

August 9, 2010

**THE BOARD OF
BENTON COUNTY
COMMISSIONERS
AGENDA PACKET**

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
August 2, 2010, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman James Beaver
Commissioner Leo Bowman
Commissioner Max E. Benitz, Jr.
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 Kelty; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Deputy Treasurer Erhiza Rivera; Human Services Administrator Ed Thornbrugh; Planning Manager Mike Shuttleworth; Public Works Manager Steve Becken; County Engineer Malcolm Bowie; Marianne Ophardt, WSU Extension; DPA Ryan Brown; Treasurer Duane Davidson; Central Services Manager Randy Reid; Nick Kooiker, Treasurer's Office; Building Manager Steve Brown; Fire Marshal Ken Williams; Susan Walker and Clark Posey, Planning.

Workshop Agenda

ECEAP/Head Start Letter

Commissioner Bowman asked about responding to the letter and Commissioner Benitz said he should direct him to the Health Dept.

Mutual Aid Agreements – Emergency Mgmt

Commissioner Benitz said they were still resolving the issue with the legal department.

Secretary Of Transportation Presentation

Commissioner Bowman provided a copy of the presentation and said that Red Mountain was on the list.

River Walk – Salmon Spawning

Commissioner Benitz said the river walk would be held on August 10 and if the members were interested he would forward the email to them.

Distinguished Budget Award

Loretta Smith Kelty presented the Board with the Distinguished Budget Award (received the 5th year in a row). Chairman Beaver asked Ms. Smith Kelty to express the Board's appreciation to everyone involved in the process.

The Board briefly recessed, reconvening at 9:00 a.m.

Approval of Minutes

The Minutes of July 26, 2010 were approved.

Consent Agenda

MOTION: Commissioner Benitz moved to approve the consent agenda items "a" through "h". Commissioner Bowman seconded and upon vote, the Board approved the following:

Commissioners

- a. Support Letter for Mercer Canyons – "2010 Wildlife Farmer of the Year"

Coroner

- b. Line Item Transfer, Fund No. 0000-101, Dept. 109

Human Services

- c. Amendment, #09/10-DD-PTC-01, w/Peopleworks Tri-Cities, LLC
- d. Amendment, #09/10-DD-PHG-01, w/Provident Horizon Group
- e. Amendment, #09/10-DD-AWI-01, w/Ambitions of Washington, Inc.
- f. Appointment to the County Designated Mental Health Professionals
- g. Authorizing Human Services Administrator to Execute Contracts

Sheriff

- h. Maintenance Agreement w/ Day Wireless Systems - Portable Radio Maintenance

The Board briefly recessed, reconvening at 9:05 a.m.

WSU – Pathways Project Update

Marianne Ophardt and Laurie Sherfey updated the Board on the "Pathways Project". Ms. Sherfey said the project involved working with Latino childcare providers to merge Spanish literacy with childcare best practices. She said the Gates funding was ending March 2011 and they were working on a "multi-level strategy" to change the funding stream.

The Board briefly recessed, reconvening at 9:25 a.m.

Public Hearing - Sunheaven Farms Franchise

Sue Schuetze said that Sunheaven Farms filed a petition to continue a nonexclusive franchise for irrigation water system and facilities. She said that all requirements were met and it was her recommendation to approve.

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

MOTION: Commissioner Benitz moved to approve franchise as presented with the six conditions. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

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

Public Hearing – Repeal Ordinance – Benton County Code 6.08 – Litter Control

Ryan Brown said that state law had taken over this issue so the ordinance was now out of date and the Board had previously indicated it wanted to have a public hearing to repeal the ordinance.

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

Commissioner Bowman wanted to know who would enforce the state law and Mr. Brown said it would be the Sheriff's Office. Additionally, he asked if the public should be informed or if it should be referenced in the code. Mr. Brown said the County did not reference state laws in its code and he would not recommend it.

MOTION: Commissioner Benitz moved to approve the resolution repealing all ordinances relating to litter control. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:45 a.m.

Central Services 2010 Report/2011-2012 Goals

Randy Reid reviewed his 2010 Report and 2011/2012 Goals and briefly discussed the following:

- Mission Statement and Core Values
 - Communication, Responsiveness, Competence, Professionalism, Consistency, TeamWork, Innovation, and Cost Effectiveness
- Projects & Goals
 - Strategic Plan & Infrastructure Evaluation (RFP being completed)
 - Servers/Storage/Backup
 - Network/Security/Records Retention
 - Asset Management
 - Desktop Software Upgrade
 - Telecommunications
 - Intranet/In-House Development
 - Third Party Applications
 - New Technologies

Planning/Building Departments – 2010 Strategic Plan

Mike Shuttleworth and Steve Brown reviewed the 2010 Strategic Plans for both the Planning and Building Departments and briefly discussed the following:

Planning Department

- Department Goals
 - Public Service – Improving public friendly permitting process
 - Public Involvement/Public Hearings – Enhance public participation
- Long Range Planning
 - Comprehensive Plan
 - Development Regulations
- Planning Permit Activities for 2009

Building Department

- Department Goals
 - Ordinance Update/Update handouts to reflect update
 - Enforcement of Building Code
 - Research New Permit Tracking System
 - Maintain communication w/Home Builders Association
 - Find ways to increase efficiency with limited resources
- Long-Term Goals
- Primary Accomplishments for 2009
- Revenue Report/Building Activity Report
- Create Flow Chart for Fire Marshal and Code Enforcement Responsibilities

Hearings Examiner

Mr. Shuttleworth discussed the department's desire to hire a hearings examiner to replace the Board of Adjustment and to handle code enforcement issues. Mr. Shuttleworth said a hearings examiner would be included in the 2011 budget request.

Commissioner Benitz discussed his concern about code enforcement issues and said that something had to change and the County had to start enforcing the code.

Chairman Beaver suggested the County look at working in conjunction with the Sheriff's office regarding code enforcement issues.

Executive Session – Union Negotiations

At 10:52 a.m. the Board went into executive session with Sarah Perry for up to eight minutes to discuss union negotiations. Also present were David Sparks, Cami McKenzie, Melina Wenner, Loretta Smith Kelty, and DPA Ryan Brown.

The Board came out of executive session at 10:56 a.m. Ms. Perry said the Board discussed union negotiations and took no action.

MOTION: Commissioner Benitz moved to approve the 2010 collective bargaining agreement between Benton County and Teamsters Local 839 Representing Benton County Sheriff's Office Corrections Officers. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Emergency Management – 911 Tax

Jim Barber, SECOMM Manager reviewed the executive summary on the 9-1-1 Modernization Tax Use increase. He said the State had approved to allow counties to increase the tax from 50 cents to 70 cents to modernize the system to permit callers the use of any analog or digital device to request emergency assistance. Additionally, it would allow for delivery of additional data and would permit the deaf, hearing, and speech impaired residence better access to the communications and would reinstate the original value of the tax as established in 1992.

Mr. Barber stated that if the County chose not to adopt, it would risk losing state funding support. Additionally, if it did not increase the tax, it would still need to make changes to the current ordinance.

Commissioner Benitz said he wanted to see a report on how the money was being spent before and after the proposed tax, the requirements of the increase, and that the legal issues had been addressed. Commissioner Benitz also wanted to know who would be notifying all the service agencies if the tax were increased. Mr. Barber said that would need to be determined by Emergency Services and the Board of Commissioners.

Commissioner Bowman said he was not interested in proceeding without going through some sort of public process to make the public fully aware of the impacts.

Chairman Beaver said he wanted to see a new ordinance that made the necessary changes to fix the current problem, however, was not yet interested in a 20-cent increase. He asked Mr. Barber if the current 9-1-1 system did not work. Mr. Barber said it did not support the new technology and that Benton County was one of eight "test" counties to prove the concept with the new technology.

Commissioner Benitz asked Emergency Services to work on a resolution with the PA's office and work with the Treasurer's office regarding the collection process.

Commissioner Bowman asked if police chiefs and fire chiefs were involved in the process. Mr. Barber said the local and state fire and police groups were all staunch supporters of the increase.

The Board agreed to go forward with addressing the minimum required changes to the ordinance.

Unscheduled Visitors

Chuck Sheely asked the Board to define (by survey) the easement that was created when the county approved the vacation of right of way on Hunts Plat. He said he did not know where the easement was located so he could access his property.

Sue Schuetze said that (per Steve Becken) the County did not stake easements or unimproved right of ways once vacated by the county and that local agencies did not go beyond public right of way.

Malcolm Bowie said there was a dispute about the private property line and the landowner would need to hire a surveyor.

Mr. Brown said the County did not require an individual landowner to delineate the property line once the right of way was vacated.

Mr. Sheely said the County allowed the vacation to occur and now he didn't know where his easement was located. He then asked for a copy of the legal description. Ms. Schuetze said she had already requested a copy and would get it to him once it was prepared.

The Board briefly recessed, reconvening at 11:47 a.m.

Executive Session – Pending Litigation

The Board went into executive session with DPA Ryan Brown at 11:47 a.m. for up to five minutes to discuss pending litigation. Also present were Mike Shuttleworth, Susan Walker, David Sparks, Loretta Smith Kelty, and Cami McKenzie. The Board came out at 11:55 a.m. Mr. Brown said the Board took no action.

Resolutions

- 10-443 2010 Collective Bargaining Agreement with Sheriff's Office Corrections
- 10-444 Line Item Transfer, Fund No. 0000-101, Dept. 109
- 10-445 Amendment, #09/10-DD-PTC-01, w/Peopleworks Tri-Cities, LLC
- 10-446 Amendment, #09/10-DD-PHG-01, w/Provident Horizon Group
- 10-447 Amendment, #09/10-DD-AWI-01, w/Ambitions of Washington, Inc.
- 10-448 Appointment to the County Designated Mental Health Professionals
- 10-449 Authorizing Human Services Administrator to Execute Contracts
- 10-450 Maintenance Agreement w/Day Wireless System
- 10-451 Repealing Ordinance Relating to Litter Control

There being no further business before the Board, the meeting adjourned at approximately 11:55 a.m.

Clerk of the Board

Chairman

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Special Board Meeting
Wednesday, August 4, 2010, 10:30 a.m.
Commissioners' Conference Room
Benton County Justice Center, Kennewick, WA

Present: Chairman James Beaver
Commissioner Leo Bowman
Commissioner Max E. Benitz, Jr.
County Administrator David Sparks
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Assessor Barb Wagner; DPA Ryan Brown; Building Manager Steve Brown; Fire Marshal Ken Williams; Planning Manager Mike Shuttleworth; RJ Lott, Planning; Public Works Manager Steve Becken.

Draft – Short Plat Ordinance

Mike Shuttleworth provided a memo and two separate draft ordinances as recommended by the Planning Commission and the Planning Department that would amend BCC Chapter 9.04 relating to short plats and access to those short plats.

Mr. Brown said the goal today was to come up with a draft ordinance to go to public hearing.

Chairman Beaver said the Board should set a standard for subdivided property and the process should be easy and as clear as possible, without several options. He suggested that private road easements be 60 feet in width to avoid any future problems if the property were later subdivided. He said that private road easements were an agreement between two individual parties and he didn't want the County to be part of that arrangement or to be in the "regulation" business.

Commissioner Benitz said if the Board decided to change the short plat process that it should start with a clean slate and not be retroactive. Additionally, he provided written information requesting changes to the Planning Department's version and requested the following changes (in summary):

- Applicability (adding language that short plats not be permitted on lots, parcels or tracts located wholly within a designated urban growth area)
- Imposing a limit of four (4) or fewer lots to be accessed by a private access easement with a width of at least 40 feet;
- If a short plat would result in one private access easement serving more than four (4) lots, access is required to be a dedicated and constructed public road with widths and standards as required by the County Engineer.

- Define more fully (by highlighting or bold, etc.) the new sections being implemented from the fire code.
- Allowing an additional extension beyond the allowed one-year extension to complete the short plat process.

The Board agreed with the changes as suggested by Commissioner Benitz with the exception of allowing an additional one-year extension.

Obstruction of Private Access Easements

Ken Williams provided a memo discussing the issues regarding obstruction of private access easements and offered two options: (1) Continue with Benton County's existing position that private access easements were private property rights and should be decided in civil court if necessary; or (2) amend the Benton County Code to make it illegal to obstruct a private road.

Additionally, Mr. Williams said if the Board decided to continue with its existing position, it could add a section in the code that made it abundantly clear that enforcement of those rights was a civil issue.

The Board agreed it did not want to regulate easements and that the code should be made clear that it was a civil and private issue.

Chief Spring said he appreciated the changes relating to short plats, however, was still concerned about Willamette Heights. He said it had multiple contiguous lots and access was a real problem because easements were blocked and road signs were not up.

A gentleman in the audience said he was concerned that access to his lot was blocked and that he would have to go to a judge so that emergency vehicles could access his property.

The Board also discussed the issue of property addressing (street signs and house numbering, etc.) and that some places did not have the proper addressing. Chief Spring said there were not designated streets of any kind in that area and the County also needed to plan for the streets that were already being used.

Mr. Brown said there would also be corresponding amendments to the fire code that reflected the changes made in the short plat ordinance (that were previously in the fire code).

Chairman Beaver asked that a solution for the numbering system be researched and brought back to the Board. Additionally, he asked for a summary of the proposed changes to the ordinances be brought back to the Board before the public hearing.

There being no further business before the Board, the meeting adjourned at approximately 12:00 p.m.

Clerk of the Board

Chairman

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RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF UPGRADING MICROFILM READER PRINTER TO DIGITAL MICROFILM READER PRINTER/SCANNER

WHEREAS, the Benton County Auditor currently has two (2) microfilm reader printers in use for reading historic documents currently held on microfilm in the Auditor's office;

WHEREAS, the Benton County Auditor is currently engaged in a microfilm conversion project whereby images currently only maintained on microfilm are being converted to digital images;

WHEREAS, the Benton County Auditor has reviewed options for purchasing a digital microfilm reader printer/scanner which will allow for the conversion of microfilm images to digital images;

WHEREAS, the current vendor, COMSTOR Information Management, Inc., can upgrade one of the existing reader printers to a digital microfilm reader printer/scanner and will roll over the current maintenance agreement on the existing reader printer to a maintenance agreement on the upgraded reader printer;

WHEREAS, the total cost to purchase a new complete digital microfilm reader printer/scanner unit would be approximately \$11,020.07, including tax and freight;

WHEREAS, the total cost to upgrade the existing reader printer, and roll over the existing maintenance agreement with COMSTOR Information Management, Inc., tax and freight inclusive, is \$5,271.95;

WHEREAS, the Benton County Auditor finds that it is more cost effective to upgrade the existing equipment than to purchase new; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Benton County Commissioners, that the Auditor's Office proceed with the upgrade of the existing reader printer to a digital microfilm reader printer/scanner at the cost of \$5,271.95; and the Benton County Auditor is authorized to sign the Sales Order Agreement, a copy of which is attached to this resolution.

Dated this _____ day of August, 2010.

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

2219 N. Dickey Road
 Spokane, WA 99212-14399
 (509) 534-5080 FAX (509) 536-0281



Information Management, Inc.

SALES ORDER AGREEMENT

Bill To

Ship To

Name BRENDA CHILTON - BENTON COUNTY AUDITOR	COMSTOR
Mail Address PO BOX 470 / 620 MARKET STREET	Street N. 2219 DICKEY ROAD
City, State, Zip PROSSER, WASHINGTON 99350	City, State, Zip SPOKANE, WASHINGTON 99212
Telephone No (509) 736-2707	Fax No (509)

PO Number	Date 4/28/10	Terms Net 30	Req. Delivery Date 30 days ARO	Shipped VIA
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Quantity	Description	Product Number	Unit Price	Total Amount
1 EACH	MS 6000 MAIN UNIT "DIGITAL"* **"Upgraded request from the "analog" Minolta 605 Z to the upgraded MS 6000 MK II digital model.	0820351	"new"	\$ 4,700.00
1 EACH	PRISM	9986-0885-01		STANDARD INCLUDED
1 EACH	USB INTERFACE KIT	1379332		
OPTIONAL ACCESSORIES				
1 EACH	FICHE CARRIER 5 option 1	1357-611	\$382.00	NOT REQUIRED
1 EACH	ROLL FILM CARRIER 9B option 2	1356-612	\$1,936.00	NOT REQUIRED
1 EACH	UC-2 MOTORIZED CARRIER option 3 (AUTO FEED AND LOADS - UC-2)		\$2,537.00	NOT REQUIRED
1 EACH	ZOOM LENS (13-27X LENS) optional	9986-0883-01	\$482.00	NOT REQUIRED
<i>A maintenance agreement for annual service can also be provided by Comstor</i>				

Notes: Delivery - 3 days ARO
 Warranty - 90 day Manufacturer's stated warranty

Terms: All equipment, accessories and / or supplies indicated above are purchased under COMSTOR standard Terms. Customer understands and hereby acknowledges that COMSTOR has not made and is not bound by any oral or written representations made by its sales person which does not appear on the face of this sales order agreement

Subtotal	\$ 4,700.00
Tax	\$ 421.95
Freight	\$ 150.00
Total	\$ 5,271.95

Name	Signature
Title	Date

b

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZATION FOR PAYMENT TO TYLER TECHNOLOGIES AND DECLARING AN EMERGENCY FOR SYSTEM RECOVERY ANALYSIS

WHEREAS, to ensure Central Services is following best practice guidelines, Central Services is asking Tyler Technologies to review our current recording software, database structure, and hardware capacities, in support of the Tyler Eagle Recorder software; and

WHEREAS, the primary focus is to ensure effective resource utilization and hardware efficiency. This review will include all phases of the Tyler Eagle Recorder software, including database organization, binary image storage, and server performance; and

WHEREAS, the review will also include database backup strategies and disk space storage requirements. Application performance will be a critical focus of this review, targeting data collection, transmission, and sharing performed by the Tyler Eagle Recorder software; and

WHEREAS, Tyler Technologies provided a proposal for remote services for the System Recovery Analysis for an amount of \$140.00 per hour, not to exceed 40 hours of analysis phase only, without further approval from Benton County; **NOW, THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the decision to take emergency action to have Tyler Technologies provide a System Recovery Analysis for an amount not to exceed \$5,600.00 excluding WSST; and

BE IT FURTHER RESOLVED, the Board hereby authorizes the Benton County Auditor, or her designee, to sign the professional service work orders from Tyler Technologies.

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

C

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AN APPOINTMENT TO THE BENTON COUNTY PUBLIC FACILITIES DISTRICT

WHEREAS, there exists a vacancy on the Benton County Public Facilities District due to the resignation of Rebecca Rupp; and

WHEREAS, Doug Akers has indicated an interest and willingness to serve on the District to fill the unexpired term of Position 5; **NOW, THEREFORE,**

BE IT RESOLVED that the Board of Benton County Commissioners hereby appoints Doug Akers, to the Benton County Public Facilities District to serve the unexpired four-year term, said term expiring July 29, 2012.

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

d

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF PROCLAIMING SEPTEMBER 27, 2010, AS *FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN*

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and,

WHEREAS, 15 years of surveys conducted by the National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink, and use illegal drugs; and,

WHEREAS, the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, parents who are engaged in their children's lives, through activities such as frequent family dinners, are less likely to have children who abuse substances; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America; **NOW, THEREFORE**,

BE IT RESOLVED the Board of Benton County Commissioners hereby proclaims September 27, 2010, as *Family Day - A Day to Eat Dinner with Your Children* and urge all citizens to recognize and participate in its observance.

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

RESOLUTION

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BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF A BLANKET SERVICE AGREEMENT FOR "AS NEEDED" ELECTRICAL SERVICES WITH ABSOLUTE POWER INC. AT ALL BENTON COUNTY LOCATIONS

WHEREAS, per resolution 09-811, any public works services or materials involving less than \$25,000, advertisement and competitive bidding may be dispensed, and such contracts may be entered into after direct negotiation and authorization from the Board of Benton County Commissioners; and

WHEREAS, the Facilities Manager recommends the Board approve a blanket service agreement with Absolute Power Inc., Pasco, WA – Contractors License No. ABSOLPI920KZ for "as needed" services for electrical services, along with other miscellaneous services they are qualified to perform for all locations of Benton County, to include the Benton County Fairgrounds, for small projects costing less than \$25,000; and

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

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

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, the Board concurs with the recommendation and hereby awards Absolute Power Inc. the blanket service agreement for "as needed" services at all Benton County locations; and

BE IT FURTHER RESOLVED the Board hereby authorizes the Chairman to sign the service agreement attached hereto; and

BE IT FURTHER RESOLVED the attached contract expires on December 31, 2010.

Dated this _____ day of _____, 2010

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

**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
- b. Exhibit B - Washington State Prevailing Wage Rates for Public Works Contracts

2. DURATION OF CONTRACT

The term of this Contract shall begin when executed by both parties and shall expire on December 31, 2010. 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, in accordance with the CONTRACTORS 2010 price list proposal attached hereto as Exhibit A. 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 process, but may not charge any additional processing or other fees that it does not actually

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RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WA

IN THE MATTER OF AWARDING AND CONTRACTING WITH ENCORE OIL LLC TO PUMP AND CLEAN THE GREASE TRAP LOCATED AT THE BENTON COUNTY JAIL

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

WHEREAS, Benton County received a proposal from Encore Oil LLC, Portland, Oregon to pump and clean the grease trap at the Benton County Jail in the amount of \$7,200.00 plus WSST for the year 2010 and in the amount of \$7,400.00 plus WSST for the year 2011; and

WHEREAS, the Facilities Manager has reviewed the proposal and recommends awarding the contract to Encore Oil LLC for a total contract amount not to exceed \$20,000.00 (including WSST); **NOW, THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board hereby concurs with the recommendation and awards the contract for pumping and cleaning the grease trap at the Benton County Jail to Encore Oil LLC for a contract amount not to exceed \$20,000.00 including WSST to cover any acceptable overcharges, incidentals and other unanticipated costs; and

BE IT FURTHER RESOLVED, the Board authorizes the Chairman to sign the agreement attached hereto.

Dated this _____ day of _____, 2010

Chairman of the Board

Member

Member

Attest: _____
Clerk of the board

Constituting the Board of County
Commissioners of Benton County, Washington

**CONTRACT FOR PUBLIC WORK
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 Encore Oil LLC with its principal offices at 10111 NE 6th Dr., Portland, OR 97217, (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.

2. DURATION OF CONTRACT

The term of this Contract shall begin when executed by both parties 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. The CONTRACTOR shall pump 20,000 gallons from the grease trap located at the Benton County Justice Center Corrections Facility approximately every twelve (12) months. The actual date and time of the pumping shall be coordinated with the COUNTY's representative.
- b. CONTRACTOR shall haul off all grease waste to an approved disposal facility.
- c. CONTRACTOR shall hydro jet the inside of the grease trap following each pumping in such a manner as to eliminate the buildup of waste materials on the inside walls of the trap.
- d. The CONTRACTOR shall provide its own labor, materials, equipment and supplies. Unless otherwise provided for in the Contract, no material, labor, materials, equipment or supplies will be furnished by the COUNTY. CONTRACTOR specifically understands that because of the construction of the grease trap, fecal and other human waste materials

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RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WA

IN THE MATTER OF AWARDING AND CONTRACTING WITH INDUSTRIAL EQUIPMENT SOLUTIONS INC. TO INSTALL FOUR NEW GARAGE DOORS AT THE BENTON COUNTY FAIRGROUNDS

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

WHEREAS, the Benton County Fairgrounds received a proposal from Industrial Equipment Solutions, Inc. in the amount of \$7,472.00 excluding WSST for delivery, installation and functional setup of four new Clopay Commercial Chain Hoist Garage Doors in Buildings 3 and 4 at the Benton County Fairgrounds; and

WHEREAS, the Facilities Maintenance Supervisor reviewed the proposal and recommends awarding the contract to Industrial Equipment Solutions, Inc. for a contract amount of \$7,472.00, excluding WSST; **NOW, THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board hereby concurs with the recommendation and awards the delivery and installation of four new garage doors at the Benton County Fairgrounds Industrial Equipment Solutions, Inc. for a contract amount not to exceed \$8,000.00.00 excluding WSST to cover any acceptable overcharges, incidentals and other unanticipated costs; and

BE IT FURTHER RESOLVED, the Board authorizes the Chairman to sign the agreement attached hereto.

Dated this _____ day of _____, 2010

Chairman of the Board

Member

Attest: _____
Clerk of the board

Member

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 of the State of Washington, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and Industrial Equipment Solutions Inc. a Washington Corporation with its principal offices at 6630 Old Naches Hwy, Naches, WA 98937, (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 exhibit:

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

2. DURATION OF CONTRACT

The term of this Contract shall begin August 1, 2010 and shall expire on September 30, 2010 unless earlier terminated pursuant to Section 16 herein. 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 COUNTY requires and the CONTRACTOR agrees to provide complete delivery and installation and functional setup of four (4) new Clopay Commercial Chain Hoist Garage Doors in Building three (3) and four (4) in accordance with the CONTRACTOR'S Proposal provided in Exhibit A attached hereto. CONTRACTOR agrees to provide its own labor and materials. Unless otherwise provided in this Contract, no material, labor, or facilities will be furnished by the COUNTY.

4. CONTRACT REPRESENTATIVES

Each party to this Contract shall have a contract representative. Each party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

- a. For CONTRACTOR:

AGENDA ITEM: <u>Consent</u>	<u>TYPE OF ACTION NEEDED</u> Executive Contract	Consent Agenda <u>xx</u>
MEETING DATE: B/C 08-09-10	Pass Resolution <u>XX</u>	Public Hearing
SUBJECT: Payment to Tri-Tech Skills Center for MFC Video	Pass Ordinance	1st Discussion
Prepared By: Donna A. Lee	Pass Motion	2nd Discussion
Reviewed By: Sharon Paradis	Other	Other

BACKGROUND INFORMATION

The Benton-Franklin Counties Juvenile Justice Center was successfully awarded the Models for Change grant in 2008 - signed by the Benton County Board of Commissioners via Resolution 08 145 dated January 14, 2008. One of the goals of the grant consists of developing a greater understanding of the court system and services as it relates to youth and families. The Juvenile Court identified Tri Tech Skills Center for production of a Youth Criminal Court Process Video for youth and parents. The Tri Tech Skills Center was immediately responsive and available to start production on short notice and prior to the expiration of said grant. The cost of the video production is \$3,000 exclusive of Washington State Sales Tax.

SUMMARY

This resolution authorizes payment to Tri Tech Skills Center for \$3,000.00 exclusive of Washington State Sales Tax.

RECOMMENDATION

We recommend that the Boards of Commissioners of Benton County sign the Resolution for payment to Tri Tech Skills Center in the amount of \$3,000.00 exclusive of Washington State Sales Tax.

FISCAL IMPACT

There is no Fiscal impact to the County this payment is reimbursed through grant dollars.

MOTION

I move that the Boards of Commissioners of Benton County sign the Resolution for payment to Tri Tech Skills Center in the amount of \$3,000.00 exclusive of Washington State Sales Tax.

RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF DVD PRODUCTION COSTS FOR A YOUTH CRIMINAL COURT
PROCESS VIDEO FOR THE BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE
CENTER

WHEREAS, the cost of video production is greater than \$2,500 and less than \$25,000; and

WHEREAS, the Benton-Franklin Counties Juvenile Justice Center was successfully awarded the Models
for Change grant signed by the Benton County Board via Resolution 08 145 dated 1/14/08.

WHEREAS, one of the goals of the grant consists of developing a greater understanding of the court
system and services as it relates to youth & families;

WHEREAS, the Juvenile Court identified Tri Tech Skills Center for production of a Youth Criminal
Court Process Video for youth and parents;

WHEREAS, Tri Tech Skills Center was immediately responsive and available to start production on
short notice and prior to expiration of said grant; **NOW, THEREFORE**

BE IT RESOLVED that the Board of Benton County Commissioners hereby approves payment to Tri
Tech Skills Center in the amount of \$3,000.00 exclusive of Washington State Sales Tax.

Dated this _____ day of _____ 2010.

Chairman of the Board

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

cc: Juvenile, Auditor, Commissioners

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF A CONTRACT BETWEEN BENTON COUNTY AND SUNSCAPES, INC. FOR THE CONSTRUCTION OF A FLAG GARDEN RETAINING WALL LOCATED AT THE RATTLESNAKE MOUNTAIN SHOOTING FACILITY

WHEREAS, the Benton County Parks Department and the Tri-Cities Shooting Association are constructing an entry flag garden at the main entrance to the Rattlesnake Mountain Shooting Facility; and

WHEREAS, a portion of the project includes construction of a raised rock garden area that consists of building a retaining wall and filling it with soil and gravel; and

WHEREAS, proposals were solicited for construction of the raised rock garden from the following contractors listed on the Benton County Small Works Roster and quotes are as follows:

- SunScapes, Inc; Richland, WA – SUNSCI*088DD - \$4,390.00 excluding WSST
- Jesse’s Lawn Maintenance, Kennewick, WA – JESSELM044QK - \$6,577.00 excluding WSST
- Huizar Landscaping; Pasco, WA – HUIZALP957R4 – Did not respond
- Curb Creations; Kennewick, WA – CURBCCI971MB – Did not respond

WHEREAS, the Benton County Parks Department reviewed the quotes and recommends awarding the rock garden construction project to SunScapes, Inc. as the lowest responsible bidder; NOW, THEREFORE

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby agrees with the recommendation and awards said project to SunScapes, Inc for a contract amount of \$4,390.00 excluding WSST with a total contract amount payable, including acceptable overages, incidentals and other unanticipated costs not exceed \$5,000.00 excluding WSST; and

BE IT FURTHER RESOLVED, the Board hereby authorizes the Chairman to sign the service agreement attached hereto.

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

**PERSONAL SERVICES CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between **BENTON COUNTY**, a political subdivision of the State of Washington, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and **SUNSCAPES, INC.** a corporation authorized to do business in the State of Washington with its principal offices at 1956 Saint Street, Richland, WA 99354 (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. Exhibit A - Washington State Prevailing Wage Rates

2. DURATION OF CONTRACT

The term of this Contract shall begin upon signature of both parties and shall terminate November 30, 2010, unless earlier terminated pursuant to Section 16 herein. 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:

The CONTRACTOR agrees to construct a raised rock garden at the COUNTY'S Rattlesnake Mountain Shooting Facility. The work will consist of building a 100 foot long by 1-2 foot tall retaining wall made of 17 inches long, 8 inches tall, by 12 inches deep, grey paver blocks; then backfilling the retained area with soil provided by the COUNTY on-site; then finishing the backfilled garden area and topping it with heavy-duty weed fabric.

These services exclude the following: installation of plants within the rock garden and mulching of the rock garden; irrigation; plants; labor or material for any unknown's that may be found while digging for base course of wall; erosion or dust control; and any additional work other than that described above.

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: August 9, 2010 Subject: PWC Contract Prepared by: <u>Melina Wenner</u>	Execute Contract Pass Resolution <u> X </u> Pass Ordinance Pass Motion Other	Consent Agenda <u> X </u> Public Hearing 1st Discussion 2nd Discussion Other

BACKGROUND INFORMATION

Please see the attached Agreement for Professional Services with PricewaterhouseCoopers for actuarial reviews of the workers compensation fund and insurance management fund for the 2011 and 2012 budget.

SUMMARY

See above.

RECOMMENDATION

Pass resolution.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD OF BENTON COUNTY COMMISSIONERS TO SIGN THE PROFESSIONAL SERVICES AGREEMENT BETWEEN BENTON COUNTY AND PRICEWATERHOUSECOOPERS LLP.

BE IT RESOLVED that the Board of Benton County Commissioners hereby authorizes the Chairman of the Board of Benton County Commissioners to sign the attached professional services agreement between Benton County and PricewaterhouseCoopers LLP.

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

AGREEMENT FOR PROFESSIONAL SERVICES

Agreement made between PricewaterhouseCoopers LLP of 1420 Fifth Avenue, Suite 1900, Seattle, Washington 98101-4043, hereafter referred to as *Contractor*, and BENTON COUNTY, State of Washington, hereafter referred to as *County*.

The parties to this Agreement, in consideration of the mutual covenants and stipulations set out, agree as follows:

Section 1. RESPONSIBILITIES OF CONTRACTOR.

Contractor will perform the services in accordance with the Standards for Consulting Services established by the American Institute of Certified Public Accountants and the Actuarial Standards of Practice promulgated by the Actuarial Standards Board. Accordingly, Contractor will not provide an audit or attest opinion or other form of assurance, and Contractor will not verify or audit any information provided to Contractor. Contractor will provide an actuarial review of the County's self-insurance program for workers' compensation, the scope of this study to be as follows:

1. Estimate Outstanding Liability. Estimate the total outstanding claim obligations, as of the December 31, 2009 reserve date, for all self-insured claims incurred on or before that date. Estimates will be made net of the County's self-insured retentions.
2. Project Future Costs. Estimate self-insured losses to be incurred during accident years 2010 through 2012 based on estimated worker hours provided by the County.
3. Provide a Confidence Level Analysis. Provide loss estimates at a variety of confidence levels in addition to the expected amounts.
4. Cost Allocation. Design a self-insurance cost allocation system based on actuarial principles for 2010 through 2012 program costs. In allocating self-insurance costs, Contractor will consider ultimate loss estimates in #2 above, Department of Labor & Industries class rate relativities, and expense estimates provided by the County.
5. Cash flow analysis. Provide estimates of future payments for calendar years 2010 through 2012.
6. Actuarial Report. Provide a written report, which thoroughly documents methodologies and findings.
7. Presentation. Contractor will meet with the appropriate County personnel to present report and discuss observations and findings.

R E S O L U T I O N

K

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROAD FUNDS RE: TRANSFER OF FUNDS WITHIN THE COUNTY ROAD FUND 0101-101

BE IT RESOLVED by the Board of Benton County Commissioners that funds be transferred between line items as defined in Exhibit A attached hereto.

Dated this 9th day of August 2010.

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:slc

Exhibit A
Page 2 of 2
August 9, 2010

To transfer \$57,000.00 from the Construction Function 595-340-4900 (Miscellaneous/Contracts) to 588-000-5200 (Intergovernmental Payments) for the exchange of county dollars for federal dollars from the Cities of Prosser and Benton City.

There is no adverse affect on the Reimbursable Function of the Road Fund.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY,
WASHINGTON:

IN THE MATTER OF COUNTY ROADS RE: AWARDING BID FOR C.E. 1935 SMP
- PAVEMENT MARKING-2010

WHEREAS, bids for C.E. 1935 SMP - PAVEMENT MARKING-2010 were received and
opened on July 26, 2010; and

WHEREAS, bids are as set forth on the attached tabulation; and

WHEREAS, the low bid was submitted by Stripe Rite, Inc., Sumner, Washington; and

WHEREAS, the County Engineer recommends award of the bid to Stripe Rite, Inc.;
NOW, THEREFORE,

BE IT RESOLVED that the contract for C.E. 1935 SMP – PAVEMENT MARKING-
2010 be awarded to Stripe Rite, Inc., Sumner, Washington in the amount of
\$229,585.00.

Dated this 9th day of August, 2010.

Chairman.

Chairman Pro-Tem.

Member.

Attest: _____
Clerk of the Board

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

SWB:LJM:slc

PROJECT: CE 1935 SMP - PAVEMENT MARKING 2010 LOCATION: BENTON COUNTY LET BY: BOARD OF COUNTY COMMISSIONERS DATE: July 26, 2010; 2:00 p.m., Local Time				STRIPE RITE, INC. 1813 137th Avenue East Sumner, WA 98390		APPLY-A-LINE, INC. 175 Roy Road SW Bldg C Pacific, WA 98047		Engineer's Estimate	
ITEM NO	ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	CENTERLINE SKIP YELLOW	298	Linear Miles	135.00	40,230.00	120.00	35,760.00	175.00	52,150.00
2	PAVEMENT EDGELINE SOLID WHITE	403	Linear Miles	285.00	114,855.00	355.00	143,065.00	310.00	124,930.00
3	NO PASS SOLID YELLOW	285	Linear Miles	260.00	74,100.00	350.00	99,750.00	300.00	85,500.00
4	S P C C PLAN	Lump Sum	L.S.	Lump Sum	400.00	Lump Sum	450.00	Lump Sum	600.00
TOTAL BID					229,585.00		279,025.00		263,180.00

m

RESOLUTION

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY,
WASHINGTON:**

IN THE MATTER OF COUNTY FRANCHISES RE: GRANTING A FRANCHISE TO ORMISTON ORCHARDS, FOR A FRANCHISE FOR AN IRRIGATION SYSTEM AND FACILITY, LOCATED IN BENTON COUNTY;

WHEREAS, a public hearing was held to consider the request of Ormiston Orchards, who has applied to continue a non exclusive franchise for an irrigation system and facility in unincorporated Benton County, and

WHEREAS, after hearing the testimony regarding the request for a franchise, the Board finds as follows:

1. The term of the franchise shall be a ten year (10) period, expiring June 30, 2020, with an associated cost of \$500.00;
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, including noxious weed control;
4. Should Benton County require utility relocation work because of road construction or maintenance, said work shall be at the Grantee's expense;
5. The franchise is nonexclusive;
6. The Grantee is to sign the Order and Agreement for Nonexclusive Franchise;

WHEREAS, Ormiston Orchards, has agreed to the terms and has signed the Order and Agreement for Nonexclusive Franchise, said Order having been approved as to form by the Prosecuting Attorney's Office, NOW, THEREFORE

BE IT RESOLVED that the franchise be approved and that the Board indicates its approval by its signatures on the Order and Agreement for Nonexclusive Franchise.

Dated this 9th day of August, 2010

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

SWB:lss



RESOLUTION

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY,
WASHINGTON:**

IN THE MATTER OF COUNTY FRANCHISES RE: GRANTING A FRANCHISE TO
BADGER CANYON WATER ASSOCIATION, FOR A FRANCHISE FOR A
DOMESTIC WATER LINES SYSTEM AND FACILITY, LOCATED IN BENTON
COUNTY;

WHEREAS, a public hearing was held to consider the request of Badger Canyon Water Association, who has applied to continue a non exclusive franchise for a domestic water lines system and facility in unincorporated Benton County, and

WHEREAS, after hearing the testimony regarding the request for a franchise, the Board finds as follows:

1. The term of the franchise shall be a ten year (10) period, expiring June 30, 2020, with an associated cost of \$500.00;
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, including noxious weed control;
4. Should Benton County require utility relocation work because of road construction or maintenance, said work shall be at the Grantee's expense;
5. The franchise is nonexclusive;
6. The Grantee is to sign the Order and Agreement for Nonexclusive Franchise;

WHEREAS, Badger Canyon Water Association, has agreed to the terms and has signed the Order and Agreement for Nonexclusive Franchise, said Order having been approved as to form by the Prosecuting Attorney's Office, NOW, THEREFORE

BE IT RESOLVED that the franchise be approved and that the Board indicates its approval by its signatures on the Order and Agreement for Nonexclusive Franchise.

Dated this 9th day of August, 2010

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

SWB:lss



RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING THE PERSONAL SERVICE CONTRACT TO JACQUELINE MOORE & ASSOCIATES TO DEVELOP A REQUEST FOR PROPOSAL FOR INMATE MEDICAL SERVICES FOR THE BENTON COUNTY JAIL, CURRENT EXPENSE FUND, FUND NUMBER 0000101, SHERIFF CUSTODY DEPARTMENT 120.

WHEREAS, Resolution 09-291 authorized a contract with Jacqueline Moore & Associates to perform a medical evaluation service audit of all current medical policies and procedures in order to bring Benton County in line with the National Commission on Correctional Health Care (NCCHC) standards and reduce Benton County's exposure to liability; and

WHEREAS, after review of the medical evaluation service audit performed by Jacqueline Moore & Associates, the Benton County Sheriff's Office determined that it was in the best interest of the County to seek Request for Proposal for inmate medical services; and

WHEREAS, the Benton County Undersheriff has reviewed the Contract for completeness and recommends contracting with Jacqueline Moore & Associates to develop the Request For Proposal for inmate medical services to be performed in the Benton County jail; **NOW THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board concurs with the Undersheriff's recommendation and hereby awards the personal service contract to Jacqueline Moore & Associates in an amount up to \$5,000 including WSST; and

BE IT FURTHER RESOLVED the term of the attached contract commences when executed by the Board of Benton County Commissioners and expires on December 31, 2012.

Dated this _____ day of _____, 2010.

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 **Jacqueline Moore & Associates**, with its principal offices at **5861 S. Albion Ct. Greenwood Village, CO 80121**, (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, Scope of Work; and**
- b. **Exhibit B, Compensation.**

2. DURATION OF CONTRACT

The term of this Contract shall begin **immediately upon execution by the COUNTY**, and shall expire on **December 31, 2012** unless earlier terminated pursuant to Section 9 herein. 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. A detailed description of the services to be performed by the CONTRACTOR is set forth in **Exhibit A**, which is attached hereto and incorporated herein by reference.
- b. The CONTRACTOR agrees to provide its own labor and materials. Unless otherwise provided in this Contract, no material, labor, or facilities will be furnished by the COUNTY.
- c. The CONTRACTOR shall perform the work specified in this 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.

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

9:05

August 4, 2010

Board of County Commissioners
Benton County Courthouse
Prosser, WA 99350

RE: Proposed Right of Way Vacation
Unimproved Right of Way Dunham Road in Ed's Acres
CE 1938 VAC

Commissioners:

In accordance with Resolution #10-410, dated July 19, 2010 setting a public hearing for a proposed road right of way vacation of unimproved Dunham Road, the following report is submitted.

We have reviewed and examined the right of way proposed for vacation and abandonment. The attached print depicts said right of way proposed for vacation. The right of way requested for vacation and abandonment is an unmaintained right of way lying in Section 22, T 8 N, R 30 E, WM. as recorded in the Plat of Ed's Acres on April 20, 1956, and filed under Auditor Fee Number 361195, in Volume 5, Page 61, and is described as follows:

The 60 foot right of way between Lots 4 and 5, Block Three, lying North of E 59th Avenue right of way, and South of the North 30 feet right of way.

This right of way has never been maintained by Benton County since the plat was recorded.

Public Comments have been received by the following:

- 1) Columbia Irrigation District -CID: Have no facilities and need no easements.

- 2) Petitioner David Gonzalez submitted a letter, as he will be unable to attend the public hearing due to family issues. He is the Petitioner and a proponent for the vacation as he cannot short plat his property until the right of way is vacated. He is a disabled person and needs his son to live beside him in order to care for him.
- 3) Benton PUD requested that a 10' utility easement be retained for an existing underground line as follows:

The West 10 feet of the East 30 feet lying westerly of Lot 5, lying North of E 59th Avenue right of way, and South of the North 30 feet right of way as recorded in the Plat of Ed's Acres on April 20, 1956, and filed under Auditor Fee Number 361195, in Volume 5, Page 61.

In conclusion, it is the opinion of Benton County Public Works that it is not in the interest of the County to retain the right of way shown on the attached map and the public will be benefited by the vacation and abandonment of said right of way. It is also our opinion that it is not advisable to retain the right of way for the County road system of the future.

All parcels affected by the vacation have a valid access easement if the vacation was approved.

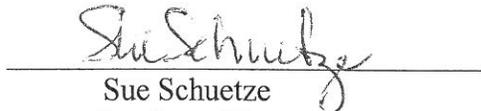
The Benton County Engineer recommends the right of way be vacated, subject to the following conditions:

That a 10 feet utility easement be retained for Benton PUD as described above.

Sincerely,



Steven W. Becken
Public Works Manager



Sue Schuetze
Engineer II

9:10

**EXHIBIT LIST FOR CPA 09-02
REGARDING PROPOSED RESCINDING RESOLUTION**

Planning Commission Staff Memo Exhibit List			DATED
PCM 1 Includes:	PCM 1.1	Staff Report	July 1, 2010
	PCM 1.2	Resolution 09-727	November 2, 2009
	PCM 1.4	Proposed Rescinding Resolution for CPA 09-02	
	PCM 1.6	Proposed Amended Maps for CPA 09-02	June 21, 2010
	PCM 1.8	Notice of Public Hearing	July 1, 2010
PCH 1 Includes:	PCH 1.1	Letter from Tim Trohimovich, Futurewise	July 9, 2010
	PCH 1.2	Email from Bruce Hunt, Dept. of Commerce	July 13, 2010
	PCH 1.3	Email from Rick Simon, City of Richland	July 13, 2010
Board of County Commissioners Exhibit List			
CCM 1 Includes:	CCM 1.1	Board of County Commissioners Agenda Sheet	August 4, 2010
	CCM 1.2	Notice of Public Hearing	July 29, 2010
	CCM 1.3	Planning Commission Recommendation & Findings of Fact	July 21, 2010
	CCM 1.4	Digital Recording of the Planning Commission Mtg.	July 13, 2010
CCH 1 Includes:	CCH 1.1	Comment Letter from Futurewise	July 30, 2010
	CCH 1.2		
	CCH 1.3		
	CCH 1.4		
	CCH 1.5		

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

- PCR = Planning Commission Record Exhibits**
- PCM = Planning Commission Memo Exhibits**
- PCH = Exhibits submitted during Hearing**

- CCR = County Commissioner Record Exhibits**
- CCM = County Commissioner Memo Exhibits**
- CCH = Exhibits submitted during Hearing**

<p>AGENDA ITEM HRG. DATE: August 9, 2010 SUBJECT: City of Richland Urban Growth Area Appeal Settlement Hearing 9:10 am. MEMO DATE: August 4, 2010 Prepared By: Susan M. Walker Reviewed By: Michael Shuttleworth</p>	<p>TYPE OF ACTION NEEDED Execute Contract Pass Resolutions X Pass Ordinance Pass Motion X Other</p>	<p>Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other</p>
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BACKGROUND INFORMATION

During the annual 2009 Comprehensive Plan Amendment process the County received a Comprehensive Plan Amendment proposal from the City of Richland (CPA 09-02) to enlarge the City’s urban growth area (UGA). On November 2nd, 2009, the Board of County Commissioners approved Resolution 09-727 (Exhibit PCM 1.2) that enlarged the City of Richland UGA by 178.36 acres, and the land use maps of the Plan were amended. The action by the Board was later appealed by: Mr. John Brodeur and Mr. Vince Panesko, County residents; and Futurewise, a Washington nonprofit corporation; to the Eastern Washington Growth Management Hearings Board (EWGMHB). The Petitioners have sought a determination in the matter that County Resolution 09-727 did not comply with the Growth Management Act (GMA) in several ways.

The GMA appeal process allows preliminary discussions between petitioners and local governments in an attempt to resolve the issues brought forward by the appeal and determine if a settlement can be reached. After discussions with the Petitioners and in an attempt to resolve the appeal, the County has agreed to provide the required notice and hold public hearings before both the Benton County Planning Commission and the Board of County Commissioners to consider a proposed resolution that upon adoption, would rescind Resolutions 09-727 and amend the maps in the County’s Comprehensive Plan. The rescinding resolution would authorize removal of the 178.36 acres from the City’s UGA, and return the land to its former land use designation on the Land Use Maps in the Comprehensive Plan. An action by the Board in this matter is time sensitive, as the County must respond back to the EWGMHB on this matter before the scheduled August 18, 2010 Hearing on the Merits.

A hearing has been scheduled for August 9, 2010, at 9:10 am., held in the Commissioners Hearing Room in Prosser to consider final action on the rescission of the actions taken in Resolution 09-727. Should the County rescind the resolution and adopt the proposed rescinding resolution (PCM 1.4), the Petitioners agree to dismiss the appeal.

SUMMARY

The hearing is being held to consider the rescission of Resolution 09-727, an action that enlarged the City of Richland’s Urban Growth Area (UGA) Boundary by 178.36 acres. The Richland UGA site is shown in Exhibit 5, an attachment to Resolution 09-727, and located south of the I-82 and west of the Badger Road Interchange on Badger Road. The rescission of Resolution 09-727 will resolve an appeal by petitioners before the Eastern Washington Growth Management Hearings Board.

RECOMMENDATION

The Benton County Planning Commission at its publicly noticed hearing on July 13th, 2010 did review, take public testimony on, and deliberate the issues before it, and made a recommendation to the Board of Commissioners that they approve the Resolution shown as PCM 1.4 with attached Map PCM 1.6, regarding the rescission of Resolution 09-727.

MOTION

After consideration of the testimony received at the public hearing held on August 9th, 2010, the Board may consider a motion to approve Resolution PCM 1.4 with attached map, rescinding Resolution 09-727, regarding the expansion of the Richland Urban Growth Area and adopt the Planning Commission's recommendation and Findings of Fact as their own.

FISCAL IMPACT

No fiscal impacts have been identified regarding this planning proposal.

9:15

**EXHIBIT LIST FOR CPA 09-03
REGARDING PROPOSED RESCINDING RESOLUTION**

Planning Commission Staff Memo Exhibit List			DATED
PCM 1 Includes:	PCM 1.1	Staff Report	July 1, 2010
	PCM 1.3	Resolution 09-728	November 2, 2009
	PCM 1.5	Proposed Rescinding Resolution for CPA 09-03	
	PCM 1.7	Proposed Amended Maps for CPA 09-03	June 21, 2010
	PCM 1.8	Notice of Public Hearing	July 1, 2010
PCH 1 Includes:	PCH 1.1	Letter from Tim Trohimovich, Futurewise	July 9, 2010
	PCH 1.2	Email from Bruce Hunt, Dept. of Commerce	July 13, 2010
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Board of County Commissioners Exhibit List			
CCM 1 Includes:	CCM 1.1	Board of County Commissioners Agenda Sheet	August 4, 2010
	CCM 1.2	Notice of Public Hearing	July 29, 2010
	CCM 1.3	Planning Commission Recommendation & Findings of Fact	July 21, 2010
	CCM 1.4	Digital Recording of the Planning Commission Mtg.	July 13, 2010
CCH 1 Includes:	CCH 1.1	Comment letter from Futurewise	July 30, 2010
	CCH 1.2	Comment letter from Kerr Law Group	July 30, 2010
	CCH 1.3		
	CCH 1.4		
	CCH 1.5		

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

**PCR = Planning Commission Record Exhibits
PCM = Planning Commission Memo Exhibits
PCH = Exhibits submitted during Hearing**

**CCR = County Commissioner Record Exhibits
CCM = County Commissioner Memo Exhibits
CCH = Exhibits submitted during Hearing**

<p>AGENDA ITEM HRG. DATE: August 9, 2010 SUBJECT: Benton City Urban Growth Area Appeal Settlement Hearing 9:15 am. MEMO DATE: August 4, 2010 Prepared By: Susan M. Walker Reviewed By: Michael Shuttleworth</p>	<p>TYPE OF ACTION NEEDED Execute Contract Pass Resolutions X Pass Ordinance Pass Motion X Other</p>	<p>Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other</p>
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BACKGROUND INFORMATION

During the annual 2009 Comprehensive Plan Amendment process the County received a Comprehensive Plan Amendment proposal from the City of Benton City (CPA 09-03) to enlarge the City’s Urban Growth Area (UGA). On November 2nd, 2009, the Board of County Commissioners approved Resolution 09-728 (Exhibit PCM 1.3) that enlarged the Benton City UGA by 499 acres, and the land use maps of the Plan were amended. The action by the Board was later appealed by: Mr. John Brodeur and Mr. Vince Panesko, County residents; and Futurewise, a Washington nonprofit corporation; to the Eastern Washington Growth Management Hearings Board (EWGMHB). The Petitioners have sought a determination in the matter that County Resolution 09-728 did not comply with the Growth Management Act (GMA) in several ways.

The GMA appeal process allows preliminary discussions between petitioners and local governments in an attempt to resolve the issues brought forward by the appeal and determine if a settlement can be reached. After discussions with the Petitioners and in an attempt to resolve the appeal, the County has agreed to provide the required notice and hold public hearings before both the Benton County Planning Commission and the Board of County Commissioners to consider a proposed resolution that upon adoption, would rescind 09-728, and amend maps in the County’s Comprehensive Plan. The rescinding resolution would authorize removal of the 499 acres from the City’s UGA, and return the land to its former land use designation on the Land Use Maps in the Comprehensive Plan. An action by the Board in this matter is time sensitive, as the County must respond back to the EWGMHB on this matter before the scheduled August 18, 2010 Hearing on the Merits.

A hearing has been scheduled for August 9, 2010, at 9:15 am., held in the Commissioners Hearing Room in Prosser to consider final action on the rescission of the actions taken in Resolution 09-728. Should the County rescind the Resolution and adopt the proposed rescinding resolution (PCM 1.5), the Petitioners agree to dismiss the appeal.

SUMMARY

The hearing is being held to consider the rescission of Resolution 09-728, an action that enlarged the City of Benton City’s Urban Growth Area (UGA) Boundary by approximately 499 acres. The Benton City UGA site is shown in Exhibit E, an attachment to Resolution 09-728, and located south of the I-82 Interchange at Benton City and east of I-82 along both sides of the Interstate. The rescission of Resolution 09-728 will resolve an appeal by petitioners to the Eastern Washington Growth Management Hearings Board.

RECOMMENDATION

The Benton County Planning Commission at its publicly noticed hearing on July 13th, 2010, did review, take public testimony on, and deliberated on the issues before it, and made a recommendation to the Board of Commissioners that they approve the Resolution shown as PCM 1.5 with attached Map PCM 1.7, regarding the rescission of Resolution 09-728.

MOTION

After consideration of the testimony received at the public hearing held on August 9th, 2010, the Board may consider a motion to approve Resolution PCM 1.5 with attached map, rescinding Resolution 09-728, regarding the expansion of the Benton City Urban Growth Area and adopt the Planning Commission's recommendation and Findings of Fact as their own.

FISCAL IMPACT

No fiscal impacts have been identified regarding this planning proposal.

9:20 AM

2009 Audit / Entrance Conference

WA State Auditor

9:50 AM

Animal Control Construction Update

R Rogers



PROPOSED RULE MAKING

10:00
CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO #09-05

Preproposal Statement of Inquiry was filed as WSR 09-16-139 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4).

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-152 WAC, Water Rights. This rule establishes the framework under which the department can provide for the organization of its work, prioritize basins to be assessed, conduct basin assessments, prioritize investigations of water right applications by geographic areas, and establish criteria for priority processing of applications for new water rights.

Hearing location(s):

- August 10, 2010 – Ecology Headquarters Auditorium, 300 Desmond Drive, Lacey
- August 11, 2010 – Everett Community College, Gray Wolf Hall – Rm 374, 2000 Tower Street, Everett, WA
- August 12, 2010 – Wenatchee City Hall, Community Ctr Veterans Hall, 504 S. Chelan Ave., Wenatchee, WA
- August 17, 2010 – Ecology Regional Office Spokane, 4601 N. Monroe Street, 2nd Floor Conference Room, Spokane, WA
- August 18, 2010 – Ecology Richland Office, Conference Rm 3A – River Room, 3100 Port of Benton Blvd., Richland, WA

Submit written comments to:

Name: Janet L. Rajala

Address: Department of Ecology – Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1205

e-mail jaca461@ecy.wa.gov

fax (509) 329-3529 by 5 p.m., September 1, 2010

Assistance for persons with disabilities: Contact

Judy Beitel by August 2, 2010

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Time: All hearings begin at 6:30 p.m.

Date of intended adoption: November 19, 2010

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rulemaking would amend Chapter 173-152 WAC to reflect the legislative amendments to Chapter 90.03 RCW and Chapter 90.90 RCW, Columbia River Basin Water Supply, enacted during the 2006 legislative session. The proposed language offers new language identifying how Ecology will manage water rights under Chapter 90.90 RCW. Proposed language amends priority processing described in WAC 173-152-050 to include the processing of Chapter 90.90 RCW reservoir storage applications.

Reasons supporting proposal: The amended rule will provide the details as to how applications under Chapter 90.90 RCW will be processed, the order in which they are processed, and the criteria used. Priority processing under the proposed WAC 173-152-050 will provide some clarity on processing applications that were acknowledged within the Supreme Court decision, in Hillis v. Department of Ecology, 131 Wn.2d 373, 932 P.2d 139 (1997) and clarify the changes regarding public water supply emergencies and priorities.

Statutory authority for adoption: RCW 43.21A.064(9) ; RCW 43.27A.090(11); Chapters 90.03, 90.44, and 90.54 RCW.

Statute being implemented: Chapters 90.03, 90.44, 90.54 and 90.90 RCW. Hillis v. Department of Ecology, 131 Wn.2d 373, 932 P.2d 139 (1997)

Is rule necessary because of a:

Federal Law?

Federal Court Decision?

State Court Decision?

If yes, CITATION:

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 07, 2010

TIME: 8:45 AM

WSR 10-14-113

DATE

7/6/10

NAME (type or print)

Polly Zehm

SIGNATURE *Polly Zehm*

TITLE Deputy Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

NA

Name of proponent: (person or organization) Dept of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Janet Rajala	Spokane	(509) 329-3421
Implementation.... Water Resources Regional Offices	Lacey, Bellevue, Yakima, Spokane	(360) 407-6300 (425) 649-7000 (509) 575-2490 (509) 329-3400
Enforcement.... Water Resources Regional Offices	Lacey, Bellevue, Yakima, Spokane	(360) 407-6300 (425) 649-7000 (509) 575-2490 (509) 329-3400

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:
Name:
Address:

phone () _____
fax () _____
e-mail _____

No. Explain why no statement was prepared.

This is not a significant legislative rule.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:

phone () _____
fax () _____
e-mail _____

No: Please explain: This is not a significant legislative rule.

AMENDATORY SECTION (Amending Order 97-14, filed 2/27/98, effective 3/30/98)

WAC 173-152-010 Purpose. This rule establishes the framework under which the department can:

- (1) Provide for the organization of its work((7));
- (2) Prioritize basins to be assessed((7));
- (3) Conduct basin assessments((7));
- (4) Prioritize investigations of water right applications by geographic areas((7)); and
- (5) Establish criteria for priority processing of applications for:
 - (a) New water rights ((and));
 - (b) Applications for change or transfer of existing water rights; and
 - (c) Applications for water supply infrastructure.

AMENDATORY SECTION (Amending Order 97-14, filed 2/27/98, effective 3/30/98)

WAC 173-152-020 Definitions. For the purposes of this chapter the following definitions apply:

- (1) (~~"Department" means the department of ecology.~~
- (2) ~~"Public water system" means a water supply system as defined in RCW 70.119A.020.)~~ "Acquisition" means, for the purposes of WAC 173-152-035, buying or leasing water rights using the Columbia River account.
- (2) "Application" means an application for either a new appropriation or a change or transfer to an existing water right or both made under chapters 90.03 and 90.44 RCW.
- (3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.
- (4) "Columbia River account" means, for the purposes of the WAC 173-152-035, a fund that is created, funded, and spent as provided in chapter 90.90 RCW.
- (5) "Columbia River basin" means, for the purposes of WAC 173-152-035, water resource inventory areas (WRIAs) 29 through 62 located in southwest and eastern Washington where water sources flow into the Columbia River upstream of Bonneville Dam. A map of the Columbia River basin by WRIA is shown at figure 1.
- (6) "Columbia River mainstem" means, for the purposes of WAC 173-152-035, all water in the Columbia River within the ordinary high water mark of the main channel of the Columbia River between

the border of the United States and Canada and the Bonneville Dam, and all ground water within one mile of the high water mark. Water is within the mainstem if it is within a straight line drawn across the mouth of each tributary to delineate the mainstem channel. The mainstem channel does not include any of the backwater areas on tributaries nor does it include tributary surface water rights within one mile of the Columbia River.

(7) "Competing applications" means all existing applications for water right from the same water source, whether for a new water right or for a change or transfer of an existing water right.

((5) "Same") (8) "Department" means the department of ecology. For the purposes of WAC 173-152-035, all water in the Lower Snake River within the ordinary high water mark of the main channel of the Lower Snake River from the head of Ice Harbor pool to the confluence of the Snake and Columbia rivers, and all ground water within one mile of the high water mark. Water is within the mainstem if it is within a straight line drawn across the mouth of each tributary to delineate the mainstem channel. The mainstem channel does not include any of the backwater areas on tributaries nor does it include tributary surface water rights within one mile of the Lower Snake River.

(9) "Mitigation" means a project with a consumptive water use element compensated by allowing no significant impact on a water source or elimination of impairment.

(10) "New application" means any application for a permit made under chapters 90.03 and 90.44 RCW.

(11) "Nonconsumptive" means water use where there is no diminishment of the amount or quality of the water source.

(12) "Pool" means, for the purposes of WAC 173-152-035, a reach of the Columbia or Lower Snake River mainstems inundated and under the downstream hydraulic control of:

(a) U.S. Army Corps of Engineers.

(b) U.S. Bureau of Reclamation.

(c) Any mid-Columbia public utility district.

(13) "Public water system" means a water supply system as defined in RCW 70.119A.020.

(14) "Sources of supply developed under chapter 90.90 RCW" means new storage, modification of existing storage, conservation, pump exchanges, acquisition or any other projects designed to provide access to new water supplies.

(15) "Transfer" means a transfer, change, amendment, or other alteration of a part or all of a water right authorized under chapters 90.03, 90.38, 90.42, and 90.44 RCW.

(16) "Voluntary regional agreement" or "VRA" means an agreement entered into by the department with another entity for the purposes of providing new water for out-of-stream use, streamlining the application process, and protecting instream flow.

(17) "Water budget neutral project" means a project where diversions or withdrawals of waters of the state are proposed in exchange for at least an equivalent amount of water from other water rights, donation of water rights into trust, relinquishment of other water rights, or other mitigation projects that result in

no diminishment of the source.

(18) "Water source" (~~(or "source of water")~~) means an aquifer, aquifer system, or surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body or aquifer(~~(7)~~) that the department determines to be an independent water body for the purposes of water right administration.

AMENDATORY SECTION (Amending Order 97-14, filed 2/27/98, effective 3/30/98)

WAC 173-152-030 Organization and management of work load except under chapter 90.90 RCW. The department will organize and manage the daily water rights workload as established in subsections (1) through (5) of this section, except for applications processed under WAC 173-152-035.

(1) The department may establish regions and maintain regional offices or field offices for the purposes of maximizing the efficiency of its work. Regional offices and their geographic jurisdictions as of the effective date of this rule are as follows:

(a) Northwest regional office serving Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom counties(~~(7)~~).

(b) Southwest regional office serving Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties(~~(7)~~).

(c) Central regional office serving Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima counties(~~(7) and~~).

(d) Eastern regional office serving Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

(2) The department will make decisions on (~~(new water right)~~) applications (~~(and applications for change or transfer of an existing water right)~~) within a region or within a regional or field office's geographic area in the order the applications (~~(was)~~) were received except as allowed under RCW 90.03.380 (5) (c), and except as provided for in subsection (3) of this section and WAC 173-152-050.

(3) The department may, based on the criteria identified in subsection (~~(4)~~) (5) of this section, conduct (~~(an)~~) investigations and make decisions on one or more (~~(water right)~~) applications for the use of water from the same water source. (~~(Within)~~) A regional office(~~(7)~~) may investigate more than one water source (~~(may be investigated)~~) at a time.

(4) When the department investigates numerous applications for water from the same water source (~~(are being investigated)~~), the decisions will be made in the order in which the applications were received, except all allowed under RCW 90.03.380 (5) (c). The department will consider each application (~~(will be considered)~~)

individually under the requirements of chapters 90.03, 90.38, 90.42, and 90.44 RCW, as applicable.

((4)) (5) Criteria for selecting a water source include, but are not limited to:

(a) The number and age of pending applications, and the quantities of water requested((7)).

(b) The ability to efficiently investigate applications because of the availability of data related to water supply and future needs, ((streamflow)) stream flow needs for instream values, and hydrogeology of the basin((7)).

(c) The ability of the department to support implementation of local land use plans or implementation of water resource plans((7)).

(d) The projected population and economic growth in the area((7 and/or)).

(e) The completion of an initial basin assessment as provided for in WAC 173-152-040(5).

NEW SECTION

WAC 173-152-035 Organization and management of workload under chapter 90.90 RCW. The department will organize and manage the daily workload as established in subsections (1) through (6) of this section for applications processed under chapter 90.90 RCW.

(1) The department implements chapter 90.90 RCW in counties or portions of counties in the central, eastern, and southwest regional offices, as shown in the map by counties in figure 2.

(2) The department processes the following types of applications under chapter 90.90 RCW:

(a) New applications proposing to divert surface water from the Columbia River between the border of the United States and Canada and the Bonneville Dam.

(b) New applications proposing to divert surface water from the Lower Snake River downstream of Lower Monumental Dam.

(c) New applications associated with a voluntary regional agreement proposing to divert or withdraw water from the Columbia River mainstem or Lower Snake River mainstem.

(d) New applications proposing to divert surface water within the Columbia River basin for storage or net water savings funded in whole or in part by the Columbia River account.

(e) New applications proposing to withdraw ground water within the Columbia River basin for storage or net water savings funded in whole or in part by the Columbia River account where the proposed well(s) use(s) can be mitigated using the same source as that of the withdrawal.

(f) Applications for water rights and trust water within the Columbia River basin associated with a project funded by the Columbia River account.

(3) Criteria for selecting a water source for processing new applications from water supplies developed in whole or in part by the department include, but are not limited to:

(a) The priorities outlined in RCW 90.90.020(3).

(b) The funding agreements and environmental reviews used to develop a project.

(c) The number and age of pending applications, and the quantities of water requested.

(d) Existence of distressed or endangered fish stocks.

(e) The location of the source to be developed.

(f) Whether the place of use must stay within the WRIA as limited under RCW 90.90.010 (2)(a).

(4) The department may, based on the criteria identified in subsection (3) of this section, conduct investigations and make decisions on one or more applications for the use of water from the same water source. The department may investigate more than one water source at the same time.

(5) When numerous applications for water from the same water source are investigated, the department may make decisions on one or more water right applications in the order in which the applications are received, whether or not the applications are processed collectively.

(6) For purposes of chapter 90.90 RCW, if the water source developed is:

(a) On the Columbia River between Bonneville Dam and Canada, the department will process applications in the order in which the applications are received, whether or not the applications are processed collectively:

(i) All new surface water applications within the same pool and downstream of the developed source of supply.

(ii) All new ground water applications where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iii) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(b) On the Snake River downstream of Lower Monumental Dam, the department will process applications in the order in which the applications are received, whether or not the applications are processed collectively:

(i) All new surface water applications within the same pool and downstream of the developed source of supply.

(ii) All new ground water applications where the proposed well(s) can be mitigated by the developed source of supply.

(iii) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(c) On the Columbia River mainstem or Lower Snake River mainstem under a voluntary regional agreement, the department will process applications in the order in which the applications are received, whether or not the applications are processed collectively:

(i) All new surface water applications within the same pool and downstream of the developed source of supply.

(ii) All new ground water applications within one mile of the high water mark where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iii) Applications for change or transfer to trust water applications associated with development of the source if funded by the Columbia River account.

(d) On a tributary in the Columbia River basin for a source of supply developed using Columbia River account funds, the department will process applications in the order in which the applications are received, whether or not the applications are processed collectively:

(i) All new downstream tributary surface water applications.

(ii) All new surface water applications on the Columbia River within the same pool and downstream of the developed source of supply.

(iii) All new ground water applications within the Columbia River basin where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iv) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(e) Upstream of Lower Monumental Dam or on a tributary to the Lower Snake River for a source of supply developed using Columbia River account funds, the department will process applications in the order in which the applications are received, whether or not the applications are processed collectively:

(i) All new downstream tributary surface water applications.

(ii) All new surface water applications on the Lower Snake and Columbia rivers within the same pool and downstream of the developed source of supply.

(iii) All new ground water applications within the Lower Snake and Columbia river basins where the proposed well(s) can be mitigated using the same source as that of the withdrawal.

(iv) Applications for change or transfer or trust water applications associated with development of the source if funded by the Columbia River account.

(f) In the Columbia River basin using funds from the Columbia River account through acquisition or transfer of water rights in accordance with RCW 90.90.010 (2) (a), the department will process applications in the order in which the applications are received, whether or not the applications are processed collectively:

(i) All new downstream tributary surface water applications within the same WRIA.

(ii) All new surface water applications on the Lower Snake or Columbia rivers within the same WRIA.

(iii) All new ground water applications where the proposed well(s) can be mitigated using the same source as that of the withdrawal within the same WRIA.

(7) The department will consider each application individually under the requirements of chapters 90.03, 90.38, 90.42, and 90.44

RCW.

(8) Before expediting an application for new storage pursuant to WAC 173-153-050(3), the department shall provide written notification to:

(a) County legislative authorities.

(b) Watershed planning groups with jurisdiction in the location of the reservoir.

(c) The department of fish and wildlife.

(d) Affected tribal governments and federal agencies.

(9) Any notified entity identified in subsection (7) of this section may raise concerns, either verbally or in writing, to the department about the department's decision how to prioritize an application. The concern must be raised within thirty calendar days of receiving the department's notification. The department will consider the concerns as it processes the application.

AMENDATORY SECTION (Amending Order 97-14, filed 2/27/98, effective 3/30/98)

WAC 173-152-040 Basin assessments. (1) The department may conduct assessments to assemble and ~~((correlate))~~ compare information related to:

(a) Water use((τ));

(b) Water availability((τ));

(c) The quantity of water allocated to existing rights((τ));

(d) Claims((τ));

(e) Instream flow((τ)) and

(f) The hydrology of a basin ((to use)).

The department will use this information in making decisions on future water resource allocation and use.

(2) The department may also enter into agreements or contracts with public or private parties to conduct assessments.

~~((Geographic areas or same water sources within a regional office service area will be identified or considered for assessment))~~ (3) In cooperation with federal, state, tribal, and local jurisdictions and other interested parties ((. In determining a basin or same water source to assess, the department's consideration may include, but is not limited to, the following factors)), each regional office will consider assessing a geographic area or water source within its service area using criteria such as:

(a) The number and age of pending applications, and the quantities of water requested((τ)).

(b) The projected population, growth and off-stream needs for water in the area((τ)).

(c) Known water quality problems((τ)).

(d) Existence of distressed or endangered fish stocks((τ)).

(e) Risk of impairment to senior rights (including instream

flow rights) ((~~7~~)).

(f) Availability of data related to water supply and future need, ((~~streamflow~~)) stream flow needs for instream values, and hydrogeology of the basin((~~7~~)).

(g) The number of claims to water rights submitted pursuant to chapter 90.14 RCW((~~7~~ and)).

(h) The ability of the department to support local land use activities.

((~~2~~)) (4) Each region may conduct multiple basin assessments ((~~may be conducted within a region~~)) at the same time. When the department determines ((~~it~~)) conducting a basin assessment is in the public interest ((~~to conduct a basin assessment~~)), it will:

(a) Publish notice of the intent to conduct a basin assessment once a week, for two consecutive weeks in a newspaper of general circulation within the geographic area((~~7~~)).

(b) ((~~Hold in abeyance~~)) Notify any Indian tribe with potential interest in the basin of the intent.

(c) Temporarily cease making decisions on all competing water right applications in the basin ((~~after publication of a notice to initiate a basin assessment and~~)) proposed for assessment until the initial basin assessment is complete and published except for applications prioritized pursuant to WAC 173-152-050((~~7~~ and)).

((~~7~~)) (d) Make decisions on competing applications after the initial basin assessment is complete and published to the extent sufficient information is available.

((~~3~~)) (5) Initial basin or water source assessments will be conducted to assemble the following existing information:

(a) Physical characterization of the watershed related to:

(i) Climatic impacts to water resources((~~7~~)).

(ii) Geology((~~7~~)).

(iii) ((~~Streamflow~~)) Stream flow trends((~~7~~)).

(iv) Ground water elevation trends and the contribution of ground water to ((~~streamflows, and~~)) stream flows.

(v) Surface and ground water quality in the basin or water source.

(b) Out-of-stream water use characterization related to:

(i) Water rights, federal rights, and claims to water rights((~~7~~)).

(ii) Estimated use of water pursuant to water rights and claims to water rights((~~7~~)).

(iii) Water use pursuant to RCW 90.44.050((~~7~~)).

(iv) Extent of unauthorized water use((~~7~~ and)).

(v) Potential future demands for out-of-stream water use in the basin.

(c) Instream water use characterization related to:

(i) National Pollution Discharge Elimination System permits and the need for instream flow for pollution assimilation;

(ii) Fish stocks and habitat requirements, including existing, defined or engineered, or approved restoration projects;

(iii) Wildlife habitat requirements;

(iv) Recreational requirements; and

(v) Water rights and claims to water rights.

~~((4))~~ (6) Upon completion and publication of the initial basin assessment, the department ~~((in consultation))~~ will consult with the public and federal, state, tribal, local jurisdictions and interested parties ~~((will))~~ to evaluate the basin assessment. The evaluation will assess the data, analysis, and presentation of information in the basin assessment in terms of quality, adequacy, and utility to make decisions on future water resource allocation and use.

~~((5))~~ (7) The department will make decisions on competing applications for water from a water source ~~((of water))~~ within the basin where sufficient information for water resource allocation exists. If the department determines that the information assembled and ~~((correlated))~~ compared is not sufficient, the department may withdraw the water source from appropriation pursuant to RCW 90.54.050(2). The department in consultation with the public, federal, state, tribal, local jurisdictions and interested parties will design and conduct additional investigations, to the extent resources allow, to obtain the information necessary to make future decisions on water allocation and use.

~~((6))~~ (8) The department shall make available on-line information obtained and compiled during an initial basin assessment of the water resources in a basin or water source ~~((will be contained in an open file technical report at the regional or field office))~~.

AMENDATORY SECTION (Amending Order 97-14, filed 2/27/98, effective 3/30/98)

WAC 173-152-050 Criteria for priority processing of competing applications. At ecology's discretion, the department may approve an application for priority processing that addresses one of the criteria below:

(1) Within each regional office, the department may prioritize an application ~~((may be processed prior to))~~ ahead of competing applications if the application resolves or alleviates either a public health or safety emergency ~~((caused by a failing))~~ that exists for:

(a) A public water supply system currently providing potable water to existing users; or

(b) Any emergency for which immediate action is necessary for preservation of public health or safety.

(2) Inadequate water rights for a public water system to serve existing hook-ups or to accommodate future population growth or other future uses do not constitute a public health or safety emergency. The application must ~~((be filed))~~ specifically propose to correct the actual or anticipated cause(s) of the ~~((public water system failure))~~ emergency. ~~((To be considered a failing public~~

~~water system, the system))~~ An emergency must meet one or more of the following conditions:

~~(a) ((The department, upon notification by and in consultation with the department of health or local health authority, determines))~~ A public water system has failed (~~(, or is in danger of failing within one year,)~~) to meet state board of health standards for the delivery of potable water to existing water system users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs (~~(, or)~~).

(b) The current water source has failed or will fail within one year so that the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable water use efficiency and conservation efforts have been implemented (~~(, or)~~).

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is or will become unacceptable for human use.

~~((2) An application may be processed prior to))~~ (d) Immediate action is necessary for preservation of public health or safety.

(e) If a public water system or source is in danger of failing within five years, the department will prioritize processing the application to correct the anticipated cause(s) of the emergency prior to actual system failure.

(3) Within each regional office, the department may prioritize an application ahead of all competing applications, but after those applications prioritized in subsection (1) of this section, if the department determines the application:

~~(a) ((Immediate action is necessary for preservation of public health or safety; or))~~ Was filed by claimants participating in adjudication, and the court requires a prompt decision.

(b) ~~((The))~~ Is for a proposed water use that is nonconsumptive and if approved would substantially enhance or protect the quality of the natural environment (~~(, or)~~).

~~(3) An application for change or transfer to an existing water right may be processed prior to competing applications provided one or more of the following criteria are satisfied:~~

~~(a) The change or transfer if approved would substantially enhance the quality of the natural environment; or~~

~~(b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas;~~

~~(c) The change or transfer was filed by water right holders participating in an adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water use situation.~~

~~(4) Within each regional office, the department shall process applications satisfying the criteria in subsections (1) through (3) of this section in the following priority:~~

~~(a) Public health and safety emergencies under subsection (1) of this section;~~

~~(b) Preservation of other public health and safety concerns under subsection (2) (a) of this section;~~

~~(c) Transfers or changes under subsection (3) (a) of this section;~~

~~(d) Transfers or changes under subsection (3) (b) of this section;~~

~~(e) Transfers or changes under subsection (3) (c) of this section; and~~

~~(f) Nonconsumptive uses under subsection (2) (b) of this section)) including donations for instream flows or a change or transfer of water into the state trust water right program in accordance with chapter 90.38 or 90.42 RCW.~~

(c) Is for a change or transfer and, if approved, would result in providing public water supplies including, but not limited to, consolidation of two or more public water systems, to meet general public needs for the regional areas.

(d) Is for a seasonal water right change effective for a term of one year or less.

(e) Proposes temporary water use for a public project such as road building.

(f) Proposes a water budget neutral project as defined in WAC 173-152-020(18).

(g) Is for a new water right that relies on mitigation from a water bank or in the trust water right program in accordance with chapter 90.38 or 90.42 RCW, or is to transfer water rights from a water bank or the trust water right program to a new use.

(4) The department may prioritize ahead of competing applications, except as prioritized in subsections (1) and (2) of this section, a new application for diversionary rights into reservoirs that, if approved, would not conflict with adopted state instream flow rules, federal flow targets, or federal biological opinions, and is funded or supported pursuant to chapter 90.90 RCW.

AMENDATORY SECTION (Amending Order 97-14, filed 2/27/98, effective 3/30/98)

WAC 173-152-060 Exceptions. Nothing in this chapter precludes the department from processing an application (~~(s or requests)~~) filed for (~~(temporary permits, preliminary permits or for emergent or emergency circumstances under RCW 43.83B.410, 90.03.383(7), or 90.03.390 and/or)~~) a project where the law provides a specific process for evaluation of ~~((an))~~ the application and issuance of a decision, or where the law provides or allows for expedited processing of an application.



[Ecology home](#) > [Publications & Forms](#) > Publication Summary

Publication Summary

TITLE	Rule Proposal Notice: Hillis Rule Amendment, Chapter 173-152 WAC - Water Rights
MONTH-YEAR PUBLISHED	July 2010
ONLINE AVAILABILITY	View this publication in Acrobat PDF format 233 kilobytes, requires version 4.0 or later of Adobe Acrobat Reader Software get Acrobat Reader
SHORT DESCRIPTION	The Department of Ecology is proposing to adopt an amendment to Chapter 173-152 WAC, commonly referred to as the Hillis Rule. Ecology is taking public comments on the proposed rule amendment through September 1, 2010. Five public hearings are being held around the state.
PUBLICATION NUMBER	10-11-019
CONTACT	Janet Rajala, (509) 329-3421
PRINT AVAILABILITY	Request from the program.
NUMBER OF PAGES	2
KEYWORDS	amendment, rule, water resource, water right
RELATED WEB CONTENT	Hillis Rule Amendment, Chapter 173-152 WAC - Water Rights

This page last updated July 7, 2010

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Hillis Rule Amendment: Chapter 173-152 WAC - "Water Rights"

The Department of Ecology is proposing to adopt an amendment to Chapter 173-152 WAC, commonly referred to as the Hillis Rule. Ecology is taking public comments on the proposed rule amendment through **September 1, 2010**. Five public hearings will be held around the state.

The original rule was adopted in 1998, and legislation since then has created a variety of new possibilities for water management. Ecology's Water Resources staff have been able to take new legislation into account and still work within the Hillis rule framework until the passage of Chapter 90.90 RCW, "Columbia River Basin Water Supply." This statute directs Ecology to "aggressively pursue development of water supplies," with an emphasis on water storage capacity. With that legislation, it was clear that the Hillis rule needed to be revised to bring it in-line with current statute and policy.

To accomplish the Chapter 90.90 RCW directive and ensure a rule that is workable with current water management strategies, Ecology opened the Hillis rule for revision in 2009. We held five workshops and accepted informal comments through February 28, 2010.

Public hearing schedule

August 10 - 6:30 pm
Ecology Headquarters
Auditorium
300 Desmond Drive
Lacey WA

August 11 - 6:30 pm
Everett Community College
Gray Wolf Hall - Room 374
2000 Tower Street
Everett WA

August 12 - 6:30 pm
Wenatchee City Hall
Community Center - Veterans Hall
504 South Chelan Avenue
Wenatchee WA

August 17 - 6:30 pm
Spokane Regional Office
2nd Floor Conference Room
4601 N. Monroe Street
Spokane WA

August 18 - 6:30 pm
Ecology Richland Office
Conference Room 3A - River Room
3100 Port of Benton Blvd.
Richland WA

PUBLIC HEARINGS

Public hearings begin at
6:30 pm in:

Lacey - Aug. 10
Everett - Aug. 11
Wenatchee - Aug. 12
Spokane - Aug. 17
Richland - Aug. 18

Formal comment period
closes on September 1,
2010 at 5:00 p.m.

Contact information:

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Email: jaca461@ecy.wa.gov
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Fax: (509) 329-3529

For copies of the rule,
please visit Ecology's
website at:

[www.ecy.wa.gov/programs/
wr/rules/hillis.html](http://www.ecy.wa.gov/programs/wr/rules/hillis.html)

Special accommodations:

If you need this publication
in an alternate format, call
the Water Resources
Program at (360) 407-6600.
Persons with hearing loss,
call 711 for Washington
Relay Service. Persons with
a speech disability, call
(877) 833-6341.

How to submit your comments

The formal comment period ends **September 1, 2010**. Comments must be received by 5:00 pm.

You can give us your official comments in the following ways:

1. Provide comments at the hearings.
2. Email your comments to Janet Rajala at jaca461@ecy.wa.gov.
3. Fax comments to Janet Rajala at (509) 329-3529.
4. Mail comments to:

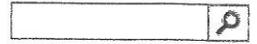
Department of Ecology
Eastern Regional Office
Attn: Janet Rajala
4601 N. Monroe Street
Spokane WA 99205-1295

Ecology's response to your comments

All the comments we receive during the formal comment period become part of the official record, called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (Chapter 34.05 RCW) and is published after the rule is adopted. You can review Ecology's responses to your and all other comments by finding your name listed in the document and following the appropriate references. The CES will be posted on Ecology's Hillis Rule website: www.ecy.wa.gov/programs/wr/rules/hillis.html.

Expected adoption date

Ecology expects to adopt this rule no earlier than **November 19, 2010**.

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[RCWs](#) > [Title 90](#) > [Chapter 90.90](#) > [Section 90.90.005](#)

Beginning of Chapter << [90.90.005](#) >> [90.90.010](#)

RCW 90.90.005**Finding.**

(1) The legislature finds that a key priority of water resource management in the Columbia river basin is the development of new water supplies that includes storage and conservation in order to meet the economic and community development needs of people and the instream flow needs of fish.

(2) The legislature therefore declares that a Columbia river basin water supply development program is needed, and directs the department of ecology to aggressively pursue the development of water supplies to benefit both instream and out-of-stream uses.

[2006 c 6 § 1.]

Chapter 90.90 RCW
Columbia river basin water supply

RCW Sections

- 90.90.005 Finding.
- 90.90.010 Columbia river basin water supply development account -- Use for storage facilities and access to water supplies -- Evaluation -- Public comment -- Use of net water savings.
- 90.90.020 Allocation and development of water supplies.
- 90.90.030 Voluntary regional agreements -- Scope and application -- Reports to legislature -- Definitions.
- 90.90.040 Columbia river water supply inventory -- Long-term water supply and demand forecast.
- 90.90.050 Columbia river mainstem water resources information system.
- 90.90.060 Additional releases of water from Lake Roosevelt.
- 90.90.070 Columbia river water delivery account -- Creation -- Distribution.
- 90.90.080 Impacts of water release -- Department of ecology's duties.
- 90.90.900 Effective date -- 2006 c 6.

90.90.005
Finding.

(1) The legislature finds that a key priority of water resource management in the Columbia river basin is the development of new water supplies that includes storage and conservation in order to meet the economic and community development needs of people and the instream flow needs of fish.

(2) The legislature therefore declares that a Columbia river basin water supply development program is needed, and directs the department of ecology to aggressively pursue the development of water supplies to benefit both instream and out-of-stream uses.

[2006 c 6 § 1.]

90.90.010
Columbia river basin water supply development account — Use for storage facilities and access to water supplies — Evaluation — Public comment — Use of net water savings.

(1) The Columbia river basin water supply development account is created in the state treasury. The account may receive direct appropriations from the legislature, receipts of any funds pursuant to RCW 90.90.020 and 90.90.030, or funds from any other sources.

(2)(a) Expenditures from the Columbia river basin water supply development account may be used to assess, plan, and develop new storage, improve or alter operations of existing storage facilities, implement conservation projects, or any other actions designed to provide access to new water supplies within the Columbia river basin for both instream and out-of-stream uses. Except for the development of new storage projects, there shall be no expenditures from this account for water acquisition or transfers from one water resource inventory area to another without specific legislative authority.

(b) Two-thirds of the funds placed in the account shall be used to support the development of new storage facilities; the remaining one-third shall be used for the other purposes listed in this section.

(3)(a) Funds may not be expended from this account for the construction of a new storage facility until the department of ecology evaluates the following:

- (i) Water uses to be served by the facility;
- (ii) The quantity of water necessary to meet those uses;
- (iii) The benefits and costs to the state of meeting those uses, including short-term and long-term economic, cultural, and environmental

effects; and

(iv) Alternative means of supplying water to meet those uses, including the costs of those alternatives and an analysis of the extent to which long-term water supply needs can be met using these alternatives.

(b) The department of ecology may rely on studies and information developed through compliance with other state and federal permit requirements and other sources. The department shall compile its findings and conclusions, and provide a summary of the information it reviewed.

(c) Before finalizing its evaluation under the provisions of this section, the department of ecology shall make the preliminary evaluation available to the public. Public comment may be made to the department within thirty days of the date the preliminary evaluation is made public.

(4) Net water savings achieved through conservation measures funded by the account shall be placed in trust in proportion to the state funding provided to implement a project.

(5) Net water savings achieved through conservation measures funded by the account developed within the boundaries of the federal Columbia river reclamation project and directed to the Odessa subarea to reduce the use of groundwater for existing irrigation is exempt from the provisions of subsection (4) of this section.

(6) Moneys in the Columbia river basin water supply development account created in this section may be spent only after appropriation.

(7) Interest earned by deposits in the account will be retained in the account.

[2006 c 6 § 2.]

90.90.020

Allocation and development of water supplies.

(1)(a) Water supplies secured through the development of new storage facilities made possible with funding from the Columbia river basin water supply development account shall be allocated as follows:

(i) Two-thirds of active storage shall be available for appropriation for out-of-stream uses; and

(ii) One-third of active storage shall be available to augment instream flows and shall be managed by the department of ecology. The timing of releases of this water shall be determined by the department of ecology, in cooperation with the department of fish and wildlife and fisheries comanagers, to maximize benefits to salmon and steelhead populations.

(b) Water available for appropriation under (a)(i) of this subsection but not yet appropriated shall be temporarily available to augment instream flows to the extent that it does not impair existing water rights.

(2) Water developed under the provisions of this section to offset out-of-stream uses and for instream flows is deemed adequate mitigation for the issuance of new water rights provided for in subsection (1)(a) of this section and satisfies all consultation requirements under state law related to the issuance of new water rights.

(3) The department of ecology shall focus its efforts to develop water supplies for the Columbia river basin on the following needs:

(a) Alternatives to groundwater for agricultural users in the Odessa subarea aquifer;

(b) Sources of water supply for pending water right applications;

(c) A new uninterruptible supply of water for the holders of interruptible water rights on the Columbia river mainstem that are subject to instream flows or other mitigation conditions to protect stream flows; and

(d) New municipal, domestic, industrial, and irrigation water needs within the Columbia river basin.

(4) The one-third/two-thirds allocation of water resources between instream and out-of-stream uses established in this section does not apply to applications for changes or transfers of existing water rights in the Columbia river basin.

[2006 c 6 § 3.]

90.90.030

Voluntary regional agreements — Scope and application — Reports to legislature — Definitions. (Expires June 30, 2012.)

- (1) The department of ecology may enter into voluntary regional agreements for the purpose of providing new water for out-of-stream use, streamlining the application process, and protecting instream flow.
- (2) Such agreements shall ensure that:
 - (a) For water rights issued from the Columbia river mainstem, there is no negative impact on Columbia river mainstem instream flows in the months of July and August as a result of the new appropriations issued under the agreement;
 - (b) For water rights issued from the lower Snake river mainstem, there is no negative impact on Snake river mainstem instream flows from April through August as a result of the new appropriations issued under the agreement; and
 - (c) Efforts are made to harmonize such agreements with watershed plans adopted under the authority of chapter 90.82 RCW that are applicable to the area covered by the agreement.
- (3) The protection of instream flow as set forth in subsection (2) of this section is adequate for purposes of mitigating instream flow impacts resulting from any appropriations for out-of-stream use made under a voluntary regional agreement, and the only applicable consultation provisions under state law regarding instream flow impacts shall be those set forth in subsection (4) of this section.
- (4) Before executing a voluntary agreement under this section, the department of ecology shall:
 - (a) Provide a sixty-day period for consultation with county legislative authorities and watershed planning groups with jurisdiction over the area where the water rights included in the agreement are located, the department of fish and wildlife, and affected tribal governments, and federal agencies. The department of fish and wildlife shall provide written comments within that time period. The consultation process for voluntary regional agreements developed under the provisions of this section is deemed adequate for the issuance of new water rights provided for in this section and satisfies all consultation requirements under state law related to the issuance of new water rights; and
 - (b) Provide a thirty-day public review and comment period for a draft agreement, and publish a summary of any public comments received. The thirty-day review period shall not begin until after the department of ecology has concluded its consultation under (a) of this subsection and the comments that have been received by the department are made available to the public.
- (5) The provisions of subsection (4) of this section satisfy all applicable consultation requirements under state law.
- (6) The provisions of this section and any voluntary regional agreements developed under such provisions may not be relied upon by the department of ecology as a precedent, standard, or model that must be followed in any other voluntary regional agreements.
- (7) Nothing in this section may be interpreted or administered in a manner that precludes the processing of water right applications under chapter 90.03 or 90.44 RCW that are not included in a voluntary regional agreement.
- (8) Nothing in this section may be interpreted or administered in a manner that impairs or diminishes a valid water right or a habitat conservation plan approved for purposes of compliance with the federal endangered species act.
- (9) The department of ecology shall monitor and evaluate the water allocated to instream and out-of-stream uses under this section, evaluate the program, and provide an interim report to the appropriate committees of the legislature by June 30, 2008. A final report shall be provided to the appropriate committees of the legislature by June 30, 2011.
- (10) If the department of ecology executes a voluntary agreement under this section that includes water rights appropriated from the lower Snake river mainstem, the department shall develop aggregate data in accordance with the provisions of RCW 90.90.050 for the lower Snake river mainstem.
- (11) Any agreement entered into under this section shall remain in full force and effect through the term of the agreement regardless of the expiration of this section.
- (12) The definitions in this subsection apply to this section and RCW 90.90.050, and may only be used for purposes of implementing these sections.
 - (a) "Columbia river mainstem" means all water in the Columbia river within the ordinary high water mark of the main channel of the

Columbia river between the border of the United States and Canada and the Bonneville dam, and all groundwater within one mile of the high water mark.

(b) "Lower Snake river mainstem" means all water in the lower Snake river within the ordinary high water mark of the main channel of the lower Snake river from the head of Ice Harbor pool to the confluence of the Snake and Columbia rivers, and all groundwater within one mile of the high water mark.

(13) This section expires June 30, 2012.

[2006 c 6 § 4.]

90.90.040

Columbia river water supply inventory — Long-term water supply and demand forecast.

(1) To support the development of new water supplies in the Columbia river and to protect instream flow, the department of ecology shall work with all interested parties, including interested county legislative authorities and watershed planning groups, adjacent to the Columbia river, and affected tribal governments, to develop a Columbia river water supply inventory and a long-term water supply and demand forecast. The inventory must include:

(a) A list of conservation projects that have been implemented under this chapter and the amount of water conservation they have achieved; and

(b) A list of potential water supply and storage projects in the Columbia river basin, including estimates of:

(i) Cost per acre-foot;

(ii) Benefit to fish and other instream needs;

(iii) Benefit to out-of-stream needs; and

(iv) Environmental and cultural impacts.

(2) The department of ecology shall complete the first Columbia river water supply inventory by November 15, 2006, and shall update the inventory annually thereafter.

(3) The department of ecology shall complete the first Columbia river long-term water supply and demand forecast by November 15, 2006, and shall update the report every five years thereafter.

[2006 c 6 § 5.]

90.90.050

Columbia river mainstem water resources information system.

(1) In order to better understand current water use and instream flows in the Columbia river mainstem, the department of ecology shall establish and maintain a Columbia river mainstem water resources information system that provides the information necessary for effective mainstem water resource planning and management.

(2) To accomplish the objective in subsection (1) of this section, the department of ecology shall use information compiled by existing local watershed planning groups, federal agencies, the Bonneville power administration, irrigation districts, conservation districts in the basin, and other available sources. The information shall include:

(a) The total aggregate quantity of water rights issued under state permits and certificates and filed under state claims on the Columbia river mainstem and for groundwater within one mile of the mainstem; and

(b) The total aggregate volume of current water use under these rights as metered and reported by water users under current law.

(3) The department of ecology shall publish the aggregate data on the department's web site no later than June 30, 2009, and shall

periodically update the data.

(4) For purposes of this section, the definition of Columbia river mainstem in RCW 90.90.030(12) shall apply and the use of the definition is solely limited to the purpose of collecting data to meet the information requirements of this section.

[2006 c 6 § 6.]

90.90.060

Additional releases of water from Lake Roosevelt.

(1) In 2006, the legislature enacted chapter 6, Laws of 2006, an act relating to water resource management in the Columbia river basin. In its enactment, the legislature established that a key priority of water resource management in the Columbia river basin is the development of new water supplies to meet economic and community development needs concurrent with instream flow needs.

(2) Consistent with this intent, the governor and the legislature are in agreement with the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians to support additional releases of water from Lake Roosevelt. Because the sovereign and proprietary interests of these tribal governments are directly affected by water levels in Lake Roosevelt, the state intends to share a portion of the benefits derived from Lake Roosevelt water releases and to mitigate for any impacts such releases may have upon the tribes.

(3) These new releases of Lake Roosevelt water of approximately eighty-two thousand five hundred acre feet of water, increasing to no more than one hundred thirty-two thousand five hundred acre feet of water in drought years, will bolster the state economy and will meet the following critical needs: New surface water supplies for farmers to replace the use of diminishing groundwater in the Odessa aquifer; new water supplies for municipalities with pending water right applications; enhanced certainty for agricultural water users with water rights that are interruptible during times of drought; and water to increase flows in the river when salmon need it most.

(4) Nothing in chapter 82, Laws of 2008 expands, impairs, or otherwise affects the existing status and sovereignty of the tribal governments involved in Lake Roosevelt water releases pursuant to this section and RCW 90.90.070.

[2008 c 82 § 1.]

Notes:

Effective date -- 2008 c 82: "This act takes effect July 1, 2008." [2008 c 82 § 4.]

90.90.070

Columbia river water delivery account — Creation — Distribution.

(1) The Columbia river water delivery account is created in the state treasury. Moneys in the account may be spent only after appropriation. The account consists of all moneys transferred or appropriated to the account by law. The legislature may appropriate moneys in the account:

- (a) For distributions for purposes of RCW 90.90.060 as provided in this section; and
- (b) To the department of ecology for other purposes relating to implementation of RCW 90.90.060 and 90.90.080.

(2) On July 1, 2008, and each July 1st thereafter for the duration of the agreements described in RCW 90.90.060, the state treasurer shall transfer moneys from the general fund into the Columbia river water delivery account in the amounts described in subsection (3) of this section.

(3) Subject to appropriations, on July 1, 2008, and each July 1st thereafter, the state treasurer shall distribute moneys from the Columbia river water delivery account as follows:

(a) To the Confederated Tribes of the Colville Reservation, on July 1, 2008, the sum of three million seven hundred seventy-five thousand dollars; and on July 1, 2009, the sum of three million six hundred twenty-five thousand dollars. Each July 1st thereafter for the duration of the agreement, the treasurer shall distribute an amount equal to the previous year's distribution adjusted for inflation. The inflation adjustment shall be computed using the percentage change on the implicit price deflator for personal consumption expenditures for the United States for the previous calendar year, as compiled by the bureau of economic analysis of the United States department of commerce and reported in the most recent quarterly publication of the economic and revenue forecast council or successor agency.

(b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of two million two hundred fifty thousand dollars. Each July 1st thereafter for the duration of the agreement, the treasurer shall distribute an amount equal to the previous year's distribution adjusted for inflation. The inflation adjustment shall be computed using the percentage change in the consumer price index for the Washington state Seattle-Tacoma-Bremerton consolidated metropolitan statistical area for the previous calendar year as compiled by the bureau of labor statistics, United States department of labor, and reported in the most recent quarterly publication of the economic and revenue forecast council or successor agency.

(4) The state treasurer may not distribute moneys from the Columbia river water delivery account to a tribe pursuant to this section unless the director of ecology has certified in writing to the state treasurer and the legislature that the agreement with the tribes is still in effect.

[2008 c 82 § 2.]

Notes:

Effective date -- 2008 c 82: See note following RCW 90.90.060.

90.90.080

Impacts of water release — Department of ecology's duties.

(1) Because the potential impacts of water releases under agreements reached under this chapter on affected counties are unknown, the department of ecology shall, by November 15, 2009:

(a) Conduct an assessment of the potential impacts, including recommendations for mitigation, and report to [the] appropriate committees of the legislature; and

(b) Establish a process for identifying and reporting on future impacts on the affected counties, and for making recommendations for mitigation.

(2) Within the framework of Columbia river basin water resources management under this chapter, the department of ecology shall:

(a) Provide technical assistance to help affected counties identify and develop competitive project applications to benefit both instream and out-of-stream uses;

(b) Assist affected counties in exploring options to ensure water resources are available for their current and future needs. Such options include pursuing a memorandum of understanding with the affected counties that is consistent with RCW 90.90.005 to effectuate the purposes of this section. The memorandum of understanding shall be available for public comment for a period of thirty days before being signed by the department; and

(c) Consider regional equity when making funding decisions on water supply applications.

(3) As used in this section, "affected counties" means those counties east of the crest of the Cascade mountains with an international border, or those counties east of the crest of the Cascade mountains that border both a county with an international border and a county with four hundred thousand or more residents.

[2008 c 82 § 3.]

Notes:

Effective date -- 2008 c 82: See note following RCW 90.90.060.

90.90.900

Effective date — 2006 c 6.

This act takes effect July 1, 2006.

[2006 c 6 § 10.]

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: 8/9/10 Subject: Liberty Mutual Voluntary Benefit Program Prepared by: M. Wenner	Execute Contract Pass Resolution Pass Ordinance Pass Motion Other <u> X </u>	<div style="text-align: right; font-size: 2em; font-weight: bold;">10:10</div> Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other

BACKGROUND INFORMATION

WSAC is partnering with Liberty Mutual Insurance Group to offer County employees a group auto and/or home insurance discount. This is a voluntary benefit program with no obligation for employees to participate. There is a Group Savings Plus Hold Harmless and Marketing Agreement, which the Board of Benton County Commissioners would be required to sign. Benton County and Liberty Mutual would mutually agree on a promotion plan. Benton County would not be required to provide any information about our employees to Liberty Mutual. It would be up to the employee whether or not they would like to discuss the benefit further with Liberty Mutual and the employee would then make direct contact with Liberty Mutual. In addition, there is no obligation for Benton County to offer this benefits through a payroll deduction.

SUMMARY

Same as above.

RECOMMENDATION

Review materials and determine whether or not to implement the program.

RECEIVED
DEC 23 2009
BENTON COUNTY
COMMISSIONERS



December 21, 2009

Commissioner Benitz, Jr.
PO BOX 190
PROSSER, WA 99350-0190

Max	<input checked="" type="checkbox"/>
Leo	<input type="checkbox"/>
Jim	<input type="checkbox"/>
David	<input checked="" type="checkbox"/>
Loretta	<input checked="" type="checkbox"/>
Other	<i>Carrie</i>

Cc: Melina

Dear Commissioner Benitz, Jr.:

The Washington State Association of Counties' Financial Services Corporation is pleased to introduce our new partnership with **Liberty Mutual Insurance Group**. Your county can now offer the savings and benefits of Liberty Mutual's Group AUTO and HOME Voluntary Benefits program to your COUNTY EMPLOYEES!!!

Through your affiliation with WSAC, this exclusive program gives your County a powerful competitive edge and your employees an exclusive group discount on auto, home, and other lines of personal insurance. Plus, with their onsite educational events, you can deliver the tools your employees need to stay safe and secure in your workplace.

All of the benefits. None of the hassle for you, your county or employees.

I know you and your staff have more than enough to do. From marketing materials to help promote the program to enrollment and ongoing support, Liberty Mutual's representatives will take care of everything. Liberty even gives your employees the freedom to enroll and do business when and where they want – with a Liberty Mutual representative on-site, at one of their many local sales offices, online, or by phoning one of their local offices.

To take advantage of this value-added no-cost benefit service please sign the attached agreement and fax or email to David Hayden at Liberty Mutual; fax (603) 430-8243, david.hayden@libertymutual.com. After receiving your signature, you will be contacted by Vicki Haworth to discuss the enrollment process. Liberty Mutual is available for presentations as necessary.

WSAC-FSC fully endorses this benefit and we feel strongly that this program will be a valuable addition to your County's benefit programs.

Please feel free to call me for more information or to arrange a personal appointment with our Liberty Mutual representative call **Vicki Haworth** at **360-705-0600 ext 56372**.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Johnson".

Eric Johnson, Executive Director



Auto and Home Voluntary Benefits



**Your employees will enjoy the savings.
You'll enjoy the simplicity.**

As the cost of living increases and employees are looking for ways to save money, Liberty Mutual's Auto and Home Voluntary Benefits can help you better attract and retain employees — with minimal effort and no out-of-pocket expense on your part. We'll provide the insurance discounts and personalized service, while you gain a competitive edge.

A program that benefits you and your employees

Benefits for your company

- Simple and convenient implementation
- No out-of-pocket costs
- A dedicated account team that handles the administration, communication, and servicing
- Custom communications, enrollment program, and materials
- Optional value-added seminars, such as Insurance 101 and Identity Theft
- Quarterly reports to share with executives

Why Liberty Mutual?

- The No. 1 sponsored auto and home voluntary benefits program in the industry, offering insurance in all 50 states
- A global, diversified Fortune 100 corporation and the fifth-largest P&C company in the U.S. based on 2008 direct written premium
- Multichannel distribution, including more than 350 local sales offices, two national call centers, and a strong Internet presence
- Over 5,900 participating companies in our voluntary benefits program
- 98% of our policyholders intend to repurchase insurance with Liberty Mutual
- 97% of our policyholders would recommend us
- 90% of our policyholders profess overall satisfaction with Liberty Mutual
- 96% of our policyholders are satisfied with our sales reps' work

Source: Liberty Mutual, 2008 Customer Survey

To learn more, contact me or visit
LibertyMutual.com/employers

Vicki Haworth

300 Deschutes Way SW - Suite 210
Tumwater, WA 98501
360-705-0600
Vicki.Haworth@libertymutual.com

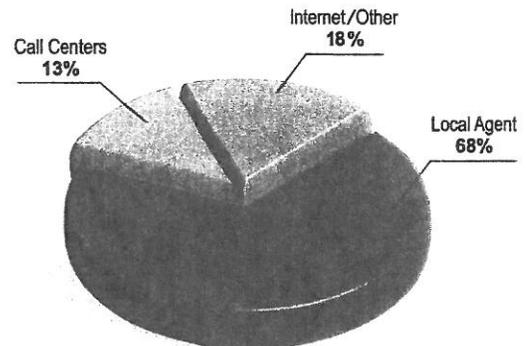
Benefits for your employees

- Savings — up to 10% off insurance, with an average savings of \$327.96*
- Great insurance products, with rates guaranteed for 12 months
- 24-hour claims, roadside assistance, and emergency home repair services
- Personalized service from more than 3,000 sales and service professionals available on-site, at local offices, or by phone
- Easy payment options: payroll deduction, checking account withdrawal, or direct billing
- No down payment or fees with payroll deduction

3 convenient ways to enroll...including the most preferred: a local agent

Purchasing with a local agent has always been and still remains the preferred method for buying insurance. No other carrier offers your employees not only this option but also the choice to enroll through the Internet or through one of our national call centers. These service channels allow us to write more business than any of our competitors.

Preferred Method of Purchase



Source: comScore, 2008 Auto Insurance Survey



* Discounts are available where state laws and regulations allow, are subject to eligibility requirements, and may vary by state. To the extent permitted by law, applicants are individually underwritten; not all applicants may qualify for insurance. Figure based on a February 2009 national sample of auto policy savings when comparing their former premium with those of Liberty Mutual's group auto and home program. Individual premiums and savings will vary. Coverage provided and underwritten by Liberty Mutual Insurance Company and its affiliates, 175 Berkeley St., Boston, MA.

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**GROUP SAVINGS PLUS ®
HOLD HARMLESS AND MARKETING AGREEMENT**

The purpose of this Agreement is to confirm the relationship between _____,
(County Name) with its primary office located at _____ (Address of
County), and Liberty Mutual Insurance Company and only its subsidiaries and affiliates writing and
distributing personal market insurance through licensed agents employed directly by Liberty Mutual and
operating collectively as the companies of Liberty Mutual Personal Markets, having a principal place of
business at 175 Berkeley Street, Boston, Massachusetts 02116. ("Liberty").

DEFINITIONS

"Eligible Employees" means Employer's employees and retirees.

"Insurance Products" means auto, home, and other personal insurance products offered to the Eligible
Employees in connection with the Program (the Program is defined in Section 1).

"Group Discount" means the discounted rate Liberty Mutual agrees to provide for specified Insurance
Products to an Eligible Employee pursuant to this Agreement.

"Participating Employee" means an Eligible Employee who purchases an Insurance Product.

"Indemnified Parties" means Employer, its officers, directors, and employees.

1. GROUP SAVINGS PLUS ® PROGRAM

The Group Savings Plus ® Program, marketed and underwritten by Liberty, is a voluntary
personal insurance program through which Eligible Employees are able to purchase Insurance
Products (the "Program"). The Group Discount under this Program shall be offered to the
Eligible Employees in addition to Liberty's standard discounts; which are approved for use in the
relevant jurisdiction. The Group Discount will be offered so long as allowed by law and as long
as Liberty, in its sole discretion, deems rates adequate to support such a discount. The Program
and the offering of the Insurance Products shall be subject to Liberty's underwriting standards
and rates and subject to Liberty's sole discretion in making business decisions regarding states in
which it offers coverage.

2. PROGRAM PARTICIPATION

Election to purchase any of the Insurance Products offered through the Program will be at the
option of the Eligible Employee. A Participating Employee shall have the option to select one of
the following payment options: direct bill, electronic funds transfer through their checking
account, or if applicable, payroll deduction. Employer will not be considered an agent of Liberty
Mutual for any purpose, including the collection of premiums.

3. INDEMNIFICATION

Liberty agrees to indemnify and hold harmless the Indemnified Parties for, from, and against, any and all liability, damage and costs (including reasonable attorney fees) arising out of any claim or action brought against the Indemnified Parties which arise as a result of acts or omissions of Liberty or their employees in the performance of this Agreement. The Indemnified Parties agree that Liberty may, at its option and expense, direct the defense, compromise, or settlement of any such claim and employ attorneys of its own selection to defend, compromise, or settle the same. In addition, Employer agrees to notify Liberty in writing within 15 days of any suit or claim made against the Indemnified Parties. This section shall survive the termination of this Agreement.

4. PRIVACY

In accordance with applicable state and federal laws and regulations, including but not limited to provisions of Gramm-Leach-Bliley Title V, Liberty and Employer agree to hold in confidence any and all non-public personally identifiable information relating to the Eligible Employees which may be obtained from one another in performance of this Agreement. Liberty warrants that it is in compliance with federal and state privacy laws and agrees not to sell, release, or distribute any information relating to the Eligible Employees to any third party except for those third parties providing services integral to the performance of this Agreement.

5. TERM AND TERMINATION

This Agreement, dated _____ (Month, Day, Year,) shall continue in perpetuity and may be terminated by either party, at any time, by providing the other party with sixty (60) calendar days advance written notice.

6. PROGRAM COMMUNICATION

The promotion of the Program to the Eligible Employees will consist of a mutually agreed upon communication plan. The communication plan may include some or all of the following promotional activities: on-site sales consultation, interoffice mail and desk drops, electronic mail announcements, links or ads placed on Employer's intranet, information placed in Employer's new hire benefit package, or direct mail. Upon approval by both parties, promotional activities not listed in this section may be used in connection with the communication of this Program.

Employer wishes to offer the Groups Savings Plus ® Program to the Eligible Employees and the parties execute this Agreement with the authorized signatures below.

LIBERTY MUTUAL INSURANCE COMPANY

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____