

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, October 8, 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; DPA Ryan Brown; Clerk Josie Delvin; Jerrod MacPherson, Planning Manager; Greg Wentz, Planning Assistant Manager; Shyanne Palmus, Communications; Linda Ivey, Finance Manager; Jennifer Bowe, Assistant Finance Manager; Brenda Chilton, Auditor; Taylor Raschko, Deputy Auditor; Kyle Sullivan, Human Services Manager; Mari Clark, Human Services.

Approval of Minutes

The Minutes of October 1, 2019 were approved.

Consent Agenda

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

Auditor

- a. Cancellation of Unclaimed Warrants
- b. Surplus and Disposition of Personal Property

Commissioners

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

District Court

- d. Line Item Transfer, Fund No. 0000-101, Dept. 111

Information Technology

- e. Authorizing Move of Justice Center Fiber Internet Service From One World Telecommunications to Charter Communications, Increasing the Fiber Internet Speed
- f. Authorizing Upgrade of Fiber Internet Service for the Courthouse In Prosser From Charter Communications
- g. Authorizing Moving of Voice Circuits From XO to Communications Services to NexVortex
- h. Purchase of Eight Optiplex 7060 Workstations and 14 Monitors for Human Services from Dell Premier

Public Works

- i. Traffic Control and Revision on Certain County Roads Re Speed Limit

j. Award of Contract to Wildlands, Inc for CPR Restoration Project

Special Olympics

Kyle Sullivan updated the Board on discussions a couple of years ago regarding bringing back the Special Olympics. The Board at that time decided it was a good idea and contracted with The ARC of Tri Cities. Mr. Sullivan introduced Donna Tracy from The ARC who updated the Board on the success of the program for Special Olympics. Ms. Tracy thanked the Board for their support provided using the mental health developmental disability millage. She reported on a special donation by Broadmoor RV in the amount of \$85,000. Their next big event, State Games, is scheduled for November in the Tri Cities. There have been 100 new athletes since their doors opened and they are anticipating a \$5,000 surplus this year. Coaches and athletes thanked commissioners for the opportunity and support and invited the Board to the November event.

Commissioner Small thanked the group and praised them for a job well done.

Adoption of 2020 Legislative Priorities

Shyanne Palmus gave a PowerPoint outlining Benton County's 2020 Legislative Priorities. She said she had been working with consultants at Gordon Thomas Honeywell to outline and articulate the primary policies, projects and programs that the County will emphasize during the upcoming 2020 legislative session. She reviewed the priorities as follows:

- Rural County Economic Development Tax Rebate Sharing Program Reform
- Red Mountain Interchange
- Address Unfunded Mandates
 - Adequate Funding for Trial Court Indigent Defense
 - HB 1291/SB 5073 Fair Share Election Costs Reimbursement
 - RCW 13.34.080 Publication of Notice for Juvenile Court Dependency
 - HB 1926 Interest, Penalties, and Costs Imposed on Certain Delinquent Property Taxes
- Support of Partner Priorities & Requests
 - Washington State Association of Counties (WSAC) & Washington Association of County Officials (WACO)
 - Yakima Basin Integrated Plan (YBIP) & Salmon Recovery Funding Board

Commissioner Delvin commented on the Red Mt. Interchange indicating that the federal government was not going to allow, and the goal was to keep that money local. He had contacted Mr. Brent Gerry, West Richland mayor, on using those monies at an interchange by Van Giesen at West Richland.

MOTION: Commissioner Beaver moved to approve the 2020 Benton County Legislative Priorities; Commissioner Delvin seconded and upon vote; the motion carried.

Amending the Bylaws and Rules of Procedure for the Board of Benton County Commissioners

Loretta Smith Kelty discussed the Bylaws and Rules of Procedure for the Board of Commissioners pursuant to Resolution 2018-005. Ms. Smith Kelty commented that there has been some confusion on items scheduled for consent, scheduled business and other business on the agenda. She indicated that where there would be financial obligations to the county, she would like two sections changed; specifically, section 5.1 relating to “Order of Business” item number 8 - Other Business, indicating that no monetary or contractual obligations be approved without prior review by the County Administrator or Office of Budget and Finance. It was the intent to keep the consent agenda to those items that are not controversial and routine in nature with no changes there. Section 5.2 related to “Agenda” would give the County Administrator the responsibility of placing and removing items on the agenda. It is the desire to reduce the confusion as to limiting certain agenda items; however, not limiting the commissioners from putting items on the agenda. It is the intent to have a flow chart available.

Commissioner Delvin said that he saw these procedures as trying to put a better process in place. It appears to be outlined well and should be more efficient and would not prohibit elected officials from coming forth, but the Board should be able to look at the Administrator and ask whether she and the finance department have had an opportunity to weigh in. Commissioner Small indicated that it should be the intent that any elected official wanting to come before the board should be able to.

Commissioner Beaver commented that that he never liked other business and is in favor of a final review from the County Administrator. He said that he does not want any surprises and wanted the confidence knowing the items in front of him have been fully reviewed and was in favor of having a system in place.

Commissioner Small indicated that those were valid points; but realistically, there would be times when grants would need to come before the Board under other business due to deadlines. Commissioner Beaver indicated that he understood that emergencies would come up but liked a standing operating system in place.

MOTION: Commissioner Beaver moved to adopt the Resolution amending the Bylaws and Rules of Procedure for the Board of Benton County Commissioners; repealing and superseding Resolution 2018-005; Commissioner Delvin seconded and upon vote, the motion carried.

Department of Human Services Restructure

Loretta Smith Kelty reminded the Board that on March 5, 2019, Benton County notified Franklin County they no longer believed the current Benton and Franklin Counties Department of Human Services operation continued to be in the best interest and expected that this termination would commence on June 30, 2019. On May 14, 2019, a presentation was made suggesting that the date be moved to June 30, 2021 which would allow current contract obligations to continue with no disruption in services. This arrangement would give the County Administrators the time needed

to draft a Memorandum Of Understanding (MOU). The goal was to present the MOU to Franklin County.

DPA Ryan Brown discussed current agreements and the struggles when you have contractual obligations in place. In May 2019, the Board was briefed that June 30, 2021 would be the date determined to end operations. Mr. Brown discussed the terms of the MOU with Linda Ivey providing feedback on fund balances and administrative fees and charges as follows:

Terms of the agreement

- Benton County Human Services Department
- Services for Franklin County
 - Grants, programs & agreements
- Ownership of Detoxification Building
- Prior Property Tax Millage Returned to Franklin County
- Split of Balance of Fund No. 0108101
- Fee for Services/Administration Fee
- Termination of Lease for Office Space
- Personal Property
- Terms of Agreement
- Termination
- Filing with Auditor
- Entire Agreement
- Amendments
- Prior Liabilities

MOTION: Commissioner Beaver moved with going forward with the Interim County Administrator's recommendation to proceed with the Memorandum of Understanding; Commissioner Delvin seconded.

Discussion

Commissioner Delvin thanked Loretta Smith Kelty, Ryan Brown, Kyle Sullivan and Linda Ivey. He indicated that the community will never see a change in services being provided. The employees will be treated as Benton County employees and believes it's a good move.

Commissioner Small asked for further clarification on the termination clause and how it was structured. Mr. Brown clarified that section. Commissioner Small said that we can now operate in a mission specific path with Ms. Smith Kelty commenting that Mr. Sullivan will not have conflicting board direction.

Upon vote, the motion carried.

Other Business

Commissioner Delvin reported on attending a Walla Walla water panel meeting.

Commissioner Delvin also indicated there will be an executive session next week on the investigative report by the attorney who will be presenting a letter for commissioner signature.

Sheriff's Office

Commissioner Delvin mentioned that the mental health provider at the jail has not been paid for two months (Lourdes). Kyle Sullivan indicated that he tried to contact the Sheriff's Office a few times regarding this payment but did not receive a response. Commissioner Delvin mentioned that per the Sheriff's request, monies have been provided for mental health services at the jail and those funds have not been spent. Commissioner Delvin indicated that with the current issues going on, we must look at the potential liability and we need to look into the jail being taken off the Sheriff's plate due to his personal distractions, and this would be one item he does not have to deal with.

MOTION : Commissioner Delvin moved to have staff continue to explore the concept of creating a County Department of Corrections, utilizing Commissioner staff to offer a recommendation and revisiting this proposal on October 22, 2019 for a decision. Commissioner Beaver seconded.

Discussion:

Commissioner Beaver said that he appreciated Commissioner Delvin doing the research and seeing whether our board was willing to step in and supervise the jail. It is important to go down this direction and he is in favor of this option.

Commissioner Small indicated that he did not see this coming and asked Mr. Sullivan how funds were disbursed. Mr. Sullivan explained how paying for the services worked and that Lourdes made multiple attempts and asked for assistance in scheduling a meeting with the Sheriff's Office. Mr. Sullivan met with Ms. Smith Kelty and she agreed to reach out to help facilitate a meeting to explain funding with the Sheriff. Mr. Sullivan indicated that once he made contact, the Sheriff said that he was appreciative of the offer to facilitate a new contract, but that he would handle it. Commissioner Delvin discussed the budget, not paying attention, individuals not receiving responses, as well as other distractions taking place at the present time.

Commissioner Small indicated that he wanted to see the payment portion handled and getting the provider paid; but wanted to separate the issues in the Sheriff's Office.

Commissioner Delvin explained it was the County's responsibility to watch out for the tax payers and taking over the jail was brought before the board a couple years ago and it was time to address the issue again. Commissioner Beaver indicated that he was ready before. Commissioner Small stressed his concern that taking charge of the jail would be a huge responsibility. Commissioner Delvin indicated that a qualified jail administrator would be needed.

Upon vote, the motion carried with Commissioner Small opposed.

Comprehensive Mental Health

Commissioner Small discussed the comprehensive mental health and their interest of a secured detox and looking into going that direction. He wanted the County to look at that again and see what we could do. There have been conversations of resolving problems of not having a detox but now the State's requirement of having a secured detox and this would be a big step in the right path in assisting our community. Kyle Sullivan would follow up and report back.

Roads – Rt. 221

Commissioner Small mentioned that Matt Rasmussen had spoken with Prosser Economic Development Association (PEDA) regarding several accidents and fatalities on Route 221. PEDA asked for a letter of support from Benton County to be sent to the state requesting additional funds. The Board gave direction for Mr. Rasmussen to draft a letter of support.

Recent Events

Commissioner Small made a statement regarding recent events. Commissioner Small indicated that domestic violence is a serious issue and that a third party is investigating which will be watched closely. He also indicated that elected officials are not under the authority of the Board of Commissioners.

The Board briefly recessed, reconvening at 10:21 a.m.

Executive Session

The Board went into executive session at 10:21 a.m. with DPA Ryan Brown to discuss 3rd quarter litigation update for 10 minutes. The Board came out at 10:30 am. No decisions were made in executive session.

Tort Claim

CC 2019-20: Received on September 25, 2019 from Desiree Lynn Apple

CC 2019-21: Received on October 4, 2019 from Robyn Livingston

Account Payables

Check Date: 10/04/19

Warrants #: 197526 - 197642

Total all funds: \$371,549.09

EFT's #: 950 - 952

Transfers #: 10041901 – 10041902

Total all funds: \$86,888.06

Payroll

Check Date: 10/04/19

Payroll Checks

Warrant #: 242171 – 242216

Direct Deposit #: 146990 - 147597

Total all funds: \$2,326,314.91

Payroll Deductions Transfers

Taxes #: 101191001 – 101191013

ACH #: 953 – 959

Total all funds: \$2,315,729.61

Payroll Deductions Warrants

Warrant # 197643 – 197654

Total all Funds: \$144,139.13

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

Resolutions

- 2019-726: Cancellation of Unclaimed Warrants
- 2019-727: Surplus and Disposition of Personal Property
- 2019-728: Line Item Transfer, Fund No. 0000-101, Dept. 115
- 2019-729: Line Item Transfer, Fund No. 0000-101, Dept. 111
- 2019-730: Authorizing Move of Justice Center Fiber Internet Service From One World Telecommunications to Charter Communications, Increasing the Fiber Internet Speed
- 2019-731: Authorizing Upgrade of Fiber Internet Service for the Courthouse In Prosser From Charter Communications
- 2019-732: Authorizing Moving of Voice Circuits From XO to Communications Services to NexVortex
- 2019-733: Purchase of Eight Optiplex 7060 Workstations and 14 Monitors for Human Services from Dell Premier
- 2019-734: Traffic Control and Revision on Certain County Roads Re Speed Limit
- 2019-735: Award of Contract to Wildlands, Inc for CPR Restoration Project
- 2019-736: Adopting the Benton County 2020 Legislative Priorities
- 2019-737: Amending the Bylaws and Rules of Procedure for the Board of Benton County Commissioners; Repealing and Superseding Resolution 2018-005

There being no further business before the Board, the meeting adjourned at approximately 10:30 am.

Clerk of the Board

Chairman