

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, September 28, 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; Lexi Wingfield, HR Manager; Adam Fyall, Sustainable Development Manager via/WebEx; Clerk Josie Delvin; Adam Morasch, Risk Manager; Treasurer Ken Spencer; Ela Selga, District Court Administrator; DPA Stephen Hallstrom; Interim Sheriff Jon Law; District Court Judge John Ziobro; Chief Scott Souza, Corrections; Lt. Rob Guerrero, Corrections.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of September 21, 2021 were approved.

Agenda Review

The following item was added to "Other Business":

- Contract with Aramark Correctional for Food Services at the Jail

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:

Auditor

- a. Setting the Method for Sale & Minimum Bid on 1973 Cessna 182P Aircraft
- b. Transfer of Funds, Fund No. 0111-101, Dept. 000

Commissioners

- c. Transfer of Funds, Fund No. 0000-101, Dept. 115 to 106
- d. Appointment of Marilyn Dickenson to the Columbia Irrigation District Board

Facilities

- e. Easement Release & New Easement to City of Kennewick for Construction & Maintenance of Waterlines at the Administration Building
- f. Right of Way Easement to Benton PUD at the Administration Building

Juvenile

- g. Transfer of Funds, Fund No. 0115-101, Dept. 171

Prosecuting Attorney

- h. Transfer of Fund, Fund No. 0000-101, Dept. 117

Purchasing

- i. Accepting Work Performed by Chervenell Construction Co. for the Courtroom Audio-Visual Upgrade Project
- j. Contract w/Keefe Commissary Network for Inmate Commissary Services for Corrections Dept.

Public Comment

None.

Authorization for Grant Application Submittal to the Administrative Offices of the Courts for Therapeutic Court Services

District Court Judge Ziobro presented a resolution authorizing District Court to submit a grant application through the Administrative Offices of the Courts to fund UA's and provide funds for housing and other treatment services needed by individuals with substance abuse problems. The amount of the grant being requested was \$222,000.00. This would also allow Judge Ziobro to be the signatory on the grant.

MOTION: Commissioner Small moved to approve the Resolution authorizing District Court to submit an application for Therapeutic Court Enhancement Grant and designate the District Court Presiding Judge as signatory. Commissioner McKay seconded and upon vote, the motion carried.

Contract w/WA State Dept. of Corrections for Jail Bed Space @ the Jail

Chief Souza presented a contract with Washington State Department of Corrections for jail bed space at the jail. The previous contract expired on December 31, 2020 and the new agreement would be back dated to January 1, 2021 to allow Benton County to bill DOC for any expenditures since January 1, 2021.

MOTION: Commissioner Small moved to approve the Interagency Contract No. K12418 between Benton County and Washington State Department of Corrections for jail bed space at the Benton County jail as presented. Commissioner McKay seconded and upon vote, the motion carried.

Agreement w/Axon Enterprise for Purchase of Body & Vehicle Cameras and Taser Equipment for the Sheriff's Office

Interim Sheriff Jon Law presented an agreement with Axon Enterprise for purchase of body and vehicle cameras and taser equipment. State House Bill 1223 was amended to enact the uniform electronic recordation of custodial interrogations act and required purchase of body and vehicle cameras and taser equipment. Benton County received funding from the Office of Financial Management based on population as part of the legislation for one-time costs. The purchase cost of the equipment was \$1,347,120.20, plus shipping from Axon as a sole source provider. Proposed funding would be allocated as follows:

- Office of Financial Management - \$808,428 (to be placed in Capital Projects)
- PST - \$538,692.20 plus shipping

MOTION: Commissioner Small moved the Board of Benton County Commissioners approve the purchase of body and vehicle cameras and taser equipment for a total amount of \$1,347,120.20 including WSST, plus any shipping fee, and authorize the Chairman to sign the Master Services and Purchasing Agreement between Benton County and Axon Enterprise, as presented. Commissioner McKay seconded and upon vote, the motion carried.

Northwest Winterfest Event @ the Benton County Fairgrounds

Adam Fyall, via/WebEx presented a proposal for a contract with Northwest Winterfest for a large lighted display festival scheduled for January 14, 2022 through April 30, 2022. He said the rental fee was \$30,300.00 plus \$1.00 for every ticket sold.

MOTION: Commissioner Small moved to approve staff to proceed with execution of the Fairgrounds facility use agreement between Benton County and Northwest Winterfest and direct the County Administrator to sign said agreement. Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Aramark Correctional Services Contract

Chief Souza presented a new contract with Aramark Correctional Services for food services at the Benton County jail, based on termination of the current contract that the Board approved two weeks ago.

MOTION: Commissioner Small moved to approve the contract with Aramark Correctional Services, LLC for food services at the Benton County Jail as presented. Commissioner McKay seconded and upon vote, the motion carried.

District Court Judge Appointment

The Board discussed the process for appointing a new judge due to the recently announced vacancy. The Board agreed to have HR announce and post the position. However, if there were

not any new applicants since the last vacancy, they would use the same list and would not need to interview.

Moratorium – Renewable Energy

Mr. MacPherson said the Planning Department had several inquiries regarding solar projects and he said other counties, including Grant, Yakima, Douglas, and a few others had put moratoriums on renewable energy projects to allow time to develop regulations. He said it was their recommendation the Board consider a moratorium to allow time to develop regulations and if approved, he would work with legal counsel to prepare a moratorium for the Board's review. The Board agreed to move forward with that recommendation.

Greg Wendt, via/WebEx, said he met with TRIDEC and they were still trying to work the relationship with Scout Energy regarding the location of the project and other details.

The Board briefly recessed, reconvening at 9:33 a.m.

Executive Session – Pending Litigation

The Board went into executive session at 9:33 a.m. for up to 20 minutes with DPA Stephen Hallstrom and Adam Morasch. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie to discuss pending litigation.

The Board came out at 9:46 a.m. No decisions were made in executive session.

MOTION: Commissioner Small moved to authorize the Risk Pool to settle the Joseph Thornton v. Benton County case in the amount of \$20,000. Commissioner McKay seconded and upon vote, the motion carried.

MOTION: Commissioner Small moved to authorize the Risk Pool to settle the Rodrigo Romero v. Benton County case in the amount of \$20,000. Commissioner McKay seconded and upon vote, the motion carried.

Accounts Payable

Check Date: 09/24/2021

Warrants #: 221626-221871
Total all funds: \$1,057,088.41

EFT's #: 1938-1960
Transfers #: 09242101-09242104
Total all funds: \$496,235.51

Resolutions

- 2021-704: Setting the Method for Sale & Minimum Bid on 1973 Cessna 182P Aircraft
- 2021-705: Transfer of Funds, Fund No. 0111-101, Dept. 000
- 2021-706: Transfer of Funds, Fund No. 0000-101, Dept. 115 to 106
- 2021-707: Appointment of Marilyn Dickenson to the Columbia Irrigation District Board
- 2021-708: Easement Release & New Easement to City of Kennewick for Construction & Maintenance of Waterlines at the Administration Building
- 2021-709: Right of Way Easement to Benton PUD at the Administration Building
- 2021-710: Transfer of Funds, Fund No. 0115-101, Dept. 171
- 2021-711: Transfer of Fund, Fund No. 0000-101, Dept. 117
- 2021-712: Accepting Work Performed by Chervenell Construction Co. for the Courtroom Audio-Visual Upgrade Project
- 2021-713: Contract w/Keefe Commissary Network for Inmate Commissary Services for Corrections Dept.
- 2021-714: Authorizing the Submittal of Therapeutic Court Enhancement Grant Application and Designating the District Court Presiding Judge to Sign the Application with the Administrative Offices of the Courts
- 2021-715: Interagency Contract No. K12418 Between Benton County and Washington State Department of Corrections for Jail Bed Space at the Benton County Jail
- 2021-716: Master Services and Purchasing Agreement Between Benton County and Axon Enterprise Inc. for Purchase of Body and Vehicle Cameras and Taser Equipment for the Benton County Sheriff's Office
- 2021-717: Institutional Food Service Contract to Aramark Correctional Services LLC for Food Services Located at the Benton County Jail

There being no further business before the Board, the meeting adjourned at approximately 9:46 a.m.

Clerk of the Board

Chairman