

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 5, 2011**

The Skagit County Board of Commissioners met in regular session on Monday, December 5, 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 1:32 p.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) *8:00 a.m. - 9:30 a.m. Briefing - County Commissioners/County Administrator
- b) *9:30 a.m. - 10:30 a.m. Executive Session (Potential Litigation)
- c) 1:30 p.m. - 2:00 p.m. Consent Agenda, Vouchers, Warrants, and Miscellaneous Items
- d) 2:00 p.m. - 3:00 p.m. Budget and Finance - Trisha Logue, Director:

- 1. Public Hearing to Consider Testimony Regarding the 2012 Skagit County Budget

Chairman Wesen reconvened the proceedings at 2:00 p.m.

Budget and Finance Director Trisha Logue explained the 2012 budget process. She said that the proposed budget would maintain the fund balance in the General Fund at approximately 14 percent.

Ms. Logue said the 2012 proposed budget revenues were expected to be \$108,603,391 and expenditures were expected to be \$115,348,678. She explained that the 2012 budget included known reductions in state funding, retirement/separation incentives, the capture of new construction, law and justice contingencies, limited cost-of-living adjustments, and position reductions. Also included in the proposed budget is a levy shift of \$1,000,000 from the road fund to the general fund; continued use of Operations and Maintenance (O&M) funds; nine (9) non-service closure days, which would save approximately \$549,067. In addition, three positions have been added to the budget for 2012, two (2) are corrections deputies in the jail and an appraiser in the County Assessor's office. It included the use of \$225,000 in fund balance, other supplemental items funded were for two correction deputies in the jail and an appraiser in the County Assessor's office.

Ms. Logue noted that by statute, the Board of County Commissioners must

adopt a budget by December 31, 2011, the adoption of the budget has been scheduled for Tuesday, December 13, 2011, at 9:30 a.m. in the Commissioners' Hearing Room.

Ms. Logue pointed out that the final budget and levy adoption for Emergency Management Services (EMS) was scheduled for Tuesday, December 13 at 9:30 a.m.. A public hearing on EMS and Central Valley Ambulance Authority (CVA) budgets has been scheduled for Tuesday, December 13 at 10:30 a.m. The adoption of EMS Levy and CVA budgets has been tentatively scheduled for adoption on the Tuesday, December 19, on the Consent Agenda at 1:30 p.m.

Chairman Wesen opened the public hearing at 2:13 p.m.

Friends (Friends) of Skagit County Director Ellen Bynum commented on the five Planning and Development Services staff expected to be laid off. She said that cutting the Planning and Development staff by that many people sends the message that the department was not as important as other County departments, that the County was being unduly driven by outside interests and inside influences. She said that those influences did not represent the public interest and bordered on corruption.

Ms. Bynum indicated that Planning Department's staff held the institutional history of land use and environmental decisions, which included the implementation of County polices. She commented on the amount that had been spent on consultant services. Ms. Bynum suggested that the County needed to change its method of appointing citizen committees. She said that the County lacked the staff to adequately perform its code enforcement responsibilities. Ms. Bynum requested, on behalf of Friends, that an indefinite moratorium be put on all new development proposals pending acquisition of staff with the appropriate skills and expertise to evaluation how the proposal would impact the comprehensive planning process. She urged the Commissioners to reconsider the wholesale dismissal of the five essential Planning staff and to work toward a solution that would benefit all of Skagit County.

Jay Bowen commented on the proposed reorganization of the Planning and Development Services Department. He urged the Commissioners to reconsider eliminating the building inspector positions. He requested that the Commissioners hire more people in the Department.

Chair of the Skagit County Planning Commission Jason Easton apologized to Senior Planner Carly Ruacho and the Planning Department for allowing a member of the public to make accusations of wrong doing regarding the misuse grant funds for the Pipeline Safety regulations to be made during the Planning Commission meeting on July 19, 2011. He noted that the independent investigation, which was ordered by the Board of County Commissioners, found no evidence to substantiate the accusations. He went on to say that he regretted not maintaining order during the meeting by allowing a public discussion of the accusations occur without the benefit of an investigation. He expressed his sorrow that Ms. Ruacho's position was included in the budget cuts.

Mr. Easton thanked Tim Holloran, Trisha Logue, and Billie Kadrmas for putting together the current proposed budget. He said that in relation to the Planning Department and the Public Works Department the draft budget missed an opportunity to reform an area that needed remodeling. He said that maintaining the current leadership in the Planning Department would put the County in a situation that would lead to inaction and mistakes. Mr. Easton indicated that his appointment on the Planning Commission had been extended to 2014 and that he would remain on the Commission but would not seek the Chairmanship in 2012. He went on to testify against the proposed 2012 Skagit County budget.

Kevin Loy of Sedro-Woolley said he had been involved with the Skagit County Parks and Recreation Department for many years. He complemented the Department for their innovative thinking during the current economic climate.

Randy Good of Sedro-Woolley spoke about his disappointment with the Public Works Department Surface Water staff. He indicated that he felt he had been misled and that staff had not told the truth about the proposed projects and processes on Hansen Creek. He said that \$38,000 had been wasted on flawed modeling. He went on to say that the biggest mistake the Commissioners to the agricultural industry would be to infill an employee from the Planning Department to the Voluntary Stewardship Program. He urged the Commissioners to utilize the funds currently in Fund 102 to improve roads and bridges. He stated that the Commissioners should not accept grants just to save employees.

Martha Bray spoke on behalf of Skagit Land Trust's Executive Molly Doran. Ms. Bray expressed Skagit Land's support for maintaining the existing funding for the Parks, Recreation and Fair Department. She stressed the importance conservation in Skagit County.

Carol Ehlers of West Fidalgo Island expressed concerns about cutting experienced staff and replacing them with inexperienced staff. She commented on the lack of planning for the construction of projects, and commented on the lack of consistency in the public notices, problems with the County's legal issues, and inaccurate maps. Ms. Ehlers said that a listing should be made of every homeowner's association and water system in Skagit County.

District Court Judge Svaren spoke in support for cost-of-living increases for a limited number of supervisory personnel, salary range 28 and above. He said that particular classification of employee had not received a pay raise in three years.

Prosecuting Attorney Rich Weyrich spoke in favor of providing supervisory personnel in salary 28 and above with a pay raise.

Sheriff Will Reichardt supported pay raises for personnel in salary range 28. He thanked the Board of County Commissioners for their consideration of the issues in the Sheriff's office.

Senior Planner Carly Ruacho commented on the drastic reduction of staff in

the Planning & Development Services Department. Ms. Ruacho requested that the County Commissioners reconsider the proposal to eliminate the five positions in the department.

Mike Newman of Mount Vernon commented on the creation of a new management position for the former director of Planning Department. He indicated that qualified candidates might not apply for the director position if the former director was still in place. He urged the Commissioners to either eliminate the newly created management position or to leave the current director in place.

The Commissioners thanked the Management Team and the elected officials for their joint collaboration in the budget process. Chairman Wesen said that the Commissioners would make a decision on the 2012 proposed budget on Tuesday, December 13, 2011.

A motion was made by Commissioner Dahlstedt to approve closing the public hearing at 2:58 p.m. Commissioner Dillon seconded the motion.

The vote passed unanimously.

e) *3:15 p.m. - 4:15 p.m. Executive Session (Potential Litigation)

V. CONSENT AGENDA FOR MONDAY, DECEMBER 5, 2011 (items 1 through 12):

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda items 1 and 2, items 4 through 12, Ratification Agenda items 13 through 18, vouchers, and warrants for Monday, December 5, 2011. **(Consent Agenda item number 3 will be considered for signature on Tuesday, December 6, 2011.)** Commissioner Dillon seconded the motion.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, November 22, 2011. **(Approved)**
2. Record of the Proceedings for Monday, November 28, 2011. **(Approved)**
3. Record of the Proceedings for Tuesday, November 29, 2011. **(This items was pulled from the Consent Agenda and will be considered for signature on Tuesday, December 6 2011.)**

b) COMMUNITY SERVICES:

4. Funding Agreement with Compass Health to distribute low-income housing funds pursuant to Substitute House Bill 2060. The Agreement shall commence on January 1, 2012, and continue until December 31, 2012. Compensation shall not exceed \$50,000. **(Contract No. C20110536)**
5. Interlocal Cooperative Agreement with the Department of Corrections to prepare and deliver frozen meals and dinner rolls to the Skagit Nutrition Project sites located at the Anacortes Senior Activity Center and the

Burlington Senior Center. The Agreement shall commence on January 1, 2012, and continue until December 31, 2012. Skagit County shall pay the Department of Corrections \$1.80 per frozen dinner, \$1.65 per frozen breakfast, and \$0.13 per dinner roll. Compensation is fee for service and shall not exceed \$24,000. **(Contract No. C20110537)**

c) INFORMATION SERVICES:

6. Amendment No. 1 to Vendor Services Agreement No. C20110345 with Niscayah, Inc. The purpose of this Amendment is to install, test and support the configuration of a wireless duress button system with four buttons into Skagit County's security system located at the downtown campus. This Amendment increases compensation by \$900, for a new compensation amount not to exceed \$8,141, plus applicable taxes. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110176)**

d) PROSECUTING ATTORNEY:

7. Personal Services Agreement with Skagit Business & Staffing, LLC to provide testing services and on-call general office and clerical assistance. The Agreement shall commence on January 1, 2012, and shall continue until December 31, 2012. Compensation shall not exceed \$2,000. **(Contract No. C20110538)**

e) PUBLIC DEFENDER:

8. Personal Services Agreement with Jennifer C. Schroeder to provide transcriptionist services. The Agreement shall commence on January 1, 2012, and shall continue until December 31, 2012. Compensation shall not exceed \$5,000. **(Contract No. C20110539)**
9. Personal Services Agreement with Todd Schwiesow, dba Quantum Investigations and Security to provide investigation services. The Agreement shall commence on January 1, 2012, and shall continue until December 31, 2012. Compensation shall not exceed \$70,000. **(Contract No. C20110540)**

f) PUBLIC WORKS:

10. Interlocal Cooperative Agreement with Whatcom County to provide materials, and equipment rental upon request for roadway maintenance activities on a reimbursable basis. The agreement shall commence on the date of execution, and shall continue through December 31, 2015. **(Contract No. C20110541)**
11. Temporary Construction Easement with William J. Lyman for a portion of Skagit County Assessor Tax Parcel Number P50068. The purpose of this Easement is to remove invasive vegetation and complete riparian replanting. The Temporary Easement shall commence on the date of execution and continue for ten (10) years. All work associated with this Temporary Easement is 75% funded by the Washington State Department of Ecology

Grant No. G0900062, Natural Resource Stewardship Program, Skagit County Grant Funding Agreement No. C20080607, and is 25% funded by the Clean Water Fund 120. **(Contract No. C20110542)**

g) SUPERIOR COURT:

12. Personal Services Agreement with The Language Exchange to provide court-certified, court-registered, or qualified interpreters in all languages for hearings and trials as requested by Skagit County Superior Court and Skagit County District Court. The Agreement shall commence on January 1, 2012, and shall continue until December 31, 2012. Compensation will be paid on a per hour basis, with a minimum two-hour charge, and will vary based on the language. **(Contract C20110543)**

VI. RATIFICATION AGENDA (items 13 through 18):

h) COMMUNITY SERVICES:

13. Resolution authorizing the ratification of a Vendor Services Agreement with CPI to repair and replace defective parts for equipment located at the central and satellite kitchens for the Senior Nutrition Program. Review of contract provisions and receipt of contract delayed the finalization of the Agreement. **(Resolution No. R20110384)**
14. Vendor Services Agreement with CPI to repair and replace defective parts for equipment located at the central and satellite kitchens for the Senior Nutrition Program. The Agreement commenced on October 1, 2011, and shall continue for one year. Compensation shall not exceed \$2,400. **(Contract No. C20110544)**

i) PUBLIC WORKS:

15. Resolution authorizing the ratification of a Personal Services Agreement with AMEC Geomatrix, Inc. to provide engineering design consultation services for the oversight of the construction of landfill improvements to the Sinnes Road Landfill. The construction contractor (contracted to Windward Real Estate Services) have had an unanticipated number of issues and has proposed several last minute design changes that AMEC has had to address. Additional funds are needed to address these issues while construction is proceeding. **(Resolution No. R20110385)**
16. Personal Services Agreement with AMEC Geomatrix, Inc. to provide engineering design consultation services for the oversight of the construction of landfill improvements to the Sinnes Road Landfill. The Agreement commenced on November 14, 2011, and shall continue through October 31, 2012. Compensation shall not exceed \$10,500. **(Contract No. C20110545)**
17. Resolution authorizing the ratification of Supplemental Agreement No. 3 to extend Local Agency Standard Consultant Agreement No. C20070593 with Anchor QEA, LLC for the Skagit River Bridge Modification and Interstate Highway Protection Project. Review of the Supplemental Agreement

provisions and receipt of Agreement delayed the finalization of the Agreement. **(Resolution No. R20110386)**

18. Supplemental Agreement No. 3 to Local Agency Standard Consultant Agreement No. C20070593 with Anchor QEA, LLC for the Skagit River Bridge Modification and Interstate Highway Protection Project. The purpose of this Supplemental Agreement is to extend the term of the contract from September 30, 2011, to September 30, 2012. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20110177)**

VI. MISCELLANEOUS:

Skagit County Public Health Director Peter Browning was present to bring forward a Personal Services Agreements with Skagit Business & Staffing LLC for temporary on-call support as needed in the Health Department. The Agreement shall commence on upon the date of execution and shall continue through December 31, 2013. Compensation shall not exceed \$15,000.

Commissioner Dillon asked Mr. Browning to explain why it was necessary to hire temporary staffing.

Mr. Browning explained the Agreement to hire temporary support was necessary due to the loss of two employees in the Health Department due to budget cuts. He said that over the past year staff had been working overtime in order to ensure that the work that all the necessary work had been done.

A motion was made by Commissioner Dahlstedt to approve Personal Services Agreement with Skagit Business & Staffing LLC for temporary on-call support as needed in the Health Department. The Agreement shall commence on upon the date of execution and shall continue through December 31, 2013. Compensation shall not exceed \$15,000. **(Contract No. C20110546)** Chairman Wesen seconded the motion.

The vote failed on a 0 - 1 vote with

VII. 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) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$97,441.48 (Transmittal No. C-130-11); and
 - b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$45,702.14 (Transmittal No. C-131-11); and

- c) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$24,841.97 (Transmittal No. C-132-11); and
- d) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$57,807.21 (Transmittal No. C-133-11); and
- e) Warrants numbered 352162 through 352484 from Clearing Fund 696 in the total dollar amount of \$4,073,910.25 (Transmittal No. C-134-11).

VIII. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 2:59 p.m.

The Commissioners attended an executive session on Monday, December 5, 2011, from 9:35 a.m. to 10:10 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: Steve Fallquist, and Will Honea. Others in attendance were: County Administrator Tim Holloran, Public Works Director Henry Hash, County Engineer Paul Randall-Grutter, Division Manager Cliff Butler, Assistant Division Manager Andy Shaw, and Project Manager David Walde.

The Commissioners attended an executive session on Monday, December 5, 2011, from 3:16 p.m. to 4:07 p.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 and Rich Weyrich. County Administrator Tim Holloran was present during 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