

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
JULY 23, 2007 – REGULAR SESSION**

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on July 23, 2007 for a Roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room, Annex Building, 1 NE 6th Street, Coupeville, Wa. Other topics for the Regular Session followed at 1:30 p.m. as shown on the agenda. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member, were present.

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

Elected Officials and Appointed Department Heads Attending:

Greg Banks	Betty Kemp	Tim McDonald	Mike Shelton
Mark Brown	Larry Larson	Mac McDowell	Suzanne Sinclair
John Dean	Elaine Marlow	Mike Merringer	Linda Riffe
Sharon Franzen	Dave Mattens	Bill Oakes	

Others:

Diane Kendy

General Roundtable Discussion

Commissioners: Chairman Shelton began by saying that with a lot of trepidation, he is leaving his position as County Commissioner effective August 31. He said while Commissioner he has gotten to know and work with many great people and will miss everyone. Commissioner McDowell mentioned that in Mike's honor, there will be a gathering in the Commissioners' hearing room at 3:30 p.m. on August 27 following the regular meeting.

The Chairman encouraged everyone to allow their supervisors to attend upcoming Risk Pool-sponsored supervisor's training in an effort to reduce the number of claims. He said while the number of claims in the personnel employment arena is considerably smaller than other claims, the average settlement is close to \$100,000 each.

Assessor: The office is at last fully staffed. Still working on new construction and land valuations with new construction at about 50% complete. Goal is to have it completed by August 24 so there is a week's time to correct errors and mail change of value notices by August 31. Land at about 65% complete. Attending the Assessor's Conference in Walla Walla on August 6-12 with new technology slated to be on the agenda.

Auditor: Ready for August 21 primary election. Recently returned from the annual conference of the International Association of County Clerks, Records, Election Officials and Treasurers in North Carolina, participating on behalf of the Association of County Officials. Entrance Conference with State Auditors July 23, 2007 at 3:30 p.m. if anyone wishes to attend.

Budget Director: No report

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Clerk: Pleased to report that the Clerk's website is up and running.

GSA: 145 Board orders remain with the Board of Equalization. 260 employees attended the anti-harassment training, a very good turnout. Public Defense has doubled and therefore is also an issue with District Court.

Health: Reminder of the public meeting on August 6, 2007 concerning the Mental Health Initiative to add 1/10th of 1% to sales and use tax. The additional funding will provide services in the area of mental health and substance abuse, including therapeutic drug court, additional counselors in each school district, added resources to help mentally ill people who are not insured, and increase coordination with the Island County Jail and Juvenile Detention Facility. New On-Site Sewage System Operation and Maintenance Plan and Rules. One of three counties to complete the Plan; second to receive approval. Public hearing on the Rules August 20.

Human Resources: Training videos available in the HR office on 12 different subjects surrounding supervisor's training for those interested.

Prosecutor: Office remains very busy. Workload in District Court remains high; meeting scheduled with Judge Strow to discuss what may be done to move things along more efficiently. A criminal case that went to the Supreme Court was argued by Greg in May with a unanimous decision received last week in the State's favor. The Prosecutor's Association determined there should be a voice in the selection of judicial vacancies so Greg was selected as Chair of the Prosecutor's Judicial Evaluation Committee.

Public Works: Paving in process on both Whidbey and Camano and construction beginning on Camano Hill Road. The State is the reason for the major disturbance on Whidbey this summer with its road work south of Oak Harbor. Will begin closure and detour as State begins to reduce hill elevation in an effort to increase site distance and hopefully eliminate rear-end collisions. Estimated closure/detour about two weeks.

Sheriff: Pleased to report that the South Precinct is up and running. Sheriff's vehicles will participate in the funeral procession for CPO Patrick Wade who recently was killed in Iraq; honored to be a part of that service.

Superior Court/Juvenile Court Services: Division of joint judicial district (Island/San Juan) effective July 22, 2007 with Senate Bill 5247, beginning January 1, 2008. Governor will appoint a sitting Judge before next election. Decision by Judges, and effective immediately, harassment orders for respondents 18 and older will be directed to District Court. Harassment orders for respondents under the age of 18 will remain in Superior Court.

Treasurer: For the first time in the history of the County the tax foreclosure sale is cancelled as all properties have been redeemed. Total credit goes to Jill Smith, Tax Foreclosure Deputy, who located everyone. Also a first, will conduct distraint and sale of mobiles.

Roundtable adjourned at 11:25 a.m. The next Roundtable is scheduled for August 27, 2007 at 11:00 a.m.

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The Board of Island County Commissioners (including Diking Improvement District #4) met at 1:30 p.m. to consider items contained on the agenda. The meeting opened with the Pledge of Allegiance.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:

Voucher (War.) #267506-267719: \$394,742.37
Electronic Fund Transfers \$ 26,560.62

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Larry Larson, Human Resources Director, the Board by unanimous motion approved the following personnel action authorizations:

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Prosecuting Attorney	092/07	Deputy Pros Atty II	1805.00	Replacement	07/30/07
Auditor	093/07	Deputy Auditor Elections, .25 ft	213.00	Replacement	07/23/07

**RESCIND PRIOR APPOINTMENT AND NAMING NEW MEMBER TO ISLAND COUNTY
WATER RESOURCE ADVISORY COMMITTEE**

The Board, by unanimous motion and with appreciation for his initial service, rescinded the June 19, 2006 action of the Board appointing Don Rockwood as a member of the Water Resource Advisory Committee. Mr. Rockwood has been unable to attend the meetings. In his stead, the Board by unanimous motion appointed Julius Budos to serve on the Committee and complete the existing term of this position representing Commissioner District No. 3 ending May 17, 2010.

APPROVAL OF AUGUST STAFF SESSION AGENDA

By unanimous motion the Board approved the Staff Session Agenda for August, 2007 with Regular Sessions scheduled on August 1, 2007 and August 15, 2007.

**DESIGNATION LETTER TO WASHINGTON STATE ASSOCIATION OF COUNTIES AND
WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC
DEVELOPMENT – COUNTY INVENTORY OF OFFENDER RE-ENTRY RESOURCES**

The Board by unanimous motion approved for the Chairman's signature a letter to the Washington State Association of Counties and Washington State Department of Community, Trade and Economic Development designating the Chairperson of the Law and Justice Committee, Jackie Henderson, as the point of contact for development of the County Inventory of Offender Re-Entry Resources with Sheriff Mark Brown as the alternative contact.

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**CONTRACT WITH CXT INCORPORATED FOR DOUBLE BLUFF BEACH ACCESS VAULT
TOILET**

By unanimous motion the Board approved a contract with CXT Incorporated for purchase and installation of a Tioga Special-Style Precast Toilet at the Double Bluff Beach Access. Contract amount: \$35,262.07. [RM-PKS-07-0099]

Betty Kemp, General Services Director, in response to a question from the Chairman, confirmed that the insurance money is forthcoming and will cover the expense of the contract.

CLAIM FOR DAMAGES R07-021 CD – RICHARD W. BRATT, SR.

As recommended by Ms. Kemp in a memorandum dated July 23, 2007, the Board unanimously approved Claim for Damages R07-021 CD submitted by Richard W. Bratt, Sr. in the amount of \$1,341.95 for damage he sustained when an Island County employee backed into his parked vehicle at 1403 N. Monroe Landing Road, Oak Harbor. The recommended approval of the claim is based on the report from Public Works and verification of the facts reported on the claim.

HEALTH DEPARTMENT

The following Health Department contract was approved by unanimous motion of the Board, as transmitted under cover memorandum dated July 18, 2007 from Tim L. McDonald, Health Services Director:

Contract with Department of Social and Health Services – Workfirst, continuing the program with services to families with special needs at the current level of funding. Contract No. 0763-19528; Contract Amount: Fee for Service [RM-HLTH-02-0062]

SPECIAL OCCASION LIQUOR LICENSE APPLICATION APPROVED

Having received recommendations of approval by the appropriate departments, the Board by unanimous motion approved forwarding a recommendation of approval to the Washington State Liquor Control Board for the following special occasion liquor license application:

Special Occasion Liquor License #091765 by Washington State University Foundation for a special occasion to be held August 5, 2007 from 1:00 p.m. to 4:30 p.m. at the Lavender Wind Farm, 2530 Darst Road, Coupeville, WA

PUBLIC WORKS

By unanimous motion the Board approved the following as recommended by Bill Oakes, Public Works Director:

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Road Agreements:

Consultant Agreement with GeoEngineers, Inc. for On-Call Geotechnical, Environmental, and Hydrology/Hydraulic Engineering Services. Amount: \$300,000.00; Term: Completion Date July 31, 2010 [PW-0720-030]

Consultant Agreement with Pharos Corporation for Rights-of-Way and Property Acquisition Negotiation Services. Amount: \$150,000.00; Term: 36 months [PW-0720-037]

Contract/Contract Bond with Rinker Materials West, LLC doing business as Rinker Materials for 2007 HMA Overlays on Camano Island. CRP 07-03; Work Order No. 412. Amount: \$1,006,799.00; Term: 15 working days [PW-0720-064]

[Agreement with Kleinfelder West, Inc. for On-Call Material Testing and Engineering Services pulled from today's agenda]

Solid Waste:

Amendment No. 1 to Agreement with Richard J. Hlavka, doing business as Green Solutions for Solid and Moderate Risk Waste Services. Revision to completion date extending term to December 31, 2007. [RM-SW-06-0015]

APPROVAL/SIGNATURE: FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
– OPEN RECORD APPEAL HEARING – APPEAL SHP 206/06 BY IOAN AND MARIA
AITONEAN

On June 11, 2007 the Board held an Open Record Appeal Hearing on Appeal SHP 206/06 by Ioan and Maria Aitonean, Appellants. Mr. and Mrs. Aitonean appealed the Administrative Determination of the Assistant Director of the Department of Planning and Community Development who issued a determination that a fifth lot could not be created under ICC 16.06.030(D) and (E) because the lot would not meet the base density requirements of the Rural zone. The property is located at 116 Chase Way, Camano Island.

The Board's written decision, scheduled for signature on July 2, 2007, was prepared based on the record and the individual written statements from each Commissioner provided at public meeting June 25, 2007.

On July 2, 2007 Appellants' attorney, Loren Combs, through his legal assistant Dawn Ketter, requested that the Board delay its written decision for an additional 21 days, to July 23, 2007, to which request the Board unanimously agreed.

Jeff Tate, Assistant Director of the Department of Planning & Community Development, presented for the Board's signature the proposed Findings of Fact, Conclusions of Law and Decision in SHP 206/06 which, in part, states:

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1. The Department of Planning and Community Development erred when it determined that granting a fifth lot is outside its authority and prohibited by the County's Comprehensive Plan and Zoning Ordinance. The decision of the Department of Planning and Community Development is reversed.
2. At the time the portion of Aitoneans' property that is required for road purposes is condemned or is sold under threat of condemnation, as authorized by Resolution C-53-06, the County shall divide Lot 1 of SHP 206/06 pursuant to ICC 16.06.030(D). A parcel number shall be assigned to the new parcel and the requirements of the subdivision and short subdivision provisions found in chapter 16 shall not apply to the division of Lot 1.
3. The division of Lot 1 unto two separate lots pursuant to ICC 16.06.030(D) does not guarantee the issuance of separate building permits that would allow for the construction of a single family residence on each lot.

Mr. Tate reminded the Board that it already conducted the Open Record Appeal hearing, a verbal decision was previously rendered, and the written decision puts into effect that oral decision and the statements that were provided by the Board.

By unanimous motion the Board approved the Findings of Fact, Conclusions of Law and Decision regarding the appeal by Ioan and Maria Aitonean of the Assistant Director's March 21, 2007 decision in SHP 206/06 [*GMA Record # 9433*]

ORDINANCE C-83-07/PLG-015-07 – IN THE MATTER OF DECLARING AN EMERGENCY FOR THE PURPOSES OF INITIATING AMENDMENTS TO THE COMPREHENSIVE PLAN OUTSIDE OF THE PROCESS ESTABLISHED IN CHAPTER 16.26 ICC

Mr. Tate next presented for Board approval Ordinance C-83-07/PLG-015-07, In the Matter of Declaring an Emergency for the Purposes of Initiating Amendments to the Comprehensive Plan Outside of the Process Established in Chapter 16.26 ICC.

Chapter 16.26 ICC is the Island County Code chapter that establishes the process for updating the comprehensive plan and the implementing development regulations. Mr. Tate explained that the Board has the discretion, under 16.26 ICC, to declare emergencies. While this is not an emergency that actually addresses substance of a law, it allows the Planning Department to forego the timelines established by 16.26 ICC and immediately initiate the amendment process by transmitting draft amendments for consideration by the Island County Planning Commission. Mr. Tate further explained that the normal timeframe would be to establish the docket by February 1 of any given year. Rather than wait until February 1, Planning can begin work now to move forward on amendments to the Comprehensive Plan. Specifically, amendments to code provisions relating to segregations using public road right-of-way.

By unanimous motion the Board approved Ordinance C-83-07/PLG-015-07 – In the Matter of Declaring an Emergency for the Purposes of Initiating Amendments to the Comprehensive Plan Outside of the Process Established in Chapter 16.26 ICC. [*GMA Record # 9436*]

Chairman Shelton concluded the meeting by saying that the July 25, 2007 Council of Governments meeting is cancelled for the month.

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There being no further business to come before the Board at this time, the meeting adjourned at 2:20 p.m. The next regularly scheduled meeting will be held on August 6, 2007 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

John Dean, Member

ATTEST:

Elaine Marlow, Clerk of the Board