

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING

REGULAR SESSION - JULY 19, 1999

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 19, 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.

VOUCHERS AND PAYMENT OF BILLS

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

- **Voucher (War.) # Warrants # 54315 - 54504\$ 284,316.18**
- **Veterans Assistance Fund:** [names & specific circumstances confidential]. Action

by unanimous motion of the Board, consistent with the recommendation of

the Veterans Assistance Review Committee:

V99-7 Claim Denied in Entirety

V99-9 Claim approved in the amount of \$1722.78

Hiring Requests & Personnel Actions

After presentation and summary provided by Dick Toft, Human Resources Director, the Board by unanimous motion approved the following Personnel Action Authorizations:

Dept. PAA# Description Action Eff. Date

Juvenile 069/99 Prob/Parole Couns. Position Extended-add'l grant funds 7/19/99

Public Works 072/99 SW ATT I 32 hr. Replacement 7/19/99

Public Works 071/99 Constr. Engr. Replacement 7/19/99

Hum. Res. 070/99 Asst. Dir Reclass 7/19/99

Sup. Ct. 073/99 Ct. Admin. Replacement 9/8/99

Claim for Damages, R99-021CD, GTE Telephone Operations

Betty Kemp, Director, GSA/Risk Management, presented recommendation of denial of Claim for Damages #R99-021CD submitted by GTE Telephone Operations in the amount of \$976.02 cur cut 50PR telephone cable, Camano Island. The appropriate departments reviewed the claim, and the Road Department was performing routine maintenance, not excavation, which does require a "call before you dig".

By unanimous motion, the Board denied Claim for Damages #R99-021CD by GTE.

AWC Drug & Alcohol Testing Consortium M Testing – Agreement for Provision of Medical Review Officer Services

Ms. Kemp presented for approval of the Board the AWC Drug & Alcohol Testing Consortium, Agreement for provision of Medical Review Officer[MRO] Services. A signed MRO contract is required, pursuant to the MRO Services described in regulations set forth in procedures for Transportation Workplace Drug Testing Programs, to be filed with Virginia Mason Occupational Medicine. The Board, by unanimous motion, approved and signed the AWC Drug & Alcohol Testing Consortium M Testing Agreement for Provision of Medical Review Officer Services, not to exceed \$4,000.

Resolution #C-88-99 Employing an Attorney to Defend Island County Sheriff Deputies Jeff Myers & Russ Lindner

Lawsuit filed in District Court against Island County deputies Myers and Lindner, and because the County is not named, County Code 2.38.030 requires Board approval for funds for legal defense when a lawsuit against an employee arises out of an official act. Ms. Kemp presented Resolution #C-88-99 to authorize legal defense in this case not to exceed \$5,000.

The Board, by unanimous motion, approved Resolution #C-88-99 in the matter of employing an attorney to defend Island County Sheriff Deputies Jeff Myers and Russ Lindner in the Lawsuit filed in District Court.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF THE BOARD OF)

COUNTY COMMISSIONERS EMPLOYING)

AN ATTORNEY TO DEFEND ISLAND) RESOLUTION NO. C-88-99

COUNTY SHERIFF DEPUTIES JEFF MYERS &)

RUSS LINDNER IN THE LAWSUIT FILED IN)

DISTRICT COURT)

WHEREAS, the Board of Island County Commissioners has, at this point in time, determined that Island County Sheriff Deputies, Jeff Myers and Russ Lindner, were acting in good faith within the discharge of their duties as Island County Sheriff Deputies; and

WHEREAS, it is deemed necessary and advisable that an attorney be retained to defend Deputy Myers and Deputy Lindner, in the lawsuit filed in District Court #C98-1666R;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Island County, Washington, as follows:

The law firm of Lee Smart Cook Martin & Patterson, specifically Duncan Fobes, has been retained to defend Deputy Myers and Deputy Lindner, and will keep the County and the Washington Counties Risk Pool advised of all significant pleadings and other areas of investigations. The dollar amount for legal defense paid to Lee Smart Cook Martin & Patterson will not exceed Five Thousand Dollars (\$5,000.00).

Signed this 19th day of July, 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 99-415

CAMANO FAMILY RESOURCE CENTER Use & occupancy Agreement

Lee McFarland, GSA Assistant Director/Property Management Division, presented for approval Lease Agreements for the Camano Family Resource Center between Island County and Community Mental Health Services. Three other user agency

agreements were approved and signed by the Board on May 24, for The Recovery Center; Island County Health Department; Affiliated Health Services, and it was noted at that time that a fourth lease agreement with Community Mental Health would be ready soon and presented at a later date.

The Commissioners asked that Mr. McFarland review ambiguous language contained in paragraph 5.1, utilities, and plan to revise/correct same during the next annual review of all the leases for family resource centers, to clarify this reflects the understanding that Island County making utilities available as opposed to paying for them.

By unanimous motion the Board approved the lease agreement with Island County Community Mental Health Services Use and Occupancy Agreement for their location at the Camano Island Family Resource Center.

Quitclaim Deed – Michael D. & Karen M. Leggee to Island County

As presented by Larry Kwarsick, Public Works Director, and recommended for approval, the Board by unanimous motion, approved Quitclaim Deed from Michael D. & Karen M. Leggee to Island County, Parcel S6510-00-00022-0 (Lot 22, Driftwood Shores #1) to clear title for right-of-way on Short Road–East Camano Drive Phase 2 project.

ESCROW ACCOUNT AGREEMENT: JENKINS, INC.

By unanimous motion, the Board approved Escrow Account Agreement as submitted by Jenkins, Inc., the contractor for the 5th Street Improvement Project, an agreement under which retainage will be forwarded to InterWest Bank and held throughout duration of the project.

LETTER OF SUPPORT TO DESIGNATE NWRC TO INITIATE FOUR-COUNTY PLANNING PURSUANT TO HB 1798

The Board, by unanimous motion, authorized signature on a letter to the Northwest Regional Council supporting the Council's proposal to seek planning and coordination funding from the Agency Council on Coordinated Transportation as provided for in House Bill 1798, Transportation Coordination for People with Special Needs. The Board feels the NWRC's proposal to develop a coordinated four-county approach represents an effort to avoid duplication and prudently use public resources while seeking to improve transportation coordination for people with special needs.

RESOLUTION #C-89-99 [PLG-023-99] EXTENDING THE SERVICE AREA FOR THE VISTAIRE WATER SYSTEM AND UPGRADING THE COORDINATED WATER SYSTEM PLAN TO REFLECT THE SERVICE AREA EXPANSION

Phil Bakke, Planning Manager, summarized from his July 16, 1999 Memorandum to the Board regarding the request to expand the service area of the Vistaire Water System, application WSR 770/99 application by Robert K. Porter to add Lot 56, Lakeview Terrace Plat to Vistaire Water System. Proposal is to extend existing service area to include one additional lot currently included in the Lakeview Terrace Water Service Area, Assessor's Parcel #S7330-00-00056-0, classified as Rural Residential in the Island County Zoning Atlas. The property is located directly adjacent to the Bayridge Planned Residential Development and the current service boundary of the Vistaire Water System. The owner of the parcel, Diane Ludington, on several occasions made written requests to the Lakeview Terrace Water System for service in order to obtain water service and obtain a building permit for a single family residence on her lot. Lakeview Terrace Water System by letter indicated the system was not currently capable of providing water to the lot and could not predict when or if water service would ever be available. Vistaire Water System has the capacity to add one lot as shown in Island County Health Department records, and Health Department records substantiate that Lakeview Terrace does not have enough water rights to provide service to this lot. RCW 70.116.060(3)(b) allows the County can change the boundaries if the existing purveyor is unable to provide service in a timely and reasonable manner. Almost a year has gone by since the owner's initial request to Lakeview Terrace.

Mr. Bakke reported staff recommendation of approval of WSR, subject to the conditions of the Public Works Department outlined in a letter dated July 8, 1999, attached to the resolution as Exhibit A.

By unanimous motion, the Board approved Resolution #C-89-99 [PLG-023-99] in the matter of extending the service area for the Vistaire Water System and Updating the Coordinated Water System Plan to Reflect the Service Area Expansion.

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

IN THE MATTER OF EXTENDING THE SERVICE AREA FOR THE)
 VISTAIRE WATER SYSTEM AND UPDATING THE COORDINATED)
 WATER SYSTEM PLAN TO REFLECT THE SERVICE AREA)
 EXPANSION) RESOLUTION C-89-99
) PLG-023-99
)

WHEREAS, the Vistaire Water System has prepared an application for a service area expansion to include one additional lot (Assessor's Parcel S7330-00-00056-0) per the Island County Coordinated Water System Plan, RCW 70.116, and WAC 248-56; and

WHEREAS, the water system plan and existing service area of the Vistaire Water System has been reviewed for consistency with the Island County Comprehensive Plan, the Island County Coordinated Water System Plan, and other applicable State and local codes and regulations; and

WHEREAS, the Island County Public Works Department recommends conditional approval of the North Whidbey Water District service area expansion (conditions listed in Attachment "A"); and

WHEREAS, the Island County Health Department shows that the Vistaire Water System has the capacity to provide potable water and Lakeview Terrace does not currently have the capacity. Attachment "B"); and

WHEREAS, the legislative authority previously assigned the subject lot to the service area of Lakeview Terrace Water System; and

WHEREAS, the lot is not currently served with potable water by Lakeview Terrace; and

WHEREAS, RCW 70.116.060(3)(b) and the Coordinated Water System Plan do not allow any other purveyor to provide water service to an area previously approved by the legislative authority and incorporated into the Coordinated Water System Plan unless it is determined that the existing purveyor is unable to provide service in a timely and reasonable manner; and

WHEREAS, the owner of lot S7330-00-00056-0 provided evidence indicating that Lakeview Terrace did not provide water service to the subject lot within 120 days pursuant to RCW 70.116.060(3)(b); and

WHEREAS, Vistaire Water System is willing to provide water service to the subject lot pursuant to the standards listed in the Coordinated Water System Plan; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Board of Island County Commissioners that the proposed service area expansion to include Assessor's Parcel S7330-00-00056-0 in the Vistaire Water System be incorporated into the Island County Coordinated Water System Plan subject to the conditions from the Island County Public Works Department listed in Attachment "A".

ADOPTED this 19th day of July, 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

The action proposed by this resolution has been reviewed and found to meet the current Island County Zoning and Land Use Statutes.

Vincent J. Moore, Director of Planning

[Exhibit A on file with the Clerk of the Board]

Review Financial Reports FOR PERIOD ENDING JUNE 30, 1999

Treasurer's Current & YTD Cash Report; County Investment Report & Status

Maxine Sauter, Island County Treasurer, submitted her written Cash Receipts/Budget Current Expense year-to-date report as of June 30, 1999. She noted revenue increase by \$774,353 over last year at this time; however, disbursements also up over last

year by \$279,893 [before allocated transfers] with cash ending balance \$1,363,810, an increase of \$143,878.

Commissioner Thorn commented that the report could be augmented by knowing what the year-end forecasts were. Commissioner Shelton mentioned that the percent collected to date was an important number to look at in the overall budget.

For Current Expense investments, Ms. Sauter reported that as of July 12, \$25,645,000 was invested; interest rates have gone up a little, now at 5.15% for long term investments.

Auditor's Monthly Review of Revenues and Expenditures

Suzanne Sinclair, Island County Auditor, submitted the Auditor's report dated 7/15/99, also for Current Expense. She reminded that fund balance does not always represent cash. Notes of interest about this particular report were: revenues for the Assessor are down, probably due to not yet having received State fees for collection of forest fire assessments; Juvenile Court Services shows reduction from last year, but actually is more accurate this year at 51%; timber excise tax rules changes resulted in a reduction in per foot dollars received [anticipated in budgeting]; revenues from liquor excise tax were increased in this year's budget by \$30,000 and the percent collected is correspondingly lower at this point; voter registration is at zero but those costs have not yet been collected; Family Resource Center, South Whidbey grant dollars increased substantially; Family Resource Center, Camano Island, is substantially completed and shows as more than was budgeted, probably due to the difference between the accounting schedule and construction schedule.

Follow-up: Chair to contact the Sheriff to inquire about the Sheriff's Budget showing expenditures at 54.1% when at this time of year the percentage should be 50%.

REPORT FROM SPECIAL LEGAL COUNSEL ON INADVERTENT ERROR IN COVER ORDINANCE #C-76-99 **[PLG-015-99] FIRST PAGE**

For purposes of information and clarification for the record, Keith Dearborn, Special Legal Counsel, addressed Ordinance #C-76-99 adopted last week, noting the last paragraph on the first page of the cover ordinance beginning "Be IT FURTHER ORDAINED was drafted differently than he had drafted it when he sent it to the County for final review, and was adopted the way the Deputy Prosecuting Attorney, Dave Jamieson, changed the ordinance and forwarded it to the Board. Mr. Dearborn thought there had been a mistake made, but did not know intent when the ordinance was redrafted. He has prepared what he thought was a proper correction and provided copies to the Board. This has been forwarded to Mr. Jamieson with a cover letter asking that he review this on his return from vacation and to advise the Board as to whether it was an error or not, and if it was an error, to advise whether or not this proposal corrects the error, and if there needs to be a correction, whether this change corrects the error, and if there needs to be a correction, whether the hearing needs to be re-opened and go through new advertisement or not. Correction proposed: [GMA Doc. #4444]

BE IT FURTHER ORDAINED that these interim regulations ~~amendments to the Rural Agriculture Zone~~ shall remain in effect until the County adopts permanent

amendments to Chapter 17.03 ICC to replace these interim regulations. ~~This~~ The permanent amendments shall not take effect until the Western Washington Growth

Management Hearings Board determines that they ~~use interim regulations~~ do

not substantially interfere with the goals of the GMA.

The way the language is drafted in the ordinance adopted last Monday the interim amendments to the Rural AG zone would not take affect until the Growth Board determined

they did not substantially interfere, which does not make sense.

Because of timing, potential advertising requirements and the fact that Mr. Jamieson would not return until July 26th, the date of the Board's next meeting, the Board decided the best course of action would be to set a public hearing on correction to ordinance #C-76-99, and by unanimous motion, scheduled a public hearing to correct the cover ordinance, #C-76-99, for August 9, 1999 at 10:45 a.m., specifically on the language as prepared and submitted this date by Mr. Dearborn.

The Board spent a few more minutes in discussion with Mr. Dearborn reviewing a letter received today from the Department
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of Community, Trade and Economic Development, concerning determinations of invalidity and the June 2 Western Washington Growth Management Hearings Board Final Decision and Order. [GMA Doc. #4445].

EXECUTIVE SESSION

The Board met in Executive Session as provided under R.C.W. 42.30.110(1)(i), to discuss

with special legal counsel pending litigation for approximately five minutes; no announcement was made or action taken in open public session following the Executive Session.

REVISIONS TO GMA CALENDAR

Mr. Dearborn reviewed with the Board some proposed revisions to the adopted GMA calendar, two changes of consequence:

- There was to have been a workshop in early August on AG, moving then to the hearing process on AG with the Planning Commission participating in that hearing process. There has been a late start on forming the AG Advisory Committee and the workshop delayed on AG Lands of Long Term Commercial Significance until August 27, with the Rural Densities workshop rescheduled to

September 24th

- First thought the mineral lands issue would need to go through workshop, Planning Commission hearing and then Board hearing. Recommendation for tomorrow's workshop on Mineral Lands will be there is no need to go through the Planning Commission review process on mineral lands because no substantive changes in action are being made, simply clarifying that Map E in the Comp Plan was intended to be the designation of those lands of long term commercial significance, a clarification action rather than an expanded designation.

The Board made the determination that revisions to the GMA calendar wait until the matter can

be reviewed and discussed with the Planning Commission during the workshop tomorrow.

Executive Session

At 1:30 p.m. the Board met in Executive Session for the purpose of discussing with special legal counsel pending litigation, as allowed under R.C.W. 42.30.110(1)(i). The Chairman announced that the session would last approximately 1-1/2 hours and no announcement would be made in open public session today after the executive session.

Meeting adjourned at 3:15 p.m. Next meeting will be a Special Session on July 20, 1999 at 9:30 a.m., Courthouse Annex Basement Hearing Room, Coupeville, for a joint Board of County Commissioners and Island County Planning Commission GMA Workshop on Mineral Lands.

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

