

Minutes
County Road Administration Board
January 22-23, 2009
CRAB Office – Olympia, Washington

Members Present: Dean Burton, Garfield County Commissioner, Chair
Doug Mattoon, Asotin County Commissioner, Second Vice-Chair
Brian Stacy, PE, Pierce County Engineer
Ray Thayer, Klickitat County Commissioner
Andrew Woods, PE, Columbia County Engineer
Marc Boldt, Clark County Commissioner
John Koster, Snohomish County Council Member

Member Absent: Jim Whitbread, PE, Stevens County Engineer, Vice-Chair

Staff Present: Jay Weber, Executive Director
Walt Olsen, PE, Deputy Director
Karen Pendleton, Executive Assistant
Jeff Monsen, PE, Intergovernmental Policy Manager
Bob Moorhead, PE, Compliance & Data Analysis Manager
Larry Pearson, PE, Maintenance Management Manager
Rhonda Mayner, Secretary
*Randy Hart, PE, Grant Programs Manager
*Don Zimmer, Inventory Systems Manager
**Steve Hillesland, Assistant Director
**Jim Oyler, Support Specialist
**Bob Davis, Systems Manager

Guests: *Bob Thuring, PE, Mason County Engineer
*Vicki Grover, Mason County
*Bob Breshears, PE, Okanogan County Engineer
*Reid Wheeler, Wheeler Management Associates
**Gary Rowe, WSACE Managing Director

*Present January 22, 2009 only

**Present January 23, 2009 only

CALL TO ORDER

Chair Burton called the County Road Administration Board quarterly meeting to order at 1:00 p.m. on Thursday, January 22, 2009, at the CRAB Office in Olympia.

CHAIR'S REPORT

Approve January 22-23, 2009 Agenda

Mr. Woods moved to approve the agenda as presented and Mr. Stacy seconded.

Motion carried unanimously.

Approve Minutes of October 23-24, 2008 CRABoard Meeting

Second Vice-Chair Mattoon moved to approve the minutes of the October 23-24, 2008 CRABoard meeting and Councilmember Koster seconded.

Motion carried unanimously.

DIRECTOR'S REPORT

Current Budget Status

Mr. Weber reviewed CRAB's current budget status. He noted that while there are some negative variances, they are subsumed in positive totals. He informed the Board that staff is expecting the Governor to institute a freeze on purchases of equipment and new services.

2009-11 Budget Proposal

Mr. Weber explained that the reductions shown in the book reflect the non-approval of two decision packages requested by CRAB. He noted that the grant funds are tied to the fuel tax forecast and may decrease even more before the beginning of the biennium.

Resolution 2008-001 CAPA Distribution

Mr. Weber presented Resolution 2009-001 regarding implementation of a pavement management system for the 2009 CAPA distribution. He noted that staff has reviewed each of the counties' systems for 2008 and all are in substantial compliance with the requirements of WAC 136-70-040.

After discussion, Commissioner Thayer moved to approve Resolution 2009-001 and Councilmember Koster seconded. **Motion carried unanimously.**

CRABoard Member Appointment

Mr. Weber noted that a letter was sent to WSAC President Lynda Ring-Erickson requesting that a County Commissioner representing a county with a population between 20,000 and 125,000 be appointed to fill the unexpired term of retiring Walla Walla County Commissioner David Carey.

RURAL ARTERIAL PROGRAM

Program Status Report

Mr. Hart reviewed the Rural Arterial Program status report. He reported that 913 of 1027 projects have been completed. Anticipated revenue to the end of the 2009-11 biennium is \$452,781,431. RAP expenditures to date total \$361,804,285. RAP obligations

remaining are through the 2009-11 biennium total \$121,912,868.

2R Project Type Update

Mr. Hart briefed the Board on the issue of adding 2R project types to RAP disbursements. The matter was discussed at each regional RAP meeting held since the October 2008 CRABoard meeting. He noted that support of the idea varied from region to region.

Resolution 2009-002 - Apportion RATA Funds to Regions

Mr. Hart presented Resolution 2009-002 - Apportion RATA Funds to Regions. The resolution authorizes the accrued amount of \$5,232,809 now credited to RATA be apportioned to the regions by the established 2007-2009 biennium regional percentages after setting aside \$111,624 for administration.

After discussion, Councilmember Koster moved to approve Resolution 2009-002 - Apportion RATA Funds to Regions and Second Vice-Chair Mattoon seconded. **Motion carried unanimously.**

Mason County Project Request

Mason County requested \$178,028 in emergency RATA funding for North Shore Road, which flooded and sustained serious damage in the December 2007 high wind and rain storm. The county estimates the total cost of repairs at \$200,000. FEMA is willing to supply \$2,191 for the surfacing only. Mason County requests the CRABoard fund 90% of the remaining project cost, $\$197,809 \times 90\% = \$178,028$, through the RATA. The county acknowledges that any amount approved by the CRABoard will be deducted from the county's next biennium funding limit or, if that limit has already been reduced to \$0 through any previous emergency funding or capitalization advance, the county's funding limit in the second biennium out will be reduced by the approved amount.

Staff recommended approval of the request with a subsequent reduction in future funding in the next biennium in which the county has an available funding limit to cover the approved amount.

Mr. Hart introduced Mr. Thuring and Ms. Grover, who gave further information to the Board.

After questions and discussion, Second Vice-Chair Mattoon moved to approve Mason County's request for \$178,028 in emergency RATA funding with a subsequent reduction in future funding in the next biennium in which the county has an available funding limit to cover the approved amount, and Councilmember Koster seconded. **Motion carried unanimously.**

Okanogan County Request

CRAB staff requested the CRABoard consider sanctions against the Twisp River Road project and/or Okanogan County for non-compliance with the CRAB/County contract. Okanogan County completed the project at 28 feet wide rather than the full 30 foot width

specified in the project prospectus. The work was done without notification to CRAB of the revision in width.

If the scope change had been submitted prior to construction, staff finds it may have been approved by the CRABoard upon these considerations: there would have been no reduction in score, the proposed 28 ft width would provide the standard safety feature given the traffic volume and terrain, and all remaining project work would be accomplished consistent with the prospectus. However, since the terms contained in the signed prospectus agreement became part of the contract upon full execution by the county executive body and the CRAB Director, any revisions to the prospectus must be agreed to in advance by both parties. Staff finds that the contract was violated by work which was done short of the signed prospectus. Staff therefore recommends the county retain all necessary RATA funding to finish the project, and that the county's funding limit in the next biennium be reduced by the amount of the total RATA reimbursement of approximately \$600,000.

Mr. Hart introduced Mr. Breshears, who gave background and further information to the Board. Mr. Weber noted that the deviation from the contract appears to be inadvertent. He emphasized that the primary issue is that of violation of the contract. Mr. Breshears reported that the county plans to turn back approximately \$500,000 of unused funds to CRAB.

After questions and discussion, Second Vice-Chair Mattoon moved to approve staff's recommendation to allow Okanogan County to retain all necessary RATA funding to finish the project, and to reduce the county's funding limit in the next biennium by the amount of the total RATA reimbursement. Mr. Stacy noted that he felt the dollar amount of the sanction was too high, and would like to see it reduced. Second Vice-Chair Mattoon suggested that the amount be limited to funds already paid, and withdrew his motion. The discussion was tabled to give Mr. Hart and Mr. Breshears time to research and draft a new recommendation for the Board.

Franklin County

Mr. Weber reported on an issue that arose with Franklin County, in which they encountered a right-of-way issue with the relocation of a canal and drainage pipe on a project using emergency RAP funds. At this point construction changes were made, and the question arose as to whether this violated the CRAB-County contract. In the opinion of staff and counsel, as this was an emergency allocation and did not constitute a scope change or a planned phasing of the project, the contract was not violated and no action is required by the Board on this issue.

Chair Burton called for a 10 minute recess.

Okanogan County continued

Mr. Hart presented the Board with a recommendation that the county retain the \$41,310.01 already paid to the project and be reimbursed the \$269,768.24 pending RATA payment for a total of \$311,078.25, and that the county's future RAP funding be reduced by that total amount.

Second Vice-Chair Mattoon moved to approve staff's recommendation and Mr. Stacy seconded. **Motion carried unanimously.**

DEPUTY DIRECTOR'S REPORT

County Engineers/Public Works Directors

Mr. Olsen reported that there were no changes in the roster of County Engineers since October 2008.

County Visits completed since October 2008

- San Juan County
- Asotin County
- Franklin County
- Mason County

Ferry County Corrective Action Plan Reports were received from:

- County Engineer's Office for October 2008 on November 5, 2008
- County Engineer's Office for November 2008 on December 6, 2008
- County Engineer's Office for December 2008 on January 3, 2008
- Board of County Commissioners for 4th Quarter of 2008 on January 14, 2009
- 2008 Compliance Plan Update on January 16, 2009

Numerous contacts with County Engineers took place in other venues.

State Auditor's Report

The 1997 State Auditor Office (SAO) audit of CRAB concluded that the minutes of the Board meetings needed specific mention of SAO audits of the counties and of any findings that might relate to the statutory responsibilities of CRAB. The minutes also need to reflect any recommendations from the CRAB board to staff in response to the audits. This report details our staff procedures to satisfy the SAO.

CRAB has reviewed *18* audit reports representing *15* counties since the October 2007 board meeting. Any audits, with county name in bold print, revealed substantive findings involving County Road Funds, specifically:

1. Douglas County: SAO # 75435, issued on October 13, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the accountability audit only, updated no previous findings, and issued no new findings.
2. Island County: SAO # 1000067 & 1000209, issued on October 31, 2008 & December 1, 2008, covering the period from January 1, 2007 to December 31, 2007. These reports covered both financial and accountability audits, updated one previous finding, none involving County Road funds, and issued two new findings, one involving ER&R funds.

3. Pend Oreille County: # 1000091 & 1000092, issued on October 31, 2008, covering the period from January 1, 2007 to December 31, 2007. These reports covered both financial and accountability audits, updated no previous findings and issued five new findings, none involving County Road funds.
4. Cowlitz County: SAO # 1000093, issued on November 10, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the accountability audit only, updated no previous findings, and issued one new finding, none involving County Road funds.
5. Jefferson County: SAO # 1000071 & 1000072, issued on November 10, 2008, covering the period from January 1, 2006 to December 31, 2007. These reports covered both financial and accountability audits, updated no previous findings, and issued no new findings.
6. Columbia County: SAO # 1000125, issued on November 17, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the accountability audit only, updated no previous findings, and issued no new findings.
7. Franklin County: SAO # 1000119, issued on November 17, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the accountability audit only, updated no previous finding, not involving County Road funds, and issued no new findings. *A Management Letter was issued concerning an Interfund Loan between County Road and ER&R that was repaid in a timely manner without interest.*
8. Mason County: SAO # 1000127, issued on November 17, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the financial audit only, updated no previous findings, and issued one new finding, not involving County Road funds.
9. Kittitas County: SAO # 1000195, issued on November 26, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the financial audit only, updated no previous findings, and issued one new finding, not involving County Road funds.
10. Lewis County: SAO # 1000362, issued on December 8, 2008, covering the period from January 1, 2006 to December 31, 2006. This report covered the financial audit only, updated no previous findings, and issued one new finding, not involving County Road funds.
11. Lewis County: SAO # 1000219, issued on December 8, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the accountability audit only, updated three previous findings, and issued one new finding, none involving County Road funds.
12. Okanogan County: SAO # 1000215, issued on December 8, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the accountability

audit only, updated no previous findings, and issued one new finding, none involving County Road funds.

13. Yakima County: SAO # 1000196, issued on December 15, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the financial audit only, updated one previous findings, and issued one new finding, none involving County Road funds.
14. Walla Walla County: SAO # 1000195, issued on December 22, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the financial audit only, updated two previous findings, and issued no new findings, none involving County Road funds.
15. Klickitat SAO # 1000345, issued on December 30, 2008, covering the period from January 1, 2007 to December 31, 2007. This report covered the financial audit only, updated no previous findings, and issued no new findings.

2007 County Audits outstanding:

Accountability:

Asotin
Benton
Clallam
Garfield
Grant
King
Kitsap
Kittitas
Klickitat
Lincoln
Mason
Pierce
Skamania
Snohomish
Stevens
Wahkiakum
Walla Walla
Whitman
Yakima

Financial:

Asotin
Garfield
Grant
Lewis
Whitman

Activities

Mr. Olsen reviewed a list of his activities since the October 2008 CRABoard meeting.

Ferry County Update

Mr. Olsen updated the Board on Ferry County's progress in compliance of the Day Labor Corrective Action plan. He noted that the county is doing well and has met all of the requirements to date. He observed that the level of communication within the county seems to be greatly improved.

Asotin County

Mr. Olsen noted that a recent emergency project in Asotin County has been completed and showed the Board some before and after pictures.

OTHER BUSINESS

Due to the speedy resolution of the day's agenda, Mr. Weber suggested the Board open the floor to other topics of interest.

Legislation

Mr. Weber reported on some important issues before the legislature.

SB 5228 sets a fixed dollar amount for day labor rather than calculating a percentage of total construction. It also includes a fixed base amount that will not be reduced and a growth factor to allow for increases. He noted that due to common misunderstanding of the term "day labor", it may be amended to "county forces". He pointed out that construction engineering is excluded from the total allowance. Should the bill pass as currently drafted, the Board would then amend the Standard of Good Practice to eliminate the "reasonableness" test.

HB 1497 would eliminate all boards and commissions. Mr. Weber felt it would not go far, but noted that staff expects to see a bill concerning reorganization and consolidation to be dropped soon. His understanding is that the Governor plans to propose the establishment of a "Department of Commerce" which would encompass many of the transportation entities as well as other boards and commissions.

Miscellaneous

Mr. Weber informed the Board that staff will be studying the issue of making violation of a CRAB/County contract a violation of the Standards of Good Practice.

Mr. Weber reported that Grant County notified CRAB staff that a software error in a multi-jurisdictional taxation program resulted in the possibility of up to 20 counties being unable to meet the February 1 deadline to submit their Road Levy Certifications.

Second Vice-Chair Mattoon asked that Mr. Monsen address HB 1392, the current eminent domain bill before the legislature, in his presentation on Friday. A brief discussion of the bill followed.

Chair Burton noted that Mr. Weber will be attending a retirement ceremony for Mr. Carey on Saturday, and will present Mr. Carey with a plaque thanking him for his service to the Board.

Chair Burton recessed at 4:00 p.m. on January 22, 2009. The CRABoard meeting will resume January 23, 2009 at 8:30 a.m.

County Road Administration Board**Friday, January 23, 2009****CALL TO ORDER**

The second day of the winter CRABoard meeting was called to order by Chair Burton at 8:30 a.m. on January 23, 2009.

STAFF UPDATES**Information Services**

Mr. Hillesland reported on the recent upgrades to Mobility, including adding a bridge inventory and making the system more usable in the field. He noted that the mapping tool is working well, but getting data from the counties to input into it has been slow. Staff is working on the ability to save GPS data and coordinate it with Mobility.

He noted that while CRAB is still supporting Eagle Point, staff has begun to support Civil 3D as well, as usage is fairly evenly split among the counties. Staff has upgraded eight of CRAB's computers with Civil 3D at a cost of \$2700 each, and annual licensing fees will be approximately \$9000. He noted that Mr. Ayres has scheduled a Civil 3D training session for February.

Mr. Oyler gave a brief demonstration of the new CRAB website he has been developing. He noted that the new site is much more user friendly and contains more information than the old site.

Intergovernmental Policy

Mr. Monsen reported on his activities since the October 2008 CRABoard meeting.

He presented a report compiled by him and Mr. Moorhead on the County Ferry Systems.

Mr. Monsen briefed the Board on bills currently before the legislature which are of interest to CRAB and/or the counties.

Mr. Rowe spoke briefly on legislative issues of interest to WSACE. Chair Burton invited him to the April CRABoard meeting to update the Board on those issues.

Mr. Weber noted that he will be meeting with Senator Haugen next week on the issue of

emergency capitalization advances. He plans to request that the language allowing CRAB to keep funds in reserve to deal with emergencies be included in the standard budget language each biennium, rather than staff needing to request an appropriation.

2008 Compliance Report

Mr. Moorhead reported on the counties' compliance in submitting the six reports due to CRAB by December 31 of each year. He noted that there was a report submitted yesterday, changing the totals on the form given to the Board to a 99.2% compliance rate for 2008, with 232 of 234 reports submitted in the correct format.

Maintenance Management Update

Mr. Pearson updated the Board on the counties' progress toward implementation of maintenance management compliance. He presented a brief report showing the 2007 actual maintenance and preservation expenditures per county, the planned 2009 expenditures, and the amount specifically for the maintenance work plan and budget. He noted that the counties are well on the path to complete compliance of the maintenance standard of good practice.

The winter CRABoard meeting recessed at 9:50 a.m. on Friday, January 23, 2009.

Chairman

ATTEST: _____