

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, March 7, 2023, 9:00 a.m.

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

**Present:** Chairman Will McKay - Excused  
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; Carlee Nave, HR Manager; Greg Wendt, Community Development Director; Clerk Josie Delvin; Robert Heard, IT Manager; Finance Manager Linda Ivey; DPA Stephen Hallstrom; Prosecuting Attorney Eric Eisinger; Sustainable Development Manager Adam Fyall; Auditor Brenda Chilton; Judy Docken, District Court; Amanda Watts, District Court Administrator/Trainee

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Minutes of February 23, 2023 and February 28, 2023 were approved.

#### Agenda Review

Greg Wendt, Community Development Director made the board and the public aware that the Planning Department inadvertently advertised a public hearing for today, March 7, 2023, but the actual public hearing would be taking place on March 21, 2023.

The following items were added to the agenda:

Other Business:

- Law and Justice Council Update
- Fire Station Purchase

Executive Session:

- Potential Litigation

## **Public Comment**

Sherry Elizabeth Becker, Richland WA addressed the Board on an improper assessed classification of land and home per public recording #2000-028426 and said these issues needed to be worked out regarding her parcel. She further discussed her name being used on the parcel to which she did not consent. Ms. Becker said she has spoken to the Treasurer's Office. Commissioner Delvin indicated that the Board did not have authority over the Assessor's Office or Treasurer's Office and suggested she seek legal assistance. Commissioner Alvarez appreciated her comments and agreed for her to seek legal advice and reach out again to the Assessor and Treasurer.

Kat Espinda, Kennewick resident, said she was a child advocate and whistleblower and currently had a tort claim against the Richland School District. She addressed the children and vaccination sites and was children as well as adults getting sick. She wanted the Commissioners to do something about the Health District. Commissioner Delvin urged her to go to the Health District to address the Health Board.

Tina Gregory, in person at the Administration Building, spoke about in person voting with ID; vaccinations, war, censoring and exposing all lies of the evil ones.

Ron, via WebEx, discussed the need to redo the recycling in Kennewick as garbage was being thrown all over the place especially during winds. He also addressed vaccines giving CDC information. Commissioner Delvin urged him to contact the people who make those decisions on those issues and who have the decision making authority; those being senators, congress and state legislators.

## **Consent Agenda**

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

### CARES/CRRSAA

- a. Line Item Transfer Within General Fund No. 0010, Dept. 139

### Corrections

- b. Agreement w/Ideal Option, PLLC for Medication Assisted Treatment @ the Jail

### Human Resources

- c. Crediting Mary Christen w/Total Years of Service for the Purposes of Vacation Accruals; Rescinding Resolution 2023-202

### Human Services

- d. 2<sup>nd</sup> Amended Agreement, 2020/23-CDBG-CV1 & CDBG-CV2, w/Benton-Franklin Community Action Committee for the WA State Community Development Block Grant
- e. Agreement, 2022/2023-CDBG-CAC w/Benton-Franklin Community Action Committee for the WA State Community Development Block Grant
- f. Agreement w/Domestic Violence Services of Benton & Franklin Counties for the Five-Year Homeless Housing Plan

### Information Technology

- g. One Year Addendum to Software Service Agreement w/JotForm Inc.
- h. One Year Cyber Security Awareness Training Subscription w/KnowBe4

Office of Public Defense

- i. Termination Notice of Sylvia Garza’s Superior Court Interpreter Agreement

Planning

- j. Short Plat Vacation – SPV 2022-003
- k. Appointment of Robert Mendez to the Planning Commission

Purchasing

- l. Rental of a Vactor Truck from Peters and Keatts Equipment for the Public Works Department
- m. Contract w/Modus Technology, Inc. for Scanning & Indexing Historical Documents in the Auditor’s Office

Sheriff

- n. Accepting Grant Award from the WA Asso of Sheriffs & Police Chiefs for the Traffic Safety Grant
- o. Purchase of a Bomb Squad Scanx Scout Digital Imaging System From Televare Systems, LLC

Sustainable Development

- p. Letters of Intent for the Switzler Reservoir Water Storage Project

**On-Call Deputy Coroner Pay**

Human Resource Manager, Carlee Nave, presented on the on-call deputy coroner pay. Ms. Nave indicated that on-call pay for part-time deputy coroners filled on-call gaps in the schedules that are needed when a full-time coroner/deputy coroner was not available. Prior to 2023, the lead deputy coroner position was exempt from overtime and not eligible for any on-call pay. Now that the positions in non-exempt are eligible for overtime, she was requesting an update to the resolution to authorize on-call pay for any non-exempt employee of the Coroner’s Office to ensure employees are equitably compensated for their on-call time.

**MOTION:** Commissioner Alvarez moved to approve the resolution establishing the on-call hourly rate for all non-exempt employees of the Coroner’s Office. Commissioner Delvin seconded and upon vote, motion carried.

**Reorganization of the Prosecuting Attorney’s Office**

Benton County Prosecuting Attorney, Eric Eisinger, came before the Board requesting approval of a reorganization within his office in an effort to improve efficiencies and to enhance operations. He indicated that the reorganization was within the General Fund and the Public Safety Tax Fund with the reorganization request as follows:

- Legal Secretary IV position being ended
- Decreasing the baseline to temporary help
- Reappropriating a current Legal Secretary IV position being paid 100% by the PST Fund to being funded 75% by the PST Fund and 25% by the General Fund

He added that he sees the best use was for salaries for felony attorneys as other counties were giving hiring bonuses to attract attorneys. Mr. Eisinger indicated this was budget neutral and had been vetted by Administration and the Finance Manager, Linda Ivey.

**MOTION:** Commissioner Alvarez moved to approve the Transfer of Funds within the General Fund, Fund 0010, Department 117 Prosecuting Attorney as presented. Commissioner Delvin seconded and upon vote, motion carried.

**MOTION:** Commissioner Alvarez moved to approve the Transfer of Funds within the Public Safety Tax Fund, Fund 1480, Department 117 Prosecuting Attorney as presented. Commissioner Delvin seconded and upon vote, motion carried.

### **Yakima Delta Restoration Project**

Sustainable Development Manager, Adam Fyall, was seeking approval on a letter of comment on the environmental assessment and proposal by the US Army Corps of Engineers regarding the Bateman Island Causeway. Mr. Fyall had worked with Commissioners on the draft letter on Bateman Island and showed a slide showing a map identifying the flow of the Yakima River. He indicated that the Corps of Engineers was taking the lead and wanted Commissioner authorization to send out the support letter which commended the study team for its work, reinforced a long-standing position that the causeway should be breached in some fashion for the ecological benefit to the river system and specifically for migrating salmon, and raised concerns about the lack of a plan to provide public access to Bateman Island after the causeway is removed or to address impacts to the downstream marina. The letter is currently due March 10, 2023 with the possibility of getting an extension for the comment period. Mr. Fyall will track the deadline for additional submission on the comment period.

**MOTION:** Commissioner Delvin moved to approve sending the letter of comment regarding the Yakima Delta Restoration Project to the Corps of Engineers by Friday, March 10, 2023 unless there is an extension to the comment period. Commissioner Alvarez seconded and upon vote, motion carried.

**Discussion:** Commissioner Alvarez indicated that there was a lot to be addressed and appreciated Mr. Fyall's work.

### **Other Business**

#### **Law and Justice Council Update**

Matt Rasmussen gave an update on the Law and Justice Council. Mr. Rasmussen indicated that he had previously asked commissioners for recommendations and questions to ask the Council. He reported on the following responses from the Law and Justice Council:

- Should the Public Safety Sales Tax (PSST) be renewed: Answer: Yes
- What has the revenue generated from the PSST been utilized for across the region since its inception? Answer: This information will be shared directly to the Deputy County Administrator via each jurisdiction.
- What is the recommended rate for the tax should it be renewed: Answer: Continue with 3/10 rate
- Should there be a sunset if the tax is renewed and, if so, what time frame should that be: Answer: Based on the jurisdictional continued need, the Council recommends no sunset; however, if Commissioners determine there is a need for a sunset, the Council recommends a 10 year sunset.
- Should costs related to SECOMM and regional 911 be included as eligible uses of the tax? If so, who contributes to SECOMM and how much? Answer: Yes, SECOMM and regional 911 should

be included as eligible uses of the tax. Individual jurisdictions can provide who and how much each contributes to the Deputy County Administrator.

Commissioner Alvarez asked whether the Council would be able to discuss the advocacy aspect and Mr. Rasmussen indicated that was outside the scope.

**Purchase of Real Property Known As the Fire Station 3 Property**

County Administrator MacPherson gave an update on the Purchase and Sale Agreement with the City of Kennewick known as the Fire Station 3. Mr. MacPherson indicated that the Purchase and Sales Agreement was executed on December 20, 2023 and the closing of that purchase is tentatively scheduled for mid to late March 2023. He was coming before the Board for approval to authorize him, the County Administrator, to sign any and all closing documents on behalf of the County in order to close the purchase of said real property.

**MOTION:** Commissioner Alvarez moved to authorize the County Administrator, Jerrod MacPherson, to sign any and all closing documents on the purchase of real property commonly known as the Fire Station 3 property, located at 7400 West Quinault Ave, Kennewick WA in accordance with the executed purchase and sale agreement signed on December 20, 2022 for the purchase of said real property from the City of Kennewick. Commissioner Delvin seconded and upon vote, motion carried.

**Executive Session: Review Performances of Public Employees**

The Board went into an executive session to review performances of public employees at 9:42 am for up to 5 minutes with Eric Eisinger. Also present were Jerrod MacPherson, Matt Rasmussen, Carlee Nave and Marilu Flores.

The Board came out at 9:50 am. No decisions were made in executive session.

**MOTION:** Commissioner Alvarez moved to approve the salary request forms as presented for Andrew Clark, Brittnie Roehm, Michelle Morales, Joshua Lilly and Brandon Pang. Commissioner Delvin seconded and upon vote, the motion carried.

**Executive Session: Qualifications of a Candidate for Public Employment**

The Board went into an executive session for qualifications of a candidate for public employment at 9:51 am for up to 10 minutes with Commander Clarke and Lieutenant Erickson. Also present were Jerrod MacPherson, Matt Rasmussen, Carlee Nave and Marilu Flores.

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

**MOTION:** Commissioner Alvarez moved to approve the salary request form as presented for Deputy Sheriff Efren Morfin. Commissioner Delvin seconded and upon vote, motion carried.

**Executive Session: Potential Litigation**

The Board went into an executive session for potential litigation at 9:54 a.m. for 15 minutes with DPA Steve Hallstrom. Also present were Jerrod MacPherson, Matt Rasmussen, Brenda Chilton, Carlee Nave and Marilu Flores.

The Board came out at 10:08 a.m. No decisions were made in executive session; but direction was given.

Tort Claim: CC 2023-06 Bryan Paul Hernandez was received 03/06/23

**Accounts Payable**

Check Date: 02/28/23

Warrants #243367

Total of Funds: \$187.20

Transfers: 543

Total of all Funds: \$-187.20

Check Date: 03/03/23

Warrants #243370-243424

Total of Funds: \$413,037.10

EFT #331

Transfers #530-534, 540

Total of all Funds: \$2,309.12

**Resolutions**

- 2023-209: Line Item Transfer Within General Fund No. 0010, Dept. 139
- 2023-210: Agreement w/Ideal Option, PLLC for Medication Assisted Treatment @ the Jail
- 2023-211: Crediting Mary Christen w/Total Years of Service for the Purposes of Vacation Accruals; Rescinding Resolution 2023-202
- 2023-212: 2<sup>nd</sup> Amended Agreement, 2020/23-CDBG-CV1 & CDBG-CV2, w/Benton-Franklin Community Action Committee for the WA State Community Development Block Grant
- 2023-213: Agreement, 2022/2023-CDBG-CAC w/Benton-Franklin Community Action Committee for the WA State Community Development Block Grant
- 2023-214: Agreement w/Domestic Violence Services of Benton & Franklin Counties for the Five-Year Homeless Housing Plan
- 2023-215: One Year Addendum to Software Service Agreement w/JotForm Inc.
- 2023-216: One Year Cyber Security Awareness Training Subscription w/KnowBe4
- 2023-217: Termination Notice of Sylvia Garza's Superior Court Interpreter Agreement
- 2023-218: Short Plat Vacation – SPV 2022-003
- 2023-219: Appointment of Robert Mendez to the Planning Commission
- 2023-220: Rental of a Vactor Truck from Peters and Keatts Equipment for the Public Works Department
- 2023-221: Contract w/Modus Technology, Inc. for Scanning & Indexing Historical Documents in the Auditor's Office
- 2023-222: Accepting Grant Award from the WA Asso of Sheriffs & Police Chiefs for the Traffic Safety Grant
- 2023-223: Purchase of a Bomb Squad Scanx Scout Digital Imaging System From Televere Systems, LLC  
Letters of Intent for the Switzler Reservoir Water Storage Project

- 2023-224: On-Call Deputy Coroner Pay
- 2023-225: Line Item Transfer for the General Fund, Fund 0010, Department 117
- 2023-226: Line Item Transfer for the Public Safety Tax Fund, Fund 1480, Department 117
- 2023-227: Authorizing the County Administrator to Sign Closing Documents on the Purchase of Real Property Commonly Known as the Fire Station 3 Property

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