

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - JULY 14, 1997**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 14, 1997, at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and Tom Shaughnessy, Member, were present. Also in attendance were Margaret Rosenkranz, Auditor/Clerk of the Board, and E. Meyer, Secy. to the Board. Minutes from the June 23, 1997 meeting were approved and signed.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #6462 - #6525..... \$ 168,788.82.

HEARING SCHEDULED: RESOLUTION #C-36-97 TO ESTABLISH
THE COURTHOUSE EXPANSION FUND AND FIX A BUDGET FOR 1997

On request of the Auditor, the Board by unanimous motion scheduled a public hearing for July 28, 1997 at 1:45 p.m. to consider Resolution #C-36-97 to establish the Courthouse Expansion Fund and fix a budget for 1997 for that fund. Island county is expanding and upgrading the existing courthouse facilities and a fund needs to be established to ensure that bond proceeds from the issuance of 1997 Limited Tax General Obligation and Refunding bonds are used for the purposes authorized by the bond covenants and are properly accounted for.

CLINTON WATER DISTRICT - ANNEXATION TO DISTRICT

On July 11, 1997, General Manager for the Clinton Water District submitted a certified copy of Clinton Water District Resolution #97-6 adopted July 10, 1997, approving annexation to the District. R.C.W. 57.24.090 requires upon passage of the resolution, that the District file a certified copy with the legislative authority of the county in which the annexed property is located.

By unanimous motion, the Board accepted the Certified copy of Clinton Water District Resolution #97-6.

EMPLOYEE SERVICE AWARDS

Employee Department No. Years

Richard Guiles Maintenance 5

Teri Hunt WSU Extension 10

Chris Murray Juvenile Court Services 25

John Deremiah Juvenile Court Services 5

Linda Morris Health Department 10

Robert Brogi Sheriff's Department 20

EMPLOYEE OF THE MONTH - JUNE 1997

Erika Jensen - Island County Planning Department

HEARING HELD: Resolution #C-32-97 - EMERGENCY IN THE 1997 ISLAND COUNTY CURRENT EXPENSE FUND BUDGET: AND RESOLUTION #C-33-97 AN EMERGENCY APPROPRIATION IN THE 1997 ISLAND COUNTY CURRENT EXPENSE FUND BUDGET TO INCREASE THE COURTHOUSE CONSTRUCTION RESERVE

A Public Hearing was held at 9:55 a.m. as scheduled and advertised to consider two financial resolutions, emergency appropriations. Resolution #C-32-97 proposes recognition of \$285,000 from the unreserved fund balance to fund various projects and expenditures determined necessary for this budget year, the specific amount unforeseen at the time the budget was adopted. Resolution #C-33-97 would provide \$300,000 from the unreserved fund balance to increase the Courthouse Construction Reserve.

No comments were made for or against either Resolution by members of the public.

Commissioner McDowell explained the term "emergency" as it relates to the two resolutions under consideration being the legislative definition, emergency only in the sense that this is the only manner in which additional funds can be appropriated to the budget during the year. It has been known for some time that a law and justice facility is to be built, but during the time when

the budget was adopted the amount of carry-forward was not known. What can be added to the Courthouse Construction reserve, the less bonding will be required.

By unanimous motion, the Board adopted Resolution #C-32-97 and #C-33-97 as presented.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF DECLARING AN)
EMERGENCY
IN THE 1997 ISLAND COUNTY CURRENT) RESOLUTION C- 32 -
EXPENSE) 97
FUND BUDGET)

WHEREAS, it appears that an emergency (legislative definition) exists in the 1997 Island County Current Expense Fund Commissioner Contingency budget that could not be foreseen when that budget was adopted, and

WHEREAS, funding for various projects and expenditures has been determined necessary for this budget year, and

WHEREAS, funds need to be recognized in this budget from the Unreserved Fund Balance in the amount of Two Hundred Eighty Five Thousand dollars (\$285,000) to cover these expenditures, and

WHEREAS, RCW36.40.140 requires that a public hearing be held at which any person may appear and be heard for or against this proposed emergency appropriation, **NOW THEREFORE**

BE IT RESOLVED, that a public hearing be held at the hour of 9:55 a.m. on the 14th day of July 1997, at the usual meeting place of the Board in Coupeville to consider this proposed emergency appropriations to the 1997 Island County Current Expense Fund Commissioner Contingency budget.

ADOPTED this 23 day of June, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

ATTEST: Margaret Rosenkranz Mac McDowell, Member

Auditor & Ex-Officio Clerk Tom Shaughnessy, Member
of the Board

IT IS HEREBY APPROVED AND ORDERED that the amount of Two Hundred Eight Five Thousand dollars (\$285,000) be appropriated and distributed as shown within the 1997 Island County Current Expense Fund Commissioner Contingency budget.

Source of Funds

Current Expense Fund Budget			
001-000-30800	Use of Unreserved Fund Balance	\$	285,000

Application of Funds

Current Expense Fund Budget			
001-000-51992-141	Commissioner Contingency	\$	285,000

ADOPTED this 14th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: Margaret Rosenkranz

Auditor & Ex-Officio Clerk of the Board

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF DECLARING AN)
EMERGENCY APPROPRIATION IN THE)
1997)
ISLAND COUNTY CURRENT EXPENSE) RESOLUTION C- 33 -97
FUND)
BUDGET TO INCREASE THE)
COURTHOUSE)
CONSTRUCTION RESERVE)

WHEREAS, funding for the planned Courthouse construction and modernization project is a product of multiple sources of revenues, and

WHEREAS, Resolution C-53-95 established an Island County Current Expense Fund Courthouse Construction Reserve, and

WHEREAS, it is desirable to increase the funding resources available for the Courthouse construction and modernization project, and

WHEREAS, \$300,000 is available from the Island County Current Expense Fund unreserved fund balance to be recognized in order to increase the Courthouse Construction Reserve, and

WHEREAS, in order to increase this reserve, the amount desired for this purpose must be declared an emergency appropriation to an existing budget, and

WHEREAS, RCW 36.40.140 requires that a public hearing be held at which any person may appear and be heard for or against this proposed emergency appropriation, **NOW THEREFORE**

BE IT RESOLVED, that a public hearing be held at the hour of 9:45 a.m. on the 14th day of July, 1997, at the usual meeting place of the Board in Coupeville to consider this proposed emergency appropriation to the 1997 Island County Current Expense Fund budget.

ADOPTED this 23 day of June, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Mac McDowell, Member

ATTEST: Margaret Rosenkranz Tom Shaughnessy, Member

Auditor & Ex-Officio Clerk of the Board

IT IS HEREBY APPROVED AND ORDERED that the amount of Three Hundred Thousand dollars (\$300,000) be appropriated and distributed as shown within the 1997 Island County Current Expense Fund budget.

Source of Funds

Current Expense Fund	Use of Unreserved Fund	\$	
Budget 001-000-	Balance		300,000
30800			

Application of Funds

Current Expense Fund Budget		
001-000-59408-141	Courthouse Construction Reserve	300,000

ADOPTED this 14th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman
Mac McDowell, Member
ATTEST: Margaret Rosenkranz Tom Shaughnessy, Member
Auditor & Ex-Officio Clerk of the Board

PUBLIC HEARING SCHEDULED: VACATION OF COUNTY RIGHT-OF-WAY

FEEKS FIRST PLAT OF ISLAND HOME FARM

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By unanimous motion, the Board scheduled a public hearing for August 11, 1997 @ 10:30 a.m. to consider request by Mark Arnold for vacation of County right-of-way in Feek's First Plat of Island Home Farm, between Lots 1, 2 and 3, and the North 40' of the South 1/2 of the SE 1/4 of Sec. 21, T29N, R3E, except the West 40' portion thereof.

INTERLOCAL COOPERATIVE CONTRACT BETWEEN ISLAND COUNTY AND PORT
OF COUPEVILLE AND RESOLUTION #C-37-97 AUTHORIZING EXECUTION OF INTERLOCAL COOPERATIVE CONTRACT

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Larry Kwargsick, Public Works Director, presented Interlocal Cooperative Contract between Island County and the Port of Coupeville, along with Resolution #C-37-97 approving and authorizing execution of the interlocal agreement. The Port of Coupeville met last week and discussed the contract and approved same. The document was prepared by bond counsel as part of the overall process of purchasing Greenbank Farms and also the issuance of the bonds, not only to purchase Greenbank Farms but also other county purposes.

By unanimous motion, the Board approved Resolution #C-37-97 authorizing and approving execution of the Interlocal Cooperative Contract between Island County and the Port of Coupeville. A subsequent unanimous motion of the Board approved the Interlocal Cooperative Contract between Island County and the Port of Coupeville.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON APPROVING AND AUTHORIZING THE EXECUTION OF AN INTER LOCAL COOPERATION CONTRACT WITH THE PORT OF COUPEVILLE, WASHINGTON, RELATING TO THE JOINT ACQUISITION AND FINANCING OF GREENBANK FARM.)

WHEREAS, Greenbank Farm is located within the corporate boundaries of both the Island County, Washington (the "County") and the Port of Coupeville, Washington (the "Port"); and

WHEREAS, Greenbank Farm contains valuable open space, forest, and agricultural lands and includes both historic/cultural features and passive recreation and economic development opportunities; and

WHEREAS, the County and the Port have separate but consistent goals for the use of Greenbank Farm; and

WHEREAS, the County's interest in acquiring Greenbank Farm is to conserve the land for open space and passive/low-impact recreational purposes; and

WHEREAS, the Port's interest in acquiring Greenbank Farm is to preserve the economic presence of the historic farm operations and to encourage appropriate economic development and promote tourism within Island County; and

WHEREAS, the County and the Port are each authorized under State law to acquire Greenbank Farm for the purposes stated; and

WHEREAS, pursuant to an Interlocal Agreement dated as of August 1, 1996 (the "1996 Agreement"), between the County and the Port, the County and the Port have jointly pursued the acquisition of Greenbank Farm; and

WHEREAS, under the 1996 Agreement, the County agreed to pay the costs of purchasing all open space and forested lands (except the portion of the open space lands, if any, acquired by the Nature Conservancy), and the Port agreed to pay the costs of purchasing the remaining land and the improvements thereon (except any portions acquired by other parties); and

WHEREAS, pursuant to the 1996 Agreement, the County has entered into an Agreement for Sale of Real Property, which includes an Assignment of Option Agreement, under which the County may accept the assignment from the Trust for Public Lands of its option to purchase the land and the improvements thereon (collectively, the "Property") from Stimson Lane; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the County to exercise its option to purchase the Property, and to enter into an Interlocal Cooperation Contract with the Port in the form attached hereto as Exhibit A (the "Interlocal Contract") setting forth the terms of the acquisition, financing and ownership of the Property; NOW, THEREFORE,

IT IS HEREBY RESOLVED by the Board of Island County Commissioners that:

Section 1. Approval and Authorization of Interlocal Contract. The Board of County Commissioners deems it to be in the best interest of the County to enter into the Interlocal Contract with the Port to set forth the terms of the acquisition, financing and ownership of the Property. The Board of County Commissioners further approves the Interlocal Contract in the form attached hereto as Exhibit A, with such changes as the Director of Public Works and Bond Counsel to the County shall deem necessary and appropriate, and authorizes and directs the Chairman of the Board of County Commissioners (or, in his absence, the Vice Chairman) to execute the Inter-local Contract. The Board further authorizes and directs the appropriate County officers and employees to carry out the terms of the Interlocal Contract.

Section 2. Ratification. Any actions previously taken by officers or employees of the County and consistent with the provisions of this resolution and the Interlocal Contract are ratified and confirmed.

APPROVED AND ADOPTED this 14th day of July 1997.

BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

ATTEST: Tom Shaughnessy, Member

Margaret Rosenkranz, County Auditor &

Ex-Officio Clerk of the Board

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INTERLOCAL AGREEMENT Between Island County and South Whidbey School District #206: South Whidbey Family Resource Center
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The Board reviewed and considered an Interlocal Agreement between Island County and South Whidbey School District #206 involving School District's supply of domestic water to the South Whidbey Family Resource Center, recommended for approval by Mr. Kwarsick. Gary Hess, Public Works Engineer, confirmed that fire flow requirements are fulfilled by the School District's system. Comments of David L. Jamieson, Jr., Deputy Prosecuting Attorney, have all been addressed. So far 50% of the level of design and some cost estimates have been done, and the site plan and building plan revised to bring cost down. Once those are reviewed, can proceed with final contract. In order to reduce the amount of site grading, the building was mirror imaged which reduced the amount of fill imported on site.

By unanimous motion, the Board adopted Interlocal Agreement between Island County and South Whidbey School District #206 for the South Whidbey Family Resource Center.

RESOLUTION #R-47-97 Establishing policy for solving surface
water impacts related to Island County roads
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Mr. Kwarsick presented a proposed resolution to establish/amend existing departmental county policy dealing with developing partnerships with Island County Public Works/Roads with adjoining land owners to deal with potential problems associated with discharge of surface water runoff collected in the county roadway system. This does not deal with the broader issue of surface water in unincorporated Island County, but specifically surface water problems potentially within county rights of way.

Commissioner Shaughnessy noted within the proposed policy items D and E , case 2 and 3. Case 2, item #5 refers to the owner, his heirs or assigns or agents as being responsible for obtaining necessary permits and Case 3 item #5 refers to the Plat or homeowners association being responsible for obtaining necessary permits, whereas Case 1 the County applies for the required county, state and federal permits.

Julie Buktenica, Surface Water Manager, explained that Case 1 is when the County would actually be doing more of the work and will obtain the permits. The owner is responsible for design and detailed maintenance plan. In Case #2 there is no easement being granted so the county is not the owner of the system. The county will have to obtain an entry permit in order to work off County right of way. The County in Case #2 is really participating financially.

In reviewing Item H, prioritizing, Commissioner Shaughnessy observed that no where within the policy did it allow for County funds being distributed as evenly as possible throughout the entire county by commissioner district; instead, ranks jobs and uses that criteria as the priority basis. He was not comfortable with that because of potential for many jobs being done in one portion of the County. His preference is that the funds be spread throughout the three districts as evenly as possible.

One problem with that Chairman Shelton saw was the issue of liability - county liability has nothing to do necessarily with districts, and to forego a project in one district because of a policy requiring even split of funds by district could place the county in a bad position.

Commissioner McDowell was aware that Road Funds for the most part were spent equally as possible by district, an attempt to recognize that tax dollars should be distributed as evenly as possible throughout the county. The Chair pointed out that Road Fund dollars relate to the number of miles of road throughout the county.

Ms. Buktenica recalled that as a result of the December storm event, most impact from the storm was felt on South Whidbey and parts of Camano Island. Commissioner McDowell cautioned though this policy did not necessarily have anything to do with a storm event. He recognized there has to be a certain amount of common sense in prioritizing these issues but also must take into account that everyone county wide pays those taxes.

Mr. Kwarsick believed the Department did an excellent job in terms of distributing Road Funds throughout the entire county without a written policy from the Board, recognizing that is part of the business of Public Works and being responsive to the needs of the public throughout the community. The policy under consideration further requires that the Board would need to execute an agreement and allocate funds within the budget, each of those two steps the Board has authority.

The Chairman's opinion was that the County could not just by policy say that storm/surface water dollars would be distributed equally throughout the County when the problems are not distributed equally throughout the County. He was the first to admit that drainage issues are probably more dramatic on South Whidbey than elsewhere in the County. He hoped funding would be distributed as equitably as possible for the problems that exist regardless of district location.

Commissioner Shaughnessy still envisioned potential when ranking projects, for example, such that projects for the first two years for South Whidbey using the funds available.

Ms. Buktenica confirmed that when the drainage budget is set up, the Department does look at the number of projects within each road district and tries to spread those out, and the Board authorizes the allocation of funds in the budget.

Commissioner Shaughnessy still felt a caveat should be written in the policy as far as distribution of funds to say "as equally as possible". Commissioner McDowell thought that process would work because Public Works staff is aware of the Commissioners concern that all constituents are represented financially. At this point in time he was prepared to enact the policy, and within a year or two, the Board review the policy again.

Mr. Kwarsick agreed with Commissioner McDowell and did not know that anything needed to be done at this time; concerns of the Commissioners heard and staff realizes that the Board and staff realizes the Board wants a demonstration of fair and equity throughout the County and that will be honored.

Commissioner McDowell moved approval of Resolution #R-47-97, in the matter of establishing policy for solving surface water impacts related to Island County Roads. Motion was seconded by Commissioner Shelton. Motion carried by majority vote, Commissioner Shaughnessy voted in opposition.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ESTABLISHING POLICY)
FOR SOLVING SURFACE WATER IMPACTS) RESOLUTION NO. R-47-97
RELATED TO ISLAND COUNTY ROADS)

WHEREAS, the need exists for the establishment of a standardized procedure for responding to requests from private citizens for County assistance/participation in resolving surface water problems which are occurring on private property but linked to conveyance systems located within the right-of-way of County roads;

WHEREAS, the associated swales and culverts of the public roads owned and maintained by Island County do collect, convey and discharge surface water; and

WHEREAS, it is in the public interest that the Island County Public Works Department (ICPW) provide for the public health and welfare of the citizens of Island County by appropriately participating in the resolution of surface water impacts related to Island County roads; and

WHEREAS, it is in the public interest that Island County reduce its liability by participation in the mitigation of surface water impacts; and

WHEREAS, Island County lacks a funding mechanism as well as staff to administer, maintain, operate and manage surface water projects outside County right-of-way; and

WHEREAS, the private property owner also must provide financial assistance to protect his/her property from stormwater runoff; and

WHEREAS, a revised written policy to update the current policy approved December 9, 1991 would ensure that Island County responds to its citizens in a consistent manner within resources available; and

WHEREAS, a revised written policy will assist Island County citizens in understanding what conditions under which and to what extent the Island County will participate in resolution of surface water impacts outside the County right-of-way; and

WHEREAS, regional surface water issues unrelated to public roads will be addressed in the Island County Comprehensive Stormwater and Flood Hazard Mitigation Plan (adoption Fall 1997); and

NOW THEREFORE BE IT HEREBY RESOLVED by the Board of Island County Commissioners that it will by policy of ICPW to participate in mitigation of surface water impacts associated with County roads, but located outside of County right-of-way under an approved drainage agreement following the parameters stipulated below:

- A. Typical conditions that trigger or justify County participation in a drainage agreement include:
 - 0. A swale or culvert within County right-of-way collects and directs discharge onto property without having prescriptive or formal drainage easements and the discharge is not into a natural existing drainway or established conveyance system;
 - 1. The County, through construction of road improvements or maintenance or lack of maintenance, has or is alleged to have caused an increased rate of runoff or changed the direction of runoff;
 - 2. County property is threatened by surface water;
 - 3. Shoreline discharge in historic drainway
- B. Typical conditions that apply to ICPW participation in drainage agreements include:
 - 0. A County purpose will be served pursuant to RCW Chapter 36.89.020 (Attachment A) or a street improvement will result through a joint participation agreement with an abutter as provided in Chapter 36.75.255 RCW (Attachment B);

1. A formal written drainage agreement will be prepared, subject to approval of the Board of Commissioners in open public meeting, prior to commencement of the work and any amendments, modifications, or changes to said agreement must be in writing;
2. Prioritizing the surface water projects along with other road construction projects within budgeted amounts;
3. The ICPW budget may include a surface water facility maintenance line item and lines for specifically identified surface water construction projects. New proposed surface water conveyance facilities, located outside the County Road right-of-way, will be addressed on a case by case priority basis. As each drainage easement/agreement is approved, a determination must be made to validate the resources and availability of funds;
4. After acceptance of the installed conveyance facility by the County Engineer, the County would assume responsibility for maintenance of the drainage facilities located in drainage easements granted to Island County;
5. In compliance with Island County Code 11.01.110.c.1., detailed drainage plans shall maintain naturally-occurring receiving and exit points with no diversion of surface waters. Surface water projects will normally confine flow to established swales, gullies, and constructed systems. Surface water, in some cases, may be tightlined to mitigate infiltration in unstable areas and to prevent erosion of unstable/steep bluffs and slopes;
6. The following situations designate the respective lot owner's responsibility to accept surface water in acknowledgment of established provisions for resolving surface water impacts, at the owner's expense:
 - a. Correction of surface water impacts across lots in plat with specific dedicated drainage easements with private conveyance facilities and/or private surface water facility maintenance agreements;
 - b. Lots in plats, which have in their plat dedication a phrase similar to, "the right to drain all streets over and across any lot or lots where water might take a natural course after streets are graded;"
 - c. Lots in drainage and diking districts;
 - d. Lots in incorporated areas;

Whenever possible, drainage easements/agreements will be made with the responsible authority (district, community, association, city, town).

7. Property owners within existing plats with dedication of drainage easements to the public may request ICPW assistance in surface water mitigation subject to the conditions of this policy
- C. Case 1: If land owners grant, at no cost to the County, a drainage easement to the County, the following applies:
0. The County will share up to 50% of the costs for materials, labor, equipment, permits, site preparation, site restoration, surveys, document preparation, and other required work within the County right-of-way and granted easement to construct the necessary conveyance facilities. The property owner's share of the total cost of the project will be identified within the agreement;
 1. ICPW will apply for the required County, State and Federal permits;
 2. ICPW will prepare the design and maintenance plan for the project;
 3. ICPW will cause the work to be performed;
 4. The County will assume responsibility for the future maintenance and operations of the conveyance system once constructed and accepted;
 5. The Owner will grant the right of access to the easement where such is necessary under confined or restricted site conditions;
 6. The Owner will sign a release in the following form:
- The Owner, for himself, heirs, executors, administrators, successors and assigns, jointly and severally, does hereby agree to and does hereby release Island County, its officials, agents, employees, and contractors and does hereby remise and relinquish to them all actions or causes of action, claims, demands, liabilities, loss, damage or expense of whatsoever kind or nature, including attorney's fees, which said Owner shall at any time sustain or incur by reason or in consequence of any work done to construct the drainage system to be constructed pursuant to this agreement, or by reason of any other act performed pursuant to this agreement;
7. Upon completion of the project, the property owner will reimburse ICPW a portion of the costs as indicated in the drainage agreement.
- D. Case 2: If the property owner does not grant an easement but does agree to participate in a drainage agreement, then the following applies:
0. The County will provide the necessary materials for the project or funds for said materials upon acceptable completion of the work outside the County right-of-way;
 1. The County will be responsible for construction and maintenance of the portion of the joint conveyance system located within County right-of-way;
 2. The Owner, his heirs or assigns will be responsible for the design of the surface water facility and detailed maintenance plan subject to County Engineer approval of the design outside of the County right-of-way;
 3. The Owner, his heirs or assigns will be responsible for the portion of the construction/installation and maintenance of the system in perpetuity, once installed, located outside of the County right-of-way. This covenant shall run with the land.;
 4. The Owner, his heirs or assigns or agents will be responsible for obtaining the necessary permits;
 5. The Owner agrees that they or their agents, employees and contractors are in no sense agents or employees of Island County, shall not represent themselves as such, and have no authority to bind Island County to any agreement or act as agents of Island County in any way.
- E. Case 3: If land owners request assistance within an existing plat with dedication to the public without an established drainage system the following applies:
0. The County will provide the necessary materials for the project or funds for said materials upon acceptable completion of the work within the dedicated easement;
 1. The County will be responsible for construction and maintenance of the portion of the joint conveyance system located within County right-of-way;
 2. The Plat or Homeowners Association will be responsible for the design of the surface water facility and detailed maintenance plan subject to County Engineer approval of the design within dedicated easement;
 3. The Plat or Homeowners Association will be responsible for the portion of the construction/installation and maintenance of the system in perpetuity, once installed, located within the dedicated easement;
 4. The Plat or Homeowners Association will be responsible for obtaining the necessary permits.
- F. All agreements will be subject to the approval as to form by the Prosecuting Attorney's office.
- G. This policy will be reviewed annually for currency and necessary changes presented to the Board of Island County Commissioners for concurrence and approval.
- H. Surface water projects, for which participation by the ICPW is requested will be prioritized. Prioritization will be based on scored evaluation done using the approved, "Surface Water Project - Evaluation Criteria for Prioritization" worksheet (Attachment 3). Those problems/projects with the highest priority, and for which funding has been identified to cover the County's cost, will be given a Surface Water Project (SWP) number and, if possible, completed within that fiscal year. Those projects that do not score high enough to be given an SWP number for a particular year may compete for funds the following fiscal year.

APPROVED AND ADOPTED this 14th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Attest: Margaret Rosenkranz, Tom Shaughnessy, Member

County Auditor & Ex-Officio

Clerk of the Board

ATTACHMENT A

RCW 36.89.020 Purpose.

The legislature finds that the open spaces, park, recreation and community facilities, public health and safety facilities, storm water control facilities and highways within any county of this state, whether located partly or wholly within or without the cities and towns of such county are of general benefit to all of the residents of such county. The open spaces, park, recreation and community facilities within such county provide public recreation, aesthetic, conservation and educational opportunities and other services and benefits accessible to all of the residents of such county. The public health and safety facilities within such county provide protection to life and property throughout the county, are functionally inter-related and affect the health, safety and welfare of all the residents of such county. The storm water control facilities within such county provide protection from storm water damage for life and property throughout the county, generally require planning and development over the entire drainage basins, and affect the prosperity, interests and welfare of all the residents of such county. The highways within such county, whether under the general control of the county or the state or within the limits of any incorporated city or town, provide an inter-connected system for the convenient and efficient movement of people and goods within such county. The use of general county funds for the purpose of acquisition, development, construction, or improvement of open space, park, recreation and community facilities, public health and safety facilities, storm water control facilities, or highways or to participate with any governmental agency to perform such purposes within such county pursuant to this chapter is hereby declared to be a strictly county purpose. [1970 ex.s. c 30 § 2; 1967 c 109 § 2.]

ATTACHMENT B

RCW 36.75.255 Street improvements--Provision of supplies or materials.

Any county may assist a street abutter in improving the street serving the abutter's premises by providing asphalt, concrete, or other supplies or materials. The furnishing of supplies or materials or paying to the abutter the cost thereof and the providing of inspectors and other incidental personnel shall not render the street improvements a public work or improvement subject to competitive bidding. The legislative authority of such county shall approve any such assistance at a public meeting and shall maintain a public register of any such assistance setting forth the value, nature, purpose, date and location of the assistance and the name of the beneficiary. [1983 c 103 § 2.]

Parcel number(s) Road Name

Watershed Sec-Twp-Rge

Project:

Problem:

Proposed Solution:

Justification for County Participation:

- A. A swale or culvert within County right-of-way collects and directs surface water onto property without having prescriptive or formal drainage easements and the discharge is not into a natural existing drainway.
- B. The County, through construction of road improvements or maintenance or lack of maintenance, has caused increased rate of runoff or changed the direction of runoff.
- C. County property threatened by surface water.
- D. Shoreline discharge in historic drainway.

Ranking Criteria

1. What is endangered by the problem (RCW 36.89.020)?

2 Property only

5 Natural systems (bluffs, steep slopes, wetlands, others)

10 Buildings or roads

15 Human safety Score

2. How often does the problem occur?

0 Once

5 Every few years

10 Every year

15 Several times a year Score

3. Where is the problem located?

2 On a landlocked parcel*

12 On a parcel adjacent to a pond

15 On a parcel adjacent to Puget Sound Score

*A parcel which is not contiguous to a natural sump (pond or Sound) nor has the legal right or easement to direct drainage through neighboring parcels to a natural sump.

4. To what extent will the project solve the problem (including the need for maintenance)?

0 No effect

5 Some relief

10 Much relief

15 Complete relief Score

5. How many homes or businesses will be positively impacted by the project (RCW 36.89.020)?

0 No homes or businesses

2 0 - 2

8 3 - 5

12 6 - 10

15 10+ Score

Impact

What impact will the project have on:

	NEGATIVE	NONE	POSITIVE	Score
1. Slope stability	-5	0	+6	_____
2. The local conveyance system	-5	0	+6	_____
3. County liability	-10	0	+8	_____
4. Water quality	-5	0	+6	_____
5. Adjacent/nearby property	-10	0	+6	_____
6. Sensitive areas	-8	0	+8	_____

TOTAL SCORE

Permits required:

Development, Grading, Hydraulic Project Approval, Shoreline Exemption, Shoreline Development, Corps of Engineers

Other

INVESTIGATED/EVALUATED/RATED

Name/Title Date

REVIEWED and APPROVED

Name/Title Date

CONTRACT AND ACCEPTANCE OF RETAINAGE BOND

Lakeside Industries, 1997 Camano ACP Overlays

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As a follow-on to bid awarded on June 23, 1997, to Lakeside Industries for the 1997 Camano ACP (asphalt concrete pavement) overlays, the Board by unanimous motion approved the contract and accepted the retainage bond as presented by the Public Works Department.

ANTENNA SITE LICENSE – DuCap Electronics INC.

Lyman Hill Transmitter Site lease

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On recommendation of the Public Works Director, the Board by unanimous motion approved renewal of Antenna Site License with Ducap Electronics, Inc., for the Lyman Hill Transmitter Site at the cost of \$220.00 per month (current cost, no increase).

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BID AWARD – 1997 ACP Overlays – Whidbey: CRP 97-07, WO 114

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As recommended by Mr. Kwarsick and Roy L. Allen, County Engineer, the Board awarded bid to Krieg Construction, the low bidder for 1997 ACP Overlays on Whidbey Island under County Road Project #97-07, Work Order #114, in the amount of \$506,660.00. The bid was considerably less than other bids and just 3% above the Engineer's estimate.

BID AWARD-Ault Field/Goldie Rd. Signal upgrade: CRP 97-02, W.O. 101

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In accordance with recommendation of Mr. Kwarsick and Mr. Allen, the Board by unanimous motion awarded bid to Signal Electric, Inc., for the Ault Field Road/Goldie Road signal upgrade under CRP 97-02, the low bidder, in the amount of \$68,557.00.

SUPPLEMENTAL AGREEMENT #5-GOLDER ASSOCIATES, INC. GEOTECHNICAL INVESTIGATION FOR DRIFTWOOD WAY/DRIFTWOOD LANE IN THE PLAT

OF LEDGEWOOD BEACH

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Mr. Kwarsick and Mr. Allen recommended the Board's approval on Supplemental Agreement #5 with Associates, Inc., for geotechnical investigation for Driftwood Way/Driftwood Lane, in the vicinity of Lots 14 & 15, Block 1, Plat of LedgeWood Beach #1, to prepare project bid package & provide site inspection & quality control during construction of wall, under Work Order #214, in the amount of \$5,253. This matter was set aside at a previous Board meeting for review by the Deputy Prosecuting Attorney relative to the consultant's obligations under the initial contract. The Board now has received a June 30 opinion from Deputy Prosecutor Dave Jamieson. The proposed agreement contains two additional changes: one for the actual on-site management of the project; and (2) preparation of detailed plans and specifications and contract documents .

The Chair made the observation that the problem was not so much with the supplemental agreement but the fact that there was some confusion between the County and the Consultant about what was included in the original contract. Whatever can be done to tighten up contract language needs to be done in order to avoid this problem in the future.

Mr. Allen confirmed that had been accomplished, new language added to future contracts "bid ready".

By unanimous motion the Board approved Supplemental Agreement #5 with Golder Associates, Inc., work order #214 in the amount of \$5,253.

QUIT CLAIM DEED ACCEPTED FOR RIGHT-OF-WAY -
INTERSECTION SR 525 & MAXWELTON ROAD

The matter before the Board was explained by Mr. Kwarsick as involving acceptance of a Quit Claim Deed for right-of-way at the intersection of State Highway 525 and Maxwelton Road. The project is a cooperative effort between the State and the County to upgrade that intersection. As a result of acceptance of this Deed, the County will begin a day labor project to improve and widen the northerly side of that intersection and provide an additional turning lane for north bound turns. The State will follow on in August to install new traffic signal at the intersection, and appears that project will run through August and September.

The Board by unanimous motion, accepted a Quit Claim Deed from William E. Bright for right-of-way, parcel #R32915-373-0750, associated with Maxwelton Road channelization project under Work Order #222, for \$6,900.00, and initialing change on page 2 of the original deed noting on the deed that the County will replace the existing access approach at another suitable location.

PRELIMINARY AND FINAL SITE PLAN APPROVAL - SPR 304/96, CAMANO
LAGUNA VISTA COMMUNITY CLUB

Debra Little, Development Services Manager, and Stacy Tucker, Assistant Planner, presented to the Board Site Plan SPR 304/96 for Camano Laguna Vista Community Club, for construction of a concrete water reservoir tank on Parcel #S6265-02-0000B-0, located adjacent to two perpendicular streets, Vista Drive and Grandview Avenue on Camano Island. The matter was heard by the Island County Hearing Examiner on June 19, 1997 resulting in a recommendation for approval with conditions and waiver of requirements for final approval pursuant to Chapter 16.15 ICC.

Applicants were represented at the time this matter was considered by the Board. No comments were made for or against the proposal at this time.

By unanimous motion, the Board approved preliminary and final SPR 304/96 as recommended by the Hearing Examiner.

FINAL Site Plan Review - FAMILY BIBLE CHURCH

Next presented for the Board's final approval was SPR 032/92, by Family Bible Church, Parcel R13334-472-2160, 2760 N. Heller Road, Oak Harbor, for construction of a 6,500 sq. ft. sanctuary, 9,000 sq. ft. education wing and an enlarged parking lot to a total of 198 spaces on a 4.83 acre parcel. According to Ms. Little's memorandum of July 8, 1997, the project was granted conditional preliminary approval on January 11, 1993, and a one year extension granted. The application for Final Site Plan was reviewed and all conditions of preliminary approval met; therefore County staff recommends the Board grant final SPR approval. In this case, final site plan was required, but survey, treasurer's stamp and recording waived at the preliminary stage.

By unanimous motion, the Board approved final site plan SPR 032/92, Family Bible Church Parcel #R13334-472-2160 as recommended.

BOARD OF ISLAND COUNTY COMMISSIONERS
DECISION

Application: Final Site Plan Review SPR032/92

Administering Agency: Island County Department of Planning and Community Development

P. O. Box 5000, Coupeville, WA 98239

Date of Preliminary Approval January 11, 1993, extended one year.

Name and Address of Applicant: Family Bible Church, 2760 N. Heller Road, Oak Harbor, WA 98277

Requesting The Following: Final approval for the expansion plans for the Family Bible Church that include construction of a 6,500 square foot sanctuary, a 9,000 square foot education wing and an enlarged parking lot to a total of 198 spaces on a 4.83 acre Rural Residential zoned parcel.

Upon The Following Property: Located on the east side of Heller Road, north of its intersection with Crosby Road, adjacent to the west boundary of the City of Oak Harbor, North Whidbey Island. Assessor's Parcel R13334-482-2020 located in the Northwest Quarter of Section 34, Township 33 North, Range 1 East, W. M.

This Final Site Plan Review conforms to the requirements of Site Plan Review as established by Chapter 16.15 Island County Code and by the conditions of preliminary approval established by the Board of Island County Commissioners on January 11, 1993.

Approved and adopted this 14th day of July, 1997 by the Board of Island County Commissioners.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
Mike Shelton, Chairman
Wm. L. McDowell, Member

ATTEST: Margaret Rosenkranz Tom Shaughnessy, Member

County Auditor & Ex-Officio

Clerk of the Board

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WORK ORDER - DSHS/ISLAND COUNTY - CHILD ABUSE PREVENTION

As presented for approval, and brief summary provided by Tim McDonald, Health Services Director, the Board approved Work Order #15646, under Basic Services Agreement between DSHS and Island County. This work order is in the amount of \$37,544.24 for continuation of the Child Abuse Prevention/Early Intervention program representing two-year amount.

There being no further business to come before the Board at this time,
the Chairman adjourned the meeting at 11:10 a.m., to meet next In Regular
Session on July 21, 1997, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz, County Auditor
& Ex-Officio Clerk of the Board