

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - AUGUST 26, 2002**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 26, 2002 beginning at 1:30 p.m., in the Law & Justice Facility, Department III (Courtroom 3), 101 N.E. 6th Street, Coupeville, Wa. The 11:30 a.m. Roundtable Meeting with Island County Elected Officials was canceled due to lack of agenda items. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William F. Thorn, Member, were present. By unanimous motion, the Board approved and signed minutes from the Regular Meeting held on August 19, 2002.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) #130451-130642\$386,864.80.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Terry Chevront, Human Resources Department, the Board by unanimous motion, approved the following personnel action authorization:

<u>Dept.</u>	<u>PAA #</u>	<u>Description/Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Clerk	077/02	Chief Deputy Clerk 501.00	Replacement	10-16-02.

**LIQUOR LICENSE APPLICATION #359811-3C FOR PIZZA FACTORY
947 W. AULT FIELD ROAD, OAK HARBOR**

Having received recommendations of approval from the Island County Sheriff, Health Department and Planning & Community Development Department, the Board by unanimous motion approved Liquor License Application #359811-3C for Pizza Factory, 947 W. Ault Field Road, Oak Harbor by Ronald Dean Ray.

**RESOLUTION #C-70-02 OBSERVING ONE YEAR ANNIVERSARY OF SEPTEMBER 11;
PATRIOT DAY - PAYING TRIBUTE TO EVERYDAY HEROES**

Resolution #C-70-02 In the Matter of Observing The One Year Anniversary of September 11 was adopted by the Board by unanimous motion. The National Association of Counties encouraged every county in the nation to pass a resolution before September 11, 2002.

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

<u>IN THE MATTER OF OBSERVING THE</u>		
<u>ONE YEAR ANNIVERSARY OF SEPTEMBER 11: PATRIOT DAY PAYING TRIBUTE</u>		RESOLUTION #C-70-02
<u>TO EVERYDAY HEROES</u>		

WHEREAS, on September 11, 2001, the United States was suddenly and brutally attacked by foreign terrorists, and;

WHEREAS, terrorists hijacked and destroyed four civilian aircraft, crashing two aircraft into the towers of the World Trade Center in New York City, a third aircraft into the Pentagon outside Washington, DC, and the fourth into a field in Somerset County, Pennsylvania, and;

WHEREAS, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and;

WHEREAS, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and by targeting symbols of American strength and success, clearly intended to intimidate and attempt to weaken our Nation's resolve, and;

WHEREAS, these horrific events affected all Americans. We recognize the importance of carrying on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States to stand tall and proud; and

WHEREAS, in the time since the terrorist attacks, America has grown and matured. Citizens of Island County and all Americans celebrate our Nation's resiliency and remember the sacrifices of our new found heroes. It is fitting to observe this somber, yet important, anniversary.

NOW THEREFORE, BE IT RESOLVED, that the Board of Island County Commissioners, Island County, Washington, continues to strongly condemn the cowardly and murderous actions of these terrorists, and;

BE IT FURTHER RESOLVED, that the Board of Island County Commissioners, Island County, Washington, supports the President of the United States as he works with the National Security Team to defend against additional attacks, and continues to find the perpetrators and bring them to justice, and;

BE IT STILL FURTHER RESOLVED, that the Board of Island County Commissioners, Island County, Washington, joins with the United States Congress in proclaiming **September 11 as Patriot Day**, and calling for flags to be flown at half-staff. We encourage joining in a moment of silence to pay tribute to and especially honor our "Everyday Heroes" who make a profound difference in the community - from our Firefighters, Sheriff Deputies, City and Town Police Officers, Emergency Service Workers, to those who volunteer at non-profit organizations and community groups, etc. We continue to recommend that citizens support relief efforts by giving blood at the nearest available blood donation center.

ADOPTED this 26th day of August , 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

RESOLUTION #C-71-02 AMENDING THE SERVICE AREA FOR THE NORTHGATE TERRACE COMMUNITY WATER SYSTEM BY EXPANDING ITS SERVICE AREA AND INCORPORATING THE NEWLY AMENDED SERVICE AREA INTO THE COORDINATED WATER SYSTEM PLAN

Jeff Tate, Assistant Planning and Community Development Director, presented a resolution for the purpose of amending the service area for the Northgate Terrace Community Water System. This would expand the service area and incorporate the newly amended service area into the Coordinated Water System Plan. Expansion is to serve Parcel #R13311-445-4950 not located within the service area but currently served by that water system; the parcel is not within another service district. Northgate Terrace Community Water System supports this action.

By unanimous motion, the Board adopted Resolution #C-71-02/PLG-020-02 In The Matter of Amending The Service Area for the Northgate Terrace Community Water System by Expanding its Service Area and Incorporating the Newly Amended Service Area into the Coordinated Water System Plan.

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

IN THE MATTER OF AMENDING)	
THE SERVICE AREA FOR THE)	RESOLUTION C- 71-02
NORTHGATE TERRACE)	PLG-020-02
COMMUNITY WATER SYSTEM BY)	
EXPANDING ITS SERVICE AREA)	
AND INCORPORATING THE NEWLY)	
AMENDED SERVICE AREA INTO)	
THE COORDINATED WATER)	
SYSTEM PLAN.)	

WHEREAS, parcels R13311-445-4950 is currently not located within a service area of any water system; and

WHEREAS, parcel R13311-445-4950 is a 5.00 acre Rural parcel that allows for a density of 1 dwelling unit per 5 acres; and

WHEREAS, the owner of the property wishes to obtain water from the Northgate Terrace Community Water System in order to serve a future single-family residence; and

WHEREAS, on June 3, 2002 the Northgate Community Terrace Water System signed a Water Availability Verification Form as a purveyor willing and able to provide water to parcel R13311-445-4950; 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 Northgate Terrace Community Water System service area is amended to add parcel R13311-445-4950, attached hereto as Exhibit A, is hereby incorporated into the Island County Coordinated Water System Plan.

APPROVED AND ADOPTED this 26 day of August, 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 placed on file with the Clerk of the Board]

JOINT ADMINISTRATIVE BOARD FOR TOURISM APPOINTMENT

On recommendation of Commissioner McDowell, the Board by unanimous motion appointed Priscilla Heistad, Oak Harbor Chamber of Commerce, to serve on the Joint Administrative Board for Tourism as a member from tourism organizations. She was appointed to fill the position previously held by Sue Sebens who recently resigned.

STAFF SESSION AGENDA FOR SEPTEMBER, 2002

The Board approved the Staff Session schedule for September, 2002, outlining the schedule for September 11 and 18, both beginning at 9:00 a.m. Although regular staff sessions are held on the first and third Wednesdays of the month, in this case the regular Staff Session for September 4th was canceled and a special Staff Session scheduled for September 11th. Staff Sessions are now held in the Courthouse Administration Building located at 1 N. E. 7th, Conference room #116, Coupeville, WA.

**RESOLUTION #C-72-02/BOH #HD-10-02 COMMITTING TO REPAY FUNDS BORROWED
FROM THE WASHINGTON STATE WATER POLLUTION CONTROL REVOLVING FUNDS AND
CREATING A WATER QUALITY ASSISTANCE FUND LOAN PROGRAM TO PROVIDE LOW
INTEREST
LOANS FOR THE REPAIR OF FAILING ON-SITE SEWAGE SYSTEMS**

The Board by unanimous motion approved Resolution #C-72-02/BOH #HD-10-02 Committing To Repay Funds Borrowed From The Washington State Water Pollution Control Revolving Funds And Creating A Water Quality Assistance Fund (W.Q.A.F.) Loan Program To Provide Low Interest Loans For The Repair of Failing On-Site Sewage Systems, as approved by the Board of Health on August 19, 2002.

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

RESOLUTION COMMITTING TO REPAY FUNDS)
BORROWED FROM THE WASHINGTON STATE) RESOLUTION NO. C-72-02 WATER
POLLUTION CONTROL REVOLVING) BOH RES. NO. HD-10-02
FUNDS AND CREATING A WATER QUALITY)
ASSISTANCE FUND (W.Q.A.F.) LOAN PROGRAM)
TO PROVIDE LOW INTEREST LOANS FOR THE)
REPAIR OF FAILING ON-SITE SEWAGE SYSTEMS)
_____)

WHEREAS, failing on-site sewage systems create conditions which are harmful to the public health, safety, and welfare and may cause surface and groundwater pollution;

and

WHEREAS, it is important to remedy this harm to the greatest extent feasible; and

WHEREAS, the creation of a W.Q.A.F Loan Program for the purpose of providing low interest loans to repair failing on-site sewage systems should provide an effective method of remedying the conditions and protecting the public from the harmful effect of these conditions; and

WHEREAS, Island County has applied for funding from the State Revolving Loan Fund (SRF) to establish a Community Loan Program; and

WHEREAS, all (SRF) applicants must be willing to dedicate a source of revenue to repay the SRF loan; and

WHEREAS, loans granted through the Community Loan Program will be secured by a promissory note and a deed of trust on the subject property; and

WHEREAS Island County will have the right to foreclose on the deed of trust in the event of default on the promissory note;

BE IT HEREBY RESOLVED that the Board of Island County Commissioners agree to the following:

1. Island County shall enter into the attached Washington State Water Pollution Control Revolving Fund Loan Agreement (Agreement) with the Washington State Department of Ecology for the purpose of receiving moneys for the Community Loan Program.
2. Island County shall establish a Water Quality Assistance Loan Program with moneys received from the Washington State Water Pollution Control Revolving Loan Fund.
3. The W.Q.A.F. Loan Program shall provide low interest loans to eligible county residents for the purpose of repairing failing sewage systems according to the Agreement.
4. A representative of the Board of County Commissioners advised by the Island County Auditor and Island County Treasurer is authorized to select loan recipients from the eligible applicants according to the Agreement.
5. Island County shall set up a W.Q.A.F. Loan Repayment Fund and commit these funds to repay the moneys received from the Washington State Water Pollution Control Revolving Fund as set forth in the Agreement.
6. Island County shall also commit that portion of its current expense fund to repay moneys received from the Washington State Water Pollution Control Revolving Fund that cannot be repaid from the W.Q.A.F. Loan Repayment Fund. This commitment represents a contingent liability.

ADOPTED AND EFFECTIVE THIS 26 day of August, 2002.

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

ATTEST:

Elaine Marlow
Clerk of the Board of
County Commissioners

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

**RESOLUTION #C-73-02 DECLARING COUNTY PROPERTY
SURPLUS TO COUNTY NEEDS**

Lee McFarland, Assistant Director GSA, presented a resolution for the purpose of declaring County property as surplus to County needs, and proposing a sale date of September 21st. The property consists of an accumulation of certain equipment no longer of economic value or utility to the County. The sale will be held in conjunction with the City of Oak Harbor, and Mr. McFarland will bring to the Board September 9th an Interlocal Agreement between the City and County with regard to the surplus property sale.

By unanimous motion, the Board adopted Resolution #C-73-02 in the matter of the Sale and or Disposal of Surplus County Property.

**STATE OF WASHINGTON
COUNTY OF ISLAND**

**IN THE MATTER OF THE SALE AND OR)
DISPOSAL OF SURPLUS COUNTY PROPERTY) Resolution No. C-73-02**

WHEREAS, Island County has certain equipment which has lost its economic value/utility to the County; and

WHEREAS, pursuant to Island County Code Chapter 2.31, such items may be disposed of; and

WHEREAS, the items described on attached Exhibit "A" are now and have been the property of Island County, State of Washington; and

WHEREAS, it is in the best interest of the County and the citizens thereof that said items listed in Exhibit "A" be sold or disposed of in accordance with Island County Code Chapter 2.31; NOW THEREFORE,

BE IT HEREBY RESOLVED THAT the items listed on Exhibit "A" shall be sold or disposed of in accordance with Island County Code Chapter 2.31.

ADOPTED this 26 day of August, 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 placed on file with the Clerk of the Board]

RESOLUTION #C-74-02 CLOSING ISLAND COUNTY CRIMINAL JUSTICE SALES TAX FUND AND THE ISLAND COUNTY LAW & JUSTICE FUND; AND TRANSFERRING THEIR RESPECTIVE 2002 BUDGETS INTO THE ISLAND COUNTY CURRENT EXPENSE FUND

The Budget Director, Elaine Marlow, presented for the purpose of scheduling a Public Hearing, proposed Resolution #C-74-02 In the Matter of Closing the Island County Criminal Justice Sales Tax Fund and the Island County Law & Justice Fund; and Transferring Their Respective 2002 Budgets into the Island County Current Expense Fund. This action will consolidate revenue and expenditures from Law & Justice programs so all appear in one place for accounting and reporting purposes; it is a matter of moving the Law & Justice funds into the Current Expense Fund.

By unanimous motion, the Board scheduled a public hearing for September 16, 2002 at 9:55 a.m. on Resolution #C-74-02.

RESOLUTION #C-75-02 CANCELLATION OF WARRANTS

As forwarded from the Island County Auditor, the Board by unanimous motion approved Resolution #C-75-02 Cancellation of Warrants not presented within one year of the issue date.

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

**IN THE MATTER OF CANCEL)
-LATION OF WARRANTS) RESOLUTION C- 75 -02**

WHEREAS, RCW 39.56.040, provides for the cancellation of warrants not presented within one year of the issue date, and

WHEREAS, the warrants listed in Exhibit "A" / Claims Fund and Exhibit "B" / Salary Fund have not been presented for payment and have been outstanding for more than one year, or the issuing fund or department has requested the cancellation, and

WHEREAS, effort to contact the recipients have not resulted in presentation of the warrants, or an affidavit to request issuance of replacement warrants, and, **NOW THEREFORE**

BE IT RESOLVED, that the warrants listed in Exhibit "A" and "B" are canceled. The County Auditor and County Treasurer, by copy of this resolution, are directed to take action to transfer all records of such warrants so as to leave the funds as if such warrants had never been drawn.

ADOPTED this 26th Day of August, 2002.

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

Mike Shelton, Chairman

Wm. L "Mac" McDowell, Member

William F. Thorn, Member

ATTEST: Elaine Marlow
Clerk of the Board

[Exhibits A and B placed on file with the Clerk of the Board]

SERVICES AGREEMENT RENEWAL THROUGH MARINE RESOURCES COMMITTEE AND INTERTIDAL CONSULTING

Don Meehan, Island County Cooperative Extension WSU, presented for approval Services Agreement Renewal between Island County and Intertidal Consulting RM-EXT-020058, to continue carrying out

duties as the Island County Marine Resources Executive Director. The contract is funded entirely by the grants, and is for an 18 month period ending 12/31/03, in an amount not to exceed \$71,500.

By unanimous motion, the Board approved Services Agreement Renewal between Island County, through the Marine Resources Committee, and Gary Wood dba Intertidal Consulting.

APPROVAL OF HEALTH DEPARTMENT CONTRACTS

With three Health Department contracts having been reviewed by the Board at Staff Session, the Board by unanimous motion approved the following:

- Contract #HS-13-01(1), Oak Harbor School District for State Incentive Grant-School Assistance Program, amending the contract to add \$4,962, for a total new amount of \$144,445
- Contract # HD-09-02 for Coupeville School Nursing Services-NW Educational Service District 189 approved by the Board of Health on 8/19/2002, in the amount of \$11,160 [RM-HLTH-02-0057]
- Contract # 0269-12830 for Workfirst program, DSHS, approved by the Board Health on 8/19/2002 [RM-HLTH-02-0062], a fee for service contract that continues services to families with children with special needs.

AWARD OF BID FOR VACTOR MODEL 2110J6 ON A 2003 STERLING LT7501 6X4 - BEN-KO-MATIC

Based on the recommendation of Bill Oakes, Public Works Director, along with Dick Snyder, County Engineer, the Board awarded bid to the lowest responsible bid meeting specifications, for a Vactor Model 2110J6 on a 2003 Sterling LT7501 6x4 to Ben-Ko-Matic in the amount of \$236,736.83, including trade in and sales tax, and authorized the Chairman's signature on the purchase order. The equipment is used to clean out storm sewers and catch basins.

RURAL ARTERIAL PROGRAM PROJECTS [RAP]

As presented and recommended for approval by Mr. Oakes the Board by unanimous motion approved five Rural Arterial Program Projects between Island County and the County Road Administration Board as follows:

- RAP Project - Construction Proposal – Bayview Road, Phase 2; Milepost 0.59 to 1.19, Whidbey Island, for total authorized RATA Funds in the amount of \$500,000
- RAP Project - Construction Proposal – Arrowhead Road, Phase 1; Milepost 0.20 to 0.95, Camano Island, for total authorized RATA Funds in the amount of \$500,000
- RAP Project - Construction Proposal – Main Street (Freeland); Milepost 1.78 to 2.16, Whidbey Island, for total authorized RATA Funds in the amount of \$500,000
- RAP Project - Construction Proposal – Mutiny Bay Road; Milepost 0.00 to 1.00, Whidbey Island, for total amount authorized RATA Funds in the amount of \$500,000
- RAP Project - Construction Proposal – Frostad Road, Section 2; Milepost 6.80 to 7.20, Whidbey Island, for total amount of authorized RATA Funds in the amount of \$300,000.

AWARD OF BID FOR ROLL OFF CONTAINERS AND

SELF-DUMPING FORKLIFT HOPPERS

Per bids received July 26, 2002 under Resolution #C-58-02, as recommended by Mr. Oakes, along with Dave Bonvouloir, Solid Waste Manager, the Board by unanimous motion awarded bid for Roll-Off Containers and Self-dumping Forklift Hoppers to Wasteline Containers, Ltd., the lowest responsible bidder meeting specifications, in the amount of \$39,972.00 plus sales tax, and authorized the Chairman's signature on the Purchase Order.

LEASE AGREEMENT - BETWEEN THE PORT OF COUPEVILLE AND MUTINY BAY ENTERPRISES, LTD., DBA WHIDBEY ISLAND ALPACAS

Mr. Oakes asked that the Board send a letter to the Port of Coupeville with regard to a lease of approximately 10 acres at the Greenbank Farms to graze alpacas for three years, as follows:

"This is to advise you that in reference to the Lease Agreement between the Port of Coupeville and Mutiny Bay Enterprises, Ltd., dba Whidbey Island Alpacas, a Washington corporation (signed by Whidbey Island Alpacas on August 1, 2002 and signed by the Port of Coupeville on August 5, 2002), for the grazing of alpacas, the County has reviewed the lease and approves the lease despite the inclusion of an option that would have the effect of extending the lease for more than three years. The County does not intend to exercise its right under Section 2.15 of the Executory Conditional Sale Contract of September 15, 1997 to declare the entire remaining balance of the Purchase Price immediately due and payable when the Port executes the lease to Whidbey Island Alpacas, and the County waives its right to do so. This waiver shall not extinguish or diminish the County's rights under Section 2.15 with respect to any other transfer that the Port may make at a future time. The Board hereby approves said lease, which has been signed and dated August 1, 2002 and August 5, 2002 respectively."

Bond counsel has been contacted and indicated there would be no adverse tax consequences to the Port's leasing out of the 10 acres of Greenbank Farm.

By unanimous motion the Board approved and signed the letter to the Port of Coupeville with regard to the Greenbank Farm, Seller's Option Regarding Section 2.15, Transfer of Buyer's Interest.

CENTENNIAL CLEAN WATER FUND GRANT AGREEMENT BETWEEN ISLAND COUNTY AND STATE DEPARTMENT OF ECOLOGY #G0300038 FOR CAMANO WATERSHED PROGRAM - [PW0220-65]

Centennial Clean Water Fund Grant Agreement #G0300038 [#PW0220-65] between Island County and the Washington State Department of Ecology for Camano Watershed Program was presented for the Board's approval. The Agreement was the topic for review and discussion with the Board during a recent staff session.

As far as concerns about whether or not adequate funds are allocated under Task 3, Water Quality Monitoring and follow-up, staff indicated that the money was for the purpose of getting a team out to do the initial assessment, analyze results, and one follow-up. There is no implementation under this particular grant. Initial sampling is for a year; seasonability has been taken into account. Any significant differences between initial and follow-up samplings to any varying degree will have to be dealt with at the time it comes up, and if radically different, would also indicate the need for additional follow up and could be the basis for an additional grant.

By unanimous motion, the Board approved Centennial Clean Water Fund Grant Agreement #G0300038 [#PW0220-65] between Island County and the Washington State Department of Ecology for Camano Watershed Program.

There being no further business to come before the Board, the meeting adjourned at 2:30 p.m. A Special Session has been scheduled for August 28, 2002, for the purpose of a Joint Council of Governments meeting. Island County offices will be closed Monday, September 2, 2002, to observe Labor Day. The next regular meeting of the Board will be on September 9, 2002, beginning 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