

February 14,
2011

THE BOARD OF
BENTON COUNTY
COMMISSIONERS
AGENDA PACKET

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
February 7, 2011, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

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

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kelty; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Human Services Manager Ed Thornbrugh; Deputy Treasurer Erhiza Rivera; County Engineer Malcolm Bowie; DPA Ryan Brown and DPA Steve Hallstrom; Fire Marshal Ken Williams; RJ Lott, Planning.

Workshop Agenda

Water Workshop

Commissioner Beaver commented on the recent water workshop with Department of Ecology and said he was anxious to be a part of the water process and get implementation going. The Board discussed having another workshop in May to finalize the workshop discussion.

HAEIFC

Commissioner Beaver said the Governor wanted to eliminate the HAEIFC and he would be testifying in Olympia about the need to keep the money here locally for economic development.

Commissioner Small provided a copy of a letter from PEDDA regarding the proposed elimination of HAEIFC and the Board suggested Mr. Fyall draft a similar letter to Senator Delvin.

Walter Clore Center

Commissioner Small updated the Board on the construction of the Walter Clore Center and said he would be taking a tour of the construction site.

GCBH

Commissioner Small reported that Benton County would be billing directly for court costs incurred in the involuntary treatment cases for those individuals not part of the RSN.

Health District Canal Building

Commissioner Beaver said he was still looking to get that project complete and asked for an update. Additionally, Chairman Bowman said he was still waiting for an answer regarding using funds for that project and who would own the building.

Animal Control Update

Mr. Sparks reported that the County received the occupancy permit for the Animal Control Building and they would be ready to go once the ordinance was adopted on February 14.

Salmon Recovery Event

Adam Fyall reported on the salmon recovery event and said (Yakama Nation and other salmon recovery groups) have recognized that Benton County is an integral part of the salmon recovery process and were now looking at installing a satellite facility for steelhead release down the river closer to the mouth.

The Board briefly recessed, reconvening at 9:00 a.m.

Approval of Minutes

The Minutes of January 31, 2011 and February 2, 2011 were approved.

Consent Agenda

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

Commissioners

- a. Letter to Washington State Liquor Control Board
- b. Line Item Transfer, Fund No. 0153-101, Dept. 000

Facilities

- c. Contract w/Schindler Elevator Corporation for Maintenance Services

Human Services

- d. Appointment of M Gerber to the Substance Abuse Administrative Board
- e. Surplus of Personal Property
- f. Travel Reimbursement

Office of Public Defense

- g. Salary Request Statement

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

Continued - Public Hearing – Short Plat Amendment

Mike Shuttleworth said the Board continued the public hearing on December 13, 2010 and directed staff to meet with interested parties to discuss their concerns. He said they held a public meeting at the Home Builders Association and met with about 25 individuals who represented landowners, surveyors, builders and engineers.

He said if the Board wanted to approve the ordinance as previously presented, it could do so at this public hearing. However, if it wanted to make changes as suggested, he asked the Board to direct staff to make changes and bring back at another time.

Chairman Bowman asked who would be monitoring the 20-foot requirement for private roads and Mr. Shuttleworth said that would be left up to the owners.

Testimony

Renee Dahlgren, Kennewick, said she felt this was a good compromise and was in favor of the modified version.

Rick Russom, Worley Surveying, recommended the Board make changes that were suggested at the public meeting. He also asked about adding the additional 600-foot rule for cul-de-sacs.

Ken Williams, Fire Marshal, said if the language stated it was “an improved turnaround”, that every 600 feet would work for them.

Kevin Adamson, Pasco, said he wanted to understand the 50-lot limit and if it was a new requirement. Mr. Shuttleworth said if the development went over 50 lots, it would need to have a second access. Mr. Shuttleworth said the requirement was not in the short plat ordinance, but was in another ordinance relating to planned development and subdivisions. Mr. Adamson commented that it would be pretty expensive to add a second access.

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

Commissioner Small asked about the turnaround issue. Mr. Williams said the current ordinance stated “600 ft. cul-de-sac”. He said to ease the burden on the development and be more flexible, they agreed with the term “turnaround”, as long as a fire truck could maneuver with one backup motion. Additionally, he wanted the language to state “improved turnaround as approved by the Fire Marshal”. The Board agreed with changing the language in the ordinance as suggested, including: allowing short plats in UGAs; allowing 12 lots on private access easements and paved road requirements with more than 12 lots; and turnaround language as suggested by the Fire Marshal.

Malcolm Bowie requested the Road Department be allowed some “sign off” if it was going to be constructed as a county road.

Commissioner Beaver requested a letter be drafted to the Home Builders Association thanking them for their participation in the process. Mr. Fyall was instructed to draft that letter.

The public hearing was continued to February 28, 2011 at 9:15 a.m.

The Board briefly recessed, reconvening at 9:25 a.m.

Final Plat – Reata Place – SUB 10-01

Mike Shuttleworth presented the final plat of Reata Place. He said that all 17 conditions had been met and was ready for approval by the Board.

MOTION: Commissioner Beaver moved to approve the final plat of Reata Place, SUB 10-01, and authorized the Chairman to sign the final plat. Commissioner Small seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:30 a.m.

Executive Session - Potential Litigation

The Board went into executive session at 9:30 a.m. for approximately 20 minutes with DPA Ryan Brown to discuss potential litigation. Also present were David Sparks, Cami McKenzie, Steve Hallstrom, Loretta Smith Kelty and Melina Wenner. The Board came out at 9:50 a.m. Mr. Brown said the Board took no action.

Executive Session – Potential Litigation

The Board went into executive session at 9:50 a.m. for approximately 10 minutes with DPA Steve Hallstrom to discuss potential litigation. Also present were Ryan Brown, Melina Wenner, Loretta Smith Kelty, Barb Wagner, David Sparks, and Cami McKenzie. The Board came out of executive session 9:59 a.m. Mr. Hallstrom said the Board took no action.

Vouchers

Check Date: 02/04/2011
Warrant #: 27505-27724
Warrant #: 27733-27903
Total all funds: \$1,581,938.34

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

Resolutions

11-109 Line Item Transfer, Fund No. 0153-101, Dept. 000
11-110 Contract w/Schindler Elevator Corporation for Maintenance Services
11-111 Appointment of M Gerber to the Substance Abuse Administrative Board

- 11-112 Surplus of Personal Property
- 11-113 Final Plat of Reata Place, SUB 10-01

There being no further business before the Board, the meeting adjourned at approximately 10:00 a.m.

Clerk of the Board

Chairman

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>2-14-2011</u> Subject: _____ Prepared by: _____ Reviewed by: _____	Execute Contract _____ Pass Resolution _____ Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda _____ Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

Management letter to close out the Accountability Audit of Benton County for 2009.

SUMMARY

Management letter from Benton County to State Auditor containing representations which affirm the County's cooperation during the Accountability Audit of Benton County's 2009 operations.

RECOMMENDATION

Pass on Consent Agenda

I, Van Petten, will make distribution.

FISCAL IMPACT

N/A

MOTION

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



February 14, 2011

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

Dear Ms. Noland:

We are providing this letter in connection with your audit of Benton County for the period January 1, 2009, through December 31, 2009, for the purpose of reporting accountability for public resources and compliance with the laws, regulations and contract requirements applicable to the areas of review outlined in your August 9, 2010, Entrance Conference memorandum and the operations of the Coroner's Office and Juvenile Justice Center, Schedule 16 State and Local Awards and cash counts throughout the County.

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

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

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

5. We have made available to you all:
 - a. Financial records and related data.
 - b. Minutes of the meetings of the Board of Commissioners or summaries of actions of recent meetings for which minutes have not yet been prepared.
6. There are no material transactions that have not been properly recorded in the accounting records.
7. Except as disclosed to the auditor in accordance with RCW 43.09.185, we have no knowledge of any fraud or suspected fraud affecting the entity involving management, employees or others.
8. Except as disclosed to the auditor in accordance with RCW 43.09.185, we have no knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators or others.
9. The following have been properly recorded or disclosed in the accounting records:
 - a. Transactions between funds.
 - b. Arrangements involving restrictions on cash balances.
 - c. Related-party transactions, including sales, purchases, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties.
 - d. Guarantees, whether written or oral, under which Benton County is contingently liable.
10. The County of Benton has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets, nor has any asset been pledged.
11. Except as alleged in the attached letters dated June 28, 2010, and February 14, 2011, we have complied with all aspects of contractual agreements that would have a material effect on the financial affairs of Benton County in the event of noncompliance.
12. We have received no communication from the Internal Revenue Service (IRS) adversely affecting the tax-exempt status of our outstanding debt or noncompliance with arbitrage rules.

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

Leo M. Bowman
Chairperson,
Board of County Commissioners


Brenda Chilton
Benton County Auditor


Duane A. Davidson
Benton County Treasurer

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

Attachments:

1. Letter dated June 28, 2010, to the Board of County Commissioners from Ryan Brown, Chief Civil Deputy: RE: Letter of Representation and Pending Litigation.
2. Letter dated June 28, 2010, to the Board of County Commissioners from Melina Wenner, Risk Manager. RE: Letter of Representation and Claims Update.
3. Letter dated February 14, 2011, to the Board of County Commissioners from Ryan Brown, Chief Civil Deputy: RE: Letter of Representation and Pending Litigation.
4. Letter dated February 14, 2011, to the Board of County Commissioners from Melina Wenner, Risk Manager. RE: Letter of Representation and Claims Update.

b

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
518.400	3508	Replacement Computer	\$8,190	518.400	3507	Non-Replacement Computer	\$8,190
594.180	6408	Capital Outlay	\$89,480	594.180	6401	Capital Outlay - Hardware	\$27,450
				594.180	6430	Capital Outlay - Software	\$62,030
TOTAL			\$97,670	TOTAL			\$97,670

Explanation:

When the Board approved non-Current Expense requests for the 2011-12 budget, the corresponding funds in Central Services did not get moved. In order to make expense funds available for the approved projects, transfers are being done from those funds approved for the purchase of replacement equipment. An eventual supplemental appropriation may or may not be needed depending on the replacement needs during the biennium.

Prepared by: J Randall Reid Date: 07-Feb-2011

Approved Denied Date: _____

Chairman

Member

Member

C

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CAPITAL PROJECTS FUND NUMBER 0305-101, DEPARTMENT NUMBER 000.

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

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

cc: Dept., Auditor, File, LSK

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Capital Projects

Dept Nbr: 000

Fund Name: Capital Projects

Fund Nbr: 0305-101

TRANSFER FROM:

TRANSFER TO:

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
594.110	6412	Capital Outlay - Buildings	\$280,000	594.620	6202	Capital Outlay - Health Building	\$280,000
TOTAL			\$280,000	TOTAL			\$280,000

Explanation:

Transferring money in order to pay for the tenant improvement (TI) project located at the Health Building, which was authorized by Resolution 11-065

Prepared by: Keith Mercer

Date: 03-Feb-2011

Approved

Denied

Date: _____

Chairman

Member

Member

RESOLUTION

d

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF THE BENTON COUNTY BOARD OF COMMISSIONERS OPTING OUT, AS A TAXING DISTRICT AND AS A PARTICIPATING LOCAL GOVERNMENT, OF THE REVITALIZATION FINANCING BY THE CITY OF RICHLAND FOR THE REVITALIZATION AREA FOR INDUSTRY, SCIENCE, AND EDUCATION (RAISE)

WHEREAS, on August 10, 2009 the Board of Commissioners passed Resolution 09-509 opting out as a taxing district and as a participating local government of the revitalization financing by the City of Richland for the Revitalization Area for Industry, Science, and Education (RAISE) as the City of Richland was proposing that Benton County contribute an unspecified amount of tax revenues to help finance the construction of roads and other infrastructure improvements in a Local Revitalization Financing (LRF) area in North Richland that includes the Tri-Cities Research District, the Port of Benton Manufacturing Mall and the Horn Rapids Industrial Park, as depicted on the July 24, 2009, letter from the Mayor of the City of Richland to the Chairman of the Board of Benton County Commissioners; and

WHEREAS, on August 24, 2009 the Board of Commissioners passed Resolution 09-549 approving an interlocal agreement with the City of Richland relating to the Revitalization Area for Industry, Science, and Education (RAISE); and

WHEREAS, the interlocal agreement terminated on December 31, 2009 as the City of Richland did not receive the project award of Three Hundred Twenty Five Thousand Dollars (\$325,000) towards the financing of the Revitalization Area for Industry, Science, and Education (RAISE), and;

WHEREAS, on June 6, 2010, Second Substitute Senate Bill 6609 increased the annual contribution limits therefore making additional funds available for applications that apply on a first-come basis, and

WHEREAS, the City of Richland expressed its intent to resubmit their Revitalization Area for Industry, Science, and Education (RAISE) no later than September 1, 2010; and

WHEREAS, in furtherance of its effort, on August 17, 2010, the City of Richland had a first reading of ordinance 23-10 that would create the RAISE, but the City did not give the County formal notice of its intention to adopt such an ordinance; and

WHEREAS, given the language in section 4(4) of Chapter 164, 2010 Laws of Washington, and the County's desire to participate partially but not fully with respect to the RAISE, on August 30, 2010, the County adopted Resolution 10-504 to again make it clear that it wishes to remove itself as a fully participating taxing district and as a participating local government with respect to the RAISE; and

WHEREAS, Chapter 270, 2009 Laws of Washington and Chapter 164, 2010 Laws of Washington, do not prohibit governmental entities that opt out from later choosing to partially participate in the LRF plan up to a specified dollar amount; and

WHEREAS, a City of Richland representative advised a deputy prosecutor for the County via email on February 9, 2011, that the City intended to have a first reading of Ordinance 05-11 to amend the City ordinance creating the RAISE; and

WHEREAS, due to the City's failure to give the County the statutorily required proper notice of the first reading of Ordinance 05-11 and the requirement imposed on the County for opting out, at this time the Board of County Commissioners believes that it is necessary to adopt yet another resolution to confirm its intent to opt out as both as a fully participating taxing district and as a participating local government and direct staff to work with the City on a potential interlocal agreement by which the County could partially participate as a taxing district; and **NOW THEREFORE**,

BE IT HEREBY RESOLVED that Benton County, through its Board of County Commissioners, reaffirms its election to opt out, both as a participating taxing district and as a participating local government with respect to the City of Richland's local revitalization financing plan for the RAISE area referenced in proposed ordinance 05-11;

BE IT FURTHER RESOLVED that the County Administrator is directed to have a copy of this resolution delivered to the City Manager prior to February 15, 2011.

Dated this day of, 2011.

Chairman of the Board

Member

Member

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

Attest:
Clerk of the Board

Original:
c: L Smith Kelty, R Brown, City Manager; G Ballew

e

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: 14 Feb 2011	Execute Contract	Consent Agenda X
Subject: HAEIFC letter	Pass Resolution	Public Hearing
Memo Date: 09 Feb 2011	Pass Ordinance	1st Discussion
Prepared By: AJF	Pass Motion X	2nd Discussion
Reviewed By:	Other	Other

SUMMARY & BACKGROUND

Per the Board's discussion at the February 7th meeting, this is a letter to Senator Jerome Delvin on the subject of the Hanford Area Economic Investment Fund Committee.

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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



14 February 2011

The Honorable Jerome Delvin, Senator
202 Newhouse Building
Post Office Box 40408
Olympia, Washington 98504-0408

Re: Hanford Area Economic Investment Fund Committee

Dear Senator Delvin,

Established in 1991, the Hanford Area Economic Investment Fund Committee (HAEIFC) has for twenty years been a critical part of the equation for helping to transition the Benton-Franklin area economy from Hanford-dependent to something more self-sustaining. Efforts now appear to be underway in Olympia to modify HAEIFC, something which is not necessary.

Senate Bill 5469 would dismantle HAEIFC as we know it. We ask for your support in amending SB 5469 so that we can maintain HAEIFC in its present condition. Eliminating a committee that has built a reputation for supporting small businesses in our region and which has no fiscal impact on the State does not make sense. The committee needs to remain intact and remain local so that supervision can be easily managed in the area where the loans occur.

We ask that you please remove HAEIFC from SB 5469 so that local control of the operation of the revolving loan fund is maintained into the future. We thank you for your attention to this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Leo Bowman, Chairman

f

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: 14 Feb 2011	Execute Contract	Consent Agenda X
Subject: HBA-TC letter	Pass Resolution	Public Hearing
Memo Date: 09 Feb 2011	Pass Ordinance	1st Discussion
Prepared By: AJF	Pass Motion X	2nd Discussion
Reviewed By:	Other	Other

SUMMARY & BACKGROUND

Per the Board's discussion at the February 7th meeting, this is a letter to the Home Builders Association of Tri-Cities, thanking them for their assistance in the recent re-working of the short plat ordinance.

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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



14 February 2011

Jeffery B. Losey, Executive Director
Home Builders Association of Tri-Cities
10001 West Clearwater Avenue
Kennewick, Washington 99336

Dear Mr. Losey,

As you are aware, Benton County has been working on revisions to our short plat ordinance. Critical to the success of these efforts is a public outreach component that gets as much of the interested public involved in the process as possible. During this particular project, we have had the opportunity to work with your office on these efforts. We especially appreciate the involvement of Renée Dahlgren, who worked with our Planning Department staff to engage the HBA membership and host one of our meetings at your offices. It has been great to work with the Home Builders Association, and we appreciate the input of your organization and members on this ordinance revision. Thank you again.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Leo Bowman, Chairman

Jim Beaver

Shon Small

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	02/14/2011	Execute Contract	<input type="checkbox"/>
Subject:	Have A Heart For Kids Day Eileen Hewitt WSU Benton Co.Extension for Sam Burns WSU Franklin Co. Extension	Pass Resolution	<input checked="" type="checkbox"/>
Prepared by:	_____	Pass Ordinance	<input type="checkbox"/>
Reviewed by:	_____	Pass Motion	<input type="checkbox"/>
		Consent Agenda	<input checked="" type="checkbox"/>
		Public Hearing	<input type="checkbox"/>
		1st Discussion	<input type="checkbox"/>
		2nd Discussion	<input type="checkbox"/>
		Other Business	<input type="checkbox"/>

BACKGROUND INFORMATION

The economic recession is taking a toll on Washington families.

Children are feeling the impact of the State budget cuts. For the summer of 2011 there will be fewer sites that offer free summer time meals for children even though the percentage of families living with hunger has risen 36 percent.

In Benton County 17% of children under 18 living in poverty.

In Benton County, a family with an infant and a preschooler in full-time care, the cost of childcare would represent 28% to 31% of the county's median household income for 2009.

It's time to stand strong for kids, on all issues that pertain to children in our County and State.

Have a Heart for Kids Day is your opportunity to help kids, and call on Washington State, Benton County and all to do the same.

SUMMARY

It is requested that the Benton County Commissioners declare February 22, 2011 as Have A Heart for Kids Day in Benton County.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF PROCLAIMING FEBRUARY 22, 2011 AS
HAVE A HEART FOR KIDS DAY

WHEREAS, the economic recession is taking a toll on Washington families, and;

WHEREAS, children are feeling the impact of the State budget cuts. For the summer of 2011 there will be fewer sites that offer free summer time meals for children even though the percentage of families living with hunger has risen 36 percent, and;

WHEREAS, in Benton County 17% of children under 18 are living in poverty, and for a family with an infant and a preschooler in full-time care, the cost of childcare would represent 28% to 31% of the county's median household income for 2009 and;

WHEREAS, it's time to stand strong for kids, on all issues that pertain to children in our County and State. Have a Heart for Kids Day is our opportunity to help kids, and call on Washington State, Benton County and all to do the same. **NOW, THEREFORE,**

BE IT RESOLVED the Benton County Board of Commissioners hereby proclaim February 22, 2011, as **Have A Heart For Kids Day** in Benton County, and in so doing, urge all citizens to join in a state wide effort to raise awareness about the importance of supporting our youth.

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

h

AGENDA ITEM: SPV 10-09 MTG. DATE: Feb. 14, 2011 MEMO. DATE: Feb. 2, 2011 SUBJECT: Short Plat Vacation -SPV 10-09, Leroy Peters Prepared By: R.J. Lott Reviewed By: Michael Shuttleworth	<u>TYPE OF ACTION NEEDED</u> Execute Contract Pass Resolution X Pass Ordinance Pass Motion Other	Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other
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BACKGROUND INFORMATION

On November 8, 2010, the Board of County Commissioners conducted a public hearing on SPV 10-09 regarding the vacation of the five-foot waterline easement recorded under AF 96-6339 located on lot 2 of short plat 3264. At the conclusion of the public hearing, the Board made a motion to approve the vacation conditioned on the applicant providing the Planning Department with a copy of the recorded document vacating the five-foot waterline easement. The Planning Department has been provided with a copy of the document vacating the easement. The resolution for signature by the Board has been prepared.

SUMMARY

The resolution approving the Short Plat Vacation has been prepared for signature per the motion of the Board at the public hearing.

RECOMMENDATION

It is the recommendation of Planning staff that the Board sign the resolution approving the Short Plat Vacation File SPV 10-09.

MOTION

No motion is needed at this time, just the Board's signature on the resolution.

Return to
Benton County Planning Dept.
Planning Annex
P.O. Box 910
Prosser WA 99350

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY PLANNING REGARDING THE PROPOSED VACATION OF: THE FIVE-FOOT
WATERLINE EASEMENT, AF 96-6339, IN LOT 2, SHORT PLAT 3264. APPLICANT: LEROY PETERS,
PARCEL NUMBER 1-2097-301-3264-002. FILE NUMBER - SPV 10-09.

WHEREAS, the Board of County Commissioners did conduct a public hearing on Monday, November 8,
2010 at 9:25 a.m. in the Commissioners Meeting Room, Third Floor of the Courthouse, Prosser,
Washington; and,

WHEREAS, the signature of the property owner of said application includes all properties affected by this
easement; and,

WHEREAS, upon due notice as provided in RCW 58.17.080 and 58.17.090, the hearing before the Board
of County Commissioners was held on such petition as indicated above; and,

WHEREAS, the Board of County Commissioners agreed with the summary report from the Benton County
Planning Department, retained in File No. SPV 10-09; and,

WHEREAS, it further appears that the vacation of the above mentioned easement would not unduly
jeopardize the health, safety, welfare and public good; NOW THEREFORE,

BE IT RESOLVED, That the 5-foot waterline easement, AF 96-6339, in lot 2, short plat 3264 is hereby
vacated.

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

RJL/djh

<p>AGENDA ITEM: SPV 10-10 MTG. DATE: Feb. 14, 2011 MEMO. DATE: Feb. 9, 2011 SUBJECT: Short Plat Vacation -SPV 10-10, Don Reddout Prepared By: R.J. Lott Reviewed By: Michael Shuttleworth</p>	<p><u>TYPE OF ACTION NEEDED</u> Execute Contract Pass Resolution X Pass Ordinance Pass Motion Other</p>	<p>Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other</p>
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BACKGROUND INFORMATION

On November 29, 2010, the Board of County Commissioners conducted a public hearing on SPV 10-10 regarding the vacation of the large-scale drainage easement recorded under AF 824122 located on lot 1 of short plat 2898. At the conclusion of the public hearing, the Board made a motion to approve the vacation conditioned on the applicant providing the Department of Public Works a copy of a drainage study completed and signed by a Washington State licensed engineer. Public Works has commented that information submitted by the applicant's licensed surveyor that includes the locations of existing and new drainage easements and land contours is sufficient in lieu of that information being submitted from an engineer. The Planning Department has been provided with a copy of the applicant's short plat that shows the proposed new drainage easements. The resolution for signature by the Board has been prepared.

SUMMARY

The resolution approving the Short Plat Vacation has been prepared for signature per the motion of the Board at the public hearing.

RECOMMENDATION

It is the recommendation of Planning staff that the Board sign the resolution approving the Short Plat Vacation File SPV 10-10.

MOTION

No motion is needed at this time, just the Board's signature on the resolution.

Return to
Benton County Planning Dept.
Planning Annex
P.O. Box 910
Prosser WA 99350

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY PLANNING REGARDING THE PROPOSED VACATION OF: THE LARGE-SCALE DRAINAGE EASEMENT, AF 824122, IN LOT 1, SHORT PLAT 2898. APPLICANT: DON REDDOUT, PARCEL NUMBER 1-2495-201-2898-001. FILE NUMBER - SPV 10-10.

WHEREAS, the Board of County Commissioners did conduct a public hearing on Monday, November 29, 2010 at 9:10 a.m. in the Commissioners Meeting Room, Third Floor of the Courthouse, Prosser, Washington; and,

WHEREAS, the signature of the property owner of said application includes all properties affected by this easement; and,

WHEREAS, upon due notice as provided in RCW 58.17.080 and 58.17.090, the hearing before the Board of County Commissioners was held on such petition as indicated above; and,

WHEREAS, the Board of County Commissioners agreed with the summary report from the Benton County Planning Department, retained in File No. SPV 10-10; and,

WHEREAS, it further appears that the vacation of the above mentioned easement would not unduly jeopardize the health, safety, welfare and public good; NOW THEREFORE,

BE IT RESOLVED, That the large-scale drainage easement, AF 824122, in lot 1, short plat 2898 is hereby vacated.

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

RJL/mes

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>2-14-11</u>	Execute Contract _____	Consent Agenda <u>x</u>
Subject: <u>RAP Agreement</u>	Pass Resolution <u>x</u>	Public Hearing _____
Prepared by: <u>mjb</u>	Pass Ordinance _____	1st Discussion _____
Reviewed by: <u>mjb</u>	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

On January 10, 2011 the BOCC passed a resolution to petition the CRABoard to withdraw the Hanks Road – Crosby Rd. to Aller Rd. project (Project #6 on the Six Year Road Program) from the Road Administrative Trust Account (RATA). Also included in the petition was a request to waive payback of funds expended to date - \$334,082.

On January 27, 2011 the CRABoard convened and granted Benton County the withdrawal and waiver as requested. CRAB staff has posted a contract supplement as necessary to bring the project to closure.

SUMMARY

CRAB staff provided the proposed supplemental agreement to the County that brings closure to the RATA project. This agreement we are asked to sign identifies work completed to date and the revised amount to reflect current expenditures.

The project remains on the Benton County Six Year Road Program. The Benton County Public Works Department will continue to actively pursue strategies for constructing this project in the future.

RECOMMENDATION

Benton County staff recommends that the BOCC pass the resolution directing the chair of the BOCC to sign the supplemental agreement.

FISCAL IMPACT

None

MOTION

Motion to pass the resolution.

R E S O L U T I O N

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS RE: REMOVAL OF HANKS ROAD - CROSBY ROAD TO ALLER ROAD - C.E. 1494 CRP FROM THE COUNTY ROAD ADMINISTRATION BOARD (CRABoard) ROAD ADMINISTRATION TRUST ACCOUNT (RATA)

WHEREAS, on January 27, 2011 the CRABoard approved the petition of Benton County to withdraw from the RATA and waive payback of funds expended to date, and

WHEREAS, the CRABoard and Benton County staff have crafted Supplement No. 1 to the Rural Arterial Program (RAP) agreement between Benton County and the CRABoard, NOW, THEREFORE,

BE IT RESOLVED that the Chairman is authorized to sign the County Road Administration Board Rural Arterial Program Project Agreement Supplement No. 1 as provided for Hanks Road - Crosby Road to Aller Road.

Dated this 14th day of February, 2011.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Attest: _____
Clerk of the Board .

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

MJB

STATE OF WASHINGTON - COUNTY ROAD ADMINISTRATION BOARD

RURAL ARTERIAL PROGRAM PROJECT AGREEMENT

Submitting County:
Benton

Project Number:	0393-01	Date Approved:	05/04/1993
Road Number(s)	Road Name(s)	BMP(s)	EMP(s)
22220	HANKS RD	6.090	9.130

TOTAL AMOUNT OF AUTHORIZED RATA FUNDS: \$334,082.45

Supplement No: 1

IN CONSIDERATION of the allocation by the County Road Administration Board (CRABoard) of rural arterial trust account (RATA) funds to the project in the amount set out above, the county hereby agrees that as condition precedent to payment of any RATA funds allocated at any time to the above referenced project, it accepts and will comply with the terms of this agreement, including the terms and conditions set forth in Chapter 49, Laws of 1983, 1st Ex. Sess. (RCW 36.79); the applicable rules and regulations of the CRABoard (WAC 136-100 et.seq.) and all representations made to the CRABoard upon which the fund allocation was based; all of which are familiar to and within the knowledge of the county and are incorporated herein and made a part of this agreement, although not attached. The officer of the county, by his/her signature below, hereby certifies on behalf of the county that matching funds and other funds represented to be committed to the project will be available as necessary to implement the projected development of the project as set forth in the construction proposal prospectus, and acknowledges that funds hereby authorized are for the development of the construction proposal as defined by RCW 36.79.

The county hereby agrees and certifies that:

- (1) RATA authorized, \$334,082.45 shall cover design and right of way preparation costs incurred by the county through January 10, 2011 and as approved by the CRABoard on January 27, 2011.
- (2) It is in compliance with the provisions of WAC ch. 136-150 regarding eligibility for RATA funds. If the county is found not to be in compliance with the provisions of Chapter 150, such non-compliance may be cause for the CRABoard to withdraw or deny the Certificate of Good Practice of that County.
- (3) It will reimburse the RATA in the event a project post audit reveals improper expenditure of RATA funds.

If the costs of the project exceed the amount of RATA funds authorized by the CRABoard, set forth above, and the required matching funds and other funds represented by the local agency to be committed to the project, the local agency will pay all additional costs necessary to complete the project as submitted to the CRABoard.

IN CONSIDERATION of the promises and performance of the stated conditions by the county, the CRABoard hereby agrees to reimburse the county from RATA funds allocated, and not otherwise, for its reimbursable costs not to exceed the amount above specified. The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRABoard office, and subject to the availability of RATA funds apportioned to the region. Such obligation to reimburse RATA funds extends only to project costs incurred after the date of project approval by the CRABoard, 05/04/1993

This agreement supersedes all prior agreements issued using the project and work order numbers listed above and shall be valid and binding only if it is signed and returned to the CRABoard office within 45 days of its mailing by the CRABoard.

COUNTY ROAD ADMINISTRATION BOARD:

Benton COUNTY:

By: _____

By: _____

Date: _____

Date: _____

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF TRAFFIC CONTROL ON CERTAIN COUNTY ROADS RE:

Speed Limits and Stop signs on County Roads

WHEREAS, the portions of the Cottonwood Springs and Cottonwood Creek subdivisions have been completed and the roads within the subdivisions have been accepted for maintenance by Benton County; and

WHEREAS, the County recommends placing Speed limits and Stop signs on said roads; NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners of Benton County, Washington, that the traffic control on County Roads designated on Exhibit A attached, shall be as follows;

SEE attached "Exhibit A" and vicinity map.

This resolution shall be effective February 14, 2011.

Dated this 14h day of February, 2011.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Attest : _____
Clerk of the Board

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

SWB:NWC:

“EXHIBIT A

Wiser Parkway and Cottonwood Elementary Vicinity Traffic Control

Wiser Parkway – Badger Road to Cottonwood Drive

Speed Limit - 35 MPH

Stop Sign - Eastbound traffic stop at Badger Road

Stop Sign - Westbound traffic stop at Cottonwood Drive

Wiser Loop – Wiser Parkway to Wiser Parkway

Speed Limit - 20 MPH (School Zone)

Stop Sign - Northbound traffic stop at Wiser Parkway

Stop Sign - Northbound traffic stop at Wiser Parkway

Cotton Creek Blvd. – Approx. 150 ft south of Heather Drive to Wiser Loop

Speed Limit - 20 MPH (School Zone)

Stop Sign - Southbound traffic stop at Wiser Loop

Nicole Drive – At Cottonwood Creek Blvd.

Stop Sign - Eastbound traffic stop at Cottonwood Creek Blvd.

Heather Drive – At Cottonwood Creek Blvd.

Stop Sign - Eastbound traffic stop at Cottonwood Creek Blvd.

Cottonwood Drive – Badger Road to Sagebrush Road

Speed Limit - 35 MPH

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION</u>			
Meeting Date :	Feb 14, 2011	Execute Contract :		Consent Agenda :	X
Subject :	Speed Limit Res.	Pass Resolution :	X	Public Hearing :	
Prepared by :	NWC	Pass Ordinance :		1st Discussion :	
Reviewed by :	SWB	Pass Motion :		2 nd Discussion :	
		Other :		Other :	

BACKGROUND INFORMATION

This Department has received several calls from county residents living adjacent to Grandview Lane from Summit View Drive to Sagebrush Road (approx. 0.87 mi.). Local residents are concerned that speeding traffic through their neighborhood has caused several near-miss accidents.

Grandview Lane is a local residential subdivision street with many new homes adjacent. A traffic study was conducted and the 85th percentile speed (the predominant factor in the Manual on Uniform Traffic Control Devices used to establish speed limits) is approx. 35 mph.

The average traffic on Cottonwood Drive is approximately 128 cars daily.

Grandview Lane currently has no established speed limit. Without an established speed limit the default speed limit is 50 MPH.

The appropriate speed would be the 85th percentile speed of 35 MPH.

Local residents and the developer have requested that the speed limit established at 35 MPH.

SUMMARY

The appropriate speed limit for this local residential street is 35 MPH. Grandview Lane serves a growing residential development. Grandview Lane meets the MUTCD guidelines for a speed limit of 35 MPH.

RECOMMENDATION

In order to promote safety on Benton County roads I would recommend that the BOCC establish a speed limit of 35 MPH on Grandview Lane from Summit View Drive to Sagebrush Road (approx. 0.87 mi.).

FISCAL IMPACT

Budgeted routine traffic control device materials and installation.

MOTION

Approval of consent agenda.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF TRAFFIC CONTROL ON CERTAIN COUNTY ROADS RE:

Establish speed limit on Grandview Lane from Summit View Drive to Sagebrush Road (approx. 0.87 mi.).

WHEREAS, The Board of County Commissioners of Benton County, Washington in the exercise of a governmental function for and on behalf of said Benton County in the protection of life, health, safety, welfare and convenience of the inhabitants of said County, is desirous of making certain restrictions on the traffic using the County Roads designated below; NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners of Benton County, Washington, that the traffic control on County Roads designated below shall be as follows:

That it shall be unlawful for the operator of any vehicle to exceed 35 MPH on Grandview Lane from Summit View Drive to Sagebrush Road (approx. 0.87 mi.).

This resolution shall be effective February 14, 2011.

Dated this 14th day of February, 2011.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Attest : _____
Clerk of the Board

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

SWB:NWC:nwc

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION</u>			
Meeting Date :	Feb 14, 2011	Execute Contract :		Consent Agenda :	X
Subject :	Speed Limit Res.	Pass Resolution :	X	Public Hearing :	
Prepared by :	NWC	Pass Ordinance :		1st Discussion :	
Reviewed by :	SWB	Pass Motion :		2 nd Discussion :	
		Other :		Other :	

BACKGROUND INFORMATION

This department has received several calls from county residents living adjacent to Summit View Drive from just west of Grandview Lane to Sagebrush Road (approx. 1.47 mi.). Local residents are concerned with the build up of many new residences that speeding traffic through their neighborhood has caused several near-miss accidents.

Summit View Drive is a local residential subdivision street with many new homes adjacent. A traffic study was conducted and the 85th percentile speed of nearby streets adjacent to Summit View Drive (the predominant factor in the Manual on Uniform Traffic Control Devices used to establish speed limits) is approx. 35 mph.

Summit View Drive currently has no established speed limit. Without an established speed limit the default speed limit is 50 MPH.

The appropriate speed would be the 85th percentile speed of 35 MPH.

Local residents and the developer have requested that the speed limit established at 35 MPH.

SUMMARY

The appropriate speed limit for this local residential street is 35 MPH. Summit View Drive serves a growing residential development. Summit View Drive meets the MUTCD guidelines for a speed limit of 35 MPH.

RECOMMENDATION

In order to promote safety on Benton County roads I would recommend that the BOCC establish a speed limit of 35 MPH on Summit View Drive from the beginning of the road just west of Grandview Lane to Sagebrush Road (approx. 1.47 mi.).

FISCAL IMPACT

Budgeted routine traffic control device materials and installation.

CONCLUSION

Approval of consent agenda.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF TRAFFIC CONTROL ON CERTAIN COUNTY ROADS RE:

Establish speed limit on Summit View Drive from the beginning of the road just west of Grandview Lane to Sagebrush Road (approx. 1.47 mi.).

WHEREAS, The Board of County Commissioners of Benton County, Washington in the exercise of a governmental function for and on behalf of said Benton County in the protection of life, health, safety, welfare and convenience of the inhabitants of said County, is desirous of making certain restrictions on the traffic using the County Roads designated below; NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners of Benton County, Washington, that the traffic control on County Roads designated below shall be as follows:

That it shall be unlawful for the operator of any vehicle to exceed 35 MPH on Summit View Drive from the beginning of the road just west of Grandview Lane to Sagebrush Road (approx. 1.47 mi.).

This resolution shall be effective February 14, 2011.

Dated this 14th day of February, 2011.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Attest : _____
Clerk of the Board

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

SWB:NWC:nwc

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION</u>		
Meeting Date :	February 14, 2011	Sign Agreement :	X	Consent Agenda :
Subject :	Wiser Agreement	Pass Resolution :	X	Public Hearing :
Prepared by :	SWB	Pass Ordinance :		1st Discussion :
Reviewed by :		Pass Motion :		2 nd Discussion :
		Other :		Other :

BACKGROUND INFORMATION

In March 2009, after it became apparent that Wiser parkway would not be constructed using a County road Improvement District as a method to finance the construction, Thayne Wiser requested that the County participate in the construction of the road and the County's portion of the cost, based upon estimates, was to be \$72,675.00. The Board agreed to participate, however, because construction of the railroad crossing was anticipated to be higher than the original estimates, Wisers were asked to participate in the cost of the crossing if the total cost exceeded \$700,000.00. Wisers objected to this and refused to sign the agreement until the total costs of the railroad crossing were determined.

SUMMARY

February 5, we determined that we had finally received all billings from the railroad and could now determine the cost of the crossing. The total cost of the crossing is \$603,574.80. Based upon the Board's earlier statements, Wisers would not be responsible for any of the costs of the railroad crossing. February 8, Wisers signed the agreement.

RECOMMENDATION

We recommend the agreement be approved Board and signed by the Board Chairman. Companion resolutions being presented to the Board are for road signage on the streets, in particularly near the school. All deeds are ready for recording upon approval of the Agreement.

FISCAL IMPACT

The Board agreed to finance this from the Capital Projects Fund. The financial impact to the County is \$55,318.22

MOTION

love to approve as a part of the consent agenda and authorize the Chairman to sign the agreement.

Exhibit "B"

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF A COST SHARING AGREEMENT BETWEEN THE COTTONWOOD COMMERCIAL PLAZA, LLC AND BENTON COUNTY FOR THE CONSTRUCTION OF WISER PARKWAY

WHEREAS, in the interest of public safety, motor vehicle traffic safety and public access, the County desires to have Wisser Parkway, Wisser Loop and Cottonwood Creek Boulevard added to the County Road System, and

WHEREAS an agreement between Cottonwood Commercial Plaza, LLC and Benton County is being presented to allow Benton County to be assessed for a portion of the costs of the construction of Wisser Parkway, and

WHEREAS, the construction of Wisser Parkway benefits property owned by the County and the County desires to participate in the cost of construction of Wisser Parkway, and

WHEREAS, the construction of the Wisser Parkway railroad crossing benefits property owned by Cottonwood, and

WHEREAS, the County originally committed \$500,000.00 to the construction of the crossing, and

WHEREAS, the County and Kennewick School District No. 1 have committed up to an additional \$100,000.00 each, and

WHEREAS, final billings for all work associated with the construction of Wisser Parkway and the Wisser Parkway railroad crossing have been received, and

WHEREAS, THE County's assessment has been determined to be \$55,318.22, to be paid from the Capital Projects Fund, and

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

BE IT RESOLVED that the Agreement by and between Cottonwood Commercial Plaza, LLC and Benton County for cost sharing for the construction of Wiser Parkway is hereby approved and the Chairman is authorized to sign said agreement.

Dated this _____ day _____ 2011.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

SWB

COST SHARING AGREEMENT FOR WISER PARKWAY

THIS AGREEMENT is made and entered into this 14th day of February, 2011, by and between Cottonwood Commercial Plaza, LLC, whose address is 6601 W. Deschutes Avenue, Suite B; Kennewick, WA 99336 (hereinafter "Cottonwood") and Benton County, whose address is P.O. Box 190, Prosser, Washington, 99350 (hereinafter "the County").

WHEREAS, Cottonwood or its predecessors in interest constructed three roads on its own private property, and these roads are commonly referred to as the Wisser Parkway, the Wisser Loop, and Cottonwood Creek Boulevard, and

WHEREAS, Wisser Parkway connects a county road known as Badger Road to another county road known as Cottonwood Drive, and

WHEREAS, in the interest of public safety, motor vehicle traffic safety and public access, the County desires to have Wisser Parkway, Wisser Loop and Cottonwood Creek Boulevard added to the County Road System, and

WHEREAS, the construction of Wisser Parkway benefits property owned by the County and the County agrees to participate in the cost of construction of Wisser Parkway, and

WHEREAS, the County contracted with Burlington Northern Railway Company ("BNSF") for the construction of a railroad crossing ("Railroad Crossing") to allow Wisser Parkway to cross a railroad line in order to have access to Badger Road, and

WHEREAS, the construction of the Railroad Crossing benefits property owned by Cottonwood, and

WHEREAS, the County originally committed \$500,000.00 to the construction of the Railroad Crossing, and

WHEREAS, the County and Kennewick School District No. 1 have committed up to an additional \$100,000.00 each.

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

1. **Cottonwood's Representations:** Cottonwood represents that Wisser Parkway, Wisser Loop, and Cotton Creek Boulevard are built to county road standards.
2. **Responsibilities of Cottonwood:** Cottonwood shall have the following duties and responsibilities under this Agreement:

- A. Obtain title reports for all parcels, prepare deeds for all right of way to be transferred to the County, obtain all signatures necessary for the recording of the deeds, and deed fee simple title to Wiser Parkway, Wiser Loop and Cottonwood Creek Boulevard to the County.
 - B. Submit to the County a certified statement setting forth the cost of all of Cottonwood's labor, engineering services, equipment, supplies and expenses involved in project design and construction of Wiser Parkway, Wiser Loop, and Cottonwood Creek Boulevard.
 - C. Submit to the County a certified statement stating the cost of all of Cottonwood's labor, engineering services, equipment, supplies and expenses involved in project design and construction of Wiser Parkway, Wiser Loop, and Cottonwood Creek Boulevard have been paid.
3. **Responsibilities of Benton County:** The County shall have the following duties and responsibilities under this Agreement:
 - A. Review and approve all title reports and deeds for the roads, which approval will not be unreasonably withheld.
 - B. Pay directly to Cottonwood, the County's assessment of \$55,318.22 for the construction of Wiser Parkway.
4. **Benton County Assessment:** The County's assessment for the construction of Wiser Parkway shall be \$55,318.22 as determined in Exhibit "A".
5. **Timing for payment of Assessment:** No payments pursuant to this Agreement will be due until thirty (30) days after all of the following events have occurred: (1) Cottonwood has performed its responsibilities under section 2(A) and 2(B) of this Agreement; (2) the County has received its final invoices from BNSF concerning the cost of constructing the Railroad Crossing; and (3) the County has approved all title reports and deeds for Wiser Parkway, Wiser Loop, and Cottonwood Creek Boulevard.
6. **No Third-Party Rights:** Except as expressly provided herein, nothing in this Agreement shall be construed to permit anyone other than the parties hereto and their successors and assigns to rely upon the covenants and agreements herein not to give any such third party a cause of action (as a third-party beneficiary or otherwise) on account of nonperformance hereunder.
7. **Assignability:** The rights, duties, and other obligations of either party to this Agreement may not be assigned to any third party without the prior written consent of the other party, which consent shall not be unreasonably withheld.
8. **Entire Agreement:** This Agreement, including Exhibits "A" and "B" and any amendments thereto mutually agreed to by the parties, constitutes the entire Agreement

between the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind any of the parties. Either party may request changes to the Agreement. Proposed changes that are mutually agreed upon shall be incorporated by written amendment hereto.

9. Dispute Resolution: It is the parties' intent to resolve any disputes relating to the interpretation or application of this Agreement informally. In the event disputes cannot be resolved informally, then the parties agree to first submit the dispute to non-binding mediation/dispute resolution before resorting to litigation.

10. Notices. All notices and demands shall be in writing and sent to the parties hereto at their address as follows:

To Benton County:

Benton County Public Works
P.O. Box 1001
Prosser, WA 99350-0954

To Cottonwood Commercial Plaza:

Cottonwood Commercial Plaza, LLC
6601 W. Deschutes, Ave, Suite B
Kennewick, WA 99336

IN WITNESS WHEREOF said parties have caused this Agreement to be signed by the duly authorized officials on the day and year first written above.

COTTONWOOD COMERCIAL
PLAZA, LLC

BENTON COUNTY,
WASHINGTON

By: *[Signature]*

By: _____
Chairman, Board of County
Commissioners

STATE OF WASHINGTON,))
) SS.
County of Benton)

Attest:

On this date personally appeared before me, **TODD ROWELL**, to me known to be the **Managing Member of Cottonwood Commercial Plaza LLC** that executed the foregoing instrument, and acknowledge the instrument to be the free and voluntary act of said Corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

Clerk of the Board

Date: _____

Approved as to form:

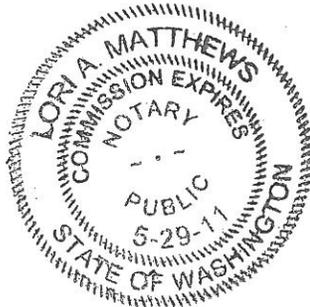
Given under my hand and official seal this 8th day of February, 2011

[Signature]
Benton County Prosecuting Attorney

Date: 2/8/2011

Lori Matthews
Notary Public in and for the State of Washington,
residing at Kennewick

My appointment expires: 5-29-11



Invoice Number	Invoice Date	Billed Amount	Amount Paid & Accepted	Date Paid	Billing From	Billing To	Bill For?
21609	1/24/2007	\$ 3,192.00	\$ 3,192.00	6/23/2010	Benton PUD	Thayne Wisner	Move Power Pole
9310	4/3/2008	\$ 760.00		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Not Roads. Billing disallowed
9555	7/9/2008	\$ 1,100.00		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
9582	8/4/2008	\$ 390.00		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
9650	9/4/2008	\$ 467.50		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
9651	9/4/2008	\$ 1,165.00	\$ 1,165.00	11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310
9738	10/3/2008	\$ 840.00		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
009659	9/2/2009	\$ 13,000.00	\$ 14,500.00		Mackay & Sposto	Badger Development	Engineering (Paid in two installments 11/20/2009 & 12/10/2009)
10301	10/2/2009	\$ 97.50		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
10302	10/2/2009	\$ 780.00		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
10304	10/2/2009	\$ 1,262.50		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
10305	10/2/2009	\$ 2,280.00		11/20/2009	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 9310. Not roads, billing disallowed
009789	10/7/2009	\$ 1,500.00	\$ 2,280.00		Mackay & Sposto	Badger Development	Engineering (Paid with 009659)
10397	12/2/2009	\$ 1,265.00		12/10/2009	Stratton Surveying	Cottonwood	Design and drafting - appears to be for plat recorded in 2005. Billing disallowed
69071	1/22/2010	\$ 313.85	\$ 313.85	5/13/2010	8&B Express Printing	Sullivan Rowell Homes	Road Plans
10474	2/2/2010	\$ 455.00	\$ 455.00	3/12/2010	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 10510
7112	2/28/2010	\$ 3,482.45	\$ 3,482.45	3/17/2010	Benton County	Badger Properties	Inspection Costs
10510	3/12/2010	\$ 1,230.00	\$ 1,192.50	3/12/2010	Stratton Surveying	Cottonwood	Surveying - Payment combined with invoice 10474 LSIT charge disallowed
2563976651	3/10/2010	\$ 100,699.80	\$ 100,699.80	3/10/2010	Benton PUD	Sullivan Rowell Homes	No detail on bill Page 2 missing
1392	4/1/2010	\$ 21,540.00	\$ 21,540.00	4/23/2010	Badger Development	Cottonwood	Initial Grading
10561	4/2/2010	\$ 1,635.00	\$ 1,635.00	6/4/2010	Stratton Surveying	Cottonwood	Surveying
1411	5/3/2010	\$ 161,550.00	\$ 161,550.00	5/13/2010	Stratton Surveying	Cottonwood	All Waterlines - April
10613	5/4/2010	\$ 255.00		8/2/2010	Badger Development	Cottonwood	Surveying - Not Roads. Billing disallowed
1438	5/29/2010	\$ 64,620.00	\$ 64,620.00	8/2/2010	Badger Development	Cottonwood	Waterline & utilities
1482	7/1/2010	\$ 21,540.00	\$ 21,540.00	7/28/2010	Stratton Surveying	Cottonwood	Utilities finish & Backfill
10674	7/2/2010	\$ 1,820.00	\$ 1,352.00	9/13/2010	Badger Development	Cottonwood	Surveying \$468 disallowed
1507	8/2/2010	\$ 21,540.00	\$ 21,540.00	8/26/2010	Stratton Surveying	Cottonwood	Final Road Grading
10731	8/3/2010	\$ 5,370.00	\$ 4,520.00	9/13/2010	Stratton Surveying	Cottonwood	Survey - \$850 disallowed
1513	8/9/2010	\$ 177,110.30	\$ 177,110.30	9/13/2010	Badger Development	Cottonwood	Gravel, Asphalt incl. Fine grade and striping
7328	8/31/2010	\$ 1,499.14	\$ 1,499.14	10/12/2010	Benton County	Badger Properties	Inspection Costs
10772	9/2/2010	\$ 4,530.00	\$ 4,530.00	9/13/2010	Stratton Surveying	Cottonwood	Surveying
1532	9/10/2010	\$ 344,489.70	\$ 344,489.70	10/12/2010	Badger Development	Cottonwood	Gravel, Asphalt incl. Fine grade and striping, ballast
1548	10/1/2010	\$ 17,375.50	\$ 17,375.50	10/12/2010	Badger Development	Cottonwood	Ballast
Various		\$ 393.24	\$ 393.24		Benton County	Badger Properties	Inspection Costs
		\$ 136,686.67					HD Fowler Pipe costs include in other line items
Disallowed Billings		\$ 979,548.48	\$ 970,975.48				
		\$ 8,573.00					

Length of all roads in development: 5,392 feet. Length of Wisner Parkway: 3,916 feet
 Wisner Parkway accounts for 61.26% of the roads within the development
 Benton County owns 9.3% of the land adjacent Wisner Parkway.
 Benton County's share of the cost: \$970,975.48 x .6126 x .093 = \$55,318.22

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	<u>February 14, 2011</u>	Execute Contract	_____
Subject:	<u>Ammunition Purchase from State Contract</u>	Pass Resolution	___X___
Prepared by:	<u>David V. C. Pettey</u>	Pass Ordinance	_____
Reviewed by:	<u>Keith Mercer</u>	Pass Motion	_____
		Other	_____
		Consent Agenda	___X___
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION

In the past, the Benton County Sheriff's Office has purchased ammunition from a Washington State Contract from San Diego Police Equipment and Dooley Enterprises. As of 2/1/2011, the current Washington State Contract (#03210) as added a third company, Surplus Ammo and Arms, which the Benton County Sheriff's Office would also like to purchase from.

SUMMARY

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

RECOMMENDATION

Benton County Sheriff's Office would like to purchase Ammunition off of the Washington State Contract No. 03210 from February 1, 2011 through January 31, 2013 from Dooley Enterprises, San Diego Police Equipment, and Surplus Ammo and Arms.

FISCAL IMPACT

The approved purchases are not to exceed \$40,000 including WSST.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

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

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

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

WHEREAS, Washington State Contract No. 03210's current term start date has been modified to February 1, 2011 and expires on January 31, 2013; and

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

WHEREAS, Benton County Sheriff's Office would like to purchase Ammunition off of the Washington State Contract No. 03210 from February 1, 2011 through January 31, 2013; and

WHEREAS, Dooley Enterprises, Inc of Anaheim, CA, San Diego Police Equipment Company, Inc of San Diego, CA, and Surplus Ammo & Arms, L.L.C. of Lakewood, WA are all on State Contract No. 03210; and

WHEREAS, Benton County Sheriff's Office would like to have the ability to order ammunition from all three companies due to availability of ammunition; **NOW THEREFORE**,

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, hereby approves purchases of Ammunition off of the Washington State Contract No. 03210 from Dooley Enterprises, Inc. of Anaheim, CA, San Diego Police Equipment Company Inc. of San Diego, CA, and Surplus Ammo & Arms, L.L.C. of Lakewood, WA for a total amount not to exceed \$40,000 including WSST; and

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

BE IT FURTHER RESOLVED, Washington State Contract No. 03210 commences on February 1, 2011 and expires on January 31, 2013.

Dated this _____ day of _____, 2011

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

P

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING THE BLANKET PERSONAL SERVICE CONTRACT FOR "AS NEEDED" WASHER AND DRYER MAINTENANCE AND REPAIR SERVICES TO DYNAMIC LAUNDRY SYSTEMS, INC. FOR BENTON COUNTY FACILITIES

WHEREAS, per resolution 09-814, "...that contracts for non-public works services the county need not advertise or follow a formal competitive bidding procedure, but shall instead evaluate and utilize the procedures it deems best under the individual circumstances in order to obtain services of the highest quality at the lowest cost"; and

WHEREAS, Facilities personnel solicits Dynamic Laundry Systems, Inc. for maintenance and repair services for the washers and dryers located in the Benton County Jail Facility; and

WHEREAS, the Facilities Manager recommends a blanket service agreement with Dynamic Laundry Systems, Inc. Kirkland, WA to be put in place for "as needed" washer and dryer maintenance and repair services and other miscellaneous services they are qualified to perform throughout Benton County facilities; and

WHEREAS, this blanket contract would allow the Facilities Manager to move forward with services without requiring a contract for each service needed; **NOW THEREFORE**,

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, the Board concurs with the Facilities Manager's recommendation and hereby awards Dynamic Laundry Systems, Inc. the blanket service agreement for "as needed" services throughout Benton County facilities in an amount not to exceed \$10,000 including WSST; and

BE IT FURTHER RESOLVED the Board hereby authorizes the Chairman to sign the personal service contract attached hereto; and

BE IT FURTHER RESOLVED the term of the attached contract commences on January 1, 2011 and expires on December 31, 2011.

Dated this _____ day of _____, 2011

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

**PERSONAL SERVICES CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between BENTON COUNTY, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and Dynamic Laundry Systems, Inc., a Washington Corporation with its principal offices at 12910 NE 125th WY Bldg B-3, Kirkland, WA 98034, (hereinafter "CONTRACTOR").

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

1. CONTRACT DOCUMENTS

This Contract consists of the following documents

- a. Exhibit A - Contractor's Proposal

2. DURATION OF CONTRACT

The term of this Contract shall begin January 1, 2011 and shall expire on December 31, 2011. Price rates are subject to change for each calendar year. Price adjustments of this contract will only be effective with an executed amendment to this contract. The CONTRACTOR shall complete all work by the time(s) specified and agreed upon for each individual job, project or work order, or if no such time is otherwise specified, no later than the expiration date.

3. SERVICES PROVIDED

The CONTRACTOR shall perform the following services:

- a. The CONTRACTOR agrees to provide "as needed" washer and dryer maintenance and repair services for the Benton County Jail Facility located in Kennewick, WA in accordance with the CONTRACTORS 2011 price list proposal attached hereto as Exhibit A. In the event that requested work encompasses work that is legally required to be completed by another type of contractor, CONTRACTOR shall inform COUNTY of that fact and shall coordinate with COUNTY to complete the work in conjunction with such other contractor. In the event that requested work requires, under State or local law, the issuance of a building permit, CONTRACTOR shall be responsible for procuring such building permit and arranging for inspection and certification of the work. CONTRACTOR may

BENTON COUNTY AGENDA ITEM

8.

AGENDA ITEM:		Type of Action	
MEETING DATE:	02/14/11	Execute Contract	CONSENT AGENDA <input checked="" type="checkbox"/>
SUBJECT:	2011 Percentage Rates & Salaries for Benton & Franklin Superior Court	Pass Resolution	PUBLIC HEARING <input checked="" type="checkbox"/>
		Pass Ordinance	1 ST DISCUSSION <input type="checkbox"/>
		Pass Motion	2 ND DISCUSSION <input type="checkbox"/>
		Other	OTHER <input type="checkbox"/>
Prepared By:	Pat Austin	Approve for Hearing	
Reviewed By:	L. Smith-Kelty		

BACKGROUND INFORMATION

Resolution to establish percentage rates and salaries for 2011 for the Benton & Franklin Counties Superior Court as approved in the 2011 budgets for both Benton and Franklin Counties.

SUMMARY

The medical benefits allocation had not been resolved at 2010 year end. Franklin County has agreed to increase medical benefits from \$8,652.00 per person per year to \$9,002.00 per person per year. (This is \$515.00 per person per year below the Benton County employee rate for 2011.)

Franklin County has agreed to fund their portion of the 30-person Adult Drug Court. The amount reflected on the spreadsheet is the actual cost to Franklin County once the revenues from Criminal Justice Treatment Account Funds and Participant Fees have been applied. We have listed the cost in the manner for the past couple of years.

	\$133,899	
+	350	Medical increase
	\$134,249	Sub-Total
-	31,137	Criminal Justice Treatment Fund Revenue to be paid to Benton County
-	18,000	Participant Fees paid to Benton County
\$	85,112	Total remaining Cost to Counties
\$	23,133	Franklin County Share at 27.18%
\$	61,979	Benton County Share at 72.82 %
\$	85,112	

RECOMMENDATION

Recommend approval.

FISCAL IMPACT

Adjustments will need to be made to both the Benton County budget and Franklin County budget to reflect the increase in medical benefit costs – total amount is \$5,950.00 and has been included in the attached Resolution and attachments to the Resolution.

MOTION

I move to approve joint resolution no. _____ in the matter of adopting the percentage rates for salaries for the Benton & Franklin Counties Superior Court.

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF ADOPTING THE PERCENTAGE RATES FOR SALARIES FOR BENTON-FRANKLIN SUPERIOR COURT

WHEREAS, the percentage paid by Benton and Franklin Counties for the Superior Court non-bargaining 2011 salaries is based on the previous full-year case filings described on (Attachment "A") and pursuant to the Memorandum of Understanding and Agreement (Benton County #99-038; Franklin County #99-029; and

WHEREAS, the percentage paid by Benton and Franklin Counties for the Superior Court Judges, Judges Pro Tempore, and Court Commissioners 2011 Salaries are based on the 2009 real property valuation for 2010 (reflected on Attachment A) and pursuant to the Memorandum of Understanding and Agreement (above);

NOW THEREFORE, BE IT RESOLVED, the Boards of County Commissioners of Benton and Franklin hereby approve that:

1. The 2011 percentage rate for the Superior Court non-Bargaining salaries is 27.18% for Franklin County and 72.82% for Benton County.
2. The 2011 percentage rate for the Superior Court Judges, Judges Pro Tempore and Superior Court Commissioners is 26.06% for Franklin County and 73.94% for Benton County.

BE IT FURTHER RESOLVED the total reimbursement for Franklin County salaries, benefits and Adult Drug Court is \$520,078.00 (reflected on Attachment B); and

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BE IT FURTHER RESOLVED the total reimbursement for Benton County salaries, benefits and Adult Drug Court is \$1,536,211.00 (reflected on Attachment B.

Dated this _____ Day of _____, 20____.

Dated this _____ Day of _____, 20____.

Board of Benton County Commissioners

Board of Franklin County Commissioners

Chairman

Chairman

Chairman Pro Tem

Chairman Pro Tem

Member

Member

Constituting the Board of
County Commissioners of
Benton County, Washington

Constituting the Board of
County Commissioners of
Franklin County, Washington

Attest:

Attest:

Clerk of the Board

Clerk of the Board

ATTACHMENT "A"

Benton and Franklin County Superior Court
Year 2011 Budget (Cost Allocation)

(1) Case Filings by County:

	<u>Civil</u>	<u>Criminal</u>	<u>Combined</u>	<u>% of Use</u>
Benton County	5,745	1,244	6,989	72.82%
Franklin County	<u>2,147</u>	<u>462</u>	<u>2,609</u>	27.18%
TOTAL:	7,892	1,706	9,598	100.00%

(2) Assessed Valuation:

Benton County	\$13,372,871,942	-	73.94%
Franklin County	\$ 4,713,260,618	-	26.06%
TOTAL:	\$18,086,132,560	-	100.00%

- (1) Caseload data was provided by the Washington State Administrative Office of the Courts
,(2) Assessed value was provided by the Benton and Franklin County Assessor's Offices

YEAR 2011 BASELINE + ADC BUDGET (0% COLA)

This is an estimate only. All figures should be verified prior to acceptance and approval.

(02/07/11 print date)

STAFF	Civil	Criminal	Total	Percent
Franklin	2147	462	2609	27.18%
Benton	5745	1244	6989	72.82%
TOTAL	7892	1706	9598	100.00%

	Salary	Soc Sec	Medicare	Retire	Unpy Lv	Med Ins	VEBA	Total	Franklin	Benton	Total
1379	57,152	3,543.00	829.00	4,003.00	1,000.00	9,002.00	1,486.00	77,015.00	20,529.00	56,486.00	77,015.00
1380	34,298	2,126.00	497.00	2,403.00	600.00	9,002.00	892.00	49,818.00	13,298.00	36,520.00	49,818.00
1474	59,832	3,710.00	868.00	4,191.00	1,047.00	9,002.00	1,556.00	80,206.00	21,377.00	58,829.00	80,206.00
1475	59,832	3,710.00	868.00	4,191.00	1,047.00	9,002.00	1,556.00	80,206.00	21,377.00	58,829.00	80,206.00
1476	59,832	3,710.00	868.00	4,191.00	1,047.00	9,002.00	1,556.00	80,206.00	21,377.00	58,829.00	80,206.00
1477	59,832	3,710.00	868.00	4,191.00	1,047.00	9,002.00	1,556.00	80,206.00	21,377.00	58,829.00	80,206.00
1478	59,832	3,710.00	868.00	4,191.00	1,047.00	9,002.00	1,556.00	80,206.00	21,377.00	58,829.00	80,206.00
1482	30,262	1,876.00	439.00	2,120.00	530.00	9,002.00	787.00	45,016.00	12,021.00	32,995.00	45,016.00
1483	32,104	1,990.00	466.00	2,249.00	562.00	9,002.00	835.00	47,208.00	12,604.00	34,604.00	47,208.00
1484	34,990	2,169.00	507.00	2,451.00	612.00	9,002.00	910.00	50,641.00	13,517.00	37,124.00	50,641.00
1485	33,232	2,060.00	482.00	2,328.00	582.00	9,002.00	864.00	48,550.00	12,961.00	35,589.00	48,550.00
1486	38,244	2,371.00	555.00	2,679.00	669.00	9,002.00	994.00	54,514.00	14,547.00	39,967.00	54,514.00
1487	44,528	2,761.00	646.00	3,119.00	779.00	9,002.00	1,158.00	61,993.00	16,535.00	45,458.00	61,993.00
1488	79,022	4,899.00	1,146.00	5,535.00	1,383.00	9,002.00	2,055.00	103,042.00	27,448.00	75,594.00	103,042.00
1539	36,536	2,265.00	530.00	2,559.00	639.00	9,002.00	950.00	52,481.00	14,006.00	38,475.00	52,481.00
1489	10,000	0.00	0.00	0.00	0.00	0.00	0.00	10,765.00	2,926.00	7,839.00	10,765.00
4175	5,424	0.00	0.00	0.00	0.00	0.00	0.00	5,424.00	1,474.00	3,950.00	5,424.00
9602	15,851	(Workman's Comp)						15,851.00	4,308.00	11,543.00	15,851.00
9908 (see unpaid leave column)								0.00			0.00
TOTAL	750,803	45,230.00	10,582.00	50,401.00	12,591.00	135,030.00	18,711.00	1,023,348.00	273,059.00	750,289.00	1,023,348.00

JUDGES	Assesed Prop	Percent
Franklin	4,713,260,618	26.06%
Benton	13,372,871,942	73.94%
TOTAL	18,086,132,560	100.00%

	Salary	Soc Sec	Medicare	Retire	Unpy Lv	Med Ins	VEBA	Total	Franklin	Benton	Total
1473	446,496	0.00	0.00	0.00	0.00	0.00	0.00	446,496.00	116,357.00	330,139.00	446,496.00
1479	133,949	6,622.00	1,942.00	9,383.00	2,344.00	9,002.00	3,483.00	166,725.00	42,541.00	124,184.00	166,725.00
1480	78,568	4,871.00	1,139.00	5,504.00	0.00	0.00	0.00	90,082.00	23,475.00	66,607.00	90,082.00
1481	133,949	6,622.00	1,942.00	9,383.00	2,344.00	9,002.00	3,483.00	166,725.00	34,033.00	132,692.00	166,725.00
1922	25,000	1,550.00	363.00	1,751.00	0.00	0.00	0.00	28,664.00	7,480.00	21,184.00	28,664.00
TOTAL	817,952	19,665.00	5,386.00	26,021.00	4,688.00	18,004.00	6,966.00	898,692.00	223,886.00	674,806.00	898,692.00
Drug Court	133,899	(Franklin Co. share is actual cost after revenue has been applied)						134,249.00	23,133.00	111,116.00	134,249.00
GRAND TOTAL	1,702,664	64,895.00	15,968.00	76,422.00	17,279.00	153,034.00	25,677.00	2,056,289.00	520,078.00	1,536,211.00	2,056,289.00

PH 9:05

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: Feb 14, 2011 Subject: animal control ord' Memo Date: 26 Jan 2011 Prepared By: AJF Reviewed By: LSK, LT, & RB	Execute Contract Pass Resolution Pass Ordinance X Pass Motion Other	Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other

SUMMARY

Scheduled for today is a hearing for a possible new animal control ordinance.

BACKGROUND

Today's hearing begins the culmination of a long process of creating and adopting a new animal control ordinance for Benton County, and transitioning to a new era of providing animal control services through the Sheriff's Office.

The ordinance prepared for hearing today is the same version that Commissioners have seen in recent months as a draft, and was completed in its current version in August 2010. The document was drafted by Sheriff, Prosecutor, and Commissioner staff based on direction provided by the Board of Commissioners. The draft ordinance has been approved to form by the Prosecutor.

FISCAL IMPACT

Animal control services have already been budgeted for by the County. The "fiscal impact" of adopting the ordinance is that it will give Benton County Animal Control the authority to offer its full range of services and enforce the mandates of the ordinance.

#

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF THE ADOPTION OF AN ORDINANCE RELATING TO ANIMAL CONTROL; AND ADDING A NEW CHAPTER TO TITLE 2 OF THE BENTON COUNTY CODE

WHEREAS, Benton County desires to create an ordinance relating to animal control adding a new chapter to Title 2 of the Benton County Code;

WHEREAS, Benton County has created the Benton County Animal Control Department which will enforce animal control services by way of said ordinance; and

WHEREAS, a public meeting was held on Monday, January 31, 2011, at 9:05 am in the Commissioners meeting room, Third Floor, Courthouse, Prosser, WA 99350 to consider the above ordinance;

WHEREAS, at said hearing, the Benton County Board of Commissioners heard testimony from all persons wishing to testify in support of or in opposition to the attached ordinance; and

WHEREAS, the Board of County Commissioners is satisfied that it appears to be in the best interest of the public to adopt said ordinance; **THEREFORE,**

BE IT RESOLVED that Ordinance No. _____, an ordinance relating to Animal Control and adding a new Chapter to Title 2 of the Benton County Code, be adopted and shall take effect upon its passage and adoption.

Dated this day of, 20....

Chairman of the Board

Chairman Pro-Tem

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

Attest:
Clerk of the Board

ORDINANCE NO. _____

AN ORDINANCE relating to animal control, adding a new chapter to Title 2 of the Benton County Code.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

SECTION 1. There is hereby added a new chapter to Title 2 of the Benton County Code which shall be entitled, "ANIMAL CONTROL," and which shall include the sections set forth below.

SECTION 2. DEFINITIONS. (a) As used in this chapter, unless the context indicates otherwise, the following words or phrases shall have the following meanings:

(1) "Animal control authority" means any local governmental unit or contractor designated by the County to enforce the provisions of this chapter.

(2) "At heel" shall be those circumstances when a dog is positioned and controlled in such a manner so as to remain within a distance of two (2) feet from its owner or other competent person having charge of such dog.

(3) "At large" means off the premises of the owner of a dog. Even if off the premises of its owner, a dog shall not be deemed "at large" if it:

(A) is attached to a leash or a chain of sufficient strength to restrain the dog, and not more than eight (8) feet in length, when said leash or chain is held by a person competent to restrain and control the dog off the owner's premises;

(B) is properly restrained within a motor vehicle or housed in a veterinary hospital; or

(C) is accompanied by and at heel beside the owner or competent responsible person.

(4) "County" means Benton County, Washington.

(5) "County animal shelter" means an animal shelter designated by the County to receive and hold impounded dogs under this chapter.

(6) "Competent person" means any person who, by reason of age and physical ability and/or training, is capable of maintaining control of a dog to the extent required by this chapter.

(7) "Dog" means and includes female, spayed female, male and neutered male dogs.

(8) "Health officer" includes any person designated as such by the Benton-Franklin District Health Department, or any other person designated as such by the County.

(9) "Microchip implant" means an identifying integrated circuit placed under the skin of a dog.

(10) "Owner" means any person, group of persons, firm, association or corporation owning, possessing, keeping, harboring or having control or custody of a dog.

(11) "Person" includes any person, partnership, corporation, trust or association of persons.

(12) "Veterinary hospital" means a public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury to animals.

(13) "Pound master" refers to any person employed by, or under contract with, the County to care for and dispose of strays or other animals confined under this chapter.

(b) All other words and phrases used in this chapter will have their commonly accepted meaning.

(c) Whenever a type or breed of animal is described in this chapter, it includes any hybrid, cross breed or mixed breed of such animal to any degree that the type or breed can be identified by either the animal's appearance, behavior or pedigree.

SECTION 3. DOGS AT LARGE. It is unlawful for any owner of any dog to allow, suffer or permit such a dog to be at large and within unincorporated Benton County. Any dog at large and within unincorporated Benton County is a nuisance. Any dog which is at large and within unincorporated Benton County may be impounded by the animal control authority.

SECTION 4. SETTING AT LARGE PROHIBITED. It is unlawful for any person, except the owner or his or her duly authorized agent, to willfully open any door or gate on any private premises or unleash any dog for the purpose of enticing or enabling any dog to leave such private premises.

SECTION 5. NOTICE OF IMPOUNDING--PROCEDURES. Upon seizing and impounding any dog, the animal control authority shall give notice of such impounding in substantially the following manner.

If the dog is wearing a tag identifying its owner, if the dog is implanted with a microchip implant detected by a scanner used by the animal control authority or if the identity of the owner is otherwise known to the animal control authority, then within 48 hours of the time of impoundment, the animal control authority shall attempt to notify the microchip manufacturer, if a microchip is detected, and the owner in person or by telephone or by leaving a written notice at the owner's last known residence, to inform them that the dog has been impounded and may be redeemed as provided in this chapter. If none of these contacts are successful, the animal control authority shall send a certified letter to the owner's last known address within 96 hours of the time of impoundment.

SECTION 6. REDEMPTION OF IMPOUNDED DOGS. (a) Any impounded dog may be redeemed by the owner, or authorized representative of the owner, by payment to the animal control authority of an impounding fee, said fee to be established by resolution of the Board of County Commissioners. In addition, the redeeming owner, or authorized representative of the owner, shall first pay a daily boarding fee established by resolution of the Board of County Commissioners for each calendar day or portion thereof that the dog has been confined, and also the actual cost, if any, of treating an injured dog.

(b) Proof of an unexpired rabies vaccination must also be produced before a dog is released from impound.

(c) Upon receiving all fees due, the animal control authority shall execute a receipt in triplicate. The original shall be delivered to the person redeeming the dog and a copy, upon which such person shall acknowledge delivery of the dog, shall be retained by the animal control authority.

SECTION 7. UNCLAIMED DOGS--DISPOSITION. Except as set forth in Section 8 below, if an impounded dog is not claimed and redeemed within seventy-two (72) hours of the time of impoundment, then, at the discretion of the animal control authority, such dog may be adopted out or humanely destroyed pursuant to policies adopted by the animal control authority.

SECTION 8. DOGS WITH IDENTIFICATION--DISPOSITION. If an impounded dog wearing a tag identifying its owner or bearing a detected microchip implant is not claimed or redeemed within 240 hours from the time of impoundment, then such dog may be adopted out or humanely destroyed pursuant to policies adopted by the animal control authority.

SECTION 9. DESTRUCTION OF DOGS. (a) Any dog which is not redeemed by the owner and not adopted out by the animal control authority or pound master may be humanely destroyed and properly disposed of by the animal control authority or pound master. The destruction of all dogs shall be done in a humane manner.

(b) In the event of an emergency endangering the health or safety of any person where seizure and impoundment of a dog is deemed inadvisable or impractical, or for humane considerations, the animal control authority at its discretion may summarily destroy the dog involved.

SECTION 10. VIOLATIONS--PENALTIES. (a) Except as set forth in Section 11, each violation of any provision of this chapter shall be a civil infraction. Each violation shall be subject to a penalty in the amount listed below plus any court costs assessed by the Benton County District Court.

(1) First violation of any provision of this chapter -
thirty dollars (\$30.00)

(2) Second violation of any provision of this chapter -
fifty dollars (\$50.00)

- (3) Third violation of any provision of this chapter - seventy-five dollars (\$75.00)
- (4) Any additional violations of any provision of this chapter - one hundred dollars (\$100.00)
- (b) Each person is guilty of a separate offense for each and every violation of any provision of this chapter by such person.

SECTION 11. IDENTIFICATION-REFUSAL-PENALTY. Any person requested to identify himself or herself to the animal control authority pursuant to an investigation of an infraction under this chapter, has a duty to identify himself or herself and give his or her current address. Failure to so identify himself or herself shall constitute a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

SECTION 12. SEVERABILITY. If any provision of this ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

SECTION 13. EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this _____ day of _____, 2010.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Approved as to Form:

Ryan K Brown
Deputy Prosecuting Attorney

Constituting the Board of
County Commissioners of
Benton County, Washington

Attest: _____
Clerk of the Board

9:15

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>2/14/2011</u>	Execute Contract	_____
Subject: <u>Property Proposal</u>	Pass Resolution	_____
Prepared by: <u>Lisa Small</u>	Pass Ordinance	_____
Reviewed by: _____	Pass Motion	_____
	Other	_____
	Consent Agenda	_____
	Public Hearing	_____
	1st Discussion	<u>X</u>
	2nd Discussion	_____
	Other	_____

BACKGROUND INFORMATION

The Commissioners office received a proposal from Mr. Ron Martin for a portion of Benton County Surplus Parcel 1-0697-100-0012-000 that crosses his parcel located on 7404 E Massingale Road, Benton City, WA. He is offering \$800 for approximately 1.22 ac of parcel 1-0697-100-0012-000.

Per Resolution 99-494 the Board of Commissioners authorized a portion of parcel 1-0697-100-0012-000 that crossed parcels 1-0697-401-0713-001; 1-0697-401-0713-002; & 1-0697-401-0713-003 surplus and the sale of such land by private negotiation. That portion of land was sold in the amount of \$10.00.

Per Resolution 01-030 the Board declared a portion of said parcel surplus and authorized the sale method to be through private negotiations.

Per Resolution 01-031 the Board authorized the sale of surplus property of said parcel 1-0697-100-0012-000 lying within short plat 2449 through private negotiations, and per that resolution the Board concurred to sale said property for an offer made of \$800. After research, there are no records showing the execution of any sale on this property.

Per Resolution 05-649 the Board authorized the sale of surplus property and tax title property by sealed bids, private negotiation, and other methods consistent with the Benton County Personal and Real Property Management Policy & Procedures. Parcel 1-0697-100-0012-000 was listed as one of these parcels on that Resolution.

Benton County Assessor's office was contacted and asked to provide us with a "low fair market value" and they came back with an amount of \$1,700. Indicating that it is an active creek and is non-buildable.

SUMMARY

We have a proposal in the amount of \$800 for a portion of said parcel above. History shows that the Board of Benton County Commissioner has indicated numerous times through Resolutions that this parcel is surplus and they authorize the sale through private negotiations and/or a method consistent with the property policy. It has been proven that this parcel is non-buildable and useless to Benton County.

RECOMMENDATION

I recommend that we accept the offer of \$800 and sell the portion of said parcel that crosses Mr. Martins property and require him to complete a boundary line adjustment in order to convert the two parcels into one parcel being responsible for all fee's incurred; including getting the legal description rewritten by a professional surveyor. This will then get the parcel back on the tax rolls.

MOTION

Move to accept the proposal in the amount of \$800 for a portion (appox. 1.22 ac) of parcel 1-0697-100-0012-000 that crosses Mr. Martins parcel 1-0697-401-2449-001 and sell said property through private negotiation as the chosen sale method.

Memorandum

To: L. Bowman; S. Small; J. Beaver; D. Sparks
CC: L. Smith Kelty
From: Lisa Small
Date: 2/14/2011
Re: Proposal for a portion of Parcel 1-0697-100-0012-000

The property identified as parcel 1-0697-100-0012-000 was originally an abandon railroad right-of-way lying within short plat 2449 and is non-buildable and of no use to Benton County. The proposal on the table is for a portion of said parcel that runs across parcel 1-0697-401-2449-001. The Board of Commissioners authorized this parcel surplus property as per Resolution 01-030 and again with Resolution 05-649. Below is additional information on a portion of this parcel.

1. Area: E Massingale Road, Benton City, WA
2. Date Acquired: Records in Ascend shows 1940
3. Price Paid by County: Zero – Tax-Title Property then Surplused by Resolution
4. Legal Description: Section 6 Township 9 Range 27 – Oregon Washington Railroad and Navigation Abandoned Right of Way within the East ½ of Section 6
5. Improvements: N/A
6. Liens or Interests of Record: N/A
7. Zoning: Agriculture 1-5
8. Marketing Plan: None, as Benton County was approached by private negotiations

Recommendation: Accept the proposal in the amount of \$800 and sell the portion of said parcel that crosses his property and then require interested party to complete a boundary line adjustment in order to convert the two parcels into one parcel being responsible for all fee's incurred; including getting the legal description rewritten by a professional surveyor.