



Minutes – Board of County Commissioners

Regular Board Meeting
Benton County Administration Building
Commissioners' Hearing Room, Kennewick, WA
Tuesday, March 19, 2024 9:00 AM

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

Present: Chairman Pro Tem Michael Alvarez
Commissioner Will McKay
County Administrator Jerrod MacPherson
Clerk of the Board Amanda Pearson

Absent Chairman Jerome Delvin (excused)

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; Planning Manager, Brad O'Brien; Sustainable Development Manager, Adam Fyall; Deputy Prosecuting Attorney, Ryan Brown, Treasurer, Ken Spencer; Finance Manager, Linda Ivey; Communications Coordinator, Glenn Vaagen; Security Program Coordinator Steve Caughey; Chief Deputy Treasurer, Kirsten Yniguez

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of March 12, 2024 were approved.

Review Agenda

Jerrod MacPherson added the following:

- Prosecuting Attorney's Office - Reimbursement for Relocation for Amber Smith
- Prosecuting Attorney's Office - Annual Leave Accrual Rate for Tamara Hanlon
- Waste Management Recap- Presentation Adam Fyall

Public Comment

Eileen Alexander in Kennewick shared her concerns of prices for fines and violations regarding animal control and the potential for trauma relating to shooting of animals [dogs]. She stated ways in which she would like to see change and/or volunteer to be a part of a solution.

Rommy in Kennewick spread awareness [looking up to the sky] relating to Geoengineering experiments and the effects on human health and environmental welfare.

Consent Agenda

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

Auditor

- a. Accounts Payable ~ Check Posting List for 03/08/2024
- b. Accounts Payable ~ Check Posting List for 03/08/2024
- c. Accounts Payable ~ Check Posting List for 03/12/2024

CARES/CRRSAA

- d. Transfer of Funds, Fund No. 0010, Dept. 139 for Coroner’s Office HVAC

Commissioners

- e. Adding New Member & Re-Establishing Advisory Committee for Behavioral Health Needs; Rescinding Benton County Resolution 2022-147
- f. Transfer of Funds, Fund No. 1600, Dept. 000 to Allocate Funds in the Behavioral Health to Capital Budget

Corrections

- g. First Amended Contract w/Yoder, Inc. dba Coffey Refrigeration for the Benton County Jail

Juvenile

- h. Transfer of Funds, Fund No. 1150, Dept. 173 to 172 for Professional Services & Service Agreements

Office of Public Defense

- i. Juvenile Court Public Defense Services Agreement w/Jared Hanson
- j. Superior & District Court Public Defense Interpreting Services Agreement w/Bertha Ramon-Arteaga

Public Works

- k. Transfer of Funds, Fund No. 5010, Dept. 650 for Overtime
- l. Memorandum of Understanding w/County Road Administration Board for ESRI Editor Term License

Purchasing

- m. Ratifying the Purchase of Four 2025 Ford Police Interceptors from Bud Clary Ford/Hyundai
- n. Ratifying the Purchase Two 2025 Ford Police Interceptors from Bud Clary Ford/Hyundai
- o. Ratifying Change Order Proposals No. 1, 2 & 4 w/Banlin Construction, LLC’s Contract for the Elections Center Project
- p. Purchase of Two SaltDogg Truck Bed Slip in Sanders for Public Works Department

Sheriff

- q. Notice of Award to Riverview Marina, dba Custom Weld Boats for Purchase of Jet Boat

Public Hearing

Ordinance Amendments to Benton County Codes 3.04, 3.08, 3.12, 3.14, 3.16 & 3.24

Community Development Director, Greg Wendt and Planning Manager, Brad O’Brien

The State of Washington adopted the new International Building, Residential, Mechanical, Fire, Swimming Pool and Spa, Washington State Energy and Uniform Plumbing Codes effective March 15, 2024. To implement these codes as required by State Statutes, the Community Development Department – Building Division has prepared the ordinances for review and implementation of the

2021 International Codes, the 2021 Washington State Energy Codes and the 2021 Uniform Plumbing Code.

Attached for the Boards review are copies of the ordinances revising Benton County Codes 3.04 – Building Code, 3.08 - Plumbing Code, 3.12 - Mechanical Code, 3.14 - Energy Code, 3.16 - Fire Code and 3.24 - Swimming Pool and Spa Code.

There is one (1) significant change to the 2021 International Swimming Pool and Spa Code (BCC 3.24) adoption. In conjunction with the PA's office and Code Enforcement, we have developed language that would prevent the use of pools and spas prior to passing a final inspection. This step has been taken to ensure that the swimming pools and spas have met all the life/safety requirements including barrier requirements prior to using/occupying them within unincorporated Benton County.

Commissioner McKay shared his concerns approving these Ordinances relating to the financial burdens placed on builders.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.04 - 2021 International Building Code. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.08 - 2021 Uniform Plumbing Code. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.12 - 2021 International Mechanical Code. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.14 - 2021 Washington State Energy Code. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.16 - 2021 International Fire Code. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

As there was no one present to testify, public testimony was closed.

MOTION: Commissioner McKay moved to adopt the ordinance and approve the resolution for Benton County Code 3.24 - 2021 International Swimming Pool and Spa Code. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Scheduled Business

2024 Historical Preservation Grant Overview & Committee Funding Recommendations Communications Coordinator, Glenn Vaagen

Three organizations applied for 2024 Historical Preservation Grants including Kiona Benton City Historical Society, the Prosser Historical Museum and the City of Kennewick-Historic Preservation Commission and were awarded a total of \$16,200.00 by the Benton County Historic Preservation Advisory Committee.

The 2024 Historic Preservation Grant Request for Proposal was opened September 5, 2023, and received three (3) applications for project funding, totaling \$16,200.00. The available yearly budget for the Historic Preservation Grant is \$147,000.00.

Detailed information for each request is provided in the attached PDF. Staff recommends approval of the projects as outlined in said document, for a total amount of \$16,200.00.

RCW 36.22.170 states that one dollar (\$1) of the recording fee is placed in the Benton County Historical Preservation Fund 0157-101, to be used at the County Commissioners' discretion for promotion of historical preservation and/or programs in the County. Each year, the County calls upon a review committee to determine recommended project funding for Board of Commissioners' approval.

MOTION: Commissioner McKay moved to approve the 2024 Historical Preservation Grant allocations as presented, and hereby authorize the County Administrator to sign the grant disbursement agreements. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Benton County Family and Medical Leave Policy Human Resources Manager, Carlee Nave

Benton County's Family and Medical Leave Policy was last updated in June 2009. This policy update is a complete rewrite to address the inadequacies of the current policy, including the addition of Washington Paid Family and Medical Leave as implemented by the State in 2020.

Since this is a complete rewrite, we have not included a legislative markup of the existing policy but have included the existing policy for reference. All Elected Officials and Department Heads were included in the drafting process and the Elected Officials have signed the new policy. The policy has also been sent to all labor representatives for review.

HR has prepared a training presentation that will be available for all departments to aid in the implementation of the new policy and assist County leaders with administration of these programs.

MOTION: Commissioner McKay moved to approve the Benton County Family and Medical Leave Policy. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Third Amended and Restated Interlocal Agreement for Benton County Emergency Services
County Administrator, Jerrod MacPherson

Benton County Emergency Services (BCES) provides public safety communications for Benton and Franklin Counties. The organization operated under an interlocal agreement and has representation from all 5 cities, both counties and local fire districts. The organization also serves many smaller jurisdictions as subscribers to communications services.

The current interlocal agreement has provisions for each member or subscriber to contribute funding to the operations and maintenance of the communications system. However, the agreement thus far, did not contain provisions for funding large scale upgrade, replacement, or construction projects.

One such project is the replacement of the antiquated microwave communications system. The microwave system provides interconnectivity between all the radio towers in the BCES network. The system was constructed almost 30 years ago with its last major overhaul in 2010. The microwave system has reached the end of its useful life and is nearing a state of failure. Such a failure would result in regional public safety communications blackouts.

To proceed with the replacement of the microwave system the interlocal agreement governing BCES has been amended to contain provisions for funding the project. The changes to the interlocal were unanimously approved by the BCES board on March 6th, 2024, and is now going before the individual boards of the member agencies for formal approval.

Public service communication network within the county and other jurisdictions to pay for maintenance but doesn't pay for major updates or upgrades. Pay for the microwave system we received a grant to offset those costs. BIG 5-3 cities and 2 counties. Paid for public safety sales tax for Benton County portion \$900,000

Commissioner Alvarez shared his support relating to the potential for the interest rate going up as it is not permanent and could cost more later, if not completed now.

MOTION: Commissioner McKay moved to approve the Third Amended and Restated Interlocal Agreement for Benton County Emergency Services. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Other Business

Recap of Waste Management Symposia Presentation
Sustainable Development Director, Adam Fyall

Shared a recap of the Energy Communities Alliance (ECA) conference that himself, Commissioner Delvin, and Commissioner Alvarez attended last week.

He shared the top three Fiscal Liabilities of US Government:

1. Social Security
2. Medicare
3. Nuclear Weapons Complex Cleanup

Lastly, he gave updates on the calendar and informed the room that in May, there will be an ECA Forum in the Tri-Cities.

Commissioner Alvarez shared his thoughts on the long term fiscal impacts/budgets relating to Hanford Cleanup.

Reimbursement for Relocation for Amber Smith
Deputy Prosecuting Attorney, Eric Eisinger

The County's Relocation Expense Policy, Resolution 08-534, allows eligible new employees reimbursement for certain costs related to relocation of the employee's household up to a maximum of \$5,000.

Amber Smith, the candidate, will be a new full-time regular non-bargaining employee who currently lives in Centralia, Washington, which is approximately 230 miles from the Benton County Justice Center. Based on Ms. Smith's current residence, her new employment as a Deputy Prosecuting Attorney with Benton County would increase her commute by approximately 226 miles. Consequently, Ms. Smith is eligible for relocation reimbursement pursuant to the policy.

MOTION: Commissioner McKay moved to authorize the Prosecuting Attorney to Reimburse Amber Smith up to \$5,000 for Relocation Expenses per the County's Relocation Expense Policy, Resolution 08-534. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Annual Leave Accrual Rate and Use of Accrued Leave with Pay for Tamara Hanlon
Deputy Prosecuting Attorney, Eric Eisinger

Tamara Hanlon started her career as a deputy prosecutor at the Benton County Prosecutor's Office in 1998. She is currently employed as a deputy prosecutor at the Yakima County Prosecutor's Office and as a court commissioner for the Yakima Municipal Court. Ms. Hanlon also currently performs part-time work as a prosecutor for the Benton County Prosecutor's Office. Based on her more than 25 years of experience, Ms. Hanlon's decision to return to the Benton County Prosecutor's Office as a full-time appeals deputy will prove invaluable in making an immediate impact on the heavy caseload in the felony division.

The Benton County Prosecutor recommends crediting Tamara Hanlon with her prior years of service with Benton County from 1998 to 2007 and for her years of service at Yakima County from 2007 to 2024 for purposes of vacation accrual and solely for the vacation accrual purposes, Tamara Hanlon will be deemed to have 25 years of service as of her date of hire in April 2024.

MOTION: Commissioner McKay moved to approve a resolution for Annual Leave Accrual Rate and Use of Accrued Leave with Pay for Tamara Hanlon. Commissioner Alvarez seconded and upon vote, the motion carried as presented.

Commissioner Alvarez shared he would like to make his presentation on Clearview AI when Commissioner Delvin is present.

MOTION: Commissioner Alvarez moved to excuse Commissioner Delvin due to him being on County business in Washington DC. Commissioner McKay seconded and upon vote, the motion carried as presented.

Executive Session – Review Qualifications of an Applicant for Public Employment

The Board went into executive session at 9:44 a.m. for up to 5 minutes with Carlee Nave. Also present were Jerrod MacPherson, and Amanda Pearson.

The Board came out at 9:49 a.m. No decisions were made in executive session.

MOTION: Commissioner McKay moved to approve the Salary Request Form as presented for James Trumble. Commissioner Alvarez seconded and upon vote, the motion carried.

Tort Claim

CC2024-04 Tony Nelson Mason received on 3/15/2024
CC2024-05 Edward Alan Monk received on 3/15/2024
CC2024-06 Lejla Melkic and Ricky Lee Ellison received on 3/14/2024

Accounts Payable

Check Date: 03/08/2024

Warrants #: 254505-254714
Total of all Funds: \$1,686,800.91

EFT's #: 841
Transfers #: 1634-1636, 1638-1640, 1646-1647
Total of all Funds: \$16,864.54

Check Date: 03/08/2024

Pcards: 1648
Total of all Funds: \$516,298.12

Check Date: 03/12/2024

Warrant #: 254715
Total of all Funds: \$7,000.00

Resolutions

- 2024-0206 Transfer of Funds, Fund No. 0010, Dept. 139 for Coroner's Office HVAC
- 2024-0207 Adding New Member & Re-Establishing Advisory Committee for Behavioral Health Needs; Rescinding Benton County Resolution 2022-147
- 2024-0208 Transfer of Funds, Fund No. 1600, Dept. 000 to Allocate Funds in the Behavioral Health to Capital Budget
- 2024-0209 First Amended Contract w/Yoder, Inc. dba Coffey Refrigeration for the Benton County Jail
- 2024-0210 Transfer of Funds, Fund No. 1150, Dept. 173 to 172 for Professional Services & Service Agreements
- 2024-0211 Juvenile Court Public Defense Services Agreement w/Jared Hanson

- 2024-0212 Superior & District Court Public Defense Interpreting Services Agreement w/Bertha Ramon-Arteaga
- 2024-0213 Transfer of Funds, Fund No. 5010, Dept. 650 for Overtime
- 2024-0214 Memorandum of Understanding w/County Road Administration Board for ESRI Editor Term License
- 2024-0215 Ratifying the Purchase of Four 2025 Ford Police Interceptors from Bud Clary Ford/Hyundai
- 2024-0216 Ratifying the Purchase Two 2025 Ford Police Interceptors from Bud Clary Ford/Hyundai
- 2024-0217 Ratifying Change Order Proposals No. 1, 2 & 4 w/Banlin Construction, LLC's Contract for the Elections Center Project
- 2024-0218 Purchase of Two SaltDogg Truck Bed Slip in Sanders for Public Works Department
- 2024-0219 Notice of Award to Riverview Marina, dba Custom Weld Boats for Purchase of Jet Boat
- 2024-0220 Benton County Code 3.04 - 2021 International Building Code Ordinance
- 2024-0221 Benton County Code 3.08 - 2021 Uniform Plumbing Code Ordinance
- 2024-0222 Benton County Code 3.12 - 2021 International Mechanical Code Ordinance
- 2024-0223 Benton County Code 3.14 - 2021 Washington State Energy Code Ordinance
- 2024-0224 Benton County Code 3.16 - 2021 International Fire Code Ordinance
- 2024-0225 Benton County Code 3.24 - 2021 International Swimming Pool and Spa Code Ordinance
- 2024-0226 2024 Historical Preservation Grant allocations as presented, and hereby authorize the County Administrator to sign the grant disbursement agreements
- 2024-0227 Benton County Family and Medical Leave Policy
- 2024-0228 Third Amended and Restated Interlocal Agreement for Benton County Emergency Services
- 2024-0229 Reimburse Amber Smith up to \$5,000 for Relocation Expenses
- 2024-0230 Annual Leave Accrual Rate and Use of Accrued Leave with Pay for Tamara Hanlon

There being no further business before the Board, the meeting adjourned at approximately 9:49 a.m.

Clerk of the Board

Chairman