

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - OCTOBER 23, 2000**

Note: The Board met in Special Session at 9:00 a.m. to conduct a budget workshop to discuss the following budgets: E-911 Fund; Budget Director; Current Expense Overhead Allocations; Criminal Justice and revenue projections. Minutes from the budget workshop are on file in the Office of the Commissioners and Budget Director.

The Regular Meeting of the Board of Island County Commissioners was held October 23, 2000 at 11:30 a.m. with the monthly Roundtable with Elected Officials, followed by other meeting items as listed on the Agenda beginning at 1:30 p.m., *including* Diking Improvement District #4. The meeting was held in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Wm. L. McDowell, Chairman; William F. Thorn, Member; and Mike Shelton, Member, present.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS

Attendance

Elected Officials: Tom Baenen; Greg Banks; Marilee Black; Mike Hawley; Maxine Sauter, Suzanne Sinclair; Peter Strow

Others: Margaret Rosenkranz; Dick Toft

I State Sales Tax Equalization

Sheriff Mike Hawley brought up for discussion the subject of the existing inequity of state sales tax equalization due to the passage of 695 which reduced MVET funds.

Mike Shelton reported on current expense fund figures recently received that show that per capita, Island County currently ranks 6th to the lowest in sales tax revenues received in all of Washington, with Whitman County being the lowest. Although greatly reduced in recent years, counties receiving timber taxes still come out ahead with something, while Island County gets next to nothing.

As an example of the inequitable distribution, Mike Hawley used the nearby shopping mall Mecca of Burlington with a population of 5000, that receives more in sales tax than all of Island County with its population of 72,000. This translates into a ratio of 3.19 officers per 1000 population while Island County has .7 orso. While the sales tax distribution is distributed per capita, Island County must provide services such as traffic control, emergency services and policing to thousands of tourists that routinely visit Island County.

The Yakima County Prosecuting Attorney is spear-heading a push for an initiative to keep an additional one cent of the seven that currently go to the State in sales tax, to be distributed amongst the counties. The current distribution method allows only 1/10th of revenues to be funneled to counties if revenues were spent in the cities.

Mike Shelton reported on current expense fund figures recently received that show that per capita, Island County currently ranks 6th to the lowest in sales tax revenues received in all of Washington, with Yakima below that and Whitman County being the lowest. Although greatly reduced in recent years, counties receiving timber taxes still come out ahead with something, while Island County gets next to nothing.

Bill Thorn suggested that total budget numbers should be looked at to come up with a more realistic number rather than just focusing on current expense budgets.

Mac McDowell advised that the current ratios will only get worse and be further skewed by implementation of the Growth Management Act that funnels more tax dollars into cities, putting the counties farther and farther behind in revenues and funding for officers per capita.

Mike Shelton stated that not every county is in the same situation, thereby complicating attempts toward a united front when approaching the legislature for change. In reality, if the outlook is bleak now, it's only going to get worse. In his opinion, the legislature has failed to address the taxing structure in the state.

It was agreed that a coordinated effort should be made to encourage reinstatement of sales tax equalization out of the State's portion of sales tax revenues received. Island County should make that their unified statement to the legislators that by way of their actions they have taken \$600,000 out of the county's current expense fund budget with nothing being proposed to replace it, and the county simply cannot adequately carry out the normal responsibilities and continued unfunded mandates placed on them without recouping those funds.

II Levy Lid

Tom Baenen remarked that the one sure reliable source of revenues to the county is property taxes. The system for additional revenues has to be readdressed in order to simply keep the county's financial head above water, such as freezing of the 2% tax. In his opinion if I-722 does not pass, or passes and is challenged, the legislature will likely change the 106 lid to 102 creating the same reaction as the \$30 license tab fees. By imposing those kind of limits, a single thing such as a 3% labor contracts increase of 3% could wipe out a county in as little as three years.

As a suggestion, Bill Thorn questioned whether there might be any way keep revenues collected at the local level earning interest and then make a once a year payment to the State, or whether there were any other thoughts on ways to approach the State short of lawsuit.

Mike Hawley stated his feeling that the initiative idea is still a good one but would not rule out the idea of a lawsuit if for no other reason than to get some movement from the legislators.

Mike Shelton reminded that the WSAC has been looking and has yet to find a county that is willing to be the sponsor for a suit regarding the funding for the State revisions to the Shoreline Master Plan, with DOE set to propose the rule at the end of this month. And start the clock on the two year time period.

Tom Baenen reported that the Association of Washington Assessors has again this year renewed its resolution presented to the legislature to get rid of the \$3.60 state portion of property taxes, which if removed, would make it easy for Island County to get the \$1.80 they are allowed and still have the effect of lowering everybody's tax bill.

Mike Shelton reported that of the local fire district people he has spoken with, they are totally unaware of the impact of I-722 should it pass, as State wide the fire districts stand to lose as much as the counties.

Should I-722 pass, Tom Baenen reminded that refunds will have to be made to citizens for taxes collected as there is no current mechanism that allows a reduction in the levy rates. As a possible solution they may look at implementing a system of applying a credit against the following year's taxes.

VOUCHERS AND PAYMENT OF BILLS

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

Voucher (War.) # 84170 - 85297.....\$ 699,309.66

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. The Board accepted the recommendation of approval from the Veterans Assistance Review Committee, and by unanimous motion approved V2K-18 in the amount of \$2910.00. In addition, the Board by unanimous motion voted to waive the Board's policy of no additional claims within a 12-month period for this individual should the physical need for hand controls arise within that period of time.

COMMISSIONERS MINUTES OF MEETING APPROVED

By unanimous motion, the Board approved and signed the minutes of Commissioners Meetings held October 9 & 16,

2000.

STAFF SESSION SCHEDULE FOR NOVEMBER, 2000

The Board approved for distribution, the November 2000 Staff Session schedule for November 8 and 22, beginning at 9:00 a.m.

HEALTH CONTRACTS APPROVED

The Board, by unanimous motion, approved the following Health Department contracts:

- Contract #HD-18-00, Therapeutic Child Development Program, in the amount of \$2,520 (approved by Board of Health September 18, 2000)
 - Contract #HD-19-00 for Well Drilling with Environmental West Exploration, Inc., NTE \$20,000
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- Contract Amendment C08611(4), DOH, Consolidated Contract Amendment in the amount of \$9,327 (approved at Board of Health Meeting held September 18, 2000)
 - Contract Amendment: DSHS, Children Special Needs, language change only. (Approved at Board of Health Meeting held September 18, 2000)

APPROVAL OF APPLICATION FOR ADDED PRIVILEGE - LIQUOR LICENSE NO. 073063-4I, WHIDBEY ISLAND GREENBANK FARM

Having received recommendations of approval from both the Island County Sheriff and Island County Health Department, the Board by unanimous motion, approved the application for added privilege to Liquor License No. 073063-4I for the Whidbey Island Greenbank Farm.

CONTRACT FOR RESTROOM SEPTIC INSTALLATION - DAN PORTER PARK

By unanimous motion, the Board approved Contract Number RM-PARK-00-0068 between Island County and Earthworks Excavating in the amount of \$5940 for septic installation for Dan Porter Park restrooms.

HIRING REQUESTS & PERSONNEL ACTIONS

By unanimous motion, the Board approved the following personnel action authorizations, after presentation/explanation provided by Dick Toft, Human Resources Director:

PAA. #	Description/Position #	Action	Eff. Date
116/00	Acctg. Assistant , Pos. #2216.00	New Position	10/23/00
117/00	Appraiser Level (1) Pos. #108.02	Replacement	11/01/00

SALMON RECOVERY FUNDING - GRANT APPLICATION

Don Meehan, Island County Extension Agent, was present to answer any questions from the Board regarding the grant application by the Island County Marine Resources Committee (MRC) to the Salmon Recovery Funding Board (SRFB) in the total amount of \$214,343 for the Island County Nearshore Habitat Assessment project including mapping of forage fish spawning areas and eelgrass beds and shoreline acquisitions with outreach to homeowners. (Reviewed at staff session held 10/18/00).

By unanimous motion, the Board approved for signature by the Chairman the grant application by the Island County

MRC to the SRFB in the total amount of \$214,343.

GRANT APPLICATION BETWEEN ISLAND COUNTY AND UC-DAVIS WILDLIFE HEALTH CENTER FOR MARINE ECOSYSTEM HEALTH PROGRAM

Also presented by Don Meehan at this time for the Board's approval and signature grant application by the Island County MRC to the UC-Davis, Wildlife Health Center Marine Ecosystem Health Program for fish forage habitat assessment/mapping project in the amount of \$17,000 for grant year 2001 and \$14,000 for grant year 2002. (Discussed at staff session 10/18/00)

By unanimous motion, the Board approved the grant application to Wildlife Health Center Marine Ecosystem Health Program in the amount of \$17,000 for 2001 and \$14,000 for 2002.

REPORT ON THE FIRST ANNUAL COUNTY VETERAN'S COALITION RETREAT

Betty Kemp, General Services Administration Director and Staff Member Don Mason were present to brief the Board on the first annual County Veteran's Coalition (CVC) Retreat held October 17 & 18, 2000 in Coupeville.

Mr. Mason reported the purpose of the retreat was to compare program operations in various counties and brainstorm ideas on effective/efficient management of the Veterans Relief Fund, as unlike other state programs, there are no formal guidelines for administration provided by the State.

The meeting was well attended by various counties, with the Director of Veteran's Affairs for Washington State in attendance as well.

An interesting and informative presentation was made by Jane Koetje, Island County's Public Defense Administrator, on the subject of standards used and methods of determining indigency of claimants for public defense, which they hope to incorporate in their own claim process.

The committee will continue to meet and in addition to the continuing efforts on the ultimate goal of uniform guidelines for administration and disbursement of the funds, they hope to come up with methods of improving their outreach to needy veterans.

DISCUSSION: NOTICE FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR ON PROPOSALS BY THE TULALIP TRIBE FOR FEE TO TRUST CONVERSION OF PROPERTIES IN ISLAND COUNTY

Phil Bakke, Island County Planning Director, appeared before the Board to provide an update on the matter of notices received from the United States Department of the Interior (USDI), one dated August 22 and two dated August 28, soliciting comment within 30 days on the Tulalip Tribe's proposed fee to trust conversion of three parcels of property located in Island County. The County by letter dated September 25, 2000 requested an extension on the comment period to allow an opportunity to contact property owners and conduct a series of community meetings, to which the USDI responded with an extension to November 10, 2000.

The Board requested Mr. Bakke draft a letter back to the USDI advising that due to the unique topography of Island County consisting of two separate main islands and the time necessary to contact property owners and conduct community meetings in two vastly different locations, an extension date to December 20, 2000 is being requested. In addition, Mr. Bakke was asked to run the matter by the Dave Jamieson, Chief Deputy Prosecuting Attorney for his input on the legalities surrounding this issue.

HEARING HELD : APPLICATION FOR RENEWAL OF FRANCHISE #132(2) RENEWAL FOR EXISTING WATER SYSTEM - CAMANO VISTA WATER DISTRICT

At 2:20 p.m., as scheduled and advertised, a public hearing was held to consider the Application for renewal of Franchise #132R) by Camano Vista Water District for renewal of an existing franchise for water distribution system within the Plat of Camano Vista Division Nos. 1 & 2 and the Plat of Island Terrace, Division No. 1, located in Sections 10, 11 & 15, Township 30 North, Range 3 East, W.M.

As reported in a memorandum to the Board dated September 29, 2000, the County Engineer reviewed the request for renewal covering existing water distribution system in County right of way, advising that there are no plans for expansion of this current system. All department requested to comment responded with no objections to the proposal, and the Engineer recommended approval of the franchise as submitted.

At the time the Chairman called for public comments, no one in the audience expressed a desire to speak either for or against the requested franchise renewal.

By unanimous motion, the Board approved Franchise #132(R) by Camano Vista Water District for the renewal of existing water distribution system within the Camano Vista Water District Boundaries.

GRANT OF DRAINAGE EASEMENT

The Board by unanimous motion, approved a grant of a drainage easement for the Freeland Outfall Project from owners Timothy Secker, Lila Secker, Bob E. Secker and Randi Secker for Parcel S6655-00-08001, Plat of Freeland.

SUPPLEMENTAL AGREEMENT NO. 4 TO CONSULTANT AGREEMENT WITH SHELDON & ASSOCIATES

By unanimous motion the Board approved Supplemental Agreement No. 4 to Consultant Agreement PW-962041, Sheldon & Associates, Inc.; Biological Assessments, amending the Scope of Services, Basis of Compensation of Services and Time of Performance.

RESOLUTION NUMBER C-105-00 SETTING WINTER LOAD RESTRICTIONS

As presented by Larry Kwarsick, Island County Public Works Director, the Board by unanimous vote approved Resolution Number C-105-00 setting winter load restrictions and road closures in Island County through April, 2001.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF ISLAND COUNTY)	RESOLUTION NO. <u>C-105-00</u>
ROAD CLOSURES AND LOAD)	<u>R-46-00</u>
RESTRICTIONS)	

WHEREAS, Island County roads are constructed over relatively thin sub-bases, and sometimes directly over natural soil; and

WHEREAS, Island County roads constructed under aforesaid conditions are very vulnerable to rapid breakup during freezing and thawing periods; and

WHEREAS, the reason for this rapid breakup is because the road base will not adequately drain when frozen. (Thus, a rapid thawing from the top down – particularly from a rain or rapidly melting snow – results in excess water being trapped in this upper, thin surface layer. The action of heavily loaded trucks pounds the saturated, thin layer, causing the pavement to quickly break up. This breakup is caused when the thin layer of saturated soil directly beneath the pavement becomes mushy through repeated pounding by tire impact. In this mushy condition, the saturated soil provides little, if any, support to the pavement. Since the soil below is frozen, the moisture cannot drain off. The mushy soil then starts pumping up through cracks in the pavement, with the ultimate breakup of the pavement. However, when the full road base thaws uniformly, then the excess moisture can escape and drain off as

designed and the road base remains relatively stable.); and

WHEREAS, reduced weights and speed help prevent the early breakup of roads from conditions as cited above;

THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Island County, Washington, THAT the following notice be published once in a newspaper of general circulation in the County; THAT the wording and intent of same is a part of this Resolution; and THAT the Island County Engineer is hereby duly instructed and ordered to execute the action implied therein.

NOTICE IS HEREBY DULY GIVEN, that, under the authority of Chapter 36.75.270 and 46.44.080, Revised Code of Washington, all Island County roads subject to damage during periods when inclement natural forces are at work, will be closed to all vehicles exceeding the gross weight indicated for each tire size shown in the following tables (when said roads are posted in accordance with Item 4 below), WITH THE EXCLUSION of holders of a special permit from the Island County Engineer authorizing the operators of such vehicles as: School buses, emergency vehicles, and trucks transporting perishable commodities necessary to the health and welfare of local residents. (However, under the provision of this notice, in no case shall the gross load exceed the gross loads as set forth in R.C.W.46.44

WINTER LOAD RESTRICTIONS

(Same as Washington State Department of Transportation Emergency Load Restrictions, WAC 468-38-080)

<u>Conventional Tires</u>		<u>Tubeless or Special with .5 Marking Tire</u>	
<u>Tire Size</u>	<u>Gross Load Each Tire</u>	<u>Tire Size</u>	<u>Gross Load Each Tire</u>
7.00	1800 lbs.	8-22.5	2250 lbs.
7.50	2250 lbs.	9-22.5	2800 lbs.
8.25	2800 lbs.	10-22.5	3400 lbs.
9.00	3400 lbs.	11-22.5	4000 lbs.
10.00	4000 lbs.	11-24.5	4000 lbs.
11.00	4500 lbs.	12-22.5	4500 lbs.
12.00 or over	4500 lbs.	12-24.5 or over	4500 lbs.

EMERGENCY LOAD RESTRICTIONS

(Same as Washington State Department of Transportation Emergency Load Restrictions, WAC 468-38-080)

When a rapid surface thawing over a fully frozen road base occurs (i.e., warm rain over frozen ground, or rapidly melting snow), the Emergency Load Restrictions as cited below shall be immediately imposed as directed by the Island County Engineer.

<u>Conventional Tires</u>		<u>Tubeless or Special with .5 Marking Tire</u>	
<u>Tire Size</u>	<u>Gross Load Each Tire</u>	<u>Tire Size</u>	<u>Gross Load Each Tire</u>
7.00	1800 lbs.	8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00 or over	3000 lbs.	12-22.5 or over	3000 lbs.

- 1) High pressure pneumatic tires shall have the same rating as set forth in the above tables.

- 2) No allowance shall be made for any second rear axle that is suspended from the frame of a vehicle independent of the regular driving axle, and commonly known as a "Rigid Tail Axle".
- 3) The load distribution on any vehicle shall be such that it will not load the tires on said axle in excess of the prescribed load set forth in this order; provided that a truck, truck tractor, passenger bus or school bus having conventional 10.00 x 20 tires, or larger, may carry a maximum load of 10,000 lbs. on the front axle over any county highway placed under Regular Winter Load Restrictions.
- 4) Should there be evidence that any truck supplying motive power for any type of trailer is inadequate to handle with safety the specific maximum load for such trailer, the load on the trailer shall be reduced sufficiently to allow said truck and trailer to operate with safety. Any loading in excess of the specified maximum load will be considered a violation of this order. Island County roads shall be subject to closure during the effective dates stated below; said closure to be identified by continuous or intermittent posting at such locations upon each road as may be necessary by the Island County Engineer, as conditions require, to protect and maintain the same during each period.

THIS ORDER SHALL BECOME effective and be in full force on or after the date of adoption through the 30th day of April 2001, and the foregoing regulations will be rigidly enforced.

ADOPTED this 23rd day of October, 2000.

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

Wm. L. McDowell, Chairman
William F. Thorn, Member
Mike Shelton, Member

ATTEST: Margaret Rosenkranz,
Clerk of the Board BICC 00-632

**CONSULTANT AGREEMENT #002030 – ISLAND COUNTY/PERTEET ENGINEERING, INC. - TERRY'S
CORNER PARK & RIDE FACILITY & ROADWAY IMPROVEMENTS**

Dick Snyder, Assistant County Engineer, brought forward for approval by the Board the Standard Consultant Agreement #002030 between Island County and Perteet Engineering, Inc., for the Terry's Corner WSDOT Park and Ride Facility project and roadway improvements in the amount of \$444,767.

By unanimous motion the Board moved to approve the agreement as presented.

**WSDOT STATE PARTICIPATING AGREEMENT NO. GCA-2380 – TERRY'S CORNER PARK & RIDE
LOT, PHASE 1, PRELIMINARY ENGINEERING & R/W PHASE**

It was moved by Mike Shelton, seconded by Bill Thorn and carried unanimously that Board approve for Chairman's signature WSDOT State Participating Agreement No. GCA-2380 for Terry's Corner Park & Ride Lot, Phase 1, Preliminary Engineering and right-of-way phase.

**SURETY BOND FOR CONSTRUCTION OF STORMWATER DRAINAGE FACILITIES ASSOCIATED
WITH CONVERSION OF FOREST PRACTICE PERMIT, CAMANO IS.**

Larry Kwarsick presented for Board approval and signature a Surety Bond in the amount of \$47,700 for Darryl R. Jones, aka Sun Mountain Construction, Inc., for the construction of drainage control facilities within Parcels 197-0650 & 307-0270, as a condition of approval for Clearing and Grading Permit No. 122/00. Approval of the bond is recommended by Lew Legat, Island County Engineer.

By unanimous motion, the Board approved Surety Bond in the amount of \$47,700 for Darryl R. Jones, aka Sun Mountain Construction as submitted and recommended for approval.

There being no further business to come before the Board at this time, the Chairman adjourned the meeting at 2:35 p.m., to meet next in Special Session for Budget Workshop October 25, 2000 from 2:00 – 4:00 p.m.. (Subsequently canceled)

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

Wm. L. McDowell, Chairman

William F. Thorn, Member

Mike Shelton, Member

ATTEST: _____
Margaret Rosenkranz, Clerk of the Board