

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES FEBRUARY 27, 2006

The Board of Island County Commissioners convened in Regular Session at 11:00 a.m. on February 27, 2006 for a roundtable with Elected Officials and Appointed Department Heads, held in the Board of County Commissioners Hearing Room (Room #102B), Annex Building, 1 NE 6th Street, Coupeville, Wa. Other topics for the regular session followed at 1:30 p.m. as outlined on the agenda. Wm L. McDowell, Chairman; William J. Byrd, Member; and Mike Shelton, Member, were present.

ROUNDTABLE WITH ISLAND COUNTY ELECTED OFFICIALS AND APPOINTED DEPARTMENT HEADS

Elected Officials and Appointed Department Heads Attending:

Phil Bakke	Greg Banks	Bill Byrd	Sharon Franzen	Betty Kemp	Dan Sherk
Elaine Marlow	Tim McDonald	Mac L. McDowell	Mike Merringer	Bill Oakes	Linda Riffe
Mike Shelton	Suzanne Sinclair	Dick Toft			
Jan Smith for Mike Hawley					

Auditor. Accounting RFP is being readied for legal review; once legal review has been completed, the RFP will be brought to the Board of County Commissioners. The February election, the first using the new election system, went very well. The Auditor will leave on March 21 for a week in the Ukraine as a short-term observer, a volunteer position through the Department of State in cooperation with the Organization for Security and Cooperation in Europe [expenses covered].

County Clerk. The half-time employee position is open again, current employee resigned.

Human Resources. Reminder that Elected Officials and Appointed Department Heads should meet with staff to review the County's electronic policy to stress once again that e-mail is not to be used for any private business purpose, and employees are not to use the Internet to access any sites that are religious, pornographic or partisan political. The Human Resource Director has submitted his resignation effective April 7, 2006.

Juvenile Court Services. Juvenile Detention Center substantial completion date of February 16 was not met; as of last Thursday the estimated date for substantial completion may be closer to March 10. Hope to be moved in by the end of March and open to house juveniles April 1.

Planning & Community Development. As a result of recent storm damage, the Department has issued a number of emergency permits for shoreline repairs. Noted that some folks newer to the County who previously did not understand or especially desire to build to FEMA standards, are now happy they did. Department is heavily involved with the critical areas update relating to the 7-year GMA update, and are about one quarter of the way through that process. With the AG issue now starting to wrap up, focus will be on Wetlands and Fish & Wildlife.

Prosecuting Attorney. Office remains short-staffed, trying to hire a felony-level deputy prosecutor. Got through the last of the Andress cases last week (2002 Supreme Court decision that vacated 300 murder convictions in Washington, 3 in Island County). All three defendants in Island County are still in prison; two received reduced sentences. Hope to have the first adult drug court hearing March 16.

Public Works. As a result of the "Super Bowl Weekend Storm" Public Works has a number of emergency shoreline permits, working on Madrona Way repair, Kennedy's Lagoon and Brighton Beach.

Sheriff. With the delay of the JDC completion, new juvenile correction staff will be working side by side with the adult facility corrections staff and deputies to gain experience and knowledge. Telephone "211" has been instituted and all types of human service numbers can be accessed by dialing 211.

Treasurer. The Treasurer's office needs cash flow projections from departments. First half property taxes will be

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due April 30, statements should go out today or tomorrow. Announced on-line credit card and e-check payment capability will be available March 13 through the Treasurer's web site. The State Treasurer re-negotiated the contract for the custody of safe-keeping operations for all counties in the State from the Bank of New York to the Union Bank of California effective April 1.

Roundtable adjourned 11:25 a.m. Next scheduled roundtable will be March 27 @ 11:00 a.m.

The Board of Island County Commissioners (including Diking Improvement District #4) met at 1:30 p.m. considering regular agenda items. The meeting began with the Pledge of Allegiance. By unanimous motion, the Board approved the minutes of previous meetings: February 6, 2006 Regular Session; February 13, 2006 Regular Session and February 22, 2006 Special Session.

VOUCHERS AND PAYMENT OF BILLS; PAYROLL APPROVED

By unanimous motion, the Board approved the payroll dated February 15, 2006, along with the following vouchers/warrants: Voucher (War.) #232764-233245\$1,123,264.50.

HIRING REQUESTS & PERSONNEL ACTIONS

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

Dept.	PAA #	Description and Position #	Action	Eff. Date
Juvenile	014/06	Juvenile Prob. Mgr. #1404.00	New Position	2/27/06
Juvenile	015/06	Superior Ct./Juv. Ct. Adm. #1400.00	Personnel Action	3/1/06
Sup. Court	016/06	Superior Ct. Manager #2001.01	New Position	3/1/06
Health	017/06	PHN III, Coupeville #2404.04	Replacement	2/27/06
Health	018/06	PHN III, So. Whidbey #2404.02	Replacement	3/1/06
Health	019/06	Dept. Asst/Data Entry #2423.04	Extend to 12/31/06	2/27/06
Health	020/06	EHS III #2403.08	Replacement	3/27/06
Clerk	021/06	Deputy Clerk .5 FTE #503.07	Replacement	2/27/06
WSU Ext.	022/06	Prog. Coord. Bch. Watchers/Camano #1207.03	Increase Hours	2/27/06
Human Res.	023/06	Human Resource Director #2301.00	Replacement	4/3/06
Public Works	024/06	Public Works Director #200.01	Personnel Action	2/27/06

RESOLUTION #C-14-06 CHANGING THE COUNTY APPOINTED PAY GRID

Having discussed the matter at a previous Staff Session with the Human Resource Director, the Board by unanimous motion approved Resolution #C-14-06 Changing the County Appointed Pay Grid. [*Resolution #C-14-06 on file with the Clerk of the Board*]

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

The Board by unanimous motion, appointed Carl R. Freund, Oak Harbor, to serve on the Conservation Futures Citizens Advisory Board representing the City of Oak Harbor for a term expiring September 30, 2007.

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STAFF SESSION SCHEDULE FOR MARCH, 2006

The Board approved, by unanimous motion, the Staff Session schedule for March, 2006, outlining regular staff sessions scheduled on March 1 and 15, 2006, beginning at 9:00 a.m.

PROCLAMATION – RESOLUTION #C-15-06 PROCLAIMING FEBRUARY 27-MARCH 5 WRITERS WEEK ON WHIDBEY ISLAND

Carolyn Taler and Elizabeth Guss, Whidbey Island Writers Association, were present in support of the Board's adoption of a Proclamation to proclaim February 27-March 5, 2006 Writers Week on Whidbey Island. Conference organizers are encouraging participants to come to Whidbey Island a few days early to appreciate/enjoy the Island, and are working with the local Chambers of Commerce and other organizations in the community to encourage that local businesses have special promotions for Conference participants.

By unanimous motion, the Board adopted Resolution #C-15-06 Proclaiming February 27 through March 5 as Writers Week on Whidbey Island. [*Resolution #C-15-06 on file with the Clerk of the Board*]

APPROVAL OF COUNTY DESIGNATED MENTAL HEALTH PROFESSIONAL

As forwarded from Jackie Henderson, Island County Human Services Director, Island County Health Department, the Board by unanimous motion approved County Designated Mental Health Professional, Billie Risa-Draves, MSW.

INTERAGENCY AGREEMENT - IMPROVING THE RESULTS OF DEPENDENCY PROCEEDINGS

By unanimous motion, the Board approved Interagency Agreement with the Washington State Administrative Office of the Courts to provide funding for improving the results of dependency proceedings, Agreement #IAA06127 in the amount of \$8,500 (RM-JUV-06-0007).

BUDGET HEARINGS SCHEDULED

By unanimous motion, the Board scheduled a Public Hearing to be held on March 20, 2006 at 9:55 a.m. on the following budget resolutions:

Resolution #C-16-06 Amending the 2005 Island County Budget
Resolution C-17-06 Amending the 2006 Island County Budget.

HEALTH DEPARTMENT CONTRACTS APPROVED

The following Health Department contracts were approved by unanimous motion of the Board as forwarded under cover memo dated February 22, 2006 from Tim McDonald, Health Services Director:

Contract #HD-07-06 (RM-HLTH-12-0100) - Whidbey General Hospital for grant writing services.
Contract continues grant writing and funding source research to Whidbey General Hospital in the amount of \$19,680

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Contract #C13034, Amendment 7 (RM-HLTH-02-0094 - Washington State Department of Health – Consolidated Contract. Contract funds Environmental Health on-site enhancement, continues funding to Public Health emergency preparedness, and reduces funding to Public Health Block Grant/Local Health Districts. Amendment amount \$50,924; Contract Amount: \$999,583.

Contract #G0600221 (RM-HLTH-98-0015) - Wa. St. Department of Ecology – Coordinated Prevention Grant (CPG), continuing funding for solid waste enforcement efforts and review of solid waste handling facilities, in the amount of \$103,744.

AMENDMENT NO. 1 – CONTRACT BETWEEN ISLAND COUNTY & HOUSING AUTHORITY OF ISLAND COUNTY - ISLAND COUNTY LOW-INCOME HOUSING SURCHARGE FUND OPERATING & MAINTENANCE FUND

As a follow-on to discussion at a recent Staff Session, the Board by unanimous motion approved Amendment #1 to the Contract between Island County and the Housing Authority of Island County for Island County Low-Income Housing Surcharge Fund Operating & Maintenance Fund [RM-BOCC-04-0111(1)].

KAUL BUILDING LEASE AMENDMENT

By unanimous motion the Board approved Kaul Building Lease Amendment [RM-GSA-00-0090] extending lease through March, 2006 with option to extend through April, 2006.

AMENDMENTS TO ANIMAL CONTROL CONTRACTS APPROVED

Betty Kemp, Director, GSA, having previously discussed amendments to animal control contracts as a result of 2006 budget action, the Board by unanimous motion at this time, approved the following contract amendments:

WAIF Contract, Amendment #2 RM-GSA-97-0027
Camano Island Animal Control Contract - Amendment #2 RM-GSA-99-0068
Whidbey Island Animal Control Contract - Amendment #3 RM-GSA-97-0028.

REVIEW MONTHLY FINANCIAL REPORTS FROM AUDITOR & TREASURER

Auditor

Suzanne Sinclair, Island County Auditor, submitted the Auditor's financial report dated 2/24/06 for the month ending January 31, 2006. The report shows each category close as far as expenditures and revenue. A couple of items noticed with no budget, assuming those will be handled through the budget adjustment resolutions set for hearing March 20th. Expenditures with regard to Election Reserve and WSU Extension Service, the total annual transfer was made from Current Expense.

Treasurer

Linda Riffe, Treasurer, submitted the Treasurer's financial report under cover memorandum dated this date, for the period ending January 31, 2006. The memorandum provided explanatory comments associated with various line items. As of 1/31/06 had \$2.2 million in delinquent taxes outstanding for 2005 and the Treasurer continues to work diligently to collect those taxes.

[Reports on file with the Clerk of the Board]

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PUBLIC INPUT OR COMMENTS

Al Lindell, Coupeville, submitted written comments and questions pertaining to the Kettles area and trails located therein. He understood there was only one main trail [southerly and easterly portion] recognized by the County and maintained as a non-motorized trail and all other trails are not recognized by the County. From talking to folks who have lived here for years he understood the other trails were actually game trails and through a period of time developed into walking trails, etc. He wondered if the County would stop people from coming in and developing trails and whether or not the same thing would prevail on the Camano Ridge property. He understood there were a couple of lawsuits because of injury on what was considered a non-motorized trail; if such lawsuits apply to trails the County does not recognize, he suggested the trails be closed off for that type activity. He inquired about "no hunting" signs that had not been posted by the County and asked if those had been removed.

The Chairman indicated that the one main trail when first entering the Kettles was the trail the County, by ordinance declared a non-motorized County trail, but did not believe it was maintained with County forces. Again, there is only one trail with a 150 yard setback, which is the main trail in Kettles, recognized by County ordinance.

Commissioner Shelton explained that from a staff session with Public Works, the Commissioners learned that where the trails ultimately ended up came about as the result of looking into the possibility of locating a County road shop in the Kettles area and associated with that, some exploratory work done with a bulldozer to locate gravel deposits and so forth that ultimately have been transformed into walking trails; some were game trails. On Camano Ridge, while the County does not necessarily recognize the purpose of the trails in terms of the 150 yard setback as it does for the authorized Kettles trail, the County is aware that people use public property to put in trails, and he has no problem with that. The Friends of Camano Island Parks have shared with the County what their intentions are, and as long as they recognize those trails do not result in a 150 yard setback for hunting purposes, the County has not stopped them from building trails. As far as he is aware, here has been one lawsuit, yet to be resolved, therefore, whether it ends up costing taxpayers remains to be seen.

Unless something came up a surprise as far as the outcome of said lawsuit, the Chairman did not believe the County would start shutting down recreational opportunities for people.

The Board asked Bill Oakes, Public Works Director, to look into the issue with unauthorized or inadequate signs.

BID AWARD FOR UTSALADY ROAD OUTFALL AND ROAD IMPROVEMENTS

As presented and recommended by Bill Oakes, Public Works Director, the Board by unanimous motion, awarded bid for the Utsalady Road Outfall (CDP 05-01, Work Order 168) and Road Improvements (CRP 05-05, Work Order 162), to Nordic Construction, Inc. in the amount of \$194,160.00.

FRIENDS OF FREELAND - FREELAND BEAUTIFICATION AGREEMENT

Agreement #PW-0620-05 between Island County and Friends of Freeland for Freeland Beautification Agreement, was approved by unanimous motion of the Board.

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RESOLUTION #C-18-05/R-05-05 – CALLING FOR BIDS FOR ONE NEW 2006 ASPHALT DISTRIBUTOR

Resolution #C-18-05/R-05-05 in the matter of Calling for Bids for One (1) New 2006 Asphalt Distributor was approved by unanimous motion of the Board as presented, bid opening to be March 14, 2006 at 10:00 a.m. in Meeting Room #116, Administration Building located at 1 N.E. 7th Street, Coupeville, Wa. [Resolution #C-18-06 on file with the Clerk of the Board]

WORKSHOP ON WATER QUALITY MANAGEMENT PROGRAM – ADAPTIVE MANAGEMENT

The 9:00 a.m. Special Session to conduct a workshop on Water Quality Management Program – Adaptive Management, was canceled. By unanimous motion, the Board rescheduled the workshop to be held on March 6, 2006 at 3:30 p.m.

HEARING HELD ORDINANCE #C-150-05 (PLG-021-05) UPDATING ISLAND COUNTY'S GMA CRITICAL AREA REGULATIONS RELATING TO EXISTING AND ONGOING AGRICULTURE

At 2:30 p.m. public hearing held, having been continued from January 23, 2006 during Special Session, to consider Ordinance #C-150-05 (PLG-021-05) Updating Island County's GMA Critical Area Regulations Relating to Existing and Ongoing Agriculture.

ATTENDANCE:

Staff	Phil Bakke, Planning & Community Development Director Jeff Tate, Assistant Planning & Community Development Director
Audience	Approximately 6 [attendance sheet placed on file] (GMA # 8642)

Mr. Bakke reminded the Board that the hearing was continued to this date and time, allowing for additional input from the public. Due to a scheduling problem, legal counsel could not be present today as planned, and Mr. Bakke asked that after the receipt of any further public input today, that the hearing be continued until April 3, 2006 at 10:30 a.m.

Bruce Bierbauer, Oak Harbor, commented about meetings and hearings that began last summer when the issue was raised inflaming passions about critical areas update. At the January hearing a few people provided comments; today, very few are in attendance. He was concerned that it appeared as if the regulations were "a done deal", and noted that this County was already seeing unintended consequences with even the idea of having farm plans. This is yet another layer of regulations to those already on the books in the last few years that just seem to be contrary to good sense, much having nothing to do with GMA.

Steve Erickson, WEAN, Langley, expressed his opinion that one of the things muddying the situation was that the County put all land into one "grab bag" of existing AG instead of differentiating based on zoning. He thought it ludicrous to consider a one acre parcel with two horses as important to maintaining AG as for example, Sherman's dairy farm. He suggested the County look beyond just the regulatory arena and various policies of the County in terms of letting land into the open space AG tax status. Mr. Erickson said that the County could adopt an open space plan that denotes historical AG land, and there

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is a range of tools the County has really not used at this point. In terms of protecting critical areas, he did not believe the proposed Ordinance did so, and when combined with the water quality monitoring program, definitely did not since that basically exempts existing pollution sources from regulation. WEAN has the farm plans produced by Whidbey Conservation District 115 altogether, and found that of those properties that had streams for example, nearly half of those did not have buffers recommended for a specific width of buffer.

Earlier in the case 98-20-23C, Mr. Erickson stated that the County maintained it needed only to protect type 5 streams for water quality; the Growth Management Hearings Board said the County needed to protect other functions as well; the State Court of Appeals agreed that buffers of at least 50' were needed. For reasons he did not understand, the County tried to extend that and count agriculture of any size or variety. Equating those very small hobby operations with commercial activities does not make sense to him.

Responding to questions from Commissioner Byrd, Mr. Erickson clarified that his argument was not against the farmers at all; rather when the County considers if an activity is so important so as to reduce environmental protection, the question becomes what is the basis for that. When taking, for example, a one acre parcel with two horses, and equate maintaining that activity reducing environmental protection to maintain that activity and elevate that to the same status as commercial farming does not make sense in terms of GMA's goals.

Chairman McDowell heard from Mr. Erickson the premise of not putting the activities all in one bag, that there is a difference between the larger farms versus a person who has one or two 4-H animals on a much smaller piece of property. The Chairman was of the opinion that 4-H was an important part of AG and that those types of endeavors support the farming viability in Island County. He made the point that there is no way to say Island County farming is the same farming as in Skagit County, for example.

Chairman McDowell entered the following correspondence for the record, received after the January 23, 2006 hearing through February 15, 2006 @ 4:30 p.m.:

Date	Author	Subject	GMA No.
2/2/06	Karen Lennon, WICD	WICD Statement Regarding Farm Plans	8624
1/27/06	Kathleen Johnson	Farms of Island County	8577
1/25/06	Anita W. Anderson	Right to full use of property	8621
1/23/06	Deb Eidsness	Comments for 1/23 hearing – amendments	8603

Commissioner Shelton referenced 17.02.040 on page B3 of the proposed ordinance, Exemptions under Existing Residential Landscaping and Agriculture, discussing residential agriculture includes uses that are considered accessory uses and exempts them from the ordinance. He requested that the Planning Director prepare a proposed amendment to the ordinance. If in fact this type of accessory use in relation to residential agriculture is exempt, it seemed to him that that exemption should be extended whether an accessory kind of use or a commercial kind of use (meeting criteria for the exemption). Whether for commercial purposes or accessory purposes should not matter if the critical areas can be protected.

The Board agreed that Mr. Bakke prepare such an amendment to bring forward to the next hearing for consideration.

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By unanimous motion, the public hearing on Ordinance #C-150-05 (PLG-021-05) Updating Island County's GMA Critical Area Regulations Relating to Existing and Ongoing Agriculture was continued to April 3, 2006 at 10:30 a.m. [Notice of continuance: GMA #8643]

There being no further business to come before the Board at this time, the meeting adjourned at 2:45 p.m. The Board will be meeting in Special Session on February 28, 2006 at 2:00 P.M. for an Annual Joint Session with the Island County Planning Commission and Island County Hearing Examiner. Main topics of review and discussion include: Review of 2006 Work Plan and Hearing Examiner Report
The next regular meeting of the Board will be on March 6, 2006 at 9:30 a.m.

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

Wm. L. McDowell, Chairman

William J. Byrd, Member

Mike Shelton, Member

ATTEST:

Elaine Marlow
Clerk of the Board