

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Tuesday, June 27, 1989

- 9:30 a.m. 1) Signature - Biennial Substance Abuse Contracts with D.S.H.S.
 2) Miscellaneous.
- 10:00 a.m. Public Hearing - Skagit County Code Amendment - Chapter 2.36 - Public Defender.
- 10:30 a.m. Call for Public Hearing - Adoption of 1988 Uniform Building Codes.
- 1:30 p.m. Continuation of Public Hearing - Consideration of Fire Protection District #12 Resolution #88-2 to Deannex Port of Skagit County Property from the District.
- 2:00 p.m. Consideration - Request of Joan and Rupert Pleas for Sewer Connection to Whatcom County Water District #12.
- 3:00 p.m. Parks and Recreation Department:
- 1) Signature - Contracts for Professional Services - Skagit County Fair.
2) Real Estate Excise Tax Proposal.
3) Miscellaneous.

The Skagit County Board of Commissioners met in regular session on Tuesday, June 27, 1989, with Commissioners Dave Rohrer, Ruth Wylie and W. W. Vaux present.

SIGNATURE - BIENNIAL SUBSTANCE ABUSE CONTRACTS WITH D.S.H.S.

The Board approved for signature Contract #1445-74490 between the Human Services Department and D.S.H.S. for community alcoholism and substance abuse prevention and early intervention community services. The amount of the award was \$60,242 for the period beginning July 1, 1989, and ending June 30, 1991. JoAnn Angevine stated that a portion of the funds will be used to increase the funding for the professional services of Vera Sullivan for substance abuse programs.

Additionally, the Board approved for signature Contract #1440-74190 between the Human Services Department and D.S.H.S. for community services relating to alcohol and other drug services. A total of \$537,579 was awarded for the period beginning July 1, 1989, and ending June 30, 1991.

MISCELLANEOUS.

A. The following Petitions for Property Tax Refunds were approved for signature:

- 1) Edward A. Cahill, 811 South 9th, Mount Vernon, WA 98273, in the amount of \$6.45, due to a manifest error. (006189)

2) Vernon D. Kester, P.O. Box 654, Mount Vernon, WA 98273, in the amount of \$36.89, due to a manifest error. (005889)

B. As of this date, June 27, 1989, the Board, by unanimous vote, did approve for signature the following manual warrant.

1) Warrant #MW912-45428 (Voucher #45428) in the amount of \$14,996.25 (C27-89).

PUBLIC HEARING - SKAGIT COUNTY CODE AMENDMENT - CHAPTER 2.36 - PUBLIC DEFENDER.

Chairman Rohrer waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on June 13 and 20, 1989.

Bob Taylor, Administrative Officer, explained that a recommendation has been made by Chief Civil Deputy John Moffat for amendments to the Skagit County Code Chapter 2.36 regarding the Functions, Powers and Duties of the Public Defender. He explained that a 1989 Supreme Court ruling (In re J.D. 112 Wn.2d 164) holds that counties are required to bear the cost of guardians ad litem and attorneys for indigents involved in juvenile dependency and termination proceedings. Presently, Chapter 2.36 of the Skagit County Code states that Skagit County will seek reimbursement from the State of Washington for these services. Mr. Taylor presented a proposed ordinance that would delete paragraphs of section 2.36.030, Functions, Duties and Powers, concerning pursuance of State reimbursements.

There being no public representation or any further comment, Commissioner Vaux motioned to close the public hearing. Commissioner Wylie seconded the motion, with was unanimously approved.

Commissioner Vaux then motioned to adopt the proposed ordinance amending Title 2, Chapter 2.36 of the Skagit County Code relating to the office of the Public Defender. Commissioner Wylie seconded the motion. The motion passed unanimously. (Ordinance #12107)

CALL FOR PUBLIC HEARING - ADOPTION OF 1988 UNIFORM BUILDING CODES.

Roxanne Michael, Building Official, submitted a resolution calling for a public hearing to consider adoption of the 1988 Uniform Building Codes. In answer to a question by Commissioner Vaux, Ms. Michael explained that the adoption of these codes is required by the State of Washington prior to July 1, 1989. Additionally, acceptance of the 1988 fee schedule would cause an increase in the fee for a building permit; however, Skagit County may choose not to adopt the 1988 fee schedule. Presently, Skagit County uses the 1976 schedule plus 20%. Ms. Michael stated that the 1988 codes will be fully explained and discussed at the Public Hearing.

Commissioner Wylie then motioned to call for a public hearing to be held on Monday, July 17, 1989, at 2:30 p.m., to consider adoption of the 1988 Uniform Building Codes. Commissioner Vaux seconded the motion, with was unanimously approved. (Resolution # 12108)

CONTINUATION OF PUBLIC HEARING - CONSIDERATION OF FIRE PROTECTION DISTRICT #12
RESOLUTION #88-2 TO DEANNEX PORT OF SKAGIT COUNTY PROPERTY FROM THE DISTRICT.

Chairman Rohrer opened the public hearing, which had been continued from Tuesday, March 28, 1989, to Tuesday, May 30, 1989, and then again continued to Tuesday, June 27, 1989.

Present to represent Fire Protection District #12 was Attorney David A. Svaren and Fire District #12 Chairman of the Board Ron Neely. Representing the Port of Skagit County were Patricia R. Burkland, Executive Director, and Port Commissioner Fred Miller, along with other Port Commissioners.

The members of the audience were provided a copy of a memo from Skagit County Chief Civil Deputy John Moffat, in which the prerogatives of the Board for a determination on Resolution #88-2 of District #12 were discussed, and State statutes cited.

Mr. Svaren then made a statement in which he indicated the veracity of Mr. Moffat's memo. He further stated that continuances have been granted for a total of 90 days to allow time for a compromise to be reached. Mr. Svaren indicated that no compromise has been reached and none is anticipated, therefore Fire District #12 is asking the Board to take action on Resolution #88-2 at this time.

Representatives of the Port declined the opportunity to comment at this time.

Commissioner Vaux then motioned to close the public hearing. Commissioner Wylie seconded the motion, which passed unanimously.

Chairman Rohrer then read from Mr. Moffat's memo the findings of fact that the Board must make following the public hearing, as to the following questions:

- 1) Would the withdrawal of such territory be of benefit to such territory?
- 2) Would such withdrawal be conducive to the general welfare of the balance of the district?

Chairman Rohrer read that if the Board finds the answers to both of these questions to be yes, the fire district decision is affirmed and the territory is withdrawn from the district. If, however, the Board answers either question in the negative, it sets an election to take place within the district pursuant to State RCW's.

In answer to Commissioner Vaux's question, Mr. Moffat explained that if the fire district's decision is affirmed, the Port is deannexed from District #12 and receives no fire protection until it is annexed into another district. If the Board does not uphold Resolution #88-2, a proposition would go to the voters of the District #12, in the form of an election, asking whether said territories should be deannexed.

Chairman Rohrer asked if Skagit County would be held responsible for fire damages sustained by the Port if deannexation did occur and the Port was without fire protection for any period of time. Mr. Moffat explained that if the Board follows statutory procedures, it incurs no liability for damage.

Mr. Moffat explained that there are two ways, according to Chapter 57.28 RCW in which to deannex territory from a fire district, the first being by petitions of the voters within the district, and the second, which has been followed here, is through a resolution adopted by the fire district itself following a public hearing. The resolution then is forwarded to the Board of County Commissioners for disposition.

Commissioner Vaux then indicated that he felt the answer to question #1 should be "no", that the Port would not benefit from deannexation from Fire District #12. Chairman Rohrer and Commissioner Wylie both voiced their agreement.

Regarding question #2, Commissioner Vaux stated that the taxpayers of Skagit County would be dealt a disservice should the Port property sustain fire damage, or should attraction of new business become impossible due to the unavailability of fire protection: therefore, the answer to that question also should be "no". Chairman Rohrer and Commissioner Wylie again were in agreement.

Commissioner Vaux then questioned Mr. Neely regarding whether the fire district would be willing to protect the Port if adequate compensation could be agreed upon. Mr. Neely responded affirmatively, stating that during the last deliberations, only one issue remained unresolved.

Port Commissioner Fred Miller stated that the Port and Fire District #12 were still substantially divided on issues regarding an agreement for protection.

Commissioner Vaux then stated that since the Board found in the negative on both questions, an election within 30 to 60 days of the decision is mandated. He stated that in addition to the cost to hold an election, other negative effects would include the polarization of the community over the issue. Commissioner Vaux indicated that it would be of benefit to all concerned to settle the matter prior to an election, and that carrying the matter to the point of an election would be a mistake. Commissioner Vaux offered the help of County employees as mediators in the talks between the Port and Fire District 12.

The Board then discussed the need to allow as much time as possible before holding the election, and Commissioner Wylie motioned to hold the election on Tuesday, August 22, 1989, provided that the Auditor is able to make appropriate arrangements. Chairman Rohrer seconded the motion. The motion passed unanimously.

CONSIDERATION - REQUEST OF JOAN AND RUPERT PLEAS FOR SEWER CONNECTION TO WHATCOM COUNTY WATER DISTRICT #12.

Oscar Graham, Associate Planner, explained that Mr. and Mrs. Pleas have made application for a four lot short plat of their property located adjacent to and east of Old Highway 99 just north of Parson Creek Road. Pursuant to Resolution #8897 setting forth criteria for the review of applications requesting sewer service from the Whatcom County Water District #12, the matter is brought before the Board for consideration.

Mr. Graham read from the Staff Findings of the Planning and Community Development Department, which recommended approval of the sewer connection, pending review and approval of the short plat request. Additionally, a letter from the Water District 12 Manager, David E. Johnson, authorizing connection to sewer facilities upon approval of the Skagit County Board of Commissioners, was provided.

Louis Requa, representing Water District #12, stated that their only concern was the poor quality of the soil in the area.

Commissioner Vaux reminded the Board that a sewer line runs along Highway 99 from Lake Samish to the Burlington Sewer District, with only a limited number of hook ups available. Therefore, each short plat request must be considered individually for sewer hook up.

In view of the District's approval of the connection, Commissioner Vaux motioned to grant the short plat sewer service from Whatcom County Water District #12. Commissioner Wylie seconded the motion. The motion passed unanimously.

PARKS AND RECREATION DEPARTMENT:

1) **Signature - Contracts for Professional Services - Skagit County Fair.**

The Board approved for signature the following Contracts for Skagit County Fair Commercial Displays and Vendors, to commence on August 9, 1989, and continue until August 13, 1989:

- a) Kidwear ABC, P.O. Box 25584, Seattle, WA 98125, for the sum of \$159.50 for vendor space outside.
- b) Ideal Sales, 1136 N. Eastside Street, Olympia, WA 98506, for the sum of \$200.00 for space in the Commercial Tent.
- c) Contel of the Northwest, P.O. Box 579, Mount Vernon, WA 98273, for the sum of \$220.00 for space in the Commercial Building.
- d) Multi-Pure Drinking Water Systems, 324 N.W. 110th, Seattle, WA 98177, for the sum of \$220.00 for space in the Commercial Building.
- e) House of Lloyds (Joyce Nolan), 1086 Brandstrom Circle, Burlington, WA 98233, for the sum of \$200.00 for space in the Commercial Tent.
- f) Puget Power, P.O. Box 97034, Bellevue, WA 98009-9734, for the sum of \$440.00 for space in the Commercial Building.
- g) Skagit River Steel and Recycling, P.O. Box 376, Burlington, WA 98233, for the sum of \$400.00 for space in the Commercial Tent.
- h) Down Under Opal, 716 S.W. 179th Ct., Seattle, WA 98166, for the sum of \$440.00 for space in the Commercial Building.

- i) Longacres Race Course, Inc., P.O. Box 60, Renton, WA 98057, for the sum of \$220.00 for space in the Commercial Building.

The Board approved for signature the following Contracts for Skagit County Fair Concessionaires, to commence on August 9, 1989, and continue until August 13, 1989.

- a) Knights of Columbus Council 8672, P.O. Box D, Burlington, WA 98233, for a concessionaires charge of \$150.00, and a guarantee of \$100.00 or 15% of total gross receipts less sales tax, whichever is greater.
- b) YC Oriental Food, 12 Schafer Street, Wenatchee, WA 98801, for a concessionaires charge of \$50.00, and a guarantee of \$50.00 or 15% of total gross receipts less sales tax, whichever is greater.

The Board approved for signature the following Professional Services Contracts:

- a) Jerry Owens Band, 38 Music Square East, Suite 300, Nashville, TN 37203, to provide back up music for singer Judy Rodman for two shows on August 12, 1989, at 6:00 and 8:00 p.m. for the sum of \$400.00 flat fee.
- b) Tuell and Borg, 1971 Dry Slough Road, Mount Vernon, WA 98273, to provide one performance of folk music on the small stage on August 12, 1989, for the sum of \$100.00.
- c) Queen's Bluegrass, 2564 Hoehn Road, Sedro Woolley, WA 98284, to provide two performances of bluegrass music on the small stage on August 12, 1989, for the sum of \$125.00 per day.
- d) Sharon Dufka, P.O. Box 214, Mount Vernon, WA 98273, to provide two performances on August 10, 1989, and one performance on August 11, 1989, of jazz piano music, for the sum of \$150.00 for all performances.
- e) Northern Lights, 324 18th Ave., Seattle, WA 98122, to provide two performances of folk music on the small stage on August 11, 1989, for the sum of \$125.00 per day.

The Board approved for signature the following Parks and Recreation Department contracts:

- a) Instructional Services Contract with Jim Taylor, 1048 Gardner Road, Burlington, WA 98233, for 1989 Special Events programs at Clear Lake, Burlington and Bow. Contractor shall be paid \$150 for triathlon events and \$100 for runs. Expiration of the contract to occur on December 31, 1989.
- b) Professional Services Contract with Curtis Johnson, P.O. Box 324, Burlington, WA 98233, for officiating and scoring for youth basketball for the sum of \$6.00 to \$13.00 per game.

2) Real Estate Excise Tax Proposal.

Jon Aarstad, Parks and Recreation Department Director, presented to the Board his draft proposal for development of a real estate excise tax for Skagit County. He explained his process for developing the proposal. Mr. Aarstad reiterated that the cities of Anacortes, Burlington, LaConner, Mount Vernon and Sedro Woolley have all passed ordinances that collect the .25% Real Estate Excise tax allowed by RCW 82.46. Mr. Aarstad identified projects for which the funds could be used. He suggested that the ordinance adopted be structured so it does not single out office and building space as the only recipient of funds. Mr. Aarstad requested the Board call for a public hearing to consider the establishment of a 0.25% Real Estate Excise Tax for Capital Improvements.

Mike Woodmansee, Budget/Finance Director, reviewed portions of RCW 82.46 and related sections of RCW 34.43.040 regarding capital improvements eligible for funding with Real Estate Excise Tax monies. He stated that although it appears that those involved in real estate would prefer the use of collected funds for improvements to infrastructures, the RCW's do not preclude the use of funds for Parks projects.

Mr. Aarstad suggested that specific projects be chosen to apply the funds to before imposing the tax.

Paula Hawkins, recent past president of the Skagit County Association of Realtors, stated that she represents her 300 member group. She stated that although her group appreciates Mr. Aarstad's efforts to work with the real estate community, they, in general, are opposed to any real estate excise tax. She stated that nationwide, governments have begun to rely on transfer taxes for extra funding of projects. She stated that the group is in favor of Parks and Receptions projects as they add to the agreeability of an area; however, they should not be funded by real estate. She encouraged prioritization of infrastructure funding and gave an example of sewer enhancement at the Port of Skagit County.

Mr. Aarstad indicated that he had spoken with Don Wicke of the Economic Development Agency of Skagit County, who was also concerned with sewer enhancement at the Port.

Commissioner Wylie stated that she would not like to lock the County into prioritization of funds at this time, as projects may present of a more pressing nature as time goes on. She cited the need for expansion of the Juvenile Detention facility, which will become more and more urgent as the population of the County increases.

Mr. Aarstad stated that real estate excise tax funds would help to offset the costs of expansion of County facilities because funds normally spend on infrastructure improvement could be obtained from the excise tax fund, leaving general funds for County improvements. Mr. Aarstad suggested that the ordinance passed could demand an annual review of the list of eligible projects.

Ms. Hawkins stated that the Cities of Mount Vernon and Burlington had

recently imposed a real estate excise tax. The City of Mount Vernon places their tax funds in an account specifically for sewer improvements, while the City of Burlington's ordinance was more broad, using the list of qualifying projects contained in RCW 34.43.040. She stated that the real estate community would favor specific earmarking of funds, such as is done in the City of Mount Vernon.

Commissioner Vaux then made a statement in which he indicated that there continues to be a decrease in the availability of Federal and State funds, while the demand by Federal and State agencies for provision of services by County government continues to increase.

Pat Willis of Landed Gentry Realty stated that if such a tax were imposed, he would favor earmarking of the funds for real estate related projects. He further stated that he believes the tax will continue to increase as more funds are needed.

The Board then agreed that they were not ready at this time to issue a call for a public hearing regarding this matter. Mr. Aarstad was thanked for his work. A decision was made to handle the matter at an administrative level, with consultation with the Budget/Finance Director.

3) Miscellaneous.

- A. Mr. Aarstad gave information on a trip by Jim Rabenstein, Recreation Assistant, to Los Angeles, California, as chaperone for the three children who were winners of the regional Aarco Track and Field Competitions
- B. Mr. Aarstad gave information on the parking project at the Clear Lake Park. He stated that he believed 25 to 30 additional spaces could be added at that site. He felt neighbors of the park would be favorable to the creation of a cul de sac on South Front Street in front of the park.
- C. Commissioner Wylie motioned to adopt the resolution authorizing a budget line item change in the amount of \$5,230.00 within the Sheriff's Office Budget of the Current Expense Fund to provide for dispatching for the City of Burlington Police Department on Thursday nights. Commissioner Vaux seconded the motion, which was unanimously approved. (Resolution #12110)
- D. Commissioner Wylie motioned to adopt the resolution authorizing a budget line item change in the amount of \$65,160.00 to the Data Processing Department Budget for equipment, travel and supplies. Commissioner Vaux seconded the motion, which was unanimously approved. (Resolution #12111)
- E. The Board approved for signature a Core Provider Agreement with the D.S.H.S. Division of Medical Assistance, which allows the Health Department to bill Title #19 for Child Abuse Prevention project services after July 1, 1989.
- F. The Board approved for signature a Professional Services Agreement between the Health Department and D.S.H.S. for Refugee Health Services

for the last six months of 1989. This is a continuation of a previous grant.

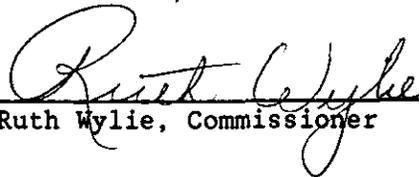
ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Dave Rohrer, Chairman

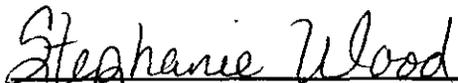


Ruth Wylie, Commissioner

W. W. Vaux, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners