

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Benton County Administration Building, Kennewick WA  
Tuesday, September 12, 2023 9:00 a.m.

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

**Present:**

Commissioner Jerome Delvin via WebEx  
Commissioner Michael Alvarez via WebEx  
County Administrator Jerrod MacPherson  
Clerk of the Board Marilu Flores

**Absent:** Chairman Will McKay (Vacation – Excused)

**Benton County Employees Present During All or a Portion of the Meeting:** Robert Heard, IT Manager; Cody Shelton, IT; Carlee Nave, HR Manager; Greg Wendt, Community Development Director; Michelle Cooke, Planning Manager; Clerk Josie Delvin; DPA Ryan Brown; Treasurer Ken Spencer; Linda Ivey, Finance Manager; Auditor Brenda Chilton; Robert Blain, Director of Operations & Capital Assets; Steve Caughey, Security Program Coordinator; Tom French, Event Center Manager; Paul Schut, Procurement; Danica Hope, Procurement; Nicole Webb, Commissioners; Amanda Pearson, Commissioners; Corrections Chief Guerrero; Lt. Kist, Corrections

#### Pledge of Allegiance

The Board recited the Pledge of Allegiance.

#### Approval of Minutes

The Minutes of August 29, 2023 were approved.

#### Review Agenda

Jerrod MacPherson added the following to the agenda:

- Other Business - Horse Heaven Wind Farm

Commissioner Alvarez mentioned that they were attending the Energy Communities Alliance meeting in Arlington, VA. He indicated that these meetings were important to ensure nuclear cleanup is done as well as securing funding for our area.

## **Public Comment**

Tina Gregory, Kennewick, thanked the Board for the cleanup information. She spoke about transparency and in-person voting on elections, lockdowns and vaccinations, removing porn in schools and providing communication to legislation informing them that children are off limits.

## **Consent Agenda**

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

### **Consent Agenda**

#### **Auditor**

- a. Accounts Payable – Check Posting List for 08/25/23
- b. Accounts Payable – Check Posting List for 08/25/23 Special Run
- c. Accounts Payable – Check Posting List for 09/01/23

#### **Corrections**

- d. Contract w/Corrections Consulting Services, LLC for Prison Rape Elimination Act Auditing Certification Services
- e. Purchase of Conductive Distraction & De-escalation Devices From Compliant Technologies

#### **Human Services**

- f. Agreement w/Breanna Zavicar for Drug & Alcohol Prevention Services
- g. Agreement w/Tanya Logston for Drug & Alcohol Prevention Services

#### **Information Technology**

- h. Declaration of Surplus Property

#### **Juvenile**

- i. Contract Amendment No.1 w/Apollo Mechanical Contractors Facility Service for Kitchen Maintenance Services
- j. Interagency Agreement w/State of WA, Administrative Office of the Courts for CASA/Volunteer Guardian Ad Litem Programs

#### **Office of Public Defense**

- k. Amending Superior Drug Court Public Defense Services Agreement w/Deric Orr for Increased Compensation

#### **Planning**

- l. Interagency Agreement w/Benton County Conservation District for the Voluntary Stewardship Program Work Plan
- m. Short Plat Vacation – SPV 2023-002

#### **Purchasing**

- n. Authorization to Advertise & Bid the Two Rivers Park Boardwalk Project
- o. Authorizing the County Administrator to Advertise, Bid, Award & Execute Contract for the Red Mountain Access Road Construction Project
- p. Contract w/Walla Water, Inc. for the Garage Door Panels Replacement @ the Fleet Maintenance Facility
- q. Purchase of Two Traffic Message Boards From Intermountain Sign & Safety, Inc. for the Public Works Department

- r. Accepting Work Performed by Booth and Sons Construction, Inc. for the Moderate Risk Waste Facility Retrofit Project
- s. Memorandum of Understanding w/State of WA Department of Natural Resources Public Land Survey Office
- t. Ratifying Change Order #1 w/Chervenell Construction Company for the Juvenile Justice Remodel Project

Workforce Development Council

- u. Appointing John Dickson to Fill Government Position

**Credit for Timed Worked for the District Court Administrator**

Human Resources Manager, Carlee Nave, presented on behalf of District Court. Ms. Nave indicated that Amanda Watts was appointed to the Acting District Court Administrator on January 1, 2023, while the District Court Administrator was transitioning out for retirement. Ms. Watts was promoted on March 1, 2023, to District Court Administrator. Ms. Nave was before the Board to request Ms. Watts be granted credit for the time worked as Acting District Court Administrator which consisted of moving up her anniversary date by two months.

**MOTION:** Commissioner Alvarez moved to approve the anniversary date for Amanda Watts. Commissioner Delvin seconded and upon vote, the motion carried.

**SUB 2022-004 Preliminary Plat of Blair Loop**

Planning Manager, Michelle Cooke, presented SUB 2022-004 and indicated that the applicant submitted a preliminary plat application known as Blair Loop to subdivide approximately 64.70 acres into 11 residential lots. The development was zoned Rural Lands Five Acre District with the average lot size of 5.5 acres and located in the Prosser area of unincorporated Benton County south of Old Inland Empire Highway and Case Road.

Ms. Cooke indicated that the Benton County Planning Commission conducted an open record hearing on August 8, 2023, wherein two additional conditions of approval were added to staff's recommended conditions. At the conclusion of the open record hearing, the Planning Commission forwarded a positive recommendation to the Board of County Commissioners subject to seven findings of fact and 21 conditions of approval. With the completion of the open record hearing, the Benton County Code required the Board of County Commissioners conduct a closed record (appeal) hearing to this preliminary plat.

It was the Planning Division recommendation that the Board of County Commissioners remove condition 11(b) from the conditions of approval as adopted by the Planning Commission and adopt their own findings of fact and conditions of approval and approve the preliminary plat as submitted, subject to the Board of County Commissioners Recommendation, Findings of Fact and Conditions.

**MOTION:** Commissioner Alvarez moved to approve the preliminary plat of Blair Loop subject to seven (7) findings of fact and twenty-one (21) conditions of approval. The Board adopted its own Findings of Fact and Conditions of Approval and authorized the Chairman to sign the

Board's Decision as presented by Planning staff. Commissioner Delvin seconded and upon vote, the motion carried.

**Grant Award from WA State Health Care Authority for Same Day Visit & Transportation Program**

Corrections Lt. Kist was requesting renewal of a grant from the Washington Health Care Authority for Same Day Visit and Transportation Program for individuals transitioning into the community. Lt. Kist indicated that new this year was assistance in medication, housing, Medicaid and indicated this would help with the opioid and fentanyl issues. He further indicated that the grant would offset a medical officer and thanked Lisa Small and Cindi Kane for their work on this grant.

Commissioner Delvin also thanked Lisa and Cindi.

**MOTION:** Commissioner Alvarez moved to approve Contract No. K6920 between Benton County and Washington State Health Care Authority for the Same Day Visit and Transportation Program for an amount not to exceed \$292,000 and authorized the Chairman Pro-Tem to sign said Contract. Commissioner Delvin seconded and upon vote, the motion carried.

**Temporary Change in the Hours for the Transaction of Business for the Benton County Courthouse in Prosser**

Administrator Jerrod MacPherson indicated that this matter was discussed with the Board two weeks ago regarding closing the Courthouse in Prosser to give employees there an opportunity to attend an employee appreciation luncheon known as Flip Flop Friday on September 22, 2023, at the Kennewick Justice location. Mr. MacPherson was requesting the commissioners approve the closure of the Courthouse on September 22, 2023 from 11 a.m. to 2 p.m. to allow employees at that location to attend the employee appreciation event.

Commissioner Alvarez said it was a great thing to do to show their appreciation to employees and thanked Commissioner Delvin for his efforts in starting this event in prior years.

**MOTION:** Commissioner Alvarez moved to approve a resolution temporarily changing the hours for the transaction of business for the Benton County Courthouse in Prosser. Commissioner Delvin seconded and upon vote, the motion carried

**Other Business**

**Horse Heaven Wind Farm**

Greg Wendt, Community Development Director, said that two weeks ago the commissioners asked for a resolution opposing the Horse Heaven Wind Farm project. He said that the Horse Heaven Wind Farm Project was a wind and solar energy generation facility who proposed to be located in unincorporated Benton County. Mr. Wendt said that because of the projector's industrial use, size and location this made the project inconsistent and incompatible with the

required outright permitted uses in the Growth Management Act Agricultural Zoning District, the Washington State designation of long-term commercially agricultural lands, and the required conditional use permit criteria. Before the Board was a Resolution to oppose the project.

**MOTION:** Commissioner Alvarez moved to approve the Resolution opposing the Horse Heaven Wind Farm project. Commissioner Delvin seconded and upon vote, the motion carried.

**Tort Claims**

CC 2023-16: Received 09/11/23 from Judith Maurine Yearout  
CC 2023-17: Received 09/13/23 from Timothy James Culhane

**Accounts Payable**

Check Date: 08/25/2023

Warrants #: 248637-248792  
Total all funds: \$444,306.48

EFT #: 570-593  
Transfers #: 1081-1083, 1085, 1090-1092, 1097, 1102  
Total all funds: \$236,996.36

Check Date: 08/25/2023

Transfers #: 1103  
Total all funds: \$4,561.27

Check Date: 09/01/2023

Warrants # 248860-248938  
Total of all Funds: \$382,799.72

EFT #: 594  
Transfers #: 1104, 1112-1115  
Total all funds: \$5,452.38


**Resolutions**

- 2023 616 Contract w/Corrections Consulting Services, LLC for Prison Rape Elimination Act Auditing Certification Services
- 2023 617 Purchase of Conductive Distraction & De-escalation Devices From Compliant Technologies
- 2023 618 Agreement w/Breanna Zavicar for Drug & Alcohol Prevention Services
- 2023 619 Agreement w/Tanya Logston for Drug & Alcohol Prevention Services
- 2023 620 Declaration of Surplus Property

- 2023 621 Contract Amendment No.1 w/Apollo Mechanical Contractors Facility Service for Kitchen Maintenance Services
- 2023 622 Interagency Agreement w/State of WA, Administrative Office of the Courts for CASA/Volunteer Guardian Ad Litem Programs
- 2023 623 Amending Superior Drug Court Public Defense Services Agreement w/Deric Orr for Increased Compensation
- 2023 624 Interagency Agreement w/Benton County Conservation District for the Voluntary Stewardship Program Work Plan
- 2023 625 Short Plat Vacation – SPV 2023-002
- 2023 626 Authorization to Advertise & Bid the Two Rivers Park Boardwalk Project
- 2023 627 Authorizing the County Administrator to Advertise, Bid, Award & Execute Contract for the Red Mountain Access Road Construction Project
- 2023 628 Contract w/Walla Water, Inc. for the Garage Door Panels Replacement @ the Fleet Maintenance Facility
- 2023 629 Purchase of Two Traffic Message Boards From Intermountain Sign & Safety, Inc. for the Public Works Department
- 2023 630 Accepting Work Performed by Booth and Sons Construction, Inc. for the Moderate Risk Waste Facility Retrofit Project
- 2023 631 Memorandum of Understanding w/State of WA Department of Natural Resources Public Land Survey Office
- 2023 632 Ratifying Change Order #1 w/Chervenell Construction Company for the Juvenile Justice Remodel Project
- 2023 633 Appointing John Dickson to Fill Government Position in WFD
- 2023 634 Credit for Timed Worked for the District Court Administrator
- 2023 635 SUB 2022-004 Preliminary Plat of Blair Loop
- 2023 636 Grant Award from WA State Health Care Authority for Same Day Visit & Transportation Program
- 2023 637 Temporary Changing the Hours for the Transaction of Business for the Benton County Courthouse in Prosser
- 2023 638 Opposing the Horse Heaven Wind and Solar Project

There being no further business before the Board, the meeting adjourned at approximately 9:21 a.m.

  
 Clerk of the Board

  
 Chairman