

Benton County Commissioners

Will McKay, Chairman
Jerome Delvin, Chair Pro Tem
Michael Alvarez, Commissioner
(509) 786-5600
(509) 736-3080 (toll-free from Tri-Cities)

Franklin County Commissioners

Clint Didier, Chairman
Rocky Mullen, Chair Pro Tem
Brad Peck, Member
(509) 545-3535

Notice: Meeting provided in-person, by live-broadcast and telephonically via WebEx (linked below):

<https://www.co.benton.wa.us/agenda/commissioners>

AGENDA

BENTON and FRANKLIN BOARDS OF COUNTY COMMISSIONERS

Special Bi-County Meeting

Thursday, February 23, 2023 @ 2:30 pm

Commissioners' Hearing Room, Benton County Administration Building
7122 W. Okanogan Place, 3rd Floor, Suite E-303
Kennewick, WA

Call to Order

Pledge of Allegiance

Discussion on viability of sharing an Office of Public Defense

Discussion and possible decisions on sharing of Veterans Court Services

Discussion and possible decisions on the future of the Bi-County Law Library

Discussion and possible decisions regarding Juvenile Justice Center remodel and operational agreement

Discussion and possible decisions regarding both Counties' participation in Behavioral Health Services and the proposed Recovery Center

Special board meeting being held at the Kennewick Administration Building due to agenda item being of a unique concern to area citizens and departments

MINUTES

BOARDS OF BENTON AND FRANKLIN COUNTY COMMISSIONERS

Special Bi-County Board Meeting
Wednesday, February 23, 2023, 2:30 p.m.
Benton County Administration Building
Commissioners' Conference Room, 3rd Floor
7122 W. Okanogan Place, Suite E303
Kennewick, WA 99336

Benton County

Present: Chairman Will McKay
Commissioner Jerome Delvin
Commissioner Michael Alvarez
Deputy County Administrator Matt Rasmussen
Clerk of the Board Marilu Flores

Benton County/Franklin County Employees Present: Adam Fyall, Sustainable Development; Kyle Sullivan, Human Services Manager; Robert Heard, IT; Greg Wendt, Community Development Manager; Finance Manager Linda Ivey; David Wheeler, Juvenile Administrator; HR Manager Carlee Nave; Fairgrounds Event Manager Tom French; Ryan Washburn, District Court; OPD Staff Denise Gerry; Superior Court Judge Shea-Brown; DPA Ryan Brown; PA Eric Eisinger; Corrections Chief Robert Guerrero;

Franklin County

Present: Chairman Clint Didier
Commissioner Rocky Mullen
Commissioner Brad Peck
Interim County Administrator Duane Davidson

Pledge of Allegiance

The Boards recited the Pledge of Allegiance.

Discussion of Viability of Sharing an Office of Public Defense

Benton County Deputy County Administrator Matt Rasmussen indicated that conversations between both Administrations have been discussed and indicated that in the past, Office of Public Defense (OPD) services used to be shared. Mr. Rasmussen indicated that current discussions have taken place with Benton County's current OPD Manager, Michael Vander Sys, who reported that it's been a difficult time finding and keeping public defenders. Mr. Rasmussen indicated Administration would like to see whether there was an interest in sharing those services as was done in the past.

Franklin County Commissioner Peck indicated that according to his recollection, in the past the services worked well and doesn't know why it was divided but was in favor of shared services. He further indicated that he believes it to be a great idea and referenced the relationship was working well with the Human Services Department.

Benton County Commissioner Delvin said that after talking with staff, there would be an administrative burden and if the costs could be allocated appropriately, he would be in favor.

Benton County Commissioner Alvarez asked whether Mr. Rasmussen had discussed the need for administrative support. Mr. Rasmussen indicated that Benton County had not looked at the full picture in detail with the OPD manager but would address that when he came back from leave to get a better idea of what that would look like.

Franklin County Commissioner Didier indicated that there was a competition for attorneys. He further mentioned that we are tied together in the court systems and agreed that we could get and retain good staff. Commissioner Didier was in favor of working together.

Franklin County Commissioner Peck asked about the administrative function and was unsure if a panel of attorneys would work for both counties or whether those needed to be separated. Mr. Rasmussen indicated that he was not here in the past to know the full functionality as he was not certain what statute allowed or how it affected budgets but said each county had separate contracts.

Mr. Rasmussen confirmed that what the Boards would like is for staff to explore options in order to get a solid look at costs and bring back at a future meeting. All members agreed.

Public Comment

Franklin County Coroner, Curtis McGary, indicated that he was not in favor. Mr. McGary said that services needed to be separated as Franklin County was too dependent on Benton County. Mr. McGary wanted Franklin County looking into separating all services between the counties.

Discussion/Possible Decision on Sharing of Veterans Court Services

Interim Franklin County Administrator Duane Davidson said that there have been discussions about sharing of veterans court services and was bringing a proposal for consideration. Mr. Davidson discussed whether payment would be up front or paid through the progress of the program and indicated that the contract details would need to be worked out. Currently, there were three individuals that could start the program immediately and asked about having a total of five within the program. Mr. Davidson mentioned that Franklin County is looking at moving money to be able to accommodate the need with the Franklin County Prosecutor in agreement. Mr. Davidson indicated that Benton County has a good veterans program and was interested in replicating the program in Franklin County.

Mr. Rasmussen said that he has spoken with the Benton County Prosecuting Attorney and Ryan Washburn, Benton County Therapeutic Court Coordinator, who felt that we could currently

accommodate 10 participants and would be willing to take on an additional five to offer to Franklin County through an interlocal agreement.

Mr. Davidson said that Franklin County would be willing to pay for five slots and whether they use it or not could be worked out in the contract.

Benton County Commissioner Alvarez said he spoke with the Benton County Prosecuting Attorney on this issue. Commissioner Alvarez was in favor and wanted it going with pricing being worked out. He further mentioned that in the future, should Franklin County want to obtain their own program, that would be ok. He was in favor of helping our veterans and saw this being positive for both counties.

Franklin County Commissioner Peck said there are avoided costs when you are not incarcerating, but said the costs are a benefit for veterans in the long term. Mr. Peck said that each county could purchase a number of seats and indicated this should have been done this a long time ago.

Mr. Rasmussen said that the draft agreement was for \$40,500 for up to five slots for each year the way it read. If Franklin County is comfortable with that and thinks it's consistent then that would be what needed to really be resolved.

Franklin County Commissioner Didier said that they were currently sharing one Veteran Services Office and that it was working well but believed it would be difficult to have their own court. He indicated that working together was a way to help the taxpayer at the same time getting the services for veterans.

Benton County Commissioner Delvin said Commissioner Didier is correct on the burden to the taxpayer. He indicated that it took a long time to get a Veterans Services Officer and would like to move forward.

Franklin County Commissioner Peck said he does not have the percentage on the number of veterans going through the jail system and sees the potential need could be much higher than anticipated. Mr. Peck indicated that he would like the option to accommodate more.

Mr. Rasmussen said if the need was there, the interlocal could be amended.

Benton County Commissioner Alvarez indicated that they all agreed and we should move forward if the costs could be agreed.

Mr. Rasmussen indicated he would finalize the agreement keeping it consistent with the adult drug court structure and circulate to both boards.

Public comment:

Shawn Sant, Franklin County Prosecutor, was in favor and saw the benefit to the veterans. He applauded commissioners on their past support. He said he has reached out to the coalition on whether the program grows and the numbers grow, perhaps in the future Franklin County could

have their own program. He mentioned that we were losing veterans and saw this as a great service to them. He appreciated all the support and briefly spoke about the diversion court system.

Michelle Andres, Franklin County Civil Service Commission, was in support. She indicated recidivism was a problem and this would also be better for the community when veterans do not go back to jail. She mentioned that correction employees do not get the acknowledgment on what they do and mentioned this being a fantastic model and benefit currently being used.

Trinity Orosco, Franklin County District Court Judge, said grants were needed and they had four they were waiting for therapeutic courts. She indicated that she was happy to see the service and wanted to eventually see having their own therapeutic court.

Commissioner Alvarez said he appreciated what they were doing and is in favor if Franklin County eventually took that service back. He just wanted the services offered.

Ryan Washburn, Benton County Therapeutic Court Coordinator, appreciated the discussion for veterans court. He mentioned that they have the capacity to take up to 10 participants with 44 graduates having gone through the program. Currently, the program had a 5% recidivism rate. He said the program offered structure and gave guidance to address veterans' unique needs. Currently, there were 3 veterans wanting services. Mr. Washburn was in support.

Discussion/Possible Decisions on the Future of the Bi-County Law Library

Mr. Davidson gave a history of the law library indicating that currently there was a joint law library. Mr. Davidson indicated that they have a few volumes with some in storage. He said that he has spoken with Benton County Administrators and was asking if it was best to sever ties of the joint law library with each county having their own. Mr. Davidson indicated there may be costs associated with this and indicated resources were available. He suggested obtaining a subscription to Westlaw which may be pricey; however, he indicated the revenues were there for both counties. Mr. Davidson said perhaps Mid-Columbia Library or WSU could make them available and he was willing to explore those options; but wanted discussion on whether the Boards wanted to sever the joint agreement.

Benton County Commissioner Delvin indicated that he has served on the Library Board for 10 years and indicated that the Board met quarterly. He said the Library was funded through filing fees and the library board had struggled with those costs with a decline of revenue and budget. Mr. Delvin said Benton County had a computer in the lobby accessible to the public. Mr. Davidson clarified that satellites needed to be done but services could be severed. Commissioner Delvin had no objection or seeing an option with WSU and Mid-Columbia Library for those services. He mentioned that Westlaw could give accurate data on the use. Mr. Delvin said Benton County has Superior Court who uses the library, and has asked Benton County Chief Deputy, Ryan Brown, about the ramifications and requirements.

Mr. Davidson said that the county is required to have one and believes the requirements are not as sophisticated. He believes the counties can comply with those standards.

Franklin County Commissioner Peck said he is fine with going electronically but would like IT to be able to set up for appropriate password and security protection.

Benton County Commissioner Alvarez said he was in favor of going electronic and saw this as a positive move if we could work that out for the public.

Benton County Commissioner McKay agreed but would like to see the costs of digital vs. books. Benton County Commissioner Delvin mentioned that some books are not accessible electronically with the Library Board agreeing to what subscriptions were needed. Commissioner Delvin inquired into seeing what the minimum standards would be.

Benton County Commissioner Alvarez asked Administrators to do a costs analysis so that they could make an informed decision.

Franklin County Commissioner Didier thought that perhaps Administrators could attend the next Law Library meeting where most questions could be answered.

Mr. Rasmussen indicated that the books were stored at our annex with the Board deciding on which books were needed and which were not. Mr. Rasmussen would go to the next Library Board meeting and get a proposal together.

Public Comment – None

Discussion/Possible Decisions Regarding Juvenile Justice Center Remodel and Operational Agreement

Deputy Benton County Administrator Rasmussen gave an update on where this project stood indicating that a new facility was not cost effective and we would be going with a remodel. He reported that a capital project advisory board at the state level had approved the project and that the County had issued an RFP for a design build team which has been narrowed to three firms with proposals due March 3, 2023. The County would review those proposals and narrow down to one team. Mr. Rasmussen indicated that a Memorandum Of Understanding (MOU) would be prepared showing how the juvenile costs would be split in the future. He also suggested one county being the owner and one county paying a subscription. Mr. Rasmussen indicated that it is the desire to have an evaluation done by certified commercial appraisers to narrow these issues as well as determining the value of what Franklin County has put in the past. He said we could be able to negotiate a final agreement once a report is complete.

Benton County Commissioner McKay indicated that he sits on this committee along with Judge Burrowes and informed the Boards of interviews with contractors. He indicated that the Juvenile Justice Center needed a massive remodel to address some issues to include security, plumbing and mechanical. He mentioned that there was a push for a design style built vs. hard costs which would bring fewer change orders showing what our budget would be. Commissioner McKay was looking forward to getting this project going and excited about putting much needed love into the building for the kids as well as employees.

Franklin County Commissioner Peck had asked for a term sheet last time which still needed refinement. He indicated that the capital investment was in the \$21 million range with Franklin County proposed costs around \$150,000 per year totaling \$6 million which was their per capital split. Commissioner Peck said overall that should be fine. He mentioned that overall, the Juvenile Justice Center was a rough facility, was long overdue and this seemed like a good start with minor things to iron out.

Benton County Commissioner Alvarez questioned why we were doing a valuation and also about the share of the costs for maintenance and how that worked. Mr. Rasmussen said that ultimately the facility was jointly owned and explained that Franklin County has value retained throughout the years. He explained the operational costs were from the state and calculated with the maintenance being underfunded and the budget needed to be funded accordingly. A Memorandum Of Understanding would have these clarifications addressed so we didn't end up in the same position as before.

Public Comment: None

Discussion/Possible Decisions Regarding Both Counties' Participation in Behavioral Health Services and the Proposed Recovery Center

Mr. Rasmussen indicated that this is a topic which all needed to be up to speed. He gave a history of the purchases. Mr. Rasmussen said that in June 2022, Benton County finalized the purchase and sales agreement of the old Kennewick General Hospital (KGH). There were covenants in place which limited the use of that facility to 72 hrs on site which was a major concern. Benton County identified a need for a person for up to 5 days, then with court order that could potential be longer and identified a need to find a secondary location. Benton County secured a long-term lease with the option to purchase the old Welches factory in November 2022. The goal was to have a "no wrong door" concept, where law enforcement, emergency services personnel or family member could drop someone there and the operator at the facility being able to decide what services a patient needed to receive. The desired goal was having a one-stop shop for services. Since the purchase of the KGH building, staff have been busy doing a lot of work cleaning due to vandalism and doing some maintenance prepping for the next phase. Mr. Rasmussen indicated that a RFP went out for a service provider and initially the County received one proposal. Benton County reissued the RFP with a recommendation from the advisory committee to allow for individual services. Those bids are due March 3, 2023 where they will be reviewed and forwarded to the Board for recommendation. At the present time, Benton County is securing funding of about \$16 million through ARPA funds and will be looking at other grants.

Benton County Commissioner Alvarez asked specifically on the old KGH site and inquired whether there were any restrictions for youth and whether it could offer transitional housing. Mr. Rasmussen indicated that there was plenty of square footage to split the adults and youth and confirmed that transitional services would be offered.

Franklin County Commissioner Mullen asked on the timeframe on the Welches building. Mr. Rasmussen said there would be a design team by the summer 2023 with the design taking about

eight months with a target date to open by the end of 2024. Mr. Rasmussen indicated that as we worked through construction that the licenses would be worked on at the same time.

Franklin County Commissioner Peck said there was a lot of passion there and whether Franklin County should do their own. He thanked Benton County for its leadership as well as securing both buildings. He said this project is better late than never and finally on the right track to get this accomplished.

Franklin County Commissioner Didier said Yakima is completely full and their program was working. He indicated that this goes bigger than our own counties and sees it for regional use. He mentioned that trying to go on their own would be ideal; however, he sees it being an injustice to ask Franklin County citizens to build their own. He is eager to see how they may learn how it will work and perhaps in the future, Franklin County can do their own if funding is available.

Benton County Commissioner Delvin said that he and staff went to Arizona to visit a facility. He believed we could do some temporary things to ease some of the problems and we could be good partners in moving forward and agreed other communities would come here because of the need.

Benton County Commissioner Alvarez said we were going to use all of the facilities and understood this would be a learning process; but appreciated having a good partnership with both Boards and Administrators.

Public Comment:

Evelyn Mizell mentioned that it felt like the divorce between counties was over and asked about how it would work with prisoners being sent and the priority for Benton and Franklin County residents. Commissioner Delvin indicated Benton & Franklin counties would have priority.

Shane Gulley, United Family Center, indicated that they have the room and space available to provide the services now. He indicated that they could be operational within the next six months with licenses already in place. Mr. Gulley indicated that they were not looking for competition but were tired of the wait. He proposed receiving some help getting services going now and not in the future. Commissioner Delvin suggested he reach out to the advisory committee with a proposal.

Charlene Stinger was advocating for a Benton Franklin treatment center. She spoke about her son's situation with involuntary treatment in Yakima and then ultimately voluntary treatment which he did not do. Ms. Stinger lost her son but believes it would have been different had there been a facility.

Jason Bliss, co-chairman of advisory board and coalition, indicated that it was refreshing to come in and hear both Boards' desire to work together. Mr. Bliss indicated that this was not a Franklin County issue nor a Benton County issue. Both counties have substance abuse issues and applauded both Boards for stepping up. He understood this would take time; but believed that we are stronger together at the end of the day.

Benton County Commissioner Alvarez asked for clarification on the providers having input in the design process as this was a very important part and Commissioner Didier asked whether providers could work together. Mr. Rasmussen indicated that it was important that providers have input into the design process which is one thing they found on their visits to other facilities. Mr. Rasmussen mentioned that we were looking for multiple providers; however, the advisory committee would advise when to do the transition.

Commissioner Delvin indicated that while at the NACO Conference, he met with Washington State Senators Maria Cantwell and Patty Murray and discussed behavioral health. They indicated that all providers were struggling to find employees which was a roadblock. He reported that providers were not providing bids because they couldn't be stretched that far and were trying to find incentives to get individuals to go into that field. Mr. Rasmussen said that is an issue he has heard as well and believed workforce development was assisting to encourage individuals to go into those fields.

Nancy Roach, Benton Franklin coalition board, went to Olympia and discussed inpatient treatment at KGH. She indicated there was tremendous support from the legislation who were in favor of a recovery center in the Tri-Cities. Ms. Roach asked for the Boards' continued support which ultimately was a gift to the community.

Cindy Fish, Franklin County, resident mentioned that she and her group have been feeding about 40 homeless in Franklin County for over a year. She indicated the homeless were active users who lived in the streets and would like this facility and program to come to fruition as they don't have a place to go.

An unidentified person spoke about serving those who are falling. She mentioned the recent vote rescinded relating to retail cannabis and would like to start curbing the issue where it all begins.

Steven Bell, told a story about trying to assist a homeless gentleman in Pasco @ 11:30 pm one evening and his inability to find a resolution for him. He believed this to be a good idea and was thankful with the cooperation and wanted it to continue. He spoke about a covenant restriction put on the KGH site and would like to get that concern put to rest. Mr. Bell gave a suggestion that the Welches facilities looked like a concrete box and thought putting an architectural design was worthy of thought. Mr. Bell asked whether the City of Kennewick was embracing this idea.

Benton County Commissioner Delvin indicated that his vision was seeing a lot of windows as well as having good lighting put in the design.

Benton County Commissioner McKay indicated that the City of Kennewick was in favor.

Shane Gulley, United Family Center, approached the Boards again and spoke about the advantages of their facility as well as they are familiar with the community, already having employees in place but needing finances secured. He mentioned that the Boards should consider being in partnerships with people who already have the knowledge instead of stealing employees. United Family Center will be putting a proposal together and reiterated that they have the space but just needed funding.

Janie Carson, Somerset Counseling Center, commended Mr. Rasmussen and the team in doing this project and getting it going in two years. She further commended the Commissioners making this happen in such a fast pace and spoke about certifications. Franklin County Commissioner Didier asked whether Columbia Basin College had a behavioral health program. Ms. Carson said that they did not and had inquired about such a program with no success. Commissioner Didier indicated to get ahold of him and he would be willing to go with her.

David Comstock spoke regarding a past experience with his father and his attempt in trying to find assistance. Mr. Comstock said this was needed and said that Commissioners should consider the option to get the services going now.

Franklin County Commissioner Peck said that local governments were not intended to serve geographics: they were intended to serve the people. Mr. Peck mentioned that they needed to remember that it was their duty for local government to serve the people not the geographics.

Benton County Commissioner McKay appreciated the comments and was excited to work together on this project.

Benton County Commissioner McKay asked and the Boards agreed to do another quarterly bi-county meeting.

There being no further business before the Boards, the meeting adjourned at 4:06 p.m.


Clerk of the Board


Chairman, Benton County

Bi-County Minutes Approval
FRANKLIN COUNTY
Date: 4/4/2023


Clerk of the Board


Chairman, Franklin County