

# COMMISSIONERS' PROCEEDINGS

Adams County Courthouse, Ritzville

November 9, 1998

The Adams County Commissioners met in regular session at 8:30 a.m. on Monday, November 9, 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 (986009-986077) for \$34,761.01; #102 (986078-986083) for \$2,623.28; #103 (986084-986086) for \$7,458.61; #104 ((986087-986092) for \$403.10; #109 (986093) for \$485.81; #113 (986094) for \$79.00; #116 (986095) for \$10,233.81; #17 (986096-986102) for \$1,079.33; #130 (986103-986104) for \$260.59; #131 (986105) for \$260.35; #590 (1084) for \$4,382.23; for a total of \$62,027.12. Payroll in the amount of \$399,460.93; and benefits in the amount of \$96,665.45. Motion carried.

\*0-402

Special Counsel L. R. "Rusty" McGuire met with the board to review status of the Public Defender Proposals. McGuire noted that due to some concern relayed to him by various individuals, that the Risk Pool and pool assigned Special Counsel were consulted. Verbally McGuire reported to the board that input from the judges regarding the current public defenders was positive. Following discussion, Commissioner Logan moved, Wills seconded, to "reject all public defender proposals". Motion carried.

The Board then went into executive session under RCW 42.30.110(d) with Attorney Morgan, Szott, and Felice from 8:50 a.m. until 9:10 a.m. Special Counsel McGuire, Commissioner-elect Stevens, and Shelly Macsuga were also present.

The Board and Special Counsel McGuire continued discussions on the proposed contract.

The Board and Attorney Szott and Felice went into executive session under RCW 42.30.110(d) from 9:24 a.m. until 9:35 a.m. Special Counsel McGuire, Commissioner-elect Stevens and Shelly Macsuga were present.

The Board went into executive session under RCW 42.30.110(g) from 9:40 a.m. until 9:50 a.m. with Public Works Director Leon Long.

\*402-830

Public Works Director Long reported on road maintenance, the November 7 auction of surplus county equipment; the pending Traffic Study being conducted with the City of Othello and Othello Port District to facilitate planning; and, on a meeting scheduled with the City of Othello to discuss RTPO funding.

Public Works Director Long, Engineer Lijek, and Engineering Tech O'Brien reviewed the proposed 1999 budget for the department.

The board set Monday, November 23, 1998, at 10:00 a.m. in Room 202 of the Adams County Courthouse for the public hearing on the 1999-2004 Six Year Transportation Improvement Program.

\*830-1011

Prosecutor Sandhaus inquired as to when the appointment for the Public Defenders was set since it was not noted on the agenda posted on Friday, November 6. He was informed that the Public Defenders had asked for an appointment earlier this date (November 9, 1998).

Commissioner Logan then stated for Mr. Sandhaus's information that all proposals had been rejected by the Board earlier this date.

The current Public Defenders requested executive session to negotiate the terms of a contract. Prosecutor Sandhaus expressed his opinion that the executive session was not appropriate.

Public Defender Szott reiterated their request for an executive session due to the fact that if the board chose to go out again for proposals negotiations in open session at this time may adversely affect a future proposal by them. Sandhaus noted his objection to the executive session request.

The board went into executive session from 11:20 a.m. until 11:45 a.m. under RCW 42.30.110(d) with Public Defenders Morgan, Szott, and Felice. Special Counsel McGuire, Commissioner-elect Stevens, Carol Hartig, and Shelly Macsuga were present.

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

\*1011-1546

Audrey Schaible, local realtor, met with the board to request intervention with rules and regulations imposed under Labor and Industries for issuance of permits for purchase/sale of older mobile homes. Schaible requested changes to facilitate conformity with inspections throughout the State and requirements being stated up-front if a building and L&I permit are both required and if certain conditions need to be met.

The board discussed proposed 1999 budget details with Clerk Bob Blair in workshop session.

\*1546-1620

Attorney Felice inquired if further discussion was needed at this time on the public defender proposal.

The board went into executive session under RCW 42.30.110(d) from 1:50 p.m. until 1:55 p.m. with Attorney Szott and Felice. Commissioner-elect Stevens and Shelly Macsuga were present.

Commissioner Wills moved, Logan seconded, to approve **RESOLUTION NO. R-79-98 IN THE MATTER OF LOAD RESTRICTIONS ON ADAMS COUNTY ROADS**. Motion carried. Restrictions will be imposed as deemed necessary after November 15 up to April 15.

The Board discussed proposed 1999 budget details with Auditor Crossler in workshop session.

\*1620-1685

Commissioner Logan moved, Schlagel seconded, to approve the County entering into a professional services contract with Fred Glick Associates to provide Rodeo Lake planning specifically a vision, concept and implementation program in the amount of \$10,000 with half of that to be reimbursed the county by the City of Othello. Motion carried. Funds will be expended from Current Expense, non-departmental.

\*1685-2106

Commissioner Logan discussed and summarized action of the board on the public defender proposals to this date/time.

Logan noted that negotiations this date with the current public defenders provided for four conflicts, civil contempt, and a second chair on death penalties. Logan reported that Judges consulted regarding the performance of the current defenders unanimously viewed the current defenders' services as of value and of benefit to the county.

Commissioner Logan disclosed that Attorney Felice had been retained by him to handle the refinancing of his home and had handled some miscellaneous matters for him on a very limited basis. His regular attorney is Reed & Geisa. He removed himself from the final decision.

Commissioner Wills disclosed that Attorney Morgan is his personal attorney who is currently handling a real estate project for him. He removed himself from the final decision.

Since two of the commissioners removed themselves from the final decision that left no quorum of the board to handle the matter. Chairman Schlagel brought Commissioner Logan and Wills back on the board to consider the public defender matter.

Commissioner Logan moved, Schlagel seconded, to have Adams County enter into a contract with Dennis W. Morgan and Paul J. Szott et al for a five (5) year period at \$237,000 per year with terms included in the current contract to be included in the new contract in addition to those agreed upon regarding contempt, four conflicts, and second chair for death penalties. Discussion followed.

Vote was called with Logan and Schlagel voting yes; Wills abstaining. Motion carried.

Correspondence was received from:

Robert E. Jahns, Jr. re: request for extension of time frame for two additional years to begin construction phase of project on FU 232, Block 49  
 Floyd Coffman, Chair Habitat for Humanity Building Committee re: request for county to gift or sell lot in Edson Tracts for building of a home  
 Copy of letter to Vice President Al Gore from Governor Gary Locke et al re: salmon restoration and conservation effort  
 William T. Riley, BBEDC re: dam removal  
 Richard Erickson, East Columbia Basin Irrigation District re: program to introduce grass carp under a controlled situation for aquatic weed control at site EL 68V Wasteway which adjoins property owned by county  
 State Superintendent of Public Instruction re: 1999 School District Levy Authority

Preliminary minutes of November 2, 1998, were reviewed and approved. Permanent minutes of October 26, 1998, were signed.

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/AAE  
 Clerk of the Board

**RESOLUTION NO. R-79-98**

**LOAD RESTRICTIONS ON ADAMS COUNTY ROADS**

NOTICE IS HEREBY GIVEN THAT EMERGENCY RESTRICTIONS for vehicles on all Adams County Roads shall be imposed as deemed necessary after **November 15, 1998** and continuing in full force and effect until **April 15, 1999** and during the time as set forth above, the GROSS LOAD LIMITS shall be based on the table as set forth herein. During the period, restrictions may be intermittent depending on weather conditions and permission may be granted by the Road Department to waive loads in excess of those stated herein. When restrictions are removed for prolonged periods, restriction signs will be covered.

TIRE SIZE	GROSS LOAD	TIRE SIZE	GROSS LOAD
6.00	1400 lbs.	6.50	1500 lbs.
6.50	1600 lbs.	7.0	1600 lbs.
7.0	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.0	2250 lbs.	11-22.5	2750 lbs.

10.00	2750 lbs.	11-24.5	2750 lbs.
11.00	3000 lbs.	12-22.5	3000 lbs.

Any loading in excess of the above specified maximum will be considered a violation of this order. It is the intention of this Board that gross loads be permitted identical to the Emergency Load Restrictions of the Washington State Department of Highways with further special restrictions if and where necessary and as posted.

It is hereby ordered that the above be adopted and shall be published in a legal manner and the roads hereby posted accordingly.

Dated at Ritzville, Washington this 9<sup>th</sup> day of November, 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