- Eviction prevention – to 15 households/56 individuals
- Utility assistance – 4 households
- 22 households received LIHEAP assistance and conservation education
- 72 additional services were provided i.e. information/referral, diapers, blankets, coats, and masks when needed

As there was no one present to testify, the public hearing was closed.

**MOTION:** Commissioner McKay moved to approve closing out the CDBG-Covid Grant #19-62210-02 as presented. Commissioner Small seconded and upon vote, the motion carried.

### **Amendment to Six-Year Road Program**

Douglas D'Hondt presented the amendment to the 2021-2016 Six-Year Road Program to include a safety enhancement project that was awarded by the federal government for a guidepost and guardrail installation project.

As there was no one present to testify, the public hearing was closed.

**MOTION**: Commissioner McKay moved to amend the 2021-2026 Six-Year Road Program as presented to include the Guidepost and Guardrail Installation Project. Commissioner Small seconded and upon vote, the motion carried.

### **Ordinance Amendments – Benton County Codes 3.04, 3.08, 3.12, 3.16 and 3.24**

Greg Wendt, Brad O'Brien and Rod Worthington presented and reviewed the proposed ordinance amendments to implement the new International Building, Residential, Mechanical, Fire, Swimming Pool and Spa and Uniform Plumbing Codes adopted by the State of Washington effective February 1, 2021.

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

**MOTION**: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.04 - 2018 International Building Code. Commissioner Small seconded and upon vote, the motion carried.

**MOTION**: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.08 - 2018 Uniform Plumbing Code. Commissioner Small seconded and upon vote, the motion carried.

**MOTION**: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.12 - 2018 International Mechanical Cod. Commissioner Small seconded and upon vote, the motion carried.

**MOTION**: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.16 - 2018 International Fire Code. Commissioner Small seconded and upon vote, the motion carried.

**MOTION**: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.24 - 2018 International Swimming Pool and Spa Code. Commissioner Small seconded and upon vote, the motion carried.

### **Amended Building Permit Fee Schedule**

- Greg Wendt, Brad O'Brien and Rod Worthington presented the building permit fee schedule amendment. The County last evaluated its fees in January 2010. A recent

comparison found Benton County fees were lower than neighboring counties and staff proposed the following:

- Residential permits – charge a 5% plan review fee
- Increase building valuation from \$101.95 sq/ft to \$112.65 sq/ft on single family dwellings
- Increase valuation on garages from \$39.61 sq/ft to \$44.63 sq/ft
- Increase fee for address posts from \$30.00 to \$35.00
- With new software, the goal is to provide the public process completely on line.
- The Home Building Association, as a rule, does not support fees changes. However, they did support the new software, training, and technology improvements
- Estimated Revenue Increase - \$90,000 to \$100,000

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

**MOTION:** Commissioner McKay moved to approve the resolution to adopt the changes to the Building Division fee schedule as presented. Commissioner Small seconded.

#### Discussion

Commissioner Small said he hoped everyone understood the County had not changed its fees for over 10 years.

Upon vote, the motion carried unanimously.

#### **Scheduled Business**

##### **Benton County Budget Policies & Procedures – Amendment No. 1**

Linda Ivey, Brad O'Brien and Greg Wendt presented the proposed amendment. Ms. Ivey said the current budget policies/procedures was updated in 2019. However, it was desired to add a subsection to set a minimum fund balance for the Protective Inspection Fund to meet operational needs equal to at least one year of appropriated budget expenditures.

**MOTION:** Commissioner Small moved to adopt Amendment 1 to the Benton County Budget Policies and Procedures, Resolution 2019-753. Commissioner McKay seconded and upon vote, the motion carried.

##### **Position Request - Building Inspector I**

Greg Wendt, Brian O'Brien and Lexi Wingfield presented the request for a new Building Inspector I. Code changes and more complex cases had created a burden on the Building staff, and they were requesting a new Building Inspector to assist with inspections and plan review. Ms. Wingfield said her review determined a Building Inspector I, non-bargaining grade 11 was the best fit for the position. The Line Item Transfer would create the position, and a supplement would be done later to fund the rest of the position. The position would be funded by the fee increases and

would not impact the current budget. Mr. Wendt added that this would bring the department back to pre-2015 staffing levels, even though demand had not changed.

Mr. MacPherson added that this was not part of Current Expense, but a special fund, and this was part of the bigger picture with fee updates and bringing this department in line with current demands.

**MOTION:** Commissioner McKay moved to approve the resolution and attached Line Item Transfer to create a Building Inspector I, as presented. Commissioner Small seconded and upon vote, the motion carried.

### **Position Request – Superior Court - Executive Assistant**

Tiffany Deaton, Judge Joe Burrowes, and Lexi Wingfield presented a request to change an open Court Reporter position to an Executive Assistant. They had been unable to fill the Court Reporter position but did have a need for an Executive Assistant to help Ms. Deaton with accounting roles and contracts/resolution. This was a bi-county position and Franklin County would support the position if Benton County approved it. Additionally, the change would be budget neutral going from a bi-county non-bargaining grade 14 to a bi-county non-bargaining grade 13.

The court reporter function had diminished, and they were doing it on a priority basis, based on high profile and criminal cases. However, they did not plan to ask to bring this position back.

**MOTION:** Commissioner McKay moved to approve the bi-county resolution changing position 1476 from a Court Reporter, bi-county non-bargaining grade 14, to an Executive Assistant bi-county non-bargaining grade 13, effective March 1, 2021. Commissioner Small seconded and upon vote, the motion carried.

**MOTION:** Commissioner McKay moved to approve the resolution and attached Line Item Transfer to change a Court Reporter to an Executive Assistant, effective March 1, 2021. Commissioner Small seconded and upon vote, the motion carried.

### **MOU – Benton Fire District No. 6 – Purchase of Jetboat/Trailer**

Commander Jon Law and Katie Gillies presented a Memorandum of Understanding to sell the wind river jet boat and trailer to Fire District #6 in the amount of \$2,500. It would also allow the Sheriff's office use of the boat for emergency responses on the Columbia River if needed.

**MOTION:** Commissioner McKay moved to approve the MOU between Benton County and Benton Fire District No. 6, as presented. Commissioner Small seconded and upon vote, the motion carried.

### **Boat Safety Program - Federal Financial Assistance Grant**

Commander Jon Law and Katie Gillies presented the grant award received from the Washington State Parks and Recreation Committee to be used for marine enforcement, vessel safety inspections, education/training & equipment for boating safety.

**MOTION:** Commissioner McKay moved to approve the resolution and grant award in the amount of \$13,501.93 as presented. Commissioner Small seconded and upon vote, the motion carried.

### **2020 Communications/Social Media Report**

Shyanne Palmus gave a summary of the 2020 communications and media efforts and goals and briefly discussed the following:

- Communications - 32 press releases
- Worked closely with county departments and Health District and local partners about communications for Covid-19 pandemic; Covid-19 took center stage in 2020
- Facebook – over 4,000 followers – steady increase
- Twitter – over 1,100 followers
- Social media policy to be updated later this year

### **Water Issues Briefing**

Darryll Olsen, Chair of Benton County Water Conservancy Board/Executive Director of Columbia-Snake River Irrigators Association briefed the Board on water issues and discussed the following issues in detail:

- Water Conservancy Board history and roles - water rights and changes/transfers; auditing
- Litigation/Advocacy – Lower Snake River Dams Breaching

### **Scout Clean Energy's Application to EFSEC – Horse Heaven Wind Farm**

Ryan Brown and Greg Wendt stated they met with EFSEC staff and legal counsel to go over the process. The EFSEC meeting on the 30<sup>th</sup> was not a hearing, but an informational meeting where the applicant would explain the project and the public could ask questions. After that, there would be a land use consistency hearing and the applicant had requested an expedited review.

Mr. Brown said he would review the codes and what they required but it was premature to determine if they were consistent with Benton County's land use codes.

Mr. Brown reminded the Board that the appointed person to the EFSEC Council was a quasi-judicial position, and they could not have any communication with him. Additionally, EFSEC had asked Benton County to provide technical assistance on this matter, but they decided there was a potential conflict if the Board took a position. They agreed Mr. Wendt should not provide that assistance and wanted the Board to know and make sure they were okay with that decision.

Mr. Wendt said the doors opened at 5:30 p.m. for the Town Hall Meeting, they would have courtrooms open for people to watch and wait and socially distance, and the public would have two minutes each to give their proposal.

Additionally, they would have the submittal ready on March 30 for the Board's review for submittal to EFSEC that afternoon.

**MOTION:** Chairman Delvin moved to approve the Resolution Appointing Ed Brost to the Energy Facility Site Evaluation Council (EFSEC) to Evaluate the Proposed Horse Heaven Wind Farm Site, Rescinding Resolution 2021-202. Commissioner Small seconded and upon vote, the motion carried.

### **National Disability Awareness Month Proclamation**

Commissioner Delvin read the proclamation into the record, proclaiming March as National Disability Awareness Month.

**MOTION:** Commissioner Small moved to approve the Resolution and Proclamation designating March as "National Disability Awareness Month". Commissioner McKay seconded and upon vote, the motion carried.

### **Other Business**

#### **Contract with River City Environmental for Grease Trap Pumping & Cleaning**

Robert Blain and Jeff Jones submitted a contract with River City Environmental to authorize additional pumping and cleaning of the jail grease trap. The County has a contract with Baker Commodities, that performed the service as required. However, due to COVID, the grease trap had not been pumped and cleaned in over a year and was still over 25% capacity. After inspection, the City provided notice requiring the County to clean out both vaults, which required an additional contract.

**MOTION:** Commissioner Small moved to approve the contract as presented with River City Environmental, Inc. in an amount not to exceed \$25,000. Commissioner McKay seconded and upon vote, the motion carried.

#### **Phase 3 Discussion**

Mr. MacPherson said the Governor had announced that all counties would be moving to Phase 3 on March 22 and they were waiting for official guidance so they could evaluate what that meant in relation to opening the County facilities. They would keep the Board informed as they received information.

## Letter to Governor

Commissioner McKay discussed the proposed letter to the Governor received from Barry Bush, regarding the proposed Horse Heaven Hills Wind Farm signed by Doc Hastings, the 8th, 9th, and 16 congressional districts and 2 of the 3 Franklin County Commissioners. The Board agreed to review the proposed letter.

## **Tort Claims**

CC 2021-03: Received on March 16, 2021 from Joseph Michael Thornton  
CC 2021-04: Received on March 16, 2021 from Rodrigo Espinoza-Romero  
CC 2021-05: Received on March 15, 2021 from Timothy E. Nation  
CC 2021-06: Received on March 17, 2021 from Keven James Leopard

## **Accounts Payable**

Check Date: 03/12/2021

P-cards #: 0321  
Total all funds: \$358,504.60

## **Payroll**

Check Date: 03/05/2021

Payroll Checks  
Total all funds: \$2,440,890.37  
Warrants #: 243038-243084  
Direct Deposit #: 160242-160825

Payroll Deduction Transfers  
Total all funds: \$2,383,170.97  
Taxes #: 101210301-101210311  
ACH #: 1678-1684

Payroll Deduction Warrants  
Total all funds: \$127,915.94  
Warrants #: 215520-215527

Check Date: 03/08/2021

Payroll Checks  
Total all funds: \$184.05  
Warrant #: 243085

Payroll Checks  
Total all funds: \$818.08  
Direct Deposit #: 160826

Payroll Deduction Transfers  
Total all funds: \$344.44  
Taxes #: 101210312-101210314

Payroll Deduction Warrants  
Total all funds: \$33.60  
Warrant #: 215528

## **Resolutions**

- 2021-230: iVe Toolkit Vehicle Forensic Software License From Berla Corp for Sheriff's Office
- 2021-231: Renewing 24 Month Premier Support Services Description Agreement w/Microsoft
- 2021-232: District Court Amended Temporary Public Defense Contract w/Brittney Myles
- 2021-233: Revised Procurement, Leasing & Contracting Policy; Rescinding Resolution 2020-991
- 2021-234: Purchase of One Serving Table for the Jail From Smith & Greene
- 2021-235: Sixth Amended Contract w/Keefe Commissary Network for Commissary Services for Corrections Dept.
- 2021-236: Agreement for Use of Subscription Material for the Jail From Lexipol; Amending Resolution 2020-239
- 2021-237: Contract w/Day Management Corp for Support to Communication & Public Safety Systems
- 2021-238: Award of Purchase of 45 Trijicon Red Dot Sights From Galls, LLC for the Sheriff's Office
- 2021-239: Accepting Work Performed by Cliff Thorn Construction for the Annex Restroom Renovation Project
- 2021-240: Contract w/Central Washington Asphalt for Bituminous Surface Treatment & Edge Repair
- 2021-241: Closing Out CDBG Covid Contract with WA State Dept. of Commerce
- 2021-242: Approving Amendment of the 2021-2026 Six-Year Road Program
- 2021-243: Adoption of Ordinance 629 Relating to Building Code
- 2021-244: Adoption of Ordinance 630 Relating to Plumbing Code
- 2021-245: Adoption of Ordinance 631 Relating to Mechanical Code
- 2021-246: Adoption of Ordinance 632 Relating to Fire Code
- 2021-247: Adoption of Ordinance 633 Relating to Swimming Pool and Spa Code
- 2021-248: Adopting the Fee Schedule for the Building Department
- 2021-249: Approval of Amendment 1 to Resolution 2019-753 Adopting Benton County Budget Policies & Procedures
- 2021-250: Transfer of Funds within Protective Inspection Services Fund 0149-101
- 2021-251: Changing a Vacant Court Reporter to an Executive Assistant
- 2021-252: Transfer of Funds Within Current Expense Fund 0000-101 Dept. 123

- 2021-253: MOU – Fire District No. 6 and Sheriff’s Office to Purchase 1997 Wind River Jetboat and Trailer
- 2021-254: Awarding Grant Funding from Washington State Parks and Recreation Commission – Boating Safety Program
- 2021-255: Appointment of Ed Brost to the Energy Facility Site Evaluation Council – EFSEC to Evaluate Proposed Horse Heaven Wind Farm Site
- 2021-256: Proclamation that March 2021 has been Designated as National Disability Awareness Month
- 2021-257: Awarding a Contract to River City Environmental Inc. for Jail Grease Trap Pumping and Cleaning Project

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

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Clerk of the Board

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Chairman