

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - JULY 22, 2002**

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS

The Regular Meeting of the Board of Island County Commissioners convened at 11:30 a.m. on July 22, 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 Law & Justice Facility, Department III (Courtroom 3), 101 NE 6th Street, Coupeville, Wa. Mike Shelton, Chairman; Wm. L. McDowell, Member, and William F. Thorn, Member, attended.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS

Attendance:

Elected Officials: Tom Baenen, Greg Banks, Mike Hawley, Suzanne Sinclair
Department Heads: Dick Toft; Elaine Marlow
Others: Bob Braun, Labor Consultant

The County's labor consultant was present to talk about labor relation matters inasmuch as labor contracts expire this year, and provide an opportunity to learn about the issues that may be faced in upcoming negotiations. Meeting exempt under RCW 42.30.140.

CLAIM FOR DAMAGES R02-021CD DONALD G. COWDREY

Betty Kemp, Director, GSA/Risk Management, presented Claim for Damages R02-021CD filed on June 27, 2002 by Donald G. Cowdrey in the amount of \$2,223.65 for vehicle damage at the Camano Solid Waste Transfer Station when a County backhoe collided with the parked pickup. In this case, a claims adjuster was hired to investigate and make a recommendation/assessment of claimant's vehicle. Approval of the claim was recommended from the Solid Waste Department as well as Risk Management. Gwenn Maxfield, Assistant Public Works Director, verified that steps had been taken internally to avoid this situation in the future.

By unanimous motion, the Board approved Claim for Damages R02-021CD by Donald G. Cowdrey in the amount of \$2,223.65.

MINUTES APPROVED

By unanimous motion, the Board approved and signed minutes from regular session July 15, 2002.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher/War. #128339 - 128503\$756,096.85.

HEARING HELD: ORDINANCE #C-56-02 AMENDING ISLAND COUNTY DISTRICT COURT DISTRICTING PLAN, CHAPTER 1.12 ICC TO ADJUST ALLOCATIONS FOR THE OAK HARBOR MUNICIPAL COURT DEPARTMENT RESOURCE AND COST ALLOCATIONS

At 1:55 p.m. as scheduled and advertised, Chairman Shelton opened a public hearing for the purpose of considering Ordinance #C-56-02 Amending the Island County District Court Districting Plan, Chapter 1.12 ICC to Adjust Allocations for the Oak Harbor Municipal Court Department Resource and Cost Allocations.

The Island County Justice Court Districting Committee recommended that the Board change the percentage of time spent by the District Court Judge as the Municipal Court Judge and the amount of reimbursement from the City of Oak Harbor to the County, from 24% to 29%. Additional provisions allow for adjustment of the joint judicial and associated costs of District court beginning 1/1/06 and every third year thereafter.

Greg Banks, Island County Prosecuting Attorney, was present. An amendment to the Interlocal Agreement between Island County and the City Oak Harbor to effect the changes will be presented to the County Commissioners for approval/signature once the Board adopts the Ordinance, and the City Council signs the Interlocal Agreement.

No members of the public attended and no comments made for or against proposed Ordinance #C-56-02.

By unanimous motion, the Board approved Ordinance #C-56-02 In the Matter of Amending the Island County District Court Districting Plan, Chapter 1.12 ICC to Adjust Allocations for the Oak Harbor Municipal Court Department Resource and Cost Allocations.

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

IN THE MATTER OF AMENDING THE ISLAND COUNTY
DISTRICT COURT DISTRICTING PLAN, CHAPTER 1.12 ICC,
TO ADJUST ALLOCATIONS FOR THE OAK HARBOR
MUNICIPAL COURT DEPARTMENT RESOURCE AND COST
ALLOCATIONS COMMUNICATION SYSTEM TAX

ORDINANCE NO. C-56-02

WHEREAS, the existing Island County District Court Districting Plan establishes a fixed resource and cost allocation between the District Court and the Oak Harbor Municipal Court Department, set at 24%; and

WHEREAS, the current allocation does not accurately reflect the actual allocation of resources to the Oak Harbor Municipal Court; and

WHEREAS, the Island County Districting Committee has authorized the Board of County Commissioners to adjust the cost allocation percentages commencing on January 1, 2003, and devised a formula for automatic adjustments every third year thereafter, NOW, THEREFORE,

IT IS HEREBY ORDAINED by the Board of County commissioners of Island County, Washington that Island County Code section 1.12.080 be amended in the manner set forth in Exhibit "A" which is attached hereto and hereby incorporated by reference. Material lined through is deleted and material underlined is added. This amendment shall be effective on January 1, 2003.

Reviewed this 1 day of July, 2002, and set for public hearing on the 22 day of July 2002 at 1:55 p.m. in the Commissioner's Hearing Room.

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

[absent - Mike Shelton, Chairman]

Wm. L. McDowell, Member

Wm. F. Thorn, Member

ATTEST: Elaine Marlow,
Clerk of the Board

Ordinance C-56-02 is adopted this 22 day of July, 2002 following public hearing.

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

Mike Shelton, Chairman

Wm. L. McDowell, Member

Wm. F. Thorn, Member

ATTEST: Elaine Marlow,
Clerk of the Board

APPROVED AS TO FORM:
David L. Jamieson, Jr.
Deputy Prosecuting Attorney and

Island County Code Reviser

*[Exhibit "A" on file with the Clerk of the Board]***APPOINTMENTS TO VARIOUS BOARDS AND COUNCILS**

The Board, by unanimous motion made the following appointments:

Law & Justice Council

Kathy Harada, Coupeville, Representing Commissioner District #1

Conservation Futures Program Citizens Advisory BoardStan Stanley, Oak Harbor, refilling existing term to September 30, 2003,
the position previously held by Chuck Crider**STAFF SESSION AGENDA FOR AUGUST**

The Board on unanimous motion approved for distribution the Staff Session Schedule outlining sessions which will be held on August 7 and 21, beginning at 9:00 a.m. in the Courthouse Administration Building, Conference Room #116, Coupeville.

RESOLUTION #C-60-02: PROCLAMATION IN THE MATTER OF OBSERVING NATIONAL KOREAN WAR VETERANS ARMISTICE DAY JULY 27, 2002

Responding to a request from Glenn R. Nichols, Commander, Veterans of Foreign Wars, Post 7482, Clinton, the Board by unanimous motion adopted Resolution #C-60-02 a Proclamation in the matter of observing National Korean War Veterans Armistice Day July 27, 2002. VFW 7482 at Dan Porter Park in Clinton July 27, 2002 at 10:00 a.m. will host a celebration of National Korean Veterans Armistice Day.

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

PROCLAMATION IN THE MATTER OF	}	
OBSERVING NATIONAL KOREAN WAR	}	P R O C L A M A T I O N
VETERANS ARMISTICE DAY JULY 27, 2002	}	RESOLUTION #C-60-02

WHEREAS, on June 25, 1950, North Korean forces invaded South Korea touching off a three year long war. On July 27, 1953 negotiators signed an armistice agreement which led to a North Korean withdrawal across the 38th parallel and the Republic of South Korea regained its status as a free and democratic nation; and

WHEREAS, freedom for the Republic of Korea was purchased through deep sacrifice of young American men and women who fought and died there with honor; and

WHEREAS, Congress and other Americans are paying tribute to veterans of the Korean War during a special 50th anniversary commemoration period that runs through 2003; Congress passed Public Law 104-19 (36 U.S.C. 127) and the President signed legislation designating July 27 of each year through the year 2003 as National Korean War Veterans Armistice Day; and

WHEREAS, the anniversary of the Korean War is being commemorated in various ceremonies throughout the United States to recognize Korean War veterans and their family members, and educating all Americans about the valiant efforts made by these brave men and women; and

NOW THEREFORE the Board of Island County Commissioners, Island County, Washington, hereby Proclaim:

July 27, 2002 AS National Korean War Veterans Armistice Day

in Island County, Washington

and urge that individuals and agencies fly the flag of the United States at half-staff July 27, 2002 until sunset in honor of Korean War Veterans, and call upon the County's citizens, groups and organizations to observe the day with appropriate ceremonies and activities honoring and giving thanks to distinguished Korean War Veterans.

ADOPTED this 22nd day of July, 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

**APPLICATION FOR SPECIAL OCCASION LIQUOR LICENSE
#090448 BY SOUTH WHIDBEY REPUBLICAN WOMEN**

Based on recommendations of approval received from the Island County Sheriff and Health Department, the Board by unanimous motion approved Special Occasion Liquor License #090448 by the South Whidbey Republican Women for a function to be held on August 10th from 4:30 p.m. to 8:00 p.m. at the Masonic Temple in Langley.

**RESOLUTION #C-61-02 AUTHORIZING INCREASES AND DECREASES IN
CERTAIN PETTY CASH, CHANGE, AND REVOLVING FUNDS**

Resolution #C-61-02, as transmitted by the Island County Auditor, was adopted by unanimous motion of the Board authorizing and increasing certain Petty Cash Change and Revolving Funds with Island County as outlined in Exhibit A attached to the resolution.

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

IN THE MATTER OF AUTHORIZING AND }
INCREASING CERTAIN PETTY CASH, CHANGE } RESOLUTION C-61-02
AND REVOLVING FUNDS WITHIN ISLAND COUNTY }

WHEREAS, the Island County Board of County Commissioners has, by resolutions duly adopted, established petty cash funds, change funds, and revolving funds for Funds and Departments under its jurisdiction over a period of many years, and

WHEREAS, the adoption of C-114-01 by the Board of Commissioners on Aug 27, 2001 established Policies and Procedures with respect to Petty Cash Funds, and

WHEREAS, the Island County Auditor's Office has reviewed the Change Fund as shown on Exhibit A and recommends each fund be authorized as shown, NOW THEREFORE

BE IT HEREBY RESOLVED, that the fund shown on Exhibit A be authorized as shown.

ADOPTED this 22 day of July, 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

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

HEALTH DEPARTMENT CONTRACTS APPROVED

The Board by unanimous motion, approved the following Health Department contracts, approved by the Island County Board of Health July 15, 2002:

County Program Agreement #23952 DSHS, Amendment #3 - Alternative Response System, \$31,624, [RM-HLTH-00-0049];

ABCD [Access to Baby and Child Dentistry Program], WA Dental Service Foundation Contract #HD-08-02 \$18,800 [RM-HLTH-02-0050];

County Program Agreement #20872 DSHS, Amendment #4, extending Passport contract six months, total contract amount of \$67,937 [RM-HLTH-01-0064]

County Program Agreement DSHS #20958, Amendment #4, Public Health Nurse, Contract Amount \$77,500 [RM-HLTH-99-0050] extends contract for child abuse prevention services;

Skagit/Islands Head Start Interagency Agreement #HD-07-02 between Skagit/Islands Head Start and Island County Health Department, in the amount of \$1550. [RM-HLTH-02-0047].

**CONTRACT/CONTRACT BOND – KRIEG CONSTRUCTION, ACP
MISCELLANEOUS OVERLAYS 2002 - WHIDBEY ISLAND**

In accordance with bid award of July 8, 2002, and as presented by Bill Oakes, Public Works Director, the Board by unanimous motion approved the Contract and Contract Bond with Krieg Construction, for the ACP Miscellaneous Overlays 2002, Whidbey Island project under CRP 02-06 in the amount of \$438,284.10.

**CONTRACT/CONTRACT BOND – RINKER MATERIALS, ACP
MISCELLANEOUS OVERLAYS 2002 - CAMANO ISLAND**

In accordance with award of bid on June 17, 2002, and as presented by Mr. Oakes, the Board by unanimous motion approved Contract and Contract Bond with Rinker Materials, ACP Miscellaneous Overlays 2002, Camano Island, under CRP 02-05 in the amount of \$338,535.00.

**RESOLUTION #C-62-02/R-27-02 INITIATING COUNTY ROAD PROJECT CRP 02-10 –FERRY DOCK
ROAD, CATCH-BASIN INSTALLATION/CURTAIN DRAIN CONSTRUCTION**

By unanimous motion, the Board approved Resolution #C-62-02/R-27-02 initiating County Road Project 02-10, Ferry Dock Road catch basin installation and curtain drain construction, for a total appropriation of \$74,000 to be accomplished by county forces.
[R-27-02/CRP 02-10 placed on file]

**RESOLUTION #C-63-02/R-28-02 – APPROVING SPECIFICATIONS & AUTHORIZING CALL FOR BIDS
FOR ONE OR MORE NEW 2002 VACTOR MODEL 2100 SEWER & CATCH BASIN CLEANER OR
EQUIVALENT MOUNTED ON A 2002 STERLING TRUCK CAB & CHASSIS OR EQUIVALENT**

As requested by Mr. Oakes, and Jack Taylor, Road Maintenance Superintendent, the Board by unanimous motion approved Resolution #C-63-02/R-28-02 Approving Specifications & Authorizing Call for Bids for One or More New 2002 Vactor Model 2100 Sewer & Catch Basin Cleaner or Equivalent Mounted on a 2002 Sterling Truck Cab & Chassis or Equivalent.

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

IN THE MATTER OF APPROVING }

SPECIFICATIONS & AUTHORIZING	}	
CALL FOR BIDS FOR:	}	RESOLUTION C-63-02
One (1) or More New 2002 Vactor Model	}	R-28-02
2100 Sewer & Catch Basin Cleaner or	}	
Mounted on a 2002 Sterling Truck	}	
Equivalent Cab & Chassis or Equivalent	}	

WHEREAS, sufficient funds are available in the ROAD/E.R.&R. FUND for the purchase of:
 One (1) New 2002 Vactor Model 2100 Sewer & Catch Basin Cleaner or Equivalent Mounted on a 2002
 Sterling Truck Cab & Chassis or Equivalent:

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 13th day of August, 2002 at 10:00 a.m. in Meeting Room 131 of the Law & Justice Facility, 101 N.E. 6th Street, Coupeville, Washington.

ADOPTED this 22 day of July, 2002.

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

ATTEST:

Elaine Marlow, Clerk of the Board

[Attachment A placed on file with the Clerk of the Board]

ADOPT-A-ROAD AGREEMENT – FASOTRAGRUPAC DET
WHIDBEY ISLAND – RENEWAL

Adopt-a-Road Agreement renewal with FASOTRAGRUPAC DET Whidbey Island was approved by unanimous motion of the Board, contributing toward the effort to reduce roadside litter on Ault Field Road from Heller Road to Porter Avenue.

SUPPLEMENTAL AGREEMENT 1 - #PW-012039, HERRERA ENVIRONMENTAL CONSULTANTS, INC.;
ON-CALL ENVIRONMENTAL SERVICES

Supplemental Agreement 1, #PW-012039 with Herrera Environmental Consultants, Inc. for On-call Environmental Services, was approved by unanimous motion of the Board, extending the completion date from June 1, 2004 to June 30, 2005, and increasing the amount payable from \$75,000 to \$200,000, services associated with the Freeland Water Quality Improvement Report, and waiving requirements for competitive bidding under exemption provided in Island county Code 2.29.030 (B)(12) because the extension amends/extends the contract.

CENTENNIAL CLEAN WATER FUND GRANT AGREEMENT G0200361 –
FREELAND WATER QUALITY IMPROVEMENT REPORT

By unanimous motion, the Board approved Centennial Clean Water Fund Grant Agreement #G0200361 [RM-PW-022048] with the State Department of Ecology for the Freeland Water Quality Improvement Report.

As Mr. Oakes reminded, this was a staff session discussion topic on July 3rd ; grant provides 75% of the cost to do the work with the County providing \$27,500 [\$18,000 cash and \$9,500 in-kind services), to provide recommendations for mitigating non-point surface water contamination of stormwater collected and conveyed to Holmes Harbor via Freeland Outfall, related to the WDF&W/JARPA permit requirements for that project. Without this work being completed Mr. Oakes did not believe the County would ever be able to obtain a permit for the outfall at Freeland.

Funds are to be obligated by 9/15/02. The County through this grant is only committing to: 1) educational outreach and (2) study to identify what the issues are, and would probably have an implementation scheme as part of that.

AGREEMENT #SW-02-0051 WITH SCS ENGINEERS, INC., FOR HYDROGEOLOGIC FIELD CHARACTERIZATION & GROUNDWATER MONITORING NETWORK ENHANCEMENT, LANDFILL GAS INVESTIGATION & CDL LANDFILL CLOSURE DESIGN AND PERMITTING

Consultant Agreement #SW-02-0051 between Island County and SCS Engineers, Inc., Bellevue, Wa. was approved by unanimous motion of the Board as presented and recommended for approval by Mr. Oakes. The agreement is for Hydrogeologic Field Characterization and Groundwater Monitoring Network Enhancement, Landfill Gas Investigation, and CDL Landfill Closure Design and Permitting in an amount not to exceed \$274,981.

PUBLIC HEARING SCHEDULED: ORDINANCE #C-64-02/ PLG-012-02 NEW EXEMPTION TO SUBDIVISION AND SHORT SUBDIVISION APPROVAL REQUIREMENT FOR LAND DIVISIONS FOR LEASES FOR FACILITIES PROVIDING PERSONAL WIRELESS SERVICES

Ordinance #C-64-02/ PLG-012-02, New exemption to subdivision and short subdivision approval requirement for land divisions for leases for facilities providing personal wireless services, was introduced by Phil Bakke, Planning & Community Development Director, and Jeff Tate, Assistant Director, for purposes of scheduling the Ordinance for public hearing [G MA 7269]. This item was before the Island County Planning Commission who voted unanimously to forward the Ordinance to the Board. This comes as a result of a new section in State law with respect to State subdivision rules [SB 6578] allowing an exemption from the requirement of County approval for subdivisions and short subdivisions for the purpose of leasing a portion of a parcel of land for providing wireless services.

By unanimous motion, the Board scheduled a public hearing on August 19, 2002 at 10:30 a.m. to consider Ordinance #C-64-02/ PLG-012-02, New exemption to subdivision and short subdivision approval requirement for land divisions for leases for facilities providing personal wireless services.

Mr. Bakke brought up the fact that this type State legislation was a prime example of what could be considered at least a "temporary" unfunded mandate: the State Legislature passes legislation, but in order for the County to comply, it is required to hold a public hearing before the Planning Commission and Board of County Commissioners, with advertising costs, on an item that has already been pre-decided by the State.

RESOLUTION #C-65-02/PLG-013-02 AMENDING THE SERVICE AREA FOR THE RIDGE-VIEW ESTATES WATER SYSTEM BY EXPANDING ITS SERVICE AREA AND INCORPORATING THE NEWLY AMENDED SERVICE AREA INTO THE COORDINATED WATER SYSTEM PLAN

Mr. Tate presented and recommended approval of Resolution #C-65-02/PLG-013-02 Amending the Service Area for the Ridgeview Estates Water System by expanding its service area and incorporating the newly amended service area into the Coordinated Water System Plan. Ridgeview Estates Community Association approved provision of water service to the lots as requested by the property owner, and water system plans confirm capacity.

By unanimous motion the Board approved Resolution #C-65-02/PLG-013-02 Amending the Service Area for the Ridgeview Estates Water System by expanding its service area and incorporating the newly amended service area into the Coordinated Water System Plan.

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

IN THE MATTER OF AMENDING THE SERVICE AREA)	
FOR THE RIDGEVIEW ESTATES WATER SYSTEM BY)	
EXPANDING ITS SERVICE AREA AND)	RESOLUTION C-65-02
INCORPORATING THE NEWLY AMENDED SERVICE)	PLG-013-02
)	

**AREA INTO THE COORDINATED WATER SYSTEM
PLAN.**

WHEREAS, parcels R22901-037-3190 and R22901-113-2940 are currently not located within a service area of any water system; and

WHEREAS, parcel R22901-113-2940 is a 13.11 acre Rural parcel that allows for a density of 1 dwelling unit per 5 acres; and

WHEREAS, parcel R22901-037-3190 is a 20.34 acre Rural parcel that allows for a density of 1 dwelling units per 5 acres; and

WHEREAS, the owner of the property desires to subdivide this parcel into four separate lots pursuant to Chapter 16.06 ICC and Chapter 17.03 ICC and has already received preliminary short plat approval to do so; and

WHEREAS, preliminary short plat approval requires the applicant to demonstrate the adequate provision of water; and

WHEREAS, on December 10, 2001 the Ridgeview Estates Community Association indicated that they are able to provide water to the property owner for the proposed lots, attached hereto as Exhibit A; and

WHEREAS, pursuant to WAC 197-11-800(4)(b) appropriations of 2,250 gallons per minute or less of ground water are exempt from SEPA review, **NOW, THEREFORE**,

BE IT RESOLVED by the Board of Island County Commissioners that the service area of the Ridgeview Estates Water System service area is amended to add parcels R22901-037-3190 and R22901-113-2940, attached hereto as Exhibit B, is hereby incorporated into the Island County Coordinated Water System Plan.

APPROVED AND ADOPTED this 22 day of July, 2002.

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

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

ATTEST: Elaine Marlow,
Clerk of the Board

There being no further business to come before the Board at this time, the meeting adjourned at 2:40 p.m. July 29th is a 5th Monday and there is no regular meeting. Next regular meeting: August 5, 2002 at 9:30 a.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