

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JANUARY 20, 2004**

8:00 a.m. – 8:30 a.m.	Work Session – Commissioners
8:30 a.m. – 9:00 a.m.	Work Session – County Administrator
*T 9:00 a.m. – 10:00 a.m.	Board of Health – Peter Browning, Director
*T 10:00 a.m. – 10:45 a.m.	Decision – Guemes Island Ferry Task Force Schedule and Fare Policy Recommendations
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items
11:30 a.m. – 11:45 a.m.	Public Comment Period
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 Tuesday, January 20, 2004 with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

**BOARD OF HEALTH – PETER BROWNING, DIRECTOR**

**1. Discussion – Temporary Worker Housing Contract Status.**

Environmental Health Supervisor, Corinne Story, gave an update on contract negotiations with the Washington State Department of Health for temporary worker housing. She stated that Skagit County Public Health has always done the inspections for temporary worker housing, formally known as labor camps. Ms. Story said the Department has chosen to continue this program rather than turning it back over to the State because the licensees have expressed the fact that a local contact is important to them.

Ms. Story indicated that fees for inspections of these camps do not cover the cost of the program but cannot be changed as they are set fees that are stated in the Washington Administrative Code (WAC). Revenue generated by this program is approximately \$2,000, while expenditures are approximately \$6,000 - \$8,000, depending on the complexity of issues. Therefore, the impact on Skagit County's budget is between \$4,000 and \$6,000 per year.

Jean Youngquist, Mount Vernon, thanked the Health Department for their efforts in keeping this program local. She said it does cost more to run the program, but it is well worth it.

The Commissioners agreed that it is better to have local control to gain understanding and familiarity with the people you deal with on a year-to-year basis.

Commissioner Munks motioned to allow the Skagit County Public Health Department to continue administering the temporary worker housing program and to finalize the contract with the State Department of Health. Commissioner Dahlstedt seconded the motion, which passed unanimously.

It was noted that a final contract will follow, which will be added to a future Consent Agenda.

**2. Discussion – Forecasts for Upcoming Environmental Health Regulation Changes.**

Ms. Story next discussed the fact that several Environmental Health programs have code changes happening at the State level, which will result in the need to update the County's local codes. With regard to the Solid Waste Code revision, the State adopted 176-350 WAC and the Department is now working with the Solid Waste Advisory Committee and other interested parties to adopt the local code in spring, 2004.

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Other rules currently being revised at the State level include:

Food Rule – Expected to be effective in October or November 2004  
Onsite Sewage Systems – To be effective January 2005  
Water Recreation – Expected to be effective September 2004

Ms. Story said this topic is being presented for information purposes only.

**3. Discussion – Update of Changing Food Safety Issues.**

John Hadman, Environmental Health Specialist and Coordinator of the Food Program, said the number of food banks/pantries in Skagit County has been growing rapidly. They need to be issued permits so that they can be added to a tracking system. They also need to be inspected to assure that the foods are wholesome and that the level of food safety is maintained at its current high level. This service will be provided free of charge to the operator of the food bank/pantry.

Chairman Anderson said that while he is appreciative of safe food, recipients are hungry and they need to be taken care of. Although some food banks receive supplies from a variety of sources, Chairman Anderson said we certainly want the food to be healthy. However, sometimes rules are put into place that prohibit service.

Mr. Hadman said they are mainly concerned about products that have had their seals broken, making them unfit for human consumption. He also stated that Farmer's Markets have changed in the past two years to become community markets. These markets include many value-added products, which are products that come to the market from local sources and from sources not involved in local agriculture. Mr. Hadman feels that methods need to be changed in reviewing these vendors to assure consumer safety. Concerns include the sale of sealed foods without proper oversight and also preparation of foods for sale that come from in-home kitchens which do not have the proper equipment to keep them safe.

According to Mr. Hadman, making these changes will involve some new permits and changes in fees. The changes are needed to reduce the financial burden on the weekend vendors.

Chairman Anderson said it will be hard to regulate the individual vendors but he is supportive of reasonable options. He hopes the new language that is adopted suits the people that are in the industry.

Commissioner Dahlstedt added that the public assumes that all food available in grocery stores has been inspected but as history points out, that just isn't the case. Over 70% of the world doesn't meet potable water standards. As Chairman of the Food Safety Subcommittee, he will be looking into these issues.

Mr. Hadman said that so much food is coming into the states from other areas, it is wise to remember when shopping for vegetables, to make sure they are washed properly. He encouraged everyone to "inspect their own produce and be aware of what's going on".

**4. Flood and Drinking Water Sample Results.**

Polly Dubbel with Environmental Health, provided the Health Department's response to the October 2003 flood event, with respect to assuring safety of drinking water. She said Environmental Health responded promptly to the October flood by contacting public water systems to request water samples from those impacted by flood waters. Free bottles were also made available to property owners with individual water systems. Approximately 100 bottles were given out and about 80 samples were returned. The Department worked closely with the lab to follow up with systems that had unsatisfactory results. Only one system was seriously impacted and had to be shut down for repair.

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Ms. Dubbel indicated that results of tested water samples were varied; however, this allowed the Department the opportunity to educate people about their water systems. She urged the public to determine the location of their source of water prior to a disaster. It is best to test the water prior to and immediately after a flood event.

**5. Miscellaneous.**

Ms. Story informed the Board that the Department is searching for ways to receive consistent funding for the Operations and Maintenance Program for onsite septic systems. It is hoped that a viable option will be presented to the Board in the near future.

Peter Browning, Director, said contracts with the Department of Social and Health Services continue to be cancelled because they are not working with the Department. Also, the relationship with the Department of Health and TB is becoming tenuous as they are taking away money, which could make the County vulnerable to a very expensive tuberculosis outbreak. The money that is being withheld is used for surveillance.

**DECISION – GUEMES ISLAND FERRY TASK FORCE SCHEDULE AND FARE POLICY  
RECOMMENDATIONS.**

Commissioner Munks read a brief statement as follows:

*There has been a thorough process held to discuss and make recommendations to the Commissioners for schedule, fares and other items. A Task Force was established to work with Berk and Associates, a consultant for the County, which included the Ferry Committee, Public Works employees and a group of Guemes Island representatives. Public meetings were held to discuss the issues; public hearings were held on Guemes Island to take input regarding recommendations from the Task Force; and finally, a public hearing that took place before the Commissioners regarding final Task Force recommendations.*

*The decision made today needs to focus on those Task Force recommendations. The comments taken from the Commissioners' public hearing, along with various proposals different from the Task Force's recommendations, should be addressed with the same public review and comment as the Task Force's recommendations. There should be continuing discussions between the Ferry Committee, or a group that the Island picks, that will meet with the Public Works Department to address the issues that have not been addressed or were not fully addressed by the Task Force, but have been brought out during the various public hearings and submitted to the Commissioners as comments and proposals.*

*I have concerns and questions about whether or not the ferry can make continuous 20 minute runs and the need for runs after 6:00 p.m. Also, should the Sheriff's Office pay \$175 dollars for a special run to answer an emergency on the island and are they not equal to fire and emergency vehicles that do not pay for those runs? It is important that all emergency entities have the same standard. Should there not be an annual pass for disabled people and vehicles and drivers? Should there be a Ferry Manager on duty fulltime and shouldn't that person assign employee scheduling? If Whatcom County run Captain and 2-person crews, what do they do differently so as not to be out of compliance with the State Auditor on cash handling and can we adopt some of the same standards or use those same standards in what we do? Financially, why was there a surplus through 2000 and then three straight years of losses showing at the end of 2003 for a total shortfall of \$20,629?*

Commissioner Munks stated that he realizes that a lot of what he is talking about was brought up and discussed. He feels there needs to be ongoing discussions about what happens.

Commissioner Dahlstedt said a tremendous amount of time and money has been spent on this issue because it is important. The difficulty is that not everybody agrees on what they want to happen.

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Unfortunately, the Commissioners' job is not to decide issues based on popularity of what people enjoy, but as a responsibility to the public for the health and well being of all citizens. We also need to make sure that adequate transportation is available. Commissioner Dahlstedt said he wants to make sure a system is provided that is dependable, fair and equitable. He does not want to see the ferry used as a tool to try and control people's ability to live or not live on the island. Things are changing all the time across Skagit County, and he wants to make sure the County is being responsible. That is why he was willing to spend the money to go through this process to make sure everyone would have a fair opportunity. He was also supportive when the community wanted to elect a group to represent them. The difficulty is whenever you have a group representing someone, there are those people that may not like the decision coming forward. We need to have a system that is functional. It does create difficulties for families that live on the island and have children that attend school, as well as for those that are employed off the island. It doesn't mean that those people who are retired or those people that don't have these problems shouldn't be addressed, too. He wants to make sure that the Board's decisions are based on what is fair and reasonable as a transportation corridor, not allowing any of these issues create a restrictive environment.

Commissioner Dahlstedt said he realizes that it has been a frustrating process for many and he respects everyone and their opinions, but ultimately the responsibility to determine what goes forward from here is the Board's. There are also union contracts and other obligations that make it difficult as well. He wants to make sure the system is adequate, fair and reasonably priced but doesn't want to see the Island devastated and become an unpleasant place to live.

Chairman Anderson said the County embarked on this process hoping to resolve some of the issues that were important to people on Guemes Island. Issues have been worked on concerning the ferry in a variety of ways and certainly there have been a lot of people that have served on the Ferry Committee and tried to guide the process to find some illusive middle ground for the residents with some successes. His sole intention was to try to improve and update the service to benefit the residents of Guemes Island as well as other residents that own property on the island who travel back and forth and may or may not have a home there. Parents of school age children want them to participate in school activities so there needs to be some type of flexibility. Change is sometimes painful and sometimes welcomed in a variety of ways. Ultimately, you need to look at what's good for everybody. Chairman Anderson said you have to respect the fact that the people who worked on the issues have a genuine community interest as they were not paid for their efforts. Whether you agree or not with the committee's recommendations, you have to respect those recommendations.

Chairman Anderson said this issue must move forward; however, there is also an opportunity to tweak the recommendations. If you put something in place and you utilize it for awhile and it's obviously not working, you have the vehicle to change it.

Commissioner Munks stated that he appreciates all the time and effort the Task Force has put forth on looking at the issues. They did an exceptional job. He then motioned to accept the Guemes Island Task Force's Schedule and Fair policy recommendations. Those recommendations include an ongoing process to look at the proposals and issues that have been brought forward during the comment periods as well as looking at the recommendations which were made by the committee. He also wants to add a caveat to what has been proposed that addresses the last run of the day, Monday through Thursday.

Commissioner Munks said that currently the Guemes Island Ferry takes those people that come into line across to the island at 6:00 p.m. He has concerns with 20-minute runs not being able to accommodate those people that work in Burlington, Mount Vernon, Sedro-Woolley or elsewhere that have a problem getting from work and to the ferry by the 6:00 p.m. deadline. The recommendation calls for a \$100 fee if a rider is not in line by 6:00 p.m. His motion would include continuing to run the 6:00 p.m. service for those that are in line and eliminating the extra fee.

Chairman Anderson asked if Commissioner Munks is suggesting continuing the run until everyone is across if they are in line by 6:00 p.m. Commissioner Munks said that is correct.

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Commissioner Dahlstedt clarified that the motion was to accept the recommendation of the Task Force with the exception of allowing the ferry to run at the end of the day to complete passage of people across to Guemes Island and to continue dialogue and review of those items that were brought forth during the public hearings. He then seconded the motion.

Chairman Anderson said it has been moved and seconded that the Skagit County Commissioners adopt the Guemes Island Ferry Task Force Schedule and Fare Policy recommendations with a couple of additions including continued dialogue on the issues brought up during the public hearings and to continue runs after 6:00 p.m. for those people that are in line. The motion carried unanimously.

Commissioner Dahlstedt also stated that an important thing is that there will be ongoing issues that need to be addressed as they come forward instead of leaving everything open and undecided. There has been a lot of money spent with Berk & Associates and the decisions that will be made now are between the citizens, the Task Force, the Commissioners and staff rather than dragging the consultants along, as the consultants have obviously not addressed everyone's concerns to their satisfaction.

**CONSENT AGENDA.**

Commissioner Munks motioned to approve the Consent Agenda for Tuesday, January 20, 2004, items 1 through 21. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, January 12, 2004.
2. Record of the Proceedings for Tuesday, January 13, 2004.
3. Resolution approving a petition by Drainage District No. 17 for reorganization into a Drainage and Irrigation Improvement District and calling for a special election. **(Resolution No. R20040013)**
4. Resolution approving a petition by Drainage District No. 16 for reorganization into a Drainage and Irrigation Improvement District and calling for a special election. **(Resolution No. R20040014)**
5. Resolution approving a petition by Drainage District No. 5 for reorganization into a Dike, Drainage and Irrigation Improvement District and calling for a special election. **(Resolution No. R20040015)**
6. Resolution approving a petition by Drainage District No. 19 for reorganization into a Drainage and Irrigation Improvement District and calling for a special election. **(Resolution No. R20040016)**

**ASSIGNED COUNSEL:**

7. Personal Services Agreement with the Snohomish County Public Defender's Office to provide legal representation to defendants appointed by the Office of Assigned Counsel that are conflict cases for the Skagit County Public Defender's Office. The agreement shall commence on December 19, 2003 and continue through December 31, 2005. Compensation varies depending on the services being rendered. **(Contract No. C20040025)**

**PLANNING & PERMIT CENTER:**

8. Personal Services Agreement with Berryman & Henigar, Inc. to assist Skagit County in the review and amendment of the Comprehensive Plan and Development Regulations to comply with the Growth Management Act. This contract action is for Phase 1 of a 5-phase process. The agreement

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shall commence on December 1, 2003 and continue until December 31, 2005. Compensation is not to exceed a total of \$29,500. **(Contract No. C20040026)**

9. Grant Deed of Conservation Easement protecting farmland owned by Jean and Sidney DeBoer. The easement will extinguish all development rights and approximately 46.4 acres as part of a two-lot Short Plat #PL03-0729 located north of the City of Burlington at 20913 Kelleher Road. **(Contract No. C20040027)**

**PROSECUTING ATTORNEY'S OFFICE:**

10. Personal Services Agreement with Davis, Wright, Tremaine, LLP to provide consultation relating to the relicensing of the Baker Dam Project. The agreement shall commence on January 1, 2004 and continue until December 31, 2004. Compensation is not to exceed a total cost of \$30,000. **(Contract No. C20040028)**

**RECORDS MANAGEMENT:**

11. Personal Services Agreement with Kelly Services to provide staff assistance to process outgoing mail and additional functions with the Records Management department. The agreement shall commence on January 1, 2004 and continue until December 31, 2004. Compensation is not to exceed a total cost of \$20,000. **(Contract No. C20040029)**

**YOUTH & FAMILY SERVICES:**

12. County Program Agreement , ESSB 5903 Disposition Alternatives, between Skagit County and the State of Washington Department of Social and Health Services. They will provide services to youth in our local community as an alternative to having them committed to the Juvenile Rehabilitation Administration (JRA). The agreement shall commence on July 27, 2003 and continue through June 30, 2004. The total cost varies depending on the services being rendered. **(Contract No. C20040030)**
13. County Program Agreement between Skagit County and the State of Washington Department of Social and Health Services. They will contract with Skagit County juvenile courts to perform diagnostic evaluations on youth committable to the JRA. The agreement shall commence on July 1, 2003 and continue through June 30, 2005. The total cost varies depending on the services being rendered. **(Contract No. C20040031)**
14. County Program Agreement between Skagit County and the State of Washington Department of Social and Health Services to provide funding to Skagit County Juvenile Courts in support of the following programs: Consolidated Juvenile Services At-Risk, Special Sex Offender Disposition Alternative, Community Juvenile Accountability Act, and Chemical Dependency Disposition Alternative. The agreement shall commence on July 1, 2003 and continue through June 30, 2005 and will total \$629,884. **(Contract No. C20040032)**

**PUBLIC WORKS DEPARTMENT:**

15. Resolution of support for Anacortes and PUD #1 Water Rights, as outlined in the 1996 Memorandum of Agreement Regarding Utilization of Skagit County River Basin Water Resources for Instream and Out-of-Stream Purposes. **(Resolution No. R20040017)**
16. Resolution of support regarding Additional Flood Storage in the Baker River System for the Protection of Skagit County Residents and the Region. **(Resolution No. R20040018)**
17. Resolution calling for a Public Hearing to consider a vacation of an unopened County right-of-way along Kelleher Road, lying west of District Line Road. The hearing will be held on Tuesday, February 10, 2004 at 9:00 a.m. **(Resolution No. R20040019)**

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18. Resolution calling for bids for road maintenance materials with annual purchases expected to exceed \$25,000 for the period April 1, 2004 through March 31, 2005. The bid opening will be held on Tuesday, February 10, 2004 at 11:00 a.m. **(Resolution No. R20040020)**
19. Supplemental Agreement No. 2 to Local Agency Standard Consultant Agreement **No. C20020338** between Skagit County Public Works and SvR Design Company, which extends the completion date through December 31, 2004. All other terms of the contract remain the same. The agreement provides architectural landscaping services for the Main Street Reconstruction/Town of Concrete Project. **(Amendment No. A20040017)**
20. Amendment No. 3 to Personal Services Agreement **No. C20020102** with Reid Middleton, Inc., which extends the contract through December 31, 2004 and increases the compensation amount an additional \$20,000 for a new total of \$137,557.28. The agreement provides services in connection with the La Conner-Whitney/Chilberg Road Project. **(Amendment No. A20040018)**
21. Personal Services Agreement with Widener and Associates to provide preparation of a Biological Evaluation for a ten-year maintenance and repair plan for the Guemes Island and Anacortes Ferry Terminals. The project will be documented in accordance with U.S. Army Corps of Engineer's guidelines for the preparation of a Biological Evaluation/Biological Assessment and Essential Fish Habitat Assessment. The agreement shall commence on January 19, 2004 and continue through December 31, 2004 at a total cost of \$28,391. **(Contract No. C20040033)**

**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 20, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant numbered 161640 from Clearing Fund 696 in the total dollar amount of \$3,156,265.40 (Transmittal No. C-04-04); and

ACH Transfer Request Form and Certification to Premera Blue Cross in the total dollar amount of \$92,788.11 (Transmittal No. C-05-04); and

Purchase Card Electronic Payment to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$42,452.49 (Transmittal No. C-06-04); and

Warrants numbered 161641 through 162071 from Clearing Fund 696 in the total dollar amount of \$1,182,379.24 (Transmittal No. C-07-04).

2. Staff presented a letter to US Army Corps of Engineers Colonel Debra Lewis regarding a Skagit County Flood Damage Reduction Feasibility Study. Commissioner Munks motioned to approve the letter and Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

**PUBLIC COMMENT PERIOD.**

No one was present for the public comment period.

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**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Ted W. Anderson, Chairman

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Don Munks, Commissioner

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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