

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING FEBRUARY 2, 2004**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on February 2, 2004, at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6<sup>th</sup> Street, Coupeville, Wa. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from previous meetings January 26, 2004 and January 28, 2004.

**VOUCHERS AND PAYMENT OF BILLS**

By unanimous motion, the Board approved the January 30, 2004 payroll, and the following vouchers/warrants:  
 Voucher (War.) #182745 – 182997 . . . . . \$651,667.56.

**HIRING REQUESTS & PERSONNEL ACTIONS**

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

<b>Dept.</b>	<b>PAA</b>	<b>Description</b>	<b>Position #</b>	<b>Action</b>	<b>Eff. Date</b>
Juvenile Court	#003/04	Prob. Counselor	1402.07	Increase hrs. from .75 to .85 FTE	2/2/04

**RESOLUTION #C-09-04 CANCELLATION OF UNCOLLECTIBLE PERSONAL PROPERTY TAXES AS OF FEBRUARY 2004**

Linda Riffe, Island County Treasurer, presented for the Board's review and adoption a resolution for the annual cancellation of uncollectible personalty taxes [RCW84.56.240], along with the Treasurer's affidavit that all diligent efforts were made to collect the delinquent taxes due on the accounts listed on Exhibit A, the list of uncollectible personal property taxes.

By unanimous motion, the Board approved Resolution #C-09-04 Cancellation of Uncollectible Personal Property Taxes as of February, 2004. [*Resolution #C-09-04 on file with the Clerk of the Board*]

**CLAIM FOR DAMAGES #R03-035 CD BY OTEGA**

Claim for Damages #R03-035 CD by Cruz A. Ortega in the amount of \$1,001.16 was approved by unanimous motion of the Board, as recommended by Betty Kemp, Director, GSA/Risk Management. Incident occurred December 11, 2003 when an Island County operated vehicle struck claimant's vehicle in the rear end causing the damage.

**DEPARTMENT OF ECOLOGY (CPG) COORDINATED PREVENTION GRANT CONTRACT #G0400185 [RM-HLTH-98-0015]**

By unanimous motion, the Board Approved Department of Ecology (CPG) Coordinated Prevention Grant Contract #G0400185 in the amount of \$99,000, approved by the Board of Health on January 12, 2004 [RM-HLTH-98-0015].

**CONTRACTS FOR TOURISM PROMOTION FUNDED BY ISLAND COUNTY 2% HOTEL-MOTEL FUND**

Contracts for Island County 2% Hotel-Motel Tax Tourism Promotion, Public Facilities Fund for the 2004 program year for the following projects and activities approved 12/8/03 were approved and signed on unanimous motion of the Board:

- -Island County Historical Marker Committee for Island County Historical Marker Brochure \$2,300
- -Island County Farmers' Market Coalition for Promotion of Whidbey Farmers' Markets \$600
- -Meerkerk Rhododendron Gardens, Inc. for Media Packet to advertise 25<sup>th</sup> Anniversary of Meerkerk Rhododendron Gardens \$2,500

*[contracts remaining will be presented for approval 2/9/04]*

### **SPECIAL OCCASION LIQUOR LICENSES APPROVED**

After review and recommendations of approval by the appropriate County Departments, the Board by unanimous motion approved the following Applications for Special Occasion Liquor Licenses:

- #092668 W.I.S.E. Music - Special Occasion to be held February 14, 2004 from 6:00 p.m. to 2:00 a.m. Deer Lagoon Grange Hall #846, located at 5142 Bayview Road, Langley, Wa.
- #092672 Whidbey Island Waldorf School - Special Occasion to be held March 13, 2004 from 5:00 p.m. to 11:00 p.m., Chinook Conference & Retreat Center located at Old Pietilla Road, Clinton, Wa.

### **AMENDMENT #1 TO (#RM- PW0320-101) - DEPARTMENT OF ECOLOGY GRANT AGREEMENT #G0000207 WATERSHED IMPLEMENTATION ACTIONS PROJECT**

Amendment #1 (RM- PW0320-101) between Island County and the Department of Ecology, Grant Agreement #G0000207, Watershed Implementation Actions Project, a restructuring of tasks with no change to the scope of work or contract amount, was approved by unanimous motion of the Board.

### **SUPPLEMENTAL AGREEMENT #1 - SNOHOMISH CONSERVATION DISTRICT - CAMANO WATERSHED STEWARDSHIP PROGRAM-DOE CCCWF GRANT #G0000207 [RM-PW-0320-101]**

Supplemental Agreement #1 between Island County and Snohomish Conservation District for Camano Watershed Stewardship Program, DOE CCCWF Grant #G0000207, Watershed Implementation under Work Order #351 in the amount of \$10,000, was approved by unanimous motion of the Board.

### **PUBLIC INPUT OR COMMENTS**

Rufus Rose, Clinton, commented from a briefing he attended Thursday on scenic byways regarding corridor management plans in accordance with Federal Highway Administration guidelines for Scenic Byways [25-member Steering Committee, consisting of Whidbey Island residents working with consultant]. A sample survey had been handed out at the meeting and those present asked to fill out and return. There was no place on the survey for identification and therefore concern that a person could fill out the survey numerous times and it could be viewed as representing "the public" when in fact it would be junk science. He asked the consultant for a list of attendees at the briefing and was told they were unsure whether he could have a copy or not, but would look into it. From notes he took at the briefing, Mr. Rose relayed staff comments from that meeting:

- State and Federal Grants are available if a "plan" is adopted
- "the whole Island is within the scope of planning."
- Island County Transit is heavily involved.
- cited the Las Vegas strip an example of a Byway.
- Byways are 'vision driven,' and are 'non-regulatory.'
- our "corridor is a community park."
- A goal is to get as many visitors out of their cars and into buses as possible.

He has some concern that over time this kind of study seems to work its way into law, and thought the Board would be very interested to monitor the progress and perhaps provide guidance.

Commissioner McDowell recalled that the Board was concerned and a year ago made it clear to the State Department of Transportation that the result would not be regulatory at least for Island County. He attended a portion of a meeting in Oak Harbor where the lady making the presentation stated up front that it was a non-regulatory project.

Commissioner Shelton thought Mr. Rose brought up a viable concern, that even though Island County stated this will be a non-regulatory for Island County, there is always the potential when accepting Federal funding that strings are attached that could result in Federal regulations.

The Commissioners agreed Mr. Rose's message was good: make sure you don't implement regulations as a result of a grant.

**HEARING HELD: (CONTINUED FROM 12/22/03 & 1/26/04) - PBR 390/03, WHIDBEY INSTITUTE - APPLICATION FOR CLASSIFICATION AS OPEN SPACE UNDER THE PUBLIC BENEFIT RATING SYSTEM**

As scheduled for hearing, continued from 12/22/03 & 1/26/04, at 10:30 a.m. a public hearing was held to consider PBR 390/03, Whidbey Institute, an Application for Classification as Open Space under the Public Benefit Rating System on Assessor's Parcel Nos. R32922-106-2800, R32922-064-3430, S7303-00-0000J-0, R32927-492-1650, R32927-450-1670 and R32927-409-2010 located on South Whidbey Island, Wa.

Phil Bakke, Planning & Community Development Director, advised the Board that since January 26<sup>th</sup>, legal assistance was received from the Prosecutor's Office suggesting that the application could be approved subject to conditions in the notice of approval or denial of application, as well as additional conditions:

1. That the easement holder, Whidbey Camano Land Trust, indicate in writing its approval of Whidbey Institute's decision to open the trail system to the general public.
2. In addition to the sign mentioned in condition #5, that Whidbey Institute give advertised public notice of the classification decision and resulting public trail access.

Based on request from Doug Kelly, attorney representing Whidbey Institute, Mr. Bakke asked that the hearing be continued for several weeks.

Commissioner McDowell did note his preference that with regard to additional condition #2, public notice be on an annual basis, published both in the North Whidbey and South Whidbey newspapers, with full description rather than just a parcel number.

Commissioner McDowell moved to continue the public hearing until February 23, 2004 at 2:30 p.m. Motion was seconded by Commissioner Shelton.

Mr. Rose reflected on comments from his conversation with the Assessor, in summary, understanding that the deferred tax in the State of Washington is equal to the annual budget of the State of Washington. Island County apparently is looking into not only the PBRS tax program but other tax deferred programs to confirm compliance with conditions. Over a period of a year the Assessor's Office spent approximately half-time recovering \$400,000 of revenue that was not collected because people in the tax deferred programs did not meet the criteria. He thought it would be appropriate to have the Assessor's input at the time of application as far as meeting criteria, in PBRS, Open Space, Open AG, Open Timber, and senior citizen exemptions. He complimented the Board on the very thorough review of this application under the PBRS system.

For clarification, Commissioner McDowell noted that at the time an application is approved, eligibility is confirmed. He thought what the Assessor was saying was that over time some participants in the program (s) may fall out of the category i.e. exceed the income at a later time. The only program the Board controls is the PBRS program. The Open Space Program and senior citizen tax exemption, are

State programs.

The Commissioners gave further information to note that while it may be said that it would create an extra \$400,000 it really did not. It could have some affect at least initially because as people who have been in a reduced tax program for some amount of time go out of that program and back into the normal tax structure, have to pay the last seven years' of back taxes, and those one-time dollars would be distributed among the various taxing districts. The important thing is that the Board should be as eager as possible to do this because it distributes the remaining tax load to other taxpayers in a fair and just way.

Motion, as made and seconded, carried unanimously.

**RESOLUTION #C-10-04 (PLG-001-04) INCORPORATING THE SERVICE AREA FOR THE BUENA VISTA COMMUNITY CLUB INTO THE ISLAND COUNTY COORDINATED WATER SYSTEM PLAN**

On Mr. Bakke's presentation and recommendation of approval, the Board by unanimous motion approved Resolution #C-10-04 (PLG-001-04) Incorporating the Service Area for the Buena Vista Community Club, Camano Island, into the Island County Coordinated Water System Plan. As noted by Mr. Bakke, this is a SEPA- exempt proposal.

*[Resolution #C-10-04/PLG-001-04 on file with the Clerk of the Board]*

**RESOLUTION #C-1104 (PLG-004-04) - ANNEXING PARCELS R23034-101-0670, R23034-059-0670, AND BRADSHAW'S ADDITION INTO THE CURRENT WATER SYSTEM SERVICE AREA OF THE HARBOR HILLS WATER SYSTEM**

The Board by unanimous motion approved Resolution #C-11-04 (PLG-004-04) In the Matter of Annexing Parcels R23034-101-0670, R23034-059-0670, and Bradshaws Addition into the Current Water System Service Area of the Harbor Hills Water System, Whidbey Island, as presented and recommended for approval by Mr. Bakke. The three additional parcels are shown on Exhibit A.

*[Resolution #C-11-04/PLG-004-04 on file with the Clerk of the Board]*

**EXECUTIVE SESSION**

Chairman Byrd announced that the Board would be meeting in Executive Session today at 11:30 a.m. as allowed under provisions of R.C.W. 42.30.110 (1) (i) to discuss with legal counsel potential litigation. The session was held in the Conference Room #218, Courthouse Administration Building, and expected to last for approximately 30 minutes, with no announcement afterwards.

There being no further business to come before the Board, on conclusion of Executive Session, the meeting adjourned at Noon. The next regular meeting of the Board will be on February 9, 2004, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

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William J. Byrd, Chairman

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Mike Shelton, Member

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Wm. L. McDowell, Member

ATTEST: \_\_\_\_\_  
Elaine Marlow,  
Clerk of the Board