

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, July 12, 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
Alt. Clerk of the Board Marilu Flores

Benton County Employees Present During All or a Portion of the Meeting: Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; DPA Ryan Brown; DPA Eric Andrews; Linda Ivey, Finance Manager; Brenda Chilton, Auditor; Greg Wendt, Community Development Director; Michelle Cooke, Planning Manager; Andrea Watts, Planning Dept.; Clerk Josie Delvin; Shyanne Palmus, Communications Coordinator

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of June 24, 2022 Special Meeting were approved.

The Minutes of June 28, 2022 were approved.

Agenda Review

The following item was pulled from the consent agenda:

“m” - Ratifying Change Order No. 3 with C & E Trenching for Dallas Road / Arena Rd. Traffic Safety Improvement Project

Consent Agenda

MOTION: Commissioner Delvin moved to approve the consent agenda items “a” through “t”, pulling “m” (Ratification of C & E Trenching for Dallas Road / Arena Rd. Traffic Safety Improvement Project). Commissioner McKay seconded and upon vote, the Board approved the following:

Commissioners

- a. Line Item Transfer, Fund No. 0305-101, Dept. 000 for the Recovery Center Purchase
- b. Line Item Transfer, Fund No. 0000-101, Dept. 115 to 107 for Wages & Benefits
- c. Line Item Transfer, Fund No. 0000-101, Dept. 139 to 107 for Wages & Benefits

Human Services

- d. First Amended Agreement w/DSHS for Employment Services Legislative Policy Program

Juvenile

- e. Line Item Transfer, Fund No. 0115-101, Dept. 173 to 172
- f. Interlocal Agreement w/Spokane County for Juvenile Staff Training
- g. Agreement w/Pasco School District for Probation Counselor @ Chiawana High School
- h. Agreement w/Pasco School District for Probation Counselor @ Pasco High School

Office of Public Defense

- i. Subscription Agreement w/Thomas Reuters Enterprise for Westlaw Legal Research Services

Parks

- j. Line Item Transfer, Fund No. 0110-102, Dept. 000 for Equipment Purchase

Planning

- k. Appointments to Drainage Improvement District 9/9A

Public Works

- l. Policy & Procedures for Work Performed for Other Public Agencies & County Departments by the County Road Department
- n. Ratifying Change Order No. 1 w/Construction Ahead for Crack Seal Project

Purchasing

- o. Contract Amendment #4 w/Meier Architecture & Engineering for the Rattlesnake Mountain Shooting Facility Design
- p. Grant from BNSF Railway Foundation for Detective Training Program @ the Sheriff's Office
- q. Contracts w/Vendors for Supplying Road Surfacing Materials for Public Works Department Projects
- r. MOU & Sharing Agreement w/Community Health Plan of WA for Medicaid Services in the Corrections Dept.

Risk

- s. Contract Renewal w/Velocity EHS for Online Safety Data Sheet Tracking System

Sheriff

- t. Agreement w/WA Assoc. Of Sheriffs & Police Chiefs for Sex Offender Address & Residency Verification Program

Public Comment

None.

Public Hearing - Short Plat Vacation - SPV 2022-001

Planning Manager, Michelle Cooke, and Planner Andrea Watts presented on Short Plat Vacation – SPV 2022-001. Ms. Cooke indicated that on June 29, 1995, Short Plat 2199 was recorded under

Auditor's File Number 1995-14142, which created four residential lots. With this, a 20-foot drainage easement was established running north/south along the east side of Lot 1 and east/west through the southern portions of lots 1 through 4 of Short Plat 2199. These parcels are located 700 feet southeast of the intersection of Reata Road and Bermuda Road in the Kennewick area of unincorporated Benton County.

Applicant, Brad Tapani, is requesting to vacate the 20-foot drainage easement created by Short Plat 2199. Mr. Tapani would be required to record and develop a new engineered drainage easement on Lots 1-4 as well as the adjacent unplatted parcel 1-1088-200-0003-000 to the south. Owners of the property within 300 feet of the parcel as well as concerned agencies were notified of the proposed vacation with no unresolved objections received.

Planner Andrea Watts recommended that the Board conduct a public hearing, and based on testimony received, either approve or deny the request. Based on the information received, the Planning Department is recommending approval of the proposed vacation of the 20-foot drainage easement on Lots 1 through 4 of Short Plat 2199 conditioned upon the recording and development of a new engineered drainage easement on Lots 1-4 of Short Plat 2199 and the unplatted parcel 1-1088-200-0003-000 to the south.

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

MOTION: Commissioner Delvin moved to approve SPV 2022-001 for the vacation of a 20-foot drainage easement on Lots 1 through 4 of Short Plat 2199 conditioned on the recording and development of a new engineered drainage easement on Lots 1-4 of Short Plat 2199 and the unplatted parcel to the south. These documents must be recorded within 1 year of the date of approval by the Benton County Board of Commissioners or this approval will be null and void. Commissioner McKay seconded and upon vote, the motion carried.

Discussion Regarding State and Federal Governmental Affairs & Lobbying

Shyanne Palmus presented on the current governmental affairs and lobbying services at the State as well as Federal level. She said that the County currently is contracting for these services on a yearly basis with Gordon Thomas Honeywell (GTH) since 2017 for state-level services and since 2021 for federal-level services. Ms. Palmus wanted to discuss future contracting with GTH and wanted the Board's consensus on moving forward with a 2-year contract term. GTH currently advocates for Benton County issues, secures funding and since contracting with GTH, the County has been able to secure nearly \$12 million in state and federal funding for major capital projects as well as advocating the State to pay for its fair share of even-year election costs, saving the county approximately \$500,000 in the 2022 and 2024 elections. Current proposed fees by GTH would be \$137,500 in 2023 and \$144,316 in 2024. Ms. Palmus indicated that it was her recommendation that it would be a good return on investment being they have secured \$12 million dollars for Benton County in the past.

Commissioner Delvin said that we are a large county, cannot be in Olympia for all sessions and it is good to have them represent us there in our absence. The Board gave Ms. Palmus direction to proceed with contracting with Gordon Thomas Honeywell Governmental Affairs for 2023-2024.

Public Safety Sales Tax Public Information & Outreach Presentation

Shyanne Palmas presented on a Request for Proposals (RFP) submitted in May 2022 regarding assistance in building a public information platform, educational and outreach efforts to inform the public about the Public Safety Sales Tax (PSST) for the upcoming ballot initiative for Fall 2023. One proposal and quote was received from the RFP from Desaute Hege, Spokane, WA in the amount of \$39,200 plus an 8% technology fee. Services include information-gathering public awareness research, PSST understanding, development of message platform and project priorities including informational videos, social media posts and media relation services. Ms. Palmas asked whether the Board was agreeable to proceeding with a contract with Desaute Hege.

Commissioner McKay asked whether there would be a cap on the fee and Ms. Palmus indicated that during contracting, we could ask for a “not to exceed” amount.

Commissioner Small asked whether the citizens committee was appointed separately. Andy Miller (via WebEx at the Admin Building) indicated that the commissioners could not advocate for the sales tax through the citizens committee as that was a separate function.

Tyler Tullis from Desaute Hege (via WebEx) indicated that this process would be an educational effort.

Direction was given to proceed with a contract with Desaute Hege for services as outlined for final Board approval.

Public Safety Sales Tax Budget Policy Discussion

Commissioner Small was looking at going from a 12-month cash reserve to a 6-month cash reserve for the purposes of making public safety sales tax monies more readily accessible. Finance Manager, Linda Ivey, indicated that the County currently budgets a 12-month reserve, and reminding Commissioners that sales tax revenues are received two months behind. Our practice has been budgeting a 12-month cash reserve fund. Administrator MacPherson indicated that if the Board was willing to reduce to a 6-month reserve that this would free up the public safety sales tax funds faster to be used accordingly.

Commissioner Small indicated that our operational programs are in full force capacity and public safety sales tax monies could be used more effectively for the public using a 6-month cash reserve.

Commissioner Delvin said he did not have an issue with the 6-month option but wanted to recommend doing an RFP to push the money out. Commissioner McKay asked whether the County could go revisit the current applications previously submitted with them being grandfathered in and opened to others to apply.

Administrator MacPherson commented for board consideration on having a special one-time RFP process with Commissioner McKay preferring that this be looked at sooner rather than later.

Ms. Ivey indicated that if a new RFP process occurs, funding would not begin until January 2023. The Board directed staff determine how much funding would be freed up reducing the cash reserves from 12 months to 6 months and returning with a proposal on holding a new RFP process to allocate funds.

Other Business

Commissioner Delvin briefed the Board on his attendance at a Franklin County board meeting last week. Human Services Manager, Kyle Sullivan, and Administrator Jerrod MacPherson attended as well. Commissioner Delvin wanted to give Franklin County an update on the recent Kennewick General Hospital purchase by Benton County as there might be some miscommunication. Commissioner Delvin indicated to Franklin County that he would work on keeping them informed on the status on this matter. Deputy Administrator, Matt Rasmussen, indicated that the Advisory Committee was balanced evenly among the counties and further indicated that Benton County was on target regarding the purchase of the property.

Commissioner McKay spoke on the importance of dams and asked for staff's assistance in writing a letter advocating for their support. Commissioner Delvin mentioned that he serves on the Columbia River Committee which he often speaks on the subject and said he could get a letter generated through them. Commissioner McKay suggested getting WSAC involved as well. Commissioner McKay and Administrator MacPherson will be working together this week on sending out a letter.

The Board acknowledged the following employee longevity:

15 Years: Judge Joe Burrowes
20 Years: Troy Grall
25 Years: Amy Ayres
30 Years: Ramiro Gomez, Jr.

The Board recessed at 9:53 am for 10 minutes.

Executive Session 2nd Quarter Litigation Update

The Board went into executive session at 10:03 a.m. for up to 25 minutes with DPA Ryan Brown. Also present were Jerrod MacPherson, Matt Rasmussen, Eric Andrews and Marilu Flores.

The Board came out at 10:25 a.m. No decisions were made in executive session.

Commissioner McKay moved to authorize legal counsel to file a counterclaim on the Caughey et al v. Benton County litigation matter seeking declaratory relief stating that the county is not liable on the claims plaintiffs have asserted. Commissioner Delvin seconded and upon vote, the motion carried.

Commissioner McKay moved to approve the resolution authorizing the Chairman of the Board to sign the Resolution and the Settlement Agreement and Release for Cause No. 21-2-00665-39. Commissioner Delvin seconded and upon vote, the motion carried.

Accounts Payable

Check Date: 06/30/2022

Warrants #: 233676
Total all funds: \$10,134.01

Check Date: 07/01/2022

Warrants #: 233677-234214
Total all funds: \$745,065.90

EFT's #: 2362-2367
Transfers #: 07012201-07012204
Total all funds: \$65,353.73

Check Date: 07/11/2022

PCards: #0722
Total All Funds: \$345,097.73

Payroll

Check Date: 07/05/2022

Payroll Checks
Total All Funds: \$2,612,649.16
Warrant: #243688-243719
Direct Deposit: #172168-172770

Payroll Deduction Transfers
Total All Funds \$2,311,075.62
Taxes 101220701-101220712
ACH #2368-2374

Payroll Deduction Warrants
Total All Funds \$112,758.05
Warrant #234215-234225

Resolutions

- 2022-441 Line Item Transfer, Fund No. 0305-101, Dept. 000 for the Recovery Center Purchase
- 2022-442 Line Item Transfer, Fund No. 0000-101, Dept. 115 to 107 for Wages & Benefits
- 2022-443 Line Item Transfer, Fund No. 0000-101, Dept. 139 to 107 for Wages & Benefits
- 2022-444 First Amended Agreement w/DSHS for Employment Services Legislative Policy Program
- 2022-445 Line Item Transfer, Fund No. 0115-101, Dept. 173 to 172
- 2022-446 Interlocal Agreement w/Spokane County for Juvenile Staff Training
- 2022-447 Agreement w/Pasco School District for Probation Counselor @ Chiawana High School
- 2022-448 Agreement w/Pasco School District for Probation Counselor @ Pasco High School
- 2022-449 Subscription Agreement w/Thomas Reuters Enterprise for Westlaw Legal Research Services
- 2022-450 Line Item Transfer, Fund No. 0110-102, Dept. 000 for Equipment Purchase
- 2022-451 Appointments to Drainage Improvement District 9/9A
- 2022-452 Policy & Procedures for Work Performed for Other Public Agencies & County Departments by the County Road Department
- 2022-453 Ratifying Change Order No. 1 w/Construction Ahead for Crack Seal Project
- 2022-454 Contract Amendment #4 w/Meier Architecture & Engineering for the Rattlesnake Mountain Shooting Facility Design
- 2022-455 Grant from BNSF Railway Foundation for Detective Training Program @ the Sheriff's Office
- 2022-456 Contracts w/Vendors for Supplying Road Surfacing Materials for Public Works Department Projects
- 2022-457 MOU & Sharing Agreement w/Community Health Plan of WA for Medicaid Services in the Corrections Dept.
- 2022-458 Contract Renewal w/Velocity EHS for Online Safety Data Sheet Tracking System
- 2022-459 Agreement w/WA Assoc. Of Sheriffs & Police Chiefs for Sex Offender Address & Residency Verification Program
- 2022-460 Settlement Agreement & Release for Cause No. 21-2-00665-39

There being no further business before the Board, the meeting adjourned at approximately 10:26 a.m.

Clerk of the Board

Chairman