

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - APRIL 2, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on April 2, 2001, beginning at 9:30 a.m. in the Island County Courthouse Annex Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman; Mike Shelton, Member; and Wm. L. McDowell, Member, present.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) # 96145 – 96351..... for \$ 237,540.15.

**CONTRACTS/SUPPLEMENTAL AGREEMENTS APPROVED –
CENTRAL SERVICE DEPARTMENT**

Cathy Caryl, Central Services Director, reviewed with the Board three agreements, two with the State Department of Information Services, and a supplemental agreement to an existing contract, all three having been appropriately reviewed and approved through the Contract Review Process.

Service Level Agreement between Island County and Washington State Department of Information Services for Intergovernmental Network Services, CSA #8150-0 Supplement # T99-03 at \$120.00/mo.

Service Level Agreement between Island County and Washington State Department of Information Services for Internet Access Services at \$300.00/mo., CSA #8150-0 Supplement #T00-04.

Supplemental Agreement No. 3 to Contract #RM-CENT-00-0021 between Island County and TEC Services, for continuation of the Real Property System Maintenance and Training Contract for an additional 120 work hours

By unanimous motion, the Board approved and signed both contracts with the Washington State Department of Information Services as presented, along with Supplemental Agreement #3 to the existing contract with TEC Services as presented.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented and summarized by Dick Toft, Director, Human Resources, the Board by unanimous motion, approved the following Personnel Authorization Actions, both from the Public Works Department:

PAA 033/01	Jr. Civil Eng I/Eng. Tech III #2223.00	Replacement	Eff. 4/2/01
PAA 034/01	Acct. Assistant #2205.02	Replacement	Eff. 4/16/01.

RESOLUTION #C-46-01 ADOPTING THE REVISED ISLAND COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL SECTION 2.01.073(H) RE: TRAVEL ALLOWANCE FOR COMMISSIONERS

As prepared by the Human Resource Department, the Board by unanimous motion adopted Resolution #C-46-01 Adopting the revised Island County Personnel Policies and Procedures Manual Section 2.01.073(H) Re: Travel Allowance for Commissioners. This particular change acknowledges that information which is subject to change periodically can be done by resolution and avoid major revisions to the issued Personnel Manual that each employee of the County receives. This particular change in 2.01.017 (H) (Attachment A) relating to Commissioners Travel Allowance, provides instead of specifying the actual dollar amount because it changes periodically, to state instead: "...a lump sum monthly payment as set by Resolution".

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

RESOLUTION ADOPTING THE REVISED ISLAND COUNTY PERSONNEL POLICIES} AND PROCEDURES MANUAL } SECTION 2.01.073(H) PROVIDING LUMP } SUM TRAVEL ALLOWANCE IN LIEU OF } ACTUAL EXPENSES TO COUNTY } <u>COMMISSIONERS</u> }	RESOLUTION C-46-01
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WHEREAS, the Island County Personnel Policies and Procedures Manual requires periodic updating or modification to reflect changes in procedures or policy; and

WHEREAS, RCW 42.24.090 provides, in part, that counties may prescribe by resolution the amounts to be paid officers or employees thereof, as reimbursement to such officers or employees, in lieu of actual expenses incurred for travel expenses; and

WHEREAS, although the guidance and language offered in the Personnel Policies and Procedures Manual should be clearly written and understandable it should not be of the nature that would require the manual to be regularly updated due to the perishability of the information: and

WHEREAS, information that changes periodically may be promulgated by means of resolution, thereby avoiding a major revision to the issued Personnel Manuals held by all Employees and County Departments: **NOW THEREFORE**,

BE IT HEREBY RESOLVED, that the Board of Island County Commissioners hereby adopts the proposed amendment to the Personnel Policy and Procedures Manual adopted June 6, 1994 and revised 04/01/98 & 06/28/99 will be amended to reflect the change to Section 2.01.073 (H) (Attachment A). Material stricken through is deleted and material underlined is added.

ADOPTED this 2nd day of April, 2001.

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

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

ATTEST: Margaret Rosenkranz,
Clerk of the Board

BICC 01-222

[Attachment on file with the Clerk of the Board]

LIQUOR LICENSE APPROVALS

Based on recommendations of approval from the Sheriff and the Health Department, the Board by unanimous motion, approved forwarding recommendations of approval to the Washington State Liquor Control Board for the following applications:

- Assumption of Liquor License #353383-3G, Huntington Corner Grocery, Camano Island
- Application for Special Occasion Liquor License #071076 by South Whidbey Shrine Club

AWARD OF BID FOR COUNTY LEGAL NEWSPAPER PER R.C.W. 36.72.075

Suzanne Sinclair, Island County Auditor, provided the Clerk of the Board with the only bid received by the deadline for submission of bids for the County Legal Newspaper, which was from The Whidbey Newspaper Group, providing three options:

Option A

Whidbey News Times bid for selection of an official county legal newspaper

In- County circulation: 8835

\$11.00 per column inch for first insertion; \$9.35 per column inch each consecutive insertion

Option B

Whidbey News Times & South Whidbey Record combined - official county legal newspaper

In County circulation: 14,387

\$21.50 per column inch for first insertion; \$18.40 per column inch each consecutive issue

Option C

South Whidbey Record Rates as separate buy:

In county circulation: 5552

\$10.50 per column inch for first insertion; \$9.05 per column inch each consecutive issue.

By unanimous motion, the Board awarded bid to *Whidbey News Times* as the official county legal newspaper, and as has been the past practice, for times when there are specific geographical issues, to use supplemental advertising in either the *South Whidbey Record*, *Stanwood-Camano News* or *Coupeville Examiner*, where appropriate.

APPOINTMENTS NAMED TO ISLAND COUNTY TECHNOLOGY COMMITTEE

In accordance with the adoption of Resolution #C-44-01 on March 26, 2001, the Board, by unanimous motion, named the following to serve on the Island County Technology Committee:

Bill Thorn	County Commissioner
Tom Baenen	Assessor
Suzanne Sinclair	Auditor
Cathy Caryl	Central Services
Phil Bakke	Planning & Community Development
Greg Banks	Prosecuting Attorney
Linda Lee Martens	Health Department
Richard Renouard	Treasurer's Office.

One open slot remains, a person to represent the Public Works Department, and the Board will seek a recommendation from Larry Kwarsick and make an appointment next week.

PUBLIC INPUT

No one attended to provide public input at the 10:00 a.m. time period set aside for that purpose. However, Chairman Thorn noted for the record receipt of a letter dated 3/28/01 from William H. Evans, asking that the County consider amending Ordinance #C-68-98, Chapter 9.60 Public Disturbance Noise Control, by adding that "noise generated by man-made wind operated noise making devices shall be confined to the premises from which it originates."

**ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT
RENEWAL- THOMAS G. MAYES**

- The Board, by unanimous motion, approved the renewal of Adopt-A-Road Litter Control Program Agreement with Thomas G. Mayes for Cross Island Road from West Camano Drive to Ridge Road, Camano Island.

- **HEARING HELD: INTERIM ORDINANCE #C-38-01 (PLG-007-01) AMENDING ICC 17.02.107 TO COMPLY WITH THE ORDER OF THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD RELATING TO THE CRITICAL AREAS EXEMPTION FOR EXISTING AND ON-GOING AGRICULTURE**

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A Public Hearing was held at 10:45 a.m. as scheduled and advertised, to consider Interim Ordinance C-38-01 (PLG-007-01) Amending ICC 17.02.107 to comply with the Order of the Western Washington Growth Management Hearings Board relating to the Critical areas Exemption for Existing and On-Going Agriculture, having been introduced on March 12, 2001 [GMA #6348].

Attendance:

Staff: Phil Bakke, Director, Planning & Community Development
Public/Press: None

Mr. Bakke reviewed for the Board briefly the history of continuation of the interim regulation relating to the critical areas exemption for existing and on going agriculture: Ordinance #C-77-99; #C-152-99; #C-28-00; C-90-00; Ordinance #C-90-00 expires April 4, 2001. He reminded that RCW 36.70A.390 authorizes the County to renew interim regulations for one or more six-month periods so long as a public hearing is held and findings of fact made prior to each renewal. Proposed Ordinance #C-38-01 if adopted would renew the interim regulations for another six month period or until #C-151-99 Superior Court approval [Island County v. Western Washington Growth Management Hearings Board, Superior Court #00-2-00757-9] whichever comes first. Attached as Exhibit B are the required Findings and Legislative Intent.

There were no public comments either for or against proposed Ordinance #C-38-01.

Commissioner McDowell moved approval of Interim Ordinance #C-38-01 (PLG-007-01) Amending ICC 17.02.107 to comply with the Order of the Western Washington Growth Management Hearings Board relating to the Critical areas Exemption for Existing and On-Going Agriculture. Motion, seconded by Commissioner Shelton, carried unanimously.

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

**IN THE MATTER OF AMENDING ICC 17.02.107))))))
TO COMPLY WITH THE ORDER OF THE
WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD RELATING
TO THE CRITICAL AREAS EXEMPTION FOR
EXISTING AND ON-GOING AGRICULTURE**

**ORDINANCE C-38 -01
PLG-007-01**

WHEREAS, various parties filed petitions with the Western Washington Growth Management Hearings Board (“Western Board”) to review Island County’s adopted GMA Comprehensive Plan (“Comp Plan”) and Development Regulations; and

WHEREAS, the Western Board entered its Final Decision and Order on June 2, 1999; and

WHEREAS, the Western Board found prospectively the Critical Areas Exemption for Existing and Ongoing Agriculture invalid if interim regulations were not adopted by August 10, 1999, and therefore replacement regulations are needed to govern land use in the County; and

WHEREAS, in 1998, the County completed environmental review under Chapter 43.21C RCW (SEPA) on its Comp Plan and Development Regulations including Critical Area Exemptions; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed changes to Chapter 17.02 ICC relating to the exemption for existing and on-going agriculture, needed on an interim basis to comply with the Order of the Western Growth Board are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comp Plan and Development

Regulations; and

WHEREAS, RCW 36.70A.390 authorizes the County to renew interim regulations for one or more six-month periods so long as a public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, through Ordinance C-77-99, Island County adopted interim regulations limiting the exemption for existing and on-going agricultural activities to lands that are zoned CA; and

WHEREAS, by the terms of C-77-99, these regulations remained in effect for six (6) months; and

WHEREAS, through Ordinance C-152-99, Island County adopted a four (4) month extension to C-77-99; and

WHEREAS, through Ordinance C-28-00, Island County adopted an additional six (6) month extension to C-77-99 expiring on October 5, 2000; and

WHEREAS, through Ordinance C-90-00 adopted on October 4, 2000, Island County adopted an additional six (6) month extension to C-77-99 expiring on April 4, 2001; and

WHEREAS, on November 17, 2000, the Growth Board determined that the application of the agricultural exemption to existing and ongoing activities within the Rural Agriculture Zone as well as the Commercial Agriculture Zone is compliant with the GMA and that application of the exemption to the same activities within the Rural Zone is not GMA compliant; and

WHEREAS, Island County filed a court appeal of the Board's decision disapproving the agricultural exemption as it relates to lands designated Rural in Island County v. Western Washington Growth Management Hearings Board, Island County Superior Court No. 00-2-00757-9, but it is necessary that an interim ordinance be reenacted to avoid a determination of invalidity during the pendency of the lawsuit; **NOW, THEREFORE**,

BE IT HEREBY ORDAINED in order to comply with the June 2, 1999 Final Decision and Order of the Western Washington Growth Management Hearings Board and the subsequent November 17, 2000 Compliance Hearing Order, the Board of Island County Commissioners hereby adopts the amendment to ICC 17.02.107.E. attached hereto as Exhibit A establishing interim regulations relating to the exemption of existing and ongoing agricultural activities from critical area regulations and the Findings and Legislative Intent attached hereto as Exhibit B. Material underlined is added.

BE IT FURTHER ORDAINED that this amendment to the existing and ongoing agriculture exemption shall go into effect on the date of adoption and shall remain in effect until Court approval of the existing and ongoing agriculture exemption as it was adopted in Ordinance C-151-99 or six (6) months, whichever is earlier. Should the Court not issue a decision approving the existing and ongoing agriculture exemption as contained in Ordinance C-151-99 within six (6) months from the date of enactment of this interim amendment, then the Board hereby declares its intent to reenact this interim amendment so that it remains in full force during the pendency of the lawsuit or until a determination is made whether any other permanent regulations are necessary.

Reviewed this 12th day of March, 2001 and set for public hearing at 10:45 AM on the 2nd day of April, 2001.

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

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

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 01-190

APPROVED AND ADOPTED this 2nd day of April, 2001 following public hearing.

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

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

ATTEST: Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM:
DAVID L. JAMIESON, JR.
Deputy Prosecuting Attorney
& Island County Code Reviser

[Exhibits A and B placed on file with the Clerk of the Board]
[GMA #6467]

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There being no further business to come before the Board at this time, the meeting adjourned at 10:50 a.m., to meet next in Regular Session on April 9, 2001, beginning at 9:30 a.m.

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

William F. Thorn, Chairman _____

Wm. L. McDowell, Member

Mike Shelton, Member

ATTEST:

Margaret Rosenkranz, Clerk of the Board