

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, January 24, 2023, 9:00 a.m.

*Meeting provided in-person, by Video Live-Broadcast and Telephonically via/WebEx*

**Present:** Chairman Will McKay  
Commissioner Jerome Delvin  
Commissioner Michael Alvarez  
County Administrator Jerrod MacPherson  
Clerk of the Board Marilu Flores

**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; Greg Wendt, Community Development Director; Michelle Cooke, Planning Manager; Adam Fyall, Sustainable Development Manager; Clerk Josie Delvin; Treasurer Ken Spencer; Auditor Brenda Chilton, Elections Supervisor Amanda Hatfield; Linda Ivey, Finance Manager; Tiffany Runge, Superior Court Administrator; Eric Eisinger, Prosecuting Attorney; DPA Steve Hallstrom, Kirsten Yniguez, Chief Deputy Treasurer; Shyanne Palmus, Communications Coordinator; Jeff Jones, Facilities Manager; Judy Docken, District Court Asst. Administrator; Amanda Watts, District Court Administrator – Trainee, Assessor, Bill Spencer.

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The minutes of January 10, 2023 were approved. Pulling “i” for discussion.

#### Agenda Review

Add to Other Business: Draft Environmental Impact Statement issued for the Horse Heaven Wind Project

Add an Executive Session – Potential Litigation

#### Public Comment

Gary Vegar, accompanied by other Prosser residents, read a letter from Friends of Downtown Prosser asking for a letter of support from the commissioners that would promote mutually

supportive conversations between the County and the City of Prosser for a new home for city services. In November 8, 2022, the City of Prosser's bond for a new building failed significantly. Mr. Vegar indicated that it would be most logical to move City services into the Benton County Courthouse. Commissioner Alvarez indicated that he went to a City of Prosser meet and greet last week and is in support.

Jim Adkins appreciated the update to the agenda and gave another suggestion to documents having the printed name of the individual added to the signature lines for ease in making out who signed.

## **Consent Agenda**

**MOTION:** Commissioner Delvin moved to approve the consent agenda items "a" through "tt", pulling item "i" for discussion. Commissioner Alvarez seconded and upon vote, the Board approved the following:

### **Consent Agenda**

#### Auditor

- a. 2023 Canvassing Board Appointment

#### Commissioners

- b. Benton County Tax Levy for 2023

#### Corrections

- c. Line Item Transfer, Fund No. 1160, Dept. 000 for Wages
- d. Line Item Transfer, Fund No. 0010, Dept. 120 for Wages
- e. Line Item Transfer, Fund No. 0010, Dept. 120 for Wages

#### District Court

- f. Line Item Transfer, Fund No. 0010, Dept. 111 for Overtime

#### Facilities

- g. Payment to Young's Servicemaster for Emergency Work at the Old KGH Property

#### Human Resources

- h. Amendment I to Agreement w/Deputy Sheriff's Guild Representing Commissioned Officers
- j. Amendment II to Agreement w/Teamsters 839 Representing Juvenile Detention
- k. Amendment II to Agreement w/Teamsters 839 Representing Bailiffs
- l. Amendment II to Agreement w/BF Juvenile Court Guild Representing Juvenile Court Employees
- m. Agreement w/Teamsters 760, Representing Corrections Department Corporals & Sergeants

#### Human Services

- n. Contract w/WA State Dept of Commerce for the Community Development Block Grant

#### Information Technology

- o. Line Item Transfer, Fund No. 5020, Dept. No. 000 for Overtime
- p. Purchase of Seven Tablets From Southern Computer Warehouse for Public Works Department

Juvenile

- q. Contract Amendment No. 1 w/Tri-Cities Monitoring for Armed Security Guard Services; Amending Resolution 2020-801
- r. Termination of Contract w/Kathleen Moreno
- s. Line Item Transfer, Fund No. 1150, Dept. 173 for Salaries, Benefits & Overtime

Office of Public Defense

- t. Superior Court Public Defense Services w/Keith Hilde

Prosecuting Attorney

- u. Line Item Transfer, Fund No. 0000,101, Dept. 117 for Overtime

Public Safety

- v. Line Item Transfer, Fund No. 1480, Dept. 121 for Overtime, Wages and Uniforms
- w. Line Item Transfer, Fund No. 1480, Dept. 122 for Wages & Minor Equipment & Tools

Public Works

- x. Ratifying Change Order No. 1 w/American Rock Contract for Bituminous Surface Treatment & Edge Repair
- y. First Contract Amendment w/Clean Harbors Environmental Services for Hazardous Waste Handling & Disposal Services
- z. Line Item Transfer Fund No. 5010, Dept. 650 for Wages
- aa. Coding Correction Between Fund 5010, Dept. 650 & Fund No. 1480, Dept. 115

Purchasing

- bb. Contract w/Frontier Fence, Inc. for Basement Fencing Project @ the Administration Building
- cc. Rejecting All Bids for the Front Entrance Glass Project @ the Kennewick Justice Center
- dd. Rejecting All Bids for Parking Lot Fencing Project @ the Prosser Courthouse
- ee. Accepting Work Performed by Banlin Construction for Justice Center Front Entrance Security Upgrade Project
- ff. Ratifying an Emergency Contract w/PPC Solutions for Emergency Fire Watch Services @ Former Kennewick General Hospital Site
- gg. Payment to Rogers Surveying, Inc. for Application Fee for Subdivision of the KGH Property
- hh. Contract w/Unruh Management & Consulting for Alcohol Services @ Fairgrounds Event Center
- ii. Purchase of Tires & Accessories from Pasco Tire Factory for ER&R Managed Vehicles
- jj. Equipment Maintenance Agreement w/Benton County Fire District #6
- kk. Ratifying Emergency Contract Amendment w/Banlin Construction for Boarding Up Exterior Windows & Doors @ KGH Site

Risk

- ll. Washington Counties Risk Pool Appointment

Sheriff

- mm Line Item Transfer, Fund No. 0010, Dept. 118 for Early Retirement Program & Overtime
- nn. Line Item Transfer, Fund No. 0010, Dept. 119 for Overtime
- oo. Line Item Transfer, Fund No. 0010, Dept. 121 for Overtime, Uniforms & Repairs
- pp. Line Item Transfer, Fund No. 0010, Dept. 125 for Wages & Benefits

Superior Court

qq. Authorizing Purchases from Trial Court Improvement Fund for Expenditures;  
Rescinding Resolution 2021-608

rr. Line Item Transfer, Fund No. 0010, Dept. 123 for Overtime

Sustainable Development

ss. Line Item Transfer, Fund No. 1350, Dept. 000 for Wages & Benefits

Treasurer

tt. Line Item Transfer, Fund No. 1120, Dept. 000 for Benefits

Discussion: Commissioner Delvin discussed consent agenda item “i” – Additional Compensation for Undersheriff Jon Law for 2023. Commissioner Delvin indicated that this came before the Board the previous week and he pulled so that he could discuss with Human Resources further. He believes it is a gifting of public funds and it not in support. Commissioner Delvin indicated that he does not want to set a precedence and get audited.

**MOTION:** Commissioner Delvin moved to not approve item “i” regarding Additional Compensation for Undersheriff Jon Law for 2023 from the consent agenda. Commissioner Alvarez seconded and upon vote, motion carried.

Discussion: Commissioner Alvarez indicated that he sees this as an exempt position and doesn’t believe the Board can process a temporary salary change for one year and then go back.

**Scheduled Business**

Benton City Revitalization Organization ~ Adam Fyall & Alex Weber

Adam Fyall introduced Alex Weber and his staff who gave an update on economic development activities in the Benton City area. The Benton City Revitalization Organization Chair was a recipient of funds from TRIDEC for economic development services, and is a successor organization to the former Benton City Economic Development Committee which ceased operations several years ago.

Mr. Weber updated the board on the following:

- Boat Launch Clean Up Program
- Benton City Daze
- Voted for the People’s Choice Award
- Fall Clean-Up
- Collaboration Efforts w/Reach Museum, SILAS Education, Local Government & Volunteers
- 2024 Timeline of Projects
- 2023 Project Highlights
- Contact Information

Mr. Weber’s focus was to continue their efforts to beautify the city in an effort to be more inviting.

Commissioner Delvin appreciated the efforts with Commissioner McKay indicating that the lighting looked great.

### **SUB 2022-003 Preliminary Plat of Desert Pines**

Planning Manager, Michelle Cooke, indicated that they had an applicant who submitted a preliminary plat application to subdivide approximately 4.08 acres into 12 residential lots. The preliminary plat was known as Desert Pines and zoned Urban Growth Area Residential District.

On December 13, 2022, at the conclusion of the open record hearing, the Planning Commission voted to forward a positive recommendation to the Board of County Commissioners subject to seven findings of fact and 18 conditions of approval. The Planning Department is recommending the Commissioners approve the preliminary plat as submitted, subject to the Planning Commission's recommendation, Findings of Fact and Conditions.

**MOTION:** Commissioner Delvin moved to adopt the Planning Commission's recommendation, Findings of Fact and Conditions as the Board's own and approve the preliminary plat of Desert Pines – SUB 2022-003 with the seven (7) findings of fact and eighteen (18) conditions of approval as recommended by the Planning Commissioner. Commissioner Alvarez seconded and upon vote, motion carried.

### **Line Item Transfer Creating Two Facilities Maintenance Worker Positions**

Facilities Manager, Jeff Jones, and Deputy Administrator, Matt Rasmussen, came before the board regarding a request for creating two facilities maintenance worker positions to work at the newly acquired Old Kennewick General Hospital. As previously reported, there had been some challenges there. He was recommending two Facilities Maintenance Workers to start doing the maintenance repairs and doing clean up. Over time, there would be a need moving those workers to the Juvenile remodel. Mr. Rasmussen is indicated that the amount to be transferred is \$323,000 for a period of two years.

Commissioner McKay asked regarding the long term needs after the Behavioral Health Recovery Center was complete and was inquiring whether the workers could be moved. Mr. Rasmussen indicated that there would always be a need for coverage in the Facilities Department and would revisit the needs in the future.

**MOTION:** Commissioner Delvin moved to approve the line item transfer within Fund 1600, Behavioral Health Fund, creating two new Maintenance Worker positions. Commissioner Alvarez seconded and upon vote, motion carried.

### **Commissioners' Office Administrative Reorganization**

Deputy Administrator Matt Rasmussen indicated that in the Facilities Department, the prior employee went on maternity leave and after the leave, decided not to return. Mr. Rasmussen indicated that they have taken the opportunity to structure the department. They came to determination that it was best to restructure the Facilities Department and Commissioners' Administrative support and the Facilities duties be shared amongst the existing Clerk to the Board and the newly proposed Commissioners' Office Support position. The Clerk to the Board would do higher level duties to include policies, budget, and higher level administrative tasks. Mr.

Rasmussen was coming before the Board to reclassify an Office Support from a Grade 6 to Grade 9 which manages different boards and asking to increase the Clerk to the Board due to increased supervisory duty.

Commissioners Delvin thanked Administration in the way they look at the costs and saving-money options for the taxpayer. Commissioner McKay appreciated the cost savings.

**MOTION**: Commissioner Delvin moved to approve the classification of a Commissioners' Office Support/Board of Equalization and Disability Secretary and Salary Placement; approve the classification of the Clerk to the Board job classification and establishing the salary grade for the Clerk to the Board position in the Commissioners' Office; and approve the Transfer of Funds within the General Fund Fund 0010, Department 110 Facilities to Department 107 Commissioners as presented. Commissioner Alvarez seconded and upon vote, motion carried.

### **Other Business**

Administrator MacPherson spoke on the Comment Letter on the Draft Environmental Impact Statement issued for the Horse Heaven Wind Project. A Draft Environmental Impact Statement (Draft EIS) was issued on December 19, 2022, marking the opening of a 45-day public comment period, which closes on February 1, 2023 at 11:59pm. Under WAC 463-47 and WAC 197-11, EFSEC prepared the Draft EIS to address areas of concern identified during the State Environmental Policy Act (SEPA) scoping phase, including vegetation, wildlife and habitat, cultural, visual, and recreation resources. A Public Hearing will be held on February 1, 2023 at 5 PM to accept public comment on the project and the Draft EIS.

Commissioner Alvarez thanked the Board and Administration in making him feel welcomed. He indicated that he met with Human Resources and looked into Benton County doing a wage performance audit. He indicated that he would like a workshop regarding this as he thinks the system is fractured. Commissioner McKay indicated that he'd like to visit with the elected officials and understands the cost. Commissioner Alvarez indicated that it is a cost savings in the long run.

Adam Fyall mentioned that this was Shyanne Palmus', Communications Coordinator, last week with the County and wanted to recognize and thank her for all the services she has performed. He mentioned that she has modernized the County and created great working relations. He also recognized her work in the legislation area. The Board personally thanked Ms. Palmus for all her service.

### **Executive Session**

The Board went into executive session at 9:56 a.m. for up to 5 minutes to review an Applicant for Public Employment with Carlee Nave and Assessor Bill Spencer. Also present were Jerrod MacPherson, Matt Rasmussen, Marilu Flores, Eric Eisinger and Steve Hallstrom.

The Board came out at 9:58 a.m. No decisions were made in executive session.

**Motion:** Commissioner Delvin moved to approve the salary request form as presented for Jennifer Luce. Commissioner Alvarez seconded and upon vote, motion carried.

The Board went into executive session at 9:59 a.m. for up to 10 minutes with Prosecutor Eric Eisinger and DPA Steve Hallstrom to discuss potential litigation. Also present was Carlee Nave.

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

**Payroll**

**Payroll Checks**

Check Date: 01/05/23

Payroll Checks

Total All Funds \$2,879,125.44

Warrant #243970-243996

Direct Deposit #176664-177277

Payroll Deduction Transfers

Total All Funds \$2,498,274.88

EFT #246-252

ACH #400-410

Payroll Deduction Warrants

Total All Funds \$114,721.73

Warrant #241528-241538

Check Date: 01/17/2023

Payroll Draw Checks

Total All Funds \$117,077.89

Warrants #243998

Direct Deposit #177278-177421

Payroll Draw Deduction Transfers

Total All Funds \$21,197.51

EFT #

ACH #435

Check Date: 01/19/2023

Payroll Draw Checks

Total All Funds \$1,207.88

Direct Deposit #177422

Payroll Draw Deduction Transfers

Total All Funds \$209.87

ACH #450

**Accounts Payable**

Check Date 01/06/23

Pcards #412

Total of all Funds: \$530,332.30

Check Date: 01/13/23

Warrants #241834-241835

Total of all Funds: \$25,035.20

Check Date: 01/13/2023

Warrants #241682-241833

Total of All Funds: \$1,247,158.85

Wire Transfers: 411,413

EFT: 253-258

Total of all Funds: \$38,821.61

Check Date: 01/13/23

Warrants #241682-241833

Total of all Funds: \$1,247,158.85

Wire Transfers: 411,413

EFT: 253-258

Total of All Funds: \$38,821.61

Check Date: 01/20/23

Warrants #241897-242083

Total of all Funds: \$1,533,480.87

Wire Transfers: 423-431, 433-434

Total of all Funds: \$2,162.93

**Claims:** Tort Claim received 01/23/23 from Scott Gregory Hanson – CC 2023-04

**Resolutions**

2023-042: Benton County Tax Levy for 2023

2023-043: Line Item Transfer, Fund No. 1160, Dept. 000 for Wages

2023-044: Line Item Transfer, Fund No. 0010, Dept. 120 for Wages

2023-045: Line Item Transfer, Fund No. 0010, Dept. 120 for Wages

2023-046: Line Item Transfer, Fund No. 0010, Dept. 111 for Overtime

2023-047: Payment to Young's Servicemaster for Emergency Work at the Old KGH Property

2023-048: Amendment I to Agreement w/Deputy Sheriff's Guild Representing Commissioned Officers

2023-049: Amendment II to Agreement w/Teamsters 839 Representing Juvenile Detention

- 2023-050: Amendment II to Agreement w/Teamsters 839 Representing Bailiffs
- 2023-051: Amendment II to Agreement w/BF Juvenile Court Guild Representing Juvenile Court Employees
- 2023-052: Agreement w/Teamsters 760, Representing Corrections Department Corporals & Sergeants
- 2023-053: Contract w/WA State Dept. of Commerce for the Community Development Block Grant
- 2023-054: Line Item Transfer, Fund No. 5020, Dept. 000 for Overtime
- 2023-055: Purchase of Seven Tablets From Southern Computer Warehouse for Public Works Department
- 2023-056: Contract Amendment No 1 w/Tri-Cities Monitoring for Armed Security Guard Services; Amending Resolution 2020-801
- 2023-057: Termination of Contract w/Kathleen Moreno
- 2023-058: Line Item Transfer, Fund No. 1150, Dept. 173 for Salaries, Benefits & Overtime
- 2023-059: Superior Court Public Defense Services w/Keith Hilde
- 2023-060: Line Item Transfer, Fund No. 0000.101, Dept. 117 for Overtime
- 2023-061: Line Item Transfer, Fund No. 1480, Dept. 121 for Overtime, Wages & Uniforms
- 2023-062: Line Item Transfer, Fund No. 1480, Dept. 122 for Wages & Minor Equipment and Tools
- 2023-063: Ratifying Change Order No. 1 w/American Rock Contract for Bituminous Surface Treatment & Edge Repair
- 2023-064: First Contract Amendment w/Clean Harbors Environmental Services for Hazardous Waste Handling & Disposal Services
- 2023-065: Line Item Transfer, Fund No. 5010, Dept. 650 for Wages
- 2023-066: Coding Correction between Fund No. 5010, Dept. 650 & Fund No. 1480, Dept. 115
- 2023-067: Contract w/Frontier Fence, Inc. for Basement Fencing Project @ the Administration Building
- 2023-068: Rejecting All Bids for the Front Entrance Glass Project @ the Justice Center
- 2023-069: Rejecting All Bids for Parking Lot Fencing Project @ the Prosser Courthouse
- 2023-070: Accepting Work Performed by Banlin Construction for Justice Center Front Entrance Security Upgrade Project
- 2023-071: Ratifying an Emergency Contract w/PPC Solutions for Emergency Fire Watch Services @ Former Kennewick General Hospital Site
- 2023-072: Payment to Rogers Surveying, Inc. for Application Fee for Subdivision of the KGH Property
- 2023-073: Contract w/Unruh Management & Consulting for Alcohol Services @ Fairgrounds Event Center
- 2023-074: Purchase of Tires & Accessories from Pasco Tire Factory for ER&R Managed Vehicles
- 2023-075: Equipment Maintenance Agreement w/Benton County Fire District #6
- 2023-076: Ratifying Emergency Contract Amendment w/Banlin Construction for Boarding Up Exterior Windows & Doors @ KGH Site
- 2023-077: Washington Counties Risk Pool Appointment
- 2023-078: Line Item Transfer, Fund No. 0010, Dept. 118 for Early Retirement Program & Overtime
- 2023-079: Line Item Transfer, Fund No. 0010, Dept. 119 for Overtime

- 2023-080: Line Item Transfer, Fund No. 0010, Dept. 121 for Overtime, Uniforms & Repairs
- 2023-081: Line Item Transfer, Fund No. 0010, Dept. 125 for Wages & Benefits
- 2023-082: Authorizing Purchases from Trial Court Improvement Fund for Expenditures, Rescinding Resolution 2021-608
- 2023-083: Line Item Transfer, Fund No. 0010, Dept. 123 for Overtime
- 2023-084: Line Item Transfer, Fund No. 1350, Dept. 000 for Wages & Benefits
- 2023-085: Line Item Transfer, Fund No. 1120, Dept. 000 for Benefits
- 2023-086: SUB 2022-003 Preliminary Plat of Desert Pines
- 2023-087: Line Item Transfer Creating Two Facilities Maintenance Worker Positions
- 2023-088: Job Classification & Establishing Salary Grade for Commissioners' Office Support/BOE and Disability Board Secretary
- 2023-089: Job Classification & Establishing Salary Grade for Clerk to the Board in the Commissioners' Office
- 2023-090: Line Item Transfer, Fund No. 0010, Dept. 110 to 107

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

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Clerk of the Board

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Chairman