

TRANSMITTAL OF RULES ADOPTED

FROM: County Road Administration Board
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 12
Emergency rules
relating to (Name of rules or description of subject matter)

Emergency regulation amending the Standard of Good Practice regarding vacancy in the position of county road engineer.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____^① filed with the code reviser on _____^② were regularly adopted as permanent rules of this agency at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at Olympia, Washington on 10/1/69 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 9 day of October 1969.

STATE OF WASHINGTON
FILED
OCT 1969
CODE REVISER'S OFFICE
KET: 2432 FILE # 1

COUNTY ROAD ADMINISTRATION BOARD
(AGENCY)
Ernest Gessler
By _____
Administrative Engineer
Title _____

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

COUNTY ROAD ADMINISTRATION BOARD

(EMERGENCY) REGULATION NO. 12

EMERGENCY REGULATION OF THE COUNTY ROAD ADMINISTRATION BOARD AMENDING A STANDARD OF GOOD PRACTICE REGARDING VACANCY IN THE POSITION OF COUNTY ROAD ENGINEER (WAC 136-12).

WHEREAS, Chapter 120, Laws of 1965, First Extraordinary Session, created the County Road Administration Board to formulate and adopt uniform and general practices relating to the administration of county roads for the several counties of the state, and

WHEREAS, the Board deems it necessary to amend WAC-136-12 pursuant to Section 6, Chapter 182, Laws of 1969, First Extraordinary Session, and

WHEREAS, pursuant to the Washington State Administrative Procedures Act, Chapter 34.04 of R.C.W., the Board deems it necessary for the preservation of the public health, safety and general welfare, that this rule be adopted as an emergency rule to remain in effect for 90 days from the adoption hereof, now, therefore,


BE IT ESTABLISHED BY THE COUNTY ROAD ADMINISTRATION BOARD:

Section 1. The standards of good practice regarding vacancy in the position of county road engineer designated as WAC 136-12 being the same is hereby amended by an amendment to Section 010 and the addition of new sections of 040 and 050, attached hereto, as an emergency standard of good practice for the several counties of the State of Washington.

Section 2. The standards as adopted hereby shall become effective as of October 1, 1969, and shall be in effect for a period of 90 days thereafter under the emergency adoption procedure of the Washington State Administrative Procedures Act, RCW 34.04.030, and shall be adhered to by all of the several counties of the State of Washington.

Established and adopted by the Board this first day of October, 1969 at a hearing held pursuant to law.

/ss/


Chairman

Chapter 12

PROPOSED CHANGE TO STANDARD OF GOOD PRACTICE REGARDING VACANCY IN POSITION OF COUNTY ROAD ENGINEER

Section 12 of Order No. 2045 dated April 25, 1968 (codified) is amended to read as follows:

AMD

WAC 136-12-010 PURPOSE. The laws of the state of Washington make detailed provision in RCW 36.80, 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, of all activities related to the county roads of the county, including maintenance; that he shall certify to the board 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.

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 shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible man is available, or by advertisement for, and interview of, interested applicants. The chairman of the board of county commissioners shall immediately notify the County Road Administration Board of the vacancy, and of the procedure the county board intends to follow during the period of vacancy.

WAC 136-12-030 ACTING COUNTY ENGINEER. (1) If for any reason it is impossible for the board to employ a new county road engineer immediately, the board 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 Section 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 a licensed professional engineer and be 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 RCW 36.80.

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

NEW

WAC 136-12-040 COUNTY ENGINEER IN EIGHTH AND NINTH CLASS COUNTIES: (1) When the board of

county commissioners of an eighth or ninth class county 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 board. Such contract shall specify, but need not be limited to: statement of legal responsibility, salary or wage arrangements, meetings with the Board, travel expenses, relationship with regular employees. A copy of such resolution and contract shall be forwarded to the offices of the County Road Administration Board. (2) When the board chooses to contract with another county for services such contract shall be approved by resolution of both boards. Such contract shall specify, but need not be limited to: statement of legal responsibility, salary or wage arrangements, meetings with the board, travel expenses, relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the offices of the County Road Administration Board. No board of county commissioners shall contract directly with a county engineer employed by another board.

NEW

WAC 136-12-050 ASSISTANT COUNTY ENGINEER IN EIGHTH AND NINTH CLASS COUNTIES. When a board

of county commissioners of an eighth or ninth class county chooses to employ a licensed engineer on a part-time basis or contract with another county for the services of its licensed engineer, it shall designate by resolution a full time employee as assistant county engineer. In such cases, the 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.

WAC 136-12-060 FAILURE TO COMPLY WITH RULING. When the board of county commissioners has made final arrangements for the employment of a new county road engineer meeting the requirements of RCW 36.80 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 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 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 engineer. If the vacancy continues to exist at the end of the 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.