

Leo Bowman
District 1
Shon Small
District 2
James Beaver
District 3

Board of County Commissioners BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



To view items in detail, please
click on highlighted area

AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, January 24, 2012 Benton County Courthouse, Prosser, WA

9:00 AM

Call to Order

Approval of Minutes

❖ **January 10, 2012**

Review Agenda

Consent Agenda

Assessor

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

Auditor

b. Management Letter to WA State Auditor's Office

c. Coding Correction/Line Item Transfer, Fund No. 0138-101, Dept. 000

Commissioners

d. Line Item Transfer, Fund No. 0305-101, Dept. No. 000

e. Reappointment of R Burtsfield to the Aging & Long Term Care Advisory Board

Fairgrounds

f. Lease Amendment w/Sundown Training Center

Human Services

g. Line Item Transfer, Fund No. 0108-101, Dept. No. 504

h. Line Item Transfer, Fund No. 0108-101, Dept. No. 560 & 504

Personnel

i. February Employee of the Month Awards

Public Works

j. Contract Award to A & B Asphalt, Inc. for Stockpiling & Crushed Screening

k. Public Hearing Franchise Authorization for PacifiCorp

l. Interlocal Agreement w/City of Prosser for Bituminous Surface Treatment 2012

Sheriff

m. Purchase Authorization from Zep Sales & Service for Cleaning Supplies

n. Purchase Authorization from Bob Barker Company Inc.

Superior Court

o. Line Item Transfer, Fund No. 0156-101, Dept. 000

Sustainable Development

p. Agreement w/J.T. Atkins & Company for Red Mountain Master Site Plan & Map Updates

Treasurer

q. 2011 Personal Property Uncollectibles

9:05 AM Scheduled Business:

Gang Unit Update – Sheriff Keane

Superior Court Legal Financial Obligations Discussion – P Austin

Commissioners' 2012 Goals & Objectives – Commissioners

Executive Session:

4th Quarter Litigation Update – R Brown

**Unscheduled Visitors
Board Assignment Update**

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, January 10, 2012, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

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

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kelty; 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; RJ Lott, Planning; Clerk Josie Delvin; Jacki Lahtinen, District Court; Rosie Sparks, Auditor's Office; Treasurer Duane Davidson; Sue Schuetze, Public Works; Pat Powell, Auditor's Office; DPA Ryan Brown; Nick Kooiker and Erhiza Rivera, Treasurer's Office.

Approval of Minutes

The Minutes of December 20, 2011 were approved.

Review Agenda

Chairman Beaver said there was a request to add "kk" (Certifying Budgeted Taxes for Collection in 2012 – Rescinding 11-755) to the consent agenda.

Consent Agenda

MOTION: Commissioner Small moved to approve the consent agenda items "a" through "kk". Commissioner Bowman seconded and requested item "i" be discussed.

Discussion

Commissioner Small said it was his original understanding this would take care of the emergency radio issue for "dead spots" in the Benton City area. However, the \$3,300 was actually for consulting services to test the low or dead spots but did not actually fix the problem.

Upon vote, the Board approved the following:

Animal Control

- a. Contract w/Vista Veterinary Hospital for Veterinarian Medical Services
- b. Contract w/S Morris Company for As Needed Pet Cremation Services

Auditor

- c. Cancellation of Unclaimed Warrants
- d. Surplus of Personal Property
- e. Surplus of Personal Property

Clerk

- f. Personal Services Agreement w/M Dolven for Family Law Court Facilitator Services

Commissioners

- g. Letter to WA State Liquor Control Board
- h. Canvassing Board Appointment
- i. Line Item Transfer, Fund No. 0305-101, Dept 000

Facilities

- j. Contract w/Apollo Sheet Metal, Inc. for Replacement of Boiler Sequencing Panels
- k. Contract w/Industrial Equipment Solution, Inc. for Door Installation and Repair

Fairgrounds

- l. Lease Agreement w/Atomic City Rollergirls
- m. Contract w/R.W. Cox Drilling, LLP for Plumbing, Electrical & Welding Services

Human Services

- n. Agreement w/Lourdes Counseling Center; Rescinding Resolution No. 11-768
- o. Grant Agreement w/Domestic Violence Services to Modify 2060 Funds Project Budget
- p. Agreement w/Domestic Violence Services to Fund Housing & Shelter Program
- q. Reappointment of C Eaton to the BF Counties Substance Abuse Administrative Board
- r. Reappointment of T Adams to the BF Counties Mental Health Advisory Board
- s. Reappointment of B Dubois to the BF Counties Mental Health Advisory Board
- t. Reappointment of C Latorre to the BF Counties Mental Health Advisory Board
- u. Line Item Transfer, Fund No. 0108-101, Dept. 564

Juvenile

- v. Interpreter Services Contract w/M Rudeen
- w. Civil Defense Panel Attorney Agreement w/D Campbell
- x. Contract w/City of Benton City for Graffiti Abatement Program
- y. Contract Amendment w/Aramark Correctional Services for Detention Food Services
- z. Contract w/Apollo Sheet Metal for Heat & Air Conditioner Unit Supplier

Office of Public Defense

- aa. Superior Court Indigent Defense Agreement w/S Silverthorn
- bb. Superior Court Indigent Defense Agreement w/S Ajax
- cc. Superior Court Indigent Defense Agreement w/S Mendoza, Jr.
- dd. Superior Court Indigent Defense Agreement w/N Rodriguez
- ee. Superior Court Indigent Defense Agreement w/S Johnson
- ff. Compensation Authorization to District Court Indigent Defense Attorney J Celski
- gg. Terminating District Court Indigent Defense Contract for Attorney J Celski

Parks

- hh. Line Item Transfer, Funds No. 0110-102, Dept. 000

Personnel

- ii. Contract w/Local Gov U for Online Safety Training Services

Public Works

- jj. Bid Award for Purchase of Diesel Powered Truck Cab, Chassis and Utility Box

Commissioners

- kk. Certifying Budgeted Taxes for Collection in 2012 – Rescinding 11-755

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

Executive Session – Pending Litigation

The Board went into executive session at 9:05 a.m. for up to 15 minutes to discuss pending litigation with special counsel Ken Miller via telephone conference. Also present were David Sparks, Loretta Smith Kelty, Cami McKenzie, and Melina Wenner. The Board came out at 9:20 a.m. and announced it needed up to another five minutes. The Board came out of executive session at 9:23 a.m. Mr. Sparks said that direction was given and the Board took no action.

Public Hearing – Ordinance Amendment – Collection Fee

Clerk Josie Delvin said the ordinance amendment would allow for collection of fines imposed in juvenile criminal cases, as well as the adult criminal cases.

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

MOTION: Commissioner Bowman moved to approve the ordinance amending Ordinance 354 relating to collection costs for legal financial obligations in Superior Court. Commissioner Small seconded and upon vote, the motion carried unanimously.

Public Hearing – Northwest Open Access Network – Application for Franchise

Sue Schuetze presented the application for franchise by Northwest Open Access Network and said it was her recommendation to approve the application.

Testimony

Brad Langdell, Burbank, applicant, spoke in favor and said he was proposing to build telecommunication systems to public facilities and tie the PUD's together.

As no one else was present to testify, the public hearing was closed.

MOTION: Commissioner Small moved to approve the franchise as proposed for by Northwest Open Access Network (NOANET), with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Public Hearing - Voluntary Stewardship Program

Mike Shuttleworth said the Planning Commission completed its open record hearing to consider the voluntary stewardship program and voted to recommend the County "Opt In" to the program. In order for the County to participate in the voluntary stewardship program the County must adopt an ordinance or resolution by January 22, 2012, that:

- (i) Elects to have the County participate in the voluntary stewardship program;
- (ii) Identifies the watersheds that will participate in the voluntary stewardship program; and
- (iii) Nominates watersheds for consideration by the commission as state priority watersheds.

He said the public hearing was to decide whether to opt into the program and this would apply only to agricultural areas.

Mr. Shuttleworth also entered into the record new information that came after the staff report was provided to the Board. He submitted the following items into the record:

- CCH 1.1 Letter from Radphord-Leon Howard, Sr. dated December 30, 2011
- CCH 1.2 Letter from Radphord-Leon Howard, Sr. and Diana Howard December 30, 2011
- CCH 1.3 Letter from Steve Thonney dated January 3, 2012
- CCH 1.4 Letter from Benton County Assn. Of Wheat Growers dated January 3, 2012

Testimony

Teri Burkhardt, Prosser, Washington Wheat Growers and member of Benton County Farm Bureau spoke in favor. She said they submitted letters to the Board, met with the Planning Commission, and were in favor of opting in to the voluntary stewardship program. She said it would benefit the agricultural producers and wanted to include the entire county as one watershed and not three entities.

Dan Downs, Benton City, President of Benton County Cattlemen's Association and Supervisor for Benton Conversation District, said both associations were in favor. He said it was in the best interests of the agricultural community and urged the Board to adopt.

Rebecca Cook, Prosser, private property owner, said she was concerned about this proposal. She said she could see issues on both sides but property belonged to the people and the more the property owners allowed it to be legislated and controlled by others, the less control the property owner had. She also said she was troubled that the committee overseeing the program was comprised only of one-quarter property owners.

Don Jacobs, Ellensburg, WA, Field Services Manager for Farm Bureau, said he wanted to encourage the Board to approve adoption. He said this was a priority issue for the Farm Bureau to encourage counties to adopt and it gave the counties control and would not be appealable by third parties.

David Pearson, Prosser, representing Benton County Farm Bureau, said he was asking the Board to opt into the voluntary stewardship program. Additionally, they supported including all watersheds in the county and to follow the Planning Commission's findings.

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

Commissioner Bowman asked Mr. Shuttleworth about Ms. Cook's concern regarding committee appointments and Mr. Shuttleworth replied that she was talking about the State committee, not local committee.

MOTION: Commissioner Bowman move to adopt the Planning Commissions' recommendations, findings and conclusions as follows:

1. Benton County elects to participate in the Voluntary Stewardship Program as provided in RCW 36.70A.
2. Benton County identifies the Lower Yakima Watershed, the Alkai-Squilchuck watershed and the Rock-Glade Watershed within Benton County for participation in the Voluntary Stewardship Program.
3. That the Lower Yakima Watershed, The Rock Glade Watershed and the Alkai-Squilchuck Watershed are nominated for consideration by the State Conservation Commission as State Priority Watersheds.
4. Benton County will proceed under ESHB 1886 to implement the requirements of the Voluntary Stewardship Program provided adequate funding is provided by the State.

Commissioner Small seconded.

Discussion

Commissioner Small said there had been hundreds of hours working on this issue and that he personally was involved, in addition to talking with legislators. He commented that Washington State produced \$30 billion in agriculture with \$½ billion going up and down Travis Road. Additionally, whether the County decided to opt in or not, it still had to address critical areas and this allowed the landowners to be involved.

Commissioner Bowman commented on the language in the work plan that stated the County was not forcing the farmer to do anything he/she didn't want to do, other than what was State mandated. He said if the County could protect from third party lawsuits then it was good for the citizens, the community, and the farmer.

Chairman Beaver thanked the Planning Department for its work on the public hearings and said if the County didn't remain involved in the things that affected it, then the state or federal government would do it for us.

Upon vote, the motion carried unanimously.

Mr. Shuttleworth said they would send the resolution to the State and then it would wait for funding. He said they would still have to look at the critical areas ordinance as it applied to everything except agricultural uses.

SUB 11-02 Plat of Cottonwood Commercial Plaza

Mike Shuttleworth presented the preliminary plat application of Cottonwood Commercial Plaza. He said it was a closed record meeting to make a decision based on the record by the Planning Commission. He said this subdivision consisted of 36.89 acres to be divided into 13 Interchange Commercial Zoned lots and that it was currently developed but still needed utilities.

MOTION: Commissioner Small moved to approve the recommendations, findings and conclusions of the Planning Commission as their own and approve the preliminary plat of Cottonwood Commercial Plaza – SUB 11-02 with conditions. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

Affordable Housing Fund Recommendations

Ed Thornbrugh gave a Powerpoint presentation on the recommendations of the Steering Committee regarding the potential awards to applicants for 2012. He said if the plan were approved, the individual awards would still come before the Board for final approval.

MOTION: Commissioner Bowman moved to approve the recommendations of the steering committee and direct the Human Services Administrator to begin the grant agreement process. Commissioner Small seconded and upon vote, the motion carried unanimously.

Treasurer Investment Pool – Request for Public Hearing

Loretta Smith Kelty requested authorization to go to public hearing to establish a budget for the Treasurer Investment Pool. The fund was initially established but a budget was not adopted.

MOTION: Commissioner Small moved to go to public hearing to adopt a budget for the Treasurer Investment Pool. Commissioner Bowman seconded and upon vote the motion carried unanimously.

Commissioner Assignment Update

State Audit – Exit Conference

Commissioner Bowman reported on the exit conference by the State Auditor and said it was the best audit that he could remember since becoming a Commissioner.

Letter from GFOA

Commissioner Bowman said the County received a letter from GFOA stating that Benton County qualified for a certificate of excellence in reporting for its Comprehensive Annual Financial Plan and he looked forward to Benton County receiving another certificate.

Additionally, Commissioner Bowman reported on his attendance at the West Richland Chamber Retreat and Sheriff's PARSTAT meeting. Also, he commented on the FAA shutdown and the temporary extension that would sunset on Jan. 31, 2012.

RSN Reduction Issue

Commissioner Small asked Ed Thornbrugh to discuss the RSN alignment issue regarding a state reduction of RSN's from 11 to 6. Mr. Thornbrugh said there was an opportunity to have conversations with other counties to partner and join our RSN and wanted to know if the Board was in favor of that. Chairman Beaver said he wanted to know if the other counties were capable of paying and whether or not the County should know their financial position; he said he wanted to be cautious about partnership opportunities.

Mr. Thornbrugh said the function of the RSN was to distribute money coming in from the state/federal level and it would not affect Benton County funds; there would be more money received into the GCBH. He said they were just looking for a venue to start dialogue regarding a possible partnership. Mr. Sparks said it was a good idea to look at financials. Commissioner Bowman said he was not opposed, but wanted to know what was in the County's best interest. The Board agreed.

McWhorter Ranch

Commissioner Small asked about what was going on at the McWhorter Ranch. Commissioner Bowman said there was a concern who was going to own that land; the State was interested in buying it and they were soliciting Benton County's support.

Workshop – Commissioner Goals/Objectives

Chairman Beaver requested the Board have a workshop to discuss Commissioner goals and objectives and asked the board members to work with David on a possible date. Additionally, he said that Yakima and Kittitas Counties would be approaching Benton County for funding for the watershed program in the basin and that should be discussed.

Mid Columbia Building Appeals – Appointments

The Board discussed the request to make appointment for the Mid-Columbia Building Appeals Board. Mr. Shuttleworth said he would research that issue and advise the Board what the County's role was.

Unscheduled Visitors

Veterans' Assistance Fund

Pat Powell presented a waiver request for Douglas Vawter for the Veterans Assistance Fund.

MOTION: Commissioner Bowman moved to approve the Veterans' Assistance Fund Wavier Request for Douglas Vawter as presented. Commissioner Small seconded and upon vote, the motion carried unanimously.

Vouchers

Check Date: 12/02/2011
Warrant #: 46769-47090
Total all funds: \$230,784.43

Check Date: 12/22/2011
Warrant #: 48068-48398
Taxes #: 01161211
Total all funds: \$723,005.21

Check Date: 12/30/2011
Taxes #: 010112112
Warrant #: 48615-48805
Total all funds: \$885,160.38

Check Date: 01/03/2012
Warrant #: 48806-49104
Total all funds: \$6,927.01

Check Date: 01/05/2012
Taxes #: 10112011-10112013
Warrant #: 49131-49153
Total all funds: \$1,954,297.35

Check Date: 01/05/2012
Warrant #: 233446-233558
Direct Deposit #: 70231-70828
Total all funds: \$2,157,135.61

Check Date: 01/06/2012
Warrant #: 49154-49299
Total all funds: \$487,902.41

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

Resolutions

- 2012-001 Contract w/Vista Veterinary Hospital for Veterinarian Medical Services
- 2012-002 Contract w/S Morris Company for As Needed Pet Cremation Services
- 2012-003 Cancellation of Unclaimed Warrants
- 2012-004 Surplus of Personal Property - Jenga Games
- 2012-005 Surplus of Personal Property
- 2012-006 Personal Services Agreement w/M Dolven for Family Law Court Facilitator Services
- 2012-007 Line Item Transfer, Fund No. 0305-101, Dept 000
- 2012-008 Contract w/Apollo Sheet Metal, Inc. for Replacement of Boiler Sequencing Panels
- 2012-009 Contract w/Industrial Equipment Solution, Inc. for Door Installation and Repair
- 2012-010 Lease Agreement w/Atomic City Rollergirls
- 2012-011 Contract w/R.W. Cox Drilling, LLP for Plumbing, Electrical & Welding Services
- 2012-012 Agreement w/Lourdes Counseling Center; Rescinding Resolution No. 11-768
- 2012-013 Grant Agreement w/Domestic Violence Services to Modify 2060 Funds Project Budget
- 2012-014 Agreement w/Domestic Violence Services to Fund Housing & Shelter Program
- 2012-015 Reappointment of C Eaton to the BF Counties Substance Abuse Administrative Board
- 2012-016 Reappointment of T Adams to the BF Counties Mental Health Advisory Board
- 2012-017 Reappointment of T Adams to the BF Counties Mental Health Advisory Board
- 2012-018 Reappointment of B Dubois to the BF Counties Mental Health Advisory Board
- 2012-019 Reappointment of C Latorre to the BF Counties Mental Health Advisory Board
- 2012-020 Line Item Transfer, Fund No. 0108-101, Dept. 564
- 2012-021 Interpreter Services Contract w/M Rudeen
- 2012-022 Civil Defense Panel Attorney Agreement w/D Campbell
- 2012-023 Contract w/City of Benton City for Graffiti Abatement Program
- 2012-024 Contract Amendment w/Aramark Correctional Services for Detention Food Services
- 2012-025 Contract w/Apollo Sheet Metal for Heat & Air Conditioner Unit Supplier
- 2012-026 Superior Court Indigent Defense Agreement w/S Silverthorn
- 2012-027 Superior Court Indigent Defense Agreement w/S Ajax
- 2012-028 Superior Court Indigent Defense Agreement w/S Mendoza, Jr.
- 2012-029 Superior Court Indigent Defense Agreement w/N Rodriguez
- 2012-030 Superior Court Indigent Defense Agreement w/S Johnson
- 2012-031 Compensation Authorization to District Court Indigent Defense Attorney J Celski
- 2012-032 Terminating District Court Indigent Defense Contract for Attorney J Celski
- 2012-033 Line Item Transfer, Funds No. 0110-102, Dept. 000
- 2012-034 Contract w/Local Gov U for Online Safety Training Services
- 2012-035 Bid Award for Purchase of Diesel Powered Truck Cab, Chassis and Utility Box
- 2012-036 Certifying Budgeted Taxes for Collection in 2012 – Rescinding 11-755
- 2012-037 Adoption of Ordinance Relating to Collection Costs for Legal Financial Obligations in Superior Court

- 2012-038 Electing to Participate in the Voluntary Stewardship Program as Provided in RCW 36.70A
- 2012-039 Approval of Preliminary Plat Application of Cottonwood Commercial Plaza – File SUB 11-02

There being no further business before the Board, the meeting adjourned at approximately at 10:51 a.m.

Clerk of the Board

Chairman

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>January 24, 2012</u>	Execute Contract _____	Consent Agenda <u>X</u>
Subject: <u>Line Item transfer</u>	Pass Resolution <u>X</u>	Public Hearing _____
Prepared by: <u>Harriet Mercer</u>	Pass Ordinance _____	1st Discussion _____
Reviewed by: _____	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

The Benton County Assessor's Office is in need of additional funding to our Professional Services line item.

SUMMARY

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

-\$0.00- Part of the approved 2011/2012 biennium budget.

MOTION

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, ASSESSOR DEPARTMENT NUMBER 101, FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$10,000.00

BE IT RESOLVED, by the Board of Benton County Commissioners, that \$10,000.00 shall be transferred as more clearly defined in Exhibit "A" attached hereto:

Dated this day of , 2012

Chairman of the Board

Chairman Pro-Tem

Member

Attest:
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

Leo Bowman
District 1
Shon Small
District 2
James Beaver
District 3

Board of County Commissioners
BENTON COUNTY

b. Management Letter to WA State Auditor's
Office

County Administrator

Loretta Smith Kelty
Deputy County Administrator



December 28, 2011

Ms. Lisa Noland, AAM
Washington State Auditor's Office
100 N. Morain, Suite 216
Kennewick, WA 99336

Dear Ms. Noland:

We are providing this letter in connection with your audit of Benton County for the period January 1, 2010, through December 31, 2010, for the purpose of reporting accountability for public resources and compliance with applicable laws, regulations and contract requirements.

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve a weakness in internal control, omission or misstatement of information that, in the light of surrounding circumstances, make it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the weakness in internal control, omission or misstatement.

We confirm, to the best of our knowledge and belief, having made appropriate inquiries to be able to provide our representations, the following representations made to you during your audit.

1. We acknowledge and understand our responsibility for complying with applicable state and local laws and regulations.
2. We acknowledge and understand our responsibility for compliance with requirements related to confidentiality of certain information, such as HIPAA requirements. Further, we have notified you that records or data containing information subject to confidentiality requirements have been made available to you.
3. We have complied with all applicable state and local laws and regulations.
4. We have followed applicable laws in adopting, approving, and amending budgets.

5. We have made available to you all:
 - a. Financial records and related data.
 - b. Minutes of the meetings of the Board of Commissioners or summaries of actions of recent meetings for which minutes have not yet been prepared.
6. There are no material transactions that have not been properly recorded in the accounting records.
7. Except as disclosed to the auditor in accordance with RCW 43.09.185, we have no knowledge of any fraud or suspected fraud affecting the entity involving management, employees or others.
8. Except as disclosed to the auditor in accordance with RCW 43.09.185, we have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators or others.
9. The following have been properly recorded or disclosed in the accounting records:
 - a. Transactions between funds.
 - b. Arrangements involving restrictions on cash balances.
 - c. Related-party transactions, including sales, purchases, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties.
 - d. Guarantees, whether written or oral, under which Benton County is contingently liable.
10. The County of Benton has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets, nor has any asset been pledged.
11. Except as alleged in the attached letters dated June 27, 2011, and December 28, 2011, we have complied with all aspects of contractual agreements that would have a material effect on the financial affairs of Benton County in the event of noncompliance.
12. We have received no communication from the Internal Revenue Service (IRS) adversely affecting the tax-exempt status of our outstanding debt or noncompliance with arbitrage rules.

Ms. Lisa Noland, Assistant Audit Manager

December 28, 2011

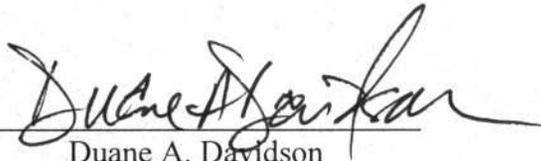
Page 3 of 3

13. We acknowledge and understand our responsibility for the design and implementation of programs and controls to safeguard public resources and ensure compliance with applicable laws and regulations, including controls to prevent and detect fraud.
14. We have established adequate procedures and controls to safeguard public resources and ensure compliance with applicable laws and regulations.

James Beaver
Chairperson,
Board of County Commissioners



Brenda Chilton
Benton County Auditor



Duane A. Davidson
Benton County Treasurer

cc: Board of County Commissioners
Brenda Chilton, Benton County Auditor
Duane A. Davidson, Benton County Treasurer

Attachments:

1. Letter dated June 27, 2011, to the Board of County Commissioners from Ryan Brown, Chief Civil Deputy: RE: Letter of Representation and Pending Litigation.
2. Letter dated June 27, 2011, to the Board of County Commissioners from Melina Wenner, Risk Manager. RE: Letter of Representation and Claims Update.
3. Letter dated December 28, 2011, to the Board of County Commissioners from Ryan Brown, Chief Civil Deputy: RE: Letter of Representation and Pending Litigation.
4. Letter dated December 28, 2011, to the Board of County Commissioners from Melina Wenner, Risk Manager. RE: Letter of Representation and Claims Update.

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	01/24/2012	Execute Contract	_____	Consent Agenda	<u> x </u>
Subject:	<u>Coding Correction</u>	Pass Resolution	<u> x </u>	Public Hearing	_____
Prepared by:	<u>R. Sparks</u>	Pass Ordinance	_____	1st Discussion	_____
Reviewed by:		Pass Motion	_____	2nd Discussion	_____
		Other	_____	Other	_____

BACKGROUND INFORMATION

Due to an incorrect posting of Decembers' 2011 medical benefits, the Family Services Fund (0138101) needs to be reimbursed by the Juvenile Fund (0115101) dept 173. Due to the new budget policy requiring Board approval for coding corrections between funds, a coding correction and fund transfer letter is being submitted for approval.

SUMMARY

RECOMMENDATION

Approve Coding Correction and Fund Transfer Letter

FISCAL IMPACT

None unexpected.

MOTION

Approve attached Coding Correction and Fund transfer

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY FUNDS RE: CODING CORRECTION AND TRANSFER OF FUNDS BETWEEN FAMILY SERVICES, FUND NUMBER 0138101 AND JUVENILE JUSTICE FUND NUMBER 0115101, DEPT NUMBER 173.

WHEREAS, the Benton County's Budget policy, requires Board approval for coding corrections and fund transfers between funds, and

WHEREAS, an incorrect code was processed in the December 2011 Payroll between the Family Services fund number 0138101 and the Juvenile Justice fund number 0115101, dept. number 173. **NOW, THEREFORE,**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County Washington, that the coding correction and fund transfer shall be approved as outlined in exhibit "A" and "B", attached hereto.

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

BENTON COUNTY CODING CORRECTION BETWEEN FUNDS

Dept Name: Juvenile Justice Dept Name: Juvenile
 Fund Name: Family Services Fund Name: Juvenile Justice

TRANSFER FROM: Fund Dep 0138101.000 TRANSFER TO: Fund Dept 0115101.173

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
527.300	2103	Medical Benefits	216.30	527.400	2103	Medical Benefits	216.30
TOTAL			216.30	TOTAL			216.30

Explanation:
 December 2011 Payroll coding of medical benefits should have been 70/30

Prepared by: Rosie Sparks Date: 13-Jan-2012
 Approved Denied Date: _____

 Chairman

 Member

 Member

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	<u>COMMISSIONERS</u>
Meeting Date: 1/24/2012	Execute Contract _____	Consent Agenda <u> X </u>
Subject: Line Item Transfer	Pass Resolution _____	Public Hearing _____
Prepared by: L. Small	Pass Ordinance _____	1st Discussion _____
Reviewed by: K. Mercer	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

SUMMARY

A line item transfer is needed to move funds to a capital line item to pay for Pacific Technologies Inc. (PTI) recommended IT projects.

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

None. Funds are currently in the capital fund.

MOTION

Move to approve the attached resolution authorizing the line item transfer.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN CAPITAL PROJECTS FUND NUMBER 0305-101, 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 _____, 2012

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

cc: Auditor; K. Mercer; File

small

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Capital Projects Dept Nbr: 000

Fund Name: Capital Projects Fund Nbr: 0305-101

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
594.110	6412	Capital Outlay - Buildings	\$1,000,000	594.110	6419	Pac Tech Recommended Project	\$1,000,000
TOTAL			\$1,000,000	TOTAL			\$1,000,000

Explanation:

Line item transfer needed to pay for Pacific Technologies Inc. (PTI) recommended IT projects.

Prepared by: Lisa Small Date: 24-Jan-2012

Approved Denied Date: _____

Chairman

Member

Member

e. Reappointment of R Burtsfield to the Aging & Long Term Care Advisory Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>01/24/12</u>	Execute Contract	_____	Consent Agenda XXX
Subject: <u>Reappt - 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. Ruth Burtsfield's appointment to the Aging & Long Term Care (ALTC) Advisory Board has expired. Ms. Burtsfield has expressed a desire to be reappointment for an additional three-year term.

SUMMARY

A vacancy in the ALTC Board exists and needs to be filled.

RECOMMENDATION

That the Commissioners review the attached letter requesting reappointment of Ms. Ruth Burtsfield to the ALTC Board and reappoint Ms. Burtsfield to said Board.

FISCAL IMPACT

--

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

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

WHEREAS, the term for Ruth Burtsfield expired on December 31, 2011; and

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

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

BE IT RESOLVED that Ruth Burtsfield 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>1-24-</u> <u>12</u>	Execute Contract <u> x </u>	Consent Agenda <u> X </u>
Subject: Sundowns Training Center Second Amendment	Pass Resolution <u> x </u>	Public Hearing <u> </u>
Prepared by: cmb <u> </u>	Pass Ordinance <u> </u>	1st Discussion <u> </u>
Reviewed by: <u> isk </u>	Pass Motion <u> </u>	2nd Discussion <u> </u>
	Other <u> </u>	Other <u> </u>

BACKGROUND INFORMATION

Attached for Board review is the Second Lease Agreement Amendment with the Sundowns Training Center. The Second Lease Agreement Amendment has been reviewed and approved as to form by the Prosecuting Attorney's office.

Sundowns Training Center has a current Lease Agreement per Resolution 10-697 and 11-332 with the Benton County Fairgrounds, which expires June 30, 2013.

SUMMARY

The current Lease Agreement includes Sundown Facility. The parties mutually agree in this Second Amendment to remove Sundown Facility and all responsibility of utilities (water and electrical) and any other associated costs pertaining to the Sundown Facility from the Lease Agreement. Sundown Training Center would like to add Building 12 to the Lease Agreement as a non-exclusive use for which they will be responsible for their proportionate non-exclusive use of any and all utilities (water and electrical) and other associated costs pertaining to Building 12.

RECOMMENDATION

The Deputy County Administrator and Fair Grounds Office Manager recommend approval of the Second Lease Agreement Amendment with Sundowns Training Center.

FISCAL IMPACT

Compensation did not change from the original Lease Agreement. Fairgrounds Operation and Maintenance will receive an estimated \$53,250 over the duration of the contract (2010 through 2013).

MOTION

Move the Second Lease Agreement with Sundowns Training Center be approved.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN THE SECOND LEASE AMENDMENT BETWEEN BENTON COUNTY AND SUNDOWNS TRAINING CENTER AND AMENDING THE LEASE AGREEMENT APPROVED BY RESOLUTION 10-697 AND 11-332

WHEREAS, per Resolution 10-697 the parties entered into a Lease Agreement for the purposes of allowing Sundowns Training Center (LESSEE) to operate an equine training center and hold future horse racing meets; and

WHEREAS, per Resolution 11-332 First Lease Amendment, LESSEE is allowed to subcontract with entities to promote, organize, and run an Event or Events as defined and authorized by the parties' Lease Agreement and the First Lease Amendment; and

WHEREAS, LESSEE requests a Second Lease Amendment to remove the Sundown Facility and all responsibility of utilities (water and electrical) and any other associated costs pertaining to the Sundown Facility from the listed lease space described in Section 2 and Exhibit A of the Lease Agreement; and

WHEREAS, LESSEE requests to add Building 12 to the Lease Agreement as a non-exclusive use for which LESSEE will be responsible for their proportionate non-exclusive use of any and all utilities (water and electrical) and other associated costs pertaining to Building 12; and

WHEREAS, the parties mutually desire to amend the Lease Agreement as described above; **NOW, THEREFORE**,

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board hereby authorizes the Chairman of the Board to sign the attached Second Lease Amendment; and

BE IT FURTHER RESOLVED, the Lease Agreement approved by Resolution 10-697 and 11-332 is hereby amended.

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

SECOND LEASE AMENDMENT

THIS SECOND LEASE AMENDMENT is made and entered into this ____ day of _____, 2012 by and between Benton County, Washington hereinafter called "LESSOR" and Sundowns Training Center hereinafter called "LESSEE".

WHEREAS, per Resolution 10-697 the parties entered into a Lease Agreement for the purposes of allowing LESSEE to operate an equine training center and hold future horse racing meets; and

WHEREAS, per Resolution 11-332 First Lease Amendment, LESSEE is allowed to subcontract with entities to promote, organize, and run an Event or Events as defined and authorized by the parties' Lease Agreement and the First Lease Amendment; and

WHEREAS, LESSEE requests a Second Lease Amendment for the removal of the existing Sundowns facility building from the listed lease space described in Section 2 and Exhibit A of the Lease Agreement; and

WHEREAS, the parties mutually agree in this Second Amendment to remove from the Lease Agreement the Sundown Facility and all responsibility of utilities (water and electrical) and any other associated costs pertaining to the Sundown facility; and

WHEREAS, the parties mutually agree to add Building 12 (Rabbit Barn) to the Lease Agreement as a non-exclusive use for which LESSEE will be responsible for their proportionate non-exclusive use of any and all utilities (water and electrical) and other associated costs pertaining to Building 12; and

NOW, THEREFORE, in consideration of the payments, provisions, and agreements set forth in the Lease Agreement, the parties agree that the Lease Agreement is amended as follows:

1. The following shall replace Section 2. FACILITIES LEASED FOR THE EVENTS:

LESSEE agrees to lease the following buildings, grounds, equipment and services (also see EXHIBIT A1):

- The existing Sundowns Racetrack portion of the Benton County Fairgrounds.
- Non-exclusive use of Building 12.
- Exclusive use of one RV hook-up adjacent to the horse stall area, with restroom and shower usage.
- Non-exclusive use of the parking lot, RV hook-ups adjacent to the horse stall area, with restroom and shower usage, 4-H arena, and sand track.
- Approximately 300 horse stalls, 16 horse barns. Use of the 3 horse barns constructed by the county in 2004, commonly referred to as Row A, may be used but are subject to stall inspections. If, at the sole discretion of LESSOR, it is determined that abuse of the horse barns or stall(s) has occurred, then said barn or stalls(s) will be vacated immediately and locked until further AGREEMENT by LESSOR.
- LESSEE shall be permitted to store its horse trailer at a suitable location upon fairgrounds property, during the nine (9) months stated above (eight (8) months in the case of the first EVENT), subject to the following provisions:
 - The choice of location shall be at the direction of LESSOR, which may be communicated by LESSOR'S AGENTS, HEREAFTER "FAIRGROUNDS STAFF".
 - If the horse trailer interferes with operations on the fairgrounds outside of the time periods referenced above for the EVENTS, then, upon reasonable notice from

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>1/24/2012</u>	Execute Contract	_____	Consent Agenda <u>_x_</u>
Subject: <u>Line item transfer</u>	Pass Resolution	<u> x </u>	Public Hearing _____
Prepared by: <u>Linda Ivey</u>	Pass Ordinance	_____	1st Discussion _____
Reviewed by: <u>Ed Thornbrugh</u>	Pass Motion	_____	2nd Discussion _____
	Other	_____	Other _____

BACKGROUND INFORMATION

The Benton-Franklin Department of Human Services presently pays the Benton County Central Services Department for Data Processing Administration through a quarterly interfund payment. The 2012 amount was recently established with the Central Services Department and was not appropriated in the current budget.

SUMMARY

The line item transfer appropriates funding to interfund Data Processing Administration.

RECOMMENDATION

Pass the Resolution and Attachment A – Line item transfer.

FISCAL IMPACT

None- All transfers are within the Human Services Fund 0108-101, Crisis Administration Department 504.

MOTION

Move that appropriated funds shall be transferred as outlined in Attachment A.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN THE HUMAN SERVICES FUND NUMBER 0108-101, WITHIN DEPARTMENT NUMBER 504 CRISIS ADMINISTRATION.

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: Human Services; Auditor; File

IVEY

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>1/17/2012</u>	Execute Contract	_____	Consent Agenda
Subject: <u>Line item transfer</u>	Pass Resolution	<u> x </u>	Public Hearing
Prepared by: <u>Linda Ivey</u>	Pass Ordinance	_____	1st Discussion
Reviewed by: <u>Ed Thornbrugh</u>	Pass Motion	_____	2nd Discussion
	Other	_____	Other

BACKGROUND INFORMATION

The Benton-Franklin Department of Human Services presently pays the Benton County Prosecuting Attorney’s Office for legal services through a monthly interfund payment. Legal services are exceeding the budgeted amounts.

SUMMARY

The line item transfer appropriates funding to interfund Legal Services

RECOMMENDATION

Pass the Resolution and Attachment A – Line item transfer

FISCAL IMPACT

None- All transfers are within the Human Services Fund 0108-101

MOTION

Move that appropriated funds shall be transferred as outlined in Attachment A.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN THE HUMAN SERVICES FUND NUMBER 0108-101, WITHIN DEPARTMENT NUMBER 560 CONTRACT MANAGEMENT, AND FROM DEPARTMENT 560 CONTRACT MANAGEMENT TO DEPARTMENT NUMBER 504 CRISIS ADMINISTRATION.

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: Human Services; Auditor; File

IVEY

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: 2/24/12 Subject: Employee of the Month Prepared by: <u>H. Guevara</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

Approval of Employee of the Month for February 2012.

SUMMARY

Same as above.

RECOMMENDATION

Request signatures approving Employee of the Month for February 2012.

FISCAL IMPACT

N/A

R E S O L U T I O

j. Contract Award to A & B Asphalt, Inc. for Stockpiling & Crushed Screening

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROAD PURCHASES RE: C.E. 1951 ERR - FURNISHING AND STOCKPILING 12,000 TON CRUSHED SCREENINGS 3/8" TO #10

WHEREAS, by resolution dated November 1, 2011, bid call was authorized for the ER&R Purchase of 12,000 ton crushed screenings 3/8" to #10 and stockpile the crushed screenings at County stockpile site SP-102, Highland Stockpile; and

WHEREAS, bids were received as set forth in the attached tabulation; and

WHEREAS, the County Engineer recommends award of the contract to A & B Asphalt, Inc., Benton City, Washington; NOW, THEREFORE,

BE IT RESOLVED that the business of supplying Benton County ER&R with 12,000 ton crushed screenings 3/8" to #10 and stockpiling the crushed screenings at County stockpile SP-102, Highland Stockpile, be awarded to A & B Asphalt, Inc., Benton City, Washington, in the amount of \$166,440.00, plus Washington State Sales Tax in the amount of \$13,814.52; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to proceed with the purchase.

Dated this 24th day of January, 2012.

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:slc

PROJECT: CE 1951 ERR - Furnishing & Stockpiling Crushed Screenings 3/8" - #10		A & B ASPHALT, INC. P O Box 5280 Benton City, WA 99320-5280		AMERICAN ROCK PRODUCTS 2090 Robertson Drive Richland, WA 99352		GRANITE CONSTRUCTION, INC. 80 Pond Road Yakima, WA 98901	
LOCATION: BENTON COUNTY		UNIT PRICE		UNIT PRICE		UNIT PRICE	
LET BY: BOARD OF COUNTY COMMISSIONERS		UNIT PRICE		UNIT PRICE		UNIT PRICE	
DATE: December 16, 2011; 2:00 p.m., Local Time		UNIT PRICE		UNIT PRICE		UNIT PRICE	
ITEM NO	ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	CRUSHED SCREENINGS 3/8" to #10	12.000	TON	13.87	166,440.00	20.00	240,000.00
2	WASHINGTON STATE SALES TAX			8.3%	13,814.52	8.3%	19,920.00
TOTAL					180,254.52		259,920.00
						22.75	273,000.00
						7.9%	21,567.00
							294,567.00

RESOLUTION

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

IN THE MATTER OF COUNTY FRANCHISES RE: APPLICATION OF PACIFICORP
DBA PACIFIC POWER FOR A FRANCHISE FOR AN ELECTRICAL
DISTRIBUTION AND TELECOMUNICATION SYSTEM AND ALL FACILITIES
IN COUNTY ROAD RIGHTS OF WAY,

WHEREAS, PacifiCorp DBA Pacific Power, has applied for a franchise for an electrical
distribution and telecommunication system and all facilities in unincorporated Benton
County road rights of way, NOW, THEREFORE,

BE IT RESOLVED that a Public Hearing on the application for franchise be held on
Tuesday, February 28, 2012 at 9:05 a.m., Local Time, in the Board of County
Commissioners Meeting Room, Benton County Courthouse, 620 Market Street, Prosser,
Washington, or also via closed circuit television at the Benton County Justice Center,
Commissioners Meeting Room, 7122 W. Okanogan Place, Bldg. A, Kennewick, WA
99336.

Dated this 24th day of January, 2012.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

I. Interlocal Agreement w/City of Prosser for Bituminous Surface Treatment 2012

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION</u>	
Meeting Date :	January 13, 2012	Execute Contract :	_____
Subject :	Interlocal Agreement	Pass Resolution :	X
Prepared by :	SWB	Pass Ordinance :	_____
Reviewed by :	_____	Pass Motion :	_____
		Other :	Sign Agreement
		Consent Agenda :	_____
		Public Hearing :	_____
		1st Discussion :	_____
		2 nd Discussion :	_____
		Other :	_____

BACKGROUND INFORMATION

Benton County will be seal coating roads in the Prosser area as a part of our annual seal coat program. This year, the City has asked to be a part of the program and has requested that Benton County seal coat various City streets. To accomplish this an Interlocal Agreement has been prepared defining the responsibilities of both agencies including reimbursement of County costs.

SUMMARY

The Interlocal Agreement has been reviewed and Approved as to Form by our Prosecuting Attorney's Office. The Agreement was presented to the Prosser City Council and approved on January 10, 2012.

RECOMMENDATION

It is this office's recommendation that the Agreement be approved and that the Chairman of the Board sign the Agreement on behalf of Benton County.

FISCAL IMPACT

All County costs for sealing City streets currently within the city limits will be reimbursed by the City of Prosser.

MOTION

Move to approve as apart of the consent agenda

Exhibit "C"

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AN AGREEMENT BETWEEN THE CITY OF PROSSER AND BENTON COUNTY TO SEAL COAT ROADS

WHEREAS, Benton County will be seal coating County roads in the Prosser area as a part of the Bituminous Surface Treatment 2012 program, and

WHEREAS, the City of Prosser desiring to have certain streets within the City limits seal coated, has requested that Benton County undertake the seal coating of those certain streets as a part of Benton County's contract to seal coat, and

WHEREAS, an Interlocal Agreement defining the responsibilities of the County and the City has been prepared and has been Approved as to Form by the Prosecuting Attorney's Office and has been approved by the City of Prosser, and

WHEREAS, the Public Works Manager has recommended approval of said Interlocal Agreement, NOW, THEREFORE,

BE IT RESOLVED that the Interlocal Agreement by and between the City of Prosser and Benton County for the Bituminous Surface Treatment 2012 is hereby approved and the Chairman is authorized to sign said agreement.

Dated this _____ day _____ 2012.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

S. Becken

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

INTERLOCAL COOPERATION AGREEMENT BITUMINOUS SURFACE TREATMENT 2012

THIS AGREEMENT is made and entered into this ____ day of _____, 2012, by and between the City of Prosser whose address is 601 7th Street; Prosser, Washington, 99350 (hereinafter "the City") and Benton County, whose address is P.O. Box 1001, Prosser, Washington, 99350 (hereinafter "Benton County").

WHEREAS, in the interest of public safety and motor vehicle traffic safety, the City desires to have Benton County seal coat certain city streets as defined in **Exhibit "A"**, in conjunction with Benton County's 2012 Bituminous Surface Treatment Program; and

WHEREAS, the parties hereto agree that Benton County should act as the Contract Administrator pursuant to the Washington Interlocal Cooperation Act, RCW 39.34, and RCW 35.21.730 through RCW 35.21.740 and in furtherance thereof, Benton County will execute the contract for the convenience and benefit of the City.

NOW, THEREFORE, in consideration of the mutual agreements and covenants herein contained, the parties agree as follows:

1. **Contract Administration.** Benton County agrees to administer and oversee implementation of the bituminous surface treatment of certain city streets as defined in **Exhibit "A"**, attached hereto and by this reference incorporated herein. Benton County contract administration responsibilities will include the following:
 - A. The preparation of plans, specifications, estimates, and bid solicitation documents.
 - B. The selection of a contract in accordance with all federal, state, and local laws and bidding requirements.
 - C. The execution of the Bituminous Surface Treatment 2012 contract and administration oversight of contract implementation.

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	January 24, 2012	Execute Contract	_____	Consent Agenda
Subject:	Zep Purchases - Sheriff	Pass Resolution	X_____	Public Hearing
Prepared by:	D Pettey	Pass Ordinance	_____	1st Discussion
Reviewed by:	Keith Mercer	Pass Motion	_____	2nd Discussion
		Other	_____	Other

BACKGROUND INFORMATION

SUMMARY

The Benton County Sheriff's Office solicited the following companies (from the Vendor's List) to provide a quote for cleaning supplies:

- Zep Sales & Service, Kent, WA (see attached quote)
- A-Complete Janitorial Supply, Pasco, WA (see attached quote)
- Airgas Safety, Inc, Whittier, CA (no quote provided)

After evaluating dilution rates, overall cost per products, and customer service, Zep Sales & Service was determined to have the lowest quote.

The Sheriff's Office has used Zep Sales & Service in the past and has been extremely satisfied with the quality of their service and products.

Immediately after obtaining the attached quotes it was found that the Sheriff's Office was running low on some of the cleaning supplies and a purchase was made from Zep Sales & Services (prior to the signing of this resolution) on January 5, 2012 based on the attached quotes.

RECOMMENDATION

The Jail Support Lieutenant recommends future purchases of cleaning supplies from Zep Sales & Service from January 24, 2012 through December 31, 2012.

The board will also be approving the purchase that took place on January 5, 2012.

FISCAL IMPACT

Amount not to exceed \$85,000 to be paid out of Current Expense (0000-101) for all Sheriff Departments (118, 119, 120, 121, and 125). No supplement required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING CLEANING SUPPLY PURCHASES FROM ZEP SALES & SERVICE FOR THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, per resolution 11-403, "if any county department other than Public Works desires to purchase or lease from a vendor on Benton County's vendor list and not advertise and solicit formal sealed bids, it shall secure written quotes from at least three (3) different vendors on the vendor list, unless the product is such that it is not reasonable to obtain three price quotes"; and

WHEREAS, the Benton County Sheriff's Office solicited the following companies to provide a quote for cleaning supplies; and

- Zep Sales & Service, Kent, WA (see attached quote)
- A-Complete Janitorial Supply, Pasco, WA (see attached quote)
- Airgas Safety, Inc, Whittier, CA (no quote provided)

WHEREAS, after evaluating dilution rates, overall cost per products, and customer service, Zep Sales & Service was determined to have the lowest quote; and

WHEREAS, the Sheriff's Office has used Zep Sales & Service in the past and has been extremely satisfied with the quality of their service and products; and

WHEREAS, immediately after obtaining the attached quotes it was found that the Sheriff's Office was running low on some of the cleaning supplies; and

WHEREAS, a purchase was made from Zep Sales & Services, prior to the signing of this resolution, on January 5, 2012 based on the attached quotes; and

WHEREAS, the Jail Support Lieutenant recommends future purchases of cleaning supplies from Zep Sales & Service from January 24, 2012 through December 31, 2012; **NOW THEREFORE,**

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County Washington, concurs with the Jail Support Lieutenant's recommendation and hereby approves the purchase that took place on January 5, 2012 and authorizes future cleaning supply purchases from Zep Sales & Service from January 24, 2012 through December 31, 2012 in an amount not to exceed \$85,000 including WSST.

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

Orig: Sheriff's Office
cc: Auditor, Purchase file

Prepared by: D Petley

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	January 24, 2012	Execute Contract	_____	Consent Agenda	___X___
Subject:	Bob Barker Purchases - Sheriff	Pass Resolution	X___	Public Hearing	_____
Prepared by:	D Pettey	Pass Ordinance	_____	1st Discussion	_____
Reviewed by:	Keith Mercer	Pass Motion	_____	2nd Discussion	_____
		Other	_____	Other	_____

BACKGROUND INFORMATION

The Benton County Sheriff's Office purchases various items from Bob Barker Company Inc throughout the year.

The total amount purchased throughout the year usually exceeds \$5,000.

The prices for the various items purchased constantly fluctuate throughout the year due to the nature of the items and the state of the economy.

SUMMARY

RECOMMENDATION

The Sheriff's Office recommends authorizing purchases from Bob Barker Company Inc. in an amount not to exceed \$40,000, provided that quotes from at least three vendors accompanies the voucher (for each purchase) presented to the Auditor's Office, which shows that Bob Barker Company Inc. is the lowest vendor for the items being purchased.

FISCAL IMPACT

Amount not to exceed \$40,000 to be paid out of Current Expense (0000-101) from all Sheriff Departments (118, 119, 120, 121, and 125). No supplement required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING PURCHASES FROM BOB BARKER COMPANY INC. FOR THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, per resolution 11-403, "if any county department other than Public Works desires to purchase or lease from a vendor on Benton County's vendor list and not advertise and solicit formal sealed bids, it shall secure written quotes from at least three (3) different vendors on the vendor list, unless the product is such that it is not reasonable to obtain three price quotes"; and

WHEREAS, the Benton County Sheriff's Office purchases various items from Bob Barker Company Inc., Fuquay-Varina, NC throughout the year; and

WHEREAS, the total amount purchased throughout the year usually exceeds \$5,000; and

WHEREAS, the prices for the various items purchased constantly fluctuate throughout the year due to the nature of the items and the state of the economy; and

WHEREAS, the Sheriff's Office recommends authorizing purchases from Bob Barker Company Inc. in an amount not to exceed \$40,000, provided that quotes from at least three (3) vendors accompanies the voucher (for each purchase) presented to the Auditor's Office, which shows that Bob Barker Company Inc. is the lowest vendor for the items being purchased; **NOW, THEREFORE,**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County Washington, the Board concurs with the Sheriff's Office recommendation and hereby authorizes purchases from Bob Barker Company Inc., Fuquay-Varina, NC from January 24, 2012 through December 31, 2012 with the total amount payable not to exceed \$40,000.00 including WSST; and

BE IT FURTHER RESOLVED, quotes from at least three (3) vendors will accompany the voucher (for each purchase) presented to the Auditor's Office, which will show that Bob Barker Company, Inc is the lowest vendor for the items being purchased.

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

BENTON COUNTY AGENDA ITEM

AGENDA ITEM: _____	Type of Action		
MEETING DATE: <u>01/24/12 9:00am</u>	Execute Contract	_____	CONSENT AGENDA <u>X</u>
SUBJECT: <u>Trial Court Improvement</u> <u>Fund Line Item Transfers</u>	Pass Resolution	<u>X</u>	PUBLIC HEARING _____
	Pass Ordinance	_____	1 ST DISCUSSION _____
	Pass Motion	_____	2 ND DISCUSSION _____
Prepared By: <u>Pat Austin</u>	Other	_____	OTHER _____
Reviewed By: <u>Keith Mercer</u>	Approve for Hearing	_____	

BACKGROUND INFORMATION

The Superior Court will present a Line Item Transfer request to appropriately coincide with expenditures recommended by the Trial Court Improvement Committee and approved by the Benton County Commissioners. Please see attached resolution and line item transfer form. The expenditures associated with the line item transfer were approved under the 2011-2012 Trial Court Improvement Fund budget and by Resolution Nos. 11-223 and 11-719.

SUMMARY

RECOMMENDATION

Recommend approval of line item transfer and resolution.

FISCAL IMPACT

None –

MOTION

Move to approve the recommended line item transfer within the Trial Court Improvement Fund and Resolution No. _____ in the matter of the Trial Court Improvement Committee intra-fund line item transfer to comply with the County Auditor's directive.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN TRIAL COURT IMPROVEMENT FUND NUMBER 0156-101, 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, File, LSK

11 223

RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING PURCHASES AS IDENTIFIED ON THE LETTER FROM THE TRIAL COURT IMPROVEMENT FUND COMMITTEE FOR EXPENDITURES FOR 2011 AND 2012 TOTALING \$198,740.00, UTILIZING FUNDS FROM THE BENTON COUNTY TRIAL COURT IMPROVEMENT FUND

WHEREAS, the Benton County Board of Commissioners received a letter from the Trial Court Improvement Committee requesting authorization for expenditures for 2011 and 2012 totaling \$198,740.00; and

WHEREAS, Benton County District Court, Superior Court and the County Clerk desire to purchase equipment for their respective offices as identified on the attached letter; and

WHEREAS, the Board of Benton County Commissioners constitutes the legislative authority of Benton County and deems this to be in the best interest of the County;

NOW THEREFORE, BE IT RESOLVED that the Board of Benton County Commissioners hereby approves the purchases as identified on the attached letter from the Trial Court Improvement Fund Committee for expenditures totaling \$198,740.00, utilizing funds from the Trial Court Improvement Fund, 0156-101; and,

Dated this 20 day of March, 2011.

Don M. Bauman
Chairman of the Board

[Signature]
Chairman Pro-Tem

[Signature]
Member

Attest: [Signature]
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

cc: Auditor, J. DeLeon, J. Lahtinen, P. Huster

ORIGINAL

ATTACHMENT "A"
**Benton County Trial Court Improvement
Committee**

Judge Terry Tanner
Judge Cameron Mitchell
Clerk Josie Delvin
District Court Administrator Jackie Lahtinen
Superior Court Administrator Pat Austin

March 22, 2011

Benton County Board of Commissioners
P.O. Box 1900
Prosser, WA 99350

Re: Trial Court Improvement Fund Expenditure Authorization

Dear Board of Commissioners:

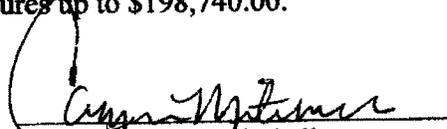
The Trial Court Improvement Committee has reviewed and approved the following 2011-2012 expenditure requests and agree the expenditures are in compliance with the Trial Court Improvement Fund guidelines as outlined by the Washington Administrative Office of the Courts.

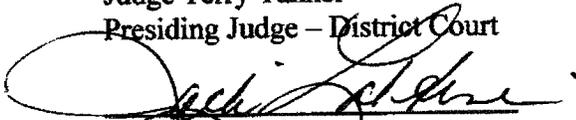
Docket Call electronic reader boards for Main Hall entrance at Justice Center to be shared by the courts (Display panels may be less expensive through County IT)	\$ 28,000
Monitors for internal electronic postings of schedules	\$ 1,500 +
Monitors for Clerk, District Court & Superior Court Schedule	\$ 1,500
Total (4) = (2) I-Pad computer devices for Jury Check-in and (2) I-Pad computer devices for Superior Court Scheduling	\$ 2,000
Wi-Fi access available in all Superior and District Courtrooms	\$ 0
4 th installment of jury program	\$ 35,000
Full version of the IDS upgrade to jury program	\$ 29,000
Upgrade Sound System in Courtrooms Superior Court #E & #F	\$ 26,045+
Upgrade Sound System in Courtrooms Superior Court #B & D	\$ 26,045 +

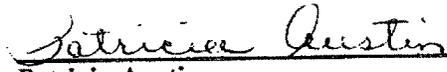
(6) mobile witness stand microphones for Superior Courtrooms	\$ 1,700
Assistive Listening Devices for District Court #5, #6, Prosser	\$ 1,000
Interpreter Headsets/transmitters to be shared by the Courts	\$ 3,000
(3) Assistive Listening loop devices to be shared by the Courts	\$ 1,000
Travel/Training funds for Superior Court	\$ 2,000
Travel/Training funds for District Court	\$ 1,000
(2) Liberty Licenses for Liberty Web for Superior Court	\$ 2,500
Scanner, printer and fax for Clerk	\$ 2,350
Repair or replace sound system in Jail Courtroom and add FTR digital recording unit	\$ 10,000
Upgrade Superior Court FTR units for compatability with new computers	\$ 9,600
Security Cameras for Superior and District Court 3-yr plan 1 st and 2 nd payments (2011 & 2012)	\$ 10,000
Build riser for judicial bench in Juvenile Court #2	\$ To be Determined
Replace microphones in Juvenile Courtroom #2	\$ 500
Audio Visual equipment for courtrooms	\$ <u>5,000</u>
Total:	\$198,740

The Trial Court Improvement Committee recommends the Board of County Commissioners approve the above expenditures up to \$198,740.00.


 Judge Terry Tanner
 Presiding Judge - District Court


 Judge Cameron Mitchell
 Presiding Judge - Superior Court


 Jackie Lahtinen
 District Court Administrator


 Patricia Austin
 Superior Court Administrator


 Josie Delvin
 Berton County Clerk

RESOLUTION 11-719

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE PUBLIC WORKS CONTRACT BETWEEN BENTON COUNTY AND SYSTEM SOLUTIONS FOR UPGRADING THE SOUND SYSTEMS IN SUPERIOR COURT COURTROOMS E AND F LOCATED IN THE BENTON COUNTY JUSTICE CENTER

WHEREAS, per resolution 11-402, any public works services or materials involving less than \$40,000, advertisement and competitive bidding may be dispensed, and such contracts may be entered into after direct negotiation and authorization from the Board of Benton County Commissioners; and

WHEREAS, per Resolution 11-223, the Board of Commissioners approved the project for upgrading the sound system in Superior Court Courtrooms E and F; and

WHEREAS, Facilities prepared a request for proposal (RFP) that detailed the requirements for the sound system upgrade of Superior Court Courtrooms E and F; and

WHEREAS, the following companies responded to the RFP; and

- System Solutions, Kennewick, WA - \$26,650.85 including installation and WSST
- Moon Security, Pasco, WA - \$30,128.76 including installation and WSST
- Ted Brown Music, Kennewick, WA - \$30,765.70 including installation and WSST
- Quicksilver Audio, Kennewick, WA - \$31,610.70 including installation and WSST

WHEREAS, System Solutions is the lowest responsive bidder; NOW, THEREFORE

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby awards the sound system upgrade project for Superior Court Courtrooms E and F to System Solutions, Kennewick, WA (License # SOUNDS*090K9) for a total contract amount not to exceed \$27,000.00 including WSST; and

BE IT FURTHER RESOLVED, the Board authorizes the Chairman of the Board to sign the attached public works contract; and

BE IT FURTHER RESOLVED the term of the attached contract commences upon execution by both parties and shall terminate December 31, 2011.

Dated this 15 day of Nov, 2011.

Don M. B...
Chairman of the Board

[Signature]
Member

[Signature]
Member

Constituting the Board of Commissioners of Benton County, Washington

Attest *[Signature]*
Clerk of the Board

Orig: Facilities
Cc: Auditor, R. Ozuna

Prepared by: K. Mercsr

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	<u>SUSTAINABLE DEV.</u>
Meeting Date: 01/24/2012	Execute Contract _____	Consent Agenda <u> X </u>
Subject: Professional Contract	Pass Resolution _____	Public Hearing _____
Prepared by: L. Small	Pass Ordinance _____	1st Discussion _____
Reviewed by: K. Mercer	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

Attached contract is a contract between Benton County and J.T. Atkins & Company will be the fourth separate Red Mountain planning project that we have undertaken, and all three have used the same consultant -- JT Atkins.

The first project was the *Conceptual Plan* (2005), this laid-out basic goals and objectives for Red Mtn, the interested stakeholders, process and procedure, and estimated costs.

The second phase was the main project, the *Red Mountain AVA Master Site Plan* (2007). This was "the plan" and is the piece around which all of the others revolve.

Third phase, was the first "Update" (2009). It is Adam Fyall's goal -- budget permitting -- that we review the Master Site Plan every 2-3 years to make sure that it is relevant and that we are progressing toward our goal. There were two main components: updating the plan map and ownership map, and doing a review of the "Next Steps" portion (Chapter 7) of the MSP. The review is intended to take each of those actions and assess progress and suggest how stalled actions can be rejuvenated.

This fourth project is the second "Update", so it is almost identical to what was done in 2009, except that Mr. Atkins has been told that we want the assessment of Chapter 7 to be a little more prescriptive this time.

RECOMMENDATION

The recommendation is to enter into a contract with J.T. Atkins for project mentioned above with a contract amount not to exceed \$8,000 with said contract commencing upon signature by both parties and terminating December 31, 2012.

FISCAL IMPACT

- Amount not to exceed \$8,000 to be paid out of (0135-101) Dept. 000 - Sustainable Development. No supplement required.

MOTION

Move to award contract between Benton County and J.T. Atkins for said services for a contract amount not to exceed \$8,000 including WSST, and authorize the Chairman of the Board to sign the attached contract.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF CREATING AN UPDATE TO THE RED MOUNTAIN AMERICAN VITICULTURAL AREA MASTER SITE PLAN

WHEREAS, the Red Mountain American Viticultural Area Master Site Plan, complete in 2007, has information such as maps that are in need of updating and actions that need a progress report that was completed by J.T. Akins & Company PC, Bend, OR; and

WHEREAS, per Resolution 09-331, the Board of Benton County Commissioners approved a standard service agreement between Benton County and J.T. Akins & Company which was the third phase for this project and was the creation of the "First Update" to the Red Mountain Viticultural Area Master Site Plan for an amount not to exceed \$5,000; and

WHEREAS, this fourth phase is the "Second Update" and the firm J.T. Akins & Company, PC, has provided a scope of work that includes meeting with land owners, updating maps and other data from the original plan and first update, and evaluating progress made on the "Next Steps" for a proposed amount not to exceed \$8,000; **NOW, THEREFORE**

BE IT RESOLVED, by the Board of County Commissioners, Benton County, Washington, hereby concurs with the attached service agreement between Benton County and J.T. Akins & Company, PC for creation of an update to the Red Mountain American Viticultural Area Master Site Plan as described in the scope of work for an amount not to exceed \$8,000.00; and

BE IT FURTHER RESOLVED, the Board authorized the Chairman of the Board to sign the contract attached hereto; and

BE IT FURTHER RESOLVED, the term of this Contract shall begin upon signature of both parties and shall expire on December 31, 2012.

Dated this day of, 20

Chairman of the Board

Chairman Pro-Tem

Member

Attest:
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

RED MOUNTAIN AMERICAN VITICULTURAL AREA MASTER SITE PLAN AND MAP UPDATES

STANDARD SERVICE AGREEMENT TERMS AND CONDITIONS

This Contract is made and entered into by and between BENTON COUNTY, a political subdivision of the State of Washington, with its principal offices at 620 Market Street, Prosser, Washington 99350 (hereinafter "COUNTY"), and J.T. ATKINS & COMPANY, PC, with its principal offices at 1234 NW Iowa Avenue, Bend, Oregon 97701 (hereinafter "CONSULTANT"). In consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

1. CONTRACT DOCUMENTS

This Contract consists of this agreement and the following exhibits, which are incorporated herein by this reference:

- A. Exhibit "A" - Scope of Services
- B. Exhibit "B" - Cost Schedule
- C. Exhibit "C" - Washington-Oregon Reciprocal Agreement

2. DURATION OF CONTRACT

The term of this Contract shall begin when executed by both parties, and shall expire on December 31, 2012.

3. SERVICES PROVIDED

The COUNTY requires and the CONSULTANT agrees to perform the services described in **Exhibit "A"**, which shall be compliant with industry standards.

4. CONTRACT REPRESENTATIVES

The parties' representatives are as follows; a party may change its representative by providing prompt written notice to the other party:

- a. For CONSULTANT: J. Thomas Atkins, President
J.T. Atkins & Company PC
1234 NW Iowa Ave.
Bend, Oregon 97701
541.420.8389 – jtatkins@jstatkins.com
- b. For COUNTY: Adam J. Fyall, Community Development Coordinator
County Commissioners – Office of Sustainable Development
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
509.736.3053 – adam.fyall@co.benton.wa.us

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF CANCELLING TAXES ASSESSED UPON PERSONAL PROPERTY WITHIN BENTON COUNTY, WHICH THE BENTON COUNTY TREASURER HAS DETERMINED TO BE UNCOLLECTIBLE.

WHEREAS, taxes have been duly assessed upon the personal property listed on the schedule of property attached hereto as Exhibit "A", and duly extended on the tax rolls of Benton County; and

WHEREAS, the Benton County Treasurer having made diligent search and inquiry for goods and chattels upon which to collect such taxes; and

WHEREAS, the Benton County Treasurer has filed an affidavit (Exhibit "A") with the Board of Benton County Commissioners, asserting that no such goods and chattels could be found, and that said taxes are therefore uncollectible; **NOW THEREFORE**,

BE IT RESOLVED, that the taxes assessed upon the personal property as enumerated on Exhibit "A", attached hereto, are determined to be uncollectible and pursuant to the provisions of RCW 84.56.240, such taxes are hereby canceled from the tax rolls of Benton County.

Dated this _____ day of _____, 20__ __.

Chairman of the Board

Member

Member

Constituting the Board of County Commissioners of Benton County, Washington

Attest: _____
Clerk of the Board

Prepared by Nick Kooiker

CC: Treasurer, Auditor, Assessor

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	<u>1/24/12</u>	Execute Contract	_____
Subject:	<u>2011 Personal Property Uncollectibles</u>	Pass Resolution	<u> X </u>
		Pass Ordinance	_____
Prepared by:	<u>Nick Kooiker</u>	Pass Motion	_____
Reviewed by:	_____	Other	_____
		Consent Agenda	<u> X </u>
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION

Pursuant to RCW 84.56.240, the County Treasurer is required to file a list of uncollectible personal property taxes by February 1st of each year with the County Legislative Authority. The attached Exhibit "A" details all of the personal property taxes that were deemed uncollectible by the Treasurer for 2011.

SUMMARY

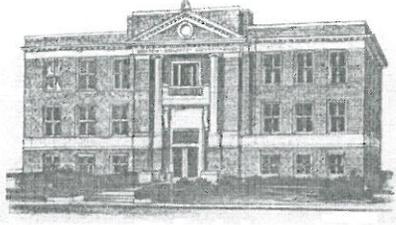
The County Treasurer is providing the attached list (Exhibit "A") of personal property taxes that have been deemed uncollectible for 2011 as required by RCW 84.56.240 for Commissioner approval.

RECOMMENDATION

It is recommended that the board pass the resolution pertaining to the personal property taxes the Treasurer has deemed as uncollectible.

FISCAL IMPACT

The total dollar amount of the uncollectible personal property taxes for 2011 is \$4,854.43 as shown in Exhibit "A".



**DUANE A. DAVIDSON, CPA
Benton County Treasurer**

PO Box 630, Prosser, WA 99350
Prosser 509-786-2255 Fax 786-5628
509-736-3087
Kennewick 509-735-8505 Fax 736-2705
www.co.benton.wa.us/html/treasurer

January 11, 2012

Board of Benton County Commissioners
PO Box 190
Prosser, WA 99350

RE: Cancellation of Uncollectible Personal Property Taxes. RCW 84.56.240

Dear Members of the Board:

Pursuant to RCW 84.56.240, the County Treasurer shall file with the County legislative authority, a list of uncollectible personal property taxes. The County Treasurer shall also file an Affidavit stating the Treasurer has made a diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to collect the same.

****AFFIDAVIT OF UNCOLLECTIBLE PERSONAL PROPERTY TAX****

I, Duane A. Davidson, Benton County Treasurer, swear on behalf of my deputy treasurer assigned to the collection of personal property tax, that every effort has been made to diligently search and inquire for goods and chattels upon which to collect such taxes. Now therefore, I request the taxes be cancelled as uncollectible personal property taxes.

Sincerely,

DUANE A. DAVIDSON, CPA
Benton County Treasurer
DAD:sdw

Attachments: Uncollectible Personal Property Listing, 2 pages.

Subscribed and sworn to before me this 11th day of January, 2012.



Joanna Y. Guzman
Notary Public
Appointment Expires: 7/29/14

BENTON COUNTY TREASURER'S 2011 PERSONAL PROPERTY UNCOLLECTIBLES

PARCEL NAME	PARCEL NUMBER	TAX YR	TCA	REASON	AMOUNT
HERMISTON HOME CARE CENTER	40MS42200000000	2010	K1	MH moved/Unable to collect	\$ 354.02
NORTHWEST TIRE RECYCLING PRODUCTS LLC	30PN12700000000	2010	R1	Business closed/Unable to collect	\$ 449.34
NORTHWEST TIRE RECYCLING PRODUCTS LLC	30PN12700000000	2011	R1	Business closed/Unable to collect	\$ 441.82
SUPER SHEDS LLC	30PY00800000000	2010	R2	Business closed/Unable to collect	\$ 24.04
SUPER SHEDS LLC	30PY00800000000	2011	R2	Business closed/Unable to collect	\$ 18.12
AUTO STAR	30PA76100000000	2010	K1	Business closed/Unable to collect	\$ 39.85
MAJESTIC SOUND LAB INC	30PM55200000000	2010	K1	Corp closed/Unable to collect	\$ 67.20
MAJESTIC SOUND LAB INC	30PM55200000000	2011	K1	Corp closed/Unable to collect	\$ 52.75
PET CARE SPECIALITIES	30PP57600000000	2010	R1	Business closed/Unable to collect	\$ 19.55
MHF LOGISTICS SOLUTIONS, INC	606739600000001	2010	1516	Corp closed/Unable to collect	\$ 25.97
MHF LOGISTICS SOLUTIONS, INC	606739600000004	2010	1731	Corp closed/Unable to collect	\$ 22.68
MHF LOGISTICS SOLUTIONS, INC	606739600000005	2010	K1	Corp closed/Unable to collect	\$ 23.84
MHF LOGISTICS SOLUTIONS, INC	606739600000006	2010	1331	Corp closed/Unable to collect	\$ 56.22
MHF LOGISTICS SOLUTIONS, INC	606739600000008	2010	1231	Corp closed/Unable to collect	\$ 9.86
MHF LOGISTICS SOLUTIONS, INC	606739600000010	2010	1226	Corp closed/Unable to collect	\$ 18.65
MHF LOGISTICS SOLUTIONS, INC	606739600000012	2010	1613	Corp closed/Unable to collect	\$ 33.13
MHF LOGISTICS SOLUTIONS, INC	606739600000013	2010	P1	Corp closed/Unable to collect	\$ 6.67
MHF LOGISTICS SOLUTIONS, INC	606739600000017	2010	1736	Corp closed/Unable to collect	\$ 17.54
MHF LOGISTICS SOLUTIONS, INC	606739600000018	2010	1615	Corp closed/Unable to collect	\$ 1.31
MHF LOGISTICS SOLUTIONS, INC	606739600000019	2010	R2	Corp closed/Unable to collect	\$ 2.77
MHF LOGISTICS SOLUTIONS, INC	606739600000020	2010	B4	Corp closed/Unable to collect	\$ 2.61
TRAVIS, DONALD A & SUSAN G dba COLUMBIA POINT VISION CLINIC	30PZ51700000000	2005	K1	Bankruptcy filed prior to July 2005/Unable to collect	\$ 439.27
AURORA SUPPLY	30PA70500000000	2010	R3	Business closed/Unable to collect	\$ 13.49
INTEGRITY BUILDERS & DESIGN, INC	30PI07500000000	2010	K1	Corp closed/Unable to collect	\$ 6.22
INTERNATIONAL FUTON COMPANY	30PI52800000000	2010	K1	Business closed/Unable to collect	\$ 34.36
ADVANTAGE CAR & TRUCK SALES	30PT22400000000	2010	K1	Business closed/Unable to collect	\$ 22.01
TRI-CITY SEGWAY	30PT46900000000	2010	R1	Business closed/Unable to collect	\$ 272.95
COMMON GROUNDS	30PC10460000000	2010	W1	Business closed/Unable to collect	\$ 75.41
INTEGRATED LOGISTICS SERVICES INC	30PI12200000000	2009	R3	Corp closed/Unable to collect	\$ 322.73
ARLA DEFIELD	40MC31200000000	2010	K1	MH destroyed/Unable to collect	\$ 28.32
TEAM SUCCESS INC	30PM17600000000	2010	R3	Corp closed/Unable to collect	\$ 18.36
TEAM SUCCESS INC	30PM17600000000	2011	R3	Corp closed/Unable to collect	\$ 19.32
COLUMBIA BIOFUELS LLC	30PC11510000000	2010	1227	Business closed/Unable to collect	\$ 64.59
COLUMBIA BIOFUELS LLC	30PC11510000000	2011	1227	Business closed/Unable to collect	\$ 54.22
CHESTERFIELD FINANCIAL CORP	30PC10090100000	2010	K1	Corp closed/Unable to collect	\$ 221.68
ELEGANT CONCRETE ENGRAVING	30PE28400000000	2010	W1	Business closed/Unable to collect	\$ 37.10
INTERSTATE AUTO SALES LLC	30PI11300000000	2010	K1	Business closed/Unable to collect	\$ 212.73
INTERSTATE AUTO SALES LLC	30PI11300000000	2011	K1	Business closed/Unable to collect	\$ 187.74
PROFESSIONAL AUDIO DANCE	30PP25900000000	2010	P1	Business closed/Unable to collect	\$ 13.85

BENTON COUNTY AGENDA ITEM

AGENDA ITEM: _____	Type of Action		
MEETING DATE: <u>01/24/12 9:00 am</u>	Execute Contract	_____	CONSENT AGENDA _____
SUBJECT: <u>Superior Court LFO Docket And Collection Process</u>	Pass Resolution	_____	PUBLIC HEARING <u>X</u>
	Pass Ordinance	_____	1 ST DISCUSSION _____
Prepared By: <u>Pat Austin</u>	Pass Motion	_____	2 ND DISCUSSION _____
	Other	_____	OTHER _____
Reviewed By: _____	Approve for Hearing	_____	_____

BACKGROUND INFORMATION

In 2008 a Criminal Justice Committee was formed to analyze the process of collection of legal financial obligations (LFOs) and arrived at a recommendation to enhance that program. In 2009 the Superior Court and criminal justice partners established two dockets per month to address outstanding legal financial obligations. In August of 2009 the Criminal Justice Committee approached the Board of County Commissioners for funding to increase the dockets from two per month to weekly dockets. The supplemental request was denied and instructed to proceed through the budget process. During the budget process for the 2010 calendar year the increased budget for dockets was not funded. Over the past three years the number of cases on these dockets has continued to grow creating challenges.

The Criminal Justice Committee has continued to monitor and work on the LFO program throughout 2011 and will present current information regarding the program to the Board so that the Board can be better informed as to the progress and challenges.

SUMMARY

Informational presentation to the Board on the progress and challenges the criminal justice partners are facing with regard to Legal Financial Obligation collections.

RECOMMENDATION

N/A

FISCAL IMPACT

None

MOTION

N/A