

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
MONDAY, JANUARY 28, 2002**

8:30 a.m. – 9:30 a.m.	Work Session – County Administrator
10:00 a.m. – 11:00 a.m.	Department Head Meeting
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items
11:30 a.m. – 12:00 p.m.	Approval of 2001 Personal Property Tax Write-Offs
1:30 p.m. – 2:00 p.m.	<u>Planning & Permit Center – Tom Karsh, Director</u> <ol style="list-style-type: none">1. Signature – Ordinance Adopting a Map and Text relating to Open Spaces and Greenbelts2. Signature – An Interim Ordinance establishing Interim Controls on RMI-Designated Properties, Imposing Interim Controls on Certain Properties within the Big Lake Rural Village, Restricting Application for CaRD Open Space Designation Pursuant to SCC 14.18.310, Restoring the Lot Aggregation Provisions of Former SCC 14.04.190(5)(3) and Restricting County Action on Comprehensive Plan Amendments3. Miscellaneous
2:00 p.m. – 4:00 p.m.	Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Monday, January 28, 2002, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

DEPARTMENT HEAD MEETING:

Chairman Munks spoke to the audience about unfunded mandates. Unfunded mandates are programs that are set up by the State and then mandated to be carried out by the Counties. Usually, once the program is in place, the State quits funding them. This leaves the County without any money to deal with them. They effect most of the County departments one way or another. Chairman Munks said the State needs to begin funding them again as they agreed to do so in the beginning. He asked the department heads to begin identifying the unfunded mandates, starting with the most important ones. Several counties have put together programs of their own. Brad Whaley, Budget Director, has been assigned to be the point man for the project. He will be contacting Yakima and Kittitas Counties to obtain examples of what procedures they have chosen to follow.

Nancy Brown, Youth & Family Services Director, asked what the timeline would be for this request.

Chairman Munks said he would like to see a list as quickly as possible due to the fact that the legislature is now in session. The most important thing to look at is being able to justify what is being considered and making sure the information is accurate.

Commissioner Anderson remarked that when the BECCA Bill was first introduced, it affected every department. Skagit County actually sued the State of Washington over the bill and received a rebate of about \$125,000. That was a classic example of an unfunded mandate.

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Roy Atwood, County Administrator, said he would be in Olympia this week for the Washington State Association of Counties Conference. If any department has an item they would like to address, please contact him and it will be added to the list of concerns the Board will be talking to the legislative officials about.

Mr. Whaley next discussed the questions that have arisen regarding County job vacancies. The current proposal is to have a 90-day hiring freeze, which would give the departments time to address whether or not the position could be absorbed within the department or if it needs to be posted as a vacancy. It is not known at this time if the proposal will be permanent. Mr. Whaley will be sending out a memo asking for volunteers for the review committee.

Chairman Munks said the Board does not want to micromanage each of the departments, however, each department needs to sit back and take a look at the job vacancy and to make a decision on whether or not it needs to be filled.. Key positions will be handled differently.

Mike Almvig, Information Services Manager, asked the Board to formalize the layout of the particular hiring timeframe. He also asked if there are other creative ways to bring down costs due to the budget crunch. If departments could find other ways to resolve the County's financial problems, it might alleviate the need for job cuts.

The Board said they would be open to all ideas.

Commissioner Dahlstedt said we need to live with the initiatives that have been passed but we also need to take a look at the future. Revenues could be increased through higher taxes or by applying user fees, however, this would not sit well with the voting public who supported the initiatives.

The State is now looking at legalizing gambling, with certain exceptions. It would raise a lot of money but there are many moral issues that surround that kind of a decision.

Norma Brummett, Auditor, asked why the County doesn't charge for business licenses when the cities chose to do so. Perhaps it is a revenue source worth looking in to.

CONSENT AGENDA:

Commissioner Dahlstedt motioned to approve items 1 through 29 on the Consent Agenda. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, January 22, 2002.
2. Resolution to approve sick leave transfer for Vera Sullivan. **(Resolution No. R20020026)**
3. Resolution authorizing the Interfund Loan to the Best PLACE Program Fund be extended until June 30, 2003, at which time it will be repaid to the Current Expense Fund. The maximum loan amount that was extended was \$500,000. **(Resolution No. R20020027)**
4. Resolution to partially rescind Resolution No. 15943, which would provide compensation for emergency overtime work. **(Resolution No. R20020028)**
5. Resolution to waive all County fees for the construction of a home being built by Larry Pride in Cascade River Park. **(Resolution No. R20020029)**

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6. Interlocal Agreement with the Skagit Conservation District for the purpose of coordinating on the development, implementation and maintenance of water quality programs in Skagit County and to assist the Skagit Conservation District with annual funding to offset costs incurred on maintaining water quality programs. The County shall compensate the District on a monthly basis, beginning January 1, 2002 through December 31, 2002 in the amount of \$7,291.67, not to exceed \$87,000 through the duration of the Agreement. **(Contract No. C20020024)**
7. Resolution to approve the diversion of road levy funds for traffic enforcement in the unincorporated areas of the County. **(Resolution No. R20020030)**

FACILITIES:

8. Vendor Services Agreement with Tower Pacific Construction to supply and install a fire rated door and all hardware in the entrance of the hallway, east of the reception area at the Prosecutor's office, Courthouse Annex. The Contract shall commence on February 1, 2002 and continue through December 31, 2002. The County will compensate the Contractor a total of \$2,280, not including sales tax. **(Contract No. C20020025)**
9. Amendment No. A to Personal Services Agreement **No. 05222** with Leonard, Boudinot & Skodje, Inc. As part of the civil engineering work for the proposed East County Community Resource Center Project in Concrete, WA., Leonard, Boudinot & Skodje, Inc. will provide environmental services related to an old heating oil underground storage tank that was not identified during a previous environmental site assessment and quantify cleanup costs that could be associated with residual contamination at the site. The Contractor will provide a horizontal topographic survey of a portion of the County's Transfer Station for the purpose of identifying a proposed lease area. They will also locate and identify existing utilities and provide legal descriptions and maps for the proposed lease area and related utility easements. Total additional compensation for the services described is \$9,500. All other provisions in the Agreement shall remain in effect. **(Amendment No. A20020011)**

HEALTH DEPARTMENT:

10. Amendment No. 1 to PIE Small Awards Letter of Agreement **No. 05536** with WA State Puget Sound Water Quality Action Team. The Agreement will provide the public with educational information regarding on-site sewage systems. This amendment only changes the language in the "Billing" section of the letter. **(Amendment No. A20020012)**

HUMAN SERVICES:

11. Amendment No. 2 to Personal Services Agreement **No. 05375** with Skagit Recovery Center. The 2001-2003 contract with DSHS-Division of Alcohol & Substance Abuse, included a Prevention Fund award of \$25,000. The Skagit County Substance Abuse Board approved \$19,000 of that award to Skagit Recovery Center for the period January 1, 2002 through June 30, 2003 based upon SRC's proposal. The funds will be used to pay for supplies and a therapist to conduct prevention group sessions to high risk children between the ages of 6 and 14 and to their parents/caregivers. **(Amendment No. A20020013)**

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12. Personal Services Agreement with Community Mental Health Services to continue providing mental health services to adults with developmental disabilities, to sexually abused children in the Swinomish Tribe, to provide staff support for LaFollette Place apartments for the mentally ill, and to provide other services as requested. The term of the Agreement shall commence on January 1, 2002 and continue until December 31, 2002. Compensation shall not exceed \$25,000. **(Contract No. C20020026)**
13. Amendment No. 2 to Personal Services Agreement **No. 04445** with Northwest Care Advocates, Inc. The Scope of Work and Compensation have changed to include psychiatric consultation services up to a maximum of one hour per week at \$100 per hour. Also added is consulting work to the Juvenile Detention Department. **(Amendment No. A20020014)**
14. Interagency Agreement with North Sound Regional Support Network to provide continued mental health administration and special mental health projects. Compensation shall be \$159,025 and shall be used to maintain shared office space with the Mental Health Adult Area Resource Coordinator, in addition to providing mentally ill and/or chemically addicted services. The Agreement shall commence on January 1, 2002 and continue through December 31, 2003. **(Contract No. C20020027)**

INFORMATION SERVICES:

15. Out-of-State Travel Request for David Anderson to attend the VSLive! Visual Studio Developer Conference in San Francisco, CA from February 12-16, 2002. Total cost of travel is expected to be \$2,865. **(Approved)**

PLANNING & PERMIT CENTER:

16. Resolution to amend Resolution No. 18065, granting an extension of time for the Bayview Ridge Citizen Advisory Committee to complete its work. The CAC will be granted an additional 120 days or until May 29, 2002 to complete its work. **(Resolution No. R20020031)**

PROSECUTING ATTORNEY:

17. Partial Satisfaction of Judgment and Release of Judgment in the Halverson, et al. v. Skagit County case as it relates to Patrick and Selma Albee, which will pay \$834.56 for said Release. **(Approved)**
18. Personal Services Agreement with Rebecca Clark to represent the Skagit County Prosecutor's Office at Mental Health and Involuntary Commitment Hearings, including any jury trials. The Agreement shall commence on January 1, 2002 and continue until December 31, 2002. Compensation shall be \$2,000 per month, for a total maximum amount of \$24,000. **(Contract No. C20020028)**

PUBLIC DEFENDER:

19. Amendment No. 1 to Personal Services Agreement **No. 04209** with Robert S. Jones to add mileage reimbursement for travel specifically related to Mental Health and Involuntary Commitment Hearings to the Agreement. Mileage will be reimbursed at \$0.0365 per mile, beginning January 1, 2002. **(Amendment No. A20020015)**

RECORDS MANAGEMENT:

20. Vendor Services Agreement with B & B Shredding, LLC to provide on-site shredding of paper material monthly. The Contract shall commence on January 15, 2002 and continue until January 15, 2003. The County will compensate the Contractor \$22 per bin tip, with a not-to-exceed amount of \$10,000. **(Contract No. C20020029)**

SENIOR SERVICES:

21. Interlocal Cooperative Agreement with the City of Mount Vernon for the provision of senior services for calendar year 2002. The total amount of the Agreement shall be \$37,559. **(Contract No. C20020030)**

SUPERIOR COURT:

22. Personal Services Agreement with Karen Lerner to act as Court Commissioner for Mental Health and Involuntary Commitment Hearings for Skagit County Superior Court for the period January 1, 2002 through December 31, 2002. Compensation shall be paid at the rate of \$2,000 per month, plus mileage at the rate of \$0.365 per mile. **(Contract No. C20020031)**

TREASURER:

23. Resolution designating listed banks as depositories for all public funds held as set forth by the Public Deposit Protection Commission. **(Resolution No. R20020032)**

PUBLIC WORKS DEPARTMENT:

24. Final Order for Vacation for unopened County right-of-way known as Fox Road #06490. The Board of County Commissioners waived the land charges on January 22, 2002, when approving this vacation, therefore no land costs are shown on the Final Order. **(Resolution No. R20020033)**
25. Out-of-State Travel Request for Ann Marie Gutwein to attend an International Right-of-Way Association Seminar in Portland, Oregon on February 8, 2002, at a cost of approximately \$310. The seminar will include information on specification writing, proposal evaluation, and consultant selection and management. The seminar is necessary for her continuing education in the field of right-of-way acquisition. **(Approved)**
26. Letters of Congratulations to Janice Marlega and Luis Ponce in recognition of their great achievement in receiving registration as Professional Engineers in the State of Washington. **(Approved)**
27. Resolution authorizing execution of an Interlocal Agreement with the Washington State Department of Fish and Wildlife. **(Resolution No. R20020034)**
28. Interlocal Agreement with the Washington State Department of Fish and Wildlife to provide materials, equipment rental and perform work on a reimbursable basis for the WA State DFW. **(Contract No. C20020032)**
29. Amendment No. 5 to Personal Services Agreement **No. 03914** with Semrau Engineering to extend the period of performance to December 31, 2002. The original agreement and amendments 1-4 call for the consultant to design the Snee-oosh Drainage Improvement Project to comply with Endangered Species Act issues, and geotechnical evaluation, drafting, surveying and permitting expenses. **(Amendment No. A20020016)**

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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, January 28, 2002, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 113444 through 114055 from Clearing Fund 696 in the total dollar amount of \$2,168,510.00 (Transmittal No. C-06-02);

Warrant numbered 114056 from Clearing Fund 696 in the total dollar amount of \$3,000 (Transmittal No. C-07-02);

Payroll warrants numbered 956466 through 956565 in the total dollar amount of \$97,257.10 (Transmittal No. P-03-02);

Payroll warrants numbered 92000 through 92972 in the total dollar amount of \$963,957.52 (Transmittal No. P-04-02).

2. Staff presented a Proclamation to recognize the value of the arts in Skagit County. Commissioner Dahlstedt read the Proclamation.

WHEREAS, the arts are a fundamental aspect of human experience and necessary to our quality of life; and

WHEREAS, personal and creative expression is essential to our humanity; and

WHEREAS, the arts in all their diversity help create and sustain healthy livable communities, and

WHEREAS, education in the arts is essential to a quality education; and

WHEREAS, the business of art is a key element of a vigorous economy; and

WHEREAS, the Skagit County Commissioners recognize that the arts are at the heart of our community and are essential to Skagit County, enhancing our community and also contributing to our economic prosperity.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED by the board of County Commissioners of Skagit County that February 12, 2002 shall be declared as **Arts Day 2002** in Skagit County.

Commissioner Dahlstedt moved to approve the proclamation declaring February 12, 2002 as "Arts Day in Skagit County". Commissioner Anderson seconded the motion, which passed unanimously.

3. The Board approved miscellaneous personnel additions and changes.
4. On behalf of the Public Defender's office, Staff presented Addendum No. 2 to Personal Services Agreement **No. 04209** with Robert S. Jones to extend the term of the Agreement to December 31, 2002. **(Amendment No. A20020017)**

APPROVAL OF 2001 PERSONAL PROPERTY TAX WRITE-OFFS:

Treasurer Katie Jungquist reviewed the list of 2001 Personal Property Tax Write-Offs for the Board's consideration. Ms. Jungquist thanked Angie Aiumu for keeping the write-offs to a minimum.

Commissioner Dahlstedt moved to approve the Resolution Approving 2001 Personal Property Tax Write-Offs. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20020035)**

PLANNING & PERMIT CENTER – Tom Karsh, Director

1. Signature – Ordinance Adopting a Map and Text Relating to Open Spaces and Greenbelts.

Gary Christensen, Assistant Director, reviewed the Planning Commission's recommendation regarding open spaces and greenbelts. He said RCW 36.70A.110(2) and .160 require each urban growth area (UGA) to include greenbelt and open space areas and cities and counties to identify open space corridors within and between UGA's. The County attempted to meet this criteria by adopting language in its Comprehensive Plan (CP) beginning at page 4-33 adopted through Ordinance No. 17938 on July 24, 2002. The Friends of Skagit County appealed and argued the County's action before the Western Washington Growth Management Hearings Board (WWGMHB) in Case No. 00-2-0046c. The WWGMHB in the February 6, 2001, Final Decision and Order stated that "(t)his generalized discussion in the CP, plus city maps (that do not show greenbelts in unincorporated UGAs) and County parks plan maps (which do not show open space corridors between UGAs), do not adequately meet the requirements of RCW 36.70A.110(2) and .160." They further ordered the County to adopt maps or some other clear mechanism to identify greenbelts and open space areas within UGAs and open space corridors within and between UGAs within 180 days.

On August 9, 2001, Skagit County staff proposed a draft map and accompanying text for greenbelts and open space areas and open space corridors within and between UGAs and an environmental checklist was completed and a DNS was issued on August 9, 2001. Skagit County followed its public participation requirements in Skagit County Code (SCC) 14.06 and the Skagit County Planning Commission held a public hearing on September 4, 2001, and continued the hearing to September 18, 2001, to take comments on the August 9, 2001 draft, and then deliberated on October 9, 2001. On November 19, 2001, the Planning Commission voted 6-0 to make substantial changes to the August 9, 2001 draft and to forward its recommendation of approval for its October 9, 2001 draft to the Board of County Commissioners.

Mr. Christensen stated that SCC 14.08.080(4) says that if the Planning Commission recommendation is substantially different from that for which public comment was last received and deadlines were imposed by orders of the WWGMHB, the Planning Commission shall forward to the Board of County Commissioners its recommendation without further public comment. Upon receipt of the Planning Commission's recommendation on October 23, 2001, the Board of County Commissioners set and held its own public hearing on both the August 9, 2001 and the October 9, 2001 drafts on November 27, 2001 and deliberated on January 8, 2002.

It was decided at the time of deliberations by Commissioners Munks and Dahlstedt to adopt the findings of the Planning Commission. Commissioner Anderson was absent during the deliberations and therefore is unable to sign the Resolution.

Commissioner Dahlstedt moved to accept the findings of the Planning Commission and approve an Ordinance adopting a map and text relating to open spaces and greenbelts, with the exception of findings eight and nine of the recorded motion and substituting the additional requirements in paragraph four. Chairman Munks seconded the motion, which was carried. (**Ordinance No. R20020036**)

2. Signature – An Interim Ordinance Establishing Interim Controls on RMI-Designated Properties, Imposing Interim Controls on Certain Properties within the Big Lake Rural Village, Restricting Application for CaRD Open Space Designation Pursuant to SCC 14.18.310, Restoring the Lot Aggregation Provisions of Former SCC 14.04.190 (5)(3) and Restricting County Action on Comprehensive Plan Amendments.

Mr. Christensen next discussed an Interim Ordinance Establishing Interim Controls on RMI-designated Properties, Imposing Interim Controls on Certain Properties Within the Big Lake Rural Village, Restricting Application for the Open Space Reserve CaRD Designation Pursuant to SCC 14.18.310, Restoring the Lot Aggregation Provisions of Former SCC 14.04.190(5) and Restricting County Action on Comprehensive Plan Amendments. John Moffat, Prosecuting Attorney, then outlined the proposed Interim Ordinance.

WHEREAS, the Western Washington Growth Management Hearings Board has found several provisions of Skagit County Code out of compliance with the requirements of the Growth Management Act in Case Nos. 00-2-0046c and 00-2-0049c; and

WHEREAS, the County has appealed certain aspects of these two Growth Management Hearings Board decisions to Skagit County Superior Court in Case Nos. 01-2-00423-1 and 01-2-00424-0; and

WHEREAS, the parties to the two Skagit County Superior Court appeals have expressed an interest in postponing the date for trial to give all interested parties the opportunity to pursue possible settlement of the matters on appeal; and

WHEREAS, on October 1, 2001, Skagit County adopted Resolution No. 18444, a Resolution Relating to Procedures To Be Followed By The Planning And Permit Center Concerning Applicants For Permits Affected By The Growth Management Hearings Board Decisions In Case Nos. 00-2-0046c And 00-2-0049c In Light Of The Supreme Court Decision In *Association of Rural Residents v. Kitsap County*, 141 Wn. 2d 185 (2000); and

WHEREAS, as described in Skagit County Resolution 18444, the Washington State Supreme Court decision in *Association of Rural Residents v. Kitsap County*, raises some question regarding what rules are in place for portions of the Skagit County Code found out of compliance by the Growth Management Hearings Board; and

WHEREAS, the County finds it to be in the best interests of the citizens of Skagit County to have greater clarity on what interim rules should apply to those situations that are the subject of the Skagit County Superior Court appeal during the time period in which the parties to that appeal are pursuing potential settlement; and

WHEREAS, on January 18, 2002, Judge James H. Allendoerfer signed orders in each of the above-referenced cases continuing the trials until May 30 and 31, 2002, to allow the parties the opportunity to pursue settlement; and

WHEREAS, those continuance orders included certain interim ordinance provisions to address RMI-designated properties, portions of the Big Lake Rural Village, Open Space Reserve CaRD (Os-RSV), and lot aggregation; and

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WHEREAS, RFS-designated properties are already governed by the provisions of Ordinance No. 18375, so no further adoption is required to satisfy the terms of the continuance orders; and

WHEREAS, RCW 36.70A.390 permits the County to adopt an interim ordinance without notice and public hearing, when deemed appropriate to promote the public health, safety and welfare, provided that the County hold a public hearing and adopt additional findings within 60 days after adoption of this interim ordinance.

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1.

During the period this interim ordinance is in effect, the former lot aggregation provisions of SCC 14.04.190(5) adopted by Ordinance No. 16291 shall apply to all lands within unincorporated Skagit County located outside of an urban growth area, provided that the NRL exception of former SCC 14.04.190(5)(d)(ii) shall not apply and further provided that the adjacent common ownership research shall only be required back to July 1, 1990, not March 1, 1965.

Section 2.

The County shall not accept any applications for CaRD development pursuant to SCC 14.18.300 et seq. that select the Os-RSV option of SCC 14.18.310(5)© during the period this interim ordinance is in effect.

Section 3.

The RMI-designated property owned by Twin Bridge Marine Park shall be governed by the requirements of SCC 14.16.170(RMI) zoning during the period this interim ordinance is in effect. All other RMI-designated properties shall be governed by the provisions of SCC 14.16.150(RB) zoning during the period this interim ordinance is in effect.

Section 4.

The County shall not process any comprehensive plan amendments pursuant to the requirements of SCC 14.08 during the period this interim ordinance is in effect except for a possible designation of a Similk Beach LAMIRD, which is the subject of an existing public health and safety emergency.

Section 5.

The property within the Big Lake Rural Village shall be governed by the map boundaries and prior provisions of interim ordinance No. 17523 during the period this interim ordinance is in effect; provided, that the Overlook Golf Course property identified in that ordinance is eligible for a CaRD development, subject to the limitations on type of open space in section 2 of this ordinance.

Section 6.

Pursuant to the requirements of RCW 36.70A.390, the County Commissioners shall schedule a public hearing to receive comment on the provisions of this interim ordinance and shall enter additional findings on or before 60 days after the date executed below.

Section 7.

This interim ordinance shall not affect any complete application submitted and vested prior to the effective date of this interim ordinance.

Section 8.

Those portions of Resolution 18444 that are inconsistent with the requirements of this Interim Ordinance are hereby repealed.

Section 9.

While the County is interested in pursuing settlement of the issues on appeal to Skagit County Superior Court, the County's adoption of this interim ordinance to clarify rules during settlement negotiations shall not be construed as any admission regarding any argument on appeal and shall not be considered any indication or any commitment on the part of the County regarding what is required to meet the requirements of GMA nor any commitment to adopt any particular permanent ordinance on these issues in the future. Further, the outcome of any particular settlement shall involve all appropriate public review and comment as required by RCW 36.70A.

Section 10.

This ordinance shall take effect upon adoption and shall remain in effect until July 15, 2002, unless it is readopted, amended, or repealed prior to that time.

Commissioner Dahlstedt moved to approve the Interim Ordinance Establishing Interim Controls on RMI-designated Properties, Imposing Interim Controls on Certain Properties Within the Big Lake Rural Village, Restricting Application for the Open Space Reserve CaRD Designation Pursuant to SCC 14.1;8.310, Restoring the Lot Aggregation Provisions of Former SCC 14.04.190(5) and Restricting County Action on Comprehensive Plan Amendments as they have been outlined by Mr. Christensen and Mr. Moffat. Commissioner Anderson seconded the motion and it passed unanimously. **(Ordinance No. R20020037)**

3. Miscellaneous.

No miscellaneous items were brought forth.

ADJOURNMENT:

Commissioner Anderson made a motion to adjourn the proceedings. Commissioner Dahlstedt seconded the motion and it passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
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