

**ISLAND COUNTY COMMISSIONERS - MINUTES OF MEETING
REGULAR SESSION - JULY 2, 2001**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on July 2, 2001, at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, Coupeville, Wa., with William F. Thorn, Chairman; Mike Shelton, Member; and Wm. L. McDowell, Member, present. By unanimous motion, the Board approved and signed the minutes from Regular Session June 25, 2001, and Special Session June 27, 2001.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board: Vouchers (War.) #102094 – 102336\$452,549.88.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented, with brief summary provided by Dick Toft, Human Resources Director, the Board by unanimous approved the following Personnel Action Authorizations:

PAA 072/01	Chief Deputy Auditor #201.00	Replacement	7-9-01
PAA 073/01	Dept. Support Asst. I #115.01	Replacement	7-1-02
PAA 074/01	Pub. Hea. Nurse .75 fte #2406.14	Replacement	8-1-01

HEARING HELD: ORDINANCE #C-78-01, AMENDMENT OF CLAIM FILING PROCEDURE OF CHAPTER 2.32 ISLAND COUNTY CODE

A public hearing, as scheduled and advertised, was held at 9:55 a.m. for the purpose of considering proposed Ordinance #C-78-01, Amendment of Claim Filing Procedure of Chapter 2.32 Island County Code. The ordinance was prepared to conform with EHB 1530, to provide that the person to receive and file all damage claims is called out, and that the name and business address where the County Risk Manager may be reached during normal business hours shall be recorded with the county auditor.

There were no comments from members of the public, either for or against said Ordinance, at the time of Public Hearing. Betty Kemp, Director, GSA/ Risk Manager, was present and recommended the Board's adoption of the Ordinance as presented.

By unanimous motion, the Board adopted Ordinance #C-78-01, Amendment of Claim Filing Procedure of Chapter 2.32 Island County Code.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

AMENDMENT OF CLAIM)	
FILING PROCEDURE OF CHAPTER)	ORDINANCE C-78-01
2.32 ISLAND COUNTY CODE)	

WHEREAS, by Engrossed House Bill (EHB) 1530 the 2001 Washington State Legislature amended the provisions of RCW 4.96.020 regarding filing claims for damages with local governmental authorities to require that the Board of County Commissioners appoint an agent to receive claims and record the name and address of that person with the auditor; and

WHEREAS, it is necessary to amend Island County Code (ICC) section 2.32.030 to meet the changes to RCW 4.96.020; NOW, THEREFORE,

IT IS HEREBY ORDAINED that ICC 2.32.030 is amended to read as follows (new material underlined):

The county risk manager shall receive and file all damage claims. The name and business address where he or she may be reached during normal business hours shall be recorded with the county auditor. The risk manager shall furnish a copy of the claim to the head of the department allegedly responsible. When approving, the risk manager shall also submit the claim to an insurer.

Reviewed this 11th day of June, 2001, and set for public hearing on the 2nd day of July, 2001 at 9:55 a.m. in the Commissioners' Hearing Room.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

Attest: Margaret Rosenkranz
Clerk of the Board
BICC 01-376

Ordinance C-78-01 is adopted this 2nd day of July, 2001 following public hearing.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

Attest: Ellen K. Meyer, Acting
Clerk of the Board
BICC 01-376

APPROVED AS TO FORM:
David L. Jamieson, Jr.
Deputy Prosecuting Attorney and
Island County Code Reviser

**RESOLUTION #C-95-01 APPOINTING AGENT TO
RECEIVE CLAIMS FOR DAMAGES**

Following adoption of Ordinance #C-78-01, the Board by unanimous motion, adopted Resolution #C-95-01 appointing agent to receive claims for damages naming Betty Kemp, Island County's Risk Manager. [Resolution to be recorded with the Auditor]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**RESOLUTION APPOINTING)
AGENT TO RECEIVE) RESOLUTION C-95-01
CLAIMS FOR DAMAGES)**

WHEREAS, Ordinance C-78-01 requires that the Board of County Commissioners name and give the business address of Island County's agent to receive claims for damages; and

WHEREAS, the Ordinance also requires that the designated information be recorded with the auditor as a public record;
NOW, THEREFORE,

IT IS HEREBY RESOLVED, under RCW 4.96.010, 4.96.020 and chapter 2.32 ICC, claims for damages against Island County, its officials and/or employees must be filed with the Island County Risk Manager who currently is Betty Kemp, office address 107 Sixth Street, Coupeville, WA 98239, mailing address P.O. Box 5000, Coupeville, Wa. 98239.

A copy of this resolution shall be recorded with the Island county auditor to give public notice.

DATED this 2nd day of July, 2001.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

ATTEST: Ellen K. Meyer, Acting
Clerk of the Board
BICC 01-450

**INTERLOCAL AGREEMENT BETWEEN ISLAND COUNTY AND I-COM #RM-BICC-99-0061, AMENDMENT A
- STATE GRANT - SALARY ASSISTANCE**

As a follow on to the Intergovernmental Agreement EM01-9010-A which was approved by the Board on June 11, 2001, the Board by unanimous motion, approved Amendment A to the Interlocal Agreement between Island County and I-COM, #RM-BOICC-99-0061, in the amount of \$7,200.00, for salary assistance.

RESOLUTION #C-94-01 IN THE MATTER OF ADOPTING THE ISLAND COUNTY COURTHOUSE SECURITY MANUAL

Marilee Black, County Clerk, was present in support of the Board's adoption of the Courthouse Security Manual. The Board by unanimous motion, adopted Resolution #C-94-01 adopting the Island County Courthouse Security Manual.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF ADOPTING THE)
ISLAND COUNTY COURTHOUSE)
SECURITY MANUAL,) RESOLUTION #C-94-01**

WHEREAS, the Washington State Courthouse Security Task Force has recommended that each county in the state establish a courthouse security committee, and that the committee develop and maintain a courthouse security policy and procedures manual; AND

WHEREAS, it is necessary to establish policies and procedures (1) to ensure the safety of people and property within the courthouse and its environs; and (2) to facilitate the effective administration of justice free from the risks of violence and property damage; AND

WHEREAS, the Island County Courthouse Security Committee has conducted a thorough review and analysis of the security needs of the Island County Courthouse; AND

WHEREAS, the Island County Courthouse Security Committee has developed a Courthouse Security Manual which establishes policies and procedures to protect the people and property within the courthouse and its environs, thereby insuring the effective administration of justice; NOW, THEREFORE,

BE IT RESOLVED that the Board of County Commissioners hereby adopts the *Island County Courthouse Security Manual* attached hereto as Exhibit A.

DATED this 2nd day of July, 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member**

ATTEST:
Ellen K. Meyer, Acting
Clerk of the Board
BICC 01-445

[Exhibit A on file with the Clerk of the Board]

**ALCOHOL AND SUBSTANCE ABUSE TREATMENT (D.A.S.A.)
CONTRACT #6882-4 (AMENDMENT)**

The Board, on unanimous motion, approved Alcohol and Substance Abuse Treatment (D.A.S.A.) Contract #6882-4, an amendment in the amount of a \$60,060 decrease, with the Contract to now reflect a total amount of \$1,244,193.

SPECIAL OCCASION LIQUOR LICENSE #071122, CAMANO COUNTRY CLUB

On receipt of recommendations of approval from the Sheriff's Office, Health Department, Planning & Community Development, the Board by unanimous motion approved Application for Special Occasion Liquor License #071122, for an event to be held on July 20th at the Camano Country Club.

**INTERLOCAL AGREEMENT #RM-SHER-00-0086 – THE WASHINGTON COUNTIES RISK POOL -
EMPLOYEE DRIVER TRAINING**

The Board considered the matter of a proposed Interlocal Agreement between The Washington Counties Risk Pool and several other Counties Relating to Employee Driver Training. The agreement is between The Washington Counties Risk Pool and Mason, Kitsap, Jefferson, Clallam, Island, San Juan and Whatcom counties for the purpose of facilitating an effective driver training program for county employees, commonly referred to as the "Skid Car Program". The skid car device will be provided to the counties for sheriffs to use for training, rather than using actual police cars. As Commissioner Shelton pointed out, it saves wear and tear on police cars and gives the department and other employees, an opportunity to use this apparatus to authenticate actual driving conditions. Sheriff Hawley was present in support of approval of the Contract.

By unanimous motion, the Board approved Interlocal Agreement #RM-SHER-00-0086 with the Washington Counties Risk Pool, Kitsap County, Clallam County, Island County, Jefferson County, San Juan County, and Whatcom County.

CONTRACT: STATE OF WASHINGTON INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION - SALMON PROJECT AGREEMENT # 00-1673N

Don Meehan, Extension Agent, WSU, presented for approval, the final contract funding the Marine Resources Committee "Nearshore Project", between the County and the State of Washington Interagency Committee for Outdoor Recreation and Island County for Salmon Project Agreement # 00-1673N. The contract is for \$233,621,m of which \$72,288 is a match coming from other funding sources already obtained, with the result being that actual funds coming to the County will be \$161,343.00. No county dollars are being used or requested as matching funds.

By unanimous motion, the Board approved the agreement between Washington Interagency Committee for Outdoor Recreation and Island County for Salmon Project Agreement # 00-1673N.

[GMA #]

DISCUSSION ISSUANCE OF BURN PERMITS IN UNINCORPORATED ISLAND COUNTY

With regard to requirements under the WAC, Ms. Kemp advised that Northwest Air Pollution Authority (NWAP) and the State Department of Natural Resources (DNR) were working out an extension of the existing contract between DNR and NWAP for issuance of land clearing burn permits. At the beginning of last week it appeared that all burn permits would be included, but since found out that is not the case. Staff of the various counties will meet tomorrow to review/discuss specifics and report back to their respective Commissioners what counties will be responsible for. For information, she provided a copy of the types of outdoor burning allowed under WAC 173-425; a proposed draft resolution for Island County's adoption; and an Outdoor Burning Update from the Sheriff's Office dated 6/29/01.

Commissioner McDowell talked to the Executive Director of NWAPA and from that conversation gathered that DNR would at least on a short term temporary basis continue with permits for commercial burns [land clearing]. Since unincorporated Island County's population is under 50,000, there is no requirement to issue permits for residential fires that are less than 4' across. For residential fires greater than 4' there is no history of how many permits that might entail. It is too soon to adopt a local resolution establishing fees for burning permits in unincorporated Island County because until the County signs an agreement with NWAPA it is not the County's responsibility to permit. He asked that Ms. Kemp provide further information to the Board including:

1. What has DNR been charging for commercial burn permits
2. Relay information from the meeting to be held tomorrow
3. Need estimate of the number of residential fires dealing with
4. Find out what fees have been charged by the City of Oak Harbor and Whatcom County .

PUBLIC INPUT OR COMMENTS

Lehman Drive Discussion

Fred Keezer, Vice-president, Board of Directors, Driftwood Heights, Inc., represented the concerns of the membership of the association on the recent closure of the most southern end of Lehman Drive. The Driftwood Heights community consists of approximately 120 families living along the roads Lehman Drive, Patricia Ann, Margie Ann, Terry Ann, Vesper and Hawthorne Roads. The community collectively shares property rights adjacent to Lehman Drive approximately 300 yards north of the intersection of Patricia Ann, East Camano Drive and the beginning of Lehman Drive. Closing of East Camano Drive began the week of June 12, with Lehman access prohibited, unexpected to the residents of Driftwood Heights and immediately complaints began pouring in to Driftwood Heights board officers. On June 25, the Board of County Commissioners adopted an ordinance eliminating direct access to Lehman for 5/6ths of Driftwood Heights members via a 9 mile detour.; 1/5th live on Lehman. The view of the board and membership was that this 9 mile detour for a 300 yard trip was not acceptable. The board officers contacted attorney Craig D. Sjostrom to represent the case on their behalf. The major concerns are as follows:

1. unimpeded property access to Lehman Drive to the remaining 5/6ths of the Association's membership;
2. restriction and burden the ordinance places on the grounds-keeping manager; and
3. the restriction and burden the ordinance places on the water facilities manager and his ability to access both the main tank and pump control sources, and responding to the needs of the Lehman Drive residents.

The closure comprises the bulk of summer use of Lehman Drive by the membership of Driftwood Heights and represents an 18 mile round trip in lieu of 600 yards. The groundskeeper takes care of Association property on Hawthorn where the water facility is located, and the beach access on Lehman, creating an 18 mile detour. The main water supply line runs from the Hawthorne source down Terry and Patricia Ann, across East Camano, down Lehman terminating at the beach. The water main has numerous key water shutoff points and timely access is essential in eliminating unwanted waste of water supply in case of repairs, maintenance or emergencies. Several major upgrades and repairs to the system are to take place over the next month or longer, and currently in the middle of the electrical system upgrade. A second new pump is being installed to the water system in an attempt to improve water pressure where needed. Major repairs are taking place on tank two. The Board of Driftwood Heights recommends making the barricade parallel with Patricia Ann and Lehman, which would eliminate the concern of 8,000 vehicles per day, create no appreciable wear on Lehman, and constitutes light weight commuter traffic with no commercial vehicles.

Chairman Thorn was aware that much concern had been expressed about the detour. Action of the Board last Monday was taken with the intention to create a situation where it was not such an impossibility for enforcement. In doing that, however, the action inadvertently split the Driftwood Heights community. When that was brought to his attention, it was a persuading argument to reconsider the matter. Realizing in particular the water concerns, etc. it made sense to allow access by Driftwood Heights only and expressed support for going ahead and allowing access for Driftwood Heights residents.

Commissioner McDowell talked last week with Mr. Keezer about the matter, received a fax with information, and made a good presentation and recommendation today, and he could see it was a very logical boundary and a good idea. Commissioner Shelton concurred with what the Driftwood Heights community proposed.

Larry Kwarsick, Public Works Director, confirmed that the Department had no objection and agreed it made perfectly good sense. Based on advice from the Prosecuting Attorney's office, Dick Snyder, Assistant County Engineer, is preparing a clarifying resolution to bring before the Board later this morning for the Board's approval to give people the right to cross East Camano Drive. Mr. Snyder confirmed the plan to barricade off the full width of East Camano drive just south of the intersection with Patricia Ann, to be used only for emergency access, i.e. actually physically put the blockade 100' to the south of the intersection Patricia Ann so there will be no blocking of Lehman.

That was satisfactory to Sheriff Hawley. Mr. Keezer was also in agreement.

Board Consensus: Move the barricade south of the intersection with Patricia Ann [across East Camano] a full barricade, with people in the Driftwood Heights Association having full access going north. This to be tried without a pass [placard] at first and if not working, the Board will re-assess the use of a pass. Install a permanent total barricade today as soon as the clarifying resolution is adopted.

- **HEARING HELD: FRANCHISE #41(R) SUNSET RIDGE COMMUNITY ASSOCIATION; RENEWAL FOR EXISTING WATER DISTRIBUTION SYSTEM; PLAT OF SUNSET RIDGE, DIVISIONS #1 AND #2**

A Public Hearing was held at 10:20 a.m. as advertised, for the purpose of considering Franchise #41(R) by Sunset Ridge Community Association for renewal of an existing water distribution system in the Plat of Sunset Ridge, Divisions 1 and 2, Sec. 19, Twp. 33N., Rge 2E. Three people from the area were present in support of approval of the franchise for the 50 households. No one spoke in opposition to approval of the franchise.

By unanimous motion, the Board approved Franchise #41(R) by Sunset Ridge Community Association for renewal of an existing water distribution system in the Plat of Sunset Ridge, Divisions 1 and 2, Sec. 19, Twp. 33N., Rge 2E.

- **CONTRACT/CONTRACT BOND/RETAINAGE BOND – WILDER CONSTRUCTION COMPANY, INC.**

Bid was awarded on June 4, 2001 to Wilder Construction Company, Inc. for Miscellaneous Overlays for year 2001 for Camano Island, under CRP 01-01, in the amount of \$412,044.00 and the Board by unanimous motion this date, approved the Contract/Contract Bond/Retainage Bond as presented by the Public Works Director.

CONTRACT/CONTRACT BOND/RETAINAGE BOND, LAKESIDE INDUSTRIES, INC.

With bid awarded on June 4, 2001 to Lakeside Industries, Inc., for year 2001 Whidbey Island Miscellaneous overlays under CRP 01-02, in the amount of \$835,012.16, the Board at this time by unanimous motion, approved the Contract/Contract Bond/Retainage Bond with Lakeside Industries, Inc., as presented by the Public Works Director.

MITIGATION AGREEMENT #PW-0120-31 BETWEEN ISLAND COUNTY AND MAIN STREET PARTNERSHIP, INC., SPR 131/00, FISH ROAD-SR525 & SCOTT ROAD-SR525 INTERSECTIONS

Mitigation Agreement #PW-0120-31 for Future Road Improvements between Island County and Main Street Partnership, Inc., related to SPR 131/00, Fish Road-SR525 and Scott Road-SR525 intersections, Parcel 108-2210; Sec. 11, Twp 29N., Rge 2E. was approved by unanimous motion of the Board, as presented and recommended for approval by the Public Works Director.

FAIR-GROUND ROOF PROJECT

Island County has an agreement with the Fair Association wherein the County provides \$15,000 annually for Fairground repairs. The County agreed to allow the Fair Association to borrow ahead on that \$15,000 annual contribution in order to put a new roof on the pole building, a major building and an historic building. The Fair Association had the roof designed and awarded the work to KDI Roofing, the lowest responsive bidder, in the amount of \$48,000+. A voucher was submitted to the Public Works Department for some of the materials agreed that would be pre-paid when materials were delivered to the job. The Department became aware that the Fair Association had not followed appropriate bidding requirements for a Public Works project with regard to prevailing wage and staff worked to resolve the matter with KDI Roofing. The bill is now \$58,000+ [not including tax].

By unanimous motion the Board approved a three-year Fair Association "borrow ahead" and authorized the amount over \$45,000 from REET up to a maximum of some \$58,000 and some change plus tax; and further authorized the Chairman of the Board to sign the documents needed to make payment to KDI Roofing.

HEARING HELD: RESOLUTION #C-84-01 - ESTABLISHING AN ISLAND COUNTY WATER CONSERVANCY BOARD

At 11:00 a.m., a public hearing was held on Resolution #C-84-01 in the matter of Establishing an Island County Water Conservancy Board. Tim McDonald, Health Services Director, and Keith Higman, Environmental Health Services Director, were present to introduce the topic as outlined in the Resolution, and to respond to any questions from members of the public or the Board. Approximately 5 people were present in the audience at the time the matter was considered, including proposed members to be appointed: William Attwater, Ryan Kingma and Larry Bach.

The Board of Island County Commissioners previously adopted Resolution #C-83-01 establishing the need for an Island County Water Conservancy Board on June 11, 2001. A Water Conservancy Board is an independent board that has the opportunity to review applications for change and/or transfer, and make a recommendation to the State Department of Ecology for eventual decision-making purposes. Along with the proposed resolution under consideration today, is a draft set of by-laws. With those comments, Mr. Higman read into the record the proposed resolution.

No one in the audience questioned or spoke against adoption of Resolution #C-84-01.

Commissioner Shelton thought it important to note that with the Resolution the Board would be adopting by-laws in connection with the Water Conservancy Board (WCB), an independent board, and other issues will need to be addressed, such as: establishment of fees, administrative help, and insurance. The County Commissioners understand there are start-up costs and were willing to put forth money for those start-up costs, but long term, would like the WCB to be self-supporting. The fees established by the WCB for the transfers of water rights should be at a level that would support the continued existence of the WCB. Training through the State of Washington is required on the part of WCB members and the County Commissioners recognize that as a start up cost and prepared to underwrite the cost of that training.

Other suggestions for the WCB were: check with other counties to see how they are dealing with the insurance coverage issues; and check to see if insurance can be based on a "per water right case" basis.

Mr. Attwater commented that the WCB makes recommendations to the State Department of Ecology, and it is the State DOE that is the final decision maker, not the WCB. The omnibus water act signed by the Governor contains a provision that the legislative body of the County that creates the board can also uncreate it.

By unanimous motion, the Board adopted Resolution #C-84-01 in the matter of establishing an Island County Water Conservancy Board.

**BEFORE THE BOARD OF COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF ESTABLISHING)
AN ISLAND COUNTY WATER)
CONSERVANCY BOARD) RESOLUTION C-84-01**

WHEREAS, water conservancy boards are authorized by the Washington State Legislature in Chapter 90.80 of the revised Code of Washington;

WHEREAS, the principal objectives of the water conservancy boards are to facilitate voluntary water right transfers through local water resource management and review and to acknowledge the property right features inherent to existing water permits and certificates;

WHEREAS, water right transfers can reallocate water use for efficient application of Island County water resources;

WHEREAS, water right transfers can provide an incentive for investment in water conservation efforts by Island County water right holders;

WHEREAS, a local water conservancy board can expedite an administrative process water right transfers diverted or proposed to be diverted within Island County; and

WHEREAS, counties can authorize the creation of a water conservancy board by resolution as described in RCW 90.80.020 and Washington Administrative Code 173-153-040; NOW, THEREFORE,

BE IT RESOLVED that the Island County Water Conservancy Board is hereby created to function within the geographic boundaries of Island County, exercising administrative powers set forth in Chapter 90.80 RCW, as now in affect and as may be hereafter amended, and the attached bylaws.

REVIEWED this 11th day of June, 2001 and set for public hearing on the 2nd day of July, 2001 at 11:00 a.m.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member**

ATTEST: By Ellen K. Meyer, Acting
Margaret Rosenkranz Clerk of the Board BICC 01-397

RESOLUTION NO. C-84-01 ADOPTED this 2nd day of July 2001, following a public hearing.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member**

ATTEST: By Ellen K. Meyer, Acting
Clerk of the Board *[copy of by-laws placed on file with the Clerk of the Board]*

**RESOLUTION # C-96-01, IN THE MATTER OF THE APPOINTMENT OF MEMBERS
TO SERVE ON THE ISLAND COUNTY WATER CONSERVANCY BOARD**

Following adoption of Resolution #C-84-01 establishing an Island County Water Conservancy Board, the Board considered proposed Resolution #C-96-01, In the Matter of the Appointment of Members to Serve on the Island County Water Conservancy Board.

By unanimous motion, the Board adopted Resolution #C-96-01 appointing the following as members of the Island County Water Conservancy Board: William Attwater, District No. 1, with a term to July 2, 2007; Ryan Kingma, District No. 2, for a term to July 2, 2005; and Larry Bach, District No. 3, for a term to July 2, 2003, and appointed William Attwater to serve as the initial Chairman of the Water Conservancy Board.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF THE APPOINTMENT)
OF MEMBERS TO SERVE ON THE ISLAND) RESOLUTION NO. C-96-01
COUNTY WATER CONSERVANCY BOARD)
_____)**

Mr. Nehf confirmed that the requirement of a \$25,000 bond was a burdensome thing. The only avenue to pursue the bond would be through a bail bondsman or come up with \$25,000 which is impossible unless someone stepped forward and volunteered to pay that. Reduction to \$5,000 is more in the realm of possibility but the group is totally volunteer and donations; all expenses are a problem. They are required by the South Whidbey Parks and Recreation District to have an insurance policy, and they do have a one million dollar liability insurance policy.

By unanimous motion, the Board approved Ordinance #C-85-01 Amending Chapter 5.08 Island County Code – Outdoor Public Assemblies.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

ORDINANCE AMENDING)
CHAPTER 5.08 ISLAND) ORDINANCE NO. C-85-01
COUNTY CODE – OUTDOOR)
PUBLIC ASSEMBLIES)

WHEREAS, Island County first adopted its Outdoor Public Assemblies Ordinance, Chapter 5.087 Island County Code (ICC), in 1970;

WHEREAS, that Ordinance regulates the presentation of outdoor, live or recorded musical entertainment which is intended to attract 100 or more persons;

WHEREAS, it is necessary to update the ordinance to allow more flexibility when an event will be held on government owned property, to allow waiver of the 90-day-prior-to-event application deadline and to update permit conditions; NOW, THEREFORE,

BE IT HEREBY ORDAINED that amendments to Chapter 5.08 ICC attached hereto as “Exhibit A” are adopted. Material lined through is deleted and material underlined is added.

Reviewed this 18th day of June, 2001, and set for public hearing on the 2nd day of July, 2001 at 11:00 a.m. in the Commissioners’ Hearing Room.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

ATTEST: Margaret Rosenkranz
Clerk of the Board BICC 01-411

Ordinance C-85-01 is adopted this 2nd day of July, 2001 following public hearing.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

ATTEST: Ellen K. Meyer, Acting
Clerk of the Board BICC 01-411

APPROVED AS TO FORM:
David L. Jamieson, Jr.
Deputy Prosecuting Attorney and
Island County Code Reviser

[Exhibit “A” placed on file with the Clerk of the Board]

**RESOLUTION #C-97-01 (R-39-01) IN THE MATTER OF CLARIFYING THE USE OF LEHMAN DRIVE DURING
TEMPORARY CLOSURE ON CAMANO ISLAND
LOCATED IN SEC. 6 & 7, TWP. 31N, RGE. 3E, W.M.**

Mr. Kwarsick presented a resolution with regard to clarify how Lehman Drive is going to be used during its closure, i.e. to extend rights to residents of the Plat of Driftwood Heights, as discussed earlier. The barricade now he thought had been moved further south.

By unanimous motion, the Board approved Resolution #C-97-01/R-39-01 in the matter of clarifying the use of Lehman Drive during

temporary closure on Camano Island located in Sec. 6 & 7, Twp. 31N, Rge., 3E, W.M.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

**IN THE MATTER OF CLARIFYING THE)
USE OF LEHMAN DRIVE DURING) RESOLUTION NO. C-97-01
TEMPORARY CLOSURE ON CAMANO) R-39-01
ISLAND LOCATED IN)
SEC. 6 & 7, TWP. 31 N, RGE. 3 E, W.M.)**

WHEREAS, RCW 47.48.010 authorizes local governments to restrict vehicular traffic whenever the condition of such road is dangerous to the traveling public; and

WHEREAS, RCW 47.48.020 authorizes local governments to close or restrict vehicular traffic on such roads through publication and notice thereof, including the effective date, in one issue of a newspaper of general circulation; and

WHEREAS, CRP 96-05(A) has been approved and a contract has been let to construct right-of-way improvements along East Camano Drive; and

WHEREAS, R-29-01 was approved in the Matter of Temporary Road Closure of a Portion of East Camano Drive; and

WHEREAS, R-35-01 was approved in the Matter of Temporary Road Closure of a Portion of Lehman Drive; and

WHEREAS, another route is available for use during construction and has been designated and posted as a detour route; and

WHEREAS, motorists are attempting to use Lehman Drive as an alternate detour route; and

WHEREAS, the closure of Lehman Drive per R-35-01 divides the otherwise contiguous Plat of Driftwood Heights into two sections, denying some residents their customary access route to their beach; and

WHEREAS, the Plat and Community of Driftwood Heights share beach access rights along Lehman Drive and have responsibilities for the maintenance and operation of the community water system; and

WHEREAS, the closure of County roads for safety reasons is a function of police power properly exerciseable by the Board of County Commissioners; NOW, THEREFORE,

BE IT HEREBY RESOLVED that all residents of the Plat of Driftwood Heights may use Lehman Drive for access to their beach, other destinations along Lehman Drive, and all points northward on Camano Island.. Identification cards may be supplied by Island County Public Works to the residents of Driftwood Heights for identification purposes if requested by the Driftwood Heights Community Association. This will be in effect July 2, 2001 through September 12, 2001, until reconstruction of East Camano Drive is complete.

ADOPTED this 2nd day of July, 2001.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**
William F. Thorn, Chairman
Mike Shelton, Member
Wm. L. McDowell, Member

ATTEST: Ellen K. Meyer, Acting
Clerk of the Board BOCC 01-456

EXECUTIVE SESSION - RCW 42.30.110 (1) (I)

At 11:40 a.m. the Board went into Executive Session under provisions of RCW 42.30.110 (1) (i) to discuss potential litigation with legal counsel representing the county. Chairman Thorn announced his expectation that the session would last approximately one hour and did not anticipate an announcement today in open public session afterwards.

With no further business to come before the Board, the meeting adjourned on conclusion of Executive Session at 12:30 p.m. County offices will be closed Wednesday, July 4, 2001 in observance of the Fourth of July. The Board will meet next in Special Session, July 5, 2001 @ 2:00 p.m at Terry's Corner Fire Station located at 525 E. North Camano Drive, Camano Island, to conduct a public hearing on Resolution #C-81-01, R-33-01, proposed vacation of County Right of Way. The next regular meeting will be held on July 9, 2001, beginning at 9:30 a.m., Courthouse Annex, Coupeville, Wa.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON**

William F. Thorn, Chairman _____

Wm. L. McDowell, Member

Mike Shelton, Member

ATTEST: _____
Ellen Meyer, Acting Clerk of the Board