

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - JUNE 27, 2005

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on June 27, 2005 for a roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room (Room #102B), Island County Annex, 1 NE 6th Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda. Mike Shelton, Chairman, and Wm. L. McDowell, Member, were present. William J. Byrd, Member, was absent.

ROUNDTABLE MEETING WITH ISLAND COUNTY ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS

Elected Officials and Appointed Department Heads Attending

Tom Baenen	Phil Bakke	Greg Banks	Mike Hawley	Betty Kemp
Elaine Marlow	Don Meehan	Wm. L. McDowell	Bill Oakes	Mike Shelton
Dan Sherk	Suzanne Sinclair	Dick Toft		

Others Attending:

Diane Kendy, South Whidbey; Eric Berto, Whidbey News Times, as well as a number of County staff.

Washington Counties Risk Pool Presentation

By: Vyrle Hill, Executive Director
David Goldsmith, member Services Manager

Risk Pool is under new management and staff requested a meeting to get acquainted with the County Commissioners, Elected Officials and Appointed Department Heads, to share information about services the Pool offers to its members. Program consisted of a PowerPoint presentation, with a hand-out packet providing information and risk-related statistics specific to Island County [copy on file with the Clerk of the Board].

WCRP was created in 1988 to provide coverage for liability exposures of counties, a quasi-governmental agency formed by interlocal agreement, a self-insurance entity, with oversight by the State Risk Manager. WCRP has 28 member counties, and does not include King, Pierce or Snohomish counties, or the cities of Seattle, Tacoma or Everett. Island County joined the Pool in 1989. The Risk Pool is governed by a board of directors, one representative from each member county, Mike Shelton has served on the Risk Pool Executive Committee for a number of years.

Commissioners, Elected Officials and Appointed Department heads as managers can help keep liability exposure down by:

- Continuing to work on employee driver training
- Diligence in management practices and supervision of staff
- Cautious with respect to potential discrimination areas .

In the area of contractual liability WSAC has been asked by its members to come up with a program for entities that contract with counties or where counties get together and form an association to provide some kind of insurance coverage. WCRP is helping WSAC with that and attempting to put together a program along those lines. The information will be coming out through WSAC; letters have gone out to some 440 recognized quasi-agencies and non-profits in the State.

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Assessor. Noted the importance of being vigilant with respect to Public disclosure requirements.

Budget Director. Budget worksheets will be going out the first part of July.

Human Resources. Look for a flyer from Human Resources sent through interoffice mail discussing proper handling of personnel records.

Prosecutor.

A discussion about whether the County should consider providing a per diem to cover meals for traveling County employees as opposed to direct reimbursement for each individual expense is proposed for the next Roundtable. The issue is whether the cost of doing the administrative work for providing those reimbursements can be replaced by a simpler mechanism such as a flat fee. Comments or ideas should be e-mailed to Mr. Banks in preparation of that discussion.

Legislation was adopted in 2005 amending provisions in the Washington Public records Disclosure Act. A public records officer must be appointed within each department by July 24, 2005, someone designated and identified to the public. By law, departments are required to have procedures posted within the department explaining the procedures for obtaining public records, which now also should include the name of each departments' public records officer. An alternate does not need to be publicly identified but it is necessary to make sure within each department the procedure is known so that in the absence of the designated public records officer, the request can be handled within the 5-day response requirement period [refer to Dave Jamieson's June 7th e-mail].

Next roundtable scheduled for July 25th at 11:00 a.m.

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

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:
Voucher (War.) #216398-216654\$449,361.45.

CONTRACT #0583-72033 - DSHS COUNTY AGREEMENT ON GENERAL TERMS AND CONDITIONS

Regarding Contract #0583-72033 [RM-HLTH-05-0074], DSHS County Agreement on General Terms and Conditions before the Board today for approval, Greg Banks, Prosecuting Attorney, recalled having spoken with the Chairman earlier, because the membership of the Washington State Association of Prosecuting Attorneys [WAPA] during the course of the regular summer meeting intended to take up the issue. DSHS wanted to include a term in the contract requiring that counties indemnify DSHS for any damages arising out of acts of a county subcontractor. Mr. Banks' position, as it was for the other counties, was that was an extremely risky proposition. DSHS has now pulled that term from the general terms and conditions contract in exchange for the contract having only one year duration as opposed to initial five year proposal, with the idea that the counties resume negotiations with DSHS over the coming year to hammer out those issues. He suggested that Island County, as he

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understands the other 38 counties will be doing, sign the DSHS general terms and conditions with a cover letter prepared signed by the Board explaining there are still problems with the current contract and it is the County's interpretation of the current terms that the County will not indemnify the State for actions of county subcontractors.

By unanimous motion, the Board approved Contract #0583-72033 [RM-HLTH-05-0074], DSHS County Agreement on General Terms and Conditions governing work to be performed under any program agreement between the parties, for the period July 1, 2005 to June 30, 2006, with the Chairman authorized to sign the letter on behalf of the County prepared by the Prosecuting Attorney to go to DSHS with the Contract explaining there are still problems with the current contract and the County's interpretation of the current terms is that the County will not indemnify the State for actions of County subcontractors.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description/Position #	Action	Eff. Date
GSA		Event Coord. .5 fte #1510.00	New Position	6/27/05
Health		Pub. Hlth. Nurse III, P/T #2404.01	Personnel	7/1/05
Planning		Asst. Planner #1708.05	Replacement	8/11/05
Public Works		S.W. Attd I .2 fte #2249.18	Replacement	6/27/05
Public Works		S.W. Attd I .5 fte #2248.18	Replacement	7/14/05

KAUL BUILDING LEASE AMENDMENT

By unanimous motion, the Board approved and signed the Kaul Building Lease Amendment, extending lease from July 1, 2005 to December 31, 2005, with option to renew for an additional two months, ending not later than February 28, 2006.

CONTRACT BETWEEN ISLAND COUNTY AND OLSON PLASTERING, INC. - ISLAND COUNTY ADMINISTRATIVE BUILDING STUCCO PROJECT

Bid was awarded at the Board's last meeting to Olson Plastering, Inc. for the Island County Administrative Building stucco project. Today Dan Sherk, Facilities Director, presented for the Board's approval and signature the contract with that firm. Mr. Sherk confirmed that while he did not have in hand the original performance bond, the insurance company did fax him a letter of intent to issue it. He asked that the Board approve the contract, and assured that the work would not begin until the bond was in the hands of the County.

By unanimous motion, the Board approved the Contract between Island County and Olson Plastering, Inc. [RM-FAC-05-0072] for Island County Administrative Building stucco project in the amount of \$67,752.48 including WSST, with the proviso that the actual work under the contract not start until the County receives the performance bond.

RESOLUTION #C-70-05 AMENDING THE MEMBERSHIP LANGUAGE ADOPTED FOR THE ISLAND COUNTY TECHNOLOGY COMMITTEE

Currently the Superior Court Administrator represents the Law and Justice Group on the Island County Technology Committee and needs to be relieved of the full time obligation as a member. In order to

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maintain a representative position from the Law and Justice Group, the Board by unanimous motion approved Resolution #C-70-05 Amending the Membership Language Adopted for the Island County Technology Committee per Resolution #C-02-03 to designate a representative of the following offices/departments: Assessor, Auditor, Treasurer, Law and Justice Agencies, Central Services, Public Works, Planning, Health and Budget Director. *[Resolution #C-70 -05 on file with the Clerk of the Board]*

SESSION SCHEDULE FOR JULY, 2005

The Board by unanimous motion approved the Staff Session Schedule for July, 2005, confirming Regular staff sessions to be held on July 6 and July 20 beginning at 9:00 a.m., held in the Island County Annex Building, Basement Hearing Room #102, Coupeville, Wa.

RESOLUTION #C-71 -05 CHANGING THE NAME OF FIRE PROTECTION DISTRICT NO. 2 TO NORTH WHIDBEY FIRE AND RESCUE

Fire Protection District No. 2 adopted Resolution #299 on June 14, 2005 to change the name of Island County Fire Protection District No. 2 to North Whidbey Fire and Rescue, and as required by RCW 52.30.060 submitted a copy to the Board of Island County Commissioners with the request that the Board adopt a resolution approving the change.

By unanimous motion, the Board approved Resolution #C-71-05 Changing the Name of Fire Protection District No. 2 to North Whidbey Fire and Rescue. *[Resolution #C-71 -05 on file with the Clerk of the Board]*

APPROVAL OF GREENBANK FARM MANAGEMENT GROUP REQUEST FOR SUPPORT - FINAL PHASE OF THE FARM'S CAPITAL PROJECT IMPROVEMENT

Greenbank Farm Management Group Request for Support in the amount of \$10,000 for final phase of the Farm's Capital Project Improvement was approved by unanimous motion of the Board, as requested in a letter dated June 18, 2005.

LIQUOR LICENSE APPLICATIONS APPROVED

With applications for liquor license having been reviewed and recommendations of approval provided by the appropriate County departments and offices, the Board by unanimous motion approved the following liquor license applications:

Special Occasion Liquor License #090125 Whidbey Island Pony Club for a special occasion to be held on July 9, 2005 from 6:00 p.m. to 12:00 a.m. at Zylstra Road and Sweetbriar Lane, Oak Harbor

Special Occasion Liquor License #091793 Goosefoot Community Fund, for a special occasion to be held on July 13, 2005, 5:00 p.m. to 9:00 p.m. at Bayview Corner Cash Store, 5603 Bayview Road, Langley

Special Occasion Liquor License #092886 North Sound Wineries for a special occasion to be held on July 23 & 24, 2005 from 10:00 a.m. to 5:00 p.m. at Greenbank Farm, 765 Wonn Road, Greenbank

Special Occasion Liquor License #090293 by Whidbey Island Celtic Society, for August 13, 2005 event from 10 a.m. to 5 p.m. to be held in the enclosed area at Greenbank Farm, 765 Wonn Road, Greenbank

Assumption of Liquor License #074967-3C from Short Stop Texaco Freeland to Freeland Convenience Center LLC,, 18205 SR 525 Ste 1, Freeland

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING - JUNE 27, 2005**CONTRACT WITH VOTEC CORPORATION FOR REPLACEMENT OF VOTER REGISTRATION SYSTEM**

Contract [RM-AUD-05-0056] with Votec Corporation for a voter registration system hopefully to be installed at the beginning of August, was presented to the Board for approval by Suzanne Sinclair, Auditor. The contract is designed to meet requirements under the Help America to Vote Act [HAVA] for a state-wide voter registration data base, which will be supervised and maintained by the Secretary of State's office. Inasmuch as installation and time frame will require close cooperation with the Central Services Department, a department under the Commissioners control, Ms. Sinclair asked that the Board help and support in meeting those schedules.

By unanimous motion, the Board approved Contract [RM-AUD-05-0056] with Votec Corporation for a voter registration system in the amount of \$134,750 (plus WSST), as presented.

CONTRACT #HD-07-05 WITH EVERGREEN AIDS FOUNDATION FOR HIV CASE MANAGEMENT (CONTINUES TITLE II FUNDING)

By unanimous motion the Board approved Contract #HD-07-05 [RM-HLTH-99-0044] with Evergreen AIDS Foundation for HIV case management (continues Title II funding) in the amount of \$19,500.

AMENDMENT #2 TO PROFESSIONAL SERVICES AGREEMENT WITH DESIGNS NORTHWEST ARCHITECTS, INC.

Amendment #2 to Professional Services Agreement with Designs Northwest Architects, Inc. (RM-GSA-02-0022) revising the scope of work, period of performance and changing the amount of compensation to "not to exceed \$50,000" was approved by unanimous motion of the Board.

HEARING HELD: FRANCHISE #163R – HIGHLAND TRACE WATER COMPANY - RENEWAL OF EXISTING WATER DISTRIBUTION SYSTEM

As advertised, the Chairman opened a Public Hearing at 2:15 p.m. for the purpose of considering Franchise #163R, #PW-0520-28 by Highland Trace Water Company for renewal of an existing water distribution system in County rights-of-way located in the Plat of Highland Trace, Division 1, Section 10, Twp. 32N, Rge. 1E., Whidbey Island.

Bill Oakes, Public Works Director, concurred with the recommendation of approval by the Island County Engineer as stated in Memorandum written to the Board dated June 3, 2005.

At the time Chairman Shelton called for comments from members of the public, no one expressed a desire to comment either for or against the proposed franchise renewal.

By unanimous motion the Board approved Franchise #163R, #PW-0520-28 by Highland Trace Water Company for renewal of an existing water distribution system in County rights-of-way located in the Plat of Highland Trace, Division 1, Section 10, Twp. 32N, Rge. 1E.

RETAINAGE BOND – ISLAND COUNTY AND SNELSON COMPANIES, INC. BAYVIEW ROAD IMPROVEMENTS

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Retainage Bond between Island County and Snelson Companies, Inc., relating to the contract for the Bayview Road Improvements under CRP 98-17, Work Order 229 was approved by unanimous motion of the Board as presented by Mr. Oakes.

CONSULTANT AGREEMENT – OTAK, INC. - MUTINY BAY ROAD DESIGN CONCEPT

The Board by unanimous motion, approved Consultant Agreement #PW-0520-60 between Island County and Otak, Inc. for Mutiny Bay Road Design Concept under Work Order 189, with maximum amount payable in the amount of \$29,631.00.

CONTRACT/CONTRACT BOND – KRIEG CONSTRUCTION FOR 2005 WHIDBEY ISLAND OVERLAYS

Per bid previously awarded, the Board by unanimous motion approved a Contract and Contract Bond [PW-0520-278] between Island County and Krieg Construction for the 2005 Whidbey Island Overlay project under CRP 05-01, Work Order 344 in the amount of \$479,119.55.

TEMPORARY CONSTRUCTION EASEMENTS AND QUIT CLAIM DEEDS FOR CAMANO HILL ROAD IMPROVEMENTS

Temporary Construction Easements and Quit Claim Deeds associated with Camano Hill Road Improvements under CRP 02-04, Work Order 176, were approved by unanimous motion of the Board as follows:

Temporary Construction Easement #PW-0520-101(mutual benefit) - Vincent & Diane M. Jackels and James J. Jackels, Parcel 053-1560, Sec. 11, Twp 31N, R 2E.

Temporary Construction Easement #PW-0520-98 (mutual benefit) - Vincent & Diane M. Jackels, Parcel 015-1190, Sec. 11, Twp 31N, R 2E.

Temporary Construction Easement #PW-0520-99 (mutual benefit) - Vincent & Diane M. Jackels, Parcel 015-1340, Sec. 11, Twp 31N, R 2E.

Quit Claim Deed – Vincent & Diane M. Jackels, with compensation in the amount of \$6,950.00 for land; Parcel 016-1500; Sec. 11, Twp 31N, R 2E.

Temporary Construction Easement #PW-0520-100 (mutual benefit) - Vincent & Diane M. Jackels, Parcel 016-1500, Sec. 11, Twp 31N., R 2E.

Quit Claim Deed – Timothy Tiffany & Gena L. Tiffany, with compensation in the amount of \$4,900.00 for land; Parcel 269-0190; Sec. 12, Twp 31N., R 2E.

Temporary Construction Easement #PW-0520-133 (mutual benefit) - Timothy Tiffany & Gena L. Tiffany, Parcel 269-0190, Sec. 12, Twp 31N., R 2E.

REQUEST TO INITIATE CONTRACT FOR CONSULTANT - CRITICAL AREA ORDINANCE UPDATE BETWEEN DEARBORN & MOSS PLLC AND NAN HENRIKSEN

Phil Bakke, Director, Planning & Community Development, presented to the Board an Agreement for Professional Services between Dearborn & Moss PLLC and Nan Henriksen in the amount of \$19,000, as consultant to assist in the review and update of Island County's GMA Critical Area policies and

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regulations focusing specifically on policies and regulations that affect existing and ongoing agriculture. Mr. Bakke explained that the contract between Island County and Dearborn & Moss PLLC spells out the process by which Dearborn & Moss may obtain services of consultants necessary for the update of the County's Comprehensive Plan. That process requires that the Board review any consultant contracts for scope of work and cost, and that the Board provide authorization to Dearborn & Moss to proceed. The intent is to bring Ms. Henriksen on to review the County's record on all the public reports, input, etc. and provide the County and Dearborn & Moss with insight as to completeness of the record to support legislative decisions being contemplated.

By unanimous motion, the Board approved the request to initiate a contract between Dearborn & Moss PLLC and Nan Henriksen in the amount of \$19,000 for consultant to assist in the review and update of Island County's GMA Critical Area policies and regulations focusing specifically on policies and regulations that affect existing and ongoing agriculture. *[GMA Record #8112]*.

ORDINANCE #C-72-05 (PLG-010-05) - CONCERNING AMENDMENTS TO THE ISLAND COUNTY COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND THE ISLAND COUNTY ZONING ATLAS

Ordinance #C-72-05 (PLG-010-05), in the matter of an Ordinance Concerning Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas was presented by Carole Croft, Planning Manager. The ordinance relates to amendment of the Zoning Atlas 215/05 ZAA by Michael and Linda Hilley for reclassification of Assessor's Parcel #R23226-372-5130 from Rural to Rural Forest. The reclassification, along with a concurrent application for a boundary line adjustment were processed as a Type I decision in accordance with Chapter 16.19 ICC. Staff recommends that the Board approve the amendment to the Island County Zoning Atlas to reflect the reclassification.

By unanimous motion, the Board approved Ordinance #C-72-05 (PLG-010-05), in the matter of an Ordinance Concerning Amendments to the Island County Comprehensive Plan Future Land Use Plan Map and the Island County Zoning Atlas. *[Ordinance #C-72-05 on file with the Clerk of the Board; GMA Record #8113]*

There being no further business to come before the Board at this time, the meeting adjourned at 2:40 p.m. County offices will be closed Monday, July 4, 2005 in observance of Independence Day, and will reopen on Tuesday July 5th. The next regularly scheduled Monday meeting of the Board of County Commissioners will be on July 11, 2005 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

[absent – William J. Byrd, Member]

ATTEST:

Elaine Marlow, Clerk of the Board