

AGENDA REQUEST FORM

Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232

Prepared by:
Matt Pietrusiewicz

Department: Yakima County Roads

Requested Agenda Date: 08/22/2023

Presenting: N/A

Document Title:

Board of County Commissioners Record Assigned

201 - 2023

APPROVED FOR AGENDA:
 Consent Regular
Board of County Commissioners Determined

Flock Group Inc. dba Flock Safety Non-Exclusive Systemwide Franchise

Action Requested: *Check Applicable Box*

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT** CONTRACT or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE OTHER _____

Describe Fiscal Impact:

N/A

Background Information:

After the public hearing was held on Tuesday, August 8, 2023, the petition filed by Flock Group Inc. dba Flock Safety, has been approved for a non-exclusive systemwide franchise to construct, operate, and maintain automatic license plate reading equipment in, along, over and under various Yakima County Rights-of-Way all within the County of Yakima, State of Washington, and not within the incorporated limits of any incorporated city or town


Summary & Recommendation:

Approval/granting

Motion:

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial



Signature

Late Agenda Requests Require BOCC Chairman Signature:

BOARD OF YAKIMA COUNTY COMMISSIONERS RESOLUTION

**IN THE MATTER OF GRANTING A NON-EXCLUSIVE
SYSTEMWIDE FRANCHISE TO FLOCK GROUP
INC DBA FLOCK SAFETY 1170 HOWELL MILL
ROAD ST210 ATLANTA GA, 30318 FOR A
SYSTEMWIDE FRANCHISE TO CONSTRUCT,
OPERATE, AND MAINTAIN AUTOMATIC LICENSE
PLATE READING EQUIPMENT IN, ALONG, OVER,
AND UNDER VARIOUS YAKIMA COUNTY RIGHTS
OF WAY WITHIN FLOCK SAFETY'S SERVICE AREA
WITHIN UNINCORPORATED YAKIMA COUNTY,
WASHINGTON**

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FRANCHISE NO. 01-2023

WHEREAS, the petition filed by Flock Group Inc dba Flock Safety, has been approved for a non-exclusive systemwide franchise to construct, operate and maintain automatic license plate reading equipment in, along, over and under various Yakima County Rights-of-Way all within the County of Yakima, State of Washington, and not within the incorporated limits of any incorporated city or town; and,

WHEREAS, it appears from the affidavit of the Yakima County Auditor filed with this Board that the County Auditor has given notice of the time and place of said hearing on August 8, 2023, by publishing two (2) like notices twice in the Yakima Herald Republic, a daily newspaper of general circulation, published in Yakima County, Washington, said newspaper being the official newspaper for County printing, and it appears from said affidavit that notice published stated the name of the applicant and a description of the County roads, highways, streets, alleys and public places described in said petition and application. After hearing all persons interested in the matter of said petition, the Board deemed it in the public interest to grant the Non-Exclusive Franchise and authority so applied for; now, therefore,

BE IT HEREBY RESOLVED by the Board of County Commissioners of Yakima County, Washington:

1. There is hereby granted to Flock Group Inc dba Flock Safety the right, privilege and non-exclusive systemwide franchise for the term of 25 years from and after the date hereof to construct, operate, and maintain automatic license plate reading equipment in, along, over and under various Yakima County rights-of-way within Flock Group Inc dba Flock Safety service area within Yakima County, Washington

2. This franchise is not exclusive, and the Board of County Commissioners reserves the right to grant franchises to other individuals, firms or corporations to use said County roads or any part thereof for the same purpose as herein authorized, or for any other purpose authorized by law.
3. Said County of Yakima shall in no case be liable or responsible for any damage to the said automatic license plate reading equipment caused by any work carried on by said County in a reasonable, careful manner and the owner(s) of Flock Group Inc dba Flock Safety. shall in all cases protect, indemnify and save harmless said County from any claim for damages arising out of any and all personal injury or property damage caused by the presence of such automatic license plate reading equipment and appurtenances upon any of said roads, or rights-of-way, excluding damages caused by the negligence or willful misconduct of County, its agents or employees.
4. All facilities shall be so constructed, operated and maintained as not to interfere with or obstruct ordinary use of travel upon said roads and in case said roads, alleys, rights-of-way, streets or public places shall be damaged or impaired in any manner thereby then and in that event, said roads, streets, alleys, rights-of-way or public places shall be repaired, and restored to as good condition as existed prior to such impairment, all by and at the expense of the owner(s) of Flock Group Inc dba Flock Safety. Repairing and restoration of all such roads, streets, alleys, rights-of-way or public places shall be deemed to include but not be restricted to the reballasting, settling and resurfacing and patching of asphalt or concrete surfaces of roads and streets, restoration and resurfacing of shoulder lines; and the removal of all large rock materials from the surface where required by the County.
5. The owner(s) of Flock Group Inc dba Flock Safety shall, prior to any impairment of, or disturbance to said public highways, streets, roads, rights-of-way or parts thereof by reason of constructing automatic license plate reading equipment, or other operations contemplated hereunder, excepting emergency repairs, apply in writing for permit to the County Engineer of Yakima County giving notice of such intention, describing the operations, amount of trench to be left open at any one time, location and areas affected, and shall proceed with said operations, only upon permit first obtained from the County Engineer. In case of emergency repairs, as aforesaid, notice thereof within ten days after effected shall be deemed sufficient.
6. Flock Group Inc dba Flock Safety shall rebuild, replace and resurface all sections of the roads and highways, opened or torn up by it, by reason of operations, performed prior to or after the granting of this franchise in as satisfactory a condition as existed prior to the beginning of its excavation and operations, all under the direction of the Yakima County Engineer, and subject to final approval of the Board of County Commissioners. Should the Flock Group Inc dba Flock Safety fail within sixty days from commencement of such excavation operations to impairing right-of-way to restore such portions to the satisfaction of Yakima County, Yakima County may complete the work upon all, or any portion, of the restoration involved, all cost and expense of such work to be repaid by the Flock Group Inc dba Flock Safety to Yakima County upon demand.

7. The Board of County Commissioners reserves the right to require the owner(s) of Flock Group Inc dba Flock Safety to make, at the latter's own cost and expense, such changes or change in location of any particular automatic license plate reading equipment located by the company hereunder as may be necessary for the convenience or safety of the public along said roads, or rights-of-way, or when necessary for the construction, repair, improvement, alteration or relocation of all or any portion of said roads or rights-of-way.
8. The franchise hereby granted shall not be assigned, leased, transferred or otherwise alienated, or shall not inure to the benefit of Flock Group Inc dba Flock Safety's successors in interest without the express consent of the Board of County Commissioners of Yakima County, Washington, by written order authorizing the same; but consent is hereby given to the mortgaging of the said franchise, together with the system of automatic license plate reading equipment and facilities of the company constructed thereunder any presently outstanding or future mortgage given to secure any bond or other bona fide indebtedness of said company.
9. The franchise hereby granted may be revoked and forfeited by the Board of County Commissioners of Yakima County, Washington, in the event that Flock Group Inc dba Flock Safety shall fail, after reasonable notice or demand, to comply with any of the terms, conditions or obligations imposed upon the parcel owner(s) hereunder.
10. All expenses in connection with the posting and publishing of the notice of this hearing, as required by statute, shall be paid by the Flock Group Inc dba Flock Safety.

DONE this 22nd day of August, 2023
Flock Group Inc dba Flock Safety Grant (Systemwide)

Attest:

Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk of the Board

LaDon Linde, Chair

Amanda McKinney, Commissioner

Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*