

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

# Board of County Commissioners BENTON COUNTY

David Sparks  
County Administrator

Loretta Smith Kelty  
Deputy County Administrator



## AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, May 8, 2012 Benton County Courthouse, Prosser, WA

9:00 AM

Call to Order

Approval of Minutes

- ❖ May 1, 2012
- ❖ May 1, 2012 Special Board Meeting

Review Agenda

Consent Agenda

### Commissioners

- a. Ridges to Rivers Open Space Network Support Letter
- b. Older Americans Month Proclamation

### Prosecuting Attorney

- c. Amendment to Collective Bargaining Agreement for Juvenile Clerical
- d. Settlement Agreement w/Teamsters Local 839, Representing Juvenile Detention

### Public Works

- e. Granting Franchise to Public Utility District No. 1
- f. Line Item Transfer, Fund No. 0155-101, Dept. 000

to view items in detail, please click  
on highlighted area

9:05 AM

Public Hearing:

Short Plat Vacation – SPV 12-02 – M Shuttleworth

Short Plat Vacation – SPV 12-03 – M Shuttleworth

Executive Session:

Pending Litigation – R Brown

Unscheduled Visitors

Board Assignment Update

**Draft**

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
Tuesday, May 1, 2012, 9:00 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

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

**Benton County Employees Present During All or a Portion of the Meeting:** Deputy Administrator Loretta Smith Kely; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; DPA Ryan Brown; District Court Administrator Jacki Lahtinen; Central Services Manager Randy Reid; DPA Steve Hallstrom; Auditor Brenda Chilton; Planning Manager Mike Shuttleworth; Erhiza Rivera, Treasurer's Office; County Engineer Malcolm Bowie.

Approval of Minutes

The Minutes of April 24, 2012 were approved.

Consent Agenda

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

Auditor

- a. Printer Maintenance Agreements w/Comstor Information Management, Inc.
- b. Interlocal Cooperative Agreement w/Secretary of State's Office for Local Voters' Pamphlet

Commissioners

- c. Setting Salaries for Elected Officials; Amending Resolution 10-331
- d. Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 109

Fairgrounds

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

Office of Public Defense

- f. Service Agreement w/Charter College, LLC to Provide No-Cost Paralegal Internships

Public Works

- g. Temporary Supplemental Payment to the Benton County Engineer; Amending Resolution 2012-130

- h. Planning Department Short Plat Application for Prosser Maintenance Yard
- i. Benton Franklin Health Dept. Short Plat Application for Prosser Maintenance Yard

**Sheriff**

- j. Authorization to Purchase Tires from Wingfoot Commercial Tire
- k. Interlocal Agreement w/City of Kennewick for Byrne Justice Assistance Grant
- l. Line Item Transfer, Fund No. 0000-101, Dept. 125

**Sustainable Development**

- m. Tri-Cities Rivershore Master Plan

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

**Public Hearing - Short Plat Vacation – SPV 12-01**

Mike Shuttleworth presented the application for short plat vacation filed by Lillian Fay requesting vacation of a 20-foot lateral irrigation easement. KID approved the vacation and recorded a relinquishment of easement document with the County Auditor.

Mr. Shuttleworth said that based upon the information received, the Planning Department recommended approval of the vacation.

**Testimony**

Mark Richart, Richland, said he was not the owner, but was trying to purchase the property and was in favor of the request.

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

**MOTION:** Commissioner Small moved to approve the vacation of the 20-foot lateral 33.5-A-1 Irrigation Easement being 20.00 feet in width lying in Lot 1 of Short Plat No. 2778 and as shown on the face of said short plat as recorded in volume 1 of Short Plats, page 2778 records of Benton County, Washington. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

**Horse Heaven Cemetery Ordinance Discussion**

**Resolution**

Adam Fyall presented a resolution memorializing the history and disposition of the cemetery and officially adopting the cemetery under the control of the Benton County Parks Department. He said that adoption of the resolution would not change the current status of the cemetery.

**Ordinance**

Mr. Fyall presented a draft ordinance reflecting hours of visitation for the cemetery. With the Board's approval, he would submit it for public hearing at a future date. Ryan Brown said this was a takeoff from the current ordinance for hours and rules for other Benton County parks. He

said there were not set hours (it depended on daylight hours) but there would be a posted sign depicting the visitation hours.

Commissioner Bowman said the ordinance needed to state it would not become an active cemetery so as not to become an obligation.

Commissioner Small concurred with the suggested changes and going to public hearing. Chairman Beaver agreed.

The executive session scheduled on the agenda for pending litigation was cancelled and a new executive session was scheduled.

### **Executive Session – Potential Litigation**

The Board went into executive session at 9:15 a.m. for up to 10 minutes to discuss potential litigation. Present were Melina Wenner, DPA Ryan Brown, DPA Steve Hallstrom, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out at 9:19 a.m. Mr. Brown stated that no action was taken.

### **Executive Session – Performance of a Public Employee**

The Board went back into executive session at 9:19 a.m. for up to 15 minutes to discuss the performance of a public employee. Present were Steve Hallstrom, Ryan Brown, Melina Wenner, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out of executive session at 9:26 a.m. (10 minutes from the first executive session) and Mr. Brown said the Board needed an additional 10 minutes to discuss the performance of a public employee. The Board came out at 9:36 a.m. Mr. Brown said the Board needed an additional five minutes to discuss the performance of public employee.

At 9:40 a.m. the Board came out of executive session. Mr. Brown said that no action was taken.

### **Commissioner Assignment Update**

Commissioner Small said he was impressed with the Benton City Economic Development Council's 2012 1<sup>st</sup> quarter report. Also, he attended the Law & Justice meeting and provided a summary report by the citizen advisory board regarding the potential 1/10, 2/10 or 3/10 tax increase and future forecasts. Commissioner Small also said he attended the Air Quality tour and that it was interesting.

Commissioner Bowman commented that he attended a retirement party for Walla Walla County Commissioner Gregg Loney, that he was working on details for the May 14 tour and he would be attending the upcoming NACO annual meeting.

Chairman Beaver reported on the Council of Government meeting and a letter he received from a concerned constituent regarding the recording fees imposed by the State included in fees that she had to pay when a family member died.

Additionally, Chairman Beaver said he had money in his travel line item that was flexible and he wanted it to be moved to pay for a colleague's travel. Commissioner Small said he was also in favor of that.

### **Claim For Damages**

CC 2012-09: Received on April 27, 2012 from John Michel

### **Vouchers**

Check Date: 4/27/2012  
Warrant #: 56599-56666  
Warrant #: 56899-57104  
Transfer #: 01120412.10104121.10104122  
Total all funds: \$795,964.73

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

### **Resolutions**

- 2012-236: Printer Maintenance Agreements w/Comstor Information Management, Inc.
- 2012-237: Interlocal Cooperative Agreement w/Secretary of State's Office for Local Voters' Pamphlet
- 2012-238: Setting Salaries for Elected Officials; Amending Resolution 10-331
- 2012-239: Line Item Transfer, Fund No. 0000-101, Dept. 115 to Dept. 109
- 2012-240: Line Item Transfer, Fund No. 0124-101, Dept. 000
- 2012-241: Service Agreement w/Charter College, LLC to Provide No-Cost Paralegal Internships
- 2012-242: Temporary Supplemental Payment to the Benton County Engineer; Amending Resolution 2012-130
- 2012-243: Planning Department Short Plat Application for Prosser Maintenance Yard
- 2012-244: Benton Franklin Health Dept. Short Plat Application for Prosser Maintenance Yard
- 2012-245: Authorization to Purchase Tires from Wingfoot Commercial Tire
- 2012-246: Interlocal Agreement w/City of Kennewick for Byrne Justice Assistance Grant
- 2012-247: Line Item Transfer, Fund No. 0000-101, Dept. 125
- 2012-248: Tri-Cities Rivershore Master Plan
- 2012-249: Approval of SPV 12-01; Applicant – Lillian Fay
- 2012-250: Addition of Horse Heaven Cemetery to the Benton County Park System

There being no further business before the Board, the meeting adjourned at approximately 9:47 a.m.

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Clerk of the Board

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Chairman

**Draft**

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Special Board Meeting  
Tuesday, May 1, 2012, 1:30 p.m.  
Commissioners' Conference Room  
Benton County Justice Center, Kennewick, WA

**Present:** Chairman James Beaver  
Commissioner Shon Small  
Commissioner Leo Bowman  
Clerk of the Board Cami McKenzie

**Benton County Employees Present During All or a Portion of the Meeting:** Ed Thornbrugh, Linda Ivey, Tracy Diaz, and Maria Loera, Benton-Franklin Human Services; and Sustainable Development Manager Adam Fyall.

**Public Hearing – Community Development Block Grant Application**

Ed Thornbrugh presented a letter from Benton-Franklin CAC stating that based upon feedback from the community, they were proposing to hire a full-time bi-lingual Family Development Specialist with the grant money. This specialist would deliver services in the rural non-entitlement areas for Franklin County, specifically Connell, Mesa, Basin City, and the rural non-entitlement areas for Benton County, specifically Benton City, West Richland and Prosser.

Mr. Thornbrugh indicated this was the public hearing process that was required by the grant application.

**Testimony**

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

Commissioner Bowman asked for clarification on the services the grant would be providing. Mr. Thornbrugh said the plan was to remove the distance barrier to services that were currently being provided and expand delivery of those services into the specified rural areas. It would increase access to programs, but would not create new funds. Additionally, donated space for the increased program was already secured, along with other office supplies so the money would be used for staff and fuel for the vehicle to get to the rural areas.

Chairman Beaver asked what would happen to the program if the grant went away. Mr. Thornbrugh indicated they would eliminate the funding. He did say there were some local dollars the Board could approve for the program if that were to happen.

Chairman Beaver said the Board of Commissioners had the philosophy that if a grant went away then the program also went away. However, he was in favor of moving forward on this program and the opportunity to use pass-through funds.

Commissioner Small asked Mr. Thornbrugh if he believed this program was in the best interest of the residents of both Benton and Franklin Counties and Mr. Thornbrugh said it was.

**MOTION:** Commissioner Bowman moved to approve the resolution in the matter of application for Community Development Block for Grant Public Service Funds. Commissioner Small seconded. Commissioner Bowman made a friendly amendment to include the Chairman signing the Title VI Certification. Upon vote, the motion carried unanimously.

**Resolution**

2012- 251: Approval of Application for Community Development Block Grant for Public Service Funds

There being no further business before the Board, the meeting adjourned at 1:44 p.m.

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

\_\_\_\_\_  
Chairman

<b><u>AGENDA ITEM</u></b>	<b><u>ACTION NEEDED</u></b>	<b><u>DISCUSSION TYPE</u></b>
<b>Meeting Date: 08 May 2012</b> <b>Subject: RROSN letter</b> <b>Memo Date: 01 May 2012</b> <b>Prepared By: MF &amp; AJF</b> <b>Reviewed By: AJF</b>	<b>Execute Contract</b> <b>Pass Resolution</b> <b>Pass Ordinance</b> <b>Pass Motion       X</b> <b>Other</b>	<b>Consent Agenda   X</b> <b>Public Hearing</b> <b>1st Discussion</b> <b>2nd Discussion</b> <b>Other</b>

**SUMMARY & BACKGROUND**

The Ridges to Rivers Open Space Network (RROSN) is applying for an award and has asked the County for a letter of support. Here is their request:

“RROSN is applying to receive the 2012 APA/PAW (Washington Chapter of the American Planning Association/Planning Association of Washington) Award in the category of Citizen Involvement for its development of a “Vision Plan for Open Space Conservation and Trail Connectivity in the Mid-Columbia Region”. We believe that the Vision Plan represents an outstanding example of citizen participation in local planning; having been conceived, researched, written, and published almost entirely by citizen volunteers with the advice of city and county staff. We ask your help by writing a letter of support for our application.”

Marilu Flores and Adam Fyall developed the draft letter for Board consideration.

**FISCAL IMPACT**

None.

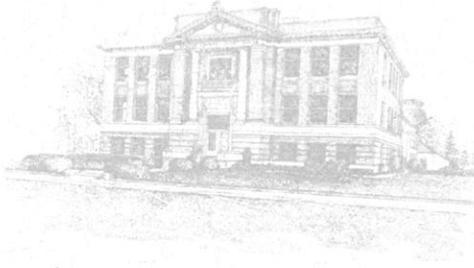
# # #

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

## Board of County Commissioners BENTON COUNTY

David Sparks  
County Administrator

Loretta Smith Kelty  
Deputy County Administrator



May 8, 2012

Scott Woodward, President  
Ridges to Rivers Open Space Network  
480 Columbia Park Trail  
Richland, Washington 99352

**Re: Ridges to Rivers Open Space Network**

To Whom It May Concern:

As a participant in the original working group that evolved into what is now the Ridges to Rivers Open Space Network (RROS), the Board of County Commissioners recommends your review of RROS's application for the 2012 APA/PAW (Washington Chapter of the American Planning Association/Planning Association of Washington) Award in the category of Citizen Involvement for its development of a "Vision Plan for Open Space Conservation and Trail Connectivity in the Mid-Columbia Region".

The Board supports RROS's application for the following reasons:

- The goals of the Ridges to Rivers Regional Open Space Vision Plan are to preserve, promote, and increase enjoyment of the unique natural and other open spaces that are important to the region's communities and draw new families, visitors and sustainable businesses to this area.
- The Vision Plan presents ideas for creating a regional network of natural and developed open spaces with a system of trails connecting people to our ridges, rivers and communities.
- The Plan is the culmination of three years of intensive effort by dedicated citizens of Benton County and the region.

We believe that the Vision Plan represents an outstanding example of citizen participation in local planning, having been conceived, researched, written, and published almost entirely by citizen volunteers with the advice of city and county staff. Thank you for your consideration of the Ridges to Rivers Open Space Network's application.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

James R. Beaver, Chairman

cc Commissioners  
Administration  
Parks  
Park Board

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		<b>Commissioners</b>	
Meeting Date:	04/25/11	Execute Contract	_____		
Subject:	Older Americans Month Proclamation	Pass Resolution	XXX	Consent Agenda	XXX
		Pass Ordinance	_____		
		Pass Motion	_____		
		Other	_____		
Prepared by:	Marilu Flores				
Reviewed by:	L Smith Kelty				

### BACKGROUND INFORMATION

We have been contacted by Ms. Evelyn Chaney requesting our Board sign a proclamation for Older American Month. Our board has been authorizing a similar proclamation since 2004.

### RECOMMENDATION

Approval of the Resolution proclaiming May 2011 to be Older Americans Month.

# RESOLUTION

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

**IN THE MATTER OF PROCLAIMING MAY 2012 OLDER AMERICANS MONTH**

**WHEREAS**, Benton County is a community that includes 31,644 citizens aged 60 or older; and

**WHEREAS**, Benton County is committed to helping all individuals maintain their health and independence in later life; and

**WHEREAS**, the older adults in Benton County have an important role in sharing knowledge, wisdom and understanding of the history of our community through interactions with children, youth and adults from other generations; and

**WHEREAS**, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions wherein their interactions with family, friends and neighbors across generations enrich the lives of everyone involved; and

**WHEREAS**, our community can provide opportunities to enrich citizens young and old by:

- Emphasizing the value of including elders in public and family life;
- Creating opportunities for older Americans to interact with people of different generations;
- Providing services, technologies and support systems that allow older adults to participate in social activities in the community; **NOW THEREFORE**,

**BE IT HEREBY RESOLVED** the Board of Commissioners of Benton County hereby proclaims May 2012 to be Older Americans Month. We urge every citizen to take time this month to engage with our older citizens through enjoyable social interactions.

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:	May 8, 2012	Execute Contract	<u>  X  </u>	Consent Agenda	<u>  X  </u>
Subject:	Amendment III to 2010-2012 Juvenile Clerical CBA	Pass Resolution	<u>      </u>	Public Hearing	<u>      </u>
Prepared by:	Steve Hallstrom	Pass Ordinance	<u>      </u>	1st Discussion	<u>      </u>
Reviewed by:		Pass Motion	<u>      </u>	2nd Discussion	<u>      </u>
		Other	<u>      </u>	Other	<u>      </u>

**BACKGROUND INFORMATION**

Before the Board for approval and signature is Amendment III to the 2010-2012 Juvenile Clerical Collective Bargaining Agreement (CBA). Both Benton and Franklin Counties Boards of Commissioners have previously approved and signed the 2010-2012 Collective Bargaining Agreement (CBA). It is the intent of the parties to the CBA to amend Section 18.2.1 of the CBA.

**SUMMARY**

Employer agrees to pay up to a maximum of Seven Hundred, Twenty-Seven and No/100 Dollars (\$727.00) per month towards medical, dental, vision and life insurance coverage. The 2010 Salary Schedule will remain in place for 2012. One time cash payout of the equivalent of five (5), eight (8) hour days of leave for permanent, full time employees, or prorated for permanent, part time employees and; the fixed sum of One-Hundred, Forty and No/100 dollars (\$140.00) for permanent full time and part time employees receiving insurance benefits at the time adoption of this amendment.

**RECOMMENDATION**

Approve and sign Amendment III to the 2010-2012 Juvenile Clerical CBA.

**MOTION**

Move to approve Amendment III to the 2010-2012 Juvenile Clerical CBA.

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 AMENDING THE 2010-2012 COLLECTIVE BARGAINING AGREEMENT  
BETWEEN BENTON-FRANKLIN COUNTIES, JUVENILE JUSTICE DEPARTMENT, AND THE  
WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES, AFSCME, COUNCIL  
2, LOCAL 3892 (JUVENILE CLERICAL)

WHEREAS, both Benton and Franklin Counties Board of Commissioners have  
previously approved and signed the 2010-2012 Collective Bargaining  
Agreement (CBA); and

WHEREAS, it is the intent of the parties to the CBA to amend Section  
18.2.1. NOW THEREFORE,

BE IT RESOLVED, that the Benton County and Franklin County Boards of  
Commissioners approves the Amendment as negotiated and is authorized to  
sign the same.

DATED this \_\_\_\_\_ day of May, 2012

DATED this \_\_\_\_\_ day of May, 2012

BENTON COUNTY BOARD OF COMMISSIONERS

FRANKLIN COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Constituting the Board of County  
Commissioners of Benton County,  
Washington

Constitution the Board of County  
Commissioners of Franklin County,  
Washington

ATTEST:

ATTEST:

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

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

**AMENDMENT III**  
**to**  
**2010 – 2012 AGREEMENT**  
**Between**  
**BENTON-FRANKLIN COUNTIES JUVENILE DEPARTMENT**  
**And**  
**WASHINGTON STATE COUNCIL OF COUNTY AND CITY EMPLOYEES**  
**AFSCME, COUNCIL 2, LOCAL 3892**  
  
**Representing JUVENILE CLERICAL UNIT**

Benton-Franklin Counties Juvenile Department (Employer) and Washington State Council of County and City Employees (Union), hereby agree to amend the Collective Bargaining Agreement (CBA) in effect from January 1, 2010, through December 31, 2012, as follows:

1. Section 18.2.1 is hereby amended to read as follows:

Effective (~~(April 1, 2011)~~) June 1, 2012, or the date of the last signature below, whichever is later, Employer agrees to pay up to a maximum of Seven Hundred, Twenty-Seven and No/100 Dollars (\$727.00) (~~(Seven Hundred, Eighty-Eight and 75/100 Dollars (\$788.75))~~) per month towards medical, dental, vision, and life insurance coverage. PROVIDED: The insurance increase is not retroactive to January 1, 2012. In other words, the Employer's maximum insurance contribution towards medical, dental, vision and life insurance coverage for the months of January, February, March, April and May, in 2012, is Seven Hundred, Twenty-One and No/100 Dollars (\$721.00). The Employer's maximum insurance contribution towards medical, dental, vision and life insurance coverage for the months of June through December, inclusive, in 2012, is Seven Hundred, Twenty-Seven and No/100 Dollars (\$727.00). The Employer's maximum insurance contribution of Seven Hundred, Twenty-Seven and No/100 Dollars (\$727.00) will remain the "Status Quo" until such time as the parties negotiate a new amount.

2. The 2010 Salary Schedule referenced in Section 26.2 and annexed to the CBA as Appendix B, will remain in place for 2012.
3. For the year 2012 only, qualifying employees employed by the Benton-Franklin Counties Juvenile Department at the time of the Board of County Commissioners

for Benton and Franklin Counties signing this CBA amendment, will be provided a one (1) time cash payout. This payout is a one-time-only benefit, which means it is valid for the 2012 year only. The payout shall not be utilized as, or otherwise included in, baseline wages for negotiations involving wages, compensation and/or benefits for the years 2013 and beyond. This payout will not be paid in 2013 and beyond without a separate written agreement negotiated between the parties, including in situations wherein the parties are unable to negotiate and otherwise mutually agree on a new CBA which includes wages, compensation and/or benefits for 2013 and beyond. The payout shall not be considered as past/current practice for any and all purposes. The Employer will undertake its best efforts to make the one time payout coincide with the June 5, 2012, payday.

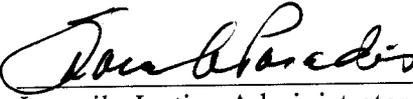
This one time cash payout will consist of:

- a. the equivalent of five (5), eight (8) hour days of leave for permanent, full time employees, or prorated for permanent, part time employees; and
  - b. the fixed sum of One Hundred, Forty and No/100 Dollars (\$140.00), for permanent, full time and permanent, part time, employees receiving insurance benefits at the time of the Board of County Commissioners for Benton and Franklin Counties signing this CBA amendment.
4. No other language in the CBA is amended or intended to be changed or modified.
  5. Except as otherwise stipulated above, this Amendment is effective as of June 1, 2012.

**IN WITNESS WHEREOF**, the parties hereto agree to the terms and conditions of this Amendment and have caused it to be signed by their duly constituted and legal representatives as follows:

**BENTON - FRANKLIN COUNTIES  
JUVENILE DEPARTMENT**

  
\_\_\_\_\_  
Presiding Superior Court Judge  
Date: 5-1-12

  
\_\_\_\_\_  
Juvenile Justice Administrator  
Date: 5/1/2012

**BOARD OF BENTON COUNTY  
COMMISSIONERS**

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

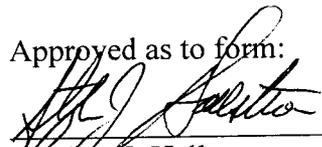
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

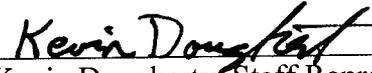
Constituting the Board of  
Benton County Commissioners

Attest:

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

Approved as to form:  
  
\_\_\_\_\_  
Stephen J. Hallstrom  
Deputy Prosecuting Attorney

**WSCCCE, COUNCIL 2, LOCAL 3892**

  
\_\_\_\_\_  
Kevin Dougherty, Staff Representative  
Date: 5-1-12

**BOARD OF FRANKLIN COUNTY  
COMMISSIONERS**

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

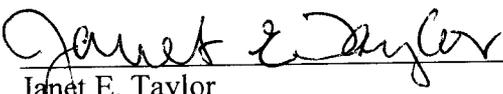
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Constituting the Board of  
Franklin County Commissioners

Attest:

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

Approved as to form:  
  
\_\_\_\_\_  
Janet E. Taylor  
Deputy Prosecuting Attorney

d. Settlement Agreement w/Teamsters  
Local 839, Representing Juvenile  
Detention

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: Tuesday, May 8, 2012 Subject: Settlement Agreement re Juvenile Detention insurance contribution Prepared by: Steve Hallstrom Reviewed by:	Execute Contract _____ Pass Resolution _____ <b>X</b> _____ Pass Ordinance _____ Pass Motion _____ Other: sign agreement _____ <b>X</b> _____		Consent Agenda _____ <b>X</b> _____ Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

**BACKGROUND INFORMATION**

Before the Board for approval and signature is a Resolution and Settlement Agreement with Teamsters Local No. 839 as full and final resolution of the grievance filed by the Union on April 11, 2012, concerning an alleged violation of Article 23.3.B. of the 2010-2012 Collective Bargaining Agreement as it related to the effective date of an increase of Sixty-Seven and seventy five Dollars (\$67.75) per month in insurance contribution rates towards medical, dental, vision and life insurance coverage by the Employer for a portion of 2011.

**SUMMARY**

The Employer agrees to pay each bargaining unit employee employed by the Employer on March 22, 2012, the sum of One Hundred, Thirty-five and 50/100 Dollars (\$135.50).

The Employer and Union will equally share in any cancellation fee of the arbitrator pursuant to the CBA agreement.

The Union will withdraw and dismiss, with prejudice, the subject Grievance/Arbitration within ten (10) days following the execution of this Agreement.

**MOTION**

Move to approve and sign the Resolution and Settlement Agreement between Benton-Franklin Counties and Teamsters Local NO. 839.

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 THE SETTLEMENT AGREEMENT BETWEEN BENTON-FRANKLIN COUNTIES AND TEAMSTERS LOCAL 839, REPRESENTING JUVENILE DETENTION UNIT

WHEREAS, Benton and Franklin Counties have negotiated and reached an agreement with Teamsters Local 839, representing Juvenile Detention employees, to resolve a grievance regarding an alleged violation of Article 23.2.B. under the parties' collective bargaining agreement; and

WHEREAS, the attached Settlement Agreement resolves the grievance and clarifies the interpretation and application of section 23.2.B. of the collective bargaining agreement regarding this issue; and

WHEREAS, the Benton and Franklin Counties Boards of Commissioners have discussed and approved the terms of the Agreement, NOW THEREFORE,

BE IT RESOLVED, that both Benton and Franklin Counties Boards of Commissioners approve the Settlement Agreement as negotiated and are authorized to sign the same.

DATED this \_\_\_ day of \_\_\_\_\_, 2012

DATED this \_\_\_ day of \_\_\_\_\_, 2012

BENTON COUNTY BOARD OF COMMISSIONERS

FRANKLIN COUNTY BOARD OF COMMISSIONERS

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

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

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Constituting the Board of County Commissioners of Benton County, Washington

Constitution the Board of County Commissioners of Franklin County, Washington

ATTEST:

ATTEST:

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

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

**SETTLEMENT AGREEMENT**  
**Between**  
**BENTON-FRANKLIN COUNTIES JUVENILE DEPARTMENT (EMPLOYER); AND**  
**TEAMSTERS LOCAL NO. 839 (UNION).**

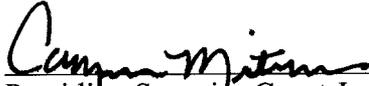
**THIS SETTLEMENT AGREEMENT** between Benton-Franklin Counties Juvenile Detention (Employer) and Teamsters Local No. 839 (Union) is intended as a full and final settlement of the grievance filed by the Union on April 11, 2011, which alleged a violation of Article 23.2.B. The Union disputed the Employer's interpretation of that Article as it related to the effective date of an increase of Sixty-Seven and 75/100 Dollars (\$67.75) per month in insurance contribution rates towards medical, dental, vision and life insurance coverage by the Employer for a portion of 2011, on behalf of bargaining unit employees for 2011.

As a means of avoiding the costs and risks of litigating this disputed claim through final and binding arbitration, the parties agree as follows:

1. The Employer shall pay each bargaining unit employee employed by the Employer on March 22, 2012, the sum of One-Hundred, Thirty Five and 50/100 Dollars (\$135.50);
2. The payment of \$135.50 will be made to employees in the first payroll cycle following execution of this Agreement by the parties, with the June 2012 payroll as the target;
3. The Employer and Union will equally share in any cancellation fee of the arbitrator pursuant to the collective bargaining agreement;
4. This settlement is made on a non-precedent setting basis. Neither party admits to any violation of the collective bargaining agreement. This Agreement shall not be construed by any party as an admission of any wrongful or unlawful act, and the parties specifically disclaim any liability to or unlawful conduct toward the other parties or any employee.
5. In consideration of the foregoing, within ten (10) days following execution of this Agreement by the parties, the Union agrees to withdraw and dismiss the subject Grievance/Arbitration, with prejudice.

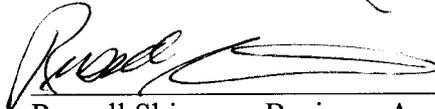
**IN WITNESS WHEREOF**, the parties hereto agree to the terms and conditions of this Settlement Agreement and have caused it to be signed by their duly constituted and legal representatives as follows:

**BENTON-FRANKLIN COUNTIES  
JUVENILE DEPARTMENT**



Presiding Superior Court Judge  
Date: 4.24.12

**TEAMSTERS LOCAL NO. 839**



Russell Shjerven, Business Agent  
Date: 4-20-12

**BOARD OF BENTON COUNTY  
COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Member

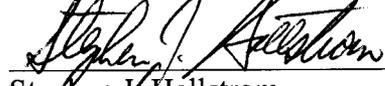
\_\_\_\_\_  
Member

Constituting the Board of  
Benton County Commissioners

Attest:

\_\_\_\_\_  
Clerk to the Board  
Date: \_\_\_\_\_

Approved as to form:



Stephen J. Hallstrom  
Deputy Prosecuting Attorney

**BOARD OF FRANKLIN  
COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Constituting the Board of  
Franklin County Commissioners

Attest:

\_\_\_\_\_  
Clerk to the Board  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Janet E. Taylor  
Deputy Prosecuting Attorney

## RESOLUTION

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

IN THE MATTER OF COUNTY FRANCHISES RE: GRANTING A FRANCHISE TO PUBLIC UTILITY DISTRICT NO. 1 OF BENTON COUNTY, FOR A FRANCHISE FOR ELECTRIC TRANSMISSION LINES, POWER LINE STRUCTURES, AND ALL SYSTEMS AND FACILITIES, LOCATED IN BENTON COUNTY;

WHEREAS, a public hearing was held to consider the request of PUBLIC UTILITY DISTRICT NO. 1 OF BENTON COUNTY, who has applied for a nonexclusive franchise for electric transmission lines, power line structures, and all systems and facilities in unincorporated Benton County, and

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

1. The term of the franchise shall be a ten year (10) period, expiring April 30, 2022, with an associated cost of \$500.00;
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County yearly;
3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way, including noxious weed control;
4. Should Benton County require utility relocation work because of road construction or maintenance, said work shall be at the Grantee's expense;
5. The franchise is nonexclusive;
6. The Grantee is to sign the Order and Agreement for Nonexclusive Franchise;

WHEREAS, PUBLIC UTILITY DISTRICT NO. 1 OF BENTON COUNTY, has agreed to the terms and has signed the Order and Agreement for Nonexclusive Franchise, said Order having been approved as to form by the Prosecuting Attorney's Office, NOW, THEREFORE

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

Dated this 8<sup>th</sup> day of May, 2012

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Chairman

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Chairman Pro-Tem

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Member

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

Constituting the Board of County  
Commissioners of Benton County,  
Washington

Benton County Public Works:

Steve W Becken: Sue Schuetze

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

Grantor: Benton County  
Grantee: Public Utility District No. 1 of Benton County

BEFORE THE BOARD OF COUNTY COMMISSIONERS

BENTON COUNTY, STATE OF WASHINGTON

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC UTILITY DISTRICT NO. 1 OF BENTON )  
COUNTY FOR A NONEXCLUSIVE FRANCHISE TO )  
LOCATE, CONSTRUCT, MAINTAIN, OPERATE, USE, )  
AND IF NECESSARY, REMOVE ELECTRIC )  
TRANSMISSION LINES, POWER LINE )  
STRUCTURES, TELECOMMUNICATION LINES, )  
AND ALL SYSTEMS AND FACILITIES WITHIN THE )  
COUNTY OF BENTON, STATE OF WASHINGTON, )  
UPON, OVER, UNDER, ALONG, AND ACROSS )  
CERTAIN COUNTY ROADS AND PUBLIC )  
HIGHWAYS, OR PARTS THEREOF, NOT WITHIN )  
THE LIMITS OF ANY INCORPORATED CITY OR )  
TOWN.

No. \_\_\_\_\_

ORDER AND AGREEMENT FOR  
NONEXCLUSIVE FRANCHISE

FINDINGS

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_ the petition and application of  
PUBLIC UTILITY DISTRICT NO. 1 OF BENTON COUNTY, for the authority and  
nonexclusive Franchise, for a term of ten (10) years, to install, locate, construct, maintain,  
operate, use, and, if necessary, remove ELECTRIC TRANSMISSION LINES, POWER LINE  
STRUCTURES, TELECOMMUNICATION LINES, AND ALL SYSTEMS AND FACILITIES  
under, upon, over, along and across Benton County roads, highways, streets, alleys, bridges, and  
rights-of-ways, or other County property, hereinafter called County roads or rights-of-ways,  
described in said application by reference to the sections, townships, and ranges in which said

RESOLUTION

f. Line Item Transfer, Fund No. 0155-101,  
Dept. 000

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROAD FUNDS RE: TRANSFER OF FUNDS WITHIN THE  
COUNTY SOLID WASTE COLLECTION FUND 0155-101

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 8th day of May, 2012.

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

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

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

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

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

Orig.: Solid Waste

D. Holmes

**BENTON COUNTY**

**DEPARTMENT NO.:** 000  
**FUND NO.:** 0155-101

**DEPARTMENT: SOLID WASTE**  
**FUND NAME: SOLID WASTE**

TRANSFER FROM:				TRANSFER TO:				
ITEM NO	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
1	537.100	9106	Clerical Services	1,000.00	537.100	9306	Operating Supplies	1,000.00

EXPLANATION: (1) To pay for copies invoiced by BC Road Fund.

Prepared by:  Steven W. Becken, Public Works Manager

Transfer Completed: \_\_\_\_\_

Date: May 8, 2012

Date: 4-26-12

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

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

Approved:   
 Denied:

\_\_\_\_\_ Chairman

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

\_\_\_\_\_ Member

- (1) Transferring \$1,000.00 from Waste Management Function 537.100.9106 (Clerical Services) to Line Item 537.100.9306 (Operating Supplies) to allow payment copies supplied by Benton County Public Works.

There is no adverse affect on the Functions of the SOLID WASTE COLLECTION Fund.

<p><b>AGENDA ITEM:</b> SPV 12-02  <b>MTG. DATE:</b> May 8, 2012  <b>MEMO. DATE:</b> April 24, 2012  <b>SUBJECT:</b> Short Plat Vacation -SPV 12-02, Dale &amp; Peggy Wood  <b>Prepared By:</b> R.J. Lott  <b>Reviewed By:</b> Michael Shuttleworth</p>	<p><b><u>TYPE OF ACTION NEEDED</u></b>          Execute Contract          Pass Resolution          Pass Ordinance          Pass Motion <b>X</b>          Other</p>	<p>Consent Agenda          Public Hearing <b>X</b>          1st Discussion          2nd Discussion          Other</p>
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**BACKGROUND INFORMATION**

On June 4, 2003, Short Plat 2720 was recorded, which created 4 Lots. Short Plat 2720 included an easement recorded under AF 2002-009813 for a taxi and runway over the North 170 feet of all four lots within the Short Plat. The Short Plat also included a 70-foot taxiway easement located on the lot line between Lots 1 and 2 with 35 feet on each lot. Dale and Peggy Wood, owners of all four lots of Short Plat 2720, have submitted an application requesting that the 170-foot taxi and runway and the 70-foot taxiway easement, be vacated off of the face of the Short Plat.

The applicants for the Short Plat Vacation have also been approved by the Benton County Board of Adjustment for a Special Permit for the operation of a private airstrip. Should their Short Plat Vacation be approved, the applicants will need to submit a letter to the Planning Department that withdraws the Special Permit.

Owners of property within 300 feet of the outer perimeter of Short Plat 2720 have been notified, and all owners of all lots within Short Plat 2720 have signed the short plat vacation application. All concerned agencies such as the Benton County Fire Marshal, the Benton-Franklin Health Department, Benton County Engineer, the Kennewick Irrigation District and any utility companies have been notified of this proposal. No adverse comments have been received relating to the vacation of these easements.

**SUMMARY**

The Planning Department has received a request for the vacation of a 170-foot taxi and runway easements located over the North 170 feet of all four Lots of Short Plat 2720 and a 70-foot taxiway easement located on the lot line between Lots 1 and 2 with 35 feet being on each lot. Benton County Code requires the Board of County Commissioners to conduct a public hearing on the proposed vacation and allow for public comments regarding the vacation request. The public hearing notice for application SPV 12-02 was published on April 26, 2012 and the public hearing is scheduled for May 8, 2012.

**RECOMMENDATION**

It is the recommendation of the Planning Department that the Board of County Commissioners conducts a public hearing, and based on the testimony received, either approve or deny the request. Based on the information received thus far, the Planning Department recommends approval of the proposed vacation of the 170-foot by 1,650-foot taxi and runway easement located on the North 170 feet of all four Lots of Short

Plat 2720 and a 70-foot by 160-foot taxiway easement located on the lot line between Lots 1 and 2 with 35 feet being on each lot.

**MOTION**

The Benton County Planning Department recommends the following motion: The Benton County Board of Commissioners approve the vacation of the 170-foot by 1,650-foot taxi and runway easement located on the North 170 feet of all four Lots of Short Plat No. 2720 and a 70-foot by 160-foot taxiway easement located on the lot line between Lots 1 and 2 with 35 feet being on each lots as shown on the face of said short plat as recorded in volume 1 of Short Plats, page 2720 records of Benton County, Washington.

This motion is conditioned on the applicants recording a document that eliminates the previously recorded 170-foot taxi and runway easement, AF 2002-009813, with the Benton County Auditor. The motion is also conditioned on the applicants submitting a letter that withdraws their Special Permit to operate a private airstrip. These conditions must be completed within 1 year of the date of approval by the Benton County Board of Commissioners or this approval will be declared null and void.

<p><b>AGENDA ITEM:</b> SPV 12-03  <b>MTG. DATE:</b> May 8, 2012  <b>MEMO. DATE:</b> April 27, 2012  <b>SUBJECT:</b> Short Plat Vacation -SPV 12-03, William Knight  <b>Prepared By:</b> R.J. Lott  <b>Reviewed By:</b> Michael Shuttleworth</p>	<p><b><u>TYPE OF ACTION NEEDED</u></b>          Execute Contract          Pass Resolution          Pass Ordinance          Pass Motion <b>X</b>          Other</p>	<p>Consent Agenda          Public Hearing <b>X</b>          1st Discussion          2nd Discussion          Other</p>
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**BACKGROUND INFORMATION**

On December 21, 1978, Short Plat 648 was recorded, which created 2 Lots and included a 20-foot private access easement, a 10-foot utility easement AF 770763, a 10-foot irrigation easement and a 5-foot irrigation easement AF 770762. William Knight, owner of Lot 1, Short Plat 648, has submitted an application requesting that the 4 separate easements be vacated off of the face of the Short Plat. The applicant has proposed a replacement 20-foot access easement to serve the 2 Lots of Short Plat 648 that matches the current, constructed access.

Owners of property within 300 feet of the outer perimeter of Short Plat 648 have been notified, and all owners of all lots within Short Plat 648 have signed the short plat vacation application. All concerned agencies such as the Benton County Fire Marshal, the Benton-Franklin Health Department, Benton County Engineer, the Columbia Irrigation District and any utility companies have been notified of this proposal.

The Benton PUD has approved the vacation of the 10-foot utility easement and has recorded a deed with the County Auditor relinquishing the easement, AF 2012-011954. The Columbia Irrigation District has commented via telephone that they have approved the vacation of the 10-foot irrigation easement and 5-foot irrigation easement 770762. The Planning Department has also received a document replacing the 20-foot access easement, AF 2012-010360. Benton County Code 9.04.045 requires that any portion of a Short Plat to be vacated must proceed through the Short Plat Vacation process. This process includes an application, review and a public hearing.

**SUMMARY**

The Planning Department has received a request for the vacation of a 20-foot access easement, a 10-foot utility easement AF 770763, a 10-foot irrigation easement and a 5-foot irrigation easement AF 770762 located on Short Plat 648. Benton County Code requires the Board of County Commissioners to conduct a public hearing on the proposed vacations and allow for public comments regarding the vacation request. The public hearing notice for application SPV 12-03 was published on April 26, 2012 and the public hearing is scheduled for May 8, 2012.

**RECOMMENDATION**

It is the recommendation of the Planning Department that the Board of County Commissioners conducts a public hearing, and based on the testimony received, either approve or deny the request. Based on the information received thus far, the Planning

Department recommends approval of the proposed vacation of the 20-foot access easement, a 10-foot utility easement AF 770763, a 10-foot irrigation easement and a 5-foot irrigation easement AF 770762 located on Short Plat 648.

**MOTION**

The Benton County Planning Department recommends the following motion: The Benton County Board of Commissioners approve the vacation of the 20-foot access easement, a 10-foot utility easement AF 770763, a 10-foot irrigation easement and a 5-foot irrigation easement AF 770762 located on Short Plat 648 records of Benton County, Washington.

This motion is conditioned upon the applicant, in coordination with the Columbia Irrigation District, recording a document that relinquishes the underlying 5-foot irrigation easement AF 770762, with the Benton County Auditor. That the applicant provides the Benton County Planning Department with a copy of the recorded document, prior to signing of the resolution by the Board of County Commissioners. The document must be recorded within 1 year of the date of approval by the Benton County Board of Commissioners or this approval will be null and void.