

ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - OCTOBER 6, 2003

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 6, 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 September 22, 2003 meeting.

VOUCHERS AND PAYMENT OF BILLS

By unanimous motion the Board approved the payroll dated September 30, 2003. The Board, also upon unanimous motion, approved the following vouchers/warrants:

Voucher (War.) # 173931-174321\$1,759,068.73.

Veterans Assistance Fund: [emergency financial assistance to certain eligible veterans; the names and specific circumstances are maintained confidential]. By unanimous motion the Board approved Claim #V3-15 in the amount of \$870.00 based on the recommendation of the Veterans Assistance Review Committee.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description	Position #	Action	Eff. Date
Superior Ct.	073/03	Judicial Asst. .5 fte	2004.01	Replacement	10/6/03
Superior Ct.	074/03	CH Facilitator .2 fte	2009.01	Replacement	10/16/03
HR/Budget	075/03	Admin Asst	2303.00	Replacement	10/6/03
Auditor	076/03	Dep Aud/Payroll Sup	210.00	Personnel Action	10/6/03
Auditor	077/03	Recording Mgr.	204.00	Replacement	10/16/03
Public Works	078/03	Hous/haz. Wst tech 3I, temp	2262.00	Replacement	10-6-03

HEALTH CONTRACT APPROVED – COMPASS HEALTH #HS-08-03

By unanimous motion, the Board approved Contract #HS-08-03 (RM-HLTH-99-0073) with Compass Health for a two year biennium in the amount of \$835,851 to provide chemical dependency treatment and crisis services for Island County residences.

APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

By unanimous motion, the Board made the following appointments to committees and boards:

Conservation Futures Citizens Advisory Board (CAB). Appointed Judy Chapman, Camano Island, for a term to September 30, 2006

Island County Fair Board. Appointed Fred Goodman, Oak Harbor, for a term to October 8, 2004

North Sound Regional Support Network Advisory Board. Appointed Patricia Whitcomb, Coupeville for a term to June 30, 2005

LIQUOR LICENSE APPROVED

Application for Liquor License #077967-3C in lieu of current privilege, by Mark Schuster for Holmes Harbor Community Partners, LLS, d/b/a Holmes Harbor Golf & Beach Club, located at 5023 Harbor Hills Drive, Freeland, was approved by unanimous motion of the Board, based upon review and recommendation by appropriate County departments.

RESOLUTION #C-93-03 PROCLAIMING THE WEEK OF OCTOBER 5-11, 2003
AS MENTAL ILLNESS AWARENESS WEEK

Following action taken by Governor Gary Locke proclaiming October 5-11, 2003, as Mental Illness Awareness Week in the State, the Board by unanimous motion approved Island County Resolution #C-93-03 Proclaiming the Week of October 5-11, 2003 as Mental Illness Awareness Week in Island County.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

P R O C L A M A T I O N

**IN THE MATTER OF PROCLAIMING)
THE WEEK OF OCTOBER 5-11, 2003)
AS MENTAL ILLNESS AWARENESS)
WEEK IN ISLAND COUNTY)**

RESOLUTION NO. C-93-03

WHEREAS, it is important that individuals, families, and communities understand that mental health is an essential part of overall health and work to reduce the stigma of seeking care; and

WHEREAS, every individual must have the opportunity for early and appropriate mental health screening, assessment and referral to treatment; and

WHEREAS, it is essential to eliminate disparities in mental health by promoting well-being for all and ensuring equity of access, delivery of services and improvement of outcomes through public and private partnerships for culturally competent care to all; and

WHEREAS, adults and children with mental illness must have ready access to evidence-based best treatments, services and support leading to recovery; and

WHEREAS, recovering consumers and their families must have the necessary information and the opportunity to exercise choice over their care decisions, including individualized plans of care, expanded supported employment, enhanced rights protections, better criminal and juvenile justice diversion and re-entry programs, improved access to housing and an end to chronic homelessness and hopelessness; and

WHEREAS, it is essential to increase suicide prevention by early intervention and education, acknowledging age and culture; and

WHEREAS, the mental health system must provide consumers and providers with quality and accountable information supporting improved care;

NOW, THEREFORE, the Board of County Commissioners hereby proclaims the week of October 5-11, 2003 as:
Mental Illness Awareness Week

in Island County, Washington, and urge all citizens to join in this special observance.

ADOPTED this 6 day of October, 2 003.

BOARD OF COUNTY COMMISSIONERS

ISLAND COUNTY, WASHINGTON

Wm. L. "Mac" McDowell, Chairman

William J. Byrd, Member

Mike Shelton, Member

ATTEST:

Elaine Marlow, Clerk of the Board

INSURANCE LANGUAGE AMENDED TO DAVIS SLOUGH HERONRY PROPERTY PROJECT AGREEMENT AND CONSERVATION EASEMENTS

As presented by Lee McFarland, Assistant Director, GSA, the Board by unanimous motion approved Davis Slough Heronry Property Project Agreement (RM-GSA-03-0058), Davis Slough Heronry Property Conservation Easement with William M. Simpson and Jane A. Boltz, and Davis Slough Heronry Property Conservation Easement with John E. Edison, to reflect some minor house-keeping changes and amended insurance language required by the State as stated in Section 12.3 page 25 of 38 of the three-way agreement and on page 11 of the /conservation easements.

PURCHASE AND SALE AGREEMENT FOR UTSALADY BEACH PROPERTY

Purchase and Sale Agreement for Utsalady Beach Property (RM-GSA-03-0057) in the amount of \$250,000 was approved by unanimous motion of the Board; funding provided jointly through Conservation Futures funding and State Grant dollars.

REQUEST FOR WAIVER FROM COMPETITIVE SOLICITATION PROCUREMENT PROCEDURE - PROFESSIONAL SERVICES AGREEMENT - COMPASS HEALTH

As discussed with the Director of Juvenile & Family Court Services at September 17th Staff Session, the Board by unanimous motion approved a request for waiver from the Competitive Solicitation

Procurement Procedure Under ICC 2.29.030(B)(12) with regard to a Professional Services Agreement with Compass Health to provide drug and alcohol treatment for youth and adults

PROFESSIONAL SERVICES AGREEMENT - COMPASS HEALTH

Professional Services Agreement with Compass Health (RM-JUV-03-0055) for the purpose of providing chemical dependency evaluation, treatment and/or case management services for CDDA designated youth as defined by 13.40.165 RCW and/or enrolled in Island County Juvenile Drug Court or identified by Juvenile & Family Court Services on a space available basis, was approved by unanimous motion of the Board, in an amount not to exceed \$20,000.

**PROFESSIONAL SERVICES AGREEMENTS APPROVED FOR
ISLAND COUNTY JUVENILE COURT SERVICES**

The Board approved two Professional Service Agreements for Island County Juvenile Court Services by unanimous motion as follows:

Agreement with Janice B. Edwards to provide professional services as a mental health evaluator to clients of Island County Juvenile Court Services, not to exceed \$10,000 (RM-JUV-03-0049)

Agreement with Randy P. Green to provide professional services as a evaluator and therapist to clients of Island County Juvenile Court Services, not to exceed \$10,000 (RM-JUV-03-0051).

PUBLIC INPUT OR COMMENTS

Greg Lanza, Happy Valley Road, Oak Harbor, purchased in October, 2002 and currently owns Wildwood Farm, Oak Harbor. From history he read, it was the largest thoroughbred facility in the State of Washington. He purchased the farm to keep it an equine facility. From the onset there were two things he needed to do with Island County in order to keep the business going: establish land use as a farm; and obtain a permit to put up an indoor arena for a training facility. For over a year the County obstructed his ability to do that, and limiting his ability to do business. There seems to be an inordinate amount of time spent trying to get a pre-planning meeting set up. He has been attempting through the Planning Department to get a classification of the building. It is farm use and will be used to train horses and needs a large arena in order to do that. The current arena is full, and too crowded to have two horses going through training. Farm use definition is well within the bounds of what he is trying to do.

The Commissioners were well aware of the long history of the farm on the North side of Whidbey Island; the matter taken under advisement and Commissioner Byrd will be in touch with Mr. Lanza.

QUIT CLAIM DEEDS APPROVED – WEST BEACH ROAD

Based on the recommendation of approval by Bill Oakes, Public Works Director, the Board by unanimous motion approved three Quit Claim Deeds associated with West Beach Road Project, as follows:

- Quit Claim Deed between Island County and Dale & Kathleen Zimmerman, \$3,750.00, West Beach Road Phase 3, Work Order #207; Parcel 314-452; Sec. 24, Twp 32N, R1W.
- Quit Claim Deed between Island County and Betty Walker; \$1,350.00; West Beach Road Phase 3, Work Order #207; Parcel 255-414; Sec. 24, Twp 32N, R 1W.
- Quit Claim Deed between Island County and John & Irene Carr; \$5,690.00; West Beach Road Phase 2, Work Order #15; Parcel 463-464; Sec. 25, Twp 32N, R 1W.

[Construction Easements pulled from the agenda at the request of the Public Works Director]

**ORDINANCE #C-94-03 (PLG-016-03) AMENDING CHAPTER 17.03 ICC,
THE ISLAND COUNTY ZONING ORDINANCE, TO UPDATE THE
ZONING MATRICES OF ICC 17.03.035**

Phil Bakke, Planning & Community Development Director, presented Ordinance #C- 94-03 (PLG-016-03) Amending Chapter 17.03 ICC, the Island County Zoning Ordinance, to update the Zoning Matrices of ICC 17.03.035. As he explained, the ordinance proposes to update Chapter 17.03 ICC land use tables. The matter was heard at public hearing by the Island County Planning Commission on February 25, 2003, and comes to the Board with a recommendation of approval. The document has been through the required Washington State Agency Review, the sixty days up on September 22,

2003, with no comments received. Changes are largely house-keeping in nature, most correcting errors in original tables and providing more information with respect to Type I, II and III uses, and added several uses to the use table listed for each special zone [a reflection of current code]. This changes no current uses.

By unanimous motion, the Board approved Ordinance #C- 94-03 (PLG-016-03) Amending Chapter 17.03 ICC, the Island County Zoning Ordinance, to update the Zoning Matrices of ICC 17.03.035.

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

IN THE MATTER OF AMENDING)
CHAPTER 17.03 ICC, THE ISLAND) ORDINANCE C- 94 -03
COUNTY ZONING ORDINANCE, TO) PLG-016-03
UPDATE THE ZONING MATRICES OF ICC)
17.03.035)

WHEREAS, zoning matrices were adopted under Ordinance C-123-98 as part of Chapter 17.03 ICC as a means of providing an informational summary of uses that are permitted or conditionally permitted in each of the zones; and

WHEREAS, the zoning matrices adopted under Ordinance C-123-98 are not consistent with other portions of Chapter 17.03 including the specific definition of each use, the zoning designations and the land use standards; and

WHEREAS, amendments are needed in order to make the zoning matrices consistent with the remainder of Chapter 17.03 ICC; and

WHEREAS, the proposed amendments are not adding, removing or modifying uses that are listed as permitted, conditional or prohibited within any of the zoning designations established in Chapter 17.03 ICC; and

WHEREAS, additional explanation of how to use the zoning ordinance and the matrices would be beneficial in making the matrices a more useful tool for members of the public as well as staff; and

WHEREAS, on February 25, 2003 the Planning Commission concluded that the proposed amendments are necessary and are consistent with Chapter 17.03 ICC; and

WHEREAS, pursuant to WAC 197-11-600, the County SEPA official has determined that the proposed amendments to Chapter 17.03 ICC are exempt from Environmental Review; **NOW, THEREFORE**,

BE IT ORDAINED that amendments to Chapter 17.03 ICC, attached hereto as Exhibit A, that revises the zoning matrices established in ICC 17.03.035 are adopted. Material stricken through is deleted and material underlined is added.

APPROVED AND ADOPTED this 6 day of October, 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 [Exhibit A placed on file with the Clerk of the Board]

**ORDINANCES #C-95-03, #C-96-03 AND #C-97-03 – DECLARATION OF A
NUISANCE AND ENFORCEMENT OF THE ZONING CODE**

Mr. Bakke presented for the Board’s approval three ordinances declaring nuisance and enforcement of the Zoning Code:

- Ordinance #C-95-03 (PLG-024-03) In the matter of declaration of a Nuisance and Enforcement of the Zoning Code against Gregory G. Odle
- Ordinance #C-96-03 (PLG-025-03) In the matter of declaration of a Nuisance and Enforcement of the Zoning Code against Steven G. Dollarhide
- Ordinance #C-97-03 (PLG-026-03) In the matter of declaration of a Nuisance and Enforcement of the Zoning Code against Mary A. Bolles

These particular items have previously been before the Board in Staff Session and the Board authorized forwarding cases to the Prosecutor. The Prosecutor completed review of the three files and believe the cases are appropriate and ready for prosecution. State law requires that an ordinance be signed by the Board of County Commissioners to formally refer cases for the Prosecutor’s action.

By unanimous motion, the Board approved Ordinance #C-95-03 (PLG-024-03) In the matter of declaration of a Nuisance and Enforcement of the Zoning Code against Gregory G. Odle; Ordinance #C-96-03 (PLG-025-03) In the matter of declaration of a Nuisance

and Enforcement of the Zoning Code against Steven G. Dollarhide; and Ordinance #C-97-03 (PLG-026-03) In the matter of declaration of a Nuisance and Enforcement of the Zoning Code against Mary A. Bolles

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

IN THE MATTER OF DECLARATION)
OF A NUISANCE AND)
ENFORCEMENT OF THE ZONING) ORDINANCE NO. C-95-03
CODE AGAINST GREGORY G. ODLE)

WHEREAS, pursuant to RCW 36.32.120(10) the Board of County Commissioners has the power to declare by ordinance what shall be deemed to be a nuisance within Island County, to prevent, remove and abate the nuisance at the expense of the party creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it, which special assessment shall constitute a lien against the property and be of equal rank with state, county, and municipal taxes;

WHEREAS, under section 17.03.060, Island County Code (ICC), the maintenance of a junk and/or salvage yard is not a permitted or conditional use in the rural zone;

WHEREAS, Gregory G. Odle has stored junk vehicles and junk materials on his rural-zoned property at 3264 S. Mardell Drive, Langley, Washington since before May 29, 1998;

WHEREAS, the Island County Planning and Community Development Department has taken the following enforcement actions:

1. Served an Initial Enforcement Order, file number COV 118/01, on Gregory G. Odle on May 31, 2002, that demanded that he remove the junk vehicles and materials from his property within 45 days, assessed a \$1,000 civil penalty for existing violations, and warned that a civil penalty of \$500 per day may be imposed for continuing violations;
2. Conducted a follow-up site visit on October 7, 2002, and determined that Gregory G. Odle remained in noncompliance with the Island County zoning code; and
3. Issued a Supplemental Enforcement Order to Gregory G. Odle on January 23, 2003, that gave him 45 days to remove junk vehicles and assessed an additional civil penalty totaling \$118,500;

WHEREAS, Gregory G. Odle did not timely appeal the Initial Enforcement Order, the Supplemental Enforcement Order, or the assessed civil penalties to the Island County Hearing Examiner; and

WHEREAS, Gregory G. Odle has not paid the assessed civil penalties and remains in violation of the Island County zoning code; NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of Island County Commissioners:

1. That Gregory G. Odle's storage of junk vehicles and materials on his rural-zoned property violates the Island County zoning code and constitutes a public nuisance;
2. That the Island County Prosecuting Attorney, with the assistance of the Director of the Planning and Community Development Department and his staff, is hereby authorized to bring legal action, which he deems appropriate, in the name of Island
3. County against Gregory G. Odle and any other appropriate persons to enforce the provisions of the Island County zoning code and abate the nuisance; and
4. That any costs of abatement shall be at the expense of Gregory G. Odle, and any other persons creating, causing or committing the nuisance, and a special assessment shall be levied on the property on which the nuisance is situated to defray the cost, or reimburse Island County for its cost of abating it, which special assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes.

DATED this 6 day of October, 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

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

IN THE MATTER OF DECLARATION)
OF A NUISANCE AND ENFORCEMENT) ORDINANCE NO. C-96-03
OF THE ZONING CODE AGAINST)
STEVEN G. DOLLARHIDE)

WHEREAS, pursuant to RCW 36.32.120(10) the Board of County Commissioners has the power to declare by ordinance what shall be deemed to be a nuisance within Island County, to prevent, remove and abate the nuisance at the expense of the party creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it, which special assessment shall constitute a lien against the property and be of equal rank with state, county, and municipal taxes;

WHEREAS, under section 17.03.060, Island County Code (ICC), the maintenance of a junk and/or salvage yard and outdoor storage are not permitted or conditional uses in the rural zone;

WHEREAS, Steven G. Dollarhide has stored junk vehicles and materials on his rural-zoned property at 1916 E. Harbor Sands Lane, Freeland, Washington since before May 18, 2000;

WHEREAS, the Island County Planning and Community Development Department has taken the following enforcement actions:

1. Served an Initial Enforcement Order, file number COV 738/00, on Steven G. Dollarhide on May 18, 2000, that demanded that he remove the junk vehicles and materials from his property within 30 days, assessed a \$1,000 civil penalty for existing violations, and warned that a civil penalty of \$500 per day may be imposed for continuing violations;
2. Conducted a follow-up site visit on September 19, 2000, and determined that Steven G. Dollarhide remained in noncompliance with the Island County zoning code;
3. Issued a Supplemental Enforcement Order to Steven G. Dollarhide on February 20, 2001, that gave him 30 days to remove junk vehicles and materials and assessed a civil penalty of \$139,500;
4. Issued a second Supplemental Enforcement Order to Steven G. Dollarhide on February 12, 2002, that gave him 30 days to remove junk vehicles and materials and assessed an additional civil penalty of \$167,000; and
5. Filed a Claim for Lien in the amount of \$307,500 with the Island County Auditor on May 10, 2002;

WHEREAS, Steven G. Dollarhide did not timely appeal the enforcement orders or the assessed civil penalties to the Island County Hearing Examiner; and

WHEREAS, Steven G. Dollarhide has not paid the assessed civil penalties and remains in violation of the Island County zoning code; NOW, THEREFORE,

E IT HEREBY ORDAINED by the Board of Island County Commissioners:

1. That Steven G. Dollarhide's storage of junk vehicles and materials on his rural-zoned property violates the Island County zoning code and constitutes a public nuisance;
2. That the Island County Prosecuting Attorney, with the assistance of the Director of the Planning and Community Development Department and his staff, is hereby authorized to bring legal action, which he deems appropriate, in the name of Island County against Steven G. Dollarhide and any other appropriate persons to enforce the provisions of the Island County zoning code and abate the nuisance; and
3. That any costs of abatement shall be at the expense of Steven G. Dollarhide, and any other persons creating, causing or committing the nuisance, and a special assessment shall be levied on the property on which the nuisance is situated to defray the cost, or reimburse Island County for its cost of abating it, which special assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes.

DATED this 6 day of October, 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

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

IN THE MATTER OF DECLARATION)
OF A NUISANCE AND)
ENFORCEMENT OF THE ZONING)
CODE AGAINST MARY A. BOLLES)
_____)

ORDINANCE NO. C-97-03

WHEREAS, pursuant to RCW 36.32.120(10) the Board of County Commissioners has the power to declare by ordinance what shall be deemed to be a nuisance within Island County, to prevent, remove and abate the nuisance at the expense of the party creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it, which special assessment shall constitute a lien against the property and be of equal rank with state, county, and municipal taxes;

WHEREAS, under chapter 17.03, Island County Code (ICC), camping, the use of a recreational vehicle as a dwelling, and the outdoor storage of recreational vehicles and/or trailers on a lot without a permitted single-family dwelling unit are not permitted or conditional uses in the rural zone;

WHEREAS, Mary A. Bolles has stored recreational vehicles and/or trailers and has used recreational vehicles as dwelling units on her rural-zoned property at 2223 Van Dam Road, Oak Harbor, Washington since before October 2, 2000;

WHEREAS, the Island County Planning and Community Development Department has taken the following enforcement actions:

1. Mailed a Notice of Violation to Mary A. Bolles on July 30, 2001, that asked her to stop using recreational vehicles as dwellings and remove the recreational vehicles and/or trailers from her property within 30 days;
2. Issued an Initial Enforcement Order, file number COV 264/01, to Mary A. Bolles on October 3, 2001, that directed her to immediately cease using recreational vehicles for dwelling units, gave her 30 days to remove the recreational vehicles and/or trailers, assessed a \$1,000 civil penalty for existing violations, and warned that a civil penalty of \$500 per day may be imposed for continuing violations;
3. Conducted a follow-up investigation and determined that Mary A. Bolles remained in noncompliance with the Island County zoning code; and
4. Issued a Supplemental Enforcement Order to Mary A. Bolles on April 19, 2002, that gave her 30 days to cease using recreational vehicles as dwelling units and to stop using her property for outdoor storage of recreational vehicles and/or trailers, and assessed a civil penalty of \$91,500;

WHEREAS, Mary A. Bolles did not timely appeal the Initial Enforcement Order, the Supplemental Enforcement Order or the assessed civil penalties to the Island County Hearing Examiner; and

WHEREAS, Mary A. Bolles has not paid the assessed civil penalties and remains in violation of the Island County zoning code; NOW, THEREFORE,

BE IT HEREBY ORDAINED by the Board of Island County Commissioners:

1. That Mary A. Bolles's use of recreational vehicles as dwelling units and storage of outdoor recreational vehicles and/or trailers on her rural-zoned property violates the Island County zoning code and constitutes a public nuisance;
2. That the Island County Prosecuting Attorney, with the assistance of the Director of the Planning and Community Development Department and his staff, is hereby authorized to bring legal action, which he deems appropriate, in the name of Island County against Mary A. Bolles and any other appropriate persons to enforce the provisions of the Island County zoning code and abate the nuisance; and

3. That any costs of abatement shall be at the expense of Mary A. Bolles, and any other persons creating, causing or committing the nuisance, and a special assessment shall be levied on the property on which the nuisance is situated to defray the cost, or reimburse Island County for its cost of abating it, which special assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes.

DATED this 6 day of October, 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

**FINAL APPROVAL: LONG PLAT PLP 096/99 SARATOGA
VIEWPOINTE, DIV. NO. 1, BY WILLIAM MASSEY**

Justin Erickson, Planner, Island County Planning & Community Development, presented for final approval Long Plat PLP 096/99, Saratoga Viewpointe, Div. No. 1, by William Massey, for a 22-lot subdivision on 20.35 acres in the Rural Residential Zone, located on the south side of Polnell Road, North Whidbey (Assessor's Parcels: #R23203-029-2860, R23203-034-3420, R23203-032-3140, R23203-036-3800). Mr. Massey, along with Tom Cleverdon, Fakkema & Kingma, were in the audience at the time of consideration.

By unanimous motion, the Board approved as presented, Long Plat PLP 096/99, Saratoga Viewpointe, Div. No. 1, by William Massey for a 22-lot subdivision on 20.35 acres in the Rural Residential Zone, located on the south side of Polnell Road, North Whidbey.

APPLICATION: Final Long Plat Review 096/99

ADMINISTERING AGENCY: Island County Department of
Planning and Community Development
P. O. Box 5000
Coupeville, WA 98239

PERMIT NO: PLP #096/99

NAME AND ADDRESS OF APPLICANT: William L. Massey
PO Box 399
Oak Harbor, WA 98277

REQUESTING THE FOLLOWING: Final approval of Saratoga Viewpointe Div. No. 1, a long plat consisting of 22 lots on 20.35 acres in the Rural Residential zone.

UPON THE FOLLOWING PROPERTY: Located on the south side of Polnell Road, 0.4 miles east of Rockcress Lane, North Whidbey Island, in the SE quarter of section 3 and the NE quarter of Section

15, Township 32 North, Range 2 East, W.M., Island County, Washington. (Assessor's Parcel #R23203-029-2860, #R23203-032-3140, #R23203-034-3420, and #R23203-036-3800)

This Final Long Plat conforms to the requirements of Subdivision as established by Chapter 16.17 Island County Code.

Phillip Bakke, Director
Department of Planning and
Community Development

APPROVED this 6 day of October, 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

EXECUTIVE SESSION

The Board met in Executive Session at 10:35 a.m. as allowed under provisions of RCW 42.30.110 (1) (i) to discuss with legal counsel

pending or potential litigation. The session was held in Conference Room #218, Courthouse Administration Building, and lasted approximately 30 minutes. No announcement was made on conclusion of the Executive Session.

BUDGET WORKSHOP

The Board met in budget workshop beginning at 11:00 a.m. held in the Courthouse Administration Building, Conference Room #116, 1 NE 7th Street, Coupeville, Wa. All Commissioners were present, along with Elaine Marlow, Budget Director; Dick Toft, Human Resources Director, Anne LaCour, Auditor's Office. Supplemental requests are taken under advisement; no final decisions expected as a result of budget workshops.

Superior Court/County Law Library

Presentation by: Vickie Churchill, Superior Court Judge
Linda Falken, Law Librarian

Hand-outs: Law Library Resolution

Superior Court

Basically Superior Court Budget proposal for 2004 is a hold the line budget, and similar to this year. A supplemental request is an upgrade for position #2008 for purposes of equity with like positions within Juvenile Court Services. Superior Court is willing to do what can be done to work within the budget in attempting to cover the financial impact of the upgrade. The requested upgrade represents a dollar value of about \$3,800 including wages and benefits.

Law Library

Reviewed measures taken to cut projected expenses a little for 2004; somewhat limited as to what areas can be found to do much more belt-tightening. Overall revenues last year were down and anticipate 2004 revenues down by about \$2500 to \$3000. Law Library Resolution dated 9/24/03 requests an increase in the portion of Superior Court filing fees designated for the benefit of the Island County Law Library – from the minimum \$12.00 for every Superior Court filing fee to the maximum \$15.00, resulting in \$3,000 to \$3,200 additional revenue. Fees to the public will not change, but it would represent a loss to Current Expense by that amount. Current Librarian is an independent contractor, not an employee of the County. Proposal is that April, 2004 when her contract expires to hire a permanent part-time library assistant employed by the County Law Library Board. Those two costs added together are reflected in the 2004 proposed budget. The position, based on 52 weeks a year, would average out to about 19.5 hours per week, probably a minimum of \$10.00 to \$10.50 per hour. The other issue that needs to be taken into account is payroll management service when the ICLL Board hires a permanent part time employee.

Prosecutor

Presentation by: Greg Banks, Prosecutor
Caroline Morse, Office Administrator

Hand-outs: Budget Memo 10/6/03: FY 2004 Budget Requests
Including Charts showing trends in felony prosecution in Island

County, Misdemeanor Trends, and Juvenile Prosecution Trends

Prepared hold the line budget on M&O and on salaries with the following exceptions:

1. Request reinstatement of Deputy Prosecutor Position at entry level for 2004
2. There are six legal assistants, three at pay grade 7 and three at pay grade 8, tied to particular assignments within the office; request authorization to set pay grade commensurate with experience and competence. Financial impact is about \$10,000.

Reviewed the three graphs in the hand outs. Felonies are climbing for Island County; around the State it seems to vary county to county. In 1998 Island County had 178 felony prosecutions based on 303 cases. In 2003 [projected] 300 prosecutions based on 436 cases.

The Commissioners discussed the request for reinstatement of deputy prosecutor position. Commissioners commented that if the Comprehensive Plan five-year update is required, it would be very advantageous to the Board and Planning Department to have an attorney involved while attempting to go through the Plan update and determine how it is to be done. It makes a huge difference in relationship to not only development of the Plan, but also in defense of the Plan, having the attorney at the table during the development process.

Considering that if an additional deputy prosecuting position be brought back that a prosecutor be available to the Board and Planning Director, Mr. Banks noted was part of his thinking – that that position be available on land use issues, and provide for a more formal and consistent relationship between the two departments. He was willing to do that and the person he would assign would be Josh Choate. Mr. Banks will follow up with a memorandum to the Board on this matter.

In response to a question about his willingness to re-do and send in PAQ's again to the committee with respect to his request for upgrade

in three positions, Mr. Banks wanted an opportunity first to go back and review the prior PAQ's, and get back to the Board on that issue.

Drug Seizure Fund, Federal Asset Forfeiture Fund, Anti-Profiteering Fund

All have a non supplant clause. Federal Asset Forfeiture Fund has an estimated \$10,000 balance. Drug Seizure Fund must go towards drug enforcement and is not a predictable or reliable revenue source. Anti-Profiteering Fund is about \$27,000, and Mr. Banks will review and comment at a later date as expenditure, if any, of that fund in 2004.

Human Resources

Presentation by: Dick Toft
Hand-outs: Budget Memorandum 10/6/03

M&O is hold-the line, with the exception of \$600 increase to reflect increased costs in the communication line for telephone; fax; postage. Supplemental Request: Re-instate EAP [Employee Assistance Program]. Investment in EAP is money well spent. Two options presented through HPN:

1. \$1.85 per employee per month = \$9,435/year [with limitations]
2. \$2.00 per employee per month = \$10,200/year with no limit to the number of orientations or interventions.

Maintenance

Presentation by: Dan Sherk, Facilities Director
Hand-outs: Graph – Maintenance Department – Projected Expenditures for 2003

Public Works and Health pay [to Current Expense] for portions of the Maintenance budget. Already reflected are significant increases in the proposed budget for fuel, professional services, utilities, supplies, communications, and repairs and maintenance – those unavoidable costs [outlined on Workbook Pages 112-116].

Supplemental Request \$1,250: overtime to cover cost of 40 hours' overtime during the year for maintenance technicians, and Mr. Sherk reviewed the reasons as stated on page 112. Nice to have system in place to reduce weekend "call-in's" that are not emergencies and could wait until Monday.

Capital Purchase Request - \$20,000

Commercial /Vacuums	\$	2,000
Buffer		3,000
Carpet Extractor		5,000
Mixer – Jail Kitchen		10,000

Increased sq. footage cleaning space by almost 24,000, most carpeted. Currently have two carpet extractors, one works half the time, the other is a much smaller unit. Jail mixer has been repaired many times, down probably 1/5th of the time. It is old, worn out, smaller than needed and should be replaced.

Signal jail control contract discussed – scheduled for final payment October 15 for work completed per original agreement. Continue to request contractor provide schematic or diagram for system; Juvenile Detention low-voltage team has been asked to work with this company to get that information. Mr. Sherk will pursue as well.

District Court/District Court Probation

Presentation by: Judge Peter Strow; Maggie Paczkowski; Karen Lewis
Hand-outs: Revenue Report – 2003 projected
 District Court Filings & Hearings YTD
 Additional Budget Considerations
 Court Rankings within County Population Categories for Collections
 Judge/Court Commissioner Salary Comparisons

Revenue summary shows where District Court stands as of the end of September. Third quarter expenses may be a little higher, most due to increase in payroll with COLAs. Overall filings are about the same, up a little in September from month before attributed to three new patrol troopers in Oak Harbor. Island County District Court is in the top percentage for collections, as shown in the Criminal Collections Study, Courts of Limited Jurisdiction dated August 4, 2003. The Court uses two collection agencies, and one of few Courts that actually takes the time to show-cause people back into court.

Supplemental request. As indicated in memorandum today included in the hand-out, the following is requested:

- Increase salary of Court Commissioner to 80% of the salary for the elected Judge, accomplished

over a three-year period.

- Re-establish the half-time secretarial position in the Probation department.
- Replace existing recording system with new equipment.

The Court Commissioner works full time. Getting ready this month for a three month trial to hold night court for traffic ticket mitigation. Will shuffle staff hours to cover that time. Island County is the only county its size with one elected Judge and have made due with pro-tems and a court commissioner. The County ultimately will be required to have two elected judges as it grows in size.

There being no further business to come before the Board, the meeting adjourned at 2:30 p.m. The Board will meet in Special Session on October 7, 2003 at 6:00 p.m. at the Camano Country Clubhouse located at 1243 S. Beach Drive, Camano Island, Washington, to conduct a Public Hearing on Ordinance #C-84-03 In the Matter of Adopting an Interim Official Control that Designates Division 1 and Division 2 of the Plat of Thunder Ridge as a Critical Drainage Area. The next regular meeting of the Board will be on October 13, 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