

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 13, 2008 – REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on October 13, 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>
Assessor	Dan Jones	20
Facilities	Michael Czarnik	5
Facilities	Steve Haga	5
Human Services	Michael Etzell	10
Public Works	Jacqueline Fredriksen	15
Public Works	Dennis Benning	20
Public Works	Larry Frostad	20
Sheriff	Brian Legasse	20
Sheriff	Dan Todd	10
Solid Waste	Cynthia Watson	10

EMPLOYEE OF THE MONTH – SEPTEMBER

BOBBIE PIECHOWSKI - SOLID WASTE

Bobbie was nominated by a member of the public:

“I would like to send a note regarding one of your employees. Her name is Bobbie. A few weeks ago, I tossed an envelope (with 100 paychecks) in with the recycling paper. When I realized it a few hours later, I called the center. Bobbie looked for the envelope and couldn’t find it. I asked if I could come out and go thru the paper. When I got there Bobbie got into the dumpster with me and shoveled paper. Because of her tenacity and help we found the envelope. It seemed like an insurmountable problem at first but working together with me, Bobbie and I found the checks. She is always friendly and helpful.”

SPECIAL RECOGNITION

On August 17, 2008 Deputy Schwab responded to a call for a man down at the baseball fields behind the Camano Center with the presence of mind to take a recently purchased AED Device with him. Upon arrival, he and Paramedic Johnson used the AED which detected a lethal heart rhythm. The AED provided a shock to the man, restarting his heart. Additional care was given until Camano Fire arrived on scene and transported the man to the hospital. It was later

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determined that he had suffered a severe heart attack known as a “widow maker.” The doctors stated that the early application of the AED Device is the only reason the man survived.

CONSENT AGENDA

By unanimous motion the Board approved the Consent Agenda as follows with a clarification to item 8, *Claim for Damages R07-027 CD (Verizon)*, a recommendation of denial; and, with respect to vouchers, request that a letter be sent to the Sheriff’s Department referencing Resolution C-140-05 concerning credit card use and lease payments:

ELECTRONIC FUND TRANSFERS, VOUCHERS, PAYMENT OF BILLS

Vouchers (War) #s 297382-297648..... \$419,716.96
 Electronic Fund Transfers..... \$248,604.13

APPOINTMENTS/RE-APPOINTMENTS TO BOARDS AND COMMITTEES

Reappointment of Todd Bitts to a four year term on the Clinton Ferry Advisory Committee, term to expire August 31, 2012

AUDITOR - ELECTIONS

Grant Agreement with WA State Office of Secretary of State Elections Division for costs associated with training election officials as authorized by the Help America Vote Act; OSOS Contract No. G-2840 4A. Amount: \$9,715.33 (RM-AUD-08-0183)

GSA – EMERGENCY MANAGEMENT

Purchase Order No. 8920 with Steel Dreams for purchase of 3 each 6,500 watt gas powered portable generators for emergency power in Island County. Amount: \$11,382.00. (RM-DEM-08-0187)

GSA – MOTORPOOL

Resolution C-99-08 In the Matter of the Sale or Disposal of Surplus County Vehicles (*Resolution on file with the Clerk of the Board*)

GSA – RISK MANAGEMENT

Claim for Damages R07-027 CD (Verizon, \$15,284.34) (Denied)

HUMAN RESOURCES

Personnel Action Authorizations

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Human Services	143/08	Human Services Program Coordinator	2808.13	New Position	11/01/2008

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Resolution C-96-08 Establishing a Policy Providing Guidance for the Employee-of-the-Month Program. (*Resolution on file with the Clerk of the Board*)

JUVENILE COURT SERVICES

Interagency Agreement with WA State Administrative Office of the Courts to support family and juvenile court operations; Contract No.: IAA09395; Amount: \$30,400

Amendment to contract with WA State DSHS for JABG FFY07 funds; Contract No. 0663-99171 Amendment No. 0663-99171-03; Amount: \$10,000

PLANNING & COMMUNITY DEVELOPMENT

Amendment No. 2 to contract with WA St. Department of Fish and Wildlife for Lead Entity 2007-09 Salmon Habitat Recovery Planning Grant; WDFW Contract No. 07-1465; Amount: \$171,956 (*RM-PLAN-08-0189*)

PUBLIC WORKS

Drainage

Change Order No. 1 – Saratoga Road 30-inch Pipe Ramming; CDP 08-01, Work Order No. 431; Additional time and funding

LIQUOR LICENSE

Application for Special Occasion Liquor License No. 093573 by the Trust Board of Ebey's Landing for a special occasion to be held November 7, 2008 from 6:00 p.m. to 9:00 p.m. at the Crockett Barn, 1056 Crockett Farm Rd., Coupeville, WA

REGULAR AGENDA

**TECHNICAL CORRECTION TO PBR 413/07, APPLICANTS PHIL AND RITA
MATTHES**

Brandon Sweeza, Planning & Community Development Department, said on September 8, 2008 an Open Space Application was approved, PBR 413/07, Parcel R13115-027-2830, for Mr. and Mrs. Matthes. The technical correction stems from the fact that the acres admitted were not noted on the signed agreement. That information is typically included in the legal description portion of the document but because the entire property was approved, in this case, it was not.

By unanimous motion the Board approved the technical correction to PBR 413/07 as requested.

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PUBLIC HEARINGS

**HEARING HELD: FRANCHISE # 186R – SUNRISE HILLS COMMUNITY
ASSOCIATION**

Chairman Dean opened a public hearing to consider Franchise #186R as requested by Sunrise Hills Community Association.

Bill Oakes, Public Works Director, said Franchise #186R, PW08-20103, for Sunrise Hills Community Association, is for an existing sewer transport line in County right-of-way in the Plat of Sunrise Hills, Divisions 1, 2, and 3, on the north end of Whidbey Island. Applicable departments have reviewed the franchise and are recommending approval.

The Chairman opened the floor to public comment and there being none, public comment was closed.

By unanimous motion the Board approved Franchise #186R for an existing sewer transport line as requested by Sunrise Hills Community Association for Divisions 1, 2, and 3.

**HEARING HELD: ORDINANCE C-91-08 (R-38-08) RESCINDING A TEN TON LOAD
LIMIT ON A PORTION OF SARATOGA ROAD, AMENDING ISLAND COUNTY
CODE, TITLE X, CHAPTER 10.02**

Chairman Dean opened a public hearing for the purpose of considering Public Works' request to rescind a ten ton load limit on a portion of Saratoga Road.

Mr. Oakes said that Public Works is requesting removal of a load limit restriction on Saratoga Road. The road is load limited because, in a tunneling operation two years ago, the road bed was potentially compromised. Since that time the road has been proof-rolled with a 10-yard dump truck with no significant deflection. Also, in the process of completing the culvert, the road section was significantly vibrated with no major settlement. Public Works, therefore, recommends lifting the load limit.

The Chairman asked for any public comment and there being none, public comment was closed.

By unanimous motion the Board approved Ordinance C-91-08 (R-38-08) Rescinding a Ten Ton Load Limit on a Portion of Saratoga Road, Amending Island County Code, Title X, Chapter 10.02.

2009 BUDGET WORKSHOP

Budget Workshop began as scheduled at 11:00 a.m. Budget workshop times are approximate and may be adjusted. Budget notebooks for Board members' use during budget workshops prepared by the Budget office are based on M&O and capital amounts at current levels. Department Heads and Elected Officials during budget workshops are to comment on requested increases and provide a brief explanation for the request. Budget narratives accompanied each department/office budget. Proposed budget and supplemental requests are taken under

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advisement by the Board with no final decisions expected as a result of budget workshops. Hand-outs are on file with the Clerk of the Board.

Staff Present

Elaine Marlow, Budget Director

DISTRICT COURT/DISTRICT COURT PROBATION

Presented by: Honorable Peter Strow

Also Attending: Maggie Paczkowski, Court Administrator

Judge Strow talked about an issue concerning the Oak Harbor Municipal Court and the uncertainty as to how it will operate in 2009. City of Oak Harbor has given notice that it wants to re-negotiate its contract with possible changes. First, to simply operate as it is now; same hours, court facilities, and personnel, but hire a municipal court judge for three days a week to handle the City's judicial cases. That would involve a reduction in what the City pays under the contract, currently 22% of joint expenses (judges' salary as of October 1 is \$141,000 a year and the commissioner at about \$73,000). Second, a sub-proposal would include independent hours to operate as a night court, which may not be a practical alternative. Third, withdraw completely which the City is considering. A meeting between the Judge and City is scheduled for October 21.

The budget proposal for 2009 is largely a continuation of 2008 with minor increases. Judge Strow corrected a figure on line 141, Professional Services. He said the change concerns the pro tem component of that line item which includes: (1) pro tem services; (2) interpreter services; (3) other professional services; and (4) Dispute Resolution Center. It was decided years ago that it would be more cost effective to hire a full-time court commissioner rather than expend a daily cost for pro tems. Legislation adopted in 2008, however, now prohibits court commissioners from hearing jury trials; a commissioner cannot hear a criminal jury trial and can only hear a civil jury trial with consent of the parties. Judge Strow must now block time for jury trials. Currently the Court is scheduling four days per month for the City, six days per month for the County, with another two days for civil jury trials. Realistic figure for the amount of pro tem money needed in 2009 is 90 days; 4/5th of that would be attributable to the County; the City would pick up the rest. The proposed budget is changed to \$56,000 and assumes the County will operate with the City of Oak Harbor as it does now for court services.

It was mentioned that court personnel cannot stay abreast of making sure that people are in full compliance with their judgments and sentences due to lack of staff and time. Other areas of daily court function are also affected by lack of staff and time.

Follow-up: Judge Strow will advise of the City's position following the October 21 meeting.

CIVIL SERVICE COMMISSION

Presentation by: Gene Parmelee

Also attending: Marie Taylor

Budget is primarily for salaries, testing, and administration for civil service employment of deputies and corrections in the Sheriff's department. Asking for \$26 increase.

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PROSECUTING ATTORNEY

Presentation by: Greg Banks, Prosecuting Attorney

Also attending: Caroline Morse, Office Administrator

Mr. Banks provided a Power Point presentation showing the current state of the Prosecutor's office and how it is functioning. He also said there is not much to the budget proposal in terms of new requests.

Summary of 2009 Proposed Budget Changes

- Increase of M&O budget by \$12,807
- Increases include Board-approved maintenance fees for new case management system (\$9,409) and Laser Fiche court document image reader (\$1,028)
- Remainder of increase is for travel, fuel, and communications
- No increase in staffing requested

The Prosecutor said caseloads are up. Costs are under control in spite of heavy demands of criminal trials on the budget. The Prosecutor presented graphs showing felony prosecution, misdemeanor/traffic, and juvenile prosecution trends

The Prosecutor summarized proposed budget changes for 2009:

- Increase of M&O budget by \$12,807: Proposed increase includes Board-approved maintenance fees for new case management system (\$9,409) and Laser Fiche court document image reader (\$1,028)
- Remainder of increase for travel, fuel, communications
- No increases in staffing requested

The Prosecutor discussed future challenges for his office.

- Staff Retention and Salary
 - Top level deputies eagerly awaiting results of last year's salary survey
 - Five of nine deputy prosecutors live off-island due to economic pressures. Spouses are unable to work on Whidbey Island.
 - Expect tough economy to make jobs in surrounding counties all the more attractive
 - Loss of experienced people costs dearly
- County Code
 - Labor intensive effort every year to preserve the formatting technology of a word processing program used over 10 years ago;
 - Not very user friendly for citizens and County employees
 - In process of determining scope and costs to correct problems
- Facilities
 - Facilities are inadequate for a 20-person municipal law department (no library, conference room, interview room for victim/witness or paternity, no room to accommodate growth)
 - Solution within the Law and Justice Building by relocating WSU Extension
- New Partnerships
 - County's principal law enforcement agencies and Prosecutor will explore ways to gain efficiencies through task forces and partnerships: Investigator internal to Prosecutor's office for follow-up investigatory tasks; forensic crime scene investigation and evidence collection; computer and digital evidence examination and collection; forensic sex crime victim interviews; drug task force; training

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SHERIFF

Presentation by: Sheriff Mark Brown

Also Attending: Undersheriff Kelly Mauck, Jail Administrator De Dennis

Hand-out: Letter from Washington Counties Risk Pool

To keep everyone informed of the discussion Sheriff Brown presented to the Board a Power Point presentation, one that was also shown to the public during his outreach effort:

- Mission: Provide competent, effective public safety services to all persons, with the highest regard for human dignity through efficient and professional law enforcement and crime prevention practices
- Challenges
 - Island County tax structure
 - Revenue control
 - Geography of Island County affects manpower deployment
 - Managing overtime
 - Managing crime (proactive v reactive)
 - Protecting the public and protecting law enforcement providers
- Did you know
 - Island County Sheriff's Office has only experienced 7% growth in its patrol division over past 10 years. That figure represents just 3 additional deputies in 10 years.
 - Calls for Service have increased by 25% in same amount of time
 - Deputies made 38% more arrests in 2007 than in 1999
 - Average Deputy handles almost 6 times as many calls for service each year as the average King County Deputy
 - Island County Jail has only seen an increase of 5% (1 additional FTE), in staffing over past 10 years
 - Jail is a 58-bed facility and the "average inmate daily population" is 56 and many days is actually over capacity
 - In 1998 Jail Control Room was monitored and staffed by dispatchers. Today this same control room has to be staffed by corrections officers without any increase in staffing
 - Corrections officers spend a significant amount of time outside of the facility performing courtroom security and on inmate transports to other corrections facilities and medical appointments.
 - In 1998 Sheriff's office had 8 personnel assigned to investigations/detectives
 - In 2008 the Sheriff's office has just 6 detective positions at a 25% decrease
 - Fraud reports have increased more than 1400% in past 10 years
 - Unattended deaths have increased 97%
 - Reported drug and liquor violations have increased 337%
 - Reported sexual assaults have increased 54%
 - Island County has 10th largest unincorporated population in the state. Counties ahead of Island County are King, Pierce, Snohomish, Clark, Kitsap, Spokane, Thurston, Yakima, and Whatcom
 - Island County is 5th most dense county in the state
 - More likely to be a victim living in Island County than if living in Snohomish or Whatcom. Just as likely to be a victim of crime in Island County than in King County

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- Sheriff's office is 6th lowest staffed Sheriff's office in the state and 4 of the counties that have a lower commissioned staffing level have nearly twice the number of deputies as Island County
- .80 deputies per 1,000 citizens
- To reach statewide law enforcement average must hire 30 more deputies
- On many calls fire and medical units will stage and not enter the scene until a deputy arrives
- Island County Deputies are often the first person to arrive on a fire or medical call
- 2007 headlines (newspapers) highlighted
- Often times in the agency a "team" is only one deputy.
- Public Safety Goals for 2009
 - Promote officer safety, efficiency, and retention through additional staffing and training.
 - Remain pro-active on drug crime.
 - Remain pro-active on traffic safety.
 - Continue to build community support, understanding, and trust
- Answering Needs
 - Implemented traffic safety unit
 - Won the Washington State Traffic Safety Commission's "Target Zero Award" in 2007
 - Increased employee training
 - Implemented Marine Safety Unit
 - Implemented Drug Unit
 - Implementation of "E-lert Program"

Supplemental Requests for Criminal Division

Two full-time deputy sheriff positions, one to begin in January and the other to begin in July 2009. Undersheriff Mauck said staffing is top priority in the criminal division with the ultimate goal to provide minimum coverage of two deputies in each precinct on duty at all times.

Increase in authorized specialty pay positions by one position.

Increase part-time employee in civil division, 16 hours per week, to 20-hours.

Requesting a separate line item in criminal division budget for training, currently it goes into the overtime line item.

Cost of ammunition for firearms training has increased significantly.

Undersheriff Mauck provided a copy of a letter from the Washington Counties Risk Pool wherein it mentions the Risk Pool is interested in picking up the annual renewal fees (\$2500) for the Lexipol policy manual so long as the county pays for the training module portion, about \$2700. Ms. Kemp is supportive of the idea.

Requesting an increase in Office and Operating Supplies of \$2,000 for cost of goods.

Fuel line increase as estimated by the Budget Director.

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Undersheriff Mauck said that revenue projections will remain fairly consistent with 2008 numbers, commenting that the Road Department transfer has not been increased since 2002.

Corrections Division

Jail Administrator, De Dennis, spoke about the fact that the overtime budget has consistently been running about \$80,000. He projected for 2008 that it would be up to \$84,000. Increase in that amount is predominantly a result of people resigning and not having a Civil Service active hiring list so temporaries are hired. Some officers are working 18-hour days in order to meet minimum staff requirements for the facility.

Supplemental Requests for Corrections Division

Increase in overtime budget to \$84,000
Additional corrections officer

Additional increase in paper and documentation
Increase in intra and interstate chain
Additional money for training budget
Increase in laundry, kitchen, and meals

Received notification that the existing pharmacy in the corrections facility most likely will not meet the new standards expected to be adopted this year. There is the possibility the in-house pharmacy may only dispense, not prescribe.

Lost cooperation with Whidbey General Hospital for disposal of medical waste. Contract expected for that service with the only medical disposal organization from Seattle suggesting a cost of about \$3,000.

Fingerprint Identification System is over five-years old, has surpassed its life expectancy, and is no longer covered under guarantees or warranties. Cross Match will propose a bid to replace the system.

CLERK

Presentation by: Sharon Franzen, Clerk

Ms. Franzen provided a memorandum to the Board highlighting the issues outlined in her budget proposal.

- The biggest issues, with the most impact to her department, are request for more law enforcement officers and expansion of services in Superior Court.
- Collections program is proving to be a success and is paying for a significant portion of the Collections Deputy's salary. Ms. Franzen requests the Board continue its support.
- Replacement of document scanners
- Replacement of network printer and paper shredder

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Supplemental Requests

Request for additional Deputy Clerk to keep pace with the increase in document processing, courtroom duties, and judicial mandates. Available office space remains an ongoing issue.

Increase to M&O for travel and lodging for training opportunities provided by AOC and the Clerk's Association. Also considered are expected price increases in office and operating supplies.

SUPERIOR COURT/LAW LIBRARY/JCS/CASA/JUVENILE DETENTION CENTER

Presentation by: Mike Merringer, Administrator

Also Attending: Brooke Powell, Carla Grau-Egerton, Gerald Murphy, Sherry Cameron, Christine Crowell, Volunteer Lawyer Program

Juvenile Court

Mr. Merringer said historically, about 50% of all funding coming into JCS is from outside resources: Juvenile Accountability Block Grant; Consolidated Juvenile Services; Special Sexual Offender Disposition Alternative; Safe Funding, 3900 House Bill; BECCA with a portion to other department who are part of the process); Community Justice Accountability Act; Expansion money for evidence based programming.

CASA

During the last session the Washington State CASA Program was successful in getting additional funding for all Washington State counties. That meant receipt of an additional \$73,000, going almost entirely to salaries. From supervised volunteers and the number of CASAs in the program, right at about where they need to be in reference to ratio.

JUVENILE COURT DETENTION

Sales tax collections will not cover entire budget; submitted an M & O budget consistent with 2007. It seems overtime costs in 2008 have already exceeded what was spent in 2007.

SUPERIOR COURT

The Board provides \$4,000 within JCS budget to pay for Title 26 indigent custody evaluations. In addition, there is a contract with AOC that provides an additional \$6,000. For such evaluations, can spend the \$6,000 first before tapping into the \$4,000; the studies usually cost about \$2,000 each.

Federal IV-D money is also received for child support which pays for a portion of the court commissioner's salary and partially the salary of the court facilitator.

\$30,000 is received from the Family and Juvenile Court Improvement Plan. An individual has been hired to assist in the development of a unified family court.

The jury source list grant contract says the County should receive about \$950 each fiscal year, but over \$7,000 was received in 2008.

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COURT FACILITATOR PROGRAM

For the last two years have been able to contract for that service through the Volunteer Lawyer Program located in Oak Harbor. Mr. Merringer was recently notified by the President of the VLP that although VLP wants to remain in Oak Harbor, remaining in Oak Harbor may no longer be an option. The Legal Foundation, which provides a major portion of the program's revenue, has indicated that it wants to combine the Oak Harbor program with the Mt. Vernon office. This change would mean closing the office in Oak Harbor. Mr. Merringer is concerned that many individuals using the program would not be able to travel to Mount Vernon. If the Court Facilitator Program can no longer exist within the VLP, then it will be necessary to move the program back in-house. The office space formerly used by the Court Facilitator program is no longer available which poses a problem.

Christine Crowell, Program Director for the Volunteer Lawyer Program, provided a brief written statement as to what the program is and does. Also attached was the budget summary. She said in the past the program's funding has come primarily from the Legal Foundation of Washington. The Foundation takes the interest fees on lawyer's trust accounts, which goes by law to them to be distributed to programs providing services for low income people. The Legal Foundation, in conjunction with all legal aid providers in the state, has conducted state and regional planning and that is where the idea of consolidating with the Mount Vernon program came about. The Legal Foundation indicated that the VLP of Oak Harbor has until May 2009 to provide it with some sort of a plan to conduct the merger. If a plan is not provided that meets the requirements to consolidate, Ms. Crowell believes they will not receive the second six month grant for 2009. The VLP, if that happens, may request of the Board emergency funding for the mid-year.

To help the process with the Legal Foundation Ms. Crowell suggested letters of support. Mr. Merringer said Judge Churchill has been active with this, providing correspondence as well.

Concerning additional insurance Ms. Crowell requests the Board provide, if possible, \$1200 to cover additional insurance costs.

Mr. Merringer mentioned the person in the half-time position made available last year has established the committee accountability boards, making sure all volunteers are fingerprinted, and also is working with teen court.

Commissioner McDowell asked if juvenile crime numbers are going down, can that help reduce the deficit between revenue and operating the detention facility.

Mr. Merringer said the only way to accomplish that would be to change the philosophy and staffing patterns. Currently there is a philosophy that at a minimum, three people are needed at all times. When changing staffing patterns one is opened up to more liability. It is something to look at and discuss.

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There being no further business to come before the Board, the meeting adjourned at 3:23 p.m.
The Board will meet next in Regular Session on October 20, 2008 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Phillip Bakke, Member

Wm. L. McDowell, Member

ATTEST:

Elaine Marlow, Clerk of the Board