

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, October 25, 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; Carlee Nave HR Manager; Tiffany Deaton, Superior Court Administrator; Adam Fyall, Sustainable Development Manager; Clerk Josie Delvin; DPA Ryan Brown; Adam Morasch, Risk Manager; Treasurer Ken Spencer; Matt Mahoney, Public Works Manager; Cristina Woods, Public Works; DPA Stephen Hallstrom; Auditor Brenda Chilton.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of October 18, 2022 were approved.

Agenda Review

The following items were added to the agenda:

- Executive Session – Review Qualifications of Applicant for Public Employment
- Executive Session – Pending Litigation

Consent Agenda

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

Human Resources

- a. Correcting Amendment II to Agreement w/Local 874HC, Representing Courthouse Employees

Information Technology

- b. Purchase of Upgraded Subscription for VMware Virtualization Software from CompuNet, Inc.

Juvenile

- c. Contract w/Rick Schuknecht for Polygraph Examinations
- d. Contract w/Apollo Mechanical Contractors for HVAC-R Services
- e. Contract w/Apollo Mechanical Contractors for Kitchen Maintenance Services
- f. Contract w/SARC to Advocate for Assessments of Youth in Detention

Public Safety Sales Tax

- g. Contract w/Boys & Girls Clubs of Benton and Franklin Counties for Kennewick Clubhouse
- h. Contract w/ Safe Harbor Crisis Nursery for My Friends Place

Purchasing

- i. Contract w/PPC Solutions, Inc. for Security Patrols @ Former Kennewick General Hospital Site
- j. Rejecting Bids for the Parking Lot Fencing Project @ the Prosser Courthouse
- k. Accepting Work Performed by Frontier Fence, Inc. for the Replacement of Jail's Security Gate

Superior Court

- l. Contract w/Valley Alcohol Council for Drug Screening Collection
- m. National Adoption Day Proclamation

Public Comment

John Miranda, Prosser, again discussed his concern regarding a property issue with his neighbor regarding wrecked vehicles, livestock, and people living in RV's. He said he was going to file another complaint and that nothing had been done to rectify the violations. He said he spoke to Dale Wilson and was told he was going to check into it and suggested he file another complaint. Chairman Small said he would review the matter and have a supervisor talk to Mr. Wilson and Mr. Miranda would receive a phone. The Board agreed.

Jim Adkins, Kennewick, discussed a few concerns regarding the agenda on the website and again asked the Board if it had a time and date set for the public hearing on the master plan at the Fairgrounds. It was stated there was not a public hearing set yet.

Jan (?), Idaho, asked the Board if it had heard of "Operation Green Light", a national program recognizing Veterans and supported by NACO. The Board said it would review that program.

Public Hearing - Pacific Power Franchise Agreement Renewal

Cristina Woods, Public Works, presented the franchise renewal for Pacific Power for an electrical distribution and transmission system and facilities in County Roads right of ways.

Public Testimony

Jim Adkins asked if they had a list of roads they were granting to the franchise. Ms. Woods and Mr. Mahoney said they were allowed to use whatever roads they needed that existed for the county's purposes.

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

MOTION: Commissioner Delvin moved to approve the Franchise Order and Agreement with Pacific Power as presented. Commissioner McKay seconded and upon vote, the motion carried.

Interagency Agreement w/WA State Administrative Office of the Courts

Tiffany Runge presented the Amendment to the Interagency Agreement with the WA State AOC Contract that expired on June 30, 2022. She said the State was asking for the amendment so they could officially give themselves back the funds that were unused. She said that Mr. Brown did not agree to sign the form since the contract had already expired. She said they had a new contract they were working through and would continue to give them all the reimbursable expenditures.

Mr. Brown said the contract expired and the contract in its terms allowed them to take their unexpended funds. He said that legally it had no effect, and was not going to hurt Benton County, but there was no legal reason to approve it. However, if it helped get new funding, it would not hurt to sign the agreement.

MOTION: Commissioner Delvin moved to approve the Resolution approving the Interagency Reimbursement Revised Amendment 1 Agreement with the WA State AOC as presented. Commissioner McKay seconded and upon vote, the motion carried.

Amendment to Purchase and Sales Agreement w/RCCH Trios for Kennewick General Hospital Property

DPA Ryan Brown & Matt Rasmussen presented the 2nd Amendment to Agreement with RCCH Trios to extend the closing date for one week and continue to work on getting a binding site plan agreement completed.

MOTION: Commissioner Delvin moved to approve the Second Amendment to the Purchase and Sale Agreement and Related Documents Pertaining to the Purchase of the Old KGH and Former Auburn Campus Between RCCH Trios Health LLC and Benton County as presented. Commissioner McKay seconded and upon vote, the motion carried.

Other Business

Health District

Commissioner Delvin discussed the idea of having the Health District move into the new Trios/Spaulding Building, which would free up that building for the Sheriff. However, they would still need to find a location for Human Services, but it would save the County a lot of money. He said he had talked to the District Administrator Jason Zaccaria about his concerns, particularly about configuration. Mr. Zaccaria also expressed concern about WIC funding and that location might affect the funding.

Commissioner Delvin said he would be willing to put money into that building to make it configured correctly if the Board was willing to review that issue. The Board agreed to review it.

Ryan Brown said he reached out to Lifepoint and asked if they were willing to amend the agreement to allow the Health District to continue its historical practices, but it indicated it was only with its staff. They had concerns about contracting out some services and were still working on finding the appropriate language that Lifepoint might be agreeable to.

Mr. Rasmussen said they needed to review whether they could house everything there on that location and believed they could make progress, but not sure if they would be able to do everything they wanted. If they were talking about urgent care, he did not know if the Board of Health would agree with that type of service.

Commissioner Delvin said he wanted to bring it up at the next Health Board meeting to see where Franklin County was on that issue. Mr. Rasmussen reassured everyone there was still plenty of room on the property to complete what they were doing, plus move in the Health District.

Mr. Brown asked the Board about holding a special board meeting this week to approve another amendment to allow the Health District to move into the building. The Board agreed.

Budget Workshops

Jerrod MacPherson reminded the Board about the budget workshops scheduled for October 26 and October 27 at the Admin Building with the Elected Officials.

Executive Session - Potential Litigation

The Board went into executive session at 9:45 a.m. for up to 20 minutes with Brenda Chilton and DPA Stephen Hallstrom to discuss potential litigation. Also present were Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Carlee Nave.

The Board came out at 10:05 a.m. No decisions were made in executive session, but direction was given.

Executive Session - County's Position in Labor Negotiations

The Board went into executive session at 10:07 a.m. for up to 20 minutes with DPA Stephen Hallstrom to discuss the County's position in labor negotiations. Also present were Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Carlee Nave.

The Board came out at 10:22 a.m. No decisions were made in executive session, but direction was given.

Executive Session – Pending Litigation

The Board went into executive session at 10:22 a.m. for up to 10 minutes with Adm Morasch and DPA Ryan Lukson via/WebEx to discuss pending litigation. Also present were Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Carlee Nave.

The Board came out at 10:28 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve resolution authorizing the direct payment by Middlesex Insurance Company to Benton County and approving release of all claims. Commissioner McKay seconded and upon vote, the motion carried.

Executive Session – Review Qualifications of Applicant for Public Employment

The Board went into executive session at 10:29 a.m. for up to five minutes with Jerrod MacPherson to review the qualifications of an applicant for public employment. Also present were Matt Rasmussen, Cami McKenzie, and Carlee Nave.

The Board came out at 10:34 a.m. No decisions were made in executive session.

MOTION: Commissioner McKay moved to approve the salary request form for Heather Flowers amending the start date. Commissioner Delvin seconded and upon vote, the motion carried.

Tort Claims

CC 2022-35 – Miguel Antonio Lopez – received 10/18/2022
CC 2022-36A – Hunter Gregerson – received 10/21/2022
CC 2022-36B – Christin Gregerson – received 10/21/2022

Accounts Payable

Check Date: 10/21/2022

Warrants #: 238721-238983
Total all funds: \$1,372,404.27

Wire Transfers #: 194-197, 204-211, 217-220
EFT #: 121-125
Total all funds: \$36,462.35

Resolutions

- 2022-765: Correcting Amendment II to Agreement w/Local 874HC, Representing Courthouse Employees
- 2022-766: Purchase of Upgraded Subscription for VMware Virtualization Software from CompuNet, Inc.
- 2022-767: Contract w/Rick Schuknecht for Polygraph Examinations
- 2022-768: Contract w/Apollo Mechanical Contractors for HVAC-R Services
- 2022-769: Contract w/Apollo Mechanical Contractors for Kitchen Maintenance Services
- 2022-770: Contract w/SARC to Advocate for Assessments of Youth in Detention
- 2022-771: Contract w/Boys & Girls Clubs of Benton and Franklin Counties for Kennewick Clubhouse
- 2022-772: Contract w/ Safe Harbor Crisis Nursery for My Friends Place
- 2022-773: Contract w/PPC Solutions, Inc. for Security Patrols @ Former Kennewick General Hospital Site
- 2022-774: Rejecting Bids for the Parking Lot Fencing Project @ the Prosser Courthouse
- 2022-775: Accepting Work Performed by Frontier Fence, Inc. for the Replacement of Jail's Security Gate
- 2022-776: Contract w/Valley Alcohol Council for Drug Screening Collection
- 2022-777: National Adoption Day Proclamation
- 2022-778: Granting A Franchise To Pacific Power To Place Electrical Distribution And Transmission Systems And Facilities In County Road Rights Of Way
- 2022-779: Interagency Reimbursement Revised Amendment 1 Agreement IAA22043 Between Benton County And Washington State Administrative Office Of The Courts
- 2022-780: Amending The Purchase And Sale Agreement And Related Documents Pertaining To The Purchase Of The Old Kennewick General Hospital And Former Auburn Campus Between Rcch Trios Health LLC And Benton County
- 2022-781: Authorizing The Direct Payment By Middlesex Insurance Company To Benton County As Well As Releasing Middlesex Insurance Company And Cheryl Gunter From All Claims For Property Damage To Benton County Sheriff's Patrol Vehicle

There being no further business before the Board, the meeting adjourned at approximately 10:35 a.m.

Clerk of the Board

Chairman