

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, February 24, 1998

- 7:30 a.m. – 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/Road District Supervisors.
- 9:00 a.m. – 10:30 a.m. Public Works Department – Chal Martin, Director.
- 1) Public Hearing – Consideration of Speed Limit Revision on a County Road known as River Road, No. 90100.
 - 2) Public Hearing – Consideration of Speed Limit Revision on County Roads known as Matzdorf Street, No. 12100, and Lexington Avenue, No. 12130.
 - 3) Overview and Signature – Coordinated Prevention Grant from the Department of Ecology re: Support of Moderate Risk Waste Facility and Waste Reduction and Recycling Education.
 - 4) Resolutions Establishing County Road Projects:
 - A) Prairie Road, No. ES50000-5.
 - B) Guemes Ferry Parking Lot, No. FE8-30-1.
 - C) Bennett Road, No. ESSS971-2.
 - D) Lake Cavanaugh Road, No. ESSP981-1.
 - E) Cape Horn Road, No. ESMC971-3.
 - F) Farm-to-Market Road, No. ES31010-2.
 - G) Lake View Boulevard, No. ESMC981-1.
 - 5) Resolution Establishing County Road Project Asphalt Overlays No. ESA0981-1: Havekost Road (No. 1091); Discovery Drive (No. 3225); Gull Road (No. 3221); Hilynn Drive (No. 3229); Obstruction Drive (No. 3236); Maple Crest Drive (No. 3002); Marlee Drive (No. 3238); Wedge Wood Drive (No. 3153); Putter Circle (No. 3158); Birdie Lane (No. 3156); Par Four (No. 3148); Fifth Tee Lane (No. 3152); Eagle Drive (No. 3151); McLean Road (No. 4400); and Higgins Airport Way (No. 3115).
 - 6) Resolution Establishing County Road Project 1998 Guardrail Program ES53540-2: Alger Cain Lake Road (No. 5354); Francis Road (No. 7900); South Del Mar Road (No. 1067); Fidalgo Bay Road (No. 1471); South Skagit Highway (No. 0700); Rockport Cascade Road (No. 0870); Grip Road (No. 6600); and LaConner-Whitney Road (No. 4241).
 - 7) Submittal: Preliminary Rural Arterial Program Prospectus 1999-2001.
 - 8) Overview: WSACE Professional Development Conference.
 - 9) Miscellaneous.
- *T 10:30 a.m. – 11:00 a.m. Planning & Permit Center – Roxanne Michael & Tom Karsh, Co-Directors.
- 1) Update on Citizens Advisory Committees.
 - 2) Miscellaneous.
- 11:00 a.m. – 11:30 a.m. Discussion – Opening County Hiring Process to Public View.
- *T 1:30 p.m. – 2:00 p.m. Senior Services Department Customer Service Plan.

The Skagit County Board of Directors met in regular session on Tuesday, February 24, 1998, with Commissioners Robert Hart, Ted W. Anderson, and Harvey Wolden present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. **Public Hearing – Consideration of Speed Limit Revision on a County Road known as River Road, No. 90100.**

Steve Flude, Assistant County Engineer, stated that the public hearing is to consider reducing the speed limit on River Road from 35 miles per hour to 25 miles per hour pursuant to the Engineer's Report submitted to the Board.

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

Commissioner Anderson moved to approve the speed limit revision pursuant to the Engineer's Report as presented by Mr. Flude. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution to be provided by Staff at a Later Date)**

2. **Public Hearing – Consideration of Speed Limit Revision on County Roads known as Matzdorf Street, No. 12100, and Lexington Avenue, No. 12130.**

Mr. Flude explained the Engineer's report relative to this speed limit revision..

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

Chairman Hart moved to approve the speed limit revision pursuant to the Engineer's Report as explained by Mr. Flude. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution to be provided by Staff at a Later Date)**

(Resolution will be provided by Staff at a Later Date)

3. **Overview and Signature – Coordinated Prevention Grant from the Department of Ecology re: Support of Moderate Risk Waste Facility and Waste Reduction and Recycling Education.**

Robin LaRue, Solid Waste Manager, reviewed the specifics of a Coordinated Prevention Grant from the Department of Ecology, which will partially fund solid waste management plans for the County. The Grant supports the Moderate Risk Waste Facility and Waste Reduction and Recycling Education. The amount of the Grant is \$228,278, and the effective dates are from January 1, 1998 to December 31, 1998. Mr. LaRue explained that the county's share of approximately \$150,000 is included in this year's budget.

Commissioner Wolden moved to approve the Coordinated Prevention Grant Agreement from the Department of Ecology as presented by Mr. LaRue. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. 03841)**

4. **Resolutions Establishing County Road Projects:**

- A. **Prairie Road, No. ES50000-5.** Mr. Flude briefly detailed the Prairie Road Project for an estimated cost of \$1,000,000. Commissioner Wolden moved to approve the Resolution as presented by Staff. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 16887)**
- B. **Guemes Ferry Parking Lot, No. FE8-30-1.** Mr. Flude explained the Guemes Ferry Parking Lot project, which is estimated at a cost of \$200,000. Commissioner Hart moved to approve the project as presented by Staff. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 16888)**
- C. **Bennett Road, No. ESSS971-2.** Mr. Flude explained the intersection at Bennett Road and Memorial Highway project. Commissioner Wolden moved to approve the Resolution in the amount of \$71,000. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 16889)**

- D. Lake Cavanaugh Road, No. ESSP981-1. Mr. Flude described the details of this project. Commissioner Wolden moved to approve the Lake Cavanaugh Road project in the amount of \$100,000. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 16890)**
- E. Cape Horn Road, No. ESMC971-3. Mr. Flude briefly explained the project on Cape Horn Road. Commissioner Anderson moved to approve the Resolution for the Cape Horn Road Project in the amount of \$60,000. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 16891)**
- F. Farm-to-Market Road, No. ES31010-2. Mr. Flude described the details of the project on Farm-to-Market Road for \$1.675 million. Commissioner Hart moved to approve the road project on Farm-to-Market Road. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 16892)**
- G. Lake View Boulevard, No. ESMC981-1. Mr. Flude explained the project involving Lake View Boulevard at an estimated cost of \$50,000. Commissioner Anderson moved to approve the project for Lake View Boulevard. Chairman Hart seconded the motion, which passed unanimously. **(Resolution No. 16893)**

5. Resolution Establishing County Road Project Asphalt Overlays No. ESQ0981-1: Havekost Road (No. 1021); Discovery Drive (No. 3225); Gull Road (No. 3221); Hilynn Drive (No. 3229); Obstruction Drive (No. 3236); Maple Crest Drive (No. 3002); Marlee Drive (No. 3238); Wedge Wood Drive (No. 3153); Putter Circle (No. 3158); Birdie Lane (No. 3156); Par Four (No. 3148); Fifth Tee Lane (No. 3152); Eagle Drive (No. 3151); McLean Road (No. 4400); and Higgins Airport Way (No. 3115).

Mr. Flude described the \$912,000 asphalt overlay project for 1998. Commissioner Hart moved to approve the Resolution establishing the County Road Asphalt Overlay Projects for 1998. Commissioner Wolden seconded the motion, which passed unanimously. **(Resolution No. 16894)**

6. Resolution Establishing County Road Project 1998 Guardrail Program ES53540-2: Alger Cain Lake Road (No. 5354); Francis Road (No. 7900); South Del Mar Road (No. 1067); Fidalgo Bay Road (No. 1471); South Skagit Highway (No. 0700); Rockport Cascade Road (No. 0870); Grip Road (No. 6600); and LaConner-Whitney Road (No. 4241).

Mr. Flude explained the 1998 Guardrail Program, which is an estimated cost of \$200,000. Commissioner Wolden moved to approve the Guardrail Program as presented. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. 16895)**

7. Submittal: Preliminary Rural Arterial Program Prospectus 1999-2001.

Mr. Flude reviewed the road segments to be submitted to the County Road Administration Board for consideration under the Preliminary Rural Arterial Program. These projects are included in the Six-Year Transportation Plan and include Cook Road and Kelleher Road.

A discussion ensued on the funding probabilities for these projects. Dave Baltz, Engineering, discussed the funding variables.

8. Overview: WSACE Professional Development Conference.

Mr. Flude gave a brief overview of his attendance at a professional development seminar sponsored by County Road Administration Board. He gave a brief synopsis of the seminar, which had an overall purpose to clarify the WSACE strategic direction while enhancing individual, team, and organizational effectiveness in carrying out the WSACE mission.

9. Miscellaneous.

- A. Ed Hawes, Engineering, stated that he attended the Central Puget Sound Endangered Species Act forum, to discuss the proposal to list the Chinook Salmon as a threatened species. One item that is clear is that Puget Sound, the Skagit and Sauk Rivers will be considered essential habitat for Chinook Salmon. From the time listing is announced until the actual ruling is made, which is estimated to be 12-18 months, any local citizen can add comment to the record. Mr. Hawes reported that the Tri-County area is going to jointly collaborate on a habitat conservation plan. Mr. Hawes advised that there are 3-4 sections of the endangered species act that are pertinent, and he discussed the relevancy of these sections to Skagit County.

The Board briefly discussed the ramifications of the Chinook Salmon being listed as an endangered species. They indicated that it is highly critical for the County to remain active in these committees. They cautioned that the County, as a leader in habitat preservation, must be careful not to pick up the majority of costs for these studies. Commissioner Wolden noted the need to bring individuals to Skagit County to see our programs and our fish habitat work.

2. Dave Brookings, Public Works Administrator, presented a Consultant Agreement with Kennedy Jenks for provide consultant work regarding existing underground fuel facilities, with compensation not to exceed \$25,000. Commissioner Anderson moved to approve the Agreement as presented by Mr. Brookings. Commissioner Wolden seconded the motion, which passed unanimously. (Contract No. 03842)

PLANNING & PERMIT CENTER – Roxanne Michael & Tom Karsh, Co-Directors.

1. Update on Citizens Advisory Committees.

Tom Karsh, Co-Director, stated that it is the final week of the Citizen Advisory Committee process for those working on updating the Development Code, and, consequently, it is crunch time. There have been six weeks of deliberations and proposed code changes. There are approximately 60 advisory committee members working on various aspects of the Development Code. Mr. Karsh advised that according to the Resolution set by this Board which set the process in motion, the committees had until February 20 to have any final code changes submitted and until February 27 to complete their deliberations and produce a work product. This work product would include not only a revised draft code, but copies of all minutes of previous meetings with all of the proposed code change forms, including those that were not approved. Mr. Karsh advised that there is a wide range of status of progress among the committees. Some have completed their work and some are requesting more time. Mr. Karsh stated that from the Staff standpoint, it is not a problem to extend the completion time, but meeting subsequent deadlines will then be a problem.

A discussion ensued on the process of the Citizen Advisory Committees' work. He indicated that the Board may have been contacted by individual committee members who are requesting additional time to complete their tasks. He explained that the CAC process has been valuable and the committee members have improved the Development Code. He further indicated that he would enjoy giving them as much time as they would like, but there are time constraints.

Chairman Hart stated that these recommendations forthcoming from the CAC's will be going to the Planning Commission. He indicated that he sees no reason to delay the process by granting an extension.

Commissioner Wolden noted that the land use committee should complete their input by the February 27 date and adhere to the timeline.

Chairman Hart stated that a commitment has been made to the public to have the CaRD ordinance reviewed by the Planning Commission at the earliest possible date. All the proposals and work sheets should be reviewed and sent forward to the Planning Commission.

Commissioner Anderson stated that the success or failure of the Comprehensive Plan hinges on this CARD ordinance, and that there have been many promises made to citizens in this regard. This is one of the most

complex issues. He stated that his fear is that on this committee there are many people with expertise, and he wants to make sure that whatever product we come out with is one that will back-up our intent. He indicated that he does not want to go through the process this time, send it on to the Planning Commission, and have it come back in bits and pieces.

Chairman Hart stated that when the Board receives this information from the CAC's, the Board can make some recommendations to the Planning Commission for clarification.

Commissioner Wolden reiterated and he would like to see this move on and the timelines met. He stated that he would like to see the Planning Commission and CAC have some joint study sessions to discuss these important items. He stated that there are some windows of time open to take care of these items and still meet our deadline. He stated the need to move things along and adhere to the timelines previously set.

Commissioner Anderson stated the CaRD ordinance is the most critical part of the Comprehensive Plan, in his opinion.

2. Miscellaneous.

A. *Jim Cahill, Senior Resource Planner, gave a brief update of the Planning Commission activities including review of amendments to the Critical Areas Ordinance. He stated that a recorded motion should be forthcoming from the Planning Commission in approximately 2-1/2 weeks. He gave a brief overview of several of the changes that he anticipates will be made to the Ordinance.*

B. *Mr. Cahill requested direction from the Board regarding an application for a Coastal Zone Management Grant for the purpose of producing a regional stormwater management program and inventory of built surface water systems in the Samish Watershed. He explained that the total grant is \$60,000 - \$80,000, of which a match would be required of approximately \$20,000. Upon query from Chairman Hart, Mr. Cahill advised that the Conservation District has taken the lead in requesting this grant.*

Commissioner Anderson expressed his dismay at being asked to approve these types of applications without time to review them in detail.

Mr. Karsh explained that this is only the application, and that a grant agreement would have to be signed by the Board before any matching funds could be committed.

Commissioner Anderson stated that the Board has never heard of this or seen the document, and that it is unfair to bring it before the Board on television without any prior review.

Chairman Hart indicated that he also has a problem approving such an application without prior review.

After brief discussion, Commissioner Wolden moved for approval to proceed with the application for the aforementioned grant. The motion was seconded by Chairman Hart. The motion passed, with Commissioners Hart and Wolden voting in the affirmative, and Commissioner Anderson voting "nay."

DISCUSSION – OPENING COUNTY HIRING PROCESS TO PUBLIC VIEW.

Stedem Wood, Skagit Valley Herald, detailed the advantages of opening the hiring and job search process to public view. He stated that the Open Public Records Laws allow the Board to keep these matters private and out of the public view. However, he suggested that there are portions of the process that may be appropriate to allow public scrutiny. He stated that this request is relative to department heads and other positions dealing with public policy.

Commissioner Hart mentioned that the Board does not want to discourage good people from applying for jobs due to the scrutiny of the news media.

Mr. Wood countered that if the County has an open process, it will to get candidates who are serious about taking the job.

Greg Lam, City Editor of the Skagit Valley Herald, stated that the newspaper is an advocate for open government and open public records. He stated that they asked to see the list of people who applied for the Conservation Futures Program Directorship as such a person would be spending taxpayer money, and therefore, the public should be involved in the process. He stated that there are several benefits including that the public has a chance to scrutinize the individuals involved and can therefore avoid misconceptions. He indicated that such a process will make decisionmakers accountable to the public. He reiterated Mr. Wood's comments stating that the law allows the Board to keep the searches out of public scrutiny, but it is not a requirement of the law to do so.

Chairman Hart briefly discussed the previous perceptions of the public regarding hiring policies. He stated that *many qualified individuals will not run for public office because of the requirements of public disclosure.*

Mr. Wood stated that it is the public who is hiring these people, and they have every right to know who the candidates are.

Chairman Hart explained to Mr. Wood that in the case of the Conservation Futures Directorship, the process was completely done by a group of private citizens. Consequently, there were no elected officials or County Staff on the hiring committee.

Mr. Lam indicated that the public would only be interested in the finalists for the position, not the initial list of applicants.

Commissioner Anderson stated that the more that is opened to the public, the better.

A brief discussion ensued.

Stephanie Wood, Personnel Director, disagreed with the representation that the Open Public Records Act allows for the review of these documents. She listed some examples of items that are exempt from public view. She expressed concern for those applicants who possibly have not informed their current employer that they are involved in a job search. She stated that when looking for a department head, 99% of the people who apply are currently employed, and the County is effectively "stealing" them away from their employer. She cautioned that *there will be potential applicants who will not apply for County jobs if they know their name will be released to the news media.* Further, a potential applicant may be persuaded by his employer to stay at his current place of employment given advance notice that the employee is involved in a job search.

Ms. Wood stated that she does not disagree that we could release the names of candidates. She is concerned that items that the paper might discover in an applicant's background may cause the County to be liable for litigation if the applicant feels that we did not give them the job because of items the newspaper divulged to the public.

Commissioner Anderson stated that the government belongs to the public, so anytime you can come up a proposal such as this, it can be made to be workable. He expressed his concern for privacy laws, and suggested that perhaps private citizens could be involved in the hiring process.

Mike Woodmansee, County Administrator, indicated that he could see this involving department head level positions, only the top 3-5 candidates, and advising them prior to submitting an application. He further indicated that the County could try this on a trial basis, and see how it worked.

John Moffat, Chief Civil Deputy, made a couple of observations in this regard. He stated that besides the Open Records Statute there is also the Open Public Meetings Action, which has an exemption for Personnel matters called an Executive Session. That protection is about keeping these types of issues relating to employment confidential. There are also other statutes that afford this type of protection such as the Americans with Disabilities Act. He further related the process in 1991 when hiring a Public Works Director, that an open meeting was held to allow applicants to give statements and answer questions from the public. He stated that there is precedent that the process has been opened in the past. Mr. Moffat expressed concern about information getting out that might result in some liability to the County for improper release of information. He cautioned that if the Board chooses to open up the process, applicants must be explicitly informed about what information will be

released, as such an applicant would be essentially signing away his rights. There must be no misunderstanding at the outset what the process will be and what scrutiny the applicant will be under.

Chairman Hart stated that before we can go any further with this request, we need to look at opening the process up, but need a committee to make recommendations on what the exact policy will be.

Mr. Wood confirmed that it would be beneficial to have a definite policy. He indicated that he just wanted to open the discussion and have a chance to explain the newspaper's position.

A discussion ensued on the employment levels this would include. Chairman Hart expressed the need to identify positions that have a high public profile that should be included in the process.

SENIOR SERVICES DEPARTMENT CUSTOMER SERVICE PLAN.

Ric Boge, Training Administrator, reviewed the history of the County's Customer Service Program. He commended the Senior Services Department on the fantastic job they have done in putting together an action plan for their customer service objectives. Their overall rating is 3.64 out of a possible 4.

Tim Holloran, Senior Services Director, gave an overview of the procedures followed to develop a customer service action plan for their department. In this regard, he reviewed the Department's mission statement.

Ellen Broom, Senior Center Coordinator in Sedro Woolley, reviewed some of the action items specific to the Senior Center.

Wendy Weyer, Senior Nutrition Director, reviewed the primary areas where the Nutrition Program will implement their action steps. She stated that Volunteers are the backbone of the Senior Nutrition Meals-on-Wheels program. It is expected that the volunteers will serve over 100,000 meals in Skagit County in 1998. She also gave an update on the Central Kitchen project. She invited the Board to visit a Senior Center during March, which is National Nutrition Month, and sample the food that is served.

Mr. Holloran stated that the strength of the program is with the lean staff and the volunteers who participate in the many programs of Senior Services.

MISCELLANEOUS.

Staff presented four Out-of-State Travel Requests for county employees to attend the SFG International User Conference in Vancouver, B.C., Canada, for March 12-14. These are as follows: Chris Stamey for a total of \$515, Alicia Huschka for a total of \$435, Karen Radcliffe for a total of \$540, and Mike Woodmansee for a total of \$210. Commissioner Wolden moved to approve the Out-of-State Travel Requests as presented by Staff. Commissioner Anderson seconded the motion, which passed unanimously. **(APPROVED)**

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Robert Hart, Chairman

Ted W Anderson

Ted W. Anderson, Commissioner

Harvey Wolden

Harvey Wolden, Commissioner

ATTEST:

Patti J. Chambers

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