

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
JUNE 27, 2007 – SPECIAL SESSION**

The Board of Island County Commissioners met in Special Session on Wednesday, June 27, 2007 beginning at 3:00 p.m. in the Board of County Commissioners Conference Room #218, Island County Administration Building, Coupeville, Washington. Mike Shelton, Chairman, Wm. L. McDowell, Member, and John Dean, Member were present. The Special Session was called for three purposes:

- Meeting with Washington State Association of Counties Executive Director Bill Vogler and Immediate Past-President Dean Burton.
- Amendment to Revised Commercial Real Estate Purchase and Sale Agreement concerning the Boyer property purchase; and
- Discuss Foster Pepper's representation of both Island County and City of Oak Harbor and whether that representation presents a conflict of interest.

ANNUAL MEETING WITH WSAC

WSAC Executive Director Bill Vogler and Past-President Dean Burton met with the Commissioners to talk about the legislative session and developing plans for the 2008 legislative session. They explained the current legislative session, long-term plans regarding future funding for counties, and issues unique to Island County. Of particular interest were the projected additions in state funding for Island County based on changes made during the 2006 state legislative session.

BOYER PROPERTY PURCHASE

As a precautionary measure, the Board by unanimous motion approved for the Chairman's signature an Amendment to Revised Commercial Real Estate Purchase and Sale Agreement extending the closing date from June 30, 2007 to July 9, 2007. The Amendment will be used only if the Navy's money is not timely deposited.

FOSTER PEPPER REPRESENTATION

The Board discussed the possible conflict of interest presented by the dual representation of Island County and City of Oak Harbor by Foster Pepper. Greg Banks, Prosecuting Attorney, advised the Board that the Rules of Professional Responsibility changed so he informed Mr. DiJulio of that fact which explains the latest revision to Mr. DiJulio's letter to the Board dated June 27, 2007. Mr. Banks believes that Mr. DiJulio's analysis of the situation is on point but advised the Board that if a concern exists, the Board does not have to agree to a waiver of representation.

Commissioner Dean asked if other firms are available as an option. Mr. Banks said that the City of Oak Harbor is a new hire of representation for Foster Pepper; that Foster Pepper is already, and has been, involved in Island County issues.

Chairman Shelton mentioned a concern about a past Island County Department of Planning & Community Development employee who now works for Foster Pepper.

Mr. Banks said if the Board has genuine concerns, it can request a conditional waiver of conflict subject to implementing procedures that places a barrier of confidentiality between the two representations. He offered to draft a letter on the Board's behalf for the Chairman's signature.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
JUNE 27, 2007 – SPECIAL SESSION**

By unanimous motion the Board approved a waiver of Foster Pepper's representation of the City of Oak Harbor subject to provisions of confidentiality placed on the waiver.

Meeting adjourned at 4:05 p.m. The next regular meeting of the Board will be on July 2, 2007 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