

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, August 17, 2021, 9:00 a.m.

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

Present: Chairman Jerome Delvin
Commissioner Shon Small
Commissioner Will McKay
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; Alex Garcia, IT; Karlee Ainsworth, Assistant HR Manager; Greg Wendt, Community Development Director; Robert Blain, Operations & Capital Programs; Finance Manager Linda Ivey; Clerk Josie Delvin; Adam Morasch, Risk Manager; Treasurer Ken Spencer; Adam Fyall, Sustainable Development Manager; DPA Ryan Brown; DPA Ryan Lukson; DPA Reid Hay.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of August 10, 2021 were approved.

Agenda Review

- Letter to Local School Districts
- Masking Discussion

Consent Agenda

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

Auditor

- a. Benton County Auditor Elections Application For .GOV Domain
- b. Line Item Transfer, Fund No. 0106-101, Dept. 000

Clerk

- c. Copier Lease Agreement w/Ricoh

Human Services

- d. Agreement w/US Department of Housing & Urban Development for the Benton County Shelter Plus Care Program
- e. Contract w/Jennifer Dorsett for to Provide Technical Assistance to Prevention Coalition Coordinators

Information Technology

- f. Purchase of One Year Proofpoint Email Protection Service From SHI International Corp.
- g. Purchase of Seven Printers From Computer Discount Warehouse for the Auditor's Office
- h. Expending Funds From the Trial Court Improvement Fund to Upgrade JAVS Digital Recording System From Justice AV Solutions

Juvenile

- i. Agreement w/State of WA DSHS, Juvenile Rehabilitation Administration for Consolidated Services

Public Works

- j. Approval of Construction Plans for Shaw Vineyards Short Plat & Setting the Speed Limit
- k. Col Solare, LLP Franchise to Place An Irrigation System & Facilities

Purchasing

- l. Contract w/C&E Trenching for the Dallas Rd/Arena Rd Traffic Safety Improvement Project

Sheriff

- m. Line Item Transfer, Fund No. 0000-101, Dept. 118
- n. Agreement w/King County Regional Automated Fingerprint Identification System for Remote Electronic Fingerprint Technology

Superior Court

- o. Agreement w/Washington State Administrative Office of the Courts for Uniform Guardianship Act Reimbursement

Treasurer

- p. Line Item Transfer, Fund No. 0000-101, Dept. 124

WSU Extension

- q. Line Item Transfer, Fund No. 0000-101, Dept. 108

Public Comment

None.

Public Hearing – Continued - Benton County Shoreline Master Program Update

Greg Wendt said the public hearing on the Benton County Shoreline Master Program Update was first held on June 22, 2021 and continued to August 17, 2021 to obtain initial approval of the plan from the Department of Ecology. To date, the Department of Ecology was still reviewing the document and had not issued a determination and Mr. Wendt requested the Board continue the public hearing until September 14, 2021.

MOTION: Commissioner McKay moved to continue the public hearing on the Shoreline Master Plan decision making process until 9:00 a.m. on September 14, 2021 at the Benton County Courthouse. Commissioner Small seconded and upon vote, the motion carried.

Public Hearing – Continued - Planning Ordinance Amendment #OA 2021-002 Relating to Critical Areas, General Provisions & Fish & Wildlife Habitat Conservation Areas; Amending Ordinance 609

Greg Wendt said the public hearing on the Ordinance Amendment was first held on June 22, 2021 and continued to August 17, 2021 to obtain initial approval of the plan from the Department of Ecology. Before the Board can adopt the amendment, the Washington State Department of Ecology is required to make an initial determination as part of the update process. To date, the Planning Division had not received comments from the Department of Ecology and Mr. Wendt requested the Board continue the public hearing until September 14, 2021.

MOTION: Commissioner McKay moved to continue the public hearing decision making process on the Ordinance Amendment to BCC Title 15 relating to Critical Areas, General Provisions and Fish and Wildlife Habitat Conservation Areas until 9:00 a.m. on September 14, 2021 at the Benton County Courthouse. Commissioner Small seconded and upon vote, the motion carried.

Ordinance Amendment #OA 2021-003 on Zoning Regulations Regarding Housing

Greg Wendt presented the text amendment to the County Zoning Regulations regarding housing as follows:

- a. Chapter 11.03 Definitions, amending BCC 11.03.010(64) updating the definition of a dwelling unit;
- b. Chapter 11.03 Definitions, amending BCC 11.03.010(71) removing the definition of farm labor housing;
- c. Chapter 11.03 Definitions, amending BCC 11.03.010(88) adding a definition for household; and
- d. Chapter 11.17 Growth Management Act Agricultural Zoning District (GMAAD), amending BCC 11.17.070(l)(m)(n) removing farm labor housing from uses requiring a Conditional Use Permit.

The Planning Commission held a public hearing and forwarded a positive recommendation.

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

MOTION: Commissioner Small moved to adopt the Planning Commission's Findings and Conclusions as their own and approve the proposed zoning amendment amending Ordinances 611, 617, and 634, Chapter 11.03.010, and 11.17.070 as noted in Casefile OA 2021-003 as presented. Commissioner McKay seconded and upon vote, the motion carried.

Clerk's Office Positions - Title Changes

Clerk Josie Delvin requested funds budgeted in Public Safety Tax be moved from indigent financial screeners to a new position to add a person to assist with the front counter. She indicated that lines were currently down to the Sheriff's office and they needed assistance with the back log.

Her office was one of the few offices in the State that did not require an appointment for passport applications. She said this would increase the employees at the front counter from two to three.

Additionally, she said with the new legislation, her collection fund was down, and she wanted to move her collection supervisor to a legal process supervisor to be paid 25% from Collection Fund and 75% from Public Safety Tax Fund.

MOTION: Commissioner Small moved to approve as follows: Line Item Transfer, Fund No. 0148-101, Dept. 106 for LPA III & Legal Process Supervisor and the Line Item Transfer, Fund No. 0146-101, Dept. 000 for Legal Process Supervisor as presented. Commissioner McKay seconded and upon vote, the motion carried.

American Rescue Plan (ARPA)

Matt Rasmussen, Linda Ivey, and Karlee Ainsworth presented the following four areas of eligible uses for the American Rescue Plan Grant received in May. Mr. Rasmussen said they were still finalizing rules but certain uses were eligible including assistance with the backlog in the court system, continuing remote interaction, and assistance for the Coroner's office to deal with the increase in deaths.

Ms. Ivey reminded the Board these positions were grant funded, and the positions or additional funding ended with the grant, unless it was a rollover project (licensing, etc.), but ended December 2024. The Lead Deputy Coroner was a new position, and therefore, required additional resolutions to get the position graded and classified.

- Office of Public Defense – Line Item Transfer for Professional & Legal Services – hire additional staff to deal with backlog and case resolution.
- Clerk's Office – Line Item Transfer for Paperless & Streamlining Work document management software.
- Prosecuting Attorney – Line Item Transfer for Court Staff & Attorneys to help with Covid backlog.
- Coroner – Line Item Transfer for Lead Deputy Coroner – one more full time staff – current is not enough to keep up with current cases.
- Coroner - Lead Deputy Coroner Salary Placement – Grade 11
- Coroner - Establishing the Lead Deputy Coroner Classification Description

MOTION: Commissioner Small moved to approve as follows:

- Transfer of Funds within Current Expense Fund 0000101, Department 139 for the Office of Public Defense as presented (\$134,000)
- Transfer of Funds within Current Expense Fund 0000101, Department 139 for the Clerk's Office as presented (\$433,500)
- Transfer of Funds within Current Expense Fund 0000101, Department 139 for the Prosecuting Attorney's Office as presented (\$461,677)
- Transfer of Funds within Current Expense Fund 0000101, Department 139 for the Coroner's Office as presented (\$102,670)

- Salary Grade for the Lead Deputy Coroner for the Coroner’s Office as presented.
- Job Classification and description for the Lead Deputy Coroner for the Coroner’s Office as presented.

Commissioner McKay seconded and upon vote, the motion carried.

Blake Decision

Josie Delvin presented information regarding the “Blake Decision” by the Supreme Court calling out simple possession of illegal drugs as unconstitutional. This required vacating, dismissing, re-sentencing, and refunding legal financial obligations back to 1971. She said there were some administrative temporary buckets of money available and when the funds went away, they knew the positions would go away. Ms. Delvin said \$9.2 million was paid to the County into legal financial obligations.

The following positions were requested to assist with this process required by the Blake Decision:

- Clerk’s Office - Legal Process Asst. IV
- Prosecuting Attorney - Deputy Prosecuting Attorney
- Superior Court - Case Manager & Court Commissioner

MOTION: Commissioner Small moved to approve the following:

- Transfer of Funds within Current Expense Fund 0000101, from Department 115 to Department 106 for the Clerk’s Office as presented (\$102,000);
- Transfer of Funds within Current Expense Fund 0000101, from Department 115 to Department 117 for the Prosecuting Attorney’s Office as presented (\$224,000);
- Transfer of Funds within Current Expense Fund 0000101, from Department 115 to Department 123 for Superior Court as presented (\$252,823).

Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Proposed Letters to Benton County School Districts

Mr. MacPherson said that Commissioner McKay asked about sending a letter of support to local school districts and a letter was prepared and circulated to the Bord members.

Commissioner McKay read the letter into the record, that encouraged the school districts to come together to urge the Governor to allow local control.

MOTION: Commissioner McKay move to approve the letter to all Benton County school districts as presented. Commissioner Small seconded and upon vote, the motion carried.

Masking Discussion

Matt Rasmussen and Adam Morasch asked the Board if it wanted to re-consider the masking requirement with the pandemic up and other entities implementing a mask requirement. They said the County was currently following the Governor's recommendations.

Commissioner Small said he did not think it was a bad idea to require masks to assist with the next wave of Covid and the loss of personnel due to sick leave.

Commissioner McKay said he was still in favor of masking being an option but okay with the current policy where masks were not required if you were fully vaccinated.

Chairman Delvin said he was agreeable to keeping with the current policy and the Governor's recommendations.

Mr. Morasch added they had seen a big increase since July, with 25 positive cases both vaccinated and unvaccinated and 20% breakthrough in Benton County employees.

Commissioners Small and Delvin said they would be open to vaccination incentives to employees. Commissioner McKay said he was not in favor of that. Mr. Rasmussen said he would explore that issue with Human Resources and Risk Management.

Recovery Center – Public Meeting

Chairman Delvin said he wanted to have a public meeting on August 31 in the evening to review the report and take public comment on the .01 sales tax. Additionally, they would discuss forming an advisory committee on how to run the center.

Ben-Franklin Transit Meeting

Commissioner Small apologized that he missed the meeting and the vote on the sales tax ballot issue. Commissioner McKay said he hoped the issue made it to the ballot, but sounded like it would not be on this ballot.

The board briefly recessed, reconvening at 9:56 a.m.

Executive Session – Pending Litigation/Potential Litigation

The Board went into executive session at 9:56 a.m. for up to 20 minutes with DPA Ryan Lukson, DPA Ryan Brown and Adam Morasch to discuss pending litigation and potential litigation. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie.

The Board came out at 10:17 a.m. No decisions were made in executive session.

Ryan Brown asked the Board if it was willing to join a lawsuit regarding the Blake matter if WSAC wanted to go forward with a lawsuit.

The Board agreed.

Tort Claims

CC 2021-24: Received on August 17, 2021 from Paul John Silvernail

Accounts Payable

Check Date: 08/13/2021

Warrants #: 220258-220483
Total all funds: \$1,603,191.31

EFT's #: 1894-1896
Transfers #: 08132101-08132106
Total all funds: \$213,914.25

Resolutions

- 2021-610: Line Item Transfer, Fund No. 0106-101, Dept. 000
- 2021-611: Copier Lease Agreement w/Ricoh
- 2021-612: Agreement w/US Department of Housing & Urban Development for the Benton County Shelter Plus Care Program
- 2021-613: Contract w/Jennifer Dorsett for to Provide Technical Assistance to Prevention Coalition Coordinators
- 2021-614: Purchase of One Year Proofpoint Email Protection Service From SHI International Corp.
- 2021-615: Purchase of Seven Printers From Computer Discount Warehouse for the Auditor's Office
- 2021-616: Expending Funds From the Trial Court Improvement Fund to Upgrade JAVS Digital Recording System From Justice AV Solutions
- 2021-617: Agreement w/State of WA DSHS, Juvenile Rehabilitation Administration for Consolidated Services
- 2021-618: Approval of Construction Plans for Shaw Vineyards Short Plat & Setting the Speed Limit
- 2021-619: Col Solare, LLP Franchise to Place An Irrigation System & Facilities
- 2021-620: Contract w/C&E Trenching for the Dallas Rd/Arena Rd Traffic Safety Improvement Project
- 2021-621: Line Item Transfer, Fund No. 0000-101, Dept. 118
- 2021-622: Agreement w/King County Regional Automated Fingerprint Identification System for Remote Electronic Fingerprint Technology
- 2021-623: Agreement w/Washington State Administrative Office of the Courts for Uniform Guardianship Act Reimbursement
- 2021-624: Line Item Transfer, Fund No. 0000-101, Dept. 124
- 2021-625: Line Item Transfer, Fund No. 0000-101, Dept. 108
- 2021-626: Adoption of Ordinance 636 Relating to Zoning Regarding Housing

- 2021-627: Transfer of Funds Within Public Safety Tax Fund 0148101, Dept. 106
- 2021-628: Transfer of Funds Within Clerks Collection Fund 0146101
- 2021-629: Transfer of Funds Within Current Expense 0000101 Dept. 139
- 2021-630: Transfer of Funds Within Current Expense Fund 0000101 - Dept. 139
- 2021-631: Transfer of Funds Within Current Expense Fund 0000101 - Dept. 139
- 2021-632: Transfer of Funds Within Current Expense Fund 0000101 Dept. 139
- 2021-633: Establishing the Salary Grade for the Lead Deputy Coroner
- 2021-634: Establishing a Lead Deputy Coroner Classification Description
- 2021-635: Transfer of Funds Within Current Expense Fund 0000101 Dept. 115 To Dept. 106
- 2021-636: Transfer of Funds Within Current Expense Fund 0000101 Dept. 115 To Dept. 117
- 2021-637: Transfer of Funds Within Current Expense Fund 0000101 Dept. 115 To Dept. 123

There being no further business before the Board, the meeting adjourned at approximately 10:18 a.m.

Clerk of the Board

Chairman