

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, April 4, 2023, 9:00 a.m.

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

Present: Chairman Pro Tem Jerome Delvin
Commissioner Michael Alvarez
County Administrator Jerrod MacPherson
Clerk of the Board Cami McKenzie

Absent: Chairman Will McKay (Excused - Vacation)

Benton County Employees Present During All or a Portion of the Meeting: Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; Adam Fyall, Sustainable Development Manager; Treasurer Ken Spencer; Clerk Josie Delvin; Glenn Vaagen, Communications Coordinator; Carlee Nave, HR Manager; Greg Wendt, Community Development Director; Robert Blain, Capital Projects Manager; Tom French, Fairgrounds/Event Center Manager; DPA Ryan Brown; Public Works Manager Matt Mahoney; Cristina Woods, Public Works; DPA Jeff Aultman.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of March 28, 2023 were approved.

Public Comment

Sherry Elizabeth Becker discussed her concern regarding multiple RCW violations, including official misconduct by the Assessor and Treasurer. Additionally, she discussed her property and that legally there were not any tax parcels on her property.

Jim Adkins asked why there was an architectural approval contract for design of the New Event Center and Parking Lot with El Dorado on the agenda for the Fairgrounds when the feasibility study was not yet complete.

Chairman Delvin said he would talk to staff to get further answers.

Nicole Carby, via/videoconference, Kennewick, said she sent an email to the Commissioners and had not yet heard anything back. She discussed her concern regarding illegal activities in the County and encouraged the Board to follow up with the Chief of Corrections about crimes against her. Additionally, she discussed her book that would be published (911 Commissioners Report).

Tina Gregory, via/videoconference, Kennewick, expressed her concern about local government and taking action.

Consent Agenda

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

Information Technology

- a. Request Letter to DotGov. Domain Registration to Create the Internet Domain Name Juvenile Justice
- b. Contract w/Sandy Bonilla dba Essence Therapy, PLLC for Family Counseling Services Office of Public Defense

Pest Board

- c. Superior Court Public Defense Services w/Dale Braunger
- d. Appointment of Matt Eddie to the Horticultural Pest & Disease Board
- e. Appointment of Kevin Christensen to the Horticultural Pest & Disease Board
- f. Appointment of David Murray to the Horticultural Pest & Disease Board

Public Works

- g. Ratifying Change Order No. 1 for Contract w/Superior Tree for Countywide Brush Cutting Project

Purchasing

- h. Contract w/El Dorado Architects for the Design of the New Event Center & Parking Lot @ the Fairgrounds/Event Property

Public Hearing - Adding a New Chapter to Title 6 of the Benton County Code Relating to Compost Adoption

Robert Blain and Matt Mahoney presented the proposed ordinance relating to compost procurement. In 2022, the Washington State Legislature adopted HB 1799 requiring the diversion of organic materials away from landfill disposal and towards food rescue programs and organics management facilities and also required the County to adopt compost procurement ordinances. Mr. Blain said there was an educational piece to it and during construction, they were required to consider compost. Additionally, the required reports would be filed bi-annually.

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

MOTION: Commissioner Alvarez moved to approve the new composting ordinance adding a new chapter to BCC Title 6, as presented. Chairman Pro Tem Delvin seconded and upon vote, the motion carried.

Public Hearing - BC Water Company LLC Franchise

Cristina Woods presented the franchise application by BC Water Company LLC for a water line system and facilities in Benton County Road Rights of Way. Based upon the information received, Public Works recommended the Commissioners approve the Franchise Order and Agreement as presented.

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

MOTION: Commissioner Alvarez moved to approve the Franchise Order and Agreement with BC Water Company, LLC as presented. Chairman Pro Tem Delvin seconded and upon vote, the motion carried.

Scheduled Business

Rural County Capital Fund Discussion

Adam Fyall and Ryan Brown presented an update on the Benton County's Rural County Sales and Use Tax Ordinance as follows:

- Fund Balance currently allotted for each entity
- Economic Development Plan will be updated in May and all projects have to be accounted for
- Policy Summit scheduled with all partners in June – might have recommendations to change policy
- SHB 1267 – they have been working to get this extended through the state legislature and it passed through the House and currently was making its way through Senate committees. They were told the chances were good and if approved, would extend the life of the program well into the 2050's
- Ordinance will sunset on June 30, 2023 of this year and staff recommends revising the sunset date to July 31, 2032 and hold a public hearing on April 25 to adopt the ordinance. It has been determined that the County is eligible to receive .09 funds until 2032
- The State actually collects the tax, but this allows the County to receive it in a rebate

Official County Newspaper Bid Opening

Matt Rasmussen said every year the County was required to go out to bid for the official county newspaper. The notice of bid call was advertised in the current legal newspaper and the Commissioners' office provided notice (via email) to both known newspapers in Benton County – the Tri-City Herald and the Prosser Record Bulletin, as well as posted the notice on the county's website and bulletin boards. Additionally, the Tri-City Herald provided a copy of their bid by email dated March 16, 2023, to the Clerk of the Board, and asked if it should also be placed in the mail. Ms. McKenzie responded with a copy of the Notice of Bid Call as advertised, requesting they read the instructions as it was a "sealed bid" and required to be delivered per the Notice. Additionally, she did not read the attachment that was sent.

Mr. Rasmussen opened the following bids:

- Valley Publishing – Prosser Record Bulletin
 - Column inch rate, first insertion - \$18.25
 - Column inch rate, subsequent insertion - \$26.25
 - Published weekly

- McClatchy - Tri-City Herald

	Mon-Fri	Sun
○ Column inch rate, first insertion, including online:	\$18.00	\$18.00
○ Column inch rate, additional insertions:	\$18.00	\$18.00

Mr. Rasmussen said that staff would review the bids and bring back a recommendation.

Other Business

Introductions – New Employees

DPA Ryan Brown introduced their newest attorney, Jeff Aultman, Civil Division, who was taking over primarily for Ryan Lukson.

Adam Fyall introduced Glenn Vaagen, new Communications Coordinator, who came from KONA Radio.

Fairgrounds/Event Center - Feasibility Study

Chairman Pro Tem asked for an update regarding the feasibility study and the El Dorado contract.

Tom French and Adam Fyall briefly discussed the following:

- The Master Plan was an overarching look at the property, to be phased out over many years
- The Feasibility study was more detailed and included the economics piece. They were close to completion, but it had extended longer than expected
- The El Dorado contract was for design of the new Event Center and Parking Lot. The parking lot was part of the Master Plan and was to allow users easier access to get to the buildings and bring the community in and connect with the buildings

Meetings Outside County Seat Bill - Once Per Month

Chairman Pro Tem Delvin said the bill to allow once per month meetings outside the County Seat had passed and was waiting for the Governor’s signature.

Inpatient Residential Treatment Facility

Chairman Pro Tem Delvin stated that \$5 million was allocated to be used for an inpatient residential treatment facility.

Accounts Payable

Check Date: 03/31/2023

Warrants #: 244165-244346
Total all funds: \$1,471,084.25

Transfers #: 616-618, 620, 623-624, 628-630, 637-641
EFT's #: 349-372
Total all funds: \$217,159.13

Resolutions

- 2023-281: Request Letter to DotGov. Domain Registration to Create the Internet Domain Name
- 2023-282: Contract w/Sandy Bonilla dba Essence Therapy, PLLC for Family Counseling Services
- 2023-283: Superior Court Public Defense Services w/Dale Braunger
- 2023-284: Appointment of Matt Eddie to the Horticultural Pest & Disease Board
- 2023-285: Appointment of Kevin Christensen to the Horticultural Pest & Disease Board
- 2023-286: Appointment of David Murray to the Horticultural Pest & Disease Board
- 2023-287: Ratifying Change Order No. 1 for Contract w/Superior Tree for Countywide Brush Cutting Project
- 2023-288: Contract w/El Dorado Architects for the Design of the New Event Center & Parking Lot @ the Fairgrounds/Event Property
- 2023-289: Adopting Ordinance No. 647 Relating Adoption of Legislation Requiring the use of Compost Materials to Divert Organic Materials Away From Landfill Disposal and Towards Food Rescue Programs and Organics Management Facilities and Adding a New Chapter to Title 6 of the Benton County Code
- 2023-290: Granting a Franchise to BC Water Company LLC to Place a Water Line System and Facilities in County Road Rights of Way

There being no further business before the Board, the meeting adjourned at approximately 9:39 a.m.

Clerk of the Board

Chairman