"This is to confirm our conversation of March 7, 1983 concerning Open Space Application 08-15-82. You inquired what effect withdrawal of a partner would have on the property. Under the terms of the partnership agreement for the Glendale Bogs Partnership, withdrawal of a partner requires either that the remaining partners purchase that partner's interest or that the property be sold. Please let me know if you have any further questions."

Based on that information, Mr. Glover stated that the Planning Department joined with the Island County Assessor and Planning Commission in recommending approval of Open Space Application Number 08-15-82 for 7½ acres into Open Timber Category. Commissioner Romeo moved that Open Space Application Number 15-82, Glendale Bogs Partnership, be approved by the Board. Motion, seconded by Commissioner Dunlop, carried unanimously.

There being no further business to be presented to the Board this date, the meeting was adjourned at 2:33 p.m., to meet again in regular session on 2 May 1983 at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Wm. F. Dunlop, Chairman

E. Duane Kemp, Member

Lou A. Romeo, Member

ATTEST:

Harry H. Ferrier, Island County Auditor & Ex-Officio Clerk of the Board

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2 MAY 1983

The Board of Island County Commissioners met in Regular Session on 2 May 1983 at 9:30 a.m. in the Island County Courthouse Annex Hearing Room, Coupeville, Washington, with Commissioners Dunlop, Kemp and Romeo present. Commissioners minutes from the meetings held on 4, 11 and 18 April, 1983, were signed and approved at this time.

APPROVAL OF VOUCHERS AND PAYMENT OF APRIL BILLS

Vouchers audited and certified by the Auditing Officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the Board. The Board by unanimous vote did approve for payment those vouchers covered by the warrants in the following list:

County Road Warrant #44046-44131	$ 92,257.17
Equip. Rental & Revolving Warrant #28482-28512	19,825.08
Jail Expansion Project Warrant #39-43	133,269.00
Cornet Bay Dock Cumulative Reserve Warrant #296-300	68.75
Indigent Soldiers Warrant #663-664	105.00
Dept. of Emergency Services Warrant #1918-1931	2,231.27
Insurance Reserve Warrant #7	161.10
Election Reserve Warrant #13542-13567	946.43
Parks & Recreation Warrant #3211-3247	8,235.44
Treasurer's M & O Warrant #40-46	210.88
Senior Transportation Warrant #1045-1063	4,448.29
Mental Retardation Warrant #2041-2056	3,549.39
County Fair Warrant #5150-5179	7,094.01
Solid Waste Warrant #2625-2655	23,053.20
Public Health Pooling Warrant #9363-9399	29,470.21
Current Expense Warrant #1064-1544	284,977.54

LIQUOR LICENSE APPLICATION APPROVED - FRED H. JACOBSON, GREENBANK EXCHANGE

Having received favorable reports/recommendations from the Island County Sheriff, Health Department and Building Department, regarding application for Liquor License No. 368269, Greenbank Exchange by Fred H. Jacobson, for Class 23M (Wine Certificate of Approval), it was moved by Commissioner Romeo, seconded by Commissioner Kemp and passed unanimously, that the Board approve Liquor License No. 368269 for the Greenbank Exchange, Fred H. Jacobson, for Class 23M, Wine Certificate.

REAPPOINTMENTS MADE TO THE ISLAND COUNTY PARK & RECREATION BOARD

Commissioner Romeo moved the reappointment of Mr. Ted Hanks and Mr. Blandon Izett to the Island County Park and Recreation Board for a six-year term beginning 30 June 1983 and continuing through 30 June 1989. Motion, seconded by Commissioner Kemp, carried unanimously.

HEARING HELD: CONSIDERATION OF LEASING COUNTY PROPERTY - ISLAND COUNTY DEVELOPMENTAL DISABILITIES CENTER (AKA TENNEX CENTER)

A Hearing was held at 11:00 a.m. on the matter of considering the lease of County-owned property and improvements, located at 2720 N. Heller Road, Oak Harbor, Island County, Washington, Notice of Intention to Lease was published as required in the Newspaper as follows:

"The Board of Island County Commissioners gives notice that it proposes to lease county-owned real estate and improvements located at 2720 N. Heller Road, Oak Harbor, Island County, Washington, otherwise described as:

The South 467 feet of the West 467 feet of the Northeast Quarter of the Northwest Quarter in Section 34, Township 33 North, Range 1, East of the Willamette Meridian. EXCEPT that portion conveyed for roadway purposes under Auditor's File No. 299663, records of Island County, Washington.

to an organization which will use the aforementioned premises for aid to the developmentally disabled and for other social purposes in accordance with RCW Chapter 43.83D. The premises proposed to be leased consist of the aforementioned real estate, buildings on the premises, fencing, parking area, and any other improvements on the property.

A public hearing on the intention to lease and the terms of any lease will be held in the County Commissioners' Meeting Room, Courthouse Annex, Coupeville, Washington, at the hour of 11 o'clock in the morning on May 2, 1983. Public comment will be received at that time.

Written applications to lease, accompanied by a deposit of $10, will be received by the County Commissioners up to 11 o'clock in the morning, May 2, 1983."

Chairman Dunlop advised of the receipt of one written application for lease along with the required $10.00 deposit, from James L. Kotschwar, Attorney for Tennex Industries. Commissioner Kemp added that the Board had worked closely with the Prosecuting Attorney on this matter and had followed the procedural steps required, noting that on 11 April 1983 the Board had formally in public session passed a Resolution of intent to lease County property, the Auditor published the necessary public notice of intent, and the Board had received an application, being in Public Hearing this date to take appropriate action.

David F. Thiele, Island County Prosecuting Attorney, outlined the background of the matter from the time Tennex Industries contacted the County requesting to lease the building known as the Island County Developmentally Disabled Center (also known as "TENNEX Center") in North Whidbey, located at 2720 N. Heller Road. Tennex Industries has presented a plan with which to both carry on commercial activities to provide employment for their clients as well as to help fund the programs which help those people. Therefore, Mr. Thiele was asked by the Board to work with James L. Kotschwar, Attorney for TENNEX, to come up with a mutually agreeable lease. Mr. Thiele told the Board he believed that that had been accomplished and that the lease agreement proposed is in accordance with all Washington State Laws regarding leasing County-owned property; provides for a two-year lease term for a rent of $1.00 for that period of time; allows either party to terminate the lease upon 120 days notice; provides that the property be used strictly in accordance with the statutes authorizing its original purchase of the land and construction of the building (basically for social services of a variety of types - work with developmentally disabled, mental health work, vocational rehabilitation, etc.); provides for the Agency to obtain insurance coverage and any licenses it may need for the activities carried on in the building and that the premises may not be sublet or assigned without the County's approval; and provides for a non-discrimination clause. Mr. Thiele pointed out that the lease will come to an end in the future but could be renewed. At the end of the term, the lease agreement allows for the agency to take with it any equipment or fixtures it purchased with it's own funds; however, if TENNEX chooses to leave same behind, the County may purchase same for $1.00. The only issue where there is any difference between the two lease forms pertains to Item #6, for which the form recommended by Mr. Thiele would read:

"Agency shall make no changes or alterations to the buildings or place any improvements on the premises without first filing with the Board of County Commissioners plans and specifications and receiving the written approval of the Commissioners."

Mr. Clarence Tennis, Chairman of the Board, TENNEX Industries, indicated that the reference to the building and property should more appropriately be, "Island County Developmentally Disabled". Mr. Tennis explained that the State Department of Social and Health Services now requires that Developmentally Disabled Centers become sheltered workshops inasmuch as it is now believed that handicapped people can do something about earning their own way. He noted the fact that the Mental Retardation Board has monitorship over all programs contracted from the State through the County Commissioners office. Mr. Tennis advised of no objection to the change in Item #6 which the Prosecuting Attorney pointed out within the lease agreement and would agree with the change.

Commissioner Kemp moved that the Lease Agreement between Island County and TENNEX Industries be approved. Motion, seconded by Commissioner Romeo, carried unanimously. With respect to the R.C.W., #36.34.170 providing that the Commissioners, in writing, briefly state their reasons for accepting or rejecting the application to lease be published in the newspaper the following week, Mr. Thiele advised that a statement could be prepared by the Board to the effect that, "the County can fulfill the intent of the Statute that the building be used for the specified social purposes, and that the County can do so efficiently working with a group of people the County knows from past history will do a good job".

RESOLUTION NUMBER R-29-83: IN THE MATTER OF THE RELEASE OF BOND GUARANTEEING COMPLETION OF STORM WATER DRAINAGE OUTFALL SYSTEM IN THE PLAT OF KINETH POINT WOODS,DIV.1

STATE OF WASHINGTON
COUNTY OF ISLAND

IN THE MATTER OF THE RELEASE OF BOND) GUARANTEEING COMPLETION OF STORM) WATER DRAINAGE OUTFALL SYSTEM IN THE) PLAT OF KINETH POINT WOODS, DIV. #1) ISLAND COUNTY, WASHINGTON)

RESOLUTION NO. R-29-83

WHEREAS, the drainage outfall system in the plat of Kineth Point Woods, #1 was not completed to County standards at the time this plat was recorded, and

WHEREAS, the Island County Platting Resolution and RCW 58.17.130 requires completion of said Drainage outfall system prior to approval of any plat, or bonding to assure completion, and

WHEREAS, to assure the completion of said drainage outfall system the developer furnished Island County with a Declaration of Trust bond in the amount of ($8,833.00) Eight thousand eight hundred thirty-three and NO/100 DOLLARS, guaranteeing completion of said drainage outfall system, and