

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
AUGUST 23, 2004 SPECIAL AND REGULAR SESSION**

SPECIAL SESSION

In place of the regularly-scheduled 11:00 a.m. Roundtable with Elected Officials and Appointed Department Heads normally held at the County Courthouse Annex Basement Hearing Room, the Board met in Special Session for the purpose of touring the County's Record Storage facilities with Island County Elected Officials and Appointed Department Heads, located at the Island County Solid Waste Facility, 630 SR 20, Coupeville, Wa.

Elected Officials and Appointed Department Heads

Tom Baenen	Phil Bakke	Greg Banks
Bill Byrd	Cathy Caryl	Sharon Franzen
Betty Kemp	Elaine Marlow	Mac McDowell
Dan Sherk	Bill Oakes	Linda Riffe
Suzanne Sinclair	Dick Toft	Mike Shelton

Others: Various County staff

Press: Eric Berto, Whidbey News Times
Stephen Mercer, South Whidbey Record

The tour of the Record Storage facilities afforded an opportunity to all participants to be fully aware of exactly what each office and department has stored at the Center. Volume of retired county records exceeds current available storage space. Modularity now placed on site which will be turned into storage for temporary records after some required modifications.

Special Session ended on conclusion of the tour. Next regular roundtable will be held on September 27, 2004, beginning at 11:00 a.m. in the Island County Courthouse Annex hearing room (102-B), 1 N. E. 6th Street, Coupeville, Wa.

REGULAR SESSION

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on August 23, 2004, at 1:30 p.m., in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th 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 the August 16, 2004

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Voucher (War.) #196335 - 196562\$690,046.27.

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
Planning	076/04	Assistant Planner	1707.02	Replacement	9/13/04
Planning	077/04	Planning Tech I/II	1601.04	Replacement	8/23/04

**LETTER OF AGREEMENT BETWEEN ISLAND COUNTY AND BANK & OFFICE INTERIORS -
CAMANO ANNEX**

As a follow-on from Staff Session on August 4, 2004, Dan Sherk, Facilities Director, presented Letter of Agreement between

Island County and Bank & Office Interiors (RM-MAINT-04-073) concerning the space analysis study for the Camano Courthouse Annex. When presented at staff session the amount was \$3,500, now \$4700. The difference as explained by Mr. Sherk adds a total 22 hours which equates to the additional \$1100 for site survey on Camano Island; draw the building as-builts into a useable CAD format for the planning process, including to-scale floor plan of the interior of entire building.

By unanimous motion, the Board approved Letter of Agreement between Island County and Bank & Office Interiors (RM-MAINT-04-073) in the amount of \$4,700.

STAFF SESSION SCHEDULE FOR SEPTEMBER, 2004

Staff Session Schedule for September, 2004 was approved for distribution. Both regular staff sessions have been canceled (first and third Wednesdays in September) and two special sessions scheduled: September 8 and September 29. Both sessions will begin at 9:00 a.m. and will be held in the Courthouse Annex Hearing Room located at 1 NE 6th Street, Coupeville (R102-B).

CLAIM OF LIEN (NUISANCE ABATEMENT COSTS) - ISLAND COUNTY, CLAIMANT, VS. RICHARD W. HARRIS AND SPARROW S. HARRIS

Claim of Lien for nuisance abatement, Island County, Claimant, vs. Richard w. Harris and Sparrow S. Harris, was approved by unanimous motion of the Board in the amount of \$1091.35 as outlined in the Health Services Director's memo of August 18, 2004. *[document to be recorded; copy on file with the Clerk of the Board]*

BID AWARD - FOUR SPRINGS PROJECT

Betty Kemp, Director, GSA, presented recommendation to award bid to the low bidder for the Four Springs renovation project. The Engineer's estimate came from CPDS estimating, the subcontractor hired by the Designs Northwest architect. The acreage (aka Natoli property, Camano Island) is owned by the County, purchased with Conservation Futures funds, and REET funds used to purchase the buildings, to be remodeled into a conference center.

By unanimous motion, the Board awarded bid for the Four Springs renovation project to the low bidder, Van Rossen Construction, in the amount of \$345,260.89.

PUBLIC INPUT OR COMMENTS

Mary Campbell via video conference on Camano Island addressed Commissioner Byrd with a water problem she has recently experienced related to Chapman Creek, spring fed. The water is spasmodically running crazy. Her pond was 3' below the spillway the day before yesterday; this morning, running full force. She did not experience a complete cessation until sometime over

the weekend. She wanted to know what she would have to anticipate in the future with Camano Co-op regards this water.

Commissioner Byrd made an appointment with Ms. Campbell at the Camano Office tomorrow to review the matter further with her.

AWARD OF BID FOR ONE 2005 DUMP TRUCK CAB & CHASSIS 3-AXLE, SETBACK FRONT AXLES WITHOUT HOIST & DUMP BOX AND APPROVAL OF PURCHASE ORDER FOR DUMP BODY

In accordance with the recommendation of Bill Oakes, Public Works Director, and Dick Snyder, County Engineer, the Board by unanimous motion awarded bid to Motor Trucks, Inc., the low bidder, for one (1) 2005 dump truck cab & chassis 3-axle, setback front axles, without hoist & dump box, in the amount of \$83,247.36, including mandatory trade-in and tax; and approved a purchase order in the total amount of \$32,883.09 to Northend Truck Equipment, Inc. [purchasing off the city of Tacoma's contract #UF04-0131F] for dump body and installation.

SUPPLEMENTAL AGREEMENT NO. 2 – PW-0120-39(B); ISLAND COUNTY AND HERRERA ENVIRONMENTAL CONSULTANTS, INC.

Supplemental Agreement 2 to #PW-0120-39(B) between Island County and Herrera Environmental Consultants, Inc., changing the agreement completion date to December 31, 2007, and maximum amount payable in the amount of \$340,000.00, was approved by unanimous motion of the Board as recommended by Mr. Oakes.

- **CONTRACT/CONTRACT BOND #PW-0420-133 - SRV CONSTRUCTION, INC. - HARBOR HILLS OUTFALL PROJECT**

The Board by unanimous motion approved the Contract and Contract Bond, #PW-0420-133, between Island County and SRV Construction, Inc., for the Harbor Hills Outfall Project # PWP 00-02, Work Order 281 in the amount of \$96,578.50. Public Works and Engineering staff were congratulated by Commissioner Shelton for their good work on this project.

- **CONSULTANT AGREEMENT #PW-0420-130 - KDD & ASSOCIATES, LLC.**

Consultant Agreement #PW-0420-130 between Island County and KDD & Associates, LLC., under Work Order #140, was held for further review at a September staff session.

- **ADOPT-A-ROAD LITTER CONTROL PROGRAM – DR. CRAIG WEINSTON, THE CHIROPRACTIC ZONE - HARBOR ROAD FROM HWY 525 TO LAYTON ROAD**

Adopt-A-Road Litter Control Program Agreement between Island County and Dr. Craig Weinston, The Chiropractic Zone, for Harbor Road from Highway 525 to Layton Road, was approved by unanimous motion of the Board. _

- **STORMWATER MITIGATION AGREEMENTS AND COVENANTS - PLAT OF HOLMES HARBOR GOLF & YACHT CLUB**

The following stormwater mitigation agreements and covenants were approved by unanimous motion of the Board as presented and recommended for approval by Mr. Oakes;

- Stormwater Mitigation Agreement & Covenants – PW-0320-151; Island County and Ray & Roni Cook; Lot 14, Block 4, Division 6, Plat of Holmes Harbor Golf & Yacht Club.
- Stormwater Mitigation Agreement & Covenants – PW-0420-128; Island County and Walter & Louise Peck; Lot 5, Block 3, Division 6, Plat of Holmes Harbor Golf & Yacht Club.
- Stormwater Mitigation Agreement & Covenants – PW-0420-126; Island County and Francis & Diane LaFond, Lot 3-3, Division 3, Plat of Holmes Harbor Golf & Yacht Club.

- An amount of \$196 is assessed to each lot as a condition of receiving a building permit for the mitigation of the owner's surface water impacts by contributing a pro rata fair share fee towards the completion of a stormwater improvement plan. When all lots are developed Mr. Oakes indicated that the County will have recouped its portion of the study.

The Commissioners asked that Mr. Oakes provide a follow-on report as far as how much has been collected, from how many lots, as well as the number of lots remaining that are undeveloped.

Under the topic of stormwater Commissioner Shelton brought up the fact that when the Marshal Road drainage basin study was done, owners were assessed for that work. This group of people for whatever reason are still having to pay a maintenance fee, and he requested this issue be re-visited. The Board agreed it was worth looking into.

- **HEARING HELD: RESOLUTION #C-67-04 AMENDING ISLAND COUNTY CODE CHAPTER 2.20A ISLAND COUNTY FAIR**

Chairman Byrd opened a Public Hearing at 2:45 p.m. on Resolution #C-67-04, amending Island County Code Chapter 2.20A, Island County Fair. At the time of hearing, approximately eleven citizens attended.

As Commissioner Shelton recalled, on July 12, 2004, the Board held a public hearing on proposed Resolution #C-67-04 and continued the hearing for a few weeks in order to send the proposed code changes and the adopted 1999 Fair bylaws back through the Chief Civil Deputy Prosecuting Attorney to determine whether or not the proposed code changes contradict the bylaws, continuing the hearing until July 26, 2004 at 2:45 p.m. In order to allow sufficient review time for legal staff with respect to consistency between the proposed code changes and the Fair Association Bylaws, the Board continued the July 26th hearing date to this date and time. David L. Jamieson, Jr., Chief Civil Deputy Prosecuting Attorney, reviewed the County Code in comparison to the by-laws of the Fair Association. [*The Board made available to audience members copies of Mr. Jamieson's memorandum dated August 12, 2004 and attachments; copy placed on file with the Clerk of the Board*]. Commissioner Shelton noted that some of the issues in the discrepancies would be corrected by the Resolution before the Board today. Other discrepancies have been forwarded to the Fair Board of Directors, i.e. discrepancies within the bylaws themselves that need to be corrected by the Fair Board, and the bylaws also need to be made consistent with the County Code.

Commissioner McDowell pointed out that Mr. Jamieson's memo brings up two different issues: One, where there are internal inconsistencies within existing bylaws; second, where the bylaws are inconsistent with County Code.

Morrie Hood, current member of the Fair Association, as a member of the South Whidbey Lions Club, been very involved in some of the improvements that have been made to the Fair facilities. He encouraged that the Board review the entire operation of those facilities, believing the facilities are totally underutilized, believing there should be an avenue to keep those facilities in year-round use. He suggested strengthening the Fair Board, and felt that having a Fair Board and a Fair Association Board is a convoluted way of doing things. He did not believe tweaking the bylaws would resolve the problem and thought the Fair Association Board should stand down and become a committee of the Fair Board.

Commissioner Shelton observed that per Island County Fair Code, the Fair Board is primarily elected by the Fair Association: the Association elects a Board; the Board of County Commissioners appoint three of those Board members. The Fair Board is responsible for the operation of the fair and fairgrounds. He did note one of the inconsistencies as pointed out in Mr. Jamieson's memo:

Article VII, Section 4, of the Bylaws, "Duties and Procedures" of the Board of Directors, fails to list the duties and responsibilities of the Board of Directors detailed in ICC 2.20A.030 and 2.20A.050. Additionally, Article VII, Section 1 (a) of the Bylaws conflicts with ICC2.20A.030 and 2.20A.050 because it states the control and management of the Island County Fair rests in the Board of Directors of the Fair Association "subject to the direction of the Association members". The County Code provisions clearly put the Fair operation and management responsibilities in the Board of Directors and Fair associations officers, not subjecting them to being overruled by a vote of Fair Association members. Instead, Fair Association members once a year have the power to elect as their representatives the Fair Association officers – President, Vice President, Treasurer and Secretary – as well as the Board of Director positions that expire each year.

In terms of utilization of the Fair facilities, Commissioner Shelton agreed the facilities were under utilized, but in terms of what is to be done, he would leave that to the Fair Board and Fair Association. He pointed out that the President of the Association is automatically on the Fair Board of Directors.

Commissioner McDowell was appreciative of Mr. Jamieson's review; one, from the legal standpoint with respect to the Association bylaws finding several inconsistencies and recommending those be corrected so as not to be internally inconsistent, which will be the job of the Fair Board of Directors; and secondly, other inconsistencies in the bylaws with County Code that need to be brought into compliance with County Code.

Commissioner McDowell moved that the Board approve Resolution #C-67-04 amending Island County Code 2.20A, Island County Fair. Motion was seconded by Commissioner Shelton.

Under discussion, Commissioner Shelton commented his hope that the Fair Association and Board of Directors would as a high priority make their bylaws internally consistent, and bring those bylaws into consistency with Island County Code.

Debbie Holbert understood that the proposals were made by the Fair Board to change County Code so as to comply with their bylaws. She did not agree that the resolution necessarily

reflected changes that were made in 1999 to the bylaws, that in fact, some of the changes were not approved by the fair membership, specifically, the language in 2.20A.030 was voted down during the last time that the bylaws came up for

consideration.

- Commissioner Shelton explained that the Commissioners met with representatives of the Fair Board and went through issues that were brought up, and agreed to consider amendments to County Code as described in Resolution C-67-04. At the July 12th hearing, Ms. Holbert had not been convinced by that the bylaws were consistent with county code and the Board decided to continue the hearing in order to have the Chief Civil Deputy review the bylaws and make sure there was consistency through both documents. The Board of County Commissioners has the ability to change County Code, which in this case will be done if Resolution #C-67-04 is adopted, and the County Code is the defining document for the Island County Fair, and the responsibility of the Fair Association to bring their bylaws into agreement with the County Code. With adoption of Resolution #C-67-04, ICC 2.20A.030 would read:

(1) The Fair Association Board of Directors shall be responsible for the selection and hiring/firing of the Island County Fair paid staff. Hiring a Fair Manager is optional with the Fair Association Board of Directors, provided, however, that the selection and hiring/firing of a Fair Manager by the Board of Directors is subject to the review and approval by the Board of County Commissioners.”.

- Ms. Holbert continues to fear this is an end run around the Fair Association by the Fair Board in order to change County regulations and force changes to the bylaws they want. It is only the Fair Association that can make changes to the bylaws.

Commissioner McDowell made the point that the Fair Board is a group of people the Association membership votes as their governing body, and referred Ms. Holbert to item No. 3 of Mr. Jamieson’s letter:

Article VII, Section 9(a) states: “All business relating to policy and funding shall first be considered by the above Board [of Directors]. Recommendations shall be presented to the General membership at the next Association meeting.” (emphasis added). This appears to require the Fair Association general membership to approve policy and funding decisions of the Board of Directors before they can be implemented. Because the control and management of the fair is to be by the Fair Association Board of Directors under ICC 2.20A.030 and 2.20A.050, require Fair Association general membership approval of policy and funding decisions of the Board of Directors is inconsistent with the County Code.

- Commissioner Byrd echoed the comments of Commissioners Shelton and McDowell. He pointed out the language in the Exhibit to Resolution C-67-04:

ICC 2.20A.080 Island County Fair Association Bylaw Review.
Revisions to the bylaws of the Island County Fair Association shall require the review and comment by the Board of County Commissioners before said revisions may become effective.

Gina Smith, President, Island County Fair Association, expressed her appreciation on behalf of the Fair Association to the Board as well as Mr. Jamieson for all the work that had been done on the changes proposed in Resolution #C-67-04. She confirmed that the changes were brought to

the Board of County Commissioners by the Fair Association originally so as to gain some consistency between the bylaws that had been voted on in 1999 and the bylaws presented to the membership this year from a bylaw committee, turned down by the general membership of the Association because neither set were consistent with County Code. The goal was to get the consistency.

Motion, as made and seconded to approve Resolution #C-67-04, carried by unanimous vote.
[Resolution #C-67-04 on file with the Clerk of the Board]

- Commissioner Shelton on invitation of Ms. Holbert, said he would be more than happy to attend the next Fair Board meeting [2nd Monday].

- There being no further business to come before the Board at this time, the meeting adjourned at 3:20 p.m.

Inasmuch as Monday, August 30th is a fifth Monday there is no regularly scheduled meeting of the Board that date. Island County offices will be closed on Monday, September 6 in observance of Labor Day. The next regular meeting of the Board of County Commissioners will be held on

Monday, September 13, 2004, beginning 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