

COMMISSIONERS' PROCEEDINGS

Regular Meeting
Adams County Courthouse, Ritzville

January 26, 2009
(Monday)

Call to Order @ 8:30 a.m.

Present:

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

8:30 a.m.

Lobbyist

Lobbyist Potts (telephonically) reported on the following:

Day Labor Bill SB 5228
Ag Structures Bill SB 5120
Public Access at Open Public Meetings HB 1552
RSN funding - supplemental budget, biennial budget

Potts noted that most proposed bills requiring "new" funding will probably not be considered by the legislature.

8:48 a.m.

10:00 a.m.

Othello Walk/Bike Path Loop

Commissioner Stevens moved, Hartwig seconded, to *approve Pay Estimate #4 to Vono, Inc., Kennewick, for work completed 11/25/08 through 01/05/09 on the Othello Walk/Bike Path Loop in the amount of \$199.50. Motion carried.*

Cost Accounting Management System (CAMS)

Director O'Brien along with staff reviewed and discussed the following:

Work progress report for January through December, 2008 as detailed in the Activity, Crew, and Division categories of CAMS

Fuel costs based on average noting the top 10 vehicle users of which 3 of the top 5 users belong to public works vehicles

WSDOT and State Stimulus Projects that have been proposed by both entities for funding consideration

Town of Washtucna Pioneer Path

Director O'Brien presented the letters from the Town of Washtucna wherein Phase I and Phase II of a Path expansion is proposed along with a funding request. The request will be further reviewed by the Board and the Public Works Department.

Two (2) New Grader Attached Compactors

Commissioner Hartwig moved, Stevens seconded, to *approve Resolution No. R-04-09 Notice of Call for Bids for Two (2) New Grader Attached Compactors. Motion carried.* Bid opening was set for 10:00 a.m., Monday, February 9, 2009, in Room 202 of the Adams County Courthouse.

Equipment Rental Rates

A spreadsheet reflecting a breakdown of rental rates (cost, revenue and usage analysis) for 2006, 2007, and 2008 were reviewed. Projected equipment/vehicle rental rates for 2009 were noted. Some pieces of equipment will incur an annual rental rate rather than on the basis of actual usage.

Commissioner Stevens moved, Hartwig seconded, to *approve Resolution No. R-05-09 In the Matter of Establishment of Equipment Rental Rates for County Intragovernmental Fund #590. Motion carried.*
11:10 a.m.

Recess @ 12:00

Reconvene @ 1:00 p.m.

Recess @ 1:02 p.m.

Session closed to the public under RCW 42.30.140(4)(b) – “that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, ...”.

Gary and Valerie Hunt, Human Resources, were present for this session.

Reconvene @ 1:59 p.m.

1:59 p.m.

Prosecutor

Prosecutor Flyckt stated his opinion regarding the “legality” of Resolution No. R-66-08 In the Matter of Eliminating Positions that become Vacant within the County; and, what he believes are the Board’s legislative parameters.

Flyckt cited three points of concern:

1. “...purports to automatically eliminate funding upon the occurrence of some kind of future triggering event in contravention of the statutory process for adopting and or amending budgets which includes among other things the requirements of a public hearing and publication of notice.....there’s a process that has to be followed when it comes to adopting and amending a budget ...”
2. “...obviously in so far that it attempts to create some kind of a veto or a pre-approval process of a hiring or termination or even discipline process by an elected official in their office, that, in my opinion, clearly violates the law...”
3. “...one of the concerns with the language of that is, I think, depending on who looks at it, someone could very well construe something like that to be an attempt to in essence avert the law, in essence find a way to eliminate or get around the legal distinctions between the various branches of county government that are established by our State Constitution as well as statute and make the county into a system of unitary government...”

The Board responded by pointing out the county’s need to be fiscally responsible under the current budgetary constraints and reiterated the need to look at a position vacancy in conjunction with the department head to determine if, prior to filling the vacancy, there were some changes and modifications to duties needed including consideration to combine duties with one or several other positions.

Prosecutor Flyckt explained the budgetary parameters and restrictions within which each elected official must operate based on their adopted budget pointing out that by going over their budget allocation they could forfeit their bond.

Flyckt will prepare a 'draft' amendment to the resolution for further review and discussion.

Sunshine Fruit Farms et al v. Dan Joint Venture III et al and Adams County

Prosecutor Flyckt updated the Board on the case of Sunshine Fruit Farms LLC and Blue Bird, Inc. v. Dan Joint Venture III, LLC, Dan Joint Venture III, LP and Adams County. Prosecutor Flyckt will talk with the Plaintiff's Attorney; and, the case will be reported to the Washington Counties Risk Pool.

2:46 p.m.

Adams County Fair (convened in Public Works Conference Room)
Director O'Brien reviewed and discussed the following areas relative to the Adams County Fair and the Fair property:

Improvements

Plan – meetings to be held with Board of Commissioners, Fair Association, and Rodeo Association to ascertain list of improvements needed/wanted

Develop and Adopt a current and future Plan based on priorities

Implement based on priorities and available funding

Land

Management – lease(s) and maintenance schedule (the Board authorized proceeding immediately with securing outside leases for those pieces of the property appropriate for farming or grazing)

Water Plan

Consultation and review of recommendations from cross connection specialist

Fix the system

Operation

Secure the area and the buildings

Clean up the property and the buildings (Merritt Johnson and Tom Dennison were advised that all personal items located on the grounds were to be removed immediately so as to avoid the possibility of the county removing them and declaring them surplus)

Public Works will develop a "property rental program" upon completion of water system improvements

The Fair Association Agreement and the application for IRS 501(c)(3) status remain incomplete.

Chairman Plager left the meeting at 3:30 p.m. to attend the Adams County Water Conservancy Board meeting

County Designated Mental Health Professional

Commissioner Stevens moved, Hartwig seconded, to *appoint **Anneliese Corcoran, Psy D** as a Designated Mental Health Professional for Adams County as outlined in RCW 71.05 to be effective immediately.* **Motion carried.**

Consent Agenda

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

Preliminary minutes of January 20 and 21, 2009

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	090337-090388	\$ 95,235.55
103	090389-090392	\$ 12,393.27
104	090393-090406	\$ 21,410.84
105	090407-090408	\$ 23,749.94
111	Hand Pay	\$ 23,000.00
112	090409-090413	\$ 1,139.80
113	Hand Pay	\$ 496.00
114	090414	\$ 1,000.00
116	090415	\$ 240.90
117	090416-090429	\$ 3,730.52
123	090430	\$ 3,600.00
166	090431-090442	\$ 3,921.19
502	090443-090446	\$ 9,076.52
001	0001-0002	\$ 375.00
108	0003	\$ 1,283.10
115	0004-0029	\$ 16,640.18
401	0030-0038	\$ 2,666.46
501	0039-0047	\$ 12,059.31
590	0048-0068	\$ 13,756.88

TOTAL

\$245,775.46

Permanent Minutes Signed

January 12 and 14, 2009

Correspondence Sent

Diana Windsor, Washington State Auditor's Office, Spokane re: request for reduction in projected audit costs to be billed by the office for Adams County in 2009

Correspondence Received

Mayor Shannon McKay, City of Othello re: offender work crew project from Coyote Ridge Correctional Center

Adams County Historical Society, Irma E. Gfeller, Secretary re: request for 2009 allocation and report on 2008 activities and funds usage

Department of Ecology Agricultural and Open Burning Unit, Regional Air Quality Section re: audit report and supporting documentation for the 2008 audit of the Adams County Agricultural Burning Permitting Program

2008 Days Served and Booking Report for the Adams County Jail
NCWRSN LeRoy Allison, Administrator re: funding cuts to existing MHD contracts

Town of Washtucna re: Phase I and Phase II for Pioneer Walking Path

Adjournment @ 4:40 p.m.

Submitted:

s/Linda Reimer, MMC

Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS

ADAMS COUNTY, WASHINGTON

s/Rudy Plager, Chairman

s/Roger L. Hartwig, Vice-Chairman

s/Jeffrey W. Stevens, Commissioner

RESOLUTION NO. R-04-09

NOTICE OF CALL FOR BIDS

Adams County Department of Public Works

Notice is hereby given by the Board of Adams County Commissioners that sealed bids will be received at their office in the Courthouse in Ritzville, Washington, until 10:00 a.m., Monday, February 9, 2009 at which time and place they will be publicly opened and read for purchase of the following:

TWO (2) NEW GRADER ATTACHED COMPACTORS

Please identify bids on the outside of the envelope as:
“Grader Attached Compactors, Public Works Department”

Specifications and bid forms are available at the Adams County Public Works Department office, 210 W. Alder, Ritzville, Washington, 99169. Bids must be on the forms provided by the Public Works Department office and be attached to the County specifications.

Bidder shall submit bid in separate sealed envelope addressed to the Adams County Board of Commissioners, 210 W. Broadway, Ritzville, Washington 99169.

The Board of Adams County Commissioners reserves the right to reject any or all bids, to waive informalities or irregularities in the bids or in the bidding, if the best interest of Adams County will be served, or to accept the bid, which in their opinion serves the best interest of Adams County.

Bidders are advised that Adams County, being a municipal corporation, is exempt from Federal excise tax.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

Dated this 26th day of January, 2009.

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

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

RESOLUTION NO. R-05-09

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

**IN THE MATTER OF ESTABLISHMENT OF EQUIPMENT RENTAL RATES FOR
COUNTY INTRAGOVERNMENTAL FUND #590**

WHEREAS, the State of Washington requires an annual review, and adjustment if necessary, of equipment rental rates imposed by the Intergovernmental Fund #590; and,

WHEREAS, that review process was completed on January 26, 2009 and rates modified as necessary;

THEREFORE BE IT HEREBY RESOLVED that the Adams County Public Works Department - Rental Rates Chart as attached is hereby adopted.

DATED this 26th day of January, 2009.

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

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