

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 8, 2003**

- T** 8:30 a.m. – 9:00 a.m. Consideration and Possible Signature – Interim Memorandum of Agreement, Skagit Rural Residential Water Rights
Consideration and Possible Decision – Emergent Skagit Water Rights Resolutions or Directives
- *T** 9:00 a.m. – 10:00 a.m. Board of Health – Peter Browning, Director
1. West Nile Virus – Health Department Action Plan for 2003
 2. Extension of Timeline for Resolution No. 16292, Allowing Use of an Alternative Private Water System for a Subdivision for Rory Swedelius on Barrell Springs Road
 3. Smoking in Skagit County – Anti-Smoking Program Presentation
 4. Miscellaneous
- 10:00 a.m. – 11:00 a.m. Work Session – Yokeko/Dewey Beach On-Site Septic Issues
- 11:00 a.m. – 12:00 p.m. Work Session – Comprehensive Flood Hazard Management Plan

The Skagit County Commissioners met in regular session on Tuesday, April 8, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

CONSIDERATION AND POSSIBLE SIGNATURE – INTERIM MEMORANDUM OF AGREEMENT, SKAGIT RURAL RESIDENTIAL WATER RIGHTS; CONSIDERATION AND POSSIBLE DECISION – EMERGENT SKAGIT WATER RIGHTS RESOLUTIONS OR DIRECTIVES.

Chal Martin, Public Works Director, reported that all parties have been working over the last six days, and now have a resolution that will allow the Board to sign an interim Memorandum of Agreement (MOA). The interim agreement would allow until December 1, 2003 for a final MOA to be put together by the parties in the 1996 agreement. The concept of the Resolution is to authorize signature on this MOA or a substantially similar one. A negotiation session is scheduled for this afternoon.

Commissioner Anderson stated that he appreciated having the documents, however he felt that the timeline on the MOA was too long. When he spoke to Darlene Maloney of the Upper Skagit Tribe, she felt that even five or six months was too long. Commissioner Anderson feels the County should stick to the six months timeline. The plan is to host public meetings to explain the issues to the public. Commissioner Anderson felt the resolution itself was fine.

Mr. Martin stated that the tribal attorney had requested the extended timeline.

Commissioner Munks agreed that the December deadline was too long. He stated that the City of Anacortes and the PUD have already agreed with the County to create a reliable source of water. The Tribes would like to do a lot of mitigating and he said that October 15 is long enough to resolve this issue. The longer timeline would just allow more time to talk about issues that are not relevant. The original MOA between the County and the City of Anacortes, PUD, and Tribal Fisheries spelled out the requirements for exempt wells in the upper river area below the pipeline and not above. For the Department of Ecology (DOE) not to take this into consideration and create an Instream Flow Rule has created a problem. The exempt well rights were put in so that new permits could be issued.

Chairman Dahlstedt said he was disappointed that the Commissioners were even here discussing this issue. They were assured in 1996 that there would be adequate water supplies for development and agriculture, and they must look at their responsibility to all citizens. The other issues were clearly identified in 1996, were not addressed, and the Commissioners are now trying to correct promises that were made. The Instream requirement for the upper Samish River is 33 CSF and the total amount for

**RECORD OF THE PROCEEDINGS
TUESDAY, APRIL 8, 2003
PAGE NO. 2**

consumption is 1.5 CSF. The Department of Fish & Wildlife is proposing 100 CSF, which the County feels is unreasonable. The County has bargained in good faith, and Chairman Dahlstedt stated that he hopes other parties will do the same.

Commissioner Anderson read a 1986 legal opinion from the Attorney General's Office regarding Instream flows. He also said he would like to review the minutes of the seven meetings where the Instream flows were discussed as part of the 1996 agreement.

Commissioner Munks stated that all parties spent a considerable amount of time in 1996, DOE threw this aside and made an unattainable Instream Flow Rule with no economic study.

Commissioner Anderson read the resolution and then moved to approve the Resolution Regarding Approval of an Interlocal Agreement Establishing a Process to Resolve Issues Regarding Domestic Water Supplies in the Upper Skagit River Watershed in a Manner that is Protective of Instream Flows and for Other Purposes. Commissioner Munks seconded the motion, which carried unanimously. (**Resolution No. R20030118**)

BOARD OF HEALTH – Peter Browning, Director

1. West Nile Virus – Health Department Action Plan for 2003.

Corrine Story reported on the West Nile Virus Action Plan for 2003. The Health Department had a meeting with all cities and counties and Public Works to identify partners and to find out the assets for a coordinated response. The State Department of Health has applied for a blanket permit so that local health departments can be coordinating agencies to apply larvacides for treatment without having to apply for individual permits. Ms. Story provided a history of the disease. It is spread by infected mosquitoes and is hosted by birds. It has not been found to spread from humans and horses. This is a new disease and the mortality rate is low. The County plan targets the areas of education, surveillance (birds, mosquitoes, horses, humans), and mosquito control. Matt Coffman is the lead person in the Health Department for receiving any reports of dead birds.

Chairman Dahlstedt excused himself and turned the chair over to Commissioner Anderson.

2. Extension of Timeline for Resolution No. 16292, Allowing Use of an Alternative Private Water System for a Subdivision for Rory Swedelius on Barrell Springs Road.

Resolution No. 16292 was signed 1996, allowing an alternative water system for a subdivision on Barrell Springs Road. The owners have been working on an alternative water system to divide their property into two parcels for many years. A potential buyer has put in a disinfection system that will meet the requirements. The proposed resolution would extend the previous timeline to September 14, 2003 so that land division can continue and safe water will be provided.

The resolution will be presented on the consent agenda at a later date. Both Commissioners stated they have no problems with the resolution. Commissioner Anderson recognized the Health Department for their efforts to work with the owner and to ensure good health.

3. Smoking in Skagit County – Anti-Smoking Program Presentation.

Nathan Schaner, Sedro-Woolley High School student, and Jeff Kingshott, Mount Vernon High School student, reported on Skagit HEAT (Helping Educate About Tobacco). Skagit HEAT is a youth-driven anti-smoking coalition. The two students and their advisor, Marjorie Bell, recommended a pilot project for smoke free parks at Bakerview Park, Burlington-Edison Regional Park, Allen Park, and Skagit Playfields. - The program would be based on a Snohomish County model of voluntary compliance. The group is asking for the privilege to put no-smoking signs in the parks.

**RECORD OF THE PROCEEDINGS
TUESDAY, APRIL 8, 2003
PAGE NO. 3**

Commissioner Munks moved to support the voluntary program for non-smoking in the three County parks and Commissioner Anderson seconded. The motion carried unanimously.

Director Peter Browning and the Board discussed the next steps for restricting smoking around County offices. The Commissioners indicated they would like to see signs restricting smoking within 50 feet of County buildings and compliance on a voluntary basis at this time rather than passing an ordinance.

4. Miscellaneous.

Sandi Paciotti, Nursing Director, modeled the new Skagit County Health Department vest. She also announced that Public Health week is April 7 -15.

She provided updates on the following communicable diseases:

Pertusis (whooping cough) – There were 80 cases last year. Last week a Burlington-Edison teacher was diagnosed and letters were sent home to students. People should seek medical care if they have a cough that persists longer than two weeks.

SARS – Severe Acute Respiratory Syndrome began in November 2002 in China. The disease begins with high fever, chills, and headaches. It is fast attacking to the lungs, resulting in pneumonia. There have been 141 cases in the United States, with no deaths. Eight or nine of the cases were in Washington State.

Mr. Browning shared a letter regarding a State Board of Health meeting in Olympia on April 9, at 9:30 a.m. The State Board requested that a representative from the Commissioner's office attend the meeting. The Commissioners stated they had seen the letter, but their schedules won't allow any of them to attend.

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, April 8, 2003, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$29,791.44 (Transmittal No. C-39-03).

ADJOURNMENT.

Commissioner Munks made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion, which passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

**RECORD OF THE PROCEEDINGS
TUESDAY, APRIL 8, 2003
PAGE NO. 4**

Don Munks, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners