

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, September 14, 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; Lexi Wingfield, HR Manager; Greg Wendt, Community Development Director; Michelle Cooke, Assistant Planner; County Engineer Doug D'Hondt; Clerk Josie Delvin; Treasurer Ken Spencer; Chief Scott Souza, Corrections; Commander Josh Shelton, Corrections; Mary Christen, Risk Management.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of August 31, 2021 were approved.

The Minutes of the August 31, 2021 Special Meeting were approved.

Agenda Review

The following was added to "Other Business":

- Letter – Termination of Personal Services Contract with Summit Food Services

Consent Agenda

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

Auditor

- a. Engagement Letter w/State Auditor's Office for 2020 Audits
- b. Surplus & Disposition of Personal Property

- c. Organization of Benton County Commissioners – 2021 Appointments
- d. Ratify 2nd Amendment to Water Right Purchase & Sale Agreement w/Selah Moxie Irrigation District

Human Services

- e. Third Amended Contract w/Breanna Zavicar for CPWI Prevention Services
- f. Second Amendment w/Michelle Santo for Community Prevention Coordinator Services

Information Technology

- g. Purchase of Extending Software & Hardware Support From Thornburg Computer Services
- h. Purchase of 1-Year Subscription of WebEX Meetings Archiving Services From CompuNet

Juvenile

- i. Attorney Representation Contract w/Jennifer Azure for Becca Dockets
- j. Contract w/Somerset Counseling Center for Outpatient Chemical Dependency Treatment Services
- k. First Amended Agreement w/Kennewick School District to Correct Expiration Date

Office of Public Defense

- l. Line Item Transfer, Fund No. 0000-101, Dept. 136
- m. Establishing Percentage Rates by Which to Divide Costs of Juvenile Dependency Public Defense Contracts Between Benton County and Franklin County

Public Works

- n. Line Item Transfer, Fund No. 0101-101, Dept. 500
- o. Award of Crack Seal to Construction Ahead

Purchasing Dept.

- p. Ratifying Contract Change Order No. 1 w/Western Construction for Crushing & Stockpiling Project
- q. First Amended Contract w/Epic Land Solutions for On-Call Right-of-Way Services
- r. Purchase of Asphalt Emulsion From Albina Holdings for Bituminous Surface Treatment Projects
- s. Declaring French Road Bituminous Surface Treatment Project an “Emergent Project”
- t. Ratifying Change Order Nos. 1, 2 & 3 w/Central WA Asphalt for Bituminous Surface Treatment
- u. Contract w/FNS Collision Group for Automobile Body Repair for Benton County Vehicle Fleet

Superior Court

- v. Adopting Franklin County Invoice Process for Blake Related Expenses
- w. Line Item Transfer, Fund No. 0156-101, Dept. 000

Public Comment

Mary Judd, Benton City, expressed her concern about the change in zoning for farm worker housing. She said they were not notified of the proposed change, she had a child with a disability that could only be around a minimal amount of people, and the zone change allowed a multitude of people in that type of housing. She asked the Board to review the matter and restore the zoning code as originally zoned.

Public Hearing - Short Plat Vacation – SPV 2021-003

Michelle Cooke and Greg Wendt presented the application by Douglas Rybraski to vacate a portion of a 5-foot irrigation easement, except for the southernmost 10 feet of Lot 1. Property owners and concerned agencies were notified and no objections were received. The Planning Division recommended approval.

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

MOTION: Commissioner Small moved to approve SPV 2021-003 for the vacation of a portion of the five-foot irrigation easement that runs along the western property lines of Lots 1-3 of Short Plat 1866 and Short Plat 3702 except for the southernmost 10 feet of Lot 1. Commissioner McKay seconded and upon vote, the motion carried.

Public Hearing - Continued – Benton County Shoreline Master Program Update

Greg Wendt, Community Development Director and Ben Floyd, White Bluffs Consulting, presented the Benton County Shoreline Master Program Update.

The public hearing was originally held on June 22, 2021 and closed to additional public testimony but the public hearing was continued to allow the Department of Ecology to review the application. They heard back from the Department of Ecology this week and they were in support of the application as written with one small change.

Ben Floyd said Ecology concurred the program met the requirements of state law and the also met the “no net loss of economical function”. If challenged, with the Department of Ecology’s support, they would defend the County position. The Planning Commission forwarded a positive recommendation, and the next step was to formally adopt the Periodic Update.

MOTION: Commissioner Small moved to adopt the Planning Commission’s Findings and Conclusions as their own and that the Board of County Commissioners locally approve the Periodic Update to the Shoreline Master Program in accordance with the Department of Ecology's submitted statement of initial concurrence. Commissioner McKay 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, Community Development Director and Ben Floyd, White Bluffs Consulting said this was the continued hearing, originally presented on June 22, 2021 and previously closed to additional public testimony. It was also continued to ensure it was on the same path with the Shoreline Master Program process and they were waiting for review by the Department of Ecology. The Department of Ecology made an initial determination as part of the Shoreline Master Program Update process, so the ordinance amendment was now ready for approval.

MOTION: Commissioner Small moved to adopt the Planning Commission’s Findings and Conclusions as their own and the ordinance amendment comment matrix dated June 8, 2021 and OA 2021-002, an ordinance amendment to BCC Title 15 relating to Critical Areas. Commissioner McKay seconded and upon vote, the motion carried.

Public Hearing - Adoption of New County Road for Maintenance

Douglas D’Hondt presented the resolution to accept a petition to establish a County road located off Old Inland Empire Highway for maintenance upon final construction and approval. He said the Board previously approved the feasibility study to be completed, and he recommended the Board approve the petition.

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

MOTION: Commissioner McKay moved to approve the Resolution and authorize the County Engineer to proceed with the design and construction approval for adoption of the proposed road for county maintenance located off Old Inland Empire Highway. Commissioner Small seconded and upon vote, the motion carried.

Public Hearing - Ordinance Amendment to the County Public Records Policy, BCC 5.14

Adam Morasch, via/WebEx, and Mary Christen presented the ordinance amendment to the public records policy, highlighted as follows:

- Removing fax numbers from department contact information;
- Removing Benton County Sheriff Bureau of Corrections and adding Benton County Corrections Department;
- Adding the option to make public records requests online;
- Removing recommendation that a requester make a written request on a request form and adding recommendation that a requester use the public records portal;
- Adding exclusion of redaction of audio or video in the fee exemption section;
- Adding option for online payments for copies of public records;
- Adding fees for online payments for copies of public records and third-party vendor costs for audio or video redactions;
- Removing reference to the request form being maintained by the Prosecuting Attorney's Office;
- Removing information from Request for Public Records Form;
- Adding one new section adopting the Benton County Public Records Portal.

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

MOTION: Commissioner Small moved to approve the proposed public records amendment amending Ordinances 442, 526, and 582, and Benton County Code Chapter 5.14. Commissioner McKay seconded and upon vote, the motion carried.

Establishing a Provisional Corrections Officer

Chief Souza and Lexi Wingfield presented a request to establish a provisional corrections officer. They were seeing a large increase in mandatory overtime and were looking at ways to reduce overtime with a provisional (relief), part time on-call person.

Commissioner Small asked about availability of these individuals and using part-time versus hiring a full-time corrections officer. Chief Souza said he had reached out to some individuals that were laid off and was also hoping that individuals leaving or retiring might be interested. He said they would be vetted just like a full-time corrections officer.

Commissioner McKay wanted to know if the overtime was covid related or if it happened before. Chief Souza indicated that Covid had an impact and the staffing had also been reduced and impacted the overtime.

They were hopeful this would assist in not using all the overtime budget and could possibly offset the costs of overtime and save money.

MOTION: Commissioner Small moved to approve the Resolution to Establish Provisional Corrections Officer Job Description and approve the Line Item Transfer to fund the position for Fund No. 0000-101, Dept. 120 as presented. Commissioner McKay seconded and upon vote, the motion carried.

Ms. Wingfield said they would update the Board to let them know if the program was successful.

Other Business

Termination of Contract – Summit Food Services

Chief Souza presented a mutual termination letter for the existing food services contract with Summit Food Services.

He said since January 1 they had numerous issues providing quality food, among other breach of contract issues. They were not able to provide long-term fixes and were also having staffing issues. He said they reached out to other vendors and Aramark said it would honor the existing contract amount for the period beginning October 1, 2021 through the end of December 31, 2022.

MOTION: Commissioner Small moved to approve the letter of termination to Summit Food Services as presented. Commissioner McKay seconded and upon vote, the motion carried.

Appointment of Sheriff

The Board discussed the interview process for appointment of the new Sheriff since the Republican Party had provided the recommendation of three candidates. The Board agreed to interview on September 27 and then potentially make a decision on September 28 at its regular board meeting.

Mental Health Tax

Commissioner Small said he was reaching out to individuals and several large employers in the area and had not heard from anyone opposing the tax and there seemed to be a lot of support.

Matt Rasmussen said he was working with the PA's office on a draft ordinance to implement the tax and was looking at the 1st or 2nd week of November to have a public hearing. Additionally, they needed to negotiate agreements with the Department of Revenue to have them collect the tax.

Commissioner McKay asked for clarification on what would happen if Ben-Franklin Transit changed its mind and there was a reduction in their tax; would Benton County still implement the mental health tax if the transit tax was reduced? It was clarified that if Benton County implemented the mental health tax, the total tax would go to 8.7%. However, if the transit tax were reduced, the total tax would be 8.6%.

Mr. Rasmussen also said he reached out to the attorney for Lifepoint regarding purchase of the property and they were starting that process. Additionally, he estimated 3 to 3.5 years for opening the doors, with the design and construction. However, they would fast track the process where they could.

Vaccine Mandate

Commissioner McKay indicated he was receiving a lot of emails regarding the vaccine mandate and mask requirement and wanted to say that he was not in favor of a vaccine mandate at all, and although he wanted a health county, he believed it was a personal choice.

Chairman Delvin said he also was not in favor of a vaccine mandate.

Payroll

Check Date: 09/03/2021

Payroll Checks

Total all funds: \$2,426,927.54

Warrant #: 243300-243337

Direct Deposit #: 164770-165367

Payroll Draw Deductions/Transfers

Total all funds: \$2,210,535.79

Taxes #: 101210901-101210911

ACH #: 1928-1934

Payroll Deduction Warrants

Total all funds: \$126,750.88

Warrant #: 221102-221111

Accounts Payable

Check Date: 09/03/2021

Warrants #: 220966-221101
Total all funds: \$1,034,815.13

EFT's #: 1923-1927
Transfers #: 09032101-09032103
Total all funds: \$558,598.47

Check Date: 09/10/2021

P-Cards #: 0921
Total all funds: \$310,005.80

Warrants #: 221214
Total all funds: \$81,063.42

Resolutions

- 2021-661: Surplus & Disposition of Personal Property
- 2021-662: Organization of Benton County Commissioners – 2021 Appointments
- 2021-663: Ratify 2nd Amendment to Water Right Purchase & Sale Agreement w/Selah Moxie Irrigation District
- 2021-664: Third Amended Contract w/Breanna Zavicar for CPWI Prevention Services
- 2021-665: Second Amendment w/Michelle Santo for Community Prevention Coordinator Services
- 2021-666: Purchase of Extending Software & Hardware Support From Thornburg Computer Services
- 2021-667: Purchase of 1-Year Subscription of WebEX Meetings Archiving Services From CompuNet
- 2021-668: Attorney Representation Contract w/Jennifer Azure for Becca Dockets
- 2021-669: Contract w/Somerset Counseling Center for Outpatient Chemical Dependency Treatment Services
- 2021-670: First Amended Agreement w/Kennewick School District to Correct Expiration Date
- 2021-671: Line Item Transfer, Fund No. 0000-101, Dept. 136
- 2021-672: Establishing Percentage Rates by Which to Divide Costs of Juvenile Dependency Public Defense Contracts Between Benton County and Franklin County
- 2021-673: Line Item Transfer, Fund No. 0101-101, Dept. 500
- 2021-674: Award of Crack Seal to Construction Ahead
- 2021-675: Ratifying Contract Change Order No. 1 w/Western Construction for Crushing & Stockpiling Project
- 2021-676: First Amended Contract w/Epic Land Solutions for On-Call Right-of-Way Services

- 2021-677: Purchase of Asphalt Emulsion From Albina Holdings for Bituminous Surface Treatment Projects
- 2021-678: Declaring French Road Bituminous Surface Treatment Project an “Emergent Project”
- 2021-679: Ratifying Change Order Nos. 1, 2 & 3 w/Central WA Asphalt for Bituminous Surface Treatment
- 2021-680: Contract w/FNS Collision Group for Automobile Body Repair for Benton County Vehicle Fleet
- 2021-681: Adopting Franklin County Invoice Process for Blake Related Expenses
- 2021-682: Line Item Transfer, Fund No. 0156-101, Dept. 000
- 2021-683: Approval of Vacation of the 5-Foot Irrigation Easement - Applicant Douglas File Number – SPV 2021-003
- 2021-684: Shoreline Master Program Update in Accordance with Washington State Shoreline Management Act RCW 90.58 Pursuant to SMP Grant Agreement No. SEASMP-1921-BeCOPD-00012
- 2021-685: Adoption of Ordinance 637 Relating to Critical Areas - General Provisions and Fish and Wildlife Habitat Conservation Areas - Amending the Sections Relating to Applicability and Performance Standards - General Requirements
- 2021-686: Approval For Adoption of a New County Road For Maintenance Off Old Inland Empire Highway
- 2021-687: Adoption of Ordinance 638 Relating to Public Records
- 2021-688: Establishing a Provisional Corrections Officer Classification Description
- 2021-689: Transfer of Funds Within Current Expense Fund Number 0000101 Department Number 120

There being no further business before the Board, the meeting adjourned at approximately 9:57 a.m.

Clerk of the Board

Chairman