

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - MAY 5, 2003**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 5, 2003 at 9:30 a.m. in the Law & Justice Facility, Department III (Courtroom 3), 101 N.E. 6th Street, Coupeville, Wa. Wm. L. McDowell, Chairman, William J. Byrd, Member, and Mike Shelton, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the April 28, 2003 meeting.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #164636- 164843\$321,806.72.

Veterans Assistance Fund: *[emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]*. By unanimous motion, as recommended by the Veterans Assistance Review Committee, the Board approved Claim #V3-5 in the amount of \$1,152.80.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description/Position No.	Action	Eff. Date
Health	049/03	Env. Health Spec. #2407.08	New Position	5/5/03
		[Full time, temp - West Nile Virus surveillance program]		

APPOINTMENT TO ISLAND COUNTY SOLID WASTE ADVISORY BOARD

The Board by unanimous motion, appointed Patrick R. Carlisle, Camano Island, to the Island County Solid Waste Advisory Board as member-at-large representing Camano Island.

CONTRACT WITH SITELINES PARK AND PLAYGROUND PRODUCTS, INC. FOR INSTALLATION AT DAN PORTER MEMORIAL PARK

Contract presented and recommended for approval by Lee McFarland, Assistant Director, GSA with Sitelines Park and Playground Products, Inc. Everett, for the installation of playground equipment at Dan Porter Memorial Park, in the amount of \$9,313.80 (RM-GSA-03-0016). This is the same company the playground equipment was purchased from off State contract. Contract presented today does not circumvent bidding procedures inasmuch as installation was excluded under the State contract.

The Board approved by unanimous motion, a contract with Sitelines Park and Playground Products, Inc. Everett, for the installation of playground equipment at Dan Porter Memorial Park, in the amount of \$9,313.80 (RM-GSA-03-0016).

DRAINAGE EASEMENT & COVENANTS WITH WILLIAM & SUSAN GOODMAN

As presented and recommended by Mr. McFarland, the Board by unanimous motion approved Drainage Easement & Covenants with William and Susan Goodman in the amount of \$1,000, the property located adjacent to Libbey Beach Park [RM-GSA-03-0015].

HEALTH DEPARTMENT AGREEMENTS APPROVED

By unanimous motion, the Board approved two Health Department contracts forwarded for review and approval, as follows:

Catholic Community Services-Alcohol & Substance Abuse Treatment, Business Associate Agreement, Contract #HS-11-01(4) [contract amount \$558,795.26]

DSHS/DASA-AL/SA Treatment & Prevention Contract #7526-4 Amendment #4; this Amendment does not change total contract amount of \$1,148,558

CLYDE JOHNSON D/B/A SEAJAY CONTRACTING FUNDED BY NORTHWEST STRAITS COMMISSION, MAPPING OF SHORELINE HARDENING - WHIDBEY ISLAND

On confirmation by Don Meehan, WSU Extension Agent, that the Island County Human Resource Director determined that this is a lawful independent contractor relationship rather than an employment relationship, the Board by unanimous motion approved a Contract with Clyde Johnson d/b/a SeaJay Contracting in the amount of \$9,500 for mapping of shoreline hardening on Whidbey Island, funded by Northwest Straits Commission [RM-EXT-03-0010].

RESOLUTION #C-45- 03 DECLARING COUNTY PROPERTY SURPLUS AND TRANSFERRING OWNERSHIP TO WASHINGTON STATE UNIVERSITY

Resolution #C-45-03 Declaring County Property Surplus and Transferring Ownership to Washington State University for use in the 4-H ROPES Course Program was approved by unanimous motion of the Board on presentation and recommendation by Betty Kemp, Director, GSA.

**STATE OF WASHINGTON
COUNTY OF ISLAND**

IN THE MATTER OF THE SALE)
AND OR DISPOSAL OF SURPLUS) Resolution No. C-45-03
COUNTY PROPERTY)

WHEREAS, Island County has certain equipment which has lost its value/utility to the County; and

WHEREAS, pursuant to Island County Code Chapter 2.31, such items may be disposed of; and

WHEREAS, the items described on attached Exhibit "A" are now and have been the property of Island County, State of Washington; and

WHEREAS, it is in the best interest of the County and the citizens thereof that ownership of the items listed on Exhibit "A" be transferred to Washington State University (WSU); and

WHEREAS, as compensation for this equipment WSU will enter into an Interlocal Agreement to provide services for the 4H Challenge Ropes Course Program; NOW THEREFORE

BE IT HEREBY RESOLVED THAT ownership of the items listed on Exhibit "A" shall be transferred to WSU in accordance with Island County Code Chapter 2.31.

ADOPTED this 5 day of May, 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

[Exhibit A placed on file with the Clerk of the Board]

COOPERATIVE EXTENSION: 4-H ROPES COURSE AGREEMENT

Don Meehan, WSU County Extension Agent, Island County, observed that in 1994 Island County engaged in a formal written Memorandum of Agreement with WSU a continuing agreement and one that allows WSU to conduct educational programs in Island County to better improve capabilities of individuals and families to aid communities in developing and adapting to changing conditions, and to provide developmental opposites for youth. The 4-H is a long-standing county outreach program of WSU jointly conducted with Island County. Since 1919 there has been an extension education program in this County. He suggested it was not necessary that yet another contract be in place for operation of the 4-H Ropes Course. That said, he did present the contract required by Island County for approval at this time, between WSU Cooperative Extension and Island County for the 4-H ROPES Course [RM-EXT-03-0005].

By unanimous motion, the Board approved the Agreement between WSU Cooperative Extension and Island County for the 4-H ROPES Course #RM-EXT-03-0005.

ADOPT-A-ROAD LITTER CONTROL PROGRAM – FREELAND CHAMBER OF COMMERCE

Adopt-a-Road Litter Control Program with Freeland Chamber of Commerce for East Harbor Road from Main Street to One Mile Northeast was approved by unanimous motion of the Board.

BID AWARD FOR ONE 2003 BRUSH CHIPPER

As recommended by Bill Oakes, Public Works Director, the Board by unanimous motion awarded bid for One 2003 Brush Chipper to the low bidder, Pacific Utility Equipment Co., Seattle, for the total of \$26,764.80 including sales tax.

**BID AWARD: TWO – 2003 DUMP TRUCK CAB & CHASSIS
WITHOUT DUMP HOIST & DUMP BOX**

As recommended by Mr. Oakes, the Board by unanimous motion awarded bid for two 2003 Dump Truck Cab & Chassis without Dump Hoist & Dump Box to the low bidder, Western Peterbilt, Inc., Seattle, in the total of \$148,371.00 including sales tax and trade in of \$18,000 for Equipment #146 and \$18,000 for Equipment #320.

PURCHASE OF TWO NEW DUMP BODIES FOR NEW 2003 CAB & CHASSIS

The Board by unanimous motion approved Purchase Order 5672 through State Contract for the purchase of two new dump bodies for the new 2003 cab & chassis, to be installed, for the total amount of \$56,476.42 including sales tax.

**SUPPLEMENTAL AGREEMENT #1– FAKKEMA & KINGMA - OLD COUNTY ROAD SURVEY AND DESIGN
CONSULTANT SERVICES**

The Board by unanimous motion, as recommended by Mr. Oakes, approved Supplemental Agreement #. 1 [PW0320-52] to original agreement PW0220-24 between Island County and Fakkema & Kingma related to Old County Road survey and design consultant services under CRP 00-05, Work Order 359 to change the completion date and scope of services, with no change to the dollar amount of contract.

**RESOLUTION #C-46 -03/R- 16 -03 – ADOPTION OF JANUARY 1997 LOCAL AGENCY GUIDELINES, APPENDIX
25.142 (REAL PROPERTY ACQUISITION & RIGHT-OF-WAY PROCEDURES)**

As presented and recommended for approval by the Public Works Director, the Board by unanimous motion approved Resolution #C-46-03/R-16-03 in the Matter of the Adoption of the January 1997 Local Agency Guidelines, Appendix 25.142 (Real Property Acquisition & Right-of-Way Procedures).

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

**IN THE MATTER OF THE ADOPTION)
OF THE JANUARY 1997 LOCAL)
AGENCY GUIDELINES, APPENDIX 25.142) RESOLUTION C- 46 -03
[REAL PROPERTY ACQUISITION &) R- 16 -03
RIGHT-OF-WAY PROCEDURES])**

WHEREAS, RCW 36.85 provides authority to the Board of County Commissioners to secure land by gift, purchase, or condemnation for any county road or the drainage thereof; and

WHEREAS, RCW 8.26 (RELOCATION ASSISTANCE - REAL PROPERTY ACQUISITION POLICY) establishes policy to encourage and expedite the acquisition of real property for public works programs; and

WHEREAS, WAC 468-100 (UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION) promulgates rules to implement RCW 8.26, and

WHEREAS, the State of Washington prepared the Washington State Department of Transportation Right of Way Manual (M-26-01) and Local Agency Guidelines Manual (M36-63) (LAG Manual) to help Washington’s public agencies plan, design, construct, and maintain transportation facilities; and

WHEREAS, LAG Manual Chapter 25.02 provides that the local agency must have secured approval of acquisition procedures and provides minimum acquisition procedure standards; and

WHEREAS, LAG Manual Appendix 25.142 establishes right-of-way acquisition and relocation procedures requirements for every County using Federal Funds; and

WHEREAS, LAG Manual Appendix 25.142 requires acquisition of Real Property to be in accordance with RCW 8.26 and WAC 468-100 and applicable Federal regulations; and

WHEREAS, Island County desires to receive federal funds for any phase of County road projects, and adopt a right of way acquisition procedure which assures fair and equitable treatment of displaced persons (“displacees”), and encourages and expedites the acquisition of real property for road right-of-way acquisition and public works programs by negotiation and agreement with owners, to reduce expense and time lost with litigation, to assure consistent treatment for owners affected by road and public works programs, and to promote public confidence in Island County’s land acquisition practices;

NOW THEREFORE, BE IT HEREBY RESOLVED that:

The Board of County Commissioners rescinds Island County's existing Real Property and Right-of-Way Procedures adopted November 26, 2001, by Resolution C152-01 / R-67-01, and revisions thereto by Resolution C-67-02/R-30-02 and Resolution C-78-02/R33-02 Resolution ; and

The Board of County Commissioners desires to acquire Real Property in accordance with STATE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION (RCW 8.26) and state regulations (WAC 468-100-001) and to implement the above statutes and Washington Administrative Code; and

The Island County Board of County Commissioners hereby adopts the attached Real Property Acquisition and Right-of-Way Procedures, which conform to the requirements of the Washington State Department of Transportation's Local Agency Guidelines, Chapter 25, as Island County's Acquisition Procedures for Real Property, Road Right-of-Way and Public Works Programs; and

The Public Works Department is responsible for real property acquisition and relocation activities on projects.

ADOPTED this 5 day of May, 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 *[attached Real Property Acquisition and Right-of-Way Procedures placed on file with the Clerk of the Board]*

SUPPLEMENTAL AGREEMENT #1 BETWEEN ISLAND COUNTY & CERTIFIED LAND SERVICES FOR RIGHT-OF-WAY ACQUISITION

Supplemental Agreement #1 [PW0320-51] between Island County & Certified Land Services (original review under PW0020-28B) for Right-of-Way Acquisition & Negotiation Services was approved by unanimous motion of the Board as recommended by Mr. Oakes.

INTERLOCAL AGREEMENT BETWEEN ISLAND COUNTY & CHUMS OF MAXWELTON SALMON ADVENTURE; WASHINGTON STATE CENTENNIAL CLEAN WATER FUND GRANT G0000207 - CREEK RESTORATION PLANNING

Interlocal Agreement PW0320-31 between Island County and Chums of Maxwelton Salmon Adventure, Washington State Centennial Clean Water Fund Grant G0000207 for Creek Restoration Planning, under Work Order #351 in the amount of \$30,700 was approved by unanimous motion of the Board as recommended by Mr. Oakes.

RESOLUTION #C-47-03/SW-03-1 AUTHORIZING AMENDMENT #1 TO AGREEMENT FOR HYDROGEOLOGIC FIELD CHARACTERIZATION & GROUNDWATER MONITORING NETWORK ENHANCEMENT, LANDFILL GAS INVESTIGATION & CDL LANDFILL CLOSURE DESIGN & PERMITTING

Resolution #C-47-03/SW-03-1 in the matter of the Board Authorizing Amendment #1 to the Agreement Hydrogeologic Field Characterization & Groundwater Monitoring Network Enhancement, Landfill Gas Investigation & CDL Landfill Closure Design & Permitting was approved by unanimous motion of the Board, as recommended by Bill Oakes, and prepared by Dave Bonvouloir, Solid Waste Manager.

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

IN THE MATTER OF THE BOARD OF ISLAND COUNTY)
AUTHORIZING AGREEMENT TO COMMISSIONERS) C-47-03
AMENDMENT NO. 1 THE AGREEMENT REGARDING) **RESOLUTION SW-03-1**
HYDROGEOLOGIC FIELD CHARACTERIZATION AND)
GROUNDWATER MONITORING NETWORK ENHANCE-)
MENT, LANDFILL GAS INVESTIGATION AND CDL)
LANDFILL CLOSURE DESIGN AND PERMITTING.)

I. RECITALS AND FINDINGS

1.1 The County entered into an agreement with Stearns, Conrad and Schmidt Consulting Engineers, Inc. d/b/a SCS Engineers on July 17, 2002 for upgrading groundwater monitoring facilities, network enhancement, landfill gas investigation, and CDL landfill closure design/ permitting following procedures pursuant to RCW 39.80 –Contracts for Architectural and Engineering Services.

1.2 The original scope of the contract provided for drilling of up to 5 new groundwater monitoring wells, among other tasks. Subsequent work and groundwater analysis has demonstrated the need for 4 to 6 additional wells. Conclusions and justifications for findings appear in the attached revised Scope of Work.

1.3 The County desires to amend said agreement to provide for installation of 4-6 additional wells and to provide for additional monitoring.

II. AGREEMENT AMENDMENT AUTHORIZED AND INCREASED SCOPE AND COST OF SERVICES APPROVED

2.1 The Board of County Commissioners of Island County, Washington, having determined that amendment to said agreement is in the best interests of the County, hereby authorizes the execution of Contract Amendment No. 1 to the Agreement, a copy of which is attached hereto as Exhibit A.

ADOPTED this 5 day of May, 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
[Exhibit A on file with the Clerk of the Board]

RESOLUTION #C-48-03/R-17 -03 AUTHORIZING PLANS & SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR 2003 ASPHALT CONCRETE PAVEMENT OVERLAYS–WHIDBEY ISLAND

Resolution #C-48-03/R-17 -03 in the matter of Authorizing Plans & Specifications and Authorizing Call for Bids for 2003 Asphalt Concrete Pavement Overlays, Whidbey Island, under CRP 03-02, Work Order #358 was approved by unanimous motion of the Board.

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

IN THE MATTER OF AUTHORIZING PLANS)
& SPECIFICATIONS AND AUTHORIZING) RESOLUTION NO. C-48-03
CALL FOR BIDS FOR 2003 ASPHALT CONCRETE) R-17-03
PAVEMENT OVERLAYS WHIDBEY ISLAND,)
CRP 03-02, WORK ORDER NO. 358)

WHEREAS, sufficient funds are available in the Island County Road Fund for **2003 Miscellaneous Asphalt Concrete Overlays, Whidbey Island**. NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Plans and Specifications are approved and that the County Engineer is authorized and directed to call for bids for furnishing said construction. Bid Opening is to be the 28th day of May, 2003 at 11:30 A.M. in Meeting Room 101 Administration Building, 1 NE 7th Street, Coupeville, Washington 98239.

ADOPTED this 5 day of May, 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

[Plans & Specifications are on file with the Clerk of the Board]

PUBLIC WORKS TRUST FUND PRE-CONSTRUCTION & CONSTRUCTION LOAN PROGRAMS

On presentation by Mr. Oakes, having been reviewed at the April 30th staff session, the Board by unanimous motion approved and signed Public Works Trust Fund Pre-Construction application and Construction Loan Program application for each of the following projects:

- Scenic Road Storm Drainage & Outfall Improvements
- Saratoga Road Culvert Replacement
- Gerde Road Stormwater Outfall Replacement
- Sunset Road Culvert Replacement.

PRESENTATION BY NORTHWEST STRAITS COMMISSION BY TOM COWAN

Tom Cowan, Director, Northwest Straits Commission, presented to Chairman McDowell on behalf of Island County, a \$70,000 symbolic check from the Northwest Straits Commission, supporting the work of the Island County Marine Resources Committee. Attending from the Island County Marine Resource Committee (MRC) were: Dick Toft; Don Meehan; and Gary Wood. Hand-outs were provided to the Board by Mr. Cowan:

- (1) A Progress Report from the Northwest Straits Initiative: Citizen-Based Marine Restoration and Protection in Action
- (2) Spring 2003, Volume 2, Issue 1 – Northwest Straits News

He provided a brief update about the progress of the Northwest Straits Initiative and the MRC. Important to note that this begins the fifth year, and at the end of this year there will be a full independent evaluation the result of which will determine whether or not Congress will reauthorize the program. The Northwest Straits Commission was approved by Congress in 1998 described as a mix of citizen and government partnerships, a bottoms-up approach, empowering citizens to be stewards of marine resources.

Commissioner McDowell was on the original Murray-Metcalf commission that designed the whole initiative. Congress built in a sunset clause to the entire initiative so that after 5 years' work there would be independent evaluation and report to Congress. After that report Congress will either extend or cut off all reauthorization; that determination is expected to happen Fall of 2004.

An example of some of the kinds of support Northwest Straits Commission provides to local MRCs includes:

- Funding for projects and administrative support
- Technical assistance when necessary
- Conducts training for MRC members

Some of the primary activities of coordination of activities among the MRCs include:

- Forage fish spawning habitat survey
- Regional ecosystem projects
- Gather and collate marine data and provide GIS mapping ability to each of the counties
- Derelict Fishing Gear Removal project [pilot project just about over; highly successful]

Mr. Cowan felt there had been a strong demonstration of success in the MRCs in all seven counties and the Northwest Straits Commission. An evaluation will be measured on eight performance bench marks and he thought they could demonstrate good progress made on those benchmarks.

In the Progress Report, page 10 "Planning for the Future" Chairman McDowell noted the statement of Kathy Fletcher, Executive Director, People For Puget Sound, and a member of the Northwest Straits Commission, that: "*The jury is still out, but we've accomplished a great deal in a few short years*". To him, it was obvious the jury was not still out inasmuch as you need only to look at the accomplishments within the Island County MRC: underwater videographic mapping of eelgrass; comprehensive sampling of forage fish spawning beaches; GIS inventory of shoreline hardening; training of 7,000 shoreline owners on nearshore habitat protection. Truly this is grass roots that really works.

Gary Woods attested to the fact that each MRC was doing great things in its own area – acting together on a regional level. This is a program whereby stakeholders are at the table, agreeing to use science instead of assumptions or politics. Volunteer citizen-base groups with Federal backing turned out to be the perfect applicant to funders in order to get the best bang for the

buck, and lessening the burden on local taxpayers. Island County MRC is known among other MRCs as really performing and achieving a lot, due he thought to the efforts, type and variety of folks on the committee.

With no further business before the Board, the meeting adjourned at 11:30 a.m. The next regular meeting is scheduled for May 12, 2003 at 9:30 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