

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, April 16, 2019, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner James Beaver
Commissioner Jerome Delvin
County Administrator David Sparks
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kelty; Adam Fyall, Sustainable Development Manager; County Engineer Matt Rasmussen; Assistant County Engineer Robert Blain; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Jerrod MacPherson, Planning Manager; Clark Posey, Assistant Planning Manager; DPA Ryan Lukson; DPA Steve Hallstrom; District Court Judge Terry Tanner; Rafaela Selga, District Court Administrator; Paul Schut, Risk Management; Treasurer Ken Spencer; Bob Woody, IT.

Approval of Minutes

The Minutes of April 9, 2019 were approved.

Consent Agenda

MOTION: Commissioner Delvin moved to approve the consent agenda items “a” through “s”. Commissioner Beaver seconded and upon vote, the Board approved the following:

Commissioners

- a. Public Service Recognition Week Proclamation
- b. Coding Correction of Funds from Probation Assessment Fund No. 0131-101 to Current Expense Fund 0000-101, Dept. 111

Facilities

- c. Line Item Transfer, Fund No. 0000-101, Dept. 110

Human Resources

- d. Agreement w/Teamsters Union Local No. 839, Representing Correction Officers

Human Services

- e. Grant Agreement w/Domestic Violence Services for Parking Lot Rehabilitation Project

Juvenile

- f. Line Item Transfer, Fund No. 0000-101, Dept. 138

- g. Terminating Agreement w/Kuffel, Hultgrenn, Klashke, Shea & Ellerd for Negotiations and Drafting of Indigent Defense Contracts
- h. Terminating Contract w/Lourdes Health Network Concerning HIPAA Regulations Services

Office of Public Defense

- i. Rescinding Resolution 2018-884 and Approving District Court Public Defense Contract w/Brian Gieszler
- j. Rescinding Resolution 2018-881 and Approving District Court Public Defense Contract w/Ian Sinclair

Planning

- k. Line Item Transfer, Fund No. 0000-101, Dept. 116

Public Safety

- l. Line Item Transfer, Fund No. 0148-101, Dept. 171

Public Works

- m. Accepting Work Performed by DeAtley Crushing Company for Crushing and Stockpiling - BST Area 2
- n. Accepting Work Performed by C & E Trenching LLC for Crosby Road Shoulder Widening Project

Risk Management

- o. Payment Authorization to Tri-State Adjusting Service for Inspection of Two Wrecked County Vehicles
- p. Payment Authorization to Pacific MicroRem, Inc. for Services Performed on X-Ray Machines and Metal Detectors

Sheriff

- q. Purchase of One Portable X-Ray Unit from SharpLogixx, LLC for Bomb Squad
- r. Copier Lease Agreement w/Ricoh USA
- s. Amending Resolution 2017-427 for Purchase of Weapons, Tasers & Incapacitation Devices from Axon Enterprises or Proforce Law Enforcement

Public Comment

Wendy Robbins, Richland, expressed her objection to the needle exchange program. She said she was a business owner and it had moved to her area and came with a lot of problems, including four phone calls to the police. She requested the county and city leaders ask questions at an upcoming workshop on the issue. Additionally, she expressed concern about the starter kit that was being handed out which included some medical supplies, but other supplies that could not be purchased and were strictly used for meth or heroin (a cooker kit). She said there were a lot of falsehoods, including that no one came on the bus to get the kit (they all drove to the site) and she felt the risks outweighed the benefits.

Commissioner Delvin said he had made it clear the County was not providing any funding or leasing buildings and was not involved in the exchange program and did not license businesses. He said maybe they could have staff look at an ordinance prohibiting this, but the cities were participating on their own.

Benton City Economic Development Council – Update

Bea Baker updated the Board and briefly discussed the following:

- New and potential businesses
 - Big print shop sold; now a new wrestling shop
 - New pizza shop
 - Two inquiries for marijuana businesses
 - New builder inquiring about vacant property
 - Interest from purchaser in the hardware store
 - New store with Herbalife products
 - Office space available
 - Potential brewery
- Snow removal issues
- Website and matching brochure
- Negotiating a contract with the City

Other Business

Reconveyance Letter

Commissioner Delvin asked about the letter and Mr. Fyall indicated it would be ready next week.

Property Tax Issue

Commissioner Delvin said he talked to the Treasurer, Assessor and PA's office about the taxpayer whose assessment was incorrect for 12 years. The County passed an ordinance in 2015 that allowed them to go back three years to correct errors, but he didn't know if the ordinance allowed any exceptions.

Mr. Brown said there were concerns at the time the ordinance was created and the County decided to stay with what it was for previous years and not allow it to be reviewed on a case by case basis (equal protection under the law).

Chairman Small said he had never seen a case like this before and wondered how often it happened; he felt if they owed this guy money they should correct it if an error was made.

Treasurer Ken Spencer stated it did not happen often; permits were given for houses and sometimes changes were made from permit issuance to completion. If the Assessor went off the original plans, they might not catch it. However, if the County opened it up, it could have significant financial impacts on a large project if they had to refund going back many years.

DPA Brown reminded the Board about the Welch's litigation regarding valuation and its financial impact. This might sound like a small thing, but it could have large impacts.

Mr. Spencer also commented that the smaller districts could be largely affected because they balanced their budget on these assessments.

The Board agreed it would not review this matter separately and that it had an ordinance in place that allowed the County to go back three years. Commissioner Delvin said he would contact the gentleman to let him know.

Legislation – Juvenile

Commissioner Delvin said that Senator Sharon Brown managed to get \$750,000 earmarked for the Juvenile project. He said if the House kept it in and the County received the money, he recommended the Board use that for an architect to come on board and do a remodel. He suggested one commissioner meet with a Franklin County Commissioner to attempt to sort out the details. The Board agreed to have Commissioner Delvin take the lead.

The Board discussed repairs and maintenance that were needed at Juvenile and had been postponed due to Franklin County's budget.

The Board agreed to send Franklin County a letter (as soon as possible) putting them on notice of the issue and asking what their position was regarding the Juvenile buildings.

Commissioner Delvin said he would be gone the next two weeks (vacation and then ECA trip).

The Board recessed, reconvening at 9:40 a.m.

Executive Session – Potential Litigation

The Board went into executive session at 9:41 a.m. for 30 minutes to discuss potential litigation on three separate issues. Present were DPA Ryan Lukson, DPA Steve Hallstrom, and DPA Ryan Brown. Also present were David Sparks, Loretta Smith Kelty, Paul Schut and Cami McKenzie. The Board came out at 10:10 a.m. No decisions were made in executive session.

MOTION: Chairman Delvin moved to authorize the Chairman to sign the PERC Notice to Employees as presented. Commissioner Beaver seconded and upon vote, the motion carried

Chairman Small read the following statement into the record:

“NOTICE TO EMPLOYEES - STATE LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist an employee organization (union).
- Bargain collectively with your employer through a union chosen by a majority of employees.
- Refrain from any or all of these activities.

THE WASHINGTON STATE PUBLIC EMPLOYMENT RELATIONS COMMISSION CONDUCTED A LEGAL PROCEEDING, AND RULED THAT BENTON COUNTY AND

BENTON-FRANKLIN COUNTY COMMITTED AN UNFAIR LABOR PRACTICE, AND ORDERED US TO POST THIS NOTICE TO EMPLOYEES:

WE UNLAWFULLY failed or refused to bargain in good faith with Teamsters Local 839 regarding proposed changes to deferred compensation.

TO REMEDY OUR UNFAIR LABOR PRACTICES:

WE WILL give notice to, and upon request, negotiate in good faith with Teamsters Local 839 regarding proposed changes to deferred compensations.

WE WILL upon demand, pay the Teamsters Local 839 for their reasonable attorney fees and costs incurred in the presentation of the appeal of the instant unfair labor practice.

WE WILL NOT, in any manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

This notice must remain posted for 60 consecutive days and must not be altered or covered by any other materials. The full decision in this case is published at www.perc.wa.gov.

Accounts Payable

Check Date: 04/10/2019

P-Card #: 0419

Total all funds: \$362,132.13

Payroll

Check Date: 04/15/2019

Payroll Draw Checks

Warrant #: 241817

Direct Deposit #: 142865-143028

Total all funds: \$109,438.02

Payroll Draw Deductions/Transfers

Taxes #: 101190412-101190413

Total all funds: \$33,367.67

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

Resolutions

2019-299: Public Service Recognition Week Proclamation

- 2019-300: Coding Correction of Funds from Probation Assessment Fund No. 0131-101 to Current Expense Fund 0000-101, Dept. 111
- 2019-301: Line Item Transfer, Fund No. 0000-101, Dept. 110
- 2019-302: Agreement w/Teamsters Union Local No. 839, Representing Correction Officers
- 2019-303: Grant Agreement w/Domestic Violence Services for Parking Lot Rehabilitation Project
- 2019-304: Line Item Transfer, Fund No. 0000-101, Dept. 138
- 2019-305: Terminating Agreement w/Kuffel, Hultgrenn, Klashke, Shea & Ellerd for Negotiations and Drafting of Indigent Defense Contracts
- 2019-306: Terminating Contract w/Lourdes Health Network Concerning HIPAA Regulations Services
- 2019-307: Rescinding Resolution 2018-884 and Approving District Court Public Defense Contract w/Brian Gieszler
- 2019-308: Rescinding Resolution 2018-881 and Approving District Court Public Defense Contract w/Ian Sinclair
- 2019-309: Line Item Transfer, Fund No. 0000-101, Dept. 116
- 2019-310: Line Item Transfer, Fund No. 0148-101, Dept. 171
- 2019-311: Accepting Work Performed by DeAtley Crushing Company for Crushing and Stockpiling - BST Area 2
- 2019-312: Accepting Work Performed by C & E Trenching LLC for Crosby Road Shoulder Widening Project
- 2019-313: Payment to Tri-State Adjusting Service for Inspection of Two Wrecked County Vehicles
- 2019-314: Payment to Pacific MicroRem, Inc. for Services Performed on X-Ray Machines and Metal Detectors
- 2019-315: Purchase of One Portable X-Ray Unit from SharpLogixx, LLC for Bomb Squad
- 2019-316: Copier Lease Agreement w/Ricoh USA for Sheriff's Office
- 2019-317: Amending Resolution 2017-427 for Purchase of Weapons, Tasers & Incapacitation Devices from Axon Enterprises or Proforce Law Enforcement

There being no further business before the Board, the meeting adjourned at approximately 10:15 a.m.

Clerk of the Board

Chairman



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WE WILL NOT, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

BENTON COUNTY

BY: *Small* DATE: 4-16-19
Name and Title of Authorized Representative

FRANKLIN COUNTY

BY: *R. Kock* DATE: 4-23-2019
Name and Title of Authorized Representative

This notice must remain posted for 60 consecutive days and must not be altered or covered by any other material. The full decision in this case is published at www.perc.wa.gov.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

PERC is an independent state agency that enforces public sector collective bargaining laws in the state of Washington. Our mission is to prevent or minimize disruptions to public services by the uniform, impartial, efficient, and expert resolution of labor-management disputes. PERC conducts secret ballot elections to determine whether employees want union representation, provides mediation services, and conducts unfair labor practice and arbitration hearings. Questions about this notice or compliance with the Commission's order may be directed to PERC, 112 Henry Street NE, Suite 300, PO Box 40919, Olympia, Washington 98504-0919. To find out more about your rights, you may call our office at (360) 570-7300 or go to our website www.perc.wa.gov.