

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting

Benton County Courthouse, Prosser, WA

Tuesday, July 11, 2023, 9:00 a.m.

Meeting provided in-person, by Video Live-Broadcast and Telephonically via/WebEx

Present: Chairman Pro Tem Jerome Delvin
Commissioner Michael Alvarez
County Administrator Jerrod MacPherson
Clerk of the Board Cami McKenzie

Absent: Chairman Will McKay (Vacation – Excused)

Benton County Employees Present During All or a Portion of the Meeting: Deputy County Administrator Matt Rasmussen; Robert Heard, IT Manager; Tim Brown, IT; Greg Wendt, Community Development Director; Adam Fyall, Sustainable Development Manager; Public Works Manager Matt Mahoney; Clerk Josie Delvin; Treasurer Ken Spencer; Lt. Michael Clark; Lt. Jason Erickson; Judge Joe Burrowes; Sheriff Tom Croskrey; Katie Gillies, Sheriff's Office; Finance Manager Linda Ivey; PA Eric Eisinger; Amanda Watts, District Court Administrator.

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of June 27, 2023 were approved.

Review Agenda

The following items were added to the agenda:

- Executive Session – Review Qualifications of Applicant
- Application for State & Local Cybersecurity Grant Program

Public Comment

Jim Adkins requested the weekly itinerary of the Commissioners so he could attend some of their meetings; requested names be printed on resolutions and documents so they could see who was signing; requested they expand information on the agenda and not just have the basics; wanted to know who he could talk to at the County to ensure employees were not retaliated against; and

wanted to know if changing the Prosser Sheriff's Office hours benefitted the public and not just the employee.

Tina Gregory, Kennewick via/WebEx, expressed her concerns about government and that she appreciated the City of Richland stepping up to make changes regarding human trafficking in massage parlors.

Consent Agenda

MOTION: Commissioner Alvarez moved to approve the consent agenda items "a" through "q". Chairman Pro Tem Delvin seconded and upon vote, the Board approved the following:

Capital

- a. Coding Correction Between Capital Projects Fund 3050 & General Fund 0010, Dept. 110 for Vehicle Fuel

Commissioners

- b. Contract E24-009 w/Washington State Military Department for E911 Services

Corrections

- c. Contract w/Dynamic Laundry Systems, Inc. for the Queen Washer Replacement Project @ the Jail

Juvenile

- d. Amendment No. 3 w/Aramark Correctional Service, LLC for Food Services

Office of Public Defense

- e. Amended Juvenile Court Public Defense Services Agreement w/Brandon Landon
- f. Amended Juvenile Court Public Defense Services Agreement w/Hayden Sebald
- g. Amended Juvenile Court Public Defense Services Agreement w/Jared Hanson
- h. Early Termination of Superior Court Public Defense Services Agreement w/Christine Bennett
- i. Early Termination of Superior Court Public Defense Services Agreement w/Dale Braunger
- j. Early Termination of District Court Public Defense Services Agreement w/Megan Kilgore
- k. Early Termination of District Court Public Defense Services Agreement w/Michelle Alexander

Planning

- l. Final Plat of Highland Vineyards Phase 1 – SUB 2023-002

Purchasing

- m. Purchase of a Cubicle System From Haworth for the Clerk's Office
- n. Accepting Work Performed by Banlin Construction LLC for the KGH Board-Up Project
- o. Contract w/Nelson Enterprises, Inc. for Fleet Maintenance Facility Repair Project
- p. Agreement w/Apollo Sheet Metal, Inc. for HVAC Services

Sustainable Development

- q. ARPA Disbursement Agreements w/the Cities of Benton City & Prosser

Interagency Agreement with Department of Ecology

Adam Fyall presented the agreement with the Department of Ecology. He said Benton County and the Department of Ecology first entered into an interagency agreement in June 1993 related to

uses associated with a 1,000-acre parcel within the Hanford Site, upon which the State has a 99-year lease. The State in turn subleases 100 acres of this site to US Ecology for disposal of certain low-level commercial nuclear wastes. US Ecology pays rent to the State for this use, and through the agreement Benton County has received a share of that annual rent. The new three-year agreement will increase the rental amount to \$286,923.00, in six semiannual payments of \$47,820.00.

MOTION: Commissioner Alvarez moved to approve the new Interagency Agreement with the Department of Ecology related to the State's leased parcel on the Hanford site. Commissioner Delvin seconded and upon vote, the motion carried.

Permanent Change of Hours for the Transaction of Business at the Sheriff's Prosser Office

Sheriff Croskrey, along with Lt. Michael Clark, and Lt. Jason Erickson presented the Resolution for a permanent change of hours for the Sheriff's Prosser Office. The Sheriff's Office has done some restructuring of the clerical division and identified an employee to manage the Prosser Office. The Public Records Clerk was selected to fill the Prosser vacancy and will be working four days a week, 10-hours per day, which is more conducive to reviewing public records requests. Sheriff Croskrey said they had monitored the traffic of public that came to the office, and it was a maximum of six people per week and so did not feel it would be an impact to the public. However, if it became a problem on Fridays, they would reconsider those hours.

The Prosser office will be open four days a week from 8:30 am to 4:30 pm with a 30-minute closure between 12:00 pm and 1:00 pm.

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

Payment Authorization to FNS Collision, Inc. for Vehicle Collision Repair

Sheriff Croskrey, along with Lt. Clark and Lt. Erickson, presented a Resolution authorizing payment to FNS Collision.

On November 12, 2022, Sheriff's Office patrol vehicle 20-11 was involved in a collision where the other driver was at fault. On May 16, 2023, Benton County Sheriff's Office received notification from Progressive Insurance advising they would only release payment to Benton County after a signed release form was returned to them. Progressive Insurance admitted 100% liability for the collision, but the coverage is a maximum of \$10,000 and the cost of repairs is \$15,580.26.

Sheriff Croskrey said he understood the process they followed was not within the policy. He said they had unexpected bills at the end of 2022 and were trying to keep costs down and were given an estimate under \$10,000. However, the final bill was over \$15,000.

This will be paid from the Sheriff's Office Investigative Fund and \$10,000 would be reimbursed to that fund.

Commissioner Alvarez said he was not happy the Sheriff's Office did not follow the policies in place. If it had been done correctly and been presented to the Risk Manager to handle the insurance claims, the motor pool had the ability to negotiate the repairs and had contracts with three different body shops to potentially get a better price. He respectfully requested they do it correctly in the future.

MOTION: Commissioner Alvarez moved to approve the Chairman to sign the Release form for Progressive Insurance and approve the payment to FNS Collision, Inc. for the vehicle repair of 20-11. Commissioner Delvin seconded and upon vote, the motion carried.

Superior Court Reorganization

Judge Joe Burrowes, along with Linda Ivey presented a reorganization for the guardianship program. Judge Burrowes said they were having a hard time filling the position, and proposed combining two positions into one, adding benefits to attract more qualified candidates:

- Office Support Part-Time position will end
- Case Manager 1 becomes full time, Bi-County Non-Bargaining Grade 1 (Existing job classification and description)
- Print/Bindery will be decreased by \$12,200 from baseline budget – permanently
- This reorganization is budget neutral

MOTION: Commissioner Alvarez moved to approve the Transfer of Funds within the General Fund, Fund 0010, Superior Court's Department 123 as presented. Commissioner Delvin seconded and upon vote, the motion carried.

Judge Burrowes indicated they would be presenting the reorganization to Franklin County next.

Update from Tri-Cities CARES Group Regarding the Horse Heaven Wind Farm Project

Paul Krupin and Dave Sharp discussed the legal process to date as follows:

- Adjudication process (with compressed schedule), prehearing conferences, testimony, depositions, motions, etc. They were focusing on the long-term effects of the turbines, i.e. health, property values, fire-fighting restrictions, etc.
- Finish adjudication process – recommendations
- EFSEC will incorporate the recommendations into the final EIS (no comments will be allowed) and into their recommendations – this will be done approximately December or January
- They were requesting the County increase funding and allowed activities of Benton County's attorney (potentially to help with expert witness fees), which would be helpful and help them stay in the fight.

The Board discussed having an executive session with the attorney to discuss this pending litigation.

Placement of a Proposition for the Renewal of a Sales and Use Tax for Funding Public Safety Needs on the November General Election Ballot

Matt Rasmussen presented the Public Safety Sales Ballot Proposition for Board approval to be placed on the November 7, 2023 General Election Ballot and summarized as follows:

In 2014, the voters of Benton County passed a sales and use tax of 0.3% to benefit public safety efforts in the County and came with a 10-year automatic sunset which occurs on December 31, 2024. The revenue is shared between the County and the cities. Collectively, these governments have used the funds to invest in police officers, prosecutors, public defenders, a superior court judge, support staff, technology, equipment, community-based gang and crime prevention programs and the therapeutic court system. If the tax is not renewed, funding for the programs that have been historically supported by that revenue will cease and those programs will be in serious jeopardy of being terminated.

The Benton County Law and Justice Council has reviewed the historic uses of the revenue generated by the current tax and believes that continuing it is necessary to preserve public safety in our communities. The Council unanimously voted to recommend that the Board of County Commissioners place the renewal of the tax on the ballot in the November 2023 general election. The Council further recommended that the tax not contain a sunset clause this time.

Additionally, the Law and Justice Council was putting names together for pro-statement and con-statement committees to go out in the pamphlet. All the requirements to be on the November ballot were due before August 1, 2023.

MOTION: Commissioner Alvarez moved to approve the Resolution to place a proposition for the renewal of a sales and use tax for funding public safety needs in Benton County on the ballot of the November 2023 general election. Commissioner Delvin seconded and upon vote, the motion carried.

Other Business

Application for State & Local Cybersecurity Grant Program

IT Manager Robert Heard said they had several projects they were working on, as well as the Auditor's Election Department, that would potentially qualify for this grant program. The applications were due on Tuesday, July 18 and he anticipated having the application ready to go before that date.

The Board agreed with moving forward.

Response to Public Comments

Commissioner Alvarez said he heard Mr. Adkins comments and would consider providing his schedule or at least the Committee Assignments. Additionally, the County has a Whistleblower policy, and they took that very seriously.

Commissioner Delvin said the County did not have business licenses to control (comment regarding human trafficking), but they were doing what they could by working with agencies to stop it.

Executive Session – Review Qualifications of a Candidate for Public Employment (two separate executive sessions)

The Board went into executive session at 10:04 a.m. for 15 minutes to review the qualifications of candidates for public employment (two separate candidates). Present were Sheriff Croskrey, Katie Gillies, Jerrod MacPherson, Matt Rasmussen, and Cami McKenzie. Sheriff Croskrey and Ms. Gillies left the executive session at 10:11 a.m.

The Board came out at 10:19 a.m. No decisions were made in executive session.

MOTION: Commissioner Alvarez moved to approve the Salary Request Form as presented for Rachel Miller. Commissioner Delvin seconded and upon vote, the motion carried.

MOTION: Commissioner Alvarez moved to approve the resolution authorizing the relocation expenses for Talitha Hazelton as presented. Commissioner Delvin seconded and upon vote, the motion carried.

Payroll

Check Date: 07/05/2023

Payroll Checks

Total all funds: \$2,999,986.83

Warrant #: 244147-244165

Direct Deposit #: 181229-181865

Payroll Deductions/Transfers

Total all funds: \$2,638,448.40

EFT #: 505-511

ACH #: 967, 970-979

Payroll Deduction Warrants

Total all funds: \$115,807.37

Warrant #: 247248-247258

Accounts Payable

Check Date: 06/30/2023

Warrants #: 247154-247247
Total all funds: \$478,634.50

EFT's #: 481-502
Transfers #: 929-932, 934-940, 943-948, 953-958
Total all funds: \$275,588.41

EFT's: 503-504
Total all funds: \$20,030.80

Check Date: 07/07/2023

Warrants #: 247304-247488
Total all funds: \$1,101,669.67

EFT's #: 512
Transfers #: 982, 984-985
Total all funds: \$113,238.55

P-Cards #: 983
Total all funds: \$303,469.21

Resolutions

- 2023-484: Coding Correction Between Capital Projects Fund 3050 & General Fund 0010, Dept. 110 for Vehicle Fuel
- 2023-485: Contract E24-009 w/Washington State Military Department for E911 Services
- 2023-486: Contract w/Dynamic Laundry Systems, Inc. for the Queen Washer Replacement Project @ the Jail
- 2023-487: Amendment No. 3 w/Aramark Correctional Service, LLC for Food Services
- 2023-488: Amended Juvenile Court Public Defense Services Agreement w/Brandon Landon
- 2023-489: Amended Juvenile Court Public Defense Services Agreement w/Hayden Sebald
- 2023-490: Amended Juvenile Court Public Defense Services Agreement w/Jared Hanson
- 2023-491: Early Termination of Superior Court Public Defense Services Agreement w/Christine Bennett
- 2023-492: Early Termination of Superior Court Public Defense Services Agreement w/Dale Braunger
- 2023-493: Early Termination of District Court Public Defense Services Agreement w/Megan Killgore
- 2023-494: Early Termination of District Court Public Defense Services Agreement w/Michelle Alexander
- 2023-495: Final Plat of Highland Vineyards Phase 1 – SUB 2023-002

- 2023-496: Purchase of a Cubicle System From Haworth for the Clerk’s Office
- 2023-497: Accepting Work Performed by Banlin Construction LLC for the KGH Board-Up Project
- 2023-498: Contract w/Nelson Enterprises, Inc. for Fleet Maintenance Facility Repair Project
- 2023-499: Agreement w/Apollo Sheet Metal, Inc. for HVAC Services
- 2023-500: ARPA and Rural County Capital Fund – Exchange of Funds for Capital Projects and Economic Development Purposes
- 2023-501: Interagency Agreement with the Washington Department of Ecology for the Receipt of Lease Revenues and the Promotion of Nuclear Related Industries in Benton County
- 2023-502: Permanently Changing the Hours for the Transaction of Business for the Benton County Sheriff’s Prosser Office
- 2023-503: Authorizing Payment to FNS Collision Inc for Vehicle Collision Repair
- 2023-504: Transfer of Funds within General Fund Number 0010 Department Number 123
- 2023-505: Placement on the Ballot of a Proposition for the Renewal of Sales and Use Tax for Funding Public Safety Needs in Benton County
- 2023-506: Authorizing the Public Defense Manager to Reimburse Talitha Hazelton up to \$5,000 for Relocation Expenses

There being no further business before the Board, the meeting adjourned at approximately 10:21 a.m.

Clerk of the Board

Chairman