

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - MARCH 17, 2003

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on March 17, 2003 at 9:30 a.m. in the Law & Justice Facility, Department III, 101 N.E. 6th Street, Coupeville, Wa. Wm. L. McDowell, Chairman, William J. Byrd, Member, and Mike Shelton, Member, were present. By unanimous motion, the Board approved minutes from Special Session February 25, 2003 and Regular Session March 10, 2003.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board, as well as the March 14, 2003 payroll for the period February 16 - 28, 2003:

Voucher (War)#161016-161211 \$131,196.58.

LETTER OF SUPPORT: THE OPPORTUNITY COUNCIL – RURAL DEVELOPMENT HOUSING PRESERVATION GRANT DEFERRED LOAN FUNDS

By unanimous motion, the Board approved and authorized the Chairman's signature on a letter supporting the Opportunity Council's application for \$100,000 of Rural Development Housing Preservation Grant deferred loan funds to be used to repair and rehabilitate homes for approximately 25 low-income rural homeowners in Island, San Juan and Whatcom Counties.

HEALTH CONTRACT #0063-42385–DSHS–MEDICAID ADMINISTRATION MATCH, AMENDMENT 4

The Board, by unanimous motion, approved Health Contract #0063-42385–DSHS–Medicaid Administration Match, Amendment 4, in the amount of \$164,508.57 having been approved by the Board of Health on February 10, 2003.

ON-SITE REPAIR FINANCIAL ASSISTANCE PROGRAM – WASHINGTON STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN 2002

As outlined in memorandum dated March 14, 2003 from Tim McDonald, Health Services Director, the Board by unanimous motion approved contract with Whidbey Island Bank for authorization for accepting payments tendered under Promissory Note and Deed of Trust to the Island County Water Quality Assistance Fund for loan recipient under the third round of funding, for a Central Whidbey homeowner who meets all eligibility criteria. The On-Site Repair Financial Assistance Program is provided through the Washington State Water Pollution Control Revolving Fund Loan 2002.

CERTIFICATION OF ROAD FUND EXPENDITURES FOR TRAFFIC LAW ENFORCEMENT

In accordance with RCW 36.79.140 and WAC 136-150, Certification of Road Fund Expenditures for Traffic Law Enforcement was approved by unanimous motion of the Board to be submitted to the County Road Administration Board.

CLAIM FOR DAMAGES #R03-003CD ROGER RICE

Claim for Damages R03-003CD by Roger Rice was presented by Betty Kemp, Director, GSA/Risk Management. Recommendation from Ms. Kemp, as well as the Sheriff, was approval of the claim in the amount of \$1071.83. By unanimous motion, the Board approved Claim for Damages R03-003CD by Roger Rice as recommended, in the amount of \$1071.83.

HEARING SCHEDULED: ORDINANCE #C-28-03 (PLG-006-03) CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP & ISLAND COUNTY ZONING ATLAS MAP #399 AND 314

As submitted by Phil Bakke, Planning & Community Development Director, the Board by unanimous motion, scheduled a public hearing to be held on April 7, 2003 at 10:30 a.m. to consider Ordinance #C-28-03 (PLG-006-03) concerning technical

amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas Map #399 and 314, South Whidbey. [GMA #7391].

**HEARING SCHEDULED OPS 015/03 AND OPS 016/03, THOMAS CRABTREE,
APPLICATION FOR OPEN SPACE TIMBER, SOUTH WHIDBEY**

The Board, on unanimous motion, and as recommended by Mr. Bakke, scheduled a public hearing to consider OPS 015/03 and OPS 016/03 by Thomas Crabtree, Application for Open Space Timber on Parcels R32801-435-3560, R32801-435-2950, R32801-500-3560, R32801-490-2950, R32801-518-2950, R32801-501-1970, R32801-435-2260 and R32801-436-1630 all located on South Whidbey, for April 7, 2003 at 10:30 a.m.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Terry Chevront, Assistant Director, Human Resources, the Board by unanimous motion, approved the following personnel action authorizations:

Dept.	PAA #	Description	Position #	Action	Eff. Date
Sheriff	031/03	Deputized Officer	4014.33	Replacement	3/17/03
Public Works	032/03	Laborer I, Camano	2245.16	Replacement	3/24/03
Public Works	033/03	Laborer I, Oak H.	2245.10	Replacement	3/17/03
Planning	034/03	Asst. Planner	1708.04	Replacement	3/17/03
Health	035/03	Pub. Health Nurse III	2404.01	Personnel action - Reduction of hours to .75 fte	3/17/03

**HEARING HELD: RESOLUTION #C-12-03 TRANSFERRING FUNDS AND DECLARING AN EMERGENCY
WITHIN THE 2002 ISLAND COUNTY BUDGET**

As scheduled and advertised, a public hearing was held at 9:55 a.m. on Resolution #C-12-03 Transferring Funds and Declaring An Emergency (Legislative Definition – RCW 36.40.140) within the 2002 Island County Budgets: Current Expense, County Road, County Law Library, Public Health Pooling, County Fair, Election Reserve, Auditor’s O&M, Public Facilities, Conservation Futures, Capital Improvement, Capital Facilities, Enhanced 911, Joint Tourism Promotion, Water Quality Assistance, Construction & Acquisition, Courthouse Expansion, Solid Waste, Equipment Rental & Revolving, and Motor Pool Funds.

As explained by Elaine Marlow, Budget Director/Clerk of the Board, transfers can be made between major expenditures categories within departmental or fund budgets; emergency appropriations refers to the need for funds that were not budgeted but necessary to meet expenditures that could not reasonably be foreseen when the budget was adopted. This is an annual year-end resolution whereby final adjustments are made to the annual adopted budget.

In looking at the language of the resolution from a layman’s point of view, Reece Rose and Rufus Rose, South Whidbey, raised some issues in terms of what was meant by “emergency appropriation” and “additional dollars” and the fact that Exhibit A to the resolution added up to \$3.5 million. Additional funding sounds like new funding, and the term “emergency” to the general public is not understood as far as the budgetary legislative definition; it looks like there is an emergency in every department of the County.

In clarification the Commissioners noted that throughout the year changes are made in order to accommodate unforeseen expenditures, and this is not funding through additional dollars or taxes. For example, referring to Exhibit A:

Page 1. Commissioners Contingency - \$134,706 This amount was set aside during the budget process for items that occur during the year that must be taken care of – those items listed in the exhibit, such as PERS Excess payment, records management related to HIPAA, State Auditor’s charges, etc. are all presented in this resolution in order to make the proper accounting application of funds in the appropriate departmental budget.

Page 3. Joint Tourism Promotion \$187,000. This represents the second 1/10th of 1% of the Hotel-motel funds which are now being recognized in the budget. The money is there; it is not new, but the County just now taking action to recognize it within the 2002 budget.

Page 4 Courthouse Expansion \$900,000, This comes from carry forward from 2001. The Courthouse Expansion/annex remodel project did not occur as fast as anticipated. It is not additional dollars, but a bond account and in order to spend it this is the proper procedure to get it into the budget for expenditure.

Page 4. Solid Waste \$500,000. These are funds from fees collected and held in a reserve for unknown potential environmental contamination issues with closing the landfill. Expenditures from this include consultant to do some investigative work and drilled some additional monitoring wells. It is a significant reserve but may be not in terms of its potential liability with regard to groundwater contamination. The County's insurance policy has a specific environmental exclusion and the only insurance against this potential liability is what the County creates itself. As far as a cap on the amount of the reserve, it is up to the Board to decide. Every 3 or 4 years the County does a rate study, and there are a myriad of things rates are based on, the reserve being one. Solid Waste rates have gone down in last 10 years.

Page 3. Two items noted "project on hold" and answering the question "why spend money that is on hold?" Ala Spit %15,000 and South Whidbey Sheriff's Facility \$30,170. Both of those Projects are still on the Capital Facilities Plan. At this time, however, the \$30,170 is being used to make needed Fairground Improvements (roofing), and \$15,000 towards Libbey Beach improvements.

Language in the resolution has been used for the past number of years and the Commissioners agreed it might be clearer to say "funding sources" because these are not additional dollars. This budget adjustment typically occurs each year at the end of the year, and the amount this time probably is higher than usual due to the building program on-going, and the Solid Waste issue.

By unanimous motion the Board moved to strike the word "additional" from the second Whereas paragraph.

By unanimous motion, the Board approved Resolution #C-12-03 as amended Transferring Funds and Declaring An Emergency (Legislative Definition) within the 2002 Island County Budget.

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

**IN THE MATTER OF TRANSFERRING FUNDS AND)
DECLARING AN EMERGENCY (Legislative Definition)) RESOLUTION C-12-03
WITHIN THE 2002 ISLAND COUNTY BUDGET)**

WHEREAS, it appears that an emergency (legislative definition) exists in the following 2002 Island County Fund budgets that could not be foreseen when those budgets were adopted: Current Expense, County Road, County Law Library, Public Health Pooling, County Fair, Election Reserve, Auditor's O&M, Public Facilities, Conservation Futures, Capital Improvements, Capital Facilities, Enhanced 911, Joint Tourism Promotion, Water Quality Assistance, Construction & Acquisition, Courthouse Expansion, Solid Waste, Equipment Rental & Revolving, and Motor Pool funds; and

WHEREAS, funding sources have been identified for various projects and expenditures for these Funds per the attached Exhibit A, and the funding sources need to be recognized in the fund budgets and amounts shown in Exhibit A; and

WHEREAS, various departments have requested transfers of funds between portions of their budgets to provide funding for unexpected or heretofore unknown expenditures in one category from other budget category excesses, or from budgeted reserves; and

WHEREAS, RCW 36.40.140 requires that a public hearing be held at which any person may appear and be heard for or against this proposed emergency appropriation (legislative definition); *NOW THEREFORE*,

BE IT RESOLVED, that a public hearing to consider these proposed adjustments to the 2002 Island County Budget as shown on Exhibit A be held on March 17, 2003 at 9:55 a.m. at the Commissioners' Hearing Room, Island County Law & Justice Facility, 101 N.E. 6th Street, Department 3 (Courtroom 3) Coupeville, Washington.

ADOPTED on February 24, 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

IT IS HEREBY APPROVED AND ORDERED that the amounts shown in Exhibit A attached hereto are recognized and transferred within the 2002 Island County Budget.

ADOPTED on March 19, 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 on file with the Clerk of the Board]

LOCAL AGENCY FEDERAL AID PROSPECTUS: ISLAND COUNTY & WA. STATE DOT - TERRY'S CORNER, SR 532/EAST CAMANO DRIVE/SUNRISE BLVD. INTERSECTION

Local Agency Federal Aid Prospectus between Island County and the Washington State Department of Transportation (DOT) for Terry's Corner, SR 532/East Camano Drive/Sunrise Blvd. Intersection under CRP 01-03, Work Order #289, for revision, \$222,000 (Federal Funds-\$200,000/County Funds-\$22,222) was approved by unanimous motion of the Board, as presented and recommended for approval by Bill Oakes, Public Works Director, and Dick Snyder, County Engineer.

CERTIFICATION ACCEPTANCE QUALIFICATION AGREEMENT WITH WASHINGTON STATE DEPARTMENT OF TRANSPORTATION - LOCAL AGENCY GUIDELINES/2002

The Board approved by unanimous motion the Certification Acceptance Qualification Agreement between Washington State Department of Transportation and Island County for Use of Local Agency Guidelines/2002 (LAG Manual) for development of Federal Highway Administration (FHWA) projects, with one change: item g, the award of contract will be signed by the following responsible local official changed from "County Engineer" to Board of County Commissioners".

STORMWATER MITIGATION AGREEMENT- PHILLIP J. & LYN A. FAUTH HOLMES HARBOR GOLF & YACHT CLUB

Stormwater Mitigation Agreement with Phillip J. and Lyn A. Fauth, for Lot 9, Block 2, Holmes Harbor Golf & Yacht Club, Division #5 was approved by unanimous motion of the Board.

SLOPE & UTILITY EASEMENT BETWEEN ISLAND COUNTY AND GEORGE D. & ROBIN L. HEMPSTEAD - NORTH CAMANO DR/ARROWHEAD RD. INTERSECTION PROJECT

Slope & Utility Easement #PW-032026 between Island County and George D. and Robin L. Hempstead for the North Camano Dr/Arrowhead Rd. intersection project under CRP 02-02, Work Order #172 was approved by unanimous motion of the Board in the amount of \$2,190.00, Parcel 464-3000; Sec. 19, Twp 32N., R 3E.

QUIT CLAIM DEEDS - NORTH CAMANO DR/ARROWHEAD RD. INTERSECTION

The following Quit Claim Deeds and dollar amounts were approved by unanimous motion of the Board, related to the North Camano Dr/Arrowhead Rd. intersection project under CRP 02-02, Work Order #172 :

- Dorothy J. Cooper. \$810.00, Parcel 391-2900; Sec. 19, Twp 32N., R 3E
- Swan Family Ltd. Partnership: \$1,700.00; Lot 19, Block C, Plat of Pleasant View, Division No. 2, Sec. 19, Twp 32N., R 3E.
- Swan Family Ltd. Partnership: \$3,114.00; Lot 21, Block C, Plat of Pleasant View, Division No. 2, Sec. 19, Twp 32N., R 3E
- Evelyn O. Moshier: \$618.00; Lot 24, Block C, Plat of Pleasant View, Division No. 2, Sec. 19, Twp 32N., R 3E.

SUPPLEMENTAL AGREEMENT #1 - CONSULTANT CONTRACTS #PW-32028 & #PW-32029

Supplemental Agreement No. 1 – PW-32028 and PW-32029 pulled from today's agenda on request of the Public Works Director pending completion of contract review process.

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

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Treasurer's Report

Linda Riffe, Island County Treasurer, presented in written form under Memorandum dated today, the Statement of Cash Operations: Revenue/Current Expense for a two month period ending February 28, 2003. She indicated that investment interest continues to drop due to the lower interest rates, both private banks and local government investment pool. [Blanks left awaiting final budget report; once received those figures will be filled in]. The Treasurer has begun to diversify investments and direct money into the Federal Home Loan Bank to get better interest rates at 2.3%; however, the percentage of those investments must remain small due to the longevity required for those investments. Timber Excise tax – none shown for this period, prior year to date was \$1,172.91, and the Treasurer will follow-up and let the Board know the reason this would be left over rather than having been distributed.

Auditor's Report

The Auditor's report for the period ending February 28, 2003, was submitted by Suzanne Sinclair, Island County Auditor. Revenue compared to budget should approximate 17% but in the case of WSU shows much higher, which Ms. Sinclair found was due to WSU having received a \$5,000 donation from the Soroptimist Club. Auditor's Office expenditures show a higher percent which is due to having ordered a year's worth of office supplies. The Auditor will follow-up with regard to other funds showing a bit higher than 17% expenditure wise: Miscellaneous, Telecommunications and Treasurer.

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BOARD OF COUNTY COMMISSIONERS ANNUAL INSPECTION OF THE ISLAND COUNTY CORRECTIONS AND DETENTION FACILITY

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At 11:30 a.m. as scheduled, the Board of County Commissioners made an annual inspection of the Island County Corrections and Detention Facility.

There being no further business to come before the Board, the meeting adjourned at Noon on completion of the annual inspection of the Corrections and Detention facility. The next meeting of the Board will be held on March 24, 2003, beginning at 11:30 a.m.

**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