

# STANDARD TORT CLAIM FORM

General Liability Claim form #SF 210

Pursuant to Chapter 4.96 RCW, this form is for filing a tort claim against Benton County, Washington. Some of the information requested on this form is required by RCW 4.96.020 and may be subject to public disclosure. Pursuant to the new law, Standard Tort Claim forms cannot be submitted electronically (via e-mail or fax).

Claim No.

PLEASE TYPE OR PRINT IN INK

Mail or deliver original claim to Chairman, Benton County Board of Commissioners  
620 Market Street  
P.O. Box 190  
Prosser, WA 99350

Business Hours: Mon. - Fri. 8:00 a.m. - 5:00 p.m.  
Closed on weekends and official state holidays

## CLAIMANT INFORMATION

1. Claimant's name: Robb Linda M [REDACTED]  
Last name First Middle Date of birth (mm/dd/yyyy)
2. Current residential address: [REDACTED]
3. Mailing address: [REDACTED]
4. Residential address at the time of the incident (if different from current address):  
[REDACTED]
5. Claimant's daytime telephone number: [REDACTED] Home [REDACTED] Business [REDACTED]
6. Claimant's e-mail address: linda.robbs333@yahoo.com

## INCIDENT INFORMATION

7. Date of the incident: [REDACTED] Time: [REDACTED] ☐ a.m. ☐ p.m. (check one)  
(mm/dd/yyyy)
8. If the incident occurred over a period of time, date of first and last occurrences:  
from 07/07/14 Time: [REDACTED] ☐ a.m. ☒ p.m. (check one) to 08/05/15 Time: [REDACTED] ☐ a.m. ☐ p.m. (check one)  
(mm/dd/yy) (mm/dd/yy)
9. Location of incident: Washington State-Benton County  
State and county City, if applicable Place where occurred
10. If the incident occurred on a street or highway:  
Not applicable  
Name of street or highway Milepost number At the intersection with or nearest intersecting street
11. County office or department alleged responsible for damage/injury:  
See attached
12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:  
See attached  
[REDACTED]  
[REDACTED]  
[REDACTED]



13. Names, addresses and telephone numbers of all county employees having knowledge about this incident:

See attached

14. Names, addresses and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

See attached

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

See attached

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?

Not applicable

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

Not applicable

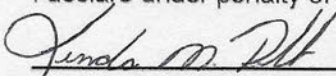
18. Please attach documents which support the claim's allegations.

19. I claim damages from Benton County in the sum of \$

See attached

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

  
**Signature of Claimant**

Form SF 210 (July 2009)

216 Center Blvd., Richland, WA, 99352, Benton County  
**Date and place (residential address, city and county)**

**TORT CLAIM ATTACHMENT**  
**Linda Robb Declaration for Tort Claim**

**Describe The Cause Of The Injury Or Damages.**

My name is Linda Robb; I am a woman over 40 years of age. I am giving notice of the following claims:

- Gender was a substantial factor in the decision to suspend and terminate my position in violation of RCW 49.60.180 et.seq.; and/or
- Age was a substantial factor in the decision to suspend and terminate my position in violation of RCW 49.60.180 et.seq.; and/or
- I was subjected to a hostile work environment because of my gender and/or age in violation of RCW 49.60.180 et.seq.;
- I was retaliated against for opposing prohibited practices, or because I filed a charge, testified, or assisted in any proceeding in violation of RCW 49.60.210;
- I was terminated in violation of public policy because:
  - I opposed the plan to privatize the Crisis Response Unit (“CRU”), which if privatized, will create a monopoly at Lourdes Counseling Center or whatever other entity gets the contract. This happened approximately 20 years ago, and led to a lack of referrals to community providers by Lourdes, which had the only local inpatient unit. Our county government finally had to intervene to end the monopoly. Now it’s happening again.
  - I argued at both Benton and Franklin county board meetings in April 2015 that privatizing the Crisis Response Unit was a conflict of interest due to the fact that it would create a monopoly at Lourdes Counseling Center or whatever local county contracted entity the contract is privatized with, based on the fact that it would allow that provider to take in clients and the referral point in Crisis Response and then only refer to cases to themselves for outpatient treatment including therapy, case management, medication and community services such as housing programs. It would also give that entity the power to refer court ordered patients who had violent or aggressive tendencies to other agencies that were less equipped to handle them, because the referral agency did not want to put themselves in that type of liability situation, or put their staff at any risk of harm.
  - I opposed the plan to privatize the CRU on the ground that it would cost the taxpayers hundreds of thousands of dollars to get out of the 7 year lease of the facility; Crisis was recently moved to provide centralized consolidated services at a new facility. A lease was signed at that time with a private contractor to house the Crisis Response Unit. That new lease is set to expire on April 30, 2021 and cost \$118,000 approximately/year.
  - ☐ I opposed the issue of wasting county dollars that had been spent on the required update of the Crisis Response Unit, at the new location, to electronic medical records that was required by the state of Washington. This system would not be transferable to another agency should the Crisis Response Unit move to a private entity. The counties had already spent

\$302,000 on the electronic records medical program as of April 2015. As of April 2015 2/3 of this medical records program complete the counties still owed additional money on the program as of April 2015.

- ☐ opposed wasting the \$60,000 spent on new furniture for the new Crisis Response building and wasting \$75,000 on remodeling that building that had been spent to customize the space for the specific use of the Crisis Response Unit. Furniture bought by the counties must remain with the counties and cannot be sold or given away outside of county entities per public policy.

In late April or Early May of 2015 I was asked by Commissioner Delvin for input on the thoughts of all providers who provided mental health services to the region regarding the privatization of the Crisis Response Center. As I was chairperson of the Regional Clinical Directors Committee I raised the issue at a public meeting with the regional health providers to gain their input on the subject. I was called into executive session shortly after this meeting where commissioner Small became very angry with me for having done this telling me that I he had listened to the recording of this public meeting and felt that I had “called him out” on the issue. I was told that I was to keep my personal opinions just that and that I was to serve the Benton county commissioners opinions on subjects at all times.

I am also giving notice that I have suffered damages proximately caused by the wrongful acts of Benton and/or Franklin County including, back pay, front pay, loss of benefits, loss of retirement, damage to my reputation, and emotional harm.

I was hired as the Human Services Administrator (“HSA”) for the Benton and Franklin County Department of Human Services (hereinafter the “Department” with an effective hire date of July 7, 2014. (A-141, PDR000001). While this is a department set up by both counties to handle all Human Services issues, and I reported to the Board of Commissioners of both counties (A-144, PDR000287),

During my employment, the practice was that Benton County handled all administrative matters for the Department, including personnel and payroll matters, and provided 70% of the administrative funding, while Franklin County provided 30%. At the same time, each county had an equal say in all Department’s decisions. (A-29, LMR000029-30).

Human Services had over 30 employees. As HSA, I was responsible for overseeing all programs and personnel associated with providing human services to Benton and Franklin Counties. I had more than eight direct reports, and provided oversight to all activities in the county involving Medicaid, chemical dependency treatment, developmental disabilities treatment, mental health, housing services (including grant application and administration), and the Crisis Response Center.

I reported to two separate boards: The Benton County Board of Commissioners, and the Franklin County Board of Commissioners.

My claims stem from my interactions with Benton County Commissioner Shon Small, and the actions, or inactions, of the Benton and Franklin County Boards that failed to protect me from Mr. Small and the actions of both boards to suspend and terminate me.

Each commissioner was assigned to a particular department. Mr. Small (from Benton County) and Mr. Robert Koch (from Franklin County) were assigned to oversee Human Services. During my employment, I interacted with Mr. Small and the other commissioners on a weekly basis.

One of my job responsibilities was to attend Board meetings. It was my job to keep both Boards apprised of human services issues and developments at that Counties and at the state level to the extent that changes in state laws or court decisions affected the administration of human services in the Counties.

Benton and Franklin County Boards met separately, so I attended meetings for each to provide the Boards with information related to Human Services. For example, Human Services had 20-25 contracts with service providers or vendors, so one of my roles at the Board meetings was to present issues that needed to be addressed regarding those contracts. I had to make the same presentation separately and get majority approval from both Boards to approve my actions. Other examples included, I needed approval from both Boards to hire new positions for personnel, to lease equipment (such as copy machines), office space leasing, decisions regarding the awarding of contracts to third parties, and other administrative and oversight functions.

At the time of my hire, Benton County Administrator David Sparks and Franklin County Administrator Fred Bowen jointly told me that, “whenever you communicate with one commissioner, you must communicate with all commissioners and us, so you don’t get into trouble,” or words to that effect. On August 12, 2014, I sent an email to Benton and Franklin County Commissioners, and to their respective county administrators, raising concerns about an ongoing deficit in the Crisis Response Unit (CRU) administered under the Department. I expressed fears that it may need to be closed due to serious funding issues. I also informed them of recent court rulings and the status of Departmental communications with health care providers in an effort to obtain more mental health beds for the community.

On August 14, 2014, Commissioner Small responded with an email criticizing me for sending this email to all of the Commissioners, stating: “if you have concerns please contact Commissioner Koch or myself prior to a blanket email goes out that projects we have a “BROKEN ARROW!” that is now view for public.” (A-27, LMR000027-28). I was surprised at his response as it was my duty to keep the Commissioners apprised of programs under my supervision. In addition the Crisis Response Unit financial issue had been raised by Commissioner Small at the July 15, 2014 Board meeting. (A-136, LMR001084-1088).

In the interest of maintaining a good working relationship with Commissioner Small, I called him to apologize if he felt I mishandled the situation and asked if everything was okay between himself and me. Small responded: “we are good”.

I raised my concerns about Commissioner Small’s email response to both Benton County Administrator David Sparks and Deputy County Administrator Loretta Smith Kelty. Mr. Sparks informed me that I did not make any mistakes in sending the email. Mr. Sparks told me that,

“Small can be mean to strong women like you.” Mr. Sparks further told me that a former commissioner we both knew was crazy but that Shon Small was mean. Mr. Sparks described Commissioner Small’s behavior on several occasions saying that Commissioner Small, “was sexist and did not respect women.” Ms. Smith Kelty told me that Small does not like her, that there had been 2 executive sessions initiated by Small about her, but that Mr. Sparks had defended her. She was fearful of her job because of Shon Small.

On several other occasions, when I complained to Ms. Smith Kelty about Commissioner Small, Ms. Smith Kelty stated that he was “very sexist” I told her that I felt like you had to have a penis in order to survive working at Benton County and that it was a hard core “Old Boys club”. She agreed with me on all this.

Throughout 2014, my Department and the Commissioners continued to deal with problems with various providers of mental health, crisis response and substance abuse services based in part on recent court decisions regarding how these services are provided. Further, the contractor running the Detoxification Center indicated that they were losing money and could not make changes required by changes in state law. I continued to bring those issues to the Commissioners’ attention and proceed as they instructed. For example, I attempted to set up meetings with Small in February, 2015 about DSHS issues with our providers and audits of our programs. (A-42, LMR000042). During this time, all of our facilities passed their audits. (A-142, PDR000176-177).

On or about March 25, 2015, Gordon Cable, CRU Director, reported that six weeks earlier Small had confirmed a rumor that the Crisis Response Unit would be closed down, and those functions would be privatized and handled by Lourdes Counseling Center. Small told Cable not to tell me about the CRU privatization. At this time, I confronted Linda Ivey, Fiscal person for the department of human services, as to rather she knew about this issue. She reported that yes she knew about it and that it has been a discussion for a long time. She had been working in the county for some time in the commissioner’s office and had first heard it there. She further stated that she had been trying to give me hints about it for some time. When asked why she simply did not just tell me she reported that commissioner Small had told her not to tell me and she was unwilling to go up against a commissioner saying that she needed her job. I then called Commissioner Small, who stated he had been working on this issue since August 2013. I expressed concern at not being informed of this change to a major program in my department. He stated that he did not want it blabbed all over the counties before he was ready. He instructed me to discuss privatization at the April 7, 2015 Board Meeting. The April 7, 2015 agenda item, “Crisis Response Unit Discussion ~ L Robb” was submitted as scheduled business, and approved for the agenda by Small.

I then asked David Sparks and Loretta Smith Kelty about the rumor, who told me that everyone else knew and that they had repeatedly advised Small to tell me about it. This rumor was also having been confirmed by Sparks who had recommended that Small tell me, but Small declined. Sparks said that he believed the Department staff knew and recommended that I speak to the other Benton County Commissioners about it. I was also informed by Department Finance Manager, Linda Ivey that Small had asked her for financial information regarding CRU privatization, and that he told her not to tell me. I was Cable and Ivey’s direct supervisor (A-144, PDR000287).

On March 27, 2015, I met with Benton County Commissioner Beaver about CRU privatization, where I told him what I knew about the finances and potential liabilities. He told me to gather more information and let him know what I learned. He believed that I should have been informed from the beginning.

At the April 7, 2015 Benton County Board Meeting, Cable and I presented information about the costs and liabilities if CRU was privatized. (Meeting minutes, A-50, LMR000050-61). I presented information to the entire board that privatization would cost the Counties a considerable amount of money in administrative and other costs, potential loss of state and federal funding, that money recently spent on renting and upgrading the CRU facility, and upgrading the electronics medical records would have been wasted. I also provided the Board with a document entitled "Fiscal Picture" that laid out the issues in detail (A-10, LMR000010-12). I expressed concerns that there could be liability issues as the counties contracted for delivery of mental health services without having full oversight of the services which could have effects on the health and safety of the community. Both Benton County Commissioners Beaver and Chair Delvin indicated that this was their first discussion of the privatization issue. An executive item on the agenda regarding performance of a public employee was not held. I was later told by Loretta Smith-Kelty that this executive session had been placed on the agenda by commissioner Small in case he wanted to "deal with me at that time".

On April 8, 2015, I made the same presentation to the Franklin County Board meeting. Chairman Peck stated that this was the first time that the Franklin County Board had heard of the issue and would not make any decisions at this time about their support or non-support for the CRU privatization issue. (A-80, LMR000276-283).

On April 9, 2015, Benton County Commission Chair Delvin requested that I get input from other providers and the public on the CRU issue. He also expressed concerns about potential liabilities. On April 13, 2015, Franklin County Commissioner Miller expressed appreciation about my work and how well informed I was and stated that he did not understand why I was kept out of discussions.

On April 14, 2015, at the direction of Commissioner Delvin, who specifically asked me to gather information for him on the issues of privatization from the other providers of mental health in the area. I requested a discussion of the CRU privatization issue with the Greater Columbia Behavioral Health (GCBH) Regional Clinical Directors' meeting as they represented the providers that receive referrals from CRU and provide services to CRU patients and would be affected or involved in privatization. At that time I was the chairperson of the committee and had served in that capacity for many years. Because GCBH is the agency established by the DSHS Regional Support Network (RSN) for our counties under WAC 388-877 and RCW 70.02, to administer the contracts for mental health these clinical directors would need to be involved in any changes to the Crisis Response Unit. I presented Commissioner Small's proposal and asked for the Directors' input. Most of the providers were against privatization.

On April 22, 2015, Smith Kelty set up a meeting with me to discuss issues raised at an executive session at the April 21, 2015 Benton County Commissioner meeting. (A-98, LMR000609-614).



Smith Kelty told me that Small was upset that I provided information regarding CRU privatization to the Regional Clinical Directors and that I should not have done so. She told me that Commissioner Small was very angry at me because I had been too one-sided in my presentation and that I needed to understand that if I was going to make it I needed to support the Benton County commissioner no matter what my personal beliefs were. I expressed to her my frustration at having to report equally to two boards who had exact opposite opinions and therefore different directions for me to follow. I expressed my concerns about the two boards not meeting together during my time in this position on a regular basis. She advised me to tell the board this during the upcoming executive session where I was forced to appear in that had been called into session by Commissioner Small.

On April 28, 2015, prior to the April 28, 2015 meeting, I sent an email with attachments responding to concerns about public discussions regarding CRU privatization, where I indicated that I had only discussed the issue at the Board meetings and with the GCBH Directors at the direction of Commissioner Delvin. (A-33, LMR000033-38).

On April 28, 2015 I was called into an executive session of the Benton County Board of Commissioners attended by Sparks, Smith Kelty, and all three commissioners. For the majority of the session, Commissioner Small reprimanded and berated me for bringing the CRU privatization before the Regional Clinical Director's meeting on April 14, 2015. I told the Commissioners that I had done so at the direction of Commissioner Delvin. Small accused me repeatedly of "calling him out". Small also expressed anger that I followed the direction from the Franklin County Commissioners, even though I reminded him that I report to them as well. This executive session lasted 45 minutes, but is listed as no action taken. (A-04, LMR000004-9). In this executive session, which is not recorded, commissioner Delvin and commissioner Beaver expressed no concerns with my behavior or actions.

Following these meetings, Small and other County staff members at his direction began to find fault with me for every action by my Department and try to assign blame to me for ongoing issues with providers, even though many of these began before I was hired, or were a result of very recent Court opinions changing the way that mental health services could be provided.

For example, before a May 7, 2015 RSN meeting, Commissioner Small took me aside and made several accusations, including that I had coached members of the public to criticize CRU privatization at a NAMI forum at which he presented; that I had encouraged letters against CRU privatization; and that I had directed that a letter be sent to the Detox facility informing them that it would be closing. I responded that I had not been involved in these issues. Further, I told him that a crisis response unit staff member had mistakenly sent an internal memo to the Detox unit; that I instructed her to write a retraction once I found out; and that I had followed up with an email instructing all of my employees that no documents could go to the public without authorization (A-70, LMR000070). I also instructed him that within a couple of hours of the incident having occurred I had talked to the director of the Detox center, Dell Anderson, and had apologized for the misunderstanding. I also informed him that I had talked to the leadership at the Crisis Response Unit and had talked directly to the employee involved. All of this occurred on a Sunday afternoon. Commissioner Small thanked me for sending the email to staff and copying him. He ended this discussion by stating "I'm done".



In another instance, a county employee tried to raise an inference of wrongdoing on my part for providing a client a housing voucher. This incident had been fully vetted by the county auditor and found to have no merit. I was in contact with the commissioners about this issue as well as Lexi Wingfield, director of Human Resources. All matters were unfounded. Then I was then accused of not keeping the Commissioners up to date on the termination of the unit by the Detox unit contractor, even though I had done so throughout the year. I responded to every accusation with information about the issue raised.

Shortly thereafter, two different news articles appeared in the Tri-City Herald, with a substantial number of quotes by Small about privatization. (A-104, LMR000795-801). In one of the articles he also stated that "he might ask to go into executive session to discuss an 'employee performance' issue related to Crisis Response." Based on my concerns regarding these statements, and the Bi-County meeting Agenda regarding executive sessions on "Review the Performance of a Public Employee" and "Possible Management Decision Regarding a Public Employee" (A-72, LMR000072), I sent an email to the Franklin County Deputy Prosecuting Attorney (DPA) in charge of HR matters, Janet Taylor. (A-75, LMR000075-76). I asked her if this was referring to me, and also told her "this is starting to feel like a hostile work place situation". I also discussed my concerns with Franklin County Commissioners Peck and Koch, and Benton County Commissioner Devlin. The executive session did not occur because it had not been properly noticed in Franklin County. There was considerable discussion at the Bi-County meeting and a request for more information and public hearings on the CRU privatization issue. (Benton County minutes A-131, LMR001050-52, Franklin County Minutes A-88, LMR000291-293).

Following further comments from Commissioner Small at a May 19, 2015 Board meeting where Small wrongfully accused me of not keeping him informed of issues with Detox, I approached Small to privately explain about the issues raised. He stated to me "you don't need to explain anything to me... as far as I am concerned you are a pathetic liar and human being and I will never trust anything you say. You are a miserable liar and person and I do not want to ever see or listen to you again". This comment occurred right before a GCBH Fiscal Committee Meeting. Because I was visibly upset, I wrote a note to Penny Bell, director of a chemical dependency agency in our community who held contract that the Department of Human Services was responsible for, at the meeting detailing Small's comments. After the meeting, I reported this incident to Franklin County PDA Janet Taylor. I then reported the incident to Gordon Cable, Kyle Sullivan and Gloria Caldwell from CRU. Caldwell suggested I contact Benton County Personnel Director Lexi Wingfield. I called and requested a meeting about the hostile work environment. I later cancelled this meeting because I was very fearful of her going to Commissioner Small and of me getting fired because of it. I then decided that it would be safer to report the issue to Franklin county who up to this point had been very supportive of me and who had told me that I was doing a really good job. In a private conversation with Benton County PDA Andy Miller I asked him about the incident and about why Commissioner Small hated me so much. Miller responded in part by telling me that Small told him in November of 2014 that he did not like me, that he wanted me gone, and made comments to the effect that I was a stupid woman. Miller reported to me that he had shared that he had never experienced anything like being stupid with me and that he did not support any sort of termination. Miller

went on to say that he was the attorney for the commissioners so he had to be careful but that he suggested I start working on a housing project that no one in the county wanted to take on so that I would make myself seem more indispensable to Benton County. I expressed to him my concerns about the hostile work place and he reported that he had certainly seen that in the board meeting earlier that week when I had presented about the Detox Center. He reported that everyone in the room could see the hostility that Small had for me.

On May 22, 2015, I met with DPA Janet Taylor in regard to my hostile work environment complaint, at which time I provided her with a handwritten chronology (A-91, LMR000416-422) and other documents, including Exhibit X, (A-4, LMR000004-77). I told her about my belief that Small's harassment and discriminatory treatment was based on my sex and on providing information on CRU privatization implications. Taylor, listened to me at length and took copious notes, she advised me of my rights and was very supportive. She apologized on behalf of Franklin county and told me she would present the issues at executive session at the May 27, 2015 Franklin County Board meeting. (A-134, LMR0001060-1061).

On June 9, 2015, I sent an email to Franklin County Commissioner Koch, expressing concerns about Rick Weaver, executive director of Comprehensive Mental Health in Yakima WA, presenting information about dissolving and privatizing CRU, as Weaver has a conflict of interest. (A-145, PDR001708).

I then reported the same issues in separate conversations with Benton County Commissioner Beaver and Benton County Deputy Administrator Smith Kelty on June 5, 2015. Both commented that they have noticed Small's behavior toward me. Beaver states that Small should be assigned responsibility for a different department. Beaver tells me that he will contact Benton county attorneys and recommend the change be made to Commissioner Delvin representing the Department of Human Services. He further stated that he thought that the executive sessions and the harassment had to stop and that he was on my side all the way. Smith Kelty later agrees with Beaver's statement, and that the constant harassment needs to stop.

Following these reports to Commissioners and administrators, the harassment and fault finding increased. Despite his prior assurances, Benton County Commission Beaver via email informed me that he refused to reassign Small. He further stated that he would not help me harm one of his brother commissioners. At around this time I had been informed that a position was open in the Sheriff's department for Benton county. Linda Ivey, fiscal person for the Department of Human Services informed me that she was going to apply for this position. At the time Loretta Smith-Kelty informed me that she had approached Commissioner Small with wanting to be the next administrator for Benton county as she was aware that the current administrator David Sparks was considering retirement. She had been the deputy director for a number of years and had been groomed for the job by Sparks. Loretta told me that she had been informed by Small that she would not be getting the position because they had someone else in mind (a man). Loretta then told me that based on this information she was afraid that she would not have a job after David left, because of Small's dislike for her, so she had applied for the open position in the Sheriff's office as well. Loretta has a background in finances and was well qualified for the job, however she did not get the job but Linda Ivey did. This meant that Ivey would move up three steps in the payment schedule. Knowing that Small and Ivey were close friends it seemed apparent that she had been given the job as a favor and to get her out of a department that Small disliked and

wanted abandoned as a bi-county program. Several times Small would come into the Human Services Department and meet behind closed doors with Ivey during the year. Neither Ivey nor Small would disclose what these meeting were about except to say they were just chatting about personal things. Upon Ivey getting this position and moving on Benton County initially declined to replace the Human Services Finance Manager, a much needed position at Human Services. On July 10, 2015, I was forced to terminate my assistant even though he had done nothing wrong. (A-77, LMR000077-79). I was told that my assistant had not disclosed past criminal history when in fact I produced a document that the county had in his file even giving the case number of his previous offense and a background check run by Benton county that showed no offenses or problems listed. I had also talked to personnel director Lexi Wingfield at length about the criminal history of my assistant before bringing him on because if it was a problem I wanted to know about it before moving forward. She told me that it was fine as long as the offense had not occurred in the last 7 years. When she told me to fire my assistant she denied that I had disclosed this to her but later said that she vaguely remembered something that I had said but couldn't quite remember it.

I contacted Commissioner Brad Peck about this incident who informed me that he felt this was a retaliatory move by Small to hurt me. PDA Sant later told me the same thing but did say Benton county had the right to terminate him as they had been the ones to hire him not me. He said to remember that I had made the recommendation to hire this person but Benton County were in fact the ones who hired him and did all of the background checks.

On July 16, 2015, Benton County placed me on administrative leave for "misconducts". (A-01, LMR000001-2). My termination was then discussed at two Bi-County meetings (7/29/15 and 8/5/15) and two separate Board meetings on 8/4/15 and 8/5/15. Despite discussions that termination would be premature as the PDA, of Franklin County, was awaiting further information, the Commissioners voted on August 5, 2015 to terminate my employment by a vote of 5-1 (Franklin County Commission Chair Peck voting against)(A-114, LMR000828-844) and discussed my termination in the press in an article that appeared that same day (A-111, LMR000808-809). I received notice of my termination on August 6, 2015. (A-03, LMR0000003) In an article appearing on August 11, 2015, Delvin "reiterated statements he made to the Herald last week that Benton County officials had lost confidence in Robb to lead the department". (A-113, LMR000810).

Has this incident been reported? See Section 16 narrative above.

Names and addresses of treating medical providers? N/A.

Documents that support allegations? Attached as Exhibits.

Damages Claimed:

**LOSSES INCLUDED:**

- a) Back Pay
- b) Front Pay
- c) Loss of promotional opportunities
- d) Lost benefits and retirement

- e) Emotional Harm
- f) Attorneys' fees and costs.

AMOUNT CLAIMED:

My damages are ongoing. These damages will be calculated in detail once I retain an expert. They are summarized as follows:

- a) Back pay: I will seek my lost wages from the date of my discipline to the date of trial.
- b) Front Pay: I will seek lost wages from the date of trial forward for five years or to retirement.
- c) Loss of future employment opportunities: based on the erroneous allegation that I did something wrong and publicity of these allegations and the opinions of Commissioners in local newspapers, I am facing serious difficulty in obtaining future employment.
- d) Lost Benefits: I will seek lost benefits from the date of discipline forward, which will include lost medical benefits and retirement benefits.
- e) Emotional Harm: Unknown. A jury could decide that my damages are hundreds of thousands of dollars.
  - a. In *Hairston v. City of Seattle*, King County Case No. 95-2-01141-1SEA, a 1995 case involving race discrimination, harassment, and retaliation case brought under the WLAD, a jury awarded Ms. Hairston \$400,000 for emotional distress with no lost wages claimed while she was still working at the City.
  - b. In *Martini v. Boeing*, 137 Wn.2d 357 (1999), a disability discrimination case brought under state law, a jury awarded Mr. Martini approximately \$766,000.00 in damages with a total recovery after appeal of +\$1.4M in 1999.
  - c. In *Trinh, Bailey, and Rodriguez v. City of Seattle*, 145 Wn. App. 1011 (2008), a three-plaintiff race discrimination/hostile work environment case against Seattle City Light, after a 6-week trial, the jury awarded Trinh and Bailey \$1.48 million in damages. Later, the judge awarded plaintiffs more than \$700,000.00 in attorney fees and costs (Mr. Rodriguez had settled pretrial). Mr. Trinh was awarded \$772,000 in emotional harm alone.
  - d. In *Corey v. Pierce County*, 154 Wn. App. 752, 225 P.3d 367 (2010), a former Pierce County prosecutor was awarded over \$3 million, after a jury found that she had been wrongfully terminated in January 2004. The prosecutor, Barbara Corey, was a 20-year veteran of the prosecutor's office. After she announced that she might run for county prosecutor, Corey alleged that County Prosecutor Gerry Home engaged in repeated discriminatory acts against her, including allegedly "manufacturing" a criminal investigation and leaking information to the media that suggested Corey was fired for mishandling public money.
  - e. In *Chaussee v. State*, a Thurston County jury awarded Steve Chaussee, a carpenter foreperson working for the ferries, \$1,000,000 for emotional harm



damages he suffered over a period of about eight years after he was perceived by his management to have blown the whistle on another ferry worker who was leaving work early to coach baseball and charging for a full day. He was still employed with the State at the time of the verdict.

Attorneys' Fees and Costs;

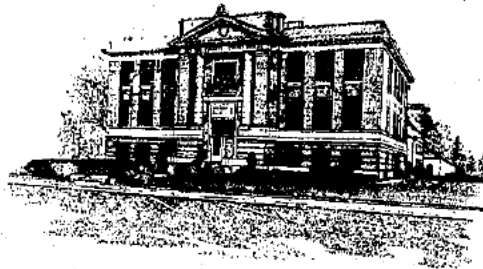
An injunction.

Jerome Delvin  
District 1  
Shon Small  
District 2  
James Beaver  
District 3

**Board of County Commissioners  
BENTON COUNTY**

David Sparks  
County Administrator

Loretta Smith Kelty  
Deputy County Administrator



July 16, 2015

Linda M. Robb  
Richland WA 99352

**HAND DELIVERED**

RE: *Administrative Leave With Pay Notice*

Dear Ms. Robb:

This letter places you on Administrative Leave With Pay immediately, pending completion of an investigation into allegations you have engaged in misconducts related to your job. Placing you on Administrative Leave With Pay is not discipline, nor is it an assumption of your guilt or your innocence, but rather provides Management an opportunity to continue to gather facts in this matter in order to determine any appropriate administrative action required to resolve the issue(s).

The allegations under investigation are such that they compromise your ability to perform your duties and will require a period of time for a full and complete investigation. Should other allegations of misconduct arise during this investigation, you will be so notified. You will also be notified of the findings of the investigation. You will remain on Administrative Leave With Pay pending the conclusion of this investigation.

During your Administrative Leave With Pay, you are to have absolutely no contact, direct or indirect, with Human Services employees, including co-workers or volunteers, who may be involved in this investigation, unless directed by me or Benton County Personnel Manager Lexi J. Wingfield. During the time you are on Administrative Leave With Pay, you are also directed not to come to Human Services or CRU offices, unless expressly directed by me or Personnel Manager Wingfield.

While on Administrative Leave With Pay, you are to be available to return to work as directed. If Management is unable to contact you at your phone number of record, your personal leave account will be charged and you will be considered in an unauthorized leave status, which may also subject you to disciplinary action.

Linda M. Robb  
July 16, 2015  
Page 2

You are to immediately turn over any and all Benton County/agency property in your possession, including your identification badge. Thank you. If you fail to comply with any of the directives herein, you will be considered insubordinate and subject to disciplinary action, up to and including termination as an agency employee. If you have any questions, please do not hesitate to contact me directly.

Sincerely,



David A. Sparks  
COUNTY ADMINISTRATOR

DAS:bms

Cc. Board of Benton County Commissioners  
Board of Franklin County Commissioners  
Lexi J. Wingfield, Personnel Manager

Benton County Commissioners

**BENTON AND FRANKLIN COUNTIES**

Franklin County Commissioners

Jerome Delvin, Chairman  
Shon Small, Chair Pro Tem  
James R Beaver, Member  
(509) 786-5600  
(509) 736-3080 (toll-free from Tri-Cities)

Brad Peck, Chairman  
Rick Miller, Chair Pro Tem  
Robert E. Koch, Member  
(509) 545-3535

August 6, 2015

Linda A. Robb  
Richland WA 99352

Re: *Termination Notice*

Dear Ms. Robb:

After a thorough review and careful consideration of all information related to recent concerns, it has been determined best to terminate your at-will employment with Human Services. We do not have confidence in your ability to lead the bi-county agency in a manner consistent with our vision and goals. Your employment with the agency will terminate at the close of business today, August 6, 2015.

Please immediately return any county/agency equipment/property remaining in your possession or control. Thank you.

Contact Karlee in the Benton County Personnel Resources Department with any questions you may have regarding COBRA benefits. The phone number is 509.737.2777. Personnel is located on the 2<sup>nd</sup> floor of the Benton County Justice Center, in Kennewick. Personnel can make the necessary arrangements for the return of any personal property remaining in your office.

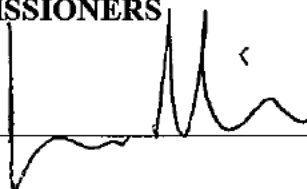
Your final paycheck will be mailed to your address of record on September 4, 2015, to include a payout for accrued sick/annual leave, if eligible pursuant to Benton County personnel policies.

Best wishes in your future endeavors.

Sincerely,

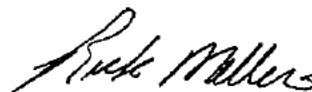
**BOARD OF BENTON COUNTY  
COMMISSIONERS**

Chair



**BOARD OF FRANKLIN COUNTY  
COMMISSIONERS**

Chair Pro Tem



Cc: Board of Benton County Commissioners  
Board of Franklin County Commissioners  
Benton County Administrator  
Franklin County Administrator



## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, April 28, 2015, 9:00 a.m.  
Benton County Planning Annex  
1002 Dudley Avenue, Prosser, WA

**Present:** Chairman Jerome Delvin  
Commissioner Shon Small  
Commissioner James Beaver  
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 Kely; Adam Fyall, Sustainable Development Manager; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; GIS Manager Mary Phillips; DPA Ryan Lukson; Human Services Manager Linda Robb; Assistant County Engineer Matt Rassmussen; Sgt. Carlos Trevino; Treasurer Duane Davidson; Detective Larry Smith; Clark Posey, Planning Dept.

#### Approval of Minutes

The Minutes of April 21, 2015 were approved.

#### Consent Agenda

**MOTION:** Commissioner Beaver moved to approve the consent agenda items "a" through "o", adding "p", "q", "r" (Appointments to the Benton County Advisory Council – Office of Aging & Long Term Care). Commissioner Small seconded and upon vote, the Board approved the following:

#### Auditor

- a. Increase of Petty Cash Funds In Auditor's Office

#### Clerk

- b. Line Item Transfer, Fund No. 0000-101, Dept. 106

#### Commissioners

- c. Line Item Transfer, Fund No. 0305-101, Dept. 000

#### Facilities

- d. Contract w/Kone, Inc. for Elevator Maintenance and Repair Services
- e. Contract w/ABM Janitorial Services, South Central, Inc for Janitorial Services

#### Information Technology

- f. Purchase of Twelve Brother Printers, One Bluetooth & Vehicle Mounts From PCS Mobile

- g. Line Item Transfer, Fund No. 0502-101, Dept. 000

**Office of Public Defense**

- h. Superior Court Public Defense Agreement w/P Younesi

**Personnel**

- i. Participation Agreement w/United Employees Benefit Trust for Bailiff Employees  
j. Line Item Transfer, Fund No. 0305-101, Dept. 000

**Public Works**

- k. Sign Right of Plans for Tyrell Road, Phase I  
l. Purchase of Two Wheel Compactor Attachments from Western States Equipment Co.  
m. Project Review Reimbursement Agreement w/WA State Dept of Transportation

**Sheriff**

- n. Purchase of Two Work Crew Vehicles from Columbia Ford Nissan

**Sustainable Development**

- o. Line Item Transfer, Fund No. 0135-101, Dept. 000

**Commissioners**

- p. Appointment of Debra Brumley – Aging & Long Term Care  
q. Appointment of Janice Fulk – Aging & Long Term Care  
r. Appointment of Phillip Lemley – Aging & Long Term Care

**Gang Unit Update**

Sgt. Trevino briefly updated the Board on the gang unit as follows:

- With the epidemic of drug addiction, they had focused on a case in the Benton City area (working gang cases along with drug crimes and working on a dozen known people in that area). He said they wanted to make long term impacts and there were only a few left that were not in jail; they were looking at federal drug indictments and long term prison sentences and believe it definitely made an impact.
- Intervention and suppression – working on the GREAT program (Gang Resistance Education & Training) with 7th graders (DARE was for 5th & 6th graders); read letters from some of the students.

**Magnet Forensics Software Maintenance Support Renewal**

Detective Larry Smith said the Sheriff's office currently had the software but after review by the PA, there was concern the County could be held liable for the cost of any attorneys hired to defend them in a lawsuit (it was a Canadian company). He said they had the software for a year and it was provided by the Secret Service free for a year. The license renewal would also allow updates for the phone app programs and cost \$550.00 for one year. He said that hundreds if not thousands of agencies were using the program (including City of Richland and Walla Walla) and it was a widely used forensic software.

DPA Ryan Lukson said if someone sued Magnet Forensics for Benton County's use of the program, Benton County was required to indemnify the company, they would control the defense and Benton County was required to pay the cost of the attorney. He said they tried to negotiate

the terms, but the company turned them down because it wasn't worth the cost of the license renewal.

**MOTION:** Commissioner Small moved to approve the payment to Magnet Forensics for the annual IEF Software Maintenance Support in an amount not to exceed \$550.00. Commissioner Beaver seconded and upon vote, the motion carried.

### **Interlocal MATRICS Agreement Discussion**

Chairman Delvin said he attended a meeting and presented the other four parties with Ryan Brown's markup version of the interlocal agreement. He said they would get back together in two weeks to discuss it. He mentioned that Mr. Brown found another interlocal done in King County that covered their use but Franklin County was not interested. He said that Commissioner Peck wanted separate bylaws and an agreement that would allow the executive board to make decisions without going to the governing boards. He said they discussed the trust issues and also using the \$78,000 available in funds from the State to continue the agreement process with the SCIENS group.

Commissioner Beaver said he wanted one agreement not two in front of the Board and still had reservations about other agencies joining with assets already in place. Chairman Delvin said there was also a discussion about the reserve fund and capital expenditures, including that MATRICS would not pay for upgrades unless it had value for the MATRICS system as whole and not just one entity.

He said he would update the Board when he had further input from the group.

### **Unscheduled Visitors**

Curt Still, contractor in Grandview, said he was concerned about the county requirement to pave a road approach for a shop he was going to build next to an existing house. He said there was an existing road and they were not adding new traffic (the shop was just for their own private use and not for business) and it would add \$2,000 to the cost of construction. He said it was unfair and unjust to require it.

Matt Rassmussen, Assistant County Engineer, said the policy was written in 2005 and it potentially left the decision to the discretion of the County Engineer. He said the policy stated that when a building permit was required and the road was paved, it required a paved approach. He said they would review the policy and look at changing it to specific standards rather than at the discretion of the County Engineer each time.

Chairman Delvin asked if the contractor, owner and Public Works could meet to discuss the issue. Mr. Still asked if they could move on the project while they were working out the details. The Board agreed it was a good idea to have them meet and come back to the Board.

Paul and Jill Hedgpeth, Clodfelter Road, discussed their concern regarding an application to grow marijuana in their neighborhood. Mr. Hedgpeth said the application was zoned rural lands

5 and located in a rural residential neighborhood and adjacent to single family dwellings. They said the application was not appropriate for the specific type of use. Mike Shuttleworth stated they had received the application and already commented to the State.

Ms. Hedgpeth said they were asking the Board to look at rezoning rural lands 5 and where it was being allowed and maybe look at larger zoning and have it be looked at more like other agriculture and livestock. Additionally, maybe change it to a conditional use permit requirement in residential areas in these zones (lands rural 5). She also expressed concern about the construction of the building.

Chairman Delvin said the State was going to issue the license, even if the County said no. He said Benton County's code enforcement officer went out there and sent a warning letter regarding the fence but he was still reviewing what was happening inside the property.

Additionally, they reviewed the issue before the law went into effect and made a decision they would not allow processing in RL5. He said he personally had viewed some sites and so far the County had not received any complaints about the current ongoing operations. However, if this neighbor was not following codes, they could look at it.

Commissioner Small said he sympathized with them and Benton County as a whole said no, but it still passed. He said they were looking at a moratorium but then the Attorney General changed his mind and said he would assist in suing counties or cities that put in moratoriums. He said they did the best they could with what they had and he asked them to give it time for code enforcement; if he was doing something wrong, it would be found and could be shut down.

Chairman Delvin said they would send out code enforcement and would look at rezoning, although most of the agricultural regulations were driven by the State. He also asked them to contact their legislators.

Roy Cole, Windward Lane, said he didn't know what to do at this point. He asked what the County's procedure was when they were notified. He said he was concerned about the lights that were going up since this was more like a subdivision.

Mr. Shuttleworth said he would provide a copy of the policy; he said once they received the application, it was only required to answer yes or no. They sent to other departments for comments including the Sheriff's office on whether the applicant had any warrants and they looked at the zoning.

Linda Bower, Clodfelter Road, said now she had to look at a big ugly fence. She loved living up there because it was safe and peaceful and was concerned about what it would become.



## **Other Business**

### **Metro**

Commissioner Small said they just had a meeting for Metro and talked about the shortfall (\$54,000 shortfall on July 1). He said it was discussed that Benton County would contribute \$15,000 by not getting refunded for the PA's office. If Franklin County followed suit, it would only be a shortfall of \$24,000 for the other entities.

Mr. Sparks said he received a letter from PA Miller supporting the decision that Benton County would pay for the Prosecutor to help fill the gap, contingent upon Franklin County paying their share.

He said the Law & Justice Committee made a list of priorities but he didn't believe they could fund all the items on the list. He said the first phase approved by the Board did not include Metro since it was not one of the top priorities. He said he had a hard time believing the other entities could not fill the remaining funding gap.

Commissioner Beaver said he would agree to a short term solution but wanted to look at the details and fix the long-term problem so it didn't happen again.

Chairman Delvin said he received a letter from Wildlife Recreation & Coalition asking the Board to join.

At 10:20 a.m. the Board recessed for approximately five minutes.

### **Executive Session – Potential/Pending Litigation**

The Board went into executive session at 10:27 a.m. with DPA Ryan Lukson for potential and pending litigation for up to 15 minutes. Also present were Ryan Brown, Sgt. Trevino, David Sparks, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 10:38 a.m. Mr. Lukson said the Board discussed potential and pending litigation but no action was taken.

### **Executive Session – Review Performance of Public Employee**

The Board went into executive session at 10:38 a.m. to discuss the performance of a public employee for up to 30 minutes. Also present were David Sparks, Loretta Smith Kelty, and Linda Robb. The Board came out at 11:15 a.m. No action was taken in executive session.

### **Vouchers**

Check Date: 04/24/2015  
Warrant #: 120626-120783  
Total all funds: \$54,155.65

Transfers #: 04241501-04241513  
Total all funds: \$408,998.03

Warrants #: 120784-120933  
Total all funds: \$1,089,232.04

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

**Resolutions**

- 2015-312: Increase of Petty Cash Funds In Auditor's Office
- 2015-313: Line Item Transfer, Fund No. 0000-101, Dept. 106
- 2015-314: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-315: Contract w/Kone, Inc. for Elevator Maintenance and Repair Services
- 2015-316: Contract w/ABM Janitorial Services, South Central, Inc for Janitorial Services
- 2015-317: Purchase of Twelve Brother Printers, One Bluetooth & Vehicle Mounts From PCS Mobile
- 2015-318: Line Item Transfer, Fund No. 0502-101, Dept. 000
- 2015-319: Superior Court Public Defense Agreement w/P Younesi
- 2015-320: Participation Agreement w/United Employees Benefit Trust for Bailiff Employees
- 2015-321: Line Item Transfer, Fund No. 0305-101, Dept. 000
- 2015-322: Sign Right of Plans for Tyrell Road, Phase I
- 2015-323: Purchase of Two Wheel Compactor Attachments from Western States Equipment Co.
- 2015-324: Project Review Reimbursement Agreement w/WA State Dept of Transportation
- 2015-325: Purchase of Two Work Crew Vehicles from Columbia Ford Nissan
- 2015-326: Line Item Transfer, Fund No. 0135-101, Dept. 000
- 2015-327: Appointment of Debra Brumley – Aging & Long Term Care
- 2015-328: Appointment of Janice Fulk – Aging & Long Term Care
- 2015-329: Appointment of Phillip Lemley – Aging & Long Term Care
- 2015-330: Authorizing Payment to Magnet Forensics – Software License Renewal

There being no further business before the Board, the meeting adjourned at approximately 11:15 a.m.

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Clerk of the Board

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Chairman

## **FISCAL PICTURE**

**Annual Admin Costs paid by Mental health Medicaid and State only Funds for the Admin office staff( these are costs separate from the costs of salaries for crisis response staff, benefits, rent, etc paid at the actual crisis response center)**

\$182,179.00 Annual

\$15,181.57 Monthly

### **Federal Block Grant**

\$245,891 Annual

This would go away should the Crisis Response Center leave the counties and the Department of Human Services. Human Services Administration staff would still have work to do on these contracts as stated below:

Per Benton County resolution number 11-471 and Franklin County resolution number 2011 272:

**"Benton and Franklin Counties have the authority to choose providers, change providers, terminate contracts with providers, determine what services each provider will provide and determine what the funding allocation will be for each provider. Counties may also have additional language/requirements added to the provider contracts."**

### **CRU lease**

Will not expire until April 30, 2021

We pay \$9862.88 per month

### **New Electronic Records Software**

\$302,000 spent on software so far to be in accordance with the law and to provide better and more accurate service to clients. This has been tailored to the Crisis response Center specifically and would not be useful to another agency. This would be more than a quarter million dollars wasted in counties money should the Crisis Response Center move away from the counties.

### **Remodeling and Furniture costs of new building**

Counties spent \$60,000 on furniture for the new building

Counties spent \$75,000 on remodeling costs

### Liability

Currently all mental health programs are contracted by the Regional Support Network (RSN) with Benton and Franklin counties authorization and approval.

Therefore the following applies per Benton County resolution number 11-471 and Franklin County resolution number 2011 272:

**"Benton and Franklin Counties have the authority to choose providers, change providers, terminate contracts with providers, determine what services each provider will provide and determine what the funding allocation will be for each provider. Counties may also have additional language/requirements added to the provider contracts."**

Currently we have four primary providers of mental health who have several contracts with Greater Columbia Behavioral Health and the counties. These are Lourdes Counseling Center, Catholic Family & Child Service, Tri-Cities Community Health (aka Nueva Esperanza) and Lutheran Social Services.

Currently some of our providers have multiple contacts with the RSN/Counties. For example Lourdes counseling program currently has the Program of Assertive Community Treatment (PACT) team.

### Control over potential Liability

In the current system of care the counties have the control and responsibility over the Crisis response center. In the course of the last several years, through their dedication to the counties, the current staff of the Crisis Response Unit have controlled hundreds of potentially litigious individuals and families. They have done this under the supervision and management of the counties and have successfully helped families through crisis situations. They have done all this quietly and consistently without incident. If employees not employed by the counties were responsible for this the outcome could be substantially different. Since this department is a bi-county department they have access to both counties legal teams and are able to access both counties commissioners through these legal teams. As long as the crisis response center remains a county managed entity the commissioners and legal representatives have constant updates about any potential issues that might arise. The commissioners have 24 hour access to the Department of Human Service Director should they have questions or want changes to occur. This would be lost if the Crisis Response Center was to be contracted out to another provider.

### Checks and Balances

Over twenty years ago CRU was housed at Lourdes Counseling Center it was decided that this presented a conflict of interest for Lourdes and a decision was made to move The Crisis Response Center to the Counties.

Currently the county has no stake in placing a client in state facility other than keeping the person safe from harming themselves or others. Having the Designated Mental Health Professionals (DMHP) employed by the counties provides a level of transparency that does not present a conflict of interest. This is something that could be a potential problem if an agency that houses an inpatient unit or detox unit also housed the Crisis Response Unit. This would open up a potential line of liability should something occur at the agency housing the Crisis Response unit were it not housed at a neutral location controlled by the counties.

### **Jail Services**

Currently the county holds contracts with Lourdes Counseling Center to provide case management and with Comprehensive health to provide psychiatric medication management in the Benton County jail. Benton County also employs a DMHP to provide oversight and to act as the lead for case management and medication management services. This was put in place so that the county would have ultimate oversight of the county jail program and so that decisions could be made in the jail as to what needed to be done on an individual basis with the inmates requesting psychiatric services. This position was put in place so that the county would have the ultimate say so over the jail services and so that this person would be supervised by Crisis Response managers in case there were any issues. This was done at the request of undersheriff as well as Ed T. Again having county legal advice in this program has been invaluable.

### **Consolidate Services**

Consolidation of services is a key component. According to the January 15, 2014 Bi-county commissioners meeting a discussion was held on the current location (500 North Morain). All parties affirmed that this location was the most appropriate location due to the centralized location and corresponding services that were housed in the same location. The other tenants at this location are: Home and Community, Adult protective Services, Developmental Disability Administration, Department Of Corrections and Vocational Rehabilitation. Aging and Long Term Care is a block away and First Step Chemical dependency counseling is across the street.

### **The Community**

Over the years Cru has been the gatekeeper for hospitalizations for the consumers of our counties to determine which type of mental health or chemical dependency services would best suit them. Because they are not affiliated with any hospital or detox center. In this role the staff of CRU have developed very strong relationships with all providers and have been able to be an independent unbiased entity for the community. If clients have been excluded from an agency for some reason CRU has been able to work with them to get them to a place where they will be able to get the help they need. Having the hospital liaison at CRU has presented the community with an independent entity to evaluate clients who are in the inpatient system and be able to place with a variety of services at one of three agencies.

### **Staff**

27 staff currently work at the Crisis Response Center. Many of these staff have worked there for over 15 years and some over 20 years. They have invested their lives to the counties for lower pay than the private sector because they believe in what they do. If the Crisis Response Center was to move away from the county these employees would lose their jobs, their benefits, their longevity and all the benefits that accompany it. These employees do not wish to move away from their current positions and wish to remain with the counties.



**Linda Robb**

---

**From:** Shon Small  
**Sent:** Thursday, May 07, 2015 3:58 PM  
**To:** Linda Robb  
**Subject:** Fwd: Information

Sent from my iPhone

Begin forwarded message:

**From:** Ian Velasquez <[Ian.Velasquez@co.benton.wa.us](mailto:Ian.Velasquez@co.benton.wa.us)>  
**Date:** May 7, 2015 at 10:57:57 AM PDT  
**To:** Shon Small <[Shon.Small@co.benton.wa.us](mailto:Shon.Small@co.benton.wa.us)>  
**Subject:** Information

Here is the information you requested.

Let me know if there is anything else you need.

Rebecca Hartwell	12am-12pm
Loretta Swift	12am-12pm
Jessie Arambul	8am-12am (double shift)
Dixie George	Noon-12am
Araceli Perez	1pm-9pm

Ian Velasquez  
Systems Integration Engineer  
Benton County Information Technology  
7122 West Okanogan Pl  
Kennewick, WA 99336  
(509) 737-3982 – Desk / Single Number Reach  
(509) 737-3932 – Fax



## BEHAVIORAL HEALTH SERVICES

October 21, 2014

Linda Robb, Administrator,  
Benton and Franklin Counties  
Department of Human Services  
7102 West Okanogan Place Suite 201  
Kennewick, WA 99336

RE: Chemical Dependency Treatment Services at the Kennewick Location.

Dear Linda:

Our organization has been collaborating with you and your staff to determine the best course of action for our chemical dependency treatment services provided at the Kennewick location. Our retention rates have been low for far too long. While we want to continue providing these services we can understand how these rates negatively impact the contracts Benton County has with the State.

So we are in agreement with the recommendation that the county contract be modified to terminate the chemical dependency services provided at the Kennewick location and to maintain our programs for chemical dependency offered at the Pasco location and at the Detox Facility.

Those clients being served at the Kennewick location will have the opportunity to continue their services at the Pasco location or at another agency within our community. We will continue to work collaboratively to make this transition as smooth as possible. If you have any further questions or need to contact me please call (509) 545-6506.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dell Anderson'.

Dell Anderson, M.Ed, LMHC  
Director of Behavioral Health Services

Mailing: PO Box 1452, Pasco WA 99301

715 W. Court St, Pasco WA 99301 (509) 545-6506 Fax: (509) 546-0520  
5219 W Clearwater Ave Ste 5A Kennewick WA 99336 (509) 543-8500 Fax: (509) 783-4455

A-015

LMR000015

## Linda Robb

---

**From:** Linda Robb  
**Sent:** Wednesday, October 22, 2014 7:42 AM  
**To:** Shon Small  
**Cc:** David Sparks  
**Subject:** FW: Agreement Letter  
**Attachments:** Letter to Linda.pdf.pdf

As you asked for. I will bring hard copies to the meeting next week.

Take care  
Linda

---

**From:** Dell Anderson [mailto:DAnderson@mytcch.org]  
**Sent:** Tuesday, October 21, 2014 4:58 PM  
**To:** Linda Robb  
**Subject:** Agreement Letter

Hi Linda:

Attached our letter of agreement which we discussed.

Thank you,  
Dell

DELL ANDERSON, M.ED, LMHC, CMHS  
Director of Behavioral Health Services  
Tri-Cities Community Health  
509-545-6506 / Fax 509-542-0520  
PO Box 1452 / 715 W. Court St., Pasco, WA 99301

---

**From:** Katie Sears  
**Sent:** Tuesday, October 21, 2014 4:55 PM  
**To:** Dell Anderson  
**Subject:** Letter to Linda

Here you go!



KATIE SEARS  
Executive Assistant  
Tri-Cities Community Health  
509-543-1906  
PO Box 1452 / 515 W. Court St., Pasco, WA 99301  
[ksears@mytcch.org](mailto:ksears@mytcch.org) / [myTCCH.org](http://myTCCH.org) / Like us on [Facebook](#)

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intended exclusively for the person(s) to whom it is addressed. Any use, copying, retention or disclosure by any person other than the intended recipient or the intended recipient's designees is strictly prohibited.

**Linda Robb**

---

**From:** Shon Small  
**Sent:** Friday, August 29, 2014 10:04 AM  
**To:** Linda Robb; 'Bob Koch'  
**Cc:** Gordon Cable; Kyle Sullivan  
**Subject:** RE: Hiring a crisis counselor

Perfect!!

---

**From:** Linda Robb  
**Sent:** Thursday, August 28, 2014 10:59 AM  
**To:** Shon Small; 'Bob Koch'  
**Cc:** Gordon Cable; Kyle Sullivan  
**Subject:** RE: Hiring a crisis counselor

Good morning Gentlemen,

I am just checking up on this and letting you both know that unless you have any concerns I will move forward with filling this position of Crisis Counselor. Please note that this is a position that is currently already in the Crisis Response budget and will not require any new funds.

Thank you

*Linda M. Robb*  
Department of Human Services  
Benton and Franklin Counties  
7102 W. Okanogan Pl  
Suite 201  
Kennewick WA 99336  
509-783-5284

---

**From:** Linda Robb  
**Sent:** Thursday, August 21, 2014 8:59 AM  
**To:** Shon Small; 'Bob Koch'  
**Subject:** Hiring a crisis counselor

Good morning Gentlemen,

Yesterday the Benton Franklin Department of Human Services opened an advertisement for a new DMHP to replace one of those who left. This must be done in order to meet the growing demands of public need. We will be able to fill this position using reserve funds until the regular funding can once again kick in. Senior management feels that it is imperative to also hire a Crisis Counselor as well in order to meet the needs of the program ( having two people in the building at all times, especially on the graveyard shift). Given that we will be using reserves for a period of time( Hopefully only a short time depending on the state waiver and the Lourdes IMD status change) to fund these positions,

even though they are in the budget as line items, what are your thoughts about hiring the second position of Crisis Counselor?

Thank you both for all your hard work on this issue.

*Linda M. Robb*

Department of Human Services  
Benton and Franklin Counties  
7102 W. Okanogan Pl  
Suite 201  
Kennewick WA 99336  
509-783-5284

**Linda Robb**

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**From:** Linda Robb  
**Sent:** Thursday, May 07, 2015 4:56 PM  
**To:** Shon Small  
**Subject:** CRU

I contacted Ian to ask about any electronic means to see who was present at CRU on Sunday morning. He tells me that there is no way to electronically accomplish this at that site. I have the schedule from that day and will be checking with those staff.

Linda M. Robb  
Benton and Franklin Department of Human Services  
Director  
509-783-5284



## **Linda Robb**

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**From:** Linda Robb  
**Sent:** Thursday, May 07, 2015 9:25 AM  
**To:** Gordon Cable; Kyle Sullivan  
**Cc:** Shon Small  
**Subject:** CRU staff

It is imperative that staff discontinue any activities what so ever that negate the counties decisions and reputation. I know that you have already sent out notice that NO documents what so ever relating to these decisions leave the office without my approval but it obviously needs to be reiterated as the commissioners received a letter regarding the CRU privatization issue that I had no knowledge of. This is unacceptable behavior by staff and can not be tolerated.

Linda Robb

Director

Department of Human Services

Benton and Franklin Counties

**Linda Robb**

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**From:** Linda Robb  
**Sent:** Wednesday, May 06, 2015 9:49 AM  
**To:** 'Robert Koch'  
**Subject:** FW: Detox letter

FYI

-----Original Message-----

**From:** Linda Robb  
**Sent:** Wednesday, May 06, 2015 9:03 AM  
**To:** Shon Small; Rick Miller  
**Subject:** Detox letter

I understand that the two of you called while I was at a 4:30 meeting yesterday. I was going to talk to you yesterday at the meeting Shon but it was so full and long with the marijuana issue I had to leave to get back to Kennewick. I got a call Sunday afternoon from Dell Anderson saying his staff got a letter faxed from crisis response saying that detox was closing and had instruction on how to deal with clients through this. I immediately called Kyle Sullivan as Gordon is out of town, he had no knowledge of this so I contacted Crisis Response staff and asked what had happened. Apparently the staff had been discussing what they would do if detox closed and someone wrote up the notes and printed them. These were mistakenly faxed to detox when dealing with a client issue. Staff were very apologetic to me. I called Kyle back and had him immediately fax a retraction letter apologizing profusely and explaining that this was simply a note from a staff members personal notes from a staff discussion. Kyle did this immediately with my name attached. I then called Dell back and explained the situation. He seemed fine and thanked me saying "no worries, thanks so much Linda"

The next day I attended a meeting on Detox with Ken Roughton and Troy Wilson with Tri City Community Health staff on the detox issue where I again formally apologized for this error.

At this meeting Tri City community health let us all know that they would be discontinuing there contract for detox on June 30. I would like to talk to both boards about this soon.

Please let me know if there is anything I can assist with.

Linda Robb  
Director  
Department of Human Services  
Benton and Franklin Counties

**Linda Robb**

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**From:** Linda Robb  
**Sent:** Thursday, April 30, 2015 9:35 AM  
**To:** Shon Small; Jerome Delvin; Jim Beaver  
**Subject:** Detox

I have spoken to Ken Roughton at GCBH and he and I will be getting together with Dell Anderson on Monday May 4<sup>th</sup> to try and figure out a way to keep the Detox going with Tri-Cities community Health if the phone call today with the auditors is not successful.

Linda M. Robb  
Benton and Franklin Department of Human Services  
Director  
509-783-5284

## Linda Robb

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**From:** Shon Small  
**Sent:** Tuesday, April 28, 2015 12:57 PM  
**To:** Linda Robb  
**Cc:** Jerome Delvin; Jim Beaver; David Sparks  
**Subject:** Re: Crisis Response

I spent about 45 minutes with Mr T Beaver about crisis.

Sent from my iPhone

On Apr 28, 2015, at 12:14 PM, Linda Robb <[Linda.Robb@co.benton.wa.us](mailto:Linda.Robb@co.benton.wa.us)> wrote:

This email was waiting for me when I returned to the office. I have not responded. What direction would you like me to take on this?

Linda

**From:** Richardson, Tyler [<mailto:trichardson@tricityherald.com>]  
**Sent:** Tuesday, April 28, 2015 11:24 AM  
**To:** Linda Robb  
**Subject:** Crisis Response

Linda,

I left a message for you at a number I was transferred to, but there was another woman's name on the machine. I can't find a direct number for you online anywhere.

I would like to talk with you about Crisis Response and discussions by the commissioners about the possibility of making the organization private.

Please give me a call at 509-582-1556 when you can. Thank you.

--

Tyler Richardson  
Staff Writer  
Tri-City Herald  
Cell: 206 321 7972  
Office: 509 582 1556

**Linda Robb**

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**From:** Linda Robb  
**Sent:** Wednesday, April 29, 2015 3:31 PM  
**To:** Shon Small  
**Cc:** Jerome Delvin; Jim Beaver; Joel Chavez  
**Subject:** RE: Detox center issue

**Categories:** Red Category

Commissioners,

Joel Chavez attended the DBHR state audit in its entirety at Tri-Cities Community mental health and I and Joel attended the exit interview with the auditors on Friday afternoon. Joel discussed the findings at length with the auditors on Thursday April 23, 2015. Joel Chavez discussed RCW 70.96A 120 ( the main RCW dealing with Chemical dependency issues) with the auditors for almost two hours and the auditors were insistent that their interpretation was correct. Friday afternoon I spoke to the auditors as well and talked at length with Dell Anderson. I talked to the auditors three times Friday evening to gain further clarification from them on this issue as an issue arose at CRU involving this. They continued to be insistent that there interpretation was correct and cited in the audit report that the Detox Center stop taking mentally ill clients and stop doing 72 hour holds without a court order effective immediately. I spoke to Dell Friday evening as well who informed me that they had to go with the direction the auditors gave them of stopping these services as of April 23, 2015. ( they were allowed to follow through with clients already admitted for 72 hours but were not allowed to admit any new clients)

Joel Chavez and I questioned the auditors at length with the Tri-Cities community Mental Health Detox and mental health management team present. The auditors reported that since the Detox facility is a single building with no separation between mental health and chemical dependency patients it was not appropriate for them to serve both the mentally ill and the chemical dependent. Since Detox is not a secure facility (locked) the auditors have informed us that they cannot hold clients for 72 hours. Although the Detox center would still be able to take clients who are dually diagnosed with both mental health disorders and chemical dependency disorders these clients would only be able to be held for 8 hours without a court order in place. Clients who have a chemical dependency diagnosis could voluntarily stay at detox for 3-5 days

Dell just let us know that their plan was going to be to discontinue services effective June 30, 2015 yesterday afternoon (April 28, 2015). Dell reported that with the new restrictions on the detox facility Tri-Cities Community Mental Health feels that they will no longer be able to run the program.

The auditors who came and did the audit are the state experts on the issues of mental health and chemical dependency. These auditors report to Chris Imhoff who is the director of DBHR.

During the audit Joel and Dell talked with the auditors about the issue of the Detox in Yakima being set up very similar to ours and asked if they were going to be put on the same restricted services as the Tri-Cities. The auditors reported that they had not yet done an audit in Yakima and would address that issue when they did.

I have staff talking to Courtney Hessla the manager of the Detox center in Yakima to see if they have received any notifications of changes.

After speaking with Dell Anderson this afternoon Tri-Cities community health has agreed to plead their case one more time in a phone call with the auditors tomorrow at 11:00. At this time Dell stands by his decision to not renew their

contract for July 1 2015 but will call me immediately after he and the CEO Al Cordova finish their conversation with the auditors to confirm that the decision has not changed.

the decision does in fact stand Joel and I are prepared to bring the decision to RFP the services to the board in order to obtain approval quickly and not cause a disruption in services.

Linda M. Robb  
Benton and Franklin Department of Human Services  
Director  
509-783-5284

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**From:** Shon Small  
**Sent:** Wednesday, April 29, 2015 1:58 PM  
**To:** Linda Robb  
**Cc:** Jerome Delvin; Jim Beaver  
**Subject:** Re: Detox center issue

My question is why are they now shutting the doors. Did anyone question the auditors finding along with requiring them to justify their new finding?

Have you or anyone else asked other detox in the region to seek out their thoughts or direction about this??

In addition why are we waiting almost a week to find a solution. This is something needs to be done via managers not the commissioners!!

Sent from my iPhone

On Apr 29, 2015, at 8:08 AM, Linda Robb <[Linda.Robb@co.benton.wa.us](mailto:Linda.Robb@co.benton.wa.us)> wrote:

Good morning,

I wanted to let you all know that we received word from Dell Anderson at Tri-Cities community health that the Detox Center in Pasco will be closing its doors on June 30 due to recent audit findings that will no longer allow the facility to utilize mental health beds and has limited non court ordered stays to 8 hours. Dell informs us that Tri-Cities community Health cannot fiscally sustain this loss. This will mean that we have no Detox facility in Benton and franklin counties for Medicaid patients. I would like direction on which direction you want to go with this. We can RFP it out to see if another agency wants to take it over or it could be closed. Our closest detox center should you decide to close this one would be in Yakima. I would appreciate your direction soon so I can act on it quickly. Thank you all and have a nice day.

Linda M. Robb  
Benton and Franklin Department of Human Services  
Director  
509-783-5284

**Linda Robb**

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**From:** Shon Small <Shon.Small@co.benton.wa.us>  
**Sent:** Thursday, August 14, 2014 2:25 PM  
**Subject:** Re: State only dollar crisis

Before this goes viral I would like to express this "on going concern" is in the process of being worked on. Crisis has been cut \$92,000 for one month thus far. Given the fact we have extensive reserves to offset this short fall, we can ride this storm for some time. In short we are not in a position to shut down Crisis at all.

Mrs. Robb if you have concerns please contact Commissioner Koch or myself prior to a blanket email goes out that projects we have a "BROKEN ARROW!" that is now view for public.

We have been working on this shortage for the last month and are continuing to work on this with Lourdes!! There is a lot of things going on and meetings taking place to resolve this issue!!  
Sent from my iPad

On Aug 12, 2014, at 1:24 PM, "Linda Robb" <[Linda.Robb@co.benton.wa.us](mailto:Linda.Robb@co.benton.wa.us)> wrote:

Good afternoon Gentlemen,

As I believe you all know we are in a crisis situation with not having enough state only dollars to fund our programs. Chief among my concerns is the continuing \$92,000 deficit a month we are still experiencing each month at the Crisis Response Unit. We were hopeful that Lourdes Counseling Center would have followed through with getting rid of their IMD status by now, this however has still not happened. Lourdes has made multiple statements that they will move forward with this but these seem to all be false claims with no movement. We are now in a position that we may need to look at closing our Crisis Response Unit. This would have infinite consequences to our community and create wide public outrage. Something that I desperately do not want to do.

Friday there was a state supreme court ruling that came down that stated that we are no longer able to "board" mental health clients at hospitals. This means that when all the beds are full for mental health clients we are no longer allowed to send them to the hospitals ER rooms and then get them into single bed certification beds at the hospital until a mental health bed becomes available. There are frequently No psychiatric hospital beds available and our Crisis response DMHP's must utilize this single bed certification option in order to assure the safety of clients and others. This is now gone.

Lourdes has the ability to open up more beds on their inpatient unit to help solve this problem but they refuse. Lourdes is also refusing to support another Evaluation and Treatment center opening in our area, although there is a private citizen (psychiatrist) who is willing to foot the whole bill for this facility because they feel it would be competition.

Lourdes contracts directly with the state for the use of its inpatient beds so we do not have any say in the matter, however we must do something. I know that Commissioner Small has been leading this fight for us and we appreciate it greatly. However we are at a very critical junction and I would appreciate all of your input on this. We are currently using reserves to fund the Crisis Response center but I do not anticipate this lasting long. We are down multiple staff that we are unable to replace due to the funding leaving us with 13 people (including admin staff) to run a 24/7 365 crisis program that almost always requires staff to travel to dangerous situations.



There is a waiver at CMS right now that may give us a little help with the IMD status measure but this will be short term and there is no guarantee that it will make it through the legislature. I will of course keep you up to date on this as it unfolds.

Thank you all

*Linda M. Robb*

Department of Human Services  
Benton and Franklin Counties  
7102 W. Okanogan Pl  
Suite 201  
Kennewick WA 99336  
509-783-5284

**BENTON COUNTY CLASSIFICATION DESCRIPTION**  
**HUMAN SERVICES ADMINISTRATOR**

3/10

PAGE 1

**TITLE:** Human Services Administrator

**DEPARTMENT:** Human Services

**REPORTS TO:** Benton-Franklin County Commissioners

**SUPERVISES:** Human Services Deputy Administrator, Human Services Manager, Financial Administrator, Program Specialists, and subordinate positions

**FLSA:** Exempt

**SUMMARY:**

Plans, organizes and directs the provision of human services in Benton and Franklin Counties including developmental disabilities, mental health, and substance abuse services.

Functionally reports to bi-county Board of Commissioners of Benton and Franklin Counties.

Administrative oversight of this position conducted by County Administrators of Benton and Franklin Counties.

**EXAMPLES OF JOB DUTIES:** (Any one position may not include all of the duties listed nor do the listed examples include all tasks which may be found in positions of this class.)

Directs department operations to achieve approved goals within budgeted funds and available personnel; plans and organizes workloads and staff assignments, reviews progress, directs changes in priorities and schedules as needed to assure work is completed in an efficient and timely manner.

Provides managerial leadership and directs the selection, supervision and evaluation of staff. Conducts or oversees performance evaluations, and initiates and implements disciplinary actions as warranted. Resolves grievances and other sensitive personnel matters. Provides training and motivation to make full use of individual capabilities and to meet changing system demands.

Establishes policies, procedures, work rules, and performance standards to assure the efficient and effective provision of human services in compliance with County standards and federal, state, and local laws.

Prepares and administers the department budget and contracts based on staffing and resource requirements, cost estimates, and objectives and goals. Monitors and documents expenditures assuring compliance with approved budget and staffing levels.

Directs applications for public funds and contracts. Executes and oversees contracts with State and local subcontractors; assures proper monitoring of contracts and programs.

**BENTON COUNTY CLASSIFICATION DESCRIPTION**  
**HUMAN SERVICES ADMINISTRATOR**

3/10

PAGE 2

Provides planning leadership and direction, and develops short and long-range plans, goals, and objectives for human services; develops service plans and performs or directs needs assessments; coordinates department programs with other departments and governmental agencies.

Provides community and county administration policy direction, support, and liaison to advisory boards in order to incorporate community, advocate, consumer and special interest input into planning and program development.

Analyzes and recommends improvements to existing services and operating systems of the department. Develops and maintains systems and records that provide for proper evaluation, control and documentation of assigned operations.

Directs the resolution of inquiries, complaints, or problems, or emergencies affecting the availability or quality of services. Responds to the most sensitive or complex inquiries or service complaints.

Performs other related duties as assigned.

**KNOWLEDGE, SKILLS, AND ABILITIES:**

Knowledge of practices, principles, and procedures of Human Services systems and Washington State service delivery systems and requirements.

Thorough knowledge of modern principles and practices of management and supervision.

Working knowledge of county government.

Knowledge of public contract and funding application procedures and practices and contract negotiation.

Knowledge of legal requirements, regulations and laws applicable to area of assignment.

Knowledge of principles and practices of governmental fiscal management, including budget preparation, expenditure control, grant writing, and record keeping.

Ability to plan, organize and oversee assigned work programs, including monitoring work schedules and evaluating the work of subordinates.

Ability to develop departmental goals and objectives and to conduct and implement planning activities.

Ability to analyze and evaluate operations and develop and implement corrective action to resolve problems.

Ability to establish and maintain effective working relationships with employees, County Commissioners, other agencies, and the general public.

Ability to communicate effectively, both orally and in writing, with individuals and groups regarding complex or sensitive issues or regulations.

**EDUCATION AND EXPERIENCE:**

Bachelor's degree in Public Administration, Business Administration, Social Sciences, or related field; Master's degree preferred. Five years of professional level human social services or public administration experience, including managerial and supervisory responsibility. Experience managing not-for-profit social service contracts highly desirable.

**LICENSES, CERTIFICATES & OTHER REQUIREMENTS:**

Valid Washington State Driver's License.

UPDATED 06/2013

**Linda Robb**

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**From:** Jerome Delvin  
**Sent:** Tuesday, April 28, 2015 12:35 PM  
**To:** Linda Robb  
**Cc:** Jim Beaver; Shon Small; David Sparks; Loretta SmithKelty  
**Subject:** Re: Crisis Response

refer the reporter to Commissioner Small

Jerome Delvin  
Benton County Commissioner

On Apr 28, 2015, at 12:14 PM, Linda Robb <[Linda.Robb@co.benton.wa.us](mailto:Linda.Robb@co.benton.wa.us)> wrote:

This email was waiting for me when I returned to the office. I have not responded. What direction would you like me to take on this?

Linda

**From:** Richardson, Tyler [<mailto:trichardson@tricityherald.com>]  
**Sent:** Tuesday, April 28, 2015 11:24 AM  
**To:** Linda Robb  
**Subject:** Crisis Response

Linda,

I left a message for you at a number I was transferred to, but there was another woman's name on the machine. I can't find a direct number for you online anywhere.

I would like to talk with you about Crisis Response and discussions by the commissioners about the possibility of making the organization private.

Please give me a call at 509-582-1556 when you can. Thank you.

--

Tyler Richardson  
Staff Writer  
Tri-City Herald  
Cell: 206 321 7972  
Office: 509 582 1556

**Linda Robb**

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**From:** Linda Robb  
**Sent:** Tuesday, April 28, 2015 8:15 AM  
**To:** Shon Small; Jerome Delvin; Jim Beaver; 'Brad Peck'; 'Robert Koch'; 'rmiller@co.franklin.wa.us'  
**Cc:** Loretta SmithKelty; David Sparks  
**Subject:** CRU and GCBH  
**Attachments:** CDC Minutes 04 14 15 draft.docx

It is my understanding that there have been some questions about interaction with GCBH and CRU with myself. I wanted to let you all know that the only conversation I have had in public outside of the two board meetings (Benton and Franklin) was the clinical directors meeting on April 14<sup>th</sup> at GCBH. During this meeting I discussed the reasons for and against CRU becoming privatized, (the possible downfalls being the exact same presentation I gave to you all). There was a lot of discussion from the providers about their own concerns and discussion about why some GCBH staff thought that it would be alright to move forward. Lourdes announced at this meeting that they were in no negotiations to move forward with taking CRU on at this time. (Dana Otis). I presented this at this meeting because Commissioner Delvin asked me what the opinions of the other providers were besides Lourdes in this matter and it seemed the optimal place for this discussion. There were public individuals present at the meeting. I have attached the minutes of the meeting for you to look at. I hope all is well.

Linda M. Robb  
Benton and Franklin Department of Human Services  
Director  
509-783-5284



DRAFT

**NAME:** CLINICAL DIRECTOR'S COMMITTEE  
**MEETING DATE:** APRIL 14, 2015  
**MEETING TIME:** 10:00 – 12:00

**Location:** GCBH  
**Key Contact:** Linda Robb  
**Prepared by:** LeAnna Turner

**MEMBERS PRESENT:**  
☒ LINDA ROBB  
☒ BEV DOW  
☒ ROCHELLE BRUNSDON  
☐ DANIKA ROBERTS  
☐ RHONDA ALLENGER  
☒ GORDON CABLE  
☒ MARY O'BRIEN  
☒ DELL ANDERSON  
☐ ROBIN CRONIN  
☒ COURTNEY HESLA  
☒ RENEE SLAVEN  
☒ DANA OATIS  
☐ CHRISANN CHRISTENSEN

**GUESTS:**

**STAFF:**  
JULIE LAPIERRE  
CINDY ADAMS  
JAMIE RUNDHAUG  
JACKIE DAVIDSON  
MELISSA MORASCH  
KRIS BROWN  
MEREDITH PIEHOWSKI  
LEANNA TURNER

## MINUTES

#	Item	Discussion	Discussion Leader	Action
1.	Call to Order	The meeting was called to order at 10:02 A.M.	Linda Robb	
2.	Introductions	Introductions were made by those present and on the telephone.	Linda Robb	
3.	Agenda Changes		Linda Robb	
4.	Approve Previous Meeting Minutes	Approve March 10, 2015 meeting minutes.	Linda Robb	<b>MOTION: Rochelle Brunsdon moved to approve the March 10, 2015 minutes as written; Dell Anderson seconded; carried.</b>
5.	Benton Franklin Crisis Response Unit (CRU)	<p>Linda Robb discussed the possibility of CRU staying with the Department of Human Services (DHS), or moving it to a contracted agency.</p> <p>No decisions have been made regarding CRU and Benton County is currently researching the issue before making any final decisions. In addition it was noted that Chemical Dependency (CD) Revised Codes of Washington (RCWs) will reflect Mental Health (MH) RCWs post merge.</p>	Linda Robb	



6.	Staff Updates	<p><b><u>Director's Report - Ken Roughton (Linda Robb presented)</u></b></p> <p><b><u>1.) Legislative Update:</u></b>  There is an attempt to lower Medicaid rates and lower State-Only dollars.  A bill allowing families to petition the court if a Designated Mental Health Professional (DMHP) chooses not to detain an individual will likely pass. Currently there is no proposed process or idea on how courts will make this happen. The allowable time for petition is within one year.  There is currently a bill that, in the case of a mental health crisis, would require Law Enforcement to contact CRU after leaving the scene and would require CRU investigate within 24 hours.  There are several bills regarding data collection.</p> <p>Washington State is currently not in compliance with Federal Law. Authorization decision must be made within 7 calendar days; however, we currently require an authorization decision within 14 calendar days.</p> <p><b><u>2.) Chemical Dependency Integration with Mental Health:</u></b>  Joel Chavez will be GCBH's CD Services Manager starting June 1, 2015.  CD will be merging into MH April 1, 2016.  There are currently two meetings occurring with CD and MH.</p> <ul style="list-style-type: none"> <li>• CD/MH Integration Committee: Standing Committee under the BOD. Comprised of CD and MH providers as well as two Commissioners.</li> <li>• CD Provider Meeting: A committee that does not fall under the BOD and is comprised of CD Providers.</li> <li>• CD providers have been integrating into GCBHs committees as well.</li> </ul> <p><b><u>3.) Accountable Communities of Health (ACHs):</u></b>  The local ACH chose the name Greater Columbia. The Board of Directors (BOD) believed using that name is too close to GCBH's. Ken plans on mentioning this issue at the next ACH meeting.</p> <p><b><u>4.) Yakama Nation Involvement:</u></b>  There has been recent effort to get Yakama Nations more involved with the RSN. A representative came to the last BOD meeting. It looks as though they will likely become more involved.</p>	GCBH Staff	
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	<p><b><u>Quality Management - Jamie Rundhaug</u></b></p> <p><b><u>1.) ICD 10 Update &amp; Meeting Summary:</u></b>  The Access To Care (ATC) Standards document has been approved. Three RSNs have agreed to test it, GCBH being one of them. Jamie pulled 15 authorizations, and five of the 15 had been submitted for authorization, but the RSN stated they did not meet ATC. North Sound and Spokane RSNs are the other two testers. Overall, the test held up pretty well. North Sound found similar results. Jamie will crunch the data and study the results. Will be formally training each provider through the RSNs. Trainers will likely be participants in the ICD10 workgroup. Jaime R will likely be GCBH's trainer.  June 1, 2015 is the deadline for testing, and October 1, 2015 is the official start date.  Providers will need to determine if the individual meets ATC and must use levels of care to determine progress.</p> <p><b><u>2.) SERI Workgroup Update and issues related to CD Integration:</u></b>  The Service Encounter Reporting Instructions (SERI) Manual group has met for years. There will be several Clinicians on the group that will be dropping out. Jamie R will be replacing one of these. This group will be determining codes for CD services. A CD Professional will begin attending. CD services will need to be entered into the new ATC.  Providers will likely need to be more specific on requests to show Seriously Mentally Ill (SMI) or Seriously Emotionally Disturbed (SED) requirements are met.</p> <p><b><u>Clinical - Jackie Davidson and/or Vonie Aeschliman</u></b></p> <p><b><u>1.) CL345 - Single Bed Certification (SBC) Policy:</u></b>  No update to the policy – will update after Legislature has officially determined the SBC process.</p> <p><b><u>2.) CA405 - Enrollee Service Authorizations, Notices &amp; Appeals Policy (approved by the Board on April 2, 2015):</u></b>  Contract requires an authorization decision be made within 14 calendar days from initiation of intake. To ensure contractual timelines are met, Policy CA405 now requires agencies submit authorization requests to GCBH within five business days of initiation of intake.</p> <p><b><u>3.) TR Lawsuit Implementation:</u></b></p>		
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		<p>Comprehensive (CWCMH), Yakima Valley Farm Workers Clinic, Lutheran Community Services Northwest, and Palouse River Counseling Center (PRCC) are currently WISE Providers. Quality Behavioral Health will be by fall. All of GCBH's counties will have WISE services by fall with the exception of Columbia County. By the end of April, GCBH's agencies will be providing WISE services to about 130 youth and families RSN wide.</p> <p>The RSN has held several trainings for WISE certifications. An upcoming youth and family training will be held at GCBH at the end of April, early May.</p> <p>If any questions arise regarding WISE, contact Jackie Davidson or the local WISE provider agency.</p> <p>Bill 1879 proposed kids in foster care would be separated into a Managed Care Organization (MCO) for ALL services except WISE. The bill has been delayed until approximately 2018.</p> <p>Lutheran is working on expanding their building which should be complete by July 1, 2015. They will hold an Open House.</p>		
7.	Other Business	<p>Next week is the Crisis Intervention Team (CIT) Training. This year there will be approximately 48 attendees compared to the average attendance of approximately 25-30. Another CIT Training may be held in the Fall. Many of GCBH's agencies will be doing presentations and speaking.</p> <p>Dell Anderson reported Tri-Cities Community Health (TCCH) is expanding their Kennewick branch. TCCH is currently in the process of hiring additional employees.</p> <p>Catholic Family and Child Service recently had a resignation notice from one of their Child Psychiatrists. The agency will be using Tele-Psychiatry with Seattle Children's Hospital which will likely be running by the end of May.</p> <p>Lourdes is hiring, but many of the Psychiatrists prefer to treat teenagers and above which leaves a gap for Children's services.</p> <p>Comprehensive (CWCMH) is starting Tele-Psychiatry. CWCMH is constantly recruiting for open positions. They will begin a Clinical Based Therapy (CBT) program for adults with psychosis.</p> <p>Mary O' Brien secured two new providers at Yakima Valley Farm Workers Clinic. There are several openings and recruitment is ongoing.</p>	Linda Robb	

		Mental Health Court: Judge Katy Butler is looking for a Program Manager. Currently looking at Spokane's design. Housing availability for the mentally ill in Benton and Franklin counties will be assessed.		
8.	Adjournment	Meeting was adjourned at 11:06 A.M. Next CDC Meeting will be June 09, 2015.	Linda Robb	

**Linda Robb**

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**From:** Linda Robb  
**Sent:** Friday, April 24, 2015 9:13 AM  
**To:** bpeck@co.franklin.wa.us; Jerome Delvin; Shon Small; rkoch@co.franklin.wa.us; Jim Beaver; rmiller@co.franklin.wa.co  
**Cc:** Joel Chavez  
**Subject:** Fwd: DBHR Audit  
**Attachments:** image001.jpg

I have been at CIT training all week but I have been getting reports from Joel Chavez as well as Crisis response on the below issue with the Detox center. I will be attending this meeting today and will update you as I learn more.

Linda Robb

Sent from my iPad

Begin forwarded message:

**From:** Dell Anderson <DAnderson@mytcch.org>  
**Date:** April 23, 2015 at 4:06:17 PM PDT  
**To:** "Linda.Robb@co.benton.wa.us" <Linda.Robb@co.benton.wa.us>  
**Subject:** DBHR Audit

Hi Linda:

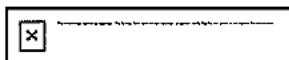
DBHR has been completing an audit with us this week. One of their findings is that Detox and Crisis Stabilization cannot be housed under the same roof without a clear division between both programs and no co-mingling of clients. They will be recommending that we stop providing crisis stabilization services there and to then finish out the treatment of those currently there. They also believe that there is no current law in place for the Detox 72-hour ITA. They stated that it was a pilot program which ended several years ago and that the longest someone can be held is 8 hours. So some definite confusion there.

One idea we have is to look at expanding the Detox beds to include all 12 beds if the county has interest in that.

We have the exit interview scheduled tomorrow at 1pm at our 2<sup>nd</sup> floor location. You're invited and are most certainly welcome. If you're tied up in CIT then a representative from your office would be welcome as well.

Thank you Linda,

Dell



DELL ANDERSON, M.ED, LMHC, CMHS  
Director of Behavioral Health Services

509-545-6506 / Fax 509-546-0520  
PO Box 1452 / 715 W. Court St., Pasco, WA 99301  
like us on facebook

**Linda Robb**

---

**From:** Marilu Flores  
**Sent:** Monday, March 30, 2015 1:52 PM  
**To:** Linda Robb  
**Subject:** FW: CRU

fyi

-----Original Message-----

**From:** Shon Small  
**Sent:** Thursday, March 26, 2015 1:01 PM  
**To:** Marilu Flores  
**Subject:** Re: CRU

My apology I would like to hold off on a discussion or executive session regarding the CRU until we have a full board on April 7.

Sent from my iPhone

> On Mar 26, 2015, at 10:54 AM, Marilu Flores <Marilu.Flores@co.benton.wa.us> wrote:

>  
>  
>  
>

> -----Original Message-----

> **From:** Shon Small  
> **Sent:** Thursday, March 26, 2015 9:17 AM  
> **To:** Marilu Flores  
> **Subject:** CRU

>

> I received a phone call from Linda Robb who heard that we were looking at the dissolving crisis response unit. I informed her that we were going to the executive session this Tuesday and discuss this matter further

>

> Sent from my iPhone

**Linda Robb**

---

**From:** Linda Robb  
**Sent:** Tuesday, February 03, 2015 8:07 AM  
**To:** Shon Small  
**Subject:** Department of Human Services meeting

Good morning Shon,

There are two or three issues facing me right now with Human Services that I would appreciate your input on before moving forward. I am wondering if you would have some time to meet here in Tri-Cities on one of the following dates:

February 6 (Friday) anytime  
February 9 (Monday) in the afternoon  
February 12 (Thursday) in the morning

Thank you

Linda M. Robb  
Benton and Franklin Department of Human Services  
Administrator  
509-783-5284



**Linda Robb**

---

**From:** Richardson, Tyler <trichardson@tricityherald.com>  
**Sent:** Thursday, May 07, 2015 10:20 AM  
**To:** Linda Robb  
**Subject:** Re: Crisis response

Linda,

I am looking for details on the Crisis Response Unit -- How many people work there? What type of clients are served? What services are offered?

That type of stuff.

I have not been able to get in touch with anyone at Crisis Response. I understand you guys don't want to talk about privatization and I'm not asking you to. I simply am looking for details related to Crisis.

Is there any way you could give me a call? Thanks.

You can reach me on my cell at 206-321-7972.

On Thu, Apr 30, 2015 at 9:51 AM, Richardson, Tyler <trichardson@tricityherald.com> wrote:  
Linda,

Who has asked you to refer me to Commissioner Small? I have already spoken with him about the discussions. My understanding is that if Crisis Response goes private a half-million dollars worth of administrative positions will be cut.

We would like to speak with you or Mr. Cable about this. I also see you brought up some concerns about the possible transition at a commissioners' meeting, which I would also like to discuss.

Is there any way you or Mr. Cable could speak with me for the article? I'll be available today.

Thanks for your time.

On Wed, Apr 29, 2015 at 3:35 PM, Linda Robb <Linda.Robb@co.benton.wa.us> wrote:

Hi Tyler,

I have been asked to refer you to Commissioner Small for comment. I hope you have a great day.

Linda

**From:** Richardson, Tyler [mailto:[trichardson@tricityherald.com](mailto:trichardson@tricityherald.com)]  
**Sent:** Wednesday, April 29, 2015 2:33 PM  
**To:** Linda Robb  
**Subject:** Crisis response

Linda,

Could you please give me a call regarding the Crisis Response Center. Thank you.

--

Tyler Richardson

*Staff Writer*

*Tri-City Herald*

*Cell: [206 321 7972](tel:2063217972)*

*Office: [509 582 1556](tel:5095821556)*

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--

Tyler Richardson

*Staff Writer*

*Tri-City Herald*

*Cell: [206 321 7972](tel:2063217972)*

*Office: [509 582 1556](tel:5095821556)*

--

Tyler Richardson

*Staff Writer*

*Tri-City Herald*

*Cell: [206 321 7972](tel:2063217972)*

**Linda Robb**

---

**From:** Linda Robb  
**Sent:** Monday, April 13, 2015 9:31 AM  
**To:** Ryan Brown; Loretta SmithKelty  
**Subject:** RE: More Questions

If you want to sit down and discuss this I think that would be best. It is difficult to explain everything in an email. I can meet this morning if you would like. I have appointments from 1:00 until 4:00 this afternoon. We can look at tomorrow or the rest of the week as well.

---

**From:** Ryan Brown  
**Sent:** Monday, April 13, 2015 9:28 AM  
**To:** Linda Robb; Loretta SmithKelty  
**Subject:** RE: More Questions

Linda and Loretta,

If you two understand the email below, that is great. I must admit, I do not understand it. For clarification, when you say "department of Human Services" who are you referring to?

Regardless, I do not understand BFHS' current role in chemical dependency services or if or how that role will change as a result of the changes in state law or how it affects who provides mental health services.

Again, if you two are squared away, then it doesn't matter that I don't understand. If Loretta is not clear either, then perhaps we should sit down and discuss further.

Ryan

---

**From:** Linda Robb  
**Sent:** Monday, April 13, 2015 8:52 AM  
**To:** Loretta SmithKelty  
**Cc:** Ryan Brown  
**Subject:** RE: More Questions

In answer to your questions here are some facts as of today:

- There is no legislation that would require the county to not Provide direct services.
- The Chemical Dependency and Mental Health merger are set to take place in April of 2016 ( 1 year from now)
- In the merger what is taking place is that most of the chemical dependency RCW's are being changed to match the same laws as those of mental health.
- The RSN has stated in multiple meetings that Benton and Franklin counties role in the contracting will remain the same as it is currently for mental health contracts.
- Currently the Department of Human Services does all the work for the chemical dependency contracts, they will continue to do so for at least the next year.
- Once the merger is complete ( the date could still change if the state feels that it will not be ready to go in April of 2016) the responsibilities will then be split, so to speak, between the counties and the department of Human Services. The Department of Human Services will be responsible for oversight of the contracts in that we will be responsible for the following: " **Benton and Franklin Counties have the authority to choose providers, change providers, terminate contracts with providers, determine what services each provider will provide and**

determine what the funding allocation will be for each provider. Counties may also have additional language/requirements added to the provider contracts." The RSN or GCBH( Greater Columbia Behavioral Health) is responsible for auditing the contracts administering the contracts to the providers, distributing the contracts out to the providers and assuring legalities are taken care of with the contracts with their attorney.

- The mental health contracts work in exactly the same way now. This went into effect about 5 years ago, or so, I cannot remember the exact date. So currently we (the counties) have the authority to choose providers, change providers, terminate contracts with providers, determine what services each provider will provide and determine what the funding allocation will be for each provider. Counties may also have additional language/requirements added to the provider contracts. The RSN administers the contracts as described above.

I hope this answering your questions. Please let me know if there is **ANYTHING** else that you need from me or just want to talk over. Thank you for all our hard work on this. I really appreciate it very much.

Linda

---

**From:** Loretta SmithKelty

**Sent:** Friday, April 10, 2015 3:11 PM

**To:** Linda Robb

**Subject:** More Questions

Linda: how does any legislation regarding integrating mental health and chemical dependency services pertain to the decision about whether or not to outsource CRU. Shon seems to believe that having CRU as a county service is somehow inconsistent with such legislation. I have no idea if that is accurate. Is there a citation from recent legislation to which he refers? If so could you help me retrieve that information? I think you made some comments on this issue at the last BOCC meeting, comments that seemed to indicate you didn't agree, but frankly I'm not sure I understood what all the particulars mean anyway.

**Linda Robb**

---

**From:** Linda Ivey  
**Sent:** Friday, May 08, 2015 8:08 AM  
**To:** Linda Robb  
**Subject:** FW: Question

---

**From:** Troy Wilson [mailto:troyw@gcbh.org]  
**Sent:** Thursday, May 07, 2015 4:02 PM  
**To:** Linda Ivey  
**Subject:** Question

Linda:

At the NAMI meeting the other night, a consumer stood up and said he would be "Gone" (whatever that means) if Crisis Response was not available for him to receive services.

He said that if he did not have regular access to the Crisis Staff, he did not know what he would do.

- 1) Is Crisis Response seeing people on a routine basis for "treatment"???? or does this consumer just have a "Crisis" every other week?

Then another consumer (I think it was a consumer) stood up and started talking about how they would be in trouble because they would "not get their Meds" if Crisis Response were to go away.

- 2) Crisis Response has not had a prescriber on staff for about 10 years now----so why would this person say something like that?

There was a wide variety of "fictional statements" made that night. I pretty much ignored most of the stuff the staff from Crisis were throwing at us. No one from Crisis really asked any questions---they would raise their hand, get called on to ask a question, then they would stand up and read off some prepared statement about this or that. They would just keep going on and on making statements about how the consumers will suffer and how it is all about the consumer.

The NAMI president that was running the meeting (he was a pretty sharp guy and very professional) had to interrupt Crisis staff on 2 separate occasions and say "hey-do you have a question or not". After a couple time doing that, he got sort of pissed because the Crisis staff person that was talking---stopped long enough for him to say "do you have a question?" and then she just started back where she left off making very broad statements about Lourdes---conflicts of interest---etc.

The NAMI guy finally said enough and stopped her mid sentence and let someone else stand up and ask a question.

Anyways---I learned long ago that if you let someone talk long enough, sooner or later they will say something useful. After sitting through that meeting---it sounds like Crisis staff is doing a lot more than just providing Crisis Services. The problem is---it sounds like a lot of the services they are providing are not billable.

Troy

**Linda Robb**

---

**From:** Linda Robb  
**Sent:** Tuesday, May 19, 2015 2:48 PM  
**To:** Janet Taylor  
**Subject:** Re: Hostile work place

commissionerShon Small just told me that as far as he was concerned I am "a pathetic liar and that he will never believe anything that comes out of my mouth, and that he never wanted to hear from me again. He then wanted to make sure that this was crystal clear to me. I have had a series of difficult situations with commissioner Small that I feel are creating a very difficult work environment that may even be hostile. I have notified Benton county personnel that I will need to talk with them regarding this. I have tried to remedy this situation with Commissioner Small but have not been able to do so.

Linda Robb  
Director  
Department of Human Services  
Benton and Franklin Counties

On May 14, 2015, at 4:03 PM, Janet Taylor <[jtaylor@co.franklin.wa.us](mailto:jtaylor@co.franklin.wa.us)> wrote:

I have not received word on who Benton County intends to have this session about. Could be you, could be me I suppose ☺

Regards,

Janet E. Taylor  
Senior DPA, LR & HR  
Franklin County Human Resources Department  
1016 North 4th Ave.  
Pasco, WA 99301  
(509) 546-5819  
(509) 545-3573

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**From:** Linda Robb [<mailto:Linda.Robb@co.benton.wa.us>]  
**Sent:** Thursday, May 14, 2015 3:25 PM  
**To:** Janet Taylor  
**Subject:** FW: Friday meeting

Is the highlighted portion regarding me?

Benton County Commissioners **BENTON AND FRANKLIN COUNTIES** Franklin County  
Commissioners

Jerome Delvin, Chairman Brad Peck, Chairman  
Shon Small, Chair Pro Tem Rick Miller, Chair Pro Tem  
James R. Beaver, Member Robert E. Kock, Member  
(509) 786-5600 (509) 545-3535  
(509) 736-3080 (toll-free from Tri-Cities)

## **AGENDA**

### **BENTON and FRANKLIN COUNTIES**

Special Bi-County Meeting via Teleconference

Friday, May 15, 2015

Benton County Commissioners

Benton County Justice Center

Commissioners' Board Room

7122 W. Okanogan Place, Bldg. A

Kennewick, WA 99336

Franklin County Commissioners

Franklin County Courthouse

1016 N. 4th Avenue

Pasco, WA 99301

**1:30 pm**

Discussion on the Future of the Crisis Response Unit

Executive Session: Review the Performance of a Public Employee

Possible Management Decision Regarding a Public Employee

Linda M. Robb

Benton and Franklin Department of Human Services

Director

509-783-5284

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## MINUTES

### BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, April 7, 2015, 9:00 a.m.  
Benton County Planning Annex  
1002 Dudley Avenue, Prosser, WA

**Present:** Chairman Jerome Delvin  
Commissioner Shon Small  
Commissioner James Beaver  
Deputy County Administrator Loretta Smith Kelty  
Clerk of the Board Cami McKenzie

**Absent:** County Administrator David Sparks (Vacation)

**Benton County Employees Present During All or a Portion of the Meeting:** Adam Fyall, Sustainable Development Manager; Public Works Manager Daniel Ford; Assistant County Engineer Matt Rassmussen; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Bob Woody, IT Department; GIS Manager Mary Phillips; Linda Robb and Gordon Cable, Human Services; Gary Matthews and Dan Waggoner, Facilities; Darryl Banks and Jennifer Bowe, Juvenile; Amanda Garcia, Auditor; Assessor Bill Spencer; Treasurer Duane Davidson; Dan Mack, Public Works; Superior Court Administrator Pat Austin; RJ Lott, Planning.

#### Approval of Minutes

The Minutes of March 31, 2015 were approved.

#### Review Agenda

The Crisis Response discussion was moved to the last scheduled item on the agenda.

#### Consent Agenda

**MOTION:** Commissioner Beaver moved to approve the consent agenda items "a" through "w", pulling "j" (Harms Engineering) for discussion and pulling "m" (Public Works Organizational Chart). Commissioner Small seconded and upon vote, the Board approved the following:

#### Commissioners

- a. Letter to Franklin County Commissioners re Counties' Contribution to Fund Superior Court
- b. Letter to Franklin County Commissioners re Counties' Contribution for Juvenile Detention



**District Court**

- c. Lease Agreement w/Xerox Corporation for Three Copiers
- d. Line Item Transfer, Fund No. 0131-101, Dept. 000

**Facilities**

- e. Award of Superior Court Jury Seating to Brutzman's, Inc.

**Human Services**

- f. Amended Agreement w/K Larsen for Community Prevention Coordinator Services

**Information Technologies**

- g. Purchase of Dell Tower 5810 Workstation
- h. Establishing Updated Charge Back Procedure; Rescinding Resolution 98-036
- i. Solution Support Services Agreement w/Ciber, Inc. for Crimes Software

**Office of Public Defense**

- k. District Court Public Defense Agreement w/S Johnson

**Planning**

- l. Short Plat Vacation ~ SPV 2014-006

**Public Works**

- n. Authorizing Repair Services From Mel's Intercity Collision, Inc.
- o. Purchase Authorization of Ford Explorer from Columbia Ford
- p. Purchase of Diesel Fuel from Byrnes Oil Company

**Sheriff**

- q. Interlocal Agreement w/State of WA DSHS for Juvenile Justice & Rehabilitation Admin.
- r. Amended Memorandum of Understanding w/WA State Dept of Corrections of Coyote Ridge Corrections Center
- s. Line Item Transfer, Fund No. 0126-101, Dept. 000
- t. Line Item Transfer, Fund No. 0000-101, Dept. 121

**Superior Court**

- u. Purchase Authorization from the Trial Improvement Fund
- v. Line Item Transfer, Fund No. 0000-101, Dept. 138
- w. Line Item Transfer, Fund No. 0000-101, Dept. 123

**Item "j" Contract w/Harms Engineering Inc. for Design of Pre-Treatment Wastewater System**

Commissioner Beaver said he had no problem with approving the contract but was concerned it was not included in the budget and wanted the funding to be found within the current budget.

Commissioner Small said if they ended up needing a budget adjustment during the second year, they could look at that.

Mr. Darryl Banks (from the audience) said they had no idea what the cost would be prior to the budget being approved and they still needed to negotiate with the City of Kennewick.

Chairman Delvin suggested in the future they put in a number to place hold the project so a supplement was not needed. He said they would approve but requested they manage their current budget and would review it the end of the biennium and see where they were at.

Jennifer Bowe (from the audience) said they would have to request a supplement at Franklin County since they were on a one-year budget cycle.

**MOTION:** Commissioner Small moved to approve the agreement with Harms Engineering, Inc. for the design of a pre-treatment wastewater system at the Juvenile Justice Center. Additionally, if an adjustment was needed at the end of the biennium, they would look at that. Commissioner Beaver seconded and upon vote, the motion carried.

**Public Hearing - Short Plat Vacation - SPV 2015-002**

R.J. Lott presented the Short Plat Vacation request by Brett and Robin Tiller to vacate two utility easements off Short Plat 1647. All property owners and concerned agencies were notified and no comments were received. He said it was the Planning Department's recommendation to approve the vacation of the two 10-foot utility easements as requested.

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

**MOTION:** Commissioner Small moved to approve the vacation of the 10-foot utility easement located over the West 10 feet of previous Lot 3 and the Southwesterly 10 feet of previous Lot 2 of Short Plat 1647, records of Benton County. Commissioner Beaver seconded and upon vote, the motion carried.

**Bid Opening - Official County Newspaper**

The following bid was received for the official county newspaper:

**Tri-City Herald**

	<u>Mon-Fri</u>	<u>Sat-Sun</u>
Column-Inch rate, first insertion, including online:	\$17.25	\$17.70
Column-Inch rate, additional insertions:	\$15.50	\$15.85

The Clerk of the Board indicated they would review the bid and bring back a recommendation.

**Request for Proposal - Assessment & Taxation System**

Treasurer Duane Davidson said the Property Assessment and Tax System (ATS) was a priority project they brought to the Board last year and it had a placeholder in the capital budget and they were now ready to proceed with the RFP. He said the current systems had been in place for 17 years. Mr. Davidson indicated the RFP had been thoroughly reviewed by IT, GIS, Treasurer, and Assessor and it was now under PA review.

Assessor Bill Spencer said it was a good opportunity to look at new software since technology had changed significantly and it was worth taking a peak to see what was out there. He said he had been working on this extensively since he came into office and they were ready to move ahead.

The Board indicated it was in agreement with moving forward.

### **Capital Projects Update**

Ms. Smith Kelty said she had representatives from the Facilities Department, Design West and G2 Construction.

#### **Prosser HVAC Upgrade and Façade Renovation**

Gary Matthews, Facilities Department and Beth Bailey, Design West talked about the Courthouse project and the proposed change orders.

#### **Change Order No. 2**

Mr. Matthews said Changer Order No. 2 had to do with the materials and replacement of all sidewalks. The original bid was to replace the stairs on the north and east/west sides and the sidewalk immediately adjacent to those in front. Then it was proposed since they were doing the renovation that the sidewalks and curbing around the building were in poor shape so it was suggested to get a bid to replace it all. The total for that renovation would be \$57,234.23 and would include demolition ground prep, the subgrade compaction and reinforcement of the rebar, and any landscaping and repair work.

**MOTION:** Commissioner Beaver moved to approve the Resolution Authorizing Change Order No. 2 from G2 Commercial Construction, Inc. for construction of the Courthouse HVAC and Façade Renovations in the amount of \$57,234.23 plus tax. Commissioner Small seconded and upon vote, the motion carried.

#### **Change Order No. 3**

Mr. Matthews said this had to do with the HVAC redesign. The original plan was to provide core penetration in the flooring for the air supply duct and that was assuming they had concrete beam supports. However, it turned out they had flat slab and boring a 27-inch hole in a flat slab with just rebar support was not a good idea structurally. He said a plan was put in place to develop some type of reinforcing structure and that plan was in turn abandoned in lieu of providing two 8-inch inch penetrations at a set distance apart which would require new ducting, a new type of air handler, more and specialized smoke dampeners, some plumbing redesign, interior modifications, sound dampening, new conduit and wiring, etc.

Chairman Delvin asked Ms. Bailey to discuss the flooring issue and why it was not discovered originally.

Ms. Bailey said the original 1926 drawings showed reinforced concrete beams but unfortunately they were not where they needed them to be. There were other drawings without much detail that indicated there was a reinforcing system (spiral mushroom system that was patented). Once into the project the contractor noticed within a couple of weeks on site that there were not any concrete beams so the support system that was developed could not be utilized. The first

reengineering change was to simply put a flat slab of steel underneath the floor, however, it would have been extremely disruptive to the electrical systems and other existing systems in place. The contractor said it would be an additional \$120,000 and 50 days delay but it was the tip of the iceberg in terms of cost. The electrical systems would have been 2 ½ times that cost to upgrade and an additional 6-8 weeks. Once it was all laid out and analyzed by the contractor, that plan was abandoned and another engineering decision made to put in the small 8-inch holes in the slab which required no reinforcing whatsoever and that was the proposed change order.

Commissioner Small asked if that process had started and Ms. Bailey said the contractor received a notice to proceed on March 16.

**MOTION:** Commissioner Small moved to approve the Resolution Authorizing Change Order No. 3 from G2 Commercial Construction, Inc. for construction of the Courthouse HVAC and Façade Renovations in the amount of \$73,258.34 plus tax. Commissioner Beaver seconded.

#### Discussion

Chairman Delvin commented that it was an old building and once you get in you find things.

Upon vote, the motion carried.

#### Change Order No. 4

Mr. Matthews said it had to do with the brick mortar repointing, waterproofing and epoxy repair of the foundation. The original bid was limited to 25% or less of the brick joints and centered around the renovation. Once the contractor was working on it a little more, it was discovered the mortar was worse than originally thought. Basically all the mortar above the terra cotta ban for the second and third floors was moderate to heavy deterioration and he thought the number worked out to 70-80%, but once you get to that point it was recommended to do 100%. Also, the foundation had 55 linear feet of cracking and some of it had been repaired before and not repaired correctly. There was an original quote to repair the foundation for \$6,300 and the original bid for the additional repointing was \$176,800 but that price was negotiated down to \$120,000 and included the epoxy repair (which would have been an additional \$6,300).

Chairman Delvin asked about the grant and whether there was any leeway in the grant amount and Ms. Smith Kelty said there was not. This additional money would come out of the capital budget.

**MOTION:** Commissioner Small moved to approve the Resolution Authorizing Change Order No. 4 from G2 Commercial Construction, Inc. for construction of the Courthouse HVAC and Façade Renovations in the amount of \$120,735.48 plus tax. Commissioner Beaver seconded and upon vote, the motion carried.

Change Order No. 5

Mr. Matthews said this change order had to do with construction delays for additional pay to the contractor for 35 days at \$1700 per day. He said the initial overage was estimated at 52 days but that was worked down and final negotiation was 35 days.

Commissioner Small asked what the delay was and who was responsible for that. Mr. Matthews said it had to do with the floor penetrations and going from a 27 to 8-inch and all the redesign work around that. He said that was critical path work so once that was disrupted it affected everything else. There were a lot of jobs and they did as much as they could around that but those delays really could not be prevented. The smoke dampeners were a special order item and they were out four weeks and also the time considered in the structural engineer designing the original proposal to support the 27-inch holes (that time was lost) and then the new design came about (and the time for that), and then the procurement of equipment and everything that followed.

Chairman Delvin asked about a contingency and Ms. Smith Kelty said there was not a contingency (it was talked about but it was not agreed upon), so they would pay for this out of capital.

Mr. Matthews commented that he made this sound a little simple but it was pretty complicated and fairly complex.

Commissioner Small asked how long it took from the time they knew they had a floor issue (in January) until going forward and how much more time until the HVAC was completed. Mr. Matthews said with the penetrations in there now they were doing the ductwork, the firewalling, and the insulation since they got the notice to proceed.

Ms. Bailey said she believed it was about 62 calendar days since they first knew about the floor issue until they got their notice to proceed on March 16. Mr. Matthews said the plan was to be done by June 29 on the Courthouse section to meet the grant requirements and then they would start the HVAC renovation on the newer section.

**MOTION:** Commissioner Beaver moved to approve the Resolution Authorizing Change Order No. 5 from G2 Commercial Construction, Inc. for construction of the Courthouse HVAC and Façade Renovations in the amount of \$59,500.00 plus tax. Commissioner Small seconded and upon vote, the motion carried.

Commissioner Beaver said he was of the opinion that someone should have known about this if they were in the business of remodeling. Commissioner Small commented that it was more than just the project but that employees were in trailers and constituents were trying to get through the maze and the Commissioners were taking a lot of heat for the situation.

Ms. Bailey said the schedule delays were as portrayed by Mr. Matthews but she wanted to point out a few things: the masonry work had progressed quicker than estimated due to the mild

winter; the contractor was asked to provide means and methods to expedite the work and they were doing that; the work on the south building would be prioritized to get the Auditor back in place as soon as possible; the contractor also provided estimates to work weekends which could save 2-3 weeks and would cost \$66,000; and they were on track to meet the grant fund deadline. She said that no designer wanted to find what they found but they did their due diligence; the engineer was very focused on the roof, the duct work and electrical lines were in the way and it wasn't obvious. She said she wanted to put some perspective on the cost. The original cost estimate was \$2.1 million and G2 Construction came in at \$1,627,000 which was well below the competitors. The total project to date was still under \$2 million including the \$57,000 for the sidewalks that were not in the original scope.

The Board requested updates and Ms. Smith Kelty said they planned on monthly updates to the Board.

#### Jail Security (Opto) and Cameras

Dan Waggoner said they were in the design phase now and the architect (Latta Tech) had a deadline of April 24 to complete the drawings and bid specs. Once that was complete, they would make sure it was accurate, and then they would move on to the bidding process. He said the project replaced the control system in the jail, the entire camera and intercom system and badge reader system; they were reviewing their initial drawings to make sure all the details were there that they knew of. They were adding 220 cameras to the court side, the parking lot and the jail and would be defining the things that were needed versus the things they wanted. He added that he would be attending a security conference next week (the largest in the world) with Rob Guerrero so they could look specifically at the camera technology and they were doing their best to keep within the original budget.

For the timeline he said it might be a month of review after they received the documentation, a couple of months to select a contractor once they started the bid process, and hopefully within 2-3 months after that they could start installation.

#### Juvenile Renovation/Mental Health Addition

Ms. Smith Kelty said there would be an update by Juvenile at the April 14 meeting so they would not be discussing that today.

Ms. Smith Kelty said they had a contract for official drawings out to legal for review and it would be going to Integrus for its review and signature and back to the Board for approval.

Chairman Delvin asked that the Sheriff attend so they could have the discussion relating to changes for law enforcement that the State was making and how it was affecting operations to make sure they weren't building something they didn't need. Ms. Smith Kelty stated she had been working with the Undersheriff closely on this project and would make sure they came before the Board to have that discussion.

### Crisis Response Unit Discussion

Linda Robb and Gordon Cable said they wanted to address their concerns to the Board regarding the rumors they heard that the counties were considering moving Crisis Response from a public agency to a private agency. She said she spoke to Commissioners Beaver and Small about it but had not yet had a chance to talk to Commissioner Delvin.

Ms. Robb talked about some of the impacts of moving to a private entity including the following:

- Mental Health, Medicaid and State Only funds – primarily for the Crisis Response Center and paid for the staff and rent on the building. \$182,179 also paid for admin costs for the financial person, secretary and her position; that money would go away should the Crisis Response Center make a move to private entity.
- Federal block grant money for the service being provided in the County in the amount of \$245,891 annually – used primarily to assist those mentally ill folks not otherwise covered. She didn't know if that money would follow to a private entity.
- Crisis was moved and now provided centralized consolidated services at a new facility. That new lease expired on April 30, 2021 and cost \$118,000 approximately/year.
- Spent \$302,000 into the electronic records medical program; did not believe that would transfer to another agency and it was very specific to their needs (2/3 complete - still owed additional money this year)
- \$60,000 spent on new furniture for the new building and \$75,000 on remodeling that building.
- She said it was her understanding one of the concerns of the County was liability issues. She said that while the RSN was the basic administrator, the counties contracted for services and would still have a responsibility. She said this staff has dealt with many liability issues that have not been brought forward because they were effectively dealt with and having Crisis under the Counties, they would have constant access to her and Gordon Cable.
- Previously it was private and it was moved due to a conflict of interest.
- Jail program with the Benton County Jail – it has been looked at and admired by other counties. Lourdes was providing case management and Comprehensive Mental Health was providing the medication management in the jail system. Additionally, the DMHP position was currently paid for by the millage funds but those would stay with the County and not follow that contract should it leave the County's control.
- Other groups have been very appreciative of Crisis and the services they provide.
- 27 staff working at Crisis response – majority for 20+ years and they would lose years of benefits and retirement and longevity; they have talked to her about their concerns.

Commissioner Small said this was not a new idea and that others have looked at consolidated crisis response centers but history has shown that it has not been able to sustain itself. He said he has been reviewing this issue for some time and that Benton County was one of the last counties to keep Crisis Response and not contract out; additionally, there was a move by the State to combine mental health and chemical dependency.

He said he believed it would reduce liability and free up additional funds for individuals and he has talked to multiple individuals in the community and believed this was the way to go. He said he did not currently have the answers to the questions Ms. Robb brought up regarding funds spent and the lease, although he believed there was a clause to get out of the lease if they were no longer providing the services. He said he was not talking about wasting funds but being more efficient. He also talked about the \$2 million in reserves that could be used for closeout and operational costs and that making this move would free up about \$15,000 per month in administrative costs to be used on services out in the communities.

He said that Rick Weaver, CEO of Comprehensive Mental Health, talked about complaints received for mental health services and the use of funds and that he agreed with the move to try and privatize. He also talked about a potential RFQ process and there was not really anybody in this area that could do this except Lourdes since it was such a unique and specialized service.

Commissioner Beaver said they needed to fully understand the ramifications of this decision. They have talked about footprint reduction and bi-county operations that were not equitable and they had a fiduciary responsibility to review this. He said if other counties have moved in another direction, he wanted to take a look at it.

Chairman Delvin said he has talked with Senator Hargrove about consolidation of mental health and chemical dependency and that they were moving that way.

Ms. Robb said they were currently already integrated: Crisis had a mental health division and chemical dependency division and they had been very involved in moving forward on that issue and felt like they were on top of it.

Chairman Delvin said this was their first initial discussion and if they ended up going this way, he didn't want the employees sitting around waiting. He said the liability issues and financial issues needed to be looked at very carefully. He also suggested they might involve the public to get their opinion on this issue.

Ms. Robb commented that Mr. Weaver had presented at a meeting on the mental health system and the continuum of care they had in Yakima and that he wanted them to present to the State that the Tri-Cities had a system of care that was working very well and cohesively. She commented on the steps they took to make sure they had a system of consolidated care (by regularly meeting with entities including referrals and the law enforcement agencies).

Mr. Cable said when the Board was evaluating complaints about behavioral health to remember that it was riddled with complaints due to the nature of the business, to examine it and put value in it, but take it with a grain of salt.

Barbara Mead, vice president of Behavioral Health for Lourdes Counseling Center said that Lourdes had been a provider for inpatient and outpatient services for behavioral health services in the community and their services had grown tremendously. She commented that Crisis Response staff were present in their building about 4 times a week. Additionally, she said that



part of the collaboration was with bi-county police and sheriffs to add the jail diversion program and continuum of care. She said she was available if the Board had questions.

### Other Business

Commissioner Small said that an executive session was not needed.

Chairman Delvin discussed the following:

#### Animal Control Authority

He said the County received a request from Pasco to have a discussion with the about animal control. They requested a tour of Benton County's facility and asked to have a financial person and Commissioner present. The Board agreed it was not necessary and there was not anything to talk about at this point so Chairman Delvin said he would reply to the email.

#### Conservation Futures Issues

He received an email from Scott Woodward requesting to go back to the ballot on this issue in the fall. They asked if they could present something to the Board and if they would consider referring it to the ballot. He said he personally did not have a problem with it going to the public for a vote.

Commissioner Beaver said they already let the voters vote and they said no so he thought they were done. Commissioner Small said he thought they really needed to wait for a few years to bring it up again.

#### Long Term Aging Council

Chairman Delvin said that Mayor Pro Tem Lemley, Richland City Council had agreed to be appointed to the Long Term Aging Council. Ms. Smith Kelty said she would get the paperwork ready for the Board to appoint Mr. Lemley.

#### Public Service Recognition Week

Benton County was asked to do a proclamation and attend an event at the Southridge Sports Complex on May 7. The Board agreed to sign a proclamation.

#### Yakima Basin Fish & Wildlife Board

There was an open position on this Board for one of the city positions if any of the Board members knew of someone to nominate or recommend.

## Vouchers

Check Date: 04/03/2015

Warrant #: 119486-119622

Total all funds: \$3,285.59

Transfer #: 04031501-04031509

Total all funds: \$894,705.78

Warrant #: 119631-119740

Total all funds: \$490,452.28

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

## Resolutions

- 2015-257: Lease Agreement w/Xerox Corporation for Three Copiers
- 2015-258: Line Item Transfer, Fund No. 0131-101, Dept. 000
- 2015-259: Award of Superior Court Jury Seating to Brutzman's, Inc.
- 2015-260: Amended Agreement w/K Larsen for Community Prevention Coordinator Services
- 2015-261: Purchase of Dell Tower 5810 Workstation
- 2015-262: Establishing Updated Charge Back Procedure; Rescinding Resolution 98-036
- 2015-263: Solution Support Services Agreement w/Ciber, Inc. for Crimes Software
- 2015-264: District Court Public Defense Agreement w/S Johnson
- 2015-265: Short Plat Vacation ~ SPV 2014-006
- 2015-266: Authorizing Repair Services From Mel's Intercity Collision, Inc.
- 2015-267: Purchase Authorization of Ford Explorer from Columbia Ford
- 2015-268: Purchase of Diesel Fuel from Byrnes Oil Company
- 2015-269: Interlocal Agreement w/State of WA DSHS for Juvenile Justice & Rehabilitation Admin.
- 2015-270: Amended Memorandum of Understanding w/WA State Dept of Corrections of Coyote Ridge Corrections Center
- 2015-271: Line Item Transfer, Fund No. 0126-101, Dept. 000
- 2015-272: Line Item Transfer, Fund No. 0000-101, Dept. 121
- 2015-273: Purchase Authorization from the Trial Improvement Fund
- 2015-274: Line Item Transfer, Fund No. 0000-101, Dept. 138
- 2015-275: Line Item Transfer, Fund No. 0000-101, Dept. 123
- 2015-276: Contract w/Harms Engineering, Inc.
- 2015-277: Approval of SPV 2015-002
- 2015-278: Approval of Change Order No. 2 – G2 Commercial Construction, Inc.
- 2015-279: Approval of Change Order No. 3 – G2 Commercial Construction, Inc.
- 2015-280: Approval of Change Order No. 4 – G2 Commercial Construction, Inc.
- 2015-281: Approval of Change Order No. 5 – G2 Commercial Construction, Inc.

There being no further business before the Board, the meeting adjourned at approximately 10:40 a.m.

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Clerk of the Board

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Chairman