

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, December 23, 1996**

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8:45 a.m. - 9:00 a.m.	Public Comment Period.
9:00 a.m. - 10:00 a.m.	Discussion & Possible Action - Financial Related Matters.
10:00 a.m. - 11:00 a.m.	Planning & Permit Center - Roxanne Michael, Director. 1) Update, discussion and possible approval of Memorandum of Agreement for the Utilization of the Skagit River water.

CONSENT.

MISCELLANEOUS.

11:00 a.m. - Noon.	Executive Session - Personnel, Litigation and Land Acquisition.
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The Skagit County Board of Commissioners met in regular session on Monday, December 23, 1996, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

**PUBLIC COMMENT PERIOD.**

Dean Hayes, Sr., Hayes Drilling, Bow, Washington, addressed the issue of the Memorandum of Agreement of Utilization of the Skagit River Water, and indicated that he could not support the document as written. Mr. Hayes expressed his concern about the amount of water that will be controlled by the Tribes. Mr. Hayes indicated the need for the Department of Ecology to do their job in determining the water resources for Skagit County and the State of Washington. Mr. Hayes stated his fear that all of the aquifers in Skagit County will be considered a part of the Skagit.

Paul Taylor, Attorney representing Snee-Oosh Land Company, echoed Mr. Hayes' comments. Mr. Taylor gave the Board a copy of a treaty between the United States and the Tribes. Mr. Taylor indicated that he does not support the Memorandum of Agreement and stated that such agreement is bad for Skagit County.

Ed Stauffer, P.O. Box 114, Bow, made several comments on the Comprehensive Plan, and encouraged the Board to continue with a clear vision for rural Skagit County. Mr. Stauffer asked for a grandfather clause to continue the way of life for citizens of Skagit County for pre-existing rural residential land use.

**DISCUSSION AND POSSIBLE ACTION - FINANCIAL RELATED MATTERS.**

Mike Woodmansee, Budget/Finance Director, led the discussion on several year-end financial matters.

The first item was the Housing Authority request for a line of credit. In June an agreement was signed that indicated that the Housing Authority can borrow money up to \$750,000 from SeaFirst Bank to provide them with interim funding on various projects as needed. They were able to secure the line of credit at a lower interest rate partially on the strength of the County backing the line of credit. Commissioner Hart indicated that there is security for the County's protection. Mr. Woodmansee confirmed this fact and indicated that such security includes the underlying properties. The specific project was outlined by Mr. Woodmansee. Mr. Woodmansee indicated that \$281,681.29 is the amount that the Housing Authority is requesting.

John Smith, Housing Authority Director, gave the Board a brief overview of the project of removing existing houses from hospital property and relocating them to lots to be purchased with the above-mentioned line of credit. The total project cost is approximately \$800,000. Mr. Smith indicated that the Hospital has indicated that they will assist in moving the houses to the approximate dollar amount of \$32,000. The City of Mount Vernon has agreed to waive all impact fees on these houses.

A discussion ensued concerning the advantages to building new houses rather than moving and refurbishing the 35-year old existing houses.

Mr. Woodmansee reviewed the ramifications of not immediately proceeding with the proposed financing.

Commissioner Hart indicated his approval for purchasing the lots, but would like to see the amount that would be needed to construct new modest homes on these lots. Mr. Woodmansee stated that the paperwork presented today pertains to the purchase of the lots.

Commissioner Hart moved to approve the Housing Authority line of credit for purchase of the lots as outlined by Mr. Smith and Mr. Woodmansee in the amount of \$281,681.29, with the stipulation that further analysis be considered regarding the type of houses to be placed on the lots. The motion was seconded by Commissioner Wolden. The motion passed unanimously. The Request for Draw was approved by the Board.

Mr. Woodmansee presented a Resolution revising Investment Authority Delegation. Mr. Woodmansee reviewed the State Law in this regard. Mr. Woodmansee reviewed a 1979 resolution still in effect. Mr. Woodmansee indicated that he would like to have Alicia Huschka, Assistant Finance Director, allowed to sign these documents. Mr. Woodmansee indicated that this investment information is available in the financial system. Commissioner Hart moved to revise the investment authority delegation to authorize Skagit County Finance Director or Assistant Finance Director to direct the County Treasurer. Commissioner Wolden seconded the motion. The motion passed unanimously. (Resolution No. 16396)

Mr. Woodmansee then reviewed the status of responsive comments to the State Audit Report. Commissioner Anderson indicated that he and Mr. Woodmansee have been working on the response. Commissioner Hart indicated his approval of Chairman Anderson and Mr. Woodmansee continuing in this regard. A brief discussion ensued. The procedures for the monitoring of fixed assets was also discussed.

**PERMIT AND PLANNING CENTER - Roxanne Michael, Director.**

**1. Update, discussion and possible approval of Memorandum of Agreement for the Utilization of the Skagit River water.**

Tom Karsh, Assistant Director of the Planning & Permit Center, brought forward a Memorandum of Agreement Re: Utilization of Skagit River Basin Water. Mr. Karsh advised that the document has not changed since the September 4 public hearing. All parties to the agreement have signed this Agreement, except Skagit County. Mr. Karsh reviewed the signators to the Agreement. Mr. Karsh reviewed some of the details of the expectations of the parties to this Agreement.

Mr. Karsh stated there seemed to be much concern about the impacts of an Interlocal Agreement. Mr. Karsh explained that this memorandum of agreement is a type of interlocal agreement which is something allowed under RCWs and allows public entities to enter into agreements with each other. There is no requirement for a public hearing or for planning commission involvement. A resolution will be necessary directing the county's involvement in this agreement. The issues addressed in this agreement came to light that the County should become involved after they had been negotiating for over 1-1/2 years. Mr. Karsh outlined a brief history of the development of the agreement.

Mr. Karsh indicated that there have been many comments on water rights. Water rights are established through the Department of Ecology. DOE is having difficult processing water rights, and it has become a lengthy process. This study and agreement would not effect existing rights. Future requests could be positively or negatively affected, depending upon the results of the study. Mr. Karsh indicated that there were a number of comments from the agricultural community expressing concern over effects on Skagit County irrigators. Mr. Karsh read a portion of a report addressing this subject prepared by Bob Powell of the Skagit County Public Utility District.

Mr. Karsh reviewed County involvement in the MOA. The work plan is going forward and the instream flow study will progress whether Skagit County signs this document or not. Mr. Karsh explained that not a single county regulation will be changed if this document is signed.

A brief discussion among the Board and Mr. Karsh ensued.

Commissioner Hart confirmed that Skagit County has low priority for studies from the State because of our abundance of water.

Mr. Ginnett, President of Snee-Oosh Land Company, read a brief letter into the record indicating their opposition to the Board signing the Memorandum of Agreement.

Dean Hayes, Sr., Hayes Well Drilling, Bow, stated that he could support the document if it was one page, but cannot support all of the requirements contained in the document.

Brian McGuinness, Skagit Island Counties Builders Association, stated the organization is not against a MOA, but is against this particular MOA. He believes that there is only one liability and that is to future well users, which are the constituents of the County. Mr. McGuinness stated that the Board will be required to deny permits that may be effected by low instream flows. The sections of the document relating to low-flow episodes should be deleted. Mr. McGuinness urged the Board not to sign the document as drafted.

Don Van Etten, Skagit County Association of Realtors, agreed that Anacortes, PUD and Tribe have rights to this type of agreement. The average person does not have an interest. Mr. Van Etten urged the Board not to sign the document.

Leonard Halverson, 1157 Sterling Road, represented the community of Sterling and stated that his area has water rights prior to PUD and agreements to Indians. There are no restrictions put on the water use for his area.

Randy Good, Sedro Woolley, commented on his mistrust for government. He asked that the Board not sign this Agreement.

Jim Pemberton, Public Works Director for City of Anacortes, reviewed the process for obtaining water rights out of the Skagit River. This Agreement is an effort to get some certainty of water rights for the City of Anacortes currently listed on paper. They are not asking for any new water rights, just protecting existing water rights.

Paul Taylor, 735 Cedardale Road, Mount Vernon, re-emphasized the fact that DOE has the responsibility for the management of our water resources. Backlogs have developed and water rights denials have now tied up staff with lawsuits. Mr. Taylor indicated that the Tribes are merely attempting to gain power over water rights. DOE has abrogated their responsibility. Mr. Taylor indicated that this is a bad deal for Skagit County and that the document should not be signed.

Don Clark, Marblemount, commented that anytime a public meeting has so many negative comments and points out so many deficiencies, the document should be remanded back to County Staff for modification. Mr. Clark indicated that this document is not in the best interests of the citizens of Skagit County. He urged the Board to bring in representatives from the Eastern portion of the County to express their needs in the development of the Memorandum of Agreement.

Dean Maxwell, Mayor of Anacortes, stated that this is a difficult issue of many components. This is the most significant document that he has signed during his term of Mayor of Anacortes. Many rivers in the State are oversubscribed for water. There is an existing rule-making process for DOE to establish water rights within the State of Washington. This Agreement will not change anything that must be done to obtain water rights. The study proposed is fairly substantial and does not deal with existing water rights and future water rights. Mayor Maxwell stated that this Agreement signed by the County will be representative government at its best, even though there are small issues to be resolved.

Brian McGuinness, SICBA, asked that future well user liability be reviewed and deleted.

Scott Fowler, Burlington, part-owner of Dahlman Pump & Well Drilling, stated that the Agreement only helps three groups PUD, City of Anacortes and the Tribes. The drafting of the agreement should have included more than the original signators to the document.

Bob Powell, Skagit County PUD, commented on the ground water and the continuity from the Skagit River, which is determined by the Department of Ecology. Mr. Powell reviewed several items of interest concerning the responsibilities of the State and the maintenance of local control.

Commissioner Hart indicated his support for this document and stated it would be a critical mistake for the County not to be involved in the process. The more involvement we can have locally in the process the better. Commissioner Hart indicated the need to get rights issued promptly, and this can only happen through local control.

Commissioner Wolden agreed that the County needs to be at the table to maintain local control. Commissioner Wolden indicated his concern for the contents of the document, but supported the need to be involved in the process. Commissioner Wolden indicated that the slow process of developing water rights has stalled many citizens in Skagit County, and that we are not going to get anywhere on protecting water rights if we do not participate.

Commissioner Wolden moved to approve the Memorandum of Understanding as presented. Commissioner Hart seconded the motion.

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Chairman Anderson stated that this agreement is only about the Tribe and the City of Anacortes avoiding litigation, and will ultimately put the rural residents of Skagit County at risk. Chairman Anderson expressed his concern for the 5,000 gallon limitation on individual wells. He stated that this is not a local issue, it is being watched on the Federal level. Chairman Anderson stated that this document was very well contrived and softened from the original document. The document is poor and is bad for Skagit County, and will be with County residents for 50 years. Therefore, Chairman Anderson indicated that he would not put his name on such a document.

After the call for the question, Commissioners Hart and Wolden voted to approve the Memorandum of Agreement as presented. Commissioner Anderson voted "nay." The motion passed. (Resolution No. 16397, Contract No. 03306) .

**CONSENT.**

Commissioner Wolden moved to approve the Consent Agenda, with the exception of #3 which needs to be revised. Commissioner Hart seconded the motion, which passed unanimously.

• Commissioners Office:

1. Record of the Proceedings of December 16, 1996.
2. Record of the Proceedings of December 17, 1996.
3. Record of the Proceedings of December 20, 1996. (Deleted from Consent Agenda)

• Public Works:

4. Washington Utilities and Transportation Commission/Burlington Northern Railroad Company: Petition for Closure of the Allen Road Railway Grade Crossing. **(Contract No. 03307).**
5. Bid Award Resolution to Pump, Haul, Discharge Inman Landfill Leachate to Sumas Transport, Inc. in response to the Call for Bid. **(Resolution No. 16398).**
6. Personal Services Agreement with Hayes Drilling, Inc. for Augering and Drilling Services for the South Burrows Bay Subsurface Investigation for the proposed storm sewer. The term of the agreement is for December 23, 1996, until terminated and compensation will not exceed \$7,560.56. **(Contract No. 03308).**

• Health:

7. Resolution updating the Skagit County Health Department Schedule of Charges Applicable to the Water Laboratory, Environmental Health, Nursing, Clinical Laboratory and Vital Records. **(Resolution No. 16399).**
8. Personal Services Agreement with Virginia Holman for the term of January 2, 1997, until terminated to provide services of attending at least two Oral health Program meetings per year and provide consultation services to the Oral Health Coordinator in at least one face to face contact each month and telephone consultation. **(Contract No. 03309).**

• Assigned Counsel:

9. Personal Services Agreement with Desmond Kolke, Attorney, for the term of January 1, 1997, until terminated to provide professional legal services in performing all Superior Court, District Court, and Juvenile Court cases. Compensation will be as outlined in Exhibit "B" of the contract. **(Contract No. 03310).**

• Parks:

10. Addendum to Personal Services Agreement with Ackermann Electric Co. to provide services, products, or project consulting that require the use of Washington State certified electricians. The entire cost of all projects performed on behalf of Skagit County shall not exceed \$25,000 and the agreement will terminate on December 31, 1997. **(Contract No. 03227).**

• ARIS:

- 11. Personal Services Agreement with Larry Freeman, MD, for the term of January 1, 1997, through December 31, 1997, to provide psychiatric evaluation and treatment provided to children, youth and their families. Compensation will be as indicated in Exhibit "B" of the contract. (Contract No. 03311).
- 12. Personal Services Agreement with Liz Findley for the term of January 1, 1997, through December 31, 1997. The Contractor shall provide services of individual or family therapy and face to face collateral contact as needed. Compensation will be \$50 per 50 minute counseling session and \$20 per hour for travel. (Contract No. 03312).

MISCELLANEOUS.

- 1. Staff presented an Intergovernmental Agreement, Washington State Military Department Contract No. MD9763007 concerning the facilitation of enhanced 900 implementation for funds to be reimbursed to the County totalling \$2,176,681. The funds are to be used by Skagit County solely for expenses necessary to implement Enhanced 911 county-wide. Expenditures reimbursed occur between January 1, 1992 and June 30, 1997. Commissioner Hart moved to approve the Agreement as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. (Contract No. 03313)
- 2. Staff presented Amendment #1 to Cooperative Agreement WR-64 between the Washington State Parks and Recreation Commission and Skagit County for cross-country ski trail grooming at Salmon Ridge, increasing the contract amount by \$1,600 to a total amount of \$27,850. Commissioner Hart moved to approve the Amendment to Agreement as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. (Contract No. 03225)
- 3. Staff presented a Personal Services Agreement with Clark & Associates to provide Court Reporting and Transcript Service for Parks & Recreation Department Public Hearings, Public Meetings or Study Sessions from December 10, 1996 until terminated at a rate of \$50 per hour for appearance at such hearings, and transcript production to be paid at a rate of \$3.50 per page. Commissioner Hart moved to approve the Agreement as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. (Contract No. 03314)
- 4. Staff presented a Resolution Amending Resolution Nos. 12457 and 15946 adding language to the Risk management Safety Manual wherein Contract and Agreement approvals may be executed by the Chief Civil Deputy, Prosecuting Attorney or his designee. Commissioner Hart moved to approve the Resolution as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. (Resolution No. 16400)

ADJOURNMENT.

Chairman Ted W. Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.



BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON

*Ted W. Anderson*  
 Ted W. Anderson, Chairman

*Harvey Wolder*  
 Harvey Wolder, Commissioner

*Robert Hart*  
 Robert Hart, Commissioner

ATTEST.



Patti Chambers for Debby Sims, Clerk  
Board of Commissioners