

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - FEBRUARY 1, 1999

The Board of Island County Commissioners met in Regular Session on February 1, 1999 beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member, present. Minutes from previous meetings were approved as follows:

1998: By majority vote, the Board approved and signed minutes from the meetings of December 14, 21, and 28, 1998; Commissioner Thorn abstained since he was not a Commissioner during 1998.

1999: The Board, by unanimous motion, approved and signed minutes from the meetings of January 4 and 11, 1999.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher (War.) # 43332-43534..... \$169,463.12.**

Human Resources Hiring Requests & Personnel Actions

As reviewed and discussed with Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following personnel action authorizations:

Department PAA # Description/Action New Hire Date

Treasurer 010/99 Dep. Treas. #2102.00 Replacement 2/19/99

Public Works 011/99 Sr. Per. Coord #1601.02 Replacement 3/17/99

Assessor 012/99 Chief Appr. #102.00 Retirement 6/3/99

SOUTH WHIDBEY FAMILY RESOURCE CENTER LEASE AGREEMENTS

Lee McFarland, Assistant Director, GSA/Property Management, appeared before the Board with a recommendation to approve three lease agreements associated with the South Whidbey Family Resource Center: Contract #RM-GSA-98-0070-A, Island Mental Health; (2) Contract #RM-GSA-98-0070-B, Island County Health Department; and (3) Contract #RM-GSA-98-0070-C, The Recovery Center. These lease agreements all provide that no rent will be charged, but that tenants pay a pro-rated amount for long and short term maintenance costs, replacement costs, management services, utilities and janitorial services based on square foot usage, similar to lease agreements executed for the North Whidbey Family Resource Center.

By unanimous motion, the Board authorized approval and their signatures on Contract #RM-GSA-98-0070-C, The Recovery Center, with the requirement to provide copies of insurance binder as called for, once the original signed contract has been received due to arrive in the mail shortly. Further, by unanimous motion, on Contract #RM-GSA-98-0070-A, Island Mental Health and Contract #RM-GSA-98-0070-B, Island County Health Department, with the same stipulation regarding insurance.

Public Input or Comments

John Graham, representing Citizens for Sensible Development, welcomed Commissioner Bill Thorn and mentioned the recent article in the South Whidbey Record on Marla Shelton about the contribution she makes to the South Whidbey community. Mr. Graham runs a non-profit organization that looks for local heroes and this he said was perfect. In addition, Mr. Graham brought up two other topics: the Coalition's GMA appeal, and four amendments proposed by CSD last week.

Concerning the Coalition's appeal, he had heard from a number of people in the Republican party that the Coalition acted in bad faith in making its appeal; and one prominent Republican said the Coalition had double crossed the County. In response, Mr. Graham reminded that from the very beginning the Coalition stated its purpose was to make sure the County has a legal Comprehensive Plan that obeyed the Growth Management Act. The Coalition's September 18th letter to the Board clearly spells out significant issues of legal ramifications and the kinds of issues the Coalition would appeal. He verified it was true that in the final version of the Coalition's appeal there was one major issue not contained in the Coalition's comments, that being commercial uses in rural areas. The other issue was the farm forest plans, an issue negotiated until the eleventh hour, and failed to reach a compromise so that issue is included in the appeal. While true the Coalition was provided full participation and negotiation last summer and fall, it was not realistic to think the Coalition would have stopped short of trying to get all of their issues addressed.

The Coalition started a year ago with a "citizens comprehensive plan. The next time the Coalition came before the Board, there were around 78 pages, and by mid-summer issues down to 38 pages. He suggested the Coalition's letter to the Commissioners, if one had been submitted last November, would have only been 7 pages, showing that an enormous amount of negotiation had taken place. And, if the Board had accepted the Planning Commission draft,

the Coalition's issues would have looked like the "Everett Phone Book". Members of the Coalition did not put in hundreds of hours just to make trouble for the Commissioners or the County, rather were a group of concerned citizens working very hard for very clearly defined goals perceived as the common good of the County.

Addressing the suggestion about the fee charged for submitting amendments, Mr. Graham suggested separating two kinds; those that are site specific and those that are not. Those that are site specific and would result in a benefit to the person proposing the amendment should require a substantial fee because of all the ramifications that are required. An

individual wanting to change the comprehensive plan should not be charged a fee in that would mean wealthy people can appeal easier than people who are not. Mr. Graham proposed a petition method as a reasonable way for those proposing generalized changes, requiring 50 to 100 signatures before even approaching the Planning Director. In terms of CSD's four issues, he did not know what the Commissioners could do other than to accept them because it is a little too late after the deadline to make a final decision and there had been no published fee schedule.

The first amendment proposed by CSD is to set up a study commission to look at impact fees, looking into: is it legal, is there a need, what would impact fees look like, who would pay, what are the economics – take a good reasoned objective look at impact fees.

CSD suggests an amendment relating to enforcement. Hearings on the enforcement issue were all based on a draft submitted by the Planning Commission drawn up by the Planning staff and citizens participation was on that draft. At the eleventh hour a series of 5 or 6 amendments were offered which in his view makes it much easier to evade the law, and harder for the County to enforce the law. He fully acknowledged the Board's motive was not to place an undue burden on an individual property owner who might be naive or not know, but there are a number of scofflaws in the County and this opens the door for them to continue doing what they are doing. Lowering the fine from \$5,000 to \$1,000 makes it a cost of doing business, for example. Setting up an environmental enforcement officer two years' ago was a step in the right direction, but amendments made at the last minute September 29th moved everything back to square one; CSD's amendment would undue those amendments and return the County back to an enforcement policy with teeth, one people could respect and understand, and the law enforced.

The third amendment related to signs and lighting. There were some very good moves made last fall in terms of lighting but the signs and lighting ordinance itself was trapped in the Planning Commission committee, which from the moment created, was stacked in favor of those who wanted more flexibility for signs and with very little participation from anyone that disagreed with that. The amendment would bring back some of the concepts CSD has been arguing on for a year and a half or more in terms of better laws regarding lighting, would repeal the permission for back lit signs and increased height for signs.

The fourth amendment would make the County's language in the Capital Facilities Plan stricter in terms of encouraging Puget Sound Energy to underground its power lines.

Commissioner Thorn commented that in light of the position taken over an extended period of time by the Coalition, he did not see bad faith or lack of integrity on the part of the Coalition in what they intended to do, and believed both sides had negotiated in good faith as much as possible under the circumstances. He thought there some merit in Mr. Graham's suggestion about a petition process versus a dollar fee charged for an amendment application to the Plan. He too had a problem with the man in the street effectively being blocked from the process, and noted that in several places the Growth Management Act stressed maximizing public participation. He has also had the same thought about separating the types of amendment applications, those from an average citizen and more generalized from those that are site specific where the land owner will benefit from the proposal. In the latter case, it made sense to him that there be an appropriate fee applied because of the amount of work that will have to be done by the County. Some fee or some alternative to a fee in any case may be appropriate because the County does have to do the work regardless of what happens when a proposal is brought forward.

Chairman Shelton will obtain a copy of CSD's four amendments from the Planning Director.

Commissioner McDowell commented on the concern about misinterpretation of the good will or lack of good will on the part of CSD, noting that in terms of negotiating, most reasonable people did not expect to get everything they wanted; he certainly did not get everything in the Plan he wanted, and for Mr. Graham to think CSD or the Coalition should, would be unreasonable.

As far as the fee for submitting an application for amendment to the Plan, \$1,200 is within what other various counties and jurisdictions charge and Oak Harbor charges \$1,000 for this type of application. There is a lot of work and probably more associated with a generalized code change to the Plan than for a site specific change. He did not think \$1200 would not even begin to cover all the work that would be involved in any kind of application. Fees are charged to help defray the cost of doing the work. On almost everything the County does, there are fees for the purpose of defraying the cost of the work.

The comment that enforcement had been lessened because the fine was lowered from \$5,000 to \$1,000, did not take into account that the big enforcement is there, a \$500 per day fine; it is the daily amount that is really where enforcement is.

While Mr. Graham understood the logic of what the Commissioner said about the \$1200 fee, he reiterated that such a large fee meant some people can apply and others could not. In terms of his visceral reactions, he asked, for example, why Planning Commissioner Rose who chaired the Signing Committee was able to put his imprint on county policy for no charge, while Mr. Graham is muzzled when trying to get a change and then charged \$1200. As far as legality, the difference is that the Coalition said all along it would try to make the Comprehensive Plan legal. If the issue of GMA was not involved he would say Commissioner McDowell was right. He realized that he and Commissioner McDowell differ on what that interpretation is, but for the Coalition, issues left are those issues that in their view are still not legal.

Chairman Shelton, speaking for himself and Commissioner McDowell, did not believe that in adoption of the Comprehensive Plan the Board adopted anything they thought was illegal. He recalled that the only comment he had made about the Coalition's appeal was that after all of the work and negotiations, that in looking at the appeal, it would appear as though the Coalition was not happy with anything. He pointed out that the County, out of necessity, based its budget more and more on a user fee type basis. For example, having a property soil logged for purposes of a drainfield, the fee paid by the individual hopefully would equate to what it costs the County to do that. The money the County pays newspapers to advertise changes is a significant part of the budget.

While Mr. Graham argues there should not be a limitation on people because of financial abilities, on the other hand, whether the County should overall delegate more of its limited resources to enable people to do things in this area, he did not know. While he did not

know that he agreed with the figure of \$1200, as Commissioner McDowell indicated it is well within what other jurisdictions have deemed appropriate. He did think it was important that the County attempt to recover some of its costs and he hoped it would be all of the costs in terms of out of pocket costs, and certainly the costs to some degree in

relation to time spent by employees.

Mr. Graham confirmed there was no personal benefit in the four amendments to anyone in CSD or himself. If he were doing something that would result in permission for a bigger drainfield, he agreed he should be charged a fee because he would benefit. He noted that no fee schedule had been published and he was still getting conflicting interpretations of what it might be. He did not believe the County could attach a fee to any of the four CSD amendments because it already past February 1st.

LAW AND JUSTICE COMMITTEE MEMBER APPOINTED

On recommendation of Commissioner Thorn, the Board by unanimous motion, appointed James McKenna, Camano Island, to serve on the Island County Law & Justice Council representing Commissioner District #3 for a two year term, expiring 2/1/01.

Contract #HS-01-99, Mental Health Millage Programs,

Catholic Community Services

The Board reviewed a proposed Contract with Catholic Community Services in the amount of \$13,889.00 representing Mental Health Millage Program monies for the period 1/1/99 through 12/31/99, to provide a .5 FTE Mental Health worker at South Whidbey High School. As pointed out in the comments by the Deputy Prosecuting Attorney, in this case, the Board's approval action would need to include approval to waive competitive solicitation requirements [ICC 2.29.030].

Commissioner McDowell thought that the process of competitive solicitations very good, although he acknowledged that in the case of a \$13,889 contract it perhaps was not worth going through the process, but did think that at some point in time when a contract continues to be renewed with one agency, the County should review the services and performance and this is something in the future the Board may want to look at. Before taking action on this contract, he wanted to be apprised of how many years the contract had been in place.

Commissioner Thorn agreed with the need to monitor contracts, and in this case, noted the very sensitive nature and quality is a very important matter. The Mental Health and Substance Abuse Advisory Board intends to have a detailed review and evaluation process with this agency. It is important there be a process in place that tracks and evaluates the performance of contractors.

Tim McDonald, Health Services Director, confirmed this was the second year for this Contract. Under this contract, Catholic Community Services uses the funds to hire a counselor to do intervention in the South Whidbey School District. Community Mental Health provides this same type of service for Coupeville and Oak Harbor. There is an internal processes in place for the Health Department, with an overall review performed under the umbrella of the Mental Health and Substance Abuse Advisory Committee, using an outside consultant.

By unanimous motion, waived requirements for bids in the instance of Catholic Community Services under Contract #HS-01-99, and approve Contract #HS-01-99 in the amount of \$13,889, with the statement of work, Exhibit C, to be attached to the Contract.

Contract # HS-08-98, Substance Abuse Prevention,

Central Whidbey Youth Coalition

Regarding Contract #HS-08-98, between Island County and Central Whidbey Youth Coalition,

contract, a "mini-grant" for substance abuse prevention, in the amount \$2,500, for the period 10/1/98 to 6/30/99, the Board by unanimous motion, approved Contract #HS-08-98 with Central Whidbey Youth Coalition as presented.

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 10:45 a.m., to meet in Special Session this afternoon at 3:00 p.m., on Camano Island at Terry's Corner Fire Station, 525E. North Camano Drive, to conduct a hearing on Ordinance#C-175-98, speed limit reduction Good Road; and Ordinance #C-174-98, road name changes.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

Wm. F. Thorn, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board