

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

Board of County Commissioners BENTON COUNTY

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



To view items in detail, please
click on highlighted area

AGENDA BOARD OF BENTON COUNTY COMMISSIONERS Regular Board Meeting Tuesday, October 11, 2011 Benton County Courthouse, Prosser, WA

9:00 AM

Call to Order

Approval of Minutes

❖ **October 4, 2011**

Review Agenda

Consent Agenda

Commissioners

a. License Renewal for Columbia Generating Station

Facilities

b. Contract w/Superior Tree Service, Inc. for Tree Pruning Services

Fairgrounds

c. First Lease Amendment w/Atomic City Rollergirls

d. Line Item Transfer, Fund No. 0123-101, Dept. 000

e. Purchase Authorization of an Arena Vator from Blueline Mfg Co.

f. Purchase Authorization of 12 Breezeway Doors from Barns Northwest

Human Services

g. Agreement w/Nueva Esperanza for Substance Abuse Prevention Services

Sheriff

h. Payment Authorization to R Sabin for Pilot Services

i. Personal Services Contract w/Columbia Industries for Shredding Services

9:05 AM

Public Hearing

Vacation of Unimproved Right-of-Way in Finley - S. Schuetze

Continued – Short Plat Vacation, SPV 11-03 – M Shuttleworth

Redistricting Plan – L Smith Kelty

Scheduled Business:

Noxious Weed Discussion – M Stairer

Office of Public Defense Mid Year Operating Update – E Hsu

Executive Session:

Potential Litigation – R Lukson

Unscheduled Visitors
Board Assignment Update

Draft

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Regular Board Meeting
Tuesday, October 4, 2011, 9:00 a.m.
Commissioners' Conference Room
Benton County Courthouse, Prosser, WA

Present: Commissioner James Beaver (Chairman Pro Tem)
Commissioner Shon Small
County Administrator David Sparks
Clerk of the Board Cami McKenzie

Absent: Chairman Leo Bowman (excused)

Benton County Employees Present During All or a Portion of the Meeting: Deputy Administrator Loretta Smith Kelty; Adam Fyall, Sustainable Development Manager; Finance Manager Keith Mercer; Personnel Manager Melina Wenner; Planning Manager Mike Shuttleworth; County Engineer Malcolm Bowie; Bryan Perry, Safety Coordinator; DPA Ryan Brown; DPA Ryan Lukson; Rosie Sparks, Auditor's Office; Larry Moser, Public Works; RJ Lott, Planning; Pat Powell, Auditors' Office; District Court Administrator Jacki Lahtinen.

Approval of Minutes

The Minutes of September 27, 2011 were approved.

Consent Agenda

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

Auditor

- a. Payment Authorization to Tyler Technologies, Inc. for Software Licenses and Support

Board of Equalization

- b. Line Item Transfer, Fund No. 0000-101, Dept. 103

Central Services

- c. Authorization to Replace and Upgrade Exterior Structured Cabling @ Fairgrounds Buildings

Fairgrounds

- d. Amended Contract w/Desertgreen Lawn & Tree Care, LLC

Human Services

- e. Authorization for Disbursements from the Homeless Housing Funds per HMIS Agreement

Juvenile

- f. Contract w/Crest Counseling Services, P.S.

- g. Payment Authorization to Yoder Inc. dba Coffee Refrigeration for Prevailing Wage Fees
- h. Truancy Contract w/Richland School District
- i. Payment Authorization for Grant Expenditures to The Country Gentleman

Noxious Weed

- j. Line Item Transfer, Fund No. 0134-101, Dept. 000

Parks

- k. Contract w/Tri City Fence, Inc., to Relocate and Extend Fence @ Horn Rapids Park
- l. Contract w/A&B Asphalt, Inc., for the Yard Expansion @ Horn Rapids Park

Personnel

- m. Contract w/DNDS Corporation, dba ServPro of TriCities West
- n. October Employee of the Month Award

Public Works

- o. Contract Amendment w/St of WA Dept of Ecology
- p. Authorization to Schedule Call for Bids for Piert Road Phase 2

Sheriff

- q. Salary Request Statement
- r. Purchase Authorization of Helmet Video Camera System
- s. Line Item Transfer, Fund No. 0000-101, Dept. 121

Workforce Development Council

- t. Service Contract w/Career Path Srvcs for In-School Youth & Out-of-School Youth Services
- u. Service Contract w/Career Path Srvcs for Adult Services
- v. Service Contract w/Career Path Srvcs for Dislocated Worker Services

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

Public Hearing – Surplus Equipment

Larry Moser and Malcolm Bowie presented a request to surplus two 1990 International truck cab and chassis and removing the equipment (mounted sander and snow-plow) which reduced the previous value from over \$15,000 to over \$10,000 each. Mr. Bowie said the equipment was recently replaced and any money collected from the sale of the equipment would offset the new purchases.

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

MOTION: Commissioner Small moved to approve the surplus of the personal property, authorize the sale of the trucks, the signing of the consignment agreement, and transfer of title after the sale. Chairman Pro Tem Beaver seconded and upon vote, the motion carried.

Public Hearing – SPV 11-04

RJ Lott presented the request for short plat vacation (SPV 11-04) of the 50-foot radius turnaround easement located at the convergence of Lots 1, 2 and 3 in Short Plat 2854 which the applicants proposed a “hammerhead” designed turnaround as a replacement.

Based on the information received thus far, the Planning Department recommended approval of the proposed vacation of the 50-foot radius turnaround easement with a replacement “hammerhead” designed turnaround easement.

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

MOTION: Commissioner Small moved to approve the vacation of the 50-foot radius turnaround easement at the convergence of Lots 1, 2 and 3 of Short Plat 2854, in the Northwest Quarter of Section 36, Township 10 North, Range 26 East. This motion is conditioned on the applicant recording with the Benton County Auditor a “hammerhead” designed turnaround easement in Lots 1 and 2 of Short Plat 2854, as shown in their Short Plat Vacation application. Additionally, the applicant should provide the Planning Department with a copy of the recorded document prior to the signing of the resolution by the Board of County Commissioners. The document must be approved and recorded within one year of the date of approval by the Benton County Board of Commissioners or this approval will be null and void.

Chairman Pro Tem seconded and upon vote, the motion carried unanimously.

Personnel Resources – Strategic Plan – 2011-2014

Melina Wenner and Byran Perry gave a Powerpoint presentation on the Personnel Resources 2011-2014 Strategic Plan and reviewed the following:

- Introduction/Trends and Challenges
- Employee Benefits and Wellness
- Classifications and Compensation
- Employee and Labor Relations
- Equal Employment Opportunity
- Recruitment and Selection
- Safety/Risk management
- Training and Development
- Administrative Support

Executive Session – Litigation Update

The Board went into executive session at 9:36 a.m. for approximately 20 minutes with DPA Ryan Lukson for a litigation update. Also present were Ryan Brown, Melina Wenner, Loretta Smith Kelty, David Sparks, and Cami McKenzie. The Board came out at 9:53 a.m. Mr. Lukson said the Board reviewed the litigation and took no action.

The Board briefly recessed, reconvening at 9:56 a.m.

Unscheduled Visitors

Veterans' Assistance – Income Waiver

Pat Powell, Auditor's Office, presented an income waiver request for Ron Stricklin.

MOTION: Commissioner Small moved to approve the income waiver requested by Ron Stricklin. Chairman Pro Tem seconded and upon vote, the motion carried.

Commissioner Assignment Update

Fish & Game Meeting

Commissioner Small said he would be meeting with the Fish & Game Dept. to discuss the federal citations ordinances and how it was affecting boaters; also to find out what has changed in last 30 years. Commissioner Beaver said it would be appropriate to send a letter to the State about how this Fish & Game issue was affecting local boaters.

Noxious Weed

Commissioner Small said he met with the Noxious Weed Department and was told they wanted to increase fees by 37%. He said the Board would like to see more than one option brought back before the Board. Commissioner Beaver said he would also like to see an organization chart for that department. Mr. Sparks commented that it was actually an assessment on property taxes, not fees.

Vouchers

Check Date: 09/30/2011
Warrant #: 42226-42654
Warrant #: 42661-42872
Taxes #: 010109113
Total all funds: \$1,638,751.07

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

Resolutions

- 11-619: Payment Authorization to Tyler Technologies, Inc. for Software Licenses and Support
- 11-620: Line Item Transfer, Fund No. 0000-101, Dept. 103
- 11-621: Authorization to Replace and Upgrade Exterior Structured Cabling @ Fairgrounds Buildings
- 11-622: Amended Contract w/Desertgreen Lawn & Tree Care, LLC
- 11-623: Authorization for Disbursements from the Homeless Housing Funds per HMIS Agreement

- 11-624: Contract w/Crest Counseling Services, P.S.
- 11-625: Payment Authorization to Yoder Inc. dba Coffee Refrigeration for Prevailing Wage Fees
- 11-626: Truancy Contract w/Richland School District
- 11-627: Payment Authorization for Grant Expenditures to The Country Gentleman
- 11-628: Line Item Transfer, Fund No. 0134-101, Dept. 000
- 11-629: Contract w/Tri City Fence, Inc., to Relocate and Extend Fence @ Horn Rapids Park
- 11-630: Contract w/A&B Asphalt, Inc., for the Yard Expansion @ Horn Rapids Park
- 11-631: Contract w/DNDS Corporation, dba ServPro of TriCities West
- 11-632: Contract Amendment w/St of WA Dept of Ecology
- 11-633: Authorization to Schedule Call for Bids for Piert Road Phase 2
- 11-634: Purchase Authorization of Helmet Video Camera System
- 11-635: Line Item Transfer, Fund No. 0000-101, Dept. 121
- 11-636: Service Contract w/Career Path Srvcs for In-School Youth & Out-of-School Youth Services
- 11-637: Service Contract w/Career Path Srvcs for Adult Services
- 11-638: Service Contract w/Career Path Srvcs for Dislocated Worker Services
- 11-639: Surplus of Personal Property – 1990 International Truck Cab and Chassis

There being no further business before the Board, the meeting adjourned at approximately 10:04 a.m.

Clerk of the Board

Chairman

<u>AGENDA ITEM</u>	<u>ACTION NEEDED</u>	<u>DISCUSSION TYPE</u>
Meeting Date: 13 Oct 2011 Subject: Energy Northwest Memo Date: 28 Sep 2011 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

A resolution is attached for Commissioner review making a strong, affirmative statement of support for relicensing of the Columbia Generating Station. A cover letter addressed to the US Nuclear Regulatory Commission is also attached, as is a letter from Energy Northwest requesting the County's show of support for the relicensing effort. The resolution should be mailed to the NRC, and comment needs to be made no later than November 16, 2011.

FISCAL IMPACT

None.

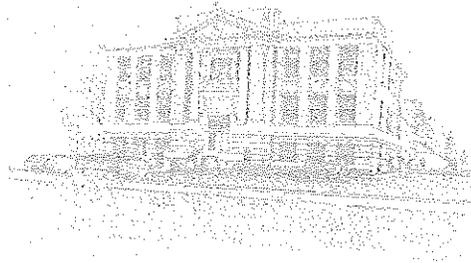
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Leo Bowman
District 1
Shon Small
District 2
James Beaver
District 3

**Board of County Commissioners
BENTON COUNTY**

David Sparks
County Administrator

Loretta Smith Kelty
Deputy County Administrator



13 October 2011

Cindy Bladey, Chief
Rules, Announcements, & Directives Branch
Division of Administrative Services
Office of Administration
United States Nuclear Regulatory Commission
Mail Stop: TWB-05-B01M
Washington DC 20555-0001

Re: Relicensing of the Columbia Generating Station

Dear Ms Bladey:

Attached, please find a resolution from Benton County affirming our support for relicensing of the Columbia Generating Station in Washington state.

Benton County appreciates the NRC's rigorous safety, security, and environmental reviews as part of the relicensing process, and we believe you will find this facility's record and importance to the community to be more than worthy of full relicensing through 2043.

Thank you,

BOARD OF COUNTY COMMISSIONERS

Leo Bowman, Chairman

Shon Small

James Beaver

cc: Governor Christine Gregoire
US Senator Patty Murray
US Senator Maria Cantwell
US Representative Doc Hastings
Energy Northwest
Franklin County
City of Kennewick
City of Pasco
City of Richland
City of West Richland
Tri-Cities Development Council

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF LICENSE RENEWAL FOR THE COLUMBIA GENERATING STATION

WHEREAS, Benton County has long recognized that it is one of America's premiere "nuclear communities", and has supported projects, policies, and programs related to nuclear industries that are integral to our region's culture and economy; and,

WHEREAS, Washington's first and only nuclear power reactor – the Columbia Generating Station – has safely and effectively operated in Benton County for over a quarter century; and,

WHEREAS, Columbia Generating Station's 8,100 GW annual electrical output represents 4% of the power generated in the state of Washington; and when combined with hydropower, solar power, and wind power, provides diversity, contingency, and grid balance for our region's energy production portfolio; and,

WHEREAS, operation of the Columbia Generating Station provides about 1,100 high-quality jobs for our community, and generates about \$440 million annually in economic activity; and,

WHEREAS, the environmental, security, and safety record of the Columbia Generating Station is impeccable; and Energy Northwest has consistently shown a commitment to worker training, emergency planning, and educational outreach in regards to its operation of the Station; and,

WHEREAS, the Columbia Generating Station produces clean, cost-effective power on a scale that dwarfs its physical and environmental footprint, as the Station that occupies barely a few hundred acres of land is able to power the equivalent of one million homes or supply the electrical duty of the entire city of Seattle; and,

WHEREAS, the time has come re-evaluate the operating license for the Columbia Generating Station and extend its operations for an additional 20 years until the year 2043;
NOW THEREFORE,

BE IT RESOLVED, by the Benton County Board of Commissioners that Benton County reaffirms its support for the operation of safe, relevant nuclear industries in Benton County, including nuclear power.

BE IT FURTHER RESOLVED, that the Columbia Generating Station and its operator Energy Northwest have been an asset to our community for 26 years, and that nuclear power is a vital piece of our region's and our nation's energy portfolio.

BE IT FURTHER RESOLVED, that based on the quality of this community asset and degree of this energy need, Benton County fully supports relicensing of the Columbia Generating Station by the United States Nuclear Regulatory Commission for 20 additional years of operation until the year 2043.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

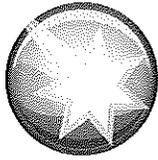
Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

orig: BOCC file
cc: Energy Northwest, Sustainable Development

Prepared by: A.J. Fyall



ENERGY NORTHWEST

Mark E. Reddemann
Chief Executive Officer
P.O. Box 968, MD 1023
Richland, WA 99352-0968
Ph. 509.377-8031 | F. 509.377.8637
mereddemann@energy-northwest.com

September 15, 2011

Commissioner Leo Bowman
Benton County
620 Market St.
Prosser, WA 99350

Leo	<input checked="" type="checkbox"/>	RECEIVED SEP 16 2011 BENTON COUNTY COMMISSIONERS
Jim	<input checked="" type="checkbox"/>	
Shon	<input checked="" type="checkbox"/>	
David	<input checked="" type="checkbox"/>	
Loretta	<input checked="" type="checkbox"/>	
Other	<input type="checkbox"/>	

Dear Commissioner Bowman,

As a long-time supporter of Columbia Generating Station and Energy Northwest, I wanted to make you aware of two upcoming Nuclear Regulatory Commission meetings and encourage your attendance. The meetings will be held at the Red Lion – Richland on Tuesday, Sept. 27 at 2 p.m. and 7 p.m. (please see enclosed card).

Columbia is in the midst of license renewal proceedings which, when successful, will allow the facility to operate for an additional 20 years, until 2043. Columbia is of vital importance to our community, the Mid-Columbia and the state of Washington. Not only does Columbia provide enough electricity to power more than one million homes, it does so as one of the lowest cost, clean-energy options available. Energy Northwest has operated Columbia as a responsible steward of the environment, and in a manner that protects the public's health and safety. The draft supplement to the generic environmental impact statement (GEIS) reaffirmed Columbia's low environmental impact.

Columbia is also an economic engine. Energy Northwest employs a highly-skilled workforce of more than 1,100 people. Each year, Energy Northwest creates more than \$440 million in economic activity.

Your support is needed now more than ever. Despite Columbia's excellent safety and environmental record these past 26 years, some groups are seeking to challenge the granting of the license renewal, and may be present to voice their opposition on Sept. 27. The two NRC meetings invite public participation and comment on the draft environmental impact statement issued as part of the license renewal process. While the NRC has stated its preliminary conclusion that there are no environmental impacts that would preclude relicensing Columbia for another 20 years, your public support remains vital.

I hope you can join us in person for one of the meetings, but if not, I have enclosed an information card with instructions on submitting written comments. If you would like more information or assistance in submitting a letter of support, please contact Public Affairs Manager Rochelle Olson at (509) 377-4728.

Thank you again on behalf of the men and women of Energy Northwest and Columbia Generating Station.

Respectfully,

Mark Reddemann
CEO, Energy Northwest

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	<u>Facilities</u>
Meeting Date: 10/11/2011	Execute Contract _____	Consent Agenda <u> X </u>
Subject: P. W. Contract	Pass Resolution _____	Public Hearing _____
Prepared by: L. Small	Pass Ordinance _____	1st Discussion _____
Reviewed by: K. Mercer	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

Benton County has experienced limbs falling from the large trees around the Prosser Courthouse due to overgrowth and the nuts being produced. Because of potential danger of a limb falling on a vehicle or employee, facilities supervisor believes it is in the County’s best interest to get the trees trimmed and pruned; removing excess limbs and additional weight from the trees. There are also a few trees located at Vista Park that are in need of pruning and the removal of one tree.

Proposals were solicited from three contractors and the following were received; which provides pricing for tree services at both the Benton County Courthouse and Vista Park.

- Superior Tree Service, Inc., Pasco, WA - \$15,590.00 plus WSST
- Artistic Treeworks, Richland, WA 18,135.00 plus WSST
- American Tree Service, Kennewick, WA - Declined

The three companies listed above were the only advertised certified arborists in the area that could be located.

Proposals were reviewed and the recommendation is to move forward with Superior Tree Service, Inc. as the lowest bidder and enter into a blanket contract for “as needed” tree services for any future tree service needs for all Benton County locations for a contract amount not to exceed \$30,000.00 including WSST. The proposal listed above from Superior Tree Service shall be applied against the blanket contract, with said blanket contract expiring December 31, 2012.

Due to safety concerns with branches falling from the trees, the Facilities Supervisor believes it is in the best interest of the County to move forward as soon as possible with the tree trimming here at the Courthouse and recommends the Board of Commissioners authorize payment for any services performed prior to the full execution of this contract.

RECOMMENDATION

Approve the attached Resolution and Blanket Contract between Benton County and Superior Tree Service, Inc. for “as needed” tree services with a contract amount not to exceed \$30,000.00 including WSST.

FISCAL IMPACT

The cost to take care of the current problems with the trees located at the Prosser Courthouse and Vista Park for an amount of \$15,590.00 plus WSST; then the cost for any other services that may be needed until December 31, 2012.

MOTION

Move to approve the blanket contract between Benton County and Superior Tree Service for “as needed” tree services for a total contract amount not to exceed \$30,000.00 including WSST and authorize payment for all services performed prior to the execution of this contract, and authorize the Chairman of the Board to sign said contract.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF A BLANKET CONTRACT BETWEEN BENTON COUNTY AND SUPERIOR TREE SERVICE, INC. FOR “AS NEEDED” TREE PRUNING, TRIMMING AND/OR TREE REMOVAL SERVICES FOR ALL BENTON COUNTY LOCATIONS

WHEREAS, Benton County experienced tree limbs falling out of the trees located at the Benton County Courthouse due to branches being too heavy, and trees in the need of pruning with one removal located at Vista Park; and

WHEREAS, Benton County Facilities Supervisors believes it is in the best interest of the County to get all of the trees trimmed to get the excess limbs and weight off the overgrown trees; and

WHEREAS, proposals were solicited and received from the following:

- Superior Tree Service, Inc., Pasco, WA - \$15,590.00 plus WSST
- Artistic Treeworks, Richland, WA 18,135.00 plus WSST
- American Tree Service, Kennewick, WA - Declined

WHEREAS, the three companies listed above were the only advertised certified arborist in the area that the Facilities Supervisor could locate; and

WHEREAS, the Benton County Facilities Supervisor reviewed the quotes and recommends awarding said tree services to Superior Tree Service, Inc. - Contractors License No. SUPERTS972CF as the lowest responsive bidder for a proposal amount of \$15,590.00 plus WSST to be applied against an “as needed” blanket contract not to exceed \$30,000.00 including WSST for any “as needed” tree services for all Benton County locations; **NOW, THEREFORE**

BE IT RESOLVED, the Board of Benton County Commissioners, Benton County, Washington hereby agrees with the recommendation and awards the tree trimming, pruning and removal services to Superior Tree Service, Inc, Pasco, WA as the lowest bidder with said services to be applied against the attached “as needed” blanket contract in the amount not to exceed \$30,000.00 including WSST; and

BE IT FURTHER RESOLVED, due to timing of getting the contract executed and the urgency of getting the branches trimmed at the Courthouse due to safety concerns, the Board hereby authorizes payment for services performed prior to execution of the attached contract; and

BE IT FURTHER RESOLVED, said blanket contract shall expire December 31, 2012; and

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

Attest:
Clerk of the Board

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

**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 **SUPERIOR TREE SERVICE, INC.**, a Washington corporation with its principal offices at 2121 North Commercial Ave., 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 these terms and conditions and 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 expire on December 31, 2012. 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 COUNTY requires and the CONTRACTOR agrees to provide "as needed" tree pruning, tree trimming and/or tree removal services and any other service the CONTRACTOR is qualified to perform for all Benton County locations, to include the Benton County Courthouse; Benton County Justice Center; Benton County Health District Building; Benton County Fairgrounds; Benton County Animal Control Facility; Benton County Annexes; Benton County Parks; and any other location that Benton County is responsible to maintain the landscaping, all in accordance with the each proposal submitted per each individual 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 coordinate with COUNTY to complete the work in conjunction with such other contractor. In the event that requested work requires, under State or local law, the issuance of a building permit, CONTRACTOR shall be responsible

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: <u>10-11-11</u>	Execute Contract _____	Consent Agenda <u> X </u>
Subject: Atomic City Roller Girls Prepared by: cmb _____ Reviewed by: _____	Pass Resolution <u> X </u>	Public Hearing _____
	Pass Ordinance _____	1st Discussion _____
	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

Attached for Board review is the First Lease Amendment with the Atomic City Roller Girls. The First Lease Amendment has been reviewed and approved as to form by the Prosecuting Attorney's office.

Atomic City Roller Girls have a current practice Lease Agreement per Resolution 11-554 with the Benton County Fairgrounds for twenty-nine (29) practice dates held in Building 2.

SUMMARY

The Roller Girls First Lease Amendment attached is a request for a reduction of practice dates. Roller Girls would like to reduce from twenty-nine (29) to eighteen (18) practices. Due to the upcoming holiday season, and the Roller Girls schedules, they would prefer to have less practices.

RECOMMENDATION

The Deputy County Administrator and Fair Grounds Office Manager recommend approval of the First Lease Amendment with the Atomic City Roller Girls.

FISCAL IMPACT

\$880.00

MOTION

Move the First Lease Amendment with the Atomic City Roller Girls be approved.

RESOLUTION

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

**IN THE MATTER OF APPROVING THE FIRST LEASE AMENDMENT BETWEEN
BENTON COUNTY AND THE ATOMIC CITY ROLLERGIRLS.**

WHEREAS, the Atomic City Roller Girls has a weekly practice Lease Agreement with Benton County via Resolution 11-554 that expires on December 29, 2011; and

WHEREAS, the Atomic City Roller Girls Lease Agreement is for twenty nine (29) flat track derby practices September 5, 2011 through December 29, 2011; and

WHEREAS, the Atomic City Roller Girls would like to reduce the twenty nine (29) practices dates to eighteen practice (18) dates during the upcoming holiday season; and

WHEREAS, the Benton County Deputy Administrator and Fairgrounds Office Manager recommends the Atomic City Roller Girls First Lease Amendment be approved; **NOW THEREFORE**,

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, hereby approves the First Lease Amendment between Benton County and the Atomic City Roller Girls request for reduction of practice dates; and

BE IT FURTHER RESOLVED that the Board authorizes the Chairman of the Board to sign the attached Lease Agreement.

Dated this _____ day of _____ 2011.

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

FIRST LEASE AMENDMENT

THIS FIRST LEASE AMENDMENT is made and entered into this 3rd day of Oct, 2011 by and between Benton County, Washington hereinafter called "LESSOR" and Atomic City Rollergirls; Richland, WA hereinafter called "LESSEE".

WHEREAS, per Resolution 11-554 the parties entered into a Lease Agreement for the purposes of renting Building 2 for their (29) twenty nine flat track derby practices at the Benton County Fairgrounds; and

WHEREAS, the parties wish to amend the Lease Agreement by reducing (29) practice dates to (18) eighteen practice dates during the upcoming holiday season; and

NOW, THEREFORE, in the Lease Agreement set forth in Resolution 11 554, the parties agree as follows:

The parties agree that all provisions of the Lease Agreement shall remain in effect except sections "1. Event", "3. Payments", and Exhibit "A" "FEES AND DESCRIPTION OF BUILDINGS, GROUNDS, EQUIPMENT AND SERVICES APPLICABLE TO LESSEE'S LICENSE TO USE THE FACILITIES" which shall be replaced in entirety with the following:

1. EVENT

a. EVENT FLAT TRACK ROLLERSKATING PRACTICES IN BUILDING # 2 ON September -5, 12, 19, 26 – October – 4, 6, 11, 13, 18, 20, 25, 27 November – 1, 3, 8, 10, 15, 17, 2011 FROM 6:00 PM UNTIL 10:00 PM WITH AN ATTENDANCE OF 15 PEOPLE, HEREAFTER REFERRED TO AS THE EVENT.

3. PAYMENTS

a. In consideration for the license to hold the EVENT, LESSEE agrees to pay LESSOR the FEE of \$1690.00 (less damage/cleaning deposit if previously paid) for use of the Facilities as detailed in Exhibit A, no later than October 14, 2011. If the fee is not made by this date, this Agreement will be null and void unless otherwise agreed to in writing by LESSOR. Upon such termination, LESSEE shall be obligated to pay a cancellation fee as specified in section 5 of this Agreement.

EXHIBIT A

FEEES AND DESCRIPTION OF BUILDINGS, GROUNDS, EQUIPMENT AND SERVICES APPLICABLE TO LESSEE'S LICENSE TO USE THE FACILITIES

DAMAGE/CLEANING DEPOSIT

Refundable in approximately ten (10) business days after the EVENT, only if the building and/or rented area is completely clean, all garbage in dumpster(s), and tables and chairs re-stacked.

DEPOSIT TOTAL: \$ 250.00

BUILDING(S) AND/OR AREA(S) FEES

Building # 2 \$ 80.00 X 18 Days = \$ 1440.00

BUILDING(S)/AREA TOTAL: \$ 1440.00

EQUIPMENT RENTAL FEES

No equipment will be used for this event

EQUIPMENT RENTAL TOTAL: \$ 0

LESSOR FURNISHED INSURANCE FEES

INSURANCE TOTAL: \$ 0

SECURITY FEES

LESSEE will provide.

SECURITY TOTAL: \$ 0

REFUSE DISPOSAL FEES

Bin Size	Number	Cost	Total
4 Yard Bin	0	Included	0

REFUSE TOTAL: \$ 0

Note: No cardboard or plastic wrap may be disposed of in the provided Refuse Disposal Dumpsters.

NAME: Atomic City Rollergirls

EVENT DATES: September-5, 12, 19, 26 – October – 4, 6, 11, 13, 18, 20, 25, 27 November – 1, 3, 8, 10, 15, 17.

SUMMARY OF FEE(S)

Damage/Cleaning Deposit	\$ <u>250.00</u>
Building(s)/Area Fees	\$ <u>1440.00</u>
Equipment Fees	\$ <u>0</u>
Insurance Fees	\$ <u>0</u>
Security Fees	\$ <u>0</u>
Refuse Disposal Fees	\$ <u>0</u>
Other Fees	\$ <u>0</u>

TOTAL FEE: \$ 1690.00

IN WITNESS WHEREOF, the parties have caused this Lease Amendment to be signed by their duly constituted legal representatives and is effective on the last date signed.

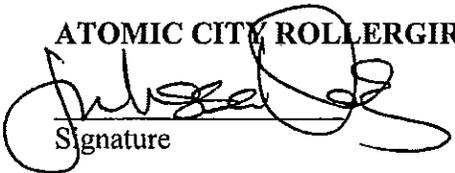
Date: _____

Date: 10/20/11

Benton County

ATOMIC CITY ROLLERGIRLS

Chairman


Signature

Approved as to Form

Julissa Valdez
President



Ryan Lukson, Civil Deputy Prosecuting Attorney

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF COUNTY FUNDS RE: TRANSFER OF FUNDS WITHIN FAIRGROUNDS IMPROVEMENT FUND NUMBER 0123101, 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

< >

BENTON COUNTY LINE ITEM TRANSFER

Dept Name: Fairgrounds Dept Nbr: 000
 Fund Name: Fairgrounds Improvement Fund Nbr: 0123101

TRANSFER FROM: _____ TRANSFER TO: _____

BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT	BASE SUB (6 digit)	LINE ITEM (4 digit)	LINE ITEM NAME	AMOUNT
594.750	6401	Capital Outlay	\$3,030	575.400	3501	Small Item Equipment	\$3,030
TOTAL			\$3,030	TOTAL			\$3,030

Explanation: _____
 Transfer of funds for purchase of Arena Vator equipment.

Prepared by: Caroline Bowen Date: 07-Sep-2011

Approved Denied Date: _____

 Chairman

 Member

 Member

e. Purchase Authorization of an Arena Vator from
Blueline Mfg Co.

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>	
Meeting Date: 10-11-11	Execute Contract _____	Consent Agenda <u> X </u>
Subject: Blueline MFG CO	Pass Resolution <u> x </u>	Public Hearing _____
Prepared by: cmb _____	Pass Ordinance _____	1st Discussion _____
Reviewed by: _____	Pass Motion _____	2nd Discussion _____
	Other _____	Other _____

BACKGROUND INFORMATION

As part of the Fairgrounds 4H Arena rental obligation, maintenance workers perform a 3 step process to prepare the arena for horse related events: Applying 5000 gallons of waters by way of our water truck, disking the soil and water to approximately 17 inch dept, then diamond harrowing the moist soil to rake and level the ground. This process takes employee time, fuel, and replacement of parts for current equipment.

SUMMARY

Fairgrounds Facility Supervisor solicited 3 quotes for one piece of equipment, an Arena Vator, to eliminate two (2) steps in Arena prepping from the Benton County Vendors list.

Blueline MFG Co, 1330 East Broadway Street, Pasco, WA 99301 (\$2,795.00, excluding WSST)
Central Machinery Sales, Inc, 1810 E. James St., Pasco, WA 99301 (\$2,945.00 excluding WSST)
SS Equipment Inc., 708 North Oregon Ave, Pasco, WA 99301 (\$3,111.00, excluding WSST)

RECOMMENDATION

The Board of Benton County Commissioners authorizes the payment for the purchase of gravel from Blueline MFG CO, 1330 East Broadway Street, Pasco, WA 99301, in the amount of \$3,026.99 including WSST.

FISCAL IMPACT

\$3,026.99 including WSST

MOTION

Move the Resolution for purchase of an Arena Vator be approved.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE PURCHASE OF AN ARENA VATOR FROM BLUELINE MFG CO, 1330 EAST BROADWAY STREET, PASCO, WA 99301, FOR THE BENTON COUNTY FAIRGROUNDS FACILITY

WHEREAS, per resolution 11-403, "if any county department other than Public Works desires to purchase or lease from a vendor on Benton County's vendor list and not advertise and solicit formal sealed bids, it shall secure written quotes from at least three (3) different vendors on the vendor list, unless the product is such that it is not reasonable to obtain three price quotes"; and

WHEREAS, as part of the 4H Arena rental obligation, Fairgrounds maintenance workers water and work the 4H Arena for safety and enhancement of their event; and

WHEREAS, this consists of three (3) different preceedors: applying 5000 gallons of waters by way of our water truck, dinking the soil and water to approximately 17 inch dept, then diamond harrowing the moist soil to rake and level the ground. This process takes employee time, fuel, and replacement of parts for current equipment; and

WHEREAS, Benton County Fairgrounds solicited the following companies from the Benton County Vendors list to provide a quote for one piece of equipment, an Arena Vator, to eliminate two (2) steps in Arena prepping; and;

Blueline MFG Co, 1330 East Broadway Street, Pasco, WA 99301 (\$2,795.00, excluding WSST)
Central Machinery Sales, Inc, 1810 E. James St., Pasco, WA 99301 (\$2,945.00 excluding WSST)
SS Equipment Inc., 708 North Oregon Ave, Pasco, WA 99301 (\$3,111.00, excluding WSST)

WHEREAS, Blueline MF Co, has the lowest price for an Arena Vator; and

WHEREAS, due to the cost of replacement parts of current equipment, man power, and scheduled horse events, the Fairgrounds Facility Supervisor authorized the purchase of an Arena Vator; **NOW, THEREFORE**

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County Washington, the Board authorizes payment for the purchase of an Arena Vator from Blueline MFG Co, 1330 East Broadway Street, Pasco, WA 99301 in the amount of \$3,026.99 including WSST.

Dated this _____ day of _____ 2011.

Chairman of the Board

Member

Member

Attest: _____
Clerk of the Board

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

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	<u>10-11-11</u>	Execute Contract	_____
Subject:	<u>Barn Door Purchase</u>	Pass Resolution	<u> x </u>
Prepared by:	<u>K. Mercer</u>	Pass Ordinance	_____
Reviewed by:	<u>Loretta</u>	Pass Motion	_____
		Other	_____
		Consent Agenda	<u> x </u>
		Public Hearing	_____
		1st Discussion	_____
		2nd Discussion	_____
		Other	_____

BACKGROUND/SUMMARY INFORMATION

In 2004, three (3) double aisle barns were purchased from Barns Northwest for the Benton County Fairgrounds. The barns consist of concrete flooring, 108 metal 12x12 stalls, rubberized floor mats with drainage, 12 tack rooms, overhead lighting, nine fans, and electrical outlets. Currently, the barns cannot be properly secured due to the lack of breezeway doors, which means the barns are accessible 24 hours a day, seven days a week, making them susceptible to theft, vandalism, and unauthorized usage.

The Facility Supervisor has researched various breezeway door options and found that in order for the breezeway doors to match the barns and function properly they must be purchased from the manufacturer of the original barns, which is Barns Northwest.

RECOMMENDATION

Authorize the purchase of twelve (12) breezeway doors from Barns Northwest and authorize the Facility Supervisors signature on Agreement No. 9282011 and any other documents associated with this purchase.

FISCAL IMPACT

\$17,869.50 (\$8,900.00 down and \$8,969.50 due upon delivery) to be paid from Fairgrounds Improvement Fund (0123-101). However, we are currently applying for a special assistance grant to help offset costs along with the possibility of receiving limited funding from Blue Mountain Horse Racing and Sundowns Training Center.

MOTION

Authorize the purchase of twelve (12) breezeway doors from Barns Northwest and authorize the Facility Supervisors signature on Agreement No. 9282011 and any other documents associated with this purchase.

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING THE PURCHASE OF TWELVE (12) BREEZEWAY DOORS FROM BARN NORTHWEST

WHEREAS, in 2004, three (3) double aisle barns were purchased from Barns Northwest for the Benton County Fairgrounds; and

WHEREAS, the barns consist of concrete flooring, 108 metal 12x12 stalls, rubberized floor mats with drainage, 12 tack rooms, overhead lighting, nine fans, and electrical outlets; and

WHEREAS, currently, the barns cannot be properly secured due to the lack of breezeway doors, which means the barns are accessible 24 hours a day, seven days a week, making them susceptible to theft, vandalism, and unauthorized usage; and

WHEREAS, the Facility Supervisor has researched various breezeway door options and found that in order for the breezeway doors to match the barns and function properly they must be purchased from the manufacturer of the original barn, which is Barns Northwest; and

WHEREAS, the Facility Supervisor recommends purchasing the twelve (12) breezeway doors from Barns Northwest; **NOW, THEREFORE**,

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, hereby approves the purchase of twelve (12) breezeway doors from Barns Northwest in an amount not to exceed \$17,869.50 including WSST; and

BE IT FURTHER RESOLVED, the Board authorizes the down payment of \$8,900.00 to Barns Northwest; and

BE IT FURTHER RESOLVED, the Board authorizes the Facility Supervisor's signature on Agreement No. 9282011 and any other documents associated with this purchase.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington

Attest.....

Clerk of the Board

Orig: Fairgrounds
Cc: Auditor

Prepared by: K Mercer



691 Winchester Road
Yakima, WA 98908
Phone: 206-714-6979
Fax: 509-966-1215

Proposal-Acceptance

BARN NORTHWEST

No 9282011

Authorized Dealer of
Choice Barns Products

SUBMITTED TO		Benton County Facilities att: Dean Docken		DATE	September 28, 2011
STREET		7122 W. Okanogan Pl.		HOME PHONE	
CITY, STATE AND ZIP CODE		Kennewick, WA. 99336		JOB PHONE	509-222-3722
				JOB LOCATION	Kennewick, WA

WE HEREBY SUBMIT SPECIFICATION AND ESTIMATES FOR:

STANDARD FEATURES INCLUDE 12' X 12' square stalls, 4' sliding stall doors, 1-3/8" round tube grillwork, solid feed doors, 26 gauge galvanized steel lined interiors, galvanized steel purlins & galvanized or painted steel roofs. Econo type barns do not have standard features.

BARN STYLE:

- Gable - Center Aisle
- Raised Center Aisle
- Gambrel - Center Aisle
- Shed Row - Cantilever
- Shed Row - Posted
- Back to Back - Cantilever
- Back to Back - Posted
- Double Aisle
-
-
-

See Attached Layout for Details

- Total No. of Units: _____
- Center Aisle Width: _____ Ft.
- Shed Row Posted Overhang: _____ Ft.
- Roof Pitch: _____ Ft. in _____ Ft.
- Roof Snow Load: _____
- Vapor Barrier: _____
- Insulation: _____
- Stall Fronts: _____
- Color of Roofing: _____
- Facia: _____
- Color of Siding: _____

BASIC WALL TYPE: (Ext./Int.)

- 2" T&G/ZA
- 2" Ptd. Stl./ZA (Foam Core)
- 2" Hardie panel/ZA (Foam Core)
- 3/4" Ptd. Stl./ZA (Ply Core)
-
-
-
-
-
-

ADDITIONAL ITEMS INCLUDED:

- Rear Doors: _____
- Conv. RV Swing Doors: _____
- Pr. _____ Ft. Breezeway Doors
- Shutter Windows: _____
- Sliding Glass Windows 4' x 4' ea.
- Peak Windows: _____
- Water Doors: _____
- Feed Tubs: _____
- Hay Racks: _____
- Blanket Bars
- Stall Mats: 4' x 6' each: _____
- Cross Tie Rings/Water Bucket Ring
- Stalls Painted Interiors
- x Drop Ceilings: _____
- Skylights
- Tracking/Foaling Wall
- Grill Stall Dividers
- Table Saddle Rack

12- Pair Breezeway Doors for Existing DBL B/W BM
Materials : 3/4" ptd ste / pdt stl (Tan Color)
each pair B/W Doors fit 12ft opening & include 1- 4ft &
1- 8ft sliding door w/ all hardware including track, trolley
door stops, handles, door guides, drip guard & closure
trim

Cost per set: \$1,375.00 x 12 set = \$16,500.00
 sales tax \$1,369.50 = total cost \$ 17,869.50

** REFER TO Benton County P.O. # 2696*

NA/Fairground Installation

Price Includes: Material Tax Delivery Installation **FOR THE TOTAL SUM OF:**
seventeen thousand - eight hundred & sixty-nine & 50/100 x x x x x x x x DOLLARS (\$17,869.50)
 (PAYMENTS TO BE MADE AS FOLLOWS)

Due Upon Acceptance: \$8,900.00 Upon Pick Up or Delivery: \$8,969.50 Upon Completion: *NA*

Make all checks payable to Barns Northwest

NOTICE TO OWNER

Under the Construction Lien Law, any contractor, subcontractor, laborer, materialman or other person who helps to improve your property and is not paid for labor, services or material, has a right to enforce his claim against your property.

Upon completion of a barn and / or component fabrication, Barns Northwest will give 48 hours notification of time and date of delivery. If customer cannot accept delivery within 5 days of notification, the delivery payment must be made to Barns Northwest or a 10% penalty of contract price will be added to the contract price for storage of barn and / or components. Any prices shown on contract is subject to an increase (not more than 10%) if product ordered is not accepted for delivery within 180 days of signed acceptance.

Any occupancy of barn constitutes acceptance of barn and all payments are due in full prior to occupancy. Any payment not paid when due shall bear interest on the unpaid balance from the date due at a rate of 18% per annum. Barns Northwest shall be entitled to receive its Attorney's Fees as a part of any recovery.

Unless otherwise specified, this contract does not include grading, foundations, soil tests, electrical, plumbing or painting. Owner is responsible to obtain any permits required and provide a level (within 2") compacted building site, with a minimum 12' wide by 12' high access to drive Barns Northwest delivery trucks to within 25' of foundation site. If access is not available, customer agrees to pay an additional \$100 per hour to have materials hand carried to foundation site. Customer releases Barns Northwest from responsibility for damage by Barns Northwest trucks to driveways, waterlines or other property while delivering product. Upon delivery of product owner assumes responsibility for any loss due to theft, fire or other contingencies beyond Barns Northwest control.

LIMITED WARRANTY

Manufactured products are expressly warranted in writing by individual manufacturer. All workmanship performed by Barns Northwest is under warranty for a period of one year. Installation of manufactured or custom products not performed by Barns Northwest are not warranted by Barns Northwest and any warranty claim must be handled by the installing contractor. Barns Northwest delivers all wood or woodlike products unfinished and therefore does not warranty any shrinkage, warping or separation of wood or woodlike products. Barns Northwest recommends that wood products be painted and sealed and any unfinished or primed wood or woodlike products be sealed for protection. All warranties are void unless Barns Northwest is notified in writing within 15 days that the buyer becomes aware there may be a warranty claim. This is the only warranty an no other warranty implied by laws or expressed by any representative or subcontractor shall apply.

ACCEPTANCE OF PROPOSAL

The above prices, specifications, terms and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Upon your signature, this document becomes a legal and binding contract subject to final approval of Barns Northwest, not its Field Representatives.

BARN NORTHWEST	DATE	
<i>William Dwyer</i>	<i>9/28/11</i>	
CUSTOMER'S SIGNATURE	DATE	NOTE: THIS PROPOSAL MAY BE WITHDRAWN IF NOT ACCEPTED WITHIN DAYS <i>10</i>

IN CASE OF CUSTOMER CANCELLATION, DEPOSITS ARE NOT REFUNDABLE.

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>			
Meeting Date:	Execute Contract	<u> X </u>	Consent Agenda	<u> X </u>
Subject:	Pass Resolution	<u> X </u>	Public Hearing	_____
Agreement #11/13-PREV-NECC-00	Pass Ordinance	_____	1st Discussion	_____
Prepared by:	Pass Motion	_____	2nd Discussion	_____
Maria Loera, Sr. Secretary-DHS	Other	_____	Other	_____
Reviewed by:				
Ed Thornbrugh, Administrator-DHS				

BACKGROUND INFORMATION

Benton and Franklin Counties Department of Human Services would like to contract with Nueva Esperanza Counseling Center for the 2011-2013 biennium to provide substance abuse prevention services and coordinate a two-county prevention program.

SUMMARY

Award: Consideration shall be \$110,000.00
Period: October 1, 2011 through June 30, 2013
Funding Source: Division of Behavioral Health and Recovery

RECOMMENDATION

- Sign the Resolution to accept the proposed agreement
- 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 Division of Behavioral Health and Recovery and the Department of Social and Health Services. **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 Agreement #11/13-PREV-NECC-00 with Nueva Esperanza Counseling Center, and to authorize the Chair to sign of behalf of the Board.



 Signature

JOINT RESOLUTION

BENTON COUNTY RESOLUTION NO. _____

FRANKLIN COUNTY RESOLUTION NO. _____

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

RE: IN THE MATTER OF EXECUTING AGREEMENT #11/13-PREV-NECC-00 TO PROVIDE SUBSTANCE ABUSE PREVENTION SERVICES AND COORDINATION OF A TWO-COUNTY PREVENTION PROGRAM FOR THE 2011-2013 BIENNIUM BETWEEN BENTON AND FRANKLIN COUNTIES DEPARTMENT OF HUMAN SERVICES AND NUEVA ESPERANZA COUNSELING CENTER

WHEREAS, the Benton and Franklin Counties Department of Human Services would like to contract with Nueva Esperanza Counseling Center to provide substance abuse prevention services and coordinate a two-county prevention program; and

WHEREAS, Benton and Franklin Counties Department of Human Services would like to contract with Nueva Esperanza Counseling Center for the 2011-2013 biennium; and

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

BE IT FURTHER RESOLVED, that the Chairman of the Board of Benton County Commissioners and the Chairman of the Board of Franklin County Commissioners be, and they hereby are, authorized to sign, on behalf of their respective county, Agreement #11/13-PREV-NECC-00 with Nueva Esperanza Counseling Center to provide substance abuse prevention services and coordinate a two-county prevention program for the 2011-2013 biennium for an agreement amount of \$110,000.00; and

BE IT FURTHER RESOLVED, the term of the attached agreement commences on October 1, 2011 and shall expire on June 30, 2013.

Dated this day of 2011.

Dated this day of2011.

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

**Benton and Franklin Counties
DEPARTMENT OF HUMAN SERVICES
Agreement #11/13-PREV-NECC-00**

This Amendment is made and entered into by and between Benton County, a political subdivision with its principal offices at 620 Market Street, Prosser, WA 99350, and Franklin County, a political subdivision with its principal offices at 1016 North 4th Avenue, Pasco, WA 99301, by and for the **Benton and Franklin Counties' Department of Human Services**, a bi-county department, with its principal offices at 7102 W. Okanogan Pl. Suite 201, Kennewick, WA 99336 (hereinafter collectively referred to as "Counties") and **Nueva Esperanza Counseling Center**, a subdivision of Tri-Cities Community Health, a Washington State Not-For-Profit Corporation, with its principal offices at 515 W. Court St., Pasco, WA 99301, (hereinafter "Contractor")

Counties Contact Information:

Ed Thornbrugh, Administrator
Department of Human Services
7102 W. Okanogan Pl. Suite 201
Kennewick, WA 99336
Phone: 509.783.5284
Fax: 509.783.5981
E-Mail: edt@gov.wa.co.benton-franklin.us

Contractor Contact Information:

Joe Vela, Clinical Director
Nueva Esperanza Counseling Center
515 W. Court St.
Pasco, WA 99301
Phone: 509.545.6506
Fax: 509.546.0520
E-Mail: joev@tcc-health.org

Is the Contractor a subrecipient for purposes of this Agreement Yes
CFDA Number (Federal Block Grant Funding) #93.959
Title: Block Grants for Prevention and Treatment of Substance Abuse
Name of Grant: Substance Abuse Prevention and Treatment (SAPT) Block Grant
Grantor: DSHS Division of Behavioral Health and Recovery (DBHR)

Agreement Start Date October 1, 2011
Agreement End Date (unless terminated sooner as set forth herein this Agreement) June 30, 2013
The Contractor shall complete all work by the time(s) specified herein, or if no such time is otherwise specified, no later than the end date.

Consideration \$110,000.00

Attachments incorporated into this Agreement None

By their signatures below, the parties agree to the terms and conditions of this Agreement and all documents attached or incorporated by reference. No other understandings or representations, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind the parties. The parties signing below certify that they are authorized to sign this Agreement.

For the Contractor:


Title: CEO Date: 9/23/2011

For Benton County:

Benton County Commissioners Date Attest: Clerk of the Board

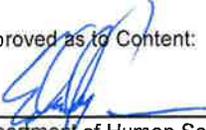
For Franklin County:

Franklin County Commissioners Date Attest: Clerk of the Board

Approved as to Content:

Approved as to Form:

Approved as to Form:


Department of Human Services


Benton County Prosecutor's Office


Franklin County Prosecutor's Office

h. Payment Authorization to R Sabin for Pilot Services

<u>AGENDA ITEM</u>	<u>TYPE OF ACTION NEEDED</u>		
Meeting Date: <u>10/11/2011</u>	Execute Contract	_____	Consent Agenda <u>X</u>
Subject: <u>Authorization of</u>	Pass Resolution	_____	Public Hearing _____
<u>Payment to</u>		<u>X</u>	1st Discussion _____
<u>Ronny Sabin</u>	Pass Ordinance	_____	2nd Discussion _____
Prepared by: <u>J. Thompson</u>	Pass Motion	_____	Other _____
Reviewed by: <u>J. Thompson</u>	Other	_____	

BACKGROUND INFORMATION/SUMMARY

The Sheriff's Office utilized Ronny Sabin to perform the needed marijuana eradication flights that are required and paid in part by a Washington State Patrol administered Federal Grant from the Drug Enforcement Agency. Mr. Sabin previously performed these services as a deputy before his retirement. The Sheriff's Office has been actively working on a contract for pilot services.

The Sheriff's Office and Mr. Sabin have agreed upon a contract for future services to be approved in the near future.

RECOMMENDATION

Approve resolution authorizing payment to Mr. Ronny Sabin for the period of August 1st through October 11th, 2011.

FISCAL IMPACT

Expenditure not to exceed \$2,500 with is part of the approved 2011/2012 budget.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING PAYMENT TO RONNY LEE SABIN FOR SERVICES PERFORMED DURING THE PERIOD OF AUGUST 1 THRU OCTOBER 10, 2011

WHEREAS, as part of providing public safety and welfare to the citizens of Benton County, the Benton County Sheriff's Office performs marijuana eradication, search and rescue flights periodically as needed; and

WHEREAS, marijuana eradication is required and paid in part by a Washington State Patrol administered Federal Grant from the Drug Enforcement Agency; and

WHEREAS, marijuana eradication flights were previously performed by current Sheriff's Office employees who served as pilots; and

WHEREAS, the Benton County Sheriff's Office no longer has any current employees that can serve as a pilot; and

WHEREAS, Mr. Sabin previously performed these pilot services as a deputy with Benton County before his retirement; and

WHEREAS, the Benton County Sheriff's Office has been working on a contract with Mr. Sabin for pilot services; and

WHEREAS, the Benton County Sheriff's Office understood during the month of August, a contract had been approved, therefore utilized Mr. Sabin with approval from the Benton County current aircraft insurance carrier to perform the needed marijuana eradication flights; and

WHEREAS, in actuality the Benton County Sheriff's Office and Mr. Sabin have agreed upon a contract, to be approved in the near future, for pilot services; **NOW, THEREFORE,**

BE IT RESOLVED by the Board of Benton County Commissioners, Benton County, Washington, hereby authorizes payment to Mr. Sabin for pilot services during the period of August 1 thru October 10, 2011 not to exceed \$2,500 including W.S.S.T.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington.

Attest.....
Clerk of the Board

Orig: Sheriff's Office
cc: Auditor, City of Kennewick

Prepared by: J.Thompson

<u>AGENDA ITEM</u>		<u>TYPE OF ACTION NEEDED</u>	
Meeting Date:	October 11, 2011	Execute Contract	<u> x </u>
Subject:	Shredding Service Contract – Columbia Industries	Pass Resolution	<u> X </u>
		Pass Ordinance	<u> </u>
		Pass Motion	<u> </u>
		Other	<u> </u>
		Consent Agenda	<u> X </u>
Prepared by:	<u>D. Pettey</u>	Public Hearing	<u> </u>
Reviewed by:	<u>R. Lukson and Keith Mercer</u>	1st Discussion	<u> </u>
		2nd Discussion	<u> </u>
		Other	<u> </u>

BACKGROUND INFORMATION

Document destruction services have been used for several years by various Benton County departments in order to properly dispose of confidential information/materials. A majority of these departments use Columbia Industries (CI Shred) for their documents destruction needs.

SUMMARY

Initially, document destruction services were only utilized 1-2 times per year per department. This has increased to many departments receiving regularly scheduled pick-ups. Because of this, a written agreement/contract was desired by Benton County that would cover all departments who choose to utilize the services of Columbia Industries.

RECOMMENDATION

It is recommended that Benton County enter into a blanket contract with Columbia Industries for local document destruction services beginning October 11, 2011 through December 31, 2012.

FISCAL IMPACT

The amount not to exceed shall be \$25,000 for the duration of the contract.

MOTION

RESOLUTION

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF AWARDING COLUMBIA INDUSTRIES A BLANKET PERSONAL SERVICE CONTRACT FOR LOCAL DOCUMENT DESTRUCTION SERVICES TO ALL BENTON COUNTY FACILITIES

WHEREAS, per resolution 11-405, "...for all contracts for non-public works services the county need not advertise or follow a formal competitive bidding procedure, but may 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, currently, a majority of the departments within Benton County use Columbia Industries as their primary document destruction company; and

WHEREAS, due to the frequency and volume of service provided by Columbia Industries, a written agreement was desired by Benton County; and

BE IT RESOLVED, by the Board of Benton County Commissioners, Benton County, Washington, hereby awards the blanket personal service contract to Columbia Industries in an amount not to exceed \$25,000.00; and

BE IT FURTHER RESOLVED, that the Chairman is authorized to sign the attached blanket personal service contract; and

BE IT FURTHER RESOLVED, the term of the attached contract commences October 11, 2011 and expires on December 31, 2012.

Dated this _____ day of _____, 2011.

Chairman of the Board

Member

Member

Constituting the Board of Commissioners
of Benton County, Washington

Attest.....
Clerk of the Board

**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 **COLUMBIA INDUSTRIES**, with its principal offices at 900 S. Dayton, 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. **Terms and Conditions;**
- b. **Exhibit A, Contractor Proposal**

2. DURATION OF CONTRACT

- a. The term of this Contract shall begin October 11, 2011 and shall expire December 31, 2012. 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 agrees to provide local document destruction services to all participating Benton County facilities.
- b. The CONTRACTOR agrees to provide its own labor and materials. Unless otherwise provided for in the Contract, no material, labor, or facilities will be furnished by the COUNTY.
- c. The CONTRACTOR shall perform the work specified in the Contract according to standard industry practice.
- d. The CONTRACTOR shall complete its work in a timely manner and in accordance with the schedule agreed by the parties.
- e. The CONTRACTOR shall confer with the COUNTY from time to time during the progress of the work. The CONTRACTOR shall prepare and present status reports and other information that may be pertinent and necessary, or as may be requested by the COUNTY.

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

Vacation of Unimproved Right-of-Way in Finley -
S. Schuetze

Tri-Cities 736-3084
Ext. 5664
Fax 786-5627

October 4, 2011

Board of County Commissioners
Benton County Courthouse
Prosser, WA 99350

RE: Proposed Right of Way Vacation
Unimproved Right of Way
Sections 27 & 34, Township 8 North, Range 30 East, WM
CE 1953 VAC

Commissioners:

In accordance with Resolution #11-578, dated September 13, 2011 setting a public hearing for a proposed road right of way vacation of unimproved right of way in Sections 27 & 34, Township 8 North, Range 30 East, WM, the following report is submitted.

We have reviewed and examined the right of ways proposed for vacation and abandonment. The attached print depicts said right of ways as requested by the Petitioner Kennewick Irrigation District. The right of ways requested for vacation and abandonment are all 60 feet in width, and are located in the Finley area south of Kennewick. All right of ways requested for vacation and abandonment are unimproved.

The right of ways were granted to Benton County by several different recorded deeds as follows:

- Auditor Fee #258709, a Quit Claim Deed recorded in Deeds, Volume 107, Page 613 on August 11, 1950.
- Auditor Fee #301143, a Quit Claim Deed recorded in Deeds, Volume 122, Page 743 on January 5, 1953.
- Auditor Fee #318182, a Resolution recorded in Deeds, Volume 129, Page 14 on January 25, 1954.
- Auditor Fee #369642, an Irrigation District Deed, recorded in Volume 148, Page 495 of Deeds, on March 14, 1957.

The right of way description proposed for vacation is as follows:

The South 30 feet of the East Half of the Southeast Quarter of the Northwest

Quarter in Section 27; and

The North 30 feet of the East Half of the Northeast Quarter of the Southwest Quarter in Section 27; and

The East 30 feet of the Southwest Quarter in Section 27; and

The West 30 feet of the Southeast Quarter in Section 27; and

The South 30 feet of the Southeast Quarter of the Southeast Quarter in Section 27; and

The North 30 feet of the Northeast Quarter of the Northeast Quarter in Section 34; and

Also petitioned for vacation are three triangular shaped parcels deeded for radius purposes at the intersections of the unimproved rights of way described as follows:

Beginning at a point 60 feet North and 30 feet West of the Southeast corner of the Southwest Quarter of Section 27; thence South 30 feet; thence West 30 feet; thence Northeasterly 42 feet, more or less to the Point of Beginning; and

Beginning at a point 60 feet South and 30 feet West of the Northeast corner of the Southwest Quarter of Section 27; thence North 30 feet; thence West 30 feet; thence Southeasterly 42 feet, more or less to the Point of Beginning; and

Beginning at a point 60 feet North and 30 feet East of the Southwest corner of the Southeast Quarter of Section 27; thence South 30 feet; thence East 30 feet; thence Northwesterly 42 feet, more or less to the Point of Beginning; and

EXCEPT, any portion of an existing maintained county road in both Section 27 and Section 34, Township 8 North, Range 30 East, W.M.

The following public comments have been received by the following:

- 1) Charter TV: They have no facilities and need no easements. (See attached)
- 2) Benton PUD: No comments received back.
- 3) Benton County Fire Marshall: No comments. (See attached)
- 4) Frontier Telephone: No comments received back.

In conclusion, it is the opinion of the Public Works staff after having reviewed this proposal, that they are in agreement that the right of way between Parcel 1) 1-2780-300-0000-001 and Parcel 2) 1-2780-400-0002-000 should be vacated. They believe that it is not in the interest of the County to retain that portion of the right of way petitioned for vacation shown on the attached map. The public will be benefited by

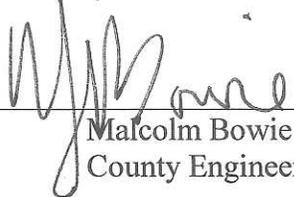
this vacation and abandonment of said right of way. It is also staff opinion that it is not advisable to retain this portion of the right of way for the County road system of the future.

However, staff does not recommend that the right of way between Parcel 3) 1-2780-401-0772-002 and Parcel 4) 1-3480-100-0001-002 should be vacated. Staff believes that it is in the interest of the County to retain that portion of the right of way petitioned for vacation shown on the attached map. The public will not be benefited by the vacation and abandonment of said right of way. It is also staffs opinion that it is advisable to retain that portion of the right of way for the County road system of the future.

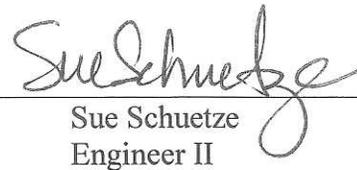
By only vacating $\frac{1}{4}$ of the entire mile it leaves the remaining $\frac{3}{4}$ of the mile as a dead end right of way. As it exists now it could become a through road. This section of right of way could very well be built in the future at a minimum cost, because there are no canals to cross, meaning no costly structures. With right of way cost being a major cost factor in any road project, the right of way should be retained to reduce any future cost toward a possible project at that location. This project is not on the County Six Year Road Program, but it does have potential to be constructed in the next 20 years. The recommendation is that that portion not be vacated.

All parcels affected by the vacation have a valid access easement if the vacation was approved.

Sincerely,



Malcolm Bowie
County Engineer



Sue Schuetze
Engineer II

<p>AGENDA ITEM: SPV 11-03 MTG. DATE: Sept. 27, 2011  MEMO. DATE: Sept 19, 2011 SUBJECT: Short Plat Vacation -SPV 11-03, John Longsdorff Prepared By: R.J. Lott Reviewed By: Michael Shuttleworth</p>	<p><u>TYPE OF ACTION NEEDED</u> Execute Contract Pass Resolution Pass Ordinance Pass Motion X Other</p>	<p>Consent Agenda Public Hearing X 1st Discussion 2nd Discussion Other</p>
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BACKGROUND INFORMATION

On April 4, 1979, Short Plat 731 was recorded, which created 4 Lots. Short Plat 731 included a 5-foot irrigation easement over the north 5 feet of the south 15 feet of lot 4. John and Kelly Longsdorff, owners of Lot 4 Short Plat 731, has submitted an application requesting that the portion of the 5-foot irrigation easement over the north 5 feet of the south 15 feet, be vacated off of the face of the Short Plat.

Owners of property within 300 feet of the outer perimeter of Short Plat 731 have been notified, including all lots within short plat 731. All concerned agencies such as the Kennewick Irrigation District, the Benton-Franklin Health Department, Benton County Engineer, Benton County Fire Marshal and any utility companies have been notified of this proposal. The Kennewick Irrigation District has commented that this parcel is classified as non-irrigable and that they approve the vacation of the easement. No adverse comments have been received relating the vacation of the 5-foot irrigation easement.

SUMMARY

Benton County Planning Department has received a request for the vacation of the portion of the 5-foot irrigation easement located in the north 5 feet of the south 15 feet of Lot 4 in Short Plat 731. Benton County Code requires the Board of County Commissioners to conduct a public hearing on the proposed vacation and allow for public comments regarding the vacation request. The public hearing notice for application SPV 11-03 was published on September 15, 2011, and the public hearing is scheduled for September 27, 2011, in the Commissioners Meeting Room, Third Floor, Courthouse, Prosser WA.

RECOMMENDATION

It is the recommendation of the Planning Department that the Board of County Commissioners conducts a public hearing, and based on the testimony received, either approve or deny the request. Based on the information received thus far, the Planning Department recommends approval of the proposed vacation of the portion of the 5-foot irrigation easement located in the north 5 feet of the south 15 feet of Lot 4 of Short Plat 731.

MOTION

The Benton County Planning Department recommends the following motion: The Benton County Board of Commissioners approve the vacation of the portion of the 5-foot irrigation easement located in the north 5 feet of the south 15 feet of Lot 4 of Short Plat 731, in the Northwest Quarter of Section 20, Township 9 North, Range 28 East.

Benton County 2011 Redistricting Committee

PROPOSAL

2010 Census for Benton County: 175,177

Goal: 58,392 in each District

	District #1	District #2	District #3
At present time:	57,848	59,580	57,749
To reach goal:	add 544	delete -1,188	add 643
	<u>58,392</u>	<u>58,392</u>	<u>58,392</u>
At present time:	57,848	At present time:	59,580
		At present time:	57,749
<u>Delete precincts:</u>		<u>Delete precincts:</u>	
none	0	275	-541
		610	-609
	<u>57,848</u>		<u>58,430</u>
			<u>57,749</u>
<u>Add precincts:</u>		<u>Add precincts:</u>	
275 (from #2)	541	none	0
			610 (from #2)
			609
Goal	58,392	Goal	58,392
With changes	<u>58,389</u>	With changes	<u>58,430</u>
Difference of:	3	Difference of:	38
			34

Difference between the largest District and the smallest would be 72, which is statistically insignificant.

Dale Heaston Regina Speer Derek Anderson Lisa Benegas Tom Moak
 Susan Kreid, Co-Chair Judy Golberg, Chair Loretta Smith Kelty, County Liaison

BENTON COUNTY OFFICE OF PUBLIC DEFENSE

Monthly Status Update Summary Reported in September, 2011, covering Y-T-D August 31, 2011

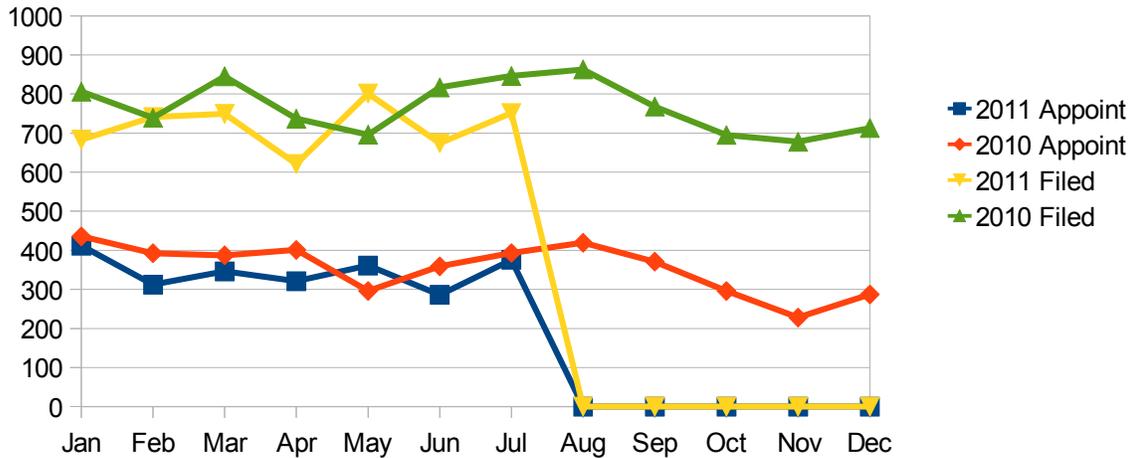
Benton County District Court

Caseload Update

- YTD July, 2011, 2010-2011 case filing differential has been **-8.1%**
- YTD July, 2011, 2010-2011 appointment differential has been **-10.6%**

BC District Court Appointments and Case Filings

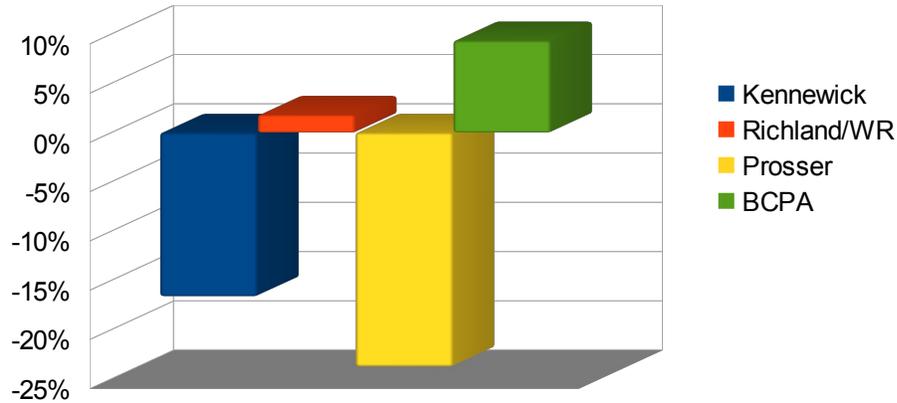
2011 vs 2010



- Unfortunately, these overall reductions in appointments has not resulted in savings on the Benton County Prosecutor's docket since, on average, YTD August, 2011, the 2010-2011 appointment differential for just Benton County Prosecutor's dockets (ie defended primarily by staff attorneys) is **+9.35%**.

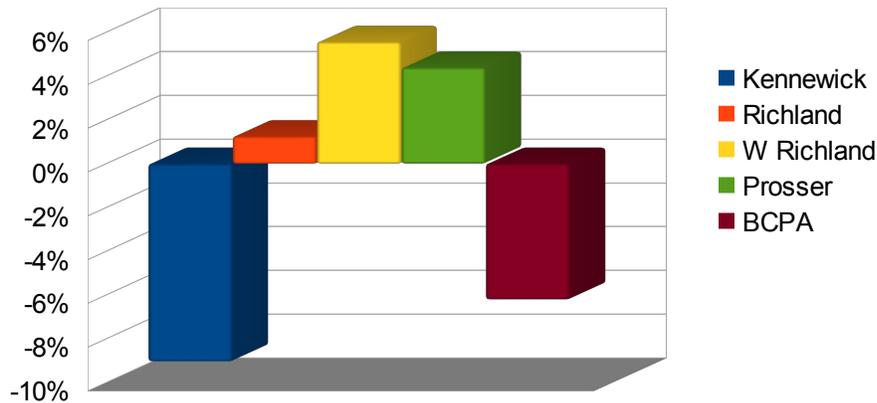
BC District Court Case Appointments

2010/2010 Differential (positive is increase)



BC District Court Case Filings

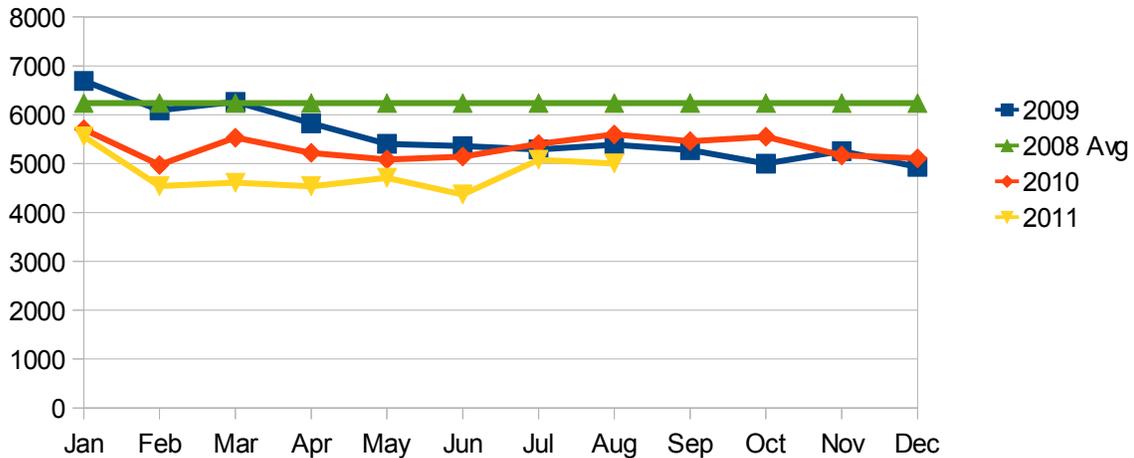
2010-2011 Differential (positive is increase)



The in-custody representation program continues to work well and has consistently reduced the number of probation and very minor criminal cases that proceed past arraignment to need assignment of pre-trial counsel. This program has also reduced the bed-day usage in the Benton County Jail substantially since its inception in April, 2009. As previously discussed, this reduction in jail usage has been accomplished with no perceptible change in prosecution, plea offer, and sentencing practices.

Benton County Jail Bed-Day Usage

2011 vs previous years (in-custody rep program started April, 2009)



Financial Update

Summary:

Line Item 512.818.4101 – Year end forecast

(\$61,495)

- This deficit has come from numerous one-time factors:
 - The 2011-2012 budget for this line item was based on the 2010 baseline budget which in turn incorporated an approximately \$40,000 reduction from actual budgeted needs in order to effectuate an across the board budget cut mandate
 - The departure of staff attorney Anthony Ochs effective December 31, 2010, and staff attorney Meg Giske in mid-summer, created additional costs involved in transferring their outgoing caseloads to contract attorneys¹
 - One-time caseload reassignment from Luke Swinney in order to transfer him to a “probation only” assignment and allow Catie Harkins (and Ryan Swinburnson) to transfer away from the obsolete and discontinued “72 hour hold and District Court felony” contract, thereby saving \$60,000-70,000 per year for the County
- **Forward Guidance:** For the year: Based on trends from past years, caseloads should continue to drop off as we get toward the end of the year. If such a trend holds to be true, then little to no caseload cap is anticipated. For the next couple of years: It is unclear whether this year's reduction in caseload filings is an anomaly or part of a larger trend. Comparing to other local counties including Yakima (-3.9%), Walla Walla (-9.1%) and Franklin (+4.4%) doesn't shed any further light on the subject. It is probably best to plan for caseloads to most likely stay the same, with somewhat of a chance of increasing.

¹ It should be noted that there will be savings resulting from almost two months of not having to pay staff attorney salary and benefits that resulted from the departure of the staff attorneys and a delay involved in hiring new staff.

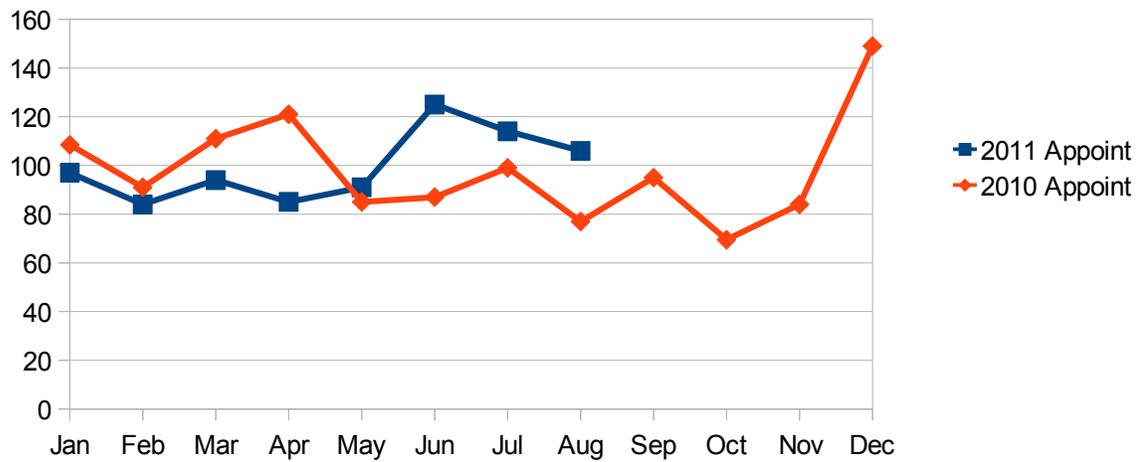
Benton County Superior Court

Caseload Update

- YTD July, 2011, 2010-2011 case filing differential has been **-0.6%**
- YTD July, 2011, 2010-2011 appointment differential has been **-2.5%**

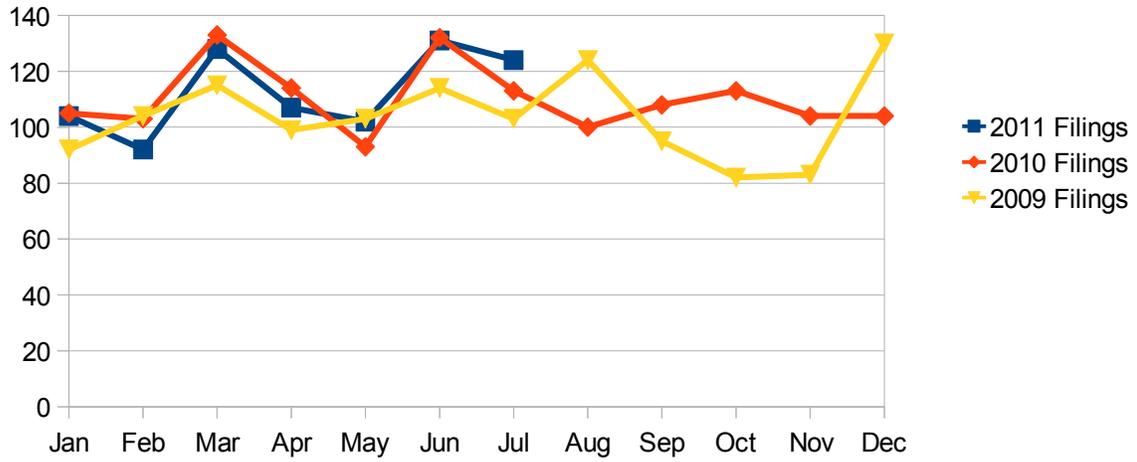
BC Superior Court Case Appointments

2010 vs 2011



BC Superior Court Criminal Filings

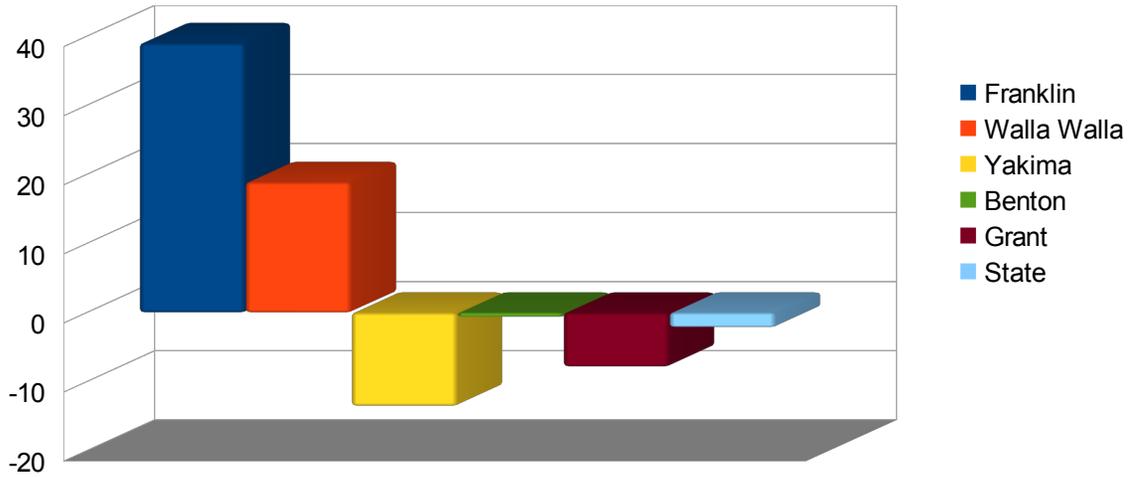
2010 vs 2011



Compared to other counties in the region

Superior Court Felony Filing Differentials

2011 vs 2010



- The reported differentials compare favorably with filing differentials in neighboring Counties including Franklin (+39%); and Walla Walla (+18.9%). Interestingly, Yakima County had a substantial reduction in filings YTD of -13.5% and Grant County also had a reduction in filings of -7.8% YTD. Statewide, filings were -2.1% YTD.
- **Forward Guidance:** For the Rest of the Year Based on past years, filings have declined from September for the rest of the year (except for a filings spike in December 2009). As such, it is reasonable to anticipate that the current rate of filings will either remain the same or decline into the last few months of the year. Under either scenario, case appointments are fully anticipate to be well within contractual case caps for Superior Court attorneys. For the Next Few Years The reduction in felony filings in Yakima and Grant County and corresponding increases in Franklin County and Walla Walla County (both of whom are seeing more violent and gang related crime than in the recent past) suggests that gang crime may be moving away from Grant and Yakima Counties into our local region. The fact that this trend has not resulted in increased filings in Benton County probably attests to the effectiveness of law enforcement efforts in Benton County and maybe, to a lesser extent, the relatively healthy socio-economic status of the County. However, this trend of increased local felony crime should be concerning to Benton County and for resource planning purposes, it is realistic to anticipate and plan for more local felony crime.

Financial Update

Summary: *Line Item 512.819.4163(contracts) – year end forecast* **\$61,060**
 Line Item 512.819.4103(professional svc) – year end forecast **\$25,784**

- Because of reallocation and consolidations of resources dedicated to representing pre-charged felony detainees and defendants charged with felonies in District Court (and because of a substantial change in prosecutorial practices in this area as well) this surplus in the contracts line item is expected to grow as we progress toward the end of the year .
- Expenditures on professional services (primarily investigators, experts and transcriptionists) has been on par with previous years. Furthermore, hourly cases have been both fewer than past years and and less complex. This has resulted also in substantially reduced hourly attorney fee expenditures and the reported surplus forecasts.

Operational Update

- A significant imbalance between the two Superior Court docket days (Wednesdays and Thursdays) was brought to this office's attention in September. This of such significance that if left unaddressed, it risked causing case cap overages for the first time in recent history (if ever) for the Thursday attorneys. I have been working on addressing this problem by first reassigning one attorney from Wednesdays to Thursdays (Gary Metro) and by working with the Prosecutor's Office and Clerk's Office to reassign approximately 50 cases from Thursday to Wednesday for the rest of the year.
- With the steps taken as described above, all Superior Court attorneys should finish the year well

within their contractual cap

There are no murder cases pending in Benton County at this time and there were no such cases filed in 2011. Other hourly cases² pending at this time are as follows:

Name	Defense Attorneys	Charge
<i>State v. Flett</i>	Sam Swanberg	Manslaughter
<i>State v. Castro</i>	Sal Mendoza	Vehicular Manslaughter
<i>State v. Berry</i>	Scott Johnson	Vehicular Manslaughter

- One homicide case has also been resolved this year without trial
 - *State v. Brian Burt* (Controlled Substance Homicide case resolved with plea bargain) – additional cost savings were also achieved by using one (Benton County) attorney to represent him for all of his cases in both Benton and Franklin Counties, effectively reducing the amount to be paid by each county for his defense.

Sexually Violent Predator Cases

Caseload Update

The SVP cases pending in Franklin County are as follows, along with their status:

Case	Attorney	Status	Near-term costs
<i>In Re Duncan</i>	Thompson	Annual Review	No significant
<i>In Re Reyes</i>	Thompson	Annual Review	No significant
<i>In Re Phillips</i>	Thompson	Trial (upcoming)	Yes – trial
<i>In Re Muns</i>	Thompson/Hugill ³	Trial (just concluded)	No – billing completed
<i>In Re Anderson</i>	Mooney	Trial (Jan, 2012)	Yes – trial
<i>In Re Stanford</i>	Mooney	Annual Review	Some – Annual Review evaluation

All of these cases were appointed a number of years ago. There has been no change in caseload to report for 2011.

Financial Update

Summary: *Line Item 512.819.4959 – year end forecast*

\$90,000

-
- 2 In addition to murder cases, all homicide cases (including manslaughter, controlled substance homicide and vehicular homicide) and persistent offender (three strikes felony cases and two strikes sexual assault cases) are paid on an hourly basis.
 - 3 I will be asking the Court to make sure that Gary Hugill is not appointed to any further cases or the Annual Reviews for

- Mostly because of the expenses in the trial for *In Re Muns*⁴, this line item has been substantially over-expended. A line item transfer was requested and granted during the September 20, 2011 Board meeting to tide over until mid-year readjustment time when a request for more funding will be made.
- It should be noted that the majority⁵ of costs for SVP cases are reimbursed by State DSHS. To-date, we have received **\$135,205.00** in reimbursements with more pending. It should be noted that reimbursements are receipted into Current Expense and therefore do not credit this line item resulting in the large anticipated year end deficit.

4 SVP Trials, requiring two defense attorneys, and involving usually a long list of expensive, specialized, experts, are invariably expensive propositions.

5 All expenses for SVP cases are reimbursable except for the attorney fee for the primary counsel. In that case, while the reimbursement schedule allows for \$85/hour in reimbursements, we have always paid \$100/hour, resulting in a \$15/hr unreimbursed expense for primary counsel.