

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Administration Building, Kennewick, WA

Tuesday, January 31, 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 via/WebEx
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; Carlee Nave, HR Manager; Greg Wendt, Community Development Director; Adam Fyall, Sustainable Development Manager; Clerk Josie Delvin; DPA Ryan Brown; Treasurer Ken Spencer; Cody Shelton and Alex Garcia, IT; Matt Mahoney, Public Works Manager; Cristina Woods, Public Works; Judy Docken, District Court; Amanda Watts, District Court Administrator/Trainee; Danica Hope, Procurement; Linda Ivey, Finance Manager; DPA Ryan Brown; Eric Eisinger, Prosecuting Attorney; Kyle Sullivan, Human Services Manager; Chief Robert Guerrero; Robert Blain, Operations/Capital Assets; Steve Caughey, Risk Management; Auditor Brenda Chilton; Katie Gillies, Sheriff's Office; Jon Law, Undersheriff; Danielle Hayes, Assessor's Office; Commander Mathew Clarke; Lt. Michael Clark.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

Commissioner Delvin requested the Minutes be corrected under Executive Session - Potential Litigation, to remove Matt Rasmussen, as he was not present in the Executive Session.

The Minutes of January 24, 2023 were approved, as corrected.

Agenda Review

The following items were added to the agenda:

- Other Business – Horse Heaven Wind Farm – Letters
- Executive Session – Union Negotiations

Public Comment

Mr. Williams, Kennewick, discussed his concern about drainage on his property in the Summit View Development. During the last two snow storms, his property flooded, and he went to the developer, who he thought he had a gentlemen's agreement. However, the developer has since stated it was the property owner's responsibility for drainage issues.

He indicated he had been working with Planning and Public Works and was told they could not do anything because it was a private road, and he could not get the developer to take care of the drainage problems. He said he was looking at spending between \$50,000 to \$60,000 for something that should have been taken care of.

Chairman McKay indicated he would reach out to Planning Dept. and Public Works.

Consent Agenda

MOTION: Commissioner Delvin moved to approve the consent agenda items "a" through "n". Commissioner Alvarez seconded and upon vote, the Board approved the following:

Auditor

- a. Line Item Transfer, Fund No. 1110, Dept. 000

Commissioners

- b. Line Item Transfer, Fund No. 0010, Dept. 107 for Overtime

Human Services

- c. Amended Agreement I, PSC-2022-GW-00, w/Goodwill Industries of the Columbia for Rental Assistance
- d. Agreement w/Goodwill Industries, 2023/24-HHAA-GW w/Goodwill Industries of the Columbia for the Five-Year Homeless Housing Plan
- e. Agreement, #2022-23-GW-ERAP-2.0, w/Goodwill Industries of the Columbia for Outreach Services due to COVID-19

Information Technology

- f. Agreement w/ BCM One, Inc. for Benton County Voice Services
- g. Approving 2023 Budgeted Funds for i3 ImageSoft for OnBase Support Services in Clerk & District Court

Juvenile

- h. Contract Amendment 1 w/Connections Consulting MA for Interpreter Services

Public Works

- i. Rural Arterial Program Final Prospectus for Construction of County Well Road Phase 1

Purchasing

- j. Authorization to Advertise and Bid CB23-02 Furnishing Magnesium Chloride
- k. Agreement w/KBT Distributing for Bulk Diesel Fuel

Sheriff

- l. Moorage Agreement w/Port of Kennewick for Safeboat

- m. Purchase of Seven Licenses From Axon Enterprises for Body Cameras, Taser Equipment & Hardware

Treasurer

- n. Canceling Taxes Assessed Upon Personal Property Within Benton County Determined Uncollectible

Public Hearing - Franchise Application - Advanced Internet Service Provider

Cristina Woods presented a franchise application from Advanced Internet Service Provider for a Franchise Order and Agreement to place poles, network equipment, fiber optic, conduit systems and facilities in County Road Rights of Way.

Based upon the information received, Benton County Public Works recommended approval of the franchise order and agreement as presented.

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

MOTION: Commissioner Delvin moved to approve the Franchise Order and Agreement with Advanced Internet Service Provider LLC DBA Advanced Internet as submitted. Commissioner Alvarez seconded and upon vote, the motion carried.

Special Olympics Presentation – Arc of Tri-Cities

Kyle Sullivan introduced Donna Tracy, Arc of Tri-Cities, and said that Benton County helped support the Special Olympics using Developmental Disabilities/Mental Health Millage fund.

Ms. Tracy provided a report and stated their new building was completely paid for through donations and other means. Additionally, she said the State Fall special Olympic games would now be hosted in the Tri-Cities, on an ongoing basis and would provide a nice revenue for the area.

She then introduced the athletes and they talked about their personal successes at the Special Olympics.

Introduction of County Veteran Service Officer

Mr. Sullivan introduced the new Veteran Service Officer John Lefebvre. He said they had a huge response to the open position, with 50 to 60 applications to review and they were very happy with their choice.

Mr. Lefebvre said he had assisted 72 veterans so far since he started, and he retired last year from 27 years in the Marine Corp.

B5 Presentation Regarding Refugees Assistance

John McCoy, Board of Director member, and Theresa Roosendaal, Executive Director, gave a Powerpoint and briefly discussed the following:

- Purpose – to support new refugee arrivals through education, relationships, and community
- Use repurposed apartments for new arrivals
- Volunteers at resettlement agency
- Educational support for families
- Future planned Community Learning Center – next to Boys & Girls Club

Temporary Change in Office Hours – Benton County Sheriff’s Prosser Office

Matt Rasmussen presented a resolution to approve a temporary change in office hours at the Sheriff’s Office in Prosser, due to staffing shortages. He said the statute allowed flexibility and he requested the Board approve the resolution, to be effective February 1, 2023 through April 28, 2023. The new office hours would be Monday, Wednesday, and Friday between the hours of 9:00 a.m. and 3:00 p.m. with one hour closure between noon and 1:00 p.m.

MOTION: Commissioner Delvin moved to approve resolution temporarily changing the hours for the transaction of business for the Benton County Sheriff’s Prosser Office as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Establishing Salaries for Chief Deputy Positions

Carlee Nave presented a Resolution to Re-establish salaries for the Chief Deputy Assessor, Chief Deputy Auditor, Chief Deputy Clerk, Chief Deputy Coroner, and Chief Deputy Treasurer. Ms. Nave said the Coroner asked that the salary of the Chief Deputy Coroner be looked at due to the significant amount of overtime and afterhours work. Back in 2017, the Chief Deputy Coroner was the only Chief Deputy position not set at up to 85% of the Elected Official’s salaries. Since that time, several factors have necessitated a review of the resolution generally, and the Chief Deputy Coroner’s salary specifically. Equal pay and pay transparency legislation, such as changes to RCW 49.58, require employers to have established pay ranges for any position prior to advertising and/or transferring employees into the position. The approach amongst salaries for Chief Deputy positions are as varied as they are for Elected Official salaries, but there has been a shift in the salaries for Chief Deputy Coroner positions toward parity with other Chief Deputy positions both in some of our comparable counties and in the local labor market (Franklin County). Given all of these factors, she said it was appropriate that the Chief Deputy Coroner salary be treated the same as the other Chief Deputy positions.

MOTION: Commissioner Delvin moved to approve the resolution re-establishing salaries for the Chief Deputy Assessor, Chief Deputy Auditor, Chief Deputy Clerk, Chief Deputy Coroner, and Chief Deputy Treasurer, Rescinding Resolution 2017-089. Commissioner Alvarez seconded and upon vote, the motion carried

Setting Salaries for Supervisory Positions Impacted by Courthouse Salary Study

Carlee Nave presented a Resolution setting the salaries for supervisory positions impacted by the Courthouse Salary Study. The amendment to the Courthouse CBA adopted significant changes, resulting in salary increases ranging from 10.01% to 42.19%, with an average increase of 20.26%. As a result, there were supervisor positions being paid less than those they supervised. They

identified 12 position titles, impacting 16 employees, that would be addressed in this resolution, to start at least 10% higher than the starting rate for the positions they supervise. Additionally, they would be assigned to the same step in the new grade as they occupy in their current grade, consistent with how the Courthouse employees were placed in their new pay grades.

Commissioner Alvarez reiterated his desire to move forward with hiring a consultant to review and prepare a county-wide compensation analysis.

Carlee Nave said they had been working with the elected officials, and agreed it was not a long-term fix, but a short-term remedy for these particular positions.

Mr. MacPherson said they have had several discussions regarding this issue and wanted to come back to the Board with a long-term recommendation.

MOTION: Commissioner Delvin moved to approve the resolution setting the salaries for supervisory positions impacted by the courthouse salary study. Commissioner Alvarez seconded and upon vote, the motion carried.

Other Business

Horse Heaven Wind DEIS Comment letters

Greg Wendt and Matt Rasmussen presented comment letters to EFSEC regarding the Horse Heaven Wind Farm Project Proposal Draft Environmental Impact Statement from both the Board and County Engineer.

Mr. Wendt said that EFSEC was hosting a public hearing on February 1, 2022 from 5:00 to 8:00 p.m.

The letter from the Board focused on the greatest deficiencies (three main points) as follows:

- The project will result in the conversion of agricultural lands of long-term commercial significance (ALLTCS) without disclosing the environmental impacts of the conversion
- The conversion of ALLTCS will have a high, cumulative impact
- The proposed mitigation measures are inadequate to appropriately mitigate the environmental impacts of conversion of ALLTCS

The letter from the County Engineer outlined impacts to County roads. Mr. Rasmussen highlighted the following:

- Location/Proximity to urban development in the County
- Air quality – fugitive dust/ozone and mitigation measures
- Transportation impacts regarding level of service and mitigation measures
- Transportation – safety – limit time of day restrictions to non-peak transportation
- Impacts to roadways – not designed to take impacts from large loads and mitigation measures

- Benton County is an agricultural county and impacts to the large farming area during peak harvest times – mitigation measures

MOTION: Commissioner Delvin moved to approve the letters, as proposed, to EFSEC, regarding the Draft EIS. Commissioner Alvarez seconded and upon vote, the motion carried.

Commissioner Alvarez asked if there was an estimation of impacts to the roads. Mr. Rasmussen said the County had not done a formal study and it was their view the applicant should pay for that study and determination of mitigation measures and the County should not pay for that bill.

New Office Hours – Clerk’s Office

Clerk Josie Delvin said her office would now be open during the lunch hour, effective February 1, 2022 and still be open from 8:00 to 4:00, to hopefully alleviate the extensive lines that largely due to passport applications.

Executive Session – Qualifications of Candidate for Public Employment

The Board left the room to convene in the Parota Room for an executive session at 10:04 a.m. for up to five minutes with Commander Mathew Clarke and Lt. Michael Clark to discuss qualifications of candidate for public employment. Also present were Commissioner Alvarez via/telephone, Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Carlee Nave.

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

MOTION: Commissioner Delvin moved to approve the Salary Request Form as presented for Nathaniel Murillo, Deputy Sheriff. Commissioner Alvarez seconded and upon vote, the motion carried.

Executive Session – Position and/or Strategy for Union Negotiations

The Board left the room to convene in the Parota Room for an executive session at 10:11a.m. for up to 10 minutes with Carlee Nave to discuss the County’s position and/or strategy for union negotiations. Also present were Commissioner Alvarez via/telephone, Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie.

The Board came out at 10:20 a.m. No action was taken but direction was given.

Tort Claim

CC 2023-05: Received January 27, 2023 from Jonathan Scott Ard

Resolutions

- 2023-091: Line Item Transfer, Fund No. 1110, Dept. 000
- 2023-092: Line Item Transfer, Fund No. 0010, Dept. 107 for Overtime

- 2023-093: Amended Agreement I, PSC-2022-GW-00, w/Goodwill Industries of the Columbia for Rental Assistance
- 2023-094: Agreement w/Goodwill Industries, 2023/24-HHAA-GW w/Goodwill Industries of the Columbia for the Five-Year Homeless Housing Plan
- 2023-095: Agreement, #2022-23-GW-ERAP-2.0, w/Goodwill Industries of the Columbia for Outreach Services due to COVID-19
- 2023-096: Agreement w/ BCM One, Inc. for Benton County Voice Services
- 2023-097: Approving 2023 Budgeted Funds for i3 ImageSoft for OnBase Support Services in Clerk & District Court
- 2023-098: Contract Amendment 1 w/Connections Consulting MA for Interpreter Services
- 2023-099: Rural Arterial Program Final Prospectus for Construction of County Well Road Phase 1
- 2023-100: Authorization to Advertise and Bid CB23-02 Furnishing Magnesium Chloride
- 2023-101: Agreement w/KBT Distributing for Bulk Diesel Fuel
- 2023-102: Moorage Agreement w/Port of Kennewick for Safeboat
- 2023-103: Purchase of Seven Licenses From Axon Enterprises for Body Cameras, Taser Equipment & Hardware
- 2023-104: Canceling Taxes Assessed Upon Personal Property Within Benton County Determined Uncollectible
- 2023-105: Granting a Franchise to Advanced Internet Service Provider LLC Dba Advanced Internet to Place Poles, Network Equipment, Fiber Optic, Conduit Systems and Facilities in County Road Rights Of Way
- 2023-106: Temporarily Changing the Hours for the Transaction of Business for the Benton County Sheriff's Prosser Office
- 2023-107: Re-Establishing Salaries for the Chief Deputy Assessor, Chief Deputy Auditor, Chief Deputy Clerk, Chief Deputy Coroner, and Chief Deputy Treasurer Rescinding Resolution 2017-089
- 2023-108: Setting the Salaries for Supervisory Positions Impacted by the Courthouse Salary Study

There being no further business before the Board, the meeting adjourned at approximately 10:20 a.m.

Clerk of the Board

Chairman