

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, February 14, 2000**

9:30 a.m. – 10:00 a.m. Deliberation and Decision – Appeal by Don Clark of the Hearing Examiner's Decision re: an Administrative Interpretation on Conditional Use Permit #170 re: Clark's Skagit River Campground (PL99-0690).

**CONSENT AGENDA
MISCELLANEOUS.**

*T 11:30 a.m. – Noon Proclamation – FFA Week in Skagit County, February 14-18, 2000.

The Skagit County Board of Commissioners met in regular session on Monday, February 14, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

DELIBERATION AND DECISION – APPEAL BY DON CLARK OF THE HEARING EXAMINER'S DECISION RE: AN ADMINISTRATIVE INTERPRETATION ON CONDITIONAL USE PERMIT #170 RE: CLARK'S SKAGIT RIVER CAMPGROUND (PL99-0690)

Commissioner Anderson was not present for this agenda item as he had recused himself due to a perceived conflict of interest alleged by one of the parties.

Commissioner Hart stated that he had reviewed the files concerning this appeal, and went back to review what was actually requested on Conditional Use Permit No. 170. After this review, and analysis of the Noble Manor case, Commissioner Hart indicated that, in his opinion, both the Administrative Official's Decision and the Hearing Examiner's Decision were correct. He made a motion to uphold the Hearing Examiner's decision.

Chairman Wolden indicated that he would not second Commissioner Hart's motion as he disagreed with his analysis. He moved to make the Board's own findings, coming up with a better determination with more clarity than the Administrative Official or Hearing Examiner had written. Chairman Wolden stated that it is difficult to tell just exactly what the Clark's might have or may have when they get ready to move forward. He emphasized the need to add more certainty to the decision.

Commissioner Hart responded that he would not second Chairman Wolden's motion. He reviewed that the question boils down to whether the Clark's must go through the normal permit process, including building permit applications, SEPA, Critical Area Ordinance checklist, among others. He reiterated again that he did not believe that the Hearing Examiner erred in his decision.

Chairman Wolden commented that the Clark's have been involved in this process since 1973, and that he felt they could not proceed without some detailed help rather than constant changes and roadblocks. He stated that perhaps it is time to take this to a higher level for a determination. He stated that he could not support the Hearing Examiner's decision, as he believed that Conditional Use Permit No. 170 is still valid, but that the detail is something that needs more exploration. Chairman Wolden suggested that if an agreement cannot be reached, the Hearing Examiner's decision would stand.

Commissioner Hart asked that if the decision today is a "no decision," how should that be noted, and should the facts be detailed in a Resolution.

Hilary Thomas, Civil Deputy, explained that there needs to be something put in the record showing that the Commissioners could not agree, and consequently, that the Hearing Examiner's decision would stand, and can be appealed to Superior Court. She suggested that such a course of action should be set forth in a Resolution so there is the ability to pursue other courses of action available to the appellant. She indicated that she would

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prepare such a Resolution and bring it back to the Board for their approval, acknowledging that no decision was made.

Commissioner Wolden moved to put into writing that there was no decision in this matter, and that the Clark's are therefore able to appeal and proceed as they desire. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Resolution No. 17762)**

CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for Monday, February 14, 2000. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, February 7, 2000.
2. Record of the Proceedings for Tuesday, February 8, 2000.
3. Amendment No. 1 to a Memorandum of Agreement with the Humane Society of Skagit Valley adding scope of work wherein the Humane Society will process applications for exotic and/or wild animal permits and will act to protect and address complaints regarding exotic and/or wild animals. The month payment of \$3,000 will be increased to \$4,500 per month effective January 1, 2000. Other specific language changes are also included in the amendment. **(Contract No. 04260)**

ADMINISTRATIVE SERVICES:

4. Advertising Agreement with the Skagit Valley Herald for placement of personnel advertisements on Saturdays in the Skagit Valley Herald for the period December 1, 1999 through November 30, 2000. Compensation is not to exceed \$3,470. **(Contract No. 04755)**

SENIOR SERVICES:

5. Rental Agreement with the Saturday Community Market Association for the property commonly known as 153 Railroad Avenue, Concrete. The term of the agreement is May 13, 2000 through September 2, 2000, for a total rental amount of \$255. **(Contract No. 04756)**
6. Contract for the Provision of Senior Services with the City of Sedro Woolley for the period January 1, 2000 through December 31, 2000. The City will pay the County \$15,118 for the provision of these services. **(Contract No. 04757)**

INFORMATION SERVICES:

7. Interlocal Cooperative Agreement with the Office of the Administrator for the Courts for reimbursement for FY2000 and FY2001 Expanded Jury Source List Project. The term of the Agreement is from July 1, 1999 through June 30, 2001, with the maximum reimbursement for each fiscal year set at \$1,200. **(Contract No. 04758)**

FACILITIES MANAGEMENT:

8. Amendment "B" to an Agreement with Kennedy/Jenks Consultants adding services in Construction Administration of the Contract beyond the Contract time. These services include inspections and coordination of project activities. Additional compensation shall not exceed \$27,500 for these services. In addition, Contractor will prepare design and construction bid documents, cost estimates and provide construction administration services for the installation of road oil tanks at the Public Works Road

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Maintenance Facility at Burlington. Total compensation for this work shall not exceed \$20,000.
(Contract No. 03842)

HUMAN SERVICES:

9. Interagency Agreement with the High Intensity Drug Trafficking Area/Division of Alcohol & Substance Abuse for the period January 1, 2000 through December 31, 2000. The total amount of \$30,000 is continuance of Federal money for support of the County Prevention North 26th Street Neighborhood Outreach project. **(Contract No. 04759)**

HEALTH DEPARTMENT:

10. Addendum to Interlocal Agreement for Payment of a Contract with John Wilson, adding that the County agrees to pay half of the cost of a Cultural Resources Study required under USDA Rural Development rules, up to a maximum of \$1,500. P.U.D. No. 1 agrees to reimburse to the County its half of the cost of the Cultural Resources Study in the event that a Local Utility District is formed for Marblemount. **(Contract No. 04576)**
11. Amendment No. 1 to Agreement with Beverly Conn extending the date of termination of the contract to March 31, 2000 and adding \$5,000 to the contract amount for a total maximum of \$8,000. Ms. Conn provides Medicaid Outreach. **(Contract No. 04674)**
12. Out-of-State Travel Request for Kay Van Stralen to attend the 10th North American Syringe Exchange Convention in Portland, Oregon, April 27-29, 2000, for a total cost of \$182.61. **(Approved)**
13. Guest Speaker Contract with Art Hayward for a presentation "Personal Perspectives on HIV/AIDS" for a fee of \$25. **(Contract No. 04760)**

PUBLIC DEFENDER'S OFFICE:

14. Personal Services Agreement with Paula Plumer, Attorney at Law, to handle a district court caseload not to exceed 50 cases per month for compensation of \$3,200 per month. The contract begins January 1, 2000 and will continue until terminated. **(Contract No. 04761)**

PARKS, RECREATION & FAIR:

15. Resolution establishing a \$500 Revolving Fund for the Skagit County Fair Recreation Show. **(Resolution No. 17763)**
16. Resolution establishing a \$500 Revolving Fund for the Skagit County Fair Spring Kid's Festival. **(Resolution No. 17764)**
17. Resolution establishing \$35,000 revolving fund for the Skagit County Fair. **(Resolution No. 17765)**
18. Resolution establishing a \$1,000 revolving fund for the Skagit County Fair Haunted Cave. **(Resolution No. 17766)**

PLANNING & PERMIT CENTER:

19. Development Agreement among the City of Mount Vernon, Paul Hagman – Dimensional Communications and Skagit County for a proposed commercial/limited industrial development within the City's urban growth area and within Skagit County located on Anderson Road. **(Contract No. 04762)**

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PUBLIC WORKS DEPARTMENT:

20. Out-of-State Travel Requests for Susan Esary and Trisha Logue to attend the Annual SFG User Conference in Vancouver, B.C. from March 26 through March 30, for a total cost each of \$666. **(Approved)**
21. Ordinance amending Skagit County Ordinance No. 17698 Creating Skagit County Lake Management District No. 2 for Lake McMurray. The amendment includes a map of Lake Management No. 2- Lake McMurray boundaries and will document the history behind the creation of the district. **(Ordinance No. 17767)**
22. Resolution Calling for Public Hearing regarding the proposed special assessment roll, rates, and charges for proposed treatment of Lake McMurray with Sonar Herbicide for the eradication of watermilfoil for Skagit County Lake Management District No. 2 – Lake McMurray. The public hearing is set for March 13, 2000, at 10:30 a.m. **(Resolution No. 17768)**
23. FCAAP Grant Agreement No. G0000217 with the State Department of Ecology – Skagit River Comprehensive Flood Hazard Management Plan – Phase 2. The state grant share for this biennium is \$225,000, with a local share of \$75,000. The biennium includes 1999 through 2000. **(Contract No. 04763)**
24. Supplement No. 3 to Agreement with Graham Bunting & Associates for Environmental Reconnaissance Studies – Farm to Market Road, to extend the time to complete the studies until December 31, 2000. There is no change in the compensation amount. **(Contract No. 04015)**
25. Supplement No. 2 to Professional Services Agreement with Anatek Labs changing the appropriate GL Code and adding additional analyses to be performed at the rates established in the original contract. Anatek Labs provides for analyses of water samples collected in the Samish Bay watershed by staff of the Public Works Department. The total amount of the contract is \$50,000, with costs for this contract being 75% reimbursable from the Centennial Clean Water Fund Grant. **(Contract No. 04441)**

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, February 14, 2000, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Payroll warrants numbered 47440 through 48195 in the total dollar amount of \$761,829.81 (Transmittal No. P-05-2000);

Payroll warrants numbered 952656 through 952713 in the total dollar amount of \$68,762.86 (Transmittal No. P-06-00); and

Warrants numbered 63336 through 63758 from Clearing Fund 696 in the total dollar amount of \$995,774.91 (Transmittal No. C-12-00).

2. Robin LaRue, Public Works Department, reviewed a letter received from the Washington State Department of Transportation expressing concern about federally funded transportation monies not being obligated as quickly as in the past. He stated that the money is not being turned back, but that the funding is simply not

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being utilized. A discussion ensued regarding the uncertainty of the Endangered Species Act and other regulations which may be stumbling blocks to utilization of such funding.

3. Mr. LaRue reviewed with the Board a listing of standing committees for House of Representatives.
4. Stephanie Wood, Personnel Director, reviewed with the Board a Resolution clarifying issues regarding exempt employees and their ability to earn overtime during emergencies. She stated that she had drafted a clarifying resolution that Mike Woodmansee, County Administrator, had reviewed that would allow such employees to accrue overtime above what would be expected during their normal job.

Commissioner Hart stated that such pay would be for something extraordinary beyond the employee's job description, such as during a flood event or other emergency.

Ms. Wood clarified that the employee would be under the direction of an emergency response team, and that such increased wages would be paid from their own home department. She stated that the overtime language was copied from the current AFSCME contract. Upon query from Commissioner Anderson, a discussion ensued regarding comp time for such work, and the ability to collect overtime and take comp time for the same event.

Commissioner Anderson indicated the need to qualify that if the employee works overtime, comp time would not be an option in addition to the overtime pay.

A discussion ensued on the possibility for abuse and the resultant lack of tolerance by the Board for such abuse.

Ms. Wood stated that she would re-write the ordinance adding language that overtime is not available if comp time is given in lieu of the extra time spent working during a declared emergency. She added that comp time is not available for exempt employees.

5. Alicia Huschka, Budget Director, presented a Resolution to the Board for their consideration appointing the Director of Budget and Finance for the purpose of designating certain expenditures for reimbursement from bonds to be issued in the future. She briefly explained the bond issuance process relating to economic development projects.

Commissioner Anderson asked if this would allow the County to be reimbursed for administrative costs incurred for the benefit of these economic development projects. He indicated that the primary beneficiaries of this program are the cities, and that the County is doing all of the administrative preparations.

Ms. Huschka acknowledged that the development of the agreements would take a tremendous amount of time, as well as the preparation of the bond documents. She stated that she would look into the possibility of reimbursement to the County for such administrative duties.

Commissioner Hart moved to approve the Resolution as presented by Ms. Huschka. The motion was seconded by Commissioner Anderson, and passed unanimously. **(Resolution No. 17769)**

6. Staff presented a Resolution that would effectuate the transfer of computer equipment to the Anacortes Housing Authority. Chairman Wolden moved to approve the Resolution as presented, and Commissioner Hart seconded the motion. The motion carried unanimously. **(Resolution No. 17770)**
7. On behalf of the Planning Department, Staff presented a Resolution Regarding Appeal No. PL99-0700 of Findings and Conclusions of Law and Order made by the Skagit County Hearing Examiner Concerning an Administrative Interpretation requested by Mr. Randy Previs (PL98-0400). The Board had previously voted to uphold the Hearing Examiner's findings at the closed record appeal held on February 2, 2000. The Board signed the Resolution as presented by Staff. **(Resolution No. 17771)**

PROCLAMATION – FFA WEEK IN SKAGIT COUNTY, FEBRUARY 14-18, 2000.

Commissioner Anderson read the Proclamation of FFA Week in Skagit County, February 14-18, 2000.

Members of the Mount Vernon FFA Chapter discussed their various activities.

ADJOURNMENT.

Chairman Wolden made a motion to adjourn the proceedings. Commissioner Anderson 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