

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

The Board of Island County Commissioners met in Regular Session on October 6, 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.

PUBLIC INPUT OR COMMENTS

Elizabeth Derrig, an attorney, spoke on behalf of numerous residents of Diking District 1 who were also in attendance. She detailed for the record documents included in an e-mail she sent to Chairman Dean dated October 3, 2008:

- Photo view of pump pond, Island County Public Works Useless Bay Pump Station and Channel Improvements project, picture of outflow from the slough behind Sunlight Beach Road into Useless Bay.
- Petition for Suspension and Reactivation of Diking District No. 1. The District residents request:
 1. Stoppage of all work on the drainage project until a wetland study is completed, as the level of water at .75 1988 National Geodetic Vertical Datum may illegally destroy wetlands.
 2. All Dike District assets be frozen and held in trust by the County until a valid election has been held and new Commissioners properly elected.
 3. The current Diking “Commissioners” resign immediately and a properly noticed election be held.
 4. Proper notice and opportunity for the District residents to elect new Diking District 1 Commissioners and to vote on any proposed District resolutions and proposed construction and method of payment.
- Public Disclosure Act Request directed to District Commissioners dated September 29, 2008.
- Letter to Greg Banks outlining concerns of District residents.
- Letter from Edward W. Sheets and Ronda Skubi dated September 29, 2008.
- Letter from Island County Assessor addressed to Washington State Auditor regarding the status of District property dated September 12, 2008.
- Island County Department of Planning & Community Development request for comment regarding the SDP application for Diking District 1 for the drainage pump, including the parcel summary reports for property involved.

Ms. Derrig said that District residents want to notify the Board of Commissioners of their serious concerns about how the Diking District 1 Commissioners are operating in terms of how they were formulated, how they are making resolutions, how notice is provided, and whether the drainage pump is beneficial and something that is the financial responsibility of District residents. She said District residents want the Board of Commissioners to schedule the matter for public hearing pursuant to RCW 85.38.220 to consider suspension. District residents would also like to attend and be heard at the meeting between the Board of Commissioners and District Commissioner Arnold at staff session on October 8.

Commissioner McDowell asked that Ms. Derrig provide her understanding of the current status of the District Commissioners.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

Ms. Derrig said questions remain whether Diking District 1 was properly formed and if the commissioners were elected. She said no one knows for sure what the District Commissioners have done because actions were taken in secret; she does not believe there has been an election since 1995. What appears to have happened is that someone has assumed a vacancy. When the position came up for election there would be no notice of the election, that same commissioner who assumed the vacancy would be the only person who would file, and since running unopposed, there would be no election. Voters in the District have not received mailed ballots or any notification of an open position. Ms. Derrig believes that none of the District Commissioners have been elected.

Commissioner McDowell clarified that under state law if there is a vacancy in a Diking District or another junior taxing district, and the vacancy is not filled by the remaining District Commissioners within a certain time, then it is the duty of the Board of Commissioners to appoint. If the Board does not appoint within a certain time then the Governor will make the appointment.

The Board thanked Ms. Derrig for her comments and said before a public hearing can be set the Board must first consult with legal counsel to determine its role.

Ms. Derrig also remarked that the County is in a three-way contract with Diking District 1 which indicates some collaboration between the County and the District.

Commissioner Bakke commented that Commissioner Shelton worked with the District for several years to hatch the idea and foster it through the permit process. It was only this year that the permits from the Corps of Engineers, Fish and Wildlife, and others had come through. Commissioner Bakke understands that the County's contribution was about \$80,000 plus fairly significant staff time to foster the permit.

Ms. Derrig said District residents do not have any of the contracts or financial information; they are concerned about the second pump which no one knew about. With reference to the permits, in the past the Corps of Engineers and Department of Ecology have made it clear to the District commissioners that they are not to do anymore work on the dikes without input and approval from those entities. Time has passed, different people are in place, and those approvals or lack of approvals because there was no EIS came from a DNS, that came from self-reporting, and signed off on by Commissioner Bakke when Planning Director.

Commissioner McDowell asked Ms. Derrig to explain the work already being done and whether it has been paid for.

Ms. Derrig said it appears the work has not yet been paid for. She said the District Commissioners are trying to get a loan based on the fact that they can assess the people of Diking District 1, who live on the beach, for drainage of the golf course and wetlands. It seems the golf course pump has been upgraded or replaced and she believes there is another pump coming.

Commissioner Bakke considers it prudent to invite the District residents to join the discussion with District Commissioners at staff on October 8.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

Chairman Dean said the matter will be moved to a public hearing, if that is the case following legal review. At a minimum the effort is to have everyone at the table for discussion October 8 at 1:00 p.m.

Ms. Marlow will e-mail to Ms. Derrig confirmation of the staff session time on October 8 so she can forward that to District residents.

Coyla Shepard, 2620 Sunlight Beach Road, said people on Sunlight Beach Road who are being assessed \$450,000 are primarily summer people and do not take the Whidbey Record. Only legal notification was a small notice indicating a vacated seat. The summer people would need to be notified by a postcard or something similar. In all the years, District residents have not known about elections.

Tom Hanify, 2682 E. Sunlight Beach Road. He also is concerned about the District issue indicating there are two areas within the District that have been arbitrarily set by the District Commissioners. One is an area that is taxed, the lowlands (affected area) and the other area is not taxed, the higher land (unaffected). There are more parcels in the non-taxed area and everyone, either living in the lowland or highland, may vote. Mr. Hanify believes the system was put together to perpetuate elections and make the elections uncompetitive. He would like the Board of Commissioners to not only look at if the District Commissioners were elected properly, but whether the entire system has been set up fairly and in a non-discriminatory way. The District Commissioners are not taxing the people who are generating the water; they are taxing the people being affected by the water. *(Hand-out provided to the Clerk of the Board)*

John Shepard, 2620 Sunlight Beach Road, believes there is a very disproportionate taxation or payment for benefits and is seriously concerned about the amount that the water level will be reduced. The agreement with the County says to a level of 0.75 feet. Mr. Shepard said the monument under the road is under water and that is an official level of 5.99 feet behind his house. He held that the benefit is to the people who own the lowlands which primarily are the three District Commissioners; they stand to have wetlands converted to drylands. It is not clearly defined what level the water would be pumped to before there would be a potential ecological impact on the area. Mr. Shepard said the District Commissioners passed a resolution that all owners of acreage on the back lowland area in the wetlands will be assessed at a level of \$1,100 per acre. The Gabeleins currently have property for sale in the area for \$749,000, 54 acres, \$13,870 per acre.

Commissioner Bakke encouraged the group to talk with Bill Oakes, Public Works Director and Jeff Tate, Planning & Community Development Director, concerning their concerns. He is confident that the County would not have approved a permit for a second pump if the purpose was to drain down the wetland. He believes Messrs. Oakes and Tate can shed light on the permit conditions which may alleviate some of those concerns.

Paula Spina, Crockett Farm, discouraged the Board from making an appointment of Thomas Tack to the Historical Review Committee to fill her expired term; there is a dispute whether her term has actually expired. She wants the Board to reconsider its action because she believes the action is illegal under Island County Code 17.04.040.C. If the ordinance is upheld her appointment, in reality, is for a term of four years and therefore has not expired. Ms. Spina believes the action to replace her is politically motivated, not beneficial to bringing together the County and HRC, and should not be done.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

CONSENT AGENDA

By unanimous motion the Board approved the Consent Agenda as follows with the exception of item 7, *Appointment of Tom Tack to the Historical Review Committee*, moved to the Regular Agenda and item 21, *Resolution C-96-08 Establishing a Policy Providing Guidance for the Employee of the Month Program*, pulled from the agenda to be considered at a later date:

ELECTRONIC FUND TRANSFERS, PAYROLL, VOUCHERS, PAYMENT OF BILLS

Vouchers (War) #s 296872-297293	\$1,859,104.23
Electronic Fund Transfers.....	\$ 2,032.58
Payroll dated	September 30, 2008

MINUTES OF PREVIOUS MEETINGS

Regular Sessions.....	September 15, 2008
Special Session.....	September 16, 2008

APPOINTMENTS/RE-APPOINTMENTS TO BOARDS AND COMMITTEES

Appointment of Ed Stillian to serve a three year term on the Board of Equalization. Term shall run until May 31, 2011

Reappointment of Alvin Sherman to serve a four year term on the Ebey's Landing National Historic Reserve Trust Board. This reappointment to position #6 shall run until October 1, 2012

AUDITOR

Resolution C-94-08 Authorizing and Increasing and Decreasing Certain Petty Cash, Change, and Revolving Funds within Island County. (*Resolution on file with the Clerk of the Board*)

Resolution C-95-08 in the Matter of Cancellation of Warrants (cancel checks not presented for payment and outstanding for more than 1 year). (*Resolution on file with the Clerk of the Board*)

CONSERVATION FUTURES

Conservation Futures Fund Awards

2008 Award: Whidbey Camano Land Trust

Project: Ebey's Phase 2 (Engle/Perdue)
Amount: \$350,000

2008 Award: Whidbey Camano Land Trust

Project: Dugalla Flats
Amount of \$60,000

2008 Award: Island County Planning Dept.

Project: Iverson M&O
Amount: \$18,500

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

Funding Agreement with Whidbey Camano Land Trust to provide Conservation Futures funding for Dugalla Flats Project; \$60,000.00 (RM-GSA-08-0181)

Funding Agreement with Island County Planning Dept. to provide Conservation Futures funding for Iverson M&O Project; \$18,500.00 (RM-GSA-08-0182)

ENHANCED 911

Interlocal Agreement with WA State Military Dept. providing State Enhanced 911 funds for County FY09 Wireline and Wireless Operations at ICOM. Contract No. E09-034; Amount: \$26,235 (RM-BOCC-08-0179)

FACILITIES & MAINTENANCE

Contract & Contract Bond with Commercial Plumbing, Inc. for replacement of jail hot water tank; Amount: \$57,257.39 (RM-FAC-08-0135)

Contract & Contract Bond with Commercial Plumbing, Inc. for installation of jail water softener; Amount: \$54,255.05; RT-08-JL-8-08

GSA – EMERGENCY MANAGEMENT

Contract with Washington State Military Department to provide U.S. Department of Homeland Security (DHS) Emergency Management Performance Grant (EMPG) funds; Contract No.: E08-321; Amount \$26,793 (RM-DEM-08-0166).

Amendment to contract with Snohomish County Dept. of Emergency Management for Reallocation of the FFY 006 Homeland Security Grant Program (HLS) to increase the equipment budget; Contract No. E07-190 Amendment B; Amount: \$11,277. (RM-DEM-07-005)

HUMAN RESOURCES

Personnel Action Authorizations

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Clerk	135/08	Deputy Clerk, .75 fte	503.07	Replacement Position	10/16/08
Human Services	141/08	Human Services Specialist, .60 fte	2408.11	Personnel Action	10/6/08
Public Works	136/08	Administrative Assistant	2206.00	Personnel Action, Out of Class Pay 10/1/08 to 10/31/08	10/1/08
	137/08	9 Month Seasonal Engineering Tech	2254.05	Personnel Action, Extend Position to 11/30/08	10/6/08

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Planning & Community Devl	142/08	Planning Intern, Temp	1600.07	Personnel Action, Extend Position to 10/15/08	10/1/08
Superior Court	127/28	Family/Juvenile Court Case Coordinator, .5 fte	1413.00	To Correct Pay Grade on PAA signed on 8/18/08	8/18/08

HUMAN SERVICES

Contract with WA CTED Homeless Grant Assistance Program (HGAP) to provide transitional housing for Island County residents who will be transitioning back into the community from inpatient treatment facilities, jail and/or prison. Contract No. 08-46108-S02 Contact Amount: \$630,741 (RM-HS-08-173)

PLANNING & COMMUNITY DEVELOPMENT

Public Hearing Scheduled – October 27, 2008 – 2:15 p.m.

OPS 508/07. Applicant, Whidbey Island Farm, LLC requests 13.20 acres of their 25.83 acre property, R22922-328-2540 on South Whidbey Island be classified into the Public Benefit Rating System current use program.

PUBLIC HEALTH

Contract with WA St. Department of Early Learning – Parent Education and Support Services. Funding for parent education and support for target population of overburdened, low-income and at-risk families, military families and parents in jail. Contract No. 08-CS-0838; Contract Amount: \$30,000 (RM-HLTH-08-0180)

Contract with WA St. Department of Health – Consolidated Contract. Provides continued funding for the Child Care Health Consultation program and Group A Drinking Water Sanitary Surveys. Contract No. C14949, Amendment No. 11; Contract Amount: \$1,526,317, Amendment Amount: \$16,258 (RM-HLTH-06-0140)

Contract with WA St. Department of Ecology – Watershed Planning. Provides funding for Phase 4 implementation of high priority items in the “Water Resource Management Plan”. Contract No. G0600084, Amendment No. 6; Contract Amount: \$320,239, Amendment Amount: \$102,399 (RM-HLTH-02-0018F)

Contract with WA St. Department of Licensing – DOL/Vehicle Records. Contract to obtain, for a fee, vehicle records to assist solid waste enforcement. Contract No. HS-09-08; Contract Amount: Fee per report (RM-HLTH-06-0023B)

Contract with WA St. DSHS – Apple Health for Kids Infrastructure. Continued funding to foster the establishment of an infrastructure for the enrollment of Washington uninsured children in the Apple Health for Kids program. Contract No. 0863-48137; Contract Amount: \$11,949 (RM-HLTH-08-018)

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

Contract with NW Educational Service District – Early Learning/Mother’s Circles. Provides funding for parent/infant group support groups in Island County. Contract No. HD-08-08; Contract Amount: \$4,500 (*RM-HLTH-08-0157*)

Contract Collection Agreement with Whidbey Island Bank for On-Site Repair Financial Assistance Program (Jefferson)

Contract Collection Agreement with Whidbey Island Bank for On-Site Repair Financial Assistance Program (Price)

PUBLIC WORKS

County Roads

Purchase Order No. 8297 with Clyde West; Replace Broce RJ 350 Self Propelled Sweeper; \$47,631.85 (incl. WSST) (*PW-0820-107*)

Purchase Order No. 8298 with NC Machinery Co.; Repair of 1987 Caterpillar 140G Grader; \$6,247.80 (incl WSST) (*PW-0820-108*)

Interagency Reimbursable Agreement with City of Langley; 2008 HMA Whidbey Island Overlays; CRP 08-03, Work Order No. 04; \$51,000.00 (*PW-0820-76*)

Public Hearing Scheduled – October 27, 2008 – 2:20 p.m.

Resolution C-97-08/R-41-08 – In the Matter of Declaring Intent to Vacate an unnamed County Right-of-Way located in Section 22, Township 29 North, Range 3 East

Paths & Trails

Purchase Order No. 6293 with Premier School Agendas dba Premier Graphics; Printing of 10,000 Bicycle Touring Maps; \$6,948.44 (incl WSST) (*PW-0820-98*)

LIQUOR LICENSES

Application for Special Occasion Liquor License No. 090936 by the Camano Island Chamber of Commerce for a special occasion to be held November 8, 2008 from 3:00 p.m. to 7:00 p.m. at the Camano Senior Center, Sandin Room, 606 Arrowhead Rd., Camano Island, WA

Application for Special Occasion Liquor License No. 363790 by the Greenbank Farm Management Group for a special occasion to be held on October 11, 2008 from 10:00 a.m. to 11:00 p.m. at the Greenbank Farms/Big Red Barn, 765 Wonn Rd., Greenbank, WA

Application for Special Occasion Liquor License No. 093573 by the Trust Board of Ebey’s Landing for a special occasion to be held November 8, 2008 from 7:00 p.m. to 10:00 p.m. at the Smith Barn, 399 South Ebey Road, Coupeville, WA

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

REGULAR AGENDA

APPOINTMENT OF TOM TACK TO HISTORICAL REVIEW COMMITTEE

Chairman Dean said his sincere goal is to get the HRC and the County back on the same page. He respects Ms. Spina's passion and dedication and hopes she can channel her passion positively. Chairman Dean's support for Mr. Tack is that he sees this as a way to positively move forward. He hopes Ms. Spina will continue participating in the goals of the HRC.

Commissioner McDowell echoed the same comments. In addition, since the Commissioner signed the letter of Ms. Spina's initial appointment, he believes the letter was clear when it said Ms. Spina would fill the unexpired term with a specific date indicated as to when the term would end. He respectfully disagrees with Ms. Spina's position and also hopes she will continue to participate.

Ms. Spina remarked that her big concern in this process is not whether she stays on the committee but whether the rule of law is applied. She continues to believe that the Board's action is illegal.

By unanimous motion the Board approved the appointment of Tom Tack to serve a four-year term on the Historical Review Committee, term to expire August 13, 2012.

VETERAN'S ASSISTANCE FUND

By unanimous motion the Board approved Veteran's Assistance Fund Claim No. V8-10 in the amount of \$2,178.75 as recommended by the Veteran's Assistance Review Committee.

By unanimous motion the Board denied Veteran's Assistance Fund Claim No. V8-11 as recommended by the Veteran's Assistance Review Committee.

By unanimous motion the Board approved Veteran's Assistance Fund Claim No. V8-13 in the amount of \$150 as recommended by the Veteran's Assistance Review Committee.

[emergency financial assistance to eligible veterans; names and specific circumstances are confidential].

COMMISSIONERS COMMENTS & ANNOUNCEMENTS

By unanimous motion the Board approved Resolution C-98-08 In the Matter of Proclaiming the Week of October 19-25, 2008 Friends of the Library Week in Island County. *(Resolution on file with the Clerk of the Board)*

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

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

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

PUBLIC HEALTH POOLING

Presentation by: Keith Higman, Health Services Director

Also present: Kerry Graves, Administrative Assistant

Linda Telles, Account Supervisor

Mr. Higman said there were a number of challenges in developing the 2009 budget. Mr. Higman reviewed assumptions that led up to his proposed budget.

- One issue that must be dealt with concerning the administration budget is the removal of Human Services from the Health Department. What that does for the administration budget is offer a significantly less amount of money to bill administrative indirect which pays for administrative services.
- The Public Health Pooling fund balance coming out of 2007 was down to a little over \$215,000, the lowest it has been in a long time. The assumption is that the money will not be available to assist through 2009.
- In terms of employee costs, assuming 10% increase in medical insurance plans consistent with past increases; 1.09% increase in retirement contribution rate; no COLA.
- The Board funded in the past a hydrogeology program and the presumption is a constant level of support for that program. Also presuming continual and constant grant funds consistent with past years.
- Continual support of on-site operation and maintenance program at level supported in 2008.
- Permit activity in water and on-site is down in 2008, approximately 40% of projection. The presumption is that next year's activities will be consistent with 2008 in terms of construction.
- Staff was asked to evaluate the additional annual cost of providing permit-funded programs and the percentage increase. Budget proposal contains an analysis of that cost.
- Community and Family Health (Nursing) presumes continued support of the Early Learning Program, 2008 contribution was \$96,736.
- Reduced grant funds for State oral health dollars, \$16,164, that will likely result in the loss of services by Dr. Lungren.
- Reduced grant funds for HIV/AIDs \$16,000.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

- For Assessment and Community Development, the section housing the Children's Commission, assuming for 2009 current expense continued support at 2008 level, \$20,000.

With those assumptions, and if the Department wants to maintain 2008 levels of service, initial calculation is a \$600,310 deficit.

Mr. Higman said there are a variety of factors that play into that deficit; i.e., downturn in the economy, reduction in fee-based programs, reductions in grant funds, costs of doing business increased over unit time, and grant funds do not have an associated inflationary growth factor. Over the past four years the Department has chosen collectively to use the fund balance forward to balance the budget. The fund balance forward balanced the budget in the year it was used but the deficit is growing.

Mr. Higman then talked about his effort to address the Public Health Pooling deficit:

- Reorganization
- Positions currently vacant that were left vacant
- Potential layoffs

His suggested proposals:

- Reduce workforce by laying off accounting technician, cost savings of \$39,514.
- Environmental Health: Across the board 4% fee increase on all fee-based programs except Food Inspection, commensurate with the increased costs of providing services.
- On-Site Program: Repair permits increase \$150 and will include site registration. Currently, the fee charged for repair permits does not adequately cover costs.
- On-Site Sewage: Environmental Health Specialist position has not been filled. Assign instead one-half of on-site sewage sanitarian on Camano to food program rather than losing one-half of the sanitarian on Camano.
- Environmental Health Professional and Admin Support, O & M Program in Oak Harbor. Proposing to lay off admin support position in Oak Harbor.
- Promoted an on-site sanitarian on Whidbey to the Environmental Health Director position and Mr. Higman proposes not to fill the now vacant position.
- Hydro and drinking water program full-time fte who splits time between the two programs, proposal is to eliminate the position.
- Savings to food program by filling Camano sanitarian one-half time instead of full-time.
- Community and Family Health (Nursing). Re-evaluation of fees for providing immunizations to the public to include actual costs of delivery. Estimated \$1300 increase.
- Vital Statistics. Eliminate chief deputy registrar position.
- Will not fill SDT/HIV program position when individual in that position retires at year's end. Will re-assign duties amongst remaining staff.

In summary, if assumptions are correct and all options exercised, the Public Health Pooling budget will be balanced. It should be noted that the same level of service cannot be provided with a 20% reduction in staff.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

WSU EXTENSION/WEED CONTROL

Presentation by: Judy Feldman, Interim Director
Also present: Lynette Goodell, Accounting Supervisor
 Susan Horton, Weed Control

As interim director upon the retirement of Don Meehan, Ms. Feldman said with the many changes WSU is experiencing she requests some flexibility by the Board when making its decisions. She provided the Board with an update of WSU's many programs and said there is continuing dialogue with funding sources and other County departments concerning ways to become more efficient in sharing resources. Concerning the weather network, she questions what happens now in light of Doug Kelly's departure. The weather network continues to be used by Planning, Public Works, and Health in terms of the rainfall with contributions still being received by those departments.

Supplemental Budget Request

- 2% increase in salaries
- \$1500 in additional M & O
- Food safety and preservation education: Request for \$2,000-\$3,000 to begin creating pilot project utilizing web-based videos supplemented by workshops provided by state level WSU Extension Food Science specialists.
- Forest Stewardship Support: Request for a \$7,000 allocation that would allow access to forest stewardship resources for Island County via partnership with the Snohomish County WSU Extension Program. Currently, Island County residents account for 27% of the enrollment in Forest Stewardship classes offered through the Snohomish County program with 13% of current mailing list (for continuing education opportunities and updates on best management practices) consisting of Island County residents.

Follow-up: Ms. Feldman to provide information concerning forest stewardship coached planning classes and fees.

Weed Control. Susan Horton provided a report concerning better vegetation management practices in the County. Ms. Horton believes that vegetation management of County owned properties should be grouped within the same department and the Weed Board should be part of that. She also commented that the County should develop simple invasive species management plans for the properties the County controls. Noxious weed control on right-of-way, in her opinion, is not often given enough priority.

The Board recessed at 12:00 p.m., reconvening at 1:30 p.m. for continued budget workshop.

Planning & Community Development/Parks

Presentation by: Jeff Tate, Director
Also Present: Wendy Fauver, Accounting Tech

Mr. Tate said that Building and Planning are significantly behind in permitting revenues and he does not believe there will be a significant rebound in 2009. Therefore, Mr. Tate is considering not filling 3 to 3-1/4 positions in his department and suggests a reduction in his O & M budget by approximately \$83,000. He currently has 7 unfilled positions. To the extent he can, Mr. Tate will attempt to lose positions through attrition.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

Potential long-range planning projects for 2009 include affordable housing, implementation of the Agricultural ordinance, Fish and Wildlife update, permit tracking, and Freeland Sub-Area planning.

Mr. Tate talked about the fact that Planning permit fees have not been reviewed in 6-7 years. Currently there are permits in the office that will not cover the cost of advertisement in the paper much less the yellow sign, staff time, and fuel. Conversation on this subject will be initiated at an upcoming staff session about the appropriateness of looking at those fees.

Parks

By and large there is not much suggested in the way of change other than:

- Fuel (increased costs, including petroleum-based products)
- Landscaping maintenance and the costs associated with maintaining non-park properties
- Conservation Futures Funds

Board of Commissioners

Staff: Debbie Thompson, Ingrid Smith, and Joyce Kasperson

Coupeville

Hold the line with some adjustments as noted within certain line items.

Camano

Narrative explains proposed budget for 2009 with no necessary adjustments.

Office Equipment - Camano

Replace 3 computers and monitors for staff. Replace or upgrade two computers and monitors at front counter.

Follow-up: Ms. Kasperson will send Ms. Marlow an e-mail noting revised revenue

LEOFF

Presentation by: Elaine Marlow

Budget consists of medical premiums paid on LEOFF I retirees, long-term care premiums paid on certain LEOFF retirees, an amount to cover all other expenses not covered by insurance policies. Out of pocket reimbursement stayed pretty constant.

The Board recessed at 2:00 p.m., reconvening for continued Regular Session at 3:20 p.m. to meet with Greg Banks, Prosecuting Attorney, concerning the conflict between Diking District 1 Commissioners and District residents.

Chairman Dean reviewed for Mr. Banks comments from Ms. Derrig and Diking District 1 residents, mentioning the petition and requests of District residents. He also pointed out the cited RCW 85.38.220 which gives the Board the authority to hold a public hearing upon the filing of a petition. The Board looked to Mr. Banks for direction.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

Mr. Banks indicated that Ms. Derrig and two residents of the District initially met with him hoping that he could suspend the operation of the Diking District. Mr. Banks said he, for the most part, directed Ms. Derrig and District residents back to the Diking District suggesting they consult with a lawyer as the County does not exercise supervision of the District. Ms. Derrig insisted otherwise referencing the statute. Mr. Banks said the Board, before doing anything, should see if the petition on its face meets the requirements of the statute; that is, the owners of at least 10% of the acreage in the District or 10 or more voters of the District. He did not know if the petitions were submitted with any verification that the people who signed are all voters of the District; he suggested that the Auditor or Assessor could determine if the petitions are sufficient. The Board and Mr. Banks reviewed and discussed the requirements noted in the referenced RCW pertaining to alternatives and the holding of a public hearing. If the petitions are valid, according to the RCW, then Mr. Banks believes the Board must hold a public hearing.

Concerning the legitimacy of the Diking District Commissioners, Commissioner McDowell said if there is only one name presented when filing for a vacancy then there is not an election, that one person automatically becomes a commissioner. There is an election only if there are two or more names. The Auditor's office files a notice at the appropriate time of an upcoming election if a term is expired. Commissioner McDowell said he asked the Auditor to check her records to see if such notice has been properly filed and if there was a time the Board appointed a nominee.

Mr. Banks believes there is some obligation on the part of the sitting board to also send out notice of the filing period to voters in the District if the District is below a certain size. The Auditor may not know whether that has been done; Mr. Banks is not sure if there is anything the sitting board must file with the Auditor to advise of such. Those questions involve fact finding and are another reason Mr. Banks felt District residents should talk to an attorney since he does not see fact finding as the County's responsibility. The County is not the ombudsman for other municipal corporations. He believes, however, it is a fine line whether to insist that the group consult with an attorney.

Commissioner McDowell asked if there are not sufficient signatures is the Board mandated by No. 3 of the statute to hold a public hearing. Mr. Banks said no, that No. 3 is just another alternative.

Commissioner Bakke commented that the Diking District Commissioners believe there is a lack of accurate information. He said the Diking District Commissioners acknowledge they did a poor job of communicating the scope and scale of the project in the community.

It was agreed prior to the scheduling of a public hearing that the matter be investigated.

Commissioner Bakke said the County, State, and Federal governments issued permits for the projects. Gwenn Maxfield was the applicant on behalf of the District. The project is 85% complete according to the District with the exception of the second pump which is scheduled to be installed in November.

Chairman Dean said there is a disagreement between the Auditor, Treasurer, and Assessor about the assessment.

Commissioner Bakke went on to say that it is his understanding that the previous Diking District Commissioners, in 1994, adopted a resolution saying that the lowland would be valued at \$1,100

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

per acre. Apparently the Assessor said no, cannot value some land at a picked rate and other land based on tax assessment; all the land must be valued at current use. It seems that the current use value of land is a fraction of \$1,100 because the land is unusable. The Diking District Commissioners actually want to pay a larger share.

Mr. Banks agrees there is a lot of misinformation. He said people have concluded that it is a project designed to drain property owned by the Diking District Commissioners for their benefit and they are trying to spread the cost to the neighbors.

Commissioner Bakke said according to the Diking District Commissioners the secondary pump is being put in for storm events. The second pump is 4-1/2" above the primary pump so the water level must rise up 4-1/2" above the primary pump that is running during a storm event before it clicks on and begins to work.

Commissioner McDowell acknowledged having everyone at the table on October 8 to talk about the dispute is a good thing and Mr. Banks agreed. More information is necessary.

Commissioner McDowell asked Mr. Banks to review the statute and advise if it is actionable by the Board to hold a public hearing and possibly choose to suspend operations. What are the possible ramifications concerning third party contracts and operations.

In talking about the two designated areas in Diking District 1, "affected" and "unaffected," Mr. Banks confirmed that when the District assesses for a project it can only assess the properties benefited by the project so the assessment may not necessarily include the entire District.

Commissioner Bakke said it appears that in the early 1900s no one lived in the lowland area, there was no one to vote, so that is why the upland properties were included.

It was questioned whether Mr. Banks was given the original signatures (petition) since the Board received only an e-mail copy. Mr. Banks suggested the Board consider the e-mail version the original since that is the one presented to the Board.

It was agreed that someone from the Prosecutor's office will attend the October 8 meeting for the purpose of listening only. The Assessor and Treasurer will be contacted requesting that they attend as well. Ms. Marlow will contact the District concerning notice.

The question will be presented to Ms. Derrig, for the record, if she represents residents of the District since that point is unclear.

Mr. Banks said that the only thing District residents are entitled to at this point is the hearing; the outcome is ultimately at the Board's discretion.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
OCTOBER 6, 2008 – REGULAR SESSION**

There being no further business to come before the Board, the meeting adjourned at 4:05. The Board will meet next in Regular Session on October 13, 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