

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, June 7, 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
Deputy County Administrator Matt Rasmussen
Clerk of the Board Cami McKenzie

Absent: County Administrator Jerrod MacPherson (via/WebEx)

Benton County Employees Present During All or a Portion of the Meeting; Robert Heard, IT Manager; Lexi Wingfield, HR Manager; Clerk Josie Delvin; DPA Ryan Brown; DPA Eric Andrews; DPA Stephen Hallstrom; Adam Morasch, Risk Manager; Matt Mahoney, Operations Manager; HR Manager Lexi Wingfield; Finance Manager Linda Ivey; Tammy McKiernan, Human Services; Mary Christen, Risk (via/WebEx); Greg Wendt, Community Development Director (via/WebEx).

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The following Minutes were approved:

- May 24, 2022 Regular Board Meeting
- May 24, 2022 Special Board Meeting
- May 25, 2022 Special Board Meeting
- May 26, 2022 Special Board Meeting

Agenda Review

The following item was added to the agenda:

- Executive Session to Review Potential Litigation

Consent Agenda

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

Auditor

- a. Surplus & Disposition of Personal Property

Clerk

- b. Statement of Work w/NCourt for Collection of Payments

Commissioners

- c. Contract w/Prosser Record Bulletin for Official County Newspaper

Facilities

- d. Line Item Transfer, Fund No. 0000-101, Dept. 110 for Capital Outlay

Human Resources

- e. Amendment to Agreement w/Teamsters Local 839, Representing Road Department Employees
- f. Letter of Agreement w/Teamsters Local 760, Representing Correctional Corporals & Sergeants

Human Services

- g. Agreement w/Educational Service District 123 & TC Futures for Meeting Five-Year Homeless Plan
- h. Second Amendment to Agreement w/Columbia Industries for Employment Services
- i. Second Amendment to Agreement w/Entrust Community Services for Employment Services
- j. Second Amendment to Agreement w/Goodwill Industries of the Columbia for Employment Services
- k. Second Amendment to Agreement w/Responding to Autism Services for Employment Services
- l. First Amended Agreement w/MRJN Associates for Employment Services
- m. First Amended Agreement w/Compass Career Solutions for Employment Services
- n. Second Amended Agreement w/Children’s Developmental Center for Children Services
- o. Second Amended Agreement w/ARC of Tri-Cities for Employment Services
- p. Agreement w/WA State DSHS for Long-Term Payables

Information Technology

- q. Twelve Month Agreement w/Smarsh Inc for Archiving Electronic Records
- r. Purchase of One Mobile Laptop for Human Services Department From Dell, Inc.
- s. Purchase of One Precision Laptop for Office of Public Defense From Dell, Inc.
- t. Purchase of One Precision Laptop for Commissioners’ Office, Construction Manager From Dell, Inc.
- u. Purchase of One Precision Laptop, One Thunderbolt Dock and Three Monitors for the Risk Management Department From Dell, Inc.

Juvenile

- v. Amendment No. 1 to Agreement w/State of WA, DSHS, Juvenile Rehabilitation Administration
- w. Copier Lease Agreement w/Ricoh USA

Office of Public Defense

- x. Early Termination of District Court Public Defense Agreement w/Elisa Riley

Public Works

- y. Agreement w/City of Prosser for Revision of Corporate Boundary
- z. Contract w/American Rock Products for Plymouth Road Pavement Overlay
- aa. Approval of Construction Plans & Setting Speed Limit for Mammoth Acres Subdivision
- bb. Franchise Renewal to Zayo Group for Fiber Optic Telecommunications Systems & Facilities in County Road Rights of Way

Purchasing

- cc. Comprehensive Energy Audit Contract w/Sazan Group, Inc. for Justice Center & Jail Facilities
- dd. First Contract Amendment w/Apollo Mechanical Contractors for HVAC-R Preventative Maintenance
- ee. Contract w/Basin Building Solutions for HVAC Services
- ff. Amended Contract w/Stantec Consulting Services for Design of the BDA/DAS System Upgrade @ the Justice Center
- gg. Purchase of Guardrail From Coral Sales Company for Public Works Dept.

Treasurer

- hh. Contract w/GovEase Auction for Conducting Online Property Tax Foreclosure Sales

Public Comment

None.

Public Hearings

Continued – Determination of Inactive Special Purpose District Drainage Improvement District 9/9A

Matt Rasmussen said the Board originally had a public hearing on March 22, 2022 to review whether this district was inactive. After receiving public comments, the Board continued the public hearing to give the landowners an opportunity to find the required number of Board members necessary to have a governing body. Landowners submitted names for Board members, and they were forwarded to the Auditor for review. He recommended the Board continue the public hearing and come back and make a determination on the district at that time.

There was no one present to testify.

MOTION: Commissioner Delvin moved to grant additional time to determine DID 9/9A appointees for its governing body and continue the public hearing until July 19, 2022, at 9 a.m. in the Commissioner's Meeting Room, 3rd floor Courthouse, Prosser, WA. Commissioner McKay seconded and upon vote, the motion carried.

Dissolution of Inactive Special Purpose District – Drainage Improvement District 10

Matt Rasmussen said this was a public hearing to take comment on the dissolution of DID 10. On March 22, 2022 the Board held a public hearing and determined that DID 10 met the criteria for being inactive and scheduled this hearing for dissolution. Staff recommended dissolution of the district today and adoption of the ordinance dissolving DID 10.

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

MOTION: Commissioner Delvin moved to approve the resolution and ordinance to dissolve Drainage Improvement District 10 pursuant to chapter 36.96 RCW as presented. Commissioner McKay seconded and upon vote, and the motion carried.

Ordinance Amendment to County Public Records Policy, BCC 5.14

Adam Morasch and Mary Christen (via/WebEx) presented the ordinance amendment to the public records policy and summarized as follows:

- Updating departments, addresses and phone numbers
- Amending fee schedules
- Adopting fees for the redacting of body worn camera recordings.

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

MOTION: Commissioner Delvin moved to approve the proposed public records amendment amending Ordinances 442, 582, and 638, and Benton County Code Chapter 5.14. Commissioner McKay seconded and upon vote, the motion carried.

Budget Adjustment for Human Services

Linda Ivey and Tammy McKiernan presented the budget adjustment for Human Services for the 2021-2022 budget as follows:

- Benton County was awarded \$12,213,576 from Washington State Commerce from the US Treasury for rent, utilities, and By & For Agencies (C-TRAP-2) due to COVID-19.
- Benton County was awarded an additional \$7,664,001 in Eviction Rent Assistance Program (ERAP) due to COVID-19.
- Benton County was awarded \$4,875,836 from the US Treasury on May 10, 2021, for rent and utilities (TRAP-2) due to COVID-19

Public Testimony

Gary Koci, Kennewick, asked why this public hearing was not published in the Tri-City Herald and he was told the Prosser Record Bulletin was the official county newspaper.

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

MOTION: Commissioner Delvin moved to approve the request for budget adjustment for the Human Services Fund, Fund number 0108101, in the amount of \$24,753,413. Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Certificates of Service

Chairman Small recognized the following employees for their long-term service with Benton County:

15 Years

Megan Killgore
Anthony Von Moos
Glenn Hannaman
Cheryl Pochert
Kirsten Yniguez
Kasey Kist
Clayton Rawlings
Dallas Murry

20 Years

Darrell Isaacson
Vicki Bourbon
Gordon McMaster

25 Years

Terry Bloor
Yvonne Perez

30 Years

Richard Elledge
Gloria Caldwell
Sarah Wagar-Weidner

Payment Authorization Payment Authorization to Ennis-Flint for Purchase of Thermoplastic Markings for Public Works

Matt Mahoney presented a resolution authorizing payment to Ennis-Flint for purchase of Thermoplastic Markings for Public Works. He explained that two quotes were received, but the lowest bidder did not provide all the pricing required. The Department moved ahead with ordering the materials prior to Board authorization and the product was received. He was said they were reviewing their process and would present these purchases through the Procurement Department in the future, to make sure this didn't happen again.

MOTION: Commissioner Delvin moved to approve the payment of \$12,761.93 to Ennis-Flint, Inc. as presented. Commissioner McKay seconded and upon vote, the motion carried.

Open Bargaining Discussion

Lexi Wingfield and Stephen Hallstrom discussed the current open bargaining practice. Currently the County had closed bargaining sessions. However, both parties have to agree to open bargaining or they would continue to do closed bargaining.

The Board agreed to have Ms. Wingfield reach out to the bargaining groups to see if they were interested in doing open bargaining discussions. As a secondary position, she would offer to allow the County to post the offers on line for the public to see. She said she would start these conversations as they scheduled the upcoming negotiations, which would take a few months to get scheduled.

Communications Coordinator – Updated Classification Description

Lexi Wingfield and Matt Rasmussen presented the updated classification description for the Communications Coordinator. Previously, the Auditor came forward and eliminated a position through a reorganization that was partially paid out of Current Expense. This position takes care of the inventory assets, and the Auditor would prefer not to manage those through her office. Mr. Rasmussen said that Admin agreed with that position and that there was some money left over to look at current staff to pick up those responsibilities. They would utilize existing staff but increase the pay to compensate for additional duties.

MOTION: Commissioner Delvin moved to approve the Communications Coordinator classification description as presented and the Communications Coordinator as a grade 17 on the Benton County Non-Bargaining Salary Schedule. Commissioner McKay seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the LIT to fund the Communications Coordinator position as presented. Commissioner McKay seconded and upon vote, the motion carried.

Appointment of Members to the Benton Franklin Behavioral Health Advisory Committee Benton-Franklin Behavioral

Matt Rasmussen presented a Resolution for Benton County appointing members to be on the Bi-County Board. Franklin County was reviewing their own appointees and would make those appointments for Franklin County. This advisory committee would consist of 17 voting members, with eight appointed by each county, and one appointed by the Advisory Committee, to review programs and expenditures to be funded. With approval, the following members would be appointed for Benton County:

- Law Enforcement - Tom Croskrey, Benton County Sheriff
- Fire/EMS - Chad Michael, Fire Chief, City of Kennewick

- Hospital Representative - Erika Barton, Kadlec Regional Medical Center
- Mental Health Expert - Sindi Saunders, Kennewick, WA
- SUD Expert - Joel Chaves, Kennewick, WA
- Lived Experience - Jason Bliss, Richland, WA
- General Public - Brian Ace - Kennewick, WA
- General Public - Shelby Beardslee, Richland, WA

The chairman or executive team would report to each Board, and the County Administrator or designee would be a non-voting member, as well as Kyle Sullivan or designee would be a non-voting member.

MOTION: Commissioner Delvin moved to approve the Resolution appointing members to the Benton Franklin Behavioral Health Advisory Committee for the term of July 1, 2022 to June 30, 2025. Commissioner McKay seconded and upon vote, the motion carried

Other Business

NACO Conference Update

Commissioner Delvin reported on his attendance at the NACO conference and said that he spoke to Zency (the company the Health District used during covid regarding masking and vaccines) about using them for renewing the Public Safety Tax. He said they used technology for tracking social media in the area and what was being said and what the comments were. He thought it would be helpful since the Board could not promote the tax, but they could put out the information that was being addressed in the comments. He asked the Board to review a video from the company that outlined their process, and the Board could discuss it again at the next board meeting. The cost of the service was \$49,000 per year.

Ms. Ivey commented on the Public Safety Tax and said that currently the outgoing costs were about equal to ongoing incoming revenue. The Board discussed whether the company could do a presentation to the Board and Commissioner Delvin said he would ask them.

Wind Farm Issue

The Board discussed a draft response to send out to individuals that were commenting or inquiring about the wind farm issue and to let them know the County was working on this and doing everything to oppose this wind farm.

Public Comment

Dave Sharp, Kennewick, asked if Benton County could add a conditional use to that permit for the wind farm, if it was issued, or was it strictly done by EFSEC and Mr. Brown said EFSEC would issue any conditional use permits.

The Board briefly recessed, reconvening at 10:07 a.m.

Executive Session – Review Qualifications of Candidate for Public Employment

The Board went into executive session at 10:07 a.m. with Lexi Wingfield and Adam Morasch for up to five minutes to review the qualifications of a candidate for public employment. Also present were Jerrod MacPherson (via/WebEx), Matt Rasmussen, Cami McKenzie, Eric Andrews, Ryan Brown, and Stephen Hallstrom.

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

MOTION: Commissioner McKay moved to approve the Salary Request Statement as presented for Greg Sullivan. Commissioner Delvin seconded and upon vote, the motion carried.

Executive Session – Pending and Potential Litigation

The Board went into executive session at 10:14 a.m. with Ryan Brown for up to an hour to discuss four executive sessions regarding pending and potential litigation. Also present were Eric Andrews, Stephen Hallstrom, and Lexi Wingfield.

The Board came out at 10:57 a.m. Mr. Brown announced that no decisions were made but direction was given.

MOTION: Commissioner Delvin moved to authorize the Chairman to sign on behalf of Benton County approving the OPIOID settlement with the Washington State Attorney General’s Office. Commissioner McKay seconded and upon vote, the motion carried.

Payroll

Check Date: 05/05/2022

Payroll Checks

Total all funds: \$2,489,052.58

Warrant #: 243609-243652

Direct Deposit #: 170706-171288

Payroll Draw Deductions/Transfers

Total all funds: \$2,212,983.64

Taxes #: 101220501-101220512

ACH #: 2271-2277

Payroll Deduction Warrants

Total all funds: \$111,303.12

Warrant #: 231437-231447

Check Date: 05/16/2022

Payroll Draw Checks

Total all funds: \$110,720.03

Warrant #: 243653-243655

Direct Deposit #: 171289-171430

Payroll Draw Deductions/Transfers

Total all funds: \$20,390.24

Taxes #: 101220513

Accounts Payable

Check Date: 05/13/2022

Warrants #: 231571-232019

Total all funds: \$2,279,221.15

EFT's #: 2278-2280

Transfers #: 05132201-05132208

Total all funds: \$358,246.01

Check Date: 05/20/2022

Warrants #: 232062-232313

Total all funds: \$2,119,289.73

EFT's #: 2281-2290

Transfers #: 05202201-05202206

Total all funds: \$145,008.81

Check Date: 05/27/2022

Warrants #: 232460-232626

Total all funds: \$949,523.92

EFT's #: 2291-2319

Transfers #: 05272201-05272205

Total all funds: \$187,921.39

Check Date: 06/03/2022

Warrants #: 232633-232727

Total all funds: \$757,582.54

EFT's #: 2320-2322
Transfers #: 06032201-06032203
Total all funds: \$92,734.81

Resolutions

- 2022-359: Surplus & Disposition of Personal Property
- 2022-360: Statement of Work w/NCourt for Collection of Payments
- 2022-361: Contract w/Prosser Record Bulletin for Official County Newspaper
- 2022-362: Line Item Transfer, Fund No. 0000-101, Dept. 110 for Capital Outlay
- 2022-363: Amendment to Agreement w/Teamsters Local 839, Representing Road Department Employees
- 2022-364: Letter of Agreement w/Teamsters Local 760, Representing Correctional Corporals & Sergeants
- 2022-365: Agreement w/Educational Service District 123 & TC Futures for Meeting Five-Year Homeless Plan
- 2022-366: Second Amendment to Agreement w/Columbia Industries for Employment Services
- 2022-367: Second Amendment to Agreement w/Entrust Community Services for Employment Services
- 2022-368: Second Amendment to Agreement w/Goodwill Industries of the Columbia for Employment Services
- 2022-369: Second Amendment to Agreement w/Responding to Autism Services for Employment Services
- 2022-370: First Amended Agreement w/MRJN Associates for Employment Services
- 2022-371: First Amended Agreement w/Compass Career Solutions for Employment Services
- 2022-372: Second Amended Agreement w/Children's Developmental Center for Children Services
- 2022-373: Second Amended Agreement w/ARC of Tri-Cities for Employment Services
- 2022-374: Agreement w/WA State DSHS for Long-Term Payables
- 2022-375: Twelve Month Agreement w/Smarsh Inc for Archiving Electronic Records
- 2022-376: Purchase of One Mobile Laptop for Human Services Department From Dell, Inc.
- 2022-377: Purchase of One Precision Laptop for Office of Public Defense From Dell, Inc.
- 2022-378: Purchase of One Precision Laptop for Commissioners' Office, Construction Manager From Dell, Inc.
- 2022-379: Purchase of One Precision Laptop, One Thunderbolt Dock and Three Monitors for the Risk Management Department From Dell, Inc.
- 2022-380: Amendment No. 1 to Agreement w/State of WA, DSHS, Juvenile Rehabilitation Administration
- 2022-381: Multiple Copier Lease Agreements w/Ricoh USA for Juvenile
- 2022-382: Early Termination of District Court Public Defense Agreement w/Elisa Riley
- 2022-383: Agreement w/City of Prosser for Revision of Corporate Boundary
- 2022-384: Contract w/American Rock Products for Plymouth Road Pavement Overlay
- 2022-385: Approval of Construction Plans & Setting Speed Limit for Mammoth Acres Subdivision

- 2022-386: Franchise Renewal to Zayo Group for Fiber Optic Telecommunications Systems & Facilities in County Road Rights of Way
- 2022-387: Comprehensive Energy Audit Contract w/Sazan Group, Inc. for Justice Center & Jail Facilities
- 2022-388: First Contract Amendment w/Apollo Mechanical Contractors for HVAC-R Preventative Maintenance
- 2022-389: Contract w/Basin Building Solutions for HVAC Services
- 2022-390: Amended Contract w/Stantec Consulting Services for Design of the BDA/DAS System Upgrade @ the Justice Center
- 2022-391: Purchase of Guardrail From Coral Sales Company for Public Works Dept.
- 2022-392: Contract w/GovEase Auction for Conducting Online Property Tax Foreclosure Sales
- 2022-393: Adoption of Ordinance 6Dissolution of Drainage Improvement District 10 as Provided in Chapter 36.96 RCW
- 2022-394: Adoption of Ordinance No 644 Relating to Public Records
- 2022-395: Budget Adjustment to the 2021-2022 Human Services Fund No 0108101 Budget in the Amount of \$24,753,413
- 2022-396: Authorizing Payment to Ennis-Flint Inc. for the Purchase of Thermoplastic Markings for Use by the Benton County Public Works Department
- 2022-397: Updating the Communications Coordinator Classification Description
- 2022-398: Establishing the Salary Grade for the Updated Communications Coordinator
- 2022-399: Transfer of Funds Within Current Expense Fund Number 0000101 Department Number 102 to Department Number 107
- 2022-400: Appointing Members to the Benton-Franklin Behavioral Health Advisory Committee
- 2022-401: Approving the Opioid Distributors Washington Settlement Agreement

There being no further business before the Board, the meeting adjourned at approximately 10:58 a.m.

Clerk of the Board

Chairman