

BOARD OF ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING

JUNE 14, 1999 - ROUGH DRAFT ONLY

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on June 14, 1999, beginning at 9:30 a.m., in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman, and William F. Thorn, Member, present. Commissioner Wm. L. McDowell, Member, absent.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: **Voucher/Warrants**
#51994 – 52349..... \$502,500.46.

EMPLOYEE SERVICE AWARDS

Employee # Years Office/Department

Norm Banta 15 *Assessor*

Donna M. Benson 10 *Commissioners*

Betty Kemp 10 *GSA*

Pamela McCarty 10 *Jail*

Stanley Reed 15 *Jail*

Richard Green, Jr. 20 *Public Works/Roads*

Andy Griffin 10 *Public Works/Community Development*

Beth Mohan 5 *Health Department*

EMPLOYEE OF THE MONTH - MAY, 1999

MIKE ANDRIESEN, Camano Road Shop

Hiring Requests & Personnel Actions

After presentation and summary provided by Dick Toft, Human Resources Director, the Board by unanimous motion, approved Personnel Action Authorization #068/99, .5 fte, Position #2248.01 from Solid Waste Attendant I to Solid Waste Attendant II, effective today.

Change in Corporate Officers for Liquor License - Freeland Café

By unanimous motion of the Board, a recommendation of approval for Change in Corporate Officers for Liquor License #352941-4I, Freeland Café, will be forwarded to the Washington State Liquor Control Board.

Evergreen Aids Foundation, Case Management Services, Contract

The Board, on unanimous motion, approved Contract #HD-03-99 between Evergreen Aids Foundation and Island County for Case Management Services, in the amount of \$16,192 Region 3 AIDS Service Network as defined in RCW 70.24, the Omnibus AIDS Legislation of 1988.

Public Input or Comments

Gregory Leavitt, 2672 W. Forest Lane, Coupeville, addressed an issue he believed would result in tragedy if action were not taken soon, that being a coyote menace plaguing all areas of Whidbey Island. With no natural enemies, coyotes have multiplied to where they now run in packs as high as 13, and have killed fowl, sheep, domestic pets, and bold enough to take down a newborn bison. Mr. Leavitt told the Board that he had coyotes run within ten feet of him and his children as the coyotes were grabbing some chickens. When coyotes hunt in large groups and have no fear of humans, he thought it only a matter of time until a child or even an adult was attacked and seriously injured or killed. His suggestion was that Island County consider live-trapping the coyotes and transporting them off-Island, thus saving the coyotes while protecting humans and pets.

RESOLUTION #C-69-99 ENDORSING CONSERVATION REINVESTMENT ACT OF 1999 AND REINVESTMENT & ENVIRONMENTAL RESTORATION ACT OF 1999

Chairman Shelton read a proposed Resolution for the record. As background information, he pointed out that he received a request from Lynn Schonberg, Coastal Counties Coordinator, The Conservation Council, Department of Natural Resources, Baton Rouge, La, encouraging that Island County endorse the Conservation Reinvestment Act and the Reinvestment and Environmental Restoration Act of 1999.

By unanimous motion, the Board adopted Resolution #C-69-99 in the matter of endorsing the Conservation Reinvestment Act of 1999 and the Reinvestment and Environmental Restoration Act of 1999.

BEFORE THE BOARD OF ISLAND COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ENDORSING }

CONSERVATION & REINVESTMENT }

ACT OF 1999 AND REINVESTMENT } RESOLUTION #C-69-99

& ENVIRONMENTAL RESTORATION }

ACT OF 1999 }

WHEREAS, the development of Federal oil and gas resources on the Outer Continental Shelf (OSC) liquidates a capital asset of the Nation; and

WHEREAS, a significant portion of the liquidated capital assets of the Nation should be reinvested in the conservation and enhancement of other precious capital assets of our Nation, including the coastal zone, inland habitat and wildlife resources; and

WHEREAS, coastal states that host Federal offshore oil and gas development are suffering adverse impacts on their environment and increased pressure on their public services for which mitigation and compensation should be made by the Federal government; and

WHEREAS, under the Mineral Lands Leasing Act, when Federal mineral resources are developed on shore, the Federal government shares 50% of its revenues from that development with the host state;

THEREFORE, BE IT RESOLVED, that the Federal government should share with the states, annually, as an entitlement, 50% of the revenues derived from Federal oil and gas development on the Outer Continental Shelf, with 27% being distributed to all coastal states pursuant to the formula recommended by the OSC Policy Committee to the Department of Interior in October, 1977, and 23% being distributed to all states through the Land and Water Conservation Fund and a program of wildlife conservation initiatives; and

BE IT FURTHER RESOLVED, that the Board of Island County Commissioners endorses the Conservation and

Reinvestment Act of 1999 that has been introduced in the United States House of Representatives (H.R. 701) and the Reinvestment and Environmental Restoration Act of 1999 that has been introduced in the United States Senate (S.25) and recommends its enactment to the Governor of the State of Washington, the Washington State Legislature, the Congressional delegates of Washington State, and the entire United States Congress and the Administration.

ADOPTED this 14th day of June, 1999.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

[absent - Wm. L. McDowell, Member]

William F. Thorn, Member

ATTEST: Margaret Rosenkranz, Clerk of the Board

BICC 99-343

Claim for Damages #R99-010CD, Robert Boyle

Betty Kemp, Director, GSA/Risk Management, presented her recommendation in a memo to the Board dated June 10, 1999, regarding Claim for Damages #R99-010CD filed by Robert Boyle for damages to bulkhead and other property near Glendale Creek. She advised that the allegations described in Mr. Boyle's claim were investigated and data reviewed by the County's Construction Engineer, Assistant Public Works Director and Public Works Director. Recommendation is denial of the claim based on:

- Seawall timber piling is very old and in poor condition due to natural wear and tear over

the many years and ability to withstand winter storms is questionable;

- Storms during Winter 1998-99 caused erosion of beach and bluff areas alike on the west

side of Whidbey Island; storm damage this past winter was widespread and unrelated to

any action or inaction by the County.

The Board concurred in the recommendation and by unanimous motion, denied Claim #R99-010CD by Robert Boyle.

Claim for Damages #R99-014CD, Carla Lara

Ms. Kemp presented recommendation as summarized in Memorandum to the Board dated June 10, 1999, on Claim for Damages #R99-014CD by Carla Lara, claiming bodily injury in the amount of \$14,066.50 incurred from accident on January 14, 1997, when she was a passenger in a vehicle that drove off the road and hit a stump. Recommendation in this case was to neither deny nor approve the claim, rather to forward the claim to the County's liability insurance company for further review.

By unanimous motion, the Board concurred and directed that Claim for Damages #R99-014CD, Carla Lara be forwarded to the County's liability insurance company for further review.

Quitclaim Deed – Brighton Beach Road; grantor St. Peters Evangelical Lutheran Church

As presented and recommended for acceptance by Larry Kwarsick, Public Works Director, the Board by unanimous motion accepted a Quitclaim Deed for Brighton Beach Road Work Order #220, from St. Peters Evangelical Lutheran

Church, with compensation in the amount of \$3,500, parcel 154-488 located in Sec. 24, Twp. 29N, Rge. 3E, W.M.

Stormwater Mitigation Agreements – Koetje Construction, Inc. – Holmes Harbor Golf & Yacht Club

The Board, by unanimous motion, approved Stormwater Mitigation Agreements from Koetje Construction, Inc., for Lot 30, Block 1, Holmes Harbor Golf & Yacht Club #5, and Lot 10, Block 2, Holmes Harbor Golf & Yacht Club #9.

Amendment No. 1 to Property Lease Agreement #PW-992003 with Town of Coupeville temporary siting of government offices

Presented for the Board's action, Mr. Kwarsick recommended approval of Amendment No. 1 to Property Lease Agreement #PW-992003 with Town of Coupeville for temporary siting of government offices, increasing the number of buildings to be sited on Town property from two to three [an additional modular unit to site WSU Office temporarily]. No other changes are proposed to the lease agreement in terms of conditions.

By unanimous motion, the Board approved Amendment No. 1 to Property Lease Agreement #PW-992003 with the Town of Coupeville as presented.

Resolution #C-70-99 Designating geographic area for developing salmon habitat restoration project list and designating Island county as lead entity for purposes of applying for funds

Mr. Kwarsick introduced proposed Resolution #C-70-99 (R-36-99) to designate the geographic area for developing a salmon habitat restoration project list and designate Island County as Lead Entity [LE] for purposes of applying for grant funds.

Julie Buktenica, Surface Water Manager, expanded on the information contained in her memorandum to the Board dated June 9, 1999, regarding the Salmon Recovery Grant, part of House Bill 2496. HB 2496 tasked the Washington Conservation Commission with establishing technical advisory groups [TAG] within each water resource inventory area [WRIA], and is to be comprised of representatives from state agencies, local jurisdictions, tribes, conservation district and regional salmon groups. TAG is to conduct a "limiting factors analysis" for respective WRIAs, resulting in a habitat restoration project list to submit to the state for funding. The LE is responsible for submitting the habitat restoration project list to the state, and all grant applications. The application requests funding for the LE and projects to fill data gaps found in the Limiting Factors Analysis, a two-year grant with \$200,000 the total amount of the program [maximum grant request \$150,000 each biennium]. She recalled that the County set some money aside in the 1999 budget for restoration grants from DFW and that is where any required match would come from, as well as some left from FCAPP grants not approved. The extension of WRIA and broad-base look would include the near shore habitat as well as streams

By unanimous motion, the Board adopted Resolution #C-70-99 (R-36-99) to designate the geographic area for developing a salmon habitat restoration project list and designate Island County as Lead Entity.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

RESOLUTION NO. C-70-99

R-36-99

IN THE MATTER OF DESIGNATING THE GEOGRAPHIC AREA FOR DEVELOPING A SALMON HABITAT RESTORATION PROJECT LIST AND ALSO DESIGNATING ISLAND COUNTY AS LEAD ENTITY FOR PURPOSES OF APPLYING FOR FUNDS UNDER CHAPTER 246, LAWS OF WASHINGTON 1998 (ESHB 2496)

WHEREAS, the listing of Puget Sound Chinook Salmon as threatened and the potential listing of other

salmonids for protection under the federal Endangered Species Act will require coordinated action on the part of cities, counties and tribal governments throughout each Water Resource Inventory Area (WRIA) in the Puget Sound; and

WHEREAS, Chapter 246, Laws of Washington 1998 (Engrossed Substitute House Bill 2496) calls for cities, counties and tribes to jointly develop salmon habitat restoration project lists; and

WHEREAS, development of a salmon habitat restoration project list has been initiated in WRIA 6 through a collaboration of state, local and tribal agencies know as the Island County Salmon Technical Advisory Group (ICSTAG); and

WHEREAS, the Board of Island County Commissioners established the Water Resource Advisory Committee (C-50-99, R-25-99) whose duties include providing the citizen-based evaluation of the salmon habitat restoration project list as required by to Chapter 246, Laws of Washington 1998; and

WHEREAS, state operating budget provisions passed in 1999 as a companion to Chapter 246, Laws of Washington 1998 provides funding to lead entities for salmon restoration projects; and

WHEREAS, ESHB 2496 and Fish and Wildlife grant application guidelines require the designation, by official resolution, of a lead entity that is to be responsible for submitting the habitat restoration projects list; and

WHEREAS, ESHB 2496 necessitates the designation, by official resolution, of a boundary within which a list of habitat restoration projects will be developed; and

WHEREAS, WRIA 6 encompasses Island County in its entirety and no other county; and

WHEREAS, there has been a general consensus that for cities and tribes with jurisdiction in Island County, WRIA 6, that said region is the logical area within which to conduct the aforementioned habitat restoration project list development. NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners that

1. WRIA 6 be designated as the geographic area for which a salmon habitat restoration projects list is to be developed pursuant to Chapter 246, Laws of Washington 1998;
2. Island County is the appropriate entity to be administrative lead for purposes related to Chapter 246, Laws of Washington 1998; and
3. Island County, as Lead Entity, will submit the application for funds on behalf of other jurisdictions in WRIA 6.

APPROVED and ADOPTED this 14th day of June, 1999.

**BOARD OF COUNTY
COMMISSIONERS**

**OF ISLAND COUNTY,
WASHINGTON**

Mike Shelton, CHAIRMAN

[Absent - Wm. L. McDowell,
Member]

William F. Thorn, MEMBER

ATTEST: *Margaret Rosenkranz*

Clerk of the Board

BICC 99-352

Lead Entity Status Program Application

to Department of Fish & Wildlife

The Board, on unanimous motion, approved Lead Entity Status Program Application for forwarding to the Department of Fish & Wildlife per Resolution #C-70-99.

EXECUTIVE SESSION

Beginning at 1:30 p.m., the Board met in Executive Session as allowed under RCW 42.30.110(1)(i) to discuss with legal counsel pending litigation. The Executive Session lasted until 4:15 p.m. and the Board then returned to open public session.

PUBLIC HEARING SCHEDULED: RESOLUTION #C-71-99 IN THE MATTER OF ADOPTING THE CALENDAR TO ESTABLISH A WORK PLAN FOR ISSUES REMANDED BY THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Keith Dearborn, GMA Legal Consultant, advised that the Western Washington Growth Management Hearings Board entered its Final Decision and Order on June 2, 1999, and found certain provisions of the Island County Comprehensive Plan and Development Regulations not in compliance with the requirements of GMA. The County needs to establish a work plan and calendar of actions to address the issues the Growth Board remanded for further review, and presented at this time a proposed Resolution and Exhibit A, 1999 GMA Compliance Calendar, setting forth the actions and schedule to address the issues remanded for further review by the Western Washington Growth Management Hearings Board.

By unanimous motion, the Board scheduled Resolution #C-71-99 [PLG-013-99] for public hearing on June 28, 1999 at 2:45 p.m. [GMA Doc. #4211]

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

4:20 p.m. The next regular meeting will be held on June 21, 1999, beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

William F. Thorn, Member

[absent: Wm. L. McDowell, Member]

ATTEST: _____

Margaret Rosenkranz, Clerk of the Board