

May 17, 2010

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

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
May 10, 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; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Facilities Manager Roy Rogers; Ed Thornbrugh, Interim Human Services Manager; Auditor Brenda Chilton; Planning Manager Mike Shuttleworth; Deputy Treasurer Erhiza Rivera; DPA Ryan Brown; Malcolm Bowie, Sue Schuetze, Steve Becken, Norm Childress, and Bryan Thorp, Public Works.

Workshop Agenda

Annual Yakima Fish & Wildlife Recovery Board Meeting

Commissioner Bowman provided a draft work plan for review. Additionally, he said that Benton County had the obligation to appoint four people on a committee to review applications for projects and so far they only had one person. He asked the Board if it would concur with running an ad in the newspaper for citizens to sit on that committee. The Board agreed.

Legislative Session

Commissioner Bowman provided information on the final budget from the legislative session.

RFQ – Study for Moving the County Seat

David Sparks said the RFQ closed on Friday and the Board needed to decide how it wanted to go about selecting the consultant. Additionally, he said the Board also needed to decide what it wanted to do with the Commissioners office and departments reporting to the Commissioners if the county seat were moved to Kennewick.

Commissioner Bowman suggested a five-person interview committee comprised of David Sparks, Loretta Smith Kelty, two people from Prosser, and one person from the Tri-City Herald Editorial Board.

Commissioner Benitz suggested that David Sparks could select the consultant. However, recommended an advisory committee that included someone from the Prosser Record Bulletin and the Tri-City Herald.

Chairman Beaver said how Mr. Sparks used the advisory committee would be up to him and he was agreeable it should be a broad group.

The Board agreed to have Mr. Sparks put together a committee from the suggested individuals. Additionally, it said it would discuss later the location of the Commissioners' office if the County seat were moved.

Elected Officials Salaries

Mr. Sparks said the Board would need to pass a resolution setting the salaries for the elected officials before filing week (June 7). Chairman Beaver said he was in favor of freezing the salaries. Commissioner Benitz said the Board would need to talk to the other officials but did not see a problem with freezing them. Commissioner Bowman said that was fine.

Private Road Access Easements

Mr. Sparks said he was looking at setting a workshop to discuss the private road access easements on May 19 at 9:00 a.m. The Board agreed.

Board Appointments – Human Services Administrator

Mr. Sparks asked the Board if it wanted to change the resolution to remove Ms. Huie-Pascua's name or wait to change the resolution after the new person was selected. The Board agreed to wait until a new person was selected.

Regular Bi-County Meetings

Chairman Beaver suggested a regular bi-county meeting be convened after the monthly bi-county health board meetings so the Board could regularly discuss bi-county issues.

The Board agreed to try it.

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

Approval of Minutes

The Minutes of May 3, 2010 were approved as corrected.

Review Agenda

Commissioner Benitz requested item "d" (Professional Services Agreement w/National Alliance for the Mentally Ill) be pulled from the consent agenda for further discussion.

Consent Agenda

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

Assessor

- a. Salary Request Statement

Auditor

- b. Authorization to Purchase Election Equipment & Services from Hart Intercivic

Human Services

- c. Professional Services Agreement w/Kennewick Police Department
- e. Travel Expense Reimbursement

Office of Public Defense

- f. 2009 Excess Cases Compensation for P Younesi

Parks

- g. Rattlesnake Mountain Shooting Facility Patent Transfer

Prosecuting Attorney

- h. Personal Services Agreement w/P Fleming

Public Works

- i. Public Hearing Authorization for WSU Irrigation Water System Franchise

Sheriff

- j. Psychological Consultant Professional Services Contract w/Psychological Consultants, Inc.

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

Public Hearing – Sundown Estates Franchise

Sue Schuetze stated that Sundown Estates had filed a petition to continue a nonexclusive franchise for water lines within Benton County road right of way. Ms. Schuetze said a correction was needed to change condition #1 from a 5-year to a 10-year period. She said the recommendation was to approve the franchise with the listed conditions, as corrected.

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

MOTION: Commissioner Bowman moved to approve the application for franchise for Sundown Estates with the conditions as amended. Commissioner Benitz seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:15 a.m.

Public Hearing – Short Plat Appeal for SHPA 10-02

Mike Shuttleworth summarized the staff report stating the applicant was requesting the Board grant his appeal to the Short Plat Administrator’s decision that a 30-foot private road easement

serving this short plat be separate from the 10-foot utility easement. Mr. Shuttleworth said that based on the facts presented, the Planning Department recommended the Board approve the proposed short plat and grant the appeal.

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

MOTION: Commissioner Benitz moved to approve Anton Heintz's request to serve the 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. Commissioner Bowman seconded and upon vote, the motion carried unanimously.

The Board briefly recessed, reconvening at 9:15 a.m.

WSU – Insect Monitoring Project; 10th Anniversary – Demonstration Garden

Marianne Ophardt invited the Board to the 10th anniversary of the demonstration garden and also provided statistics on agriculture in Benton County.

Tim Waters briefly discussed the following items regarding commercial vegetables:

- International Carrot Conference being held locally
- Grant for insect monitoring project for potato producers in the Columbia Basin
- Insect control in bulb onions

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

Certificate of Good Practice - CRAB

Chairman Beaver presented a certificate of good practice to the county engineer from the County Road Administration Board. Malcolm Bowie, county engineer, said it was a group effort by Public Works staff and included a series of up to 14 reports generated each year.

The Board briefly recessed, reconvening at 9:35 a.m.

Hanks Road Discussion

Steve Becken, Malcolm Bowie, and Larry Moser came before the Board and asked for direction on proceeding with Hanks Road. Mr. Becken said there was approximately \$400,000 remaining in RAP funds and the estimate for right of way appraisals totaled \$581,000. Mr. Becken said that \$700,000 to \$750,000 was a better estimate. He said if the County proceeded to purchase right of way, there would be opportunity for additional funding, however it would take 3 bienniums to complete with full funding. He said the money had been sitting out there for about 15 years (it was the oldest funded state project) and the State wanted it off their books.

Mr. Bowie said if the Board moved ahead, it would get them closer to “shovel ready” in case there was another form of funding. Mr. Becken added that if they could only get part of the right of ways, they would need to get more appraisals in a couple of years because they would no longer be valid.

Commissioner Bowman recommended they go as far as they could with the money available.

Commissioner Benitz stated the importance of getting the three miles fixed on Hanks Road for safety issues. He said it was time to move forward to get necessary funding for right of way purchase and construction.

Chairman Beaver said that if it was a viable project then it should be done. He added that the Roza study wasn't done for nothing and the Board had made a commitment to the folks in that area. He said he was in favor of getting the process started although he didn't know where they would find the other funds.

The Board briefly recessed, reconvening at 9:50 am.

Letter to Franklin County – Health District/Human Services

David Sparks presented a draft letter to Franklin County regarding space needs of the Health District and Human Services. Commissioner Bowman suggested the lease in paragraph 3 be more fully described as “administration”.

Commissioner Benitz said the current month-to-month lease payment increased in July so it was important to move ahead and he was in favor of sending the letter out. He also said he was in favor of moving forward with discussions regarding combining Health District and Human Services Departments and hiring one administrator and that he wanted to cancel the interviews for a Human Services Administrator scheduled for Thursday. He said he was in favor of keeping on the current interim Human Services Administrator until a decision regarding the bi-county agencies could be decided.

Commissioner Bowman said he was in favor of finding out the best way to serve Benton County residents.

Chairman Beaver said the Board should send the proposed letter to Franklin County because ultimately it saved money. However, the bigger question was how the Counties would continue to do business.

The Board agreed to postpone the interviews until it could make a decision as to what kind of administrator it wanted to hire and that it would workshop the issue at the next board meeting.

MOTION: Commissioner Benitz moved to approve the letter to Franklin County Commissioners. Commissioner Bowman seconded, with the modification to the third paragraph. Upon vote, the motion carried unanimously.

Unscheduled Visitors

Kathleen Utz, League of Women Voters, via videoconference, said the League of Women Voters had spent a lot of time and energy into researching the county seat issue and had been following it closely. She asked about the extension of deadline for the RFQ from May 7 to May 14.

Ms. Smith Kelty said there were a lot of questions regarding the RFQ so it was extended to give the applicants more time to submit a proposal. She said they had received three proposals and three more applicants had indicated they would be submitting.

Ms. Utz asked if it was advertised regionally or locally and Ms. Smith Kelty stated it was advertised in the Tri-City Herald, the Yakima Paper, Spokane Paper, and Seattle Times.

Ms. Utz asked if the County had made a decision on whether there were enough signatures for a ballot. Mr. Sparks said the Auditor’s office had determined there were enough signatures and the Board had until August 10 to develop a ballot title.

Ms. Utz also asked if completion of the financial impact statement might be an obstacle to the vote and who would measure the quality of the report. Mr. Sparks said the RFQ clearly indicated the study had to be complete 60 days prior to the election so he did not see it as a problem. He also stated the Board had directed an Advisory Committee be convened to assist with the process.

Ms. Utz also discussed a letter that was written approximately three weeks prior and they were looking for a response. Commissioner Bowman said he had personally received a draft letter, to which he responded, but had not seen a letter to the Board.

Item “d” (Professional Services Agreement w/National Alliance for the Mentally III)

Commissioner Benitz said the contract that was presented had been “lined-out” without initials or sign-off by Franklin County and/or the NAMI and he wanted to send it back to Human Services to have it resolved prior to the Board signing. The Board agreed.

Vouchers

Check Date: 05/05/2010
Warrant #: 230346-230470
Direct Deposit #: 53645-54227
Total all funds: \$2,009,626.43

Check Date: 05/05/2010
Taxes #10110051-10110053
Warrant #: 9463-9500
Total all funds: \$1,759,754.21

Check Date: 05/07/2010
Warrant #: 9501-9639
Total all funds: \$637,953.14`

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

Resolutions

- 10-271 Authorization to Purchase Election Equipment & Services from Hart Intercivic
- 10-272 Professional Services Agreement w/Kennewick Police Department
- 10-273 2009 Excess Cases Compensation for P Younesi
- 10-274 Rattlesnake Mountain Shooting Facility Patent Transfer
- 10-275 Personal Services Agreement w/P Fleming
- 10-276 Public Hearing Authorization for WSU Irrigation Water System Franchise
- 10-277 Psychological Consultant Professional Services Contract w/Psychological Consultants, Inc.
- 10-278 Approval of Appeal of Short Plat Administrator's Decision – SHPA 10-02 and SPH 10-04; Applicant Anton Heintz

There being no further business before the Board, the meeting adjourned at approximately 10:26 a.m.

Clerk of the Board

Chairman

Q

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF SOLICITING BIDS FOR THE PROVISION OF JANITORIAL SERVICES AT THE BENTON COUNTY JUSTICE CENTER, BENTON COUNTY CORONER'S OFFICE, AND BENTON COUNTY HEALTH DISTRICT IN KENNEWICK, WA

IT IS HEREBY RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, that specifications and an invitation for bids for janitorial services located at the Benton County Justice Center, Benton County Coroner's Office, and Benton County Health District be prepared and advertised pursuant to the provisions of RCW 36.32.250, as more fully described in the bid specifications; and

BE IT FURTHER RESOLVED the bids will be received by the Benton County Facilities Department, Benton County Justice Center, 7122 W. Okanogan Place, Building A, Kennewick, WA 99336, until 1:30 PM on Wednesday, June 9, 2010 and not thereafter; and will be opened by representatives of Benton County at 1:30 PM on Wednesday, June 9, 2010 at the Benton County Justice Center, 7122 W. Okanogan Place, Building A, Kennewick, WA 99336 on the 2nd Floor Hearing Room during an open public meeting; and

BE IT FURTHER RESOLVED the Chairman of the Board of Benton County Commissioners is hereby authorized to sign the Invitation to Bid documents attached hereto on behalf of the Board.

Dated this day of , 20

Chairman of the Board

Chairman Pro-Tem

Member

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

Attest:
Clerk of the Board

Leo Bowman
District 1
Max Benitz, Jr.
District 2
James Beaver
District 3

**Board of County Commissioners
BENTON COUNTY**

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator

May 17, 2010

INVITATION FOR BIDS

TO INTERESTED PARTIES:

Benton County (Owner) is soliciting proposals for the provision of janitorial services at the Benton County Justice Center campus for designated portions of the Benton County Justice Center 7122 W. Okanogan Place, Kennewick WA; designated portions of the Benton County Coroner's Office, 7110 W. Okanogan Place, Kennewick, WA; and designated portions of the Benton County Health District Building, 7102 W. Okanogan Place, Kennewick, WA. This document and all other documents and materials enclosed herewith constitute an invitation to submit bids only and do not represent an offer to procure services by Benton County. Bids submitted in response hereto shall constitute offers to contract with Benton County, and only upon the County's written acceptance of such an offer, and execution of a contract, shall contractual commitments be created. Specifications and bid forms are set forth in the attached documents.

CONDITIONS AND INSTRUCTIONS

Benton County reserves the right to reject all bids and discontinue the bid process if it determines that such course of action is in the best interests of the County. If this course of action is not taken, then bid award will be made to that responsible bidder that submits the lowest bid.

Each bid must be submitted on or in a format matching the forms provided. All portions thereof must be completed in ink or mechanical means, setting forth all information requested.

Bids must be executed by a person or persons legally authorized to execute such documents in behalf of the bidding entity, with the name and the title of the person signing clearly printed below the signature.

No oral, telegraphic or facsimile transmission bids or modifications of bids will be accepted. Each bid must be accompanied by a Cashier's check or Certified check payable to Benton County, or a Bid Bond, duly executed by the bidder as principal in the amount of five percent (5%) of the bid. Such checks or bid bonds will be returned to all unsuccessful bidders after the County and the accepted Contractor have executed the Contract and the successful Contractor posts the required bonds.

Bids may be withdrawn upon the written request of the submitter at any time prior to the time set for the bid opening. Notification of withdrawals must be provided by mail or in person to the bid opening location. Bids shall become the property of Benton County upon receipt. No bid may be withdrawn or modified after the time set for the opening of the bids unless the award of the Contract is delayed for a period exceeding thirty (30) days following the opening of bids. In the event of such an occurrence, the County will advise all bidders of the circumstances and provide direction on how this bid process will be concluded.

Each submitter is responsible for contacting Loretta Smith Kelty, Deputy County Administrator, 7122 W. Okanogan Place, Kennewick, WA 99336, (509) 786-5600 or (509) 736-3080 for clarification or correction of any ambiguity, omission, inconsistency, or error discovered in any of the documents, and failure to do so shall not permit the withdrawal or alteration of its bid once received and opened.

All bidders are strongly urged to attend the pre-bid walk through tour, which will be held **Thursday, May 27, 2010 at 10:00 AM (7122 W Okanogan Place, Kennewick, WA 99336)**. The walk through will begin promptly at 10:00 AM. To attend the walk through all persons must submit a completed background check form. Each bidder, by the submission of their proposal, represents that they have carefully reviewed and fully understand these documents, including all conditions and instructions, specifications, requirements, and other information contained herein.

The Owner hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunities to submit bids, and will not be discriminated against on the grounds of race, color, sex, sexual orientation, handicap, or national origin in consideration for an award.

Bid packets will be available on or after Thursday, May 20, 2010 at the office of the Benton County Justice Center, 7122 W. Okanogan Place, Building A, Facilities Office, Kennewick, WA 99336, (509) 222-3710.

Bids must be in an opaque sealed envelope, which shall be clearly marked "Sealed Bid – Janitorial Services CB 10-01" and show the name and address of the bidder, and if mailed or sent via other delivery system, the sealed envelope shall be enclosed in a separate envelope with the notation "BID ENCLOSED" and shall be addressed as follows:

Ms. Loretta Smith Kelty, Deputy County Administrator
Benton County Justice Center
7122 W. Okanogan Place, Building A
Kennewick, WA 99336

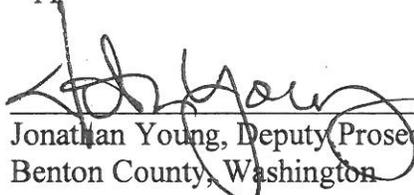
Sealed bids will be received until 1:30 PM (PST) Wednesday, June 9, 2010 at the Benton County Justice Center, 7122 W. Okanogan Place, Building A, Second Floor Commissioners Conference Room. Bids received after the stated time will not be accepted. The bids will be publicly opened by the Benton County Deputy County Administrator and the Facilities Manger. Official bid results shall be made public within 72 hours of bid opening. Bids will be on a lump-sum basis awarded to the lowest responsible bidder. The Owner reserves the right to reject any or all bids or to waive minor technical errors in the bidding. No bids shall be withdrawn for a period of 30 days subsequent to opening of bids without the written consent of the Owner.

Dated this _____ day of May 2010

BOARD OF BENTON COUNTY COMMISSIONERS

James R. Beaver, Chairman

Approved as to Form:



Jonathan Young, Deputy Prosecuting Attorney
Benton County, Washington

Orig: File – Lisa Small
cc: Facilities; File: CB 10-01

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AGENDA ITEM: Consent	TYPE OF ACTION NEEDED	CONSENT AGENDA <u>xx</u> PUBLIC HEARING 1ST DISCUSSION 2ND DISCUSSION OTHER
MEETING DATE: B/C 05-17-10 F/C 05-26-10	Executive Contract <u>xx</u>	
SUBJECT: Contract Amendment for Juvenile Detention Alternatives Initiative	Pass Resolution <u>xx</u>	
Prepared By: Donna A. Lee	Pass Ordinance	
Reviewed By: Sharon Paradis	Pass Motion	
	Other	

BACKGROUND INFORMATION

The Juvenile Detention Alternative Initiative (JDAI) grant for the period of July 1, 2009 through June 30, 2010 requires an Amendment to make changes to listed personnel. Terry Tanneberg is listed as the Project Director for this grant. Mr. Tanneberg retired from his position as the Detention Manager for the Benton-Franklin Counties Juvenile Justice Center this year. Eric Lipp is now the Detention Manager for the Benton-Franklin Counties Juvenile Justice Center.

SUMMARY

The purpose of this Amendment is to change the JDAI Project Director for BFJJC from Terry Tanneberg to Eric Lipp and to change the Project Director's e-mail address from Terry.Tanneberg@co.benton.wa.us to Eric.Lipp@co.benton.wa.us.

RECOMMENDATION

We recommend that the Boards of County Commissioners of Benton and Franklin Counties sign the Contract Amendment.

FISCAL IMPACT

This project is grant funded.

MOTION

I move that the Chairman of the Board of Benton County Commissioners, and the Chairman of the Board of Franklin County Commissioners be hereby authorized to sign the Contract Amendment.

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

IN THE MATTER OF THE REQUEST FOR SIGNATURE FROM THE BOARDS OF BENTON AND FRANKLIN COUNTY COMMISSIONERS ON THE JUVENILE DETENTION ALTERNATIVES INITIATIVE (JDAI) CONTRACT AMENDMENT BETWEEN THE OFFICE OF JUVENILE JUSTICE (OJJ) AND BETWEEN THE BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER, and

WHEREAS, Sharon Paradis, Administrator of the Juvenile Court, believes it is in the best interest of the Juvenile Justice Center that the JDAI Contract Amendment between the Juvenile Court and the Office of Juvenile Justice (OJJ), be approved as presented, NOW, THEREFORE,

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

DATED this 17th day of May 2010

DATED this 26th day of May 2010

BENTON COUNTY BOARD OF COMMISSIONERS

FRANKLIN COUNTY BOARD OF COMMISSIONERS

Chairman of the Board

Chairman of the Board

Member

Chairman Pro Tem

Member

Constituting the Board of
County Commissioners,
Benton County, Washington

Member

Constituting the Board of
County Commissioners,
Franklin County, Washington

Attest:

Attest:

Clerk of the Board

Clerk of the Board

NAMES AND TITLES OF AUTHORIZED OFFICER (PERSON WITH LEGAL AUTHORITY: COUNTY COMMISSIONERS' CHAIRMAN OF THE BOARD, MAYOR, CITY/TOWN MANAGER, AGENCY DIRECTOR)

BENTON-FRANKLIN COUNTIES JUVENILE JUSTICE CENTER



5/11/2010

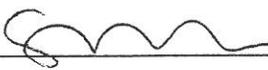
Sharon A. Paradis, Juvenile Court Administrator

BENTON COUNTY APPROVAL

FRANKLIN COUNTY APPROVAL

Approved as to Form:

Approved as to Form:

 5/10/10

Sarah Perry, Deputy Prosecuting Attorney Date

Agreed Review Performed by Benton County _____

Ryan Verhulp, Civil Deputy Prosecuting Attorney Date

By: _____
Name: James R. Beaver
Title: Chairman, Board of Commissioners
Date: _____

By: _____
Name: Brad Peck
Title: Chairman, Board of Commissioners
Date: _____

Attest:

Attest:

Clerk of the Board: _____

Clerk of the Board: _____

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

SUMMARY & BACKGROUND

We are constructing a flag garden at the entrance to the Rose-Iris range, the main range at the Rattlesnake Mountain Shooting Facility, and gateway to several other ranges. There are three components to the project – flagpole installation, the entrance sign, and the retained garden around the flagpoles. This contract is for the flagpole installation. The look will be similar to what you find at Horn Rapids Park, but on about half that scale. The contractor – Apollo, Inc. – is ready to begin immediately.

FISCAL IMPACT

The contractor's estimate is for \$3,470.00, and this shall be paid from the Park Development Fund.

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RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF THE RATTLESNAKE MOUNTAIN SHOOTING FACILITY
INSTALLATION OF FLAGPOLES

WHEREAS, a flag garden, consisting of three 20-foot flagpoles, welcome sign, and landscape plantings is being constructed at the Rattlesnake Mountain Shooting Facility, a Benton County park; and,

WHEREAS, installation of the flagpoles requires the services of a professional contractor; and,

WHEREAS, Apollo, Incorporated of Kennewick has provided credentials – including having done this exact kind of work previously for Benton County at Horn Rapids Park and Two Rivers Park – and has provided an appropriate work estimate for the job; **NOW THEREFORE**,

BE IT RESOLVED, by the Benton County Board of Commissioners that the Chairman is authorized to sign a contract with Apollo, Incorporated for the flagpole installation at the Rattlesnake Mountain Shooting Facility. The total cost of the job shall not exceed \$5,000.00, and shall be paid 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

**PERSONAL SERVICES CONTRACT
TERMS AND CONDITIONS**

THIS CONTRACT is made and entered into by and between BENTON COUNTY, a political subdivision of the State of Washington, with its principal offices at 620 Market Street, Prosser, WA 99350 (hereinafter "COUNTY"), and APOLLO, INC. a corporation authorized to do business in the State of Washington with its principal offices at 1133 West Columbia Drive, Kennewick, WA 99336 (hereinafter "CONTRACTOR").

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

1. CONTRACT DOCUMENTS

This Contract consists of the following documents:

- a. Exhibit A - Washington State Prevailing Wage Rates

2. DURATION OF CONTRACT

The term of this Contract shall begin upon signature of both parties and shall terminate July 31, 2010, unless earlier terminated pursuant to Section 16 herein. 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:

The CONTRACTOR agrees to excavate the holes needed for the installation of three (3) flag poles; place concrete forming materials, foundation sleeve and lightning ground spike; pour three (3) concrete pole bases, stripe forms and backfill after concrete has set; and set flag poles in sleeves and backfill with sand per specifications.

These services exclude the flagpoles, foundation sleeves lightning ground spikes, foundation support plate, foundation sleeve plate and steel centering wedges (all provided by owner); removal of asphalt or grading; removal of excess soils from excavation.

In the event that requested work requires, under State or local law, the issuance of a building permit, CONTRACTOR shall be responsible for procuring such building permit and arranging for inspection and certification of the work. CONTRACTOR may bill

COUNTY for the full cost of the permit and any labor time for any of its employees involved in the permitting process, but may not charge any additional processing or other fees that it does not actually incur. The CONTRACTOR agrees to provide its own labor and materials. Unless otherwise provided in this Contract, no material, labor, or facilities will be furnished by the COUNTY.

4. CONTRACT REPRESENTATIVES

Each party to this Contract shall have a contract representative. Each party may change its representative upon providing written notice to the other party. The parties' representatives are as follows:

- a. For CONTRACTOR:
Amy Jenne, General Manager
PO Box 7305
Kennewick, WA 99336
Phone (509) 586-1104
Fax (509) 585-3686
- b. For COUNTY:
Adam J. Fyall
7122 West Okanogan Place
Kennewick, Washington 99336
Phone (509) 736-3053
Fax (509) 786-2708

5. COMPENSATION

The CONTRACTOR shall be paid for said services outlined in section 3 above. The total amount payable by the COUNTY to the CONTRACTOR under this Contract is three thousand four hundred seventy dollars and zero cents (\$3,470.00) excluding Washington State Sales Tax and shall not to exceed five thousand dollars and zero cents (\$5,000.00) excluding W.S.T. to cover any acceptable overages, incidentals and other unanticipated cost. Any dollar amount above the maximum payable amount will only be approved with an amendment to this contract. Prior to any compensation being paid, CONTRACTOR shall submit a Statement of Intent to Pay Prevailing Wages in a form approved and certified by the Washington State Department of Labor and Industries directly to COUNTY's contract representative. At the completion of all work contemplated by this Contractor or at the end of the contract term, whichever comes first, the work contemplated herein, CONTRACTOR shall submit an affidavit of wages paid in compliance with prevailing wage requirements, pre-certified by the Department of Labor and Industries, directly to COUNTY's contract representative. Such affidavit shall be in a form

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RESOLUTION

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

IN THE MATTER OF COUNTY FRANCHISES RE: GRANTING A FRANCHISE TO
BADGER MOUNTAIN IRRIGATION DISTRICT, FOR A NON EXCLUSIVE
FRANCHISE FOR A WATER SYSTEM AND FACILITIES, LOCATED IN BENTON
COUNTY;

WHEREAS, a public hearing was held to consider the request of Badger Mountain Irrigation District, who has applied to continue a non exclusive franchise for a water system lines and facilities in unincorporated Benton County, and

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

1. The term of the franchise shall be a ten year (10) period, expiring May 31, 2020, with an associated cost of \$500.00;
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County;
3. Placement of facilities within the right of way shall meet all requirements of Benton County as to location and repair of roads and right of way, including noxious weed control;
4. Should Benton County require utility relocation work because of road construction or maintenance, said work shall be at the Grantee's expense;
5. The franchise is nonexclusive;
6. The Grantee is to sign the Order and Agreement for Nonexclusive Franchise;

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

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

e

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF DRAINAGE IMPROVEMENT DISTRICTS RE: DRAINAGE IMPROVEMENT DISTRICT NO. 10; EXAMINATION OF FINANCIAL ACTIVITIES BY THE STATE AUDITOR'S OFFICE

WHEREAS, the State Auditor has requested preliminary financial information regarding the County's Drainage Improvement District in preparation for an audit of activities in 2009; and

WHEREAS, an Examination of Financial Activities for the County's Drainage Improvement District has been completed; NOW, THEREFORE,

BE IT RESOLVED that the Chairman be authorized to sign the Examination of Financial Activities on behalf of the Drainage Improvement District.

Dated this 17th day of May 2010.

Chairman

Chairman Pro-Tem

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

SWB:LJM:amc

ANNUAL REPORT

BENTON COUNTY DRAINAGE DISTRICT NO. 10
(Name)

0101
MCAG No.

Submitted pursuant to RCW 43.09.230

to the

STATE AUDITOR'S OFFICE

FOR THE FISCAL YEAR ENDED **DECEMBER 31, 2009**

Certified correct this 17th day of May, 2010

to the best of my knowledge and belief:

NAME Aileen Coverdell

TITLE Administrative Financial Accountant

PREPARED BY Aileen Coverdell

TELEPHONE NUMBER (509) 786-5611

FAX NUMBER (509) 786-5627

E-MAIL ADDRESS ailen.coverdell@co.benton.wa.us

HOME PAGE ADDRESS co.benton.wa.us

Steven W. Becken
Public Works Manager

Malcolm Bowie
County Engineer

Benton County

Department of Public Works

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

Area Code 509
Prosser 736-3611
Tri-Cities 736-3084
Ext. 5664
Fax 786-5627

9:05

May 12, 2010

Board of County Commissioners
Benton County Courthouse
Prosser, WA 99350

RE: Proposed Right of Way Vacation
Unimproved Right of Way in Hunts Plat
Section 31-10-27
CE 1929 VAC

Commissioners:

In accordance with Resolution #10-110, dated February 22, 2010 setting a public hearing for a proposed road right of way vacation in the Corrected Plat of Hunt's Plat, the following report is submitted.

The Public Hearing was held March 22 and continued until April 19, and then continued until May 17, 2010. The petitioner has provided Public Works with the documentation required to complete granting an easement as required by the Fire Marshall.

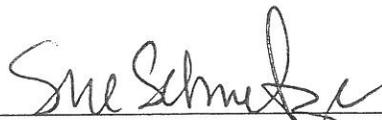
The vacation was also to be subject to an easement being preserved for the City of West Richland's sewer main. The Petitioner continues to work with the City of West Richland to provide the easement as required.

Public Works recommends that the Public Hearing be continued as the landowner has shown that he is diligently working to provide all the documentation needed. It is also recommended that the Board should require the applicant to submit the easements for the City of West Richland sewer line, ready for recording to Benton County Public Works within approximately one month. If the deadline is not met, the proposed vacation should be denied.

Sincerely,



Malcolm Bowie, P.E.
County Engineer



Sue Schuetze
Engineer II

9:15

**EXHIBIT LIST FOR AMENDED CPA 07-02-SULLINS
HEARING FOR COMPLIANCE WITH REMAND ORDER**

Exhibit List	
PCM 1	Planning Staff Memo dated 3/30/2010
PCM 2	Resolution 09-162 dated 3/2/2009
PCM 3	Final Decision and Order (FDO) from the Growth Management Hearings Board for Eastern Washington dated 12/1/2009
PCM 4	Draft Resolution rescinding Resolution 09-162.
PCM 5	Notice of Public Hearing-Planning Commission
PCH 1	Letter from Futurewise and accompanying documentation dated April 9, 2010
PCH 2	Email from Marilyn Taylor dated April 5, 2010
PCH 3	Letter from Bruce Hunt dated March 23,2010
PCH 4	Written Minutes from the Planning Commission April 13, Meeting (No Quorum)
PCH 5	Written Minutes from the Continued Planning Commission meeting on April 20, 2010
PCH 6	Digital Recording of the Planning Commission April 20, 2010 Meeting
CCM1	
Includes:	1.1 Board of County Commissioners Agenda Sheet dated May 10, 2010
	1.2 Proposed Resolution and Map
	1.3 Comments from Kathy & Drew Kachele dated May 9, 2010

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

- PCR = Planning Commission Record Exhibits**
- PCM = Planning Commission Memo Exhibits**
- CCR = County Commissioner Record Exhibits**
- CCM = County Commissioner Memo Exhibits**
- PCH1 = Exhibits submitted during Hearing**
- CCH1 = Exhibits submitted during Hearing**

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	Consent Agenda Public Hearing	X
MTG DATE: May 17, 2010	Execute Contract	1st Discussion	
SUBJECT: EWGMHB Remand of Resolution 09-162 CPA 07-02	Pass Resolution	2nd Discussion	
MEMO DATE: 05-10-2010	Pass Ordinance	Other	
Prepared By: Susan M. Walker	Pass Motion		X
Reviewed By: Michael Shuttleworth	Other		

BACKGROUND INFORMATION

John Sullins and Thayne Wiser of Kennewick, WA., proposed a Comprehensive Plan land use designation change (CPA 07-02) affecting approximately 1,120 acres of land southwest of I-82 and Badger Road Interchange, from the existing Rural Lands 5 acres (RL-5) to Rural Lands 1 acre (RL-1). On March 2nd, 2009, pursuant to RCW 36.70A.130 the Board of Benton County Commissioners adopted Resolution 09-162, which approved the request. The action was later appealed by several parties to the Eastern Washington Growth Management Hearings Board (EWGMHB) where the Board found the actions of the Resolution out of compliance with the Growth Management Act (GMA), the Benton County Comprehensive Plan, and the Benton Countywide Planning Policies (BCWPP), ruled invalid, and remanded back to the County for modification. The Benton County Planning Commission held a public hearing on April 20th, 2010 on a proposal to adopt a rescinding resolution. The Planning Commission received public comment at the hearing and entertained several motions on the proposal, however no motion achieved a majority vote of the attending four-member quorum. The Planning Commission added rescinding language in the final paragraph of proposed Resolution as requested by staff, however the resolution was forwarded to the Board of Commissioners without a recommendation.

A public hearing is scheduled for May 17th, 2010, at 9:15 a.m., to review and receive public comment on the proposed resolution to address the EWGMHB remand.

SUMMARY

The EWGMHB ruling of non-compliance and invalidity in the Final Decision and Order regarding actions taken by the County in Resolution 09-162, requires the County to bring the County's Comprehensive Plan into compliance with the Growth Management Act. A proposed rescinding Resolution (Exhibit PCM 4) has been prepared to address the EWGMHB remand. This new resolution would invalidate Resolution 09-162 and assure consistency with the County's Comprehensive Plan and the Growth Management Act. A map attached to the Resolution shows the changes to the land use maps in the Comprehensive Plan from Rural Lands One (1) acre designation to Rural Lands Five (5) acre designation. In rescinding Resolution 09-162, all related text in the Comprehensive Plan regarding the one-acre designation will be removed.

The EWGMHB appeal schedule requires the County to bring the Comprehensive Plan into compliance by May 24, 2010. A compliance hearing with the EWGMHB will follow the

County's compliance action by the Board of County Commissioners. The Hearings Board will determine whether satisfactory compliance has been achieved.

RECOMMENDATION

Planning Staff recommends that the Board of County Commissioners approve the proposed Resolution and attached map rescinding Resolution 09-162.

FISCAL IMPACT

None identified.

MOTION

To **approve** the proposed Resolution with Attached Map A, rescinding Benton County Resolution 09-162.

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

IN THE MATTER OF COUNTY PLANNING RE: AMENDING THE BENTON COUNTY COMPREHENSIVE PLAN TO RESOLVE AN APPEAL TO THE EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD OF RESOLUTION 09-162 CHANGING THE LAND USE MAP DESIGNATION ON 1,120 ACRES SOUTHWEST OF THE I-82 INTERCHANGE FROM RL-5 TO RL- 1, AND RECSINDING RESOLUTION 09-162.

WHEREAS, an application by John Sullins/Thayne Wiser requesting a change in the Comprehensive Plan land use designation on maps in Chapter Four to Rural Lands one acre on approximately 1,120 acres, southwest of the I-82 & Badger Road Interchange was received on December 1, 2007; and,

WHEREAS, on March 2nd, 2009, pursuant to RCW 36.70A.130 the Board of Benton County Commissioners adopted Resolution 09-162, which approved the request and amended Land Use Maps 4.0 and 4.5 of the Benton County Comprehensive Plan and revised the related descriptive text to Rural Lands One Acre; and,

WHEREAS, on April 10, 2009, Mr. John Brodeur a County resident and Futurewise a Washington non-profit corporation submitted a Petition for Review to appeal the action by the County, to change the land use designation in its Comprehensive Plan from Rural Lands Five Acre to Rural Lands One Acre on 1,120 acres in the Badger Canyon area of the Richland-West Richland Planning Area reflected in Resolution 09-162, to the Eastern Washington Growth Management Hearings Board (EWGMHB); and,

WHEREAS, on April 23, 2009, Mr. Vince Panesko a County resident, and on May 4, 2009, the Washington State Department of Commerce submitted Petitions for Review to appeal the action by the County to change the land use designation in its Comprehensive Plan from Rural Lands Five Acre to Rural Lands One Acre on 1,120 acres in the Badger Canyon area of the Richland-West Richland Planning Area reflected in Resolution 09-162, to the Eastern Washington Growth Management Hearings Board (EWGMHB); and,

WHEREAS, all of these Petitions for Review (PFR) challenged Benton County's adoption of Resolution 09-162 and, therefore, as provided in RCW 36.70A.290 (5), the Hearings Board consolidated these PFR's as EWGMHB Case Number 09-1-0010c., and,

WHEREAS, the primary issue on appeal concerned one acre residential density designations by the County outside of Urban Growth Areas; and,

WHEREAS, the Eastern Washington Growth Management Hearings Board, in its November 24, 2009 order regarding Case No. 09-1-0010c found the action by

the County invalid and out of compliance with RCWs 36.70A.020, 030, 070, 110, 120, and 130, the Rural Element of the Benton County Comprehensive Plan and County-wide Planning Policy #1 (12), and issued a order of remand under RCW 36.70A.300; and,

WHEREAS, upon deliberation, the County's strategy for complying with the EWGMHB order is to rescind Resolution 09-162 to achieve compliance with the Growth Management Act and the Benton County Comprehensive Plan.

WHEREAS, the County Planning Commission at its publicly noticed hearing on April 13, 2010 and, did review and take public testimony and deliberate on the issues before it, and made a recommendation regarding the revisions shown in the Attachment A to the Board of Benton County Commissioners; and,

WHEREAS, the Board of Benton County Commissioners at its properly noticed public hearing held on this date reviewed the Planning Commission recommendation and findings, and took public comment on Attachment A, NOW THEREFORE

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that Resolution 09-162 is hereby rescinded and the changes to the Benton County Comprehensive Plan shown in Map Attachment A attached, are in the best interest of the public, are consistent with the Growth Management Act, and are hereby approved to amend the Benton County Comprehensive Plan.

Dated this _____ day of _____ 2010

Chairman of the Board

Member

Member

Constituting the Board of County
Commissioners of Benton County,
Washington

Michael E. Shuttleworth/smw

Attest _____
Clerk of the Board

9:35

2010 Justice Assistance Grant Project Narrative

Captain Steven Keane
Benton County Sheriff's Office
7122 W. Okanogan Bldg. A
Kennewick, WA 99336
(509) 735-6555 x/3266
steven.keane@co.benton.wa.us

The Sheriff's Office would like to undertake the project of enhancing our capabilities in:

- 1) **The ability to replace the entry weapons due to expired life expectancy for the Benton County members of the Tri-city Regional SWAT Team. (The mission of the SWAT Team is outlined below).**

The mission of the Tri-City Regional SWAT Team is to respond to critical incidents that, due to their level of danger, are beyond the capabilities of regular patrol Officers ie; Crimes of violence (murder), robbery (aggravated assault), violent street gangs, as well as the apprehension of dangerous fugitives. The mission of the TCRST requires that the equipment and training involved be current and reliable. The current weapons used by the Benton County SWAT Officers were bought in 2002 and are well past the manufactures recommendation of 20,000 round fired. This project purchase provides the Benton County SWAT Officers with safe, reliable weapons for the next 5-7 years.

2010 Justice Assistance Grant (JAG) BUDGET NARRATIVE

Money Available \$8,317.00

Total Benton County Approved JAG Money	\$55,444.00
Kennewick Police Department Portion	\$33,266.00
Richland Police Department Portion	\$13,861.00
Benton County Sheriff's Office funding	\$8,317.00

3ea. LWRC M16A3 complete weapon 10.5'' 5.56mm/ 1ea. 10.5'' upper

Sub Total	\$ 7,650.00
Shipping (approx).	N/A
Sales Tax @ 8.3%	\$ 634.95
Total	\$ 8,284.95