

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on October 26, 2009 for a Roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room, Annex Building, 1 NE 6<sup>th</sup> Street, Coupeville, Washington. Other topics for the Regular Session followed at 2:00 p.m. as shown on the agenda. John Dean, Chairman, Helen Price Johnson, Member, and Angie Homola, Member were present.

**ROUNDTABLE WITH ISLAND COUNTY  
ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS**

**Elected Officials and Appointed Department Heads Attending:**

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

Following discussion about the ensuing holidays, Elected Officials and Appointed Department Heads agreed to hold Roundtable meetings as scheduled through the end of the year.

**IT STRATEGY TEAM**

Commissioner Price Johnson and Ms. Caryl spoke about the Team's positive initial meeting. The Team members and who they represent are:

Helen Price Johnson - Commissioners  
 Bill Oakes – Public Works, Solid Waste, Parks, Engineering  
 Dave Mattens – Assessor, Treasurer, Auditor  
 Elaine Marlow – Finance, GSA, Human Resources, and Facilities  
 Greg Banks – Prosecuting Attorney, Sheriff, Jail, Coroner, and Clerk  
 Keith Higman – Environmental, Nursing, and Human Services  
 Bob Pederson – Planning & Community Development and WSU  
 Mike Merringer – Juvenile, Superior, and District Courts and Probation  
 Cathy Cathy – Central Services

By using the Moss Adams report and recommendations as a guide the Team will look at technology as a whole for the County rather than considering individual departments. The panel will ultimately determine the County's needs, prioritize those needs, and arrive at an implementation strategy. In the short term the group will arrive at a vision statement with goals and objectives for creating a structure for decision-making around technology. Minutes are available of the meetings.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

**COUNTY MISSION STATEMENT**

Discussion ensued about potential changes to the existing County Mission Statement. It was suggested that thoughts and ideas for revision be shared with Commissioner Price Johnson and Ms. Feldman who will return to Roundtable on November 23 with those proposals and further dialogue.

**COUNTY POWER/ELECTRICITY**

Mr. Sherk (*hand-out provided*) spoke about accomplished energy savings to date since June:

- Electricity – 2008/\$173,263; 2009/\$161,849 = Savings of \$11,414
- Water – 2008/\$31,789; 2009/\$29,939 = Savings of \$1,850
- Heating Fuel – 2008/\$67,690; 2009/\$29,675 = Savings of \$38,015

Mr. Sherk and his staff will continue their work to determine additional ways for efficiency.

**WORK SESSIONS**

Ms. Marlow, at the Board's request, spoke about the need to help Work Sessions run more efficiently and more workable for not only County staff but for the public as well. She requested that Elected Officials and Appointed Department Heads adhere to the following new procedure:

- Submit packets and agendas to Pam Dill the Monday before Work Session (10 days).
- On specific agenda items provide a brief description and what action by the Board is requested.
- If an agenda is not turned in by the deadline it will be assumed that the allotted time is not needed.
- Unanticipated emergencies and time sensitive matters will be considered beyond the deadline if necessary.

Ms. Marlow will provide a briefing memo template.

**E-MAILS**

Commissioner Homola requested that when sending e-mails that the subject line be specific enough to identify the issue.

**ROUNDTABLE**

**Auditor**

The office is preparing for the election next Tuesday.

**Assessor**

The office continues to have difficulties with its limited staff. Mr. Mattens attended a course concerning the income approach to value for commercial property followed by a 3-1/2 hour exam. He will also attend a similar course next week.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

Central Services

Ms. Caryl will be away on vacation for two weeks but available if need be. She is looking into the possibility of purchasing a portable PA system that will be available to all departments. WSU has a sound system available for use as well.

Clerk

The Clerk's website now has an additional feature, a link so the public can access and obtain electronic copies of court records. The electronic records, uncertified, are \$0.25 per page. Ms. Franzen announced her resignation effective close of business on December 15, 2009.

Commissioners

Chairman Dean thanked everyone for their professionalism and patience during the current difficult days.

Health

There is no longer any seasonal vaccine available locally and the swine flu vaccine is trickling into the community. There were three hospitalizations last week so Mr. Higman reminded everyone to wash hands and stay away from ill people if possible. The vaccine is only available to the most vulnerable; that is, pregnant women, children 2-24, caregivers, and health care workers. Mr. Higman explained the tiers of priority groups in the community. For the emergency phones currently in place for DEM Ms. Caryl asked that Public Health provide the extension to be advertised. Following its work with DEM Public Health will return to Roundtable in November to talk about what supervisors need to think about in terms of protectors of public health and employees. Any questions should be referred to the website for Public Health which Dr. Case is updating several times a day. If staff complains of flu-like symptoms they should be 24-hour fever free before returning to work.

Human Resources

Mr. Larson reminded everyone that the benefit enrollment forms are due November 9.

Planning & Community Development

Mr. Pederson, on November 13, will be in Spokane to attend a committee meeting for the 2010 Census and will report back to the Roundtable.

Prosecuting Attorney

CADA, the Oak Harbor City Attorney's office, and Mr. Banks conducted joint domestic violence training for local law enforcement and local prosecution. The result, hopefully, will be an improved method of investigating and prosecuting batterers.

Treasurer

The office remains very busy due to the current tax season.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

*Roundtable adjourned at 12:30 p.m. The next Roundtable is scheduled for November 23, 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 AND COMMENTS**

Charlona Sawyer recommended, concerning the proposed Conservation District Assessment, that the District charge for its services or continue to pursue grant funding rather than burden Island County taxpayers. She believes that citizens already pay Island County a Conservation Futures Tax each year with property taxes. Also, relating to the County’s budget shortfall, she encouraged the Board to hold off on buying anything new unless the older equipment or lack of equipment fails to serve the citizens of Island County. She referred to agenda item 25, the purchase of Toughbook computers.

Chairman Dean commented that the Conservation District is a separate form of government, not part of Island County, and the Conservation Futures Fund is part of the property taxes set aside solely for acquiring properties. Concerning the Toughbooks, for clarification, they are computer notebooks for patrol cars and paid for through the Department of Emergency Services through federal grants.

**CONSENT AGENDA**

By unanimous motion the Board approved the Consent Agenda as follows with the exception of Voucher 6700392 with regard to Veterans Assistance:

**ELECTRONIC FUND TRANSFERS, VOUCHERS, PAYMENT OF BILLS**

Vouchers (War) #s 321235-321484.....	\$896,169.15
Electronic Fund Transfers.....	\$ 584.02

**MINUTES FROM PREVIOUS MEETINGS**

Work Session: August 5, 2009

**AUDITOR**

The following resolutions establish separate funds for financial accounting purposes (*Resolutions on file with the Clerk of the Board*):

- Resolution C-125-09 Establishing the Historical Preservation Fund
- Resolution C-126-09 Establishing the Court Facilitator Fund
- Resolution C-127-09 Establishing the Criminal Justice Fund

**CENTRAL SERVICES**

Purchase Order No. 7673 Dell Marketing LP for notebooks in Sheriff Office; Amount: \$11,877.48 (RM-CS-09-0439)

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

**CORRESPONDENCE**

Letter to Jim Kropf supporting continued funding of the Land Grant Institution (WSU Extension)

**HUMAN SERVICES**

Amendment No. 2 with Phoenix Recovery Services, LLC – Alcohol & Substance Abuse Treatment. Extend contract period of performance through the end of the biennium and change contract language. Contract No. HS-06-09(2); Contract Amount: \$866,760 (RM-HS-09-0427)

Contract with North Sound Mental Health Administration – Jail Services. Biennium contract provides funding for Jail Transition Program services in Island County and San Juan County. Contract No. NSMHA-ISLAND-JAIL SERVICES-09-11; Contract Amount: \$166,500 (RM-HS-09-0440)

**PUBLIC HEALTH**

Contract with WA State Department of Health – Consolidated Contract. Continues funding and adds new statement of work to Public Health Emergency Preparedness & Response (PHEPR) for H1N1 pandemic flu activities. Contract No. C14949, Amendment No. 18; Contract Amount: \$2,607,539, Amendment Amount: \$82,383 (RM-HLTH-09-0413)

Contract with WA State DSHS – WorkFirst. Increases the compensation paid per evaluation but does not increase the maximum amount of the contract. Contract No. 0963-65888, Amendment No. 1; Contract Amount: \$2,000, Amendment Amount: \$ -0- (RM-HLTH-09-0434)

Contract with WA State Department of Ecology. Amendment adds remaining ‘Year 3’ and final ‘Year 4 & 5’ funding and redefines the implementation of high priority action items. Contract No. G0600084, Amendment No. 7; Contract Amount: \$444,444, Amendment Amount: \$124,205 (RM-HLTH-09-0463)

Contract with Bess Windecker Nelson Ph.D. – Parent Educator Program. Amendment to add and fund additional scope of work. Contract No. HD-01-09, Amendment No. 1; Contract Amount: \$16,013, Amendment Amount: \$1,513 (RM-HLTH-09-0432)

Contract with WA State DSHS – Early Intervention Program/Vendor Rate Decrease. Children’s Administration reduction of 2.3% to all contracts for remainder of this biennium. Contract No. 0963-67119, Amendment No. 1; Contract Amount: \$16,379.49, Amendment Amount: \$(287.51) (RM-HLTH-09-0431)

Contract with WA State DSHS – Early Family Support Services/Vendor Rate Decrease. Children’s Administration reduction of 2.3% to all contracts for remainder of this biennium. Contract No. 0963-68651, Amendment No. 1; Contract Amount: \$10,195.05, Amendment Amount: \$(178.95) (RM-HLTH-09-0430)

Contract with WA State DSHS – Foster Care Public Health Nurse Services/Vendor Rate Decrease. Children’s Administration reduction of 2.3% to all contracts for remainder of this biennium. Contract No. 0963-68665, Amendment No. 1; Contract Amount: \$10,132.13, Amendment No. \$(117.88) (RM-HLTH-09-0429)

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

Contract with Saratoga Enterprises, Inc. – Pharmacy Point of Dispensing. Contract to establish a point of dispensing (POD) for mass prophylaxis dispensing at the direction of the Island County Health Officer. Contract No. HD-13-09; Contract Amount: \$ -0- (RM-HLTH-09-0428)

**PUBLIC WORKS**

County Roads

Resolution C-128-09/R-52-09 A Resolution Governing Emergency Load Limitations on County Roads, the Issuance of Special Motor Vehicle Permits to Use on Weight Restricted County Roads, and Fixing Penalties for Violations thereof (*Resolution on file with the Clerk of the Board*)

Supplement No. 1- Local Agency Agreement No. 7000, Washington State Department of Transportation; Reservation Road/Polnell Road Guardrail; CRP 09-07, Work Order No. 459; Obligate Construction Engineering funds - \$197,000.00 (WSDOT) (RM-PW-09-0443) (PW-0920-155)

Supplement No. 1 – Local Agency Agreement No. 7001, Washington State Department of Transportation; Hunt Road and Taylor Road Curve Warning Improvements; CRP 09-05, Work Order No. 457; Obligate Construction Engineering funds - \$13, 500.00 (WSDOT) (RM-PW-09-0444) (PW-0920-154)

Solid Waste

Amendment No. 1 – Edge Analytical, Inc.; Completion Date revised to December 31, 2012 (RM-SW-09-0422) (SW-02-08)

Contract Extension – Stearns, Conrad & Schmidt (SCS); Time extension to December 31, 2012 plus 3 months to complete annual report; Post-closure monitoring on closed Coupeville Landfill (RM-SW-09-0423) (SW-01-08)

**SHERIFF – EMERGENCY MANAGEMENT**

Purchase Order No. 8949 Datec, Inc. for Toughbook Computers for the Langley Police Department funded by US Homeland Security LETPP Grant. Contract No. #C080636FED; Amount: \$5975.05 (RM-DEM-09-0438)

**REGULAR AGENDA**

**Auditor**

**VOUCHER 6700392**

Commissioner Homola said the current policy and procedures for clothing assistance is limited to specialized new job requirements; however, the policy and procedures are being extended to include eligible dependent K-12 children's school clothing and supplies. Clothing assistance may be issued in the amount of \$75 per veteran and \$75 each for dependent school children and dependent children may receive \$50 each for school supplies per year. The issue at hand concerns a veteran with two school children who needed clothing and specifically a uniform for

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

school. The Veterans Advisory Board approved the purchase. The Commissioner suggested that the Board of Commissioners waive the current policy and procedures on an as-needed basis until the revised policy and procedures are in place.

By unanimous motion the Board waived the current policy and procedures in this instance and approved Voucher 6700392 in the amount of \$148.77.

**Planning & Community Development**

**SCHEDULE PUBLIC HEARING: ORDINANCE C-129-09 (PLG-018-09) 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**

Mr. Boscolo said the Planning Commission held two public hearings on the issue on May 12 and 26, 2009, deliberating on July 14. The ordinance would provide some flexibility with minimum lot sizes for electrical facilities and is consistent with RCW 58.17.040.

By unanimous motion the Board scheduled the public hearing:

**Public Hearing Scheduled – November 16, 2009 – 10:20 a.m.**

Ordinance C-129-09 (PLG-018-09) 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

**SCHEDULE PUBLIC HEARING: ORDINANCE C-130-09 (PLG-020-09) REVISIONS  
TO CHAPTER 17.03 ICC, ISLAND COUNTY ZONING CODE, REGARDING  
ESSENTIAL PUBLIC FACILITIES IN THE RURAL AGRICULTURE AND  
RURAL FOREST ZONES**

The ordinance would bring the zoning code into consistency with the comprehensive plan according to Mr. Boscolo. The Planning Commission held two public hearings on May 12 and 26, 2009 with deliberations on July 14.

By unanimous motion the Board scheduled the public hearing:

**Public Hearing Scheduled – November 16, 2009 – 10:20 a.m.**

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

**Applications for Wa State Dept. of Commerce Energy Efficiency through  
Transportation Planning Grant**

**PLANNING & COMMUNITY DEVELOPMENT – FREELAND DEVELOPMENT  
REGULATIONS AND COMPREHENSIVE PLANNING EFFORT**

Mr. Boscolo, who worked through the weekend to complete the application, said the grant is operated through the Department of Commerce and is for energy efficiency through

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

transportation planning. The application guidelines also speak to development of comprehensive plans and development regulations relevant to the Freeland issue.

Commissioner Homola thanked the Planning & Community Development and Public Works Departments for working collaboratively on the issue in the short amount of time provided. She continues to be hopeful to find sustainable ways to perform services to the public.

By unanimous motion the Board approved the Application for the Washington State Department of Commerce Energy Efficiency through Transportation Planning Grant as proposed by the Planning Department.

*Item 29, Public Works – Island County Energy Efficiency Transportation Planning, pulled from the agenda. While the Board considered the possibility of a joint application between Public Works and Planning, further investigation revealed that each county can submit only one application.*

**Commissioners**

**WA STATE DEPARTMENT OF COMMERCE RURAL WASHINGTON  
LOAN FUND AGREEMENT**

Ms. Marlow explained that the process for the loan began in April saying that the loan is similar to a small business loan, is secured by a promissory note at an interest rate of 3.25%, and is an eight-year loan with three guarantees in the highly unlikely event that Goosefoot is not able to pay back the loan.

Ms. Hurley commented that the store opened as scheduled on September 16 with positive sales thus far with operations moving along well.

Commissioner Price Johnson mentioned that the Rural Washington Loan Fund has only recently become available to Island County.

By unanimous motion the Board approved the WA State Department of Commerce Rural Washington Loan Fund Agreement and related documents for Goosefoot Community Fund's Bayview Grocery. Amount \$500,000; Interest Rate: 3.25% per annum; Term: 8 yrs. (RM-BUD-09-0394)

**CONSIDER SPECIAL ASSESSMENTS TO FINANCE THE WHIDBEY ISLAND  
CONSERVATION DISTRICT AND SNOHOMISH CONSERVATION DISTRICT  
PROGRAMS AND ACTIVITIES FOLLOWING PUBLIC HEARINGS**

Chairman Dean said the Board was asked by Whidbey and Snohomish Conservation Districts to approve an annual assessment of \$5 per parcel plus 5 cents per acre to fund and expand natural resource conservation in Island County.

To do so, the Board is obligated by law to decide whether the Conservation District has demonstrated that the public interest will be served by the joint proposal and whether the special monetary assessment exceeds the special benefit that properties receive from the activities of

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

conservation districts. It is not about good or bad timing, not about politics, or how many emails were received the Chairman said.

The first test is whether or not the public interest will be served which he believed was clear. The two islands are dependent on sole source aquifers, there is a long-standing shared value of retaining rural agricultural character, and there is an increased population. Whether or not he personally receives direct service from the Conservation District, it nonetheless serves Chairman Dean personally, and the public as a whole, when, together, everyone cleans up Puget Sound water quality, protects neighborhood drinking water from contamination, promotes low impact development, solves ongoing drainage problems, and protects habitat and critical areas. The Chairman, therefore, concludes the public's interest is served by the proposal.

The second test demonstrates that the special monetary assessments would not exceed the special benefit that each parcel receives. This test may appear less clear. How does the Board determine if everyone's property receives at least a \$5 value per year if the Conservation District's proposal is approved?

Chairman Dean does not believe the State Legislature expects the Board to decide the \$5 property value question for each and every parcel in Island County. Instead, he believes the Board can find an answer in case law and Washington State Attorney General Robert McKenna's *Amicus* Brief in a Mason County case, taken to the Court of Appeals. McKenna writes: ". . . the relationship between the cost of an assessment and the special benefits received need not be exact; exact equality of taxation is not always attainable; and for that reason the excess of cost over special benefits, unless it be of a material character, ought not to be regarded by a court . . ."

Moreover, a "benefit" need not be defined as a physical improvement. The opportunity to receive services is enough to support an assessment, according to the Attorney General, again citing case law in Alaska where it was agreed that an assessment for a gas line is proper when a property has access to the line, even though a property owner may decide not to hook up to it.

The overall protection of Whidbey or Camano Island drinking water supplies, or the reduction of pollution from hobby farm waste, is a clear benefit, far exceeding what would be a cost, for most people, of pennies a day. Chairman Dean said he benefits when his neighbor, through the efforts of the Conservation District, avoids fouling his water supply. His home community of Camano Island benefits when the conservation district's farm, forest, rural, and backyard services return after many years of absence on Camano, due to lack of funding.

The Board is being asked to look into the future and attempt to see if, by asking all parcel owners on Whidbey and Camano islands to annually pay \$5 a year plus 5-cents an acre, they will get at least that much benefit each year. Most everyone look into the future and worry about water supplies. Most look into the future and worry about the loss of salmon or clean water for Penn Cove mussels. Many talk about the loss of rural character. The Chairman asked then, why would we now think this is *not* a benefit to each and every one of us?

The programs provide broad benefits to Island County residents, as well as specific benefits targeted to specific land classifications. Conservation programs provide natural resource improvements to air quality, water quality and habitat on individual parcels. But the improvements do not stop at property lines, but rather are enjoyed widely by all citizens who share the same air,

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

watershed, or aquifer. In addition, they indirectly help maintain the esthetics and rural character of the islands, which help to increase property values well over \$5.

Chairman Dean finds no legal basis for denying the assessment request from the two conservation districts. However, he has a lingering concern about the proposal.

The State of Washington Court of Appeals has heard a case involving the Mason Conservation District, the details of which may not directly apply to Whidbey and Snohomish conservation districts. Yet, because the decision has not yet been issued, and because the Board is on a tight schedule if it wishes to move the effort forward next year rather than start all over in a subsequent year, he recommended the Board ask the prosecuting attorney's office to draft a resolution for approval of the proposal with an agreement that specifies that the conservation districts, not Island County, will be responsible for making any future refunds to property owners if it should happen that the County is directed to do so by some future court order.

Commissioner Price Johnson agreed that the benefits for Island County are clearly delineated; 59% of Island County is actually Puget Sound waters so the need to provide for its health and welfare through low impact development, shoreline stewardship, and aquifer protection is easy to see.

On a personal level the assessment is inexpensive insurance should the Commissioner feel the need to access those expanded benefits. She is also keenly aware of the complexity of regulations that are increasingly coming forward and the difficulty that property owners will have in meeting expectations from the state, federal and local level. Organizations such as the Conservation Districts are uniquely positioned to assist property owners in an extremely efficient manner since they are non-regulatory and separate from county agencies.

The County struggles with cuts and difficulties in obtaining grant funds which are diminishing at the state and federal level. Small counties such as Island County are at a disadvantage in those competitive environments because matching funds are not available and large programs and staff are not in place dedicated to pursuing those grants.

The benefits to property owners to preserve the rural character cherished in Island County seems clear to her.

As to unease about the County's software and staffing capabilities for the effort, a meeting is scheduled later in the week to address that concern. A Forest Management Plan is in place that addresses properties on a per-acre basis but that system is a rounded one; she would like some clarification from the prosecuting attorney as the details are worked out about whether that plan might work for the proposed system.

Commissioner Homola has no doubt that it is a benefit to her if she can maintain open space, timber land, and keep the aquifers healthy and clean. There is a benefit in having available to the residents of the County a place to go for education and help with creating farm plans and how to protect their land. She believes if that can be done then everyone will come out ahead.

Without matching funds the County would not qualify for grants. The citizens need to decide what is important and how that will be achieved. It is vital to her that the 70.2% of citizens who live in Island County, who are on a well system and septic systems, have clean water and are

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

taking care of their septic effluent before it enters the Sound and before it enters the drinking water. For those reasons it is incumbent upon the County to create the enforcement tools and to put ordinances in place for low impact development that can be acted upon; all resources are needed to do that.

If the Conservation District, which is well organized and supported by the state program, is available to help implement programs that the County lacks the staff for, then both can work together to see to it that goals are achieved. While she is supportive of the effort Commissioner Homola also expressed concern in being able to move forward in a timely fashion: 1) make sure that Island County can take on and manage the program (she would like to see the details from the Conservation District); 2) need to make sure there are contingencies in place to ensure that the critical areas ordinance is complied with when farm plans are created and that an enforcement tool is in place; and 3) in the event there is a lawsuit, that the Conservation District is responsible, not the County. Commissioner Homola would like to not make a decision today but wait until after the Conservation District meets with the Assessor. Thereafter she would like to move forward.

Chairman Dean asked if the Board would be comfortable with directing the Prosecuting Attorney to prepare paperwork for a public hearing, to take that step at this point. Commissioner Price Johnson agreed that suggestion to be a prudent step, as did Commissioner Homola, so long as some of the issues as contingencies or conditions are addressed in the contract about the critical areas ordinance and the assessment piece.

Commissioner Price Johnson said it is important to note that with local assessment comes more local control. With state grant funds the state directs where the work is done and how the money is accounted for. Island County residents would be better served to know that the assessment is going directly to help local issues.

Chairman Dean also proposed an agreement document that would indemnify Island County from any future court action if a judge required the County to refund \$200,000. This is a concern for him and believes it should also be a concern of the Board. The terms of such an agreement at this time are unclear.

Commissioner Homola added concerning the farm plans, that the Board have the same level of scrutiny that citizens do. As an example, if there is property with a creek, she would want to make sure there is a high level of scrutiny if the creek will be classified as a farm ditch. Normally that would go through Fish and Wildlife for review and the Commissioner wants to make sure that that review is conducted under the same level of scrutiny so the opportunity is not taken away for salmon restoration. It is important to pool resources. Island County has the ability to increase property taxes by only 1% per year and as inflation and cost of living goes up considerably higher, there is a divergent widening gap in the ability for the County to provide citizens with the services necessary for their health, welfare and well being. Finding every available resource possible is necessary since resources are limited. It will take some contribution to be able to remain here and maintain the lifestyle that currently exists.

Commissioner Price Johnson commented, due to the current economic difficulties, that this would seem to underline the wisdom of the state to create the conservation districts and prevent them from charging for their services so the service is available to everyone, no matter what level of

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

income, so people can receive needed help in order to be good stewards of their property. She applauds that part of the mission.

It was moved to direct the Prosecuting Attorney to prepare the ordinance for approval of the special assessment, and any other related documents, along with an interlocal agreement to indemnify Island County for liability of any assessments that need to be refunded as a result of a court order.

Since she is not sure what the paperwork will look like Commissioner Homola wanted to make sure that the conditions brought forward are addressed in some form; that there be some level of scrutiny about how the critical areas ordinance is addressed in the farm plans and the work that the Conservation District does.

Motion passed unanimously.

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

**RECOMMENDATION OF AN APPOINTMENT TO THE HOUSING AUTHORITY  
BOARD OF ISLAND COUNTY**

By unanimous motion the Board appointed Terry Ledesky to the Housing Authority Board of Island County.

**RECOMMENDATION OF AN APPOINTMENT TO THE AFFORDABLE HOUSING  
ADVISORY BOARD OF ISLAND COUNTY**

Commissioner Homola said from the three candidates there is only one who fulfills the requirements of one of the three available positions. She moved that the Board appoint Steve Gulliford for the position described as *can represent the affordable housing construction industry, commercial real estate financing, property management companies or agencies that serve low income households*. Mr. Gulliford has a wealth of information with his 20 years of experience with housing authorities. He is currently consulting with Island County's Housing Authority, the Anacortes Housing Authority, and Skagit County Housing Authority. The Commissioner therefore believes that Mr. Gulliford fulfills one of the requirements for the position and the Board will re-advertise for the remaining two.

By unanimous motion the Board appointed Steve Gulliford to the Affordable Housing Advisory Board. His term will expire June 16, 2012.

**RESOLUTION C-131-09/R-53-09 EMERGENCY ROAD CLOSURE OF A  
PORTION OF BOB GALBREATH ROAD**

Mr. Oakes said the resolution would formally close Bob Galbreath Road. The road was closed on an emergency basis on Friday from Zimmerman Road to Surface Road to local traffic only for the reason that a sinkhole developed in the northbound lanes of Galbreath near the location of an existing cross-culvert. Crews are working to re-build the road with an anticipated less than a week closure.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

By unanimous motion the Board approved Resolution C-131-09/R-53-09 Emergency Road Closure of a Portion of Bob Galbreath Road (*Resolution on file with the Clerk of the Board*)

**RESOLUTION C-132-09/R-54-09 RESPONSE TO COUNTY EMERGENCY**

By unanimous motion the Board approved Resolution C-132-09/R-54-09 Response to County Emergency.

**PUBLIC HEARINGS**

*Public Works – County Roads*

**FRANCHISE #349 – TRANSFER OF EXISTING SEWER TRANSPORT LINE  
FRANCHISE #390 & 290(1) [SOCHA COMMUNITY DRAINFIELD]  
TO WESTGATE MOBILE HOMES, INC.**

At 2:30 p.m. Chairman Dean opened a public hearing to consider Franchise #349, transferring an existing sewer transport line.

Mr. Oakes explained that Franchise #349 is a transfer of an existing sewer transport line covered under Franchises #390 and 290(1) [Socha Community Drainfield] to Westgate Homes, in the plat of Rolling Hills, Secs. 20/21, Twp 32, R 1E. Applicable departments reviewed the franchise request and staff recommended approval.

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

By unanimous motion the Board approved Franchise #349 as recommended. (RM-PW-0820-43)

**COMMISSIONERS COMMENTS & ANNOUNCEMENTS**

*Commissioner Price Johnson*

- Commissioner Price Johnson will meet with Ms. Feldman to compile a draft County Mission Statement for dissemination.
- All three Commissioners visited and toured Skagit Valley College.

*Commissioner Homola*

- Commissioner Homola attended a *Call to Climate Action* meeting, people around the globe fighting to stop climate change and to make that known.
- Concerning I-1033, she hoped the Board would support a resolution expressing concerns about the initiative and the financial impacts the legislation would have on Island County. The Commissioners agreed to support a letter stating its opposition to the effort and will bring that letter to a public meeting.

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

*Chairman Dean*

Chairman Dean, along with Commissioner Homola, attended the *Take a Vet to Lunch* event in Stanwood.

**BUDGET WORKSHOP**

Budget Workshop began as scheduled at 3:00 p.m. 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 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.

**Assessor**

Presentation by: Dave Mattens, Assessor

Mr. Mattens requested a 2% increase in his M & O budget for 2010; otherwise, his budget is neutral with shifting of amounts. He would like to plan ahead by having a reserve account for large ticket items he knows will need replacing in approximately three to four years (the plotter is expected not to last much beyond that time).

Ms. Marlow indicated that the Assessor's equipment budget amounts to \$25,000 a year and she is not sure if there is \$25,000 worth of requests this year. As a result, perhaps \$5,000 could be set aside for replacement of the plotter.

**Budget Director – Review Budget to Date**

As a follow-up to the last meeting the Board requested that Ms. Marlow look at banked capacity. She reported for current expense that the amount of banked capacity is \$66,600; for County roads the number is \$270,300. To free up money in current expense or to fund part of the deficit the Board could increase the County road transfer by \$100,000 and then take a portion of banked capacity in County roads. She is concerned, however, that at some point the Board could lose its banked capacity through legislation or a voter's initiative. Island County is one of the few entities with banked capacity. To take full advantage of both banked capacities would be about two cents per thousand, approximately (Ms. Marlow needs to first obtain the assessed value for the exact number). The law says that the Board can take only the lesser of the IPD or 1%; this year, the IPD is less than 1%. If there is a finding of substantial need, however, then the full 1% can be taken. Total possible revenue source would be to levy .93% of banked capacity in current expense plus 1%; from County roads 1% plus banked capacity.

Commissioner Homola expressed a need to invest in the County's employees. A follow-up with Human Resources is needed concerning the status of bargaining efforts with the unions.

Discussion ensued about the allocating of indirect cost transfers to other funding sources. Ms. Marlow and the Auditor's office recommended using the same manner utilized for federal grants, referring the Board to the hand-out provided to demonstrate potential change. When applying

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
OCTOBER 26, 2009 – REGULAR SESSION**

transfers they must be equitable. Additionally, a transfer from a fund cannot occur when already collecting an administrative fee.

Ms. Marlow suggested the possibility of using approximately \$500,000 of fund balance, using just a little more than half of the unreserved amount. Money will be needed to get through 2011. Ms. Marlow requested a closed session for an update on labor negotiations from Human Resources since labor costs are an integral part of the budget. The Board agreed to schedule a closed session on October 27, and asked that if possible Bob Braun participate via telephone.

Concerning ICOM's loan for capital improvements with the Board's approval to roll over the loan, Ms. Marlow would recommend that the Board pay off its portion of the note by taking out an interfund loan at a lower interest amount. Commissioner Homola will report this request at the next ICOM meeting.

There being no further business to come before the Board the meeting adjourned at 4:39 p.m. The Board will meet next in Regular Session on November 2, 2009 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
John Dean, Chairman

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Helen Price Johnson, Member

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Angie Homola, Member

ATTEST:

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Elaine Marlow, Clerk of the Board