

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, September 13, 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; Lexi Wingfield, HR Manager; Clerk Josie Delvin; DPA Ryan Brown; Treasurer Ken Spencer; Peter McEnderfer, Planning; Planning Manager Michelle Cooke; District Court James Judge; District Court Judge Jennifer Azure; DPA Stephen Hallstrom; Mike McGhan, Road Department; Chief Robert Guerrero.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of August 30, 2022 were approved.

Agenda Review

Commissioner Delvin requested item “g” be pulled for discussion.

The following executive sessions were added:

- Pending Litigation
- Labor Negotiations
- Review Performance of Public Employees (2 separate)
- Review Qualifications of Candidate for Public Employment

Consent Agenda

MOTION: Commissioner McKay moved to approve the consent agenda items “a” through “jj”, pulling “g” (Amendment 1 to Agreement w/Benton Franklin Juvenile Guild Representing Juvenile Court Unit). Commissioner Delvin seconded and upon vote, the Board approved the following:

Auditor

- a. Line Item Transfer, Election Reserve Fund No. 1110, Dept. 000 for Computer Replacement
- b. Declaration and Surplus of Personal Property

Clerk

- c. Project Change Request w/i3-ImageSoft, LLC for OnBase Project

Commissioners

- d. Line Item Transfer – Fund 0010, Dept. 115 to Dept. 117
- e. Line Item Transfer – Fund 0010, Dept. 115 to Dept. 120

Corrections

- f. Line Item Transfer, Fund No. 0010, Dept. 120 for Overtime

Human Resources

- h. Amendment 1 to Agreement w/Teamsters Local 839, Representing Juvenile Detention
- i. Amendment 1 to Agreement w/Teamsters Local 839, Representing Bailiffs
- j. Updated Bi-County Non-Bargaining Salary Schedule

Human Services

- k. Third Amended Agreement w/Children’s Developmental Center for Services to Children
- l. Amendment A to Agreement #21-4619C-102 w/Dept. of Commerce – ERAP
- m. Amendment A to Agreement #21-4618C-102 w/Dept. of Commerce – T-RAP 2.0
- n. Amendment B to Agreement #21-4616C-102 w/Dept. of Commerce – T-RAP

IT

- o. Purchase of Two Printers for the Auditor – from Computer Discount Warehouse – Government
- p. Purchase of Six PC’s for Benton County Voting Center from Dell, Inc.
- q. Purchase of Three Laptops with Setup for Court Commissioners from Dell, Inc.

Juvenile

- r. Agreement w/State of WA Administrative Office of the Courts for CASA/Volunteer GAL Programs

Office of Public Defense

- s. Termination of District Court Public Defense Agreement w/Matthew Rutt
- t. Professional Services Agreement with Simone Green – District Court

Public Works

- u. Lease Agreement w/Horrigan Farms, Inc. - Crush & Stockpile Road Surfacing Materials @ Horrigan Quarry
- v. Contract w/Land Staff for On-Call Right-of-Way Services
- w. Interlocal Agreement w/Columbia Irrigation District for Purchase of Rock From Owens Quarry
- x. 1st Amendment to Agreement with HLA Engineering and Land Surveying
- y. Purchase of Deicer from EnviroTech Services
- z. Purchase of Road Salt from EnviroTech Services
- aa. Purchase of Road Salt from Salt Distributors

Purchasing

- bb. Bid Authorization CB 22-10 for Employee Uniforms & Other Related Items for Corrections Dept.
- cc. Bid Authorization CB 22-11 For Paper and Glove Supplies for Corrections Dept.
- dd. Bid Authorization CB 22-12 for Jail Chemicals & Janitorial Supplies for Corrections Dept.

- ee. Memorandum of Understanding w/Coordinated Care of Washington for Managed Medicaid Services
- ff. Contract w/Top Tree Service for Tree Removal at the Prosser Courthouse
- gg. Contract w/Mel's Inter City Collision for As Needed Towing Services
- hh. Professional Services Contract w/Meier Enterprises for Coroner's Autopsy Ventilation System Upgrade

Superior Court

- ii. Coding Correction Within Current Expense Fund No. 0010, Dept. 123

Workforce Development Council

- jj. Appointment of Leticia Torres – Business

Consent Agenda Item “g” - Amendment 1 to Agreement w/Benton Franklin Juvenile Guild Representing Juvenile Court Unit

Lexi Wingfield said they had performed an external salary survey for the bi-county employees and the results were now being implemented. She said they prioritized this because the bi-county employees missed four years of colas.

However, it was important they continue to look at the Benton County direct bargaining and non-bargaining employees and would be addressing that in the near future. Additionally, she was presenting a new resolution for administrative cleanup for Juvenile Court position titles; it did not change anything substantive.

Commissioner Delvin said he wanted to recognize the other employees needed to be addressed as well, and to look at their salaries. He said the bi-county employees were overdue, but they were actively looking at the others to see how they could do it financially.

Chairman Small agreed but expressed concern about what would happen in a couple of years with the budget.

MOTION: Commissioner Delvin moved to approve the resolution for administrative clean-up for the Juvenile Guild position titles effective September 1, 2022 to supplement Amendment I to the 2022-2023 Agreement between Benton-Franklin Counties Juvenile Department and Benton-Franklin Juvenile Guild Representing Juvenile Court Unit– Juvenile Guild – as presented. Commissioner McKay seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve Amendment I to the 2022-2023 Agreement between Benton and Franklin Counties and the Benton-Franklin Juvenile Guild. Commissioner McKay seconded and upon vote, the motion carried.

Public Comment

None.

Public Hearing – Zone Change Request – ZC 2022-001

Michelle Cooke and Peter McEnderfer, Planning presented the application, requesting a change in the zoning designation for 18 contiguous parcels located northwest of Prosser City Limits which are located west of County Rt 12, east of Missimer Rd, south of W Johnson Rd, and north of W Hoisington Rd from General Commercial to Urban Growth Area Residential District. The requested zone change would allow the existing residential uses on the properties to continue and would be in conformance under a residential zoning district.

After closing the Open Record Hearing and discussing the issue, the Planning Commission voted to recommend approval of the zone change application. It was the recommendation of the Benton County Planning Division and the Planning Commission that Planning Casefile Application ZC 2022-001, be approved with the suggested twelve (12) findings and conclusions.

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

MOTION: Commissioner Delvin moved to adopt the Planning Commission’s recommendation, findings, and conclusions as the Board’s own and approve the zone change request ZC 2022-001. Commissioner McKay seconded and upon vote, the motion carried.

Public Hearing - Zone Change Request – ZC 2022-002

Michelle Cooke and Peter McEnderfer presented the application, requesting a change in the zoning designation of 4 parcels in Benton City’s Urban Growth Area, 3 that were west of the Benton City limits in Section 12, Township 9 North, Range 26 East, with the fourth located north of Kennedy Road and east of the State Route 225 Yakima River Bridge in Section 20 Township 9 North, Range 27 East, from Rural Lands Five Acre District to Urban Growth Area Residential District. The requested zone change would allow the existing residential uses on the properties to continue and would be in conformance under a residential zoning district.

After closing the Open Record Hearing and discussing the issue, the Planning Commission voted to recommend approval of the zone change application. It was the recommendation of the Benton County Planning Division and the Planning Commission that Planning Casefile Application ZC 2022-002, be approved with the suggested twelve (12) findings and conclusions.

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

MOTION: Commissioner Delvin moved to adopt the Planning Commission’s recommendation, findings, and conclusions as the Board’s own and approve the zone change request ZC 2022-002. Commissioner McKay seconded and upon vote, the motion carried.

Public Hearing - Zone Change Request – ZC 2022-003

Michelle Cooke and Peter McEnderfer presented the application, requesting a change in the zoning designation for 8 parcels located in the City of West Richland’s Urban Growth Area, 4 between W Lattin Road and W Kennedy Road, west of Bombing Range Road in Section 18, Township 9

North, Range 28 East. The other 4 parcels are south of E Ruppert Road in Section eight 2, Township 9 North, Range 27 East, from Rural Lands Five Acre District to Urban Growth Area Residential District. The requested zone change would allow the existing residential uses on the properties to continue and would be in conformance under a residential zoning district

After closing the Open Record Hearing and discussing the issue, the Planning Commission voted to recommend approval of the zone change application. It was the recommendation of the Benton County Planning Division and the Planning Commission that Planning Casefile Application ZC 2022-003, be approved with the suggested twelve (12) findings and conclusions.

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

MOTION: Commissioner Delvin moved to adopt the Planning Commission’s recommendation, findings, and conclusions as the Board’s own and approve the zone change request ZC 2022-003 Commissioner McKay seconded and upon vote, the motion carried.

Therapeutic Courts Presentation

Judge James Bell gave a Powerpoint presentation and discussed the following:

- Mental Health Court
 - Only 11% recidivism
 - Trying to start an alumni group as a part of mentorship; 55 to 60 participants at any given time; two case managers and can only take about 30 to 35 each
 - 119 graduates; successful program
 - Most want to keep doing community service
- Veterans Court
 - Run by Judge Kathren
 - 20 participants - they need to do a better job of getting the word out about this program and better identify who would benefit
 - They all have something in common with serving their country
- Recovery Court
 - Looking to start this new program and it will be overseen by Judge Azure
 - Currently no court for addressing crimes at the misdemeanor level – look to start small and hope to begin mid-October
- Statistics - \$6,000 less per person for therapeutic court to prosecute instead of regular court so that was a huge savings. With a dedicated team they had reduced jail costs, reduced recidivism, and reduced costs overall

Ratifying Purchase of Five Police Interceptors for Sheriff’s Office

Mike McGhan presented a resolution to ratify the purchase of five police interceptors for the Sheriff’s Office. He said the 2022 Ford bank closed, but he was able to scramble and get those

ordered. He said he had no idea how long it would take, but at least they were on the 2023 build and it would be payment on arrival, which was June/July if they were lucky. He said it would be identified in the 2023-2024 budget and be placed in ER&R fund after purchased.

MOTION: Commissioner McKay moved to ratify the purchase of five 2023 Ford Police Interceptors for use by the Sheriff's Office in an amount not to exceed \$400,000.00 excluding WSST from Bud Clary Ford/Hyundai utilizing Washington State Contract No. 05916 and place the vehicles in the ER&R replacement program. Commissioner Delvin seconded and upon vote, the motion carried.

Ratifying Purchase of Seven Police Interceptors for Sheriff's Office

Mike McGhan presented a resolution to ratify the purchase of seven police interceptors for the Sheriff's Office. He said the Board approved the purchase in March 2022 and they were ordered in March. However, on August 31 he received an email that all 2022 orders were cancelled but they were welcome to order 2023 models. He said this allowed the County to be moved to the front of the 2023 build.

MOTION: Commissioner McKay moved to amend Resolution 2022-200 and ratify the purchase of seven 2023 Ford Police Interceptors for use by the Sheriff's Office in an amount not to exceed \$400,000 excluding WSST from Bud Clary Ford/Hyundai utilizing Washington State Contract No. 05916 and place the vehicles in the ER&R replacement program and authorize the Chairman to sign the amended purchase agreement. Commissioner Delvin seconded and upon vote, the motion carried.

Other Business

Employee Certificates of Service for August

The following employees were recognized for their service to Benton County:

15 Years

Elaine Osborne
Kristin McRoberts

20 Years

Brian Newton

25 Years

Carol Vance
Judge Docken

Health District

Commissioner McKay expressed frustration the State was asking for more money to have advisors in the region to watch our district. He said as a health board, they should pay attention and hoped with a new doctor coming on Board, this would be addressed.

The Board briefly recessed, reconvening at 9:50 a.m.

Executive Session – Pending Litigation

The Board went into executive session with Andrew Cooley via/WebEx (Special Counsel) and DPA Ryan Brown to discuss pending litigation at 9:50 a.m. for 15 minutes to discuss pending litigation. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie. The Board came out at 9:57 a.m. No decisions were made.

The Board briefly recessed, reconvening at 10:05 a.m.

Executive Session - Review the Performance of a Public Employees (2)

The Board went into executive session at 10:05 a.m. with District Court Judge Bell, District Court Judge Azure and Ryan Washburn to discuss the performance of a public employee for up to 10 minutes. Also present were Jerrod MacPherson, Lexi Wingfield, Matt Rasmussen, and Cami McKenzie. The Board came out at 10:10 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the Benton County Salary Request Form for James Torres as presented. Commissioner McKay seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Resolution in the matter of appointing Matt Rasmussen as Acting County Engineer. Commissioner McKay seconded and upon vote, the motion carried.

Executive Session – Review Labor Negotiations

The Board went into executive session at 10:10 a.m. with Lexi Wingfield and DPA Stephen Hallstrom to discuss labor negotiations for up to 15 minutes. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie. The Board came out at 10:28 a.m. No decisions were made in executive session.

Executive Session - Review the Qualifications of a Candidate for Public Employment

The Board went into executive session at 10:28 a.m. with Lexi Wingfield to review the qualifications of a candidate for public employment for up to 20 minutes. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie. The Board came out at 10:56 a.m. The Board went back into executive session for up to an additional 15 minutes to continue the discussion. The Board came out at 11:02 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the Line Item Transfer within Current Expense Fund 0000-101, Planning to Human Resources, Dept. 116 to 127 as presented. Commissioner McKay seconded and upon vote, the motion carried.

Tort Claim

CC 2022-28: Received on September 12, 2022 from Matthew Gerad Smith

CC 2022-29: Received September 16, 2022 from Reinaldo Lopez Cruz

Payroll

Check Date: 09/02/2022

Payroll Checks

Total all funds: \$2,554,874.01

Warrant #: 243768-243800

Direct Deposit #: 173658-174265

Payroll Draw Deductions/Transfers

Total all funds: \$2,267,206.23

EFT #: 48-54

ACH #: 70-81

Payroll Deduction Warrants

Total all funds: \$116,288.55

Warrant #: 236567-236577

Accounts Payable

Check Date: 08/24/2022

Wire Transfer #: 33

Total all funds: \$15.51

Check Date: 08/26/2022

Warrants #: 235928-236330

Total all funds: \$1,387,771.50

Wire Transfers #: 41, 42, 46, 52, 53, 54

EFT #: 20-46

Total all funds: \$188,738.91

Check Date: 09/02/2022

Warrants #: 236406-236419
Warrants #: 236422-236470
Warrants #: 236518-236519
Warrants #: 236520-236566
Total all funds: \$908,467.01

Wire Transfers #: 61-64
EFT's #: 48
Total all funds: \$45,109.02

Check Date: 09/08/2022

Warrants #: 236649
Total all funds: \$4,798.12

Resolutions

- 2022-625: Administrative Clean Up for the Juvenile Guild Position Titles Effective September 1, 2022 to Supplement Amendment I to the 2022-2023 Agreement Between Benton-Franklin Counties Juvenile Department and Benton-Franklin Juvenile Guild Representing Juvenile Court Unit
- 2022-626: Adopting a New Bi-County Salary Schedule and Position Titles and Grades Effective September 1, 2022
- 2022-627: Line Item Transfer, Election Reserve Fund No. 1110, Dept. 000 for Computer Replacement
- 2022-628: Declaration and Surplus of Personal Property
- 2022-629: Project Change Request w/i3-ImageSoft, LLC for OnBase Project
- 2022-630: Line Item Transfer – Fund 0010, Dept. 115 to Dept. 117
- 2022-631: Line Item Transfer – Fund 0010, Dept. 115 to Dept. 120
- 2022-632: Line Item Transfer, Fund No. 0010, Dept. 120 for Overtime
- 2022-633: Amendment 1 to Agreement w/Teamsters Local 839, Representing Juvenile Detention
- 2022-634: Amendment 1 to Agreement w/Teamsters Local 839, Representing Bailiffs
- 2022-635: Third Amended Agreement w/Children's Developmental Center for Services to Children
- 2022-636: Amendment A to Agreement #21-4619C-102 w/Dept. of Commerce – ERAP
- 2022-637: Amendment A to Agreement #21-4618C-102 w/Dept. of Commerce – T-RAP 2.0
- 2022-638: Amendment B to Agreement #21-4616C-102 w/Dept. of Commerce – T-RAP
- 2022-639: Purchase of Two Printers for the Auditor – from Computer Discount Warehouse – Government
- 2022-640: Purchase of Six PC's for Benton County Voting Center from Dell, Inc.
- 2022-641: Purchase of Three Laptops with Setup for Court Commissioners from Dell, Inc.
- 2022-642: Agreement w/State of WA Administrative Office of the Courts for CASA/Volunteer GAL Programs

- 2022-643: Termination of District Court Public Defense Agreement w/Matthew Rutt
- 2022-644: Professional Services Agreement with Simone Green – District Court
- 2022-645: Lease Agreement w/Horrigan Farms, Inc. - Crush & Stockpile Road Surfacing Materials @ Horrigan Quarry
- 2022-646: Contract w/Land Staff for On-Call Right-of-Way Services
- 2022-647: Interlocal Agreement w/Columbia Irrigation District for Purchase of Rock From Owens Quarry
- 2022-648: 1st Amendment to Agreement with HLA Engineering and Land Surveying
- 2022-649: Purchase of Deicer from EnviroTech Services
- 2022-650: Purchase of Road Salt from EnviroTech Services
- 2022-651: Purchase of Road Salt from Salt Distributors
- 2022-652: Bid Authorization CB 22-10 for Employee Uniforms & Other Related Items for Corrections Dept.
- 2022-653: Bid Authorization CB 22-11 For Paper and Glove Supplies for Corrections Dept.
- 2022-654: Bid Authorization CB 22-12 for Jail Chemicals & Janitorial Supplies for Corrections Dept.
- 2022-655: Memorandum of Understanding w/Coordinated Care of Washington for Managed Medicaid Services
- 2022-656: Contract w/Top Tree Service for Tree Removal at the Prosser Courthouse
- 2022-657: Contract w/Mel's Inter City Collision for As Needed Towing Services
- 2022-658: Professional Services Contract w/Meier Enterprises for Coroner's Autopsy Ventilation System Upgrade
- 2022-659: Amendment I to the 2022-2023 Agreement Between Benton and Franklin Counties and the Benton-Franklin Juvenile Guild
- 2022-660: Change in Zoning Classification File No ZC 2022-001 for Eighteen Parcels from General Commercial to Urban Growth Area Residential District
- 2022-661: Change in Zoning Classification File No ZC 2022-002 for Four Parcels from Rural Lands Five Acre District to Urban Growth Area Residential District
- 2022-662: Change in Zoning Classification File No ZC 2022-003 for Eight Parcels from Rural Lands Five Acre District to Urban Growth Area Residential District
- 2022-663: Coding Correction Within Current Expense Fund No. 0010, Dept. 123
- 2022-664: Appointment of Leticia Torres – Business
- 2022-665: Ratifying the Purchase of the Fleet Manager of Five 2023 Ford Police Interceptor AWD Pursuit Rated Utility SUV's From Bud Clary Ford Hyundai Utilizing Washington State Contract No 05916 For Use by the Sheriff's Office
- 2022-666: Amending Resolution 2022-200 and Ratify the Purchase of Seven 2023 Ford Police Interceptor AWD Pursuit Rated Utility SUV's From Bud Clary Ford Hyundai Utilizing Washington State Contract No 05916 For Use by the Sheriff's Office
- 2022-667: In the Matter of Designating and Acting County Engineer – Matt Rasmussen

2022-668: Transfer of Funds within Current Expense Fund Number 0000101 Department Number 116 to 127

There being no further business before the Board, the meeting adjourned at approximately 11:03 a.m.

Clerk of the Board

Chairman