

*May 3, 2010*

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

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting  
April 26, 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; Facilities Manager Roy Rogers; Planning Manager Mike Shuttleworth; Ed Thornbrugh and Carrie Huie-Pascua, Human Services; Auditor Brenda Chilton; Bryan Perry and Melina Wenner, Personnel; DPA Ryan Brown; Malcolm Bowie, Public Works; Erhiza Rivera and Nick Kooiker, Treasurer's Office.

Workshop Agenda

ECA Conference

Chairman Beaver and Adam Fyall reported on their attendance at the ECA Conference in Savannah River, Georgia, noting the other communities appeared to be more competitive with their nuclear programs. Mr. Fyall added that it was the most organized and well-attended peer exchange he had been to.

Bi-County Health District & Human Services

Commissioner Benitz said he wanted to send a letter to Franklin County regarding separating the bi-county agencies and that it was a good time to review the issue since the directors of both agencies were leaving.

Commissioner Bowman stated that consolidation was sometimes good, but wondered if the counties had grown to the size where it was no longer economical to be consolidated. Chairman Beaver agreed that it might be time to review the issue since the County was always looking at ways to become more efficient. The Board requested Mr. Sparks to review the issue and prepare a letter to send to Franklin County.

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

## Approval of Minutes

The Minutes of April 19, 2010 were approved.

## Consent Agenda

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

### Commissioners

- a. Bid Award for Official County Newspaper
- b. Older Americans Month Proclamation
- c. Support Letter to the Port of Kennewick
- d. Personal Services Contract w/Inter-City Legal Processing & Messenger Service

### Facilities

- e. Contract w/CH<sub>2</sub>O, Inc. for Water Treatment Services
- f. Procurement of Heat Pumps from Total Energy Management
- g. Contract w/Apollo Sheet Metal, Inc., for HVAC Controller

### Human Services

- h. Travel Expense Reimbursement
- i. Line Item Transfer, Fund No. 0108-101, Dept. 564
- j. Agreement, #09-11-SA-LCC-01, w/Lourdes Counseling Center
- k. Contract, #S08-46108-816, w/the Department of Commerce

### Personnel

- l. Personal Services Contract Amendment w/The American Red Cross

### Public Works

- m. Award of Bituminous Surface Treatment Contract to Granite Northwest, Inc.
- n. Revision to 2010 1-Year Road Program
- o. Public Hearing Authorization for Sundown Estates Franchise, Rescinding Resolution 10 243

### Sheriff

- p. Salary Request Statement
- q. U.S. Army Corps of Engineers Law Enforcement Contract
- r. Watch Systems LLC Professional Services Contract

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

## PEDA Update

Deb Heintz, PEDA and Charlie Bush, City of Prosser gave a quarterly update on PEDA and briefly discussed the following:

- Closure of ConAgra
- Horse Heaven Vista, AASTA, and HDP
- Clore Center
- New Signage

- Grant Writer Program
- Future Growth Discussions
- Recent and upcoming events

The Board briefly recessed, reconvening at 9:25 a.m.

Chairman Beaver announced that KID representatives were in route and the Board would recess until 9:35 a.m.

**Kennewick Irrigation District Update**

Scott Revell, Gene Upland, and John Jaksch gave an update on KID/Red Mountain issues and briefly discussed the following points:

- New Irrigation System/LID Costs
- Water rights and water allotment issue/MOU
- Meetings w/Yakama Nation staff
- Red Mountain tour w/Ecology Director
- Ecology's proposal to fund construction of LID
- Interest in West Richland UGA/Public Hearing process
- Antinori Road Extend RID

Commissioner Benitz asked about the pump exchange project at Columbia Park and was told it had been kicked out a few years and was not the top priority. Commissioner Benitz also discussed the importance of adequate water supply and getting prepared for the future and suggested they evaluate different projects based on a scoring system.

**Vouchers**

Check Date: 04/16/2010  
 Warrant #: 7971-8220  
 Total all funds: \$985,447.05

Check Date: 04/16/2010  
 Warrant #: 7742-7970  
 Total all funds: \$6,668.52

Check Date: 04/23/2010  
 Warrant #: 8398-8631  
 Taxes #: 01160410  
 Total all funds: \$1,115,410.88

Check Date: 04/23/2010  
 Warrant #: 8632-8838  
 Total all funds: \$5,939.44

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

**Resolutions**

- 10-245: Bid Award for Official County Newspaper
- 10-246: Older Americans Month Proclamation
- 10-247: Personal Services Contract w/Inter-City Legal Processing & Messenger Service
- 10-248: Contract w/CH<sub>2</sub>O, Inc. for Water Treatment Services
- 10-249: Procurement of Heat Pumps from Total Energy Management
- 10-250: Contract w/Apollo Sheet Metal, Inc., for HVAC Controller
- 10-251: Line Item Transfer, Fund No. 0108-101, Dept. 564
- 10-252: Agreement, #09-11-SA-LCC-01, w/Lourdes Counseling Center
- 10-253: Contract, #S08-46108-816, w/the Department of Commerce
- 10-254: Personal Services Contract Amendment w/The American Red Cross
- 10-255: Award of Bituminous Surface Treatment Contract to Granite Northwest, Inc.
- 10-256: Revision to 2010 1-Year Road Program
- 10-257: Public Hearing Authorization for Sundown Estates Franchise, Rescinding Resolution 10 243
- 10-258: U.S. Army Corps of Engineers Law Enforcement Contract
- 10-259: Watch Systems LLC Professional Services Contract

There being no further business before the Board, the meeting adjourned at approximately at 9:53 a.m.

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

\_\_\_\_\_  
Chairman

Q

**COPY**

# RESOLUTION

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

**IN THE MATTER OF AUTHORIZING THE CHAIRMAN OF THE BOARD TO SIGN THE SALES AGREEMENT WITH PITNEY BOWES,**

WHEREAS, the Benton County Auditor received a Help America Vote Act (HAVA) grant to replace the existing ballot envelope opener and 1 year of maintenance; and

WHEREAS, Pitney Bowes proposed Sales Agreement for the DL200 Letter Opener whereby Pitney Bowes will provide maintenance and repair services, as outlined in the Sales and Terms Conditions.

BE IT RESOLVED that James Beaver, Chairman of the Board of Benton County Commissioners, is hereby authorized to sign the Pitney Bowes Sales Agreement.

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**

**SALES AGREEMENT & SERVICE LEVEL AGREEMENT**

PURCHASE ORDER NO.	DATE PREPARED 9/9/2009	MAINT. AGREEMENT NO.
--------------------	---------------------------	----------------------

BILL TO	CUSTOMER NAME <b>BENTON COUNTY AUDITOR</b>	INSTALL IF DIFFERENT	CUSTOMER NAME <b>BENTON COUNTY AUDITOR</b>
	ADDRESS <b>P O BOX 470</b>		ADDRESS <b>620 MARKET ST COUNTY COURT HOUSE</b>
	CITY, STATE, ZIP <b>PROSSER, WA 99350-0470</b>		CITY, STATE, ZIP <b>PROSSER, WA 99350-1610</b>
BILL TO I.D. NO. 17682867860		LOCATION I.D. NO. 17682872860	
CUSTOMER PHONE NO.	CUSTOMER CONTACT	[ ] STATE [ ] COUNTY [ ] CITY	RECYCLING FEES # _____ MONITOR \$ _____ FEE

QTY	ITEM	PROGRAM I.D.	DESCRIPTION	UNIT PRICE	DISCOUNT/TRADE-IN ALLOWANCE	NET PRICE	ANNUAL MAIN TOTAL SLA	SMA
			<b>Mall Stream Solution - 9</b>					
1	DLA2	BOMP1	DL200 Letter Opener	\$2,995.00	\$299.50	\$2,695.50	\$219.00	\$0.00
1	XB33	S&H CHARG2	Shipping and Handling	\$75.00	\$0.00	\$75.00	\$0.00	\$0.00
SPECIAL BILLING REQUIREMENTS								
REQUESTED INSTALL DATE						SUBTOTAL	\$2,770.50	
						TOTAL TAXES		
						TOTALS	\$2,770.50	

**COPY**

- Tier 1 - Standard SLA     
  Tier 2 - Standard SLA w/Training and printhead replacement     
  Tier 3 - Tier 2 plus Guaranteed 4 Hour Response Time

This Agreement consists of this Order page and the attached Sales Terms and Conditions and Service Level Agreement. YOUR SIGNATURE CONSTITUTES AN ACKNOWLEDGMENT THAT YOU HAVE READ AND AGREE TO ALL THE TERMS AND CONDITIONS ON EACH PAGE OF THIS AGREEMENT AND THAT YOU ARE AUTHORIZED TO SIGN THE AGREEMENT.

CUSTOMER APPROVAL		
SIGNED BY	PRINT SIGNER'S NAME	PRINT SIGNER'S TITLE

FOR PITNEY BOWES USE					
SALES REPRESENTATIVE'S NAME/SPLIT <b>JEFF D KEANE 100</b>	REP NO. <b>137171</b>	DISTRICT NO. <b>021</b>	SALES REPRESENTATIVE'S NAME/SPLIT <b>0</b>	REP NO.	DISTRICT NO.
CONFIRMATION No.	ORDER No.	CALL IN DATE			

PICK UP INSTRUCTIONS		[ ] DEMOS	[ ] TRADE-INS
ITEM	S/N	ITEM	S/N
1.		3.	
2.		4.	
		5.	
		6.	
		7.	
		8.	

SPECIAL INSTRUCTIONS/COMMENTS:

b

AGENDA/WORKSHOP ITEM		TYPE OF ACTION NEEDED	
Meeting Date:	May 3, 2010	Execute Contract	___
Subject:	Line Item Transfer	Pass Resolution	<u>  x  </u>
		Pass Ordinance	___
		Pass Motion	___
Prepared By:	J. Randall Reid	Other	___
Reviewed By:	Loretta SmithKelty		
		Consent Agenda	<u>  x  </u>
		Public Hearing	___
		1 <sup>st</sup> Discussion	___
		2 <sup>nd</sup> Discussion	___
		Other	___

**BACKGROUND INFORMATION**

Attached is a line item transfer moving funds from a services line number to capital. Beginning this year, the Auditor's have changed how the expenses for the telecommunication lease/rental expenses are processed.

**SUMMARY**

Line Item.

**RECOMMENDATION**

1<sup>ST</sup> Pass resolution.

2<sup>nd</sup>

**FISCAL IMPACT**

None.

**MOTION**

# RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN  
CENTRAL SERVICES FUND NUMBER 0502-101, DEPARTMENT NUMBER 000.

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

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

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

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

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

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

REID

**BENTON COUNTY LINE ITEM TRANSFER**

Dept Name: Central Services      Dept Nbr: 000  
 Fund Name: Central Services      Fund Nbr: 0502-101

TRANSFER FROM:

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
518.810	4211	Telecom: Service & Use	\$198,970	591.180	8001	Interest	\$128,030
				591.180	8003	Debt Service	\$70,940
TOTAL			\$198,970	TOTAL			\$198,970

**Explanation:**

This transfer is to accommodate a change in how the Auditor's office is accounting for these expenditures.

Prepared by: J. Randall Reid      Date: 26-Apr-2010

Approved  Denied  Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

C

# RESOLUTION

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

**IN THE MATTER OF OBTAINING SERVICES FOR THE PREVENTATIVE MAINTENANCE AND TESTING OF THE BENTON COUNTY EMERGENCY BACKUP GENERATOR LOCATED AT THE BENTON COUNTY JUSTICE CENTER AND THE BENTON COUNTY HEALTH DISTRICT, KENNEWICK, WA**

**WHEREAS**, the Benton County Facilities Manager solicited quotes for the annual maintenance of the backup generators located at the Benton County Justice Center and the Benton County Health District, Kennewick, WA; and

**WHEREAS**, the following companies were solicited and provided the following quotes:

- Cummins Northwest, Pendleton, OR - \$6,928.69 excl. WSST
- Western States Equip. Co., Pasco, - \$7,290.00 excl. WSST
- Legacy Power Systems, Ritzville, WA - \$8,052.56.00 excl. WSST

**WHEREAS**, though Cummins was the lowest bidder, they would not return phone calls to clarify their proposal and declined to provide additional information regarding batteries and filters; and

**WHEREAS**, per resolution 09-811, any public works services or materials involving less than \$25,000, advertisement and competitive bidding may be dispensed, and such contracts may be entered into after direct negotiation and authorization from the Board of Benton County Commissioners; and

**WHEREAS**, the Facilities Manager recommends entering into a five (5) year contract with Western States Equipment Co – Contractors License No. WESTESE971RS as the next lowest bidder for a contract amount per each year of \$7,290.00 excluding WSST with a total contract amount not to exceed \$9,000.00 excluding WSST per each year for acceptable overages, incidentals and other unanticipated costs to include batteries and filters; **NOW, THEREFORE**

**BE IT RESOLVED**, the Board of Benton County Commissioner, Benton County, Washington hereby concurs with the recommendation and awards said services to Western States Equipment Co. for a five (5) year contract not to exceed \$9,000.00 excluding WSST per each year the contract is in place; and

**BE IT FURTHER RESOLVED**, the attached contract shall expire December 31, 2014.

Dated this ..... day of ....., 20 .....

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

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

\_\_\_\_\_  
Member

Attest: .....  
Clerk of the Board

Constituting the Board of County  
Commissioners of Benton County,  
Washington

**STANDARD SERVICE 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 WESTERN STATES EQUIPMENT COMPANY a corporation organized under the laws of the State of Washington, with its principal address at 2100 Frontier Loop, Pasco, WA 99301 (hereinafter "CONTRACTOR").

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

**1. CONTRACT DOCUMENTS**

This Contract consists of this agreement and the following exhibits, which are incorporated herein by this reference

Exhibit "A" Contractor's Proposal A1 - dated October 27, 2009  
Contractor's Proposal A2 - dated October 27, 2009  
Contractor's Proposal A3 - dated October 27, 2009  
Contractor's Proposal A4 - dated October 27, 2009  
Exhibit "B" Proposal for Batteries & Air Filters - dated 9/28/09  
Exhibit "C" Washington State Prevailing Wage Rates

**2. DURATION OF CONTRACT**

The terms of this contract shall commence January 1, 2010 and terminate December 31, 2014.

**3. SERVICES PROVIDED**

The COUNTY requires and the CONTRACTOR agrees to perform the following services:

Annual preventative maintenance service of the standby Genset (Emergency Generator) located at the Benton County Justice Center and the Benton County Health District Building for a period of five (5) years in accordance with Exhibit's "A1" & "A3". The CONTRACTOR agrees to conduct a load bank test and cooling system maintenance service at both locations once during the term of this agreement in accordance with Exhibit's "A2" & "A4". Service includes all filters and batteries as necessary as set forth in

# RESOLUTION

d

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

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON  
IN THE MATTER OF COMPENSATING ATTORNEY JASON CELSKI, 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 Jason Celski 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 412 were nevertheless assigned to Jason Celski by Benton County District Court;

**WHEREAS**, it is therefore appropriate to compensate Jason Celski for the 52 cases assigned above and beyond the contractual cap which, when compensated at the rate of \$161 per case, comes to a total of \$8,372.00.

**NOW THEREFORE**,

**BE IT RESOLVED**, that Jason Celski, attorney law, be compensated in the amount of \$8,372 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



# RESOLUTION

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

**IN THE MATTER OF PHASE II OF THE HORN RAPIDS PARK HORSE CAMP PARKING AREA UPGRADES**

**WHEREAS**, per Resolution 07-327 dated May 21, 2007 the Board of Benton County Commissioners approved Phase I of the Horn Rapids Park Horse Camp Parking Area Upgrade; and

**WHEREAS**, Phase II consist of leveling, gravel and compacting the south part of the parking lot and is included in the 2010-2015 Benton County Improvement Plan; and

**WHEREAS**, proposals were solicited from the following contractors listed on the Benton County Small Works Roster and quotes are as follows:

- Conrad Russell Excavating, Prosser, WA – CONRARE945PP - \$18,750.00 excluding WSST
- Quality Backhoe Services, Pasco, WA - QUALIBS944DB - \$22,355.00 excluding WSST
- Big D's Construction, Pasco, WA - BIGDSDC963BE – Did not respond
- Murphy Brothers Gen Excavating LLC - MURPHBG931DF – Did not respond

**WHEREAS**, the Benton County Parks Department reviewed the quotes and recommends awarding the Horse Camp Parking Area Upgrade to Conrad Russell, LLC as the lowest responsible bidder; **NOW, THEREFORE**

**BE IT RESOLVED**, the Board of Benton County Commissioners, Benton County, Washington hereby agrees with the recommendation and awards said project to Conrad Russell for a contract amount of \$18,750.00 excluding WSST with a total contract amount payable, including acceptable overages, incidentals and other unanticipated costs not exceed \$19,500.00 excluding WSST.

**BE IT FURTHER RESOLVED**, the Board hereby authorizes the Chairman to sign the service agreement attached hereto.

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

**PUBLIC WORKS 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 CONRAD RUSSELL EXCAVATION LLC, a Washington corporation with its principal offices at 100513 W OIE Hwy, Prosser, WA 99350 (hereinafter "CONTRACTOR").

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

1. CONTRACT DOCUMENTS

This Contract consists of these terms and conditions and the following documents:

- a. Exhibit A - Contractor's Proposal dated 3/30/10
- b. Exhibit B - Washington State Prevailing Wage Rates for Public Works Contracts

2. DURATION OF CONTRACT

The term of this Contract shall begin when executed by both parties and shall expire on June 30, 2010. Price adjustments of this contract will only be effective with an executed amendment to this contract. 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 agrees to provide all labor and materials for an area of approximately 300' x 300' to blade gravel off existing east road of parking lot and stockpile; bulldoze drifted material along east side of east road back west into parking lot; laser level with laser guidance system for proper grade over the entire proposed parking lot; water and compact as needed to create a firm subgrade; spread, grade, water and compact the gravel stockpile from east road back to its original place; deliver and spread three inches of 1 1/4" crushed basalt over proposed parking lot; water, grade and compact gravel on proposed area for a finished job; all in accordance with the CONTRACTORS proposal dated 3/30/10 attached hereto as Exhibit A, for Horn Rapids Park Horse Camp Parking Area-Phase II project. In the event that requested work encompasses work that is legally required to be completed by another type of contractor, CONTRACTOR shall inform COUNTY of that fact and shall

f

RESOLUTION NO. \_\_\_\_\_  
Road Program Item: Emergent Project 2010 One Year  
Road Program

County Engineer Project No. 1932 CRP  
Arterial  Access

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON  
IN THE MATTER OF COUNTY ROADS, RE: APRICOT ROAD

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the County Engineer is hereby authorized to place a light bituminous surface treatment on Apricot Road from Griffin Road to Wilgus Road.

Length of Project: 1.02 ± miles; Width of Roadbed: 24 ft.; Surface: 24 ft.; Pavement: 22 ft.  
Type and depth of surfacing: Bituminous Surface Treatment Class A  
Bridge \_\_\_ Irrigation Crossing: Length \_\_\_ ft.; Width \_\_\_ ft.  
Estimated date of beginning: May 1, 2010; Estimated date of completion: June 30, 2010

BE IT FURTHER RESOLVED, That for the foregoing proper county road purpose there is hereby appropriated sums in the following detail:

	County Road Fund		Total
Prel. Engr			0.00
Right-of-Way			0.00
Mat. from Stkple	7,736.00		7,736.00
Day Labor	15,710.00		15,710.00
Contract	0.00		0.00
Const. Engr.	0.00		0.00
Contingencies	0.00		0.00
Total	23,446.00	0.00	23,446.00

The county road purpose herein described is HEREBY DECLARED to be a public necessity and the County Road Engineer is HEREBY ORDERED AND AUTHORIZED to report and proceed thereon as by law provided.

BE IT FURTHER RESOLVED, That this purpose be performed in accordance with the Standard Road and Bridge Specifications of the State of Washington as adopted by this Board.

ADOPTED this 3rd day of May, 2010.

\_\_\_\_\_  
Chairman

(SEAL)

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

Attest:

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

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

SWB:LJM:slc

**RESOLUTION**

9

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

IN THE MATTER OF COUNTY FRANCHISES RE: APPLICATION OF ORMISTON ORCHARDS INC FOR A FRANCHISE TO CONTINUE AN IRRIGATION WATER SYSTEM AND FACILITIES IN COUNTY ROAD RIGHT OF WAY,

WHEREAS, Ormiston Orchards, 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, May 24, 2010 at 9:45 a.m. Local Time, in the Board of County Commissioners Meeting Room, Benton County Courthouse, 620 Market Street, Prosser, Washington.

Dated this 3<sup>rd</sup> 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:lss

**RESOLUTION**

h

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

IN THE MATTER OF COUNTY FRANCHISES RE: APPLICATION OF OASIS WATER CORPORATION FOR A FRANCHISE TO CONTINUE A WATER SYSTEM AND FACILITIES IN COUNTY ROAD RIGHT OF WAY,

WHEREAS, Oasis Water Corporation, has applied to continue a franchise to place 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, May 24, 2010 at 9:35 a.m. Local Time, in the Board of County Commissioners Meeting Room, Benton County Courthouse, 620 Market Street, Prosser, Washington.

Dated this 3<sup>rd</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 COUNTY FRANCHISES RE: APPLICATION OF PUD NO. 1 OF KLICKITAT COUNTY TO CONTINUE A FRANCHISE FOR AN ELECTRICAL SYSTEM AND FACILITIES IN COUNTY ROAD RIGHT OF WAY,

WHEREAS, PUD No. 1 of Klickitat County has applied to continue a franchise for an electrical 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, May 24, 2010 at 9:40 a.m. Local Time, in the Board of County Commissioners Meeting Room, Benton County Courthouse, 620 Market Street, Prosser, Washington.

Dated this 3<sup>rd</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 COUNTY ROADS RE: PROPOSED VACATION OF UNIMPROVED RIGHT OF WAY BEING LOCATED IN SECTION 21 AND 22, TOWNSHIP 9 NORTH, RANGE 25 EAST, W.M., NOW KNOWN AS BEERS ROAD;

WHEREAS, a request to vacate and abandon portions of unimproved right of way of Beers Road as recorded on the Order of Establishment and signed on April 5, 1920 was received, and is described as follows:

The East 20 feet of the Northeast ¼ of Section 21, T 9 N, R 25 E, WM, except the North 20 feet thereof; AND the West 20 feet of the Northwest ¼ of Section 22, T 9 N, R 25 E, WM, except the North 20 feet thereof.

NOW, THEREFORE,

BE IT RESOLVED that a Public Hearing be held at 9:50 a.m., Monday, May 24, 2010 in the Meeting Room of the Board of County Commissioners, Benton County Courthouse, Prosser, Washington, to consider the proposed vacation.

Dated this 3rd day of May, 2010.

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

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

\_\_\_\_\_  
Member.

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

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

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

9:05  
Area Code 509  
Prosser 786-5611  
Tri-Cities 736-3084  
Ext. 5664  
Fax 786-5627

April 28, 2010

### BOARD OF COUNTY COMMISSIONERS

Benton County Courthouse  
Prosser, WA 99350

RE: Application for Franchise: Badger Canyon Water Association

Commissioners:

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

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

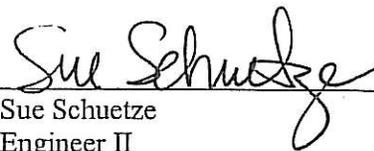
1. The term of the franchise continue for a ten (10) year period with a cost of \$500.
2. The Grantee is to carry liability insurance with Benton County named as an insured with a minimum limit of \$500,000.00. A copy of the proof of insurance is to be provided to Benton County.
3. Placement of facilities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

If you have any questions, please contact this office.

Sincerely,



Malcolm Bowie  
County Engineer



Sue Schuetze  
Engineer II

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

9:10

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

April 28, 2010

BOARD OF COUNTY COMMISSIONERS  
Benton County Courthouse  
Prosser, WA 99350

RE: Application for Franchise: Electric Lightwave, LLC

Commissioners:

Electric Lightwave, LLC has filed a petition to continue a nonexclusive franchise for telecommunication system and facilities within all of unincorporated Benton County road right of way.

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

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

If you have any questions, please contact this office.

Sincerely,



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Malcolm Bowie  
County Engineer



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Sue Schuetze  
Engineer II

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

9:15  
Area Code 509  
Prosser 786-5611  
Tri-Cities 736-3084  
Ext. 5664  
Fax 786-5627

April 28, 2010

BOARD OF COUNTY COMMISSIONERS  
Benton County Courthouse  
Prosser, WA 99350

RE: Application for Franchise: Good Neighbor Water Association

Commissioners:

Good Neighbor Water Association has filed a petition to continue a nonexclusive franchise for water lines system and facilities within all of unincorporated Benton County road right of way.

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

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

If you have any questions, please contact this office.

Sincerely,



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Malcolm Bowie  
County Engineer



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Sue Schuetze  
Engineer II

9:20

**RESOLUTION**

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY BUDGETS RE: SUPPLEMENTAL APPROPRIATION TO THE 2010 CLERK'S COLLECTION FUND NO. 0146-101 BUDGET IN THE AMOUNT OF \$40,932

**WHEREAS**, the Clerk's Collection Department has requested a supplemental appropriation to the Clerks Collection Fund No. 0146-101 in the amount of \$40,932 to cover the cost of adding a collection deputy to begin the process of collecting on fines and restitution for juvenile cases; and,

**WHEREAS**, a public hearing was held on Monday, May 3, 2010, at 9:20 AM at which time the public was given an opportunity to speak in favor or in opposition to the proposed supplement; and,

**WHEREAS**, these funds will need to be supplemented to the appropriate line items as detailed in the attached *transmittal*. The supplemental appropriation will be \$40,932 from the beginning fund balance of the Clerks Collection Fund No 0146-101; **NOW, THEREFORE**,

**BE IT RESOLVED**, by the board of Benton County Commissioners, that a supplemental appropriation to the 2010 Clerks Collection Fund No. 0146-101 be approved per the attached request.

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



**9:40 am**

Letter to Franklin Co Commissioners  
Re: Health District & Human Services

D Sparks

**9:50 am**

Executive Session  
Litigation Update

R Brown