

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - OCTOBER 13, 1997

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 13, 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. Minutes from the meeting of September 22, 1997, 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.) #12326- #12637 \$ 251,662.15.

Employee Service Awards & Employee of the Month

EMPLOYEE	DEPARTMENT	NO. YEARS	ANN. DATE
Myron M. Gabelein	Public Works	25	9/1/97
Janet S. Kearsley	Public Works	5	9/24/97
Alan D. Meaux	Maintenance	10	10/1/97
Sonny Kostek	Maintenance	10	10/1/97
Eddie Elerick	Planning	10	10/28/97

EMPLOYEE OF THE MONTH - SEPTEMBER, 1997

Eddie Elerick, Planning Department

CLAIM for Damages #97-047, John & Rita Cline

With regard to Claim for Damages #97-047 by John & Rita Cline, consideration continued from October 6 meeting, the Board subsequently had an opportunity to receive and review Order to Suspend Work effective November 18, 1996 under CRP 96-02 Taylor Road project and 11/22/96 letter to the Contractor regarding suspension of the Taylor Road project.

Roy Allen, County Engineer, confirmed researching the agreement between the County and Contractor regarding suspension of the work through the winter and what maintenance responsibilities the County assumed and what responsibilities contractor retained. The Order to Suspend Work included Exhibit "A" outlining maintenance responsibilities during the shutdown, wherein the County was to maintain the drainage structures and Contractor maintain surface of the road. Mr. Allen's original recommendation to Betty Kemp, Director GSA/Risk Management, to pay the claim recognized that normally severe storm events are considered an act of God, but in this particular case, recommended the claim be paid because the terrain was not in its natural state and acerbated claimant's problem.

Based on the review of contract and suspension documents, Commissioner McDowell moved that the Board approve Claim #97047. Motion was seconded by Commissioner Shaughnessy.

Under discussion, the Chairman was aware that the County systematically denied other such claims and was concerned about setting precedent the Board avoided setting in the past. He questioned was the real issue the road construction or

the 2' of snow and heavy rains following.

Commissioner McDowell stated the only issue to him was that the road was under construction with the project shut down temporarily by the County and the County accepted maintenance of the drainage.

Chairman Shelton countered that the same thing could be said of every County ditch, i.e. that the County is responsible to whatever degree for water that runs down County ditches.

However, Commissioner Shaughnessy stated he agreed with Commissioner McDowell, noting the important issue was the fact that the County accepted additional liability with regard to the drainage, in writing, on this specific project.

Motion as made and seconded carried by majority vote, Commissioner Shelton voted in opposition.

PUBLIC COMMENTS/INPUT

Rita Cline, 2859 N. Taylor Road, Oak Harbor, thanked the Board for action approving her claim. The problem 31 December and ensuing storms afterwards was the silt, not the water. She complimented the County on the redesign of the drainage system . Had it not been for the silt, they would not have had a problem with the water, and are able now to deal with the water that comes from the County right-of-way in an appropriate manner. They feel that the drainage system as it is now will maintain and hold the water, and that the hillside has been stabilized, and expressed satisfaction that the County is doing its best. Whether it will work or not is an experiment but the Clines recognize that too.

HEARING HELD: Ordinance C-53-97 In the Matter of Amending

the Island County District Court Districting Plan

A public hearing was held at 9:55 a.m. as scheduled and advertised, for the purpose of considering Ordinance #C-53-97, in the matter of amendment to the Island County District Court Districting Plan.

The Island County Justice Court Districting Committee provided to the Board in writing September 16, 1997, a unanimous recommendation that the Board change the percentage of time spent by the District Court Judge as the Municipal Court Judge and the amount of reimbursement by the City of Oak Harbor to the County from 30% to 24%, to reflect a change in the relative case loads between the District Court and Oak Harbor Municipal Court.

Peter Strow, District/Municipal Court Judge, was present at the time the public hearing was held. No comments were made at this time by members of the public, either for or against the proposed Ordinance.

By unanimous motion, the Board adopted Ordinance #C-53-97 as presented.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDING)

THE ISLAND COUNTY DISTRICT) ORDINANCE NO. C- -97

COURT DISTRICTING PLAN)

_____)
WHEREAS, the existing Island County District Court Districting Plan provides that the Island County District Court Judge shall devote thirty percent (30%) of the judge's time to the duties of the Municipal Court of Oak Harbor, and the City of Oak Harbor shall pay thirty percent (30%) of the salary of said judge, together with thirty percent (30%) of the necessary payments for social security, retirement, and personnel benefits, and that the City of Oak Harbor shall pay thirty percent (30%) of the associated costs of the court; and

WHEREAS, the judge of the municipal court in practice devotes twenty-four percent (24%) of the judge's time to the duties of the Municipal Court of Oak Harbor, and devotes seventy-six percent (76%) of the judge's time to the duties of the Island County District Court; and

WHEREAS, the Island County Justice Court Districting Committee has recommended changing ICC subsection 1.12.080.D of the Island County Districting Plan to reflect those changes as set forth on Attachment A hereto; NOW, THEREFORE,

IT IS HEREBY ORDAINED by the Board of County Commissioners of Island County, Washington that Island County Code section 1.12.080.D be amended in the manner set forth in Attachment A which is attached hereto and hereby incorporated by reference. Material lined through is deleted and material underlined is added. This amendment shall be effective on the 13th day of October, 1997.

Reviewed this 22nd day of September, 1997, and set for public hearing on the 13th day of October, 1997 at 9:55 a. m. in the Commissioners' Hearing Room.

BOARD OF COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

ATTEST: Margaret Rosenkranz,

Auditor and Ex-Officio Clerk of the Board

Ordinance C-53-97 is adopted this 13th day of October, 1997 following public hearing.

BOARD OF COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

ATTEST: Margaret Rosenkranz,

Auditor and Ex-Officio Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.

Deputy Prosecuting Attorney and

Island County Code Reviser

ATTACHMENT A

1.12.080 Municipal Departments

A. The Coupeville Municipal Department is abolished.

B. There is established, pursuant to RCW 3.46.010, et seq., a municipal department designated "The Municipal Court of Oak Harbor."

C. The judge of the municipal court shall be the judge of the district court.

D. The judge of the Oak Harbor Municipal Court shall devote ~~thirty~~ twenty-four percent (~~30~~24%) of his time to the duties of the Municipal Court of Oak Harbor, and that the City of Oak Harbor shall pay ~~thirty~~ twenty-four percent (~~30~~24%) of the salary of said judge, together with ~~thirty~~ twenty-four percent (~~30~~24%) of the necessary payments for social security, retirement, and personnel benefits, and that the City of Oak Harbor shall pay ~~thirty~~ twenty-four percent (~~30~~24%) of the associated costs, including as needed extra help and operating expenses, including supplies, small tools, professional services, communications, travel, advertising, utility services, repair and maintenance, library and printing.

SUPPLEMENTAL AGREEMENT NO. 3 – Fakkema & Kingma, Inc., Humphrey Road Drainage Outfall & Road Repair, CRP 97-06; increase to cover cost of administration for road reconstruction change order

Larry Kwarsick, Public Works Director, presented for Board approval Supplemental Agreement #3 to the agreement with Fakkema & Kingma, Inc., for Humphrey Road Drainage Outfall and

Road Repair, CRP #97-06, increasing agreement by \$11,560.00 to cover the cost of administration for road reconstruction change orders.

By unanimous motion, the Board approved Supplemental Agreement #3 to the Agreement with Fakkema & Kingma, Inc., executed on July 24, 1995, supplement in the amount of \$11,560.00.

Declaration of Trust Bond, Glen Cunningham-Fire

Sprinklers Required for Short Plat 45/94

Based on recommendation of the Public Works Director and County Engineer, the Board by unanimous motion released declaration of trust bond for Glen Cunningham, for completion of alternative fire protection requirements of SHP 045/94.

Lease Termination - Admiralty Bay Rake Station

Lee McFarland, Assistant Director, GSA/Property Management, presented Department of the Navy Lease Agreement N4425593RP00H05 termination as of November 1, 1997 and allowing Island County to retain Navy-owned improvements, known as the Admiralty Bay Rake Station, located at the end of Wanamaker Road and Admiral's Cove in the area of Keystone Spit. For many years the Navy leased the property from the County used as a spotting station,

and at this time the Navy no longer has need for this facility. Improvements to the property include a fenced concrete building, with lights and heat. The Sheriff's Department/Emergency Services has indicated their desire to use this building for storage of emergency equipment. Mr. McFarland recommended the Board accept the building and approve the Lease Termination.

By unanimous motion, the Board accepted the building and terminated the lease with the Navy for Admiralty Bay Rake Station.

Resolution setting wages for precinct election officers

Auditor Rosenkranz presented for Board consideration and approval a proposed resolution to set the wages for precinct election officers at \$5.15 per hour, the 9/1/97 Federal Minimum wage. RCW 29.45.120 provides that the wages of judges of elections be set by the Board at an hourly rate not less than the minimum wages as established by RCW 49.46.020. It is her understanding the County must pay the higher of the two minimum wage figures, State or Federal.

The Board held the matter for further action next week, asking that the Auditor in the meantime look into whether the resolution should simply refer to setting the wage at the Federal minimum wage rather than stating the specific dollar amount, and clarify why the County would be required to pay the Federal minimum raise as opposed to State minimum wage.

FUNDING JUVENILE DETENTION FACILITY

RCW 82.14.350 allows counties to submit to the voters a one-tenth of one percent sales tax increase in order to build and maintain a juvenile detention facility. Moneys received are to be used solely for the purpose of providing funds for costs associated with financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, re-equipping, and improvement of juvenile detention facilities and jails. The Chairman recommended that the Board request the Deputy Prosecuting Attorney draft the authorizing proposition, and following that, schedule meetings around the County [propose 4] to receive public input. Depending on public input, the Board would then decide whether or not to submit the proposition to the voters, and determine election date.

In a recent staff session the Sheriff presented a proposed budget for such a facility, which came close to the amount of money that would be collected from such tax. He believes that if enacted the County would receive the County and Cities 1/10th of 1% sales tax, which makes sense because the facility would house juveniles from the County and incorporated cities and towns of the County.

Commissioner McDowell researched what the dollar amount would be and came up with a figure close to \$430,000 or 460,000. The Sheriff did a good job in putting together preliminary information, but was based on three year old data and selected the smallest budget. His concern is

that the Sheriff is suggesting dual staffing: two positions to serve as correction officer for the Adult Jail and Juvenile Detention facility, and a manager. He would like to see further research done on that issue to verify if in fact it is possible to do that, and whether or not other counties use the dual staffing approach.

Commissioner Shaughnessy agreed, and in conjunction with that, suggested that if the Sheriff's Department will be the managing entity, the Sheriff needs to provide a firm proposal to show exactly how he plans to staff the facility, with a firmer proposal as far as exact funding costs.

Even if further study shows a facility will cost more than tax will provide in order to operate a juvenile facility, the Chairman's opinion was that in itself did not relieve the County of the responsibility to hold public meetings on this issue.

Board Consensus:

- request the deputy prosecuting attorney draft an authorizing proposition, to be brought back before the Board to schedule public meetings to receive public input;

- pursue information in terms of utilizing correction officers for both adult and juvenile detention facilities;
- have the Sheriff provide a very specific proposal using current data and closer identifying costs, specifically an operational budget
- verify that the 1/10th of 1% the County will receive from the tax covers the County and Cities.

INTERGOVERNMENTAL AGREEMENT #EM997062, ENHANCED 911

Having received approval by Risk Management and Deputy Prosecuting Attorney, the Board by unanimous motion approved and signed Intergovernmental Agreement #EM997062 between Island County and Washington State Military Department in the amount of \$1,654,373 to be used solely for expenses necessary to implement E911 County-wide.

Bond Release - USA #448/96, Richard Francisco - Restoration of wetlands prior to Final Approval of SHP 088/96, \$1,000

Erika K. W. Jensen, Associate Planner, presented for approval a resolution releasing bond guaranteeing completion of work in USA #448/96, Francisco, Island County, Washington. Ms. Jensen confirmed that the Department inspected restoration work and said work found to comply with the County standards. Staff recommends release of bond.

By unanimous motion, the Board approved Resolution #PLG-16-97 in the matter of release of the bond guaranteeing completion of work in USA 448/96, Francisco, Island County, Washington.

STATE OF WASHINGTON

COUNTY OF ISLAND

IN THE MATTER OF RELEASE OF)

THE BOND GUARANTEEING COM-)

PLETION OF WORK IN USA 448/96,) RESOLUTION PLG-016-97

FRANCISCO. ISLAND COUNTY,)

WASHINGTON)

_____)

WHEREAS, the completion of work in USA 448/96 been completed to County standards as of today's date of October 13, 1997 ; and

WHEREAS, the following described work: Excavation of a channel through existing berm to be excavated below ordinary high water with approximately 155 cubic yards of excavated fill disposed of in upland portions of the property has been completed; and

WHEREAS, to assure the completion of the restoration work above described, the developer/applicant furnished Island County with a Bond Agreement in the amount of (\$1,000.00) One Thousand and no/100 Dollars; and

WHEREAS, said work has now been inspected and found to comply with the County standards and conditions; **NOW, THEREFORE**,

IT IS HEREBY RESOLVED that the bond guaranteeing completion of said work in be released this date.

DATED this 13th day of October, 1997.

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

Mike Shelton, Chairman

Mac McDowell, Member

Tom Shaughnessy, Member

ATTEST: MARGARET ROSENKRANZ,

County Auditor & Ex-Officio Clerk of the Board

PERSONNEL ACTION AUTHORIZATION

Dick Toft, Human Resources Director, presented PAA #101/97 for the Board's consideration, a replacement action, Corrections Officer Position #4015.15, effective this date. By unanimous motion the Board approved PAA #101/97 as presented.

EXECUTIVE SESSION

The Board met in Executive Session beginning at 11:30 a.m., to discuss with legal council, pending litigation. The Executive Session lasted approximately 1/2 hour and no announcement was made.

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

adjourned at Noon, the Board to meet this afternoon in Budget Workshop Session

at 1:30 p.m. The next regular meeting of the Board will be held on October 20

1997, beginning at 9:30 a.m.

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

Mike Shelton, Chairman

Wm. L. McDowell, Member

Tom Shaughnessy, Member

Attest:

Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board