

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING***REGULAR SESSION - SEPTEMBER 15, 1997***

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on September 15, 1997, beginning 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.

VOUCHERS AND PAYMENT OF BILLS

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

Voucher (War.) #10338-#10672..... \$1,189,230.26

Veterans Assistance Fund: \$ 631.11

[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. The Board by unanimous motion accepted the recommendation of the Veterans Assistance Review Committee and approved Claim V97-36 in part, for a total of \$631.11.

APPOINTMENT - SHERIFF'S DEPARTMENT CIVIL SERVICE COMMISSION

The Board by unanimous motion appointed Paul Turner, Camano Island, to the Sheriff's Department Civil Service Commission, to the vacant position due to resignation of Jerry Patterson, to a term through February 1, 2000.

HEALTH DEPARTMENT CONTRACT #97-CM/NOS-41 - NWRC

By unanimous motion, the Board approved and signed Contract #97-CM/NOS-41 between Northwest Regional Council and Island County for Nurse Oversight and Case Management Services in the amount of \$28,613.00 as discussed during a July staff session.

FINAL CLOSING PAPERS - LAWLER PROPERTY

Lee McFarland, Assistant Director, GSA, presented the final closing papers on the purchase of the Lawler Property, a Conservation Futures Project, known as Dry Lake Road, Camano Island. Earnest Money Agreement has now been received signed by seller, sent to escrow. There is a \$9,000 donation on this property from Karen Hamalainen family, Camano Island. According to the Auditor's Office, the best way to handle is for the County to purchase the property and Hamalainen make donation straight into Conservation Futures Fund.

By unanimous motion, the Board approved the final closing papers and signed the documents for the purchase of the Lawler Property.

The Board asked that Mr. McFarland draft a letter for the Board's signature to the Hamalainen family extending the County's appreciation for their wonderful donation, with a copy to the Stanwood-Camano News. Another letter Mr. McFarland will draft is a letter to Friends of Camano Island Parks, who also has done much for the County.

EARNEST MONEY AGREEMENT ACCEPTED FOR MORRIS PROPERTY

Mr. McFarland next presented for the Board's acceptance and approval the Earnest Money Agreement for purchase of the Morris Property, known as English Boom Property, another Conservation Futures Project. The Morris' accepted the County's offer of \$80,000 with the County recognizing \$5,000 charitable donation based on valuation of \$85,000 for the property. On page 2, the Board needs to initial as received it back; and Page 1, indicate closing date for the first week in November instead of October 15 .

The Board, by unanimous motion, accepted the earnest money, and agreed with extending closing date as stated by Mr. McFarland.

HEARING HELD: Resolution #C-46-97 - New Section to ICC Chapter 1.24 County Code -
Use of County Facilities - Animals Prohibited

A Public Hearing was held at 9:45 a.m. as scheduled and advertised for the purpose of considering an addition to Island County Code, Chapter 1.24, Use of County Facilities - Animals Prohibited - Exceptions.

Paul Messner, Facilities Director, explained that over the years he had been approached by a number of employees with concern over animals in county buildings. Complaints and concerns were not specifically directed at one animal; rather, there are some 10 to 12 animals on a fairly regular basis in the buildings. Some employees have problems with that, i.e. allergies, asthma, etc. and do not feel animals should be in the work place. This matter was brought to the attention of the Board at a recent staff session, and the proposed ordinance comes as a result of that. There are several concerns about allowing animals in county facilities: potential liability to the County for example if a dog bites another employee or a member of the public; people with allergies and asthma. The proposed ordinance does allow the following exceptions:

- A guide dog or service dog as defined in RCW 70.94.020 and RCW 70.84.021, for a totally or partially blind, hearing impaired, or otherwise physically disabled person allowed in county buildings under the provisions of chapter 7.94 RCW;
- Animals housed in or taken to Island County Animal Shelters
- Animals participating in authorized activities at the Island County Fairgrounds; and
- Animals used by law enforcement authorities for law enforcement activities.

Linda Lee Martens, Health Department, signed the petition opposing adoption of this ordinance. While she understood and recognized the need to control animals in the building, she did not know how to avoid one animal not coming in unless the building were sealed. The cat "CC" known as the Courthouse Cat, comes in through an open window, and there are many times particularly in summer when the windows need to be open for ventilation and did not know how this could be enforced. She recalled too that Animal Control on occasion will bring animals into the building for adoption purposes in the lobby. "CC" generally walks in and goes wherever it wants to. She understands problems of people with allergies; however, seeing eye dogs and dogs for hearing impaired, etc. have the same kind of dander as other dogs. The Health Department makes a point of making sure "CC" is not allowed to urinate or defecate any place in the Office and she was not aware that "CC" had done so in the lobby.

Mr. Messner clarified there were several Monday mornings where that was the case - the cat having been locked in the building over the weekend. He realizes it is difficult because the cat sneaks in windows and doors, but suggested one way to help alleviate the problem would be if employees would not leave food and water out for the cat or cat nip. There are people concerned, especially in the area of the court, because the cat lays on its back like it wants to be scratched - and could cause some problem or injuries to a little child

even though the cat may be playing. This ordinance, however, is not aimed specifically at this cat.

Alan Meaux, Maintenance Department, did make the point that he has come across at least half-dozen offices with cat food and water in bowls, many places spilled on the floor with mold and mildew, which is an air quality problem.

Dick Snyder, Public Works Department, signed the petition opposed to the ordinance. He mentioned that employees have a responsibility if animals/pets are allowed in the building for clean-up and making sure the animal is vaccinated, and to keep the animal away from the public portion of the building. Employees are conscious of other employee feelings. However, if there is an allergy problem that allergy problem would be the same as if there were a seeing eye dog an employee had or member of the public. He thought something could be worked out among employees of different departments rather than adopting an ordinance prohibiting animals.

Debra Miner Schweers, Public Works Department, relayed an incident when she was working after hours, and even though dispatch is upstairs but no one came for 45 minutes; she feels more comfortable if she is able to bring a dog for protection.

Sue Konopick, Health Department, was opposed to this ordinance regarding the cat. She felt it was good public relations.

The Chair read the petition submitted signed by 11 employees;

"TO: Island County Board of County Commissioners

RE: Ordinance #C-46-97

We the undersigned employees of Island County hereby urge that the Board of County Commissioners disapprove the proposed County Ordinance which would prohibit animals in County owned or leased buildings. We offer the following reasons to support our concerns:

1. The current mascot of the Courthouse Annex and other buildings in Coupeville,

"CC the Courthouse Cat" has become a symbol and is liked by most everyone;

what will happen to him with passage of the proposed ordinance: animal shelter and euthanasia?

2. Many buildings in the outlying areas such as road shops or solid waste would probably benefit from having a cat or two on the premises to maintain rodent control; the cost is cheaper, safer and far more effective than poisons.

3. CC has become somewhat of a celebrity to local people as well as the Coupeville employees, this identification would be lost with passage of the ordinance. History has shown that many ships and teams have mascots.....let CC be the mascot for the great team at the Courthouse Ship!

4. Noting that seeing eye dogs or dogs for hearing disabled persons, including employees, would be allowed; will special arrangements be made for employees who may be allergic to dogs; probably not, coworkers would just adjust to the situation. We feel that existing situations where a minority of workers may object to

animals can be handled without resorting to ordinances.

5. Passing this ordinance will mean just one more rule that must be enforced and another unfunded mandate; although there probably won't be a large monetary expense in enforcement there will be a significant expense in employee morale.

6. We feel that animals should not be allowed in the public reception area of buildings, just to prevent a possible incident between animal and a member of the public and also to present what is probably an acceptable businesslike appearance. Groups of employees who have an animal such as a cat should take measures to insure that it stays in back rooms, shop areas, etc. And not allowed to be in the areas of general public use.

7. Personal security is getting to be a bigger issue everyday; some employees who work at night, either voluntarily or just to get the job done, feel much more comfortable with a pet at their side, particularly during the winter darkness. It's a fairly accepted fact by security specialists that a big dog scares most intruders away, and a small barking dog while not scary to the intruder, gives the employee an early warning of impending danger and a chance to react.

8. Lastly, each employee group within a building or maybe the collective employees of the whole building should be limited to just one animal to prevent the building becoming a zoo. The responsible person(s) or group claiming ownership for the pet, should be responsible for food, water, and sanitation, plus cleanup of any accidents.

Revisions to the proposed ordinance and continued hearing on this matter are urged."

Commissioner Shaughnessy did not feel the work place was the place for animals in general and health-wise, did not see much of a difference with animals and people who are allergic to those animals, as compared to non-smoking in the work place. The parallel is that it affects fellow employees and not just the public. He therefore supported the ordinance.

Commissioner McDowell agreed the work place was not an appropriate place for animals/pets. No one expects employees to keep windows closed in the summer in an attempt to keep the cat out, but he believed the ordinance should be passed primarily because of worker complaints over the years and people with allergies and asthma.

Chairman Shelton while the petition would support some sort of control on the numbers of animals in the courthouse, the issue largely revolving around the courthouse cat, he understood how people feel. All of the issues are probably viable, but he thought the main issue the Board must look at is to provide a working atmosphere for employees of Island County which is as good as it can possibly be. He too supported the ordinance.

By unanimous motion, the Board adopted Ordinance #C-46-97 in the matter of adding a new section to Island County Code, Chapter 1.24, Use of County Facilities - Animals Prohibited - Exceptions.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ADDING NEW }
SECTION TO ICC CHAPTER 1.24 }
COUNTY CODE - USE OF COUNTY } ORDINANCE #C-46-97
FACILITIES - ANIMALS PROHIBITED }

WHEREAS, Island County previously adopted Facility Use Policy by Resolution

#CC-1-79 dated April 9, 1979, codifying said policy under Island County Code Chapter 1.24; and further adopted by Resolution #C-58-90 amendments to Island County

Facility Use Policies dated May 14, 1990; and

WHEREAS, it appears that for purposes of public health, safety and welfare, a

further addition to ICC 1.24 is necessary in order to establish a policy prohibiting the public at large as well as county employees from bringing or allowing animals into Island County government buildings;

WHEREAS, exceptions are authorized as outlined in Exhibit "A" attached hereto.

NOW THEREFORE, IT IS HEREBY ORDAINED by the Board of Island County Commissioners that a new section, ICC 1.24.040, Animals Prohibited in County Facilities-Exceptions, as shown in attached Exhibit "A", is hereby adopted.

Reviewed this 18th day of August, 1997, and set for public hearing on the 15th day of September, 1997, at 9:45 a.m.

Board of County Commissioners

Island County, Washington

ATTEST: *Mike Shelton*, Chairman

Margaret Rosenkranz, Auditor *Wm. L. McDowell*, Member

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

ADOPTED AND APPROVED this 15TH day of September, 1997, after public hearing.

Board of County Commissioners

Island County, Washington

Mike Shelton, Chairman

ATTEST: *Wm. L. McDowell*, Member

Margaret Rosenkranz, Auditor & *Tom Shaughnessy*, Member

Ex-Officio Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.,

Deputy Prosecuting Attorney

EXHIBIT "A"

1.24.040 Animals Prohibited in County Facilities - Exceptions.

Animals are prohibited from being inside every Island County government building, whether owned, leased, or rented by the county, and within ten feet of any entrance to such buildings, except as follows:

A. A "guide dog" or "service dog," as defined in RCW 70.84.020 and RCW 70.84.021, for a totally or partially blind, hearing impaired, or otherwise physically disabled person allowed in county buildings under the provisions of

chapter 70.84 RCW;

B. Animals housed in or taken to Island County Animal Shelters;

C. Animals participating in authorized activities at the Island County Fairgrounds;

and

D. Animals used by law enforcement authorities for law enforcement activities.

Resolution #C-52-97 Transferring Funds within
1997 Island County Current Expense Fund

As prepared and presented by the Auditor, the Board by unanimous motion approved Resolution #C-52-97 transferring \$49,710 within various 1997 Island County Current Expense budgets, representing expenditures approved by the Board to come from Commissioners Contingency.

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

**IN THE MATTER OF TRANSFERRING)
FUNDS WITHIN THE 1997 CURRENT) RESOLUTION C-52-97
EXPENSE FUND BUDGETS)
_____)**

WHEREAS, there are funds budgeted in the 1997 Current Expense Fund budget, Commissioner Contingency line for expenditures that were unknown at the time of adoption of the 1997 budget; and

WHEREAS, it has now been determined that various budgets are in need of additional funds to cover approved expenditures, and

WHEREAS, various departments have budgeted funds that are beyond known needs and have requested a transfer of those funds, **NOW THEREFORE**

BE IT RESOLVED, that the amount of Forty Nine Thousand Seven Hundred Ten dollars (\$49,710) be transferred within the 1997 Island County Current Expense Fund budget, as shown on Exhibit A,

ADOPTED this 15th day of September, 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

Exhibit A

Source of Funds

Current Expense Fund Commissioners Contingency	001-000-51992-141	\$	34,428
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Application of Funds

Current Expense Fund

General Services Admin	Risk Management Assistant reclass	001-054-51110-110	\$	150
	Facilities Security Services (Property Mgmt)	001-054-51820-151		1,750
Office Equipment	Computer for Planning	001-056-55800-135		512
	Computer for Planning	001-056-55800-164		1,466
Planning & Comm. Dev.	Senior Permit Coordinator reclass	001-053-55800-110		950
	Senior Planner reclass	001-053-55800-110		1,250
	McConnell Burke Contract, Phase 6	001-053-55800-141		23,000
Public Defender	Volunteer Program Assistant, new position	001-038-51225-110		4,450
Treasurer	Professional Service (Pony Express)	001-042-51422-141		900
	Total		\$	34,428

Source of Funds

Current Expense Fund	Miscellaneous Budget, Neutral Zone	001-036-52131-149	\$	1,500
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Application of Funds

Current Expense Fund	Commissioner Contingency	001-000-51992	\$	1,500
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Source of Funds

Current Expense Fund	Auditor Budget, Salaries, Wages & Benefits	001-021-51423-110	\$	13,782
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Application of Funds

Current Expense Fund	Budget Director Salaries, Wages & Benefits	001-047-51425-110	\$	8,582
	Office & Operating Supplies	001-047-51425-131		1,000
	Small Tools & Minor Equip	001-047-51425-135		500
	Communications	001-047-51425-142		200
	Advertising	001-047-51425-144		500
	Capital Outlay	001-047-51425-164		2,800
	Total		\$	13,782

PERSONNEL ACTIONS

By unanimous motion, as presented by Dick Toft, Human Resource Director, the Board approved the following Personnel Action Authorization:

Department	PAA No.	Description	Action	Effective Date
Public Works	94/97	Truck Driver I Oak Harbor Position #2242.09	Replacement	9/15/97

CHANGE ORDER #1 - Contract with Lyrch and Associates for repair to slide on Humphrey Road; CRP 97-05, W.O. #237

Larry Kwarsick, Public Works Director, presented recommended Change Order #1 to current contract with Lyrch and Associates for repair to the slide on Humphrey Road. The Board had originally approved CRP 97-05, W.O. #237 in the amount of \$55,803.50. The intent of that CRP and associated work order was for Island County to conduct the repair as a day labor project. Since that repair and the work that is currently being performed by Lyrch and Associates on the new outfall along Humphrey Road, it is proposed to enter into change order to have Lyrch and Associates perform the work originally contemplated under CRP 97-05.

By unanimous motion, the Board approved Change Order #1 to the Contract with Lyrch and Associates for repair to the slide on Humphrey Road, CRP 97-05, W.O. #237.

FOREST PRACTICE PERMIT ON DNR land on behalf of Snohomish PUD

Lew Legat, Assistant County Engineer, discussed with the Board and recommended approval of Forest Practice Permit on DNR land on behalf of Snohomish PUD, as requested and detailed in letters dated September 8 and September 11, 1997, from Jeff Transeau, Snohomish PUD. The work on DNR land is being done in conjunction with work to clear some "danger" trees by Snohomish PUD along the right-of-way of Elger Bay Road, Camano Island. Snohomish PUD submitted a forest practice permit. Since the County is

the adjacent owner with easement on the property, DNR is asking that the County sign as the timber owner. Some of the trees are within the County's easement and some located on adjacent DNR property. Ownership in terms of harvesting the trees would go to DNR.

Jeff Transeau, representing Snohomish PUD, stated that all of the trees on the County right-of-way are non-commercial and there would be no payment regardless of who owned the trees. PUD only pays for trees of a certain diameter and larger, none which exist on the right-of-way.

By unanimous motion, the Board approved the Forest Practice Permit to be submitted to DNR and agree to the pass-through of funds to the PUD when received from State DNR.

APPLICATION for Coordinated Prevention Grant

Mr. Kwarsick presented for approval an Application for a Coordinated Prevention Grant through the Department of Ecology, Waste Management Grant, for a total of \$279,611. Jerry Mingo, Recycle/Hazardous Waste Coordinator, summarized the four primary activities under the grant: household hazardous waste collection & disposal; public outreach; pass-through grant program to other municipalities in the County; and on-going solid waste permitting and investigations & monitoring activities.

The Board, by unanimous motion, approved application for coordinated prevention grant as presented for a total grant of \$279,611.

GREENBANK FARM PROPERTY PURCHASE

Mr. Kwarsick advised that the Port of Coupeville this morning was meeting in special session to entertain entering into a lease agreement with the Greenbank Farm Management Group, a non-profit Washington corporation. The purpose of the lease agreement is to turn over management of the Port's ownership interest to that Group for conducting specific activities on site, including the retail shop, wine tasting and a variety of other goals and objectives specified in the lease agreement. Under Island County's contract with the Port, Section 2.15, at any time during the course of the contract, if the Port desires to sell or lease a portion of the property for a specific purpose, Island County has the authority to call the contract amount due and payable immediately. At this point, the proposed lease agreement has been reviewed by bond counsel to assure that the lease arrangements are consistent with the conditions of bond, and bond counsel has confirmed same. Due to nature of this specific conveyance, for a three year period which is consistent with the contract, Mr. Kwarsick recommended the Board by letter to Don Sherman, President, Port of Coupeville, confirm that Island County waives its rights under Section 2.15 relative to this specific lease between the Greenbank Farm Management Group and the Port of Coupeville (this waives Island County's rights only for this specific lease agreement).

Commissioner McDowell concurred, but requested additional wording in the letter to indicate "Island County will not be exercising its option with regard to the September 15, 1997, lease agreement between the Port of Coupeville and Greenbank Farm Management Group (so there is something referring back to the lease and that time frame).

By unanimous motion, the Board approved the letter as drafted by Mr. Kwarsick, subject to the change as Commissioner McDowell recommended.

HEARING HELD: OPS #370/97, Teresa McCourt, owner

A Public Hearing was held at 10:45 a.m. as scheduled and advertised, for the purpose of considering the application OPS #370/97 by Teresa McCort, requesting 10.12 acres from Designated Forest to Timberland classification, on Parcel #R32907-300-0512, 2567 E. Thompson Road, South Whidbey Island, Wa. Applicant was not present at the time of hearing.

Erika Jensen, Planner, presented the Planning Department recommendation of approval. The property is already in Designated Forest so there would be no shift of taxes with approval of the application. Owner had to ask for the open space current tax classification vs. designated timber because that property has been transferred due to a will and they do not have 20 acres in contiguous ownership, but the parcel remains the same.

By unanimous motion, the Board approved OPS #370/97 as presented and recommended by staff.

Financial Reports

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

Maxine Sauter, Island County Treasurer, reported financial status on target; revenues at about 70%, disbursements at 72% for the period ending August 31, 1997. Sales Tax Equalization is one of the larger revenue sources and received more than anticipated. [Report dated September 8, 1997; copy on file]. With regard to investments, some \$66,540,330 is invested in various areas for all of the districts, the bulk with Washington Federal (rates between 5.65 and 5.9 for term between 14 days - 1 year).

Auditor Monthly Review of Revenues and Expenditures

Margaret Rosenkranz, Auditor, noted that according to her current report, which does not show some of the budget adjustments just completed, the revenues are slightly higher and expenditures slightly lower than normally would be on a 1/12 basis. However, on the expenditure side, there are some departments that are higher.

Concern noted by the Commissioners that this report showed a continuing trend of the Jail being over-budget, and asked that this be called to the Sheriff's attention.

As to showing over-budget for the Central Services Department, the Board asked the Auditor to talk with the Director of that department to see if the reason is as a result of some expenditures approved but for which a budget adjustment has not yet been made.

Executive Session

The Board met in Executive Session beginning at 11:15 a.m. as allowed under RCW 42.30.110(l)(i) to discuss with legal counsel pending litigation. The Chairman estimated the session would one-half hour and did not expect an announcement afterwards.

There being no further business to come before the Board, the meeting

adjourned at 11:45 a.m., on conclusion of the Executive Session. The

next Regular Meeting is scheduled for September 22, 1997 at 1:30 p.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