

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION – MARCH 11, 2002**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on March 11, 2002, beginning at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with Mike Shelton, Chairman; Wm. L. McDowell, Member, and William F. Thorn, Member, present. By unanimous motion, the Board approved and signed the following minutes: February 25, 2002; February 27, 2002; and March 4, 2002.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants dated 3/11/02 as presented were approved for payment by unanimous motion of the Board, with the exception of #280105, pulled for further review.

Voucher (War.) #119959-120199.....\$353,797.52.

**EMPLOYEE OF THE MONTH – FEBRUARY 2002**

Jennifer Wallace was selected as the **Employee of the Month for February**. Jennifer is a Legal Assistant performing paralegal duties in the Prosecutor's Office. Jennifer's positive attitude and willingness to help other employees do business with the Prosecutor's Office has drawn praise and thanks from many departments.

**HIRING REQUESTS & PERSONNEL ACTIONS**

As presented by Dick Toft, Human Resource Director, the Board by unanimous motion, approved the following personnel action authorizations:

<b>Dept.</b>	<b>PAA #</b>	<b>Description</b>	<b>Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Assessor	013/02	Appraiser (3)	106.03	Personnel Action	3/1/02
Health	014/02	Pub Hlth Nurse III	2404.04	Personnel Action	4/1/02
Health	015/02	Pub Hlth Nurse III	2404.04	Personnel Action	4/1/02

**APPOINTMENTS/RE-APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

By unanimous motion, the Board reappointed two members and appointed a new member to the Island County Law & Justice Council as follows:

Reappointed:

Keith Englund, Camano Island      2 years      Term expires 2/28/2004  
 Dick Toft, Oak Harbor                      2 years      Term expires 2/28/2004

New Appointment:

Ian Metz, Camano Island      1 year      Term expires 2/28/2003

**2001-2003 PROGRAM AGREEMENT BUDGET BETWEEN ISLAND COUNTY AND DDD – CONTRACT  
#0163-03943**

By unanimous motion, the Board approved 2001-2003 Program Agreement Budget between Island County and DSHS, Division of Developmental Disabilities, Contract #0163-03943, in the total amended amount of \$887,941.00 [Amendment amount \$66,554.00]. The contract period is from 7/1/01 to 6/30/03, and adds funds for Family Support and Education Project as well as Transition Services.

**CONTRACT #HS-01-02 WITH COMMUNITY MENTAL HEALTH SERVICES**

The Board approved, by unanimous motion, Contract #HS-01-02 [RM-HLTH-05-0062] with Community Mental Health Services for the provision of mental health programs for the period 1/1/2002 to 12/31/2002 in the amount of \$66,042.50.

**DSHS AGREEMENT #0163-1608 AMENDMENT NO. 01 – BECCA –  
PAYMENT & BILLING REVISIONS [RM-JUV-01-0080-1]**

The Board, on unanimous motion, approved DSHS Agreement #0163-1608 Amendment No. 01 – BECCA as forwarded by Michael Merringer, Director, Island County Juvenile and Family Services, representing payment and billing revisions [RM-JUV-01-0080-1].

**CONVEYANCE AGREEMENT TO ISLAND COUNTY FROM  
WATERMAN FAMILY LIVING TRUST**

The Board approved, by unanimous motion, Conveyance Agreement #RM-GSA-02-0023 from Waterman Family Living Trust, for certain property as described in Exhibit A, property located adjacent to and contiguous with the Saratoga Woods Preserve, a 118-acre park property owned by Grantee and managed subject to a conservation easement retained by the Whidbey Camano Land Trust.

**CONVEYANCE AGREEMENT – TRAIL EASEMENT – EMERSON &  
SNELLING – TO ISLAND COUNTY**

By unanimous motion, the Board approved Conveyance Agreement for Trail Easement to Island County from Emerson & Snelling #RM-GSA-02-0020 property described as a portion of Section 29, Township 30 North, range 3 East W.M., Island County, Wa. as described in Exhibit A, Property.

**PROFESSIONAL SERVICES AGREEMENT DESIGNS NORTHWEST ARCHITECTS, INC. FOR FOUR  
SPRINGS LAKE PRESERVE**

Lee McFarland, Assistant Director, GSA, presented for approval and signature, Professional Services Agreement #RM-GSA-02-0022 for architect and engineering services for Four Springs Lake Preserve Phase I between Island County and Design Northwest Architects, Inc., in an amount not to exceed \$29,765.00. Funding source is through REET 2 and funding was included in the park development line of this years' budget. Starting date is the date contract is signed and project completion is not to exceed 150 days from date of execution of contract.

By unanimous motion, the Board approved Professional Services Agreement #RM-GSA-02-0022 for architect and engineering services for Four Springs Lake Preserve Phase I between Island County and Design Northwest Architects, Inc.

**INTERLOCAL COOPERATIVE ACT AGREEMENT ICA 2002-133 - SUPERIOR COURT FOR ISLAND  
COUNTY/ADMINISTRATIVE OFFICE OF THE COURTS**

Interlocal Cooperative Act Agreement ICA 2002-133 between the Superior Court for Island County and the Administrative Office of the Courts. [RM-SUPCT-02-0010] in the amount of \$39,000 for the period 1/1/02 to 12/31/02 was approved by unanimous motion of the Board. The purpose of the agreement is to provide for the AOC granting federal funds provided under the federal STOP Violence Against Women Act for the purpose of establishing supervised visitation centers and to provide services to victims of domestic violence.

**CONTRACT WITH PUGET SOUND BUSINESS SYSTEMS, INC. -COPY MACHINE WITH COIN-OP  
MECHANISM FOR PUBLIC USE**

The Board approved by unanimous motion a Contract with Puget Sound Business Systems, Inc. #RM-SUPERIOR-01-0104 for a coin-op copier to be placed in the lobby of the Island County Law and Justice Facility for public use [located in the lobby outside Clerk's Office].

**CORRECTED LIQUOR LICENSE FOR APPLICATION 076141-3E -  
CHINA CITY RESTAURANT & LOUNGE**

Having been reviewed and recommended for approval by the Island County Sheriff, the Board by unanimous motion

approved Corrected Liquor License for Application 076141-3E for China City Restaurant & Lounge change of location from Langley to Freeland which was approved 3/4/02, the correction for the purpose of adding an applicant, NG, Kwok Yang to China City L.L.C.

**APPLICATION FOR LIQUOR LICENSE #08418-3E - VINO AMORE**

Application for Liquor License #08418-3E by Brian M. Plebanek & Gail L. Liston for Vino Amore located at 1614 E. Main Street, Suite D, Freeland, came to the Board having been reviewed and recommended for approval by the Island County Sheriff, Planning & Community Development Department, and Health Department. Therefore, the Board by unanimous motion approved new application for liquor license #08418-3E as requested.

**INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN ISLAND COUNTY, ISLAND COUNTY TREASURER, ISLAND COUNTY AUDITOR, AND THE ISLAND COUNTY WATER CONSERVANCY BOARD**

Suzanne Sinclair, Island County Auditor, appeared before the Board to present for approval and signature, Interlocal Cooperation Act Agreement [#RM-AUD-02-0012] between Island County, Island County Treasurer, Island County Auditor, and the Island County Water Conservancy Board. Bill Attwater, Chairman, Water Conservancy Board, has signed the Agreement. The agreement spells out provisions under which the Water Conservancy Board will use certain treasury and accounting services the County has agreed to provide. The agreement will be in effect from its date of adoption in perpetuity unless earlier terminated, upon written notice at least 90 days in advance of the termination date.

By unanimous motion, the Board approved and authorized the Chairman's signature on Interlocal Cooperation Act Agreement [#RM-AUD-02-0012] between Island County, Island County Treasurer, Island County Auditor, and the Island County Water Conservancy Board.

**2002 MEMORANDUM OF AGREEMENT BETWEEN WASHINGTON STATE UNIVERSITY COOPERATIVE EXTENSION AND ISLAND COUNTY**

The 2002 Memorandum of Agreement [RM-EXT-00-0103] between Island County and WSU outlining the contribution of funds in support of Cooperative Extension work in Island County, was presented by Don Meehan, Chair, WSU, Island County, reflecting a small increase over last year.

The Board by unanimous motion, approved and signed Memorandum of Agreement between Washington State University Cooperative Extension and Island County, #RM-EXT-00-0103, for a total of \$31,780.50.

**PUBLIC INPUT OR COMMENTS**

Theresa Marie Gandhi, Green Party of Island County, P. O. Box 522, Coupeville, submitted comments to the Board and Public Works Department in the form of a letter dated March 7, 2002, as input into Island County's 6-year Transportation Improvement Program 2003-2008, Capital Improvement program 2003-2008 and the Annual Road Construction Program 2003 year, as noticed in Legal WNT-0896 published in Whidbey News Times 2/23/02. She referred to a packet of scientific studies she submitted last April as part of the record official comments as scientific evidence that RoundupPro, Oust and Direx have been linked to several diseases, and she reviewed those with the Board at this time. Ms. Gandhi reviewed again information concerning endocrine disruptors, the connection between herbicides Island County has used for road maintenance vegetation control and diseases listed at the end of her letter. As an attachment to her letter, she provided a copy of "A Strange Kettle of Fish Male Chinook Turn Female in Columbia River". She pointed out that Chinook Salmon are protected under ESA, and referred to the Ninth Circuit Court of Appeals case *Talent v. Headlands*, where herbicides were classed as toxic pollutants. Her opinion is that Island County's continued use of toxic pollutants on roadside ditches that drain into shoreline waters exposes county taxpayers to excessive risk of liability. She asked that application of toxic pollutants be stopped in Island County.

**RESOLUTION #C-22-02/R-09-02 – EXEMPTION TO COMPETITIVE BIDDING REQUIREMENTS.- UPGRADE OF SPECIALIZED FUEL TRANSACTION**

Dick Snyder, Island County Engineer, requested approval of an exemption from competitive bidding requirements to

contract for an upgrade of specialized fuel transaction system at Bayview and Oak Harbor Road Shops. This was a topic covered in a recent staff session, and the request based on the fact that there is only one contractor in the area authorized to distribute parts, equipment and provide factory service.

Commissioner Thorn recalled staff session discussion had included the Board’s desire that there be some documented findings on record supporting the request for exemption.

Gary Hess, Public Works Engineer, confirmed that while he had not prepared findings per se’ he did outline rationale for the exemption that serve as findings in a January, 2002 memorandum to the Board.

By unanimous motion, the Board approved Resolution #C-22-02/R-09-02 In the Matter of An Exemption to Competitive Bidding Requirements, with the proviso that the memorandum from Gary Hess in January this year be appended to the resolution.

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

IN THE MATTER OF AN EXEMPTION ) RESOLUTION NO. C-22-02  
TO COMPETITIVE BIDDING ) R-09-02  
REQUIREMENTS )

WHEREAS, Funds are available in the Equipment Rental and Replacement budget for replacement of the specialized fuel transaction system at the Bayview and Oak Harbor Road Maintenance facilities which have become obsolete; and

WHEREAS, There is only one Contractor in the area that is authorized to distribute parts, equipment and provide factory service; and

WHEREAS, This Contractor has provided service and repair for the county’s four fuel transaction systems since 1994 and is familiar with the design of the County’s system; and

WHEREAS, The County’s fuel transaction systems are critical components of the fuel stations which provide an emergency source of fuel supply to County vehicles and other County emergency responders; and

WHEREAS, RCW 39.04.280 permits and exemption to competitive bidding requirements for purchases that are clearly and legitimately limited to a single source of supply, and purchases involving special facilities or market conditions; and

NOW THEREFORE, BE IT HEREBY RESOLVED that competitive bidding is waived and the Chairman of the Board of Commissioners, acting on behalf of the Board of County Commissioners of Island County, Washington, is authorized to sign a sole source contract for replacement of the fuel transaction systems.

Adopted this 11 day of March, 2002.

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

**ATTEST:**

Elaine Marlow  
Clerk of the Board

*[Attachment January, 2002, Memorandum from Gary Hess, “Findings”, placed on file with the Clerk of the Board]*

**CONTRACT/CONTRACT BOND –UPGRADE OF THE BAYVIEW AND OAK HARBOR ROAD SHOP  
FUEL TRANSACTION EQUIPMENT AND SOFTWARE**

Having approved Resolution #C-22-02/R-9-02 the Board by unanimous motion approved Contract [RM-PW-002021] and Contract Bond for the upgrade of the Bayview and Oak Harbor Road Shop Fuel Transaction Equipment and Software with Northwest Pump & Equipment Company in the amount of \$37,177.82.

**EASEMENT BETWEEN ISLAND COUNTY & PUGET SOUND ENERGY #SW02-0024 – POWER  
EASEMENT – PATMORE PIT**

Based on presentation and recommendation by Dave Bonvouloir, Solid Waste Manager, the Board approved by unanimous motion, a power easement between Island County and Puget Sound Energy #SW02-0024, Patmore Pit, Parcel #483-5020, Sec. 11, Twp 31N, Rge 1E.

**HEARING HELD: FRANCHISE #30 BY LEE ENTERPRISES NW, INC. FOR SEWER DISTRIBUTION  
SYSTEM – PORTIONS OF COUNTY RIGHT OF WAY**

The Chairman opened a Public Hearing as advertised at 10:20 a.m. to consider Franchise #30 by Lee Enterprises NW, Inc. for a sewer distribution system in, along, under and/or across County road right-of-way known as , Gough Drive and Wagner Road, Camano Island, in Sec. 31, Twp. 31N., Rge. 3E.

Mr. Snyder, having discovered from applicant late last week there needs to be a new set of drawings that show multiple lines in the franchise rather than one line, recommended the hearing be continued or canceled. Applicant wants multiple lines included in the franchise in order to serve additional unnamed parcels to a common drainfield. The permit issued by Health, was approved only for one line. The Board took no action on the Franchise and canceled the hearing.

**APPEAL HEARING SCHEDULED: APP 083/02, GERALD STEELE FOR CAMERON-WOODARD  
HOMEOWNERS ASSOCIATION - APPEAL OF HEARING EXAMINER DECISION REGARDING PLP  
183/00.**

As recommended by Phil Bakke, Planning and Community Development Director, the Board by unanimous motion scheduled a closed record hearing on April 1, 2002 at 10:45 a.m. on APP 083/02 by Gerald Steele for Cameron-Woodard Homeowners Association, appealing the Hearing Examiner's decision regarding PLP 183/00 seeking to reverse the Hearing Examiner's decision and deny application PLP 183/00.

**BUDGET WORKSHOP**

Budget workshop began at 1:30 p.m. The Budget Director, and a number of Elected Officials, Appointed Department Heads and staff attended. The Commissioners received an e-mail from Bill Vogler, WSAC, who indicated that if the House budget was adopted public health monies would be extended only through June 30<sup>th</sup>; if Senate budget is adopted Public Health funding would be through the end of the biennium but other than that, would not do anything in the criminal justice arena nor give counties any additional taxing authority. The Chairman noted this left local government in a very precarious state. While the total figure to cut is 11%, Commissioner McDowell made the point that it would not be an 11% for every department, but could be plus or minus for different departments.

**1:30 Assessor's Budget**

**Presentation by:** Tom Baenen, Assessor; Anita Foster, Chief Deputy; Gary Bur, Chief Appraiser

**Hand-out:** 4-page hand-out provided [copy on file]

Island County information; Assessor's duties by statute; Budget track 2000-2002 revenues generated; expenditures comparable information [year 2000] from three other Assessor's Offices Clallam, Skagit, Kitsap, experiencing rapid growth.

No new sources of revenue are available, other than: banked levy capacity and raising taxes. Nothing in the Assessor's Office that is not by statutory provision. Duties page of the hand-out describes functions and duties necessary in the Assessor's Office and how many people it takes: 21 FTE of which 11.5 are appraisal side. Assessor's Office comparisons for year 2000 with Clallam, Skagit and Kitsap counties shows that Island County is the lowest as far as staffing and budget

per staff member. Total budget for 2002 is \$994,173.00, representing 6.2% Maintenance and Operation [communications constitutes 43% of the M&O total]; 93.8% is in S/W/B. No possibility of cuts in the M&O portion; should postal rates go up M&O would already be over budget this year. Cost savings are made where possible, for example, the new residential appraiser shares a vehicle with the personal property appraiser/auditor.

An 11% reduction in the Assessor's budget equates to \$109,360.00 and would require a reduction in force of 2 level 10 positions or 3 level 5 positions, which would make it impossible to carry out mandated duties; the first duty to go would be picking up the annual County-wide new construction valuation. Could look at eliminating 1 position, but that would require shifting those duties to other positions which in turn would require adjustment in S/W/B of those positions, and result in a net savings of 3%.

Road levy shift – need a better understanding about whether or not there can be a road levy shift and an allocation formula, important not to put in jeopardy RAP/RATA funding for road projects. Greg Banks will provide his research on that issue to the Board for further information and review. .

The Commissioners asked various questions of Mr. Baenen to gain his perspective about going back to the old valuation schedule wondering if that would save some manpower, but that did not seem viable, in fact, on a 4-year cycle the Assessor would have to do ¼ of the county each year as opposed to 1/6<sup>th</sup> and stretching out picking up of new construction would be counter productive. Each year 1/6<sup>th</sup> of the County is done, plus all new construction. Mr. Baenen responded also to questions and suggestions from audience members.

Gary Bur gave some information about appraisers physically going out to properties and what was involved in that process; and noted it can sometimes take as much as 3 or 4 visits to pick up the total construction value. Appraisers do not work directly from drawings turned with permit applications because generally 50-60% are not accurate. Appraisers have to be able to justify the value and be prepared to provide that information should a BOE appeal be made.

Other questions and discussion focused on taking advantage of current technology, and contracting services out: are there portions of the work that can be put out to contract; anyone out there than can do the work at the quality desired; if so, can a cost savings be identified with that.

Mr. Baenen had not specifically asked for quotations for a contract for appraisals on the valuation side, but had looked into it and was aware that the cost was significantly more per parcel than Island County's cost per parcel because private business adds in a profit. He does not know of a firm in Washington State that does that type work. As far as technology, he has not experienced or seen anything that would save dollars, and does already move as rapidly as possible whenever changes in technology are available.

Anita Foster suggested perhaps one savings would be not to do the actual printing of re-val notices; however, it would not save dollars but potentially some amount of staff time.

Commissioner Thorn was interested in a future budget workshop to hear more about actual figures of contracting out the valuation section.

### **2:30 Law & Justice Group – Report**

**Presentation by:** Michael Merringer, Director, Juvenile and Family Court

On behalf of the Law & Justice departments, Mr. Merringer presented the Law and Justice Group report. The group met on two occasions to try and come up with a plan to resolve how to meet an 11% budget cut. Chairman Shelton was invited to the second session. It was very apparent within a short time just how difficult the task would be. M&O as everyone knows is already inadequate and any cuts would have to be made in staff. In doing so, however, it would be at the risk of losing revenues and compromising the ability to meet mandates. No one is at a point they can advocate for cuts that would compromise their mandates. Cutting from one department usually means that other law and justice agencies must to take up the slack.

### **Office Mandates.**

Commissioner Thorn thought it would be very useful for the Board to see from the Assessor and Law & Justice Departments a list of what they consider to be mandates under statute, legislature, constitution or agency - something they can discuss with WSAC and/or individual legislators.

The Juvenile Department has requirements that come with grants.

The Auditor has Voter Registration with unfunded notice requirements.

The Sheriff is just trying to provide basic meat and potatoes law enforcement; by the end of the month he will have three people leaving and cannot fill those positions because of the potential layoffs come the first of next year and the fact it takes 7 months' to go through the academy. Of utmost concern to him is having an officer alone; it is unsafe, period.

Chairman Shelton's understanding from the budget process was that employees of Island County a job through 12/31/02, but there is a potential they may get a pink slip in July advising of layoff come 1/1/03. This would give those employees a 6 month lead to look for other employment.

### **Future Law & Justice Budget Workshops.**

Consensus was that future budget workshop sessions set aside for the Law & Justice Group be scheduled for individual Law and Justice departments and Mr. Merringer agreed to coordinate the schedule and get back to the Board to fill the time slots for those dates available.

Meeting adjourned at 3:30 p.m. The Board will meet next in Regular Session on March 18, 2002 beginning at 9:30 a.m.

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

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Mike Shelton, Chairman

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Wm. L. McDowell, Member

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William F. Thorn, Member

### **ATTEST:**

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Elaine Marlow, Clerk of the Board