

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. 66

(1) Be it resolved by the County Road Administration Board acting at Long Beach, Washington (place)

that it does adopt the annexed rules relating to:

WAC 136-150 ELIGIBILITY FOR RATA FUNDS (Language Attached)

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

This action is taken pursuant to Notice No. 87-18-019 filed with the code reviser on 8/24/87. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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, \_\_\_\_\_, find that an emergency exists and that this 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 the emergency is:

These 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)

[X] (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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

APPROVED AND ADOPTED October 8, 19 87

By Ernest Geissler Director Title

STATE OF WASHINGTON FILED

OCT 15 1987

CODE REVISER'S OFFICE WSR 87-21-046

## WAC 136-150-010 PURPOSE

Language in Chapter 49, Laws of 1983, Extraordinary Session, Section 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 (RATA); provided, however, that counties of the 7th class shall be exempt from this requirement. This WAC chapter describes how this statutory language will be implemented by the CRABoard beginning with the ~~((1987))~~ 1988 county budget year ~~((RAP-project-approval-meeting.))~~

## WAC 136-150-020 IMPLEMENTING THE ELIGIBILITY REQUIREMENT

~~((The CRABoard will provide to the State Auditor no later than February 1 of each year a list of these counties which have submitted projects for RATA funding during the current biennium. The State Auditor will return the list to the CRABoard no later than May 1 of each year, showing the eligible counties, which are those counties that, during the preceding county budget year, 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 provided, however, that counties of the 7th class shall not be included on such list.))~~ The CRABoard will ascertain the amount of the total road levy fixed in each county and the amount diverted, if any, for any services to be provided in the unincorporated area of the county in accordance with RCW 36.33.220. The CRABoard will compare the amount actually spent each year for traffic law enforcement with the amount diverted to determine whether or not the county is eligible to receive RATA funds.

## WAC 136-150-021 ASCERTAINING THE ROAD LEVY (New Section)

The CRABoard will request that every county legislative authority submit a certification showing the amount of the road levy fixed and the amount, if any, budgeted in accordance with RCW 36.33.220 for traffic law enforcement and/or any other purpose from diverted road levy no later than February 1st of each year.

## WAC 136-150-022 ASCERTAINING THE EXPENDITURES FOR TRAFFIC LAW ENFORCEMENT (New Section)

In those counties where diverted road levy has been budgeted for traffic law enforcement, and which have a RAP project awaiting approval by the CRABoard, the county sheriff will be required to submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties of the 7th class shall be exempt from this requirement.

## WAC 136-150-023 IDENTIFYING ELIGIBLE COUNTIES (New Section)

Counties eligible to receive RATA funds shall be those in which there has been no diversion of the county road levy, those in which the actual expenditures for traffic law enforcement have been equal to, or greater than, the amount of diverted road levy budgeted for traffic law enforcement, (3) and those of the 7th class.

## WAC 136-150-024 CONSTRAINT ON CONTRACT EXECUTION

No CRAB/County contract shall be executed on behalf of the CRABoard ~~((until assurance is received from the State Auditor that such county's expenditure of diverted road levy, if any, was in compliance with the constraints of this chapter.))~~ unless the appropriate certifications have been submitted and unless the county has been identified as eligible to receive RATA funds. ~~((The cost of any special audit needed to provide such assurance shall be the responsibility of the affected county.))~~