

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

Board of County Commissioners BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



to view items in detail, please
click on highlighted area

AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, January 29, 2013 Benton County Courthouse, Prosser, WA

9:00 AM

Call to Order

Approval of Minutes

❖ **January 15, 2013**

Review Agenda

Consent Agenda

Animal Control

a. Line Item Transfer, Fund No. 0000-101, Dept. 137

Auditor

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

Clerk

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

Commissioners

d. One-Time Wage Payment for Non-Bargaining Full Time Benton County Employees

e. Letter to US Senate & House of Representatives re US District Court Judge Appointment for the Eastern District of Washington

f. Canvassing Board Appointment

g. Appointment of M Valdez to the Mid-Columbia Library Board of Trustees

h. Appointment of L Barrett to the Kiona Irrigation District Board of Directors

Coroner

i. Contract w/C Wigren, MD for Autopsy Services

Facilities

j. Line Item Transfer, Fund No. 0000-101, Dept. 120

Fairgrounds

k. Lease Agreement w/Benton Franklin Fair Association

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

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

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

Human Services

o. Adopting 10-Year Plan to End Homelessness, Phase Two

p. Appreciation of M Gerber as Administrative Board Member

q. Appreciation of A Ray as Administrative Board Member

r. Adoption of Benton County Excessive Force Policy

Juvenile

- s. Contract w/Stephenson Computer Consulting
- t. Line Item Transfer, Fund No. 0115-101, Dept. 171
- u. Line Item Transfer, Fund No. 0115-101, Dept. 171
- v. Line Item Transfer, Fund No. 0115-101, Dept. 173
- w. Line Item Transfer, Fund No. 0115-101, Dept. 174

Office of Public Defense

- x. Compensation for Peyman Younesi – 2012 Over Cap Cases
- y. Compensation for Attorney Jan Armstrong – Mediation/Arbitration Services
- z. Professional Services Agreement with Jennifer Johnson
- aa. Professional Services Agreement with Caleb DiPeso
- bb. Professional Services Agreement with Trinity Orosco
- cc. Professional Services Agreement with John Gary Metro
- dd. Professional Services Agreement with Dennis Hanson
- ee. Professional Services Agreement with Thomas Brooks
- ff. Professional Services Agreement with Patrick McBurney

Parks

- gg. Payment Authorization to Benton REA for Upgrades to Rattlesnake Mt Shooting Facility
- hh. Line Item Transfer, Fund No. 0000-101, Dept. 126

Personnel

- ii. 2013 Bi-County Non Bargaining Monthly Benefit Contribution
- jj. Line Item Transfer, Fund No. 0503-101, Dept. 000
- kk. Line Item Transfer, Fund No. 0000-101, Dept. 127
- ll. Appointment of February 2013 Employee of the Month
- mm. Amendment to Resolution 2013-050 Regarding Western States Agency, Inc.

Public Works

- nn. Authorization to Advertise and Bid for Bituminous Surface Treatment 2013
- oo. Certification of 2013 Road Levy and Revenue
- pp. Diverting Road Tax Levy Funds to Current Expense for Traffic Enforcement Purposes
- qq. Line Item Transfer, Fund No. 0501-101, Dept. 650
- rr. Funding Award for 2013 Crushing & Stockpiling
- ss. Quit Claim Deed for Land Exchange for Piert Road
- tt. Purchase Authorization for Four New Ford Heavy Duty Pickups

Sheriff

- uu. Payment Authorization to Commercial Tire
- vv. Purchase Authorization from Dooley Enterprises, Inc, San Diego Police Equipment Company, Inc. and Surplus Ammo & Arms, LLC
- ww. Authorization to Pay Clearwater Collision & Towing
- xx. Line Item Transfer, Fund No. 0000-101, Dept. 120
- yy. Line Item Transfer, Fund No. 0000-101, Dept. 121
- zz. Line Item Transfer, Fund No. 0116-101, Dept. 000
- aaa. Line Item Transfer, Fund No. 0126-101, Dept. 000

Sustainable Development

- bbb. Support Letter to Kennewick Irrigation District

Treasurer

- ccc. Cancelling Taxes for Personal Property Determined As Uncollectible

Scheduled Business:

Grant Application for Litter Cleanup Program w/Department of Ecology ~ Commander Law

Gang Task Force Update ~ Sheriff Keane & Sgt. Trevino

Hanford Communities/Hanford Advisory Board Annual Update ~ A Fyall

Tapteal Greenway/Friends of Badger Mountain Presentation ~ A Fyall

Noxious Weed Board Appointments ~ M Wenner

Voluntary Employees' Beneficiary Account (Veba) Discussion ~ D Sparks & M Wenner

Review of Benton County Code Chapter 7.16 (Outdoor Concerts) ~ Commissioner Small

**Unscheduled Visitors
Board Assignment Update**

Executive Session

4th Quarter Litigation Update ~ R Brown

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, January 15, 2013, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Shon Small
Commissioner James Beaver
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 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; DPA Ryan Brown; Central Services Manager Randy Reid; District Court Administrator Jacki Lahtinen; Clerk Josie Delvin; Treasurer Duane Davidson; Susan Walker, Planning; County Engineer Daniel Ford and Sue Schuetze, Public Works; Erhiza Rivera, Treasurer's Office; Auditor Brenda Chilton; Rosie Sparks, Auditor; Charlene Vowels and Skip Gest, Benton County Noxious Weed.

Approval of Minutes

The Minutes of January 8, 2013 were approved.

Consent Agenda

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

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

Continued Public Hearing on County Road Improvement District #23 – (CRID 23)

Steve Becken asked the Board if they had been contacted by anyone other than staff about this issue and if so, what they discussed.

Commissioner Beaver stated that Cecil Kindle gave him some information in a packet that he did not read and he forwarded to Public Works. Also, he received an email but did not read it.

Chairman Small said he also received an email that he did not read. Additionally, he received a phone call from Mayor Donna Noski and he told her they would not discuss the CRID issue. Also, he had a phone conversation with George Janecek, CID Commissioner and they did not discuss the issue.

Commissioner Delvin said he received packets that he reviewed and he did not attend the first public hearing and looked at the packets prior to becoming a county commissioner. He said he received emails but did not read the emails and had not been in contact with anyone.

Steve Becken read the staff report dated January 8, 2013 that included information regarding benefit and access information for lots requesting to be excluded from the CRID, reverse zonal method of assessment, separation into two CRID's, addition and subtraction of roads, revising assessments, and other items brought up by the public.

Mr. Becken stated that RCW 36.88.030 required assessment estimates not exceed a figure equal to the increased true and fair market value that the improvement added to the property. Additionally, they were not sure what authority the commissioners had to do a special assessment and recommended their office work with the PA to determine what authority the Commissioners had for special assessments and delay making a decision for two to three weeks.

Commissioner Delvin asked if the issue of fair market value increase to property had come up with other CRID's and Mr. Becken said it had not been brought up before. Additionally, he asked if Atlas Road was extended through to 38th, if it would change the 10% requirement. Mr. Becken said the 10% requirement was still there but he thought they could do that and still stay under the 10% based on information received regarding right of way.

Commissioner Beaver said he was bothered by the fact that the issue of assessment and whether the Board had any authority just came up. Additionally, he said that 38th looked like an arterial to him and that it would eventually be owned by someone so wanted to know why it wasn't being built by the County and the City. Mr. Becken said it was privately owned road and Commissioner Beaver said he believed it should be a cooperative effort by the city and county to get it built.

Mr. Becken said that 38th was not in the Six-Year Road Program as a county road project and that would take budget changes.

Chairman Small said first thing first and the County should look at what other counties were doing regarding CRID's and what the legal rights were. Mr. Becken said there was a website they could utilize to make a request to other counties and they usually could get an answer within a week.

Commissioner Beaver said he wanted to postpone the public hearing, review the assessments, and solve the arterial street problem, which he believed was a responsibility of the government.

MOTION: Commissioner Beaver moved to postpone the public hearing.

Commissioner Delvin said after talking to the PA he wanted to abstain from this vote because there were letters submitted that asked him to recuse himself because he signed letters in support as a State Senator before he was elected as county commissioner. He said some issues had been raised on the legal side exactly where the fairness doctrine came in so he should abstain from the vote on the consideration. Commissioner Beaver said his motion was not for the CRID. Commissioner Delvin said he could probably vote on that motion, but wanted to bring up there were legal issues raised from people opposed to it. He said he didn't think he needed to abstain from this motion just to reconsider or delay it.

Commissioner Beaver said he believed the Board needed to do some more homework and thought this project could work if they involved themselves.

The motion was clarified to state it was to continue the public hearing to February 5, 2013 at 9:00 a.m.

Commissioner Delvin asked if they could get a ballpark figure on what it would cost for the County to build 38th and Mr. Becken said he would provide that.

Upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:35 a.m.

Non-Bargaining One-Time Wage Adjustment

David Sparks asked the Board for approval to prepare a resolution for a one-time payment to the non-bargs in lieu of a cost of living adjustment. He said his concern going forward was increasing costs to future budgets, however, there was an opportunity to offer a one-time payment in lieu of a cost of living adjustment. He said they finished negotiations with one union and they returned a letter accepting the proposal.

MOTION: Commissioner Beaver moved to authorize Mr. Sparks to prepare a resolution for the Board's consideration.

Commissioner Delvin asked about the approximate cost and where the money would come from. Mr. Sparks said they would look at a one-time cost out of cash reserves since there was some money carry forward from prior years and the one-time payment would not increase future costs. Commissioner Delvin said he wanted to clarify that elected officials did not get that one-time payment and Mr. Sparks confirmed that was true. He said there were nine non-bargaining positions that were not on the salary schedule but were tied to a COLA or their elected official and asked that those be included in the one-time payment. He said this was along the lines of what they were looking at for the unions as well and one union had approved it and another was going to vote.

Upon vote, the motion carried unanimously.

Commissioner Assignment Update

Commissioner Delvin said he was still fulfilling duties as State Senator. He indicated that Commissioner Beaver went to a water meeting for him and passed along that information and Commissioner Small went to Transit for him. Additionally, Olympia went off to a good start and the committees were all set and he would be coming back and forth until the end of January.

Commissioner Beaver said he attended the Council of Governments; met with Dan McDaniels at the Fair Association; HAIEFIC loan review meeting; water meeting in Yakima; attended the Blue Ribbon Commission at the City of Kennewick; and toured the CRID. Commissioner

Delvin said he took that tour as well. Commissioner Beaver said he would also be attending his first Fairgrounds Improvement Board meeting on Thursday.

Chairman Small said he attended a couple of board meetings as well. He said he attended the Ben-Franklin Transit and they discussed wanting additional representation for the annual meeting in D.C. around the second week in March and asked Commissioner Delvin to think about that. He said also completed the CRID tour on Thursday. Additionally, he requested approval to attend the legislative Tri City Visitor & Convention Bureau meeting in Olympia and the Board agreed. Commissioner Delvin said he would be attending as well and there was no objection noted.

Vouchers

Check Date: 01/04/2013
Warrant #: 235092-235193
Direct Deposit #: 80378-80981
Total all funds: \$2,125,143.85

Check Date: 01/04/2013
Warrant #: 72514-72538
Taxes #: 10113011-10113013
Total all funds: \$2,051,585.70

Check Date: 01/11/2013
Warrant #: 72786-72944
Procurement Cards #113
Total all funds: \$910,506.02

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

Resolutions

2013-034: Contract w/Vista Veterinary Hospital for Veterinarian Services
2013-035: Line Item Transfer, Fund No. 0111-101, Dept. 000
2013-036: Reappointment of P Johnstone-Jones to the Aging and Long Term Care Board
2013-037: Reappointment of J Dosch to the Aging and Long Term Care Board
2013-038: Line Item Transfer, Fund No. 0000-101, Dept. 110
2013-039: Amended Contract w/S Henwood for Indigent Legal Representation
2013-040: 2013 Operations Budget & Facilities Budget Monthly Payments
2013-041: 2013 – 2014 Operations & Facilities Budget Monthly Payments
2013-042: Agreement w/M Mendoza for Indigent Legal Representation
2013-043: Contract w/Apollo Heating & Air for HVAC Services
2013-044: Line Item Transfer, Fund No. 0000-101, Dept. 136
2013-045: Line Item Transfer, Fund No. 0000-101, Dept. 136
2013-046: Payment Authorization to Armstrong, Klym, Waite, Atwood & Jameson, P.S. Law Firm

2013-047: Payment Authorization to Blueline Equipment Company LLC for Tractor Repair
2013-048: Payment Authorization to Tire Factory for Tractor Tires
2013-049: Payment Authorization to Tri-Cities Visitor & Convention Bureau
2013-050: Appointment of Western States Insurance Agency, Inc. as Agent of Record
2013-051: Termination of the Washington Counties Insurance Pool
2013-052: Line Item Transfer, Fund No. 0503-101, Dept. 000
2013-053: Line Item Transfer, Fund No. 0504-101, Dept. 000
2013-054: Line Item Transfer, Fund No. 0000-101, Dept. 117
2013-055: Line Item Transfer, Fund No. 0120-101, Dept. 000
2013-056: Purchase Authorization for Two Backhoes
2013-057: Reappointment of M Plahuta to the Hanford Advisory Board
2013-058: Reappointment of L Lockrem to the Hanford Advisory Board
2013-059: Line Item Transfer, Fund No. 0000-101, Dept. 124

There being no further business before the Board, the meeting recessed until 1:30 p.m. for Noxious Weed Board interviews.

Other Business – Travel Authorization

David Sparks said that Commissioner Delvin wanted to attend the NACo conference the first part of March and wanted permission to schedule that trip.

MOTION: Commissioner Beaver moved to approve. Chairman Small seconded and upon vote, the motion carried.

Noxious Weed Board Interviews

Julie Trumble

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

Ms. Trumble said she was a rancher and farmer and battled noxious weeds in her yard and pasture and was very familiar with its problems. She said the commitment to attend meetings would depend on when they were held because she was involved in other community activities.

Charlene Vowels said the meetings were was once a month and the Board was the general overseer of the department and would authorize any vouchers to be paid and the general program and how to spend the money and the operations was run by the employees.

Ms. Trumble indicated she could commit to that schedule.

2. What experiences have you had that would benefit your performance in the Board's future?

Ms. Trumble said she had been on several boards in the past for other organizations.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

She said she couldn't answer that because she didn't know where they were going and didn't know about future problems, but she had been reading up to see what they were currently doing.

Ms. Vowels said this would be a brand new board and so far they had been a non-enforcement agency and they hadn't needed the enforcement part.

Chairman Small said he was interested in seeing a new creative board and wanted them to review what other counties were doing and raise the bar.

Melina Wenner, via videoconference said it should be noted that Ms. Trumble applied for Position 4 but it appeared she was actually in Position 3. It was stated the Board would have to research the district boundaries and petition signatures before a final decision was made.

The Board briefly recessed, reconvening at 1:50 p.m.

Johan Curtiss

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

She said that agriculture was a very important component of the community and weeds had an economic impact to our community. She said she had a side job working with small farms on these issues and to also make sure they were good stewards. She said she didn't know about any restrictions because she didn't know when the meetings were. She was told they were currently the 3rd Tuesday but that could be changed depending on the new board. She said she served on the West Richland Planning Commission, but her schedule was flexible.

2. What experiences have you had that would benefit your performance in the Board's future?

She said she previously served on the West Richland Chamber Board, the Planning Commission, the Economic Board for West Richland and education boards so she had leadership experience.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

She said it was her understanding the Board had some public outreach to community to educate landowners and not to be the enforcer, but to engage people about what was happening. She said as there was more transportation in and out of the community, they needed to make sure everyone understood the importance of taking care of their property. Also, it was important the organic farmers were not competing with large farmers and pesticides and to do proactive weed control so there wouldn't be conflicts between the two types of growers.

The Board briefly recessed, reconvening at 2:30 p.m.

Richard Roos

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

He said he wanted to be on the Board because noxious weeds were tremendously destructive and devastating to native ecology and he wanted to keep them out of Benton County. He said he had no restrictions as far as meeting on the board.

2. What experiences have you had that would benefit your performance in the Board's future?

He said he managed the noxious weed control board at Hanford and was an ecologist so he understood plants and how to manage them

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

He said they needed to plan carefully and he didn't know if there was a written plan about what to do with noxious weeds in Benton County so they could work proactively. He indicated it was a good program but thought it could be improved with some careful planning. He said if they knew what was there, with a plan in place for that species they could lay out a strategy for years down the road.

The Board briefly recessed, reconvening at 3:08 p.m.

Steven Link

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

He said he was a professional botanist and studied plants in all forms and had done so in this area since 1985. He said he had no problem making the board meetings.

1. What experiences have you had that would benefit your performance in the Board's future?

He indicated his experience was broader in the public sphere and he would take a more vigorous position with respect to the board. He said he wrote columns for the Herald on this specific subject, had experience at the Hanford site, represented the Umatilla Indians and his role was to advise on how the site should be managed or restored. Additionally, he helped raise funds for the weed board.

2. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

He stated the direction for the board for the immediate should be a little more hands-on with the workers. He felt the past manager might have gotten a little too relaxed and so wanted to be more involved so they understood what was happening. He said that beyond the first five years, as the economy grew, funding might need to be increased. He said he was very connected with the political arena here in the County and didn't feel that fundraising or changes in assessment were handled correctly in the past.

Chairman Small said he was not in favor of a 39% assessment increase and was very excited to hear he wanted to be proactive and involved.

Mr. Link said that with only three employees and no manager it was very important to take an active role.

The Board briefly recessed, reconvening at 3:30 p.m.

Charlene Vowels let the Board know that four out of the five board members had to be in the production of agriculture.

Hermann Thoennissen

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

Mr. Thoennissen said he had been in agriculture for 33 years and lived in Benton County for 20 years. He said that over the years he had stepped down from his responsibility in the industry but they all had to take responsibility. He said the meeting schedule should work but he travelled to China twice a year.

2. What experiences have you had that would benefit your performance in the Board's future?

He said he had 33 years in agriculture, mostly tree fruits and worked for Ag Northwest for 15 years. He said he had a strong agriculture background with a Master's Degree in Horticulture.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

He stated that as farmer he enjoyed working with the Board because it was a good resource and connection to the County and dealing with noxious weeds was a never ending battle. He said he believed the future was in developing partners with commodity groups and identifying groups to partner with to combat the weeds. He said it could start in the schools to educate as well.

The Board briefly recessed, reconvening at 3:45 p.m.

David Berry

1. Why do you want to be on the Board and do you have any commitments or restrictions that would prevent you from attending and participating in the meetings?

He said he was a long-time resident and believed a fresh face would assist in identifying issues. He stated he had no conflicts to attend the meetings.

2. What experiences have you had that would benefit your performance in the Board's future?

He said he worked for Franklin County Noxious Weed board and was very familiar with the structure and protocol of the Board. He dealt with weed control on his own farm and was previously a project coordinator in Idaho. He said that most of the time involved weed control and new practices.

3. What direction do you feel is best for the future of the Board? In five years? In ten years? Why do you recommend this direction?

Mr. Berry said there were weed issues in the County that needed to be addressed and being community friendly was important, as well as increasing visibility to the public. He said he had a lot of experience that could be beneficial to help format a little better program that was more visible from the bottom up. He wanted the Board to reach out and fulfill obligations to the community before it went to the Commissioners.

The Board indicated a decision would be made in approximately two weeks.

The Board discussed the different positions with Melina Wenner and Lexi Wingfield and Ms. Wingfield said they would need to continue to recruit Districts 2 and 4. She confirmed the following applicants were in these positions:

Julie Trumble – Position 3
Johan Curtiss – Position 5
Richard Roos – Position 3
Steve Link – Position 5
Hermann Thoennissen – Position 3
David Berry – Position 3
Cathleen Williams – Position 1

Commissioner Beaver said he wanted to make a recommendation that Cathleen Williams be approved for Position 1. He said he read her resume and that she also fulfilled the agriculture requirement.

Commissioner Beaver said he also wanted to recommend Johan Curtiss for Position 5.

Chairman Small said he wanted to take a look at David Berry for Position 3; he liked that he talked about being visible. He said he also liked Hermann Thoennissen for Position 3.

Commissioner Beaver said he could also go with David Berry for Position 3.

The Board agreed to provide three names for recommendations to the full board once Commissioner Delvin returned and asked Personnel Department to verify they were eligible in these districts. Additionally, Personnel would advertise for the open positions.

There being no further business before the Board, the meeting adjourned at approximately 4:03 p.m.

Clerk of the Board

Chairman

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CURRENT EXPENSE FUND NUMBER 0000-101, DEPARTMENT NUMBER 137.

BE IT RESOLVED, by the Board of Benton County Commissioners, that 2011-
2012 funds shall be transferred as outlined in Exhibit "A", attached hereto.

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

cc: Dept., Auditor, File,

Prepared by: K. Mercer

BENTON COUNTY LINE ITEM TRANSFER

Dept Name:

Dept Nbr:

Fund Name:

Fund Nbr:

TRANSFER FROM: Dept.

TRANSFER TO: Dept.

| BASE SUB (6 digit) | LINE ITEM (4 digit) | LINE ITEM NAME | AMOUNT | BASE SUB (6 digit) | LINE ITEM (4 digit) | LINE ITEM NAME | AMOUNT |
|-----------------------|------------------------|--------------------|--------------|-----------------------|------------------------|-----------------------|--------------|
| 521.230 | 3106 | Operating Supplies | \$487 | 521.230 | 5119 | EDC 800 MHZ User Fees | \$487 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$487 | TOTAL | | | \$487 |

Explanation:

During the 2013-2014 budget preparation, it was discovered that the 800 MHZ Usage fee for Animal Control's four radios were budgeted and paid for by the Sheriff's Office. This has been corrected in the 2013-2014 budget and the invoices were supposed to be transferred to Animal Control starting January 1, 2013. However, BCES updated their system and sent Animal Control the 2012 fourth quarter invoice. Transferring 2011-2012 appropriations in order to pay for Animal Control's 2012 fourth quarter 800 MHZ Usage fee (4 radios).

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
ELECTION RESERVE FUND NUMBER 0111101

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: B. Chilton; Auditor; File

CHILTON

BENTON COUNTY LINE ITEM TRANSFER (2013)

Dept Name: Election Reserve Dept Nbr: N/A

Fund Name: Election Reserve Fund Nbr: 0111101

TRANSFER FROM: **Dept.** TRANSFER TO: **Dept.**

| BASE SUB (6 digit) | LINE ITEM (4 digit) | LINE ITEM NAME | AMOUNT | BASE SUB (6 digit) | LINE ITEM (4 digit) | LINE ITEM NAME | AMOUNT |
|-----------------------|------------------------|-----------------------|--------|-----------------------|------------------------|------------------|--------|
| 514.401 | 4103 | Professional Services | \$200 | 514.401 | 4901 | Association Dues | \$200 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$200 | TOTAL | | | \$200 |

Explanation:

To pay for association dues for Auditor and Election Administrator for The Election Center. Cost savings to the County, due to reduced registration fees for training events.

Prepared by: B. Chilton Date: 1/22/13

Approved Denied Date: _____

Chairman

Member

Member

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|------------------|------------------------------|-------|----------------|-------|
| Meeting Date: | 1/29/13 | Execute Contract | _____ | Consent Agenda | XX |
| Subject: | <u>Line Item</u> | Pass Resolution | XX | Public Hearing | _____ |
| | <u>Transfer</u> | Pass Ordinance | _____ | 1st Discussion | _____ |
| Prepared by: | J Delvin | Pass Motion | _____ | 2nd Discussion | _____ |
| Reviewed by: | _____ | Other | _____ | Other | _____ |

BACKGROUND INFORMATION

The Board approved a motion to go to "line item budgeting" effective November 1, 2012.

SUMMARY

A line item transfer in the amount of \$1,000.00 is needed to bring line items current in accordance with Board policy. This transfer is for the 2011-2012 budget.

RECOMMENDATION

Recommend that the resolution is passed allowing line item transfers

FISCAL IMPACT

There is no fiscal impact, no budget adjustment required.

MOTION

Consent Agenda

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CLERKS COLLECTION BUDGET, FUND NUMBER 0000101 DEPARTMENT 106

BE IT RESOLVED, by the Board of Benton County Commissioners, that funds shall be transferred as outlined in Exhibit "A" attached hereto for the 2011-2012 budget.

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: Clerk, Auditor, file

EXHIBIT A

BENTON COUNTY
LINE ITEM TRANSFERS

RESOLUTION No. _____

DEPARTMENT: SUPERIOR COURT CLERK

DEPARTMENT NO.: 106

FUND NAME: CURRENT EXPENSE

FUND NO.: 0000-101

TRANSFER FROM:

TRANSFER TO:

| Base Sub Sub (6 digit) | Line Item Item (4 digit) | LINE ITEM NAME | AMOUNT | Base Sub (6 digit) | Line Item Item (4 digit) | LINE ITEM NAME | AMOUNT |
|------------------------------|--------------------------------|----------------|------------|-----------------------|--------------------------------|----------------------------|------------|
| 512.300 | 4301 | Travel | \$1,000.00 | 512.300 | 4504 | Rentals-Small Equipment | \$1,000.00 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Prepared by: Josie Delvin

Date: January 10, 2013

Approved

Denied

Chairman

Chairman Pro Tem

Member

Date: _____

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF A ONE-TIME WAGE PAYMENT FOR YEAR 2013 FOR NON-BARGAINING FULL-TIME BENTON COUNTY EMPLOYEES

WHEREAS, in 2012 the Board of Benton County Commissioners determined during the 2013-2014 budget process that due to projected budget deficits and in order to maintain current staffing levels, that it would not be able to offer a cost of living adjustment or other wage scale adjustment for 2013; and

WHEREAS, in 2012 the Board of Benton County Commissioners found and determined it was in the best interest of Benton County for future budgeting purposes to consider deferred compensation in the form of a one-time payment to Benton County employees in lieu of a 2013 wage scale increase but that employees working for both Benton and Franklin Counties not be eligible because of Franklin County's inability to assist in any such payment; and

WHEREAS, certain employees, per resolutions 08-781, 08-916, 11-204, and 2012-436, are not on the Benton County non-bargaining salary wage scale; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED by the Board of Benton County Commissioners that it has agreed to provide a one-time payment in lieu of a 2013 wage scale increase based on wages earned February 1, 2013 through May 31, 2013, at the rate of 7.5% of compensation earned during that period, calculated at an annual percentage rate of 2.5%; and

BE IT FURTHER RESOLVED that to be eligible for the one-time payment, the employee must be on the Benton County payroll as of May 31, 2013, and be a Benton County non-bargaining, salary wage scale, full-time employee of only Benton County and not be a county elected official; and

BE IT FURTHER RESOLVED that employees whose pay is outlined in resolutions 08-781, 08-916, 11-204, and 2012-436 shall be eligible for the one-time additional payment in lieu of a permanent pay increase; and

BE IT FURTHER RESOLVED that such one-time payment is scheduled to be made not later than June 30, 2013, and will be subject to all applicable payroll deductions and processed based on employee payroll information on file with payroll for the June 5, 2013 payroll.

Dated this ____ 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**

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

January 29, 2013

The Honorable Patty Murray
United States Senate
449 Russell Senate Building
Washington, DC 20510

The Honorable Maria Cantwell
United States Senate
311 Hart Senate Building
Washington, DC 20510

The Honorable Doc Hastings
United States House of Representatives
1203 Longworth House Building
Washington, DC 20515

Re: United States District Court for the Eastern District of Washington

Dear Senators Murray and Cantwell, and Congressman Hastings:

With the transition of Judge Edward Shea to senior status this past summer, a vacancy has been created in the Eastern District of Washington. For the past several decades, the Eastern District has had four federal judges assigned to it – two in Spokane, one in Richland, and one in Yakima. This arrangement has worked well, as it provides two federal judges each to the Fourth and Fifth Congressional Districts, and it is reflective of the population bases and distribution in Eastern Washington.

We are aware that a committee has been convened to evaluate potential candidates for this open seat and to make a recommendation to the President for the nomination to Congress that he will eventually make. We are also aware of rumors in the community that one consideration regarding this seat is that it might be reassigned to either Spokane or Yakima where the other District Court judges are seated. The possibility of leaving our community without a full-time federal judge causes us concern. This would place significant hardship on our citizens, businesses, and members of our local bar who have business with the Court. They should not be required to travel to Spokane or Yakima in order to access the Court.

As the fourth-largest metropolitan area in the state of Washington and the fastest growing over the past decade, removing the presence of the federal judiciary from the Tri-Cities is counterintuitive.

Over the past couple of years, the federal court system has invested substantially in a new senior judge's chambers at the US Courthouse in Richland. This investment has created sufficient space to allow both Judge Shea and the new judge to be housed in Richland at no additional construction expense.

Based on the population trends that are projected to continue and the recent capital investments that are extant in Richland, maintaining the current geographic balance of federal judges – *and perhaps even expanding the District Court at the Richland location* – is in the best interest of our community and the region.

Thank you for your continuing support of the Tri-Cities community and for your attention to this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Shon Small, Chairman

Jerome Delvin

James Beaver

cc: Mayor John Fox, Richland
Mayor Steve Young, Kennewick
Mayor Matt Watkins, Pasco
Mayor Donna Noski, West Richland
Franklin County Board of Commissioners
Andy Miller, Benton County Prosecutor
Shawn Sant, Franklin County Prosecutor

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | |
|--------------------|------------------|------------------------------|-------|----------------|
| Meeting Date: | 01/29/13 | Execute Contract | _____ | Consent Agenda |
| Subject: | Canvassing Board | Pass Resolution | _____ | Public Hearing |
| | Appt | Pass Ordinance | _____ | 1st Discussion |
| Prepared by: | Marilu Flores | Pass Motion | _____ | 2nd Discussion |
| Reviewed by: | L Smith Kelty | Other | XXX | Other |

BACKGROUND INFORMATION

The Elections Dept will be having a Special Election on February 12, 2013 and a Commissioner (typically the Chairman) needs to be appointed to serve on the Canvassing Board who will meet to canvass the Special Election on February 26, 2013.

SUMMARY

A Commissioner needs to be appointed to serve on the Canvassing Board for the Special Election held on February 12, 2013.

RECOMMENDATION

Appoint Chairman Small to the Elections Department Canvassing Board to canvass the Special election results on Tuesday, February 26, 2013.

FISCAL IMPACT

na

MOTION

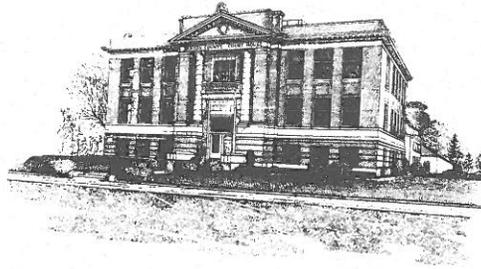
na - on consent agenda

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



CANVASSING BOARD APPOINTMENT

I, Shon Small, Chair of the Benton County Commissioners, hereby designate myself to serve on the Benton County Canvassing Board for the Special Election to be held on February 12, 2013. I will serve for the timeframe January 23, 2013 through February 26, 2013.

DATED this 29th day of January, 2013.

Shon Small
Chair, Board of County Commissioners

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | |
|--------------------|----------------------|------------------------------|-------|----------------|
| Meeting Date: | <u>01/29/13</u> | Execute Contract | _____ | Consent Agenda |
| Subject: | <u>Appt Mid</u> | Pass Resolution | XXX | Public Hearing |
| | <u>Columbia</u> | Pass Ordinance | _____ | 1st Discussion |
| | <u>Library Board</u> | Pass Motion | _____ | 2nd Discussion |
| Prepared by: | <u>Marilu Flores</u> | Other | _____ | Other |
| Reviewed by: | <u>LSK</u> | | | |

BACKGROUND INFORMATION

Benton and Franklin County Board of Commissioners received notification from the Mid-Columbia Library Board of their desire to appoint Martin Valadez to the Board of Trustees due to the current member being ineligible to serve another term. Said appointment would be for a 7-year term expiring on December 31, 2019.

RECOMMENDATION

Approve the attached resolution for the appointment of Martin Valadez to the Mid-Columbia Library Board of Trustees.

FISCAL IMPACT

--

MOTION

Move to approve the resolution for the appointment of Martin Valadez to the Mid Columbia Library Board of Trustees for a term commencing January 1, 2013 and terminating December 31, 2019.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF APPOINTING MARTIN VALADEZ TO THE MID-COLUMBIA LIBRARY BOARD OF TRUSTEES

WHEREAS, there exists a vacancy on the Mid-Columbia Library Board of Trustees; and,

WHEREAS, Martin Valadez has expressed an interest and willingness to serve on the Board for a seven-year term; and,

WHEREAS, the Library's Board of Trustees unanimously voted to recommend Mr. Valadez' appointment; **NOW, THEREFORE**,

BE IT RESOLVED that Martin Valadez is hereby appointed to the Mid-Columbia Library Board of Trustees, said term being from January 1, 2013, expiring on December 31, 2019.

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>01/29/13</u> | Execute Contract | _____ | Consent Agenda |
| Subject: | Kiona Irrigation | Pass Resolution | XXX | Public Hearing |
| | Appt. | Pass Ordinance | _____ | 1st Discussion |
| Prepared by: | Marilu Flores | Pass Motion | _____ | 2nd Discussion |
| Reviewed by: | LSK | Other | _____ | Other |
| | | | | |

BACKGROUND INFORMATION

The Commissioners' Office was notified of Ms. Lydia Barrett's interest to be reappointed to the Kiona Irrigation District Board of Directors for an additional three years.

SUMMARY

Kiona Irrigation District requests the reappointment of Lydia Barrett to the Board of Directors.

RECOMMENDATION

That the Commissioners review the attached letter requesting reappointment of Ms. Barrett to the Kiona Irrigation District and reappoint Ms. Barrett to said Board.

FISCAL IMPACT

--

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF REAPPOINTING LYDIA BARRETT TO THE KIONA IRRIGATION DISTRICT BOARD OF DIRECTORS

WHEREAS, the term for Lydia Barrett (previously Case) expired on December 31, 2012; and

WHEREAS, Lydia Barrett has expressed an interest and willingness to be reappointed for an additional three-year term; **NOW, THEREFORE**,

BE IT RESOLVED that Lydia Barrett is hereby re-appointed to the Kiona Irrigation District, 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

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY:

IN THE MATTER OF A SERVICE AGREEMENT BETWEEN THE BENTON COUNTY CORONER AND CARL WIGREN, MD FOR FORENSIC PATHOLOGY SERVICES

WHEREAS, the Benton County Coroner's Office has utilized Dr. Carl Wigren forensic pathologist service during the past two years when an autopsy was needed in Benton County; and

WHEREAS, Dr. Carl Wigren provided the Benton County Coroner with his 2013 rates, which is up to \$1800 per autopsy, and agrees to continue to serve Benton County as an independent contractor forensic pathologist as availability and schedule permit; and

WHEREAS, the Benton County Coroner is very pleased with the services Dr. Carl Wigren provides and recommends Benton County Commissioners to enter into a contract for said services;

NOW THEREFORE,

BE IT RESOLVED THE Board of County Commissioners, Benton County, Washington hereby agrees to enter a service agreement with Dr. Carl Wigren for forensic pathology services for Benton County Coroner's Office for a service fee of up to \$1800 per autopsy as an independent contractor forensic pathologist which will continue until December 31. 2014; and

BE IT FURTHER RESOLVED the Board of County Commissioners is hereby authorized to sign the attached Service Contract; and

Dated this _____ day of _____, 2013

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: _____ | Execute Contract _____ | Consent Agenda _____ |
| Subject: _____ | Pass Resolution _____ | Public Hearing _____ |
| Prepared by: _____ | Pass Ordinance _____ | 1st Discussion _____ |
| Reviewed by: _____ | Pass Motion _____ | 2nd Discussion _____ |
| | Other _____ | Other _____ |

BACKGROUND INFORMATION:

The Benton County Coroner's Office has had a contract with Dr. Wigren for the past two years, but it has expired. Attached is a contract for the autopsy services of Dr. Carl Wigren. This would be a continuation of his current contract. He would charge up to a maximum of \$1800.00.

Autopsies are performed in about 5% of coroner cases, and on average Benton County has about 40 per year.

SUMMARY

The Benton County Coroner's Office desires to continue the use of Dr. Carl Wigren as a Forensic Pathologist.

RECOMMENDATION

The Benton County Coroner recommends this contract be entered into.

FISCAL IMPACT

This is an ordinary expense of any coroner's office and will cost about \$60,000 to \$80,000 per year.

MOTION

Move to approve the contract between Benton County and Dr. Carl Wigren.

PROFESSIONAL SERVICES CONTRACT
TERMS AND CONDITIONS

THIS CONTRACT is made and entered into by and between BENTON COUNTY, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and Carl Wigren, MD, with his principal offices at 1008 West Galer Street, Seattle, WA 98119 (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 no additional documents.

2. DURATION OF CONTRACT

The term of this Contract shall begin January 1, 2013 and shall expire on December 31, 2014, unless earlier terminated pursuant to Section 9 herein.

3. SERVICES PROVIDED

The CONTRACTOR shall perform the following services:

- a. Complete autopsy and forensic pathologist services as needed by the Benton County Coroner.
- b. The CONTRACTOR shall perform the work specified in the Contract according to standard practices in the medical profession.
- c. COUNTY makes no representation that it will use CONTRACTOR as its sole provider of autopsy and forensic pathologist services. COUNTY has the sole discretion to contract and use other providers for the above listed services.

4. CONTRACT REPRESENTATIVES

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

Orig: File: Coroner
cc: Auditor; R. Ozuna; Commissioners

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|--------------------------|------------------------------|----------|----------------|----------|
| Meeting Date: | <u>01/29/2013</u> | Execute Contract | _____ | Consent Agenda | <u>X</u> |
| Subject: | <u>Line Item</u> | Pass Resolution | <u>X</u> | Public Hearing | _____ |
| | <u>Transfer –</u> | Pass Ordinance | _____ | 1st Discussion | _____ |
| | <u>Facilities (Jail)</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 \$6,760.00 is needed to bring the line items current in Dept. 120 (Facilities Section - Jail) in accordance with Board policy to pay for utilities and repairs/maintenance from the 2011-2012 budget.

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

2011-2012 budget.
 \$6,760.00
 Fund – Current Expense, Dept. 120 (Facilities Section)
 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 | 3135 | Supplies | \$6,760 | 539-500 | 4701 | Utilities | \$3,335 |
| | | | | 539-500 | 4804 | Repair/Maint. Other | \$3,425 |
| | | | | | | | |
| TOTAL | | | \$6,760 | TOTAL | | | \$6,760 |

Explanation:

A line item transfer is needed bring the 2011-2012 budget in compliance with "line item budgeting" to pay for utilities and repairs. This is for the physical environment section (Facilities) in Dept. 120.

Prepared by:

Date:

Approved

Denied

Date: _____

Chairman

Member

Member

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF APPROVING THE LEASE AGREEMENT BETWEEN BENTON COUNTY AND THE BENTON-FRANKLIN FAIR ASSOCIATION: RELATING TO REAL PROPERTY PARCELS 1-0880-200-0009-000; 1-0880-200-0004-000; AND 1-0880-300-0001-000 LOCATED AT THE BENTON COUNTY FAIRGROUNDS

BE IT HEREBY RESOLVED that the Board of Benton County Commissioners hereby approves and agrees to the attached lease agreement between Benton County and the Benton-Franklin Fair Association relating to real property parcels 1-0880-200-0009-000; 1-0880-200-0004-000; and 1-0880-300-0001-000 located at the Benton County Fairgrounds.

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

BENTON COUNTY FAIRGROUNDS

1500 South Oak Street, Bldg #20
Kennewick, WA 99337
(509) 222-3751

LEASE AGREEMENT

TODAY'S DATE: **01/29/2013**

LEASE AGREEMENT NUMBER:

EVENT DATE(S): **02/01/2013 – 07/31/2013**

NUMBER OF DAYS: **N/A**

BUILDING(S) / AREA: **Sundowns Building, race track, horse barns, 4-H arena, and RV parking lot**

LESSEE: **Benton-Franklin Fair Association**

MAILING ADDRESS: **1500 South Oak, Kennewick, WA 99337**

CONTACT: **Dan McDaniels**

HOME PHONE: **N/A**

WORK PHONE: **509-222-3749**

CELLULAR PHONE: **509-727-1464**

TIME OF THE EVENT: **N/A**

TYPE OF EVENT: **Class C Horse Racing, State Licensed Pari-mutuel Horse Racing and other Equine Training and Events**

ESTIMATED ATTENDANCE: **up to 5,000**

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|------------------------------|------------------------------|-----------------------------|
| Meeting Date: <u>1/22/13</u> | Execute Contract _____ | Consent Agenda <u> x </u> |
| Subject: line item transfer | Pass Resolution <u> x </u> | Public Hearing _____ |
| Prepared by: J. Donley | Pass Ordinance _____ | 1st Discussion _____ |
| Reviewed by: K. Mercer | Pass Motion _____ | 2nd Discussion _____ |
| | Other _____ | Other _____ |

BACKGROUND INFORMATION / SUMMARY

Transfer needed to comply with 2012 line item budgeting as approved by resolution 2012-622

RECOMMENDATION

Approve line item transfer.

FISCAL IMPACT

Transferring funds from 575.400.4701 Utilities to 575.400.4703 Waste Disposal. No supplement required.

MOTION

BENTON COUNTY LINE ITEM TRANSFER

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

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 |
|-----------------------|------------------------|----------------|--------------|-----------------------|------------------------|----------------|--------------|
| 575.400 | 4701 | Utilities | \$362 | 575.400 | 4703 | Waste Disposal | \$362 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$362 | TOTAL | | | \$362 |

TRANSFER TO:

Explanation:

Transfer needed to comply with 2012 line item budgeting as approved by resolution 2012-622

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 FAIRGROUNDS OPERATING BUDGET FUND FUND NUMBER #0124-101, DEPARTMENT NUMBER 000.

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

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

< >

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | | |
|------------------------------|------------------------------|----------------|-------------------------------|
| Meeting Date: <u>1/29/13</u> | Execute Contract | _____ | Consent Agenda <u>X</u> _____ |
| Subject: line item transfer | Pass Resolution | <u>X</u> _____ | Public Hearing _____ |
| Prepared by: J. Donley | Pass Ordinance | _____ | 1st Discussion _____ |
| Reviewed by: K. Mercer | Pass Motion | _____ | 2nd Discussion _____ |
| | Other | _____ | Other _____ |

BACKGROUND INFORMATION / SUMMARY

Transfer needed to comply with 2012 line item budgeting as approved by resolution 2012-622

RECOMMENDATION

Approve line item transfer.

FISCAL IMPACT

Transferring funds from 575.400.4701 Utilities to 575.400.4702 Water. No supplement required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

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

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

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

BENTON COUNTY LINE ITEM TRANSFER

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

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 |
|-----------------------|------------------------|----------------|--------|-----------------------|------------------------|----------------|--------|
| 575.400 | 4701 | Utilities | \$694 | 575.400 | 4702 | Water | \$694 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$694 | TOTAL | | | \$694 |

Explanation:

Transfer needed to comply with 2012 line item budgeting as approved by resolution 2012-622

Prepared by: Date:

Approved Denied Date: _____

Chairman

Member

Member

| <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: line item transfer | Pass Resolution <u> x </u> | Public Hearing _____ |
| Prepared by: J. Donley | Pass Ordinance _____ | 1st Discussion _____ |
| Reviewed by: K. Mercer | Pass Motion _____ | 2nd Discussion _____ |
| | Other _____ | Other _____ |

BACKGROUND INFORMATION / SUMMARY

A new groundskeeper was hired and the elimination of the Senior Fair Maintenance Worker position required that funds be redistributed to different positions.

RECOMMENDATION

Approve line item transfer.

FISCAL IMPACT

Transferring funds from 575.400.1556 Senior Fair Maintenance Worker to 575.400.1555 Groundskeeper and 575.400.1551 Fairgrounds Office Manager. No supplement required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

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

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

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

< >

BENTON COUNTY LINE ITEM TRANSFER (2013-2014)

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 |
|-----------------------|------------------------|--------------------------------|----------|-----------------------|------------------------|----------------|----------|
| 575.400 | 1556 | Senior Fair Maintenance Worker | \$69,792 | 575.400 | 1555 | Groundskeeper | \$69,792 |
| 575.400 | 1556 | Senior Fair Maintenance Worker | \$8,604 | 575.400 | 1551 | Office Manager | \$8,604 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$78,396 | TOTAL | | | \$78,396 |

Explanation:

A new groundskeeper was hired and the elimination of the Senior Fair Maintenance Worker position required that funds be redistributed to different positions.

Prepared by:

Date:

Approved

Denied

Date: _____

Chairman

Member

Member

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | | |
|--|---|--|--|
| <p>Meeting Date:</p> <p>Subject: Resolution to accept the 10-Year Plan to End Homelessness, Phase Two, Update 2012</p> <p>Prepared by: Maria Loera, DHS Reviewed by: Tracy Diaz, DHS</p> | <p>Execute Contract _____</p> <p>Pass Resolution _____ <u>X</u> _____</p> <p>Pass Ordinance _____</p> <p>Pass Motion _____</p> <p>Other _____</p> <p>Coordination: Ed Thornbrugh, DHS Tracy Diaz, DHS</p> | | <p>Consent Agenda _____ <u>X</u> _____</p> <p>Public Hearing _____</p> <p>1st Discussion _____</p> <p>2nd Discussion _____</p> <p>Other _____</p> |

BACKGROUND INFORMATION

The original 10-Year Plan to End Homelessness, Phase One was adopted in 2006; an update was needed in order to more closely align the strategic goals and desired outcomes.

The State has sought greater participation from the counties and recently issued grants to the counties that include the Housing and Essential Needs Grant and the Consolidated Homeless Grant.

The 10-Year Plan to End Homelessness, Phase Two, Update 2012 emphasizes the impact that homelessness has on the collateral human services systems, primarily mental health and substance abuse services. It recognizes that homelessness in the most critically ill population elevates costs in other areas of the public safety net. "Housing First" approaches to engaging the seriously ill individuals will aid in managing the costs of the collateral system.

The plan also looks briefly at the coordinated entry approach to streamlining service delivery.

RECOMMENDATION

- To sign the Resolution accepting the 10-Year Plan to End Homelessness, Phase Two, Update 2012.

FISCAL IMPACT

There is no impact on the current expense budget.

MOTION

To approve signing the Resolution to accept the 10-Year Plan to End Homelessness, Phase Two, Update 2012, and to authorize the Chair to sign on behalf of the Board.



RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

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

RE: A RESOLUTION TO ACCEPT THE 10-YEAR PLAN TO END HOMELESSNESS, PHASE TWO, UPDATE 2012; SUBMITTED BY BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES

WHEREAS, the original 10-Year Plan to End Homelessness, Phase One was adopted in 2006; an update was needed in order to more closely align the strategic goals and desired outcomes; and

WHEREAS, the State has sought greater participation from the counties and recently issued grants to the counties that include the Housing and Essential Needs Grant and the Consolidated Homeless Grant; and

WHEREAS, the 10-Year Plan to End Homelessness, Phase Two, Update 2012 emphasizes the impact that homelessness has on the collateral human services systems, primarily mental health and substance abuse services. It recognizes that homelessness in the most critically ill population elevates costs in other areas of the public safety net. "Housing First" approaches to engaging the seriously ill individuals will aid in managing the costs curve of the collateral system; and

WHEREAS, the plan also looks briefly at the coordinated entry approach to streamlining service delivery; **NOW THEREFORE**,

BE IT RESOLVED, that the Board of Benton County Commissioners hereby accept the proposed 10-Year Plan to End Homelessness, Phase Two, Update 2012; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners be, and hereby is authorized to sign this resolution, on behalf of Benton County, accepting the 10-Year Plan to End Homelessness, Phase Two, Update 2012; submitted by Benton and Franklin Counties Department of Human Services.

Dated this day of , 2013

Chair

Chair 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: Subject: <u>Appreciation of an Administrative Board Member</u> | Pass Resolution <u> X </u> Pass Ordinance <u> </u> Pass Motion <u> </u> Other <u> </u> | Consent Agenda <u> X </u> Public Hearing <u> </u> 1st Discussion <u> </u> 2nd Discussion <u> </u> Other <u> </u> |
| Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS | Coordination: Ed Thornbrugh, DHS Joel Chavez, DHS | |

BACKGROUND INFORMATION

The Benton and Franklin Counties Substance Abuse Administrative Board currently meet every other month. Michele Gerber, PhD., resigned her membership to the Board, and the Benton and Franklin Counties Department of Human Services would like to recognize her for her dedication and commitment to Benton and Franklin Counties.

RECOMMENDATION

- Sign the Resolution.

FISCAL IMPACT

There is no impact on the current expense budget.

MOTION

To approve signing the Resolution to allow Michele Gerber, PhD., to be recognized for her dedication and commitment to Benton and Franklin Counties.



Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF APPRECIATION OF AN ADMINISTRATIVE BOARD MEMBER:

WHEREAS, Michele Gerber, PhD., has served on the Benton & Franklin Counties Substance Abuse Administrative Board for 1 ½ years, and

WHEREAS, Ms. Gerber has been a valuable asset to the Board as well as the community, and

WHEREAS, the Benton & Franklin Counties' Department of Human Services wishes to thank her;
NOW THEREFORE,

BE IT RESOLVED, that Michele Gerber, PhD., is hereby recognized for her dedication and commitment to Benton and Franklin Counties.

Dated this day of, 2013

Dated this day of, 2013

Shon Small, Chair

Rick Miller, Chair

Jerome Delvin, Chair Pro Tem

Robert. E. Koch, Chair Pro Tem

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

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

Attest:

Attest:

Clerk of the Board

Clerk of the Board

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | | | |
|--|--|--|---|--|
| Meeting Date: Subject: <u>Appreciation of an Administrative Board Member</u> | Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____ | | Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____ | |
| Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS | Coordination: Ed Thornbrugh, DHS Joel Chavez, DHS | | | |

BACKGROUND INFORMATION

The Benton and Franklin Counties Substance Abuse Administrative Board currently meet every other month. Andrea Ray resigned her membership to the Board, and the Benton and Franklin Counties Department of Human Services would like to recognize her for her dedication and commitment to Benton and Franklin Counties.

RECOMMENDATION

- Sign the Resolution.

FISCAL IMPACT

There is no impact on the current expense budget.

MOTION

To approve signing the Resolution to allow Andrea Ray, to be recognized for her dedication and commitment to Benton and Franklin Counties.



Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF APPRECIATION OF AN ADMINISTRATIVE BOARD MEMBER:

WHEREAS, Andrea Ray has served on the Benton & Franklin Counties Substance Abuse Administrative Board for 2 years, and

WHEREAS, Ms. Ray has been a valuable asset to the Board as well as the community, and

WHEREAS, the Benton & Franklin Counties' Department of Human Services wishes to thank her;
NOW THEREFORE,

BE IT RESOLVED, that Andrea Ray is hereby recognized for her dedication and commitment to Benton and Franklin Counties.

Dated this day of, 2013

Dated this day of, 2013

Shon Small, Chair

Rick Miller, Chair

Jerome Delvin, Chair Pro Tem

Robert. E. Koch, Chair Pro Tem

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

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

Attest:

Attest:

Clerk of the Board

Clerk of the Board

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | | |
|--|--|--|---|
| Meeting Date: Subject: <u>Resolution adopting the Benton County Excessive Force Policy</u> | Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____ | | Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____ |
| Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS | Coordination: Ryan Lukson, BCPA Sheriff Steven Keane, BCSO Ed Thornbrugh, DHS | | |

BACKGROUND INFORMATION

The Congress of the United States has passed Section 104(l) to the Title I of the Housing and Community Development Act stating that no Community Development Block Grant (CDBG) funds may be obligated or expended by any unit of general local government that fails to adopt and enforce a policy of prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

The County of Benton has received a Community Development Block Grant and is required to comply with the Title I of the Housing and Community Development Act.

The Benton County Excessive Force Policy has been reviewed by Sheriff Keane, and approved as to form by Ryan Lukson of the Benton County Prosecuting Attorney's Office.

RECOMMENDATION

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

FISCAL IMPACT

There is no impact on the current expense budget.

MOTION

To approve signing a Resolution supporting the Benton County Excessive Force Policy, and authorize the Chair to sign on behalf of the Board.



RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

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

RE: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
BENTON COUNTY, WASHINGTON, ADOPTING POLICY PROTECTING
INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS
DEMONSTRATION, OTHERWISE KNOWN AS THE BENTON COUNTY
EXCESSIVE FORCE POLICY

WHEREAS, the Congress of the United States has passed Section 104(l) to the Title I of the Housing and Community Development Act stating that no Community Development Block Grant (CDBG) funds may be obligated or expended by any unit of general local government that fails to adopt and enforce a policy of prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction; and

WHEREAS, the County of Benton has received a Community Development Block Grant and is required to comply with the Title I of the Housing and Community Development Act; and

WHEREAS, the failure to enforce such policies may cause the COUNTY to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED, by the Benton County, Washington, Board of Commissioners hereby approved the following Excessive Force Policy:

SECTION 1 It is the POLICY of the COUNTY that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and nonviolent civil rights demonstrations within the COUNTY boundaries.

SECTION 2 It is the POLICY of the COUNTY to enforce applicable state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

SECTION 3 The COUNTY COMMISSIONERS will coordinate with the County Sheriff to implement this Resolution by amending applicable Sherriff's Office procedures.

APPROVED this ____ day of _____ 2013.

Chair

Chair Pro Tem

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

Attest:

Clerk of the Board

| | | |
|--|------------------------------|----------------------------|
| AGENDA ITEM: Consent | TYPE OF ACTION NEEDED | CONSENT AGENDA <u>xx</u> |
| MEETING DATE: B/C 01-29-13 F/C 02-06-13 | Executive Contract XX | PUBLIC HEARING |
| SUBJECT: Personal Services Contract with Stephenson Computer Consulting | Pass Ordinance XX | 1 st DISCUSSION |
| Prepared By: Toni Lehman | Pass Motion | 2 nd DISCUSSION |
| Reviewed By: Sharon A. Paradis | Other | OTHER |

BACKGROUND INFORMATION

Stephenson Computer Consulting is an expert in their industry and has provided development and maintenance for the Benton-Franklin Counties Juvenile Justice Center Juvenile Tracking System (JTS) for many years. Stephenson's staff is extremely familiar with the many facets of the Juvenile Center's complex computer system and they are timely and quick in their ongoing service. This Personal Services Contract that is presented would continue uninterrupted service from January 1, 2013 through December 31, 2015.

SUMMARY

Stephenson Computer Consulting will provide maintenance support and program enhancement/development for the Benton-Franklin Counties Juvenile Justice Center's Juvenile Tracking System.

RECOMMENDATION

We recommend that the Board of Commissioners of Benton County and the Board of Commissioners of Franklin County sign the Personal Services Contract between Stephenson Computer Consulting 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; Ryan Verhulp, Franklin County Deputy Prosecuting Attorney who reviewed the contract as to form; Jim Stephenson, Contractor and Sharon Paradis, Administrator for the Benton-Franklin Counties Juvenile Justice Center.

FISCAL IMPACT

Amount not to exceed \$85,000.00 to be paid out of Juvenile Funds Dept. 171 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 the personal service contract with Stephenson Computer Consulting.

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 PERSONAL SERVICES CONTRACT BETWEEN THE JUVENILE JUSTICE CENTER AND STEPHENSON COMPUTER CONSULTING, and

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 price"; and

WHEREAS, The Benton-Franklin Counties Juvenile Justice Center had a contract with Stephenson Computer Consulting from January 1, 2010 through December 31, 2012 via Benton County Resolution 09-819 and Franklin County Resolution 2009-501; and

WHEREAS, The Personal Services Contract was not received back from Stephenson Computer Consulting until January 10, 2013 and is backdated to January 1, 2013 so that services are not disrupted; and

WHEREAS, the Juvenile Administrator recommends entering into a contract for 2013-2015;
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 Administrator's recommendation and hereby awards the personal services contract to Stephenson Computer Consulting in an amount not to exceed \$85,000.00; and

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

BE IT FURTHER RESOLVED, the term of the attached contract commences on January 1, 2013 and expires on December 31, 2015.

DATED this 29th day of January 2013
BENTON COUNTY BOARD OF COMMISSIONERS

DATED this 6th day of February 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

**BENTON-FRANKLIN COUNTIES
PERSONAL SERVICES CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between BENTON COUNTY, a political subdivision of the State of Washington, with its principal offices at 620 Market Street, Prosser, WA 99350 and Franklin County, a political subdivision of the State of Washington, with its principal offices at 1016 North Fourth Avenue, Pasco, WA 99301, by and for the Benton/Franklin Counties Juvenile Justice Center, a bi-county agency located at 5606 W. Canal Place STE 106, Kennewick, WA 99336 (hereinafter collectively referred to as "COUNTIES"), and Stephenson Computer Consulting with its principal offices at 328 Idaho Street, PO Box 1713, Twin Falls, Idaho 83303-1713 (hereinafter "CONTRACTOR").

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

1. CONTRACT DOCUMENTS

This Contract consists of the following documents:

- a. Exhibit A CONTRACTOR Maintenance Support and Program Enhancement/Development Responsibilities
- b. Exhibit B COUNTIES Responsibilities

2. DURATION OF CONTRACT

The term of this Contract shall begin on January 1, 2013 and shall expire on **December 31, 2015** 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 Maintenance Support and Program Enhancement/Development for the COUNTIES as detailed in Exhibit A on no less often than a quarterly basis unless approved otherwise in writing by the COUNTIES' Contract Representative, which is attached hereto and incorporated herein by reference.

- a. **System Administrators:** The COUNTIES shall designate two (2) System Administrators and one (1) alternate as follows:

Primary: Carol Vance
(509) 736-2716
carol.vance@co.benton.wa.us

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN JUVENILE FUND NUMBER 0115-101, DEPARTMENT NUMBER 171 - OPERATIONS, AND

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

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

Attest: _____
Clerk of the Board

cc: Dept., Auditor, File,

Prepared by: J. Bowe

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN JUVENILE FUND NUMBER 0115-101, DEPARTMENT NUMBER 171 - OPERATIONS, AND

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

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

Attest: _____
Clerk of the Board

cc: Dept., Auditor, File,

Prepared by: J. Bowe

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN JUVENILE FUND NUMBER 0115-101, DEPARTMENT NUMBER 173 - "CONTRACT - FEE FOR SERVICE", AND

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

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

Attest: _____
Clerk of the Board

cc: Dept., Auditor, File.

Prepared by: J. Bowe

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN JUVENILE FUND NUMBER 0115-101, DEPARTMENT NUMBER 174 - "GRANT - REIMBURSEMENT", AND

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

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

Attest: _____
Clerk of the Board

cc: Dept., Auditor, File,

Prepared by: J. Bowe

**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"/> Consent agenda |
| <input checked="" type="checkbox"/> Pass resolution | <input type="checkbox"/> Public hearing |
| <input type="checkbox"/> Pass ordinance | <input type="checkbox"/> 1 st discussion |
| <input type="checkbox"/> Pass motion | <input type="checkbox"/> 2 nd discussion |
| <input type="checkbox"/> Other (describe) | <input type="checkbox"/> Other |

Requested meeting date: **January 22, 2013**
Presentation length:
Presenting elected office/department: **OPD**
Prepared by: **Eric Hsu**
Reviewed by: **Loretta Smith-Kelty**

BACKGROUND INFORMATION

Attorney Peyman Younesi ("Attorney") provided indigent defense services to Benton County for District Court cases in 2012 by way of contract. Attorney's contract provided for a maximum of 390 cases to be assigned to him. Because of caseload needs, 10 additional cases above and beyond the 390 cases were assigned to attorney.

SUMMARY

Compensation for attorney Peyman Younesi's 10 additional cases in the amount of \$168.30 per case for a total of \$1,683.00.

RECOMMENDATION

Approve resolution.

ANTICIPATED FISCAL IMPACT

\$1,683.00 should be absorbed within the 2012 pre-allocated budget.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

**IN THE MATTER OF COMPENSATING ATTORNEY PEYMAN YOUNESI FOR CASES
ASSIGNED TO HIM IN EXCESS OF HIS CONTRACTUAL CASE CAP FOR 2012**

WHEREAS, attorney Peyman Younesi (“Attorney”) provided indigent defense services to Benton County for District Court cases in 2012 by way of contract via Resolution 10-544; and

WHEREAS, Attorney’s contract provided for a maximum of 390 cases to be assigned to him; and

WHEREAS, because of caseload needs, additional cases above and beyond 390 cases were assigned to Attorney; and

WHEREAS, using records maintained by the Office of Public Defense, provided by District Court and provided by Attorney, Attorney’s claim for 10 overage cases has been fully verified; and

WHEREAS, it is appropriate to compensate Attorney in the amount of \$168.30 per case for overage cases, equivalent to the per-case compensation for the 390 cases that are contemplated by the contract;

NOW THEREFORE, BE IT RESOLVED THAT Attorney Peyman Younesi be compensated in the amount of \$168.30 per case for the 10 cases he claimed for 2012 in excess of his contractual case cap for the year, for a total compensation of \$1,683.00.

Dated this day of , 20

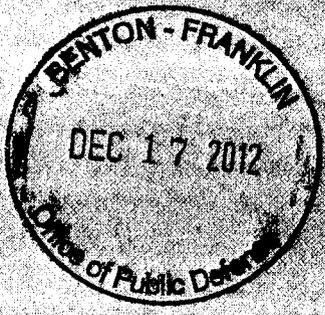
Chairman of the Board

Chairman Pro-Tem

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

Attest:
Clerk of the Board

UNIFORM CLAIM FOR COMPENSATION – LEGAL SERVICES

| | | | |
|---|--|---|---|
| Attorney of Record <h3 style="text-align: center; margin: 0;">PEYMAN YOUNESI</h3> | | Contract No. (please contact us if you <u>do not have a contract no. – this is required</u>) | |
| Case Name (if applicable) | | Court: <input type="checkbox"/> Benton Superior <input type="checkbox"/> Franklin Superior <input checked="" type="checkbox"/> Benton District <input type="checkbox"/> Franklin District <input type="checkbox"/> BF Juvenile | Case Number (if applicable) <p style="text-align: center; font-weight: bold;">Sealed</p> |
| Claim for compensation for: Homicide case (part of panel contract) Homicide case (separate contract for this case) Other approved per hour se Approved compensation for over cap ARRAINMENTS: OVERAGES | | Maximum authorized amount for case or contract (if applicable) | Tracking No. (Office use only) <div style="text-align: center;">  </div> |
| Separate contract for coverage RALJ Appeal Truancy board coverage Truancy docket | | Amounts previously paid out of maximum (if applicable) | |
| Amount being requested in this Claim for Compensation <div style="text-align: center; font-size: 24px;"> 1,640 — 1,683⁰⁰ py </div> | | Amounts previously paid out of maximum (if applicable) | |

I hereby certify under penalty of perjury as provided for by the laws of the State of Washington that:

- pursuant to the terms of the contract referenced above, I am entitled to the amount of compensation claimed above;
- the attached detailed billing statement is true and accurate to the best of my knowledge;

This Claim for Compensation must be accompanied by a detailed itemized statement in order for payment to be approved.


 Attorney of Record

Date 12/14/12

To the Benton or Franklin County Auditor – You are hereby requested to disburse the amount stated in the shaded box below directly to the attorney of record identified above.

| | | |
|-------------------------|------|----------------|
| OPD/JJC Approval | | Amount: |
| Authorized signature | Date | |
| | | |

Upon conviction the Benton County Clerk may assess these costs directly upon defendant
 Benton & Franklin Office of Public Defense
 7122 W Okanogan Pl, Bldg A
 Kennewick, WA 99336
 Tel: (509) 222-3700 Email: opd@co.benton.wa.us

**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 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other |
| Requested meeting date: January 22, 2013 Presentation length: Presenting elected office/department: OPD Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty | |

BACKGROUND INFORMATION

Benton County had a contractual dispute with public defense contractors Scott Johnson, Dan Arnold and Kevin Holt. The matter was mediated on November 5, 2012 and resolved with a CR2A settlement agreement. The settlement agreement provided that any dispute within the settlement agreement was to be arbitrated with attorney Jan Armstrong (the mediator) sitting as arbitrator. Later in the month, a dispute as to caseloads and caseload maximums (an integral part of the CR2A settlement agreement) came about and attorney Armstrong was contacted in anticipation of using his services to arbitrate the dispute. After attorney Armstrong provided some limited services in preparation for the arbitration, the continued dispute about the caseloads/maximums was resolved. It is appropriate to pay attorney Armstrong's invoice for his limited services rendered.

SUMMARY

Request execution of resolution directing payment of attorney Jan Armstrong's invoices dated December 26, 2012, for limited services rendered in anticipation of arbitration of dispute pertaining to CR2A settlement.

RECOMMENDATION

Approve resolution as presented.

ANTICIPATED FISCAL IMPACT

Fiscal impact of \$418 is anticipated, to be paid from Risk Management funds.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COMPENSATING ATTORNEY JAN ARMSTRONG FOR MEDIATION/ARBITRATION SERVICES

WHEREAS, Benton County ("County") and contract attorneys Scott Johnson, Dan Arnold and Kevin Holt ("Attorneys") had a contractual dispute that was subject to mediation and the mediation was in fact held on November 5, 2012; and

WHEREAS, the terms of the CR2A settlement agreement between the parties that was arrived at following the November 5, 2012 mediation provided that any dispute as to the terms of the settlement would be resolved by attorney Armstrong sitting as Arbitrator; and

WHEREAS, there in fact was, temporarily, a continued dispute about the terms of the settlement agreement relating to caseloads and caseload caps for 2012 for attorneys Scott Johnson and Kevin Holt; and

WHEREAS, the services of attorney Armstrong were temporarily retained by the County and Attorneys in anticipation of the need to resolve the continued dispute via arbitration; and

WHEREAS, after certain limited services were rendered by attorney Armstrong, the County and Attorneys came to a mutually acceptable resolution to the continued dispute, thereby obviating the needing for additional services from attorney Armstrong;

NOW THEREFORE, BE IT RESOLVED THAT the invoices for additional limited services provided by attorney Armstrong in preparation for possibly arbitrating a CR2A settlement agreement between Benton County and attorneys Scott Johnson and Kevin Holt in the total amount of \$418.00 (as split between the parties) be paid as presented.

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

**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 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other |
| Requested meeting date: January 29, 2013 Presentation length: Presenting elected office/department: OPD Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty | |

BACKGROUND INFORMATION

Anticipated total appointment caseloads in Benton County District Court for 2013 and future years is beyond the cumulative capacity of existing "monthly compensation" contractors. As such, it is necessary to either procure additional monthly compensation contracts or contract with attorneys to provide services on a "per case" basis. The latter was chosen for its flexibility and cost effectiveness. Attorney Jennifer Johnson is qualified, available and willing to provide representation on a "per case" basis.

SUMMARY

The presented contract is for public defense services in Benton County District Court on a "per case" basis, with attorney Jennifer Johnson. This is necessary to meet the caseload needs for the year 2013 and beyond.

RECOMMENDATION

Request execution of contract for public defense services with attorney Jennifer Johnson for "per case" public defense representation in Benton County District Court.

ANTICIPATED FISCAL IMPACT

No fiscal impact anticipated beyond budgeted funds.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF EXECUTING A PROFESSIONAL SERVICES AGREEMENT WITH ATTORNEY JENNIFER JOHNSON TO PROVIDE INDIGENT DEFENSE SERVICES IN BENTON COUNTY DISTRICT COURT ON CONFLICT AND OVERFLOW CASES

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

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 number of contract indigent defense attorneys in Benton County is, by design, one less than would be necessary to cover the anticipated caseload in 2013; and

WHEREAS, the purpose for this contract staffing strategy is to ensure that all attorneys reach their contractual caps and to provide for the ability to better fine-tune caseloads; and

WHEREAS, attorney Jennifer Johnson is ready, willing and qualified to provide indigent defense services on some of these anticipated overage cases as well as any conflict cases that may arise; and

NOW THEREFORE, BE IT RESOLVED THAT the proposed professional services agreement, designated BCDC1313JLJ001L with attorney Jennifer Johnson whereby she will be available to provide indigent defense services in Benton County District Court on a per-case, as-needed basis (with no minimum periodic compensation), at the rate of \$164 per case plus trial per diems and other expenses as applicable, as set forth in section 12 of the presented agreement, for a maximum of 250 cases per year.

BE IT FURTHER RESOLVED that the presented agreement commence effective January 1, 2013 and expire on December 31, 2013, as set forth in the agreement.

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

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL
REPRESENTATION TO INDIGENT PERSONS IN
BENTON COUNTY DISTRICT COURT
CONTRACT # BCDC1313JLJ001L**

THIS AGREEMENT is entered into by and between Jennifer Lee Johnson, attorney at law, dba Delorie Johnson, PLLC, Washington State Bar Association #39430 ("Attorney"); and BENTON COUNTY, a State of Washington political subdivision ("County"), for and on behalf of the Benton County District Court.

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

- A. The County has the legal responsibility to provide legal defense services to indigent persons charged with misdemeanor criminal offenses alleged to have been committed within the County's 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 County to provide legal services to indigent persons subject to misdemeanor criminal charges in the Benton County District Court.

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

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of **January 1, 2013**, and shall continue thereafter through and including the **31st day of December 2013**, 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 **1030 N Center Parkway, Suite 210, Kennewick, WA 99336**. Attorney's current local office telephone and fax numbers are **(509) 539-7631** and **(509) 222-2223** respectively; and Attorney's current office/work e-mail address is **Jenny@deloriejohnson.com**.

b. Throughout the entire term of this Agreement, Attorney shall continue to maintain such an office, such telephone and fax numbers, and such e-mail address; provided that, however, Attorney may relocate Attorney's office to another location within the greater Tri-Cities, Washington, and/or Attorney may change Attorney's telephone/fax number to another greater Tri-Cities local telephone/fax number, and/or Attorney may change Attorney's e-mail address, provided that Attorney must provide immediate written notice of such change(s)

**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 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other |
| Requested meeting date: January 29, 2013 Presentation length: Presenting elected office/department: OPD Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty | |

BACKGROUND INFORMATION

Benton County is obligated by law to provide indigent criminal defense services in Benton County District Court.

After a Request for Qualifications, attorney Caleb DiPeso was selected as being suitable for a public defense contract by virtue of his aptitude for, and commitment to, public defense. However, attorney DiPeso does not have the requisite amount of experience necessary to be the sole, unsupervised, holder of a public defense contract. Accordingly, a separate contract has been awarded to attorney Trinity Orosco whereby she will be mentoring and supervising the work of attorney DiPeso, with the compensation due to attorney Orosco being deducted from the compensation to be paid to attorney DiPeso so that there is no negative fiscal impact to the County as a result of this arrangement.

SUMMARY

After a RFQ, attorney DiPeso was awarded a public defense contract for Benton County District Court. In light of his limited experience, attorney DiPeso will be mentored and supervised by attorney Orosco pursuant to a separate contract.

RECOMMENDATION

Request execution of a contract for public defense with attorney Caleb Dipeso for public defense services in District Court.

ANTICIPATED FISCAL IMPACT

None beyond regularly budgeted funds for fiscal biennium 2013-2014.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF EXECUTING A PROFESSIONAL SERVICES AGREEMENT WITH ATTORNEY CALEB DIPESO TO PROVIDE INDIGENT DEFENSE SERVICES IN BENTON COUNTY DISTRICT COURT

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

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, after a Request for Qualifications, attorney Caleb DiPeso was found to be suitable to be awarded a public defense contract by reason of his aptitude for, and commitment to, public defense; and

WHEREAS, despite his qualifications, attorney DiPeso does not possess the requisite length of experience to be sole, unsupervised holder of a public defense contract; and

WHEREAS, a separate mentoring and supervision contract has been awarded to attorney Trinity Orosco who will be mentoring and supervising the work of attorney DiPeso, with the compensation due attorney Orosco to be deducted from the compensation that would otherwise be due to attorney DiPeso;

NOW THEREFORE, BE IT RESOLVED THAT the Benton County District Court public defense contract with Caleb Dipeso, Attorney at Law, designated BCDC1314CD001 with compensation in the amount of \$4,469.75 per month (proratable for any partial month) from January 7, 2013 to March 8, 2013, \$5,169.75 per month (proratable for any partial month) from March 8, 2013 to May 10, 2013 and \$5,469.75 per month (proratable for any partial month) after completion of the Mentorship Program (unless the said contract is modified as provided in its terms, to allow for continued supervision on an as-needed, hourly basis) with a maximum case equivalent limit of 390 per year, plus trial per diems and other additional incidental compensation be executed as presented. The presented agreement commences January 7, 2013 and expires on December 31, 2014.

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

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL
REPRESENTATION TO INDIGENT PERSONS IN
BENTON COUNTY DISTRICT COURT
CONTRACT # BCDC1314CD001**

THIS AGREEMENT is entered into by and between **Caleb Dipeso**, attorney at law, Washington State Bar Association # **45233** ("Attorney"); , and **BENTON COUNTY**, a State of Washington political subdivision ("County"), for and on behalf of the Benton County District Court.

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

- A. The County has the legal responsibility to provide legal defense services to indigent persons charged with misdemeanor criminal offenses alleged to have been committed within the County's jurisdictional boundaries.
- B. Attorney is engaged in the private practice of law, and desires to contract with the County to provide legal services to indigent persons subject to misdemeanor criminal charges in the Benton County District Court.
- C. Attorney needs some additional direct experience litigating cases involving persons charged with criminal offenses, and Attorney and the Counties recognize the need to create an opportunity and process for Attorney to gain that experience without compromising the rights and interests of represented indigent clients via limiting the number and types of cases appointed to Attorney for a period of time and via having an experienced attorney also under contract with the County to provide criminal defense services in District Court directly and independently mentor Attorney and supervise and report on Attorney's performance and progress under this Agreement.

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

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of **January 7, 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 **1030 North Center Parkway, Kennewick, WA 99336**. Attorney's current local office telephone and fax numbers are **(509)**

**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 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other |
| Requested meeting date: January 29, 2013 Presentation length: Presenting elected office/department: OPD Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty | |

BACKGROUND INFORMATION

Benton County is obligated by law to provide indigent criminal defense services in Benton County District Court. Following a Request for Qualifications, it was determined that despite his lack of experience, attorney Caleb DiPeso had an excellent aptitude and proven commitment to public defense to fill a recently vacated contract slot. To account for attorney DiPeso's lack of experience, attorney Trinity Orosco has been assigned to mentor and supervise attorney DiPeso for up to the first six months of his public defense contract. The compensation for attorney Orosco's services will be deducted from the compensation that would otherwise be paid to attorney DiPeso so that there will be no net fiscal impact on the County as a result of this arrangement.

SUMMARY

Attorney Caleb DiPeso, who has been selected for a District Court public defense contract, does not have the requisite amount of experience for the position, but has an excellent aptitude and commitment to public defense. Attorney Trinity Orosco, an experienced District Court public defender, has been selected to mentor and supervise attorney DiPeso. A contract for mentoring and supervision services with attorney Orosco has been presented for execution.

RECOMMENDATION

Request execution of a contract for public defense with attorney Trinity Orosco for public defense mentoring and supervision services in District Court.

ANTICIPATED FISCAL IMPACT

None beyond regularly budgeted funds for fiscal biennium 2013-2014.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING A DISTRICT COURT PUBLIC DEFENSE MENTORING AND SUPERVISION CONTRACT TO TRINITY OROSCO, ATTORNEY AT LAW

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

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, after a Request for Qualifications, attorney Caleb DiPeso was selected as have the right aptitude and commitment level for a public defense contract despite not having the requisite amount of experience to manage such a contract on his own; and

WHEREAS, arrangements have been made with Trinity Orosco, a well experienced District Court public defender, to mentor and supervise attorney Caleb DiPeso for the first six months of his contract period so as to ensure that he is able to fulfill his obligations to clients and to Benton County in a satisfactory manner;

NOW THEREFORE, BE IT RESOLVED THAT the Benton County District Court public defense mentoring and supervision contract with Trinity Orosco, Attorney at Law, designated BCDC1313TJO001S1 with compensation in the amount of \$900.00 per month (proratable for any partial month) from January 7, 2013 to March 8, 2013, the amount of \$450.00 per month (proratable for any partial month) payable on the last business day of the month for the period from March 8, 2013 to May 10, 2013, and the sum of \$30.00 per hour for any as-needed supervision or mentoring necessary for the remainder of 2013 be executed as presented. The presented agreement commences January 7, 2013 and expires on December 31, 2013.

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**

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE ATTORNEY
SUPERVISION SERVICES IN
BENTON COUNTY DISTRICT COURT
CONTRACT # BCDC1313TJO001S**

THIS AGREEMENT is entered into by and between TRINITY J OROSCO, attorney at law, Washington State Bar Association #41366 ("Attorney"); and BENTON COUNTY, a state of Washington political subdivisions ("County"), for and on behalf of the Benton County District Court

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

- A. County has the legal responsibility to provide legal defense services to indigent persons charged with criminal offenses alleged to have been committed within County's respective jurisdictional boundaries.
- B. Attorney is engaged in the private practice of law and has over two years of direct experience in representing indigent persons charged with gross misdemeanor, and misdemeanor criminal offenses in District Court.
- C. Attorney has previously contracted with, and is presently under a professional services agreement with, the County to provide legal services to indigent persons in District Court.
- D. County is contemporaneously entering into a professional services agreement with a recently-graduated and recently-licensed Washington attorney by the name of Caleb DiPeso ("New Attorney") to provide legal services to indigent persons charged with criminal offenses in Benton County District Court.
- E. Because New Attorney presently has limited experience in litigating cases involving persons charged with criminal offenses, New Attorney and the County have recognized the need to create an opportunity and process for New Attorney to gain that experience without compromising the rights and interests of represented indigent clients via having Attorney directly and independently mentor and supervise New Attorney.
- F. Attorney is willing and duly-qualified to mentor and supervise New Attorney, and Attorney desires to contract with the County for that purpose.

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

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of the January 7, 2013 and shall continue thereafter through and including

**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"/> Consent agenda |
| <input checked="" type="checkbox"/> Pass resolution | <input type="checkbox"/> Public hearing |
| <input type="checkbox"/> Pass ordinance | <input type="checkbox"/> 1 st discussion |
| <input type="checkbox"/> Pass motion | <input type="checkbox"/> 2 nd discussion |
| <input type="checkbox"/> Other (describe) | <input type="checkbox"/> Other |
| Requested meeting date: January 29, 2013 Presentation length: Presenting elected office/department: OPD Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty | |

BACKGROUND INFORMATION

Benton County is obligated by law to provide indigent criminal defense services in Benton County District Court.

SUMMARY

After a request for qualifications process, attorney John Gary Metro has expressed interest in providing such services and is, in the opinion of the Indigent Defense Coordinator, qualified and capable of providing such services.

RECOMMENDATION

Request execution of a contract for public defense with attorney John Gary Metro for public defense services in District Court.

ANTICIPATED FISCAL IMPACT

None beyond regularly budgeted funds for fiscal biennium 2013-2014.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

**IN THE MATTER OF AWARDING A DISTRICT COURT PUBLIC DEFENSE CONTRACT TO
JOHN GARY METRO "Gary Metro", ATTORNEY AT LAW**

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

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, Benton County nevertheless utilized a Request for Qualifications ("RFQ") process, received many applications and interviewed many applicants; and

WHEREAS, after a thorough review of the qualifications of the applicants who responded to the RFQ it was decided that it appears to be in the best interests of Benton County to award a Benton County District Court public defense contract to Gary Metro; and

NOW THEREFORE, BE IT RESOLVED THAT the Benton County District Court public defense contract with Gary Metro, Attorney at Law, designated BCDC1314JGM001 with monthly compensation in the amount \$5,469.75 be executed as presented. The presented agreement commences effective January 1, 2013 and expires on December 31, 2014.

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

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL
REPRESENTATION TO INDIGENT PERSONS IN
BENTON COUNTY DISTRICT COURT
CONTRACT # BCDC1314JGM001**

THIS AGREEMENT is entered into by and between **John Gary Metro**, attorney at law, Washington State Bar Association # 37919 ("Attorney") dba **Metro Law Firm**; and **BENTON COUNTY**, a State of Washington political subdivision ("County"), for and on behalf of the Benton County District Court.

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

- A. The County has the legal responsibility to provide legal defense services to indigent persons charged with misdemeanor criminal offenses alleged to have been committed within the County's 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 County to provide legal services to indigent persons subject to misdemeanor criminal charges in the Benton County District Court.

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

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of **January 1, 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 **7014 W Okanogan PI, Kennewick, WA 99336**. Attorney's current local office telephone and fax numbers are **(509) 619-0790** and **(509) 736-1385** respectively; and Attorney's current office/work e-mail address is **GaryMetroLaw.com**.

b. Throughout the entire term of this Agreement, Attorney shall continue to maintain such an office, such telephone and fax numbers, and such e-mail address; provided that, however, Attorney may relocate Attorney's office to another location within the greater Tri-Cities, Washington, and/or Attorney may change Attorney's telephone/fax number to another greater Tri-Cities local telephone/fax number, and/or Attorney may change Attorney's e-mail address, provided that Attorney must provide immediate written notice of such change(s)

**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 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other |
| <p>Requested meeting date: January 22, 2013 Presentation length: Presenting elected office/department: OPD Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty</p> | |

BACKGROUND INFORMATION

Benton County is obligated by law to provide indigent criminal defense services in Benton County Superior Court.

SUMMARY

After a request for qualifications process, attorney Dennis Hanson has expressed interest in providing such services and is, in the opinion of the Indigent Defense Coordinator, qualified and capable of providing such services.

RECOMMENDATION

Request execution of a contract for public defense with attorney Dennis Hanson for public defense services in Superior Court.

ANTICIPATED FISCAL IMPACT

None beyond regularly budgeted funds for fiscal biennium 2013-2014.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING A SUPERIOR COURT PUBLIC DEFENSE CONTRACT TO DENNIS HANSON, ATTORNEY AT LAW

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

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, Benton County nevertheless utilized a Request for Qualifications ("RFQ") process, received many applications and interviewed many applicants; and

WHEREAS, after a thorough review of the qualifications of the applicants who responded to the RFQ it was decided that it appears to be in the best interests of Benton County to award a Benton County Superior Court public defense contract to Dennis Hanson; and

NOW THEREFORE, BE IT RESOLVED THAT the Benton County Superior Court public defense contract with Dennis Hanson, Attorney at Law, designated BCSC1314DAH001 with compensation in the amount of \$580.00 per case equivalent in 2013 and \$610.00 per case equivalent in 2014 with a maximum case equivalent limit of 140 per year, plus trial per diems and other additional incidental compensation be executed as presented. The presented agreement commences January 1, 2013 and expires on December 31, 2014.

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**

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE
LEGAL REPRESENTATION TO INDIGENT PERSONS IN
BENTON COUNTY SUPERIOR COURT**

BCSC1314DAH001

THIS AGREEMENT is entered into by and between **Dennis A Hanson**, attorney at law, Washington State Bar Association #41655 ("Attorney"), dba **Rodriguez & Associates, P.S.** and **BENTON COUNTY, WASHINGTON**, a state of Washington political subdivision ("County"), for and on behalf of the Benton County Superior Court.

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

- A. The County has the legal responsibility to provide legal defense services to indigent persons charged with felony criminal offenses alleged to have been committed within the County's jurisdictional boundaries.
- B. Attorney is engaged in the private practice of law, has direct experience in litigating cases involving persons charged with felony criminal offenses, and desires to contract with the County to provide legal services to indigent persons subject to felony criminal charges in Benton County Superior Court.

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

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of **January 1, 2013**, and shall continue thereafter through and including **December 31, 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 (or has access to) an office adequate and appropriate for the practice of law at **7502 W Deschutes Pl, Kennewick, WA 99336**; Attorney's current local office telephone and fax numbers are **(509) 783-5551** and **(509) 736-1151** respectively; and Attorney's current office/work e-mail address is **dhanson@rodriguezlawwa.com**.

b. Throughout the entire term of this Agreement, Attorney shall continue to maintain (or have access to) such office, such telephone and fax numbers, and such e-mail address; provided that, however, Attorney may relocate Attorney's office to another location within the greater Tri-Cities, Washington, and/or Attorney may change Attorney's telephone/fax number to another greater Tri-Cities local telephone/fax number, and/or Attorney may change Attorney's e-mail address, provided that Attorney must provide immediate written notice of such change(s) to the Benton-Franklin Counties Indigent Defense Coordinator ("IDC"), the Benton County Prosecuting Attorney, and the Benton-Franklin Counties Superior Court Administrator ("Superior Court Administrator").

**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 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other |
| Requested meeting date: January 22, 2013 Presentation length: Presenting elected office/department: OPD Prepared by: Eric Hsu Reviewed by: Loretta Smith-Kelty | |

BACKGROUND INFORMATION

Anticipated total appointment caseloads in Benton County District Court for 2013-2014 are predicted to be beyond the cumulative capacity of existing "monthly compensation" contractors. As such, it is necessary to either procure additional monthly compensation contracts or contract with attorneys to provide services on a "per case" basis. The latter was chosen for its flexibility and cost effectiveness. Attorney Thomas Brooks is qualified, available and willing to provide representation on a "per case" basis.

SUMMARY

The presented contract is for public defense services in Benton County District Court on a "per case" basis, with attorney Thomas Brooks. This is necessary to meet the caseload needs for the year 2013 and beyond.

RECOMMENDATION

Request execution of contract for public defense services with attorney Thomas Brooks for "per case" public defense representation in Benton County District Court.

ANTICIPATED FISCAL IMPACT

No fiscal impact anticipated beyond budgeted funds.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF EXECUTING A PROFESSIONAL SERVICES AGREEMENT WITH ATTORNEY THOMAS BROOKS TO PROVIDE INDIGENT DEFENSE SERVICES IN BENTON COUNTY DISTRICT COURT ON CONFLICT AND OVERFLOW CASES

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

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 number of contract indigent defense attorneys in Benton County is, by design, one less than would be necessary to cover the anticipated caseload in 2013-2014; and

WHEREAS, the purpose for this contract staffing strategy is to ensure that all attorneys reach their contractual caps and to provide for the ability to better fine-tune caseloads; and

WHEREAS, attorney Thomas Brooks is ready, willing and qualified to provide indigent defense services on some of these anticipated overage cases as well as any conflict cases that may arise; and

NOW THEREFORE, BE IT RESOLVED THAT the proposed professional services agreement, designated BCDC1314TKB001L with attorney Thomas Brooks whereby he will be available to provide indigent defense services in Benton County District Court on a per-case, as-needed basis (with no minimum periodic compensation), at the rate of \$164 per case plus trial per diems and other expenses as applicable, as set forth in section 12 of the presented agreement, for a maximum of 250 cases per year, be executed as presented. The presented agreement commences effective January 1, 2013 and expires on December 31, 2014.

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

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL
REPRESENTATION TO INDIGENT PERSONS IN
BENTON COUNTY DISTRICT COURT
CONTRACT # BCDC1314TKB001L**

THIS AGREEMENT is entered into by and between **Thomas Kevin Brooks**, attorney at law, Washington State Bar Association #44850 ("Attorney"); dba Brooks Law Center, PLLC and **BENTON COUNTY**, a State of Washington political subdivision ("County"), for and on behalf of the Benton County District Court.

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

- A. The County has the legal responsibility to provide legal defense services to indigent persons charged with misdemeanor criminal offenses alleged to have been committed within the County's 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 County to provide legal services to indigent persons subject to misdemeanor criminal charges in the Benton County District Court.

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

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of **January 1, 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 **1030 N Center Pkwy, Kennewick, WA 99336**. Attorney's current local office telephone and fax numbers are **(509) 737-0057** and **352-2208** respectively; and Attorney's current office/work e-mail address is **Thomas@BrooksLawCenter.com**.

b. Throughout the entire term of this Agreement, Attorney shall continue to maintain such an office, such telephone and fax numbers, and such e-mail address; provided that, however, Attorney may relocate Attorney's office to another location within the greater Tri-Cities, Washington, and/or Attorney may change Attorney's telephone/fax number to another greater Tri-Cities local telephone/fax number, and/or Attorney may change Attorney's e-mail address, provided that Attorney must provide immediate written notice of such change(s)

**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"/> Consent agenda |
| <input checked="" type="checkbox"/> Pass resolution | <input type="checkbox"/> Public hearing |
| <input type="checkbox"/> Pass ordinance | <input type="checkbox"/> 1 st discussion |
| <input type="checkbox"/> Pass motion | <input type="checkbox"/> 2 nd discussion |
| <input type="checkbox"/> Other (describe) | <input type="checkbox"/> Other |

Requested meeting date: January 22, 2013
Presentation length:
Presenting elected office/department: OPD
Prepared by: Eric Hsu
Reviewed by: Loretta Smith-Kelty

BACKGROUND INFORMATION

Benton County has the legal responsibility to provide legal defense services to indigent persons charged with civil contempt who are in jeopardy of incarceration alleged to have been committed within the County's jurisdictional boundaries or whose cases are otherwise pending in Benton County Superior Court. Attorney Patrick McBurney has been providing these services pursuant to a contract that expired on December 31, 2012, and his services have been satisfactory, warranting the offer of a new contract for such services.

SUMMARY

Request execution of a professional services agreement with Patrick D. McBurney for civil contempt public defense services in Benton County Superior Court.

RECOMMENDATION

Approve resolution as presented.

ANTICIPATED FISCAL IMPACT

None beyond regular budgeted funds for fiscal biennium 2013-14.

RESOLUTION
BENTON COUNTY RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF EXECUTING A PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC DEFENSE SERVICES IN SUPERIOR COURT WITH ATTORNEY PATRICK MCBURNEY FOR CHILD SUPPORT CIVIL CONTEMPT CASES

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

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, Benton County has the legal responsibility to provide legal defense services to indigent persons who are in jeopardy of incarceration through charges with child support civil contempt alleged to have been committed within the County's jurisdictional boundaries or whose cases are otherwise pending in Benton County Superior Court; and

WHEREAS, attorney Patrick McBurney has been providing such services pursuant to a contract that expired on December 31, 2012 and the services he has provided have been satisfactory; and

WHEREAS, it therefore appears to be in the best interests of Benton County to offer attorney McBurney a new contract for said services;

NOW THEREFORE, BE IT RESOLVED THAT the Benton County Superior Court public defense contract with Patrick McBurney, Attorney at Law, designated BCSC1314PDM001C with monthly compensation in the amount \$1,355.86 be executed as presented. The presented agreement commences effective January 1, 2013 and expires on December 31, 2014.

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

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE
LEGAL REPRESENTATION TO INDIGENT PERSONS
CHARGED WITH CIVIL CONTEMPT IN BENTON COUNTY
SUPERIOR COURT
BCSC1314PDM001C**

THIS AGREEMENT is entered into by and between Patrick D. McBurney attorney at law, Washington State Bar Association #22497 ("Attorney"), and BENTON COUNTY, WASHINGTON, a state of Washington political subdivision ("County"), for and on behalf of the Benton County Superior Court.

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

- A. The County has the legal responsibility to provide legal defense services to indigent persons charged with civil contempt who are in jeopardy of incarceration alleged to have been committed within the County's jurisdictional boundaries or whose cases are otherwise pending in Benton County Superior Court.
- B. Attorney is engaged in the private practice of law, has direct experience in litigating cases involving persons charged with civil contempt in Superior Court, and desires to contract with the County to provide legal services to indigent persons subject to felony criminal charges in Benton County Superior Court.

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

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of **January 1, 2013**, and shall continue thereafter through and including **December 31, 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 (or has access to) an office adequate and appropriate for the practice of law at ~~1776 Fowler, Suite 20, Richland, WA 99352~~; Attorney's current local office telephone and fax numbers are (509) 374-8996 and (509) 374-1296, respectively; and Attorney's current office/work e-mail address is Procuratio@aol.com.

PK → 6855 W. Clearwater Ave, Suite A103, Kennewick, WA 99336

b. Throughout the entire term of this Agreement, Attorney shall continue to maintain (or have access to) such office, such telephone and fax numbers, and such e-mail address; provided that, however, Attorney may relocate Attorney's office to another location within the greater Tri-Cities, Washington, and/or Attorney may change Attorney's telephone/fax number to another greater Tri-Cities local telephone/fax number, and/or Attorney may change Attorney's e-mail address, provided that Attorney must provide immediate written notice of such change(s) to the Benton-Franklin

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|--------------------------------|------------------------------|---------|
| Meeting Date: <u>01/29/13</u> | Execute Contract | _____ |
| Subject: _____ | Pass Resolution | X _____ |
| Prepared by: <u>Adam Fyall</u> | Pass Ordinance | _____ |
| Reviewed by: _____ | Pass Motion | _____ |
| | Other | _____ |
| | Consent Agenda | X _____ |
| | Public Hearing | _____ |
| | 1st Discussion | _____ |
| | 2nd Discussion | _____ |
| | Other | _____ |

BACKGROUND INFORMATION

SUMMARY

The Parks Department required upgrades of electrical service by Benton REA to the new restroom at the Rattlesnake Mountain Shooting Facility.

RECOMMENDATION

Approve the resolution authorizing payment to Benton REA for electrical service to the new restroom at the Rattlesnake Mountain Shooting Facility in the amount of \$1,657.00.

FISCAL IMPACT

\$1,657.00

Fund – Park Development Fund (2011-2012 budget)

No supplement needed

MOTION

Consent Agenda

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF FACILITIES UPGRADES TO THE RATTLESNAKE MOUNTAIN SHOOTING FACILITY

WHEREAS, increased usage of the Rattlesnake Mountain Shooting Facility ("the Range"), continues to fuel the development of more facilities; and upgrades to the electrical power infrastructure is necessary to accommodate this increased development; and,

WHEREAS, one such improvement on the property was a site-built restroom that was constructed by Benton County, and construction of that restroom required that electrical service be extended from its previous location to a new power box near the site of the restroom; and,

WHEREAS, the Range is located within the service area of the Benton Rural Electric Association ("REA"), and it is the REA that is solely responsible for electricity delivery at this site and changes to delivery infrastructure; and,

WHEREAS, as part of the restroom project, the REA assisted with the necessary electricity delivery upgrades at a cost of \$1,657.00; and,

WHEREAS, Benton County requires a service contract or other specific action by the Board of Commissioners to allow payment for such services; and,

WHEREAS, the Deputy County Administrator and the Prosecuting Attorney believe that due to the amount of said services, it would be cost prohibitive to prepare a service contract and recommend the Board of Commissioners authorize payment for said services that were obtained from the REA as a sole source provider, **NOW THEREFORE**,

BE IT RESOLVED, that the Board of Benton County Commissioners agrees with the above recommendations and hereby authorizes payment to the Benton Rural Electric Association in the amount of \$1,657.00 (WSST not applicable) for the upgrades of electrical service infrastructure at Benton County's Rattlesnake Mountain Shooting Facility near Benton City.

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

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|-------------------------|------------------------------|----------|----------------|----------|
| Meeting Date: | <u>01/29/2013</u> | Execute Contract | _____ | Consent Agenda | <u>X</u> |
| Subject: | <u>Line Item</u> | Pass Resolution | <u>X</u> | Public Hearing | _____ |
| | <u>Transfer – Parks</u> | Pass Ordinance | _____ | 1st Discussion | _____ |
| Prepared by: | <u>C. McKenzie</u> | Pass Motion | _____ | 2nd Discussion | _____ |
| Reviewed by: | <u>Keith Mercer</u> | Other | _____ | Other | _____ |

BACKGROUND INFORMATION

SUMMARY

A line item transfer in the amount of \$300.00 is needed to bring the Parks line items current in accordance with Board policy to pay for vehicle fuel from the 2011-2012 budget.

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

2011-2012 budget
\$300.00
Fund – Current Expense, Dept. 126
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 |
|-----------------------|------------------------|------------------------|--------|-----------------------|------------------------|------------------|--------|
| 576-690 | 3121 | Construction Materails | \$300 | 576-690 | 3103 | Oil & Lubricants | \$300 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$300 | TOTAL | | | \$300 |

Explanation:

This line item transfer is needed to brng the 2011-2012 budget in compliance with "line item budgeting' to pay for vehicle fuel.

Prepared by:

Date:

Approved

Denied

Date: _____

Chairman

Member

Member

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|---|---|---|
| Meeting Date: 1/29/2013 Subject: Bi-County Non-Bargaining 2013 Monthly Benefit Contribution Prepared by: M. Wenner | Execute Contract Pass Resolution X Pass Ordinance Pass Motion Other | Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other |
| | | |

BACKGROUND INFORMATION

Please see the attached resolution which has been signed by the Board of Franklin County Commissioners on January 16, 2013, establishing a monthly contribution towards insurance benefits for benefit eligible, bi-county non-bargaining employees for the calendar year 2013. The monthly contribution will increase from \$756.00 per month to \$965.95 per month, effective January 1, 2013, and with the February 5, 2013, paycheck(s).

SUMMARY

Same as above.

RECOMMENDATION

Recommend the Board of Benton County Commissioners sign the attached resolution.

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. 2013 024

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

**IN THE MATTER OF PROVIDING A MONTHLY CONTRIBUTION TOWARDS
INSURANCE BENEFITS FOR BENEFIT ELIGIBLE, BI-COUNTY NON-
BARGAINING EMPLOYEES FOR THE CALENDAR YEAR 2013.**

WHEREAS, the Boards of Benton and Franklin County Commissioners have found and determined that the monthly contribution towards insurance benefits for benefit eligible, bi-county non-bargaining employees will be adjusted for the calendar year 2013;

NOW, THEREFORE, BE IT RESOLVED, that the Boards of Benton and Franklin County Commissioners have found and determined that the Counties' monthly contribution for benefit eligible, bi-county non-bargaining employees will increase from \$756.00 per month to \$965.95 per month, effective January 1, 2013; and

BE IT FURTHER RESOLVED, the Counties' monthly contribution increase for benefit eligible, bi-county non-bargaining employees is retroactive to January 1, 2013, for this year, and this year only. Retroactivity of this benefit increase is applied in this case solely due to unique circumstances presented in this budget cycle, and shall not be precedent setting or past practice. The Counties retain their right to decline to implement fiscal changes retroactively, without limitation; and

BE IT FURTHER RESOLVED, that it is mandatory that benefit eligible, bi-county non-bargaining employees be enrolled in Benton County's medical, dental, vision and basic life (\$24,000.00) insurance plans, to receive the monthly Counties' contribution; and

BE IT FURTHER RESOLVED, that any unused portion of the Counties' monthly contribution available over and above Benton County's medical, dental, vision and basic life plan premiums may be applied, at the employee's option, to the purchase of supplemental group insurance, dependent coverage elected by the benefit eligible, bi-county non-bargaining employee and/or deposited into the employee's HRA VEBA account; and

BE IT FURTHER RESOLVED, that any amount necessary to pay insurance premiums over and above the Counties' contribution is the sole responsibility of the employee, and paid through payroll deduction; and

RESOLUTION: IN THE MATTER OF PROVIDING A MONTHLY CONTRIBUTION TOWARDS INSURANCE BENEFITS FOR BENEFIT ELIGIBLE, BI-COUNTY NON-BARGAINING EMPLOYEES FOR THE CALENDAR YEAR 2013.

BE IT FURTHER RESOLVED, that provisions in any prior resolution on this subject are superseded by similar provisions in this resolution and this resolution may be rescinded or modified, at the sole discretion of the Boards of Benton and Franklin County Commissioners, without notification; and

BE IT FURTHER RESOLVED, that this resolution is not intended nor shall it be interpreted as limiting or compromising the Counties' "at will" employer status.

Dated this day of , 2013

Dated this 16TH day of JANUARY , 2013

Chairman of the Board

Ramu

Chairman of the Board

Chairman Pro-Tem

P. Koch

Chairman Pro-Tem

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

Brenda Lee

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

Attest:
Clerk of the Board

Attest: *Margo Sines*
Clerk of the Board

2013 024

RESOLUTION: IN THE MATTER OF PROVIDING A MONTHLY CONTRIBUTION TOWARDS INSURANCE BENEFITS FOR BENEFIT ELIGIBLE, BI-COUNTY NON-BARGAINING EMPLOYEES FOR THE CALENDAR YEAR 2013.

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|--|--|--|
| Meeting Date: <u>1/29/13</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 an additional invoice for Office Supplies budget 2011-2012.

SUMMARY

Same as above.

RECOMMENDATION

Approve line item transfer.

FISCAL IMPACT

No fiscal impact.

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Workers Compensation Dept Nbr: 000

Fund Name: Workers Compensation Fund Nbr: 0503-101

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 |
|-----------------------|------------------------|----------------|--------------|-----------------------|------------------------|-----------------|--------------|
| 517.670 | 3111 | Publications | \$700 | 517.670 | 3101 | Office Supplies | \$700 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$700 | TOTAL | | | \$700 |

Explanation:
 Line item budgeting - paying additional 2012 invoice (2011-2012 budget)

Prepared by: L. Wingfield Date: 17-Jan-2013

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>1/29/13</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 Personnel Resources fund requires additional funds to pay for an additional invoice for Professional Services budget 2011-2012.

SUMMARY

Same as above.

RECOMMENDATION

Approve line item transfer.

FISCAL IMPACT

No fiscal impact.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CURRENT EXPENSE FUND NUMBER 0000-101, DEPARTMENT NUMBER 127.

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

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|---|--|--|
| Meeting Date: 1/29/13 Subject: Employee of the Month 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

Approval of Employee of the Month for February 2013.

SUMMARY

Same as above.

RECOMMENDATION

Request signatures approving Employee of the Month for February 2013.

FISCAL IMPACT

No fiscal impact.

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|---|--|--|
| Meeting Date: 1/29/2013 Subject: Amending Resolution 2013-050 Prepared by: M. Wenner | Execute Contract Pass Resolution X Pass Ordinance Pass Motion Other | Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other |
| | | |

BACKGROUND INFORMATION

Western States Insurance Agency, Inc. has joined together with Payne Financial Group to Form PayneWest Insurance Amending Resolution 2013-050 requesting that payments for requested insurance policies and/or bonds now be paid to PayneWest Insurance. Please see attached resolution for reference.

SUMMARY

Same as above.

RECOMMENDATION

Recommend the Board of Benton County Commissioners sign the attached resolution amending Resolution 2013-050.

FISCAL IMPACT

No fiscal impact or supplement requested.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF WESTERN STATES INSURANCE AGENCY, INC. JOINING TOGETHER WITH PAYNE FINANCIAL GROUP TO FORM PAYNEWEST INSURANCE AMENDING RESOLUTION 2013-050

WHEREAS, Resolution 2013-050, appointed Western States Insurance Agency, Inc. as the broker/agent of record for insurance policies and/or bonds as requested by Benton County for insurance policies and/or bonds for 2013; and

WHEREAS, the Board of Benton County Commissioners authorized insurance and bond payments for 2013 to Western States Insurance Agency, Inc.; and

WHEREAS, Western States Insurance Agency, Inc. has joined together with Payne Financial Group to form PayneWest Insurance; **NOW, THEREFORE**

BE IT RESOLVED, insurance and/or bond payments which were to be paid to Western States Insurance Agency, Inc. are now to be paid to PayneWest Insurance for insurance policies and/or bonds requested by Benton County for 2013; and

BE IT FURTHER RESOLVED, Resolution 2013-050 is hereby amended.

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

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS, RE: REQUESTING PERMISSION TO PROCEED WITH THE ADVERTISEMENT AND BID PROCESS FOR C.E. 1957 PRES – BITUMINOUS SURFACE TREATMENT 2013

WHEREAS, it is the intention of the Board of County Commissioners to upgrade various County roads by the application of a bituminous surface treatment; and

WHEREAS, a bid packet (No. CB 13-06) was prepared by Benton County Public Works staff and submitted to the Benton County Prosecuting Attorney's office for review; and

WHEREAS, our departmental assigned Deputy Prosecuting Attorney from the Civil Division has reviewed and approved as to form Bid No. CB 13-06; NOW, THEREFORE,

BE IT RESOLVED that the County Engineer is authorized to proceed with the advertisement and bid process for Bid No. CB 13-06 C.E. 1957 PRES – Bituminous Surface Treatment 2013.

Dated this 29th day of January 2013.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

Orig.: Public Works

L. Moser

R E S O L U T I O N

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF BENTON COUNTY ROADS RE: CERTIFICATION OF THE 2013 ROAD LEVY AND ESTIMATED REVENUE PRODUCED AS PER WAC 136-150-021

WHEREAS, a deputy prosecuting attorney has reviewed the Certification of the 2013 Road Levy; and

WHEREAS, the Board of County Commissioners have reviewed the Certification of the 2013 Road Levy and finds the Certification to be complete; NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners that the attached Certification of the 2013 Road Levy and Estimated Revenue Produced Form be and hereby is approved, and that the Chairman is authorized to sign the Digital Submittal Certification form for said Road Levy Certification.

Dated this 29th day of January , 2013.

Chairman of the Board.

Member.

Member.

Attest: _____
Clerk of the Board

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

Orig: Public Works

..

L. Moser:slc

**STATE OF WASHINGTON
COUNTY ROAD ADMINISTRATION BOARD**

CERTIFICATION OF THE 2013 ROAD LEVY, AND ESTIMATED REVENUE PRODUCED
(year) (WAC 136-150-021)

| | | | |
|--|-----------------------------|--------------------------------|--|
| Submitting County: | <u>Benton</u> | Total County Valuation: | <u>\$ 15,317,827,385</u> (1) |
| | (\$/Thousand) | Road District Valuation | Highest Lawful Road Levy |
| Highest Lawful Road Levy: (see instructions): | <u>\$ 1.819543</u> | <u>\$ 3,476,619,994</u> (2) | <u>\$ 6,325,860.00</u> (3) |
| County Road Levy Shifted to Current Expense (per RCW 84.52.043): (\$/Thousand) | | Road District Valuation | Levy Shift Amount (Road Levy Reduction) |
| Levy Shift: | <u>\$ -</u> | <u>\$ 3,476,619,994</u> (2) | <u>\$ -</u> (4) |
| Adjusted Highest Lawful Road Levy: (\$/Thousand) | | Road District Valuation | Adjusted Highest Rd Levy |
| | <u>\$ 1.819543</u> | <u>\$ 3,476,619,994</u> (2) | <u>\$ 6,325,860.00</u> (5) = (3)-(4) |
| Actual Established Road Levy: (see instructions): | (\$/Thousand) | Road District Valuation | Actual Road Levy Amount |
| Levy Fixed in Accordance with RCW 36.40.090: | <u>\$ 1.672479</u> | <u>\$ 3,476,619,994</u> (2) | <u>\$ 5,814,573.00</u> (6) |
| County Road Property Tax Revenues Diverted For Other Unincorporated Purposes In Accordance With RCW 36.33.220, RCW 39.89, or RCW 84.55.050: | | | |
| Service to be Provided: | Diverted \$/Thousand | Diverted Levy Amount: | |
| 1 <u>Traffic Law Enforcement (36.33.220)</u> (7) | <u>\$ 0.150295</u> | <u>\$ 522,520.00</u> | <u>-</u> (8) |
| 2 _____ (9) | <u>\$ -</u> | <u>\$ -</u> | <u>-</u> (10) |
| * Total Diverted Road Levy: | <u>\$ 0.150295</u> | <u>\$ 522,520.00</u> | <u>-</u> (11) = (8)+(10) |
| Road Levy Revenue Remaining for Roads (RCW 36.82.040) | <u>\$ 1.522183</u> | <u>\$ 5,292,053.00</u> | <u>-</u> (12) = (6)-(11) |

Road Funds Budgeted to be used for Traffic Law Enforcement:

| Funded Through: | | Budgeted Amount: |
|---|-------------------------------------|-------------------------|
| 1 Traffic Law Enforcement | Operating Transfer (per agreement) | <u>\$ -</u> (13) |
| 2 Traffic Law Enforcement | Direct Payment (cost reimbursement) | <u>\$ -</u> (14) |
| * Total Budgeted Road Fund Expenditures for Traffic Enforcement: | | <u>\$ -</u> (15) |

*** Reporting of Diverted Road Levy and budgeted Road Fund Expenditures for Traffic Law Enforcement amounts are both required in order to ascertain county eligibility for RATA funds. (see WAC 136-150-030)**

Note: WAC 136-150-021 provides that "The CRABoard will request that every county legislative authority submit a certification showing the amount of the road levy fixed and the amount, if any, budgeted in accordance with RCW 36.33.220 for traffic law enforcement and/or any other purpose from diverted road levy no later than February 1st of each year".

R E S O L U T I O N

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF DIVERTING ROAD TAX LEVY FUNDS TO CURRENT EXPENSE FOR TRAFFIC ENFORCEMENT PURPOSES

WHEREAS, the Board of Benton County Commissioners certified the collection of Road taxes in the Year 2013 in the unincorporated areas of the County for traffic enforcement, road administrative refund, and road purposes; and

WHEREAS, the Board of Benton County Commissioners, by adopting the 2013 annual road budget, authorized the diversion of a portion of Road Tax Levy monies for traffic enforcement in the unincorporated areas of the County; NOW, THEREFORE,

BE IT RESOLVED that the 2013 Road Tax Levy of 1.672479 mills, generating approximately \$5,814,573, be divided as follows:

0.150295 mills, generating approximately \$522,520, be deposited in the Current Expense Fund (No. 0000-101), and identified as revenue code 311.20.0001;

1.522183 mills, generating approximately \$5,292,053, be deposited in the Road Fund (No. 0101-101).

Dated this 29th day of January, 2013.

Chairman of the Board.

Chairman Pro-Tem.

Member.

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

Attest: _____
Clerk of the Board

L. Moser

c: Treasurer, Auditor, Road

R E S O L U T I O N

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY E. R. & R. FUNDS RE: TRANSFER OF FUNDS
WITHIN THE COUNTY E. R. & R. FUND 0501-101

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

Dated this 29th 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

Page 2 of Exhibit A
ERR Fund Transfer
January 29, 2013

Transferring \$12,700.00 from Vehicle Maintenance Function Line Item
548.610.4930 (Advanced Expenditures) to 548.650.5119 (EDC-800 MHZ User Fees)
\$12,700.00.

There is no adverse impact on the ER&R fund budget.

RESOLUTION NO. _____

County Engineer Project No. C.E. 1965 ERR

Arterial Access

Road Program Item _____

Road Log No. _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY ROADS, RE: CRUSHING AND STOCKPILING 2013

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, That it is their intention to proceed according to the terms of the contract awarded December 18, 2012, to DeAtley Crushing Company, Inc., Lewiston, Idaho.

Length of Project: _____ miles; Width of Roadbed: _____ ft.; Surface: _____ ft.; Pavement: _____ ft.

Type and depth of surfacing:

Bridge Irrigation Crossings : Length _____ ft.; Width _____ ft.

Estimated date of beginning January 14, 2013 Estimated date of Completion April 30, 2013

BE IT FURTHER RESOLVED, That for the foregoing proper county road purpose there is hereby appropriated sums in the following detail:

| | CE 1965 ERR | | | |
|-----------------|----------------------|---------------|---------------|---------------------|
| | C.Moore Quarry R-185 | | | |
| | ER&R Fund | | | Total |
| Prel. Engr. | \$6,000.00 | _____ | _____ | \$6,000.00 |
| Right-of-Way | _____ | _____ | _____ | 0.00 |
| Mat. Fr. Stkple | _____ | _____ | _____ | 0.00 |
| Day Labor | _____ | _____ | _____ | 0.00 |
| Contract | 372,100.00 | _____ | _____ | 372,100.00 |
| Inspection | 27,900.00 | _____ | _____ | 27,900.00 |
| Contingencies | 50,000.00 | _____ | _____ | 50,000.00 |
| Total | <u>\$456,000.00</u> | <u>\$0.00</u> | <u>\$0.00</u> | <u>\$456,000.00</u> |

The county road purpose herein described is HEREBY DECLARED to be a public necessity and the County Road Engineer is HEREBY ORDERED AND AUTHORIZED to report and proceed thereon as by law provided.

BE IT FURTHER RESOLVED that this purpose be performed by Contract in accordance with the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction, as adopted by this Board.

ADOPTED this 29th day of January, 2013.

Chairman

(SEAL)

Chairman Pro-Tem

Attest:

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

Clerk of the Board

L. Moser

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION</u> | |
|--------------------|------------------|------------------------------|---------------|
| Meeting Date : | January 29, 2013 | Execute Contract : | _____ |
| Subject : | Land Exchange | Pass Resolution : | _____ X _____ |
| Prepared by : | SWB | Pass Ordinance : | _____ |
| Reviewed by : | _____ | Pass Motion : | _____ |
| | | Other : | _____ |
| | | Consent Agenda : | _____ X _____ |
| | | Public Hearing : | _____ |
| | | 1st Discussion : | _____ |
| | | 2 nd Discussion : | _____ |
| | | Other : | _____ |

BACKGROUND INFORMATION

As part of the negotiations for right of way on Piert Road, Benton County agreed to a land exchange with the Port of Kennewick. In exchange for the needed right of way, we would trade a piece of property acquired in 2006 as an uneconomic remnant during the right of way purchases for the Intertie (SR-397). The property is a landlocked lot in Section 26, T8N, R30 E, WM located on the West side of SR-397 and North of the railroad overcrossing. The parcel is landlocked, however, it abuts a parcel of property owned by the Port. The Port will join this parcel with the larger parcel and eventually develop the property.

SUMMARY

On August 13, 2011, the Board surplussed the property, allowing us to move forward with the exchange of properties. The Port deeded the road right of way to the County. The County did not follow through with deeding the parcel to the Port. Signing the deed will finalize the right of way negotiations with the Port of Kennewick.

RECOMMENDATION

Public Works is recommending that the deed be signed granting parcel Number 1-2680-400-0009-001 to the Port

FISCAL IMPACT

There is no fiscal impact to the County. According to the Assessor's records, the value of Parcel number 1-2680-400-009-001 is \$35,110.00. The records also indicate that the value of the right of way received is \$136,115.00

MOTION

Move to approve as a part of the consent agenda.

RESOLUTION

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

IN THE MATTER OF COUNTY ROADS, RE: LAND EXCHANGE, PIERT ROAD, CE 1619
CRP

WHEREAS, as part of the right of way negotiations on Piert Road, Benton County agreed to a land exchange with the Port of Kennewick, whereby Benton County would trade a piece of property for the needed Piert Road right of way, and

WHEREAS, Benton County obtained a parcel of property, identified as Parcel Number 1-2680-400-009-001 as an uneconomic remnant as a part of the purchase of right of way for the Intertie (SR-397) on August 14, 2006, and

WHEREAS, said parcel of property is a landlocked parcel being contiguous to a larger parcel of Port property that can be joined to the Port property, and

WHEREAS, on September 13, 2011, the Board of County Commissioners declared this parcel as surplus property, NOW, THEREFORE,

BE IS RESOLVED that the final portion of the land exchange be approved and that the Board of County Commissioners is authorized to sign the deed finalizing the exchange.

Dated this 29th day January 2013.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

S. Becken, Pub. Wks.

After recording return document to:

Benton County Department of Public Works
Public Works Director
Post Office Box 1001
Prosser, WA 99350

Document Title: Quit Claim Deed
Reference Number of Related Document:
Grantor(s): Benton County
Grantee(s): Port of Kennewick
Legal Description: Portion of Section 26, T8N, R30E, W.M.
Additional Legal Description is on Page 2 of Document.
Assessor's Tax Parcel Number: 1-2680-400-0009-001

QUIT CLAIM DEED

THE GRANTOR, Benton County, a political subdivision of the State of Washington, for and in consideration of mutual benefits, conveys and quit claims to the Port of Kennewick, a Municipal Corporation, the following described real estate, situate in the County of Benton, State of Washington, together with all after acquired title of the grantor(s) therein and to the same extent and purpose as if the rights herein granted had been acquired under the Eminent Domain statute of the State of Washington:

SEE ATTACHED EXHIBIT "A"

"The Grantor(s) acknowledge that the property and property rights herein conveyed are a donation; that the consideration is the mutual benefits to be derived; and that the Grantor(s) have been informed of their rights to receive just compensation and have waived said rights."

Dated this _____ day of _____, 2013.

Shon Small, Chairman

Jerome Delvin, Chairman ProTem

Attest: _____
Clerk of the
Board of County Commissioners

James D. Beaver, Commissioner

STATE OF WASHINGTON)
 : ss.
County of Benton)

On this _____ day of _____, 2013, before me personally appeared Shon Small, James D. Beaver and Jerome Delvin each one to me known to be one of the duly elected, qualified and acting County Commissioners of Benton County, Washington, who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said County, for the uses and purposes therein mentioned, and each on oath stated that they were authorized to execute said instrument by resolution of the Board of County Commissioners of said County, and that the seal affixed is the official seal of said County.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,
Residing at _____
My Appointment expires _____

EXHIBIT "A"

That portion of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter of Section 26, Township 8 North, Range 30 East, Willamette Meridian, Benton County, Washington lying east of the Burlington Northern Railroad right of way.

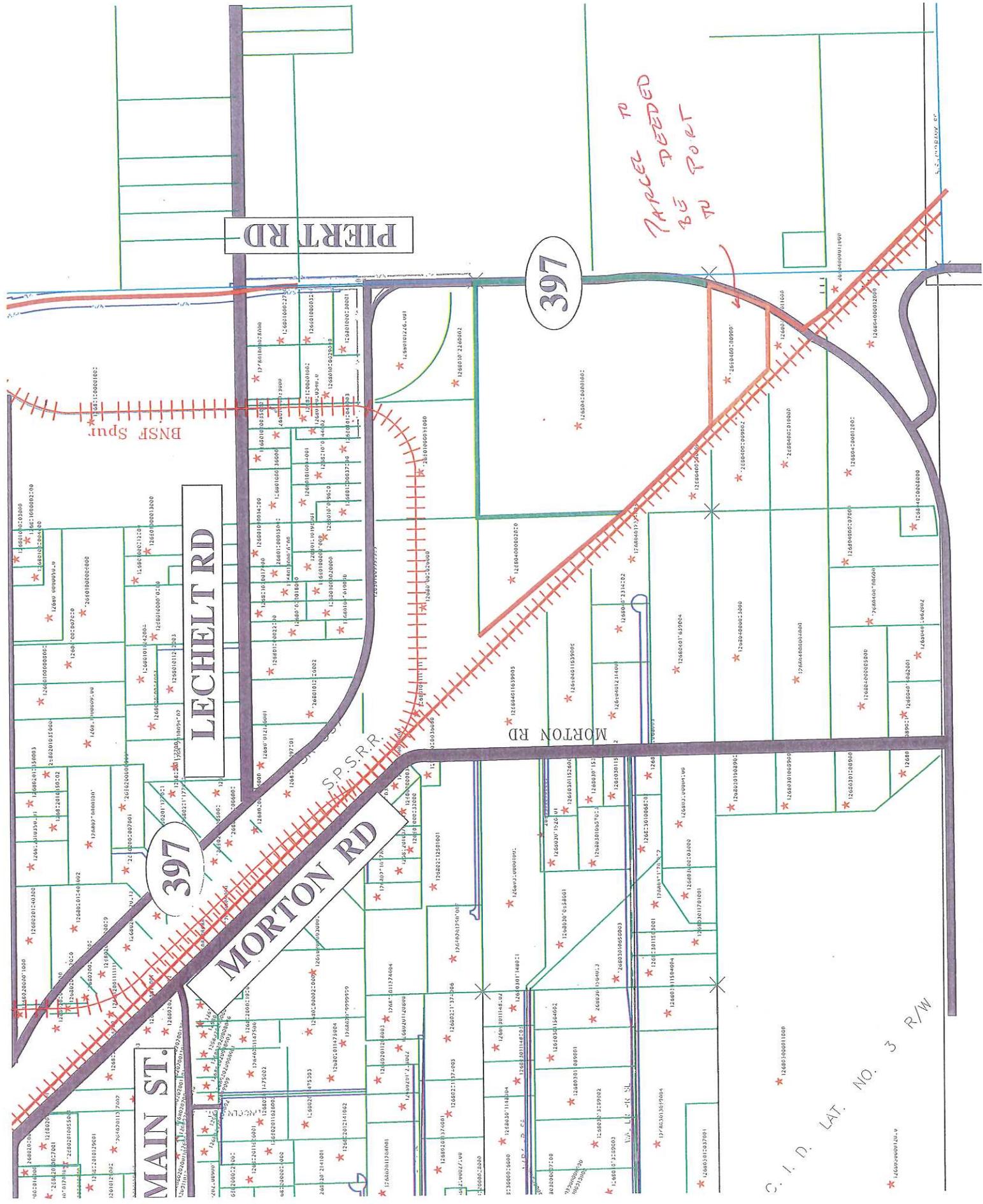
EXCEPT the East 40.00 feet for road.

ALSO EXCEPT the following described portion of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter of Section 26, said portion being described as follows:

Beginning at the Northeast corner of said Southeast Quarter of the Southeast Quarter, said corner being situate 1,330.88 feet N 01° 11' 59" W from the Southeast corner of said Section 26; Thence S 89° 49' 38" W, along the North line of said Southeast Quarter of the Southeast Quarter, a distance of 144.91 feet to a point on the Westerly right of way line of SR 397, said point being a point on a non-tangent curve, concave to the Northwest, said curve having a radius of 1075.00 feet and a central angle of 16° 26' 23", the long chord bears S 26° 14' 07" W a distance of 307.40 feet and the radius point bears N 71° 59' 04" W; Thence Southwesterly, along the arc of said curve a distance of 308.46 feet; Thence S 34° 27' 21" W a distance of 66.49 feet to a point in the south line of the aforesaid North Half of the North Half of the Southeast Quarter of the Southeast Quarter of Section 26; Thence, leaving said Westerly right of way line, N 89° 49' 36" E, along said south line, a distance of 365.34 feet to a point on the East line of Section 26; Thence N 01° 11' 59" W along said East line, a distance of 330.08 feet to the Point of Beginning.

The lands herein described contain an area of 3.37 acres, more or less.

SUBJECT TO: Existing right-of-way and easements of record/or appearing on above described parcel.



PARCEL TO
BE PART
TO

397

S. I. D. LAT. NO. 3 R/W

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|--------------------------------------|------------------------------|---------------------------|
| Meeting Date: <u>01/29/13</u> | Execute Contract _____ | Consent Agenda <u>XXX</u> |
| Subject: <u>Purchase (4) Pickups</u> | Pass Resolution <u>XXX</u> | Public Hearing _____ |
| Prepared by: <u>Larry Moser</u> | Pass Ordinance _____ | 1st Discussion _____ |
| Reviewed by: <u>Steve Becken</u> | Pass Motion _____ | 2nd Discussion _____ |
| | 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 four (4) new 2013 Ford Heavy Duty ¾ Ton 4WD Pickups as listed on the State Purchasing Cooperative contract number #06912.

SUMMARY

| | <u>UNIT 1 & 2 Reg Cab</u> | <u>UNIT 3 & 4 Ext Cab</u> |
|---|-------------------------------|-------------------------------|
| 2013 Ford HD ¾ Ton 4WD Pickups: Base price state contract = | \$44,776.00 | \$ 49,228.00 |
| Add options | <u>4,672.00</u> | <u>5,814.00</u> |
| Subtotal | \$49,448.00 | \$ 55,042.00 |
| Washington State Sales Tax 8.2% per contract | <u>4,054.74</u> | <u>4,513.45</u> |
| Total | \$53,502.74 | \$ 59,555.45 |

Total purchase including licensing each unit not to exceed \$113,200.00

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 \$249,000.00 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 OF FOUR (4) NEW 2013 FORD HEAVY DUTY ¾ TON 4WD PICKUPS FROM COLUMBIA FORD, LONGVIEW, WASHINGTON

WHEREAS, by Resolution 2012-833 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 four (4) new 2013 Ford Heavy Duty ¾ Ton 4WD pickups as listed on the State Purchasing Cooperative contract number #06912; and

WHEREAS, a deputy prosecuting attorney has reviewed the State purchasing contract for the pickups; 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 four (4) new 2013 Ford Heavy Duty ¾ Ton 4WD Pickups from Columbia Ford, Longview, Washington through the use of the State Purchasing Cooperative contract system; and

BE IT FURTHER RESOLVED that the purchase of four (4) new 2013 pickups in the amount of \$104,490.00 plus Washington State Sales Tax in the amount of \$8,568.19 for a total of \$113,058.19 and the total purchase not to exceed \$113,200.00 is hereby authorized to be purchased from the 2013-2014 Equipment Rental and Revolving Fund #0501101 Budget.

Dated this 29th 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>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|--------------------------------------|------------------------------|--------------|----------------|--------------|
| Meeting Date: | <u>01/29/13</u> | Execute Contract | _____ | Consent Agenda | <u> X </u> |
| Subject: | Authorization to pay Commercial Tire | Pass Resolution | <u> X </u> | Public Hearing | _____ |
| Prepared by: | <u>B. White</u> | Pass Ordinance | _____ | 1st Discussion | _____ |
| Reviewed by: | <u>J. Thompson</u> | Pass Motion | _____ | 2nd Discussion | _____ |
| | | Other | _____ | Other | _____ |

BACKGROUND INFORMATION/SUMMARY

Per resolution 12-677, section 2.2.2 Purchases or Leases between \$5,000 and \$24,999, "In order to assure that a purchase or lease is awarded to the lowest responsible bidder (vendor); purchases or leases in the price range are to be approved by the BOCC pursuant to a written resolution signed by a majority of the BOCC."; and

The Benton County Sheriff's Office found that they were no longer able to reliably obtain the Goodyear Eagle RSA Pursuit patrol car tires that have been previously utilized from any local vendor as approved by Washington State Contract No. 01712; and

The Benton County Sheriff's Office Fleet Manager found that the inventory of Goodyear tires had been reduced to one (1) tire and several vehicles were due to have new tires installed at service. The Fleet Manager had placed an order for Goodyear tires through the previously authorized vendor over a month ago but found that the vendor was now unable to provide the tires in a timely fashion. The Fleet Manager discovered that Washington State Contract No. 01712 also allowed for the purchase of Bridgestone/Firestone tires and that the Firestone Firehawk GT Z Pursuit tires were a comparable replacement tire for the Goodyear Eagle RSA Pursuit tires. The Fleet Manager confirmed that Commercial Tire would honor the state contract pricing and was able to procure and deliver forty-four (44) Firestone Firehawk GT Z Pursuit tires prior to the end of December 2012.

The Fleet Manager then ordered the forty-four tires, due to the dire need for patrol car tires, before the proper authorization for the purchase was approved by the BOCC.

RECOMMENDATION

Authorize the payment for the previous purchase of forty-four Firestone Firehawk GT Z Pursuit tires from Commercial Tire, Pasco, WA, in the amount of \$5,188.64 including W.S.S.T. with the total amount payable not to exceed \$5,300.00 including shipping and W.S.S.T.

FISCAL IMPACT

Amount not to exceed \$5,300.00 to be paid out of 2011/2012 Current Expense (0000-101) Dept. 121 Sheriff Patrol Budget. No supplement is required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING PAYMENT OF THE PURCHASE OF PATROL CAR TIRES FOR THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, per resolution 12-677, section 2.2.2 Purchases or Leases between \$5,000 and \$24,999, "In order to assure that a purchase or lease is awarded to the lowest responsible bidder (vendor); purchases or leases in the price range are to be approved by the BOCC pursuant to a written resolution signed by a majority of the BOCC."; and

WHEREAS, per resolution 2012-245, the Benton County Sheriff's Office was authorized to purchase Patrol Car Tires through the Western States Contract Alliance (WSCA) per Washington State Contract No. 01712; and

WHEREAS, the Benton County Sheriff's Office has purchased Goodyear tires, tubes, and tire services from Wingfoot Commercial Tire, an authorized Goodyear tire dealer, who has since been purchased by Pasco Tire Factory Commercial Center, who is currently not an authorized Goodyear tire dealer, and can no longer reliably provide Goodyear tires; and

WHEREAS, the Fleet Manager of the Benton County Sheriff's Office (Lt. Brian White) found that the inventory of Patrol Car Tires had been reduced to one (1) tire while waiting for Pasco Tire Factory Commercial Center to obtain Goodyear tires, and that there are no other local Goodyear tire dealers authorized by Washington State Contract No. 01712; and

WHEREAS, the Fleet Manager found that Commercial Tire, of Pasco, WA, was an approved Bridgestone/Firestone tire dealer per Washington State Contract No. 01712, and that Firestone Firehawk GT Z Pursuit tires were a comparable replacement for the Goodyear Eagle RSA tires that we have been unable to obtain; and

WHEREAS, and due to the dire need for patrol car tires, the Fleet Manager purchased forty-four (44) Firestone Firehawk GT Z tires before the proper authorization for the purchase was approved by the BOCC; **NOW THEREFORE**,

BE IT RESOLVED, the Board hereby authorizes payment for the previous purchase of forty-four (44) Firestone Firehawk GT Z Pursuit tires from Commercial Tire, Pasco, WA, in the amount of \$5,188.64 including W.S.S.T.; and

BE IT FURTHER RESOLVED, with the total amount payable not to exceed \$5,300.00 including shipping and W.S.S.T.; and

BE IT FURTHER RESOLVED, payment for this purchase is to be paid from the 2011/12 Current Expense (0000-101) Department 121, Sheriff Patrol budget.

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: Sheriff's Office
cc: Auditor, Purchase file

Prepared by: B. White

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | |
|--------------------|-----------------------|------------------------------|--------------|----------------|
| Meeting Date: | <u>1/29/13</u> | Execute Contract | _____ | Consent Agenda |
| Subject: | <u>Ammunition</u> | Pass Resolution | <u> X </u> | Public Hearing |
| | <u>Purchase from</u> | Pass Ordinance | _____ | 1st Discussion |
| | <u>State Contract</u> | Pass Motion | _____ | 2nd Discussion |
| Prepared by: | <u>J. Thompson</u> | Other | _____ | Other |
| Reviewed by: | | | | |

BACKGROUND INFORMATION/ SUMMARY

Resolution 10-527 authorized ammunition purchases from Dooley Enterprises, Inc., San Diego Police Equipment Company, INC. for the Benton County Sheriff's Office through January 31, 2011. The Washington State Contract No. 03210 added Surplus Ammo & Arms, L.L.C. to their list of contractors.

The Washington State Contract No. 03210 allows for the purchase of Ammunition.

Resolution 11-125 authorized the Benton County Sheriff's Office to purchase Ammunition off of the Washington State Contract No. 03210 from February 1, 2011 through January 31, 2013 from Dooley Enterprises, Inc of Anaheim, CA, San Diego Police Equipment Company, Inc of San Diego, CA, and Surplus Ammo & Arms, L.L.C. of Lakewood, WA with an amount not to exceed of \$40,000 including WSST.

There is a need to increase the amount to \$55,000 including WSST.

RECOMMENDATION

Approve the attached resolution increasing the amount not to exceed to \$55,000.

FISCAL IMPACT

The approved purchases are not to exceed \$55,000 including WSST from February 1, 2011 through January 31, 2013.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING AMMUNITION PURCHASES FROM DOOLEY ENTERPRISES, INC., SAN DIEGO POLICE EQUIPMENT COMPANY, INC., AND SURPLUS AMMO & ARMS, L.L.C. FOR THE BENTON COUNTY SHERIFF'S OFFICE, KENNEWICK, WASHINGTON AND AMENDING RESOLUTION 11-125

WHEREAS, Resolution 10-527 authorized ammunition purchases from Dooley Enterprises, Inc., San Diego Police Equipment Company, INC. for the Benton County Sheriff's Office through January 31, 2011; and

WHEREAS, Washington State Contract No. 03210 added Surplus Ammo & Arms, L.L.C. to their list of contractors; and

WHEREAS, the Washington State Contract No. 03210 allows for the purchase of Ammunition; and

WHEREAS, Resolution 11-125 authorized the Benton County Sheriff's Office to purchase Ammunition off of the Washington State Contract No. 03210 from February 1, 2011 through January 31, 2013 from Dooley Enterprises, Inc of Anaheim, CA, San Diego Police Equipment Company, Inc of San Diego, CA, and Surplus Ammo & Arms, L.L.C. of Lakewood, WA; and

WHEREAS, the amount not to exceed was set at \$40,000 including WSST; and

WHEREAS, there is a need to increase the amount not to exceed to \$55,000 including WSST; **NOW THEREFORE,**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, hereby approves purchases of Ammunition off of the Washington State Contract No. 03210 from Dooley Enterprises, Inc. of Anaheim, CA, San Diego Police Equipment Company Inc. of San Diego, CA, and Surplus Ammo & Arms, L.L.C. of Lakewood, WA for a total amount not to exceed \$55,000 including WSST for the period of February 1, 2011 through January 31, 2013; and

BE IT FURTHER RESOLVED, the Board authorizes the Sheriff or his designee to sign the Purchase Agreements for Ammunition purchases off the Washington State Contract No. 03210; and

BE IT FURTHER RESOLVED, Resolution 11-125 is hereby amended.

Dated this _____ day of _____, 2013

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|--|------------------------------|--------------|----------------|--------------|
| Meeting Date: | <u>01/29/2013</u> | Execute Contract | _____ | Consent Agenda | <u> X </u> |
| Subject: | Authorization to pay Clearwater Collision & Towing | Pass Resolution | <u> X </u> | Public Hearing | _____ |
| | | Pass Ordinance | _____ | 1st Discussion | _____ |
| | | Pass Motion | _____ | 2nd Discussion | _____ |
| | | Other | _____ | Other | _____ |
| Prepared by: | <u>Lt. C. Jones</u> | | | | |
| Reviewed by: | <u>J. Thompson</u> | | | | |

BACKGROUND INFORMATION/SUMMARY

Per resolution 2012-677, section 4.0 Services "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."

Repair damage (rear door frame and window) to a Sheriff's patrol car, due to the felonious act of an individual. The damage resulted in putting a much needed patrol vehicle out of service. Clearwater Collision was utilized as they offered a low repair appraisal and could repair the vehicle the same day, resulting in the patrol vehicle being placed back into service almost immediately.

RECOMMENDATION

Authorize the payment for the previous repair of a vehicle from Clearwater Collision & Towing, Kennewick, WA in the amount of \$534.74 including W.S.S.T. with the total amount payable not to exceed \$540.00 including W.S.S.T.

FISCAL IMPACT

Amount not to exceed \$540.00 to be paid out of the 2011/12 Current Expense (0000-101) Dept. 121 Sheriff Patrol Budget. No supplement is required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING PAYMENT TO CLEARWATER COLLISION & TOWING FOR THE REPAIR OF A PATROL VEHICLE FOR THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, per resolution 2012 677, section 4.0 Services "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, there was damage (rear door frame and window) to a Sheriff's patrol car, due to the felonious act of an individual; and

WHEREAS, the damage resulted in putting a much needed patrol vehicle out of service; and

WHEREAS, Clearwater Collision was utilized as they offered a low repair appraisal and could repair the vehicle the same day, resulting in the patrol vehicle being placed back into service almost immediately; **NOW, THEREFORE**,

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board hereby authorizes payment from the 2011/12 Current Expense (0000-101) Dept. 121, Sheriff Patrol budget to Clearwater Collision & Towing for the previous services incurred for an amount of \$534.74; and

BE IT FURTHER RESOLVED, with the total not to exceed of \$540.00 including W.S.S.T.

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> | | | |
|--------------------|----------------------|------------------------------|--------------|----------------|--------------|
| Meeting Date: | 1/29/13 | Execute Contract | _____ | Consent Agenda | <u> X </u> |
| Subject: | Dept. 120 Line | Pass Resolution | <u> X </u> | Public Hearing | _____ |
| | Item Transfer to | Pass Ordinance | _____ | 1st Discussion | _____ |
| | comply with | Pass Motion | _____ | 2nd Discussion | _____ |
| | Res 2012-622 | Other | _____ | Other | _____ |
| Prepared by: | J. Thompson | | | | |
| Reviewed by: | R. Plummer <i>JN</i> | | | | |

BACKGROUND INFORMATION

Per resolution 2012-622 which was amended per resolution 2012-778, the Board adopted at the line items level effective November 1, 2012.

SUMMARY

A line item transfer in the amount of \$550 is needed to bring line items current in accordance to resolution 2012-622.

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

No additional fiscal impact / no supplement required.

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, SHERIFF CUSTODY
DEPARTMENT NUMBER 120.

BE IT RESOLVED, by the Board of Benton County Commissioners, that 2012
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: Sheriff, Auditor; File,

J. Thompson

BENTON COUNTY LINE ITEM TRANSFER

Dept. Name: Sheriff Custody Dept. Nbr: 120
 Fund Name: Current Expense Fund Nbr: 0000-101

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 |
|-----------------------|------------------------|----------------------|--------|-----------------------|------------------------|---------------------------------|--------|
| 523.940 | 4802 | Vehicle Maintenance | \$ 50 | 523.940 | 9802 | Repair & Maintenance | \$50 |
| 523.200 | 9802 | Repair & Maintenance | 500 | 523.200 | 9111 | Interfund Professional Services | 500 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$550 | TOTAL | | | \$550 |

Explanation:

The following line item transfers are needed to comply with the line item level budgeting per resolution 2012-622 which was amended per resolution 2012-778.

Prepared by: Julie Thompson Date: 22-Jan-2013
 Approved Denied Date: _____

 Chairman

 Member

 Member

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|---|------------------------------|---------|----------------|-----------|
| Meeting Date: | 1/29/13 | Execute Contract | _____ | Consent Agenda | ___X___ |
| Subject: | Dept. 121 Line Item Transfer to comply with Res 2012-622 | Pass Resolution | ___x___ | Public Hearing | _____ |
| | | Pass Ordinance | _____ | 1st Discussion | _____ |
| | | Pass Motion | _____ | 2nd Discussion | _____ |
| | | Other | _____ | Other | _____ |
| Prepared by: | J. Thompson | | | | |
| Reviewed by: | R. Plummer | | | | <i>JH</i> |

BACKGROUND INFORMATION

Per resolution 2012-622 which was amended per resolution 2012-778, the Board adopted at the line items level effective November 1, 2012.

SUMMARY

A line item transfer in the amount of \$1,700 is needed to bring line items current in accordance to resolution 2012-622.

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

No additional fiscal impact / no supplement required.

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, SHERIFF PATROL
DEPARTMENT NUMBER 121.

BE IT RESOLVED, by the Board of Benton County Commissioners, that 2012
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

BENTON COUNTY LINE ITEM TRANSFER

Dept. Name: Sheriff Patrol Dept. Nbr: 121
 Fund Name: Current Expense Fund Nbr: 0000-101

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 |
|-----------------------|------------------------|--------------------|----------|-----------------------|------------------------|------------------------|---------|
| 521.210 | 2106 | Uniform Laundry | \$ 1,000 | 521.210 | 2105 | Uniforms | \$1,000 |
| 521.940 | 3106 | Operating Supplies | 700 | 521.940 | 3501 | Small Item - Equipment | 700 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$1,700 | TOTAL | | | \$1,700 |

Explanation:

The following line item transfers are needed to comply with the line item level budgeting per resolution 2012-622 which was amended per resolution 2012-778.

Prepared by: Julie Thompson Date: 22-Jan-2013
 Approved Denied Date: _____

 Chairman

 Member

 Member

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|----------------------|------------------------------|---------|----------------|---------|
| Meeting Date: | 1/29/13 | Execute Contract | _____ | Consent Agenda | ___X___ |
| Subject: | Inmate | Pass Resolution | ___X___ | Public Hearing | _____ |
| | Benevolence | Pass Ordinance | _____ | 1st Discussion | _____ |
| | Fund 0116-101 | Pass Motion | _____ | 2nd Discussion | _____ |
| | Line Item | Other | _____ | Other | _____ |
| | Transfer to | | | | |
| | comply with | | | | |
| | Res 2012-622 | | | | |
| Prepared by: | J. Thompson | | | | |
| Reviewed by: | R. Plummer <i>JH</i> | | | | |

BACKGROUND INFORMATION

Per resolution 2012-622 which was amended per resolution 2012-778, the Board adopted at the line items level effective November 1, 2012.

SUMMARY

A line item transfer in the amount of \$1,064 is needed to bring line items current in accordance to resolution 2012-622.

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

No additional fiscal impact / no supplement required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
INMATE BENEVOLENCE FUND FUND NUMBER 0116-101, SHERIFF
DEPARTMENT NUMBER 000.

BE IT RESOLVED, by the Board of Benton County Commissioners, that 2012
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

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Sheriff Dept Nbr: 000
 Fund Name: Inmate Benevolence Fund Fund Nbr: 0116-101

TRANSFER FROM:

| BASE SUB (6 digit) | LINE ITEM (4 digit) | LINE ITEM NAME | AMOUNT | TRANSFER TO: | LINE ITEM (4 digit) | LINE ITEM NAME | AMOUNT |
|-----------------------|------------------------|-----------------------|---------|--------------|------------------------|----------------------------|---------|
| 523.600 | 4103 | Professional Services | \$1,064 | | 9305 | Computer Hardware & Softwa | \$1,064 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$1,064 | TOTAL | | | \$1,064 |

Explanation:

The following line item transfers are needed to comply with the line item level budgeting per resolution 2012-622 which was amended per resolution 2012-778.

Prepared by: Julie Thompson Date: 22-Jan-2013

Approved Denied Date: _____

Chairman

Member

Member

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|----------------------|------------------------------|---------|----------------|---------|
| Meeting Date: | 1/29/13 | Execute Contract | _____ | Consent Agenda | ___X___ |
| Subject: | Sheriff | Pass Resolution | ___X___ | Public Hearing | _____ |
| | Investigative | Pass Ordinance | _____ | 1st Discussion | _____ |
| | Fund 0126-101 | Pass Motion | _____ | 2nd Discussion | _____ |
| | Line Item | Other | _____ | Other | _____ |
| | Transfer to | | | | |
| | comply with | | | | |
| | Res 2012-622 | | | | |
| Prepared by: | J. Thompson | | | | |
| Reviewed by: | R. Plummer <i>JH</i> | | | | |

BACKGROUND INFORMATION

Per resolution 2012-622 which was amended per resolution 2012-778, the Board adopted at the line items level effective November 1, 2012.

SUMMARY

A line item transfer in the amount of \$100 is needed to bring line items current in accordance to resolution 2012-622.

RECOMMENDATION

Approve the resolution authorizing the line item transfer.

FISCAL IMPACT

No additional fiscal impact / no supplement required.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN SHERIFF INVESTIGATIVE FUND FUND NUMBER 0126-101, SHERIFF DEPARTMENT NUMBER 000.

BE IT RESOLVED, by the Board of Benton County Commissioners, that 2012 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: Sheriff, Auditor; File,

J. Thompson

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Sheriff Dept Nbr: 000
 Fund Name: Sheriff Investigative Fund Fund Nbr: 0126-101

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 |
|-----------------------|------------------------|-----------------------|--------------|-----------------------|------------------------|----------------|--------------|
| 521.210 | 4124 | Professional Services | \$100 | 521.210 | 4509 | Rentals | \$100 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL | | | \$100 | TOTAL | | | \$100 |

Explanation:

The following line item transfers are needed to comply with the line item level budgeting per resolution 2012-622 which was amended per resolution 2012-778.

Prepared by: Julie Thompson Date: 22-Jan-2013

Approved Denied Date: _____

Chairman

Member

Member

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

January 29, 2013

Charles Freeman, District Manager
Kennewick Irrigation District
12 West Kennewick Avenue
Kennewick, Washington 99336

Dear Mr. Freeman,

Benton County is aware that the Kennewick Irrigation District (KID) is submitting an application to the United States Bureau of Reclamation for grant funding through Reclamation's WaterSMART program. We understand that KID is requesting \$1.5 million in matching funds from Reclamation, which would be used to complete a portion of a three-phased project to line nearly 15 miles of existing irrigation canal.

It is estimated that when completed this canal-lining project will result in the conservation of 2200 acre-feet of Yakima River surface water. As KID is aware, Benton County has long been a supporter of such projects in the Yakima Basin, such as the pressurization of the Kiona Irrigation District system and the enclosure of the Barker Ranch's system just within the past decade.

We are pleased to see another such project in the works, and Benton County supports KID's funding request. Good luck with your application, and please let us know if there is anything more we can do on your behalf on this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Shon Small, Chairman

Jerome Delvin

Jim Beaver

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | |
|--------------------|--|------------------------------|--------------|
| Meeting Date: | <u>1/29/13</u> | Execute Contract | _____ |
| Subject: | <u>2012 Personal Property Uncollectibles</u> | Pass Resolution | <u> X </u> |
| Prepared by: | <u>Joanna Guzman</u> | Pass Ordinance | _____ |
| Reviewed by: | _____ | Pass Motion | _____ |
| | | 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 2012.

SUMMARY

The County Treasurer is providing the attached list (Exhibit "A") of personal property taxes that have been deemed uncollectible for 2012 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 2012 is \$8,760.56 as shown in Exhibit "A".

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 Joanna Guzman

CC: Treasurer, Auditor, Assessor

| <u>AGENDA ITEM</u> | | <u>TYPE OF ACTION NEEDED</u> | | | |
|--------------------|------------------------|------------------------------|--------------|----------------|--------------|
| Meeting Date: | 1/29/2013 | Execute Contract | _____ | Consent Agenda | <u> X </u> |
| Subject: | Grant | Pass Resolution | <u> X </u> | Public Hearing | _____ |
| | Application with | Pass Ordinance | _____ | 1st Discussion | _____ |
| | the Department | Pass Motion | _____ | 2nd Discussion | _____ |
| | of Ecology | Other | <u> X </u> | Other | _____ |
| Prepared by: | Sgt Souza | | | | |
| Reviewed by: | Comm. Law | | | | |
| | J. Thompson <i>SWK</i> | | | | |

BACKGROUND INFORMATION

Since 2005, the Benton County Sheriff's Office has applied for, and received funds from the Department of Ecology (DOE). These funds have been used to provide the County with funding for litter pickup and illegal dump cleanup. In the past, an entire Work Crew (Work Crew 3) was dedicated to cleaning up county roads, state highways, and illegal dumps throughout Benton County.

In 2011, funding from the DOE ceased prematurely due to budget restraints. Work Crew 3 was then permanently shut down. In 2012 DOE continued to fund the Work Crew (now WC#4) with funds from the Community Litter Cleanup Program (CLCP).

The attached is a grant application to receive \$97,600 in CLCP funding and \$27,641 towards a work crew van.

SUMMARY

The funds available in the attached application will be used to offset the cost of the Work Crew Officer assigned to a Work Crew. This crew will not exclusively work on cleaning up county roads, state highways, and illegal dumps. These duties will be added to their current workload.

RECOMMENDATION

The Sheriff's Office recommends applying for these funds available through the Department of Ecology and using them to offset the salary and benefit costs associated with the Work Crew officer assigned to a Work Crew.

FISCAL IMPACT

Zero fiscal impact.

The funding amount we are applying for is \$97,600.00 for the time period of July 1, 2013 through June 30, 2015 and an additional \$27,641.00 towards the purchase of a work crew van

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF APPLYING FOR FUNDING BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY 'S COMMUNITY LITTER CLEANUP PROGRAM FOR THE PURPOSE OF PROVIDING BENTON COUNTY WITH FUNDING FOR LITTER PICKUP AND ILLEGAL DUMP CLEANUP

WHEREAS, the Benton County Sheriff's Office completed an application for Community Litter Cleanup Program Funds from the Department of Ecology for 2013-2015 with a funding amount of \$97,600 to be used towards litter pickup and illegal dump cleanup; and

WHEREAS, the Benton County Sheriff's Office completed an application for tools and trucks in the amount of \$27,641 to be used towards the purchase of a work crew van; and

WHEREAS, the Benton County Sheriff's Office will come before the Board when notified that funding is awarded; and

WHEREAS, The Benton County Sheriff's Office requests to apply for the funds available by the Washington State Department of Ecology Community Litter Cleanup Program for the period of July 1, 2013 to June 30, 2015; **NOW, THEREFORE**,

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, the Board hereby authorizes the Chairman to sign the attached Community Litter Cleanup Program Application.

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



Department of Ecology
Waste 2 Resources Program

| |
|---|
| FOR ECOLOGY USE ONLY Application # _____ |
|---|

Application for Community Litter Cleanup Program Funds

2013-2015 Submit a single copy of this application to your project officer.

Submit only one application for all projects

Section 1 Applicant Information

The applicant is the county solid waste planning authority.

| | | | |
|--|-------------------------|--|-----------------------|
| Applicant Name Benton County Solid Waste | | Applicant Address P.O. Box 190, Prosser, WA 99350 | |
| Signature of Applicant: | | Date | |
| Print Name and Title: Jim Beaver, Chairman | Phone (509) 786-5600 | E-Mail Jim.Beaver@co.benton.wa.us | Fax (509) 786-5625 |
| <i>The above Applicant certifies that the information submitted is true and correct to the best of his or her knowledge and that he or she is authorized to submit this application.</i> | | | |

Section 2 Recipient Information

The recipient is the government agency that will actually receive the funds and with whom Ecology will enter into a grant. Complete a separate Section 2 for more than one recipient.

| | | | |
|--|-------------------------------|--|-----------------------|
| Federal I.D. Number 91-6001296 | | | |
| Recipient Name Benton County | | Agency Benton County Sheriff's Office | |
| Address 7122 W. Okanogan Place, Kennewick, WA 99336 | | | |
| Preparer's Name and Title Scott Souza, Sergeant | Phone (509) 783-1451 X3822 | E-Mail Scott.Souza@co.benton.wa.us | Fax (509) 222-3784 |
| Billing Contact Name Officer Jason Dolin | Phone (509) 531-2619 | E-Mail Jason.Dolin@co.benton.wa.us | Fax (509) 222-3784 |

Address Payments Should be Mailed to

| PROJECT | AMOUNT REQUESTED |
|--|------------------|
| Litter Pickup and Illegal-Dump Cleanup | \$97,600.00 |
| Litter Prevention Education/Outreach | 0 |
| Total | \$97,600.00 |

The undersigned agrees that if a grant is executed on the basis of this application, the recipient will comply with all applicable statutory provisions, and with the applicable terms, conditions, and procedures of the Department of Ecology.

| | |
|--|-----------------|
| Signature of official authorized to obligate recipient's resources | Date 1/22/13 |
|--|-----------------|



Ridges to Rivers Open Space Network...promoting a regional network of open space and trails connecting our ridges, rivers and communities, for the enjoyment of this and future generations of Mid-Columbians.

1/2/2013

Mr. Adam Fyall
Benton County Justice Center
7122 W. Okanogan Place, Bldg. A
Kennewick, WA 99336

Dear Mr. Fyall

I would like to request a 10 minute time slot on the Benton County Commissioners meeting agenda for January 29, 2013.

The topic of the request is to call for Benton County to invite the Trust for Public Land to give a free presentation to the Commissioners on the subject of conservation finance measures. The presentation format, time and location would be determined by the commissioners.

I am President of the Tapteal Greenway and the Ridges to Rivers Open Space Network and will be accompanied by David Comstock, President of the Friends of Badger Mountain. I will present a brief on the request and David and I will be available for questions.

Thank you,

A handwritten signature in black ink that reads "Scott".

Scott Woodward
627-3621
woodfish24@charter.net

cc: David Sparks

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | |
|---|---|--|
| Meeting Date: 1/29/2013 Subject: HRA VEBA Prepared by: M. Wenner | Execute Contract Pass Resolution Pass Ordinance Pass Motion Other <div style="text-align: right; margin-top: 10px;">X</div> | Consent Agenda Public Hearing 1st Discussion X 2nd Discussion Other |
| | | |

BACKGROUND INFORMATION

The Personnel/Risk Manager requests time to discuss the attached draft resolutions regarding Amending Resolution 09-618 of the Benton County Personnel Policies and Procedures for Non-Bargaining Employees Pertaining to Section 8.5 Voluntary Employee Beneficiary Account (VEBA) Plan and Repealing and Superseding all Previously Approved Benton County Resolutions Regarding HRA VEBA Plans.

SUMMARY

Same as above.

RECOMMENDATION

Discuss and receive direction from the Board of Benton County Commissioners regarding attached draft Resolutions regarding HRA VEBA Plans.

IN THE MATTER OF AMENDING RESOLUTION 09 618 PERTAINING TO SECTION 8.5 VOLUNTARY EMPLOYEE BENEFICIARY ACCOUNT (VEBA) PLAN

WHEREAS, the Board of Benton County Commissioners adopted the Benton County Personnel Policies and Procedures for Non-Bargaining Employees by Resolution 09 618; and

WHEREAS, the Board of Benton County Commissioners has established a Health Reimbursement Arrangement (HRA) Voluntary Employee Beneficiary Association (VEBA) in accordance with Internal Revenue Code Section 501(c)(9); and

WHEREAS, Section 8.5 B. of the Benton County Personnel Policies and Procedures for Non-Bargaining Employees identifies the provisions of Benton County's contributions into the non-bargaining employee's HRA VEBA accounts; and

WHEREAS, these same provisions apply to Benton County officials elected pursuant to Washington State law other than Superior Court Judges; and

WHEREAS, Benton County utilizes the services of Voluntary Employees' Beneficiary Association for Public Employees in the Northwest Trust ("Trust") to administer an HRA plan for its employees; and

WHEREAS, the Trust's legal counsel notified Benton County the nondiscrimination rules under the Internal Revenue Code (IRC) generally apply to HRA VEBA plans; and

WHEREAS, the Trust's legal counsel has indicated that Internal Revenue Service (IRS) guidance regarding the nondiscrimination rules is anticipated later this year and advised Benton County, as well as all other employers utilizing the HRA VEBA plan services of the Trust, to change all HRA VEBA employer contributions based on a percent-of-pay method to a uniform flat dollar amount method; and

WHEREAS, the Board of Benton County Commissioners as advised by the Trust in anticipation of the IRS ruling and to avoid potential non-compliance with IRS nondiscrimination rules will change Benton County's HRA VEBA employer contribution method on behalf of all Benton County full-time benefit eligible non-bargaining employees and elected officials; Human Services bi-county full-time benefit eligible non-bargaining employees; and Superior Court and Juvenile Justice bi-county full-time benefit eligible non-bargaining employees as defined as eligible to participate in the HRA VEBA plan from a percent-of-pay contribution to a uniform flat dollar amount; and

WHEREAS, as a result of this change, effective March 1, 2013, the Board of Benton County Commissioners amends Resolution 09-916 removing Section 8.5 B. pertaining to Benton County's current HRA VEBA contribution provisions; and

WHEREAS, effective March 1, 2013, and with the March 5, 2013, paychecks, Benton County's contribution methods and eligibility requirements will be clearly defined in the attached Benton County HRA VEBA policies for Benton County full-time benefit eligible non-bargaining employees and elected officials; Human Services bi-county full-time benefit eligible non-bargaining employees; and Superior Court and Juvenile Justice bi-county full-time benefit eligible non-bargaining employees; **NOW THEREFORE**,

BE IT RESOLVED effective March 1, 2013, the attached policies are adopted by the Board of Benton County Commissioners as the contribution methods and eligibility requirements for Benton County full-time benefit eligible non-bargaining employees and elected officials; Human Services bi-county full-time benefit eligible non-bargaining employees; and Superior Court and Juvenile Justice bi-county full-time benefit eligible non-bargaining employees and that Resolution 09-618 is hereby amended removing section 8.5 B. from the Benton County Personnel Policies and Procedures for Non-Bargaining Employees; and

BE IT FURTHER RESOLVED that the Board of Benton County Commissioners retains the right to modify or repeal this Resolution, the HRA VEBA Plan, and/or HRA VEBA policies and procedures at its discretion, without prior notification to employees, unless written resolution or employment contract for a particular position provides otherwise; and

BE IT FURTHER RESOLVED that nothing in this Resolution, the HRA VEBA Plan, and/or HRA VEBA policies and procedures is intended or shall be interpreted as limiting or compromising the Court's or Counties' rights as an "at-will" employer.

**Benton County
Health Reimbursement Arrangement (HRA)
Voluntary Employee Beneficiary Association (VEBA) Policy for
Benton County Non-Bargaining Employees and Elected Officials**

HRA VEBA PLAN

Benton County ("Employer") has adopted an HRA VEBA Medical Expense Plan ("Plan"). The Employer contributes to the Plan on behalf of all Benton County full-time benefit eligible non-bargaining employees and elected officials ("Group") defined as eligible to participate in the Plan. The IRS rules require that all employee Group members defined as eligible must participate in the Plan. The plan is funded with Employer contributions in amounts determined by the Employer.

DEFINITIONS

Elected Officials: Those Benton County officials elected pursuant to Washington State law other than Superior Court Judges.

Non-Bargaining Positions: All Benton County unrepresented employees who are appointed to budgeted positions.

Full-Time Positions: A position normally scheduled to be 40 work hours per week with an actual or expected duration of more than six months.

Benefit Eligible: Full-time non bargaining positions who work more than 90 hours per month are eligible for HRA VEBA benefits.

ELIGIBILITY REQUIREMENTS

Must be a Benton County full-time benefit eligible non-bargaining employee or elected official as defined above.

EMPLOYER CONTRIBUTION METHODS

Contributions on behalf of each eligible employee and elected official shall be based on the following funding sources:

Employer contribution. The Employer will contribute into each eligible employee or elected official's HRA VEBA Plan contributions equal to \$225.00 which shall be contributed

on a monthly basis. Such contributions shall be made on behalf of all Group employees defined as eligible and shall be considered and referred to as Employer contributions.

Excess monthly benefit dollars. The Employer contributes a specified amount monthly toward eligible employee or elected official's insurance premiums for insurance plans offered by the Employer. The Employer's contribution is applied first toward mandatory employee basic life, vision, dental, and medical insurance. Any remaining amount is applied monthly to any additional insurance or dependent coverage elected by the eligible employee or elected official or is deposited into the eligible employee or elected official's HRA VEBA account.

Sick leave cash-outs upon voluntary separation from service or retirement. Eligibility is limited to employees who retire or voluntarily separate from service with sick leave cash-out provisions during the term hereof. Employer contributions shall include an eligible employee's unused sick leave accruals available for cash-out upon retirement or voluntary separation from service per the Employer's policy. For employees with PERS Plan 1, the Employer excludes from the HRA VEBA the sum of unused sick leave accruals used by the Department of Retirement Systems in calculating the employee's average final compensation.

**Benton County
Health Reimbursement Arrangement (HRA)
Voluntary Employee Beneficiary Association (VEBA) Policy for
Human Services Bi-County Non-Bargaining Employees**

HRA VEBA PLAN

Benton County (“Employer”) has adopted an HRA VEBA Medical Expense Plan (“Plan”). The Employer contributes to the Plan on behalf of all Human Services bi-county full-time benefit eligible non-bargaining employees (“Group”) defined as eligible to participate in the Plan. The IRS rules require that all employee Group members defined as eligible must participate in the Plan. The plan is funded with Employer contributions in amounts determined by the Employer.

DEFINITIONS

Bi-County Non-Bargaining Positions: All unrepresented Human Services employees who are appointed to budgeted positions.

Full-Time Positions: A position normally scheduled to be 40 work hours per week with an actual or expected duration of more than six months.

Benefit Eligible: Full-time non bargaining positions who work more than 90 hours per month are eligible for HRA VEBA benefits.

ELIGIBILITY REQUIREMENTS

Must be a full-time benefit eligible Human Services bi-county non-bargaining employee as defined above.

EMPLOYER CONTRIBUTION METHODS

Contributions on behalf of each eligible employee shall be based on the following funding sources:

Employer contribution. The Employer will contribute into each eligible employee’s HRA VEBA Plan contributions equal to \$225.00 which shall be contributed on a monthly basis. Such contributions shall be made on behalf of all Group employees defined as eligible and shall be considered and referred to as Employer contributions.

Excess monthly benefit dollars. The Employer contributes a specified amount monthly toward an eligible employee's insurance premiums for insurance plans offered by the Employer. The Employer's contribution is applied first toward mandatory employee basic life, vision, dental, and medical insurance. Any remaining amount is applied monthly to any additional insurance or dependent coverage elected by the eligible employee or is deposited into the eligible employee's HRA VEBA account.

Sick leave cash-outs upon voluntary separation from service or retirement. Eligibility is limited to employees who retire or voluntarily separate from service with sick leave cash-out provisions during the term hereof. Employer contributions shall include an eligible employee's unused sick leave accruals available for cash-out upon retirement or voluntary separation from service per the Employer's policy. For employees with PERS Plan 1, the Employer excludes from the HRA VEBA the sum of unused sick leave accruals used by the Department of Retirement Systems in calculating the employee's average final compensation.

DRAFT

**Benton County
Health Reimbursement Arrangement (HRA)
Voluntary Employee Beneficiary Association (VEBA) Policy for
Superior Court and Juvenile Justice Bi-County Non-Bargaining Employees**

HRA VEBA PLAN

Benton County (“Employer”) has adopted an HRA VEBA Medical Expense Plan (“Plan”). The Employer contributes to the Plan on behalf of all Superior Court and Juvenile Justice bi-county full-time benefit eligible non-bargaining employees (“Group”) defined as eligible to participate in the Plan. The IRS rules require that all employee Group members defined as eligible must participate in the Plan. The plan is funded with Employer contributions in amounts determined by the Employer.

DEFINITIONS

Bi-County Non-Bargaining Positions: All unrepresented Superior Court and Juvenile Justice Employees who are appointed to budgeted positions.

Full-Time Positions: A position normally scheduled to be 40 work hours per week with an actual or expected duration of more than six months.

Benefit Eligible: Full-time non bargaining positions who work more than 90 hours per month are eligible for HRA VEBA benefits.

ELIGIBILITY REQUIREMENTS

Must be a full-time benefit eligible Superior Court and Juvenile Justice Bi-County non-bargaining employee as defined above.

EMPLOYER CONTRIBUTION METHODS

Contributions on behalf of each eligible employee shall be based on the following funding sources:

Employer contribution. The Employer will contribute into each eligible employee’s HRA VEBA Plan contributions equal to \$166.50 which shall be contributed on a monthly basis. Such contributions shall be made on behalf of all Group employees defined as eligible and shall be considered and referred to as Employer contributions.

Excess monthly benefit dollars. The Employer contributes a specified amount monthly toward an eligible employee's insurance premiums for insurance plans offered by the Employer. The Employer's contribution is applied first toward mandatory employee basic life, vision, dental, and medical insurance. Any remaining amount is applied monthly to any additional insurance or dependent coverage elected by the eligible employee or is deposited into the eligible employee's HRA VEBA account.

Sick leave cash-outs upon voluntary separation from service or retirement. Eligibility is limited to employees who retire or voluntarily separate from service with sick leave cash-out provisions during the term hereof. Employer contributions shall include an eligible employee's unused sick leave accruals available for cash-out upon retirement or voluntary separation from service per the Employer's policy. For employees with PERS Plan 1, the Employer excludes from the HRA VEBA the sum of unused sick leave accruals used by the Department of Retirement Systems in calculating the employee's average final compensation.

DRAFT

| <u>AGENDA ITEM</u> | <u>TYPE OF ACTION NEEDED</u> | | |
|---|--|-------------------|--|
| Meeting Date: 1/29/2013 Subject: HRA VEBA Prepared by: M. Wenner | Execute Contract Pass Resolution Pass Ordinance Pass Motion Other | X | Consent Agenda Public Hearing 1st Discussion X 2nd Discussion Other |
| | | | |

BACKGROUND INFORMATION

The Personnel/Risk Manager requests time to discuss the attached draft resolutions regarding Amending Resolution 09-618 of the Benton County Personnel Policies and Procedures for Non-Bargaining Employees Pertaining to Section 8.5 Voluntary Employee Beneficiary Account (VEBA) Plan and Repealing and Superseding all Previously Approved Benton County Resolutions Regarding HRA VEBA Plans.

SUMMARY

Same as above.

RECOMMENDATION

Discuss and receive direction from the Board of Benton County Commissioners regarding attached draft Resolutions regarding HRA VEBA Plans.

IN THE MATTER OF REPEALING AND SUPERSEDING ALL PREVIOUSLY APPROVED BENTON COUNTY RESOLUTIONS REGARDING HEALTH REIMBURSEMENT ARRANGEMENT/VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION ("HRA VEBA") PLAN; INCLUDING BUT NOT LIMITED TO RESOLUTIONS 99-128, 99-263, 99-312, 99-650, 0-343, 02-368, AND 02-392, AND TO REESTABLISH AN HRA VEBA PLAN

WHEREAS, the Internal Revenue Code Section 501(c)(9) allows for the creation of a voluntary employees' beneficiary association which is a tax-exempt health and welfare trust; and

WHEREAS, IRS regulations and guidelines allow an employer to offer health reimbursement arrangement (HRA) plans; and

WHEREAS, such HRA plans are available to governmental employers in the Northwest; and

WHEREAS, the Voluntary Employees' Beneficiary Association for Public Employees in the Northwest Trust ("Trust") offers and will administer an HRA entitled "Voluntary Employees' Beneficiary Association Medical Expense Plan for Public Employees in the Northwest" ("Plan") as amended and restated; and

WHEREAS, Benton County ("Employer") has determined that establishing an HRA plan which provides a tax-free defined contribution account for employees to pay for medical, dental, vision and tax qualified long-term care premiums and non-covered healthcare expenses is in the best interest of the Employer and its employees; and

WHEREAS, the Employer utilizes the services of the Trust to administer an HRA plan for its employees; and

WHEREAS, the Board of Benton County Commissioners approved Resolutions 99-128, 99-263, and 0-343, establishing a VEBA plan, and subsequently approved resolutions 02-368 and 02-392, amending the plan; and

WHEREAS, the Board of Benton County Commissioners also approved Resolution 99-312, establishing Benton County's HRA VEBA employer contribution rate toward full-time benefit eligible Benton County non-bargaining employees HRA VEBA plans; Resolution 99-650, establishing the HRA VEBA employer contribution rate toward full-time benefit eligible non-bargaining Human Services employees; and Resolution 0-343, establishing Benton County's HRA VEBA employer contribution rate toward full-time benefit eligible non-bargaining Superior Court and Juvenile Justice employees; and

WHEREAS, the Plan is funded with Employer contributions in amounts Employer determines from time to time pursuant to Employer policies and collective bargaining agreements; and

WHEREAS, the County desires to continue to have an HRA/VEBA plan for its employees; and

WHEREAS, the County desires to use the services of the Trust to administer the plan; and

WHEREAS, the Plan is administered in accordance with the Plan documents provided by the Trust on file in the Benton County Personnel Department; NOW, THEREFORE,

BE IT RESOLVED by the Board of Benton County Commissioners that the Employer hereby elects to continue to participate in the Plan and Trust as presently constituted or hereafter amended using the Trust as its plan administrator for the benefit of eligible employees as defined by Employer policies or collective bargaining agreements; and

BE IT RESOLVED that the Board of Benton County Commissioners retains that authority to execute documents and establish procedures consistent with Plan and Trust provisions and applicable

Employer polices and collective bargaining agreements necessary to effect the adoption and administration of the Plan; and

BE IT FURTHER RESOLVED that the Board of Benton County Commissioners retains the right to modify or repeal this Resolution, the Plan, and/or policies and procedures at its discretion, without prior notification to employees, except as may be limited by a collective bargaining agreement between the Employer and employees or by an employment contract; and

BE IT FURTHER RESOLVED that nothing in this Resolution, the Plan, and/or policies and procedures is intended or shall be interpreted as limiting or compromising the Court's or Counties' rights as an "at-will" employer;

BE IT FURTHER RESOLVED that the Board adopts this Resolution and that such replaces the HRA VEBA plans adopted by the Board pursuant to Resolution 99-128, 99-263, 99-312, 99-650, 0-343; 02-368, and 02-392 are hereby repealed and superseded by this Resolution.

DRAFT