

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, January 25, 2022, 9:00 a.m.

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

Present: Chairman Pro Tem Will McKay
Commissioner Shon Small via/WebEx
Commissioner Jerome Delvin
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; Karlee Ainsworth, Assistant HR Manager; Greg Wendt, Community Development Director; Adam Fyall, Sustainable Development Manager; County Engineer Doug D'Hondt; Treasurer Ken Spencer; Commander Clarke via/WebEx; Shyanne Palmus, Communications Coordinator.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of January 11, 2022 were approved.

Agenda Review

- Cancellation of February 22, 2022 meeting
- March 1 meeting – 1st Quarter – potentially in Kennewick
- Long term care premiums
- Executive Session – Review performance of public employee

Consent Agenda

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

Auditor

- a. Surplus & Disposition of Personal Property
- b. 2020 Accountability Audit Management Representation Letter

Building

- c. Contract w/Northwest Code Professionals for Inspections and Plan Review Services

Commissioners

- d. Benton County Tax Levy for 2022
- e. Historical Preservation Disbursement Correction for the Historic Preservation Grant
- f. Appointment of Angie Pacheco to the Mid-Columbia Libraries

Corrections

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

Human Resources

- h. Reappointing Paul Hart to the Benton County Civil Service Commission
- i. Reappointing Mary Hutchins to the Benton County Civil Service Commission
- j. GovernmentJobs.Com, dba NeoGov, Ordering Form for Job Postings, Interview Scheduling & Training
- k. Compliance Settlement Agreement w/Teamsters Union Regarding Overpayments ULP
- l. Collective Bargaining Agreement w/Benton-Franklin Juvenile Court Guild Representing Juvenile Court Unit
- m. Amendment 1 for the Collective Bargaining Agreement w/AFSCME Representing Courthouse Union
- n. Collective Bargaining Agreement w/Teamsters Local 839, Representing Sheriff's Office & Corrections Department Clerical
- o. Collective Bargaining Agreement w/Teamsters Local 839, Representing Bailiffs
- p. Collective Bargaining Agreement w/AFSCME Representing Appraisers

Human Services

- q. First Amended Agreement w/WA State Department of Commerce Community Service & Housing Assistance Unit Treasury Rent Assistance Program
- r. Agreement w/Tri-Cities Hispanic Chamber of Commerce for Treasury Rental Assistance Program

Juvenile

- s. Contract w/Johnson Controls Fire Protection for Fire Alarm & Sprinkler Inspections
- t. Notice of Termination of Personal Services Contract w/Jennifer Azure
- u. Line Item Transfer, Fund No. 0115-101, Dept. 171

Office of Public Defense

- v. Amended Superior Court Public Defense Agreement w/Shelley Ajax

Parks

- w. Appointment of Sarah Funk to the Benton County Park Board
- x. Appointment of Kit McBurney to the Benton County Park Board

Prosecuting Attorney

- y. Line Item Transfer, Fund No. 0000-101, Dept. 117

Public Works

- z. Digital Submittal Certification of the 2022 Road Levy Certification and Estimated Revenue
- aa. Coding Correction Between ER&R and Protective Inspection Services
- bb. Solid Waste Financial Assistance Grant from WA State Dept. of Ecology

Purchasing

- cc. Contract w/Banlin Construction for the Justice Center Front Entrance Security Upgrade Project

- dd. Payment Authorization to Paramount Communications for Pulling Additional Fiber Runs @ the Justice Center
- ee. Contract w/Booth & Sons Construction for the Moderate Risk Waste Facility Project
- ff. Contract w/CKJT Architects for Architectural & Engineering Design of Justice Center Tenant Improvement Project
- gg. Interlocal Agreement w/City of Prosser for General Equipment and/or Services
- hh. Purchase from Avery Dennison for Sign Materials for the TrafficJet Print System
- ii. Payment to Wilbur-Willis Company for Purchase of Herbicides
- jj. Contract w/Apollo Mechanical Contractors for the Courtroom IT HVAC Project

Risk Management

- kk. Engagement Letter w/Pricewaterhousecoopers for Self-Insured Workers Compensation & Liability Programs
- ll. Contract w/Embark Safety to Monitor Driver Records Monthly

Sheriff

- mm. Memorandum of Understanding w/US Marshal for the Joint Law Enforcement Operations Task Force
- nn. 2021 Federal Equitable Sharing Agreement Certification

Treasurer

- oo. Cancelling Taxes Assessed Upon Personal Property Determined to be Uncollectible

Public Comment

Dr. Raul Garcia, said he worked in emergency services in Tri-Cities, and talked about the health care crisis shortage of staffing in the counties and the rest of the state. Additionally, he said there was a shortage of mental health staffing, and they were trying to find solutions. He expressed his concern that GCBH terminated a very large contract with Lourdes for mental health, with no reason or cause and asked Benton County to investigate this further and bring the truth to light.

Commissioner Delvin said that Commissioner Small represented Benton County on that issue and he agreed they needed to find out the reasons behind the termination.

Jim Atkins, Prosser, WA, via/WebEx asked if there was an update on allowing the public to use the arena at the Fairgrounds.

Adam Fyall said they were in the middle of creating the master plan and hoped to have it complete in the May/June time frame and this proposal was included in the discussion. He said they were not going to make further decisions, for liability and personnel reasons, on whether they wanted to make that change until after the master plan was complete. However, they would bring the information to the Board when the master plan was completed.

Mr. Atkins again asked why the community could not use the arena as it was already being allowed throughout the State of Washington at other entities. Mr. Fyall said they would get him an answer once the master plan was complete.

Shon Small (via/WebEx) said there was not a “back deal” with the ASO going a different direction regarding the contract with Lourdes for mental health. He said the transition from county to private was very smooth and expected it to be smooth for the next level.

Agreement w/WA State Parks & Receptions Commission - Boating Safety & Education Services

Commander Clarke via/videoconference presented the Agreement with the Washington State Parks & Recreation Commission for Boating Safety & Education. He said this agreement would establish a relationship and cooperative framework to accomplish boating safety and education through use of grant.

MOTION: Commissioner Delvin moved to approve the Intergovernmental Agreement # LE: MLE1200 between Washington State Parks and Recreation Commission and Benton County Sheriff’s Office for the performance of boating safety and education services and authorize the Benton County Sheriff to sign said Agreement. Commissioner McKay seconded and upon vote, the motion carried.

Grant Award from WA State Parks & Recreation Commission for the 2022 Federal Financial Assistant Grant Program & Boating Safety

Commander Clarke via/videoconference presented the award of the Boating Safety Program Grant in the amount of \$12,173.96.

MOTION: Commissioner Delvin moved to approve the Recreational Boating Safety Federal Financial Assistance Grant Award from the Washington State Parks and Recreation Commission in the amount of \$12,173.96, for the use of marine enforcement, vessel safety inspections, education, training, and equipment for recreational boating safety, and hereby authorizes the Benton County Sheriff to sign the attached Agreement No. MLE 123-109. Commissioner McKay seconded and upon vote, the motion carried.

Grant Agreement w/WA Traffic Safety Commission for Tri-Cities Walker Safety Project

Commander Clarke via/videoconference presented the Agreement with the WA Traffic Safety Commission for the Walker Safety Grant. Benton County’s portion was \$1,500 for overtime related to high-visibility enforcement traffic safety.

MOTION: Commissioner Delvin moved to approve the attached Interlocal Agreement between BCSO and WTSC and authorizes the Benton County Sheriff to sign Agreement 2022-AG-4410-Tri-Cities Walker Safety Project. as presented. Commissioner McKay seconded and upon vote, the motion carried.

Amending Social Media Policy & Procedures

Shyanne Palmus presented the updated policy that was originally approved in 2017. A revision was necessary to include additional definitions, clarifications and expand upon removing or blocking comments.

MOTION: Commissioner Small moved to approve the Benton County Social Media Policy & Procedures as presented. Commissioner Delvin seconded and upon vote, the motion carried.

2022 Federal Legislative Agenda

Shyanne Palmus presented the Federal Legislative Agenda priorities that outlined the policies, projects, and programs Benton County wanted to emphasize during the federal legislative session and the remaining year.

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

Benton County Economic Development Plan

Adam Fyall presented the updated plan regarding Benton County's philosophy and approach to economic development. He said that Benton County relied on partners to do a lot of the work, including Ports, non-governmental groups, and some cities to do the recruitment, retention, etc. for economic development. Additionally, they were including funding specifically for Ports in this plan, as it was required to be able to fund projects from the Rural County economic fund (.09 money). He said he received comments from staff and commissioners and partners and would be making a few more revisions and would bring it back in three weeks for Board approval. Then it would be put on a 2-year cycle during budget years for revision.

Position Request for Transportation Planning Coordinator

Karlee Ainsworth and Doug D'Hondt presented the request for a new Transportation Planning Coordinator position. They identified a need and there was a current vacant Engineering Tech III position so they wanted to change the Engineering Tech III position to a Transportation Planning Coordinator.

MOTION: Commissioner Delvin moved to approve the following resolutions:

- Establishing the Transportation Planning Coordinator Position
- Establish the Transportation Planning Coordinator as a grade 17 on the Benton County Non-Bargaining Salary Schedule
- Line Item Transfer of Funds Within County Roads to create the Transportation Planning Coordinator position
- Public Works Department Organizational Chart

Commissioner Small seconded and upon vote, the motion carried.

Position Request for Principal Planner

Karlee Ainsworth and Greg Wendt presented the request for a new Principal Planner position. The position was originally budgeted as a Principal Planner and was later changed to a Senior Planner. However, they were now requesting to revert it back to a Principal Planner as there had been some staff movement and they wanted to advertise and were looking for someone with more experience. Mr. Wendt pointed out it was a budget neutral request.

MOTION: Commissioner Delvin moved to approve the following resolutions:

- Establishing the Classification Description for the Principal Planner
- Establishing Salary Placement for the Principal Planner as a grade 18 on the Benton County Non-Bargaining salary schedule
- LIT to transfer funds within Current Expense Fund Number 0000101, Dept. 116 to create a Principal Planner

Commissioner Small seconded upon vote, the motion carried.

Other Business

February 22, 2022 - Meeting Cancellation

Mr. MacPherson reminded the Board would there not be a meeting on February 22, 2022 due to the Presidents' Day holiday on Monday, February 21.

Quarterly Meetings in Kennewick

As requested by the Board to review, Mr. MacPherson said that state law allowed Benton County to hold quarterly meetings outside the County seat, however, it did require more extensive notice of at least 30 days prior to the meeting. He suggested March 1, 2022 as the first quarterly meeting and suggested the first meeting of the last month of each quarter to hold the meetings.

The Board agreed. Chairman Pro Tem McKay requested to hold the meetings at night and recommended 6:00 p.m. The Board agreed to try the night meetings and agreed to March 1, 2022 at 6:00 pm in Kennewick.

Long Term Care Premium Discussion

Ms. Ainsworth said the Governor put a hold on the collecting the premiums, and the Board decided it would not collect in January, 2022 while waiting to see what the State was going to do.

She said the House voted to delay collection by 18 months and it was expected the Senate would vote this week.

The Board recommended holding off on February collections to see what the Senate decided.

MOTION: Commissioner Delvin moved to have Administration notify the County Auditor to not collect February State mandated long term care tax on employees for the month of February 2022. Commissioner Small seconded.

Discussion

There was a discussion regarding employees purchasing their own long-term care plans in lieu of this tax and they asked if Ms. Ainsworth had a recommendation. She said she had heard, and would caution people, that the insurance companies were stating that once you were out, you were out for good and that she would not recommend anyone cancel at this time.

Upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:52 a.m.

Executive Session – Review Performance of Public Employee

The Board went into executive session at 9:52 a.m. for up to 20 minutes to review the performance of a public employee. Commissioner Small appeared via/teleconference. Also present were Jerrod MacPherson and Cami McKenzie.

The Board came out at 10:11 a.m. No decisions were made in executive session, but direction was given.

Other Business

Commissioner McKay said he spoke to Representative Matt Boehnke and Representative Perry Dozier regarding the wind farm legislation, and they were on Benton County's side regarding this issue.

Tort Claims

CC 2022-02: Received from Jerry Hatcher on January 13, 2022

CC 2022-03: Received from Christopher Pedersen on January 27, 2022

CC 2022-04: Received from Jeffery Kruger on January 28, 2022

Payroll

Check Date: 01/18/2022

Payroll Draw Checks

Total all funds: \$109,113.50

Warrant #: 243490

Direct Deposit #: 168351-168495

Payroll Draw Deductions/Transfers
Total all funds: \$20,131.22
Taxes #: 101220115

Payroll Deductions/Transfers
Total all funds: \$43,125.00
Taxes #: 101220116

Accounts Payable

Check Date: 01/14/2022

Warrants #: 226626-226710
Total all funds: \$393,714.19

Transfers #: 01142208-1142213
Total all funds: \$1,670,265.84

Warrants #: 226330-226625
Total all funds: \$1,776,568.49

EFT's #: 2107-2111
Transfers #: 01142201-01142207
Total all funds: \$784,380.20

Check Date: 01/21/2022

Warrants #: 226770-226868
Total all funds: \$342,480.83

EFT's #: 2112-2113
Transfers #: 01212206-01212208
Total all funds: \$271,017.75

Warrants #: 226869-227027
Total all funds: \$1,114,713.01

EFT's #: 2114-2117
Transfers #: 01212201-01212203
Total all funds: \$23,275.21

Resolutions

2022-050: Surplus & Disposition of Personal Property
2022-051: Contract w/Northwest Code Professionals for Inspections and Plan Review Services

- 2022-052: Benton County Tax Levy for 2022
- 2022-053: Historical Preservation Disbursement Correction for the Historic Preservation Grant
- 2022-054: Appointment of Angie Pacheco to the Mid-Columbia Libraries
- 2022-055: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2022-056: Reappointing Paul Hart to the Benton County Civil Service Commission
- 2022-057: Reappointing Mary Hutchins to the Benton County Civil Service Commission
- 2022-058: GovernmentJobs.Com, dba NeoGov, Ordering Form for Job Postings, Interview Scheduling & Training
- 2022-059: Compliance Settlement Agreement w/Teamsters Union Regarding Overpayments ULP
- 2022-060: Collective Bargaining Agreement w/Benton-Franklin Juvenile Court Guild Representing Juvenile Court Unit
- 2022-061: Amendment 1 for the Collective Bargaining Agreement w/AFSCME Representing Courthouse Union
- 2022-062: Collective Bargaining Agreement w/Teamsters Local 839, Representing Sheriff's Office & Corrections Department Clerical
- 2022-063: Collective Bargaining Agreement w/Teamsters Local 839, Representing Bailiffs
- 2022-064: Collective Bargaining Agreement w/AFSCME Representing Appraisers
- 2022-065: First Amended Agreement w/WA State Department of Commerce Community Service & Housing Assistance Unit Treasury Rent Assistance Program
- 2022-066: Contract w/Tri-Cities Hispanic Chamber of Commerce for Treasury Rental Assistance
- 2022-067: Contract w/Johnson Controls Fire Protection for Fire Alarm & Sprinkler Inspections
- 2022-068: Notice of Termination of Personal Services Contract w/Jennifer Azure
- 2022-069: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2022-070: Superior Court Public Defense Agreement w/Shelley Ajax
- 2022-071: Appointment of Sarah Funk to the Benton County Park Board
- 2022-072: Appointment of Kit McBurney to the Benton County Park Board
- 2022-073: Line Item Transfer, Fund No. 0000-101, Dept. 117
- 2022-074: Digital Submittal Certification of the 2022 Road Levy Certification and Estimated Revenue
- 2022-075: Coding Correction Between ER&R and Protective Inspection Services
- 2022-076: Solid Waste Financial Assistance Grant from WA State Dept. of Ecology
- 2022-077: Contract w/Banlin Construction for the Justice Center Front Entrance Security Upgrade Project
- 2022-078: Payment Authorization to Paramount Communications for Pulling Additional Fiber Runs @ the Justice Center
- 2022-079: Contract w/Booth & Sons Construction for the Moderate Risk Waste Facility Project
- 2022-080: Contract w/CKJT Architects for Architectural & Engineering Design of Justice Center Tenant Improvement Project
- 2022-081: Interlocal Agreement w/City of Prosser for General Equipment and/or Services
- 2022-082: Purchase from Avery Dennison for Sign Materials for the TrafficJet Print System
- 2022-083: Payment to Wilbur-Willis Company for Purchase of Herbicides

- 2022-084: Contract w/Apollo Mechanical Contractors for the Courtroom IT HVAC Project
- 2022-085: Engagement Letter w/Pricewaterhousecoopers for Self-Insured Workers Compensation & Liability Programs
- 2022-086: Contract w/Embark Safety to Monitor Driver Records Monthly
- 2022-087: Memorandum of Understanding w/US Marshal for the Joint Law Enforcement Operations Task Force
- 2022-088: 2021 Federal Equitable Sharing Agreement Certification
- 2022-089: Cancelling Taxes Assessed Upon Personal Property Determined to be Uncollectible
- 2022-090: Authorizing Sheriff to Sign the Intergovernmental Agreement Between Washington State Parks and Recreation Commission for Boating Safety and Education Services
- 2022-091: Awarding Grant Funding from Washington State Parks & Recreation Commission for the 2022 Federal Financial Assistance Grant - Boating Safety Program - Authorize Sheriff to Sign the Subrecipient Grant Agreement No. MLE 123-109
- 2022-092: Authorizing Sheriff to Sign the Interagency Agreement Between Benton County Sheriff's Office and Washington Traffic Safety Commission Providing Grant Funding for the Tri-Cities Walker Safety Project
- 2022-093: In The Matter of Amending the Benton County Social Media Policy and Procedures - Rescinding Resolution 2017-589
- 2022-094: Adopting the Benton County 2022 Federal Legislative Agenda
- 2022-095: Establishing a Transportation Planning Coordinator Classification Description
- 2022-096: Establishing the Salary Grade for Transportation Planning Coordinator
- 2022-097: Transfer of Funds Within County Road Fund 0101101 Dept. 500
- 2022-098: Approving Updated Benton County Public Works Organizational Chart
- 2022-099: Establishing a Principal Planner Classification Description
- 2022-100: Establishing the Salary Grade the Principal Planner
- 2022-101: Transfer of Funds Within Current Expense Fund 0000-101 Dept. 116

There being no further business before the Board, the meeting adjourned at approximately 10:11 a.m.

Clerk of the Board

Chairman