

*May 10, 2010*

**THE BOARD OF  
BENTON COUNTY  
COMMISSIONERS  
AGENDA PACKET**

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
May 3, 2010, 8:30 a.m.  
Commissioners' Conference Room  
Benton County Courthouse, Prosser, WA

**Present:** Chairman James Beaver  
Commissioner Leo Bowman  
Commissioner Max E. Benitz, Jr.  
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; Facilities Manager Roy Rogers; Mike Shuttleworth, Planning Manager; Malcolm Bowie, County Engineer; Ed Thornbrugh, Human Services; Treasurer Duane Davidson; DPA Ryan Brown; Juvenile Administrator Sharon Paradis; Sue Schuetze, Public Works; Superior Court Administrator Pat Austin; Bryan Perry, Safety Coordinator; Superior Court Judge Cameron Mitchell; and Clerk Josie Delvin.

Workshop Agenda

Benton County Cemetery

Commissioner Benitz said an individual had requested the Board authorize local landowners and volunteers to put in gravel, a fence and offer perpetual care of the cemetery. He said that legal counsel had indicated it was okay and that he would prepare a short liability contract for the volunteers to sign. The Board concurred.

Law & Justice Council

Commissioner Benitz requested the Board send letters to members of the Law & Justice Council to reactivate the Board. The Board agreed.

Human Services Issues

David Sparks said he had researched moving Human Services administration into the new Health District building at an approximate cost of \$130,000 to remodel the space. He said the space was originally slotted for Clean Air Authority and the County was left with a \$50,000 hole in the bond payment. He said the County could charge Human Services \$50,000 for rent to pay the bonds (they were currently paying \$100,000) and he recommended the Board move forward. The Board agreed.

### Crisis and Detox/Health Building on Canal

Mr. Sparks discussed the possibility of buying the Canal building from the Health District and remodeling it (at an approximate cost of \$700,000) and moving Crisis and Detox into the building to provide its services. Additionally, Chairman Beaver suggested the Board look at selling the facility and building a Consolidated Crisis Response Center and using RSN funds that were not dedicated.

Commissioner Benitz stated that Benton County needed to recoup its costs on the Canal Building; either use it or have the Health District sell it. Mr. Sparks said that Benton County was owed approximately \$400,000 on the building.

Commissioner Bowman said that using RSN funds was a new concept but that he was not opposed to it. He asked if the CCRC would also be used for Human Services, and Mr. Thornbrugh said it would be for Crisis Response, Detox, and County Substance Abuse Offices as well.

Mr. Sparks said he would prepare a letter to Franklin County outlining the two options. The Board agreed.

### Human Services - Interim Administrator

Mr. Sparks provided a draft letter to Franklin County regarding hiring an interim administrator. The Board agreed it would discuss the issue at 9:40 a.m.

### Fairgrounds

Mr. Sparks said that he met with members of the Fair Association, along with Chairman Beaver and Loretta Smith Kelty and requested the Board give direction on negotiating a new lease or having a workshop.

Chairman Beaver said he wanted the Board and the Fair Association to sit down together and determine what was being offered by the Fair Association in terms of taking over the grounds.

Commissioner Benitz said there had been over \$2 million invested and many of the goals at the Fairgrounds were now complete. He said the Fair Association continued to show a profit with its yearly Fair and he wanted to continue with the lease arrangement.

Commissioner Bowman said he had no reason to change his mind that the County should continue ownership. He said the Fairgrounds provide a "quality of life" service and he wanted it to perpetuate, even if it was a net loss.

Chairman Beaver said that Board direction was to have Mr. Sparks and himself meet with the Fair Association to discuss negotiating a new lease.

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

### Approval of Minutes

The Minutes of April 26, 2010 were approved.

### Consent Agenda

**MOTION:** Commissioner Benitz moved to approve the consent agenda items “a” through “j”. Commissioner Bowman seconded and upon vote, the Board approved the following:

#### Auditor

- a. Agreement w/Pitney Bowes

#### Central Services

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

#### Facilities

- c. Contract w/Western States

#### Office of Public Defense

- d. 2009 Excess Case Compensation w/J Celski

#### Parks

- e. Contract w/Conrad Russell Excavation LLC

#### Public Works

- f. Bituminous Surface Treatment Authorization for Apricot Road
- g. Public Hearing Authorization for Ormiston Orchards Inc. Franchise Application
- h. Public Hearing Authorization for Oasis Water Corporation Franchise Application
- i. Public Hearing Authorization for PUD No. 1 of Klickitat County Franchise Application\
- j. Public Hearing Authorization for Beers Road Vacation

### Public Hearing – Badger Canyon Water Association Franchise

Sue Shuetze said that Badger Canyon Water Association filed a petition to continue a nonexclusive franchise and her office recommended approval of the franchise.

#### Testimony

Ron Cline, Badger Mountain President, said he wanted to witness the government process, find out what the \$500.00 fee paid for, and why the application qualified as a “franchise”.

Sue Schuetze said that basically they were paying the County to use its property. Additionally, it paid for her time, the cost of legal notices and mailings, and that it was required by state law.

Commissioner Benitz said it was a standard franchise used for private utilities on a public right of way.

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

**MOTION:** Commissioner Bowman moved to approve the application for franchise with Badger

Canyon Water Association, with the listed conditions. Commissioner Benitz seconded and upon vote, the motion carried.

**Public Hearing – Electric Lightwave, LLC**

Sue Schuetze said that Electric Lightwave, LLC had filed a petition to continue a nonexclusive franchise and her office recommended approval of the request.

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

**MOTION:** Commissioner Benitz moved to approve the application for franchise with Electric Lightwave, LLC, with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried.

**Public Hearing – Good Neighbor Water Association**

Sue Schuetze said that Good Neighbor Water Association had filed a petition to continue a nonexclusive franchise and her office recommended approval of the request.

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

**MOTION:** Commissioner Benitz moved to approve application for franchise with Good Neighbor Water Association, with the listed conditions. Commissioner Bowman seconded and upon vote, the motion carried.

The Board recessed until 9:20 a.m.

**Public Hearing – Supplemental Appropriation**

Loretta Smith Kelty presented the supplemental appropriation request for the Clerk's Collection Fund in the amount of \$40,932 to hire a collection deputy to begin collecting on fines and restitution for juvenile cases.

**Public Testimony**

Cameron Mitchell, Superior Court Judge, said he was there to answer any questions.

Clerk Josie Delvin said the figures show there were 812 cases with an outstanding balance of \$1.4 million (\$1.3 of which was restitution). Judge Mitchell said that Juvenile attempts to collect up to the age of 18 but the advantage for the Clerk is they can file a judgment, and if the juvenile (now adult) wanted to buy a house at some point, it showed up on their credit report and they were likely to pay that judgment.

Commissioner Benitz asked Ms. Delvin if she thought the revenue collected would offset the \$40,932. She said she didn't know, but statutorily it was her responsibility. Commissioner Benitz wanted to know if collection had been attempted in the past and if funds were being

provided to Juvenile to perform this service. Judge Mitchell said once they were adults, they were brought in for sanctions and transported back to Juvenile, but that without a judgment, it was not very effective. Additionally, when a juvenile turn 18 and they have financial obligations, they are brought in for a show cause proceeding to see why they are not paying, but the Clerk's office was better equipped to collect on these debts.

Ms. Delvin said that \$73,000 had been collected to date. Additionally, she said collection was not being done across the state and she wanted to be one of the few Clerks that collected on these judgments.

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

**MOTION:** Commissioner Bowman moved to approve the supplemental appropriation to the 2010 Clerk's Collection Fund, as described in the resolution. Commissioner Benitz seconded.

#### Discussion

Chairman Beaver requested a collection report from the Clerk on these Juvenile cases and Commissioner Bowman also requested a report on all collections.

Upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:40 a.m.

#### **Letter to Franklin County – Interim Administrator – Human Services**

**MOTION:** Commissioner Bowman moved to authorize Chairman Beaver to sign the letter to Franklin county appointing Ed Thornbrugh as interim administrator for Benton-Franklin Human Services. Commissioner Benitz seconded and upon vote, the motion carried.

#### **Letter to Franklin County – Analysis of Bi-County Operations – Health District/Human Services**

David Sparks presented a draft letter to Franklin County regarding the proposed analysis of the bi-county operations for the Health District and Human Services.

**MOTION:** Commissioner Bowman moved to approve the Chairman sign the letter to Franklin County regarding the analysis of the bi-county Health District and Human Services. Commissioner Benitz seconded and upon vote, the motion carried.

The Board briefly recessed, reconvening at 9:51 a.m.

#### **Executive Session - Pending Litigation**

The Board went into executive session with DPA Ryan Brown at 9:51 a.m. for approximately 15 minutes to discuss pending litigation. Also present were David Sparks, Cami McKenzie, Mike

Shuttleworth, and Loretta Smith Kelty. The Board came out at 10:07 a.m. Mr. Brown stated he updated the Board on pending litigation.

**MOTION:** Commissioner Bowman moved in the matter of the Eastern Washington Growth Management Hearings Board case numbers 10-1-0001c and 10-1-0002c to request the Prosecuting Attorney's Office not expend further time or resources to defend against these pending appeals of the decisions to expand the Benton City and Richland urban growth areas, reflected in Resolutions 09-727 and 09-728 and the defense of these appeals be the sole responsibility of the cities that requested this Board to take action to expand each of those city's respective UGA's. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

### **Unscheduled Visitors**

Andrea Mallonee, Modern Living Services, said they facilitated housing and living facilities for individuals with developmental disabilities in Benton & Franklin Counties. She said they were interested in the EPIC property and wanted to engage in further discussion for the use of this facility for the disabled adults.

Commissioner Benitz said the Board had been notified by EPIC they were no longer in service and wanted to direct Ms. Smith Kelty to work with them on this issue.

Ms. Mallonee did say there would be a problem with HUD funding if there was an animal control facility next to the property. However, they still wanted to discuss the issue with the hope they might be able to use the EPIC land.

The Board stated it had committed to building the animal control facility but was hopeful the two businesses could co-exist. The Board agreed to have Commissioner staff meet with Ms. Mallonee and discuss the issue.

### **Claim for Damages**

CC 2010-07: Received on April 30, 2010 from Mike Schaffer

### **Resolutions**

- 10-260: Agreement w/Pitney Bowes
- 10-261: Line Item Transfer, Fund No. 0502-101, Dept. 000
- 10-262: Contract w/Western States
- 10-263: 2009 Excess Case Compensation w/J Celski
- 10-264: Contract w/Conrad Russell Excavation LLC
- 10-265: Bituminous Surface Treatment Authorization for Apricot Road
- 10-266: Public Hearing Authorization for Ormiston Orchards Inc. Franchise Application
- 10-267: Public Hearing Authorization for Oasis Water Corporation Franchise Application
- 10-268: Public Hearing Authorization for PUD No. 1 of Klickitat County Franchise Application

- 10-269: Public Hearing Authorization for Beers Road Vacation
- 10-270: Approval of Supplemental Appropriation to 2010 Clerks' Collection Fund

There being no further business before the Board, the meeting adjourned at approximately 10:28 a.m.

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Chairman

a

# Salary Request Statement

## Assessor's Office

COPY b

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

**IN THE MATTER OF AUTHORIZING THE PURCHASE OF TWO (2) SCANNERS, MAINTENANCE, BACKGROUND KITS, AND TECHNICAL SERVICES FOR VOTER TABULATION SYSTEM FROM HART INTERCIVIC FOR THE BENTON COUNTY AUDITORS DEPARTMENT LOCATED AT THE BENTON COUNTY COURTHOUSE**

**WHEREAS**, the Benton County Auditor submitted to the Office of the Secretary of State a request for a grant under the Help America Vote Act (HAVA) for the acquisition of two (2) new tabulation scanners to replace the two (2) old tabulation scanners as they have reached the end of their life cycle. In addition, the purchase would include one (1) year of maintenance on each scanner, background kits, scanner configuration, and technical services; and

**WHEREAS**, the grant has been approved by the Office of the Secretary of State; and

**WHEREAS**, HART Intercivic, is the vendor that administers the current tabulation system in use by the Benton County Auditor; and

**WHEREAS**, the Benton County Auditor solicited and received a quote from HART Intercivic, Austin, TX, for two (2) scanners, one (1) year maintenance, background kits, scanner configuration and technical services for a total amount of \$35,771 including sales tax; and the cost of the scanners, maintenance, and background kit, without the additional scanner configuration and technical services, would total \$27,183.30 including sales tax; and .

**WHEREAS**, additional quotes were solicited from other vendors for the purchase of scanners and maintenance, but did not include the additional services that can only be obtained from HART Intercivic. Those quotes were from Insight Public Sector, Tempe, AZ (\$25,755.08); PC Mall Gov, Shelton, CT (\$29,585.40); NuOz Corporation, Bellevue, WA (\$30,323.42); and TechDepot, Trumbull, CT (\$30,374.82); CDW-G, Vernon Hills, IL (\$33,161.46). These quotes do not include the additional cost of shipping of \$600 from HART Intercivic to Benton County after the scanners are configured; and

**WHEREAS**, additional scanner configuration and technical services will be required by HART Intercivic in order for the scanners to be compatible with the current tabulation system and comply with certification standards, and to insure that security measures are taken that will not compromise the integrity of the ballot tabulation system; and these services cannot be provided by the other vendors who submitted quotes; and

**WHEREAS**, RCW 39.04.280(1) provides for an exception to the competitive bidding requirements if the purchase is clearly and legitimately limited to a single source of supply, provided that the Board of County Commissioners pass a resolution stating the basis for the waiver; and

**WHEREAS**, the Benton County Auditor and Elections Supervisor recommend purchasing the scanners, maintenance, background kits, scanner configuration, and technical services from HART Intercivic as the base cost of the scanners and maintenance is within a reasonable range of the other submitted quotes and only HART Intercivic can provide the additional required scanner configuration, technical services, and security to comply with certification standards;  
**NOW, THEREFORE**

**BE IT RESOLVED** the Board of Benton County Commissioners, Benton County, Washington hereby concurs with the recommendation and authorizes the Benton County Auditor to proceed with the purchase of two (2) scanners, one (1) year maintenance, required background kits, scanner configuration and technical services totaling \$35,771.00 including sales tax from HART Intercivic as set forth on the attached pricing quote and as a single source provider; and

**BE IT FURTHER RESOLVED**, the Board hereby authorizes the Benton County Auditor to negotiate a maintenance service agreement between Benton County and HART Intercivic to be placed on the consent agenda at a later date to be signed by the Chairman of the Board.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Constituting the Board of County  
Commissioners of Benton County, Washington

Attest: \_\_\_\_\_  
Clerk of the Board

C

**BENTON AND FRANKLIN COUNTIES  
ACTION SUMMARY COVER SHEET**

AGENDA ITEM	TYPE OF ACTION NEEDED	
<b>Professional Services Agreement with Kennewick Police Department</b> Prepared By: Carol Carey	<input checked="" type="checkbox"/> Execute Contract <input checked="" type="checkbox"/> Pass Resolution <input type="checkbox"/> Pass Ordinance <input type="checkbox"/> Pass Motion <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Public Hearing <input type="checkbox"/> 1 <sup>st</sup> Discussion <input type="checkbox"/> 2 <sup>nd</sup> discussion <input type="checkbox"/> Other

**BACKGROUND INFORMATION**

The Department of Human Services would like enter into a Professional Services Agreement with the Kennewick Police Department to provide Crisis Intervention Team (CIT) Training to law enforcement and allied service providers in Benton and Franklin Counties.

**SUMMARY**

**Award:** \$21,000.00.

**Period:** January 1, 2010 through June 30, 2011 or completion of the project.

**Funding Source:** Mental Health Reserve Dollars

**RECOMMENDATION**

- Sign the resolution to accept the proposed amendment.
- Approve the proposed agreement by signing all the copies where indicated.

**FISCAL IMPACT**

Funding for the services described in this PSA is provided by the reserve mental health dollars. **There is no impact on the current expense budget.** All revenues and expenditures are from the Fund 0108-101 Human Services Budget.

**MOTION**

To approve signing the Professional Services Agreement with Kennewick Police Department and authorize the Chair to sign on behalf of the Board.

# JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. \_\_\_\_\_

FRANKLIN COUNTY RESOLUTION NO. \_\_\_\_\_

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

**IN THE MATTER OF EXECUTION OF PROFESSIONAL SERVICES AGREEMENT #PSA-2010/11-KPD/CIT-00 BETWEEN KENNEWICK POLICE DEPARTMENT AND BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES,**

**WHEREAS,** the Department of Human Services would like to enter into an agreement with Kennewick Police Department to provide Crisis Intervention Team (CIT) Training; and

**WHEREAS,** this training will be for law enforcement and allied service providers in Benton and Franklin Counties; and

**WHEREAS,** compensation for this agreement will be paid for with reserve mental health dollars;  
**NOW THEREFORE,**

**BE IT RESOLVED,** that the Chairpersons are hereby authorized to sign the joint resolution on behalf of the Boards of Benton and Franklin County Commissioners.

Dated this ..... day of ....., 2010.

Dated this ..... day of ....., 2010.

\_\_\_\_\_  
Chair, Benton County Commissioners

\_\_\_\_\_  
Chair, Franklin County Commissioners

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

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

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

Attest:

Attest:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Clerk of the Board

Originals: Benton County  
Franklin County  
Human Services

Carey

**BENTON AND FRANKLIN COUNTIES  
ACTION SUMMARY COVER SHEET**

**COPY**

AGENDA ITEM	TYPE OF ACTION NEEDED	
<b>Personal Services Agreement #PSA-2010.2011-NAMI-00 with the National Alliance for the Mentally Ill</b>	<input checked="" type="checkbox"/> Execute Contract	<input checked="" type="checkbox"/> Consent Agenda
	<input checked="" type="checkbox"/> Pass Resolution	<input type="checkbox"/> Public Hearing
Prepared By: Carol Carey	<input type="checkbox"/> Pass Ordinance	<input type="checkbox"/> 1 <sup>st</sup> Discussion
	<input type="checkbox"/> Pass Motion	<input type="checkbox"/> 2 <sup>nd</sup> discussion
	<input type="checkbox"/> Other	<input type="checkbox"/> Other

**BACKGROUND INFORMATION**

The Department of Human Services would like to enter into a Professional Services Agreement with the National Alliance for the Mentally Ill to provide funding for a Family To Family Program for family members of adults with serious mental illnesses.

**SUMMARY**

**Award:** \$8,000.00

**Period:** March 1, 2010 through December 31, 2011

**Funding Source:** Greater Columbia Behavioral Health

**RECOMMENDATION**

- Sign the resolution to accept the proposed PSA.
- Approve the proposed agreement by signing all the copies where indicated.

**FISCAL IMPACT**

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

**MOTION**

To approve signing PSA-2010.2011-NAMI-00 with the National Alliance for the Mentally Ill and to authorize the Chair to sign on behalf of the Board.

# JOINT RESOLUTION

Benton County Resolution No. \_\_\_\_\_

Franklin County Resolution No. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF BENTON AND FRANKLIN COUNTIES,  
WASHINGTON:

**IN THE MATTER OF EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE NATIONAL ALLIANCE FOR THE MENTALLY ILL AND THE BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES FOR THE PROVISION OF A NAMI SUPPORTED TRAINING PROGRAM, and**

**WHEREAS**, NAMI will provide up to four (4) twelve week sessions of the Family to Family Program to family members of adults with serious mental illnesses and becomes effective March 1, 2010 and shall expire on December, 2011, unless terminated sooner; and

**WHEREAS**, NAMI shall provide course evaluations within ten business days after the end of each program session, and

**WHEREAS**, the maximum consideration is \$8,000, NOW THEREFORE,

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

**BE IT FURTHER RESOLVED** that the Chairs of Benton and Franklin County Commissioners are hereby authorized to sign #PSA-2010.2011-NAMI-00 on behalf of the Board of Benton and Franklin County Commissioners.

Dated this . . . day of . . . . ., 2010

Dated this . . . day of . . . . ., 2010

\_\_\_\_\_  
Chair, Benton Co. Commissioners

\_\_\_\_\_  
Chair, Franklin Co. Commissioners

\_\_\_\_\_  
Chair, Pro Tem

\_\_\_\_\_  
Chair, Pro Tem

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

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

Attest: .....  
Clerk of the Board

Attest: .....  
Clerk of the Board

cc: Human Services, Franklin County

Carey



# RESOLUTION

f

## BENTON COUNTY RESOLUTION NO. \_\_\_\_\_

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON  
IN THE MATTER OF COMPENSATING ATTORNEY PEYMAN YOUNESI, ATTORNEY AT  
LAW, FOR EXCESS CASES APPOINTED TO HIM FOR INDIGENT DEFENSE  
REPRESENTATION DURING THE YEAR 2009**

**WHEREAS**, in calendar year 2009 Benton County contracted with attorney Peyman Younesi to provide indigent defense services in Benton County District Court;

**WHEREAS**, the criminal defense contract in question had a maximum case cap of 360 cases, and an amendment was also executed near the end of the year providing for an additional assignment of 30 cases, all of which were to be compensated on a per-case basis at the rate of \$161 per case;

**WHEREAS**, despite the case cap, as amended and increased, a total of 405 cases were nevertheless assigned to Peyman Younesi by Benton County District Court;

**WHEREAS**, it is therefore appropriate to compensate Peyman Younesi for the 15 cases assigned above and beyond the contractual cap, as modified by amendment to be 390 cases which, when compensated at the rate of \$161 per case, comes to a total of \$2,415.00

**NOW THEREFORE,**

**BE IT RESOLVED**, that Jason Celski, attorney law, be compensated in the amount of \$2,415.00 for excess cases assigned and worked in calendar year 2009;

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

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
<b>Meeting Date: 10 May 2010</b> <b>Subject: RM Shooting Facility</b> <b>Memo Date: 3 May 2010</b> <b>Prepared By: AJF</b> <b>Reviewed By: LSK</b>	<b>Execute Contract</b> <b>Pass Resolution X</b> <b>Pass Ordinance</b> <b>Pass Motion</b> <b>Other</b>	<b>Consent Agenda X</b> <b>Public Hearing</b> <b>1st Discussion</b> <b>2nd Discussion</b> <b>Other</b>

## SUMMARY

For Board consideration, is purchase of property currently leased by Benton County from the US Bureau of Land Management ("BLM") that is part of the Rattlesnake Mountain Shooting Facility ("Range"). Purchase of this property has been a long-term objective of the Park Board and is supported by the sublessee, the Tri-Cities Shooting Association ("TCSA"). Purchase of the property would end the County's lease relationship with the BLM.

## BACKGROUND

This proposed action would conclude a long process that has spanned several years.

### Current Situation

The Range covers several hundred acres, crossing two property ownerships. One property is owned by the State of Washington (see below). We are NOT dealing with the State lands in this proposal. The other property – broken into two parts (see map attached) – is owned by the BLM. Benton County leases this land from the BLM under what is called a Recreation and Public Purposes Act lease ("R&PP"). The proposal is only to purchase the BLM land.

Benton County has subleased this land to the TCSA since the 1980s. The club is a good manager, with strong leadership, and is easy to work with. The club makes the improvements and major investments on the Range, save for a few small projects the County has helped with. In addition to casual shooting, quite a number of trainings and competitions are held on-site throughout the year and across multiple disciplines. Membership over the past few has averaged more than 10% annual growth, and TCSA now claims over 2500 dues paying members.

### Purpose & Objectives

Dealing with the federal agency has been fraught with procedural obstacles, delays, and other difficulties. The personnel in the Spokane and Portland offices are helpful, but dealing with the lease stipulations and BLM has a whole is arduous. The main purpose of this proposal is to gain local control over this increasingly valuable asset and its improvements. Two main points have proven increasingly sticky in recent years:

- **Term of Lease:** The BLM did give a modest lease extension to the County two years ago (until 2020) and just getting that done was akin to pulling teeth. Moreover, the agency is resistant to giving the County a longer-term lease. This has been problematic because most of the grants that TCSA competes for require a minimum of 10 years remaining on leases. With BLM unable or unwilling to give a long term extension, we will be constantly running-up against this "10 year wall", and trying to get extensions. By acquiring the patent, there is no more BLM lease to deal with, and the County can work out a lease term that is more agreeable to it and the TCSA, and any renewal/extension processes would [theoretically] be much easier and faster.

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

## IN THE MATTER OF THE RATTLESNAKE MOUNTAIN SHOOTING FACILITY ACQUISITION OF NEW PROPERTIES

**WHEREAS**, the Rattlesnake Mountain Shooting Facility – a multi-discipline recreational firearms facility – is one of the most popular parks in the Benton County system, and one of the few facilities of its size, scale, and quality in the Pacific Northwest; and,

**WHEREAS**, both membership at and investment in the Rattlesnake Mountain Shooting Facility continue to grow each year; and,

**WHEREAS**, the management partnership between Benton County and the Tri-Cities Shooting Association – the sub-lessee of the Rattlesnake Mountain Shooting Facility – is strong and sustaining; and,

**WHEREAS**, all parties – the United States Bureau of Land Management (owner), Benton County (lessee), and the Tri-Cities Shooting Association (sub-lessee) – believe that the effective and efficient long-term operation of the Rattlesnake Mountain Shooting Facility is best served by Benton County purchasing the patent for the Rattlesnake Mountain Shooting Facility from the Bureau of Land Management; **NOW THEREFORE**,

**BE IT RESOLVED**, by the Benton County Board of Commissioners that Benton County shall purchase the patent to the 422.55 acres of property currently owned by the Bureau of Land Management and under lease by Benton County for use as the "Rattlesnake Mountain Shooting Facility"; and that said purchase is to be made in an amount not to exceed \$74,000.00 based on the value of the land as appraised in January 2010 and per the terms of the County's lease with the Bureau of Land Management. The funds for the purchase shall be taken from the County's Park Development Fund.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Constituting the Board of Commissioners  
of Benton County, Washington.

Attest.....  
Clerk of the Board

orig: BOCC file  
cc: Parks, Park Board, US Bureau of Land Management, Tri-Cities Shooting Association

Prepared by: A.J. Fyal

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: 5/10/2010 Subject: Personal Services Agreement Prepared by: Jonathan Young Reviewed by: Jonathan Young	Execute Contract	<u>  x  </u>	Consent Agenda <u>  x  </u>
	Pass Resolution	<u>  x  </u>	Public Hearing <u>      </u>
	Pass Ordinance	<u>      </u>	1st Discussion <u>      </u>
	Pass Motion	<u>      </u>	2nd Discussion <u>      </u>
	Other	<u>      </u>	Other <u>      </u>

h

**BACKGROUND INFORMATION**

The Prosecuting Attorney's Office has had a personal services agreement with Pat Fleming for transcription services. This agreement was terminated on May 10, 2010 and a new proposed personal services agreement has been reviewed, signed by the prosecutor and a Resolution is now ready for approval by the Board.

**SUMMARY**

See above.

**RECOMMENDATION**

Approve and sign Resolution.

## PERSONAL SERVICES AGREEMENT FOR TRANSCRIPTION SERVICES

This Personal Services Agreement is entered into by and between the Benton County Prosecuting Attorney (hereinafter "County") and Pat Fleming (hereinafter Transcriber).

### WITNESSETH:

WHEREAS, the Benton County Prosecutor's Office has a need for tapes/cd's of criminal hearings, inmate phone calls, search warrant requests and other evidentiary material to be transcribed and typed in a format recognized by the courts.

WHEREAS, the Transcriber has experience and training in this area.

WHEREAS, the Transcriber and the County previously entered into an agreement for transcription services and wish to terminate their existing agreement and enter into a new agreement. The County provided seven-days advance written notice to Transcriber of intent to terminate the existing agreement. The prior agreement between the Transcriber and the County has been terminated.

WHEREAS, the Transcriber and the County wish to enter into a new agreement for the mutual benefits and consideration described herein.

### 1. PROFESSIONAL SERVICES

The Transcriber agrees to provide professional services as follows:

A. Pickup and Delivery Services: The Transcriber agrees to provide a telephone number to the County to request services. If the Transcriber's schedule permits, she will accept the request and pick up the audio tape/cd the same day as the request. This is considered day one. After transcription is done, she will deliver the audio tape/cd and printed transcription by 5 p.m. on day three, unless other arrangements are made that are mutually agreeable to both parties.

B. Transcription Services: The Transcriber agrees to provide a double spaced, typed transcript with 1" margins and full justification. The Transcriber will indicate areas on the tape/cd that are inaudible with the term "inaudible."

### 2. COMPENSATION

The Transcriber shall receive the sum of \$3.75 per double spaced page, unless the request for the transcription is sooner than 3 days. Then the sum per double spaced page will be \$5.00. Partial pages will be pro rated at the above amounts. The Transcriber shall submit an invoice with the transcript. The invoice will refer to the case name or number that is provided on the tape/cd.

# RESOLUTION

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

IN THE MATTER OF COUNTY FRANCHISES RE: APPLICATION OF WASHINGTON STATE UNIVERSITY FOR A FRANCHISE TO CONTINUE IRRIGATION WATER SYSTEM AND FACILITIES IN COUNTY ROAD RIGHT OF WAY,

WHEREAS, Washington State University, has applied to continue a franchise to place irrigation water 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, June 7, 2010 at 9:05 a.m. Local Time, in the Board of County Commissioners Meeting Room, Benton County Courthouse, 620 Market Street, Prosser, Washington.

Dated this 10<sup>th</sup> day of May 2010.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman Pro-Tem

\_\_\_\_\_  
Member

Constituting the Board of County  
Commissioners of Benton County,  
Washington

Attest: \_\_\_\_\_  
Clerk of the Board

SWB:lss

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN THE AGREEMENT BETWEEN BENTON COUNTY AND PSYCHOLOGICAL CONSULTANTS, INC. FOR PSYCHOLOGICAL EVALUATIONS, CURRENT EXPENSE FUND NUMBER 0000-101, DEPARTMENTS 118, 119, 120, 121, AND 125.

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

**WHEREAS**, the Sheriff's Office has a contract with Psychological Consultants, Inc. for psychological evaluations for 2008 and 2009 via Resolution 07-682; and

**WHEREAS**, the Sheriff's Office is pleased with the service provided by Psychological Consultants, Inc. and recommends entering into another contract for 2010; **NOW THEREFORE**

**BE IT RESOLVED**, by the Board of Benton County Commissioners, Benton County, Washington, the Board concurs with the Sheriff's Office recommendation and hereby awards the personal service contract to Psychological Consultants, Inc. in an amount not to exceed \$15,000.00 including WSST; and

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

**BE IT FURTHER RESOLVED** the term of the attached personal service contract commences January 1, 2010 and expires on December 31, 2010.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Chairman of the Board

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Attest: \_\_\_\_\_  
Clerk of the Board

**PERSONAL SERVICES CONTRACT  
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between BENTON COUNTY, a political subdivision, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and Psychological Consultants, Inc., a for-profit corporation organized under the laws of the State of Washington with its principal offices at 2401 Alexander Ave, Richland, WA 99354 (hereinafter "CONTRACTOR").

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

1. CONTRACT DOCUMENTS

This Contract consists of the following documents:

- a. Terms and Conditions (this document)

2. DURATION OF CONTRACT

The term of this Contract shall begin January 1, 2010 and shall expire on December 31, 2010. 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.

3. SERVICES PROVIDED

The CONTRACTOR shall perform the following services:

- a. The Contractor shall: (1) conduct pre-hire psychological clearance evaluations and Fitness for Duty evaluations, as needed and requested by County; (2) on occasion, when there is a need for more in-depth testing of a pre-hire clearance applicant, arrangements and specific details of the services requested will be discussed and provided on a case by case basis; (3) should the need for individual therapy, emergency crisis consultation or limited critical debriefing with existing staff arise, those services can also be requested and provided, as appropriate. These services shall be provided by Dr.

Steven W. Becken  
Public Works Manager

Malcolm Bowie  
County Engineer

9:05  
**Benton County**  
Department of Public Works

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

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

May 5, 2010

BOARD OF COUNTY COMMISSIONERS  
Benton County Courthouse  
Prosser, WA 99350

RE: Application for Franchise: Sundown Estates

Commissioners:

Sundown Estates has filed a petition for a nonexclusive franchise to place water lines within Benton County road right of way. The area requested for franchise is all unincorporated Benton County.

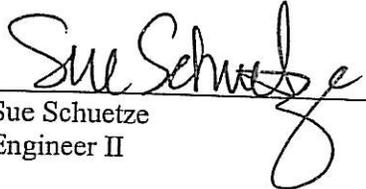
This office has reviewed the request and based upon our current franchise requirements recommends approval of the request subject to the following conditions:

1. The term of the franchise be for a five (10) year period with a 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.
3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way.
4. Should Benton County require utility relocation work because of road reconstruction or maintenance, said work shall be at the Grantee's expense.
5. The franchise is nonexclusive.
6. The Grantee sign the Order and Agreement for Nonexclusive Franchise, which will be prepared based upon the requirements set forth at the public hearing.

If you have any questions, please contact this office.

Sincerely,

\_\_\_\_\_  
Malcolm Bowie  
County Engineer

  
Sue Schuetze  
Engineer II

9:10

<b>AGENDA ITEM</b> <b>MTG. DATE:</b> May 10, 2010 <b>SUBJECT:</b> Appeal of Admin. Decision - SHPA 10-02 Anton Heintz <b>MEMO DATE:</b> April 29, 2010 <b>Prepared By:</b> R.J. Lott <b>Reviewed By:</b> Mike Shuttleworth	<b>TYPE OF ACTION NEEDED</b> Execute Contract Pass Resolution X Pass Ordinance Pass Motion X Other	Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other
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**BACKGROUND INFORMATION**

On April 5, 2010, the Planning Department received a written appeal letter from Anton Heintz regarding the Short Plat Administrator's requirement to locate the 10-foot utility easement outside of the 30-foot private road easement for the short plat approval. On February 25, 2010, Tony Heintz submitted to the Planning Department a short plat application SHP 10-04 to subdivide 3.59 acres into 4 lots. On March 31, 2010, Mr. Heintz was sent a letter from this office indicating that the Short Plat would be approved provided 15 conditions were satisfied. Item No. 5 stated, "Please relocate the 10-foot utility easement that is located within the private road easement so that it does not interfere with adequate access." The short plat map included with the application showed the private road easement at 30-feet in width that included a 10-foot utility easement within the private road easement. Benton County Code 9.04.033 requires that private road easements serving 4 lots must be at least 30 feet in width. The code does not have any provisions for private road easements to be combined with utility easements.

Attached to this memo are copies of two comments. One comment is from Rick Sunford, Benton PUD, dated March 8, 2010, his comments state that Benton PUD finds the utility easements adequate, as shown on the short plat map. Secondly, Shawn Brown from the Benton-Franklin Health District commented that if the 10-foot utility easement was relocated outside of the 30-foot private road easement, that lots 1, 2 and 3 would not meet the District's requirement for usable land area. Also attached to this memo are: the appeal letter from the applicant, copy of the proposed short plat, a copy of the short plat letter dated March 31, 2010, and an aerial photo of the site.

**SUMMARY**

Anton Heintz is requesting that the Board grant his appeal to the Short Plat Administrator's decision that a 30-foot private road easement that serves this short plat be separate from the 10-foot utility easement. The Board, following the public hearing may affirm or reverse the Short Plat Administrator's decision or remand the application back to the Short Plat Administrator with instructions to approve the same upon compliance with the conditions imposed by the Board, if any.

**RECOMMENDATION**

Based on the facts: there is limited usable land area for septic systems; the proposed utility easement is located within the north 10 feet of the access easement; the granting of this request would not adversely impact the development in the surrounding area, the public health safety and general welfare would be in accordance with the standard established by Benton County. The Planning Department recommends that the Board approve the applicant's request to serve the proposed short plat with a combined 30-foot private road and utility easement and remand the application back to the Short Plat Administrator with instruction that Short Plat Application 10-04 be approved with all the conditions except condition #5 be eliminated.

**FISCAL IMPACT** - None

**MOTION**

The Planning Department recommends the following motion: The Board of County Commissioners approve Anton Heintz's request to serve short plat SHP 10-04 with a 30-foot combined private road and utility easement as shown on the short plat map and remand the application to the Short Plat Administrator with instructions to eliminate item #5 and to allow the access as a 30-foot combined private road and utility easement to Old Inland Empire as shown on the short plat map.

9:15

**From:** Marilu Flores  
**To:** Hewitt, Eileen  
**Subject:** Re: Sign up for Commissioner Meetings

RECEIVED  
APR 27 2010  
BENTON COUNTY  
COMMISSIONERS

Times have been scheduled before the board as follows:

- May 10th @ 9:15 am
- May 24th @ 10 am
- Aug 2nd @ 9:05 am
- Nov 8th @ 9:05 am

>>> Eileen Hewitt 4/23/2010 3:33 PM >>>  
They will need about 15 minutes of time on the schedule for each date requested.

May 10th - Tim Waters will speak about:  
-Insect monitoring project for Potato Producers in the Columbia Basin  
-Thrips insect control in bulb onions  
-The International Carrot conference being hosted by Tim and others in Kennewick this summer.

May 10th - Marianne Ophardt will speak about the upcoming 10th Anniversary of the Demonstration Garden.

May 24th - Natalie Kinion will speak about 4-H Programs: Gear Up for Fair; Future All Community Service Project; Dust Devil's Night at the Stadium

August 2nd - Laurie Sherfey will speak about the Pathways Project: Literacy and Educational Pathways for Latino Childcare Providers

November 8th - Lizann Powers-Hammond will speak about Food Safety Programming.

Let me know if you need any additional information.

Eileen Hewitt  
[eileen.hewitt@co.benton.wa.us](mailto:eileen.hewitt@co.benton.wa.us)

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

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

>>> Marilu Flores 4/20/2010 11:01 AM >>>  
Eileen:

Before I schedule time as requested, please identify what programs are being discussed with the specific date. I would also need to know how much time to schedule.

Marilu Flores  
Administrative Secretary  
Benton County Commissioners Office  
PO Box 190

9:30

WASHINGTON STATE

**County Road Administration Board**

2404 Chandler Court SW Suite #240 Olympia, WA 98504-0913 www.crab.wa.gov  
360/753-5989 FAX 360/586-0386



APR 28 2010  
BENTON COUNTY  
COMMISSIONERS

TO: County Executives, and  
Chairmen of Boards of County Commissioners

FROM: Jay P. Weber, Executive Director *[Signature]*

DATE: April 26, 2010

RE: Certificate of Good Practice

Max	<input checked="" type="checkbox"/>
Leo	<input checked="" type="checkbox"/>
Jim	ORIG
David	<input checked="" type="checkbox"/>
Loretta	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

It is my pleasure to send you the enclosed Certificate of Good Practice that was approved by resolution of the County Road Administration Board at its meeting on April 22, 2010. It is suggested that you present this certificate to your County Road Engineer at an appropriate time.

A Certificate of Good Practice has been transmitted to the State Treasurer on behalf of your county pursuant to the authority contained in RCW 36.78.090 as shown on the certificate enclosed. This action by the CRABoard will assure the continued distribution of your monthly state gas tax allotment from the Office of the State Treasurer.

On behalf of the members and staff of the CRABoard, I would like to express my appreciation for the cooperation we have received from and through your county engineer's office during the past year.

Enclosure

cc: County Engineer

**CERTIFICATE OF GOOD PRACTICE**

has been transmitted to the State Treasurer on behalf of

**BENTON COUNTY  
2009**

*Pursuant to the authority contained in RCW 36.78.090 and in recognition of the fact that this county: a) has submitted to the Department of Transportation or to this Board all reports required by law or regulation of the Board; and; b) has reasonably complied with provisions of law relating to county road administration and with the Standards of Good Practice as formulated and adopted by the Board.*

By resolution of the County Road Administration Board.

April 22, 2010

  
Chairman

9:35

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>May 10, 2010</u>	Execute Change Order _____	Consent Agenda _____
Subject: <u>Hanks Road</u>	Pass Resolution _____	Public Hearing _____
Prepared by: <u>blt</u>	Pass Ordinance _____	1st Discussion <u>XX</u>
Reviewed by: <u>blt</u>	Pass Motion _____	2nd Discussion _____
	Other <u>XX</u>	Other _____

**BACKGROUND INFORMATION**

Hanks Road has \$400,137.97 remaining in RAP fund. And the Right-of-way appraisals totaled \$581,037.60 for land and damages.

**SUMMARY**

Public Works wishes to discuss options and get direction from BOCC on how they wish to proceed.

**RECOMMENDATION**

None given at this time.

**FISCAL IMPACT**

If project is progressed through the right-of-way acquisition, a minimum of \$182,000 of County funds will be needed.

Construction of the project is projected to be between \$2,500,000 and \$3,000,000, which would be County funds, unless a grant can be obtained from CRAB or FHWA.

**MOTION**

None needed at this time.

9:50

Letter to Franklin County  
Commissioners

Health District & Human Services