

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on January 27, 1997, beginning at 1:30 p.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, and Tom Shaughnessy, Member, were present. Because of a prior commitment in Seattle, Commissioner Wm. L. McDowell was absent. Also in attendance were Art Hyland, Auditor and Clerk of the Board, and Ellen Meyer, Secy. to the Board. Minutes from the meetings of December 9, 16, and 23, 1996, were approved and signed:

VOUCHERS AND PAYMENT OF BILLS

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

<u>1996 Voucher (War.)</u> #172901-#173252.....	\$555,960.07
<u>1997 Voucher (War.)</u> #172763-#172900.....	\$ 93,663.92
DID#4:	\$ 53.09.

Veterans Assistance Fund: [emergency financial assistance to certain eligible Veterans; the names and specific circumstances are maintained confidential].

Claim #V97-1 The Board concurred with the recommendation of the Island County Veterans Assistance Review Committee and by unanimous motion denied the claim. The application and subsequent correspondence contained no specific amount of assistance requested or the person(s) to whom obligations were owed. The applicant exceeds the poverty guidelines as listed on page 3 of the application.

Claim #V97-2 In this case as well, the Board agreed with the recommendation of the VARC and by unanimous motion denied the claim. The application was not submitted, approved or signed, by a service officer of a county veterans agency as required. The veteran did not provide required income information and the claimed obligations are not viewed as emergencies. This veteran received assistance from the Fund within the last twelve months.

Voucher in the amount of \$225.51 approved by unanimous motion of the Board from Veterans Assistance Fund for purchase of locking file cabinet.

DISCUSSION - VOUCHERS: Island County Code 2.01.073 - Clarification Requested by Auditor's Office

1) Voucher from WSU for Extension Agents - lunch within Island County. ICC 2.01.073.e provides that meals taken inside Island County may be reimbursed subject to pre-authorization by the Elected Official/Department Head for employees and by the Board of County Commissioners for appointed Department Heads. The problem in this case is that out of county extension agents who come to Island County are vouchering for lunch.

Board Decision. It is acknowledged that these extension agents cover multi-county functions, such as the Dairy Agent, and this is in connection with those duties in Island County. This voucher approved by the Board, but the Chairman to follow-through with the Department Head and request a copy of the pre-authorization, noting that such pre-authorization should accompany the voucher in each case.

2) RTPO - "Light Refreshment". Regional Transportation Planning Organization (RTPO, Skagit/Island) catered by Pot Belly Deli, but did not actually fall within the guidelines of "light refreshment" as contained in ICC 2.01.073.f, stipulating that refreshments purchased only under certain criteria, i.e. most of the meeting to be composed of non-employees, meeting last 3 hours, and cost limited to \$2.50/ea. Request policy be re-addressed.

Board Decision: Approved voucher associated with the RTPO meeting, of which two County Commissioners are members, a proper request for reimbursement. Recognizing it does not exactly fit inside the guidelines the request of the Auditor's Office is legitimate for the Board to

re-address the policy.

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ISLAND COUNTY DEPUTY SHERIFF'S GUILD CONTRACT SIGNED

Chairman Shelton announced that the Board of Island County Commissioners during Regular Staff session held on Wednesday, January 15, 1997, signed the new Guild contracts for 1996, 1997 and 1998 (Deputies, Corrections and Staff).

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COMMISSIONERS/DEPARTMENT HEAD STAFF SESSION SCHEDULE - FEBRUARY

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The Board, by unanimous motion, approved for distribution the Staff Session schedule for February, 1997. Sessions are held in the Commissioners' Hearing Room, Courthouse Annex, Coupeville, unless otherwise indicated as noted below:

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REGULAR 1st WED. MEETING - FEBRUARY 5, 1997

9:00 a.m. Public Works

11:00 a.m. General Services Administration

11:20 a.m. Maintenance

11:40 a.m. Extension

12:00 Noon B R E A K

1:00 p.m. Planning & Community Dev.

2:00 p.m. Health Department

3:00 p.m. Central Services

3:20 p.m. **Chairman's Agenda:**

a. Proposed WAIF Spay/Neuter Surgery Room at Whidbey Island Animal Shelter

REGULAR 3rd WED. MEETING - FEBRUARY 19, 1997

9:00 a.m. Public Works

11:00 a.m. Auditor

11:30 a.m. Human Resources

12:30 Noon "Brown Bag" - with Appt'd Dept. Heads. Non-rep'd Employees welcome

1:00 p.m. Planning & Community Dev.

2:00 p.m. Health Department

3:00 p.m. Assessor

3:20 p.m. Sheriff

3:40 p.m. **Chairman's Agenda:**

a. Public Defense Administration

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**RESOLUTION #C-03-97 - IN THE MATTER OF CANCELLATION OF
UNCOLLECTIBLE PERSONALTY TAXES AS OF JANUARY, 1997**

The Board received from the Island County Treasurer, Maxine Sauter, a proposed resolution to cancel uncollectible personal taxes as described in R.C.W. 84.56.240, having declared the inability to collect the taxes assessed upon accounts on a list provided to the Board under cover memorandum dated January 10, 1997.

Commissioner Shaughnessy moved that the Board approve Resolution #C-03-97 in the matter of cancellation of uncollectible personalty taxes as of January, 1997. Motion, seconded by Commissioner Shelton, carried unanimously.

IN THE MATTER OF CANCELLATION)

OF UNCOLLECTIBLE PERSONALTY)

TAXES AS OF JANUARY, 1997) RESOLUTION C-03-97

WHEREAS, in accordance with 86.56.240 RCW a list of uncollectible taxes, attached as Exhibit A, has been developed and filed with the Island County Auditor by the Island County Treasurer along with her affidavit to the Board asserting their uncollectibility, in order for the board to cancel the taxes due because of their uncollectibility.

NOW THEREFORE BE IT HEREBY RESOLVED that the Board of County Commissioners finds the attached list of overdue taxes cannot be satisfied and therefore shall be canceled by the Treasurer.

ADOPTED this 27th day of January, 1997

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

J. Michael Shelton, Chairman

Tom Shaughnessy, Member

Attest: *(William L. McDowell - absent]*

Art Hyland, Auditor &

Clerk of the Board

CLAIM FOR DAMAGES - CLAIM #96-0044 ROBERT GARDNER

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Betty Kemp, Director, General Services Administration/Risk Management, presented for action Claim for Damages #96-0044 by Robert P. Gardner, (Amendment to Mr. Gardner's original claim #96-0023). The amendment alleges that in addition to the county having caused him emotional distress, physical manifestations of emotional distress, the County is also responsible for making false and damaging statements to the media and disclosing non-adjudicated employment data to the media. Ms. Kemp stated that an internal investigation was conducted by the Island county Sheriff's Department, concluding that this amendment to Mr. Gardner's original claim is without cause and recommends denial of the claim. Ms. Kemp concurred in recommending that the Board deny the claim .

Commissioner Shaughnessy moved denial of Claim for Damages #96-0044. Motion, seconded by Commissioner Shelton, carried unanimously.

CLAIM FOR DAMAGES - CLAIM #96-0045 JOYCE SMITH

Claim for Damages #96-0045 by Joyce Smith was presented for action. In this case, Ms. Kemp

reported this too was considered an amendment to Ms. Smith's original claim #96-0036. In addition to alleging that Island County was responsible for causing her emotional distress, physical manifestations of emotional distress and lost wages, she also claims the County is responsible for listening to recordings of private conversations for other purposes than verifying emergency reportings. An internal investigation conducted by the Sheriff's Office determined that the amended claim is without cause and should be denied. Ms. Kemp also recommended denial of the claim.

Motion by Commissioner Shaughnessy, second by Commissioner Shelton, carried unanimously denying Claim for Damages #96-0045.

RESOLUTION #C-04-97 IN THE MATTER OF ADOPTION OF
SUPPORT OF PROPERTY TAX REFORM

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Tom Baenen, Island County Assessor, recalled that in the Fall of 1995, the Board of Island County Commissioners joined with other counties throughout the State of Washington in adopting resolutions dealing with property tax reform through elimination of the State levy. Mr. Baenen presented at this time a resolution for the Board's approval and signature endorsing legislation to roll back the increase in the State property tax levy and to systematically reduce and ultimately eliminate the State's portion of the property tax levy.

Commissioner Shaughnessy moved approval of Resolution #C-04-97 in the matter of adoption of support of property tax reform. Motion, seconded by Commissioner Shelton, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ADOPTION OF)
SUPPORT OF PROPERTY TAX)
REFORM) RESOLUTION C-04-97

WHEREAS, the real estate market has been experiencing several years of inflation; and

WHEREAS, real estate inflation directly impacts the property tax burden on individual taxpayers; and

WHEREAS, expanded taxing district formations and levy capabilities have been added by the legislature; and

WHEREAS, the tax burden on long -time property owners has forced many to live in fear of losing their family home because taxes continue to increase; and

WHEREAS, the limitations in place now do not adequately protect the homeowner; and

WHEREAS, other states with similar property tax systems and laws have significantly reduced or eliminated a state property tax levy; and

WHEREAS, the 1995 Legislature passed ESSB 5000, which reduced the state property tax levy by 54 million; and

WHEREAS, Governor Lowry signed ESSB 5000 which made a one time reduction in the state property tax levy of approximately 4.7 percent; and

WHEREAS, the Legislature in 1996 failed to take any further action or reduce or restrict the property tax levy; and

WHEREAS, in 1997 the state property tax levy is the largest annual increase in the history of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, that the Island County Board of Commissioners does hereby endorse legislation that will roll back the increase in the state property tax levy; and systematically reduce and ultimately eliminate the State's portion of the property tax levy.

ADOPTED this 27th day of January, 1997.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Tom Shaughnessy, Member

Art Hyland, Auditor & Ex-Officio [Wm. L. McDowell, absent]

Clerk of the Board

ISLAND COUNTY PUBLIC FACILITIES FUND (TOURISM)

1997 GRANT AWARDS

The Board received for approval the recommendation of the Special Excise Tax Committee (commonly known as 2% Hotel/Motel Tax Funds) for award of 1997 grants. This Committee was established by Resolution #C-116-91 on July 22, 1991, for the purpose of making recommendations to the Board for disposition and distribution of monies generated by the 2% Hotel/Motel Excise Tax. For 1997, out of 19 applications totaling \$126,492.00, the Committee recommended 15 be funded for a total of \$58,236.00.

Commissioner Shaughnessy moved to approve the recommended 1997 grant awards as proposed by the Special Excise Tax Committee. Motion, seconded by Commissioner Shelton, carried unanimously.

1997 GRANT AWARDS

ORGANIZATIONS AWARD

1. CENTRAL WHIDBEY CHAMBER OF COMMERCE \$ 3,586

OFF-SEASON HARVEST FESTIVAL SQUARE DANCE

2. CHUMLEIGH'S CENTRAL CASTING \$ 4,500

CAMANO THEATRE & CONCERT SERIES

3. CLINTON CHAMBER OF COMMERCE \$ 9,000

VISITORS INFORMATION CENTER "KIOSK"

4. CONCERTS ON THE COVE \$ 2,700

ADVERTISING/PUBLICITY

5. GREATER OAK HARBOR CHAMBER OF COMMERCE \$13,500

DECEPTION PASS VIC/WHIDBEY ON WHEELS

6. GREATER OAK HARBOR CHAMBER OF COMMERCE \$ 2,000

OAK HARBOR PUBLIC MARKET PROJECT

7. ISLAND COUNTY FAIR ASSOCIATION \$ 2,700

ADVERTISING

8. IS. COUNTY/WSU BEACH WATCHERS \$ 2,700

1997 PENN COVE WATER FESTIVAL

9. KIWANIS CLUB OF OAK HARBOR \$ 2,250

WHIDBEY ISLAND DIXIELAND JAZZ FESTIVAL

10. LANGLEY CHAMBER OF COMMERCE \$ 1,800

MYSTERY WEEKEND ADVERTISING

11. LANGLEY CHAMBER OF COMMERCE \$ 4,500

VIC - PART-TIME SUMMER STAFFING

12. MEERKERK RHODODENDRON GARDENS \$ 2,250

SPRING PROMOTION ADVERTISING

13. THE NORTHWEST WASHINGTON TOURISM ASSOCIATION \$ 1,800

THE JEWEL COAST MARKETING PROJECT

14. NORTH WHIDBEY LIONS CLUB \$ 1,350

NORTH WHIDBEY LIONS CAR SHOW

15. WHIDBEY ISLAND CENTER FOR THE ARTS \$ 3,600

ADVERTISING _____

TOTAL AWARDS \$58,236

APPROVED BY: BOARD OF COUNTY COMMISSIONERS

DATE: JANUARY 27, 1997 ISLAND COUNTY, WASHINGTON

MIKE SHELTON, CHAIRMAN

TOM SHAUGHNESSY, MEMBER

ATTEST: Art Hyland, Auditor and [absent - Wm. L. MCDOWELL, Member]

Ex-Officio Clerk of the Board

RENEWAL - HEALTH INS. INTERLOCAL AGREEMENT WITH ISLAND TRANSIT

Mr. Hyland provided a proposed renewal of the Interlocal Agreement between Island County and Island Transit virtually identical to the current agreement about to expire. This agreement is necessary for the continuation of medical

coverage of Island Transit employees through Island County. The Agreement has now been signed on behalf of the PTBA (Island Transit) Board of Directors.

On motion by Commissioner Shaughnessy, seconded by Commissioner Shelton, the Board unanimously approved the Interlocal Agreement with Island Transit.

QUIT CLAIM DEED: DIVIDING INTEREST IN REAL PROPERTY JOINTLY PURCHASED BETWEEN SOUTH WHIDBEY PARKS AND RECREATION

DISTRICT AND ISLAND COUNTY (FAMILY RESOURCE CENTER)

Larry Kwarsick, Public Works Director, confirmed that the Quit Claim Deed had been referred to the title company for review to make sure it accomplished intended purpose to divide the interests of the two owners, and the company agreed it would do so upon its execution and recording.

With that, a motion made by Commissioner Shaughnessy, seconded by Commissioner Shelton, was adopted unanimously approving the Quit Claim Deed as presented associated with the Family Resource Center on South Whidbey.

CONTRACT AMENDMENT: HD-16-95(1) - HIV/AIDS CASE MANAGEMENT

On motion of Commissioner Shaughnessy, seconded by Commissioner Shelton, the Board unanimously approved Contract Amendment 1 to #HD-16-95 between Island County and Whidbey General Hospital. The purpose of the amendment is to extend contract completion date from December 31, 1996 to March 30, 1997 and increases the total contract amount by \$3,750.00 for HIV/AIDS (Title II Contract #3040-03769). The Hospital provides for Island County under this agreement HIV/AIDS case management services for Whidbey Island residents .

GRANT CONTRACT #G9700112, SITE HAZARD ASSESSMENT

Joye Emmens, Environmental Health Director, requested the Board's approval and signature on Grant Contract #G9700112 between the State Department of Ecology and Island County Health Department, for conducting site assessments at locations listed by DOE as needing site hazard assessments. This is in response to a grant application submitted to DOE in early November. Maximum eligible cost/state grant share is \$60,000, with the term of the agreement running from 1/1/97 to 12/31/98.

Commissioner Shaughnessy moved that the Board approve Grant Contract #G9700112. Motion, seconded by Commissioner Shelton, carried unanimously.

HEARING HELD ON ORDINANCE #C-62-96 (#R-67-96)

NON-MOTORIZED TRAIL USE REGULATIONS

A Public Hearing was held at 2:15 p.m., having been continued from December 16, 1996, to consider the adoption of Ordinance #C-62-97 (R-67-96) in the matter of Adopting Non-Motorized Trail Use regulations. The Public Works Department proposed the ordinance concerning trail use with the intent to have same in place prior to opening of the Kettles Trail to provide for public safety, reduction of County liability, and resolution of conflicts among the many users of the multi-use trail. In addition to staff members, others present at the time of hearing included only two citizens.

Lew Legat, Assistant County Engineer, provided revised ordinance language that had been developed based on testimony received at the previous hearing. Staff met with the Board in staff session to review comments, concerns and proposed amended language. A copy of the amended ordinance was provided at this time, from which Mr. Legat highlighted the proposed changes:

9.56.010 Purpose. Changed definition of purpose to now read: "A County non-motorized trail includes the constructed trail, trail easement, county trail right of way and county owned land within 150 yards of the centerline of the constructed trail". Previously the definition included lands contiguous to the trail.

9.56.140 Hunting and Shooting. This section has been revised to comply with the RCW. Where the original version stated: "...it is unlawful to shoot a firearm or weapon from, across, toward or along a County non-motorized trail" the word "toward" has now been deleted.

9.56.140 Animals Section changed to "Dogs" Deleted items having to do with dogs because there is an existing Island County Code providing regulation of dogs. The remaining language in this section talks about maintaining strict control over the dog(s) when passing by or near a horse and that dogs which threaten or molest horses shall be removed from the trail.

Other Items. Some other changes were made viewed as minor and only "housekeeping" , including such things as: abandoned animals, soliciting, removal of animal excrement.

George Loutzenhiser, P. O. Box 1528, Coupeville, one of the people with concerns at the last hearing, commended those who worked over the ordinance. He did, however, have some concerns. Where the document references walking at night, he questioned the advisability of having people walk down Highway 20 after dark, especially since he understood the Ordinance covered the entire County and not just one or two of the trails in the immediate vicinity. Under 9.56.150 which talked originally about animals now changed to dogs, the word licensing is spelled incorrectly. Section 9.56.170 originally referenced removal of animal excrement and there apparently is no reference within the ordinance now about the removal of waste, human or animal, and it seemed to him that was something that should be

considered. He called attention to a safety issue not addressed, which is those areas where there is a crossing entry exit. There will be more building on both sides of Highway 20 and it seemed to him from a legal standpoint something should be considered in regard to warnings or stop signs to protect not only walkers crossing at the gateway but also entering and exiting of vehicles. Beyond those comments, Mr. Loutzenhiser believed the rewrite of the ordinance was very well done.

There were no further public comments.

Mr. Kwarsick responded with regard to the period of use of the trail system noting that hours of

operation are stated on page 3, and the non-motorized trail is for day use only except that portion of the Kettles Trail within the right of way of the State Highway. He reminded everyone that the trail is not yet completed. The State Department of Transportation has required installation of a fence that will separate the trail and the highway. With that added safety feature there should be no problem with the use of the trail within the State Highway right-of-way during evening hours. Since the trail is not constructed in total many of the signs have not yet been installed. With regard to the section on waste removal previously in the ordinance, based upon comments at the last public meeting that section was removed.

Gary Hess, Construction Engineer, advised that once the trail is completed, informational and location signs will be installed as well as warning signs at access points, road crossings and identification of cross-walks where the trail crosses county roads. There are a number of accesses and egresses along the highway portion of the trail and those that are seldom used will be gated off and those used regularly will have warning signs placed on each side to warn people.

Commissioner Shaughnessy still had some concerns about allowing dual use of the trail during hunting season. He realized that 150 yards was set aside, but common sense told him the trail should not be used by others during hunting season. Looking at the map going parallel to Highway 20 it looks to be about 3/4 of the trail and during hunting season he suggested perhaps that portion of the trail should be the only section open to the general public.

Chairman Shelton pointed out that the line of demarcation would be clearly posted 150 yards from the centerline of the trail. Given the fact in Island County hunting is only with shot guns 150 yards seems an adequate distance so that hopefully there can be joint use of the trail. He thought it would be difficult for the County to close down the use of the trail especially since it was funded as an alternate mode of transportation. Closing the trail during hunting season could potentially be a significant amount of time (4 months total 1 September - 31 December including bow season). In his opinion, the Public Works Department did a good job in trying to address the particular issues of concern and liability, and made the rules of the trail stringent enough to protect the public using the trail, but not so stringent such that the trail cannot be enjoyed.

Mr. Kwarsick mentioned that the remaining portion of the trail was critical to gain access to Fort Ebey State Park and Fort Ebey State Park intended to provide some additional trail, therefore critical that east-west section connecting the highway at Fort Ebey State Park remain open. It does abut a residential neighborhood and residential zoning and he hoped those individuals hunting within that area would confine themselves to many acres of land that won't have that sort of conflict.

The Ordinance refers to the map as the operative document to determine where the trail is; there are two types of trails identified, referenced and defined within the regulations. There is a trail from Ebey's landing NW along the bluff but it is not a County trail. A portion of that is within State Park property and a portion crosses private lands.

Commissioner Shaughnessy moved to approve Ordinance #C-62-96 (R-67-96) in the matter of adopting Non-Motorized Trail Use Regulations. Motion, seconded by Commissioner Shelton, carried unanimously.

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

IN THE MATTER OF ADOPTING) **ORDINANCE NO.C-62-96**

NON-MOTORIZED TRAIL USE REGULATIONS) **R-67-96**

WHEREAS, in 1995 Island County developed and adopted a Non-motorized Transportation Plan to provide the groundwork to accommodate alternative non-

motorized transportation opportunities. The goal of the plan is to integrate non-motorized transportation throughout the County as a functional element of the transportation system. Revised Code of Washington (RCW) 47.30 requires facilities for pedestrians, equestrians, and bicyclists to be accommodated into highway and freeway designs where these facilities are part of local plans, and to provide for alternative paths and trails if highway construction serves an existing bicycle and walking path; and

WHEREAS, pursuant to RCW 47.30.040 the Kettles Trail was included as part of the plan for a comprehensive trail system adopted by the county in a state or federal trails plan; and

WHEREAS, RCW 36.70A.160 requires the County to prepare a comprehensive land use plan under RCW 36.70A.040 which shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030; and

WHEREAS, pursuant to RCW 47.30.005 "trail" or "path" means a public way constructed primarily for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for the exclusive use of pedestrians. The term "trail" or "path" also includes a widened shoulder of a highway, street, or road when the extra shoulder width is constructed to accommodate bicyclists consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980; and

WHEREAS, pursuant to RCW 47.30.060 the County may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and non-motorized vehicles; and

WHEREAS, pursuant to WAC 197-11-800(20) ordinances which contain "no substantive standards respecting use or modification of the environment shall be exempt";

NOW THEREFORE BE IT HEREBY ORDAINED that Island County Code Chapter 9.56, as contained on the attached "Exhibit "A" is adopted.

REVIEWED this day of 25th day of November, and set for public hearing on the 16th day of December, at 10:15 a.m. in the Commissioners' Hearing Room.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY WASHINGTON

Tom Shaughnessy, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

Attest: Art Hyland, County Auditor

& Ex-Officio Clerk of the Board

ORDINANCE R-67-96 (C-62-96) is adopted this 27th day of January, 19967, following public hearing.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, ~~Chairman~~

Mike Shelton, ~~Member~~ Chair

Tom Shaughnessy, Member

Attest: Art Hyland, County Auditor

& Ex-Officio Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr., Deputy Prosecuting

Attorney and Code Reviser

**INTERLOCAL AGREEMENTS BETWEEN CITY OF OAK HARBOR AND ISLAND COUNTY, AND THE
CITY OF LANGLEY AND ISLAND COUNTY TO ALLOW
DOE GRANT MONEY FOR WASTE REDUCTION/RECYCLING PROJECTS**

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Proposed agreements were presented to the Board for approval between the City Of Oak Harbor and Island County, as well as the City of Langley and Island County necessary to allow the State Department of Ecology (DOE) grant money to pass through Island County to the cities for waste reduction/recycling projects. As discussed with the Board at a staff session, each city's allocation from Island County's Coordinated Prevention Grant is as required in the grant document, and this basically is the same process as the 1994/95 grant biennium. Each city must provide matching funds and the County will not expend any funds as a result of this agreement.

Commissioner Shaughnessy moved to approve the Interlocal Agreements between Island County and the City of Oak Harbor and the City of Langley for the 1996/97 Coordinated Prevention Grant Task 4 City Allocations. Motion, seconded by Commissioner Shelton, carried unanimously.

SUPPLEMENTAL AGREEMENT #3 - REID MIDDLETON, INC. - FROSTAD ROAD

Mr. Kwarsick requested the Board's consideration in approving Supplemental Agreement #3 with Reid Middleton, Inc., existing A&E contract, involving Frostad Road, CRP 96-06, W.O.. #209, to provide the county additional time to review the work submitted to date and there are no other changes in the contract or compensation.

Commissioner Shaughnessy moved approval of Supplemental Agreement #3 with Reid Middleton, Inc. as presented; motion, seconded by Commissioner Shelton, carried unanimously.

**AGREEMENT FOR DEVELOPMENT OF MODEL TELECOMMUNICATIONS ENABLING ORDINANCE -
RANIER CABLE COMMISSION**

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An Agreement between Island County and the Ranier Cable Commission was presented for action. Mr. Kwarsick explained the purpose of the agreement was to produce a model telecommunications enabling ordinance for Island County (re changes brought about by the passage of the Telecommunications Reform Act of 1996).

Commissioner Shaughnessy moved approval of the Agreement with Ranier Cable Commission as presented and recommended by the Public Works Director. Motion, seconded by Commissioner Shelton, carried unanimously.

RESOLUTION #R-9-97 - DECLARING AN EMERGENCY TO REPAIR

THE CULVERT AT MAXWELTON ROAD.

Mr. Kwarsick asked that the Board consider and adopt Resolution #R-9-97 for the purpose of declaring an emergency to repair a cross culvert beneath Maxwellton Road southerly of the Maxwellton-Midvale Road intersection. The cross culvert which conveys the Maxwellton stream under the Maxwellton Road is failing. It has been part of the Public Works program to repair and replace the culvert, and with recent storm events there has been some additional failure in the culvert. That portion of the roadway may in fact collapse under traffic.

Motion to approve Resolution #R-9-97 as made by Commissioner Shaughnessy and seconded by Commissioner Shelton, carried unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

In the Matter of Declaring an Emergency to)	
Replace the Culvert and Repair Roadway on)	
Maxwelton Road in the NW1/4 of Sec. 22,)	Resolution No. R-9-97
T29N, R3E, W.M.)	
)	

WHEREAS, RCW 36.32.270 provides powers to the Board of County Commissioners to declare an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon resolution of the Board of County Commissioners declaring the

existence of such emergency and reciting the facts constituting the same, the Board may waive the requirements of this chapter with reference to the competitive bidding process; and

WHEREAS, an emergency exists, caused by recent winter storms and flooding on Maxwellton Road approximately 0.110 miles south of the intersection with Midvale Road.; and

WHEREAS, a permit stipulating that the work must be performed by March 1, 1997, has been obtained from the Department of Fisheries ; and

WHEREAS, any further culvert failure could result in total closure of Maxwellton Road in this vicinity;**NOW, THEREFORE**,

BE IT HEREBY RESOLVED that the Board of County Commissioners does declare an emergency and instructs the County Engineer to take immediate steps to replace the culvert and repair the roadway to insure the integrity of Maxwellton Road and the safety of the traveling public, and to waive any requirements for competitive bidding in compliance with RCW 36.32.270; ICC 16.14C.180, WAC 197-11-880 Emergencies requiring action too short to allow full compliance of Title 197; and RCW 90.58.030(3)(e)(iii) Emergency construction necessary to protect property from damage by the elements.

ADOPTED this 27th 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-10-97 - INITIATING CRP #97-01

REPAIR CULVERT, MAXWELTON ROAD

As follow-on action to Resolution #R-9-97, Mr. Kwarsick presented Resolution #R-10-97 initiating County Road Project CRP#97-01 to repair and replace the culvert, Maxwellton Road, emergency-oriented work only, with total CRP appropriation \$83,000.00, the project included in the officially adopted annual road program as Item No. 7. This project is noted as one of the areas of damage to

public systems as part of the submittal to FEMA. Culvert proposed is a 5' culvert which will handle any capacity problems.

Motion approving initiation of CRP #97-01 (Road Res. #R-9-97) made by Commissioner Shaughnessy and seconded by Commissioner Shelton, carried unanimously. (CRP on file)

ORDINANCE #C-05-97 (PLG-001-97) REZONE #476/96, RON ANDERSON

Vince Moore, Director, Planning & Community Development, presented for Board adoption Ordinance #C-05-97 approving Rezone #476/96 by Ron Anderson, to reclassify a 20 acre parcel (#R13205-330-0990) from Residential to Rural Residential, located on North Whidbey Island. The matter was heard by the Island County Hearing Examiner on December 19, 1996, and on January 6, 1997, the Examiner signed his decision recommending approval of the reclassification subject to the following conditions:

(1) All subsequent development proposals on the property shall meet all applicable requirements pertaining to the Rural Residential zoning designation;

(2) Any clearing/grading of the land will require compliance with the Island County Zoning Ordinance and the Island County Development Standards.

By Memo dated January 9, 1997, Erika K. W. Jensen, Associate Planner, verified that the project had been reviewed and all conditions of approval met. County staff recommends the Board adopt

the ordinance changing the zoning from Residential to Rural Residential as recommended by the Hearing Examiner.

Commissioner Shaughnessy moved approved of Ordinance #C-05-97 in the matter of reclassification from Residential to Rural Residential as recommended by the Hearing Examiner. Motion, seconded by Commissioner Shelton, carried unanimously.

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

IN THE MATTER OF RECLASSIFICATION)
OF PARCELS #13205-330-0990 FROM)
RESIDENTIAL TO RURAL RESIDENTIAL) ORDINANCE NO. C-05-97
OWNER: RON ANDERSON) PLG-001-97

WHEREAS, an application for rezone, REZ 476/96, was accepted by the Department of Planning and

Community Development on November 15, 1996, wherein Ron Anderson requests to reclassify a parcel containing approximately 20 acres, located in the Northwest quarter of Section 05, Township 32 North, Range 1 East, W.M., Whidbey Island, from the Residential zone to the Rural Residential zone; and

WHEREAS, said application was heard at a public hearing before the Island County Hearing Examiner on December 19, 1996, and

WHEREAS, the Hearing Examiner found the said reclassification to be in conformance with Island County Code 17.02.210 - Island County Zoning Ordinance; and

WHEREAS, the Hearing Examiner prepared Findings of Fact, Conclusions of Law and Conditions of Approval on said reclassification, attached as Exhibit A; NOW, THEREFORE,

BE IT HEREBY ORDAINED that the property described in attached Exhibit B is consistent with the conditions set forth in Exhibit A, and is hereby reclassified to Rural Residential.

DATED this 27th day of January, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

ATTEST: Art Hyland, Auditor & Ex- Tom Shaughnessy, Member

Officio Clerk of the Board

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

Vincent J. Moore, AICP, Director, Planning/Community Development

SPR 264/96, STRATA COMMUNICATIONS

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The Board received request for approval of Preliminary Site Plan Review #264/96 (Institutional), by Strata Communications, to replace an existing 80' high radio communication antenna tower with a 140' high antenna tower

in the same location, and construct a new 8x20' equipment shed. The site is located on a portion of the Scattered Acres Tree Farm southeast of the intersection of Argent Road and Hegeness Road on South Whidbey. Applicant has agreed with the landscaping requirements to screen the equipment shed and the lower parts of the tower. The Island County Hearing Examiner recommended granting preliminary site plan approval subject to eight conditions contained in his Findings of Fact, Conclusions of Law and Recommendation dated January 6, 1997, after a hearing was held on December 19, 1996.

On motion of Commissioner Shaughnessy, seconded by Commissioner Shelton, the Board unanimously approved the recommendation of the Hearing Examiner for preliminary site plan approval of SPR 264/96.

EXECUTIVE SESSION

At 3:00 p.m., the Chair announced that the Board would meet in Executive Session for approximately ten minutes, as allowed under RCW 42.30.110 (1) (i) to discuss with legal counsel potential litigation. Any final action will be taken in a meeting open to the public. The regular meeting resumed in open session at 3:10 p.m., and the Board took action on the item below, a resolution authorizing condemnation proceedings.

RESOLUTION #R-11-97 IN THE MATTER OF AUTHORIZING THE PROSECUTING ATTORNEY TO COMMENCE CONDEMNATION PROCEEDINGS, EAST CAMANO

DRIVE, PHASE #1, W.O. #137

Larry Kwarsick summarized the situation. Although there is an agreement with the owner of property, the property has some encumbrances and the lending institutions are not willing to release their interest in the property because they claim the owner has not made adequate payments to them. The work relates to East Camano Drive widening project.

Motion made by Commissioner Shaughnessy, seconded by Commissioner Shelton, carried unanimously adopting Resolution #R-11-97 authorizing the Prosecuting Attorney to commence condemnation proceedings with regard to East Camano Drive project, Phase #1 under Work Order #137.

BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

**IN THE MATTER OF AUTHORIZING THE)
PROSECUTING ATTORNEY TO)
COMMENCE CONDEMNATION)
PROCEEDINGS, EAST CAMANO DRIVE,) RESOLUTION NO. R-11-97
PHASE #1, W.O. #137**

WHEREAS, the real property described herein is required by the County for immediate project construction of East Camano Drive, Phase I, Parcels: 313.130 & 414.158, Section 6, Township 31 North, Range 3 East, W.M.

WHEREAS, any delay in the County's road construction program is contrary to the public interest; and

WHEREAS, the County's offer for purchase of that certain real property described in Exhibits "A" and "B" attached, has been refused by the owner;

NOW, THEREFORE, BE IT RESOLVED that:

1. The above described real property is necessary for public use of Island County, Washington for public road purposes.
2. Time is of the essence and prompt action must be taken to secure the above described real property.
3. The Board of County Commissioners authorizes and directs the Prosecuting Attorney to instigate condemnation procedures in order to acquire and take possession of the above described real estate with assistance from the County Engineer as necessary.

ADOPTED this 27th day of January, 1997.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Art Hyland Wm. L. McDowell, Member

County Auditor & Ex- Tom Shaughnessy, Member

Officio Clerk of the Board

FINANCIAL REPORTS

Treasurer: Current & YTD Cash Report and County Investment Report and Status

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Maxine Sauter, Island County Treasurer, gave the cash report at year end (written report provided) noting it did not include any accruals, and interest shown reflected only matured investments at 12/31/96. There was a cash balance on

12/31/96 of \$3,034,119 without considering reserve; after reserve available cash balance is \$1,604,119, compared to \$1,043,046 the prior year. Revenues received above estimates include: interest income \$276,941; District Court \$113,220; Weed Control grant \$95,686; Building Permits \$83,145; Planing & Community Development \$61,633; Sheriff \$60441; Property Tax Interest \$112,625; and Sales & Use Tax \$123,003. All in all the Treasurer's Office collected 110% receipts over budget amounts including transfers from other areas into Current Expense. Investments are following a very similar pattern to that she reported last month.

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Auditor Monthly Review of Revenues and Expenditures

Art Hyland provided the Auditor's report through 12 months (written copy provided). A "13th month" report is still in process and today's report is not the final numbers for revenues or expenditures. With respect to Commissioner Contingency line, Mr. Hyland reported on the status: started the year with \$125,000 budget; added \$48,000 used to dissolve the senior transportation fund; added monies from Courthouse construction reserve of \$265,000; and added \$650,000 from the unreserved fund balance not knowing how much would be needed between then and the end of the year to fund all the changes that had taken place. When adding in the additional changes that are yet to come in the form of a transfer out of Commissioner Contingency to various lines of the budget, comes to about \$500,943, and he anticipated having left then \$374,000 which will go back into the ending fund balance and help to build that up.

PERSONNEL ACTION AUTHORIZATIONS

Dick Toft, Director, Human Resources, appeared before the board for the purpose of submitted for action on two personnel action authorizations.

PAA #2/97, Planning Department: Administrative Assistant (Position #1713.00) from Temporary to Regular employment. This position has been in place for three years and carried as a temp. When discussed at a recent staff session, agreement was reached to acknowledge this position as a regular position until such time that the Planning Commission goes back to holding only monthly meetings, at which time this position will be revisited.

Board Action: By unanimous motion, the Board approved PAA 2/97 effective 1/27/97.

PAA #15/97, Sheriff's Department: Deputized Officer-new position (Position #4014.13). This position had been filled previously by an investigative officer, but most recently reclassified as "

Crimes Against Persons/Resource Specialist" filled by an individual for a 4-month period. Current Sheriff requests this position go back to a deputized officer. The pay grade remains the same and an entry level deputy rather than lateral entry.

Board Action: By unanimous motion, the Board approved PAA 15/97 effective 2/1/97.

EXECUTIVE SESSION

Chairman Shelton announced that the Board would meet in Executive Session beginning at 3:30 p.m. for approximately one-half hour. The meeting is closed to the public under provisions of RCW 42.30.110 (1) (i) to discuss with legal counsel potential litigation. No final action is contemplated to be taken or announced today on conclusion of the executive session.

There being no further business to come before the Board, the Chairman adjourned

the meeting at 4:00 p.m. The next Regular Meeting will be held on Monday,

February 3, 1997, beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Tom Shaughnessy, Member

[Wm. L. McDowell, Member-absent]

ATTEST:

Art Hyland, County Auditor & Ex-

Officio Clerk of the Board