the impact has been acerbated by what the County did at Anderson Road. Strictly in terms of volumes of water that come down there, they have in times gone by been successful in the winter during heavy water in ditching the outflow out toward the saltwater rather than having it pond; their claim is that since the Anderson Road has been changed, the flows of water are such they cannot do so.

Mr. Fitzhugh expressed a fundamental problem with that. Prior to draining the dam and opening the 10" pipe at the bottom, it was a 4' x 3' concrete outfall structure, unrestricted, but now being drained through a 10" pipe at the bottom. The problem with the outfall structure was that it was failing; the overflow device was structurally unsound, parts caving in, outfall did not continue to the toe of the slope and it was eroding a channel between the dam and native soil. The other issue at the time was that the 10" pipe at the bottom of the dam was leaking around it; the dam itself was not designed to retain water continually, rather to be drawn down every year and then refilled. The Department wants to look at the entire system with a three-fold approach:

1. look at the immediate problem;
2. look at another culvert at Humphrey Road pointed out by Fisheries as a major problem, a 10' difference between the outlet and the street flow
3. at the beach, fish cannot get up the wall.

As far as the objective of restoring this as a fish habitat, the Chair wanted to now if there had been fish there in the recent past, and whether or not the County was required to create a fish habitat where there was not one before. He had no problem if this could be addressed during storm work being done, but was not sure if fish did not exist there now why the County needed to spend County funds to create fish habitat now.

Mr. Allen stated that the pond was so oxygen depleted there were no fish in the pond.

Mr. Fitzhugh responded that fish could not get up the wall. He thought the County was probably okay, although noting he was not an expert on that and did not know off hand what the requirements of the County were in that regard.

In the overall scope of the situation, Commissioner Shelton observed that the County was looking at the issue more from the solution to a drainage problem, and if that could be done as well as to restore the fish habitat, so much the better. And Mr. Fitzhugh stated that was the goal. He realized the County was not prepared to take care of the whole stream corridor but did need to look at the whole corridor in order to understand what needs to be done at Anderson Road Dam. For $2,000 the firm would provide a scoping and the County from that could pick out what parts best to use today. There is a grant that would dovetail two efforts as part of the watershed activities - stream restoration grant.

Chairman McDowell suspicioned that from the $2,000 proposal for cost estimate that the recommendation would be to hire the same firm for engineering work and he questioned whether that was appropriate or not. He did not feel quite right to hire the same A/E firm to do the work as the one who provided the cost estimate.

Mr. Kwarsick confirmed that the Department would still need to pull firms from the short List as consultants, would still evaluate those firms for qualifications and make a selection with justification and documentation as far as why one firm was chosen.

The Chair made the assumption that the Department then would go through the regular A/E selection process once the scope of work had been completed. Mr. Kwarsick agreed that was what needed to be done and the Department would have to do that. Board agreed to proceed in that manner.

RESOLUTION #C-41-95 REPEAL INTERIM ACCESSIBILITY PLAN FOR DISABLED FOR ACCESS TO SECOND FLOOR, ISLAND COUNTY COURTHOUSE

Dick Toft, Human Resources Director, appeared before the Board to recommend approval of Resolution #C-41-95, repealing interim accessibility plan for disabled access to services, programs and activities located on the second floor of the Island County Courthouse. With the opening of the elevator providing disabled access to the second floor of the Courthouse, provisions of Resolution #C-33-92 no longer necessary.

The Board, on unanimous motion, adopted Resolution #C-41-95.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

REPEAL OF INTERIM ACCESSIBILITY PLAN FOR DISABLED ACCESS TO SERVICES, PROGRAMS, AND ACTIVITIES LOCATED ON THE SECOND FLOOR OF THE ISLAND COUNTY COURTHOUSE	RESOLUTION NO. C-41-95

WHEREAS, the federal government adopted the Americans with Disabilities Act of 1990 (ADA); and

WHEREAS, Title II of the ADA requires state and local governments to not exclude from participation in or discriminate against a qualified individual with a disability in government services, programs, and activities; and

WHEREAS, by Resolution C-33-92, the Board adopted an Interim Plan for disabled access to the second floor of the courthouse; and

WHEREAS, the second floor of the Island County Courthouse is now equipped with an elevator for the mobility disabled to reach the second floor so that continuation of the interim accessibility plan is no longer necessary; NOW, THEREFORE,

BE IT HEREBY RESOLVED that Resolution NO. C-33-95 adopted on May 4, 1992 is hereby repealed.

Adopted in open public meeting this 3rd day of July, 1995.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

WILLIAM L. MCDOWELL, CHAIRMAN
MIKE SHELTON, MEMBER
[absent - Tom Shaughnessy]

ATTEST: Art Hyland, Auditor & Ex-Officio Clerk of the Board

There being no further business to come before the Board at this time, the meeting adjourned at 11:00 a.m., to meet in Regular Session on July 10, 1995, at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Wm. L. McDowell, Chairman

Mike Shelton, Member

[absent - Tom Shaughnessy, Member]

ATTEST:

Art Hyland, Auditor and
Ex-Officio Clerk of the Board