

COMMISSIONERS' PROCEEDINGS

Adams County Courthouse
Ritzville, Washington
Regular Meeting

June 7, 2022 – 9:00 a.m.
(Tuesday)

Call to Order

Chairman Weise called the meeting to order.

Present:

Chairman Jay R. Weise
Vice-Chairman Terrance J. Thompson
Commissioner Dan C. Blankenship

Pledge of Allegiance

Chairman Weise led the Pledge of Allegiance.

Approval/Addition of Agenda

Commissioner Blankenship moved, Thompson seconded, to approve the agenda as presented. **Motion carried.**

Consent Agenda

Commissioner Blankenship moved, Thompson seconded, to approve the consent agenda as presented. **Motion carried.**

Minutes

Approve Preliminary Minutes of May 17 and 18, 2022
Approve Preliminary Minutes of May 24 and 25, 2022

Payroll

Approve May 1 – 15, 2022 Payroll in the amount of \$481,409.13; and,
Benefits in the amount of \$88,688.94 (Warrant # Series 532854-532860;
Direct Deposit # Series 71993-72180; Benefit/Deduction # Series
1164415-1164421)

Vouchers

Approve Vouchers audited and certified by the Adams County Auditor as required by RCW 42.24.080, and those expense reimbursement claims

certified as required by RCW 42.24.090 and recorded on a listing, which was made available to the Board. These vouchers were listed as follows:

<u>Fund</u>	<u>Control Number</u>	<u>Amount</u>
001	22-1504 – 22-1547	\$ 30,814.19
103	22-1548 – 22-1552	\$ 623.96
104	22-1553 – 22-1571	\$ 33,640.94
106	22-1572 – 22-1573	\$ 6,727.72
112	22-1574 – 22-1579	\$ 4,379.55
114	22-1580	\$ 244.35
123	22-1581 – 22-1584	\$ 8,358.05
130	22-1585 – 22-1587	\$ 3,605.01
131	22-1588 – 22-1589	\$ 4,158.30
502	22-1590 – 22-1604	\$ 9,505.68
108	714 – 716	\$ 1,403.11
115	717 – 726	\$113,729.85
321	727	\$ 329.00
401	728 – 735	\$ 23,231.80
501	736 – 741	\$ 16,091.41
590	742 – 776	\$ 68,443.21
590	Hand Pays	\$ 27,130.02
	TOTAL	\$352,416.15

Resolution No. R-018-2022

Juvenile Department

Approve Resolution No. R-018-2022 In the Matter of Adopting the Modified Job Description for Position No. 902 Administrative Assistant Within the Adams County Juvenile Court Services and Reclassifying the Same. (CP05252022)

Board Updates

Commissioner Thompson reported on his attendance at the Columbia River Caucus in Ephrata; the Eastern Washington Council of Governments (EWCOG) meeting in Davenport; and, the Columbia Basin Development League (CBDL) meeting in Moses Lake.

Commissioner Blankenship reported on the Water 101 training; the Broadband project; and, the Sprague Lake research project.

Board Discussion/Decision Items

Human Resources

Human Resource Manager Perez reported on upcoming retirement workshop opportunities for county employees scheduled in Othello on June 15, 2022 and Ritzville on June 16, 2022. Updates were provided on new employee orientation; the proposed policy addressing new position/reclassification process; and, miscellaneous projects in process.

Adams County Development Council

Kyle Niehenke, Adams County Development Council (ACDC) Executive Director, provided the monthly update on outreach, networking, fundraising, branding, recruitment, and business retention and expansion.

Niehenke reported he is utilizing GIS implementation as a new marketing tool that will provide customizable Google maps for ACDC.

Additionally, Niehenke provided an update on a current Commerce Project; conversations with businesses while at ICSC Recon in Las Vegas, May 22-24, 2022; and, upcoming activities scheduled in June and July, 2022.

Discharge and Sale of Fireworks

The Board held a public hearing, as required by statute, on March 1, 2022 to consider public comment on an ordinance to amend Chapter 8.12 of the Adams County Code relating to fireworks. No comments, oral or written, were received.

Commissioner Blankenship moved, Thompson seconded, to approve Ordinance No. O-01-2022 – An Ordinance Amending Chapter 8.12 of the Adams County Code Regarding Fireworks; and, Provisions for the Discharge and Sale of Fireworks. **Motion carried.**

Public Comment Policy

The Board reviewed a Public Comment policy for the purpose of providing guidelines for public comment periods during Board of Commissioner meetings.

Other Business

Janet Manke, Deputy Treasurer, introduced Ayiana Betts, recently hired to fill the position of Real Estate Clerk in the Treasurer's Office.

Permanent Minutes Signed

May 10 and 11, 2022

Correspondence Received

Board of Grant County Commissioners re: Intercounty Weed District 51

Public Comment Policy

Commissioner Blankenship moved, Thompson seconded, to adopt the Public Comment Policy as presented. **Motion carried.**

Executive Session – None

Recess @ 11:49 a.m.

Reconvene @ 1:00 p.m.

Cunningham Road Widening Project #2

It being the date and time set for bid opening on the Cunningham Road Widening Project #2, bids were opened from:

Inland Asphalt Co. 955 Lacey Road Richland, WA 99352	\$ 863,128.80
Wheeler Excavation, LLC 2007 E. Highland Ext. Benton City, WA 99320	\$1,040,226.03
Total Site Services 2780 Salk Avenue Richland, WA 99354	\$ 801,863.32

Engineer Estimate: \$1,068,755.59

Board Workshop

Platting Process

A workshop was held for the purpose of reviewing the Adams County platting process and to develop an informational document that will assist the public in the application process.

Staff present were Assessor Rodriguez, Janet Bowman, Janet Manke, Andie Lorenz, Cory Stolsig, Loren Wiltse and Prosecutor Flyckt.

Public Records Software Presentation

Granicus govQA representatives provided a demonstration of software designed to streamline the public records request process in tracking and managing requests.

Adjournment @ 4:00 p.m.

Submitted:

s/Patricia J. Phillips, CMC
Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Jay R. Weise, Chairman
s/Terrance J. Thompson, Vice-Chairman
s/Dan C. Blankenship, Commissioner

RESOLUTION NO. R-018-2022

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

**IN THE MATTER OF ADOPTING THE MODIFIED JOB DESCRIPTION FOR
POSITION NO. 902 ADMINISTRATIVE ASSISTANT WITHIN THE ADAMS COUNTY
JUVENILE COURT SERVICES AND RECLASSIFYING THE SAME**

WHEREAS, job descriptions are periodically reviewed and updated for accuracy; and

WHEREAS, the currently adopted job description for Position No. 902 – Administrative Assistant in the Juvenile Court does not effectively outline all the supervision and office management exercised by the position; and

WHEREAS, the currently adopted job description does not accurately provide that this position acts in a confidential capacity exempt from union representation; and

WHEREAS, the currently adopted job description requires changes to properly outline the supervision, office management, and confidential duties that are exercised in this position.

THEREFORE BE IT HEREBY RESOLVED that the attached job description for Position No. 902 – Administrative Assistant is hereby adopted; and

BE IT FURTHER RESOLVED that this position is reclassified from Range D on the Courthouse Bargaining Unit Salary Structure to Range EE1 on the Adams County Exempt Employee Salary Schedule.

BE IT FURTHER RESOLVED that the attached job description and reclassification will become effective June 1, 2022.

BE IT FURTHER RESOLVED that the step placement of the existing incumbent as of June 1, 2022 will be Step 1 of Range EE1.

BE IT FURTHER RESOLVED that June 1, 2022 will become the new anniversary date of the existing incumbent for the purpose of calculating subsequent step increases.

DATED this 7th day of June, 2022.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Jay R. Weise, Chairman
s/Terrance J. Thompson, Vice Chairman
s/Dan C. Blankenship, Commissioner

ATTEST:
s/Patricia J. Phillips, CMC
Clerk of the Board

ORDINANCE NO. O-01-2022

AN ORDINANCE AMENDING CHAPTER 8.12 OF THE ADAMS COUNTY CODE REGARDING FIREWORKS; AND, PROVISIONS FOR THE DISCHARGE AND SALE OF FIREWORKS

WHEREAS, The State of Washington regulates the sale and discharge of fireworks in RCW 70.77; and

WHEREAS, Adams County has established by ordinance policies and provisions within Chapter 8.12 of the Adams County Code regarding fireworks; and

WHEREAS, the Board of County Commissioners recognize the need for revision to the Adams County Code Chapter 8.12 Fireworks provisions for the discharge and sale of fireworks; and

WHEREAS, the Adams County Board of Commissioners held a public hearing on March 1, 2022 for the purpose of receiving comment.

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

**Chapter 8.12
FIREWORKS**

Sections:

8.12.010	Definitions
8.12.015	Prohibition Against Discharge
8.12.020	Permit—Required
8.12.030	Permit—Application
8.12.035	Permitted Sale Period
8.12.036	Retail Sales – Rules and Regulations
8.12.037	Type of Fireworks Allowed Without Permit
8.12.040	Permit—Investigation—Report
8.12.050	Permit—Conditions
8.12.055	Appeals
8.12.060	Permit—Public Display
8.12.070	Permit—Bond
8.12.080	Permit—Limitations
8.12.090	Permit—Bond Amounts
8.12.100	Permit—Fee
8.12.110	Prohibition Due to Extreme Fire Danger
8.12.120	Seizure of Fireworks
8.12.130	Penalty
8.12.140	Other Liabilities and Legal Rights Not Affected

8.12.010 Definitions.

The definitions set forth in RCW Chapter 70.77 shall govern the construction of this chapter unless the context otherwise requires.

The words and phrases used for the purpose of this chapter shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

Common Fireworks: Includes any fireworks which are designed primarily for sale at retail to the public during prescribed dates which produce visible or audible effects through combustion and are classified as common fireworks by the U.S. Bureau of Explosives or in the regulations in the U.S Department of Transportation and designated at U.N. 0336 1.4G.

Person: Includes individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

Public Display of Fireworks: An entertainment feature where the public is admitted or permitted to view the display or discharge of special fireworks.

Sale at Retail: Includes any sale or transfer, including contracts or orders for sales or transfers, wherein any person at a fixed location or place of business sells, transfers or gives fireworks to a consumer or user.

Sale at Wholesale: Includes a sale or transfer to a retailer or any other person for resale, and which also includes any sale or transfer of special fireworks to public display licenses.

Agricultural and Wildlife Fireworks: Includes fireworks devices distributed to farmers, ranchers, and growers, through a wildlife management program administered by the United States Department of Interior.

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purposes of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks by the United States Bureau of Explosives or contained in the regulations of the United States Department of Transportation and designated at U.N. 0335 1.3G or U.N. 0336 1.4G.

Special Fireworks: Includes any fireworks designed primarily for exhibition display which produce visible or audible effects and classified as such by the U.S. Bureau of Explosives or in the regulations of the U.S. Department of Transportation and designated at U.N. 0335 1.3G.

Pyrotechnics: Any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as a necessary part of a motion picture, radio or television production, theatrical, or opera.

Pyrotechnic Operator: Includes any individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging public displays of special fireworks. (Ord. O-05-91 § 1)

8.12.015 Prohibition Against Discharge.

Consumer fireworks may be used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, and on July 4th between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, and from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year, and as provided in RCW 70.77.311.

8.12.020 Permit – Required.

- A. No person, without an appropriate county permit, may:
 - 1. Manufacture, import, possess or sell any fireworks at wholesale or retail for any use;
 - 2. Make a public display of fireworks;
 - 3. Transport fireworks, except as a public carrier delivering to a person holding a fireworks permit, in conformance with this chapter.
- B. Except as authorized by a permit under subsection (A)(2) of this section, no person may discharge special fireworks at any place.
- C. No person less than eighteen (18) years may apply for or receive a permit under this chapter.
- D. No permit is required for the possession or use of common fireworks lawfully purchased at retail. . (Ord. O-05-91 § 1)

8.12.030 Permit – Application.

- A. Any person desiring to do any action mentioned in Section 8.12.020(A)(1) or (A)(2) shall apply in writing to the County Building and Planning department for a permit no less than thirty (30) days before the date of permitted sales.
- B. Any person desiring to put on a public display of fireworks under Section 8.12.020(A)(2) shall apply in writing to the County Building and Planning department for a permit. Application shall be made at least thirty (30) days in advance of the proposed display. (Ord. O-05-91 § 1)

8.12.035 Permitted Sale Period.

It is legal to sell and purchase consumer fireworks within the unincorporated areas of Adams County from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to nine o'clock p.m. on the fifth of July, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW 70.77.311.

8.12.036 Retail Sales – Rules and Regulations.

The sale of fireworks within the unincorporated areas of Adams County shall be in accordance with the Washington State Fireworks Law, Chapter [70.77](#) RCW and Chapter [212-17](#) WAC unless otherwise provided in this section.

- A. No person under the age of eighteen (18) shall be employed by the permittee in connection with the retail sale of fireworks.
- B. Fireworks sold at retail shall be sold only in roadside stands or in buildings used for no other purpose. Such stands or buildings shall be permitted only if in compliance with ACC Title [17](#).
- C. Firework stands shall provide approved no smoking signs in red letters, not less than two (2) inches in height, on a white background. All signs shall be maintained in a legible condition and shall be placed and displayed to be clearly visible and readable a minimum of twenty (20) feet from the building or stand in which fireworks are sold at retail or stored after hours.
- D. Smoking shall be prohibited within twenty-five (25) feet of any building or stand in which fireworks are sold at retail or are stored after hours. Discharging fireworks within one hundred (100) feet of any retail fireworks stand shall be prohibited.
- E. Each retail fireworks location shall have not less than two (2) water-type extinguishers of not less than two and one-half-(2 ½) gallon capacity or the equivalent.
- F. There shall be at least two (2) exits from all booths or buildings from which fireworks are sold. The two (2) exits shall be unobstructed and open from the ground level to at least six (6) feet in height.
- G. There shall be no accumulations of dry grass, paper, cardboard, trash, lumber or other combustibles within one hundred (100) feet of any retail fireworks outlet.
- H. Fireworks shall not be sold within one hundred (100) feet of any flammable or combustible liquid or liquid petroleum gas dispenser.
- I. Retail firework licenses are for the retail sale of fireworks from prior to 12:00 p.m. on June 28th or after 11:00 p.m. on July 4th; and, prior to 9:00 a.m. on December 31st or after 11:00 p.m. on December 31st of each year. per ACC 8.12.035
- J. The temporary structure or stand(s) used for the retail sale of fireworks shall not be placed or erected more than one (1) week prior to the first allowable sale date and shall be removed from the premises within one (1) week after the last day of allowable sales;

as set per ACC 8.12.035. Any stand or structure remaining beyond one week may be removed by order of the Adams County Building and Planning Department at the expense of the permittee or owner.

K. The retail licensee shall distribute, with each sale of fireworks, safety literature as approved by the Adams County Fire Marshal.

8.12.037 Type of Fireworks Allowed Without Permit.

Only Class C (Common Fireworks USDOT 0336 1.4G) will be allowed to be sold, offered for sale, used, discharged, or possessed in Adams County without additional permits and licenses as required by state law. All other types of fireworks, special, agricultural, wildlife, and public display will require additional permits from local officials.

8.12.040 Permit – Investigation – Report.

The Adams County Fire Marshal, upon receiving an application for a permit under Section 8.12.030(A), shall review the application for compliance with local and state codes. Where an application is approved, a permit shall be issued, and an onsite inspection conducted for fire and life safety provisions in accordance with the requirements of the Washington State Fire Marshal's office.

8.12.050 Permit – Conditions.

The Adams County Fire Marshal may grant or deny an application for a permit under Section 8.12.303(A). The Fire Marshal may place reasonable conditions on any permit it issues. (Ord. O-05-91 § 5)

8.12.055 Appeals.

The written decision of the Fire Marshal may be appealed to the legislative body. An application for appeal shall be based on a claim that the true intent of this Code, or the rules legally adopted thereunder, have been incorrectly interpreted, or the provisions of this Code do not fully apply.

8.12.060 Permit – Public Display.

The Adams County Fire Marshal upon receiving an application for a permit under Section 8.12.030(B) for a public display of fireworks shall investigate whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. The Adams County Fire Marshal may grant or deny the application and may place reasonable conditions on any permit it issues. (Ord. O-05-91 § 6)

8.12.070 Permit – Bond.

Except as provided in RCW 70.77.355, the applicant for a permit under Section 8.12.030(B) for a public display of fireworks shall include with the application evidence of a bond issued by an authorized surety company. The bond shall be in the amount required by Section 8.12.090 and shall be conditioned upon the applicant's payment of all damages to persons or property resulting from or caused by such public display of fireworks, or any negligence on the part of the applicant or its agents, servants, employees or subcontractors in the presentation of the display. Instead of a bond, the applicant may include a certificate of insurance evidencing the carrying of appropriate public liability insurance in the amount required by Section 8.12.090 for the benefit of the person named therein as insured, as evidence of ability to respond in damages. The County Building and Planning department, upon receiving the application, shall approve the bond or insurance if it meets the requirements of this section. (Ord. O-5-91 § 7)

8.12.080 Permit – Limitations.

If a permit under Section 8.12.030(B), for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. The permit granted is not transferable.

8.12.090 Permit – Bond Amounts.

In the case of an application for a permit under Section 8.12.030(B) for the public display of fireworks, the amount of the surety bond or certificate of insurance required under Section 8.12.070 shall be not less than fifty thousand dollars (\$50,000.00) and one million dollars (\$1,000,000.00) for bodily liability for each person and event, respectively, and not less than twenty-five thousand dollars (\$25,000) for property damage liability for each event. (Ord. O-5-91 § 9)

8.12.100 Permit – Fee.

A. The fee for any permit required by Section 8.12.020 shall be as set forth in Table 1-A of the Adams County master fee schedule established and set by resolution by the Board of County Commissioners.

8.12.110 Prohibition Due to Extreme Fire Danger.

Effective June 13, 2017, and all times thereafter during periods of extreme fire danger, the Adams County Fire Marshal may order prohibition of the sale and or discharge of all fireworks; provided, however, that any such order shall only be issued following the consent of a majority of the Board of Adams County Commissioners. For the purpose of this section “extreme fire danger” means a period of hot, dry weather accompanied by low fuel moistures. (Ord. O-02-16 § 1)

8.12.120 Seizure of Fireworks.

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter shall be subject to seizure by the Fire Marshal, the Sheriff’s Department, Code Enforcement or any such official as designated by the Board of County Commissioners to perform the duties of Fire Marshal. Any fireworks seized under this section may be disposed of by the Fire Marshal, or his designee, by summary destruction at any time subsequent to thirty (30) days from such seizure or ten (10) days from the final termination of proceedings under the provisions of [RCW 70.77.440](#), whichever is later.

8:12.130 Penalty.

Any person violating the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) and by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

8.12.140 Other Liabilities and Legal Rights Not Affected.

Nothing in this chapter shall add to or diminish any other legal rights or liabilities, either civil or criminal, arising out of the negligent, reckless, knowing or intentional conduct of any person.

SECTION I

Severability. If any section, sentence clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence clause or phrase of the ordinance.

SECTION II

Effective Date. This ordinance shall take effect immediately after adoption.

APPROVED this 7th day of June, 2022.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Jay R. Weise, Chairman
s/Terrance J. Thompson, Vice-Chairman
s/Dan C. Blankenship, Commissioner

ATTEST:
s/Patricia J. Phillips, CMC
Clerk of the Board

Approved as to form:
s/Randy J. Flyckt
Prosecuting Attorney
WSBA #29302