

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - JUNE 18, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on June 18, 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. By unanimous motion, the Board approved and signed the minutes from the meeting of June 11, 2001.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved by unanimous motion, the May 2001 payroll, as well as payment of pre-audited vouchers:

Voucher (War.) #180996 - 101244 . . . . . \$ 608,057.86.

**HIRING REQUESTS & PERSONNEL ACTIONS**

Dick Toft, Human Resource Director, presented for the Board's review and approval three Personnel Action Authorizations from the Sheriff's Office, all with a proposed effective date of today, one a replacement, and two new positions. The Board by unanimous motion approved the following effective this date:

- PAA 056/01 Deputized Officer #4014.35 New Position \*
- PAA 057/01 Deputized Officer #4014.20 Replacement
- PAA 058/01 Corrections Officer #4015.19 New Position \*

\*Inasmuch as a budget appropriation was made to the Sheriff's Budget effective January 1<sup>st</sup> for positions #4014.35 and 4025.19 but unfilled until now, the Board's approval motion included the condition that those PAA's were approved on the basis of a follow-on budget adjustment to reflect the reduction for the two unfilled positions January 1 to June 1, 2001.

**WAIVERS FROM PARTICIPATION IN LOCAL VOTERS' PAMPHLET**

The Board reviewed and considered two requests forwarded by the Election Supervisor, Loann Gulick, for waiver from participation in the Local Voters' Pamphlet based on circumstances outlined in RCW 29.81A.020, based on the fact that the requirement would create an undue financial hardship on Penn Cove Water and Sewer District, and on Cemetery District No. 1.

By unanimous motion, the Board approved waivers pursuant to RCW 29.81A.020 from Participation in local Voters' Pamphlet for the Primary and General elections and for Cemetery District No. 1 and Penn Cove Water & Sewer District.

**CONTRACT RM-EXT-01-0053 SALMON RECOVERY FUNDING BOARD CONTRACT FOR  
NEARSHORE PROJECT COORDINATION IAC #01-1086N**

Don Meehan, WSU Extension Agent, presented for approval and signature, Contract RM-EXT-01-0053 Salmon Recovery Funding Board Contract for Nearshore Project Coordination IAC #01-1086N funding the coordination of several nearshore projects the Salmon Recovery Funding Board seeks Island County to oversee through the recent contract with Intertidal Consulting. The amount of the contract is \$38,000, of which \$10,000 is a match from the Nearshore Project, more than enough to meet required match.

By unanimous motion, the Board approved and signed Contract RM-EXT-01-0053 Salmon Recovery Funding Board for Nearshore Project Coordination IAC #01-1086N. [GMA \_\_\_\_\_]

**THE OPPORTUNITY COUNCIL LEAD-BASED PAINT HAZARD REDUCTION PROGRAM GRANT**

The Washington State Office of Community Development recently made Community Development Block Grant funds available to non-entitlement cities and counties to operate a program that provides support and assistance to comply with federal lead-based paint regulations. The Opportunity Council is applying for a grant, partnering with Whatcom County as sub-recipient, and proposes to develop mutual aid agreements with Island and San Juan counties. A mutual aid agreement will provide lead-based paint hazard reduction services and resources at significantly reduced cost.

By unanimous motion the Board approved and authorized the Chairman's signature on a Letter of Support for The Opportunity Council Lead-Based Paint Hazard Reduction Program Grant to be sent to Pat McLachlan, Program Manager, HUD HOME Repair and Rehabilitation, Olympia.

**ISLAND COUNTY WATER RESOURCE COMMITTEE**

By unanimous motion, the Board reappointed the following members to the Island County Water Resource Committee for a term expiring May 17, 2005: Steve Hilborn, Oak Harbor; Don Lee, Coupeville; and Robert Friedman, Camano Island.

**HEARING SCHEDULED: ORDINANCE #C-85-01 AMENDING CHAPTER 5.08 ISLAND COUNTY CODE – OUTDOOR PUBLIC ASSEMBLIES**

Ordinance #C-85-01 Amending Chapter 5.08 Island County Code – Outdoor Public Assemblies, was by unanimous motion of the Board, scheduled for public hearing on July 2, 2001 at 11:00 a.m. The proposed Ordinance would amend Outdoor Public Assemblies, Chapter 5.08 of the Island County Code, which regulates presentation of outdoor, live or recorded musical entertainment. The amendments would allow for events of more than one day and waive the \$25,000 bond when the event is held on government owned property., and allow waiver of the 90-day before-event deadline for submission of a permit application and ad or modify conditions for approval of a permit.

**RESOLUTION #C-87-01 IN THE MATTER OF DEFENDING EMPLOYEE JASON CORBETT AND ISLAND COUNTY VS. ALLSTATE**

Resolution #C-87-01 In the Matter of Defending Employee Jason Corbett and Island County vs. Allstate, was approved by unanimous motion of the Board, providing for the lawsuit to be defended by the Island County Prosecuting Attorney's Office.

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

**IN THE MATTER OF PROVIDING A )  
DEFENSE FOR JASON W. CORBETT ) RESOLUTION NO. C- 87-01  
AND JANE DOE CORBETT )**

**WHEREAS**, a lawsuit has been filed against Jason W. Corbett, Jane Doe Corbett and Island County based upon a vehicular collision that occurred November 2, 1998 during Jason W. Corbett's employment with the Island County Public Works Department;

**WHEREAS**, it appears that Jason W. Corbett, an unmarried man, was engaged in performing his duties as a Public Works employee at the time of the collision and that he did not intentionally or maliciously harm plaintiffs;

**WHEREAS**, Jason W. Corbett has requested that Island County defend him in the lawsuit;

**WHEREAS**, Island County Code Sections 2.38.030 and 2.38.040 allow the Board of County Commissioners to authorize the County to provide a defense to county officials or employees when specific

findings are made by the Board; and

**WHEREAS**, it is essential to the morale of county employees and officials, and derivatively to the welfare of the citizens of Island County, that county government stand behind and assist employees and officials sued over events occurring during their employment; **NOW, THEREFORE**, the Board makes the following findings:

That at the time of the collision leading to the lawsuit Jason W. Corbett:

(A) was acting in a matter in which the county had an interest;

(B) was acting in discharge of a duty authorized by law; and

(C) was acting in good faith.

**BASED UPON THE FOREGOING RECITALS AND FINDINGS,**

**BE IT HEREBY RESOLVED** that Island County will defend Jason W. Corbett in the lawsuit filed in the Island County Superior Court case entitled *Allstate Insurance Company v. Jason W. Corbett, Jane Doe Corbett, husband and wife and Island County*, through the services of the Island County Prosecuting Attorney.

Adopted this 18<sup>th</sup> day of June, 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 01-405

**REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER**

Treasurer's Report

Maxine Sauter, Island County Treasurer, was unable to attend the meeting, but had prior to the meeting, provided a written Current Expense Report for the period ending May, 2001, under cover memorandum June 13, 2001, showing cash and budget comparisons. She noted that most major areas seemed to be at least on target or above.

Auditor's Report

Suzanne Sinclair, Island County Auditor, and Motoko Pleasant, Auditor's Office, Accounting Section, were in attendance to present, comment and/or answer questions about the Auditor's written report submitted this date for the period ending May, 2001. The report was presented in a different format on a trial basis to evaluate the usefulness of the information. Current year and year 2000 budget numbers reflect only actual revenues taken in and not beginning fund balances. The far right hand column was a four year average compared to actual amount of revenue collected in each of those years. The numbers do not reflect carry forward, but that number can be provided if that is something the Commissioners would like to see. The Auditor's Office is very open to suggestions.

Comments from the Commissioners included:

- the difference with Current Expense is that if the Board chooses to budget a portion of carry forward to meet budget expenditures the following year, that needs to be on the report
- Auditor asked to check into the matter of reporting accrued investment interest, i.e. the example given: if the Treasurer sells one million dollars worth of investments over 6 months, accrued interest should show up on a monthly basis.

The Commissioners wanted to review the report format further, but appreciated the efforts of the Auditor's Office in

revising the format and information, agreeing the report was very useful, a major step in the right direction.

**SUPPLEMENTAL AGREEMENT NO. 1 TO AGREEMENT #PW-0020-27; GEOTEST SERVICES, INC.**

Larry Kwarsick, Public Works Director, presented for the Board's approval Supplemental Agreement No. 1 to Consultant Agreement #PW-0020-27 with GEOTEST Services, Inc.. The contract relates to on-call materials and compaction testing for miscellaneous projects, and the supplement deals with additional work to the original contract for Public Works Road Division projects (\$10,000) and special inspection and materials testing services for the Courthouse Remodel Project (\$18,000), for a new total of \$68,000.

The Board, by unanimous motion, approved Supplemental Agreement No. 1 to Consultant Agreement #PW-0020-27 with GEOTEST Services, Inc. as presented.

**ESCROW AGREEMENT- HANSON BROTHERS, ISLAND COUNTY COURTHOUSE EXPANSION & IMPROVEMENT PROJECT PHASE 2 COURTHOUSE REMODEL**

The Board by unanimous motion, approved Escrow Agreement through Whidbey Island Bank, Burlington Branch, from Hanson Brothers, the firm awarded the bid for the Island County Courthouse Expansion & Improvement Project Phase 2 (Courthouse Remodel) under PWP 01-02, Work Order #302.

Regarding possible FEMA monies to support the Courthouse retrofit due to recent earthquake, notice of intent to apply has been forwarded, and Mr. Kwarsick's office received a call last week notifying that grant applications would be sent out sometime this month or the beginning of July.

**DRAINAGE AND ABUTTER'S AGREEMENT & COVENANTS - SCOTT STEVENS (SEQUOIA HOMES) - HOLMES HARBOR GOLF & YACHT CLUB**

The Board approved, by unanimous motion, Drainage and Abutter's Agreement & Covenants with Scott Stevens, President, Sequoia Homes, Holmes Harbor Golf & Yacht Club, Div. No. 8, Lot 5, Block 15, relating to cooperatively resolving a drainage problem occurring on or adjacent to Reindeer Road.

**LOCAL AGENCY SUPPLEMENTAL AGREEMENT - WASHINGTON STATE DOT & ISLAND COUNTY - AGREEMENT NO. GCA 1355 - GLENDALE CREEK**

By unanimous motion, the Board approved Local Agency Supplemental Agreement between Washington State Department of Transportation [DOT] and Island County through Highways & Local Programs Funding Agreement #GCA 1355, Federal Aid Project #FPB-FS98(029), for the purpose of increasing the grant award by \$80,640 for Glendale Creek, from \$18,900 to \$99,540 and decreasing the match requirement from 58.9% to 37%. This involves fish passage barrier removal. [GMA # ]

**SUPPLEMENTAL AGREEMENT NO. 2 - WASHINGTON STATE DOT & ISLAND COUNTY - AGREEMENT NO. GCA 1355-GLENDALE CREEK**

The Board next approved, by unanimous motion, Supplemental Agreement No. 2 between Washington State Department of Transportation and Island County, Highways & Local Programs Funding Agreement # GCA 1355 for Glendale Creek to extend the completion date to December 31, 2001. [GMA # ]

**HEARING HELD: ORDINANCE #C-19-01 (PLG-001-01) ADOPTING SUBSTANTIVE AMENDMENTS - ISLAND COUNTY SHORELINE MASTER PROGRAM, CHAPTER 16.21 & 17.05 ICC.**

A Public Hearing was held at 10:45 a.m. on Ordinance #C-19-01 (PLG-001-01) continued from 3/12/01, 4/23/01 & 5/14/01 and 6/4/01 in the matter of adopting Substantive Amendments to the Island County Shoreline Master

Program, Chapter 16.21 ICC, and Chapter 17.05 ICC.

**Attendance:**

Alice Schisel, State Department of Ecology Regional Office, Bellevue  
Phil Bakke, Planning and Community Development Director  
Jeff Tate, Comprehensive Plan Manager

Mr. Bakke recalled that the Board’s final action was held until this date in order to allow sufficient time for written comments back from the State Department of Ecology (DOE). On June 8, 2001, a letter was received from Tom Fitzsimmons, Director, State Department of Ecology congratulating Island County on a job well done [GMA #\_\_\_\_\_]. This has been a two year process and Mr. Bakke gave credit to Alice Schisel for her willingness to meet, discuss and work with County staff on the master program, resulting in improvements to the program. Mr. Bakke extended credit too to Mr. Tate for staying the course, efforts and commitment to getting the job done.

Chairman Thorn agreed and added the Board’s thanks for the time Ms. Schisel spent with the County, her comments, reasonable attitude, and helpfulness in finding a common solution to some difficult issues. He agreed with Mr. Bakke’s comments about Mr. Tate, who has an impressive knowledge of County codes and working through this matter.

Alice Schisel was mindful that the Commissioners had had a tough task in balancing, weighing, and sorting through the issues, and as a result, saw an improved master program: improved from what it is today; and tomorrow, a huge improvement.

By unanimous motion, the Board adopted Ordinance #C-19-01, PLG-001-01, as amended through this process and initialed by members of the Board, In the Matter of Adopting Substantive Amendments to the Island County Shoreline Master Program, Chapter 16.21 Island County Code and Chapter 17.05 Island County Code. [GMA #\_\_\_\_\_]

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

IN THE MATTER OF ADOPTING )  
SUBSTANTIVE AMENDMENTS TO THE ) ORDINANCE C-19-01  
ISLAND COUNTY SHORELINE MASTER ) PLG-001-01  
PROGRAM, CHAPTER 16.21 ICC AND )  
CHAPTER 17.05 ICC. )

**WHEREAS**, on September 29, 1998 the Board of Island County Commissioners adopted Resolution C-124-98 pertaining to the Island County Shoreline Master Program; and

**WHEREAS**, pursuant to RCW 90.58.090, Island County is required to submit Shoreline Master Program amendments to the Department of Ecology for review and approval; and

**WHEREAS**, pursuant to WAC 173-26-110, on January 13, 1999, Island County transmitted the adopted Shoreline Master Program to the Department of Ecology (DOE) for its review; and

**WHEREAS**, on April 3, 2000, the Board of Island County Commissioners adopted Ordinance C-018-00, technical amendments to the Shoreline Master Program, Chapter 16.21 ICC and Chapter 17.05 ICC at the

request of DOE; and

**WHEREAS**, in 1998, the County completed environmental review under Chapter 43.21C RCW, SEPA, on its Comprehensive Plan and Development Regulations including the Shoreline Master Program; and

**WHEREAS**, pursuant to WAC 197-11-600, the County SEPA official has determined that these proposed changes to the Island County Shoreline Master Program are not likely to have significant adverse environmental impacts that were not considered in the environmental documents prepared for the Comprehensive Plan and Development Regulations; and

**WHEREAS**, following DOE review, it has been determined that substantive amendments to the Island County Shoreline Master Program are needed in order to comply with the Washington State Shoreline Management Act; and

**WHEREAS**, DOE will not approve and file the Island County Shoreline Master Program unless these changes are adopted; **NOW, THEREFORE**,

**IT IS HEREBY ORDAINED** that the Board of Island County Commissioners hereby adopts the substantive amendments to the Island County Shoreline Master Program attached hereto as Exhibit A. Material underlined is added and material lined through is deleted from Resolution C-124-98 adopted September 29, 1998 as amended by Ordinance C-018-00 adopted April 3, 2000. Chapter 16.20A ICC is superseded by Chapter 16.21 ICC herein. These amendments will take effect following final approval by DOE.

Reviewed this 12<sup>th</sup> day of February, 2001 and set for public hearing at 1:30 p.m. on the 12<sup>th</sup> day of March, 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 01-118

APPROVED AND ADOPTED as amended this 18<sup>th</sup> day of June, 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

**APPROVED AS TO FORM:**

David L. Jamieson, Jr.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

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

**EXECUTIVE SESSION R.C.W. 42.30.110 (1) (i)**

At 11:30 a.m. the Chairman announced that the Board would meet in Executive Session under provisions of R.C.W. 42.30.110 (1) (i) to discuss with legal counsel pending litigation. He anticipated that the executive session would take about one hour, and did not expect an announcement in open public session afterwards.

**EXECUTIVE SESSION RCW42.30.110 (1) (g)**

The Board met at 1:00 p.m. in Executive Session pursuant to RCW 42.30.110 (1) (g) to evaluate qualifications of applicants for public employment, anticipating the session would last until 4:00 p.m. Although no announcement is expected today, any final action of hiring will be taken in a meeting open to the public.

There being no further business to come before the Board at this time, the meeting adjourned at 4:00 p.m. on conclusion of Executive Session. The Board will meet next in Regular Session on June 25, 2001, beginning at 11:30 a.m.

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

William F. Thorn, Chairman \_\_\_\_\_

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Mike Shelton, Member

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Wm. L. McDowell, Member

**ATTEST:**

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Margaret Rosenkranz, Clerk of the Board