

COMMISSIONERS' PROCEEDINGS

Adams County Courthouse, Ritzville
April 20, 1998

The Adams County Commissioners met in regular session at 8:30 a.m. on Monday, April 20, 1998, in Ritzville, with Chairman Schlagel and Commissioners Wills and Logan present.

Vouchers audited and certified by the auditing officer as required by RCW 42.23.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the board.

Commissioner Logan moved, Wills seconded, to approve for payment those vouchers included in the above list and further described as follows: #001 (981576-981612) for \$16,664.89; #102 (981613-981623) for \$6,054.65; #104 (981624-981636) for \$2,958.23; #106 (981637) for \$228.75; #108 (981638-981650) for \$1,816.40; #113 (981651-981653) for \$136.51; #117 (981655-981657) for \$362.05; #126 (981658) for \$67.50; #166 (981659-981679) for \$2,335.50; #101 (1046-1066) for \$11,400.40; #115 (1067-1099) for \$82,978.80; #401 (1100-1106) for \$3,931.55; #590 (1107-1165) for \$78,545.46; for a total of \$207,481.19. Motion carried.

Commissioner Wills moved, Logan seconded, to authorize the chairman to sign Contract #C12228 Amendment between Adams County and Washington State University to facilitate reimbursement of Adams County for expenditures related to Bill Schillinger's support for the period January 1, 1998, through June 30, 1998. Motion carried.

*0-561

Public Works Director Long provided an update on general road maintenance issues; informed that grass and flowers/shrubs are being planted at the Othello Sheriff's Office yard; noted a county engineer has been hired and is expected to begin by the 27th of April; and, discussed SWAC agenda items.

*561-902

It being the time of 11:00 a.m. and the place set for the opening of bids for reconstruction of Danekas and Schoessler Roads, bids were opened from:

| | |
|---|--------------|
| Acme Materials & Construction 955 W. Lacey Richland, Washington 99352 | \$813,458.00 |
| Selland Construction, Inc. | \$851,086.25 |

P. O. Box 119
Wenatchee, WA 98807

Goodfellow Bros., Inc. \$875,875.00
P. O. Box 598
Wenatchee, WA 98807

Central Washington Asphalt, Inc. \$838,023.90
P.O. Box 939
Moses Lake, WA 98837

DeAtley Company, Inc. \$830,789.00
P. O. Box 648
Lewiston, Idaho 83501

Grady's Inc. \$805,593.00
P.O. Box 1120
Airway Heights, Washington 99001

Westway Construction, Inc. \$856,123.10
P. O. Box 348
Nine Mile Falls, Wa 99026-0348

Tommer Construction Co., Inc. \$893,005.45
P. O. Box 1150
Ephrata, WA 98823

Engineer's estimate \$864,598.50.

*902-1911

The board participated in a conference call with Grant and Franklin County Commissioners to discuss "funding" and "match proportions" for the Ground Water Management Area grant funding.

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

*1911-2023

It being the time of 1:15 p.m. and the place set for the public hearing to consider proposed Ordinance No. O-03-98 An Ordinance levying a two percent excise tax on the sale or charge made for the furnishing of lodging, Chairman Schlagel opened the public hearing.

There was one member of the public present. No comments were received. Chairman Schlagel closed the hearing at 1:18 p.m.

Commissioner Logan moved, Wills seconded, to approve **ORDINANCE NO. O-03-98 AN ORDINANCE LEVYING A TWO PERCENT EXCISE TAX ON THE SALE OR CHARGE MADE FOR THE FURNISHING OF LODGING; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF THE TAX; CREATING A SPECIAL FUND TO BE KNOWN AS THE "TOURISM ENHANCEMENT FUND"; PROVIDING PENALTIES; AND, ADDING A NEW CHAPTER TO THE ADAMS COUNTY CODE.**

Motion carried.

*2023-2159

It being the time of 1:30 p.m. and the place set for the public hearing to consider proposed Ordinance No. O-04-98 An Ordinance renewing the Cable Television Franchise for Northland Cable Television, Inc., Chairman Schlagel opened the public hearing.

Northland Cable Television, Inc. Regional Manager Dawn A. Hill was present. No comments were heard. Chairman Schlagel closed the hearing at 1:33 p.m.

Commissioner Wills moved, Logan seconded, to approve **ORDINANCE NO. O-04-98 AN ORDINANCE RENEWING THE CABLE TELEVISION FRANCHISE FOR NORTHLAND CABLE TELEVISION, INC.** Motion carried.

*2023-2597

The board discussed with Special Counsel Jay Derr the references in his letter received this date regarding the "tolling of time" for Waste Management of Washington.

*2597-2667

It being the time of 2:00 p.m. and the place set for the opening of bids for the official legal newspaper for the county, bids were opened from:

Ritzville Adams County Journal July 1, 1998 - June 30, 1998
P. O. Box 288
Ritzville, Washington 99169-0288

Commissioner Wills moved, Schlagel seconded, to award the bid for the official legal newspaper to the Ritzville Adams County Journal for the period July 1, 1998 through June 30, 1998 at the rate of \$5.00 per column inch. Motion carried.

Commissioner Wills moved, Schlagel seconded, to approve **RESOLUTION NO. R-31-98 IN THE MATTER OF SETTING SALARIES FOR ELECTED OFFICIALS IN ADAMS COUNTY.** Motion carried.

Commissioner Logan moved, Wills seconded, to approve **RESOLUTION NO. R-33-98 IN THE MATTER OF APPOINTMENTS TO THE GROUND WATER ADVISORY COMMITTEE (GWAC) FOR THE GROUND WATER MANAGEMENT AREA (GWMA).** Motion carried. Appointed were the following individuals representing the interests noted:

| | |
|-------------------|---|
| Jake Wollman, Jr. | Deepwell |
| LeRoy Watson, Jr. | Dryland |
| Mike Andersen | Othello |
| Paul Stoker | At-large |
| Allen Floyd | Potato Commission |
| Tom Lyda | Farm Bureau |
| Chris Lyle | Washington Association of Wheat Growers |
| Mark Booker | Irrigation District |

*2667-3456

Stan Dammel inquired if the county would be willing to send a representative to sit on a board that is considering formation of an insurance pool being proposed by Canfield & Associates. The county would be obligated to proceed under certain guidelines under the Washington Counties Risk Pool prior to proceeding with any changes.

*3456-3770 (tape changeover #2) *0-104

Ann Hennings spoke to the board regarding National Volunteer Week and requested and received their endorsement and signature on a letter to be sent to all 4-H youth and family development volunteers currently serving within Adams County.

Correspondence was received from:

Yakima Commissioners re: Interior Columbia Basin Ecosystem Management Project

Energy Facility Site Evaluation Council re: invitation for county to appoint a new member to the EFSEC to represent county in matter of application review for proposed Cross Cascade Pipeline Project

City of Othello re: response regarding interest in adoption of Adult Entertainment Ordinance

Copy of Trend Analysis report to assist with identifying and analyzing driving forces and critical factors that have or will influence transportation system

City of Othello re: inquiry regarding location of recycling center

Yakima River Basin Water Enhancement Project, Washington DRAFT Programmatic Environmental Impact Statement

Billy L. Morris re: request to divert money provided City of Othello Library to be used for upkeep for the proposed new sports field in the County

Jay P. Derr, Buck & Gordon LLP re: PCHP No. 97-88 (Order Continuing Hearing Dates and Staying All Proceedings) in matter of OPAL v. Adams County Health District and Waste Management Disposal Services of Washington, Inc.

Preliminary minutes of April 13, 1998 were reviewed and approved.

There being no further business to come before the board the meeting adjourned at 4:30 p.m.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/W. L. Schlagel, Chairman
s/Bill Wills, Commissioner
s/Shawn R. Logan, Commissioner

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

RESOLUTION NO. R-31-98

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

IN THE MATTER OF SETTING SALARIES FOR ELECTED OFFICIALS IN ADAMS COUNTY

WHEREAS, the salaries of all elective county officials, except superior and district court judges, are fixed by the county legislative authority following a public hearing process; and,

WHEREAS, public hearings to consider salaries for elected officials was held on December 10, 1997, December 15, 1997, and again on March 16, 1998; and,

WHEREAS, the compensation of the county legislative authority responsible for fixing salaries shall neither be increased nor diminished after his/her election, or during his/her term of office;

NOW THEREFORE BE IT RESOLVED that salaries for elected officials effective January 1, 1999, and for the noted years thereafter shall be as follows:

| YEAR | COMMISSIONER #1 | COMMISSIONER #2 | COMMISSIONER #3 |
|-------------|------------------------|------------------------|------------------------|
| 1998 | \$22,055 | \$22,055 | 1998 \$23,351 |
| 1999 | \$22,055 | \$22,055 | 1999 \$25,750 |
| 2000 | \$22,055 | \$22,055 | 2000 \$26,950 |
| 2001 | \$28,150 | \$28,150 | 2001 \$28,150 |
| 2002 | \$29,350 | \$29,350 | 2002 \$29,350 |

Salary for the position of County Commissioner shall raise \$1,200 per year and each year thereafter effective 2003.

Salary for each Commissioner position in each District shall be the same effective 2001 and henceforth thereafter.

YEAR Assessor, Auditor, Treasurer, Clerk

| | |
|------|----------|
| 1998 | \$40,723 |
| 1999 | \$43,123 |
| 2000 | \$44,323 |
| 2001 | \$45,523 |
| 2002 | \$46,723 |

YEAR Sheriff

| | |
|------|----------|
| 1998 | \$42,670 |
| 1999 | \$45,070 |
| 2000 | \$46,270 |
| 2001 | \$47,470 |
| 2002 | \$48,670 |

YEAR Prosecuting Attorney

| | |
|------|----------|
| 1998 | \$60,000 |
|------|----------|

1999 \$62,400
2000 \$63,600
2001 \$64,800
2002 \$66,000

AND BE IT FURTHER RESOLVED THAT any previous resolutions relating to elected officials salaries are hereby rescinded.

DATED this 20th day of April, 1998.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/W. L. Schlagel, Chairman
s/Bill Wills, Commissioner
s/Shawn R. Logan, Commissioner

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

RESOLUTION NO. R-33-98

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

**IN THE MATTER OF APPOINTMENTS TO THE GROUND WATER ADVISORY
COMMITTEE (GWAC) FOR THE GROUND WATER MANAGEMENT AREA (GWMA)**

WHEREAS, individuals residing within Adams County have volunteered to serve as members of the Irrigated and Dryland Agriculture Committee; and,

WHEREAS, these individuals are active, qualified, and experienced within the specific areas they are being appointed to represent; and,

WHEREAS, the Board of Adams County Commissioners has the responsibility to appoint these members and forward their names to the Department of Ecology following which the Department of Ecology will then officially confirm these appointments;

THEREFORE BE IT RESOLVED that the following individuals are hereby appointed to the Irrigated and Dryland Agriculture Ground Water Advisory Committee to represent the citizens of Adams County in Ground Water Management Area matters:

| | |
|-------------------|---|
| Jake Wollman, Jr. | Deepwell |
| LeRoy Watson, Jr. | Dryland |
| Mike Andersen | Othello |
| Paul Stoker | At-large |
| Allen Floyd | Potato Commission |
| Tom Lyda | Farm Bureau |
| Chris Lyle | Washington Association of Wheat Growers |
| Mark Booker | Irrigation District |

DATED this 20th day of April, 1998.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/W. L. Schlagel, Chairman
s/Bill Wills, Commissioner
s/Shawn R. Logan, Commissioner

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

ORDINANCE NO. O-03-98

AN ORDINANCE LEVYING A TWO PERCENT EXCISE TAX ON THE SALE OR CHARGE MADE FOR THE FURNISHING OF LODGING; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF THE TAX; CREATING A SPECIAL FUND TO BE KNOWN AS THE "TOURISM ENHANCEMENT FUND"; PROVIDING PENALTIES; AND, ADDING A NEW CHAPTER TO THE ADAMS COUNTY CODE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF ADAMS COUNTY, WASHINGTON, as follows:

SECTION 1. ADAMS COUNTY CODE CHAPTER

A new chapter is added to the Adams County Code to be entitled "Tax on the Furnishing of Lodging" and codified as Chapter 3.14.

SECTION 2. IMPOSITION OF TAX

A special excise tax of two percent (2%) is levied on the sale of or charge made for the furnishing of lodging by a hotel, motel, rooming house, bed and breakfast establishment, tourist court, trailer camp or court, and the granting of any similar license to use real property; as distinguished from the renting or leasing of real property; PROVIDED, however, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

SECTION 3. CITY TAX CREDIT

Pursuant to RCW 67.28.180(2)(a) a credit shall be allowed against the county tax imposed in the preceding section for the full amount of tax imposed by any city in Adams County upon the same taxable event.

SECTION 4. DESIGNATED AGENT

The Washington State Department of Revenue is designated as Adams County's agent for purposes of collection and administration of the tax levied, at no cost to Adams County.

SECTION 5. ADMINISTRATION AND COLLECTION OF TAX

1. The administrative provisions contained in Chapters 82.08 and 82.31 RCW shall apply with respect to administration and collection of the tax levied in this Chapter.
2. All rules and regulations adopted by the Department of Revenue for the administration of Chapter 82.08 RCW are made a part of this Chapter.
3. The Department of Revenue shall prescribe such special forms and reporting procedures as the Department may deem necessary for the collection and reporting of the tax levied.

SECTION 6. TAX ADDITIONAL

The tax levied in this chapter shall be in addition to any license fee or any tax imposed or levied under any law, or under any other ordinance of Adams County.

SECTION 7. SPECIAL FUND CREATED – PURPOSES ENUMERATED

There is created a special fund to be known as the “Tourism Enhancement Fund”. All taxes levied under this Chapter shall be placed in the Fund for the purposes of paying all or any part of the cost for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion; and, until withdrawn for use, the moneys accumulated in such fund may be vested in interest-bearing securities by the County Treasurer in any manner authorized by law. The fund established herein shall be a contingent reserve fund and shall not lapse at the end of each fiscal year.

The taxes levied and placed in the Fund may also be used for any other authorized purpose under RCW 67.28.210 as now exists or as may later be amended.

SECTION 8. PENALTY FOR VIOLATION

Any person violating or failing to comply with any of the provisions of this Chapter, or any lawful rule or regulation adopted pursuant to this Chapter shall pay a penalty not to exceed two hundred fifty dollars. Each day a violation continues will be considered a separate violation subject to imposition of the penalty.

SECTION 9. SEVERABILITY

If any section, subsection, clause, phrase, or word in this ordinance or any provision adopted by reference is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or any provision adopted by reference.

SECTION 10. EFFECTIVE DATE OF TAX

The tax levied in this Chapter shall be effective on the 1st day of July, 1998, and shall be collected by the Department of Revenue and distributed to Adams County pursuant to applicable rules and regulations of the Department of Revenue.

ADOPTED AND APPROVED THIS 20th day of April, 1998.

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

s/Shawn R. Logan, Commissioner

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

Approved as to form:
s/L. R. "Rusty" McGuire
Special Counsel

ORDINANCE NO. 0-04-98

**AN ORDINANCE RENEWING THE CABLE TELEVISION FRANCHISE FOR
NORTHLAND CABLE TELEVISION, INC.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF ADAMS COUNTY,
WASHINGTON, as follows:**

SECTION 1.

On October 22, 1981, by Ordinance No. 115-81, Sammons Communications of Washington, Inc. was granted a franchise to construct, operate and maintain a cable television system in the County. By letter, dated December 14, 1993, the County was timely notified of the grantee's intent to renew the Franchise pursuant to federal law. On May 8, 1995, by resolution, the County consented to the assignment and transfer of the Franchise to Marcus Cable Associates, L.P. and extended the term of the Franchise until October 31, 1997. On September 3, 1996, by Resolution No. R-91-96, the County consented to the subsequent assignment and transfer of the Franchise to Northland Cable Television, Inc. and its assigns. By letter, dated September 29, 1997, the County further extended the term of the Franchise. The County, after due consideration of such renewal request and following public hearings on the matter, has determined it is appropriate and in the best interest of the residents of the County to further extend the term of the Franchise.

SECTION 2.

The term of the Franchise is hereby extended for a period of ten (10) years, commencing on November 1, 1997, and expiring on October 31, 2007; provided, however, if on or prior to October 31, 2007, the County has not notified the grantee under the Franchise in writing that the grantee is not in material compliance with the terms and conditions of the Franchise, the term of the Franchise shall automatically be further extended for an additional five (5) year period, commencing November 1, 2007, and expiring October 31, 2012.

SECTION 3.

Section 14 of the original Franchise is hereby amended to add the following provision to the beginning of the first sentence:

Except for the assignment from time to time to its lender(s) for security purposes only and to its affiliate(s),

SECTION 4.

Except as specifically set forth in this Ordinance, the Franchise, as amended and assigned, shall remain in full force and effect in accordance with its terms.

APPROVED AND ADOPTED this 20th day of April, 1998.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/W. L. Schlagel, Chairman
s/Bill Wills, Commissioner
s/Shawn R. Logan, Commissioner

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

Approved as to form:
s/L. R. "Rusty" McGuire
Special Counsel