



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: County Road Administration Board

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: July 11, 2002

(2) Purpose: Amends WAC 136 Chapter 12 Standards of Good Practice – Vacancy in position of county engineer. Amends Sections 136-12-010; 136-12-020; 136-12-060; 136-12-070; 136-12-080 and adds a new section 136-12-040 to better identify the county's responsibility in reporting a county engineer vacancy in the county.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended: WAC 136 Chapter 12
- Suspended:

(4) Statutory authority for adoption: 36.79

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-11-121 on May 21, 2002 (date).

Describe any changes other than editing from proposed to adopted version:

Sentence added to 136-12-020 to recognize that it is unavoidable that a vacancy in county engineer may occur. In section 136-12-045 asks for an e-mail address if available instead of required. In Section 136-12-070 expands title to identify when a county employees a part-time county engineer or a contract county engineer.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____ *

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

JAY P. WEBER

Signature

Title

Executive Director

Date

8/9/2002

CODE REVISER USE ONLY

CODE REVISER USE ONLY

AUG 22 2002

101

02-18-018

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98 effective 1/7/99)

WAC 136-12-010 Purpose and authority. The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county engineer in each county. This chapter specifies that ~~((he/she shall be employed full time: Provided, that in counties with a population of less than eight thousand he/she may be employed on a part-time basis and may be the county engineer of another county))~~ the county legislative authority of each county shall employ a county road engineer on either a full-time or part-time basis, or by contracting with another county for the engineering services of a county road engineer; that he/she shall be a registered and licensed professional civil engineer under the laws of this state; that he/she shall have supervision, under the direction of the county legislative authority, of all activities related to the county roads of the county, including maintenance; that he/she shall certify to the county legislative authority all bills with respect to county roads; that he/she shall keep complete public records of all road department activities; that he/she shall prepare plans and specifications for all construction work on the county road system. ~~((Since it is unavoidable that vacancies will occur from time to time in the position of county engineer, the following rule has been formulated to cover an interim period.))~~

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-020 Procedure during vacancy. It is unavoidable that vacancies will occur from time to time in the position of county engineer. When a vacancy occurs in the office of county engineer due to resignation, retirement, death or for any other reason, the county legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible person is available, or by advertisement for, and interview of, qualified applicants. The county legislative authority or county executive shall ~~((immediately))~~, within five working days, notify the county road administration board of the vacancy, and of the procedure to be followed during the period of vacancy.

NEW SECTION

WAC 136-12-045 Notification of hiring. When final arrangements for the employment of a new county engineer have been made, the county legislative authority or the county executive shall, within five working days, notify the county road administration board in writing and shall include the following information: Name of new county engineer, Washington registration number, start date, and contact information, including an e-mail address if available. In addition, the notification shall include a copy of the organization chart detailing the responsibilities of the county engineer.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-060 Failure to comply ((with ruling)). ~~((When the county legislative authority has made final arrangements for the employment of a new county engineer meeting the requirements of chapter 36.80 RCW the county road administration board shall be notified accordingly.))~~ If ~~((no such))~~ notification is not received within ~~((six months of the beginning of the vacancy))~~ the time frame established in WAC 136-12-045, the matter of the vacancy will be considered at the next regular meeting of the county road administration board. The county road administration board may require that all day labor construction projects be shut down and/or that all distribution of gas tax funds to the county cease: Provided however, That it may continue to grant reasonable extensions in the event the affected county can give adequate proof or demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified engineer.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-070 County engineer in counties ~~((with a population of less than eight thousand))~~ that choose to employ a part-time county engineer or a contract county engineer. When the county legislative authority ~~((of a county with a population of less than eight thousand))~~ chooses to employ a county engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the legislative authority. Such contract shall specify, but need not be limited to: Statement

of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office of the county road administration board.

When the legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office of the county road administration board. Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-12-080 Assistant county engineer in counties with a ~~((population of less than eight thousand))~~ part-time county engineer or a contract county engineer. When a legislative authority of a county ~~((with a population of less than eight thousand))~~ chooses to employ a licensed professional civil engineer on a part-time basis or contract with another county for the services of its licensed professional civil engineer, it shall designate by resolution a full-time employee as assistant county engineer. In such cases, the designated assistant county engineer shall perform the day to day supervision of the road department under the county engineer in accordance with policies established by the legislative authority.