

## **BOARD OF ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING FEBRUARY 22, 1999 - ROUGH DRAFT ONLY**

The Board of Island County Commissioners met in Regular Session on February 22, 1999, in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., meet in Roundtable Session with Island County Elected Officials at 11:30 a.m.

### **ELECTED OFFICIALS ROUNDTABLE**

#### **Attending:**

Commissioners: Mike Shelton, Wm. L. McDowell; Wm. F. Thorn

Elected Officials: Tom Baenen, Greg Banks, Marilee Black, Maxine Sauter,

Suzanne Sinclair

Others: Margaret Rosenkranz

#### **COMPUTER ISSUES [follow-on from 1/25/99]**

First meeting with the Central Services Director was held on Friday with Auditor, Assessor, Treasurer and Commissioner Thorn. Meeting was very useful, a schematic posted which helped to make it much clearer what the data base was to accomplish, who is plugged into it and why the County is writing its own custom program. Brian Elder indicated two weeks to be ready to move Unisys cash management information into new system, and anticipated having the bugs worked out by the end of March. Will also be moving data entered into the cash management system to the recording system. Even so, Ms. Sinclair pointed out this will catch them up because there is much more information that goes into the process of indexing. At that meeting when asked about who is to maintain the system when up and running, presently county staff was bring trained – the Central Services Director, Diana and Chris, which is of concern inasmuch as Central Services is already over-worked and to take on the additional work is of concern. The question was raised about the County's need to hire a programmer as Skagit County has done and therefore has been able to maintain their own customized system very well. If that is something the County needs, there would seem to be no need to train current staff to fill that need.

Commissioner Thorn pointed out that the three would be trained in the interim to do the work, knowing there will be an evolution of the whole system and management of that system and not enough is known at this point to know what is needed in the future.

Mr. Baenen mentioned five increments to contracts with Tech Services nearing completion: Personal Property System; LID system; Valuation System; Recording System; and Taxation System. However, there is no contract with Tech Services to go beyond that at this point for items yet to be done.

The Treasurer reported a major problem for title companies occurred because with the system change they could not access property tax information to complete property sale transactions. Arrangements have now been made for title companies to have access arranged through Central Services.

**Follow-up:** committee to meet again prior to the fourth Monday in March to revisit assessment and report back at the March 22<sup>nd</sup> Roundtable.

#### **SUB-GROUP BUDGET PROCESS**

Ms. Black reported general consensus that a sub-group budget process sounded like a good idea and proposed that the Board present suggested sub-grouping as a point of discussion. She brought up the suggestion that rather than focusing on an annual budget, to project out for perhaps a 2 year plan.

Commissioner Thorn was aware that state law allows the county to adopt a 2 year budget if desired. He did not have strong feelings about that one way or the other, but saw no reason not to plan 6 years out. It is recognized there would always be refinement to projections but this type planning should eliminate major surprises and becomes a prioritization tool. Chairman agreed that there would be some advantage to doing that. Placement of an item on a budgetary plan shows recognition on the part of the legislative authority with the need. Commissioner McDowell added that every year budgeting process then would look at that year's budget and forecasting on a 6 year plan.

**Follow-On:** Sub-group formed: Suzanne Sinclair, Tom Baenen, Marilee Black and Bill Thorn. Budget Director tasked to lay out a proposed budget program and plan for presentation to be a subject for discussion at the March Roundtable.

**1999 EQUIPMENT PURCHASES**

By memo dated 2/17/99, the Board advised Elected Officials and Appointed Department Heads that office equipment purchases should be reviewed and by 3/19/99 forwarded to the Central Services Director. Need to recognize this year there is little room to go above the \$75,000 budgeted.

Mr. Banks made the observation with regard to computing equipment, that had reached the point in his office where they have a good deal of computer hardware but did not seem to take full advantage of what the tools can do, which in reality computers can do a whole lot more and thought it worth looking into at some point spending some money towards training and implementation.

The suggestion Ms. Sinclair had was that departments analyze needs and the Central Services Director then perhaps can have someone come in and address specific items.

Roundtable adjourned: 12:25 p.m.

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session beginning at 1:30 p.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, Wm. L. McDowell, Member, and Wm. F. Thorn, Member.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

**1998.** By majority vote, the Board approved Minutes from the April 10, 1998 Special Session GMA Workshop; Commissioner Thorn abstained from vote inasmuch as he was not a Commissioner in 1998.

**1999.** By unanimous motion, the Board approved the following Board of County Commissioner minutes:

January 25, 1999 Regular Session

February 1, 1999 Regular Session

February 1, 1999 Special Session [Camano Island]

February 8, 1999 Regular Session

**VOUCHERS AND PAYMENT OF BILLS**

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

**Voucher (War.) # 44661-45048..... \$896,383.68.**

**Veterans Assistance Fund:** [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. By unanimous motion, the Board

accepted the recommendation of the Veterans Assistance Review Committee and denied Claim V99-03.

## **Financial Reports**

### **Treasurer's Report: January 1999 Current Expense Cash Report, County Investment Report And Status**

Since it was only the first month into the year, the Treasurer reported nothing of note or concern at this point. Her written report showed about \$400,000 under the cash balance reported last year this time. There is about \$58 million is invested at this time.

### **Auditor Monthly Review of Revenues and Expenditures, January 1999**

Suzanne Sinclair, Island County Auditor, likewise had nothing significant to report being this early in the year; revenues and expenditures appear to be in line with amounts budgeted, according to her written report.

### **HEARING HELD: Ordinance #C-06-99 Amending Island County Code Subsection 3.22A.040.C, Conservation Futures Program**

A Public Hearing was held, having been scheduled and advertised for this date and time, for the purpose of considering Ordinance #C-06-99 Amending Island County Code Subsection 3.22A.040.C, Conservation Futures Program.

Lee McFarland, Assistant Director, GSA, summarized the ordinance which proposes to change Island County Code. The particular section of the Code now provides that no C.A.B. member may serve more than two consecutive full terms. The revision is being proposed so that Conservation Futures Program Citizen's Advisory Board members may serve more than two consecutive full terms only on concurrence of a majority of the C.A.B. members and a majority of the Board of County Commissioners.

At the time the Chairman called for comments from the audience, no one stepped forward to speak either for or against the proposed Ordinance.

Commissioner McDowell recalled that when this Code was enacted the provision was included with the thought being a term time limit would allow more opportunity for citizens to be involved; this is an important board and he was not sure what had changed between then and now. He would much rather see some term limit.

Commissioner Thorn agreed with the initial thought in an ideal world, but pointed out difficulties in finding volunteers to serve on the various committees, and in this case, knew these were very dedicated individuals who put in considerable amount of time; where there is that kind of motivation we should have freedom to have them stay on as long as actively contributing members. In this case, he reminded that a reappointment would occur only on concurrence of the C.A.B. and Board of County Commissioners.

Mr. McFarland verified that there had been no advertisement to refill a position since the initial advertisement for committee members, but noted that only one member serving on the C.A.B. now is in fact an original member; all others have changed so there has been a good turnover in membership.

Commissioner Thorn moved that the Board approve Ordinance #C-06-99 in the matter of amending Island County Code, Subsection 3.22A.040.C. The motion, seconded by Commissioner Shelton, carried by majority vote, Commissioner McDowell voted in opposition.

### **BEFORE THE BOARD OF COMMISSIONERS**

### **OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF AMENDING )**

**ISLAND COUNTY CODE ) ORDINANCE NO. C-06-99**

**SUBSECTION 3.22A.040.C )**

WHEREAS, ICC Chapter 3.22A establishing the Conservation Futures Program Citizen's Advisory Board (C.A.B.) was adopted on July 6, 1992; and

WHEREAS, Subsection 3.22A.040.C sets term limits at two consecutive terms of three years each; and

WHEREAS, the Board of Commissioners of Island County, Washington and the C.A.B. members feel it is in the best interest of the citizens of Island County that these term limits be revised to allow appointments to exceed two consecutive terms; NOW, THEREFORE,

IT IS HEREBY ORDAINED, that Subsection 3.22A.040.C of the Island County Code is hereby amended as shown on Exhibit "A" attached hereto. Lined through material is deleted and underlined material is added.

Reviewed this 25 day of Jan., 1999 and set for Public Hearing at 1:55 p.m. on Feb 22, 1999.

**BOARD OF COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

*Mike Shelton, Chairman*

*Wm. L. McDowell, Member*

*William F. Thorn, Member*

*Attest: Margaret Rosenkranz*

Clerk of the Board BICC 99-36

Adopted this 22<sup>nd</sup> day of February, 1999 after Public Hearing.

**BOARD OF COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

*Mike Shelton, Chairman*

[Voted No: Wm. L. McDowell, Member]

*William F. Thorn, Member*

**Attest:** *Margaret Rosenkranz*

Clerk of the Board

**APPROVED AS TO FORM:** *David L. Jamieson, Jr*

Deputy Prosecuting Attorney and Code Reviser

**EXHIBIT "A"**

**3.22A.040 Establishment of the Conservation Futures Program Citizen's Advisory Board.**

... **C.A.B.** members shall be appointed by the **Commissioners** and shall serve three (3) year terms. **C.A.B.** members may be removed by the **Commissioners** only for good cause. **C.A.B.** members shall not be compensated for their services. **C.A.B.** members may be re-appointed to

a second term. No **C.A.B.** member shall serve more than two (2) consecutive full terms unless it is deemed advantageous to do so by concurrence of a majority of the **C.A.B.** members and a majority of the **Board of County Commissioners**. All **C.A.B.** members shall have been residents of Island County for at least one (1) year prior to their appointment to the **C.A.B.**.

**HEARING HELD: Resolution #C-11-99 Establishing Island County Juvenile Detention Facility Fund & Fixing a Budget for 1999**

A Public Hearing was held, as scheduled and advertised, for the purpose of considering Resolution #C11-99 Establishing the Island County Juvenile Detention Facility Fund and Fixing a Budget for the 1999 Year.

As the Budget Director explained, this action when adopted would establish the fund for monies collected from the additional one-tenth of one percent sales or use tax authorized under Ordinance #C-106-98. Estimate for collection is \$490,000 in 1999 to be appropriated and distributed for juvenile detention facility costs.

No one in the audience spoke either for or against Resolution #C-11-99.

By unanimous motion, the Board adopted Resolution #C-11-99 in the matter of establishing the Island county Juvenile Detention Facility Fund and Fixing a Budget for the 1999 year.

**BEFORE THE BOARD OF THE COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF ESTABLISHING )  
THE ISLAND COUNTY JUVENILE )  
DETENTION FACILITY FUND AND ) RESOLUTION C-11-99  
FIXING A BUDGET FOR THE 1999 )  
YEAR )**

**WHEREAS**, by adoption of Ordinance C-106-98 which authorizes collection of an additional one-tenth of one percent sales or use tax on the occurrence of a taxable event in Island County; and

**WHEREAS**, it is necessary to ensure that the revenues authorized by Ordinance C-106-98 are used solely for the purpose as defined in RCW 82.14.350 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; and

**WHEREAS**, it appears that the most effective means to account for these revenues and expenditures is to establish a separate fund to be known as the Island County Juvenile Detention Facility Fund; and

**WHEREAS**, there is a need to fix and adopt a budget for this fund for the 1999 year; and

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

**BE IT RESOLVED**, that a public hearing be held at the hour of 1:55 p.m. on the 22nd day of February, 1999, at the usual meeting place of the Board in Coupeville to consider this proposed Fund and Budget.

**ADOPTED** this 8th day of February, 1999.

**Board of County Commissioners**

**Island County, Washington**

*Mike Shelton*, Chairman

*Wm. L. McDowell*, member

ATTEST: *William F. Thorn*, Member

*Margaret Rosenkranz*,

Clerk of the Board

BICC 99-71

**BE IT FURTHER RESOLVED** that there is created and established in the Island County Treasurer and Island County Auditor records a fund known and designated as the Island County Juvenile Detention Facility Fund.

**IT IS HEREBY APPROVED AND ORDERED** that the amount of Four Hundred Ninety Thousand Dollars (\$490,000) be appropriated and distributed as shown within the 1999 Island County Juvenile Detention Facility Fund budget.

**Source of Funds**

|                                 |               |           |
|---------------------------------|---------------|-----------|
| Juvenile Detention Facility Tax | 145-000-31372 | \$490,000 |
|---------------------------------|---------------|-----------|

**Application of Funds**

|                          |                       |           |
|--------------------------|-----------------------|-----------|
| Detention Facility Costs | 145-000-52761-<br>149 | \$490,000 |
|--------------------------|-----------------------|-----------|

**ADOPTED** this 22<sup>nd</sup> day of February, 1999.

**Board of County Commissioners**

**Island County, Washington**

*Mike Shelton*, Chairman

*Wm. L. McDowell*, Member

*William F. Thorn*, Member

**ATTEST:**

*Margaret Rosenkranz*, Clerk of the Board

**Public Input**

Diane Kendy, Langley, for the record submitted information received today. She expressed concern with the expanded vesting interim ordinance passed after adoption of the Comp Plan which would vest the application for the resort on Saratoga Road. The application was accepted within two hours of its submittal on a Friday afternoon. She has been trying to obtain from the Planning Department a list of other projects that would be affected by the expanded vesting

ordinance that could proceed under rules of the old Comp Plan as opposed to the new Comp Plan and was just handed such list [2-page document entered for the record]. In reviewing the list, there were four applications for major projects accepted on November 6, 16, and 30, with November 30 being one day before the new Comp Plan took effect. The Comp Plan actually voted in on September 29<sup>th</sup>. She could not believe the County would have accepted those applications at that time knowing a new Comp Plan and Regulations were in effect. The description of one of the projects filed on November 30<sup>th</sup> states: self storage facility totaling 48,724 sq. ft. in eight buildings in the NR Zone located SW of SR 525 and Bakken Road in Greenbank.

### **PRIVATE INDUSTRY COUNCIL BRIEFING**

Gay Dubigk, Executive Director, Private Industry Council (PIC), provided a briefing on the new Workforce Investment Act of 1998, with more detailed information included in the following hand-outs:

- One-page summary: The Workforce Investment Act of 1998—Implications of One-Stop
- Sec. 117 Local Workforce Investment Boards
- Role of Local Elected Officials
- Copy - Interlocal Cooperation Agreement and Joint Powers Agreement between Local Elected Officials and the NW PIC [Whatcom, Skagit, Island and San Juan Counties]
- PIC Annual Report, year ending June 30, 1998
- Briefing Book: NW PIC 1998 Planning Conference

The one- page summary talks about that part of the legislation that affects or replaces the Job Training Partnership Act (JTPA), essential around One-Stops and outlines anything a local elected official will have in a relationship with Workforce Investment Boards which will be replacing private industry councils. Workforce Investment Boards require that a majority of members must be from the private sector and the board private-sector led. On the part of local elected officials is a requirement to negotiate a MOU with the Workforce Investment Council. The law requires also that local elected officials are the grant recipients of funds and upon receiving billings from Workforce Investment Boards must disperse funds. For all JTPA programs, Ms. Dubigk commented that funding came from the federal government based on a formula; different titles have different formulas. Island County gets its fair share of the money. Accurate demographic information has a lot to do with the amount of an allocation. She advised that the office for unemployment security is now open and doing business in the PIC Office in Oak Harbor.

### **HEARING HELD: Franchise #310 Summit Cablevision, L.P.; transfer of Cable Franchise from Millennium Digital Media Systems; area covered portions of North/Central & South Whidbey**

A Public Hearing was held, as advertised, to consider Franchise #310, a transfer from Millennium Digital Media Systems to Summit Cablevision, L.P., representing use of County right-of-way for placement of T. V. cable lines for an area covering portions of North, Central and South Whidbey.

Lew Legat, Island County Engineer, by way of memo dated February 8, 1999, reported that after reviewing requested franchise he recommended approval, and confirmed the action was a transfer only from Millennium Digital Media Systems to Summit Cablevision, L.P.

There were no members of the public who came forward to speak either for or against said franchise transfer.

By unanimous motion, the Board approved Franchise #310, a transfer of cable franchise from Millennium Digital Media Systems to Summit Cablevision L.P.

### **HEARING HELD: Franchise #290(1) Richard Socha Community Drainfield; expansion of existing sewer collection system franchise; area covered – Plat of Rolling Hills, Divisions 1 & 2**

A Public Hearing was held, as advertised, for the purpose of considering Franchise #290(1) by Richard Socha for expansion of existing sewer collection system franchise for an area covered in the Plat of Rolling Hills, Divisions No. 1 & 2.

The County Engineer provided a memorandum to the Board dated February 12, 1999, explaining the request for expansion of existing franchise #290 approved on January 5, 1998. Franchise #290 and the current expansion request #290 (1) are for a sewer collection system to be placed in county rights-of-way in the Plat of Rolling Hills, Division #1 and 2. The sewer collection lines terminate at off-site community drainfields that had received preliminary approval under SPR 498/96.. Based on his review, Mr. Legat recommended approval of the expanded franchise as requested.

The Applicant, Richard Socha, was present and explained that the issue was not expansion of the drainfield, rather he did not find enough lots to fill what he could provide service for.

No others in the audience made comment either for or against the proposed franchise expansion.

The Board by unanimous motion, approved expansion of Franchise #290(1) by Richard Socha.

### **Adopt-A-Road Litter Control Program Agreement**

By unanimous motion, the Board approved Adopt-A-Road Litter Control Program Agreement with Beachwood Community Association for Wilkinson Road 100' before Herring Street to Witter Road.

### **AWARD OF BID FOR TERRY'S CORNER BEAUTIFICATION PROJECT**

Bids were opened on February 11<sup>th</sup> for Terry's Corner Beautification Project, under Work Order #57, and the Public Works Director Larry Kwarsick, and County Engineer Legat, recommended award to the low bidder, Jenkins, Inc., in the amount of \$18,235.44 (including sales tax). Mr. Legat confirmed availability of funding. The Board by unanimous motion, awarded bid to Jenkins, Inc., in the amount of \$18,235.44.

### **Supplemental #2- Agreement #PW-982023- Reid Middleton, Inc.**

As presented and recommended for approval by the County Engineer, the Board by unanimous motion approved Supplement #2 to Agreement #PW-982023 with Reid Middleton, Inc. , a supplement to the Standard Consultant Agreement for work on Whidbey Island slides PS & E and construction administration for Possession Road, W.O. 117; Ferrydock Road, W.O. 124; and Edgecliff Drive, W.O. 167, representing maximum amount payable increased by \$41,200.

### **HEARING SCHEDULED: ORDINANCE #C-15-99 [R-6-99] Regulating Parking on portion of Columbia Beach Drive in the Plat of Orr's Addition to Columbia Beach - extending area of regulated parking passed into law under Ordinance #R-48-90**

By unanimous motion, the Board scheduled a Public Hearing on March 22, 1999 at 2:15 p.m., on Ordinance #C-15-99 in the matter of regulating parking on a portion of Columbia Beach Drive in the Plat of Orr's Addition to Columbia Beach, extending the area of regulated parking that was passed into law under Ordinance #R-48-90 on October 22, 1990.

### **AWARD OF BID: TRACTOR MOWERS (3)**

With bids having been opened on February 11<sup>th</sup>, Mr. Legat recommended bid award to the low bidder, Coastline Tractor Co. of Everett, in the total amount of \$176,471.60, representing the lowest overall bidder who met specifications, for the purchase of three tractor mowers.

By unanimous motion, the Board awarded bid to Coastline Tractor Co., as recommended, in the amount of \$176,471.60.

**AWARD OF BID - CHIP SPREADER**

In the case of purchase of a Chip Spreader, for which bids were also opened on February 11<sup>th</sup>, Mr. Legat recommended award to Western Power & Equipment, Mukilteo, in the total amount of \$166,602.87. Although this is not the low bidder, it was the only bid who met specifications. Along with bid award to Western Power & Equipment, Mr. Legat provided for the Board's review and approval Findings of Fact in approving award of bid to other than the lowest bidder [as provided in RCW 43.19.1911 (7)].

By unanimous motion, the Board awarded bid as recommended to Western Power & Equipment in the amount \$166,602.87, and as part of this record, approve Findings of Fact siting why the bid was awarded to other than the lowest bidder. [*Document: Record #BICC 99-82 on file with the Clerk Board*]

**RESOLUTION #C-16-99 [R-7-99] – Approving Specifications & Authorizing Call for Bids for Culvert Supplies for 1999**

On motion adopted unanimously, the Board adopted Resolution #C-16-99 [R-7-99] in the matter of approving specifications and authorizing call for bids for Culvert Supplies for 1999, setting bid opening date on 3/11/99 @ 1:30 p.m.

**S T A T E O F W A S H I N G T O N**

**C O U N T Y O F I S L A N D**

**IN THE MATTER OF APPROVING }**

**SPECIFICATIONS & AUTHORIZING } RESOLUTION # C-16-99**

**CALL FOR BIDS FOR: CULVERT } R-7-99**

**SUPPLIES FOR 1999 }**

**WHEREAS**, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

**CULVERT SUPPLIES for all Road Shops (corrugated aluminum alloy and corrugated, double-walled, smooth bore, non-perforated, polyethylene plastic drain pipe).**

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said supplies; **BID OPENING** to be the 11<sup>th</sup> day of March, 1999 at 1:30 p.m., in Main Street Conference Room #7, 400 N. Main, Coupeville, Washington.

**ADOPTED** this 22nd day of February, 1999.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

*Mike Shelton, Chairman*

*Wm. L. McDowell, Member*

*William F. Thorn, Member*

**ATTEST:** *Margaret Rosenkranz,*

Clerk of the Board BICC 99-83

**Resolution #C-17-99-Interfund Loan from Island County Solid Waste Fund to Island County Conservation Futures Fund for the Purchase of West Beach Lake**

A proposed Resolution was presented and recommended for Board approval by Mr. Kwarsick, for an interfund Loan from the Island County Solid Waste Fund to the Island County Conservation Futures Fund to provide additional funding to cover the purchase of West Beach Lake property. This is a five year loan agreement, with interest derived from the loan being held by the Solid Waste Fund itself. The actual loan comes from the Solid Waste Reserve.

By unanimous motion, the Board adopted Resolution #C-17-99, an Interfund Loan from the Island County Solid Waste Fund to the Island County Conservation Futures Fund for the purchase of West Beach Lake property.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF APPROVING AN )**

**INTERFUND LOAN FROM THE ISLAND COUNTY )**

**SOLID WASTE FUND TO THE ISLAND COUNTY ) RESOLUTION C-17-99**

**CONSERVATION FUTURES FUND FOR THE )**

**PURCHASE OF WEST BEACH LAKE )**

WHEREAS, the Board of County Commissioners, in open public session on December 14, 1998 signed the Real Estate Purchase and Sale Agreement for the purchase of the West Beach Lake property using Conservation Futures funds; and

WHEREAS, it is the desire of the Board to provide cash flow in the Conservation Futures Fund for other purchases; and

WHEREAS, there are funds available in the Solid Waste Fund; and

WHEREAS, regulations governing interfund loans require that they bear interest at a rate equal to the externally earned rate available to the County and that the term of the loan shall be for no more than five (5) years; and

WHEREAS, the Island County Treasurer oversees the status and disposition of interfund loans with the Island County Auditor recording the balance due at the end of each calendar year as a liability of the borrowing fund and a receivable of the source fund;

NOW, THEREFORE, BE IT HEREBY RESOLVED that an interfund loan not to exceed \$410,000 is authorized from Fund 401 (Island County Solid Waste Fund) to Fund 132 (Island County Conservation Futures Fund) with interest charged at the rate earned by the county funds in the State Investment Pool, said loan to be paid in full, in annual payments, within 5 years of the date of withdrawal of funds from the Solid Waste Fund. Direction for transfer of funds from the Solid Waste Fund to the Conservation Futures Fund for the interfund loan will be given to the Treasurer's Office by Public Works.

APPROVED AND ADOPTED this 22<sup>nd</sup> day of February, 1999.

**Board of County Commissioners**

**Island County, Washington**

*Mike Shelton*, Chairman

*Wm. L. McDowell*, Member

*William F. Thorn*, Member

**ATTEST:**

Margaret Rosenkranz

Clerk of the Board BICC 99-84

**West Beach Lake Closing Documents**

For the Commissioner's acceptance, Mr. Kwarsick submitted a Warranty Deed from Vander Stoep, et.al.; Excise Tax Affidavit; and Supplemental Closing Instructions, the purchase to close on Friday. Also presented was the request for approval of an Access Easement from Bosters, but the actual document not ready at this time. Mr. Kwarsick explained that the Bosters own a piece of property separating the primary upland ownership from West Beach Road. The sellers have an easement across Bosters property and the County offered a dollar amount to clarify intent of the easement so it is clear the use is for public ownership purposes. The Bosters declined to accept compensation and instead want to donate the easement and a piece of property to the public and that is in the process of being finalized. There is a recorded easement that provides access to the property; a substantial part abuts West Beach Road and provides residential type access although the deed states "non-exclusive access and utility easement".

By unanimous motion, the Board approved the West Beach Lake closing documents including a Statutory Warranty Deed from Vander Stoep, et.al.; Excise Tax Affidavit; Supplemental Closing Instructions; and approval of the Access Easement from Bosters when received.

**WATERSHED MANAGEMENT GRANT/LOAN PROGRAM APPLICATIONS**

As presented and described by Larry Kwarsick and Julie Buktenica, the Board approved, by unanimous motion, the following watershed management grant and/or loan program applications:

Centennial Clean Water Fund Grant Application to implement the North Whidbey Watershed Action Plan, a total project of \$330,020 (State share \$247,514/County share \$82,505)

State Revolving Fund Loan-Department of Ecology, for the following projects: Iverson Farm, Camano Island - \$521,000; West Beach Lake- \$408,200; and Glendale Project in the amount of \$645,000

Grant Applications for Flood Hazard management Assistance (FCAAP – DOE): Freeland

Community Drainage Project \$176,692.88 (State share \$88,346.44/County share \$88,346.44); Rebuilding Dike along Shoreview Drive/Nichols Brothers \$313,720 (State share \$156,860/County share \$156,860).

**PARTNERSHIP WITH YOUTH GRANT APPLICATION SIGNED**

Mr. Kwarsick announced that the Chairman, as previously authorized, signed this week the Partnership With Youth Grant Application for Community Development Block Grant funds.

**hearing held: Resolution #C-10-99, PLG-004-99, Amending the County-Wide Planning Policies**

The Board on January 25, 1999 scheduled this date and time, February 22, 1999 at 3:00 p.m. to conduct a public hearing on Resolution #C-10-99 [PLG-004-99] Amending Policy #5 (10), County-Wide Planning Policies as follows [proposed language is underlined]:

#10. The preference for urban development is as stated in Policy 5.1 above, that

urban development is to occur in a municipality or be annexed to a municipality.

In those cases where development is within the unincorporated portion of a

municipal UGA and is not served by municipal services, the development shall use rural governmental services and comply with the County's rural development standards or, for residential development, such service requirements and development standards established through adopted interlocal agreements between the County and the municipalities.

In addition to the County Commissioners, GMA Legal Consultant, Planning Director and staff, also present were: Lloyd Furman, Mayor, City of Langley; Jack Lynch, Langley Planning Director; and two members of Langley's Planning Advisory Board, Sybil Yates and Chuck Scurlock.

Keith Dearborn, Island County's legal consultant, explained that he and Chairman Shelton met with the City of Langley to work out revisions to the Interlocal Agreement and simultaneously and jointly with the City requested extension of the deadline in the Growth Board appeal, which was granted. If the Board adopts the County-Wide Planning Policies (CWPP's) in a form acceptable to the City of Langley, the City committed to withdraw its appeal to the Growth Board.

Mr. Dearborn recalled that since the last meeting on this subject, the Board received two letters: one from the City of Langley; another from the City of Oak Harbor, both suggesting modifications to the amendment language. A revised cover resolution prepared for today was provided, reflecting two changes: (1) the third "WHEREAS" at the end of the line add "is fulfilled" completing the sentence; (2) correcting the date of hearing from February 8, 1998 to correctly reflect today's date, February 22, 1999. Along with the corrected cover resolution, copies of the two suggested changes were provided. Mr. Dearborn thought Langley was asking for a modification to Policy 5.10 to make it clear that the amendment applies to the City of Langley and potentially the Town of Coupeville, as follows:

***Hand-out, Page 1 – Based on Langley's Request***

#10. The preference for urban development is as stated in Policy 5.1 above, that urban development is to occur in a municipality or be annexed to a municipality. In those cases where development is within the unincorporated portion of a municipal UGA and is not served by municipal services, the development shall use rural governmental services and comply with the County's rural development standards or, for residential development except for Langley and Coupeville, such service requirements and development standards established through adopted interlocal agreements between the County and the municipalities.

***Hand-out, Page 2 – Based on Oak Harbor's Request***

#10. The preference for urban development is as stated in Policy 5.1 above, that urban development is to occur in a municipality or be annexed to a municipality. In those cases where development is within the unincorporated portion of a municipal UGA and is not served by municipal services, the development shall use rural governmental

services and comply with the County's rural development standards or, for residential development except for Langley and Coupeville, such service requirements

and development standards established through adopted interlocal agreements between

the County and the municipalities.

**Public Input.** The Chair called for public input; however, no one in the audience other than City of Langley representatives, spoke on the matter of amending the CWPP's Policy #5.10.

Jack Lynch addressed the two-page hand-out from Keith Dearborn. The amendment on the second page is what the City of Langley suggested, but after reviewing the County's comments, the Mayor and Mr. Lynch believed agreement could be reached if words "except for Langley and Coupeville" providing consistency between the CWPPs and an the Interlocal Agreement. Mr. Lynch verified he was not speaking for the Town of Coupeville. In his memo to Keith Dearborn dated February 3, 1999 [*item 1-c on the first page*], Mr. Lynch pointed out five suggested policies for procedures to amend CRPP's:

- amended no more often than once a year except in cases of emergency or as

required to comply with GMA;

- proponent of an amendment must provide the amendment in writing to all jurisdictions;
- four planners for the jurisdictions must review and make a recommendation(s) to the four jurisdictions before a hearing is set to consider the amendment(s);
- there be a month's notice of the hearing; and
- all four jurisdictions must sign the amendments to be effective.

For the Board's clarification, Mr. Dearborn explained the issue in #5.10. Langley's concern clearly is residential since Langley has no non-residential properties designated in the County's plan outside their boundaries. Langley suggested making it clear that that apply to Langley and potentially to Coupeville. Oak Harbor has come back with what is a different approach and striking the reference to residential development completely and having the phrase apply without a qualification to all three jurisdictions. The letter from the Mayor indicated that Oak Harbor already signed the CWPP's and the amendment need not be made for Oak Harbor at all, but if the amendment is made, suggested striking the residential development language.

Commissioner McDowell advised that he spoke with the Oak Harbor City Supervisor in this regard today who confirmed that the City is fine with what has already been adopted without any language change; however, Oak Harbor has no objection to Langley's change whatsoever, but that it be clear that whatever change is made now does not apply to Oak Harbor. Commissioner McDowell suggested that to make the language clear, the amendment read:

"... with the County's rural development standards or, for residential development within the unincorporated portions of Langley's UGA, such service requirements and development standards established through adopted interlocal agreements between the County and Langley.

Commissioner Thorn agreed with that suggestion as meeting intent.

However, Jack Lynch suggested that language was just in reverse to what Langley wants to accomplish. The wording Langley supported all along was as written on page 2, with three words deleted: for residential development. Langley preferred those words not be added, but if so, that the exception to it applying only to the residential development indicate "except for Langley and Coupeville" to mean it applies to any development. Langley did not want the limitation to apply only to residential development.

Consensus Reached: Policy 5.10 read:

#10. The preference for urban development is as stated in Policy 5.1 above, that urban development is to occur in a municipality or be annexed to a municipality. In those cases where development is within the unincorporated portion of a municipal UGA and is not served by municipal services, the development shall use rural governmental

services and comply with the County's rural development standards or, for development within the unincorporated portion of the Langley and Coupeville UGAs, such service requirements and development standards established through adopted interlocal agreements between the County and the City of Langley and Town of Coupeville.

Larry Cort, Coupeville Town Planner, confirmed that throughout the process, Coupeville stood by Langley's position that the Interlocal Agreement be the governing authority as far as what happens within the UGA and supported having Coupeville added to the language in CWPP Policy 5.10 with Langley.

Lloyd Furman, Mayor, City of Langley, confirmed that if the CWPP Amendment is adopted with the language discussed and consensus reached,, Langley would drop its GMA Appeal.

The Board, by unanimous motion, amended County-Wide Planning Policies, Policy #5 article #10, under Resolution #C-10-99, PLG-004-99, second sentence to read as follows:

"In those cases where development is within the unincorporated portion of a municipal UGA and is not served by is not served by municipal services, the develop-ment shall use rural governmental services and comply with the County's rural development standards or, for development within the unincorporated portion of the Langley and Coupeville UGAs, such service requirements and development standards established through adopted interlocal agreements between the County and the City of Langley and Town of Coupeville".

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

|  |  |
|--|--|
| IN THE MATTER OF AMENDING THE<br>COUNTY-WIDE PLANNING POLICIES | ) RESOLUTION C-10-99<br><br>) PLG-004-99 |
|--|--|

WHEREAS, RCW 36.70A.210 – the Growth Management Act (GMA), specifies that Counties are regional governments within their boundaries and that cities / towns are the primary providers of urban governmental services within urban growth areas; and

WHEREAS, the GMA requires that the County develop county-wide planning policies which upon adoption will be used solely for establishing the framework from which county and city comprehensive plans are developed and adopted; and

WHEREAS, the county-wide planning policies will also provide the foundation for assuring that consistency criteria, required between county and cities/towns planning under the GMA, is fulfilled; and

WHEREAS, to be effective there must be both agreement between the County and the Cities/Town on the County-Wide Planning Policies, and a commitment between the jurisdictions to adhere to and implement the policies.

WHEREAS, additional language to Policy #5.10 was added to further clarify governmental services and development standards within the unincorporated portions of a municipal Urban Growth Area; and

WHEREAS, the amended County-Wide Planning Policies were reviewed in a Public Hearing on February 22, 1999.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Island County Commissioners and the Cities/Town hereby adopt the amendment to Policy #5.10 to further clarify governmental services and development standards within the unincorporated portions of a municipal Urban Growth Area, attached hereto as Exhibit A.

*Mike Shelton*, Chairman *Steve Dernbach*, Mayor

Island County Board of Commissioners City of Oak Harbor

DATE: 2/22/99 DATE: \_\_\_\_\_

*Nancy Conard*, Mayor *Lloyd H. Furman*, Mayor

Town of Coupeville City of Langley

DATE: 2/24/99 DATE: 2/23/99

### **POLICY #5**

#### **POLICIES FOR PROMOTING CONTIGUOUS AND ORDERLY DEVELOPMENT AND PROVIDING URBAN SERVICES TO SUCH DEVELOPMENT**

It is the policy of the County and the Municipalities that developments within Municipal Urban Growth Areas (UGAs) will be contiguous, orderly and coordinated between the County and Municipalities' governments and utility service providers through the following policies:

1. The first preference for urban development is within municipal boundaries. The second preference for urban development is within areas annexed to municipalities in the UGA;
2. Non-urban development in the UGA should be discouraged. Non-urban development in the UGA should only be allowed if such development will be compatible with future urban development;
3. Through interlocal agreements as provided in Policy 5.6 below, governing entities shall require development in the unincorporated area of the municipal UGA to comply with the following:
  - a. If the area is contiguous to the municipal boundary to:
    - (1) Annex to the municipality, or
    - (2) If authorized by the municipality,
      - (a) Execute an annexation/development agreement prior to development approval, and
      - (b) Develop at urban density or uses, and
      - (c) Submit a site development plan showing ultimate development of the lot or parcel(s) consistent with the potential applicable municipal zoning and development standards.

b. If the area is not contiguous to the municipality,

(1) Execute an annexation/development agreement prior to development approval,

(2) Develop at the densities and uses established in the interlocal agreement adopted by the municipality and the County, and

(3) Submit a site development plan showing ultimate development of the lot or parcel(s) consistent with the applicable potential municipal zoning and development standards.

4. The forming of unincorporated enclaves shall be avoided in the UGA;

5. The minimum parcel sizes/density of new residential development within the UGA that proposes to utilize on-site sewage treatment systems shall be jointly and collaboratively established by the County and the municipalities in an adopted Interlocal Agreement.

6. Interlocal agreements shall be cooperatively developed by the County and the municipalities to address the following:

a. Consistent with Policy 5.10 below, establish and implement Urban Growth Area policies and include zoning district boundaries, uses, density and such standards as may be required to coordinate development decisions within the unincorporated portion of the UGA. These agreements shall be adopted within 90 days of the CWPP amendments. In the case where future amendments to Urban Growth Area boundaries trigger the need for an interlocal agreement or revision of an existing agreement, the agreement/ revised agreement shall be adopted at the same time as the amended UGA

boundary.

b. Establish and implement the Joint Planning Area policies to include UGA Expansion Areas with appropriate regulations and procedures. These agreements shall be adopted within 90 days of the adoption of the CWPP amendments.

7. Except as authorized by the Growth Management Act, urban development shall not be permitted outside of the boundaries of UGAs. Once established by the County pursuant to RCW 36.70A.070(5), expansion of the boundaries of areas of more intensive rural development shall only be permitted pursuant to RCW 36.70A.070(5) and otherwise shall not be permitted to expand unless they are designated as Urban Growth Areas in compliance with the requirements of RCW 36.70A.110.

8. The intensification of development on lots containing isolated non-residential uses or new development of isolated cottage industries and isolated small-scale businesses permitted by RCW 36.70A.070(5) are permissible, subject to adopted development and compatibility standards.

9. As permitted by RCW 36.70A.070(5), the intensification of development of or new development of small-scale recreation or tourist uses are permissible including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but do not include any residential development, all subject to adopted development and compatibility standards.

10. The preference for urban development is as stated in Policy 5.1 above, that urban development is to occur in a municipality or be annexed to a municipality. In those cases where development is within the unincorporated portion of a municipal UGA and is not served by municipal services, the development shall use rural governmental services and comply with the County's rural development standards or, for development within the unincorporated portion of Langley's and Coupeville's UGAs, such service requirements and development standards established through adopted interlocal agreements between the

County and the City of Langley and the Town of Coupeville .

**hearing held: Ordinance # C-01-99, PLG-003-99 Adopting the Langley Interlocal Agreement Governing Land Use Decisions within the Non-Municipal Portion of Langley's UGA**

The Board conducted a public hearing, continued from January 25, 1999, on Ordinance #C-01-99 [PLG-003-99], Langley Interlocal Agreement.

Keith Dearborn pointed out that Mr. Lynch's letter of February 3, 1999 suggested minor language changes to the Interlocal Agreement, and a draft provided at this time included Mr. Lynch's changes dated 2/22/99. He did not believe the Agreement could be adopted today because there were a number of exhibits yet to be finalized. The purpose of the agreement is to allow the County to work out with the City what kinds of urban activities and urban uses can occur within the UGA and to manage those activities and uses so as to be consistent with city zoning and development standards and can occur in a way that allows the city to pick up the management responsibility readily. The Agreement would establish the joint planning area and UGA for Langley, and sets up a management structure dealing with use and capital facility decisions within the UGA and joint planning area. The agreement commits the city and the county to establish and determine extension areas for the UGA within 60 days of execution of the agreement. Mr. Lynch had pointed out that Langley needed to go through a public process which would take more than 60 days, and requested 6 months to establish potential expansion areas for the UGAs.

Exhibits to be Provided:

Exhibit A CWPPs

Exhibit B Adopted Joint Planning Area and UGA

Exhibit C Model Annexation/Development Agreement

Exhibit D City Zoning Use and Density Regulations

Exhibit E City Development Standards

Exhibit F Modifications to Titles 11, 16 and 17 ICC

Exhibit G Scenic Corridors Maps and Development Standards

Exhibit H UGA Expansion Area

Mr. Dearborn pointed out that GMA allows for annexation/development agreements [before GMA called pre-annexation agreements]. When an application comes in to the County in the future once such agreement is in place the County will not process the application until the city has executed with the applicant a development agreement as one of the application components. With the Interlocal Agreement will be the conversion of the Comp Plan land use designations for the UGA, which are city land use designations, and converting the potential zoning that exists in the zoning atlas into city zoning use and density regulations. The City will be suggesting for the County's adoption possible changes to county zoning and county development standards. Each city will have a different set of issues with regard to scenic corridors. One feature in the agreement (page 9, Administration, Item D) specifically requested by the City of Langley is that effectively for 60 days until model annexation/development agreement has been developed and approved by the City and County, there would be a moratorium on new development within the Langley UGA, Type I through III applications. The agreement also commits the county to advise the city of development proposals within the UGA and to give them an opportunity to participate in a pre-hearing conference if one is requested and take into account their comments through the development process.

Larry Cort confirmed there was no unincorporated UGA right now but the Town of Coupeville did expect to come to the County within the next year to request a relatively minor expansion to its UGA to the west of Town. He verified as stated previously, that throughout the process Coupeville stood by Langley's position that the Interlocal Agreement be

the governing authority as far as what happens within the UGA and supports having Coupeville added to the language in the CWPP, Policy #5.10 with Langley.

Jack Lynch, responding to a question, explained that what the City of Langley would be agreeing to by this agreement is if a development is contiguous to the City, the City would agree it should be annexed and would encourage that. To the non-contiguous areas, the City would not try to exceed some standard that would not allow development by saying the City would not extend sewer [concept in CWPP's, Comp Plan and Agreement page 5, b.2].

**Public Input.** In calling for public input from members of the public, no one in the audience indicated a desire to speak on the proposed Interlocal Agreement.

The Board was agreeable to adopting the Agreement without Exhibit H, Expansion Areas, but expected all other Exhibits accompany the agreement. For that reason, the administrative provision D [moratorium] would not be included in the agreement since that issue will have been worked out and no longer needed.

Mr. Dearborn commented that within the GMA framework the County needs to ensure UGAs can be expanded. There was a policy on transition areas in the Comp Plan and the cities asked that be deferred as a Plan Policy and Zoning Code provision until interlocal agreements were worked out.

Vince Moore explained that the issue was not the joint planning area, but location within the joint planning area that the cities objected to when the County had the transition areas included. The county committed to the cities to sit down and work with them to identify the specific locations within the joint planning areas that would be identified for this expansion element to accommodate their portion of the population between the end date of their plan.

By unanimous motion, the Board continued the Public Hearing on Ordinance #C-01-99 Langley Interlocal Agreement, until **April 5, 1999 at 11:00 a.m.**

**Resolution #C-18-99 [PLG-005-99] Establishing new fee schedule for Island County Planning Department applications**

Proposed fee increases were presented under Resolution #C-18-99 in relation to Citizen Com-

plaints, Certificates of Zoning Compliance, Comp Plan Amendments, Development Regulation Review & Amendments; Zoning Amendments, and Water System Applications.

For purposes of discussion, Commissioner Thorn moved adoption of Resolution #C-18-99. Motion was seconded by Commissioner McDowell.

Under discussion, Mr. Thorn agreed with the general concept that fees reimburse the County for expenditures, but believed in the case of a Comp Plan Amendment, did not differentiate between generic issues applied county-wide that would not benefit an individual property owner. Where there is a benefit to an individual property owner, he agreed such fee should be applied but believed that citizens should have the opportunity to bring forward a proposed amendment that would be applied county wide without a significant fee of \$800.

Commissioner McDowell observed that the amount was lower than originally proposed at \$1200, and \$1200 actually in line with what other jurisdictions charge. The work involved on the part of staff would be about the same, if not more, and saw no reason one applicant would have a significant charge and the other would not. With the lowering to \$800, he felt the fee an appropriate amount.

Chairman Shelton explained that he proposed the fees in an attempt to find a reasonable compromise. While he could agree with what Commissioner Thorn said, the fact was that in terms of out of pocket expenses, and what other jurisdictions charge for like amendment submittals, this was within line. While he did not want the cost to be prohibitive, on the other hand did not want Comp Plan Amendments to be frivolous. He urged both Commissioner Thorn and McDowell to support this compromise.

Commissioner Thorn understood the need to compensate the county and to avoid frivolous cases, but suggested a nominal fee such as \$50 would be more in line, while an \$800 fee allowed only wealthy people or organizations to bring forward a proposed amendment.

Commissioner McDowell pointed out that if someone had a good suggested amendment, there are nine Planning Commission members any one of which could submit the proposal to the Commission, and Mr. Thorn could bring a proposed amendment forward on behalf of a citizen through the Planning Commission .

Motion, as made and seconded, carried by majority vote; Commissioner Thorn opposed.

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

|  |   |
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| IN THE MATTER OF ESTABLISHING<br>FEES FOR ISLAND COUNTY<br>PLANNING DEPARTMENT<br>APPLICATIONS | )<br>) RESOLUTION C-18 -99<br>) PLG-005-99<br>) |
|--|---|

**WHEREAS**, on September 28 and 29, 1998, Island County adopted a new Comprehensive Plan and Zoning Code to be effective on December 1, 1998; and

**WHEREAS**, in October 1998 the Planning Department became a separate entity apart from the Community Development Division and any associated permit fees; and

**WHEREAS**, certain changes to the Comprehensive Plan and Zoning Code require different types of rezone processes; and

**WHEREAS**, it is necessary to set fees for Planning Department application processes covering Citizen Complaints, Certificates of Zoning Compliance, Rezones and Water System applications.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Board of Island County Commissioners hereby adopts the Planning Department Fee Schedule covering Citizen Complaints, Certificates of Zoning Compliance, Rezones and Water System applications attached hereto as Exhibit A.

**APPROVED AND ADOPTED** this 22<sup>nd</sup> day of February , 1999.

BOARD OF COUNTY  
COMMISSIONERS OF

ISLAND COUNTY,  
WASHINGTON

*Mike Shelton*, Chairman

*Wm. L. McDowell*, Member

Voted No: William F. Thorn, Member

ATTEST: *Margaret Rosenkranz*, Clerk of the Board

*(Note: Attachment to #C-18-99 on file with the Clerk of the Board)*

**HEARING SCHEDULED: Timber Land Classification Applications (4) - George R. and Kathryn M. Cox**

As recommended by Phil Bakke, Comp Plan Manager, Island County Planning Department, the Board by unanimous motion scheduled a Public Hearing for April 5, 1999 at 10:45 a.m., to consider four Timber Land Classification Applications from George R. and Kathryn M. Cox. The request for Timber Land Classification consists of a total of 38 acres located north of Greenbank, and the application was submitted with Forest Land Management Plan/Forest Stewardship Plan prepared by John D. Gold, John Gold & Company, Consulting Foresters.

**Juvenile Detention Service Agreement- Whatcom County**

As presented by Elizabeth McKay, Juvenile Services Director, the Board by unanimous motion approved Juvenile Detention Service Agreement between Island County and Whatcom County for the period 1/1/99 through 12/31/99, at the rate of \$90 per bed day.

**Interagency Agreement: Island County and San Juan County Health Department for Nutritional Services**

Having discussed Health Department Interagency Agreement in a prior Staff Session with the Health Services Director, the Board by unanimous motion, approved Interagency Agreement between Island County and San Juan County Health Department for provision of Nutritional Services, in the amount of \$3,500.

**WASHINGTON STATE WATER POLLUTION CONTROL REVOLVING FUND**

Tim McDonald, Health Services Director, presented a matter which had been discussed with the Board during a recent a Staff Session, the closing out of the existing water pollution revolving fund loan program, with the paperwork required by the State March 1. The Health Department plans to initiate a new program, and in order to do so the current five-year phase of the loan program needs to be closed out.

The Board, by unanimous motion, concurred with the recommendation of Mr. McDonald and approved the close-out of the current Washington State Water Pollution Control Revolving Fund Loan Agreement #L9300008, Loan Amendment No. 2 (final), On-Site Repair Financial Assistance Program.

**Department of Emergency Services Contract #EM999388, Earthquake Preparation Program**

Betty Kemp, Director, GSA/Risk Management, presented for approval Contract #EM999388 representing grant agreement from the State Department of Emergency Services, in the amount of \$2,532, with County match to be "soft match" cash involved, for the purpose of earthquake preparation programs in the schools.

Inasmuch as the grant is to be 50% and the project cost is actually shown to be \$10,000, the matter was held for next Monday's meeting in order to obtain further clarification.

**ISLAND COUNTY PUBLIC FACILITIES FUND - 2% HOTEL/MOTEL LODGING TAX TOURISM PROMOTION ALLOCATIONS FOR THE 1999 PROGRAM YEAR**

A total of \$52,330 to individual organizations is being recommended by the Lodging Tax Advisory Committee along with a reserve in the amount of \$8,000 to begin development of a County-wide tourism marketing plan, for a total appropriation of \$60,330.

Chairman Shelton, who serves as the Chairman of the Island County Lodging Tax Advisory Committee, formed under County Ordinance #C-156-98, explained that the request from the Camano Island Chamber of Commerce had been for a capital expenditure for an Arts and Business Information Center. However, allowable uses under state law requires that for any acquisition or operation of real or personal property facilities is that the County must have a property interest, and with this request, such is not the case. Commissioner Thorn therefore talked with representatives from the Chamber and found that the Chamber believes it can reallocate existing funds to the capital portion and use the \$5,000 for other expenditures that comply with state law.

With respect to the Committee recommendation to reserve \$8,000 to begin development of a county-wide tourism marketing plan, the Committee wanted to set aside \$8,000 to initially develop a scope of work and select an appropriate consultant. Because of commitments to other municipalities, the firm of Chandler-Brooks is not able to assist with Island County's effort.

Commissioner McDowell, from a previous meeting with the mayors of the cities and town, in-

indicated that the mayors were interested in committing an additional 2% if enacted by the cities, as well as the County, to the county-wide tourism promotion effort in order to keep this tax the same throughout the County.

Consensus of the Board was not to express any commitment about adopting the additional 2% for the County without first having a public hearing and hearing from the citizens and those who operate those types of establishments and facilities, and that issue is not before the Board today.

If the County is to provide the \$8,000 as recommended, Commissioner McDowell would agree, with the stipulation that the three municipalities must be involved and participate at some dollar cost: County-wide means County and municipalities. County-wide, the Chairman believed as a whole people in the lodging industry were willing to support tax they have confidence will be expended in such a way as to increase tourism.

Commissioner McDowell felt that if a city or town did not for some reason participate, his thought was that a plan not be adopted for county-wide tourism without that full participation from the three municipalities.

Commissioner Thorn did not agree, since Camano Island stands alone with its sole representation through the Chamber of Commerce. He suggested that the Board approve the \$8,000 reserve with the caveat that the Board directs the Committee to seek the cooperation and participation of the municipalities.

The other issue Commissioner McDowell brought up was looking at the recommended allocation of funds and the fact that the recommendation is only for \$1,500 out of the requested \$3,500 from the North Whidbey Lions Club to provide for off-Island advertising of the car show. As elected officials the Commissioners have to make sure things are even and looking at the dollar allocation recommendations, he believed the North Whidbey area was significantly short-changed.

**ACTION:** by unanimous motion, the Board approved the 2% Hotel/Motel Lodging Tax Tourism Promotion 1999 Program Year Committee recommendation, with the following provisions:

- the Camano Chamber of Commerce submit a revision to their proposal that excludes all capital costs to meet requirements of state law;
- add a sentence to the acceptance to reserve \$8,000 to begin development of a county-wide tourism marketing plan "The Board directs the Committee to seek the cooperation and participation of the municipalities for the development of a plan";
- increase the amount allocated for the North Whidbey Lions Club from \$1500 to \$3500

## **ISLAND COUNTY PUBLIC FACILITIES FUND**

### **2% HOTEL/MOTEL LODGING TAX – TOURISM PROMOTION**

#### **1999 PROGRAM YEAR**

#### **PROJECTS & ACTIVITIES FUNDED BY 2% TAX REVENUES**

#### **ORGANIZATION AMOUNT**

**CAMANO ISLAND CHAMBER OF COMMERCE \$ 5,000**

Arts and Business Information Center {subject to modification, exclusion of capital costs}

CENTRAL WHIDBEY CHAMBER OF COMMERCE \$ 8,000

Off Season Visitor Promotions - \$5000 brochures/distribution & \$3000 Visitor Info. Center

CONCERTS ON THE COVE \$ 1,500

Off-Island Advertising/Promotions

COUPEVILLE ARTS CENTER \$ 2,000

Artists' Gallery and Visitor Center – Promotion/Distribution only

FREELAND CHAMBER OF COMMERCE \$ 4,000

Promotional Brochure (printing & allows for some distribution)

FREELAND CHAMBER OF COMMERCE \$ 1,000

Visitor Information Center – Operation costs

GREENBANK FARM MANAGEMENT GROUP \$ 2,000

All-Seasons Promotion – Brochure development and Website

ISLAND DISTRICT ECONOMIC DEVELOPMENT COUNCIL \$ 7,500

Off-Season Tourism Marketing Program

LANGLEY CHAMBER OF COMMERCE \$ 5,000

Visitor Information Center – Operations

LANGLEY CHAMBER OF COMMERCE \$ 1,000

"Tastes of Whidbey" Festival - Off-Island promotions

LIGHTHOUSE ENVIRONMENTAL PROGRAMS, WSU BEACH WATCHERS

Penn Cove Water Festival – Off-Island Publicity/Advertising \$2,000

MEERKERK RHODODENDRON GARDENS \$ 1,500

Off-Island advertising/promotions

NORTH WHIDBEY LIONS CLUB \$ 3,500

Car Show – Off-Island Advertising

OAK HARBOR CHAMBER OF COMMERCE \$10,000

Visitor Information Center & Whidbey on Wheels and Off-Island Promotions

SOUTH WHIDBEY HISTORICAL SOCIETY \$ 330

Brochures (cost and distribution of new brochures only)

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**SUB-TOTAL \$54,330**

The Board accepts and approves the Lodging Advisory Committee's recommendation as outlined above; and, in addition, approves the Committee's recommendation to reserve \$8,000, to begin development of a county-wide tourism marketing plan. The Board directs Committee to seek the cooperation and participation of the Municipalities for the development of the plan.

**\$ 8,000 \_\_\_\_\_ T O T A L \$62,330**

**APPROVED: BOARD OF ISLAND**

**DATE: FEBRUARY 22, 1999 COUNTY COMMISSIONERS**

*MIKE SHELTON, CHAIRMAN*

**ATTEST: WM. L. "MAC" McDOWELL, MEMBER**

*MARGARET ROSENKRANZ WILLIAM F. THORN, MEMBER*

**CLERK OF THE BOARD**

**Application for Washington State Association of Counties Retrospective Rating Pool Membership**

The Board, by unanimous motion, approved the County's application for WASAC Retrospective Rating Pool Membership for coverage year beginning April 1, 1999, as recommended by Ms. Kemp.

**Claim for Damages R99-001CD, Saratoga Water District**

In the case of Claim for Damages #R99-01CD filed by Saratoga Water District, Ms. Kemp reported that after investigation of incident, the County Engineer and Road Supervisor confirmed damage by County mower to arms of fire hydrant, and recommended the claim be approved and paid in the amount of \$857.97.

By unanimous motion, the Board approved Claim for Damages #R99-01CD by Saratoga Water District in the amount of \$857.97.

**RECONSIDERATION OF Claim for Damages #R98-052CD**

**BY David Stevenson**

Claim denied on January 4, 1999. Subsequent to that denial, Mr. Stevenson called about a reconsideration of the claim, and provided information Ms. Kemp previously did not have. After submittal by Mr. Stevenson of additional information, Mrs. Kemp called and talked with Deputy Rick Norrie in more detail about the incident, and Deputy Norrie provided a written statement which confirmed that the claim should be paid.

After reconsideration of the Claim, the Board by unanimous motion approved Claim for Damages #R98-052CD by David B. Stevenson, in the amount of \$3,632.56.

**APPOINTMENTS/REAPPOINTMENTS TO VARIOUS COMMITTEES**

The following appointments were made on unanimous motion of the Board this date:

**Clinton Sub-Area Advisory Planning Committee**

Allen C. Vautier [refilling position vacated by John Cooper]

**Island County Mental Health & Substance Abuse Advisory Board**

Lea Kouba, Langley Term: to July 1, 2001

Terry L. Smith, Freeland Term: to July 1, 2002

**Conservation Futures Advisory Board (CAB)**

Frances Skinner, Coupeville Term: to Sept. 30, 2001

**Northwest Senior Services Board**

Dorothy Gailey, Oak Harbor Term: to June 30, 2001.

**March, 1999 Staff Session Schedule**

By unanimous motion, the Board approved the March 1999 Staff Session Schedule for distribution, outlining Staff Sessions to be held on March 3 and 17, beginning at 9:00 a.m.

**Hiring Requests And Personnel Actions**

As presented, with summary description of proposed action, by Dick Toft, Human Resources Director, the Board by unanimous motion, approved the following personnel actions:

**Department PAA # Description/Position # Action Eff. Date**

Pros. Atty 016/99 Leg. Sec/Asst Off Adm #1807 Pers Action 2/22/99

Pros. Atty 017/99 Leg. Sec/Dist. Ct. #1811 Pers Acton 2/22/99

Pros. Atty 018/99 Leg. Sec/Dist. Ct #1813.01 Pers Action 2/22/99

Pros. Atty 019/99 Leg. Sec/Child Supt #1808 Pers Action 2/22/99

Pros. Atty 020/99 Leg. Sec/Dist. Ct. #1813.02 Pers Action 2/22/99

Pub Works 015/99 Support Clerk #413 New Position 2/22/99

Pub Works 024/99 Permit Coord III #1602.02 Replacement 2/22/99

Pub Works 025/99 S.W. Att II #2248.01 Pers Action 2/22/99

Juvenile 021/99 Prob/Parole Couns. #1402.05 Replacement 2/22/99

Treasurer 023/99 Tax Forec. Dep. #2103 Replacement 2/26/99

Health 022/99 Pub Health Coord #2408.05 Pers Action 2/22/99

**Resolution #C-19-99 Transferring Funds within the 1998 Budgets**

As presented and reviewed by the Budget Director, Margaret Rosenkranz, the Board by unanimous motion, approved

Resolution #C-19-99 Transferring Funds within the 1998 Budgets for the following Island County Funds; Current Expense Fund, Alcohol & Substance Abuse Fund, Guardian ad Litem Fund, Family Resource Center-South Whidbey, Insurance Reserve Fund, Motor Pool Fund, Construction & Acquisition Fund, Equipment Rental & Revolving Fund, Paths & Trails Fund, Solid Waste Fund, in amounts listed on Exhibit A.

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

|  |   |                           |
|--|---|---------------------------|
| <b>IN THE MATTER OF TRANSFERRING FUNDS WITHIN</b>            | ) |                           |
| <b>THE</b>   |   |                           |
|  | ) |                           |
| <b>1998 BUDGETS FOR THE FOLLOWING ISLAND COUNTY</b>          |   |                           |
| <b>FUNDS; CURRENT EXPENSE FUND, ALCOHOL &amp;</b>            | ) |                           |
| <b>SUBSTANCE ABUSE FUND, GUARDIAN ad LITEM FUND,</b>         | ) |                           |
| <b>FAMILY RESOURCE CENTER-SOUTH WHIDBEY FUND,</b>            | ) | <b>RESOLUTION C-19-99</b> |
| <b>INSURANCE RESERVE FUND, MOTOR POOL FUND,</b>              | ) |                           |
| <b>CONSTRUCTION &amp; ACQUISITION FUND, EQUIPMENT</b>        | ) |                           |
| <b>RENTAL &amp; REVOLVING FUND, PATHS &amp; TRAILS FUND,</b> | ) |                           |
| <b>SOLID WASTE FUND</b>                                      | ) |                           |

**WHEREAS**, all funds and department budgets are adopted and fixed by the Board of County Commissioners for each fiscal year, with expenditures listed in three general categories; Salary, Wages & Benefits, Maintenance & Operation and Capital Outlay, and

**WHEREAS**, it is permissible to transfer between these categories only by resolution of the Board, and

**WHEREAS**, various departments have requested transfers of funds between portions of their budgets, and

**WHEREAS**, it is necessary to transfer between these categories in order to cover for unexpected or heretofore unknown expenditures in one category from other budget category excesses, or from budgeted reserves, **NOW THEREFORE**

**BE IT RESOLVED**, that funds will be transferred in the 1998 Fund Budgets per the attached Exhibit A.

**ADOPTED** this 22nd day of February, 1999.

**Board of County Commissioners**

**Island County, Washington**

*Mike Shelton*, Chairman

*Wm. L. McDowell*, Member

**ATTEST:** *William F. Thorn*, Member

*Margaret Rosenkranz*

Clerk of the Board

BICC 99-112

*(Note: Exhibit A on file with the Clerk of the Board)*

Meeting adjourned at 5:20 p.m. The next Regular Meeting scheduled for March 1, 1999 beginning at 9:30 a.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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Wm. F. Thorn, Member

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

Margaret Rosenkranz, Clerk of the Board