

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, July 20, 2021, 9:00 a.m.

Meeting provided in-person, by Video Live-Broadcast and Telephonically

Present: Chairman Jerome Delvin
Commissioner Shon Small
County Administrator Jerrod MacPherson
Alternate Clerk of the Board Marilu Flores

Absent: Commissioner Will McKay, Excused

Benton County Employees Present During All or a Portion of the Meeting: Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; Lexi Wingfield, HR Manager; Greg Wendt, Community Development Director (via/WebEx); Michelle Cooke, Asst. Planning Manager (via/WebEx); Robert Blain, Operations & Capital Programs; Tiffany Deaton, Superior Court Administrator (via WebEx); County Engineer Doug D'Hondt; Clerk Josie Delvin; Undersheriff John Clary; Linda Ivey, Finance Manager; Eric Hsu, OPD Manager; Treasurer Ken Spencer; Mike McGhan, Public Works; Steve Hallstrom, DPA.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Agenda Review

Adding under other business: Clerk's Contract with the State of Washington, Department of Licensing.

Adding an Executive Session for County's Strategy in a Union Position.

Approval of Minutes

The Minutes of July 13, 2021 were approved.

Consent Agenda

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

Auditor

- a. Contract w/Phoenix Protective Corp. for Voting Center Security

Commissioners

- b. Line Item Transfer, Fund No. 0142-101, Dept. 000
- c. Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 116

Human Services

- d. Memorandum of Understanding w/Housing Authority City of Kennewick for Emergency Housing Vouchers

Office of Public Defense

- e. District & Superior Courts Public Defense Contracts w/Adam Sandoval
- f. Public Defense Contract w/Clay Vannoy for Investigator Services
- g. Amending Juvenile Court Public Defense Contract w/Angel Betancourt for Additional Compensation
- h. Amending Juvenile Court Public Defense Contract w/Michelle Alexander for Additional Compensation
- i. Amending Juvenile Court Public Defense Contract w/Michelle Trombley for Additional Compensation

Park

- j. Agreement w/Benton Conservation for Water Stargrass Harvesting Activity @ Horn Rapids Park

Prosecuting Attorney

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

Purchasing

- l. Agreement w/State of WA Dept of Children, Youth & Families for Jail Bed Space
- m. Contract w/Fire Protection Specialists for Hood & Fire Extinguisher Inspection & Testing
- n. Rejecting All Bids for the Replacement of a Security Gate @ the Justice Center Campus
- o. Agreement w/GPS Insight for Global Positioning System Units and Monitoring Services for Public Works
- p. Authorizing an Amazon Business Account for All Benton County Departments

Sheriff

- q. Agreement w/City of Kennewick, City of Richland & Benton County for the 2021 Byrne Justice Assistance Grant

Public Comment

None.

Office of Public Defense Uniform Guardianship Act Contracts

Eric Hsu, Office of Public Defense Manager, and Tiffany Deaton, Superior Court Administrator (appearing via WebEx) presented on recent legislative requirements regarding the Uniform Guardianship Act. Mr. Hsu indicated that Benton County was legally obligated to provide court appointed counsel in Superior Court due to a law change in 2021 and that OPD will manage these state mandated services. Commissioner Small asked whether there could be reimbursement from the State and suggested whether COVID funds could be used.

Ms. Deaton provided the Board with the average annual caseload percentages and costs on court visitors; Guardian Ad Litem and counsel from 2017 – 2020. She provided approved rates for attorneys (\$175/hr); court visitors (\$100/hr) and GAL (\$125/hr) services indicating that the total expenditures would be roughly \$200,000.

Commissioner Delvin asked for clarification on whether the legislature had passed this. Ms. Deaton indicated that these changes were by legislative action for guardianships and indicated that rules changed on how to process them. She indicated that it was best to have contracted attorneys. Mr. Hsu explained the process for guardianships involving families and indicated that these contracts are expensive because they are family law contracts with family conflicts and attorneys in these areas are busy and well compensated. Commissioner Delvin would like to see more funding coming from the State.

MOTION: Commissioner Small moved to approve contracts with attorneys Shelley Ajax, Jennifer Azure, Allyson Dahlhauser and Michelle Alexander to provide court appointed counsel services in Benton County Superior Court for Uniform Guardianship Acts cases. Commissioner Delvin seconded and upon vote, the motion carried.

Mr. Hsu said that there would be a few more contracts coming before the Board under the consent agenda.

Public Works Re-Organization

Matt Rasmussen and County Engineer Doug D'Hondt presented on the Public Works reorganization. Mr. Rasmussen indicated that he would like the last three items under this topic pulled to gather more information pertaining to the finance aspects of the reorganization.

Mr. Rasmussen indicated that over the past year and a half, it has become apparent that the county engineer could use additional assistance so that he may provide a high-level administrative role over the department. He indicated that it would be beneficial to restore the Assistant County Engineer using the now vacant Public Works Administrator position.

Mr. Rasmussen further indicated that Public Works has an employee who successfully passed their Engineer in Training certification exam. This trained employee along with their education and experience, warrants promotion to a high-level position and is recommending creating a new Engineering Associate III position within Public Works.

Mr. Rasmussen also requested an update of the Fleet Supervisor position to the Fleet Manager. Over the last two years, this position has had additional responsibilities and the current employee in this position has shown leadership. He indicated that a change in title is warranted.

MOTION: Commissioner Small moved to approve the Public Works Organizational Chart; the Fleet Manager Job Description; the Fleet Manager Grade 19 on the Benton County Non-Bargaining Salary Schedule effective July 1, 2021; the transfer of funds within ER&R; the Engineering Associate III Job Description; and the Assistant County Engineer Job Description. Commissioner Delvin seconded and upon vote, the motion carried.

Finance Presentation

Linda Ivey updated the Board on the following:

Current Expense – 2021-2022 – 2nd Quarter – Budget v. Actuals

- Time elapsed – 25%
- Overall Revenues are at 33% & 32%; with Expenditures being 22% - The American Rescue Plan has \$20 million unspent which is driving up the percentages
- Revenue
 - Property taxes – 27.23% - where we should be
 - Retail Sales & Use Tax – 20.74% - this is 2 months behind
 - Licenses & Permits – 44.43% - this is high, but planning & zoning fees are driving up this increase
 - Charges for Goods & Services – 12.65% - jail revenues from DOC are still under budget
 - Miscellaneous Revenue – 35.75% - this is interest and is doing good
 - Grand Total – 22.89%
- Expenditures
 - Non-Departmental – 41.27% - this is due to operating transfers
 - Departments overall - 24.69% - salaries & benefits are being used - close and on target
 - Overall, General Fund going well

Public Safety Tax – 2021-2022 – 2nd Quarter – Budget v. Actuals

- Beginning Fund Balance – variance of \$64,000 under budget
- Revenues – down \$996,290; but the funds come 2 months behind; if estimated (only down \$378,710)
- Expenditures - \$1,069,316 underspent in first 6 months
- Summary – underspending of \$1.5 million
- Expenditures – One-Time Capital – Pending \$5.3 million
 - Largest share remains to be the radio tower. These funds are to be used in the next 1.5 years

Ms. Ivey wrapped up her presentation by recommending using funds for vehicle replacement with Public Safety Funds.

Sheriff Replacement Fund

Matt Rasmussen, Deputy County Administrator, and Undersheriff Clary presented on the Sheriff's Office replacement fund. Mr. Rasmussen indicated that the Sheriff Replacement Fund was established in 2018 which was intended for the purchase of items by the Sheriff's Office by paying a set amount yearly rather than coming up with large amounts of capital when due for replacement. Items included in the fund are pistols, protective gear, and the Sheriff's boats. The fund does not include cars and trucks managed by the ER&R fund. A revision to the list of items in the fund and funding amount was done in 2019. At the end of 2020, the Sheriff's Office sent an updated list of

items they wanted added to the fund. Before the Board for discussion was direction on where the funding should come from.

Items discussed were bearcats, ATVs, UTVs, drones & an aircraft. Mr. Rasmussen recommended that replacement items should come from the same revenue sources as purchased as opposed to using Current Expense. The Board also addressed areas of concern in maintaining an aircraft as opposed to renting services for the same. The Board wanted to see other revenue sources be utilized such as grants or other agencies paying a fee for the use of specialized equipment.

The Board also discussed with Undersheriff Clary options on buying vs. refurbishing. Commissioner Small mentioned that although the Board recognized items need to be replaced as needed; sometimes the items needed to wait. Undersheriff Clary mentioned the importance for these items were for the safety of the citizens. Mr. Rasmussen indicated that Current Expense does contribute to the Investigative Fund. Commissioner Delvin recommended a one-time use from Public Safety Tax.

The Board gave staff direction to update the items to be included in the Sheriff's Replacement Fund, taking into consideration that items purchased using special fund revenues should not be included in the Replacement Fund. Those items would need to be replaced by using money from the same fund they were originally purchased from or find a new source of funding outside Current Expense. This matter will be brought back before the Board.

Other Business:

Commissioner Delvin spoke briefly on an email he received from Franklin County Commissioner Peck regarding State contracts. He indicated that he will be keeping an eye out for any State mandated contracts coming before the Board in the near future.

Commissioner Small indicated that the Benton Franklin Transit has received new information and indicated that Gloria Boyce will be coming before the board in the near future to give an update.

Commissioner Delvin encouraged citizens to vote in the primary election.

Clerk Josie Delvin presented an agreement with the Department of Licensing which changed their recording system requiring the way the Clerk's Office reports conviction information of defendants involving vehicle use. DPA's Ryan Brown & Reid Hay reviewed the contract and made their recommendation. This is a new program and a new requirement with no additional cost.

MOTION: Commissioner Small moved to approve the Interagency Data Sharing Agreement with the Department of Licensing. Commissioner Delvin seconded and upon vote, the motion carried.

The Board recessed, reconvening at 10:10 a.m.

Executive Session – Union Negotiations

The Board went into executive session at 10:10 a.m. for up to fifteen (15) minutes to discuss the County's position and strategy in union negotiations. Also present were Jerrod MacPherson, Matt Rasmussen, Lexi Wingfield, Stephen Hallstrom, Brenda Chilton and Marilu Flores.

The Board came out at 10:23 a.m. No decisions were made in executive session.

Payroll

Check Date: 07/15/2021

Payroll Draw Checks

Total all funds: \$115,291.84

Warrant #: 243260

Direct Deposit #: 163855-164005

Payroll Draw Deduction Transfers

Total all funds: \$21,507.74

Taxes #: 101210713

ACH #:

Accounts Payable

Check Date: 07/16/2021

Warrants #: 219423-219608

Total all funds: \$1,855,355.53

EFT's #: 1853-1859

Transfers #: 07162101-07162107

Total all funds: \$779,917.23

Resolutions

- 2021-526 Contract w/Phoenix Protective Corp. for Voting Center Security
- 2021-527 Line Item Transfer, Fund No. 0142-101, Dept. 000
- 2021-528 Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 116
- 2021-529 Memorandum of Understanding w/Housing Authority City of Kennewick for Emergency Housing Vouchers
- 2021-530 District & Superior Courts Public Defense Contracts w/Adam Sandoval
- 2021-531 Public Defense Contract w/Clay Vannoy for Investigator Services
- 2021-532 Amending Juvenile Court Public Defense Contract w/Angel Betancourt for Additional Compensation
- 2021-533 Amending Juvenile Court Public Defense Contract w/Michelle Alexander for Additional Compensation

- 2021-534 Amending Juvenile Court Public Defense Contract w/Michelle Trombley for Additional Compensation
- 2021-535 Agreement w/Benton Conservation for Water Stargrass Harvesting Activity @ Horn Rapids Park
- 2021-536 Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2021-537 Agreement w/State of WA Dept of Children, Youth & Families for Jail Bed Space
- 2021-538 Contract w/Fire Protection Specialists for Hood & Fire Extinguisher Inspection & Testing
- 2021-539 Rejecting All Bids for the Replacement of a Security Gate @ the Justice Center Campus
- 2021-540 Agreement w/GPS Insight for Global Positioning System Units and Monitoring Services for Public Works
- 2021-541 Authorizing an Amazon Business Account for All Benton County Departments
- 2021-542 Agreement w/City of Kennewick, City of Richland & Benton County for the 2021 Byrne Justice Assistance Grant
- 2021-543 Superior Court Public Defense Contract w/Shelley Ajax for Uniform Guardianship Act Cases
- 2021-544 Superior Court Public Defense Contract w/Jennifer Azure for Uniform Guardianship Act Cases
- 2021-545 Superior Court Public Defense Contract w/Allyson Dahlhauser for Uniform Guardianship Act Cases
- 2021-546 Superior Court Public Defense Contract w/Michelle Alexander for Uniform Guardianship Act Cases
- 2021-547 Updated Benton County Public Works Department Organizational Chart
- 2021-548 Establishing a Fleet Manager Classification Description
- 2021-549 Establishing the Salary Grade for the Fleet Manager
- 2021-550 Line Item Transfer, Fund No. 0501-101, Department 650
- 2021-551 Establishing an Engineering Associate III Classification Description
- 2021-552 Establishing an Assistant County Engineer Classification Description
- 2021-553 Data Sharing Agreement w/Department of Licensing for Reporting Conviction Information of Defendant's Vehicle Use

There being no further business before the Board, the meeting adjourned at approximately 10:23 a.m.

Alt. Clerk of the Board

Chairman