

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - OCTOBER 28, 2002**

The Regular Meeting of the Board of Island County Commissioners convened at 11:30 a.m. on October 28, 2002, for a Roundtable with Elected Officials, Conference Room #116, Courthouse Administration Building Other agenda topics for the Regular Session followed at 1:30 p.m. as outlined on the agenda, including Diking Improvement District #4, held in the Law & Justice Facility, Department III (Courtroom 3), 101 NE 6<sup>th</sup> Street, Coupeville, Wa. Mike Shelton, Chairman; and William F. Thorn, Member, were present; Commissioner Wm. L. McDowell, absent.

**ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS**

**Attendance:**

Elected Officials: Tom Baenen; Greg Banks; Robert Bishop; Mike Hawley; Jane Koetje; Suzanne Sinclair  
Others: Elaine Marlow, Dick Toft

Mr. Banks commented concerning the 5 to 4 decision Thursday by the Washington State Supreme Court in a King County case involving the felony murder statute, exempting assault from the law that makes death resulting from certain felonies punishable as felony murder regardless of whether that person intended to kill. For the last 30+ years Washington State statute was interpreted that if as a result of an assault someone is killed while committing any felony or fleeing from that felony they can be charged with murder. There are two cases last year in Island County this would apply to, and there could be others from years' past. It is believed that King County will ask to have that decision reconsidered, and will probably have a motion for reconsideration in front of the Supreme Court within the next 10 days.

Announcements/Reminders:

- Payroll change implementation meetings to be held October 29 and November 1st;
- "Benefits Fair" scheduled November 7 re changing medical/dental plans; adding eligible dependents; deferred comp, flexible benefit program and life insurance.

**VOUCHERS AND PAYMENT OF BILLS**

The Board by unanimous, approved the following vouchers/warrants as presented:

Voucher/War. #152403 – 152610.....\$389,519.93.

**MINUTES OF MEETING**

By unanimous motion, the minutes of regular meeting October 21, 2002 were approved and signed.

**APPOINTMENT TO JOINT ADMINISTRATION BOARD – TOURISM**

On recommendation of Commissioner Thorn, the Board by unanimous motion appointed Rosanne S. Cohn, Camano Island, to serve on the Joint Administration Board (Tourism) representing the Camano Island Chamber of Commerce.

**STAFF SESSION SCHEDULE FOR NOVEMBER, 2002**

Staff session agenda was approved by unanimous motion of the Board for distribution, outlining Staff Sessions to be held on November 6 and 20 beginning at 9:00 a.m. in County Administration Building, Conference Room #116.

**RESOLUTION #C-85-02 ESTABLISHING THE ISLAND COUNTY RURAL COUNTY SALES TAX FUND**

As prepared and presented by the Budget Director, Elaine Marlow, the Board by unanimous motion approved Resolution #C-85-02 Establishing the Island County Rural County Sales Tax Fund.

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

IN THE MATTER OF ESTABLISHING )

THE ISLAND COUNTY RURAL ) RESOLUTION C-85-02  
COUNTY SALES TAX FUND )

*WHEREAS*, on July 8, 2002, the Island County Board of Commissioners adopted Ordinance C-50-02 entitled "Ordinance Establishing Rural County Sales and Use Tax to Finance Public Facilities," which authorizes the collection of an additional 8/100<sup>th</sup> (0.08) of one-percent sales and use tax under RCW 82.14.370; and

*WHEREAS*, it is the intent of the Board of County Commissioners that Rural County Sales and Use Taxes will provide funding for public facilities which will retain, attract and support economic growth in Island County; and

*WHEREAS*, in order to ensure that the Rural County Sales and Use Tax revenues and expenditures are accounted for properly, there is a need to establish a separate fund to be known as the Island County Rural County Sales Tax Fund; *NOW THEREFORE*

*BE IT RESOLVED*, that there is created and established in the Island County Treasurer and Island County Auditor records a fund known and designated as the Island County Rural County Sales Tax Fund.

ADOPTED this 28 day of October, 2002.

**Board of County Commissioners  
Island County, Washington**

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

**ATTEST:**

Elaine Marlow,  
Clerk of the Board

**CORRECTION OF LIQUOR LICENSE – CAMANO PLAZA TEXACO**

The Board acknowledged receipt from the Washington State Liquor Control Board of an application to correct Liquor License #084644-3D by Myers Family Limited Partnership for Camano Plaza Texaco approved 10/14/02. By unanimous motion, the Board approved correction to liquor license as transmitted by the State Liquor Control Board Correction of address only, from 389 NE Camano Road, Camano Island, Wa. to 390 E East Camano Dr., Camano Island, Wa.

**HEALTH CONTRACTS APPROVED**

Having been brought to the Board for review and discussion at a recent staff session, the Board by unanimous motion approved the following Health Department contracts:

Department of Health Consolidated Contract #C08645 Amendment # 8, in the amended amount of \$4,733, for new contract amount \$886,642, approved by the Board of Health on 10/21/02 [RM-HLTH-00-0020]

Building Environmental Health Services – Centers for Disease Control & Prevention Contract #HD-13-01 Amendment #2 for an amended amount of \$181,339, new contract amount \$356,339, approved by the Board of Health on 10/21/02 [RM-HLTH-01-0106]

Department of Social and Health Services Alternative Response System Contract # 23952 Amendment #4, for amendment amount \$3,458, new contract total \$35,082, approved by the Board of Health on 10/21/02 [RM-HLTH-00-0049]

Interagency Agreement - Department of Health Contract # HD-12-02 allowing Health Department access to Child Profile Immunization Training Program, approved by the Board of Health on 10/21/02 [RM-HLTH-02-0066]

**AMENDMENT #1 - BIOSOLIDS CONTRACTS**

As recommended by Bill Oakes, Public Works Director, and Dave Bonvouloir, Solid Waste Manager, the Board by unanimous

motion approved Amendment #1 to Biosolids Contracts [RM-SW-01-0072-1] changing delivery of biosolids, with Bell Farm, Gerald A. Bell and Arnold Farm, Charles E. Arnold, section 3 (f) amended to read: "Deliver biosolids or have biosolids delivered to the Landowner with prior notification of delivery. At the County's discretion, permit use of County application equipment or application by County's contractor."

**SUPPLEMENTAL AGREEMENT #1 - INTERLOCAL AGREEMENT - UNIVERSITY OF WASHINGTON;  
CRESCENT BAY SALT MARSH  
& SALMON HABITAT RESTORATION**

- Supplemental Agreement #1[RM-PW-022077, Work Order #175] to Interlocal Agreement RM-PW-012055 executed 8/6/01 between Island County and the University of Washington for the Crescent Harbor Bay Salt Marsh and Salmon Habitat Restoration, was approved by unanimous motion of the Board, with Chairman Shelton authorized to sign same on behalf of the Board once the original Agreement has been returned with signature from the University of Washington. Supplement is for increased funding in the amount of \$38,772.00 to the University for culvert design services described in attachment A-1 in the Supplement.

**ADOPT A ROAD LITTER AGREEMENTS APPROVED**

- By unanimous motion, the Board approved the following Adopt-A-Road Litter Agreements:

Renewal of Adopt-A-Road Litter Agreement with Camano Island Yacht Club, renewal of Agreement; East Camano Drive from Cross Island Road to Camano Hill Road

Renewal of Adopt-A-Road Litter Agreement with Langley United Methodist Church, renewal of Agreement; Bayview Road from Langley Town Limits to Grange Hall

Adopt-A-Road Litter Agreement with Sills Road Neighbors, for Sills Road from Ewing Road to Maxwellton Road, item B.6. changed to indicate that the County agrees to accept properly bagged litter picked up as part of Adopt-A-Road program for no charge at any of the Solid Waste facilities, rather than just in Coupeville and Camano transfer Station.

**HEARING HELD: FRANCHISE #49R, WILDWOOD VIEW  
ACRES WATER ASSOCIATION - RENEWAL**

- A Public Hearing was held at 2:20 p.m. as advertised to consider Franchise #49R, Wildwood View Acres Water Association for renewal of existing water distribution system, Plat of Wildwood View Acres, Whidbey Island, Sec. 5, Twp. 30N, Rge. 2E. [RM-PW-022073]. Recommendation of approval was confirmed by Mr. Oakes, as well as a letter dated 10/8/02 from the County Engineer.

No comments were made for or against the Franchise renewal at the time of hearing.

By unanimous motion the Board approved Franchise #49R, Wildwood View Acres Water Association for renewal of existing water distribution system, Plat of Wildwood View Acres, Whidbey Island, Sec. 5, Twp. 30N, Rge. 2E.

There being no further business to come before the Board at this time, the meeting adjourned at 2:25 p.m. The next regular meeting of the Board will be on November 4, 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