

Minutes for March 18th, 2002

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059384 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, March 18, 2002 at 10:10 a.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

10:10 a.m. - Board Business.

D059384A 1. Call to Order/Pledge of Allegiance.

Present: Fran Martin, Jennifer Snead, Evan Ellis and Chris Anderson.

059385 2. The Chairman noted this is a very sad day for Whitman County due to the death of the County Administrator, Richard H. "Dick" Brown, on March 14, 2002. In honor of Mr. Brown, Chairman Partch read a proclamation into the record. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to authorize the proclamation.

PROCLAMATION

In Honor of Richard H. (Dick) Brown

WHEREAS Richard H. (Dick) Brown, Whitman County Administrator since 1988, passed away suddenly on March 14, 2002, and

WHEREAS Among Dick Brown's many duties, he has been County Administrator in charge of budget, finance risk manager, claims administrator, grant manager, fixed asset manager, The Board of County Commissioners' Administrator and advisor and many other untitled duties too numerous to mention, and

WHEREAS Dick Brown, was a devoted husband, father, grandfather and was a devoted member of St Paschal's Catholic Church and a kind, patient, gentle man as well as a good friend, man of integrity with a wonderful sense of humor and,

WHEREAS Dick Brown was proud to have served his Country as a Medic in the United States Army .

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that the flags at the Courthouse and County Offices are lowered to half-staff, Friday, March 15, 2002, until Wednesday, March 20th 8:00 a.m. in honor of Richard H. (Dick) Brown.

Dated this 18th day of March 2002.

We will miss you good friend,

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

G. R. Finch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

D059385A 3. Motion by Commissioner Finch to approve the Consent Agenda. Motion **seconded** by Commissioner Wigen and **carried**.

059386 4. Claims/Payroll warrants numbered **132702-132703** and **132706-133101** for **\$358,495.52** approved.

FUND #	FUND NAME	AMOUNT	AMOUNT
001	Current Expense	\$ 33,394.10	\$147,546.09
101	Self Insurance		590.72
102	Building & Development	1,000.00	
104	Developmental Services		33,425.78
105	Mental Health	6,325.20	35,296.24
107	Chemical Dependency	2,249.60	4,729.87
110	County Roads	14,446.60	
113	Ergonomics		1,032.93
118	Inmate Welfare		787.47
123	Paths & Trails		327.00
126	Treasurer's M&O		25.00
127	Drug Enforcement		21,338.35
128	Crime Victims/Witnesses		85.99
135	Prosecutor's Stop Grant		118.70
138	Federal Equitable Sharing		5,754.99
400	Solid Waste	1,750.00	
501	Equipment Rental & Revolving	2,983.00	242.00
510	Photocopier Revolving		1,094.89
513	Communications Revolving		3,847.96
521	Family Svc. Ctr. Revolving		2,149.83
658	Rural Library	262.62	
690	Clearing & Suspense	31,830.59	5,860.00
ET	Electronic Transfer	62,411.12	

059387 5. March 11, 2002 minutes approved.

059388-059389 6. Personnel board orders approved.

059390 6. Motion by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to sign a proclamation proclaiming National County Government Week.

PROCLAMATION

"COUNTIES SECURE AMERICA"

WHEREAS, the terror attacks on September 11, 2001 spotlighted the work county officials do 24 hours a day, 7 days a week, 365 days a year; and,

WHEREAS, counties are the first to respond to emergency situations and are primarily responsible for planning for disasters; and,

WHEREAS, county officials keep citizens protected and communities thriving. Due to the planning, cooperation, and dedication of counties across America, emergency response professionals from all across the nation are able to mobilize and respond quickly and effectively; and,

WHEREAS, counties continue to deal with the after affects of September 11, 2001, and the ensuring public health threats; and,

WHEREAS, there are 3,066 counties in the United States, collectively responsible for the well being of more than 230 million residents; and,

WHEREAS, counties have a long history of serving and providing for the American people. In this new and trying time, counties will continue to safeguard our way of life, while remaining vigilant protectors of our citizens; and,

WHEREAS, county governments are the citizen's local government voice, providing solutions that bring communities together; and,

WHEREAS, in recognition of the leadership, innovation, and valuable service provided by our nation's counties, it is hereby proclaimed that April 7-13, 2002 is recognized as National County Government Week.

Proclaimed this 18th day of March 2002.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

G. R. Finch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

059391 **7. Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to authorize the Chairman to sign intergovernmental agreement with Columbia County.

059392 8. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to authorize the Chairman to sign intergovernmental agreement with Garfield County.

Fran Martin was commended for her work with the 3 counties; Columbia, Garfield and Whitman.

059393 9. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to sign a resolution increasing the Parks Department Petty Cash Fund.

RESOLUTION NO. 059393
OF
THE BOARD OF COUNTY COMMISSIONERS
FOR WHITMAN COUNTY, STATE OF WASHINGTON

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, recognizes the need to maintain the pre-existing petty cash account within the Whitman County Parks Department; and,

WHEREAS, the Whitman County Parks Department petty cash in the amount of \$100.00 **is not** sufficient to meet the needs of the department; and,

WHEREAS, it is necessary to increase the Whitman County Parks Department petty cash fund from \$100.00 to \$200.00; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED AND AUTHORIZED that the Whitman County Parks Department petty cash fund shall be increased and maintained in the amount of \$200.00;

BE IT FURTHER RESOLVED that this fund is entrusted to Terry Jeffries, employee of the Whitman County Parks Department, with the responsibility of overseeing and rectifying the petty cash amount.

Done this 18th day of March 2002.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

G. R. Finch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

059394 10. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to sign a resolution revising the countywide petty cash fund.

RESOLUTION NO. 059394 _____

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Board of Whitman County Commissioners met in regular session on the **18th** day of **March 2002**; and,

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, recognizes the need and requirement of regulating the various petty cash/cash drawer accounts in all county funds; and,

WHEREAS, the responsibility for the various petty cash/cash drawer accounts must be entrusted to specific individuals.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the following are the revised petty cash/cash drawer accounts for Whitman County:

CURRENT EXPENSE FUNDS

DEPARTMENT	AMOUNT	BARS CODE	FUND NO.	CUSTODIAN	PURPOSE
Public Health, Colfax	\$ 70.00	111.70.02	001.000.000	Robin Cocking	Petty Cash/ Front Desk
Public Health, Colfax	\$ 40.00	111.70.02	001.000.000	Robin Cocking	Cash Drawer
Public Health, Colfax	\$ 33.00	111.77.02	001.000.000	Robin Cocking	Petty Cash/Postage
Public Health, Colfax	\$ 50.00	111.70.02	001.000.000	Pauline Anderson	Cash Drawer
Public Health, Pullman	\$ 50.00	111.70.18	001.000.000	Shannon Hatley	Petty Cash
Public Health, Pullman	\$ 70.00	111.70.18	001.000.000	Shannon Hatley	Cash Drawer
Public Health, Pullman	\$ 99.00	111.77.02	001.000.000	Shannon Hatley	Petty Cash/Postage
Prosecutor, Postage	\$ 260.00	111.70.15	001.000.000	Dorothy Talley	Petty Cash
Prosecutor	\$ 100.00	111.70.09	001.000.000	Dorothy Talley	Petty Cash
District Court	\$ 96.00	111.77.03	001.000.000	Kristina Sorenson	Petty Cash
District Court, Colfax	\$ 50.00	111.70.03	001.000.000	Kristina Sorenson	Cash Drawer
District Court Pullman	\$ 50.00	111.70.03	001.000.000	Virginia Walker	Cash Drawer
Parks & Rec. Colfax	\$ 200.00	111.70.04	001.000.000	Terry Jeffries	Petty Cash

Parks & Rec. Fairgrounds	\$ 25.00	111.70.04	001.000.000	Craig Danielson	Cash Drawer
Parks & Rec. Kamiak Butte	\$ 25.00	111.70.04	001.000.000	Roger Marcus	Cash Drawer
Parks & Rec. Wawawai	\$ 25.00	111.70.04	001.000.000	Bart Dearborn	Cash Drawer
Auditor Auto Licensing	\$ 400.00	111.70.05	001.000.000	David G. Repp	Cash Drawer
Auditor Legal Filing	\$ 100.00	111.70.05	001.000.000	David G. Repp	Cash Drawer
Building Maintenance	\$ 50.00	111.70.04	001.000.000	Janel Goebel	Petty Cash
Clerk	\$ 50.00	111.70.13	001.000.000	Shirley Bafus	Cash Drawer
Superior Court	\$ 33.00	111.77.19	001.020.000	Eileen Roe	Petty Cash
Sheriff Drug Task Force	\$ 30,000	111.77.01	127.140.000	Steve Tomson	Revolving
<u>OTHER FUNDS</u>					
Harvest Moon Cafe	\$ 15.00	111.70.07	105.430.000	Dave Port	Cash Drawer
Mental Health	\$ 250.00	111.70.07	105.430.000	JoAnn Porter	Petty Cash
Mental Health, Kids Team	\$ 400.00	111.70.07	105.430.000	JoAnn Porter	Petty Cash
Mental Health	\$ 50.00	111.70.07	105.430.000	Jeanine Smith	Cash Drawer
Harvest House Thrift Shop	\$ 5.00	111.70.07	690.021.000	Dave Port	Cash Drawer
Harvest House	\$ 400.00	111.70.07	690.021.000	JoAnn Porter	Petty Cash
Public Works	\$ 150.00	111.70.10	110.400.000	Judy McMurray	Petty Cash
Solid Waste	\$ 300.00	111.70.06	400.400.000	Charlotte Mundell	Cash Drawer
Treasurer	\$ 900.00	111.70.11	999.000.000	Donna Poland	Cash Drawer

PASSED, APPROVED AND ADOPTED this **18th** day of **March 2002**.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

G. R. Finch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

059395 **11.** **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to publish a notice of hearing for the proposed Highway/Waterway amendment to Comprehensive Plan and Zoning Ordinance.

059396 **12.** A claim for damages filed by David R. Martindale II was acknowledge. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to pay the \$414.78 claim less \$25 ticket for no vehicle insurance.

059397 **13.** The Office of Community Development wrote concerning final closure of the CDBG Contract #1-96-745-021. Staff will follow-up on this issue.

059398 **14.** A request was received from the Auditor's Office to implement a six-year rental agreement with Eagle Computer Systems (ECS) to update the Auditor's Recording Division equipment in the amount of \$227,715. A response was forwarded to the Auditor stating this is a capital expenditure request that would be revisited during the preliminary budget process in the fall.

059399 **15.** Notice of annexation to Public Hospital District No. 1-A was received from Kelly N. Brown of Irwin, Myklebust, Savage & Brown, P.S. No action necessary.

059400 **16.** A letter was received from Carol A. Key, Supervisor of the Washington Section of the Federal Aviation Administration regarding the non-primary entitlement funds of \$80,000 for the Whitman County Memorial Airport. This issue will be discussed with the Port of Whitman County at their joint meeting on April 9th.

059401 **17.** A letter was received from Lisa Bostwick, Port of Whitman County, concerning the .08 ADO assistance in 2002 meeting held March 8th.

059402 **18.** A letter was received from Joe Poire, Port of Whitman County concerning the access road to the Whitman County Memorial Airport and Colfax Industrial Park. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to allow the Port to draft an agreement concerning the access road.

059403 **19.** Representative Jim Buck wrote notifying the commissioners that the House and Senate unanimously passed House Joint Memorial 4021 commemorating the bicentennial of the United States Military Academy. The Clerk was instructed to prepare the necessary document for next weeks' business.

059404 20. An inquiry received from the Whitman County Business & Development Association (WCB&DA) concerning .08 funded projects. The Board will respond to this inquiry at the next WCB&DA meeting to be held April 9th.

059405 21. A letter was received from the Assessor certifying that the signatures on an annexation petition for Rural Fire District #6 represent over 60% of the valuation in the proposed annexation area.

059406 22. Information regarding the depletion of relocation assistance funds received from the Office of Community Development and forwarded to the Community Action Center.

059406A 23. A follow-up letter to the end of M&M Harrison's lease with the county forwarded.

059407 24. The commissioners signed a contract with DeAtley Crushing Company relative to award of the Wilbur-Ellis crushing project.

10:35 a.m. - Whitman County Conservation Districts Representatives

Present: Kimberly Morris, Nancy Hoobler, and Raymond Brown.

059408 The representatives talked about areas within the 2002 DOE Agricultural Burning delegation order that they would like revised. They asked for the Board's assistance in appealing the order to the Pollutions Control Hearings Board to add the following language to Article IV.5: "Optional information on the burn permit application must remain optional". The order as written requires certain information and is in conflict with the application that states the information is optional. The issue was taken under advisement. The Conservation Districts will review the commissioners draft request for appeal. Once all districts have responded to the draft, the official appeal will be forwarded to the Pollutions Control Hearings Board.

11:00 a.m. - Dane Dunford, Public Works Director.

Present: Mark Storey, Dan Hall, Jennifer Snead and Evan Ellis.

Action Items:

059409 1. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to publish the notice of call for bids for the Darden Bridge project.

059410 2. **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to execute the quit claim deed between Whitman County and the Towns of St. John for the Front Street Bridge project.

059411 3. **Motion** by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to execute the acknowledgement of Dan Hall's Letter regarding St. John's offer on the property for the Front Street Bridge Replacement project.

0594124. Motion by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to execute the letter to St. John stating the donation is made voluntarily, with full knowledge of entitlement to just compensation and waiving our right to an appeal.

0594135. Motion by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to execute the interlocal agreement between the Town of St. John and Whitman County.

11:10 a.m. - Board Business Continued.

Present: Jennifer Snead, Evan Ellis and Chris Anderson.

059413A 25. The commissioners each talked about the passing of County Administrator, Dick Brown.

11:20 a.m. - Recess.

11:30 a.m. - Bob Lothspeich, County Treasurer.

Present: Fran Martin, Dane Dunford, Tom Miller, Mike Werner, Joe Reynolds, Rita Konzal, Don Anderson, Bob Lothspeich, Peggy Wright, Steve Tomson, Jim Kaufman, Bev Welch, Mike Berney, Doug Robinson, Chad Connors, Kelli Shrope, Marlynn Markley, and Randy Baldree.

The following individuals contacted Administrative Services regarding their absence from today's meeting: Tim Myers and Bob Reynolds.

059414 The February 2002 ending financial report provided.

The Chairman indicated County Treasurer, Bob Lothspeich would be taking over the monthly financial meetings.

February 2002 Cash Balance - \$1,202,546

February 2001 Cash Balance - \$1,094,814

February 2002 Revenue - \$717,101 - 08.34% of budget.

February 2001 Revenue - \$743,362 - 08.90% of budget.

February 2002 Expenditures \$1,203,098 - 13.28% of budget.

February 2001 Expenditures \$1,189,824 - 13.54% of budget.

The department head/elected official meeting scheduled for March 21st to discuss the effects of the state budget decisions on Whitman County was postponed indefinitely. Department heads also offered their assistance to the commissioners in any way possible as a result of Mr. Brown's passing.

12:00 p.m. - Recess.

1:30 p.m. - Water Conservancy Board Composition Hearing.

059415 Hearing convened for the proposed revisions to the composition of the Whitman County Water Conservancy Board. No staff report was necessary since the Board had previously reviewed the information. There being no one in attendance from the public to speak for or against the proposal, the hearing was adjourned.

Commissioner Wigen felt it important to increase the WCB membership from 3 to 5 for quorum purposes.

Motion by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to adopt the proposed revisions to the Whitman County Code, Water Conservancy Board, Title 9, Chapter 9.50. Required information was forwarded to DOE. The commissioners will work to seek interested individual to serve on this committee.

RESOLUTION NO. 059415

—
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHITMAN COUNTY CODE, TITLE 9, CHAPTER 9.50

IN THE MATTER OF REVISING THE WHITMAN COUNTY WATER CONSERVANCY BOARD

WHEREAS, SHB 1272 authorized the establishment of local water conservancy boards comprised of 3 members to expedite the administrative process for uncontested water transfers diverted or proposed to be diverted; and,

WHEREAS, amendments to the statute adopted during the 2001 legislative session authorize the formation of a water conservancy board within geographic areas that would serve a water resource basin (WRIA), a county, multiple WRIA's, or multiple counties and provides that there may be three or five member water conservancy board commissioners.

WHEREAS, the Whitman County Commissioners advertised and held a hearing to receive public testimony on revising the composition of the existing Whitman County Water Conservancy Board this date.

NOW, THEREFORE, BE IT RESOLVED that the Whitman County Water Conservancy Board is hereby revised to function within the geographical borders of Whitman County, exercising administrative powers enumerated within Title 90 R.C.W. and the attached bylaws as a five-member board.

Dated this 18th day of March 2002.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

ATTEST:

G. R. Finch, Commissioner

WHITMAN COUNTY
WATER CONSERVANCY BOARD
BY-LAWS
WHITMAN COUNTY CODE TITLE 9
CHAPTER 9.50

SECTIONS:

- 9.50.010 AUTHORIZATION FOR WHITMAN COUNTY CONSERVANCY BOARD
- 9.50.020 WATER BOARD PURPOSE AND OBJECTIVE
- 9.50.030 WATER BOARD FORMATION AND ADMINISTRATIVE AUTHORITY**
- 9.50.040 WATER BOARD OPERATIONS
- 9.50.050 AMENDMENTS TO BYLAWS
- 9.50.060 EFFECTIVE DATE

9.50.010 Authorization for Whitman County Conservancy Board.

1. As approved by **Ordinance No. 056749** of the Whitman County Commissioners, the Whitman County Water Conservancy Board (hereafter referred to as the Water Board) is established as a public corporate and political body, and a separate unit of local government in Washington State, as authorized under Title 90 RCW. Conduct and operations of the Water Board shall be in compliance with Title 90 RCW and are subject to review by the Director of the Washington State Department of Ecology.

9.50.020 Water Board Purpose and Objective.

1. The Water Board shall expedite the administrative process for non-contested and voluntary water transfers among water right holders and shall convey greater operational control to local water managers and water right holders.
2. Voluntary water transfers between users can re-allocate water use in a manner that will result in more efficient applications of water resources to reduce water shortages, to save capital outlays, to reduce development costs, and to provide an incentive for investment in water conservation efforts by water right holders.

9.50.030 After Board Formation and Administrative Authority.

1. The Whitman County Water Conservancy Board is formed under legislative authority by Ordinance of the Whitman County Commissioners and which specifies the need for a Water Board within the county area.
2. The Water Board shall consist of **five (5)** Commissioners appointed by the Whitman County Commissioners to serve six (6) year terms with an initial Water Board Chairman designated by the Whitman County

Commissioners. The terms for initial appointments to the Water Board shall be staggered to serve as two, four, and six-year terms respectively, from the date of appointment. Water Board appointments shall be at the discretion of the Whitman County Commissioners and shall not be limited to water right holders petitioning for Board formation; however, the County Commissioners must ensure that individual water right holders who divert water for use within the county are represented on the Water Board.

3. The Whitman County Commissioners may elect to appoint to the Water Conservancy Board an alternate member who shall fulfill all requirements of the principal Water Board members but shall have no right to vote or participate in decision making unless a principal Board member through written notice indicates an inability to attend and participate in decision making, whereupon the alternate may act in such Water Board members place. The Whitman County Commissioners may determine the term of the alternate Board member.
4. Appointments to the Water Board shall be from legal residents of Whitman County. The Water Board Commissioners shall serve without compensation.
5. Water Board Commissioners may not participate in Water Board decisions to approve water transfers until they have successfully completed the necessary training related to water transfers within the state as provided by and mandated by the Washington State Department of Ecology.
6. The Water Board constitutes an independently funded entity and may provide for its own funding as determined by the Water Board Commissioners. The Water Board may accept grants or stipends; may adopt fees for processing applications for transfers of water rights; and, may provide for funding under other lawful means as approved by the Water Board. The Water Board may not impose taxes or acquire property by the exercise of eminent domain.
7. The Water Board may acquire, purchase, hold lease, manage, occupy, and sell real and personal property or interest therein; may enter into and perform all necessary contracts; may enter into contracts with or appoint necessary agents for professional services; may perform lawful acts required to carry out its management obligations; and, may sue or be sued.
8. The Water Board will determine a schedule for meetings and the conduct of business with notice of meetings published within county newspapers. Water Board activities are subject to the Open Public Meetings Act under Title 42 RCW.

9.50.040 Water Board Operations.

1. The Water Board provides a water transfer exchange through which water right holders may seek a formal water right transfer of all or part of their legitimately established water right. The Water Board may review water transfer proposals that involve all types of water transfers, such as intra-and inter-sector transfers (within or between different beneficial uses); short-term or long-term transfers (leases); or permanent water transfers, but is not limited to surface or ground water rights, permanent or seasonal. The Water

Board may approve transfers involving a change in place of use, point of diversion or withdrawal, purposes of use, and quantity permitted.

2. The Water Board may approve the transfer of a water right or claim filed under Title 90 RCW that has not been adjudicated. Neither the Water Board's approval of a transfer, nor the Director's (DOE) approval of the Water Board's action constitutes an adjudication of the validity, priority, or quantity of the transferor's water right; and, such approval do not preclude or prejudice a subsequent challenge to the transferor's water right.
3. The Water Board shall maintain and publish all information made available to it concerning water rights listed with the Water board and concerning application to the Water board for approval of a water transfer functioning as an open water exchange.
4. Application to the Water Board for water transfer shall be made on a form provided by, and/or reviewed by, the Washington State Department of Ecology and shall contain such information as deemed necessary or required by the Water Board in order to act upon the application. The application shall include, but not be limited to, information sufficient to establish to the Water Board's satisfaction the transferor's right to the quantity of water being transferred; a description of any applicable limitations on the right to use water, including the point of diversion or withdrawal; place of use; source of supply; purpose of use; quantity of use permitted; time of use; and, period of use.
5. The transferor and transferee of any proposed water transfer may apply to the Water Board for approval of the transfer of the proposed water to be transferred if it is currently diverted or used within Whitman County; or, if it would be used within Whitman County with transfer approval. In case of a proposed water transfer in which water that is currently being used within Whitman county would be diverted to outside of the geographic boundaries of the county, the Water Board shall hold a public hearing within the county of the proposed diversion. The Water Board shall provide for prominent publication of notice of such hearings in the county newspaper for the purpose of affording an opportunity for interested persons to comment on the transfer proposal.
6. With the filing of an application to the Water Board, the Water Board shall publish notice of the filing in county newspapers and send notice to the Director of the Washington State Department of Ecology. Any person or entity may submit comments to the Water Board concerning the notice of the water transfer application.
7. Any water right holder claiming detriment or injury (impairment) to an existing water right as a result of a proposed water transfer may formally intervene in the application process before the Water Board. When detriment or injury is claimed, the Water Board shall hold a formal public hearing concerning the transfer. The Water Board shall receive, or request from the party claiming injury, such evidence, as it deems necessary to determine the validity of the claim of impairment. If the Water Board determines that the claim of impairment is valid, then it may in its discretion deny approval of the water transfer, unless the applicant and the impaired party

agree on a solution mutually acceptable to applicant and impaired party and approved by the Water Board.

8. If a majority of the Water Board determines that an application is complete following review, and that the transfer can be made without impairment to existing water rights, the Water Board shall issue an applicant a certificate approving the transfer subject to review by the Director of the Washington State Department of Ecology.
9. If the Water Board approves a water right application that is formally challenged as creating an impairment under the Water Board's review process, then the Water Board shall submit notice by mail to the party claiming impairment of the Water Board's action; and, the Water Board shall inform the party claiming impairment of the right to appeal the Water Board's decision before the Director of the Washington State Department of Ecology.
10. When a transfer is approved by the Water Board, the Water Board shall submit a copy of the certificate conditionally approving the transfer and of the record of decision (ROD), which summarizes the information, and findings on which the Water Board based their decision to the Director of the Washington State Department of Ecology. The Director has forty-five (45) days in which to take action for approval or denial of the certificate. If no action is taken by the conclusion of the forty-five day period, the Water Board's decision is final.
11. A Water Board Commissioner, who has an ownership interest in a water right subject to an application for transfer before the Water Board, shall not participate directly in the review process or in the Water Board's certificate decision. A Water Board Commissioner who is an employee of a public or private water purveyor that has an ownership interest in a water right
subject to an application for transfer before the Water Board shall not participate directly in the review process or in the Water Board's certificate decision.
12. The Water Board will keep a complete record of water transfer filings, and associated documents and information described in the above sections, at the Whitman Conservation District Offices located in Colfax, Washington; and, it will provide a copy of the same record to the appropriate regional office of the Department of Ecology.

9.50.050 Amendments to the Bylaws.

1. These bylaws may be altered, amended, or repealed by a majority of the Water Board at a regular or special meeting of the Water Board, subject to final approval by the Whitman County Board of Commissioners and subject to review by the Director of the Washington State Department of Ecology.

9.50.060 Effective Date.

1. These bylaws are subject to review by the Director of the Washington State Department of Ecology within forty-five days following receipt of the bylaws and the county's ordinance forming the Water Board.

2. These bylaws shall be effective upon notification of review completion by the Washington State Department of Ecology but in no event not later than the allowed forty-five day period.
3. These bylaws are subject to approval by the Whitman County Board of Commissioners and by the initiating Water Board.

**BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

DATED: March 18, 2002

Greg Partch, Chairman

ATTEST:

G. R. Finch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

1:40 p.m. - Recess.

2:00 p.m. - Liquid Asphalt Bids.

Present: Phil Meyer, Mark Storey, and 3 bidders.

059416 The following bids were received, opened and read aloud for 2002 liquid asphalt.

KOCH MATERIALS	\$276,087.40
IDAHO ASPHALT SUPPLIES	\$230,758.06

Staff will make a recommendation for award on March 25th.

2:10 p.m. - Recess.

2:30 p.m. - Growth Management Act Compliance Hearing.

Present: Mark Bordsen and Ron Shirley.

059417 The first of two hearings was convened regarding Whitman County's compliance with the Growth Management Act.

Mark Bordsen said by September 1, 2002, local governments should do one of the following:

- Pass a resolution that states based on careful consideration of the facts involved, the jurisdiction's development regulation complies with the GMA; and,
- The jurisdiction has met its update requirements under RCW 36.70A.130(1).

In consultation with Ron Shirley, a draft resolution was prepared stating, because Whitman County uses best available science review at the time a building permit or development permit is sought, it is felt that Whitman County's ordinances are adequate and don't need to be revised.

Mr. Shirley pointed out Whitman County's ordinances are working very well. This meeting was publicized and made available to the public, although no member of the public is in attendance.

There being no further discussion, the hearing was adjourned.

The next hearing is scheduled for Monday, March 25th at 2:30 p.m.

2:50 p.m. - Recess.

3:00 p.m. - Alicia Johnson and John Crawford, Washington Counties Risk Pool Representatives.

Present: Jim Kaufman, Ron Shirley, Kelli Shrope and Maribeth Becker.

D059417A Motion by Commissioner Finch to go into Executive Session with the above individuals for discussion of legal matters until 4:00 p.m. **Seconded** by Commissioner Wigen and **carried**.

4:00 p.m. - Return to Open Session/Recess.

D059417B THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, March 19, 2002 at 9:30 a.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:30 a.m. - Reconvene/Board Business Continued/Workshop.

D059418 Items discussed included District Court fines/collections, Whitman County Business & Development Association request, and the March 20th .08 meeting. No action taken.

10:00 a.m. - Ron Shirley, Chief Deputy Prosecuting Attorney.

D059418A Motion by Commissioner Finch to go into Executive Session with Mr. Shirley for discussion of legal matters until 10:45 a.m. **Seconded** by Commissioner Wigen and **carried**.

10:45 a.m. - Return to Open Session/Recess.

D059418B THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Wednesday, March 20, 2002 at 2:00 p.m.** Greg Partch, Chairman, Jerry Finch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

2:00 p.m. - Reconvene/Ron Shirley, Chief Deputy Prosecuting Attorney.

D059418C Motion by Commissioner Finch to go into Executive Session with Mr. Shirley for discussion of legal matters until 4:00 p.m. **Seconded** by Commissioner Wigen and **carried**.

4:00 p.m. - Return to Open Session/Adjourn.

D059418D Commissioner Finch **moved** to adjourn the **March 18, 19** and **21, 2002** meeting. Motion **seconded** by Commissioner Wigen and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **March 25, 2002**. The foregoing action made this **21st** day of **March 2002**.

ss/ JERRY FINCH, Commissioner
ss/ LES WIGEN, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, Chairman
Board of County Commissioners