

April 25,
2011

THE BOARD OF
BENTON COUNTY
COMMISSIONERS
AGENDA PACKET

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
April 18, 2011, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Leo Bowman
Commissioner James Beaver
Commissioner Shon Small
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, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Human Services Manager Ed Thornbrugh; Deputy Treasurer Erhiza Rivera; County Engineer Malcolm Bowie; Bryan Perry, Safety Coordinator; DPA Jonathan Young; DPA Ryan Brown; Susan Walker and Valerie Smith, Planning; David Pettey, Sheriff's Office; Eric Hsu, OPD; RJ Lott, Planning; Clark Posey, Planning.

Workshop Agenda

Commissioner Beaver reported on the following meetings: Elected Officials, Revolving Loan Fund meeting, Council of Governments meeting, and meeting with Doug Elliott, Fair Association (they are still interested in renegotiating their lease). Additionally, he spoke to the individual putting on the gun show at the Fairgrounds who said he had a problem with the liability requirements. Commissioner Beaver said he would talk to Melina Wenner and send a letter to him following up on the insurance requirements.

Commissioner Small said the CSEPP exercise went well with a just a few issues. Additionally, he had conversations regarding the money at Dispatch and he would discussing that with Chief Corsi. He asked the Board if it would be attending the PNNL meeting tomorrow and the members said they would be in attendance.

Chairman Bowman said he did not travel to Olympia last week but he provided a report (now out of date). Additionally, he said the Legislature was not done yet and he was trying to find out the status of 1126 (gang issue).

The Board briefly recessed, reconvening at 9:00 a.m. for the regular session.

Approval of Minutes

The Minutes of April 11, 2011 were approved.

Consent Agenda

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

Board of Equalization

- a. Reappointment of L Pielstick to Board of Equalization

Commissioners

- b. Contract w/Bella’s Office Furniture for Procurement & Installation of Furniture

Fairgrounds

- c. Contract w/Ye Olde Car Club

Juvenile

- d. Payment Authorization to Western States Equipment for Generator Repair
- e. Contract w/City of Benton City for Graffiti Abatement Program

Office of Public Defense

- f. Excess Cases Compensation for S McKinley
- g. Line Item Transfer, Fund No. 0000-101, Dept. 136

Personnel

- h. Training Services Contract w/S Perry

Planning

- i. Appointment of D Crosby to the Planning Commission
- j. Approval of Ordinance Amendments to BCC Title 11.52 & BCC Title 11

Public Works

- k. Easement Agreement for Overpass w/BNSF Railway Company
- l. Personal Services Contract w/CWI Security Services, Inc.

Sheriff

- m. Authorization to Purchase Vehicles from State Contract

Treasurer

- n. Supplemental Interlocal Cooperative Agreement Regarding Southridge Revitalization Area
- o. Surplus of County Property
- p. Professional Services Agreement w/Bid4Assets

The Board briefly recessed, reconvening at 9:03 a.m.

Executive Session – Potential Litigation

The Board went into executive session at 9:03 a.m. for approximately five minutes with DPA Jonathan Young to discuss potential litigation. Also present were Bryan Perry, DPA Ryan Brown, David Sparks, Cami McKenzie, Loretta Smith Kelty, and Captain Al Thompson (via videoconference). The Board came out of executive session at 9:08 a.m. DPA Jonathan Young said the Board took no action.

Executive Session – Potential Litigation

The Board went into executive session at 9:08 a.m. for approximately five minutes with DPA Jonathan Young to discuss potential litigation. Also present were Bryan Perry, DPA Ryan Brown, David Sparks, Cami McKenzie, Loretta Smith Kelty, and Captain Al Thompson (via videoconference). The Board came out of executive session at 9:14 a.m. DPA Jonathan Young said the Board took no action.

Executive Session – Potential Litigation

The Board went into executive session at 9:14 a.m. for approximately five minutes with DPA Jonathan Young to discuss potential litigation. Also present were Bryan Perry, DPA Ryan Brown, David Sparks, Cami McKenzie, Loretta Smith Kelty, and Captain Al Thompson (via videoconference). The Board came out of executive session at 9:17 a.m. DPA Jonathan Young said the Board took no action.

Executive Session – Potential Litigation

The Board went into executive session at 9:17 a.m. for approximately 10 minutes with DPA Jonathan Young to discuss potential litigation. Also present were Bryan Perry, DPA Ryan Brown, David Sparks, Cami McKenzie, Loretta Smith Kelty, and Captain Al Thompson (via videoconference). The Board came out of executive session at 9:23 a.m. DPA Jonathan Young said the Board took no action.

The Board briefly recessed, reconvening at 9:30 a.m.

Barker Ranch Presentation

Michael Crowder, Barker Ranch Manager, gave a Powerpoint presentation on the activities and purpose of Barker Ranch and briefly discussed the following:

- 2,000 acre ranch managed primarily for wetlands, waterfowl and wildlife species, located in W. Richland
- History, including owners and uses (hunting club)
- Partners
- Perpetual WRP (Wetland Reserve Program) Easement (can never be developed and will be managed for wetland and wildlife forever)
- Wetlands (definition and benefits, challenges)
- Department of Ecology - Columbia River Water Management Program Grant
- Horn Rapids Canal Piping Project
- Barker Ranch Events
- Issues for Commissioners (real estate taxation classifications, trail issues, land swap, inclusion in long-term Comprehensive Plan)
- Operations are funded by owners through voluntary capital calls

Public Hearing – Short Plat Vacation – 11-02

Commissioner Small recused himself from the public hearing because he said he was related to the applicant and then left the room.

R.J. Lott said the Planning Department received a request for vacation from Zachery Carpenter of a portion of the 60-foot access easement on Short Plat 753 and proposed a replacement private road easement. Mr. Lott said all interested parties were notified and they had not received any adverse comments, however did receive a comment from DOT that it was in favor of the vacation.

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

MOTION: Commissioner Beaver moved to approve the vacation as presented by the staff report with the listed conditions. Chairman Bowman seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 10:05 a.m. with Commissioner Small present.

Office of Public Defense - 2010 Annual Report / 2011 Strategic Plan

Eric Hsu, OPD Manager discussed his 2010 annual report and 2011 strategic plan as follows:

2010 Annual Report

- District Court Operations and Financial Update
- Superior Court Operations and Financial Update
- Sexually Violent Predator Cases
- Juvenile Justice
- 2010 Strategic Improvement Plans - Goals/Recommendations/ Achievements
 - Indigency Screening Study
 - In-House Training Program
 - 100% Contract Compliance
 - Direct Billing – Competency Evaluation Expenses
 - Caseload Management
 - Cost Management for Investigative Services
 - New Travel Policy
 - District Court In-Custody Representation Program

2011 Strategic Plan

- Goals
 - Build Community Alliances
 - Gang Intervention and Awareness
 - Investigator/Expert Funding Guidelines and Limits
 - Performance Measures for Contractors
 - In-House Training
 - Solutions for Special Situation Cases
 - Hourly Case Accountability

Affordable Housing Funding - Proposed Projects Summary

Ed Thornbrugh said the steering committee met last week and heard proposals for grant applications of the 2060 funds and he was providing recommendations of the committee.

He said the committee budgeted \$500,000 each year for three years and received approximately \$350,000 in applications for 2011. He said one application was denied due to the fact they did not have a business license. He said the committee voted and recommended that the funds not awarded for 2011 would roll forward to 2012 (for a total of \$650,000 for 2012).

The committee made the following recommendations for award:

- Benton-Franklin Human Services – Transitional Living Program - \$47,600
- Domestic Violence Services – Shelter - \$84,514
- Columbia Basin Veterans’ Coalition, Inc. – Transitional Living House - \$30,000
- Housing Authority of City of Pasco and Franklin County – Cullum House - \$33,965
- Kennewick Housing Authority – New Apartment Complex - \$151,658

Chairman Bowman asked if the application from “Friends Place” that was denied could be reconsidered if they received their business license.

Mr. Thornbrugh said they received a letter to reconsider and he wanted to meet with them and bring back a recommendation to the Board to either reconvene the steering committee or assist them in submitting an application for 2012.

Chairman Bowman said he would be in favor of helping them in 2011 if it was possible. Commissioner Beaver said there was a timing problem and they were trying to get squared away and he was in favor of getting creative to see if they could find a solution.

Mr. Thornbrugh said if the Board agreed with the recommendations, he would prepare the grant agreements and bring them back for Board approval.

MOTION: Commissioner Beaver moved to direct Mr. Thornburgh to prepare the grant contracts as recommended. Commissioner Small seconded and made a friendly amendment to have Mr. Thornbrugh review the other application and the Board agreed with the amendment. Upon vote, the motion carried unanimously.

Unscheduled Visitors

Wayne Vertz, Tri-City Area Tea Party, Kennewick, provided a copy of information regarding Agenda 21 and said he wanted the Board to be aware of it. Chairman Bowman said he would provide the information to the Planning Department and the Board agreed.

Commissioner Beaver said he wanted to thank Marilu Flores for clerking her first Board of Commissioner meeting and said she did a good job.

Claim for Damages

CC 2011-13: Received on April 8, 2011 from Jesus Cobian Benitez, Norma Dominguez Robles, and Emily Cobian Dominguez

Vouchers

Check Date: 04/15/2011
Warrant #: 232234-232256
Direct Deposit #: 63300-63500
Total all funds: \$113,637.89

Check Date: 04/15/2011
Payroll Draw Deductions
Taxes #: 10111044
Total all funds: \$31,908.33

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

Resolutions

- 11-246 Reappointment of L Pielstick to Board of Equalization
- 11-247 Contract w/Bella's Office Furniture for Procurement & Installation of Furniture
- 11-248 Contract w/Ye Olde Car Club
- 11-249 Payment Authorization to Western States Equipment for Generator Repair
- 11-250 Contract w/City of Benton City for Graffiti Abatement Program
- 11-251 Excess Cases Compensation for S McKinley
- 11-252 Line Item Transfer, Fund No. 0000-101, Dept. 136
- 11-253 Training Services Contract w/S Perry
- 11-254 Appointment of D Crosby to the Planning Commission
- 11-255 Approval of Ordinance Amendments Regarding Registration of Child Daycare Facilities
- 11-256 Approval of Ordinance Relating to Zoning; Community Center Residential District
- 11-257 Approval of Ordinance Relating to Zoning; Adding RL-1 District
- 11-258 Approval of Ordinance Relating to Zoning; Adding the RL-5 District
- 11-259 Approval of Ordinance Relating to Zoning; Adding the RL-20 District
- 11-260 Easement Agreement for Overpass w/BNSF Railway Company
- 11-261 Personal Services Contract w/CWI Security Services, Inc.
- 11-262 Authorization to Purchase Vehicles from State Contract
- 11-263 Supplemental Interlocal Cooperative Agreement Regarding Southridge Revitalization Area
- 11-264 Surplus of County Property – Purchase of Ford Pickup
- 11-265 Professional Services Agreement w/Bid-4-Assets

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

Clerk of the Board

Chairman

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		<u>Commissioners</u>	
Meeting Date:	04/25/11	Execute Contract	_____		
Subject:	Older Americans Month Proclamation	Pass Resolution	XXX	Consent Agenda	XXX
Prepared by:	Marilu Flores	Pass Ordinance	_____		
Reviewed by:	L Smith Kelty	Pass Motion	_____		
		Other	_____		

BACKGROUND INFORMATION

We have been contacted by Ms. Evelyn Chaney requesting our Board sign a proclamation for Older American Month. Our board has been authorizing a similar proclamation since 2004.

RECOMMENDATION

Approval of the Resolution proclaiming May 2011 to be Older Americans Month.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF PROCLAIMING MAY 2011 OLDER AMERICANS MONTH

WHEREAS, Benton County is a community that includes 29,585 citizens aged 60 years old or older; and

WHEREAS, the older adults in Benton County are the roots from which our community grows, who bestow gifts of wisdom and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and

WHEREAS, our society can be enhanced by older adults aging peacefully in their communities; and

WHEREAS, the older adults in Benton County should be commended for their role in creating and bolstering the fiber of our community and nation; and

WHEREAS, our community can provide that recognition and respect by enriching the quality of life for older Americans by:

- Increasing their opportunities to remain in their communities as active and engaged citizens;
- Providing services, technologies, and support systems that allow seniors to foster and maintain connections within the community;
- Emphasizing the value of elders by publicly recognizing their contributions to the diversity, strength and unity of our community; **NOW THEREFORE,**

BE IT HEREBY RESOLVED the Board of Commissioners of Benton County hereby proclaims May 2011 to be Older Americans Month. We urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for them. Our recognition of older Americans and their involvement in our lives can help us achieve stronger and more meaningful connections with each other and enrich our community's quality of life.

Dated this day of , 20

Chairman of the Board

Chairman Pro Tem

Member

Constituting the Board of County
Commissioners of Benton County,
Washington

Attest:
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>4/25/11</u>	Execute Contract _____	Consent Agenda <u> x </u>
Subject: <u>URS purchases</u>	Pass Resolution <u> x </u>	Public Hearing _____
<u>from state</u>	Pass Ordinance _____	1st Discussion _____
<u>contract #</u>	Pass Motion _____	2nd Discussion _____
<u>03709</u>	Other _____	Other _____
Prepared by: <u>Keith Mercer</u>		
Reviewed by: <u>Loretta</u>		

BACKGROUND / SUMMARY INFORMATION

There are no cameras located in the Superior Court Courtrooms and the existing cameras in the hallways are not adequate enough in either quantity or quality to provide proper surveillance. The Security Supervisor would like to install cameras, recording equipment, and viewing equipment in the Superior Court Courtrooms to ensure proper surveillance and security. This will be a three-year process to fully outfit the courtrooms with the necessary equipment. The first step is to purchase 22 camera systems with their associated hardware, cabling, power supplies, and network switches. These products are available under Washington State Contract # 03709 and will be installed by the Facilities Department.

RECOMMENDATION

Facilities recommend purchasing the 22 camera systems with their associated hardware, cabling, power supplies, and network switches off Washington State Contract # 03709 from URS Electronics Inc.

FISCAL IMPACT

\$18,146.69 with a total amount not to exceed \$18,300.00 to be paid out of the following:

Trial Court Improvement	\$ 5,000.00
Insurance Management Fund	<u>\$13,146.69</u>
Total	<u>\$18,146.69</u>

MOTION

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>4/25/11</u>	Execute Contract <u>X</u>	Consent Agenda <u>X</u>
Subject: Absolute Power, Inc.	Pass Resolution _____	Public Hearing _____
Prepared by: <u>cmb</u>	Pass Ordinance _____	1st Discussion _____
Reviewed by: <u>Isk</u>	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

Attached for Board review is the Benton County Fairgrounds Electrical Service contract with Absolute Power, Inc., Pasco, Washington.

SUMMARY

For 2011 Benton County Fairgrounds had Absolute Power submit their rate sheet for as needed and repair electrical services.

RECOMMENDATION

Facilities Maintenance Manager and the Deputy County Administrator reviewed the Absolute Power, Inc, rate sheet and recommend approval of the Electrical Service contract with Absolute Power, Inc.

FISCAL IMPACT

\$25,000.00

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON IN THE MATTER OF AWARDING A PUBLIC WORKS CONTRACT TO ABSOLUTE POWER, INC., PASCO, WASHINGTON, FOR "AS NEEDED" ELECTRICAL REPAIR SERVICES FOR ALL BENTON COUNTY FACILITIES, TO INCLUDE THE BENTON COUNTY FAIRGROUNDS AND BENTON COUNTY ANIMAL CONTROL

WHEREAS, per resolution 09-811, any contracts for public works services or materials involving less than twenty-five thousand (\$25,000), advertisement and competitive bidding may be dispensed with, and such contracts may be entered into after direct negotiation and authorization by the Board of Commissioners; and

WHEREAS, the Facilities Manager recommends a blanket service agreement with Absolute Power, Inc., Pasco, WA to be put in place for "as needed" electrical repair and services and other miscellaneous services that they are qualified to perform; and

WHEREAS, this blanket contract would allow the Facilities Manager to move forward with services without requiring a contract for each service needed; and

WHEREAS, the prices for said services is in accordance to the agreement and Absolute Power, Inc., price rate attached hereto for an accumulative contract amount not to exceed \$25,000 for the contract period; **NOW THEREFORE**,

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, the Board concurs with the Facilities Manager's recommendation and hereby awards Absolute Power, Inc., the blanket public works contract for "as needed" electrical repair services for all Benton County Facilities, to include the Benton County Fairgrounds and Benton County Animal Control in an amount not to exceed \$25,000 including WSST; and

BE IT FURTHER RESOLVED the Board hereby authorizes the chairman to sign the public works contract attached hereto; and

BE IT FURTHER RESOLVED the term of the attached contract begins January 1, 2011 and expires on December 31, 2011.

Dated the _____ day of _____, 2011

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

Constituting the Board of County Commissioners of Benton County, Washington

**PUBLIC WORKS CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between **BENTON COUNTY**, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and Absolute Power, Inc, a Washington corporation with its principal offices at 5003 Latimer Ct. Pasco, WA, (hereinafter "CONTRACTOR").

In consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

1. CONTRACT DOCUMENTS

This Contract consists of these terms and conditions and the following documents:

- a. Exhibit A - Contractor's Proposal - 2011 Wage Rates
- b. Exhibit B - Washington State Prevailing Wage Rates

2. DURATION OF CONTRACT

The term of this Contract shall begin January 1, 2011 and shall expire on December 31, 2011. Price adjustments of this contract will only be effective with an executed amendment to this contract. The CONTRACTOR shall complete all work by the time(s) specified herein, or if no such time is otherwise specified, no later than the expiration date.

3. SERVICES PROVIDED

The CONTRACTOR agrees to provide "as needed" electrical repair services for all Benton County locations, to include the Benton County Fairgrounds and the Benton County Animal Control Facility, in accordance with the CONTRACTORS 2011 price list proposal attached hereto as Exhibit A. All services and materials provided under this contract shall be provided in a manner consistent with industry standards. In the event that requested work encompasses work that is legally required to be completed by another type of contractor, CONTRACTOR shall inform COUNTY of that fact and shall coordinate with COUNTY to complete the work in conjunction with such other contractor. In the event that requested work requires, under State or local law, the issuance of a building permit, CONTRACTOR shall be responsible for procuring such building permit and arranging for inspection and certification of the work. CONTRACTOR may bill COUNTY for the full cost of the permit and any labor time for any of its employees involved in the permitting

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>4/25/11</u>	Execute Contract	_____	Consent Agenda <u>X</u>
	Pass Resolution	<u>X</u>	Public Hearing _____
Subject: Tri Cities Woodcarvers Association	Pass Ordinance	_____	1st Discussion _____
Prepared by: cmb _____	Pass Motion	_____	2nd Discussion _____
Reviewed by: <u>Isk</u>	Other	_____	Other _____

BACKGROUND INFORMATION

Attached for Board review is the Lease Agreement with the Tri Cities Woodcarvers Association. This Lease Agreement has been reviewed and approved as to form by the Prosecuting Attorney's office.

Tri Cities Woodcarvers Association held their annual event here at the Benton County Fairgrounds each year and would like to secure their dates for the next three years.

SUMMARY

The Lease Agreement attached will be for their annual event held in Building 1 on the following dates:

- June 10-11, 2011
- June 8-9, 2012
- June 7-8, 2013

RECOMMENDATION

The Deputy County Administrator and Fair Grounds Office Manager recommend approval of the Lease Agreement with the Tri Cities Woodcarvers Association.

FISCAL IMPACT

Compensation potentially represents a greater than 50% discount of the normal rental rate for the facilities being leased.

MOTION

Move the Lease Agreement with the Tri Cities Woodcarvers Association.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON IN THE MATTER OF APPROVING THE LEASE AGREEMENT BETWEEN BENTON COUNTY AND THE TRI CITIES WOODCARVERS ASSOCIATION.

WHEREAS, the Tri Cities Woodcarvers Association would like to secure a three (3) year Lease Agreement with Benton County to hold an annual wood carving event; and

WHEREAS, the Tri Cities Woodcarvers Association will provide Benton County as follows:

- a. **Pay Benton County the FEE of \$1,000.00(less damage/cleaning deposit if previously paid) for the year 2011 for use of the Facilities.**
- b. **For the 2012 rental year, the annual lease payment shall be the 2011 lease payment increased by the lesser of: i) eighty percent (80%) of the percentage change in Seattle-Tacoma-Bremerton CPI-W Index published by the Bureau of Labor and Statistics for the twelve month period ending June 2011; or ii) three percent (3.0%), for use of the Facilities.**
- c. **For the 2013 rental year, the annual lease payment shall be the 2012 lease payment increased by the lesser of: i) eighty percent (80%) of the percentage change in the Seattle-Tacoma-Bremerton CPI-W Index published by the Bureau of Labor and Statistics for the twelve month period ending June 2012; or ii) three percent (3.0%); for use of the Facilities; and**

WHEREAS, compensation potentially represents a greater than 50% discount of the normal rental rate for the facilities being leased, and per Resolution 07-870, the agreement must be approved by the Board of Benton County Commissioners; and

WHEREAS, the Benton County Deputy Administrator and Fairgrounds Office Manager recommends the Tri Cities Woodcarvers Association Agreement be approved; **NOW THEREFORE**,

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, the board approves the Lease Agreement with the Tri Cities Woodcarvers Association; and

BE IT FURTHER RESOLVED the Board authorizes the Chairman of the Board to sign the Lease Agreement with the Tri Cities Woodcarvers Association; and

BE IT FURTHER RESOLVED the term of this attached lease agreement begins June 9, 2011 and expires June 8, 2013.

Dated this _____ day of _____ 2011.

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

**Constituting the Board of County
Commissioners of Benton County,
Washington**

BENTON COUNTY FAIRGROUNDS

1500 South Oak Street, Bldg #20
Kennewick, WA 99337
(509) 586-9211 ext 200

LEASE AGREEMENT

TODAY'S DATE: **December 6, 2010**

LEASE AGREEMENT NUMBER: **18.11**

EVENT DATE(S): **June 10-11, 2011**
June 8-9, 2012
June 7-8, 2013

NUMBER OF DAYS: **2**

BUILDING(S) / AREA: **Building 1**

LESSEE: **Tri-Cities Woodcarvers Association, a Washington Non-Profit Corporation**

MAILING ADDRESS: **1712 N 18th Drive, Pasco, WA 99301**

CONTACT: **Janet Boynton, President**

HOME PHONE: **547-0233**

TIME OF THE EVENT: **6:00 am – 11 pm each day**

TYPE OF EVENT: **Annual wood carving event**

ESTIMATED ATTENDANCE: **200**

SELLING TICKETS: YES NO

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: Subject: Furniture Purchase from Brutzman's Office Solutions Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____		Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

The U.S. Communities Contract #N051016 allows for the procurement of Haworth furniture for the Benton - Franklin Counties Department of Human Services Administration Office which will be relocating and leasing office space from Benton County in the Benton Franklin Health District Building. The Benton and Franklin Counties Department of Human Services Administrator solicited three (3) proposals from qualified vendors from the Benton County Vendor List. The proposals were reviewed and the Administrator recommends award for the purchase and installation of said furniture to Brutzman's Office Solutions.

SUMMARY

Award: Consideration will not exceed \$9,107.94

Funding Source: N/A

RECOMMENDATION

- Sign the Resolution to accept the proposed Purchase Order
- Approve the proposed Purchase Order by signing all the copies where indicated

FISCAL IMPACT

There is no impact on the current expense budget. All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing the Purchase Order with Brutzman's Office Solutions, and to authorize the Chair to sign on behalf of the Board.



 Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

BEFORE THE BOARDS OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON AND FRANKLIN COUNTY, WASHINGTON;

RE: IN THE MATTER OF AWARDING THE PROCUREMENT AND INSTALLATION OF HAWORTH OFFICE FURNITURE FOR THE BENTON-FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES ADMINISTRATION OFFICE RELOCATION TO THE BENTON FRANKLIN HEALTH DISTRICT BUILDING, 7102 W. OKANOGAN PL., SUITE 201, KENNEWICK, WA TO BRUTZMAN'S OFFICE SOLUTIONS

WHEREAS, the U.S. Communities Contract #N051016 allows for the procurement of Haworth furniture for the Benton-Franklin Counties Department of Human Services Administration Office which will be relocating and leasing office space from Benton County located in the Benton Franklin Health District Building; and

WHEREAS, the Benton-Franklin Counties Department of Human Services Administrator solicited three (3) proposals from qualified vendors from the Benton County Vendor List with the following results:

- Bella's Office Furniture, \$10,833.21, including W.S.S.T.
- Office Max, \$ 9,607.95 including W.S.S.T.
- Brutzman's Office Solutions, \$ 8,532.16 including W.S.S.T.

WHEREAS, Benton-Franklin Counties Department of Human Services Administrator reviewed the proposals and recommends the award for the purchase and installation of said furniture to Brutzman's Office Solutions in the amount of \$8,532.16 including W.S.S.T.; and

WHEREAS, the total payable, including acceptable overages, incidentals and other unanticipated cost shall not exceed \$9,107.94, including W.S.S.T.; **NOW, THEREFORE**

BE IT RESOLVED that the Boards of Benton and Franklin County Commissioners hereby authorize the Benton-Franklin Counties Department of Human Services Administration Office to purchase office furniture from Brutzman's Office Solutions; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, concur with the recommendation and awards the procurement and installation of Haworth office furniture for the relocation of the Benton-Franklin Counties Department of Human Services Administration Office to Brutzman's Office Solutions for a total contract amount not to exceed \$9,107.94 including W.S.S.T. and authorizes the Benton-Franklin Counties Department of Human Services Administration Office to proceed with such purchase.

Dated this . . . day of, 2011.

Dated this . . . day of, 2011.

Chair

Chair

Chair, Pro Tem

Chair, Pro Tem

Member
Constituting the Board of County
Commissioners of Benton County, Washington

Member
Constituting the Board of County
Commissioners of Franklin County, Washington

Attest:
Clerk of the Board

Attest:
Clerk of the Board

PURCHASE ORDER

Benton County, Washington And Franklin County, Washington

COUNTY RESOLUTION No. _____
This order number must appear on all invoices, packing slips, packages, correspondence, etc.

VENDOR: Brutzman's Office Solutions
VENDOR CODE: (Fed. Tax ID) 91-0814577
VENDOR CONTACT: Ken Brutzman
VENDOR CONTACT PHONE: (509) 735-0300
VENDOR PRINCIPAL PLACE OF BUSINESS:
2600 N. Columbia Center Blvd. #100, Richland, WA 99352

AGREEMENT:
In exchange for the consideration identified herein, the Vendor agrees to sell the following office equipment to Benton County and Franklin County under the terms described.

SHIP TO:
Benton and Franklin Counties
Department of Human Services
7102 W. Okanogan Pl., Ste. 201
Kennewick, WA 99336

BILL TO:
Benton and Franklin Counties
Department of Human Services
7102 W. Okanogan Pl., Ste. 201
Kennewick, WA 99336

P.O. DATE: _____
Delivery Date: _____

Qty.	Item No.	Description	List Price	Net Price	Extension
3	VFDL-3066-HLL1	Desk, L/H box/box/file pedestal, 30" x 66"	\$1,257.00	477.66	\$1,432.98
3	WURA-2460-LJSA	Work surface, 24" x 60"	\$392.00	125.44	\$376.32
6	ZUBF-0000-PN	Flush mount plate	\$20.00	6.40	\$38.40
3	VPAJ-24-L	Pedestal, fixed, file/file w/lock, 24"D	\$396.00	150.48	\$451.44
4	Z831-1W42	LOOK task chair, adj. back & arms, synch tilt	\$799.00	305.62	\$1,222.48
4	UNV56806	Chair mat, chleated with lip, 36" x 48"	\$59.00	34.99	\$139.96
6	VLRD-0436-L	Lateral file, 4-drawer, 36"W	\$1,233.00	468.54	\$2,811.24
2	VLRD-0336-L	Lateral file, 3-drawer, 36"W	\$950.00	361.00	\$722.00
4	JTCT-1836-L	Lateral file top, 18"D x 36"W	\$272.00	103.36	\$413.44

Pricing per U.S. Communities Contract #N051016.
Discounts: Desks & pedestals- 62%, Seating- 61.75%.
Lead time: 4 to 5 weeks.
FOB Point: Destination.
Pricing based on grade "A" fabrics.
Installation does include connection of panel system to building power source.

SUB TOTAL = \$7,608.26
INSTALLATION = \$270.00
SUB-TOTAL = \$7,878.26
TAX = \$653.90
TOTAL = \$8,532.16

This Purchase Order incorporates by reference all terms and conditions issued off the U.S. Communities Contract #N051016 (copy attached hereto as Exhibit A).

Vendor's signature on this Purchase Order certifies acceptance of this agreement and all terms and conditions, and supersedes any conflicting terms.

In case of conflict, the order of precedence is:
1. U.S. Communities Contract #N051016.
2. This Purchase Order.

QUESTIONS AND CLARIFICATIONS SHOULD BE ADDRESSED TO BUYER CONTACT:

Contact: Ed Thornbrugh

Title: Administrator

Address: 7102 W. Okanogan Pl., Ste. 201
Kennewick, WA 99336

Phone: (509) 783-5284

Fax: (509) 783-5981

Approved as to Form
(Benton County Deputy Prosecutor)

[Handwritten Signature]

Approved as to Form
(Franklin County Deputy Prosecutor)

BUB

Vendor Name (Print): KEN BRUTZMAN Title: V.P. Date: 4/19/11

Vendor Signature: *Ken Brutzman*

Chairman
Benton County
Board of Commissioners: _____ Date: _____

Member
Benton County
Board of Commissioners: _____

Member
Benton County
Board of Commissioners: _____

Constituting the Board
of County Commissioners
of Benton County (Clerk): _____

Chairman
Franklin County
Board of Commissioners: _____ Date: _____

Member
Franklin County
Board of Commissioners: _____

Member
Franklin County
Board of Commissioners: _____

Constituting the Board
of County Commissioners
of Franklin County (Clerk): _____

f

AGENDA ITEM: Consent	TYPE OF ACTION NEEDED Executive Contract <u>xx</u> Pass Resolution <u>xx</u> Pass Ordinance Pass Motion Other	CONSENT AGENDA <u>xx</u>
MEETING DATE: B/C 04/25/11 F/C 05/04/11		PUBLIC HEARING
SUBJECT: Personal Service Contract with Somerset Counseling Center		1ST DISCUSSION
Prepared By: Donna A. Lee		2ND DISCUSSION
Reviewed By: Sharon Paradis		OTHER

BACKGROUND INFORMATION

The Benton-Franklin Counties Juvenile Justice Center has contracted with Somerset Counseling Center for several years to provide chemical dependency assessment and treatment to youth as ordered by the Court. The attached personal services contract with Somerset Counseling Center has been written to provide for the services as outlined in the CDDA (Chemical Dependency Disposition Alternative) portion of the Consolidated Juvenile Services contract between the Juvenile Court and the State of Washington.

SUMMARY

The actual costs for case management and services are outlined in the attached contract and paid from state funds. The term of the personal services contract coincides with the Consolidated Juvenile Services biennium and runs from July 1, 2011 through June 30, 2013.

RECOMMENDATION

We recommend that the Board of Commissioners of Benton County sign the Personal Services Contract between Somerset Counseling Center and Benton-Franklin Counties Juvenile Justice Center for services.

FISCAL IMPACT

These are state funds whereby we are reimbursed for services and are incorporated in the Juvenile Court's budget.

MOTION

I move that the Chairman of the Board of Benton County Commissioners, and the Chairman of the Board Franklin County Commissioners be hereby authorized to sign the personal service contract with Somerset Counseling Center.

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 THE REQUEST FOR SIGNATURE FROM THE CHAIRMAN OF THE BOARDS OF BENTON AND FRANKLIN COUNTY COMMISSIONERS ON THE PERSONAL SERVICES CONTRACT BETWEEN THE JUVENILE JUSTICE CENTER AND SOMERSET COUNSELING CENTER, and

WHEREAS, Sharon A. Paradis, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the Person Services Contract between Somerset Counseling Center, and Benton-Franklin Counties Juvenile Justice Center be approved as presented for a term commencing July 1, 2011 and terminating on June 30, 2013, for a maximum total amount payable by the Counties not to exceed Forty Thousand Dollars (\$40,000.00) NOW, THEREFORE

BE IT RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be and they hereby are authorized to sign, on behalf of their respective county, the Personal Services Contract.

DATED this 25th day of April 2011

DATED this 4th day of May 2011

BENTON COUNTY BOARD OF COMMISSIONERS

FRANKLIN COUNTY BOARD OF COMMISSIONERS

Chairman of the Board

Chairman of the Board

Member

Chairman Pro Tem

Member
Constituting the Board of
County Commissioners,
Benton County, Washington

Member
Constituting the Board of
County Commissioners,
Franklin County, Washington

ATTEST:

ATTEST:

Clerk of the Board

Clerk of the Board

JUDGES

Hon. Craig J. Matheson
Hon. Vic L. VanderSchoor
Hon. Robert G. Swisher
Hon. Carrie Runge
Hon. Cameron Mitchell
Hon. Bruce Spanner

BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER



SHARON PARADIS, 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

LONNA K. MALONE
JOSEPH R. SCHNEIDER
JERRI G. POTTS
Court Commissioners

PERSONAL SERVICE CONTRACT BETWEEN BENTON AND FRANKLIN COUNTIES JUVENILE JUSTICE CENTER AND SOMERSET COUNSELING CENTER

This Contract is made and entered into by and between Benton County, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 and Franklin County, a political subdivision, with its principal offices at 1016 North Fourth Avenue, Pasco, WA 99301, by and for the Benton/Franklin Counties Juvenile Justice Center, a bi-county agency located at 5606 W. Canal Place STE 106, Kennewick, WA 99336 (hereinafter collectively referred to as "Counties"), and Somerset Counseling Center, with its principal offices at 1305 Mansfield Street, Suite 5, Richland, WA 99352, (hereinafter referred to as "Contractor").

In consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

1. CONTRACT DOCUMENTS

This Contract includes the following exhibits, which are incorporated herein by reference:

- A. Exhibit A, Specific Terms and Conditions;
- B. Exhibit B, Scope of Services;
- C. Exhibit C, CDDA Services Reimbursement Rate;
- D. Exhibit D, CDDA/Drug Court Referral Response Form;
- E. Exhibit E, CDDA Examination Report and Treatment Plan; and
- F. Exhibit F, Treatment Progress Report.

2. DURATION OF CONTRACT

The term of this Contract shall be July 1, 2011 through June 30, 2013. The Contractor shall complete all work by the time(s) specified herein, or if no such time is otherwise specified, no later than the expiration date.

3. SERVICES PROVIDED

The Contractor shall perform the following services:

RESOLUTION

9

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY CLAIM CC11-05

WHEREAS, The Benton County Risk Manager and Civil Deputy Prosecuting Attorney have reviewed CC11-05, and

WHEREAS, The Board of Benton County Commissioners has reviewed the recommendation of the Risk Manager and Civil Deputy Prosecuting Attorney and finds said recommendation to be justified by the facts present; NOW, THEREFORE,

BE IT RESOLVED that the Benton County Board of Commissioners further approves the denial of CC11-05.

Dated this.....day of....., 20.....

Chairman of the Board

Chairman Pro-Tem

Member

Attest:.....
Clerk of the Board

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY CLAIM CC11-06 a, b, c, d

WHEREAS, The Benton County Risk Manager and Civil Deputy Prosecuting Attorney have reviewed CC11-06 a,b,c,d ; and

WHEREAS, The Board of Benton County Commissioners has reviewed the recommendation of the Risk Manager and Civil Deputy Prosecuting Attorney and finds said recommendation to be justified by the facts present; NOW, THEREFORE,

BE IT RESOLVED that the Benton County Board of Commissioners further approves the denial of CC11-06a,b,c,d.

Dated this.....day of....., 20.....

Chairman of the Board

Chairman Pro-Tem

Member

Attest:.....
Clerk of the Board

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY CLAIM CC11-07

WHEREAS, The Benton County Risk Manager and Civil Deputy Prosecuting Attorney have reviewed CC11-07; and

WHEREAS, The Board of Benton County Commissioners has reviewed the recommendation of the Risk Manager and Civil Deputy Prosecuting Attorney and finds said recommendation to be justified by the facts present; NOW, THEREFORE,

BE IT RESOLVED that the Benton County Board of Commissioners further approves the denial of CC11-07.

Dated this.....day of....., 20.....

Chairman of the Board

Chairman Pro-Tem

Member

Attest:.....
Clerk of the Board

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY CLAIM CC11-08

WHEREAS, The Benton County Risk Manager and Civil Deputy Prosecuting Attorney have reviewed CC11-08; and

WHEREAS, The Board of Benton County Commissioners has reviewed the recommendation of the Risk Manager and Civil Deputy Prosecuting Attorney and finds said recommendation to be justified by the facts present; NOW, THEREFORE,

BE IT RESOLVED that the Benton County Board of Commissioners further approves the denial of CC11-08.

Dated this.....day of....., 20.....

Chairman of the Board

Chairman Pro-Tem

Member

Attest:.....
Clerk of the Board

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY CLAIM CC11-11

WHEREAS, The Benton County Risk Manager and Civil Deputy Prosecuting Attorney have reviewed CC11-11; and

WHEREAS, The Board of Benton County Commissioners has reviewed the recommendation of the Risk Manager and Civil Deputy Prosecuting Attorney and finds said recommendation to be justified by the facts present; NOW, THEREFORE,

BE IT RESOLVED that the Benton County Board of Commissioners further approves the denial of CC11-11.

Dated this.....day of....., 20.....

Chairman of the Board

Chairman Pro-Tem

Member

Attest:.....
Clerk of the Board

h

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS RE: BITUMINOUS SURFACE TREATMENT 2011-CE 1941 PRES

WHEREAS, by resolution dated March 7, 2011, award was made to Granite Northwest, Inc., Yakima, Washington for Bituminous Surface Treatment 2011 - CE 1941 PRES; and

WHEREAS, effective April 1, 2011, Granite Northwest, Inc. merged substantially all of its assets and assigned all of its contract rights to Granite Construction Company, a wholly owned subsidiary of Granite Construction Incorporated; and

WHEREAS, the contract in the amount of \$1,421,421.00 has been executed by Granite Construction Company; NOW, THEREFORE,

BE IT RESOLVED that the Board hereby authorizes the Chairman of the Board of County Commissioners to sign said contract on behalf of Benton County.

Dated this 25th day of April, 2011.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington.

SWB:LJM:slh

CONTRACT

THIS CONTRACT, made and entered into this 25th day of April, 2011, between the COUNTY OF BENTON, STATE OF WASHINGTON, (hereinafter "the County") acting through the Board of County Commissioners, under and by virtue of RCW 36, as amended, and GRANITE CONSTRUCTION COMPANY, P O Box 50085, Watsonville, CA 95076, (hereinafter "the Contractor"), the surviving corporate entity of a merger between Granite Construction Company and Granite Northwest, Inc.

WITNESSETH:

That in consideration of the terms and conditions contained herein and in the Contract Documents attached hereto and made a part of this agreement, the parties hereto covenant and agree as follows:

I. The Contractor shall furnish all tools, materials, and equipment, and shall do all work described in and in accordance with the attached plans and specifications entitled "Contract Provisions and Plans, C.E. 1941 PRES - Bituminous Surface Treatment 2011," and as described in and in accordance with the State of Washington 2010 Standard Specifications for Road, Bridge, and Municipal Construction adopted by the County, (hereinafter collectively referred to as "the Contract Documents") which are by this reference incorporated herein and made part hereof, and shall perform any changes to the work in accord with the Contract Documents.

The Contractor shall provide and bear the expense of all equipment, work and labor, of any sort whatsoever that may be required for the transfer of materials and for constructing and completing the work provided for in these Contract Documents except those items mentioned therein to be furnished by the County.

II. The County hereby promises and agrees with the Contractor to employ, and does employ the Contractor to provide the materials and to do and cause to be done the above described work and to complete and finish the same in accord with the attached plans and specifications and the terms and conditions herein contained, and hereby contracts to pay for the same according to the attached specifications and the schedule of unit or itemized prices at the time and in the manner and upon the conditions provided for in this contract. The County further agrees to employ the Contractor to perform any alterations in or additions to the work covered by this contract and every part thereof and any force account work that may be ordered and to pay for the same under the terms of this contract and the attached plans and specifications.

III. The Contractor, for himself, and for his heirs, executors, administrators, successors, and assigns, does hereby agree to the full performance of all the covenants herein contained upon the part of the Contractor.

IV. The County agrees to pay to the Contractor, as full and complete compensation for materials and work provided in accordance with the Contract Documents, the sum of \$1,421,421.00, payable as provided in the Contract Documents.

V. It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein.

VI. The Contractor shall hold harmless, indemnify and defend the County, its officers, officials, employees and agents, from and against any and all claims, actions, suits, liability, loss, expenses, damages, and judgments of any nature whatsoever, including reasonable costs and attorney fees thereof, for injury, sickness, disability or death to persons or damage to property or business, caused by or arising out of the Contractor's acts, errors or omissions in the performance of this Contract. Provided, that the Contractor's obligation hereunder shall not extend to injury, sickness, death or damage caused by or arising out of the sole negligence of the County, its officers, officials, employees, or agents.

VII. The Contractor specifically waives the Contractor's immunity under Title 51 RCW (Industrial Insurance statute), and acknowledges that his waiver of immunity was mutually and expressly negotiated by the parties, and expressly agrees that Contractor's promise to indemnify and hold harmless applies to all claims filed by and/or injuries to the Contractor's own employees.

IN WITNESS WHEREOF, the said Contractor has executed this instrument, and the Board of County Commissioners of Benton County, Washington have caused this instrument to be executed by and in the name of the said Board of County Commissioners the day and year first above written.

Executed by the Contractor

COUNTY OF BENTON

GRANITE CONSTRUCTION COMPANY
BY: Jigisha Desai
Jigisha Desai, Vice President

Chairman, Board of Commissioners
Attest: _____
Clerk of the Board
Date: _____

APPROVED AS TO FORM:
Thibody
Benton County Deputy Prosecuting Attorney
Date: 4/14/11

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	4/25/11	Execute Contract	<u> x </u>	Consent Agenda	<u> x </u>
Subject:	<u>Contract with Pronto Process for Sheriff's Office</u>	Pass Resolution	<u> x </u>	Public Hearing	<u> </u>
Prepared by:	<u>D. Pettey</u>	Pass Ordinance	<u> </u>	1st Discussion	<u> </u>
Reviewed by:	<u>Keith Mercer and Jonathan Young</u>	Pass Motion	<u> </u>	2nd Discussion	<u> </u>
		Other	<u> </u>	Other	<u> </u>

BACKGROUND INFORMATION

The Sheriff's Office has been using Pronto Process Service for process service and delivery of legal documents, letters, packages, and materials for delivery to businesses throughout the Tri-City area since 2001.

SUMMARY

COMMENDATION

The Sheriff's Office recommends entering into a contract with Pronto Process Service Inc. for the calendar years of 2011 and 2012.

Please note that after reviewing the contract, Mark A. Owens, Owner of Pronto Process crossed out and initialed on page 1 the words "...and residences..." from section 3 paragraph a. Jonathan Young from the PA's office as well as the Sheriff's Office agree with this correction.

FISCAL IMPACT

The Sheriff's Office will pay Pronto a flat fee of \$60 per month for the services listed in the contract in an amount not to exceed \$1,440.00 for the biennium.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING PRONTO PROCESS SERVICE, INC. A PERSONAL SERVICE CONTRACT FOR PROCESS SERVICE AND DELIVERY OF LEGAL DOCUMENTS, LETTERS, PACKAGES, AND MATERIALS TO BUSINESSES THROUGHOUT THE TRI-CITY AREA FOR THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, per resolution 09-814, "...that contracts for non-public works services the county need not advertise or follow a formal competitive bidding procedure, but shall instead evaluate and utilize the procedures it deems best under the individual circumstances in order to obtain services of the highest quality at the lowest cost"; and

WHEREAS, the Sheriff's Office has used Pronto Process Service, Inc. for process service and delivery of legal documents, letters, packages, and materials to businesses throughout the Tri-City area in the past; and

WHEREAS, the Sheriff's Office recommends entering into a contract with Pronto Process Service, Inc. for the calendar years of 2011 and 2012; **NOW THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board concurs with the Sheriff's Office recommendation and hereby awards the personal service contract to Pronto Process Service, Inc. in the amount of \$60.00 per month with a total amount not to exceed \$1,440.00; and

BE IT FURTHER RESOLVED that the Chairman is authorized to sign the attached personal service contract; and

BE IT FURTHER RESOLVED the term of the attached personal service contract commences January 1, 2011 and expires on December 31, 2012.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

**PERSONAL SERVICES CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between BENTON COUNTY, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and **Pronto Processing Services, Inc.** with its principal offices at **PO Box 1194, Pasco, WA 99301** (hereinafter "CONTRACTOR").

In consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

1. CONTRACT DOCUMENTS

This Contract consists of the following documents:

- a. **Terms and Conditions (this document)**

2. DURATION OF CONTRACT

The term of this Contract shall begin **January 1st, 2011**, and shall expire on **December 31st, 2012**. The CONTRACTOR shall complete all work by the time(s) specified herein, or if no such time is otherwise specified, no later than the expiration date.

3. SERVICES PROVIDED

The CONTRACTOR shall perform the following services:

- a. The CONTRACTOR shall pick up and deliver legal documents, letters, packages, and materials from the COUNTY departments for delivery to businesses ~~and residences~~ throughout the Tri-City area. *M&S*
- b. The CONTRACTOR agrees to provide its own labor and materials. Unless otherwise provided for in the Contract, no material, labor, or facilities will be furnished by the COUNTY.
- c. The CONTRACTOR shall perform the work specified in the Contract according to standard industry practice.
- d. The CONTRACTOR shall complete its work in a timely manner and in accordance with the schedule agreed by the parties.
- e. The CONTRACTOR shall confer with the COUNTY from time to time during the progress of the work. The CONTRACTOR shall prepare and present status reports and other

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	<u>4/25/11</u>	Execute Contract	<u> x </u>	Consent Agenda
Subject:	<u>Jail Physician Services</u>	Pass Resolution	<u> x </u>	Public Hearing
Prepared by:	<u>Dave Pettey</u>	Pass Ordinance	<u> </u>	1st Discussion
Reviewed by:	<u>Keith Mercer</u>	Pass Motion	<u> </u>	2nd Discussion
	<u>Jonathan Young</u>	Other	<u> </u>	Other

BACKGROUND INFORMATION

The jail physician services contract was previously with Dr. W. Thomas Cooper that was most recently extended through 2011 via resolution 10-823. Dr. Cooper has requested that the contract be terminated as of April 25, 2011. The Sheriff's Office immediately started seeking for a new physician for the jail when they received this notification from Dr. W. Thomas Cooper.

SUMMARY

The Benton County Jail is required to offer physician services to inmates through contracting physicians. This resolution (and attached contract) will make available a physician that will provide these services.

The Benton County Sheriff's Office submitted a Request for Qualifications to the Tri-City Herald (ads were run on Wednesday, March 2 and Sunday, March 6) and received a response from the following Medical Organization:

- Quality Choice Correctional Healthcare, New Rochelle, NY

The Sheriff's Office also solicited Requests for Qualifications from the following local Doctors:

- Dr. Brooks Watson II, MD-MBA, Richland, WA
- Dr. Christina Mota-Martinez, DO, Richland, WA
- Correctional Healthcare Management, Greenwood Village, CO
- Dr. Kenneth Breeden, DO, Richland, WA
- Dr. John Intravartolo, Kennewick, WA
- Lourdes Health Network, Richland, WA

Dr. Brooks Watson II, MD-MBA was found to have the experience and qualifications desired by the Sheriff's Office for this position.

RECOMMENDATION

The Sheriff's Office has interviewed and reviewed the qualifications and cost of various area physicians and recommends entering into a contract with Dr. Brooks Watson II, MD-MBA for the remainder of the 2011 calendar year.

FISCAL IMPACT

The contract states that Dr. Brooks Watson II, MD-MBA will be compensated in the amount not to exceed \$75,500.00 for the period of April 25, 2011 thru December 31, 2011.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING THE PERSONAL SERVICE CONTRACT TO DR. BROOKS WATSON II MD-MBA, FOR FURNISHING INMATE PHYSICIAN SERVICES FOR THE BENTON COUNTY JAIL FACILITY LOCATED IN KENNEWICK, WA

WHEREAS, per resolution 09-814, "...that contracts for non-public works services the county need not advertise or follow a formal competitive bidding procedure, but shall instead evaluate and utilize the procedures it deems best under the individual circumstances in order to obtain services of the highest quality at the lowest cost"; and

WHEREAS, the Benton County Jail is required to offer physician services to inmates through contracting physicians to provide such services; and

WHEREAS, the Sheriff's Office prepared a Request for Qualifications, placed an ad in the Tri-City Herald on Wednesday, March 2, 2011 and Sunday, March 6, 2011, and received a response from the following organization; and

- Quality Choice Correctional Healthcare, New Rochelle, NY

WHEREAS, the Sheriff's Office also solicited Requests for Qualifications from the following local doctors and organizations; and

- Dr. Brooks Watson II, MD-MBA, Richland, WA
- Dr. Christina Mota-Martinez, DO, Richland, WA
- Correctional Healthcare Management, Greenwood Village, CO
- Dr. Kenneth Breeden, DO, Richland, WA – did not respond
- Dr. John Intravartolo, Kennewick, WA – did not respond
- Lourdes Health Network, Richland, WA – did not respond

WHEREAS, the Sheriff's Office interviewed the following individuals and organizations; and

- Dr. Brooks Watson II, MD-MBA, Richland, WA
- Dr. Christina Mota-Martinez, DO, Richland, WA
- Correctional Healthcare Management, Greenwood Village, CO

WHEREAS, Dr. Brooks Watson II, MD-MBA was found to have the experience and qualifications desired by the Sheriff's Office for this position; and

WHEREAS, the Sheriff's Office recommends entering into a contract with Dr. Brooks Watson II for the remainder of the 2011 calendar year; **NOW THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board concurs with the Sheriff's Office recommendation and hereby awards the personal service contract to provide inmate physician services at the Benton County Jail to Dr. Brooks Watson II MD-MBA, in the amount not to exceed \$75,500 pursuant to the specific terms of payment and performance as set forth fully in the professional service contract between Benton County and Dr. Watson; and

BE IT FURTHER RESOLVED the term of the attached contract commences April 25, 2011 and expires on December 31, 2011.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

**PROFESSIONAL SERVICES CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between BENTON COUNTY, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and Dr. Brooks Watson II, MD-MBA with his principal offices at 1728 Manchester Street, Richland, WA (hereinafter "CONTRACTOR").

In consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

1. CONTRACT DOCUMENTS

This Contract consists of the following documents

- a. Terms and Conditions (this document).

2. DURATION OF CONTRACT

The term of this Contract shall begin April 25, 2011 and shall expire on December 31, 2011. The CONTRACTOR shall complete all work by the time(s) specified herein, or if no such time is otherwise specified, no later than the expiration date.

3. SERVICES PROVIDED

The CONTRACTOR shall perform the following services:

- a. Provide professional direction and coordination of medical care in the Benton County Jail. Provide all necessary and emergency medical care for inmates in the Benton County Jail through a combination of direct care, delegated tasks to jail nursing staff and/or through coordination of services with other specialized health professionals as dictated by legal requirements, professional standards and best practices within the applicable medical community.
- b. Conduct sick call/clinic on a regularly scheduled basis as necessary to respond to all inmate medical complaints in a timely manner (estimated: 40-60 patients per week but actual patient load may vary).
- c. Coordinate medical care in the jail, working collaboratively and cooperatively with RN's, LPN's and the Medical Captain.

K

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	<u>04/25/2011</u>	Execute Contract	<u>X</u>	Consent Agenda	<u>X</u>
Subject:	<u>Nutrition Ed.</u>	Pass Resolution	<u>X</u>	Public Hearing	<u> </u>
Prepared by:	<u>Eileen Hewitt</u>	Pass Ordinance	<u> </u>	1st Discussion	<u> </u>
Reviewed by:	<u> </u>	Pass Motion	<u> </u>	2nd Discussion	<u> </u>
				Other Business	<u> </u>

BACKGROUND INFORMATION

This is a renewal of contract originally signed in 2008.
Resolution No. 08 459 dated April 14, 2008

SUMMARY

WSU Extension forms partnerships with multiple community agencies to provide nutrition education each year for people who are eligible for the Supplemental Nutrition Assistance Program (SNAP) through the WSU Food \$ense program. WSU Extension would like to continue providing these services to the public.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING THE CHAIRMAN TO SIGN THE WSU INTRODUCTORY LETTER, AGREEMENT AND LETTER OF SUPPORT REGARDING FOOD STAMP NUTRITION EDUCATION.

WHEREAS, the Board desires to enter into an agreement with Washington State University to provide support for the delivery of nutrition education and services; and

WHEREAS, the board confirms the intent to provide non-federal public funds in the form of allocation of secretary time as matching funds for the Food Sense Nutrition Education;

NOW THEREFORE

BE IT RESOLVED the Board of Benton County Commissioners hereby authorizes the Chairman to sign Letter and Agreement with Washington State University for the Food Stamp Nutrition Education Program.

Dated this day of, 20

Chairman of the Board

Chairman Pro-Tem

Member

Attest:
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

9:05 am

Prosser Economic Development Association
Update

Deb Heintz

9:20

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>April 20, 2011</u>	Execute Agreement _____	Consent Agenda _____
Subject: <u>Antinori Road</u>	Pass Resolution _____	Public Hearing <u> X </u>
<u>Extension</u>	Pass Ordinance _____	1st Discussion _____
Prepared by: <u>Iss</u>	Pass Motion _____	2nd Discussion _____
Reviewed by: <u>swb</u>	Other _____	Other _____

BACKGROUND INFORMATION

As per Resolution #11-181, dated March 7, 2011, a Public Hearing was set, regarding the petition for the formation of County Road Improvement District (C.R.I.D.) #21. The petitioners have requested that an extension of the existing Antinori Road be constructed to County standards, from end of the existing Antinori Road westerly to Sunset Road. The petitioners also requested that a bike path be included, and that a roundabout be constructed at the intersection of Sunset Road and the new Antinori Road. The length of the project is approximately one mile and the preliminary estimated cost of the road is \$1,697,690.00.

SUMMARY

Each landowner will be required to pay an assessment based upon the acreage they own. The petition requested that this be spread equally across the district. The Board will need to determine whether or not the benefit to each parcel exceeds the assessment. If you do not find that, you will need to instruct Public Works to utilize a different assessment method.

RECOMMENDATION

This office recommends the following on the formation of C.R.I.D. #21:

1. Public Works recommends the formation of C.R.I.D. #21 for the construction of Antinori Road, and that the requested bike path be included.
2. Public Works does not recommend approval of the requested roundabout. (In removing the roundabout construction, the cost of the total project would be decreased, which would also decrease the proposed acreage assessment.) Public Works concludes that the roundabout should be removed due to the following requirements:
 - a. Additional right of way that appears to be needed from a parcel that is not being included within the proposed boundaries of the C.R.I.D. #21;
 - b. Lighting requirements that Public Works is not staffed to maintain;
 - c. Ongoing electrical expense of the lights;
 - d. Ongoing costs for the maintenance of the center island landscaping.
3. Public Works also recommends that the parcels that have been identified as not appearing to receive a benefit from the construction of the road, shown shaded in blue, be removed from the C.R.I.D. #21.

FISCAL IMPACT

The preliminary estimated cost of the road is \$1,697,690.00.

MOTION

Approve the formation of C.R.I.D. #21 based on the recommendations of Public Works:

1. The formation of C.R.I.D. #21 is approved for the construction of Antinori Road, and that the requested bike path be included.
2. The requested roundabout is not approved as a part of the construction. (In removing the roundabout construction, the cost of the total project would be decreased, which would also decrease the proposed acreage assessment.) Public Works concludes that the roundabout should be removed due to the following requirements:
 - e. Additional right of way that appears to be needed from a parcel that is not being included within the proposed boundaries of the C.R.I.D. #21;
 - f. Lighting requirements that Public Works is not staffed to maintain;
 - g. Ongoing electrical expense of the lights;
 - h. Ongoing costs for the maintenance of the center island landscaping.
3. The benefit to each parcel exceeds the assessment.
4. The parcels that have been identified as not appearing to receive a benefit from the construction of the road, shown shaded in blue, be removed from the C.R.I.D. #21.

Benton County

Department of Public Works

Post Office Box 1001 - Courthouse
Prosser, Washington 99350-0954

April 20, 2011

Board of Benton County Commissioners
Benton County Courthouse
Prosser, WA 99350

RE: Proposed C.R.I.D. #21

Commissioners:

As per Resolution #11-181, dated March 7, 2011, the following report is offered:

When the date of the Public Hearing was set, the petition for the formation of County Road Improvement District (C.R.I.D.) #21, contained signatures representing 55.41% of the ownership by area and 80.60% by road front footage. Thus, on January 28, 2011, the County Engineer certified that the petition met the requirements of RSCW 36.88.020 and was valid.

The petitioners have requested that an extension of the existing Antinori Road be constructed to County standards, from end of the existing Antinori Road westerly to Sunset Road. The petitioners also requested that a bike path be included, and that a roundabout be constructed at the intersection of Sunset Road and the new Antinori Road. The length of the project is approximately one mile and the preliminary estimated cost of the road is \$1,697,690.00.

All landowners lying in the C.R.I.D. #21, were notified by letters detailing the date of the Public Hearing along with their estimated assessment. All landowners within the district were instructed as to the method to add their name to the petition, or if they were signers of the petition, withdraw their name from the petition. The notices sent to the property owned by the State of Washington were sent by certified mail. No formal requests have been received from any landowners that signed the petition wishing to add their names to, or withdraw from the petition.

The landowners within the proposed district have until 5:00 p.m., Friday April 22, 2011 to either add their name to the petition, or if signers of the petition, withdraw their name from the petition. As of the writing of this report, we have a valid petition. Because our report is

submitted on the Wednesday before the Monday meeting, the percentages could change. Should the percentages change, notification will be given at the Board meeting.

In making your decision on the formation of C.R.I.D. #21 you need to be made aware of the following circumstances which may affect that decision:

1. The parcels, and the method of determining which parcels were to be included in the district, were determined and submitted by the petitioners. The petitioners also requested that the assessment per parcel be based upon a per acre cost, spread equally over the district.
2. There are 109 separate parcels within C.R.I.D. #21. Of those parcels, 65 signed the petition, which leaves 44 parcels that did not sign.
3. Twenty nine of the 109 parcels are currently listed in the Benton County Assessor's Roles as Current Use, commonly known as Open Space. Out of those 29 parcels, two did not sign the petition. Under the Current Use designation, the landowner receives a tax break and pays a reduced tax each year. Also under this designation, the landowner cannot be forced to make an annual payment on a C.R.I.D. assessment. The landowner must agree in writing to pay the assessment. If the landowner does not agree to make payments, the assessment stays with the property until it is brought out of Current Use. At that time the assessment plus all interest becomes due and payable.
4. The 29 parcels defined as Current Use would have an estimated assessment of approximately \$500,000.00, based upon our proposed estimate. We are assuming that the twenty seven that signed the petition will sign the letter agreeing to make payments. This has not been verified. If the two that did not sign the petition, refused to sign the payment authorization letter, there would be a shortfall of approximately \$27,000.00, based upon our current estimate, that the County would be responsible for. Should any of the others refuse to sign, the amount will be higher.

The intent of a C.R.I.D. is to construct a road, with the entire cost being borne by the landowners, and to recover those costs from the benefited landowners over a set period of time. (You will establish the time frame over which the assessments must be paid when you hold a public hearing on the final assessment role.)

The landowners within the proposed C.R.I.D. #21 are defined as:

1. Willing participants who have signed the petition; or
2. Unwilling participants, who have not signed the petition, yet receive a benefit from the finished road project.

The Public Works staff has observed and believes that certain parcels that did not sign the petition do not appear to be benefited from this road project. Those parcels are shown on the attached map shaded in blue. Should you determine to create the district, this office

would recommend that those parcels identified in blue on the attached map be removed from the district. Currently the assessment is estimated to be \$666.54 per acre. If the parcels shown in blue are removed from the district as recommended by Public Works, the assessment would increase to \$713.08 per acre.

In regards to this same issue, Public Works received four notarized letters, from landowners who did not sign the petition who believe they should be removed from the C.R.I.D. #21. See attached. Their parcels are within the current C.R.I.D. #21 boundary and are some of the ones shown shaded in blue.

1. March 8, 2011 from Orley J. Krogh. He will be unable to attend the public hearing. His property currently has over 1,000 feet of SR-224 frontage for access and he believes he will receive no benefit from the construction of the proposed road. (50)
2. April 19, 2011, from Ben & Jenny Oliver who listed 6 reasons they felt they should be removed from the CRID. (55)
3. April 19, 2011, from Marcia A. McGee who only has access via Ambassador PR NE which runs northerly off of SR-224. (52 & 53)
4. April 19, 2011, from Franklin Bruce Oliver who also only has access via Ambassador PR NE Northerly off of SR-224. (56 & 57)

We also received a letter from Jeff Brown and Eva Baroni (10) on April 20, 2011. They too wish to be removed from C.R.I.D. #21. They feel they do not benefit from the project and listed 7 reasons they felt they were a candidate for removal. Public Works believes they do receive a benefit by gaining a second access and should remain in the district. They did not sign the petition. See attached. One of their objections is the method of assessment that was used, i.e. per acre charge spread equally over the district. Should the Board agree that the assessment as proposed exceeds the benefits, you could instruct Public Works to utilize another assessment method, such as a zonal method. If another method is selected by the Board, this would necessitate a continuation of the public hearing in order to re-notify all within the district of the proposed changes and the new assessments for each parcel.

As part of the petition package a letter was included from the Washington State Department of Natural Resources assuring Mr. Holmes of their support for the proposed project. See attached.

This office recommends the following on the formation of C.R.I.D. #21:

1. Public Works recommends the formation of C.R.I.D. #21 for the construction of Antinori Road, and that the requested bike path be included.

2. Public Works does not recommend approval of the requested roundabout. (In removing the roundabout construction, the cost of the total project would be decreased, which would also decrease the proposed acreage assessment.) Public Works concludes that the roundabout should be removed due to the following requirements:
 - a. Additional right of way that appears to be needed from a parcel that is not being included within the proposed boundaries of the C.R.I.D. #21;
 - b. Lighting requirements that Public Works is not staffed to maintain;
 - c. Ongoing electrical expense of the lights;
 - d. Ongoing costs for the maintenance of the center island landscaping.

3. Public Works also recommends that the parcels that have been identified as not appearing to receive a benefit from the construction of the road, shown shaded in blue, be removed from the C.R.I.D. #21.

Sincerely,



Steven W. Becken
Public Works Manager

Steven W. Becken
Public Works Manager

Malcolm Bowie
County Engineer

Area Code 509
Prosser 786-5611
Tri-Cities 736-3084
Ext. 5664
Fax 786-5627

Benton County

Department of Public Works

Post Office Box 1001 - Courthouse
Prosser, Washington 99350-0954

9:50

April 20, 2011

BOARD OF COUNTY COMMISSIONERS
Benton County Courthouse
Prosser, WA 99350

RE: Application for Franchise: Frank Tieg, LLC and Lewis & Clark Ranch, LLC

Commissioners:

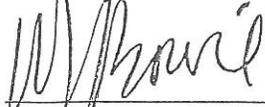
Frank Tieg, LLC and Lewis & Clark Ranch, LLC has filed a petition to continue a nonexclusive franchise for irrigation and drainage system facilities within all of unincorporated Benton County road right of way. This franchise was previously known as McKay and MacDonald, and Lewis & Clark Ranch. They desire to change the name at this time to Frank Tieg, LLC and Lewis & Clark Ranch, LLC.

This office has reviewed the request and based upon our current franchise requirements recommends approval of the request subject to the following conditions:

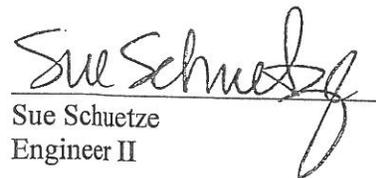
1. The term of the franchise continue for a ten (10) year period with a cost of \$500.
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County.
3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way.
4. Should Benton County require utility relocation work because of road reconstruction or maintenance, said work shall be at the Grantee's expense.
5. The franchise is nonexclusive.
6. The Grantee sign the Order and Agreement for Nonexclusive Franchise, which will be prepared based upon the requirements set forth at the public hearing.

If you have any questions, please contact this office.

Sincerely,



Malcolm Bowie
County Engineer



Sue Schuetze
Engineer II

Steven W. Becken
Public Works Manager

Malcolm Bowie
County Engineer

Benton County

Department of Public Works

Post Office Box 1001 - Courthouse
Prosser, Washington 99350-0954

Area Code 509
Prosser 786-5611
Tri-Cities 736-3084
Ext. 5664
Fax 786-5627

9:55

April 20, 2011

BOARD OF COUNTY COMMISSIONERS
Benton County Courthouse
Prosser, WA 99350

RE: Application for Franchise: Company 79

Commissioners:

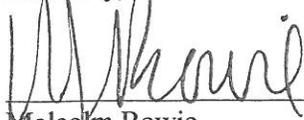
Company 79 has filed a petition to continue a nonexclusive franchise for irrigation and domestic waterlines, sewer lines, and all facilities within all of unincorporated Benton County road right of way.

This office has reviewed the request and based upon our current franchise requirements recommends approval of the request subject to the following conditions:

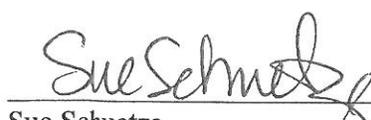
1. The term of the franchise continue for a ten (10) year period with a cost of \$500.
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County.
3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way.
4. Should Benton County require utility relocation work because of road reconstruction or maintenance, said work shall be at the Grantee's expense.
5. The franchise is nonexclusive.
6. The Grantee sign the Order and Agreement for Nonexclusive Franchise, which will be prepared based upon the requirements set forth at the public hearing.

If you have any questions, please contact this office.

Sincerely,



Malcolm Bowie
County Engineer



Sue Schuetze
Engineer II

10:00

EXHIBIT LIST FOR BARKER RANCH OPEN SPACE CLASSIFICATION

Planning Commission Staff Memo Exhibit List			
			DATED
OS	OS	Staff Memo	March 31, 2011
	OS 1	Memo from Loretta Smith Kelty, Deputy County Admin.	April 1, 2011
	OS 2	Ecologically Sensitive Areas of Benton County	March 1, 1982
	OS 3	Critical Areas & Natural Resources Map	April 4, 2011
	OS 4	Pages from the Natural Resources Element from the Benton County Comprehensive Plan	
	OS 5	Public Hearing Notice	March 28, 2011
Planning Commission Hearing Exhibit List			
OS PCH 1	OS PCH 1.1	Wetlands Aerial Map of the Barker Ranch area	April 12, 2011
Board of County Commissioners Exhibit List			
OS CCM 1 Includes:	OS CCM 1.1	Board of County Commissioners Agenda Sheet	April 19, 2011
	OS CCM 1.2	Board of County Commissioners Legal Notice	April 13, 2011
	OS CCM 1.3	Planning Commission Findings & Conclusions	April 19, 2011
Board of County Commissioners Hearing Exhibit List			
OS CCH 1 Includes:	OS CCH 1.1		
	OS CCH 1.2		
	OS CCH 1.3		
	OS CCH 1.4		
	OS CCH 1.5		

The Exhibit Numbers are found in the Top Right Hand Corner of each document.

**PCM = Planning Commission Memo Exhibits
PCH = Exhibits submitted during Hearing
CCM = County Commissioner Memo Exhibits
CCH = Exhibits submitted during Hearing**

AGENDA ITEM MTG. DATE: April 25, 2011 SUBJECT: Open Space Classification – Barker Ranch MEMO DATE: April 19, 2011 Prepared By: Michael Shuttleworth Reviewed by: Loretta Smith-Kelty	TYPE OF ACTION NEEDED Execute Contract Pass Resolution X Pass Ordinance Pass Motion X Other	Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------

BACKGROUND INFORMATION

On November 4, 2010, the Barker Ranch Ltd. submitted an application for a reclassification of 1,875.66 acres to open space land for current use assessment under RCW 84.34. According to RCW 84.34 this application must be reviewed in the same manner as an amendment to the Benton County Comprehensive Plan is processed.

On April 12, 2011 the Benton County Planning Commission conducted a public hearing on the application. After receiving oral and written testimony, the Planning Commission voted to recommend that the request for a reclassification of approximately 1,875.66 acres to open space land for current use assessment under RCW 84.34 for those portions of the Barker Ranch Property that is under wetland reserve easements with the Federal Government.

The Board of County Commissioners will conduct an open record hearing on this application on April 25, 2011, at 10:00 a.m.

SUMMARY

Benton County received an application to reclassification 1,875.66 acres to open space land for current use assessment under RCW 84.34. According to RCW 84.34 this application must be reviewed in the same manner as an amendment to the Benton County Comprehensive Plan is processed.

RECOMMENDATION

It is the recommendation of the Benton County Planning Commission that the Board of County Commission approve the reclassification of that portion of the Barker Ranch property, that is under wetland reserve easements with the Federal Government, to open space land that promotes conservation of wetlands for current use assessment under RCW 84.34.

FISCAL IMPACT

Reduction of tax revenue.

MOTION

The Board of County Commissioners should make a motion to adopt the Planning Commission findings and conclusions as their own and approve the reclassification of that portion of the Barker Ranch property that is under wetland reserve easements with the Federal Government, to open space land that promotes conservation of wetlands for current use assessment under RCW 84.34. This approval is subject to the applicant's signing the open space agreement. The Board should also direct staff to prepare an open space taxation agreement that provides the classification and conditions and authorize the chairman to sign the agreement.

10:25

<p>AGENDA ITEM WORKSHOP DATE: April 25, 2011 SUBJECT: Proposed Zoning Ordinances: Urban Growth Area Residential (UGAR), Community Commercial (CC), General Commercial (GC), Interchange Commercial (IC). MEMO DATE: April 20, 2011 Prepared By: Susan M. Walker Reviewed By: Michael Shuttleworth</p>	<p>TYPE OF ACTION NEEDED Execute Contract Pass Resolutions Pass Ordinance Pass Motion Other</p>	<p>Consent Agenda Public Hearing 1st Discussion 2nd Discussion Other X</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------

BACKGROUND INFORMATION

The Washington State Growth Management Act (36.70A) requires that counties and cities adopt zoning and other development regulations that are consistent with, and implement their adopted Comprehensive Plans. Benton County is in the process of meeting these mandates and planning staff with citizen input has prepared draft zoning ordinances and maps proposed to bring the County's zoning code into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan. The adoption of the new zoning districts and official zoning maps will add new chapters to Title 11 of the Benton County Code (BCC) and meet the update requirements of RCW 36.70A.130.

The preparation and review of the 2011 Zoning Update Program ordinances and maps have been ongoing since the adoption of the County's Comprehensive Plan in June of 1998. The Public Participation Process for the zoning ordinances and official zoning maps began with review by the County's Planning Area Committees in early 2003, and the drafts reviewed and revised over time to respond to changes in land use decisions and activities taking place in the County and to reflect changes required by state law.

On April 12, 2011, the Benton County Planning Commission held hearings regarding the ordinances and maps proposed in Group 2-A, of the 2011 Zoning Update Program. The Group 2-A ordinances include the following: Urban Growth Area Residential District (UGAR), Community Commercial District (CC), General Commercial District (GC), and Interchange Commercial District (IC). The Board will hold a workshop on April 25, 2011, to review the Group 2-A ordinances and maps, and consider them for adoption at a public hearing scheduled for May 16, 2011.

SUMMARY

2011 Zoning Update Group 2-A

The attached proposed Zoning ordinances and maps classify land into "Districts" (e.g., Urban Growth Area Residential, Community Commercial, General Commercial, etc.), according to the land use designations in the County's adopted Comprehensive Plan. Each zoning district contains requirements and standards that govern the use and development of land within that district, and generally include: lot sizes, setbacks, buffers, sizes of building, etc. The zoning classification for each parcel of land is delineated on the County's proposed Official Zoning Map.

25:01

The Group 2-A zoning ordinances have been prepared to implement the County's Comprehensive Plan as required by the Growth Management Act, and created with regard to the visions, goals, and policies shared by the County residents and adopted within the Benton County Comprehensive Plan. The following are Goals found in Chapter Three of the Benton County Comprehensive Plan that are relevant to the proposed Group 2-A zoning ordinance review:

- **Urban Growth Areas**

Goal 6 C. That development on unincorporated lands within urban growth areas shall be consistent with the City's land use designation, and be sited and designed in a manner which does not preempt the ability of the city to realize the designated urban densities and planned municipal infrastructure for the site and general area.

Goal 7 To concentrate urban development in and adjacent to existing urban areas.

- **Commerical Areas**

Goal 49

To provide adequate, accessible commercial areas while minimizing impact on surrounding uses.

Goal 50

That locations for commercial retail and service activities serving urban and regional markets shall be made exclusively within Urban Growth Areas. Commercial development serving rural communities is appropriate on commercially designated lands within or adjacent to the communities of Finley, Plymouth, Paterson, Whitstran, and Kiona. Highway commercial development is appropriate for areas designated for such at highway interchanges. Master planned resorts and tourist-oriented visitor destinations are appropriate countywide.

Goal 50 F.,

That uses locating within areas designated "Interchange Commercial" be those which serve interstate freeway traffic

RECOMMENDATION

After reviewing Planning Staff recommendations and receiving public testimony the Planning Commission voted to recommend to the Board of Commissioners approval of the Group 2-A ordinances. A copy of the Planning Commissions findings for each district is attached. A public hearing with the Board of County Commissioners has been scheduled for May 16th, 2011 to consider adoption of these ordinances.

MOTION

No motion necessary.

FISCAL IMPACT

None.

RECOMMENDATION OF THE
BENTON COUNTY PLANNING COMMISSION

UGAR

RE: In the Matter of County Planning:
relating to an Ordinance Amendment
adding a new district to BCC Title 11
Urban Growth Area Residential District (UGAR)

RECOMMENDATION,
FINDINGS OF FACT,
AND CONCLUSIONS

RECOMMENDATION

In the matter of County Planning, an ordinance amendment adding the Urban Growth Area Residential District (UGAR) as a new district, and adding new chapter to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the UGAR District.

RESOLUTION

WHEREAS, the Legal notification was given pursuant to RCW 36.70.590 and mailed to those on the Public Participation List on March 30th, 2011, and emailed to those on the Email List on March 31, 2011; and,

WHEREAS, Benton County has established and followed the 2011 Zoning Update Public Participation Program for the review and update of its development regulations pursuant to RCW 36.70A.130 (2), and,

WHEREAS, a public hearing was held on April 12, 2011 at 7:00 p.m., in the Hearing Room, Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350; and,

WHEREAS, the following members were present: James Willard, Lloyd Coughlin, James Wetzel, Mark Reis, Rick Giberson, and Martin Sheeran; and,

WHEREAS, all those who testified and those public hearing exhibits that were received into evidence are identified into the minutes and are contained in the official record, and,

WHEREAS, the Planning Commission considered all testimony and closed the public hearing; and,

WHEREAS, the Planning Commission at the open public hearing held on April 12, 2011, considered the evidence submitted and all members voting in favor with one vacancy to recommend **approval** of the amendments; and,

WHEREAS, the Planning Commission is entering it's written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

FINDINGS AND CONCLUSIONS

1. The proposed zoning and map amendments are found to be in conformance with the visions, goals and policies of the Benton County Comprehensive Plan.

2. The Planning Commission finds the official zoning maps have been prepared to reflect and be consistent with the land use designations shown on the Land Use Maps of the adopted Benton County Comprehensive Plan.
3. The record establishes a need for the proposed zoning amendments and map to bring the development regulations into compliance with the goals and policies of the Benton County Comprehensive Plan and satisfy the update requirements of RCW 36.70A.130, and to be consistent with and forward the intent of the Growth Management Act.
4. The Planning Commission received a staff memo dated March 31, 2011 that includes a Urban Growth Area Residential (UGAR) District ordinance and map, staff recommendations and findings, and agrees with the information found in the staff memo.
5. The Planning Commission finds that Urban Growth Areas (UGA'S) are lands that have been designated by the County through a formal public process for conversion to future urban uses and to meet the population growth needs of a city.
6. The Planning Commission finds that Urban Growth Area Residential Districts allows a higher residential density where municipal water and sewer provisions are available and can be utilized.
7. The Planning Commission finds that a variety of uses are permitted within Urban Growth Area Residential Districts that are similar to those typically found in the adjacent cities.
8. The Planning Commission finds the ordinance provides an appropriate list of uses within the District, review processes and development standards for siting of commercial establishments.
9. The Planning Commission has determined that the requirements of the State Environmental Policy Act have been satisfied. A Determination of Non Significance was issued on March 22, 2011.
10. The record indicates that approval of the proposed amendments would be in the public interest as they provide the necessary requirements, standards and Map to govern the use and development of land within the Urban Growth Area Residential District.

THEREFORE BE IT RESOLVED BY THE BENTON COUNTY PLANNING COMMISSION, through its chairman as authorized by motion of the Board, that these findings and conclusions for the aforementioned amendments adding Urban Growth Area Residential District (UGAR) as a new district to BCC Title 11 and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the Urban Growth Area Residential (UGAR) District be approved for transmittal to the Board of County Commissioners, with a recommendation to adopt the amendments.


MARTIN SHEERAN, Chairman 4/19/11
DATE
BENTON COUNTY PLANNING COMMISSION

CC

RECOMMENDATION OF THE
BENTON COUNTY PLANNING COMMISSION

RE: In the Matter of County Planning:
relating to an Ordinance Amendment
adding a new district to BCC Title 11
Community Commercial District (CC)

RECOMMENDATION,
FINDINGS OF FACT,
AND CONCLUSIONS

RECOMMENDATION

In the matter of County Planning, an ordinance amendment adding the Community Commercial District (CC) as a new district, and adding new chapter to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the CC District.

RESOLUTION

WHEREAS, the Legal notification was given pursuant to RCW 36.70.590 and mailed to those on the Public Participation List on March 30th, 2011, and emailed to those on the Email List on March 31, 2011; and,

WHEREAS, Benton County has established and followed the 2011 Zoning Update Public Participation Program for the review and update of its development regulations pursuant to RCW 36.70A.130 (2), and,

WHEREAS, a public hearing was held on April 12, 2011 at 7:00 p.m., in the Hearing Room, Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350; and,

WHEREAS, the following members were present: James Willard, Lloyd Coughlin, James Wetzel, Mark Reis, Rick Giberson, and Martin Sheeran; and,

WHEREAS, all those who testified and those public hearing exhibits that were received into evidence are identified into the minutes and are contained in the official record, and,

WHEREAS, the Planning Commission considered all testimony and closed the public hearing; and,

WHEREAS, the Planning Commission at the open public hearing held on April 12, 2011, considered the evidence submitted and all members voting in favor with one vacancy to recommend **approval** of the amendments; and,

WHEREAS, the Planning Commission is entering it's written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

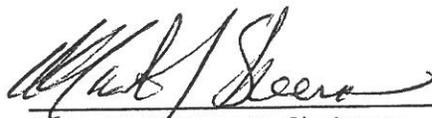
FINDINGS AND CONCLUSIONS

1. The proposed zoning and map amendments are found to be in conformance with the visions,

goals and policies of the Benton County Comprehensive Plan.

2. The Planning Commission finds the official zoning maps have been prepared to reflect and be consistent with the land use designations shown on the Land Use Maps of the adopted Benton County Comprehensive Plan.
3. The record establishes a need for the proposed zoning amendments and map to bring the development regulations into compliance with the goals and policies of the Benton County Comprehensive Plan and satisfy the update requirements of RCW 36.70A.130, and to be consistent with and forward the intent of the Growth Management Act.
4. The Planning Commission received a staff memo dated March 31, 2011 that includes a Community Commercial (CC) District ordinance and map, staff recommendations and findings, and agrees with the information found in the staff memo.
5. The Planning Commission finds the CC District provides for range of small-scale retail commercial activities that serve the needs of the rural communities of Paterson, Plymouth, Whitstran, and Finley, and provide residents with the variety of immediate day-to-day goods and services.
6. The Planning Commission finds the size of the areas designated for CC Districts and the uses permitted within the zones are of rural scale to assure harmony with the rural character.
7. The Planning Commission has determined that the requirements of the State Environmental Policy Act have been satisfied. A Determination of Non Significance was issued on March 22, 2011.
8. The record indicates that approval of the proposed amendments would be in the public interest as they provide the necessary requirements, standards and Map to govern the use and development of land within the Community Commercial District.

THEREFORE BE IT RESOLVED BY THE BENTON COUNTY PLANNING COMMISSION, through its chairman as authorized by motion of the Board, that these findings and conclusions for the aforementioned amendments adding Community Commercial District (CC) as a new district to BCC Title 11 and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the Community Commercial (CC) District be approved for transmittal to the Board of County Commissioners, with a recommendation to adopt the amendments.

 4/19/11
MARTIN SHEERAN, Chairman DATE
BENTON COUNTY PLANNING COMMISSION

RECOMMENDATION OF THE
BENTON COUNTY PLANNING COMMISSION

GC

RE: In the Matter of County Planning:
relating to an Ordinance Amendment
adding a new district to BCC Title 11
General Commercial District (GC)

RECOMMENDATION,
FINDINGS OF FACT,
AND CONCLUSIONS

RECOMMENDATION

In the matter of County Planning, an ordinance amendment adding the General Commercial District (GC) as a new district, and adding new chapter to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the GC District.

RESOLUTION

WHEREAS, the Legal notification was given pursuant to RCW 36.70.590 and mailed to those on the Public Participation List on March 30th, 2011, and emailed to those on the Email List on March 31, 2011; and,

WHEREAS, Benton County has established and followed the 2011 Zoning Update Public Participation Program for the review and update of its development regulations pursuant to RCW 36.70A.130 (2), and,

WHEREAS, a public hearing was held on April 12, 2011 at 7:00 p.m., in the Hearing Room, Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350; and,

WHEREAS, the following members were present: James Willard, Lloyd Coughlin, James Wetzel, Mark Reis, Rick Giberson, and Martin Sheeran; and,

WHEREAS, all those who testified and those public hearing exhibits that were received into evidence are identified into the minutes and are contained in the official record, and,

WHEREAS, the Planning Commission considered all testimony and closed the public hearing; and,

WHEREAS, the Planning Commission at the open public hearing held on April 12, 2011, considered the evidence submitted and all members voting in favor with one vacancy to recommend **approval** of the amendments; and,

WHEREAS, the Planning Commission is entering it's written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

FINDINGS AND CONCLUSIONS

1. The proposed zoning and map amendments are found to be in conformance with the visions, goals and policies of the Benton County Comprehensive Plan.

2. The Planning Commission finds the official zoning maps have been prepared to reflect and be consistent with the land use designations shown on the Land Use Maps of the adopted Benton County Comprehensive Plan.
3. The record establishes a need for the proposed zoning amendments and map to bring the development regulations into compliance with the goals and policies of the Benton County Comprehensive Plan and satisfy the update requirements of RCW 36.70A.130, and to be consistent with and forward the intent of the Growth Management Act.
4. The Planning Commission received a staff memo dated March 31, 2011 that includes a General Commercial (GC) District ordinance and map, staff recommendations and findings, and agrees with the information found in the staff memo.
5. The Planning Commission finds the General Commercial District provides for a range of retail, goods and services that serve a regional, rural and community trade areas in the County.
6. The Planning Commission finds that areas for General Commercial Districts are limited within the unincorporated area due to the size and scale anticipated by these types of developments and that higher intensity uses usually requires municipal services.
7. The Planning Commission finds that appropriate uses within General Commercial Districts are those that are service-oriented with low demands for utility services.
8. The Planning Commission finds the ordinance provides an appropriate list of uses within the District, review processes and development standards for siting of commercial establishments.
9. The Planning Commission has determined that the requirements of the State Environmental Policy Act have been satisfied. A Determination of Non Significance was issued on March 22, 2011.
10. The record indicates that approval of the proposed amendments would be in the public interest as they provide the necessary requirements, standards and Map to govern the use and development of land within the General Commercial District.

THEREFORE BE IT RESOLVED BY THE BENTON COUNTY PLANNING COMMISSION, through its chairman as authorized by motion of the Board, that these findings and conclusions for the aforementioned amendments adding General Commercial District (GC) as a new district to BCC Title 11 and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the General Commercial (GC) District be approved for transmittal to the Board of County Commissioners, with a recommendation to adopt the amendments.


MARTIN SHEERAN, Chairman 4/19/11
DATE
BENTON COUNTY PLANNING COMMISSION

RECOMMENDATION OF THE
BENTON COUNTY PLANNING COMMISSION

IC

RE: In the Matter of County Planning:
relating to an Ordinance Amendment
adding a new district to BCC Title 11
Interchange Commercial District (IC)

RECOMMENDATION,
FINDINGS OF FACT,
AND CONCLUSIONS

RECOMMENDATION

In the matter of County Planning, an ordinance amendment adding the Interchange Commercial District (IC) as a new district, and adding new chapter to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the IC District.

RESOLUTION

WHEREAS, the Legal notification was given pursuant to RCW 36.70.590 and mailed to those on the Public Participation List on March 30th, 2011, and emailed to those on the Email List on March 31, 2011; and,

WHEREAS, Benton County has established and followed the 2011 Zoning Update Public Participation Program for the review and update of its development regulations pursuant to RCW 36.70A.130 (2), and,

WHEREAS, a public hearing was held on April 12, 2011 at 7:00 p.m., in the Hearing Room, Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350; and,

WHEREAS, the following members were present: James Willard, Lloyd Coughlin, James Wetzel, Mark Reis, Rick Giberson, and Martin Sheeran; and,

WHEREAS, all those who testified and those public hearing exhibits that were received into evidence are identified into the minutes and are contained in the official record, and,

WHEREAS, the Planning Commission considered all testimony and closed the public hearing; and,

WHEREAS, the Planning Commission at the open public hearing held on April 12, 2011, considered the evidence submitted and all members voting in favor with one vacancy to recommend **approval** of the amendments; and,

WHEREAS, the Planning Commission is entering it's written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

FINDINGS AND CONCLUSIONS

1. The proposed zoning and map amendments are found to be in conformance with the visions, goals and policies of the Benton County Comprehensive Plan.

2. The Planning Commission finds the official zoning maps have been prepared to reflect and be consistent with the land use designations shown on the Land Use Maps of the adopted Benton County Comprehensive Plan.
3. The record establishes a need for the proposed zoning amendments and map to bring the development regulations into compliance with the goals and policies of the Benton County Comprehensive Plan and satisfy the update requirements of RCW 36.70A.130, and to be consistent with and forward the intent of the Growth Management Act.
4. The Planning Commission received a staff memo dated March 31, 2011 that includes a Interchange Commercial (IC) District ordinance and Map, staff recommendations and findings, and agrees with the information found in the staff memo.
5. The Planning Commission finds the Interchange Commercial District's primary purpose is to serve the traveling public, however interchange commercial designations may also provide convenience services to local residents.
6. The Planning Commission finds suitable Interchange Commercial zoning designations are applied to areas located at state and federal highway interchanges and are designated at I-82 and Badger Road west of Kennewick; I-82 and SR-14 in Plymouth; and I-82 and Gibbon Road area three miles east of Prosser.
7. The Planning Commission finds the ordinance provides an appropriate list of uses within the District, review processes and development standards for siting of commercial establishments.
8. The Planning Commission has determined that the requirements of the State Environmental Policy Act have been satisfied. A Determination of Non Significance was issued on March 22, 2011.
9. The record indicates that approval of the proposed amendments would be in the public interest as they provide the necessary requirements, standards and Map to govern the use and development of land within the Interchange Commercial District.

THEREFORE BE IT RESOLVED BY THE BENTON COUNTY PLANNING COMMISSION, through its chairman as authorized by motion of the Board, that these findings and conclusions for the aforementioned amendments adding Interchange Commercial District (IC) as a new district to BCC Title 11 and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the Interchange Commercial (IC) District be approved for transmittal to the Board of County Commissioners, with a recommendation to adopt the amendments.


MARTIN SHEERAN, Chairman 4/19/11
DATE
BENTON COUNTY PLANNING COMMISSION