

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
MARCH 10, 2008 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on March 10, 2008 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. John Dean, Chairman, Phillip Bakke, Member, and William L. McDowell, Member were present. The meeting began with the Pledge of Allegiance.

EMPLOYEE AWARD PRESENTATIONS

EMPLOYEE SERVICE AWARDS

<u>Department</u>	<u>Employee</u>	<u>No Years</u>
Juvenile Court Services	Brooke Powell	5
Superior Court Clerk	Mary Kaye Weller	10

EMPLOYEE OF THE MONTH AWARD - JANUARY

ERICA MARTELL – HEALTH DEPARTMENT

“Erica Martell ‘hit the ground running’ as she began her employment with the Health Department. Due to her previously developed technical expertise, she has been able to become technically proficient concerning on-site sewage disposal systems in an unusually rapid period of time. This has allowed her to provide protection to the health of the public by making sure that sewage systems are properly designed and installed in such a way as to preclude environmental contamination, minimize environmental impact and maximize system efficient and user friendliness.

In her dealings with system designers and system installers Ms. Martell has been very assertive in requiring code compliance while at the same time being very respectful of the designers and installers. Ms. Martell has done this in such a way that both groups choose to eagerly and voluntarily strive to provide the best protection to the public’s health and the natural environment that is practically obtainable.

Ms. Martell put in extra effort in order to make sure that applicants are not delayed in the process of permitting the on-site sewage systems so that they have the opportunity to proceed promptly with their building projects. At a time when other employees may have been inclined to reduce their work output, she increased her effort, putting in extra work to make sure that applicants receive the benefit of maximum processing efficiency.

Erica Martell’s willingness to go the extra mile for our applicants is consistent with the finest traditions of Island County Government and demonstrates the excellent customer service that has come to be expected of all of us.”

EMPLOYEE OF THE MONTH AWARD - FEBRUARY

DAN JONES – ASSESSOR’S OFFICE

The nomination commended Mr. Jones for his job performance in completing the levy calculations that allowed the Assessor to certify the assessment roll to the Treasurer’s Office in accordance with the Department of Revenue’s property tax schedule. To help aid in completing

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the levy calculation, he developed an MS Access Database that helped facilitate and cross check many of the queries and calculations that needed to be done. Mr. Jones compiled, designed, arranged, and prepared a new professional looking *Annual Report of the Island County Assessor's Office*. He put the report in booklet form that made it much easier to read and included many types of useful information.

CONSENT AGENDA

By unanimous motion the Board approved the following items [1-22] of the Consent Agenda with the exception of item [9] and the Recommendation of Veterans Claim No. V8-1, both moved to the Regular Agenda, and approved items [27-32] of the Chairman's Agenda:

ELECTRONIC FUND TRANSFERS, VOUCHERS, PAYMENT OF BILLS

Vouchers (War) #s 282626-282925.....	\$528,749.93
Electronic Fund Transfers.....	\$ 1,052.84

MISCELLANEOUS

Letter to USDA Rural Development in support of the USDA Value Added Producer Planning Grant.

APPOINTMENTS AND/OR RE-APPOINTMENTS TO BOARDS AND COMMITTEES

Island County Planning Commission

Reappointment of Scott Yonkman to serve on the Island County Planning Commission for a four year term to expire on January 2, 2012

Board of Equalization

Appointment of Richard G. Bryan to serve on the Board of Equalization completing a term which expires on May 31, 2009

Marine Resources Committee

Appointment of Bryan Nichols to serve on the Marine Resources Committee for a three year term to expire on December 31, 2010

BUDGET

Hearing Scheduled – March 24, 2008 – 2:20 p.m.

Resolution C-18-08 Amending the 2007 Island County Budget

Hearing Scheduled – March 24, 2008 – 2:20 p.m.

Resolution C-19-08 Amending the 2008 Island County Budget

EXTENSION

Amendment 1 to Contract with Sarah Schmidt dba Terrafilia. Amendment extends period of performance to June 30, 2008 for work at Cornet Bay and the beach restoration project. [RM-EXT-07-0182]

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Amendment 1 to Contract with Dan Pederson. Amendment extends period of performance to June 30, 2008 for work at Cornet Bay and the beach restoration project. [RM-EXT-07-0162]

Amendment 1 to Contract with Rex Porter dba Porter Group. Amendment revises the scope of work and contract amount for the Cornet Bay beach restoration project. Amendment Amount: \$1,500; Contract Amount: \$21,000. [RM-EXT-07-0158]

HUMAN RESOURCES

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Health	043/08	PHNIII/Supervisor	2406.10	Personnel Action	01/01/08
Planning & Community Development	044/08	Asst. Planner-Critical Areas	1707.05	Replacement Position	03/10/08
	045/08	Water Quality Mgr.	420.00	Replacement Position	03/10/08
Treasurer	047/08	Chief Deputy Treasurer	2110.00	Replacement Position	06/02/08
Sheriff	048/08	Corrections Officer (Provisional)	4015.12	Personnel Action	03/17/08

PLANNING & COMMUNITY DEVELOPMENT

Resolution C-20-08 (PLG-005-08) In the Matter of Supporting an Application to Conservation Futures Funds for Improving Recreation and Conservation Efforts at Iverson Property on Camano Island. (Resolution on file with the Clerk of the Board)

PROSECUTING ATTORNEY

Resolution C-21-08 Waiver of Competitive Bidding or Competitive Solicitation for Procurement of the Laserfische Document Reader. (Resolution on file with the Clerk of the Board)

PUBLIC HEALTH

Contract with Compass Health for Mental Health/Jail Services. Provides funding for software/database access for Compass to report services for clients who are receiving Jail Transition Services. Contract No. HS-03-08; Contract Amount: \$3,000 (RM-HLTH-08-031)

PUBLIC WORKS

County Roads

Quit Claim Deed with Firwood Enterprises LLC; CRP 07-05, Work Order No. 397; Ault Field Road/Oak Harbor Road Intersection Improvements; \$8,281.00 (land); Parcel 517-2100; Sec. 26, Twp 33N, R 1E.

Bid Award to Aggregates West, Inc. for 2008 crushed rock supplies for Coupeville and Bayview Shops.

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Agreement with Washington State Department of Transportation, Local Agency Agreement; Ault Field Road/Oak Harbor Road Intersection Improvements; Amount: \$1,150,000 (WSDOT/\$650,000, Island County/\$500,000). (PW-0820-31)

Agreement with Washington State Department of Transportation, Local Agency Federal Aid Project Prospectus; Ault Field Road/Oak Harbor Road Intersection Improvements; Amount: \$771,445 (WSDOT/\$650,000, Island County/\$121,445) (PW-0820-32)

Resolution C-22-08/R-04-08 In the Matter of Initiating a County Road Project designated as CRP 08-01, Work Order No. 86; Installation of Guardrails along various County roads. (Resolution on file with the Clerk of the Board)

Resolution C-23-08/R-05-08 In the Matter of Initiating a Public Works Project designated as PWP 08-02; Work Order No. 74; Island County Bicycle Enhancement. (Resolution on file with the Clerk of the Board)

Resolution C-25-08/R-07-08 In the Matter of Approving Plans & Specifications and Authorizing Call for Bids for 2008 Guardrail Projects – Whidbey and Camano Island. (Resolution on file with the Clerk of the Board)

Hearing Scheduled – April 7, 2008 – 10:15 a.m.

Ordinance C-24-08/R-06-08 - In the Matter of Establishing Island County Adopt-A-Road Noxious Weed Control Program and Revising Island County Code, Chapter 12.28. (Resolution on file with the Clerk of the Board)

Hearing Scheduled – April 7, 2008 – 10:15 a.m.

Franchise #339; Bush Point Beach Association; renewal of existing water distribution system; Plat of Bush Point Beach, Division No 1.; Sec 6, Twp 29N, R 2E

LIQUOR LICENSES

New Application for Liquor License No. 402915-3D by applicants Rene Marie Schlangen and Dan Alan Schlangen, Tradename: Rockhopper Coffeehouse, 8898 State Rt. 525, Clinton, WA

Application for Special Occasion Liquor License No. 090879 by the Whidbey Animal's Improvement Foundation for a special occasion to be held on May 17, 2008 from 4:30 p.m. to 10:00 p.m. at the Crockett Barn, 1056 Crockett Farm Rd., Coupeville, WA

REGULAR AGENDA

GSA RISK MANAGEMENT

By unanimous motion the Board approved Purchase Order No. 8702 with Jesse Allen Excavating and Construction for the Libbey Beach Emergency Repair. Amount: \$97,380. (RM-GSA-08-037)

As recommended by Ms. Kemp in a memorandum dated March 10, 2008, the Board unanimously denied Claim for Damages R08-001 CD submitted by GEICO for Kristin Roberts in the amount of \$12,171.22. Ms. Roberts claims she was in an automobile accident due to visibility around a "blind" curve, saying that Island County did not maintain a safe roadway. The recommended

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denial of the claim is based on the fact that Island County exercised ordinary care in the construction, repair, and maintenance of Goss Lake Road, Pintail Road, and the intersection of the two roads to keep them in a reasonably safe condition for ordinary travel.

MISCELLANEOUS

By unanimous motion the Board approved Veterans Assistance Fund Claim #V8-1 in the amount of \$1,725 as recommended by the Veterans Assistance Review Committee [*emergency financial assistance to eligible veterans; names and specific circumstances are confidential*].

PUBLIC HEARINGS

**HEARING HELD: FRANCHISE #345, PENN COVE WATER & SEWER DISTRICT
FOR EXPANSION OF EXISTING SERVICE AREA FOR SEWER TRANSPORT
SYSTEM**

**HEARING HELD: FRANCHISE #346, PENN COVE WATER & SEWER DISTRICT
FOR EXPANSION OF EXISTING SERVICE AREA FOR WATER DISTRIBUTION
SYSTEM**

A public hearing was held as advertised for the purpose of considering (1) Franchise #345 Penn Cove Water & Sewer District for an expansion of the existing service area for a sewer transport system, Secs. 21-23, Twp 32N., R 1E. and (2) Franchise #346 Penn Cove Water & Sewer District for an expansion of the existing service area for a water distribution system, Secs. 21-23, Twp 32N, R 1E.

Randy Brackett, Assistant County Engineer, presented for the Board's consideration two complimentary franchise agreements Public Works is recommending for approval.

Chairman Dean opened the public comment portion of the hearing and there being none, public comment was closed.

By unanimous motion the Board approved (1) Franchise #345 Penn Cove Water & Sewer District for an expansion of the existing service area for a sewer transport system, Secs. 21-23, Twp 32N., R 1E. and (2) Franchise #346 Penn Cove Water & Sewer District for an expansion of the existing service area for a water distribution system, Secs. 21-23, Twp 32N, R 1E as recommended by Public Works.

**HEARING HELD: ORDINANCE C-87-07/PLG-017-07 IN THE MATTER OF
AMENDING CHAPTER 17.02 AND 17.03 ICC, THE ISLAND COUNTY CRITICAL
AREAS AND ZONING ORDINANCES AND THE ISLAND COUNTY
COMPREHENSIVE PLAN TO ADDRESS LAND USE COMPATIBILITY
SURROUNDING NAVAL AIR STATION WHIDBEY ISLAND**

*[Continuation of hearings from August 27, October 1, November 26, 2007 and
January 14 and March 3, 2008 – Public Comment Closed]*

As scheduled and advertised Chairman Dean opened a public hearing to address Ordinance C-87-07/PLG-017-07 in the Matter of Amending Chapter 17.02 and 17.03 ICC, the Island County Critical Areas and Zoning Ordinances and the Island County Comprehensive Plan to Address

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Land Use Compatibility Surrounding Naval Air Station Whidbey Island, continued from March 3.

Jeff Tate, Director, Planning and Community Development Department, briefed the Board saying the March 3 public hearing was continued due to ongoing work between the County and City regarding Accident Potential Zones, specifically APZ II, the completed runway that now would include part of the Oak Harbor Urban Growth Area. County and City staff have continually worked together in an effort to arrive at a mutually acceptable set of standards.

The City provided the County with a letter indicating its concerns. In particular, the way the ordinance is written some listed uses were allowed under the AICUZ study conducted by the Navy when other uses were not; the ordinance was not specific enough about those uses. County staff believe they have now addressed that concern. Additionally, the Prosecuting Attorney's office requested changes following its review as to form. For ease of reference staff provided the Board with a tabbed, compiled version reflecting the changes.

Staff's conclusion is that the uses are consistent with the City and with the AICUZ study. The City's concern remains that when the Accident Potential Zone is across the Urban Growth Area it will restrict not the use but the level of intensity or density at which the use is allowed.

Commissioner McDowell remarked that has always been true in that the City allows three houses per acre in its Residential Zone and the County allows one. The fact that the intensity of use is different is to be expected; he does not see an issue since historically there has been a higher density of use. Effort was always given to make sure the uses were the same; it is obvious the intensity has never been the same.

Mr. Tate agreed saying before incorporation into the City all of the uses are less intense than what the City would allow.

Anthony Boscolo, Planner, highlighted changes:

- Exhibits A1-A3 – No changes since the Planning Commission's version
- Exhibits A4-A5 – Minor changes previously known
- Exhibit A6 – Added a phrase on page 147, line 13, a change recommended by the Navy in a letter back in August 2007: "*Obstructions that would require alterations in flight paths will not be permitted.*"
- Exhibit A10 – Definition added to reference work done in the Oak Harbor UGA: "*Floor Area Ratio (FAR): The ratio between the Gross Floor Area and the square feet of the Parcel or Lot area.*"
- Exhibit A12 (code portion of the ordinance) – No changes to first couple of pages, uses within the County's lands, with the exception of adding a couple pieces to the table for zones on the north end of the Island. As a technical change "*17.02.050 Overlay Zones*" on the first page should be omitted as it was mistakenly added. The table on the third page and continuing for the UGA lands is new language since last review.

Chairman Dean was confused as to why "*Bedding Manufacture*" would not be allowed but "*Carpet*" would.

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Mr. Boscolo said the difference is called out inside the AICUZ report. Basically, the final assembly stages of bedding versus carpet requires more staff on hand for sewing; it is the number of people than the place.

Commissioner McDowell remarked that from the Navy's perspective, it all has to do with how many people are in the flight path and the type of businesses allowed.

The Chairman re-opened the public comment portion of the hearing.

Rebecca Spraitzar, 37353 State Route 20, Oak Harbor, expressed her concern about language in Exhibit A-12 that states "no new residential uses will be permitted."

Mr. Boscolo responded that the section where that statement is referenced refers directly to UGA lands and the City asked that the language be included. It does not apply to Rural, it applies to UGA lands only.

Ms. Spraitzar said she does not believe re-zoning is required and understands the attempt to show support for Navy activity. She said historically when the Navy first came to Whidbey it purchased air rights. By re-zoning the ceiling is lowered to 50 feet from 500 and the Accident Potential Zone is then created because of low level flights. Ms. Spraitzar believes if the area is zoned as a crash zone homeowners' insurance will increase and she and others in the area should be adequately compensated for loss of use of their property. She does not feel that being taxed at about 90% of assessed value is sufficient compensation. She suggested evening meetings since most property owners work during the day.

There being no further public comment the public comment portion of the hearing was closed.

Board Comments

Commissioner McDowell commented that the Board has not created anything that is not already in place. He disagrees with the belief of higher insurance rates and said when zoning, public safety is always a consideration. Certain uses should not be allowed in areas of land where historically planes have flown for over 60 years. He said the City's concerns within the specific UGA are non-issues once the City understands and reconsiders the position that the intensity of use outside City limits has always been less than inside City limits. The City would like to have the intensity it anticipates consistent with the AICUZ plan. The Commissioner is prepared to approve the ordinance.

Commissioner Bakke added that the Growth Management Act requires that the County work collaboratively with the City. The Act requires that the County establish an Urban Growth Area and Joint Planning Area with the City. In this case with Oak Harbor, the Joint Planning Area and Urban Growth Area include lands associated with Naval operations. As such, the County in good faith and pursuant to the Act developed interlocal agreements with the City of Oak Harbor that include language about the County and City's relationship with the Navy and how to foster preservation of that relationship and health and human safety within the area. He believes the ordinance is representative of those overarching requirements of the State Growth Management Act.

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He continued to say that in 2003 there were base closure proceedings wherein Governor Gregoire and the State Legislature made it a priority for Washington State and its communities with military installations such as in Yakima, Bremerton, and Whidbey, to take steps to try to promote public safety, reduce the odds of accidents, and reduce conflicting adjacent land uses with naval operations. As part of that grant funds were available and he believes the Governor established a task force, still an active group, and issues surrounding compensation and land use would be appropriately raised with the task force. The State has set aside over the years funding to help communities; the County does not have any specific funding nor has it been given any specific funding for that purpose. The State has realized what it costs communities in other areas of the country with such conflicts between land use and military operations, with a greater showing of base closures, costing the government time and money. The Commissioner believes the ordinance is a solid step forward in fulfilling the County's requirements under the State Growth Management Act and expectations from the Governor and Legislature for protecting Washington State military base facilities.

Commissioner McDowell said he is currently working with three property owners on the extension of the runway, the one over the small portion of City limits and properties adjacent to the Boyer property, discussing the possibility of selling development rights for cash from the Navy. Speaking to Ms. Spraitzar he said if she is desirous of something similar she should meet with him and provide her legal descriptions and Assessor maps so he can determine the location of her property. He would be glad to approach the Navy on her behalf because there is annual money for the purpose of buying development rights. If Ms. Spraitzar has development rights she would like to sell, Commissioner McDowell would be happy to carry forward her request.

Mr. Tate remarked he was remiss in mentioning that over the weekend he received an e-mail from the City's Planning Director, Steve Powers, who indicated he could not attend today's hearing but asked that his February 29, 2008 letter be added to the record. The issues stated in the letter have been addressed but for the second main paragraph. [*GMA No 9798*]

Commissioner McDowell moved approval of Ordinance C-87-07/PLG-017-07 in the Matter of Amending Chapter 17.02 and 17.03 ICC, the Island County Critical Areas and Zoning Ordinances and the Island County Comprehensive Plan to Address Land Use Compatibility Surrounding Naval Air Station Whidbey Island. Commissioner Bakke seconded the motion with comment.

Building on what he said earlier, Commissioner Bakke mentioned that the ordinance represents classic land use zoning for protection of a naval installation. Basically, the land use tables are providing for greater land use restriction preventing things such as schools, essential public facilities such as fire stations and the like, being located in areas of the County that have a higher risk. Commissioner Bakke believes the ordinance makes good sense and is something that probably should have been considered long ago. It reinforces a collaborative relationship between the City and NAS Whidbey, implements the County's interlocal agreements with the City, and promotes communication of the land uses with the City and NAS Whidbey. He believes Island County over the years has been a leader in mapping areas and providing for appropriate zoning and noise reduction standards so that decibel levels inside homes will be dramatically reduced from outside to reduce complaints from landowners. Landowner notification has been melded into the program and basically for the Commissioner, aside from being able to protect the operations at NAS Whidbey for national security efforts, the ordinance is also of benefit for the community.

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He continued to say that the comprehensive plan language has been updated and it points out that people employed at the naval installation represent 68% of total employment in Island County, with payroll representing 52% of all County-wide labor earnings in Island County.

- \$91.1 million in military retirement pensions
- \$14.1 million in health care payments to private providers
- \$12.2 million in contracts for goods and services
- A direct impact to the State's economy of \$494.5 million
- Total impacts as a percent of wage and salary in Island County 87.9%.

On the whole, Island County's economy is tied to NAS Whidbey. Commissioner Bakke actively promotes the Island County Economic Development Council and efforts from the City and others for diversity, hoping in the future that the economic numbers will be such that there will be more business in other parts of the County so as not to be 87.9% dependent on the base. For now, however, that is the number and he believes the ordinance is reflective of the Governor's and State Legislature's commitment during the base closure discussions in 2003 and also reflective of expectations placed upon local jurisdictions through implementation of the Growth Management Act.

Commissioner McDowell indicated as he has said once before, NAS Whidbey is the second largest naval air station in the United States with the largest being NAS Oceana. Between the community where Oceana is located and the state both are working to come up with over \$10 million a year to buy properties that have been developed just so the base will stay open; Oceana is staying open because of a united plan with the state, county, and city to arrive at needed dollars. The entities, also dependent upon the base, are willing to spend the money so as not to lose the asset. Island County would have no way to come up with multi-million dollars a year. This is the kind of thing in the Commissioner's opinion that communities are recognizing, that some are dependent upon a military presence for economic survival. Island County's comprehensive plan, for years, has had provision for protecting the base and now, with the ordinance, actually will be doing more than just having that stated goal. He believes adoption of the ordinance is certainly a step forward.

Chairman Dean thanked Commissioner Bakke for his comments underscoring how significant the naval air station is to Island County's economy. People often mention to him that the Navy is not needed on the Island. Some individuals see it much differently, not understanding that loss of the base would create a huge impact similar to Puget Sound losing Boeing or Microsoft. What disturbs the community is they do not want to carry the burden of the Navy compatible land use standards and the Chairman thanked Commissioner McDowell for the transfer of development rights offer to work with property owners to ease that burden; relieving the burden must be a priority as well. He concluded by thanking everyone for keeping the economy strong and said this is something the County cannot turn away from, agreeing it is important for the welfare of the County and the safety of the people who live around the base. He also will support the ordinance.

It was moved and seconded to approve Ordinance C-87-07/PLG-017-07 in the Matter of Amending Chapter 17.02 and 17.03 ICC, the Island County Critical Areas and Zoning Ordinances and the Island County Comprehensive Plan to Address Land Use Compatibility Surrounding Naval Air Station Whidbey Island, unanimously carried. *[GMA No. 9799]*

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COMMISSIONERS COMMENTS AND ANNOUNCEMENTS

By unanimous motion the Board accepted the resignation of Health Director Tim McDonald, effective May 2, 2008, who accepted a position of Director of Communicable Disease Control, Division of Snohomish County Health District. Commissioner McDowell added that Mr. McDonald has provided excellent service to Island County and he will be missed.

EXECUTIVE SESSIONS ANNOUNCED

Chairman Dean announced that the Board will briefly recess then meet again in two Executive Sessions as follows:

- 11:20 a.m. to be held in the Office of the Commissioners, Conference Room # 218, Second Floor, Administration Building, 1 N.E. 7th Street, Coupeville for approximately 15 minutes as allowed under RCW 42.30.110(1)(g) to review the performance of a public employee.
- 11:35 a.m. to be held in the Office of the Commissioners, Conference Room # 218, Second Floor, Administration Building, 1 N.E. 7th Street, Coupeville for approximately 30 minutes as allowed under RCW 42.30.110 (1)(c) to consider the minimum price at which real estate will be offered for sale or lease.

The Chairman did not anticipate an announcement following either Executive Session in open public session.

There being no further business to come before the Board the meeting adjourned at 12:05 p.m. following Executive Sessions. The Board will meet next in Regular Session on March 17, 2008 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Phillip Bakke, Member

William L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board