

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



## AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, January 15, 2013 Benton County Courthouse, Prosser, WA

9:00 AM

Call to Order

Approval of Minutes

❖ January 8, 2013

Review Agenda

Consent Agenda

### Animal Control

a. Contract w/Vista Veterinary Hospital for Veterinarian Services

### Auditor

b. Line Item Transfer, Fund No. 0111-101, Dept. 000

### Commissioners

c. Reappointment of P Johnstone-Jones to the Aging and Long Term Care Board

d. Reappointment of J Dosch to the Aging and Long Term Care Board

### Facilities

e. Line Item Transfer, Fund No. 0000-101, Dept. 110

### Juvenile

f. Amended Contract w/S Henwood for Indigent Legal Representation

g. 2013 Operations Budget & Facilities Budget Monthly Payments

h. 2013 – 2014 Operations & Facilities Budget Monthly Payments

i. Agreement w/M Mendoza for Indigent Legal Representation

j. Contract w/Apollo Heating & Air for HVAC Services

### Office of Public Defense

k. Line Item Transfer, Fund No. 0000-101, Dept. 136

l. Line Item Transfer, Fund No. 0000-101, Dept. 136

m. Payment Authorization to Armstrong, Klym, Waite, Atwood & Jameson, P.S. Law Firm

### Parks

n. Payment Authorization to Blueline Equipment Company LLC for Tractor Repair

o. Payment Authorization to Tire Factory for Tractor Tires

p. Payment Authorization to Tri-Cities Visitor & Convention Bureau

### Personnel

q. Appointment of Western States Insurance Agency, Inc. as Agent of Record

r. Termination of the Washington Counties Insurance Pool

s. Line Item Transfer, Fund No. 0503-101, Dept. 000

t. Line Item Transfer, Fund No. 0504-101, Dept. 000

**Prosecuting Attorney**

u. Line Item Transfer, Fund No. 0000-101, Dept. 117

v. Line Item Transfer, Fund No. 0120-101, Dept. 000

**Public Works**

w. Purchase Authorization for Two Backhoes

**Sustainable Development**

x. Reappointment of M Plahuta to the Hanford Advisory Board

y. Reappointment of L Lockrem to the Hanford Advisory Board

**Treasurer**

z. Line Item Transfer, Fund No. 0000-101, Dept. 124

**Public Hearing**

**Continued** Hearing on the County Road Improvement District #23

**Scheduled Business:**

Non-Bargaining One-Time Wage Adjustment

**Unscheduled Visitors**

**Board Assignment Update**

**1:30 pm** Noxious Weed Board Interviews

**Draft**

**MINUTES**

**BOARD OF BENTON COUNTY COMMISSIONERS**

Regular Board Meeting  
Tuesday, January 8, 2013, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Shon Small  
Commissioner Jerome Delvin  
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; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Central Services Manager Randy Reid; Treasurer Duane Davidson; Daniel Ford, County Engineer; Judge Craig Matheson; Superior Court Administrator Pat Austin; Clerk Josie Delvin; District Court Administrator Jacki Lahtinen; Auditor Brenda Chilton; Lexi Wingfield, Personnel; DPA Steve Hallstrom.

**Approval of Minutes**

The Minutes of December 18, 2012 were approved.

**Review Agenda**

Chairman Beaver said there was a request to add an executive session to the agenda.

**Consent Agenda**

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

**Assessor**

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

**Auditor**

- b. Line Item Transfer, Fund No. 0000-101, Dept. 102
- c. Cancellation of Unclaimed Warrants

**Building**

- d. Line Item Transfer, Fund No. 0149-101, Dept. 000

**Central Services**

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

**Clerk**

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

**Commissioners**

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

**District Court**

- h. Line Item Transfer, Fund No. 0000-101, Dept. 111
- i. Line Item Transfer, Fund No. 0000-101, Dept. 111
- j. Line Item Transfer, Fund No. 0131-101, Dept. 000

**Facilities**

- k. Contract w/Moon Security Service, Inc. for Security Services
- l. Line Item Transfer, Fund No. 0000-101, Dept. 110
- m. Authorization the Prosecuting Attorney Office Remodel Project Be Paid Out of Capital Projects Fund, 0305-101, Dept. 000

**Fairgrounds**

- n. Fairgrounds Re-Organization

**Human Services**

- o. Line Item Transfer, Fund No. 0108-101, Dept. 551

**Juvenile**

- p. Contract w/A-One Refrigeration & Heating for Kitchen Equipment Repair Services
- q. Contract w/City of Benton City for Graffiti Abatement Program
- r. Contract w/City of Kennewick for Graffiti Abatement Program
- s. Contract w/Columbia Industries Company for Document Destruction
- t. Contract w/M Rudeen for Interpreter Services

**Prosecuting Attorney**

- u. Line Item Transfer, Fund No. 0120-101, Dept. 000

**Public Works**

- v. Public Hearing Authorizing Proposed Vacation of Improved Coats Road Right of Way
- w. Lease Agreement w/Ben Franklin Transit
- x. Interlocal Agreement w/Kennewick Irrigation District
- y. Purchase Authorization from Roadwise, Inc for Liquid De-Icer
- z. Contract w/DeAtley Crushing Company for Crushing & Stockpiling

**Sheriff**

- aa. Line Item Transfer, Fund No. 0000-101, Dept. 118
- bb. Line Item Transfer, Fund No. 0000-101, Dept. 119
- cc. Line Item Transfer, Fund No. 0000-101, Dept. 120
- dd. Line Item Transfer, Fund No. 0000-101, Dept. 120
- ee. Line Item Transfer, Fund No. 0126-101, Dept. 000
- ff. Line Item Transfer, Fund No. 0127-101, Dept. 000

**Judicial Position**

Judge Matheson and Pat Austin said they were back asking for support for the 7<sup>th</sup> judicial position in Superior Court. Judge Matheson said it was unfunded at this time and he presented a letter to the Board from all the judges indicating their understanding this was not a commitment for funding. If the Board approved, he requested the Commissioners sign one letter from Benton

County and the Superior Court Judges and one Bi-County letter to send to the legislature asking for their support.

Commissioner Small asked if the Judges were requesting additional personnel along with the 7<sup>th</sup> judicial position. Judge Matheson said that normally they have always asked for a court reporter, but this time they were not asking for a court reporter or bailiff. Commissioner Delvin asked about staffing requests from other departments and Judge Matheson said they were responding to the demand that was already there and he would anticipate they might receive a request from other departments, but he was not positive.

Ms. Austin said once they knew how the judge would be used and for what types of hearings, they could determine what impacts there might be to other departments. Judge Matheson said he thought they had at least five years to be able to use the position; once the funding was available from the County, it usually would come from the State.

**MOTION:** Chairman Beaver moved to approve signing the letters of support for the 7<sup>th</sup> judicial position. Commissioner Delvin seconded and upon vote, the motion carried unanimously.

### **Commissioner Board Assignments - 2013**

The Board reviewed the Commissioner assignments for 2013 and Chairman Beaver suggested that Commissioner Small be Chairman. Additionally, Commissioner Delvin said he would be willing to take on water issues and any legislative assignments the Board didn't want. The Board then reviewed each assignment individually and agreed to assignments.

**MOTION:** Commissioner Small moved to approve the Organization of the Benton County Commissioners and staff for the Year 2013 as agreed. Commissioner Delvin seconded and upon vote, the motion carried.

### **Emergency Services Board**

Commissioner Delvin said he understood the Board was mostly made up of city managers and wanted to suggest it be more of a "peer to peer" basis and maybe have one of the staff attend the meetings that knew the details since there had been funding issues in the past.

Commissioner Beaver said it was not the only Board that was comprised of elected officials and he did not have a problem with reviewing that issue. Commissioner Small said when there were financial issues, he brought those to the Board but maybe they could take a look at the bylaws or policies to see the particulars of what authorization there was. Commissioner Beaver said it was his opinion any time there was a discussion about money he wanted Mr. Sparks to be involved in the process.

### **Regular Board Meetings**

Commissioner Delvin said he wanted to suggest meetings every other week or twice a month so they could have more substantial meetings. He also suggested department heads come in once a

month to talk about issues and invite elected officials in as well. Additionally, he was interested in having a monthly financial report be given to the Board.

Commissioner Beaver said they had tried different approaches including workshops and special meetings and so there were avenues for the Board to use. He said he would like to see how other departments and elected officials were approaching the mission of the Board regarding footprint reduction.

Commissioner Delvin said he thought it would benefit them to have more interaction with the staff and he could learn faces and names too. Commissioner Small agreed it would be a good idea. Mr. Sparks said he get a proposal to the Board.

Treasurer Duane Davidson, Clerk Josie Delvin, and Auditor Brenda Chilton all agreed it was a good idea to have an opportunity to come report to the Board on a regular basis and would not be a waste of time. Steve Becken said it was fine and it was tried before and then discontinued.

David Sparks said that what was missing before was the feedback on what the Board was looking for and it was important to receive that feedback so they knew how to make it usable for the Board. Commissioner Delvin said it would be helpful for the Board and the public to understand what the County was doing, the planning process and trends. He said for him it would be a learning experience and would give him a chance to ask questions.

Commissioner Delvin suggested it might be worth having a workshop to talk about goals for the County in the coming year and how it related to the budget. Commissioner Small suggested the February 5 to discuss goals and strategies 2013. The Board agreed.

#### Senator Appointment – 8<sup>th</sup> District

Commissioner Delvin said on January 17 the Benton County Republican Party PCO's were meeting to submit a list of three names to the Board. He proposed the Board hold a special afternoon meeting on January 28 to fill his vacated position and that person could start February 4 in Olympia as the appointed Senator so there would not be a gap in Olympia. The Board agreed.

#### Commissioner Assignment Update

##### Letter in Support – Federal Judge – Washington Eastern District

Commissioner Beaver presented a letter from TRIDEC to Senators Murray and Cantwell and Congressman Hastings requesting its support to maintain a full-time federal judge in Richland. Commissioner Beaver said he thought it was important for the Board to weigh in on this issue and recommended the Board write a letter in support.

**MOTION:** It was moved and seconded to approve sending a letter supporting the maintenance of a full-time federal judge in the Tri-Cities community. Upon vote, the motion carried unanimously.

## **Executive Session – Potential Litigation and Labor Negotiations**

The Board went into executive session at 10:00 a.m. for approximately 30 minutes regarding potential litigation and labor negotiations. Present were DPA Steve Hallstrom, DPA Ryan Brown, Loretta Smith Kelty, Melina Wenner, David Sparks, and Cami McKenzie. The Board came out at 10:30 a.m. The Board went back into executive session for an additional 20 minutes. The Board came out at 10:50 a.m. Mr. Brown said they updated the Board on potential litigation and union negotiations and no action was taken.

## **Vouchers**

Check Date: 12/14/2012  
Warrant #: 70993-71214  
Taxes #: 01161212  
Procurement Cards #1212  
Total all funds: \$1,466,796.29

Check Date: 12/18/2012  
Warrant #: 235083  
Total all funds: \$340.51

Check Date: 12/18/2012  
Taxes #: 10112125  
Total all funds: \$101.93

Check Date: 12/21/2012  
Warrant #: 71216-71567  
Warrant #: 71754-71953  
Taxes #: 01011212, 05011212  
Total all funds: \$670,770.88

Check Date: 12/28/2012  
Warrant #: 72169-72365  
Taxes #: 010112129  
Total all funds: \$989,075.06

Check Date: 01/04/2013  
Warrant #: 72433-72515  
Total all funds: \$132,537.00

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

## **Resolutions**

2013-001      Line Item Transfer, Fund No. 0000-101, Dept. 101

2013-002 Line Item Transfer, Fund No. 0000-101, Dept. 102  
 2013-003 Cancellation of Unclaimed Warrants  
 2013-004 Line Item Transfer, Fund No. 0149-101, Dept. 000  
 2013-005 Line Item Transfer, Fund No. 0502-101, Dept. 000  
 2013-006 Line Item Transfer, Fund No. 0000-101, Dept. 106  
 2013-007 Line Item Transfer, Fund No. 0000-101, Dept. 115  
 2013-008 Line Item Transfer, Fund No. 0000-101, Dept. 111  
 2013-009 Line Item Transfer, Fund No. 0000-101, Dept. 111  
 2013-010 Line Item Transfer, Fund No. 0131-101, Dept. 000  
 2013-011 Contract w/Moon Security Service, Inc. for Security Services  
 2013-012 Line Item Transfer, Fund No. 0000-101, Dept. 110  
 2013-013 Authorization the Prosecuting Attorney Office Remodel Project Be Paid Out of  
 Capital Projects Fund, 0305-101, Dept. 000  
 2013-014 Fairgrounds Re-Organization  
 2013-015 Line Item Transfer, Fund No. 0108-101, Dept. 551  
 2013-016 Contract w/A-One Refrigeration & Heating for Kitchen Equipment Repair  
 Services  
 2013-017 Contract w/City of Benton City for Graffiti Abatement Program  
 2013-018 Contract w/City of Kennewick for Graffiti Abatement Program  
 2013-019 Contract w/Columbia Industries Company for Document Destruction  
 2013-020 Contract w/M Rudeen for Interpreter Services  
 2013-021 Line Item Transfer, Fund No. 0120-101, Dept. 000  
 2013-022 Public Hearing Authorizing Proposed Vacation of Improved Coats Road Right of  
 Way  
 2013-023 Lease Agreement w/Ben Franklin Transit  
 2013-024 Interlocal Agreement w/Kennewick Irrigation District  
 2013-025 Purchase Authorization from Roadwise, Inc for Liquid De-Icer  
 2013-026 Contract w/DeAtley Crushing Company for Crushing & Stockpiling  
 2013-027 Line Item Transfer, Fund No. 0000-101, Dept. 118  
 2013-028 Line Item Transfer, Fund No. 0000-101, Dept. 119  
 2013-029 Line Item Transfer, Fund No. 0000-101, Dept. 120  
 2013-030 Line Item Transfer, Fund No. 0000-101, Dept. 120  
 2013-031 Line Item Transfer, Fund No. 0126-101, Dept. 000  
 2013-032 Line Item Transfer, Fund No. 0127-101, Dept. 000  
 2013-033 Organization of Benton County Commissioners - 2013

There being no further business before the Board, the meeting adjourned at approximately 10:50 a.m.

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Clerk of the Board

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Chairman

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	<u>1-15-13</u>	Execute Contract	<u>  x  </u>	Consent Agenda
Subject:	<u>Contract with Vista Vet</u>	Pass Resolution	<u>  x  </u>	Public Hearing
Prepared by:	<u>K. Mercer</u>	Pass Ordinance	<u>      </u>	1st Discussion
Reviewed by:		Pass Motion	<u>      </u>	2nd Discussion
		Other	<u>      </u>	Other

**BACKGROUND / SUMMARY INFORMATION**

Sometimes the animals housed at Benton County Animal Control (BCAC), animals being brought into BCAC, or animals owned by the Sheriff’s Office (the K9 dog) need medical treatment that cannot be provided by BCAC staff. A contract with a licensed veterinarian is needed in order to provide such treatment. BCAC entered into a contract with Banfield for “as needed” veterinarian medical services for animals housed at BCAC via Resolution 2012-711. However, the BCAC Manager recommends entering into another contract for “as needed” veterinarian medical services with Vista Veterinary Hospital in an effort to keep costs down by allowing BCAC the option of veterinary hospitals.

**RECOMMENDATION**

Pass the resolution.

**FISCAL IMPACT**

Amount not to exceed \$10,000 to be paid out of Current Expense (0000-101) Department 137 Animal Control’s Budget (Sheriff’s Office will pay the medical bills for the K9 dog out of their budget). No supplement required.

**MOTION**

N/A consent agenda

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

**IN THE MATTER OF A PROFESSIONAL SERVICE CONTRACT BETWEEN BENTON COUNTY AND VISTA VETERINARY HOSPITAL FOR "AS NEEDED" VETERINARIAN MEDICAL SERVICES FOR THE ANIMALS HOUSED IN THE BENTON COUNTY ANIMAL CONTROL FACILITY AND ANIMALS OWNED BY THE BENTON COUNTY SHERIFF'S OFFICE**

**WHEREAS**, per Benton County resolution 2012-677, "The County need not advertise or follow a formal competitive bidding procedure for professional service contracts (except for architectural, engineering, or design services), but rather the County may instead evaluate and utilize the procedures it deems best under the individual circumstances in order to obtain services of the highest quality at the lowest cost."; and

**WHEREAS**, the Benton County Animal Control Manager recommends entering into a Professional Service Contract with Vista Veterinary Hospital for "as needed" veterinarian medical services for the animals housed in the Benton County Animal Control Facility and animals owned by the Benton County Sheriff's Office for a contract amount not to exceed \$10,000; **NOW, THEREFORE**

**BE IT RESOLVED**, the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the recommendation and authorizes the Chairman of the Board to sign the attached agreement between Benton County and Vista Veterinary Hospital for a contract amount not to exceed \$10,000; and

**BE IT FURTHER RESOLVED**, the contract shall commence when executed by both parties and shall terminate December 31, 2013.

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

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Chairman Pro-Tem

\_\_\_\_\_  
Member

Attest: .....  
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington

**PROFESSIONAL SERVICES CONTRACT  
TERMS AND CONDITIONS**

This CONTRACT is made and entered into by and between BENTON COUNTY ("COUNTY"), a political subdivision of the State of Washington, with its principal offices at 620 Market Street, Prosser, WA 99350 and Vista Veterinary Hospital Inc. PC doing business as Vista Veterinary Hospital ("CONTRACTOR"), a Washington professional service corporation with its principal offices at 5603 W. Canal Drive, Kennewick, WA 99336 for the provision of Veterinarian Medical Services as described herein, for the Benton County Animal Control Facility and the Benton County Sheriff's Office.

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

**1. CONTRACT DOCUMENTS**

This Contract consists of the Professional Services Contract Terms and Conditions (this document).

**2. DURATION OF CONTRACT**

Contract period shall begin when executed by both parties and shall terminate on the 31st day of December 2013, unless terminated earlier pursuant to Section 13 herein. Upon agreement of both parties this Contract may be continued on a year-to-year basis subject to agreement between the COUNTY and CONTRACTOR on any cost adjustments.

**3. VETERINARIAN SERVICES TO BE PROVIDED**

CONTRACTOR and/or any of its licensed veterinarians and employees shall provide "as needed" veterinarian medical services for animals housed in the Benton County Animal Control Facility and animals owned by the Benton County Sheriff's Office. All services provided under this Contract shall be performed in accordance with current veterinary medical standards in existence at the time that such work is performed. The CONTRACTOR agrees to provide its own labor and materials. Unless otherwise provided in this Contract, no material, labor, or facilities will be furnished by the COUNTY.

**4. CONTRACT REPRESENTATIVES**

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>  1/15/13  </u>	Execute Contract _____	Consent Agenda <u>  x  </u>
Subject: <u>  Line Item Transfer  </u>	Pass Resolution <u>  x  </u>	Public Hearing _____
Prepared by: <u>  Stuart Holmes  </u>	Pass Ordinance _____	1st Discussion _____
Reviewed by: <u>  Stuart Holmes  </u>	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

**BACKGROUND INFORMATION**

The Auditor's Office needs to replace a broke letter opener in the Election Department for returned ballot processing

**SUMMARY**

A line item transfer in the amount of \$1900.00 is needed to bring line items up to cover the cost to purchase and ship a new letter opener.

**RECOMMENDATION**

It is recommended that the board pass the resolution and approved the line item transfer in the amount of \$1900.00

**FISCAL IMPACT**

\$0

**MOTION**

On consent agenda

# RESOLUTION

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

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN ELECTION RESERVE  
FUND NUMBER 0111-101, DEPARTMENT 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Chairman of the Board**

\_\_\_\_\_  
**Member**

\_\_\_\_\_  
**Member**

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

Attest: \_\_\_\_\_  
**Clerk of the Board**



c. Reappointment of P Johnstone-Jones to the Aging and Long Term Care Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>			
Meeting Date: <u>01/15/13</u>	Execute Contract	_____	Consent Agenda	XXX
Subject: <u>Reappts - ALTC</u>	Pass Resolution	XXX	Public Hearing	_____
Prepared by: <u>Marilu Flores</u>	Pass Ordinance	_____	1st Discussion	_____
Reviewed by: <u>LSK</u>	Pass Motion	_____	2nd Discussion	_____
	Other	_____	Other	_____

### BACKGROUND INFORMATION

The Commissioners' Office was notified that Ms. Joyce Dosch and Patricia Johnstone-Jones' appointments to the Aging & Long Term Care (ALTC) Advisory Board have expired. Both have expressed a desire to be reappointed for an additional term.

### SUMMARY

Two vacancies in the ALTC Board exists and need to be filled.

### RECOMMENDATION

That the Commissioners review the attached letter requesting reappointments of Ms. Dosch and Ms. Johnstone-Jones to the ALTC Board and reappoint both to said Board.

### FISCAL IMPACT

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### MOTION

# RESOLUTION

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

**IN THE MATTER OF REAPPOINTMENT OF PATRICIA JOHNSTONE-JONES TO THE BENTON COUNTY ADVISORY COUNCIL FOR THE OFFICE OF AGING & LONG TERM CARE**

**WHEREAS**, the term for Patricia Johnstone-Jones expired on December 31, 2012; and

**WHEREAS**, Ms. Johnstone-Jones has expressed an interest to be reappointed for an additional term; and

**WHEREAS**, the Advisory Council desires to have Ms. Johnstone-Jones be appointed for a two-year term; **NOW, THEREFORE**,

**BE IT RESOLVED** that Patricia Johnstone-Jones is hereby reappointed to the Benton County Advisory Council for the Office of Aging & Long Term Care, said term expiring on December 31, 2014.

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

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Chairman Pro Tem

\_\_\_\_\_  
Member

Attest: . . . . .  
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	<u>01/15/13</u>	Execute Contract	_____	Consent Agenda	XXX
Subject:	<u>Reappts - ALTC</u>	Pass Resolution	XXX	Public Hearing	_____
Prepared by:	Marilu Flores	Pass Ordinance	_____	1st Discussion	_____
Reviewed by:	LSK	Pass Motion	_____	2nd Discussion	_____
		Other	_____	Other	_____

**BACKGROUND INFORMATION**

The Commissioners' Office was notified that Ms. Joyce Dosch and Patricia Johnstone-Jones' appointments to the Aging & Long Term Care (ALTC) Advisory Board have expired. Both have expressed a desire to be reappointed for an additional term.

**SUMMARY**

Two vacancies in the ALTC Board exists and need to be filled.

**RECOMMENDATION**

That the Commissioners review the attached letter requesting reappointments of Ms. Dosch and Ms. Johnstone-Jones to the ALTC Board and reappoint both to said Board.

**FISCAL IMPACT**

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**MOTION**

# RESOLUTION

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

**IN THE MATTER OF REAPPOINTMENT OF JOYCE DOSCH TO THE BENTON COUNTY ADVISORY COUNCIL FOR THE OFFICE OF AGING & LONG TERM CARE**

**WHEREAS**, the term for Joyce Dosch expired on December 31, 2012; and

**WHEREAS**, Ms. Dosch has expressed an interest to be reappointed for an additional term; and

**WHEREAS**, the Advisory Council desires to have Ms. Dosch be appointed for a three-year term; **NOW, THEREFORE**,

**BE IT RESOLVED** that Joyce Dosch, is hereby reappointed to the Benton County Advisory Council for the Office of Aging & Long Term Care, said term expiring on December 31, 2015.

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

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Chairman Pro Tem

\_\_\_\_\_  
Member

Attest: . . . . .  
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	<u>01/15/2013</u>	Execute Contract	_____	Consent Agenda
Subject:	<u>Line Item</u>	Pass Resolution	<u>X</u>	Public Hearing
	<u>Transfer –</u>	Pass Ordinance	_____	1st Discussion
	<u>Facilities</u>	Pass Motion	_____	2nd Discussion
Prepared by:	<u>C. McKenzie</u>	Other	_____	Other
Reviewed by:	<u>Keith Mercer</u>			

**BACKGROUND INFORMATION**

**SUMMARY**

A line item transfer in the amount of \$26,000 is needed to bring the Facilities line items current in accordance with Board policy to pay for utilities from the 2011-2012 budget.

**RECOMMENDATION**

Approve the resolution authorizing the line item transfer.

**FISCAL IMPACT**

2011-2012 budget  
\$26,000  
Fund – Current Expense, Dept. 110  
No supplement needed.

**MOTION**

Consent Agenda

### BENTON COUNTY LINE ITEM TRANSFER

Dept Name:

Dept Nbr:

Fund Name:

Fund Nbr:

TRANSFER FROM:

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
539-500	4125	Janitorial	\$26,000	539-500	4701	Utiliteis	\$26,000
TOTAL			\$26,000	TOTAL			\$26,000

Explanation:

A line item transfer is needed bring the 2011-2012 budget in compliance with "line item budgeting" and to pay for utilities.

Prepared by:

Date:

Approved

Denied

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

<b>AGENDA ITEM:</b> Consent	<b>TYPE OF ACTION NEEDED</b>	CONSENT AGENDA <u>XX</u>
<b>MEETING DATE:</b> B/C 1-15-13 F/C 01-23-13	Executive Contract XX	PUBLIC HEARING
<b>SUBJECT:</b> Professional Services Contract Amendment # 1 for Criminal Defense Panel Attorney-Susan D. Henwood	Pass Ordinance XX	1 <sup>st</sup> DISCUSSION
<b>Prepared By:</b> Toni Lehman	Pass Motion	2 <sup>nd</sup> DISCUSSION
<b>Reviewed By:</b> Sharon A. Paradis	Other	OTHER

**BACKGROUND INFORMATION**

Julie Brown terminated her contract with the Benton and Franklin Counties Juvenile Justice Center.

**SUMMARY**

Susan D. Henwood agreed to accept additional appointments, amending Section 7, Number of Appointments and Section 12.a, Compensation of her current contract.

**RECOMMENDATION**

We recommend that the Board of Commissioners of Benton County and the Board of Commissioners of Franklin County sign the Professional Services Contract Amendment # 1 between Susan D. Henwood and Benton-Franklin Counties Juvenile Justice Center for services.

**COORDINATION**

Coordination of the contract occurred as follows: Toni Lehman, Senior Administrative Secretary who compiled the contract; Eric Hsu, Indigent Defense Coordinator who reviewed the contract as to form; Susan D. Henwood, Attorney and Sharon Paradis, Administrator for the Benton-Franklin Counties Juvenile Justice Center.

**FISCAL IMPACT**

Amount not to exceed \$75,000.00 to be paid out of Juvenile Funds Dept. 171 and 173 budgets. No Supplemental required.

**MOTION**

I move that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be hereby authorized to sign the professional service contract Amendment # 1 with Susan D. Henwood.

**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 EXECUTING CONTRACT AMENDMENT # 1 BFJC1112SDH001A WITH ATTORNEY SUSAN D. HENWOOD TO PROVIDE LEGAL REPRESENTATION TO INDIGENT PERSONS IN BENTON-FRANKLIN COUNTIES JUVENILE COURT DIVISION**

**WHEREAS**, attorney Julie Brown had been contracting with Benton and Franklin Counties ("Counties") to provide representation to indigent persons in the Juvenile Division of the Benton & Franklin Counties Superior Court;

**WHEREAS**, Julie Brown terminated her contract in which additional appointments have been provided to Susan D. Henwood;

**WHEREAS**, Benton and Franklin Counties has a contract with Susan D. Henwood for legal representation of indigent persons via Benton County Resolution 10-709 and Franklin County Resolution 2010-367;

**WHEREAS**, the Juvenile Administrator recommends amending Section 7 and Section 12.a of the current contract; **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 awards the professional service contract amendment # 1 to Susan Henwood in an amount not to exceed \$75,000.00; and

**BE IT FURTHER RESOLVED**, that the Chairman is authorized to sign Amendment # 1 to the Professional Services Agreement; and

**BE IT FURTHER RESOLVED**, the term of the attached contract amendment commences January 1, 2013 and expires on December 31, 2013.

**DATED** this 15<sup>th</sup> day of January 2013  
**BENTON COUNTY BOARD OF COMMISSIONERS**

**DATED** this 23<sup>rd</sup> day of January 2013  
**FRANKLIN COUNTY BOARD OF COMMISSIONERS**

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Chairman of the Board

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Chairman of the Board

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Member

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Chairman Pro Tem

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Member

Constituting the Board of  
County Commissioners,  
Benton County, Washington

Attest:

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Member

Constituting the Board of  
County Commissioners,  
Franklin County, Washington

Attest:

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Clerk of the Board

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Clerk of the Board

JUDGES

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

BENTON-FRANKLIN COUNTIES  
JUVENILE JUSTICE CENTER

SHARON PARADIS, Administrator  
Juvenile Court Services

SUPERIOR COURT OF THE STATE OF WASHINGTON

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

JACQUELINE STAM  
JOSEPH R. SCHNEIDER  
JERRI G. POTTS  
Court Commissioners

**AMENDMENT # 1 TO PROFESSIONAL SERVICES AGREEMENT TO PROVIDE  
LEGAL REPRESENTATION TO INDIGENT PERSONS IN BENTON-FRANKLIN  
COUNTIES JUVENILE COURT DIVISION  
BFJC1112SDH001A**

This Amendment to Professional Services Agreement (the "Amendment") is entered into by and between Susan D Henwood attorney at law, Washington State Bar Association #33843 (Attorney); and **BENTON COUNTY** and **FRANKLIN COUNTY**, state of Washington political subdivisions (jointly the "Counties"), for and on behalf of the Benton-Franklin Counties Juvenile Justice Center, a bi-county agency ("Juvenile Justice Center").

In consideration of the mutual benefits and covenants contained herein and in the parties' existing Professional Service Agreement between Attorney and the Counties, designated as BFJC1112SDH001 (corresponding to Benton County Resolution No. 10 709 and executed on November 22, 2010, and Franklin County Resolution No. 2010 367 and executed on December 1, 2010), the parties agree **Section 7, Number of Appointments** and **Section 12.a., Compensation**, of said Existing PSA shall be amended by being replaced with the following:

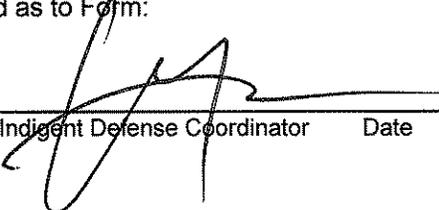
7. **NUMBER OF APPOINTMENTS.** During each calendar year of the term of this Agreement, Attorney agrees to and shall accept appointments hereunder to represent persons in the Juvenile Court Division up to a maximum of **two hundred twenty five (225) total case equivalents per calendar year** (proratable for any partial calendar year) and for the period of time from January 1, 2013 until December 31, 2013 only, shall accept appointments hereunder to represent persons in the Juvenile Court Division up to a maximum of **two hundred fifty (250) total case equivalents per calendar year**. The date on which a case or matter is filed (rather than its final date of disposition) shall be used to determine the calendar year in which a case equivalent is to be counted. Truancy docket and Truancy Board representation, being separately compensated, shall not count toward this maximum caseload.

12 a. **COMPENSATION.**

a. As compensation for Attorney's performance and rendering of independent professional legal services, the Counties shall pay Attorney, as professional service attorney fees and not as employment salary/wages, the sum of **\$5,278.82** (proratable for any partial month), payable on the last business day of the month, for the year 2013. For the period of time commencing January 1, 2013 and ending December 31, 2013 only, Attorney shall be compensated with the additional sum of **\$586.18** for handling the additional 25 case equivalent points referenced in section 7 of this Amendment for a total monthly compensation of **\$5,865.00**. This additional monthly compensation for January 1, 2013 – December 31, 2013, of **\$586.18**, shall not be considered for purposes of calculating Attorney's compensation for year 2014.

Except as expressly provided in this Contract Amendment, all other terms and conditions of the original Contract and subsequent written contract amendments thereto remain in full force and effect and any conflicts between the original Contract and this amendment shall be resolved in favor of this amendment.

This Amendment shall be effective upon execution by the parties.

<b>Attorney</b>	<b>Benton-Franklin Counties Juvenile Justice Center</b>
	
Susan Henwood <i>WSBA # 33843</i> Date <i>01/04/13</i>	Sharon A. Paradis Date <i>1/2/2013</i>
<p align="center"><b>BENTON COUNTY APPROVAL</b></p> <p>Approved as to Form:</p>  <p>Eric Hsu, Indigent Defense Coordinator Date _____</p> <p>By: _____ Title: <u>Chairman, Board of Commissioners</u></p> <p>Date: _____</p> <p>Attest: _____</p> <p>Clerk of the Board: _____</p>	<p align="center"><b>FRANKLIN COUNTY APPROVAL</b></p> <p>By: _____ Title: <u>Chairman, Board of Commissioners</u></p> <p>Date: _____</p> <p>Attest: _____</p> <p>Clerk of the Board: _____</p>

**JOINT RESOLUTION**

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

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

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

**RE: FLAT MONTHLY PAYMENTS FOR THE 2013 JUVENILE CENTER OPERATIONS BUDGET  
AND FACILITIES BUDGET**

**WHEREAS**, the 2013 Juvenile Center Operations Budget was submitted to Franklin County in the amount of \$5,362,110. Based upon the juvenile population, Franklin County is responsible for \$1,703,696, or 31.84%; and,

**WHEREAS**, the 2013 Juvenile Facility Budget was submitted in the amount of \$195,527. Based upon a funding formula of 28% for Franklin County, Franklin County is responsible for \$47,696; and,

**WHEREAS**, the combined total for the Juvenile Operations and Juvenile Facilities 2013 Budget is \$5,557,637. Franklin County is responsible for a total of \$1,751,392; and,

**WHEREAS**, to maintain adequate cash flow in the Juvenile Justice Center Fund, starting January 2013, Franklin County is responsible for flat monthly payments in the amount of \$145,949.00 for the 2013 Juvenile Center Operations and Facility Budget; and

**WHEREAS**, Franklin County shall submit the combined total flat monthly payment in the amount of \$145,949.00 for their portion of the 2013 Juvenile Operations and Facility Budget to the Benton County Treasurer no later than February 1, 2013 for January payment and no later than the 1<sup>st</sup> working day of each month thereafter (February payment due February 1<sup>st</sup>); **NOW THEREFORE**,

**BE IT RESOLVED** by the Board of Commissioners of Benton and Franklin Counties that the flat monthly payment for January 2013 shall occur no later than February 1, 2013, and no later than the 1<sup>st</sup> working day of each month thereafter (February payment due February 1<sup>st</sup>) from Franklin County, payable to Benton County Treasurer in the amount of \$145,949.00 is approved; and

**BE IT FURTHER RESOLVED** no later than April 2014, Franklin County will receive a final 2013 invoice itemizing actual yearly expenditures and any adjustments necessary based on actual expenditures.

Dated this \_\_\_\_\_ day of January, 2013

Dated this \_\_\_\_\_ day of January, 2013

**Board of Benton County Commissioners**

**Board of Franklin County Commissioners**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman Pro Tem

\_\_\_\_\_  
Vice-Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

**Attested to by:**

**Attested to by:**

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
Clerk to the Board

**RESOLUTION**

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WA**

**RE: FLAT MONTHLY PAYMENTS FOR THE 2013-2014 JUVENILE CENTER OPERATIONS AND FACILITIES BUDGET**

**WHEREAS**, the 2013-2014 Juvenile Center Operations Budget was submitted in the amount of \$10,831,050. Based upon the juvenile population, Benton County is responsible for \$7,389,696 (including 100% of non-bargaining VEBA costs) or 68.16%; and,

**WHEREAS**, the 2013-2014 Juvenile Facility Budget was submitted in the amount of \$368,110. Based upon a funding formula of 72% for Benton County (including 100% of the phone upgrade costs), Benton County is responsible for \$272,090; and,

**WHEREAS**, the combined total for the Juvenile Operations and Juvenile Facilities 2013-2014 Budget is \$11,199,160. Benton County is responsible for a total of \$7,661,786; and,

**WHEREAS**, to maintain adequate cash flow in the Juvenile Justice Center Fund, starting January 2013, Benton County is responsible for flat monthly payments in the amounts of \$319,241.00 for the Juvenile Center Operations Budget and Juvenile Facility Budget; and,

**WHEREAS**, Benton County shall transfer the combined total flat monthly payment in the amount of \$319,241.00 for their portion of the 2013-2014 Juvenile Operations and Facility Budget no later than February 1, 2013 for January payment and no later than the 1<sup>st</sup> working day of each month thereafter (February payment due February 1<sup>st</sup>); **NOW THEREFORE**,

**BE IT RESOLVED** by the Board of Commissioners of Benton County that the first flat monthly operating transfers to the Juvenile Fund for the 2013-2014 budget shall occur no later than February 1, 2013 for January and no later than the 1st working day of each month thereafter (February payment due February 1<sup>st</sup>) in the amount of \$319,241.00 is approved; and

**BE IT FURTHER RESOLVED** that Benton County Commissioners will receive a final 2013 invoice no later than April 2014 itemizing actual expenditures and any adjustments necessary based on actual expenditures. Benton County Commissioners will receive a final 2014 invoice no later than April 2015 itemizing actual expenditures and any adjustments necessary based on actual expenditures

Dated this \_\_\_\_\_ day of January, 2013

**Board of Benton County Commissioners**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman Pro Tem

\_\_\_\_\_  
Member

**Attested to by:**

Constituting the Board of County  
Commissioners of Benton County,  
Washington

\_\_\_\_\_  
Clerk to the Board

<b>AGENDA ITEM:</b> Consent	<b>TYPE OF ACTION NEEDED</b>	CONSENT AGENDA <u>XX</u>
<b>MEETING DATE:</b> B/C 1-15-13 F/C 1-23-13	Executive Contract XX	PUBLIC HEARING
<b>SUBJECT:</b> Professional Services Contract for Criminal Defense Panel Attorney-Mia Mendoza	Pass Ordinance XX	1 <sup>st</sup> DISCUSSION
<b>Prepared By:</b> Toni Lehman	Pass Motion	2 <sup>nd</sup> DISCUSSION
<b>Reviewed By:</b> Sharon A. Paradis	Other	OTHER

**BACKGROUND INFORMATION**

Attached for Board review and approval is the Professional Services Agreement between the Benton-Franklin Counties Juvenile Justice Center (BFJJC) and Defense Panel Attorney, Mia Mendoza. Ms. Mendoza has practiced law for several years in Washington. This negotiated Professional Service Agreement meets the current Office of Public Defense standards.

**SUMMARY**

This Professional Services Agreement is to provide legal representation to indigent persons in Benton-Franklin Counties Juvenile Court Division. The agreement is effective from January 14, 2013 through December 31, 2014.

**RECOMMENDATION**

We recommend that the Board of Commissioners of Benton County and the Board of Commissioners of Franklin County sign the Professional Services Contract between Mia Mendoza and Benton-Franklin Counties Juvenile Justice Center for services.

**COORDINATION**

Coordination of the contract occurred as follows: Toni Lehman, Senior Administrative Secretary who compiled the contract; Eric Hsu, Indigent Defense Coordinator who reviewed the contract as to form; Mia Mendoza Attorney and Sharon Paradis, Administrator for the Benton-Franklin Counties Juvenile Justice Center.

**FISCAL IMPACT**

Amount not to exceed \$95,000.00 to be paid out of Juvenile Funds Dept. 171 and 173 budgets. No Supplemental required.

**MOTION**

I move that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be hereby authorized to sign the professional service contract with Mia Mendoza.

**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 MIA MENDOZA THE PROFESSIONAL SERVICE AGREEMENT FOR LEGAL REPRESENTATION OF INDIGENT INDIVIDUALS IN BENTON AND FRANKLIN COUNTIES SUPERIOR COURT, JUVENILE DIVISION**

**WHEREAS**, per resolution 2012-677, "...for all contracts for non-public works services the county need not advertise or follow a formal competitive bidding procedure, but may instead evaluate and utilize the procedures it deems best under the individual circumstances in order to obtain services of the highest quality at the lowest cost"; and

**WHEREAS**, Sharon Paradis, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the Professional Services Agreement between the Juvenile Court and the criminal defense panel attorney, to-wit: Mia Mendoza, be approved as presented; and

**WHEREAS**, the Juvenile Administrator recommends entering into a contract for 2013-2014; **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 awards the Professional Services Agreement to Mia Mendoza in an amount not to exceed \$95,000.00; and

**BE IT FURTHER RESOLVED**, that the Chairman is authorized to sign the attached Professional Services Agreement and

**BE IT FURTHER RESOLVED**, the term of the attached agreement commences January 14, 2013 and expires on December 31, 2014.

**DATED this 15<sup>th</sup> day of January 2013  
BENTON COUNTY BOARD OF COMMISSIONERS**

**DATED this 23<sup>rd</sup> day of January 2013  
FRANKLIN COUNTY BOARD OF COMMISSIONERS**

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Chairman of the Board

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Chairman of the Board

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Member

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Chairman Pro Tem

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Member

Constituting the Board of  
County Commissioners,  
Benton County, Washington

Attest:

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Member

Constituting the Board of  
County Commissioners,  
Franklin County, Washington

Attest:

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Clerk of the Board

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Clerk of the Board

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

# BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER



SHARON PARADIS, Administrator  
Juvenile Court Services

SUPERIOR COURT OF THE STATE OF WASHINGTON

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

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

## PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL REPRESENTATION TO INDIGENT PERSONS IN BENTON-FRANKLIN COUNTIES JUVENILE COURT DIVISION CONTRACT #BFJC1214CB001

**THIS AGREEMENT** is entered into by and between **Mia Mendoza**, attorney at law, Washington State Bar Association #30603 ("Attorney"); and **BENTON COUNTY** and **FRANKLIN COUNTY**, state of Washington political subdivisions (jointly the "Counties"), for and on behalf of the Benton-Franklin Counties Juvenile Justice Center, a bi-county agency ("Juvenile Justice Center").

### **THIS AGREEMENT IS ENTERED INTO BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:**

- A.** The Counties have the legal responsibility to provide legal defense services to indigent persons charged with criminal offenses alleged to have been committed within the Counties' respective jurisdictional boundaries.
- B.** Attorney is engaged in the private practice of law, has direct experience in litigating cases involving persons charged with criminal offenses, and desires to contract with the Counties to provide legal services to indigent persons subject to various legal proceedings in the Juvenile Division of the Counties' respective Superior Courts (the "Juvenile Court Division" or "Juvenile Court").

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements contained herein, the Counties and Attorney hereby agree as follows:

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of the **14<sup>th</sup> day of January, 2013** and shall continue thereafter through and including the **31st day of December, 2014**, unless earlier terminated pursuant to the applicable terms and provisions of this Agreement.

2. **ATTORNEY'S OFFICE LOCATION.**

a. Attorney presently and regularly maintains an office adequate and appropriate for the practice of law at **7135 W. Hood Place, Kennewick, WA 99336-6704**. Attorney's current local office telephone and fax numbers are **(509) 943-0654** and **(509) 374-8124** respectively; and Attorney's current office/work e-mail address is

<b>AGENDA ITEM:</b> Consent	<b>TYPE OF ACTION NEEDED</b>	CONSENT AGENDA <u>xx</u>
<b>MEETING DATE:</b> B/C 01-15-2013 F/C 01-23-13	Executive Contract <u>xx</u>	PUBLIC HEARING
<b>SUBJECT:</b> Public Works Contract with Apollo Heating & Air	Pass Resolution <u>xx</u>	1ST DISCUSSION
<b>Prepared By:</b> Toni Lehman	Pass Ordinance	2ND DISCUSSION
<b>Reviewed By:</b> Sharon Paradis	Pass Motion	OTHER
	Other	

**BACKGROUND INFORMATION**

The Benton-Franklin Counties Juvenile Justice Center solicited proposals to provide heating, ventilation, and air conditioning (HVAC) system maintenance for the Benton-Franklin Counties Juvenile Justice Center for the term effective upon execution by the Counties through December 31, 2013.

**SUMMARY**

The proposals are as follows:

- A-One Refrigeration & Heating, Inc., Kennewick, WA - \$7250.00
- Apollo Heating & Air, Kennewick, WA - \$13,600.00 plus WSST
- Campbell & Company - Did not respond

**COORDINATION**

This Contract was coordinated by Bob Sandusky, Service Manager for Apollo Heating & Air; Sharon Paradis, Administrator for the Benton-Franklin Counties Juvenile Justice Center; Jennifer Bowe, Administrative Services Manager; and Ryan Verhulp, Deputy Prosecuting Attorney for Franklin County.

The Contract was prepared by Toni Lehman, Senior Administrative Secretary for the Benton-Franklin Counties Juvenile Justice Center.

**RECOMMENDATION**

The Juvenile Administrative Services Manager reviewed the proposals and recommends Apollo Heating & Air as they were the only responsible bidder that currently has three maintenance contracts with facilities that have the Alerton Envision for IBEX systems. Per follow-up with the three bid references provided by A-One Refrigeration, the references were not maintenance contracts.

**FISCAL IMPACT**

Amount not to exceed \$35,000.00 to be paid out of Current Expense Dept. 172 Facilities Budget. No supplemental required.

**MOTION**

I move that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be hereby authorized to sign, on behalf of their respective county, the Public Works Contract with Apollo Heating & Air and Benton-Franklin Counties Juvenile Justice Center.

**JOINT RESOLUTION**

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

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

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

**IN THE MATTER OF AWARDING THE PUBLIC WORKS CONTRACT FOR HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) SYSTEM MAINTAINENCE TO APOLLO HEATING & AIR, A DIVISION OF APOLLO SHEET METAL INC.**

**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 Board of Franklin County Commissioners; and

**WHEREAS**, the following proposals were solicited from contractors for HVAC maintenance:

- A-One Refrigeration & Heating, Inc., Kennewick, WA - \$7250.00
- Apollo Heating & Air, Kennewick, WA - \$13,600.00 plus WSST
- Campbell & Company – Did not respond

**WHEREAS**, the Administrative Services Manager determined that Apollo Heating & Air, Kennewick, WA – Contractors License No. APOLLSM187MK was the only responsible bidder per RCW 43.19.1911 as the proposal required the Contractor to have at least three (3) maintenance contracts with facilities that have the Alerton Envision for IBEX systems.

**WHEREAS**, the Administrative Services Manager reviewed the proposals and recommends awarding the Public Works Contract to Apollo Heating & Air, **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 Board concurs with the Juvenile Administrative Services Manager recommendation and hereby awards Apollo Heating & Air, the Public Works Contract for HVAC system maintenance, and repair if necessary, of the Benton-Franklin Counties Juvenile Justice Center for a total contract amount not to exceed \$35,000.00 plus W.S.S.T; and

**BE IT FURTHER RESOLVED** the Board of Benton County Commissioners and the Board of Franklin County Commissioners hereby awards the Public Works Contract to Apollo Heating & Air; and

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

**DATED this 15th day of January 2013  
BENTON COUNTY BOARD OF COMMISSIONERS**

**DATED this 23<sup>rd</sup> day of January 2013  
FRANKLIN COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Chairman Pro Tem

\_\_\_\_\_  
Member

Constituting the Board of  
County Commissioners,  
Benton County, Washington

Attest:

\_\_\_\_\_  
Member

Constituting the Board of  
County Commissioners,  
Franklin County, Washington

Attest:

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

\_\_\_\_\_  
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 and Franklin County, a political subdivision with its principal offices at 1016 North Fourth Avenue, Pasco, WA 99301, by and for the Benton/Franklin Counties Juvenile Justice Center, a bi-county agency located at 5606 W. Canal Place STE 106, Kennewick, WA 99336 (hereinafter "COUNTIES"), and Apollo Sheet Metal., with its principal offices at 1119 W. Columbia Dr. 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 these terms and conditions and the following documents:

- a. Exhibit A- Quote dated 12/15/2012
- b. Exhibit B - Washington State Prevailing Wage Rates for Public Works Contracts

**2. DURATION OF CONTRACT**

The term of this Contract shall begin upon execution by the COUNTIES and shall expire on December 31, 2013, unless terminated sooner. 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 building HVAC maintenance services as set forth in Exhibit A to/for the Benton-Franklin Counties Juvenile Justice Center facilities. In the event that requested work encompasses work that is legally required to be completed by another type of contractor, CONTRACTOR shall inform COUNTIES of that fact and shall coordinate with COUNTIES to complete the work in conjunction with such other contractor. In the event that the requested work requires, under State or local law, the issuance of a building permit, CONTRACTOR shall be responsible for procuring such building permit and arranging for inspection and certification

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUND WITHIN THE  
CURRENT EXPENSE FUND NUMBER 0000101, OFFICE OF PUBLIC DEFENSE  
DEPARTMENT 136

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 \_\_\_\_\_, \_\_\_\_\_ 2013

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

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

Attest: \_\_\_\_\_  
Clerk of the Board

cc: Commissioners; Auditor; File, OPD

D Gerry

## BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Office of Public Defense		Dept Nbr: 136		
Fund Name: Current Expense		Fund Nbr: 0000-101		
TRANSFER FROM:				
BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	
515.911	1565	Public Defense Attorney I	\$23,138	
515.911	2102	Social Security (FICA)	\$1,770	
515.911	2103	Medical Insurance	\$809	
515.911	2104	Retirement	\$1,994	
515.911	4101	Legal Services	\$150,871	
515.911	4699	Accumulated Leave	\$404	
<b>TOTAL</b>			<b>\$178,986</b>	
TRANSFER TO:				
BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	
515.919	1928	Public Defense Attorney II	\$125,944	
515.919	2102	Social Security (FICA)	\$9,365	
515.919	2103	Medical Insurance	\$30,616	
515.919	2104	Retirement	\$10,857	
515.919	4699	Accumulated Leave	\$2,204	
<b>TOTAL</b>			<b>\$178,986</b>	
<b>Explanation:</b>				
Public Defense Attorney II Salary, Taxes and Benefits for 2013-2014.				
Prepared by:	Denise Gerry	Date:	07-Jan-2013	
Approved	<input type="checkbox"/>	Denied	<input type="checkbox"/>	
		Chairman		
		Member		
		Member		

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUND WITHIN THE  
CURRENT EXPENSE FUND NUMBER 0000101, OFFICE OF PUBLIC DEFENSE  
DEPARTMENT 136

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 \_\_\_\_\_, \_\_\_\_\_ 2013

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

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

Attest: \_\_\_\_\_  
Clerk of the Board

cc: Commissioners; Auditor; File, OPD

D Gerry

# BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Office of Public Defense		Dept Nbr: 136		
Fund Name: Current Expense		Fund Nbr: 0000-101		
TRANSFER FROM: Dept 000		TRANSFER TO: Dept 000		
BASE SUB	LINE ITEM	LINE ITEM	LINE ITEM	AMOUNT
(6 digit)	(4 digit)	(6 digit)	(4 digit)	
512.814	2102	512.814	2103	\$107
512.814	2104	512.814	4102	\$60
512.814	4301	512.814	4201	\$43
512.818	3101	512.818	4503	\$19
				\$107
				\$94
				\$8
				\$20
TOTAL			TOTAL	\$229

Explanation:	
Line Item Budgeting transfer for 2012 expenditures.	
Prepared by: Denise Gerry	Date: 07-Jan-2013
Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
	Chairman
	Member
	Member

**BENTON COUNTY  
BOARD OF COUNTY COMMISSIONERS  
Agenda Request Summary**

<u>Type of Action Requested</u>	<u>Classification</u>
<input type="checkbox"/> Execute contract <input checked="" type="checkbox"/> Pass resolution <input type="checkbox"/> Pass ordinance <input type="checkbox"/> Pass motion <input type="checkbox"/> Other (describe)	<input checked="" type="checkbox"/> Consent agenda <input type="checkbox"/> Public hearing <input type="checkbox"/> 1 <sup>st</sup> discussion <input type="checkbox"/> 2 <sup>nd</sup> discussion <input type="checkbox"/> Other
Requested meeting date: January 15, 2013 Presentation length: n/a Presenting elected office/department: Public Defense Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty	

**BACKGROUND INFORMATION**

Attorneys Scott Johnson and Kevin Holt ("Attorneys") have been contracted to provide public defense services in Benton County Superior Court with various starting dates in December, 2010. In September and October, 2012, a dispute arose between Attorneys and Benton County ("County") relating the Attorneys' actions in voluntarily terminating their contracts, and then subsequently attempting to rescind the terminations. Pursuant to the dispute resolution provisions of their contracts, Attorneys requested mediation and joint mediation was held on November 5, 2012.

Section 31(a) of the agreement between Benton County and Attorneys provides that County must pay half of the mediator's fees and expenses. A previously passed Resolution 2012-807 inadvertently approved payment of the incorrect amount.

**SUMMARY**

Benton County and Attorneys successfully mediated a settlement to a pending dispute related to Attorneys' Superior Court public defense contracts. Mediation fees from Jan Armstrong, Attorney at Law, in the amount of \$1,045.00 will need board approval for payment.

**RECOMMENDATION**

Sign proposed Resolution and fully rescind Resolution 2012-807.

**ANTICIPATED FISCAL IMPACT**

\$1,045.00

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

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

**IN THE MATTER OF AUTHORIZING A ONE-TIME PAYMENT TO LAW FIRM OF ARMSTRONG, KLYM, WAITE, ATWOOD & JAMESON, P.S. FOR MEDIATOR SERVICES RELATING TO A MEDIATION SETTLEMENT WITH OFFICE OF PUBLIC DEFENSE SUPERIOR COURT CONTRACT ATTORNEYS AND RESCINDING RESOLUTION 2012-807**

**WHEREAS**, Benton County is obligated by law to provide indigent defense services in Benton County Superior Court; and

**WHEREAS**, Dan Arnold, Kevin Holt and Scott Johnson (“Attorneys”) have been contracted to provide public defense services in Benton County Superior Court with various starting dates in December, 2010; and

**WHEREAS**, because of an existing dispute related to the indigent defense agreements, Attorneys tendered to Benton County a demand to mediate said dispute, pursuant to Section 31 of the agreement between Benton County and Attorneys for indigent defense services; and

**WHEREAS**, mediation between the parties was in fact held on November 5, 2012 with attorney Jan Armstrong, of Armstrong, Klym, Waite, Atwood & Jameson, P.S. (“Law Firm”) mutually selected as the presiding mediator; and

**WHEREAS**, Section 31(a) of the agreement between Benton County and Attorneys provides that County must pay half of the mediator’s fees and expenses which, in this case, total \$1,045.00;

**WHEREAS**, the previously passed Resolution 2012-807 inadvertently approved payment of the incorrect amount;

**NOW THEREFORE, BE IT RESOLVED THAT** the Board of Benton County Commissioners authorize a one-time payment to the law firm of Armstrong, Lym, Waite, Atwood & Jameson, P.S. of \$1,045.00 as payment of 50% of the services of mediator Jan Armstrong. **BE IT FURTHER RESOLVED** that Resolution 2012-807 be fully rescinded.

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

\_\_\_\_\_  
**Chairman of the Board**

\_\_\_\_\_  
**Chairman Pro-Tem**

\_\_\_\_\_  
**Member  
Constituting the Board of County  
Commissioners, Benton County  
Washington**

**Attest: . . . . .**  
**Clerk of the Board**

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>01/15/2013</u>	Execute Contract _____	Consent Agenda	X
Subject: _____	Pass Resolution X _____	Public Hearing	_____
Prepared by: <u>C. McKenzie</u>	Pass Ordinance _____	1st Discussion	_____
Reviewed by: _____	Pass Motion _____	2nd Discussion	_____
	Other _____	Other	_____

**BACKGROUND INFORMATION**

**SUMMARY**

The Parks Department required service on its Kobota Tractor located at Two Rivers Park and Blueline Equipment Company in Pasco, WA traditionally has serviced this tractor.

**RECOMMENDATION**

Approve the resolution authorizing payment to Blueline Equipment Company LLC for repair to the Kobota Tractor in the amount of \$249.04.

**FISCAL IMPACT**

\$249.04 (including WSST)

Fund – Current Expense, Dept. 126 (2011-2012 budget)

No supplement needed

**MOTION**

Consent Agenda

# RESOLUTION

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

**IN THE MATTER OF AUTHORIZING PAYMENT TO BLUELINE EQUIPMENT COMPANY LLC FOR REPAIR TO KOBOTA TRACTOR LOCATED AT TWO RIVERS PARK**

**WHEREAS**, the Kobota Tractor located at Two Rivers Park was overheating and needed to be serviced in 2012 and this tractor has been traditionally serviced at Blueline Equipment Company; and

**WHEREAS**, per the Benton County Procurement, Leasing, and Contracting Policy (Resolution 2012-677), the County need not advertise or follow a formal competitive bidding procedure for service contracts, but rather the County may instead evaluate and utilize the procedures it deems best under the individual circumstances in order to obtain services of the highest quality at the lowest cost; and,

**WHEREAS**, a verbal quote was received from Blueline Equipment Company, LLC in Pasco, WA in the amount of \$249.04 (including WSST); and

**WHEREAS**, the Deputy County Administrator believes that due to the amount of said services, it would be cost prohibitive to prepare a service contract and recommends the Board of Commissioners authorize payment for said services; **NOW THEREFORE**,

**BE IT RESOLVED** that the Board of Benton County Commissioners hereby authorizes payment to Blueline Equipment Company LLC, Pasco, WA in the amount of \$249.04 (including WSST) for repair in 2012 of the Kobota Tractor located at Two Rivers Park.

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

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Chairman Pro-Tem

\_\_\_\_\_  
Member

Attest: .....  
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington

o. Payment Authorization to Tire Factory for Tractor Tires

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>01/15/2013</u>	Execute Contract	_____	Consent Agenda
Subject: _____	Pass Resolution	X	Public Hearing
Prepared by: <u>C. McKenzie</u>	Pass Ordinance	_____	1st Discussion
Reviewed by: _____	Pass Motion	_____	2nd Discussion
	Other	_____	Other

**BACKGROUND INFORMATION**

**SUMMARY**

The Parks Department required purchase and mounting of tires on the tractor located at Horn Rapids Park.

**RECOMMENDATION**

Approve the resolution authorizing payment to Tire Factory for purchase and mounting of tires in the amount of \$1,552.95 (including WSST)

**FISCAL IMPACT**

\$1,552.95 (including WSST)

Fund – Current Expense, Dept. 126 (2011-2012 budget)

No supplement needed

**MOTION**

Consent Agenda

# RESOLUTION

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

**IN THE MATTER OF AUTHORIZING PAYMENT TO TIRE FACTORY FOR PURCHASE AND MOUNTING OF TIRES ON THE HORN RAPIDS PARK TRACTOR**

**WHEREAS**, the large, rear tires on the tractor assigned to Horn Rapids Park are about fifteen years old and in need of replacement; and,

**WHEREAS**, an opportunity presented itself at the end of 2012 to replace the Horn Rapids Park tractor tires; and,

**WHEREAS**, the size and nature of the tires required that they be professionally mounted by the vendor, thus constituting a service; and,

**WHEREAS**, per the Benton County Procurement, Leasing, and Contracting Policy (Resolution 2012-677), the County need not advertise or follow a formal competitive bidding procedure for service contracts, but rather the County may instead evaluate and utilize the procedures it deems best under the individual circumstances in order to obtain services of the highest quality at the lowest cost; and,

**WHEREAS**, verbal quotes were solicited and received from two local vendors that service these kinds of tires:

- Les Schwab Tire Center, Richland WA – \$1770.00 (including WSST)
- Tire Factory, Pasco WA – \$1552.95 (including WSST)

**WHEREAS**, after review of the quotes, Tire Factory was selected for purchase and mounting of the tires in the amount of \$1552.95, inclusive of WSST; and,

**WHEREAS**, the Deputy County Administrator believes that due to the amount of said services, it would be cost prohibitive to prepare a service contract and recommends the Board of Commissioners authorize payment for said services; **NOW THEREFORE**,

**BE IT RESOLVED** that the Board of Benton County Commissioners agrees with the above recommendations and hereby authorizes payment to Tire Factory of Pasco, Washington in the amount of \$1552.95, inclusive of WSST for the purchase and mounting of the tires for the tractor assigned to Horn Rapids Park.

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

cc: Parks, Auditor

Fyall

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF PROMOTION OF THE BENTON COUNTY PARKS SYSTEM  
IN THE 2013 TRI-CITIES VISITOR GUIDE

**WHEREAS**, the Benton County Park Board wanted to promote the Benton County parks system and decided to purchase advertising space in the annual "Tri-Cities Visitor Guide" that is published by the Tri-Cities Visitor and Convention Bureau; and,

**WHEREAS**, a half-page advertisement for this purpose was purchased in the amount of \$2,300.00;  
**NOW THEREFORE**,

**BE IT RESOLVED**, that the Benton County Board of Commissioners authorizes payment from the Park Development Fund to the Tri-Cities Visitor and Convention Bureau for the purchase of advertising space in the 2013 Tri-Cities Visitor Guide in the amount of \$2,300.00.

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

orig: Auditor  
cc: Parks

Prepared by: A.J. Fyall

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
<b>Meeting Date:</b> 1/15/2013 <b>Subject:</b> WSI Broker/Agent Appointment <b>Prepared by:</b> M. Wenner <b>Reviewed by:</b> R. Lukson	Execute Contract Pass Resolution X Pass Ordinance Pass Motion Other	Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other

**BACKGROUND INFORMATION**

This resolution appoints Western States Insurance Agency, Inc. as the broker/agent of record for certain insurance policies and/or bonds requested by Benton County. Compensation will be from commissions received by Western States Insurance Agency, Inc. from the respective insurance and/or bond companies providing the insurance policies or bonds.

**SUMMARY**

Same as above.

**RECOMMENDATION**

Recommend the Board of Benton County Commissioners sign the Resolution.

**FISCAL IMPACT**

The cost of the policies and/or bonds for 2013 shall not \$70,000. Any commission fee shall not exceed \$10,000 without the Board of Benton County Commissioners approval. There is no supplement required.

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

**IN THE MATTER OF APPOINTING WESTERN STATES INSURANCE AGENCY, INC. AS THE BROKER/AGENT OF RECORD FOR INSURANCE POLICIES AND/OR BONDS AS REQUESTED BY BENTON COUNTY.**

**WHEREAS**, if requested by Benton County, Western States Insurance Agency, Inc., shall act as Benton County's agent/broker for insurance policies and/or bonds for 2013; and

**WHEREAS**, Western States Insurance Agency, Inc.'s compensation will be from commissions received by Western States Insurance Agency, Inc. from the respective insurance or bond companies providing the applicable insurance policies and/or bonds for Benton County; and

**WHEREAS**, if insurance policies or bonds are obtained for Benton County from insurance and/or bond companies that do not pay commission, the Board of Benton County Commissioners authorizes the Risk Manager to negotiate a fee prior to the purchase of insurance policies and/or bonds; and

**WHEREAS**, the Board of Benton County Commissioners authorizes insurance and bond payments for 2013 in an amount not to exceed \$70,000 to Western States Insurance Agency, Inc. for acting as Benton County's agent and/or broker; **NOW, THEREFORE,**

**BE IT RESOLVED**, the Board of Benton County Commissioners authorizes insurance policies and/or bond payments for 2013 in an amount not to exceed \$70,000 to Western States Insurance Agency, Inc. for acting as Benton County's agent and/or broker for requested insurance policies and/or bonds; and

**BE IT FURTHER RESOLVED**, the Board of Benton County Commissioners authorizes the Risk Manager to negotiate a fee not to exceed \$10,000 prior to the purchase of insurance policies and/or bonds where the insurance and/or bond company does not pay a commission; and

**BE IT FURTHER RESOLVED**, that any negotiated commission fee which exceeds \$10,000 shall be approved by the Board of Benton County Commissioners prior to the purchase of insurance policies and/or bonds where the insurance or bond company does not pay commission.

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

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
<b>Meeting Date:</b> 1/15/2013 <b>Subject:</b> WCIP Termination <b>Prepared by:</b> M. Wenner <b>Reviewed by:</b> S. Hallstrom	<b>Execute Contract</b> <b>Pass Resolution</b> X <b>Pass Ordinance</b> <b>Pass Motion</b> <b>Other</b>	<b>Consent Agenda</b> X <b>Public Hearing</b> <b>1st Discussion</b> <b>2nd Discussion</b> <b>Other</b>

**BACKGROUND INFORMATION**

This resolution authorizes the full termination of the Washington Counties Insurance **Pool** (WCIP), which in the past has administered the self-insured plans offered to WCIP members. In accordance with Article 13 (a) of the WCIP Interlocal Agreement, the resolution must be signed and returned by 75% of the WCIP members to formally terminate the Pool.

The WCIP Board of Directors terminated the medical portion of the Pool in November of 2010 due to actuarial insufficiencies and replaced the self-insured medical plans with a fully insured alternative administered by the Washington Counties Insurance Fund (WCIF). Since that time, the Pool has continued operation to process run-out claims and administer the self-insured vision plan through VSP. In June of this year, the Board approved transitioning the vision plan to an identical fully insured VSP plan administered by WCIF and to fully terminate the Pool.

As a result of these actions, all benefits currently offered to our members are now fully insured and administered through WCIF. The attached resolution will have no impact on any current plans or rates and will simply formalize what is currently in place.

It should be noted that Benton County withdrew its membership from the WCIP medical plans in 2005 and have only offered the self-insured vision plan since that time. This is clarified in the attached resolution.

**SUMMARY**

Same as above.

**RECOMMENDATION**

Recommend the Board of Benton County Commissioners sign the Resolution.

**FISCAL IMPACT**

There is no fiscal effect or supplement required.

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY,  
WASHINGTON

IN THE MATTER OF CONSENTING TO THE TERMINATION OF THE WASHINGTON  
COUNTIES INSURANCE POOL (WCIP) PURSUANT TO THE INTERLOCAL  
AGREEMENT OF THAT ORGANIZATION

**WHEREAS**, Benton County is a participating employer of the WCIP; and

**WHEREAS**, Benton County offers only the WCIP self-insured vision program to its full-time benefit eligible employees; and

**WHEREAS**, effective January 1, 2005, Benton County withdrew from the WCIP self-insured medical plans; and

**WHEREAS**, the Board of Directors of WCIP ended the Pool's self-insured medical plan for members' employees by transferring that program to a fully insured plan effective at the end of 2010, and thereafter operated the medical program of WCIP for the purposes of paying run-out claims, and concluding other business activities including adopting an additional premium on 2010 medical plan members in order to address the actuarial insufficiency of the medical plan; and

**WHEREAS**, the WCIP no longer provides any self-insured health benefits for members' employees; and

**WHEREAS**, Article 13 (a) of the WCIP Interlocal Agreement which participating employers are signatories to, calls for three-fourths (75%) of such members to give consent to the termination of that agreement and the WCIP; and

**WHEREAS**, the administration of run-out claims is nearly complete; and

**WHEREAS**, other costs of concluding the affairs of the WCIP have been paid or are in predictable amounts; and

**WHEREAS**, the Board of Directors of the WCIP should make the final decision to complete the termination and dissolution of the WCIP; **NOW, THEREFORE**

**BE IT RESOLVED** that Benton County hereby consents to the termination of the WCIP upon motion of the WCIP Board of Directors at a time no sooner than all run-out claims are paid and all other functions necessary to conclude the affairs of the WCIP are completed.

**BE IT FURTHER RESOLVED** that Benton County withdrew from the WCIP self-insured medical plans effective January 1, 2005 and therefore is not legally or financially responsible for claims which have been paid or may need to be paid to conclude the affairs of the WCIP.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Constituting the Board of Commissioners  
of Benton County, Washington

Attest.....  
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>1/15/13</u> Subject: <u>Line Item Transfer</u> Prepared by: <u>L. Wingfield</u>	Execute Contract Pass Resolution Pass Ordinance Pass Motion Other <u>X</u>	Consent Agenda <u>X</u> Public Hearing 1st Discussion 2nd Discussion Other

**BACKGROUND INFORMATION**

Due to line item budgeting, the Workers Compensation fund requires additional funds to pay for additional invoices for Medical Reimbursements – Current Expense.

**SUMMARY**

Same as above.

**RECOMMENDATION**

Approve line item transfer.

**FISCAL IMPACT**

No fiscal impact.

**BENTON COUNTY LINE ITEM TRANSFER**

Dept Name:

Dept Nbr:

Fund Name:

Fund Nbr:

TRANSFER FROM:

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
517.682	4151	Disabled Employee - Road	\$20,000	517.671	4150	Medical Reimbursements- Cur Exp	\$20,000
517.670	3111	Publications	\$300	517.670	3101	Office Supplies	\$300
TOTAL			\$20,300	TOTAL			\$20,300

Explanation:

Line item budgeting - paying additional 2012 invoices (2011-2012 budget)

Prepared by:

Date:

Approved

Denied

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN  
WORKERS COMPENSATION FUND NUMBER 0503-101, 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

cc: Dept., Auditor, K. Mercer

Prepared by: L. Wingfield

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>1/15/13</u> Subject: <u>Line Item Transfer</u> Prepared by: <u>L. Wingfield</u>	Execute Contract Pass Resolution Pass Ordinance Pass Motion Other <u>X</u>	Consent Agenda <u>X</u> Public Hearing 1st Discussion 2nd Discussion Other

**BACKGROUND INFORMATION**

Due to line item budgeting, the Insurance Management fund requires additional funds to pay for additional invoices for Oil & Lubricants and Professional Services.

**SUMMARY**

Same as above.

**RECOMMENDATION**

Approve line item transfer.

**FISCAL IMPACT**

No fiscal impact.

**BENTON COUNTY LINE ITEM TRANSFER**

Dept Name: Insurance Management Dept Nbr: 000

Fund Name: Insurance Management Fund Nbr: 0504-101

TRANSFER FROM:

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
514.710	4127	Evidence & Briefing	\$3,120	514.710	3103	Oil & Lubricants	\$150
				514.710	4103	Professional Services	\$2,970
<b>TOTAL</b>			<b>\$3,120</b>	<b>TOTAL</b>			<b>\$3,120</b>

Explanation:

Line item budgeting - paying additional 2012 invoices (2011-2012 budget)

Prepared by: L. Wingfield Date: 28-Dec-2012

Approved  Denied  Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN INSURANCE MANAGEMENT FUND NUMBER 0504-101, 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

cc: Dept., Auditor, K. Mercer

Prepared by: L. Wingfield

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUND WITHIN THE  
2012 CURRENT EXPENSE FUND NUMBER 0000-101, DEPARTMENT NUMBER  
117

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 \_\_\_\_\_, \_\_\_\_\_ 2013

\_\_\_\_\_  
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, LSK

**BENTON COUNTY LINE ITEM TRANSFER**

Dept Name: Prosecuting Attorney Dept Nbr: 117  
 Fund Name: Current Expense Fund Nbr: 0000.101

TRANSFER TO:

TRANSFER FROM:	TRANSFER TO:	BASE SUB	LINE ITEM	LINE ITEM NAME	AMOUNT	BASE SUB	LINE ITEM	LINE ITEM NAME	AMOUNT	
515.100	4101	Legal Services			\$200	515.100	4301	Travel	\$200	
					\$1,000	515.100	4801	Office Repair/Maintenance	\$1,000	
					\$700	515.100	4905	Training	\$700	
515.200	1349				\$2,405	515.200	1337	Chief Deputy, Criminal	\$5	
						515.200	1801	Bi-lingual VW Coord	\$2,400	
<b>TOTAL</b>					<b>\$4,305</b>	<b>TOTAL</b>				
						<b>\$4,305</b>				

**Explanation:**

We would like to transfer funds within the 2012 Current Expense Budget to under funded line-items.

Prepared by: Margaret Ault

Date: 1/8/2012

Approved

Denied

Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUND WITHIN THE  
2012 CRIME VICTIM COMP FUND NUMBER 0120101, 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 \_\_\_\_\_, \_\_\_\_\_ 2013

\_\_\_\_\_  
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, LSK



<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	<u>Consent Agenda</u>	<u>XXX</u>
Meeting Date: <u>01/15/13</u>	Execute Contract _____	Public Hearing _____	_____
Subject: <u>Backhoe Purchase</u>	Pass Resolution <u>XXX</u>	1st Discussion _____	_____
Prepared by: <u>Larry Moser</u>	Pass Ordinance _____	2nd Discussion _____	_____
Reviewed by: <u>Steve Becken</u>	Pass Motion _____	Other _____	_____
	Other _____		

**BACKGROUND INFORMATION**

On December 18, 2012, the Board of County Commissioners authorized the Chairman to sign Amendment Number 2 to the Washington State Department of Enterprise Services Intergovernmental Agreement Number 2010-WPC-023 extending the use of the State Purchasing Cooperative contracts for equipment, materials, and supplies. The Equipment Rental and Revolving (ER&R) Fund wishes to purchase for the county road department's use two (2) new 2012 Caterpillar Model 420E 4XG backhoes as listed on the State Purchasing Cooperative contract number #00410. The county will trade-in Equipment No's #399 (1992 Case Loader-Backhoe) & #460 (1999 Case Loader-Backhoe).

**SUMMARY**

	<u>UNIT 1</u>	<u>UNIT 2</u>
2012 Caterpillar 420E Backhoe: Base price state contract	= \$78,007.00	\$ 78,007.00
Add option 36" to 48" ditch cleaning bucket	761.00	761.00
Add ride control	980.00	980.00
Add quick coupler to back	1,460.00	1,460.00
Add auto shift	2,395.00	2,395.00
Add 5 year 7500 hour Powertrain and Hydraulics Warranty	2,591.00	2,591.00
Less front bucket swap	<u>(1,568.00)</u>	<u>(1,568.00)</u>
Subtotal	= \$ 84,626.00	\$ 84,626.00
Less trade-in #399 & #460	= <u>(12,000.00)</u>	<u>(17,000.00)</u>
Subtotal	= \$ 72,626.00	\$ 67,626.00
Washington State Sales Tax 8.3%	= <u>6,027.96</u>	<u>5,612.96</u>
Total Purchase	= \$78,653.96	\$ 73,238.96
Grand Total =	\$151,892.92	

**RECOMMENDATION**

The Benton County Public Works Manager recommends the approval of the purchase through the use of the State Purchasing Cooperative contract system.

**FISCAL IMPACT**

There is \$240,000.00 budgeted in the 2013-2014 ER&R Budget for this item

**MOTION**

Motion to approve the consent agenda.

R E S O L U T I O N

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROAD PURCHASES RE: E. R. & R. PURCHASE TWO (2) NEW 2012 CATERPILLAR MODEL 420E 4XG BACKHOES

WHEREAS, by resolution dated December 18, 2012, the Board of County Commissioners authorized the Chairman to sign Amendment Number 2 to the Washington State Department of Enterprise Services Intergovernmental Agreement Number 2010-WPC-023 extending the use of the State Purchasing Cooperative contracts for the purchase of equipment, materials, and supplies; and

WHEREAS, the Equipment Rental and Revolving Fund wishes to purchase for the county road department's use two (2) new 2012 Caterpillar Model 420E 4XG backhoes as listed on the State Purchasing Cooperative contract number #00410; and

WHEREAS, the county will trade-in Equipment No's. #399 (1992 Case Loader-Backhoe) and #460 (1999 Case Loader-Backhoe): and

WHEREAS, a deputy prosecuting attorney has reviewed the State purchasing contract for the backhoes; and

WHEREAS, the Public Works Manager recommends the approval of the purchase through the use of the State Purchasing Cooperative contract system; NOW, THEREFORE,

BE IT RESOLVED that the Board of County Commissioners authorizes the Public Works Manager to proceed with the purchase of two (2) new 2012 Caterpillar Model 420E 4XG Backhoes through the use of the State Purchasing Cooperative contract system; and

BE IT FURTHER RESOLVED that the purchase of two (2) new Backhoes in the amount of \$169,292.00 less the trade-in amount for Equipment No's. 399 and 460 of \$29,000.00 plus Washington State Sales Tax in the amount of \$11,810.24 for a total purchase not to exceed \$151,892.92 is hereby authorized to be purchased from the 2013-2014 Equipment Rental and Revolving Fund #0501101 Budget.

Dated this 15th day of January, 2013.

\_\_\_\_\_  
Chairman of the Board.

\_\_\_\_\_  
Chairman Pro-Tem.

\_\_\_\_\_  
Member.

Attest: \_\_\_\_\_  
Clerk of the Board

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

L. Moser

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: 15 Jan 2013 Subject: HAB appointments Memo Date: 02 Jan 2013 Prepared By: AJF Reviewed By:	Execute Contract Pass Resolution X Pass Ordinance Pass Motion None	Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other

### SUMMARY & BACKGROUND

Every two years, Hanford Advisory Board representatives need to be reappointed to the Board.

Benton County's representative, Maynard Plahuta, and alternate representative, Larry Lockrem, have done an outstanding job representing the County and local interests on the Board, and getting information about Hanford and the Board back to us when we have requested such. When I hear from other observers of the Hanford Advisory Board, they always have stellar commendations for Maynard and Larry.

As requested by USDOE, the attached resolution and form renominates Maynard Plahuta and Larry Lockrem as the County's representative and alternate.

# # #

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

## IN THE MATTER OF BENTON COUNTY'S REPRESENTATION ON THE HANFORD ADVISORY BOARD

**WHEREAS**, the primary mission of the Hanford Advisory Board is to provide informed recommendations and advice to the United States Department of Energy, the United States Environmental Protection Agency, and the Washington Department of Ecology on selected major policy issues related to the cleanup of the Hanford Site; and,

**WHEREAS**, Benton County has a representative on the Hanford Advisory Board to represent issues and perspectives important to local governments and communities; and,

**WHEREAS**, appointments to the Hanford Advisory Board must be renewed every two years; and,

**WHEREAS**, Maynard Plahuta has served capably on the Hanford Advisory Board and has been an asset both to the Board and to Benton County, **NOW THEREFORE**,

**BE IT RESOLVED**, that the Benton County Board of Commissioners nominate Maynard Plahuta for re-appointment as the Benton County representative on the Hanford Advisory Board.

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

cc: Commissioners, Sustainable Development  
Hanford Advisory Board  
Maynard Plahuta  
Larry Lockrem

Fyall

## Nominations to the Hanford Advisory Board (HAB)

I SHON SMALL am the Nominating Authority  
(Name)

for BENTON COUNTY  
(Name of Organization)

I nominate MAYNARD PLAHUTA as our Hanford Advisory Board (HAB) member  
(Member Name)

and LARRY LOCKREM as our HAB Alternate.  
(Alternate Name)

\_\_\_\_\_  
(Nominating Authority Signature)

\_\_\_\_\_  
(Date)

Please return this form by e-mail ([HABMEMshp@ri.gov](mailto:HABMEMshp@ri.gov)) or fax (509-376-1563).

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: 15 Jan 2013 Subject: HAB appointments Memo Date: 02 Jan 2013 Prepared By: AJF Reviewed By:	Execute Contract Pass Resolution X Pass Ordinance Pass Motion None	Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other

**SUMMARY & BACKGROUND**

Every two years, Hanford Advisory Board representatives need to be reappointed to the Board.

Benton County's representative, Maynard Plahuta, and alternate representative, Larry Lockrem, have done an outstanding job representing the County and local interests on the Board, and getting information about Hanford and the Board back to us when we have requested such. When I hear from other observers of the Hanford Advisory Board, they always have stellar commendations for Maynard and Larry.

As requested by USDOE, the attached resolution and form renominates Maynard Plahuta and Larry Lockrem as the County's representative and alternate.

# # #

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF BENTON COUNTY'S REPRESENTATION ON THE  
HANFORD ADVISORY BOARD

**WHEREAS**, the primary mission of the Hanford Advisory Board is to provide informed recommendations and advice to the United States Department of Energy, the United States Environmental Protection Agency, and the Washington Department of Ecology on selected major policy issues related to the cleanup of the Hanford Site; and,

**WHEREAS**, Benton County has a representative and an alternate representative on the Hanford Advisory Board to represent issues and perspectives important to local governments and communities; and,

**WHEREAS**, appointments to the Hanford Advisory Board must be renewed every two years; and,

**WHEREAS**, Larry Lockrem has served capably on the Hanford Advisory Board as Benton County's alternate representative and has been an asset both to the Board and to Benton County, **NOW THEREFORE**,

**BE IT RESOLVED**, that the Benton County Board of Commissioners nominate Larry Lockrem for re-appointment as the Benton County alternate representative on the Hanford Advisory Board.

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

cc: Commissioners, Sustainable Development  
Hanford Advisory Board  
Maynard Plahuta  
Larry Lockrem

Fyall

**Nominations to the Hanford Advisory Board (HAB)**

I SHON SMALL am the Nominating Authority  
(Name)

for BENTON COUNTY  
(Name of Organization)

I nominate MAYNARD PLAHUTA as our Hanford Advisory Board (HAB) member  
(Member Name)

and LARRY LOCKREM as our HAB Alternate.  
(Alternate Name)

\_\_\_\_\_  
(Nominating Authority Signature)

\_\_\_\_\_  
(Date)

Please return this form by e-mail ([HABMEMshp@rl.gov](mailto:HABMEMshp@rl.gov)) or fax (509-376-1563).

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	<u>1/15/13</u>	Execute Contract	_____	Consent Agenda
Subject:	<u>Line Item</u>	Pass Resolution	<u>X</u>	Public Hearing
	<u>Transfer</u>	Pass Ordinance	_____	1st Discussion
Prepared by:	<u>Nick Kooiker</u>	Pass Motion	_____	2nd Discussion
Reviewed by:	_____	Other	_____	Other

**BACKGROUND INFORMATION**

A line item transfer is needed in order to comply with the line item budgeting policy established by the Board. The amount being transferred is required in order to pay our final 2012 copier invoice.

**SUMMARY**

A line item transfer is needed within the Treasurer's department in order to comply with board policies and pay the final 2012 copier lease charges.

**RECOMMENDATION**

Approve the resolution authorizing the line item transfer.

**FISCAL IMPACT**

All costs will be absorbed by Department 124's 2011/12 budget. No supplement needed.

**MOTION**

On 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 124.

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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Constituting the Board of Commissioners  
of Benton County, Washington.

Attest: .....  
Clerk of the Board



Steven W. Becken  
Public Works Manager

Daniel S. Ford, P.E.  
County Engineer

Continued Hearing on the County Road  
Improvement District #23

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

### MEMORANDUM

To: Board of County Commissioners

From: Steven W. Becken, Public Works Manager

RE: Willamette Heights CRID 23 follow-up responses

Date: January 8, 2013

**At the public hearing on the formation of the CRID, Lots 38, 39, 40, 41, 43, 61, 75, 88, 107, 184, 188 and 203 all asked to be excluded from the CRID.**

Discussing each lot strictly from an access point of view:

1. Lots 38, 39, 40 and 61: Access to those lots is achieved by going North on a privately maintained road to a private road along the North line of Lot 40 or continuing North to Andalusian Street (privately maintained) then proceeding to the West to 38<sup>th</sup> Avenue. The portion of 38<sup>th</sup> that these lots would access to is in the City and there has been no commitment received from the City to construct the City portion of 38<sup>th</sup>.
2. Lot 41: Lot 41 is currently vacant; however, it fronts 38<sup>th</sup> Avenue.
3. Lot 88: Access to Lot 88 is to the west using Kiger. There is no access to 38<sup>th</sup>.
4. Lot 107: This is a vacant lot. Depending on where a house is constructed, access could be from either 38<sup>th</sup> or Kiger.
5. Lot 184: This is a vacant lot with a privately maintained road along the South boundary. The road accesses both 38<sup>th</sup> and Paint Avenue, a city street.
6. Lot 188: Lot 188 is a vacant lot. There is one privately maintained road from Mt. Adams View Road to the lot. I can't tell if this is what they would use for access or if they would construct another road elsewhere.
7. Lot 203: This lot is directly South of Lot 184. They can access either 38<sup>th</sup> or Paint Avenue.

In addition to the lots that request exclusion, Commissioner Bowman asked us to address the lots along the western boundary of the CRID and how they access those lots.

1. Lot 43: From an aerial photo, it appears that Lot 43 could access Tamarack Street, a city street, however, it appears that the improved access to that lot is off 38<sup>th</sup> Avenue.
2. Lot 56: Access is off 38<sup>th</sup>.
3. Lot 75: Lot 75 could get access from Kiger, Tamarack or 38<sup>th</sup>.
4. Lot 152: Mt. Adams View runs across the southern border of this property and is part of the CRID.
5. Lot 171: Mt. Adams View runs across the northern border of this property and is part of the CRID.
6. Lot 184: The property is accessed by a privately maintained road along the southern boundary. That road runs to 38<sup>th</sup> on the east and to Paint Avenue, a paved city street on the west. The property is undeveloped and lies approximately 330 feet from 38<sup>th</sup> and 330 feet from Paint Avenue.
7. Lot 203: The property is accessed by a privately maintained road along the northern boundary. That road runs to 38<sup>th</sup> on the east and to Paint Avenue, a paved city street on the west. The property is developed with a house and lies approximately 330 feet from 38<sup>th</sup> and 330 feet from Paint Avenue. We do not know which route they are using for access.

From an access point of view, some of these lots do not reap the same benefit of access that other lots within the CRID do. There are other criteria to be taken under consideration when looking at benefits. These are:

1. The fire station is located at the corner of Mt. Adams View and Bombing Range Road. Any emergency response in this area would utilize the roads within the CRID, decreasing response time.
2. Construction of South 38<sup>th</sup> may spur the City to complete their portion of 38<sup>th</sup>, which these people do use.
3. With continued building in the Queensgate area it is hard to believe that 38<sup>th</sup> would not be used to go South to that commercial area.
4. Although current owners claim they would not use the roads within the CRID, future owners may.

Taking into account all of the above, we believe that only Lot 88 and possibly Lot 107 does not receive any benefit from the CRID.

## **Assessments**

### **Reverse Zonal Method:**

To do a Reverse Zonal Method of Assessment, you need to break the estimate down for costs for each individual road and then determine which lots will benefit from the construction of each road.

For 38<sup>th</sup> Avenue everyone within the CRID would get an assessment. All lots within the CRID would benefit from the construction of 38<sup>th</sup>. For Mt Adams View, everyone using Mt Adams View for access would then receive an additional assessment for the cost of that road. For Artemis Ridge and Atlas, the landowners using those roads would receive a third assessment. The Artemis Ridge landowners, receiving the most benefit of the roads by virtue having most of the roads serve them would receive the highest assessment and the landowners using only 38<sup>th</sup> would have the lowest assessment with Mt. Adams View in the middle. This method was discussed at a homeowner meeting we attended; however, the petitioners opted to go with everyone paying an equal share. We did not have anything to do with gathering signatures on the petition so we don't know what was discussed on assessment cost methods. If the method the petitioners chose is not illegal we go with what we assume they presented to the signers of the petition.

### **Break this into two CRIDs:**

There was a request to break this into two CRIDs. This would require starting over with new petitions and signatures. Assuming the same landowners signed the two petitions, with one petition being for 38<sup>th</sup> and the other for the remaining roads, the petition for 38<sup>th</sup> would fail as only 50% of the road frontage signed the original petition. There were enough signatures to pass a CRID for the remaining roads.

If both CRIDs were successful in obtaining signatures, we would construct both CRIDs at the same time to reduce costs. If the petition for a CRID for 38<sup>th</sup> did not obtain enough signatures and a petition for a CRID for the remainder of the roads did and if the CRID was approved by the Board, we would construct Mt. Adams View, Artemis Ridge and Atlas. If and when the landowners adjacent 38<sup>th</sup> decided they want 38<sup>th</sup> constructed, construction costs, because of a smaller project, and the resulting cost to the landowners could be markedly higher. In all likelihood, the landowners in the second CRID would not sign the petition and would not participate in the cost of 38<sup>th</sup>.

### **Addition and Subtraction of Roads**

Cecil Kindle had two suggestions for additional roads. One was to extend Atlas Road to 38<sup>th</sup> Avenue. This would add 1,000 feet of road and would benefit five, possibly six of the eight lots fronting that portion of Atlas. Of those eight lots, seven did not sign the petition. His second suggestion was to construct a road that would align with Kiger Street, along the South lines of Lots 90-95 and the North lines of Lots 100-105. Six of the twelve lots along this route signed the petition. It is not known if they would have signed had this route been in the original petition.

Public Works has recommended shortening Atlas Road by 660 feet drawing the cul de sac back to the corner common to Lots 36, 37, 62 and 63 (all petitioners). The cul de sac as presented by the petitioners is common to the corner of lots 38, 39, 60 and 61 (all non-petitioners). Given the location of the cul de sac as defined by the petitioners, it appears that there is an attempt to create a shortcut to 38<sup>th</sup> by using privately maintained roads that are not a part of the CRID. We do not believe that we should be channeling traffic from county roads to private roads.

### **Revising the assessments to landowners**

You can add roads or change the boundaries of the CRID by removing parcels from the CRID; however, the cumulative effect is that you cannot increase the cost to the landowners by more than ten percent.

You can also change the method of assessment. If you do this, no lot can receive an assessment more than ten percent higher than what was presented for the current formation of the CRID.

If in either case, you exceed the ten percent, you would need to hold new public hearings.

### **Other items brought up by the public**

There was comment made regarding the right of way and the refusal by Public Works to verify the right of way until the CRID passed. By not verifying that the right of way was there, the County would assume that the right of way was not there and added costs to purchase the right of way.

When a petition for a CRID comes before us, we do a bare minimum in design and right of way to determine costs. If the CRID passes, our costs are paid by the landowners. If the CRID fails, the costs are paid by the County. We were up front with the landowners during the whole process. We told them at two different meetings that we agreed with them that the needed right of way was probably there but we would not go to the expense of verifying that until the CRID passed. We told the people that there was \$235,000 in estimated right of way costs and if the right of way was there, the cost for right of way would go away.

There were complaints regarding the Sheriff's enforcement of traffic problems in the area. These roads are currently private access roads available for the public's use. Because they are private, the sheriff does not have enforcement authority for traffic related offenses such as speeding or running stop signs. By passing the CRID and having the County take over the roads, the Sheriff could enforce traffic laws.

There was a complaint about these being road rights of way and the landowners had to pay taxes on the roads. These are easements established by the Federal Government. I do not know if the landowner can deed these over to us. This is something that would need to be researched by the Prosecuting Attorney's Office and that would be paid for as a part of the CRID. I don't know if there is enough interest by the landowners to go to that expense. Until it is determined that the rights of way could be deeded to the County, the landowners will continue to pay taxes on them. As a side note, it has been our policy to not accept right of way unless there was a road constructed to County standards on it. This policy would prohibit the transfer of most of the easements over to the County.