

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, October 11, 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 (via/WebEx)
County Administrator Jerrod MacPherson
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Robert Heard, IT Manager; Eric Wyant, Assistant HR Manager; Greg Wendt, Community Development Director via/video conference; Brian Malley, Transportation Planning Coordinator; Matt Mahoney, Public Works Manager; DPA Ryan Lukson; DPA Ryan Brown; Auditor Brenda Chilton; Shyanne Palmus, Communications Coordinator; Finance Manager Linda Ivey; Treasurer Ken Spencer.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Special Minutes of September 27, 2022 were approved.

The Minutes of October 4, 2022 were approved.

Agenda Review

The following was added to the agenda:

- ARPA Update – PILT Funding
- Support Letters - SECOMM Microwave Tower Grant
- Pending litigation

Consent Agenda

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

Auditor

- a. Cancellation of Unclaimed Warrants

Commissioners

- b. Line Item Transfer, Fund No. 0010, Dept. 139 (ARPA) for Juvenile Operations
- c. Line Item Transfer, Fund No. 0010, Dept. 139 (ARPA) for Elections & Event Center Operations
- d. Line Item Transfer, Fund No. 0010, Dept. 139 (ARPA) For Park Dev & Sustainable Development

Human Resources

- e. Kelly Time and Time Loss Grievance Settlement Agreement & Release

Human Services

- f. National Disability Employment Awareness Month Proclamation
- g. Continuum of Care Program Grant Agreement w/US Dept. of Housing & Urban Development

Information Technology

- h. Business Associate Agreement w/Cisco Systems for Corrections Dept.

Office of Public Defense

- i. Amended Juvenile Court Public Defense Services Agreement w/Branden Landon
- j. Amended Public Defense Agreement w/Bertha Arteaga for District & Superior Court Services
- k. Termination of District Court Public Defense Services Agreement w/Simone Green

Planning

- l. First Amended Contract w/Safe Built for Consulting Services for Community Assistance Visit Findings
- m. Dissolution of Inactive Special Purpose District – Drainage Improvement District 10

Public Safety Sales Tax

- n. Contract w/Boys & Girls Club for Prosser Clubhouse to Provide Staff Support Resources
- o. Line Item Transfer, Fund No. 1480, Dept. 115 for the Shooting Range

Public Works

- p. Line Item Transfer Within County Road Fund No. 1010 for Public Works Manager

Purchasing

- q. 2nd Amended Contract w/Moon Security Service for Security & Fire Monitoring Services
- r. Agreement w/ONYX Protective Group for Body Armor & Ballistic Products
- s. Notice of Contract Award to Crown Paper & Janitorial Supply Co for Jail Paper & Glove Supplies
- t. Notice of Contract Award to Crown Paper & Janitorial Supply Co for Jail Chemicals & Janitorial Supplies
- u. Notice of Contract Award to 911 Supply, Inc. for Employee Uniforms for Corrections Dept.
- v. Accepting Work Performed by CP Mechanical for Replacement of Jail Condensing Units
- w. Interlocal Agreement w/City of Kennewick for Purchase of License Plate Readers & Rat Trap Devices for Sheriff's Office

Workforce Development Council

- x. Contract w/Career Path Services for Adult Services
- y. Contract w/Career Path Services for Dislocated Worker Services
- z. Contract w/Career Path Services for Youth Services

Public Comment

Jan Link, Kennewick, said she owned farmland in the Horse Heaven Hills. She said she had been trying unsuccessfully with the assistance of realtors, to lease her shop on the property and there was a great need for electrical in that area and believed that electrical was agriculture related. She asked if there was any way to provide flexibility in the code to allow the contractor on behalf of a public utility to conduct business in that area.

Chairman Small recommended Ms. Link get in touch with state representatives and to also discuss the issue with Greg Wendt.

Greg Wendt, via/video conference, Kennewick, said he had discussed the issue of Benton County Code with Ms. Link, and the type of contractor she wanted to use was not currently listed as allowed in the agriculture code. He said they went through the code in detail to see what might be allowed, and it was not currently an allowed or conditional use in Benton County's agriculture zone. However, they would continue and were willing to assist her to help her find a company that would fit the criteria.

Commissioner McKay said he also spoke to Ms. Link and recommended reaching out to state representatives since Benton County's hands were tied.

Jim Adkins, Prosser, still encouraged the Board to have public comment regarding use of the Fairgrounds before the study was complete. Additionally, he discussed his concern about not being able to hear in the back of the board room and the need to shut the door. Commissioner McKay said they wanted to hear what the public had to say after the study was complete and there would be a public hearing to allow the public to comment. Chairman Small commented that the door had to stay open due to the Open Public Meetings Act.

Public Hearing - Six-Year Transportation Improvement Plan Amendment

Brian Malley, Transportation Planning Manager presented the updated Six-Year Transportation Improvement Plan to consider amending the 2022-2027 and 2023-2028 Six Year Transportation Programs to include guardrail and guidepost. It was left out inadvertently and needed to be added so it could advance through the process.

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

MOTION: Commissioner McKay moved to adopt the amendments to the 2022-2027 and 2023-2028 Six Year Transportation Improvement Programs to include Guardrail and Guidepost – County Wide 2019 and Guardrail and Guidepost County Wide 2021 as presented. Commissioner Delvin seconded and upon vote, the motion carried.

Line-Item Transfers, Fund No. 0010, Dept. 139 (ARPA)

Linda Ivey presented Line Item Transfers for two Deputy Prosecuting Attorney positions in the PA's office and one Legal Secretary IV position in OPD using ARPA funds, as allowed to hire

additional court staff or attorneys to increase the speed of cases, with the funding ending on December 31, 2024.

MOTION: Commissioner McKay moved to approve the Line Item Transfer within Current Expense Fund 0010, Department 139 for the Prosecuting Attorney’s Office as presented (\$53,420). Commissioner Delvin seconded and upon vote, the motion carried.

MOTION: Commissioner McKay moved to approve to Line Item Transfer within Current Expense Fund 0010, Department 139 for the Office of Public Defense as presented (\$20,840). Commissioner Delvin seconded and upon vote, the motion carried.

2023/2024 Preliminary Budget Discussion

Linda Ivey gave a preliminary budget update as follows based on the initial submittals with original baseline plus the initial requests:

- General Fund
 - \$169 million was the initial estimate; \$172 million baseline with \$2.6 million in expenditures over revenues
 - \$5.6 million in new requests - \$8.2 million difference between baseline and requests
 - Included 33 new positions (15 in the General Fund, 6 in PST Fund, and 12 in special funds). 22 current positions that wanted to change position title or grade – not including new requests (11 in General Fund, 3 in PST Fund, and 8 in special funds)
- PST Budget
 - Expenditures of \$14.5 million over revenue, which was intentional to bring down fund balance
- 64 employees currently and they were asking to add 6 to 10 more – not officially funded until the Board passed the budget
- The following expenditures were not reflected in the worksheet and were being reviewed and Administration was working on finding funding:
 - Deputies CBA to be added to baseline
 - Juvenile CBA to be added to baseline
 - Courthouse CBA – if approved, to be added to baseline
 - PST RFP Round 2 – currently in a contingency line item
- Workshops – scheduled for October 26 and October 27.
- November 1, 2022 – will present the final budget and ask to proceed to public hearing on November 29, 2022

Other Business

SECOMM Support Letters

Shyanne Palmus presented letters, at the recommendation of the federal lobbying team, addressed to Senator Cantwell, Senator Murry, and Representative Newhouse. The letters requested the inclusion of \$2 million as they go through their final budget process for the SECOMM Microwave Tower Grant that was not included in the FY 2023 budget. With this \$2 million grant, it would complete the required \$5 million funding for this much needed project.

MOTION: Commissioner McKay moved to approve the letters as presented and authorize the Chairman to sign. Commissioner Delvin seconded and upon vote, the motion carried.

ARPA Funds Update

Mr. MacPherson said there was another category of ARPA funds available for counties that received PILT funding. He said there was \$210,000 in funding available, with the County able to access \$105,000 this week. He said they planned to go forward with the money and use for improvements at the Fairgrounds.

Executive Session – Pending Litigation

The Board went into executive session at 9:40 a.m. for up to 20 minutes with DPA Ryan Lukson and DPA Ryan Brown. Also present were Jerrod MacPherson, Cami McKenzie and special counsel Andy Cooley via/WebEx.

The Board came out at 10:01 a.m. No decisions were made in executive session.

MOTION: Commissioner McKay moved to approve the resolution acknowledging the waiver of attorney-client privilege for communications in the lawsuit Caughey v. Benton County in defense of that lawsuit. Commissioner Delvin seconded and upon vote, the motion carried.

Kennewick UGA Expansion

Commissioner McKay requested the County set up a meeting with Mr. Wendt and the City of Kennewick to discuss use of the new Kennewick UGA expansion. He said that Kennewick was focusing on industrial and wanted to know about the residential land.

Mr. MacPherson said they met with the City of Kennewick and there was approximately 270 acres designated entirely for industrial and adjacent land that would be appropriate for residential.

Tort Claim

CC 2022-34: Received October 11, 2022 from Librado Zamora

Resolutions

- 2022-722: Cancellation of Unclaimed Warrants
- 2022-723: Line Item Transfer, Fund No. 0010, Dept. 139 (ARPA) for Juvenile Operations
- 2022-724: Line Item Transfer, Fund No. 0010, Dept. 139 (ARPA) for Elections & Event Center Operations
- 2022-725: Line Item Transfer, Fund No. 0010, Dept. 139 (ARPA) For Park Dev & Sustainable Development
- 2022-726: Kelly Time and Time Loss Grievance Settlement Agreement & Release
- 2022-727: National Disability Employment Awareness Month Proclamation
- 2022-728: Continuum of Care Program Grant Agreement w/US Dept. of Housing & Urban Development
- 2022-729: Business Associate Agreement w/Cisco Systems for Corrections Dept.
- 2022-730: Amended Juvenile Court Public Defense Services Agreement w/Branden Landon
- 2022-731: Amended Public Defense Agreement w/Bertha Arteaga for District & Superior Court Services
- 2022-732: Termination of District Court Public Defense Services Agreement w/Simone Green
- 2022-733: First Amended Contract w/Safe Built for Consulting Services for Community Assistance Visit Findings
- 2022-734: Dissolution of Inactive Special Purpose District – Drainage Improvement District 10
- 2022-735: Contract w/Boys & Girls Club for Prosser Clubhouse to Provide Staff Support Resources
- 2022-736: Line Item Transfer, Fund No. 1480, Dept. 115 for the Shooting Range
- 2022-737: Line Item Transfer Within County Road Fund No. 1010 for Public Works Manager
- 2022-738: 2nd Amended Contract w/Moon Security Service for Security & Fire Monitoring Services
- 2022-739: Agreement w/ONYX Protective Group for Body Armor & Ballistic Products
- 2022-740: Notice of Contract Award to Crown Paper & Janitorial Supply Co for Jail Paper & Glove Supplies
- 2022-741: Notice of Contract Award to Crown Paper & Janitorial Supply Co for Jail Chemicals & Janitorial Supplies
- 2022-742: Notice of Contract Award to 911 Supply, Inc. for Employee Uniforms for Corrections Dept.
- 2022-743: Accepting Work Performed by CP Mechanical for Replacement of Jail Condensing Units
- 2022-744: Interlocal Agreement w/City of Kennewick for Purchase of License Plate Readers & Rat Trap Devices for Sheriff's Office
- 2022-745: WDC Contract w/Career Path Services for Adult Services
- 2022-746: WDC Contract w/Career Path Services for Dislocated Worker Services
- 2022-747: WDC Contract w/Career Path Services for Youth Services
- 2022-748: Amending The 2022-2027 Six Year Transportation Improvement Program And 2023-2028 Six-Year Transportation Improvement Program To Include Guardrail And Guidepost - County Wide 2019 And Guardrail And Guidepost - County Wide 2021

- 2022-749: Transfer Of Funds Within Current Expense Fund 0010 - Dept. 139 - Deputy Prosecuting Attorneys
- 2022-750: Transfer Of Funds Within Current Expense Fund 0010 - Dept. 139 - Legal Secretary Iv - Office Of Public Defense
- 2022-751: In The Matter Of The Lawsuit Of Caughey V. Benton County And Related To Defense Of That Lawsuit - Waive The Attorney Client Privilege

There being no further business before the Board, the meeting adjourned at approximately 10:03 a.m.

Clerk of the Board

Chairman