

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 23, 2008**

I. CALL TO ORDER:

Chairman Munks called the proceedings to order at 8:04 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Munks led the gallery in the flag salute.

III. AGENDA:

A. 8:00 a.m. - 8:30 a.m. Consent Agenda and Miscellaneous Items

B. 8:30 a.m. - 9:30 a.m. Planning & Development Services

1. Discussion - Clarification of the Process to Adopt Forest Practice Regulations

Planning & Development Director Gary Christensen reviewed the agenda items for Tuesday, December 23, 2008.

John Cooper, Senior Planner, Geologist, spoke in response to the Board's request for additional information and further discussion on a work program addressing forest practice regulations.

State law, RCW 76.09.240, requires that counties planning under the Growth Management Act (GMA) (RCW 36.70A.040) adopt and enforce ordinances of regulations for class I, II, III, and IV forest practices within urban growth areas and all class IV General forest practices outside the urban growth areas by December 31, 2008. There is, however, no penalty for non-compliance with the deadline. Class IV General forest practices are defined as those areas which are proposed to be converted to a use other than forestry and parcels that have been platted after 1960. RCW 76.09.240 also requires that implementing regulations must be consistent with or supplement development regulations that protect critical areas pursuant to the GMA. In response to the mandate, Skagit County Planning and Development Services (PDS) have drafted preliminary forest practice regulations incorporating the requirements of RCW.76.09.240. Furthermore, no action on forest practice regulations can be adopted by a county, with Washington Department of Natural Resources (DNR) approval, until a county updates its critical areas regulations pursuant to the GMA

The Forest Advisory Board (FAB) has indicated that the above requirement would create specific hardships for the forest practice industry by subjecting non-conversion forest practice activities on properties planned after 1960 to the provisions of Skagit County's Critical Areas Ordinance. In an attempt to find an amicable resolution and to further common goals, Skagit County PDS is engaged in conversations with the DNR to have non-conversion Class IV General Forest practices remain under the jurisdiction of the DNR and

administered by Washington Administrative Code 222, Forest Practice Rules. PDS anticipates that these conversions will lead to a Memorandum of Understanding (MOU) with the DNR. Once an agreement is finalized, PDS will amend the draft forest practice code to reflect the contents of the MOU and, upon concurrence with the Board, move forward with the public process for adopting County regulations.

2. Discussion - Proposed Critical Areas Ordinance Update Which Includes Amendments to Skagit County Code, Chapters 14.04, 14.16, 14.18, 14.24

Mr. Christensen outlined the proposed Critical Areas Ordinance Update, which includes amendments to the Skagit County Code, Chapters 14.04, 14.16, 14.18, and 14.24.

A motion was made by Commissioner Dahlstedt to approve an Ordinance adopting the Skagit County Critical Areas Ordinance Update as required by the Washington State Growth Management Act (RCW 36.70A.130), including amendments to the Skagit County Code, Chapters 14.04, 14.16, 14.18, and 14.24. **(Ordinance No. O20080014)** Commissioner Dillon seconded the motion, which passed unanimously.

3. Miscellaneous

There were no miscellaneous items to discuss for Planning & Development Services.

- C. 9:30 a.m. - 10:30 a.m. Discussion/Possible Action - 2007 Comprehensive Plan Amendment Proposals

Mr. Christensen next presented the 2007 Comprehensive Plan Amendment proposals.

Carly Ruacho, Senior Planner, said the Planning Commission Recorded Motion pertaining to the 2007 Comprehensive Plan Amendment proposals was previously forwarded to the Commissioners. In the transmittal memo for the Recorded Motion, the Department identified three instances where the Planning Commission and Department recommendations differ. Also identified were two issues discovered subsequent to the Planning Commission's review for which the Department recommends corrective action. The Department recommends that the Planning Commission recommendations be adopted with the exception of the following items.

The Department and the Planning Commission recommendations differ on two mapping proposals within the Alger Community Plan. The two proposals are referred to as Old Hwy 99 East and Jarvis. The Department has identified concerns with these two proposals and has consistently recommended against the proposed changes through out the community planning process.

Mr. Ruacho next reviewed Bouslog Investments, LLC, MT Enterprises, the Alger Technical Correction and the CFP Profile Technical Correction.

Following comments by the Commissioners, they elected to make the following motion.

A motion was made by Commissioner Dahlstedt to approve adopting the 2007 Comprehensive Plan Amendments as recommended by the Planning Commission with the exception of the following amendments, which shall be denied: Jarvis, Old Hwy 99 East, Bouslog Investments (PL07-0808), and MT Enterprises; and including technical corrections to the Capital Facilities Profile and Alger Community Plan text as recommended by Planning and Development Services. Commissioner Dillon seconded the motion, which passed unanimously.

D. 10:30 a.m. - 11:00 a.m. Presentation - Climate Task Force Work Plan

Ryan Walters, Special Deputy Prosecuting Attorney, and Callie Martin, Waste Reduction/Recycling Education Specialist, spoke about the Climate Action Resolution. Mr. Walters said the Commissioners requested a plan for implementation of the Climate Action and Sustainability Taskforce envisioned by Climate Action Resolution No. R20080304, passed by the Board of Commissioners in June 2008. He went on to speak about the current projection of how the taskforce would operate during 2009.

Ms. Martin spoke of a resolution that would appoint members of and adopt a work plan for the Skagit County Climate Action Sustainability Taskforce.

Recommended appointments are:

John Day; Molly Doran; Ed Gastellum; Richard Grosvenor; Kevin Maas; Jane Mayer; Tarn Mower; Eric Shen; Linda Talman; Nicolette Thornton; John (Jack) De Younge; Daniel Watters; Danielle Wensauer; Susan Wood; and Ian Woofenden.

Ric Boge, Resource Conservation Manager, Skagit Council of Governments, said they would be cutting back on greenhouse gas emissions and will be working closely with this group to accomplish that goal.

Mr. Walters said there is a one year timeline for the Taskforce to implement necessary emissions targets specified in the resolution.

A motion was made by Commissioner Dahlstedt to approve a resolution appointing members of, and adopting a work plan for, the Skagit County Climate Action and Sustainability Taskforce. **(Resolution No. R20080583)** Commissioner Dillon seconded the motion, which passed unanimously.

E. 11:00 a.m. - 11:30 a.m. Briefing - Mental Health Substance Abuse Forum

Rebecca Clark, Mental Health Coordinator from Medication Services, outlined community priorities for Mental Health and Chemical Dependency Treatment.

Early in 2008, Skagit County's treatment providers, oversight agencies and health facilities came together to plan a community forum to prioritize mental health and chemical dependency treatment needs. Tragic events that occurred during 2008 heightened the urgency of the need to identify the missing pieces in our continuum of care. In September and November, the Skagit County community spent two days reviewing and identifying how to enhance services for individuals and families struggling with these illnesses and ensure the safety of the community.

On November 20, 2008, 70 people attended a community forum to review the priorities identified at the September meeting and to endorse an action plan.

Ms. Clark reviewed treatment priorities, including housing, inpatient services, crisis and acute services, and outpatient services. She also mentioned several issues that are of immediate and critical importance to the residents of Skagit County.

The Commissioners thanked Ms. Clark for her presentation.

F. 11:30 a.m. - 11:45 a.m. Public Comment Period

No one was present for the Public Comment period.

G. 1:30 p.m. - 2:00 p.m. Public Hearing - To Consider Testimony Regarding the Sale of County Surplus Property

Chairman Munks opened the public hearing regarding the sale of surplus property by the Skagit County Sheriff's Office.

The vehicles being sold were donated, wholly or in part, from private funds, so the proceeds, if any, of said public sale shall be returned to the Skagit County Sheriff's Office Search and Rescue account. The funds shall be used solely for purchase or maintenance of Search and Rescue vehicles currently owned by the Sheriff's Office and shall not supplant existing funds for this program.

There being no testimony forthcoming, Commissioner Dahlstedt motioned to close the public hearing, which was seconded by Commissioner Dillon and passed unanimously.

The auction will be held on Saturday, January 24, 2009, at 12:00 p.m. at Peter's Westside Towing.

A motion was made by Commissioner Dahlstedt to approve a resolution authorizing the disposal of County surplus property. **(Resolution No. R20080580)** Commissioner Dillon seconded the motion, which passed unanimously.

H. 2:00 p.m. - 2:15 p.m. Consideration of the Hearing Examiner's Recommendation for

Approval to Transfer Approximately 86.12 Acres owned by Dorothy and Chris Lundvall to the Current Use Farm and Agricultural Conservation Program. The Property is Located East of Highway 9 and in a Part of South Gunderson Road (P24723, P24734, P24742) (CUTR/OS #4-2008)

Chairman Munks brought the proceedings back to order at 2:03 p.m. Chairman Munks outlined the resolution and asked for a vote.

A motion was made by Commissioner Dahlstedt to approve a Resolution concerning an Open Space Application of Dorothy and Chris Lundvall, CUTR/OS #4-2008. (**Resolution No. R20080585**) Commissioner Dillon seconded the motion, which passed unanimously.

I. 3:30 p.m. - 4:00 p.m. Action - Planning Commission Recorded Motion on 2007 Comprehensive Plan Amendment Proposals

Chairman Munks reconvened the proceedings at 3:37 p.m.

Planning & Development Services Director Gary Christensen reintroduced an ordinance to approve certain 2007 Comprehensive Plan Amendment proposals to amend the Skagit County Comprehensive Plan and Comprehensive Plan/Zoning Map. According to Mr. Christensen, the ordinance has now been prepared and reviewed by legal counsel.

Senior Planner, Carly Ruacho, asked the Board if they had any questions or comments.

The Commissioners thanked Planning staff for all their efforts.

A motion was made by Commissioner Dahlstedt to approve an Ordinance adopting certain 2007 Comprehensive Plan Amendment proposals to amend the Skagit County Comprehensive Plan and Comprehensive Plan/Zoning Map as presented. (**Ordinance No. O20080015**) Commissioner Dillon seconded the motion, which passed unanimously.

J. 4:00 p.m. Swearing In Ceremony for Skagit County Commissioner Kenneth A. Dahlstedt and Skagit County Commissioner Elect Ron Wesen by Skagit County Superior Court Judge John Meyer

IV. CONSENT AGENDA FOR TUESDAY, DECEMBER 23, 2008, ITEMS 1 - 43:

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda, items 1 through 23 and items 25 through 43, Ratification Agenda items 44 and 45, vouchers, warrants, and miscellaneous items for Tuesday, December 23, 2008. Commissioner Dillon seconded the motion, which passed unanimously. Item 24 was removed from the agenda pending further information.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, December 16, 2008. **(Approved)**

b) ASSIGNED COUNSEL:

2. Personal Services Agreement with Jennifer Bouwens, Attorney at Law, to provide legal representation to indigent defendants referred by the Office of Assigned Counsel. These are cases deemed conflict of interest for the Public Defender's Office. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to exceed a total of \$150,000. **(Contract No. C20080724)**
3. Personal Services Agreement with Darren Acoba, Attorney at Law, to provide indigent defense services for children in dependency proceedings who have been referred by the Office of Assigned Counsel. The agreement shall commence on January 1, 2008, and continue through December 31, 2010. Compensation is not to exceed a total of \$75,000. **(Contract No. C20080725)**
4. Personal Services Agreement with Lynn Miner, Attorney at Law, to provide legal representation to indigent defendants referred by the Office of Assigned Counsel. These cases are deemed conflict of interest for the Public Defender's Office. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to exceed a total of \$75,000. **(Contract No. C20080726)**
5. Personal Services Agreement with Paula Plumer, Attorney at Law, to provide legal representation to indigent defendants referred by the Office of Assigned Counsel. These are cases deemed conflict of interest for the Public Defender's Office. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to exceed a total of \$150,000. **(Contract No. C20080727)**
6. Personal Services Agreement with the Snohomish County Public Defenders Association to provide legal representation to indigent defendants referred by the Office of Assigned Counsel. These are cases deemed conflict of interest for the Public Defender's Office. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to exceed a total of \$150,000. **(Contract No. C20080728)**
7. Personal Services Agreement with Kelli Armstrong-Smith, Attorney at Law, to provide legal representation to indigent defendants referred by the Office of Assigned Counsel. These cases are deemed conflict of interest for the Public Defender's Office. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to exceed a total of \$75,000. **(Contract No. C20080729)**
8. Personal Services Agreement with Kelli Armstrong-Smith, Attorney at Law, to provide legal representation to indigent defendants referred by the Office of Assigned Counsel. These cases are deemed conflict of interest for the Public Defender's Office. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to

exceed a total of \$150,000. **(Contract No. C20080730)**

c) AUDITOR'S OFFICE:

9. Interlocal Agreement between Skagit County and the State of Washington, Office of the Secretary of State, Archives & Records Management Division for document preparation and imaging services. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to exceed a total of \$50,000. **(Contract No. C20080731)**

d) BUDGET & FINANCE:

10. Resolution authorizing the allocation of low income housing funds for 2009. **(Resolution No. R20080557)**
11. Resolution authorizing Skagit County Human Services to use a portion of their 2007 low income housing grant during the 2009 calendar year. **(Resolution No. R20080558)**
12. Resolution authorizing the allocation of homeless housing and assistance funds for 2009. **(Resolution No. R20080559)**
13. Resolution authorizing a property tax increase for the 2009 Skagit County General Levy. **(Resolution No. R20080560)**
14. Resolution authorizing a property tax increase for the 2009 Skagit County Road Levy. **(Resolution No. R20080561)**
15. Resolution authorizing a property tax limit factor increase for the 2009 Conservation Futures Levy. **(Resolution No. R20080562)**
16. Resolution authorizing a property tax limit factor increase for 2009 Emergency Medical Services Levy. **(Resolution No. R20080563)**
17. Resolution authorizing a property tax limit factor increase for the 2009 General Levy. **(Resolution No. R20080564)**
18. Resolution authorizing a property tax limit factor increase for the 2009 Road Levy. **(Resolution No. R20080565)**
19. Resolution authorizing the diversion of the 2009 Road Tax Levy for traffic law enforcement. **(Resolution No. R20080566)**
20. Resolution authorizing a property tax increase for the 2009 Conservation Futures Levy. **(Resolution No. R20080567)**
21. Resolution authorizing a property tax increase for the 2009 Skagit County Emergency Medical Services Levy. **(Resolution No. R20080568)**
22. Resolution authorizing a property tax levy shift for 2009 from the Skagit

County Road Levy to the Skagit County General Levy. **(Resolution No. R20080569)**

23. Resolution authorizing an Interfund loan from the Capital Improvement Fund to the Facility Improvement Fund. **(Resolution No. R20080570)**

e) HEALTH DEPARTMENT:

24. Amendment No. 1 to Personal Services Agreement No. C20080436 with Skagit Business and Staffing, LLC, which adds an additional \$20,000 to the contract for a new total not to exceed \$35,000, extends the duration of the contract through August 31, 2009, and amends Exhibit B to include the 2009 Skagit Business & Staffing Rate Structure. All other terms and conditions of the original contract shall remain in effect. **(This item was removed from the agenda pending further information)**

f) HUMAN RESOURCES:

25. Resolution establishing 2009 salary increases for certain regular full-time and regular part-time non-represented employees. **(Resolution No. R20080571)**
26. Resolution establishing salary levels for certain Skagit County Elected Officials for 2009. **(Resolution No. R20080572)**

g) PARKS & RECREATION:

27. Rafting Contract with Alpine River Runners, LLC to conduct commercial float trips on the Skagit River and launching from and/or exiting onto County property commonly known as the Howard Miller Steelhead Park. The agreement shall commence on December 23, 2008, and continue through November 30, 2009. The Contractor shall pay the County a nonrefundable permit fee of \$150. **(Contract No. C20080732)**

h) PLANNING & DEVELOPMENT SERVICES:

28. Amendment No. 1 to Personal Services Agreement No. C20080199 with Reid Middleton, Inc., which extends the termination date to December 31, 2009. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080243)**
29. Resolution establishing the 2008 Docket of Comprehensive Plan Land Use/Zoning Map and Policy Amendments. **(Resolution No. R20080573)**

i) PUBLIC WORKS DEPARTMENT:

30. Resolution calling for a public hearing regarding Revision 1 to the 2009-2014 Six-Year Transportation Improvement Program (TIP) to be held on Tuesday, January 6, 2009, at 8:30 a.m. **(Resolution No. R20080574)**
31. Resolution calling for bids for the procurement of Maintenance Materials to

multiple vendors for the period beginning April 1, 2009, through March 31, 2010. Purchasing contracts will be implemented for materials expected to exceed \$25,000. **(Resolution No. R20080575)**

32. Resolution modifying the membership of the Water Resources Advisory Committee for the 2007-2009 time period. **(Resolution No. R20080576)**
33. Resolution regarding the establishment of the 2009 Guemes Island Ferry Fare Structure, and rescinding resolutions R20050298, R20050405, R20060196, R20080288 and R20080405. **(Resolution No. R20080577)**
34. Amendment No. 2 to Personal Services Agreement No. C20070175 with URS Corporation, which extends the contract an additional 6 months, ending June 30, 2009, with no additional expense. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080244)**
35. Resolution for the abolishment of and distribution of assets of a Sub-Flood Control Zone known as Bryson Road Sub-Flood Control Zone. **(Resolution No. R20080578)**
36. Construction Contract Agreement with BDZ Developers, Inc. for the Best Road/McLean Road Roundabout Project ES44000-5 in the amount of \$637,000. The agreement shall commence upon the date of execution. **(Contract No. C20080733)**

j) RISK MANAGEMENT:

37. Personal Services Agreement with R. J. Appraisals to provide vehicle damage appraisal services as assigned by Skagit County Risk Management and/or Allied Claims Service, Inc. The agreement shall commence on December 31, 2008, and continue until December 31, 2009. Compensation is not to exceed a total of \$5,000. **(Contract No. C20080734)**

k) SENIOR SERVICES:

38. Resolution authorizing a call for public hearing regarding the lease of County property commonly known at the Concrete Senior Center located at 45821 Railroad Avenue, Concrete. The lease will be with the Saturday Community Market Association. The hearing will be held on Tuesday, January 13, 2009, at 9:30 a.m. **(Resolution No. R20080579)**
39. Amendment No. 1 to Vendor Services Agreement No. C20080453 with Rick's Refrigeration, which extends the contract through December 31, 2009. The compensation amount as noted in the original agreement is revised from \$8,000 to \$6,500 per calendar year. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080245)**
40. Amendment No. 3 to Application for Federal Assistance Grant No. C20080604 with the Corporation for National and Community Service, which assists Skagit County Senior Services in carrying out a national service

program authorized by the Domestic Volunteer Service Act of 1973. Funds in the amount of \$63,690 are awarded for 2009, which covers the period of January 1, 2009, through December 31, 2009. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080246)**

l) SHERIFF:

41. Resolution authorizing the disposal of County surplus property. A public auction will be held on Saturday, January 24, 2009, at 12:00 p.m. by Peter's Westside Towing. **(Resolution No. R20080580)**

m) YOUTH & FAMILY SERVICES:

42. Interlocal Cooperative Agreement between Skagit County and the City of Mount Vernon to continue collaboration and space sharing at the Kulshan Creek Neighborhood Station in serving youth and families of the neighborhood. The agreement commenced on December 12, 2008, and shall continue through December 31, 2009. The County will reimburse Mount Vernon a maximum of \$2,250 in direct costs. **(Contract No. C20080735)**
43. Personal Services Agreement with Catholic Community Services to provide specialized child, adolescent, adult and family assessment, evaluation and treatment services. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. Compensation is not to exceed a total of \$40,000. **(Contract No. C20080736)**

V. CONTRACT RATIFICATIONS, ITEMS 44 - 45:

n) SUPERIOR COURT:

44. Resolution ratifying an Interlocal Agreement between Skagit County Superior Court and the State of Washington Administrative Office of the Courts (AOC) to provide interpreter services. The contract from AOC was received October 30, 2008, which was not prior to the commencement of the date of the contract. The delay was caused by AOC due to the time required to evaluate the spending patterns of the Washington State courts from January 1, 2008 - June 30, 2008. This evaluation resulted in an increase of funding t Skagit County Superior Court. **(Resolution No. R20080581)**
45. Interlocal Agreement between Skagit County Superior Court and the State of Washington Administrative Office of the Courts to provide interpreter services and be reimbursed a maximum of \$13,635 for costs incurred during the period of July 1, 2008, through June 30, 2009. **(Contract No. C20080737)**

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

- a. ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$262,564.10 (Transmittal No. C-155-08); and
 - b. Warrants numbered 287944 through 288615 from Clearing Fund 696 in the total dollar amount of \$6,504,494.59 (Transmittal No. C-156-08); and
 - c. Warrants numbered 288616 through 288825 from Clearing Fund 696 in the total dollar amount of \$280,009.72 (Transmittal No. C-157-07); and
 - d. Payroll Warrants numbered 237698 through 238525 from Clearing Fund 696 in the total dollar amount of \$1,188,624.89 (Transmittal No. P47-08); and
 - e. Payroll warrants numbered 981923 through 982145 from Clearing Fund 696 in the total dollar amount of \$273,101.90 (Transmittal No. P-48-08).
- 2) Staff brought forth a Resolution authorizing a call for a public hearing for a 2009 budget amendment for various departments. **(Resolution No. R20080582)**
 - 3) Staff brought forth a Personal Services Agreement with Davis Wright Tremaine to provide legal counsel, representation and services relating to the review and/or possible litigation matters related to Puget Sound Energy and the Baker River Dams, i.e. flood control. The agreement shall commence on October 1, 2008, and continue through December 31, 2009. Compensation is not to exceed \$20,000. **(Contract No. C20080738)**
 - 4) Staff brought forth an Interlocal Agreement between Skagit County and the City of Burlington, which allows the Office of Assigned Council to provide indigency screening services for defendants who have been charge with a criminal offence and are facing incarceration or are held in custody. The agreement shall commence on January 1, 2009, and continue through December 31, 2010. The City agrees to pay for such services the sum of \$15 for each referral. **(Contract No. C20080739)**

VII. ADJOURNMENT:

Chairman Munks adjourned the proceedings.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

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