

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

Board of County Commissioners BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



to view items in detail, please click
on highlighted area

AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, April 17, 2012 Benton County Courthouse, Prosser, WA

9:00 AM

Call to Order
Approval of Minutes
❖ April 10, 2012
Review Agenda

Consent Agenda

Auditor

a. Precinct Boundary Changes Within Benton County

Central Services

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

Facilities

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

Human Services

d. Agreement w/Domestic Violence Services

Office of Public Defense

e. District Court Indigent Defense Contract w/M Trombley, dba Rodriguez & Associates, P.S.

f. Agreement w/M Trombley, dba Rodriguez & Associates, P.S. for Representation in Benton County Cause #09-5-00075-0

Planning

g. Appointment of A Bergeson to the Benton County Board of Adjustment

Prosecuting Attorney

h. Settlement Agreement w/AFSCME Local 3962, Representing Crisis Response

Public Works

i. Interlocal Agreement w/Cities of Prosser and Benton City to Allocate SAFETEA-LU Funds

j. Granting Franchise to Zayo Group, LLC

k. Notice of Intent Application Form for Stormwater Permit for Piert Road Extension Project

l. Authorization Schedule and Advertise a Bid Date for Piert Road Extension

Sheriff

m. Rescinding Resolution 2012-073; Purchase Authorization from 911 Supply, LLC

n. Rescinding Resolution 2012-074; Purchase Authorization from Blumenthal Uniform Co.

o. Amended and Restated Interlocal for the Tri-Cities Regional SWAT

9:05 AM Public Hearing:

LightSpeed Network Franchise – S Schuetze

**Unscheduled Visitors
Board Assignment Update**

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

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

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

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

Approval of Minutes

The Minutes of April 3, 2012 were approved.

Consent Agenda

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

Human Services

- a. HOPWA Grant w/Washington State Department of Commerce
- b. Consolidated Homeless Grant w/Washington State Department of Commerce
- c. Line Item Transfer, Fund No. 0154-101, Dept. 000

Office of Public Defense

- d. Superior Court Public Defense Services Agreement, Juvenile Division, w/J Azure
- e. Amendment to Professional Services Agreement w/J Lilly
- f. Amendment to Professional Services Agreement w/S Johnson
- g. Amendment to Professional Services Agreement w/S Mendoza

Public Works

- h. Final Assessment Roll Amendment of County Roads Improvement District #15, Cottonwood Drive, Property Segregation

Treasurer

- i. Credit/Procurement Card Policy
- j. Interfund Loan Authorization

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

Public Hearing – Budget Adjustments

Keith Mercer presented a budget adjustment for Central Services Fund in the amount of \$410,015. He said the majority of the expenses were associated with the PTI study, which came after the budget adoption and there would not be an impact to Current Expense.

Additionally, he presented a budget adjustment for Park Development Fund in the amount of \$200,000 so that additional projects could be completed in 2012. He said the funds would come from Park Development Fund Balance and there would be no impact to Current Expense.

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

MOTION: Commissioner Bowman moved to approve the resolution adopting the budget adjustment to the 2011-2012 Central Services Budget in the amount of \$410,015. Commissioner Small seconded and upon vote, the motion carried.

MOTION: Commissioner Small move to approve the resolution adopting the budget adjustment to the 2011-2012 Park Development fund in the amount of \$200,000. Commission Bowman seconded and upon vote, the motion carried unanimously.

PEDA Quarterly Update

Deb Heintz, PEDA and Troy Berglund, Benton REA updated the Board and briefly discussed the following:

- Strategic Plan – organized three committees to accomplish goals
 - Business Recruitment and Expansion Committee – working with TRIDEC
 - Organization Committee – planning annual meeting to be held April 16
 - Project Specific Committee – setting up tours, evaluating golf destination, walking/bike paths, partnerships
- Legislative Tour on May 14
- Prosser Job Fair
- Wayfinding Signage – Phase 1
- Prosser Leadership (government day completed and other programs scheduled)
- Clore Center - design team meeting with architects once a month; budget and business plan will be presented to the Port; Washington Wine Commission and possibly Wine Association of Grape Growers will be present at the Center; continuing work on capital campaign

Revision to Preliminary Plat of The Ridge at Reata West – SUB 07-04

Mike Shuttleworth said the Planning Commission conducted an open record hearing on the applicant's request to revise the approved preliminary plat of The Ridge at Reata West – SUB 07-04 and made a recommendation to approve the amendments with conditions. He said this was a closed record hearing and the Board of Commissioners would need to make a final decision.

Mr. Shuttleworth indicated it was approved originally in 2008 and the applicant was asking to change the phasing plan.

MOTION: Commissioner Bowman move to adopt the Planning Commission's findings and conclusions and approve the revisions to the approved preliminary plat of The Ridge at Reata West – SUB 07-04 with conditions. Commissioner Small seconded and upon vote, the motion carried unanimously.

1st Quarter Litigation Update

The Board went into executive session with DPA Ryan Brown at 9:23 a.m. for approximately 15 minutes to discuss pending litigation. Also present were David Sparks, Cami McKenzie, Loretta Smith Kelty, and Melina Wenner. The Board came out at 9:40 a.m. Mr. Brown said the Board needed an additional five minutes in executive session. The Board came out at 9:44 a.m. Mr. Brown said the Board discussed pending litigation and no action was taken in executive session.

Commissioner Assignment Update

Commissioner Small briefly reported on his meetings with Ed Thornbrugh regarding GCBH, PEDA, LEOFF Board, Andy Miller, and WSU Extension.

Commissioner Bowman said he met with West Richland City Council and Chuck Dawsey regarding an update on Red Mountain (the Legislature has found \$1 million for this project); TRIDEC Energy meeting; also, he met with one of his peers in Rochester and they traveled roads in St. Paul and Minneapolis and he commented on the terrible condition of the roads.

Chairman Beaver said he had a great week off for Spring Break. Additionally, he thanked those that attended the Tri-City Chamber Luncheon including Commissioner Small, David Sparks, and Adam Fyall for a good showing from Benton County.

Also, he recently met with the Dept. of Ecology and would be meeting again in May to talk about water in the Yakima Valley.

Vouchers

Check Date: 04/06/2012

Warrant #: 55310-55470

Transfer # 4/12

Total all funds: \$195,205.10

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

Resolutions

- 2012-196 HOPWA Grant w/Washington State Department of Commerce
- 2012-197 Consolidated Homeless Grant w/Washington State Department of Commerce
- 2012-198 Line Item Transfer, Fund No. 0154-101, Dept. 000
- 2012-199 Superior Court Public Defense Services Agreement, Juvenile Division, w/J Azure
- 2012-200 Amendment to Professional Services Agreement w/J Lilly
- 2012-201 Amendment to Professional Services Agreement w/S Johnson
- 2012-202 Amendment to Professional Services Agreement w/S Mendoza
- 2012-203 Final Assessment Roll Amendment of County Roads Improvement District #15, Cottonwood Drive, Property Segregation
- 2012-204 Credit/Procurement Card Policy
- 2012-205 Interfund Loan Authorization
- 2012-206 Budget Adjustment – Central Services Fund
- 2012-207 Budget Adjustment – Park Development Fund
- 2012-208 Revisions to Approved Preliminary Plat of the Ridge at Reata West

There being no further business before the Board, the meeting adjourned at approximately 9:54 a.m.

Clerk of the Board

Chairman

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: _____	Execute Contract _____	Consent Agenda <u> 4/17 </u>
Subject: <u>Redistricting</u>	Pass Resolution <u> x </u>	Public Hearing _____
Prepared by: S Holmes	Pass Ordinance _____	1st Discussion _____
Reviewed by: B Chilton	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

Benton County, Benton Public Utility District, City of Kennewick, Port of Benton, Port of Kennewick, and Prosser School District submitted redistricting plans for their respective districts

The Benton County Auditor identified precincts that had excessive registered voters, and then split those precincts into two separate precincts to reduce the number of voters in each precinct

The Benton County Auditor identified precincts that had school boundaries running through the precinct, then split that precinct into two separate precincts to have each precinct entirely within one school district

SUMMARY

Approving new precinct boundaries to elections and voter registration.

RECOMMENDATION

Pass resolution to establish new precinct boundaries.

FISCAL IMPACT

\$0.00

MOTION

Consent Agenda

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF CHANGING PRECINCT BOUNDARIES WITHIN BENTON COUNTY:

ORDER

WHEREAS, Benton County, Benton Public Utility District, City of Kennewick, Port of Benton, Port of Kennewick, and Prosser School District submitted redistricting plans for their respective districts; and

WHEREAS, all redistricting plans will be stored permanently in the Auditor's Office in both paper and digital format; and

WHEREAS, the Benton County Auditor identified precincts that had excessive registered voters, then split those precincts into two separate precincts to reduce the number of voters in each precinct; and

WHEREAS, the Benton County Auditor identified precincts that had school boundaries running through the precinct, then split that precinct into two separate precincts to have each precinct entirely within one school district; and

IT IS HEREBY ORDERED that the boundaries of various precincts in Benton County be established as follows:

Precinct Boundary Changes:

1421	→	1090	Commissioners' district 2 island removed eliminating need for 1421
1660	→	1661	Port of Kennewick redistricting split precinct in half - merged half of precinct with 1661
1661	→	1670	Port of Kennewick redistricting split precinct in half - merged half of precinct with 1670
1661	→	1660	Renamed 1660 for consistency
2570	→	2574	Port of Kennewick redistricting split precinct in half - created new precinct
3575	→	2575	Port of Kennewick redistricting split precinct in half - created new precinct
3575	→	2570	Port of Kennewick redistricting split precinct in half - merged half of precinct with 2570
2595	→	2590	Port of Kennewick redistricting split precinct in half - merged half of precinct with 2590
2625	→	2626	Port of Kennewick redistricting split precinct in half - created new precinct
2620	→	2626	Port of Kennewick redistricting split precinct in half - merged half of precinct with new precinct 2626
2620	→	2625	Port of Kennewick redistricting split precinct in half - merged half of precinct with 2625
1650	→	1656	Port of Kennewick redistricting split precinct in half - merged half of precinct with 1656
1668	→	1669	Port of Kennewick redistricting split precinct in half - created new precinct
6305	→	6320	Port of Kennewick redistricting split precinct in half - merged half of precinct with 6320
3555	→	3556	Port of Kennewick redistricting split precinct in half - merged half of precinct with 3556
3556	→	3560	Precinct nearly 1000 voters - split and created new precinct
3510	→	3505	Port of Kennewick redistricting split precinct in half - merged half of precinct with 3505
3515	→	3535	Port of Kennewick redistricting split precinct in half - merged half of precinct with 3535
3535	→	3515	Port of Kennewick redistricting split precinct in half - merged half of precinct with 3515
2641	→	3553	City of Kennewick redistricting split precinct in half - created new precinct
2638	→	3552	City of Kennewick redistricting split precinct in half - created new precinct
2638	→	2639	City of Kennewick redistricting split precinct in half - created new precinct
3551	→	2639	City of Kennewick redistricting split precinct in half - merged with new precinct
1600	→	2600	City of Kennewick redistricting moved precinct to new ward
1601	→	2601	City of Kennewick redistricting moved precinct to new ward
1605	→	2605	City of Kennewick redistricting moved precinct to new ward
3575	→	2575	City of Kennewick redistricting moved precinct to new ward
5601	→	1690	Annexed into City of Kennewick
1690	→	1681	Precinct too large - merged with smaller precinct
1690	→	1682	Precinct too large - created new precinct
1655	→	1650	Precinct too large - merged with smaller precinct
1655	→	1657	Precinct too large - created new precinct
6286	→	6288	Precinct too large - created new precinct
4009	→	4011	Precinct too large - created new precinct

1665	→	1664	Precinct too large - created new precinct
6150	→	6151	Precinct too large - created new precinct
6290	→	6291	Precinct too large - created new precinct
5630	→	5638	Precinct too large - created new precinct
5627	→	5625	Precinct too large - created new precinct
1675	→	1676	Precinct too large - created new precinct
1320	→	1420	2 small precincts consolidated
1416	→	5606	2 small precincts consolidated
1020.1	→	1021	Identified Split precinct - created whole precincts
1020.2	→	1022	Identified Split precinct - created whole precincts
1020.3	→	1023	Identified Split precinct - created whole precincts
1020.4	→	1024	Identified Split precinct - created whole precincts
1020.5	→	Carley	Identified Split precinct - created whole precincts
1240.2	→	1241.1	Identified Split precinct - created whole precincts (except Water district)
1240.3	→	1241.2	Identified Split precinct - created whole precincts (except Water district)
1360.1	→	1023.2	Identified Split precinct - created whole precincts (except Water district)
1360.2	→	1362	Identified Split precinct - created whole precincts
1360.3	→	1363	Identified Split precinct - created whole precincts
1360.4	→	1364	Identified Split precinct - created whole precincts
1360.5	→	1365	Identified Split precinct - created whole precincts
1360.6	→	1360	Identified Split precinct - created whole precincts
1380.1	→	1023.2	Identified Split precinct - created whole precincts (except Water district)
1380.2	→	1023.1	Identified Split precinct - created whole precincts
1380.3	→	1365.2	Identified Split precinct - created whole precincts (except Water district)

Dated this _____ day of _____, 2012.

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

AGENDA/WORKSHOP ITEM		TYPE OF ACTION NEEDED	
Meeting Date:	17-April-2012	Execute Contract	_____
Subject:	Line Item Transfer	Pass Resolution	<u> x </u>
		Pass Ordinance	_____
		Pass Motion	_____
Prepared By:	J. Randall Reid	Other	_____
Reviewed By:	Loretta Smith Kelty		
		Consent Agenda	<u> x </u>
		Public Hearing	_____
		1 st Discussion	_____
		2 nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION

In order to expedite the review/redaction of email for the public records request submitted by Boxer, we brought on some temporary help in Central Services. Specifically, we were able to have a retired Central Services employee, Karen Rumsey, work on the project. Karen has been working part time since the beginning of April and has been making good progress on the email review process.

There was no Temporary Help budgeted in for 2011-12. The attached resolution authorizes a line item transfer moving funds from Novell software maintenance expenses that will not be used in 2012 due to the migration to Microsoft.

SUMMARY

Approve Line Item Transfer to provide expenses for temporary help used for review/redaction of email responsive to a large public records request.

RECOMMENDATION

1ST Pass resolution.

2nd

FISCAL IMPACT

None.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CENTRAL SERVICES FUND NUMBER 0502-101, 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

REID

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Central Services Dept Nbr: 000
 Fund Name: Central Services Fund Nbr: 0502-101

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
518.810	4805	Maintenance Agreements	\$1,500	518.810	1905	Temporary Help	\$1,500
TOTAL			\$1,500	TOTAL			\$1,500

Explanation:
 This transfer is to cover expenses for Temporary Help hired to expedite the review/review redaction of email in response to a public records request.

Prepared by: J. Randall Reid Date: 10-Apr-2012

Approved Denied Date: _____

 Chairman

 Member

 Member

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CURRENT EXPENSE FUND NUMBER 0000101, DEPARTMENT NUMBER 110.

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: Auditor, Personnel, Facilities, LSK

LSmithKely

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: County Facilities Dept Nbr: 110

Fund Name: Current Expense Fund Nbr: 0000101

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	3133	Building Maintenance	\$29,505	539.500	1265	Facilities Manager	\$51,000
539.500	4125	Janitorial Services	\$29,505	539.500	2102	Social Security	\$3,910.00
				539.500	2104	Retirement	\$4,100.00
TOTAL			\$59,010	TOTAL			\$59,010

Explanation:
Transferring funds to Facilities Manager and associated line items.

Prepared by: L Smith Kelty Date: 17-Apr-2012

Approved Denied Date: _____

Chairman

Member

Member

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: Subject: <u>Agreement #2012-2163-DVSBF-01 with Domestic Violence Services of Benton and Franklin Counties</u> Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Amendment <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

This Amendment to Agreement #2012-2163-DVSBF is requested because of costs associated with service delivery due to the unforeseen delay in approving the Consolidated Homeless Grant implementation which also supports Shelter Staff/Housing and Shelter Operation Expenses.

This Amendment serves to amend Section 40. (i) is amended to read: Shelter Staff/Housing -\$44,124.00, to be reimbursed only as described by line items in the budget, and Section 40. (ii) is amended to read: Shelter Operation Expenses -\$11,450.00, to be reimbursed only as described by line items in the budget.

RECOMMENDATION

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

FISCAL IMPACT

There is no impact on the current expense budget. All revenues and expenditures are from the Fund 0154101 Homeless Housing Assistance Fund.

MOTION

To approve signing Agreement #2012-2163-DVSBF-01 with Domestic Violence Services of Benton and Franklin Counties, and to authorize the Chair to sign of behalf of the Board.



 Signature

RESOLUTION

Benton County Resolution No. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY,
WASHINGTON;

RE: IN THE MATTER OF EXECUTING AGREEMENT #2012-2163-DVSBF-01 BETWEEN BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND DOMESTIC VIOLENCE SERVICES OF BENTON AND FRANKLIN COUNTIES (DVSBF); FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH SERVICE DELIVERY DUE TO THE UNFORESEEN DELAY IN APPROVING THE CONSOLIDATED HOMELESS GRANT

WHEREAS, this Amendment to Agreement #2012-2163-DVSBF is requested because of costs associated with service delivery due to the unforeseen delay in approving the Consolidated Homeless Grant which also supports Shelter Staff/Housing and Shelter Operation Expenses; and

WHEREAS, this Amendment serves to amend Section 40. (i) is amended to read: Shelter Staff/Housing -\$44,124.00, to be reimbursed only as described by line items in the budget, and

WHEREAS, it also serves to amend Section 40. (ii) is amended to read: Shelter Operation Expenses -\$11,450.00, to be reimbursed only as described by line items in the budget; NOW THEREFORE,

BE IT RESOLVED, that the Board of Benton County Commissioners hereby accept the proposed Amendment; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners be, and hereby is, authorized to sign, on behalf of Benton County, Agreement #2012-2163-DVSBF-01 between Benton and Franklin Counties Department of Human Services and Domestic Violence Services of Benton and Franklin Counties, for the reimbursement of costs associated with service delivery due to the unforeseen delay in approving the Consolidated Homeless Grant implementation which supports Shelter Staff/Housing and Shelter Operation Expenses.

Dated thisday of, 2012

Chair

Member

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

Attest: _____
Clerk of the Board

**Benton and Franklin Counties
DEPARTMENT OF HUMAN SERVICES
Agreement #2012-2163-DVSBF-01**

This Amendment is made and entered into by and between Benton County, hereinafter referred to as the "County" and the parties identified below, hereinafter referred to as the "Parties."

County Contact Information:

Edward Thornbrugh, Administrator
Department of Human Services
7102 W. Okanogan Place, Suite 201 .
Kennewick, WA 99336
Phone: 509.783.5284
Fax: 509.783.5981
E-Mail: edt@gov.wa.co.benton-franklin.us

Recipient Contact Information:

Dan Aspiri, Executive Director
Domestic Violence Services
3311 W. Clearwater, Suite C140
Kennewick, WA 99336
Phone: 509.735.1295
Fax: 509.736.0649
E-Mail: dan.a@dvsbf.org

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

For the "Parties":



Dan Aspiri Date

For Benton County:

Benton County Commissioners Date

Attest: Clerk of the Board

Approved as to Content:



Department of Human Services

Approved as to Form:



Benton County Prosecutor's Office

PURPOSE

This Amendment to Agreement #2012-2163-DVSBF is requested because of costs associated with service delivery due to the unforeseen delay in approving the Consolidated Homeless Grant which also supports this programming

AMENDMENTS

Section 40. (i) is amended to read:

- i. Shelter Staff/Housing -\$44,124.00
To be reimbursed only as described by line items in the budget.

Section 40. (ii) is amended to read:

- i. Shelter Operation Expenses-\$11,450.00
To be reimbursed only as described by line items in the budget.

**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: **April 10, 2012**
Presentation length:
Presenting elected office/department: **OPD**
Prepared by: **Eric Hsu**
Reviewed by: **Loretta Smith-Kelty**

BACKGROUND INFORMATION

The current contract staffing in Benton County District Court is one attorney less than what is necessary to handle the anticipated appointments in 2012. This staffing strategy was consciously made to ensure that all "full contract" attorneys would actually reach their contractual case caps by the end of the year. However, in order to make sure that there are attorneys available to take the anticipated overflow cases and to ensure that no "full contract" attorneys exceed the WSBA recommended caseload cap of 400 cases for 2012, it is necessary to contract with overflow counsel and start having said counsel start receiving cases earlier in the year (probably by late summer). Attorney Michelle Trombley is ready, willing and capable of providing such overflow indigent defense services in Benton County District Court on an as-needed, per-case basis.

SUMMARY

An overflow/conflict contract for indigent defense services in Benton County District Court, with attorney Michelle Trombley, has been presented for execution.

RECOMMENDATION

Approve resolution. Execute Contract.

ANTICIPATED FISCAL IMPACT

No impact outside of regular budgeted funds. No supplement needed or to be requested.

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 MICHELLE TROMBLEY 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, 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 2012; 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 Michelle Trombley 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

WHEREAS, the decision was made to start appointing overage cases to overage counsel earlier this year as part of a strategy to keep all contract attorneys within the contractual maximum of 390 cases per year in 2012;

NOW THEREFORE, BE IT RESOLVED THAT the proposed professional services agreement, designated BCDC1213001L with attorney Michelle Trombley, whereby she will available to provide indigent defense services in Benton County District Court on a per-case, as-needed basis (with no minimum periodic compensation) be executed 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

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL
REPRESENTATION TO INDIGENT PERSONS IN
BENTON COUNTY DISTRICT COURT
CONTRACT # BCDC1213001L**

THIS AGREEMENT is entered into by and between Michelle Tobin Trombley, attorney at law, dba Rodriguez & Associates, P.S., Washington State Bar Association # 42912 ("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 April 1, 2012, 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 7502 Deschutes St, Kennewick, WA 99336. Attorney's current local office telephone and fax numbers are (509) 783-5551 and (509) 783-1151 respectively; and Attorney's current office/work e-mail address is mtrombley@rodriguezlawwa.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: **April 10, 2012**
Presentation length:
Presenting elected office/department: **OPD**
Prepared by: **Eric Hsu**
Reviewed by: **Loretta Smith-Kelty**

BACKGROUND INFORMATION

In re Atencio is a termination of parental rights case involving an incarcerated father (Kevin Atencio). Benton County is required by law to provide indigent defense counsel to Mr. Atencio. Previously, attorney Ed Alden had been appointed to provide such representation. Mr. Alden has since retired and can no longer provide such services. Attorney Michelle Trombley has been selected as ready, willing and suitable to provide such representation in place of Mr. Alden.

SUMMARY

Request for execution of public defense services contract with attorney Michelle Trombley for the parental termination case of *In re Atencio*, Benton County Cause No. 09-5-00075-0

RECOMMENDATION

Approve resolution. Execute contract as presented.

ANTICIPATED FISCAL IMPACT

No impact outside of regular budgeted funds. No supplement needed or to be requested.

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 MICHELLE TROMBLEY TO REPRESENT KEVIN ATENCIO IN BENTON COUNTY
SUPERIOR COURT CAUSE NO. 09-5-00075-0**

WHEREAS, cause no. 09-5-00075-0, currently pending in Benton County Superior Court pertains to the termination of the parental rights of Kevin Atencio, an inmate incarcerated by the Washington Department of Corrections; and

WHEREAS, by law, Kevin Atencio is therefore entitled to court appointed counsel to represent his interests in this case; and

WHEREAS, attorney Ed Alden had previously represented Mr. Atencio in this matter pursuant to a previously executed professional services agreement; and

WHEREAS, attorney Ed Alden is now retired and can no longer represent Mr. Atencio; and

WHEREAS, attorney Michelle Trombley is qualified, ready and willing to represent Mr. Atencio instead;

NOW THEREFORE, BE IT RESOLVED THAT the proposed professional services agreement, designated BCSC1200MTT001M with attorney Michelle Trombley, whereby she will provide indigent defense services to Mr. Atencio in Benton County Cause No. 09-5-00075-0, be executed 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**

<p>AGENDA ITEM MTG. DATE: April 17, 2012 SUBJECT: Appointment of Aimee Bergeson to the Board of Adjustment MEMO DATE: April 9, 2012 Prepared By: Donna Hutchinson Reviewed By: Michael Shuttleworth</p>	<p>TYPE OF ACTION NEEDED Execute Contract Pass Resolution X Pass Ordinance Pass Motion X Other</p>	<p>Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other</p>
--	--	--

BACKGROUND INFORMATION

Mr. Herb Everett’s term on the Board of Adjustment expired on December 1, 2011 creating a vacancy in an “at large” position. Ms. Aimee Bergeson has made application requesting to be appointed to fill the position with her term expiring on December 1, 2017. The members of the Board of Adjustment have recommended approval of the appointment of Ms. Bergeson to their Board and have instructed staff to forward their recommendation to the Board of County Commissioners.

SUMMARY

The attached resolution has been prepared for the Board’s consideration on the appointment of Ms. Bergeson to the Board of Adjustment.

RECOMMENDATION

It is the recommendation of the Planning Staff and the Board of Adjustment that the Board of County Commissioners sign the resolution appointing Ms. Bergeson to the Board of Adjustment

FISCAL IMPACT

None

MOTION

Approve the consent agenda and sign the resolution finalizing the appointment of Ms. Bergeson to the Board of Adjustment

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: Tuesday, April 17, 2012 Subject: Settlement Agreement - re Crisis Response 2011-2012 Holiday Pay Grievance Prepared by: Steve Hallstrom Reviewed by:	Execute Contract	_____	Consent Agenda <u> X </u>
	Pass Resolution	<u> X </u>	Public Hearing _____
	Pass Ordinance	_____	1st Discussion _____
	Pass Motion	_____	2nd Discussion _____
	Other: sign agreement	<u> X </u>	Other _____

BACKGROUND INFORMATION

Before the Board for approval and signature is a Resolution and Settlement Agreement with WSCCCE as full and final resolution of the grievance filed by the Union on January 10, 2012, concerning holiday pay for the Christmas 2011 and New Years 2012 holiday, for holiday pay.

SUMMARY

The Employer agrees to pay Karin Cagle \$143.63, Gloria Caldwell \$274.68, Tony Larsen \$451.66 and Joyeux Stock \$109.73.

MOTION

Move to approve and sign the Resolution and Settlement Agreement between Benton-Franklin Counties and WSCCCE.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AN AGREEMENT BETWEEN THE CITY OF PROSSER, CITY OF BENTON CITY AND BENTON COUNTY TO ALLOCATE SAFETEA-LU FUNDS

WHEREAS, the City of Benton City and the City of Prosser have signed an Interlocal Agreement with Benton County stating it is the desire of the agencies to share in an equitable distribution of SAFETEA-LU funds for 2012 and 2013 in rural Benton County, and

WHEREAS, the member agencies are authorized and empowered to enter into this agreement pursuant to RCW 39.34, and

WHEREAS, the attached Interlocal Agreement has been reviewed by Benton County Public Works and has Approved as to Form by the Benton County Prosecuting Attorney's Office and is recommended for approval, NOW, THEREFORE,

BE IT RESOLVED that the Interlocal Agreement by and between the City of Prosser, City of Benton City and Benton County for the distribution of SAFETEA-LU rural funds is hereby approved and the Chairman is authorized to sign said agreement.

Dated this 17th day April 2012.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

Steve Becken
Public Works Manager

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

Interlocal Agreement
for the
Benton County Rural
SAFETEA-LU Program

THIS AGREEMENT is made and entered into by and between the member agencies of the State of Washington, as defined below, to establish the Benton County Rural SAFETEA-LU Program, pursuant of the Interlocal Cooperation Act of 1967, Chapter 39.34 R.C.W. and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005, as amended.

Definitions

For the purpose of this interlocal agreement and all other agreements, contracts and documents executed, adopted or approved pursuant to this agreement, the following terms shall have meaning prescribed to them with this section unless the context of their use dictates otherwise:

- (1) Member agency shall mean any local government which is signatory or becomes signatory to this inter-local agreement and is a County and City within the region;
- (2) State shall mean the State of Washington;
- (3) Region shall mean the rural area of Benton County as designated by the Federal Highway Administration (FHWA);
- (4) STP funds shall mean the federal funds allocated by the State to the Regional Transportation Planning Organization (RTPO) for the Rural Benton County SAFETEA-LU Surface Transportation Program (STP);

RESOLUTION

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

IN THE MATTER OF COUNTY FRANCHISES RE: GRANTING A FRANCHISE TO ZAYO GROUP, LLC, FOR A FRANCHISE FOR FIBER OPTIC TELECOMMUNICATIONS NETWORK SYSTEMS AND FACILITIES, LOCATED IN BENTON COUNTY;

WHEREAS, a public hearing was held to consider the request of ZAYO GROUP, LLC, who has applied for a nonexclusive franchise for a fiber optic telecommunications network 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 March 31, 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, ZAYO GROUP, LLC, 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 17st day of April, 2012

Chairman

Chairman Pro-Tem

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: Zayo Group, LLC

BEFORE THE BOARD OF COUNTY COMMISSIONERS

BENTON COUNTY, STATE OF WASHINGTON

IN THE MATTER OF THE APPLICATION OF ZAYO)
GROUP, LLC FOR A NONEXCLUSIVE FRANCHISE)
TO LOCATE, CONSTRUCT, MAINTAIN, OPERATE,)
USE, AND IF NECESSARY, REMOVE FIBER OPTIC)
TELECOMMUNICATIONS NETWORK 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 ZAYO GROUP, LLC, for the authority and nonexclusive Franchise, for a term of ten (10) years, to install, locate, construct, maintain, operate, use, and, if necessary, remove FIBER OPTIC TELECOMMUNICATIONS NETWORK 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 County roads or rights-of-ways are physically located within the County of Benton, State of Washington, and not

within the corporate limits of any incorporated city or town therein, coming on to be heard before this, the Board of County Commissioners of and from said Benton County, Washington, and this Board having heretofore fixed this time and place for the hearing of said petition, and it appearing that the County Engineer has given notice of the time and place of said hearing by posting in three places in the Benton County Courthouse with written or printed notices of the time and place of this hearing in accordance with the laws of the State of Washington, and also by publishing a like notice two (2) times in the Tri-City Herald, a daily newspaper of general circulation published in Benton County, Washington, and it appearing that the notices so posted and published stated the name of the applicant and a description by reference to sections, townships and ranges in which the County roads or rights-of-ways to be included in the Franchise for which application is made are physically located, and also state the time and place fixed for said hearing, and after hearing all persons interested in the matter of said petition, and at which hearing the qualifications of the Grantee were heard, the Board deeming it for the public interest to grant the Franchise and authority so applied for.

ORDER

IT IS HEREBY ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

There is hereby granted to ZAYO GROUP, LLC, hereafter called the Grantee, subject to all provisions, conditions, covenants and requirements of this order and agreement, the right, privilege and nonexclusive Franchise, to install, locate, construct, maintain, operate, use, and, if necessary, remove FIBER OPTIC TELECOMMUNICATIONS NETWORK SYSTEMS AND FACILITIES, and all necessary appurtenances thereto, hereinafter called the distribution system, under, upon, over, along, or across those portions of any and all County roads or rights-of-ways, which lie within those legal subdivisions within the County of Benton, State of Washington, set forth and described in "Exhibit A" attached hereto and by this reference made a part hereof, excluding, however, from such subdivisions any portion thereof which is within the corporate limits of any incorporated city or town, but including all portions of said subdivisions which are within any unincorporated town or community. Benton County Resolution No. 72-220, regarding Policy on Accommodation of Utilities on County Road Rights-of-Way, shall apply in all respects to this Franchise and the distribution system.

AGREEMENT

I. APPROVAL BY COUNTY ENGINEER

All locations, construction, installation, maintenance, relocation or removal of the distribution system or any portion thereof within County roads or rights-of-ways outside the corporate limits of any incorporated town shall be subject to the approval and pass inspection of the County Engineer.

II. PERMIT REQUIRED – MAP AND SPECIFICATIONS TO BE FILED

APPROVAL BY COUNTY ENGINEER – PERFORMANCE BOND

Prior to commencement of any work on or construction of any portion of the distribution system, Grantee shall file with the County Engineer its application for permit to do such work or construction together with plans and specifications in form and number as approved by the County Engineer showing the position, depth, or height, and location of all lines and facilities sought to be constructed, laid, installed or erected at that time, showing their relative position to existing County roads or rights-of-ways, upon plans drawn to scale indicating exact distance hereinafter collectively referred to as the “map of definite location”. Grantee is hereby authorized to extend its facilities throughout the area authorized hereunder.

The distribution system shall be constructed in exact conformity with said map of definite location, except in instances in which deviation may be allowed by the prior written consent of the County Engineer pursuant to application by Grantee. The plans and specifications shall specify, as applicable, the class and type of materials and equipment to be used, manner of excavation, construction, installation, backfill, erection of temporary structures, erection of permanent structures, traffic control, traffic turnouts, and road obstructions, and manner and means by which they affect County roads or rights-of-ways, will be restored to a condition as good as that which existed prior to such work or construction. No such work or construction shall be commenced until the Grantee has first secured a written permit from the County Engineer, which shall include approval by the County Engineer endorsed on one set of plans and specifications to be returned to the Grantee. All such work or construction shall require the inspection and approval of the County Engineer. The Grantee shall pay all reasonable costs and

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>April 17, 2012</u> Subject: <u>Authorize NOI for SW</u> Prepared by: <u>blt</u> Reviewed by: <u>mjb</u>	Execute Agreement _____ Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

Washington State Department of Ecology requires a Stormwater permit for the Piert Road Project and a Notice of Intent is required for it to be advertised in the local paper. The Notice of Intent form requires that an Elected Official for the Agency sign said form.

SUMMARY

A signature is required of the Chairman on the Notice of Intent in order to advertise in the local paper.

RECOMMENDATION

Approve the Chairman to sign said Notice of Intent.

FISCAL IMPACT

A permit fee will be applied by the Department of Ecology once the permit is approved.

MOTION

Approve as part of the Consent Agenda.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS RE: PIERT ROAD EXTENSION – C.E. 1619 CRP

WHEREAS, the State of Washington Department of Ecology requires a Stormwater Permit for the Piert Road Extension project; and

WHEREAS, a Notice of Intent Application Form is required for it to be advertised in the local paper; and

WHEREAS, the State of Washington Department of Ecology Notice of Intent Application Form-Construction Stormwater General Permit for Piert Road Extension has been prepared by Benton County Public Works staff; and

WHEREAS, an Elected Official of the Agency is required to sign said form; and

WHEREAS, the County Engineer recommends the Board of Benton County Commissioners sign the Notice of Intent Application Form for the Piert Road Extension project; NOW, THEREFORE,

BE IT RESOLVED that the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the County Engineer’s recommendation to sign the Department of Ecology Notice of Intent Application Form-Construction Stormwater General Permit; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the Chairman of the Board of County Commissioners to sign the State of Washington Department of Ecology Notice of Intent Application Form-Construction Stormwater General Permit for and on behalf of Benton County.

Dated this 17th day of April, 2012.

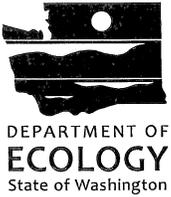
Chairman.

Chairman Pro-Tem.

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

Attest: _____
Clerk of the Board

MJB:BLT:slc
B. Thorp



**NOTICE OF INTENT (NOI)
APPLICATION FORM**

**Construction Stormwater General
Permit**

Check if applicable:

Change or Update Permit Information

Modification of Permit Coverage

Permit #WAR _____

Please print or type all sections of this application. All fields are required unless otherwise marked.

I. Operator/Permittee (Party with operational control over plans and specifications or day-to-day operational control of activities which ensure compliance with Stormwater Pollution Prevention Plan (SWPPP) and permit conditions. Ecology will send correspondence and permit fee invoices to the permittee on record.)

Name: Bryan Thorp		Company: Benton County		
Business Phone: (509) 786-5611	Ext.	Unified Business Identifier (UBI): none <i>(UBI is a nine-digit number used to identify a business entity. Write "none" if you do not have a UBI number.)</i>		
Cell Phone (Optional):	Fax (Optional): (509) 786-5627			
E-mail: bryan_thorp@co.benton.wa.us				
Mailing Address: 620 Market Street P.O. Box 1001		City: Prosser	State: WA	Zip + 4: 99350

II. Property Owner (The party listed on the County Assessor's records as owner and taxpayer of the parcel[s] for which permit coverage is requested. Ecology will not send correspondence and permit fee invoices to the Property Owner. The Property Owner information will be used for emergency contact purposes.)

Name: Benton County		Company (if applicable): Benton County		
Business Phone: (509) 786-5611	Ext.	Unified Business Identifier (UBI): none <i>(UBI is a nine-digit number used to identify a business entity. Write "none" if you do not have a UBI number.)</i>		
Cell Phone (Optional):	Fax (Optional): (509) 786-5627			
E-mail: bryan_thorp@co.benton.wa.us				
Mailing Address: P.O. Box 1001		City: Prosser	State: WA	Zip + 4: 99350

III. On-site Contact Person (Typically the Certified Erosion & Sediment Control Lead or Operator/Permittee)

Name: Bryan Thorp		Company: Benton County		
Business Phone: (509) 786-5611	Ext.	Mailing Address: 620 Market Street		
Cell Phone (Optional)	Fax (Optional): (509) 786-5627	City: Prosser	State: WA	Zip + 4: 99350
E-mail: bryan_thorp@co.benton.wa.us				

IV. WebDMR (Electronic Discharge Monitoring Reporting)

You must submit monthly discharge monitoring reports using Ecology's WebDMR system. To sign up for WebDMR, or to register a new site, go to www.ecy.wa.gov/stormwater, and click on the "Construction Stormwater" link. You will find information on WebDMR under the "WebDMR and PARIS" link on the right-hand side. If you are unable to submit your DMRs electronically, you may contact Ecology to request a waiver. Ecology will generally only grant waiver requests to those permittees without internet access. Only a permittee or representative, designated in writing, may request access to or a waiver from WebDMR. To have the ability to use the system immediately, **you must submit the Electronic Signature Agreement with your application.** If you have questions on this process, contact Ecology's WebDMR staff at WebDMR@ecy.wa.gov or 360-407-7097.

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>April 17, 2012</u>	Execute Agreement _____	Consent Agenda <u>X</u>
Subject: <u>Piert Rd. Construction</u>	Pass Resolution <u>X</u>	Public Hearing _____
Prepared by: <u>mjb</u>	Pass Ordinance _____	1st Discussion _____
Reviewed by: <u>swb</u>	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

Piert Road Extension, SR 397 to Bowles Rd. C.E. 1619 CRP is project #1 on the County's 2012 to 2017 Road Program. The necessary first phase of this project began in 2011 with the realignment of the Columbia Irrigation District Canal and the construction of a box culvert to allow the crossing of this road extension. This project will serve several hundred acres of undeveloped industrially zoned land in the Finley area including existing industries Agrium U.S., Inc. and Columbia Colstor. The project is a 1.8 mile collector with 12 foot lanes, with 6 foot shoulders and an 8.5 ft. pathway. Benton County Public Works has contracted to JUB Engineers for selective engineering services necessary to deliver this project. Over 15 acres of right of way have been obtained. All necessary road right of way and construction easement documents to build the road have been signed but not yet recorded.

SUMMARY

It is anticipated to begin construction early June with the project completed the 2012 construction season.

RECOMMENDATION

Approve the resolution.

FISCAL IMPACT

\$1,859,000 State Transportation FMSIB TIB
 \$ 900,000 County Road Improvement Match
 \$ 141,000 County Road Fund

MOTION

Approve as part of the Consent Agenda.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS, RE: PIERT ROAD EXTENSION C.E. 1619 CRP

WHEREAS, it is the intention of the Board of County Commissioners to construct Piert Road Extension, S.R. 397 to Bowles Road; NOW, THEREFORE,

BE IT RESOLVED that the Plans for this project, heretofore signed by the County Engineer, be and hereby are approved, and the Chairman is authorized to sign Sheet 1 of said Plans on behalf of Benton County; and

BE IT FURTHER RESOLVED, the County Engineer is authorized to record remaining deeds and easements from the Port of Kennewick and Columbia Irrigation District for said project; and

BE IT FURTHER RESOLVED, the County Engineer is authorized to schedule and advertise a bid date for said project.

Dated this 17th day of April 2012.

Chairman

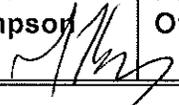
Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

M. Bowie

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	<u>04/17/12</u>	Execute Contract	_____	Consent Agenda	<u>_x_</u>
Subject:	Rescinding Resolution 2012-073	Pass Resolution	<u>_x_</u>	Public Hearing	_____
		Pass Ordinance	_____	1st Discussion	_____
Prepared by:	J. Thompson	Pass Motion	_____	2nd Discussion	_____
Reviewed by:		Other	_____	Other	_____

BACKGROUND INFORMATION

On January 31, 2012, the Board of County Commissioners approved uniform and uniform accessory purchases from 911 Supply, LLC for the Benton County Sheriff's Office (Resolution 2012-073).

SUMMARY

RECOMMENDATION

The Sheriff's Office desires to rescind resolution 2012-073.

FISCAL IMPACT

n/a

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF RESCINDING RESOLUTION 2012-073.

WHEREAS, on January 31, 2012, the Board of County Commissioners approved uniform and uniform accessory purchases from 911 Supply, LLC for the Benton County Sheriff's Office (Resolution 2012-073); NOW, THEREFORE,

BE IT RESOLVED, by the Board of County Commissioners that Resolution 2012-073 is hereby rescinded.

Dated this _____ day of _____, 2012.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

n. Rescinding Resolution 2012-074; Purchase Authorization from Blumenthal Uniform Co.

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	<u>04/17/12</u>	Execute Contract	_____
Subject:	Rescinding Resolution 2012-074	Pass Resolution	<u> X </u>
Prepared by:	J. Thompson	Pass Ordinance	_____
Reviewed by:		Pass Motion	_____
		Other	_____
		Consent Agenda	<u> X </u>
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION

On January 31, 2012, the Board of County Commissioners approved purchases of uniform, uniform accessories and other miscellaneous items from Blumenthal Uniform Co., Inc. for the Benton County Sheriff's Office (Resolution 2012-074).

SUMMARY

RECOMMENDATION

The Sheriff's Office desires to rescind resolution 2012-074.

FISCAL IMPACT

n/a

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF RESCINDING RESOLUTION 2012-074.

WHEREAS, on January 31, 2012, the Board of County Commissioners approved purchases of uniform, uniform accessories and other miscellaneous items from Blumenthal Uniform Co., Inc. for the Benton County Sheriff's Office (Resolution 2012-074); **NOW, THEREFORE**,

BE IT RESOLVED, by the Board of County Commissioners that Resolution 2012-074 is hereby rescinded.

Dated this _____ day of _____, 2012.

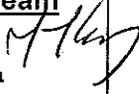
Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>April 17, 2012</u> Subject: <u>Amended and Restated Interlocal Agreement for the Benton County/Tri-Cities Regional SWAT Team</u>	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____		Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____
Prepared by: <u>J. Thompson</u>  Reviewed by: <u>Ryan Brown,</u> <u>Chief DPA</u>			

BACKGROUND INFORMATION/ SUMMARY

The Benton County Sheriff's Office, the municipalities of Kennewick, Pasco, Prosser and Richland have been participants in a similar team for several years pursuant to several interlocal agreements. However, the municipality of Prosser has submitted a notice of intent to withdrawal from the participation and requested that the parties agree to the withdrawal effective immediately. With the withdrawal of the municipality of Prosser, a modification to the agreement is needed to allow the services of the Benton County/Tri-Cities Regional Special Weapons and Tactics Team to non-participating municipalities.

RECOMMENDATION

Approve and authorize the Chairman of the Board to sign the attached amended and restated interlocal agreement with the municipalities of Kennewick, Pasco and Richland to continue a jointly maintained and operated Benton County/Tri-Cities Regional Special Weapons and Tactics Team.

FISCAL IMPACT

No Fiscal Impact

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR THE BENTON COUNTY/TRI-CITIES REGIONAL SPECIAL WEAPONS AND TACTICS TEAM

WHEREAS, the Benton County Sheriff's Office, the municipalities of Kennewick, Pasco, Prosser and Richland have been participants in a similar team for several years pursuant to several interlocal agreements; and

WHEREAS, the municipality of Prosser has submitted a notice of intent to withdrawal from the participation and requested that the parties agree to the withdrawal effective immediately; and

WHEREAS, with the withdrawal of the municipality of Prosser, a modification to the agreement is needed to allow the services of the Benton County/Tri-Cities Regional Special Weapons and Tactics Team to non-participating municipalities; and

WHEREAS, the Benton County Sheriff's Office, the municipalities of Kennewick, Pasco, and Richland have agreed to continue a jointly maintained and operated Special Weapons and Tactics Team to effectively respond to serious criminal occurrences; **NOW THEREFORE**,

BE IT RESOLVED, by the Board of Benton County Commissioners approve and hereby authorize the Chairman of the Board to sign the attached amended and restated interlocal agreement with the municipalities of Kennewick, Pasco and Richland to continue a jointly maintained and operated Benton County/Tri-Cities Regional Special Weapons and Tactics Team.

Dated this ____ day of April, 2012.

Chairman of the Board

Member

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

Attest: _____

J.Thompson

CC: orig. - Sheriff's Office, City of Kennewick, City of Pasco, City of Richland
Prosecutor (Rosemary)

FILED FOR RECORDING AT REQUEST OF:

Benton County, Washington
City of Pasco, Washington

WHEN RECORDED RETURN TO:

Benton County
PO Box 190
Prosser, WA 99350

City of Pasco
525 North 3rd
Pasco WA 99301

**AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR
BENTON COUNTY/TRI-CITIES REGIONAL SPECIAL WEAPONS AND TACTICS
TEAM**

THIS AMENDED AND RESTATED INTERLOCAL AGREEMENT is effective upon the date executed by all parties. In consideration of the mutual covenants below, the parties agree as follow:

1. **PARTIES.** The parties to this Agreement are Benton County, a political subdivision of the State of Washington, and the municipalities of Kennewick, Pasco and Richland, each of which is a municipal corporation operating under the laws of the State of Washington.

2. **AUTHORITY.** This Agreement is entered into pursuant to Chapters 10.93 (Washington mutual aid peace officers powers act) and 39.34 (Interlocal Cooperation Act) of the Revised Code of Washington.

3. **PURPOSE.** The parties hereto jointly maintain and operate a multi-jurisdictional Special Weapons and Tactics team to effectively respond to serious criminal occurrences as described below. Benton County, Kennewick, Prosser, Pasco and Richland have all been participants in the team since 2009 pursuant to an interlocal agreement executed in March and April of that year. The City of Prosser has submitted a notice of intent to withdraw from participation and requested that the parties hereto agree that such withdrawal be effective immediately. The parties therefore desire to amend the terms of their agreement to reflect the City of Prosser's immediate withdrawal from the 2009 Agreement and to modify the circumstances under which the services of the team will be provided to a jurisdiction that is not a party to this Agreement.

4. **FORMATION.** There is hereby created a multi-jurisdictional team to be hereafter known as the "BENTON COUNTY/TRI-CITIES REGIONAL SPECIAL WEAPONS

Interlocal Agreement
Tri-City Regional Special Weapons and Tactics Team - I

Steven W. Becken
Public Works Manager

Malcolm Bowie
County Engineer

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

Benton County

Department of Public Works

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

April 17, 2012

BOARD OF COUNTY COMMISSIONERS
Benton County Courthouse
Prosser, WA 99350

RE: Application for Franchise: Lightspeed Networks Inc., DBA LS Networks

Commissioners:

Lightspeed Networks Inc., DBA LS Networks has filed a petition to create a nonexclusive franchise for a Fiber Optic System and all facilities within all of unincorporated Benton County road right of way.

This office has reviewed the request and based upon our current franchise requirements recommends approval of the request subject to the following conditions:

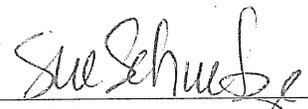
1. The term of the franchise continue for a ten (10) year period with a cost of \$500.
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County.
3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way.
4. Should Benton County require utility relocation work because of road reconstruction or maintenance, said work shall be at the Grantee's expense.
5. The franchise is nonexclusive.
6. The Grantee sign the Order and Agreement for Nonexclusive Franchise, which will be prepared based upon the requirements set forth at the public hearing:

If you have any questions, please contact this office.

Sincerely,



Steve W. Becken
Public Works Manager



Sue Schuetze
Engineer II