

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, August 31, 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; Alex Garcia, IT; Greg Wendt, Community Development Director; Michelle Cooke, Assistant Planning Manager; Robert Blain, Operations & Capital Programs; County Engineer Doug D'Hondt; Clerk Josie Delvin; Adam Morasch, Risk Manager; Treasurer Ken Spencer; Finance Manager Linda Ivey; DPA Ryan Lukson; Michael McGhan, Road Department; DPA Reid Hay.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of August 24, 2021 were approved.

Agenda Review

Jerrod MacPherson requested the following items be added to the agenda:

- Juvenile Medical Contract
- Ben-Franklin Board Representative
- Vaccine Incentive
- Governor's Masking Mandate

Consent Agenda

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

Commissioners

- a. Line Item Transfer, Fund No. 0305-101, Dept. 000

Corrections

- b. Line Item Transfer, Fund No. 0000-101, Dept. 120

Human Services

- c. Contract w/Lourdes Hospital for Prosecutorial Diversion Services
- d. Contract w/Lourdes Hospital for Advanced Registered Nurse Practitioner Services
- e. Contract w/Domestic Violence Services for Dept. of Commerce Consolidated Homeless Grant Services
- f. Agreement w/Tri-Cities Hispanic Chamber of Commerce for the Treasury Rental Assistance Program

Information Technology

- g. Lease Agreement for Color Copier From Ricoh USA for Human Services Department
- h. Line Item Transfer, Fund No. 0132-101, Dept. 000

Purchasing

- i. Agreement w/Paramount Communications for Additional Fiber Runs @ the Justice Center Campus

Treasurer

- j. Approval for Use of County Funds for Columbus Day Training

Public Comment

Paul Christensen, Benton City, representing his neighborhood, said he previously requested the Board address the farm labor housing issue in his community and the neighborhood was ignored. He referenced a lawsuit in which they prevailed, and that the County accordingly changed the zoning based on losing the lawsuit. He expressed concern that a daycare in the neighborhood required a conditional use permit to operate and care for children so their parents could work but the farm labor housing was allowed. He said their concern was the house and location of the house, not the farm labor. He requested the Board put in a moratorium on the passage of this ordinance and review its affect on the community and then decide if it was in the best interest of the citizens of Benton County.

Michael Hillman, Kennewick, said he was not an expert on migrant worker housing, but this was an agricultural minded community, and a there was a problem finding the appropriate housing. He encouraged the Board to keep the zoning ordinance in place.

Public Hearing - Surplus of Cessna Aircraft

Matt Rasmussen said the Board directed him to set a public hearing to consider the aircraft as surplus. The public hearing was advertised as required, and if the aircraft was declared surplus, it would be sold pursuant to the Personal Property Management Policy.

Testimony

Robert Blahht, resident of Benton County, Captain of Sheriff's Posse, pilot of this aircraft (and other professional pilot specialties) said it was his professional opinion this airplane was equipped

for extended operation. He said it was a very efficient aircraft, although the instrumentation was a little dated, but wanted to know why it was not being used for the purposes intended. He said if the County sold it, they would be losing something they could never get back.

He suggested it was more appropriate to allow the new appointed Sheriff to review the capability of the aircraft and see how it could be integrated into the program and determine the needs of the aircraft and whether it should be declared surplus.

Mark Schowalter, pilot, also spoke about the value of the airplane and said once it was sold, you could not get that value back. He said he was also in favor of keeping it until the new Sheriff could evaluate the program.

Commissioner McKay asked about potential savings from selling the aircraft versus maintenance, etc. and the cost if the County required a contract. Mr. Rasmussen said the aircraft was used under 10 hours per year, with some years only two hours. Additionally, insurance had increased, and there were maintenance fees and hangar fees. The cost to contract with someone for the service was \$120 to \$150 per hour.

Commissioner McKay said he looked at the cost and trying to save the county some money if they could find another plane with the same capabilities. Mr. Schowalter mentioned the problems with renting a plane versus owning a plane and performing your own maintenance.

Chairman Delvin stated that Civil Air Patrol also gave a presentation, and it was available to assist the County.

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

MOTION: Commissioner Small moved to approve the Resolution declaring the 1973 Cessna 192P Aircraft surplus and authorize its sale in accordance with the Benton County Personal Property Management Policy. Commissioner McKay seconded and upon vote, the motion carried.

Preliminary Plat of Mammoth Acres – SUB 2021-004

Greg Wendt and Michelle Cooke presented the Preliminary Plat of Mammoth Acres for a request to subdivide 71.5 acres into 12 residential lots. These lots would be served by a new public road, individual wells, and septic systems (average lot size is 5.6 acres). The Planning Commission forwarded a positive recommendation.

MOTION: Commissioner Small moved to adopt the Planning Commission's Recommendation, Findings of Fact and Conditions as the Board's own and approve the preliminary plat of Mammoth Acres – SUB 2021-004 with the eight findings of fact and 17 conditions of approval as recommended by the Planning Commission. Commissioner McKay seconded and upon vote, the motion carried.

Award of 2021 Pavement Marking for CE 2123 SMP

Matt Rasmussen and Douglas D'Hondt said a bid call was scheduled for C.E. 2123 SMP – 2021 Pavement Marking. After the bid opening, language in the call for bids was pointed out that created a dispute among the bidders. The language in question stated that bidders must download the bid documents from an on-line source specified in the call for bids. The apparent low bidder did not download from that source directly. The Board considered how to proceed. The following options were provided:

- Award to Stripe Rite, Inc., and waive the disputed language as an informality
- Determine the bid from Stripe Rite, Inc. non-responsive and award to Construction Ahead, Inc.
- Reject all bids with the option to rebid the project at a later date

Commissioner Small recommend the award of bid go to the second bidder based on the language in the requirements for bidding.

Commissioner McKay said as a contractor, he had been rejected in the past based on the need to comply with the details of bidding requirements. He felt that the use of the word “must” in the relevant language of the call for bids demonstrated that compliance was required. He was in favor of re-bidding the project because this would appear to be the most fair for all bidders. He also asked how re-bidding would affect timing on the project. Mr. D'Hondt said it could take six weeks, and potentially could be a problem with weather, but they would make sure the most urgent projects were done first.

Chairman Delvin said he would prefer to waive the disputed language as an informality but would also accept rebidding the project.

MOTION: Commissioner McKay moved to reject all bids with the option to rebid the project at a later date regarding 2021 pavement marking. Chairman Delvin seconded and upon vote, the motion carried with Commissioner Small opposing.

Request for Public Hearing – Budget Supplement

Linda Ivey requested the Board go to public hearing on the supplement to transfer cash carry forward in excess of 13% as follows:

- Fiscal Impact to Current Expense - \$11,083,700
- Park Development Fund - \$115,000
- Capital Projects Fund - \$10,098,700
- Sustainable Development Fund - \$130,000
- Fairgrounds Operating Fund - \$300,000
- Election Reserve Fund - \$440,000 (to maintain a fund balance of \$500,000)

MOTION: Commissioner Small moved to approve to matter to go to public hearing. Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Juvenile Contract with Ideal Option for Medical Services

Darryl Banks via/WebEx requested the Board authorize the contract as presented. He said that Ideal Option was ready to start on September 1, 2021. Additionally, he would be meeting with Franklin County via/WebEx right after this meeting.

MOTION: Commissioner Small moved to approve the contract with Ideal Option to provide medical services to youth in detention as presented. Commissioner McKay seconded and upon vote, the motion carried.

JDAI Grant

Mr. Banks asked the Board if it was ready to move forward on the grant.

The Board discussed the email from Judge Mitchell regarding the grant and training and whether the training could be optional. Commissioner McKay said he was not in favor of the grant, if the Cultures Connecting Group training was optional. He indicated he would reply back to the judges to see if the optional training requirement could be removed from the grant.

Ben Franklin Transit Board

Commissioner Small said he was agreeable to Commissioner McKay being appointed as the representative for the Ben Franklin Transit Board and he would be the alternate. A resolution making that change would be presented at the next regular board meeting.

Vaccine Incentive

Mr. Rasmussen presented ideas on a potential vaccine incentive program for County employees. After consideration, the Board agreed it was not in favor of moving forward at this time.

Masking Update

Mr. Rasmussen said the County updated its reopening plan with the recent state proclamation, but that Benton County's interpretation was a little stronger. The Board indicated it wanted the County policy on masking to mirror the most recent state proclamation and directed staff to update the Benton County Safe Reopening Plan.

The Board recessed, reconvening at 10:11 a.m.

Executive Session – Pending Litigation

The Board went into executive session at 10:11 a.m. for 10 minutes with DPA Ryan Lukson and Adam Morasch to discuss pending litigation. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie.

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

MOTION: Commissioner Small moved to authorize settlement in the amount of \$700,000 in the Sanchez matter. Commissioner McKay seconded.

Discussion

Commissioner Small expressed his disappointment that the Risk Pool did not collaborate with the County on this issue. The Board agreed.

Upon vote, the motion carried unanimously.

Accounts Payable

Check Date: 08/27/2021

Warrants #: 220962

Total all funds: \$20,612.75

Check Date: 08/27/2021

Warrants #: 220820-220961

Total all funds: \$1,010,876.01

EFT's #: 1901-1922

Transfers #: 08272101-08272104

Total all funds: \$193,945.73

Resolutions

- 2021-647: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2021-648: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2021-649: Contract w/Lourdes Hospital for Prosecutorial Diversion Services
- 2021-650: Contract w/Lourdes Hospital for Advanced Registered Nurse Practitioner Services
- 2021-651: Contract w/Domestic Violence Services for Dept. of Commerce Consolidated Homeless Grant Services
- 2021-652: Agreement w/Tri-Cities Hispanic Chamber of Commerce for the Treasury Rental Assistance Program
- 2021-653: Lease Agreement for Color Copier From Ricoh USA for Human Services Department
- 2021-654: Line Item Transfer, Fund No. 0132-101, Dept. 000
- 2021-655: Agreement w/Paramount Communications for Additional Fiber Runs @ the Justice Center Campus
- 2021-656: Approval for Use of County Funds for Columbus Day Training
- 2021-657: Declaring the 1973 Cessna 182p Aircraft Surplus and Authorizing it for Sale in Accordance with the Benton County Personal Property Management Policy

- 2021-658: Approve Preliminary Plat Application SUB 2021-004 Mammoth Acres
- 2021-659: Rejecting Bids for C.E. 2123 SMP 2021 Pavement Marking
- 2021-660: Awarding Ideal Option a Professional Services Contract to Provide Medical Services Coordination of Services to Youth in Detention

There being no further business before the Board, the meeting adjourned at approximately 10:24 a.m.

Clerk of the Board

Chairman