

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, May 23, 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: 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; Treasurer Ken Spencer; Michelle Cooke, Planning Manager; Superior Court Judge Joe Burrowes; Tiffany Runge, Superior Court Administrator; Finance Manager Linda Ivey; Deputy Treasurer Kirsten Yniguez.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of May 9, 2023 were approved.

Review Agenda

Consent Agenda Item “i” (Human Services Agreement w/WA State Department of Social & Health Services on General Terms and Conditions) was pulled until a later date.

Commissioner Alvarez requested Consent Agenda Item “b” (Award of Official County Newspaper) be pulled for discussion.

Public Comment

Tina Gregory, Kennewick via/WebEx, discussed her concern about government issues.

Consent Agenda

MOTION: Commissioner Delvin moved to approve the consent agenda items “a” through “ss” , pulling “b” (Award of Official County Newspaper) for discussion and “i” (Human Services Agreement w/WA State Department of Social & Health Services on General Terms and Conditions). Commissioner Alvarez seconded and upon vote, the Board approved the following:

Capital

- a. Authorization to Advertise and Proceed w/the Justice Center Interior Remodel Project

Commissioners

- c. Verizon Wireless HQ Network Real Estate Change of Ownership Form for KGH Property

Coroner

- d. Contract w/Mueller’s Funeral Home, Inc. for Rotation of Funeral Home Services

Human Resources

- e. Line Item Transfer, Fund No. 0010, Dept. No. 105 to 127

Human Services

- f. Interlocal Agreement w/Cities of Benton City, Kennewick, Prosser, Richland and West Richland for Administrating Funds Generated Through the Affordable Housing for All Surcharge
- g. Interlocal Agreement w/Cities of Benton City, Kennewick, Prosser, Richland and West Richland for Administering Funds Generated Through the Affordable Housing Tax Credit for House Bill 1406
- h. Interlocal Agreement w/Cities of Benton City, Kennewick, Prosser, Richland & West Richland for Collection, Administration & Expenditure of Homeless Housing Funds

Information Technology

- j. Declaration of Surplus Property
- k. Internet Service Agreements w/One World Telecommunications for the Prosser Courthouse & Ziply Fiber for the Justice Center Locations

Juvenile

- l. Contract w/Michael Henry Counseling for Services & Treatment to First Time Sex Offenders

Office of Public Defense

- m. Superior Court Public Defense Services Agreement w/Michael Vander Sys
- n. Superior Court Public Defense Services Agreement w/Katherine Bohnet
- o. Amended Superior Court Public Defense Services Agreement w/Brian Hultgrena
- p. Amended Superior Court Public Defense Services Agreement w/Dale Braunger
- q. Amended Superior Court Public Defense Services Agreement w/Dennis Hanson
- r. Amended Superior Court Public Defense Services Agreement w/Ian Sinclair
- s. Amended Superior Court Public Defense Services Agreement w/Karla Kane
- t. Amended Superior Court Public Defense Services Agreement w/Nicholas Blount
- u. Amended District Court Public Defense Services Agreement w/Eric Scott
- v. Amended District Court Public Defense Services Agreement w/Heather Carlson
- w. Amended District Court Public Defense Services Agreement w/Janell Felsted
- x. Amended District Court Public Defense Services Agreement w/John Gleason
- y. Amended District Court Public Defense Services Agreement w/Michelle Alexander
- z. Amended District Court Public Defense Services Agreement w/Megan Killgore

- aa. Amended District Court Public Defense Services Agreement w/Robert Moser
- bb. Amended District Court Public Defense Services Agreement w/Shelley Ajax
- cc. Amended Agreement w/Bertha Arteaga for Interpreter Services in District & Superior Courts

Planning

- dd. Short Plat Vacation – SPV 2023-001

Prosecuting Attorney

- ee. Updated Salary Request Forms for Employees Within the Prosecuting Attorney’s Office

Public Safety

- ff. BIPIN Law Enforcement Records Management System Citizen Reporting Interface w/Lexis Nexis
- gg. Line Item Transfer, Fund No. 1480, Dept. 112 to 115

Public Works

- hh. Contract Award to Interstate Concrete & Asphalt Co. for Bituminous Surface Treatment, Crack Seal & Edge Repair Project
- ii. Approval of City of West Richland Ordinance Number 05-23 & Revision of Corporate Boundary

Purchasing

- jj. Contract w/Apollo Mechanical Contractors for Justice Center Boiler Replacement Project
- kk. Purchase of Trailer Mounted Core Drill System From Humboldt Mtg Co.

Sheriff

- ll. Memorandum of Understanding w/Pasco Police Department for Funding Reimbursement for Instructors for the Pasco Basic Law Enforcement Academy
- mm Memorandum of Understanding w/WA Traffic Safety Commission for Overtime Funding Relating to Drug Recognition Experts
- nn. Contract w/Public Safety Psychological Services for As Needed Psychological Evaluations

Workforce Development Council

- oo. Appointment of Andrew Cook to the Benton-Franklin Workforce Development Council
- pp. Appointment of Geoff Arends to the Benton-Franklin Workforce Development Council
- qq. Appointment of Jessica Rusch to the Benton-Franklin Workforce Development Council
- rr. Re-Appointment of Lori Mattson to the Benton-Franklin Workforce Development Council
- ss. Re-Appointment of Lynn Ramos-Braswell to the Benton-Franklin Workforce Development Council

Public Hearing – Subdivision Vacation – SV 2023-001 Scheline

Michelle Cooke presented the request to vacate storm easement on Lot 11. She said the applicant was proposing to realign the drainage channel to allow for additional useable area to construct a shop.

She indicated that owners of property within 300 feet of the subject parcel and all concerned agencies were notified of the proposed vacation. The Benton County Public Works Department provided comments and conditions of approval for the proposed vacation which include the submission of engineered plans for the relocation of the drainage channel, relocation to be completed, and a signed and stamped letter from the applicant’s engineer that the work conforms to the submitted plans prior to the resolution being recorded.

The Planning Division recommended approval based on the information received, subject to the conditions and requirements of the Public Works Department.

John Scheline, applicant, via/WebEx in Kennewick, spoke in favor.

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

MOTION: Commissioner Delvin moved to approve the vacation of the storm easement located on Lot 11 of Cottonwood Creek Number 3, with the condition that the applicant record a storm easement on Lot 11 with the Benton County Auditor and all Benton County Public Works Department requirements as listed in BCCM 1.13 are satisfied. The conditions must be satisfied within 1 year of the date of approval by the Benton County Board of Commissioners or this approval will be null and void. Commissioner Alvarez seconded and upon vote, the motion carried.

Public Hearing - Vacation of a Portion of Right of Way Abutting Olsen and Griffin Road

Matt Mahoney presented the Final Order of vacation of a portion of right of way abutting Olsen and Griffin Road. On April 18, 2023 the Board accepted the Public Works Department's recommendation and intent to vacate and abandon and the County Engineer has examined the county road to be vacated and filed said report.

Mr. Mahoney added that it had never been a county road and not constructed and was now an unusable portion. They requested input on impacts because there are power lines in this area. All parcels would continue to have full utility to their access, and based on the findings, he recommended approval as presented.

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

MOTION: Commissioner Delvin moved to approve the resolution vacating that portion of County right of way abutting Olson Road and Griffin Road, as described in Exhibit A, and retaining an easement in respect to the vacated land for the construction, repair, and maintenance of public utilities and services, which at this time are authorized or are physically located on a portion of the vacated land. Commissioner Alvarez seconded and upon vote, the motion carried.

Hanford Communities Annual Briefing/ECA conference

David Reeploeg, Executive Director, and Mr. Fyall provided a briefing on the Energy Communities Alliance conference in Kentucky. Mr. Fyall commented that Benton County was well represented, but his takeaway was that Washington was falling behind compared to other states with nuclear energy.

Commissioner Delvin said he agreed the state was not as advanced as other states, but as a community, felt they were well positioned but still needed support from the other side of the state.

Commissioner Alvarez said it was educational, but a good opportunity for relationships to be built, and that infrastructure could be just as valuable as the land.

Chairman McKay asked about another facility he heard would be constructed in Washington with Dept. of Energy. Mr. Reeploeg said that Grant County PUD announced they were not ready, so X-energy partnered with Dow Chemical to have it built in Texas, but they were still committed to building another facility in the state with a goal to have it brought on by 2030.

Additionally, he added that good representation sends a powerful message. He agreed that Washington State was behind on new nuclear energy, compared to other states, but the Governor has talked supportively of nuclear energy and there were great opportunities discussed.

The Hanford Communities update included the following:

- Objectives
 - Local government involvement
 - Public awareness
 - Community priorities
 - Technical assistance/monitor conditions at Hanford
- Governing Board/Administrative board
- 2022 Review & 2023 Outlook
 - Cleanup
 - Policy
 - Community Engagement
 - Manhattan Project National Historical Park
- Priorities

Superior Court Reorganization

Judge Burrowes and Tiffany Runge presented a reorganization that included the following:

- Challenges with backlog of trials
 - Prior and Post Covid
- Challenge with employing court reporters – previously employed 5, and were now down to 2
- Using digital recording system (JAVS) - working on reliability, and working with IT to find a solution
- PILOT program to retrofit Courtroom E to get more reliability, improve digital recording, and improve accuracy
- Court Reporter Position 1379 will end – unfilled
- Court Reporter Position 1474 will end – unfilled
- Add Administrative Assistant - Courtroom technology position to manage courtroom system - Grade 9 Bi-County Non-Barg (Benton County only position and expenditures are not part of the MOU with Franklin County)
- Budget Neutral
- If this works, they would be asking for one in the other courtrooms and might be asking it to be a bi-county position

Clerk Josie Delvin said she agreed that JAVS had proven to not be reliable. She said the Clerk's office was responsible for retaining the digital recording and responding to the public records requests. It was the judiciary duty to create an accurate record. This would alleviate the Clerk's duties in the Courtroom, but it was her responsibility to maintain and retain the records and would increase work on retainage. She said she would prefer a court reporter, but understood it was difficult or nearly impossible to find them in this day. She was also concerned about server space because she was required to maintain the record permanently.

Commissioner Alvarez said he was in favor the pilot program. Commissioner Delvin asked about any technology out there and Judge Burrowes said there was FTR Real Time, but it was cost prohibitive.

MOTION: Commissioner Delvin moved to approve the Line Item Transfer for the General Fund, Fund 0010, Dept. 123 to Dept. 138 as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Other Business

Consent Agenda Item "b" – Award of Official County Newspaper

Commissioner Alvarez said he briefly spoke to the Deputy County Administrator about this last week and had since received phone calls from the City of Prosser and a former Commissioner. He requested to delay a decision until the Deputy County Administrator returned and he could review more information. The Board agreed.

Attorney Internships

Commissioner Alvarez said he had discussed internships for law school students with the PA to work in OPD and the PA's office, and potentially have an agreement with Franklin County to share the interns. He said if the Board was okay with it, he would continue to talk to the PA about this.

Ms. Ivey said there was currently money in the budget for both OPD and the PA's office for legal interns.

Judge Burrowes commented they had interns from two different law schools, and they were free to the Court because they were paid by the colleges.

Pasco Police Academy

Lt. Erik Magnuson thanked the Board for approving the MOU with the Pasco Police Dept. to get some funding back from CJTC for training. He said they had been teaching 23 classes a year on a campus that was built for a much smaller training. The new smaller remote academies were getting more focus and more classes complete and local instructors were teaching about local issues, which improved the learning curve.

WSAC Update

Chairman McKay said there was a county requesting to increase their votes on WSAC based upon their contribution. Additionally, there was an applicant for the salmon recovery board that did not get his vote because she was opposed to dams.

Health Board Meeting

Chairman McKay said there was a presentation at the meeting from OG Therapy that assisted with teen suicides by doing presentations at schools and they were requesting funding from the Health Board. He asked if it was something the County could contribute to, and Ms. Ivey said that Human Services might be able to help with that program with its budget.

Board Meeting Cancellation

Mr. MacPherson reminded the Board there would not be a meeting on May 30 due to the holiday.

The Board briefly recessed, reconvening at 10:51 a.m.

Executive Session – Review Qualifications of Applicant for Public Employment

The Board went into executive session at 10:51 a.m. for up to five minutes with Judge Burrowes and Tiffany Runge to review the qualifications of an applicant for public employment. Also present were Jerrod MacPherson, Cami McKenzie, and Carlee Nave.

The Board came out at 10:54 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the Salary Request Form as presented for Sandra Alarcon for Superior Court. Commissioner Alvarez seconded and upon vote, the motion carried.

Executive Session – Review Qualifications of Applicants for Public Employment (2)

The Board went into executive session at 10:55 a.m. for up to 10 minutes to review the qualifications of two separate applicants for public employment. Also present were Jerrod MacPherson, Cami McKenzie, Josie Delvin, and Carlee Nave.

The Board came out at 11:00 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the Salary Request Form and Vacation Accrual Resolution for Darcy Plowman as presented for the Clerk's Office. Commissioner Alvarez seconded and upon vote, the motion carried.

MOTION: Commissioner Delvin moved to approve the Employment Contract with Charles Dow for OPD Manager as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Tort Claims

CC 2023-07: Received on May 25, 2023 from John Haugen

Accounts Payable

Check Date: 05/10/2023

P-cards #: 799

Total all funds: \$405,798.30

Check Date: 05/19/2023

Warrants #: 245668-245849

Total all funds: \$953,966.22

EFT's #: 427-428

Transfers #: 773-787, 790-798, 800-802, 804, 809-827

Total all funds: \$53,126.33

Resolutions

- 2023-370: Authorization to Advertise and Proceed w/the Justice Center Interior Remodel Project
- 2023-371: Verizon Wireless HQ Network Real Estate Change of Ownership Form for KGH Property
- 2023-372: Contract w/Mueller's Funeral Home, Inc. for Rotation of Funeral Home Services
- 2023-373: Line Item Transfer, Fund No. 0010, Dept. No. 105 to 127
- 2023-374: Interlocal Agreement w/Cities of Benton City, Kennewick, Prosser, Richland and West Richland for Administrating Funds Generated Through the Affordable Housing for All Surcharge
- 2023-375: Interlocal Agreement w/Cities of Benton City, Kennewick, Prosser, Richland and West Richland for Administering Funds Generated Through the Affordable Housing Tax Credit for House Bill 1406
- 2023-376: Interlocal Agreement w/Cities of Benton City, Kennewick, Prosser, Richland & West Richland for Collection, Administration & Expenditure of Homeless Housing Funds
- 2023-377: Declaration of Surplus Property
- 2023-378: Internet Service Agreements w/One World Telecommunications for the Prosser Courthouse & Ziply Fiber for the Justice Center Locations
- 2023-379: Contract w/Michael Henry Counseling for Services & Treatment to First Time Sex Offenders
- 2023-380: Superior Court Public Defense Services Agreement w/Michael Vander Sys
- 2023-381: Superior Court Public Defense Services Agreement w/Katherine Bohnet
- 2023-382: Amended Superior Court Public Defense Services Agreement w/Brian Hultgrenn
- 2023-383: Amended Superior Court Public Defense Services Agreement w/Dale Braunger

- 2023-384: Amended Superior Court Public Defense Services Agreement w/Dennis Hanson
- 2023-385: Amended Superior Court Public Defense Services Agreement w/Ian Sinclair
- 2023-386: Amended Superior Court Public Defense Services Agreement w/Karla Kane
- 2023-387: Amended Superior Court Public Defense Services Agreement w/Nicholas Blount
- 2023-388: Amended District Court Public Defense Services Agreement w/Eric Scott
- 2023-389: Amended District Court Public Defense Services Agreement w/Heather Carlson
- 2023-390: Amended District Court Public Defense Services Agreement w/Janell Felsted
- 2023-391: Amended District Court Public Defense Services Agreement w/John Gleason
- 2023-392: Amended District Court Public Defense Services Agreement w/Michelle Alexander
- 2023-393: Amended District Court Public Defense Services Agreement w/Megan Killgore
- 2023-394: Amended District Court Public Defense Services Agreement w/Robert Moser
- 2023-395: Amended District Court Public Defense Services Agreement w/Shelley Ajax
- 2023-396: Amended Agreement w/Bertha Arteaga for Interpreter Services in District & Superior Courts
- 2023-397: Approval of Short Plat Vacation – SPV 2023-001
- 2023-398: BIPIN Law Enforcement Records Management System Citizen Reporting Interface w/Lexis Nexis
- 2023-399: Line Item Transfer, Fund No. 1480, Dept. 112 to 115
- 2023-400: Contract Award to Interstate Concrete & Asphalt Co. for Bituminous Surface Treatment, Crack Seal & Edge Repair Project
- 2023-401: Approval of City of West Richland Ordinance Number 05-23 & Revision of Corporate Boundary
- 2023-402: Contract w/Apollo Mechanical Contractors for Justice Center Boiler Replacement Project
- 2023-403: Purchase of Trailer Mounted Core Drill System From Humboldt Mtg Co.
- 2023-404: Memorandum of Understanding w/Pasco Police Department for Funding Reimbursement for Instructors for the Pasco Basic Law Enforcement Academy
- 2023-405: Memorandum of Understanding w/WA Traffic Safety Commission for Overtime Funding Relating to Drug Recognition Experts
- 2023-406: Contract w/Public Safety Psychological Services for As Needed Psychological Evaluations
- 2023-407: Appointment of Andrew Cook to the Benton-Franklin Workforce Development Council
- 2023-408: Appointment of Geoff Arends to the Benton-Franklin Workforce Development Council
- 2023-409: Appointment of Jessica Rusch to the Benton-Franklin Workforce Development Council
- 2023-410: Re-Appointment of Lori Mattson to the Benton-Franklin Workforce Development Council
- 2023-411: Re-Appointment of Lynn Ramos-Braswell to the Benton-Franklin Workforce Development Council
- 2023-412: Final Order of Vacation of a Portion of County Right of Way Abutting Olsen Rd and Griffin Rd Situated
- 2023-413: Transfer of Funds Within General Fund Number 0010 Department Number 123 and 138

2023-414: Crediting Darcy Plowman with Total Years of Benton County Service for the Purposes of Vacation Accrual

2023-415: Employment Agreement with Charles Dow - Public Defense Manager

There being no further business before the Board, the meeting adjourned at approximately 11:01 a.m.

Clerk of the Board

Chairman