

## **COMMISSIONERS' PROCEEDINGS**

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

**August 27, 2007**  
(Monday)

#### **Call to Order @ 8:30 a.m.**

#### **Present:**

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

10:06 a.m.

#### **Public Works**

Public Works Director O'Brien provided updates on general road maintenance and responded to inquiry regarding the policy on whether a road side is sterilized and/or mowed.

Engineer Johns reported that the Cow Creek Bridge area archeological study from the Spokane Indians was delayed due to water in the creek and would probably be granted a time extension from 9/01/07 to the first of the year. This extension will delay the bridge construction.

#### **Adams County Fairgrounds Road**

A resolution adopted in 1984 clarified some of the road issues relative to the entry onto fair property that was the subject of discussion and review due to individuals dumping debris in the haystack area and due to the potential for fire danger. Pending approval by Othello Fire Chief Fought, the road will be posted for "temporary closure". This will allow further study of the area prior to a final recommendation to the board.

10:43 a.m.

11:08 a.m.

#### **2008 Budget**

Auditor McBroom presented a request for extension of the date for presentation of the 2008 County budget per RCW 36.40.071. Anticipated date for presentation is September 17, 2007. The Board granted the extension request.

### **Elections (HAVA)**

Auditor McBroom reported that HAVA funding from the State had allocated \$9,200 to Adams County for training and education related to elections. McBroom proposed purchasing a set of CD's for Spanish language training. The Board authorized the purchase. Additional options to utilize the funding will be considered at a future date.

11:19 a.m.

### **Recess @ 12:00**

### **Reconvene @ 1:00 p.m.**

3:22 p.m.

### **Waste Management of Washington**

Commissioner Plager moved, Stevens seconded, to *approve Resolution No. R-70-07 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.

This resolution extends the project implementation deadline to November 30, 2007.

Commissioner Stevens moved, Plager seconded, to *approve the Unclassified Use Permit Mitigation Agreement Third Amendment between Adams County and Waste Management of Washington.* Motion carried.

This agreement amends and extends the construction commencement date to November 30, 2007.

### **911**

Commissioner Plager moved, Stevens seconded, to *authorize the Chairman to sign Amendment B to Contract E07-032, E911 Wireline/Wireless-Operations that provides financial assistance to the County solely for the expenses necessary to answer 911 calls originating in the county changing the overall contract amount from \$270,513 to \$425,376, an increase not to exceed \$154,863 (wireline increase \$76,942; wireless increase \$77,921).* Motion carried.

### **Consent Agenda**

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

Preliminary minutes of August 20, 22, 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         | 074015-074030         | \$ 4,545.81   |
| 103         | 074031                | \$ 106.09     |
| 104         | 074032-074040         | \$ 12,159.66  |
| 104B        | 074041-074046         | \$ 30,642.45  |
| 105         | 074047-074050         | \$ 25,000.00  |
| 112         | 074051-074052         | \$ 778.25     |
| 123         | 0704053               | \$ 3,600.00   |
| 502         | 074054-074059         | \$ 858.20     |
| 001         | 3026-3027             | \$ 251.53     |
| 115         | 3028-3032, 3034-3038  | \$ 19,073.79  |
| 401         | 3037-3040             | \$ 490.88     |
| 501         | 3041-3045             | \$ 3,010.80   |
| 590         | 3046-3056             | \$ 28,089.63  |
|             | TOTAL                 | \$128,607.09  |

3:24 p.m.

**Permanent Minutes Signed**

August 13 and 15, 2007

**Notice of Claim**

Claim received from Qwest for damages sustained on S. LeMaster Rd. and W. Gillis Rd., Othello, WA

**Correspondence Received**

Jim Stewart, Othello re: erection of 25 mph speed limit sign upon entering Cunningham from the north on Lind-Hatton Road

**Adjournment @ 3:50 p.m.**

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-70-07**

**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; and,

**WHEREAS**, on May 29, 2007, the County passed Resolution No. R-43-07, which approved (a) a three-month extension of the project implementation schedule in the Unclassified Use Permit; and (b) an amendment to the Mitigation Agreement extending the date for commencing construction at the Landfill to August 31, 2007; and,

**WHEREAS**, despite the due diligence and hard work of Adams County TAC and WMW, both the County and WMW need additional time to complete the evaluation of the extension request and to negotiate any necessary terms or conditions of such extension; and,

**NOW THEREFORE** having considered the terms of the Mitigation Agreement as a whole, both WMW and the County's good faith efforts to complete the evaluation of the extension, and the complexity of the information and negotiations 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) an additional 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 a three-month extension amendment of the Mitigation Agreement and authorize the same to be executed.

**DATED** this 27<sup>th</sup> day of August, 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