

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, February 7, 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 Marilu Flores

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; DPA Steve Hallstrom; Robert Heard, IT Manager; District Court, Judy Docken; Amanda Watts, District Court Administrator/Trainee; Fairgrounds Events Manager Tom French; Chief Deputy Auditor Lorene Roe

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of January 31, 2023 were approved.

Agenda Review

The following items were added to the agenda:

- Executive Session – Potential Litigation

Public Comment

Tina Gregory, from the Kennewick Administration Building, discussed Governor Inslee and his climate lies. Ms. Gregory indicated that enforcing more taxes is not sustainable and indicated that current taxes needed to be fought locally.

Nicole Carby, via Webex, indicated that she had provided the Board information from Carby Consulting L.L.C. on August 1, 2022 and polled the Board on receiving that information. She

indicated that she would be sending another email in the near future and would like a response. Ms. Carby also questioned an item on the agenda for discussing Clerk Josie Delvin's performance and the Board clarified that it was not Ms. Delvin's performance rather an employee of hers. Ms. Carby mentioned that Ms. Delvin also received the email in May 2022. She indicated that she lives in Kennewick and is a whistleblower.

Consent Agenda

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

Auditor

- a. Interlocal Agreement w/Finley School District for Ballot Box @ Finley Middle School

Commissioners

- b. Line Item Transfer, Fund No. 1570, Dept. 000 for Historic Sheriff's Office Display Project

Human Resources

- c. Creating Job Classification & Establishing the Salary Grade for the Building Inspector III Position in the Building Department

Information Technology

- d. Reauthorizing Purchase of Computers, Printers, Network Devices, Software, Maintenance & Support; Amending Resolution 2016-089

Office of Public Defense

- e. Amending Superior Court Public Defense Agreement w/Thomas Atwood
- f. Amending Superior Court Public Defense Agreement w/Keith Hilde
- g. Amending Superior Court Public Defense Agreement w/Nicholas Blount
- h. Amending Superior Court Public Defense Agreement w/Karla Kane
- i. Amending Superior Court Public Defense Agreement w/Ian Sinclair
- j. Amending Superior Court Public Defense Agreement w/Katherine Kelly
- k. Amending Superior Court Public Defense Agreement w/Allyson Dahlhauser
- l. Amending Superior Court Public Defense Agreement w/Brian Hultgrenn
- m. Amending Superior Court Public Defense Agreement w/Asa LaMusga
- n. Amending Superior Court Public Defense Agreement w/Eric Scott for UGA
- o. Amending Superior Court Public Defense Agreement w/Eric Scott for Preliminary Appearance
- p. Amending Superior Court Public Defense Agreement w/Dennis Hanson
- q. Amending District Court Public Defense Agreement w/Shelly Ajax
- r. Amending District Court Public Defense Agreement w/John Gleason
- s. Amending District Court Public Defense Agreement w/Adrienne Farabee
- t. Amending District Court Public Defense Agreement w/Heather Carlson
- u. Amending District Court Public Defense Agreement w/Robert Moser
- v. Amending District Court Public Defense Agreement w/Megan Killgore
- w. Superior Court Public Defense Agreement w/Janell Felsted for Uniform Guardianship Act Cases
- x. Early Termination of Superior Court Public Defense Agreement w/Michelle Alexander
- y. District Court Public Defense Agreement w/Michelle Alexander

Purchasing

- Z. Purchase Agreement w/Waxie's Enterprises for Janitorial Supplies
- aa. Award of Sign Materials From National Barricade & Sign Company
- bb. Increase to Amount Needed for Emergency Fire Watch Services @ Former KGH Site; Amending Resolution 2023-071

Sheriff

- cc. Intergovernmental Agreement w/WA State Parks & Recreation Commission for Boating Safety & Educational Services
- dd. Contract w/Chong Bak dba Columbia Cleaners for Dry Cleaning & Laundry Services for Corrections and Sheriff's Office
- ee. Contract w/Kenneth Cole Counseling for Psychological Evaluations
- ff. Interagency Agreement w/Klickitat County to Commission Benton County Deputy Brian Ohler
- gg. Subrecipient Federal Financial Assistance Grant Agreement w/WA State Parks & Recreation Commission

Superior Court

- hh. Updating Superior Court Commissioners' Compensation & Benefits; Rescinding Resolution 2022-2022-576

Tri-Cities Regional Chamber of Commerce Business Resource Initiative Update

Adam Fyall introduced Tracie Booth from the Tri-Cities Regional Chamber of Commerce who updated the Board on the Business Resource Initiative. The Chamber last visited the Board in June 2022 and was providing an update on the following:

Round One:

- October – application period
- November – scoring period
- December – evaluation period
- Round One Responses
- Applications Received by City
- Applicant Demographics
- Applicant Business Sectors Represented
- Applications by Grant Award Options
- Phase Two Timeline – outreach started in January and will go through April for Awards
- Business Resource Navigator

Ms. Booth thanked the Commissioners and staff.

Commissioner Delvin asked who made up the evaluation panel; however, that information is not released publicly.

Commissioner McKay questioned how the percentage rate was broken down.

Rural County Capital Fund Update & Port of Kennewick Disbursement Agreement

Mr. Adam Fyall updated the Board on the Rural County Capital Fund program; specifically on the following:

- Information Portal – on the website
- Thanked the review team

- Fund Balances
- Future of “Point 09”
 - HB 1267

Mr. Fyall introduced Tim Arntzen and Tana Bader Inglima with the Port of Kennewick who requested Commissioners approve the \$3.4 million disbursement agreement with the Port through the Rural County Capital Fund. Mr. Arntzen also indicated that these funds would be used for the Vista Field Southern Gateway and Hangar Transformation Project. The application for this project calls for the substantial renovation of two of three remaining hangars at Vista Field for expanded commercial uses and other public benefits. Mr. Arntzen indicated that they currently have 20 acres for sale with several letters of intent and the funds would be used for stage preparations, pop-up events, dance classes and restrooms. The Port showed a PowerPoint including aerial views of 3 hangars and outdoor spacing.

Ms. Bader Inglima appreciated the previous investment for Phase 1 and this next phase is for the transformation of future investments with job opportunities and asked the Board for their continued support.

Commissioner Alvarez referred back to slide 9 and questioned the parking to make sure there was sufficient parking and pedestrian crossing. Mr. Arntzen indicated that there was parking to the north and east side with additional future parking being addressed.

MOTION: Commissioner Delvin moved to execute the disbursement agreement with the Port of Kennewick for the Vista Field Southern Gateway and Hangar Transformation Project, authorizing the Chair to sign said agreement. Commissioner Alvarez seconded and upon vote, motion carried.

Tri-Cities Racing Association Contract Discussion

Tom French discussed the current contract with Tri-City Racing Association for horse racing at the Benton County Fairgrounds. Mr. French indicated that the contract was set from February 1, 2022 to December 31, 2024; however, the Tri-City Racing Association did not meet the obligations of the contract in 2022 by not providing the required insurance which resulted in no racing or training activities being allowed. Mr. French indicated that Tri-City Racing Asso. was notified on January 13, 2023 that if the required insurance for the 2023 racing season was not provided by January 31, 2023, the contract would be terminated. There has been no response. Mr. French was recommending the termination of the contract.

Commissioner Delvin worked on this contract over the years and indicated they struggled to put the races on which tied up the area for five months and that was a concern. He thought there could be better use for the space; but was not against redoing another contract for a shorter time. Commissioner McKay would like to explore other uses such as monster truck events.

MOTION: Commissioner Delvin moved to approve the resolution authorizing the Chair to sign the attached termination letter for the contract between Tri-City Racing Association and Benton County as presented due to contract non-compliance for failure to provide all certificates of

insurance and endorsements, as required in Section 11 of the contract in question. Commissioner Alvarez seconded and upon vote, motion carried.

Other Business

Commissioner Delvin indicated that he testified on two senate bills this past week; the 09 bill and county meetings bill. He also attended the EFSEC, wind farm meeting which had a good turnout.

Executive Session – Review Performance of a Public Employee

The Board went into an executive session at 9:47 a.m. for up to 10 minutes with Clerk Josie Delvin to review the performance of a public employee. Also present were Commissioner Alvarez via/telephone, Jerrod MacPherson, Matt Rasmussen, Marilu Flores and Carlee Nave.

The Board came out at 9:54 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the Salary Request Form as presented for Jane Dickhoff. Commissioner Alvarez seconded and upon vote, the motion carried.

The Board went into an executive session for potential litigation at 9:54 a.m. for 10 minutes with DPA Steve Hallstrom. Also present were Commissioner Alvarez via/telephone, Jerrod MacPherson, Matt Rasmussen, Marilu Flores and Carlee Nave. The Board came out at 10:05 and went in for an additional 10 minutes.

The Board came out at 10:13 am. No decisions were made in executive session; but direction was given.

Accounts Payable

Check Date: 01/27/23

Warrants #242224-242416

Total of all Funds: \$2,530,306.90

Wire Transfers: 451, 458-459, 464

EFT: 259-282

Total of all Funds \$160,389.42

Check Date: 01/31/23

EFT: 283

Total of all Funds: \$2,200

Resolutions

2023-109: Interlocal Agreement w/Finley School District for Ballot Box @ Finley Middle School

2023-110: Line Item Transfer, Fund No. 1570, Dept. 000 for Historic Sheriff's Office Display Project

- 2023-111: Creating Job Classification & Establishing the Salary Grade for the Building Inspector III Position in the Building Department
- 2023-112: Reauthorizing Purchase of Computers, Printers, Network Devices, Software, Maintenance & Support; Amending Resolution 2016-089
- 2023-113: Amending Superior Court Public Defense Agreement w/Thomas Atwood
- 2023-114: Amending Superior Court Public Defense Agreement w/Keith Hilde
- 2023-115: Amending Superior Court Public Defense Agreement w/Nicholas Blount
- 2023-116: Amending Superior Court Public Defense Agreement w/Karla Kane
- 2023-117: Amending Superior Court Public Defense Agreement w/Ian Sinclair
- 2023-118: Amending Superior Court Public Defense Agreement w/Katherine Kelly
- 2023-119: Amending Superior Court Public Defense Agreement w/Allyson Dahlhauser
- 2023-120: Amending Superior Court Public Defense Agreement w/Brian Hultgrenn
- 2023-121: Amending Superior Court Public Defense Agreement w/Asa LaMusga
- 2023-122: Amending Superior Court Public Defense Agreement w/Eric Scott for UGA
- 2023-123: Amending Superior Court Public Defense Agreement w/Eric Scott for Preliminary Appearance
- 2023-124: Amending Superior Court Public Defense Agreement w/Dennis Hanson
- 2023-125: Amending District Court Public Defense Agreement w/Shelley Ajax
- 2023-126: Amending District Court Public Defense Agreement w/John Gleason
- 2023-127: Amending District Court Public Defense Agreement w/Adrienne Farabee
- 2023-128: Amending District Court Public Defense Agreement w/Heather Carlson
- 2023-129: Amending District Court Public Defense Agreement w/Robert Moser
- 2023-130: Amending District Court Public Defense Agreement w/Megan Killgore
- 2023-131: Superior Court Public Defense Agreement w/Janell Felsted for Uniform Guardianship Act Cases
- 2023-132: Early Termination of Superior Court Public Defense Agreement w/Michelle Alexander
- 2023-133: District Court Public Defense Agreement w/Michelle Alexander
- 2023-134: Purchase Agreement w/Waxie's Enterprises for Janitorial Supplies
- 2023-135: Award of Sign Materials From National Barricade & Sign Company
- 2023-136: Increase to Amount Needed for Emergency Fire Watch Services @ Former KGH Site; Amending Resolution 2023-071
- 2023-137: Intergovernmental Agreement w/WA State Parks & Recreation Commission for Boating Safety & Educational Services
- 2023-138: Contract w/Chong Bak dba Columbia Cleaners for Dry Cleaning & Laundry Services for Corrections and Sheriff's Office
- 2023-139: Contract w/Kenneth Cole Counseling for Psychological Evaluations
- 2023-140: Interagency Agreement w/Klickitat County to Commission Benton County Deputy Brian Ohler
- 2023-141: Subrecipient Federal Financial Assistance Grant Agreement w/WA State Parks & Recreation Commission
- 2023-142: Updating Superior Court Commissioners' Compensation & Benefits; Rescinding BC Resolution 2022-576 and FC Resolution 2022-208
- 2023-143: Rural County Capital Fund Disbursement Agreement with the Port of Kennewick for the "Vista Field Southern Gateway & Hangar Transformation" Project

2023-144: Termination Letter for the Contract between Tri-City Racing Association and Benton County

There being no further business before the Board, the meeting adjourned at approximately 10:13 a.m.

Clerk of the Board

Chairman