

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, November 21, 2000**

7:30 a.m. – 8:00 a.m.	Commissioners' Staff Meeting.
8:00 a.m. – 8:30 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.
8:30 a.m. – 9:00 a.m.	Work Session – Planning & Permit Center Work Program.
9:00 a.m. – 10:00 a.m.	Public Hearing – To Consider Testimony regarding the Adoption of a revised Schedule of Charges proposed by the Skagit County Health Department.
10:00 a.m. – 10:30 a.m.	Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Tuesday, November 21, 2000, with Commissioners Harvey Wolden, Ted W. Anderson, and Robert Hart present.

**PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING THE ADOPTION OF A REVISED SCHEDULE OF CHARGES PROPOSED BY THE SKAGIT COUNTY HEALTH DEPARTMENT.**

Peter Browning, Health Department Director, advised that most of the changes proposed to the Schedule of Charges are small and contain clarifications of existing fees. He reviewed the particulars of the proposed changes.

Ken Willis, Environmental Health Supervisor, explained the clarification of the solid waste violation being separated from the illegal dumping violation.

Commissioner Hart clarified with Mr. Willis that the illegal dumping fine is now separated from the solid waste violation fine. The fines are, however, are set at the same amount, \$250.

Commissioner Anderson asked about the increase in state supplied vaccines going from \$10 to \$15. Mr. Browning reported that the increase is consistent with the jump in Medicaid, and is driven by the increased cost of such vaccines. Mr. Browning stated that the Department would have the right to charge less than the \$15 amount, which is the case for flu shots.

Mr. Browning reviewed the increases in nursing care, noting that the purpose is to recover via the fee schedule those charges applicable to the Best PLACE Program where the Department is performing education and consulting tasks.

Chairman Wolden then opened the public hearing for testimony.

Ed Little, 4506 San Juan Avenue, Anacortes, stated that he had not seen a copy of the proposed changes to any wording, but was recently charged with an illegal dumping offense and would like to have a look at the wording and, if possible, to comment on the language of the proposal before the Board.

Chairman Wolden clarified that today's public hearing dealt specifically with the fee schedule and did not involve changes to the Solid Waste Code. He shared his copy of the fee schedule with Mr. Little for his perusal.

Mr. Little commented briefly on the code, stating that as written, authority is given to the Health Officer or his representatives, who can act with their own discretion. He stated that the powers given to such

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individuals are rather excessive. He also commented that it is discretionary for staff to personally contact the alleged "violation" before taking any legal action or for fines to be imposed. Consequently, the powers given these individuals are totally arbitrary and makes the Health Officer the Judge, Jury and Executioner. He asked that the Board address this problem, among others too numerous to detail.

Chairman Wolden suggested that Mr. Little put his concerns in writing to the Health Officer and the Board of Health for their scrutiny.

John Zylstra, Skagit Soils, stated that his main concern is the fact that the State Department of Ecology has become overburdened with problems that they pass down to the local Health Departments, which gives such local Health Departments too much power. He reviewed the difficulties pertinent to his own particular business and the sums of money he has spent in compliance matters. He stated that it is easy for staff to require more than what is necessary, without considering the cost of doing business.

Norm Dahlstedt, 13048 Farm-to-Market Road, spoke to the solid waste fees and fines being discretionary among staff. He emphasized that the original mission statement of the Skagit County Health Department is to protect the health of the people of Skagit County, but levying fines on environmental issues by Staff who are unqualified, unprofessional and irresponsible is not acceptable. He asked that the solid waste part of the fees be deleted. He stated that the imposition of such fines gives far more power to these individuals than to law enforcement personnel.

Mr. Little spoke again regarding the portion of the solid waste code, section 12.16.360 were the Health Officer or his designee may enter or inspect any property, premises or place at any reasonable time. He suggested that additional language should be added to ask permission of the owner to enter upon the premises to complete the inspection.

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

Chairman Wolden commented on his understanding of the plight of those under health inspection scrutiny, relating to his years as a dairy farmer. He stated that there is a definite benefit to the community performed by composters and recyclers, and it should be the mission of the Health Department to assist rather than deny activities. He stated that anyone fined in the normal course of business by the Health Department has the right to appeal the fine to the Board of Health.

Commissioner Hart stated that he has no problem with the fee schedule, but thought that it would be appropriate for this Board or the new Board to have a work session to look at what our code says in this regard. Further, the State Department of Ecology and State Health Department requirements need to be reviewed, together with training and guidance for the Staff so that everyone handles such items in a professional manner. He stated that as the Board of Health, we need to come to an understanding on the best way to proceed, and what code language needs to be changed or corrected. He commented on the need for improved customer service, and the lack of interaction with those falling under the auspices of the Solid Waste Code. He commented that currently the County Health Officer has more power than the County Commissioners or Superior Court Judges. He stated that he would like to see a work session scheduled to discuss these matters in more detail.

Commissioner Anderson spoke to the need to define "illegal dumping" because it is somewhat confusing to the general public. He stated that the problem is not so much the fees, but the County Codes. He indicated that oftentimes it is not what you say to an individual, but how it is said. He commented that the composters provide a valuable service to the County, and concurred with Commissioner Hart's comments in this regard. He stated that the County can adopt our own standards and not adopt the State standards. He suggested going back and scrutinizing the code, addressing the differences among businesses and individuals, adding language that will recognize the differences in situations. Commissioner Anderson

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stressed the need to develop an attitude to assure public health, safety and welfare, but not at the expense of businesses.

Chairman Wolden added that the problem seems to be how we administer the Code, and that Staff needs to say "how can we help" rather than "how can we hinder." He commented that the composters want to be a part of the solution, not a problem.

Commissioner Hart moved to approve the Resolution to update the Skagit County Health Department Schedule of Charges applicable to Environmental Health, Outside Lab and Nursing effective January 1, 2001. Commissioner Anderson seconded the motion, with the caveat that he wants the major illegal dumping separated out from the solid waste issues, and reiterated the need to set up a work session to discuss this matter in greater detail with the Board. The motion passed with a unanimous vote.

**(Resolution No. 18068)**

**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**

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Harvey Wolden, Chairman

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Robert Hart, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

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