



Minutes – Board of County Commissioners

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, October 31, 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 Amanda Pearson

Benton County Employees Present During All or a Portion of the Meeting: Deputy County Administrator, Matt Rasmussen; Information Technologies Manager, Robert Heard; IT, Tim Brown; Human Resources Manager, Carlee Nave; Community Development Director, Greg Wendt; Public Works Manager, Matt Mahoney; Treasurer, Ken Spencer; Chief Guerrero; Deputy Prosecuting Attorney, Ryan Brown; Clerk, Josie Delvin; Security Program Coordinator, Steve Caughey

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of October 24, 2023 were approved.

Review Agenda

None.

Public Comment

Rebecca Ulbricht, of Finley, spoke about item "O" on the Consent Agenda regarding the Authorization of the Payment to MediaMax for Public Safety Sales Tax Mailers. She remarked that it was in violation of RCW 82.14.450 and 340 as well RCW 42.17A.555 the Use of Public Office or Agencies Facilities and Campaigns—Prohibitions—Exceptions.

Jim Adkins, of Prosser, followed up on his suggestion to make the comment period five minutes long to allow the public to not feel rushed and inquired about a schedule to follow the completion of county business. He also followed up on his request regarding Resolutions being posted on the internet.

Consent Agenda

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

Auditor

- a. Accounts Payable ~ Check Posting List for 10/20/2023

Commissioners

- b. Purchase & Sale Agreement w/Port of Kennewick for Transfer of Water Rights at the Fairgrounds

Corrections

- c. Purchase of Office & Breakroom Furniture from Freeform for the Jail
- d. Contract w/Phase 2 Electric, Inc. for the Push to Talk Wireless & Cellular Project

Human Resources

- e. Establish Holidays and Hours for the Transaction of Business for 2024

Juvenile

- f. Contract w/Altis Counseling Associates, LLC for First-Time Sex Offender Treatment
- g. Contract w/Columbia Private Investigation LLC for Messenger Services

Office of Public Defense

- h. District Court Public Defense Services Agreement w/Jacinta Rodriguez Navarrete
- i. Third Amended Agreement w/Brian Hultgrenn for Superior Court Public Defense Services

Planning

- j. Final Plat of Cottonwood Creek Phase 4 – SUB 2023-003

Public Sales Tax

- k. Line-Item Transfer, Fund No. 1480, Dept. 121 for Overtime

Public Works

- l. Interlocal Agreement w/the City of Benton City for Maintenance of Kendal Road
- m. Interlocal Agreement w/Roza Irrigation District for Joint Use of Labor, Equipment & Materials

Purchasing

- n. Amending Resolution 2023-351 Extending Expiration Date Authorizing Payment to Vital Records Control, LLC for Storage of County Records
- o. Authorizing Payment to MediaMax for Public Safety Sales Tax Mailers
- p. Contract w/MacKay & Sposito, Inc. for the Fairgrounds/Event Center Parking Lot Design
- q. Contract Amendment #1 w/Apollo Mechanical Contractors for the Justice Center Boiler Replacement Project

Sheriff

- r. Purchase of First Tactical Pullover Uniform Shirts from Curtis Blue Line

Superior Court

- s. Agreement w/Language Exchange, Inc. for Language Services
- t. National Adoption Day Proclamation

Workforce Development Council

- u. Appointing Jason Jansky to the Benton-Franklin Workforce Development Council

Benton County Whistleblower Policy

Human Resources Manager, Carlee Nave, informed the board that Benton County’s Whistleblower Protection Policy was last updated in November 2017. This policy update modernizes the policy by replacing street addresses with website links for government agencies. Additionally, this will be the first iteration of this policy at Benton County where all elected officials have reviewed and signed.

Commissioner Alvarez requested going forward that modification to language be shown more clearly, as to what changes are being made.

MOTION: Commissioner Delvin moved to approve the adoption and update of Benton County's Whistleblower Protection Policy; Rescinding Resolution 2017-781. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Interlocal Agreement with City of Richland for Badger Mountain South Traffic

Deputy County Administrator, Matt Rasmussen, explained that land development activity in Richland is predicted to impact operation and level of service of several intersections on the County's Road system as identified in the Badger Mountain South Traffic Impact Analysis dated February 16, 2022. The City of Richland and the County desire to establish a means by which Richland will fully mitigate the predicted impacts and enforces development impact mitigation obligations on land development activity through project environmental evaluation and collection of traffic impact fees.

Matt further explained that the purpose of the Agreement is to authorize and structure Richland's mitigation of the impacts to the County's roadway system resulting from Badger Mountain South's current and planned land development activities as identified in the Badger Mountain South Traffic Impact Analysis dated February 16, 2022.

Commissioner Delvin had questions regarding annexation within this area.

MOTION: Commissioner Delvin moved to approve the Interlocal Agreement with the City of Richland for Badger Mountain South Traffic Mitigation. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Surplus and Disposition of Real Property; Rescinding Resolution 05-208

Deputy County Administer, Matt Rasmussen, shared that on April 11, 2005, the Board adopted Resolution 05-208, declaring a list of parcel properties as surplus. After review of these surplus properties, it came to staff's attention that there are two parcels listed that should be retained as County property for future use. Both parcels are commercial lots that the County could utilize in future projects.

Parcels to be retained by the county:

- 1-3399-201-2508-005
- 1-3399-201-2508-007

Resolution 05-208, the surplus property list, must be updated to the most current properties that the County owns but has no foreseeable use for. The other parcels previously listed, that have not yet been sold, are still properties that staff has determined are not needed for retention and not useable by any county agency. Matt explained that it is in the best interest of the County for the remaining properties be declared surplus and sold in a method consistent with the Benton County Personal Property Management Policy as outlined in Resolution 07-752.

MOTION: Commissioner Delvin moved to approve the update of the County-owned Surplus Real Properties and to Rescind Resolution 05-208. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Other Business

None.

Executive Session – Review Performance of a Public Employee

The Board went into executive session at 9:13 a.m. for up to 3 minutes with Chief Guerrero. Also present were Carlee Nave, Jerrod MacPherson, Matt Rasmussen, and Amanda Pearson.

The Board came out at 9:17 a.m. No decisions were made in executive session.

Commissioner Delvin motioned to approve the Salary Request Form for Debbie Essman-Cooper. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Accounts Payable

Check Date: 10-20-2023

Warrants #: 250306-250393
Total all funds: \$1,858,938.64

EFT's #: 648-651
Transfers #: 1261-1268, 1272-1276
Total all funds: \$23,783.71

Resolutions

- 2023-728 Purchase & Sale Agreement w/Port of Kennewick for Transfer of Water Rights @ the Fairgrounds
- 2023-729 Purchase of Office & Breakroom Furniture from Freeform for the Jail
- 2023-730 Contract w/Phase 2 Electric, Inc. for the Push to Talk Wireless & Cellular Project
- 2023-731 Establish Holidays and Hours for the Transaction of Business for 2024
- 2023-732 Contract w/Altis Counseling Associates, LLC for First-Time Sex Offender Treatment
- 2023-733 Contract w/Columbia Private Investigation LLC for Messenger Services
- 2023-734 District Court Public Defense Services Agreement w/Jacinta Rodriguez Navarrete
- 2023-735 Third Amended Agreement w/Brian Hultgrenn for Superior Court Public Defense Services
- 2023-736 Final Plat of Cottonwood Creek Phase 4 – SUB 2023-003
- 2023-737 Line-Item Transfer, Fund No. 1480, Dept. 121 for Overtime
- 2023-738 Interlocal Agreement w/the City of Benton City for Maintenance of Kendal Road
- 2023-739 Interlocal Agreement w/Roza Irrigation District for Joint Use of Labor, Equipment & Materials
- 2023-740 Amending Resolution 2023-351 Extending Expiration Date Authorizing Payment to Vital Records Control, LLC for Storage of County Records
- 2023-741 Authorizing Payment to MediaMax for Public Safety Sales Tax Mailers
- 2023-742 Contract w/MacKay & Sposito, Inc. for the Fairgrounds/Event Center Parking Lot Design
- 2023-743 Contract Amendment #1 w/Apollo Mechanical Contractors for the Justice Center Boiler Replacement Project
- 2023-744 Purchase of First Tactical Pullover Uniform Shirts from Curtis Blue Line
- 2023-745 Agreement w/Language Exchange, Inc. for Language Services

- 2023-746 National Adoption Day Proclamation
- 2023-747 Appointing Jason Jansky to the Benton-Franklin Workforce Development Council
- 2023-748 Adopting an Updated Benton County Whistleblower Protection Policy; Rescinding Resolution 2017-781
- 2023-749 Interlocal Agreement with the City of Richland for Badger Mountain South Traffic Mitigation
- 2023-750 Updating the List of Surplus Real Properties

There being no further business before the Board, the meeting adjourned at approximately 9:18 a.m.

Clerk of the Board

Chairman