

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

Board of County Commissioners BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



To view items in detail, please
click on highlighted area.

AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, August 6, 2013 Benton County Courthouse, Prosser, WA

9:00 AM

Call to Order
Approval of Minutes
❖ July 30, 2013

Review Agenda

Consent Agenda

Clerk

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

Facilities

b. Contract w/Fire Systems West, Inc. to Provide Fire Alarm System Inspections

Fairgrounds

c. Line Item Transfer, Fund No. 0124-101, Dept. 000

d. Payment Authorization to Apollo Heating & Air for Furnace Repair

Human Services

e. Program Agreement w/DSHS; Developmental Disabilities Administration

f. Contract w/First Step Community Counseling Services, LLC for Community Connect Event

Juvenile

g. Program Agreement w/DSHS for WA St Aggression Replacement Training Consultation

h. Agreement w/St of WA Administrative Office of the Courts for Becca Services

Prosecuting Attorney

i. Settlement Agreement w/B Lawrence and Sundown Training Center

Public Works

j. Order & Agreement for Wyckoff Farms, Inc. Franchise

k. Right of Way Acquisition from Col Solare LLP

l. Bid Award to Stripe Rite, Inc for Pavement Marking

m. Contract w/Doors & Specialties Installers, llc for Door Repair/Replacement

n. Authorization to Pay Maintenance Fees to Cascade Software Systems

Scheduled Business

WA Counties Risk Pool Annual Report ~ M Wenner

Registered Sex Offender Address & Residency Program Grant Discussion ~ Cpt. Vannoy

Criminal Justice Sales Tax Presentation by Citizens' Advisory Committee ~ E Hsu

Unscheduled Visitors
Board Assignment Update

Executive Session

2nd Quarter Litigation Update ~ R Brown

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, July 30, 2013, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner Jerome Delvin
Commissioner James Beaver
County Administrator David Sparks
Clerk of the Board Cami McKenzie

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kely; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; County Engineer Daniel Ford; Ed Thornbrugh, Human Services; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Jacki Lahtinen, District Court; Clerk Josie Delvin; Bob Woody and Teri Holmes, Central Services; Sue Schuetze, Public Works; Norm Childress, Public Works; Steve Brown and Ken Williams, Building Department; Erhiza Rivera, Treasurer's Office.

Approval of Minutes

The Minutes of July 16, 2013 were approved.

Consent Agenda

MOTION: Commissioner Beaver moved to approve the consent agenda items a through "a" through "v". Commissioner Delvin seconded and upon vote, the Board approved the following:

Animal Control

a. Agreement w/PetSmart Charities for Adoption Program

Auditor

b. Letter to Washington State Auditor's Office

Central Services

- c. Contract w/Cerium Networks Inc. for Server Equipment, Support & Maintenance
- d. Purchase Authorization of 4 APC Smart-UPS from Southern Computer Warehouse
- e. Purchase Authorization from PCM-G, Inc. for 5 Document Scanners

Clerk

f. Purchase of 10 Libertyweb Licenses and Support From Techline Communications, Inc.

Commissioners

g. Line Item Transfer, Fund No. 0000-101, Dept. 115

Human Services

- h. Contract w/Housing Authority of City of Kennewick for 10 Yr Homeless Housing Plan Goals
- i. Contract w/Sierra Electric, Inc for Electrical Repair Services
- j. Agreement w/S Adolphsen for Parent Coalition Support

Juvenile

- k. Consolidated Juvenile Srvcs Agreement w/DSHS, Juvenile Rehabilitation Administration
- l. Program Agreement w/DSHS for Evidence Based Expansion
- m. Agreement w/DSHS for Short-Term Transition Program
- n. Contract w/Educational Services District 123 for Assessments & Treatments
- o. Contract w/The Personal Touch Cleaning, Inc. for Janitorial Services
- p. Line Item Transfer, Fund No. 0115-101, Dept. 171

Noxious Weed

- q. Line Item Transfer, Fund No. 0134-101, Dept. 000

Personnel

- r. Employee of the Month Appointment
- s. Closure of Petty Cash Revolving Funds

Prosecuting Attorney

- t. Agreement w/Teamsters Local Union No. 839 Representing Bailiffs

Sheriff

- u. Line Item Transfer, Fund No. 0000-101, Dept. 120
- v. Line Item Transfer, Fund No. 0000-101, Dept. 121

Public Hearing – Reese Road Right of Way Vacation

Sue Schuetze presented the application to vacate a portion of Reese Road from landowner Brent Hartley. Ms. Schuetze indicated the right of way was reviewed by the Public Works and there were no documents recorded for the proposed right of way. The Road log showed the gravel width was 20-feet, however, Benton County claimed 30 feet total as the road currently existed. The Fire Marshal had no comments and Benton PUD requested a 30-foot utility easement for facilities currently installed with the existing 30 foot right of way. Additionally, eight parcels had legal access from Reese Road to Travis Road and if vacated, three parcels would need an ingress egress easement so they could continue to have access to Travis Road.

Ms. Schuetze said her office recommended vacation of the right of way with the conditions as listed.

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

MOTION: Commissioner Delvin moved to approve the vacation of Reese Road as outlined in the staff memo with retention of the 30 foot utility easement for Benton PUD and granting an ingress egress easement for the three parcels. The ingress egress easement applications had to be filed by August 9, 2013. Commissioner Beaver seconded and upon vote, the motion carried.

Public Hearing - Subdivision Vacation – SV 12-01

RJ Lott said the Planning Department received a request for vacation of a 30-foot drainage easement on Lot 13 of Badger Mountain Plateau. He said the only comments received were from Public Works requiring the property owner to raise the north end of the property to an elevation at least one foot higher than the nearby orchard road and to sign a statement accepting liability for any damages caused by altering the drainage easement.

He said it was their recommendation to approve the vacation with the two conditions.

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

MOTION: Commissioner Beaver moved to approve the vacation of the 30-foot drainage easement on Lot 13 of Badger Mountain Plateau conditioned upon the applicant raising the north end of Lot 13 to an elevation at least one foot higher than the nearby orchard road and the applicant record a document with the County Auditor stating he accepted any liability for damages as a result of vacating the drainage easement. Prior to the document being recorded, Public Works must review its content and the applicant must provide the Benton County Planning Department with a copy of the recorded document prior to the signing of the resolution by the Board of County Commissioners. The document must be recorded within one year of the date of approval by the Benton County Board of Commissioners or this approval will be null and void. Commissioner Delvin seconded.

Discussion

Chairman Small asked the applicant if he was in agreement with the conditions and he replied he was.

Upon vote, the motion carried unanimously.

Public Hearing - Community Development Block Grant

Ed Thornbrugh said the block grant contract required a public hearing to provide a report by the Contractor.

Judith Gidley, Community Action Committee, provided the report on the grant funds as follows:

- Partnership with City of Connell (2 days week in Connell) to provide services
- Partnership with Benton City (1 ½ days/week in Benton City) to provide services
- Came to Prosser office as needed
- \$39,275.68 (52%) spent – completion date of June 30, 2013
- Served 302 households
 - 243 – Hispanic; 59 Non-Hispanic
 - 299 below 30% AMI; 2 between 31 and 50% AMI
 - 112 – Female Head of Household; 42 – Disabled
- Services Provided

- Helping Hands; Project Warmup; Rental Assistance (CDBG); Homeless Grant; Hygiene Kit; Low-Income Energy Assistance; Diapers; Transportation (witness protection); Utilities/Water; Basic Foods application

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

MOTION: Commissioner Beaver moved to approve the resolution accepting the Community Development Block Grant Grantee Closeout Report. Commissioner Delvin seconded and upon vote, the motion carried.

Benton City Economic Development Council Update

Bea Baker provided an update for Benton City EDC and briefly discussed the following:

- Consultant meeting w/clients regarding I-82 project and downtown development;
- Other events: car show, voter forum, Benton City Days;
- Open houses for Branches & Vines and Hair It Is;
- Future opening of Red Mountain Rentals and Carousel Day Care Expansion
- Property sold (old produce business site) and new business going in
- Upgrading website

Commissioner Beaver suggested the Board send a letter to DNR supporting the I-82 project so Benton City could start selling the parcels and marketing for business. The Board requested Adam Fyall draft that letter.

Building Code and Department Update

Steve Brown and Ken Williams updated the Board on implementation of the new International codes effective July 1, 2013. Mr. Brown said they prepared ordinances for Board review and he planned to adopt the codes “as is” at a future public hearing.

- Department Updates
 - Permit Activity
 - Valuation per permit
 - Revenue – showing better revenue in 2013 than 2012
 - Code Enforcement Report
 - New building permit tracking system
 - Working on records retention from with State Archives and Auditor – disposing of documents; (now scanning plans and will dispose according to retention)

Parks Department Update

Adam Fyall updated the Board on Parks activities, including:

- Current and Past Parks Inventory; Employees and Operating Budget
- Badger Mountain Centennial Preserve

- Horn Rapids Park
- Rattlesnake Mountain Shooting Facility
- Two Rivers Park
- Horse Heaven Cemetery
- Horse Heaven Vista
- Hover Park
- Vista Park
- Wallula Gap Preserve
- 2013 Major Projects
 - Badger Mtn Management & Master Plan
 - Horn Rapids Park Maintenance Shop Expansion
 - Horn Rapids Park – Road, Trail & Access Improvements
 - Brochure & Website Upgrades
- Volunteerism, Partners in Parks
- Benton County Park Board

Reata Road Discussion

Steve Becken said he received an email from an individual requesting a 4-way stop at Dallas Road and Bermuda Road and reduced speed limits and that Norm Childress would give a report to the Board.

Mr. Childress said that based upon his review of the data, the request for a multi-way stop at Bermuda Road intersection did not meet requirements for implementation of a multi-way stop. He also said there was a request by landowners in the 1980's to reduce the speed limit and it was previously reduced from 40 to 35; then it was petitioned to increase back to 40 and that was done. He said the data did not support reduction of the speed limit and his recommendation was to leave everything as is.

The Board agreed to sign a letter to the individual and also suggest they bring it up to their homeowners' association.

Financial Update – Thru June, 2013

Keith Mercer provided a financial update through June 2013 outlining the revenues and expenditures. Time elapsed through June 30, 2013 was (25%) with revenues totaling 23.54% and expenditures totaling 22.62%. He said the Planning Department was slightly above at 26.06% due to a grant and Personnel at 27.10% due to paying for Neogov up front. He stated that Accumulated Leave and Workers Comp. had only billed out for the 1st quarter and the 2nd quarter would go out in July 30, 2013.

Commissioner Assignment Update

Commissioner Beaver said that he and Adam attended the Hanford Tour and he also attended the Port of Benton BBQ. He added that he was in favor of removing "Commissioner Assignment Update" from the agenda if the Board agreed. He indicated he provided his weekly assignments

to Marilu each week for the weekly calendar and would report something to the Board if needed. Mr. Sparks suggested the Board maybe add "Other Business" back to the agenda which would allow time for the Board and/or departments to discuss items that were not scheduled on the agenda.

Commissioner Delvin said he attended the Ben/Franklin Transit conference in Austin and the transportation audit and all was good. He also attended the Port of Benton BBQ. He said he met with Charles Simpson, along with David Sparks and Adam Fyall to discuss the Twin Bridges issue. He said he talked with the Sheriff about extra patrol and also asked Mr. Brown to look into a vacating that road and he was continuing to try and find a possible solution.

Commissioner Beaver said he believed the landowners should also approach the Conservation District to discuss the issue.

Chairman Small said he received a request from the Tri-Cities Legislative Council for Commissioners' priorities; he said of course they continued to be decreased revenues, shortfalls, and budget but wanted to know if the Board had anything to add.

Commissioner Beaver said he wanted to continue to modernize and listen to elected officials and reduce the County's footprint through IT development; additionally he wanted to review the vehicle rental program.

Commissioner Delvin said the legislative council tried to focus on two areas to take to Olympia and he suggested asking them to follow the message WSAC was trying to send to the legislature regarding unfunded mandates on county government. The Board agreed.

Vouchers

Check Date: 07/19/2013
Warrant #: 84449-84668
Total all funds: \$268,397.40

Check Date: 07/19/2013
Transfers
Total all funds: \$169,417.44

Check Date: 07/26/2013
Warrant #: 84672-74979
Total all funds: \$925,670.31

Check Date: 07/26/2013
Warrant #: 85294-85384
Total all funds: \$3,045.84

Check Date: 07/26/2013
Transfers
Total All Funds: \$704,957.17

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

Resolutions

- 2013-550: Agreement w/S Adolphsen for Parent Coalition Support
- 2013-551: Agreement w/PetSmart Charities for Adoption Program
- 2013-552: Contract w/Cerium Networks Inc. for Server Equipment, Support & Maintenance
- 2013-553: Purchase Authorization of 4 APC Smart-UPS from Southern Computer Warehouse
- 2013-554: Purchase Authorization from PCM-G, Inc. for 5 Document Scanners
- 2013-555: Purchase of 10 Libertyweb Licenses and Support From Techline Communications, Inc.
- 2013-556: Line Item Transfer, Fund No. 0000-101, Dept. 115
- 2013-557: Contract w/Housing Authority of City of Kennewick for 10 Yr Homeless Housing Plan Goals
- 2013-558: Contract w/Sierra Electric, Inc for Electrical Repair Services
- 2013-559: Consolidated Juvenile Srvcs Agreement w/DSHS, Juvenile Rehabilitation Administration
- 2013-560: Program Agreement w/DSHS for Evidence Based Expansion
- 2013-561: Agreement w/DSHS for Short-Term Transition Program
- 2013-562: Contract w/Educational Services District 123 for Assessments & Treatments
- 2013-563: Contract w/The Personal Touch Cleaning, Inc. for Janitorial Services
- 2013-564: Line Item Transfer, Fund No. 0115-101, Dept. 171
- 2013-565: Line Item Transfer, Fund No. 0134-101, Dept. 000
- 2013-566: Closure of Petty Cash Revolving Funds
- 2013-567: Agreement w/Teamsters Local Union No. 839 Representing Bailiffs
- 2013-568: Line Item Transfer, Fund No. 0000-101, Dept. 120
- 2013-569: Line Item Transfer, Fund No. 0000-101, Dept. 121
- 2013-570: Acceptance of CDBG Grantee Closeout Report for Community Development Block Grant

There being no further business before the Board, the meeting adjourned at approximately 10:24 a.m.

Clerk of the Board

Chairman

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	8/06/2013	Execute Contract	_____
Subject:	<u>Line Item</u> <u>Transfer</u>	Pass Resolution	XX _____
Prepared by:	J Delvin	Pass Ordinance	_____
Reviewed by:	_____	Pass Motion	_____
		Other	_____
		Consent Agenda	XX _____
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION

The Board approved a motion to go to "line item budgeting" effective November 1, 2012. This is to cover the purchase of hard drives that were purchased through Central Services. We need to reimburse Central Services for the cost of the hard drives.

SUMMARY

A line item transfer in the amount of \$537.00 is needed to bring line items current in accordance with Board policy. This transfer is for the 2013-2014 budget.

RECOMMENDATION

Recommend that the resolution is passed allowing line item transfers

FISCAL IMPACT

There is no fiscal impact, no budget adjustment required.

MOTION

Consent Agenda

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CURRENT EXPENSE FUND NUMBER 0000-101, DEPARTMENT NUMBER 106.

BE IT RESOLVED, by the Board of Benton County Commissioners, that funds
shall be transferred as outlined in Exhibit "A", attached hereto.

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

cc: Dept., Auditor, File,

Prepared by: Josie Delvin

b. Contract w/Fire Systems West, Inc. to Provide Fire Alarm System Inspections

AGENDA ITEM	TYPE OF ACTION NEEDED		Consent Agenda	X
Meeting Date: <u>08/06/2013</u>	Execute Contract	_____	Public Hearing	_____
Subject: _____	Pass Resolution	X _____	1st Discussion	_____
Prepared by: <u>C. McKenzie</u>	Pass Ordinance	_____	2nd Discussion	_____
Reviewed by: <u>R. Lukson</u>	Pass Motion	_____	Other	_____
	Other	_____		

BACKGROUND INFORMATION

Per Section 1.6 (Contract Length) in the Procurement Policy, contracts may be entered into for a period of no more than two years, unless otherwise approved. Due to the lateness in the year and the rising cost of inspections, the Facilities Manager desired to receive quotes for three years to receive the best possible price for the County. He solicited quotes from the following companies to provide annual fire alarm system inspections and as needed services for years 2013, 2014 and 2015 at various Benton County locations:

Fire Systems West, Inc., Spokane Valley, WA:	\$4,720/year + \$85/hour for as needed services
Allied Fire & Security, Spokane, WA:	\$6,996/year + \$130/hour + 10% discount for as needed
ECS, Spokane, WA:	\$10,593 for 2013 + \$108/hour for as needed services
	\$11,121 for 2014 + \$113.40/hour for as needed services
	\$11,678 for 2015 + \$119.07/hour for as needed services

SUMMARY

The Facilities Manager recommends the Board enter into a Public Works Contract with Fire Systems West, Inc. to provide annual fire alarm system inspections and as needed services at various Benton County locations for years 2013, 2014 and 2015 in the total amount not to exceed \$25,000 (including WSST) with the contract term expiring December 31, 2015.

RECOMMENDATION

Approve the resolution authorizing the Chairman to sign the Public Works Contract with Fire Systems West, Inc.

FISCAL IMPACT

Up to \$25,000 (including WSST)

Current Expense – Dept. 110
No supplement required

MOTION

Consent Agenda

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING A PUBLIC WORKS CONTRACT TO FIRE SYSTEMS WEST, INC. TO PROVIDE ANNUAL FIRE ALARM SYSTEM INSPECTIONS AND AS NEEDED SERVICES AT VARIOUS BENTON COUNTY LOCATIONS

WHEREAS, per resolution 2012-677, the Board of Benton County Commissioners approved a County-Wide Procurement, Leasing, and Contracting Policy and per Section 3.4.1 (Public Works Contracts less than \$40,000) contracts may be entered into after direct negotiation and authorization by the Board of Benton County Commissioners, with such authorization being in the form of a resolution containing a summary of the three bid quotations obtained; and

WHEREAS, per Section 1.6 (Contract Length) contracts may be entered into for a period of no more than two years, unless otherwise approved, however, due to the lateness in the year and the rising cost of inspections, the Facilities Manager desired to receive quotes for three years to receive the best possible price for the County; and

WHEREAS, the Facilities Manager received quotes from the following companies to provide annual Fire Alarm System inspections at various Benton County locations for years 2013, 2014, and 2015 as follows:

Fire Systems West, Inc., Spokane Valley, WA:	\$4,720/year + \$85/hour for as needed services
Allied Fire & Security, Spokane, WA:	\$6,996/year + \$130/hour + 10% discount for as needed
ECS, Spokane, WA:	\$10,593 for 2013 + \$108/hour for as needed services
	\$11,121 for 2014 + \$113.40/hour for as needed services
	\$11,678 for 2015 + \$119.07/hour for as needed services

WHEREAS, the Facilities Manager recommends the Board award a Public Works Contract with Fire Systems West, Inc., Spokane Valley, WA to provide annual fire alarm system inspections and as needed services at various Benton County locations for calendar years 2013, 2014, and 2015 in the total amount not to exceed \$25,000.00 (including WSST); and

NOW, THEREFORE, BE IT RESOLVED the Board of Benton County Commissioners, Benton County, Washington concurs with the recommendation and hereby awards a Public Works Contract with Fire Systems West, Inc. to provide annual fire alarm system inspections and as needed services at various Benton County locations for calendar years 2013, 2014 and 2015; and

BE IT FURTHER RESOLVED the Board hereby authorizes the Chairman to sign the Public Works Contract with Fire Systems West, Inc. attached hereto in an amount not to exceed \$25,000.00 (including WSST); and

BE IT FURTHER RESOLVED, the term of the attached contract begins when executed by both parties and terminates December 31, 2015.

Dated this _____ day of _____, 2013.

Chairman of the Board

Member

Attest: _____
Clerk of the Board

Member

**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 Fire Systems West, Inc., a Washington State for profit corporation, with its principal offices at 922 N. Lake Road, Spokane Valley, WA 99212 (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/Compensation
- 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, 2015. 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 provide annual fire alarm system inspections at the Benton County locations provided in Exhibit "A". Additionally, CONTRACTOR agrees to provide "as needed" programming changes and/or equipment changes or installations for work performed outside the annual inspection according to the hourly rate provided in Exhibit "A". CONTRACTOR agrees its performance with respect to the annual inspections set forth in Exhibit "A" will be complete within thirty (30) days from the date it begins work on said inspections. CONTRACTOR and COUNTY agree that all work performed on an "as needed" basis will be completed upon a mutually agreeable time between the parties.

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	<u>08/05/13</u>	Execute Contract	_____
Subject:	Line Item	Pass Resolution	<u> x </u>
	Transfer	Pass Ordinance	_____
Prepared by:	J. Donley	Pass Motion	_____
Reviewed by:	K. Mercer	Other	_____
		Consent Agenda	<u> x </u>
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION / SUMMARY

A new restroom is being constructed and a new copier was purchased at the Fairgrounds. Transfer needed to comply with 2012 line item budgeting as approved by resolution 2012-622.

RECOMMENDATION

Approve line item transfer.

FISCAL IMPACT

Transferring funds from 594.751.6401 Capital Outlay to 594.751.6201 Buildings and from 575.400.3101 Office Supplies to 575.400.3501 Small Item Equipment. No supplement required.

MOTION

Move to approve the requested line item transfers

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN FAIRGROUNDS OPERATING BUDGET FUND FUND NUMBER #0124-101, DEPARTMENT NUMBER 000.

BE IT RESOLVED, by the Board of Benton County Commissioners, that funds shall be transferred as outlined in Exhibit "A", attached hereto.

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

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BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Dept Nbr:
 Fund Name: Fund Nbr:

TRANSFER TO:

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	
594.751	6401	Capital Outlay	\$75,000	594.751	6201	Buildings	\$75,000	
575.400	3101	Office Supplies	\$617	575.400	3501	Small Item Equipment	\$617	
TOTAL				TOTAL				\$75,617

Explanation:

Transfer needed to pay for design of the new restroom building at the Fairgrounds and a new copier was needed in the fairgrounds office.

Prepared by: Date:

Approved Denied Date: _____

Chairman

Member

Member

d. Payment Authorization to Apollo Heating & Air for Furnace Repair

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: 08/05/13	Execute Contract _____	Consent Agenda <u> x </u>
Subject: Apollo Invoice	Pass Resolution <u> x </u>	Public Hearing _____
Prepared by: J. Donley	Pass Ordinance _____	1st Discussion _____
Reviewed by:	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION / SUMMARY

A heating unit in the Sundowns building was malfunctioning requiring repair. Apollo Heating and Air was called to repair the unit.

RECOMMENDATION

Approve payment of the Apollo Heating and Air invoice in the amount of \$485.51.

FISCAL IMPACT

To be paid from the Fairgrounds Operating Budget. No supplement required.

MOTION

Move to approve payment.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING PAYMENT TO APOLLO HEATING AND AIR FOR PROVIDING FURNACE REPAIR AT THE BENTON COUNTY FAIRGROUNDS

WHEREAS, the Benton County Fairgrounds needed to repair a faulty furnace in the Sundowns building; and

WHEREAS, on February 25, 2013 service was requested by the Facilities Manager to repair the faulty furnace and the charges for this repair service totaled \$485.51; and

WHEREAS, Apollo Heating and Air has filed the appropriate prevailing wage intent and affidavit with the Department of Labor & Industries for this service; and

WHEREAS, the Facilities Manager approved this service and agrees with the charges incurred and recommends payment in the amount of \$485.51;

NOW, THEREFORE, BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby authorizes payment to Apollo Heating and Air for Invoice #113410 in the amount of \$485.51 including WSST for services performed on the furnace at the Benton County Fairgrounds

Dated this _____ day of _____, 2013.

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

Apollo Heating & Air Conditioning

A division of Apollo Sheet Metal, Inc.
 (509) 586-1104 • Fax (509) 582-6590
 PO Box 7287 • Kennewick, WA 99336
 WA Cont. #APOLLSM187MK
 OR Cont. #56241

INVOICE

113410

PAGE 1

B
 I BENTON COUNTY FAIR GROUNDS
 L 1500 S. OAK ST.
 L BLDG 20
 KENNEWICK WA 99337
 T
 O

S BENTON COUNTY FAIR GROUNDS
 I 1500 S. OAK ST.
 T BLDG 20
 E KENNEWICK WA 99337

INVOICE DATE	INVOICE NO.	CUSTOMER NO.	PAYMENT TERMS	CONTRACT NO.
04/24/13	113410	FAIGR4	NET 30 DAYS	

TICKET #	QTY	UNIT MEAS	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
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W/O # - B30222014

CLIFF 727-5934
 FURNACE FOR SUNDOWNS IS NOT WORKING.
 DONE: B30222014-KM-FURNACE ISNT WORKING FOR SUNDOWNS. FOUND ONLY 1 ELEMENT WORKING SO HAD TO REPLACE 2 FUSEIBLE LINKS AND ONE LIMIT NOW ALL THE ELEMENTS WILL WORK BUT FOUND THE SEQUENCER STUCK ON SO WIRED IN 2 NEW SEQUENCERS AND VERIFIED OPERATION. UNIT NEEDS A FILTER.

B30222014	1.00	EA	LIMIT SWITCH	12.69	12.69
	2.00	EA	FUSIBLE LINKS	3.06	6.12
	2.00	EA	4 STACK SEQUENCERS	54.06	108.12
	2.50	HR	SERVICE LABOR MT 2/25	95.00	237.50
	1.00	EA	TRIP CHARGE	10.00	10.00
	1.00	EA	INTENT	40.00	40.00
	1.00	EA	AFFIDAVIT	40.00	40.00
			SALES TAX		31.08

GROSS	TAX	NET AMOUNT
454.43	31.08	485.51

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: Subject: <u>DSHS Agreement Number: 1363-78145 between Developmental Disabilities Administration within DSHS</u> Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Agreement <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

The Developmental Disabilities Administration (DDA) within Department of Social and Health Services (DSHS) would like to contract with Benton and Franklin Counties Department of Human Services for the purpose to advance in state legislative policy to provide a coordinated and comprehensive state and local program of services for persons with developmental disabilities.

The agreement process was initiated when the Developmental Disabilities Administration provided a copy of the agreement for legal review on June 26, 2013 resulting in the delay of execution.

COORDINATION

Ryan Lukson, BCPA—Agreed review performed by Franklin County
 Ryan Verhulp, FCPA
 Ed Thornbrugh, DHS
 John Tuttle, DHS

SUMMARY

Award: Maximum program agreement amount \$2,009,283.00
Period: July 1, 2013 through June 30, 2014
Funding Source: Developmental Disabilities Administration

RECOMMENDATION

- Sign the resolution to accept the proposed Agreement
- Approve the proposed agreement by signing all the copies where indicated

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Department of Social and Health Services, Developmental Disabilities Administration. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget; for a maximum program consideration agreement amount of \$2,009,283.00.

MOTION

To approve signing DSHS Agreement Number: 1363-78145 between Developmental Disabilities Administration within Department of Social and Health Services and Benton and Franklin Counties Department of Human Services, and to authorize the Chair to sign on behalf of the Board.



 Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

RE: IN THE MATTER OF EXECUTING DSHS AGREEMENT NUMBER: 1363-78145, BETWEEN THE DEVELOPMENTAL DISABILITIES ADMINISTRATION WITHIN DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES, TO ADVANCE THE STATE LEGISLATURE POLICY TO PROVIDE A COORDINATED AND COMPREHENSIVE STATE AND LOCAL PROGRAM OF SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

WHEREAS, the Developmental Disabilities Administration (DDA) would like to contract with Benton and Franklin Counties Department of Human Services for the purpose to advance the state legislative policy to provide a coordinated and comprehensive state and local program of services for persons with developmental disabilities; and

WHEREAS, the County shall provide the services and staff, and otherwise do all things necessary for or incidental to the performance of work; working collaboratively, the parties shall administer DD services within the county; and

WHEREAS, the agreement process was initiated when the Developmental Disabilities Administration provided a copy of the agreement for legal review on June 26, 2013, resulting in the delay of execution; NOW, THEREFORE,

BE IT RESOLVED, that the Boards of Benton and Franklin County Commissioners hereby accepts the proposed Agreement; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, DSHS Agreement Number: 1363-78145, between the Developmental Disabilities Administration within Department of Social and Health Services and Benton and Franklin Counties Department of Human Services, to advance the state legislative policy to provide a coordinated and comprehensive state and local program of services for persons with developmental disabilities, for a maximum program agreement amount of \$2,009,283.00.

BE IT FURTHER RESOLVED, the term of the attached Agreement commences on July 1, 2013 and expires on June 30, 2014.

Grant Number: 1363-78145
between Developmental Disabilities Administration
within Department of Social and Health Services and
Benton and Franklin Counties Department of Human Services

Page Two

Dated thisday of , 2013.

Dated thisday of , 2013.

Chair

Chair

Member

Member

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

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

Attest:

Attest:

Clerk of the Board

Clerk of the Board



COUNTY
PROGRAM AGREEMENT
DDD County Services

DSHS Agreement Number

1363-78145

This Program Agreement is by and between the State of Washington Department of Social and Health Services (DSHS) and the County identified below, and is issued in conjunction with a County and DSHS Agreement On General Terms and Conditions, which is incorporated by reference.

Administration or Division Agreement Number

County Agreement Number

DSHS ADMINISTRATION

DSHS DIVISION

DSHS INDEX NUMBER

DSHS CONTRACT CODE

Aging and Disability Services Administration

Division of Developmental Disabilities

1122

1769CS-63

DSHS CONTACT NAME AND TITLE

DSHS CONTACT ADDRESS

Roger Van Allen
Operations Manager

1611 W Indiana Ave
Spokane, WA 99205-

DSHS CONTACT TELEPHONE
(509) 329-2952

DSHS CONTACT FAX
(509) 568-3037

DSHS CONTACT E-MAIL
vanalr@dshs.wa.gov

COUNTY NAME

COUNTY ADDRESS

Benton County *and Franklin County*

Department of Human Services
7102 West Okanogan Place, Suite 201
Kennewick, WA 99336-

COUNTY FEDERAL EMPLOYER IDENTIFICATION NUMBER

COUNTY CONTACT NAME

John Tuttle

COUNTY CONTACT TELEPHONE
(509) 737-3902

COUNTY CONTACT FAX

COUNTY CONTACT E-MAIL
john.tuttle@co.benton.wa.us

IS THE COUNTY A SUBRECIPIENT FOR PURPOSES OF THIS PROGRAM AGREEMENT?

CFDA NUMBERS

No

PROGRAM AGREEMENT START DATE
07/01/2013

PROGRAM AGREEMENT END DATE
06/30/2014

MAXIMUM PROGRAM AGREEMENT AMOUNT
\$2,009,283.00

EXHIBITS. The following Exhibits are attached: **Exhibit A – Data Security Requirements and Exhibit B - Program Agreement Budget**

By their signatures below, the parties agree to the terms and conditions of this County Program Agreement and all documents incorporated by reference. No other understandings or representations, oral or otherwise, regarding the subject matter of this Program Agreement shall be deemed to exist or bind the parties. The parties signing below certify that they are authorized to sign this Program Agreement.

Franklin County Commissioner Chair	Printed Name and Title Rich Miller, Chair Franklin County Commissioners	Date Signed
Benton County Commissioner Chair	Printed Name and Title Shon Small, Chair Benton County Commissioners	Date Signed
DSHS Signature	Printed Name and Title Sandra Daniel, ADS Contract Manager	Date Signed
Approved as to form: Agreed review performed by Franklin County Ryan Lukson Benton County Prosecuting Attorney's Office	Approved as to form: <i>BUB</i> Ryan Verhulp Franklin County Prosecuting Attorney's Office	Approved as to content: <i>[Signature]</i> Ed Thornbrugh Administrator, Human Services

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	Execute Contract <input checked="" type="checkbox"/>	Consent Agenda <input checked="" type="checkbox"/>
Subject: Personal Services Contract #2013 First Step	Pass Resolution <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>
Prepared by: Maria Loera, Sr. Secretary-DHS	Pass Ordinance <input type="checkbox"/>	1st Discussion <input type="checkbox"/>
Reviewed by: Ed Thornbrugh, Administrator-DHS	Pass Motion <input type="checkbox"/>	2nd Discussion <input type="checkbox"/>
	Other <input type="checkbox"/>	Other <input type="checkbox"/>

BACKGROUND INFORMATION

Benton and Franklin Counties Department of Human Services would like to contract with First Step Community Counseling Services, LLC for expenses incurred for the community connect event that is to be held in September 2013.

The purpose of the community event is to strengthen and utilize existing collaborations, volunteers, city organizations, and agencies to create a comprehensive holistic linkage of services for the homeless and substance abuse recovery populations in Benton and Franklin Counties.

The delay in execution is a result of contract negotiations and the legal review process.

COORDINATION

Ryan Lukson-BCPA
 Ryan Verhulp-FCPA
 Ed Thornbrugh, DHS

SUMMARY

Award: Not to exceed \$5,500.00
Period: July 1, 2013 through September 30, 2013
Funding Source: Benton County Homeless Housing Fund 0154101
 Franklin County Homelessness Housing Fund 0188-000-0001

RECOMMENDATION

- Sign the Resolution to accept the proposed Personal Services Contract
- Approve the proposed Personal Services Contract by signing all the copies where indicated

FISCAL IMPACT

There is no impact on the current expense budget. All revenues and expenditures are from the Benton County Homeless Housing Fund 0154101 and Franklin County Homelessness Housing Fund 0188-000-0001, for a Compensation amount not to exceed \$5,500.00.

MOTION

To approve signing Personal Services Contract #2013 First Step with First Step Community Counseling Services, LLC and to authorize the Chair to sign on behalf of the Board.



 Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY,
WASHINGTON AND FRANKLIN COUNTY, WASHINGTON;**

**RE: IN THE MATTER OF EXECUTING A PERSONAL SERVICES CONTRACT
#2013 FIRST STEP BETWEEN BENTON AND FRANKLIN COUNTIES
DEPARTMENT OF HUMAN SERVICES AND FIRST STEP COMMUNITY
COUNSELING SERVICES, LLC**

WHEREAS, Benton and Franklin Counties Department of Human Services would like to contract with First Step Community Counseling Services, LLC for expenses incurred for the community connect event that is to be held in September 2013; and

WHEREAS, the purpose of the community event is to strengthen and utilize existing collaborations, volunteers, city organizations, and agencies to create a comprehensive holistic linkage of services for the homeless and substance abuse recovery populations in Benton and Franklin Counties; and

WHEREAS, the goal is to provide a single location where non-profit medical and social service providers are able to provide comprehensive, holistic services. Participants will be connected with vision, hearing, dental, general medical, mental health, addiction treatment & recovery services, as well services for food, housing clothing, transportation, employment, income assistance and other financial services; NOW, THEREFORE,

BE IT RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners, be and they hereby are, authorized to sign, on behalf of their respective county, Personal Services Contract #2013 First Step between Benton and Franklin Counties Department of Human Services and First Step Community Counseling Services, LLC for expenses incurred for the community connect event that is to be held in September 2013, for a Compensation amount not to exceed \$5,500.00; and

BE IT FURTHER RESOLVED, the term of the attached Personal Services Contract commences on July 1, 2013 and shall expire on September 30, 2013.

Dated thisday of, 2013

Dated thisday of, 2013

Chair

Chair

Member

Member

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

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

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

**BENTON and FRANKLIN COUNTIES
DEPARTMENT OF HUMAN SERVICES
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, and FRANKLIN COUNTY, a political subdivision of the State of Washington, with its principal offices at 1016 North 4th Avenue, Pasco, WA, 99301, by and for Benton and Franklin Counties Department of Human Services, a bi-county department, with its principal offices at 7102 West Okanogan Place, Suite 201, Kennewick, WA 99336 (hereinafter "COUNTY"), and FIRST STEP COMMUNITY COUNSELING SERVICES, LLC with its principal offices at 415 N. MORAIN STREET, KENNEWICK, WA 99336 (hereinafter "CONTRACTOR").

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

1. CONTRACT DOCUMENTS

This Contract consists of the following documents:

- a. **Terms and Conditions**
- b. **Exhibit A, Scope of Services and Compensation**

2. DURATION OF CONTRACT

The term of this Contract shall begin **July 1, 2013** and shall expire on **September 30, 2013**, unless terminated sooner as set forth 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, "Scope of Services and Compensation", 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

<p>AGENDA ITEM: <u>Consent Agenda</u> MEETING DATE: <u>B/C 08-6-13 F/C 07-24-13</u> SUBJECT: <u>Sign County Program Agreement with DSHS/JRA Agreement 1363-80356 for WSART</u> Prepared By: <u>Toni Lehman</u> Reviewed By: <u>Darryl Banks</u></p>	<p><u>TYPE OF ACTION NEEDED</u></p> <p>Executive Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance Pass Motion Other</p>	<p>CONSENT AGENDA <u> X </u> PUBLIC HEARING 1ST DISCUSSION 2ND DISCUSSION OTHER</p>
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BACKGROUND INFORMATION

The Department of Social and Health Services, Juvenile Rehabilitation Administration (DSHS/JRA), has asked to contract with the Benton-Franklin Juvenile Justice Center to provide Washington State Aggression Replacement Training (WSART) consultation to other counties as a quality assurance measure for this evidence-based program. The term of this agreement is July 1, 2013, to June 30, 2015.

SUMMARY

The state will pay according to the conditions set forth in Exhibit A, Statement of Work of the Program Agreement.

RECOMMENDATION

I recommend that the Boards of County Commissioners authorize their Chairs to sign the Program Agreement # 1363-80356.

COORDINATION

Coordination of the program agreement occurred as follows: David Wheeler, Probation Manager; Darryl Banks, Administrator; and Stephen Hallstrom, Benton County Deputy Prosecuting Attorney who reviewed the agreement as to form.

FISCAL IMPACT

This project is grant funded. The maximum amount payable to the Counties is not to exceed Seventeen Thousand, Five Hundred, and Forty-Four dollars (\$17,544.00).

MOTION

I move that the Chair of the Board of Benton County Commissioners, and the Chair of the Board of Franklin County Commissioners be hereby authorized to sign, on behalf of their respective county, the Program Agreement for services between the Juvenile Justice Center and the Department of Social and Health Services, Juvenile Rehabilitation Administration, for the term of July 1, 2013, through June 30, 2015.

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

**IN THE MATTER OF AWARDING THE PROGRAM AGREEMENT BETWEEN THE
JUVENILE JUSTICE CENTER AND THE STATE OF WASHINGTON DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

WHEREAS, Benton and Franklin Counties has a Program Agreement with Washington Department of Social and Health Services for WSART Consultation via Benton County Resolution numbered 11-477 and Franklin County Resolution numbered 2011-262 which is DSHS Agreement Number 1163-30902; and

WHEREAS, Darryl Banks, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the County Program Agreement # 1363-80356 between Washington State Department Of Social & Health Services, Juvenile Rehabilitation Administration, and Benton-Franklin Counties Juvenile Justice Center be approved as presented for a term commencing July 1, 2013 and terminating on June 30, 2015, and

WHEREAS, the new agreement was not received by the Washington State Department of Social & Health services until July 3, 2013 and is backdated to July 1, 2013 so that services are not disrupted and so that the Juvenile Justice Center can maximize the use of available funds effective July 1, 2013; **NOW, THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County Washington and by the Board of Franklin County Commissioners, Franklin County Washington, the the Boards concur with the Juvenile Administrator's recommendation and hereby approve Program Agreement # 1363-80356 in an amount not to exceed \$17,544.00; and

BE IT FURTHER RESOLVED, that the Chairman is authorized to sign the attached Program Agreement # 1363-80356; and

BE IT FURTHER RESOLVED, the term of the attached contract amendment commences July 1, 2013 and expires on June 30, 2015.

DATED this 6th day of August 2013
**BENTON COUNTY BOARD OF
COMMISSIONERS**

DATED this 24th day of July 2013
**FRANKLIN COUNTY BOARD OF
COMMISSIONERS**

Chairman of the Board

Chairman of the Board

Member

Member

Member

Member

Attest: _____
Clerk to the Board

Attest: _____
Clerk to the Board

	COUNTY PROGRAM AGREEMENT WSART Consultation for County Juvenile Courts		DSHS Agreement Number 1363-80356
This Program Agreement is by and between the State of Washington Department of Social and Health Services (DSHS) and the County identified below, and is issued in conjunction with a County and DSHS Agreement On General Terms and Conditions, which is incorporated by reference.			Administration or Division Agreement Number County Agreement Number
DSHS ADMINISTRATION Juvenile Justice and Rehabilitation Administration	DSHS DIVISION Division of Treatment and Intergovernmental Prog	DSHS INDEX NUMBER 1122	DSHS CONTRACT CODE 5000CC-63
DSHS CONTACT NAME AND TITLE Cory Redman Program Administrator		DSHS CONTACT ADDRESS 14th and Jefferson P.O. Box 45720 Olympia, WA 98504-	
DSHS CONTACT TELEPHONE (360) 902-8079	DSHS CONTACT FAX (360) 902-8108	DSHS CONTACT E-MAIL redmaca@dshs.wa.gov	
COUNTY NAME Benton County and Franklin County Juvenile Justice		COUNTY ADDRESS 5606 W. Canal Place, Ste. 106 Kennewick, WA 99336	
COUNTY FEDERAL EMPLOYER IDENTIFICATION NUMBER		COUNTY CONTACT NAME Dave Wheeler	
COUNTY CONTACT TELEPHONE (509) 737-8745	COUNTY CONTACT FAX () -	COUNTY CONTACT E-MAIL david.wheeler@co.benton.wa.us	
IS THE COUNTY A SUBRECIPIENT FOR PURPOSES OF THIS PROGRAM AGREEMENT? No		CFDA NUMBERS	
PROGRAM AGREEMENT START DATE 07/01/2013	PROGRAM AGREEMENT END DATE 06/30/2015	MAXIMUM PROGRAM AGREEMENT AMOUNT \$17,544.00	
EXHIBITS. When the box below is marked with an X, the following Exhibits are attached and are incorporated into this County Program Agreement by reference:			
<input checked="" type="checkbox"/> Exhibits (specify): No Data Security Exhibit Exhibit A: Statement of Work - WSART Consultation for County Juvenile Courts			
The terms and conditions of this Contract are an integration and representation of the final, entire and exclusive understanding between the parties superseding and merging all previous agreements, writings, and communications, oral or otherwise, regarding the subject matter of this Contract. The parties signing below represent that they have read and understand this Contract, and have the authority to execute this Contract. This Contract shall be binding on DSHS only upon signature by DSHS.			
COUNTY SIGNATURE(S) <p style="text-align: center;">see attached signature sheet</p>		PRINTED NAME(S) AND TITLE(S)	DATE(S) SIGNED
DSHS SIGNATURE		PRINTED NAME AND TITLE Del R. Hontanosas Grants and Contract Manager	DATE SIGNED

<p>AGENDA ITEM: <u>Consent Agenda</u></p> <p>MEETING DATE: <u>B/C 08-06-13 F/C 08-14-13</u></p> <p>SUBJECT: <u>Sign Interagency Agreement with AOC for Becca Services via # IAA14032</u></p> <p>Prepared By: <u>Toni Lehman</u></p> <p>Reviewed By: <u>Darryl Banks</u></p>	<p style="text-align: center;"><u>TYPE OF ACTION NEEDED</u></p> <p>Executive Contract <u> X </u></p> <p>Pass Resolution <u> X </u></p> <p>Pass Ordinance</p> <p>Pass Motion</p> <p>Other</p>	<p>CONSENT AGENDA <u> X </u></p> <p>PUBLIC HEARING</p> <p>1ST DISCUSSION</p> <p>2ND DISCUSSION</p> <p>OTHER</p>
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BACKGROUND INFORMATION

The Benton/Franklin Counties Juvenile Justice Center has executed the contract from the State of Washington, Administrative Office of the Courts (AOC), to provide Becca services, which include Truancy, At Risk Youth (ARY) and Child in Need of Services (CHINS) within the Contractor's jurisdiction pursuant to Chapter 13.32A, Revised Code of Washington (RCW), for the state biennium, to-wit: July 1, 2013, through June 30, 2014.

SUMMARY

The term of the Interagency Agreement # IAA14032 is July 1, 2013, through June 30, 2014. The program agreement is backdated to July 1, 2013 so that services are not interrupted and the Juvenile Justice Center can maximize the use of available funds effective on July 1, 2013. The contract was not received by AOC until July 23, 2013.

RECOMMENDATION

I recommend that the Boards of County Commissioners authorize their Chairs to sign the Interagency Agreement # IAA14032.

COORDINATION

Coordination of the program agreement occurred as follows: Darryl Banks, Administrator/Intervention Manager; and Stephen Hallstrom, Benton County Deputy Prosecuting Attorney who reviewed the agreement as to form.

FISCAL IMPACT

This project is grant funded. The program agreement is based on expenditure reimbursement to the Benton-franklin Counties Juvenile Justice Center. The maximum reimbursement amount is not to exceed \$348,736.00

MOTION

I move that the Chair of the Board of Benton County Commissioners, and the Chair of the Board of Franklin County Commissioners be hereby authorized to sign, on behalf of their respective county, the Interagency Agreement # IAA14032 between the Juvenile Justice Center and the State of Washington Administrative Office of the Courts, for the term of July 1, 2013, through June 30, 2014.

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF AWARDING THE INTERAGENCY AGREEMENT BETWEEN THE BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER AND THE STATE OF WASHINGTON ADMINISTRATIVE OFFICE OF THE COURTS

WHEREAS, Benton and Franklin Counties had an Interagency Agreement with the State of Washington Administrative Office of the Courts for Becca Bill Program and Services via Benton County Resolution numbered 2012 603 and Franklin County Resolution numbered 2012-361 which is Interagency Agreement Number IAA13059; and

WHEREAS, Darryl Banks, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the interagency Agreement # IAA14032 between the State of Washington Administrative Office of the Courts, and the Benton-Franklin Counties Juvenile Justice Center be approved as presented for a term commencing July 1, 2013 and terminating on June 30, 2014, and

WHEREAS, the new agreement was not received by the State of Washington Administrative Office of the Courts until July 23, 2013 and is backdated to July 1, 2013 so that services are not disrupted and so that the Juvenile Justice Center can maximize the use of available funds effective July 1, 2013; **NOW, THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County Washington and by the Board of Franklin County Commissioners, Franklin County Washington, the Boards concur with the Juvenile Administrator's recommendation and hereby approves the State of Washington Administrative Office of the Courts Interagency Agreement IAA14032. The program agreement is based on expenditure reimbursement in which the maximum amount is not to exceed \$348,736.00.

BE IT FURTHER RESOLVED, that the Chairman is authorized to sign the attached Interagency Agreement # IAA14032 and

BE IT FURTHER RESOLVED, the term of the attached contract amendment commences July 1, 2013 and expires on June 30, 2014.

DATED this 6th day of August 2013
**BENTON COUNTY BOARD OF
COMMISSIONERS**

Chairman of the Board

Member

Member

Attest: _____
Clerk to the Board

DATED this 14th day of August 2013
**FRANKLIN COUNTY BOARD OF
COMMISSIONERS**

Chairman of the Board

Member

Member

Attest: _____
Clerk to the Board

INTERAGENCY AGREEMENT IAA14032
between
STATE OF WASHINGTON
ADMINISTRATIVE OFFICE OF THE COURTS
and
BENTON/FRANKLIN COUNTY JUVENILE COURT
for
Becca Bill Programs and Services

THIS CONTRACT is entered into by and between the Administrative Office of the Courts (“AOC”) and Benton/Franklin County Juvenile Court (“Contractor”).

PURPOSE

The purpose of this contract is to engage the services of the Contractor to process Becca Bill programs and services within its jurisdiction.

DESCRIPTION OF SERVICES TO BE PROVIDED

The Contractor will handle Truancy, At Risk Youth (ARY) and Child in Need of Services (CHINS) programs within the Contractor’s jurisdiction pursuant to Chapter 13.32A, Revised Code of Washington (RCW).

The Contractor shall submit summary reports to AOC documenting Becca Bill activities. These reports shall provide both the number of petitions and the actual cost of processing such petitions, broken down as follows:

1. CHINS petitions;
2. ARY petitions; and,
3. Truancy petitions.

The required format of the report is attached as Exhibit A and is incorporated herein.

Reporting schedule:

Period	Report Due
07/01/13 - 12/31/13	01/12/14
01/01/14 - 06/30/14	07/12/14

PERIOD OF PERFORMANCE

The execution of this Agreement shall constitute a ratification of an earlier verbal agreement between the parties that is now set forth in writing. Accordingly, the beginning date of performance under this Agreement is July 1, 2013 regardless of the date of execution and it shall end on June 30, 2014, except for any remaining obligations of the Contractor as may exist.

COMPENSATION

- a. Contractor shall be reimbursed a maximum of \$348,736.00 for costs incurred during the period of performance. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree to a higher amount in writing, except as governed by the REVENUE SHARING section of this agreement.

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	Aug 6, 2013	Execute Contract	_____
Subject:	BC v. Lawrence	Pass Resolution	<u> X </u>
Prepared by:	S. Maine	Pass Ordinance	_____
Reviewed by:	<u>R. Lukson</u>	Pass Motion	_____
		Other	_____
		Consent Agenda	<u> X </u>
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION

On April 26, 2013 Benton County filed suit against Bob Lawrence and Sundowns Training Center in Benton County Superior Court, Cause No. 13-2-01058-2. The suit was regarding a contract the parties entered into November 15, 2010, which was amended on May 23, 2011, January 24, 2012, and March 27, 2012. The parties have come to a resolution of Benton County’s claims per the attached Settlement Agreement and Release. Accordingly, all claims will be dismissed with prejudice and without costs to either party as provided therein.

SUMMARY : See above.

RECOMMENDATION: Approve a resolution authorizing the Chairman of the Board to sign the Settlement Agreement and Release.

FISCAL IMPACT: None.

MOTION: I move that we approve the resolution authorizing the Chairman of the Board to sign the Settlement Agreement and Release.

RESOLUTION

IN THE MATTER OF ENTERING INTO A SETTLEMENT OF BENTON COUNTY V. BOB LAWRENCE AND SUNDOWNS TRAINING CENTER, a Washington nonprofit corporation.

WHEREAS: On April 26, 2013 Benton County filed suit against the above named Defendants in Benton County Superior Court, Cause No. 13-2-01058-2. The suit was regarding a Contract the parties entered into November 15, 2010 which was amended on May 23, 2011, January 24, 2012, and March 27, 2012.

AND WHEREAS: The parties have come to a resolution of Plaintiff's claims as set forth in the Settlement Agreement and Release, attached hereto;

AND WHEREAS: Benton County Board of Commissioners have reviewed the proposed Settlement Agreement and Release and find it reasonable and in the best interest of the County;

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Benton County hereby authorizes the Chairman of the Board of County Commissioners, Shon Small, to sign the attached Agreement.

Dated this _____ day of _____, 2013.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington

Attest.....
Clerk of the Board

SETTLEMENT AGREEMENT AND RELEASE

THIS SETTLEMENT AGREEMENT AND RELEASE ("Agreement"), is effective upon signature by the parties and is made between Benton County, including all Benton County appointed and elected officials, agencies, departments, representatives, insurers, employees, agents, assigns, attorneys, and successors ("Releasing Plaintiff") and Bob Lawrence and Sundowns Training Center ("Defendants").

WHEREAS:

1. Releasing Plaintiff filed a lawsuit in the Benton County Superior Court for the state of Washington, Case No. 13-2-01058-2, (hereafter "this lawsuit" and/or "this litigation"), in connection with alleged damages stemming from an alleged breach of contract, as described more fully in Releasing Plaintiff's Complaint.

AND WHEREAS:

2. Releasing Plaintiff and Defendants seek to avoid the uncertainties, burdens, and inconveniences of litigation, and the expenses attendant thereto, under the sound policy of law favoring the settlement of litigation and wish, by this Agreement, to compromise, settle, and relinquish all claims that Releasing Plaintiff and Defendants may have against any of the other parties hereto, asserted, arising out of, or forming the basis for this litigation.

THEREFORE:

3. The signatories to this release acknowledge that in consideration of this Agreement, the below referenced payment to Releasing Plaintiff shall be contingent both on the execution of this release, and the execution of all counsel of record of a Stipulation and Order of Dismissal in the form attached hereto as Exhibit "A". Accordingly, Releasing Plaintiff and Defendants' claims will be dismissed with prejudice and without costs and both parties will therefore bear their own attorney fees, costs, and any and all other expenses, including but not limited to, expert witness fees, and any other expenses or costs arising out of or in anyway associated with this litigation. In the event that any of the foregoing pleadings are not accepted by the Court, or the relief therein requested is not granted by the Court, Releasing Plaintiff shall take any and all further action necessary to ensure that the lawsuit is dismissed with prejudice and without costs, and to ensure that Releasing Plaintiff and Defendants will bear their own attorney fees, costs and any and all other expenses,

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>August 6, 2013</u> Subject: <u>Wyckoff Farms, Inc., Franchise Order and Agreement</u> Prepared by: <u>lss</u> Reviewed by: <u>swb</u>	Execute Agreement _____ Pass Resolution <u>X</u> _____ Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda <u>X</u> _____ Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

Benton County Public Works has received a petition to create a Franchise Order and Agreement with Wyckoff Farms, Inc. They have an existing irrigation water distribution system Franchise that will expire soon. They wish to renew their franchise with Benton County.

SUMMARY

Wyckoff Farms, Inc. has requested a franchise to place irrigation waterlines within Benton County road right of way. A public hearing was held July 16, 2013. The Commissioners voted on, and approved the Franchise Agreement for an irrigation waterline distribution system and all facilities with Wyckoff Farms, Inc., based on the 6 conditions listed in the Engineer’s Report. The Franchise Agreement has been signed by Wyckoff Farms, Inc., and approved as to form by our Deputy Prosecuting Attorney. It is now before the Board for final approval.

RECOMMENDATION

Benton County Public Works recommends that the Commissioners approve the resolution as part of the Consent Agenda, which allows the Chairman to execute said Franchise Order and Agreement.

FISCAL IMPACT

None.

MOTION

Approve as part of the Consent Agenda.

ORIGINAL

RESOLUTION

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

IN THE MATTER OF COUNTY FRANCHISES RE: GRANTING A FRANCHISE TO WYCKOFF FARMS, INC., FOR AN IRRIGATION WATER DISTRIBUTION SYSTEM AND ALL FACILITIES, IN BENTON COUNTY ROAD RIGHTS OF WAY;

WHEREAS, a public hearing was held to consider the request of WYCKOFF FARMS, INC., who has applied for a nonexclusive franchise for an irrigation water distribution system and all facilities 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, 2023, 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 yearly;
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, WYCKOFF FARMS, INC., 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 for Wyckoff Farms, Inc. for waterline distribution system and all facilities in County road rights of way be approved and that the Board indicates its approval by its signatures on the Order and Agreement for Nonexclusive Franchise.

Dated this 2nd day of August, 2013

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

Original: Public Works/ Steve W Becken/Sue Schuetze

Return to:
Benton County Public Works
P. O. Box 1001
Prosser, WA 99350

Grantor: Benton County
Grantee: Wyckoff Farms, Inc.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

BENTON COUNTY, STATE OF WASHINGTON

IN THE MATTER OF THE APPLICATION OF)
WYCKOFF FARMS, INC. FOR A NONEXCLUSIVE)
FRANCHISE TO LOCATE, CONSTRUCT, MAINTAIN,)
OPERATE, USE, AND IF NECESSARY, REMOVE) No. _____
AN IRRIGATION WATER DISTRIBUTION SYSTEM)
AND ALL FACILITIES WITHIN THE COUNTY OF) ORDER AND AGREEMENT FOR
BENTON, STATE OF WASHINGTON, UPON, OVER,) NONEXCLUSIVE FRANCHISE
UNDER, ALONG, AND ACROSS CERTAIN COUNTY)
ROADS AND PUBLIC HIGHWAYS, OR PARTS)
THEREOF, NOT WITHIN THE LIMITS OF ANY)
INCORPORATED CITY OR TOWN.)

FINDINGS

NOW, on this ____ day of _____, 2013 the petition and application of WYCKOFF FARMS, INC., for the authority and nonexclusive Franchise, for a term of ten (10) years, to install, locate, construct, maintain, operate, use, and, if necessary, remove IRRIGATION WATER DISTRIBUTION SYSTEM AND ALL FACILITIES under, upon, over, along and across Benton County roads, highways, streets, alleys, bridges, and rights-of-ways, or other County property, hereinafter called County roads or rights-of-ways, described in said application by reference to the sections, townships, and ranges in which said County roads or rights-of-ways are physically located within the County of Benton, State of Washington,

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>August 6, 2013</u> Subject: <u>Antinori Road ROW Acquisition from Col Solare</u> Prepared by: <u>lss</u> Reviewed by: <u>swb</u>	Execute Agreement _____ Pass Resolution <u>X</u> _____ Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda <u>X</u> _____ Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

The Benton County Engineer has determined that right of way is needed for the Antinori Road Extension project CE 1945 CRP and through right of way negotiations an Administrative Settlement in the amount of \$11,418.56 for 0.45 acres for a portion of Parcel No. 1-0997-100-0000-005, has been agreed upon by the landowner, Col Solare LLP, and Public Works Director Steve Becken.

SUMMARY

Benton County Public Works needs to pay Col Solare LLP for right of way.

RECOMMENDATION

Benton County Public Works recommends paying Col Solare LLP \$11,418.56 for 0.45 acres of right of way.

FISCAL IMPACT

\$11,418.56

MOTION

Approve Consent Agenda, which includes the Resolution to pay Col Solare for \$11,418.56 for 0.45 acres of right of way.

Steven W. Becken
Public Works Manager

Daniel S. Ford, P.E.
County Engineer

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

Benton County

Department of Public Works

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

April 17, 2013

RE: Antinori Road Extension
CE 1945 CRP
Parcel No. 1-0997-100-0000-005
Property Owner: Col Solare LLP

Letter to file:

Having made an offer to purchase 0.45 acres of proposed right of way for \$7,022.00 based on current Benton County Assessor's files, Mr. Steve Johnson on behalf of Col Solare LLP made a counter offer of \$11,418.56. He based his amount on the purchase price for the property. (See e-mail and attachment dated 4-17-2013) Considering the advantages and disadvantages of further negotiations and possible litigation, I hereby authorize an administrative settlement in the amount of \$11,418.56.



Steven W. Becken
Public Works Manager

ORIGINAL

RESOLUTION

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

IN THE MATTER OF COUNTY ROADS, RE: PURCHASE RIGHT OF WAY FOR COUNTY ROAD IMPROVEMENT DISTRICT 21 (CRID 21) ANTINORI ROAD EXTENSION, CE 1945 CRP, FROM COL SOLARE LLP

WHEREAS, RCW 36.88.050 provides for the initiation of road improvement districts by the petition method; and

WHEREAS, the Board of County Commissioners of Benton County, Washington approved the formation of CRID 21 for the purpose of construction of a county road, of which part of the process requires acquiring right of way within the boundaries of the proposed CRID 21, and

WHEREAS, Resolution 2012-66 was signed on January 31, 2012 approving the creation of CRID 21 Antinori Road Extension, CE 1945 CRP; and

WHEREAS, the Benton County Engineer has determined that right of way is needed for the project; and

WHEREAS, through right of way negotiations an Administrative Settlement in the amount of \$11,418.56 for 0.45 acres for a portion of Parcel No. 1-0997-100-0000-005, has been agreed upon by the landowner, Col Solare LLP, and Public Works Director Steve Becken, and

WHEREAS, the County Engineer recommends that Benton County purchase the right of way from Col Solare LLP for \$11,418.56 for 0.45 acres; NOW, THEREFORE,

BE IT RESOLVED that the right of way be purchased in the amount of \$11,418.56 from Col Solare LLP; and

BE IT FURTHER RESOLVED the Board of Benton County Commissioners direct staff to prepare a check for \$11,418.56 to pay Col Solare LLP for the right of way acquisition for the CRID 21 Antinori Road Extension CE 1945 CRP.

Dated this 6th day of August 2013.

BOARD OF COUNTY COMMISSIONERS
BENTON COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

ATTEST:

Clerk, Board of County Commissioners

Original: Benton County Public Works: Steve Becken/Sue Schuetze
c: Benton County Auditor

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS RE: AWARDING BID FOR C.E. 1971 SMP - PAVEMENT MARKING-2013 TO STRIPE RITE, INC. OF SUMNER, WA

WHEREAS, bids for C.E. 1971 SMP - PAVEMENT MARKING-2013 were received and opened on July 25, 2013; and

WHEREAS, five bids were received in the amounts below and are set forth on the attached tabulation;

STRIPE RITE, INC. (STRIPRI121JM) Sumner, Washington 98390	\$231,901.00
ROAD PRODUCTS, INC. (ROADPI*053DT) Spokane Valley, Washington 99206	\$234,363.00
SHARP-LINE INDUSTRIES, INC. (SHARPLI054C1) Spokane, Washington 99211	\$244,128.33
HICKS STRIPING & CURBING, INC. (HICKSSC021LE) Salem, OR 97303	\$263,596.00
SPECIALIZED PAVEMENT MARKING, INC. (SPECIPM000BQ) Tualatin, OR 97062	\$278,400.00

and

WHEREAS, the County Engineer recommends award of the bid to Stripe Rite, Inc., Sumner, Washington – STRIPRI121JM; NOW, THEREFORE,

BE IT RESOLVED that the contract for C.E. 1971 SMP – PAVEMENT MARKING-2013 be awarded to Stripe Rite, Inc., Sumner, Washington in the amount of \$231,901.00; and

BE IT FURTHER RESOLVED, any necessary Change Orders must be in accordance with Section 3.8 of the Benton County Procurement, Leasing and Contracting Policy per Resolution 2012-677 or any future amendments to said policy.

Dated this 6th day of August, 2013.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

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

Orig.: Public Works

S. Christen

PROJECT: CE 1971 SMP - PAVEMENT MARKING 2013				STRIPE RITE, INC.		ROAD PRODUCTS, INC.		SHARP-LINE INDUSTRIES, INC.	
LOCATION: BENTON COUNTY				1813 137th Ave. East		9915 E. Trent Ave.		P. O. Box 11971	
LET BY: BOARD OF COUNTY COMMISSIONERS				Sumner, WA 98390		Spokane Valley, WA 99206		Spokane, WA 99211	
DATE: July 25, 2013; 2:00 p.m., Local Time									
ITEM NO	ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	CENTERLINE SKIP YELLOW	303	Linear Miles	134.00	40,602.00	145.00	43,935.00	78.67	23,837.01
2	PAVEMENT EDGELINE SOLID WHITE	403	Linear Miles	317.00	127,751.00	272.00	109,616.00	314.68	126,816.04
3	NO PASS SOLID YELLOW	296	Linear Miles	213.00	63,048.00	272.00	80,512.00	314.68	93,145.28
4	S P C C PLAN	Lump Sum	L.S.	Lump Sum	500.00	Lump Sum	300.00	Lump Sum	330.00
TOTAL BID				231,901.00		234,363.00		244,128.33	

PROJECT: CE 1971 SMP - PAVEMENT MARKING 2013				HICKS STRIPING		SPECIALIZED PAVEMENT		ENGINEER'S	
LOCATION: BENTON COUNTY				3720 Brooklake Road		MARKING, INC.		ESTIMATE	
LET BY: BOARD OF COUNTY COMMISSIONERS				Salem, OR 97303		11095 SW Industrial Way, Ste A			
DATE: July 25, 2013; 2:00 p.m., Local Time						Tualatin, OR 97062			
ITEM NO	ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	CENTERLINE SKIP YELLOW	303	Linear Miles	123.00	37,269.00	170.00	51,510.00	200.00	60,600.00
2	PAVEMENT EDGELINE SOLID WHITE	403	Linear Miles	329.00	132,587.00	320.00	128,960.00	335.00	135,005.00
3	NO PASS SOLID YELLOW	296	Linear Miles	315.00	93,240.00	330.00	97,680.00	335.00	99,160.00
4	S P C C PLAN	Lump Sum	L.S.	Lump Sum	500.00	Lump Sum	250.00	Lump Sum	500.00
TOTAL BID				263,596.00		278,400.00		295,265.00	

R E S O L U T I O N

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING A PUBLIC WORKS SERVICE CONTRACT TO DOORS & SPECIALTIES INSTALLERS, llc FOR DOOR REPAIR/REPLACEMENT ON THE KENNEWICK AND PROSSER MAINTENANCE SHOP BUILDINGS

WHEREAS, per Resolution 2012-677, any public works services or materials involving less than \$40,000.00, 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, a request for proposal was solicited from three (3) contractors listed on the county’s small works roster for door repair/replacement on the Kennewick and Prosser Maintenance Shop Buildings; and

WHEREAS, proposals were received as follows:

- Doors & Specialties Installers, llc., Kennewick, WA - DOORSSI896d5\$ 11,451.00
- MP Construction, Inc., West Richland, WA - MPCONCI941BC\$ 12,634.00
- Ron General Contractors, Richland, WA - RONEN099DN..... Did not respond

WHEREAS, Doors & Specialties Installers, llc, Kennewick, WA – DOORSSI896d5 submitted the lowest bid, and

WHEREAS, the Public Works Manager reviewed the proposals and recommends awarding the Public Works Contract to Doors & Specialties Installers, llc, Kennewick, WA; **NOW, THEREFORE**

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the recommendation and hereby awards Doors & Specialties Installers, llc, Kennewick, Washington the Public Works Contract for the door repair/replacement on the Kennewick and Prosser Maintenance Shop in the amount of \$11,451.00, plus Washington State Sales Tax in the amount of \$950.43; and

BE IT FURTHER RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby authorizes the Chairman of the Board to sign the attached Public Works Contract; and

BE IT FURTHER RESOLVED, the term of the attached contract shall commence upon execution by the Board and shall expire on October 31, 2013.

Dated this 6th day of August 2013.

Chairman of the Board

Chairman Pro-Tem

Member

Constituting the Board of County
Commissioners of Benton County,
Washington

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 **DOORS & SPECIALTIES INSTALLERS, llc** a Washington corporation with its principal offices at 430 W. Deschutes Ave., Kennewick, Washington 99336, (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:

Exhibit A - Washington State Prevailing Wage Rates

2. DURATION OF CONTRACT

The term of this Contract shall begin upon execution by both parties and CONTRACTOR shall complete the work as outlined in Section 3 of this Contract by October 31, 2013, 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.

3. SERVICES PROVIDED

The COUNTY requires and the CONTRACTOR agrees to complete all work as listed below:

a. Road Department Maintenance Facility at 1709 South Ely, Kennewick, WA 99336:

1. Remove and replace the existing exterior entrance door and door jamb located on the west side of the Road Department Maintenance Facility with new. Install new hinges, closure and crash bar. Keying and core is to be done by owner. Paint jamb and door to match existing.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS, RE: AUTHORIZATION TO PAY MAINTENANCE AGREEMENT FEES TO CASCADE SOFTWARE SYSTEMS, INC., EUGENE, OREGON

WHEREAS, on September 29, 2003, Resolution 03-546 authorized the purchase of cost accounting software from Cascade Software Systems Inc.; and

WHEREAS, Appendix B of said contract stated an Annual Maintenance Agreement would be submitted at a later date; and

WHEREAS, on January 9, 2004, the County Engineer entered into an Agreement for Maintenance and System Services which stated it shall be automatically renewed annually on the anniversary date unless terminated by either party within thirty days of said date; and

WHEREAS, in addition to the maintenance fee, Benton County will pay up to \$120.00 per calendar year as a reimbursement for Internet related support services and expenses; and

WHEREAS, a written renewal notice with updated maintenance rates is to be submitted to Benton County no later than 60 days prior to the anniversary date; and

WHEREAS, Cascade Software Systems, Inc. in accordance with the agreement, submitted the Maintenance Rate for 2013 in the amount of \$7,519.87; NOW, THEREFORE,

BE IT RESOLVED that the Board of County Commissioners authorizes payment to Cascade Software Systems, Inc., Eugene, Oregon for the maintenance fee and internet related support services for 2013 in an amount not to exceed \$7,639.87.

Dated this 6th day of August 2013.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

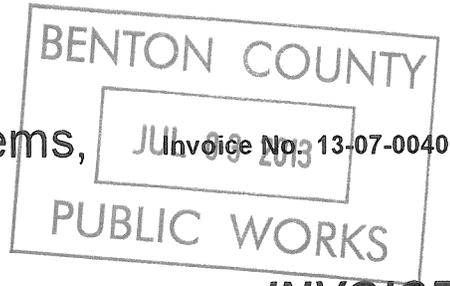
Orig.: Public Works

S. Christen



Cascade Software Systems, Inc.

P.O. Box 10723
Eugene, OR 97440-2723



INVOICE

Customer

Name County of Benton - Department of Public Works
 Address P.O. Box 1001
 City Prosser State WA ZIP 99350-0954
 Phone _____

Invoice Date 7/1/2013
 Due Date 7/31/2013
 Contract No _____

Qty	Description	Unit Price	TOTAL
1	Maintenance Agreement: 07/01/2013 - 12/31/2013 <i>SUB 7-9-13</i> <i>RD - 3200-4100 - 1879.77</i> <i>ERR - 8010-4100 - 1879.90</i>	\$3,759.93	\$3,759.93
		SubTotal	\$3,759.93
			\$0.00
		TOTAL	\$3,759.93

Office Use Only

Invoice subject to Finance Charges (1 1/2% per Month) if Payment not received by Due Date.

Thank you for your continued business.

*use
fax due*



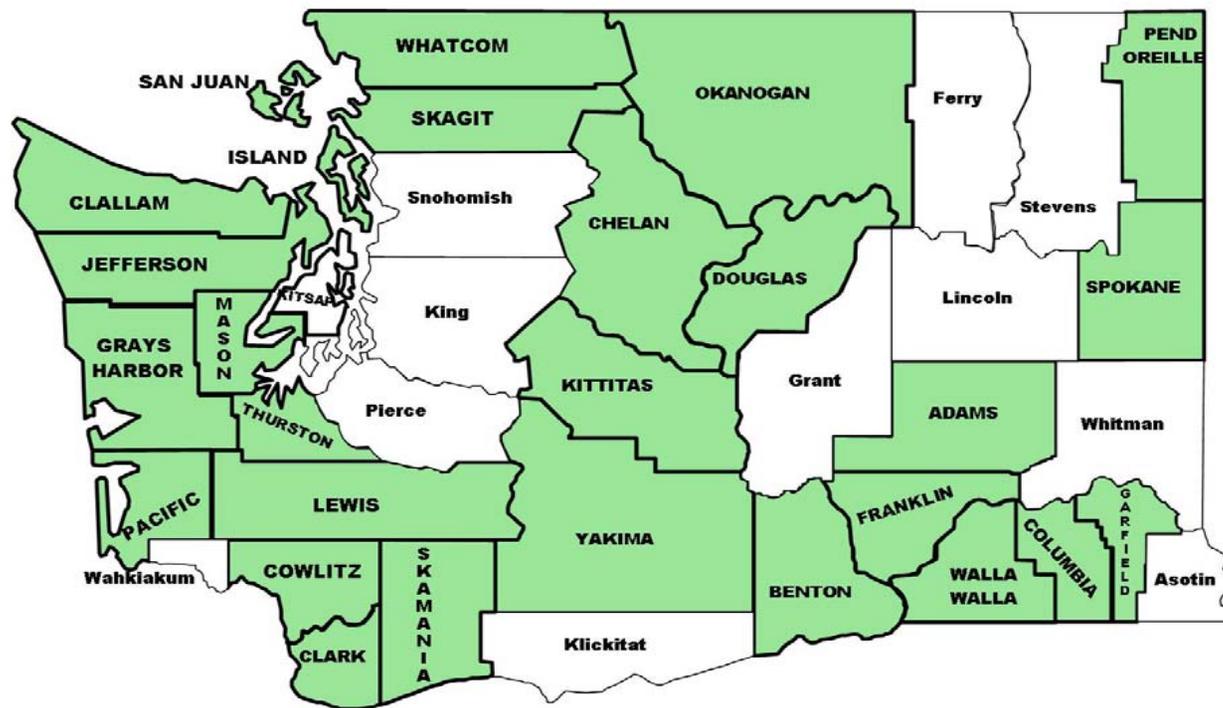
WASHINGTON COUNTIES RISK POOL

Created by Counties for Counties



WHO WE ARE

2012 WCRP Members



<u>Element</u>	<u>WCRP</u>
Population	2,792,131 (42%)
Square Miles	45,649 (69%)
County Road Miles	23,497 (60%)

 WCRP Member Counties shaded in green



MISSION STATEMENT

- To provide comprehensive and economical risk coverage
- Reduce the frequency and severity of losses, and
- Decrease costs incurred in the managing and litigation of claims



WHAT WE OFFER

- **Third Party Liability (Casualty) Program**
 - General Liability including Law Enforcement, Public Officials and Disciplinary Proceedings
 - Employment Practices Liability
 - Automobile Liability
- **Property Program** (Commercially Insured Member Option)
- Member option coverage for **Crime, Environmental, Public Official Bonds and Special Events**

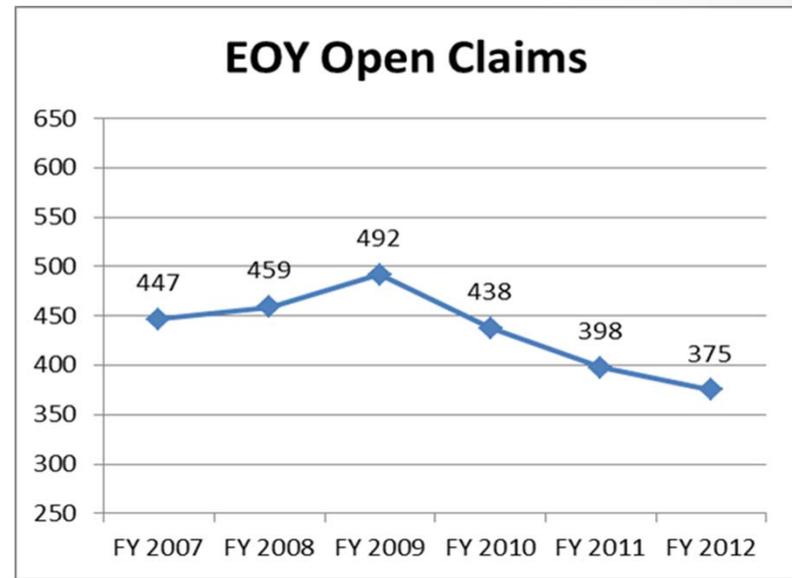
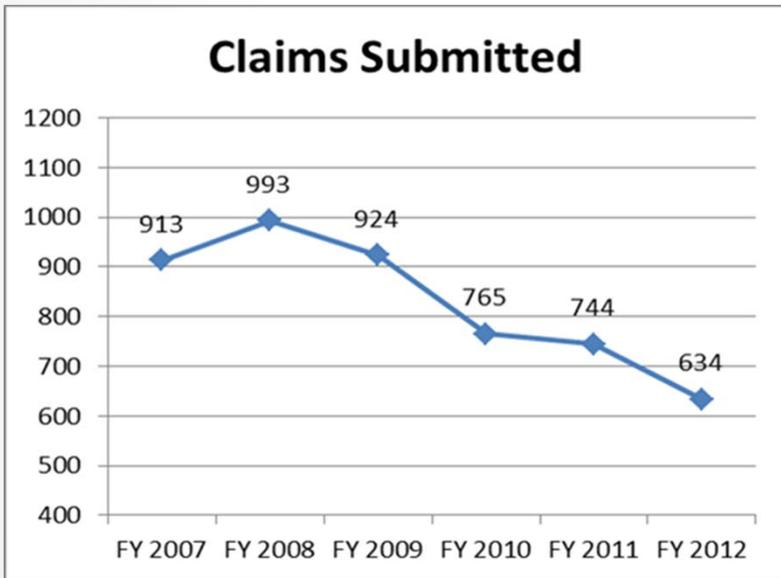


GOVERNING STRUCTURE





WCRP CLAIM ACTIVITY-FREQUENCY





RISK MANAGEMENT-LOSS CONTROL RESOURCES

- County by County Risk Analysis and Assessments of Exposures, Phase I/II
- Pre-defense Reviews
- One on One Loss Control Assistance
- Human Resources Hotline
- On-line library with model and shared policies
- Membership Compact/County Risk Manager and Claims Administrator trainings and certifications
- Claims Administrator/Risk Manager Roundtables



PY 2013-Q3 FINANCIAL POSITION

(as of June 30, 2013)

- Total Assets=\$32.8 million (13.2% increase over 2012)
- Claims Reserve=\$5.4 million (-11.3% decrease YOY)
- “Corridor” Reserves=\$11.9 million (“stop-loss” limits total \$15.6 million during first 6.75 years of the program)
- Net Position (Member’s equity)=\$13.1 million (17.9% increase YOY)
- Actuary’s Target Fund Balance = \$11M to \$23M
- Operating Budget=\$2.1 million (14.3% of total program)



OPERATING PHILOSOPHY

- Synonymous with a co-op – the Pool is only as strong as its weakest link
- Claims are evaluated on their merits – to settle or go to trial is determined by each claim's objective merits
- Membership counts – the Pool's members are its greatest assets
- Each member is unique – one size does not fit all
- The Pool's strength lies in its diversity



**WASHINGTON
COUNTIES
RISK POOL**

Created by Counties for Counties

Serving the Membership and
Accomplishing the Mission!

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	<u>Aug 6, 2013</u>	Execute Contract	<u>X</u>	Consent Agenda
Subject:	<u>Authorizing</u>	Pass Resolution	<u>X</u>	Public Hearing
	<u>WASPC RSO</u>	Pass Ordinance	_____	1st Discussion
	<u>Grant</u>	Pass Motion	_____	2nd Discussion
	<u>Agreement</u>	Other	_____	Other
Prepared by:	<u>L. Small</u>			
Reviewed by:	<u>Ryan Lukson</u>			

BACKGROUND INFORMATION

The Washington Association of Sheriffs & Police Chiefs solicited a Request for Qualifications to participate in the Registered Sex Offender Address and Residency Verification Program. The Benton County Sheriff's Office submitted a Request for Qualifications and was awarded for the FY 2009, FY 2010, FY 2011, and FY 2012.

SUMMARY

The Benton County Sheriff's Office was informed they were once again awarded in the amount of \$133,788.55 for FY 2013 Registered Sex Offender Address and Residency Verification Program to be used towards sending at least one representative to one or more Offender Watch User Group meetings and/or the RSO Coordinator Conference during the year, along with other costs associated with Registered Sex Offender Address and Residency Verification Program.

RECOMMENDATION

Approve attached resolution authorizing the Chairman to sign the agreement allowing Benton County's participation in the FY 2013 Registered Sex Offender Address and Residency Verification Program.

FISCAL IMPACT

Revenue/Funding of \$133,788.55

Supplement/Budget Adjustment will be needed.

MOTION

Move to approve the attached Resolution and Agreement between the Washington Association of Sheriffs & Police Chiefs and Benton County Sheriff's Office for the FY 2013 Registered Sex Offender Address and Residency Verification Program Award in the amount of \$133,788.55.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING THE AGREEMENT BETWEEN WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS AND BENTON COUNTY WHICH WILL ALLOW THE BENTON COUNTY SHERIFF'S OFFICE TO PARTICPATE IN THE FY 2013 REGISTERED SEX OFFENDER ADDRESS AND RESIDENCY PROGRAM

WHEREAS, the Washington Association of Sheriffs & Police Chiefs requested a Request for Qualifications to participate in the Registered Sex Offender Address and Residency Verification Program; and

WHEREAS, the Benton County Sheriff's Office submitted a Request for Qualifications and was awarded for the FY 2009, FY 2010, FY 2011, and FY 2012; and

WHEREAS, the Benton County Sheriff's Office was informed that they have been awarded \$133,788.55 for the FY 2013 Registered Sex Offender Address and Residency Program; **NOW, THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County Washington, the Board hereby approves the attached agreement between the Washington Association of Sheriffs & Police Chiefs and Benton County for the award of said funding; and

BE IT FURTHER RESOLVED, that the term of the attached agreement is effective from July 1, 2013 and expires on June 30, 2014; and

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

Dated this _____ day of _____, 2013.

Chairman of the Board

Member

Member

Constituting the Board of County Commissioners
of Benton County, Washington

Attest: _____
Clerk of the Board

**BENTON COUNTY
BOARD OF COUNTY COMMISSIONERS**

Agenda Request Summary

<u>Type of Action Requested</u>	<u>Classification</u>
<input type="checkbox"/> Execute contract	<input type="checkbox"/> Consent agenda
<input type="checkbox"/> Pass resolution	<input type="checkbox"/> Public hearing
<input type="checkbox"/> Pass ordinance	<input type="checkbox"/> 1 st discussion
<input type="checkbox"/> Pass motion	<input type="checkbox"/> 2 nd discussion
<input checked="" type="checkbox"/> Other (describe) Presentation to the Board	<input checked="" type="checkbox"/> Other Presentation to the Board

Requested meeting date: **July 23, 2013**
Presentation length: **15 minutes**
Presenting elected office/department: **Law & Justice Council Citizen's Advisory Committee**
Prepared by: **Eric Hsu**
Reviewed by: **Loretta Smith-Kelty**

BACKGROUND INFORMATION

In late 2012, the Benton County Law & Justice Council approached the Board of County Commissioners, asking that the Board authorize the Council to convene a Citizen's Advisory Committee to investigate and make recommendations about the need for a Criminal Justice Sales Tax to be advance for voting approval by the public. The Board approved the Council convening such a Committee and one was formed soon thereafter. The Committee, chaired by Richard Nordgren, was given its mandate and commenced its investigation and deliberation free from the guidance, direction and advice of the Law and Justice Council or any of its constituent members. After reviewing the issue for over six months, the Committee reports that it is now ready to present its findings and recommendations directly to the Board of Commissioners.

SUMMARY

The Citizen's Advisory Committee commissioned by the Benton County Law & Justice Council would like to present its findings regarding the potential necessity of a voter-approved criminal justice sales tax directly to the Board of Commissioners.

RECOMMENDATION

None – presentation to be made by Council Chair

ANTICIPATED FISCAL IMPACT

None – presentation only

**BENTON COUNTY CRIMINAL JUSTICE SALES TAX
CITIZENS ADVISORY COMMITTEE**

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 - b. Law Enforcement
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 2. Benton County Sheriffs Office; current threats
 3. Kennewick Police Department; current threats
 4. Prosser Police Department; current threats
 5. Richland Police Department; current threats
 6. West Richland Police Department; current threats
 7. General
 - c. Arrests
 - d. The Court System
 1. Superior Court
 2. District Court
 3. Juvenile Court
 - e. Benton County Jail
 - f. County Prosecuting Attorney
 - g. County Clerk
 - h. Human Services and Specialty Courts
 - i. Office of Public Defense
6. Anticipated Revenue and Cost Estimate
7. Recommendations for Additional uses
8. Concluding Remarks

Executive Summary and Recommendations

The Criminal Justice Sales Tax Citizens Advisory Committee was charged with conducting a review of the criminal justice system and determining whether or not additional resources are necessary to address needs which are not being met through the normal budgeting process. The committee has completed this work and its findings and recommendations follow.

The good news is that people in Benton County are significantly less likely to be victims of crime than was the case in 1995. Since that index year the number of crimes reported to law enforcement agencies has declined. The decline in crime has not been the same across the county; some jurisdictions have seen a greater reduction than others. The trend has not been smooth from year to year; there have been up-ticks which have temporarily altered the downward trend. It appears multiple factors have contributed to this trend. Even so the direction of the trend is evident.

Concurrently there is evidence that in certain parts of the criminal justice system workload indicators have also decreased. The number of felony referrals from law enforcement agencies to the Prosecuting Attorney has been trending downward for a number of years and with that the number of felony filings in Superior Court has also been trending downward. A similar pattern is evident in the declining number of criminal informations filed in Juvenile Court. When county population growth and the number of additional officers are taken into consideration the downward trend of these workload indicators is phenomenal.

That is the good news but there is also bad news. The committee heard from many sources that the cost of doing business has been going up. For example, medical expenses for both employee medical benefits and for the care of jail inmates have risen at a rate greater than inflation. Another illustrative example is the additional cost of unfunded mandates. For example, in the past officers did not need to obtain a search warrant to examine vehicles following traffic stops if there was evidence of an illegal substance in the vehicle. A warrant is now required and this raises the unit cost of service delivery. There are numerous other examples brought to the awareness of the committee but the bottom line is the same: it is more costly to do business.

Additionally the types of crimes and the ways in which they are handled have become increasingly complicated. Cyber-crimes ranging from identity thefts, to scams to child trafficking add to the time it takes to investigate cases and calls for new skill sets across the system.

The effect of citizen initiatives has restricted the ability (and perhaps the willingness) of legislative bodies at the municipal and county level to raise taxes to fully cover operating expenses for the criminal justice system and to fund new programs. The effect of these restrictions has not been borne equally across the system. The committee was aware of the varying levels of need for additional resources as it formed its recommendation.

In light of the above considerations the committee voted to recommend to the Benton County Board of Commissioners the following action.

The committee recommends the Board of Commissioners place before the voters of Benton County a ballot measure for a criminal justice sales tax in the amount of 0.3%.

The committee understands it cannot direct how the revenue should be used by the county and each municipality. That is the responsibility of the county and the cities to decide as the ballot measure is written. That being said, the committee believes the identified needs detailed in this report should be given great weight in the allocation process.

There was considerable discussion of the need for services for the mentally ill who come in contact with the criminal justice system. For many years there has been discussion about having a secure treatment facility which could be used in lieu of incarceration for people with acute psychiatric illnesses. The committee understands the benefits attendant to such a facility but in the end it was concluded recommending a portion of additional revenue for this purpose would stretch the definition of the criminal justice system. The committee was frustrated by the lack of reliable and useful data in support of a secure evaluation and treatment center, and about the prevalence of individuals with mental illnesses who come in contact with the criminal justice system. It should also be noted that illegal activity associated with substance abuse was well documented and is likely to be a far more substantial contributor to criminal activity. That being said, there is significant promise for reducing jail costs and law enforcement involvement if additional services are made available for people with mental illnesses. The committee recommends enhanced mental health services for jail inmates and the institution of a mental health court. The committee has seen the need for a comprehensive plan for the provision of mental health services, and it fully endorses the speedy completion of such a plan.

The committee is cognizant of the fact the county will receive 60% of the revenue from a criminal justice sales tax increase and that the amount of additional revenue is greater than the immediate identified needs for county services. The committee came to the conclusion that a portion of the revenue coming to the county could be used to lower the jail day bed rate, cover the cost of the Metro Drug Task Force and fund new inter-agency initiatives to address emergent needs, such as the rise of criminal gang activity. If the county could shoulder some of the costs currently paid by the cities, it would free up money the cities now spend for such things as jail costs, which in turn could be used to pay for additional officers and other mission important services.

In the opinion of the committee no revenue from this measure should be used to supplant existing revenue in the general budget used for criminal justice purposes. In addition, the committee recommends the Commissioners implement performance audits so the public can be assured their tax dollars are spent on programs and services which truly have the desired impact on crime and the factors which contribute to crime.

In conclusion, the committee believes the public is well served by all those called to service in the criminal justice system. In order to maintain the quality of life here in Benton County, which they ably strive to accomplish and to be able to address emergent problems such as cyber-crime and criminal gang activity, it is necessary to have an additional revenue stream to provide the resources identified in this report.

Summary of Cost and Revenue Estimates

Municipalities Name	Cost Estimate			Revenue Estimate @ 0.3%
	Year 1	Year 2*	Year 3*	
Kennewick	\$1,931,000.00	\$1,131,000.00	\$1,096,000.00	\$1,843,200.00 – 1,966,100.00
Richland	\$375,000.00			\$1,224,000.00 – 1,305,600.00
West Richland	\$180,000.00	\$180,000.00		\$309,600.00 – 330,200.00
Benton City	None identified			\$82,800.00 - 88,300.00
Prosser	\$175,000.00			\$140,400.00 - 149,800.00

* Phased expansion. Cost estimate in addition to what was needed in Year 1.

County Department	Cost Estimate	Revenue Estimate @ 0.3%
BCSO - Patrol	\$450,000.00	
BCSO - Jail	\$378,900.00	
Superior Court	\$346,000.00	
District Court	\$97,000.00	
Juvenile Court	\$446,000.00	
Clerk	None recommended	
Prosecuting Attorney	None recommended	
OPD	None recommended	
Mental health court	\$365,000.00	
Metro Drug Task Force	Negotiable	
Jail daily rate reduction	Negotiable	
Shared services reduction	Negotiable	
County Total		\$5,400,000.00 – 5,760,000.00

Note. The committee has no recommendation as to the distribution of the county's portion of the sales tax revenue used to reduce costs to the cities for the Metro Drug Task Force. Jail rate and shared services.

**BENTON COUNTY CRIMINAL JUSTICE SALES TAX
CITIZENS ADVISORY COMMITTEE**

SECTION 2: Mandate of the Committee

MANDATE

The mandate of the Benton County Criminal Justice Sales Tax Citizens Advisory Committee (CJSTCAC) was established by the Benton County Board of Commissioners. The charge to the Committee was

“...to analyze and review all aspects of the criminal justice system in Benton County, develop an understand of their roles and resources, and make a recommendation to the Benton County Board of Commissioners as to whether or not a Criminal Justice Sales tax, as authorized by RCW 82.14.450 should be submitted to the voters of Benton County for approval and, if so, whether the Sales Tax should be in the amount of 1/10, 2/10 or 3/10 of one percent.”

“The intent is for the Citizen’s Advisory Committee to run fully independent of the Law and Justice Council and/or any of the governmental entities represented on that Council.”

**BENTON COUNTY CRIMINAL JUSTICE SALES TAX
CITIZENS ADVISORY COMMITTEE**

SECTION 3: Membership

MEMBERSHIP

Potential members of the CJSTCAC were recruited by members of the Benton County Law and Justice Council. Additional members were added upon recommendation of current members of CJSTCAC. The final membership roster was submitted to the Benton County Board of Commissioners for appointment.

Several members of the CJSTCAC had to withdraw. Their names in the following list are marked with an asterisk.

Richard Nordgren, co-chair	Bill Platts	Ed Pacheco	Mark Brault*
Robert Lagonegro*	Patrick Conrad	Kate Perry	Kriste Grego
Renee Blackman	Cynthia Shaw	Ray Koefed	Terry Buechler*
Renee Dahlgren *	Woody Doane	Nan Bopp	Sami Hammond*
Brooke DuBois, co-chair*	Jerry Martin	Christy Rasmussen	

**BENTON COUNTY CRIMINAL JUSTICE SALES TAX
CITIZENS ADVISORY COMMITTEE**

SECTION 4: Schedule of Meetings

SCHEDULE

The CJSTCAC agreed it normally would hold meetings twice each month from 4:00 to 5:30 PM. The starting time was later changed to 3:30 PM. The following schedule of presentations and deliberation was arranged by the chair.

September 18, 2012	Orientation Overview of the Benton County Criminal Justice System: Components and Duties
October 2, 2012	“Trends in the Criminal Justice System of Benton County”
October 16, 2012	Panel of Law Enforcement Executives: Current Situation and Needs
October 30, 2012	Panel of Judges and Court administrators: Current Situation and Needs
November 6, 2012	Presentation on the Current Situation and Needs of the County Jail and Juvenile Court/Juvenile Justice Center
November 20, 2012	Presentation on the Current Situation and Needs by the County Prosecuting Attorney and the County Clerk
December 4, 2012	Presentation on the Current Situation and Needs by the Director of The Benton-Franklin Counties Human Services Department and by Carol Moser of the Mental Health Committee of the BF Health Alliance
December 18, 2012	Presentation by Jacque Van Wormer on drug courts; by Eric Hsu of the Office of the Public Defender
January 15, 2013	Discussion
February 5, 2013	Discussion
February 19, 2013	Discussion and voting on recommendation
March 5, 2013	Discussion about final report

March 14 & 15, 2013	Presentations to LJC
March 19, 2013	Discussion on additional research
April 16, 2013	Meeting with chiefs and sheriff
May 7, 2013	Discussion about mental health court with court administrators
May 21, 2013	Meeting with mayors and city managers
June 4, 2012	Approval of final report

**BENTON COUNTY CRIMINAL JUSTICE SALES TAX
CITIZENS ADVISORY COMMITTEE**

SECTION 5: Current Situation and Findings

CURRENT SITUATION AND FINDINGS

The results of the investigation performed by the CJSTCAC will be presented as a series of reports on the components of the criminal justice system in Benton County. The CJSTCAC believes the criminal justice system is an integrated whole which should be conceptually thought of in that way. The findings are presented in discrete segments as a matter of convenience.

CRIME AND CRIME RATES IN BENTON COUNTY, 1985 TO PRESENT

Law enforcement agencies report known crimes as either Part 1 or Part 2 offenses. Part 1 crimes are homicide, robbery, aggravated assault and rape (violent part 1 offenses); and burglary, theft, motor vehicle theft and arson (property part 1 offenses). Part 2 crimes are all other criminal offenses. Crime rate is defined as the number of reported offenses per 1000 residents.

The Part 1 crime rate has been trending downward for a number of years. To be more precise the number of Part 1 crimes per 1,000 residents has been declining since 1995. There were two periods when the crime rates were much higher than at present. They were in the late 1960s and early 1970s when the WPPSS construction project brought in many workers from outside of this region; and in 1995-97 which coincided with the introduction of simple do-it-yourself methamphetamine synthesis methods. Both violent and property crime rates have fallen in every jurisdiction in the county since the peak seventeen years ago.

The number of violent Part 1 crimes reported to law enforcement agencies in Benton County was 434 in 1995 and by 2011 it was 415. During the same interval the population of Benton County rose from 131,000 to 177,900 residents. In other words, the violent crime rate was 3.31 per 1,000 in 1995 and 2.33 per 1,000 in 2011. That is a 30% drop which means the average person was much less likely to become the victim of a violent crime in 2011 than in 1995. Similar patterns are evident in each jurisdiction.

Far more Part 1 property crimes are reported to law enforcement than Part 1 violent crimes. Larceny, or theft, is the largest component of Part 1 crimes. 6,408 Part 1 property crimes were reported in 1995, while in 2011, 5,055 were reported. The Part 1 property crime rate was 48.92 per 1,000 in 1995, and by 2011 it had fallen to 28.41 which is a decline of 42%. By this measure the people in Benton County are much less likely to be victims of property crimes than in years past.

Data on Part 2 crime data are hard to obtain. The peak period for Part 2 crimes was in the mid-1990s. Data for the last five years has not been available but until that point the number of Part 2 crimes had been trending downward.

The CJSTCAC has reached the conclusion that, in general, the crime rates in Benton County have been trending downward for a number of years. That is not to say the decline has been smooth and uninterrupted. There are year-to-year variations that can be seen when the data are examined in detail.

Of note, there have been significant changes in the types of crimes reported. For example, 15-20 years ago cybercrimes and crimes involving identity theft were rare. There has been a marked rise in gang-related criminal activity.

LAW ENFORCEMENT

Overview

Law enforcement represents the front-end of the entire criminal justice system (CJS). The level and types of activities conducted by law enforcement agencies will directly affect the workload of other components of the CJS.

There are five local law enforcement agencies in Benton County: the police departments of Kennewick, Prosser, Richland, and West Richland and the Benton County Sheriffs Office (BCSO). They all publish information on key factors including number of officers, calls for service and arrests. The BCSO provides law enforcement services to the City of Benton City under a contractual agreement.

In all cases the number of officers has been increasing as the population has grown. In some cases the tracking between new hires and population growth has occurred in parallel, while in others the addition of officers has lagged behind population growth. It should be noted that the number of officers per 1,000 residents in Prosser and West Richland has been much higher than in the other departments. This is explained by the need to have at least one officer on duty at all times.

The number of officers/deputies on the payroll in 2011 was		The number of officers/deputies per 1,000 resident in 2011 was
KPD	87	1.2
PPD	11	1.9
RPD	59	1.2
WRPD	14	1.2
BCSO	60	1.7

The number of sheriff deputies per 1,000 residents has been steadily rising since 1985 when it was 1.1. Currently it is 1.7 which is as high as it has ever been. Since 1985 the Kennewick Police Department (KPD) also added officers at a rate faster than population growth until 2006 when it was 1.5 per 1,000 residents. Since then the ratio has fallen to the current level of 1.2 per 1,000 residents. In Prosser, the number of officers per 1,000 residents has been fairly constant; but the 2011 rate is below historical levels. The number of Richland officers per 1,000 residents was higher than most departments in 1985 when it was 1.4. Since then the ratio has fallen to 1.2 where it has remained for a number of years.

The circumstance in West Richland called for a much higher rate years ago, and since the early 1990s when the ratio was 2.2 per 1000 it has fallen to the current level of 1.2.

The number of officers per 1,000 residents is an often-cited statistic used to compare jurisdictions and to justify hiring additional officers. But it may not be the best guide to current needs for many reasons. Workload measures such as the number of calls for service each officer must respond to, the number of crimes requiring investigation, the number of accidents and traffic offenses handled, and the number of infractions issued are more useful ways to gauge the most suitable number of officers. The number of crimes, calls for service and traffic offenses are much higher in Kennewick than in the other jurisdictions. The workload for a typical officer in the KPD is also much higher. By contrast, in West Richland which has a low crime rate and fewer calls for service, the workload of a typical officer is less. This being the case it is reasonable that KPD would require a higher ratio of officers per 1,000 residents than neighboring jurisdictions.

In general, revenue to fund essential services has not kept pace with rising costs. Voter approved measures have restricted the ability of elected officials to raise taxes. That is the main reason for revenue restriction. On the other hand, normal and usual operational costs have increased, and in the case of medical services for jail inmates, at a rate greater than that of inflation. In addition, as state and federal officials have worked out solutions to their fiscal problems, a number of unfunded mandates have been passed on to the county. Additional revenue is needed to cover costs for essential services.

BCSO: Primary Threats

There is a serious gang presence emerging in Benton County and with it comes intra-gang violence and crimes committed to support the gang lifestyle. The BCSO formed a gang unit which added four officers to the Sheriff's Office. The cost of additional deputies was covered by profits derived from housing inmates from other jurisdictions. However revenue from that source has begun to dry up and there is no alternative source of funding to take its place. The Sheriff may be forced to disband the unit unless another source of revenue is developed. The Sheriff presented evidence regarding the impact of the gang unit and predicted the suppressive work done by the unit would be voided if it were disbanded.. The Sheriff would use revenue from a criminal justice sales tax to retain the gang unit.

KPD: Primary Threats

Kennewick also has experienced an increase in gang-related criminal activity. The number of officers has not kept pace with the increase in the population of the city. Kennewick is the retail and commercial hub of the Tri-Cities and visitors from other localities also contribute to the city's crime problem. The KPD officers respond to more calls for service and investigate more crimes than any

other department in Benton County. This leaves very little time to proactively address crime and quality of life problems. The department has been called upon to investigate more complicated crimes. Without additional officers Kennewick will continue to lose ground

The revenue shortfall which has prevented the KPD from raising its staffing level is exacerbated by the unexpected costs of housing inmates in the county jail, training costs which have been passed on to the department and various unfunded mandates.

Prosser Police Department (PPD): Primary Threats

The mayor of Prosser expressed concern regarding the perception of criminal activity in the Prosser community and the impact of that perception on quality of life. He noted in particular the vulnerability of schools. A School Resource officer (SRO) "would fill a huge blind spot we currently have in regard to public safety."

Prosser recently switched from its own to dispatch to participating in the Southeast Communications Center (SECOMM). Several employees lost their jobs with the city. These employees also functioned as records clerks for officers on patrol, in addition to performing dispatch services. The hiring of a police records support employee would allow patrol officers to spend more time on the road. A one-time capital expense for transmitters, which will allow PPD to directly communicate with agencies in the lower valley which are not using 800 MHz equipment is needed.

Richland Police department (RPD): Primary Threats

RPD faces a different situation than BCSO or KPD. Violent crimes and gang-related crimes are much less of a problem. Property crimes and traffic problems are the chief complaints from the public. Richland also has had its share of more complicated investigations and cyber-crimes.

Funding restrictions faced by the city, state and the private sector have diminished the amount of preventive and intervention services which can be provided. The department has had to focus on core services, such as response to calls for service and traffic law enforcement, which have a high priority.

West Richland Police department (WRPD): Primary Threats

West Richland has a low crime rate. The city also has a small tax base. The department has a large geographical area to cover with limited manpower. There are many shifts when only one officer is on duty. That situation is potentially dangerous for officers and when a call for back-up goes out to another

department, that city is left less protected. The department needs enough officers to have two on duty for each shift.

The department is aware that gang activity is migrating from the valley eastward. However, the department is stretched too thin to be able to take a proactive stance against this problem.

General

The law enforcement executives were in agreement on three points. Revenue is not keeping pace with expenses. Violent crime associated with gangs and drugs are increasing and investigating those crimes is costly. The law enforcement agencies cannot take proactive measures because existing resources are committed to reactive responses.

ARRESTS

The number of arrests in Benton County will affect the population of the jail and the workload of other components of the CJS. The number of adult arrests reached a peak in 2009 at 13,729 arrests. From 2009 until 2011 the number of adult arrests fell by 50%. A similar trend has been observed in the number of juvenile arrests although the peak year in that case was 2007 when 2,049 juvenile arrests were reported. From then until 2011 the number of juvenile arrests has fallen by 30%.

The number of adult arrests for drug offenses attained the high water mark of 968 in 2005, and since then the number has fallen by 28%.

THE COURT SYSTEM

There are two types of courts in and for Benton County: Superior Court and District Court. Juvenile Court is a department of the Superior Court. Specialty courts are reviewed as part of the section dealing with human services.

Superior Court

Superior Court, which is part of a bi-county judicial district, handles serious crimes, civil disputes, family matters, e.g., divorce and other types of cases. The Juvenile Department of the Superior Court handles juvenile crime and family matters involving minors. There are currently six Superior Court judges and 2.5 FTE Court Commissioners. The number of judicial officers has increased as the population of the judicial district has grown although there has been a lag between the authorization of new judges and when the need due to population growth and workload became apparent. The State pays part of the salary of Superior Court judges. The local portion is split between Benton and Franklin Counties. For a new judge to be added to the roster the State has to approve the position and authorize funding. Then each county has to agree to pay its portion of the cost of the position.

Cases Filed by Type of Case in Superior Court in 2011 (Benton County only)

Criminal	1,463
Civil	3,151
Domestic	1,159
Probate/Guardianship	475
Adoption	210
Mental Illness/Alcohol	317
Juvenile Dependency	543
Juvenile Offender	<u>776</u>
Total	8,094

Total Proceedings by Type of Case in Superior Court in 2011 (Benton County only)

Criminal	20,599
Civil	1,585
Domestic	5,835
Probate/Guardianship	213
Adoption	947
Mental Illness/Alcohol	535
Juvenile Dependency	1,762
Juvenile Offender	<u>4,938</u>
Total	36,414

The number of adult criminal cases filed in 2000 was 1,081 and five years later it had risen to 1,732. The number of civil cases filed was 2,354 in 2000 and 3,015 in 2005. The number of criminal informations filed in juvenile court was 1,034 in 2000 and 1,095 in 2005.

The number of criminal cases filed in the Superior Court for Benton County increased steadily from 1985 until about 2005 when 1,732 cases were filed. 1,463 criminal cases were filed in 2011 which is a 16% decline. During the same time period (2005 – 2011) the number of non-criminal cases filed did not decline but rather continued to climb.

As the number of criminal cases filed in Superior Court declined the number of proceedings also fell (by 9.5%). Still at over 20,000 criminal proceedings in 2011 the Superior Court judges had a hefty caseload.

A similar downward trend following a long and steady rise was also observed in the number of criminal cases filed in Juvenile Court. In this department the decline began over a decade ago. The peak year was 1996 (1,210 filings) and since then the number of criminal informations filed has fallen by 35.9%.

The need for an additional Superior Court judge has been documented. The County commissioners have written a letter requesting the state legislature to authorize an additional position. A recently completed needs study confirms the need for an additional judge and indicated that the need in this jurisdiction is the second highest in the state.

Due to the increased number of non-criminal cases the position of the court commissioner now at 0.5 FTE should be raised to a full-time position. This would be a self-supporting position due to the type of cases heard. Two additional staff positions are being sought: a criminal case manager and a new 0.5 FTE guardian case manager.

The adult drug court has lost some funding and currently it can serve only 30 individuals at a time. The need for this specialty court indicates the capacity should be raised to 70 individuals.

District Court

Benton County uses a district court system rather than each city having its own municipal court. District Court handles less serious offenses than Superior Court. It also acts on traffic violations, violations of municipal ordinances, small claims court and some civil matters.

Cases Filed by Type of Case in Benton County District Court, 2011

	Benton			West		
	County	Kennewick	Prosser	Richland	Richland	Total
Infractions						
Traffic	15,647	8,475	408	2,953	667	28,150
Non-traffic	227	410	44	135	24	840
Misdemeanors						
DUI	547	219	25	198	35	1,024
Other Traffic	1,430	1,116	80	746	92	3,464
Non-traffic	1,181	1,951	73	1,207	109	4,521
Domestic Violence	117	0	0	0	0	117
Civil	4,700	0	0	0	0	4,700
Small Claims	401	0	0	0	0	401
Felony	42	2	0	0	0	44
Parking	21	105	3	116	2	247
Total	24,313	12,278	633	5,355	929	43,508

The District Court, like the Superior Court, has experienced a recent decline in the number of cases filed following a lengthy period with yearly increases. The number of cases filed in 2005 was 46,153 while only 43,508 cases were filed in 2011 (5.7% decline). Traffic infractions are the most common type of case filed in District Court.

District Court experienced a reduction in funding and consequently has had to pursue cost cutting measures and enhanced efficiency to meet its legal obligations. The Benton County District Court is now among the most efficient in the state in terms of the ability of judges and staff to process more cases than other similar courts have done. The budget of the Benton County District Court has been cut to the point where further reductions would jeopardize its ability to provide needed and required services.

The District Court Administrator, Jackie Lahtinen, reviewed the list of current financial needs point by point. The two highest priorities are for additional interpreter services and for additional funding of the pro-tem judge line item.

An early version of the 2013 county budget has been reviewed and it appears the District Court will not receive all requested funding. Without additional revenue the District Court administrator expects her department will have to eliminate positions. It is still too early in the budgetary process to anticipate what cuts, if any, the District Court will take.

Juvenile Court

The Juvenile Court is a department of the Superior Court in and for Benton and Franklin Counties. It receives funding from both counties with the split being approximately 70/30. About a third of its revenue comes from non-local sources. The Juvenile Court handles both crimes committed by minors and non-criminal matters involving minors, e.g., dependency cases, truancy petitions, and youth-at-risk cases. Funding for both probation and detention has been less than needed.

The Juvenile Court incarcerates juvenile offenders pre- and post-adjudication. While detaining youth has limited effect on recidivism, incarceration is necessary for community safety. Juvenile detention has been under-funded for years. Consequently it is staffed at a level which only allows part of the facility to be used. Booking restrictions have been in effect for approximately the last two years, but even so there have been 1,400-1,500 bookings annually. Recently the over-crowding condition had risen to the magnitude that it had been necessary to provide early release to youth who should remain in detention. Supplemental funding has made it possible to detain youth who are a community threat.

Despite the foregoing problem, and in contrast to adult facilities, the Juvenile Court has a long and effective history of providing services to youth in detention and on probation. A high percentage of youth referred to the Juvenile Court have a personal and/or family history of abuse, mental health diagnoses, trauma, substance abuse, and other noteworthy conditions which contribute to anti-social behavior. Both violent and property crimes committed by juveniles have fallen in recent years. Part of the explanation rests on the effective treatment provided by Juvenile Court programs.

The Juvenile Court uses outcome based treatment programs. Restorative justice is the basis for the juvenile work crew and community service requirements. Eligible youth on probation are enrolled in an in-house Aggression Replacement Therapy (ART) and/or Functional Family Therapy (FFT) program. Very high risk offenders are placed in the Selective Aggression Probation (SAP) program. Youth with known substance abuse problems may be enrolled in drug court.

The need for additional funds for probation services is critical. Probation caseloads should be approximately 25 youth per probation counselor. The only way the Juvenile Court has been able to approach that goal has been to reduce the time on probation from 6-12 months to 3-4 months. The shortened probation period may not be long enough for youth to complete either ART or FFT.

The Juvenile Court staff believes the greatest current need for additional revenue would be for the following programs or services:

- Raise the capacity to place more high-risk offenders in the SAP program.
- Add a person who would coordinate court-ordered community service.
- Increase the capacity to provide ART and FFT.
- Increase the capacity of drug court from 12 to 25 youth.
- Funds for adequate building security including the construction of a suitable second court room.
- Add an attorney to the Guardian Ad Litem programs for complicated cases volunteers are not able to handle.

BENTON COUNTY JAIL

The Benton County Jail is part of the responsibility of the BCSO. Inmates are held in the jail pending the completion of criminal proceeding and/or until sentences have been served. In addition the BCSO contracts with other agencies which rent beds for inmates under their jurisdiction. Inmates from other Washington counties, as well as those being held for state agencies, and the federal government, are an important source of income for the jail.

The jail was built with a capacity of 800 beds. The rated capacity changes from year to year as units are closed or opened as population changes. For example the rated capacity in 2005 was 740 inmates while in 2010 it was 730 people. The maximum rated capacity of 800 beds has been reported in only one year (2006) since the jail expansion was completed.

Between 2004 and 2011 the average daily population (ADP) has been between 85% and 92% of rated capacity.

The BCSO absorbed \$1.3 million in cuts in the 2011-12 biennium budget and at this point in the preparation of the next biennium budget an additional \$1.5 million may be lost. Revenue to support jail operations has declined as a result of decreased income from sales tax and the loss of out-of-county contracts to house prisoners. The jail cannot continue to absorb revenue losses of this magnitude and hope to retain a sufficient number of trained correctional officers to ensure the jail is a safe and secure environment.

Another reason for lost revenue is the change in policy by the Department of Corrections (DoC) regarding probation violations. To reduce the cost of incarceration the DoC has reduced the number of days a probation violator will serve. In the recent past it was common to have 80-100 DoC inmates in the jail at any given time. However since the policy change the DoC ADP has been reduced to 20.

It is unlikely that the County will be able to enter into contracts with other jurisdictions to house their inmates as there is a surplus of jail beds now available to be rented. There is a possibility Spokane County may contract for beds but that is far from certain. The situation is fluid.

The Jail was not designed, nor is it staffed, to function as a correctional facility for inmates with serious and chronic mental illnesses. Recently there have been, on average, between 4 and 7 inmates on suicide watch. The precautions necessary to prevent a suicide take an inordinate amount of staff time. While solid data are not available, it is estimated is that about 20% of all inmates have a diagnosable mental illness.

The Sheriff would like to divert individuals with serious mental illnesses from the jail. However Eastern State Hospital is full making it difficult to transfer from the jail to a secure treatment facility. There is no suitable secure local facility.

Currently there is one person from Lourdes assigned to the jail to perform evaluations and make referrals for services following release from confinement. The sheriff would like to have additional staff to perform this function. There is no treatment available for inmates with drug and alcohol addictions.

The County is not bringing in revenue for jail operations at a rate that keeps pace with rising costs. The sheriff has considered the necessity of placing a booking restriction in effect if revenue to retain correctional staff is not forthcoming. He wants to retain the gang unit and have adequate correctional staff. He is not looking to expand the department beyond that.

COUNTY PROSECUTING ATTORNEY

Mr. Miller spoke about the functions of his office which address both criminal and non-criminal (e.g., support enforcement) matters. The criminal matters include prosecuting all adult felony cases, all traffic and criminal cases which occur in the county and all criminal matters which are referred to the Juvenile Court. There are three assistant prosecutors assigned to District Court. The Juvenile Court is served by three assistant prosecuting attorneys. There are nine assistant prosecutors who handle felony cases.

Mr. Miller spoke about the types of cases which take much more prosecutor time than the average type of case. He fully supports Drug Court while acknowledging each case consumes a lot of time. The same is true when it comes to prosecuting sexual abuse cases. There is an agreement in place which stipulates that the defense and prosecutor will accept the services of a trained child interviewer who will normally only interview a child victim once.

Domestic violence (DV) cases and crimes involving gangs are also difficult to prosecute because victims are reluctant to give evidence or to testify in court. He believes it is important to aggressively prosecute DV cases as this offense is often the precursor to homicide.

People with mental health disorders are more likely to appear in District Court than Superior Court. Adequate and appropriate mental health treatment services are not offered in the jail to the extent they are needed. The State DoC does not have the resources to effectively provide services for felons on probation. The Courts can order mental health treatment but insufficient funds are available to provide the needed and ordered services. Mr. Miller supports the idea of funding a Mental Health Court.

He anticipates needing an additional deputy prosecutor to deal with gang cases as the BCSO gang task force and efforts by municipal law enforcement will result in more referrals to the prosecutor's office.

Mr. Miller distributed a table listing the number of felony cases filed over the last ten years. The number reached a peak in 2005 and since then the number of filings has been trending downward. In 2011 there was an up-tick and the year-to-date number for 2012 suggests the upward trend has not continued. The same downward trend followed by a recent up-tick in the number of referrals from law enforcement agencies has also been seen but the peak year was 2004.

COUNTY CLERK

The office of the Clerk is responsible for maintaining records from court proceeding, scheduling hearings, collecting fines, fees and restitution, and maintaining the jury system. Ms. Delvin has four staff assigned to adult criminal courts and four working at the Juvenile Court. Six staff people administer the collection of fines, fees and restitution; these positions are funded from the money collected.

The average felony case will have 14 scheduled hearings. She is convinced that if more officers are hired she will see an increase in the amount of work in her office. The magnitude of the workload of this department can be gauged by looking at the number of cases filed in Superior Court and the Juvenile Court.

Ms. Delvin anticipated the budget for the next biennium will give her less money. She believes it is likely she will have to cut staff in 2014.

Human Services and Specialty Courts

There are many individuals who are affected by drugs and alcohol, or who have serious mental illnesses who become involved in the CJS because of these conditions. Appropriate treatment while they are in the system has been described as inadequate.

The Department of Human Services is a bi-county unit of government. The bi-county nature of the department presents challenges if one of the two counties does not agree to participate in a program the other wants and is unwilling to pay its share. An obstacle which results if only one county is offered services is the disparity that would result if the one county went ahead. Accordingly if only Benton County but not Franklin County wanted to have a Consolidated Crisis Response Center (CCRC), the CCRC would not be an option. [CRCC would be used as a pre-booking secure facility.]

Law enforcement agencies have participated in training designed to help officers in the field assess for mental illness, and to make appropriate referrals for services whenever possible. Ongoing training of this nature is needed.

There are inmates in the jail who have untreated mental illnesses. The jail has hired staff to address post-release planning to ease the transition from jail to the community. They have also done other work as requested and as available to treat mentally ill inmates. A mental health professional is needed in booking to assess people as they are brought into the jail. The jail doctor is not a psychiatrist and that situation exposes the jail to some risk if there is a mis-diagnosis or the wrong medication is ordered. A part-time psychiatric ARNP, or ideally a psychiatrist, is needed to adequately treat inmates.

Malingering is a known problem in this population which is another reason trained personnel are needed to make assessments and refer for services.

While the committee understands the benefits associated with additional facilities and services for the mentally ill who come in contact with the CJS, in the end it is not exactly clear under whose jurisdiction this financial responsibility should fall. Clearly there is a significant interface between all areas of the CJS, and the mental health service providers and family members. The committee was frustrated by the lack of reliable, objective data regarding the number of mentally ill people in the CJS. This is in contrast to information known about people with substance abuse problems in the CJS which is extensive.

Office of Public Defense

The OPD provides legal defense services for indigent individuals charged with crimes and respondents in civil cases where incarceration is a possibility as provided by case and statutory law and the constitution. It is responsible for providing public defense services in superior court and courts of limited jurisdiction. In addition to attorney services the OPD has standing contracts for translation and defense investigation services.

The OPD primarily contracts for these services. In addition to contracted services there are three staff attorneys and a number of support personnel employed by the OPD.

The number of appointments has been steadily increasing in both superior and district courts. The caseload is affected by income of defendants and respondents, the types of crimes charged, the relative number of misdemeanors and felonies referred for prosecution and prosecution practices. Homicide cases which fortunately are very rare in Benton County are expensive to prosecute because legal services in homicide cases are charged by the hour as opposed to a flat fee; they can introduce a high level of uncertainty to the OPD budgeting process.

The OPD has adopted new caseload standards as required by a Supreme Court decision. This has resulted in a substantial increase in the cost of providing legal defense services and the loss of several highly experienced defense attorneys.

The head of the OPD spoke about the benefits of having staff attorneys as opposed to the current practice of contracting for attorney services.

**BENTON COUNTY CRIMINAL JUSTICE SALES TAX
CITIZENS ADVISORY COMMITTEE**

SECTION 6: Anticipated Revenue and Cost Estimate

ANTICIPATED REVENUE FROM A CRIMINAL JUSTICE SALES TAX

The Benton County Treasurer’s office provided a projection of the revenue from a criminal justice sales tax at various rates. The county would receive 60% of the revenue and the balance would be distributed among the cities based on population. The estimates come with a high and low value which reflects the uncertainty of the estimates.

Revenue @ 0.1% Increase

	Low	High
Total	\$3,000,000.00	\$3,200,000.00
Benton County	\$1,800,000.00	\$1,900,000.00
Benton City	\$27,600.00	\$29,900.00
Kennewick	\$614,400.00	\$665,600.00
Prosser	\$46,800.00	\$50,700.00
Richland	\$408,000.00	\$442,000.00
West Richland	\$103,200.00	\$111,800.00

Revenue @ 0.2% Increase

	Low	High
Total	\$6,000,000.00	\$6,400,000.00
Benton County	\$3,600,000.00	\$3,840,000.00
Benton City	\$55,200.00	\$58,900.00
Kennewick	\$1,228,800.00	\$1,310,600.00
Prosser	\$93,600.00	\$99,900.00
Richland	\$816,000.00	\$870,400.00
West Richland	\$206,400.00	\$220,200.00

Revenue @ 0.3% Increase

	Low	High
Total	\$9,000,000.00	\$9,600,000.00
Benton County	\$5,400,000.00	\$5,760,000.00
Benton City	\$82,800.00	\$88,300.00
Kennewick	\$1,843,200.00	\$1,966,100.00
Prosser	\$140,400.00	\$149,800.00
Richland	\$1,224,000.00	\$1,305,600.00
West Richland	\$309,600.00	\$330,200.00

Law Enforcement – Identified Needs

Kennewick Police Department

Chief Hohenberg stated his department is under-staffed. The current staffing level does not have enough officers that can be dedicated to proactive law enforcement and to addressing gang activity while at the same time responding to citizens' demands for service. He said an additional 16 officers, additional police specialists, and legal support are needed to adequately address identified needs. In addition to direct expenses associated with the expansion plan there are expenses for incarceration and the use of SECOMM that will need to be offset by additional revenue. The Chief proposed to phase in the additional staff over three years.

The first year cost for personnel (5 officers), equipment and other expenses would be approximately \$927,600.00. Additional revenue would be needed to offset jail and SECOMM expenses. In the first year of the three year expansion plan the offset expenses would be approximately \$1,003,900.00. The total cost in the first year would be approximately \$1,931,400.00.

In the second year the cost for 5 more officers would be \$753,830.00 with an additional offset for jail and SECOMM expenses at \$377,400.00. The total expense for this cohort in the first year would be \$1,131,230.00. The total cost of 10 additional officers in the 2nd year of the phased expansion would be \$1,931,400.00.

The third and final year of this phased expansion would add 6 more officers of which two would be corporals and two sergeants. The cost of the third phase of this expansion would be \$1,095,800.00. With addition of expenses attached to the extra officers and staff added in the first two years of the expansion plan the total additional cost in the third year would be about \$2,535,200.00.

Richland Police Department

The RPD identified the need for three additional officers and a non-commissioned crime prevention specialist. One of the additional officers would be assigned to the Street Crimes Unit; while another would be assigned to the detectives unit as a Child Sex Trafficking Investigator; and the third officer would become a part of the patrol unit which covers the southern part of the city.

The personnel cost associated with these four additional positions would be approximately \$375,000.00 in the first year.

West Richland Police Department

The goal of the department is to have at least two officers on duty for all shifts. If the department had the money it would add two officers in the first year and two more in the following year. The personnel cost per officer is approximately \$90,000.00. Typically West Richland hires entry level officers who have to be sent to the police academy for training; the cost of academy training is \$7,500.00 per officer which the city pays.

The personnel cost of four additional officers would be \$180,000.00 in the first year and another \$180,000.00 in the following year. Personnel cost would rise 3-5% annual after hiring.

The cost of equipment per officer is \$50,000.00. The life span of equipment is approximately five years.

The equipment cost for four additional officers spread over two years would be \$200,000.00.

Benton County Sheriffs Office – Law Enforcement Needs

This estimate only covers the cost of additional deputies; the needs of the county jail, also part of the sheriff's duties will be addressed elsewhere.

The BCSO established a unit dedicated to gang crime suppression. This unit is composed of a sergeant and three deputies. Revenue from other jurisdictions which rented beds in the jail paid for this unit. However, contracted jail beds no longer provide adequate revenue to fully fund the gang crime unit. The unit has already been established which means equipment costs will be minimal.

The personnel and operating cost of a four-deputy gang criminal unit is \$477,000.00 annually. This estimate includes wages, benefits and some operating expenses.

Prosser Police Department

The mayor of Prosser identified three unmet needs for that city's police department.

A School Resource Officer (SRO) and other security measures in the Prosser schools. Two SROs would be optimal with one deemed essential. The personnel cost of a single officer is approximately \$90,000.00 annually. Equipment and other expenses are unspecified at this point.

The next most important need is for additional records support. Prosser recently joined SECOMM which meant it closed its own dispatch center whose workers used to handle records for the department. A full-time position is desired but a 0.75 FTE position would suffice. The cost for that position is \$65,000.00 annually at full-time.

The final identified need is to have the technical ability to have communication interface with law enforcement agencies in the valley which are not part of SECOMM. The one-time cost of equipment is estimated to be \$15,000.00 to \$20,000.00. It is possible that half of the start-up cost would be shared with other agencies. The annual operating cost of the communication interface would be approximately \$1,500.00

City of Benton City

Benton City contracts with the BCSO for law enforcement services. The mayor of Benton City did not identify specific needs which could only be met with additional revenue from a criminal justice sales tax.

Courts – Identified Needs

Superior Court

Identified needs of the Superior Court include an additional judge, a criminal case manager and the expansion of the capacity of the Adult Drug Court from 30 to 70 participants.

The personnel expenses of a Superior Court judge are shared between the county and the state; the state pays half the judge's salary and all benefits, and the other half of the salary is the responsibility of the counties. In this case the local expenses associated with a new judicial officer would be shared between Benton and Franklin Counties using a 70/30 ratio. The ratio is adjusted annually based on experience. An additional court reporter and bailiff will not be necessary.

1.0 FTE Superior Court Judge, local salary and benefits would be approximately \$75,000.00. Benton County's share would be approximately \$55,000.00 per year. The cost of the position will rise 3-5% per annum thereafter.

Startup costs paid by Benton County would be \$1,650.00.

Therefore, Benton County's share of the expenses associated with another Superior Court judicial position would be approximately \$56,650.00 in the first year.

There is a 0.5 FTE Superior Court commissioner who is responsible for the Legal Financial Obligation docket. This needs to be a full-time position to handle the increased number of hearings and to be available to take on hearings or dockets, thus allowing more time for judges to preside over jury trials.

The cost to Benton County for salary and benefits to increase the commissioner position to full-time would be \$66,600.00.

The annual salary of a full-time case manager would be in the \$35,000.00 to \$40,000.00 range. The cost of benefits would be 22% of salary. The expenses of the position would be shared with Franklin County using the same ratio which applies to other positions.

Benton County's share of the expenses associated with a new case manager position would be

The Courts – Identified Needs

\$24,675.00 in the first year and rise 3-5% per annum thereafter. The equipment needed in the first year is approximately \$1000.00 (Benton County share).

The Adult Drug Court lost county funding when the 2011-12 biennium budget was approved. In a scaled down version it has operated on revenue from grants and donations.

The full cost of a 70 participant program would be \$373,000.00 per year

The Benton County share of a program with the capacity to serve 70 participants would be \$196,000.00.

Summary of Superior Court needs

Judge	\$55,600.00
Equipment	\$1,650.00
Court commissioner	\$66,600.00
Case manager	\$24,675.00
Equipment	\$1,000.00
<u>Drug court</u>	<u>\$196,000.00</u>
Total	\$344,925.00

District Court

District Court needs additional revenue for operating expenses and an additional clerk.

Professional services	\$10,000.00
Judge pro-tem	\$16,000.00
Operations	\$25,500.00

Benton County Jail

The county is exposed to liability because there are insufficient staff trained to assess and treat individuals with mental illnesses who may harm themselves or others due to their mental status. This is identified by the Sheriff as a serious situation. Currently there is one person working in the jail as a mental health professional. That position is funded by a grant. Under ideal conditions the jail would have a psychiatrist or an ARNP licensed to diagnosis mental illnesses and write necessary prescriptions. In addition an adequate number of mental health counselors would be on duty in booking, to provide treatment during incarceration and then to make appropriate referrals at the time of release. A mental health assessment as part of booking is critical to reduce liability and to provide some measure of treatment designed to stabilize inmates at risk of decompensating.

Both the Sheriff and the director of the bi-county Department of Human Services stressed the importance of having trained mental health counselors doing screenings during the booking process. Ideally there would be one person on duty doing this work 24/7 and an additional person during the day shift who would be responsible for service coordination and planning for post-release services. A total of five FTEs for this level of service would be required.

The cost of providing mental health services in the jail at this level is estimated at \$348,900.00.00 per year for wages and benefits. There will be operating expenses associated with this in the amount of \$30,000.00 per year.

Office of Public Defense

The value of having staff attorneys as opposed to contracting for legal defense services was identified as a benefit to clients in terms of level of representation and to the OPD in terms of management.

However no evidence was presented that convinced the committee that there was need for additional revenue to cover legal services that could not be addressed by the normal budget process.

Furthermore, the committee concluded the matter of staff attorneys versus attorneys under contract was a matter best left to the OPD and commissioners to decide.

Recommendations for Additional Uses of Revenue

The committee recognizes the identified needs of the cities can only be met with revenue from a 0.3% increase in the sales tax. However a 0.3% increase would leave the county with a significant surplus over and above needs identified by department heads and elected officials. The committee heard repeatedly about the need to reduce costs and recidivism associated with individuals with severe mental illnesses who become involved with the criminal justice system. The committee also heard that the rising jail daily bed rate is forcing the cities to withdraw funds from other vital municipal services to cover incarceration expenses.

In addition to addressing the immediate identified needs enumerated in the body of this report the committee recommends the county portion of the additional sales tax revenue be used for:

Establishment of a mental health court within the District Court.

Yakima County recently opened a mental health court which will have a maximum caseload of 10 people. The projected cost to Yakima County is \$162,000.00 annually. While definitive information is not available to establish the optimal size of a mental health court for Benton County, the committee concluded at least 20 people would be eligible for this program. The anticipated cost of the program would be comparable cost to that in Yakima County, which means the scaled up cost to Benton County would be approximately \$365,000.00 annually.

Reduce the cost of shared services charged to cities.

The cities and county jointly participate in several shared services, such as the Metro Drug Task Force and emergency dispatch. If the county would assume the bulk of the cost of these services, the cities would have resources which could be used to cover other criminal justice costs for which they are singularly responsible. If adopted, the cities, for example, could hire personnel for pro-active law enforcement efforts. The committee expects the realized saving from this proposal would be used exclusively for criminal justice purposes. The amount of any reduction in costs to the cities would have to be settled by negotiation.

Reduce the jail daily rate the cities are charged.

The cost of incarceration is a major expense in each city's criminal justice budget. Using the City of Kennewick as an example, the number of officers employed by KPD per 1000 residents has been declining for years. The city manager explained this is the result of many factors including the rising cost

of incarceration. The committee concluded if the County would use a portion of the revenue it receives from the sales tax to lower the jail daily rate, the cities would be able to fund additional needed services from the savings. Again, the committee expects the realized savings would be used exclusively for criminal justice purposes. The amount of the reduction would also be negotiated.

There are other possible uses for the county's portion for the revenue from a 0.3% criminal justice sales tax. There has been a long standing need to expand the juvenile justice center by adding another court room and additional offices; a regional gang suppression task force could address current and emerging problems associated with criminal gang activity, such as activities as diverting potential gang member to pro-social programs.

Concluding Remarks

The committee has completed the assigned tasks and this report distills the findings and recommendations the committee has made. This is truly a citizens committee whose members come from many different walks of life and whose perspectives on the criminal justice system reflect many different outlooks.

Each member of the committee has taken time from his or her personal and professional life to serve on the committee. The time and effort devoted to this work speaks to an investment in continuing the quality of life and degree of public safety which is enjoyed throughout Benton County.

The committee has made several recommendations in addition to the 0.3% sales tax increase. The rationale for these recommendations follows.

The committee is concerned about the level of criminal gang activity in parts of the county. The committee was made aware of the migration of gang members into the county from the Yakima valley and from Walla Walla. The committee believes a comprehensive plan involving elements of the criminal justice system especially law enforcement and the Juvenile Court, schools, community organizations, religious bodies and concerned citizens is needed to remove this threat and to keep it from manifesting itself in the future.

The committee recommends to the commissioners performance audits on the effectiveness of county programs and the efficiency of county services. The commissioners can ask the county auditor to do these using well known methods for this purpose. It would help convince taxpayers the money is used for purposes they voted for. The committee noted there also may be savings to those taxpayers through internal efficiency audits.

The committee accepted the advice given by the Treasurer's office that the anticipated rate of revenue increase would be 3% per year. The base year for estimating additional revenue from a criminal justice sales tax was set at 2008. This year was chosen because it reflects taxable economic activity in the county before Federal recovery dollars began to flow into the county and which are now largely no longer affecting taxable economic activity. That average is still subject to changes in Federal funding for Hanford and other factors effecting the economic growth in the county which are difficult to forecast. The committee accepted the statements made by elected and appointed officials to the effect that identified needs could not be paid for from established revenue sources.

As noted above, the committee was frustrated by the lack of reliable, objective data about the number and condition of individuals with mental illnesses in the CJS. The lack of data made it difficult to make recommendations about funding for a mental health court and other rehabilitative services.

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Final Report

The committee believes the systematic collection of data would be very helpful to future planning.

It would also be very helpful to have greater collaboration between the CJS and human services in the areas of funding and service delivery. Collaboration is especially important as noted above, and regarding provision of services for indigent clients the courts have ordered to receive mental health services.