



Minutes – Board of County Commissioners

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, February 6, 2024, 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: Information Technologies Manager, Robert Heard; Human Resources Manager, Carlee Nave; Community Development Director, Greg Wendt; Sustainable Development Manager, Adam Fyall; Prosecuting Attorney, Eric Eisinger; Deputy Prosecuting Attorney, Ryan Brown; Chief, Robert Guerrero; Finance Manager, Linda Ivey; Security Program Coordinator, Steve Caughey; Child Forensic Interviewer, Mari Murstig; Deputy Prosecuting Attorney, Anita Petra; Chief Deputy Treasurer, Kirsten Yniguez

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of January 30, 2024 were approved.

Review Agenda

Jerrod MacPherson added the following:

- Authorization for Relocation Expenses for the Prosecuting Attorney's Office

Public Comment

Jim Atkins, Prosser, Washington shared his concerns regarding the extension of public comments from three minutes to five minutes, the addition of titles to signature lines, and the expansion [spelling out] of acronyms. Mr. Atkins also submitted printed consent agenda packets with handwritten feedback, to the Clerk of the Board.

Tina Gregory, Kennewick, Washington thanked Mr. Atkins for his thoroughness. She gave examples of federal organizations that she would like to be abolished. She also spoke about rights to privacy, illegal immigrants, and January 6th being a lie. Lastly, she requested that the Bill of Rights be taught in schools and government offices, and to hold government accountable.

Ismael Mendoza-Jimenez, Finley, Washington spoke on the quality of service provided by the Benton County Sheriff's Office. He shared his experiences relating to the lack of deputies available to respond to emergency calls in Finley. Mr. Mendoza-Jimenez suggested adding a substation to reduce the amount of response time it takes to get to the area. He also stated that he disagreed with the previous speaker's comments regarding illegal immigrants and January 6th.

Consent Agenda

MOTION: Commissioner McKay moved to approve the consent agenda items "a" through "o", pulling item "n". Commissioner Alvarez seconded and upon vote, the Board approved the following:

Auditor

- a. Accounts Payable ~ Check Posting List for 01/26/2024
- b. Accounts Payable ~ Check Posting List for 01/26/2024

Board of Equalization

- c. Appointing Peter Smith to the Benton County Board of Equalization

Commissioners

- d. Surplus and Disposition of Personal Property

Coroner

- e. Agreement with Forensic Pathology Staffing for Forensic Pathology Services; Amending Resolution 2023-0843

Information Technology

- f. Purchase of Five Televisions and Mounts from Costco and WebEx Conferencing Equipment for Jury Training Room from Brahma Enterprises

Juvenile

- g. Interagency Agreement with WA State Administrative Office of the Courts for Case Management Assessment Process Trainer Funding

Office of Public Defense

- h. Early Termination of District Court Public Defense Services Contract with Matthew Rutt

Planning

- i. Final Plat of Mammoth Acres – SUB 2023-004

Prosecuting Attorney

- j. Request for Proposal for Licensed Behavioral Health Agency for Substance Use Disorder Treatment in District Court Therapeutic Courts
- k. Request for Proposal for Licensed Behavioral Health Agency for Substance Use Disorder Treatment in Superior Court Adult Drug Court

Public Safety

- l. Line-Item Transfer, Fund No. 1480, Dept. 121 for Equipment for Virtra Training Simulator

Purchasing

- m. Second Contract Amendment with Moon Security Service, Inc. for Fire and Security Monitoring Services
- o. Purchase of Two Dump Truck Chassis from Freightliner Northwest for Public Works Department

Scheduled Business

2024 Benton County Economic Development Plan
Sustainable Development Coordinator, Adam Fyall

Benton County works closely with community partners on an array of projects and programs for the purposes of building resiliency, fostering a positive business climate, creating jobs, and growing the regional tax base.

The County’s statement on how it approaches these efforts is detailed in the Benton County Economic Development Plan, which is updated regularly to reflect new information and changes in the social, economic, and business climates of the Tri-Cities region.

MOTION: Commissioner McKay moved to approve the adoption of the 2024 Benton County Economic Development Plan. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Agreement with Port of Benton for Disbursement of Rural County Capital Fund
Sustainable Development Coordinator, Adam Fyall

This project is unusual among the County’s Rural County Capital Fund (RCCF) disbursements in that it will be a single payment wholly dedicated toward the fee title acquisition of property.

The Port is buying the building and land located at 3110 Port of Benton Boulevard. The location is just south of and within sight of the Port’s main offices. The RCCF funds are not the entire purchase dollars but are most of it. The Port will renovate the now abandoned and derelict property and remodel it for reuse.

MOTION: Commissioner McKay moved to for the disbursement of Rural County Capital Funds to the Port of Benton for the 3110 Innovation Center project in the amount of \$1,500,000 and for signing of the disbursement agreement by the Chair or his designee that will put this action into force. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Amended Interagency Agreement with Administrative Office of the Courts
County Clerk, Josie Delvin

In 2021, the Washington Supreme Court issued a decision (State v. Blake) that declared the statute upon which certain criminal charges have been based for decades to be unconstitutional, entitling persons convicted thereunder to have convictions under such statute vacated and to receive a refund of certain legal financial obligations (LFOs) paid.

In 2023, legislature appropriated funding to the Administrative Office of the Courts (AOC) to use to continue to reimburse counties including Benton County, for extraordinary costs associated with vacating and dismissing convictions or sentences affected by State v. Blake.

The AOC has agreed to reimburse Benton County up to a maximum of \$1,536,934.00 for its judicial, prosecutorial, clerk and defense-related costs related to Blake incurred during the period of July 1, 2023, to June 30, 2024.

This amendment to the current contract specifies further the offices within Benton County that will be reimbursed from Administrative Office of the Courts (AOC). The Prosecuting Attorney’s Office did not sign off on this due to how the contract was amended.

MOTION: Commissioner McKay moved to approve Amendment #1, Interagency Agreement #IAA24004, with Administrative Office of the Courts. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Memorandum of Understanding with United States Marshal for Joint Law Enforcement Operations Task Force
Commander, Lee Cantu

The United States Marshal Service (USMS) has been granted authority to direct and coordinate permanent US Marshal Services Violent Offender Task Forces consisting of Federal, state, and local law enforcement for the purpose of locating and apprehending fugitives. The Benton County Sheriff's Office (BCSO) has a detective who is part of the Joint Law Enforcement Operations Task Force (JLEO) for the United States Marshal.

In past years, the Sheriff has signed the Memorandum of Understanding (MOU) between Benton County Sheriff's Office and US Marshal Eastern District of Washington for reimbursement, if funding is available, for overtime incurred by the state or local investigators who provide support to USMS Joint Law Enforcement Task Forces.

BSCO received a Memorandum of Understanding (MOU) indicating that Benton County qualifies for the funding reimbursement for the fiscal year 2023-2024 in an amount up to \$21,901.00 for services and expenses. In years past, the MOU was typically sent in October and forwarded to the Sheriff for authorization of signature, but this was received within the last week.

Questions from Commissioner McKay regarding the US Marshals' jurisdiction and county liability.

Commissioner Alvarez requested a presentation showing how many deputies are within each zone.

Commissioner Delvin asked about how the taskforce and detective operates within the county.

MOTION: Commissioner McKay moved to approve the Memorandum of Understanding for the Joint Law Enforcement Operations Task Force between Benton County Sheriff's Office and US Marshal Eastern District of Washington for a reimbursement to Benton County for an amount up to \$21,901.00 for the period of October 24, 2023 to September 30, 2024. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Child Forensic Interviewer Reclassification Request in the Prosecuting Attorney's Office
Prosecuting Attorney, Eric Eisinger

The Benton County Prosecuting Attorney's Office requests reclassification of the child forensic interviewer, Mari Murstig. Pursuant to the interlocal agreement, Benton County oversees this position although its funding is divided among the local agencies according to an established jurisdiction allocation.

Ms. Murstig has a master's degree in psychology and has held this position for approximately 23 years. Because of the uniqueness of the position, the history of this reclassification request, and because Benton County only pays 41% of the salary of the child forensic interviewer, the Prosecuting Attorney's Office feels that reclassification of the position at its historical level (consistent with Deputy Prosecuting Attorney I) is appropriate. Moreover, the involved local agencies support reclassification, and most have given a preliminary financial commitment.

Commissioner Delvin asked for clarification regarding overtime amounts.

Commissioner McKay inquired why Ms. Murstig's salary did not keep up with the Deputy Prosecuting Attorney position.

Human Resources Manager, Carlee Nave, answered questions from Commissioners regarding the ongoing County-wide Compensation study.

Commissioner Alvarez asked questions of both, Carlee, and Prosecuting Attorney Eisinger and stated his concerns.

Discussion continued with no motion made.

Other Business

Reimbursement for Relocation Expenses for Applicant Meagan Carmichael
Deputy Prosecuting Attorney, Ryan Brown

The Prosecuting Attorney's Office is looking to fill for a labor and employment position and has a promising applicant who is currently living in Alaska.

MOTION: Commissioner McKay moved to approve authorization of the reimbursement for relocation expenses for applicant Meagan Carmichael. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Commissioner McKay shared his concerns regarding the substance of Mr. Mendoza's public comment.

Commissioner Delvin requested a presentation from the Sheriff's Office.

Commissioner Alvarez agreed.

Executive Session – Review Qualifications of an Applicant for Public Employment

The Board went into executive session at 10:21 a.m. for up to 3 minutes with Chief of Corrections, Robert Guerrero and Human Resources Manager, Carlee Nave. Also present were Jerrod MacPherson, Matt Rasmussen, and Amanda Pearson.

The Board came out at 10:24 a.m. No decisions were made in executive session.

MOTION: Commissioner McKay moved to approve the Salary Request for Charles Reynolds. Commissioner Alvarez seconded and upon vote, the motion carried.

Payroll

Check Date: 01/26/2024

Payroll Checks
Transfers #: 1529-1530
Total of all funds: \$1,756.92

Accounts Payable

Check Date: 01/26/2024

Warrants #: 253222-253399
Total of all funds: \$1,910,392.33

EFT's #: 771-793
Transfers #: 1503-1505, 1510, 1518-1520
Total of all funds: \$304,209.25

Resolutions

- 2024-0094 Appointing Peter Smith to the Benton County Board of Equalization
- 2024-0095 Surplus and Disposition of Personal Property
- 2024-0096 Agreement with Forensic Pathology Staffing for Forensic Pathology Services; Amending Resolution 2023-0843
- 2024-0097 Purchase of Five Televisions and Mounts from Costco and WebEx Conferencing Equipment for Jury Training Room from Brahma Enterprises
- 2024-0098 Interagency Agreement with WA State Administrative Office of the Courts for Case Management Assessment Process Trainer Funding
- 2024-0099 Early Termination of District Court Public Defense Services Contract with Matthew Rutt
- 2024-0100 Final Plat of Mammoth Acres – SUB 2023-004
- 2024-0101 Request for Proposal for Licensed Behavioral Health Agency for Substance Use Disorder Treatment in District Court Therapeutic Courts
- 2024-0102 Request for Proposal for Licensed Behavioral Health Agency for Substance Use Disorder Treatment in Superior Court Adult Drug Court
- 2024-0103 Line-Item Transfer, Fund No. 1480, Dept. 121 for Equipment for Virtra Training Simulator
- 2024-0104 Second Contract Amendment with Moon Security Service, Inc. for Fire and Security Monitoring Services
- 2024-0105 Purchase of Two Dump Truck Chassis from Freightliner Northwest for Public Works Department
- 2024-0106 2024 Benton County Economic Development Plan
- 2024-0107 Agreement with Port of Benton for Disbursement of Rural County Capital Fund
- 2024-0108 Amended Interagency Agreement with Administrative Office of the Courts
- 2024-0109 Memorandum of Understanding with United States Marshal for Joint Law Enforcement Operations Task Force
- 2024-0110 Authorizing the Prosecuting Attorney to Reimburse Meagan Carmichael up to \$5,000 for Relocation Expenses per the County's Relocation Expense Policy, Resolution 08-534

There being no further business before the Board, the meeting adjourned at approximately 10:25 a.m.

Clerk of the Board

Chairman