



Minutes – Board of County Commissioners

Regular Board Meeting
Benton County Courthouse, Prosser, WA
Tuesday, April 23, 2024, 9:00 a.m.
Meeting provided in-person, by Video Live-Broadcast and Telephonically via/WebEx

Present: Chairman Jerome Delvin
Commissioner Michael Alvarez
Commissioner Will McKay
Deputy County Administrator Matt Rasmussen
Clerk of the Board Amanda Pearson

Absent: County Administrator Jerrod MacPherson (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; Clerk, Josie Delvin; Deputy Prosecuting Attorney, Ryan Brown; Treasurer, Ken Spencer; Robert Blain; Cristina Woods; Linda Ivey; Ryan Brown; Planning Manager, Michelle Mercer; Security Program Coordinator, Steve Caughey; Treasurer, Ken Spencer; Lt. Kasey Kist; Chief Deputy Treasurer, Kirsten Yniguez

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of April 16, 2024, were approved.

Review Agenda

Commissioner Alvarez motioned to amend the Consent Agenda pulling Roza Heights Water Association Franchise Renewal from Scheduled Business and adding it to the Consent Agenda as item "r"; due to the public hearing already being held on April 30th, 2019. Commissioner McKay seconded and upon vote, the motion passed.

Commissioner Delvin added an Executive Session for the Qualifications of a Candidate.

Consent Agenda

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

Auditor

- a. Payroll ~ Check Posting List for 04/05/24
- b. Payroll ~ Check Posting List for 04/09/24
- c. Accounts Payable ~ Check Posting List for 04/12/24
- d. Payroll ~ Check Posting List for 04/15/24

Corrections

- e. Contract with Chervenell Construction Company for the Jail Door System, Interview Area and Laundry Security Upgrade Project

Human Resources

- f. Benton County Americans with Disabilities Act Policy
- g. Rescinding Resolution No. 2024-0110 Authorization Relocation Expenses for Meagan Carmichael

Information Technology

- h. Purchase of Three WebEx Room Bars for the Prosecuting Attorney’s Office from Brahma Enterprises

Office of Public Defense

- i. District Court Public Defense Services Agreement with Joseph White
- j. District Court Public Defense Services Agreement with Yajaira Lujano

Public Works

- k. Transfer of Funds, Fund No. 1010, Dept. No. 500 for Maintenance Worker I

Purchasing

- l. Ratifying Change Order #2 with Banlin Construction, LLC for the Election Center Project
- m. Ratifying Contract Change Order #2 with Central Washington Asphalt, Inc. for the Red Mt. Access Road Project
- n. Contract with Central Washington Asphalt, Inc. for the BST and Edge Repair Project
- o. Contract with Big D’s Construction of Tri-Cities, Inc. for the Fairgrounds Clean Up Project
- p. Amending Resolution 2024-252 with BnB Mechanical, LLC for On-Call Plumbing Maintenance and Repair Services
- q. Agreement with Waxie’s Enterprises, Inc. for Janitorial Supplies
- r. Roza Heights Water Association Franchise Renewal

Public Comment

In Prosser, Ilene Alexander shared concerns regarding the difference between animal control and dangerous animal control. She also shared her concerns related to the county outgrowing the proposed changes to the Canine Shelter facilities.

In Prosser, Jim Atkins had questions regarding typed titles under signature lines, the Bonneville Power item on the agenda, as well as bi-county room tax related to housing. **Public Hearing**

Golden Gate Hop Ranches, Inc. Franchise Renewal

Civil Engineer, Cristina Woods

Benton County received an application for a Franchise Order and Agreement renewal for an irrigation water delivery system and all facilities from Golden Gate Hop Ranches, Inc.

In accordance with RCW 36.55.040 and RCW 36.55.050, a public hearing must be held to allow public comment to the proposed franchise agreement prior to the final determination of the Board of County Commissioners. Subsequent to the public hearing, the Board may, upon its finding that the franchise agreement is in the best interest of the County, enter into said agreement by resolution. The public hearing was advertised in the newspaper of record on April 10th and April 17th, 2024, in accordance with RCW 36.55.040, and a public hearing was held on April 23rd, 2024, in accordance with RCW 36.55.050.

Commissioner Delvin had questions relating to the process of these agreements.

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

MOTION: Commissioner Alvarez moved to approve the Franchise Order and Agreement with Golden Gate Hop Ranches, Inc. Commissioner McKay seconded and upon vote, the motion carried as presented.

The United States of America, Department of Energy, Bonneville Power Administration
Franchise Renewal
Civil Engineer, Cristina Woods

Benton County received an application for a Franchise Order and Agreement renewal to place electrical transmission systems and facilities from The United States of America, acting by and through The United States of America Department of Energy, Bonneville Power Administration.

In accordance with RCW 36.55.040 and RCW 36.55.050, a public hearing must be held to allow public comment to the proposed franchise agreement prior to the final determination of the Board of County Commissioners. Subsequent to the public hearing, the Board may, upon its finding that the franchise agreement is in the best interest of the County, enter into said agreement by resolution. The public hearing was advertised in the newspaper of record on April 10th and April 17th, 2024, in accordance with RCW 36.55.040, and a public hearing was held on April 23rd, 2024, in accordance with RCW 36.55.050.

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

MOTION: Commissioner Alvarez moved to approve the Franchise Order and Agreement with the United States of America, acting by and through the United States of America Department of Energy, Bonneville Power Administration. Commissioner McKay seconded and upon vote, the motion carried as presented.

Desert Winds Wireless Franchise Renewal
Cristina Woods, Civil Engineer

Benton County received an application for a Franchise Order and Agreement renewal for conduit, data, and telecommunications equipment from Desert Winds Wireless.

In accordance with RCW 36.55.040 and RCW 36.55.050, a public hearing must be held to allow public comment to the proposed franchise agreement prior to the final determination of the Board of County Commissioners. Subsequent to the public hearing, the Board may, upon its finding that the franchise agreement is in the best interest of the County, enter into said agreement by resolution. The public hearing was advertised in the newspaper of record on April 10th and April

17th, 2024, in accordance with RCW 36.55.040, and a public hearing was held on April 23, 2024, in accordance with RCW 36.55.050.

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

MOTION: Commissioner Alvarez moved to approve the Franchise Order and Agreement with Desert Winds Wireless. Commissioner McKay seconded and upon vote, the motion carried as presented.

Scheduled Business

Contract Amendment No. 1 with Washington State Health Care Authority for Same Day Visit and Transportation Program at the Jail

Lt. Kasey Kist

Per Resolution 2023-636 the Board of Benton County Commissioners approved the grant award per Contract K6920 for the Same Day Visit and Transportation Program for individuals transitioning into the community for a contract amount not to exceed \$292,000 and expiring June 30, 2024.

Attached is Amendment No. 1 for Contract K6920 to extend said contract to June 30, 2025, and increase the Same Day Visit & Transportation Program an additional \$292,000 for the period of July 1, 2024, through June 30, 2025, with an overall contract amount not to exceed \$584,000.

The Chief of Corrections believes this is a great program and recommends the Board of Commissioners approve the attached amendment as further outlined in the attached Contract K6920 Amendment No. 1.

MOTION: Commissioner Alvarez moved to approve the attached Contract K6920 Amendment No. 1 between Benton County and Washington State Health Care Authority extending the Same Day Visit and Transportation Program to June 30, 2025, for an overall contract amount not to exceed \$584,000. Commissioner McKay seconded and upon vote, the motion carried as presented.

Potential Emergency Communications Sales Tax Discussion

Deputy County Administrator, Matt Rasmussen

Benton County is a founding member of the regional emergency communications system (BCES) currently managed by the City of Richland. The system provides the 911 call center and dispatches emergency services for all agencies within Benton and Franklin Counties.

The regional system suffers from aging infrastructure and deferred maintenance. This is largely due to the capital cost of the necessary improvements and the various agencies struggle to fund those on a regular basis. Some projects, such as replacing the failing microwave communication system, are moving forward, but there is more need for funding than several of the member agencies are able to come up with in the near term.

Funding for the system currently comes from the state authorized excise tax on communications systems and contributions from member agencies. A recent State study found that the current excise tax does not adequately fund emergency communications needs across the State. It appears that the State may be looking at increasing the excise tax though how much and what the timing of that decision is unknown.

Franklin County is discussing placing a measure on the November 2024 general election ballot to implement a new emergency communications sales tax (RCW 82.14.420). It is currently unclear at what rate Franklin County would propose such a tax, but the law authorizes up to 0.2%. Other member agencies are also discussing potential sources of revenue to adequately fund the emergency communications system. One item being discussed includes creating an emergency communications agency. This agency would operate independently (but receive direction from the member agencies) and have its own sources of revenue, which could include a regional sales tax to fund those services.

Discussion by the board provided more background and clarity on the history of how BCES has been previously funded and operated. They also shared their thoughts on how to move forward with the updating of the infrastructure.

The Commissioners gave consensus that they are not interested in floating a tax now.

The Energy Facility Site Evaluation Council (EFSEC) Horse Heaven Wind and Solar Farm Update

Planning Manager, Michelle Mercer; and Greg Wendt, Community Development Director

The Energy Facility Site Evaluation Council (EFSEC) began processing a Site Certification (ASC) application for the Horse Heaven Wind and Solar Farm on February 8, 2021.

The EFSEC made an official recommendation to the Governor at its regular monthly council meeting on April 17, 2024, about the Horse Heaven Wind and Solar Farm Project.

Planning Division staff provided an update and overview of that recommendation to the Board of County Commissioners.

Commissioner Alvarez had questions relating to the number of wind turbines being that it's unclear.

Other Business

Commissioner Alvarez shared that he will be speaking at the State of the Counties tomorrow. He also spoke about his concerns relating to program funding for the Office of Public Defense and commented on being proactive.

Commissioner Delvin shared updates on meetings he recently attended related to the Office of Public Defense change in caseloads, as well as an email he received regarding a taxpayer's assessment valuation.

Executive Session – Qualifications of a Candidate

The Board went into executive session at 9:55 a.m. for up to 5 minutes with Human Resources Manager Carlee Nave, and Director of Operations and Capital Assets Robert Blain. Also present were Matt Rasmussen and Amanda Pearson.

The Board came out at 10:00 a.m. No decisions were made in executive session.

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

Executive Session - Pending Litigation

The Board went into executive session at 10:00 a.m. for up to 20 minutes with Deputy Prosecuting Attorney Ryan Brown, Community Development Director Greg Wendt, Planning Manager Michelle Mercer, and Benton County’s Attorney Kenneth Harper. Also present were Matt Rasmussen, and Amanda Pearson.

The Board came out at 10:20 a.m. No decisions were made in executive session.

The Board extended the executive session by an additional 10 mins at 10:23 am. The board came out at 10:34 am.

Payroll

Check Date: 4/5/2024

Payroll Checks

Total of all Funds: \$3,133,142.68

Warrant #: 244398-244421

Direct Deposit #: 188307-188966

Payroll Draw Deductions/Transfers

Total of all Funds: \$2,718,797.97

Taxes #: 873-879

ACH #: 1738-1748

Payroll Deduction Warrants

Total of all Funds: \$108,093.44

Warrant #: 255625-255635

Check Date: 4/9/2024

Payroll Draw Deductions/Transfers

Total of all Funds: \$ 5,107.27

ACH #: 1771-1772

Check Date: 4/15/2024

Payroll Checks

Total of all Funds: \$ 127,744.35

Direct Deposit #: 188967-189112

Payroll Draw Deductions/Transfers

Total of all Funds: \$ 22,950.63

ACH# 1793

Accounts Payable

Check Date: 4/12/2024

Warrants #: 255759-256021

Total of all Funds: \$1,648,761.31

EFT's #: 880-882

Transfers #: 1719-1720, 1722-1724, 1749, 1754, 1757-1762, 1764-1767, 1773-1774

Total of all funds: \$39,947.29

Resolutions

- 2024-0282 Contract with Chervenell Construction Company for the Jail Door System, Interview Area and Laundry Security Upgrade Project
- 2024-0283 Benton County Americans with Disabilities Act Policy
- 2024-0284 Rescinding Resolution No. 2024-0110 Authorization Relocation Expenses for Meagan Carmichael
- 2024-0285 Purchase of Three WebEx Room Bars for the Prosecuting Attorney's Office from Brahma Enterprises
- 2024-0286 District Court Public Defense Services Agreement with Joseph White
- 2024-0287 District Court Public Defense Services Agreement with Yajaira Lujano
- 2024-0288 Transfer of Funds, Fund No. 1010, Dept. No. 500 for Maintenance Worker I
- 2024-0289 Ratifying Change Order #2 with Banlin Construction, LLC for the Election Center Project
- 2024-0290 Ratifying Contract Change Order #2 with Central Washington Asphalt, Inc. for the Red Mt. Access Road Project
- 2024-0291 Contract with Central Washington Asphalt, Inc. for the BST and Edge Repair Project
- 2024-0292 Contract with Big D's Construction of Tri-Cities, Inc. for the Fairgrounds Clean Up Project
- 2024-0293 Amending Resolution 2024-252 with BnB Mechanical, LLC for On-Call Plumbing Maintenance and Repair Services
- 2024-0294 Agreement with Waxie's Enterprises, Inc. for Janitorial Supplies
- 2024-0295 Franchise Order and Agreement with Roza Heights Water Association
- 2024-0296 Franchise Order and Agreement with Golden Gate Hop Ranches, Inc.
- 2024-0297 Franchise Order and Agreement with the United States of America, acting by and through the United States of America Department of Energy, Bonneville Power Administration
- 2024-0298 Franchise Order and Agreement with Desert Winds Wireless
- 2024-0299 Contract K6920 Amendment No. 1 between Benton County and Washington State Health Care Authority extending the Same Day Visit and Transportation Program

There being no further business before the Board, the meeting adjourned at approximately 10:34 a.m.

Clerk of the Board

Chairman