

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT
RE ARBITRATION
OF
CRIMINAL JUSTICE COSTS**

WHEREAS, RCW 39.34.180 requires Washington State cities and towns to provide for the prosecution, adjudication, sentencing and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their jurisdictions, either using their own facilities or through interlocal agreements; and

WHEREAS, it is not cost effective for any city, individually, or cities jointly, to provide these necessary services; and

WHEREAS, the cities in Okanogan County ("the cities") wish to enter into an agreement with Okanogan County to provide such services for misdemeanor prisoners from the cities' jurisdictions,; and

WHEREAS, the cities in Okanogan County have attempted in good faith to negotiate such an agreement with Okanogan County but have not succeeded in reaching such an agreement; and

WHEREAS, the parties have agreed to invoke the provisions of RCW 39.34.100(3) and require arbitration between the county and the cities of the county to reach such an agreement; and

WHEREAS, the costs of arbitration will be lower if shared by the cities as opposed to individual cities pursuing separate arbitrations, and will be further lowered by stipulating to using one arbitrator rather than using three arbitrators as provided by statute; and

WHEREAS, it is fair and equitable to divide the anticipated costs of arbitration between all participating cities based on population,

NOW, THEREFORE,

THE CITIES WHOSE SIGNATURES APPEAR ON THIS MEMORANDUM AGREE AS FOLLOWS:

1. That they shall be joint parties to an arbitration process as specified under RCW 39.34.180.
2. That the arbitrator chosen by the cities and the county shall be retired Okanogan County Superior Court Judge James R. Thomas.
3. That the cities shall retain the services of Michael D. Howe, City Attorney for Omak, Tonasket, Oroville, Coulee Dam, and Conconully to act as their attorney in this arbitration process; and further agree to retain the services of Highlands Associates to perform such work as requested by said attorney or the Oversight Committee in support of this arbitration.
4. That the cities hereby appoint an Oversight Committee to monitor and guide the preparation for arbitration and the conduct of the cities' presentation at the time of arbitration. This committee shall be composed of the Mayor of Oroville, the Mayor of Omak, the Mayor of Brewster, and the Winthrop Town Marshall.
5. That the anticipated cost of said arbitration is the sum of \$20,000.00, which shall be prorated between the participating cities based upon population, which cities' respective estimated shares are shown on Exhibit A attached hereto. Each city agrees that upon execution of this agreement a copy will be returned, with original signatures, to the Oversight Committee

c/o Mayor Walt Smith at P. O. Box 72, Omak, Washington 98841, together with payment of the sum set forth in Exhibit A. The total of said deposit shall be held by the Clerk/Treasurer of the City of Omak in a Reserve Account and shall be disbursed monthly pursuant to itemized invoices for the performance of professional services in connection with this arbitration proceeding.

6. That at the conclusion of the arbitration, a full and complete accounting shall be provided to each city. If the final total costs of arbitration are less than the estimated amount, a pro rata refund shall be made. In the event that the final total costs of arbitration exceed the estimated amount, an invoice will be submitted to each city, which each city agrees to promptly pay.

7. That any city failing to execute and return this agreement, together with its prorated estimated share of costs for arbitration, by February 15, 1999, will be deemed to be a nonparticipant in this unified arbitration process.

Bonnie House, Mayor of Brewster

Date

Ella Schreckengost, Mayor of Okanogan

Date

Gayland Q. Snow, Mayor of Coulee Dam

Date

Carol Mooney, Mayor of Pateros

Date

Jimmie D. Walker, Mayor of Oroville

Date

James Doran, Mayor of Twisp

Date

Donald Johnson, Mayor of Winthrop

Date

E. Walt Smith, Mayor of Omak

Date

David T. Caddy Jr.

David Caddy, Mayor of Tonasket

1-13-99

Date

Ben Tax, Mayor of Conconully

Date

EXHIBIT A**Division of Estimated Costs of Arbitration**

<u>City</u>	<u>Prorata Share Based on Population</u>	<u>Prorata Share of Estimated Cost</u>
Brewster	14.3%	\$ 2,860.00
Okanogan	17.1%	\$ 3,420.00
Coulee Dam	4.5%	\$ 900.00
Pateros	4.1%	\$ 820.00
Oroville	11.0%	\$ 2,200.00
Twisp	6.8%	\$ 1,360.00
Winthrop	2.5%	\$ 500.00
Omak	31.0%	\$ 6,200.00
Tonasket	7.3%	\$ 1,460.00
Conconully	<u>1.4%</u> 100%	\$ 280.00