

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

COUNTY ROAD ADMINISTRATION BOARD

(name of governing body)

(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. 41

(1) Be it resolved by the County Road Administration Board  
acting at Gig Harbor, Washington  
(place)  
that it does promulgate and adopt the annexed rules relating to:

Diversion of Road Fund Levy

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. \_\_\_\_\_ filed with the code reviser on \_\_\_\_\_. Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
- at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, County Road Administration Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Counties are now in the process of adopting projects to be funded by the Rural Arterial Trust Account and those counties who have diverted money from the road fund will not be eligible for rural trust account funds.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026' that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the County Road Administration Board

(agency)

as authorized in RCW 36.78

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON  
APPROVED AND TRANSMITTED July 14, 1983  
FILED

JUL 19 1983

By Charles Perich

Chairman, County Road Administration Board

Title

CODE REVISER'S OFFICE  
WSR 83-15-039

<b>STANDARDS OF GOOD PRACTICE FOR COUNTY ROAD DEPARTMENTS</b>	<b>WAC 136</b>	<b>CHAPTER</b>	<b>150</b>
	<b>RAP <u>EMERGENCY</u> RULE REGARDING DIVERSION CONSTRAINTS</b>		
<b>COUNTY ROAD ADMINISTRATION BOARD</b>	DATE ADOPTED : July 14, 1983		PG. 1 OF 2

**NEW SECTION**

WAC 136-150-010 PURPOSE. Chapter 49, Laws of 1983, Extraordinary Session Sec. 14 provides that "Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account". This WAC chapter describes how this statutory language will be implemented by the CRABoard during the rural arterial program (RAP) funding process.

**NEW SECTION**

WAC 136-150-020 DEFINITION OF "DIVERTED ROAD LEVY". RCW 36.33.220 permits a county legislative authority to budget and expend any portion of the county road property tax revenue for any service to be provided in the unincorporated area of the county. Such budgeted revenues are commonly referred to as "diverted road levy". The manner in which these revenues are to be budgeted is covered by a bulletin of the Office of the State Auditor.

**NEW SECTION**

WAC 136-150-030 OBJECT OF DIVERTED ROAD LEVY. Every county which has not spent diverted road levy within the time periods specified in -040 shall be eligible for the authorization of rural arterial trust account (RATA) funds by the CRABoard. Any county which has spent diverted road levy within the time periods specified in -040 only for the following purposes shall also be eligible for the authorization of RATA funds by the CRABoard:

- (1) All "road purposes" as defined in state law.
- (2) Traffic law enforcement or traffic policing as defined in the BARS Manual in account 521.70.
- (3) Debt service on bonds sold specifically to fund construction of roads, bridges and/or buildings used exclusively for road purposes.

Any county which has spent diverted road levy for other than the purposes stated above shall not be eligible for the authorization of RATA funds by the CRABoard.

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<b>COUNTY ROAD ADMINISTRATION BOARD</b>	<b>DATE ADOPTED : July 14, 1983</b>		<b>PG. 2 OF 2</b>

**NEW SECTION**

WAC 136-150-040 TIMING OF DIVERTED ROAD LEVY. The Board shall not authorize the expenditure of RATA funds on any project in any county which has spent diverted road levy for other than the purposes stated in -030 within the previous twelve months. Any county which spends diverted road levy for other than the purposes stated in -030 between the time of RATA funding authorization for any project and the last receipt of RATA funds for any project shall be considered in violation of the law and this regulation and shall (1) be denied all future RATA participation, in the project, and (2) be required to pay back all past RATA funds received for the project.

**NEW SECTION**

WAC 136-150-050 CERTIFICATION AND FORFEIT/PAYBACK PROVISIONS. The contract between CRAB and a county relative to a RAP project shall detail the method of repayment should a county be found in violation of -030. A county in such situation shall not be eligible for another RAP project authorization until its repayment obligations have been met. The contract shall also contain a certification by the county of compliance with this WAC chapter.

**NEW SECTION**

WAC 136-150-090 FINAL AUDIT. Every RAP project shall be subject to final examination and audit by the State Auditor. Whenever it is determined by such an audit that a county has been in violation of any provision of this chapter during the life of a RAP project, it shall be subject to the repayment provisions in -050.

**NEW SECTION**

WAC 136-150-100 1983 BUDGET REVISIONS PERMITTED. Counties which diverted road levy in their 1983 budgets and budgeted or spent such levy for other than the purposes stated in -030 may, by official action of the legislative authority, make the following budget revisions for purposes of achieving RAP eligibility as of January 1, 1983:

- (1) Release for road expenditure any funds in the road budget reserved but not yet spent for diversion to the current expense fund; and/or
- (2) Revise the current expense budget to eliminate any diversion for other than the purposes stated in -030; and/or
- (3) Pay back to the road fund any diverted road levy spent for other than the purposes stated in -030.

This section shall apply only to the 1983 budget year and shall expire on January 1, 1984.