

## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, September 24, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman Shon Small  
Commissioner Jerome Delvin  
Interim County Administrator Loretta Smith Kelty  
Clerk of the Board Marilu Flores

**Absent:** Commissioner James Beaver (excused)

**Benton County Employees Present During All or a Portion of the Meeting:** Adam Fyall, Sustainable Development Manager; Treasurer Ken Spencer; Deputy Treasurer Andrew Hicks; County Engineer Matt Rasmussen; Public Works Robert Blain; Planning Manager Jerrod MacPherson; Assistant Planning Manager Craig Wentz; DPA Ryan Brown; Chief Deputy Auditor Taylor Raschko; Clerk Josie Delvin; Lt. Combs, Sheriff's Office; Shan MacPherson, IT.

#### Approval of Minutes

The Minutes of September 17, 2019 were approved.

#### Review Agenda

Item "b" was pulled from the consent agenda.

Item "q" was added to consent agenda.

Added to Scheduled Business was the following:

Contract Amendment w/Health Care Authority ~ Sheriff Hatcher & Lt. Combs  
Contract Amendment w/Ideal Option ~ Sheriff Hatcher & Lt. Combs

Pulled from Scheduled Business was the following:

Budget Policies and Procedures ~ D Sparks, L Smith Kelty, L Ivey, J Bowe

#### Consent Agenda

**MOTION:** Commissioner Delvin moved to approve the consent agenda items "a" through "p", pulling "b" (Commissioners - Amending Bylaws and Rules of Procedure for the Board of Benton County Commissioners; Repealing and Superseding Resolution 2018-005) and adding "q"

(Commissioners - Organization of Benton County Commissioners; Rescinding Resolution 2019-011). Commissioner Small seconded and upon vote, the Board approved the following:

**Auditor**

- a. Canvassing Board Appointment

**Commissioners**

- c. Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 120

**Facilities**

- d. Contract Overrun and Accepting Work Performed by Apollo Sheet Metal for Upgrade of the HVAC Metasys Control System, Chilled Water Loop Repair & Hot Water Loop Repair

**Human Resources**

- e. Non-Bargaining Employees & Elected Officials VEBA Contribution Rate

**Information Technology**

- f. Purchase of Asset Management and Work Order System From Hippo CMMS for Facilities Department

**Juvenile**

- g. Line Item Transfer, Fund No. 0000-101, Dept. 138
- h. Line Item Transfer, Fund No. 0115-101, Dept. 171
- i. Line Item Transfer, Fund No. 0115-101, Dept. 171
- j. Line Item Transfer, Fund No. 0115-101, Dept. 174

**Prosecuting Attorney**

- k. Line Item Transfer, Fund No. 0120-101, Dept. 000

**Public Safety**

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

**Public Works**

- m. Accepting Work Performed by BCV, Inc. for Crack Seal – BST Area 3
- n. Agreement w/Guardian Security Systems, Inc. for Continued Alarm System Monitoring @ the Prosser and Kennewick Maintenance Facilities

**Risk Management**

- o. Declaring an Emergency & Authorizing Payment to Young's Service Master, Inc. for Restoration Services Performed at the Benton County Courthouse

**Sheriff**

- p. Purchase of Armored Vehicle From Lenco Industries for SWAT

**Commissioners**

- q. Organization of Benton County Commissioners; Rescinding Resolution 2019-011

**Public Hearing**

Subdivision Vacation File No. SV 2019-002 ~ J MacPherson

Jerrod MacPherson informed the Board that the Planning Department had received a request for the vacation of a 10-foot drainage easement running in a North/South direction through Lot 2 of the Country Meadow Heights subdivision. The public hearing notice for application SV 2019-002 was published September 11, 2019. There being no objections, staff was requesting approval with applicant meeting certain conditions as recommended by the Planning Department

and that all required documents must be recorded within 1 year of the date of approval by the Board.

Commissioner Delvin said he was looking at that application and questioned whether there would be proper drainage. Mr. MacPherson indicated that the drainage would need to be approved and engineered.

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

**MOTION**: Commissioner Delvin moved to approve the vacation of the 10-foot drainage easement on Lot 2 of Country Meadow Heights and that the approval be conditioned as recommended by the Planning Department and that all required documents must be recorded within 1 year of the date of approval by the Benton County Board of Commissioners or this approval shall be null and void. Commissioner Small seconded and upon vote, the motion carried.

### **Request to Waive Conflict of Interest by Outside Legal Counsel**

Prosecuting Attorney Ryan Brown indicated that their office received a letter from Foster Pepper, PLLC regarding their decision to merge with another law firm. Mr. Brown informed the Board that this merger could potentially create conflicts of interest for the attorneys at Foster Pepper should the other firm's attorneys take on a client adverse to the County. Foster Pepper requested that the County approve a blanket waiver of any future conflicts which may arise. Mr. Brown further advised that his office was not in favor of approving a blanket waiver of conflicts and recommended that Commissioners address future issues on a case-by-case basis. The Board gave Ryan Brown direction to decline the request from Foster Pepper to approve the requested waiver of conflicts of interest.

### **Change Order #1 with Banlin Construction for Justice Center Plumbing & Water Intrusion Project**

Robert Blain was requesting Change Order No. 1 for the Justice Center Plumbing and Water Intrusion Project. He informed the Board on four modifications which included:

- 1) Removing the temporary office trailers and the Sheriff's staff remaining in their office space during construction. This would cost an additional \$138,397.60
- 2) Fixtures and labor installation in the jail mezzanine areas costing \$23,177.74
- 3) Labor and material for the installation of electrical circuits to support the new water management system for \$7,389.31; and
- 4) Installing corner shower fixtures in the Sheriff's Office showers for \$19,405.58.

Cost of Change Order No. 1 is an additional \$188,370.23 plus WSST with an additional 21 days contract time. The new contract amount shall not exceed \$2,657,525.13 plus WSST.

**MOTION**: Commissioner Delvin moved to approve the Chairman sign Change Order No. 1 with Banlin Construction LLC for the Justice Center Plumbing and Water Intrusion project. Commissioner Small seconded and upon vote, the motion carried.

**Contract Amendment w/Health Care Authority for Opioid Treatment Networks Within the Jail**

Lt. Combs informed the Board that on January 29, 2019, the Commissioners accepted a grant from the Washington State Health Care Authority for a maximum amount of \$463200 for the purposes of implementing an Opioid Treatment Network in the Benton County Jail with a contract termination date of September 29, 2019. Lt. Combs indicated that the parties wish to extend the contract term to September 29, 2020 and the maximum contract amount be amended to not exceed \$1,064,764. Ruth Franz, Sheriff's Office CFO, indicated that the amended amount was not budgeted for 2019-2020, but said that she would work with the Commissioners' Office to find the extra expenditures within the budget or possibly request a supplement in the future. Ms. Franz further stated that she would request a reimbursement from the State as reasonably possible.

**MOTION:** Commissioner Delvin moved to approve the contract amendment with Benton County and The Health Care Authority for the purpose of medicated assisted treatment for opioid treatment networks within the Benton County Jail. Commissioner Small seconded and upon vote, the motion carried.

**Contract Amendment With Ideal Option for Opioid Treatment Networks Within the Jail**

Lt. Combs indicated that Ideal Option wanted to extend the existing contract entered on January 29, 2019, by one month to allow additional time to negotiate new terms and conditions for the agreement going forward, with another amendment anticipated.

**MOTION:** Commissioner Delvin moved to extend Ideal Option contract for a month to October 31, 2019. Commissioner Small seconded and upon vote, the motion carried.

Commissioner Small commented that this was good program going after the opioid epidemic.

**Other Business**

Commissioner Delvin indicated that he would be traveling to Olympia this week for Pipeline Safety.

Commissioner Small brought up the Fair Board matter. Commissioner Delvin indicated that he would be meeting with Mr. Harvey Underwood regarding the Fair Board.

**Tort Claim**

CC 2019-19: Received on September 19, 2019 from Rance Michel Pointec.

**Accounts Payables**

Check Date: 09/20/19

Warrant #: 196637-196798  
Total all funds: \$6,610.77

EFTs #: 915-924  
Transfers #: 09201901-09201904  
Total all funds: \$46,164.65

Warrant #196799-196920  
Total of funds \$1,148,612.55

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

### **Resolutions**

- 2019-692: Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 120
- 2019-693: Contract Overrun and Accepting Work Performed by Apollo Sheet Metal for Upgrade of the HVAC Metasys Control System, Chilled Water Loop Repair & Hot Water Loop Repair
- 2019-694: Non-Bargaining Employees & Elected Officials VEBA Contribution Rate
- 2019-695: Purchase of Asset Management and Work Order System From Hippo CMMS for Facilities Department
- 2019-696: Line Item Transfer, Fund No. 0000-101, Dept. 138
- 2019-697: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2019-698: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2019-699: Line Item Transfer, Fund No. 0115-101, Dept. 174
- 2019-700: Line Item Transfer, Fund No. 0120-101, Dept. 000
- 2019-701: Line Item Transfer, Fund No. 0148-101, Dept. 171
- 2019-702: Accepting Work Performed by BCV, Inc. for Crack Seal – BST Area 3
- 2019-703: Agreement w/Guardian Security Systems, Inc. for Continued Alarm System Monitoring @ the Prosser and Kennewick Maintenance Facilities
- 2019-704: Declaring an Emergency & Authorizing Payment to Young's Service Master, Inc. For Restoration Services Performed at the Benton County Courthouse
- 2019-705: Purchase of Armored Vehicle From Lenco Industries for SWAT
- 2019-706: Organization of Benton County Commissioners; Rescinding Resolution 2019-011
- 2019-707: Change Order #1 with Banlin Construction for Justice Center Plumbing & Water Intrusion Project
- 2019-708: Contract Amendment w/Health Care Authority for Opioid Treatment Networks within the Jail
- 2019-709: Contract Amendment w/Ideal Option, PLLC

There being no further business before the Board, the meeting adjourned at approximately 9:17 am.

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Clerk of the Board

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Chairman