RESOLUTION NO. 2012-46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FERRY COUNTY, WASHINGTON, APPROVING AND AUTHORIZING THE 2013 MAINTENANCE AND OPERATION BUDGET AND MEMORANDUM OF UNDERSTANDING RELATING THERETO, PURSUANT TO THE AMENDED AND RESTATED INTERLOCAL JUVENILE DETENTION FACILITY AGREEMENT (MARTIN HALL); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

FERRY COUNTY, WASHINGTON

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FERRY COUNTY, WASHINGTON, as follows:

WHEREAS, Ferry County, Washington (the "County") is a political subdivision duly organized and existing under and by virtue of the Constitution and laws of the State of Washington;

WHEREAS, the County is required by chapter 13.16 RCW to acquire, construct and maintain juvenile detention facilities for dependent, wayward and delinquent children;

WHEREAS, Chapter 309, Laws of 1995, authorizes cities and counties, or any combination thereof, to participate in agreements, pursuant to chapter 39.34 RCW, to jointly expend funds for criminal justice purposes of mutual benefit, which include, but are not limited to, the construction, improvement and expansion of jails, court facilities and juvenile justice facilities;

WHEREAS, the County and eight other counties entered into an Amended and Restated Interlocal Juvenile Detention Facility Agreement (Martin Hall) ("the Amended and Restated Agreement") executed by each County on the following dates:

Douglas County - August 26, 1996
Stevens County - August 20, 1996
Pend Oreille County - July 22, 1995
Spokane County - August 13, 1996
Adams County - July 22, 1996
Asotin County - August 19, 1996
Lincoln County - July 15, 1996
Whitman County - July 15, 1996
Ferry County - July 15, 1996

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under the authority granted by chapter 39.34 RCW, Chapter 309, Laws of 1995, and Chapter 10, Laws of 1995, 2nd sp. sess., to provide for the joint operation and maintenance of Martin Hall for use as a "juvenile rehabilitation center" as amended from time to time;

WHEREAS, Section 12 of the Amended and Restated Agreement requires the Ferry County Board of County Commissioners (the "Board") to approve the Operating Budget for the operation and maintenance of Martin Hall, which has been prepared by the Martin Hall Juvenile Facility Board;

NOW THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED as follows:

Section 1. The Board hereby approves the Operating Budget (as defined in Section 12 of the Amended and Restated Agreement), and Memorandum of Understanding Relating thereto, in substantially the form attached hereto as Exhibit "A". The County shall pay its proportionate amount of costs incurred pursuant to this approved Operating Budget in accordance with Section 5 of the Amended and Restated Agreement.

Section 2. All other resolutions of the Board that are inconsistent with the provisions of this Resolution are hereby repealed to the extent of such inconsistency.

Section 3. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the Board of County Commissioners of Ferry County, Washington, at a regular meeting thereof held on December 17, 2012.

FERRY COUNTY, WASHINGTON

BRIAN DANSEL, Chairman

ROBERT "BOB" HEATH, Vice-Chair

BRAD L. MILLER, Member

ATTEST:

Hayley Aubertin
Clerk of the Board

CERTIFICATE

I, the undersigned, the Clerk of the Board of County Commissioners of Ferry County, Washington, hereby certify that the foregoing resolution is a full, true and correct copy of a resolution duly adopted at the regular meeting of said Board held on December 17, 2012 of which meeting all commissioners had due and lawful notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES, and in favor thereof: III

NOES: 0

ABSENT: 0

ABSTAIN: 0

I further certify that I have carefully compared the same with the original resolution on file and of record in my office; that said resolution is a full, true and correct copy of the original resolution adopted at said meeting; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Board on December 17, 2012.

FERRY COUNTY, WASHINGTON

Hayley L Aubertin

Hayley Aubertin
Clerk of the Board

MEMORANDUM OF UNDERSTANDING

Operation of Martin Hall Juvenile Detention Facility
For the Calendar Year 2013

A. **INTRODUCTION**. This Memorandum of Understanding is by and among Adams County, Asotin County, Douglas County, Ferry County, Lincoln County, Pend Oreille County, Spokane County, Stevens County and Whitman County, all political subdivisions of the State of Washington, jointly hereafter referred to as the "Members" or "Consortium" and each individually referred to as "a Member".

The Members, through an administrative body known as the Martin Hall Juvenile Detention Facility Board ("Board"), pursuant to an Amended and Restated Interlocal Juvenile Detention Facility Agreement ("Martin Hall") ("Agreement") provide for, among other things, the maintenance and operation of a Juvenile Detention Facility ("Facility") colloquially known as Martin Hall, located in Medical Lake, Washington.

The purpose of this Memorandum of Understanding ("MOU") is to (1) memorialize certain terms and conditions of the funding, maintenance and operation of the Martin Hall Facility in the calendar year 2013, (2) to obtain, concurrently with the Members approval of the 2013 Facility maintenance and operation budget, being provided to the Members concurrently herewith, the Members approval of this Memorandum of Understanding.

B. ADDITIONAL CONDITIONS FOR MAINTENANCE AND OPERATION OF THE MARTIN HALL JUVENILE FACILITY IN CALENDAR YEAR 2013.

1. This Memorandum of Understanding may be amended by approval of the Board.

2. Member prior carry-over bed days will terminate at the end of 2012.

3. There will be no Member carry-over bed days for calendar year 2013.

4. In calendar year 2013, each Member, in lieu of appropriating its share to the Operating Fund based on the prorate allocations set forth in the Agreement, shall appropriate funds sufficient to pay, at $155 per bed day, for the beds in the Facility each Member actually uses in calendar year 2013.

5. No Member will receive any credits or be charged any overages.

6. Members will be responsible for paying, in January 2013, all sums due under the Agreement for November and December, 2012.

7. The Board will execute an Amendment to the Master Services Agreement with Community, Counseling and Correctional Services, Inc. ("CCCS") to provide for monthly payment to them of the amount set forth in the maintenance and operation budget submitted concurrently herewith, when the average of all inmates per day each month is twenty eight (28)

or less and an additional $120 for each inmate above twenty eight (28) where the average of all inmates per day each month is twenty nine (29) or more. Said the Master Services Agreement Amendment will be executed by the Board chairman on behalf of the Members.

8. All Members will place their juveniles at the Facility except Spokane County. Spokane County may, but is not obligated to, place juveniles in the Facility in 2013. If Spokane County places juveniles in the Facility, they will pay bed day rate of $155 per day for each juvenile placed.

9. In the event the cash balance in bank accounts of the Operating Fund shall, in calendar year 2013, drop below Three Hundred Fifty Thousand Dollars ($350,000) for two consecutive months the Board will (1) under the Master Services Agreement with CCCS, provide them the 90-day notice of termination of the Master Services Agreement, and (2) execute the below described plan to remove the Facility from active operation and provide for its maintenance and protection thereafter until recommencement of active operation.

10. Between January 1, 2013 and June 30, 2013 the Board will complete a plan for removal of the Facility from active operation, provision of Facility maintenance and protection thereafter until recommencement of active operation and the conditions under which the Facility will recommence active operation.

11. The Board will otherwise maintain and operate the Facility in accordance with the Agreement.

C. <u>EFFECTIVE DATE</u>. This MOU shall be effective on the date all Members have passed a Resolution approving the 2013 Martin Hall maintenance and operating budget and this Memorandum of Understanding relating thereto.

FERRY COUNTY
ORDINANCE NO. 2012-07
Amending Ordinance 2002-08

WHEREAS, RCW 82.46.010(2)outlines projects allowable for the Real Estate Excise Taxes(R.E.E.T) fund, the funds are to be distributed as stated in RCW 82.46.030(2)

WHEREAS, this is a change from the previous allowable usage of these funds and the stipulations of the funds allowably spent must be clearly outlined.

NOW THEREFORE LET IT BE ORDAINED that the funds received from R.E.E.T. from this day forward be used for only those projects allowable by RCW.82.46.010(2), distributed as stated in RCW 82.46.030(2)

APPROVED this 19th day of November, 2012

FERRY COUNTY BOARD OF COMMISSIONERS

BRIAN DANSEL, Chairman

ROBERT L. "BOB" HEATH, Vice Chairman

BRAD L. MILLER, Member

ATTEST:

HAYLEY AUBERTIN, Clerk of the Board

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