

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Benton County Courthouse, Prosser, WA  
Tuesday, November 8, 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 (excused)

**Benton County Employees Present During All or a Portion of the Meeting:** Robert Heard, IT Manager; Carlee Nave, HR Manager; Greg Wendt, Community Development Director; Robert Blain, Operations & Capital Programs; Clerk Josie Delvin; PA Reid Hay; DPA Ryan Brown; Treasurer Ken Spencer; Planning Manager Michelle Cooke; Chief Robert Guerrero; Chief Guerrero; Finance Manager Linda Ivey; Paul Schut, Procurement; Assistant HR Manager Eric Wyant; Adam Fyall, Sustainable Development Manager.

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Minutes of the October 26, 2022 Special Budget Workshop Meeting were approved.

The Minutes of the October 27, 2022 Special Budget Workshop Meeting were approved.

The Minutes of the October 28, 2022 Special Meeting were approved.

The Minutes of the November 1, 2022 Meeting were approved.

#### Agenda Review

The following was added to the agenda:

- Operation Green Light
- Pending Litigation

- Jail Use Agreement with Adams County for Jail Space

### **Consent Agenda**

**MOTION:** Commissioner Delvin moved to approve the consent agenda items “a” through “v”, pulling “s”, “t”, and “u” for discussion. Commissioner McKay seconded and upon vote, the Board approved the following:

### **Capital Improvement**

- a. Line Item Transfer, Fund No. 3050, Dept. 000 for Salaries

### **Commissioners**

- b. Line Item Transfer, Fund No. 0010, Dept. 115 to 120 for Corrections Overtime, Medical & Bi-Pin

### **Corrections**

- c. Line Item Transfer, Fund No. 0010, Dept. 120 for Bi-Pin

### **Information Technology**

- d. ArcGIS License Renewal w/Environmental Systems Research for GIS Department
- e. Purchase of One Laptop & Dock From Dell, Inc. for Human Resources Dept.
- f. Purchase of Eight Docks & Eight Power Supplies From Wireless Access Technologies for Sheriff’s Office
- g. Amendment to Res. 2022-755 – 60-month Lease Agreement with Ricoh USA for Copier for Clerk/Auditor/Voting Center and ER&R Offices

### **Juvenile**

- h. Line Item Transfer, Fund No. 1150, Dept. 171 for Overtime

### **Office of Public Defense**

- i. Termination Notice of Public Defense Dependency Agreement for Diana Anderson
- j. Termination Notice of Public Defense Dependency Agreement for Kathleen Moreno
- k. Termination of Public Defense Dependency Agreement w/Michelle Trombley
- l. Termination of Public Defense Dependency Agreement w/Susan Henwood
- m. District & Superior Court Investigation Services Agreement w/Shane Morlan

### **Public Safety**

- n. Line Item Transfer, Fund No. 01480, Dept. 121 for Overtime & Uniforms

### **Public Works**

- o. Contract w/PBS Engineering & Environmental Inc for Geophysical/Geotechnical Services

### **Purchasing**

- p. 1<sup>st</sup> Contract Amendment w/Lou Sowers for Psychological Evaluations in Corrections & Sheriff’s Offices
- q. 1<sup>st</sup> Contract Amendment w/On Scene Medical Services for As Needed Medical Services for All County Departments
- r. Agreement w/Flock Group Inc for Software & Hardware Purchase for Sheriff’s Office

### **Sheriff**

- v. Line Item Transfer, Fund No. 0010, Dept. 125 for Overtime

### **Consent Items “s”, “t”, and “u”**

Commissioner Delvin said he was concerned about finding retro pay before spending money on other items and wanted to know if the Sheriff’s Office had found the appropriate funding for retro pay.

Lt. Clarke, via/videoconference, said that Ms. Gillies was about halfway through her audit and said they were well within the required amount to cover the retro (100% sure), in addition to the uniforms.

**MOTION**: Commissioner Delvin moved to approve Line Item Transfers “s”, “t”, and “u” (Line Item Transfer, Fund No. 0010, Dept. 118 for Uniforms), (Line Item Transfer, Fund No. 0010, Dept. 119 for Uniforms), and (Line Item Transfer, Fund No. 0010, Dept. 121 for Uniforms). Commissioner McKay seconded and upon vote, the motion carried.

### **Public Comment**

Tina Gregory, Kennewick, via/videoconference expressed concern with government and wanted in-person voting and transparency.

### **Public Hearing - Zone Change Request ~ ZC 2022-007**

Michelle Cooke presented the Benton County application requesting a change in the zoning designation of four parcels located south of Jacobs Rd and I-82 in Benton City’s Urban Growth Area from Light Industrial to the Urban Growth Area District. The requested zone change would allow Benton County’s zoning to be consistent with the city of Benton City’s recent comprehensive land use designation change from industrial to residential. The Planning Commission voted 6 members in favor with one vacancy to forward a recommendation of approval of the proposed zone change to the Board of County Commissioners subject to the Planning Commission’s suggested twelve (12) findings and conclusions. It would be consistent with the city’s comprehensive land use designation change from industrial to residential.

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 zone change request ZC 2022-007. Commissioner McKay seconded and upon vote, the motion carried.

### **Public Hearing - 2023-2028 Capital Improvement Plan**

Robert Blain and Paul Schut presented the 2023-2028 Capital Improvement Plan. Every two years in conjunction with the biennial budget, the Capital Improvement Plan was updated and incorporated into the capital facilities portion of the Comprehensive Plan.

Mr. Schut briefly discussed the “big 3”:

- Recovery Center
- Juvenile Justice
- New Sheriff's Building

Additionally, they met with the departments to make sure they had what they wanted in the new plan.

\$110 million in total, with a considerable amount coming from the state and capital projects fund, with no bonding required.

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

**MOTION:** Commissioner Delvin moved to approve adoption of the 2023-2028 Capital Improvement Plan. Commissioner McKay seconded and upon vote, the motion carried.

### **Comprehensive Parks Plan Update**

Adam Fyall and Tom Beckwith presented a Powerpoint and briefed the Board on the Comprehensive Parks Plan Update. Mr. Fyall said this was completed every six years to stay in line with state grants.

The Powerpoint included the following:

- Work completed to date
  - Assessed repair and replacement opportunities
  - Projected population and recreation demands to 2050
  - Workshops with user groups and cities
  - Resident outreach survey – 903 responses
  - Virtual open house
  - Conducting an open house asking priorities
- Work to be completed
  - Open house and voter survey on implementation and financial strategies Nov. 16
- Outreach survey results
  - 39% think existing facilities will not be able to meet 145,725 additional population in Tri-Cities/Counties by 2050 §
  - 3.71 (on a scale of 1.00 lowest and 5.00 highest priority) think preserving significant wildlife is important in Benton County)
  - 3.71 think more trails should be developed to reduce crowding on Badger Mountain
  - 3.69 think more trails should be linked and developed to meet future demand
  - 34% of the respondents have lived in Tri-Cities/Counties more than 16+ years, 28% 6-10 years
  - 44% are between the ages of 26-40

## **Other Business**

### **Jail Use Agreement with Adams County**

Chief Robert Guerrero presented a jail use agreement with Adams County for jail bed space from November 8, 2022 through December 31, 2024. This was a short-term agreement, as they hoped to have their facility back open in March or April of 2023.

**MOTION:** Commissioner moved to approve the jail use agreement between Benton County and Adams County. Commissioner McKay seconded and upon vote, the motion carried.

### **Operation Greenlight**

Matt Rasmussen presented the resolution proclaiming November 7 – 13, 2022 as “Operation Green Light” by honoring veterans and lighting up portions of the county buildings.

**MOTION:** Commissioner Delvin moved to approve the proclamation in observance of “Operation Green Light” For Veterans. Commissioner McKay seconded and upon vote, the motion carried.

### **Cable Bridge Lighting**

Commissioner McKay asked about getting special lighting for the cable bridge. Mr. Fyall said there was a concerted effort on that, and he would provide a briefing in the next few weeks.

### **Wautoma Solar Project**

Commissioner McKay said that Yakima County was wanting to do solar panels, but he was not interested in this happening in Benton County as 200-300 acres of agricultural land would go away. He said it was a good tour, but very frustrating.

The Board briefly recessed, reconvening at 9:41 a.m.

## **Executive Session – Review Qualifications of an Applicant for Public Employment**

The Board went into executive session at 9:41 a.m. for up to minutes with Chief Guerrero and Eric Wyant to review the qualifications of an applicant for public employment. Also present were Carlee Nave, Matt Rasmussen, and Cami McKenzie, Ryan Brown, and Reid Hay.

The Board came out at 9:44 a.m. No decisions were made in executive session.

**MOTION:** Commissioner Delvin moved to approve the salary request form as presented for Elias Sanchez-Nunez. Commissioner McKay seconded and upon vote, the motion carried.

### **Executive Session - Pending Litigation**

The Board went into executive session at 9:45 a.m. for up to 20 minutes with Ryan Brown to discuss pending litigation. Also present were Matt Rasmussen, Cami McKenzie, Reid Hay, and Josie Delvin. The Board came out at 10:02 a.m. No decisions were made in executive session.

**MOTION**: Commissioner Delvin moved to approve a Settlement Agreement Among Benton County and Jaclyn Sleater on Behalf of Herself and the Certified Classes. Commissioner McKay seconded and upon vote, the motion carried.

### **Executive Session - Consider Acquisition of Real Estate by Lease**

The Board went into executive session at 10:03 a.m. for up to 10 minutes with Matt Rasmussen to consider acquisition of real estate by lease. Also present were Cami McKenzie and Ryan Brown.

The Board came out at 10:07 a.m. No decisions were made in executive session.

**MOTION**: Commissioner Delvin moved to approve the resolution and lease agreement with Columbia River Warehouse LLC. Commissioner McKay seconded and upon vote, the motion carried.

### **Press Event – Behavioral Health Recovery Center**

Mr. Rasmussen said he wanted to schedule a press event for these new buildings, and they were looking at November 17. Commissioner McKay said he could attend.

### **Tort Claim**

CC 2022-39: Received on November 8, 2022 from Noel Gonce

### **Accounts Payable**

Check Date: 10/28/2022

Wire Transfers #: 247  
Total all funds: \$1,634,702.90

Check Date: 10/31/2022

Warrants #: 239196  
Total all funds: \$25,412.00

Check Date: 11/04/2022

Warrants #: 239229-239525  
Total all funds: \$3,299,370.85

Wire Transfers #: 248-249, 259-260  
EFT's #: 150-158  
Total all funds: \$58,987.64

## **Resolutions**

- 2022-799: Line Item Transfer, Fund No. 3050, Dept. 000 for Salaries
- 2022-800: Line Item Transfer, Fund No. 0010, Dept. 115 to 120 for Corrections Overtime, Medical & Bi-Pin
- 2022-801: Line Item Transfer, Fund No. 0010, Dept. 120 for Bi-Pin
- 2022-802: ArcGIS License Renewal w/Environmental Systems Research for GIS Department
- 2022-803: Purchase of One Laptop & Dock From Dell, Inc. for Human Resources Dept.
- 2022-804: Purchase of Eight Docks & Eight Power Supplies From Wireless Access Technologies for Sheriff's Office
- 2022-805: Amendment- 60-month Lease Agreement with Ricoh USA for Copier for Clerk/Auditor/Voting Center and ER&R Offices
- 2022-806: Line Item Transfer, Fund No. 1150, Dept. 171 for Overtime
- 2022-807: Termination Notice of Public Defense Dependency Agreement for Diana Anderson
- 2022-808: Termination Notice of Public Defense Dependency Agreement for Kathleen Moreno
- 2022-809: Termination of Public Defense Dependency Agreement w/Michelle Trombley
- 2022-810: Termination of Public Defense Dependency Agreement w/Susan Henwood
- 2022-811: District & Superior Court Investigation Services Agreement w/Shane Morlan
- 2022-812: Line Item Transfer, Fund No. 01480, Dept. 121 for Overtime & Uniforms
- 2022-813: Contract w/PBS Engineering & Environmental Inc for Geophysical/Geotechnical Services
- 2022-814: 1<sup>st</sup> Contract Amendment w/Lou Sowers for Psychological Evaluations in Corrections & Sheriff's Offices
- 2022-815: 1<sup>st</sup> Contract Amendment w/On Scene Medical Services for As Needed Medical Services for All County Departments
- 2022-816: Agreement w/Flock Group Inc for Software & Hardware Purchase for Sheriff's Office
- 2022-817: Line Item Transfer, Fund No. 0010, Dept. 118 for Uniforms
- 2022-818: Line Item Transfer, Fund No. 0010, Dept. 119 for Uniforms
- 2022-819: Line Item Transfer, Fund No. 0010, Dept. 121 for Uniforms
- 2022-820: Line Item Transfer, Fund No. 0010, Dept. 125 for Overtime
- 2022-821: Planning - Regarding A Change In The Zoning Classification From Light Industrial To Urban Growth Area Residential On Four Parcels - File ZC 2022-007
- 2022-822: Adopting The 2023-2028 Benton County Capital Improvement Plan
- 2022-823: Agreement Between Benton County And Adams County For Jail Space At The Benton County Jail
- 2022-824: Supporting Operation Green Light For Veterans - November 7 - 13, 2022 In Observance Of Operation Green Light
- 2022-825: Approving A Settlement Agreement Among Benton County And Jaclyn Sleater On Behalf Of Herself And The Certified Classes

2022-826: Approving A Lease Agreement Between Benton County And Columbia River Warehouse LLC - Behavioral Health Recovery Center

There being no further business before the Board, the meeting adjourned at approximately 10:08 a.m.

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Clerk of the Board

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Chairman