

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, April 27, 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; Robert Heard, IT Manager; Michelle Cooke, Assistant Planning Manager; Peter McEnderfer, Associate Planner; Cristina Woods, Public Works (via/WebEx); Superior Court Administrator Tiffany Deaton; Robert Blain, Operations & Capital Programs; Lorene Roe, Chief Deputy Auditor.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of April 20, 2021 were approved.

Review Agenda

The following items were added to the agenda for discussion:

- 1st and 2nd Amendment Resolution
- Security Contract for Voting Center
- Change Order No. 9 with Banlin Construction
- Change Order No. 5 with VK Powell Construction
- Executive Session requested by Commissioner Small to review the performance of a public employee

Consent Agenda

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

Auditor

- a. Changing Precinct Boundaries Within Benton County

Human Resources

- b. Agreement w/Fraternal Order of Police, Representing Corrections Lieutenants

Juvenile

- c. Purchase of Two Vehicles from Clary Longview; Amending Resolution 2021-211

Planning

- d. Short Plat Vacation – SPV 2021-001

Public Works

- e. Vacating a Portion of County Right-of-Way Abutting 45th Ave & Setting Public Hearing

Purchasing

- f. Ratifying Change Order No. 4 w/VK Powell Construction for Courthouse Upgrades Project
- g. Purchase of 107 Pistol Holsters From Proforce Law Enforcement for Sheriff’s Office
- h. Agreement w/Central Lake Armor Express for Body Armor & Ballistic Protective Products for Corrections & Sheriff’s Office
- i. First Amended Agreement w/Franklin County for Mutual Use of Jail Facilities
- j. Award & Contract of Crushing & Stockpiling to Western Construction

Public Comment

James and Brigetta Queener (via/WebEx) said they were available to answer questions during the public hearing on the short plat vacation.

Public Hearing – Olsen Brothers Ranches, Inc. Franchise Renewal

Cristina Woods (via/WebEx) presented the application for franchise filed by Olsen Brothers Ranches, Inc. to renew a Franchise Order and Agreement for electrical lines, irrigation system and associated facilities.

She said the Public Works Department recommended approval, subject to the six items listed in the report to the Commissioners.

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

MOTION: Commissioner McKay moved to approve the Franchise Order and Agreement with Olsen Brothers Ranches Inc., subject to the six items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried.

Public Hearing – Kiona Irrigation District Franchise Renewal

Cristina Woods (via/WebEx) presented the application for franchise filed by Kiona Irrigation District for an irrigation water transmission system and associated facilities.

She said the Public Works Department recommended approval, subject to the six items listed in the report to the Commissioners.

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

MOTION: Commissioner McKay moved to approve the Franchise Order and Agreement with Kiona Irrigation District, subject to the six items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried.

Public Hearing – Short Plat Vacation - SPV 2021-002

Michelle Cooke and Peter McEnderfer, Planning Division, presented the application from James and Brigetta Queener requesting the vacation of approximately 170-feet of the 10-foot irrigation easement as further outlined in the report to the Commissioners. All agencies and nearby property owners were notified, and no objections or concerns were received.

Based on the information received, the Planning Division recommended approval of the proposed vacation.

Testimony

Mr. and Mrs. Queener were available via/WebEx for questions.

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

MOTION: Commissioner McKay moved to approve the vacation of approximately 170-feet of the ten (10) foot irrigation easement running through the southeast corner of Lot 2 of short plat 3000 and Lot 3 of short plat 3614. This motion is conditioned upon the applicant recording a new irrigation easement as legally described in BCCM 1.7, with the Benton County Auditor. The applicant shall provide the Benton County Planning Division with a copy of the recorded document(s), prior to the signing of the resolution by the Board of County Commissioners. The document must be recorded within 1 year of the date of approval by the Benton County Board of Commissioners or this approval will be null and void. Commissioner Small seconded and upon vote, the motion carried.

Interagency Agreement – WA State Administrative Office of the Courts

Tiffany Deaton presented an agreement with the Washington State Administrative Office of the Courts for some funding for reimbursement under the new Uniform Guardianship Act. The reimbursement would cover eight attorneys as the Court appointed them. The PA's office declined to approve as to form because he did not agree with some of the language in the contract. However, the State was not willing to change the language because it was their standard agreement.

MOTION: Commissioner McKay moved to approve the Resolution and the sign Interagency Agreement, #IAA21633, between the Administrative Office of the Courts and Benton County as presented. Commissioner Small seconded and upon vote, the motion carried.

Second Addendum to Metro Interlocal Agreement with Cities and Franklin County

Matt Rasmussen presented the Second Addendum to Metro Interlocal Agreement. Starting in 2018 the grants that traditionally provided most of Metro funding began to dry up resulting in a shortfall in the Metro budget. Benton and Franklin Counties agreed to help cover the shortfall through June of 2019. Since then the Metro program has continued operating while a new agreement was being negotiated. Also, the City of Kennewick received grant funding to pay for Metro and Benton County had not received a bill during that time. However, an agreement was reached to address the funding shortfall through the end of 2024. Benton County and Franklin County agreed to pick up the cost of an administrative position and an additional \$50,000 annually to help with training, overtime, and confidential buy funds. The cost was split 75/25 between Benton and Franklin Counties and the total amount would be offset by any grants the Metro program was able to obtain for covering those costs. Additional funding shortfalls beyond the administrative position and confidential buy funds would be split between the six parties as outlined in the agreement. The agreement further stipulated that beyond December 31, 2024 all funding shortfalls would be split between the six parties unless otherwise agreed. The total cost was \$141,000 and Benton County's share would be \$106,000 from the Public Safety Tax fund and over the term of the agreement, Benton County's share would be \$423,000.

MOTION: Commissioner McKay moved to approve the 2nd Addendum to the Interlocal Agreement for Metro and authorize the Chairman of the Board to sign it on behalf of Benton County. Commissioner Small seconded and upon vote, the motion carried.

Benton County Offices – Reopening Discussion

Mr. Rasmussen said they put together a draft reopening plan for the County that was forwarded to Commissioners, elected officials and department managers, with a preliminary date of May 4. However, there was a chance that Benton County would have to roll back to Phase 2 on May 3 so it would be contingent upon that decision.

Additionally, he discussed ongoing construction at the Courthouse and whether the Board would want to pass a resolution to temporarily move the location of the Board meeting (to be held somewhere in the County seat) to allow Facilities to wrap up what was happening in the Courthouse, or to continue remote hybrid board meetings until the Board Room at the Courthouse was complete.

Chairman Delvin said the Governor would announce on May 3 what would happen. He said he would like to get back to Prosser as soon as possible, but felt they could manage it at the Justice Center while Prosser was being completed.

The Board agreed to table the discussion until the May 4 meeting and agreed it wanted to open, when it was appropriate.

Resolution in Support of 1st and 2nd Amendment

Commissioner McKay read into the record the Resolution in support of the 1st and 2nd Amendments.

MOTION: Commissioner Small moved to approve the resolution acknowledging the Constitution of The United States of America and Affirming the Fundamental Rights of Benton County's Citizens to Free Speech and Peaceable Assembly, to Keep and Bear Arms and Maintain Essential Liberties and Freedoms Protected in the Bill of Rights to The U.S. Constitution - First and Second Amendments, as presented. Chairman Delvin seconded and upon vote, the motion carried.

Voting Center Security Contract

Lorene Roe presented a contract with Phoenix Protective Corp. for armed and uniformed security at the Voting Center during the processing and verification of petition signatures for the Sheriff Recall Petition. She said that signature checking would begin on Wednesday, April 28 and due to the high-profile nature of the issue, they wanted to have a security contract in place. The total cost was in the amount of \$5,850.00 for two armed security guards. Funding would come from the Election Reserve budget in the Auditor's office and this election was at the County's expense.

Commissioner McKay asked if they typically used security and Ms. Roe said they used it during the General Presidential Election last year. They had a local law enforcement presence during that time and on multiple occasions, it was needed.

MOTION: Commissioner McKay moved to approve the Contract between Phoenix Protective Corp. and Benton County as presented. Commissioner Small seconded and upon vote, the motion carried.

Change Order No. 9 with Banlin Construction

Robert Blain presented Change Order No. 9 with Banlin Construction LLC for the new Administration Building Project in the amount of \$18,604.90 plus WSST for additional items as follows: tamper switches, reveals at fire rated walls, hearing room duct work, and windows and power/data on the 3rd floor.

MOTION: Commissioner Small moved to approve the Contract Change Order No. 9 with Banlin Construction, LLC for the new Administration Building Project as presented in the amount of \$18,604.90 plus WSST. Commissioner McKay seconded and upon vote, the motion carried.

Change Order No. 5 with V K Powell Construction

Mr. Blain presented a change order with VK Powell Construction for additional terrazzo patchwork scope and a reimbursement for pre-paid casework that was no longer required in the total amount of \$6,194.00 plus WSST.

MOTION: Commissioner Small moved to approve the Change Order No. 5 with VK Powell Construction in the amount of \$6,194.00 plus WSST as presented. Commissioner McKay seconded and upon vote, the motion carried.

Recovery Center Project

Chairman Delvin said they received word that Benton County would receive the money from the State for the Recovery Center Project. He said he believed the County should try to purchase, remodel, and own the building. He had meetings set up to discuss it further would report back to the Board.

Executive session – Performance of Public Employee

The Board went into executive session at 9:59 a.m. for approximately five minutes to discuss the performance of a public employee. Present were Chairman Delvin, Commissioners McKay and Small, Matt Rasmussen, Jerrod MacPherson, Ryan Brown, and Cami McKenzie. The Board came out at 10:09 a.m. The Chairman announced that no decisions were made in executive session.

Payroll

Check Date: 04/15/2021

Payroll Draw Checks

Total all funds: \$123,853.93

Warrants #: 243134-243138

Direct Deposit #: 161581-161737

Payroll Draw Deductions/Transfers

Total all funds: \$23,268.24

Taxes #: 101210416

Resolutions

- 2021-336: Changing Precinct Boundaries Within Benton County
- 2021-337: Agreement w/Fraternal Order of Police, Representing Corrections Lieutenants
- 2021-338: Purchase of Two Vehicles from Clary Longview; Amending Resolution 2021-211
- 2021-339: Approval of Short Plat Vacation – SPV 2021-001
- 2021-340: Vacating a Portion of County Right-of-Way Abutting 45th Ave & Setting Public Hearing
- 2021-341: Ratifying Change Order No. 4 w/VK Powell Construction for Courthouse Upgrades Project
- 2021-342: Purchase of 107 Pistol Holsters From Proforce Law Enforcement for Sheriff's Office
- 2021-343: Agreement w/Central Lake Armor Express for Body Armor & Ballistic Protective Products for Corrections & Sheriff's Office
- 2021-344: First Amended Agreement w/Franklin County for Mutual Use of Jail Facilities

- 2021-345: Award & Contract of Crushing & Stockpiling to Western Construction
- 2021-346: Interagency Agreement #IAA21633 Between Benton County and Washington State Administrative Office of the Courts
- 2021-347: Approving the Second Addendum to the Metro Interlocal Agreement
- 2021-348: Acknowledging the Constitution of the United States of America and Affirming The Fundamental Rights Of Benton County's Citizens – 1st and 2nd Amendments to the U.S. Constitution
- 2021-349: Approving Contract Between Phoenix Protective Corp. and Benton County Elections
- 2021-350: Approving Contract Change Order No. 9 With Banlin Construction LLC for the New Administration Building Project
- 2021-351: Approving Contract Change Order No. 5 With V K Powell Construction LLC for the Courthouse Upgrades Project

There being no further business before the Board, the meeting adjourned at approximately 10:09 a.m.

Clerk of the Board

Chairman