

COMMISSIONERS' PROCEEDINGS

Regular Meeting Adams County Courthouse, Ritzville

May 29, 2007

(Tuesday due to Memorial Day Holiday on Monday)

Call to Order @ 8:30 a.m.

Present:

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

9:08 a.m.

Human Resources

Gary and Valerie Hunt presented revised documents for sections of the personnel policy (health/welfare, workers compensation, and unpaid leave of absence/family medical leave); noted that the structure review for the Prosecutor's Office was complete with a separate operational and classification report to be issued; noted that he would be revising the desk audit questionnaire and would be forwarding it to employees in the office of the Auditor and Clerk ; and, reported that negotiations for renewal of the Sheriff's Association contract are anticipated to begin in July.

A final report on the study of the Adams County Noxious Weed Control Board operation and staffing was submitted. The Noxious Weed Control Board was encouraged to address specific issues and make necessary changes in preparation for the 2008 fiscal year.

The new employee orientation policy was finalized and will be handled jointly between Human Resources and the Auditor's Office.

9:57 a.m.

10:00 a.m.

McManamon Road – #1 CRP-149 and #2 CRP-154

Bids were opened from:

Halme Construction, Inc.	\$2,269,095.90
P. O. Box 1227	
38103 Halme Dr. E	

Davenport, WA 99122

North Central Construction, Inc. P. O. Box 850 Moses Lake, Wa 98837	\$2,105,714.17
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Hilmes Construction, Inc. 1716 S. Broadway Othello, WA 99344	\$2,038,444.50
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Selland Construction, Inc. P. O. Box 119 Wenatchee, WA 98807	\$2,143,396.05
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Engineer's Estimate: \$1,483,569.90

The contractor from Hilmes Construction, Inc. inquired about the additional costs of road construction due to the "pugmill" requirement. County staff O'Brien, Johns, and Yaeger discussed and reviewed that bid specification.
10:13 a.m.

10:29 a.m.

Public Works General Session

Staff reported on seal coating operations and on recent traffic/speed counts taken at Bench & Reynolds Road.

O'Brien noted meetings scheduled with the TAC for Waste Management on Wednesday, May 30; the Economic Development Committee Workshop on Thursday, May 31; and, with the Washington State Department of Transportation to discuss road closures and disposal of 395 grindings.

10:50 a.m.

11:10 a.m.

Public Defenders

Chris Bajalcaliev discussed utilization of additional state funding allocated to the county and received authorization to expend funds for interpreter services for public defense clients and for an intern under the Rule 9 program/regulations.

Bajalcaliev discussed recent legislation that allocated funding for interpreters and for the CASA program (Court Appointed Special

Advocates for Children). Adams County was allocated \$40,000 for the CASA program.

Bajalcaliev noted that pre-qualification screening of individuals for public defense services had improved and that forms were available in the jail.

12:08 a.m.

Recess @ 12:00

Reconvene @ 1:00 p.m.

1:07 p.m.

Sheriff's Department

Sheriff Barger and Undersheriff Hunt requested Board input regarding the future direction of "dispatch services" prior to filling the 911 System Administrator position. Barger noted State funding was increasing in the next fiscal year for position compensation and for dispatch workstation purchases.

Sheriff Barger and Undersheriff Hunt will meet with the Board in a workshop session to discuss future county dispatch services on Wednesday, June 6, 2007 at 9:00 a.m. in Ritzville.

2:00 p.m.

2:17 p.m.

Regional Economic Development

Names submitted by local governmental entities for appointment to the Regional Economic Development Committee were reviewed. The Board will confirm appointees in official action on Thursday, May 31, 2007, prior to convening the workshop session.

2:34 p.m.

3:08 p.m.

Van Marter Bridge

Commissioner Stevens moved, Plager seconded, to *authorize the Chairman to gin the Local Agency Agreement LA-5895 Amendment #6 for the Lind Coulee Van Marter Bridge shifting \$7,000 from Contract to Agency to cover increased inspection costs.* **Motion carried.**

3:08 p.m.

4:17 p.m.

Waste Management

Commissioner Stevens moved, Plager seconded, to *approve Resolution No. R-43-07 In the Matter of the Schedule for Project Implementation in the Adams County Unclassified Use Permit Mitigation Agreement*

Dated February 22, 1994 Between Adams County, Washington and Waste Management of Washington. Motion carried unanimously.

Commissioner Stevens moved, Plager seconded, to *approve the **Unclassified Use Permit Mitigation Agreement Second Amendment that amends Subsection II.B.2 of the Mitigation Agreement to read as follows:***

- 2. Construction of the Regional Landfill must commence by August 31, 2007.***

All other terms of the Mitigation Agreement shall remain in full force and effect.

Nothing in this Amendment shall be construed to affect or constrain any future County decision regarding whether to further extend the term of the Unclassified Use Permit or the Mitigation Agreement for a longer term, pursuant to WMW's request.

Motion carried unanimously.

Cremation of Unclaimed Remains of Indigent Person

Commissioner Plager moved, Stevens seconded, to *approve and authorize the Chairman to sign the Application for Payment for Cremation of Unclaimed Remains of Indigent Person (Franklin W. Kincaid) to Danekas Funeral Home, Ritzville, in the amount of \$2,570.00 including transportation to Spokane for autopsy and removal following autopsy.*

Motion carried.

Qwest T1 Data Service

Commissioner Plager moved, Stevens seconded, to *authorize the Chairman to sign the Qwest Network Service Agreement, Qwest DS1 Service between Ritzville and Othello City Hall (500 E. Main, Othello) and the Sheriff's Substation (2069 W. Highway 26, Othello) for a five (5) year period in the amount of \$298.74 and \$301.39 respectively.* **Motion carried.**

Martin Hall

Commissioner Plager moved, Hartwig seconded, to *re-appoint Jeffrey W. Stevens to represent Adams County on the Martin Hall Board of Directors*

for a one-year term effective June 1, 2007 through May 31, 2008. **Motion carried.**

Commissioner Plager moved, Stevens seconded, to appoint Dave Gowan to represent Adams County on the Martin Hall Consortium TAC for a two-year term effective June 1, 2007 through May 31, 2009. **Motion carried.**

Consent Agenda

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

Preliminary minutes of May 21 and 23, 2007

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	072470-072498	\$ 7,090.02
103	072499	\$ 309.98
104	072500-072511	\$ 8,132.15
104B	072512-072517	\$ 2,334.47
105	072518-072521	\$ 25,000.00
106	072522	\$ 64.69
108	072523-072531	\$ 1,204.35
117	072532-072547	\$ 2,832.00
126	072548	\$ 747.50
166	072549-072550	\$ 398.48
502	072551-072553	\$ 758.64
001	1915-1916	\$ 1,234.71
115	1917-1930	\$329,161.13
401	1931-1933	\$ 13,907.54
501	1934-1937	\$ 2,235.92
520	1938-1954	\$ 79,090.57
TOTAL		\$474,502.15

Approved **Resolution No. R-44-07 In the Matter of Reimbursement of the County Road Fund #115 for Expenditures which should have been incurred by the Solid Waste Fund #401**

Approved **Resolution No. R-45-07 In the Matter of Reimbursement of the County Road Fund #115 for Expenditures which should have been incurred by the Intergovernmental Service Fund #590**

Approved **Resolution No. R-46-07 In the Matter of Reimbursement of the County Road Fund #115 for Expenditures which should have been incurred by the Operations & Maintenance Fund #501**

Approved **Resolution No. R-47-07 In the Matter of Reimbursement of the Planning Department #087 Current Expense Fund #001 for Expenditures which should have been incurred by the Solid Waste Fund #401**

Approved **Resolution No. R-48-07 In the Matter of Reimbursement of the Planning Department #087 Current Expense Fund #001 for Expenditures which should have been incurred by the County Road Fund #115**

Approved **Resolution No. R-49-07 In the Matter of Transferring Fund from the Current Expense Fund #001 to Courthouse O&M Fund #501**

Amend 2007 Budget

A public hearing to consider amendments to the 2007 Adams County Budget was set for Monday, June 11, 2007, at 11:00 a.m. in Room 202 of the Adams County Courthouse, Ritzville.

4:24 p.m.

Permanent Minutes Signed

May 14 and 16, 2007

Correspondence Received

Washington State Liquor Control Board re: Special Occasion License for Othello Rodeo Association (July 4, 2007); Notification of license approval for Potholes Sports Café

Washington State Department of Natural Resources re: request for comments on proposed name of a geographic area within Adams County

City of Othello re: Economic Development Committee and individuals from Othello for participation

Copy of letter from City of Othello to Adams County Economic Development Council for support funding for several projects
Bridgit Rohner, WSU Lincoln County Extension Director re: Local impact of the Lincoln-Adams County Extension *Food Senses* Program
Department of Ecology, Water Quality Program re: Palouse River Chlorinated Pesticide and PCB TMDL and scheduled public comment period on draft document
Washington Counties Risk Pool re: 2006 annual report
WSDOT Special Projects Commercial Vehicle Services re: county participation multi-jurisdictional permitting oversize/overweight vehicles concept on-hold

The meeting recessed @ 4:40 p.m. and will reconvene on Thursday, May 31, 2007, at 12:00 in the Public Works Conference Room for the Regional Economic Development meeting.

Submitted:
s/Linda Reimer, MMC
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/Rudy Plager, Commissioner

**RESOLUTION NO. R-44-07
ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

IN THE MATTER OF REIMBURSEMENT OF THE COUNTY ROAD FUND #115 FOR EXPENDITURES WHICH SHOULD HAVE BEEN INCURRED BY THE SOLID WASTE FUND #401

WHEREAS, the below expenditures for salaries for March and April 2007 should have been incurred by the Solid Waste Fund #401;

THEREFORE BE IT RESOLVED that the following journal entry will stand as the basis for reduction of County Road Fund #115 2007 expenditures and the increase of 2007 expenditures for the Solid Waste Fund #401 and the related cash transfers with the revenue received recorded as BARS 389.90.00.10.

Required: Journal Entry

Effective Date: May 29, 2007

Budget

Actual

Fund – BARS Code	Debit	Credit	Debit	Credit
401-537.10.10.01			\$23,758.06	
401-537.10.12.01			352.73	
401-537.10.20.01			11,413.95	
401-537.70.10.01			1,013.58	
401-537.70.20.01			433.61	
401-537.80.10.01			115.86	
401-537.80.20.01			53.51	
401 – Cash				\$37,141.30
To reimburse County Road #115 for salaries for March and April 2007				
Entry Total	\$ 0.00	\$ 0.00	\$37,141.30	\$37,141.30
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115 – Cash			\$37,141.30	
115-542.00.10.00				\$24,887.50
115-542.00.12.00				\$ 352.73
115-542.00.20.00				\$11,901.07
To record a reduction in expenditure as a result of Solid Waste Fund #401 reimbursement.				
Entry Total	\$ 0.00	\$ 0.00	\$37,141.30	\$37,141.30

DATED this 29th day of May, 2007.

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

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

**RESOLUTION NO. R-45-07
ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

IN THE MATTER OF REIMBURSEMENT OF THE COUNTY ROAD FUND #115 FOR EXPENDITURES WHICH SHOULD HAVE BEEN INCURRED BY THE INTERGOVERNMENTAL SERVICE FUND #590

WHEREAS, the below expenditures for salaries for March and April 2007 could have been incurred by the Intergovernmental Service Fund #590;

THEREFORE BE IT RESOLVED that the following journal entry will stand as the basis for reduction of County Road Fund #115 2007 expenditures and the increase of 2007 expenditures for the Intergovernmental Service Fund #590 and the related cash transfers with the revenue received recorded as BARS 389.90.00.11

Required: Journal Entry			Effective Date: May 29, 2007		
Fund – BARS Code	Debit	Budget Credit	Debit	Actual Credit	
590-519.30.11.01			\$ 2,473.52		
590-519.30.20.01			1,035.24		
590-548.10.11.01			11,112.76		
590-548.10.20.01			4,510.28		
590-548.20.11.01			2,746.06		
590-548.20.20.01			1,270.23		
590-548.30.11.01			28,580.76		
590-548.30.12.01			338.92		

590-548.30.20.01	13,410.50	
590-548.60.11.01	2,201.22	
590-548.60.12.01	54.15	
590-548.60.20.01	1,113.89	
590-548.70.11.01	1,771.09	
590-548.70.20.01	832.59	
590 – Cash		\$71,451.21

To reimburse County Road Fund #115 for salaries for March and April, 2007.

Entry Total	\$ 0.00	\$ 0.00	\$71,451.21	\$71,451.21
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115 – Cash	\$71,451.21	
115-542.00.10.00		\$48,885.41
115-542.00.12.00		\$ 393.07
115-542.00.20.00		\$22,172.73

To record a reduction in expenditure as a result of IGS Fund #590 reimbursements.

Entry Total	\$ 0.00	\$ 0.00	\$71,451.21	\$71,451.21
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DATED this 29th day of May, 2007.

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

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

RESOLUTION NO. R-46-07

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

**IN THE MATTER OF REIMBURSEMENT OF THE COUNTY ROAD FUND #115 FOR EXPENDITURES
WHICH SHOULD HAVE BEEN INCURRED BY THE OPERATIONS & MAINTENANCE FUND #501**

WEHREAS, the below expenditures for salaries for March and April 2007 should have been incurred by Operations & Maintenance Fund #501;

THEREFORE BE IT RESOLVED that the following journal entry will stand as the basis for reduction of Operations & Maintenance Fund #501 2007 expenditures and the increase of 2007 expenditures for the County Road Fund #115 and the related cash transfers with the revenue received recorded as BARS 389.90.00.10.

Required Journal Entry	Effective Date: May 29, 2007	
Fund – BARS Code	Debit	Credit
501.518.30.10.00	\$17,224.96	
501.518.30.12.00	\$ 149.61	
501.518.30.20.00	\$ 7,894.11	
401.518.70.11.00	\$ 2,025.42	
501.518.70.20.00	\$ 1,055.93	
401-Cash		\$28,350.03

To reimburse County Road #115 for salaries for March and April, 2007.

Entry Total	\$37,141.30	\$37,141.30
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115-Cash	\$28,350.03	
115-542.00.10.00		\$19,250.38
115-542.00.12.00		\$ 149.61
115-542.00.20.00		\$ 8,950.04

To record a reduction in expenditure as a result of Operations & Maintenance Fund #501 reimbursement

Entry Total	\$28,350.03	\$28,350.03
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DATED this 29th day of May, 2007.

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

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

RESOLUTION NO. R-47-07

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

IN THE MATTER OF REIMBURSEMENT OF THE PLANNING DEPARTMENT (#087), CURRENT EXPENSE FUND #001 FOR EXPENDITURES WHICH SHOULD HAVE BEEN INCURRED BY THE SOLID WASTE FUND #401

WHEREAS, the below expenditures for salaries for March and April 2007 should have been incurred by Solid Waste Fund #401;

THEREFORE BE IT RESOLVED that the following journal entry will stand as the basis for reduction of Current Expense Fund #001, Planning Department #087, 2004 expenditures and the increase of 2007 expenditures for the Solid Waste Fund #401 and the related cash transfers with the revenue received recorded as BARS 001.389.90.00.11

Required: Journal Entry	Effective Date: May 29, 2007	
FUND – BARS Code	Debit	Credit
401.537.10.10.01	\$1,561.81	
401.537.10.20.01	\$ 413.10	
001-CASH		\$1,974.91

To reimburse Current Expense #001, Planning Department #087 for salaries for March and April, 2007.

Entry Total	\$1,974.91	\$1,974.91
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001-Cash	\$1,974.91	
001.087.558.60.10.03		\$1,561.81
001.087.558.60.20.03		\$ 413.10

To record a reduction in expenditure as a result of Solid Waste Fund #401 reimbursement.

Entry Total	\$1,974.91	\$1,974.91
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DATED this 29th day of May, 2007.

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

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

RESOLUTION NO. R-48-07

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

IN THE MATTER OF REIMBURSEMENT OF THE PLANNING DEPARTMENT (#087), CURRENT EXPENSE FUND #001 FOR SALARY EXPENSES WHICH SHOULD HAVE BEEN INCURRED BY THE COUNTY ROAD FUND #115

WHEREAS, the below expenditures for salaries for March and April 2007 should have been incurred by the County Road Fund #115;

THEREFORE BE IT RESOLVED that the following journal entry will stand as the basis for reduction of Current Expense Fund #001, Planning Department #087, 2007 expenditures and the increase of 2007 expenditures for the County Road Fund #115 and the related cash transfers with the revenue received recorded as BARS 001.389.90.00.11.

Required: Journal Entry		Effective Date: May 29, 2007
FUND – BARS Code	Debit	Credit
115.544.40.11.00	\$342.19	
115.544.40.20.00	\$ 89.10	
001- Cash		\$431.29

To reimburse Current Expense #001, Planning Department #087 for salaries for March and April, 2007.

Entry Total	\$431.29	\$431.29
001- Cash	\$431.29	
001.087.558.60.10.03		\$342.19
001.087.558.60.20.03		\$ 89.10

To record a reduction in expenditure as a result of County Road #115 reimbursement.

Entry Total	\$431.29	\$431.29
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DATED this 29th day of May, 2007.

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

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

RESOLUTION NO. R-49-07

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

**IN THE MATTER OF TRANSFERRING FUNDS FROM THE CURRENT EXPENSE
FUND #001 TO COURTHOUSE O&M FUND #501**

WHEREAS, funds were allocated in the Current Expense Fund #001 for the operation of the Courthouse O&M Fund #501;

THEREFORE BE IT HEREBY RESOLVED that sixty thousand and no/100 dollars (\$60,000) be transferred from Current Expense Fund #001 BARS 597.18.30.00 to the Courthouse O&M Fund #501 BARS 397.18.30.00.

DATED this 29th day of May, 2007.

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

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

RESOLUTION NO. R-43-07

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

**IN THE MATTER OF THE SCHEDULE FOR PROJECT IMPLEMENTAION IN THE
ADAMS COUNTY UNCLASSIFIED USE PERMIT MITIGATION AGREEMENT DATED
FEBRUARY 22, 1994, BETWEEN ADAMS COUNTY, WASHINGTON AND WASTE
MANAGEMENT OF WASHINGTON**

WHEREAS, on February 22, 1994, the Board of County Commissioners for Adams County approved an Unclassified Use Permit for Waste Management of Washington ("WMW") to construct a regional solid waste landfill on property located in the southeastern part of Adams County (the "Landfill") and executed a Mitigation Agreement with WMW governing the rights and responsibilities of the County and WMW with respect to the Landfill ("Mitigation Agreement"); and

WHEREAS, on May 19, 1997, the Adams County Health District, after public review and consultation with the Washington State Department of Ecology, Adams County, and other

agencies, issued a "Full Permit for Municipal Solid Waste Landfilling, ("Full Permit") to WMW authorizing construction of the Landfill, with a ten-year term expiring on May 31, 2007; and,

WHEREAS, a Draft Environmental Impact Statement for the Landfill was issued by Adams County on March 18, 1992, and a Final Environmental Impact Statement was issued on August 9, 1993, and an Addendum to the County's Final Environmental Impact Statement was also adopted by the Health District, and the Board of Commissioners find that this action to extend the term of the Unclassified Use Permit for an additional three months is simply part of the same proposal and that such environmental documents are adequate to support this Resolution; and,

WHEREAS, Section II.B.2 and 3 of the Mitigation Agreement require that WMW commence construction of the Landfill within two years of obtaining the Full Permit from the Health District and commence operation of the Landfill within four years of such date; and

WHEREAS, Section XXII.K of the Mitigation Agreement provides that it may be amended in a writing signed by the County and WMW and that the County may amend the Mitigation Agreement without also requiring an amendment to the Unclassified Use Permit unless the Commissioners determine, in their discretion, that the proposed amendment constitute a substantial change in a material provision of the Unclassified Use Permit that requires public notice and hearing as provided in Adams County Municipal Code Chapter 17.72; and,

WHEREAS, on June 28, 1999, the County passed Resolution No. R-60-99 which approved an amendment to the Mitigation Agreement extending the date for commencing construction at the Landfill to May 31, 2007 and the date for commencing operation at the Landfill to May 31, 2009; and,

WHEREAS, on February 16, 2007, WMW submitted a request for renewal of Unclassified Use Permit, extension of implementation dates and modification of the Mitigation and Settlement Agreements, asking to extend the date for construction and implementation for an additional ten years (until May 31, 2017 and May 31, 2019, respectively) and submitted a corresponding request to the Health Department to renew the Full Permit for a similar ten-year period; and

WHEREAS, on March 28, 2007, the Adams County Technical Advisory Committee ("TAC") sent a letter to WMW requesting additional information to allow the TAC to complete its evaluation and recommendation regarding WMW's request to extend the term of the Unclassified Use Permit; and

WHEREAS, on April 6, 2007, WMW submitted additional information to the County; and,

WHEREAS, on April 27, 2007, WMW submitted a written Unclassified Use Permit/Mitigation Agreement Extension request to the County, asking to extend the dates for commencement of construction for 6 months (until October 31, 2007) to provide additional time for the County and WMW to consider revisions to the Mitigation Agreement to extend the deadlines for construction and operation, noting that the County

and WMW have both been diligently pursuing the information and negotiations necessary to consider that extension; and,

WHEREAS, on May 9, 2007, the Adams County Health Department issued a one-year renewal of the Full Permit, with a condition that requires WMW to obtain and comply with all of the terms of any extension of the Unclassified Use Permit and Mitigation Agreement;

NOW THEREFORE having considered the terms of the Mitigation Agreement as a whole, WMW's request for an amendment of the project implementation schedule, both WMW and the County's good faith efforts to complete the evaluation of the extension, and the complexity of the additional information needed to fully evaluate the request;

NOW THEREFORE BE IT HEREBY RESOLVED that the Adams County Commissioners find that an additional three months extension to the project implementation schedule is warranted to provide adequate time for WMW and the County to fully consider the request to extend the project implementation dates as requested by WMW in its February, 2007 letter. The Commissioners find that this extension does not constitute a substantial change in a material provision of the Unclassified Use Permit because (a) the amendment does not change the environmental standards and conditions applicable to the Landfill; (b) all County and State standards applicable to the Landfill will continue to apply; (c) Adams County's Unclassified Use Permit Ordinance sets no time limits by which construction and operation must commence; (d) the Health Department has issued a one-year renewal of the Full Permit; and, (e) three months is deemed to be adequate time to allow WMW and the County to complete review and negotiation of any issues or information necessary to determine whether a ten-year extension is warranted; and,

BE IT FURTHER RESOLVED that the Adams County Commissioners do hereby approve the proposed amendment of the Mitigation Agreement (the three-month extension) and authorizes the same to be executed.

DATED this 29th day of May, 2007.

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

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

UNCLASSIFIED USE PERMIT MITIGATION AGREEMENT

SECOND AMENDMENT

THIS SECOND AMENDMENT to the Adams County Unclassified Use Permit Mitigation Agreement dated February 22, 1994 is made between ADAMS COUNTY, a Washington municipal corporation (“Adams County”) and WASTE MANAGEMENT OF WASHINGTON, a Washington corporation (“WMW”).

RECITALS

WHEREAS, on February 22, 1994, the Board of County Commissioners for Adams County approved an Unclassified Use permit for WMW to construct a regional solid waste landfill on property located in the southeastern part of Adams County (the “Landfill”) and executed a Mitigation Agreement with WMW governing the rights and responsibilities of the County and WMW with respect to the Landfill (“Mitigation Agreement”); and,

WHEREAS, Section II.B.2 and 3 of the Mitigation Agreement required that WMW commence construction of the Landfill within two years of obtaining the Operating Permit from the Health District and commence operation of the Landfill within four years of such date; and,

WHEREAS, on July 1, 1999, WMW and the County entered into an amendment to the Mitigation Agreement which provided an extension of the date to commence construction and the date to commence operation of the Regional Landfill to May 31, 2007 and May 31, 2009, respectively; and,

WHEREAS WMW desires to further extend the time period for commencing construction and operation of the Adams County Regional Landfill in order to preserve the viability of such project; and,

WHEREAS, WMW’s current Unclassified Use permit for the Regional Landfill will expire on May 31, 2007; and,

WHEREAS, WMW submitted a timely request for a ten-year extension; and,

WHEREAS, WMW and the County need additional time to complete the evaluation of the extension request and to negotiate any necessary terms or conditions of such extension; and,

WHEREAS, a short extension to provide additional time to fully evaluate the request will not affect the environmental standards and conditions applicable to the Landfill; and,

WHEREAS, Adams County wishes to cooperate with WMW to provide adequate time to evaluate the request for a longer extension to maintain the viability of the regional landfill at least until that longer-term request can be evaluated;

NOW THEREFORE for valuable consideration, the sufficiency and receipt of which is acknowledged, the parties agree as follows:

Subsection II.B.2 of the Mitigation Agreement is amended to read as follows:

2. Construction of the Regional Landfill must commence by August 31, 2007.

All other terms of the Mitigation Agreement shall remain in full force and effect.

Nothing in this Amendment shall be construed to affect or constrain any future County decision regarding whether to further extend the term of the Unclassified Use Permit or the Mitigation Agreement for a longer term, pursuant to WMW's request.

EFFECTIVE date of this Amendment is May 29, 2007.

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

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

WASTE MANAGEMENT OF WASHINGTON, INC.
a Washington corporation
By: s/
Its: Vice President