

COMMISSIONERS' PROCEEDINGS

Regular Meeting Adams County Courthouse, Ritzville

April 4, 2005
(Monday)

Call to Order @ 8:30 a.m.

Present:

Chairman Jeffrey W. Stevens
Vice-Chairman Roger L. Hartwig
Commissioner Rudy Plager

Legislators

Senator Schoesler (via telephone) updated the Board on legislative matters including the status of the State Budget and the State Transportation Plan.

Public Works

Public Works Director O'Brien and Engineer Johns provided an update on road projects work schedules.

O'Brien noted the resignation of Shop Mechanic Supervisor Roy Alspach. A review of the shop mechanic jobs/duties will be done with a request to fill this position and/or others forthcoming on Monday, April 11, 2005. Roy Alspach expressed appreciation to the Board for their considerations over the past twenty-seven years.

An accident involving two National Foods trucks necessitated the closure of Cunningham Road to Gillis Road. The Department of Ecology was notified due to the diesel spill.

Official Newspaper

Bids were opened for the official county newspaper from:'

Ritzville Adams County Journal
216 West Railroad Avenue
P. O. Box 288
Ritzville, WA 99169

\$6.75 per column inch

Stephen McFadden, Publisher

Commissioner Plager moved, Stevens seconded, to *accept the bid from the Ritzville Adams County Journal for the Official County Newspaper at \$6.75 per column inch.* **Motion carried.**

Superior Court Clerk Office Staffing

Superior Court Clerk Gibler discussed her request for replacement staffing due to a current employee's pending maternity leave. Human Resources Hunt was present and provided input based on discussion he had with Clerk Gibler. The board will review the request and options presented and make a decision on Monday, April 11, 2005.

Memorandum of Agreement

Commissioner Plager moved, Hartwig seconded, to *approve the Memorandum of Agreement between Adams County and the Washington State Council of County and City Employees, AFSCME Local 1374-C, Courthouse and Corrections/911 Bargaining Units reflecting interpretation and application of Article XII – Sick Leave, sub-part F.* **Motion carried.**

Recess @ 12:00

Reconvene @ 1:00 p.m.

Sheriff's Department Staffing

Sheriff Barger requested clarification of the March 16, 2005, minutes wherein it was stated "The Board did not authorize the filing of any vacancies." Following discussion, Sheriff Barger formally asked for authorization to fill the deputy vacancy (Hernandez) in the office. The Board by **consensus authorized filling the position.**

Sheriff Barger noted that civil service testing would still be conducted in order to develop a roster.

Sheriff's Association

Mediator Vince Helm has been secured for mediating the Sheriff's Association contract. Meeting dates are set for May 9 and May 19, 2005.

County Public Services Building (Akins)

Director O'Brien reported that a "Clerk of the Works" would be hired to monitor the daily construction work to be done on the County Public Services Building. The County Engineer and County Building Inspector

will be doing a portion of the work/inspection. The proposed landscape plan was reviewed with cost of that phase being approximately 1-1.5% of the total cost.

Bid opening on the project was set for Monday, May 23, 2005, at 2:00 p.m. with 3:00 p.m. set for the deadline for the subcontractor list.

The following documents were executed pursuant to the application for a State Treasurer loan to construct/remodel the building located at 425 E. Main St., Othello, Washington:

- Commissioner Hartwig moved, Plager seconded, to *approve Resolution No. R-23-05 In the Matter of Authorization for the Acquisition of Real Property and Execution of a Financing Contract, Site Lease and Related Documentation Relating to the Acquisition of Said Real Property*
- Commissioner Plager moved, Hartwig seconded, to *approve Certificate Designating Authorized Agency Representatives*
- Commissioner Plager moved, Hartwig seconded, to *authorize the Chairman to sign the Local Agency Financing Lease, Series 2005 (Annex 3)*
- Commissioner Plager moved, Hartwig seconded, to *authorize the Chairman to sign the Local Agency Site Lease, Series 2005 (Annex 2)*
- Commissioner Hartwig moved, Plager seconded, to *authorize the Chairman to sign the Local Agency Tax Certificate (Real Property) (Exhibit B)*

Additionally, Auditor McBroom executed the **Incumbency Certificate (Annex 4)** and Clerk Reimer executed the **Certificate of Authorizing Resolution**.

All documents will be submitted, along with a letter from the Prosecuting Attorney, to the State with anticipated loan start date of September 1, 2005.

Public Defender Contract

Special Deputy Prosecutor Strohmaier, at the request of Prosecutor Flyckt, discussed the letter received from Public Defender Morgan regarding the current public defender contract and Mr. Morgan's request for funding for a third public defender. Pursuant to paragraph 12.C. the Contractors requested arbitration within 30 days with an initial response

expected within 10 days from the Board or the Contractors would consider the county in breach of contract.

Attorney Strohmaier will respond on behalf of the Board.

Executive Session

Special Deputy Prosecutor Strohmaier requested Executive Session for ten (10) minutes under RCW 42.30.110(1)(i) – litigation. Session was held from 3:45 p.m. until 3:55 p.m.

Schoenhuth v. Adams County Department of Health (formerly District)

Commissioner Plager moved, Hartwig seconded, to *authorize payment of \$55,000 in settlement of the Schoenhuth v. Adams County Department of Health (formerly District) claim.* **Motion carried.**

Funds will be transferred from Current Expense to Adams County Health Department to cover the cost. Attorney Strohmaier will draft a cover letter for Board execution that will accompany the payment.

L&I Retro Pool

Commissioner Hartwig moved, Plager seconded, to *formally withdraw from the L&I Retro Pool (now known as the County Workplace Safety Alliance – CWSA) effective March 31, 2005.* **Motion carried.**

Meeting Relocation

The regular Wednesday, April 20, 2005, meeting scheduled in Ritzville will relocate to the town hall of the Town of Hatton beginning at 9:00 a.m.

Consent Agenda

Commissioner Plager moved, Hartwig seconded, to *approve the Consent Agenda.* **Motion carried.**

Preliminary minutes of March 21, 23, and 28, 2005

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>
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001	051580-051618	\$ 48,962.99
103	051619-051621	\$ 5,802.52
104	051622-051632	\$ 5,597.40
105	051633-051636	\$ 18,916.67
111	051637	\$ 359.52
112	051638	\$ 100.00
115	051639	\$ 76,548.82
166	051640-051641	\$ 179.81
322	051642	\$ 27,065.62
502	051643-051651	\$ 25,131.06
115	805-814	\$ 2,518.36
122	815-817	\$ 161.46
401	818-820	\$ 725.87
501	821-824	\$ 259.05
590	825-840	\$ 17,409.06
	TOTAL	\$229,738.21

Permanent Minutes Signed

March 14 and 16, 2005

Correspondence Received

Copy of letter from Dennis Morgan to Judge Brueher re: refusal to accept public defender appointment on Rafael Lopez case due to individual's lack of qualification for public defender services

Adams County Juvenile Court, Dave Gowan re: upcoming events – Town Hall Meeting and Conference for Parents - with national gang speaker, probation officer, Robby Robinson from Los Angeles County

Public Defender Morgan re: Contract and request for arbitration within next 30 days

Greg Partch, Chairman, Whitman County Commissioners re: membership in NACo by all Washington counties

Adams County Development Center re: meeting on April 4 in Othello and minutes from January 3 meeting

Prosecutor Flyckt re: follow up to discussions regarding the need to revise the attorney salary structure for office

Adjournment @ 4:30 p.m.

Submitted:
s/Linda Reimer, MMC
Clerk of the Board

Edited and Approved:

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

**RESOLUTION NO. R-23-05
ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF AUTHORIZATION FOR THE ACQUISITION OF REAL
PROPERTY AND EXECUTION OF A FINANCING CONTRACT, SITE LEASE AND
RELATED DOCUMENTATION RELATING TO THE ACQUISITION OF SAID REAL
PROPERTY**

WHEREAS, the Adams County (the "Local Agency") has executed a Notice of Intent to the Office of State Treasurer, in the form attached hereto as Annex 1 (the "NOI"), in relation to the acquisition of and the financing of the acquisition, improvement and betterment (collectively, the "acquisition") of the Property, as defined below, under the provisions of RCW 39.94; and,

WHEREAS, it is deemed necessary and advisable by the Board of Commissioners of the Local Agency that the Local Agency acquire the real property identified on Annex 1 attached hereto ("Property"); and,

WHEREAS, it is deemed necessary and advisable by the Board of Commissioners of the Local Agency that the Local Agency enter into a Local Agency Site Lease with the Washington Finance Officers Association in the form attached hereto as Annex 2 to facilitate the financing of the Property; and,

WHEREAS, it is deemed necessary and advisable by the Board of Commissioners of the Local Agency that the Local Agency enter into a Local Agency Financing Lease with the Office of the State Treasurer, in the form attached hereto as Annex 3 (the "Local Agency Financing Lease"), in an amount not to exceed \$2.5 million, in order to acquire the Property, and finance the acquisition of the Property and related financing costs; and,

WHEREAS, the Local Agency will undertake to acquire and/or improve the Property on behalf of and as agent of the Washington Finance Officers Association (the "Corporation") pursuant to the terms of the Local Agency Financing Lease, and in accordance with all applicable purchasing statutes and regulations applicable to the Local Agency; and,

WHEREAS, the Local Agency desires to appoint the individuals set forth in Annex 4 as the representatives of the Local Agency in connection with the acquisition of the Property and execution of the Local Agency Financing Lease (each an “Authorized Agency Representative”); and,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Adams County as follows:

Section 1. The individuals holding the offices or positions set forth in Annex 4 are each hereby appointed as a representative of the Local Agency in connection with the acquisition of the Property and execution of the Local Agency Financing Lease and all other related documents. A minimum of three (3) Authorized Agency Representatives shall be required to execute any one document in order for it to be considered duly executed on behalf of the Local Agency.

Section 2. The form of the Local Agency Site Lease attached hereto as Annex 2 is hereby approved and the Authorized Agency Representatives are hereby authorized and directed to execute and deliver the Local Agency Site Lease, in substantially the form attached hereto with such changes as may be approved by the Authorized Representatives, to facilitate the acquisition and/or improvement of the Property and financing of the acquisition of the property.

Section 3. The form of the Local Agency Financing Lease attached hereto as Annex 3 is hereby approved and the Authorized Agency Representatives are hereby authorized and directed to execute and deliver the Local Agency Financing Lease, in an amount not to exceed \$2.5 and in substantially the form attached hereto with such changes as may be approved by the Authorized Representatives, for the acquisition of the property and financing of the acquisition of the Property and related financing costs.

Section 4. The Local Agency hereby authorizes the acquisition of the property as agent of the Corporation in accordance with the terms and provisions of the Local Agency Financing Lease.

Section 5. The Authorized Representatives are hereby authorized to execute and deliver to the Office of State Treasurer all other documents, agreements and certificates, and to take all other action, which they deem necessary or appropriate in connection with the financing of the property, including, but not limited to, any amendment to the NOI, any tax certificate and any agreements relating to initial and ongoing disclosure in connection with the offering of securities related to the financing.

Section 6. This resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of County Commissioners of Adams County at a regular meeting thereof held this 4th day of April, 2005.

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

s/Rudy Plager, Commissioner

ATTEST:
s/Linda Reimer, MMC
Clerk of the Board