

**ISLAND COUNTY COMMISSIONERS – MINUTES OF MEETING  
FEBRUARY 10, 2003**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 10, 2003 at 9:30 a.m. in the Law & Justice Facility, Department III (Courtroom 3), 101 N.E. 6<sup>th</sup> Street, Coupeville, Wa. Wm. L. McDowell, Chairman, William J. Byrd, Member, and Mike Shelton, Member, were present. By unanimous motion, the Board approved and signed the minutes from February 3, 2003.

**VOUCHERS AND PAYMENT OF BILLS**

By unanimous motion the Board approved the January, 2003 payroll, and the following vouchers/warrants were approved for payment: Voucher (War.) # 158899-159105.....\$309,246.12.

**HIRING REQUESTS & PERSONNEL ACTIONS**

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

<b>Dept.</b>	<b>PAA #</b>	<b>Description/Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Public Works	016/03	Accounting Asst. 2216.01	Replacement	2/10/03
Public Works	017/03	Laborer I, OH 2244.12	Replacement	2/10/03

**EMPLOYEE SERVICE AWARDS**

<b>Employee</b>	<b>Department</b>	<b>No. of Years</b>
Christopher Sterba	Public Works/Road	10 Years
Benjamin R. Van Duine	Planning	5 Years
Ronald V. Yount	Central Services	5 Years

**EMPLOYEE OF THE MONTH - JANUARY, 2003**

Mitzi Hall, Assistant Planner in the Planning and Community Development Department, was selected as Employee of the Month for January. Although Mitzi has been with the County for less than a year she has already been singled out by fellow employees and citizens for her courteous service and helpful demeanor

**JOINT ADMINISTRATION BOARD (TOURISM)**

By unanimous motion, the Board appointed Gary Gabelein, Clinton, to the Joint Administration Board (Tourism) representing the South Whidbey Chamber of Commerce from the Clinton area.

**SPECIAL OCCASION LIQUOR LICENSE APPLICATION # 091584**

Application for Special Occasion Liquor License Application #091584 by Stanwood Chamber of Commerce was approved by unanimous motion of the Board, based on review and recommendations of approval from the Island County Sheriff and Health Department. The Special Occasion will be held on February 22, 2003, from 6:00 to 9:00 p.m., Camano Senior Center, 606 Arrowhead Road, Camano Island.

**RESOLUTION #C-08-03 - CANCELLATION OF UNCOLLECTIBLE  
PERSONAL PROPERTY TAXES**

By unanimous motion, as submitted by the Island County Treasurer under memorandum dated January 31, 2003, the Board approved Resolution #C-08-03 in the matter of cancellation of uncollectible personal property taxes as of February, 2003.

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

IN THE MATTER OF CANCELLATION OF  
UNCOLLECTIBLE PERSONAL; PROPERTY  
TAXES AS OF FEBRUARY, 2003

RESOLUTION C- 08 -03

**WHEREAS**, in accordance with RCW 86.56.240, a list of uncollectible personal property taxes, attached hereto as Exhibit A, together with the Affidavit of the Treasurer, Linda E. Riffe, to the Board of County Commissioners, asserting the taxes are not collectible, has been filed with the county legislative authority.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Board of County Commissioners finds the attached list of uncollectible personal property taxes cannot be satisfied and therefore shall be cancelled by the Treasurer.

**ADOPTED** this 10 day of February, 2003.

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

*[note Exhibit A and Affidavit of the Treasurer on file with the Clerk of the Board]*

**PLATT BUILDING LEASE AMENDMENT**

Amendment to Lease Agreement #RM-HLTH—02-0016 between Island County (Island County Health Department ) and Bruce H. Platt, for property located at 31775 SR 20, Suite A-3, Oak Harbor, dated February 11, 2002, was approved by unanimous motion of the Board as presented and described by Lee McFarland, GSA/Property Management Division. The Amendment extends the lease for another year commencing on February 15, 2003 until February 15, 2004, and increases the monthly rent to \$850.00 per month, a \$10.00 per month increase reflecting utility rate increases.

**CONTRACT WITH SIEMENS CONTROL SYSTEMS #RM-MAINT-03-0003**

Contract with Siemens Control Systems (RM-MAINT-03-0003) in the amount of \$20,136 for structured technical support program to implement recommended upgrades, enhancements and on-going technical support for the effective utilization and protection of Island County's energy management and control systems for Island County facilities, was approved by unanimous motion of the Board, for a three-year period through December 31, 2005.

**CLAIM FOR DAMAGES #RD03-002CD BY VERIZON**

Claim for Damages #RD03-002CD by Verizon, CMR Claims Department, representing alleged damage to 50-pair cable November 21, 2002 during a ditch maintenance operation by Island County Road personnel on Camano Island, was presented for the Board's consideration by Betty Kemp, Director, GSA/Risk Management. Her review and recommendation was detailed in a memorandum dated February 3, 2003, summarized:

- Claim filed 1/13/03 for an amount of \$10,000 although the County received a detail of damages only equal to \$526.12;
- County personnel confirm cable cut but note that the cable was just under the surface of the bottom of the ditch rather than 36" as required and stated in the Utility Right-of-Way and Franchise Agreement.

The Public Works Department, as well as the Risk Manager, recommended the claim be denied. The Board concurred with the recommendation of the Public Works Director and Risk Manager and by unanimous motion, denied the claim.

In follow-on discussion, the County Engineer, Dick Snyder, confirmed that the cable was buried only about 6" below the surface of the bottom of the ditch when the requirement is that cable be buried a minimum of 36". As far as any history of this type problem where the cable is not buried the required depth, he recalled some problems with Verizon primarily on North Whidbey and Camano Island, where during routine mowing operations there were signs that cable was barely underneath the grass.

**MEMORANDUM OF UNDERSTANDING/MEMBERSHIP AGREEMENT FOR RENEWAL FOR WASHINGTON STATE ASSOCIATION OF COUNTIES RETROSPECTIVE RATING POOL**

Memorandum of Understanding and Membership Agreement for Renewal with Washington State Association of Counties Retrospective Rating Pool was approved by unanimous motion of the Board, as presented and recommended by Betty Kemp, who confirmed that the County received considerable support from the Retro Pool and WSAC's administration of the program.

**JUVENILE SERVICES – JUVENILE ACCOUNTABILITY INCENTIVE  
BLOCK GRANT (JAIBG) CONTRACTS**

As previously reviewed at a recent staff session, the Board by unanimous motion approved Juvenile Court Services Department Juvenile Accountability Incentive Block Grant (JAIBG) Contracts:

RM-JUV-02-0092 9/1/02 – 2/28/03 DSHS Agreement #0263-16457  
RM-JUV-02-0095 3/1/03 – 8/31/03 DSHS Agreement #0363-16458.

**RESOLUTION #C-09-03-EXEMPTION TO COMPETITIVE BIDDING REQUIREMENTS**  
**- JAIL CONTROL ROOM AIR CONDITIONING UNIT**

By unanimous motion the Board approved Resolution #C-09-03 in the Matter of an Exemption to Competitive Bidding Requirements to approve a contract with Siemens Building Technologies, Inc. for Jail Control Room Air Conditioning Unit (ACU) replacement. The exemption was necessary on an emergency basis as allowed under provisions of RCW 39.04.280 and ICC 2.30A.040.E due to unanticipated failure of the ACU system, a critical component for the required safe operation of the jail facility.

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

IN THE MATTER OF AN EXEMPTION )  
TO COMPETITIVE BIDDING ) RESOLUTION #C- 09-03  
REQUIREMENTS )

**WHEREAS**, funds are available in the Capital Improvements REET 1 (Facilities Maintenance and Repair) budget for emergency replacement of the specialized air conditioning unit (ACU) for the Island County Jail Facility's control room required due to the recent unexpected failure of the ACU system; and

**WHEREAS**, there is only one Contractor in the area authorized to distribute parts, equipment and provide factory service and said Contractor has provided service and repair for Island County's heating and cooling systems since 1988 and is familiar with the design of the County's system; and

**WHEREAS**, the Island County Jail control room air conditioning unit is a critical component of the required safe operations of the Island County Jail Facility; and

**WHEREAS**, the purpose of the air conditioning unit is to control the temperature of the inmate monitoring equipment, including the computers and cameras that monitor inmate movements; and

**WHEREAS**, the failure of the Jail cameras, computers and related control systems places the Jail personnel at risk and potential danger; and

**WHEREAS**, the failure of the air conditioning unit is an unforeseen circumstance beyond the control of the county that presents a real, immediate threat to the proper performance of essential county functions unless it is immediately replaced; and

**WHEREAS**, RCW 39.04.280 permits an exemption to competitive bidding requirements for public works purchases in emergency situations, and ICC 2.30A.040.E provides for emergency purchases or contracts for purchases following adoption of a resolution declaring an emergency by the Board of County Commissioners, NOW, THEREFORE,

**BE IT HEREBY RESOLVED** that competitive bidding is waived and the Chairman of the Board of Commissioners, acting on behalf of the Board of County Commissioners of Island County, Washington, is authorized to sign a contract in the amount of \$11,810.00 plus tax for replacement of the Jail control room air conditioning unit with Siemens Building Technologies, Inc. based upon the foregoing factual basis for emergency.

Adopted this 10<sup>th</sup> day of February, 2003

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

**CONTRACT #RM-MAINT-03-0004 - SIEMENS BUILDING TECHNOLOGIES, INC.**  
**FOR JAIL CONTROL ROOM ACU REPLACEMENT**

Following approval of Resolution #C-09-03, Contract #RM-MAINT-03-0004 with Siemens Building Technologies, Inc. for Jail Control Room ACU replacement was approved by unanimous motion of the Board, in the amount of \$11,810.00 (without sales tax).

**RESOLUTION #C-10-03 - ISLAND COUNTY SUPPORT FOR A TEA-21 REAUTHORIZATION BILL HIGH PRIORITY TRANSPORTATION PROJECT- EXTEND SKAGIT RIVER BRIDGES TO PROTECT RAIL AND HIGHWAY TRANSPORTATION CORRIDORS DURING A FLOOD**

In response to a letter dated February 3, 2003, from the Skagit County Board of Commissioners requesting support from the Board of Island County Commissioners for federal transportation funding to extend the bridges between Mt. Vernon and Burlington for flood protection, the Board by unanimous motion adopted Resolution #C-10-03 Island County Support for a TEA-21 Reauthorization Bill High Priority Transportation Project to extend Skagit River Bridges to protect rail and highway transportation corridors during a flood.

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

**In the Matter of Island County Support for a )**  
**TEA-21 Reauthorization Bill High Priority )**  
**Transportation Project to Extend Skagit River ) RESOLUTION #C-10-03**  
**Bridges to Protect Rail and Highway )**  
**Transportation Corridors During a Flood )**  
**\_\_\_\_\_ )**

**WHEREAS**, the U. S. Army Corps of Engineers, Skagit County, the Washington State Department of Ecology, Burlington Northern Railroad, Cities, Towns, Tribes, and Special Purpose Districts inside and outside of Skagit County have formed a partnership to study feasibility of various flood solutions for the Skagit River Valley; and

**WHEREAS**, the study includes a sophisticated flood model which predicts devastating floods will occur in the Skagit Valley, causing flood damage calculated at an annualized cost of \$43 million per year; and

**WHEREAS**, the flood model shows a major cause of random and uncontrolled flooding in the Skagit Valley will be due to the constriction in the river as it passes between Mt. Vernon and Burlington which is also the location of two highway bridges and a railroad bridge (the "three-bridge corridor"); and

**WHEREAS**, these three bridges link both rail and highway transportation systems essential to commerce and emergency response in the region, the state, and internationally; and

**WHEREAS**, economic studies conducted to determine the best infrastructure improvements needed for flood protection in the Skagit Valley show that widening these bridges and setting back their adjacent levees is the most cost effective work that can be performed, protecting \$727 million of property and keeping vital transportation routes open; and

**WHEREAS**, it is vitally important to Island County and the region to keep essential rail and highway transportation infrastructure operating in the event of a flood in the Skagit River Basin; and

**WHEREAS**, preliminary design and environmental studies are already underway for extending the bridges in the three-bridge corridor which will decrease lead time necessary for project construction; and

**WHEREAS**, this year Congress will consider reauthorization of the Six-Year Federal Transportation Act; and

**WHEREAS**, Island County supports extending the bridges in the three-bridge corridor to keep vital transportation infrastructure open, thereby benefiting the regional and international providing flood protection to the citizens of the Skagit Valley; **NOW THEREFORE**,

**BE IT RESOLVED** that the Board of Island County Commissioners on behalf of Island County, Washington, hereby request that a high priority project to extend bridges in the three-bridge corridor be included as a line item authorization in the next Federal Transportation Act.

**APPROVED AND ADOPTED** in open public session this 10<sup>th</sup> day of February, 2003.

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

**ESCROW AGREEMENT FOR THE COUPEVILLE MENTAL HEALTH FACILITY**

As submitted from the Public Works Director, Bill Oakes, the Board by unanimous motion, approved and signed Escrow Agreement for J and L Builders, the contractor awarded the bid for the Coupeville Mental Health Facility, under PWP 03-01, Work Order #204.

**PETITION TO VACATE COUNTY ROAD RIGHT-OF-WAY BY RICHARD & JULIE SHALLOW, ET.AL - PORTION OF BARNUM ROAD**

By unanimous motion, the Board forwarded to the County Engineer for review and recommendation back to the Board, a Petition to Vacate County Road Right-of-Way by Richard & Julie Shallow, et.al., for a portion of Barnum Road located in Section 6, Township 31N, Range 3E, Camano Island.

**PETITION TO VACATE COUNTY ROAD RIGHT-OF- WAY BY DALE BOOSE, FOR A PORTION OF SARATOGA ROAD**

By unanimous motion, the Board forwarded to the County Engineer for review and recommendation back to the Board, a Petition to Vacate County Road Right-of- Way by Dale Boose, for a portion of Saratoga Road located in Section 29, Township 30N., Range 3E.; Whidbey Island.

**ADOPT A ROAD LITTER CONTROL PROGRAM AGREEMENTS**

By unanimous motion, the Board approved the renewal of Adopt-A-Road Litter Control Program Agreements with:

- Ace/Duce Association, Naval Hospital, NAS Whidbey for Heller Road from Clover Valley Road to Crosby Road
- The Coupeville Examiner, from Madrona Way from Good Beach to Coupeville Town limits (between Sherman Road and Vine Street).

**HEARING HELD: FRANCHISE #103 – SEWER AND STORMWATER DISTRIBUTION SYSTEM, PETER M. MORTON, PLAT OF SARATOGA**

A Public Hearing was held at 10:20 a.m. as advertised, for the purpose of considering new Franchise application #103 for sewer and stormwater distribution system by Peter M. Morton in the Plat of Saratoga, Sec. 19, Twp 30N., Rge 3E., South Whidbey. Mr. Oakes reported in favor of approving the Franchise based on staff review as reported in the County Engineer's letter of January 13, 2003.

Peter M. Morton, applicant, explained that in order to most responsively handle storm water on his site he arranged for an easement to pump the water off site and eliminate any hydraulic load to the hillside above Bell's Beach. In order to do that, it was necessary to run the water drain pipe in County right of way. He already had an easement to run the septic system in County right of way through another easement obtained when he purchased the property because the property did not perc. With that amount of utility work, the County Engineer determined a franchise was required.

No one else commented for or against approval of the franchise.

By unanimous motion, the Board approved Franchise application #103 for sewer and stormwater distribution system by Peter M. Morton in the Plat of Saratoga, Sec. 19, Twp 30N., Rge 3E., South Whidbey.

**RESOLUTION #C-11-03/PLG-002-03 REPEALING CHAPTER 3.12, PETTY CASH FUND, AND CHAPTER 3.16, PLANNING COMMISSION AND BUILDING DEPARTMENT TRUST FUND, ISLAND COUNTY CODE (ICC)**

As prepared and forwarded by Phil Bakke, Planning & Community Development Director, the Board by unanimous motion approved Resolution #C-11-03/PLG-002-03 In the matter of repealing Chapter 3.12, Petty Cash Fund, and Chapter 3.16, Planning Commission and Building Department Trust Fund, Island County Code (ICC).

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

IN THE MATTER OF REPEALING CHAPTER )	
3.12, PETTY CASH FUND, AND CHAPTER 3.16, )	RESOLUTION C- 11-03
PLANNING COMMISSION AND BUILDING )	PLG-002-03
DEPARTMENT TRUST FUND, ISLAND )	
COUNTY CODE (ICC) )	

**WHEREAS**, Chapter 3.12 Petty Cash Fund Established, ICC was established by Resolution 540 on April 29, 1973; and

**WHEREAS**, Chapter 3.16 Planning Commission and Building Department Trust Fund, ICC was established by Resolution 531 on March 18, 1968; and

**WHEREAS**, neither Chapter nor the provision for which they were established are currently in use by the respective Planning Commission or Building Department; and

**WHEREAS**, funds for Planning Commission and Building Department expenses and refunds are taken from the account designated for the Planning and Community Development Department; and

**WHEREAS**, the County desires to delete the chapters from the official Island County Code book; **NOW, THEREFORE**,

**IT IS HEREBY RESOLVED** that Resolution 540, April 29, 1973 and Resolution 531, March 18, 1968, Chapter 3.12 ICC and Chapter 3.16 ICC, are repealed.

**ADOPTED** this 10 day of February, 2003.

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

Wm. L. McDowell, Chairman  
William J. Byrd, Member  
Mike Shelton, Member

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

**APPROVED AS TO FORM:**  
David L. Jamieson, Jr.  
Deputy Prosecuting Attorney  
& Island County Code Reviser

**EXECUTIVE SESSION**

Chairman McDowell recessed the Board of Island County Commissioners Meeting at 10:35 a.m., announcing that the Board would reconvene at 2:30 p.m. in Executive Session.

The Board reconvened at 2:30 p.m. as planned to meet in Executive Session as allowed under RCW 42.30.110 (1) (g) to evaluate qualifications of applicants for public employment, in the Office of the Island County Commissioners, Courthouse Administration Building, 1 N. E. 7<sup>th</sup> Street, Coupeville, Wa. The Chairman anticipated that the session would last several hours and that an announcement would be made in open public session on conclusion of the session, at that location.

**FACILITIES MAINTENANCE DIRECTOR SELECTED**

On conclusion of the Executive Session, the Board reconvened to announce the candidate selected for the position of Facility Maintenance Director was Dan Sherk, effective upon acceptance of the position.

There being no further business to come before the Board at this time, the meeting adjourned at 4:30 p.m. The next regular meeting of the Board will be on February 24, 2003, beginning at 11:30 a.m. with an Elected officials Roundtable, and regular agenda items beginning at 1:30 p.m.

**BOARD OF COUNTY COMMISSIONERS**

**ISLAND COUNTY, WASHINGTON**

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Wm. L. McDowell, Chairman

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William J. Byrd, Member

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Mike Shelton, Member

**ATTEST:**

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Elaine Marlow, Clerk of the Board