

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - JUNE 28, 2004

The Board of Island County Commissioners convened in regular session at 11:00 a.m. on June 28, 2004, for a roundtable discussion with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room (Room #102B), Island County Courthouse Annex, 1 NE 6th Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda, including Diking Improvement District #4. William J. Byrd, Chairman, Mike Shelton, Member, and Wm. L. McDowell, Member, were present.

**ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS
AND APPOINTED DEPARTMENT HEADS**

Elected Officials: Tom Baenen Bill Byrd Mac McDowell Mike Shelton
Greg Banks Sharon Franzen Linda Riffe
Jan Smith for Mike Hawley Maggie Paczkowski for Judge Strow

Appointed Department Heads: Phil Bakke Elaine Marlow Bill Oakes
Cathy Caryl Tim McDonald Dan Sherk
Betty Kemp Don Meehan Dick Toft

Public: Diane Kendy, League of Women Voters

Assessor. Field work has begun in order to pick up new construction; at this point, it looks like it may be close to two hundred million this year.

Commissioners. Elected Officials and Appointed Department heads are reminded to submit along with preliminary budgets a list of what services are mandated by law and those services currently provided but are not mandated by law. Keep in mind that those things required statutorily, there is a whole range of level of service. Discussed legislation and initiatives; another ready to be turned in by Tim Eyman that proposes to replace part of the State's portion of property tax with some sort of gambling initiative.

Public Works. Bank & Office furniture for campus - Public Works purchased the furniture up-front, now, other than warranty issues, departments will be provided information as to the point of contact with B&O. Maintenance will take the lead on minor revisions to office spaces. Status, record storage - temporary modular units should be ready some time this summer. A number of Elected Officials and Department Heads expressed storage issues regarding the record storage facility, modulars, and temporary storage at MSM. Bill Oakes will follow through with Suzanne Sinclair, the County's Record Manager and Dan Sherk to set up a storage meeting to come up with a plan to avoid multiple moves and have one common plan.

Sheriff's Office. Reminder - Fourth of July – please remember “safe and sane fireworks”.

Prosecutor's Office. June 2004 will go down in history as a particularly bad month for prosecutors, having three major cases, two from the Washington State Supreme Court and one from the U. S. Supreme Court that has substantially changed the way they do business. The State Supreme Court invalidated the driving law license suspended crime for many people who drive with suspended licenses. The State Supreme Court also ruled that prosecutors could no longer charge felony murder cases based on assault, and cases already prosecuted before that decision came down and were on appeal [2 cases in Island County] will need to be reversed. The United States Supreme Court in a Washington case ruled that sentencing law has a major defect in it that has resulted in numerous unconstitutional sentences. Sheriff's deputies have been great in dealing with the issue of driving while suspended issue. For District court, it is a challenge and has far-reaching effects.

Health Department. Mosquito season upon us; difficult to determine how bad the season will be – it depends on the weather. Unless you are within a mosquito control district [only one which is located on Camano Island] mosquito control is the responsibility of the property owner. The Health Department does not enforce mosquito abatement at all, but is aggressively removing small containers and solid waste violations that would harbor mosquitoes.

Treasurer. The Treasurer has gone out with a request for proposals for bank services and expects by the end of the summer to make a decision. Consideration is being given to allow electronic capabilities including the opportunity to pay taxes by debit or credit card. A lien was filed against a business in Island County that had been five years' arrears in tax payments and have just collected back taxes.

Budget Director. Departments will be receiving budget worksheets around July 12th, and will be due back August 11th.

The Budget workshop schedule will be prepared soon and departments will be contacted with regard specific dates and times.

11:45 adjourn roundtable. Next meeting July 26, 2004 at 11:00 a.m.

The meeting at 1:30 p.m. began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the June 21, 2004 Board meeting as presented.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #192673 - 192935\$309,266.71.

INTERLOCAL AGREEMENT BETWEEN THE STATE OF WASHINGTON, OFFICE OF THE SECRETARY OF STATE, AND ISLAND COUNTY AUDITOR'S OFFICE

Interlocal Agreement as presented by the Auditor, Suzanne Sinclair, with the State of Washington, Office of the Secretary of State # IG-2779 [RM-AUD-04-0065] in the amount of

\$70,444 in funding assistance to help pay for additional costs caused by the new primary was approved by unanimous motion of the Board.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description/ Position #	Action	Eff. Date
Planning	059/04	Asst. Planner #1708.02	Replacement	7/22/04
Planning	060/04	Asst. Planner #1708.04	Replacement	7/19/04

JULY STAFF SESSION SCHEDULE

The Staff Session schedule for July, 2004, was approved by unanimous motion of the Board. The regular staff session for the first Wednesday has been canceled, and a special staff session added for July 14, 2004. The regular third Wednesday staff session will be held as scheduled on July 21, 2004. Both sessions begin at 9:00 a.m. and are held in the Commissioners' Hearing Room, #B102, 1 NE 6th Street, Coupeville, Wa.

HEALTH DEPARTMENT CONTRACTS APPROVED

Having had an opportunity during a staff session recently to review Health contracts with the Health Services Director, the Board by unanimous motion approved the following contracts:

Contract #HD-04-04 - Evergreen Aids Foundation for Title II funding for HIV Case Management; Contract Amount: \$19,500 (RM-HLTH-99-0044)

Contract #NSMHA-ISLAND-04-05, Amendment 1 - North Sound Mental Health Administration for implementation of required Consumer Oriented Projects; Original Contract Amount: \$121,719.76 Amendment Amount: \$9,634.76 (RM-HLTH-99-0053)

Contract #0463-52238 - WA. State DSHS to provide Alternate Response System services for home visits to families referred by Child Protective Services; Contract Amount: \$13,832 (RM-HLTH-03-0008)

Contract #C08679 Amendment 10 - Consolidated Contract Amendment with WA. State Department of Health providing additional funding to WIC/USDA, WIC Immunization, CSHCN/WISE, and tobacco prevention programs; Contract Amount: \$1,007,866 Amendment Amount: \$40,433 (RM-HLTH-02-0094)

Contract #0463-41968, Amendment 1 - WA. State DSHS to continue funding for Foster Care Passport program for 12 months; Contract Amount: \$27,204 Amendment Amount: \$18,136 (RM-HLTH-01-0064)

Contract #0363-36428 Amendment 1 - WA. State DSHS to reduce contract amount due to developmentally disabled individual

moving to Skagit County; Contract Amount: \$722,830 Amendment Amount: \$2,640 decrease (RM-HLTH-99-0054)

Contract #HS-07-04 - Service Agreement with Village Community Services to provide technical assistance to a developmentally disabled participant and employer, Contract Amount: \$550 (RM-HLTH-04-0060)

Contract #HD-05-04 - Agreement with Snohomish Health District for funds to implement special projects as identified by Region 1 of Public Health Emergency Preparedness & Response Program; Contract Amount: \$29,980 (RM-HLTH-04-0061)

- Contract #20958, Amendment 8 - WA. State DSHS to continue Public Health Nurse services for child abuse prevention; DSHS Contract Amount: \$131,080 Amendment Amount: \$21,432 (RM-HLTH-99-0050)

PUBLIC INPUT OR COMMENTS

- Diane Kendy, South Whidbey resident, without reference to a specific project, urged the Board re-visit the issue of Conservation Futures allocations and eliminate the provision about strict allocation by area which would leave more flexibility for funding where properties become available.

CONTRACT/CONTRACT BOND/ESCROW AGREEMENT #PW-0420-102 - KRIEG CONSTRUCTION, INC. - 2004 WHIDBEY ISLAND HMA OVERLAYS

- Pulled at the request of Bill Oakes, Public Works Director, to allow time to receive signed contract and bond from contractor.

RETAINAGE BOND – ISLAND COUNTY & LAKESIDE INDUSTRIES - 2004 CAMANO ISLAND OVERLAYS

- As presented by Mr. Oakes, the Board by unanimous motion approved and signed the Retainage Bond in the amount of \$13,190.20 between Island County and Lakeside Industries, successful bidder for the 2004 Camano Island Overlays, under CRP 04-01, Work Order 357.

PURCHASE ORDER 6178 – GEOLINE POSITIONING SYSTEMS, INC. - TRIMBLE GPS & ROBOTIC SURVEY SYSTEM

- Pulled at the request of Mr. Oakes –still in review process.

SUPPLEMENTAL AGREEMENT NO. 2 - #PW-0020-28(B) - CERTIFIED LAND SERVICES CORPORATION

Supplemental Agreement 2 - #PW-0020-28(B) between the County and Certified Land Services Corporation was presented by Mr. Oakes, held over from the last meeting in order to have an opportunity to present requested information to the Board. The Supplement changes the Scope of Service, Compensation for Services, Time of performance, and Notice and Authorized Representatives.

As Commissioner McDowell recalled, there had been some discussion previously and Mr. Oakes provided additional information to the Board on this topic last week. The discussion revolved around the amount this contractor increased cost of services, varying between \$65 to \$75 = 15%; \$65 to \$85 = 31%; and \$85 to \$145= 71% over the period 2001 to present.

Mr. Oakes verified that the job this contractor will be doing for Bayview Road, the contractor agreed to keep the same cost per hour as the original scope of services. What is being added under Bayview is special negotiation services. Beyond that Mr. Oakes will watch how much of the work is done by the higher cost value for project manager versus negotiator. For future projects, Mr. Oakes was asked to keep the Board informed about what kind of percentage the owner will be doing the work at the higher rate vs. the negotiator.

By unanimous motion, the Board approved Supplemental Agreement #2 #PW-0020-28(B) between Island County and Certified Land Services corporation as presented.

ADOPT-A-ROAD LITTER CONTROL PROGRAM – NAVAL SECURITY GROUP ACTIVITY WHIDBEY ISLAND

- Adopt-a-Road Litter Control Program with Naval Security Group Activity Whidbey Island, for litter control on Oak Harbor Road from Ault Field Road to Oak Harbor City limits was approved by unanimous motion of the Board.

PHASE II ENVIRONMENTAL SITE ASSESSMENT CONTRACT #PW-0420-89 - EARTHWORKS ENVIRONMENTAL, INC.

Phase II Environmental Site Assessment Contract #PW-0420-89 between Island County and Earthworks Environmental, Inc. in the amount of \$9,135.00 for Phase II site assessment related to Diking District #4 property was approved by unanimous motion of the Board.

BID RECOMMENDATION - HARBOR HILLS DRAINAGE OUTFALL

Bid Recommendation for Harbor Hills Drainage Outfall, #PWP 00-02, under Work Order #281 was presented by Mr. Oakes. Both the Public Works Director and County Engineer recommend rejection of the one bid received.

Commissioner McDowell observed that Consultant's estimate on this project which involves placing pipe down a steep hill and would involve a crane, had not been figured into the

estimate. The consultant is a design engineer rather than a construction-type engineer and therefore does not get involved in the construction phase and perhaps did not understand the magnitude or complexity of the project. The County Engineer and Public Works Director estimated the project between \$130,000 and \$150,000, and hired an outside consultant to re-evaluate the Engineer's estimate. The consultant's high end estimate was \$161,689 and the bid price came in at \$172,943, less than 7% difference. The Public Works Director points out that the bid price is above both the original Engineer's estimate and outside of the review estimate range and felt there were certain bid tab item costs that are excessive. Normally it is the final numbers that make the decision. In looking at those two or three items of concern, those were not units that would increase because they are lump sum items, such as mobilization and erosion control. When a project is within 7%, he disagreed with rejecting the bid and moved to approve the bid of \$172,943.50.

Commissioner Shelton agreed with what Commissioner McDowell stated, and acknowledged it was unfortunate to have only one bidder. The bidder went to the trouble to bid an extremely difficult project involving laying pipe over a bluff, etc. He is not an engineer and willing therefore to support staff, cautioning he would be one irritated county commissioner if bids come back in the same range. If that happens, this contractor would have been singled out as someone who with due diligence bid and the County did not accept the bid and then end up giving it to someone else for somewhere close to the same amount of money. Basing an award of bid on an engineer's estimate requires there be a qualified engineer doing the estimate. If the engineer that did this estimate was not qualified, then to use that as a basis to turn the bid down would be absolutely wrong. Another engineering firm qualified to do the estimate came back with a range of \$90,000 to \$160,000. It was with great reluctance not to second the motion, but would trust staff. With all of the information that has come to light, neither the Public Works Director nor County Engineer had been swayed in their recommendation to reject the bid and he was therefore willing to accept recommendation of staff.

The Public Works Director guaranteed this will get out for bid and constructed this year without fail

Commissioner McDowell recalled having talked with one of the major contractors who did not bid this job and gave two reasons: (1) busy; (2) the primary reason was that it was a very difficult contract and did not want to take the risk. Giving a range to a decision maker indicates it is a difficult job with a lot of variables. Commissioner McDowell noted that to bid a very difficult project in the middle of the summer risked receiving bids at least as high as the one received. He encouraged a second to his motion.

Chairman Byrd in this case went with the staff recommendation, noting two basic reasons why he could not support awarding the bid: one, staff was given the task and had been put through the grinder; second, the Commissioners are entrusted to be good custodians of the public funds and he would like to see more than just one bid.

Motion as made by Commissioner McDowell died for lack of a second.

Commissioner Shelton moved that the Board reject the bid for Harbor Hills drainage outfall #PWP 00-02, work order 281. Motion, seconded by Commissioner Byrd, carried by majority vote; Commissioner McDowell voting in opposition.

EASEMENTS (3): DONALD E. & PATRICIA L. HEITMANN - SIMONSON PLACE OUTFALL PROJECT PWP 04-02 WORK ORDER #92

The Board approved by unanimous motion three easements from Donald E & Patricia L. Heitmann associated with Simonson Place Outfall project PWP 04-02, Work Order #92, as follows:

Drainage Easement: Lots 17, 24, 25, 26, 27, 28, 29, 30 and 37, vacated (4) Plat of First Add. Of Cavalero Beach, Vol. 3 of Plats, page 17 Assessor's Tax Parcel ID: R33118-210-1390

Temporary Construction Easement: Lots 17, 24, 25, 26, 27, 28, 29, 30 and 37, vacated (4) Plat of First Add. of Cavalero Beach, Vol. 3 of Plats, page 17 Assessor's Tax Parcel ID: R33118-210-1390

Slope Easement: Lots 17, 24, 25, 26, 27, 28, 29, 30 and 37, vacated (4) Plat of First Add. of Cavalero Beach, Vol. 3 of Plats, page 17 Assessor's Tax Parcel ID: R33118-210-1390

There being no further business to come before the Board at this time, the meeting adjourned at 2:40 p.m. Island County offices will be closed on Monday, July 5 in observance of Independence Day holiday, and will reopen on Tuesday, July 6 and the next regular meeting of the Board will be on July 12, 2004, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

William J. Byrd, Chairman

Mike Shelton, Member

Wm. L. McDowell, Member

ATTEST: _____
Elaine Marlow, Clerk of the Board