

COMMISSIONERS' PROCEEDINGS

**Adams County Courthouse
Ritzville, Washington
Regular Meeting**

March 27, 2017
(Monday)

Call to Order @ 8:30 a.m.

Present:

Chairman Roger L. Hartwig
Vice-Chairman Jeffrey W. Stevens
Commissioner John N. Marshall

Canvassing Board

John N. Marshall will serve on the Canvassing Board for the April 25, 2017 Special Election for the time frame of April 5, 2017 through May 5, 2017.

Executive Session

The Board held an executive session pursuant to RCW 42.30.110(1)(h) "To evaluate the qualifications of an applicant for appointment to elective office." Session was held from 9:30 a.m. to 10:00 a.m. Brian Werst, Special Deputy Prosecuting Attorney pursuant to RCW 36.27.040, was present via telephone.

[10:03:21 AM](#)

Public Works

Director O'Brien provided the weekly update on road maintenance; noting culverts are being inspected and sterilant is being applied in all three districts. Engineer Yaeger reported proposals from small works contractors are due by April 4, 2017 for repairs to the Lind-Warden Road. A meeting will be held on-site this week.

Fairgrounds

Public Works Director O'Brien reported a small number of people camped at the fairgrounds during the Sandhills Crane Festival. O'Brien further reported the wall repairs in the commercial building have been completed.

Jail Camera System

Public Works Director O'Brien presented a quote of \$54,939 for an update of the jail camera system. The quote includes a complete redo of the system for the interior cameras including monitoring and backup. O'Brien will review the quote for technical accuracy prior to forwarding to Sheriff Wagner for review.

Adams County Solid Waste Comprehensive Plan

Commissioner Stevens moved, Marshall seconded, to *authorize the Chairman to sign Professional Services Agreement, Number 01, between HDR Engineering, Inc., Spokane, Washington, and Adams County in the amount of \$66,461.17 for services in connection with the project known as Adams County Solid Waste Comprehensive Plan; to assist the county in reviewing and updating the current Adams County Solid Waste Comprehensive Plan.* **Motion carried.**

CRABoard Certification

Commissioner Marshall moved, Stevens seconded, to *authorize the Chairman to sign the CRABoard 2016 Reports which include Traffic Law Enforcement Certification; Fish Passage Barrier Removal Certification; Annual Certification; Annual Construction Report; County Arterial Preservation Report; and, Maintenance Management Annual Certification.* **Motion carried.**

[10:56:22 AM](#)

[10:56:25 AM](#)

Adams County District Court Districting Plan

It being the time and place set for the public hearing on the proposed ordinance revising and amending the Adams County District Court Districting Plan and amending Adams County Code Chapter 2.56, Chairman Hartwig called the public hearing to order at 11:00 a.m.

Opening remarks were made by Chairman Hartwig with a request for all in attendance to introduce themselves.

Comments were received from:

- Othello District Court Judge Gary Brueher
- City of Othello Mayor Shawn Logan
- City of Ritzville Mayor Gary Cook
- City of Othello Police Chief Phil Schenk
- Ritzville Resident Harriet Lynch
- Adams County Superior Court Judge Steve Dixon

Ritzville District Court Judge Adalia Hille
Adams County Sheriff Dale Wagner
Adams County Prosecutor Randy Flyckt

Hearing no further comments, Chairman Hartwig closed the public hearing at 11:43 a.m.

The Board expressed appreciation for the comments presented with no action taken pending further discussion.

[11:43:40 AM](#)

Recess @ 12:00

Reconvene @ 1:00 p.m.

[1:19:21 PM](#)

John Wayne Trail

Morgane Plager-Roth and Randy Roth met with the Board to request a resolution of support for the John Wayne Trail and Iron Horse State Park. Currently fifty-six (56) miles of the trail runs through Adams County and is the second longest trail in the nation. The Clerk of the Board was directed to prepare a resolution of support for the trail for approval at the next regular scheduled meeting.

[1:36:16 PM](#)

[2:26:04 PM](#)

Initiative 502 Moratorium

Building Inspector Tim Unruh met to receive clarification on the 502 moratorium as it relates to current permit holders and further development of marijuana facilities.

Additionally present were Prosecutor Flyckt; Building and Planning Commission members Bob Carlson and Michael Andersen; and, several individuals licensed by the state for marijuana operations in Adams County.

Prosecutor Flyckt stated that permits are issued by the county according to land use conditions in effect at the time of application. Structure permits applied for and granted prior to the Boards' temporary moratorium are considered "grandfathered" in. Additional structure permits, if applied for after the moratorium took effect, must comply with the existing regulations that are set forth in the moratorium.

Michael Andersen, Adams County Planning Commission, reported on proposals currently being reviewed by the Planning Commission and would like to see involvement from all parties involved while permanent regulations are being considered. The Planning Commission meets the fourth Thursday of each month at 9:00 a.m. at the Public Services Building, Othello.

[2:52:02 PM](#)

[4:03:49 PM](#)

Resolution No. R-021-2017

Commissioner Stevens moved, Marshall seconded, to *approve Resolution No. R-021-2017 In the Matter of Transferring Funds into the Adams County Sheriff's Donation Fund #001H. Motion carried.*

Consent Agenda

Commissioner Marshall moved, Stevens seconded, to *approve the Consent Agenda. Motion carried.*

Preliminary minutes of March 20 and 22, 2017

March 1 – 15, 2017 Payroll in the amount of \$384,983.53; and, Benefits in the amount of \$75,032.69 (Warrant # Series 527662-527694; Direct Deposit # Series 48960-49145; Benefit/Deduction # Series 1129249-1129264)

Vouchers audited and certified by the Adams County Auditor as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090 and recorded on a listing, which was made available to the Board. These vouchers were listed as follows:

<u>Fund</u>	<u>Control Number</u>	<u>Amount</u>
001	170944 – 170978	\$ 53,589.33
001E	170979 – 170981	\$ 469.34
103	170982 – 170984	\$ 1,663.19
130	170985	\$ 275.52
131	170986	\$ 207.74
502	170987 – 170988	\$ 491.78
108	001114 – 001117	\$ 3,748.55
115	001118 – 001123	\$ 1,891.67
401	001124 – 001130	\$ 1,297.00
501	001131 – 001135	\$ 2,320.97
590	001136 – 001149	\$ 73,185.52

TOTAL

\$139,140.61

Ordinance No. O-01-2017

Commissioner Stevens moved, Marshall seconded, to *approve **Ordinance No. O-01-2017 In the Matter of Revising and Amending the Adams County District Court Districting Plan and Amending Adams County Code Chapter 2.56.***

Commissioner Hartwig commented on the time and research the Board has put forth in deciding this matter and feels it is the proper time to make a districting change. With one district, there is a possibility of additional candidates in the future.

Commissioner Stevens concurred with Commissioner Hartwig, stating the dynamics of the county are much different now than when the districting was originally done; noting through this ordinance both sides of the county are represented properly and have judicial abilities in both areas. Stevens further noted one judge position located in Othello and one judge position located in Ritzville is a good way to move forward with the future of our judicial system and the overall administration of justice in the county.

Commissioner Marshall stated he has struggled with this issue believing we are one county and every effort should be made for unity, however, generally positions are best served by local representatives.

Motion carried.

Vote: Hartwig – YES
Stevens – YES
Marshall – NO

[4:16:40 PM](#)

Permanent Minutes Signed

March 13, 2017

Correspondence Received

Notice of Marijuana License Application re: Advanced Agriculture, 1843 W. Black Arrow Lane, Othello, WA

Notice of Marijuana License Application re: Element, 1199 W. Cunningham Road, Suite P, Othello, WA

Kyya Grant, Adams County Pet Rescue re: Spay/Neuter Homeless Pets Event

Adjournment @ 4:20 p.m.

Submitted:
s/Patricia J. Phillips
Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Roger L. Hartwig, Chairman
s/Jeffrey W. Stevens, Vice-Chairman
s/John N. Marshall, Commissioner

RESOLUTION NO. R-021-2017

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF TRANSFERRING FUNDS INTO THE ADAMS COUNTY
SHERIFF'S DONATION FUND #001H**

WHEREAS, the Sheriff has been successful in obtaining certain resources of local private funding and donations for the purpose of assisting the Sheriff's Office in the important need of updating equipment used daily in the performance of the job; and

WHEREAS, these funds were originally deposited into Current Expense Fund #001 (Police Operations); and, Drug Enforcement Fund #130, with purchases made from those funds/departments; and

WHEREAS, The Adams County Commissioners established Fund #001H Adams County Sheriff's Donation Fund on March 20, 2017 with Resolution No. R-20-2017 to facilitate the separate accounting of these specific revenues and related expenditures; and

WHEREAS, the unspent donation balances that were deposited into Current Expense and Drug Enforcement funds should be transferred into Fund #001H Sheriff's Donation Fund for future purchases;

THEREFORE BE IT HEREBY RESOLVED that the following transfers be completed:

Transfer **\$6,211.75** from Current Expense #001 into Sheriff's Donation Fund #001H
Transfer **\$6,000.00** from Drug Enforcement Fund #130 into Sheriff's Donation Fund #001H

DATED this 27th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Roger L. Hartwig, Chairman
s/Jeffrey W. Stevens, Vice Chairman
s/John N. Marshall, Commissioner

ATTEST:
s/Patricia J. Phillips
Clerk of the Board

0010.000.597.21.00.00	\$6,211.75	Debit from Current Expense Fund
001H.000.397.21.00.00	\$6,211.75	Credit to Sheriff's Donation Fund
1300.000.597.21.00.00	\$6,000.00	Debit from Drug Enforcement Fund
001H.000.397.21.00.00	\$6,000.00	Credit to Sheriff's Donation Fund

ORDINANCE. O-01-2017

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

AN ORDINANCE REVISING AND AMENDING THE ADAMS COUNTY DISTRICT COURT DISTRICTING PLAN AND AMENDING ADAMS COUNTY CODE CHAPTER 2.56

WHEREAS, the Board of County Commissioners for Adams County (the "Board") previously adopted the Justice Court Districting Plan pursuant to RCW 3.38.030; and

WHEREAS, the Justice Court Districting Plan has continued in effect and has not been modified or revised in any material manner for a period of forty (40) years; and

WHEREAS, the Board, pursuant to the provisions of RCW 3.38.030 and RCW 3.38.040, convened the Adams County District Court Districting Committee for the purpose of making any recommended changes regarding the Adams County Districting Plan; and

WHEREAS, the Board has further considered the existing Justice Court Districting Plan in light of the needs and circumstances of the civil and criminal justice system within Adams County; and

WHEREAS, the Board finds the existing Justice Court Districting Plan no longer best serves the interests of the citizens of Adams County; that the existing Justice Court Districting Plan is outdated; that the existing Justice Court Districting Plan creates separate systems of justice within the county; and no longer best conforms to the standard as set forth in chapters 3.30 through 3.74 RCW; and

WHEREAS, the Board published notice and, on March 27, 2017, held a public hearing pursuant to RCW 3.38.030 and RCW 36.32.120(7), as amended, to receive public comment regarding the Adams County Districting Plan; and

WHEREAS, the Board hereby adopts the following amendments to the Adams County Districting Plan which shall be codified in Adams County Code Chapter 2.56 as follows:

- 2.56.010** There shall exist in Adams County a single District Court District which as established shall be contemporaneous within jurisdictional boundaries of Adams County pursuant to the provisions made by the Washington State Legislature in RCW 36.04.010.
- 2.56.020** There is established in Adams County two (2) District Court Judgeship positions. Adams County District Court Judge, Position #1; and, Adams County District Court Judge, Position #2.
- 2.56.030** Adams County District Court Judge Position #1 and Adams County District Court Judge Position #2 shall share concurrent jurisdiction on all matters for which the District Court of Adams County shall be the proper Court of jurisdiction.
- 2.56.040** Adams County District Court Judge Position #1 shall be primarily officed within courtroom facilities located at the Adams County Courthouse, 210 W. Broadway, Ritzville, Washington. Adams County District Court Judge Position #2 shall be primarily officed within courtroom facilities located at the Adams County Public Services Building, 425 E. Main Street, Othello, Washington.
- 2.56.050** Judges holding the office of Adams County District Court Position #1 and Adams County District Court Position #2 shall adopt local procedures for assignment of caseloads which shall provide the nearest access for litigants and witnesses in a manner that best serves the best interest of the citizens of Adams County; or in a manner as otherwise determined by the Court to insure orderly, efficient, and fair administration of justice.
- 2.56.060** The District Court of Adams County shall designate a presiding judge for all administrative functions in a manner provided by the Washington State Supreme Court as set forth in GR29 of Washington Rules of Court or as hereafter amended.

All other provisions of former Adams County Code Chapter 2.56 are hereby repealed and of no further force and effect.

This ordinance amends the Adams County Code designated as Chapter 2.56. This ordinance shall take effect immediately after adoption.

IT IS SO ORDERED this 27th day of March, 2017.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Roger L. Hartwig, Chairman
s/Jeffrey W. Stevens, Vice-Chairman
s/John N. Marshall, Commissioner

ATTEST:
s/Patricia J. Phillips
Clerk of the Board

Approved as to Form:
s/Randy J. Flyckt
Prosecutor