

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, June 20, 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. Surplus of Personal Property
- b. Veteran's Request for Additional Assistance
- Facilities**
- c. Line Item Transfer, Fund No. 0000-101, Dept. 110
- Juvenile**
- d. Indigent Defense Contract Amendment w/M Poland
- e. Indigent Defense Contract Amendment w/D Campbell
- f. Personal Service Contract w/J Elmenhurst, DBA Elmenhurst Counseling, LLC
- g. Interlocal Agreement w/Kennewick School District #17
- h. Personal Services Contract w/M Henry, MS, ABS
- Prosecuting Attorney**
- i. Lease Agreement w/Ted and Amy Wong and Sexual Assault Response Center
- Public Works**
- j. Establishing Speed Limit on Sagebrush Road
- k. Granting Franchise to Antonio Hermosillo
- l. Contract Extension w/Wondrack Distributing, Inc.
- Superior Court**
- m. Line Item Transfer, Fund No. 0000101, Dept. 123
- n. Authorization for Purchases From Trial Court Improvement Fund
- o. Line Item Transfer, Fund No. 0156101, Dept. 000
- 9:05 AM Finance Team Presentation – K Mercer
- 9:35 AM a. **Unscheduled Visitors**

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
June 13, 2011, 8:30 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

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

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kelty; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; Human Services Manager Ed Thornbrugh; County Engineer Malcolm Bowie; Erhiza Rivera, Treasurer's Office; DPA Ryan Brown; Safety Coordinator Bryan Perry; Marianne Ophardt, WSU; DPA Reid Hay; Nick Kooiker, Treasurer's Office; Clark Posey, Planning; Larry Moser and Bryan Thorp, Public Works.

Workshop Agenda

Chairman Bowman discussed a letter from Yakima County Commissioner regarding an assignment to the Groundwater Management Area and asked Commissioner Beaver if he wanted to be point on that Board. Commissioner Beaver agreed and the Board agreed the resolution appointing Commissioners could be changed at another time.

Commissioner Small discussed making a correction in the travel policy to allow meal reimbursements allowed by grants (specifically requested by Sharon Paradis). Commissioner Beaver said he believed the policy could be changed to allow for grant activities that were specifically reimbursed. Chairman Bowman also agreed and said the policy should include language about grant funded or private funded reimbursements. He recommended the County Administrator and PA review the "draft resolution" and to include retro language.

Letter to WA State Liquor Control

Mike Shuttleworth explained why the Planning Department recommended denying a liquor license to this entity. He said the ordinance regulation in regular ag zone required that the crop be grown on site in order to sell on it site, however, the land was vacant at this time. Mr. Shuttleworth said they could come back in September to reapply once the new ordinance was adopted and the Board instructed Mr. Shuttleworth to contact the applicants to let them know that information.

Adam Fyall briefly reported on his ECA trip to New Mexico and said he would provide a more detailed written report later in the week.

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

Approval of Minutes

The Minutes of June 6, 2011 were approved.

Consent Agenda

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

Assessor

- a. Personal Service Contract w/Automatic Funds Transfer Services, Inc.

Clerk

- b. Agreement Amendment w/Courthouse Technologies, Ltd.

Commissioners

- c. Letter to WA State Liquor Control

Facilities

- d. Notice of Completion – Benton County Animal Control
- e. Contract w/Fire Control Sprinkler Systems Co., Inc.
- f. Line Item Transfer, Fund No. 0000-101, Dept. 110
- g. Contract Amendment w/Apollo Sheet Metal, Inc. for Waterline Replacement
- h. Contract Amendment w/ABM Janitorial Services

Fairgrounds

- i. Lease Agreement w/CPM Development Corporation

Human Services

- j. Mental Health Block Grant Agreement w/Greater Columbia Behavioral Health
- k. Contract Renewal w/US Dept of Housing & Urban Development for Shelter Plus Care Grant

Juvenile

- l. Detention Alternatives Initiative Grant Application w/DSHS Office of Juvenile Justice

Personnel

- m. Line Item Transfer, Fund No. 0504-101, Dept. 000

Public Works

- n. Authorization to Purchase Portable Testing Lab from Williams Scotsman, Inc.
- o. Authorization for Public Hearing for Franchise Application of Southgate Water Company

Sheriff

- p. Agreement w/Proforce Marketing, Inc. for Taser Purchases

Sustainable Development

- q. Economic Development Services Agreement w/City of Benton City

Treasurer

- r. Deadline Extension on Commencing Assessment Foreclosure Proceedings
- s. Agreement w/Davidson Fixed Income Management, Inc. to Provide Advisory Services

Certificate of Good Practice

Chairman Bowman presented a Certificate of Good Practice to the Public Works Department signed by the County Road Administration Board.

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

Benton-Franklin WSU – Commercial Vegetable Production Update

Marianne Ophardt and Tim Waters briefly updated the Board on commercial vegetable production. Mr. Waters said it was coldest spring temperature in a long time and would translate into a lower yield, delayed harvest and disease potential. He also discussed some alternative crop trial projects (sweet potatoes and onions) and they would have data available for growers.

Zoning Text Amendment Request

Clark Posey said they received a request from the Tri-Cities Metallic Silhouette Association requesting a zone text amendment on lands located in the GMA Agricultural District to include the addition of a firing/shooting range as an allowed use. Mr. Posey said that even though they would like to help them, this was considered a non-ag related use and this area was designed for prime ag related use and there were other areas in the county where they could go.

Commissioner Small asked about the firing ranges already present for law enforcement. Mr. Shuttleworth said those existed prior to changes made in the code.

TRIDEC Update

Carl Adrian and Kayla Pratt updated the Board on TRIDEC activities, including business recruitment (food processing and corporate real estate groups); solar show; land transfers (DOE); and participation in the Allegiant Air Conference. Additionally, Mr. Adrian said that Kayla was the designated as the first “outside” person to sit on the Tri-City Editorial Board on a trial basis.

Chairman Bowman asked about impacts to the Hanford area with the federal budget. Mr. Adrian said there would be forced reduction at the end of September, but overall this was a good year and they were looking at emphasizing stable funding.

Executive Session – Potential Litigation

The Board went into executive session with DPA Reid Hay to discuss potential litigation at 9:43 a.m. for approximately 20 minutes. Also present were David Sparks, Cami McKenzie, Ryan Brown, Loretta Smith Kelty, Melina Wenner, Steve Becken, Bryan Thorp, Malcolm Bowie, and

Larry Moser. The Board came out of executive session at 10:04 a.m. Mr. Hay stated the Board took no action.

The Board briefly recessed, reconvening at 10:08 a.m.

Port of Benton - Walter Clore Center Financial Request

Scott Keller, Port of Benton, along with Deb Heintz and Marv Kinney updated the Board on the progress of the Walter Clore Wine & Culinary Center. Mr. Keller said the project had been ongoing since 2002 and they have asked the county to participate but nothing had happened with the project, until now.

He said the previous commitment of Benton County was \$100,000 match funds and that was included in the EDA grant proposal with an award of \$2 million.

The Board agreed it would discuss the funding request at its July 13 budget/financial meeting and Mr. Sparks said he would need to review funding availability and work with Ryan Brown to find funding options. He said there had not previously been any funding identified. He also asked for a list of how the money would be used and Ms. Heintz said she would provide that.

Vouchers

Check Date: 06/03/2011
Warrant #: 232411-232512
Direct Deposit #: 64377-64977
Total all funds: \$2,080,279.63

Check Date: 06/03/2011
Warrant #: 35659-35682
Taxes #: 10111061-10111063
Total all funds: \$1,822,892.29

Check Date: 06/10/2011
Warrant #: 35808-36005
Total all funds: \$504,164.11

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

Resolutions

11-360	Personal Service Contract w/Automatic Funds Transfer Services, Inc.
11-361	Agreement Amendment w/Courthouse Technologies, Ltd.
11-362	Notice of Completion – Benton County Animal Control
11-363	Contract w/Fire Control Sprinkler Systems Co., Inc.
11-364	Line Item Transfer, Fund No. 0000-101, Dept. 110
11-365	Contract Amendment w/Apollo Sheet Metal, Inc. for Waterline Replacement

- 11-366 Contract Amendment w/ABM Janitorial Services
- 11-367 Lease Agreement w/CPM Development Corporation
- 11-368 Mental Health Block Grant Agreement w/Greater Columbia Behavioral Health
- 11-369 Contract Renewal w/US Dept of Housing & Urban Development for Shelter Plus Care Grant
- 11-370 Detention Alternatives Initiative Grant Application w/DSHS Office of Juvenile Justice
- 11-371 Line Item Transfer, Fund No. 0504-101, Dept. 000
- 11-372 Authorization to Purchase Portable Testing Lab from Williams Scotsman, Inc.
- 11-373 Authorization for Public Hearing for Franchise Application of Southgate Water Company
- 11-374 Agreement w/Proforce Marketing, Inc. for Taser Purchases
- 11-375 Economic Development Services Agreement w/City of Benton City
- 11-376 Deadline Extension on Commencing Assessment Foreclosure Proceedings
- 11-377 Agreement w/Davidson Fixed Income Management, Inc. to Provide Advisory Services

There being no further business before the Board, the meeting adjourned at approximately 10:16 a.m.

Clerk of the Board

Chairman

Q

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY POLICY, RE: SURPLUS OF PERSONAL PROPERTY IN ACCORDANCE WITH RESOLUTION 07-752

WHEREAS, The Benton County Auditor is the Personal Property Manager and maintains an updated inventory listing of county Personal Property; and,

WHEREAS, the Personal Property Manager and the Facilities Department have determined that the personal property on attachment A is not desired by any other county department or office; and,

WHEREAS, all the items listed have an estimated value of less than \$50; and,

WHEREAS, it is the recommendation of the Personal Property Manager that this potential surplus property is not desired by any county agency and should be declared surplus; and,

WHEREAS, the Board finds it to be in the best interest of the citizens of Benton County to surplus antiquated and obsolete personal property; **NOW, THEREFORE**

BE IT RESOLVED, that, based on the recommendation of the Personal Property Manager, all items included on the attachment are hereby surplus and to be disposed of as indicated in the attached.

Dated this _____ day of _____, 20__ __.

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

Prepared by P. Powell

Resolution Authorizing Surplus, Donation and/or
Scrap of outdated phone system and furniture

Id tag #	Description	Disposition
02980	Couch	scrap or donate if possible
03086	Couch	scrap or donate if possible
09307	Plastic desk	Scrap (worn out)
01974	File cabinet	Scrap (worn out)
00046	Wooden cabinet	Scrap (worn out)
2003 Jail Phone system	(see following description as to value)	Scrap (outdated & obsolete, no value)

Nortel Companion Disposal Request

The Nortel Companion Wireless Telephone Interface was installed as a core system when the new Jail was built in 2003. This system has since been replaced with a new system from Polycom. The original Companion system is of no use to the County. It can only be installed in a Nortel Option-11c cabinet and is not a stand-alone system. I have no approximate value as it was purchased and installed as part of the Jail construction contract.

The Companion system consists of Main Frame cards, antennas, power supplies and wireless telephones. This system was manufacture discontinued in 2003 and is no longer supported. This system was used in the Jail for Intercoms, and to control doors.

I have contacted Telesource, a large telephone equipment reseller, and they said that there was no market in reselling this equipment. One prospective buyer showed interest in some of the handsets but never purchased any. While it still technically could be used, the industry has moved on to newer systems.

The County recommends that we dispose of the equipment without further attempts to sell it. It will never be used again at the Benton County Jail. It has served its purpose well. The equipment is currently at the Justice Center in the 2nd Floor unfinished area.

Thank you,

Dan Waggoner
Electronic Technician
Benton County Facilities

Contact at Telesource is:

Janie Frazho

jfrazho@tsrc.com

Direct 248-253-6903

b.

VETERAN'S REQUEST FOR ASSISTANCE

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	<u>6-20-11</u>	Execute Contract	_____	Consent Agenda
Subject:	<u>Line Item Transfer</u>	Pass Resolution	_____ x _____	Public Hearing
Prepared by:	<u>K. Mercer</u>	Pass Ordinance	_____	1st Discussion
Reviewed by:	<u>Loretta</u>	Pass Motion	_____	2nd Discussion
		Other	_____	Other

BACKGROUND INFORMATION

The Facilities Supervisor has hired a part-time custodian worker due to an extended leave of absence of one of his employees. The part-time person is scheduled to work 40 hours per week for roughly 5 – 8 weeks. The line item transfer covers 8 weeks of wages & benefits.

SUMMARY

RECOMMENDATION

Approve Line Item Transfer

FISCAL IMPACT

MOTION

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Facilities

Dept Nbr: 110

Fund Name: Current Expense

Fund Nbr: 0000-101

TRANSFER FROM: Dept

TRANSFER TO: Dept

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
539.500	4701	Utilities	\$4,383	539.500	1905	Temporary Help	\$4,071
				539.500	2102	Social Security	\$312
TOTAL			\$4,383	TOTAL			\$4,383

Explanation:

Transferring money in order to pay for temporary custodian help within the Facilities department.

Prepared by: Keith Mercer

Date: 15-Jun-2011

Approved

Denied

Date: _____

Chairman

Member

Member

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AGENDA ITEM: Consent		TYPE OF ACTION NEEDED Executive Contract <u>xx</u> Pass Resolution <u>xx</u> Pass Ordinance Pass Motion Other	CONSENT AGENDA <u>xx</u> PUBLIC HEARING 1ST DISCUSSION 2ND DISCUSSION OTHER
MEETING DATE: B/C 06-20-10 F/C 06-29-11			
SUBJECT: Professional Services Agreement Amendment for Civil Defense Panel Attorney Mary S. Poland			
Prepared By: Donna A. Lee	Reviewed By: Sharon A. Paradis		

BACKGROUND INFORMATION

Defense Panel attorney Donna Mannion has been contracting with Benton and Franklin Counties to provide representation to indigent juveniles and her current professional services agreement expires on June 30, 2011. It has been recommended that attorney Donna Mannion's PSA not be renewed therefore it is necessary to contract for another attorney to assume the Contract Services. However, there is insufficient time between now and June 30, 2011 to advertise and contract with another attorney since an attorney who was previously offered the PSA turned it down some time after the offer was made.

SUMMARY

Attorney Mary Poland, who currently contracts with the Counties to provide indigent defense services to juveniles has agreed to assume half of the cases representing the Contract Services for a period of six months starting from July 1, 2011 so as to allow the Counties the time to locate a suitable longer term contract attorney to take on the Contract Services.

RECOMMENDATION

We recommend that the Boards of Commissioners of Benton County and Franklin County approve and sign the Professional Service Agreement Amendment for Legal Representation of indigent individuals in Benton and Franklin Counties Superior Court, Juvenile Division, as written.

FISCAL IMPACT

Compensation for the panel attorney is set forth in Juvenile Court's budget. Compensation is for an additional 15 open cases (50% of attorney Mannion's contractual caseload) for an amount of \$1,324.03 per month.

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, on behalf of their respective county, the Professional Services Agreement Amendment with Ms. Poland.

RESOLUTION

BENTON COUNTY RESOLUTION NO. _____
FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF EXECUTING CONTRACT AMENDMENT BFJC1112MSP001A WITH
ATTORNEY MARY POLAND FOR ADDITIONAL INDIGENT DEFENSE SERVICES IN THE
JUVENILE DIVISION OF BENTON-FRANKLIN COUNTIES SUPERIOR COURT
REPRESENTING INDIGENT JUVENILES SUBJECT TO DEPENDENCY PROCEEDINGS.

WHEREAS, attorney Donna Mannion has been contracting with Benton and Franklin Counties ("Counties") to provide representation to indigent juveniles subject to dependency proceedings ("Contract Services") in the Juvenile Division of the Benton & Franklin Counties Superior Court;

WHEREAS, attorney Donna Mannion's current professional services agreement ("PSA") for Contract Services expires on June 30, 2011;

WHEREAS, it has been recommended that attorney Donna Mannion's PSA not be renewed when it expires;

WHEREAS, it is necessary to contract for another attorney to assume the Contract Services but there is insufficient time between now and June 30, 2011 since an attorney who was previously offered the PSA in question turned down the offer some time after it was offered;

WHEREAS, attorney Mary Poland ("Attorney"), who currently contracts with Counties to provide indigent defense services to juveniles (contract designated BFJC1112001) has agreed to assume half of the cases representing the Contract Services for a period of six months starting from July 1, 2011 so as to allow Counties the time to locate a suitable longer term contract attorney to take on the Contract Services;

NOW THEREFORE, BE IT RESOLVED THAT the attached professional services agreement amendment for attorney Mary Poland, designated BFJCMSP001A, whereby she will be assuming an additional 15 open cases per month (50% of attorney Donna Mannion's contractual caseload) for additional monthly compensation of \$1,324.03, for the period of time from July 1, 2011 until December 31, 2011 only, be executed as presented.

Dated this ____ day of _____, 2011

Chairman of the Board

Chairman of the Board

Chairman Pro-Tem

Chairman Pro-Tem

Member

Member

Constituting the Board of County
Commissioners, Benton County
Washington

Constituting the Board of County
Commissioners, Franklin County
Washington

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

cc: Originals – Juvenile, Mary Poland
Copy – OPD, Franklin County, R. Ozuna, Auditor, Superior Court

JUDGES
Hon. Craig J. Matheson
Hon. Vic L. VanderSchoor
Hon. Robert G. Swisher
Hon. Carrie Runge
Hon. Cameron Mitchell
Hon. Bruce Spanner

BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER

SHARON PARADIS, Administrator
Juvenile Court Services

SUPERIOR COURT OF THE STATE OF WASHINGTON

5606 W CANAL PLACE, SUITE 106 • KENNEWICK, WASHINGTON 99336-1388
PHONE (509) 783-2151 • FAX (509) 736-2728

LONNA K. MALONE
JOSEPH R. SCHNEIDER
JERRI G. POTTS
Court Commissioners

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL REPRESENTATIVE TO INDIGENT PERSON IN BENTON-FRANKLIN COUNTIES JUVENILE COURT DIVISION BFJC1112MSP001A

This Amendment to Professional Services Agreement (the "Amendment") is entered into by and between Mary S Poland attorney at law, Washington State Bar Association #33599 (Attorney); and **BENTON COUNTY** and **FRANKLIN COUNTY**, state of Washington political subdivisions (jointly the "Counties"), for and on behalf of the Benton-Franklin Counties Juvenile Justice Center, a bi-county agency ("Juvenile Justice Center").

In consideration of the mutual benefits and covenants contained herein and in the parties' existing Professional Service Agreement between Attorney and the Counties, designated as BFJC1112MSP001 (corresponding to Benton County Resolution No. 10 708 and executed on November 22, 2010, and Franklin County Resolution No. 2010 366 and executed on December 1, 2010), hereinafter referred to as the "Existing PSA", the parties agree **Section 7, Number of Appointments** and **Section 11.a., Compensation**, of said Existing PSA shall be amended by being replaced with the following:

7. **NUMBER OF APPOINTMENTS.** During the term of this Agreement, Attorney agrees to and shall accept appointments to represent indigent persons in Civil Proceedings up to a floating caseload maximum of **70 open cases** pending at any given time. Truancy Board representation, being separately compensated, shall not count toward this maximum caseload. For the period of time commencing July 1, 2011 and ending December 31, 2011 only, Attorney shall accept additional cases amounting to **15 additional open cases** at any given time, for a total of **85 open cases** at any given time.

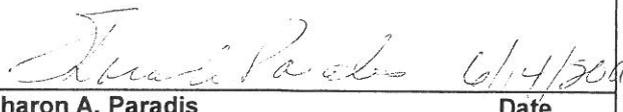
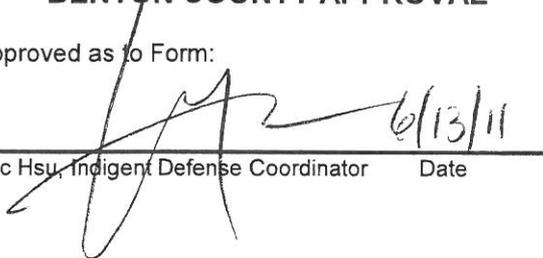
11. **COMPENSATION.**

a. As compensation for Attorney's performance and rendering of independent professional legal services, the Counties shall pay Attorney, as professional service attorney fees and not as employment salary/wages, the sum of **\$4,257.52** (proratable for any partial month), payable on the last business day

of the month, for the year 2011. Furthermore, for the period of time commencing July 1, 2011 and ending December 31, 2011 only, Attorney shall be compensated with the additional sum of **\$1,324.03** for handling an additional 15 open cases at any given time, for a total monthly compensation of **\$5,581.55**. This additional monthly compensation for July 1, 2011 – December 31, 2011, of **\$1,324.03**, shall not be considered for purposes of calculating Attorney's compensation for year 2012.

Except as expressly provided in this Contract Amendment, all other terms and conditions of the original Contract and subsequent written contract amendments thereto remain in full force and effect.

This Amendment shall be effective upon execution by the parties.

Attorney	Benton-Franklin Counties Juvenile Justice Center
 Mary S Poland Date 6/14/2011	 Sharon A. Paradis Date 6/14/2011
<p align="center">BENTON COUNTY APPROVAL</p> <p>Approved as to Form:</p>  Eric Hsu, Indigent Defense Coordinator Date 6/13/11	<p align="center">FRANKLIN COUNTY APPROVAL</p> <p>By: _____ Title: <u>Chairman, Board of Commissioners</u></p> <p>Date: _____</p> <p>Attest: _____</p> <p>Clerk of the Board: _____</p>

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AGENDA ITEM: Consent	TYPE OF ACTION NEEDED	
MEETING DATE: B/C 06-20-11 F/C 06-29-11	Executive Contract <u>xx</u>	CONSENT AGENDA <u>xx</u>
SUBJECT: Professional Services Agreement Amendment for Civil Defense Panel Attorney - Darin R. Campbell	Pass Resolution <u>xx</u>	PUBLIC HEARING
Prepared By: Donna A. Lee	Pass Ordinance	1ST DISCUSSION
Reviewed By: Sharon A. Paradis	Pass Motion	2ND DISCUSSION
	Other	OTHER

BACKGROUND INFORMATION

Defense Panel attorney Donna Mannion has been contracting with Benton and Franklin Counties to provide representation to indigent juveniles and her current professional services agreement expires on June 30, 2011. It has been recommended that attorney Donna Mannion's PSA not be renewed therefore it is necessary to contract for another attorney to assume the Contract Services. However, there is insufficient time between now and June 30, 2011 to advertise and contract with another attorney since an attorney who was previously offered the PSA turned it down some time after the offer was made.

SUMMARY

Attorney Darin Campbell, who currently contracts with the Counties to provide indigent defense services to juveniles has agreed to assume half of the cases representing the Contract Services for a period of six months starting from July 1, 2011 so as to allow the Counties the time to locate a suitable longer term contract attorney to take on the Contract Services.

RECOMMENDATION

We recommend that the Boards of Commissioners of Benton County and Franklin County approve and sign the Professional Service Agreement Amendment for Legal Representation of indigent individuals in Benton and Franklin Counties Superior Court, Juvenile Division, as written.

FISCAL IMPACT

Compensation for the panel attorney is set forth in Juvenile Court's budget. Compensation is for an additional 15 open cases (50% of attorney Mannion's contractual caseload) for an amount of \$1,324.03 per month.

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, on behalf of their respective county, the Professional Services Agreement Amendment with Mr. Campbell.

RESOLUTION

BENTON COUNTY RESOLUTION NO. _____
FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF EXECUTING CONTRACT AMENDMENT BFJC1112DRC001A WITH
ATTORNEY DARIN CAMPBELL FOR ADDITIONAL INDIGENT DEFENSE SERVICES IN THE
JUVENILE DIVISION OF BENTON-FRANKLIN COUNTIES SUPERIOR COURT
REPRESENTING INDIGENT JUVENILES SUBJECT TO DEPENDENCY PROCEEDINGS.

WHEREAS, attorney Donna Mannion has been contracting with Benton and Franklin Counties ("Counties") to provide representation to indigent juveniles subject to dependency proceedings ("Contract Services") in the Juvenile Division of the Benton & Franklin Counties Superior Court;

WHEREAS, attorney Donna Mannion's current professional services agreement ("PSA") for Contract Services expires on June 30, 2011;

WHEREAS, it has been recommended that attorney Donna Mannion's PSA not be renewed when it expires;

WHEREAS, it is necessary to contract for another attorney to assume the Contract Services but there is insufficient time between now and June 30, 2011 since an attorney who was previously offered the PSA in question turned down the offer some time after it was offered;

WHEREAS, attorney Darin Campbell ("Attorney"), who currently contracts with Counties to provide indigent defense services to juveniles (contract designated BFJC1112DRC001) has agreed to assume half of the cases representing the Contract Services for a period of six months starting from July 1, 2011 so as to allow Counties the time to locate a suitable longer term contract attorney to take on the Contract Services;

NOW THEREFORE, BE IT RESOLVED THAT the attached professional services agreement amendment for attorney Darin Campbell, designated BFJC1112DRC001A, whereby he will be assuming an additional 15 open cases per month (50% of attorney Donna Mannion's contractual caseload) for additional monthly compensation of \$1,324.03, for the period of time from July 1, 2011 until December 31, 2011 only, be executed as presented.

Dated this _____ day of _____, 20 11

Chairman of the Board

Chairman of the Board

Chairman Pro-Tem

Chairman Pro-Tem

Member

Member

Constituting the Board of County
Commissioners, Benton County
Washington

Constituting the Board of County
Commissioners, Franklin County
Washington

Attest: _____
Clerk of the Board

Attest: _____
Clerk of the Board

cc: Originals – Juvenile, Darin Campbell
Copy – OPD, Franklin County, R. Ozuna, Auditor, Superior Court

JUDGES
Hon. Craig J. Matheson
Hon. Vic L. VanderSchoor
Hon. Robert G. Swisher
Hon. Carrie Runge
Hon. Cameron Mitchell
Hon. Bruce Spanner

BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER

SHARON PARADIS, Administrator
Juvenile Court Services

SUPERIOR COURT OF THE STATE OF WASHINGTON

5606 W CANAL PLACE, SUITE 106 • KENNEWICK, WASHINGTON 99336-1388
PHONE (509) 783-2151 • FAX (509) 736-2728

LONNA K. MALONE
JOSEPH R. SCHNEIDER
JERRI G. POTTS
Court Commissioners

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL REPRESENTATIVE TO INDIGENT PERSON IN BENTON-FRANKLIN COUNTIES JUVENILE COURT DIVISION BFJC1112DRC001A

This Amendment to Professional Services Agreement (the "Amendment") is entered into by and between Darin R Campbell attorney at law, Washington State Bar Association #23053 (Attorney); and **BENTON COUNTY** and **FRANKLIN COUNTY**, state of Washington political subdivisions (jointly the "Counties"), for and on behalf of the Benton-Franklin Counties Juvenile Justice Center, a bi-county agency ("Juvenile Justice Center").

In consideration of the mutual benefits and covenants contained herein and in the parties' existing Professional Service Agreement between Attorney and the Counties, designated as BFJC1112DRC001 (corresponding to Benton County Resolution No. 10 705 and executed on November 22, 2010, and Franklin County Resolution No. 2010 360 and executed on December 1, 2010), hereinafter referred to as the "Existing PSA", the parties agree **Section 7, Number of Appointments** and **Section 11.a., Compensation**, of said Existing PSA shall be amended by being replaced with the following:

7. **NUMBER OF APPOINTMENTS.** During the term of this Agreement, Attorney agrees to and shall accept appointments to represent indigent persons in Civil Proceedings up to a floating caseload maximum of **45 open cases** pending at any given time (exclusive of BECCA cases/matters, which shall not be counted towards such floating caseload maximum). Truancy Board representation, being separately compensated, shall not count toward this maximum caseload. For the period of time commencing July 1, 2011 and ending December 31, 2011 only, Attorney shall accept additional cases amounting to **15 additional open cases** at any given time, for a total of **60 open cases** at any given time.

11. **COMPENSATION.**

a. As compensation for Attorney's performance and rendering of independent professional legal services, the Counties shall pay Attorney, as

AGENDA ITEM: Consent	TYPE OF ACTION NEEDED	
MEETING DATE: B-C 06/20/11 F-C 06/29/11	Executive Contract <u>xx</u>	CONSENT AGENDA xx
SUBJECT: Personal Service Contract with Julie Elmenhurst dba Elmenhurst Counseling, Inc.	Pass Resolution <u>xx</u>	PUBLIC HEARING
Prepared By: Donna A. Lee	Pass Ordinance	1ST DISCUSSION
Reviewed By: Sharon Paradis	Pass Motion	2ND DISCUSSION
	Other	OTHER

BACKGROUND INFORMATION

The Benton-Franklin Counties Juvenile Justice Center desires to contract with Julie Elmenhurst DBA Elmenhurst Counseling, LLC to provide Functional Family Therapy to youth as ordered by the Court. The attached personal services contract with Julie A. Elmenhurst dba Elmenhurst Counseling, LLC has been written to provide for the services as outlined in the Evidence Based Program Expansion contract between the Juvenile Court and the State of Washington.

SUMMARY

The actual costs for Functional Family Therapy are outlined in the attached contract and paid from state funds. The term of the personal services contract coincides with the Evidence Based Expansion Program biennium contract and runs from July 1, 2011 through June 30, 2013.

RECOMMENDATION

We recommend that the Board of Commissioners of Benton County and the Board of Commissioners of Franklin County sign the Personal Services Contract between Julie A. Elmenhurst dba Elmenhurst Counseling, LLC and Benton-Franklin Counties Juvenile Justice Center for services.

FISCAL IMPACT

These are state funds whereby we are reimbursed for services and are incorporated in the Juvenile Court's budget.

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 personal service contract with Julie A. Elmenhurst dba Elmenhurst Counseling, LLC.

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 PERSONAL SERVICES CONTRACT BETWEEN THE JUVENILE JUSTICE CENTER AND JULIE A. ELMENHURST, DBA ELMENHURST COUNSELING, LLC and

WHEREAS, Sharon A. Paradis, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the Personal Services Contract between Julie A. Elmenhurst, DBA Elmenhurst Counseling, LLC and Benton-Franklin Counties Juvenile Justice Center be approved as presented for a term commencing July 1, 2011 and terminating on June 30, 2013, for a maximum total amount payable by the Counties not to exceed One Hundred Forty Thousand Dollars (\$140,000.00) 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 Personal Services Contract.

DATED this 20th day of June 2011
BENTON COUNTY BOARD OF COMMISSIONERS

DATED this 29th day of June 2011
FRANKLIN COUNTY BOARD OF COMMISSIONERS

Chairman of the Board

Chairman of the Board

Member

Chairman Pro Tem

Member

Member

Constituting the Board of
County Commissioners,
Benton County, Washington

Constituting the Board of
County Commissioners,
Franklin County, Washington

Attest:

Attest:

Clerk of the Board

Clerk of the Board

JUDGES

Hon. Craig J. Matheson
Hon. Vic L. VanderSchoor
Hon. Robert G. Swisher
Hon. Carrie Runge
Hon. Cameron Mitchell
Hon. Bruce Spanner

BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER



SHARON PARADIS, Administrator
Juvenile Court Services

SUPERIOR COURT OF THE STATE OF WASHINGTON

5606 W CANAL PLACE, SUITE 106 • KENNEWICK, WASHINGTON 99336-1388
PHONE (509) 783-2151 • FAX (509) 736-2728

LONNA K. MALONE
JOSEPH R. SCHNEIDER
JERRI G. POTTS
Court Commissioners

PERSONAL SERVICES CONTRACT BETWEEN BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER AND JULIE A. ELMENHURST, DBA ELMENHURST COUNSELING, LLC

This Contract is made and entered into by and between Benton County, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 and Franklin County, a political subdivision, with its principal offices at 1016 North Fourth Avenue, Pasco, WA 99301, by and for the Benton-Franklin Counties Juvenile Justice Center, a bi-county agency located at 5606 W. Canal Place STE 106, Kennewick, WA 99336-1388 (hereinafter collectively referred to as "Counties"), and Julie A. Elmenhurst, DBA Elmenhurst Counseling, LLC, with its principal office at 1030 N. Center Parkway, Kennewick, Washington, 99336 (hereinafter referred to as "Contractor").

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

1. DURATION OF CONTRACT

The term of this Contract shall be July 1, 2011 through 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 expiration date.

2. SERVICES PROVIDED

- A. The Contractor will provide Functional Family Therapy (FFT) to youth referred by the Counties in accordance with the FFT model. This includes, but is not limited to:
1. Concepts and practice contained in the most recent Blueprints for Violence Prevention: Functional Family Therapy.
 2. Providing eligible moderate to high-risk youth and families with an average of twelve (12) sessions of family therapy that focuses on identifying obtainable goals and developing a behavior change program for the family.

9

AGENDA ITEM: Consent	TYPE OF ACTION NEEDED Executive Contract <u>xx</u> Pass Resolution <u>xx</u> Pass Ordinance Pass Motion Other	CONSENT AGENDA <u>xx</u>
MEETING DATE: B/C 06-20-11 F/C 06-29-11		PUBLIC HEARING
SUBJECT: BFJJC & KSD Detention Alternative School Program		1ST DISCUSSION
Prepared By: Donna A. Lee		2ND DISCUSSION
Reviewed By: Sharon Paradis		OTHER

BACKGROUND INFORMATION

RCW 13.04.145 provides, "A program of education shall be provided for by the several counties and school districts of the state for common school age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in RCW 28A.190.030 through 28A.190.060 respecting programs of education for states residential school residents...."

The District, with funding from the Office of Superintendent of Public Instruction (OSPI); provides regular teaching and educational services to youth detained or ordered to a detention alternative school program at the Benton-Franklin Counties Juvenile Justice Center Detention School Program.

SUMMARY

This Agreement sets forth the mutual obligations and rights of the parties with respect to services provided by the District to juvenile offenders in Benton and Franklin Counties pursuant to RCW Ch. 28A.190 and RCW 13.04.145.

RECOMMENDATION

We recommend that the Boards of County Commissioners of Benton and Franklin Counties sign the Interlocal Agreement with the Kennewick School District.

FISCAL IMPACT

There is no fiscal impact to either county nor the BFJJC.

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 Interlocal Agreement with the Kennewick School District.

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 BOARDS OF BENTON AND FRANKLIN COUNTY COMMISSIONERS ON THE INTERLOCAL AGREEMENT BETWEEN THE JUVENILE JUSTICE CENTER AND THE KENNEWICK SCHOOL DISTRICT TO PROVIDE FOR REGULAR TEACHING AND EDUCATIONAL SERVICES TO YOUTH DETAINED OR ORDERED TO A DETENTION ALTERNATIVE SCHOOL PROGRAM AT THE BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER, and

WHEREAS, Sharon Paradis, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the proposed Interlocal Agreement between the Juvenile Court and the Kennewick School District be approved as presented for a term commencing on September 1, 2011, and terminating on August 31, 2013, 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 hereby are authorized to sign, on behalf of their respective county, the Contract between the Juvenile Court and the Kennewick School District shall be for a period commencing September 1, 2011, and terminating on August 31, 2013.

DATED this day 20th of June 2011

DATED this 29th day of June 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

Interlocal Agreement Between Benton and Franklin Counties

and

Kennewick School District #17

1. Parties

- 1.1. This Interagency Agreement (Agreement) is entered by and between Benton and Franklin Counties, political subdivisions of the State of Washington (Counties) on behalf of the Benton/Franklin Counties Superior Court, Juvenile Division/Benton-Franklin Counties Juvenile justice Center (BFJJC) and Kennewick School District #17, a municipal corporation of the State of Washington (District). The parties are located in and exist under the laws of the State of Washington.

2. Purpose and Recitals

- 2.1. Authority. This Agreement is entered into under the Interlocal Cooperation Act, RCW Ch. 39.34 and, in accordance with RCW 39.32.040, shall be filed with the County Auditor or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source prior to its entry into force.
- 2.2. Background. RCW 13.04.145 provides, "A program of education shall be provided for by the several counties and school districts of the state for common school age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in RCW 28A.190.030 through 28A.190.060 respecting programs of education for state residential school residents....."

The District, with funding from the Office of Superintendent of Public Instruction (OSPI), provides regular teaching and educational services to youth detained or ordered to a detention alternative school program at the Benton-Franklin counties Juvenile justice Center Detention School Program (Program).

- 2.3. Purpose. This Agreement sets forth the mutual obligations and rights of the parties with respect to services provided by the District to juvenile offenders in Benton and Franklin Counties pursuant to RCW Ch. 28A.190 and RCW 13.04.145.

3. Responsibilities of the County

- 3.1. Compliance With Statute. The counties shall comply with all applicable federal, state and local laws, rules and regulations in performing its duties under this Agreement.
- 3.2. Program Management. The Counties shall support the operation of the Program by providing appropriate staffing of custody officers, space for school operation and administration, telephonic communication equipment, and furnishings.
- 3.3. Operational Component. The Counties shall develop and implement safety policies for the Program.

AGENDA ITEM: Consent	TYPE OF ACTION	CONSENT AGENDA <u>xx</u> PUBLIC HEARING 1ST DISCUSSION 2ND DISCUSSION OTHER
MEETING DATE: B/C 06-20-11 F/C 06-29-11	NEEDED	
SUBJECT: Personal Services Contract between BFJJC and Michael Henry, MS, ABS.	Executive Contract <u>xx</u>	
Prepared By: Donna A. Lee	Pass Resolution <u>xx</u>	
Reviewed By: Sharon Paradis	Pass Ordinance	
	Pass Motion	
	Other	

BACKGROUND INFORMATION

Michael Henry, MS, ABS, has been providing the following services for a number of years: (A) Individual and Family Counseling; (B) Special Sex Offender Disposition Alternative (SSODA) Assessments; (C) Sex Offender Assessments; (D) Group Sex Offender Counseling; and (E) SSODA quarterly report on each SSODA client.

SUMMARY

The attached contract is for the term of July 1, 2011 through June 30, 2013, which runs concurrent with the DSHS/JRA Consolidated Juvenile Services contract.

RECOMMENDATION

I recommend that the both the Benton County and Franklin County Boards of Commissioners sign the Resolution and Personal Services Contract with Michael Henry, MS, ABS.

FISCAL IMPACT

These services are paid from state funds under the SSODA treatment program. There is no fiscal impact to the county budgets.

MOTION

I move 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 Contract between the Juvenile Justice Center and Michael Henry for the period commencing July 1, 2011 and terminating June 30, 2013.

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 PERSONAL SERVICES CONTRACT BETWEEN THE JUVENILE JUSTICE CENTER AND MICHAEL HENRY, MS, ABS, and

WHEREAS, Sharon A. Paradis, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the Personal Services Contract between Michael Henry, MS, ABS, and Benton-Franklin Counties Juvenile Justice Center be approved as presented for a term commencing July 1, 2011 and terminating on June 30, 2013, for a maximum total amount payable by the Counties not to exceed Sixty-Five Thousand Dollars (\$65,000.00) 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 Personal Services Contract.

DATED this 20th day of June 2011
BENTON COUNTY BOARD OF COMMISSIONERS

DATED this 29th day of June 2011
FRANKLIN COUNTY BOARD OF COMMISSIONERS

Chairman of the Board

Chairman of the Board

Member

Chairman Pro Tem

Member

Constituting the Board of
County Commissioners,
Benton County, Washington

Attest:

Member

Constituting the Board of
County Commissioners,
Franklin County, Washington

Attest:

Clerk of the Board

Clerk of the Board

JUDGES

Hon. Craig J. Matheson
Hon. Vic L. VanderSchoor
Hon. Robert G. Swisher
Hon. Carrie Runge
Hon. Cameron Mitchell
Hon. Bruce Spinner

BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER



SHARON PARADIS, Administrator
Juvenile Court Services

SUPERIOR COURT OF THE STATE OF WASHINGTON

5606 W CANAL PLACE, SUITE 106 • KENNEWICK, WASHINGTON 99336-1388
PHONE (509) 783-2151 • FAX (509) 736-2728

LONNA K. MALONE
JOSEPH R. SCHNEIDER
JERRI G. POTTS
Court Commissioners

PERSONAL SERVICES CONTRACT BETWEEN BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER AND MICHAEL HENRY, MS, ABS.

This Contract is made and entered into by and between Benton County, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 and Franklin County, a political subdivision, with its principal offices at 1016 North Fourth Avenue, Pasco, WA 99301, by and for the Benton-Franklin Counties Juvenile Justice Center, a bi-county agency located at 5606 W. Canal Place STE 106, Kennewick, WA 99336-1388, (hereinafter collectively referred to as "Counties"), and Michael Henry, MS, ABS. with his principal offices at PO Box 429, Richland, WA, 99352-0429 (hereinafter referred to as "Contractor").

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

1. DURATION OF CONTRACT

The term of this Contract shall be July 1, 2011, through 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 expiration date.

2. SERVICES PROVIDED

A. Pursuant to RCW 13.40.160, the Contractor shall provide the following services for selected first-time, adjudicated sex offenders:

1. Assess offenders prior to disposition of a sex offense to determine amenability to treatment and risk to the community. The assessment shall be completed by the Washington State certified sex offender treatment provider and shall include:
 - a. Respondent's version of the facts;
 - b. Official version of the facts;
 - c. Respondent's offense history;
 - d. Assessment of problems in addition to the alleged deviant behaviors;
 - e. Respondent's, social, educational, and employment situation;
 - f. Other evaluation measures used; and
 - g. Amenability to treatment and risk to the community.

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>		
Meeting Date:	June 20, 2011	Execute Contract	<u> X </u>	Consent Agenda <u> X </u>
Subject:	SARC Lease Agreement	Pass Resolution	<u> X </u>	Public Hearing <u> </u>
Prepared by:	Ryan Brown	Pass Ordinance	<u> </u>	1st Discussion <u> </u>
Reviewed by:	Ryan Brown	Pass Motion	<u> </u>	2nd Discussion <u> </u>
		Other	<u> </u>	Other <u> </u>

BACKGROUND INFORMATION

The County, the Sexual Assault Response Center (SARC) and Ted and Amy Wong entered into a certain Lease Agreement on June 6, 2006, for the premises located within the City of Kennewick, commonly known as 830 N. Columbia Center Blvd., Ste. H.

SUMMARY

The parties desire to modify the Lease which expires June 30, 2011 and extend the lease for a period of 36 months to terminate June 30, 2014.

RECOMMENDATION

Approve and sign the Resolution and Lease Agreement.

MOTION

Move to approve and pass the Resolution and authorize the Chairman to sign the Lease Agreement among Benton County, SARC and Ted and Amy Wong.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY,
WASHINGTON:

IN THE MATTER OF THE LEASE AGREEMENT DATED JUNE 20, 2011, BETWEEN
TED AND AMY WONG AND SEXUAL ASSAULT RESPONSE CENTER AND BENTON
COUNTY

BE IT HEREBY RESOLVED that the Chairman of the Board of Commissioners is authorized to sign the Lease Amendment among Ted and Amy Wong, the Sexual Assault Response Center and Benton County, in the form attached hereto, on behalf of the Board of Benton County Commissioners.

Dated this day of, 2011

Chairman of the Board

Member

Member

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

Attest:

Clerk of the Board

cc: PA-Ozuna, PA-Ault

LEASE AMENDMENT

THIS LEASE AMENDMENT is made and entered into this 15th day of June 2011 by and between Ted and Amy Wong (hereinafter referred to as "Landlord") and Sexual Assault Response Center (SARC), A Washington Nonprofit Corporation and The County of Benton Washington (hereinafter referred to as "Tenant").

WITNESSETH

WHEREAS, Landlord and Tenant have entered into a certain Lease Agreement June 6th, 2006 (hereinafter referred to as "Lease"), wherein Landlord leased and demised to Tenant certain premises located within the City of Kennewick, County of Benton, State of Washington, and commonly known as 830 N Columbia Center Blvd, Suite H Kennewick, Wa 99336; and

WHEREAS, the parties desire modify the Lease

NOW THEREFORE, in consideration of the foregoing, the mutual covenants herein contained and of good, lawful and valuable considerations moving to and received by each of the parties to be bound hereby, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant agree as follows:

1. Term: The primary term of the Lease expires June 30th, 2011, Landlord and Tenant desire to extend the Lease for a period of thirtysix months (36) months Commencing July 1, 2011 and Terminating June 30, 2014.
2. Minimum Rent: Tenant agrees the minimum rent shall be: July 1, 2011 through June 30th, 2012 \$4,007.80 – July 1, 2012 through June 30, 2013 \$4,087.95 – July 1, 2013 through June 30th 2014 \$4,169.77 per month.
3. Landlord's Work: Landlord agrees to replace carpet in all hallways and entry area at Owner Expense.
4. Assigned Parking: Landlord agrees to assign 3 parking stalls directly in front of tenant's space for "SARC Client Parking Only".
5. Effect of this Document: This Lease Amendment shall operate to amend the Lease only to the extent that the terms of the Lease are inconsistent with the provision of this Lease Amendment, except as amended or modified by this Lease Amendment, all terms and conditions of the Lease shall remain in full force and effect and Landlord and Tenant shall be bound thereby.

IN WITNESS WHEREOF, the parties have executed this Lease Amendment on the corresponding dates shown below.

TENANT
SEXUAL ASSUAL REPSONSE

LANDLORD
TED AND AMY WONG

By: Jodee Aronson
Sexual Assault Response Center
Title: Exec. Director 10/10/11
Date

By: Ted Wong 6/12/2011
Ted Wong Date

By: _____
The County of Benton Date
Title _____

By: Amy Wong 6-12-11
Amy Wong Date

Approved as to form: Ryan K Brown

NOTARY ATTACHED

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION</u>			
Meeting Date :	<u>June 20, 2011</u>	Execute Contract :	_____	Consent Agenda :	<u>X</u>
Subject :	<u>Speed Limit Res.</u>	Pass Resolution :	<u>X</u>	Public Hearing :	_____
Prepared by :	<u>NWC</u>	Pass Ordinance :	_____	1st Discussion :	_____
Reviewed by :	<u>SWB</u>	Pass Motion :	_____	2 nd Discussion :	_____
		Other :	_____	Other :	_____

BACKGROUND INFORMATION

This department has received several calls from county residents living adjacent to Sagebrush Road just south of Kennewick in Benton County. Local residents are concerned with the build up of many new residences that speeding traffic through their neighborhood has caused several near-miss accidents.

Sagebrush is a local rural residential road with many new homes adjacent. A traffic study was conducted and the 85th percentile speed on Sagebrush (the predominant factor in the Manual on Uniform Traffic Control Devices used to establish speed limits) is approx. 40.1 mph.

Sagebrush Road currently has a speed limit of 50 MPH. All roads in this area have established speed limits of 35 MPH.

The appropriate speed would be 35 MPH to remain consistent with similar roads in the area and near to the 85th percentile speed. Local residents have requested that the speed limit be established at 35 MPH.

SUMMARY

The appropriate speed limit for this local residential road is 35 MPH. Sagebrush Road serves a growing residential development in this area.

Sagebrush Road meets the MUTCD guidelines for a speed limit of 35 MPH.

RECOMMENDATION

In order to promote safety on Benton County roads I would recommend that the BOCC establish a speed limit of 35 MPH on Sagebrush Road from Summit View Dr. east to Cottonwood Dr. (approx. 1.1 mi.).

FISCAL IMPACT

Budgeted routine traffic control device materials and installation.

MOTION

Approval of consent agenda.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

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

Establish speed limit on Sagebrush Road from Summit View Dr. east to Cottonwood Dr. (approx. 1.1 mi.).

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

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

That it shall be unlawful for the operator of any vehicle to exceed 35 MPH on Sagebrush Road from Summit View Dr. east to Cottonwood Dr. (approx. 1.1 mi.).

This resolution shall be effective June 20, 2011.

Dated this 20th day of June, 2011.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Attest : _____
County Clerk of the Board

Constituting the Board of
Commissioners of Benton County,
Washington.

SWB:NWC:nwc

K

RESOLUTION

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

IN THE MATTER OF COUNTY FRANCHISES RE: GRANTING A FRANCHISE TO ANTONIO HERMOSILLO, FOR A FRANCHISE FOR IRRIGATION LINES FACILITIES, LOCATED IN BENTON COUNTY;

WHEREAS, a public hearing was held to consider the request of Antonio Hermosillo, who has applied to continue a nonexclusive franchise for irrigation lines and facilities in unincorporated Benton County, and

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

1. The term of the franchise shall be a ten year (10) period, expiring June 30, 2021, with an associated cost of \$500.00;
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County yearly;
3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way, including noxious weed control;
4. Should Benton County require utility relocation work because of road construction or maintenance, said work shall be at the Grantee's expense;
5. The franchise is nonexclusive;
6. The Grantee is to sign the Order and Agreement for Nonexclusive Franchise;

WHEREAS, Antonio Hermosillo has agreed to the terms and has signed the Order and Agreement for Nonexclusive Franchise, said Order having been approved as to form by the Prosecuting Attorney's Office, NOW, THEREFORE

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

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY ROADS RE: EXTENSION OF CONTRACT FOR CARD LOCK SERVICE FOR GASOLINE AND DIESEL FUEL

WHEREAS, by resolution 09-433 dated June 29, 2009, the Contract for the Purchase of Card Lock Service for Gasoline and Diesel Fuel with Wondrack Distributing, Inc., Kennewick, Washington, was executed; and

WHEREAS, Appendix A of said contract allows for renewal of the contract for one-year periods; NOW, THEREFORE,

BE IT RESOLVED that the Contract for Card Lock Service for Gasoline and Diesel Fuel with Wondrack Distributing, Inc., be renewed for a one-year period, from July 1, 2011 through June 30, 2012; and

BE IT FURTHER RESOLVED that the Chairman is hereby authorized to sign a letter of agreement to renew said contract.

Dated this 20th day of June, 2011

Chairman of the Board.

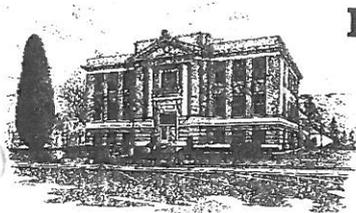
Chairman Pro-Tem.

Member.

Attest: _____
Clerk of the Board

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

SWB:LJM:slc



**Board of County Commissioners
BENTON COUNTY**

P.O. Box 190 • Prosser, WA 99350-0190
Phone (509) 786-5600 or (509) 736-3080
Fax (509) 786-5625

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

June 20, 2011

Chuck Vannoy, Fuel Manager
WONDRACK DISTRIBUTING INC.
P O Box 2775
Kennewick, WA 99336

RE: Card Lock Service
Gasoline and Diesel Fuel

This letter is written to renew the contract with Wondrack Distributing, Inc., for Card Lock Service for Gasoline and Diesel Fuel.

Pursuant to Item 10 of Appendix A to the contract for card lock service for gasoline and diesel fuel, Benton County agrees that the contract be renewed for an additional one-year term, effective July 1, 2011 through June 30, 2012.

By signing below, Wondrack Distributing, Inc., agrees to the renewal of the agreement for one year. If this is acceptable to you, please sign and return this letter within one week.

Thank you for your consideration in this matter.

Leo M. Bowman, Chairman
Board of County Commissioners

FOR WONDRACK DISTRIBUTING, INC.,

Signature

Date

m

BENTON COUNTY AGENDA ITEM

AGENDA ITEM: _____	Type of Action		
MEETING DATE: 06/20/00 9:05AM	Execute Contract	_____	CONSENT AGENDA <u>X</u>
SUBJECT: Line Item Transfer	Pass Resolution	<u>X</u>	PUBLIC HEARING _____
_____	Pass Ordinance	_____	1 ST DISCUSSION _____
_____	Pass Motion	_____	2 ND DISCUSSION _____
Prepared By: Pat Austin	Other	_____	OTHER _____
Reviewed By: L. Smith-Kelty	Approve for Hearing	_____	_____

BACKGROUND INFORMATION

Under the new travel policy employees are to use county vehicles, if available, when conducting business away from the office. The above transfers allow for payment of gasoline, oil, lube and minor repairs to the vehicle.

SUMMARY

See attached line item transfer spreadsheet itemizing the transfers

RECOMMENDATION

Recommend approval.

FISCAL IMPACT

No impact at this time.

MOTION

I move to approve Resolution No. _____ authorizing line item transfers in the amount of \$2,000.00 as outlined on Exhibit "A" of the Resolution.

P. Austin 6/14/11

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN
CURRENT EXPENSE FUND NUMBER 0000101, DEPARTMENT NUMBER 123.

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

Dated this _____ day of _____, _____

Chairman of the Board

Member

Member

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

Attest: _____
Clerk of the Board

cc: Commissioners; Auditor; File, Superior Court

GILES

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Superior Court Dept Nbr: 123
 Fund Name: Current Expense Fund Nbr: 0000101

TRANSFER FROM: Superior Court Family Court Services TRANSFER TO: Superior Court Family Court Services

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
512.211	4103	Professional Services	\$1,000	512.211	9802	ER&R Vehicle Repairs	\$1,000
512.211	4301	Travel	\$1,000	512.211	3103	Oil & Lube	1,000
TOTAL			\$2,000	TOTAL			\$2,000

Explanation: Under the new travel policy employees are to use county vehicles, if available, when conducting business away from the office. The above transfers allow for payment of gasoline, oil, lube and minor repairs to the vehicle.

Prepared by: Patricia Austin, Superior Court Administrator Date: June 13, 2011

Approved Denied Date: _____

Chairman

Member

Member

n

BENTON COUNTY AGENDA ITEM

AGENDA ITEM: _____	Type of Action		
MEETING DATE: 06/20/11 9:05am	Execute Contract	_____	CONSENT AGENDA <u> X </u>
SUBJECT: Trial Court Improvement	Pass Resolution	<u> X </u>	PUBLIC HEARING _____
	Fund Expenditure Request	_____	1 ST DISCUSSION _____
	Pass Ordinance	_____	2 ND DISCUSSION _____
	Pass Motion	_____	OTHER _____
Prepared By: Pat Austin	Other	_____	
Reviewed By: L. Smith-Kelty	Approve for Hearing	_____	

BACKGROUND INFORMATION

The Trial Court Improvement Committee is presenting additional expenditures to the 2011-2012 planned expenditure request approved and recommended by the Trial Court Improvement Committee. Please see attached letter.

SUMMARY

RECOMMENDATION

Recommend approval of expenditure and resolution.

FISCAL IMPACT

None – expenditures paid through the trial court improvement monies. Trial Court Improvement has a budget of \$240,000 for 2011-2012.

MOTION

Move to approve the recommended expenditures from the Trial Court Improvement Funds and Resolution No. _____ in the matter of authorizing purchases as identified on the letter from the Trial Court Improvement Fund Committee for expenditures totaling \$13,075.00, utilizing funds from the Benton County Trial Court Improvement Fund.

P. Austin 6/14/11

RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZING PURCHASES AS IDENTIFIED ON THE LETTER FROM THE TRIAL COURT IMPROVEMENT FUND COMMITTEE FOR ADDITIONAL EXPENDITURES FOR 2011 AND 2012 TOTALING \$13,075.00, UTILIZING FUNDS FROM THE BENTON COUNTY TRIAL COURT IMPROVEMENT FUND

WHEREAS, the Benton County Board of Commissioners received a letter from the Trial Court Improvement Committee requesting authorization for additional expenditures for 2011 and 2012 totaling \$13,075.00; and

WHEREAS, Benton County District Court, Superior Court and the County Clerk desire to purchase equipment for their respective offices as identified on the attached letter; and

WHEREAS, the Board of Benton County Commissioners constitutes the legislative authority of Benton County and deems this to be in the best interest of the County;

NOW THEREFORE, BE IT RESOLVED that the Board of Benton County Commissioners hereby approves the purchases as identified on the attached letter from the Trial Court Improvement Fund Committee for additional expenditures totaling \$13,075.00, utilizing funds from the Trial Court Improvement Fund, 0156-101; and,

Dated this day of, 20

Chairman of the Board

Chairman Pro-Tem

Member

Attest:
Clerk of the Board

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



BENTON COUNTY AGENDA ITEM

AGENDA ITEM:			
MEETING DATE:	06/20/11 9:05am	Type of Action	
SUBJECT:	Trial Court Improvement	Execute Contract	<input type="checkbox"/> CONSENT AGENDA
	Fund Line Item Transfers	Pass Resolution	<input checked="" type="checkbox"/> PUBLIC HEARING
		Pass Ordinance	<input type="checkbox"/> 1 ST DISCUSSION
		Pass Motion	<input type="checkbox"/> 2 ND DISCUSSION
Prepared By:	Pat Austin	Other	<input type="checkbox"/> OTHER
Reviewed By:	L. Smith-Kelty	Approve for Hearing	<input type="checkbox"/>

BACKGROUND INFORMATION

The Superior Court will present a Line Item Transfer request to appropriately coincide with expenditures recommended by the Trial Court Improvement Committee and approved by the Benton County Commissioners. Please see attached resolution and line item transfer form.

SUMMARY

RECOMMENDATION

Recommend approval of line item transfers and resolution.

FISCAL IMPACT

None – expenditures paid through the Trial Court Improvement monies.

MOTION

Move to approve the recommended line item transfers within the Trial Court Improvement Funds and Resolution No. _____ in the matter of the Trial Court Improvement Committee intra-fund line item transfers to comply with the County Auditor's directive.

P. Austin 6/14/11

RESOLUTION NO. _____

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

**IN THE MATTER OF THE TRIAL COURT IMPROVEMENT COMMITTEE
INTRA-FUND LINE ITEM TRANSFERS TO COMPLY WITH THE COUNTY
AUDITOR'S DIRECTIVE WITH REGARD TO APPROVED EXPENDITURES**

WHEREAS, line items 512.815.4103, 6430, 9101, and 9305 are current Trial Court Improvement Fund expenditure line items; and,

WHEREAS, the Trial Court Improvement Committee has created two new line items, 594.120.6408, Capital Outlay and 594.120.9101, Data Process Administration, to appropriately coincide with approved expenditures as outlined on Attachment "A"; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Benton County Commissioners hereby approves the Trial Court Improvement Fund line item transfers as outlined on Attachment "A", in the amount of \$86,300.

DATED this day of, 20

Chairman of the Board

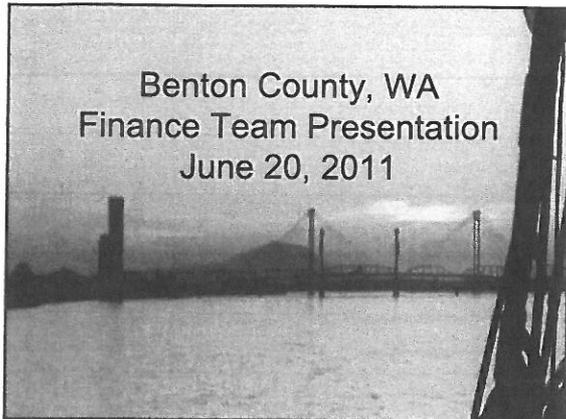
Member

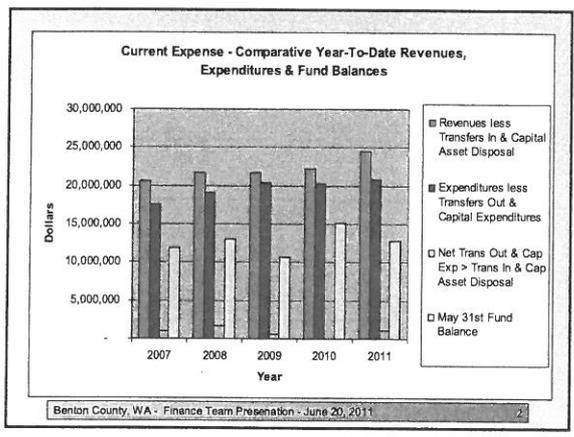
Member

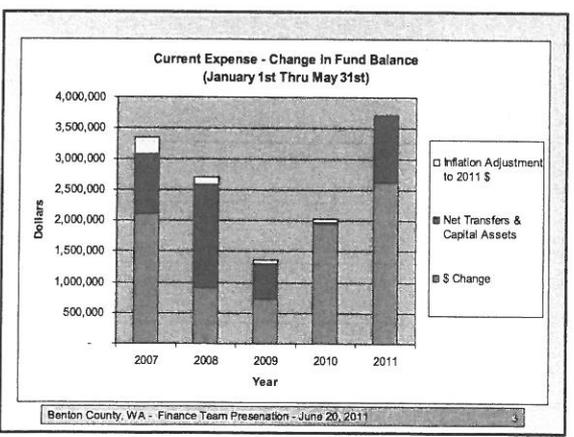
Attest:
Clerk of the Board

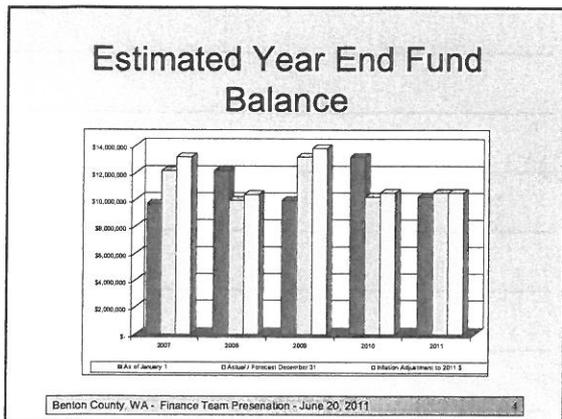
**Constituting the Board of County
Commissioners of Benton County,
Washington**

9:05

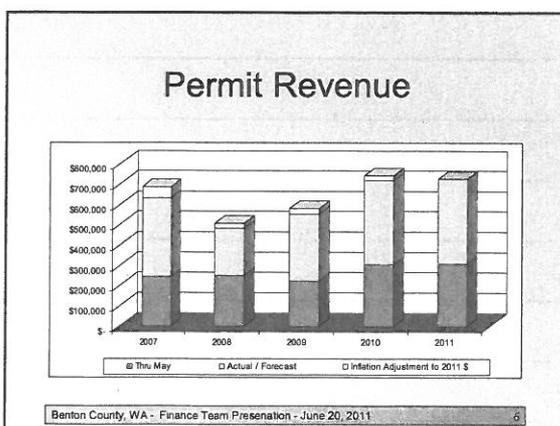




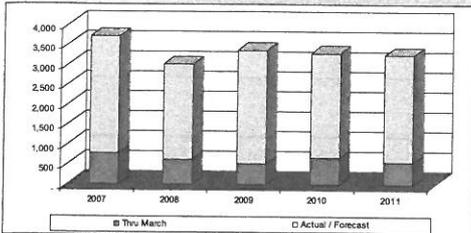




- ### Indicator Summary
- Comparing 2010 Actuals to 2011 Forecast
- ⇨ Building Permit Revenue
 - ⇨ Home Sales (New and Existing)
 - ⇨ Taxes (Property, Retail, & Excise)
 - ⇨ Inter Governmental Revenue (Grants and Contracts)
 - ⇩ Charges For Goods & Services
 - ⇩ Fines & Forfeitures
 - ⇩ Misc Revenue (Interest, Rent, and Interdepartmental)
 - ⇨ Operating Transfers-In
 - ⇨ Overall Current Expense Revenue
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Home Sales (New & Existing)



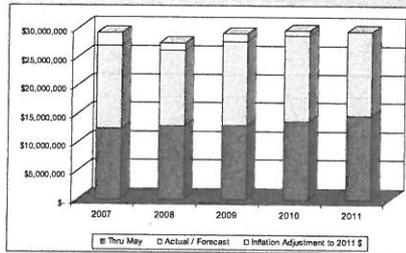
Historical data was provided by the Tri-City Realtor Association's Website. Forecast is based on the average homes sold over the last four years for a given month.

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Taxes

(Property Tax, Retail Sales & Use Tax, Excise Tax, and Penalty & Interest)

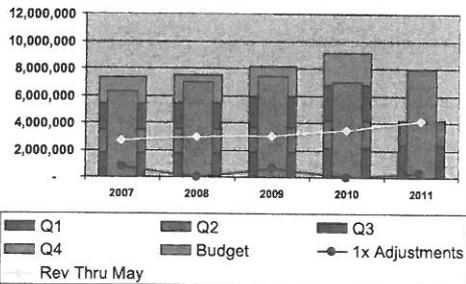


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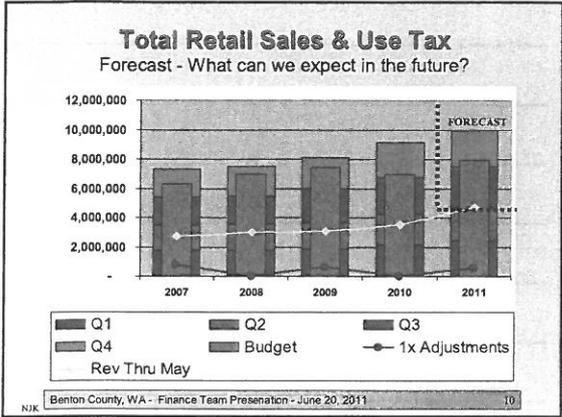
Total Retail Sales & Use Tax

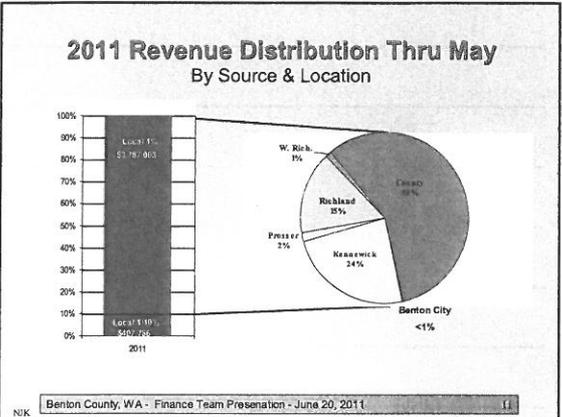
Where are we now?

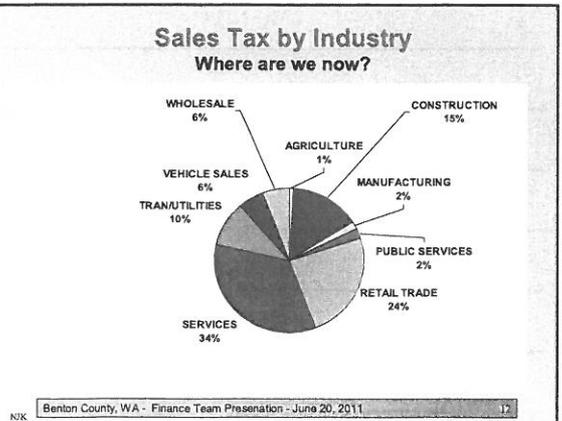


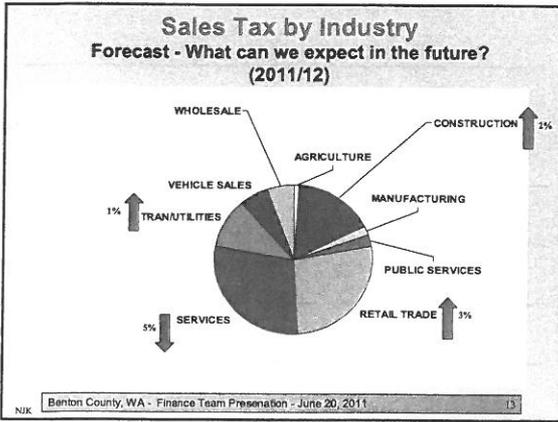
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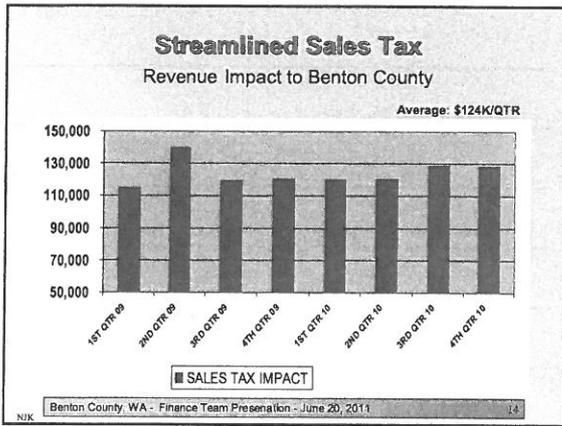
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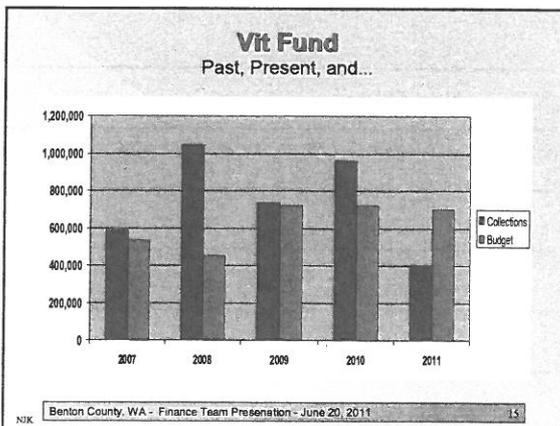


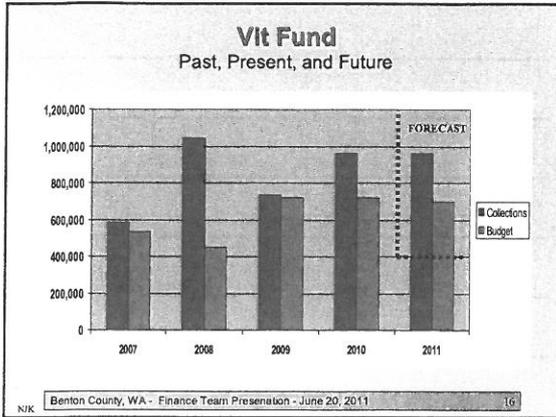


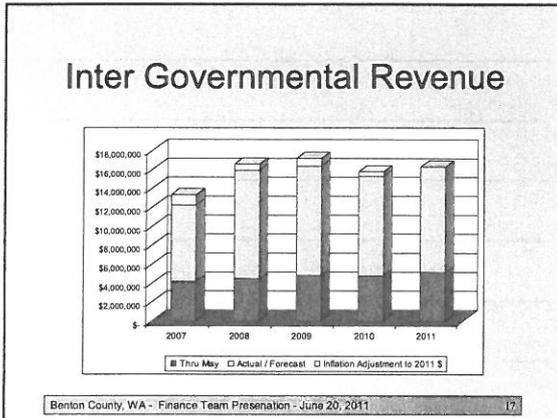


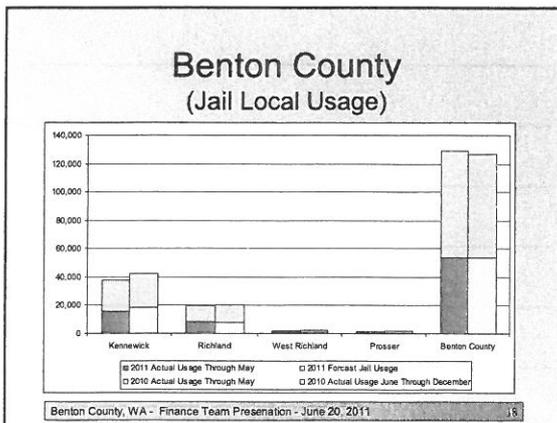




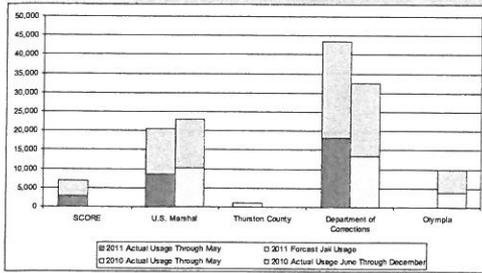






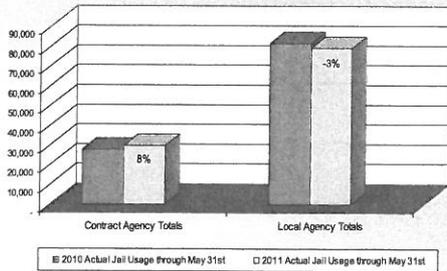


Benton County Jail (Contract Usage)



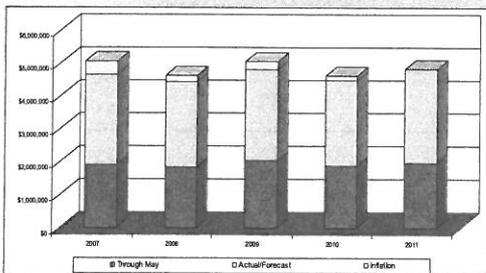
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Contract and Local Usage



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Benton County Jail (Total Contract Revenue)



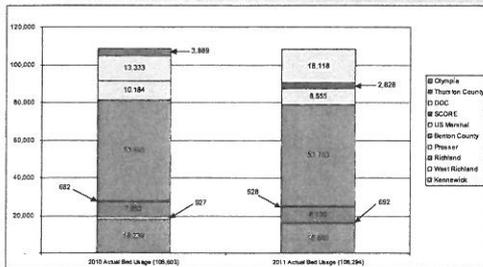
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2011 Bed Day Rate

2011 Billed Rate	\$ 62.80
Estimated Cost Per Prisoner Day (As of May 31, 2011)	\$ 57.05
Forecasted Cost Per Prisoner Day (As of December 31, 2011)	\$ 58.12
Forecasted Cost Per Prisoner Day (As of December 31, 2011) with 2% COLA	\$ 59.00

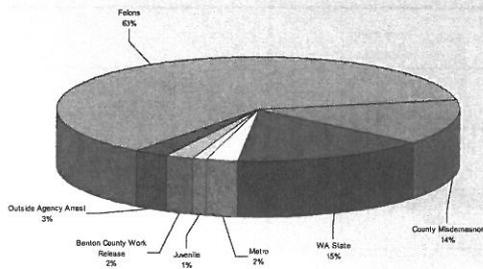
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Benton County Jail Usage (as of May 31, 2011)



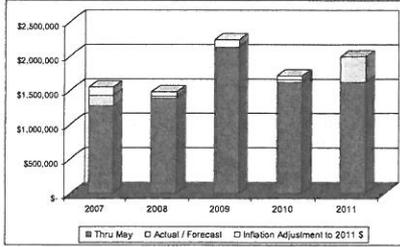
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Benton County Breakdown



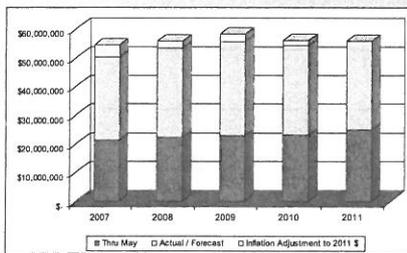
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Operating Transfers-In

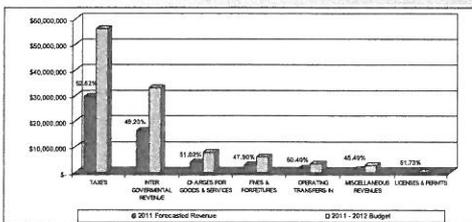


In 2009, there was a \$500k operating transfer from the VIT Fund.
 In 2011, \$343,138 will be transferred into Current Expense for the Gang Task Force.

Overall Revenue

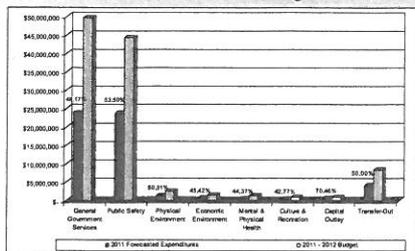


2011 Forecasted Revenue vs 2011 - 2012 Budget



Note: Current Expense only.

2011 Forecasted Expenditures vs 2011 - 2012 Budget

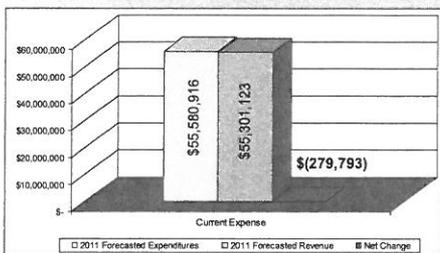


Note: Current Expense only.

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2011 Forecasted Expenditures vs 2011 Forecasted Revenue



Note: \$600k was removed from the forecasted revenue. This money is considered one-time money associated with retail sales and use tax from the ARRA stimulus money.

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