

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04

DISTRICT COURT

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2.04.010 District plan.

Pursuant to the provisions of Chapter 110, Section 1 of the First Extraordinary Session of the Laws of 1965 as codified in RCW 3.38.020, Grays Harbor County does elect to establish one district court district in Grays Harbor County, to be known as "Grays Harbor County district court." (Ord. 219 § 2.02.010, 1996)

2.04.020 Grays Harbor district.

A court district to be known as the "Grays Harbor County district court" shall be formed and composed of all of Grays Harbor County. The district shall have two full-time district judges, to be designated Department No. 1 and Department No. 2. The location of the office and courtroom of Department No. 1, as created effective at noon on the second Monday in January, 1971, shall be in the city of Montesano in a suitable location that shall be determined by the board of county commissioners. The location of the office and courtroom of Department No. 2, as created effective at noon on the second Monday in January, 1971, shall be in the city of Aberdeen or such other suitable location as shall be determined by the board of county commissioners. (Ord. 219 § 2.02.040, 1996)

2.04.030 Office of the district court commissioner.

There is established and authorized the office of district court commissioner, as follows: for Grays Harbor County district court, two commissioners, at an annual salary to be set by the board of county commissioners; salaries of court commissioners may be changed or amended from time to time by resolution of the board of county commissioners or by the budget of Grays Harbor County duly adopted by the board of county commissioners of Grays Harbor County; in addition to the foregoing commissioners, there may be appointed with the consent of the board of county commissioners of Grays Harbor County by resolution, additional commissioners in areas where the need appears at the compensation to be fixed by the board of county commissioners. (Ord. 219 § 2.02.050, 1996)

2.04.040 District court commissioners--Appointment and term.

The court commissioners shall be appointed by the full-time district judges and shall hold office at the pleasure of the judges, but in event that the judges cannot agree, then each shall submit his or her nomination of the board of county commissioners and the board of county commissioners shall make the appointment. (Ord. 219 § 2.02.060, 1996)

2.04.050 Office of district court administrator.

There is established the office of district court administrator, who shall perform all the functions of court clerk for Grays Harbor County district court, at an annual salary the board of county commissioners may by resolution fix or may fix by the Grays Harbor County budget duly adopted and passed by the board of county commissioners. (Ord. 219 § 2.02.070, 1996)

2.04.060 District court administrator--Appointment and term.

The district court administrator shall be appointed by the district judges and shall hold office at the pleasure of the district judges. (Ord. 219 § 2.02.080, 1996)

2.04.070 Court commissioners and court administrators--Powers and duties.

The court commissioners and court administrator shall have such powers and duties as are prescribed by law and such additional duties as the presiding judge may prescribe. (Ord. 219 § 2.02.090, 1996)

2.04.080 District court--Place and facilities.

To provide proper service for all residents of the county, the judges of Grays Harbor County district court may hold court from time to time as business may require in any place within the district; provided, that if court facilities require the expenditure of county funds they shall first obtain permission from the board of county commissioners of Grays Harbor County. (Ord. 219 § 2.02.100, 1996)

2.04.090 District judge--Power, duties and jurisdiction.

The district judges for the district shall have all of the powers, duties and jurisdictions as prescribed by law. One of the full-time district judges shall act as presiding judge, chosen in the manner provided by law. The presiding judge shall have all of the powers and duties as prescribed by law and court rule, including the power to assign cases as may be reasonable and necessary. Both full-time district judges are authorized to hear cases in either department and in the courtrooms of either department. (Ord. 219 § 2.02.110, 1996)

2.04.100 District judges--Salary.

The full-time district judges shall receive an annual salary as set by law. (Ord. 219 § 2.02.120, 1996)

2.04.110 Municipal judges in Grays Harbor County district court.

Any city or town in the district may select a full-time district judge as their municipal judge, the allocation of time and salary of such judge shall be in such amount as are agreed upon by the board of county commissioners and the governing body of the city or town. Generally, the salary of a district judge serving a municipal department part-time shall be paid jointly by Grays Harbor County and the city or town in the same proportion as the time of the district has been allocated to each. (Ord. 219 § 2.02.130, 1996)

2.04.120 Filing fees.

A surcharge shall be imposed on each civil filing fee in the Grays Harbor County district court and upon each filing fee for small claims actions filed in the Grays Harbor County district court in the amounts and to be collected and disbursed in the following manner:

A. A surcharge of ten dollars (\$10.00) on each civil filing fee in the Grays Harbor County district court and surcharge of fifteen dollars (\$15.00) on each filing fee for small claims actions filed in the Grays Harbor County district court is imposed;

B. The surcharge imposed above shall be collected by the Grays Harbor County district court clerk and remitted to the county treasurer for deposit in a separate account to be used solely for dispute resolution centers established pursuant to RCW 7.75. Moneys collected and received pursuant to this surcharge are not subject to RCW 3.62.020 or 3.62.090;

C. The funds deposited in this account by the Grays Harbor County treasurer may be disbursed to a dispute resolution center pursuant to an agreement entered into between the dispute resolution center and Grays Harbor County on a pro rata basis. (Ord. 257 §§1--3, 1999)

2.04.130 Trial court improvement account.

A. Pursuant to Chapter 457 Washington Laws of 2005, there is hereby created in the county treasury a trial court improvement account, Fund Number 104-000-000.

B. The county treasurer shall make a quarterly deposit of funds to the trial court improvement account in an amount equal to that received quarterly from the state for district court judge salaries.

C. The purpose of the trial court improvement account shall be to fund improvements to superior and district court staffing, programs, facilities, or services as appropriated from time to time by the board of county commissioners.

D. Interest earned on funds in the trial court improvement account shall accrue to the account. (Ord. 338 § 1, 2005)

Chapter 2.06

SHERIFF

Sections:

2.06.010 Sheriff's fees.

2.06.010 Sheriff's fees.

A. The sheriff shall collect the following fees for official services:

1. For service of each summons and complaint, notice and complaint, summons and petition, and notice of small claim on one defendant at any location, twenty dollars (\$20.00), and on two or more defendants at the same residence, twenty-five dollars (\$25.00), besides mileage;

2. For making a return, besides mileage actually traveled, ten dollars (\$10.00) for each return of service;

3. For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, fifty dollars (\$50.00) per hour;

4. For filing copy of writ of attachment, order of sale or writ of execution with auditor, twenty dollars (\$20.00) plus auditor's filing fee;

5. For serving writ of possession or restitution without aid of the county, besides mileage, forty dollars (\$40.00);

6. For serving writ of possession or restitution with aid of the county, besides mileage, sixty dollars (\$60.00) plus fifty dollars (\$50.00) for each hour after one hour;

7. For serving an arrest warrant in any action or proceeding, besides mileage, fifty dollars (\$50.00);

8. For executing any other writ or process in a civil action or proceeding, besides mileage, fifty dollars (\$50.00) per hour;

9. For each mile actually and necessarily traveled in going to or returning from any place of service, or attempted service, an amount equal to the current mileage rate set for equipment rental and revolving fund reimbursement as determined by resolution of the board of commissioners with a ten-dollar (\$10.00) minimum mileage charge;

10. For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, fifty dollars (\$50.00);

11. For making copies of papers when sufficient copies are not furnished, two dollars for first page and one dollar per each additional page;

12. For the service of any other document and supporting papers for which no other fee is provided herein, twenty-five dollars (\$25.00);

13. For posting a notice of sale, or postponement, fifteen dollars (\$15.00) besides mileage;

14. For certificate or bill of sale of property, or certificate of redemption, fifty dollars (\$50.00);

15. For conducting a sale of property, forty dollars (\$40.00) per hour spent at a sheriff's sale;

16. For notarizing documents, five dollars for each document;

17. For fingerprinting for noncriminal purposes, ten dollars (\$10.00) for each person for up to two sets, three dollars for each additional set;

18. For mailing required by statute, whether regular, certified, or registered, the actual cost of postage;

19. For an internal criminal history records check, fifteen dollars (\$15.00);

20. For the reproduction of audio, visual, or photographic material, to include magnetic micro-filming, the actual cost including personnel time.

B. Fees allowable under this section may be recovered by the prevailing party incurring the same as court costs to the extent provided by RCW 36.18.040(2). (Ord. 376 § 1, 2008; Ord. 323 § 1, 2004)

Chapter 2.08

AIRPORT AUTHORITY

Sections:

2.08.010 Airport authority created.

2.08.020 Powers and duties.

2.08.030 Airport fund.

2.08.010 Airport authority created.

There is created the airport authority of Grays Harbor County (hereafter called "authority"). The authority shall be composed of five members who shall be called directors and who shall be appointed by the board of commissioners of Grays Harbor County for terms of three years each; provided, however, that the first five directors shall be appointed for staggered terms: one director for one year, two directors for two years and two directors for three years each, upon completion of each of the original terms directors shall be appointed to a full three-year term.

Directors may be removed from the authority only for good cause as determined by the board of commissioners of Grays Harbor County after a public hearing held pursuant to reasonable notice to all directors of the authority. Vacancies in the membership of the authority shall be filled for the unexpired term by appointment by the board of commissioners of Grays Harbor County.

Directors shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties.

All the powers and duties in this chapter delegated to the authority shall be exercised and accomplished by the directors of the authority. The directors shall act only as a board and shall be governed by the will of a majority of the directors present at any meeting of the board; provided, however, that at least three directors shall be required for a quorum. The board shall hold a regular meeting on the first Monday of each month at its office in Grays Harbor County and may hold such special meetings as are called by five-day written notices signed by three directors mailed to all directors or are called according to rule established by the authority.

The directors shall elect from their number a president, vice president and secretary. The president shall preside at all meetings of the directors and shall be the chief executive officer of the authority and shall execute all official acts of the authority. The vice president shall act in the absence of the president. The secretary shall keep the minutes of the meetings of the directors. All business transacted by the directors shall be set forth in the minutes. (Ord. 12 § I, 1953)

2.08.020 Powers and duties.

The authority created by this chapter is given full power to construct, enlarge, improve, maintain, equip, operate and regulate Bowerman Field, to the end that Bowerman Field shall provide the citizens and industry and commerce of Grays Harbor County with an adequate air transportation terminal.

By way of defining and enlarging these powers but not to limit these powers, the authority is given specific power:

- A. To exercise full control over the operation, maintenance and development of Bowerman Field;
- B. To expend income derived from Bowerman Field or as aid from the federal, state, county or city government;
- C. To hire and dismiss an airport manager and other employees of the authority;
- D. To contract with a base operator and to lease all or part of Bowerman Field to a base operator. Such lease of all or part of Bowerman Field shall be submitted to the board of commissioners of Grays Harbor County for its approval;
- E. To purchase equipment and supplies and to dispose of excess equipment and supplies by sale or trade-in. Such sales shall be accomplished through the board of commissioners of Grays Harbor County;
- F. To fix reasonable and uniform charges for the use of the facilities of Bowerman Field;
- G. To grant concessions and privileges;
- H. To make and establish rules and regulations for the safe and efficient operation of Bowerman Field. Such rules and regulations to conform to the laws of the state of Washington and the regulations of the Civil Aeronautics Authority of the United States of America;
- I. To deposit all moneys received in the treasury of Grays Harbor County and to pay out all money through the office of the auditor of Grays Harbor County. To approve or reject all claims to be paid out of the Grays Harbor County Airport funds;

J. To prepare and submit to the board of commissioners of Grays Harbor County an annual statement showing the amount of funds necessary to operate, maintain and manage Bowerman Field for the ensuing calendar year and showing the amount of funds on hand and estimating revenue for the ensuing year. Said statement to be submitted on or before the second Monday in August of each year;

K. To make an annual inventory of the assets of Bowerman Field as of July first of each year and file the inventory with the board of commissioners of Grays Harbor County on or before the first Monday of July of each year. (Ord 12 § II, 1953)

2.08.030 Airport fund.

There is created in the office of the treasurer of Grays Harbor County an airport fund. All receipts by the authority or from the operation of Bowerman Field shall be paid into the airport fund. The airport fund shall remain intact from year to year and any balance remaining on December 31st of each year shall not revert to the county current expense fund but shall be carried on in the airport fund for use by the authority as is elsewhere in this chapter provided. (Ord 12 § III, 1953)

Chapter 2.12

BOARD OF ADJUSTMENT

Sections:

2.12.010 Created.

2.12.020 Terms of appointment.

2.12.030 Vacancies.

2.12.040 Removal.

2.12.050 Organization.

2.12.060 Meetings.

2.12.070 Rules and records.

2.12.080 Zoning adjustor created.

2.12.090 Zoning adjustor--Powers and duties.

2.12.100 Decisions--Vote required.

2.12.010 Created.

Pursuant to RCW 36.70.200--36.70.380 and RCW 36.70.810--36.70.900, insofar as they are applicable hereto, the board of county commissioners establishes a board of adjustment consisting of seven members to be appointed by the chair with the approval of a majority of the board. Six members shall be selected so that each commissioner's district shall be as equally represented as possible and one member shall be the chair of the Grays Harbor County planning commission or his or her representative. (Ord. 87 § 1, 1979; Ord. 39 § 1, 1969)

2.12.020 Terms of appointment.

Original appointments shall be as follows:

One, for one year;

Two, for two years;

Two, for three years;

One, for four years;

One, for six years;

Thereafter the successors to the first member shall be appointed for six-year terms and/or until the successors are appointed and qualified. (Ord. 283 § 1, 2001: Ord. 39 § 2, 1969)

2.12.030 Vacancies.

Vacancies shall be filled in accordance with Section 2.12.010 and such appointments shall be for the unexpired portion of the term. (Ord. 39 § 3, 1969)

2.12.040 Removal.

Any member of the board of adjustment may be removed by the chair of the board of county commissioners with the approval of the board of county commissioners for inefficiency, neglect of duty or malfeasance in office. (Ord. 39 § 4, 1969)

2.12.050 Organization.

The board of adjustment shall elect a chair and vice-chair from among its members and shall appoint a secretary who need not be a member of the board of adjustment. (Ord. 39 § 5, 1969)

2.12.060 Meetings.

The board of adjustment shall hold not less than one regular meeting in each month of each year. If no issues over which the board has jurisdiction are pending upon its calendar, a meeting may be cancelled. (Ord. 39 § 6, 1969)

2.12.070 Rules and records.

The board of adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations. (Ord. 39 § 7, 1969)

2.12.080 Zoning adjustor created.

There is created the office of zoning adjustor for Grays Harbor County. The planning director of Grays Harbor County shall serve in the capacity as zoning adjustor. (Ord. 39 § 8, 1969)

2.12.090 Zoning adjustor--Powers and duties.

The zoning adjustor shall have the powers and duties as defined for the board of adjustment and may hear and adjudicate applications for variances or may refer any or all requests to the board of adjustment at his or her discretion. (Ord. 39 § 9, 1969)

2.12.100 Decisions--Vote required.

All action of the board shall be by resolution which shall include the reasons for each decision. The concurring vote of a majority of the members of the board shall be necessary to decide in favor of an applicant on any matter upon which it is required to render a decision under this chapter. (Ord. 39 § 12, 1969)

Chapter 2.14

BUILDING CODES ADVISORY COUNCIL

Sections:

2.14.010 Created.

2.14.020 Terms of appointment.

2.14.030 Vacancies.

2.14.040 Removal.

2.14.050 Organization.

2.14.060 Powers and duties.

2.14.070 Decisions--Vote required.

2.14.010 Created.

There is created a building codes advisory council consisting of seven members to be appointed by the chair with the approval of the majority of the board. Two members shall be appointed representing each commissioner's district and one member shall be appointed at large. (Res. 80-14 § 1, 1980)

2.14.020 Terms of appointment.

Original appointments shall be as follows:

One position for one year;

Two positions for two years;

Two positions for three years;

Two positions for four years;

Thereafter the terms shall be four years.

(Res. 80-14 § 2, 1980)

2.14.030 Vacancies.

Vacancies shall be filled in accordance with Section 2.14.010 and such appointments shall be for the unexpired portion of the terms. (Res. 80-14 § 3, 1980)

2.14.040 Removal.

Any member may be removed by the chair of the board of county commissioners with the approval of the board of county commissioners for inefficiency, neglect of duty or malfeasance in office. (Res. 80-14 § 4, 1980)

2.14.050 Organization.

The council shall elect a chair and vice chair from among its members. The building official shall be the secretary to the council.

The council shall adopt rules for the transaction of its business and shall keep a public record of all proceedings, findings and determinations. (Res. 80-14 § 5, 1980)

2.14.060 Powers and duties.

A. To review and make recommendations to the board of county commissioners on proposals to adopt or amend ordinances related to administration of the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, and other related codes.

B. To perform the functions of a board of appeals as delineated by the various codes adopted by the county.

C. To perform such other functions as designated by the board of county commissioners. (Res. 80-14 § 6, 1980)

2.14.070 Decisions--Vote required.

The concurrence of a majority of the members present shall be required on any decision made by the council. A quorum of four members must be present for the council to transact any business. (Res. 80-14 § 7, 1980)

Chapter 2.16

CIVIL DEFENSE

Sections:

2.16.010 Purposes.

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2.16.030 Civil defense council--Membership.

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2.16.070 Civil defense organization.

2.16.080 Divisions, services and staff of the civil defense organizations.

2.16.090 Violation--Misdemeanor.

2.16.010 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans, including mock or practice drills, for the civil defense of persons and property within this county in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this county with all other public agencies and affected private persons, corporations and

organizations. Any expenditure made in connection with such civil defense and disaster activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the county of Grays Harbor. (Ord. 17 § I, 1956)

2.16.020 Definitions.

A. Civil Defense. As used in this chapter the term “civil defense” means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

B. Disasters. As used in this chapter the term “disaster” means actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity. (Ord. 17 § II, 1956)

2.16.030 Civil defense council--Membership.

The Grays Harbor County civil defense council is created and shall consist of the following:

A. The board of county commissioners and the mayor of each incorporated municipality within the county. The chair of the board will act as chair of the civil defense council;

B. The director of civil defense, who shall be vice chair.

(Ord. 17 § III, 1956)

2.16.040 Civil defense council--Powers and duties.

It shall be the duty of the Grays Harbor County civil defense council, and it is empowered, to review and recommend for adoption civil defense and mutual aid plans and agreements and such resolutions and rules and regulations as are necessary to implement such plans and agreements. The civil defense council shall meet upon call of the chair or in his or her absence from the county or inability to call such meeting, upon the call of the vice chair. (Ord. 17 § IV, 1956)

2.16.050 Director of civil defense--Powers and duties.

There is created the office of director of civil defense. Such officer shall be appointed by the civil defense council.

The director is empowered and directed:

A. To prepare a civil defense operating plan for the county conforming to the state civil defense plan and program;

B. To control and direct the effort of the civil defense organization of this county for the accomplishment of the purposes of this chapter;

C. To direct coordination and cooperation between divisions, services and staff of the civil defense organization of this county, and to resolve questions of authority and responsibility that may arise between them;

D. To represent the civil defense organization of this county in all dealings with public or private agencies pertaining to civil defense and disaster. (Ord. 17 § V, 1956)

2.16.060 Director of civil defense--Additional powers.

In the event of disaster as herein provided, the director is empowered, with the concurrence of the chair of the Grays Harbor County civil defense council:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the civil defense council;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the county for the fair value thereof, and if required immediately, to commandeer the same for public use;

C. To require emergency services of any county officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he or she considers necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense workers;

D. To execute all of the special powers conferred upon him or her by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him or her by statute, agreement approved by the defense council, or by any other lawful authority;

E. To requisition necessary personnel or material of any county department or agency.
(Ord. 17 § VI, 1956)

2.16.070 Civil defense organization.

All county and city officers and employees of this county, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 2.16.060(C), charged with duties incident to the protection of life and property in this county during disaster, shall constitute the civil defense organization of the county of Grays Harbor. (Ord. 17 § VII, 1956)

2.16.080 Divisions, services and staff of the civil defense organizations.

The functions and duties of the Grays Harbor County civil defense organization shall be distributed among such divisions, services and special staff as the civil defense council shall prescribe.

The civil defense council shall concurrently with the adoption of the ordinance codified in this chapter, prescribe the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the Department of Civil Defense of the state of Washington. (Ord. 17 § VIII, 1956)

2.16.090 Violation--Misdemeanor.

It shall be a misdemeanor, punishable by a fine of not to exceed two hundred fifty dollars (\$250.00), or by imprisonment for not to exceed three months, or both, for any person during a disaster:

A. To willfully obstruct, hinder or delay any member of the civil defense organization in the enforcement of any lawful rule or regulations issued pursuant to this chapter, or in the performance of any duty imposed upon him or her by virtue of this chapter;

B. To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this county, or to prevent, hinder or delay the defense or protection thereof;

C. To wear, carry or display, without authority, any means of identification specified by the Department of Civil Defense of the state. (Ord. 17 § IX, 1956)

Chapter 2.20

COUNTY PROPERTY MANAGEMENT PROCEDURES

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2.20.010 Establishment of comprehensive procedures for property management.

Comprehensive procedures for the management of county property and county tax title property, as established by this chapter, are deemed to be in the public interest. Management of such property under this chapter shall be supplemental to authority otherwise granted by law and Grays Harbor County retains all powers now or hereafter granted by law for the management of county property and county tax title property. (Ord. 84 § 2.20.010, 1978)

2.20.020 Authority to manage and improve lands.

The board of county commissioners shall have authority to manage county property and county tax title property and to make improvements thereon which they deem will enhance the value of such lands, or enhance the amount of income to be derived therefrom. (Ord. 84 § 2.20.020, 1978)

2.20.030 Definitions.

As used in this chapter:

“County property” means all real property and all tangible personal property owned by or in which Grays Harbor County has an interest.

“Tax title property” means all property acquired by the county for lack of other bidders at a tax foreclosure sale. (Ord. 84 § 2.20.030, 1978)

2.20.040 Authority to sell timber and minerals.

A. Whenever it appears to the board of county commissioners that it is for the best interests of Grays Harbor County, the appropriate taxing districts and the people thereof that any part or parcel of property, whether real, personal, or mixed, belonging to the county, including tax title property, should be sold, the board shall sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided.

B. In making such sales the county may sell any timber, mineral, or other resources on any land owned by the county, including tax title property, separate and apart from the land in the same manner and upon the same terms and conditions as provided in this chapter for the sale of real property; provided, any such timber, mineral, or other resources not exceeding two thousand five hundred dollars (\$2,500.00) in value may be sold as personal property in the manner provided by this chapter. (Ord. 84 § 2.20.040, 1978)

2.20.050 Sales of personal property--Advisability and manner.

Subject to the limitations of this chapter, the board of county commissioners is authorized to determine the propriety and advisability of selling and the manner and location of conducting sales of personal property. (Ord. 84 § 2.20.050, 1978)

2.20.060 Notice of sale.

When the board of county commissioners elects to sell property, they shall advertise to the extent, which they deem necessary to affect an advantageous sale. Such advertising for real or personal property with a value in excess of five hundred dollars (\$500.00) shall include publishing a notice in a legal newspaper at least once a week for two consecutive weeks, the last notice to appear no more than five days prior to the date of the auction or bid opening. An advertisement for sale of county property must particularly describe the property to be sold and designate the day and hour and the place of sale. When real property is to be sold, the advertisement of sale must contain both the street address, if available, and the legal description of the part and parcel. If real property is offered for sale on other than a cash basis, the terms must be stated in the advertisement. In addition, sales of tax title property must comply with RCW 84.64.270, as now enacted or as subsequently amended. (Ord. 84 § 2.20.060, 1978)

2.20.070 Sales of property--Public auction.

Except while otherwise provided for herein, all sales of real and personal property shall be made to the highest responsible bidder at public auction except when:

- A. County property is sold to a governmental agency;
 - B. The board of county commissioners determines an emergency to exist;
 - C. County real property is traded for real property of similar value, or when county personal property is traded for personal property of similar value;
 - D. County personal property is traded in on the purchase of another item of personal property;
- or
- E. The value of the property to be sold is five hundred dollars (\$500.00) or less.

The county may, if it deems such action to be in the public interest, reject any and all bids, either written or oral, and withdraw the property from sale. The county may then, within twelve (12) months of such rejection, negotiate the sale of withdrawn property, providing the negotiated price is higher than the highest rejected bid. (Ord. 300 § 1, 2002; Ord. 166 (part), 1992; Ord. 84 § 2.20.070, 1978)

2.20.080 Sales of personal property must be for cash.

Except where provided otherwise herein, sales of personal property must be for cash, certified check or cashier's check, except when such property is transferred to a governmental agency or traded in on the purchase of another item of personal property or traded for another article of similar value. (Ord. 84 § 2.20.080, 1978)

2.20.090 Personal property--Trade-ins.

Grays Harbor County may trade in property belonging to the count or to any taxing district within the county when purchasing other property. If the county elects to trade in property, it shall include in its call for bids, if any, on the property to be purchased a notice that the county has for sale or trade-in property of a specified type, description and quantity which will be sold or traded in on the same day and hour that the bids on the property to be purchased are open. Any bidder may include in its offer to sell an offer to accept the designated county property in trade by setting forth in the bid the amount of such allowance.

In determining the lowest and best bid, the county shall consider the net cost to the county after trade-in allowances have been deducted. The county may accept the bid of any bidder without trade-in of the county property, but may not require any such bidder to purchase the county property without awarding the bidder the purchase contract. Nothing in this section shall bar anyone from making an offer for the purchase of the used equipment independent of a bid on the new equipment and the county shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county. (Ord. 84 § 2.20.090, 1978)

2.20.100 Disposition of proceeds.

A. The county organizations responsible for conducting sales, leases or rentals of county property, including tax title property, shall be reimbursed for advertising, postage and selling fees, if any, from the proceeds of the sale: provided that, when tax title property is sold, such reimbursed costs shall include those costs incurred by the county at the time of the foreclosure sale. The balance of the proceeds shall be deposited by the county treasurer into the proper county fund or account, as directed by the board of county commissioners. Proceeds from the sale of used equipment must be credited to the fund from which the original purchase price was paid.

B. Upon receipt of sufficient consideration, the county treasurer shall execute the proper documents transferring title attested to by the county auditor. In no case shall the title be transferred until the purchase price has been fully paid.

C. The proceeds derived from the sale, lease, or other disposition or use of tax title property shall, following deductions as otherwise authorized in this chapter, or by law, be distributed in the same manner as general taxes collected in the year in which such proceeds are received by the county. (Ord. 321 § 1, 2004; Ord. 84 § 2.20.100, 1978)

2.20.110 Intergovernmental sales and leases.

Grays Harbor County may dispose of, lease, or rent county property or county tax title property to another governmental agency by negotiation, upon such terms as may be agreed on and for such consideration as may be determined by the board of county commissioners to be adequate; provided, that when sold to a governmental agency, tax title property may not be disposed of for less than the amount of unpaid taxes due at the time of foreclosure, also, provided that when sold to anyone other than a governmental agency, tax title property shall not be disposed of for less than the amount of unpaid taxes due at the time of foreclosure and costs incurred in the sale of such property, including costs incurred by the county at the time of the tax foreclosure sale; provided further, that before any lease or rent agreement for tax title property is executed, the terms thereof must be approved by resolution of the board of directors of the school district which would be entitled to share in the proceeds of the income received therefrom at the time the agreement is executed. (Ord. 321 § 2, 2004; Ord. 166 (part), 1992; Ord. 85 (part), 1978; Ord. 84 § 2.20.110, 1978)

2.20.120 Exchange of county property with other entities--Appraisal.

The board of county commissioners shall have authority to exchange parcels of county property and parcels of tax title property for real property of substantially the same market value with private parties or corporations by private negotiation and such properties received by the county in exchange

may be held and managed in the same manner as the lands conveyed in exchange by the county, and the proceeds from any subsequent sales or rentals of such land by the county shall be applied and distributed in the same manner as would have been done had such proceeds and income been received by the county for the lands conveyed in exchange by the county; provided, that before any such exchange is made the lands to be exchanged by the county and the lands to be received by the county shall be appraised by two appraisers appointed by the court for such purpose; provided further, that both appraisers agree that the land to be received by the county in such exchange is worth at least ninety (90) percent of the value of the land to be given by the county in such exchange. (Ord. 84 § 2.20.120, 1978)

2.20.130 Cooperative agreements.

The county may enter into cooperative agreements with other governmental entities and private owners of timber and forest land. The cooperative agreement shall provide for coordinated forest management, including time, rate, and method of cutting timber and method of silvicultural practice on a sustained yield unit. (Ord. 85 (part), 1978; Ord. 84 § 2.20.130, 1978)

2.20.140 Cooperative units.

The county will determine, define, and declare the establishment of sustained yield units, where necessary, comprising the land area to be covered by any cooperative agreement. The county will include in such area other lands as may be later acquired and included under a cooperative agreement. (Ord. 84 § 2.20.140, 1978)

2.20.150 Limitations on agreements.

The county may agree that the cutting from combined national forests, state lands, county lands, county tax title lands, and private lands will be limited to the sustained yield capacity of these lands in the management unit as determined by the contracting parties. Cooperation with the contracting party or parties shall be contingent on limitation of production to a specified amount as determined by the contracting parties and compliance with the other conditions and requirements of the cooperative agreement. (Ord. 84 § 2.20.150, 1978)

2.20.160 Easement over county lands during life of the agreement.

The contracting party or parties to a cooperative agreement shall enjoy the right of easement over county lands included under a cooperative agreement for railway, road, and other uses necessary to carry out the agreement. The easement shall be only for the life of the cooperative agreement and may be granted without charge with the provision that payment shall be made for all merchantable timber cut, removed, or damaged in the use of the easement. Payment for this purpose shall be based on the contract sumpage price for timber of like value and species. Payment shall be made within thirty (30) days from the date of cutting, removal, or damaging of the timber, or within thirty (30) days of the appraisal by the county, whichever date is later. (Ord. 84 § 2.20.160, 1978)

2.20.170 Sale agreements.

During the period when any cooperative agreement is in effect, the timber on county lands and county tax title lands included in a sustained yield unit, may, from time to time, be sold as provided for elsewhere in this chapter and the laws of the state of Washington. Any such sale agreement shall, in addition, contain such provisions as are necessary to carry out the purpose of the sustained yield cooperative agreement and to afford adequate protection to the public interests involved. (Ord. 84 § 2.20.170, 1978)

2.20.180 Resource management cost funds--Creation--Uses--Termination.

A. There is established a cumulative reserve fund to be designated cumulative reserve fund for resource management costs. Moneys accumulated in this fund are to be used to pay the costs and expenses necessarily incurred in managing and administering county property and making improvements thereon and in the making and administering of leases, sales, contracts, cooperative agreements, licenses, permits, easements, and rights-of-way in connection with county property. Uses of moneys from this fund may also include, but are not limited to, reseeding and replanting, fertilizing, insecticide application, and rodent, wildlife, and fire control.

B. There is established a cumulative reserve fund to be designated the cumulative reserve fund for tax title resource management costs. Moneys accumulated in this fund are to be used to pay the costs and expenses necessarily incurred in managing and administering tax title property and making improvements thereon and in the making and administering of leases, sales, contracts, cooperative agreements, licenses, permits, easements, and rights-of-way in connection with tax title property and also to reimburse the county for any sums expended by it for such purposes. Uses of moneys from this fund may also include but are not limited to, reseeding and replanting, fertilizing, insecticide application, and rodent, wildlife, and fire control.

C. The cumulative reserve fund for resource management costs and the cumulative reserve fund for tax title resource management costs shall accumulate moneys, be used, administered, and terminated pursuant to RCW 36.33.020, .030, and .040, as now enacted or subsequently amended; provided, that upon termination of the cumulative reserve fund for tax title resource management costs for any reason whatsoever the unexpanded moneys therein shall be distributed as follows:

1. If the fund is terminated because of the conveyance of all the county's tax title property to the state of Washington, the moneys remaining in the fund, less any sums due the county pursuant to law or this chapter or contributed by the county and unexpended, shall be delivered to the state of Washington to be used pursuant to law in the management and administration of such tax title properties;

2. If the fund is terminated because of the sale of all the county's tax title property, terminated by court order without a resulting conveyance to the state of Washington, or terminated because the purpose of the creation of the fund ceases to exist or is otherwise abandoned, the moneys in the fund, less the sums due the county or contributed by the county as provided for in subsection (C)(1) of this section, are to be treated as if they were the proceeds from the sale, during the year of such termination, of all the county's tax title property and all such property (land, timber, minerals, improvements, whatever) were of equal value per acre. (Ord. 84 § 2.20.180, 1978)

2.20.190 Deduction from proceeds of transactions authorized--Limitations.

From time to time the board of county commissioners shall determine the amount deemed necessary to carry out the powers provided for in this chapter. To carry out those powers, the commissioners are authorized to expend county moneys in such amounts and in such manners, as they deem appropriate. The board of county commissioners shall also have the authority to, from time to time, deduct from the gross proceeds derived from each lease, sale, contract, license, permit, easement, and right-of-way issued by the county and affecting county property and tax title property those amounts deemed necessary to carry out the powers provided for in this chapter. The sums so deducted shall be deposited to the appropriate resource management cost fund to be held and disbursed as provided for in this chapter. In the case of tax title property, the deduction, as provided for herein, from the gross proceeds of any one transaction shall not exceed twenty-five (25) percent of such gross proceeds. (Ord. 84 § 2.20.190, 1978)

2.20.200 Interest--Apportionment and disposition.

The county treasurer is authorized to invest moneys held in the resource management cost funds in the same manner and subject to the same restrictions as other county funds. Interest earned, less any authorized investment fees, shall remain in or be returned to the appropriate resource management cost fund. (Ord. 84 § 2.20.200, 1978)

2.20.210 Authority to lease.

A. If it appears to be in the best interests of the county and the people thereof, the board of county commissioners may lease or rent any county real property its appurtenances.

B. Any lease or rental agreement executed under the authority provided herein creates a vested interest in a contract binding upon the county and the lessee.

C. The county may lease or rent tax title property to nongovernmental entities pursuant to the procedures and requirements set out in this chapter; provided, that before any lease or rent agreement for tax title property is executed the terms thereof must be approved by resolution of the board of directors of the school district which would be entitled to share in the proceeds of the income received therefrom at the time the agreement is executed.

D. The county may lease county real property and tax title real property for the purpose of prospecting for, developing and producing oil, liquid hydrocarbons and any gases. Any such lease shall be known as an "oil and gas lease." Any such lease shall contain terms and conditions shall be entered into as provided by Section 2.20.250 of this chapter, and shall comply with all other provisions of this ordinance as are consistent with Section 2.20.250. (Ord. 102 (part), 1982: Ord. 84 § 2.20.210, 1978)

2.20.220 Manner of awarding lease.

A. Fair market rental value, as defined below, shall be the basis for all leases and rentals of county real property to nongovernmental entities and persons. All such rental and leases will be awarded upon the best terms and conditions available to the county.

B. "Fair market rental value" is defined as an amount in the competitive market that a well-informed and willing lessor who desires but is not required to lease, would accept, and which a well-

informed and willing lessee who desires but is not required to lease, would pay for the temporary use of the premises, after due consideration of all the elements reasonably affect value.

C. Whenever authorizing a new lease, or the modification, extension or renewal of an existing lease, the board of county commissioners shall obtain an appraisal of the fair market rental value of such property, and such fair market rental value will serve as the basis for the new lease, modification, extension or renewal. The board of county commissioners shall have the authority to determine whether the lease, modification, extension or renewal is to be awarded by competitive bidding or by negotiation with interested parties without bidding.

D. Whenever the board of county commissioners elects to proceed with a lease or rental by negotiation, they shall give notice of their intention by publishing a notice in a legal newspaper at least once a week for two weeks. The notice so published shall adequately describe the property to be leased, and shall contain a notice that a copy of the lease is available for public inspection at the commissioners' office.

E. Whenever the board of county commissioners elects to lease property pursuant to public bidding, they shall advertise to the extent they deem necessary to effect an advantageous lease. Such advertising shall include publishing a notice in a legal newspaper at least once a week for three consecutive weeks, the last notice to appear no more than five days prior to the date of the auction or bid opening. When a lease of county real property is awarded through competitive bidding, the lease shall be awarded to the highest responsible bidder; provided, that whenever there is reason to believe that the highest acceptable bid is not the best rental obtainable, all bids may be rejected and the board of county commissioners may call for new bids or enter into direct negotiations to achieve the best possible rental. In determining highest responsible bidder, in addition to rental, the following elements shall be given consideration:

1. The character, integrity, and reputation of the bidder;
 2. The previous and existing compliance by the bidder with the terms of other leases of county real property;
 3. Such other information as may be deemed relevant to the decision to award the lease.
- (Ord. 84 § 2.20.220, 1978)

2.20.230 Application to lease.

A. Applications to lease county real property shall be submitted to the board of county commissioners.

B. The right is reserved by the board of county commissioners to require the deposit of a reasonable amount to accompany all applications or bids to lease or rent county real property. If a deposit is required, all deposits upon same lease shall be of equal amount. The deposit shall be in the form of a certified check or cashier's check, or may be paid in cash. In case the lands applied for are leased at the time of application, the deposit shall be returned to the applicant. If the party making application fails or refuses to comply with the terms of his or her application and to execute the lease, the deposit shall be forfeited to the county, the deposit shall be placed in the current expense fund.

(Ord. 84 § 2.20.230, 1978)

2.20.240 Lease terms.

The county may lease real property for a term of years and upon such terms and conditions as may be deemed in the best interests of the public and the county. No lease shall be for a longer term in any one instance than ten (10) years; provided, that when the board of county commissioners determines it to be in the best public interest, real property necessary to the support or expansion of an adjacent facility may be leased to the lessee or the owner of the adjacent facility for a term to expire simultaneously with the term of the lease of the adjacent facility but not to exceed thirty-five (35) years; provided further, that when the board of county commissioners determines it to be in the best public interest, where property to be leased is improved or is to be improved, and the value of the improvement is or will be at least equal to the value of the property for a term not to exceed thirty-five (35) years; provided further, that where the property to be leased is to be used for a major airport, industrial or commercial site, requiring extensive improvements, the county may lease such property for a term equal to the estimated useful life of the improvements but not to exceed fifty (50) years. (Ord. 84 § 2.20.240, 1978)

2.20.250 Oil and gas leases.

A. Qualification of Applications. Any person or corporation, organized and existing under and by virtue of the laws of any state or territory of the United States, may apply for and hold an oil and gas lease from the county. Applications for an oil and gas lease shall comply with Section 2.20.230. An application to renew a productive lease at the end of the first twenty (20) year period shall be submitted to the board of county commissioners at least ninety (90) days, but not more than six months, prior to the expiration of its term.

B. Public Bidding--Bonus Bids--Highest Responsible Bidder. Except as otherwise provided herein, all oil and gas leases will be issued only after competitive offers received pursuant to public bidding. Prior to public bidding, the board of county commissioners shall advertise to the extent they deem necessary to effect an advantageous lease. Such advertising shall include publishing a notice in a legal newspaper at least once a week for three consecutive weeks, the last notice to appear no more than five days prior to the date set for public bidding. The lease shall be awarded to the highest responsible bidder; however, in the event a cash bonus is not offered a lease may be awarded to the applicant for the minimum acceptable bid or withdrawn until further notice. That whenever there is reason to believe that the highest acceptable bonus bid is not the best obtainable, all bids may be rejected and the board of county commissioners may call for new bids or enter into direct negotiations to achieve the best possible bonus for the lease. In determining the "highest responsible bidder," in addition to the amount bid, the following elements shall be given consideration: (1) the character, integrity, and reputation of the bidder; (2) the previous and existing compliance by the bidder with the terms of other leases of county real property; (3) whether the bidder intends to hold the oil and gas lease for speculative purposes rather than to engage in exploration for and production of oil and gas; (4) such other information as may be deemed relevant.

C. Deposit Required--Title Reports--Liquidated Damages. The board of county commissioners may require as a condition of awarding a lease that the successful bidder deliver a certified check to the county in an amount of not more than ten (10) percent of the amount bid within ten (10) days following the date the public bidding was held. The board of county commissioners may require the successful bidder to run title reports at his or her own expense on any and all property intended to be

a part of the lease. A copy of all title reports shall be supplied to and become the property of Grays Harbor County. In the event the successful bidder should fail to run required title reports and deliver the same to Grays Harbor County, or fail to enter into a lease with the county for any other reason, any amounts on deposit with the county will be retained by the county as liquidated damages.

D. Minimum Rental and Royalty. The board of county commissioners shall require as a prerequisite to the issuing of any lease a rental as set by the board of county commissioners but not less than one dollar and twenty-five cents (\$1.25) per acre for the first year of such lease, payable in advance to the county at the time the lease is executed and a like rental annually in advance thereafter so long as such lease remains in force; provided, that such rental shall cease at such time as royalty accrues to the county from production from such lease. All oil and gas leases issued by the county shall be upon a royalty of not less than twelve and one-half (12.5) percent of the gross production of all oil, liquid hydrocarbons or gas produced and saved from the lands covered by such lease or a minimum royalty of ten dollars (\$10.00) per acre, whichever is greater.

E. Compliance with Applicable Law. All operations shall be conducted subject to compliance with the oil and gas conservation act of 1951 (Chapter 78.52 RCW) the provisions of this chapter as now or hereafter amended, and all other applicable laws.

F. Surface Rights--Compensation--Surety Bond. No lessee shall commence any operation upon lands covered by his or her lease until such lessee has provided for compensation to owners of private rights therein, including surface rights, according to law, or in lieu thereof, filed a surety bond with the county in an amount sufficient in the opinion of the board of county commissioners to cover such compensation until the amount of compensation is determined by agreement, arbitration or judicial decision and has provided for compensation to Grays Harbor County for damage to the surface rights of the county.

G. Continuous Drilling. All leases may provide that if oil, liquid hydrocarbons or gas are not encountered on or before the end of the initial five-year term, the lease shall not terminate if the lessee is then prosecuting drilling operations on the leased lands with due diligence, in which event the same shall remain in force so long as lessee shall keep one string of tools in operation on the leased lands, allowing not to exceed sixty (60) days between completion of one well and the commencement of the next until such oil, liquid hydrocarbons or gas is encountered in quantities deeming paying quantities by lessee. All leases may further provide that if oil, liquid hydrocarbons or gas in paying quantities shall have been discovered on the lease lands prior to the expiration of the initial five-year term, than in the event at any time after the expiration of the initial five-year term production on the leased land shall cease for any cause, the lease shall not terminate provided lessee resumes operations for the drilling of a well or the restoration of production within sixty (60) days from such cessation, and that the lease shall remain in force during the prosecution of such operations, and if production results therefrom, then so long as production continues.

H. Rights Upon Surrender. The lease may provide that the lessee shall have the option of surrendering his or her lease as to any or all portions or portion of the land covered thereby at any time and shall be relieved of all liability thereunder with respect to the land so surrendered except for monetary payments theretofore accrued and except for physical damage to the premises embraced by his or her lease which have been occasioned by his or her operations.

I. Pooling and Unitization. The lease may provide for pooling and unitization of the acreage covered by the lease with lands not covered by the lease, and for the allocation of royalties under such pooling or unitization agreements.

J. Other Lease Terms. The board of county commissioners may insert in any lease issued under the provisions of this chapter such terms and conditions as it deems necessary for the protection of the rights of the county, the lessee and the owners of the surface of the leased lands which are not in conflict with the provisions of this chapter, as now or hereafter amended.

K. Right of Inspection. The board of county commissioners of Grays Harbor County, or any commissioner or authorized representative thereof, may at all times examine lands covered by an oil and gas lease from the county, and inspect the work done and all progress thereon, and the production therefrom, and may inspect the books kept by the lessee in relation to the leased lands to ascertain the production, the amount of oil, liquid hydrocarbons or gas shipped therefrom and the performance of the lessee under the terms of the lease.

L. Cancellation--Notice Required. The board of county commissioners is hereby authorized to cancel any lease issued as provided herein for the nonpayment of rentals or royalties or nonperformance by the lessee of any provision or requirement of the lease, or for any violation by the lessee of the provisions of this chapter as now or hereafter amended; provided, that before any such cancellation shall be made, the board of county commissioners shall mail to the lessee by registered mail, addressed to the post office address of such lessee shown by the records of the board of county commissioners, a notice of intention to cancel such lease specifying the default for which the lease is subject to cancellation. If the lessee shall, within thirty (30) days after the mailing of the notice to the lessee, commence and thereafter diligently and in good faith prosecute the remedying of the default specified in such notice, that no cancellation of the lease shall be entered by the board. Otherwise, the cancellation shall be made and all rights of the lessee under the lease shall automatically terminate, except that lessee shall retain the right to continue its possession and operation of any well or wells in regard to which lessee is not in default; provided further, that failure to pay rental and royalty required under any lease within the time prescribed therein shall automatically and without notice work a forfeiture of such leases and of all rights thereunder.

M. Offsetting Wells. A lease may contain such terms, conditions, and provisions as will protect the interests of the county with reference to the spacing of wells for the purpose of offsetting any wells on privately owned lands.

N. Assignment and Subleasing--Written Approval of Board. Any oil and gas lease issued under this chapter may be assigned or subleased as to all or part of the acreage included therein only with the prior written approval of the board of county commissioners. Upon approval of any assignment or sublease, the assignee or sublessee shall be bound by the terms of the lease to the same extent as if such assignee or sublessee were the original lessee, any conditions in the assignment or sublease to the contrary notwithstanding. Any partial assignment of any lease shall segregate the assigned and retained portions thereof, and upon written approval of the board of county commissioners of such assignment, the assignor shall be released and discharged from all obligations thereafter accruing with respect to the assigned lands. (Ord. 102 (part), 1982: Ord. 84 § 2.20.245, 1978)

Chapter 2.24

PLANNING COMMISSION

Sections:

2.24.010 Planning commission established.

2.24.020 Planning commission term of office.

2.24.030 Planning commission organization.

2.24.040 Planning commission duties.

2.24.010 Planning commission established.

A. There is created and established a planning commission for Grays Harbor County to be known as the Grays Harbor County planning commission. Such commission shall work in conjunction with the Grays Harbor County planning and building director. The county planning and building director shall serve as the secretary for the commission.

B. The planning commission shall consist of nine members, which membership shall be composed of persons residing in Grays Harbor County.

C. All appointments to the Grays Harbor County planning commission shall be made so that the commission's membership is composed of equal numbers of persons nominated by each county commissioner or a predecessor in the same district position. Each county commissioner district shall be represented on the planning commission by at least two persons residing therein at the time of appointment.

D. The chairperson of the board of county commissioners shall, with the consent of the majority of the county commissioners, appoint the members of the planning commission. (Ord. 339 § 1, 2005)

2.24.020 Planning commission term of office.

A. Except as provided in subsection B of this section, the term of office of members of the Grays Harbor County planning commission shall begin on January 1st of the year of appointment and continue for four years.

B. The term of office for the first appointive members appointed to the commission pursuant to RCW 36.70.090 shall be from one to four years in such a manner as to provide that the fewest possible terms will expire in any one year. All members previously appointed and serving an unexpired term of office on the effective date of this section under the authority of a resolution of the board of commissioners shall continue to serve the remainder of the term of office. (Ord. 339 § 2, 2005)

2.24.030 Planning commission organization.

The officers of the planning commission shall consist of a chairperson and vice-chairperson elected from among its members and such other officers as the commission may, by majority vote of members, approve and appoint. (Ord. 339 § 3, 2005)

2.24.040 Planning commission duties.

The planning commission shall review and make recommendations on the following applications and subjects:

1. Amendments to subdivision and zoning chapters in Titles 16 and 17 of this code;
2. Applications for preliminary plats and planned unit developments;
3. Amendments to the comprehensive plan;
4. Other actions requested or remanded by the board of county commissioners, the review criteria for which certain of the actions are contained in this code. (Ord. 339 § 4, 2005)

Chapter 2.28

APPRENTICES REQUIRED ON PUBLIC WORKS PROJECTS

Sections:

- 2.28.010 Definitions.
- 2.28.020 Application of this chapter.
- 2.28.030 Apprentices required on public works contracts.
- 2.28.040 Proof of compliance and enforcement.
- 2.28.050 Emergencies.
- 2.28.060 Waiver or reduction of apprenticeship goals.
- 2.28.070 Savings clause.

2.28.010 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

“Apprentice” means an apprentice enrolled in a state approved apprenticeship/training program.

“Apprentice utilization requirement” means the requirement that no less than fifteen (15) percent of the labor hours involved in a public work project is performed by state indentured apprentices.

“Director” means the public services director or the director’s designee.

“Labor hours” means the total hours of workers receiving hourly wages who are directly employed on the site of the public works project. “Labor hours” shall include hours performed by workers employed by the contractor and all subcontractors working on the project. “Labor hours” shall exclude hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

“State approved apprenticeship training program” means an apprenticeship/training program approved by the Washington State Apprenticeship and Training Council. (Ord. 353 § 1 (part), 2006)

2.28.020 Application of this chapter.

A. The provisions of this chapter are intended for the administrative and procedural guidance of county officers and employees and are further expressions of the public policy of Grays Harbor County. Such provisions are not intended to confer an independent cause of action or claim for relief cognizable in the courts of the state of Washington or the United States of America to any third par-

ties, and these provisions shall not be used as the basis for a lawsuit in any court of competent jurisdiction challenging the award of any contract by Grays Harbor County.

B. This chapter is enacted for the benefit of the general public. Any rules, regulations and policies adopted by the public works department pursuant to this chapter and the actions of county officials and employees in implementing this chapter are performed for the benefit of the general public. The decision of the board of county commissioners to award any bid or public works contract, which may be construed as subject to this chapter, is final and conclusive. (Ord. 353 § 1 (part), 2006)

2.28.030 Apprentices required on public works contracts.

A. All contracts for public works in which the cost is estimated to exceed five hundred thousand dollars (\$500,000.00) or more, shall require that no less than fifteen (15) percent of the labor hours be performed by state indentured apprentices.

B. The director shall include provisions to allow enforcement of the provisions contained in this chapter in all packages of bid documents and published calls for bids. Such contractual provisions may include liquid damages calculated to reimburse the county for the contractor's or subcontractor's breach of these performance requirements. (Ord. 353 § 1 (part), 2006)

2.28.040 Proof of compliance and enforcement.

A. All firms, corporations, and persons subject to the provisions of this chapter shall submit, in the form and manner as the county may require in the issuance of specifications for public works projects, proof and/or documentation demonstrating that the firm, corporation or person has or will comply with this chapter.

B. By entering into an agreement to provide services or materials for a county public work, all firms, corporations and persons subject to the provisions of this chapter agree to submit to the county, upon request, all information, reports and policies relevant to the enforcement of applicable provisions of this chapter. Prime contractors shall incorporate this provision into all subcontracts in which a subcontractor is to perform services on a county public work project.

C. Proof of documentation of compliance, including the apprentice's state registration number, must be submitted no later than the time stated in the county's published specifications for a public work project. In no event will any firm, corporation or person be considered for a contract involving a public work project subject to the requirements of this chapter until such time as the proof or documentation of compliance has been submitted to the county.

D. The director shall review the contractor's and all subcontractor's employment practices during performance of the work to verify compliance with apprentice utilization requirements. On-site visits may be conducted as deemed necessary, in the sole judgment of the director, to verify compliance. The contractor and subcontractors shall not deny the county the right to interview its employees, provided that the director shall make reasonable efforts to coordinate interviews with employers.

E. The failure by a contractor to comply with the apprentice utilization requirements of this chapter shall be deemed a breach of contract, including liquidated damages. Any knowing failure to comply with the apprentice utilization requirements, or refusal to cooperate in compliance monitoring, may disqualify the defaulting contractor or subcontractor from eligibility for future Grays Harbor County contracts. (Ord. 353 § 1 (part), 2006)

2.28.050 Emergencies.

This chapter shall not apply in the event of an emergency. For the purposes of this section, “emergency” means unforeseen circumstances beyond the control of the county that either: (a) present an immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to the property, bodily injury or loss of life if immediate action is not taken. (Ord. 353 § 1 (part), 2006)

2.28.060 Waiver or reduction of apprenticeship goals.

The director is authorized to wave or reduce the apprenticeship participation requirements on contracts subject to this chapter if the director determines that an inadequate number of apprentices are available to meet the required percentage or that the small size of the workforce on a particular project makes compliance impracticable. (Ord. 353 § 1 (part), 2006)

2.28.070 Savings clause.

Should any part of, or any provision herein contained be rendered or declared invalid by reason of any existing or subsequently enacted legislation, or by any decree of a court of competent jurisdiction, such invalidation of such part or portion of this agreement shall not invalidate the remaining portions thereof. The remaining parts or provisions shall remain in full force and effect. (Ord. 353 § 1 (part), 2006)

Chapter 2.32

PUBLIC RECORDS

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2.32.010 Purpose.

The purpose of this chapter is to provide rules by which the county implements and ensures compliance with the provisions of Public Records Act for the county's public records. This chapter does not apply to public records of the state of Washington, such as the records of the Administrative Office of the Courts (AOC), the Washington State Patrol (WSP), the Department of Licensing (DOL) and the Department of Corrections (DOC), that may be available to the county's employees by virtue of digital connectivity. (Ord. 370 § 1, 2008)

2.32.020 Interpretation and construction.

The provisions of this chapter shall be liberally interpreted and construed to promote full access to the county's public records in order to assure continuing public confidence in government; provided, that when making public records available the county shall prevent unreasonable invasions of privacy, shall protect public records from damage or disorganization and shall prevent excessive interference with essential government functions. (Ord. 370 § 2, 2008)

2.32.030 Public records available.

Public records shall be made available for public inspection and copying pursuant to this chapter, except as otherwise provided by law. (Ord. 370 § 3, 2008)

2.32.040 Exempt records.

The county shall publish and maintain a list of laws, other than those specifically set forth in the Public Records Act, which the county believes exempt or otherwise prohibit disclosure of public records or information contained in public records. Public records and information exempt from disclosure under the Public Records Act or any other law are exempt from disclosure under this chapter whether or not such exemption is on any list of exemptions published and maintained by the county. (Ord. 370 § 4, 2008)

2.32.050 Public records officers designated.

A. A public records officer shall serve as the point of contact for members of the public who request disclosure of public records. Each public records officer shall be responsible for implementation of and compliance with this chapter and the Public Records Act.

B. The clerk of the board of county commissioners is the public records officer for the board of county commissioners.

C. Unless otherwise designated by the board of county commissioners, the clerk of the board of county commissioners is the public records officer for all boards and commissions appointed by and reporting to the board of county commissioners.

D. Unless otherwise designated by an elected official, each elected official is the public records officer for the offices and departments administered by the elected official. For all departments not administered by an elected official the department head shall be the public records officer for his or her department.

E. The public records officer for the superior court judges shall be the superior court administrator.

F. The public records officer for the district court judges shall be the district court administrator.

G. An alternate public records officer shall be designated by each appointing authority to act when the designated public records officer is absent or otherwise unavailable to act. (Ord. 370 § 5, 2008)

2.32.060 Public records requests--How made.

A. Public records may be inspected and/or copies may be obtained under the following procedures:

1. A request for public records shall be directed to the public records officer for the office or department having custody or control of the requested records. If the location of records is unknown, then the request may be made to the public records officer for the board of county commissioners.

2. A request for public records shall be made in writing upon a standard form promulgated by the public records officer for the county designated by the board of commissioners, which shall be made available at the office of each agency's public records officer and on-line at: <http://www.co.grays-harbor.wa.us/> and include the following information:

- a. The requester's name, mailing address, and telephone number;
- b. The date of the request;
- c. A clear indication that the document is a "public records request";
- d. Whether the request is to inspect the public records or for copies of public records, or both;
- e. A clear description of the public records requested for inspection and/or copying and the office or department having custody of the public records;
- f. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
- g. Whether the request is for printed or digital copies of the public record.

3. If an elected official or department maintains indexed records specifically for public inspection and copying, the public records officer may permit inspection and copying in response to an oral request. However, the public records officer shall require a written request if the request is for or the response may include any of the following:

- a. A list of individuals;
- b. Categorical requests not identifying a specific public record;
- c. Subjects of current, threatened or potential litigation;
- d. More than one hundred (100) pages;
- e. Reproduction of oversized documents such as maps, surveys, large format photographs or color reproduction; or
- f. Public records or information exempt from disclosure.

B. The county shall develop and maintain forms to facilitate public record requests.

C. Requests for inspection or copying of public records maintained by an agency of the state of Washington or another government agency must be made to such agency and will be subject to that

agency's rules and regulations, including required forms and fees. (Ord. 372 § 1, 2008; Ord. 370 § 6, 2008)

2.32.070 Inspection of public records--Where and when.

Public records shall be inspected at the offices of the elected official or department having custody or control of the records. Public records shall be available for inspection from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays; provided, that there is no obligation to allow inspection immediately upon a demand. A public records officer may request that the person seeking to inspect public records schedule an appointment for inspection. (Ord. 370 § 7, 2008)

2.32.080 Response to public records requests.

A. The public records officer shall, to the extent practicable, assist requesters in identifying the public records sought.

B. There is no obligation to allow inspection or provide a copy of a public record on demand.

C. Within five business days after receiving a public record request, the public records officer shall respond to the request in writing. The public officer shall make one or more of the following responses:

1. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;

2. The request for copies of public records is approved and the copies of all requested records are enclosed with the response;

3. The request has been received by the public records officer, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;

4. The request has been received by the public records officer and the records shall be provided on a partial or installment basis as the records are identified, located, assembled and/or made ready for inspection or copying; or

5. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record.

D. The public records officer shall immediately notify the requester if, after responding to a request for public records and approving the request, the public records officer identifies requested public records or information that are exempt from disclosure.

E. Additional time to respond to a request may be based upon the county's need to:

1. Clarify the intent of the request;

2. Identify, locate, assemble and/or make the records ready for inspection or disclosure;

3. Notify third persons or agencies affected by the request; or

4. Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.

F. If a requester fails to clarify the request after receiving a response from the public records officers seeking clarification, the public records officer need not respond further to the request.

G. If the public records officer does not respond in writing within five working days after receipt of a request for public records, the requester shall be entitled to request review by either the public record officer's elected official or department head or by the prosecuting attorney.

H. If the public records officer provides an estimate of the time required to respond to the request and the requester believes the amount of time stated is not reasonable, then the requester may request that the public record officer's elected official or department head or the prosecuting attorney review the estimate of time.

I. When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the public records officer shall promptly notify the prosecuting attorney of the request. Each page of the records provided to the requester shall be sequentially numbered or otherwise uniquely identified. Copies of the request, all correspondence between the public records officer and the requester, and copies of the public records provided to the requester shall be delivered to the prosecuting attorney. The requester shall not be charged for copies delivered to the prosecuting attorney. (Ord. 370 § 8, 2008)

2.32.090 Copying and delivery fees.

A. Disallowed Charges.

1. No fee will be charged for the inspection of a public record.
2. No fee will be charged for locating public records in response to a request and making the records available for inspection or copying.
3. No fee will be charged for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.

B. Allowed Charges--Generally.

1. A reasonable fee will be charged to reimburse the county for the costs of providing copies. The public records officer may waive the fee for fewer than one hundred (100) pages on the basis that the expense of processing the payment exceeds the costs of providing the copies.
2. A reasonable fee shall be charged to reimburse the county for the cost of delivering copies of public records to a requester, including the cost of packaging the copies for delivery and the cost of postage or delivery service.
3. Any request for which the response will be more than one hundred (100) pages of documents, oversized documents, color photographs or reproductions, tape recordings and computer disks may be sent to a private copying service for copying, in which case the copying fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs.
4. The public records officer may require that all copying and delivery fees be paid in advance of the release of the copies.

C. Statutory Charges. The fee for searching records, research, and/or providing a copy of a public record may be set by statute. Where the state or federal law sets a fee, that fee will be charged. Court papers (RCW 3.62.060), duplication of electronic tapes of a court proceeding (RCW 3.62.060); traffic accident reports (RCW 46.52.085); and criminal history information (RCW 10.97.100) are examples.

D. Unless a fee is fixed by another federal, state or county ordinance, the following fee schedule is applicable:

8.5" by 14" page, or less	\$0.15 per page
Greater than 8.5" x 14" page	\$1.00 per page
Greenbar computer printouts	\$1.00 per page
Assessor's section maps	\$2.50 per square foot
Color maps	\$5.00 per square foot
Audio tapes	\$20.00 per cassette tape
Videotape or digital video	Actual expense
Photographs, DVD, CD	Actual expense
Fax (8.5" by 11" only)	\$1.00 per page
Postage	Actual expense
Boxes	Actual expense
Envelopes	\$0.50 each
Copying service	Actual expense
Electronic records	Actual expense--See Section 2.32.140

E. The public records officer may require a deposit in an amount not to exceed ten (10) percent of the estimated cost of providing requested public records. If the public records officer responds to a request on a partial or installment basis, the requester shall be charged for each part or installment responding to the request. If a partial or installment response is not claimed or reviewed by the requester, the public records officer is not obligated to fulfill the balance of the request. (Ord. 370 § 9, 2008)

2.32.100 Protection of public records.

A. No person shall knowingly alter, deface or destroy public records of the county.

B. Original public records shall not be removed from county offices.

C. Care and safekeeping of public records, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

D. Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished. Each public records officer shall, to the extent practicable, ensure that records requested are not misplaced or misfiled by members of the public during inspections or copying.

E. Boisterous or otherwise disruptive conduct by those requesting public records of the county shall not be permitted. (Ord. 370 § 10, 2008)

2.32.110 Requested records--Scheduled for destruction.

If a public record request is made at a time when a record exists, but the record is scheduled for destruction in the near future, the public records officer shall direct that the record be retained until the request is resolved. (Ord. 370 § 11, 2008)

2.32.120 Searching public records--Back-up and security copies.

In order to prevent excessive interference with essential functions of the county, the county shall not search backup or security systems for copies of public records when the originals of such records have been identified, located and are available for inspection and/or copying. (Ord. 370 § 12, 2008)

2.32.130 Review of denied request.

A. Any person who objects to the denial of a request for a public record may petition the prosecuting attorney for prompt review of such decision by delivering a written request to the prosecuting attorney and including all written responses by the public records officer or other county employee denying the request.

B. The prosecuting attorney shall affirm, modify or reverse the denial in writing within two business days following receipt of the written request for review.

C. A requester's administrative remedies shall not be deemed exhausted until the prosecuting attorney has made a written decision or until the close of the second business day following the prosecuting attorney's receipt of the written request, whichever occurs first.

D. The county shall be deemed to have made a final decision denying a request for public records only after a review conducted under this section has been completed. (Ord. 370 § 13, 2008)

2.32.140 Electronic information.

For purposes of this chapter two classifications of electronic information are recognized: electronic records and custom electronic products.

A. **Electronic Records.** The county produces and maintains data in electronic records to maximize efficiency in fulfilling its basic public service functions. These electronic records relate to the operation and conduct of county government and typically include financial data, property records, property assessment records, filed documents, maps, etc.

1. Electronic records are public records subject to disclosure under the Public Records Act and this chapter, unless exempt from disclosure under state or federal law or the request is for proprietary data which the county has obtained under a licensing agreement that does not permit disclosure to third parties.

2. At the option of the public records officer, electronic records may be printed and provided in paper format. If the electronic record is large and/or not capable of being printed in an understandable format, then the electronic record may be provided in the digital format in which the record is maintained by the county. The county does not have the obligation to convert an electronic record to a digital format that is different than the format maintained by the county.

3. Fees for providing electronic records in electronic form shall be based on the actual cost of the media used to provide the records. Overhead for information system acquisition and maintenance shall not be included in such fees.

4. The county does not warrant or in any way guarantee the accuracy or completeness of electronic records. Requesters receiving electronic records shall be required to sign an acknowledgement of such disclaimer.

B. **Custom Electronic Products.** Custom electronic products do not exist at the time of a request. These products must be created by performing any of the following: acquiring data, running

custom queries, programming software, testing models, reformatting data, or configuring the product in order to respond to a specific request. Custom electronic products are not public records subject to disclosure.

1. All requests for custom electronic products will be made to the appropriate elected official or department head. If more than one office or department is involved, the request shall be made to the Management Information Services administrator, who shall refer requests to the appropriate offices and/or departments and provide a coordinated response.

2. A request may be denied for any of the following reasons:

- a. The private sector has the ability to produce the requested product at a competitive price;
- b. The existing workload of the affected staff is such that the requested work cannot be accommodated;
- c. The request is for information that is exempt or prohibited from disclosure or otherwise confidential under state or federal law;
- d. The request is for proprietary data which the county has legally obtained under a license agreement that prohibits disclosure, distribution or publication; or
- e. The county does not have the hardware, software or personnel resources to respond to the request.

3. All fees shall be estimated in writing prior to providing the custom electronic product. Payment of estimated fees must be received before any work will be performed. Fees shall consist of the following:

- a. Design and processing costs to the county, including any charge-back fees paid to another public agency or service bureau;
- b. Actual costs of salary and benefits for the employee or employees required for consulting and/or producing the custom electronic product;
- c. Reasonable overhead charges;
- d. Delivery charges;
- e. Actual costs for magnetic tapes, computer paper, microfiche, disks, and/or other media used to provide the custom electronic product;
- f. Any consulting fee, subcontractor fee or service cost incurred as a result of obtaining secondary services to respond to the request; and
- g. A reasonable charge to defray operational hardware and software acquisition, maintenance and replacement costs.

4. A requester may appeal a denial or the fees required for production of a custom electronic product to the board of county commissioners. The appeal shall be made in writing within ten (10) business days after the requester's receipt of a written denial or a statement of the fees required. The appeal must state with specificity the relief sought and the reasons supporting the relief. The board shall consider the appeal at a public hearing within twenty (20) days after the appeal is received. The offices and departments affected by the appeal shall have an opportunity to respond to the appeal in writing. The requester and the affected offices and departments shall be given notice of the public hearing at least forty-eight (48) hours in advance and shall have a right to make oral arguments to the board. All deliberations shall be public unless information discussed is exempt or prohibited from

disclosure or otherwise confidential under state or federal law. The decision of the board shall be in writing and shall be issued within twenty (20) days after the public hearing.

5. A written agreement with the requester shall be required prior to any work on and delivery of a custom electronic product. The written agreement shall, at a minimum, include:

- a. A description of the custom electronic product to be produced;
- b. All fees;
- c. Whether the custom electronic product will be updated and how often;
- d. A warranty disclaimer, as approved by the prosecuting attorney; and
- e. Any other terms and conditions required by the prosecuting attorney.

6. The county will comply with the terms of all legally acquired software licenses, copyrighted materials and license agreements.

7. The county may at any time enter into an agreement with a public or private entity for sharing in the production costs of a custom electronic product.

8. Once a custom electronic product is produced it becomes a public record subject to the Public Records Act. The county reserves the right to purge the product from its public records in accordance with applicable laws. (Ord. 370 § 14, 2008)

2.32.150 Copies of chapter available to public.

Copies of this chapter and public records request forms shall be available to and provided to the public, without cost, at each county office. Electronic copies shall be made available to the public on the county's website. (Ord. 370 § 15, 2008)