

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING**

**REGULAR SESSION - NOVEMBER 17, 1997**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 17, 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, Adm. Asst. To the Board.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #14735 - #14888 ..... \$ 317,968.50.

[One voucher pulled, #9741257, to be reviewed and considered next week].

Hearing Held: Ordinance #C-60-97 Establishment of Clerk of the Board as Employee of the Board Rather than County Auditor and Streamlining Claim for Damages Procedure

A Public Hearing was held as advertised at 9:45 a.m. to consider Ordinance #C-60-97, Establishment of Clerk of the Board as Employee of the Board rather than County Auditor and Streamlining Claim for Damages Procedure. The proposal provides that the Clerk of the Board no longer be the elected Auditor, rather a person appointed by the Board [Margaret Rosenkranz once the election is certified and new Auditor on board, and she takes over as Budget Director]; and that the Claim for Damages process in Island County Code 2.32 be changed to streamline the process and provide that claims go directly to Risk Management.

Betty Kemp, Risk Manager, agreed with the change and verified her employees would be familiar with what is required in accepting claims in terms of steps to follow and time frame, etc.

Mrs. Rosenkranz explained the revisions a little further. She noted too that an earlier proposal had included on page 3 "list of vendors" but on further reflection, believed that function should stay with the County Auditor, and the Auditor-elect concurred with that.

Chairman Shelton agreed the List of Vendors function stay with the County Auditor, his opinion being that the Board has hired Mrs. Rosenkranz as Budget Director and Clerk of the Board and did not want those responsibilities as the Clerk of the Board to become so great that she would spend more time on that function than as Budget Director. He agreed with relieving the revision to relieve the responsibility of the Clerk of the Board from 2.30A.020; 060. A & C.

No comments were made by members of the public at this time, either for or against the proposed Ordinance.

By unanimous motion, the Board adopted Ordinance #C-60-97 with revised Exhibit as described by Mrs. Rosenkranz.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY WASHINGTON**

**ESTABLISHMENT OF CLERK OF THE )**

**BOARD AS EMPLOYEE OF THE BOARD ) ORDINANCE NO. C-60-97  
RATHER THAN COUNTY AUDITOR AND )  
STREAMLINING CLAIM FOR DAMAGES )  
PROCEDURE )**

*WHEREAS*, RCW 36.32.110 provides that the County Auditor will act as the Clerk of the Board of County Commissioners unless the Board designates one of its own employees as clerk; and

*WHEREAS*, the Board is re-establishing a position of County Budget Director to be an appointed employee of the Board; and

*WHEREAS*, to promote efficiency, the County Budget Director should also be the Clerk of the Board, rather than the County Auditor being the Clerk of the Board; and

*WHEREAS*, Island County Code provisions relating to the County Auditor and Clerk of the Board need to be modified to carry out this change; and

*WHEREAS*, the Island County Claims for Damages process contained in Island County Code 2.32 involving the Clerk of the Board, County Auditor, and County Risk Manager should be changed to streamline the process and change the claim form to correspond with the information required by RCW 4.96.020; **NOW, THEREFORE,**

*IT IS HEREBY ORDAINED* that the Island County Code sections and the resolutions and/or ordinances upon which they are based are amended and supplemented as set forth on Exhibit "A" attached hereto. To more easily review the changes, material lined through is being deleted and material underlined is being added.

**REVIEWED** this 3<sup>rd</sup> day of November, 1997, and set for public hearing on the 17<sup>th</sup> day of November, 1997 at 9:45 a.m.

BOARD OF COUNTY  
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

**Exhibit "A"**

## Chapter 1.04 - Official County Code

### 1.04.060 New Resolutions and Ordinances to be Forwarded to Prosecuting Attorney

The ~~county auditor~~ clerk of the board shall forward a copy of all ordinances and resolutions passed by the Board of County Commissioners to the prosecuting attorney.

## Chapter 2.08A - Board of County Commissioner Meetings

### 2.08A.050 Clerk of the Board

Pursuant to RCW 36.32.110, the board designates one of its employees, rather than the county auditor, to serve as clerk of the board, attend its meetings and prepare a record of its proceedings.

### 2.08A.050-060 Record of Proceedings

A record of proceedings of the board at regular and special meetings shall be kept as provided by law. ~~The county auditor or his deputy shall make the report of proceedings for all regular meetings of the board which occur on the first four (4) Mondays of each month and such other regular or special meetings when requested to do so. The record of proceedings for all other meetings shall be kept by an employee of the Board of County Commissioners who is designated for that purpose. The clerk of the board shall make the record of proceedings for all meetings of the board. The record of proceedings for all regular meetings of the board which occur on the first four (4) Mondays of each month and such special meetings designated by the board shall be kept in the office of the county auditor. The record of proceedings of all other regular meetings and other special meetings shall be kept in the office of the board.~~

### 2.08A.060 070 Resolutions--Consideration at Subsequent Meeting--Exception

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### 2.08A.070 080 Effective Date

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### 2.08A.080 090 Severability

...

## Chapter 2.30A - Purchases, Leases, and Public Works Contracts. . .

### **2.30A.060 List of Vendors and Small Works Roster--Alternative to Advertisement and Formal Competitive Bidding--Posting of Purchase/Contract List**

The Island County Auditor, ~~in his capacity as clerk of the Board of County Commissioners~~ shall establish a list of vendors and the Island County Public Works Director shall establish a small works roster under the procedure described below:

- A. **List of Vendors.** The auditor shall annually prepare a roster of vendors by publishing in the newspapers of general circulation, published in Island County and the Stanwood/Camano News, a notice of the existence of vendor lists and solicit the names of vendors for the lists. The auditor shall then prepare vendor lists for the purchase of different categories of anticipated needs of materials, equipment, supplies, and services from those who have requested to be on the vendor list. The vendor roster may be updated and supplemented more often than annually by the auditor upon request of a vendor to be placed on the list. Upon request of any county department, the auditor shall furnish that department with the appropriate vendor list so that the alternative informal bidding procedure can be followed.

### Chapter 2.32 - Damage Claims Procedures

#### 2.32.010 Claim for Damages Form, Availability

The county risk manager; and the county engineer, ~~and the clerk of the Board of County Commissioners (county auditor)~~ shall keep on hand in their departments a standard claim for damages form and shall supply a copy to any person upon request. The claim for damages form shall be in the following form:

#### CLAIM FOR DAMAGES

WARNING: Island County provides this claim for damages form as an accommodation to the claimant. No representation as to its legal sufficiency is made. Responsibility for complying with all requirements of law regarding claims rests with the claimant. No county employee is authorized to assist you in completing this form or to review it for sufficiency. Island County expressly disclaims responsibility for any such advice or review. This claim must be filed with the ~~clerk of the Board of Commissioners (county auditor)~~, Island County Risk Manager, P.O. Box 5000, Coupeville, WA 98239.

(Attach additional sheets and note the item number if more space is needed.)

TO: The Board of County Commissioners of Island County, Washington.

PLEASE TAKE NOTICE that in accordance with chapter 36.45 and chapter 4.96 of the Revised Code of Washington, I, \_\_\_\_\_ (PRINT NAME OF CLAIMANT)

hereby present you with my claim for damages against the County of Island, State of Washington, with the information required to be given by RCW ~~36.45.020, 4.96.020~~, as follows:

1. That the injury for which I claim damages against the County of Island, State of Washington, occurred on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ .m.

2. That the place of injury or damage was:  
\_\_\_\_\_.

3. That the location and description of the ~~defect which caused the injury are:~~ conduct and circumstances which brought about the injury or damage was:  
\_\_\_\_\_.

4. That the names of all persons involved in bringing about the injury or damage are:  
\_\_\_\_\_.

~~4.~~ 5. That the injury or damage is described as follows:  
\_\_\_\_\_  
\_\_\_\_\_.

~~5.~~ 6. That the amount of damages claimed is as follows: \_\_\_\_\_, and billing, invoice, or two estimates of repair cost are attached to this claim.

~~6.~~ 7. That I [ ] do, [ ] do not have insurance to cover the injury (if applicable), that I have received or expect to receive \$\_\_\_\_\_ from my insurance company.

~~7.~~ 8. That the actual residence and phone number of the claimant at the time of presenting and filing

this claim is: \_\_\_\_\_  
\_\_\_\_\_.

8: 9. That the actual residence of the claimant for a period of six (6) months immediately prior to the time that this claim ~~occurred~~ arose was:  
\_\_\_\_\_  
\_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

CLAIMANT'S SIGNATURE

STATE OF WASHINGTON )

) ss.

COUNTY OF ISLAND )

\_\_\_\_\_, being first duly sworn, on oath, deposes and says: That I am the claimant herein, and that I have read the foregoing claim for damages, know the contents thereof, and believe the same to be true.  
\_\_\_\_\_

CLAIMANT'S SIGNATURE

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

NOTARY PUBLIC in and for the State of Washington,  
residing at \_\_\_\_\_

Filed with the clerk of the Board of County Commissioners (~~county auditor~~) county risk manager of Island County this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

ATTEST: \_\_\_\_\_

~~Island County Auditor and Ex Officio Clerk of the Board  
of County Commissioners~~

Island County Risk Manager

**2.32.020 Prohibition**

No employee of Island County shall assist a claimant in preparing a claim for damages or review the same for legal sufficiency when completed; **provided** that notarizing the signature of the

claimant shall not be deemed assistance or review.

**2.32.0030 Receipt and Referral of Claim**

The clerk of the Board of County Commissioners county risk manager shall receive and file all damage claims. The clerk shall submit all damage claims on file to the county risk manager for investigation and recommendation, and the The risk manager shall furnish a copy of the claim to the head of the department allegedly responsible. When appropriate, the risk manager shall also submit the claim to an insurer.

### **2.32.040 Investigation**

The county risk manager shall investigate the claim, obtain a written report from each employee who may have knowledge of the events allegedly causing the damage, and may retain outside professional claims service assistance, when necessary.

### **2.32.050 Approval or Rejection**

**A. Approval of Claims for \$750 or less--County Risk Manager.** If following investigation of a claim and a determination that the claim or a portion thereof should be approved for a total sum of \$750 or less, the county risk manager shall, upon receipt of a properly executed release, have authority to approve payment of the claim without referral to the Board of County Commissioners. In such case the risk manager shall notify the claimant as well as the clerk of the board.

**B. Denial of Claims and Approval of Claims over \$750--Board of County Commissioners.** If, following investigation of a claim and either a determination that the claim should be rejected or that a claim in excess of \$750 should be approved, the county risk manager shall submit to the Board of County Commissioners a written report with a copy to the head of the department allegedly responsible. The report shall contain the risk manager's findings, including a recommendation for approval or rejection of the claim and the report shall be submitted to the Board within 30 days of the filing of the claim. The Board shall approve the claim in whole or part, subject to receipt of a properly executed release, or shall deny the claim.

### **2.32.060 Notification**

~~The clerk of the Board of County Commissioners~~ county risk manager shall notify the claimant of the approval or rejection of all claims decided by the Board. Notice of rejection shall be by certified mail with return receipt requested.

### **2.32.070 Payment of Approved Claim**

The county auditor shall prepare a warrant payable to the claimant for the amount of any claim approved and transmit the same to the claimant.

### **2.32.080 Time for Filing Claim**

All claims for damages against Island County, or any Island County officer or employee, must be filed with the ~~clerk of the Board of County Commissioners~~ Island County Risk Manager within the period specified in the appropriate statute of limitations.

### **2.32.090 Time for Commencement of Lawsuit**

No lawsuit or other action shall be commenced against Island County or any Island County officer or employee for damages until sixty (60) days have elapsed after the claim for damages is presented to and filed with the ~~clerk of the Board of County Commissioners~~ Island County Risk Manager. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty (60) day period.

### **2.32.100 Severability**

If any provision of this chapter, or its application to any person or legal entity or circumstances is held invalid, the

remainder of this chapter, or the application of the provision to other persons or legal entities or circumstances shall not be affected.

**Chapter 16.18A - Historic Preservation Districts**

**16.18A.010 Historic Preservation Districts Establishment**

The Board of County Commissioners is hereby empowered pursuant to RCW 36.70, after petition and public hearing, to create one or several "Historic Preservation Districts" for the County of Island. The establishment of such a district shall be by the adoption of a map depicting the boundaries of the district, the location of buildings and sites of significant historic value, and bearing the following inscription:

The \_\_\_\_\_ Historic Preservation District is hereby established, in conformity with and subject to all requirements of Island County Ordinance P-38-72, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

Attest: \_\_\_\_\_ Chairman

\_\_\_\_\_  
~~Island County Auditor and~~ Commissioner

~~Ex Officio Clerk of the Board~~ \_\_\_\_\_

Clerk of the Board Commissioner

County Code Reviser

Hiring requests and Personnel Actions

As presented by Dick Toft, Human Resources Director, the Board by unanimous motion approved Personnel Action Authorization #117/97, Extension Office, Noxious Weed Supervisor (Position #1208.00), increase in hours from 20 to 28 hours per week,

temporary for the remainder of 199, PAA effective this date.

Claim for Damages 97-052: Christine Goodwin

Based on request of Betty Kemp, Director, GSA/Risk Management, the Board by unanimous motion, continued consideration of Claim for Damages #97-052 by Christine Goodwin, until next Monday, the Claimant having requested the opportunity to bring in additional information.

REAPPOINTMENT OF COUNTY ELECTED OFFICIALS

TO ISLAND TRANSIT BOARD OF DIRECTORS

The Board was reminded by letter dated November 3, 1997, from Martha M. Rose, Island Transit Executive Director, elected officials, Commissioners McDowell and Shaughnessy, currently representing Island County on the Island Transit Board of Directors, had terms expiring beginning January 1998. She asked for a letter of confirmation of appointments by December 15th. By unanimous motion, the Board reappointed Commissioners Tom Shaughnessy and Wm. L. McDowell to the Island Transit Board of Directors effective 1/1/98.

Resolution #C-69-97 In The Matter of Revision to Exhibit  
A, C-61-93, Establishing Copy Fee Accounts in the Island  
County Health Department

By unanimous motion, the Board adopted Resolution #C-69-97, as discussed previously with the Health Services Director in Staff Session, revising Exhibit A to Resolution #C-61-93, copy fee accounts in the Island County Health Department, pertaining to an agreement with an individual for firm for the purpose of establishing a copy credit account with the Health Department.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF REVISING EXHIBIT A )  
OF C-61-93, ESTABLISHING COPY FEE )  
ACCOUNTS IN THE ISLAND COUNTY ) RESOLUTION C- 69 -97  
HEALTH DEPARTMENT \_\_\_\_\_)

WHEREAS, it has been requested that the Board of County Commissioners establish copy fee credit accounts for firms that request such accounts; and

WHEREAS, the Board of County Commissioners desires to accommodate business interests as much as possible while maintaining the primary focus of providing for the general public interest; NOW THEREFORE

BE IT HEREBY RESOLVED that the Island County Health Department is hereby allowed to enter into agreements establishing copy fee credit accounts, in accordance with the agreement format attached as Revised Exhibit A.

ADOPTED this 17TH day of November , 1997.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

ATTEST:

Mike Shelton, Chairman

Margaret Rosenkranz, Auditor William L. McDowell, Member

Ex-Officio Clerk of the Board Tom Shaughnessy, Member

EXHIBIT A

REVISED

The agreement is entered into for the purpose of establishing a credit account for copy fees between \_\_\_\_\_, hereinafter referred to as the account holder and the Island County Health Department, hereinafter referred to as the Health Department.

The agreement must be signed by the account holder's Chief Executive Officer, Real Estate Broker, or Owner and the Health Department's Health Services Director or designee in order to be effective.

The attached list of individuals has been authorized by the account holder to use the credit account. The account holder's Chief Executive Officer, Real Estate Broker or Owner, may change this list by notifying the Health Department in writing.

At the end of each calendar month, the Health Department will bill the account holder for copy costs incurred by those designated individuals. The billing will be itemized and include a \$30.00 monthly account fee in addition to all copy fees assigned to the account. For example, if ten (10) copies are requested, the total billing will be applicable copy fees established by the Board of County Commissioners plus \$30.00 for account fee. If this agreement is not used during a calendar month, no fee will be assessed and no billing will be made.

The account holder will assure full payment within 15 days of receipt of the monthly billing. Questions about appropriateness of billing will not be cause for non-payment within the fifteen days. Failure to comply with the fifteen-day payment requirement will automatically terminate the agreement. There will be no second billing.

\_\_\_\_\_ Island County Health Department

Account Holder/Firm Name

\_\_\_\_\_ Tim L. McDonald

Name & Title of Signatory Health Services Director

Signature \_\_\_\_\_

Date \_\_\_\_\_

HEARING SCHEDULED FOR DECEMBER 15TH: Resolution C-70-97 - Supple- Mental Appropriation to the 1997 Island County Current Expense Fund budget and the Public Health Pooling Fund Budget

As prepared and presented by Mrs. Rosenkranz, along with a quick review of the proposal, the Board by unanimous motion, scheduled a public hearing for December 15, 1997 at 9:45 a.m. to consider Resolution #C-70-97 in the matter of declaring a supplemental appropriation to the 1997 Island County Current Expense Fund Juvenile Court Services grants, Prosecuting Attorney, Sheriff and Weed Control Grants budges; and the 1997 Public Health Pooling Fund Budget.

HEARING SCHEDULED FOR DECEMBER 8: RESOLUTION #C-71-97 -  
Emergency Appropriation to various 1997 Island  
County Fund Budgets

A Public Hearing for December 8, 1997 at 9:50 a.m. was set by unanimous motion of the Board for the purpose of considering Resolution #C-71-97, an emergency appropriation in the 1997 Island County Current Expense Fund, Motor Pool Fund, Drug Fund, Alcohol & Substance Abuse Fund, Public Health Pooling Fund

and Diking Improvement District 4 Fund Budgets.

AMENDMENT #2: Christensen Building Lease Agreement; adds new section "Shared Spaces" and amends "Contract Amount"

Larry Kwarsick, Director, Public Works Department, presented Amendment #2 to the existing lease agreement for the Christensen Building. This would add a new section dealing with "shared spaces" and amending contract amount. Some of the additional space that was

available in the Main Street Market has been remodeled, a portion of which will be used by EDC and another by a dentist. The portion used by the dentist will be self-contained and not use any of the common areas [rest room or break rooms] while the EDC will be using only the rest room facilities part of the original construction. Amendment #2 recognizes the square footage of the restrooms will be shared by EDC and adjusts lease amount downward by \$72.25/month and that Christensens to pay the County \$40 a quarter for water and sewer, and maintenance of the rest room facility. Mr. Kwarsick stated that the only shared spaces to pro-rate would be the rest rooms and the break room. The dentist is not using the rest room or break room facilities.

Commissioner McDowell questioned provisions of the original lease which he thought specified that when the office next door was leased that would be pro-rated entirely and not just the rest rooms [whether used or not]. He wanted an opportunity to review the original lease before acting on this amendment to determine if in fact the lease stipulated pro-rated "based on usage".

Mr. Kwarsick read from the existing lease agreement: "rental payment for building space and associated parking is to be based on building space alone and shall be \$0.75 cents per square foot of building space per month for space used, only by lessee, and \$0.75 cents per square foot of building space for shared space" and ..."at the time the remaining unoccupied portion of the Main Street Market space is leased to other non-county parties, the cost of the lessee of the shared space will be renegotiated by the parties". There is no definition of shared space.

By unanimous motion, the Board approved Amendment #2 to the Christensen Building Lease Agreement to add a new section "Shared Spaces" and amending contract amount.

RAP PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL –

Bayview Road 3:

Lew Legat, Assistant County Engineer, explained that when the County originally applied for RAP funds for Bayview Road, \$500,000 was requested, but received \$425,850. Since that time additional funds has become available in the RAP program

and funds are available to Island County in the total amount of \$476,051. By unanimous motion, the Board approved and signed RAP Project Agreement for Construction Proposal for Bayview Road-3, increasing RATA funds from \$425,850 to \$476,051.

WATERSHED MANAGEMENT GRANTS PROGRAM APPLICATION

Watershed Management Grants Program application with Department of Ecology was presented, representing a total project cost of \$92,500 (\$50,000 requested from DOE, \$17,500 CCWF Funds, \$25,000 cash). Mr. Kwarsick described this in essence as an allocation of money the County will receive, part of a program being developed in the state to assist in watershed management planning but also in implementation, specifically looking downstream with respect to issues related to stream enhancement and removal of fish barriers. A portion relates to work that Joye Emmens, Environmental Health Director, Island

County Health Department, has been doing because in part it is a pulling together of some of the water resource related committees and some work Doug Kelly has been doing in terms of stream gauges and data collection. Unfortunately, there is a fast turn-around time for application, which is due Thursday.

Janet Kearsley, Water Project Manager, explained that the funds come through allocation of the Washington State Legislation, SSHB 2054, an effort to bring more money to local jurisdictions for watershed planning. Pulling water resource committees together is encouraged in order to have one committee to oversee the water resources, and part of the proposal is to hire a facilitator for that process. Ms. Kearsley has talked with Doug Kelly about is that fish bearing stream information is needed associated with replacing culverts during restoration work to find out flows and velocities in the streams. In connection with removal of fish bearing passage blockages, restoration is needed to improve the habitat; areas that need to be restored need to be identified before the process begins. The grant could be rewritten to do other elements of the planning portion, but could not be used for implementation; there will be future pots of money for implementation.

Commissioner Shaughnessy thought in pulling the different committees together that coordination could come from current staff i.e. Janet Kearsley and Julie Buktenica and not hire additional staff. But Mr. Kwarsick advised that Ms. Buktenica was to move on to project implementation, and Ms. Kearsley working with the South and Central Whidbey watershed committees. Recommendation from staff is that the grant funds be used, about 1/3 dedicated for an employee, and the other 2/3 towards creek-stream invent-ories and installation of stream gauges.

The Board agreed to go ahead with the grant application in that the application did not specifically state that an employee would be hired, and in staff session, this matter be discussed further, the Board not convinced that hiring another employee was the Direction to go. Commissioner Shaughnessy stated his intention was not to hire a new person.

By unanimous motion, the Board agreed to apply for the Watershed Management Grant through DOE in the amount of \$50,000, and the Board to work with Mr. Kwarsick on the actual details/scope of work at a Staff Session relative to the coordination.

#### AMENDMENT #10 TO MCCONNELL/BURKE AGREEMENT

Keith Dearborn, Bogle & Gates, Island County's special land use counsel, reviewed and suggested modifications to the original proposal developed by the Consultant, McConnell/Burke, Inc. Modifications are being recommended because of the County's contract with Mr. Dearborn's firm. This amendment pares back the work on development regulations to very small areas of work. The last page reflects a reorganization of the work to conform to the GMA Compliance Schedule adopted by the Board. The total amount of the contract before Mr. Dearborn's review was proposed for approximately \$160,000, now reduced based on the work committed for Mr. Dearborn to do, down to around \$100,000.

The essential change from the work proposed to expand their contract prior to execution of the contract with Bogle and Gates, is in the development regulations category. The other change is that rather than moving immediately to a revised draft plan, they have built in support for the workshop portion and are going to be effectively doing their portion of the drat plan work incrementally, going through the workshops. One other change made was that all of the printing was taken out of the amendment as well. McConnell/Burke has reviewed the schedule adopted and will meet all of the schedule dates.

The only reason for any additional amendment Mr. Dearborn could foresee was if more critical area work is needed. McConnell/Burke will be responsible for a draft plan delivered camera ready; a final plan ready for final adoption; supplemental and environmental documents; and the public review documents. Intent is to have a simplified picture and diagram comp plan in short form [executive summary] along with that type document for the development regulations, with broad circulation [i.e. as newspaper inserts] and the other documents for public review. Under sub-contract arrangement with McConnell/Burke, Judy Stoloff, a housing consultant, will be doing the housing element of the comp plan and an update to the housing needs assessment. Sonya Wind, a writer, will do the public review simplified versions of the comp plan and development regulations.

Another element that might involve Jones and Stokes Associates, is that currently there is a shoreline master program contract with a \$30,000 grant from DOE, and there are discussions now with DOE about how to integrate that into this effort. At this point DOE has been asked the question on staff assignments from them and DOE indicated they would assign Mr. Scoglund from their headquarters office to be the lead staff person on the State Team that will be working with Island County.

Mr. Dearborn will be talking with Larry Kwarsick about the natural areas contract to be proposed. There are three elements from that contract that will ultimately be components of the Comp Plan to comply with the GMA. At the moment, the only matter that would come to the Board as a potential additional contract amendment, absent unforeseen events, is in the critical areas category.

By unanimous motion, the Board approved Amendment #10 to the McConnell/Burke, Inc., Agreement for Professional Services, in the amount of \$104,195.00.

### Financial Reports

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

Maxine Sauter, Island County Treasurer, summarized from her November 14, 1997 memorandum to the Board transmitting the Current Expense Reports - period ending October 31, 1997, noting revenues appear to be pretty much on target [and better]. Property tax collections for October 31 are not totally included in the figure, but will be shown in the November report, \$671,000 as of October 31 deposited. The Treasurer's Investments total \$78,466,000 as of November 12, invested with banks, most CD type investments.

#### ***Auditor Monthly Review of Revenues and Expenditures***

Margaret Rosenkranz, Auditor, reported that for the month of October, everything looked well budget wise. Budgeted revenues are a little lower than last year at this time, but expenditures are also lower than they were at this time last year, relatively speaking - at 87.3% of the appropriated budget having been spent this time last year compared to 81.9% this year.

### APPEAL #418/97: DECISION FINDINGS OF FACT AND CONCLUSIONS OF LAW

#### FILE #APP 418/97 - IN THE MATTER OF AN APPEAL OF THE ISLAND COUNTY HEARING EXAMINER'S DECISION IN SPR 021/96, ACCRUE, INC.

Appeal Hearing: October 20, 1997; Commissioners Decision: November 3

As stated at the close of the public hearing held on October 20, 1997, Appeal #418/97, the Board's decision was announced at public meeting on November 3rd, based on testimony during the hearing, transcripts of previous hearings and applicable laws, and included the vote of individual commissioners with a brief statement as to the basis for the decision. At that time the Chairman of the Board indicated that the Planning Director would prepare Findings of Fact and Conclusions of Law for signature by the Board of County

Commissioners, with copy provided to the appellant by the Planning Department. Debra Little, Development Services Manager, Island County Planning Department, presented for the Board's approval/signature said Findings and Conclusions.

Commissioner Shaughnessy moved that the Board adopt the Appeal Decision, Findings of Fact and Conclusions of Law for File No. App #418/97 in the matter of an appeal of the Island County Hearing Examiner's decision in SPR 021/96, ACCRUE, Inc. Motion was seconded by Commissioner Shelton, and carried by majority vote, Commissioner McDowell voted in opposition as was his statement on November 3.

Commissioner McDowell agreed that the appeal be denied, but did not agree with additional restrictions.

***[Secretary's Note: Refer to Minutes 12/1/97 - a corrected version adopted]***

### Executive Sessions

The Board met in Executive Session at 11:15 a.m., as allowed under the provisions of RCW 42.30.110(1)c to discuss the price at which real estate will be offered for sale or lease. The Executive Session lasted approximately 15 minutes and there was no announcement made on completion of the session.

The Board met at 11:30 a.m. in Executive Session with legal counsel, under provisions of RCW 42.30.110(1)(i), to discuss I pending and/or potential litigation. The session lasted approximately one-half hour and no announcement was made on completion of the session.

There being no further business to come before the Board at this time,

the Chairman adjourned the meeting at Noon. The next Regular

meeting is scheduled for November 24, 1997, beginning at 1:30 p.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

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Tom Shaughnessy, Member

Attest:

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Margaret Rosenkranz, County Auditor

& Ex-Officio Clerk of the Board