

**BEFORE THE BOARD OF COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON  
1216 W. Robert Bush Drive  
South Bend, Washington**

**November 8, 2016**

**ADDITIONAL AGENDA**

This Additional Agenda will be acted upon following the Commissioners' regular Agenda

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**ITEMS REGARDING DEPARTMENT OF PUBLIC WORKS**

- 1) Consider approval of Agreement with David Jensen pertaining to design of HVAC System; authorize County Engineer to sign

**ITEMS REGARDING COUNTY FAIR**

- 2) Consider approval of the 2016-2017 Winter Storage Agreements; authorize Chair to sign

**ITEMS REGARDING PROSECUTOR'S OFFICE**

- 3) Acknowledge resignation of Deputy Prosecutor Haylee Mills; consider approval of request to fill two vacancies and to purchase two computers, one desk and two telephone extensions

**ITEMS REGARDING GENERAL BUSINESS**

- 4) Consider approval of Amendment #1 to the Interlocal Agreement with the City of Long Beach for Municipal Court Services and Facilities
- 5) Consider approval of Washington State Office of Public Defense Agreement No. ICA17398; authorize Chair to sign
- 6) Consider adoption of Resolution 2016-\_\_\_ regarding fiscal year 2016 budget category transfers

*The Board may add and take action on other items not listed on this agenda and order of action is subject to change.*

*The hearing facility is "barrier free" and accessible by those with physical disabilities. Aids will be provided upon request for those with language/speaking or hearing impediments, but requests need to be received at least five (5) business days prior to this hearing. Such requests may be filed in person at the Commissioners' Office at the address noted above or at 360/875-9337.*

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Board of Pacific County Commissioners  
 P O Box 187 \* 1216 W Robert Bush Dr \* South Bend, WA  
 98586 Phone 360/875.9337 \* Fax 360/875.9335

Meetings are held the 2nd  
 and 4th Tuesday of each  
 month, beginning at 9 a.m.

REQUESTED MEETING DATE:

11/08/16

### AGENDA REQUEST FORM

TO BE COMPLETED BY CLERK OF THE BOARD / DEPUTY CLERK OF THE BOARD

Agenda Item #: ADD'L 1

BOCC ACTION:  APPROVED  DENIED

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

SUBJECT TO ADEQUATE BUDGET APPROPRIATIONS

NO ACTION TAKEN/WITHDRAWN  DEFERRED TO: \_\_\_\_\_

CONTINUED TO DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

OTHER: \_\_\_\_\_

Review  Clerk of the Board  
 Risk Mgmt  
 Legal Required

DISTRIBUTION LIST:

<input type="checkbox"/> RF	<input type="checkbox"/> Assessor	<input type="checkbox"/> DPW	<input type="checkbox"/> PACCOM	<input type="checkbox"/> Superior Court
<input type="checkbox"/> CF	<input type="checkbox"/> Auditor	<input type="checkbox"/> PCEMA	<input type="checkbox"/> PC Fair	<input type="checkbox"/> Treasurer
<input type="checkbox"/> SEA	<input type="checkbox"/> Clerk	<input type="checkbox"/> Health	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Veg Mgmt
	<input type="checkbox"/> Civil Service	<input type="checkbox"/> Juvenile	<input type="checkbox"/> SDC	<input type="checkbox"/> WSU Ext.
	<input type="checkbox"/> DCD	<input type="checkbox"/> NDC	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Other

### AGENDA ITEM REQUEST

Please fill out in full or the request may be returned for more information. Also, please attach all pertinent documentation.

DEPARTMENT/OFFICE: DPW	DIVISION (if applicable): Roads
OFFICIAL NAME & TITLE: Mike Collins, Director/County Engineer	PHONE / EXT: 3368
SIGNATURE:	DATE: 11-03-16
NARRATIVE OF REQUEST Authorize County Engineer to sign Agreement with David Jensen design of HVAC system upon submittal.	
RECOMMENDED MOTION (To Be Completed by the Clerk/Deputy Clerk of the Board) Approve Agreement with David Jensen pertaining to the Courthouse HVAC System, subject to acceptance by Prosecutor's Office and County Administrative Officer and adequate budget appropriations	



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**REQUESTED MEETING DATE:**  
11-8-2016

### AGENDA REQUEST FORM

**TO BE COMPLETED BY CLERK OF THE BOARD / DEPUTY CLERK OF THE BOARD**

Agenda Item #: ADD'L 2

BOCC ACTION:  APPROVED  DENIED

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

SUBJECT TO ADEQUATE BUDGET APPROPRIATIONS

NO ACTION TAKEN/WITHDRAWN  DEFERRED TO: \_\_\_\_\_

CONTINUED TO DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

OTHER: \_\_\_\_\_

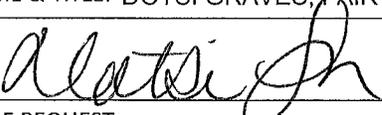
Review  Clerk of the Board  
 Risk Mgmt  
 Legal Required

**DISTRIBUTION LIST:**

<input type="checkbox"/> RF	<input type="checkbox"/> Assessor	<input type="checkbox"/> DPW	<input type="checkbox"/> NDC	<input type="checkbox"/> Superior Court
<input type="checkbox"/> CF	<input type="checkbox"/> Auditor	<input type="checkbox"/> EMA	<input type="checkbox"/> PACCOM	<input type="checkbox"/> Treasurer
<input type="checkbox"/> SEA	<input type="checkbox"/> Clerk	<input type="checkbox"/> Fair	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Veg Mgmt
	<input type="checkbox"/> Civil Service	<input type="checkbox"/> Health	<input type="checkbox"/> SDC	<input type="checkbox"/> WSU Ext.
	<input type="checkbox"/> DCD	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Other

### AGENDA ITEM REQUEST

Please fill out in full or the request may be returned for more information. Also, please attach all pertinent documentation.

DEPARTMENT/OFFICE: DEPT OF PUBLIC WORKS	DIVISION (if applicable): FAIR
OFFICIAL NAME & TITLE: DOTSI GRAVES, FAIR MANAGER	PHONE / EXT: EXT 2288
SIGNATURE: 	DATE: 11-1-2016
<b>NARRATIVE OF REQUEST</b> The Pacific County Fair requests Board approval and signature on the attached 2016-17 Winter Storage Agreements. See attached spreadsheet.	
<b>RECOMMENDED MOTION (To Be Completed by the Clerk/Deputy Clerk of the Board)</b>	

**2016-17 WINTER STORAGE**

LAST NAME	FIRST NAME	INS	WHAT'S STORED
Ancich	Nick	Yes	2010 Coachman 22 ft Trailer
Buchanan	Chad	Yes	2008 Bayliner 19.5 ft Boat
Burns	Gary	Yes	2001 Bantam Trail-Lite 21' Camper
Carlson	Eric A.	Yes	2004 Arima 21 ft Boat
Forbush	Travess	Yes	1998 Stingray 23' boat
Gorre	Edward	Yes	2013 Tige 23 ft Boat
Harden	Brad	Yes	1999 Econoline 27ft Trailer
Laird	Dale & Sandy	Yes	2016 Trailer 28 ft
Layman	Jerry L.	Yes	Jayco Camper 22 ft
Moffitt	Steven	Yes	1990 Stingray 19 ft Boat
Olive	Duane & Wallis	Yes	2008 Aksano 13' boat
Robinson	Gary <i>KS</i>	No	1996 Peterbuilt Log Truck
Samplawski	Keith	Yes	2012 Alumaweld 20 ft Boat
Schwiesow	Tom		2004 Trail Bay 28ft Trailer
Spray	Gary	Yes	2008 Bayliner 18' boat

*OK to waive & signed agreement*



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REQUESTED MEETING DATE:  
11/08/16

### AGENDA REQUEST FORM

**TO BE COMPLETED BY CLERK OF THE BOARD / DEPUTY CLERK OF THE BOARD**

Agenda Item #: ADD'L 3

BOCC ACTION:  APPROVED  DENIED

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

SUBJECT TO ADEQUATE BUDGET APPROPRIATIONS

NO ACTION TAKEN/WITHDRAWN  DEFERRED TO: \_\_\_\_\_

CONTINUED TO DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

OTHER: \_\_\_\_\_

Review  Clerk of the Board  
 Risk Mgmt  
 Legal Required

DISTRIBUTION LIST:

<input type="checkbox"/> RF	<input type="checkbox"/> Assessor	<input type="checkbox"/> DPW	<input type="checkbox"/> NDC	<input type="checkbox"/> Superior Court
<input type="checkbox"/> CF	<input type="checkbox"/> Auditor	<input type="checkbox"/> EMA	<input type="checkbox"/> PACCOM	<input type="checkbox"/> Treasurer
<input type="checkbox"/> SEA	<input type="checkbox"/> Clerk	<input type="checkbox"/> Fair	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Veg Mgmt
	<input type="checkbox"/> Civil Service	<input type="checkbox"/> Health	<input type="checkbox"/> SDC	<input type="checkbox"/> WSU Ext.
	<input type="checkbox"/> DCD	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Other

RECEIVED  
 PACIFIC COUNTY  
 NOV - 4 2016  
 GENERAL ADMINISTRATION  
 BOARD OF COMMISSIONERS

### AGENDA ITEM REQUEST

Please fill out in full or the request may be returned for more information. Also, please attach all pertinent documentation.

DEPARTMENT/OFFICE: Pacific County Prosecutor's Office	DIVISION (if applicable):
OFFICIAL NAME & TITLE: Mark McClain	PHONE / EXT: (360) 875-9361
SIGNATURE:	DATE: 11/3/16

**NARRATIVE OF REQUEST**

Deputy Prosecutor Haylee Mills has provided her notice of resignation effective 11-11-16. We request the Board recognize the resignation and approve appointment of a replacement Deputy Prosecutor. Additionally, Pacific County has been approved as the anchor location for Child Support Enforcement matters for Lewis, Grays Harbor, Wahkiakum, and Pacific Counties. Funding for two positions has been approved by WAPA and we are presently circulating MOU's for signature to the various Counties. We request a Senior Deputy Prosecutor and a Deputy Prosecutor to fill these positions in Pacific County's Civil Division. While computers and other equipment are provided by WAPA, they cannot be linked to Pacific County's network; consequently, these positions will require two computers for County activity. We have desk space for 1 attorney, but will require a desk for the other. Otherwise, there should be no additional impacts on our 2017 proposed budget. It is worth noting, that this will be revenue neutral for Pacific County, but will save nearly 200,000 for the State as we combine these services.

**RECOMMENDED MOTION (To Be Completed by the Clerk/Deputy Clerk of the Board)**  
 Acknowledge resignation of Deputy Prosecutor Haylee Mills, effective November 11, 2016; approve advertising and filling of vacant Deputy Prosecutor position, along with one Deputy Prosecutor and one Senior Deputy Prosecutor positions, purchase of two computers, one desk and two additional phone extensions for the Child Support Enforcement matters, subject to adequate budget appropriations; positions are to be filled in accordance with Section 2.22 Hiring Process of the Personnel Policy



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REQUESTED MEETING DATE:  
11/8/16

### AGENDA REQUEST FORM

**TO BE COMPLETED BY CLERK OF THE BOARD / DEPUTY CLERK OF THE BOARD**

Agenda Item #: ADD'L 4

BOCC ACTION:     APPROVED                       DENIED

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

SUBJECT TO ADEQUATE BUDGET APPROPRIATIONS

NO ACTION TAKEN/WITHDRAWN                       DEFERRED TO: \_\_\_\_\_

CONTINUED TO DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

OTHER: \_\_\_\_\_

Review  Clerk of the Board  
 Risk Mgmt  
 Legal Required

DISTRIBUTION LIST:

<input type="checkbox"/> RF	<input type="checkbox"/> Assessor	<input type="checkbox"/> DPW	<input type="checkbox"/> NDC	<input type="checkbox"/> Superior Court
<input type="checkbox"/> CF	<input type="checkbox"/> Auditor	<input type="checkbox"/> EMA	<input type="checkbox"/> PACCOM	<input type="checkbox"/> Treasurer
<input type="checkbox"/> SEA	<input type="checkbox"/> Clerk	<input type="checkbox"/> Fair	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Veg Mgmt
	<input type="checkbox"/> Civil Service	<input type="checkbox"/> Health	<input type="checkbox"/> SDC	<input type="checkbox"/> WSU Ext.
	<input type="checkbox"/> DCD	<input type="checkbox"/> Juvenile	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Other

### AGENDA ITEM REQUEST

Please fill out in full or the request may be returned for more information. Also, please attach all pertinent documentation.

DEPARTMENT/OFFICE: General Administration	DIVISION (if applicable):
OFFICIAL NAME & TITLE: Kathy Spoor, CAO	PHONE / EXT:
SIGNATURE: <i>Kathy Spoor</i>	DATE: 11-2-16
NARRATIVE OF REQUEST	
Attached for your consideration is an amendment to the County's agreement with the City of Long Beach for municipal court services and facilities. This amendment increases the reimbursement by 2% to \$14,280 for 2017, and 2% annually thereafter.	
RECOMMENDED MOTION (To Be Completed by the Clerk/Deputy Clerk of the Board)	
Move to approve Amendment #1 to Interlocal Agreement between Pacific County and the City of Long Beach for Municipal Court Services and Facilities.	

Name of Contractor: City of Long Beach

Name of Contract/Agreement/Grant/Amendment #: (if amendment, provide copy of those pages that are being amended):  
Interlocal Agreement between Pacific County and the City of Long Beach for Municipal Court Services and Facilities.

- W-9 Attached** for all vendors/contractors (County issuing payment to)     **Certificate of Insurance Attached** (if required)
- Indicate type     Intergovernmental/Interagency     Employment/Special Services Agreement     Federal Contract  
                   Memorandum of Understanding/Agreement     Interoffice/Interdepartmental     State Contract

- Contractor Type (check all that apply):
- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> For-Profit | <input type="checkbox"/> Private Organization/Individual             |
| <input type="checkbox"/> Non-Profit | <input checked="" type="checkbox"/> Public Organization/Jurisdiction |
| <input type="checkbox"/> State      | <input type="checkbox"/> Sub-Recipient                               |
| <input type="checkbox"/> Federal    | <input type="checkbox"/> Other                                       |

**Please provide Tax ID #, Uniform Business Identification (UBI) #, or Social Security # on Page 3 of this form.**

TYPE OF REQUEST (Mark all that apply and provide breakdown of bid proposals along with all pertinent documentation):

- Public Works Project (RCW 39.04):     Limited PW Process (<\$35,000)     Limited PW Process (<\$40,000)  
   Small PW Process (<\$300,000)     PW Project (>\$300,000)
- Equipment, Materials, & Supplies (RCW 36.32):     < \$5,000 (attach 3 bids)     \$5,000-\$25,000 (use small works roster)     >\$25,000 (competitive bids)
- Services / Leases:     Architectural & Engineering     Personal Services  
                           Lease (Personal Property i.e. copier, printer)     Lease (Real  
                           Telecomm & Data Processing     Other (Describe) :

To be located at: \_\_\_\_\_ municipal court services

Exceptions to Bidding (Please provide appropriate documentation):

- |   |   |
|---|---|
| <input type="checkbox"/> Insurance/Bonds                | <input type="checkbox"/> Emergency Event (Purchases/Public Works) |
| <input type="checkbox"/> Single (Sole) Source Purchase* | <input type="checkbox"/> Special Facilities/Market Conditions     |
- \*Resolution Required

PURCHASE UNDER ANOTHER AGENCY'S CONTRACT ("Piggybacking")

Please attach the following:

- Copy of Intergovernmental Agreement with other agency
- Confirmation that vendor agrees to participation
- Documentation that contract was awarded in compliance with bidding law
- Documentation that Agency posted bid/solicitation notice on its website or provided access link to the notice

- |   |   |   |  |                                    |                                     |
|---|---|---|--|------------------------------------|-------------------------------------|
| <input type="checkbox"/> RFP                            | <input type="checkbox"/> RFQ                            | <input type="checkbox"/> Franchise                        | <input type="checkbox"/> Annexation    | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Appeal              | <input type="checkbox"/> Inventory Acquisition/Disposal | <input type="checkbox"/> Tort Claim                       | <input type="checkbox"/> Call for Bids |                                    |                                     |
| <input type="checkbox"/> Open Space                     |   | <input type="checkbox"/> Post, Advertise, & Fill Position |  |                                    |                                     |
| <input type="checkbox"/> Other (please describe): _____ |   |   |  |                                    |                                     |

BACKGROUND/SUMMARY (include date of prior workshop and/or action, if applicable):

TOTAL COST/AMOUNT (include sales & use tax):	TOTAL TAX:
TOTAL SHIPPING/HANDLING:	EXPENDITURE FUND #: _____,XXX.XXX.XX.XX
EXPENDITURE BUDGETED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SUPPLEMENTAL REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
IN-KIND MATCH REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DESCRIBE MATCH:
MATCHING FUNDS REQUIRED? <input type="checkbox"/> Yes <input type="checkbox"/> No	AMOUNT OF MATCHING FUNDS:

INTERLOCAL AGREEMENT BETWEEN PACIFIC COUNTY  
AND THE CITY OF LONG BEACH  
FOR MUNICIPAL COURT SERVICES AND FACILITIES

AMENDMENT #1

**WHEREAS**, the Interlocal Agreement between Pacific County and the City of Long Beach, entered into January 1st, 2013, allows for amendments to the Agreement; **AND**

**WHEREAS**, there is a need to amend sections of the Agreement to reflect an adjustment in compensation and the duration of the Agreement;

**NOW, THEREFORE**, Section 6, "Compensation and Other Costs", and Section 8.2, "Annual Adjustment", and Section 23, "Duration" are hereby amended as follows:

6. Compensation and Other Costs

Replace entire section with:

Effective January 1, 2017, the City of Long Beach shall compensate Pacific County \$14,280 for providing services as specified in Section 4 of this Agreement. The City of Long Beach shall additionally pay Pacific County all other costs specified as the responsibility of Long Beach in Section 5 hereof.

8.2 Annual Adjustment

Replace entire section with:

Commencing January 1, 2018, and annually thereafter during the term of this Agreement and any extensions thereof, compensation for services provided under this Interlocal Agreement will be increased annually by 2 percent.

23. Duration

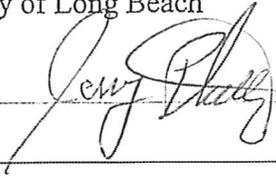
Replace entire section with:

This Agreement will automatically be renewed annually upon the same terms and conditions set forth in the initial Agreement, and any amendments, unless terminated per Section 24, Termination.

All other terms and conditions within the Agreement shall remain the same.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

City of Long Beach

  
\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

\_\_\_\_\_  
Frank Wolfe, Chair

\_\_\_\_\_  
Steve Rogers, Member

\_\_\_\_\_  
Lisa Ayers, Member

ATTEST:

\_\_\_\_\_  
Marie Guernsey  
Clerk of the Board



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REQUESTED MEETING DATE:  
11/08/16

### AGENDA REQUEST FORM

**TO BE COMPLETED BY CLERK OF THE BOARD / DEPUTY CLERK OF THE BOARD**

Agenda Item #: ADD'L 5

BOCC ACTION:  APPROVED  DENIED

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

SUBJECT TO ADEQUATE BUDGET APPROPRIATIONS

NO ACTION TAKEN/WITHDRAWN

DEFERRED TO: \_\_\_\_\_

Review  Clerk of the Board

CONTINUED TO DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

Risk Mgmt

Legal Required

OTHER: \_\_\_\_\_

**DISTRIBUTION LIST:**

- |                              |  |                                   |                                     |   |
|------------------------------|--|-----------------------------------|-------------------------------------|---|
| <input type="checkbox"/> RF  | <input type="checkbox"/> Assessor      | <input type="checkbox"/> DPW      | <input type="checkbox"/> PACCOM     | <input type="checkbox"/> Superior Court |
| <input type="checkbox"/> CF  | <input type="checkbox"/> Auditor       | <input type="checkbox"/> PCEMA    | <input type="checkbox"/> PC Fair    | <input type="checkbox"/> Treasurer      |
| <input type="checkbox"/> SEA | <input type="checkbox"/> Clerk         | <input type="checkbox"/> Health   | <input type="checkbox"/> Prosecutor | <input type="checkbox"/> Veg Mgmt       |
|                              | <input type="checkbox"/> Civil Service | <input type="checkbox"/> Juvenile | <input type="checkbox"/> SDC        | <input type="checkbox"/> WSU Ext.       |
|                              | <input type="checkbox"/> DCD           | <input type="checkbox"/> NDC      | <input type="checkbox"/> Sheriff    | <input type="checkbox"/> Other          |

### AGENDA ITEM REQUEST

Please fill out in full or the request may be returned for more information. Also, please attach all pertinent documentation.

DEPARTMENT/OFFICE: General Administration DIVISION (if applicable): n/a

OFFICIAL NAME & TITLE: Paul T. Plakinger, Management & Fiscal Analyst PHONE / EXT: x2243

SIGNATURE: PTP DATE: November 4, 2016

NARRATIVE OF REQUEST  
 Please ~~confirm~~ <sup>approve</sup> Commissioner Wolfe's signature on Washington State Office of Public Defense Agreement No. ICA17398 (attached).

RECOMMENDED MOTION (To Be Completed by the Clerk/Deputy Clerk of the Board)  
 Approve WA State Office of Public Defense Agreement No. ICA17398 and authorize Chair to sign

FACE SHEET

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE

<p><b>1. Recipient –RCW 10.101.070 Funds</b>                  Pacific County                  PO Box 6                  South Bend, WA 98586</p>	<p><b>2. Recipient Representative</b>                  Paul Plakinger                  Management and Fiscal Analyst                  PO Box 6                  South Bend, WA 98586</p>
<p><b>3. Office of Public Defense (OPD)</b>                  711 Capitol Way South, Suite 106                  PO Box 40957                  Olympia, WA 98504-0957</p>	<p><b>4. OPD Representative</b>                  Joanne I. Moore                  Director                  Office of Public Defense                  711 Capitol Way South, Suite 106                  PO Box 40957                  Olympia, WA 98504-0957</p>
<p><b>5. Distribution Amount</b>                  \$35,149</p>	<p><b>6. Use Period</b>                  January 1, 2017 through December 31, 2017</p>
<p><b>7. Purpose</b>                  Chapter 10.101 RCW county distributions are statutory formula distributions for the purpose of improving the quality of public defense services in Washington State counties.</p>	
<p>The Office of Public Defense (OPD) and Recipient, as defined above, acknowledge and accept the terms of this Agreement and attachments and have executed this Agreement on the date below to start January 1, 2017 and end December 31, 2017. The rights and obligations of both parties to this Agreement are governed by this Agreement and the following other documents incorporated by reference: Special Terms and Conditions, and General Terms and Conditions.</p>	
<p><b>FOR THE RECIPIENT</b></p>  <p>_____                  Name, Title</p>  <p>_____                  Date</p>	<p><b>FOR OPD</b></p>  <p>_____                  Joanne I. Moore, Director</p>  <p>_____                  Date</p>

## **SPECIAL TERMS AND CONDITIONS**

### **1. AGREEMENT MANAGEMENT**

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement.

- a. The Representative for OPD and their contact information are identified on the Face Sheet of this Agreement.
- b. The Representative for the Recipient and their contact information are identified on the Face Sheet of this Agreement.

### **2. DISTRIBUTION AMOUNT**

The Distribution Amount is thirty-five thousand one hundred forty-nine and 00/100 Dollars (\$35,149) to be used for the purpose(s) described in the USE OF FUNDS below.

### **3. PROHIBITED USE OF FUNDS (as adopted in OPD Policy County/City Use of State Public Defense Funding)**

- a. Funds cannot be used to supplant local funds that were being spent on public defense prior to the initial disbursement of RCW 10.101.070 funds.
- b. Funds cannot be spent on purely administrative functions or billing costs.
- c. Funds cannot be used for indigency screening costs.
- d. Funds cannot be used for county or court technology systems or administrative equipment.
- e. Funds cannot be used for county attorney time, including advice on public defense contracting.

### **4. USE OF FUNDS**

- a. Recipient agrees to use the funds for the following purposes:
  - i. Increase and/or sustain additional attorneys to reduce public defense caseloads; and
  - ii. Investigative and expert services for public defense cases.
- b. Recipient agrees to use the funds in calendar year 2017. If Recipient is unable to use the funds in 2017, the Recipient agrees to notify OPD to determine what action needs to be taken.
- c. Recipient agrees to deposit the RCW 10.101.070 funds check within 14 days of receipt.

### **5. ORDER OF PRECEDENCE**

In the event of an inconsistency in this Agreement, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes, regulations, and court rules
- Special Terms and Conditions
- General Terms and Conditions

## GENERAL TERMS AND CONDITIONS

1. **ALL WRITINGS CONTAINED HEREIN**

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

2. **AMENDMENTS**

This Agreement may be amended by mutual agreement of the parties. Such amendment shall not be binding unless it is in writing and signed by personnel authorized to bind each of the parties.

3. **AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336, also referred to as the "ADA" 29 CFR Part 35.**

The Recipient must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

4. **ASSIGNMENT**

Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by the Recipient without prior written consent of OPD.

5. **ATTORNEY'S FEES**

Unless expressly permitted under another provision of the Agreement, in the event of litigation or other action brought to enforce Agreement terms, each party agrees to bear its own attorney fees and costs.

6. **CONFORMANCE**

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

7. **ETHICS/CONFLICTS OF INTEREST**

In performing under this Agreement, the Recipient shall assure compliance with the Ethics in Public Service, Chapter 42.52 RCW and any other applicable court rule or state or federal law related to ethics or conflicts of interest.

8. **GOVERNING LAW AND VENUE**

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9. **INDEMNIFICATION**

To the fullest extent permitted by law, the Recipient shall indemnify, defend, and hold harmless the state of Washington, OPD, all other agencies of the state and all officers, agents and employees of the state, from and against all claims or damages for injuries to persons or property or death arising out of or incident to the performance or failure to perform the Agreement.

10. **LAWS**

The Recipient shall comply with all applicable laws, ordinances, codes, regulations, court rules, policies of local and state and federal governments, as now or hereafter amended.

11. **NONCOMPLIANCE WITH NONDISCRIMINATION LAWS**

During the performance of this Agreement, the Recipient shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the Recipient's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this Agreement may be rescinded, canceled or terminated in whole or in part.

12. **RECAPTURE**

In the event that the Recipient fails to perform this Agreement in accordance with state laws, federal laws, and/or the provisions of the Agreement, OPD reserves the right to recapture funds in an amount to compensate OPD for the noncompliance in addition to any other remedies available at law or in equity.

**13. RECORDS MAINTENANCE**

The Recipient shall maintain all books, records, documents, data and other evidence relating to this Agreement. Recipient shall retain such records for a period of six (6) years following the end of the Agreement period. If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved.

**14. RIGHT OF INSPECTION**

At no additional cost all records relating to the Recipient's performance under this Agreement shall be subject at all reasonable times to inspection, review, and audit by OPD, the Office of the State Auditor, and state officials so authorized by law, in order to monitor and evaluate performance, compliance, and quality assurance under this Agreement. The Recipient shall provide access to its facilities for this purpose.

**15. SEVERABILITY**

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement that can be given effect without the invalid provision, if such remainder conforms to the requirements of law and the fundamental purpose of this Agreement and to this end the provisions of this Agreement are declared to be severable.

**16. WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Agreement unless stated to be such in writing.



Meetings are held the 2nd and 4th Tuesday of each month, beginning at 9 a.m.

REQUESTED MEETING DATE:  
11/08/16

### AGENDA REQUEST FORM

**TO BE COMPLETED BY CLERK OF THE BOARD / DEPUTY CLERK OF THE BOARD**

Agenda Item #: ADD'L 6

BOCC ACTION:  APPROVED  DENIED

Initial: \_\_\_\_\_ Date: \_\_\_\_\_

SUBJECT TO ADEQUATE BUDGET APPROPRIATIONS

NO ACTION TAKEN/WITHDRAWN  DEFERRED TO: \_\_\_\_\_

CONTINUED TO DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

OTHER: \_\_\_\_\_

Review  Clerk of the Board  
 Risk Mgmt  
 Legal Required

DISTRIBUTION LIST:

<input type="checkbox"/> RF	<input type="checkbox"/> Assessor	<input type="checkbox"/> DPW	<input type="checkbox"/> PACCOM	<input type="checkbox"/> Superior Court
<input type="checkbox"/> CF	<input type="checkbox"/> Auditor	<input type="checkbox"/> PCEMA	<input type="checkbox"/> PC Fair	<input type="checkbox"/> Treasurer
<input type="checkbox"/> SEA	<input type="checkbox"/> Clerk	<input type="checkbox"/> Health	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Veg Mgmt
	<input type="checkbox"/> Civil Service	<input type="checkbox"/> Juvenile	<input type="checkbox"/> SDC	<input type="checkbox"/> WSU Ext.
	<input type="checkbox"/> DCD	<input type="checkbox"/> NDC	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Other

### AGENDA ITEM REQUEST

Please fill out in full or the request may be returned for more information. Also, please attach all pertinent documentation.

DEPARTMENT/OFFICE: General Administration DIVISION (if applicable): n/a

OFFICIAL NAME & TITLE: Paul T. Plakinger, Management & Fiscal Analyst PHONE / EXT: x2243

SIGNATURE: PTP DATE: November 4, 2016

NARRATIVE OF REQUEST

Consider adopting the attached resolution regarding fiscal year 2016 budget category transfers.

RECOMMENDED MOTION (To Be Completed by the Clerk/Deputy Clerk of the Board)

Adopt Resolution 2016-\_\_\_\_\_ authorizing fiscal year 2016 budget category transfers