

Minutes for October 11th, 2004

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062968 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **October 11, 2004** at **9:15 a.m.** Les Wigen, Chairman, G.R. "Jerry" Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:15 a.m. - Board Business.

D062968A 1. Call to Order/Board Business/BOCC Workshop.

Present: Kelli Campbell, Gary Hunt and Valerie Hunt.

D062968B 2. Items discussed pertained to personnel matters. No action taken.

062969 Not used.

10:00 a.m. - Pledge of Allegiance.

Present: Chad Connors and Tammy Lewis.

D062969A 3. Motion by Commissioner Finch to approve the consent agenda. Motion **seconded** by Commissioner Partch and **carried**.

062970 4. Claims/Payroll warrants numbered **168290** and **168497-168581** for **\$78,502.54** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	12,987.23
102	Building & Development	31.01
103	Countywide Planning	4.81
104	Developmental Services	682.31
110	County Roads	27,036.03
119	Emergency Services	804.13
123	Paths & Trails	36.31
132	Auditor's Document Preservation	125.14
134	Elections Reserve Fund	150.30
137	Web Site Development	120.00
141	Washington Housing SHB 2060	5,418.99
142	Whitcom-911	4,370.51
300	Capital Projects	7,400.00
400	Solid Waste	4,915.76
501	Equipment Rental & Revolving	14,419.95

062971 5. October 4, 2004 minutes approved.

062972-062975 6. Personnel board orders approved.

10:05 a.m. - Tim Myers, Bob Reynolds and Sharron Cunningham.

062976 7. Chad Connors explained DSHS county program agreement #0463-58222 for the Suspended Disposition Alternative and Mental Health Disposition Alternative for the term 07/01/04-06/30/05. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign the agreement.

062977 8. Bob Reynolds stated as a follow up to establishing a separate fund for the hotel/motel tax received from the unincorporated areas of the county, this year the state auditor is suggesting the county take the next step by establishing a Lodging Tax Advisory Committee. The duties of the committee would be to evaluate the rate currently charged, which is .02% and to make annual recommendations to the commissioners for expenditure of the tax dollars accrued and rate adjustments. Mr. Reynolds said he is working with the Administrative Services Director to build a list of candidates eligible for committee appointment in November. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve establishment of the Lodging Tax Advisory Committee as presented.

RESOLUTION NO. 062977
ESTABLISHMENT OF THE LODGING TAX ADVISORY COMMITTEE
IN WHITMAN COUNTY, WASHINGTON

WHEREAS, Whitman County Board of Commissioners, in pursuit of compliance with R.C.W. 67.28.1817 Lodging tax advisory committee in large municipalities-Submission of proposal for imposition of our change in tax or use-Comments do hereby establish the Whitman County Lodging Tax Advisory Committee.

WHEREAS, said committee shall concur with all amenities under R.C.W. 67.28.1817. In essence shall consist of at least five members appointed by the Board of County Commissioners. Committee membership shall include: At least two members who are representatives of businesses required to collect tax under the regulation and at least two members who are persons involved in activities authorized to be funded by revenue received under this regulation and one elected official from Whitman County. Terms of each position to be in three-year increments.

WHEREAS, the duties of the Whitman County Lodging Tax Advisory Committee shall adhere to all those imposed under R.C.W. 67.28.1817 in essence the committee shall report to the Board of County Commissioners with recommendations as to the collection rate and use of the Hotel/Motel tax in accordance with R.C.W. 67.28.1815 annually.

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It is with these aforementioned statements that the Whitman County Board of Commissioners, in witness hereof, do sign and therefore execute this order to establish the Whitman County Lodging Tax Advisory Committee.

Approved as to form:

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

/s/ Denis Tracy
Whitman County Attorney

Les Wigen, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

9. Levy certifications for the following entities approved:

062978 City of Tekoa, and
062979 Pullman School District.

062980 **10.** Notice of the final closeout for CDBG grant #02-6400-014 was received from the Department of Community Trade and Economic Development.

062981 **11.** Notice of receipt and review of the closeout report for CDBG #01-64021-038, Lead-Based Paint Hazard Reduction was received from the Department of Community Trade and Economic Development. Final closure of the contract is pending receipt of the county's 2004 audit report in 2005.

D062981A **12.** Commissioners' pending list reviewed.

10:25 a.m. - Recess.

10:30 a.m. - County Property.

Present: Dane Dunford, Bob Lothspeich, Kathy Lemon and Tammy Lewis.

062982 The Chairman convened the county property hearing and requested a staff report. Dane Dunford said ER&R, the general fund and Department of Emergency Services have equipment to surplus that they no longer need. Due to the amount of equipment, it is not feasible for the county to conduct its own auction. Therefore, the equipment would be auctioned off at the Booker Auction in Eltopia on November 6th.

Kathy Lemon reported on the legal advertising costs of approximately \$200 that will be shared by all funds included in the sale. All proceeds of the sale will be disbursed accordingly after expenses.

062983 2. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to authorize the publishing of the sale of surplus equipment.

10:35 a.m. - Recess.

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

Present: Mark Storey, Tim Davis, Cindi Lepper, Mike Kincaid and Tammy Lewis.

Action Items:

062984 1. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** that the resolution to establish a complaint procedure for the Public Works Department be signed as presented.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
WHITMAN COUNTY COMMISSIONERS**

In the Matter of Adopting A)
Complaint Policy for Public) Resolution No. 062984
Works)

WHEREAS, the below written policy is adopted as a complaint policy for the Public Works Department in accordance with WAC 136.50.053 policy regarding handling of complaints.

COMPLAINTS DIRECTED TO PUBLIC WORKS

This policy applies to complaints relating to the Public Works Department.

1. Citizen registers a complaint with the Public Works Department.

Complaints are received directly through phone calls, letters or personal visits to the office. Occasionally, they are received from a third party such as one of the County Commissioners.

2. Public Works employee receives and records the complaint.

- a. If the complaint relates to the road department, a complaint form is completed (see attached).
 - 1) Original is kept in a binder, copy to the appropriate supervisor and a copy to the Maintenance Coordinator.
 - 2) Follow-up is recorded on the binder copy and retained.
- b. If the complaint relates to another Public Works Department such as Building or Planning or the Transfer Station, the caller is directed to the Department Head for discussion and follow-up.

3. Supervisor receives and addresses the complaint.

Action is taken to solve the problem if possible.

4. Supervisor calls complainant with action taken.

5. Supervisor reports and records action for retention.

Action taken is relayed to office personnel and the forms are completed and retained.

NOW, THEREFORE BE IT HEREBY RESOLVED that the Whitman County Board of County Commissioners will adopt the Public Works Complaint Policy as stated.

Dated at Colfax, Washington this 11th day of October 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

062985 2. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** that the resolution to accommodate utilities in Whitman County right-of-way be signed as presented.

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

In the Matter of Adopting Policy)
For Accommodating Utilities on)
County Road Right of Way and) **Resolution No. 062985**
Lands for Whitman County)

WHEREAS, it is necessary to establish a county policy to provide administrative and procedural guidance needed to accommodate the installation and relocation of all above and below ground utilities which are located within the County road right-of-way; and,

WHEREAS, this policy shall apply to all new franchises and permits issued pursuant to RCW 80.32.010, RCW 80.36.00, RCW 36.55 and WAC 136-50-055, to

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all public and private utilities, and to all installation and relocation of utilities within the county road right-of-way; and,

WHEREAS, it is deemed in the best interest of the County that such policy be revised and adopted; and,

NOW THEREFORE, BE IT RESOLVED that a policy for Accommodation of Utilities on County Road Right-of-Way and Lands for Whitman County be and is hereby adopted as attached hereto and made a part hereof. This resolution replaces all subsequent resolutions pertaining to work in County Road Right-of-Way.

Dated at Colfax, Washington this 11th day of October 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

**ACCOMMODATION OF UTILITIES ON COUNTY ROAD
RIGHT OF WAY AND LANDS FOR WHITMAN COUNTY**

1. PURPOSE

The purpose of this resolution is to establish a County policy to provide administrative and procedural guidance needed to accommodate the installation and relocation of all above and below ground utilities, which are located within the county road right-of-way.

2. APPLICATION

This policy shall apply to all new franchises and permits issued pursuant to RCW 80.32.010, RCW 80.36.040 and RCW 36.55, to all public and private utilities, and to all installation and relocation of utilities within the county road right-of-way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar pipes, line or cables.

This policy cannot address all situations and conditions that may be encountered. Specific provisions contained herein may not be appropriate for all locations and existing conditions. The policy is intended to assist, but not substitute for, competent work by both road and utility design and installation professionals. This policy is not intended to

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limit any innovative or creative effort, which could result in better quality, better cost savings, or improved safety characteristics.

It shall be the responsibility of any utility installing or relocating any of its facilities to ascertain and abide by the requirements and conditions of this policy.

3. DEFINITION OF TERMS

Unless otherwise stated, words and phrases used herein shall have the following meanings:

- A. Appurtenance - equipment and/or accessories, which are a necessary part of an operating utility system or subsystem.
- B. Backfill - replacement of excavated material with suitable material compacted as specified.
- C. Boring - grade and alignment-controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium.
- D. Carrier - pipe directly enclosing a transmitted fluid or gas.
- E. Casing - a larger pipe enclosing a carrier for the purpose of providing structural or other protection to the carrier and/or to allow for carrier replacement without re-excavation, jacking or boring.
- F. Coating - protective material applied to the exterior of a pipe or conduit to prevent or reduce abrasion and/or corrosion damage.
- G. Conduit - an enclosed tubular runway for protecting wires or cables.
- H. Cover - depth to top of pipe, conduit, casing or gallery below the grade of a road or ditch.
- I. Drain - appurtenances to discharge accumulated liquids from casings or other enclosures.
- J. Encasement - structural element surrounding a pipe or conduit for the purpose of preventing future physical damage to the pipe or conduit.
- K. Franchise - occupancy and use document granted by the county required for occupancy of road rights of way in accordance with RCW 36.55 and RCW 80.32.
- L. Gallery - underpass for two or more utility lines.

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- M. Manhole - an opening in an underground utility system into which workers or others may enter for the purpose of making installations, inspections, repairs, connections, cleaning and testing.
- N. Pavement - the combination of subbase, base course, and surfacing placed on a subgrade to support the traffic load and distribute it to the subgrade.
- O. Permit - a document issued under the authority of (1) the County Engineer (or Public Works Director) and/or (2) a franchise granted by the County's legislative authority. The permit provides specific requirements and conditions for specific utility work at specific locations within the right-of-way.
- P. Pipe - a structural tubular product designed, tested, and produced for the transmittance of specific liquids and gases under specific conditions.
- Q. Plowing - direct burial of utility lines by means of a "plow" type mechanism, which breaks the ground, places the utility line at a predetermined depth, and closes the break in the ground.
- R. Pressure - internal gauge pressure in a pipe in pounds per square inch, gauge (psig).
- S. Private Lines - privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.
- T. Relocation - planned change of location of an existing facility to a more advantageous place without changing the character or general physical nature of the facility.
- U. Replacement - installation of a like element of a utility system or subsystem in the same or near-same physical location normally due to damage, wear or obsolescence of the element.
- V. Restoration - all work necessary to replace, repair or otherwise restore the right of way and all features contained within to the same or equal condition as before any change or construction thereto.
- W. Right-of-Way - a general term denoting public land, property, or interest therein, usually in a strip, acquired for or devoted to transportation or secondary purposes.
- X. Road (or Roadway) - a general term denoting a street, road or other public way, including shoulders, designated for the purpose of vehicular traffic.

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- Y. Sleeve - short casing through a pier, wall or abutment of a highway structure.
- Z. Traffic Control - those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of utility facilities within the right of way.
 - AA. Trenched - installation of a utility in an open excavation.
 - BB. Untrenched - installation of a utility without breaking the ground or pavement surface such as by jacking or boring.
 - CC. Vent - appurtenance to discharge gaseous contaminants from casings or other enclosures.

4. GENERAL CONDITIONS AND REQUIREMENTS

A. LOCATION

- (1) Utility installations shall be located to minimize need for later adjustment to accommodate future roadway improvements and to permit access to servicing such installations with minimum interference to roadway traffic. Counties shall make available to utilities a copy of their six-year transportation improvement program (or capital facilities and transportation plan where required,) in order to minimize both utility customer and road user inconvenience should future road improvements (on existing or new alignment) require adjustment or relocating of the utility facilities. Said utilities shall, within the limits of standard business practice, make available appropriate short and long-range development plans to the County.
- (2) Unless otherwise approved by the County, all above-ground utilities and their appurtenances as well as all above-ground appurtenances of below-ground utilities that may constitute a roadside obstacle for traffic using the road shall be located as close as practicable to the edge of the right-of-way line. If an appurtenance within the right-of-way would constitute an unacceptable roadside obstacle, said obstacle may be
 - (a) relocated to another place within the right-of-way,
 - (b) converted to a break-away design,
 - (c) crash - protected, or
 - (d) relocated to another location off the road right-of-way.
- (3) Installations that are required for a road purpose, such as street lighting or traffic signals, are to be located and designed in accordance with this policy.
- (4) Where existing facilities are in place, new facilities shall be compatible with the existing installations and conform to this policy as nearly as practicable.

B. DESIGN - GENERAL

- (1) The utility shall be responsible for the design of the utility facility being proposed. This responsibility shall include, in addition to the integrity of the proposed utility facility, provisions for public safety during the course of construction, as well as consideration of traffic safety and accident potential for the life of the installation.
- (2) For work requiring application to the County, the County may review and approve the utility's plans with respect to:
 - (a) location,
 - (b) the manner in which the utility facility is to be installed,
 - (c) measures to be taken to preserve safe and free flow of traffic,
 - (d) structural integrity of the roadway, bridge, or other structure,
 - (e) ease of future road maintenance, and appearance of the roadway.
- (3) Provision shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to bridges or other structures within the right of way.
- (4) Granting of a franchise or permit shall not imply or be construed to mean the county shall be responsible for the design, construction, or operation of the facility or for public safety during the facility's installation, operation, or maintenance.

C. STANDARDS AND CODES

All utility installations shall be designed in accordance with the standards, codes and regulations applicable to the type of utility. The methods of installation and materials used shall conform to the codes and standards promulgated by government and by the industry. This shall also include any road design standards, which the county shall deem necessary to provide adequate protection to the road, its safe operation, appearance and maintenance.

D. LAWS AND REGULATIONS

All work in accordance with tax, environmental safety, labor, traffic control, health, laws as regulated by State and Federal Governments and their subdivisions.

E. ADJUSTMENT AND RELOCATION OF EXISTING FACILITIES

- (1) Existing underground utilities on County road right-of-way may be removed or relocated when roadwork funded by the county would disturb the existing underground utility. All such removal or relocation shall be at the sole expense of the owning utility and all work must be accomplished by the same permitting process as for new installations.

- (2) Notwithstanding reinforcement or protection otherwise provided, a permittee shall be responsible for the security of each existing pipeline and utility within a road construction zone. Where there are unusual utility hazards or where heavy construction equipment will be used, the permittee shall provide adequate temporary protection. In replacing the roadway, the design should give due consideration to the protection of previously existing utilities in the roadway section without sacrificing the geometrics of roadway design.

5. PERMITS

A. GENERAL REQUIREMENTS

For work not authorized by franchise, comprehensive plan, or other agreement, a written permit may be required for occupancy of road right-of-way by all utility facilities, including private lines. No facility shall be used for other than the purpose stated, unless written approval is granted by the county.

B. SPECIFIC REQUIREMENTS

When required, permit applications shall be submitted in a standard format as prescribed by the County. The permit application shall include the following information:

- (1) Agreement to all pertinent provisions of this policy and to such special conditions as the County may deem appropriate.
- (2) Description of the facilities to be installed.
- (3) Adequate exhibits depicting existing or proposed location of the facility in relation to the road, including right-of-way or easement lines; relationship to currently planned road revisions, if applicable; and all locations and situations for which deviations in depth of cover (including the proposed method of protection) or other location standards are anticipated.
- (4) Address and phone number of person responsible for work.

6. SPECIFIC REQUIREMENTS - UNDERGROUND UTILITIES

A. UNDERGROUND UTILITIES - LOCATION AND ALIGNMENT

- (1) For all crossings, the angle of crossing should be as near a right angle to the road centerline as practicable. However, lesser angles may be permitted based upon economic considerations of practical alternatives.
- (2) Where practicable, crossings should avoid deep cuts, footings of bridges and retaining walls, or locations where highway drainage would be affected.
- (3) Longitudinal installations should run parallel to the roadway and lie as near as practicable to the right-of-way line. Installations, which cannot be so installed, will be allowed within the right-of-way, provided that:
 - (a) The installation will not adversely affect the design,

construction, stability, structural integrity, traffic safety, or operation of the road facility; or

- (b) Failure to allow such installation will create an undue hardship or financial burden upon the utility.
- (4) Where irregularly shaped portions of the right-of-way extend beyond the normal right of way limits, a uniform alignment of facilities shall be allowed.

B. UNDERGROUND UTILITIES - COVER

The grade of and resulting cover for an underground utility shall be in compliance with applicable federal, state and County requirements unless otherwise specified. Utility placement shall include the installation of plastic utility marking tape approximately 1' above utility.

C. UNDERGROUND UTILITIES - ENCASEMENT

- (1) Casings shall be installed for roadway crossings where required by appropriate industry code.
- (2) Casings may be required for the following conditions:
 - (a) As an expediency in the insertion, removal, replacement, or maintenance of a carrier line crossing or other locations where it is necessary in order to avoid open trench construction.
 - (b) As protection for carrier lines from external loads or shock either during or after construction of a road.
 - (c) For jacked or bored installations of coated carrier lines unless assurance is provided to the county that there will be no damage to the protective coating.
- (3) Within the road right of way, where practicable, casing pipes shall extend beyond the toe of fill slopes, back of roadway ditch, or outside of curb and outside of the zone of influence of the roadway structure.
- (4) Other than for necessary vents and/or drains, casing pipes shall be sealed at both ends.
- (5) Casing pipes shall be designed to support the load of the road and superimposed loads thereon and, as a minimum, shall equal the structural requirements for road drainage facilities. Casings shall be composed of materials of sufficient durability to withstand conditions to which they may normally be exposed.
- (6) Angular space between carrier pipe and casing shall be filled with inert mineral material.

D. UNDERGROUND UTILITIES - UNCASED CARRIERS

- (1) The carrier pipe shall conform to the material and design requirements of the appropriate utility industry and governmental codes and specifications.
- (2) The carrier pipe shall be designed to support the load of

the road, plus superimposed loads thereon, when the pipe is operated under all ranges of pressure from maximum internal to zero pressure.

E. UNDERGROUND UTILITIES - APPURTENANCES

- (1) Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by federal safety standards. Vent standpipes should be located and constructed so as neither to interfere with maintenance of the road nor to be concealed by vegetation. Preferably standpipes should stand by a fence or on the right-of-way line.
- (2) Drains shall be required for casings, tunnels or galleries enclosing carriers of liquid, liquefied gas, or heavy gas.
- (3) Drains for carriers of hazardous materials shall be directed to natural or artificial holding areas to prevent the potential for surface or ground water contamination. Drains for which only water or other non-hazardous liquids may discharge may be directed into the roadway ditch or natural watercourse at locations approved by the County. The drain outfall shall not be used as a waste way for routine purging of the carrier unless specifically authorized by the County.
- (4) Location markers and emergency information should be used when required by applicable state and federal standards.
- (5) Manholes should be designed and located in a manner that will cause the least interference to other utilities or future road expansion. Where practicable, installations in the pavement or shoulders should be avoided.

F. UNDERGROUND UTILITIES - INSTALLATION

Installations shall ensure safety of traffic and preservation of the roadway structure, and required construction shall, unless otherwise provided in the approved permit, be in accordance with the following controls.

- (1) Trenched construction and backfill:
 - (a) Where the pavement must be removed, it first shall be cut in vertical (or undercut) continuous straight lines.
 - (b) Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus two feet. Shoring shall comply with the Washington State Department of Labor and Industries Safety Code.
 - (c) The pipe or carrier shall be installed and the trench backfilled in a manner assuring no deformation of the pipe likely to cause leakage and restoration of the structural integrity of the roadway structure. Specific trench backfill requirements regarding materials and methods shall be provided by the County.

- (d) When trenching is approved on paved roads, the pavement shall be restored as required by the county.
- (2) Untrenched construction may be required for pipelines crossing roads paved with asphalt concrete or cement concrete and for roads paved with bituminous surface treatment when directed by the County.
 - (a) If sufficient right-of-way exists, the length of untrenched construction shall extend a minimum of four feet from edge of pavement, except that a lesser standard may be permitted by the County Engineer where conditions warrant.
 - (b) Overbreaks, unused holes, or abandoned casings shall be backfilled as directed by the County Engineer.
 - (c) Water boring under roadways shall not be permitted.
 - (d) Existing carriers and conduit installed under a roadway may be physically located prior to pipeline installation.
- (3) Plowing of communication and electrical lines on or adjacent to existing roads by means of a vibratory plow may be allowed by the County, provided that the structural integrity of the roadway is not impaired. Approval of this method must be approved by the County and noted on the permit to perform work on County right-of-way.

G. UNDERGROUND UTILITIES - ONE CALL SYSTEM

Utility facilities shall be located and identified in accordance with Title 19 RCW, Chapter 19.122, sections 19.122.010 through 19.122.900 (Washington State One Call System).

7. SPECIFIC REQUIREMENTS - OVERHEAD UTILITIES

A. POWER AND COMMUNICATION LINES

- (1) Single-pole construction and multiple use of the pole is desirable and should be used whenever feasible.
- (2) The minimum vertical clearance for overhead power and communication lines above the road and the minimum lateral and vertical clearance from bridges shall be in compliance with the National Electrical Safety Code and Washington State Department of Labor and Industries "Electrical Construction Code."
- (3) Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities shall be allowed.

8. SPECIFIC REQUIREMENTS - FIBER OPTIC

A. Plans: Engineered plans must be submitted prior to permit being issued. All applicable state and local laws pertaining to fiber optic installation must be followed.

B. Depth:

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- (1) Minimum of four (4) feet.
- (2) Exceptions to depth granted on an individual basis. For instance, in solid rock, lines could be shallower but capped.

C. Inspection:

- (1) Full time on-site inspector required.
- (2) Whitman County Road Superintendents will inspect daily for quality control.
- (3) Projects will be shut down if there is no inspector on site.
- (4) Road surface must be returned to safe condition daily.

D. Fiber Optic Routes:

- (1) All routes must be pre-approved by Public Works
- (2) No open cutting of paved surface unless approved by Public Works.
- (3) All buried utilities must have a way to accurately locate such a locator line or wire.

E. Culverts: Boring may be required at each culvert location and intersection.

F. Job Completion:

- (1) Utility engineer or pre-approved substitute (such as owner) will sign off on project completion to insure proper installation.
- (2) Paved and gravel surfaces may require additional new asphalt or gravel in order to return road to original condition.

G. All fiber lines must be submitted to the appropriate regional or state one-call system after installation.

H. All new fiber installations must be tagged. The markers and their spacing must be pre-approved by Public Works.

9. AESTHETIC/SCENIC CONSIDERATIONS

A. Utility installations shall be designed and constructed to minimize the adverse affect on existing roadside manmade or natural amenities. Special efforts shall be taken to minimize any potential negative impact on areas of scenic beauty (i.e., scenic strips, viewpoints, rest areas, recreation areas, public parks or historic sites, etc.).

B. Overhead utility installations shall be permitted in areas of scenic beauty when other utility locations are not available, are not technically feasible, are unreasonably costly, or are less desirable from the standpoint of visual quality.

- C. If the utility intends to use chemical sprays to control or kill weeds and brush in scenic areas, prior approval must be granted by the County at least annually. The County may limit or restrict the types, amounts, and timing of applications if a significant negative impact on the aesthetics of the area is anticipated, provided such limitations or restrictions are not in conflict with state law governing utility right-of-way maintenance.
- D. Refuse and debris resulting from the installation or maintenance of the utility facilities shall be promptly removed once work is completed.

10. INSTALLATION ON ROADWAY BRIDGES AND STRUCTURES

Attachment of utility lines to a roadway structure (including bridges) may be allowed where such attachment conforms to sound engineering considerations for preserving the roadway structure and its safe operation, maintenance and appearance. The attachment shall be in accordance with the following:

- A. Attachment of a utility shall not be considered unless the structure in question is of a design that is adequate to support the additional load and can accommodate the utility facility without compromise of highway features, including reasonable ease of maintenance.
- B. Manholes and other utility access panels should be avoided within the roadway portion of the structure.
- C. Attachment on a structure of a pipeline carrying a hazardous transmittant shall be avoided where practicable.
- D. The utility attachment shall not reduce the clearance of a structure where such clearance is critical. Attachment to the outside of a structure should be avoided where there are reasonable alternatives.
- E. Utility mountings shall be of a type, which shall not create noise resulting from vibration.
- F. The hole created in a structure abutment shall be sleeved, shall be of the minimum size necessary to accommodate the utility line, and shall be sealed to prevent any leakage of water or backfill material. Spare sleeves shall be sealed.
- G. The utility line back of the abutment shall curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.
- H. Communication and electrical power line attachments shall be suitably insulated, grounded, and preferably carried in protective

conduit or pipe from point of exit from the ground to re-entry. Carrier pipe and casing pipe shall be properly isolated from electric power line attachments.

11. MISCELLANEOUS PROVISIONS

A. Preservation, restoration and cleanup

- (1) The size of disturbed area necessary to install a utility shall be kept to a minimum.
- (2) Restoration methods shall be in accordance with the specifications of the County and/or special provisions of the franchise, permit, or agreement.
- (3) Unsatisfactory restoration including trench settlement work shall be promptly corrected by the utility. If necessary, unsatisfactory restoration work may be corrected by the County and billed to the utility.

B. Traffic control and public safety.

- (1) Traffic controls, including detours for all utility work, shall conform to the currently applicable "Manual on Uniform Traffic Control Devices for Streets and Highways."
- (2) All construction and maintenance operations shall be planned to keep interference with traffic to a minimum. On heavily traveled roads, construction operations interfering with traffic should not be scheduled during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.
- (3) Adequate provision shall be made to safeguard any open excavation, and shall include barricades, lights, flaggers, or other protective devices as may be necessary.
- (4) The storage of materials on roadways shall not be allowed, and parking of vehicles on roadways shall be kept to a minimum.

C. Emergency repairs.

- (1) All utility facilities shall be kept in a good state of repair. Emergency repairs shall be undertaken in a timely manner.
- (2) If emergency repairs disturb the right of way, such repairs may be immediately undertaken and the right of way restored. Approval as to the manner of final restoration of the right of way shall be secured from the County in a timely fashion.

062986 3. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** that the resolution to establish policy for approval of work for other agencies be signed as presented.

WHITMAN COUNTY, WASHINGTON

IN THE MATTER OF WHITMAN)	
COUNTY POLICY FOR APPROVAL)	RESOLUTION NO. <u>062986</u>
OF WORK FOR OTHER PUBLIC)	
AGENCIES)	

WHEREAS, there is a need to provide Whitman County Public Works materials and services for other public agencies or other County Departments due to the lack of adequate equipment or facilities or personnel available in other public agencies or other County Departments; and,

WHEREAS, the County has the necessary personnel, equipment and facilities in order to provide certain Public Works services in accordance with the laws of the State of Washington in particular R.C.W. 35.77.020, 35.77.030, and WAC 136-50-054; and,

WHEREAS, it is necessary to establish procedures to be followed in processing requests for such Public Work services including the delegation of authority in processing such requests.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners that the Board will accept written requests for Public Works services for other public agencies or other County Departments; and,

BE IT FURTHER RESOLVED, that Whitman County will provide Public Works services to other public agencies upon successful execution of an agreement by and between Whitman County and the other public agency setting forth the mutual covenants and agreements and pursuant to the laws of the State of Washington in particular R.C.W. 35.77.020 and 35.77.030 including a description of the Public Works services to be provided by the County; provisions for cost reimbursement to the County; a provision that will hold the County harmless for all claims, losses, demands, actions or causes of action of any nature whatsoever by reason of the performance of said agreement by the County; a provision that the other public agency procure and maintain in full for and effect with the County to be named as a named insured public liability insurance and property damage insurance in the amounts deemed necessary by the County; and other provisions as deemed necessary by the County. The agreement shall be executed by the legislative authority of both parties and adopted by appropriate resolution or ordinance; and,

BE IT FURTHER RESOLVED, that upon successful execution of said agreement that requests for Public Works services may be made in writing to the Director of Public Works who shall have full authority to process such written requests; and,

BE IT FURTHER RESOLVED, that Whitman County will provide Public Work services to other Whitman County Department upon approval of written requests for work in a time and manner consistent with the efficient

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operation of the Public Works Department as determined by the director of Public Works; and,

BE IT FURTHER RESOLVED, that the cost reimbursement to the County for providing Public Works services to other public agencies or other County Departments shall include the total cost of all work performed plus an administrative fee based upon the total cost for accounting, billing and administrative services as set by Board of County Commissioners. This resolution rescinds all prior resolutions.

DATED this 11th day of October 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

062987 4. The Engineer presented a petition requesting the next phase of the Gray Estates annexation also include the portion of Old Wawawai Road in Public Hospital District #1-A when annexed to Pullman. Mr. Storey noted this is basically a housekeeping issue with respect to the special taxing district and exactly the same type of issue the county dealt with on the last Gray Estate annexation. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign a petition requesting the Wawawai Road in the Gray Estates annexation be included in Public Hospital District No. 1-A when annexed into Pullman. Commissioner Partch added this is consistent with the work done through mutual planning for cluster residential districts set aside for the city to do exactly this.

Solid Waste Division:

D062987A 5. Tim Davis reported on the very well received 2004 fall cleanup in comparison to 2003 fall cleanup as follows:

<u>2004</u>	<u>2003</u>
304 vehicles	315 vehicles
160 tons above normal collection	200 tons above normal collection

Mr. Davis said the totals were down this year, but the 2004 totals for spring cleanup were up from 2003.

062988 6. Cindi Lepper reported on and shared pictures of some of the following events:

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- WSU No Waste Picnic held August 20th where 5,000 people were served and 36 pounds of garbage collected,
- Lentil Festival held August 21st was attended by 25,000+ people and 510 pounds of recyclables collected,
- Palouse Empire Fair held September 8th-12th was attended by 23,000+ people and 972 pounds of recyclables collected,
- Master Gardeners Booth at the Fair,
- Garfield Curbside Athletic Shoe Collection-2nd in the nation to collect shoes at curbside, and
- Lacrosse High School Environmental Club "Teen As Teachers" program held in September.

D062988A 7. The Director said over the past couple of months, the engineer and he have been at the Transfer Station with individuals from out of the area, many of which operate transfer stations and load-out operations. In every instance, the visitors were quick to recognize how clean and well-managed our Transfer Station is and the great job Tim Davis and his staff are doing who deserve all the credit.

For being relatively new to this career, the Director pointed out the great job Cindi Lepper has done in the recycling area. He read a thank you note addressed to Ms. Lepper from the Lentil Festival Committee and a second note from Lacrosse High School teacher, Christopher Clausen.

In both cases regarding solid waste and recycling/reuse, Mr. Dunford said these individuals take a great deal of pride in their job and it is noticed by others.

Chairman Wigen concurred with the Director based on his visits to the transfer station at different times during the year.

D062988B 8. Ms. Lepper will look into a suggestion by Commissioner Partch for incorporation of an animal paper mache recycling contest at next years' fair.

Engineering Division:

D062988C 9. Mark Storey talked about the progress of the Looney Bridge and Palouse Cove Road projects.

Maintenance Division:

D062988D 10. Director Dunford mentioned all edgeline striping is now completed; most districts are hauling rock until individual districts budgets are depleted at which time the crews will go back to cleaning ditches and culverts and grading to prepare gravel roads for winter operations.

11:30 a.m. - Elected Officials' Salary Commission.

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Present: Joe Reynolds, Bob Lothspeich, Eunice Coker, Kelli Campbell, Tammy Lewis, Susan Nelson and Peggy Wright.

062989 1. The Chairman convened the hearing for the proposed establishment of a salary commission for elected officials.

In the absence of the Prosecutor, the Auditor was called upon to explain her involvement in the process. Ms. Coker said she has created a policy and the procedure to be used for selecting 6 of the 10-member commission within commissioner districts (2 from each district) by random lot drawing from the active voter registration list. The list is then forwarded to Human Resources to seek participation from each district to serve as members of the commission.

Commissioner Partch gave the background of the proposed salary commission for the benefit of the media. Findings from the commission will be mandatory for the county commissioners and recommended for the other elected officials with the exception of the judges whose salaries are set by the state.

The Auditor continued stating the county commissioners will select 4 other individuals from the following sectors of the county: business, professional personnel management, legal profession and organized labor.

The Chairman asked for comments from those in attendance for or against the proposal. The Auditor commented that the Human Resources Director would provide advisory information to the commission.

Chairman Wigen adjourned the hearing.

062990 Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to approve an ordinance establishing the "Whitman County Citizens' Commission on Salaries for Elected Officials".

ORDINANCE NO. 062990
AN ORDINANCE ESTABLISHING A SALARY COMMISSION
FOR THE PURPOSE OF
SETTING SALARIES FOR THE WHITMAN COUNTY ELECTED OFFICIALS
WHITMAN COUNTY CODE CHAPTER 2.02.040

WHEREAS, the Laws of 2001 amends RCW 36.17.020 and adds a new section (RCW 36.17.024) to authorize the county legislative authority to establish an independent salary commission (Commission) to set salaries of all county elected officials (excluding judges); and,

WHEREAS, these statutes authorize the voters of the county to review the decisions of the Commission to increase or decrease such salaries by means of referendum; and,

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WHEREAS, the Board of Whitman County Commissioners met with the elected officials of Whitman County and the elected officials were desirous of an independent salary commission.

NOW, THEREFORE, the Board of Whitman County Commissioners does ordain as follows:

1. The Commission shall be known as the Whitman County Citizens' Commission on Salaries for Elected Officials.
2. The Commission shall be established as set forth in Attachment A, and said Commission shall operate under the provisions of said attachment.
3. Salary increases and decreases shall be subject to referendum petition, as set out in Attachment A, by the people of the county in the same manner as a county ordinance upon filing of such petition with the County Auditor within thirty (30) days after filing of the salary schedule.
4. This ordinance shall be effective on the date of passage.

DATED this 11th day of October 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

ATTACHMENT "A"

SECTION 1: ESTABLISHMENT - WHITMAN COUNTY CITIZENS' COMMISSION ON SALRIES FOR CERTAIN COUNTY ELECTED OFFICIALS

There is hereby established an advisory commission on salaries of certain county officials, hereafter "Commission" to consist of ten (10) members. The composition of the Commission shall be as follows:

- a. Six (6) of the ten (10) Commission members shall be selected by lot by the County Auditor from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission under Section 2 - Terms. The County Auditor shall select two (2) Commission members living in

each County Commissioner district. The County Auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a County Commissioner's district if a person selected from the district declines appointment to the Commission or, if, following the persons appointment, the persons position on the Commission becomes vacant before the end of the person's term of appointment.

- b. The remaining four (4) of the ten (10) commission members must be residents of Whitman County and shall be appointed by a majority vote of the county legislative authority. The persons selected under this subsection shall have had experience in the field of personnel management. Of these four members, one shall be selected from each of the following four sectors in the county: Business, professional personnel management, legal profession, and organized labor.
- c. Members of the Commission may not include any officer, official or employee of Whitman County whose salary will be studied in the Commission's responsibilities set forth hereinafter, nor any "immediate family member" of such officer, official or employee. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of the officer, official or employee, whether or not living in the household of the officer, official or employee.
- d. The Board of County Commissioners reserves the right to disband the Commission by a unanimous vote of the legislative authority.

Section 2: TERMS

Appointments to the commission shall be for terms of four (4) years. No person may be appointed to more than two (2) such terms. Provided, however, the Clerk of the Board of County Commissioners shall by lot establish the initial terms of members on the Commission so that of the members of the Commission:

- a. Two (2) shall be appointed for one (1) year;
- b. Two (2) shall be appointed for two (2) years;
- c. Three (3) shall be appointed for three (3) years; and,
- d. Three (3) shall be appointed for four (4) year terms.
- e. Thereafter, successors to the first members shall be appointed for four (4) year terms.

No member of the Commission may be removed by the county legislative authority during his or her term of office unless for cause of incapacity, incompetence, negligence of duty or malfeasants or for a disqualifying

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change of residence. Removal will require a majority vote of the Board of County Commissioners.

SECTION 3: VACANCIES

Upon a vacancy in any position on the Commission a successor shall be selected to and appointed to fill the unexpired term in the same manner as the initial appointment and the appointee shall fill the unexpired term. The selection and appointment shall be concluded within thirty (30) days of the date the position becomes vacant and shall be conducted in the same manner as for the original appointment.

SECTION 4: OFFICERS

The Commission shall elect on a yearly basis a Chairperson, Vice-Chairperson, Secretary and such other officers as deemed necessary. The Chairperson or his or her designee shall preside over all meetings and shall be a voting member of the Commission.

SECTION 5: RULES AND REGULATIONS AND ASSISTANCE

The Commission shall be subject to the provisions of the Open Meeting Act. It shall keep minutes of all meetings and shall further adopt rules and regulations for the transaction of business. The setting of salaries shall be by an affirmative vote of not less than six (6) members.

The staff of the Board of County Commissioners, including the clerk of the board, and the Human Resources office of the county shall assist the Commission by providing information and other such assistance as the Commission requests.

SECTION 6: COMPENSATION-EXPENSES

Members of the Commission shall serve without compensation and/or per diem.

SECTION 7: POWERS AND DUTIES OF THE COMMISSION

a. The Commission shall set salaries of the following Whitman County elected officials:

1. Auditor;
2. Assessor;
3. Clerk;
4. Commissioners;
5. Coroner;
6. Prosecuting Attorney;
7. Sheriff; and,
8. Treasurer.

Any change in salary shall be filed by the Commission with the County Auditor and shall become effective and incorporated into the county budget without further action of the county legislative authority or salary commission. If the initial determination of salaries, after the commission is formed, results in an increase in salary to an elected official, that increase shall take effect immediately upon the Commission's filing of the salary with the Auditor. All subsequent increases in salary shall take effect upon January 1st of the year following the filing with the Auditor.

- b. The Commission will determine salaries as soon as possible after the Commission is formed, and then once each year during the month of July, or as soon as practical thereafter, to be included in the budget of the ensuing year.
- c. Salary increases established by the Commission shall be effective as to county commissioners and all other elected officials (excluding judges), regardless of their terms of office.
- d. The action fixing the salary of the county commissioners and any other elected officials (excluding judges) by a Commission established in conformity with this ordinance shall supersede any other provision of county ordinance related to budgets or to the fixing of salaries of any elected officials (excluding judges).
- e. Salary decreases established by the commission shall become effective as to incumbent county commissioners or other elected officials (excluding judges) at the commencement of their next subsequent terms of office.

SECTION 8: REFERENDUM

- a. Salary increases and decreases shall be subject to referendum petition by the people of the county in the same manner as a county ordinance upon filing of such petition with the County Auditor within thirty (30) days after filing of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people.
- b. The referendum measures under this section shall be submitted to the voters of the county at the next following general or municipal election occurring thirty (30) days or more after the petition is filed, and shall be otherwise governed by the provisions of the State Constitution and laws generally applicable to referendum measures.

SECTION 9: REPEALER

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Whereas Whitman County Code Sections 2.02.005, 2.02.010, 2.02.020 are inconsistent with the Salary Commission adopted by this ordinance, they are hereby repealed. This repeal shall take effect upon the filing with the Auditor by the Salary Commission of their first action fixing the salary of the County Commissioners.

SECTION 10: SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

12:00 p.m. - Recess.

1:05 p.m. - Judge Robinson, District Court.

Present: Ron Shirley, Ron Webster, Anthony Frye, Marlynn Markley and Eileen Roe.

062991 Chairman Wigen began by saying the current District Court Indigent Defense contract expires at the end of this year.

Judge Robinson said the playing field has changed considerably, particularly due to circumstances in Grant County, which brought to light some of the abuses in the public defense and public defense contracting system. This also caused some statements to be made and endorsements of the prior public defense contracts and standards, which had been in effect or published by the Washington Defendant Association and endorsed by the Washington State Bar Association for a number of years. One particular concern was the case assignment limitations of 300 for any one public defender, assumed to be a full time caseload. That limitation had been exceeded since these contracts have been let. Therefore, there was a particular need to make sure we came within those limitations because of the visibility these contracts in the public defense services are being given.

Secondly, Judge Robinson said he also included a provision in the specifications for an additional conflict counsel to limit the expenses the county would incur for conflict of counsel. This is largely beyond the court's control and difficult to determine from year-to-year.

Thirdly, he requested counsel for the first appearance docket in Pullman on Tuesday and Colfax on Wednesday believing that a large number of cases could be resolved at that level by reducing the number of assigned cases and the number of repetitive court settings that could be resolved at first appearance while cutting county costs and time.

Judge Robinson reviewed the 3 proposals received from the law firms, all of which he thought were very qualified to provide this service. He also met with Superior Court and former District Court Judge Frazier who is very

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familiar with these same concerns. While any of the proposing law firms could handle the contract very effectively, it was the proposal from Snyder and Martinick that most clearly met the requirements as a combined contract with Superior Court, who by happenstance provided the lowest bid. However, as stated in the solicitation for bids, that was not the only factor to be considered. The advantage too is a larger pool of attorneys that cases could be assigned, bilingual attorneys and a number of people to handle Fitzsimmons calls in the evening, which is another aspect of the contract.

It was Judge Robinson's determination, believing Judge Frazier was in agreement, that the proposal submitted by Snyder & Martinick (\$108,000 with Superior Court contract) is the best fit, although it was not an easy decision.

Other proposals were received from Hickman & Webster (\$113,000) who have had the contract for a number of years. He has also known Howard Neill and Ron Shirley (\$120,000) for a number of years, both are excellent lawyers and could provide good service.

There are still a number of items that need to be ironed out with Snyder & Martinick, details that have to be acknowledged and agreed to. This would merely be the second stage in the process of negotiating an acceptable contract.

Commissioner Partch said the primary driver in this decision for him is the Grant County issue and potential liability. The bilingual issue is a plus.

Commissioner Finch recused himself from the discussion and decision.

062992 Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to accept the contract proposal from Snyder and Martinick with the provision that the details can be worked out. Judge Robinson will meet with the Board again if negotiations do not pan out with Snyder & Martinick.

1:30 p.m. - Board Business Continued/BOCC Workshop.

Present: Fran Martin (1:30 p.m.) and Brett Myers (2:00 p.m.).

D062992A 13. Items discussed included emergency management and the inmate welfare fund. No action taken.

2:30 p.m. - Recess.

D062992B THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **October 12, 2004** at **3:00 p.m.** Les Wigen, Chairman, G.R. "Jerry" Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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3:00 p.m. - Reconvene/Board Business Continued/BOCC Workshop.

Present: Dane Dunford, Mark Storey and Mark Bordsen.

D062992C 14. Items discussed revolved around planning related issues. No action taken.

4:30 p.m. - Adjournment.

D062992D Commissioner Partch **moved** to adjourn the **October 11** and **12, 2004** meeting. Motion **seconded** by Commissioner Finch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **October 18, 2004**. The foregoing action made this **12th** day of **October 2004**.

ss/ G.R. FINCH, Commissioner
ss/ GREG PARTCH, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

LES WIGEN, CHAIRMAN
Board of County Commissioners