

The Board of Island County Commissioners (including Diking Improvement Dist. #4) met in Regular Session on January 6, 1997, beginning at 1:30 p.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Chairman, Mike Shelton, and Members Wm. L. McDowell and Tom Shaughnessy were in attendance. Also in attendance were Art Hyland, Auditor and Clerk of the Board, and Ellen Meyer, Secy. to the Board. Minutes were approved and signed from the meetings of November 25 and December 2, 1996.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

1996 - Voucher (War.) #171534-171643.....\$183,775.03

1997 - Voucher (War.) #171513 - #171533.....\$ 25,921.65

-

Discussion

State Purchasing Contract - Fees. The Board's decision was that fees would be allocated on a pro-rated basis for the different departments instead of the entire \$2,000 from Current Expense.

EMERGENCY ACTION TAKEN ON DECEMBER 29, 1996 RESOLUTIONS #C-74-96 AND #C-75-96, AND EMERGENCY PROTECTION AND REIMBURSEMENT AGREEMENT

Pursuant to RCW 42.30.070, an emergency existed in Island County for which expedited action was necessary by the Board of County Commissioners, and then Chairman Shaughnessy called a meeting without the usual notice requirements, on Thursday, December 29, 1996, due to severe winter weather conditions caused by winter storms. The results of that meeting are to be set forth in the minutes of the next regular commissioner meeting so there will be an official record of the emergency session.

On December 29, 1996, the Chairman arranged for a meeting of the County Commissioners by telephone from Camano Island with Commissioner Shelton at the Office of the Island County Commissioners in Coupeville, and Commissioner McDowell from his home in Oak Harbor. The Board at that time by unanimous motion adopted Resolution #C-74-96, Island County Proclamation of Emergency, and Resolution #C-75-96, setting policy guidelines for seeking reimbursement of public expenditures, and Emergency Protection and Reimbursement Agreement.

Resolution No. C -74- 96

ISLAND COUNTY PROCLAMATION OF EMERGENCY

BOARD OF COUNTY COMMISSIONERS

Whereas, The Island County Department of Emergency Services Director, Sheriff Michael Hawley, has reported to the Board of County Commissioners that severe winter weather, including unusually deep snowfalls, heavy rainfalls, including sleet, and potential gale force winds and possible flooding, has caused extensive property damage, road closures, and significant power outages throughout Whidbey and Camano Islands, on December 26, 27, 28 and 29, 1996; and

Whereas, extensive damage still exists to County roads, private roads, homes, and commercial areas, and power outages remain throughout the County and there is concern that an undetermined number of persons require temporary shelter, medical care and provision of food on both Whidbey and Camano Islands; and

Whereas, the Island County Public Works/Road Department and the Island County Sheriff's Office/Department of Emergency Services have exhausted their resources to address all the needs inherent in this disaster relating to storm-caused road closures, blocked driveways, power outages, ability to assess human needs relating to the elderly and persons isolated from services, including both public and private providers; and

Whereas, all personnel from Island County Public Works/Road Department, Island County Sheriff's Office, Department of Emergency Services are being utilized, including the recall of off-duty personnel and utilization of Island County Sheriff's Reserve Deputies; the Island

County Chapter of American Red Cross is providing assistance and has established a shelter at the Oak Harbor High School for North Whidbey Island, and at the Bayview Senior Center on South Whidbey Island; and that Camano Island Fire and Rescue (District 1) command center has been established at the Camano Country Club fire station, with the capacity to serve as a shelter; and Island County Fire Protection District No. 2 has established an EOC (Emergency Operations Center); and the Sheriff's Department of Emergency Service's command center is established at the Courthouse Annex in Coupeville; and the Sheriff's Mobile Command Center is capable of being deployed to outlying precincts as further assistance is yet required; and

Whereas, in addition to the services beyond those presently being provided by Puget Power and Snohomish Public Utility District (P.U.D.), additional assistance is required to be provided by Washington State Patrol, Langley Police Department, Coupeville Police Department, and all other pertinent resources to help assess the extent and location of damages, blocked routes, persons in need and all adverse impacts,

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF ISLAND COUNTY COMMISSIONERS, that

(1) It is therefore declared by the Board of Island County Commissioners that an emergency exists in Island County, Washington, due to the winter storm damage;

(2) It is beyond the capabilities of Island County resources to cope with the problems; and

(3) Island County activates its local emergency management plan and grants emergency

use of local resources and authorizes use of emergency expenditures, including waiver

of hearing requirements under RCW 38.52.070 (2) and RCW 36.40.180 and

purchasing/contracting requirements pursuant to 36.32.270.

Following will be a Local Request for Assistance.

Dated this 29th day of December, 1996.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Tom Shaughnessy, Chairman of the Board

William McDowell, Member - Commissioner

Mike Shelton, Member - Commissioner

STATE OF WASHINGTON

COUNTY OF ISLAND

IN THE MATTER OF SETTING POLICY GUIDELINES)

FOR SEEKING REIMBURSEMENT OF PUBLIC) Res. No. C-75- 96

EXPENDITURES)

WHEREAS, the Island County Public Works/Road Department and the Island County Sheriff's Office/Department of Emergency Services have reported to the Board of Island County Commissioners that winter storms have caused extensive property damage, road closures (including blockages of private driveways), substantial power outages and established critical conditions placing persons in need; and

WHEREAS, the public interest and property of the County would suffer material damage or injury by delay; and

WHEREAS, the local political subdivision is the first line of defense in emergency situations, and therefore the Board of County Commissioners has issued a Declaration of Emergency to activate the local emergency management plan and allow emergency expenditures; and

WHEREAS, certain emergency expenditures and temporary assistance are deemed by the Board of Commissioners to be reimbursable in nature and only performed in response to specific requests.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners that reimbursement for public costs will be sought in those instances wherein aid was solicited by an Association of Lot Owners, concerned group of non- affiliated lot owners and/or private property owners seeking immediate and temporary assistance to prevent severe damage to their private property.

ADOPTED this 29th day of December, 1996.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Tom Shaughnessy, Chairman

William McDowell, Member

Mike Shelton, Member

EMERGENCY PROTECTION AND REIMBURSEMENT AGREEMENT

WHEREAS, Island County and other areas of Western Washington recently experienced unusual storm damage over a short period of time; and

WHEREAS, the Board of Island County Commissioners declared that an emergency exists in Island County due to the storm, such as road blockages, massive power outages, and related conditions affecting persons and property, by resolution adopted December 4, 1995; and

WHEREAS, the undersigned property owner (s) have requested said assistance from the County;

THEREFORE, Island County and parties hereto agree to the following:

1. Entry onto Property. The undersigned property owner (s) hereby agree that Island County officials, employees, or agents are allowed to enter the below described land to take any necessary action to assess, mitigate, or prevent damage from occurring to the property:

Lot _____, Plat of _____, as recorded in Volume ____ of Plats, page _____, records of Island County, Washington.

or

Parcel No. _____, Section _____, Township _____ N,

Range _____ E, W.M.

2. Work to be Done. Property owner(s) agree that the County, its officials, employees and/or agents will assess the current circumstances and danger to the property and report that assessment and any preventative measures that might be taken. After that report, property owner(s) will determine whether to authorize the extent and nature of preventative action to be taken. Upon request by the property owner(s), the County will then institute the preventative measures agreed upon.

3. Reimbursement by Property Owner(s).

(a) Property owner(s) hereby agree to reimburse the County for all the County's actual costs incurred in carrying out the provisions of this agreement, including, but not limited to the following:

(1) Engineering assessment costs to include any private consultant fees and expenses;

(2) Reimbursement of wages/salaries, including fringe benefits, of all County officials or employees for time spent carrying out the provisions of this agreement;

(3) Labor, materials and equipment costs for implementing preventative action, including the actual cost of any contracting out.

(b) The property owner(s) will be presented with in invoice of the costs to be reimbursed within 30 days of the

completion of any preventative action taken under this agreement.

(c) The property owner(s) will reimburse the County for the invoice amount plus interest at the rate of 1% per month on the principal amount. The property owner(s) will reimburse the County in full within one (1) year of the date of this agreement.

4. Release/Hold Harmless/Indemnity. Property owner(s) recognize that the County is making a special accommodation to property owner(s) to attempt to assist in prevention of severe future damage to their private property and that this is an unusual and extraordinary accommodation. In consideration of the County's agreement herein, property owner(s) hereby agree on behalf of themselves, their heirs and assigns, executors or administrators to release Island County, its officials, agents and employees from any liability of any nature to property owner(s) for conduct, advise, assessments and any action, inaction, decision or judgment in executing the provisions of this agreement.

Property owner(s) do further agree to indemnify and save harmless and defend the County, its agents, servants and employees from and against any and all claims, liability, losses, costs (including attorney's fees) and/or cause of action which may arise from any act or omission of the County, its agents, servants or employees in the performance of the terms of this agreement. This indemnity provision shall be applicable even if claims or suits result from the sole negligence of the County, its officials, servants, employees or agents.

DATED this 29th day of December, 1996.

Cost of work not to exceed \$_____.

Property Owner - husband

Property Owner - wife

Address:

(Individual Acknowledgment Attached)

DATED this 29th day of December, 1996.

Tom Shaughnessy, Chairman,

Board of Island County Commissioners

EMERGENCY ACTION TAKEN ON JANUARY 3, 1997 - RESOLUTION #R-3-97

IN THE MATTER OF RESPONSE TO COUNTY-WIDE EMERGENCY

-

Subsequent damage occurred following the December 29, 1996 declared state of emergency under Resolution #C-74-96, that resulted in damage to various Public Works facilities which required immediate procurement of materials, engineering and construction services pursuant to R.C.W. 36.32.270.

Chairman Mike Shelton, on January 3, 1997, called an emergency session of the Board and by unanimous motion, the Board adopted Resolution #R-3-97 authorizing the Public Works Director to negotiate and enter into contracts for emergency repairs, design and construction of public works facilities and purchase/lease materials/equipment to protect life and property, and extended the proclamation of emergency to include storm occurrences through January 1, 1997 pursuant to Resolution #C-74-96, and applying to damages caused by storms occurring through that date.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF)

RESPONSE TO COUNTY-) Resolution No. R-3-97

WIDE EMERGENCY)

WHEREAS, the Governor of the State of Washington declared Island County a disaster area, and

WHEREAS, on December 29, 1996, the Board of Island County Commissioners declared a state of emergency to exist in Island County (Resolution No. C-74-96), and

WHEREAS, subsequent damage occurred following December 29, 1996; and

WHEREAS, the resulting damage to various Public Works facilities requires the immediate procurement of materials and engineering and construction services, and

WHEREAS, Island County, its employees, or its citizens could suffer material injury or damage if those Public Works facilities are not repaired as soon as possible,

NOW THEREFORE, BE IT HEREBY RESOLVED, that this Board deems that, pursuant to R.C.W. 36.32.270, a state of emergency still exists and hereby authorizes the Director of Public Works to negotiate and enter into contracts with qualified, experienced contractors/engineers for emergency repairs, design and construction of public works facilities and to purchase/lease materials/equipment to protect life and property in accordance with the procedures and to the amounts listed on Exhibit "A". This resolution extends the Board's proclamation of emergency to include storm occurrences through January 1, 1997 pursuant to C-74-96 and applies to damage caused by storms occurring through that date.

ADOPTED this 3rd day of January, 1997, in emergency session called by the
Chairman of the Board.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Art Hyland Wm. L. McDowell, Member

County Auditor & Ex-Officio Tom Shaughnessy, Member

Clerk of the Board

EXHIBIT "A"

Procedure:

- A. All contracts, leases, and purchases made pursuant to this resolution shall be forwarded to the Board of County Commissioners, Prosecuting Attorney, and Risk Manager.
- B. All formal and informal bidding and procurement processes are suspended during the course of this emergency.
- C. The Public Works Director is authorized to establish insurance requirements commensurate with the risk of the work being performed and to advise the Risk Manager and the Board of County Commissioners of decisions made pursuant to this authority.
- D. Contracts and Agreements entered into for this emergency will be done on the Purchase Order-Voucher form.

Purchasing Authority Amounts:

The Public Works Director is authorized to the following emergency contracting and purchasing authority for this emergency:

- A. Public Works Contracts, up to \$100,000

- A. Purchases/leases, up to \$25,000

- A. Purchases made from State Contracts or other Government Agencies, up to \$25,000

- A. Purchases at Government or Agency Auctions, \$25,000

- A. Purchases of Services (Not covered by RCW 39.80), up to \$25,000

PRESENTATION TO COMMUNITY HEALTH & SAFETY NETWORK

On behalf of the Board of Island County Commissioners, Chairman Shelton read the following Proclamation issued in the name of each member on the Island County-Stanwood Community Public Health and Safety Networks:

WHEREAS, the 1994 Washington State Legislature passed the Youth Violence Reduction Act and created community public health and safety networks; and

WHEREAS, the Community Public Health & Safety Networks are comprised of 23 volunteers from their community charged with representing the interests of families of their community; and

WHEREAS, the board members of the network volunteered their time in 1994, 1995 and 1996 to create a comprehensive plan for improvement of the lives of children and their families in their community; and

WHEREAS, the Island County/Stnwood Community Public Health & Safety Network has submitted their plan to the Family Policy Council and the Washington State Legislature and has been approved;

NOW, THEREFORE, we the Island County Commissioners, do hereby proclaim that the Island County/Stanwood Community Public Health & Safety Network board membership has demonstrated commitment, dedication, and citizenship in their individual and representative contribution to the families of Island County.

SIGNED this 6th day of January, 1997.

Mike Shelton, Island County Commissioner

Mac McDowell, Island County Commissioner

Tom Shaughnessy, Island County Commissioner

Members include: Kathleen McLaughlin; Joan Caldwell; Peg Tennant; Jerry Stonebridge; Chris Conners; Barbara Denyham; Eileen Rosman; Bob Ohlson; Nancy Wyckoff; Suzanne Sather; Erlinda Signo-Warren; Evelyn Johnson; Heather Rosman; Kelly Barlean; Carol McNeil; Mindy Magnusson; Christina Wick; Elizabeth McKay; Cindy McDougall; Barbara DeMuth-Mullay; Matt Chambers.

Mr. Stonebridge thanked the Commissioners for supporting the Community Network in Island County and the Island County Youth Health Advisory Board. Peg Tennent provided to the Chairman their latest document from the Family Policy Council, entitled: "Moving The Mountain: Ideas From the People - Policy Recommendations from the Community Network Plans".

CLAIM FOR DAMAGES #96-0047 - HENNY

Betty Kemp, Director, GSA/Risk Management, presented Claim for Damages #96-0047 by David Henny filed on December 5, 1996. Mr. Henny alleges that Island County improperly issued permits to Diking District #1 to reconstruct and lengthen a groin and dredge a portion of the sand spit and that subsequent dredging of the spit caused severe erosion to Mr. Henny's shoreline property.

An internal investigation conducted by Vince Moore, Planing Director, resulted in his recommendation that the claim is without merit and should be denied. The Planning Department

had ample documentation to support processing the permit under an emergency exemption for the Diking district. Ms. Kemp confirmed that Risk Management concurred in the recommendation of denial.

On motion by Commissioner Shaughnessy, seconded by Commissioner McDowell, the Board unanimously denied Claim for Damages #96-0047 by David Henny as recommended.

CLAIM FOR DAMAGES #96-0050 - STEVE & DIANE HARTZELL

-

In the case of Claim #96-0050 by Steve & Diane Hartzell, Ms. Kemp explained that the claim, filed on December 12, 1996 for \$685,762,77 alleged damages to property from drainage pipe installed and improperly maintained by Island County. Internal investigation was conducted by the County Engineer who recommended denial of the claim because: (1) Island County has no record of ever installing the drainage pipe across the property, but Island County has a prescriptive right to drain across the parcel; and (2) Island County was granted an easement to relocate the drainway. Total assessed value of the property is \$9,828.00. The County Engineer recommended denial of the claim and Ms. Kemp concurred in that recommendation.

Commissioner Shaughnessy moved the denial of the claim as recommended by the County Engineer and Risk Manager. Motion, seconded by Commissioner McDowell, carried unanimously.

PUBLIC INPUT OR COMMENTS

Lois Hansen, and her daughter Lori Hastings, came before the Board on behalf of property located at Tyee Beach #2, Camano Island, where a slide recently occurred (Lot 30). They asked for some assistance and investigation in that a large crater caved in and water came gushing out, along with dirt. Ms. Hansen stated this was not just seepage from a bank, but seemed to be water coming from up above on Tamarack Lane and Camwood. There is a sink hole about 150' wide and 100' deep that occurred New Year's Eve (referring to the bluff that washed out behind the homes) . The property owners feel they may need some assistance to obtain necessary shoreline exemptions in order to properly dispose of the sand and clear the road, which at this time is shut off. They did speak today with Vince Moore and Shoreline Planner, Donna Keeler, who are trying to help them with the shoreline exemption. The community improvement club formed a committee to look into formation of a road improvement district.

Having made an inspection of the area in question, Commissioner Shaughnessy was aware of the situation and commented that the sand had enveloped homes and actually was inside one of the homes. The property owners were encouraged to continue to work with the Planning Department with respect to obtaining emergency permits from DOE and Fisheries, and should there be a problem to let the Board know.

Later during the agenda for Planning & Community Development Department, Ms. Keeler advised the Board that she told Ms. Hansen to proceed, but would follow up with a shoreline exemption emergency form to have on record.

LEASE AND POWER AGREEMENT WITH DUCAP ELECTRONICS,**INCLUDE FOR LYMAN MOUNTAIN MOBILE RADIO REPEATER**

Larry Kwarsick, Director, Public Works Department, and Roy Allen, County Engineer, previously discussed with the Board at the December 18 Staff Session the issue of the County's radio antenna lease fee for the Lyman Mountain site under the system-wide mobile radio upgrade service contract with DuCap Electronics (refer to Staff Session notes 2/18/96 and Roy Allen's memo 12/19/96). Mr. Allen believes the \$220 lease fee proposed by DuCap is reasonable and recommends the Board sign the lease.

By unanimous motion, the Board approved and signed the Lease and Power Agreement with DuCap Electronics.

**RESOLUTION #C-01-97 ESTABLISHING THE CAMANO ISLAND PUBLIC
DOCKING SITE EVALUATION COMMITTEE & APPOINTING MEMBERS**

Mr. Kwarsick presented a proposed resolution to establish the Camano Island Public Docking Site Evaluation Committee, as a result of prior work done in preparation of the Interim Transportation Plan and the Island County Ferry Study previously conducted. The job of the committee will be to look at the need and potential sites for a public docking facility on Camano Island, the work of the committee to be completed by September 1997.

Commissioner McDowell's concern was with the fourth paragraph: "WHEREAS, the Island County Ferry Study of May, 1995, concluded that there is justification for passenger only ferry service between Whidbey and Camano Islands for the purpose of inter-island business and

governance;" the concern was that the ferry study concluded there was no justification based on a cost analysis; however, subsequent to that study, the Board looked at the idea of ferry service from Camano to Whidbey considering three potential sites on Whidbey.

Commissioner Shelton agreed. He believed that the ferry study based on the way the questions

were worded did not justify the passenger only ferry service and he felt there had been some incorrect assumptions made. The purpose of the ferry was to link the two islands together. Based on what he recalled the study showed, undoubtedly there would have to be some subsidies involved in terms of a Camano to Coupeville ferry. Should the operator want to expand service to Oak Harbor and Langley that may be appropriate for the operator to do, but he felt the real purpose of the passenger only ferry was to link the two islands together.

Consensus of the Board was to delete the fourth paragraph. Mr. Kwarsick agreed since the real purpose was not to resurrect the ferry study, and from the viewpoint of staff, there is a need for a public docking facility. The Board also agreed that the paragraph indicating "Members" be amended to include in the first sentence that the three citizen representatives at large are to be Camano Island citizens.

Commissioner Shaughnessy moved that the Board adopt Resolution #C-01-97 in the matter of establishing the Camano Island Public Docking Site Evaluation Committee and Appointing Members to that Committee, with the

deletion of the fourth paragraph, and adding that the three citizen representatives at large be from Camano Island. Motion, seconded by Commissioner McDowell, carried unanimously.

**BEFORE THE BOARD OF COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ESTABLISHING)

THE CAMANO ISLAND PUBLIC)

DOCKING SITE EVALUATION) RESOLUTION NO. C- 01-97

COMMITTEE AND APPOINTING)

MEMBERS TO THAT COMMITTEE)

WHEREAS, there are presently no public piers, marinas, or docking facilities located on Camano Island; and

WHEREAS, the Board of County Commissioners recognizes that there is a need for a public docking facility on Camano Island for recreational, transportation, and emergency services purposes; and

WHEREAS, a goal of the Island County Interim Transportation Plan is to provide transportation alternatives for moving people and goods; and

WHEREAS, there is a need to identify a suitable location on Camano to construct a public docking facility; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners that the Camano Island Public Docking Site Evaluation Committee be officially established to examine potential sites on Camano Island and make a recommendation to the Board as to a preferred site. The composition of the Committee shall be as follows:

MEMBERS

Three Camano Island citizen representatives at large

One representative from Camano real estate profession

One Camano Island representative from the marine services industry

One Camano Island member of the Island County Planning Commission

One Camano Island Emergency Services representative

One Island County Public Works staff representative (ex-officio member)

TASKS TO BE ACCOMPLISHED PRIOR TO 30 September 1997

Identify and analyze all potential sites on Camano Island suitable for the construction of a multi-purpose public docking facility.

Develop criteria for the evaluation and rating of potential sites.

Conduct meetings and survey of Camano residents to solicit input on potential sites.

Develop a list of funding sources for construction of a docking facility if a suitable location is identified.

Prepare a report with recommendations and present the findings and conclusions at a public meeting before the Board of Island County Commissioners; and

FURTHERMORE, members of the public at large are encouraged to participate in committee deliberations as non-voting members.

APPROVED AND ADOPTED this 6th day of January, 1997.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Tom Shaughnessy, Member

Wm. L. McDowell, Member

Attest: Art Hyland, County Auditor

& Ex-Officio Clerk of the Board

RESOLUTION #R-1-97 EMERGENCY ROAD RESTRICTION ON MADRONA

WAY, VICINITY OF PENN COVE, COUPEVILLE

The Board was asked to act on a resolution for the emergency road closure on a portion of Madrona Way from intersection with Sherman Road W. to the State Highway, making a one way roadway and reducing the speed limit to 20 mph with local access only, Sec. 30/31/32, Twp. 32N, Rge. 1E, W.M. The emergency action is necessary because of embankment failure that occurred on December 30, 1996 as a result of recent winter conditions. Mr. Kwarsick advised that a contractor would arrive tomorrow to begin stabilizing the roadway. There are two slide areas, one where about 100' of waterline by the road is impacted and exposed, and then feathering up to 2-1/2 times that distance on the beach. Mr. Kwarsick confirmed approval from Department of Fisheries and Department of Ecology for the emergency work. The County still does not have the right of entry from the property owner, but according to Lew Legat, Assistant County Engineer, who will meet today with the owners, there is no anticipated problem in working out an easement.

Commissioner Shaughnessy moved approval of Resolution #R-1-97 in the matter of an emergency road closure of Madrona Way in the vicinity of Penn Cove, Coupeville.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF AN EMERGENCY)

ROAD CLOSURE OF MADRONA WAY,)

VICINITY OF PENN COVE, COUPEVILLE) RESOLUTION NO. R-1-97

SECTIONS 30/31/32, T32N, R1E, W.M.)

WHEREAS, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

WHEREAS, an emergency exists, caused by an embankment failure on December 30, 1996, on the water side of Madrona Way in Section 32, Township 32N, Range 1E; and

WHEREAS, upon investigation the Board of County Commissioners has determined it to be advisable to close the roadway to vehicular traffic (local access allowed) and reduce the roadway to one-lane in the vicinity of the bluff failure; and

WHEREAS, the closure of county roads for safety reasons is a function of police power properly exerciseable by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners that Madrona Way is closed to vehicular traffic (local access traffic allowed) from Sherman Road west and northerly to SR 20 and the roadway is reduced to

one lane in the vicinity of the bluff failure until such time as the roadway is determined to be safe for use by the general public.

ADOPTED this 6th day of January, 1997.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Wm. L. McDowell, Member

Art Hyland, County Auditor & Tom Shaughnessy, Member

Ex-Officio Clerk of the Board

RESOLUTION #R-4-97 - EMERGENCY ROAD CLOSURE

ON A PORTION OF GLENDALE ROAD

Another emergency resolution was presented for Board action by Mr. Kwarsick, Resolution #R-4-97 relating to an emergency road closure on a portion of Glendale Road from the intersection with Humphrey Road W. one-half mile. The stability of the road is in question at this point, and assistance is being requested from a state geologist to look at the road. The Emergency Services Director supports the closure of this section of Glendale Road. Mr. Kwarsick foresees this closure for a long duration and the question will be "*will this roadway actually be able to be opened at all?*".

Commissioner Shaughnessy moved that the Board adopt Resolution #R-4-97, the emergency road closure on a portion of Glendale Road. Motion, seconded by Commissioner McDowell, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF EMERGENCY)

ROAD CLOSURE OF A PORTION OF) RESOLUTION R-4-97

GLENDALE ROAD FROM ITS INTERSECTION)

WITH HUMPHREY ROAD WESTERLY ONE-)

HALF MILE, SECTION 1, T28N, R3E)

WHEREAS, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

WHEREAS, an emergency exists, caused by severe weather conditions during the period of December 26, 1996, to January 1, 1997, which caused extensive erosion and flooding on Glendale Road; and

WHEREAS, upon investigation the Board of County Commissioners has determined it to be advisable to close a portion of the roadway to vehicular traffic; and

WHEREAS, the closure of county roads for safety reasons is a function of police power properly exerciseable by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners that Glendale Road is closed to vehicular traffic from its intersection with Humphrey Road westerly one-half mile until the roadway is determined to be safe for use.

ADOPTED this 6th day of January, 1997.

-
BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Tom Shaughnessy, Member

Wm. L. McDowell, Member

ATTEST: Art Hyland, County Auditor &

Ex-Officio Clerk of the Board

RESOLUTION #R-5-97 MABANA ROAD, CAMANO ISLAND

CLOSURE TO VEHICULAR TRAFFIC

-
Emergency Resolution #R-5-97 was presented by Mr. Kwarsick for adoption by the Board today,

to close Mabana Road on Camano Island to vehicular traffic. The County Engineer explained this is a steep road going down a cut in a bank to serve four waterfront homes. The bank side of the road has differential settlement and large cracks. The state geologist recommended the road be closed.

Mr. Allen indicated that this would not be a small scope job. There is no other access other than by foot or water. The distance to walk in would be about 300 to 400 yards. The first step will be to seal up the cracks.

-
Commissioner Shaughnessy moved to approve Resolution #R-5-97, the emergency road closure of Mabana Road on Camano Island. Motion, seconded by Commissioner McDowell, carried unanimously.

-
**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF EMERGENCY)

ROAD CLOSURE OF MABANA ROAD,) RESOLUTION R-5-97

CAMANO ISLAND, SECTION 15, T30N, R3E)

WHEREAS, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

WHEREAS, an emergency exists, caused by severe weather conditions during the period of December 26, 1996, to January 1, 1997, which caused extensive erosion, cracking and differential settlement of portions of the roadway; and

WHEREAS, upon investigation the Board of County Commissioners has determined it to be advisable to close the roadway to vehicular traffic; and

WHEREAS, the closure of county roads for safety reasons is a function of police power properly exerciseable by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners that Mabana Road is closed to vehicular traffic its entire length until the roadway is determined to be safe for use.

ADOPTED this 6th day of January, 1997.

-
BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

ATTEST:

Art Hyland, County Auditor &

Ex-Officio Clerk of the Board

RESOLUTION #R-6-97 EMERGENCY ROAD CLOSURE TO VEHICULAR TRAFFIC
ON A PORTION OF WOODLAND BEACH ROAD, CAMANO ISLAND

-
Emergency Resolution #R-6-97 was presented by Mr. Kwarsick for the purpose of an emergency

road closure to vehicular traffic on a portion of Woodland Beach Road, Camano Island, beginning at a point on Woodland Beach Road approximately 275' W. of Sunset Drive and continue to the end of the roadway. The road would be closed to vehicular traffic until the road is determined to be safe for public use. In this case, according to Mr. Allen, the road is steep and serves about 12 houses on the beach. It will be a major project to correct this and require an engineering and soils

investigation to determine the most permanent and least costly scenario.

-
Commissioner Shaughnessy moved to approve Resolution #R-6-97, the emergency road closure of Woodland Beach Road on Camano Island. Motion, seconded by Commissioner McDowell, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF EMERGENCY)

ROAD CLOSURE OF A PORTION OF)

WOODLAND BEACH ROAD, CAMANO) RESOLUTION R-6-97

ISLAND, SECTION 3, T31N, R2E)

WHEREAS, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

WHEREAS, an emergency exists, caused by severe weather conditions during the period of December 26, 1996, to January 1, 1997, which caused extensive erosion and settlement of portions of the roadway; and

WHEREAS, upon investigation the Board of County Commissioners has determined it to be advisable to close a portion of the roadway to vehicular traffic; and

WHEREAS, the closure of county roads for safety reasons is a function of police power properly exerciseable by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners that Woodland Beach Road beginning at a point approximately 275 feet westerly of Sunset Drive to the end of roadway is closed to vehicular traffic until the roadway is determined to be safe for use.

ADOPTED this 6th day of January, 1997.

-

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Wm. L. McDowell, Member

Art Hyland, County Auditor & Tom Shaughnessy, Member

Ex-Officio Clerk of the Board

**RESOLUTION #R-7-97 EMERGENCY ROAD CLOSURE ON A
PORTION OF HUMPHREY ROAD, ALLOWING LOCAL ACCESS ONLY**

-

Emergency Resolution #R-7-97 was presented by Mr. Kwarsick for emergency road closure to vehicular traffic on a portion of Humphrey Road, South Whidbey Island, allowing local access only, from the intersection of Humphrey Road to Glendale Road N. for a distance of approximately 3/4 mile, and the road reduced to one lane in the vicinity of embankment failure until road determined to be safe for general public use. This is roadway that will continue to provide access to Glendale Community provided Fisheries okays today the installation of an emergency culvert.

Commissioner Shaughnessy moved to approve Resolution #R-7-97 as presented and recommend-ed by the Public Works Director. Motion, seconded by Commissioner McDowell, carried unanimously.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF AN EMERGENCY)
ROAD CLOSURE OF PORTION HUMPHREY)
ROAD, WHIDBEY ISLAND, SECTION 1,) RESOLUTION R-7-97
T28N, R3E, W.M.)**

WHEREAS, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

WHEREAS, an emergency exists, caused by severe weather conditions during the period of December 26, 1996, to January 1, 1997, which caused embankment failure on a portion of Humphrey Road; and

WHEREAS, upon investigation the Board of County Commissioners has determined it to be advisable to close the roadway to vehicular traffic (local access traffic allowed) and reduce the roadway to one-lane in the vicinity of the embankment failure; and

WHEREAS, the closure of county roads for safety reasons is a function of police power properly exerciseable by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners that Humphrey Road is closed to vehicular traffic (local access traffic allowed) from its intersection with Glendale Road northerly for a distance of approximately 3/4 mile, and the roadway is reduced to one lane in the vicinity of the embankment failure, until such time as the roadway is determined to be safe for use by the general public.

ADOPTED this 6th day of January, 1997.

-

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Wm. L. McDowell, Member

Art Hyland, County Auditor & Tom Shaughnessy, Member

Ex-Officio Clerk of the Board

EMERGENCY STATUS

Mr. Kwarsick recognized the support the Board gave to the Public Works Department during the emergency situation and acknowledgment of the enormous amount of work that had occurred in the field by road crew personnel and office personnel. There had been up to 17 contractors working for the County in addition to the full staff . Looking at expenses to date it is over 1/2 million dollars without looking at any construction and repair activities.

RESOLUTION #SW-001-97 IN THE MATTER OF SOLID WASTE

DISPOSAL UNDER 1996-1997 ISLAND COUNTY EMERGENCY DECLARATION

-

Dave Bonvouloir, Solid Waste Manager proposed a resolution in order to provide some emergency disposal of solid waste to citizens of Whidbey and Camano Islands. A similar resolution was adopted during the emergency in 1990 for an emergency disposal policy, recognizing the damage that occurred in the community and hardships associated with that damage. This policy would provide for free disposal of certain types of acceptable material without charge. Mr.

Bonvouloir, did suggest that as in 1990 the Board stipulate that the policy be in effect for a period of thirty days from the date of adoption. Should 30 days not be long enough given the magnitude of damage, the matter can be brought back to the Board for extension.

Commissioner Shaughnessy moved to approve Resolution #SW-001-97 in the matter of Solid Waste Disposal under 1996-1997 Island County Emergency Declaration, effective for a period of thirty day from date of signature. Motion, seconded by Commissioner McDowell, carried unanimously.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF)
SOLID WASTE DISPOSAL) RESOLUTION SW-001-97
UNDER 1996-1997 ISLAND)
COUNTY EMERGENCY DECLARATION)**

WHEREAS, Island County previously adopted, by Resolution SW-004-94 as amended by Resolutions Sw 002-95 and SW 004-96, fees for solid waste and septage disposal; and

WHEREAS, said fee schedule has been historically amended (R-15-87, SW-007-90) to permit disposal of certain damaged solid wastes at no charge when such wastes result from a declared widespread public emergency; and

WHEREAS, certain Island County Residents have suffered severe damage as a result of flooding and rainfall run-off from unusually heavy snow and rainfall over a short period of time during the period of December 29 through December 31,1996; and

WHEREAS, the County desires to provide assistance to county residents who have suffered snow, flood, water, and/or slide damage to their homes and have the need to dispose of damaged household goods.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Island County that there exists a declared public emergency by reason of recent snow rainfall, and subsequent run-off on Camano and Whidbey Islands and that damaged household goods may be disposed of at designated Island County Solid

Waste facilities at no charge according to the following guidelines.

1) A validation slip shall signed at the facility stating that the resident has received uninsured snow, slide, and/or flood damage during the declared emergency and containing location and ownership information of the involved property.

2) Emergency Disposal Policy

Acceptable Material Unacceptable Material

Household Furnishings Commercial Debris
Furniture Demolition Debris
Carpeting Wood Waste
Water-soaked plasterboard Concrete Materials
Appliances (to be placed in Hazardous Waste
metal recycle bin)

3) The effective date of this waiver shall be thirty (30) days from the date of approval of Resolution SW- 001-97 (January 6, 1997 - February 5, 1997).

ADOPTED this 6th day of January, 1997.

**BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

_____ Mike Shelton, Chairman

_____ Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: Art Hyland, Auditor

& Ex-Officio Clerk of the Board

RESOLUTION #PLG-038-96 IN THE MATTER OF EXPANDING THE EXISTING SERVICE AREA FOR THE ISLAND TRANSIT WATER SYSTEM INTO THE COORDINATED WATER SYSTEM PLAN

-
Donna Keeler, Planner, Island County Planning Department, presented for Board adoption a resolution to expand the existing service area from two to six connections for the Island Transit Water System into the Coordinated Water System Plan (CWSP). Main Street Auto applied for the review and gave name of the system as Island Transit Water System. Island Transit is currently using the system, along with Main Street Auto and some other neighbors.

Responding to questions from the Commissioners, Ms. Keeler indicated that the property was located in the Central Whidbey area off State Highway. The well is located on site #B, parcel #465-430. The map included with the application probably came from an existing short plat map that had a well radius circled for the lot next door. For service area boundaries for water systems there is no requirement to show a circle or easement because this is only for the purpose of looking at which of the lots are to be served by this well. Required is that the representative of the water system submit an application, and the County Health Department checks with adjacent neighbors to make sure there are no objections. The dotted line drawn through the well site to the west is the area proposed to be added; the solid line depicts what exists.

Commissioner Shaughnessy moved adoption of Resolution #PLG-038-96, In the Matter of Expanding the Existing Service Area for the Island Transit Water System into the Coordinated Water System Plan. Motion, seconded by Commissioner McDowell, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF EXPANDING THE)
EXISTING SERVICE AREA FOR THE)
ISLAND TRANSIT WATER SYSTEM INTO) RESOLUTION PLG-038-96
THE COORDINATED WATER SYSTEM)
PLAN)

WHEREAS, the Island Transit Water System has prepared and submitted a water system plan per the Island County Coordinated Water System Plan, RCW 70.116, and WAC 248-56; and

WHEREAS, the water system plan and existing service area of the Island Transit Water System has been reviewed for consistency with the Island County Comprehensive Plan, the Island County Coordinated Water System Plan, and other applicable State and local codes and regulations.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Island County Commissioners that the water system plan and existing service area for the Island Transit Water System Water Company be incorporated into the Island County Coordinated Water System Plan.

ADOPTED this 6th day of January, 1996.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY WASHINGTON

Tom Shaughnessy, Chairman

Wm. L. McDowell, Member

Mike Shelton, Member

ATTEST: ART HYLAND, AUDITOR &

EX-OFFICIO CLERK OF THE BOARD

The action proposed by this resolution has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore

Planning Director

-

**RESOLUTION #PLG-039-96 IN THE MATTER OF EXPANDING THE EXISTING SERVICE AREA FOR
THE THILBERG WATER SYSTEM INTO THE CWSP**

-

A resolution to expand the existing service area for the Thilberg Water system into the CWSP was presented by Ms. Keeler, an expansion from two to four connections. The system is located on the

Port Susan side of Camano Island. The Engineering Department by memorandum dated November 20, 1996, noted that fire flow was not required, and indicated no objection to approval subject to the following conditions:

(A) An approved Island County utility permit is required for any work done within the

County right-of-way

(B) An approved franchise is required for utilities to be lain along more than 500 feet of County right-of-way.

-
Language to that effect has been added to the Resolution.

On motion of Commissioner Shaughnessy, seconded by Commissioner McDowell, the Board unanimously approved Resolution PLG-039-96.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF EXPANDING THE)
EXISTING SERVICE AREA FOR THE)
THILBERG WATER SYSTEM INTO THE) RESOLUTION PLG-039-96
COORDINATED WATER SYSTEM PLAN)
)

WHEREAS, the Thilberg Water System has prepared and submitted a water system plan per the Island County Coordinated Water System Plan, RCW 70.116, and WAC 248-56; and

WHEREAS, the water system plan and existing service area of the Thilberg Water System has been reviewed for consistency with the Island County Comprehensive Plan, the Island County Coordinated Water System Plan, and other applicable State and local codes and regulations.

WHEREAS, the Island County Engineering Department does not object to approval of the Thilberg Water System Service Area provided the conditions in the attached November 20, 1996 memorandum from Don Robinett to Donna Keeler are met.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Island County Commissioners that the water system plan and existing service area for the Thilberg Water System Water Company be incorporated into the Island County Coordinated Water System Plan.

ADOPTED this 6th day of January, 1996.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY WASHINGTON

Tom Shaughnessy, Chairman

ATTEST: Wm. L. McDowell, Member

ART HYLAND, AUDITOR & Mike Shelton, Member

EX-OFFICIO CLERK OF THE BOARD

The action proposed by this resolution has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore

Planning Director

-

SHORELINE EXEMPTIONS AND PERMITS TO REPAIR DAMAGE FROM SLIDES

-

With regard to damage to property from slides on the shoreline, Ms. Keeler advised the Board that the State Department of Fish & Wildlife indicated that if it is real clean material, no debris from houses (wood, insulation, etc.), they are to put it right on the ordinary high water mark and let nature take its course and take it out slowly. If it has debris mixed within it, it needs to be trucked out.

They want to avoid having huge loads of material dumped at one time. Everyone needs to first check with the Planing Department as there may be some special requirements in terms of a particular beach.

Regarding Ms. Lois Hansen who addressed the Board earlier today, Ms. Keeler told to proceed, but would follow up with a shoreline exemption emergency form to have on record.

-

#HS-01-97-CONTRACT MONITORING SERVICES -

SHARON ROBINSON

-

The Commissioners considered a Health Contract, #HS-01-97, for Contract Monitoring Services by Sharon Robinson in the amount of \$3,000. This was a matter discussed with the Health Director at Staff Session on December 4, 1996. The period of the contract is for the year 1997 and is for the purpose of reviewing all requirements and formats for monitoring and auditing contracts for mental health and substance abuse services. The funding is provided as follows: \$1500 from Substance Abuse Ropes Course revenue and \$1500 from mental health millage funds.

Commissioner McDowell asked that the Board be provided with the 1996 report.

Commissioner Shaughnessy moved approval of Contract #HS-01-97 as presented. Motion, seconded by Commissioner McDowell, carried unanimously.

-

ESTABLISH CUSTODIAL ACCOUNT AUTHORIZATION

REGARDING DEFERRED COMP PLAN WITH PEBSCO

-

Art Hyland noted the item before the Board was the matter of establishing a custodial account and life insurance transfer authorization regarding the deferred comp program. This apparently is in connection with part of the minimum wage bill changing the custodian of deferred comp assets to a separate custodian. In this case it is Bank One Trust Company, a separate bank, PEBSCO has assigned as the custodian.

No action was taken by the Board at this time; the matter deferred until next meeting to hear more on the matter from the Human Resources Director, and information with regard to who Bank One Trust Company is and what authority will be given.

There being no further business to come before the Board at this time, the Chair adjourned the meeting at 11:20 a.m. The next Regular Meeting of the Board is scheduled for January 13, 1997, beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy Member

Attest:

Art Hyland, County Auditor

& Ex-Officio Clerk of the Board