

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING  
REGULAR SESSION - MARCH 10, 2003**

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

**VOUCHERS AND PAYMENT OF BILLS**

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) # 160623-160889 . . . . . \$713,481.37.  
Veterans Assistance Fund: [*emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential*]. As recommended by the Veterans Assistance Review Committee, the Board by unanimous motion approved Claim V3-3 in the amount of \$878.72.

**RESOLUTION #C-22-03 APPOINTING A SECURITY OFFICER IN ORDER TO COMPLY WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT KNOWN AS "HIPAA"**

On unanimous motion, the Board approved Resolution #C-22-03 Appointing a Security Officer in Order to Comply with the Health Insurance Portability and Accountability Act known as "HIPAA" .

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

**IN THE MATTER OF APPOINTING A SECURITY OFFICER )  
IN ORDER TO COMPLY WITH THE HEALTH INSURANCE ) RESOLUTION  
PORTABILITY AND ACCOUNTABILITY ACT KNOWN AS "HIPAA" ) C-22-03**

*WHEREAS*, the Health Insurance Portability and Accountability Act, Public Law 104-191 (hereinafter referred to as HIPAA) was enacted on August 21, 1996 by Congress to provide for improved efficiency and effectiveness of the health care system by standardizing the format, content, and data elements in electronic health care transactions; streamlining processes and lowering overall administrative costs of health care in the United States; and providing for control over the disclosure of health care information that identifies an individual; and

*WHEREAS*, an Island County HIPAA Steering Committee was established by Resolution C-101-02 on November 25, 2002 to investigate the requirements of compliance and to make recommendations to the Board of Island County Commissioners on how Island County may comply with HIPAA; and

*WHEREAS*, the HIPAA Steering Committee has recommended that a single Security Officer be appointed to establish policy and procedure governing the security of electronic records, systems and transmissions, as well as the retrievability and preservation of such records for the duration of their legally required lifespan; and

*WHEREAS*, the role of Security Officer is described in the attached description of duties, and involves some activities that are designated by Washington State Law (RCW 36.92.080) to be performed exclusively by the Island County Central Services Department, and others that require cooperation with HIPAA covered functions, the Island County Health Department as a health care provider and the Island County Health Care Flexible Benefits Program which is administered jointly by the Human Services Department and the Auditor's Office, and

*WHEREAS*, the Security Officer will, by necessity, require the input and cooperation of the HIPAA covered functions to fully effect the duties assigned, and will take the lead role and bear responsibility for security compliance under HIPAA, and

*WHEREAS*, such appointment must be made by the HIPAA compliance deadline of April 14, 2003, while the HIPAA security compliance deadline was extended by confirmed application to the U.S. Department of Health and Human Services to October 16, 2003; **NOW, THEREFORE**,

**BE IT HEREBY RESOLVED** that the Director of the Island County Central Service Department is appointed as the Security Officer for Island County's HIPAA Compliance.

*ADOPTED* this 10 day of March, 2003

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

[absent – Wm. L. McDowell, Chairman]

William J. Byrd, Member

Mike Shelton, Member

**Attest:**

Elaine Marlow, Clerk of the Board

*[attachment on file with the Clerk of the Board]*

**RESOLUTION #C-23 -03 APPOINTING PRIVACY OFFICIALS IN ORDER TO COMPLY WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

On unanimous motion, the Board approved Resolution #C-23-03 Appointing Privacy Officials in order to comply with the Health Insurance Portability and Accountability Act [HIPAA].

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

**IN THE MATTER OF APPOINTING PRIVACY )  
OFFICIALS IN ORDER TO COMPLY WITH )  
THE HEALTH INSURANCE PORTABILITY )  
AND ACCOUNTABILITY ACT )**

**RESOLUTION No. C-23-03**

*WHEREAS*, the Health Insurance Portability and Accountability Act, Public Law 104-191 (hereinafter referred to as HIPAA), was enacted on August 21, 1996 by Congress to provide for improved efficiency and effectiveness of the health care system by standardizing the format, content, and data elements in electronic health care transactions; streamlining processes and lowering overall administrative costs of health care in the United States; and providing for control over the disclosure of health care information that identifies an individual; and

*WHEREAS*, an Island County HIPAA Steering Committee was established by Resolution C-101-02 on November 25, 2002 to investigate the requirements of compliance and to make recommendations to the Board of Island County Commissioners on how Island County may comply with HIPAA; and

*WHEREAS*, HIPAA requires that a HIPAA privacy official, as well as a contact official to receive complaints and provide additional information, be designated to be responsible for the development and implementation of the privacy policies and procedures, training and record keeping; and

*WHEREAS*, the HIPAA Steering Committee has recommended that the HIPAA privacy/contact official for the covered function of the Island County Health Department be the Island County Health Services Director and that the HIPAA privacy/contact official for the covered function of the Island County Health Care Flexible Benefits Plan be the Island County Human Resources Director; **NOW, THEREFORE,**

**BE IT HEREBY RESOLVED** that the Island County Health Director is appointed as the HIPAA privacy/contact official for the Island County Health Department health care provider services and that the Island County Human Resources Director is appointed as the HIPAA privacy/contact official for the Island County Health Care Flexible Benefits Plan. Each official is separately responsible for the development and implementation of the HIPAA privacy policies and procedures within each program, receipt and handling of complaints and requests for additional information, training and keeping of records under HIPAA.

*DATED* this 10 day of March, 2003.

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

[absent - Wm. L. McDowell, Chairman]

William J. Byrd, Member

Mike Shelton, Member

**ATTEST:**

Elaine Marlow  
Clerk of the Board

**RESOLUTION #C 24-03 DECLARING ISLAND COUNTY A HYBRID AGENCY UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

On unanimous motion, the Board approved Resolution #C-24-03 Declaring Island County a Hybrid Agency Under the Health Insurance Portability And Accountability Act [HIPAA].

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

**IN THE MATTER OF DECLARING ISLAND  
COUNTY A HYBRID AGENCY UNDER THE  
HEALTH INSURANCE PORTABILITY AND  
ACCOUNTABILITY ACT**

**RESOLUTION C-24-03**

*WHEREAS*, the Health Insurance Portability and Accountability Act, Public Law 104-191 (hereinafter referred to as HIPAA), was enacted on August 21, 1996 by Congress to provide for improved efficiency and effectiveness of the health care system by standardizing the format, content, and data elements in electronic health care transactions; streamlining processes and lowering overall administrative costs of health care in the United States; and providing for control over the disclosure of health care information that identifies an individual; and

*WHEREAS*, an Island County HIPAA Steering Committee was established by Resolution C-101-02 on November 25, 2002 to investigate the requirements of compliance and to make recommendations to the Board of Island County Commissioners on how Island County may comply with HIPAA; and

*WHEREAS*, the HIPAA Steering Committee has determined that Island County is a "hybrid agency" as described in HIPAA, a single legal entity whose business activities include both HIPAA covered and non-covered functions; and

*WHEREAS*, after review of the functions in county offices by the HIPAA Steering Committee, it has been determined that the Island County health care components covered under HIPAA that need to comply with it are two (2) in number:

1. The Island County Health Department as a health care provider either through direct services provided by employees or through third-party contractors; and
2. The Island County Health Care Flexible Benefits Plan for Island County employees (Under Section 125 of the Internal Revenue Code) which is a "small health plan" covered by HIPAA; NOW, THEREFORE,

The Board of County Commissioners of Island County declares that Island County is a "hybrid agency" under HIPAA, with the two covered health care components as identified above.

DATED this 10 day of March, 2003.

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
[absent - Wm. L. McDowell, Chairman]  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:**

Elaine Marlow  
Clerk of the Board

**LETTER OF INTENT-ACCEPT TRANSFER OF CARP LAKE PROPERTY TO ISLAND COUNTY UNDER THE TRUST LAND TRANSFER PROGRAM**

By unanimous motion the Board approved and authorized signature on a Letter of Intent to accept transfer of the Carp Lake Property located on Camano Island, to Island County under the Trust Land Transfer Program. Island County has been identified as a potential recipient under the Trust Land Transfer Program appropriation for the fiscal period 2001-2003. The property to be transferred is currently owned by the State of Washington acting by and through the Department of Natural

Resources. The project has been tentatively scheduled for consideration at the June 3, 2003 Board of Natural Resources meeting.

**LETTER OF INTENT TO ACCEPT TRANSFER OF GOSS LAKE PROPERTY  
TO ISLAND COUNTY UNDER THE TRUST LAND**

By unanimous motion, the Board approved and authorized signature on a Letter of Intent to accept the transfer of property to Island County under the Trust Land Transfer Program for Goss Lake Property located on Whidbey Island. Island County has been identified as a potential recipient under the Trust Land Transfer Program appropriation for the fiscal period 2001-2003. The property to be transferred is currently owned by the State of Washington acting by and through the Department of Natural Resources. The project has been tentatively scheduled for consideration at the June 3, 2003 Board of Natural Resources meeting.

**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>
Central Services	028/03	Programmer/Analyst Temp 711.01	New Position/temp to 12/31/02	3/10/03
Assessor	029/03	Appraiser (3) 106.06	New Position/personnel action	3/15/03
Public Works	030/03	Facilities Constr. Insp. 900.01	New Position/temp/part time	3/10/03

**EMPLOYEE AWARDS**

**Employee Service Awards**

<b>Department</b>	<b>Employee</b>	<b>#Years</b>
Auditor	Angela McDowell	5
Clerk	Mary Kaye Weller	5

**Employee of the Month – February, 2003**

Shannon McDonnell was selected as Employee of the Month for February. Shannon has been with the County as a Public Health Nurse for the past five years during which time she has been responsible for instituting numerous new programs.

**APPOINTMENT TO ISLAND COUNTY LAW & JUSTICE COUNCIL**

By unanimous motion the Board appointed Marvin "Pete" Adkins, Camano Island, to the Law & Justice Council of Island County, representing Commissioner District #3, term expiring February 28, 2005.

**RESOLUTION #C-25-03 REAUTHORIZING AND INCREASING CERTAIN PETTY CASH, CHANGE, AND REVOLVING FUNDS**

By unanimous motion the Board approved Resolution #C-25-03 Reauthorizing and increasing certain Petty Cash, Change and Revolving Funds [outlined in Exhibit A].

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

IN THE MATTER OF AUTHORIZING AND INCREASING CERTAIN PETTY CASH, CHANGE, AND REVOLVING FUNDS WITHIN ISLAND COUNTY

RESOLUTION C-25-03

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 10 day of March, 2003.

**Board of County Commissioners**  
**Island County Washington**  
[absent - Wm. L. McDowell, Chairman]  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:**

Elaine Marlow, Clerk of the Board [Exhibit A on file with the Clerk of the Board]

**PUBLIC INPUT OR COMMENTS**

- Dominique Emerson, President, Whidbey Animals' Improvement Foundation (WAIF), who has contracted with the County for the animal shelter contract since 1997, pointed out that County support of the shelter allows for maintenance of dogs for a 5-day period as required by Island County Ordinance and WAIF assumes ownership and care for dogs beyond the 5-day period. WAIF owns and provides all care relating to cats. The adoption rate for WAIF animals is over 90%. She submitted to the Commissioners the WAIF Annual Report 2002, highlighting some of the following statistics [full copy on file with the Clerk of the Board] :

- In 2002, WAIF took in : 464 dogs and 47 puppies ; 310 cats and 218 kittens
- WAIF fosters out animals that are injured or very young;
- WAIF spays and neuters feral cats brought in and returns them to the wild;
- WAIF sponsors PAL coupons [Prevent-A-Litter] to help pay some of the cost of spay/neuter surgeries for owners who require financial assistance;
- Provides one time per year, family assistance with expenses of some veterinary costs to needy pet owners;
- Works with CADA to provide housing for dogs and cats up to 2 weeks until the pets can be placed in foster home or go back to their families;
- WAIF outfitted a van as a mobile cat adoption making trips to various locations on South Whidbey, and WAIF also operates a cat adoption center in Oak Harbor;
- Publishes a newsletter three times a year;
- WAIF operates a thrift center in Oak Harbor and on South Whidbey, providing visibility and vital funding for WAIF operations; the thrift stores are highly successful.

On behalf of Island County, the Commissioners expressed appreciation to WAIF for all of the wonderful service provided for the people of the County and the pets of Island County. They acknowledged there would be no way that local government could come anywhere close to what WAIF does, and very much valued the relationship between Island County and WAIF. WAIF takes a potentially huge problem and turns it into asset, a win-win situation for everyone.

**ADOPT-A-ROAD LITTER CONTROL PROGRAM AGREEMENT RENEWALS**

- By unanimous motion, as recommended by Bill Oakes, Public Works Director, the Board approved the renewal of two Adopt-A-Road Litter Control Program Agreements: :

- Swantown Neighbors, Swantown Road from West Beach Road/Crosby Road to Wieldraayer Road
- Whidbey Audubon Society; West Beach Road from its intersection with Hastie Lake Road; one mile north and one mile south from

intersection point.

**BID AWARD FOR CAMANO ISLAND PAVEMENT REPAIR**

By unanimous motion the Board awarded bid for Camano Island Pavement Repair under Work Order #171, to Rinker Materials West, the low bidder, in the amount of \$70,104.00.

**CERTIFICATION OF ROAD FUND EXPENDITURES FOR FISH PASSAGE BARRIER REMOVAL FOR 2002–CERTIFICATION FOR COUNTY ROAD ADMINISTRATION BOARD**

The Board, on unanimous motion, approved Certification of Road Fund Expenditures for Fish Passage Barrier Removal for 2002, Certification for County Road Administration Board, as prepared and presented by Mr. Oakes, certifying there were no expenditures for fish passage barrier removal outside County right-of-way for budget year 2002.

**DIKING IMPROVEMENT DISTRICT #4 AUDIT SURVEY**

As the Board of Diking Improvement District #4 Commissioners, the Board by unanimous motion approved the Diking Improvement District #4 Audit Survey /Examination of Financial Activities in lieu of the State performing an audit, allowed for districts with revenue less than \$200,000.

**RESOLUTION #C-26 -03/R-06-03 – APPROVING SPECIFICATIONS & AUTHORIZING CALL FOR BIDS FOR ONE 2003 BRUSH CHIPPER**

The Board, by unanimous motion, approved Resolution #C-26-03/R-06-03 in the matter of approving Specifications and Authorizing Call for Bids for One (1) 2003 Brush Chipper.

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

<b>IN THE MATTER OF APPROVING</b>	}	
<b>SPECIFICATIONS &amp; AUTHORIZING</b>	}	<b>RESOLUTION #C-26-03</b>
<b>CALL FOR BIDS FOR:</b>	}	
<b>One (1) New 2003 Brush Chipper</b>	}	<b>RESOLUTION #R- 06 -03</b>

**WHEREAS**, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

**One (1) or More New 2003 Brush Chipper**

**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 supplies; **BID OPENING** to be the 8th day of April, 2003 at 10:15 a.m., in Meeting Room #131, Law & Justice Building, located at 101 N.E. 6<sup>th</sup> Street, Coupeville, Washington.

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

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
[absent - William L. McDowell, Chairman]  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:**

Elaine Marlow, Clerk of the Board  
*[Attachment A on file with the Clerk of the Board]*

**RESOLUTION #C-27--03/R-07-03 – APPROVING SPECIFICATIONS & AUTHORIZING CALL FOR BIDS FOR TWO 2003 DUMP TRUCK CAB & CHASSIS WITHOUT HOIST/DUMP BOX**

By unanimous motion, the Board approved Resolution #C-27--03/R-07-03 in the matter of approving Specifications and Authorizing Call for Bids for Two (2) 2003 Dump Truck Cab & Chassis without Hoist & Dump Box.

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

**IN THE MATTER OF APPROVING** }  
**SPECIFICATIONS & AUTHORIZING** } **RESOLUTION #C-27-03**  
**CALL FOR BIDS FOR: Two (2) New 2003** }  
**Dump Truck Cab & Chassis** } **RESOLUTION #R- 07 -03**

**WHEREAS**, sufficient funds are available in the ROAD/E.R.& R. FUND for the purchase of:

**Two (2) or More New 2003 Dump Truck Cab & Chassis  
3-Axle, Set-Back Front Axles; Without Hoist & Dump Box  
Dump Boxes will be purchased off State Contract**

**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 supplies; **BID OPENING** to be the 8th day of April, 2003 at 10:00 a.m., in Meeting Room #131, Law & Justice Building, located at 101 N.E. 6<sup>th</sup> Street, Coupeville, Washington.

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

**BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON**  
[absent - William L. McDowell, Chairman]  
William J. Byrd, Member  
Mike Shelton, Member

**ATTEST:**

Elaine Marlow, Clerk of the Board  
[Attachment A on file with the Clerk of the Board ]

**LOCAL AGENCY AGREEMENT SUPPLEMENT # 1 – WASHINGTON STATE DEPARTMENT OF TRANSPORTATION -  
MADRONA WAY RECONSTRUCTION**

The Board by unanimous motion approved for signature, once final figures are confirmed by Washington State Department of Transportation, the Local Agency Agreement Supplement #1 between Washington State Department of Transportation and Island County, for Madrona Way Reconstruction under CRP 02-11, Work Order #35 [RM-PW0320-35].

**HEARING HELD: FRANCHISE #7R RENEWAL OF EXISTING WATER DISTRIBUTION SYSTEM; HOLMES HARBOR WATER  
CO., INC., HOLMES HARBOR ESTATES, DIV. #1**

At 10:20 a.m. as advertised the Board held a public hearing to consider renewing Franchise #7R, an existing water distribution system submitted by Holmes Harbor Water Co., Inc., located in the Plat of Holmes Harbor Estates, Division #1, situated in Section 4, Township 30N., Range 2E, W.M., Island County, Wa.

Bill Oakes reported in favor of said franchise renewal as outlined in recommendation from the Island County Engineer in memorandum dated February 10, 2003.

At the time of public hearing no one in the audience indicated a desire to speak either for or against the franchise renewal.

By unanimous motion, the Board approved franchise renewal Franchise #7R for an existing water distribution system submitted by Holmes Harbor Water Co., Inc., located in the Plat of Holmes Harbor Estates, Division #1, situated in Section 4, Township 30N., Range 2E, W.M., Island County, Wa.

**PETITION TO VACATE PORTION OF COUNTY ROAD RIGHT-OF-WAY  
LOCATED IN THE PLAT OF BUSH POINT - ROAD END**

By unanimous motion, the Board referred to the County Engineer for review and recommendation, a Petition to vacate a portion of County Road right-of-way located in the Plat of Bush Point, a road end extending from Spyglass Drive Northwesterly between the South line of Block 4 and the East line of Block 5, Lot 1 in the Plat of Bush Point, submitted by the Island County Parks Department on request of the Port District of South Whidbey

There being no further business to come before the Board, meeting adjourned at 10:25 a.m.  
The next meeting will be held on March 17, 2003 beginning at 9:30 a.m.

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

[absent-Wm. L. McDowell, Chairman]

\_\_\_\_\_  
William J. Byrd, Member

\_\_\_\_\_  
Mike Shelton, Member

**ATTEST:**

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Elaine Marlow, Clerk of the Board