

# COMMISSIONERS' AGENDA ACTION SHEET

<b>Meeting Date:</b>	FC 09/21/21 BC 10/05/21
<b>Subject:</b>	Termination of Professional Services Contract with Benton-Franklin Health District
<b>Presenter:</b>	N/A
<b>Prepared By:</b>	Rosa Garcia
<b>Reviewed By:</b>	Darryl Banks
<b>PA Review, Approval to Form:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A (If no, include reasoning for no approval)
<b>Type of Agenda Item:</b>	<b>Type of Action Needed:</b> (Multiple boxes can be checked, if necessary)
<input checked="" type="checkbox"/> Consent Agenda	<input type="checkbox"/> Discussion Only (1 <sup>st</sup> ) <input type="checkbox"/> Pass Motion
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Discussion Only (2 <sup>nd</sup> ) <input checked="" type="checkbox"/> Pass Resolution
<input type="checkbox"/> Scheduled Business	<input type="checkbox"/> Decision/Direction <input type="checkbox"/> Pass Ordinance
	<input type="checkbox"/> Execute Contract

## Summary / Background Information

Attached for board review and approval is the Notice of Termination of Professional Services Contract between Benton-Franklin Health District and Benton-Franklin Counties Juvenile Justice Center.

In accordance with Section 10(a) of the Contract the Benton-Franklin Counties Juvenile Justice Center has elected to terminate the Contract on September 1, 2021 due to Benton-Franklin Health District letter dated August 5, 2021, declaring their inability to acquire insurance coverage by the August 31, 2021 deadline.

## Fiscal Impact

The Contract is being terminated in which no fiscal impact is present.

## Recommendation

We recommend that the Boards of Commissioners of Benton County and Franklin County approve and sign the Notice of Termination of Professional Services Contract between Benton-Franklin Health District and Benton-Franklin Counties Juvenile Justice Center as written.

## Suggested Motion

Approve as part of consent agenda.

# JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. \_\_\_\_\_

FRANKLIN COUNTY RESOLUTION NO. \_\_\_\_\_

**BEFORE THE BOARDS OF THE COMMISSIONERS OF BENTON AND FRANKLIN COUNTIES, WASHINGTON;**

**IN THE MATTER OF AUTHORIZING THE CHAIR OF THE BOARD OF BENTON AND FRANKLIN COUNTY COMMISSIONERS TO SIGN THE ATTACHED TERMINATION LETTER FOR THE PROFESSIONAL SERVICES CONTRACT WITH BENTON-FRANKLIN HEALTH DISTRICT**

**WHEREAS**, by Benton County Resolution 2020-724 and by Franklin County Resolution 2020-203 signed on October 13, 2020 and September 22, 2020 respectively, Benton Franklin Counties Juvenile Justice Center entered into a Contract with Benton-Franklin Health District for medical services; and

**WHEREAS**, per Section 10(a) of the contract, Benton Franklin Counties Juvenile Justice Center at its sole discretion may terminate the contract any time when it is in the best interest of Benton Franklin Counties Juvenile Justice Center; and

**WHEREAS**, the Administrator recommends the Chair of the Board of Benton County Commissioners and the Chair of the Board of Franklin County Commissioners sign the attached letter to terminate the contract between Benton Franklin Counties Juvenile Justice Center and Benton-Franklin Health District; **NOW, THEREFORE**

**BE IT RESOLVED**, that the Chair of the Board of Benton County Commissioners and the Chair of the Board of Franklin County Commissioners are hereby authorized to sign the attached letter to Benton-Franklin Health District to terminate the contract between Benton Franklin Counties Juvenile Justice Center and Benton-Franklin Health District; and

**BE IT FURTHER RESOLVED**, said contract shall terminate on September 1, 2021.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021  
**BENTON COUNTY BOARD OF COMMISSIONERS**

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021  
**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chair of the Board

\_\_\_\_\_  
Chair of the Board

\_\_\_\_\_  
Chair Pro Tem

\_\_\_\_\_  
Chair Pro Tem

\_\_\_\_\_  
Member

Constituting the Board of  
County Commissioners,  
Benton County, Washington

Attest:

\_\_\_\_\_  
Member

Constituting the Board of  
County Commissioners,  
Franklin County, Washington

Attest:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Clerk of the Board

Benton County Commissioners

**BENTON AND FRANKLIN COUNTIES**

Franklin County Commissioners

Jerome Delvin, Chair  
Shon Small, Chair Pro Tem  
Will McKay, Member  
(509) 786-5600  
(509) 736-3080 (toll free from Tri-Cities)

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

September 7, 2021

Benton-Franklin Health District  
Attn: Bonnie Hall  
7102 W. Okanogan Place  
Kennewick, WA 99336

Re: Notice of termination of Professional Services Contract between Benton-Franklin Health District and Benton-Franklin Counties Juvenile Justice Center

Dear Bonnie Hall:

The Boards of County Commissioners for Benton County and Franklin County have determined it to be in the best interest of both Counties to terminate the above referenced Professional Services Contract. This is notice by Benton County and Franklin County of the termination of the Professional Services Contract signed by you on September 9, 2020 and by the Board of Benton County Commissioners, Resolution No. 2020-724, and the Board of Franklin County Commissioners, Resolution No. 2020-203, on October 13, 2020 and September 22, 2020 respectively. The above referenced Professional Services Contract is hereby terminated effective on September 1, 2021, pursuant to Section 10(a) of the Professional Services Contract.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021

Benton County Board of Commissioners

Franklin County Board of Commissioners

\_\_\_\_\_  
Chair of the Board

\_\_\_\_\_  
Chair of the Board

Attest:

Attest:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Clerk of the Board

**JUDGES**

Hon. Cameron Mitchell  
Hon. Alexander C. Ekstrom  
Hon. Jacqueline J. Shea-Brown  
Hon. Joseph M. Burrowes  
Hon. Samuel P. Swanberg  
Hon. David L. Petersen  
Hon. Jacqueline I. Stam

**BENTON-FRANKLIN COUNTIES  
JUVENILE JUSTICE CENTER**



**DARRYL BANKS, Administrator**  
Juvenile Court Services

**SUPERIOR COURT OF THE STATE OF WASHINGTON**

5606 W CANAL PLACE, SUITE 106 • KENNEWICK, WASHINGTON 99336-1388  
PHONE (509) 783-2151 • FAX (509) 736-2728

**DARIN R. CAMPBELL**  
**ARTHUR D. KLYM**  
**DIANA N. RUFF**  
Court Commissioners

September 7, 2021

Bonnie Hall  
7102 W. Okanogan Place  
Kennewick, WA 99336

RE: Contract Termination

Dear Bonnie:

Please accept this as formal notification that the contract between the Benton-Franklin Juvenile Justice Center and the Benton-Franklin Counties Health District for medical services in our detention center is terminated as of September 1, 2021. We regret that the Health District was unable to secure insurance coverage and we appreciate all the effort that was expended in the search for insurance. It was a pleasure working with your organization.

Sincerely,

A handwritten signature in blue ink that reads "Darryl Banks".

Darryl Banks, Administrator

pc: file



August 5<sup>th</sup>, 2021

Benton & Franklin Counties  
Juvenile Justice Center  
Darryl Banks, Administrator  
5606 W. Canal Pl., Ste. 106  
Kennewick, WA 99336

Mr. Banks,

As you are aware, we recently received notice from Landmark American Insurance Company that they will not be renewing our liability insurance for our work at the Juvenile Justice Center. We have made application to all the viable insurers we could find (10 in total) and have been declined by four and are still waiting for a determination from the other six companies. We are finding that insuring work in a juvenile correctional facility is increasingly difficult in light of the effect that COVID-19 has had on the insurance industry as a whole which has caused a number of carriers to drop some of these specialty lines of business.

While we are hopeful that an offer to insure will come through, we must also make contingency plans in the event that insurance coverage cannot be procured. With the current insurance coverage expiring on September 1<sup>st</sup>, 2021 we must advise you that the Health District will be unable to provide continuing medical services to the Juvenile Justice Center beyond August 31<sup>st</sup>, 2021, unless new insurance can be acquired in advance. We realize this that the Juvenile Justice Center must also look at their contingency options as well. If no insurance coverage can be procured, we ask that you accept our resignation effective August 31<sup>st</sup>, 2021.

We value our relationship with the Juvenile Justice Center and would like to continue working together. We will continue to pursue every viable option to acquire insurance and update you as more information becomes available.

Sincerely,

Jason Zaccaria, MHA  
District Administrator

Health District Locations:

Kennewick Office:  
7102 W. Okanogan Place  
Kennewick, WA 99336  
Phone: 509-460-4200

Pasco Office:  
412 W. Clark St  
Pasco, WA 99301  
Phone: 509-547-9737