

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, April 25, 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
Deputy County Administrator Matt Rasmussen
Clerk of the Board Cami McKenzie

Absent: County Administrator Jerrod MacPherson (Excused)

Benton County Employees Present During All or a Portion of the Meeting: Robert Heard, IT Manager; Carlee Nave, HR Manager; Greg Wendt, Community Development Director; Adam Fyall, Sustainable Development Manager; Public Works Manager Matt Mahoney; Clerk Josie Delvin; DPA Ryan Brown; DPA LeeAnn Holt; Finance Manager Linda Ivey; Public Works Manager Matt Mahoney.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of April 18, 2023 were approved.

Review Agenda

The following items were added to “Other Business”:

- Introduction of new staff PA
- Public Safety Tax Questions from Law & Justice
- Certificate of Good Practice
- PILT Email from Fire District

Public Comment

Sherry-Elizabeth Becker said she did not live in Benton City, expressed her concern about being required to pay property taxes, and demanded the lien be removed from the assessment rolls on her property.

Commissioner Delvin said the Board had limited authority, and suggested she address it by taking it to the Courts.

Kat Esphinda, Kennewick, voiced her concern about the assembly and licking contest at Desert Hills Middle School that made the map across the nation. She was horrified, as were kids in school, and concerned that school officials and police authorities were involved and said these people should be fired.

Tina Gregory, via/WebEx, again talked about wanting to have in-person voting and that it was time to have local government step up and take some action.

Consent Agenda

MOTION: Commissioner Delvin moved to approve the consent agenda items “a” through “o”, pulling “b” (Changing Precinct Boundaries in Conjunction With Redistricting) for discussion. Commissioner Alvarez seconded and upon vote, the Board approved the following:

Auditor

- a. 2021 Management Representation Letter to the State Auditor’s Office

Board of Equalization

- c. Re-appointment of Chuck Wierman to the Board of Equalization

District Court

- d. Agreement w/WA State Administrative Office of the Courts for a Therapeutic Court Grant

Juvenile

- e. Amendment No. 1 w/Toxicology Services, LLC for Urinalysis Testing; Amending Resolution 2022-004

Office of Public Defense

- f. District Court Public Defense Services Agreement w/Eric Scott
- g. Superior Court Public Defense Services Agreement w/Rebecca Saitz

Planning

- h. Short Plat Vacation – SPV 2022-001

Prosecuting Attorney

- i. Line Item Transfer Current Expense No. 0010, Dept. 117 for Overtime

Public Works

- j. Line Item Transfer, Fund No. 1010, Dept. 500 to Update Position No. PW1048

Purchasing

- k. Contract w/MMEC Architecture & Interiors, LLC for the Design of the Voting/Elections Center Remodel
- l. Contract w/Dynamic Laundry Systems, Inc. for Repairs & Maintenance of Laundry Equipment @ the Jail
- m. Public Utility & Irrigation Easement and Quit Claim Deed for Public Right-of-Way to City of Kennewick for the Moderate Risk Waste Facility

Sustainable Development

- n. Amended Rural County Capital Fund Agreement w/City of West Richland for State Route 224/Red Mountain Transportation Improvement Project

Treasurer

- o. Personal Services Contract w/Frontier Title & Escrow Co., Inc. for Foreclosure & Tax Title Sales Documents

Consent Agenda Item “b” - Changing Precinct Boundaries in Conjunction With Redistricting; Rescinding Resolution 2023-291

Commissioner Alvarez had questions about the precinct boundary changes and redistricting and whether it changed since last year. Auditor Brenda Chilton explained the redistricting occurred as a result of 2020 census, and the Board previously approved district boundaries in relation to a couple of districts. However, this was just additional precinct changes in the City of Kennewick. Additionally, this would not make any additional changes to Commissioners, Legislative or Congressional districts and was just a different precinct and there was always a possibility the precinct committee officers might be different based on changes.

MOTION: Commissioner Delvin moved to approve Consent Agenda Item “b” Changing Precinct Boundaries in Conjunction with Redistricting Pursuant RCW 29A.76 and 29A.16, which rescinds and replaces Resolution 2023-291. Commissioner Alvarez seconded and upon vote, the motion carried.

Memorandum of Agreement w/Benton-Franklin Council of Governments for Economic Recovery Coordination

Adam Fyall presented the Memorandum of Agreement and said the COG directors made a request last year for assistance. He said that TRIDEC focused on larger pictures, whereas the COG focused on coordination, planning, technical, and in the broader business community. He added that Franklin County was also considering this agreement this morning, and if approved, he would take to Franklin County for their consideration. He summarized the contract as follows:

- Up to \$250,000 from ARPA funds, to be matched with up to \$150,000 from Franklin County
- ARPA funds must be designated by December 31, 2024 and expended by December 31, 2026
- The Contract will expire December 31, 2025

MOTION: Commissioner Delvin moved to approve the Memorandum of Agreement between Benton and Franklin Counties and the Benton-Franklin Council of Governments, as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Extension of Temporary Change to Office Hours for the Sheriff’s Prosser Office

Matt Rasmussen said he was approached in January by the Sheriff’s office regarding a staffing issue in Prosser and requested the temporary office hours at the Courthouse, which will expire on April 28, 2023, be extended. He stated they hired a new employee but had a training process, and the Sheriff requested an extension through June to modify the business hours.

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

Award of Contract to Comprehensive Healthcare for the Behavioral Health Recovery Center

Matt Rasmussen said the Advisory Board Committee reviewed written material and interviewed both respondents to the RFP at the April 10 meeting. At the April 13, 2023 meeting, the Advisory Board Committee unanimously recommended approval of a contract with Comprehensive Healthcare. Mr. Rasmussen presented a resolution awarding a contract and to begin negotiations for operation of the recovery center.

MOTION: Commissioner Delvin moved to approve the Resolution awarding the proposal for the Behavioral Health Crisis Recovery Center to Comprehensive Healthcare of Yakima, Washington. Commissioner Alvarez seconded and upon vote, the motion carried

The Board thanked the advisory committee for its due diligence and time in interviewing the applicants.

Discussion on Amendment to Contract with DH for Public Education Campaign

Matt Rasmussen requested the Board consider amending the contract with DH for the public education campaign on the Public Safety Tax for development of a stand-alone website and a Powerpoint presentation with scripts so they could begin presentations and get the information out to entities and the public. This would also assist in getting the new Communications Coordinator and staff up to speed for presenting the information.

The Board agreed with moving forward on a contract amendment for an additional amount of \$20,520.00.

Line Item Transfer, Fund No. 0010, Dept. (ARPA) for an Office Administrator Position in the Clerk's Office

Linda Ivey and Clerk Josie Delvin presented a proposal for a new Office Administrator Position in the Clerk's Office. Ms. Ivey said the ARPA grant allowed for additional judges, attorneys, and staff to increase the speed of case resolution. Ms. Delvin indicated that she and her chief deputy were the only two working the high-level duties and were having trouble keeping their heads above water. She felt like an office administrator position was a good solution.

The request was for the position at a Non-Bargaining Grade 18 in the amount of \$192,300 and to end December 31, 2024.

MOTION: Commissioner Delvin moved to approve the Line Item Transfer within General Fund 0010, Dept. 139 as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Rapid Broadband Design Study Discussion

Commissioner Alvarez said he received a request from Michelle Holt (BFCOG) requesting the Board participate in a free study to support broadband planning, which would benefit Benton County residents.

Commissioner Delvin expressed concern about Benton County running a utility and whether the legislature had changed the rules that did not allow a private entity to apply for federal money.

Commissioner Alvarez said the free rapid design study did not obligate any local government but would open up the areas to be updated.

Chairman McKay asked about the statement that the “plans do not obligate the entire County” and Commissioner Alvarez indicated that Ms. Holt said it was a misquote and it did not obligate the County in any way.

MOTION: Commissioner Delvin moved to authorize Commissioner Alvarez to send an email to the State Department of Commerce requesting a Rapid Broadband Design Study. Commissioner Alvarez seconded and upon vote, the motion carried.

Other Business

Introduction – New PA Staff

DPA Ryan Brown introduced LeeAnn Holt, the newest member of Civil Division who was replacing Reid Hay.

Certificate of Good Practice

Commissioner Delvin presented the Certificate of Good Practice by CRAB to the County Engineer, Matt Rasmussen. Mr. Rasmussen said as long as they met all the requirements of the statutes and laws, they would receive a certificate of good practice each year.

PILT Email from Fire District

The Board discussed the email received from the Fire District regarding PILT payments from the Corps of Engineers. Typically, the County received \$6,000 per year from the Corps, but received a one-off for \$188,000 for the Corps, Fish & Wildlife, and BLM properties in Benton County. Ms. Ivey said the \$188,000 went to the General Fund. Mr. Fyall said perhaps the Corps was telling the Fire District there was some PILT money, and they should be receiving a portion of it.

The Board discussed the DOE PILT money and the agreement on disbursement. Ryan Brown discussed the history of the payment in lieu of property taxes and that he spent 12-18 months negotiating terms of the agreement. Mr. Brown said he would review the emails and get back to the Board.

Public Comment Discussion

Chairman McKay asked about Sherry-Elizabeth Becker's concerns and Commissioner Delvin said that after her exemptions and deferrals, she was taxed about \$29.00 on property taxes.

Commissioner McKay also wanted to know if the County could adopt an ordinance related to the Desert Hills issue or other issues prohibiting certain types of events to minors. Mr. Brown said maybe as a matter of zoning, but it was a very delicate issue because of the 1st Amendment. The Board discussed addressing the School Board as a matter of policy at that level might be a better way to address it instead of prohibiting certain actions. Mr. Brown said he would also look at the current County Ordinances related to adult activities.

Law & Justice Committee – Public Safety Tax

Mr. Rasmussen said the Law & Justice Committee presented some questions regarding the timing of the Board preparing and presenting the resolution with the intent to place the Public Safety Tax on the ballot. He said the deadline was August 1, but the Board could submit it at any time, as long as it specified what election.

The Board agreed to prepare the Resolution as soon as possible so that other local agencies could prepare proposals on what they were going to fund with PST and prepare letters of support. Mr. Rasmussen said he would work with the PA on preparing the Resolution for the ballot for the November general election.

Mr. Rasmussen also said it was advisable for the Commissioners to appoint a committee to write a statement in support and a committee to write a statement in opposition. He made some suggestions and the Board agreed to see if the Law & Justice Committee could provide names of six individuals (three for each) to sit on these committees before advertising in the paper.

May 2, 2023 Quarterly Meeting

Chairman McKay reminded the Board and attendees the regular meeting on May 2 would be held at the Kennewick Administration Building.

Executive Sessions – Review Performance of Public Employee/Review the Qualifications of an Applicant for Public Employment

The Board went into executive session at 10:03 a.m. for up to 10 minutes to review the performance of a public employee and review the qualifications of an applicant for public employment. Also present were Matt Rasmussen, Matt Mahoney, Robert Heard, Cami McKenzie, and Carlee Nave.

The Board came out at 10:13 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to authorize the Salary Request Form for placement at 17G for Brian Malley as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Salary Request Form for Mary Johnson at a Grade 5D as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Payroll

Check Date: 04/15/2023

Payroll Draw Checks
Total all funds: \$109,277.74
Direct Deposit #: 179547-179683

Payroll Draw Deductions/Transfers
Total all funds: \$19,845.29
ACH #: 690

Accounts Payable

Check Date: 04/21/2023

Warrants #: 244823-245019
Total all funds: \$2,013,902.06

EFT's #: 389-394
Transfers #: 692-706, 710, 712-719
Total all funds: \$37,465.23

Resolutions

- 2023-323: Joint Resolution - Memorandum of Agreement Between Benton & Franklin counties and the Benton-Franklin Council of Governments for Economic Recovery Coordination
- 2023-324: Changing Precinct Boundaries In Conjunction With Redistricting Pursuant to RCW 29A.76 And 29A.16 Which Rescinds and Replaces Resolution 2023-291
- 2023-325: Re-appointment of Chuck Wierman to the Board of Equalization
- 2023-326: Agreement w/WA State Administrative Office of the Courts for a Therapeutic Court Grant
- 2023-327: Amendment No. 1 w/Toxicology Services, LLC for Urinalysis Testing; Amending Resolution 2022-004
- 3023-328: District Court Public Defense Services Agreement w/Eric Scott
- 2023-329: Superior Court Public Defense Services Agreement w/Rebecca Saitz
- 2023-330: Short Plat Vacation – SPV 2022-001
- 2023-331: Line Item Transfer Current Expense No. 0010, Dept. 117 for Overtime

- 2023-332: Line Item Transfer, Fund No. 1010, Dept. 500 to Update Position No. PW1048
- 2023-333: Contract w/MMEC Architecture & Interiors, LLC for the Design of the Voting/Elections Center Remodel
- 2023-334: Contract w/Dynamic Laundry Systems, Inc. for Repairs & Maintenance of Laundry Equipment @ the Jail
- 2023-335: Amended Rural County Capital Fund Agreement w/City of West Richland for State Route 224/Red Mountain Transportation Improvement Project
- 2023-336: Public Utility & Irrigation Easement and Quit Claim Deed for Public Right-of-Way to City of Kennewick for the Moderate Risk Waste Facility
- 2023-337: Personal Services Contract w/Frontier Title & Escrow Co., Inc. for Foreclosure & Tax Title Sales Documents
- 2023-338: Temporarily Changing the Hours for the Transaction of Business for the Benton County Sheriff's Prosser Office
- 2023-339: Awarding The Proposal For The Behavioral Health Crisis Recovery Center To Comprehensive Healthcare
- 2023-340: Transfer Of Funds Within General Fund Number 0010 Department Number 139

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

Clerk of the Board

Chairman