

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, May 25, 2021, 9:00 a.m.

*Meeting provided by Video Live-Broadcast and Telephonically*

**Present:** Chairman Jerome Delvin (via/WebEx)  
Commissioner Will McKay (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:** Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; Cristina Woods, Public Works (via/WebEx); Chief of Corrections Scott Souza; Lexi Wingfield, HR Manager; Greg Wendt, Community Development Director and Michelle Cooke, Assistant Planning Manager, Robert Blain, Operations & Capital Programs; Tammy McKiernan, Human Services; Clayton Rawlings, Public Works; Commander Josh Shelton.

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Minutes of May 18, 2021 were approved.

#### Consent Agenda

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

#### Human Resources

- a. Memorandum of Understanding w/Teamsters 760 Representing, Corrections Corporals & Sergeants

#### Information Technology

- b. Purchase of Two Laptops, Two Docking Stations & Four Monitors for Superior Court from Dell, Inc.
- c. Purchase of One Apple iPad From Costco Wholesale Corp.
- d. Approving a Crestron Standard Marketing Materials Release Form

#### Juvenile

- e. Contract w/Robert Stuyvesant for Sex Offender Services & Treatment

### **Office of Public Defense**

- f. Amended District Court Public Defense Contract w/Joseph White
- g. Amended District Court Public Defense Contract w/Summer Rife
- h. District Court Public Defense Contract w/Trinity Orosco for Prosser Docket

### **Planning**

- i. Short Plat Vacation of Irrigation Easement – SPV 2021-002
- j. Approval of the Altered Plat of Seitz River Tracts – SA 2020-001

### **Public Works**

- k. Granting Franchise to Columbia Irrigation District for Irrigation Pipeline System & Facilities
- l. Granting Franchise to Kiona Irrigation District for Irrigation Water Transmission System & Facilities

### **Purchasing**

- m. Contract w/Gram Northwest for Cultural Resource Survey @ Rattlesnake Mountain Shooting Facility
- n. Auditor – Janitorial Contract w/Intermountain Cleaning Service @ the Voting Center
- o. Commissioners – Contract w/Benjamin’s Carpet One for New Countertop
- p. Public Works – Rental of Vactor Truck From One.7 for Road Culvert Maintenance

### **Workforce Development Council**

- q. Reappointing Bob Legard for Labor Representation
- r. Reappointing Jim Smith for Labor Representation
- s. Reappointing Michael Bosse for Labor Representation
- t. Reappointing Carol Moser for Business Representation
- u. Reappointing Michael Lee for Higher Education Representation

### **Review Agenda**

Mr. MacPherson requested the following items be added to the agenda under “Other Business”:

- 1. Johnson Controls HVAC Maintenance Contract Amendment #3 – Extension of Time
- 2. Sweeper Rental with Owens Equipment for Public Works
- 3. Proposed Recovery Center Building Evaluation – Task Order #3 with Wave Design
- 4. New Face Covering Requirements from Labor & Industries
- 5. Application Process – Dept. of Ecology – Litter Cleanup

### **Public Comment**

None.

### **Public Hearing - Col Solare Franchise Renewal for An Irrigation System & Facilities**

Cristina Woods presented the application to renew a Franchise Order and Agreement for an irrigation system and associated facilities from Col Solare LLP. The Public Works Department recommended approval of the Franchise Order and Agreement, subject to the six (6) items listed in the report to the Commissioners.

### **Public Hearing - Cascade Natural Gas Franchise Renewal - Natural Gas Distribution System**

Cristina Woods presented an application to renew a Franchise Order and Agreement for a natural gas distribution system and associated facilities from Cascade Natural Gas Corporation. The Public Works Department recommended approval of the Franchise Order and Agreement, subject to the six (6) items listed in the report to the Commissioners.

#### **Public Testimony**

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

**MOTION**: Commissioner McKay moved to approve the Franchise Order and Agreement with Col Solare LLP, subject to the six (6) items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried.

**MOTION**: Commissioner McKay moved to approve the Franchise Order and Agreement with Cascade Natural Gas Corporation, subject to the six (6) items listed in the report to the Commissioners. Commissioner Small seconded and upon vote, the motion carried.

### **Public Hearing - Community Development Block Grant w/Department of Commerce**

Tammy McKiernan, along with Diana Young (CAC) presented information regarding the Community Development Block Grants with the Department of Commerce. Ms. McKiernan said the public hearing was required by the CDBG grant to close out the grant and get permission to apply for a new grant.

Ms. Young described the services provided for the 2020 grant and the plans for the 2021-2022 grant, including serving 94 individuals, implementation of services related to COVID-19 and continuation of the services, including assistance with loss of housing, rapid re-housing, and rental assistance, energy and conservation assistance, education assistance, ongoing referrals, food, blankets, diapers, etc.

#### **Testimony**

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

**MOTION**: Commissioner McKay moved to close out Contract #20-62210-002 Community Development Block Grant (CDBG) public services grant and apply for 2021-022 CDBG Public Services Grant between Washington State Department of Commerce, Local Government Division and Benton County. Commissioner Small seconded and upon vote, the motion carried.

### **Line Item Transfer - Corrections Position Change – Corrections Corporal to Corrections Officer**

Corrections Chief Souza said they recently had a Sergeant resign and promoted a Corporal to the Sergeant. He said they were asking permission to not fill the Corporal position and utilize those

funds to fill a Custody Officer position instead. It would be a savings of \$602.00 per month and the Corporal position would remain unfilled and unfunded.

Ms. Wingfield added that the line item transfer the Board was approving was amended from that previously presented. It was \$6,000.00 less to provide for payroll for the month of May, since the promotion would not take effect until June 2021 and they wanted to make sure there were enough funds for payroll purposes in that line item.

**MOTION:** Commissioner Small moved to approve the resolution and attached Line Item Transfer as presented, with the amendment to Exhibit "A". Commissioner McKay seconded and upon vote, the motion carried.

### **Letter to EFSEC Regarding Horse Heaven Wind Farm Project**

Greg Wendt and Michelle Cooke presented a letter to EFSEC for the Board's consideration to request they look at 18 different potential adverse environmental impacts. It was the same information as previously submitted, but in a different form.

Mr. Wendt also commented they recently met with Fish & Wildlife and mentioned the scoping process, however, he did not know if they would add any additional comments. They were, however, looking at both on-site and off-site mitigation effects.

Also, they determined the tax information, as presented by the Assessor, were not beneficial for the scoping process.

**MOTION:** Commissioner Small moved to approve the comment letter, for submittal to Washington State Energy Facility Site Evaluation Council for their consideration in determining the scope of the Environmental Impact Statement. Commissioner McKay seconded and upon vote, the motion carried.

### **Agreement w/Tyler Technologies for EnerGov Permitting Software**

Jerrod MacPherson, Greg Wendt & Robert Blain presented an agreement with Tyler Technologies. In 2020, the County moved forward with the purchase of a permitting software to help simplify the permitting process and management of records. However, unforeseen difficulties arose that have prevented the software company from moving forward with full implementation of the program. Staff worked to identify another software to accomplish the same tasks as the previous software, while also directly integrating with the new Munis Financial Software. The agreement was in the amount of \$491,963.00 plus 5% contingency, excluding Washington State Sales Tax.

\$108,000.00 will be returned from the other company and the amount will be applied towards this cost. Even though the new contract will cost more, it was well within the capital budget for the capital software upgrade set aside to pay for this software.

Mr. MacPherson added that an additional benefit was several other jurisdictions used this online platform and it would provide consistency for the contractors and users.

Commissioner Small asked if they could utilize some of the COVID funds to assist with this purchase, since the original program was affected by COVID. Mr. Blain said they were reviewing that issue to see if they could use those funds.

**MOTION**: Commissioner McKay moved to approve the agreement with Tyler Technologies for the purchase of EnerGov Permitting Software as presented. Commissioner Small seconded and upon vote, the motion carried.

### **Other Business**

#### **Johnson Controls HVAC Maintenance Contract Amendment #3 – Extension of Time**

Robert Blain presented an amendment to the contract with Johnson Controls that was set to expire on May 31, 2021. Johnson Controls was not able to complete their spring annual maintenance due to a shortage of personnel and the contract would be extended to June 30, 2021 with no additional funds added.

Additionally, they had a new contract going out to bid and it would take some time to get another contractor on board, and this would allow time to get the spring maintenance complete.

**MOTION**: Commissioner Small moved to approve the 3<sup>rd</sup> Contract Amendment with Johnson Controls HVAC as presented. Commissioner McKay seconded and upon vote, the motion carried.

#### **Sweeper Rental with Owens Equipment for Public Works**

Robert Blain and Clayton Rawlings presented an agreement for rental of a sweeper for use by the Benton County Public Works Department. Normally, they would work directly with WSDOT for use of their sweeper, however COVID-19 restrictions did not allow rental of their equipment, so they solicited three companies.

During COVID they were unable to performance their maintenance and the sweeper was used for curb and gutter, and they were a little behind and wanted to get caught up.

**MOTION**: Commissioner Small moved to approve rental of a sweeper from Owens Equipment, Inc, Portland, OR in an amount not to exceed \$9,999.00 and authorize the Road Maintenance Manager to sign the rental agreement and Hold Harmless & Release of Liability form as presented. Commissioner McKay seconded and upon vote, the motion carried.

#### **Proposed Recovery Center Building Evaluation – Task Order #3 with Wave Design**

Robert Blain and Matt Rasmussen presented Task Order #3 with Wave Design for evaluation of the building and major systems, both short term and renovation costs, lifecycles, and future costs of the building. Benton County previously approved an on-call contract with Wave Design, they solicited an estimate, and was provided Task Order #3 in the amount of \$104,500.00 plus WSST.

The approximate size of the building, including all attached buildings, was 190,000 square feet.

Commissioner McKay had questions about the experience of the design team and their resume on this type of project. Also, he asked what would be involved in taking this matter out for additional bids.

Mr. Blain said they would be looking at 2 to 2 ½ months to complete that process. Chairman Delvin said they could do that however he was concerned that the community had been waiting a long time to see this project and he would rather see it sooner than later.

Michael Corbin, Wave Design, via/WebEx stated the following: they had a full staff, including electrical, mechanical, and civil engineers and have evaluated large and small buildings, including on the Hanford site as well and they do have a background on evaluating these types of buildings. At the Hanford site, the buildings ranged 40,000 sf up to 150,000 sf and anywhere in between, with different ages and different construction, and different heating and ventilation types.

The Board discussed liability issues and protecting the County and agreed that would probably be covered under negligence in the contract.

Mr. Rasmussen said that timing was a concern and this project had been a long time coming and one of the reasons they wanted to accelerate the project was because a lot of the funding came from the state budget. It was desired to have the project design complete and shovel ready in time for the capital budget, however, he didn't think that waiting two weeks for the next Board meeting would kill the project.

The Board also discussed the cost of the evaluation. Mr. Corbin said the budget would encompass a very detailed report that would answer any questions of any potential systems including elevators and chillers, and the report would include lifespans of existing systems and the expected lifespan to continue. Also, the costs to replace or repair, architecturally with finishes on exterior of the building, windows, doors, ensure the building in current conditions met ADA requirements, electrically up to code, with enough load within the system. He said the intent was to have a very in-depth, very detailed report of the 190,000 square feet to be used in the Board's decision-making process in purchasing, and if it needed to budget as necessary to maintain the equipment in the building.

Mr. Rasmussen said the resolution approving the Contract with Wave Design allowed staff to sign task orders. He said he could work with Commissioner McKay on the references, and if satisfied, and with Board approval, staff would sign the task order.

Commissioner McKay also asked if the task order was a "not to exceed" amount. Mr. Corbin commented that the amount was based on previous experience with similar types of buildings and there was the option of making it a "not to exceed" amount.

The Board agreed with moving forward on checking references and coming back for final comments at the June 8 meeting.

## New Face Covering Requirements from Labor & Industries

Mr. Rasmussen said new guidance was issued by L & I regarding face covering requirements for employees that were fully vaccinated. Since the County had elected to allow employees who were vaccinated to go without face coverings, L & I mandated that they verify the vaccination status of each employee. The County was proposing the “log system without underlying documentation”. They must show acceptable proof of being fully vaccinated and bring the proof to the HR Department.

Other elected officials could maintain their own logs if they desired. Additionally, there was a determination this was not a HIPPA violation; the County just could not ask why or why not the employee was vaccinated. The rumors the County was going to require vaccinations as a condition of employment was never discussed; county employees had the choice. If they refused to provide verification, they would be required to wear face coverings.

For patrons of County facilities that were not county employees, the County would not be requiring proof for general entry into the building. However, certain departments may want to have a stricter entry and they would ask they follow the guidelines for businesses issued by the Dept. of Health.

Chairman Delvin asked if the Board needed to adopt a new resolution. Mr. Rasmussen said the Resolution was fine as it was because it referenced the County allowing it. They had prepared a memo to the County employees regarding implementation and would bring back an updated “reopening policy” for the Board’s approval to incorporate this language.

## Application Process – Dept. of Ecology – Litter Cleanup

Commander Josh Shelton presented an opportunity for the Corrections Department to apply for funding through Senate Bill 5040. He said there was funding available through the Dept. of Ecology Litter Program; up to \$250,000 or \$40,000 for each work crew. He asked permission to apply for the grant funds and said they had equipment and tools ready, however, were not yet sure if they would substitute Current Expense funds for the current work crew or whether they would need to create a new work crew.

**MOTION:** Commissioner Small moved to approve the Corrections Department apply for the grant through the WA Dept. of Ecology for Litter Grant SB 5040 as presented. Commissioner McKay seconded and upon vote, the motion carried.

## **Payroll**

Check Date: 05/17/2021

Payroll Draw checks

Total all funds: \$120,929.16

Warrant #: 243179-243180

Direct Deposit #: 162339-162495

Payroll Draw Deductions/Transfers  
Total all funds: \$22,625.47  
Taxes #: 101210512

### **Accounts Payable**

Check Date: 05/21/2021

Warrants #: 217814-217932  
Total all funds: \$600,424.23

EFT's #: 1775-1780  
Transfers #: 05212101-05212104  
Total all funds: \$354,449.96

### **Resolutions**

- 2021-410: Memorandum of Understanding w/Teamsters 760 Representing, Corrections Corporals & Sergeants
- 2021-411: Purchase of Two Laptops, Two Docking Stations & Four Monitors for Superior Court from Dell, Inc.
- 2021-412: Purchase of One Apple iPad From Costco Wholesale Corp.
- 2021-413: Approving a Crestron Standard Marketing Materials Release Form
- 2021-414: Contract w/Robert Stuyvesant for Sex Offender Services & Treatment
- 2021-415: Amended District Court Public Defense Contract w/Joseph White
- 2021-416: Amended District Court Public Defense Contract w/Summer Rife
- 2021-417: District Court Public Defense Contract w/Trinity Orosco for Prosser Docket
- 2021-418: Short Plat Vacation of Irrigation Easement – SPV 2021-002
- 2021-419: Approval of the Altered Plat of Seitz River Tracts – SA 2020-001
- 2021-420: Granting Franchise to Columbia Irrigation District for Irrigation Pipeline System & Facilities
- 2021-421: Granting Franchise to Kiona Irrigation District for Irrigation Water Transmission System & Facilities
- 2021-422: Contract w/Gram Northwest for Cultural Resource Survey @ Rattlesnake Mountain Shooting Facility
- 2021-423: Auditor – Janitorial Contract w/Intermountain Cleaning Service @ the Voting Center
- 2021-424: Commissioners – Contract w/Benjamin's Carpet One for New Countertop
- 2021-425: Public Works – Rental of Vactor Truck From One.7 for Road Culvert Maintenance
- 2021-426: Reappointing Bob Legard for Labor Representation
- 2021-427: Reappointing Jim Smith for Labor Representation
- 2021-428: Reappointing Michael Bosse for Labor Representation
- 2021-429: Reappointing Carol Moser for Business Representation
- 2021-430: Reappointing Michael Lee for Higher Education Representation

- 2021-431: Closing Out Contract No 20-62210-002 Community Development Block Grant Public Services Grant and Applying for 2021-22 CDBG Public Services Grant Between Washington State Department of Commerce Local Government Division and Benton County
- 2021-432: Transfer of Funds Within Current Expense Fund Number 0000101 Department Number 120
- 2021-433: Purchase of Energov Permitting Software from Tyler Technologies Through the Sourcewell Cooperative Purchasing Program
- 2021-434: Third Amendment to the Public Works Agreement Between Benton County and Johnson Controls Inc.
- 2021-435: Rental of a Sweeper for use by the Benton County Public Works Department from Owens Equipment

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

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Clerk of the Board

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Chairman