

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
NOVEMBER 16, 2010 – SPECIAL AND REGULAR SESSIONS**

SPECIAL SESSION

The Board of Island County Commissioners met in Special Session on November 16, 2009 beginning at 8:30 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. John Dean, Chairman, Helen Price Johnson, Member, and Angie Homola, Member were present. The Special Session was called for the purpose of conducting an additional budget workshop with Animal Control and to review revenue and expenditure estimates with the Budget Director.

Budget Workshop (Record Part 1)

Animal Control Whidbey, Animal Control Camano, CASA and WAIF
(Handouts provided and on file with the Clerk of the Board)

The Board requested an additional meeting with Animal Control to learn what might be possible to help the County's budget challenge in the face of a \$1.2 million deficit. Animal Control Whidbey, Animal Control Camano, CASA and WAIF contractors and representatives met with the Board to speak to how a reduction would affect their budgets. Participating in the discussion were Elected Officials, Appointed Department Heads, and members of the audience.

At 9:40 a.m. the Board recessed, reconvening in Regular Session at 10:00 a.m.

REGULAR SESSION

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session at 10:00 a.m. The meeting began with the Pledge of Allegiance.

PUBLIC INPUT OR COMMENTS (Record Part 2 @ :30)

Charlona Sawyer wanted to know if the Prosecuting Attorney completed his review of the Conservation District Assessment proposal to be sure that Island County would not be held accountable for any legal ramifications and the designation for critical areas would not be changed. Chairman Dean advised that the Board would address that issue later in the meeting.

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

(Report on file with the Clerk of the Board and posted to the website) (Record Part 2 @ 2:08)

CONSENT AGENDA (Record Part 2 @ 11:50)

BY UNANIMOUS MOTION (3-0) the Board approved the following items presented on the Consent Agenda with the exception of Item 7, *Resolution C-133-09 Authorizing an Interfund Loan to Island County Conservation Futures Fund from Island County Capital Facilities Fund* and Item 10, *South Whidbey Resource Center Remodel Letter of Agreement*, moved to the Regular Agenda for consideration:

Pre-audited bills and vouchers for payment - # 322681-322876 - \$363,463.04
EFTs (electronic funds transfers) - \$229,538.82
Minutes from previous meeting(s) – None presented
Payroll dated November 13, 2009

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Correspondence

Letter to WA State Dept. of Ecology in support of WA State University's application for a Rain Garden Grant

2% Hotel-Motel Sales Taxes

Approve 2% Hotel-Motel Tax Tourism Promotion Project Awards for 2010

Commissioners

Resolution C-136-09 Declaring Legal Holidays for the Year 2010

Extension Services

Amendment No. 2 to Grant Agreement with National Fish & Wildlife Foundation for a time extension to Dec. 31, 2010 for the Island County Shoreline Restoration grant managed by the Island County Marine Resources Committee

GSA Public Defense

Grant Agreement with WA State Office of Public Defense for 2010 distribution of annual RCW 10.101 Public Defense Allocation; Grant Agreement No.: GRT10214; Amount: \$62,863.00 (RM-GSA-09-459)

Human Resources

Personnel Action Authorizations

<u>Department</u>	<u>PAA #</u>	<u>Description</u>	<u>Position #</u>	<u>Action</u>	<u>Eff. Date</u>
Health	100/09	Health Staff Authorized Extra Hours up to 40 Hours per week for H1N1 grant funded	2408.00,	Personnel Action Temporary Increase in Hours	10/01/09
			2406.18		
			2406.05		
			2406.01		
			2406.03		
Health	101/09	Health Staff Authorized to work over 40 hours at OT rate for H1N1 grant funded	2403.03	Personnel Action Temporary Increase in Hours	10/01/09
			2414.00		
			2417.00		
			2413.00		
			2404.01		

Public Works – County Roads

- Supplemental Agreement No. 3 – RM-PW-09-0421; H. W. Lochner, Inc.; Transportation Plan Update; Completion Date revised to March 31, 2010; change to total amount authorized; change to management reserve fund and change to maximum amount payable – task specific; (RM-PW-09-0421) (PW-0720-153)

Public Works – Solid Waste

- Resolution C-134-09/SW-06-09 – In the Matter of Authorizing Procurement of a Solid Waste Compactor – Purchase of specialized equipment: Waiver of competitive bidding per ICC 2.30.010(A)(9) & RCW 39.04.280 for special facilities or market conditions; \$111,900.00 (incl. WSST.); (RM-SW-09-0452) (SW-06-09)

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REGULAR AGENDA (Record Part 2 @ 19:40)

Budget

Resolution C-133-09 Authorizing an Interfund Loan to Island County Conservation Futures Fund from Island County Capital Facilities Fund

Commissioner Homola was concerned about the operative language in the resolution, “... *an interfund loan is authorized in an amount up to \$886,000 ...*” She understood that the County would apply the \$350,000 from the State, reducing the amount to \$586,789. In an effort to refund some of the money expended for the purchase she would like to see language in the resolution stating that the County would pursue her idea of dividing the property for resale. She suggested delaying a decision for two to three weeks while her suggestion is considered.

Ms. Marlow explained there is always a time lag between when the grant reimbursement request is submitted until the money is actually received. Since the County is paying 6% on the promissory note it would be in the County’s best interest to pay the promissory note off in its entirety rather than wait to pay the note until the money from the State is received. A significant savings would be realized. She emphasized that the resolution is specific to the financial transaction. The Board will need to have a discussion on whether to sell or divide parts of the property and that decision could be taken up in a different resolution. Since the County owns the property, Ms. Marlow proposed an interfund loan to pay off the promissory note so the County can take possession and move forward with any other decisions the Board would like to consider.

Chairman Dean commented that the issue is complicated by the fact that first there is not a plan for the property and potential use as a park. Additionally, he imagines that by selling off any portion of the upper parcel, that that would not be income to the County but rather would most likely be income to the State. He does believe the conversation should occur but it is premature at this point to commit to selling off any portion of the property.

Commissioner Price Johnson agreed the resolution completes the transaction in the most cost effective way for the County and urged Commissioner Homola to work with staff to bring her issue forward.

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY DEAN, to ADOPT Resolution C-133-09 Authorizing an Interfund Loan to Island County Conservation Futures Fund from Island County Capital Facilities Fund. MOTION CARRIED: 2-1 (Commissioner Homola opposed).

GSA Property Management

South Whidbey Resource Center Remodel Letter of Agreement with South Whidbey Parks District authorizing the District to make minor changes to the facility (RM-GSA-09-0353)

Because of Commissioner Homola’s concern about lateral bracing impacts and permitting issues IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to APPROVE the South Whidbey Resource Center Remodel Letter of Agreement with South Whidbey Parks District with the following change in language to the second paragraph: *We*

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approve such a project upon review and approval by the Island County Building Official.
MOTION CARRIED: 3-0

Public Works – County Roads (Record Part 2 @ 46:58)

Resolution C-135-09/R-58-09 In the Matter of Ending Board of County Commissioners County Proclamation of Emergency on Bob Galbreath Road

Following a briefing by Mr. Oakes IT WAS MOVED BY HOMOLA, SECONDED BY PRICE JOHNSON, to ADOPT Resolution C-135-09/R-58-09. MOTION CARRIED: 3-0

Superior Court – Juvenile Court Services (Record Part 2 @ 1:04:10)

(A time sensitive item not included on the agenda)

Interlocal Agreement with Skagit County Regarding Juvenile Detention Services

Mr. Merringer spoke to the Board about the potential to have some juvenile detention beds filled by another agency. IT WAS MOVED BY HOMOLA, SECONDED BY PRICE JOHNSON, to APPROVE signature of the Interlocal Agreement with Skagit County by the Chairman pending approval by the Skagit County Commissioners. MOTION CARRIED: 3-0

Commissioners (Record Part 2 @ 1:07:40)

Proposed Ordinance C-Draft-09 In the Matter of Approval of Special Assessments for the Whidbey Island Conservation District and Snohomish Conservation District; *Proposed* Interlocal Cooperation Act Agreement Between Island County, Whidbey Island Conservation District and Snohomish Conservation District Regarding Special Assessments

Ms. Marlow was directed by the Board to contact the Prosecuting Attorney to modify both the proposed ordinance and proposed Interlocal Agreement. She set forth the requested changes. The proposed documents were before the Board solely to make comment and direct staff to make any further changes. The desire is to place the documents on the Board's agenda for adoption on November 23rd.

Commissioner Homola wanted to be sure to provide sufficient time for review of the proposed documents by the Assessor, Treasurer, and Central Services. She would like to see language included that the excluded properties will not be using the money from the assessment, that the critical areas ordinance will be adhered to, and that the Conservation District will work closely with WSU Extension for the services, expertise, and education it can provide. She remained concerned about the confidentiality of farm plans in that they may not be in compliance with critical area ordinances if not open.

Commissioner Price Johnson stood ready to move the documents forward in their current form to the Conservation Districts for review and the Commissioners agreed. The Board will continue its discussions with staff about the impacts and Ms. Marlow will follow-up with the Assessor, Treasurer, and Central Services.

The Board allowed public comment on the proposed documents and answered questions.

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PUBLIC HEARINGS

Planning & Community Development (Record Part 2 @ 30:45)

OPS 347/08 Nielson/Stone - Applicants, Jerome, Josie, & Darrell Neilson and Jerilyn Stone propose to classify 5.18 forested acres of a 7.55 acre tract from Current Use to the Open Timber Current Use tax classification. The parcels are located on Camano Island

At 10:33 a.m. Chairman Dean opened the public hearing.

Mr. Sweeza reviewed the proposal, indicating that staff recommended approval.

Commissioner Homola expressed concern in moving such small pieces of property into the proposed classification because such action would shift the tax burden to other property owners. She would like the matter tabled to allow her time to talk with the Assessor.

Chairman Dean believed her proposal to be a larger discussion that might involve either a change in County code or State legislative action, Commissioner Homola disagreed.

The Chairman opened the floor to public comment and following remarks either in favor or not in favor of the proposed reclassification, public comment was closed at 10:41 a.m.

Following Commissioner discussion and questions of staff,

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA , to APPROVE OPS 347/08. MOTION CARRIED: 3-0

Mr. Pederson suggested, and the Board agreed, that he and the Assessor will work jointly to return to a Work Session to explore the topic in greater detail.

Planning & Community Development (Record Part 2 @ 50:19)

Ordinance C-129-09 (PLG-018-09) In the Matter of Revisions to Chapter 16.06 ICC, Land Divisions and Dedications, and Chapter 17.03 ICC, Island County Zoning Code, Regarding Division of Land Used for Siting Electric Utility Facilities

At 10:52 a.m. Chairman Dean opened the public hearing.

Mr. Pederson and Mr. Sweeza presented the ordinance saying the revisions, concerning division of land, would be consistent with State law. Added under the *Applicability* section is an exception for dividing lands less than three acres for the use of electric utility facilities as substations.

The Chairman opened the floor to public comment and following remarks either in favor or not in favor of the proposed ordinance, public comment was closed at 11:03 a.m.

Following Commissioner discussion and questions of staff,

IT WAS MOVED BY HOMOLA, SECONDED BY PRICE JOHNSON, to ADOPT Ordinance C-129-09 (PLG-018-09). MOTION CARRIED: 3-0 (*GMA No. 10339*)

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Planning & Community Development (Record Part 2 @ 1:01:38)

Ordinance C-130-09 (PLG-020-09) In the Matter of Revisions to Chapter 17.03 ICC, Island County Zoning Code, Regarding Essential Public Facilities in the Rural Agriculture and Rural Forest Zones.

At 11:03 a.m. Chairman Dean opened the public hearing.

Mr. Sweeza indicated that the ordinance would allow for essential public facilities to be sited in the Rural Agriculture and Rural Forest zones. Its purpose is to bring into consistency the Island County Comprehensive Plan and Island County Zoning Code.

The Chairman opened the floor to public comment and there being none, public comment was closed at 11:06 a.m.

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to ADOPT Ordinance C-130-09 (PLG-020-09). MOTION CARRIED: 3-0 (*GMA No. 10340*)

COMMISSIONERS COMMENTS AND ANNOUNCEMENTS (Record Part 2 @ 1:07:40)

Commissioner Price Johnson

- Legislative Steering Committee issues: 1) E911 Communications System Funding; 2) Mineral Resource Severance Tax; 3) Public Disclosure Legislation
- Session with legislators hosted by the Coupeville Chamber and Whidbey Examiner

Commissioner Homola

- State Building Code Council

Chairman Dean

- North Sound Mental Health Administration

At 11:43 a.m. the Board recessed, reconvening at 3:00 p.m. for continued budget workshops.

Budget Workshops (Part 3)

At 3:00 p.m. the Board met with WSU Extension Services, Parks, Impaired Driving Panel of Island County, and Department of Emergency Management for the purpose of learning what impact, if any, those services would face if a need were determined to reduce their budgets. As with each budget workshop, no decisions were made but rather just an intake of information. Also in attendance and part of the conversation were Elected Officials, Appointed Department Heads, and members of the public.

Ms. Marlow indicated that at Special Session tomorrow the public hearings will be scheduled for the tax levies and budget. The immediate revenue side will be addressed in order to schedule those hearings. The preliminary budget must be available for inspection two weeks prior to the hearings.

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There being no further business to come before the Board the meeting adjourned at 5:26 p.m.
The Board will meet next in Regular Session on November 23, 2009 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean, Chairman

Helen Price Johnson, Member

Angie Homola, Member

ATTEST:

Elaine Marlow, Clerk of the Board