

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

Board of County Commissioners BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Monday, July 11, 2011 Benton County Courthouse, Prosser, WA

8:30 AM **Workshop**

9:00 AM **Call to Order**
Approval of Minutes
Review Agenda

Consent Agenda

Auditor

a. Letter to Washington State Auditor's Office

Commissioners

- b. Rural County Capital Funds Letter
- c. Canvassing Board Appointment
- d. Lease Amendment w/Benton-Franklin Human Services

Facilities

e. Authorization to Purchase - WA State Contract from Total Filtration Services

Fairgrounds

f. Temporary Pedestrian Bridge Agreement w/Benton Franklin Fair Association

Human Services

- g. Contract Amendment w/Ambitions Community Support Services, Inc. for Developmental Disabilities Services
- h. Contract Amendment w/Arc of Tri Cities for Developmental Disabilities Services
- i. Contract Amendment w/Educational Service District 123 for Substance Abuse Services
- j. Contract Amendment w/Goodwill Industries of the Columbia, Inc. for Developmental Disabilities Services
- k. Copier Lease Agreement w/Pacific Office Automation
- l. Contract Agreement w/Recovery Pointe for Substance Abuse Services
- m. Contract Amendment w/Columbia Industries for Developmental Disabilities Services
- n. Contract Amendment w/Dept of Social & Health Services, Rescinding Resolution 10-787
- o. Contract Amendment w/Lourdes Counseling Center for Substance Abuse Treatment
- p. Contract Amendment w/Nueva Esperanza Counseling Center

q. Janitorial Services Agreement w/Three Brothers Cleaning Services

Juvenile

r. Interagency Agreement w/St of WA, Administrative Office of the Courts

Parks

s. Authorization to Pay Allen Buck Commercial Diving LLC for Removal of Debris

Personnel

t. Subscription Agreement w/Teamsters Local Union for Sheriff's Corrections

Sustainable

u. Contract Amendment w/Department of Ecology

v. Nomination of Assistant Secretary for Fish, Wildlife & Parks

Treasurer

w. Approval of Disbursements From the Historical Preservation Fund

- 9:05 AM Public Hearing – Southgate Water Company Franchise – S Schuetze
- 9:15 AM 4H Program Update – M Ophardt
- 9:30 AM Public Hearing – Olsen Brothers Ranches Inc. Franchise – S Schuetze
- 9:35 AM Public Hearing – Zoning Ordinance Amendments – M Shuttleworth
- 9:55 AM Executive Session – Potential Litigation – D Sparks & S Perry
- 10:15 AM Executive Session – Litigation Update – R Brown
- 10:45 AM Executive Session – Personnel & Potential Litigation – S Hallstrom
- 11:00 AM a. **Unscheduled Visitors**

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
June 27, 2011, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Chairman Leo Bowman
Commissioner James Beaver
Commissioner Shon Small
Deputy County Administrator Loretta Smith Kelty
Clerk of the Board Cami McKenzie

Absent: County Administrator David Sparks (jury duty)
arrived later in the meeting

Benton County Employees Present During All or a Portion of the Meeting: Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Human Services Manager Ed Thornbrugh; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; Deputy Treasurer Erhiza Rivera; Bryan Perry, Safety Manager; Central Services Manager Randy Reid; Nick Kooiker, Treasurer's Office.

Workshop Agenda

Commissioner Small reported on his attendance at the Barker Ranch Tour and Law & Justice Council. Commissioner Beaver said he also attended the Barker Ranch Tour and attended the Hogs & Dogs event. Chairman Bowman also commented on the tour and Cool Desert Nights.

Chairman Bowman discussed a letter from Tri-City Chamber requesting the Board to send a letter to Senators Cantwell and Murray opposing President Obama's appointment of Rebecca Wodder to the next assistant Secretary for Fish, Wildlife and Parks. She apparently has lead the charge to remove the Lower Snake River Dam. The Board agreed and instructed Mr. Fyall to write the letter.

Chairman Bowman also provided a written report from WSAC on the legislative session for the Board's review and congratulated Commissioner Beaver on the new "Employee of the Month" program.

The Board briefly recessed, reconvening at 9:00 a.m. for the regular session.

Approval of Minutes

The Minutes of June 20, 2011 were approved.

Consent Agenda

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

Auditor

- a. Letter to Washington State Auditor

Commissioners

- b. Contract, #E12-010, w/WA St. Military Department for E911
- c. Reappointments to the Workforce Development Council
- d. Establishing Competitive Bidding Procedures, Rescinding Resolution 09-811
- e. Establishing Uniform Process for Contract Awards, Rescinding Resolution 09-812
- f. Establishing Small Works Roster, Rescinding Resolution 09-813
- g. Approval of Personal & Professional Services Contracts, Rescinding Resolution 09-814
- h. Bid Award for Contract for Official County Newspaper

Coroner

- i. Adoption of Non-Exempt On-Call Policy
- j. Line Item Transfer, Fund No. 0000-101, Dept. 115

Facilities

- k. Purchase Authorization of Video Surveillance Equipment at the Jail
- l. Purchase Authorization of Recorder & Video Surveillance Equipment for Superior Court

Human Services

- m. Contract Amendment, #09/10-DD-PTC-03 w/Peopleworks Tri Cities, LLC
- n. Contract Amendment, #09/11-SA-SCC-02 w/Somerset Counseling Center
- o. County Agreement, #1183-25352, w/Dept of Social & Health Services
- p. Contract Amendment, #09/11-SA-FSCC-02, w/First Steps Community Counseling Services

Juvenile

- r. Contract Amendment w/Aramark Correctional Services

Parks

- s. Reappointments to the Benton County Park Board

Personnel

- t. Approval of Employee of the Month

Planning

- v. Reappointments to the Planning Commission

Prosecuting Attorney

- w. Collective Bargaining Agreement w/Teamsters Local Union for Corrections Officers

Public Works

- x. Authorization to Schedule and Advertise a Bid Date for Pavement Marking
- y. Approval of Beaujolais Estate Phase Two and Three

- z. Authorization for Public Hearing of Whitstran Heights Water Association
- aa. Franchise Approval to Cascade Natural Gas Corporation
- bb. Franchise Approval to Col Solare, LLP

Sheriff

- cc. Authorization to Purchase Three Dodge Chargers from State Contract
- dd. Personal Services Contract w/Secure Technologies
- ee. Agreement w/WA State Patrol for Marijuana Eradication
- gg. Bid Award for Replacement of Sidearms
- hh. Interagency Agreement with Assoc. of Sheriffs

Treasurer

- ii. Line Item Transfer, Fund No. 0000-101, Dept. 124

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

Bid Award of Clodfelter Road

Steve Becken, Malcolm Bowie, and Bryan Thorp presented a resolution to the Board for the award of Clodfelter Road. Mr. Bowie discussed the apparent low bidders, the proposed award of bid, and subsequent protest of award. He said the matter had been thoroughly reviewed by the Prosecuting Attorney and the State Dept. of Labor & Industries to make sure they apparent low bidder could lawfully do the work as a general contractor and comply with the electrical requirements. He said they met the requirements and it was their recommendation to award to the low bidder Tapani Underground, Inc.

MOTION: Commissioner Small moved to approve the resolution awarding the contract for Clodfelter Road to Tapani Underground, Inc. Commissioner Beaver seconded and upon vote, the motion carried unanimously.

Executive Session Potential Litigation

The Board went into executive session with DPA Reid Hay at 9:15 a.m. for approximately 10 minutes to discuss potential litigation. Also present were Loretta Smith Kelty, Cami McKenzie, Bryan Perry, Undersheriff Jerry Hatcher, and Melina Wenner. The Board came out at 9:22 a.m. No action was taken.

Washington Counties Risk Pool Presentation

Vyrle Hill and David Goldsmith gave a Powerpoint presentation on the Risk Pool and outlined the following:

- Liability in the Public Sector
- The Early Days; Mission Statement
- How the Pool is Structured; Risk Management
- Frequency vs. Severity
- Insuring Agreement
- Occurrence v. Claims Made

- Liability Program
- Organization
- Py2011 Finances
- Claims Administration
- Member Services
- Benton County - consistently runs in the top two or three as better than average.

The question was asked about the extent of coverage from the County to elected officials. It was stated the legislative authority (Board of Commissioners) could make policy changes that put constraints on limits of coverage with internal adjustments (i.e. business practices – budget is tied to certain practices) if the County put forward prior notice. It was stated there were other counties that set internal limits on coverage. The Board agreed it wanted to pursue that matter further.

Proposed Zoning Ordinances Amendments

Susan Walker, Mike Shuttleworth, and Valerie Smith reviewed the proposed changes to the following zoning ordinances: Light Industrial, Heaving Industrial, Parks District, and Unclassified. Additionally, Mr. Shuttleworth said they were reviewing a non-conforming use ordinance. The Board agreed with the proposed changes and the public hearing was scheduled for July 11.

Mental Health Update

Ed Thornbrugh reviewed the following issues:

RSN Funding Formula

Mr. Thornbrugh said that only elected officials could vote on changes to the funding formula and they would be trying to pass a policy based on population formula (same way as it is received). He said that Yakima indicated they might not be able to continue residential services and have proposed a modification and he was asking the Board to support them in this period of transition over the next two years since Benton County used those services.

Commissioner Beaver talked about having options if this option did not work. Mr. Thornbrugh said they want to use Yakima County the same as they have in the past, otherwise, would have to have a separate contract. He said he would try to get those numbers prior to the vote on the 29th.

PACT Team

Mr. Thornbrugh said there would be another change in the funding formula and the PACT Team would be affected. He recommended that funding for that program be established as a high priority service.

Direct Contracting

Mr. Thornbrugh recommended the RSN be allowed to contract directly with the outpatient providers provided the Counties retain the decision-making authority on providers and proportion funding.

County Claims

2011-19: Received on June 24, 2011 from Benton Rural Electric Association

Vouchers

Check Date: 06/24/2011
Warrant #: 36733-36952
Taxes #01010611, 05010611
Total all funds: \$1,138,908.98

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

Resolutions

11-392 Contract, #E12-010, w/WA St. Military Department for E911
11-393 Reappointment of Stephen Harrell to the Workforce Development Council
11-394 Reappointment of Gerry Ringwood to the Workforce Development Council
11-395 Reappointment of Mike Mitchell to the Workforce Development Council
11-396 Reappointment of Rick Peenstra to the Workforce Development Council
11-397 Reappointment of Karen Wieda to the Workforce Development Council
11-398 Reappointment of Debra Hovley to the Workforce Development Council
11-399 Reappointment of Michelle Mann to the Workforce Development Council
11-400 Reappointment of Lori Mattson to the Workforce Development Council
11-401 Reappointment of Rick Miller to the Workforce Development Council
11-402 Establishing Competitive Bidding Procedures, Rescinding Resolution 09-811
11-403 Establishing Uniform Process for Contract Awards, Rescinding Resolution 09-812
11-404 Establishing Small Works Roster, Rescinding Resolution 09-813
11-405 Approval of Personal & Professional Services Contracts, Rescinding Resolution 09-814
11-406 Bid Award for Contract for Official County Newspaper
11-407 Adoption of Non-Exempt On-Call Policy
11-408 Line Item Transfer, Fund No. 0000-101, Dept. 115
11-409 Purchase Authorization of Video Surveillance Equipment at the Jail
11-410 Purchase Authorization of Recorder & Video Surveillance Equipment for Superior Court
11-411 Contract Amendment, #09/10-DD-PTC-03 w/Peopleworks Tri Cities, LLC
11-412 Contract Amendment, #09/11-SA-SCC-02 w/Somerset Counseling Center
11-413 County Agreement, #1183-25352, w/Dept of Social & Health Services

- 11-414 Contract Amendment, #09/11-SA-FSCC-02, w/First Steps Community Counseling Services
- 11-415 Contract Amendment w/Aramark Correctional Services
- 11-416 Appointment of Richard Nordness to the Benton County Park Board
- 11-417 Appointment of Richard Michael Crowder to the Benton County Park Board
- 11-418 Appointment of Diana Powell to the Benton County Park Board
- 11-419 Appointment of Skip Gest to the Benton County Park Board
- 11-420 Appointment of Bert Lake to the Benton County Park Board
- 11-421 Appointment of Donna Raines to the Benton County Park Board
- 11-422 Appointment of Henry Sauer to the Benton County Park Board
- 11-423 Reappointment of James Willard to the Planning Commission
- 11-424 Reappointment of Rick Giberson to the Planning Commission
- 11-425 Collective Bargaining Agreement w/Teamsters Local Union for Corrections Officers
- 11-426 Authorization to Schedule and Advertise a Bid Date for Pavement Marking
- 11-427 Approval of Beaujolais Estate Phase Two and Three
- 11-428 Authorization for Public Hearing of Whitstran Heights Water Association
- 11-429 Franchise Approval to Cascade Natural Gas Corporation
- 11-430 Franchise Approval to Col Solare, LLP
- 11-431 Authorization to Purchase Three Dodge Chargers from State Contract
- 11-432 Personal Services Contract w/Secure Technologies
- 11-433 Agreement w/WA State Patrol – Marijuana Eradication
- 11-434 Bid Award for Replacement of Sidearms
- 11-435 Interagency Agreement with Assoc. of Sheriffs
- 11-436 Line Item Transfer, Fund No. 0000-101, Dept. 124
- 11-437 Award of Clodfelter/Locust Grove Road to Tapani Underground, Inc.

There being no further business before the Board, the meeting adjourned at approximately 11:00 a.m.

Clerk of the Board

Chairman

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

July 11, 2011

Ms. Lisa Noland, Assistant Audit Manager
Washington State Auditor's Office
100 North Morain, Suite 216
Kennewick, WA 99336

Dear Ms. Noland:

We are providing this letter in connection with your audit of applicable federal programs of Benton County for the period January 1, 2010 through December 31, 2010 for the purpose of expressing an opinion on compliance with requirements applicable to each major program and internal control over compliance in accordance with OMB Circular A-133 of Benton County. We confirm that we are responsible for compliance with requirements applicable to each major program and internal control over compliance in accordance with OMB Circular A-133.

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.

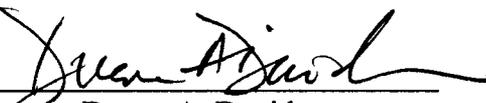
1. We acknowledge and understand our responsibility for complying, and have complied, with the requirements of Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

2. We have prepared the Schedule of Expenditures of Federal Awards in accordance with OMB Circular A-133 and included all expenditures from federal agencies and pass-through agencies in the form of grants, contracts, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance.
3. We have identified the requirements of laws, regulations, and the provisions of contracts and grant agreements related to each of our federal awards.
4. We have complied, in all material respects, with the compliance requirements related to our federal awards.
5. We have disclosed to the auditor any interpretations of federal compliance requirements that vary from federal or pass-through agency interpretations.
6. We have maintained internal control over federal programs sufficient to provide reasonable assurance that awards are managed in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of our federal awards.
7. We have disclosed whether any changes in internal controls over federal awards, including any corrective action taken in response to findings, has occurred subsequent to the audit period.
8. We have made available all contracts and grant agreements (including amendments, if any) and any other correspondence that has taken place with federal agencies or pass-through agencies related to federal awards.
9. We are not aware of any amounts questioned or noncompliance with requirements of our federal awards occurring during or subsequent to the audit period. Further, we have made available to the auditor the results of any other audits or program reviews.
10. We have provided the auditor with all information regarding management decisions or follow-up work performed by federal or pass-through agencies on any findings reported in the past.
11. We have made available all documentation related to the compliance requirements, including information related to federal program financial reports and claims for advances and reimbursements.
12. Federal program financial reports and claims for advances and reimbursements are supported by the books and records from which the basic financial statements have been prepared, and are prepared on a basis consistent with that presented in the Schedule of Expenditures of Federal Awards.

13. 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.
14. The copies of federal program financial reports provided to the auditor are true copies of the reports submitted, or electronically transmitted, to federal agencies or pass-through agencies.
15. We have advised our subrecipients of requirements imposed on them by Federal laws, regulations, and the provisions of contracts or grant agreements as well as any supplemental requirements we impose as a condition of receiving Federal awards.
16. We have monitored the activities of our subrecipients as necessary to ensure that Federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements.

Leo M. Bowman
Chairperson,
Board of County Commissioners

Brenda Chilton
Benton County Auditor



Duane A. Davidson
Benton County Treasurer

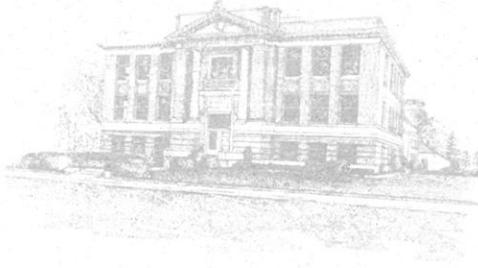
cc: Board of County Commissioners
Brenda Chilton, Benton County Auditor
Duane A. Davidson, Benton County Treasurer
Ryan Brown, Chief Civil Deputy, Benton County

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Board of County Commissioners BENTON COUNTY

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Loretta Smith Kelty
Deputy County Administrator



July 11, 2011

City Managers, Mayors and Port Directors

RE: Rural County Capital Funds

City Managers, Mayors and Port Directors:

Our continued examination of budgets, expenditures, and revenues has afforded a good opportunity to provide a status report on the "Rural County Capital Fund" to our community partners.

Benton County's Rural County Capital Fund was created in 1998 to receive funds from Washington State granted under the provisions of RCW 82.14.370. The intent of the funding is to promote economic development in counties designated as "rural", which is defined as having a total population density of *less than* 100 persons per square mile. The original rebate was 0.04% of the state sales tax generated in a given county; and since that time, the rebate has increased in steps to 0.09%. From 2006 through 2010, the average annual rebate amount for Benton County was approximately \$2.5 million.

RCW 82.14.370 also required that Benton County consult with Cities and Ports within its jurisdiction prior to spending the rebate or funds. These funds were restricted to public facility construction costs until 2007, when the funding was increased from 0.08% to 0.09%, and use of the funds was expanded to include financing personnel in economic development offices. Funds collected in 2000 and through July 31, 2001 were distributed among the eight "consulting" entities: Benton County; Cities of Kennewick, Richland, West Richland, Prosser and Benton City; and the Ports of Kennewick and Benton, each receiving approximately \$316,000 with Benton County's portion given to the Port of Benton.

In Ordinance 352 and in Resolutions 01-601 and 03-606, the County specifically pledges the proceeds of the Rural County Capital Fund to the debt service on the Jail and District Court Expansion, and most of our partners have previously endorsed this use of the Fund through the execution of the current Interlocal Agreement. In that current Interlocal among Benton County and the Cities of Kennewick, Richland, West Richland, and Prosser, Section 3(e)(iv) states that commencing August 1, 2001 "all funds" collected are dedicated to the repayment of bonds which expanded the Benton County Jail and District Court to ensure we had adequate facilities to house inmates and keep our streets as safe as possible. The annual bond debt service is approximately \$3.0 million for 2011, with approximately \$27.8 million remaining on the balance through December 1, 2020.

Recently, the Port of Benton has requested the use of funds that have accumulated in the account for purposes other than debt service. First, the County has already pledged to its shareholders to maintain these funds for debt service. Second, even if that pledge was determined to be non-binding, if Rural County Capital Funds were made available for other uses for instance, then a new revenue source for remaining payments on the outstanding Justice Center bonds would be needed. The most obvious source of said revenue would be the "bed day rate" that the cities pay Benton County for housing inmates. For example, if the dedicated Rural County Capital Fund 2011 bond payment was instead added to the current bed day rate calculation, the "bed day rate" would increase approximately 18% (there are variables such as the number of beds used that preclude precise calculations). Also if for some reason the revenue sources needed to repay the bonds decreased significantly, for instance due to an economic downturn or the State chose to eliminate a funding source, this shortfall would impact the debt obligation payments of not only the County but the local municipalities as well. Per Section 3(e)(v) of the current Interlocal the Cities' and the County agreed that each respective jurisdiction will be responsible for the following percentages of any annual shortfall: Kennewick 19.6% Richland 8.0%; Prosser 1.2%; and West Richland 1.7%.

In closing, after a thorough examination of the history and use parameters of the Rural County Capital Fund, and of the debt service obligations relative to the Benton County Jail and District Court Expansion, it is our position that the current use and management of the Rural County Capital Fund be maintained until our

City Managers, Mayors and Port Directors
July 11, 2011
Page Three

debt is satisfied, and that funds currently accumulated in the account, or anticipated to be accumulated in the account not be obligated for any uses other than debt service unless or until the bonds are repaid on the Jail and District Court Expansion. Thank you for your continued interest, assistance, and support on these matters.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Leo Bowman, Chairman

Jim Beaver, Member

Shon Small, Member

Cc: David Sparks, County Administrator
Ryan Brown, Chief Civil Deputy
Adam Fyall, Economic Coordinator
Loretta Smith Kelty, Deputy County Administrator

CANVASSING BOARD APPOINTMENT

I, Leo Bowman, Chair of the Benton County Commissioners, hereby designate myself to serve on the Benton County Canvassing Board for the Primary Election to be held on August 16, 2011. I will serve for the timeframe July 27 through August 31, 2011.

DATED this _____ day of July, 2011.

Leo Bowman
Chair, Board of County Commissioners

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	7-11-11	Execute Contract	_____	Consent Agenda	<u> X </u>
Subject:	Human Service 1 st <u>Lease Amendment</u>	Pass Resolution	<u> X </u>	Public Hearing	_____
Prepared by:	<u>K. Mercer</u>	Pass Ordinance	_____	1st Discussion	_____
Reviewed by:		Pass Motion	_____	2nd Discussion	_____
		Other	_____	Other	_____

BACKGROUND / SUMMARY INFORMATION

On November 15, 2010, Benton County and Human Services entered a Lease Agreement for the purposes of leasing a portion of the Health District Building. However, improvements needed to be made before Human Services could move into the Health District Building. It was estimated that the improvements would be completed and Human Services would be able to move in by April 1, 2011. However, the improvements took longer than estimated and Human Services didn't move in until May 1, 2011. This First Lease Amendment is to adjust the Lease Term to the correct dates (May 1, 2011 thru April 30, 2026). All other terms and conditions remain the same.

RECOMMENDATION

Approve the Human Services First Lease Amendment

FISCAL IMPACT

None

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF APPROVING THE FIRST LEASE AMENDMENT BETWEEN BENTON COUNTY AND BENTON-FRANKLIN HUMAN SERVICES AND AMENDING THE LEASE AGREEMENT APPROVED BY BENTON COUNTY RESOLUTION 10-667 AND FRANKLIN COUNTY RESOLUTION 2010-344

WHEREAS, per Benton County Resolution 10-667 and Franklin County Resolution 2010-344, Benton County and Benton-Franklin Human Services entered into a Lease Agreement for the purposes of leasing a portion of a Benton County owned building located at 7102 W. Okanogan Pl. Kennewick, WA 99336; and

WHEREAS, Section 2. Lease Term of the Lease Agreement states that "If the Space is not ready for occupancy by April 1, 2011, for any reason, the County will not be liable for any claims, damages, or liabilities in connection therewith, and the Term will be for the 15 years commencing on the date the Space is ready for occupancy"; and

WHEREAS, the Space was not ready for occupancy on April 1, 2011; and

WHEREAS, the Space was ready and Benton-Franklin Human Services took occupancy on May 1, 2011; and

WHEREAS, the parties mutually desire to amend the Lease Agreement to reflect the correct Lease Term to commence on May 1, 2011 and expire on April 30, 2026; **NOW THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, the Board hereby approves the attached First Lease Amendment between Benton County and Benton-Franklin Human Services.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

FIRST LEASE AMENDMENT

THIS FIRST LEASE AMENDMENT is made and entered into this ____ day of _____, 2011 by and between Benton County, Washington hereinafter called "County" and Benton-Franklin Human Services hereinafter called "Human Services".

WHEREAS, per Benton County Resolution 10-667 and Franklin County Resolution 2010-344, the parties entered into a Lease Agreement for the purpose of leasing a portion of a County owned building located at 7102 W. Okanogan Pl. Kennewick, WA 99336; and

WHEREAS, Section 2. Lease Term of the Lease Agreement states that "If the Space is not ready for occupancy by April 1, 2011, for any reason, the County will not be liable for any claims, damages, or liabilities in connection therewith, and the Term will be for the 15 years commencing on the date the Space is ready for occupancy"; and

WHEREAS, the Space was not ready for occupancy on April 1, 2011; and

WHEREAS, the Space was ready and Human Services took occupancy on May 1, 2011; and

WHEREAS, the parties mutually desire to amend the Lease Agreement to reflect the correct Lease Term to commence on May 1, 2011 and expire on April 30, 2026;

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

1. The following shall replace Section 2. Lease Term:

2. Lease Term. Subject to the terms of this Lease, Human Services' occupancy of the Space commenced May 1, 2011, and the term shall end April 30, 2026 (hereafter the "Term").

2. All other terms and conditions of the parties' Lease Agreement shall remain in full force and effect.

Date: _____

Date: _____

FRANKLIN COUNTY, WASHINGTON
BY THE BOARD OF COUNTY
COMMISSIONERS ON BEHALF
OF HUMAN SERVICES

BENTON COUNTY, WASHINGTON
BY THE BOARD OF COUNTY
COMMISSIONERS ON BEHALF
OF BENTON COUNTY AND ON
BEHALF OF HUMAN SERVICES

Chairman

Chairman

Member

Member

Member

Member

Approved as to Form:

Approved as to Form:

Deputy Prosecuting Attorney

Ryan Brown

Deputy Prosecuting Attorney

STATE OF WASHINGTON)
)
COUNTY OF FRANKLIN)

ss.

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ to me known to be Members of the FRANKLIN COUNTY BOARD OF COMMISSIONERS for the County that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said Human Services, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of said Human Services.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC
Appointment Expires: _____

STATE OF WASHINGTON)
)
COUNTY OF BENTON) ss.

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ to me known to be Members of the BENTON COUNTY BOARD OF COMMISSIONERS for the County that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said Benton County, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of said County.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC
Appointment Expires: _____

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>07/11/11</u>	Execute Contract _____	Consent Agenda	X
Subject: _____	Pass Resolution X _____	Public Hearing	_____
Prepared by: <u>C. McKenzie</u>	Pass Ordinance _____	1st Discussion	_____
Reviewed by: <u>K. Mercer</u>	Pass Motion _____	2nd Discussion	_____
	Other _____	Other	_____

BACKGROUND INFORMATION

Facilities Dept. is responsible for purchasing HVAC air filters for Benton County Facilities and Jail.

SUMMARY

Facilities Dept. would like to purchase HVAC air filters under Washington State Contract No. 05809 from Total Filtration Services to receive the best price.

RECOMMENDATION

Approve the resolution authorizing purchases up to \$25,000 each year for years 2011 and 2012.

FISCAL IMPACT

MOTION

Consent Agenda

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE PURCHASE OF AIR FILTERS FOR HVAC FROM TOTAL FILTRATION SERVICES (TFS) UNDER WASHINGTON STATE CONTRACT NO. 05809

WHEREAS, per Resolution 09-858 dated December 14, 2009 Benton County and the State of Washington, Department of General Administration, Office of State Procurement entered into an Intergovernmental Agreement with the State Purchasing Cooperative for the purpose of governmental purchasing activity; and

WHEREAS, Washington State Contract No. 05809 allows the purchase of air filters for HVAC from Total Filtration Services (TFS) located in Auburn, Washington; and

WHEREAS, Benton County Facilities desires to purchase HVAC air filters for the Benton County Jail and Facilities under Washington State Contract No. 05809; and

WHEREAS, Washington State Contract No. 05809 expires on March 11, 2013;

NOW THEREFORE, BE IT RESOLVED, the Board of Benton County Commissioners hereby approves the purchase of HVAC air filters from Total Filtration Services, Auburn, Washington under Washington State Contract No. 05809 through December 31, 2012 and authorizes payment up to \$25,000 (including WSST) for year 2011 and payment up to \$25,000 (including WSST) for year 2012; and

BE IT FURTHER RESOLVED the Board of Benton County Commissioners hereby authorizes the Facilities Maintenance Supervisor to sign the Purchase Agreements with Total Filtration Services.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington

Attest.....
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>7/11/11</u>	Execute Contract	<u> </u>	Consent Agenda <u> X </u>
Subject: Fairgrounds Temporary Bridge	Pass Resolution	<u> x </u>	Public Hearing <u> </u>
Prepared by: cmb	Pass Ordinance	<u> </u>	1st Discussion <u> </u>
Reviewed by: <u> Isk </u>	Pass Motion	<u> </u>	2nd Discussion <u> </u>
	Other	<u> </u>	Other <u> </u>

BACKGROUND INFORMATION

Attached for Board review is the Temporary Pedestrian Bridge Agreement with the Benton Franklin Fair Association. The Agreement has been reviewed and approved as to form by the Prosecuting Attorney's office.

SUMMARY

The Benton Franklin Fair Association temporary pedestrian bridge shall be assembled and maintained between the Sundowns seating area and the Rodeo bleachers for their annual event. The pedestrian bridge will be in place from July 1, until disassembled on or before September 30, 2011.

RECOMMENDATION

The Deputy County Administrator and Fair Grounds Office Manager recommend approval of the Lease Agreement with the Benton Franklin Fair Association.

FISCAL IMPACT

Zero – All costs associated with the construction, removal, and maintenance of the temporary pedestrian bridge shall be incurred by the Benton Franklin Fair Association.

MOTION

Move the Temporary Pedestrian Bridge Agreement with Benton Franklin Fair Association to be approved.

RESOLUTION

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

**IN THE MATTER OF THE TEMPORARY PEDESTRIAN BRIDGE AGREEMENT
BETWEEN BENTON COUNTY AND THE BENTON FRANKLIN FAIR ASSOCIATION**

WHEREAS, per Resolution 06-025, the Benton Franklin Fair Association and Benton County entered into an agreement to lease facilities as described in the Fairground Lease Agreement for the purpose of an agricultural fair; and

WHEREAS, per Resolution 11-064, the Lease Agreement was extended thru December 31, 2013; and

WHEREAS, the Benton Franklin Fair Association desires to have a temporary pedestrian bridge over the horse racing track between Sundown's seating area and the rodeo bleachers; and

WHEREAS, the Benton County Deputy Administrator recommends entering into an agreement with the Benton Franklin Fair Association for the assembly and removal of a temporary pedestrian bridge; **NOW, THEREFORE**,

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the recommendation and authorizes the Chairman of the Board to sign the agreement between Benton County and Benton Franklin Fair Association attached hereto.

Dated this _____ day of _____ 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington

Attest: _____
Clerk of the Board

**TEMPORARY PEDESTRIAN BRIDGE AGREEMENT
BENTON COUNTY FAIRGROUNDS**

WHEREAS, the Benton Franklin Fair Association, a non-profit corporation organized under the laws of the State of Washington, hereinafter the LESSEE, and Benton County a political subdivision of the State of Washington, hereinafter COUNTY, entered into an agreement to lease Facilities as described in the Fairgrounds Lease dated January 1, 2006 and recorded at 2006-009867 for the purpose of an agricultural fair.

WHEREAS, LESSEE desires to have a temporary pedestrian bridge (hereinafter referred to as "Bridge"), over the horse racing track between Sundowns seating area and the Rodeo bleachers, hereinafter referred to as the BRIDGE;

WHEREAS the parties agree that this agreement should not be construed as a leasehold improvement, and should, instead, be construed as authorization for LESSEE to erect and utilize personal property during the term of the lease with the recognition that COUNTY will not exercise any authority over the use, erection or maintenance of the personal property; **NOW, THEREFORE,**

IT IS HEREBY MUTUALLY RESOLVED, that the COUNTY and LESSEE agree to the following conditions regarding the proposed installation of the BRIDGE.

1. Purpose

LESSEE, pursuant to all terms and conditions herein, shall erect and remove a temporary pedestrian bridge between the Sundowns seating area and the Rodeo bleachers, and the COUNTY shall allow, pursuant to all terms and conditions herein, the erection and removal of said temporary pedestrian bridge. The bridge shall be constructed, erected, and maintained in a workmanline manner in compliance with any applicable industry standards.

2. Temporary Pedestrian Bridge

LESSEE will obtain, assemble, affix and construct the Bridge pursuant to the terms and conditions herein, and, by the date specified below, LESSEE shall disassemble, remove and deconstruct the Bridge pursuant to the herms and conditions herein. LESSEE shall use the BRIDGE only during the term of the lease of the Fairground, which is August 1, 2011 through August 31, 2011.

3. Timeline

LESSEE will assemble and construct the Bridge after July 1, 2011. LESSEE will disassemble and remove the BRIDGE from the grandstands/bleachers prior to September 30, 2011 and move it to a location as approved to in writing by the COUNTY. If the BRIDGE is not disassembled and removed from the grandstands/bleachers area prior to September 30, 2011, the COUNTY will perform any and all disassembly and removal of the BRIDGE and LESSEE will reimburse the COUNTY for any and all costs associated with removal.

4. Permitting

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>			
Meeting Date: Subject: Amendment #09/10-DD-AWI-03 Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____		Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____	

BACKGROUND INFORMATION

In the matter of execution of Amendment #09/10-DD-AWI-03 to provide developmental disabilities services between Benton and Franklin Counties Department of Human Services and Ambitions Community Support Services, Inc. This Amendment serves to extend the end date of Agreement #09/10-DD-AWI-00, Amendments #09/10-DD-AWI-01 and #09/10-DD-AWI-02 to September 30, 2011, and to amend Section 4 Statement of Work.

SUMMARY

Award: Consideration shall be Fee-For-Service
Period: July 1, 2009 through September 30, 2011
Funding Source: Division of Developmental Disabilities

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Division of Developmental. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #09/10-DD-AWI-03 with Ambitions Community Support Services Inc., and to authorize the Chair to sign of behalf of the Board.



 Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

RE: IN THE MATTER OF EXECUTION OF AMENDMENT #09/10-DD-AWI-03 TO PROVIDE DEVELOPMENTAL DISABILITIES SERVICES BETWEEN BENTON AND FRANKLIN DEPARTMENT OF HUMAN SERVICES AND AMBITIONS COMMUNITY SUPPORT SERVICES, INC

WHEREAS, this Amendment serves to extend the end date of Agreement #09/10-DD-AWI-00, Amendments #09/10-DD-AWI-01 and #09/10-DD-AWI-02 to September 30, 2011; and

WHEREAS, this Amendment serves to replace Section 4, Statement of Work; and

WHEREAS, the consideration of the funding remains at Fee-For-Service, NOW THEREFORE,

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

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Amendment #09/10-DD-AWI-03.

Dated this . . . day of, 2011

Dated this . . . day of, 2011

Chair

Chair

Member

Member

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

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

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: Subject: <u>Amendment #09/10-DD-ARC-03</u> Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

In the matter of execution of Amendment #09/10-DD-ARC-03 to provide developmental disabilities services between Benton and Franklin Counties Department of Human Services and The Arc of Tri-Cities. This Amendment serves to extend the end date of Agreement #09/10-DD-ARC-00, Amendments #09/10-DD-ARC-01 and #09/10-DD-ARC-02 to September 30, 2011, and to replace Section 4 Statement of Work.

SUMMARY

Award: Consideration shall be Fee-For-Service
Period: July 1, 2009 through September 30, 2011
Funding Source: Division of Developmental Disabilities

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Division of Developmental. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #09/10-DD-ARC-03 with The Arc of Tri-Cities, and to authorize the Chair to sign of behalf of the Board.



 Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

**RE: IN THE MATTER OF EXECUTION OF AMENDMENT #09/10-DD-ARC-03 TO
PROVIDE DEVELOPMENTAL DISABILITIES SERVICES BETWEEN BENTON
AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND THE
ARC OF TRI-CITIES**

WHEREAS, this Amendment serves to extend the end date of Agreement #09/10-DD-ARC-00, Amendments #09/10-DD-ARC-01 and #09/10-DD-ARC-02 to September 30, 2011; and

WHEREAS, this Amendment serves to replace Section 4, Statement of Work; and

WHEREAS, the consideration of the funding remains at Fee-For-Service, NOW THEREFORE,

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

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Amendment #09/10-DD-ARC-03.

Dated thisday of, 2011

Dated thisday of, 2011

Chair

Chair

Member

Member

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

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

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: Subject: Amendment #09/11-SA-ESD-02 Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____		Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

In the matter of execution of Amendment #09/11-SA-ESD-02 to provide substance abuse treatment services between Benton and Franklin Counties Department of Human Services and Educational School District 123. This Amendment serves to extend the end date of Agreement #09/11-SA-ESD-00 and Amendment #09/11-SA-ESD-01 to October 31, 2011.

SUMMARY

Award: Consideration shall be Fee for Services Provided
Period: July 1, 2009 through October 31, 2011
Funding Source: Division of Behavioral Health and Recovery

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Division of Behavioral Health and Recovery and the Department of Social and Health Services. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #09/11-SA-ESD-02 with Educational School District 123 and to authorize the Chair to sign of behalf of the Board.



 Signature

JOINT RESOLUTION

Benton County Resolution No. _____

Franklin County Resolution No. _____

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

RE: IN THE MATTER OF EXECUTION OF AMENDMENT #09/11-SA-ESD-02 TO PROVIDE SUBSTANCE ABUSE TREATMENT SERVICES BETWEEN BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND EDUCATIONAL SCHOOL DISTRICT 123

WHEREAS, this Amendment serves to extend the end date of Agreement #09/11-SA-ESD-00 and Amendment #09/11-SA-ESD-01 to October 31, 2011; and

WHEREAS, the consideration for this Amendment remains at Fee for Services Provided, NOW THEREFORE,

BE IT RESOLVED that the Boards of Benton and Franklin County Commissioners hereby accept the proposed Amendment; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Amendment #09/11-SA-ESD-02.

Dated thisday of, 2011

Dated thisday of, 2011

Chair

Chair

Member

Member

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

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

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	Execute Contract	___X___	Consent Agenda	___X___
Subject:	Pass Resolution	___X___	Public Hearing	_____
Amendment #09/10-DD-GW-03	Pass Ordinance	_____	1st Discussion	_____
Prepared by:	Pass Motion	_____	2nd Discussion	_____
Maria Loera, Sr. Secretary-DHS	Other	_____	Other	_____
Reviewed by:				
Ed Thornbrugh, Administrator-DHS				

BACKGROUND INFORMATION

In the matter of execution of Amendment #09/10-DD-GW-03 to provide developmental disabilities services between Benton and Franklin Counties Department of Human Services and Goodwill Industries of the Columbia, Inc. This Amendment serves to extend the end date of Agreement #09/10-DD-GW-00, Amendments #09/10-DD-GW-01 and #09/10-DD-GW-02 to September 30, 2011, and to amend Section 4 Statement of Work.

SUMMARY

Award: Consideration shall be Fee-For-Service
Period: July 1, 2009 through September 30, 2011
Funding Source: Division of Developmental Disabilities

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Division of Developmental. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #09/10-DD-GW-03 with Goodwill Industries of the Columbia, Inc., and to authorize the Chair to sign of behalf of the Board.



Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

RE: IN THE MATTER OF EXECUTION OF AMENDMENT #09/10-DD-GW-03 TO PROVIDE DEVELOPMENTAL DISABILITIES SERVICES BETWEEN BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND GOODWILL INDUSTRIES OF THE COLUMBIA, INC.

WHEREAS, this Amendment serves to extend the end date of Agreement #09/10-DD-GW-00, Amendments #09/10-DD-GW-01 and #09/10-DD-GW-02 to September 30, 2011; and

WHEREAS, this Amendment serves to replace Section 4, Statement of Work; and

WHEREAS, the consideration of the funding remains at Fee-For-Service, NOW THEREFORE,

BE IT RESOLVED that the Boards of Benton and Franklin County Commissioners hereby accept the proposed Amendment; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Amendment #09/10-DD-GW-03.

Dated thisday of, 2011

Dated thisday of, 2011

Chair

Chair

Member

Member

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

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

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

**Benton and Franklin Counties
DEPARTMENT OF HUMAN SERVICES
Amendment #09/10-DD-GW-03**

This Amendment is made and entered into by and between Benton County, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350, and Franklin County, a political subdivision, with its principal offices at 1016 North 4th Avenue, Pasco, WA 99301, by and for the **Benton and Franklin Counties' Department of Human Services**, a bi-county department, with its principal offices at 7102 West Okanogan Place, Suite 201, Kennewick, WA 99336 (hereinafter collectively referred to as "Counties") and **Goodwill Industries of the Columbia, Inc.**, a Washington State Non-Profit Corporation, with its principal offices at 815 N. Kellogg, Suite A, Kennewick, WA 99336 (hereinafter "Contractor").

Counties Contact Information:
Ed Thornbrugh, Administrator
Department of Human Services
7102 W. Okanogan Pl., Ste. 201
Kennewick, WA 99336
Phone: 509.783.5284 / Fax 509.783.5981
E-Mail: edt@gov.wa.co.benton-franklin.us

Contractor Contact Information: *Gordon Comfort*
~~Jeanie Welch, Executive Director~~ *Executive Director*
Goodwill Industries of the Columbia, Inc.
815 N. Kellogg, Suite A
Kennewick, WA 99336
Phone: 509.735.7238 / Fax: 509.783-8266
E-Mail: ~~jwelch@goodwillotc.org~~
gcomfort@goodwillotc.org

Is the Contractor a subrecipient for purposes of this Agreement..... No
CFDA Number (Federal Block Grant Funding) N/A

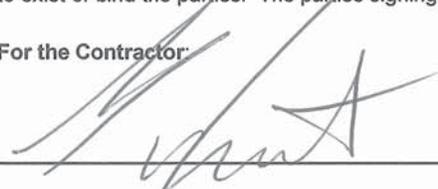
Agreement Start Date..... July 1, 2009
Agreement End Date (unless terminated sooner pursuant to the terms of the Agreement) .. **September 30, 2011**
The Contractor shall complete all work by the time(s) specified herein, or if no such time is otherwise specified, no later than the end date.

Consideration Fee-For-Service

Attachments incorporated into this Amendment
Exhibit A
Exhibit C

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

For the Contractor:



Title: *Exec. Director* Date *6/24/11*

For Benton County:

Benton County Commissioners Date

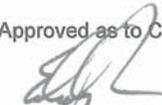
Attest: Clerk of the Board

For Franklin County:

Franklin County Commissioners Date

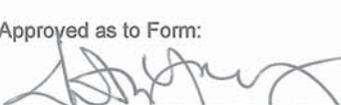
Attest: Clerk of the Board

Approved as to Content:



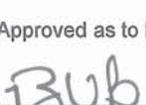
Department of Human Services

Approved as to Form:



Benton County Prosecutor's Office

Approved as to Form:



Franklin County Prosecutor's Office

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	Execute Contract <input checked="" type="checkbox"/>	Consent Agenda <input checked="" type="checkbox"/>
Subject: Copier Lease Agreement	Pass Resolution <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>
Prepared by: Maria Loera, Sr. Secretary-DHS	Pass Ordinance <input type="checkbox"/>	1st Discussion <input type="checkbox"/>
Reviewed by: Ed Thornbrugh, Administrator-DHS	Pass Motion <input type="checkbox"/>	2nd Discussion <input type="checkbox"/>
	Other <input type="checkbox"/>	Other <input type="checkbox"/>

BACKGROUND INFORMATION

The Benton and Franklin Counties Department of Human Services Administration Department and Crisis Response Unit have a need for a multi-function copier and printer to support its staff.

SUMMARY

Award: \$37,280.33

Period: July 1, 2011 through July 1, 2016

Funding Source: Human Services Administrative Department 0108-101-560

RECOMMENDATION

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

FISCAL IMPACT

There is no impact on the current expense budget. All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing the Lease Agreement with Pacific Office Automation and to authorize the Chair to sign on behalf of the Board.



Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

RE: IN THE MATTER OF APPROVING A LEASE AGREEMENT FOR TWO (2) COPIERS FROM PACIFIC OFFICE AUTOMATION FOR THE BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES ADMINISTRATION DEPARTMENT AND CRISIS RESPONSE UNIT

WHEREAS, the Benton and Franklin Counties Department of Human Services Administration Department and Crisis Response Unit have a need for a multi-function copier and printer to support its staff;

WHEREAS, Human Services Administrator, Ed Thornbrugh, has researched the copiers available through Washington State Contract #03706 which provides copier leases to local government agencies on very favorable terms and at very competitive rates;

WHEREAS, after reviewing the available makes and models available from Contract #03706 it has been determined that Canon Model IR Advanced C7065 best meets the needs of the Benton and Franklin Counties Department of Human Services Administration Department, and Canon Model IR Advanced 6055 best meets the needs of the Crisis Response Unit, NOW THEREFORE

BE IT RESOLVED, that the Boards of Benton and Franklin County Commissioners hereby accept the proposed lease agreement;

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be and they hereby are authorized to sign, the Lease Agreement with Pacific Office Automation, incorporating the terms of Washington State Contract #03706 in the lease of (1) Canon IR Advanced C7065 and (1) Canon IR Advanced 6055 multi-function copiers/printers for a period of 60 months for a total of \$37,280.33 with all supplies and consumables included.

Dated this day of, 2011

Dated this day of, 2011

Chair

Chair

Chair Pro Tem

Chair Pro Tem

Member

Constituting the Board of County Commissioners,
Benton County, Washington

Member

Constituting the Board of County Commissioners
Franklin County, Washington

Attest:

Attest:

Clerk of the Board

Clerk of the Board

LEASE AGREEMENT

Benton County, Washington And Franklin County, Washington

COUNTY RESOLUTION
No. _____
This order number must
appear on all invoices,
packing slips, packages,
correspondence, etc.

VENDOR: Pacific Office Automation
VENDOR CODE: (Fed. Tax ID) 93-0665413
VENDOR CONTACT: James Freeman
VENDOR CONTACT PHONE: (509) 735-0502
VENDOR PRINCIPAL PLACE OF BUSINESS:
7913 W. Grandridge Blvd., Kennewick, WA 99336

AGREEMENT:
In exchange for the
consideration identified
herein, the Vendor agrees
to lease the following office
equipment to Benton
County and Franklin County
under the terms described.

SHIP TO:
Benton and Franklin Counties
Department of Human Services
7102 W. Okanogan Place, Suite 201
Kennewick, WA 99336

BILL TO:
Benton and Franklin Counties
Department of Human Services
7102 W. Okanogan Place, Suite 201
Kennewick, WA 99336

P.O. DATE: _____
Delivery Date: _____

Line	Model	Description	Months	Unit Price	Total Price
	3620B013AC	Canon IR ADVANCED C7065 (B/W @ .008 Color @.047)	60	\$351.75	\$21105.00
	3702B001AA	Staple Finisher-B1	60	\$37.19	\$2231.40
	3705B002AA	Hole Punch	60	\$7.92	\$475.20
	3732B002AA	Fax Board	60	\$8.68	\$520.80
	3893B010AA	Canon IR ADVANCED 6055 (B/W @ .0047 per image)	60	\$137.24	\$8234.40
	3894B001AA	Staple Finisher E-1	60	\$21.89	\$1313.40
	3907B002AA	Fax Board	60	\$9.05	\$543.00
		*Service billed monthly in arrears			
		Lease with POA per State of Wa Contract #03706			

The term of this Agreement shall be 60 months:
Beg: 07 /1/2011 through: 07 /1/2016

SUB TOTAL =	\$34,423.20
% SALES TAX =	8.3%
TOTAL ORDER =	\$37,280.33

This Lease Agreement incorporates by reference all terms and conditions of an operating lease issued off the State of Washington Contract No. 03706 (copy attached hereto as Exhibit A), Special Promotional Pricing for Canon IR ADVANCED C7065 (Exhibit B) and Special Promotional Pricing for Canon IR ADVANCED 6055 (Exhibit C).

Vendor's signature on this Lease Agreement certifies acceptance of this agreement and all terms and conditions, and supersedes any conflicting terms.

In case of conflict, the order of precedence is:
1. The State of Washington Contract No. 03706
2. This Purchase Agreement.

QUESTIONS AND CLARIFICATIONS SHOULD BE ADDRESSED TO BUYER CONTACT:

Contact:
Ed Thornbrugh

Title:
Administrator

Address:
7102 W. Okanogan Place, Suite 201
Kennewick, WA 99336

Phone: (509) 783-5284

Fax: (509) 783-5981

Approved as to Form
(Benton County Deputy Prosecutor) By Brent J. J. J.

Approved as to Form
(Franklin County Deputy Prosecutor) BUB

Vendor Name (Print): Alicia Moll Title: BAM Date: 6/27/11

Vendor Signature: Alicia Moll

Chairman
Benton County
Board of Commissioners: _____ Date: _____

Member
Benton County
Board of Commissioners: _____

Member
Benton County
Board of Commissioners: _____

Constituting the Board
of County Commissioners
of Benton County (Clerk): _____

Chairman
Franklin County
Board of Commissioners: _____ Date: _____

Member
Franklin County
Board of Commissioners: _____

Member
Franklin County
Board of Commissioners: _____

Constituting the Board
of County Commissioners
of Franklin County (Clerk): _____

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	Execute Contract <input checked="" type="checkbox"/>	Consent Agenda <input checked="" type="checkbox"/>
Subject: <u>Agreement #11/13-SA-RP-00</u>	Pass Resolution <input checked="" type="checkbox"/>	Public Hearing _____
Prepared by: Maria Loera, Sr. Secretary-DHS	Pass Ordinance _____	1st Discussion _____
Reviewed by: Ed Thornbrugh, Administrator-DHS	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

Benton and Franklin Counties Department of Human Services would like to contract with Recovery Pointe to provide substance abuse treatment services to low income and Title 19 clients for the 2011-13 biennium.

SUMMARY

Award: Consideration shall be Fee-For-Service

Period: July 1, 2011 through June 30, 2013

Funding Source: Division of Behavioral Health and Recovery

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Division of Behavioral Health and Recovery and the Department of Social and Health Services. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Agreement #11/13-SA-RP-00 with Recovery Pointe and to authorize the Chair to sign of behalf of the Board.

Signature 

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

RE: IN THE MATTER OF EXECUTION OF AGREEMENT #11/13-SA-RP-00 TO PROVIDE SUBSTANCE ABUSE TREATMENT SERVICES BETWEEN BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND RECOVERY POINTE

WHEREAS, Benton and Franklin Counties Department of Human Services would like to contract with Recovery Pointe to provide substance abuse treatment services to low income and Title 19 clients for the 2011-13 biennium; and

WHEREAS, the maximum consideration of the funding is Fee-For-Services provided; and

WHEREAS, the Agreement shall be effective July 1, 2011 through June 30, 2013, NOW THEREFORE,

BE IT RESOLVED, that the Boards of Benton and Franklin County Commissioners hereby accept the proposed Agreement; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Agreement #11/13-SA-RP-00.

Dated this day of 2011.

Dated this day of2011.

Chair, Benton County Commissioners

Chair, Franklin County Commissioners

Member

Member

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

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

Attest:

Attest:

Clerk of the Board

Clerk of the Board

**Benton and Franklin Counties
DEPARTMENT OF HUMAN SERVICES
Agreement #11/13-SA-RP-00**

This Agreement is made and entered into by and between Benton County, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350, and Franklin County, a political subdivision, with its principal offices at 1016 North 4th Avenue, Pasco, WA 99301, by and for the **Benton and Franklin Counties' Department of Human Services**, a bi-county department, with its principal offices at 7102 W. Okanogan Pl., Ste. 201 Kennewick, WA 99336 (hereinafter collectively referred to as "Counties") and **Recovery Pointe** a Washington LLC, with its principal offices at 503 Knight St., Suite B Richland, WA 99352 (hereinafter "Contractor").

Counties Contact Information:
 Ed Thornbrugh, Administrator
 Department of Human Services
 7102 W. Okanogan Pl., Ste. 201
 Kennewick, WA 99336
 Phone: 509.783.5284 / Fax 509.783.5981
 E-Mail: edt@gov.wa.co.benton-franklin.us

Contractor Contact Information:
 Jim Mason, Director
 Recovery Pointe
 503 Knight St., Suite B
 Richland, WA 99352
 Phone: 509.943.8484 / Fax: 509.943.8483
 E-Mail: jim.mason@recoverypointe.com

Is the Contractor a subrecipient for purposes of this AgreementYes
 CFDA Number (Federal Block Grant Funding)#93.959
 Title: _____
 Name of Grant: _____
 Grantor: _____

Agreement Start Date July 1, 2011
 Agreement End Date (unless terminated sooner as set forth herein this Agreement)..... June 30, 2013
 The Contractor shall complete all work by the time(s) specified herein, or if no such time is otherwise specified, no later than the end date.

Consideration.....Fee For-Service

Attachments incorporated into this Agreement
 HRSA/DBHR Service Rates Plan 11-13Attachment A

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

For the Contractor:



 For Benton County:

Title: DIRECTOR Date 6-17-11

 Benton County Commissioners Date

 Attest: Clerk of the Board

For Franklin County:

 Franklin County Commissioners Date

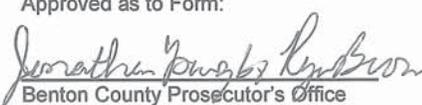
 Attest: Clerk of the Board

Approved as to Content:

Approved as to Form:

Approved as to Form:


 Department of Human Services


 Benton County Prosecutor's Office


 Franklin County Prosecutor's Office

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	Execute Contract	<u> X </u>	Consent Agenda	<u> X </u>
Subject:	Pass Resolution	<u> X </u>	Public Hearing	<u> </u>
Amendment #09/10-DD-CI-03	Pass Ordinance	<u> </u>	1st Discussion	<u> </u>
Prepared by:	Pass Motion	<u> </u>	2nd Discussion	<u> </u>
Maria Loera, Sr. Secretary-DHS	Other	<u> </u>	Other	<u> </u>
Reviewed by:				
Ed Thornbrugh, Administrator-DHS				

BACKGROUND INFORMATION

In the matter of execution of Amendment #09/10-DD-CI-03 to provide developmental disabilities services between Benton and Franklin Counties Department of Human Services and Columbia Industries. This Amendment serves to extend the end date of Agreement #09/10-DD-CI-00, Amendments #09/10-DD-CI-01 and #09/10-DD-CI-02 to September 30, 2011, and to replace Section 4 Statement of Work.

SUMMARY

Award: Consideration shall be Fee-For-Service
Period: July 1, 2009 through September 30, 2011
Funding Source: Division of Developmental Disabilities

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Amendment is provided by the Division of Developmental. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #09/10-DD-CI-03 with Columbia Industries, and to authorize the Chair to sign of behalf of the Board.



Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

**RE: IN THE MATTER OF EXECUTION OF AMENDMENT #09/10-DD-CI-03 TO
PROVIDE DEVELOPMENTAL DISABILITIES SERVICES BETWEEN BENTON
AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND
COLUMBIA INDUSTRIES**

WHEREAS, this Amendment serves to extend the end date of Agreement #09/10-DD-CI-00, Amendments #09/10-DD-CI-01 and #09/10-DD-CI-02 to September 30, 2011;
and

WHEREAS, this Amendment serves to replace Section 4, Statement of Work; and

WHEREAS, the consideration of the funding remains at Fee-For-Service; NOW
THEREFORE,

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

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County
Commissioners and the Chairman of the Board of Franklin County Commissioners be,
and they hereby are, authorized to sign, on behalf of their respective county,
Amendment #09/10-DD-CI-03.

Dated thisday of, 2011

Dated thisday of, 2011

Chair

Chair

Member

Member

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

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

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	Execute Contract <input checked="" type="checkbox"/>	Consent Agenda <input checked="" type="checkbox"/>
Subject: Division of Developmental Disabilities Amendment #0963- 68046-01	Pass Resolution <input checked="" type="checkbox"/>	Public Hearing _____
Prepared by: Maria Loera, Sr. Secretary-DHS	Pass Ordinance _____	1st Discussion _____
Reviewed by: Ed Thornbrugh, Administrator-DHS	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

The Benton-Franklin Department of Human Services contracts with Department of Social and Health Services to provide coordinated and comprehensive state and local program services for persons with developmental disabilities. As DSHS Division of Developmental Disabilities did not fully execute contract referenced in Benton County Resolution 10-787 and Franklin County Resolution 2010-427 it is necessary to rescind those resolutions replacing them with this current resolution.

Please also note that the coversheet states the address for Human Services at the time this process started. Attached you will find a letter dated March 29th notifying of change of address.

Also attached is a letter from DDD declaring their intent to continue to contract with the counties.

SUMMARY

Award: Increase of \$1,503,054.00 for a maximum consideration of \$3,335,314.00

Period: July 1, 2010 through June 30, 2011

Funding Source: Division of Developmental Disabilities

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Amendment is provided by the Division of Developmental Disabilities Department of Social and Health Services. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #0963-68046-01 with Division of Developmental Disabilities and to authorize the Chair to sign on behalf of the Board.



Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

RE: IN THE MATTER OF EXECUTION OF AMENDMENT NO. 0963-68046-01 TO PROVIDE COORDINATED AND COMPREHENSIVE STATE AND LOCAL PROGRAM SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES BETWEEN DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND BENTON-FRANKLIN DEPARTMENT OF HUMAN SERVICES; RESCINDING BENTON COUNTY RESOLUTION 10-787 AND FRANKLIN RESOLUTION 2010-427

WHEREAS, on December 13, 2010, per Benton County Resolution 10-787, and on December 20, 2010, per Franklin County Resolution 2010-427, the Boards had accepted the proposed Amendment with Division of Developmental Disabilities (DDD); and

WHEREAS, DDD would like to contract with Benton-Franklin Counties Department of Human Services for the purpose to advance in state legislative policy to provide coordinated and comprehensive state and local program services for persons with developmental disabilities; and

WHEREAS, the Amendment increases the Contract by \$1,530,054.00 for a maximum consideration of \$3,335,314.00; and

WHEREAS, the Amendment is effective July 1, 2010 through June 30, 2011; NOW THEREFORE,

BE IT RESOLVED, that the Boards of Benton and Franklin County Commissioners hereby accept the proposed Amendment and rescinds Benton County Resolution 10-787 and Franklin County Resolution 2010-427; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Amendment #0963-68046-01.

Dated thisday of, 2011.

Dated thisday of, 2011.

Chair

Chair

Member

Member

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

Member
Constituting the Board of County
of Franklin County, Washington

Attest:

Attest:

Clerk of the Board

Clerk of the Board



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES
P.O. BOX 45310 • Olympia, WA 98504-5310

May 2, 2011

TO: Developmental Disabilities County Coordinators

FROM: Linda Rolfe, Director
Division of Developmental Disabilities

SUBJECT: County Contract for Fiscal Year 2012

It is the intention of the Division of Developmental Disabilities "DDD" to initiate contracts for County Employment and Day program services for Fiscal Year 2012. The amount of each County contract should be similar to the amount of your Fiscal Year 2011 contract amount but will need to incorporate any legislative directives. The contracts will be effective July 1, 2011 and will be for one year. The one-year contract is a result of legislative proviso that requires the division to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services including consistent rates paid to vendors as well as consistent description of activities. On July 1, 2012 the plan is to implement a consistent allocation system that recognizes client acuity. Your Regional Business Manager will work quickly to get the contracts to you as soon as the division has a final budget that has been signed by the Governor. Thank you for your patience.

Please call your regions and/or Branda Matson (360) 725-3405 if you have any questions about this memorandum.

cc: Regional Administrators
Regional Business Managers
County Liaisons
Doug Washburn
Branda Matson
Bob Schaffer
Christy Hoosier
Terri Comstock



BENTON AND FRANKLIN COUNTIES

DEPARTMENT OF HUMAN SERVICES

March 29, 2011

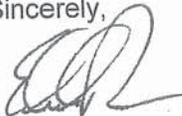
Re: Change of Address

To Whom It May Concern,

This is to inform you that as of May 1, 2011, Benton and Franklin Counties Department of Human Services will be relocating to a new office. Therefore our new address will be 7102 West Okanogan Place Suite 201, Kennewick, WA 99336. Our telephone and fax numbers will remain the same.

This change in location will not affect our services to you. In case of any questions regarding our new location and address, feel free to call the office at 783-5284.

Sincerely,



Ed Thornbrugh
Administrator

ET/ml



CONTRACT AMENDMENT DDD County Services

DSHS CONTRACT NUMBER:
0963-68046

Amendment No. 0963-68046-01

This Contract Amendment is between the State of Washington Department of Social and Health Services (DSHS) and the Contractor identified below.

Program Contract Number

Contractor Contract Number

CONTRACTOR NAME		CONTRACTOR doing business as (DBA)	
Benton County		Franklin County and Benton County	
CONTRACTOR ADDRESS		WASHINGTON UNIFORM BUSINESS IDENTIFIER (UBI)	DSHS INDEX NUMBER
Department of Human Services 7207 W.Deschutes Ave. Kennewick, WA 99336-		035-000-971	1122
CONTRACTOR CONTACT	CONTRACTOR TELEPHONE	CONTRACTOR FAX	CONTRACTOR E-MAIL ADDRESS
Ed Thornbrugh	(509) 783-5284 Ext: 3911	(509) 783-5981	edt@gov.wa.co.benton-franklin.us

DSHS ADMINISTRATION Aging and Disability Services Administration	DSHS DIVISION Division of Developmental Disabilities	DSHS CONTRACT CODE 1769CS-63
---	---	---------------------------------

DSHS CONTACT NAME AND TITLE Tracy Durels Business Manager	DSHS CONTACT ADDRESS P.O. Box 12500, MSB39-7 Yakima, WA 98909-
---	--

DSHS CONTACT TELEPHONE (509) 698-1276 Ext:	DSHS CONTACT FAX (509) 454-4320	DSHS CONTACT E-MAIL ADDRESS durelt@dshs.wa.gov
---	------------------------------------	---

IS THE CONTRACTOR A SUBRECIPIENT FOR PURPOSES OF THIS CONTRACT? No	CFDA NUMBERS
---	--------------

AMENDMENT START DATE 7/1/2010	CONTRACT END DATE 6/30/2011
----------------------------------	--------------------------------

PRIOR MAXIMUM CONTRACT AMOUNT \$1,805,260.00	AMOUNT OF INCREASE OR DECREASE \$1,530,054.00	TOTAL MAXIMUM CONTRACT AMOUNT \$3,335,314.00
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REASON FOR AMENDMENT;
CHANGE OR CORRECT OTHER: SEE PAGE TWO

ATTACHMENTS. When the box below is marked with an X, the following Exhibits are attached and are incorporated into this Contract Amendment by reference:
 Additional Exhibits (specify):

This Contract Amendment, including all Exhibits and other documents incorporated by reference, contains all of the terms and conditions agreed upon by the parties as changes to the original Contract. No other understandings or representations, oral or otherwise, regarding the subject matter of this Contract Amendment shall be deemed to exist or bind the parties. All other terms and conditions of the original Contract remain in full force and effect. The parties signing below warrant that they have read and understand this Contract Amendment, and have authority to enter into this Contract Amendment.

Franklin County Commissioner Chair	Printed Name and Title Robert Koch, Chair Franklin County Commissioners	Date Signed
Benton County Commissioner Chair	Printed Name and Title Leo Bowman, Chair Benton County Commissioners	Date Signed

DSHS Signature	Printed Name and Title Christy R. Hoosier, ADSA Contract Manager	Date Signed
----------------	---	-------------

Approved as to form: 	Approved as to form: 	Approved as to form:
Jonathan Young Benton County Prosecuting Attorney's Office	Ryan Verhulp Franklin County Prosecuting Attorney's Office	Ed Thornbrugh Administrator, Human Services

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: Subject: <u>Amendment #10/11-RSAT-LCC-01</u> Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____		Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

In the matter of execution of Amendment #10/11-RSAT-LCC-01 to provide Residential Substance Abuse Treatment services between Benton and Franklin Counties Department of Human Services and Lourdes Counseling Center. This Amendment serves to extend the end date of Agreement #10/11-RSAT-LCC-00 to August 31, 2011.

SUMMARY

Award: Remains unchanged
Period: July 1, 2009 through August 31, 2011
Funding Source: Division of Behavioral Health and Recovery

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Division of Behavioral Health and Recovery and the Department of Social and Health Services. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #10/11-RSAT-LCC-01 with Lourdes Counseling Center and to authorize the Chair to sign on behalf of the Board.



 Signature

RESOLUTION

Benton County Resolution No. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON;

RE: IN THE MATTER OF EXECUTION OF AMENDMENT #10/11-RSAT-LCC-01 TO PROVIDE RESIDENTIAL SUBSTANCE ABUSE TREATMENT SERVICES BETWEEN BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND LOURDES COUNSELING CENTER

WHEREAS, this Amendment serves to extend the end date of Agreement #10/11-RSAT-LCC-00 to August 31, 2011; and

WHEREAS, the consideration for this Amendment remains unchanged, NOW THEREFORE,

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

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and be, and hereby is, authorized to sign, on behalf of the respective county, Amendment #10/11-RSAT-LCC-01

Dated thisday of, 2011

Chair

Member

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

Attest: _____

Clerk of the Board

**Benton and Franklin Counties
DEPARTMENT OF HUMAN SERVICES
Amendment #10/11-RSAT-LCC-01**

This Amendment is made and entered into by and between Benton County, a political subdivision with its principal offices at 620 Market Street, Prosser, WA 99350, by and for the **Benton and Franklin Counties' Department of Human Services**, a bi-county department, with its principal offices at 7102 W. Okanogan Pl. Suite 201, Kennewick, WA 99336 (hereinafter collectively referred to as "Counties") and **Lourdes Counseling Center (a division of the "Health Network" operated by Our Lady of Lourdes Hospital at Pasco, d/b/a Lourdes Health Network)**, a not-for-profit health care provider, with its principal offices at 1175 Carondelet Drive, Richland, WA 99352 (hereinafter "Contractor").

Counties Contact Information:
Ed Thornbrugh, Administrator
Department of Human Services
7102 W. Okanogan Pl., Ste. 201
Kennewick, WA 99336
Phone: 509.783.5284 / Fax 509.783.5981
E-Mail: edt@gov.wa.co.benton-franklin.us

Contractor Contact Information:
Barbara Mead, Director
Lourdes Counseling Center
1175 Carondelet Drive
Richland, WA 99352
Phone: 509.943.9104/Fax: 509.943.7206
E-Mail: bmead@lourdesonline.org

Is the Contractor a subrecipient for purposes of this Agreement Yes
CFDA Number (Federal Block Grant Funding)..... 16.593

Agreement Start Date July 1, 2010
Agreement End Date **August 31, 2011**

Consideration **Fee-For-Service for a maximum of \$105,088.00**

Attachments incorporated into this Amendment..... None

The parties agree through this amendment to extend through August 31, 2011, the agreement executed by the parties on February 28, 2011, and effective July 1, 2010, unless terminated sooner as set forth in the terms and provisions of the above referenced agreement. All other provisions set out in the above referenced agreement remain in full force and effect.

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

For the Contractor:

 6-23-11
Director/Administrator Date

For Benton County:

Benton County Commissioners Date

Attest: Clerk of the Board

Approved as to Content:

Approved as to Form:



Department of Human Services



Benton County Prosecutor's Office

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: Subject: Amendment #09/11-SA-NECC-02 Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____	Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____

BACKGROUND INFORMATION

In the matter of execution of Amendment #09/11-SA-NECC-02 to provide substance abuse treatment services between Benton and Franklin Counties Department of Human Services and Nueva Esperanza Counseling Center. This Amendment serves to extend the end date of Agreement #09/11-SA-NECC-00 and Amendment #09/11-SA-NECC-01 to October 31, 2011.

SUMMARY

Award: Consideration shall be Fee for Services Provided
Period: July 1, 2009 through October 31, 2011
Funding Source: Division of Behavioral Health and Recovery

RECOMMENDATION

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

FISCAL IMPACT

Funding for the services described in this Agreement is provided by the Division of Behavioral Health and Recovery and the Department of Social and Health Services. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Amendment #09/11-SA-NECC-02 with Nueva Esperanza Counseling Center and to authorize the Chair to sign of behalf of the Board.



 Signature

JOINT RESOLUTION

Benton County Resolution No. _____

Franklin County Resolution No. _____

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

RE: IN THE MATTER OF EXECUTION OF AMENDMENT #09/11-SA-NECC-02 TO PROVIDE SUBSTANCE ABUSE TREATMENT SERVICES BETWEEN BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND NUEVA ESPERANZA COUNSELING CENTER

WHEREAS, this Amendment serves to extend the end date of Agreement #09/11-SA-NECC-00 and Amendment #09/11-SA-NECC-01 to October 31, 2011; and

WHEREAS, the consideration for this Amendment remains at Fee for Services Provided, NOW THEREFORE,

BE IT RESOLVED that the Boards of Benton and Franklin County Commissioners hereby accept the proposed Amendment; and

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Amendment #09/11-SA-NECC-02.

Dated this . . . day of, 2011

Dated this . . . day of, 2011

Chair

Chair

Member

Member

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

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

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>			
Meeting Date: Subject: Professional Service Agreement #PSA-JANITORIAL-3BROS-2011- 12 Prepared by: Maria Loera, Sr. Secretary-DHS Reviewed by: Ed Thornbrugh, Administrator-DHS	Execute Contract <u> X </u> Pass Resolution <u> X </u> Pass Ordinance _____ Pass Motion _____ Other _____		Consent Agenda <u> X </u> Public Hearing _____ 1st Discussion _____ 2nd Discussion _____ Other _____	

BACKGROUND INFORMATION

The Crisis Response Unit/Substance Abuse Assessment Center obtained two (2) quotes for the provisions of janitorial services. The quotes have been reviewed and recommend accepting the lowest quote, and contracting for janitorial services with Three Brothers Cleaning Service.

SUMMARY

Award: Consideration not to exceed \$6,000.00
Period: Upon execution of Agreement through June 30, 2012
Funding Source: N/A

RECOMMENDATION

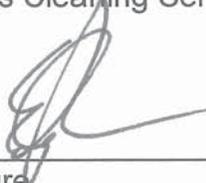
- Sign the Resolution to accept the proposed Professional Service Agreement
- Approve the proposed Professional Service Agreement by signing all the copies where indicated

FISCAL IMPACT

There is no impact on the current expense budget. All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

MOTION

To approve signing Professional Service Agreement #PSA-JANITORIAL-3BROS-2011-12 with Three Brothers Cleaning Services and to authorize the Chair to sign on behalf of the Board.



Signature

JOINT RESOLUTION

Benton County Resolution No. _____

Franklin County Resolution No. _____

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

RE: IN THE MATTER OF CONTRACTING FOR THE PROVISION OF JANITORIAL SERVICES AGREEMENT # PSA-JANITORIAL-3BROS-2011-12 FOR THE CRISIS RESPONSE UNIT/ SUBSTANCE ABUSE ASSESSMENT CENTER, LOCATED AT 2635 WEST DESCHUTES AVENUE, KENNEWICK, WASHINGTON

WHEREAS, the Crisis Response Unit/ Substance Abuse Assessment Center are in need of janitorial services, and have obtained the following quotes for the provisions of janitorial services (copies attached):

- Three Brothers Cleaning Service \$ 400.00 per month, excluding sales tax
- 4M Janitorial..... \$ 540.00 per month, excluding sales tax
- AM-PM Cleaning, no response
- Tri-Cities Maintenance & Janitorial Services, no response
- Varsity Contractors, no response

WHEREAS, the Crisis Response Unit/ Substance Abuse Assessment Center reviewed the quotes and recommends accepting the lowest quote and contracting for janitorial services with Three Brothers Cleaning Service, effective upon execution of Agreement; **NOW THEREFORE**,

BE IT RESOLVED, the Boards of Benton and Franklin County Commissioners, hereby agree with the recommendation and awards Three Brothers Cleaning Service for a contract amount of \$ 4,800.00 excluding sales tax with a total contract amount payable, including acceptable overages, incidentals and other unanticipated costs not to exceed \$ 6,000.00 excluding sales tax; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Professional Service Agreement #PSA-JANITORIAL-3BROS-2010-11 with Three Brothers Cleaning Service.

Dated this . . . day of, 2011

Dated this . . . day of, 2011

Chair, Benton Co Commissioners

Chair, Franklin Co Commissioners

Chair, Pro Tem

Chair, Pro Tem

Member
Constituting the Board of County Commissioners
Benton County, Washington

Member
Constituting the Board of County Commissioners
Franklin County, Washington

Attest:

Attest:

Clerk of the Board

Clerk of the Board

AGENDA ITEM: Consent	TYPE OF ACTION	CONSENT AGENDA <u>xx</u> PUBLIC HEARING 1ST DISCUSSION 2ND DISCUSSION OTHER
MEETING DATE: B/C 07-11-11 F/C 07-21-11	NEEDED	
SUBJECT: Resolution Authorizing Signature on Agreement with AOC for Becca Programs	Executive Contract <u>xx</u>	
Prepared By: Donna A. Lee	Pass Resolution <u>xx</u>	
Reviewed By: Sharon A. Paradis	Pass Ordinance	
	Pass Motion	
	Other	

BACKGROUND INFORMATION

The Benton/Franklin Counties Juvenile Justice Center has executed the contract from the State of Washington, Administrative Office of the Courts, to provide Becca services, which include Truancy, At Risk Youth (ARY) and Child in Need of Services (CHINS) within the Contractor's jurisdiction pursuant to Chapter 13.32A, Revised Code of Washington (RCW), for the state biennium, to-wit: July 1, 2011, through June 30, 2012.

SUMMARY

The contract amount for July 1, 2011, through June 30, 2012, is \$357,585.00.

RECOMMENDATION

I recommend that the Boards of Commissioners of Benton and Franklin Counties sign the Interagency Agreement IAA12023, for BECCA services, as written.

FISCAL IMPACT

This is a Fee for Service contract whereby we are reimbursed for services rendered.

MOTION

I move that the Chairman of the Board of Benton County Commissioners, and the Chairman of the Board Franklin County Commissioners be hereby authorized to sign the interagency agreement with the State of Washington, Administrative Office of the Courts for the BECCA program.

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF THE REQUEST FOR SIGNATURE FROM THE CHAIRMAN OF THE BOARDS OF BENTON AND FRANKLIN COUNTY COMMISSIONERS ON THE INTERAGENCY AGREEMENT IAA12023 BETWEEN THE JUVENILE JUSTICE CENTER AND STATE OF WASHINGTON, ADMINISTRATIVE OFFICE OF THE COURTS, and

WHEREAS, Sharon A. Paradis, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the Interagency Agreement IAA12320 between the State of Washington, Administrative Office of the Courts, and Benton-Franklin Counties Juvenile Justice Center be approved as presented for a term commencing July 1, 2011 and terminating on June 30, 2012, for a maximum amount payable to the Counties not to exceed Three Hundred Fifty-Seven Thousand Five Hundred Eighty-Five Dollars **NOW, THEREFORE**

BE IT RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be and they hereby are authorized to sign, on behalf of their respective county, the Interagency Agreement.

DATED this 11th day of July 2011

DATED this 21st day of July 2011

BENTON COUNTY BOARD OF COMMISSIONERS

FRANKLIN COUNTY BOARD OF COMMISSIONERS

Chairman of the Board

Chairman of the Board

Member

Chairman Pro Tem

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

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

ATTEST:

ATTEST:

Clerk of the Board

Clerk of the Board

INTERAGENCY AGREEMENT IAA12023
between
STATE OF WASHINGTON
ADMINISTRATIVE OFFICE OF THE COURTS
and
BENTON/FRANKLIN COUNTY JUVENILE COURT

THIS CONTRACT is entered into by and between the Administrative Office of the Courts (“AOC”) and Benton/Franklin County Juvenile Court (“Contractor”).

PURPOSE

The purpose of this contract is to engage the services of the Contractor to process Becca Bill programs and services within its jurisdiction.

DESCRIPTION OF SERVICES TO BE PROVIDED

The Contractor will handle Truancy, At Risk Youth (ARY) and Child in Need of Services (CHINS) programs within the Contractor’s jurisdiction pursuant to Chapter 13.32A, Revised Code of Washington (RCW).

The Contractor shall submit summary reports to AOC documenting Becca Bill activities. These reports shall provide both the number of petitions and the actual cost of processing such petitions, broken down as follows:

1. CHINS petitions;
2. ARY petitions; and,
3. Truancy petitions.
4. The required format of the report is attached as Exhibit A and is incorporated herein.

Reporting schedule:

Period	Report Due
07/01/11 - 12/31/11	01/12/12
01/01/12 - 06/30/12	07/12/12

PERIOD OF PERFORMANCE

The period of performance under this Contract shall be from July 1, 2011 through June 30, 2012, except for any remaining obligations of the Contractor as may exist.

COMPENSATION

- a. Contractor shall be reimbursed a maximum of \$357,585.00 for costs incurred during the period of performance. Payment for satisfactory performance of the work shall not exceed these amounts unless the parties mutually agree to a higher amount in writing, except as governed by the REVENUE SHARING section of this agreement.
- b. Contractor shall receive payment for its actual costs associated with the processing of CHINS, ARY and Truancy petitions.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZATION FOR PAYMENT AND DECLARING AN EMERGENCY FOR REMOVAL OF DEBRIS THAT HAS ACCUMMULATED AT THE BOAT LAUNCH AT TWO RIVERS PARK

WHEREAS, often during spring run-off, large amounts of debris are carried down the Columbia River and logjam behind and around the boat launch docks at Two Rivers Park; and

WHEREAS, not only is this situation unsightly and stressful upon the docks at the site, but can create a safety hazard for people who may swim in the area or otherwise recreate at the site in ways that are not intended; and

WHEREAS, photographs of kids walking on the debris and swimming in the area were published in local media, thus elevating concerns that this dangerous activity might be construed by a larger audience as fun, acceptable, or encouraged behavior; and

WHEREAS, a commercial diving operation known to Parks staff – Allen Buck Commercial Diving LLC of Kennewick, with sufficient personnel and equipment to quickly and safely address the debris situation at the site, was contacted and were immediately available to come to the site to remove all of the debris for the amount of \$400.00 including WSST; **NOW, THEREFORE**

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the decision made and declares the removal of accumulated debris at the Two Rivers Park Boat Launch that occurred on June 24, 2011 as an emergency and authorizes payment to Allen Buck Commercial Diving LLC in the amount of \$400.00 including WSST for services rendered to date.

Dated this day of , 2011

Chairman of the Board

Chairman Pro-Tem

Member

Constituting the Board of County
Commissioners of Benton County, Washington

Attest:
Clerk of the Board

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: 7/11/2011 Subject: Teamsters Subscription Agreement – Corrections Prepared by: <u>M. Wenner</u>	Execute Contract Pass Resolution <u> X </u> Pass Ordinance Pass Motion Other		Consent Agenda <u> X </u> Public Hearing 1st Discussion 2nd Discussion Other

BACKGROUND INFORMATION

See resolution.

SUMMARY

Same as above.

RECOMMENDATION

Please sign the resolution and the subscription agreement.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD OF BENTON COUNTY COMMISSIONERS TO SIGN THE WASHINGTON TEAMSTERS WELFARE TRUST SUBSCRIPTION AGREEMENT FOR THE TEAMSTERS UNION LOCAL 839, REPRESENTING THE BENTON COUNTY SHERIFF'S OFFICE CORRECTION OFFICERS

WHEREAS, an Agreement was approved by the Benton County Board of Commissioners for the 2011 Collective Bargaining Agreement between Benton County and the Teamsters Local 839, representing the Benton County Sheriff's Office Correction Officers; and

WHEREAS, the Benton County Sheriff's Office Correction Officers represented by Teamsters Union Local 839, elected to participate in benefit plans provided by the Washington Teamsters Welfare Trust; and

WHEREAS, the Washington Teamsters Welfare Trust benefit plans are noted on the Subscription Agreement; **NOW THEREFORE**,

BE IT RESOLVED that the Chairman of the Board of Benton County Commissioners is hereby authorized to sign the Washington Teamsters Welfare Trust Subscription Agreement for the Benton County Sheriff's Office Correction Officers represented by Teamsters Union Local 839.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington

Attest.....
Clerk of the Board

WASHINGTON TEAMSTERS WELFARE TRUST SUBSCRIPTION AGREEMENT

COLLECTIVE BARGAINING AGREEMENT PROVIDING FOR PARTICIPATION IN TRUST

The Employer and Labor Organization below are parties to a Collective Bargaining Agreement providing for participation in the above Trust. An enforceable Collective Bargaining Agreement must exist as a condition precedent to participation in the Trust.

Benton County Sheriffs Dept (Corrections)
Employer Name
P O Box 470
Address
Prosser WA 99350
City State Zip Code

Teamsters Local Union No. 839
Labor Organization (Union) Name
1103 W Sylvester St
Address
Pasco WA 99301
City State Zip Code

COLLECTIVE BARGAINING AGREEMENT

The parties' Collective Bargaining Agreement is in effect from: January 1, 2011 to: December 31, 2012

New Account Renewal — Account No. 105188 Approximate No. of Covered Employees 120

INFORMATION CONCERNING TYPE OF EMPLOYER'S BUSINESS

Employer is: Public Entity Corporation - State of _____ Partnership Sole Proprietorship LLC

If Partnership or Sole Proprietorship, provide name/s of the owner or partners: _____

BENEFIT PLAN(S) DESIGNATED IN COLLECTIVE BARGAINING AGREEMENT

The Collective Bargaining Agreement provides that contributions will be made to the Trust on behalf of all employees for whom the Employer is required to contribute under the Trust Operating Guidelines for the purpose of providing such employees and their dependents with the following benefit plan(s): (The undersigned parties acknowledge the receipt of a copy of the Trust Operating Guidelines which by this reference are made a part hereof.)

COVERAGE IN BARGAINING AGREEMENT (For renewals, list all coverages, not just changes)				Monthly Rate
Medical Plan	<input type="checkbox"/> A	<input checked="" type="checkbox"/> B	<input type="checkbox"/> C <input type="checkbox"/> WT-100	\$ 903.10
Life/AD&D	<input type="checkbox"/> A - \$30,000	<input type="checkbox"/> B - \$15,000	<input type="checkbox"/> C - \$5,000	\$
Time Loss	<input checked="" type="checkbox"/> A - \$400/week	<input type="checkbox"/> B - \$300/week	<input type="checkbox"/> C - \$200/week <input type="checkbox"/> D - \$100/week	\$ 19.00
Disability Waivers	<input type="checkbox"/> Additional 9 months Disability Waiver of Contributions - Medical only			\$
Domestic Partners	<input type="checkbox"/> Domestic Partners – Medical			\$
Dental Plan	<input checked="" type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C	\$ 132.20
Domestic Partners	<input type="checkbox"/> Domestic Partners – Dental			\$
Vision Plan	<input checked="" type="checkbox"/> EXT			\$ 14.25
Domestic Partners	<input type="checkbox"/> Domestic Partners – Vision			\$

Will there be any coverage changes before the Collective Bargaining Agreement's expiration? Yes No. If yes, attach a Subscription Agreement for each change.

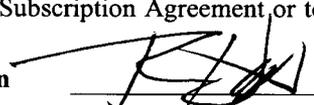
EFFECTIVE DATE OF CONTRIBUTIONS - A Subscription Agreement must be submitted in advance of the effective date below.

Contributions above are effective (month, year) January, 20 11 based on employment in the prior month.

Important: Coverage is effective in the month following the month in which the contributions are due based on the Trust's eligibility lag month. For example, contributions effective April based on March employment will provide coverage in May.

EXPIRATION OF COLLECTIVE BARGAINING AGREEMENT

Upon expiration of the above-referenced Collective Bargaining Agreement, the Employer agrees to continue to contribute to the Trust in the same amount and manner as required in the Collective Bargaining Agreement until such time as the Employer and the Labor Organization either enter into a successor Collective Bargaining Agreement, which conforms to the Trust Operating Guidelines, or one party notifies the other in writing (with a copy to the Trust) of its intent to cancel such obligation five (5) days after receiving notice, whichever occurs first. The Trust reserves the right to immediately terminate participation in the Trust upon the failure to execute this or any future Subscription Agreement or to comply with the Trust Operating Guidelines as amended by the Trustees from time to time.

For Employer _____ For Union 
Title/Assn Chairman Date _____ Title Secretary-Treasurer Date 6-20-11

ELIGIBILITY TO PARTICIPATE IN TRUST

Eligibility for benefits is determined in accordance with the requirements established in the Collective Bargaining Agreement provided such requirements are consistent with the Trust guidelines. To establish eligibility for benefits, Trust guidelines require that eligible employees must have the required number of hours in a month and have the contractually required contributions paid on their behalf. Eligibility will commence according to the Trust's lag month eligibility rule. Eligibility continues as long as the employee remains eligible, has the contractually required number of hours per month, and has the required contributions made. The Trust, however, will not recognize any contractual provision that conditions continued eligibility on having less than 40 or more than 80 hours in a month. Eligibility will end according to the Trust's policy for employees who do not have the required number of hours and contributions in a month and who do not qualify for an applicable extension of eligibility, if any.

Employees of a participating employer not performing work covered by the Collective Bargaining Agreement may participate in the Trust only pursuant to a written special agreement approved in writing by the Trustees. The Trustees reserve the right to recover any and all benefits provided to ineligible individuals from either the ineligible individual receiving the benefits or the employer responsible for misreporting them (if applicable).

REPORTING OBLIGATION AND CONSEQUENCES OF DELINQUENCY

Employer contributions are due no later than ten (10) days after the last day of each month for which contributions are due. The Employer acknowledges that in the event of any delinquency, the Trust Agreement provides for the payment of liquidated damages, interest, attorney fees, and costs incurred in collecting the delinquent amounts.

TRUSTEES' AUTHORITY TO DETERMINE TERMS OF PLANS

The parties recognize that the detail of the benefit plans provided by the Trust and the rules under which employees and their dependents shall be eligible for such benefits is determined solely by the Board of Trustees of the Trust in accordance with the terms of the governing Agreement and Declaration of Trust (Trust Agreement). The Trustees retain the sole discretion and authority to interpret the terms of the Trust's benefit plans, the plans' eligibility requirements, and other matters related to the administration and operation of the Trust and its benefits plans. The Trustees may modify benefits or eligibility of any plan for the purpose of cost containment, cost management, or changes in medical technology and treatment.

MECHANISM FOR HANDLING CONTRIBUTION INCREASES

The Trustees' authority shall include the right to adjust the contribution rates to support the benefit plans offered by the Trust and to maintain adequate reserves to cover any extended eligibility and the Trust's contingent liability.

The parties recognize that it is the intent of the Trust not to provide employee benefit plans for less than the full cost of any such plan. If the Collective Bargaining Agreement does not provide a mechanism for fully funding the designated benefit plans, the Board of Trustees may substitute a plan then available that is fully supported by the employer's contribution obligations. The disposition of any excess employer contributions will be subject to the collective bargaining process.

ACCEPTANCE OF TRUST AGREEMENT

The Employer and the Labor Organization accept and agree to be bound by the terms of the Trust Agreement governing the Trust, and any subsequent amendments to the Trust Agreement. The parties accept as their representatives for purposes of participating in the Trust the Trustees serving on the Board of Trustees and their duly appointed successors.

Provided, however, that in the event that either Section 2 or 3 of Article VIII of the Trust Agreement is amended to change or modify an Employer's liability as specified therein, such amendment will not be deemed applicable to an Employer until such time as the Employer enters into a successor Collective Bargaining Agreement after the expiration of the Employer's then current Collective Bargaining Agreement.

APPROVAL OF TRUSTEES

This Agreement has been approved by the Board of Trustees of the Washington Teamsters Welfare Trust.

Date _____

Administrative Agent
Washington Teamsters Welfare Trust

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: 11 Jul 2011 Subject: Ecology contract Memo Date: 29 Jun 2011 Prepared By: AJF Reviewed By:	Execute Contract Pass Resolution X Pass Ordinance Pass Motion Other	Consent Agenda X Public Hearing 1st Discussion . 2nd Discussion Other

SUMMARY & BACKGROUND

This is the County's periodic amendment to its contract with the Washington Department of Ecology. Per terms of the contract, Benton County receives a share of the "tipping fees" that are paid for waste that is deposited at the US Ecology site at Hanford. It is as a part of this contract that staff submits an annual report to Ecology on the state and the promotion of nuclear-related Industries in the region.

I have attached Amendment 22 for past reference.

FISCAL IMPACT

The Amendment explains itself better than I can. The bottom line is that this Amendment extends the agreement for two more years, ending June 30, 2013. Over that time, Benton County shall receive \$143,457.50 in three disbursements. Staff invoices Ecology for these payments at the appropriate times.

#

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF WASHINGTON DEPARTMENT OF ECOLOGY
CONTRACT #C9300237 – AMENDMENT #23

WHEREAS, Benton County continues to pursue industrial redevelopment and diversification of the Hanford Site, and the development of nuclear-related industries in the region; and,

WHEREAS, the Washington Department of Ecology provides funding for such activities to Benton County through Contract #C9300237; and,

WHEREAS, Washington Department of Ecology has provided Amendment #23 to the Contract to Benton County for approval; **NOW THEREFORE**,

BE IT RESOLVED, that the Board of Benton County Commissioners hereby accepts the terms of Amendment #23 and authorizes signature of said document.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

AMENDMENT NO. 23 TO ECOLOGY CONTRACT NO. C9300237

PURPOSE: To amend that contract between the Department of Ecology, hereinafter referred to as "Department" and The Benton County Board of Commissioners, hereinafter referred to as "Contractor".

IT IS MUTUALLY AGREED that the contract is amended as follows:

The completion date of this contract shall be changed from June 30, 2011 to June 30, 2013.

The total amount of this agreement shall be increased by \$143,457.50 for the period of July 1, 2011 through June 30, 2013. Total compensation under the original agreement and all subsequent amendments, thereto, shall not exceed \$1,221,907.50.

These monies will be distributed in three payments to the Benton County Treasurer.

- The first payment is \$36,875 and covers the period of 7/1/2011 through 12/31/2011. The county may submit an invoice for payment of this amount after 7/1/2011.
- The second payment is \$71,055 and covers the period of 1/1/2012 through 12/31/2012. The county may submit an invoice for payment of this amount after 1/1/2012.
- The third payment is \$35,527.50 and covers the period of 1/1/2013 through 6/30/2013. The county may submit an invoice for payment of this amount after 1/1/2013.

The amendment shall be effective July 1, 2011.

All other terms and conditions of the original contract and any subsequent amendments, thereto, remain in full force and effect.

IN WITNESS WHEREOF: the parties have executed this amendment.

BENTON COUNTY BOARD OF
COMMISSIONERS

DEPARTMENT OF ECOLOGY

CHAIRPERSON

DEPUTY DIRECTOR

MEMBER

MEMBER

APPROVED AS TO FORM ONLY
ASSISTANT ATTORNEY GENERAL

DATE

916001296

Federal Tax ID Number

Ryan Brown, DPA

Approved as to form,

Benton County Prosecuting Attorney

RESOLUTION

09 461

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF WASHINGTON DEPARTMENT OF ECOLOGY
CONTRACT #C9300237 – AMENDMENT #22

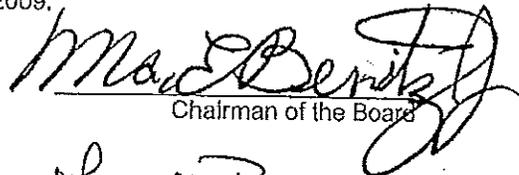
WHEREAS, Benton County continues to pursue industrial redevelopment and diversification of the Hanford Site, and the development of nuclear-related industries in the region; and,

WHEREAS, the Washington Department of Ecology provides funding for such activities to Benton County through Contract #C9300237; and,

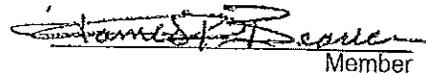
WHEREAS, Washington Department of Ecology has provided Amendment #22 to the Contract to Benton County for approval; **NOW THEREFORE,**

BE IT RESOLVED, that the Board of Benton County Commissioners hereby accepts and terms of Amendment #22 and authorizes signature of said document.

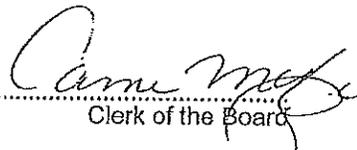
Dated this 6 day of July, 2009.


Chairman of the Board


Member


Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....

Clerk of the Board

orig: BOCC file
cc: AJF, LSK, Treasurer, Auditor, Prosecutor (Ozuna)

Prepared by: A.J. Fyall

AMENDMENT NO. 22 TO ECOLOGY CONTRACT NO. C9300237

PURPOSE: To amend that contract between the Department of Ecology, hereinafter referred to as "Department" and The Benton County Board of Commissioners, hereinafter referred to as "Contractor".

IT IS MUTUALLY AGREED that the contract is amended as follows:

The completion date of this contract shall be changed from June 30, 2009 to June 30, 2011.

The total amount of this agreement shall be increased by \$136,720 for the period of July 1, 2009 through June 30, 2011. Total compensation under the original agreement and all subsequent amendments, thereto, shall not exceed \$1,078,450.

These monies will be distributed in three payments to the Benton County Treasurer.

- The first payment is \$34,180 and covers the period of 7/1/2009 through 12/31/2009. The county may submit an invoice for payment of this amount after 7/1/2009.
- The second payment is \$68,360 and covers the period of 1/1/2010 through 12/31/2010. The county may submit an invoice for payment of this amount after 1/1/2010.
- The third payment is \$34,180 and covers the period of 1/1/2011 through 6/30/2011. The county may submit an invoice for payment of this amount after 1/1/2011.

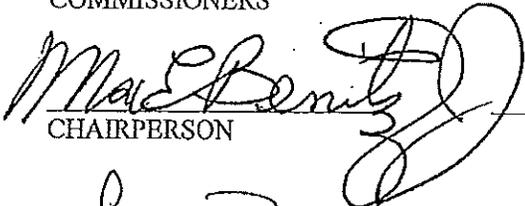
The amendment shall be effective July 1, 2009.

All other terms and conditions of the original contract and any subsequent amendments, thereto, remain in full force and effect.

IN WITNESS WHEREOF: the parties have executed this amendment.

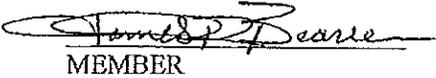
BENTON COUNTY BOARD OF
COMMISSIONERS

DEPARTMENT OF ECOLOGY


CHAIRPERSON


DEPUTY DIRECTOR


MEMBER

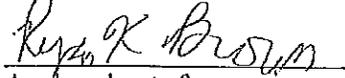

MEMBER

APPROVED AS TO FORM ONLY
ASSISTANT ATTORNEY GENERAL

7-6-09 DATE

916001296

Federal Tax ID Number



Approved as to form,
Benton County Prosecuting Attorney

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: 11 Jul 2011 Subject: Wodder nomination Memo Date: 05 Jul 2011 Prepared By: AJF Reviewed By:	Execute Contract Pass Resolution Pass Ordinance Pass Motion X Other	Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other

SUMMARY & BACKGROUND

The draft letter for review is a response to the request by the Tri-City Regional Chamber of Commerce to evaluate information about the nomination of Rebecca Wodder by the Obama Administration to the office of Assistant Secretary for Fish, Wildlife, & Parks. During its initial discussion of this matter, Commissioners requested that a letter be drafted.

FISCAL IMPACT

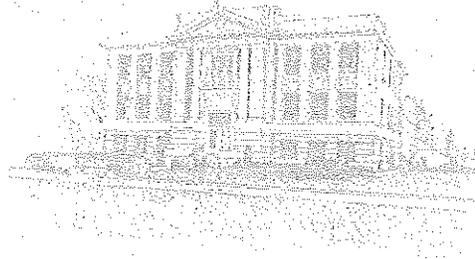
None.

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

Board of County Commissioners
BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



11 July 2011

The Honorable Patty Murray
448 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
511 Dirksen Senate Office Building
Washington, DC 20510

Re: US Department of the Interior – Assistant Secretary for Fish, Wildlife, & Parks

Dear Senators Murray and Cantwell:

We would like to again take the opportunity to thank each of you and your respective staffs for all of the hard work you have invested in supporting our region and the state in Congress. You have always been attentive and responsive to our concerns, and your staffs – in state and in Washington DC – are always accommodating and make themselves available to spend some time with us on our visits.

Today, we have a new concern. As you are aware, President Barack Obama has nominated Rebecca Wodder to fill the Interior Department's position of the Assistant Secretary for Fish, Wildlife, and Parks; an office recently vacated by Tom Strickland. Benton County opposes this nomination.

We have serious concerns about having Ms. Wodder – who since 1995 has served as the chief executive officer of American Rivers – in this position at the Interior Department. Under Ms. Wodder's guidance, American Rivers has consistently and strongly advocated for removal of the four lower Snake River dams in Washington with little consideration or regard for the substantial and sustained strides that have been made in restoring populations of salmon that use the Snake River. While there is still much work to be done, we are demonstrating across the region that with concerted effort and patience we can revive these mighty fisheries without having to take the most draconian of measures.

Removal of the Snake Rivers dams would mean removal of the vital seaway that is one of the primary underpinnings of the economy of the inland Northwest. This would be a devastating blow to southeastern Washington as it would severely inhibit the ability to effectively move timber, agricultural, and other trade products to major seaports downstream.

With these concerns we cannot support the appointment of Rebecca Wodder to the office of Assistant Secretary for Fish, Wildlife, and Parks; and we request that you oppose this confirmation.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Leo Bowman, Chairman

Shon Small

James Beaver

cc: Representative Doc Hastings
Tri-City Regional Chamber of Commerce
Tri-Cities Development Council



Media Release
For Immediate Release
June 21, 2011

Tri-City Regional Chamber Formally Requests Senator Cantwell to Oppose Obama Appointment of Dam Removal Advocate

President Obama has made a controversial nomination for the Interior Department's next Assistant Secretary for Fish, Wildlife and Parks, a position that oversees national parks and the Fish and Wildlife Service.

Rebecca Wodder, who since 1995 has served as CEO of American Rivers, a national river conservation group, was picked to replace Tom Strickland, who left the Interior for the private sector in early January. Ms. Wodder advocates Lower Snake River Dam removal without consideration to the remarkable stock improvements that have occurred *without* dam removal. Wodder even criticized the BiOp (Salmon and Steelhead restoration plan for the Columbia River) that the Obama administration supports, as well as Montana, Idaho, Washington State, the tribes and Democrat & Republican lawmakers.

Removal of the Lower Snake River Dams would have a devastating effect on the Tri-Cities, and would prove to be an economic disaster for Washington State. The Columbia River hydropower system provides carbon-free electricity to industries throughout the region, and provides hundreds-of-thousands of jobs whether it be manufacturing, agriculture, trade and transportation to name a few.

The Tri-City Regional Chamber of Commerce has formally requested Senator Cantwell to oppose the Senate Confirmation of Rebecca Wodder.

For more information:
Contact: Jens Lee, Marketing and Communications Director
jens.lee@tricityregionalchamber.com
509.736.0510

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	<u>7-11-11</u>	Execute Contract	_____	Consent Agenda
Subject:	<u>Historical</u>	Pass Resolution	<u> x </u>	Public Hearing
	<u>Preservation</u>	Pass Ordinance	_____	1st Discussion
Prepared by:	_____	Pass Motion	_____	2nd Discussion
Reviewed by:	_____	Other	_____	Other

BACKGROUND INFORMATION

The Historical Preservation Fund (0157-101) provides for resources to be utilized for the purposes of funding historical preservation projects. The Board of County Commissioners in support of historical preservation projects appointed Duane Davidson, Benton County Treasurer, to serve as the charter chairman of an Advisory Committee to evaluate certain proposed projects for funding.

SUMMARY

The Advisory Committee has set forth recommendations for funding selected projects totaling \$26,621.81.

RECOMMENDATION

Request approval of Resolution.

FISCAL IMPACT

Resources totaling \$26,621.81 will be utilized from the Historical Preservation Fund (0157-101) for purpose of funding Historical Preservation Projects.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF APPROVAL FOR DISBURSEMENTS FROM THE HISTORICAL PRESERVATION FUND (0157-101) FOR THE PURPOSES OF FUNDING HISTORICAL PRESERVATION PROJECTS.

WHEREAS, the Board of County Commissioners is supportive of historical preservation projects and appointed Duane Davidson, Benton County Treasurer, to serve as the charter chairman of an advisory committee to evaluate certain proposed projects for funding; and,

WHEREAS, the Advisory Committee has set forth recommendations for funding selected projects described in the attached memorandum (Attachment A) totaling \$26,621.81; and,

WHEREAS, the Board of County Commissioners agrees with the advisory committee's findings and approve the funding of the recommended projects described in attachment "A", totaling \$26,621.81; **NOW THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, the Benton County Treasurer is authorized to vouch the County Auditor's office to make such payments and execute any agreements necessary for the disbursement of the aforementioned funds.

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Prepared by D. Davidson

Attest: _____
Clerk of the Board

Cc: County Auditor's Office, Treasurer's Office

2011 Historical Grants Committee Award Recommendations

ATTACHMENT "A"

	\$ AMT REQ	COMMITTEE RECOMMENDATION
CREHST ORAL HISTORY	\$1,750.00	\$1,750.00
CREHST SLIDES	\$1,100.00	\$1,100.00
BC HISTORICAL MUSEUM HISTORICAL PRESERVATION	\$1,781.36	\$1,781.36
BC HISTORICAL MUSEUM TEXTILE PRESERVATION	\$6,558.31	\$6,558.31
WHITE BLUFFS QUILT MUSEUM HISTORICAL COLLECTION	\$7,800.00	\$7,800.00
WHITE BLUFFS QUILT MUSEUM TEXTILES	\$2,600.00	\$2,600.00
EAST BENTON COUNTY HISTORICAL STABILIZATION	\$5,032.14	\$5,032.14
TOTAL AMOUNT REQUESTED	\$26,621.81	\$26,621.81

Steven W. Becken
Public Works Manager

Malcolm Bowie
County Engineer

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

Benton County

Department of Public Works

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

July 5, 2011

BOARD OF COUNTY COMMISSIONERS
Benton County Courthouse
Prosser, WA 99350

RE: Application for Franchise: Southgate Water Company

Commissioners:

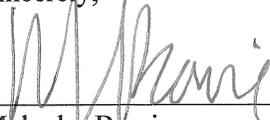
Southgate Water Company has filed a petition to continue a nonexclusive franchise for a domestic water system and all facilities within all of unincorporated Benton County road right of way.

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

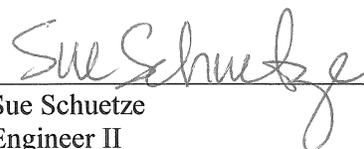
1. The term of the franchise continue for a ten (10) year period with a cost of \$500.
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County.
3. Placement of facilities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

If you have any questions, please contact this office.

Sincerely,



Malcolm Bowie
County Engineer



Sue Schuetze
Engineer II

Marilu Flores - BC Commissioner Meeting July 11th

From: Eileen Hewitt
To: Marilu Flores
Date: 6/30/2011 4:06 PM
Subject: BC Commissioner Meeting July 11th
CC: Marianne Ophardt; Natalie Kinion

Marilu,

Marianne Ophardt and Natalie Kinion are scheduled to appear before the Commissioners on July 11th. Marianne has a family obligation in Spokane that day and will not be able to attend, however Natalie will still be there to talk to the Commissioners about the Benton-Franklin 4-H programs. Just wanted to let you know...

Eileen Hewitt
eileen.hewitt@co.benton.wa.us

WSU Benton County Extension - Kennewick
5600-E West Canal Drive
Kennewick, WA 99336
(509) 735-3551

WSU Extension programs and employment are available to all without discrimination.
Evidence of non-compliance may be reported through your local extension office.

Steven W. Becken
Public Works Manager

Malcolm Bowie
County Engineer

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

Benton County

Department of Public Works

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

July 5, 2011

BOARD OF COUNTY COMMISSIONERS
Benton County Courthouse
Prosser, WA 99350

RE: Application for Franchise: Olsen Brothers Ranches Inc.

Commissioners:

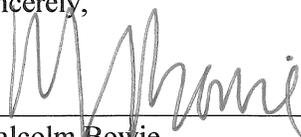
Olsen Brothers Ranches Inc. has filed a petition to continue a nonexclusive franchise for electrical lines and irrigation systems and all facilities within all of unincorporated Benton County road right of way.

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

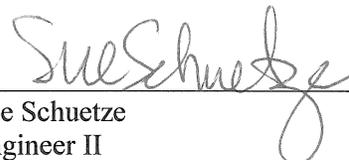
1. The term of the franchise continue for a ten (10) year period with a cost of \$500.
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County.
3. Placement of facilities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

If you have any questions, please contact this office.

Sincerely,



Malcolm Bowie
County Engineer



Sue Schuetze
Engineer II

**EXHIBIT LIST FOR HEAVY INDUSTRIAL
DISTRICT ORDINANCE AMENDMENT**

Planning Commission Staff Memo Exhibit List			
		DATED	
PCM 2	PCM 2.0	Staff Memo	June 2, 2011
	PCM 2.1	Heavy Industrial Draft Ordinance (HI)	March 24, 2011
	PCM 2.2	Zoning Map for HI District	
	PCM 2.3	Zoning Maps for HI District by Planning Region	
	PCM 2.4	Environmental Checklist	May 16, 2011
	PCM 2.5	Determination of Non Significance	May 18, 2011
	PCM 2.6	Notice of Open Record Hearing	May 19, 2011
	PCM 2.7	Letter from Dept. of Commerce	May 18, 2011
	PCM 2.8	Letter from Sunnyside Valley Irrigation District	May 18, 2011
	PCM 2.9	Comments from the Benton County Fire Marshal	May 19, 2011
Board of County Commissioners Exhibit List			
CCM 2 Includes:	CCM 2.0	Board of County Commissioners Agenda Sheet	July 1, 2011
	CCM 2.1	Heavy Industrial Draft Ordinance (HI)	March 24, 2011
	CCM 2.2	Zoning Maps for HI District	
	CCM 2.3	Zoning Maps for HI District by Planning Region	
	CCM 2.4	Planning Commission Findings	June 17, 2011
Board of County Commissioners Hearing Exhibit List			
CCH 2 Includes:	CCH 2.1		
	CCH 2.2		
	CCH 2.3		

**The Exhibit Numbers are found in the
Top Right Hand Corner of each document.**

**PCM = Planning Commission Memo Exhibits
PCH = Exhibits submitted during Hearing
CCM = County Commissioner Memo Exhibits
CCH = Exhibits submitted during Hearing**

<p><u>AGENDA ITEM</u> HRG. DATE: July 11, 2011 SUBJECT: Heavy Industrial (HI) District Hearing MEMO DATE: July 1, 2011 Prepared By: Susan M. Walker Reviewed By: Michael Shuttleworth</p>	<p><u>TYPE OF ACTION NEEDED</u> Execute Contract Pass Resolutions X Pass Ordinance X Pass Motion X Other</p>	<p>Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other</p>
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BACKGROUND INFORMATION

The Washington State Growth Management Act (GMA) RCW 36.70A requires that counties and cities adopt zoning and other development regulations that are consistent with, and implement their adopted Comprehensive Plans. Benton County is in the process of meeting these mandates and planning staff with citizen input has prepared draft zoning ordinances and maps proposed to bring the County’s zoning code into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan. The new zoning districts and official zoning maps once adopted will become effective September 1, 2011 and will add new chapters to Title 11 of the Benton County Code (BCC) and meet the update requirements of RCW 36.70A.130.

The public participation process for the Zoning Update Program began with the creation of maps and ordinances for review by County Planning Area Committees. The ordinances have been reviewed and revised over time to respond to changes in land use activities taking place in the County and for consistency with the GMA. They have been prepared with regard to the visions, goals, and policies shared by the County residents and adopted within the Benton County Comprehensive Land Use Plan.

The Benton County Planning Commission held its open record hearing on June 14th regarding the 2011 Zoning Update Program Group 2-B Ordinances and Official Zoning Maps. It is the recommendation of the Planning Commission that the Board of County Commissioners approve the Heavy Industrial District Ordinance (Exhibit CCM 2.1) and the Official Zoning Map (Exhibit CCM 2.2) showing the location and boundaries of the Heavy Industrial District. The Board of Commissioners held its workshop on this Ordinance and Official Zoning Map on June 27th, 2011.

SUMMARY

The 2011 Zoning Update Group 2-B Ordinances and Maps include the following Districts: Light Industrial (LI), Heavy Industrial (HI), Park District (P), and Unclassified (U). The proposed zoning ordinances and maps classify land into “Districts” (e.g., Light Industrial, Parks, Unclassified, etc.), according to the land use designations in the County’s adopted Comprehensive Plan. Each zoning district ordinance contains a purpose, requirements and standards that govern the use and development of land within the district, and generally include: lot sizes, setbacks, buffers, sizes of building, etc. The review processes include those activities allowed outright, those requiring director review, and for those that require conditional use permits. The zoning classification for each parcel of land is delineated on

the district's official zoning map.

STAFF REVIEW AND ANALYSIS:

The Heavy Industrial (HI) District Ordinance (Exhibit CCM 2.1), as shown on the proposed Heavy Industrial District Official Zoning Map (Exhibit CCM 2.2) provides designated areas for industrial activities that are considered more intensive uses of land that may produce potentially offensive characteristics such as odors, dust, smoke, noxious gases, noise, vibration, glare, heat, or other impacts to adjacent rural or urban activities. These designations are located in the Prosser-Whitstran, Kennewick-Finley, and Plymouth Planning Areas, and in the north portion of the City of Richland's UGA, bordering the Hanford Site. Heavy Industrial areas require large acreage ownerships that are relatively flat relief, located away from urban populations to limit adverse impacts upon urban and rural activities, and in close proximity to existing industry, utilities, and transportation facilities such as rail, barge, and interstate networks.

Uses in the Heavy Industrial (HI) District include manufacturing and processing plants, ironwork and metal fabrication, repair of machinery, warehouses, auto wrecking yard, etc. The ordinance provides a review process for those uses that require administrative review and conditional use permits and development standards such as lots widths and setbacks for development within the district.

The State's electric vehicle law known as HB 1481, requires all local governments in Washington State to allow electric vehicle charging stations in certain zoning categories. To meet the mandate, the Planning Commission at staffs request added "Rapid Charging Stations" as an allowed use within the Heavy Industrial District Ordinance.

RECOMMENDATION

It is the recommendation of the Benton County Planning Commission that the Board of County Commissioners approve the Heavy Industrial District Ordinance (Exhibit CCM 2.1) and the Official Zoning Map (Exhibit CCM 2.2) showing the location and boundaries of the Heavy Industrial District. The Planning Commission and staff believe these actions are necessary to bring Benton County Code Title 11 into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan and meet the update requirements of the GMA.

MOTION

After consideration of testimony received at the public hearing July 11th, 2011, the Board adopt a motion to approve the Heavy Industrial District Ordinance shown as Exhibit CCM 2.1, and the Heavy Industrial District Official Zoning Map (Exhibit CCM 2.2) to be effective September 1, 2011, and adopt the Planning Commission's findings of fact as their own, and sign prepared Resolution saying the same.

FISCAL IMPACT

No fiscal impacts have been identified regarding this planning proposal.

RECOMMENDATION OF THE
BENTON COUNTY PLANNING COMMISSION

RE: In the Matter of County Planning:
relating to an Ordinance Amendment
adding a new district to BCC Title 11
Heavy Industrial District (HI)

RECOMMENDATION,
FINDINGS OF FACT,
AND CONCLUSIONS

RECOMMENDATION

In the matter of County Planning, an ordinance amendment adding the Heavy Industrial District (HI) as a new district, and adding new chapter to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the HI District.

RESOLUTION

WHEREAS, the Legal notification pursuant to RCW 36.70A.130 was given on June 2, 2011, and,

WHEREAS, those members on the Public Participation Plan Lists requesting notice where given notice by mail and email on March 31, 2011, and,

WHEREAS, Benton County has established and followed the 2011 Zoning Update Public Participation Program for the review and update of its development regulations pursuant to RCW 36.70A.130 (2), and,

WHEREAS, a public hearing was held on June 14, 2011 at 7:00 p.m., in the Hearing Room, Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350; and,

WHEREAS, the following members were present: James Wetzel, Mark Reis, Rick Giberson, Darwin Crosby and Martin Sheeran; and,

WHEREAS, all those who testified and those public hearing exhibits that were received into evidence are identified into the minutes and are contained in the official record, and,

WHEREAS, the Planning Commission considered all evidence and testimony submitted and after discussion voted five members in favor, with two members absent, to recommend **approval** of the zoning ordinance amendments; and,

WHEREAS, the Planning Commission is entering it's written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

FINDINGS AND CONCLUSIONS

1. The proposed zoning and map amendments are found to be in conformance with the visions, goals and policies of the Benton County Comprehensive Plan.
2. The Planning Commission finds the official zoning maps have been prepared to reflect and be consistent with the land use designations shown on the Land Use Maps of the adopted Benton County Comprehensive Plan.

3. The record establishes a need for the proposed zoning amendments and map to bring the development regulations into compliance with the goals and policies of the Benton County Comprehensive Plan and satisfy the update requirements of RCW 36.70A.130, and to be consistent with and forward the intent of the Growth Management Act.
4. The Planning Commission received a staff memo dated June 2, 2011 that includes a Heavy Industrial (HI) District ordinance and Map, staff recommendations and findings, and agrees with the information found in the staff memo.
5. Planning Commission agrees with staff proposal to include Rapid Charging Stations for electric vehicles as a use in the Heavy Industrial designations.
6. The Planning Commission finds that the areas designated for Heavy Industrial use encompass 4,038 acres and are located in the following planning areas of Benton County: Prosser-Whitstran, Kennewick-Finley, and Plymouth, and in the North portion of the City of Richland's UGA, bordering the Hanford Site, and in the Southwest portion of Kennewick's UGA south of W. 10th Ave and West of Clodfelter Rd.
7. The Planning Commission finds that Lands suited for heavy industrial activities require large acreage ownerships that are relatively flat relief, located near the labor force, and maximize the use of existing transportation facilities.
8. The Planning Commission finds that Heavy Industrial activities generally have more intense uses that may create objectionable conditions (noise, smoke, odor, etc.) to adjacent rural or urban activities and therefore located away from urban populations to limit adverse impacts upon urban and rural activities, and located in close proximity to existing industry, utilities, and transportation facilities such as rail, barge, and interstate networks.
9. The Planning Commission finds the ordinance provides an appropriate list of uses within the District, review processes and development standards for siting of Heavy Industrial development.
10. The Planning Commission has determined that the requirements of the State Environmental Policy Act have been satisfied. A Determination of Non Significance was issued on May 18, 2011.
11. The record indicates that approval of the proposed amendments would be in the public interest as they provide the necessary requirements, standards and Map to govern the use and development of land within the Heavy Industrial District.

THEREFORE BE IT RESOLVED BY THE BENTON COUNTY PLANNING COMMISSION, through its chairman as authorized by motion of the Planning Commission, that these findings and conclusions for the aforementioned amendments adding the Heavy Industrial District (HI) as a new district to BCC Title 11 and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the Heavy Industrial (HI) District be approved for transmittal to the Board of County Commissioners, with a recommendation to adopt the amendments.

 6/17/11

MARTIN SHEERAN, Chairman DATE
BENTON COUNTY PLANNING COMMISSION

DATE: JUNE 2, 2011

TO: BENTON COUNTY PLANNING COMMISSION

FROM: BENTON COUNTY PLANNING DEPARTMENT

SUBJECT: **PROPOSED ZONING ORDINANCE & MAP: HEAVY INDUSTRIAL DISTRICT (HI); adding a new chapter to Title 11 of the Benton County Code (BCC).**

SUMMARY

The Washington State Growth Management Act (36.70A) requires that counties and cities adopt zoning and other development regulations that are consistent with, and implement, their adopted Comprehensive Plans. Benton County is in the process of meeting these mandates and planning staff has prepared draft zoning ordinances and maps proposed to bring the County's zoning code into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan. The adoption of the new zoning districts and official zoning maps will add new chapters to Title 11 of the Benton County Code (BCC) and meet the update requirements of RCW 36.70A.130.

BACKGROUND

The preparation and review of the proposed zoning ordinances and maps has been underway since the adoption of the County's Comprehensive Plan in June of 1998. The public participation process for the zoning ordinances and maps began with the creation of maps and ordinance review by County Planning Area Committees. They have been reviewed and revised over time to respond to changes in land use activities taking place in the County and for consistency with the GMA. The ordinance and maps have been prepared with regard to the visions, goals, and policies shared by the County residents and adopted within the Benton County Comprehensive Land Use Plan.

The proposed Zoning ordinances and maps classify land into "Districts" (e.g., Light Industrial, Park District, etc.), according to the land use designations in the adopted Comprehensive Plan, and when uses are located in the Urban Growth Area, the City's Comprehensive Plan. Each zoning district contains requirements and standards that govern the use and development of land within that district, and generally include: lot sizes, setbacks, buffers, and size of building, etc. The classification of each parcel of land is delineated on the proposed Official Zoning Map.

The 2011 Zoning Update Program Group 2B zoning ordinances include the following

districts: Heavy Industrial, Light Industrial, Unclassified, and Park District. The proposed boundaries of each district are described on the Official Zoning Maps and are attached to each ordinance.

STAFF REVIEW AND ANALYSIS

The Heavy Industrial (HI) District Ordinance (Exhibit PCM 2.1) as shown in the proposed Official Zoning Map (Exhibit PCM 2.2), encompasses 4,038 acres, and the ordinance includes activities that are more intense uses of land that may create objectionable conditions (noise, smoke, odor, etc.) to adjacent rural or urban activities. These designations are located in the following planning areas: Prosser-Whitstran, Kennewick-Finley, and Plymouth, and in the North portion of the City of Richland's UGA, bordering the Hanford Site, and in the Southwest portion of Kennewick's UGA south of W. 10th Ave and West of Clodfelter Rd. Heavy Industrial areas are located away from urban populations to limit adverse impacts upon urban and rural activities, and located in close proximity to existing industry, utilities, and transportation facilities such as rail, barge, and interstate networks. Lands suited for heavy industrial activities require large acreage ownerships that are relatively flat relief, located near the labor force, and maximize the use of existing transportation facilities.

Benton County Comprehensive Plan Goals related to Heavy Industrial District:

SEE ATTACHMENT B

Examples of the uses found in the Heavy Industrial (HI) District include manufacturing and/or processing plants, iron work and metal fabrication, repair of machinery, warehouses, auto wrecking yard, etc., all known to produce potentially offensive characteristics such as odors, dust, smoke, noxious gases, noise, vibration, glare, heat, or other impacts. The ordinance provides a list of uses that are allowed outright and provides a review process for those that require administrative review and conditional use permits. The development standards require specific lots widths and setbacks for locating industrial developments.

The states electric vehicle law known as HB 1481, requires that all local governments in Washington State allow electric vehicle charging stations in most of their zoning categories.

Therefore, staff finds it necessary to further define the electrical vehicle charging stations item (66) in the Proposed Definition Section drafted for the Zoning Update Program, and to include "rapid charging stations" as a use within the heavy industrial district ordinance.

(See Attachment B1

SEPA

(Exhibit PCM 2.4) The ordinances and related maps have been reviewed under the requirements of the State Environmental Policy Act (SEPA), and determinations of Non-Significance were issued May 18, 2011. As development regulations, these proposals are

"non-project actions" per WAC 197-11-704(b). "Non-project actions" such as the proposed are by their nature and large area of applicability not amenable to site specific and detailed environmental impact analysis. Accordingly, any future site specific projects that may be proposed on lands that are subject to this proposed ordinance will be reviewed for environmental impacts under the County's SEPA procedures, and where applicable its Critical Resources Protection Ordinance, and Shorelines Plan.

PLANNING COMMISSION ACTION

The Planning Commission will conduct an open record hearing on June 14, 2011, where public testimony and comments regarding the proposed Heavy Industrial District Ordinance (Exhibit PCM 2.1), and the Official Zoning Map (Exhibit PCM 2.2) will be taken. The Planning Commission will review all comments received and make their recommendation to the Board of County Commissioners.

STAFF RECOMMENDATION

Staff recommends that the Benton County Planning Commission after consideration of public testimony make a motion to approve the Heavy Industrial District Ordinance (Exhibit PCM 2.1), and the Official Zoning Map (Exhibit PCM 2.2) as proposed or with revisions and forward their recommendation to the Board of County Commissioners. Staff believes the development regulations and map being considered meet state requirements, the goals, policies, and directives of the Benton County Comprehensive Plan, and the visions, goals, and actions expressed by the residents of Benton County.

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

NOTICE OF OPEN RECORD HEARINGS

PCM 2.6

NOTICE IS GIVEN that the following ordinances and amendments to the official zoning map of Benton County will be considered by the Benton County Planning Commission at a public hearing on Tuesday, June 14, 2011, at 7 p.m. in the Planning Annex Hearing Room, Benton County Planning Department, 1002 Dudley Avenue, Prosser, WA 99350. These amendments are required pursuant to RCW 36.70A.130. All comments regarding the proposed ordinances may be made at the above hearing or submitted in writing. All written comments submitted by mail or fax should be sent to: Benton County Planning Department, P.O. Box 910, Prosser, WA 99350-0910, by Fax at (509) 786-5629. Comments may also be submitted on the County website below, using the "Resident Feedback" link. All written comments sent by mail, fax or via the website must be received by 5:00 p.m., Friday, June 10, 2011.

NEW CHAPTER TO BCC TITLE 11, an ordinance adding the Light Industrial District (LI) as a new district to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the LI District.

NEW CHAPTER TO BCC TITLE 11, an ordinance adding the Heavy Industrial District (HI), as a new district to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the HI District.

NEW CHAPTER TO BCC TITLE 11, an ordinance adding the Park District (P), as a new district to Title 11 of the Benton County Code and adopting amendments to the Official Zoning Map(s) of Benton County showing the location and boundaries of the Park District.

AMENDING BCC TITLE 11.48, an ordinance relating to zoning and the Unclassified District (U) amending, Ordinance 62, Section 1, Subsection XII-A, Ordinance 135, Section 2, Ordinance 167, Section 11, Ordinance 222, Section 6, Ordinance 235, Section 8, Ordinance 371, Section 11 and BCC 11.48.010; repealing Ordinance 62, Section 1, Subsection XII-A, Ordinance 110, Section 2, Ordinance 135, Section 3, Ordinance 167, Section 12 and BCC 11.48.020; and adding two new sections to Chapter 11.48 BCC.

AMENDING BCC TITLE 9.08.037, an ordinance amending the number of years a preliminary plat submitted between April 19, 2004 and December 31, 2014 is effective to seven (7) years from the date of approval.

NOTICE IS FURTHER GIVEN that said ordinances have been reviewed under the requirements of the State Environmental Policy Act. A Determination of Non-Significance was issued on May 18, 2011 and accordingly an Environmental Impact Statement is not required.

FURTHER INFORMATION AND/OR COPIES OF THE ORDINANCES are available at no cost to the public by calling the Benton County Planning Department at 736-3086 (Tri-Cities) or 786-5612 (Prosser) or the County's web page at www.co.benton.wa.us/pView.aspx?id=1592&catid=45. Summaries of the above mentioned ordinances are found following this legal notice.

It is Benton County's policy that no qualified individual with a disability shall by reason of such disability be excluded from participation in public meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact the ADA Coordinator or the Benton County Planning Department at the above stated phone numbers and/or address no later than 48 hours prior to the date of the meeting. The Request for Reasonable Accommodation form is available online at www.co.benton.wa.us or from the Planning Department.

Dated at Prosser, Washington on this 19th day of May 2011.

MARTIN SHEERAN, Chairman
BENTON COUNTY PLANNING COMMISSION

MICHAEL SHUTTLEWORTH, Planning Manager
BENTON COUNTY PLANNING DEPARTMENT 

PUBLISH ON: June 2, 2011

**SUMMARY OF ORDINANCE
ADDING AN LIGHT INDUSTRIAL DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 Adding the Light Industrial District to Title 11 of the Benton County Code.

SECTION 2 PURPOSE to provide an area for the establishment of manufacturing facilities that generally do not involve significant pollutions issues.

SECTION 3 APPLICABILITY This ordinance shall apply to the areas designated as a Light Industrial (LI) on the official zoning maps of Benton County and located in unincorporated Benton County.

SECTION 4 ALLOWABLE USES A listing of the allowable uses within the LI District on a single parcel of record.

SECTION 5 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL Provides a list of uses allowed within the LI District on a single parcel of record upon the review and approval of the Planning Administrator.

SECTION 6 USES REQUIRING A CONDITIONAL USE PERMIT A listing of uses allowed within the LI District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 7 USES PROHIBITED Uses not authorized or approved pursuant to Section 4, 5 or 6 is prohibited in the LI District.

SECTION 8 PROPERTY DEVELOPMENT STANDARDS-SETBACK REQUIREMENTS Requires that all lands, structures, and uses in the LI District meet the setback requirements from roads, property lines, rear and side lot lines, and uses listed in this section.

SECTION 9 HOME OCCUPATION PERMIT APPLICATION Information required for an application to be submitted to the Planning Department

SECTION 10 SEVERABILITY Severability Clause.

SECTION 11 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.

**SUMMARY OF ORDINANCE
ADDING A HEAVY INDUSTRIAL DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 Adding a Heavy Industrial District (HI) to Title 11 of the Benton County Code.

SECTION 2 PURPOSE To provide areas for the location of industrial uses that may be inherently involved with potentially offensive characteristics.

SECTION 3 APPLICABILITY This ordinance shall apply to the areas designated as Heavy Industrial District (HI) on the official zoning maps of Benton County and located in unincorporated Benton County.

SECTION 4 ALLOWABLE USES Lists the allowable uses within the HI District on a single parcel of record.

SECTION 5 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL A list of uses allowed within the HI District on a single parcel of record upon the review and approval of the Planning Administrator.

SECTION 6 USES REQUIRING A CONDITIONAL USE PERMIT A list of uses allowed within the HI District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 7 USES PROHIBITED Uses not authorized within this chapter are prohibited within the HI District.

SECTION 8 PROPERTY DEVELOPMENT STANDARDS-GENERAL STANDARDS All lands, structures and uses in the HI District shall conform to the general standards including minimum parcel sizes for specific dwellings, provides lot widths and setback requirements.

SECTION 9 SEVERABILITY Severability Clause.

SECTION 10 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.

**SUMMARY OF ORDINANCE AMENDMENT
ADDING A PARK DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 Adding a Park District to Title 11 of the Benton County Code.

SECTION 2 PURPOSE To recognize areas of the County having natural, historic, or scenic qualities.

SECTION 3 APPLICABILITY This ordinance shall apply to the areas designated as Park District (P) on the official zoning maps of Benton County and located in unincorporated Benton County.

SECTION 4 ALLOWABLE USES A list of allowable uses within the P District on a single parcel of record.

SECTION 5 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL A list of uses allowed within the P District on a single parcel of record upon the review and approval of the Planning Administrator.

SECTION 6 USES REQUIRING A CONDITIONAL USE PERMIT A list of uses allowed within the P District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 7 USES PROHIBITED Uses not authorized within this chapter are prohibited within the P District.

SECTION 8 PROPERTY DEVELOPMENT STANDARDS-GENERAL STANDARDS All lands, structures and uses in the P District shall conform to the general standards and if applicable to the standards set forth in Title 15 BCC.

SECTION 9 SEVERABILITY Severability Clause.

SECTION 10 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.

**SUMMARY OF ORDINANCE AMENDMENT
AMENDING THE UNCLASSIFIED DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 REPEAL Repealing Ordinance 62, Section 1, Subsection XII-A, Ordinance 110, Section 2, Ordinance 135, Section 3 Ordinance 167, Section 12 and BCC 11.48.020.

SECTION 2 ALLOWABLE USES Amending the list of allowable uses within the Unclassified (U) District on a single parcel of record.

NEW SECTION - SECTION 3 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL A list of uses allowed within the U District on a single parcel of record upon the review and approval of the Planning Administrator.

NEW SECTION - SECTION 4 USES REQUIRING A CONDITIONAL USE PERMIT A list of uses allowed within the U District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 5 SEVERABILITY Severability Clause.

SECTION 6 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.



PCM 2.7

STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

May 18, 2011

Michael Shuttleworth
Planning Manager
Benton County
1002 Dudley Avenue Planning Annex
Post Office Box 910
Prosser, Washington 99350

Dear Mr. Shuttleworth:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

County of Benton - Proposed amendments creating a new zoning districts for heavy industrial, light industrial, park and amending the unclassified district. These materials were received on May 18, 2011 and processed with the Material ID # 16979.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please call me at 509.280.3602.

Sincerely,

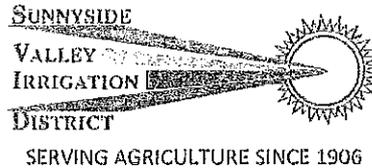
Linda Weyl
for

Bruce Hunt
Senior Planner
Growth Management Services

RECEIVED

MAY 19 2011

**Benton County
Planning Department**



PCM 2.8

May 18, 2011

RECEIVED

Michael Shuttleworth, Planning Manager
Benton County Planning Dept.
P.O. Box 910
Prosser, WA 99350-0910

MAY 20 2011

**Benton County
Planning Department**

Re: **File No:** EA 11-20 – Zoning & Zoning Maps
Parcels: Unincorporated areas of Benton County within T 09, R24 & R25;
T08, R24& R25
Landowners: Various

Dear Mr. Shuttleworth:

This office has reviewed the proposed project. Sunnyside Valley Irrigation District (SVID) has the following comments:

1. SVID does have facilities within the proposed zoning districts of the unincorporated areas of Benton County located in T 09, R24 & R25; T08, R24& R25. The location of these facilities may hinder proposed development. Please contact the District for the location of and specific information about crossing and/or encroaching upon these SVID facilities.
2. Runoff and/or crossings into or across any SVID facility will not be allowed unless it is approved through the permitting process.
3. Storm drainage will not be allowed to discharge into SVID drains without permits.
4. Buildings will not be allowed within SVID easements or rights-of-way.
5. Obstructions will not be allowed within SVID easements or rights-of-way without permits.
6. Access for plats and/or subdivisions will not be allowed on SVID operation and maintenance roads.

Thank you for the opportunity to comment on this proposed project. If you have any questions, please feel free to contact Tinker Kouyian at (509) 837-6980 or Kouyiant@SVID.org.

Sincerely,

Ron C. Cowin
Assistant Manager – Engineering

N:\WORD\SHARE\Engineering Standard Letters\Benton County\EA - Environmental Assessment\EA 11-20 Zoning Districts & Maps.doc

Benton County Fire Marshal's Comments
Planning Department's Referral Forms

PCM 2.9

TO: Clark Posey

EA 11-20

Date Received 5-17-11

Date Returned 5-19-11

Applicant's Comments: Benton County Planning Department proposes a zoning ordinance for the unincorporated land within Benton County.

Fire Marshal's Comments:

None

RECEIVED

MAY 19 2011

**Benton County
Planning Department**

**EXHIBIT LIST FOR LIGHT INDUSTRIAL
DISTRICT ORDINANCE AMENDMENT**

Planning Commission Staff Memo Exhibit List		
		DATED
PCM1	PCM 1.0 Staff Memo	June 2, 2011
	PCM 1.1 Light Industrial Draft Ordinance (LI)	March 24, 2011
	PCM 1.2 Zoning Map for LI District	
	PCM 1.3 Zoning Maps for LI District by Planning Region	
	PCM 1.4 Environmental Checklist	May 16, 2011
	PCM 1.5 Determination of Non Significance	May 18, 2011
	PCM 1.6 Notice of Open Record Hearing	May 19, 2011
	PCM 1.7 Letter from Dept. of Commerce	May 18, 2011
	PCM 1.8 Letter from Sunnyside Valley Irrigation District	May 18, 2011
	PCM 1.9 Comments from the Benton County Fire Marshal	May 19, 2011
Board of County Commissioners Exhibit List		
CCM 1 Includes:	CCM 1.0 Board of County Commissioners Agenda Sheet	July 1, 2011
	CCM 1.1 Light Industrial Draft Ordinance (LI)	March 24, 2011
	CCM 1.2 Zoning Maps for LI District	
	CCM 1.3 Zoning Maps for LI District by Planning Region	
	CCM 1.4 Planning Commission Findings	June 17, 2011
Board of County Commissioners Hearing Exhibit List		
CCH 1 Includes:	CCH 1.1	
	CCH 1.2	
	CCH 1.3	

**The Exhibit Numbers are found in the
Top Right Hand Corner of each document.**

**PCM = Planning Commission Memo Exhibits
PCH = Exhibits submitted during Hearing
CCM = County Commissioner Memo Exhibits
CCH = Exhibits submitted during Hearing**

<p><u>AGENDA ITEM</u> HRG. DATE: July 11, 2011 SUBJECT: Light Industrial (LI) District Hearing MEMO DATE: July 1, 2011 Prepared By: Susan M. Walker Reviewed By: Michael Shuttleworth</p>	<p><u>TYPE OF ACTION NEEDED</u> Execute Contract Pass Resolutions X Pass Ordinance X Pass Motion X Other</p>	<p>Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other</p>
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BACKGROUND INFORMATION

The Washington State Growth Management Act (GMA) RCW 36.70A requires that counties and cities adopt zoning and other development regulations that are consistent with, and implement their adopted Comprehensive Plans. Benton County is in the process of meeting these mandates and planning staff with citizen input has prepared draft zoning ordinances and maps proposed to bring the County’s zoning code into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan. The new zoning districts and official zoning maps once adopted will become effective September 1, 2011 and will add new chapters to Title 11 of the Benton County Code (BCC) and meet the update requirements of RCW 36.70A.130.

The public participation process for the Zoning Update Program began with the creation of maps and ordinances for review by County Planning Area Committees. The ordinances have been reviewed and revised over time to respond to changes in land use activities taking place in the County and for consistency with the GMA. They have been prepared with regard to the visions, goals, and policies shared by the County residents and adopted within the Benton County Comprehensive Land Use Plan.

The Benton County Planning Commission held its open record hearing on June 14th regarding the 2011 Zoning Update Program Group 2-B Ordinances and Official Zoning Maps. It is the recommendation of the Planning Commission that the Board of County Commissioners approve the Light Industrial District Ordinance (Exhibit CCM 1.1) and the Official Zoning Map (Exhibit CCM 1.2) showing the location and boundaries of the Light Industrial District. The Board of Commissioners held its workshop on this Ordinance and Official Zoning Map on June 27th, 2011.

SUMMARY

The 2011 Zoning Update Group 2-B Ordinances and Maps include the following Districts: Light Industrial (LI), Heavy Industrial (HI), Park District (P), and Unclassified (U). The proposed zoning ordinances and maps classify land into “Districts” (e.g., Heavy Industrial, Parks, Unclassified, etc.), according to the land use designations in the County’s adopted Comprehensive Plan. Each zoning district ordinance contains a purpose, requirements and standards that govern the use and development of land within the district, and generally include: lot sizes, setbacks, buffers, sizes of building, etc. The review processes include those activities allowed outright, those requiring director review, and for those that require conditional use permits. The zoning classification for each parcel of land is delineated on

the district's official zoning map.

STAFF REVIEW AND ANALYSIS:

The Light Industrial (LI) District Ordinance (Exhibit CCM 1.1) as shown on the proposed Light Industrial Official Zoning Map (Exhibit CCM 1.2) provides designated areas for industrial activities that require large parcel sizes and buffering from residential areas in the County. This zoning district encompasses 1,889 acres and is located in all of the County's planning areas and in portions of the City of Prosser and Kennewick Urban Growth Areas. Lands suited for light industrial activities require large acreage ownerships that are relatively flat relief, located near the labor force, with on-site utilities, and that maximize existing transportation facilities. Light Industrial activities help to maintain the County's economy and employment base and do not create objectionable conditions (noise, smoke, odor, etc.) to adjacent rural properties.

Uses found in the Light Industrial (LI) District include manufacturing facilities, research and development, lumberyards, and other uses that generally involve insignificant impacts to adjacent properties. These uses are generally limited in the unincorporated area because the scale anticipated by these developments and more intense uses usually require municipal services. The ordinance provides a review process for those uses that require administrative review and conditional use permits and development standards such as, lot widths and setbacks for development within the district.

The State's electric vehicle law known as HB 1481, requires all local governments in Washington State to allow electric vehicle charging stations in certain zoning categories. To meet the mandate, the Planning Commission at staffs request, added "Rapid Charging Stations" as an allowed use within the Light Industrial District Ordinance.

RECOMMENDATION

It is the recommendation of the Benton County Planning Commission that the Board of County Commissioners approve the Light Industrial District Ordinance (Exhibit CCM 1.1) and the Official Zoning Map (Exhibit CCM 1.2) showing the location and boundaries of the Light Industrial District. Planning staff believes these actions are necessary to bring Benton County Code Title 11 into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan and meet the update requirements of the GMA.

MOTION

After consideration of testimony received at the public hearing July 11th, 2011, the Board adopt a motion to approve the Light Industrial District Ordinance shown as Exhibit CCM 1.1, and the Light Industrial District Official Zoning Map (Exhibit CCM 1.2) to be effective September 1, 2011, and adopt the Planning Commission's findings of fact as their own, and sign prepared Resolution saying the same.

FISCAL IMPACT

No fiscal impacts have been identified regarding this planning proposal.

DATE: JUNE 2, 2011

TO: BENTON COUNTY PLANNING COMMISSION

FROM: BENTON COUNTY PLANNING DEPARTMENT

SUBJECT: **PROPOSED ZONING ORDINANCE & MAP: LIGHT INDUSTRIAL DISTRICT (LI); adding a new chapter to Title 11 of the Benton County Code (BCC).**

SUMMARY

The Washington State Growth Management Act (36.70A) requires that counties and cities adopt zoning and other development regulations that are consistent with, and implement, their adopted Comprehensive Plans. Benton County is in the process of meeting these mandates and planning staff has prepared draft zoning ordinances and maps proposed to bring the County's zoning code into compliance with the goals and policies of the adopted Benton County Comprehensive Land Use Plan. The adoption of the amending zoning districts and official zoning maps will revise Title 11 of the Benton County Code (BCC) and meet the update requirements of RCW 36.70A.130.

BACKGROUND

The preparation and review of the proposed zoning ordinances and maps has been underway since the adoption of the County's Comprehensive Plan in June of 1998. The public participation process for the zoning ordinances and maps began with the creation of maps and ordinance review by County Planning Area Committees. They have been reviewed and revised over time to respond to changes in land use activities taking place in the County and for consistency with the GMA. The ordinance and maps have been prepared with regard to the visions, goals, and policies shared by the County residents and adopted within the Benton County Comprehensive Land Use Plan.

The proposed Zoning ordinances and maps classify land into "Districts" (e.g., Heavy Industrial, Park District, etc.), according to the land use designations in the adopted Comprehensive Plan, and when uses are located in the Urban Growth Area, the City's Comprehensive Plan. Each zoning district contains requirements and standards that govern the use and development of land within that district, and generally include: lot sizes, setbacks, buffers, and size of building, etc. The classification of each parcel of land is delineated on the proposed Official Zoning Map.

The 2011 Zoning Update Program Group 2B zoning ordinances include the following districts: Heavy Industrial, Light Industrial, Unclassified, and Park District. The proposed

boundaries of each district are described on the Official Zoning Maps and are attached to each ordinance.

STAFF REVIEW AND ANALYSIS

The Light Industrial (LI) District Ordinance (Exhibit PCM 1.1) as shown in the proposed Official Zoning Map (Exhibit PCM 1.2), provides areas designated for industrial activities that require large parcel sizes and buffering from residential areas in the County. This zoning district encompasses 1,889 acres and is located throughout all planning areas and in portions of the City of Prosser's UGA. Light Industrial activities help to maintain the County's economy and employment base and do not create objectionable conditions (noise, smoke, odor, etc.) to adjacent rural properties. Lands suited for light industrial activities require large acreage ownerships that are relatively flat relief, located near the labor force, on-site utilities, and maximize the use of existing transportation facilities.

Benton County Comprehensive Plan Goals related to Light Industrial District:

SEE ATTACHMENT A

Examples of the uses found in the Light Industrial (LI) District include manufacturing facilities, research & development, lumberyards, and similar uses, all that generally involve insignificant impacts to adjacent properties. These uses are generally limited in the unincorporated area because the scale anticipated by these developments and more intense uses usually require municipal services. The ordinance provides a list of uses that are allowed outright and provides a review process for those that require administrative review and conditional use permits. The development standards require specific lot widths and setbacks for locating activities and uses.

The State's electric vehicle law known as HB 1481, requires that all local governments in Washington State allow electric vehicle charging stations in most of their zoning categories. Therefore, staff finds it necessary to further define the electrical vehicle charging stations item (66) in the Proposed Definition Section drafted for the Zoning Update Program, and to include "rapid charging stations" as a use within the light industrial district ordinance. **(See Attachment A1)**

SEPA

(Exhibit PCM 1.4) The ordinances and related maps have been reviewed under the requirements of the State Environmental Policy Act (SEPA), and determinations of Non-Significance were issued May 18, 2011. As development regulations these proposals are "non-project actions" per WAC 197-11-704(b). "Non-project actions" such as the proposed are by their nature and large area of applicability not amenable to site specific and detailed environmental impact analysis. Accordingly, any future site specific projects that may be proposed on lands that are subject to this proposed ordinance will be reviewed for environmental impacts under the County's SEPA procedures, and where applicable its Critical Resources Protection Ordinance, and Shorelines Plan.

PLANNING COMMISSION ACTION

The Planning Commission will conduct an open record hearing on June 14, 2011, where public testimony and comments regarding the proposed Light Industrial District Ordinance (Exhibit PCM 1.1), and the Official Zoning Map (Exhibit PCM 1.2) will be taken. The Planning Commission will review all comments received and make their recommendation to the Board of County Commissioners.

STAFF RECOMMENDATION

Staff recommends that the Benton County Planning Commission after consideration of public testimony make a motion to approve the Light Industrial District Ordinance (Exhibit PCM 1.1), and the Official Zoning Map (Exhibit PCM 1.2) as proposed or with revisions and forward their recommendation to the Board of County Commissioners. Staff believes the development regulations and map being considered meet state requirements, the goals, policies, and directives of the Benton County Comprehensive Plan, and the visions, goals, and actions expressed by the residents of Benton County.

**SUMMARY OF ORDINANCE
ADDING AN LIGHT INDUSTRIAL DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 Adding the Light Industrial District to Title 11 of the Benton County Code.

SECTION 2 PURPOSE to provide an area for the establishment of manufacturing facilities that generally do not involve significant pollutions issues.

SECTION 3 APPLICABILITY This ordinance shall apply to the areas designated as a Light Industrial (LI) on the official zoning maps of Benton County and located in unincorporated Benton County.

SECTION 4 ALLOWABLE USES A listing of the allowable uses within the LI District on a single parcel of record.

SECTION 5 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL Provides a list of uses allowed within the LI District on a single parcel of record upon the review and approval of the Planning Administrator.

SECTION 6 USES REQUIRING A CONDITIONAL USE PERMIT A listing of uses allowed within the LI District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 7 USES PROHIBITED Uses not authorized or approved pursuant to Section 4, 5 or 6 is prohibited in the LI District.

SECTION 8 PROPERTY DEVELOPMENT STANDARDS-SETBACK REQUIREMENTS Requires that all lands, structures, and uses in the LI District meet the setback requirements from roads, property lines, rear and side lot lines, and uses listed in this section.

SECTION 9 HOME OCCUPATION PERMIT APPLICATION Information required for an application to be submitted to the Planning Department

SECTION 10 SEVERABILITY Severability Clause.

SECTION 11 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.

**SUMMARY OF ORDINANCE
ADDING A HEAVY INDUSTRIAL DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 Adding a Heavy Industrial District (HI) to Title 11 of the Benton County Code.

SECTION 2 PURPOSE To provide areas for the location of industrial uses that may be inherently involved with potentially offensive characteristics.

SECTION 3 APPLICABILITY This ordinance shall apply to the areas designated as Heavy Industrial District (HI) on the official zoning maps of Benton County and located in unincorporated Benton County.

SECTION 4 ALLOWABLE USES Lists the allowable uses within the HI District on a single parcel of record.

SECTION 5 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL A list of uses allowed within the HI District on a single parcel of record upon the review and approval of the Planning Administrator.

SECTION 6 USES REQUIRING A CONDITIONAL USE PERMIT A list of uses allowed within the HI District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 7 USES PROHIBITED Uses not authorized within this chapter are prohibited within the HI District.

SECTION 8 PROPERTY DEVELOPMENT STANDARDS-GENERAL STANDARDS All lands, structures and uses in the HI District shall conform to the general standards including minimum parcel sizes for specific dwellings, provides lot widths and setback requirements.

SECTION 9 SEVERABILITY Severability Clause.

SECTION 10 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.

**SUMMARY OF ORDINANCE AMENDMENT
ADDING A PARK DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 Adding a Park District to Title 11 of the Benton County Code.

SECTION 2 PURPOSE To recognize areas of the County having natural, historic, or scenic qualities.

SECTION 3 APPLICABILITY This ordinance shall apply to the areas designated as Park District (P) on the official zoning maps of Benton County and located in unincorporated Benton County.

SECTION 4 ALLOWABLE USES A list of allowable uses within the P District on a single parcel of record.

SECTION 5 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL A list of uses allowed within the P District on a single parcel of record upon the review and approval of the Planning Administrator.

SECTION 6 USES REQUIRING A CONDITIONAL USE PERMIT A list of uses allowed within the P District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 7 USES PROHIBITED Uses not authorized within this chapter are prohibited within the P District.

SECTION 8 PROPERTY DEVELOPMENT STANDARDS-GENERAL STANDARDS All lands, structures and uses in the P District shall conform to the general standards and if applicable to the standards set forth in Title 15 BCC.

SECTION 9 SEVERABILITY Severability Clause.

SECTION 10 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.

**SUMMARY OF ORDINANCE AMENDMENT
AMENDING THE UNCLASSIFIED DISTRICT
TO THE BENTON COUNTY CODE**

SECTION 1 REPEAL Repealing Ordinance 62, Section 1, Subsection XII-A, Ordinance 110, Section 2, Ordinance 135, Section 3 Ordinance 167, Section 12 and BCC 11.48.020.

SECTION 2 ALLOWABLE USES Amending the list of allowable uses within the Unclassified (U) District on a single parcel of record.

NEW SECTION - SECTION 3 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL A list of uses allowed within the U District on a single parcel of record upon the review and approval of the Planning Administrator.

NEW SECTION - SECTION 4 USES REQUIRING A CONDITIONAL USE PERMIT A list of uses allowed within the U District on a parcel if a conditional use permit is issued by the Board of Adjustment after a public hearing is held.

SECTION 5 SEVERABILITY Severability Clause.

SECTION 6 EFFECTIVE DATE September 1, 2011 is the effective date of this ordinance.