

COMMISSIONERS' PROCEEDINGS

**Regular Meeting
Adams County Courthouse, Ritzville**

**September 28, 2009
(Monday)**

Call to Order @ 8:30 a.m.

Present:

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

8:36 a.m.

Public Defender Contract

Prosecutor Flyckt, acting as civil counsel for the Board, reviewed the options under which the Board could go into executive session prior to commencing the interviews with the attorneys/firms that submitted public defender proposals.

Chairman Plager called executive session under RCW 42.30.110(1)(d) "to review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs" for fifteen (15) minutes.

Session was held from 8:40 a.m. until 8:55 a.m. At 8:55 a.m. a five (5) minute extension was announced and posted. Executive session continued from 8:55 a.m. until 9:00 a.m.

9:03 a.m.

Rezone Application Prime Ag to Light Industrial

Suzanne Meek, Ritzville, presented copies of a letter being sent to Loren Wiltse, Planning Director and the Adams County Planning Commission, serving notice of the intent of Don Arlt, Kevin Arlt, and Suzanne Meek, to withdraw their property (Section 21, Township 20, Range 36 parcel numbers 2036210000001, 2036210000002) from a current rezone application; and, to put Section 27, Township 20, Range 36 (four parcels 20362603300001, 2036270100002, 2036270300001, and 2036270100001) as a friendly amendment to application number 350209

and to put this property back into Prime Agriculture Land. The Adams County Planning Commission is scheduled to hear this matter on October 15, 2009.

9:06 a.m.

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Public Defender Contract

Prosecutor Flyckt advised the Board regarding their decision to award the public defender contract noting that any award should be conditional upon the parties clarifying any unresolved terms and receiving agreement. If the parties are unable to conclude the negotiations successfully then the proposal process should be re-opened. The Board and the Prosecutor clarified their roles during the interviews and negotiation process.

9:25 a.m.

10:00 a.m.

Public Defender Interview

Attorneys Julian St. Marie, Alan White, Karen Lindholdt, and Mark Hodgson met with the Board to review and respond to terms in their proposed *draft* public defender contract. Negotiations were held on several of the terms and clarifications sought.

Proposed contract cost: \$375,000 for 2010; \$387,500 for 2011; \$400,000 for 2012; and \$415,000 for 2013.

The Board agreed to make a preliminary award decision by 5 p.m. on September 28, 2009. All parties would be notified either in person or by telephone.

11:14 a.m.

11:15 a.m.

Ritzville District Court Judge Hille joined the meeting and discussed case carryover issues and attorney qualifications as well as input from reference checks she had done.

11:29 a.m.

Recess @ 12:00

Reconvene @ 1:00 p.m.

1:30 p.m.

Public Works General Session

Director O'Brien provided reports on cracksealing, Hills-Urquhart Road Project, and the carpeting project for the courthouse third floor. The recycling building in Othello is scheduled to be cleaned out by October 15 with the building removal process remaining to be scheduled.

Multiple Equipment Award

Commissioner Hartwig moved, Stevens seconded, to award the equipment bids as follows based on the recommendation of the Public Works Department:

1-Self Propelled Power Broom

Clyde/West for the 2009 Broce RCT 350 and exercise the trade-in offer for a total bid cost of \$38,811.71;

1-Car Tilt Trailer

Fox Trailer for the 2010 Fox at a total cost of \$5,950.43

2-Snow Plow V Style

Cobalt Truck Equipment for the 2009 Fisher 8 ½ Xtreme V at a total cost of \$10,220.73;

2-Sliding 3 Axle Trailer

Purchase one 2010 Trail-EZE TE501 from Mid-Mountain Machinery as the lowest responsive bidder meeting specifications at the unit price of \$40,650.00 plus \$3,130.05 in tax for a total cost of \$43,780.05. No trade-in option would be exercised and the trailers will be taken to auction. Discussion will be held with the vendor to hold the purchase price of the trailer constant for a period not to exceed six months. This would allow the County to budget for the purchase in 2010 after the fall auction.

1-Double Drum Vibratory Roller

Public Works will review Mid-Mountain Machinery's 2007 Bomag BW120AD-4 with fifty hours and if deemed acceptable purchase at the bid price of \$22,500 plus tax for a total of \$24,232.50. If the item is unacceptable the bid will be awarded to Rowan Machinery at a total price of \$34,464.00. Trade-in offer will not be exercised and Equipment #962 will be kept as a back-up.

There were no bids received for the one HydroSeeder. The Department will be looking at all vendors to determine availability and/or reasoning for no bids. Quotes will be requested from companies that have machines available to see if a purchase within budget (\$35,000) could be made.

2:12 p.m.

4:08 p.m.

Public Defender Interview

Attorney Chris Bajalcaliev reviewed his draft proposal of September 8, 2009, that was later modified in a letter dated September 17, 2009. Terms

contained in the *draft* contract were reviewed. Attorneys who will be working under the contract were identified.

Proposed contract cost: \$370,000 for 2010; \$385,000 for 2011; \$400,000 for 2012; and, \$415,000 for 2013.

4:41 p.m.

4:42 p.m.

Public Defender Discussion/Preliminary Acceptance

The Board discussed terms of the two contracts and the service provided by the current Public Defenders (Chris Bajalcaliev, Lewellen, and associate attorneys).

Commissioner Hartwig moved, Stevens seconded, to *accept the proposal from Attorney Chris Bajalcaliev modified and dated September 17, 2009, in the amount of \$370,000 for 2010 with a \$15,000/year increase for each of the following years 2011, 2012, and 2013 subject to final contract terms and conditions being included in the contract and subject to full agreement and execution by both parties. Motion carried unanimously.*

Attorney Bajalcaliev will finalize the contract; submit it for review by Prosecutor Flyckt; and, then submit it for final review and execution by the Board on October 5, 2009.

Consent Agenda

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

Preliminary minutes of September 21 and 23, 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	093766-093819	\$136,402.06
103	093820-093823	\$ 1,526.70
104	093824-093835	\$ 27,082.22
105	093836-093839	\$ 22,911.61
106	093840-093841	\$ 707.64
112	093842	\$ 34.50

114	093843	\$ 2,745.47
117	093844-093851	\$ 1,124.73
121	093852-093858	\$ 3,884.11
166	093859-093864	\$ 1,204.10
502	093865-093877	\$ 5,322.16
001	2859-2861	\$ 14,874.47
108	2862-2869	\$ 10,823.76
115	2870-2884	\$266,035.40
122	2885-2887	\$ 5,843.37
401	2888-2900	\$ 30,719.62
501	2901-2908	\$ 13,716.96
590	2909-2938	\$ 99,704.89
TOTAL		\$644,663.77

Permanent Minutes Signed

September 14 and 16, 2009

Adjournment @ 5:15 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