

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
DECEMBER 11, 2006**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on December 11, 2006 at 9:30 a.m. in the Island County Courthouse Annex, Hearing Room, 1 N. E. 6th Street, Coupeville, Wa. William J. Byrd, Member, and Mike Shelton, Member, were present. Wm. L. McDowell, Chairman, was absent. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes from the regular meeting held on December 4, 2006.

VOUCHERS AND PAYMENT OF BILLS

The following vouchers/warrants were approved for payment by unanimous motion of the Board:
Voucher (War.) #251581 - 251844\$483,439.92.

**APPOINTMENTS AND/OR RE-APPOINTMENTS TO VARIOUS BOARDS AND
COMMITTEES**

By unanimous motion, the Board made the following appointment and reappointments;

Conservation Futures Citizens Advisory Board

- Appoint: Clara "Lou" Mahler, Oak Harbor; term expiring September 30, 2009
Representing the area located within School District #201 boundaries

Veteran's Assistance Review Committee

- Reappoint to terms expiring January 14, 2009:
Ed VanPatten, Greenbank
Larry Moses, Oak Harbor
Robert Westphal, Camano Island.

HIRING REQUESTS & PERSONNEL ACTIONS

As presented by Larry Larson, Human Resources Director, the Board by unanimous motion, approved the following personnel action authorizations:

Dept.	PAA #	Description	Position #	Action	Eff. Date
Sheriff	153/06	Chief Criminal Deputy	4002.00	Replacement	12/16/06
Sheriff	154/06	Sgt/Dep. Officer	4012.06	Personnel Action	12/16/06
Clerk	155/06	Deputy Clerk I	503.01	Increase Hours	12/11/06
Clerk	156/06	Deputy Clerk I .50 FTE	503.07	Replacement	12/11/06
Auditor	157/06	Accountant	202.02	New Position	1/2/07.

**RESOLUTION #C-122-06 - PROVIDING LUMP SUM TRAVEL ALLOWANCE IN LIEU OF
ACTUAL EXPENSES TO COUNTY COMMISSIONERS**

The Board by unanimous motion approved Resolution #C-122-06 In the Matter of Providing Lump Sum Travel Allowance in Lieu of Actual Expenses to County Commissioners. [*Resolution #C-122-06 on file with the Clerk of the Board*].

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**RESOLUTION #C-123-06 ADJUSTING SALARIES FOR NON-BARGAINING UNIT
EMPLOYEES (EXCLUDING ELECTED OFFICIALS) FOR 2007**

Resolution #C-123-06 Adjusting Salaries for Non-Bargaining Unit Employees (Excluding Elected Officials) for 2007 was approved by unanimous motion of the Board. *[Resolution #C-123-06 on file with the Clerk of the Board].*

EMPLOYEE AWARDS

EMPLOYEE SERVICE AWARDS

<u>DEPARTMENT</u>	<u>EMPLOYEE</u>	<u>NO YEARS</u>
Public Works	Nancy Holbrook	10

EMPLOYEE OF THE MONTH - OCTOBER, 2006

Debra Van Pelt, Clerk's Office, was selected Employee of the Month for November 2006. Debra joined the County in January of 2005. Debra's performance as a Court Clerk is characterized by energy, initiative, friendliness and a genuine and sincere effort to serve the public. During the month of November she went out of her way to assist a member of the public (after hours) who had an emergency situation and instead of telling the customer that the County was closed she gladly stayed and helped preserve the safety of a member of the public. Debra is clearly a "Public Servant" to all.

**AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN ISLAND COUNTY AND
DANIEL L. KAHN**

Agreement for Professional Services between Island County and Daniel L. Kahn RM-JUV-05-0134-1106 in the amount of \$4,000 for Guardian Ad Litem was approved by unanimous motion of the Board.

CONTRACT WITH EARTHCORPS FOR PHASE II AT FREELAND HALL PARK

The Board by unanimous motion, as recommended by Betty Kemp, Director, GSA, approved Contract #RM-PARKS-06-113 between Island County and Earthcorps for Phase II at Freeland Hall Park from REET 2 Funds in the amount of \$21,426.83 including WSST.

**CONTRACT #OFM NO. 560-07 E07-115 - DEPARTMENT OF HOMELAND SECURITY -
CITIZEN CORPS PROGRAM**

By unanimous motion the Board approved Contract #OFM No. 560-07 E07-115 (RM-DEM-06-135) with Department of Homeland Security - Citizen Corps Program; Washington State Military Department – Emergency Management Division; Washington Commission for National and Community Service; and Snohomish County Department of Emergency Management in the amount of \$1,049 to support Citizens Corps.

CLAIM FOR DAMAGES R06-018CD MARY MALKUS

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As outlined in a memorandum from Betty Kemp summarizing Claim for Damages R06-018CD by Mary Malkus and providing a recommendation of approval, the Board by unanimous motion approved the Claim in the amount of \$1,081.89.

HEALTH CONTRACTS APPROVED

As provided under transmittal memo dated December 8, 2006 from Tim L. McDonald, Health Services Director, the Board by unanimous motion approved the following Health Department contracts:

Contract with Balanced Action Inc. for Consultation and development of Environmental Health On-Site Database. Contract No. HD-24-06; Contract Amount: \$37,500 (RM-HLTH-06-139)

Contract with Compass Health for Substance Abuse Treatment and Crisis Services. Amendment to redistribute funding allocations and make language corrections. Contract No. HS-05-05, Amendment No. 2; Contract Amount: \$732,977, Amendment Amount: \$ -0- (RM-HLTH-99-0073)

AWARD OF BID FOR MONITORING NETWORK WELL INSTALLATIONS PROJECT

By unanimous motion, as recommended in a memorandum dated this date from Mr. McDonald, the Board awarded bid for the Monitoring Network Well Installations Project to the low bidder, Boart Longyear Company, in the amount of \$179,659.96.

LIQUOR LICENSE APPROVED

Having received recommendations of approval from the appropriate County reviewing departments, the Board by unanimous motion forwarded a recommendation of approval to the Washington State Liquor Control Board on Change of Corporate Officers/Stockholders Application for Liquor License #350776-3F by applicants Michael Jon O'Sullivan and Clayton Scott Anderson, dba Clinton Food Mart, Inc., for Foodmart-The Family Grocery, 4777 Commercial Street, Clinton.

PUBLIC INPUT

Paulette Becker, Sound View Drive, Langley, requested the Board reconsider the decision to allow hunting on Deer Lagoon, reporting that incidents had occurred again with hunters shooting in the fog. She noted some 450 residents around the Lagoon who use that area, and there is no guarantee those hunters will not shoot a person or animal in the fog or otherwise.

**RESOLUTION #C-124-06/R-41-06 – ANNUAL ROAD CONSTRUCTION PROGRAM FOR
THE YEAR 2007**

As presented and recommended for approval by Bill Oakes, Public Works Director, the Board by unanimous motion approved Resolution #C-124-06/R-41-06 In the Matter of Adoption of the Annual Road Construction Program for the Year 2007. [*Resolution #C-124-06 on file with the Clerk of the Board*].

**AMENDMENT TO CONTRACT WITH WASHINGTON STATE DEPARTMENT OF
COMMUNITY TRADE & ECONOMIC DEVELOPMENT (CTED - SOUTH WHIDBEY
COMMONS GRANT #02-64002-043**

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The Board by unanimous motion, on recommendation of Mr. Oakes, approved Amendment C to PW-0620-113 between Island County and Washington State Department of Community Trade & Economic Development (CTED for the South Whidbey Commons Grant #02-64002-043 extending contract term to September 30, 2007.

SOLID WASTE UNCOLLECTABLE WRITE-OFF APPROVAL – 2006

As provided by memorandum dated December 6, 2006 from Mr. Oakes, the Board by unanimous motion approved the Solid Waste Un-collectable Write-off Approval for 2006 in the amount of \$961.43.

AWARD OF BID FOR ONE HYDRAULIC/PNEUMATIC PAINT CAN CRUSHER

Per written recommendation dated November 28, 2006 provided by Mr. Oakes, the Board by unanimous motion awarded bid for One Hydraulic/Pneumatic Paint Can Crusher to the low responsive bidder, Environmental Protection Associates, Inc., Seattle, in the amount of \$22,566.47, including 8.3% SST.

PURCHASE ORDER APPROVED FOR HYDRAULIC/PNEUMATIC PAINT CAN CRUSHER

By unanimous motion, the Board approved Purchase Order #7289 to Environmental Protection Associates, Inc. for the purchase of the Hydraulic/Pneumatic Paint Can Crusher with one-year materials and workmanship warranty, in the amount of \$22,566.47 including SST.

**HEARING HELD: ORDINANCE #C-119-06 (PLG-030-06) - AN ORDINANCE
CONCERNING TECHNICAL AMENDMENTS TO THE ISLAND COUNTY
COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP AND THE ISLAND COUNTY
ZONING ATLAS, MAP # 960**

At 10:30 a.m. as scheduled and advertised, the Board held a public hearing to consider Ordinance #C-119-06 (PLG-030-06) In the matter of an ordinance concerning technical amendments to the Island County Comprehensive Plan future land use plan map and the Island County zoning atlas, Map # 960.

[introduced 11/20/06 entered as GMA #9063].

Jeff Tate, Assistant Director, Planning & Community Development, explained that the Ordinance as transmitted to the Board mid-November included three Exhibits. Exhibit B of that transmittal, a memorandum dated November 16, 2006, described the amendments. The Department revised the memorandum dated December 7, 2006, and has been submitted to replace the November 16th memorandum as Exhibit B. *[12/7/06 memo GMA #9089].*

Parcel #R33219-037-0710 was segregated into two 10-acre parcels. The original twenty acre property before the 2003 segregation was zoned Rural Agriculture and stayed Rural Agricultural after the segregation. The property owner provided information to the Department to verify that when the property was placed in that zoning category in 1998 the property was not in the agricultural tax program, one of the designation criteria for that zone. The December 7th memorandum includes additional information regarding the research conducted and verification from the County Assessor's

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Office in e-mail form showing that the parcel was never in the agricultural tax program. Staff believe that the property was placed in Rural Agricultural zoning in error and should properly be zoned Rural. Mr. Tate also noted that while doing the review staff found another error, and Exhibit C of the ordinance is the map the Board would adopt today if the recommendation is accepted. The map shows property which is a part of the Utsalady subdivision, that subdivision made up of several hundred parcels, with the entire subdivision designated as a Rural Area of Intensive Development (RAID). Those six parcels shown on the map were inadvertently left out of the RAID and should be included. The property meets the RAID designation criteria.

At the time the matter was opened for public comments, no one in the audience spoke either for or against adoption of the Ordinance as presented.

By unanimous motion the Board approved Ordinance #C-119-06 (PLG-030-06) In the matter of an ordinance concerning technical amendments to the Island County Comprehensive Plan future land use plan map and the Island County zoning atlas, Map # 960. *[Ordinance #C-119-06 on file with the Clerk of the Board, and included in the GMA record as GMA #9090]*

**HEARING HELD - CONSIDERATION FOR PARCELS R13230-444-2300, R13230-362-1990
AND R13230-429-2620 TO BE ENROLLED IN THE PUBLIC BENEFIT RATING SYSTEM
OPS 443/01 GRASSER'S HILL, WHIDBEY ISLAND, WA.**

Immediately following adoption of Ordinance #C-119-06, as advertised and scheduled, the Board opened a public hearing on consideration for parcels R13230-444-2300, R13230-362-1990 and R13230-429-2620 to be enrolled in the Public Benefit Rating System OPS 443/01 Grasser's Hill, Whidbey Island, WA.

Mr. Tate summarized from a November 13, 2006 memorandum *[GMA #9091]* explaining the issue, with the attached three notice of approval documents. The Board approved the parcels for enrollment in the PBRs January 10, 2005 as part of the Grasser's Hill area, but for whatever reason, three out of eleven parcels for which notices of approval were signed by the Board were not recorded, One is a situation where the landowner misplaced the document; the other two are cases where there has been a transaction of land, and what was signed by the Board was under a different property owners' names, and never recorded. The new property owners want to participate in the tax program.

No comments were made either for or against the above-listed parcels being enrolled in the PBRs program.

By unanimous motion the Board approved parcels R13230-444-2300, R13230-362-1990 and R13230-429-2620 to be enrolled in the Public Benefit Rating System OPS 443/01 Grasser's Hill, Whidbey Island, WA.

**WAIVER OF COMPETITIVE SOLICITATION AND APPROVAL OF AGREEMENT WITH
DEARBORN & MOSS PLLC**

Mr. Tate recommended contract approval, an Agreement with Dearborn & Moss PLLC for legal and consulting services for GMA Critical Areas policies and regulations including wetlands and fish and

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wildlife habitat conservation, a two year contract beginning January 1, 2007, in the amount of \$321,105.00 (RM-PLAN-06-133). The current two-year contract ends 12/31/06 in relation to the GMA update related to the critical areas update; much effort went into addressing the agricultural issues, critical areas in their own right. At the same time, updating the wetlands, fish and wildlife portion continues. The Department is pleased with the relationship with the firm and its success in going through the agricultural issues and coming out of that process that had been litigated with resoundingly positive remarks from State agencies and the Growth Management Hearings Board. The Department supports contract approval: it is a fixed price; establishes a level of predictability; and Mr. Dearborn is widely recognized as one of the ten best attorneys in the state by his own peers. Comment letters have been received from some members of the public recommending the contract not be approved. The Department appreciates the concern over cost, a topic of discussed when trying to figure out a strategy to move forward.

Commissioner Shelton confirmed that the Board received four e-mail messages prior to this morning's meeting, noting those e-mails are on file and included in the GMA record [GMA record #9092]. He mentioned that part of the original contract with Dearborn & Moss PLLC expiring on December 31, 2006 was unused and rolled over into the new two-year contract.

By unanimous motion the Board waived competitive solicitation per ICC 2.29.030(B)(12), and approved the Agreement with Dearborn & Moss PLLC for legal and consulting services for GMA Critical Areas policies and regulations including wetlands and fish and wildlife habitat conservation, a two year contract beginning January 1, 2007, in the amount of \$321,105.00 (RM-PLAN-06-133). [GMA Record #9093]

There being no further business to come before the Board at this time, the meeting adjourned at 10:45 a.m. The next regular meeting of the Board will be held on December 18, 2006 beginning at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

[absent: Wm. L. McDowell, Chairman]

William J. Byrd, Member

Mike Shelton, Member

ATTEST: _____
Elaine Marlow, Clerk of the Board