

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION – NOVEMBER 19, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on November 19, 2001 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.) # 110984-111411\$1,175,633.29.

EMPLOYEE AWARDS

Employee Service Awards

Department	Employee	No. of Years
Auditor's Office	A.S.E.F. Fairfax	5 years
Sheriff's Department	Karen Brazelton	10 years

October Employee of the Month

Melinda Buchholz, Planning and Community Development Department, selected as the Employee of the Month for October.

Special Recognition Matthew Kukuk, Enforcement Officer, Island County Planning & Community Development Department.

HIRING REQUESTS & PERSONNEL ACTIONS

After a brief summary and presentation by Dick Toft, Human Resource Director, with regard to personnel action recommendations, the Board by unanimous motion, approved the following:

Dept.	PAA #	Description	Position #	Action	Eff. Date
Juvenile	118/901	Juv Prob Sup.	1404.00	New Position	11/19/01
Juvenile	120/01	Prob. Officer	1402.08	Replacement	11/20/01
Maint	115/01	Custodian	901.04	Replacement	11/19/01
Public Works	116/01	Sm. Qt. Gen. Pro. C.	1718.00	Replacement	11/19/01
WSU Ext.	119/01	Asst. Dir/Pro.Coord	1207.02	Personnel Action	11/19/01

**APPROVAL OF LABOR AGREEMENT WITH ISLAND COUNTY DEPUTY
SHERIFFS GUILD COVERING CORRECTIONS OFFICERS**

By unanimous motion, the Board approved and signed labor agreement with Island County Deputy Sheriffs Guild covering Corrections Officers January 1, 1999 through December 31, 2001.

APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

The Board by unanimous motion, made the following appointments:

Joint Administration Board [Tourism]

Sam Wolfe, Freeland, Representing Freeland Chamber of Commerce

Marine Resources Committee for Island County

Sharon Hart, Executive Director, Island County EDC, representing Port of Coupeville for a term running until December 31, 2003

Sno-Isle Regional Library Board

Denice Dupont, Camano Island, for a 7-year term to January 1, 2009 (replacing Lillian Peterson who did not wish to be reappointed for another term)

SELECTION OF CHAIRMAN, BOARD OF COUNTY COMMISSIONERS - 2002

By unanimous motion, the Board appointed Mike Shelton effective **January 1, 2002**, as Chairman of the Board of Island County Commissioners.

RESOLUTION #C-146-01 REVISION OF SUBSTANCE ABUSE PREVENTION/ ROPES/CHALLENGE PROGRAM FEE SCHEDULE ISLAND COUNTY HEALTH DEPARTMENT

Resolution #C-146-01 was approved by unanimous motion of the Board, In the Matter of Revision of the Substance Abuse Prevention/Ropes/Challenge Program Fee Schedule of the Island County Health Department as submitted by the Health Services Director.

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

**IN THE MATTER OF REVISION OF THE)
SUBSTANCE ABUSE PREVENTION/ROPES) RESOLUTION C-146-01
CHALLENGE PROGRAM FEE)
SCHEDULE OF THE ISLAND COUNTY)
HEALTH DEPARTMENT)**

WHEREAS, the Island County Board of County Commissioners has reviewed the fees of the Substance Abuse Prevention Services/Ropes Course Challenge Program and supports a revision of the fee schedule, NOW THEREFORE,

BE IT HEREBY RESOLVED, that the fee schedule attached as Exhibit A shall become effective on the 1st day of January, 2002. Nothing herein is meant to change Health Department fees not mentioned in Exhibit A.

ADOPTED this 19 day of November, 2001.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. "Mac" McDowell, Member

ATTEST:
Elaine Marlow, Clerk of the Board

BICC 01-750

[Exhibit A placed on file with the Clerk of the Board and the Island County Health Department]

**RESOLUTION #C-147-01 PROCLAIMING DECEMBER 7, 2001,
PEARL HARBOR REMEMBRANCE DAY**

As is customary this time of year, the Board by unanimous motion, approved a Resolution, designated as Resolution #C-147-01, proclaiming December 7, 2001 as Pearl Harbor Remembrance Day.

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

IN THE MATTER OF PROCLAIMING)

DECEMBER 7TH OF EACH YEAR AS) RESOLUTION NO. C-147-01
PEARL HARBOR REMEMBRANCE DAY)
)

WHEREAS, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii; and

WHEREAS, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor; and

WHEREAS, the attack on Pearl Harbor marked the entry of the United States into World War II; and

WHEREAS, the veterans of World War II and all other people of the United States commemorate December 7th in remembrance of the attack on Pearl Harbor; and

WHEREAS, commemoration of the attack on Pearl Harbor will instill in all people of Island County a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II; NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Board of County Commissioners of Island County, Washington, concur and join with action by the One Hundred and Third Congress of the United States of America in proclaiming December 7th of each year as "Pearl Harbor Remembrance Day" in Island County, and that this Board of Commissioners calls on all citizens, groups and organization of the County to observe the day with appropriate ceremonies and activities, and urge all individuals and agencies to fly the flag of the United States at half-staff each December 7th in honor of the individuals who gave their lives at Pearl Harbor for the betterment of the lives of all Americans.

ADOPTED this 19 day of November, 2001.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

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

ATTEST:

Elaine Marlow, Clerk of the Board

BICC 01-737

CONTRACT #RM-GSA-01-0097 LIBBEY BEACH PARK ACCESS IMPROVEMENTS
BETWEEN ISLAND COUNTY AND REID MIDDLETON, INC.

As presented with a recommendation of approval by Lee McFarland, Assistant Director, GSA, the Board by unanimous motion approved Contract #RM-GSA-01-0097 between Island County and Reid Middleton, Inc. for the Libbey Beach Park Access Improvements, in an amount not to exceed \$6,000.00. Project start date is Monday.

PROJECT AWARDED FUNDED BY ISLAND COUNTY PUBLIC FACILITIES FUND

The Board reviewed and considered the recommended Award of Projects Funded by Island County Public Facilities Fund 2% Hotel-Motel Lodging Tax [first 2%] for Tourism Program Year 2002, forwarded by the Island County Lodging Tax Advisory Committee under cover memorandum dated October 26, 2001. The recommendation of the Committee totals awards in the amount of \$84,210.00 and includes fully funding EDC's request.

By unanimous motion, the Board approved the list as submitted by the Island County Lodging Tax Advisory Committee awarding projects funded by the Island County Public Facilities Fund 2% Hotel-Motel Lodging Tax [first 2%] for Tourism Program Year 2002 in the amount of \$84,210.00, including fully funding EDC's request.

**ISLAND COUNTY PUBLIC FACILITIES FUND
2% HOTEL-MOTEL LODGING TAX – TOURISM PROMOTION
2002 PROGRAM YEAR**

PROJECTS & ACTIVITIES FUNDED BY 2% TAX REVENUES

<u>ORGANIZATION</u>	<u>AMOUNT</u>	
- CAMANO ARTS ASSOCIATION Camano Island Mother’s Day Studio Tour – Marketing	\$ 1,150	
CAMANO ISLAND CHAMBER OF COMMERCE Camano Island Visitor Information Center - Staffing	5,020	
CENTRAL WHIDBEY CHAMBER OF COMMERCE Tourism Marketing & Fulfillment Program	14,990	
FREELAND CHAMBER OF COMMERCE Freeland Information Brochure	1,180	
FREELAND CHAMBER OF COMMERCE Freeland Visitor Information Center – Operational costs	5,470	
FRIENDS OF ADMIRALTY HEAD LIGHTHOUSE Lighthouse Visitor Services	2,000	
GREATER OAK HARBOR CHAMBER OF COMMERCE Marketing/Tourism Program of Island County	11,000	
ISLAND COUNTY HISTORICAL SOCIETY MUSEUM Tourist Information Manager	2,400	
ISLAND DISTRICT ECONOMIC DEVELOPMENT COUNCIL Island County-wide Tourism Marketing Program {continuation}	29,000	
LANGLEY SOUTH WHIDBEY CHAMBER OF COMMERCE Tourism Recruitment Brochure	1,000	
LANGLEY SOUTH WHIDBEY CHAMBER OF COMMERCE Fulfillment Program / VIC	11,000	Tourism Marketing &
T O T A L	\$84,210	

APPROVED By: BOARD OF ISLAND COUNTY COMMISSIONERS

DATE: 11-19-01 William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. “Mac” McDowell

ATTEST:
Elaine Marlow, Clerk of the Board

HEALTH CONTRACTS APPROVED

By unanimous motion, the Board approved three health contracts as follows, having previously reviewed same at a prior staff session:

- Health Contract #HS-14-01 - Village Community Services DDD \$3,226
- Health Contract: #0163-03943 DSHS/Division of Developmental Disabilities \$821,387 [RM-HLTH-99-0054]
Contract Period: July 1, 2001 – June 30, 2003
- Health Contract: #HS-08-01 (1) Developmental Disabilities – Island Employment Services, \$324,593 [RM-HLTH-00-0058] Amendment Period: October 29, 2001 – June 30, 2003

PUBLIC INPUT OR COMMENTS

The audience consisted of some 30 +/- people interested in addressing the County's use of herbicides and Pesticides for weed and pest control

Theresa Marie Gandhi, Coupeville, referenced documents entered into the record a year ago along with her comments regarding use of herbicides as part of road maintenance. Also referenced was a transmittal from Marianne Edain, WEAN: Seattle City Light Progress Report 3/2001, Heat Technologies for Weed Control- 4 pages [copy on file]. She expressed outrage to find out that \$60,000 was included in next year's budget for herbicides. She believed this put the Commissioners on the path of incurring charges of misfeasance, malfeasance and nonfeasance, based on ignoring scientific documentation, along with facts on converting to no spray. Her lawyers advised her that the Commissioners, as well as the State, could be part of her wrongful death suit for continuing to harm her upon autopsy of her body.

Lori Oneal, Clinton, read from a prepared letter dated this date to be part of the record, opposing chemical applications approved for weed and pest control by Island County. The toxic method of spraying results in poisoning children, wildlife, air quality, natural resources and overall health of the entire Island community. She advised that had been poisoned by spray applications three consecutive years since moving to Whidbey Island in 1998. Many chemical compounds are direct descendants of WWII chemical warfare agents and organophosphate nerve poisons; glyphosate, found in Roundup, has been linked to non-Hodgkins Lymphoma. She also represents one of Island County's many chemically inured residents. Continuing to be further damaged on a regular basis from spray drift at homes, county roads, state highways, visiting public parks, schools and beaches, is a violation of civil rights under the Americans with Disabilities Act, and imposes potential legal liability. The state and county continue to spray 2-4D, found in Crossbow, Weed & Feed, which is half of what makes up agent orange. Jefferson County has been a no spray county for 20 years, and has a successful alternative weed control program. Ms. Oneal's letter included for the record, the following attachments: *[all have been placed on file]*

- letter from Koenraad Marien, Washington State Department of Health 1/10/01
- letter from Richard Robinson, Agency for Toxic Substances and Disease Registry 2/21/01
- letter to Larry Kwarsick, Island County Public works 4/2/01
- letter from Dr. Bradford Weeks, M.D. 3/31/00
- letter from Lori Oneal opposing the County and State tax funded road maintenance programs that use toxic chemicals, dated 10/21/01 signed 11/19/01.

Linda Lindsey, Freeland, read the letter which Ms. Oneal submitted, into the record from Bradford S. Weeks, M.D., Clinton, 3/30/00, which in summary, states:

- Exposure to pesticides and herbicides can have neurological, immunological and toxicological effects on the human body as a result of their damage to the liver, kidney, brain and central nervous system
- Chemicals of particular concern are 2-4D and glyphosate, both which have been linked to cancer. 2-4D is half of what makes Agent orange; severe impairment in humans can include: peripheral neuropathies, convulsions and central nervous system damage, cancer and birth defects. Glyphosate, which can be found in Rodeo, has been linked to Non-Hodgkins Lymphoma.
- Use of these chemicals or any other pesticide or herbicide, poses a high risk to injury, potential disease, and environmental damage.

- Find an alternative approach which would assure the safety of the health and environment for all concerned.

Ms. Lindsey runs a healing center and a bed & breakfast and sees a lot of chemically injured people. She opposes spraying and hopes the Commissioners will use the facts and information presented to act responsibly and decide to no longer spray the roads.

Kevin Rio Kiper thought this was an that was running out of time; there are those who may die this year if spraying occurs again. Bio-terrorism is now, here, and a crime to continue to expose residents.

Mark Wall, Langley, commented to note there is a “chemical soup” of 80,000 synthetic chemicals now used, 15,000 regularly, and only 43% according to the EPA have been investigated for toxicity at all. A lot of the chemicals used which have been investigated for toxicity include:

Oust - main active ingredient sulfometruon methyl shown to cause testicular atrophy in male dogs, and long term exposure, mild hemolytic anemia, etc.

Round Up Pro - main ingredient glyphosate, an organophosphate, with symptoms all the way from runny nose, pink eye, swelling of hands, etc.

Direx 4L – ingredients include diuron and overexolsure which may cause liver enlargement, spleen and thyroid effects, red blood cell destruction, etc.

Crossbo – active ingredient 2-4D has a long list of side effects

Spreader – can cause irritations of respiratory tract, damage to lungs, redness and tearing to the eyes- wear approved respirator.

Insist – ingestion may cause nausea and vomiting, etc.

Weedmaster – hazards to humans and domestic animals; corrosive; causes irreversible eye damage, etc.

Mr. Wall read information from a meeting held by an international group of physicists, scientists, government officials, lawyers and labor and environmental advocates in January, 1998, in Racine, Wisconsin, and discuss the precautionary principle and developed the following consensus statement:

“Therefore, it is necessary to implement the Precautionary Principle: When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context, the proponent of an activity, rather than the public, should bear the burden of proof. The process of applying the Precautionary Principle must be open, informed and democratic, and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action.”

[copy of the full statement on file]

With Island County being the proponent of this activity, Mr. Wall thought the County ultimately could come under some legal liability.

Beverly Graham, South Whidbey, submitted petitions with 1275 signatures from people living all over Whidbey and Camano Island, opposed to continued roadside spray. She described herself as a singer-songwriter, performer, and provided information relative to her personal background. She followed with her personal story, going back to 1977 with a severe formaldehyde exposure causing a loss of her immune system, an exposure to pesticides in 1989, diagnosed with multiple sclerosis, and hospitalization after a neighbor exposed her to pesticides. Every April-October bio-terrorism happens to everyone on Whidbey Island, and her right as a human being to safe public access is being denied. With another exposure to a chemical truck in May, excessive levels of pesticide were found in her blood. Ms. Graham said she was the “canary” as were many others in attendance. She told the Commissioners it was time for

them to step up to the plate, lead by example. Hearing that the County may propose a five-year phase out, she advised she did not have five years. [*petitions placed on file*]

Marissa LaRue, Clinton, licensed mental health counselor, indicated that proven statistics are: at the turn of 20th Century cancer rates were 1 in 800; now, 1 in 3 women are contracting cancer and 1 in 2 men in this country; 1 in 4 are expected to die of cancer. The video "Trade Secrets" speaks to the general chemical poisoning in the country and world. She has discovered there are some wonderful alternatives to manage vegetation and the manual method used in Jefferson County. She requested the Commissioners and citizens in their homes look into those healthy alternatives.

Laurie Keith, President, WINS [Whidbey Island No Spray Coalition], Langley, began her presentation on the premise that the practice of using toxic chemicals to control vegetation on roads is a problem, and supported the use of the public health policy model "the Precautionary Principle", requesting the Board consider that statement as a basis to discontinue spraying herbicides on County roads. She recalled that when asked why the County had not already implemented a no spray program, safety and cost were the basic reasons given, and Commissioner Shelton expressed his concern about liability to the County, thus the need to spray the road shoulders to keep them free of vegetation.

Commissioner Shelton advised that he asked the County's Risk Manager from a risk management standpoint to assemble information as far as the dangers of a vegetated shoulder. There have been numbers of instances where the liability has existed through roadway design. He had some listed examples of roadway design that have ended up costing the County money.

Ms. Keith stated that other counties where vegetation does exist on the shoulders have not encountered such a problem, i.e. Snohomish County and Jefferson County, and she reported that James Carbone, Kelly, Harvey & Carbone, Clinton, has never heard of such a case, and he indicated that legally the County is only liable for visibility on the roadside for 2 car lengths from an intersection. She does not want her tax dollars paying attorneys to defend the county's use of chemicals on the roads. There are other cost savings of switching to non-chemical methods: when native vegetation is restored along the roadways, roadsides are more beautiful and in time provide a natural barrier to noxious weeds [photo included] and in time require less mowing and maintenance, provide natural erosion control reducing sedimentation and storm drainage costs. Jefferson County's no spray method of manual control increased cost by 60%, which for Island County would equate to about \$300,000, not subtracting any hidden costs, and could be spent on jobs in Island County rather than paying off-island chemical companies. The group demands an explanation why \$300,000 cannot come out of the road budget, of which between 5 and 6 million goes towards paving. There is no argument for paving so often, and a road surface is only a cause for liability if there is a pothole. She included a copy of an article on Managing Roadside Vegetation without herbicides; Greenbelt Consulting conducts workshops on identifying and promoting the use of native vegetation to inhibit noxious weeds, control erosion, decrease water run off etc. Seattle City Light puts on workshops about the use of radiant heat for weed control and information can be found at www.chemfree-weedcontrol.com.

Attachments to Ms. Keith's 11/19/01 letter include: [*all placed on file*]

Precautionary Principle

Round up linked to Non-Hodgkin's Lymphoma study

November 7,2001 letter to commissioners

Seattle City Light Study of Heat Techniques for Weed Control

Lawn Pesticides Poisoning our Children

Precautionary Principle

Chemicals used on Whidbey Island roads, parks, beaches, schools

IPM Practitioner: Managing Roadside Vegetation Without Herbicides

Forevergreen: Chemical Free Weed Control

Bibliography on the Scientific Studies showing harmful effects of Roundup

Resource, websites for county & state transition to no spray

Preserving Native Vegetation to Reduce Stormwater Impacts

Children's Environmental Health Basics

Diane Kendy, Langley, felt uncomfortable about roadside spraying for years, and has spoken privately to Commissioners Thorn and Shelton about the issue. One of the suggestions Commissioner Shelton made was to phase out chemical spraying within five years, replaced by paving the shoulders. On further reflection and speaking to other people it was pointed out to her that would create an enormous amount of additional stormwater runoff and overburden already stressed stormwater system, and enormous cost. She urged that the Board declare the moratorium.

Melinda and David Gladstone, Camano Island, represented three environmental groups, Green Wings, WEAN, and CARE, as well as Pilchuck Audubon Society and Northwest Ecopsychology Institute. The Gladstones also indicated they were speaking for the earth, all species and the unborn. In summary, they view the County's roadside spraying as: an environmental issue, a human health issue, a parental issue, a scientific issue and an economic issue, and view it as an act of terrorism and cited in their comments two examples. One of the concerns they expressed was that FDA does not test these chemicals in combination with one another. They too cited the Precautionary Principle and its defining sentence. The Gladstones asked for a unanimous vote to the permanent and immediate cessation of the use of pesticides for weed control and commented that any "no" vote would be construed as a crime against Island County citizens. [*presentation submitted in writing and a copy has been placed on file*]

Leah Green, Langley, commented that her neighbors and others she speaks with are concerned about the trust placed in the Commissioners, and asked they very seriously take into account this issue as a marker for the trust to respond to issues in the environment and world. She then read into the record a letter from Barbara Spence, Greenbank, who could not attend the meeting because of chemical sensitivities. Ms. Spence indicated that the lives of she and her family improved about 50% since their move to Whidbey Island four years' ago. They go to great lengths to avoid any chemicals that could jeopardize their immune systems, use the ferry as little as possible, seldom go to malls or any large stores and avoid public places where possible. As improved as their lives are on Whidbey Island they are still forced to live almost reclusive lives as the only way for them to stay healthy; 50% is not good enough and not acceptable. [*Spence letter of 11/17/01 placed on file*]

Tom Fisher, Clinton, representing Island County Citizens Growth Management Coalition, thought there was very little room to doubt the science presented, and expressed embarrassment that America was the only nation unwilling to join others looking at global warming. He did not want to be a part of a county that refused to see the writing on the wall. While the cost may be higher not to spray, it would seem to be a good investment since the County's liability exposure for slippery road shoulders cannot match the exposure of possible health litigation and he urged that the Board pass a moratorium today.

Susan Prescott, Greenbank, President, South Whidbey Tilth which successfully practices gardening and farming using alternatives to chemical fertilizers and herbicides, recalled having been in this room nearly 20 years ago when citizens first asked that roadside spraying be stopped, and as a result, the Commissioners adopted a program allowing citizens to post "No Spray" signs at the boundaries of their property. Jefferson County is still not spraying and she believed the citizens of the County were ready to have that adopted as an example. Health concerns are becoming more obvious, particularly in the summer months and there is mounting testimony from people who become sick, teachers complain children in classrooms are harder to teach because of an upswing of Attention Deficit Disorder.

Barbara Nichols, Clinton, noted there were a lot of facts expressed about health hazards, and those who are chemically sensitive and were the warning signs about what is happening. Children have developing systems and their systems are being compromised before they have a chance to be fully grown. There are healthy alternatives to this situation, that as in Jefferson County, work within the system and budget.

Sara Berger, Clinton, gave her personal testimony about her illness as a result of being stuck behind a spray truck; whenever she comes into contact with an herbicide she gets very ill. The herbicides last year hit her thyroid and she now has to take thyroid medicine.

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Bob Effertz, Clinton, believed up until now the Commissioners did what they felt was best for the County. With the information today, and other information to be reviewed, he asked that they take a different view and if there is doubt, err on the side of not doing harm, stop the spraying and not take the chance of possible harm.

Margaret Moore, Clinton, moved to Whidbey Island three years' ago and bought a house and worked hard at making it a healthy house, and has an organic garden. It was clear to her that just getting a "no spray" sign would not keep the spray off gardens, out of the water or air. She was excited about some of the alternatives mentioned today and hoped that the Commissioners would take those to heart; it is a complex issue but to her seemed like it should be a top priority as a life and death issue.

Rufus Rose, Clinton, was unaware this topic was being presented today. He has a background in industrial safety and has handled chemicals. His opinion was that it is very important that scientific facts be fully explored. Although feelings need to be considered, they should be considered against facts and costs, etc.

Chairman Thorn indicated that this topic was not a scheduled item on today's agenda, rather citizens commenting during the period set aside at 10:00 a.m. for open public comments; ordinarily action is not taken at the time, rather the comments taken under advisement and submittals reviewed carefully. Further discussion is scheduled at Staff Session this Wednesday at 9:00 a.m.

Commissioner Shelton acknowledged staff attending to hear the comment: Public Works Director; County Engineer; Maintenance Supervisor and the County's Risk Manager. He was not prepared to take action today, and referred to the continued discussion at Wednesday's staff session.

Commissioner McDowell was struck by the comments today especially from Beverly Graham who has suffered tremendously for the last 23 years; Sara Berger's point that anyone could be caught behind a spray truck; and Ms. Moore's comments about opening ears and hearts. This takes serious consideration and he looks forward to talking to the Public Works Director about possible alternatives.

The Commissioners cleared up the budget issue concern: the budget does not commit spending those monies - it only commits those funds should they decide to go ahead with it. Even after the budget is adopted the Commissioners could direct the Public Works Director not to spend those dollars on herbicide.

Chairman Thorn was very touched and had been for some time by a number of the stories of folks with chemical sensitivity. He has had concern as an individual for some time about chemical proliferation in the environment and not just from roadside spraying. Most of what has been represented as fact is marginal in terms of its veracity. He personally believes there is a major concern and hoped to be able to come to some terms within the County, and at the same time acknowledge the concerns that have been expressed. He gave assurance this is an active consideration of the County at the moment. The Road Supervisor has been looking at this for some time and has been in touch with some of the other counties mentioned as well as others not mentioned, to assess what experience has been. He did make the point he would not want to see the citizens underrate the liability concern the County faces, because until and unless there is tort reform in this State, County exposure is extreme.

HEARING HELD: FRANCHISE #89(1)R, CROCKETT LAKE WATER DISTRICT; RENEWAL OF EXISTING WATER DISTRIBUTION SYSTEM, PLAT OF CROCKETT LAKE ESTATES

The Public Hearing on Franchise #89(1)R by Crockett Lake Water District for the renewal of existing water distribution system located in the Plat of Crockett Lake Estates, Sec. 14, Twp 31 N., Rge 1E., W.M. (Central Whidbey) began at 11:30 a.m. instead of 10:20 a.m. as scheduled, due to the length of today's public comment period.

Bill Oakes, Public Works Director, reported to the Board that there were no plans for expansion of this current system. As noted in the October 8th memo from Dick Snyder, County Engineer, all departments requested to comment responded with no objections to the proposal. The Prosecuting Attorney's Office reviewed and approved the documents as to form and the document also has been approved by Risk Management.

No one in the audience expressed a desire to speak either for or against said renewal of the Crockett Lake Water District franchise.

By unanimous motion, the Board approved Franchise #89(1)R, Crockett Lake Water District; renewal of existing water distribution system, Plat of Crockett Lake Estates, located in Sec. 14, Twp 31 N., Rge 1E., W.M.

HEARING HELD: FRANCHISE #114(R), SUNRISE POINT WATER COMPANY; RENEWAL OF EXISTING WATER DISTRIBUTION SYSTEM, PLAT OF LONG BEACH, ADDITION NO. 1

The Public Hearing on Franchise #114(R) by Sunrise Point Water Company for the renewal of existing water distribution system in the Plat of Long Beach, Addition #1, located in Sec 5, Twp. 31N., Rge 3E. W.M. (Camano Island) began at 11:35 a.m. instead of 10:25 a.m. as scheduled, due to the length of today's public comment period.

Bill Oakes, Public Works Director, reported that after review, staff found there are no plans for expansion of this current system. As noted in the November 16th memo from Mr. Snyder, all departments requested to comment responded with no objections to the proposal. The Prosecuting Attorney's Office reviewed and approved the documents as to form and the document also has been approved by Risk Management.

No one in the audience expressed a desire to speak either for or against said renewal of the Sunrise Point Water Company.

By unanimous motion, the Board approved Franchise #114(R), Sunrise Point Water Company; renewal of existing water distribution system, Plat of Long Beach, Addition #1 in Sec 5, Twp. 31N., Rge 3E.

RESOLUTION #C-148-01/R-65-01 – APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CRUSHED ROCK SUPPLIES FOR 2002 THROUGH 2004 FOR BAYVIEW, COUPEVILLE AND CAMANO ROAD SHOPS.

As presented and discussed with Mr. Oakes, the Board by unanimous motion approved Resolution #C-148-01/R-65-01 In the Matter of Approving Specifications and Authorizing Call for Bids for crushed rock supplies for 2002 through 2004 for Bayview, Coupeville and Camano Road Shops, with bid opening on December 11, 2001 at 2:45 p.m.

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

**IN THE MATTER OF APPROVING }
SPECIFICATIONS & AUTHORIZING } RESOLUTION #C-148-01
CALL FOR BIDS FOR: CRUSHED ROCK } RESOLUTION #R- 65 -01
SUPPLIES FOR 2002, 2003, 2004 }**

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

CRUSHED ROCK SUPPLIES FOR 2002, 2003 & 2004
For Bayview, Coupeville and Camano Road Shops:

Bayview & Coupeville Road Shops:
6,000 tons, Crushed Surfacing Top Course (CSTC)
30,000 tons, Crushed Surface Base Course (CSBC)

12,000 tons, 3/8" #10 Aggregate for Bituminous Surface Treatment

Camano Island Road Shop:

3,000 tons, Crushed Surfacing Top Course (CSTC)

24,000 tons, Crushed Surface Base Course (CSBC)

2,000 tons, 3/8" #10 Aggregate for Bituminous Surface Treatment

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with Crushed Rock Supplies for 2002, 2003 & 2004; **BID OPENING** to be the 11th day of December, 2001 at 2:45 p.m., in Meeting Room #131, 101 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 19th day of November, 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board

BICC 01-745

RESOLUTION #C-149-01/R-66-01 APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TWO NEW 2001 MID MOUNT ROTARY BOOM ASSEMBLIES

As presented and discussed with Mr. Oakes, the Board by unanimous motion approved Resolution #C-149-01//R-66-01 In the Matter of approving specifications and authorizing call for bids for two new 2001 mid mount rotary boom assemblies [Mowing Implements] with bid opening set for December 11, 2001 at 2:30 p.m.

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

IN THE MATTER OF APPROVING SPECIFICATIONS }
& AUTHORIZING CALL FOR BIDS FOR: TWO (2) } RESOLUTION #C- 149-01
NEW 2001 MID MOUNT ROTARY BOOM ASSEMBLIES } RESOLUTION #R- 66 -01

WHEREAS, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

**TWO (2) OR MORE NEW 2001 MID MOUNT ROTARY BOOM ASSEMBLIES
To Be Installed on Island County Owned Tractors**

NOW, THEREFORE, BE IT HEREBY RESOLVED that Attachment A, Specifications, is approved as written, and the County Engineer is authorized and directed to call for bids for furnishing Island County with said equipment; **BID OPENING** to be the 11th day of December, 2001 at 2:30 p.m., in Meeting Room #131, 101 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 19th day of November, 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board

BICC 01-746

**ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT
WITH FRIENDS OF CAMANO ISLAND PARKS**

The Board approved, by unanimous motion, Adopt-A-Road Litter Control Program Agreement between Island County and the Friends of Camano Island Parks, for roadside litter pickup on Elger Bay Road from Mountain View Road to Dry Lake Road.

RESOLUTION #C-150-01 REVISING RESOLUTION #C-133-01, ESTABLISHING FEES FOR BURNING PERMITS IN UNINCORPORATED ISLAND COUNTY

Betty Kemp, Director, GSA, presented a proposed resolution to revise Resolution #C-133-01 adopted on October 22, 2001, to correct a misunderstanding with regard to commercial burn permits. The “per day per site” language was too stringent of a time frame to expect for this particular activity and the language suggested is: “per burn per site”. The idea had been that the County replicate what DNR is doing, i.e. burn permits \$50.00. The resolution in front of the Board now reads under item 2: “Land Clearing Burning - \$50.00 per day per site”.

Discussion ensued with Ms. Kemp about the duration of the permit. The point brought up by the Commissioners was a circumstance such as outlined in an example: 5 acres, 2 burn piles; \$50 permit obtained to burn the 2 piles: what happens when a 3rd pile is created later. As a result consensus was to change item two to more correctly reflect circumstances, i.e. \$50.00 per site; burn permits are issued for 30-day durations excluding weather interruptions.

Rufus Rose, South Whidbey resident, was concerned about the time frame specified in that he had had land clearing done on his property some time ago where it took longer than 30 days. He thought a 30-day limit may work if the permit starts from the start of the burn.

The only permits Island County issues are those listed within this resolution, for which DNR no longer issues, and to respond to Mr. Rose’s concern, Ms. Kemp made the point that the Fire Warden issues permits on site which provides an easy way to start that 30 day time period.

By unanimous motion, the Board adopted Resolution #C-150-01 in the matter of revising Resolution #C-133-01 fees for burning permits in unincorporated Island County, with the change to Item #2 under the Be It Resolved paragraph to indicate: \$50.00 per site; burn permits are issued for 30-day durations excluding weather interruptions.

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

IN THE MATTER OF REVISING)	
RESOLUTION C-133-01, FEES FOR)	RESOLUTION NO. C- 150-01
BURNING PERMITS IN)	
<u>UNINCORPORATED ISLAND COUNTY</u>)	

WHEREAS, outdoor burning is a potential hazard from both a fire safety standpoint and a public nuisance standpoint; and

WHEREAS, RCW 70.94.743 and 755 of the Washington State Clean Air Act give the Northwest Air Pollution Authority (NWAPA) and counties contracting with NWAPA the authority to cooperate in implementing the limited burning policy authorized by RCW 70.94.743 through .765; and

WHEREAS, by agreement with NWAPA, Island County has accepted responsibility to carry out the permitting and/or enforcement activities in unincorporated Island County for outdoor fires allowed by chapter

173-425 WAC; and

WHEREAS, pursuant to RCW 70.94.650(2), WAC 173-425-060(3) and the agreement with NWAPA, permit fees are to be set by rule to not exceed a level necessary to recover the costs of administering and enforcing the permit program;

WHEREAS, on October 22, 2001 Resolution C-133-01 was adopted and the County has experienced unexpected situations that are not desirable for this program. The Land Clearing Permit Fees and conditions shall be revised from \$50.00 per day per site to \$50.00 per burn per site; NOW THEREFORE,

BE IT RESOLVED, that the following burning permit fees are required:

1. Residential Fires that exceed 4'x4'x3' - \$20.00 per site. The \$20.00 permit will allow up to two (2) separate burns each calendar year within a duration of a seven (7) day limit for each burn as specified in the permit;
2. Land Clearing Burning - \$50.00 per site; burn permits are issued for 30 day durations excluding weather interruptions.
3. Storm/Flood Debris burning when an official disaster is declared - No Fee; and
4. Recreational Fires that exceed 3'x3'x2' in the Urban Growth Area (UGA) outside of City Limits – No Fee

DATED this 19th day of November, 2001.

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

William F. Thorn, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST: Elaine Marlow, Clerk of the Board

BICC 01-741

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

Treasurer's Report Maxine Sauter, Island County Treasurer, summarized from her Current Expense Cash Report for the period ending October 31, 2001, provided earlier to the Board under cover memorandum dated 11/8/01 [revised today]. Cash balance at 10/31/01 was \$4,071,000 including reserve, compared to \$3,341,264 last year. The report shows revenues received this reporting period are at 84%. Investment interest is higher than budgeted Excise tax is on target; Sales Tax at 81% not quite on target; Liquor Excise tax is over estimates as are franchise taxes. Property tax collection looks like will be almost at 100%. Expenditures show at 84%. She indicated that most areas were on target or above based on the 2001 budget as of October 31, 2001.

As the Chairman pointed out, the lower sales tax percent reflects close to \$100,000.

Auditor's Report. Anne LaCour, Chief Deputy Auditor, submitted the Auditor's Report under today's date for the period ending October 31, 2001. There were no specific major cautions noted. There were a couple small things such as election reserve not billed for the last election and maintenance has not billed for cleaning but those are both small funds.

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The Commissioners were pleased with the report showing the four year averages, which helps provide some perspective.

EXECUTIVE SESSION

The Board met in Executive Session beginning at 11:55 a.m. as allowed under RCW 42.30.110(1)(i) to discuss pending litigation with legal counsel. The session was expected to last only fifteen minutes, with no announcement to be made in open public session afterwards.

There being no further business to come before the Board at this time, the meeting adjourned at 12:15 a.m., on completion of the Executive Session. The Board will meet next in Regular Session on November 26, 2001, beginning at 11:30 a.m.

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

William F. Thorn, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST: _____
Elaine Marlow, Clerk of the Board