

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, February 26, 2019, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Shon Small  
Commissioner James Beaver  
Commissioner Jim Beaver  
County Administrator David Sparks (via/videoconference)  
Clerk of the Board Cami McKenzie

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy County Administrator Loretta Smith Kelty; Adam Fyall, Sustainable Development Manager; Clerk Josie Delvin; County Engineer Matt Rasmussen; Assistant County Engineer Robert Blain; Jerrod MacPherson, Planning Manager; Clark Posey, Assistant Planning Manager; Assessor Bill Spencer; Deputy Assessor Adam Morasch; Bob Woody, IT; Treasurer Ken Spencer; Deputy Treasurer Andrew Hicks.

#### Approval of Minutes

The Minutes of February 7, 2019 (Special Board Meeting) and February 12, 2019 were approved.

#### Review Agenda

Consent Agenda item "q" (Agreement with Jesse Campos) was pulled.

David Sparks said that Ryan Brown wanted to add another executive session.

#### Consent Agenda

**MOTION:** Commissioner Delvin moved to approve the consent agenda items "a" through "ii", pulling "q". Commissioner Beaver seconded and upon vote, the Board approved the following:

#### Animal Control

- a. Line Item Transfer, Fund No. 0000-101, Dept. 137

#### Clerk

- b. Agreement w/CI Support for Continued Information Management Services

#### Commissioners

- c. Line Item Transfer, Fund No. 0000-101, Dept. 107
- d. Appointment of S Revell to the Water Conservancy Board

#### Coroner

- e. Closing of the Petty Cash Fund

### **Facilities**

- f. Contract w/Columbia Fire Protection for Jail Kitchen Hood Cleaning Project

### **GIS**

- g. Line Item Transfer, Fund No. 0000-101, Dept. 131

### **Human Resources**

- h. Establishing Therapeutic Courts Assistant Coordinator Classification
- i. Establishing Salary Grade for a Therapeutic Courts Assistant Coordinator
- j. Classification Description for Title Change From Budget and Finance Analyst to Assistant Finance Manager; Amending Resolution 2019-016
- k. Approval of Salary Grade for Assistant Finance Manager; Amending Resolution 2019-017
- l. Rescinding Resolution 2018-877; Establishing OPD Office Administrator Classification Description and Salary Grade
- m. Establishing An OPD Legal Support Manager Classification Description
- n. Establishing A Salary Grade for OPD Legal Support Manager
- o. Line Item Transfer, Fund No. 0000-101 & 0148-101, Dept. 136
- p. Agreement w/Teamsters Union Local No. 839 Representing Bailiff Employees

### **Human Services**

- r. Agreement w/Housing Authority City of Kennewick for Acquisition of Vacant Land
- s. Lease Termination Agreement w/Lourdes Counseling Center

### **Juvenile**

- t. Contract w/Redwood Toxicology for Urinalysis Testing
- u. Contract w/Career Path Services for Employment Specialist Services

### **Office of Public Defense**

- v. Line Item Transfer, Fund No. 0000-101, Dept. 136
- w. Superior Court Public Defense Services Agreement w/S Rodgers

### **Public Safety**

- x. Line Item Transfer, Fund No. 0148-101, Dept. 112
- y. Line Item Transfer, Fund No. 0148-101, Dept. 112

### **Public Works**

- z. Public Works Safety Day
- aa. Purchase of 75 Tons of HFE-150 Oil From Western States Asphalt, LLC
- bb. Contract w/D & D Tri Rivers Excavating, Inc. for Evans Road Culvert Replacement Project
- cc. Agreement w/City of Prosser to Provide Certification Acceptance Services for Prosser's Bennet Avenue Project
- dd. Authorization to Proceed w/Advertisement and Bid Process for Magnesium Chloride Supply and Application
- ee. Authorization to Proceed w/Advertisement and Bid Process for Crosby Road Overlay

### **Sheriff**

- ff. Invitation to Re-Bid One Portable X-Ray Unit
- gg. Memorandum of Understanding w/Lourdes Counseling Center
- hh. Purchase of Communication Equipment From Motorola Solutions
- ii. Purchase of Two Vehicles From Columbia Ford Lincoln

### **Public Hearing – Horse Heaven Wind Farms Franchise**

Matt Rasmussen presented the application for franchise within Benton County road right of way by Horse Heaven Wind Farm LLC for a utility system if they decided to go forward with their project. He said the Board could approve the franchise pending completion of the project and then the public hearing would be complete. If they were not able to move forward with the project, the Board could pull the franchise if it wanted.

He said the Public Works Department recommended approval as submitted.

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

**MOTION:** Commissioner Beaver moved to approve the Franchise Order and Agreement for a utility system for Horse Heaven Wind Farm LLC subject to the listed six conditions in the report to the Commissioners. Commissioner Delvin seconded and upon vote, the motion carried.

### **Public Hearing - Shaw Vineyards, Inc. Franchise**

Matt Rasmussen presented the application for franchise within Benton County road right of way by Shaw Vineyards, Inc. for an irrigation delivery system. He said the Public Works Department recommended approval as submitted.

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

**MOTION:** Commissioner Delvin moved to approve the franchise order and agreement for Shaw Vineyards Inc., subject to the six conditions in the report to the Commissioners. Commissioner Beaver seconded and upon vote, the motion carried.

### **Public Hearing - Short Plat Vacation – SPV 2019-001**

Jerrod MacPherson presented the short plat vacation by Richard Dorsett of the 10' irrigation easement. Owners of property within 300 feet and all concerned agencies were notified and no objections were received.

Based upon the information received, the Planning Department recommended approval of the vacation.

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

**MOTION:** Commissioner Beaver moved to approve the proposed vacation of the 10' irrigation easement located on the eastern 10 feet of Lots 1 and 3, Short Plat 3339, records of Benton County as presented. Commissioner Delvin seconded and upon vote, the motion carried.

### **Contract with Benton-Franklin Health District – Youth in Detention Medical Services**

Juvenile Administrator Darryl Banks presented a contract with Benton-Franklin Health District to provide medical services to youth in detention.

He said that Lourdes Occupation Health Center terminated their contract and left them 60 days to locate a contractor and the Health District was willing to provide a bridge for services until August, so they could go out to bid to provide a long-term solution.

He said the total amount was \$96,565.00, which was more than they typically spent in a year. However, the amounts they had been paying were based on a 2004 contract, so the new contract would likely be more than what they had been paying.

There was a discussion on whether there were any other contractors that provided interim contracts and Mr. Banks said there were national companies, but hopefully through the bid process they would be able to find a local contractor.

**MOTION:** Commissioner Delvin moved to approve the contract with Benton-Franklin Health District as presented. Commissioner Beaver seconded and upon vote, the motion carried.

### **Community Development Grant for Plymouth Water District**

Adam Fyall presented a Community Development Block Grant in the amount of \$750,000 for a new community well in Plymouth. He said this was a pass-through grant because Plymouth Water District was unable to apply for CDBG funds and they needed a sponsor.

Chairman Small said he wanted to confirm that Benton County would not be financially responsible for this project. Mr. Fyall confirmed they were not being asked to float funds, there were no loans and Benton County would not own any assets; it was only pass-through funds.

**MOTION:** Commissioner Delvin moved to accept the Community Development Block Grant from the Washington Department of Commerce in the amount of \$750,000 for the drilling and equipping of Well #1 for the Plymouth Water District as presented. Commissioner Beaver seconded and upon vote, the motion carried.

### **Veteran's Assistance Fund – Waiver Requests**

Kyle Sullivan and Shela Berry (via/videoconference) presented two waiver requests for the Benton County Veteran's Assistance Fund.

**MOTION:** Commissioner Beaver moved to approve and sign the fund waiver requests as presented. Commissioner Delvin seconded and upon vote, the motion carried.

## **Agreement with Benton PUD – Discounted Services for Veterans/Military Personnel**

Kyle Sullivan presented an agreement with Benton PUD for a new program that would offer discounted services for Veterans and Military Personnel. Ms. Berry said they screened these individuals for eligibility and this would relieve the veteran's assistance fund if they were eligible for this program.

**MOTION:** Commissioner Beaver moved to approve the interlocal agreement between Human Services and Benton PUD as presented. Commissioner Delvin seconded and upon vote, the motion carried.

## **Other Business**

### **Letter from Umatilla Tribe – Shoreline Reconveyance Issue**

Commissioner Delvin said the Umatilla Tribe was interested in meeting with Benton County in Umatilla regarding this issue. Mr. Sparks said he would have Mr. Brown review whether Benton County could meet outside the State.

Commissioner Delvin said he was interested in looking into this issue to see if it was something they wanted to pursue. Commissioner Beaver said the real issue was about who would be accepting liability.

### **NACO Conference**

Commissioner Delvin said he would be at the NACO conference in Washington D.C. next week.

### **Inclement Weather Resolution**

Chairman Small asked the Board if it wanted to extend the "inclement weather" resolution out to March 12, 2019. The Board agreed.

**MOTION:** Commissioner Small moved to extend the inclement weather resolution to March 12, 2019. Commissioner Beaver seconded and upon vote, the motion carried.

The Board recessed for approximately three minutes, reconvening at 9:41 a.m.

## **Executive Session – Review Qualifications of Public Employee Applicant**

The Board went into executive session at 9:41 a.m. with Assessor Bill Spencer for approximately two minutes to discuss the qualifications of an applicant. Also present were Adam Morasch, Cami McKenzie, Loretta Smith Kelty, and via/videoconference David Sparks, Ryan Brown, Steve Hallstrom and Andy Miller. The Board came out of executive session at 9:44 a.m. No decisions were made in executive session.

**MOTION:** Commissioner Beaver moved to approve the salary request statement at a 12H for the Commercial Appraiser as presented. Commissioner Delvin seconded and upon vote, the motion carried.

**Executive Session - Review Performance of Public Employee**

The Board went into executive session at 9:45 a.m. for approximately 10 minutes with Andy Miller via/videoconference to review the performance of a public employee. Also present were Loretta Smith Kelty, Cami McKenzie, and via/videoconference David Sparks, Ginny Baddley, Ryan Brown, and Steve Hallstrom. The Board came out at 9:50 a.m. No decisions were made in executive session.

**MOTION:** Commissioner Delvin moved to approve the Prosecuting Attorney's request for a PAF for Laurel Holland as presented. Commissioner Beaver seconded and upon vote, the motion carried.

Commissioner Delvin suggested the Board come up with a written policy regarding this issue. The Board agreed.

Mr. Sparks said currently it was becoming more difficult to hire professionals and the County needed to do something a little more progressive.

**Executive Session – Pending Litigation**

The Board went into executive session at 9:52 a.m. for up to 15 minutes with Ryan Brown via/videoconference to discuss pending litigation. Also present were Loretta Smith Kelty and Cami McKenzie and via/videoconference David Sparks and Steve Hallstrom. The Board came out at 9:57 a.m. No decisions were made in executive session.

**Claim for Damages**

CC 2019-03: Received on February 25, 2019 from Frontier Communications

**Account Payables**

Check Date: 02/15/2019

Warrant #: 187437-187537

Total all funds: \$1,804.72

EFT's #: 571-578

Transfers #: 02151901-02151917

Total all funds: \$2,827,396.55

Warrant #: 187538-187744

Total all funds: \$1,056,678.31

Check Date: 02/22/2019

Warrant #: 187889-187918

Total all funds: \$463.53

EFT's: 579-599

Transfers #: 02221901-02221907

Total all funds: \$212,068.26

Warrant #: 187919-188032

Total all funds: \$635,194.85

### **Payroll**

Check Date: 02/15/2019

Payroll Draw Checks

Warrant #: 241716-241718

Direct Deposit #: 141304-141469

Total all funds: \$110,653.99

Payroll Draw Deductions/Transfers

Taxes #: 101190212

Total all funds: \$33,645.58

Total amounts approved by fund can be reviewed in the Benton County Auditor's Office.

### **Resolutions**

- 2019-150: Line Item Transfer, Fund No. 0000-101, Dept. 137
- 2019-151: Agreement w/CI Support for Continued Information Management Services
- 2019-152: Line Item Transfer, Fund No. 0000-101, Dept. 107
- 2019-153: Appointment of S Revell to the Water Conservancy Board
- 2019-154: Closing of the Petty Cash Fund
- 2019-155: Contract w/Columbia Fire Protection for Jail Kitchen Hood Cleaning Project
- 2019-156: Line Item Transfer, Fund No. 0000-101, Dept. 131
- 2019-157: Establishing Therapeutic Courts Assistant Coordinator Classification
- 2019-158: Establishing Salary Grade for a Therapeutic Courts Assistant Coordinator
- 2019-159: Classification Description for Title Change From Budget and Finance Analyst to Assistant Finance Manager; Amending Resolution 2019-016
- 2019-160: Approval of Salary Grade for Assistant Finance Manager; Amending Resolution 2019-017
- 2019-161: Rescinding Resolution 2018-877; Establishing OPD Office Administrator Description and Salary Grade
- 2019-162: Establishing An OPD Legal Support Manager Classification Description
- 2019-163: Establishing A Salary Grade for OPD Legal Support Manager

- 2019-164: Line Item Transfer, Fund No. 0000-101 & 0148-101, Dept. 136
- 2019-165: Agreement w/Teamsters Union Local No. 839 Representing Bailiff Employees
- 2019-166: Agreement w/Housing Authority City of Kennewick for Acquisition of Vacant Land
- 2019-167: Lease Termination Agreement w/Lourdes Counseling Center
- 2019-168: Contract w/Redwood Toxicology for Urinalysis Testing
- 2019-169: Contract w/Career Path Services for Employment Specialist Services
- 2019-170: Line Item Transfer, Fund No. 0000-101, Dept. 136
- 2019-171: Superior Court Public Defense Services Agreement w/S Rodgers
- 2019-172: Line Item Transfer, Fund No. 0148-101, Dept. 112
- 2019-173: Line Item Transfer, Fund No. 0148-101, Dept. 112
- 2019-174: Public Works Safety Day
- 2019-175: Purchase of 75 Tons of HFE-150 Oil From Western States Asphalt, LLC
- 2019-176: Contract w/D & D Tri Rivers Excavating, Inc. for Evans Road Culvert Replacement Project
- 2019-177: Agreement w/City of Prosser to Provide Certification Acceptance Services for Prosser's Bennet Avenue Project
- 2019-178: Authorization to Proceed w/Advertisement and Bid Process for Magnesium Chloride Supply and Application
- 2019-179: Authorization to Proceed w/Advertisement and Bid Process for Crosby Road Overlay
- 2019-180: Invitation to Re-Bid One Portable X-Ray Unit
- 2019-181: Memorandum of Understanding w/Lourdes Counseling Center
- 2019-182: Purchase of Communication Equipment From Motorola Solutions
- 2019-183: Purchase of Two Vehicles From Columbia Ford Lincoln
- 2019-184: Approval of Vacation of Irrigation Easement – SPV 2019-001
- 2019-185: Contract Between Juvenile Justice Center and BF Health District to Provide Medical Services
- 2019-186: Community Development Block Grant – Water System Improvements for Plymouth Water District
- 2019-187: Interlocal Agreement Between Human Services and Benton PUD
- 2019-188: Amending 2019-149 – Granting Authority to Adjust Office Hours and Approve Administrative Leave for Inclement Weather

There being no further business before the Board, the meeting adjourned at approximately 9:57 a.m.

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Clerk of the Board

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Chairman