reduction/recycling projects. As discussed with the Board at a staff session, each city's allocation from Island County's Coordinated Prevention Grant is as required in the grant document, and this basically is the same process as the 1994/95 grant biennium. Each city must provide matching funds and the County will not expend any funds as a result of this agreement.

Commissioner Shaughnessy moved to approve the Interlocal Agreements between Island County and the City of Oak Harbor and the City of Langley for the 1996/97 Coordinated Prevention Grant Task 4 City Allocations. Motion, seconded by Commissioner Shelton, carried unanimously.

SUPPLEMENTAL AGREEMENT #3 - REID MIDDLETON, INC. - FROSTAD ROAD

Mr. Kwarsick requested the Board's consideration in approving Supplemental Agreement #3 with Reid Middleton, Inc., existing A&E contract, involving Frostad Road, CRP 96-06, W.O.. #209, to provide the county additional time to review the work submitted to date and there are no other changes in the contract or compensation.

Commissioner Shaughnessy moved approval of Supplemental Agreement #3 with Reid Middleton, Inc. as presented; motion, seconded by Commissioner Shelton, carried unanimously.

AGREEMENT FOR DEVELOPMENT OF MODEL TELECOMMUNICATIONS ENABLING ORDINANCE - RANIER CABLE COMMISSION

An Agreement between Island County and the Ranier Cable Commission was presented for action. Mr. Kwarsick explained the purpose of the agreement was to produce a model telecommunications enabling ordinance for Island County (re changes brought about by the passage of the Telecommunications Reform Act of 1996).

Commissioner Shaughnessy moved approval of the Agreement with Ranier Cable Commission as presented and recommended by the Public Works Director. Motion, seconded by Commissioner Shelton, carried unanimously.

RESOLUTION #R-9-97 - DECLARING AN EMERGENCY TO REPAIR THE CULVERT AT MAXWELTON ROAD.

Mr. Kwarsick asked that the Board consider and adopt Resolution #R-9-97 for the purpose of declaring an emergency to repair a cross culvert beneath Maxwelton Road southerly of the Maxwelton-Midvale Road intersection. The cross culvert which conveys the Maxwelton stream under the Maxwelton Road is failing. It has been part of the Public Works program to repair and replace the culvert, and with recent storm events there has been some additional failure in the culvert. That portion of the roadway may in fact collapse under traffic.

Motion to approve Resolution #R-9-97 as made by Commissioner Shaughnessy and seconded by Commissioner Shelton, carried unanimously.

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

In the Matter of Declaring an Emergency to Replace the Culvert and Repair Roadway on Maxwelton Road in the NW1/4 of Sec. 22, T29N, R3E, W.M.	))))	**Resolution No. R-9-97**

WHEREAS, RCW 36.32.270 provides powers to the Board of County Commissioners to declare an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon resolution of the Board of County Commissioners declaring the existence of such emergency and reciting the facts constituting the same, the Board may waive the requirements of this chapter with reference to the competitive bidding process; and

WHEREAS, an emergency exists, caused by recent winter storms and flooding on Maxwelton Road approximately 0.110 miles south of the intersection with Midvale Road.; and

WHEREAS, a permit stipulating that the work must be performed by March 1, 1997, has been obtained from the Department of Fisheries ; and

WHEREAS, any further culvert failure could result in total closure of Maxwelton Road in this vicinity; **NOW, THEREFORE,**

BE IT HEREBY RESOLVED that the Board of County Commissioners does declare an emergency and instructs the County Engineer to take immediate steps to replace the culvert and repair the roadway to insure the integrity of Maxwelton Road and the safety of the traveling public, and to waive any requirements for competitive bidding in compliance with RCW 36.32.270; ICC 16.14C.180, WAC 197-11-880 Emergencies requiring action too short to allow full compliance of Title 197; and RCW 90.58.030(3)(e)(iii) Emergency construction necessary to protect property from damage by the elements.

ADOPTED this 27th day of January, 1997.

**BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY , WASHINGTON**
Mike Shelton, Chairman
Wm L. McDowell, Member
Tom Shaughnessy, Member

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

**RESOLUTION #R-10-97 - INITIATING CRP #97-01
REPAIR CULVERT, MAXWELTON ROAD**

As follow-on action to Resolution #R-9-97, Mr. Kwarsick presented Resolution #R-10-97 initiating County Road Project CRP#97-01 to repair and replace the culvert, Maxwelton Road, emergency-oriented work only, with total CRP appropriation $83,000.00, the project included in the officially adopted annual road program as Item No. 7. This project is noted as one of the areas of damage to

public systems as part of the submittal to FEMA. Culvert proposed is a 5' culvert which will handle any capacity problems.

Motion approving initiation of CRP #97-01 (Road Res. #R-9-97) made by Commissioner Shaughnessy and seconded by Commissioner Shelton, carried unanimously. (CRP on file)

ORDINANCE #C-05-97 (PLG-001-97) REZONE #476/96, RON ANDERSON

Vince Moore, Director, Planning & Community Development, presented for Board adoption Ordinance #C-05-97 approving Rezone #476/96 by Ron Anderson, to reclassify a 20 acre parcel (#R13205-330-0990) from Residential to Rural Residential, located on North Whidbey Island. The matter was heard by the Island County Hearing Examiner on December 19, 1996, and on January 6, 1997, the Examiner signed his decision recommending approval of the reclassification subject to the following conditions:

(1) All subsequent development proposals on the property shall meet all applicable requirements pertaining to the Rural Residential zoning designation;

(2) Any clearing/grading of the land will require compliance with the Island County Zoning Ordinance and the Island County Development Standards.

By Memo dated January 9, 1997, Erika K. W. Jensen, Associate Planner, verified that the project had been reviewed and all conditions of approval met. County staff recommends the Board adopt

the ordinance changing the zoning from Residential to Rural Residential as recommended by the Hearing Examiner.

Commissioner Shaughnessy moved approved of Ordinance #C-05-97 in the matter of reclassification from Residential to Rural Residential as recommended by the Hearing Examiner. Motion, seconded by Commissioner Shelton, carried unanimously.