

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, June 27, 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; Adam Fyall, Sustainable Development Manager; Public Works Manager Matt Mahoney; Clerk Josie Delvin; DPA Ryan Brown; Treasurer Ken Spencer; Finance Manager Linda Ivey; DPA Jeff Aultman; Marshall Pickett, Superior Court; Tim Brown, IT; Amanda Watts, District Court Administrator; Judy Docken, District Court.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of June 13, 2023 were approved.

Review Agenda

Mr. MacPherson requested to add three executive sessions as follows:

- Review performance of public employee
- Potential litigation
- Review qualifications of applicant for public employment

Public Comment

Jim Atkins, Kennewick, discussed his concern about not being able to read signatures on contracts, suggested improvements to the Fairgrounds website, and requested the creation of an advisory board for improvements to the Fairgrounds.

Dale Braunger, Yakima, said he had some concerns regarding public agencies. However, he was setting up a meeting with Commissioner McKay and would provide further information after his meeting, if needed.

Consent Agenda

Commissioner Alvarez requested item “i” (Contract w/Equalizer Polygraph & Investigation, LLC for Polygraph Examinations) be pulled for discussion.

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

Capital

- a. Line Item Transfer, Fund No. 3050 - New Voters Center Capital Outlay & Supplies

Clerk

- b. Interagency Reimbursement Agreement w/WA State Administrative Office of the Courts Regarding Blake Decision

Commissioners

- c. Contract w/Prosser Record Bulletin for Official County Newspaper
- d. Line Item Transfer, Fund No. 1070 for the Purchase of the Behavioral Health Building on Bruneau Street

Coroner

- e. Contract w/Snohomish County Medical Examiner’s Office for Autopsy Services

Corrections

- f. Contract Amendment No. 1 w/WA State Dept. of Corrections for Jail Bed Space
- g. Notice of Contract Termination - WA State Health Care Authority - Opioid Treatment Network; Rescinding Resolution 2023-243
- h. Interlocal Agreement w/State of WA Dept. of Children, Youth & Families - Jail Bed Space

District Court

- j. Contract w/Bertha Ramon-Arteaga for Interpreter Services

Fairgrounds

- k. Emergency Facilities & Land Use Agreement w/Bureau of Land Management

Human Services

- l. Line Item Transfer, Fund No. 1080 for the Purchase of the Behavioral Health Building on Bruneau Street

Information Technology

- m. Three-Year Theta Lake Subscription Renewal w/CompuNet, Inc. for WebEx Archiving Services
- n. Sympro Maintenance & Support Services Renewal w/Emphasys for Treasurer’s Office; Amending Resolution 11-850

Juvenile

- o. Interlocal Agreement w/Kennewick School District for Detention Alternative School Program
- p. Agreement Between Juvenile Justice Center & Adams County for Access to Each Other’s Facilities

Parks

- q. Appointments to the Park Board
 - Michael Lecompte
 - Karla Brown
 - Charles McNeal
 - Robert Emmingham
 - Laauli Faamausili

Public Works

- r. Line Item Transfer, Fund No. 1550, Dept. 000 for Overtime
- s. Setting a Public Hearing for the Vacation of C Smith Road Right-of-Way
- t. Rural Arterial Program Project Agreement for Construction Proposal w/State of WA CRAB
- u. Initiating a County Road Project Designated As County Well Road Phase I
- v. Construction Plans & Setting of Speed Limit for Cottonwood Creek Phase 4 Subdivision

Purchasing

- w. Purchase of Two Dump Truck Chassis From National Fleet Auto Group for Public Works Dept.
- x. Contract Award to Palmer Roofing Co. for Fleet Maintenance Facility Repair Project
- y. Contract Award to Bruce Mechanical, Inc. for HVAC Project @ Benton County Canine Control
- z. Contract Amendment #1 w/Hill International, Inc. for Project Management Services for the Recovery Center
- aa. Awarding the Justice Center Interior Remodel Project to Banlin Construction, LLC
- bb. Third Contract Amendment w/C.H. Johnson Consulting, Inc. for the Fairgrounds Feasibility Study & Master Plan
- cc. Second Amendment to Resolution 2022-179 for the Purchase of Hazardous Waste Handling & Disposal Services From Clean Harbors Environmental Services

Sheriff

- dd. Interagency Agreement w/WA Asso of Sheriffs & Police Chiefs for Participation in the Registered Sex Offender Address & Residency Verification Program

Superior Court

- ee. Contract w/Moon Security for Remote Alcohol Monitoring Services

ARPA Disbursement Agreements w/Cities of Benton City and Prosser

Adam Fyall presented disbursement agreements with the City of Benton City and the City of Prosser. He said the ARPA funds must be obligated by next year and spent by the end of 2026. He said the application followed the same procedure as rural county capital funds and same model as the disbursement agreement. The projects were described as follows:

- Two Agreements with City of Benton City - \$1,509,664.00
 - Dale Avenue Water & Sewer Projects
 - Lift Stations 4 & 5 Upgrades with generator
- One Agreement with City of Prosser - \$1,400,000.00
 - Zone 2.5 Water Line Extension

- \$2,909,664 will be retained by the County from the Rural County Capital Fund (swap) – this allows the County to spend ARPA funds on eligible water/sewer projects while retaining RCCF money to spend on its own economic development projects

MOTION: Commissioner Delvin moved to enter into disbursement agreements with the cities of Benton City and Prosser for the use of ARPA funds for water and sewer projects in the cities as presented. Commissioner Alvarez seconded and upon vote, the motion carried.

Purchase and Sale Agreement for Bruneau Avenue Property

Matt Rasmussen said the County entered into a lease agreement with a purchase option in November 2022 for the Bruneau Avenue property for a portion of the Behavioral Health Recovery Center. He said the property owner inquired if the County wanted to purchase now and offered a discount. The County did not intend to exercise that option for several years. The initial discount was \$200,000 however, they negotiated another \$100,000 discount. Purchasing the property allowed to them to move forward with grants and save money on rent.

- Lease Option – reduced price to purchase early – savings of \$331,000 for a total purchase price of \$4,802,333 using a combination of funds

MOTION: Commissioner Delvin moved to approve the Resolution and Purchase and Sale Agreement pertaining to the purchase of the Bruneau property between Columbia River Warehouse LLC and Benton County and Resolution authorizing the Deputy County Administrator to execute closing documents on behalf of the Board. Commissioner Alvarez seconded and upon vote, the motion carried.

Request for Public Hearing for Budget Adjustment/Supplement to the 2023-2024 General Fund

Linda Ivey presented the request to go to public hearing for a budget adjustment as follows:

- Cash carry forward, in excess of 13%, may be transferred into Park Dev. Fund, Capital Projects Fund, Sustainable Dev. Fund, or Fairgrounds Operating Fund
- Request to transfer \$10,000,000.00 to Capital Projects Fund
- Request to go to public hearing on July 25, 2023

MOTION: Commissioner Delvin moved to approve going to Public Hearing on July 25, 2023 for the potential approval of the request for a budget adjustment to the General Fund, Fund number 0010, Non-Departmental, Department 115, in the amount of \$10,000,000. Commissioner Alvarez seconded and upon vote, the motion carried.

Request for Public Hearing for Budget Adjustment/Supplement to the 2023-2024 Benton County Human Services Fund 1070

Linda Ivey presented the request to go to public hearing for a budget adjustment as follows:

- Benton County Human Services Fund, Fund 1070 can be used for Mental Health and Developmental Disabilities Capital purchases and improvements.
- The Deputy County Administrator is recommending using a portion of the fund balance for the purchase of the Behavioral Health building on Bruneau Avenue. A Budget Supplement of the current year's expenditures budget is necessary and must be approved in a Public Hearing.

MOTION: Commissioner Devin moved to approve going to Public Hearing on July 25, 2023 for the potential approval of the request for a budget adjustment to the Human Services Fund, Fund number 1070, in the amount of \$2,000,000. Commissioner Alvarez seconded and upon vote, the motion carried.

Consent Agenda Item “i” (Contract w/Equalizer Polygraph & Investigation, LLC for Polygraph Examinations)

Commissioner Alvarez expressed concerns about using an outside source for polygraph testing and said it was in the best interest of the county to continue using the Sheriff's Office.

Mr. Rasmussen said the Chief was still requesting the contract, but the Board could decide after the executive session regarding the discussion of applicant for public employment.

Other Business

Snake River Dams Congressional Field Hearing

Adam Fyall said that he and Commissioner Alvarez and Glenn Vaagen attended the hearing in Richland. He said it was well attended, good testimony, and a lot of interest.

Executive Session - Review Qualifications of a Candidate for Public Employment

The Board went into executive session at 9:28 a.m. for up to five minutes with Commander Clarke & Lt. Erickson via/WebEx to review the qualifications of a candidate for public employment. Also present were Jerrod MacPherson, Matt Rasmussen, Carlee Nave, and Cami McKenzie.

The Board came out at 9:30 a.m. No decisions were made in executive session.

MOTION: Commissioner Delvin moved to approve the Salary Request Form as presented for Joseph Geil, Deputy Sheriff. Commissioner Alvarez seconded and upon vote, the motion carried.

Executive Session – Potential Litigation

The Board went into executive session at 9:31 a.m. for up to 10 minutes with DPA Ryan Brown and DPA Jeff Aultman to discuss potential litigation. Also present were Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie.

The Board came out at 9:41 a.m. No decisions were made in executive session.

Executive Session – Review Performance of Public Employee and Review Qualifications of Applicant for Public Employment

The Board went into executive session at 9:42 a.m. for 10 minutes with Matt Mahoney, Matt Rasmussen, and Chief Robert Guerrero via/WebEx to review the performance of a public employee and review the qualifications of an applicant for public employment (two separate issues). Also present were Jerrod MacPherson, Matt Rasmussen, Cami McKenzie, and Carlee Nave.

The Board came out at 9:53 a.m. No decisions were made in executive session.

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

Commissioner Delvin stated the Board would not take any action on consent agenda item “i”.

Payroll

Check Date: 06/15/2023

Payroll Checks

Total all funds: \$111,745.39

Direct Deposit #: 181090-181227

Payroll Deductions/Transfers

Total all funds: \$20,561.91

ACH #: 899

Accounts Payable

Check Date: 06/23/2023

Warrants #: 246898-247077

Total all funds: \$800,483.40

EFT's #: 479-480

Transfers #: 901-905, 910, 917-928

Total all funds: \$8,854.75

Resolutions

2023-445: Contract w/Moon Security for Remote Alcohol Monitoring Services

2023-446: Line Item Transfer, Fund No. 3050, Dept. for New Voters Center Capital Outlay & Supplies

2023-447: Interagency Reimbursement Agreement w/WA State AOC - Blake Decision

2023-448: Contract w/Prosser Record Bulletin for Official County Newspaper

- 2023-449: Line Item Transfer, Fund No. 1070 - Purchase of the Behavioral Health Building on Bruneau Street
- 2023-450: Contract w/Snohomish County Medical Examiner's Office for Autopsy Services
- 2023-451: Contract Amendment No. 1 w/WA State Dept. of Corrections for Jail Bed Space
- 2023-452: Notice of Contract Termination w/WA State Health Care Authority for Opioid Treatment Network; Rescinding Resolution 2023-243
- 2023-453: Interlocal Agreement w/State of WA Dept. of Children, Youth & Families for Jail Bed Space
- 2023-454: Contract w/Bertha Ramon-Arteaga for Interpreter Services
- 2023-455: Emergency Facilities & Land Use Agreement w/Bureau of Land Management
- 2023-456: Line Item Transfer, Fund No. 1080 for the Purchase of the Behavioral Health Building on Bruneau Street
- 2023-457: Three-Year Theta Lake Subscription Renewal w/CompuNet, Inc. for WebEx Archiving Services
- 2023-458: Sympro Maintenance & Support Services Renewal w/Emphasys for Treasurer's Office; Amending Resolution 11-850
- 2023-459: Interlocal Agreement w/Kennewick School District for Detention Alternative School Program
- 2023-460: Agreement Between Juvenile Justice Center & Adams County for Access to Each Other's Facilities
- 2023-461: Appointment to the Park Board - Michael Lecompte
- 2023-462: Appointment to the Park Board - Karla Brown
- 2023-463: Appointment to the Park Board - Charles McNeal
- 2023-464: Appointment to the Park Board - Robert Emmingham
- 2023-465: Appointment to the Park Board - Laauli Faamausili
- 2023-466: Line Item Transfer, Fund No. 1550, Dept. 000 for Overtime
- 2023-467: Setting a Public Hearing for the Vacation of C Smith Road Right-of-Way
- 2023-468: Rural Arterial Program Project Agreement for Construction Proposal w/State of WA CRAB
- 2023-469: Initiating a County Road Project Designated As County Well Road Phase I
- 2023-470: Construction Plans & Setting of Speed Limit for Cottonwood Creek Phase 4 Subdivision
- 2023-471: Purchase of Two Dump Truck Chassis From National Fleet Auto Group for Public Works Dept.
- 2023-472: Contract Award to Palmer Roofing Co. for Fleet Maintenance Facility Repair Project
- 2023-473: Contract Award to Bruce Mechanical, Inc. for HVAC Project @ Benton County Canine Control
- 2023-474: Contract Amendment #1 w/Hill International, Inc. for Project Management Services for the Recovery Center
- 2023-475: Awarding the Justice Center Interior Remodel Project to Banlin Construction, LLC
- 2023-476: Third Contract Amendment w/C.H. Johnson Consulting, Inc. for the Fairgrounds Feasibility Study & Master Plan
- 2023-477: Second Amendment to Resolution 2022-179 for the Purchase of Hazardous Waste Handling & Disposal Services From Clean Harbors Environmental Services

- 2023-478: Interagency Agreement w/WA Asso of Sheriffs & Police Chiefs for Participation in the Registered Sex Offender Address & Residency Verification Program
- 2023-479: ARPA Funds - Disbursement Agreement with the City of Prosser for the Zone 2.5 Water Line Extension Project
- 2023-480: ARPA Funds - Disbursement Agreement with the City of Benton City for the Lift Stations 4 & 5 Upgrades and Generators Project
- 2023-481: ARPA Funds - Disbursement Agreement with the City of Benton City for the Dale Avenue Water & Sewer Project
- 2023-482: Purchase and Sale Agreement Pertaining to the Purchase of the Bruneau Property Between Columbia River Warehouse LLC and Benton County
- 2023-483: Authorizing the Deputy County Administrator to Execute Closing Documents on Behalf of the Board of County Commissioners Related to the Purchase of the Bruneau Avenue Property from Columbia River Warehouse LLC

There being no further business before the Board, the meeting adjourned at approximately 9:53 a.m.

Clerk of the Board

Chairman