

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, FEBRUARY 22, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, February 22, 2011, with Commissioners Ron Wesen, Kenneth A. Dahlstedt, and Sharon D. Dillon present.

I. CALL TO ORDER:

Chairman Wesen called the proceedings to order at 10:00 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Wesen led the gallery in the salute to the flag.

III. AGENDA:

- a) \*8:30 a.m. - 10:00 a.m. Briefing - County Commissioners/County Administrator
- b) 10:00 a.m. - 11:00 a.m. Public Works - Henry Hash, Director:
  - a. Public Hearing/Possible Action: Consideration of a Revision to Skagit County Code 14.42 "Accepting Grants of Real Property"

Given Kutz, Skagit County Traffic Engineer, was present to discuss the proposed changes to Skagit County Code 14.42 for "Accepting Grants of Real Property." Mr. Kutz suggested that the amendment would allow for the acceptance of real property, road right of way, easements, or any other real property rights acquired through the use of the County's eminent domain authority pursuant to Chapter 8.08 R.C.W. Mr. Kutz went on to say it would allow for the acceptance of real property, road right of way, easements, or any other real property rights otherwise acquired through County-initiated negotiations with property owners, provided the negotiations initiated by the County are duly authorized and approved by the Board of Commissioners.

Steve Fallquist, Civil Deputy Prosecuting Attorney, stated that if the County were seeking to acquire real property, for road right of way easements, the proposed changes would allow the process to be accomplished without requiring the property owner to go through a cumbersome process. He went on to explain the intent of Skagit County Code 14.42.

Chairman Wesen opened the public hearing at 10:10 a.m. Seeing no public testimony forthcoming, Commissioner Dahlstedt made a motion to close the public hearing at 10:11 a.m., which was seconded by Commissioner Dillon. The motion passed unanimously.

A motion was made by Commissioner Dahlstedt to approve the Ordinance amending Skagit County Code 14.42 "Accepting Grants of Real Property." (The original Ordinance will be presented on the consent agenda on Monday, February 28, 2011.) Commissioner Dillon

seconded the motion.  
The vote passed unanimously.

b. Miscellaneous

There were no miscellaneous items for Public Works to discuss.

Chairman Wesen adjourned the proceedings at 10:15 a.m.

c) 11:30 a.m. - 11:45 a.m. Public Comment Period

Chairman Wesen opened the public comment period at 11:30 a.m.

Seeing no public comment forthcoming, Commissioner Dillon made a motion to close the public comment at 11:30 a.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Chairman Wesen recessed the proceedings at 11:34 p.m.

d) 1:30 p.m. - 2:00 p.m. Consent Agenda and Miscellaneous Items

e) \*2:00 p.m. - 3:00 p.m. Executive Session (Potential Litigation)

f) 3:00 p.m. - 3:30 p.m. Proclamation - February 22 through 25, 2011 - FFA Week in Skagit County

Chairman Wesen called the proceedings to order at 3:04 p.m.

The following students were present from the Mount Vernon Chapter of FFA: Meagan Maillet, President; Travis Kester-Day, Treasurer; Julia Monroe, Secretary; Sabrina Brooks, Recorder; Pablo Pineda, Sentinel; Michael Shearer, Vice President. Each student discussed how FFA made a positive difference in their lives. They spoke about how they were able to develop their leadership skills, personal growth and career success through agricultural education.

Commissioner Dillon stated that she was impressed by the students' public speaking abilities. Commissioners Wesen and Dahlstedt both spoke about their FFA experience.

Commissioner Dahlstedt read the proclamation declaring February 22, through 25, 2011, as FFA Week in Skagit County.

g) \*3:30 p.m. - 4:30 p.m. Executive Session (Litigation)

IV. CONSENT AGENDA FOR TUESDAY, FEBRUARY 22, 2011 (items 1 through 15):

Chairman Wesen reconvened the proceedings at 1:32 p.m.

A motion was made by Commissioner Dillon to approve the Consent Agenda items 1 through 15, Ratification Agenda items 16 through 25, Vouchers and Warrants for

Tuesday, February 22, 2011. Commissioner Dahlstedt seconded the motion.  
The vote passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, February 15, 2011. **(Approved)**
2. Resolution to appoint Peter A. Breckenridge to fill the position of Commissioner for the Bow Edison Dike and Drainage District No. 19, which was vacated by Ron Johnson. Mr. Breckenridge's term shall commence upon the date of execution and shall continue until the next special district general election in 2012. **(Resolution No. R20110053)**
3. Resolution to appoint James Glackin to serve as a board member on the Skagit County Board of Equalization. Mr. Glackin's term shall become effective on March 1, 2011, and expires on December 31, 2013. **(Resolution No. R20110054)**
4. Resolution to appoint John Rantschler to serve as an alternate board member on the Skagit County Board of Equalization. Mr. Rantschler's term shall become effective on March 1, 2011, and expires on December 31, 2013. **(Resolution No. R20110055)**

b) BUDGET AND FINANCE:

5. Funding Agreement between Skagit County and Cascade Days, which awards \$5,000 of Lodging Tax funds to support activities related to the Cascade Days event. The Agreement commenced on January 1, 2011, and shall continue through December 31, 2011. Compensation shall not exceed \$5,000. Funds were authorized pursuant to Resolution No. R20100417. **(Contract No. C20110074)**

c) FACILITIES:

6. Vendor Services Agreement with Commercial Fire Protection, Inc. to replace the existing damaged sidewall sprinklers with new Tyco "Raven" institutional sidewall sprinklers in the Skagit County Jail, located at 600 South 3rd Street in Mount Vernon. The Agreement shall commence upon the date of execution and continue for one year. Compensation shall not exceed \$3,880. **(Contract No. C20110075)**
7. AIA Document A101 - 2007 Standard Form of Agreement between Skagit County and IMAC, Inc., for the Skagit County Public Works Tenant Improvement Project, located at 1800 Continental Place in Mount Vernon. The Agreement shall commence upon the date of execution and shall continue until completed. Compensation shall not \$20,959 (plus applicable sales tax). **(Contract No. C20110076)**

d) PUBLIC WORKS:

8. Resolution for approval of maps, plans, and specifications and call for bids

for the Janicki Road Improvement Project #RD31I-565. The bid opening is scheduled to take place on Monday, March 14, 2011, at 2:00 p.m. **(Resolution No. R20110056)**

9. Resolution for approval of maps, plans, and specifications and call for bids for the Ferry Terminal Asphalt Overlay, Anacortes Project #FEAO-10. The bid opening is scheduled to take place on Monday, March 14, 2011, at 2:15 p.m. **(Resolution No. R20110057)**
10. Resolution to call for bids for one (1) new or used 5th wheel tractor. The bid opening is scheduled to take place on Monday, March 14, 2011, at 2:30 p.m. **(Resolution No. R20110058)**
11. Resolution to call for a public hearing to consider testimony regarding changes to the Guemes Island Ferry Fare Schedule. The public hearing is scheduled to take place on Tuesday, March 15, 2011, at 10:00 a.m. **(Resolution No. R20110059)**
12. Vendor Services Agreement with Alaskan Pacific Fisheries Corp. dba Mystic Sea Charters to provide temporary passenger-only ferry service between Cap Sante Boat Haven in Anacortes and Guemes Island. The Agreement shall commence upon the date of execution and continues during the construction period of the Anacortes Ferry Dock Rehabilitation and the Guemes Island Ferry Dock Repair Project. Resolution No. R20110024, approved by the Board of County Commissioners on February 1, 2011 authorized the contract award to Alaskan Pacific Fisheries Corp., dba Mystic Sea Charters. Compensation shall not exceed \$227,660. **(Contract No. C20110077)**
13. Amendment No. 1 to Centennial Clean Water Program Grant No. G090062, Skagit County Contract No. C20080607, with Washington State Department of Ecology for Skagit County Natural Resource Stewardship Project. The purpose of this Amendment is to remove the \$10,000 per project maximum limit and to modify the public outreach component of the grant. The total cost of the program remains at \$540,000. The Centennial Clean Water grant will pay 75% of the costs or \$405,000. The remaining \$135,000 will come from the Skagit County Clean Water Program funds. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110015)**
14. Resolution declaring sole source purchase of parts and service for ferry transmissions distributed by ZF Marine, LLC. **(Resolution No. R20110060)**
15. Vendor Services Agreement with ZF Marine, LLC for the purchase of parts and services for the M/V Guemes Ferry transmissions. The Agreement shall commence upon the date of execution and shall continue two years. Compensation shall not exceed \$50,000. **(Contract No. C20110078)**

V. RATIFICATION AGENDA (Items 16 through 25):

- e) ASSIGNED COUNSEL:

16. Resolution authorizing the ratification of a Personal Services Agreement with John Murphy, Attorney at Law. The contract was delayed in the signature process, therefore not signed by the Board of Skagit County Commissioners. **(Resolution No. R20110061)**
  17. Personal Services Agreement with John Murphy, Attorney at Law, to provide indigent defense representation for indigent defendants referred by the Office of Assigned Counsel who have been deemed conflict of interest for the Skagit County Public Defender's office. Compensation shall not exceed \$100,000. **(Contract No. C20110079)**
- f) PROSECUTING ATTORNEY:
18. Resolution authorizing the ratification of a Personal Services Agreement with GordonDerr, LLP. A signed contract was not received prior to the commencement of the contract on December 1, 2010, due to pending budget negotiations. **(Resolution No. R20110062)**
  19. Personal Services Agreement with GordonDerr, LLP to provide legal counsel, representation, and services relating to the review and/or possible litigation matter related to the Growth Management Act and Other Land Use and Environmental Issues. The Agreement commenced on December 1, 2010, and shall continue until December 31, 2011. Compensation shall not exceed \$40,000. **(Contract No. C20110080)**
- g) PUBLIC DEFENDER:
20. Resolution authorizing the ratification of a Personal Services Agreement with Gary T. Way, dba Way Investigations. There was difficulty in obtaining all the necessary signatures and presenting the contract to the Board of Skagit County Commissioners for approval prior to the commencement date of February 15, 2011. **(Resolution No. R20110063)**
  21. Personal Services Agreement with Gary T. Way, dba Way Investigations to provide investigation services as requested by the Skagit County Public Defender. The Agreement commenced on February 15, 2011, and shall continue until December 31, 2011. Compensation shall not exceed \$70,000. **(Contract No. C20110081)**
- h) PUBLIC WORKS:
22. Resolution authorizing the ratification of an Interlocal Cooperative Agreement between Skagit County and City of Sedro-Woolley. On or about December 14, 2010, Skagit County hired the City of Sedro-Woolley to provide emergency related equipment and services to help minimize flooding damages. The purpose of the Agreement is to allow Skagit County to reimburse the City for providing equipment and services. **(Resolution No. R20110064)**
  23. Interlocal Cooperative Agreement between Skagit County and the City of Sedro-Woolley, to provide materials, and equipment rental for work for the County as needed. The Agreement commenced on December 13, 2010, and

shall continue until June 30, 2011. The County shall reimburse the City for the use of the City's materials, and equipment rental. Funds were authorized pursuant to Resolution No. R20100426, dated December 13, 2010.  
**(Contract No. C20110082)**

i) RISK MANAGEMENT:

24. Resolution authorizing the ratification of Personal Services Agreement with Evergreen Safety Council. A signed contract was lost in the mail and not received prior to the necessary commencement date of January 1, 2011.  
**(Resolution No. R20110065)**
25. Personal Services Agreement with Evergreen Safety Council to provide qualified instructor and materials for miscellaneous safety and health trainings as requested by the Risk Management Department. The Agreement commenced on January 1, 2011, and continues through December 31, 2011. Compensation shall not exceed \$10,000. **(Contract No. C20110083)**

VI. VOUCHERS AND WARRANTS:

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) Warrants numbered 336253 through 336743 from Clearing Fund 696 in the total dollar amount of \$1,023,261.68 (Transmittal No. C-20-11).

VII. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 3:21 p.m.

The Commissioners attended an executive session from 2:05 p.m. to 3:04 p.m. the topic was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorney was present at the executive session and gave legal advice to the Board of County Commissioners; Ryan Walters, and Jill Dvorkin. The following staff were in attendance: Tim Holloran, County Administrator; Gary Christensen, Director of Skagit County Planning & Development Services; and Carly Ruacho, Senior Planner.

The Commissioners attended an executive session from 3:31 p.m. to 4:28 p.m. the topic was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorney was present at the executive session and gave legal advice to the Board of County Commissioners; Will Honea, Rich Weyrich, Ryan Walters, and Jill Dvorkin. The following staff were in attendance: Gary Christensen, Director of Skagit County Planning & Development Services; Henry Hash, Director of Skagit County Public Works; Dan Berentson, Natural Resources Manager, Betsy Stevenson, Senior Planner.

**BOARD OF COMMISSIONERS**

**SKAGIT COUNTY, WASHINGTON**

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Ron Wesen, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Sharon D. Dillon, Commissioner

ATTEST:

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Linda Hammons, Clerk of the Board