



Board of County Commissioners - Staff Report

Meeting Date: October 4, 2016

Presenter: Erin E. Weisman/Sean O'Malley

Submitting Dept: County Attorney/County Engineer
Subject: Amendment to Resolution for Appointment of a Viewer in the Petition and Matter of Establishment of Squaw Creek Road as a Teton County, Wyoming Road

Statement / Purpose: Consideration of an amendment to the Resolution for appointment of a viewer in the matter of the Petition for Establishment of a County Road in the Matter of Squaw Creek in accord with Wyoming Statutes.

Background / Description (Pros & Cons): On September 20, 2016, the Board of County Commissioners approved the Resolution for Appointment of a viewer in the matter of the Petition for Establishment of a County Road in the Matter of Squaw Creek. Subsequent to the appointment, Andy Cornish informed staff that his hourly rate of compensation, which he suggested to staff, was for the rate of \$150.00, not \$50.00.

Stakeholder Analysis & Involvement: Discussions with the Teton County Clerk, Sherry L. Daigle, and Teton County Engineer, Sean O'Malley.

Fiscal Impact: The fiscal impact will be dependent upon the hours Mr. Cornish needs to complete his analysis and recommendation to the Board. It is estimated that the viewer will likely spend 16 hours at \$150.00 per hour, for total compensation of \$2,400.00.

Staff Impact: Teton County Clerk, Teton County Engineer, and the County Attorney's Office.

Legal Review: Weisman

Staff Input / Recommendation: To amend the Resolution appointing the viewer for the sole purpose of amending and correcting the viewer's hourly rate to \$150.00, not \$50.00.

Attachments: Resolution for Appointment of a Viewer in the Petition and Matter of Establishment of Squaw Creek Road, as a Teton County, Wyoming Road, approved and adopted on September 20, 2016.

Suggested Motion: I move to amend the Resolution for Appointment of a Viewer in the Petition and Matter of Establishment of Squaw Creek Road, as originally approved and adopted on September 20, 2016, for the sole purpose of modifying the amount of compensation that the viewer, Andy Cornish receive, which shall be amended from \$50.00 per hour to \$150.00 per hour.

RESOLUTION # 16-030

APPOINTMENT OF A VIEWER IN THE PETITION AND MATTER OF ESTABLISHMENT OF SQUAW CREEK ROAD, AS A TETON COUNTY, WYOMING ROAD

WHEREAS, on June 30, 2016, a Petition for Establishment of a County Road was filed with the Teton County Clerk, In the Matter of Establishment of Squaw Creek Road, as a Teton County, Wyoming Road; and

WHEREAS, Wyoming Statutes §24-3-101 through §24-3-206 set forth the statutory requirements in the establishment, vacation or alteration of county highways; and

WHEREAS, pursuant to Wyoming Statute §24-3-101 any person who desires to establish a county highway or road shall file in the office of the county clerk of the proper county, a petition signed by five (5) or more electors of the county residing within twenty-five (25) miles of the road proposed to be established which shall include a list of names and post office addresses of each person owning or having an interest in any land over which the proposed establishment of a county highway is made; and

WHEREAS, pursuant to Wyoming Statute §24-3-102, the Board of County Commissioners may require, in their discretion, that the petitioners for the establishment of a public road deposit with the county clerk, a sufficient sum of money to defray expenses, and if any deposit is required to be made, if a county road is finally established, any money so deposited shall be returned to the petitioners; and

WHEREAS, pursuant to Wyoming Statute §24-3-103, upon the filing of a petition, the board at a regular or special meeting, or the chair of the board, if in her judgment an emergency exists, shall appoint a suitable and disinterested person who may be a member of the board of county commissioners, to examine into the expediency of the proposed road and to report immediately back to the board of county commissioners.

NOW THEREFORE, the Board of County Commissioners having considered all these matters and the statutory requirements aforementioned at the September 20, 2016, regular meeting, which was open to the public, it is, HEREBY RESOLVED, that the Board of County Commissioners does hereby appoint Andy Cornish, to serve as the Viewer in The Matter of Establishment of Squaw Creek Road, as a Teton County, Wyoming Road who shall examine the expediency of the proposed road and report back to the Board of County Commissioners immediately; and

BE IT FURTHER RESOLVED, that the Viewer's reasonable compensation for his services shall be set at a rate of \$ 50.00/hour, and the Viewer shall be reimbursed for mileage in performing his duties; and

BE IT FURTHER RESOLVED, that the Viewer appointed shall hereafter be sworn by the Teton County Clerk, who is authorized by law to administer oaths, and before entering upon his duties, and the Viewer's oath shall include that the Viewer shall faithfully and impartially discharge his duties, and such oath shall be filed in the Office of the County Clerk;

BE IT FURTHER RESOLVED, that the Viewer shall not be confined to the precise matter of the petition, but may inquire or determine whether that, or any road, in the vicinity of the proposed or altered road, and answering the same purpose is required, and further that in forming his judgment the Viewer shall take into consideration both the public and private convenience, and also the expense of the proposed road;

BE IT FURTHER RESOLVED, that the Viewer shall report in writing to the Board of County Commissioners, whether or not in his judgment, said proposed road is practicable, and ought or ought not be established as the case may be, stating the probable expense of the same, including damages to the property owners along the line thereof, the benefits thereto, and such other matters therein as shall enable the Board of County Commissioners to act understanding all of the factors to be considered;

BE IT FURTHER RESOLVED, that the Board may require the Petitioners to deposit monies to defray expenses.

PASSED, ADOPTED AND APPROVED on this 20 day of September, 2016.

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING

Barbara Allen, Chair



(Seal)

Attest:

Sherry L. Daigle, Teton County Clerk

RESOLUTION AMENDED ON OCTOBER 4, 2016 TO REFLECT CORRECT HOURLY RATE OF \$150.00 HOUR. SIGNED AND APPROVED THIS 4TH DAY OF OCTOBER, 2016.

TETON COUNTY BOARD OF COMMISSIONERS, CHAIR

ATTEST:

SHERRY L. DAIGLE, COUNTY CLERK