

COMMISSIONERS' PROCEEDINGS

Adams County Courthouse, Ritzville February 7, 2000

The regular meeting of the Adams County Board of Commissioners was called to order by Chairman Bill Wills on Monday, February 7, 2000, at 8:30 a.m. in Ritzville. Commissioner Jeffrey W. Stevens and Commissioner W. L. Schlagel were present.

Lobbyist Jim Potts (via telephone) updated the board regarding legislative action in Olympia.

Auditor McBroom notified the board that positions to be terminated effective January 31, 2000, in the Juvenile and District Court Departments have not been done at this time with the Judges making other arrangements to keep staff employed within their respective department.

Attorney Tom Kingen (via telephone) requested and went into executive session under RCW 42.30.110(i) to discuss litigation from 9:16 a.m. until 9:40 a.m.

Public Works Director Long provided the board with a listing of county roads requesting research/verification of names prior to ordering additional road name signs. Building and Planning Department and E-911 Department will also be asked to verify information. Road establishments that have not been done resolution will be formally adopted following review.

General road maintenance entails water control on roads, which is limited at this time until further drying occurs. County acquisition of the former Grange Warehouse facility closed on February 4, 2000; and, plans to demolish the old county building located on railroad property previously used for storage will be let for bid with official opening on February 28, 2000.

Herb Walter, Odessa, requested board consideration for a road name change from "Schoonover Road" to "Rock Creek Road" noting that people, especially people with whom they do business, have trouble spelling 'Schoonover'. Following discussion, board consensus was to not proceed with the process of changing the road name since it has been in existence for a long time and it is well known by E-911 personnel.

The board recessed for lunch at 12:00 noon and reconvened at 1:00 p.m.

The board conducted the first quarter jail inspection.

Commissioner moved, seconded, to approve the **Commercial Lease between Adams County and Wheatland Equipment Company for lease of the office area and front showroom of the Adams County Warehouse facility located at 704 First Avenue, Ritzville, Washington.** Motion carried. The terms of the lease are for fourteen (14)

months effective February 1, 2000, and terminating on April 30, 2001, for a sum of \$200/month.

Commissioner Stevens moved, Schlagel seconded, to approve the Consent Agenda:

Preliminary minutes of January 31, 2000

January payroll issued February 5, 2000 in the amount of \$413,159.85, with benefits in the amount of \$108,335.47

Vouchers audited and certified by the Adams County Auditor as required by RCW 42.23.080, 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	00563-00613	\$11,732.82
103	00614-00616	\$ 788.38
104	00617-00620	\$ 688.41
106	00622	\$ 24.40
109	00623	\$ 66.20
112	00624	\$ 186.48
117	00625-00626	\$ 1,490.69
133	00627	\$ 123.00
166	00628	\$ 11.50
502	00629-00634	\$ 2,794.83
115	298-313	\$14,963.99
401	314-316	\$ 204.53
501	317-318	\$ 1,358.75
590	319-340	\$28,689.96
TOTAL		\$63,123.94

Permanent minutes of January 24, 2000, were signed.

Auditor McBroom filed per RCW 87.56.240 a statement and affidavit submitted to her by Treasurer Danekas that lists all personal property taxes deemed uncollectable in the total amount of \$829.03.

Commissioner Schlagel moved, Stevens seconded, to approve **RESOLUTION NO. R-09-00 IN THE MATTER OF INDEMNIFICATION AND TORT REPRESENTATION FOR THE PROSECUTING ATTORNEY IN THE MATTER OF SUSAN HOBLER AND LINDA SOUTHWELL V. GARY BRUEHER**. Motion carried.

Correspondence was received from:

DNS/Checklist for Conditional Use Permit for a gravel pit and for road resurfacing including replacement of a bridge on Paha/Packard Road

DNS/Checklist for Application for Redivision of land to yield Kameron Estates II located one mile west of Othello

GWAC Executive Board re: Draft components of the Columbia Basin GWMA Plan

Washington Counties Risk Pool re: State Audit Report of Pool
Mayor Lorna Smith, City of University Place re: ongoing sales tax equalization
funding

There being no further business to come before the board the meeting adjourned at 2:30
p.m.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Bill Wills, Chairman
s/Jeffrey W. Stevens, Commissioner
s/W. L. Schlagel, Commissioner

ATTEST:
s/Linda Reimer, CMC/AE
Clerk of the Board

RESOLUTION NO. R-09-00

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

**IN THE MATTER OF INDEMNIFICATION AND TORT REPRESENTATION FOR THE
PROSECUTING ATTORNEY IN THE MATTER OF *SUSAN HOBLER AND LINDA
SOUTHWELL V. GARY BRUEHER***

WHEREAS, the Board of Adams County Commissioners (the "Board") is authorized by RCW 4.96.041 to establish a procedure for the purpose of paying the expenses of defending a public officer purporting to perform his official duties and to pay a judgment entered against such officer, including an award of punitive damages under 42 USC § 1981 et deq.; and,

WHEREAS, the Board, by Ordinance No. 98-88, adopted November 14, 1988, and amended by Ordinance No. O-02-98, adopted April 6, 1998, and further amended by Ordinance No. O-03-99, adopted August 16, 1999, provide for a procedure for the approval of the defense and payment of claims as required by RCW 4.96.41; and,

WHEREAS, the Board has delegated to the Washington Counties Risk Pool the authority to determine coverage that is available to a public official who is purported to be acting in good faith and within the scope of his or her official duties; and,

WHEREAS, the Washington Counties Risk Pool has authorized the defense of Gary Brueher in the matter pending against Gary Brueher by *Susan Hobler and Linda Southwell v. Gary Brueher* United States District Court for the Eastern District of Washington Cause No. CS-99-0177-WFN; and,

WHEREAS, Adams County has received notice from plaintiffs' counsel that he intends to amend the complaint dismissing Adams County and naming Gary Brueher in his individual capacity in such lawsuit; and,

WHEREAS, the allegations contained in the proposed amended contract have been reviewed by the Board and even though they purport to make allegations in his individual capacity, they involve his termination of two employees who were employees of the prosecutor's office; and,

WHEREAS, the Board believes that Mr Brueher did in fact act in good faith and with reasonable cause to believe he had the authority to terminate Susan Hobler and Linda Southwell; and,

WHEREAS, the Board of County Commissioners believes that Mr. Brueher did not act with an intent to violate any constitutionally protected rights of Susan Hobler and Linda Southwell; and,

WHEREAS, the insurance policy provided by the Washington Counties Risk Pool to Adams County, its elected officials, employees, agents and representatives may not provide for payment of punitive damages;

NOW THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

Section 1. In the event that the Washington Counties Risk Pool fails to provide defense to the defendant, Gary Brueher, the Prosecuting Attorney, the Board authorizes the payment of reasonable attorney fees and costs associated with the defense of Susan Hobler and Linda Southwell.

Section 2. Pursuant to RCW 4.96.041, the Board authorizes the payment of punitive damages if same are awarded to Susan Hobler and Linda Southwell for damages arising out of the claims set forth in the lawsuit of *Susan Hobler and Linda Southwell v. Adams County* in the event such action is amended to include Gary Brueher.

Section 3. This resolution is not intended to amend, modify or otherwise suspend Ordinance Nos. 98-88, O-02-98, and O-03-99.

Section 4. This resolution shall be in full force and effect immediately upon adoption and execution.

DATED this 7th day of February, 2000.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Bill Wills, Chairman
s/Jeffrey W. Stevens, Commissioner
s/W. L. Schlagel, Commissioner

ATTEST:
s/Linda Reimer, CMC/AE
Clerk of the Board

