



Minutes – Board of County Commissioners

Regular Board Meeting
Benton County Administration Building
Commissioners' Hearing Room, Kennewick, WA
Tuesday, May 14, 2024 9:00 AM
Meeting provided in-person, by Video Live-Broadcast and Telephonically via/WebEx

Present: Chairman Jerome Delvin
Commissioner Michael Alvarez
Commissioner Will McKay
Clerk of the Board Amanda Pearson

Absent: County Administrator Jerrod MacPherson (excused)
Deputy County Administrator Matt Rasmussen (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; Sustainable Development Manager, Adam Fyall; Public Works Manager, Matt Mahoney; Clerk, Josie Delvin; Deputy Prosecuting Attorney, Ryan Brown; Procurement/Contract Coordinator, Lisa Small; Custody Lt., Kasey Kist; Chief of Corrections, Robert Guerrero; Finance Manager, Linda Ivey; Director of Operations & Capital Assets, Robert Blain; Procurement/Contractor Coordinator, Danica Hope; Security Program Director, Steve Caughey; Event Center Manager, Tom French; Patrol Lt., Michael Clark; Planning Manager, Michelle Mercer; Information Technology Supervisor, Cody Shelton; Assessor, Bill Spencer; Deputy Prosecuting Attorney, Jeff Aultman; Deputy Prosecuting Attorney, LeeAnn Holt, Superior Court Administrator, Tiffany Runge

Pledge of Allegiance

The Board recited the Pledge of Allegiance.

Approval of Minutes

The Minutes of May 7th, 2024 were approved.

Review Agenda

None.

Public Comment

In Kennewick, Jim Atkins from Prosser, suggested removing specific language from a Personal Services Contract and questioned if the County is to pay for travel related to the distance between the County and the company's physical location.

Via Webex, Rebecca from Finley, shared concerns regarding the Lineage fire that is still active in Finley. She also commented that thefts are becoming more prevalent in the area.

Consent Agenda

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

Auditor

- a. Accounts Payable ~ Check Posting List for 05/03/2024

Building

- b. Services Contract with The Building Department, Inc. dba Northwest Code Professionals for Inspection and Plan Review Services

Canine Shelter

- c. Services Contract with Benton City for Canine Shelter Services

Commissioners

- d. Declaring Tax-Title Property Surplus
- e. Exclusive Agency Sale Listing Agreement with SVN, Retter and Company

District Court

- f. Services Contract with Lourdes Counseling Center for Therapeutic Courts
- g. Services Contract with Valley Alcohol Council d/b/a Merit Resources Services for Therapeutic Courts

Information Technology

- h. Amending Resolution 2023-874 with CivicPlus for Custom IDP Integration Package Implementation
- i. Purchase of Five Laptops, Docks, and Monitors from Dell Inc. for Canine Shelter

Office of Public Defense

- j. Services Agreement with Mark Almquist, dba Columbia Private Investigation, LLC for Public Defense Investigation Services

Purchasing

- k. Contracts with Central Manufacturing, Inc., Central Washington Asphalt, Inc., Ergon Asphalt & Emulsions, O.L. Luther Co, Inc., and Granite Construction Company to Supply Road Surfacing Materials.
- l. Contract with Central Washington Asphalt, Inc. for Acord Road Paving Project CE 2156
- m. Authorizing Payment to Meier Architecture & Engineering, Inc. for Outstanding Invoice
- n. Rescinding Resolutions 2024-0013 and 2024-0183 and Ratifying Change Order #2 w/Banlin Construction, LLC for the Justice Center Tenant Improvement Project
- o. Approving Construction Plans and Authorization to Proceed with Advertisement and Bid Process for C.E. 2097 CRP – Guidepost and Guardrail Installation Project

Road

- p. Coding Correction, Fund No. 5010 and 1010, Dept. 650 and 500 for CAMS Software Agreement

Sheriff

- q. Contract with the U.S. Department of Energy for Law Enforcement Service

Closed Record Hearing

Request for Zone Change – ZC 2024-001 by Courtney Raeder
Planning Manager, Michelle Mercer

The applicant has submitted an application (ZC 2024-001) requesting to change the zoning designation for fourteen (14) contiguous parcels located within the city of Kennewick’s Urban Growth Area. The subject area is located east of the intersection of Oak Street and E 3rd Avenue in the Finley area of unincorporated Benton County. If approved, the zone change will require the need to update the Official Zoning Map A-4, through a subsequent ordinance amendment, to reflect the change in the zoning designation of these parcels.

The subject parcels, consisting of 15.78 acres collectively, are currently zoned Light Industrial (LI) district and the applicant is proposing to change the zoning district to Urban Growth Area Residential (UGAR) district to be consistent with a recent comprehensive plan amendment by the City of Kennewick.

The requested zone change would allow the existing single-family residences and uses on the properties to continue and be in conformance with the residential zoning district and the city of Kennewick’s Comprehensive Plan.

On April 9, 2024, at the conclusion of the open record hearing, the Planning Commission voted (5-0 with 2 vacancies) to forward a recommendation of approval for the proposed zone change to the Board of County Commissioners subject to the Planning Commission’s suggested nineteen (19) findings and conclusions.

Commissioner Delvin requested Michelle to clarify the difference between a Closed Record Hearing and a Public Hearing, for the public.

MOTION: Commissioner Alvarez moved to adopt the Planning Commission’s recommendation, findings, and conclusions as the Board’s own and approve zone change request ZC 2024-001. Commissioner McKay seconded and upon vote, the motion carried as presented.

Public Hearing

Amendment Application CPA 2024-001 for Comprehensive Plan Land Use Designation by Spink Engineering
Planning Manager, Michelle Mercer

The applicant, Benton County Planning Division, submitted application CPA 2024-001 requesting to clarify and amend two sections of the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation. The application proposes to amend Section 3.3.5 to clarify the description of the Open Space Conservation Land Use Designation and Table 3.4 to amend the zoning classification which implements the Open Space Conservation Land Use Designation.

The intent of the changes to Section 3.3.5 is to clarify that the Open Space Land Use designation may apply to either private or public ownership and that the properties must be voluntarily held in a conservation easement or land trust. The changes to Table 3.4 change the implementing zoning district from Rural Lands 5-Acre to Open Space Conservation zoning district for increased consistency.

On April 9, 2024, at the conclusion of an Open Record Hearing, the Planning Commission voted unanimously to forward a recommendation of approval for the proposed Comprehensive Plan Amendment to the Board of County Commissioners subject to the Planning Commission's suggested seven (7) Findings of Fact.

Commissioner Delvin asked for clarification regarding the history of the designation.

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

MOTION: Commissioner Alvarez moved to adopt the Planning Commission's recommendation, findings, and conclusions as the Board's own and approve to modify the Comprehensive Plan Amendment request CPA 2024-001. Commissioner McKay seconded and upon vote, the motion carried as presented.

Amendment Application CPA 2024-002 for Comprehensive Plan Land Use Designation by Spink Engineering
Planning Manager, Michelle Mercer

The applicant, Spink Engineering on behalf of the City of Benton City, submitted application CPA 2024-002 requesting to modify the Comprehensive Plan Land Use Designation of two parcels. The subject parcels are located southwest of the intersection of 14th Street and Chris Avenue in the Benton City area of unincorporated Benton County and are adjacent to the city limits of Benton City, but not within the city's Urban Growth Area.

The application proposes to change the current land use designation of Rural Industrial for both parcels to Public for parcel 113964011991002 and to Rural Remote for parcel 113964011991001. The amendment will also revise and update Appendix A Map Folio Figure 5 - 2017 Periodic Update Land Use Designations to reflect these changes. A rezone of the properties from the current Light Industrial zoning designation to Rural Lands 5 Acre and Park zoning designation will be required after the Comprehensive Plan Amendment process is complete.

On April 9, 2024, at the conclusion of the open record hearing, the Planning Commission voted (5-0 with 2 vacancies) to forward a recommendation of approval for the proposed Comprehensive Plan Amendment to the Board of County Commissioners subject to the Planning Commission's suggested eleven (11) findings and conclusions.

Commissioner McKay asked for clarification of ownership of the parcels shown.

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

MOTION: Commissioner Alvarez moved to adopt the Planning Commission's recommendation, findings, and conclusions as the Board's own and approve to modify the Comprehensive Plan Use Designation request CPA 2024 - 002. Commissioner McKay seconded and upon vote, the motion carried as presented.

Scheduled Business

Amended Interagency Agreement w/WA State Administrative Office of the Courts
Superior Court Administrator, Tiffany Runge

Board of Benton County Commissioners approved Resolution 2023-613 accepting the UGA reimbursement funding Interagency Agreement IAA24241 for the term of July 1, 2023 through June 30, 2024, for a maximum reimbursement of \$79,648. The Superior Court received notification on April 18, 2024, of an update to language to Interagency Agreement #IAA24241, Section VI. Revenue Sharing. Updated language reflects the Court must provide the Administrative Office of the Courts (AOC) any surplus for revenue sharing and request revenue sharing by timely submitting all completed invoices no later than October 31, 2024. The AOC may initiate the revenue sharing process if monies are available.

The AOC will notify the Court, no later than November 30, 2024, of any intention to redistribute funding among courts pursuant to the program's appropriation language. The AOC may increase or decrease the total value of the Agreement, based on the amount of actual expenses incurred by the Court.

This item was brought before the Board because of Deputy Prosecuting Attorney, Ryan Brown, advising that he was not willing to approve to form, Amendment 1 Interagency Agreement IAA24241, as the proposed language is unclear and arguably inconsistent. However, given that the county has already submitted requests for reimbursement equal to or greater than the initial contract amount the amendment should not negatively affect us and might increase the funds we receive.

MOTION: Commissioner Alvarez moved to approve the resolution and authorize the Superior Court Presiding Judge to sign Interagency Amendment 1 Agreement #IAA24241 between the Administrative Office of the Courts and Benton County. Commissioner McKay seconded and upon vote, the motion carried as presented.

Membership Application Agreement with MMCAP and Authorization of Payment to Henry Schein, Inc. for the Purchase of Medicated Treatment within the Jail
Lt. Kasey Kist

Per Resolutions 2023-636 and 2024-0299 the Board of County Commissioners approved Contract K6920 and amendment thereto between Benton County and Washington State Health Care Authority (HCA) for the Same Day Visit and Transportation Program for a total amount not to exceed \$584,000 for a term commencing July 1, 2023 through June 30, 2025.

The scope of Contract K6920 allows for approved long-acting injectable Medications for Opioid Use Disorder (MOUD) to be offered to individuals scheduled for release from incarceration who are currently receiving MOUD treatment, that will help them sustain their needs until their appointment with a community MOUD treatment provider.

Washington State Department of Enterprise Services (DES) has partnered with MMCAP Infuse for the purchase of MOUD injectables and other medical products. MMCAP Infuse is a national cooperative purchasing organization for government facilities that provide healthcare services and is operated by the Minnesota Office of State Procurement. MMCAP Infuse requires each organization to sign a Membership Application Agreement prior to utilizing the DES Contract #19022 to purchase MOUD injectables from Henry Schein, Inc., who is the awarded vendor by Washington State.

HCA requires the County to utilize DES Contract #19022 with Henry Schein, Inc. as being the approved vendor for the distribution of said medication. Attached is a copy of the MMCAP Member Application Agreement for the Chairman or Chairman Pro-Tem to sign in order to utilize DES Contract #19022 for the purchase of MOUD injectables.

Discussion between the Board and Lt. Kist regarding issues that the jail faces with inmates who need medication.

MOTION: Commissioner Alvarez moved to Membership Application Agreement with MMCAP and authorization to payment to Henry Schein, Inc. for the purchase of medicated treatment within the jail utilizing WA State Department of Enterprise Services Contract #19022. Commissioner McKay seconded and upon vote, the motion carried as presented.

Other Business

Commissioner Delvin shared an update from the Energy Communities Alliance (ECA) Forum last week.

Commissioner McKay shared that the Board attended individual presentations by the company Atlas Agro last week and provided information from said presentation.

Executive Session - Potential Litigation

The Board went into executive session at 9:30 a.m. for up to 30 minutes with Deputy Prosecuting Attorney, Ryan Brown; Deputy Prosecuting Attorney, Jeff Aultman; Deputy Prosecuting Attorney, LeeAnn Holt; Community Development Director, Greg Wendt; Planning Manager, Michelle Mercer; Building Manager, Brad O'Brien and Deputy County Administrator, Matt Rasmussen (via Conference Phone). Also present was Clerk to the Board, Amanda Pearson.

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

Tort Claim

Lisa Marie Wight	CC 2024-09
Bonnie Hall	CC 2024-10
Angela Diane Chavez	CC 2024-11

Accounts Payable

Check Date: 5/3/2024

Warrants #: 256425-256602
Total of all Funds: \$2,055,664.64

EFT's #: 907
Transfers #: 1804, 1839-1845, 1850
Total of all funds: \$45,398.28

Resolutions

- 2024-0344 Services Contract w/The Building Department, Inc. dba Northwest Code Professionals for Inspection and Plan Review Services
- 2024-0345 Services Contract w/Benton City for Canine Shelter Services
- 2024-0346 Declaring Tax-Title Property Surplus
- 2024-0347 Exclusive Agency Sale Listing Agreement w/SVN, Retter and Company
- 2024-0348 Services Contract w/Lourdes Counseling Center for Therapeutic Courts

- 2024-0349 Services Contract w/Valley Alcohol Council d/b/a Merit Resources Services for Therapeutic Courts
- 2024-0350 Amending Resolution 2023-874 w/CivicPlus for Custom IDP Integration Package Implementation
- 2024-0351 Purchase of Five Laptops, Docks, and Monitors from Dell Inc. for Canine Shelter
- 2024-0352 Services Agreement w/Mark Almquist, dba Columbia Private Investigation, LLC for Public Defense Investigation Services
- 2024-0353 Contracts w/Central Manufacturing, Inc., Central Washington Asphalt, Inc., Ergon Asphalt & Emulsions, O.L. Luther Co, Inc., and Granite Construction Company to Supply Road Surfacing Materials.
- 2024-0354 Contract w/Central Washington Asphalt, Inc. for Acord Road Paving Project CE 2156
- 2024-0355 Authorizing Payment to Meier Architecture & Engineering, Inc. for Outstanding Invoice
- 2024-0356 Rescinding Resolutions 2024-0013 and 2024-0183 and Ratifying Change Order #2 w/Banlin Construction, LLC for the Justice Center Tenant Improvement Project
- 2024-0357 Approving Construction Plans and Authorization to Proceed with Advertisement and Bid Process for C.E. 2097 CRP – Guidepost and Guardrail Installation Project
- 2024-0358 Coding Correction, Fund No. 5010 and 1010, Dept. 650 and 500 for CAMS Software Agreement
- 2024-0359 Contract w/the U.S. Department of Energy for Law Enforcement Service
- 2024-0360 Zone Change ZC 2024-001 by Courtney Raeder to Change the Zoning Designation of 14 Parcels from Light Industrial to Urban Growth Area Residential Zonig District
- 2024-0361 Comprehensive Plan Amendment Application CPA 2024-001 byt the Benton County Planning Division to Clarify and Amend 2 Sections of the BC Comprehensive Plan Related to the Open Space Conservation Land Use Designation
- 2024-0362 Comprehansive Plan Amendment Application CPA 2024-002 by Spink Engineering for the City of Benton City to Modify the Land Use Designation of 2 Parcels from Rural Instrial to Public and Rural Remote and Amend Appendix A - Map Folion, Figure 5 - 2017 Pediodic Update Land Use Designation Map to Reflect these Changes
- 2024-0363 Authorizing the Superior Court to Sign the Amendment 1 Interagency Agreement #IAA24241 Between Washington State Adminstrive Office of the Courts (AOC) and Benton County Superior Court
- 2024-0364 Execution of the MMCAP Infuse Membership Application Agreement and Authorize Payment to Henry Schein, Inc.

There being no further business before the Board, the meeting adjourned at approximately 10:01 a.m.

Clerk of the Board

Chairman