

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
NOVEMBER 23, 2009 – SPECIAL AND REGULAR SESSIONS**

SPECIAL SESSION (Record Part 1)

The Board of Island County Commissioners met in Special Session on November 23, 2009 beginning at 9:00 a.m. at the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. The purpose of the Special Session was to review revenue and expenditure estimates with the Budget Director concerning the 2010 budget process. John Dean, Chairman, Helen Price Johnson, Member, and Angie Homola, Member were present. Also in attendance and participating were Elected Officials, Appointed Department Heads, and members of the public.

Discussion ensued on the following topics:

- Review of proposed reductions (including an update on the status of union negotiations, Parks, Department of Emergency Management, and shortfall at the State level)

Responses are due from departments as to their proposed reductions by close of business today. The Board agreed to delay any decision on reduction to Facilities until Mr. Sherk returns from medical leave in December.

- Schedule time to discuss any consequences of proposed reductions with Elected Officials and Department Heads

Meetings with individual departments, if needed, will be scheduled following receipt of proposed reductions by departments.

- Whether to allow voluntarily reduction in hours by non-represented employees

Staff expressed a willingness to take a reduction in hours. Ms. Marlow suggested looking at the idea County-wide because there are certain positions that must interface with other positions thereby creating a need to make sure the proposal of reduced hours is achievable. She also offered to determine a mechanism so if someone agrees to a number of reduced hours that they cannot later change their mind due to a change in circumstances.

The Board agreed that quarterly budget review will take place throughout 2010 so the Board can work with each department to make sure that the targets are being achieved and adjustment to the budget, if necessary, can occur.

- Develop scenarios on possible modifications to hours open to the public

Discussion with Elected Officials and Department Heads about options for closure and what those closures would mean to the respective departments would occur at the upcoming Roundtable meeting.

- Voluntary salary reduction by Elected Officials

It was believed that there needs to be a change in state law to allow Elected Officials to take a reduction in salary during a financial emergency, something the public is asking for. A resolution, such as the one used by the Commissioners to eliminate their travel allowance, could be used on an as-needed basis rather than having just staff bear the brunt of reductions.

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Commissioner Price Johnson put forward again the idea of restructuring, a placeholder for a later conversation.

- Centralized Purchasing Department

The Board, following discussion, determined there would be no additional savings to having a centralized purchasing department.

- Medical Insurance Pool

Commissioner Homola asked that the Board consider whether remaining in the same medical insurance pool is beneficial versus self-insurance or other plans. Ms. Marlow indicated that about four years ago that question was asked. At that time, the County looked at the State's medical insurance pool, and it was determined to be more expensive than WCIF because it was mandatory that coverage exist for .5 FTE employees.

- Commissioners' Office - Camano Annex

The Board will have a discussion with Ms. Kasperson and Camano staff, at the Camano Annex, on December 1 at 3:30 p.m.

- Budget

Commissioner Homola expressed a need, when moving into 2010, for the Board to begin talking about where it wants to be at the end of the year.

REGULAR SESSION (Record Parts 2 and 3)

ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS

Elected Officials and Appointed Department Heads Attending:

Greg Banks	Jackie Henderson	Bill Oakes
Robert Bishop – <i>Excused</i>	Keith Higman	Bob Pederson
Mark Brown	Angie Homola	Helen Price Johnson
Cathy Caryl	Betty Kemp	Linda Riffe – <i>Excused</i>
Sheilah Crider	Larry Larson	Dan Sherk - <i>Excused</i>
John Dean	Elaine Marlow	
Judy Feldman	Dave Mattens	
Sharon Franzen	Mike Merringer - <i>Excused</i>	

CLOSED SESSION

Chairman Dean announced that the Board, with Elected Officials and Appointed Department Heads, would meet in a Closed Session as allowed under RCW 42.30.140(4)(b), that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the

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negotiations or proceedings while in progress. The Closed Session was expected to last approximately 10-15 minutes.

At 11:30 a.m., following Closed Session, the Board reconvened for Roundtable with Elected Officials and Appointed Department Heads to continue the budget discussion.

Commissioner Homola requested that Elected Officials and Department Heads update the flow charts they provided earlier in the year.

For planning purposes Mr. Larson will distribute new seniority and position lists to the various departments.

Dialogue ensued, and comments provided, about the option of lessened hours open to the public county-wide and how that would affect the dynamics by department (the 40-hour work week would remain). The purpose would be to provide time for back office work to be accomplished and also, for those employees who have a reduction in hours, time off with no impact to counter time.

Commissioner Price Johnson will solicit remarks from those not at the table with a follow-up discussion at the December 2 Work Session.

Miscellaneous

- The assembly agreed to table the discussion on policies to January
- A reminder to ask employees to return to Human Resources their medical and flex plan forms
- Concerning direct deposit, the Auditor continues to write 13 checks
- By close of business today provide Mr. Larson with proposed staffing reductions with copy to Ms. Marlow

Roundtable adjourned at 12:14 p.m. The next Roundtable is scheduled for December 28, 2009 at 11:00 a.m.

The Board of Island County Commissioners (including Diking Improvement District #4) met at 2:00 p.m. to consider items contained on the agenda. The meeting began with the Pledge of Allegiance

PUBLIC INPUT OR COMMENTS (Record Part 4 @ :30)

Tim Kangas spoke to the subject of the Whidbey Island Conservation District. He believes that in this economic time it is not in the best interest of the citizens of Island County for the proposed increase in fees to be approved.

Rufus Rose asked how the public informs itself about certain contracts before the Board for consideration; the deliverables and whether the contract is reasonable given the current climate.

Ralph Ferguson and Dale Tyler expressed concern about Camano's aquifers and requested the Board follow-up those concerns with direction to the Snohomish County Council. Snohomish County is in the process of approving a permit to remove some dikes on Leque

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Island, east of Camano, all part of a process started in 2002 to eliminate dikes for what the Council refers to as *enhanced salmon runs*. Elimination of the dikes would allow intrusion of seawater that would harm Camano's underground aquifers (Juniper Beach Water Association). Messrs. Ferguson and Tyler presented and explained maps to the Board for insight into the situation. They would like potential action by Snohomish County to permit removal of the dikes stopped and the Board of Island County Commissioners to request an in depth EIS.

The Board agreed to schedule the matter for further discussion at the December Work Session.

John Adkin, a long-time volunteer, expressed concern about the possibility of losing the Department of Emergency Management position since the position is not one that anyone can merely step into. Such a decision would not be in the best interest of the County.

Steve Foster, with 20 years experience in emergency management, suggested that before any decision is made to eliminate Mr. Hollett's position that the Board understand not only what the position requires but also the expertise and time required to develop the necessary skills. Island County needs a Department of Emergency Management with an individual who has the training, skills, networking and connections to be able to support the community in the event of an emergency.

CONSENT AGENDA (Record Part 4 @ 24:29)

BY UNANIMOUS MOTION (3-0) the Board approved the following items presented on the Consent Agenda with the exception of Item 9, *Resolution C-142-09/R-55-09 In the Matter of Adoption of the Annual Road Construction Program for the Year 2010*, pulled from the agenda:

Pre-audited bills and vouchers for payment – Voucher #s 323271 – 323567 (\$1,081,279.79)
EFTs (Electronic Fund Transfers) - \$3,942.57

Human Resources

Personnel Action Authorizations – None presented

Liquor Licenses

Letter Request for 20-day Extension for Approval of New Application for Liquor License No. 405685-6E by Michael Ian McMahon and Victoria Marie Vongsaven, d/b/a Olde World Ales and Lagers, 7042 High Meadow Dr., Clinton, WA 98236

Public Health

- Contract with Department of Health – Consolidated Contract. Amends several program statements of work; adds \$5,000 to the Adult Viral Hepatitis Prevention program; adds \$54,803 to the H1N1 Pan Flu Response Program; adds \$2,695 to WIC; and decreases Shellfish Biotoxin program by \$2,500. Contract No. C14949, Amendment No. 19; Contract Amount: \$2,667,537, Amendment Amount: \$59,998 (RM-HLTH-09-0449)
- Contract with Department of Health – Consolidated Contract. Adds \$132,650 to Public Health Emergency Response H1N1 Pan Flu Mass Vaccination Efforts.

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- Contract No. C14949, Amendment No. 20; Contract Amount: \$2,800,187, Amendment Amount: \$132,650 (RM-HLTH-09-0465)
- Contract with Department of Ecology – WRIA Education & Outreach Program. Funding support for education and outreach in support of watershed planning and water-related issues. Contract No. G1000316; Contract Amount: \$156,510 (RM-HLTH-09-0467)
- Contract Collection Agreement with Whidbey Island Bank for On-Site Repair Financial Assistance Program (Wielandt)

Public Works – County Roads

Pulled/Not Approved - Resolution C-142-09/R-55-09 – In the Matter of Adoption of the Annual Road Construction Program for the Year 2010

- Resolution C-143-09/R-57-09 – In the Matter of Purchasing Blinking Curve and Turn Warning Signs for the Hunt Road & Taylor Road curve Warning Improvement Project as Sole Source Items (*Resolution on file with the Clerk of the Board*)
- Purchase Order No. 8172 – Traffic Safety Supply Co., Inc.; Solar Powered Blinker Signs; \$5,900.00 (does not include sst); CRP 09-05, Work Order No. 457 (RM-PW-09-0456) (PW-0920-162)
- Quit Claim Deed – Lawrence H. & Doris Dykers; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 409-0230, Sec. 18, Twp. 33N, Rge 2E; \$8,915.00 (Land). (RM-PW-09-0140) (PW-0920-53)
- Quit Claim Deed - Lawrence H. & Doris Dykers; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 407-0110, Sec. 18, Twp. 33N, Rge 2E; \$6,022.00 (Land). (RM-PW-09-0139) (PW-0920-52)
- Quit Claim Deed – Lawrence H. & Doris Dykers; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 425-0400, Sec. 17, Twp. 33N, Rge. 2E; \$10,063.00 (\$3,893.00/land, \$3,650.00/improvements, \$3,520.00/administrative settlement). RM-PW-09-0141) (PW-0930-54)
- Temporary Construction Easement - Lawrence H. & Doris Dykers; Frostad Road Improvements, CRP96-06A, Work Order No. 209, Parcel 425-0400, Sec. 17, Twp. 33N, Rge 2E; (RM-PW-09-0142) (PW-0920-56)
- Temporary Construction Easement - Lawrence H. & Doris Dykers; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 425-0400, Sec. 17, Twp. 33N, Rge 2E; (RM-PW-09-0143) (PW-0920-57)
- Temporary Construction Easement – Kris R. & Samuel Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 379-4850, Sec. 18, Twp. 33N, Rge 2E; (RM-PW-09-0183) (PW-0920-84)
- Retaining Wall & Slope Easement – Kris R. & Samuel Miller, Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 379-4850, Sec. 18, Twp. 33N, Rge. 2E, \$49.00 (land), (RM-PW-09-184) (PW-0920-83)
- Temporary Construction Easement – Kris R. & Samuel Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 379-4850, Sec. 18, Twp. 33N, Rge 2E; (RM-PW-09-0185) (PW-0920-85)
- Quit Claim Deed – Kris R. & Samuel Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 379-4850, Sec. 18, Twp. 33N, Rge 2E; \$3,238.00 (\$787.00/land, \$2,451.00/administrative settlement). (RM-PW-09-55) (PW-0920-07)

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- Quit Claim Deed – Kris R. & Samuel Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 379-4850, Sec. 18, Twp. 33N, Rge 2E; \$11,956.00 (\$10,456.00/land, \$1,500.00/improvements). (RM-PW-09-54) (PW-0920-08)
- Temporary Construction Easement – Kris R. & Samuel Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 402-5080, Sec. 18, Twp. 33N, Rge 2E; (RM-PW-09-0167) (PW-0920-75)
- Temporary Construction Easement – Kris R. & Samuel Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 402-508, Sec 18, Twp. 33N, Rge. 2E. (RM-PW-09-0168) (PW-0920-10)
- Maintenance Easement – Samuel R. & Kris R. Miller, Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 402-5080, Sec. 18, Twp. 33N, Rge. 2E, \$1,544.00 (land), (RM-PW-09-52) (PW-0920-10)
- Quit Claim Deed – Samuel R. & Kris R. Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 402-5080, Sec. 18, Twp. 33N, Rge 2E; \$538.00 (land). (RM-PW-09-51) (PW-0920-11)
- Quit Claim Deed – Samuel R. & Kris R. Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 402-5080, Sec. 18, Twp. 33N, Rge 2E; \$9,959.00 (\$9,259.00/land, \$700.00/improvements). (RM-PW-09-50) (PW-0920-12)
- Drainage Easement – Samuel R. & Kris R. Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 402-5080, Sec. 18, Twp. 33N, Rge 2E; \$175.00 (land). (RM-PW-09-0157) (PW-0920-71)
- Drainage Easement – Samuel R. & Kris R. Miller; Frostad Road Improvements, CRP96-06A, Work Order No. 209, a portion of Parcel 402-5080, Sec. 18, Twp. 33N, Rge 2E; \$1,166.00 (land). (RM-PW-09-0102) (PW-0920-38)

Public Works – Solid Waste

- Purchase Order No. 7338 – Steel Pacific Recycling; Harris AMFAB TP-150 solid waste compactor; \$103, 500.00 (U.S. Currency) (does not includes import fees and state use tax); (RM-SW-09-0452) (SW-06-09)

REGULAR AGENDA (Record Part 4 @ 35:55)

Consider Appointments and/or Re-appointments to Boards and Committees

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to ACCEPT the letter of resignation from Tom Tack as a member of the Historical Review Committee. Mr. Tack was elected to the Coupeville Town Council. MOTION CARRIED: 3-0

Planning & Community Development

Schedule Public Hearing: Ordinance C-144-09 (PLG-019-09) In The Matter of Revisions to Chapter 17.03 ICC, Island County Zoning Code, Regarding Site Requirements for Mini Storage in the Rural Zone and Renaming Personal Storage as Mini Storage

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to SCHEDULE Ordinance C-144-09 (PLG-019-09) for public hearing on December 14, 2009 at 10:20 a.m. MOTION CARRIED: 3-0

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Planning & Community Development

Schedule Public Hearing: Resolution C-145-09 (PLG-023-09) In the Matter of Amending Planning & Community Development Building Permit Fee Schedule

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to SCHEDULE Ordinance C-145-09 (PLG-023-09) for public hearing on December 14, 2009 at 10:40 a.m.
MOTION CARRIED: 3-0

Planning & Community Development

Schedule Public Hearing: Resolution C-146-09 (PLG-022-09) In the Matter of Amending Planning & Community Development Land Use Permit Fee Schedule

IT WAS MOVED BY PRICE JOHNSON, SECONDED BY HOMOLA, to SCHEDULE Ordinance C-146-09 (PLG-022-09) for public hearing on December 14, 2009 at 10:40 a.m.
MOTION CARRIED: 3-0

Public Works

Resolution C-147-09 In the Matter of Authorizing Commencement of a Lawsuit Against Rabanco, Ltd.

Mr. Oakes explained that an employee of Puget Sound Trucking Lines, a subcontractor for Rabanco on the long haul contract, was injured at the Coupeville transfer site. In the contract with Rabanco there exists indemnification, hold harmless, and defending language for the County as the owner of the contract. The employee is suing in the Snohomish County Superior Court and Island County will enter a third party argument in the lawsuit. Staff recommended that the Board approve that the attorneys representing Island County and Public Works in the lawsuit be authorized to take necessary legal action.

Ms. Marlow added that the Resolution was prepared by the Prosecuting Attorney.

IT WAS MOVED BY HOMOLA, SECONDED BY PRICE JOHNSON, to APPROVE Resolution C-147-09. MOTION CARRIED: 3-0

Commissioners (Record Part 4 @ 51:14)

Special Assessment Whidbey Island Conservation District & Snohomish Conservation District

(1) Ordinance C-148-09 Approval of Special Assessments for the Whidbey Island Conservation District and Snohomish Conservation District; (2) Interlocal Cooperation Act Agreement with Whidbey Island Conservation District and Snohomish Conservation District Regarding Special Assessments

Karen Krug, Co-Chair of the Whidbey Island Conservation District, indicated that within the last week in light of the recent Mason County decision, King County and Pierce County renewed their assessment. Snohomish County, this morning, adopted its assessment. The District provided the Board with indemnification language used by both King and Snohomish Counties. The language is acceptable to the Districts. The County was provided with the trial assessment roll and the programming by Central Services is taking place.

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Commissioner Price Johnson thought it reasonable that the Board, in the agreement, accept responsibilities for errors and omissions that arise from any County negligence.

Commissioner Homola asked that the proposed change to the indemnification language be reviewed by the Prosecuting Attorney. She asked that the ordinance be revised to include the language, if the assessment roll is not submitted to the Island County Assessor by the deadline or in the event the Assessor, Central Services Director, or Treasurer find the roll incomplete or in a format they cannot implement, the assessment will not be collected for that year.

Ms. Caryl, Central Services Director, said the roll was received and as far as the department can determine, it is complete. She would like to establish that anything signed indicate the correct levy percentage per acre; that is, ascertained was a zero percentage and if that remains the same, with nothing changed in that respect and just a base \$5.00 per parcel, then Central Services is ready to go.

Mr. Mattens, Assessor, said for Camano there are 11,348 parcels and for Whidbey 36,026 for a total of 47,374 parcels subject to taxation. He confirmed his understanding that the assessment is for just the \$5.00 per parcel with a zero percent for acreage. If Central Services is ready than so is Mr. Mattens and his department.

In light of the comments by Ms. Caryl and Mr. Mattens, and the fact that any changes at this point would involve additional meetings of the Conservation Districts, discussion ensued as to whether the additional language proposed by Commissioner Homola is necessary. Commissioner Homola agreed to withdraw her request.

IT WAS MOVED BY HOMOLA, SECONDED BY PRICE JOHNSON to incorporate the indemnification language used by Snohomish County in place of what was rejected by the Districts, with the proposed revision transmitted to the Prosecuting Attorney for review and approval prior to formal consideration. The ordinance and Interlocal Agreement are tabled, therefore, to Special Session on November 25 at 12:00 p.m.

Budget Director (Record Part 4 @ 1:07:33)

Annual Public Hearings Scheduled to Adopt the County's Budget and Adopt the 2010 Levies

Ms. Marlow noted that on November 18 the Board took action to schedule the annual public hearings on December 7, 2009 at 10:15 a.m. to adopt the County's budget and adopt the 2010 levies:

- Resolution C-137-09 Adopting the Island County Budget and Diking District No. 4 Budget for Fiscal Year 2010 includes the current preliminary budget numbers but she does expect those to change given the fact that the Board remains in negotiation with the unions and continues its work with Elected Officials and Department Heads to resolve some outstanding issues. As those issues are resolved Ms. Marlow will update the preliminary budget and forward the revised preliminary budget to those who have requested a copy.
- Ordinance C-138-09 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2010 for the County Current Expense Levy increases the County current expense levy. The resolution has three components: 1) a finding of substantial need which provides the Board to take the full 1%; 2) because of the

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substantial need the use of approximately \$66,600 of banked capacity is authorized; and, 3) the total increase would be approximately 1.93% or \$138,000.

- Ordinance C-139-09 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2010 for the County Road Levy also has three components: 1) finding of substantial need to help fund emergencies and necessary major road repairs and improvements and also to provide road safety; 2) authorizes the use of previously banked capacity in the amount of \$270,000; and 3) the total combined is \$343,900 which is approximately a 4.67% increase over the previous year.

For Conservation Futures the Board directed Ms. Marlow to prepare two competing ordinances:

- Ordinance C-140-09 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2010 for the County Conservation Futures Levy

Ordinance C-140-09 limits the levy to 99.152 of the previous years property tax levy in a dollar amount decrease of \$5,252 or a .848% decrease over the previous year.

- Ordinance C-141-09 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2010 for the County Conservation Futures Levy.

Ordinance C-141-09 has a finding of substantial need for the protection of open space within Island County having an increase over the previous year's levy of 1% or \$6,193.

Ms. Marlow added that the ordinances include the statement that the increases or decreases is exclusive of any additional revenue resulting from new construction, improvements to property, any increase in the value of state assessed property, newly constructed wind turbines, and refunds made.

PUBLIC HEARINGS

None Scheduled

COMMISSIONERS COMMENTS & ANNOUNCEMENTS (Record Part 4 @ 1:14:17)

Resolution C-149-09 Proclaiming December 7th of Each Year as Pearl Harbor Remembrance Day

IT WAS MOVED BY HOMOLA, SECONDED BY PRICE JOHNSON, to APPROVE Resolution C-149-09. MOTION CARRIED: 3-0

Commissioner Price Johnson

- Meeting with the Washington State Association of Counties

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Commissioner Homola

- Meeting with the State Building Code Council

Discussion ensued with Mr. Rose about the competing Conservation Futures Ordinances, the purpose of each, and the potential increased cost of owning property.

There being no further business to come before the Board the meeting adjourned at 3:40 p.m. The Board will meet next in Regular Session on December 7, 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