

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, November 9, 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; Shyanne Palmus, Communications Coordinator; DPA Ryan Brown; Adam Fyall, Sustainable Development Manager; Clerk Josie Delvin; Treasurer Ken Spencer.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of November 2, 2021 were approved.

The Minutes of the Special Meeting of November 2, 2021 were approved.

Agenda Review

- Consent Agenda items “h”, “i”, “j”, and “l” were requested to be pulled
- Presentation of Contract with Gram Northwest
- Discussion on December meeting schedule

Consent Agenda

MOTION: Commissioner Small moved to approve the consent agenda items “a” through “u”, pulling “h”, “i”, “j” and “l” (Human Services Employment Services Agreements). Commissioner McKay seconded and upon vote, the Board approved the following:

Auditor

- a. Surplus and Disposition of Personal Property

Commissioners

- b. Interlocal Agreement w/Franklin County for Participation in Benton County Veterans Therapeutic Court

Human Services

- c. Agreement w/US Dept of the Treasury for Emergency Rental Assistance
- d. Agreement w/WA State Dept of Commerce Community Services & Housing Assistance Unit for the Rent Assistance Program
- e. First Amended Agreement w/Sharon Adolphsen for Parent Coalition Support Grant
- f. Agreement w/Entrust Community Services for Employment Services
- g. Contract w/The Arc of Tri-Cities for Staff Outreach to Spanish Speaking Families
- k. Grant Agreement w/Children's Developmental Center for Children Services

Purchasing

- m. Amending Resolution 2020-655 to Increase the Total Not to Exceed for Purchase of Guardrails, Terminals, Cable & Components From Coral Sales Co.
- n. Intergovernmental Cooperation Agreement w/Stevens County for Purchases of Goods & Services
- o. Contract w/Nolan's Collision for Auto Body Repair on Fleet Motor Vehicles
- p. Adoption of Equipment Rental & Revolving Fund Vehicle Replacement Rates for Sheriff's Office Vehicles
- q. Purchase From Bob Barker for Inmate and Detention Supplies, Solutions and Services

Treasurer

- r. Agreement w/Master's Touch for Property Tax Statements Printing and Mailing

Workforce Development

- s. Contract w/Career Path Services for Adult Services
- t. Contract w/Career Path Services for Youth Services
- u. Contract w/Career Path Services for Dislocated Worker Services

Public Comment

None.

Public Hearing - Adopting Legislation to Authorize a Sales and Use Tax Ordinance for Chemical Dependency, Mental Health Treatment Services or Therapeutic Courts

Matt Rasmussen presented an ordinance authorizing the Board of Benton County Commissioners to approve a sales and use tax of 0.1% for chemical dependency or mental health treatment services or therapeutic courts. The ordinance also authorized the creation of a special revenue fund for collection. The public hearing was advertised in the newspaper as required and posted on the website, as well as social media. Additionally, the Board held a public hearing at the Richland Public Library previously to take public comment.

The Board received one email in opposition to the proposed tax. The funds will be used for the operation of the recovery center, and other programs could be implemented in the community, for behavioral health crisis and issues. The tax would take effect on July 1, 2022 however, the Board could change that date if it desired. The tax could be implemented in the months of January, April, or July any time after July 1, 2022.

Additionally, he said the Board did not have to adopt the tax today, it just needed to conduct the public hearing and continue the public hearing to a later date if it desired.

Public Comment

Mary Rosen, via/WebEx, Pasco, said the Benton-Franklin Coalition was in favor of the tax.

As there was no one else present to testify, public testimony was closed. Chairman Delvin closed the public hearing for further comment.

Commissioner McKay said he wanted to extend the tax increase to a later date to see if they could get the Benton-Franklin Transit tax on the ballot, so this tax did not need to be implemented.

Mr. Rasmussen said they would have to provide 75 days' notice to implement and the Board did have the statutory authority to implement this tax. He said he was not aware of a voting mechanism for implementation, except maybe an advisory vote, and the County would have to pay the cost of having it on the ballot. The last one Benton County did cost about \$200,000.

Commissioner Small said he originally was not in favor of the tax. However, the dynamics of mental health funding had changed, and the County would be losing some programs in July (mobile crisis units) and this money could be used to fund those programs. He said he attended a meeting last week with 20 local fire and police chiefs to talk about this and this would be a nice transition to fill in the gaps and he was in favor of the tax. He said they could also look at the transit tax being used.

Commissioner McKay asked about using the Public Safety Tax and reiterated he wanted to wait to see if the Ben-Franklin Tax issue passed.

If the Ben-Franklin Transit tax issue passed, that tax would be reduced by 0.1% and so the total local sales and use tax would still be the same.

Commissioner McKay said he was 100% in favor of the facility, but he had a hard time saying yes right now to a new tax.

Mr. Rasmussen said as part of the construction for the facility, they wanted to get a provider on board early in the process. Even though the facility would not be open, they would be helping with the process. He said they received a construction grant and had a design grant, but they would not pay for provider services, so would need the tax to fund that portion. He said they planned on seeking other grants as well, and there were a lot of opportunities they could pursue.

Public Comment - Reopened

Chairman Delvin allowed additional public comment.

Michelle Gerber, via/WebEx, said she was in favor of the tax and that the State and Federal Government would be much more likely to grant money to the providers, if they could show that local funds were being used. She said they had told them they wanted to see local funding.

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

Chairman Delvin said he understood Commissioner McKay's concerns about reducing one tax to be used for the other. However, he had tried to keep the two issues separate as he did not want the public to get confused between the two taxes. Also, he agreed that Transit needed to look at its revenue fund.

He said he would be in favor of starting the tax in July and was in favor of the recovery center.

Commissioner McKay said he was happy to hear about the grants and he understood the importance of the program but felt there were other ways to do it without raising taxes. He said he wanted the voters to be able to say if they wanted a new tax.

MOTION: Commissioner Small moved to adopt the resolution and ordinance to implement the sales and use tax for chemical dependency and mental health treatment services and therapeutic courts, and authorize the creation of the Behavioral Health Fund, to be effective July 1, 2022. Chairman Delvin seconded and upon vote, the motion carried with Commissioner McKay opposing.

Change Order No. 6 - V K Powell Construction for the Courthouse Upgrades Project

Robert Blain presented Change Order No. 6 with V K Powell Construction as follows:

- Removing the remaining terrazzo work from the project scope. The contractor had not been able to match the existing historic terrazzo to be able to complete the needed repairs. The cost of this change was a deduction of \$15,645.00 plus WSST
- Removing the remaining electrical work from the project scope which included the installation of the chandelier on the first floor. The cost of this change was a deduction of \$2,723.00 plus WSST
- Total deduction of (\$18,368.00 plus WSST)

MOTION: Commissioner Small moved to approve Change Order No. 6 with V K Powell Construction for the Courthouse Upgrades project as presented. Commissioner McKay seconded and upon vote, the motion carried.

2022 Benton County Legislative Agenda

Shyanne Palmus presented the 2022 Legislative Agenda for consideration:

- HB 1333 – renewing the Rural Counties' Public Facilities Sales & Use Tax – money from this program accumulates approximately \$300,000/month

- Three Rivers Behavioral Health Recovery Center – Benton County anticipates requesting funding for construction in the 2023 Capital Budget
- Regular Meetings Outside the County Seat – request a change to RCW 36.32.080 to allow regular, monthly meetings outside the County Seat
- HB 1407 – Allow Counties to raise ex parte filing fees – County Clerks are seeking legislation to raise the fee from \$30.00 to \$50.00 (not increased since 2009)
- HB 1376 – Convert registered land to recorded property – County Auditors are seeking to abolish Torrens (an outdated, labor-intensive land registration separate from standard recording systems)

MOTION: Commissioner Small moved to approve the Resolution adopting the Benton County 2022 Legislative Agenda as presented. Commissioner McKay seconded and upon vote, the motion carried.

State Governmental Affairs Consulting Agreement w/Gordon Thomas Honeywell

Shyanne Palmus presented the State Consulting Agreement with Gordon Thomas Honeywell for state governmental and lobbying services for 2022 in the amount of \$51,000.00 and \$1,000.00 for additional expenses.

Ms. Palmus said the contract amount was increasing considerably as they had not been in line with neighboring counties, but this would bring it closer to the services being provided.

MOTION: Commissioner Small moved to approve the Consulting Agreement between Benton County and Gordon Thomas Honeywell Governmental Affairs for 2022 governmental affairs services as presented. Commissioner McKay seconded and upon vote, the motion carried.

Federal Governmental Affairs Consulting Agreement w/Gordon Thomas Honeywell

Shyanne Palmus presented the federal governmental and lobbying services for 2022 in the amount of \$72,000.00, to be paid from the Capital Budget. She said it was not approved as to form by PA's office, but that legal counsel sent the Board separate communications regarding their concerns.

MOTION: Commissioner Small moved to approve the consulting agreement between Benton County and Gordon Thomas Honeywell Governmental Affairs for 2022 federal governmental affairs services as presented. Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Contract with Gram Northwest, LLC

Robert Blain presented a contract with Gram Northwest, LLC for a cultural resource survey at Rattlesnake Mountain Shooting Facility. Resolution 2020-275 authorized the design of the new shooting range and during the SEPA Review/Permitting process, a cultural resource survey was requested. Benton County then entered into an agreement with Gram Northwest LLC to perform

that survey. The work was completed, but the requesting agency requested additional work to be performed.

MOTION: Commissioner Small moved to approve the contract with Gram Northwest, LLC as presented. Commissioner McKay seconded and upon vote, the motion carried.

December Meetings

The Board discussed the December meeting schedule and agreed to cancel the meeting of December 28, 2021.

The Board briefly recessed, reconvening at 10:02 a.m.

Executive Session – Pending Litigation

The Board went into executive session at 10:02 a.m. for approximately 15 minutes with DPA Ryan Brown to discuss pending litigation. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie.

The Board came out at 10:13 a.m. No decisions were made in executive session.

Other Business - Continued

TRIDEC Meeting – Wind Farm Update

Commissioner McKay reported on his meeting with TRIDEC and Scout Energy regarding the proposed wind farm. He said there were some photos, etc. that were provided, and he wanted to know if Benton County could post them on the website to help educate the community regarding this issue. The Board agreed and Mr. MacPherson said he would work with staff to get that information on the website.

Payroll

Check Date: 11/05/2021

Payroll Checks

Total all funds: \$2,418,698.69

Warrant #: 243370-243411

Direct Deposit #: 166276-166870

Payroll Draw Deductions/Transfers

Total all funds: \$2,176,891.19

Taxes #: 101211101-101211111

ACH #: 2011-2017

Payroll Deduction Warrants
Total all funds: \$124,896.44
Warrant #: 223218-223227

Resolutions

- 2021-794: Surplus and Disposition of Personal Property
- 2021-795: Interlocal Agreement w/Franklin County for Participation in Benton County Veterans Therapeutic Court
- 2021-796: Agreement w/US Dept of the Treasury for Emergency Rental Assistance
- 2021-797: Agreement w/WA State Dept of Commerce Community Services & Housing Assistance Unit for the Rent Assistance Program
- 2021-798: First Amended Agreement w/Sharon Adolphsen for Parent Coalition Support Grant
- 2021-799: Agreement w/Entrust Community Services for Employment Services
- 2021-800: Contract w/The Arc of Tri-Cities for Staff Outreach to Spanish Speaking Families
- 2021-801: Grant Agreement w/Children's Developmental Center for Children Services
- 2021-802: Amending Resolution 2020-655 to Increase the Total Not to Exceed for Purchase of Guardrails, Terminals, Cable & Components From Coral Sales Co.
- 2021-803: Intergovernmental Cooperation Agreement w/Stevens County for Purchases of Goods & Services
- 2021-804: Contract w/Nolan's Collision for Auto Body Repair on Fleet Motor Vehicles
- 2021-805: Adoption of Equipment Rental & Revolving Fund Vehicle Replacement Rates for Sheriff's Office Vehicles
- 2021-806: Purchase From Bob Barker for Inmate and Detention Supplies, Solutions and Services
- 2021-807: Agreement w/Master's Touch for Property Tax Statements Printing and Mailing
- 2021-808: Contract w/Career Path Services for Adult Services
- 2021-809: Contract w/Career Path Services for Youth Services
- 2021-810: Contract w/Career Path Services for Dislocated Worker Services
- 2021-811: Adopting Legislation to Authorize a Sales and Use Tax Ordinance for Chemical Dependency or Mental Health Treatment Services or Therapeutic Courts in Accordance with RCW 82.14.460 Establishing the Behavioral Health Fund - Fund Number 0160101 and Other Matters Related Thereto - and Adopting Ordinance No. 639
- 2021-812: Approving Contract Change Order No. 6 with V K Powell Construction LLC for the Courthouse Upgrades Project
- 2021-813: Adopting The Benton County 2022 Legislative Agenda
- 2021-814: Consulting Agreement Between Benton County and Gordon Thomas Honeywell Governmental Affairs for Lobbying Consultant Services
- 2021-815: Consulting Agreement Between Benton County and Gordon Thomas Honeywell Governmental Affairs for Federal Governmental Affairs Consultant Services

2021-816: Executing a Service Contract with Gram Northwest LLC for a Cultural Resource Survey at Rattlesnake Mountain Shooting Facility

There being no further business before the Board, the meeting adjourned at approximately 10:17 a.m.

Clerk of the Board

Chairman