

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Benton County Administration Building
Kennewick, WA

Tuesday, May 2, 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; Adam Fyall, Sustainable Development Manager; Public Works Manager Matt Mahoney; DPA Ryan Brown; Treasurer Ken Spencer; Communications Coordinator Glenn Vaagen; Danica Hope, Purchasing; Paul Schut, Purchasing; Auditor Brenda Chilton; Elaine Osborne, Chief Deputy Clerk; Robert Guerrero, Chief of Corrections; Cindi Kane, Corrections; David Wheeler, Juvenile Administrator; Steve Caughey, Security Program Coordinator; Judge Joe Burrowes; Robert Blain, Capital Projects; Riley Ollero, Construction Manager; Kirsten Yniguez, Deputy Treasurer; Tiffany Runge, Superior Court Administrator; Tom French, Event Center Manager.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of April 25, 2023 were approved.

Review Agenda

No changes.

Public Comment

Tina Gregory discussed her concerns regarding in person voting, without computers and with identification, and that she was asking local leaders to step up regarding rights.

RD Williams, Kennewick, discussed flooding in the Summit View Subdivision. He said he bought his property in 2018 and there were no documents that indicated flooding on the property. However, after grading of the Steeplechase Subdivision, the flooding started and he came to the Board in January to discuss this. He said to date he has spent \$35,000 and had two more estimates, for a total of \$50,000. He said if he could not hold the developers accountable, he was asking the County Commissioners for help.

Consent Agenda

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

Commissioners

- a. Interagency Agreement w/WSU Extension for Outreach Services

Human Resources

- b. Amendment I to Employment Agreement w/Michael Vander Sys

Human Services

- c. First Amended Agreement w/Goodwill Industries of the Columbia for Eviction Rent Assistance Program 2
- d. Contract w/Jennifer Dorsett for Technical Assistance to Substance Abuse Coalitions

Information Technology

- e. Purchase of three 12-Month CaseGuard Studio Licenses From FinalCover for Prosecuting Attorney’s Office

Juvenile

- f. Contract w/Somerset Counseling Center for Outpatient Chemical Dependency Treatment Services
- g. Contract w/Tradeservices Northwest dba Mr. Rooter Plumbing for Plumbing Maintenance & Repair
- h. Line Item Transfer, Fund No. 1150, Department 172 for Capital Outlay Costs

Office of Public Defense

- i. Early Termination of District Court Public Defense Services Agreement w/Adrienne Farabee

Public Works

- j. Approval of Construction Plans for Plymouth Industrial Road Widening

Purchasing

- k. Payment Authorization to Vital Records Control for Storage of County Records

Second Amendment to Land Use Agreement w/WA State Department of Fish & Wildlife

Adam Fyall presented the Second Amendment to extend the land use agreement of the Rattlesnake Mountain Shooting Facility property for an additional 12 years from 2040 to 2052. He said that TCSA was the concessionaire and developed the property, and required at least 20 years on their sublease, and he wanted to make the two terms match (the lease with the State and the sublease with TCSA). He indicated they were currently working on development of the new law enforcement training area and the Fish & Wildlife Commission agreed to amend the agreement

and extend its terms at their April 2023 meeting. Additionally, he would bring forward a new lease with TCSA in the next couple of months.

MOTION: Commissioner Delvin moved to approve the Resolution to extend the Land Use Agreement with the State of Washington for use of the Rattlesnake Mountain Shooting Facility property and the Chairman be authorized to sign the Second Amendment to Land Use Agreement. Commissioner Alvarez seconded and upon vote, the motion carried.

Targeted Urban Area Property Tax Exemption Discussion

Adam Fyall introduced Karl Dye of TRIDEC and Amanda Wallner of the City of Richland. He said they would be discussing the “Targeted Urban Area Property Tax Exemption” and the City of Richland was currently looking at TUA options for a portion of North Richland.

Mr. Dye and Ms. Wallner gave a Powerpoint presentation and discussed the following:

- Economic Development Recruitment Tools
- Richland is the 1st City in the State to develop the new program
- Background
- Project Competitiveness and competition with other states
 - Darigold
 - Aerospace Manufacturing
 - Atlas Agro
 - Project Pipe
 - Anode Manufacturing
 - Project Eagle and Scout
- It is a manufacturing tax exemption for 10 years and competitive incentive
- Key facts – other states and jurisdictions are using these tools and affecting competitiveness
- Adopted targeted urban area for manufacturing tax incentive boundary in Richland and working on annexation to extend out boundary
- Next steps – work with Assessor’s office; finalize application and process internally; publish the application to begin promoting the program

Commissioner Delvin asked about obtaining power and how to address that issue. Mr. Dye said that large power requests were submitted to BPA and the process took about two years. He said the long-term goal was to bring in nuclear power.

Commissioner Delvin said he wanted clarification they were deferring property tax for 10 years, and not shifting taxes. Mr. Dye said it was true the land was still assessed and taxed under all property, but it was the improvements and parts of the buildings that were given the exemption. In Washington they can exempt if the county and city agreed, but the State and Schools still receive property taxes. The cities and counties would agree on a case by case to defer, and at the end of 10 years, it would be taxed as new construction.

Commissioner Alvarez said he worked on this issue while he was at the City of Richland and was in favor of the program.

Chairman McKay said he agreed 100% with looking at it for economic development purposes and creating new jobs.

Memorandum of Understanding & Agreement w/Franklin County Regarding the Juvenile Justice Center

Robert Blain presented the MOU signed by Franklin County regarding the Juvenile Justice Center, further described as follows:

- Address the future remodel of the Juvenile Justice Facility and the incorporation of the current Kennewick Annex building. Along with the revisions, revise the allocation of costs for that facility, identify the Usage Fee for Franklin County for the Juvenile Justice Center, address the ownership of the Juvenile Justice Center property and facility, and reiterate the funding formula by which the counties allocate for the direct costs of operating the Juvenile Justice Center.
- The parties agree that an appropriate renovation to the facility to extend its life and improve the facility so that it will serve its purpose for the long term will cost approximately \$21,000,000 or more. Benton County has the available funding to bring the building up to code and more in line with the current & future needs. In return for Benton County funding the entire cost of the renovation of a jointly owned facility, Franklin County has agreed to relinquish its interest in and share of ownership of the current Juvenile Justice Center building and property that it sits on, the adjacent parcel and pay Benton County an ongoing Usage Fee in addition to sharing ongoing operating costs as it has historically done.
- Remodel Costs to Benton County are approximately \$21 million Capital Fund/ARPA funds

Commissioner Delvin said remodeling the Juvenile Justice Center has been discussed for some time, but Franklin County did not have the resources, and the idea of Franklin County paying a user fee was discussed. He said he was glad it finally happened, and they could now get the facility up to code and better use based on current circumstances.

Commissioner Alvarez said he toured the facility, and it was dilapidated, with a lot of challenges and a huge project but he was ready to get the project started.

Chairman McKay asked about the contract and permitting timelines. Mr. Blain said the project was awarded and they were currently negotiating the contract and should start construction in about a year.

MOTION: Commissioner Delvin moved to approve the Memorandum of Understanding and Agreement between the Boards of Commissioners of Benton and Franklin Counties for the allocation of the Juvenile Justice Center operations, facilities, construction, and usage cost of the Juvenile Justice Center, ownership of Juvenile Justice Center, and rescinding Benton County resolution 2016-942 & 2017-807 and Franklin County resolution 2016-436 & 2017-332. Commissioner Alvarez seconded and upon vote, the motion carried.

Other Business

None.

Executive Session – Potential Litigation/Review Qualifications of an Applicant for Public Employment

The Board went into executive session at 9:38 a.m. for up to 10 minutes with PA Eric Eisinger to discuss potential litigation and review qualifications of an applicant for public employment. Also present were Matt Rasmussen, Cami McKenzie, Carlee Nave, and Ryan Brown.

The Board came out at approximately 9:48 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the Settlement Agreement and Release with Brooke Amster as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Salary Request Form as presented for Desiree Reynolds and approve the Resolution regarding relocation reimbursement for Desiree Reynolds for up to \$5,000.00. Commissioner Alvarez seconded and upon vote, the motion carried.

Resolutions

- 2023-341: Interagency Agreement w/WSU Extension for Outreach Services
- 2023-342: Amendment I to Employment Agreement w/Michael Vander Sys
- 2023-343: First Amended Agreement w/Goodwill Industries of the Columbia for Eviction Rent Assistance Program 2
- 2023-344: Contract w/Jennifer Dorsett for Technical Assistance to Substance Abuse Coalitions
- 2023-345: Purchase of three 12-Month CaseGuard Studio Licenses From FinalCover for Prosecuting Attorney's Office
- 2023-346: Contract w/Somerset Counseling Center for Outpatient Chemical Dependency Treatment Services
- 2023-347: Contract w/Tradeservices Northwest dba Mr. Rooter Plumbing for Plumbing Maintenance & Repair
- 2023-348: Line Item Transfer, Fund No. 1150, Department 172 for Capital Outlay Costs
- 2023-349: Early Termination of District Court Public Defense Services Agreement w/Adrienne Farabee
- 2023-350: Approval of Construction Plans for Plymouth Industrial Road Widening
- 2023-351: Payment Authorization to Vital Records Control for Storage of County Records
- 2023-352: Rattlesnake Mountain Shooting Facility - Approving the Second Amendment to Land Use Agreement Between the Washington State Department of Fish and Wildlife and Benton County
- 2023-353: Approving Memorandum of Understanding and Agreement between the Boards of Commissioners of Benton and Franklin Counties for the Allocation of Juvenile Justice Center Operations, Facilities, Construction and Usage Cost of the Juvenile Justice Center - Ownership of Juvenile Justice Center

- 2023-354: Settlement Agreement and Release by and Between Benton County and Brooke Amster
- 2023-355: Authorizing the Prosecuting Attorney to Reimburse Desiree Reynolds up to \$5,000.00 for Relocation Expenses per the County's Relocation Expense Policy

There being no further business before the Board, the meeting adjourned at approximately 9:48 a.m.

Clerk of the Board

Chairman