

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - JANUARY 24, 2005****ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS  
AND APPOINTED DEPARTMENT HEADS**

The Board of Island County Commissioners convened in regular session at 11:00 a.m. on January 24, 2005 for a roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room (Room #102B), Island County Courthouse Annex, 1 NE 6<sup>th</sup> Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda.

**Attendance**Elected Officials and Appointed Department Heads:

Tom Baenen	Phil Bakke	Greg Banks	Robert Bishop	William J. Byrd
Cathy Caryl	Betty Kemp	Elaine Marlow	Don Meehan	Tim McDonald
Wm. L. McDowell	Mike Shelton	Bill Oakes	Dan Sherk	Suzanne Sinclair
Dick Toft	J. Smith for Mike Hawley		M. Paczkowski for Judge Strow	

Others Attending: Diane Kendy, League of Women Voters of South Whidbey

**GOAL SETTING – 2005 ROUNDTABLES****Legislative Session - Lobbying**

The Auditor and Assessor see the importance of communication in all aspects, particularly during the legislative session. Elected Officials participate in various groups which allows opportunity for lobbying. Realizing there are issues of importance to other county departments, such as Public Works, Health Department, etc. there is an opportunity for them to gain assistance by alerting the Auditor, Assessor or other Elected Officials if there is something of interest to be relayed on their behalf. The offer extended to the Commissioners as well recognizing their schedule often precludes their participation.

**Taxpayer Use of Credit Cards**

The Auditor mentioned that citizens increasingly request to use credit cards to pay for services charged by the County. The Treasurer is working to make it so people can pay property taxes by use of credit cards on line, and District Court uses an agency that takes the payment for District Court and puts it directly into the bank account, at a minimum charge to the client of \$7.95. However, the issue needs to be addressed county wide so that citizens can use a credit card for other services such as paying for birth or death certificates, etc. Need to address all issues in researching the idea.

*Follow-up.* Come back and visit this issue again.

**Meeting Schedules - Meeting/Conference Rooms - Communication**

The Auditor commented about some frustration when the Board's meeting schedule or staff session schedule changes; nice to adhere to the timetable so that others can participate and be informed.

The Chair noted that often times with Staff Sessions it is a case where departments cancel at the last

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minute and the Commissioners try to rearrange so that the session can move forward. When a department cancels in sufficient time a revised schedule is prepared, but when cancellations occur the morning of the staff session there simply is not enough time to do any kind of notification.

**Human Resources** Director brought up the need to work on professional courtesy. An example is when transferring a telephone call to another office, stay on the line and advise the person who is on the other line and the topic of conversation if known. Meeting/conference rooms are constantly in use and needed; if you are scheduled on the calendar to use a room and cancel, please advise Maintenance so that another group or department may use the room.

One area of importance from the Health Department's perspective is continuing to communicate about document storage and access. There is great leadership with the Records Manager; reminder – it is not necessarily that all documents have to be stored; some can be filmed and sent elsewhere for storage.

**Central Services** Director noted numbers of folks who come in the building[s] looking for certain departments or specific services and brought up the idea of providing a list of each department within a building and associated functions within that department made available to assist folks with the correct department. The Auditor has a bi-fold information sheet from Snohomish County – a map that shows by function where those functions occur; it is a document that Island County could review and perhaps adapt for use by the County, something that could also be placed on the web site. Will bring to the next Roundtable for review.

*Follow-up:* Mr. Meehan will float the concern brought up about Board meeting schedules and staff sessions to the Department Heads and Elected Officials in an attempt to come up with some way to deal with the basis concern, and bring the issue back at a subsequent roundtable.

**ROUNDTABLE DISCUSSION**

**Assessor.** Senior Citizen levels of income for the exemption went up \$5,000; there are 1391 seniors participating in the program. New construction on the rolls came in at \$218,803,338, with a total value for Island County of \$8,479,256,272. Personal property [1382 accounts] value \$60,882,575; single family residence category is 7 million plus; multiple family residences 119 million. That will fall under personal property with the acquisition of 58% interest in all of the military housing by American Eagle. The majority of military housing is in the Oak Harbor area. In terms of military housing, of all of the Puget Sound military entities, excluding Ft. Lewis, the largest is NAS Whidbey.

**Auditor.** Inventories are due the end of the month. Over the course of last year have been doing surprise cash counts. If there is a particular time that is especially bad for that to happen, please let the Auditor know what that is and she will try to work around that.

**Budget Director/Clerk of Board.** Making a real effort to put as much information as possible on agendas for Board meetings which are distributed on Wednesday afternoons before the Monday meetings. Please keep that in mind when providing items for scheduling to include information that will indicate what the purpose of the contract, agreement, or MOU is.

**Central Services.** Gearing up for tax statements. Finished the re-wire for the Nurses Building and linked it back up. Continue to work on cleaning and speeding up the network. Very close to having

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wireless communications between I-COM and the Sheriff's Office [look for that to happen mid-summer; applying for a grant to fund the majority of that]. Nextel phones used by many employees do not work within the buildings; Nextel offered to wire one building with a repeater at no charge to allow good reception within that building. There are still some issues because departments in other buildings need reception as well and it then becomes a cost issue. She will check on the status and report back.

**Commissioners.** Chairman Shelton reviewed for Appointed Department Heads the County's leave slip requirements for Department Heads:

Department Heads need to advise the Board when away from the office. Memos 1987 and 1990 addressed the requirement when taking a day off: a leave slip is to be submitted and approved by the Chairman or other members of the Board.

When away from the office less than a full day, the Board requests a call or e-mail to allow contact if needed.

County Office hours are 8:00 a.m. to 4:30 p.m. Department Heads are reminded of the importance of setting a good example.

Commissioner Byrd holds a Town Hall Meeting on Camano Island the third Thursday of each month at 7:00 p.m. Anyone having an item to present to the public at one of those meetings, please contact him. It is a great opportunity to interact with the public.

**District Court.** City of Oak Harbor tabled plans to withdraw from District Court for a couple of years.

**GSA.** Anticipate a large number of Board of Equalization appeals this year.

**Health Department.** First confirmed flu case. Flu shots are still available open to adults and children of all ages.

**Public Works**Juvenile Detention Center.

Hand-out: Color coded Construction Parking Plan –Campus Map – parking during Juvenile Detention Center (JDC)

Anticipated construction completion February 2006. Campus parking as it relates to construction of JDC provides enough stalls for people using parking lots. Questions about parking should be directed to Mike Morton.

Chairman Shelton addressed economics once JDC becomes operational. The County continues to collect the 1/10<sup>th</sup> of 1% sales tax for this purpose. That, in addition to the amount of money that has and is being spent from Current Expense to house juveniles in other counties, along with the amount of money that has been paid to the Deputy Sheriff Reserve Association to transport juveniles, those three things combined hopefully will come together in sufficient amount to operate the new JDC.

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Commissioner McDowell pointed out that the whole intent was to have the money in hand before starting. Construction inflation is quite a bit more than just standard inflation so construction price is out-pacing the sales tax collected; therefore, the Board will have to decide which type of borrowing has to be done [likely out of one of the REET funds, not current expense].

Record Storage. Board agreed to a scope of work at last staff session; Public Works is moving forward to get that out as a contract. Expect the facility to be available by the end of September.

Town of Coupeville Road Construction Plans. Construction date starting late Spring and will involve daylight closures of Main Street from the Catholic Church south to Front Street.

**Planning & Community Development.**

GMA requires every jurisdiction update on a seven year schedule the Comprehensive Plan. In 1997 Island County put together an “Annual Review Amendment Process” which has been very successful. In each of the last seven years there were between six to twelve separate amendments. Aware of the pending update, the Department some years’ ago discussed with the Board how to tackle the update process and decided on an incremental approach using the annual review process. The past three or four annual review amendments staff has added in a whole series of issues deemed necessary from a code perspective as well as from the community as far as what needed to be reviewed, updated or developed. Conscientiously waited until this year to focus energy and effort on critical area ordinances. Have been in the process of negotiating a contract for technical and legal support and will be proposing later today that the Board approve a Contract with Keith Dearborn, who assisted with the development of the 1984 and 1997 codes. Contract negotiated will prove to be a value to the County. While \$351,550 over the course of two years may on first blush seem high, Mr. Bakke pointed out that when looking at costs from other consultants, the rate negotiated is a good rate. The Department will also be proposing that the Board retain services of some biological folks. Preparing for this update, building and land use fees have been collected and saved up some three years’ knowing the update was coming and the County would need some outside help. Important to note that there are limitations on how those funds can be spent , i.e. cannot be used to fund just any other current expense costs. [successful lawsuit against Whatcom County some years ago].

*Roundtable adjourned 12:06 p.m.; next Roundtable February 28 @ 11:00 am.*

Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda, including Diking Improvement District #4). This portion of the meeting opened with the Pledge of Allegiance. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd were present.

**VOUCHERS, BILLS, PAYROLL AND MINUTES APPROVED**

By unanimous motion, the Board approved the January 15, 2005 payroll and the following vouchers/warrants:

2005 Warrant #205515-205703 .....	\$262,916.75
2004 Warrant #205178-205514 .....	\$830,258.66

By unanimous motion, the Board approved the minutes from the Regular Meeting held on January 10, 2005.

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By unanimous motion the Board approved the following appointments:

Provided Board of Island County Commissioners concurrence in the appointment by Snohomish County Council of Jeanne Steffener, Everett, to the Sno-Isle Regional Library Board for a term until December 31, 2011

Appointed as alternate member representing local planning on the Marine Resources Committee for Island County, Joe Burcar, Shorelines Planner, Island County Planning & Community Development Department

Appointed Phyllis Kind, Greenbank to serve as representative of the Island County MRC on the Northwest Straits Commission for the year 2005

**STAFF SESSION SCHEDULE – FEBRUARY, 2005**

By unanimous motion, the Board approved the Staff Session Schedule for February, 2005, outlining the regular staff sessions to be held on February 2 and 16 beginning at 9:00 a.m.

**ASSESSOR CERTIFICATE OF LEVY**

*[Pulled from the agenda at the request of the Assessor]*

**LEASE AGREEMENT WITH NEXXPOST FOR HASLER WJ220 MAIL SYSTEM**

As presented and explained by Cathy Caryl, Central Services Director, the Board by unanimous motion approved Lease Agreement (RM-CS-04-0131) with Nexxpost for Hasler Dynamic WJ220 Mail System for total lease payment \$24,540.00 including sales tax, over 60 months [lease to own unit]. As noted by Ms. Caryl, changes recommended by the Deputy Prosecuting Attorney under Contract Review have been made.

**CONTRACT WITH WA. ST. DEPT. OF FISH & WILDLIFE FOR A VOLUNTEER COOPERATIVE PROJECT GRANT FOR THE ISLAND COUNTY MARINE RESOURCES COMMITTEE SHORE STEWARDS PROGRAM**

A contract between Island County and the Washington State Department of Fish & Wildlife for a Volunteer Cooperative Project Grant for the Island County Marine Resources Committee Shore Stewards program, Contract # 04-1996 in the amount of \$18,790 was approved by unanimous motion of the Board (RM-EXT-04-0116).

**CONTRACTS FOR 2005 TOURISM PROGRAM FUNDED BY 2% HOTEL/MOTEL LODGING TAX REVENUES**

By unanimous motion, the Board approved the following contracts for approved 2005 Tourism Program funded projects from 2% Hotel/Motel Lodging Tax Revenues:

- Camano Arts Assn. for Camano Island Studio Tour 2005 \$1,500 (RM-BOICC-04-0120)
- Freeland Chamber of Commerce for Freeland Visitor Inf. Center \$12,000 (RM-BOICC-04-0121)
- Camano Island Chamber of Commerce for Tourism Marketing & Fulfillment Program (Visitor Inf.

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Center) \$15,000 (RM-BOICC-04-0122)

- Greater Oak Harbor Chamber of Commerce for Tourism Marketing & Development for Island Co. \$15,000 (RM-BOICC-04-0123)
- Island County Historical Society for Museum Tourism Brochures \$1,300 (RM-BOICC-04-0124)
- Langley Chamber of Commerce for Tourism Marketing Fulfillment Program incl. Visitor Inf. Center and accommodation referral service \$18,200 (RM-BOICC-04-0125)
- Penn Cove Water Festival Assn. for 2005 Penn Cove Water Festival \$1,500 (RM-BOICC-04-0126)

**HEALTH DEPARTMENT CONTRACTS APPROVED**

By unanimous motion, the Board approved three Health Department contracts as follows:

Amendment #1 to contract #HD-09-04(1) with Margaret E. Griswold - Registered Dietitian services to WIC clients on Camano Island – amendment in the amount of \$2,400, for total contract \$3,000 (RM-HLTH-04-092)

Amendment #14 to Contract #C08679 with Department of Health - Consolidated Contract 2003-2004, adding 1,755 to assessment, \$4,415 to Immunizations, and reallocating \$8,203 (no change in \$ amount) of Local Capacity Dev. Jul 04-Dec 04; for total contract amount \$1,064,751 (RM-HLTH-02-0094)

County Program Agreement Contract #0363-364-36428 Amendment #3 with DSHS/Division of Developmental Disabilities to increase the Maximum Program Agreement Amount by \$34,500 to allow the County to make payments for services for the DDD specified clients for day program services for those clients that had been directly receiving Social Service payments (RM-HLTH-99-0054)

**MEMORANDUM OF AGREEMENT - WASHINGTON STATE UNIVERSITY  
COOPERATIVE EXTENSION ANNUAL MODIFICATION**

Memorandum of Agreement between Washington State University Cooperative Extension and Island County, Appendix “A” the Annual Modification was approved by unanimous motion of the Board (RM-EXT-05-006) in the amount of \$23,108.00.

**REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER****Auditor**

Suzanne Sinclair, Island County Auditor, submitted copies of the Auditor’s Financial Report for December 2004, and reviewed with the Board a few areas where the percent to budget amount came in higher or lower than 100%.

WSU – received donations at 141% of budget. Extension grants are at 197% of budget, an expenditure year to date of \$108,000 in capital assets purchased

Planning – permit revenue is about 123% of budget, with revenue received  
From plan-checking at 326% of budget, collected approximately  
\$163,000 versus \$50,000 originally budgeted

Revenues are up in the Auditor’s Office – collecting more in recorded documents than Budgeted; also received money for extra election expenses associated with the primary this year.

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Law Enforcement – Jail overtime, Sheriff’s Office shift differential and Public Defense are a little over budget.

**Treasurer**

Treasurer Linda Riffe indicated on January 20<sup>th</sup> that she would be unable to attend today’s meeting and provided copies of her written Statement of Cash Operations Revenue/Current Expense for the period ending December 31, 2004.

*[Copies on file with the Clerk of the Board]*

**PUBLIC INPUT OR COMMENTS**

Greg Banks, Island County Prosecuting Attorney, commented on a proposed contract the Board would consider later today to hire the law firm of Dearborn & Moss PLLC. He believed the contract was neither good for the County as an institution nor for County taxpayers. Several years ago when the Superior Court Judges terminated the last contract for legal services with this firm, his deputies stepped in. The Board funded an additional Deputy Prosecutor to focus on land use and GMA issues. While initially at a severe disadvantage in the inherited pending litigation, a succession of two deputies emerged themselves in the record and did an outstanding job representing the County. He retooled the office to meet the needs of the GMA review and expected litigation, in particular with the critical areas update. One of his deputies was assigned primary responsibility for advising the Planning Department on land use issues, and is and has given them priority in his work, working closely and productively with Planning in preparing for the update. One of Mr. Banks’ concerns is that when Mr. Dearborn is finished with the work, the County will be in the situation of having little or no institutional knowledge in the Planning Department and no familiarity in his Office about what compromises were made to resolve areas of potential litigation. He respectfully disagreed with the sudden decision to bring an outside firm in to do the important work.

Diane Kendy, League of Women Voters of South Whidbey, Freeland, submitted a letter into the record addressing the Agreement for Legal and Consulting Services proposed with Dearborn & Moss PLLC, asking the following questions. The League would appreciate answers to those questions, in written form not necessary but preferable.

In view of the county’s general budget crunch why is it spending that amount for outside counsel instead of using the in-house services of its Planning Department or Prosecutor’s Office?

Since GMA requires that Critical Areas Ordinances be based on Best Available Science, why is the county hiring lawyers instead of ecologists or biologists?

Is there a conflict of interest for Alison Moss, who is representing Nichols Brothers Boat Builders in a major case currently before the county?

Exactly where is the county finding \$351,550 when other departments, including the Sheriff and Prosecutor, need more personnel, and the Assessor, Treasurer and Auditor need to upgrade their technical support?

Ms. Kendy acknowledged that some of the questions had been answered by Mr. Bakke at the roundtable this morning.

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In relation to the dollars expended for this contract, Chairman Shelton commented that as Mr. Bakke mentioned this morning, recognizing the need to update the GMA Comp Plan and the primary focus on the Critical Area ordinances, three years' ago the county began to save dollars for the program. The issue raised about why other departments are short of staff and how can the County afford to hire the attorney, he clarified that the fees collected in Planning & Community and Development Department are directly related to specific services rendered to the citizens and those fees cannot be charged at a level that would alternatively support other aspects of county government. It is hoped that whoever the land use attorney is within the Prosecutor's Office will be involved in the development of the CAO as it goes along. The contract proposed with Keith Dearborn takes the appeal process through the Hearings Board but does not address the cost of going on to Superior Court. Inasmuch as the Planning Department pays for one-half salary of a deputy prosecuting attorney the Board hopes that attorney will be at the table should there be a Superior Court process. With regard to possible conflict of interest, there is a Conflict Waiver that will be read into the record disclosing other clients in the County and will address that issue. Funding for a biologist hopefully will also come from planning fees collected. BAS is a moving target at best. The legislature was tasked last year with defining what BAS is and could not do so.

Commissioner McDowell emphasized that the money that has been collecting from building fees is for the general purpose of planning and cannot be used to fund other current expenses such hiring additional personnel in other offices.

**CONTRACT/CONTRACT BOND PW-0420-170 INTERWEST CORPORATION, INC.**  
**WOODLAND BEACH ROAD REPAIR**

*(pulled at the request of the Public Works Director)*

**HEARING SCHEDULED: ORDINANCE #C-03-05/R-03-05**  
**CLOSURE OF PORTION OF OLD CORNET BAY ROAD**

By unanimous motion, the Board scheduled a Public Hearing for the purpose of considering Ordinance #C-03-05/R-03-05, the Closure of a Portion of Old Cornet Bay Road located in Section 35, Township 34 North, Range 1 East, W.M. on February 28, 2005 at 2:15 p.m.

**QUIT CLAIM DEED APPROVED - ESTELA A. AVILA - BAYVIEW ROAD CRP 98-17**

As presented and recommended by Bill Oakes, Public Works Director, the Board by unanimous motion approved and accepted a Quit Claim Deed from Estela A. Avila related to Bayview Road project CRP 98-17, with compensation in the amount of \$5,400.00 (\$1,600.00/Land, \$1,000.00/Trees & Landscaping, \$2,800.00/Fencing), Lot 41, Plat of Lakeview Terrace, Division No. 1.

**CERTIFICATION OF 2005 ROAD LEVY – ANNUAL REPORT TO**  
**COUNTY ROAD ADMINISTRATION BOARD**

As presented for approval by Mr. Oakes, the Board by unanimous motion approved and signed Certification of 2005 Road Levy, the Annual Report to the County Road Administration Board.

**AWARD OF BID FOR JUVENILE DETENTION CENTER - EBENAL GENERAL, INC.**

As presented and recommended for approval by Mr. Oakes, along with Gary L. Hess, P.E., Public

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Works Engineer, the Board by unanimous motion awarded bid to the lowest bid quotation for the Island County Juvenile Detention Center to Ebenal General, Inc., including Alternates 2 and 6, for a total of \$5,333,233.50.

**AMENDMENT 3 - CONTRACT WITH WASHINGTON DEPARTMENT OF ECOLOGY**

By unanimous motion as presented, the Board approved Amendment 3 to Contract PW-0420-171 between Island County and the State of Washington Department of Ecology CZM310 Grant # G0400019, Deer Lagoon Property Acquisition, amended to comply with federal OMB circular regulations.

**CONTRACT/CONTRACT BOND – HENKELS & MCCOY, INC., UNDERGROUND UTILITY INSTALLATION AND SATELLITE DISH FOUNDATION**

The Board, on unanimous motion, approved the Contract and Contract Bond RM-PW-052001 as presented, between Island County and Henkels & McCoy, Inc., for underground utility installation and satellite dish foundation #PWP 04-03, Work Order 306 in the amount of \$20,705.00, Board signature authorized once contract is returned with signature of contractor without substantial changes.

**AMENDMENT NO. 2 – STATE OF WASHINGTON DEPARTMENT OF ECOLOGY**

The Board by unanimous motion approved and signed Amendment 2 to PW-0520-03 between Island County and the State of Washington Department of Ecology, Grant #G0200361 to revise the completion date to December 31, 2005 for the Freeland Water Quality Improvement Report Project.

**BRADSHAW LANE OUTFALL – DRAINAGE AND MAINTENANCE AGREEMENT AND COVENANTS**

Associated with the Bradshaw Lane Outfall PW-0420-166 the Board by unanimous motion approved Drainage and Maintenance Agreement and Covenants with SWDC, Inc., fee in lieu of detention.

**CONTRACT/CONTRACT BOND - SHINN MECHANICAL, INC. - LAW & JUSTICE BUILDING MODIFICATIONS**

Contract and Contract Bond #PW-0520-11 between Island County and Shinn Mechanical, Inc. for Law & Justice Building Modifications in the amount of \$19,537.32 (incl 8.3% WSST) was approved by unanimous motion of the Board with Board, with signature authorized once the contract and bond are returned with the signature of contractor, without substantial changes.

**AGREEMENT FOR LEGAL AND CONSULTING SERVICES WITH DEARBORN & MOSS PLLC (RM-PLAN-05-003)**

Agreement for Legal and Consulting Services with Dearborn & Moss PLLC (RM-PLAN-05-003) was presented Phil Bakke, Planning & Community Development Director. As background, he reiterated comments from earlier this morning during the Roundtable. In 1997 Island County put together an "Annual Review Amendment Process" for reviewing the Comprehensive Plan and implementing development regulations. Each year since 1997 Planning undertook the process with between four and twelve separate amendment items.

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About three years' ago Planning began discussing with the Board the mandatory pending GMA update and looked internally at processes and how to approach the task. The decision was made to review as many components of the Plan and Regulations as possible while leaving for this year the critical area ordinances update. The main reason to isolate the CAO update was because experience had shown that to be the most controversial and most important section of review. Everyone plays a role in protecting critical areas and has an interest in the outcome of the review process. Over the past five years Planning worked hand in hand with the Planning Commission, Prosecuting Attorney's Office, Public Works, Health Department, State agencies and others as well as the Board of Commissioners, to review the Plan, adopt new sections of code, respond to public input and make it a more friendly and usable document. The State Legislature has had great difficulty in defining what Best Available Science (BSA) means, as has Courts and all three Growth Management Hearings Boards. There is no standard; instead there is a "hodgepodge" of science created from various places in the country, highly subjective, highly legalistic. A legalized approach to the update must be taken to ensure a positive outcome both for the county and the citizens.

Mr. Dearborn ultimately was chosen because of his extensive work with Island County, integrally involved in the 1984 and 1997 Comprehensive Plan and Development Regulations review, adoption and defense, and has a good deal of experience with members of the community. Mr. Dearborn has negotiated a contract with for \$200 an hour, a rate almost unheard of for a land use attorney with 30 + years' experience. The two-year contract provides for the work to be broken into four phases with the work completed for the contract amount, and the Mr. Bakke believes the contract represents a great value. While \$351,550 is a great deal of money, when put into perspective, it represents a great value to the County especially when considering the depth and scope of work to be done. Mr. Bakke will personally be reviewing the billings coming from the consultant on the project.

Expenses associated with the update were anticipated and was prudent financial planning on the part of the County. Planning & Community Development building and land use application permit fees were increased, generating more money than anticipated at that time and resulted in a pooling of funds that are available to spend on this contract as well as other contracts dealing with professional biologists to help with the project. As a point of information Mr. Bakke commented about costs of other consultants with Mr. Dearborn's experience around the state. For example, Lewis County is paying \$250/hr. to a land use specialist working on Comprehensive Plan updates; Skagit County's contract is \$280/hr. and last year spent \$380,000. Chairman Shelton noted the importance of recognizing that Skagit County attempted to do the work in-house for a number of years and is currently in the process of updating a plan that has never been approved.

Planning & Community Development is prepared to apply as many as five full time employees on and off through this update cycle, a much greater commitment than in the past. The Department currently funds half an FTE for the Prosecutor's Office, and seek a great deal of professional legal advice on a routine basis. This project is going to come outside of that scope requiring someone who is an absolute expert in land use.

The CAO update is broken into four aspects: scope of the update schedule; completing all research studies necessary to support conclusions and identify what needs to be done; preparing legislation for the Board well as defending any administrative appeals. The Department also recommends the Board approve the Conflict Waiver; Mr. Bakke does not believe that there is a conflict with Mr. Dearborn representing Island County on this issue while Ms. Moss represents Nichols Brothers Boat Builders; these are separate issues.

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The Board, by unanimous motion, approved Waiver of Competitive Solicitation Procurement Procedure under ICC 2.29.030 (B) (12) regarding Agreement for Legal and Consulting Services with Dearborn & Moss PLLC .

Chairman Shelton read for the record the Conflict Waiver from Keith W. Dearborn:

Section VII of the proposed Agreement between Island County and Dearborn & Moss PLLC requires that we disclose to the County all clients that our firm currently represents that are located in or do business in the County. Please accept this letter as the full disclosure required by the Agreement. Under the Agreement and the Rules of Professional Conduct for lawyers you must consent to our continued representation of such clients.

Dearborn & Moss represents one client that is located in or conducts business in Island County -- Nichols Brothers Boat Builders, Inc. Alison Moss is currently helping Nichols obtain local, state and federal permits and approvals for the continuing operation and modification of the Nichols facilities located in Freeland. I understand that all pending County applications have been determined to be complete and, therefore, will be considered under existing County regulations. For this reason, we believe any revisions to County regulations that may result from my work for the County will have no affect on these pending applications.

All of the Nichols work has been and will remain the responsibility of Alison Moss. Alison will have no involvement in the firm's work for Island County. We believe we can effectively represent both Nichols and the County and that our representation of Nichols will not adversely affect or limit our work for the County. Still the County must independently reach this conclusion. Please consider this matter carefully. We encourage the Board to consult with County staff to ensure that it is fully aware of all facts that relate to these pending applications that may bear on the services you have requested that we provide the County. If you agree to waive any actual or potential conflict of interest inherent in Alison's work for Nichols, please acknowledge by the appropriate signature below.

By unanimous motion, the Board approved and authorized the Chairman's signature on the Conflict Waiver from Keith W. Dearborn. *[GMA #7727]*

By unanimous motion, the Board approved the Agreement for Legal and Consulting Services with Dearborn & Moss PLLC for consulting and legal services to assist in the review and update of the GMA Critical Areas policies and regulations in the amount of \$351,550 (#RM-PLAN-05-003). *[GMA #7726]*

**RESOLUTION #C-04 -05 (PLG-001-05) INCORPORATING THE SERVICE AREA FOR THE SARATOGA BEACH OWNER'S ASSOCIATION INTO THE ISLAND COUNTY COORDINATED WATER SYSTEM PLAN**

As presented and recommended for approval by Mr. Bakke, the Board approved Resolution #C-04-05 (PLG-001-05) Incorporating the Service Area for the Saratoga Beach Owner's Association into the Island County Coordinated Water System Plan. *[copy placed on file with the Clerk of the Board]*

**HEARING SCHEDULED: ORDINANCE #C-05-05 (PLG-022-04) AN ORDINANCE CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND THE ISLAND COUNTY ZONING ATLAS (MAPS 701 & 703)**

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As presented by Phil Bakke for scheduling, the Board by unanimous motion scheduled a Public Hearing on Ordinance #C-05-05 (PLG-022-04) An Ordinance concerning technical amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas (Maps 701 & 703) to be held on February 28, 2005 at 2:30 p.m. [GMA No. 7728]

**EXECUTIVE SESSION ANNOUNCED**

Chairman Shelton announced that the scheduled 3:00 p.m. (Chairman's Agenda) Executive Session would be held at 3:30 p.m. instead, held in Conference room #218, Courthouse Administration Building. The Executive Session is being held in accordance with R.C.W. 42.30.110 (1) (i) to discuss with legal counsel litigation. The session is not expected to last longer than 30 minutes and no announced is anticipated on conclusion of the session.

There being no further business to come before the Board at this time, meeting adjourned at 4:15 p.m. There is no Board meeting scheduled on January 31, 2005. The next regular meeting of the Board will be February 7, 2005 beginning at 9:30 a.m.

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

Mike Shelton, Chairman  
Wm. L. McDowell, Member  
William J. Byrd, Member

**ATTEST:** Elaine Marlow  
Clerk of the Board