

Chapter 8.14
(Reserved)

Chapter 8.16

Island County Mental Health Services¹⁰ and Substance Abuse Advisory Board¹¹

Sections:

- 8.16.010 Mental Health and Substance Abuse Advisory Board Established**
- 8.16.020 Mental Health and Substance Abuse Advisory Board Duties**
- 8.16.030 Appointment by the Board of County Commissioners**
- 8.16.040 Advisory Board Terms**
- 8.16.050 Compensation**
- 8.16.060 Staffing**
- 8.16.070 Meetings**
- 8.16.080 Quorum**
- 8.16.090 Manner of Acting**
- 8.16.100 Procedure**
- 8.16.110 Committees**
- 8.16.120 Officers**

8.16.010 Mental Health and Substance Abuse Advisory Board Established

A Mental Health and Substance Abuse Advisory Board is established in Island County.
(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

¹⁰ For statutory provisions regarding the establishment of community mental health services and board see RCW 71.24.

¹¹ For statutory provisions regarding the establishment of alcoholism and other drug addiction board, see RCW 70.96A.300.

8.16.020 Mental Health and Substance Abuse Advisory Board Duties

The Advisory Board shall assess needs and priorities in the areas of mental health and substance abuse treatment and prevention through public hearings and other needs assessment methods; advise and make program and policy recommendations to the County Coordinator and the Board of County Commissioners on mental health and substance abuse issues; assist in evaluating the performance of mental health and substance abuse programs and/or providers at least annually; prepare and recommend to the Board of County Commissioners for approval, such plans, contracts, budgets and applications as may be referred to them by the County; and perform such other duties as may be prescribed by law or by the county legislative authority. The Advisory Board shall act strictly in an advisory capacity.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.030 Appointment by the Board of County Commissioners

The Mental Health and Substance Abuse Advisory Board shall consist of fifteen (15) members, appointed by the Island County Board of Commissioners. Members of the board shall be representative of the community; shall include at least four (4) recovered alcoholics or other recovered drug addicts; shall include consumer, advocate and minority group representation, and other special groups of local significance. No member may be a provider of alcoholism, other drug addiction treatment, services, or mental health treatment services. No more than four (4) elected or appointed city or county officials may serve on the board at the same time.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.040 Advisory Board Terms

Members shall serve for staggered three (3) year terms. Initial appointments shall be as follows: five (5) positions - one (1) year; five (5) positions - two (2) years; and five (5) positions - three (3) years. Thereafter, all terms shall be three (3) years. This does not preclude any member from being reappointed.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.050 Compensation

All members of the Advisory Board shall serve without compensation, but may be reimbursed for travel expenses.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.060 Staffing

Staffing and coordination will be provided by the Island County Mental Health and/or Substance Abuse Coordinator.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.070 Meetings

Regular meetings of the Advisory Board shall be monthly, or as otherwise determined by the Advisory Board at a place and time to be decided by the Advisory Board. The Advisory Board shall be governed by the open Public Meetings Act, Chapter 42.30 RCW. Special meetings may be held on call of the staff coordinator, the chairperson of the Advisory Board, the chairperson of a subcommittee or a majority of the Advisory Board or subcommittee members.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.080 Quorum

A quorum for the purpose of holding a meeting shall consist of not less than eight (8) Advisory Board members.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.090 Manner of Acting

A quorum present, the act of a majority of the members present shall constitute the action of the entire Advisory Board.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.100 Procedure

Robert's Rules of Order (Newly Revised) shall be used as a guideline for rules of procedure.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.110 Committees

Committees of the Advisory Board shall consist of the Mental Health Committee and the Substance Abuse Committee. Appointment to committees shall be made by the Advisory Board chairperson balancing Advisory board needs with member interest. Committees shall report back to the full Advisory Board and shall not take action independent of the full Advisory Board.

Other committees may be established as the need arises.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

8.16.120 Officers

The officers of the Advisory Board shall consist of the following and such other officers as the Advisory Board may from time to time designate and appoint:

- A. Chairperson
- B. Vice-chairperson
- C. Secretary
- D. Mental Health Committee chairperson
- E. Substance Abuse Committee chairperson

The chairperson shall preside at all meetings of the Advisory Board. In the absence of the Chairperson, the Vice-chairperson shall preside. The Secretary shall supervise and record minutes at each meeting.

(Res. C-142-92, January 11, 1993, vol. 35, p. 125)

Chapter 8.17

Community Mental Retardation Program

Sections:

- 8.17.010 Community Mental Retardation Program Established--Administration by Board**
- 8.17.020 Board's Duties**
- 8.17.030 Community Mental Retardation Program Service Offered**
- 8.17.040 Appointment by Board**
- 8.17.050 Board Membership--Term--Compensation**
- 8.17.060 Authority to Receive Funds from Government, Private Donations**
- 8.17.070 Authority to Employ Planner**
- 8.17.080 Severability**

8.17.010 Community Mental Retardation Program Established-- Administration by Board

A community mental retardation program is hereby established in Island County, Washington. The County Mental Retardation Community Coordinating Board shall administer the program.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

8.17.020 Board's Duties

The Community Mental Retardation Board shall:

- A. Coordinate all of the local mental retardation services within Island County with available State of Washington services, ensuring maximum use of available services;
- B. Provide a continuum of care and services through utilization and development of community mental retardation programs;
- C. Serve as an information and referral agency for mentally retarded persons and their families; and,
- D. Make comprehensive plans for development of local services.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

8.17.030 Community Mental Retardation Program Services Offered

The community mental retardation program may consist of any or all of the following services:

- A. Diagnostic and evaluation services for mentally retarded persons
- B. Medical and dental services for those mentally retarded individuals unable to obtain private care
- C. Psychiatric services for those mentally retarded unable to obtain private care in cooperation with any existing community mental health program
- D. Group homes providing full or part-time care, support, and maintenance for mentally retarded persons
- E. Facilities for vocational training and education of mentally retarded persons
- F. Day care centers for mentally retarded persons
- G. Informational services to the general public and educational services furnished by qualified personnel to schools, courts, health and welfare agencies, and other appropriate public or private agencies or groups
- H. Consultant services to the public or private agencies for the promotion and coordination of services to the mentally retarded.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

8.17.040 Appointment by Board

The Community Mental Retardation Board shall consist of nine (9) to fifteen (15) persons appointed by the Board of County Commissioners. The members of the board shall be representatives of the following agencies and fields of interest: medicine or public health, social services, special education administrators, the local agencies liaison, business, and professions. The board as a whole shall represent public, private, or voluntary agencies, local governmental units which participate in programs for mentally retarded persons, and private citizens knowledgeable or interested in services to the mentally retarded in the community.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

8.17.050 Board Membership--Term--Compensation

Members of the Community Mental Retardation Board shall serve for terms of three (3) years, and until a successor is appointed and qualified. One-third (1/3) of the members shall be appointed annually upon recommendation of the Community Mental Retardation Board. The board shall have the right to suggest replacement of any member who fails to attend three (3) out of twelve (12) meetings. Recommendations for membership shall be in line with the provisions of ICC 8.17.040. A member appointed to fill a vacancy shall represent the agency or field of interest of the member whose term he is completing. The County Commissioners shall retain the right to make additional appointments to the board membership from the community board. No compensation shall be paid to the said members.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

8.17.060 Authority to Receive Funds from Government, Private Donations

The Community Mental Retardation Board shall be authorized to receive funds from government sources and private donations and to spend said funds, subject to the provisions of RCW 36.40 and other statutes relating to expenditures by counties, for the purposes specified in ICC 8.17.020.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

8.17.070 Authority to Employ Planner

The Board of County Commissioners may employ a planner/coordinator who is acceptable to the Community Mental Retardation Board. The planner/coordinator shall be responsive to and shall administer the above-mentioned services provided by the Community Mental Retardation Board. The planner/coordinator may serve as a volunteer or a salaried part-time or full-time employee and need not be a resident of Island County.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

8.17.080 Severability

If any section, sentence, or phrase of this ordinance is for any reason held to be invalid, then the parts of the ordinance not declared to be invalid shall remain in force and effect.

(Ord. MR-73-1, April 9, 1973, vol. 14, p. 303)

Chapter 8.20

Air Pollution Control Authority¹²

Sections:

8.20.010 Air Pollution Control Authority Established

8.20.020 Merger With Multi-County Authority

8.20.010 Air Pollution Control Authority Established

There is established and activated an Air Pollution Control Authority co-extensive with the boundaries of Island County, Washington, which shall be known as the Island County Air Pollution Authority, and which shall begin business upon the filing, forthwith, of a certified copy of this resolution with the Secretary of State for the State of Washington, said Island County Air Pollution Control Authority to exercise all of the powers, rights, and duties pursuant to chapter 238, Laws of the State of Washington, 1967 (Regular Session), the authority's principal place of business to be the Island County Courthouse, Coupeville, Washington.

(Res., November 20, 1967, vol. 12, p. 552)

¹² For statutory provisions regarding the creation and merger of air pollution control authorities, see RCW 70.94.053, .055, and .057.

8.20.020 Merger With Multi-County Authority

The Island County Air Pollution Control Authority shall merge with the contiguous air pollution control authorities in Skagit, Whatcom, and/or San Juan Counties to form a multi-county air pollution control authority, to be known as the North Puget Sound Air Pollution Control Authority (unless and until such time as the Board of Directors of said multi-county air pollution control authority shall adopt a different name), said multi-county air pollution control authority to be activated and begin doing business upon the filing with the Secretary of State for the State of Washington of a certified copy of a similar resolution from one (1) or more of the contiguous counties of Skagit, Whatcom, and/or San Juan, pursuant to the Laws of the State of Washington, 1967 (Regular Session), said North Puget Sound Air Pollution Control Authority to have such principal place of business as the board of directors of said authority shall designate and to exercise all the powers, rights, and duties pursuant to chapter 238, Laws of the State of Washington, 1967 (Regular Session); **provided**, Island County will have no funds for this use until the year 1969.

(Res., November 20, 1967, vol. 12, p. 552)

Chapter 8.24

Comprehensive Health Planning¹³

Sections:

8.24.010 Appointment

8.24.020 Notice of Appointment

8.24.010 Appointment

The Whatcom, Skagit, Island, and San Juan County Comprehensive Health Planning Council is appointed to represent Island County in the regional comprehensive health planning process for Region III.

(Res., January 13, 1969, vol. 13, p. 144)

8.24.020 Notice of Appointment

The Island County Health Officer shall notify said council of this appointment.

(Res., January 13, 1969, vol. 13, p. 144)

¹³ For statutory provisions regarding regional health planning see RCW 70.38.070, et seq.

Chapter 8.28
Noxious Weed Control Board¹⁴

Sections:

- 8.28.010 Board Activated**
- 8.28.020 Sections--Board Members**
- 8.28.030 Non-Voting Board Members**
- 8.28.040 Terms of Board Members**
- 8.28.050 Conformity to Statute**
- 8.28.060 Policy**
- 8.28.070 Definitions**
- 8.28.080 Voting Board Members--Appointment--Term of Office--Meetings**
- 8.28.090 Weed Coordinator--Powers--Entry onto Land-- Notice**
- 8.28.100 Expenses and Budget--Private Owner's Liability for Costs--Alternative Collection Procedure**
- 8.28.110 Severability**

8.28.010 Board Activated

The Island County Noxious Weed Control Board is hereby activated.
(Res. PA-72-3, August 21, 1972, vol. 14, p. 110)

8.28.020 Sections--Board Members

Island County is hereby divided into five (5) sections, none of which overlap and each of which are of the same approximate area. The boundaries of the five (5) sections are as follows:

- A. **Section I.** That part of Whidbey Island north of the north boundary line of Sections 7, 8, 9, and 10, Township 32 N., Range 1 E., to the point of intersection with Oak Harbor Bay, Ben Ure Island, and Deception Island.

¹⁴ For authority to activate the Island County Weed Control Board by resolution of the commissioners, see RCW 17.10.040.

Island County Code as of 2000
Unofficial Copy

- B. **Section II.** Whidbey Island, from the north boundary line of Sections 7, 8, 9, and 10, Township 32 N., Range 1 E., to the south boundary line of Sections 19, 20, and 21, Township 31 N., Range 2 E.
- C. **Section III.** Whidbey Island from the south boundary line of Sections 19, 20, 21, Township 31 N., Range 2 E., to the east boundary line of Township 30 N., Range 2 E., and Township 29 N., Range 2 E.
- D. **Section IV.** Whidbey Island east of the east boundary line of Township 30 N., Range 2 E., and Township 29 N., Range 2 E.
- E. **Section V.** All of Camano Island.

There shall be one (1) voting member of the board from each of the aforementioned sections. At least four (4) of such voting members shall be engaged in the primary production of agricultural products.

(Res. PA-72-3, August 21, 1972, vol. 14, p. 110)

8.28.030 Non-Voting Board Members

There shall be one (1) non-voting member of the board who shall be the Chief County Extension Agent, or an extension agent appointed by the Chief County Extension Agent.

(Res. PA-72-3, August 21, 1972, vol. 14, p. 110; amended by Ord. CES-72-1, January 2, 1973, vol. 14, p. 214; amended by Ord. C-09-92, February 24, 1992, vol. 33, p. 382)

8.28.040 Terms of Board Members

See section 8.28.080.C.

(Res. PA-72-3, August 21, 1972, vol. 14, p. 110; amended by Ord. C-09-92, February 24, 1992, vol. 33, p. 382))

8.28.050 Conformity to Statute

A. The Island County Noxious Weed Control Board shall operate in accordance with the provisions of RCW 17.10, except where the powers of the board are extended by this ordinance and ICC 8.28 as amended.

B. Except with regard to the limitation of an owner's duty as provided in RCW 17.10.150 and 17.10.170, every reference in RCW 17.10 to property or to land shall be construed in Island County as including both agricultural and nonagricultural land.

(Res. PA-72-3, August 21, 1972, vol. 14, p. 110; amended by Ord. CES-72-1, January 2, 1973, vol. 14, p. 214)

8.28.060 Policy

It is declared to be the policy of Island County to attempt to control or eradicate noxious weeds wherever they occur in Island County, whether on agricultural land or nonagricultural land.

(Ord. CES-72-1, January 2, 1973, vol. 14, p. 214)

8.28.070 Definitions

As used in this chapter, the following words shall have the meanings shown:

- A. **Control, contain, eradicate:** As pertains to the duty of an owner, the words “control,” “contain,” “eradicate,” and the term “prevent the spread of noxious weeds,” shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by the state noxious weed control board and an activated county noxious weed control board.
- B. **Agricultural land:** Land ordinarily devoted to the usual cultivated crops in the area or livestock, including but not limited to orchards, small fruits and vegetables, hay meadows, rotation pastures, truck farms, and the curtilage of each tract of agricultural land, including but not limited to lanes, fence rows, irrigation and drainage ditches, farmsteads, and timber lots included therein.
- C. **Nonagricultural land:** All land not included in the definition of agricultural land, including but not limited to land zoned under ICC 17.01 or any amendment thereto for residential or commercial purposes, or contained within the limits of a plat recorded in the records of the auditor of Island County.
- D. **Section:** The area provided for in RCW 17.10.050 and ICC 8.28.020
- E. **Owner or landowner:** The person in actual control of property, or his agent, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement; **provided**, that when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an “owner” of the property within the boundaries of such easement.

(Ord. CES-72-1, January 2, 1973, vol. 14, p. 214; amended by Ord. C-09-92, February 24, 1992, vol. 33, p. 382)

8.28.080 Voting Board Members--Appointment--Terms of Office--Meetings

- A. **Appointment.** The five (5) voting members of the Island County Noxious Weed Control Board shall be appointed by the Island County Board of Commissioners. One (1) noxious weed control board member shall be appointed from each section described in ICC 8.28.020 following the procedure set forth in subparagraph B below. At least four (4) of the voting members shall be engaged in the primary production of agricultural products.
- B. **Procedure for Appointment.** Notice of expiration of a term of office shall be published at least twice in a weekly or daily newspaper of general circulation in the section with the last

publication occurring at least ten (10) days prior to the date of closing of nominations. Any person interested in appointment to the board and residing in the section in which there is a pending nomination may make written application for appointment that includes the signatures of at least ten (10) registered voters residing in the section supporting the nomination to the county noxious weed control board. After nominations close, the existing county noxious weed control board shall, after a hearing, send the applications to the Board of County Commissioners recommending the names of the most qualified candidates and the noxious weed control board shall also post the names of those nominees on the bulletin board near the entrance of the courthouse and post the names in three conspicuous places in the section. Within ten (10) days of receiving the list of nominees, the Board of County Commissioners shall appoint one of those nominees to the noxious weed control board to represent that section during that term of office.

- C. **Terms of Office.** Each voting member of the noxious weed control board shall serve a term of four (4) years, except the initial term of board members from sections II and IV shall be two (2) years. Existing members of the board shall continue to serve until their replacements are appointed. New board members shall be appointed at least thirty (30) days prior to the expiration of the term of office of that board position.
- D. **Initial Meeting of Board--Quorum--Rules and Regulations.** Within thirty (30) days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairperson and such other officers as may be necessary. The meetings of the board shall be subject to the Open Public Meetings Act, chapter 42.30, as well as RCW 42.32.030, and the board shall have the power to adopt rules and regulations as are necessary for an effective county weed control or eradication program, subject to any notice and hearing requirements of chapter 42.30 and 42.32 RCW
- E. **Filling Vacancies on Board.** In case of a vacancy occurring in any voting position on the county noxious weed control board, the Board of County Commissioners shall appoint a qualified person to fill the vacancy for the unexpired term.

(Ord. CES-72-1, January 2, 1973, vol. 14, p. 214; amended by Ord. C-09-92, February 24, 1992, effective June 1, 1992, vol. 33, p. 382)

8.28.090 Weed Coordinator--Powers--Entry onto Land--Notice

- A. The Noxious Weed Control Board may employ a weed coordinator and other persons whose duties shall be fixed by the board and may purchase, rent, or lease such equipment, facilities, or products, within the limits of the annual budget, as are deemed necessary for the administration of an effective weed control or eradication program.¹⁵ Within sixty (60)

¹⁵ See RCW 17.10.060.

days from initial employment the weed coordinator shall obtain a pest control consultant license, a pesticide operator license, and the necessary endorsements on the licenses as required by law.

- B. The weed coordinator and other persons employed by the board may perform or cause to be performed such acts as may be necessary to control or eradicate noxious weeds on all lands, whether agricultural or non-agricultural in nature.
- C. In any instance where it becomes necessary to enter upon any property for the purpose of carrying out the administration of this ordinance, a reasonable attempt shall be made to notify the owner of the property as to the purpose and need for the entry, and if that attempt is unsuccessful or the owner refuses permission to inspect the property, when necessary, a search warrant may be sought under the provisions of RCW 17.10.160(1)(2) and (3).
- D. Notice to the public of the noxious weed control program shall be provided in the manner set forth in RCW 17.10.190.

(Ord. CES-72-1, January 2, 1973, vol. 14, p. 214; amended by Ord. C-09-92, February 24, 1992, vol. 33, p. 382)

8.28.100 Expenses and Budget--Private Owner's Liability for Costs--Alternative Collection Procedure

- A. Funds for administration of a county noxious weed control program shall be appropriated by the Board of County Commissioners from the county general fund; or where a portion of the infestation of noxious weeds is certified by the Noxious Weed Control Board to be on county road right-of-way, out of the county road funds.¹⁶ In addition, the Board of County Commissioners may make emergency appropriations as it deems necessary for the operation of the Weed Control Board.¹⁷
- B. If, after a finding by the County Weed Control Board that noxious weeds are present on a parcel of land and due notice to the owner of record in accordance with the procedures in RCW 17.10.170, said owner does not take action to control noxious weeds in accordance with the notice, the county board shall control them or cause their being controlled at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien. The owner shall be liable for the payment of the expense.
- C. As an alternative to the enforcement of any lien created under paragraph B above, each such lien shall be collected by the Island County Treasurer in the same manner as a delinquent real property tax if the property owner has failed to pay the amount of the lien within thirty (30) days from the date the owner was sent notice of the lien and an appeal

¹⁶ See OAG 1947-48, p. 126, authorizing the expenditure of road funds for control of noxious weeds on county road rights-of-way.

¹⁷ See RCW 17.10.240.

Island County Code as of 2000
Unofficial Copy

has not been made and perfected pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the rate of 12 percent (12%) per annum, and such interest shall accrue as of the date notice of the lien is sent to the owner; **provided**, that any collections for such lien shall not be considered as tax.

- D. The Noxious Weed Control Board shall take steps to actively enforce the provisions of RCW 17.10.170 with regard to agricultural land.
- E. The Noxious Weed Control Board is directed to negotiate with the director of the State Department of Agriculture and the appropriate federal agency for authority to perform weed control and/or eradication work on state or federal land, and is further directed to request payment of the costs thereof by the state or federal government.¹⁸
- F. The Board of County Commissioners may apply to the state for financial aid as provided under the terms of RCW 17.10.250 upon the submission and approval of the annual budget of the Island County Noxious Weed Control Board.

(Ord. 1-75, June 16, 1975, vol. 15, p. 343; amended by Ord. WB-85-01, Oct. 28, 1985, vol. 24, p. 476)

8.28.110 Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

(Ord. CES-72-1, January 2, 1973, vol. 14, p. 214)

¹⁸ See RCW 17.10.200.