

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, March 22, 2022, 9:00 a.m.

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

Present: Chairman Shon Small
 Commissioner Will McKay
 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; Greg Wendt, Community Development Director; Ken Spencer, Treasurer; Adam Morasch, Risk Manager; Linda Ivey, Finance Manager; HR Manager Lexi Wingfield; Stephen Hallstrom, DPA; Robert Blain, Operations & Capital Programs; Chief Robert Guerrero.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of March 15, 2022 were approved.

Agenda Review

The following items were added to the agenda:

- Contracts with Hill International
- Booking Restrictions
- Executive Session - County's position and strategy on union negotiations
- Executive Session - Potential Litigation

Consent Agenda

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

Auditor

- a. Canvassing Board Appointment

Commissioners

- b. Minimal Purchase & Sale Agreement with Mutual Finance Group for Surplus Property

Human Services

- c. Agreement with Tri-City Hispanic Chamber of Commerce
- d. 1st Amendment to Agreement with Domestic Violence Services
- e. 1st Amended Contract w/Benton-Franklin Health District for Quarantine/Isolation Program
- f. Agreement w/Columbia Industries for Quarantine/Isolation Program
- g. Community Behavioral Health Rental Assistance Contract w/Greater Columbia Behavioral Health

Information Technology

- h. Three-Year Subscription with CompuNet to Purchase Cisco DUO Access

Juvenile

- i. Amended Contract No. 2 w/Ideal Option for Medical Services
- j. Agreement w/Columbia/Walla Walla Counties to Provide Access to Juvenile Detention Facilities

Public Works

- k. Certification of Road Fund Expenditures for Submittal to County Road Administration Board
- l. Permission to Advertise 2022 BST Area 6 & Edge Repair Contract

Purchasing

- m. Second Amended Contract w/ICSolutions for Inmate Phone Services & Video Visitation System for Corrections Dept.
- n. Contract w/Frontier Fence for Voting Center Fencing Project
- o. Rental of Vactor Truck by Public Works from AAA Equipment Company
- p. Purchase Agreement with Smith & Greene Co. of Refrigerator and Freezers for Sheriff's Office
- q. First Amendment to Agreement Between District Court and Washington Collectors Tri-Cities for Collection Services

Public Comment

None.

Public Hearing - Determination of Inactive Special Purpose District – Drainage Improvement District 9/9A

Greg Wendt and Matt Rasmussen presented information on Special Purpose District DID 9/9A so the Board could determine whether DID 9/9A met the criteria as being inactive. If the Board determined it met the criteria for being inactive, it was recommended that a second public hearing be held to consider the dissolution of the district.

Per RCW 36.96.010 (3), a special purpose district (drainage improvement district) is characterized as 'inactive' when any of the following exist:

- (a) The special purpose district has not carried out any of the special purposes or functions for which it was formed within the preceding consecutive five-year period;
- (b) No election has been held for the purpose of electing a member of the governing body within the preceding consecutive seven-year period or, in those instances where members of the governing body are appointed and not elected, where no member of the governing body has been appointed within the preceding seven-year period; or
- (c) The special purpose district has been determined to be unauditible by the state auditor;

DID 9/9A met the criteria for a, b, and c and staff recommended approval of the resolution and to schedule a public hearing to consider dissolution. They received notice from the Auditor that it appeared to be inactive, the last election was held in 2012, and they have made multiple attempts to contact them with no response. Additionally, there have not been any complaints about water. If the Board wanted to move forward, they would schedule a second public hearing.

In response to Commissioner McKay's questions about the district, Mr. Rasmussen said the County would vacate any rights of way, materials and equipment would be returned, all assets would be dissolved, and it would cease to exist. He said this was not irrigation, but groundwater and had not been functioning as an active district. Residents would be left on their own to resolve any issues. He said the County stopped assessing in 2015/2016 and there should not be any financial impact.

Public Testimony

Mr. Peterson, Prosser, said he lived in the middle of the district since 1965 and was on the Board since 1984 up until 2017. He said there was an uplift pump on the property, and he had maintained it and been paying the electrical bill. He requested the Board consider taking over and keeping the district as active so it could continue to operate.

Mr. Rasmussen stated the District had to act on its own as it was not a subset of the county, and the county did not operate Drainage Improvements Districts. He said they could potentially create a flood control district, but they would have to take a hard look at whether that was appropriate, and it would probably be a more expensive assessment.

The Board discussed the best-case scenario would be to get it reactivated and run it as designed, by finding people to serve on the Board that were willing to do the reporting requirements.

Ken Spencer, Treasurer, indicated his office had tried to contact Board members, but never received any information back.

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

The Board discussed continuing the public hearing to allow additional time to see if there were others in the district that might be willing to serve on the board.

MOTION: Commissioner Delvin moved to continue this public hearing to June 7, 2022 at 9:00 a.m. Commissioner McKay seconded and upon vote, the motion carried.

Public Hearing – Determination of Inactive Special Purpose District – Drainage Improvement District 10

Greg Wendt and Matt Rasmussen presented information on Special Purpose District DID 10 so the Board could determine whether DID 10 met the criteria as being inactive. If the Board determined it met the criteria for being inactive, it was recommended that a second public hearing be held to consider the dissolution of the district.

DID 10 met the criteria for a and b as being inactive. The District appeared to be mostly natural ditches, with no infrastructure, and they resolved the issue with the pond because it was causing a problem with the road.

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

MOTION: Commissioner Delvin moved to adopt the Resolution as presented, in the determination of Drainage Improvement District 10 as being “inactive” as provided in Chapter 36.96 RCW. Commissioner Small seconded.

The Board said it also wanted to reach out and see if anyone was interested in reactivating this Board. If there was no interest, the Board could decide it was inactive and then dissolve it at the next scheduled public hearing.

Upon vote, the motion carried.

Other Business

Contracts with Hill International

Robert Blain said they had been working on contracts with Hill International for assistance with projects using the progressive design build method of procurement and construction management for the Justice Center Campus project and Recovery Center project. They were not yet finalized and being reviewed by the PA’s office. The costs were as follows:

- Justice Center Campus Project - \$614,108.00
- Recovery Center Project - \$304,381.00

He said they were trying to meet deadlines because they had to meet with a state review committee regarding these projects. He asked if the Board was willing to have the County Administrator sign, once approved by the PA’s office, and then bring it back to the Board for ratification.

Mr. Blain also discussed whether it made sense to move forward with hiring a temporary person on staff to assist with these projects. The Board agreed to look at that proposal.

MOTION: Commissioner Delvin moved to approve the County Administrator to sign the contract with Hill International, so the process could continue. Commissioner McKay seconded and upon vote, the motion carried.

Booking Restrictions

Robert Guerrero, Chief of Corrections presented the Board with a proposed implementation of booking restrictions for the Benton County Jail. District Court has rescinded Administrative Order 22-001, which lifted the booking restrictions that were previously put in place during a COVID outbreak in January and created a hardship for the jail. With the booking restrictions lifted, the jail population would increase and there would be a need to open another housing unit. They were currently averaging 401 inmates and once they had 425 inmates, they would need to open more housing.

The jail currently had five vacant Corrections Officer positions, with three applicants in the background phases of applying. Along with the vacancies, nine officers were on light duty or not at work due to medical issues. To open a housing unit with current staffing levels would result in requiring officers to fill positions and result in an additional cost in overtime pay of approximately \$290,000 over the next nine months. Staff requested the Board approve the implementation of booking restrictions and authorize the Corrections Department to send a letter to local agencies outlining the booking restrictions. These restrictions would be reevaluated within the next six months (per the letter through June 31, 2022).

MOTION: Commissioner Delvin moved to authorize the Chief of Corrections to approve booking restrictions and to send out the letter regarding booking restrictions to the affected agencies. Commissioner McKay seconded.

Discussion

Judge Ziobro, via/WebEx, said it was important to manage expectations of local law enforcement or have exceptions. He said there needed to be a policy and procedure with exceptions in place on who would be booked and not booked, and they be notified of their court dates, so no one was slipping through the cracks. He said procedure was important and he would work with legal and/or jail staff to make sure law enforcement was notified.

After discussion, the Board requested Chief Guerrero work with District Court on a policy and procedure to manage expectations of local law enforcement.

Upon vote, the motion carried.

The Board briefly recessed at 10:02 a.m., reconvening at 10:08 a.m.

Executive Session – County’s Position/Strategy on Union Negotiations

The Board went into executive session at 10:08 a.m. for up to 15 minutes with Lexi Wingfield and Stephen Hallstrom to discuss the County’s position or strategy on union negotiations. Also present were Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Linda Ivey.

The Board came out at 10:24 a.m. No decisions were made in executive session.

Executive Session – Potential Litigation

The Board went into executive session at 10:24 am. for up to 10 minutes with DPA Ryan Brown via/WebEx to discuss potential litigation. Also present were Adam Morasch, Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Linda Ivey.

Due to technical difficulties, the Board came out at 10:36 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to authorize the Risk Manager to pay claim CC 2021-25 presented. Commissioner McKay seconded and upon vote, the motion carried.

Tort Claims

CC 2022-09: Received March 22, 2022 from Ziplly Fiber

Payroll

Check Date: 03/15/2022

Payroll Draw Checks
Total all funds: \$111,341.49
Warrant #: 243577
Direct Deposit #: 169827-169972

Payroll Draw Deductions/Transfers
Total all funds: \$20,459.90
Taxes #: 101220313

Accounts Payable

Check Date: 03/11/2022

PCards #: 0322
Total all funds: \$310,240.21

Check Date: 03/18/2022

Warrants #: 229093-229571
Total all funds: \$3,373,068.57

EFT's #: 2193-2199
Transfers #: 03182201-03182209
Total all funds: \$467,309.87

Resolutions

- 2022-205: Minimal Purchase & Sale Agreement with Mutual Finance Group for Surplus Property
- 2022-206: Agreement with Tri-City Hispanic Chamber of Commerce
- 2022-207: 1st Amendment to Agreement with Domestic Violence Services
- 2022-208: 1st Amended Contract w/Benton-Franklin Health District for Quarantine/Isolation Program
- 2022-209: Agreement w/Columbia Industries for Quarantine/Isolation Program
- 2022-210: Community Behavioral Health Rental Assistance Contract w/Greater Columbia Behavioral Health
- 2022-211: Three-Year Subscription with CompuNet to Purchase Cisco DUO Access
- 2022-212: Amended Contract No. 2 w/Ideal Option for Medical Services
- 2022-213: Agreement w/Columbia/Walla Walla Counties to Provide Access to Juvenile Detention Facilities
- 2022-214: Certification of Road Fund Expenditures for Submittal to County Road Administration Board
- 2022-215: Permission to Advertise 2022 BST Area 6 & Edge Repair Contract
- 2022-216: Second Amended Contract w/ICSolutions for Inmate Phone Services & Video Visitation System for Corrections Dept.
- 2022-217: Contract w/Frontier Fence for Voting Center Fencing Project
- 2022-218: Rental of Vactor Truck by Public Works from AAA Equipment Company
- 2022-219: Purchase Agreement with Smith & Greene Co. of Refrigerator and Freezers for Sheriff's Office
- 2022-220: First Amendment to Agreement Between District Court and Washington Collectors Tri-Cities for Collection Services
- 2022-221: Determination of Drainage Improvement District 10 - DID10 as Inactive As Provided In Chapter 36.96 RCW – A Public Hearing be Scheduled to Consider the Dissolution of DID 10

There being no further business before the Board, the meeting adjourned at approximately 10:37 a.m.

Clerk of the Board

Chairman