

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 7, 2011**

The Skagit County Board of Commissioners met in regular session on Monday, November 7, 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 1:33 p.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) *8:30 a.m. - 10:30 a.m. Briefing - County Commissioners/County Administrator
- b) *10:30 a.m. - 11:30 p.m. Executive Session (Litigation)
- c) 1:30 p.m. - 1:45 p.m. Consent Agenda, Vouchers, Warrants, and Miscellaneous Items

A motion was made by Commissioner Dillon to approve the Consent Agenda Items 1 through 25, Ratification Items 26 through 31, vouchers and warrants for Monday, November 7, 2011. Commissioner Dahlstedt seconded the motion.
The vote passed unanimously.

Attorney John Shultz was present and asked if the Resolution to appoint Eddie Paul Tjeerdsma to fill the position vacated by Charles H. Bennett on the Skagit County Dike, Drainage and Irrigation Improvement District No. 12 had been passed by the Commissioners.

The Commissioners confirmed that it had.

- d) 1:45 p.m. - 2:00 p.m. Proclamation: Recognizing November as United Way Month in Skagit County

Chairman Wesen reconvened the proceedings at 1:47 p.m.

Director of United Way Debra Lancaster introduced 2011 Campaign Chair Maureen Lama. Ms. Lama discussed United Way's fundraising goals of obtaining more than \$1 million for 2011. Ms. Lama said that donations to United Way can be by check, through their website, or automatically deducted from paychecks and Ms. Lama said that all funds raised stayed in Skagit County.

Ms. Lancaster thanked Skagit County employees for their support by participating in United Way's automatic check deduction donations.

Ms. Lancaster and the Commissioners discussed the multiple levels of support one could offer United Way and the non-profit agencies in Skagit County that United Way supports, which included: The American Red Cross - Islands & Mt. Baker Chapters; Anacortes Community Shelter Project; Boy Scouts of America – Mt. Baker Council; Bread of Life Food Bank; Camp Fire USA – Samish Council; Catholic Community Services WW-NW; Chinook Enterprises; Compass Health; Concrete Food Bank; Girl Scouts of Western Washington; Ideas for Living; Meals on Wheels; Mount Vernon Community Wellness Council; North Cascades Health Council; Northwest Youth Services; Reverie Outreach; Retired Senior Volunteer Program (R.S.V.P); Sea Mar Community Health Centers; Secret Harbor; Skagit Adult Day Care; Skagit Council on Aging; Skagit County Community Action Agency; Skagit Domestic Violence and Sexual Assault Services; Skagit Habitat for Humanity; Skagit Valley Family Support Center; Skagit Valley Family YMCA; SPARC (Skagit Preschool and Resource Center); The Landing; Visiting Nurse Home Care; Volunteers of America; and YouthNet.

Discussion followed regarding the selection process for funding each of the above agencies.

The Commissioners thanked Ms. Lancaster and Ms. Lama as well as the Skagit County employees who donate to United Way.

Commissioner Dahlstedt read the proclamation designating November 2011 as United Way Campaign Month in Skagit County.

Natural Resources Division Manager Dan Berentson and County Administrator Tm Holloran stated that many Skagit County employees see the need within the community every day which is why many employees support United Way. Mr. Holloran stated that the need was greater than ever due to the budget cuts proposed by the State of Washington which remove many of the safety nets in place within communities that help individuals in need.

- e) *2:00 p.m. - 4:00 p.m. Executive Session (Personnel)
- f) *6:00 p.m. Water Rights Informational Meeting - Nookachamps and Fisher/Carpenter Basins (Big Lake School, 16802 Lakeview Blvd., Mount Vernon)

IV. CONSENT AGENDA (items 1 through 25):

- a) COMMISSIONERS' OFFICE:
 - 1. Record of the Proceedings for Monday, October 31, 2011. **(Approved)**
- b) APPOINTMENT:
 - 2. Resolution to appoint Josh Carpenter to fill the position vacated by Rolls (Skip) Ritchey on the Central Valley Ambulance Authority Board. Mr. Carpenter's term shall commence on the date of execution and shall continue until December 31, 2012. **(Resolution No. R20110348)**

3. Resolution to appoint Eddie Paul Tjeerdsma to fill the position vacated by Charles H. Bennett on the Skagit County Dike, Drainage and Irrigation Improvement District No. 12. Mr. Tjeerdsma's term shall commence on the date of execution and shall continue until February 2014. **(Resolution No. R20110349)**

c) BUDGET AND FINANCE:

4. Interlocal Cooperative Agreement with the City of Burlington to award Economic Development Public Facility grant funds for the Burlington-Skagit County Regional Byway Visitor Center. The Agreement commenced on September 20, 2011, per Resolution No. R20110298, and continues until March 19, 2013. Compensation shall not exceed \$100,000. **(Contract No. C20110485)**
5. Resolution awarding Hotel/Motel Lodging Tax funding for 2012. **(Resolution No. R20110350)**
6. Resolution to call for a public hearing to consider amending the 2011 Skagit County Budget. The public hearing is scheduled to take place on Tuesday, November 22, 2011, at 10:30 a.m. in the Commissioners Hearing Room. **(Resolution No. R20110351)**

d) COMMUNITY SERVICES:

7. Amendment No. 1 to Personal Services Agreement No. C20110271 with Washington Vocational Services. This Amendment adds confidentiality language to Exhibit A, Specific Terms and Conditions, and increases compensation by \$2,500, for a new total compensation amount not to exceed \$6,500 and is funded by the Division of Developmental Disabilities. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110155)**
8. Amendment No. 1 to Personal Services Agreement No. C20110272 with Washington Vocational Services. This Amendment adds confidentiality language to Exhibit A, Specific Terms and Conditions, and increases compensation by \$111,000, for a new total compensation amount not to exceed \$212,000 and is funded by the Division of Developmental Disabilities. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110156)**
9. Personal Services Agreement with Skagit Recovery Center to provide urinalysis testing and mental health services to individuals referred for participation in Skagit County's Adult Felony Drug Court. The Agreement shall commence on January 1, 2012, and continue until December 31, 2012. Compensation shall not exceed \$40,000 and is funded by 0.1% sales tax. **(Contract No. C20110486)**
10. Personal Services Agreement with Phoenix Recovery Services to provide chemical dependency services to those enrolled in the Skagit County Family Treatment Court. The Agreement shall commence on January 1, 2012, and

continue until December 31, 2012. Compensation shall not exceed \$25,000 and is funded by 0.1% sales tax. **(Contract No. C20110487)**

11. Amendment No. 1 to Personal Services Agreement No. C20110263 with Chinook Enterprises. This Amendment adds confidentiality language to Exhibit A, Specific Terms and Conditions, and increases compensation by \$56,000, for a new total compensation amount not to exceed \$140,000 and is funded by the Division of Developmental Disabilities. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110157)**
12. Amendment No. 1 to Personal Services Agreement No. C20110264 with Chinook Enterprises. This Amendment adds confidentiality language to Exhibit A, Specific Terms and Conditions, and increases compensation by \$212,400, for a new total compensation amount not to exceed \$516,000 and is funded by the Division of Developmental Disabilities. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110158)**
13. Amendment No. 1 to Personal Services Agreement No. C20110265 with Chinook Enterprises. This Amendment adds confidentiality language to Exhibit A, Specific Terms and Conditions, and increases compensation by \$2,400, for a new total compensation amount not to exceed \$6,000 and is funded by the Division of Developmental Disabilities. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110159)**

e) CONSERVATION FUTURES:

14. Amendment No. 1 to Personal Services Agreement No. C20100510 with Northwest Real Estate Valuation, LLC. This Amendment extends the expiration date of the agreement by one year, ending December 31, 2012. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110160)**

f) FACILITIES:

15. AIA Document A101-2007 Standard Form of Agreement with IMAC, Inc. for the miscellaneous tenant improvement projects at 700 S. Second Street and 1700 E. College Way in Mount Vernon. The Agreement shall commence upon the date of execution and shall continue until completed. Compensation shall not exceed \$81,950.13 (plus applicable sales tax). **(Contract No. C20110488)**
16. Vendor Services Agreement with Generator Services NW, LLC to provide ongoing maintenance service for a Kohler Gen Set, model #230REOZJD unit located at 1800 Continental Place in Mount Vernon. The Agreement shall commence on the date of execution and continue for two years. Compensation shall not exceed \$1,179.84 (plus applicable sales tax). **(Contract No. C20110489)**

g) HEALTH:

17. Amendment No. 33 to Washington State Department of Health Consolidated Contract No. C14962, Skagit County Contract No. C20070142. This Amendment adds \$30,060 to continue the Public Health Emergency Preparedness program, and adds \$16,564 to begin the Onsite Sewage Rebate program. The new amount of compensation shall not exceed \$4,474,311. All other terms and conditions of the original Agreement and subsequent Amendments shall remain in effect. **(Amendment No. A20110161)**

h) INFORMATION SERVICES:

18. Amendment No. 2 to Personal Services Agreement No. C20100026 with Infax Inc. This Amendment changes the Scope of Work, separating the installation of display boards into 2 phases; extends the Agreement by one year, ending December 31, 2012; and decreases compensation by \$31,704, for a new total compensation amount of \$78,121. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110162)**

19. Merchant Application and Agreement with National Merchant Alliance, LLC to process credit card charges on behalf of the Guemes Ferry. The Agreement shall commence on the date of execution and continue for three years. Compensation shall be based on a percentage of the total financial transactions using credit card charges plus applicable service fees. **(Contract No. C20110490)**

i) PROSECUTING ATTORNEY:

20. Resolution providing legal defense to Charles Wend in a lawsuit filed by John E. Bettys. **(Resolution No. R20110352)**

21. Amendment No. 1 to Personal Services Agreement No. C20110314 with Foster Pepper, PLLC to provide legal counsel in connection with the Anderson/LaVenture Road condemnation. This Amendment increases compensation by \$50,000, for a new total compensation amount not to exceed \$100,000. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110163)**

j) PUBLIC WORKS:

22. Resolution regarding Final Order to Vacate a portion of County right-of-way known as Skagit City Road, No. 45610. **(Resolution No. R20110353)**

23. Resolution awarding the bid for mobile marine refueling services for the vehicle and passenger ferry M/V Guemes to Reisner Distributor, Inc. in an amount not to exceed \$385,000. **(Resolution No. R20110354)**

24. Amendment No. 1 to Personal Services Agreement No. C20110250 with Edge Analytical Laboratories to conduct required water and soil sample testing. This Amendment adds four analyte packages to the original Agreement. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110164)**

k) SHERIFF:

25. Memo of Agreement with Skagit County Emergency Management Council for the purpose of managing and maintaining the common law tactical radio infrastructure. The Agreement shall commence on the date of execution and be automatically renewed. **(Contract No. C20110491)**

V. RATIFICATION AGENDA (Items 26 through 31):

l) COMMUNITY SERVICES:

26. Resolution authorizing the ratification of an Interagency Agreement with North Sound Mental Health Administration, Contract #NSMHA-Skagit County-Jail Services-11-13. Review of contract terms delayed the finalization of the Agreement. **(Resolution No. R20110355)**
27. Interagency Agreement with North Sound Mental Health Administration, Contract #NSMHA-Skagit County-Jail Services-11-13. This Agreement provides funding for the provision of services to mentally ill offenders in the Skagit County Jail. The Agreement commenced on October 1, 2011, and shall continue until September 30, 2013. Skagit County shall be compensated \$67,500. **(Contract No. C20110492)**

m) PUBLIC WORKS:

28. Resolution authorizing the ratification of Amendment No. 1 to Agreement No. C20100628 for Grant Sub award between Skagit County and Skagit Conservation Education Alliance to assist Skagit County with meeting tasks set forth in United States Environmental Protection Agency (EPA) Cooperative Grant Agreement PO-00J09601-0 for the Clean Samish Initiative: Pollution Identification and Correction Program. Skagit Conservation Education Alliance (SCEA) and Washington State University (WSU) were both sub-awardees of the EPA grant. The EPA approved re-assigning some of the duties and costs from WSU to SCEA since WSU unexpectedly did not enter into a sub-awardee Agreement with Skagit County. **(Resolution No. R20110356)**
29. Amendment No. 1 to Agreement No. C20100628 for Grant Sub award between Skagit County and Skagit Conservation Education Alliance to assist Skagit County with meeting tasks set forth in United States Environmental Protection Agency (EPA) Cooperative Grant Agreement PO-00J09601-0 for the Clean Samish Initiative: Pollution Identification and Correction Program. The effective date of this Amendment is June 1, 2010, and it shall continue through May 31, 2013. Compensation is increased by \$5,517, for a total amount not to exceed \$42,357. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110165)**
30. Resolution authorizing the ratification of an Agreement for Grant Sub award with Washington State University (WSU) to assist Skagit County with meeting tasks set forth in United States Environmental Protection Agency Cooperative Grant Agreement PO-00J09601-0 for the Clean Samish

Initiative: Pollution Identification and Correction Program. WSU was not able to enter in a sub-awardee Agreement with Skagit County until recently due to budgetary and staffing reasons. **(Resolution No. R20110357)**

31. Agreement for Grant Sub award with Washington State University to assist Skagit County with meeting tasks set forth in United States Environmental Protection Agency Cooperative Grant Agreement PO-00J09601-0 for the Clean Samish Initiative: Pollution Identification and Correction Program. The effective start date of this Agreement is August 1, 2011, and it shall continue through May 31, 2013. Compensation shall not exceed \$18,320. **(Contract No. C20110493)**

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 350564 through 350564 from Clearing Fund 696 in the total dollar amount of \$14,400.00 (Transmittal No. C-117-11); and
 - b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$91,048.04 (Transmittal No. C-118-11); and
 - c) Warrants numbered 350565 through 350935 from Clearing Fund 696 in the total dollar amount of \$933,149.89 (Transmittal No. C-119-11).

VII. ADJOURNMENT:

Chairman Wesen adjourned the proceedings for the day.

The Commissioners attended an executive session from 10:33 a.m. to 11:28 a.m. The purpose of the executive session was Litigation - RCW 42.30.110(1)(i). (Matters relating to County enforcement actions, actual litigation, or potential litigation.) The following attorneys were present at the executive session and gave legal advice to the Board of County Commissioners: Will Honea. Commissioners Ron Wesen, Ken Dahlstedt, and Sharon Dillon, and Natural Resources Division Manager Dan Berentson, Water Resources Section Manager Gary Stoyka, and Civil Deputy Prosecuting Attorney Ryan Walters also attended the executive session.

The Commissioners attended another executive session from 2:20 p.m. to 4:12 p.m. The purpose of the executive session was Personnel Disciplinary Matters - RCW 42.30.110(1)(f). (Matters relating to complaints against County employee or elected official.)

Commissioners Ron Wesen, Ken Dahlstedt, and Sharon Dillon, and County Administrator Tim Holloran, Human Resources Director Billie Kadrmas, and Budget and Finance Director Trisha Logue also attended the executive session.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board