**STATE OF WASHINGTON**

**County of Dungeness**

**In the Matter of Adopting the 20?? } RESOLUTION NO.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Annual Road Program** }

***WHEREAS***, RCW 36.81.130 and Ch. 136-16 WAC call for the County Engineer, on or before the first Monday in October, to file with the County Legislative Authority for consideration and adoption, a recommended plan for laying out, construction, and maintenance of county roads for the ensuing fiscal year; and,

***WHEREAS***, the Annual Road Program consists of three components, an Annual Construction Program and cost thereof, an annual maintenance plan and cost thereof, and a road equipment purchases and major repairs plan and cost thereof; and,

***WHEREAS***, the Annual Construction Program’s content meets Ch. 136-16-020 WAC and, conforms as nearly practicable to the county’s long range road program contained in the 20?? – 20?? Six Year Transportation Improvement Program; and,

***WHEREAS***, the Annual Construction Program indicates whether such work is to be done by County Forces or by publicly advertised contract; and,

***WHEREAS***, the Board has considered the Annual Road Program consisting of the Annual Construction Program, an annual maintenance plan, and a road equipment purchase and major repair plan, and revisions and changes were made and, shall adopt an Annual Road Program any time prior to the adoption of the county road budget; and,

***WHEREAS***, any appropriations contained in the county road budget shall be void unless the county’s Annual Road Program is adopted prior to such appropriation; and,

***WHEREAS***, the Annual Road Program shall not hereafter be changed except by unanimous vote of the Board members present and, the modifications shall be by Resolution or Ordinance; and,

***WHEREAS***, the Annual Construction Program is attached hereto as Exhibit A and the equipment purchase and major repair plan is hereto attached as Exhibit B; and,

***WHEREAS***, the 20?? Annual Construction Program shall be filed with the County Road Administration Board within 30 days after adoption but not later than December 31st of each year.

***NOW, THEREFORE, BE IT RESOLVED***, by the Board of Commissioners of Dungeness County that the Annual Road Program for 20?? is hereby adopted.

APPROVED AND ADOPTED this ?? day of ??, 20??.

DUNGENEES COUNTY

BOARD OF COMMISSIONERS

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***…….See White Paper narrative on the following page……***

**The Annual Road Program - RCW 36.81.130 and Ch. 136-16 WAC**

Greetings County Engineers. A situation which occurred with Dungeness County in the December 2023/January 2024 time frame has caused CRAB staff to really dig into RCW 36.81.130 and WAC 36-16. It was a significant enough occurrence that the CRABoard sought out an informal Attorney General’s Opinion (AGO) regarding certain questions of consequences. *Response pending*

What we all have previously considered the Annual Construction Program (ACP) process is actually more comprehensive as relates to the preliminary budget > Legislative Authority review > final budget adoption process. What the statute and rule contemplate is the County Engineer (CE) providing to the legislative authority (LA) an annual road program consisting of the ACP, the annual maintenance program, and annual equipment purchase and major repair plan, in order to inform the ‘need’ associated with a proposed and final adopted annual budget. This is intended to force a ‘level-of-service’ discussion between the CE (road dept) and the LA, as the resources needed to maintain status quo of the road system are almost always in excess of those reasonably expected to be available. This then is intended to lead to the adoption of an annual road program (*the need*) which then informs the road levy setting process(*resources*) and final road fund budget adoption. This would be especially true for those counties implementing a levy shift, a levy diversion, significant direct pay-for-services or, direct transfers out of the road fund.

Amendments to the annual road program, which are to be by Resolution/Ordinance, would be required for any changes to the ACP, the maintenance program, and equipment plan; the latter two of those three not having been considered in the past. CRAB’s position is that the ACP and equipment plan fall under the formal amendment requirement, as well as any decisions on total dollar resources appropriated for the maintenance program. We all know some maintenance can be planned and executed but, some activities are necessarily reactive like snow and ice control. So, dollars within the total maintenance program tend to flow back and forth between activities as needed, because if you are doing an excess of one thing, you are by default doing less of the other things, not including overtime. Thus, the maintenance activity level detail would not be subject to the formal amendment requirement.

Therefore, we are providing this narrative and a model Resolution for adoption of the Annual Road Program early enough in this year’s budget process so that you have time to bring your legislative authority up to speed. This model Resolution envisions the minimum content recommended but, feel free to add to, modify format, or modify context for some charter counties. The Resolution is organized in the general road map of the entire process. Please note, if your legislative authority has an expectation for preliminary budget later than the first Monday in October then, for all intents and purposes, you are meeting CRAB’s expectations.

Derek Pohle, PE 7/18/24