



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: County Road Administration Board Admin. Order 74

- Permanent Rule
 Emergency Rule

(1) Date of adoption: 1/26/90

(2) Purpose: Changes all references to 'county commissioners' to 'county legislative authority'; clarifies licensing requirements; requires inter-county sharing for a road engineer to be in conformance with Interlocal Cooperation Act.

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

Repealed: None
Amended: 136-12-010, -020, -030, -060, -070, -080
Suspended: None

(4) Authority for adoption:

Statute: RCW 36.78.080
Other Authority: n/a

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 90-01-029 on 12/12/89 (date).

Describe any changes other than editing from proposed to adopted version:
none

(5.2) EMERGENCY RULE ONLY

Pursuant to 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) _____ *

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

Emergency Rules

- Immediately
 Later (specify) _____

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 21 1990

TIME: 1:46
WSR 90-07-074

NAME (TYPE OR PRINT)

Ernest Geissler

SIGNATURE

[Handwritten Signature]

Director

DATE 3/21/90

AMENDATORY SECTION (Amending Order 13, filed 12/26/69)

WAC 136-12-010 PURPOSE. The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county road engineer in each county. This chapter specifies that he shall be employed full time: PROVIDED, That in eighth and ninth class counties he may be employed on a part-time basis and may be the county engineer of another county; that he shall be a registered and licensed professional civil engineer under the laws of this state; that he shall have supervision, under the direction of the ~~((board))~~ county legislative authority, of all activities related to the county roads of the county, including maintenance; that he shall certify to the ~~((board))~~ legislative authority all bills with respect to county roads; that he shall keep complete public records of all road department activities; that he 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 road engineer, the following policy has been formulated to cover an interim period.

AMENDATORY SECTION (Amending Regulation 1, filed 12/13/67)

WAC 136-12-020 PROCEDURE DURING VACANCY. When a vacancy occurs in the office of county road engineer due to ~~((the))~~ resignation, retirement ~~((or))~~, death ~~((of-a-county--road--engineer))~~ or for any other reason, the ~~((board--of--county--commissioners))~~ legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible ~~((man))~~ person is available, or by advertisement for, and interview of, ~~((interested))~~ qualified applicants. The ~~((chairman-of-the-board-of-county-commissioners))~~ legislative authority or county executive shall immediately notify the county road administration board of the vacancy, and of the procedure ~~((the-county-board-intends--to--follow))~~ to be followed during the period of vacancy.

AMENDATORY SECTION (Amending Order 25, filed 1/27/75)

WAC 136-12-030 ACTING COUNTY ENGINEER. ~~((f))~~ If for any reason, it is impossible ~~((for-the-board))~~ to employ a new county road engineer immediately, the ~~((board))~~ county legislative authority shall designate, by resolution, the assistant county road engineer, or other road department employee, as the acting county road engineer for an interim period, not to exceed six months, except as provided in WAC 136-12-060. A copy of such resolution shall be forwarded to the county road administration board.

~~((2))~~ If the assistant county road engineer or other road department employee ~~((be))~~ is a Washington state licensed professional civil engineer and ~~((be))~~ is appointed as the acting county road engineer during the interim period, said acting county road engineer shall perform all the duties of the county road engineer as specified in chapter 36.80 RCW.

~~((3))~~ If the acting county road engineer or other road employee is not a licensed professional civil engineer, the ~~((board))~~ legislative authority shall designate a licensed professional civil engineer to perform all engineering services during the interim period as required by chapter 18.43 RCW, and the acting county road engineer shall perform only those functions of the office not requiring a professional civil engineer's license.

AMENDATORY SECTION (Amending Regulation 1, filed 12/13/67)

WAC 136-12-060 FAILURE TO COMPLY WITH RULING. When the ~~((board of county commissioners))~~ county legislative authority has made final arrangements for the employment of a new county road engineer meeting the requirements of chapter 36.80 RCW the county road administration board shall be notified accordingly. If no such notification is received within six months of the beginning of the vacancy, 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 shall cease: PROVIDED HOWEVER, That ~~((the board))~~ it may grant reasonable extensions of the interim period in the event the affected county can give adequate proof ~~((to the board))~~ that a diligent effort has been made to secure the services of ~~((an))~~ a qualified engineer. If the vacancy continues to exist at the end of ~~((the))~~ an extended interim period, the suspension of funds and cessation of day labor projects shall become mandatory. The acting county road engineer shall continue to perform the duties of the county road engineer until such time as the vacancy is filled.

AMENDATORY SECTION (Amending Order 13, filed 12/26/69)

WAC 136-12-070 COUNTY ENGINEER IN EIGHTH AND NINTH CLASS COUNTIES. ~~((1))~~ When the ~~((board of county commissioners))~~ legislative authority of an eighth or ninth class county chooses to employ a county road engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the ~~((board))~~ legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the ~~((board))~~ legislative authority, travel expenses~~((s))~~ and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office~~((s))~~ of the county road administration board.

~~((2))~~ When the ~~((board))~~ legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both ~~((boards))~~ legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the ~~((board))~~ legislative authority, travel expenses~~((s))~~ and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office~~((s))~~ of the county road administration board. ~~((No board of county commissioners shall contract directly with a county engineer employed by another board.))~~ Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

AMENDATORY SECTION (Amending Order 13, filed 12/26/69)

WAC 136-12-080 ASSISTANT COUNTY ENGINEER IN EIGHTH AND NINTH CLASS COUNTIES. When a ~~((board of county commissioners))~~ legislative authority of an eighth or ninth class county 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 ((board)) legislative authority.