

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, April 18, 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 Cami McKenzie

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; Public Works Manager Matt Mahoney; Clerk Josie Delvin; DPA Ryan Brown; Treasurer Ken Spencer; Finance Manager Linda Ivey; Lorene Roe, Chief Deputy Auditor; PA Eric Eisinger; Kirsten Yniguez, Chief Deputy Treasurer; Auditor Brenda Chilton; Cristina Woods, Public Works.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of April 11, 2023 were approved.

Review Agenda

- Discussion about Health District Board Members

Public Comment

Tina Gregory, Kennewick, discussed a prayer movement, voting in person, pornography in schools, and local action.

Consent Agenda

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

Consent Agenda

Capital Projects

- a. Coding Correction Between Central Services Fund, General Fund & Capital Projects Fund for Professional Licenses, Fuel and Software Support

Commissioners

- b. Proclaiming the First Week of May 2023 As Public Service Recognition Week
- c. 1st Amended Lease Agreement w/City of Prosser for Annex Building In Prosser; Amending Resolution 2021-524

Juvenile

- d. Agreement Amendment No. 4 w/nCourt for Online/Web-based Payment; Amend Resolution 2016-172

Prosecuting Attorney

- e. Line Item Transfer, Fund No. 0010, Dept. 117 for Temporary Help

Public Works

- f. Authorizing to Proceed w/Advertisement & Bid Process for Bituminous Surface Treatment, Crack Seal & Edge Repair
- g. Vacation of Right-of-Way in T10 R24, S32 & S31 and Request to Proceed to Public Hearing

Purchasing

- h. Contract w/Inland Asphalt Company for Paving The Candy Mountain Trailhead

Public Hearing - Energy Northwest Franchise Renewal

Cristina Woods presented the application for renewal for a franchise order and agreement for a fiber optic cable system and facilities from Energy Northwest. Based upon the information received, the Public Works Department recommended the Board approve 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 Energy Northwest as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Prosser Economic Development Association Update

Neal Ripplinger, Prosser Economic Development Association, gave a Powerpoint presentation and briefly discussed the following:

- Prosser Leadership Class 2023 – 10 participants
- #ProsserWAJobs – partnership with Prosser Chamber of Commerce
- Capital Budget Request – one through the House and one through the Senate based on community assessment - Historic Downtown Prosser Archway Sign and Monument Sign on exit 80 (The Monument Sign was approved)
 - For City usage and community events
- College and Career fair – with help from Boys & Girls Club and schools

- Mustang Business Plan competition – foster young entrepreneurs
- Business Recruitment, Retention, and Expansion; BRIm Prosser restaurant analysis, hospital groundbreaking
- Vintners Village
- MOU between IAREC (WSU) and Prosser School District – rotation of students going out there to learn - exposing them to the ag industry
- C-5 Summit Summary Washington - Dept. of Commerce – submitted a project for a mixed-use building behind Starbucks and they were one of the chosen projects to go forward – Project Wine Country Square
- Annual Meeting – May 3, 2023
 - Ben-Franklin Transit Hub and improvements; real estate report and new police chief introduction

Line Item Transfer - Reorganization in the Auditor’s Office

Brenda Chilton said as a result of two recently vacated positions, the Auditor’s Office proposed a reorganization. She said that staffing needs had grown in the Accounting Division and a Budget and Finance Analyst (NB Grade 18) was being added in place of the unfilled Administrative Assistant and Accounting Assistant II positions, to end effective May 1, 2023. This adjustment is budget neutral.

Chairman McKay asked about in-person voting. Ms. Chilton said when she first started, there was only in-person voting, except for some allowed mail-in ballots. Over a number of years, the law was changed to voting by mail.

MOTION: Commissioner Delvin moved to approve the Line Item Transfer within General Fund 0010, Dept. 102 as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Office of Public Defense Discussion

Jerrod MacPherson, Matt Rasmussen, and Linda Ivey discussed the following recommendations:

- Increase the Wages for the Office of Public Defense Manager and the Chief Staff Defender to be aligned with the Prosecuting Attorney’s Office wages
- Approve the Resolution for the Office of Public Defense Manager salary to be 85% of the Prosecuting Attorney’s Salary and the Office of Public Defense Chief Staff Defender salary to be 90% of the Public Defense Manager’s salary
- Move the Therapeutic Court, Dept. 112, which is presently in the Public Safety Tax Fund, Fund 1480 to the Behavioral Health Fund, Fund 1600. Therapeutic Courts is an allowable expense under the Behavioral Health Fund
- Approve the Resolution for the Therapeutic Courts, Dept.112, line-item transfer to the appropriate budget in the Behavioral Health Fund 1600
- Increase employee salaries and contract attorney rates effective 5/1/2023 to remain competitive in the market and promote new contracts/employees. The increase will be funded by the Public Safety Sales Tax Fund 1480

- Approve the Resolution for the Office of Public Defense, Dept. 136 line-item transfer to the appropriate budget in the Public Safety Sales Tax Fund 1480
- Individual employee salary wage changes and individual contract changes will come before the Board in the near future
- Approve the rate change for Office of Public Defense contracts to align with local area comparables as follows:
 - Superior Court Contract - \$152,000
 - District Court Contract - \$136,800
- Empower the new OPD Manager to have flexibility to be fluid with the market as to the number of staff attorneys and number of contract attorneys, and shift as needed with market conditions
- Empower the OPD manager flexibility with partial contracts versus a full contract requirement
- All this is being done in an effort to recruit and retain
- There is a current moratorium on reclassifications, however, there would be two positions reclassified but this is a crisis and needed to be addressed

Commissioner Delvin stated that OPD has been an ongoing issue because the State did not fund what they should, and he didn't see leadership from the Courts on fixing this. However, he was concerned about what was going to happen in two years if the Public Safety Tax didn't pass.

Commissioner Alvarez became aware of this after meeting with the PA, and had several meetings with the PA, Sheriff, Admin, and attorneys. He said this was a good place to start, it was a good compensation package and he thanked Admin for their leadership.

Chairman McKay agreed with the Board and asked who the County needed to bug at the state to have this come together. Commissioner Delvin said they needed to push WSAC and lobbyists, as well as Senators and Representatives and explain the issue. Chairman McKay said he would bring this up at the WSAC meeting next month.

MOTION: Commissioner Delvin moved to approve the Resolution for Salaries for the Attorneys within the Prosecuting Attorney's Office and the Office of Public Defense, rescinding Resolution 2022-693 as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Transfer of Funds within the Behavioral Health Fund, Fund 1600, Therapeutic Courts, Department 112, as presented and to approve the Transfer of Funds within the Public Safety Tax Fund, Fund 1480, Therapeutic Courts, Department 112 and the Office of Public Defense, Department 136 as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the rate change for the Office of Public Defense Contracts effective 5/1/2023 as follows: Superior Court Contracts in the amount of \$152,000.00 and District Court Contracts in the amount of \$136,800.00. Commissioner Alvarez seconded and upon vote, the motion carried.

Other Business

Health District Board

Mr. MacPherson said the Board received an email from the Health District asking about the new makeup of the Health Board with two commissioners, and a third being an alternate. The Board of Benton County Commissioners recently adopted a new resolution establishing Commissioner McKay and Commissioners Alvarez on that Board.

The Board discussed this issue and the new law requiring an equal amount of non-elected individuals and elected individuals on the Board and that a Board of eight seemed more manageable. Additionally, they wanted to keep it as is. Mr. MacPherson said he would contact the Health Board to relay that message. It was noted that Franklin County still had not appointed their members to the Health Board.

New Monthly Meeting in Kennewick

The Board discussed when it wanted to start the new monthly meetings in Kennewick and to review the schedule and set a regular week each month. Admin stated they would bring back amended bylaws to address the new regular meeting in Kennewick.

OPD Issue

PA Eric Eisinger expressed gratitude for the leadership on this OPD issue and said he wanted to have good conversations going forward regarding the justice system and said any inquiries regarding that could be directed to him.

Quarterly Bi-County Meetings

Chairman McKay asked the Board if it was still interested in having bi-county meetings and the Board agreed, as long as there were agenda items to discuss.

Executive Session – Review the Qualifications of an Applicant for Public Employment

The Board went into executive session at 9:57 a.m. for up to five minutes with Matt Mahoney to review the qualifications of an applicant for public employment. Also present were Jerrod MacPherson, Matt Rasmussen, Carlee Nave, and Cami McKenzie.

The Board came out at 10:01 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the salary request form for Brian Byrne as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Accounts Payable

Check Date: 04/14/2023

Warrants #: 244632-244768
Total all funds: \$1,836,363.93

EFT's #: 382-388
Transfers #: 670-671, 674-677, 680, 682
Total all funds: \$53,286.93

Resolutions

- 2023-310: Coding Correction Between Central Services Fund, General Fund & Capital Projects Fund for Professional Licenses, Fuel and Software Support
- 2023-311: Proclaiming the First Week of May 2023 As Public Service Recognition Week
- 2023-312: 1st Amended Lease Agreement w/City of Prosser for Annex Building In Prosser; Amending Resolution 2021-524
- 2023-313: Agreement Amendment No. 4 w/nCourt for Online/Web-based Payment; Amend Resolution 2016-172
- 2023-314: Line Item Transfer, Fund No. 0010, Dept. 117 for Temporary Help
- 2023-315: Authorizing to Proceed w/Advertisement & Bid Process for Bituminous Surface Treatment, Crack Seal & Edge Repair
- 2023-316: Vacation of Right-of-Way in T10 R24, S32 & S31 and Request to Proceed to Public Hearing
- 2023-317: Contract w/Inland Asphalt Company for Paving The Candy Mountain Trailhead
- 2023-318: Granting a Franchise to Energy Northwest to Place a Fiber Optic Cable System and Facilities in County Road Rights Of Way
- 2023-319: Transfer of Funds Within General Fund Number 0010 Department Number 102
- 2023-320: Salaries For Attorneys Within The Prosecuting Attorney's Office and the Office Of Public Defense Rescinding Resolution 2022-693
- 2023-321: Transfer of Funds Within Behavioral Health Fund Number 1600 Department Number 112
- 2023-322: Transfer of Funds Within Public Safety Tax Fund Number 1480 Department Number 112 To 136

There being no further business before the Board, the meeting adjourned at approximately 10:01 a.m.

Clerk of the Board

Chairman