

**BOARD OF COUNTY COMMISSIONERS - MINUTES OF MEETING
SPECIAL AND REGULAR SESSIONS - MARCH 25, 2002**

SPECIAL SESSION

The Board met in Special Session on March 25, 2002, beginning at 9:30 a.m., Island County Courthouse Annex Hearing Room, Coupeville, Wa. The purpose of the special session was to conduct a Budget Workshop to review the 2003 Public Defender Budget.

Budget Workshop: Public Defense
Presentation by: Betty Kemp
Hand-out: Memorandum dated March 25, 2002

Memorandum gave details and information about the public defender budget, number of cases filed and the number of those that were conflicted. Proposes at least looking into the possibility of a new contract for those cases conflicted. Will need some assistance from Prosecutor, Judge or prior Public Defense Administrator to analyze the trend and types of cases expected. Year 2002 contract for Public Defense is \$337,026, with contract effective until 12/31/02. Conflict cases amounted to \$176,300 for 2001. Criminal Justice money allocated for public defense administration is \$42,843 spent on S/W/B.

Suggestions discussed included negotiating a second public defense contract to handle conflicts; hiring an attorney to do conflict work; have two prime public defender contractors instead of one [and take care of some of the conflict work by having two separate public defender firms]. Also discussed was the possibility of doing less screening of applicants for public defense, and possible reduction in hours effective January, 2003, for the current full time employee beginning 2003 [for example, 3 days' versus 5 days' a week].

Follow-up: Ms. Kemp will review and report back on: (1) possibility of two prime contractors and how to balance those; (2) possibility of a contract for conflicted cases as opposed to splitting cases 50/50% and perhaps see if something can be put together before mid year; (3) potential to reduce hours for administrative position beginning 2003.

Special Session adjourned at 10:10 a.m.

REGULAR SESSION

The Regular Meeting of the Board of Island County Commissioners was convened at 11:30 a.m. on March 25, 2002, for a Roundtable with Elected Officials, followed by other topics at 1:30 p.m. as outlined on the agenda, *including* Diking Improvement District #4. The meeting was held in the Island County Courthouse Annex Hearing Room, Coupeville, Wa. Mike Shelton, Chairman; Wm. L. McDowell, Member, and William F. Thorn, Member, were present.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS

Attendance:

Elected Officials: Tom Baenen; Greg Banks; Mike Hawley; Jane Koetje; Maxine Sauter;
 Suzanne Sinclair
 Department Heads: Elaine Marlow; Dick Toft
 Others: Rick Levin, Dick Shepard

Mr. Banks had no agenda items from Elected Officials for today's roundtable. Participants discussed what the frequency of future roundtables should be i.e.: monthly basis; bi-monthly, or quarterly. Everyone agreed the roundtable should not be eliminated. Since there was no other built-in procedure for contact between the Elected Officials, from a citizens' standpoint, Mr. Shepard thought it was important to have the meetings continue on some basis, not necessarily monthly.

Consensus. As Chairman of the Elected Officials, Mr. Banks will poll the group before Noon the Wednesday prior to the fourth Monday meeting; if no agenda items have been identified the Roundtable will be shown as canceled on that

Monday's meeting agenda.

Meeting Adjourned 11:40 a.m. Next regularly-scheduled roundtable 4/22/02 @ 11:30 a.m.

MINUTES APPROVED

By unanimous motion, the Board approved and signed the minutes from March 18, 2002.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, along with the February, 2002 payroll:

Voucher (War.) # 121014 – 121193..... \$663,158.82.

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. The Board, by unanimous motion, approved Claim V2-4 as recommended by the Veterans Assistance Review Committee in the amount of \$1,302.51, with the remainder of the claim denied.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description	Position #	Action	Eff. Date
Health	018/02	Pub. Hlth Nurse .25 fte	2406.15	Reduce Hours	4/03/01
Health	019/02	Pub. Hlth Nurse 1.0 fte	2406.18	Increase Hours	4/01/02
Planning	020/02	Plan Tech II	1602.03	Reclass	3/25/02
Planning	021/02	Plan Tech II	1602.04	Replaces #1712	3/25/02
Pub. Works	012/02	PW Asst.Dir/Util Mgr.	2501.01	New Position*	3/25/02

**Assistant County Engineer position becomes deactivate*

STAFF SESSION SCHEDULE – APRIL, 2002

Staff Session schedule for April, 2002, approved by the Board by unanimous motion, to be distributed to outline the regular staff sessions for April 3 and 17, beginning at 9:00 a.m.

REPORT FROM CLINTON AND KEYSTONE FERRY ADVISORY COMMITTEES

Julia Hodson, Chair, Keystone Ferry Advisory committee, and Jack Leengran, Chair, Clinton Ferry Advisory Committee, were present to give their annual report to the Commissioners on ferry-related matters and their service on the Committees.

Keystone Ferry Advisory Committee.

Ms. Hodson reported the single most important issue with the Keystone Ferry was there is now a significant group of commuters coming from the peninsula who work at NAS Whidbey and there are some transportation scheduling problems. The Ferry Advisory Committee, together with Island Transit, are working with Washington State Ferries regarding the scheduling issue to see if it is possible to start the first ferry earlier than 7:00 a.m. from Port Townsend in order to meet the 8:00 a.m. work start time of the commuters. The boat ties up at night at the Port Townsend dock; the Legislature determines how many hours a day ferries run.

Clinton Ferry Advisory Committee

The Clinton committee is working on a program to sell ferry system passes in four stores on the South end, viewed as

a business-builder for the stores and a real time saver at the toll booth. Mr. Leengran provided a copy of an informational item from Washington State Department of Transportation "Clinton Construction Continues"; completion date is June of 2003, and the project is moving along well. Open house held about ferry fare rate increase, attended by about 19; interesting reactions; most everyone seemed to accept the fact there will be an increase. This County's fares are probably the lowest in the system. Summer schedule begins June 15. Summer fare increases would be for example: \$80.00 coupon book for 20 rides would increase to \$88.00. Car and Driver \$5.00 now, will increase to \$5.50.

HEALTH CONTRACTS APPROVED

By unanimous motion, the Board approved the following two Health Department contracts:

- County Program Agreement – DSHS Agreement #23952 Amendment – Alternative Response System RM-HLTH-00-0049, the amendment amount \$6,326.00 bringing total contract to \$28,166.00 and extending contract by 6 months 1-1-02 - 6-30-02.
- Hepatitis B Vaccinations-State of Washington DDD Contract No. 0163-06780 Fee for Service \$45.00 per vaccination

PUBLIC INPUT

Theresa Gandhi, The Green Party, Coupeville, Wa. appeared before the Board to talk about the County's use of herbicides for road side vegetation maintenance. She confirmed that at the April 1st Board meeting when the topic comes up under the Public Works agenda, numbers of people will attend, and she wanted to be sure that people representing various organizations would be able to address the Board on the issue: The Green Party, WINS, and WEAN.

The Commissioners suggested that each group be encouraged to appoint a spokesperson to address the Board on what they think is important for the Board to hear, and preference would be new information not already provided – any other insights that have not been presented inasmuch as there has been a plethora of information on this subject at this point.

SUPPLEMENTAL AGREEMENT #4 – TRANSPORTATION PLANNING & ENGINEERING -EAST CAMANO DRIVE/CROSS ISLAND ROAD; ARROWHEAD RD.

As presented and recommended for approval by Bill Oakes, Public Works Director, the Board by unanimous motion approved Supplemental Agreement No. 4 #PW0220-23 with Transportation Planning & Engineering (PW9920-39 approved on 10/18/99) for East Camano Drive/Cross Island Road/Arrowhead Road, under CRP 99-07, WO # 279, in the amount of \$86,800 including Constructability Review, Construction surveying Assistance and Construction Inspection.

BID AWARD – 2002 WHIDBEY ISLAND PAVEMENT REPAIR

As recommended by Bill Oakes, the Board by unanimous motion awarded bid for the 2002 Whidbey Island Pavement Repairs, under Work Order No. 100, to Jenkins Inc, low bidder, in the amount of \$65,420.00.

ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT – BOON ROAD RESIDENTS

By unanimous motion, the Board approved a new Adopt-A-Road Litter Control Program Agreement with Boon Road Residents for participation in the program by picking up litter within Boon Road from Ft. Nugent Road to SR 20.

ANNUAL CERTIFICATION FOR CALENDAR YEAR 2001 (WAC 136-04)

Annual Certification for Calendar Year 2001 Washington State County Road Administration Board is due by April 1, 2002, and has been almost completed, final numbers anticipated by the end of the day or tomorrow. County Engineer

Dick Snyder confirmed that Island County's actual expenditure for day labor was well under the legal limits County's day labor limit for 2001, and asked that the Board approve the Certification authorizing the Chairman's signature on completion of the final document.

By unanimous motion, the Board approved and authorized the Chairman's signature on the Annual Certification for Calendar Year 2001 to the County Road Administration Board.

DNR ALEA GRANT AGREEMENT – GLENDALE STREAM ACQUISITION PROJECT

Presented with a recommendation of approval was ALEA (Aquatic Lands Enhancement Account) Agreement for the Glendale Stream Acquisition Project, ALEA Project No. AL-01-09, extending through June 30, 2003, for the purpose of acquiring 0.1 acres of waterfront property at the outlet of Glendale Stream, a 50/50% match with DNR. Mr. Snyder confirmed that the grant had been based on an actual appraisal that was done in 2000, and allowed a 3% factor because of the time between appraisal and actual acquisition and the owner of the property was reasonably comfortable with the appraisal in 2000 although there were no actual negotiations with them.

Resolution #C-55-00/R-28-00 signed on June 26, 2000, approving submittal of the grant application for ALEA funding stipulates that the County's 50% share will come from Road Funds and Mr. Oakes confirmed that use of Road Funds was appropriate due to: (1) access easement to Glendale downstream from the Road to the Sound; and (2) as a possible non-motorized access to the beach.

The Board by unanimous motion approved and signed ALEA (Aquatic Lands Enhancement Account) Agreement for the Glendale Stream Acquisition Project, ALEA Project No. AL-01-09 as presented. [GMA no. _____].

HEARING HELD: ORDINANCE #C-21-02 (PLG-001-02) 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

A Public Hearing was held, as advertised and scheduled, for the purpose of considering Ordinance #C-21-02 (PLG-001-02) 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 [introduced on 3/4/02 entered as GMA #7178].

Attendance

Staff Phil Bakke, Planning & Community Development Director
Public: Rick Levin, Whidbey News Times

Mr. Bakke made the explanation the proposed ordinance was necessary to remain in compliance with the Western Washington Growth Management Hearings Board, and continues for six months the interim regulation as allowed under RCW 36.70A.390 with regard to limiting the exemption for existing and on-going agricultural activities to lands that are zoned Commercial Agriculture. Superior Court Case #00-2-00757-9 Island County v. Westerns Washington Growth Management Hearings Board regarding this matter is scheduled for June, 2002, but this continue is necessary in order to avoid a determination of invalidity pending the lawsuit.

No comments were made by members of the public. By unanimous motion, the Board adopted Ordinance #C-21-02 (PLG-001-02) 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. [GMA # _____]

**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

ORDINANCE C- 21-02

TO THE CRITICAL AREAS EXEMPTION FOR
EXISTING AND ON-GOING AGRICULTURE

PLG-001-02

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 Areas 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 Board, were 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 Commercial Agriculture; and

WHEREAS, through Ordinances C-152-99, C-28-00, and C-90-00 Island County adopted consecutive extensions to C-77-99; and

WHEREAS, on November 17, 2000, the Growth Board determined that the application of the agriculture exemption to existing and ongoing activities within the Rural Agriculture zone as well as the Commercial Agriculture zone complied with the GMA and that application of the exemption to the same activities within the Rural zone did not comply with the GMA; and

WHEREAS, on April 2, 2001, through Ordinance C-38-01, Island County adopted an interim ordinance that incorporated the Growth Board's ruling that found the use of the agricultural exemption in the Commercial Agriculture and Rural Agriculture zones complied with the goals and requirements of the GMA; and

WHEREAS, on September 10, 2001, through Ordinance C-112-01, Island County adopted a six month extension to Ordinance C-38-01, expiring on April 2, 2002; 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 agriculture 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 April 2, 2002 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 4 day of March, 2002 and set for public hearing at 2:35 p.m. on the 25 day of March, 2002.

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

[absent - Mike Shelton, Chairman]
Wm. L. McDowell, Member
William F. Thorn, Member

ATTEST:

Elaine Marlow
Clerk of the Board

APPROVED AND ADOPTED this 25 day of March, 2002 following public hearing.

**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

APPROVED AS TO FORM:

DAVID L. JAMIESON, JR.
Deputy Prosecuting Attorney
& Island County Code Reviser

[Exhibits A & B on File with the Clerk of the Board]

CONTRACT RENEWAL FOR HEARING EXAMINER SERVICES

Contract RM-PLAN-02-0025 for renewal of two year contract with Michael Bobbink to provide professional services as Hearing Examiner, pulled from today's agenda, awaiting signature of Mr. Bobbink.

No further business was scheduled to come before the Board and the meeting adjourned at 2:40 p.m.

**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