

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Benton County Courthouse, Prosser, WA  
Tuesday, July 27, 2021, 9:00 a.m.

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

**Present:** Chairman Jerome Delvin  
Commissioner Will McKay  
County Administrator Jerrod MacPherson  
Clerk of the Board Cami McKenzie

**Absent:** Commissioner Shon Small (Vacation)

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; Greg Wendt, Community Development Director; Robert Blain, Operations & Capital Programs; Clerk Josie Delvin; DPA Ryan Brown; Treasurer Ken Spencer; Brad O'Brien, Building Manager.

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Minutes of July 20, 2021 were approved.

#### Agenda Review

Consent agenda item "k" (Contract w/Comprehensive Healthcare for Outpatient Treatment Services) was pulled and would be presented later.

The following items were added to Other Business:

- Safe Boats International - Contract Amendment
- Resolution – Authorizing Mr. MacPherson to Sign Water Rights Transfer Documents at Closing

#### Consent Agenda

**MOTION:** Commissioner McKay moved to approve the consent agenda items "a" through "r". pulling "k". Commissioner Delvin seconded and upon vote, the Board approved the following:

**Auditor**

- a. Application for .GOV Domain
- b. Guest Speaker Agreement w/Happy People Win

**Commissioners**

- c. Contract w/Washington State Military Department for E911 Services

**Facilities**

- d. Line Item Transfer, Fund No. 0000-101, Dept. 110

**Human Services**

- e. Amendment #3 w/Health Care Authority for Substance Prevention Services
- f. Agreement w/Elijah Family Homes for 10-Year Homeless Housing Plan
- g. Contract w/WA State Dept of Commerce, Community Service & Housing Division for Consolidated Homeless Grant
- h. Agreement w/DSHS Developmental Disabilities Administration for Employment Services

**Juvenile**

- i. Agreement w/State of WA Dept of Children, Youth & Families for Program Development
- j. Contract w/Comprehensive Healthcare for Therapy Services

**Office of Public Defense**

- l. Line Item Transfer, Fund No. 0000-101, Dept. 136

**Public Works**

- m. Cascade Natural Gas Corporation Franchise for a Natural Gas Distribution System & Facilities
- n. Line Item Transfer, Fund No.0101-101, Dept.500

**Purchasing**

- o. Contract w/C&E Trenching for Dallas Rd/Arena Rd Traffic Safety Improvements
- p. Purchase of Six Ford Police Interceptor Utility/SUVs From Bud Clary Ford/Hyundai for the Sheriff's Office

**Treasurer**

- q. Line Item Transfer, Fund No. 0112-101, Dept. 000
- r. Bank of New York Corporate Action Response Letter

**Public Comment**

None.

**Public Hearing – Amending Ordinance 272 – Relating to Building Code**

Greg Wendt and Brad O'Brien presented an amendment to Ordinance 272 to amend text to a building code regarding fire protection standards as it related to cedar shake roofs.

A petition was received from a landowner asking for flexibility relating to cedar shake roofs. The matter was reviewed by the Building Division, Deputy Prosecuting Attorney and Fire Marshal and they determined that an amendment was warranted and recommended approval of the ordinance amendment.

The criteria for approval were:

- If it was located in the Growth Management Ag District;
- Setback a minimum of 150 feet from all property lines and other dwelling units; and
- No other dwelling unit on the parcel/lot may have a cedar shake roof.

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

**MOTION:** Commissioner McKay moved to adopt the ordinance and approve the resolution amending Ordinance 272, Section 2, and BCC 3.04.046 as presented. Chairman Delvin seconded and upon vote, the motion carried.

### **Other Business**

#### **TRIDEC – Tri-City Community Letter – Appointing Utility Representative**

Commissioner McKay presented a letter of support from TRIDEC appointing Rick Dunn as the Columbia Basin Collaborative Utility Representative regarding the regional issues affecting salmon and steelhead and the four lower Snake River Dams. He asked if the Board was willing to sign a letter of recommendation for Mr. Dunn. Chairman Delvin agreed.

Mr. MacPherson said Administration would prepare the letter for the Board's signature for the next agenda.

#### **Sheriff Safe Boat – Contract Amendment with SAFE Boats International**

Matt Rasmussen said that Administration received notice this item should be pulled from the agenda. However, they believed it should still be approved due to the nature of the amendment, and the Sheriff's office could then decide if they wanted to proceed so there were not any further delays.

The amendment allowed for the refurbishment and services on Benton County's 23' TT Hull #1165 Safe Boat, by allowing a different motor that could be installed sooner, in the additional amount of \$11,746.65 plus WSST. The original engine that was to be installed had a lead time of 8 to 12 months for completion.

**MOTION:** Commissioner McKay moved to authorize the Chairman to sign the First Amendment to Personal Service Contract between Benton County and SAFE Boats International LLC, with a contract amount not to exceed \$122,562.10 plus WSST. Chairman Delvin seconded and upon vote, the motion carried.

#### **Water Rights Purchase and Sale Agreement**

Mr. MacPherson presented a Resolution authorizing him to sign closing documents for the purchase of water rights from Selah-Moxee Irrigation District. The water rights have gone through Ecology and have been approved.

**MOTION:** Commissioner McKay moved to approve the resolution authorizing Jerrod MacPherson to sign any and all closing documents on behalf of the County to close the purchase as reflected in the Purchase and Sale Agreement and Resolution 2019-925. Chairman Delvin seconded and upon vote, the motion carried.

**Review of Trios Facility – Wave Design Group**

Commissioner McKay reported there was an approximate two-week delay in the final review of the building by Wave Design Group.

The Board briefly recessed, reconvening at 9:13 a.m.

**Executive Session – Second Quarter Litigation Update**

The Board went into executive session at 9:13 a.m. for up to 15 minutes with DPA Ryan Brown to discuss pending and threatened second quarter litigation. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie.

The Board came out at 9:28 a.m. Mr. Brown said the Board discussed Second Quarter Litigation and no decisions were made in executive session.

**Tort Claims**

CC 2021-20: Received July 16, 2021 from Alicia Spain  
CC 2021-21: Received July 19, 2021 from Brenda Petry  
CC 2021-22: Received July 23, 2021 from James Duncan  
CC 2021-05: (Amended) – Received July 21, 2021 from Tim Nation

**Accounts Payable**

Check Date: 07/23/2021

Warrants #: 219699-219853  
Total all funds: \$834,294.52

EFT's #: 1860-1861  
Transfers #: 07232101-07232108  
Total all funds: \$2,295,135.32

**Resolutions**

2021-554: Guest Speaker Agreement w/Happy People Win  
2021-555: Contract w/Washington State Military Department for E911 Services  
2021-556: Line Item Transfer, Fund No. 0000-101, Dept. 110  
2021-557: Amendment #3 w/Health Care Authority for Substance Prevention Services  
2021-558: Agreement w/Elijah Family Homes for 10-Year Homeless Housing Plan

- 2021-559: Contract w/WA State Dept of Commerce, Community Service & Housing Division for Consolidated Homeless Grant
- 2021-560: Agreement w/DSHS Developmental Disabilities Administration for Employment Services
- 2021-561: Agreement w/State of WA Dept of Children, Youth & Families for Program Development
- 2021-562: Contract w/Comprehensive Healthcare for Therapy Services
- 2021-563: Line Item Transfer, Fund No. 0000-101, Dept. 136
- 2021-564: Cascade Natural Gas Corporation Franchise for a Natural Gas Distribution System & Facilities
- 2021-565: Line Item Transfer, Fund No.0101-101, Dept.500
- 2021-566: Awarding Contract w/C&E Trenching for Dallas Rd/Arena Rd Traffic Safety Improvements
- 2021-567: Purchase of Six Ford Police Interceptor Utility/SUVs From Bud Clary Ford/Hyundai for the Sheriff’s Office
- 2021-568: Line Item Transfer, Fund No. 0112-101, Dept. 000
- 2021-569: Bank of New York Corporate Action Response Letter
- 2021-570: Adoption of Ordinance 635 – Relating to the Building Code – Special Fire Protection
- 2021-571: First Amendment – Personal Service Contract with Safe Boats International LLC
- 2021-572: The Rural Water Supply Program - Authorizing Jerrod Macpherson, County Administrator to Sign Closing Documents – in the Purchase and Sale Agreement and Resolution 2019-925 - from Selah-Moxee Irrigation District

There being no further business before the Board, the meeting adjourned at approximately 9:28 a.m.

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Clerk of the Board

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Chairman