

FERRY COUNTY
RESOLUTION NO. 2011-27
ESTABLISHING AN EMERGENCY
SLOW-NO-WAKE SPEED LIMIT
ON CURLEW LAKE

WHEREAS, the Ferry County Board of Commissioners has the authority pursuant to RCW 36.32.120 to make and enforce police, sanitary and other regulations, and

WHEREAS, Curlew Lake is located wholly within Ferry County, Washington; and

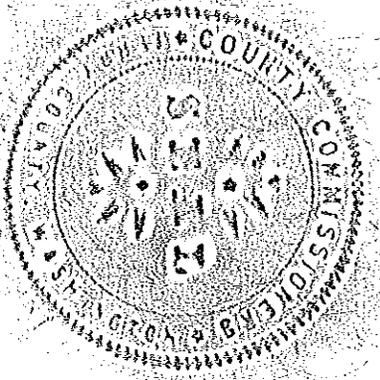
WHEREAS, recent heavy rains and snow melt has caused the water level of Curlew Lake to rise above its established level, thereby threatening hazardous conditions to boating, docks and shoreline property; and

WHEREAS, the Ferry County Board of Commissioners have declared an emergency existing within the jurisdiction of the Legislative Authority due to the conditions above; and

WHEREAS, the Ferry County Board of Commissioners wish to establish a Slow-No-Wake Zone within 200 feet of the shoreline on Curlew Lake which will mean all motorized watercraft, except emergency watercraft, are to maintain the minimum speed at which a motorized watercraft is able to move and maintain adequate steering control without causing wakes.

NOW, THEREFORE BE IT RESOLVED that the Board of Ferry County Commissioners hereby establishes a Slow-No-Wake Zone on Curlew Lake until such time that it's established by the Ferry County Board of Commissioners that an emergency no longer exists.

APPROVED this 27th day of May, 2011.



BOARD OF FERRY COUNTY COMMISSIONERS
FERRY COUNTY, WASHINGTON

Brad L. Miller (as per phone call)
BRAD L. MILLER, Chairman

Absent
ROBERT L. "BOB" HEATH, Vice Chair

Brian Danse
BRIAN DANSEL, Member

ATTEST:

Debbie Bechtol
Debbie Bechtol, Clerk of the Board

EX2

RCW 36.32.120
Powers of legislative authorities.

The legislative authorities of the several counties shall:

- (1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;
- (2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;
- (3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;
- (4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;
- (5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;
- (6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;
- (7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime and no act that is a state crime may be made a civil violation. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;
- (8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;
- (9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges;
- (10) Have power to declare by ordinance what shall be deemed a nuisance within the county, including but not limited to "litter" and "potentially dangerous litter" as defined in RCW 70.93.030; to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes.

[2003 c 337 § 6; 1994 c 301 § 8; 1993 c 83 § 9; 1989 c 378 § 39; 1988 c 168 § 8; 1987 c 202 § 206; 1986 c 278 § 2; 1985 c 91 § 1; 1982 c 226 § 3; 1979 ex.s. c 136 § 35; 1975 1st ex.s. c 216 § 1; 1967 ex.s. c 59 § 1; 1963 c 4 § 36.32.120. Prior: 1961 c 27 § 2; prior: (i) 1947 c 61 § 1; 1943 c 99 § 1; Code 1881 § 2673; 1869 p 305 § 11; 1867 p 54 § 11; 1863 p 542 § 11; 1854 p 421 § 11; Rem. Supp. 1947 § 4056. (ii) Code 1881 § 2681; 1869 p 307 § 20; 1867 p 56 § 20; 1863 p 543 § 20; 1854 p 422 § 20; RRS § 4061. (iii) Code 1881 § 2687; 1869 p 308 § 26; 1867 p 57 § 26; 1863 p 545 § 28; 1854 p 423 § 22; RRS § 4071.]

Notes:

Findings -- 2003 c 337: See note following RCW 70.93.060.

Effective date -- 1993 c 83: See note following RCW 35.21.163.

Intent -- 1987 c 202: See note following RCW 2.04.190.

Severability -- 1986 c 278: See note following RCW 36.01.010.

Effective date -- 1982 c 226: See note following RCW 35.21.180.

Effective date -- Severability -- 1979 ex.s. c 136: See notes following RCW 46.63.010.

**FERRY COUNTY COMMISSIONERS
EMERGENCY MEETING MINUTES
May 26, 2011**

The Board of Ferry County Commissioners' met in the Ferry County Sheriff's Office at 11:30 am, May 26, 2011 for an Emergency Meeting with Commissioners Miller and Dansel present.

Also present were Public Works Office Manager/Controller Sharon Sattler, Sheriff Pete Warner, Under Sheriff Tom Williams and E-911 Coordinator Ray Maycumber.

The meeting was called to order by Commissioner Miller to discuss and receive updates on the extreme flooding and road damage within the County.

Public Works Update: Office Manager/Controller Sharon Sattler gave an update on what roads are flooding, road crews and the availability of sand and sand bags. The road crew had been working on Barnaby Creek Road and due to flooding the work that had been done is washed away from flooding. There are crews at the site trying to keep the damage to a minimum. Also Ms. Sattler has had reports that there is flooding on St. Peters Creek, Lambert Creek, O'Brien Creek and Cotton Wood Creek. There has been 20,000 sand bags ordered and being picked up at Chief Joseph Dam and Kinross are delivering 5,000 sand bags to the Republic Shop. John Stotts owner of Stotts Construction has offered to deliver sand at no charge to anyone who needs it.

Command Center: There was discussion as to where the calls will be sent and how the situation will be handled. Ms. Sattler stated that she was receiving several calls regarding flooding. After discussion it was decided that the 911 Center would be the Command Center and all calls would be sent to them at their regular phone number. Also those who are in need of sand bags will be instructed to pick them up at the 911 Command Center as well. The decision to draft a Declaration of Emergency Resolution and a press release (in case it is needed) was made.

Continued Emergency Meeting: After updates from other offices and decisions regarding the Command Center were made the Board continued the emergency meeting in the Commissioners Office with Commissioners Miller, Commissioner Dansel and Clerk of the Board Debbie Bechtol present. A press release was drafted by Commissioner Miller and Commissioner Dansel but will only be used if needed. Commissioner Heath joined the meeting via speaker phone. Commissioner Miller updated Commissioner Heath of what has happened and decisions made up to this point. Commissioner Miller also read the draft Declaration of Emergency Resolution to Commissioner Heath and he approved.

Ferry County Resolution No. 2011-26 After review and discussion motion was made by Commissioner Dansel, seconded by Commissioner Miller with the majority in favor of approving Resolution No. 2011-26 regarding the Declaration of Emergency Due to Extreme Flooding and Damage to County Roads. Commissioner Heath approved via phone call when he joined the meeting. (Exhibit 1)

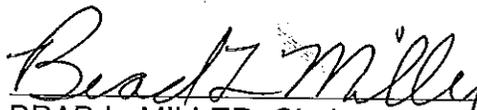
With no further action needed at this time the Emergency Meeting was continued until May 27, 2011 to ensure all necessary measures for the Declaration of Emergency have been addressed.

Continued Emergency Meeting – May 27, 2011 the meeting was opened with Commissioner Dansel present and Commissioner Miller on speaker phone. The issue of Curlew Lake rising above normal water levels was discussed. There were citizen concerns of the boaters and the wakes causing hazardous boating conditions, damage to docks and shoreline property. A Resolution was drafted and passed.

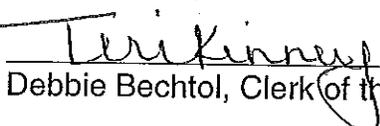
Ferry County Resolution No. 2011-27 After review and discussion motion was made by Commissioner Dansel, seconded by Commissioner Miller with the majority in favor of approving Resolution No. 2011-27 – Slow-No-Wake Speed Limit on Curlew Lake. The Resolution will only be effective until such time it is established by the Ferry County Board of Commissioners that an emergency no longer exists. Commissioner Heath was unable to attend. (Exhibit 2)

There being no further business the meeting was closed.

BOARD OF FERRY COUNTY COMMISSIOENRS
FERRY COUNTY, WASHTINGTON


BRAD L. MILLER, Chairman

ATTEST:


Debbie Bechtol, Clerk of the Board