

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 5, 2005**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 5, 2005 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. Mike Shelton, Chairman, Wm. L. McDowell, Member, and William J. Byrd, Member, were present. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the Regular Session held on November 28, 2005, and October 10, 2005, that portion of the regular session with regard to a joint Board of County Commissioners and Planning Commission meeting to receive and review 2005 Agriculture Review Committee recommendation.

VOUCHERS AND PAYMENT OF BILLS AND PAYROLL

By unanimous motion, the Board approved the payroll dated November 30, 2005, and also approved the following vouchers/warrants: #227281-227504\$399,139.80.

CONTRACT AMENDMENT #1 – TERRAFILIA (SARAH SCHMIDT) APPROVED

Per recommendation of Don Meehan, WSU Extension, the Board by unanimous motion approved Contract Amendment #1 with Terrafilia (Sarah Schmidt) RM-EXT-05-0150 in support of the Island County Marine Resources Committee for an extension of the completion date to June 30, 2006 and shifting funding sources to the new MRC grant provided through NW Straits Commission.

**AMENDMENT NO. 1 TO WASHINGTON COUNTIES INSURANCE POOL INTERLOCAL
AGREEMENT**

By unanimous motion, the Board approved Amendment No. 1 to Washington Counties Insurance Pool Interlocal Agreement (RM-BOCC-05-0149), with the amendment effective January 1, 2006.

**RESOLUTION #C-139-05 – WAIVER OF COMPETITIVE BIDDING FOR HEATING,
VENTILATION AND AIR CONDITIONING TECHNICAL SUPPORT SERVICES THROUGH
SIEMENS BUILDING TECHNOLOGIES
AND APPROVAL OF CONTRACT**

The Board, by unanimous motion, approved Resolution #C-139-05, a Waiver of Competitive Bidding for heating, ventilation and air conditioning technical support services through Siemens Building Technologies, as requested by Dan Sherk, Facilities Director. Following Resolution approval, the Board by unanimous motion approved the Contract with Siemens Building Technologies - HVAC Control Services Contract 630-MC-1284 (RM-FAC-05-0151), for technical services program extension for the existing agreement per proposal dated 11/2/2005 for a three- year term beginning 1/1/2006.

HEARING HELD: 2006 BUDGET

The Board held a public hearing at 9:45 a.m. as scheduled and advertised for the purpose of adopting the 2006 budget, considering four actions:

Resolution #C-119-05 Adopting the Island County Budget and Diking District No. 4 Budget for Fiscal Year 2006

Ordinance #C-120-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Current Expense Levy

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 5, 2005**

Ordinance #C-121-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Road Levy

Ordinance #C-122-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Conservation Futures Levy

Resolution #C-119-05 Adopting the Island County Budget and Diking District No. 4 Budget for Fiscal Year 2006

Chairman Shelton opened the hearing on Resolution #C-119-05. Elaine Marlow, Island County Budget Director, commented that the Board of County Commissioners began consideration of the proposed 2006 budget early in September holding public workshops with Department Heads and Elected Officials to consider needs for 2006. Looking at all county funds and expenditures overall this year, the amount projected to be spent decreases by 4%, having to do with finishing up construction on the Juvenile Detention Facility (JDF). For the general fund over 53% of expenditures go to law and justice. The number of Sheriff's deputies increases by 3; also a .75 fte in the court system and CASA, and 14 fte added for operating the JDC. The general fund budget for 2006 is \$22,026,000.00, about 7% increase overall, the majority of costs go to salaries/wages/benefits. Major increases in revenue include: sales tax trend upward by about 7 to 8% projected; Treasurer's proposed increase in investment interest. Budget figures are predicated upon taking the allowed 1% increase in County Current Expense levy and County Road levy.

With regard to construction of the JDF, Chairman Shelton stated that based upon a vote of the people, a 1/10th of 1% sales tax levy passed in 1998. Since that time, the funds collected have been saved to pay for construction of that facility. Now that the facility is almost constructed and once on line, funds collected from the 1/10th of 1% tax will be used for operation of the facility. It is hoped that those funds, coupled with expenditures the County has used to house juvenile offenders in other counties plus transportation, will about be a wash. Even though 14 employees are being added to operate the facility there are some off-setting revenues that will support that.

Commissioner McDowell echoed the Chairman's comments, noting clearly it will now cost more to house juveniles per person but the public obviously felt there was an advantage to that based on the vote of the 1/10th of 1% tax. The Sheriff has been very supportive of that idea as well, as has the Superior Court Judges. The Chair added to note that the Superior Court Judges also indicated that at the time the County reached 50,000 population, State law actually required a JDF.

Commissioner Byrd agreed it would cost more but believed it beneficial to house local juvenile offenders in the County, noting there would be programs to support and help juveniles and an opportunity for them to "turn-around" and produce better citizens.

At the time the Chairman asked for comments from the public, no one in the audience spoke either for or against adoption of Resolution #C-119-05.

By unanimous motion, the Board adopted Resolution #C-119-05 Adopting the Island County Budget and Diking District No. 4 Budget for Fiscal Year 2006 [Resolution #C-119-05 on file with the Clerk of the Board]

Ordinance #C-120-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Current Expense Levy

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 5, 2005**

The Chairman opened the hearing on Resolution #C-120-05. Ms. Marlow explained that under the law the county can only increase tax revenue by 1%. The proposed Ordinance provides that 1%, for the County Current Expense levy.

Commissioner McDowell observed that the 1% levy equated to \$62,690, less than inflation for this year.

There were no comments made by members of the public either for or against adoption of Ordinance #C-120-05.

By unanimous motion, the Board adopted Ordinance #C-120-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Current Expense Levy.

[Ordinance #C-120-05 on file with the Clerk of the Board]

Ordinance #C-121-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Road Levy

The public hearing opened for consideration of Ordinance #C-121-05. Ms. Marlow pointed out that in this case, it is the 1% levy increase allowed by law to maintain roads, equating to a total of \$61,730.

No comments were made by members of the public either for or against adoption of Ordinance #C-121-05.

By unanimous motion, the Board adopted Ordinance #C-121-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Road Levy. *[Ordinance #C-121-05 placed on file with the Clerk of the Board]*.

Ordinance #C-122-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Conservation Futures Levy

Public hearing was opened for the purpose of considering Ordinance #C-122-05. Ms. Marlow noted that this Ordinance would authorize the County Conservation Futures property tax levy, for the 2005 levy for taxes collected in 2006, in the amount of 6.25 cents per thousand dollars of assessed valuation as authorized in ICC 3.22.020 and RCW 84.34.230, to continue to preserve open space lands in order to Enhance and conserve the natural resources and scenic beauty of Island County.

No comments made by members of the public either for or against adoption of Ordinance #C-122-05.

By unanimous motion, the Board adopted Ordinance #C-122-05 Increasing the Taxing District's Prior Year's Levy Amount for Collection in Fiscal Year 2006 for the County Conservation Futures Levy.

[Ordinance #C-122-05 placed on file with the Clerk of the Board]

CONSIDERATION OF LIQUOR LICENSE APPLICATIONS BY CDX CONCESSIONS

Application (Corrected) for Liquor License #0886513F dated 11/09/05 by CDX Ferry Concessions, Inc., for MV Kittitas

Application (Corrected) for Liquor License #087652-3F dated 11/01/05 by CDX Ferry Concessions, Inc., for MV Cathlamet

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 5, 2005**

The Washington State Liquor Control Board by letter dated November 18, 2005 granted an extension to December 5, 2005 to respond to Liquor License Application #088651-3F MV Kittitas and Liquor

License Application #087652-3F MV Cathlamet to provide the Board of Island County Commissioners an opportunity to review the applications, based on the fact that serving alcohol on the ferries is an issue of great public interest and concern in Island County.

JoAnn Hellman, Oak Harbor, Coordinator, IDIPIC, submitted into the record a copy of a brochure put out by the State of Washington "Tougher on DUI", and her question was: how can the State claim to be tough on DUI when it sends a message that it is permissible to drink and drive by providing alcohol on State ferries?". The State Ferry system is part of the State Highway system and many ferry passengers are motorists. It has been shown that attention decreases with as little as one-half can of beer and reaction time can slow at .02 impairing driving skills even more. She asked that a message be sent loud and clear to the State that there are many who are mad as hell and want the State to know they are angry and concerned that revenue seems more important to the State than public safety.

Holly Jones, Clinton, Program Manager, Seeds of Change and Chair of the Island County Meth Action Team made two points.

- (1) Prevention science is based on research that involves risk and protective factors. One of the protective factors is the issue of changing social norms if social norms are not conducive to the health of the public. She asked that the Board consider the question of what is the social norm validating when children, teens and impressionable adults witness drivers purchasing alcohol, consuming the product and getting back in their cars.
- (2) The State has done a good job addressing the issue of public health as has the South Whidbey School District by removing junk food and soda pop, etc. Kids really do not need yet one more place to buy junk food. Can appreciate if there is an economic issue for the concession operators, but the economic bank for the buck is coming from liquor sales. For the most part, there is not a lot of food sold on the ferry that is of much nutritional health value to consumers

Commissioner Byrd believed that people need to be responsible for their own actions and that morality or actions cannot necessarily be legislated. He understood the dangers involved with alcohol and people on the road having consumed alcohol, and believed the Board should take no action to forward a recommendation to the Washington State Liquor Control Board.

Commissioner McDowell referenced the letter received from the State Department of Transportation asking the Board to support the applications, and listed off other ferries that already serve liquor and noted that liquor revenue is what keeps the food service in business. He pointed out that one thing different with the Clinton-Mukilteo ferry run is that it is only a 15 minute ferry ride. There is one other ferry with about a 20 minute run, but other ferries are at least double the length of time. It seems strange someone would run up and have a beer then run back and get in a car on a 15 minute ferry ride. In my opinion there needs to be a public hearing on this at some level. This Board has heard quite a bit from concerned citizens this past week who think it a "crazy" idea. Since the Board of Commissioners does not have approval or disapproval authority, it was his recommendation that the Board forward a recommendation that the Washington State Liquor Control Board to hold a public hearing to hear thoughts and concerns of the citizens.

Chairman Shelton agreed with everything said this morning. One observation was that people have

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 5, 2005**

become accustomed to being able buy a cup of coffee and/or food on the ferry. If in fact the liquor license is denied and CDX withdraws their desire to have a food concession on the ferries, a lot of people will be unhappy. In relation to the public health issue brought forth by Ms. Jones, he observed that the things that are served by the food vendor are probably better by and large than what one can buy out of machines, and the machines will still be there whether CDX is there or not. The Board of County Commissioners can recommend to the WSLCB that they hold a public hearing, and he is willing to do that. The Board has received a number of letters. To answer some folks who have written to say that if others want to drink and drive they can stop at 7-11 and buy a beer or at a cocktail lounge and have a drink so why the thought to take it off the ferries, he said it seemed wrong-headed that the State of Washington should sanction something they have determined very clearly impairs driving abilities.

Commissioner Byrd moved to forward the corrected applications for Liquor License Application #088651-3F MV Kittitas and Liquor License Application #087652-3F MV Cathlamet with no recommendation, but requesting that the WSLCB hold a public hearing. Motion, seconded by Commissioner McDowell, carried unanimously.

REAPPOINTMENT OF ELECTED OFFICIALS TO ISLAND TRANSIT BOARD OF DIRECTORS

By unanimous motion, the Board reappointed Commissioners William J. Byrd and Wm. L. McDowell to serve as County Legislative Body representatives on the Island Transit Board of Directors effective January 1, 2006.

HEALTH CONTRACTS APPROVED

By unanimous motion, as forwarded for consideration by Tim McDonald, Health Services Director, the Board approved the following Health Department contracts:

Amendment #5 to Contract #C13034 (RM-HLTH-02-0094) with the Washington State Department of Health to continue funding for Assessment in Action and Public Health Emergency Preparedness and Response. Amendment Amount: \$58,696 Contract Amount: \$809,071.

Amendment #2 to Contract #HD-04-05 (RM-HLTH-99-0014) with Snohomish Health District/Region 3 AIDS Service Network, to allow reallocation of funding within existing budget. Contract Amount: \$70,954, Amendment Amount \$ -0-.

Contract Collection Agreement with Whidbey Island Bank for Promissory Note and Deed of Trust for On-Site Repair Financial Assistance Program (Washington State Water Pollution Control Revolving Fund Loan 2002) between Island County and Bonnie MacPhail. Principal amount loaned: \$18,869.62

**APPLICATION FOR SPECIAL OCCASION LIQUOR LICENSE #090590 BY
COUPEVILLE ARTS CENTER**

Having received favorable recommendations from the appropriate reviewing county departments, the Board by unanimous motion agreed to recommend approval to the Washington State Liquor Control Board on Application for Special Occasion Liquor License #090590 by Coupeville Arts Center for a special occasion to be held December 10, 2005 from 6:00 p.m. to 9:00 p.m. at the Au Sable Institute, located at 180 Parker Road, Coupeville, WA

TEMPORARY CONSTRUCTION EASEMENT – CAMANO HILL ROAD PROJECT

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 5, 2005**

As presented by Bill Oakes, Public Works Director, the Board approved Temporary Construction Easement #PW-0520-97 between Island County and James K. Moore, Trustee & Deborah A. Moore, Trustee, related to the Camano Hill Road project, CRP 02-04, Work Order #176, Parcel 324-0910, Sec. 12, Twp 31N, R 2E.

QUIT CLAIM DEED APPROVED – MONROE LANDING ROAD PROJECT

As presented and recommended by Mr. Oakes, the Board by unanimous motion approved a Quit Claim Deed between Island County and Larry E & Linda L. West Cronin for the Monroe Landing Road under CRP 02-03, Work Order #356 with compensation in the amount of \$9,308.50 (\$6,258.50/land, \$850.00/improvements, \$2,200.00/administrative settlement); Parcel 243-5250, Sec. 16, Twp 32N, R 1E.

STORMWATER MITIGATION AGREEMENT AND COVENANTS - CHARLES A. COOK

As presented, the Board by unanimous motion approved Stormwater Mitigation Agreement and Covenants #PW-0520-310 between Island County and Charles A. Cook, Lot 2, Block 1, Division No. 8, Plat of Holmes Harbor Golf & Yacht Club; Sec. 3, Twp 29N, R 2E.

PURCHASE ORDER - BANK & OFFICE INTERIORS; FURNITURE, DELIVERY, LABOR/ASSEMBLY FOR THE JUVENILE DETENTION CENTER

Purchase Order #PW-0520-311 with Bank & Office Interiors was approved by unanimous motion as presented by Mr. Oakes, for furniture, delivery, labor/assembly for the Juvenile Detention Center under Work Order #306, State Contract #02898 and #10602 in the amount of \$67,969.87.

RESOLUTION #C-140-05 ADOPTING A POLICY REGARDING ISSUANCE AND USE OF CREDIT CARDS FOR OFFICIAL COUNTY PURPOSES

Suzanne Sinclair, Island County Auditor, presented for the Board's consideration, Resolution #C-140-05 Adopting a Policy Regarding Issuance and Use of Credit Cards for Official County Purposes. As she explained, this is so that departments may use a credit card to make purchases when more convenient to do so. Also provided to the Commissioners as a part of the proposal was a credit card user agreement reviewed and signed off by the Prosecuting Attorney's Office and Risk Management with some grammatical changes. Whether or not a department would typically have one or more cards would be up to the Board, in the sense that Board authorization is required. For county purposes maintaining a log will be required of signatures that are authorized to use a credit card. As requested by Commissioner McDowell, Ms. Sinclair will bring this item to the next roundtable with Elected Officials and Appointed Department Heads for a discussion and ideas on how departments believe they will use the cards.

By unanimous motion, the Board approved Resolution #C-140-05 Adopting a Policy Regarding Issuance and Use of Credit Cards for Official County Purposes. [*Resolution #C-140-05 on file with the Clerk of the Board*]

ORDINANCE #C-142-05/PLG-025-05 - IN THE MATTER OF DECLARATION OF A NUISANCE AND ENFORCEMENT OF THE ZONING CODE AGAINST RICHARD AND JACQUELYN PAUL

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 5, 2005**

Matt Kukuk, Island County Planning and Community Development Department, Code Enforcement, presented for the Board's consideration Ordinance #C-142-05/PLG-025-05 In the matter of declaration of a nuisance and enforcement of the zoning code against Richard and Jacquelyn Paul. He explained this action was brought to the Board as a long-standing enforcement case, going back to December, 2003, prepared by the Prosecuting Attorney's Office in conjunction with Planning & Community Development. The property owner is under an enforcement action now through an administrative order that contained a number of requirements. The property owner has not complied with any of the requirements under the current enforcement action, other than a survey. The survey indicates there is a violation of the set back, but there are additional building code violations that have not been resolved and the owner apparently is occupying the structure. Building Staff have been to the site to determine what inspections may be required, and made a list of necessary corrections; those have not been completed nor has the owner called for a formal inspection. The property owner listed himself as the contractor, but the application does not contain a contractor license number.

The Board by unanimous motion approved Ordinance #C-142-05/PLG-025-05 In the matter of declaration of a nuisance and enforcement of the zoning code against Richard and Jacquelyn Paul. [Ordinance #C-141-05/PLG-025-05 on file with the Clerk of the Board]

EXECUTIVE SESSIONS HELD

Chairman Shelton announced that the Board would meet in Executive Session at 10:30 a.m. as allowed under RCW 42.30.110(1)(b) to discuss acquisition of real estate. He estimated the session would last under one-half hour and did not anticipate an announcement afterwards in open public session. The Executive Session concluded within 15 minutes. At that time, the Chairman recessed the Board until 3:00 p.m. again to meet in Executive Session. At 3:00 p.m. the Board met in Executive Session as announced for the purpose of discussing with legal counsel litigation or potential litigation as provided under RCW 42.30.110(1)(i). The Chairman indicated that the session would last approximately 1-1/2 to 2 hours, with no announcement anticipated afterwards in open public session.

There being no further business to come before the Board, the meeting adjourned at 4:25 p.m. on conclusion of the Executive Session. The next regular meeting of the Board will be on December 12, 2005 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Mike Shelton, Chairman

Wm. L. McDowell, Member

William J. Byrd, Member

ATTEST: _____
Elaine Marlow, Clerk of the Board