

March 14,
2011

THE BOARD OF
BENTON COUNTY
COMMISSIONERS
AGENDA PACKET

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Special Board Meeting
March 2, 2011, 9:00 a.m.
Commissioners' Conference Room
Benton County Justice Center, Kennewick, 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, Sustainable Development Manager; Finance Manager Keith Mercer; Planning Manager Mike Shuttleworth; DPA Ryan Brown; Jackie McWherter and Steve Brown, Building Department; Clark Posey and R.J. Lott, Planning; Fire Marshal Ken Williams.

Code Enforcement Workshop

The Board discussed code enforcement policy and the following recommendations for improvement:

- Elimination of current warning letter system and use of 30 day and/or case-by-case discretion
- Issue citations without sending to PA for prior review
- Request a meeting with initial warning letter in order to formulate a plan
- Establish increased communication with the complainant
- Continue to provide detailed reports to PA for those cases involving citations
- Establish/maintain improved communication with District Court Clerk regarding hearings
- Case-by-case basis/additional civil citations/criminal citations as needed

There was some further discussion regarding the possibility of levels of infractions, stop work orders, and giving the departments some authority to stop certain violations.

The Board agreed to move forward with the steps as outlined by the Building Department and to review the process again in six months. Additionally, the Board requested the Building/Planning Departments to bring forward solutions for the other issues that were discussed at another workshop.

There being no further business before the Board, the meeting adjourned at approximately 10:15 a.m.

Clerk of the Board

Chairman

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

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

Present: Chairman Pro Tem Shon Small
Commissioner James Beaver
County Administrator David Sparks
Clerk of the Board Cami McKenzie
Alt. Clerk of the Board Marilu Flores

Absent: Chairman Leo Bowman (excused)

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kely; Adam Fyall, Community Development Coordinator; Finance Manager Keith Mercer; Public Works Manager Steve Becken; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; Juvenile Administrator Sharon Paradis; Human Services Administrator Ed Thornbrugh; DPA Ryan Brown; Jackie McWherter, Code Enforcement; Sue Schuetze, Public Works; Treasurer Duane Davidson; Stuart Holmes, Auditor's Office; Dave Pettey, Sheriff's Office; Erhiza Rivera, Deputy Treasurer.

Workshop Agenda

There were not any workshop items to discuss so the Board recessed, reconvening at 9:00 a.m. for the regular session.

Approval of Minutes

The Minutes of February 28, 2011 were approved.
The Minutes of the special board meeting February 28, 2011 were approved.

Consent Agenda

Commissioner Beaver requested to pull item "t" - Setting of Public Hearing on the Creation of a County Road Improvement District (CRID 21).

MOTION: Commissioner Beaver moved to approve the consent agenda items "a" through "y", pulling "t". Commissioner Small seconded and upon vote, the Board approved the following:

Auditor

- a. Change of Precinct Boundaries Within Benton County

Commissioners

- b. Support Letter for Dept of Ecology's Office of Columbia River

District Court

- c. Lease Agreement w/Xerox Corporation for Copiers

Facilities

- d. Service Agreement w/Moon Security Services, Inc.
- e. Blanket Service Agreement w/Apollo Sheet Metal, Inc.

Fairgrounds

- f. Line Item Transfer, Fund No. 0124-101, Dept. 000
- g. Surplus of Personal Property
- h. Lease Agreement w/Gold Wing Road Riders Association, Inc.
- i. Lease Agreement w/The Society for Creative Anachronism, Inc.

Office of Public Defense

- j. Termination of District Court Professional Services Agreement w/S Johnson
- k. Superior Court Indigent Defense Services w/N Rodriguez

Parks

- l. Purchase Authorization of a Pump House Shed @ Two Rivers Park
- m. Purchase & Installation of a Restroom Facility @ Rattlesnake Mountain Shooting Facility

Personnel

- n. County Claim CC10-20
- o. County Claim CC10-21a-d

Planning

- p. Short Plat Vacation – SPV 11-01, Russel Wright

Public Works

- q. Establishing Speed Limit on Webber Canyon Road
- r. Contract Award for Bituminous Surface Treatment 2011
- s. Purchase Authorization of Trailer Mounted Jet Rodder
- u. Proposed Vacation of Unimproved Right of Way of Several Roads Due to the Intertie Project

Sheriff

- v. Agreement w/Benton County Emergency Services for Provisions of Work Crews
- w. Purchase Authorization from Crown Paper and Janitorial, Inc.
- x. Funding Application for Community Litter Cleanup Program Funds
- y. Personal Services Contract w/Telmate LLC for Inmate Phone Services

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

Item “t” Setting of Public Hearing (CRID 21)

Steve Becken, Sue Schuetze, and Duane Davidson explained they didn’t know what the actual costs were but the \$1.7 million was a high estimate. Mr. Davidson said they were putting forth the worst-case scenario and wanted to make sure bond costs were included. Also, he said the County did not traditionally charge for CRID collection, but there was an impact to his office, as well as the PA’s office and there was an RCW that allowed the Treasurer to collect a fee. He said he believed that Current Expense should be reimbursed for all costs for these bonds and asked the Board to allow him to run this special assessment by legal counsel. The Board agreed.

Mr. Becken said the resolution was only to set a public hearing to take testimony to make the decisions about the CRID, not to actually allow it at this time.

MOTION: Commissioner Beaver moved to approve the resolution setting a date and time for a public hearing on the creation of county road improvement district (CRID 21). Commissioner Small seconded and upon vote, the motion carried unanimously.

Unscheduled Visitors

Sharon Paradis presented a resolution and letter applying for a grant application for 2011 Comprehensive Anti-Gang Strategies.

MOTION: Commissioner Beaver moved to approve the letter and resolution as presented. Commissioner Small seconded and upon vote, the motion carried unanimously.

Claim for Damages

CC 2011-10: Received March 2, 2011 from Vickie Peterson

Vouchers

Check Date: 03/04/2011
Warrant #: 29551-29765
Total all funds: \$1,755,283.04

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

Resolutions

11-158	Change of Precinct Boundaries Within Benton County
11-159	Lease Agreement w/Xerox Corporation for Copiers
11-160	Service Agreement w/Moon Security Services, Inc.
11-161	Blanket Service Agreement w/Apollo Sheet Metal, Inc.
11-162	Line Item Transfer, Fund No. 0124-101, Dept. 000
11-163	Surplus of Personal Property - Fairgrounds
11-164	Lease Agreement w/Gold Wing Road Riders Association, Inc.
11-165	Lease Agreement w/The Society for Creative Anachronism, Inc.
11-166	Termination of District Court Professional Services Agreement w/S Johnson
11-167	Superior Court Indigent Defense Services w/N Rodriguez
11-168	Purchase Authorization of a Pump House Shed @ Two Rivers Park
11-169	Purchase & Installation of a Restroom Facility @ Rattlesnake Mountain Shooting Facility
11-170	Denial of County Claim CC10-20
11-171	Denial of County Claim CC10-21a-d
11-172	Short Plat Vacation – SPV 11-01, Russel Wright
11-173	Establishing Speed Limit on Webber Canyon Road

- 11-174 Contract Award for Bituminous Surface Treatment 2011
- 11-175 Purchase Authorization of Trailer Mounted Jet Rodder
- 11-176 Proposed Vacation of Unimproved Right of Way of Several Roads Due to the Intertie Project
- 11-177 Agreement w/Benton County Emergency Services for Provisions of Work Crews
- 11-178 Purchase Authorization from Crown Paper and Janitorial, Inc.
- 11-179 Funding Application for Community Litter Cleanup Program Funds
- 11-180 Personal Services Contract w/Telmate LLC for Inmate Phone Services
- 11-181 Setting a Date for Public Hearing – Creation of CRID 21
- 11-182 Approval of Letter for Grant Application – Anti-Gang Strategies and Programs

There being no further business before the Board, the meeting adjourned at approximately 9:15 a.m.

Clerk of the Board

Chairman

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	<u>CORONER</u>
Meeting Date: 3/14/2011	Execute Contract _____	Consent Agenda <u>X</u>
Subject: Pathology Services	Pass Resolution _____	Public Hearing _____
Prepared by: L. Small	Pass Ordinance _____	1st Discussion _____
Reviewed by: L. Smith Kelty	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

The Benton County Coroner had two forensic pathology contracts in place with both Dr. Selove and Dr. Reynolds that expired December 31, 2010. The 2011 contracts have been prepared, reviewed by the Benton County PA's office, and have been sent out to both Doctors for signature.

The Coroner was contacted by Dr. Carl Wigren M.D. asking consideration for him to provide forensic pathology services for Benton County.

The Coroner scheduled Dr. Wigren to provide autopsy services in order to get to know him and evaluate his work before entering into a contract with him. After the services were performed, the Benton County Coroner was pleased with Dr. Wigren's work and is preparing to entering into a contract with him.

Due to the fact a contract was not in place, the Coroner is requesting the Board to authorize payment to Dr. Wigren in the amount of \$1,300.00 for said services and have the Coroner negotiate a contract to be placed on the consent agenda at a later date.

The Coroner would also like to recommend the Board of Commissioners authorize any future payments to Dr. Wigren in the event his services are needed prior to getting a fully executed contract on file.

RECOMMENDATION

FISCAL IMPACT

MOTION

Move to approve the attached resolution authorizing payment in the amount of \$1,300 to Dr. Carl Wigren for forensic pathology services and have the Coroner negotiate a contract to be placed on the consent agenda at a later date, to include the authorization of any future payments in the event Dr. Wigren's services are needed prior to getting a fully executed contract on file.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF THE BOARD OF BENTON COUNTY COMMISSIONERS AUTHORIZING PAYMENT TO DR. CARL WIGREN FOR FORENSIC PATHOLOGY SERVICES

WHEREAS, the Benton County Coroner is currently in the signature stages of getting contracts put together for forensic pathology services with both Dr. Selove and Dr. Reynolds, who have both been utilized by Benton County in the past for pathology services; and

WHEREAS, Dr. Carl Wigren MD, Seattle, WA asked the Benton County Coroner for consideration to provide forensic pathology services; and

WHEREAS, the Benton County Coroner had an opportunity to schedule Dr. Wigren for a recent case and was impressed with his work; and

WHEREAS, due to the fact a contract was not in place at the time of services, the Benton County Coroner is requesting the Board of Benton County Commissioners to authorize the payment to Dr. Wigren in the amount of \$1,300.00 for said pathology services; and

WHEREAS, though we currently are in the process of getting two other forensic pathology contracts in place, the Benton County Coroner feels it would be in the best interest of the County to enter into a contract with Dr. Wigren as well, in the event the other two doctors are unavailable; **NOW, THEREFORE**

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby authorizes payment in the amount of \$1,300.00 to be paid to Dr. Carl Wigren for forensic pathology services and recommends the Benton County Coroner negotiate a contract with Dr. Wigren to be placed on the consent agenda for signature at a later date; and

BE IT FURTHER RESOLVED, the Board hereby authorizes any future payments to Dr. Wigren in the event his services are needed prior to getting a fully executed contract on file.

Dated this day of, 20

Chairman of the Board

Chairman Pro-Tem

Member

Attest:
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	<u>3/14/11</u>	Execute Contract	<u> </u>
Subject:	<u>Rada Rabbits & Cavies 4H Club</u>	Pass Resolution	<u> </u>
Prepared by:	<u>cmb</u>	Pass Ordinance	<u> </u>
Reviewed by:	<u>lisk</u>	Pass Motion	<u> </u>
		Other	<u> </u>
		Consent Agenda	<u> X </u>
		Public Hearing	<u> </u>
		1st Discussion	<u> </u>
		2nd Discussion	<u> </u>
		Other	<u> </u>

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BACKGROUND INFORMATION

Attached for Board review is the lease Agreement with the Rada Rabbits & Cavies 4-H Club. The Lease Agreement has been reviewed and approved as to form by the Prosecuting attorney's office.

SUMMARY

Rada Rabbits & Cavies 4-H Club has been an annual event here at the Fairgrounds. Their leader, Aggie Mowery books three (3) rabbit events per year at the Fairgrounds.

Offering a discount to our 4-H Club's opens up more possibilities and educational activities for our young community member groups each year.

RECOMMENDATION

Benton County Deputy Administrator and Fairgrounds Office Manager recommend the Rada Rabbits & Cavies 4-H Club Lease Agreement to be approved.

FISCAL IMPACT

Exposing the Benton County Fairgrounds and what it has to offer too as many groups as possible for future support and use of our facility.

MOTION

Approval of the Lease Agreement between Benton County Fairgrounds and the Rada Rabbit & Cavies 4-H Club.

RESOLUTION

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

**IN THE MATTER OF APPROVING THE LEASE AGREEMENT BETWEEN THE
BENTON COUNTY FAIRGROUNDS AND THE RADA RABBITS & CAVIES 4-H
CLUB**

WHEREAS, the Rada Rabbits & Cavies 4-H Club will provide the Benton County Fairgrounds \$823.71 to hold a Rabbit Show and Fundraiser in Building 3 at the Fairgrounds on April 16, 2011; and

WHEREAS, compensation potentially represents a greater than 50% discount of the normal rental rate for the facilities being leased, and per Resolution 07-870, the agreement must be approved by the Board of Benton County Commissioners; and

WHEREAS, the Benton County Deputy Administrator and Fairgrounds Office Manager recommends the Rada Rabbits & Cavies 4-H Club Lease Agreement be approved; **NOW THEREFORE**,

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, that the Lease Agreement with the Rada Rabbits & Cavies 4-H Club shall be granted; and

BE IT FURTHER RESOLVED that the Board authorizes the Chairman of the Board to sign the Lease Agreement with the Rada Rabbits & Cavies 4-H Club.

Dated this _____ day of _____ 2011.

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

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

BENTON COUNTY FAIRGROUNDS

1500 South Oak Street, Bldg #20
Kennewick, WA 99337
(509) 586-9211 ext 200

LEASE AGREEMENT

TODAY'S DATE: **October 15, 2010**

LEASE AGREEMENT NUMBER: **003.11**

EVENT DATE(S): **April 16, 2011**

NUMBER OF DAYS: **1**

BUILDING(S) / AREA: **Building 3**

LESSEE: **Washington State University, ("WSU")**

MAILING ADDRESS: **1308 Roberdeau St., Richland, WA 99354**

CONTACT: **Aggie Mowry. 4-H Leader**

CELLULAR PHONE: **430-4204**

TIME OF THE EVENT: **7:00 am – 4:00 pm**

TYPE OF EVENT: **Rada Rabbits & Cavies 4-H Club**

ESTIMATED ATTENDANCE: **200**

SELLING TICKETS: YES NO X

THIS LEASE (AGREEMENT) is entered into effective upon the signature of both parties, between **WSU** (LESSEE) and BENTON COUNTY, a municipal corporation authorized under the laws of the State of Washington, operating the Benton County Fairgrounds (LESSOR).

1. EVENT

- a. **RABBIT SHOW FUND RAISER IN BUILDING 3 ON APRILK 16, 2011 FROM 7:00 AM UNTIL 4:00 PM WITH AN ESTIMATED ATTENDANCE OF 200 PEOPLE, hereafter referred to as the EVENT.**

2. FACILITIES LEASED FOR THE EVENT

- a. LESSEE agrees to lease the buildings and grounds, equipment and services specified in Exhibit A (Attached) (collectively the "Facilities") to hold EVENT on the date(s) specified on the cover hereto. In addition to said date(s), LESSEE desires and further agrees to lease said Facilities for move-in and/or move-out purposes on **April 15-17, 2011**. LESSEE WARRANTS THAT SAID FACILITIES WILL BE USED ONLY FOR LAWFUL PURPOSES NECESSARY TO SUPPORT THE EVENT.

3. PAYMENTS

- a. In consideration for the license to hold the EVENT, LESSEE agrees to pay LESSOR the FEE of \$ **823.71** (less damage/cleaning deposit if previously paid) for use of the Facilities as detailed in Exhibit A, no later than **March 18, 2011**. If the fee is not made by said date, this Agreement will be null and void unless otherwise agreed to in writing by LESSOR. Upon such termination, LESSEE shall be obligated to pay a cancellation fee as specified in the Benton County Fairgrounds Policies and Procedures, Paragraph #9.

4. CAMPING OVERNIGHT

- a. LESSOR does not make any warranties as to suitability of campgrounds for LESSEE'S purposes or compatibility of campground infrastructure to any equipment anticipated to be used by LESSEE or participants in LESSEE'S EVENT. LESSEE is responsible for ensuring that the campgrounds, as they exist, are suitable for LESSEE'S purposes and that campground infrastructure meets the needs of LESSEE and/or participants in LESSEE'S EVENT. LESSEE may request a walk-through of the campground facilities and LESSOR shall take all reasonable steps to accommodate such a request. PROVIDED that all such walk-throughs shall be during regular business hours only, and may be by appointment only.
- b. Camping on the Fairgrounds property is not permitted unless requested by LESSEE in advance when booking the EVENT. Fees, terms and conditions applicable to camping will be furnished on request and attached to a resultant lease when applicable.

5. CANCELLATION OF EVENT

- a. The parties recognize that cancellations made less than 60 days prior to the first event date will potentially cause the LESSOR to lose lease or rental revenue. The parties further recognize that for a number of reasons outside of the control of the parties, the

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AGENDA ITEM: Consent	TYPE OF ACTION NEEDED	CONSENT AGENDA <u>xx</u>
MEETING DATE: B/C 03-14-11 F/C 03-23-11	Executive Contract <u>xx</u>	PUBLIC HEARING
SUBJECT: Tri-Cities Chaplaincy	Pass Resolution <u>xx</u>	1ST DISCUSSION
Prepared By: Donna A. Lee	Pass Ordinance	2ND DISCUSSION
Reviewed By: Sharon Paradis	Pass Motion	OTHER
	Other	

BACKGROUND INFORMATION

Tri-Cities Chaplaincy has been providing counseling and consultation services to the Juvenile Detention facility for numerous years. The Chaplaincy provides individual and group care counseling services for youth in detention. The Chaplaincy responds to clergy who have parishioners at the Juvenile Detention facility or who have questions about the facility's services. The Contract between Benton-Franklin Counties Juvenile Justice Center and Tri-Cities Chaplaincy is be for the term from January 1, 2010 through December 31, 2012.

SUMMARY

This amendment provides specific language in regards to the maximum total amount payable, \$10,920.00, to the Chaplaincy for professional services. Section 4.B now contains the language *per calendar year* to delineate that this is the maximum for *each* of the two years of the contract.

RECOMMENDATION

We recommend that the Boards of Benton and Franklin Counties sign the Contract Amendment between Benton-Franklin Juvenile Justice Center and Tri-Cities Chaplaincy, a Washington non-profit corporation.

FISCAL IMPACT

The fiscal impact is \$10,920.00 per year, which has been budgeted for in our biennial Approved Budget.

MOTION

I move that the Chairs of the Boards of County Commissioners be authorized to sign the Contract Amendment Between Benton-Franklin Counties Juvenile Justice Center and Tri-Cities Chaplaincy.

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 AMENDMENT BETWEEN THE JUVENILE JUSTICE CENTER AND TRI-CITIES CHAPLAINCY, 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 Amendment between the Tri-Cities Chaplaincy, and Benton-Franklin Counties Juvenile Justice Center be approved as presented, 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 14th day of March 2011
BENTON COUNTY BOARD OF COMMISSIONERS

DATED this 23rd day of March 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

Member

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 SERVICE CONTRACT AMENDMENT BETWEEN BENTON-FRANKLIN COUNTIES SUPERIOR COURT AND TRI-CITIES CHAPLAINCY

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 (hereinafter, collectively referred to as, "Counties"), and Tri-Cities Chaplaincy, with its principal offices at 2108 W. Entiat AVE., Kennewick WA 99336 (hereinafter referred to as "Contractor").

In consideration of the mutual benefits and covenants contained herein and in the parties' contract, numbered as Benton County Resolution No. 09 874 and executed on December 28, 2009, and Franklin County Resolution No. 2009 508 and executed on December 21, 2009 (the "Contract"), the parties agree section 4.B, Compensation, shall be amended and replaced with the following section 4.B, Compensation:

4 COMPENSATION

B. The maximum total amount payable by the Counties to the Contractor under this Contract shall not exceed Ten Thousand Nine Hundred and Twenty Dollars (\$10,920.00) per calendar year.

<p><i>Bette A. Cooper</i> 2-28-11 Bette A. Cooper Date</p>	<p><i>Sharon A. Paradis</i> 2/29/2011 Sharon A. Paradis Date</p>
<p align="center">BENTON COUNTY APPROVAL</p> <p>Approved as to Form:</p> <p><u>Agreed Review Performed by Franklin County</u> Steve Hallstrom, Deputy Prosecuting Attorney Date</p> <p>By: _____ Name: <u>Leo Bowman</u> Title: <u>Chairman, Board of Commissioners</u></p> <p>Date: _____</p> <p>Attest:</p> <p>Clerk of the Board: _____</p>	<p align="center">FRANKLIN COUNTY APPROVAL</p> <p>Approved as to Form:</p> <p><u>BUP</u> 02/24/2011 Ryan Verhulst, Civil Deputy Prosecuting Attorney Date</p> <p>By: _____ Name: <u>Robert Koch</u> Title: <u>Chairman, Board of Commissioners</u></p> <p>Date: _____</p> <p>Attest:</p> <p>Clerk of the Board: _____</p>

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**BENTON COUNTY
BOARD OF COUNTY COMMISSIONERS
Agenda Request Summary**

<u>Type of Action Requested</u>	<u>Classification</u>
<input checked="" type="checkbox"/> Execute contract <input type="checkbox"/> Pass resolution <input type="checkbox"/> Pass ordinance <input type="checkbox"/> Pass motion <input type="checkbox"/> Other (describe)	<input checked="" type="checkbox"/> Consent agenda <input type="checkbox"/> Public hearing <input type="checkbox"/> 1 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other
Requested meeting date: March 14, 2011 Presentation length: N/A Presenting elected office/department: Public Defense Prepared by: Eric Hsu Reviewed by: N/A	

BACKGROUND INFORMATION

As with previous years, the conscious decision was made to award less "full" contracts than are anticipated to be required for the anticipated caseload in District Court. This was done in order to have better fine-grained control over caseloads and ensure that no holder of a "full" contract finishes the year with less than their caseload cap assigned. In light of this arrangement, there becomes the need to contract with additional contractors on an as-needed basis with compensation per case being equivalent to that which is afforded "full" contract holders. Attorney Joshua Lilly has been selected to be awarded such an "as-needed" contract.

SUMMARY

A District Court defense contract is presented for execution. This contract is on solely an as-needed basis and provides no minimum monthly or other compensation to contractor when no cases are assigned.

RECOMMENDATION

Recommend that contract with attorney Josh Lilly be executed as presented.

ANTICIPATED FISCAL IMPACT

None. Funding for the cases that will be assigned pursuant to this contract has already been appropriated to the Office of Public Defense's 2011-2012 budget.

**BENTON COUNTY
RESOLUTION NO. _____**

Standard Resolution for Execution of Contract

Submitted by: Public Defense (department or elected office)

Contract Specifics:

Contract description: Agreement with attorney Joshua J Lilly for individually appointed conflict/excess cases in District Court

Contract reference number: BCDC1113JJL001L

Comments: On as-needed basis only. Contract does not guarantee any minimum monthly or other compensation. Rate is equivalent to compensation paid to regular panel attorneys

The contract presented for execution is between Benton County and **Joshua J Lilly**. The payee is **Lilly Law Office, PLLC**.

The contract is for: professional services rendered (Res 09-814); or
 Direct Negotiation purchase < \$5K (Res 09-811)

The contract duration is from **March 1, 2011 to December 31, 2013**.

The maximum payable shall not exceed **\$32,800** per year; for rest of this year or total.

BE IT RESOLVED that the contract referenced herein be executed as presented
Dated this day of , 20

Chairman of the Board

Chairman Pro-Tem

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

Attest:
Clerk of the Board

**PROFESSIONAL SERVICES AGREEMENT TO PROVIDE LEGAL
REPRESENTATION TO INDIGENT PERSONS IN
BENTON COUNTY DISTRICT COURT
CONTRACT # BCDC1113JL001L**

THIS AGREEMENT is entered into by and between Joshua Lilly, attorney at law, dba Lilly Law Office, PLLC, Washington State Bar Association # 36033 ("Attorney"); and BENTON COUNTY, a State of Washington political subdivision ("County"), for and on behalf of the Benton County District Court.

THIS AGREEMENT IS ENTERED INTO BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

- A. The County has the legal responsibility to provide legal defense services to indigent persons charged with misdemeanor criminal offenses alleged to have been committed within the County's jurisdictional boundaries.
- B. Attorney is engaged in the private practice of law, has direct experience in litigating cases involving persons charged with criminal offenses, and desires to contract with the County to provide legal services to indigent persons subject to misdemeanor criminal charges in the Benton County District Court.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the County and Attorney hereby agree as follows:

1. **AGREEMENT TERM.** This Agreement shall be deemed effective for all purposes as of March 1, 2011, and shall continue thereafter through and including the 31st day of December 2013, unless earlier terminated pursuant to the applicable terms and provisions of this Agreement.

2. **ATTORNEY'S OFFICE LOCATION.**

a. Attorney presently and regularly maintains an office adequate and appropriate for the practice of law at 1880 Fowler St, Richland, WA 99352. Attorney's current local office telephone and fax numbers are (509) 735-5683 and (509) 554-6859 respectively; and Attorney's current office/work e-mail address is lillylawoffice@gmail.com.

b. Throughout the entire term of this Agreement, Attorney shall continue to maintain such an office, such telephone and fax numbers, and such e-mail address; provided that, however, Attorney may relocate Attorney's office to another location within the greater Tri-Cities, Washington, and/or Attorney may change Attorney's telephone/fax number to another greater Tri-Cities local telephone/fax number, and/or Attorney may change Attorney's e-mail address, provided that Attorney must provide immediate written notice of such change(s)

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**BENTON COUNTY
BOARD OF COUNTY COMMISSIONERS
Agenda Request Summary**

<u>Type of Action Requested</u>	<u>Classification</u>
<input type="checkbox"/> Execute contract <input checked="" type="checkbox"/> Pass resolution <input type="checkbox"/> Pass ordinance <input type="checkbox"/> Pass motion <input type="checkbox"/> Other (describe)	<input checked="" type="checkbox"/> Consent agenda <input type="checkbox"/> Public hearing <input type="checkbox"/> 1 st discussion <input type="checkbox"/> 2 nd discussion <input type="checkbox"/> Other
Requested meeting date: March 14, 2011 Presentation length: N/A Presenting elected office/department: Public Defense Prepared by: Eric Hsu Reviewed by: N/A	

BACKGROUND INFORMATION

Benton County is responsible, by law, for providing legal representation to Benton County residents who are subject to RCW 71.09, the Sexually Violent Predator Act. In 2010, responsibilities for managing defense counsel and funding associated with these cases was transferred to this office from Benton County Superior Court. However, the funding was merged into this office's Miscellaneous Professional Services line item. Recognizing that a separate line item would make for better accountability and clarity, a new line item exclusively for Sexually Violent Predator case representation was created earlier this year. This line item transfer fundings this new line item with the funds appropriated in the 2011-2012 biennium for the Sexually Violent Predator cases.

SUMMARY

Line item transfer to transfer funds designated for Sexually Violent Predator case representation from Superior Court Miscellanrous Professional Services line item to newly created Sexually Violent Predator case representation line item.

RECOMMENDATION

Recommend proposed line item transfer be approved.

ANTICIPATED FISCAL IMPACT

None.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN THE
CURRENT EXPENSE BUDGET DEPARTMENT 136 OFFICE OF PUBLIC DEFENSE.

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

Dated this _____ day of _____, 2011

Chairman of the Board

Member

Member

Attest: _____

Clerk of the Board

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Office of Public Defense

Dept Nbr: 136

Fund Name: Current Expense

Fund Nbr: 0000-101

TRANSFER FROM:

TRANSFER TO:

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
512.819	4103	Miscellaneous Professional Svcs	\$150,000	512.819	4959	Sexually Violent Predator Rep	\$150,000
TOTAL			\$150,000	TOTAL			\$150,000

Explanation:

A new line item was created for Sexually Violent Predator case representation. The amount appropriated for these cases for the 2011-2012 biennium (\$150,000) should be moved out of miscellaneous professional services into this new line item.

Prepared by: Eric Hsu

Date: 08-Mar-2011

Approved

Denied

Date: _____

Chairman

Member

Member

f

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	<u>FACILITIES</u>
Meeting Date: 3/14/2011	Execute Contract _____	Consent Agenda <u> X </u>
Subject: Emergency Services	Pass Resolution _____	Public Hearing _____
Prepared by: L. Small	Pass Ordinance _____	1st Discussion _____
Reviewed by: L. Smith Kelty	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

The Park Ranger's residence septic tank located at Horn Rapids Park backed up and caused an overflow in the drain field. It was determined the problem required a septic company to come out on site and pump the septic tank.

The Park Ranger contacted Cliff's Septic and they pumped the septic tank for an amount of \$361.47 including WSST.

These types of services are considered "Public Works" services, which requires the contractor to pay their employee prevailing wages. We have been working with Cliff's Septic to file necessary prevailing wage paperwork with the Department of Labor and Industries so we can make certain that prevailing wages were paid for said services.

Due to the fact that we did not have a blanket contract in place with Cliff's Septic at the time of service, we are recommending the Board of Commissioners declare this service an emergency and authorize the payment in the amount of \$361.47 to be paid once we receive the prevailing wage certifications from the Department of Labor and Industries.

RECOMMENDATION

FISCAL IMPACT

MOTION

Move to declare the pumping of the septic system an emergency and authorize payment to Cliff's Septic, Sunnyside, WA in the amount of \$361.47 once all necessary paperwork is received from the Department of Labor and Industries.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF AUTHORIZATION FOR PAYMENT AND DECLARING AN EMERGENCY FOR PUMPING THE SEPTIC SYSTEM LOCATED AT HORN RAPIDS PARK

WHEREAS, the Park Ranger's residential septic tank located at Horn Rapids Park backed up and caused an overflow in the drain field; and

WHEREAS, it was determined the problem required a septic company to come out on site and pump the septic tank; and

WHEREAS, the Park Rangers contacted Bert's Excavating, Sunnyside, WA – Contractors License BERTSE*090KG dba Cliff's Septic and they were available to come out on site to pump the septic tank for an amount of \$361.47 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 pumping of the septic system located at Horn Rapids Park an emergency and authorizes payment to Bert's Excavating, Sunnyside, WA dba Cliff's Septic in the amount of \$361.47 including WSST for services rendered to date once all necessary prevailing certifications are received from the Department of Labor & Industries.

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

CLIFF'S SEPTIC

1536 SUNNYSIDE MABTON RD

PO BOX 546

SUNNYSIDE, WA 98944

837-4060 -

Invoice

Date	Invoice #
12/31/2010	100340

Bill To
BENTON COUNTY FACILITY PARKS 7122 W. OKANOGAN PL BUILDING A KENNEWICK, WA 99336

P.O. No.	Terms	Notes		
	Net 30			
Item	Quantity	Description	Rate	Amount
PUMP	1	SEPTIC PUMP/1,000 GALLONS	285.00	285.00T
DIGGING	1	DIGGING	50.00	50.00T
		Site: Horn Rapids Park 115803 N. State Route 225, Benton City per Mark Finkbeinber		
		SALES TAX	7.90%	26.47
All accounts 30 days old will be charged a 1 1/2% finance charge on the past due balance.			Total	\$361.47

Paley

600-591-388

9

AGENDA ITEM: SPV 10-07 MTG. DATE: March 14, 2011 MEMO. DATE: March 8, 2011 SUBJECT: Short Plat Vacation -SPV 10-07, Hoyeol Yang Prepared By: R.J. Lott Reviewed By: Michael Shuttleworth	<u>TYPE OF ACTION NEEDED</u> Execute Contract Pass Resolution X Pass Ordinance Pass Motion Other	Consent Agenda X Public Hearing 1st Discussion 2nd Discussion Other
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BACKGROUND INFORMATION

On August 30, 2010, the Board of County Commissioners conducted a public hearing on SPV 10-07, regarding the vacation of the (natural drainage swale) 20-foot drainage easement recorded under AF 1992-013963 located on lot 1 of short plat 3165. At the conclusion of the public hearing, the Board made a motion to approve the vacation conditioned upon the applicant providing Planning Department a copy of a 20-foot drainage easement recorded with the Benton County Auditor. The County Engineer has reviewed and approved the replacement easement. The Planning Department has been provided with a copy of the deed that records the new easement. The resolution for signature by the Board has been prepared.

SUMMARY

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

RECOMMENDATION

It is the recommendation of Planning staff that the Board sign the resolution approving the Short Plat Vacation File SPV 10-07.

MOTION

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

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

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY PLANNING REGARDING THE PROPOSED VACATION OF THE 20-FOOT
NATURAL DRAINAGE EASEMENT LOCATED WITHIN LOT 1 OF SHORT PLAT 3165. APPLICANT: HOYEOL
YANG PARCEL NUMBER: 1-2288-101-3165-001 FILE NO. SPV 10-07

WHEREAS, the Board of County Commissioners did conduct a public hearing on Monday, August 30, 2010, at 9:15 a.m. in the Commissioners Meeting Room, Third Floor of the Courthouse, Prosser, Washington; and,

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

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

WHEREAS, the Board of County Commissioners agreed with the summary report from the Benton County Planning Department, retained in File No. SPV 10-07; and,

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

BE IT RESOLVED, that the 20 foot natural drainage easement located within Lot 1 of Short Plat 3165 in the Northeast Quarter of Section 22, Township 8 North, Range 28 East, W.M, is hereby vacated.

Dated this _____ day of _____.

Chairman of the Board

Member

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

Attest.....
Clerk of the Board

Mike Shuttleworth/djh

Return to:
Benton County
Planning Department
1002 Dudley Avenue
Prosser, WA 99350

EXCISE TAX NOT REQUIRED
BENTON COUNTY EXCISE TAX DIVISION
BY [Signature] DEPUTY
easement 3/1/11

DRAINAGE EASEMENT

For valuable consideration, receipt of which is hereby acknowledged, the Grantor(s) Hoyeol Yang and Susan S. Yang, husband and wife, hereby grant and convey to the Grantee, the Public, their successors and assigns, the right, privilege and authority to construct, improve, repair and maintain a Drainage Easement across, over and upon the following land, located in Benton County, State of Washington, to wit:
An easement for the installation, operation and maintenance of a storm drain swale and drainage facilities over a portion of Lot 1 and 2 Short Plat No. 3165 recorded 11/10/08 under Auditor's File No. 2008-032346 in Volume 1 of Short Plats, Page 3165, records of Benton County, WA., described as follows:

An easement 20 feet in width centered on the following described centerline:

Beginning at the intersection of the existing 20 wide natural drainage swale easement centerline on said the south line of said Lot 1; Thence North 02° 30' 09" West, 31.07 feet; Thence North 61° 58' 55.77" West, 111.05 feet; Thence North 00° 12' 54.00" West, 361.42 feet to the intersection of the existing 20 wide natural drainage swale easement centerline on said Lot 2.

122881013165001

The sidelines of said Drainage Easement are to be extended or shortened as necessary to connect to the sidelines of existing said drainage easements.

The Grantor(s) shall make any use of the land occupied by said Drainage Easement except for anything inconsistent with their construction, operation and maintenance. In exercising the rights herein grants, the Grantee(s), their successors and assigns, may pass and repass over said Drainage Easement and may cut and remove brush, trees and other obstructions which in the opinion of the Grantee(s) interfere(s) with their construction, operation and maintenance.

The covenants herein contained shall run with the land and are binding upon all subsequent owners thereof. In Witness Whereof, the said Grantors, have executed this instrument the 1st day of March, 2011.

[Signature]
(Signature)
Hoyeol Yang
(Printed Name) or (Names)

[Signature]
(Signature)
Susan S. Yang
(Printed Name) or (Names)

STATE OF)ss
COUNTY OF)

On this 1st day of March before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Hoyeol Yang and Susan S. Yang to me and said person(s) acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mention in the instrument.

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



[Signature]
Notary Public in and for the State of Washington,
Residing at Kennewick,
My commission expires: 3/15/11

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION</u>			
Meeting Date :	March 14, 2011	Execute Contract :		Consent Agenda :	X
Subject :	CRID 15 Segregation	Pass Resolution :		Public Hearing :	
Prepared by :	SWB	Pass Ordinance :		1st Discussion :	
Reviewed by :		Pass Motion :	X	2 nd Discussion :	
		Other :		Other :	

BACKGROUND INFORMATION

CRID 15 was formed in November 2005. Each parcel within the district received an assessment. As the land develops, the assessments must be adjusted to reflect the changes in parcel size and number of parcels.

SUMMARY

One of the parcels within the CRID has recently been short platted into three parcels and one parcel has received a new parcel number because of a boundary line adjustment. The assessment to the original parcel must now be apportioned to the three new parcels and the new parcel must have the assessment from the old parcel transferred to the new parcel

RECOMMENDATION

Recommend approval of the resolution

FISCAL IMPACT

Recording fees of \$64.00.

OTION

Move to approve as a part of the consent agenda.

Return to: Benton County Commissioners
P.O. Box 190
Prosser, WA 99350-0954

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS IMPROVEMENT DISTRICT (C.R.I.D.) #15,
COTTONWOOD DRIVE, PROPERTY SEGREGATION

WHEREAS, the amended final assessment roll for C.R.I.D. #15, Cottonwood Drive was approved by Resolution Number 05-750 on November 28, 2005, and

WHEREAS, Parcel Number 1-1188-200-0006-001, defined as That portion of Section 11, Township 8 North, Range 28 East, W.M., lying South of the Southerly right-of-way of I-82 and West of the centerline of Badger Road, described as follows: Commencing at the Southwest corner of said Section, said corner being a cased monument on the centerline of a public road known as Cottonwood Drive, thence North 00° 33' 17" West along said centerline and along the West line of said Section, 2,515.48 feet to the West Quarter Corner of said Section and the True Point of Beginning; thence North 89° 41' 24" East, 1,310.68 feet; thence South 75° 04' 15" East, 1,024.62 feet; thence North 22° 52' 37" East, 617.06 feet to a point on a curve to the left, the radius point of which bears South 22° 52' 37" West, 4,190.18 feet; thence Northwesterly along said curve 1,716.61 feet; thence South 89° 24' 18" West, 874.26 feet to the West line of said Section; thence South 00° 33' 17" East along said centerline and along the West line of said Section, 631.98 feet to the point of beginning. Together with portion of vacated Cottonwood Drive, Resolution 06-182 (AF #2006-009691 3/29/06).

Except existing road right of way.

Containing 35.45 acres more or less.

had an original assessment of \$22,335.31 and now has an outstanding assessment of \$16,751.47 and has been subdivided into three parcels identified as Assessor's Parcel Numbers 1-1188-201-3292-001, 1-1188-201-3292-002 and 1-1188-201-3292-003, and

WHEREAS, Parcel Number 1-1188-0007-000, defined as: All that portion of Section 11, Township 8 North, Range 28 East, W.M., Benton County, Washington, South of the southerly right-of-way of highway I-82 and West of the centerline of Badger Road, described as follows: Commencing at the Southwest corner of said Section, said corner being a cased monument on the centerline of a public road known as Cottonwood Drive, thence North $00^{\circ} 33' 17''$ West along said centerline and along the West line of said Section, 2,515.48 feet to the West $\frac{1}{4}$ corner of said Section; thence North $89^{\circ} 41' 24''$ East, 1,310.68 feet; thence South $75^{\circ} 04' 15''$ East, 1,024.62 feet to the True Point of Beginning; thence North $22^{\circ} 52' 37''$ East, 1,311.88 feet to the southerly right-of-way line of Washington State Highway I-82 at a point on a curve to the right, the radius point of which bears South $22^{\circ} 52' 37''$ West, 4,885.00 feet; thence southeasterly along said southerly right-of-way line and said curve 722.45 feet; thence South $54^{\circ} 08' 01''$ East along said southerly right-of-way line 342.07 feet; thence South $59^{\circ} 08' 19''$ East along said southerly right-of-way line 264.76 feet to the intersection of the westerly right-of-way line of the Burlington Northern Santa Fe Railroad; thence South $30^{\circ} 10' 07''$ West along said westerly line 1,263.99 feet; thence North $59^{\circ} 49' 53''$ West, 1,017.77 feet; thence North $75^{\circ} 04' 15''$ West, 148.76 feet to the said True Point of Beginning.

Containing 36.80 acres more or less.

had an original assessment of \$23,185.88 and now has an outstanding assessment of \$17,389.42 and was a part a boundary line adjustment and has been assigned a new Parcel Number 1-1188-0007-001 and is defined as: All that portion of section 11, Township 8 North, Range 28 East, W.M. Benton County, Washington, South of the southerly right of way of Highway I-82 and West of the centerline of Badger Road, described as follows; commencing at the Southwest corner of said Section, said corner being a cased monument of the centerline of a public road known as Cottonwood Drive thence North $00^{\circ} 33' 17''$ West along said centerline and along the West line of said Section, 2,515.48 feet to the West $\frac{1}{4}$ corner of said Section; thence North $89^{\circ} 41' 24''$ East, 1,310.88 feet; thence South $75^{\circ} 04' 15''$ East, 1,024.62 feet to the True Point of Beginning; thence North $22^{\circ} 52' 37''$ East, 1,311.88 feet to the southerly right of way line of Washington State Highway I-82 at a point on a curve to the right the radius point of which bears South $22^{\circ} 52' 37''$ West, 4,885.00 feet; thence southeasterly along said southerly right of way line and said curve 722.45 feet; thence South $54^{\circ} 08' 01''$ East along said southerly right of way line 342.07 feet; thence South $59^{\circ} 08' 19''$ East along said southerly right of way line 264.76 feet to the intersection of the westerly right of way line of the Burlington Northern Santa Fe Railroad; thence South $30^{\circ} 10' 07''$ West along said westerly line 1,263.99 feet; thence North $59^{\circ} 49' 53''$ West, 1,017.77 feet; thence North $75^{\circ} 04' 15''$ West, 148.77 feet to the said True Point of Beginning;

EXCEPT that portion described as follows; beginning at the Northeast corner of Tract A, Plat of Cottonwood Creek Phase 2, lying in said Section 11 records of said Benton County; thence North $59^{\circ} 49' 53''$ West along the northerly line of said tract a 213.51 feet to the True Point of Beginning; thence North $25^{\circ} 46' 31''$ East, 156.33 feet; thence South $56^{\circ} 07' 11''$ West, 51.85 feet to the beginning of a curve to the right the radius point which bears North $33^{\circ} 52' 49''$ West, 135.00 feet; thence southwesterly along said curve through a central angle of $21^{\circ} 50' 36''$ an arc length of 51.47 feet; thence South $59^{\circ} 49' 53''$ East along said northerly line of said Tract A 182.90 feet to the said True Point of Beginning; TOGETHER with that Portion of Tract A

Cottonwood Creek, Phase 2, recorded in Volume 15 of Plats, Page 320, records of Benton County, Washington, lying in the Southeast ¼ of Section 11, Township 8 North, Range 28 East, W.M. Benton County, Washington, described as follows; beginning at the Northeast corner of said Tract A; thence North 59° 49' 53" West along the northerly line of said Tract A, 213.51 feet; thence South 25° 46' 31" East, 257.71 feet; thence North 30° 10' 07" East along the easterly line of said Tract A, 144.32 feet to the said Point of Beginning.

Containing 36.98 acres more or less.

NOW, THEREFORE, BE IT RESOLVED that the final assessment roll be amended and that each parcel and assessment is defined as follows:

Old Number	New Number	New Assessment
	1-1188-201-3292-001	\$12,546.05
1-1188-200-0006-001	1-1188-201-3292-002	\$2,102.71
	1-1188-201-3292-003	\$2,102.71
1-1188-100-0007-000	1-1188-100-0007-001	\$17,389.42

Dated this 14th day of March 2011.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

SWB

Return to: Benton County Commissioners
P.O. Box 190
Prosser, WA 99350

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROADS, RE: IN THE MATTER OF COUNTY ROADS, RE:
COUNTY ROAD IMPROVEMENT DISTRICT (C.R.I.D.) #11, SUNSET ROAD, PROPERTY
SEGREGATION

WHEREAS, the final assessment roll for C.R.I.D. #11, Sunset Road was approved by Resolution
Number 03-035 on January 27, 2003, and

WHEREAS, Parcel Number 1-0597-100-0012-000 defined as: The West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$
of the Northeast $\frac{1}{4}$ of Section 5, Township 9 North, Range 27 East, W.M.,

Containing 20.39 acres more or less.

had an original assessment of \$6,140.17 and now has an outstanding assessment of \$3,684.09,
and has been subdivided into two parcels identified as Assessor's Parcel Numbers 1-0597-101-
3304-001 and 1-0597-101-3304-002, NOW, THEREFORE

BE IT RESOLVED, that the final assessment roll be amended and that each parcel and
assessment is defined as follows:

Old Number	New Number	New Assessment
	1-0597-101-3304-001	\$1,795.97
1-0597-100-0012-000		
	1-0597-101-3304-002	\$1,888.12

Dated this 14th day of March 2011.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

SWB

RESOLUTION

j

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FRANCHISES RE: APPLICATION OF FRANK TEIGS, LLC AND LEWIS & CLARK RANCH, LLC TO RENEW AN EXISTING FRANCHISE UNDER A NEW NAME FOR AN IRRIGATION AND DRAINAGE SYSTEM AND FACILITIES IN COUNTY ROAD RIGHT OF WAY

WHEREAS, Frank Teigs, LLC, and Lewis and Clark Ranch, LLC purchased the property previously owned by MacKay and MacDonald and Lewis & Clark Ranch; and

WHEREAS, MacKay and MacDonald and Lewis and Clark Ranch had requested the renewal of their franchise in 2010, and all the necessary procedures had been completed, except they neglected to send their signed franchise back to the Benton County Public Works Office; and

WHEREAS, because of this oversight, the time limitations in the franchise agreement caused it to become null and void, thus requiring the new owners to restart the franchise paperwork; and

WHEREAS, Frank Teigs, LLC and Lewis and Clark Ranch, LLC have applied to continue the franchise to place an irrigation and drainage system and facilities in county road right of way, NOW, THEREFORE,

BE IT RESOLVED that a Public Hearing on the application for franchise be held on Monday, April 25, 2011, at 9:50 a.m. Local Time, in the Board of County Commissioners Meeting Room, Benton County Courthouse, 620 Market Street, Prosser, Washington.

Dated this 14th day of March 2011.

Chairman

Chairman Pro-Tem

Member

Constituting the Board of County
Commissioners of Benton County,
Washington

Attest: _____
Clerk of the Board

SWB:lss

R E S O L U T I O N

K

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY ROAD PURCHASES RE: E. R. & R. PURCHASE TRAFFIC SIGN MATERIALS 2011

WHEREAS, by resolution dated February 28, 2011, bid call was authorized for ERR Purchase of Traffic Sign Materials; and

WHEREAS, bids were received as set forth in the attached tabulation; and

WHEREAS, the lowest bid was submitted by Zumar Industries, Inc., Tacoma, Washington; and

WHEREAS, the County Engineer recommends award of the contract to Zumar Industries, Inc.; NOW, THEREFORE,

BE IT RESOLVED that the business of supplying Benton County with Traffic Sign Materials be awarded to Zumar Industries, Inc., Tacoma, Washington, in the amount of \$57,001.25, plus Washington State sales tax in the amount of \$4,731.10; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to proceed with the purchase.

Dated this 14th day of March, 2011.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Attest: _____
Clerk of the Board

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

MJB:LJM:slc

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	<u>3/14/11</u>	Execute Contract	_____
Subject:	<u>Table/Chair</u>	Pass Resolution	<u> X </u>
	<u>Purchase for</u>	Pass Ordinance	_____
	<u>Jail</u>	Pass Motion	_____
Prepared by:	<u>David V. C.</u>	Other	_____
	<u>Petty</u>		
Reviewed by:	<u>Keith Mercer</u>		
		Consent Agenda	<u> X </u>
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND INFORMATION

The Sheriff's Office has been periodically replacing tables and chairs in the Benton County Jail Pods. The old tables and chairs in the jail are wearing out and need to be replaced. Currently the Jail has four remaining pods that need replacement tables and chairs. The Sheriff's Office has purchased Norix Max-Master Eight Seat Table 60" diameter table and chairs for the jail in the past from Norix Group, Inc. The attached resolution would provide replacement tables and chairs for one pod.

SUMMARY

Benton County Sheriff's Office solicited the following companies to provide a quote for eight (8) Norix Max-Master Eight Seat Table 60" diameter:

- Norix Group, Inc., West Chicago, IL (\$10,215.60 including shipping but not WSST)
- Access Distributors, Inc., Franklin, MA (\$11,780.00 including shipping but not WSST)
- Ed Waylock Security Consulting & Sales, INC., Charlotte, NC (\$11,536.00 including shipping but not WSST)

Norix Group, Inc., provided the lowest quote.

RECOMMENDATION

The Jail Captain has reviewed the quotes for completeness and has purchased eight (8) Norix Max-Master Eight Seat Table 60" diameter from Norix Group, Inc., West Chicago, IL.

FISCAL IMPACT

The purchase will cost approximately \$10,215.60 including shipping but not including WSST.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE PURCHASE OF EIGHT (8) NORIX MAX-MASTER EIGHT SEAT TABLE 60" DIAMETER FROM NORIX GROUP, INC. FOR THE BENTON COUNTY JAIL FACILITY

WHEREAS, per resolution 09-812, "if any county department other than Public Works desires to purchase or lease from a vendor on Benton County's vendor list and not advertise and solicit formal sealed bids, it shall secure written quotes from at least three (3) different vendors on the vendor list, unless the product is such that it is not reasonable to obtain three price quotes"; and

WHEREAS, the tables and chairs used inside the Jail are wearing out and need to be replaced; and

WHEREAS, the Benton County Sheriff's Office solicited the following companies to provide a quote for eight (8) Norix Max-Master Eight Seat Table 60" diameter; and

Norix Group, Inc., West Chicago, IL (\$10,215.60 including shipping but not WSST)
Access Distributors, Inc., Franklin, MA (\$11,780.00 including shipping but not WSST)
Ed Waylock Security Consulting & Sales, INC., Charlotte, NC (\$11,536.00 including shipping but not WSST)

WHEREAS, Norix Group, Inc. has the lowest price for eight (8) Norix Max-Master Eight Seat Table 60" diameter table and chair sets; and

WHEREAS, the Jail Captain has reviewed the quotes for completeness and has purchased eight (8) Norix Max-Master Eight Seat Table 60" diameter from Norix Group, Inc., West Chicago, IL;
NOW THEREFORE,

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County Washington, the Board hereby authorizes the purchase of eight (8) Norix Max-Master Eight Seat Table 60" diameter from Norix Group, Inc., West Chicago, IL in the amount of \$10,215.60 excluding WSST with the total amount payable not to exceed \$11,000.00 excluding WSST.

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

9:05 am

LEGISLATIVE PRIORITIES

Commissioners