

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, November 15, 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 Marilu Flores

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; Michelle Cooke, Planning Manager; Superior Court Judge Joe Burrowes; Chief Deputy Clerk Elaine Osborne; Finance Manager Linda Ivey; Auditor Brenda Chilton; DPA Ryan Brown and Stephen Hallstrom; Treasurer Ken Spencer.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of November 8, 2022 were approved.

Agenda Review

No changes.

Consent Agenda

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

Commissioners

- a. Line Item Transfer, Fund No. 0010, Dept. 115 to 127 for NeoGov Services
- #### Information Technology
- b. Purchase of One Laptop & Dock and Two Monitors From Dell Inc. for OPD

Juvenile

- c. Contract w/Lutheran Community Services Northwest for Licensed Mental Health Clinician

Office of Public Defense

- d. Agreement w/Eric Scott to Provide Leave Coverage In Superior Court

Public Works

- e. Purchase of Culvert Pipe & Accessories From Arrow Construction Supply
- f. Contract w/TranTech Engineering for Bridge Load Rating Services on Oak St. CID Bridge

Purchasing

- g. First Contract Amendment w/Jiffy Car Wash, Inc. for Sheriff's Office
- h. Transferring Ownership of a Conex From Solid Waste Dept. to General Fund for Use by the Corrections Department
- i. State & Local Task Force Agreement w/Sheriff's Office & United States Dept of Justice
- j. Agreement w/City of Kennewick for the Kennewick Firearms Range Facility

Sustainable Development

- k. Support Letter to Port of Benton for Rail Infrastructure & Safety Improvement Program

Public Comment

None.

Public Hearing - Ordinance Amendment Relating to BCC Title 15 – File No. OA 2022-002

Greg Wendt and Michelle Cooke gave the Board an overview of the proposals and options Amending Title 15 pertaining to the Rural Water Supply Program. Mr. Wendt indicated that in 2020, the County passed Resolution 2019-276 & County Ordinance 619 creating the Rural Water Supply Program. The Program required new housing units (associated with building permits), relying on permit exempt wells, located in a certain portion of Water Resource Inventory Area (WRIA) 37, to fully mitigate the impacts of such wells. The County acquired water rights which have been placed into trust with the State of Washington's Department of Ecology. Ms. Cooke outlined the Program's three mitigation packages available to applicants depending on whether an applicant is in or outside an irrigation district requiring applicants to install metering equipment which is required to be installed and approved before a certificate of occupancy is issued for the dwelling unit.

The three different mitigation certificate packages consist of:

Package A authorizes the use of an annual average of two hundred (200) gallons per day of private well water for indoor use only on the parcel, provided, so long as the daily annual average is not exceeded in any twelve (12) month period, the maximum withdrawal on any given day for parcels with a Package A Mitigation Certificate shall be six hundred seventy-five (675) gallons. This certificate is valid only for building permits located within an irrigation district.

Package B authorizes the use of an annual average of three hundred (300) gallons per day, in the aggregate, of private well water for indoor use and outdoor irrigation of an area up to 1500 square feet.

As long as the annual daily average is not exceeded in any twelve (12) month period, the maximum daily withdrawal on any given day for parcels with a Package B Mitigation Certificate shall be one thousand (1000) gallons. This certificate is for building permits located within an irrigation district. This certificate is valid only for building permits not located within an irrigation district.

Package C- Authorizes the use of an annual average of four hundred (400) gallons per day, in the aggregate, of private well water for indoor use and outdoor irrigation of an area up to 3000 square feet. As long as the annual daily average is not exceeded in any twelve (12) month period, the maximum daily withdrawal on any given day for parcels with a Package C Mitigation Certificate shall be one thousand three hundred (1300) gallons. This certificate is valid only for building permits not located within an irrigation district.

Ms. Cooke further mentioned that it would be necessary to clarify BCC 15.18.030, reaffirming that the chapter applies to residential uses in unincorporated Benton County.

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

MOTION: Commissioner McKay moved to adopt ordinance amendment OA 2022-02 creating a Supplemental Mitigation Certification option in BCC 15.18.080 and reaffirmed that the Chapter applied to residential uses as shown on the County's adopted Mitigation Maps in Exhibit A of Ordinance 619; Resolution 2022-061. Commissioner Delvin seconded and upon vote, the motion carried.

Public Hearing - Community Development Department Planning Division Fee Schedule

Greg Wendt and Michelle Cooke presented a proposal to update the Planning Division Fee Schedule applying to land use applications. Mr. Wendt indicated that the Planning Division was proposing three changes:

- removing the boundary review board portion
- adding a new fee for the Rural Water Supply Program to include supplemental water certificates
- proposing fee increases to the existing application fees. Mr. Wendt added this was due to addressing rising costs of notifications, staff time, and advertising costs associated with land use applications.

Mr. Wendt mentioned that the requested fee schedule was still less compared to other counties and was recommending approval of the fee schedule as presented.

Commissioners Small and McKay indicated their appreciation at Benton County's effort in keeping the fees to a minimum and below other counties.

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

MOTION: Commissioner McKay moved to adopt a resolution and approve the changes to the Benton County Planning Division Fee Schedule effective November 16, 2022. Commissioner Delvin seconded and upon vote, the motion carried.

Line Item Transfer, Fund No. 0010, Dept. 123 to 138 for Part Time Court Commissioner Medical Insurance & Retirement

Superior Court Judge Joe Burrowes, Finance Manager Linda Ivey and HR Manager Carlee Nave presented a Line Item Transfer requesting benefits to include medical insurance and retirement be included for the part time court commissioner handling Blake matters. Judge Burrowes mentioned that the opening for this position received a limited pool of applicants due to the package not including benefits and limiting their practice in Superior Court. He mentioned that including benefits to this position would attract a bigger pool of applicants. Ms. Nave indicated that this is not a position that offered benefits but agreed that benefits would attract more applicants. Ms. Ivey added that this request was budget neutral and directly linked to Blake matters and when Blake funding went away, so would this position and benefits.

MOTION: Commissioner McKay moved to approve the Line Item Transfer in Fund No. 0010, Dept 123 to Dept 138 for part time commissioner medical and retirement benefits. Commissioner Delvin seconded and upon approval, motion carried.

Other Business

Administrator MacPherson reminded the Board there would not be a meeting next Tuesday, November 22, 2022.

Executive Session – County’s Position in Labor Negotiations

The Board went into executive session at 9:19 a.m. for up to 10 minutes with Carlee Nave and Stephen Hallstrom to discuss the County’s position in labor negotiations. Also present were Jerrod MacPherson, Linda Ivey and Marilu Flores.

The Board came out at 9:30 a.m. No decisions were made in executive session.

Accounts Payable

Check Date: 11/10/2022

Pcards #284

Total all funds: \$524,816.34

Resolutions

- 2022-827: Line Item Transfer, Fund No. 0010, Dept. 115 to 127 for NeoGov Services
- 2022-828: Purchase of One Laptop & Dock and Two Monitors From Dell Inc. for OPD
- 2022-829: Contract w/Lutheran Community Services Northwest for Licensed Mental Health Clinician
- 2022-830: Agreement w/Eric Scott to Provide Leave Coverage In Superior Court
- 2022-831: Purchase of Culvert Pipe & Accessories From Arrow Construction Supply
- 2022-832: Contract w/TranTech Engineering for Bridge Load Rating Services on Oak St. CID Bridge
- 2022-833: First Contract Amendment w/Jiffy Car Wash, Inc. for Sheriff’s Office

- 2022-834: Transferring Ownership of a Conex From Solid Waste Dept. to General Fund for Use by the Corrections Department
- 2022-835: State & Local Task Force Agreement w/Sheriff's Office & United States Dept of Justice
- 2022-836: Agreement w/City of Kennewick for the Kennewick Firearms Range Facility
- 2022-837: Ordinance Amendment Relating to BCC Title 15 – File No. OA 2022-002
- 2022-838: Community Development Department Planning Division Fee Schedule
- 2022-839: Line Item Transfer, Fund No. 0010, Dept. 123 to 138 for Part Time Court Commissioner Medical Insurance & Retirement

There being no further business before the Board, the meeting adjourned at approximately 9:30 a.m.

Clerk of the Board

Chairman