

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
DECEMBER 2, 2003**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 2, 2002, at 9:30 a.m. in the Law & Justice Facility, Department III (Courtroom 3), 101 N.E. 6<sup>th</sup> Street, Coupeville, Wa. Mike Shelton, Chairman; Wm. L. McDowell, Member, and William F. Thorn, Member, were present. By unanimous motion, the Board approved and signed the minutes from regular meeting held on November 25, 2002.

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board, including the approval of November payroll:

Voucher (War.) #'s 154711454840.....\$ 254,595.00

**Veterans Assistance Fund:** *[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential].*

**V2-13** burial expenses \$4615.34. RCW 73.08.070 allows for use of the fund to pay for burial expenses "...not to exceed the limit established by the county legislative authority nor less than \$300". Service Officer recommends approval. Three of five members of the Veterans Assistance Review Committee recommended denial of the claim as submitted. Although the cost is supported by an actual invoice, cost seems excessive; could not identify where the Commissioners set upper limit. Commissioner Thorn was of the opinion that rather than setting an upper limit, it should be case-unique. Gerald K. Pfannenstiel, Veterans Community Services Coordinator, Department of Veterans Affairs, Oak Harbor, spoke on behalf of the claimant and provided further information and explanation in this case. By unanimous motion, the Board deferred action on the Claim until next Monday, pending further review by the Service Officer.

**V2-15** approved by unanimous motion of the Board as recommended by the VARC in the amount of \$670.00.

**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/Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Pub. Works	091/02	Acct Supervisor 2209.00	Replacement	12/2/02
GSA	092/02	Pub. Defense Asst. 1902.00	Replacement & Reduce Hours	12/2/02
Clerk	093/02	Chief Dep. Clerk 501.00	Replacement	12/2/02

**APPLICATION FOR SPECIAL OCCASION LIQUOR LICENSE #092151 BY CAMANO SENIOR & COMMUNITY CENTER**

Based on favorable review and recommendation by the Island County Sheriff and Health Department, the Board by unanimous motion, approved Application for Special Occasion Liquor License #092151 by Camano Senior & Community Center for Special Occasion to be held December 31, 2002 to Midnight, at the Camano Senior & Community Center, 606 Arrowhead Road, Camano Island, Wa.

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

The Board approved, by unanimous motion, having received recommendation of approval by the Sheriff, correction to Liquor License Application #359811-3C Pizza Factory, 947 W. Ault Field Road, Oak Harbor, Wa., as submitted by the Washington State Liquor Control Board, adding applicants.

**RESOLUTION #C-107-02 PROCLAIMING DECEMBER 2002 AS NATIONAL DRUNK & DRUGGED DRIVING**

**PREVENTION AWARENESS MONTH**

A Proclamation came before the Board for adoption, requested by Jo Hellman, Impaired Driving Impact Panel of Island County [IDIPIIC] to proclaim December 2002 as National Drunk & Drugged Driving Prevention Awareness Month.

Sheriff Mike Hawley and Deputy Lane Campbell were in the audience supportive of the Board adopting the Proclamation, and to accept the Proclamation on behalf of IDIPIIC. It was the Sheriff's suspicion that in Island County and the U.S. drunk driving probably has been the number one cause of death, and talked about the grant-funded DUI enforcement patrols that will be out during this holiday season Deputy Campbell further addressed the efforts in this arena, all focused on trying to keep people safe.

By unanimous motion, the Board adopted Resolution #C-107-02 in the matter of proclaiming December 2002 as National Drunk & Drugged Driving Prevention Awareness Month.

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

**IN THE MATTER OF PROCLAIMING }  
DECEMBER 2002 AS NATIONAL } RESOLUTION #C- 107-02  
DRUNK & DRUGGED DRIVING }  
PREVENTION AWARENESS MONTH }**

**WHEREAS**, the holidays bring joy in celebrations with family and friends and neighbors, but with those celebrations, also brings a tragic increase in the incidence of impaired driving; and

**WHEREAS**, despite many efforts by communities and citizen groups to stop drunk and drugged driving, many of our citizens mistakenly continue to view impaired driving as acceptable conduct, thereby needlessly threatening our families, friends, co-workers and neighbors; and

**WHEREAS**, there were 281 people killed in DUI-related crashes in Washington State in 2001, an increase from the year before, and people continue to be injured and killed each year on Washington State, Island County, City and Town roads, from alcohol and/or other drug related crashes; and

**WHEREAS**, over half of the 1,000-plus motor vehicle crashes in unincorporated Island County in 2001 were DUI-related; and

**WHEREAS**, all drivers risk impairment when consuming alcohol or other drugs, whether legal, over-the-counter and prescription medications or illegal substances; and

**WHEREAS**, the Impaired Driving Impact Panel of Island County [IDIPIIC] considers its highest priority to be the protection of citizens from hazards such as impaired driving, and recognizes that designating sober drivers, stopping impaired family members and friends from getting behind the wheel, reporting impaired drivers to law enforcement officials, and teaching our young people safe alcohol and drug free driving behavior, are valuable weapons against the battle of impaired driving during the holiday season and throughout the coming year, thereby helping to make our roads safer for all; and

**NOW THEREFORE BE IT RESOLVED** that the Board of Island County Commissioners join Impaired Driving Impact Panel of Island County, and proclaim December, 2002, as ***DRUNK & DRUGGED DRIVING PREVENTION AWARENESS MONTH***, and urge citizens of Island County to designate sober drivers, encourage safe rides activities and participate in public awareness and enforcement campaigns to prevent impaired driving.

**PROCLAIMED and ADOPTED** this 2<sup>nd</sup> day of December, 2002.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON  
Mike Shelton, Member**

Wm. L. McDowell, Member  
William F. Thorn, Member

**ATTEST:**  
Elaine Marlow, Clerk of the Board

**RESOLUTION #C-108-02 AMENDING PERSONNEL POLICIES AND PROCEDURES MANUAL SECTION 2.01.073(H) – REDUCING LUMP SUM TRAVEL ALLOWANCE IN LIEU OF ACTUAL EXPENSES TO COUNTY COMMISSIONERS**

Resolution #C-108-02 Amending Personnel Policies and Procedures Manual Section 2.01.073(H), reducing lump sum travel allowance in lieu of actual expenses to County Commissioners, a follow-on action as a result of recent budget workshops.

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

**IN THE MATTER OF AMENDING PERSONNEL )  
POLICIES AND PROCEDURES MANUAL )  
SECTION 2.01.073(H) PROVIDING LUMP SUM )  
TRAVEL ALLOWANCE IN LIEU OF ACTUAL )  
EXPENSES TO COUNTY COMMISSIONERS )**

**Resolution No. C-108-02**

**WHEREAS**, RCW 42.24.090 provides, in pertinent part, that counties may prescribe by resolution the amounts to be paid officers or employees thereof, as reimbursement to such officers or employees, in lieu of actual expenses incurred for travel expenses; and

**WHEREAS**, Island County Personnel Policies and Procedures Manual section 2.01.073(H), in accordance with adoption of Resolution Number C-130-00 dated December 11, 2000, established the rate of reimbursement of actual expenses paid to County Commissioners for their use of their privately owned vehicles for County business at of \$600.00 per month; and

**WHEREAS**, due to the current and pending financial shortfall facing Island County, the Board of County Commissioners has elected to reduce the current rate of reimbursement from \$600.00 to \$500.00 per month; **NOW THEREFORE**,

**BE IT HEREBY RESOLVED** that, effective January 1, 2003, Island County Personnel Policies and Procedures Manual section 2.01.073(H), be amended to read as follows:

- H.** Travel Allowance – Any member of the Board of County Commissioners of Island County, Washington, may elect to receive in lieu of actual expenses incurred for use of his/her private vehicle for County business conducted within the County, and in lieu of the use of a County car, a lump sum payment in the amount of ~~six hundred dollars (\$600.00)~~ five hundred dollars (\$500.00) monthly. Additionally, reimbursement for County business conducted outside the County may be applied for in the prescribed manner, provided such claim shall be duly certified by the County Commissioner submitting such claim on forms and in the manner prescribed by the Division of Municipal Corporations in the office of the State Auditor, in accordance with Section 2.01.075.

Material lined through is being deleted and material underlined is being added.

**ADOPTED** this 2 day of December, 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

**HEALTH CONTRACTS APPROVED**

By unanimous motion, the Board approved two contracts on behalf of the Island County Health Department:

Department of Health Consolidated Contract #Contract #C08645, Amendment 9 in the amount of \$2,875 for new contract total \$889,517 [approved by the Board of Health on 11/18/2002]; and

Center for Community Support-Developmental Disabilities Contract #HS-09-01(2) amendment #2 in the amount of \$4,600 for total new contract amount \$723,340.

### **PUBLIC HEARINGS HELD: ISLAND COUNTY BUDGET**

A Public Hearing, as scheduled and advertised, was held for the purpose of considering adoption of the Island County Budget, the public hearing specifically addressing four proposed resolutions:

- Resolution C-87 -02 Fixing and Adopting the Final Budgets for Island County Current Expense Fund, Special Revenue Funds, and Diking District #4 Fund for Fiscal Year 2003
- Resolution C- 88 -02 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2003 for the County Current Expense Levy
- Resolution C- 89 -02 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2003 for the County Roads Levy
- Resolution C- 90 -02 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2003 for the County Conservation Futures Levy

The Budget Director's prior memo outlined some of the changes made since the last budget workshop was held, and Ms. Marlow elaborated on some of the more major changes:

- Assessor's Office narrowed down the banked levy capacity to a final number resulting in about a \$32,800 change to the bottom line
- Property insurance number finalized at \$16,722
- Reduction in the amount of jail salaries by \$12,376 due to recent turnover in personnel

### **Public Comments**

Joyce Kasperson, Commissioners Administrative Assistant, Camano Annex, read a prepared memorandum into the record [complete copy on file] asking for consideration of the following before adopting the budget:

- Impact of elimination of DOL at the Camano Annex which would directly affect, 5,000+ citizens;
- Does not make sense to eliminate a service so widely used by so many people; the public overwhelmingly is displeased with the proposal to eliminate the service;
- Eliminating DOL will not be cost effective for the Commissioners Office at the Camano Annex.
- Fees collected for DOL support at least 1-1/3 positions and pays for other services provided to the public for other departments;
- Consider the revenue earned by staff considered as revenue for the Camano Annex as well as just compensation from the other departments for services provided.
- In an effort to keep all services and DOL at the Camano Annex, consider adding back a 20-hour a week position for \$15,100.

Greg Banks, Prosecuting Attorney, read from a prepared text of comments at public hearing on adoption of 2003 budget [full copy on file]. He mentioned that he had already advised the Board of the impacts of cutting 1 of 6 criminal deputy prosecutors. He is willing to do everything he can to emphasize the prosecution of the most violent crimes and DUIs, with reduced staff, and expected County departments would feel the first impacts of reduced staff, as he will assign portions of a criminal caseload to the civil deputy. He was aware that over the last four months the County came into a "windfall" of over \$113,000, money that went uncollected because reports were not filed timely, some \$27,000 were

checks issued as reimbursement and forfeiture sharing to the Sheriff's Office; and about \$9,000 of uncashed checks will never be recovered because of the statute of limitations expired. Mr. Banks clarified that he bore no ill will toward the Sheriff, administrative staff or deputies in the field and was making no criticism of the high quality police work done by the Sheriff's deputies.

Given the size of the hole in the County's budget, \$113,000 is a significant amount and the Board should plug it into the priorities as established and account to the public how it will be used to further the County's mission. He thought that there was good argument to be made that the Prosecutor's Office should not be required to eliminate a position. If public safety is the top priority, the Board must acknowledge that each criminal deputy prosecutor supports around 12 law enforcement officers, and the Prosecutor does not carry unfilled positions that can be eliminated without seriously compromising ability to do the job.

Mike Hawley, Sheriff, responded to indicate that he had spoken with the Board about the matter, and met with the Press months' ago and explained everything. If there is a problem, he thought it was with the way the County is financed, and it seems the County is constantly on the verge of bankruptcy. His Office has so few clerical staff, and for the sake of public safety and law enforcement, he has taken all his people and put them on the street to answer calls. In 1990 the Department handled 9,000 E-911 calls, and this year approximately 30,000.

Tom Baenen, Island County Assessor, commented to clarify an article in the newspaper something in the paper: as a result of the action the Board is taking, the actual increase to a taxpayer this year will be instead of 77.7 cents to the general fund, will be 84.1 cents [other counties on average is about \$1.23]. It is not the big increase one might believe from reading the article; it is 5% in dollars but 6 cents in the tax rate per \$1,000: from 77.7 cents to 84.1 cents which will be the actual increase to the taxpayer.

Commissioner Thorn endorsed Ms. Kasperson's comments entirely, and believed her alternative made sense, one that would allow the DOL function to stay at the Camano Annex, as he stated previously on several occasions. Regarding the comments about an over "\$113,000 windfall" and the potential use thereof, he reminded that a year ago the County had to use \$737,000 from reserves; with that figure now at \$500,000 or less, which for an 18 million dollar budget is not sufficient nor appropriate by any rational management judgment, and needs to be rebuilt if there is any "windfall". He did believe that it was a complete misrepresentation to characterize the County as being virtually bankrupt.

Commissioner McDowell emphasized the fact that the County was not on the verge of Bankruptcy. Yes, some cuts had to be made which will be realized through department reductions and less service provided.

Chairman Shelton recalled that it was during one of the initial budget workshops that resulted in one reason the Board considered cutting the licensing aspect at Camano Annex, which was that Ms. Kasperson had commented that a significant portion of her time and staff time was used for the sale of license tabs. Even if Camano Annex retained a portion of the \$3.00 the County receives in revenue for performing the license service, it would really be taking money out of the same pot, Current Expense. He recognized that people of Camano Island find it very convenient to purchase tabs at the Camano Annex, but also recognized the possibility of eliminating \$40,000 from the Current Expense budget. Eliminating licensing at Camano Annex results in asking Camano Islanders to do the same thing people on South Whidbey have done for 30 years: go to a subcontractor on South Whidbey to purchase license tabs, travel to Coupeville to purchase the tabs, or mail in for the price of a stamp. The same is true for folks on North Whidbey who can go to a licensing subagent to purchase tabs, drive to Coupeville, or mail in.

When the issue of reports not having been filed in a timely manner was brought to the attention of the Board, it was not as if the Board did nothing. There was conversation with the Sheriff and Chief Civil Deputy, and the Board was assured that this issue would be corrected.

He pointed out that the County, through other funds [i.e. Road Fund, Planning & Community Development fees, etc.] was financing a civil deputy, and down the line important for auditing in the future.

### Board Action

Commissioner Thorn moved that the Board approve Resolution #C-87-02 in the matter of Fixing and Adopting the Final Budgets for Island County Current Expense Fund, Special Revenue Funds, and Diking District #4 Fund for Fiscal Year 2003. Motion was seconded by Commissioner McDowell.

Under discussion, Commissioner Thorn indicated that while he supported the budget, he was very offended that the Board

could not support Camano Island better.

To the contrary, Commissioner McDowell believed the Board did support Camano. Camano Islanders will be able to purchase tabs through a subagent, the same alternatives as citizens of North Whidbey and South Whidbey have. If the \$40,000 were available, his priority probably would be to fund a deputy prosecutor rather than restoring the DOL function to the Annex.

Commissioner Thorn reminded that there had been a budget-neutral proposal presented previously, which was to close the Annex on Fridays and retain the DOL licensing function. Commissioner McDowell disagreed with that, feeling it important to keep the Annex open five days' a week.

Chairman Shelton observed that long before he became a County Commissioner, the Board recognized that because of the remoteness from the Courthouse, services should be provided on Camano Island so that people would not have to drive all the way to Coupeville to conduct County business. If the County had not experienced the budget shortfall he would not have recommended moving the DOL function from the Annex. However, he thought it unfair to say Camano Islanders are being short-changed when in fact they have an Annex provided on Camano Island.

Motion, as made and seconded, carried unanimously adopting Resolution #C-87-02.

By unanimous motion, the Board adopted Resolution #C- 88 02 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2003 for the County Current Expense Levy.

By unanimous motion, the Board adopted Resolution #C- 89 -02 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2003 for the County Roads Levy.

By unanimous motion, the Board adopted Resolution #C- 90 -02 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2003 for the County Conservation Futures Levy.

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

**THE FINAL BUDGETS FOR ISLAND COUNTY            )        **RESOLUTION C- 87-02****  
**CURRENT EXPENSE FUND, SPECIAL REVENUE        )**  
**FUNDS, AND DIKING DISTRICT #4 FUND FOR         )**  
**FISCAL YEAR 2003                                     )**

WHEREAS, Chapter 36.40 RCW provides for the development, presentation, consideration and fixing of the final budgets for each County fund by the Board of County Commissioners, and

WHEREAS, several public meetings (Island County budget workshops) have been held with each county department and regarding each county fund, special revenue fund, and Diking District #4 to consider estimated 2003 revenues and expenditures, all open to citizen input and comment, and

WHEREAS, all input, suggestions, requests, and other considerations have been weighed by the Board of County Commissioners resulting in the following 2003 Preliminary Exhibits. Exhibit A, budget summaries; Exhibit B, Overhead Allocation schedule; Exhibit C, Position Listing, and Exhibit D, detailed revenue and expenditure budgets are hereby placed on file in the office of the Island County Budget Director where they are available for public inspection at the office during normal office hours; NOW THEREFORE

BE IT RESOLVED, that the Board of County Commissioners has reviewed these preliminary budgets in public meetings, and sets a public hearing for fixing and adopting the 2003 Island County Current Expense Fund, Special Revenue Funds and Diking District #4 Fund Budgets on December 2, 2002 at 9:50 a.m.

Adopted this 4th day of November, 2002.

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

**ATTEST:**

Elaine Marlow, Clerk of the Board

William F. Thorn, Member

IN THE MATTER OF adopting and fixing the 2003 Budgets for all Island County Funds, all as shown on attached exhibits including Revenue and Expenditure summaries of the Current Expense Fund, Special Revenue Funds, and the Diking District #4 Fund, the 2003 Overhead Allocation schedule, the 2003 Position Listing schedule and detailed budgets for all departments and funds.

ADOPTED this 2 day of December, 2002.

**BOARD OF COUNTY**

**COMMISSIONERS**

**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  
*[Exhibits A – D placed on file]*

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

**IN THE MATTER OF INCREASING THE TAXING )  
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT ) ORDINANCE NO. C- 88 –02  
FOR COLLECTION IN FISCAL YEAR 2003 )  
FOR THE COUNTY CURRENT EXPENSE LEVY )**

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 2, 2002 to consider the Island County budgets for the 2003 calendar year, pursuant to RCW 36.40.071 and RCW 84.55.120; and

WHEREAS, the Board of County Commissioners, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that a substantial need exists requiring an increase in the County Current Expense Taxing District property tax revenue, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the County Current Expense Taxing District; and

WHEREAS, in order to provide additional funding to meet the expected expenses and obligations of the County by partially offsetting the long-term impact of the loss of MVET, Sales Tax Equalization, and certain Criminal Justice funds from the State of Washington, the Board of County Commissioners finds that a substantial need exists requiring the use of previously banked excess tax capacity as authorized by RCW 84.55.092; NOW, THEREFORE,

BE IT ORDAINED, by the Board of County Commissioners that, in addition to any amount resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property of the County Current Expense Taxing District, an increase in the regular property tax levy is hereby authorized for the 2002 levy for taxes collected in 2003 in the amount of \$318,372 which is a 5.8% increase from the previous year's levy. Said increase consists of the following two amounts: (1) \$57,514 which represents 1% (which is lower than the inflationary rate of 1.16% as represented by the Implicit Price Deflator) of the highest allowable levy in the previous year as authorized by RCW 84.55.010; and (2) \$260,858 which represents the use of previously banked excess tax capacity as authorized by RCW 84.55.092.

REVIEWED on November 4, 2002, and set for public hearing on December 2, 2002 at 9:50 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

Ordinance C-88-02 is adopted this 2 day of December, 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

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

**IN THE MATTER OF INCREASING THE TAXING )  
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT ) ORDINANCE NO. C- 89-02  
FOR COLLECTION IN FISCAL YEAR 2003 )  
FOR THE COUNTY ROADS LEVY . )**

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 2, 2002 to consider the Island County budgets for the 2003 calendar year, pursuant to RCW 36.40.071 and RCW 84.55.120; and

WHEREAS, the Board of County Commissioners, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that a substantial need exists requiring an increase in the County Roads Taxing District property tax revenue, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, in order to discharge the expected expenses and obligations of the County Roads Taxing District; NOW THEREFORE,

BE IT ORDAINED, by the Board of County Commissioners that, in addition to any amounts resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property of the County Roads Taxing District, an increase in the regular property tax levy is hereby authorized for the 2002 levy for taxes collected in 2003, in the amount of \$57,028 which is a percentage increase of 1% from the previous year's levy.

REVIEWED on November 4, 2002, and set for public hearing on December 2, 2002 at 9:50 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

Ordinance C-89-02 is adopted on December 2, 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

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

**IN THE MATTER OF INCREASING THE TAXING )  
DISTRICT'S PRIOR YEAR'S LEVY AMOUNT ) ORDINANCE NO. C-90-02  
FOR COLLECTION IN FISCAL YEAR 2003 )  
FOR THE COUNTY CONSERVATION FUTURES LEVY )**

WHEREAS, the Board of Island County Commissioners has properly given notice of the public hearing to be held on December 2, 2002 to consider the Island County budgets for the 2003 calendar year, pursuant to RCW 36.40.071; and

WHEREAS, the Board of County Commissioners desires to continue to preserve open space lands in order to enhance and conserve the natural resources and scenic beauty of Island County; NOW, THEREFORE,

BE IT ORDAINED by the Board of County Commissioners that the County Conservation Futures property tax levy is hereby authorized, for the 2002 levy for taxes collected in 2003, in the amount of 6.25 cents per thousand dollars of assessed valuation as authorized in ICC 3.22.020 and RCW 84.34.230.

REVIEWED on November 4, 2002, and set for public hearing on December 2, 2002 at 9:50 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

Ordinance C-90-02 is adopted this 2 day of December, 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

**HEARING HELD: PETITION TO OPEN PREVIOUSLY UNOPENED COUNTY  
RIGHT-OF-WAY - PORTION KNOWN AS JACOBS ROAD**

- A Public Hearing was held at 10:20 a.m. as advertised for the purpose of considering a petition to open previously unopened County right-of-way, that portion known as Jacobs Road, located on Central Whidbey, in Section 2, Township 31N, Range 3E, petitioned by Kirsty Lowery. Bill Oakes, Public Works Director, reported in favor of the petition as submitted, subject to the conditions contained in Attachment "A" signed by the Coupeville Road Shop Supervisor and County Engineer.

- Marilyn Bailey, adjacent landowner, read a letter from her son who is an adjacent land owner, completely supporting Kirsty Lowery's petition to open a portion of unopened county right-of-way, and noting that the right of way should be returned to its original condition by Cecil Stuurmans as recommended by the County Engineer. She pointed out that 40' of this property was conveyed to Island County for road purposes only. Mrs. Bailey and her husband are also adjacent landowners and fully support her son's letter and Ms. Lowery's request to open the unopened right-of-way.

Kirsty Lowery, Petitioner, spoke in support of her petition, and explained the necessity in order for her to gain access to her property.

By unanimous motion, the Board approved the Petition to open previously unopened County right-of-way, that portion known as Jacobs Road, Central Whidbey, located in Section 2, Township 31N, Range 3E by Kirsty Lowery.

**HEARING HELD: PETITION TO OPEN PREVIOUSLY UNOPENED COUNTY RIGHT-OF-WAY; PORTION  
KNOWN AS OLD COUNTY ROAD**

- A Public Hearing was held at 10:30 a.m. as advertised for the purpose of considering a petition to open previously unopened County right-of-way, a portion known as Old County Road located in Section 20, Township 30N., Range 2E, Greenbank, petitioned by Stuart Young. Mr. Oakes reported the Department's favorable recommendation, again subject to conditions outlined in Attachment A signed by the Coupeville Road Shop Supervisor and County Engineer.

Darrell Dyer, owner of property abutting the petitioned property, and speaking also for his son who owns the piece on the

opposite side of proposed opening, had no opposition to the proposal, in fact, since Old County Road meanders they would welcome a re-survey by the County to realign that meandering Old County Road.

Karl Rein-Weston, owner of the property adjacent to the Dyers and abutting the proposed opening, spoke against the petition, wanting to keep the road primitive and not open it up to more highway-kind of traffic. He thought the petitioner had other options that might be easier for access his property, i.e. from Plantation Drive.

Brian Bird, Plantation Drive, Greenbank, had no objection to opening the portion of Old County Road as requested, which he thought made more sense than running it through Plantation Ridge. Considering a portion goes through a wetland, he submitted his suggestion highlighted in yellow on a two page map of N.E. ¼, Sec. 20, Twp 30N, R 2E, W.M. [copy on file with the County Engineer and Clerk of the Board], Since there is an interest in straightening out the road he suggested a meeting, noting there are two survey records which need to be ironed out.

Chairman Shelton indicated with regard to the concern for retaining the road in a primitive nature, the road would have to be built to some standard as specified by the County Engineer. Recognizing there seem to be some issues around a survey, those issues need to be worked out by the applicant, County and others. When there is an unopened County right-of-way petitioned for opening, he did not believe the Board had ever refused to allow a property owner to open it for access to property.

By unanimous motion, the Board approved the petition to open previously unopened County right-of-way, a portion known as Old County Road located in Section 20, Township 30N., Range 2E, Greenbank, by Petitioner, Stuart Young, with conditions as stated by the County Engineer and Coupeville Road Shop Supervisor..

**AMENDMENT #8 - STANDARD FORM OF AGREEMENT – PW0220-91; BRYAN G. YOUNG, P.C., ARCHITECTS AND PLANNERS; PROFESSIONAL SERVICES FOR ISLAND COUNTY COURTHOUSE EXPANSION AND IMPROVEMENT PROJECT**

By unanimous motion, the Board approved Amendment 8 to Standard Form of Agreement entered into on 2/23/98, #PW0220-91 with Bryan G. Young, P.C., Architects and Planners; Professional Services for Island County Courthouse Expansion and Improvement Project. This amends compensation according to the CPI Seattle index; increases hourly billing rates per 2001/2002 annual adjustment; increases to A./E associated project cost allowance for specific items; and adds modified fee worksheet.

**EXECUTIVE SESSION**

Chairman Shelton announced that the Board would meet in Executive Session at 11:00 a.m. to discuss two issues with legal counsel concerning pending litigation, as allowed under R.C.W. 42.30.110 (1) (i). He anticipated that the executive session would last approximately 15 to 20 minutes, and noted there was a possibility that the Board would return to open public session to take action.

**RESOLUTION #C-109-02 - AWARDED THE BID FOR THE COURTHOUSE ANNEX REMODEL PROJECT AND RESCINDING RESOLUTION C-105-02**

The Board reconvened in open public session on completion of the Executive Session to take the following action. By unanimous motion, the Board adopted Resolution #C-109-02 in the matter of awarding the bid for the Courthouse Annex Remodel project and rescinding Resolution C-105-02.

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

IN THE MATTER OF AWARDED THE BID FOR THE COURTHOUSE ANNEX REMODEL PROJECT AND <u>RESCINDING RESOLUTION C-105-02</u>	RESOLUTION NO. C-109-02
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WHEREAS, Island County called for bids for the Island County Courthouse Expansion and Improvement Project,

Phase 3: Annex Remodel; and

WHEREAS, at Island County's request Ebenal General, Inc. has withdrawn its bid; NOW THEREFORE,

The Board of Island County Commissioners hereby awards the bid for the Island County Courthouse Expansion and Improvement Project, Phase 3: Annex Remodel to Hanson Brothers, Inc., in the total amount of the base bid and alternates 1, 2, 3c, 4, 7, 9, 10a, 10b, 10c, and Trench Safety Systems, including sales tax, in the amount of \$2,968,503.00. The Board waives Hanson Brothers, Inc.'s failure to state bid amounts in words as well as figures as non-material irregularities. The Board rescinds Resolution C-105-02 in its entirety. Ebenal General, Inc. is allowed to withdraw its bid without prejudice or claim to Ebenal's bid bond or its ability to bid on future County projects.

DATED this 2 day of December, 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

There being no further business to come before the Board, the meeting adjourned at 11:20 a.m., with the next regular meeting to be held on December 9, 2002 at 9:30 a.m.

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

\_\_\_\_\_  
Mike Shelton, Chairman

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Wm. L. McDowell, Member

**ATTEST:**

William F. Thorn, Member \_\_\_\_\_

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Elaine Marlow, Clerk of the Board