

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
Tuesday, October 1, 2019, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

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

**Benton County Employees Present During All or a Portion of the Meeting:** Adam Fyall, Sustainable Development Manager; County Engineer Matt Rasmussen; Public Works Robert Blain; Deputy Treasurer Andrew Hicks; HR Manager Lexi Wingfield; HR Tammy Dufault; OPD Manager Eric Hsu; DPA Ryan Brown; District Court Administrator Ela Selga; Jerrod MacPherson, Planning Manager; Greg Wendt, Planning Assistant Manager; Deputy Auditor Taylor Raschko; Auditor's Office Aileen Coverdell.

**Approval of Minutes**

The Minutes of September 24, 2019, and September 26, 2019 were approved.

**Consent Agenda**

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

**Commissioners**

- a. Line Item Transfer, Fund No. 0133-101, Dept. 000

**District Court**

- b. First Contract Amendment w/NCourt, LLC for Online/Web-based Payment Option

**Facilities**

- c. Award & Contract w/Schindler Elevator Corporation for Maintenance and Repair Services
- d. Awarding the Restroom Renovation Project, Formally Known as the Finance & Human Resources Tenant Improvement Project, to Banlin Construction

**Human Services**

- e. Agreement w/Washington State Health Care Authority for Prevention Services
- f. Agreement w/Bradley Bricker for Construction Costs Funding
- g. Agreement w/Benton-Franklin Community Action Committee for Community Development Block Grant

**Information Technology**

- h. Purchase of 120-Hour Service Block From CompuNet, Inc. for Network Support

- i. Awarding Web-Based Case Management & Reporting System Contract for OPD to PS Technologies

**Office of Public Defense**

- j. Retainer Agreement w/The Law Firm of Kuffel, Hultgren, Klashke, Shea & Ellerd for Review and Advisory Services

**Public Works**

- k. Amending Resolution 2019-175, Approving Purchase of 75 Tons of HFE-150 Oil from Western States Asphalt

**Award of NeoGov Agreement for HR and Risk Management**

Paul Schut, Risk Manager, and Lexi Wingfield, HR Manager, presented the RFP for a comprehensive system which went out to bid a month ago for software programs which would link HR and Risk Management systems. Several systems are being used at the present time which are currently done separately. Mr. Schut said that they were needing a system which would work more efficient. NeoGov which is currently used for the hiring application also does multiple centralized trainings and would also track certifications making sure Benton County was in compliance. Mr. Schut was recommending approving the resolution to award Governmentjobs.com a service agreement.

Commissioner Delvin asked whether there were any new increases in the contract. Mr. Schut indicated no increases in the current contract but we were increasing services.

**MOTION:** Commissioner Beaver moved to approve the resolution as presented to award Governmentjobs.com, a California Corporation (dba Neoga) a service agreement for Benton County E-Forms, Onboard, Leaning and Integrations-Sign On authorizing the Chairman to sign the attached agreement. Commissioner Delvin seconded.

**Discussion:**

Commissioner Small said that it would be great to capitalize on different trainings. Ms. Wingfield indicated the ease in building our own PowerPoints and policies would be much easier creating more efficiencies.

Upon vote, the motion carried.

**Wheeled All-Terrain Vehicles on County Roads Discussion**

Matt Rasmussen updated the Board on the current Wheeled All-Terrain Vehicles and whether the County would consider changing the current policy. Mr. Rasmussen was needing board direction on whether the policy should be updated as the County has received renewed public interest. Mr. Rasmussen indicated that in 2013, WA State legislature changed the law to allow WATVs to be used on county roads and city streets with speed limits of 35 mph and less. Counties over 15,000 in population and all cities must pass an ordinance allowing the use of WATVs.

In 2014, Benton County considered an ordinance but decided against allowing WATVs based on potential risks and the lack of eligible roads. Mr. Rasmussen updated the Board on the following points relating to WATVs:

- History
- Statistics
- Challenges
- Benton County map on posted speed limits
- Opinions

Commissioner Delvin questioned whether requests for WATVs were mainly for agricultural use and indicated that he would be ok with allowing the use in Prosser only with the Sheriff's participation on drafting the ordinance. Commissioner Small indicated that he would also like to begin with allowing in the Prosser area only and see how that goes. Commissioner Beaver would also start in the Prosser area.

Direction was given to have Mr. Rasmussen start working on the ordinance and setting up a public hearing. The ordinance would be limited to the City of Prosser with consideration to other areas in the future. Mr. Rasmussen would update the Board at a later date.

### **Payment Authorization to Southern Folger Detention Equipment Company for the Security System Retrofit Project**

Mr. Robert Blain presented a resolution to authorize payment of \$235,656.68 to Southern Folger Detention Equipment Company for the security system retrofit project. Mr. Blain indicated that three change orders had previously been approved for a total contract amount of \$2,738,768.41. Southern Folger had recently completed several areas of the contracted work in the amount of \$235,656.68. Mr. Blain indicated that since the contract had expired, he was requesting that the Board authorize payment to Southern Folger Detention Equipment Company in the amount of \$235,656.68.

Commissioner Delvin made a comment about reading jail reports and has not seen any problems in the jail recently.

**MOTION:** Commissioner Beaver moved to authorize payment to Southern Folger Detention Equipment Company for the Security System Retrofit Project in the amount of \$235,656.68 including WSST. Commissioner Delvin seconded and upon vote, the motion carried.

### **Office of Public Defense Mid-Year Report**

Eric Hsu updated the Board on the following highlights:

- *Notable Trends*
  - Top Management Trends
  - Hsu nominated to the State Bar Association's Council on Public Defense  
Serving a voice for Benton County

- *Projects*
  - Trial Attorney Project (aka rebranding)
  - Digital Defender Initiative
- *Court Trends:*
  - District Court Numbers
  - Superior Court Caseloads
  - Juvenile Court Levels
  - Mental Health
- *Financial Update*
- *Performance Standards Monitoring*

### **Chief Staff Defender Classification**

Eric Hsu presented to the Board the need in the Office of Public Defense to create a Chief Staff Defender job description because of the growth in office. Mr. Hsu has been working with Administration as well as HR. There is a need in the office to create a second in command/supervisor who can mentor and assist in those areas and who can step in when the OPD Manager is out. Mr. Hsu asked that the Commissioners approve the Chief Staff Defender in his office.

**MOTION:** Commissioner Delvin moved to adopt the Chief Staff Defender classification description and the Chief Staff Defender salary as presented. Commissioner Beaver seconded and upon vote, motion carried.

### **Classification and Salary Grades for Public Defense Attorneys**

Eric Hsu presented the need in his office to reclassify the public defense attorneys employed by the Office of Public Defense. Mr. Hsu said that it has become difficult to recruit new public defenders and asked that the public defenders' classifications and pay grades mirror those approved for deputy prosecutors in Mr. Miller's office. This would place the County in a better position as far as recruiting entry-level Public Defense Attorneys at the same time retaining experienced defenders. Commissioner Delvin asked about fiscal impacts. Mr. Hsu said that it would not fit within his budget as it was not anticipated but said it was a minimal impact. Mr. Hsu asked that the Commissioners approve the resolution as presented for Public Defense Attorneys' classification and salary grades in OPD.

**MOTION:** Commissioner Delvin moved to adopt the classification and salary grades for Public Defense Attorneys in OPD as presented to the Board; rescinding resolution 09-619. Commissioner Beaver seconded and upon vote, motion carried.

### **Other Business**

Commissioner Delvin informed the Board that he had attended the Pipeline Safety Committee and was voted chair.

Commissioner Small commented that the Special Board Meeting held was a great presentation of the Administrative Building.

The Commissioners discussed October board meetings and their calendars in regards to jury duty and vacations. It was determined that cancelling any meetings will be discussed as needed.

The Board briefly recessed, reconvening at 10:03 am

### **Executive Session**

The Board went into executive session at 10:03 am with DPA Ryan Brown, Risk Manager Paul Schut. DPA Ryan Lukson attended via video conferencing from the Justice Center to discuss potential litigation for 5 minutes. The Board came out of executive session at 10:08 am. No decisions were made in executive session.

### **Account Payables**

Check Date: 9/27/19  
Warrant #197132-197380  
Total all funds: \$4,809.97

EFTs #925-949  
Transfers #09271901-09271905  
Total all funds: \$533,867.21

Warrant #197381-197477  
Total all funds: \$409,430.01

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

### **Resolutions**

2019-710	Line Item Transfer, Fund No. 0133-101, Dept. 000
2019-711	First Contract Amendment w/NCourt, LLC for Online/Web-based Payment Option
2019-712	Award & Contract w/Schindler Elevator Corporation for Maintenance and Repair Services
2019-713	Awarding the Restroom Renovation Project, Formally Known as the Finance & Human Resources Tenant Improvement Project, to Banlin Construction
2019-714	Agreement w/Washington State Health Care Authority for Prevention Services
2019-715	Agreement w/Bradley Bricker for Construction Costs Funding
2019-716	Agreement w/Benton-Franklin Community Action Committee for Community Development Block Grant
2019-717	Purchase of 120-Hour Service Block From CompuNet, Inc. for Network Support
2019-718	Awarding Web-Based Case Management & Reporting System Contract for OPD to PS Technologies

- 2019-719 Retainer Agreement w/The Law Firm of Kuffel, Hultgrenn, Klashke, Shea & Ellerd For Review and Advisory Services
- 2019-720 Amending Resolution 2019-175, Approving Purchase of 75 Tons of HFE-150 Oil From Western States Asphalt
- 2019-721 Awarding GovernmentJobs.Com aka NeoGov Agreement for E-Forms, OnBoard, Learn and Integrations
- 2019-722 Payment Authorization to Southern Folger Detention Equipment Company for the Security System Retrofit Project
- 2019-723 Establishing Chief Staff Defender Classification Description
- 2019-724 Establishing Salary Grade for a Chief Staff Defender
- 2019-725 Establishing Classification and Salary Grades for Public Defense Attorneys; Rescinding Resolution 09-619

There being no further business before the Board, the meeting adjourned at approximately 10:08 am.

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Clerk of the Board

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Chairman