

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 6, 2004**

8:00 a.m. – 8:45 a.m.	Work Session – Commissioners
8:45 a.m. – 9:30 a.m.	Work Session – County Administrator
10:00 a.m. – 10:45 a.m.	Department Head Meeting
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items
11:30 a.m. – 11:45 a.m.	Public Comment Period
11:45 a.m. – 12:00 p.m.	Update – Thanksgiving Flood Event in the Samish and Skagit River Basins
1:25 p.m. – 1:30 p.m.	Presentation – Economic Development Association of Skagit County (EDASC) Regarding Washington Community Economic Revitalization Team (WA-CERT) Grant Funding
*T 1:30 p.m. – 2:30 p.m.	Public Hearing – To Consider Testimony Regarding the Adoption of the 2005 Budget
2:30 p.m. – 4:30 p.m.	Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Commissioners met in regular session on Monday, December 6, 2004, with Commissioners Ted W. Anderson and Kenneth A. Dahlstedt present. Commissioner Don Munks' absence was excused.

DEPARTMENT HEAD MEETING.

Chairman Anderson advised that Commissioner Munks is in Florida attending a WorkForce Development Conference.

Gary Rowe, County Administrator, announced that Chairman Anderson was appointed to the Washington State Board of Natural Resources on Friday, December 3, 2004. The position is selected by a vote of Washington State's 17 timber counties. The Board establishes policies to guide the Department of Natural Resources in managing the State's lands and resources. They also request and evaluate recommendations, approve or disapprove trust land timber and mineral sales, and establish the sustainable harvest level of forest lands.

Emergency Management Director, Tom Sheahan, was asked to speak about the recent flood event, which occurred on the eve of Thanksgiving and Thanksgiving Day.

Public Health Director, Peter Browning, spoke about the recent resignation of Health and Human Services Secretary Tommy Thompson from the Bush Cabinet. Mr. Thompson has warned that terrorists will attack the nation's food supply because it is easy to do so, and it is reported that Mr. Thompson also worries about a worldwide flu pandemic in an era when vaccine is in short supply.

Mr. Browning mentioned that on Thursday, December 9, 2004, the Health Department will be conducting a flu clinic at the Skagit County Fairgrounds in conjunction with a full scale emergency bio-terrorism exercise. Mr. Browning also reported that the United Way campaign is progressing smoothly.

Information Services Coordinator, Mike Almvig, was asked to speak about mail delays and network problems.

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Chairman Anderson suggested that perhaps the Department Head meetings should be held quarterly instead of monthly. He instructed the Clerk of the Board to poll the Department Heads and Elected Officials to see what might best fit their schedules for 2005.

CONSENT AGENDA.

Commissioner Dahlstedt motioned to approve the Consent Agenda for Monday, December 6, 2004, items 1 through 27. Chairman Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, November 22, 2004.
2. Record of the Proceedings for Tuesday, November 23, 2004.
3. Record of the Proceedings for Monday, November 29, 2004.

ADMINISTRATIVE SERVICES:

4. Resolution AND Interlocal Cooperative Agreement between Skagit County and the State of Washington, Department of Revenue, authorizing the administration and collection of Forest Excise Tax, per Ordinance No. O20040018. The agreement shall commence on January 1, 2005. **(Resolution No. R20040408 AND Contract No. C20040486)**
5. Interlocal Cooperative Agreement between Skagit County and the Town of Lyman, per Resolution No. R20040383, for the Municipal Water Project. The project will be funded with public facility funds in the amount of \$30,000. The agreement shall commence upon the date of execution and continue for 24 months. **(Contract No. C20040487)**
6. Memorandum of Agreement between Skagit County and the Skagit County Historical Society, per Resolution No. R20040169, to provide funding in the amount of \$21,000 for tourism promotion activities. The agreement shall commence on January 1, 2004, and continue through December 31, 2004. **(Contract No. C20040488)**
7. Resolution calling for a Public Hearing to consider the 2005 General, Road and Conservation Futures levy increase of 1%, plus new construction. The hearing will be held on Monday, December 20, 2004, at 1:30 p.m. **(Resolution No. R20040409)**
8. Resolution calling for a Public Hearing to consider the 2005 EMS levy increase of 1%, plus new construction. The hearing will be held on Tuesday, December 21, 2004, at 11:00 a.m. **(Resolution No. R20040410)**
9. Interlocal Cooperative Agreement between Skagit County and the Town of Concrete, per Resolution No. R20040383, for the Main Street/Dillard Avenue Project. The project will be funded with public facility funds in the amount of \$100,000. The agreement shall commence upon the date of execution and continue for 24 months. **(Contract No. C20040489)**

EMERGENCY MANAGEMENT:

10. Resolution authorizing the establishment of a Skagit County Citizen Corps Council. **(Resolution No. R20040411)**

FACILITIES MANAGEMENT:

11. Purchase and Sale Agreement between Skagit County and The Seattle Foundation, as Trustee of the Mark and Claire Litchman Charitable Remainder Trust, which authorizes the purchase of

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property located at 2221 Riverside Drive, Mount Vernon, in the amount of \$535,000. The agreement shall become effective upon the date of execution. **(Contract No. C20040490)**

HEALTH DEPARTMENT:

12. Interlocal Cooperative Agreement between Skagit County and Skagit County Public Hospital District No. 2, per Resolution No. R20020448, which allow Health Department Public Health Nurses to continue providing clinical nursing services on a fee-for-service basis at the Anacortes Teen Clinic. The agreement shall commence on October 1, 2004, and continue through September 30, 2005. **(Contract No. C20040491)**

HUMAN SERVICES:

13. Personal Services Agreement with the Skagit County Community Action Agency, which will cover 40% of the salary and related employee benefits for Rebecca Clark, an existing employee of SCCAA, who acts as the administrator for the Skagit County Mental Health Court Pilot Project. The agreement shall commence on January 1, 2005, and continue through December 31, 2005. Compensation is expected not to exceed a total of \$25,000. **(Contract No. C20040492)**
14. Resolution appointing Pamela Hutchinson as a County designated Mental Health Professional, effective December 6, 2004. **(Resolution No. R20040412)**
15. Interlocal Cooperative Agreement between Skagit County and the Town of Lyman, per Resolution No. R20040355, which allows the Skagit County Human Services Department to collect 7% of the Town's share of revenues from liquor profits and taxes. These monies will be used toward substance abuse treatment and prevention programs. This perpetual agreement shall become effective on April 1, 2004. **(Contract No. C20040493)**
16. Interlocal Cooperative Agreement between Skagit County and the City of Anacortes, per Resolution No. R20040355, which allows the Skagit County Human Services Department to collect 7% of the City's share of revenues from liquor profits and taxes. These monies will be used toward substance abuse treatment and prevention programs. This perpetual agreement shall become effective on April 1, 2004. **(Contract No. C20040494)**

INFORMATION SERVICES:

17. Resolution authorizing a Request for Proposals for an Enterprise Electronic Payment System. **(Resolution No. R20040413)**

PARKS & RECREATION:

18. Vendor Services Agreement with PLF Enterprises, LLC to install topsoil, mulch and landscape material at the storm water retention area of the parking lot at the Northern State Recreation Area. The agreement shall commence on November 1, 2004, and compensation is not to exceed a maximum of \$6,800. **(Contract No. C20040495)**

PROSECUTOR'S OFFICE:

19. Partial Satisfaction and Release of Judgment in the Halverson, et al. v. Skagit County case as it relates to Ginger L. Hyatt. Ms. Hyatt will pay \$1,224.39 for said release. **(Approved)**
20. Narcotics Enforcement Multi-Jurisdictional Task Force Interlocal Agreement between Skagit County and the Cities of Mount Vernon, Anacortes, Burlington, Sedro-Woolley, the Town of Concrete, San Juan County, the Swinomish Tribal Community and the Washington State Patrol. The participating agencies will do their part to reduce drug abuse and related problems by coordinated and concentrated efforts, initiating and conducting drug investigations at all levels

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possible. The agreement shall commence upon the date of execution and remain in effect until the Task Force is terminated. **(Contract No. C20040496)**

PUBLIC WORKS DEPARTMENT:

21. Resolution authorizing an Order to Vacate an unopened County right-of-way in Rockport, Washington, as requested by Warnie and Thelma Johnson, et al. **(Resolution No. R20040414)**
22. Resolution approving the adoption of the 2005 Annual Construction Program for roads, bridges, ferry and corresponding equipment purchases. **(Resolution No. R20040415)**
23. Amendment No. 2 to Personal Services Agreement **No. C20030424** with Leonard, Boudinot & Skodje, Inc., which extends the expiration date for the Britt Slough Storm Sewer Improvement Project from December 31, 2004, to December 31, 2005. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040208)**
24. Resolution authorizing an Interfund Loan in the maximum amount of \$25,000 to the Hansen Creek Sub-Flood Control Zone Fund #139. **(Resolution No. R20040416)**
25. Amendment No. 1 to Vendor Services Agreement **No. C20020460** with Arrow Launch Service, Inc., which increases compensation for the emergency haul out and outage for the dolphin repairs for the Guemes Island Ferry to \$2,000 per day for 30 days. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040209)**
26. Amendment No. 1 to Vendor Services Agreement **No. C20040444** with Industrial Spraying and Mowing, which increases the contract amount by \$750 for a new total of \$4,050 and increases the scope of work in the Blanchard Sub-Flood Control Zone. The amendment shall become effective on November 1, 2004. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040210)**
27. Amendment No. 1 to Vendor Services Agreement **No. C20040459** with Dunlap Towing of La Conner for work on the creosote log removal project for the Marine Resources Committee. The agreement is being revised to reflect a new spending limit of \$20,000, made necessary by the complexity of removing the logs from beaches. The effective date of the amendment is November 1, 2004. All other terms and conditions of the original contract shall remain in effect. **(Contract No. C20040211)**

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, December 6, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$108,289.25 (Transmittal No. C-150-04); and

Warrants numbered 184764 through 184959 from Clearing Fund 696 in the total dollar amount of \$320,814.14 (Transmittal No. C-151-04); and

Warrants numbered 184960 through 185018 from Clearing Fund 696 in the total dollar amount of \$188,134.84 (Transmittal No. C-152-04); and

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ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$68,520.52 (Transmittal No. C-153-04); and

Warrant numbered 185019 from Clearing Fund 696 in the total dollar amount of \$47,186.54 (Transmittal No. C-154-04); and

Ach Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$44,883.40 (Transmittal No. C-155-04); and

Warrants numbered 185020 through 185444 from Clearing Fund 696 in the total dollar amount of \$4,599,742.40 (Transmittal No. C-156-04); and

(This transmittal is out of sequence) Warrant number 185445 from Clearing Fund 696 in the total dollar amount of \$3,029.67 (Transmittal No. C-158-04); and

Payroll warrants numbered 964714 through 964872 in the total dollar amount of \$173,573.93 (Transmittal No. P-43-04); and

Payroll warrants numbered 156500 through 157589 in the total dollar amount of \$1,009,491.45 (Transmittal No. P-44-04); and

Payroll warrant number 157590 in the total dollar amount of \$106.93 (Transmittal No. P-45-04).

2. Staff presented a Resolution upholding the Hearing Examiner's decision regarding Appeal No. PL04-0036, submitted by Charles and Lorraine Saunders, for lot aggregation. Commissioner Dahlstedt motioned to approve the Resolution, which was seconded by Chairman Anderson. The motion carried. **(Resolution No. R20040417)**
3. Commissioner Dahlstedt made a motion to approve a Resolution appointing members to the Forest Advisory Board. Chairman Anderson seconded the motion, which carried. **(Resolution No. C2o040418)**
4. Commissioner Dahlstedt motioned to approve a Resolution authorizing the reorganization of Consolidated Dike District No. 12 as a Dike, Drainage, and Irrigation District. The motion was seconded by Chairman Anderson and carried. **(Resolution No. R20040419)**

PUBLIC COMMENT PERIOD.

Rich Royston, Mount Vernon, said he recently attended a conference in Snohomish County called "Focus on Farming." He said it was very informative and is hopeful that Skagit County will consider hosting something similar in nature.

Lynn Lennox, 3634 Legg Road, Bow, spoke of the need to move forward with the McElroy Slough Project. She explained that she personally worked very hard on this project and that much of the recent flooding in Blanchard could have been avoided if the project had been built.

David Allen, 15547 Flinn Road, Blanchard, expressed concerns regarding property that he owns that is surrounded by private dikes. When he purchased the property, Mr. Allen said he was unaware that these dikes were to be maintained by the owner. However, he has obligingly done so for the past six years in order to keep his road passable. Approximately three years ago, adjacent property was sold to a new owner who has the mind set that if he doesn't maintain the dikes, then the government will. Mr. Allen's argument is about the right to protect his property from floodwaters without being threatened.

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Commissioner Dahlstedt explained to Ms. Lennox that he and others recently met with local diking district folks and the Department of Fish and Wildlife regarding the McElroy Slough Project. He is hopeful that a proposal will be brought forth very soon that is agreeable to all parties.

Chairman Anderson asked Skagit County Public Works Administrator, Dave Brookings, to have staff survey the right-of-way on Flinn Road in order to provide Mr. Allen with a straight answer as to who is responsible for dike maintenance.

UPDATE – THANKSGIVING FLOOD EVENT IN THE SAMISH AND SKAGIT RIVER BASINS.

Emergency Management Director, Tom Sheahan, provided a detailed description of the flood event that occurred in the Samish and Skagit River Basins during the Thanksgiving holiday.

PRESENTATION – ECONOMIC DEVELOPMENT ASSOCIATION OF SKAGIT COUNTY (EDASC) REGARDING WASHINGTON COMMUNITY ECONOMIC REVITALIZATION TEAM (WA-CERT) GRANT FUNDING.

EDASC Director, Don Wick, provided an update on projects that have been submitted to the Washington Community Economic Revitalization Team. The first project is a feasibility study for an agricultural business incubator at the Washington State University Extension Agency. Mr. Wick said because this project needs to be among the top three on the priority list, the City of Sedro-Woolley has agreed to move their Sawmill Site Redevelopment Project down to the No. 3 slot. The Town of Hamilton Flood Mitigation Project would still remain as No. 2 on the priority list and a new project for Skagit Adult Day Care would be prioritized as either No. 12 or 13.

Commissioner Dahlstedt motioned to approve the changes as outlined by Mr. Wick. Chairman Anderson seconded the motion, which carried. **(An updated Resolution will be brought forth and signed on Monday, December 13, 2004, at 10:15 a.m.)**

PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING THE ADOPTION OF THE 2005 BUDGET.

County Administrator, Gary Rowe, provided a 2005 budget summary sheet showing the base budget for the general fund and all other County funds. He indicated that supplemental requests are noted in detail on additional sheets. Mr. Rowe stated that the base budget remains at the same level of funding as 2004 for all departments and necessary adjustments were made for salary and benefit changes. The supplemental requests came from Departments who feel that additional funding is essential for them to continue with programs they currently have.

Chairman Anderson opened the public hearing.

Tom Seguire, Skagit County Prosecuting Attorney, made a correction stemming from an article that appeared over the weekend in the Skagit Valley Herald, which stated that the prosecutor was asking for additional money to hire outside lawyers to sue the local Indian Tribes. Mr. Seguire said he strongly objected to the language that was used in the newspaper and therefore, wanted to set the record straight.

Kevin Paul of the Swinomish Tribe asked why County funds would be used to sue people like himself that live on the reservation. Mr. Paul said it would be advantageous to find ways for Skagit County and the Swinomish Tribe to work together.

Chairman Anderson said he shares Mr. Paul's views; however, most of the time the Tribes are legally challenging the County, not the other way around.

Bob Hilton, 21032 Little Mountain Road, Mount Vernon, said he was surprised by the amount of money the Sheriff's Department, attorneys and the court systems cost Skagit County taxpayers. He finds it

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interesting that police officers are now stationed in our public schools to maintain control and civil obedience. Mr. Hilton hopes that the County and the public school districts can work together to get their civics classes to enable our up and coming students to be law abiding citizens so that this outrageous cost to our courts can be reduced.

Chairman Anderson said Skagit County has tried to make a commitment to their youth by supporting programs like Best SELF and ARIS through Youth & Family Services. "We've made a genuine attempt to help our young people and feel we are seeing great success with these invaluable programs. We are better off to invest at an early age to stop this multi-generational problem," stated Chairman Anderson. He stated that he feels it is necessary to give children of all ages, ethnic backgrounds and economic levels opportunities to better themselves.

Mr. Rowe stated that various written correspondence requests have been received. Several libraries asked to have their funding restored to the \$100,000 level instead of the \$50,000 that was given last year. The Skagit Conservation District submitted a request for supplemental funding for their Forest Stewardship Management Program. Skagit Domestic Violence & Sexual Assault Services asked for continued financial support in the amount of \$25,055. Letters were received from the Skagit County Community Action Agency Volunteer Lawyer Program, supporting the Office of Mediation Services; the Washington Bulb Company expressing support for the Best SELF program; United Way asking support for the soon to be implemented 2-1-1 Information and Referral System for Health and Human Services; and from Superior Court expressing concern over the possibility that Mental Health Court hearing would not be able to continue if funding was not provided for that program.

Commissioner Dahlstedt said the County is constantly challenged with more demands, but not a lot of parties are interested in contributing funds to cover these requests.

Best SELF Manager, Tawni Helms, said changes have been made to the Best SELF program, which will reduce a total of eight classrooms countywide. This change is being made in anticipation of 200 less full-time students for 2005. Ms. Helms indicated that more families are choosing to attend either the first or second session instead of both.

There being no further public testimony, Commissioner Dahlstedt motioned to close the public hearing. The motion was seconded by Chairman Anderson, and carried. The public hearing was closed.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

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ATTEST:

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