

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, September 8, 1997

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| 8:30 a.m. – 9:00 a.m. | Discussion – Possible Excess Tax Levy for Enhanced 911. |
| *T 9:00 a.m. – 10:00 a.m. | Presentation of Project by Conservation Futures Advisory Committee. |
| 10:00 a.m. – 10:15 a.m. | Public Comment Period. |
| CONSENT AGENDA. | |
| MISCELLANEOUS. | |
| *T 11:00 a.m. – 11:30 a.m. | Discussion – Sheriff's Office East Detachment Building and Recent Accreditation Process. |
| 2:00 p.m. – 3:00 p.m. | Public Hearing - Community Development Block Grant Disaster Recovery Grant Funding for Damage Sustained during the November/December 1995 and January/February 1996 Storms. |
| 3:30 p.m. – 4:30 p.m. | Executive Session – Personnel, Litigation & Land Acquisition. |

The Skagit County Board of Commissioners met in regular session on Monday, September 8, 1997, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

DISCUSSION – POSSIBLE EXCESS TAX LEVY FOR ENHANCED 911.

Mike Woodmansee, County Administrator, reviewed the recent evening meeting held at the request of the fire districts on the possibility of putting an excess property levy on the ballot for the funding for the 911 dispatch center. The cities have been informed of this proposal as they are partners in this matter. The purpose of this meeting is to further these discussions began last week and to allow the fire districts to present their proposal.

Gary Koski, Vice President of the Fire Commissioners Association, stated that the Association has regrouped and thought this over and present to the Board signatures from all fire districts except four. Fire Districts 1, 3, 5, and 7 refused to sign. All of the other 19 fire districts signed the formal presentation to the Board. Mr. Koski presented the formal signatures to the Board, asking that the Board put this on the ballot as an excess levy for \$1.8 million. Mr. Koski advised that the approximate amount to be levied is \$0.28 per \$1,000 of assessed value.

Commissioner Hart noted that it had been discussed to fund the excess only, which would amount to \$400,000 to \$500,000, rather than \$1.8 million.

Mr. Koski stated that the fire commissioners would like to go for full funding, but that funding just the excess is certainly an option.

Chairman Wolden stated that this is certainly a little more than what he wanted to put to the taxpayers.

Commissioner Hart stated that from the taxpayers' standpoint, we needed to raise another \$400,000 to \$500,000 to fund this proposal. He stated that the public would probably be willing to fund the excess amount, and to go to a \$1.8 million levy is double collecting on the \$1.4 million that is already being taxed. If the jurisdictions lower their own levies by the same amount so that taxpayers aren't paying double, that would be more palatable to the taxpayers. Most taxpayers are saying that they do not trust government and do not think districts will lower their levies. Commissioner Hart stated that it is difficult to believe that if it comes to a ballot issue for the full amount, that the taxpayers will be willing to approve the increased tax. He expressed concern if the measure does not pass. In that the excess funding will have to come out of existing services, which is not what the taxpayers want.

Commissioner Hart stressed that he believes the taxpayers will support funding the difference, not the full amount.

Skye Richendyfer, Mayor of Mount Vernon, indicated his support for the concept of fully-funding the proposal to allow for a single source of funding for #911 operations. In response to Commissioner Hart's questions, the City has announced their Proposition 1 and are scurrying to determine what the consequences of this will be for Mount Vernon. Potentially Mount Vernon's bond issue will be competing with the E911 levy. If the #911 levy is approved, Mayor Richendyfer indicated that would free up about \$450,000 of general tax monies currently paid to #911 which would reduce the amount the voters would need to come up with for public safety. Cumulatively, Mr. Richendyfer stated that this would be a hard sell. Mayor Richendyfer stated that costs need to be reduced to approximately \$1.5 million, which He believes is possible. He indicated that the City of Mount Vernon would support the E911 levy if this budget could be sharpened to the \$1.5 million level, and they would commit to work very hard to pass both of these issues. He indicated that the City supports this initiative, and likes the idea of a single source of revenue.

Commissioner Anderson asked Mayor Richendyfer for suggestions on how to trim the \$1.8 million budget to \$1.5 million.

Mayor Richendyfer stated that staffing levels could be reduced and perhaps improved technology can reduce costs. He stated his believe that there is money that can be shaved off this budget..

Commissioner Wolden reminded everyone that we are down to crunch time, and that smaller fire districts are going to be struggling to collect this increased amount.

Mr. Woodmansee confirmed that September 19 is the deadline for getting this issue on the ballot. He further stated that Mount Vernon is saying that they will lower their bond request by an amount equal to their savings. Mr. Woodmansee indicated that the Board controls both the County general levy and the EMS levy, and that those can be reduced by the Board to represent the savings. The group will have some ability to control that presentation to the taxpayers regarding how all involved will deal with the possible windfall by already paying for dispatch services and approving an excess levy.

Commissioner Hart stated that if we put this proposal on the ballot, we will set aside our budget in a corresponding amount, and that this makes a lot more sense that how it is currently done. He reiterated that if the measure fails, there will be problems.

Mr. Woodmansee indicated that if the ballot measure fails, levies will need to be realigned in November.

Commissioner Anderson stated that we have been working on this for a long time and have been trying to achieve some parity between the cities and fire districts. He indicated that it has been a long and difficult task trying to arrive at a fair solution with separate governments and commitments. He stated that it is a cleaner and smarter way to fund the entire amount from a dedicated fund. He further supported the City of Mount Vernon setting a precedent in lowering their levy so that the taxpayer is not getting hit twice for the same thing. He indicated that we have acted very responsibly as far as the EMS levy, and as a taxpayer, he believes that streamlining the process is desirable.

Commissioner Hart indicated the need to ascertain more efficiencies and get this amount to a reasonable level. He further stated that the public process is required for all districts during their budget process, and constituents need to be involved. It will be difficult to assure the public that the funding costs borne by different agencies will not be collected twice, but will be combined and consolidated.

Mr. Woodmansee stated that an excess property levy can be from one to nine years.

Commissioner Hart confirmed that the EMS levy expires in four years.

Commissioner Anderson stated that the message he hears over and over is the importance of these emergency services.

Tom Sheahan, Director of Emergency Management, explained the impacts to fire districts of changing WISHA rules. The excess money that these fire districts may be required to pay is going to take away from compliance with State and Federal rules. Mr. Sheahan further stated that this excess property tax levy is a chance for everyone to be uniform and will give the mayors and fire commissioners control over this fund. He further stated that the Board has not been one that easily asks for additional money, and that such a request will need to be sanctioned by the Board of Commissioners. Mr. Sheahan further indicated the need for emergency services, police, fire departments and fire districts to support this concept.

A discussion ensued on the amounts fire districts will be paying, and the shift of funds.

Mr. Woodmansee indicated the need to call a meeting of the Emergency Management Council next week to discuss this matter at length in that forum and let the mayors present their letters of intent, similar to the city of Mount Vernon's. On query from Commissioner Hart, Mr. Woodmansee indicated that in order to put an excess levy on the ballot, the same process as a general election is followed whereby a resolution from the Board would place the item on the ballot with no public hearing required.

PRESENTATION OF PROJECT BY CONSERVATION FUTURES ADVISORY COMMITTEE.

Curtis Johnson, Chairman of the Conservation Futures Advisory Committee, stated that the goal of the committee was to suggest wise and efficient use of the taxpayers' money, trying to keep the program understandable and equitable. Mr. Johnson indicated that San Juan County has a system that is up and running and Skagit County hopes to emulate the San Juan County plan. Mr. Johnson explained the need to target lands that are under the most threat of non-agricultural uses. He further indicated the need to leverage other funding where possible and make sure the County assists the Committee with regulatory reform. Mr. Johnson was very complimentary to the other members of the Committee and indicated that most of the material in the project document was done with unanimous votes. He reviewed a sample Easement document, reserving the right to make changes as the Committee feels necessary.

Dave Hedlund, Vice Chairman of the Committee, noted that the program developed is good for farms in providing economic viability for them to survive with various options. The plan also provides a good opportunity to leverage other sources of income. Mr. Hedlund indicated that Skagitians to Preserve Farmlands is very supportive of this document and is amazed at the Committee's ability to work through issues and come up with an excellent document.

Keith Wiggers, Member of the Committee, joined in the praise for the work of the Committee, noting that the Board made wise choices in their Committee members. He also praised Nancy Fox of Cedar River Associates and Curtis Johnson, Chairman. He indicated that Committee members have been very dedicated, focused and prepared. He further comments on the need to leverage funds to obtain grant monies to assist with the protection of Critical Areas.

Commissioner Hart stated that he is very impressed with the way the Committee worked, and that the report emphasizes options for farmers. He stressed the need for this to be a voluntary process and not a regulatory process, with the possibility of a transfer of development rights process that will work for all concerned.

Nancy Fox, Cedar River Associates, reviewed the specifics of each section of the document. She emphasized that the committee was committed to identifying and encouraging leveraging through whatever other program sources are available for program match.

Discussions ensued on the topics of implementation, enforcement, transfer of development rights and preservation of critical areas.

Commissioner Hart moved to call for a public hearing on September 29, 1997, at 10:00 a.m., to receive public testimony on the report of the committee and their associated recommendations. Commissioner Anderson seconded the motion, which passed unanimously. (Resolution No. 16660)

PUBLIC COMMENT PERIOD.

Commissioner Hart was absent for the Public Comment Period.

Tom Solberg, Alger, provided the Board with a magazine called Real American regarding a plan afoot to take half of the continental United States and put it into a national park. He discussed private property rights, and the fear that environmental groups and government entities have initiated this proposal. He briefly commented on the Conservation Futures Program and the need to include critical areas. Specific buffer areas on Mr. Solberg's property were detailed.

Commissioner Anderson commented that many of the grants to be applied for have criteria that the bulk of the monies must be used for critical areas.

Mr. Solberg asked for one width for buffers along critical areas.

CONSENT AGENDA.

Commissioner Anderson moved to approve the Consent Agenda for Monday, September 8, 1997. Chairman Wolden seconded the motion, and it passed unanimously.

• COMMISSIONERS' OFFICE:

1. Record of the Proceedings of Tuesday, September 2, 1997.
2. Record of the Proceedings of Wednesday, September 3, 1997.
3. Agreement by and between the Skagit County Commissioners and Skagit County Juvenile Correction Employees and Teamsters Local #231 for the period January 31, 1997 through December 31, 1999. (Contract No. 03625)

• HEALTH DEPARTMENT:

4. Interlocal Agreement with the Sedro Woolley School District to provide therapy services for children under the Infant Toddler Early Intervention Program. (Contract No. 03626)

• PUBLIC WORKS DEPARTMENT:

5. Vendor Services Agreement with Commercial Plumbing, Inc. to construct and install water lines to four residences near the Inman Landfill for total lump sum compensation of \$9,759 plus Washington State Sales Tax. (Contract No. 03627)
6. Resolution Requesting Proposals for Procurement of Maintenance Materials with the bid opening scheduled for September 23, 1997 at 1:30 p.m. (Resolution No. 16661)
7. Resolution Regarding the Sale of Excess Property to Skagit Valley College (two Chevrolet Caprice Sedans) for a total purchase price of \$1,000. (Resolution No. 16662)
8. Resolution Awarding the Bid for Reservation Road Improvements to Trico Contracting, Inc. for a total bid amount of \$689,978.50. (Resolution No. 16663)
9. Contract with Trico Constructing, Inc. & Associates for improvements to Reservation Road for a total contract amount of \$689,978.50. (Contract No. 03628)

MISCELLANEOUS.

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, September 12, 1997, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant numbers 3029 through 3436 from Clearing Fund 696 in the total dollar amount of \$406,012.44 (Transmittal No. C-38-97);

Warrant numbers 3437 through 3437 from Clearing Fund 696 in the total dollar amount of \$4,874.02 (Transmittal No. C-39-97).

2. Staff presented an out-of-state travel request for Jon Schmidt to attend the American Association of Code Enforcement 8th Annual Business & Educational Conference in Hagerstown, Maryland October 20-25, 1997, for a total amount of \$1,206. Commissioner Anderson moved to approve the request as presented by Staff. Chairman Wolden seconded the motion, which passed unanimously. **(Approved)**
3. Staff presented an out-of-state travel request for Diana Barnett to attend the American Association of Code Enforcement 8th Annual Business & Educational Conference in Hagerstown, Maryland October 20-25, 1997, for a total amount of \$1,206. Commissioner Anderson moved to approve the request as presented by Staff. Chairman Wolden seconded the motion, which passed unanimously. **(Approved)**
4. Staff presented a Resolution to Transfer Surplus Computer Equipment consisting of two printers to the City of Mount Vernon for no cost. Commissioner Anderson moved to approve the Resolution as presented by Staff. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 16664)**
5. Staff presented a Resolution to Transfer Surplus Computer Equipment as detailed in Attachment A to the Emerson School for no cost. Commissioner Anderson moved to approve the Resolution as presented by Staff. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 16665)**
6. Staff presented an Award of Bid for Removing Flood Debris from the Railroad Bridge Pier(s) East of Highway 9 and Disposing of the Material As Per Specifications, awarding the bid to Rick Tingley dba Northwest Logging for a base bid amount of \$49,588. Staff advised that the work will most likely be done for less than the bid amount, and that the decrease will be addressed with pertinent change orders. Commissioner Anderson moved to approve the Resolution as presented by Staff. Chairman Wolden seconded the motion, which passed unanimously. **(Resolution No. 16666).**

DISCUSSION – SHERIFF’S OFFICE EAST DETACHMENT BUILDING AND RECENT ACCREDITATION PROCESS.

Sheriff Ed Goodman explained the efforts to bring law enforcement and public needs together in the eastern area of the County. He advised the Board that the County is very fortunate to have dedicated deputies serving them. Sheriff Goodman introduced Sargent Don Marlowe, who was instrumental in putting this East detachment together.

Sergeant Marlowe gave a brief history of the East Detachment office, which is responsible for patrolling east of Sedro Woolley to Marblemount. He advised that alternative sites were explored when office space got cramped with the Town of Concrete. The Forest Service Building in Birdsvew was vacant and had been a forest service ranger station in previous years. Sergeant Marlowe stated that there was no budget to put this office together, so with the help of inmates and explorer scouts and donated labor by the officers themselves, the office was set up. This is a zero cost lease, with only an average monthly expenditure of \$200 for utilities. After 1998 and the restructuring of the forest service, it will be determined if the East Detachment can remain in the facility. Sergeant Marlowe indicated that the office has become a hub for multi-jurisdictional agencies to serve the people of the

Eastern part of the County. Future plans include updating the computer system and a 911 call box are being entertained. It is possible that the U.S. Forest Service may also man an office in the building.

Jon Van der Heyden, District Ranger, mirrored Sheriff Goodman's comments on the professionalism and dedication of the deputies. He indicated that this facility has been underutilized and by joining public agencies, we've assured efficient use of taxpayers' money. He commented on better communications with various agencies in the area.

Sheriff Goodman thanked the Board for their support in the efforts of the Sheriff's Office to complete the East Detachment..

Commissioner Anderson stated that he had received many positive comments about this situation and the improved visibility of officers in the Upriver area.

Chairman Wolden noted that the collaboration effort should be well recognized, and the public should be quite appreciative of the efforts of those involved, together with the good utilization of taxpayers' dollars.

Sergeant Bonnie Bowers reviewed the accreditation program and gave a brief history of the process involved 1987 the WSA of Sheriffs and Police Chiefs. She detailed the benefits of accreditation including the establishment of sound policies and practices, pride within the agency, department members contributing to successes and contributed ownership to the process. The process provides for an automatic assessment every year, with an onsite assessment every fifth year. The most important benefit is that it makes our policies more defensible against litigation and sometimes eliminates litigation.

Sergeant Bowers indicated that only 55 agencies in Washington State are accredited. That is less than 20%.

Sergeant Bowers detailed the re-writing of the policy manual.

After a view of the files and a tour of the precinct, it was announced that the Accreditation Team would recommend the Skagit County Sheriff's Office for accreditation. In November the accreditation will be awarded to Sheriff Goodman.

Commissioner Anderson indicated how impressed he is with the Department

Chairman Wolden commented on the care and concern of the Sheriff's Department and that the work this entailed is quite a credit to the Department.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY GRANT FUNDING FOR DAMAGE SUSTAINED DURING THE NOVEMBER/DECEMBER 1995 AND JANUARY/FEBRUARY 1996 STORMS.

Chairman Wolden opened the public hearing.

Tom Sheahan, Director of the Department of Emergency Management, advised that his office has been moving since Thursday and have lost computer and telephone service. Mr. Sheahan reviewed the history and timeline of this grant and the amounts requested from individuals and governmental agencies. All of this information is included in a memorandum to the Board dated September 2, 1997.

Mr. Sheahan stated that the purpose of this hearing is to acknowledge this process.

Mr. Sheahan acknowledge receipt of a letter from Larry Kunzler and it was entered into the record.

Paul Schissler, Grant Writer, stated that the County has a difficult job of supplying a limited amount of funds to more applicants that there are monies. The criteria the County must use to allocate the funding was reviewed.

On page 2 of September 2 memorandum, Mr. Schissler reviewed restrictions that are spelled-out in the grant program guidelines. They are:

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1. Funds can only be used for expenses and repairs required because of the November/December, 1995 and/or January/February, 1996 disasters (FEMA #'s 1079 and 1100, respectively) or for mitigation activities that protect specific structures and facilities damaged by either disaster.
2. Funds cannot replace other federal disaster dollars or replace other federal, state or local resources.
3. Funds can be used to reimburse the local share of emergency activities and damage repairs if the jurisdiction shows that its reserves or emergency funds were used to respond to one or both disasters and there was no money left for future disasters.
4. First priority shall be given to meeting local match requirements for eligible Public Assistance and Hazard Mitigation Grant Program projects.
5. The primary national object of the CDBG program is to principally benefit persons of low-to moderate-income.

Criteria A-G might be an appropriate set of additional criteria to use to assist in providing an appropriate framework to decide which projects to prioritize for funding.

- A. Provide the local match for HMGP grants as required by 4, above.
- B. Reimburse public agencies that depleted their reserves as a result of FEMA 1079 and 1100, up to 100% of the first \$25,000 and 50% of the balance of the projects submitted in the applications.
- C. Prioritize projects that benefit many households as opposed to single households.
- D. Prioritize private (non-governmental) applications that are "primary occupancies" (not vacation, rental or second homes), that are permitted rather than nonconforming uses, that provide proof of flood insurance, and repair or protect existing homes rather than preparing a site for a new home.
- E. Among private applications, prioritize those home-owners that have annual incomes at or below 50% of the Skagit area median income, as defined by US HUD>
- F. To the extent that funding remains available, prioritize those homeowners that have annual incomes above 50% but below 80% of the Skagit area median income.
- G. If any funding remains after addressing the above priorities, allocate the remaining funding to further assist the City of Mount Vernon Westside project..

A list of the proposed distribution of funds was reviewed by Mr. Schissler.

Commissioner Hart clarified that these requests from private property owners are in addition to the Hazard Mitigation Grant Program.

Carol Frame, owner of property listed on maps given to the Board, reviewed several photographs of her property. Ms. Frame detailed the construction of her home and the destruction done during the storms.

Jim Goodman, City of Mount Vernon, stated that the City, through the CDBG grant, wishes to complete the acquisition located in the West Mount Vernon floodway. He reviewed the extensive damage done year-after-year to the area in question. Mr. Goodman indicated that the purchase of the property is the agreed-upon answer to the repetitive flooding situation. Funding required to complete the project is approximately \$1.4 million. Thirty-six parcels will be acquired and will consist of approximately 9 acres. He advised that approximately 45 families will be relocated and that most families requiring relocation are low to low-moderate income. Mr. Goodman submitted two letters to the record from Larry Otos, City of Mount Vernon, and Rick Cisar, City of Mount Vernon.

Stan Nelson, Secretary of Dike District No. 22, requested monies to match Corps of Engineers projects and Public Works projects, to reduce the hazard of future flooding. In 1990, the Dike District spent \$4.5 million in the Fir Island area. He indicated that this money will be well spent for District No. 22.

Leonard Halverson, 1157 Sterling Road, stated that there was not enough public notice for use and distribution of these funds, and believes there should have been a public meeting in Hamilton or Clear Lake. He stated that a tremendous amount of people did not know applications needed to be submitted. He indicated that all dike districts were either not permitted or were illegal, as was testified in the recent lawsuit Halverson v. Skagit County, and that grant monies should not go to such entities. He further commented that Hamilton, Clear Lake, Sterling and Nookachamps should be given priority if funds are allocated for raising houses..

Dave Brookings, Skagit County Public Works Surface Water Management, stated that Skagit County does not own any dikes with the exception of Cockreham Levy. The Cockreham dike has failed on numerous occasions and will continue without some sort of modification.

Dave Jones, 1076A Sterling Road, Sedro Woolley, urged the Board to consider the national objective of benefiting low to moderate income level housing, and getting families out of harm's way.

Jack Mason, 1063 Collins Road, Sedro Woolley, states that his property sits on the reservoir being built by the dikes. He urged the Board to help the people in such reservoir areas before they assist the cities.

There being no further public comment forthcoming, Commissioner Hart moved to close the public hearing. Commissioner Anderson seconded the motion, which passed unanimously.

Chairman Wolden announced that written testimony would be taken until Wednesday, September 10th, at 4:30 p.m.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



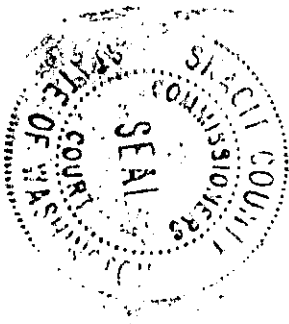
Harvey Wolden, Chairman




Robert Hart, Commissioner



Ted W. Anderson, Commissioner



ATTEST:



Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners