

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, MAY 20, 2013**

The Skagit County Board of Commissioners met in regular session on Monday, May 20, 2013, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dillon led the gallery in the salute to the flag.

III. AGENDA:

a) 8:30 a.m. - 9:30 a.m. Planning and Development Services - Dale Pernula, Director:

Director Dale Pernula was present to introduce the agenda items and answers questions.

1. Discussion: Skagit County Transfer of Development Rights (TDR) Project Update

Kirk Johnson, Senior Planner, provided a summary of the discussion that the Transfer of Development Rights (TDR) Committee has had over the last several months of meetings. Mr. Johnson identified a few of the draft goal statements of the TDR Program. He indicated that if a TDR Program were to move forward it should be a voluntary, incentive based, market-driven tool to help implement conservation and development goals established in the Skagit County Comprehensive Plan and plans of other participating jurisdictions.

Mr. Johnson noted that the program should complement existing land conservation and development incentive programs including the Farmland Legacy and the Burlington Agricultural Heritage Density Credit Programs. He pointed out that in order to be successful, the program should have broad support from members of the public and elected officials from jurisdictions throughout the County. The TDR program should be designed to protect the property rights of participants, and be based on free-market principles and prices that motivate landowner and developer participation.

There was a brief discussion about TDR programs in other cities in Skagit County and some of the concerns cited by committee members or members of the public about implementing a TDR program, the economic benefits of potentially selling development rights, and the identification of potential sending areas and the incentives in the receiving areas.

Mr. Johnson indicated that there was a market study being performed which would analyze whether or not there was enough market demand in Skagit County to make a TDR Program work. He said that the results of the study would be available by the end of the summer.

2. Discussion: Shoreline Master Program (SMP) Update

Betsy Johnson, Senior Planner, provided a brief presentation about the status of the Shoreline Master Program (SMP) Update.

She provided a schedule of the second round of public participation open houses as follows:

Tuesday, May 28 in Mount Vernon at the County Administrative Building;  
Thursday, May 30 in Anacortes at City Hall;  
Tuesday, June 4 in Lyman at Old Lyman Town Hall; and  
Thursday, June 6 in Concrete at the Senior Center.

All the meetings are scheduled to take place from 5:30 p.m. to 7:30 p.m. Ms. Stevenson said that meetings would be formatted to allow people to go to various information stations that are of interest to them, ask questions, and provide comments. She indicated that after all the input from the open houses and a response from the Department of Ecology had been received, then the working draft of the SMP would be revised to incorporate the comments.

Ms. Stevenson informed the Board that she would come before them in the near future to provide more updates.

If anyone has questions they can reach Ms. Stevenson by e-mail at [betsys@co.skagit.wa.us](mailto:betsys@co.skagit.wa.us) or by telephone (360) 336-9410 extension 5879.

3. Discussion/Possible Action: Resolution Adopting the 2013 Work Plan for Legislative Land Use Plans, Policies and Regulations Proposals as Provided in Skagit County Code 14.08.060

Mr. Pernula presented the 2013 Planning and Development Work Plan for Legislative Land Use Plans, Policies, and Regulation Proposals as follows:

2012 Comprehensive Plan Amendments;  
Shoreline Master Program Update;  
Capital Facilities Plan (CFP) Six (6) Year Update; and  
Bayview Ridge Planned Unit Development (PUD) Ordinance and Design Guidelines.

Mr. Pernula indicated that the new projects for 2013 were very limited due to the need to complete projects that begun in 2012 and because of limited staff resources. He reviewed a listing of major projects and explained that some projects were mandatory, requiring action and others were discretionary. Mr. Pernula reported that the Department would provide periodic status reports so that the Board could monitor projects, resources and timelines. He went on to explain that when major projects are completed, then new projects can be added to the work program provided that the necessary resources exist or are allocated.

A motion was made by Commissioner Wesen to approve the Resolution Adopting the 2013 Work Plan for Legislative Land use Plans, Policies, and Regulation Proposals. **(Resolution No. R20130122)** Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

4. Miscellaneous

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

Chair Dillon recessed the proceedings at 9:27 a.m.

b) \*9:30 a.m. - 10:30 a.m. Briefing - County Commissioners/County Administrator

c) 11:30 a.m. - 11:45 a.m. Board of County Commissioners:

Chair Dillon reconvened the proceedings at 11:31 a.m.

Commissioner Wesen's absence was excused from this portion of the proceedings.

1. Public Comment Period

Ed Stauffer of Bow commented on the Transfer of Development Rights (TDR) program goals which are still in progress and the materials that were provided to the TDR Committee members. He reminded the Commissioners that the Skagit County Comprehensive Plan was a conservation plan and indicated that as a TDR Committee member he was not convinced that the proposed TDR Program addresses a current need that has not already been addressed by existing laws. Mr. Stauffer spoke about the rural definition guidelines provided by the State

when he served on the Rural Element Advisory Committee. He encouraged the Commissioners to review the Alger Subarea Plan Development.

Seeing no further public testimony forthcoming, Chair Dillon closed the public comment period at 11:47 a.m.

2. Miscellaneous Announcements

Chair Dillon announced the Shoreline Master Program Update open houses taking place from 5:30 p.m. to 7:30 p.m.:

Tuesday, May 28 in Mount Vernon at the County Administrative Building;  
Thursday, May 30 in Anacortes at City Hall;  
Tuesday, June 4 in Lyman at Old Lyman Town Hall; and  
Thursday, June 6 in Concrete at the Senior Center

Chair Dillon recessed the proceedings at 11:48 a.m.

d) 1:00 p.m. - 1:30 p.m. Human Resources - Jessica Neill Hoyson, Director:

Chair Dillon reconvened the proceedings and welcomed Commissioner Wesen back to the session at 1:00 p.m.

1. Discussion/Possible Action: Policies and Procedures Manual

Jessica Neill Hoyson presented the resolution to repeal Skagit County Resolution No. 8661 and Adopting Updated Human Resources Personnel Policies and Procedures. Ms. Hoyson noted that the Personnel Policies and Procedures were first adopted in 1980 and had not been fully updated since they were first adopted. The updated policies are now compliant with State and Federal Employment laws.

Ms. Neill Hoyson provided a PowerPoint presentation outlining the policy changes which included:

Compliance with State and Federal Employment Law;  
Employee Recruitment and Selection Policy;  
Employment of Department of Retirement System (DRS) Retirees;  
Employment Status Changes;  
Timekeeping;  
Floating Holidays;  
Donated Sick Leave Program;  
Fair Labor Standards Act (FLSA) Exempt Employee Leave Usage;  
Bereavement Leave; and  
Grievances Process.

Ms. Neill Hoyson provided information on newly added policies which include the "Good Samaritan" Assistance, Volunteering, Job Share, and Supporting Breastfeeding Mothers' Policies.

Ms. Neill Hoyson said that the updated Personnel Policies would be distributed electronically as well as hard copies for employees that do not have access to a computer. Employees will be given a certain time period to read the manual and return the signed Acknowledgment sheet to the Human Resources Department. Department heads will be provided an executive summary to assist in implementing the policies within their departments.

The Commissioners thanked Ms. Neill Hoyson for the updated policy changes.

A motion was made by Commissioner Dahlstedt to approve repealing Skagit County Resolution No. 8661 and adopting updated Human Resources Personnel Policies and

Procedures. **(Resolution No. R20130123)** Commissioner Wesen seconded the motion. The vote passed unanimously.

2. Miscellaneous

There were no miscellaneous items to present.

Chair Dillon recessed the proceedings at 1:24 p.m.

e) 1:30 p.m. - 2:00 p.m. Consent Agenda, Vouchers, Warrants, and Miscellaneous Items

f) \*2:00 p.m. - 2:45 p.m. Executive Session (Potential Litigation RCW 42.30.110 (1)(f))

Chair Dillon announced that the Commissioners would be attending an executive from 2:00 p.m. to 2:45 p.m. the topic was potential litigation RCW 42.30110 (1)(f) and no action was expected to be taken.

The Commissioners attended an executive session from 2:02 p.m. to 3:08 p.m. the topic was potential litigation RCW 42.30.110(1)(i). The following attorney was present to provide legal advice to the Commissioners: Deputy Civil Prosecuting Attorney Melinda Miller. Other Attendees: County Administrator Tim Holloran. No action was taken during the executive session.

g) \*3:00 p.m. - 4:00 p.m. Executive Session (None Scheduled as of the Date of this Notice)

IV. CONSENT AGENDA FOR MONDAY, MAY 20, 2013 (items 1 through 21):

A motion was made by Commissioner Wesen to approve the Consent Agenda items 1 through 21, Ratification Agenda items 22 and 23, vouchers and warrants for Monday, May 20, 2013.

Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

a) COMMISSIONERS:

1. Record of the Proceedings for Monday, May 13, 2013. **(Approved)**
2. Record of the Proceedings for Tuesday, May 14, 2013. **(Approved)**
3. Resolution to reappoint Joan Lubbe to a three (3) year term on the North Sound Mental Health Administration Advisory Board. Her term is effective from January 1, 2013, and expires on December 31, 2015. **(Resolution No. R20130124)**

b) ASSIGNED COUNSEL:

4. Personal Services Agreement with Swift & McDonald, P.S., Attorneys at Law, to provide indigent defense representation to defendants referred by the Office of Assigned Counsel who have been deemed conflict of interest for the Skagit County Public Defender's office. The Agreement shall commence on the date of execution and expire on May 31, 2014. Compensation shall not exceed \$10,500. **(Contract No. C20130208)**

c) AUDITOR:

5. Amendment No. 1 to Agency Agreement No. K2020-01 / 29-01, Skagit County Contract No. C20110151, with the State of Washington Department of Licensing (DOL) which appoints the Auditor of Skagit County as an Agent of DOL for the purpose of licensing and titling vehicles and vessels and collecting fees, taxes, and excise taxes. The original Agreement commenced on July 1, 2011, and expires on June 30, 2013. The purpose of this Amendment is to exercise the option to extend the period of performance by two (2) years, as noted under the Special Terms

and Conditions, No. 3 of the original Agreement. The new period shall commence on July 1, 2013, and continue until June 30, 2015. All other terms and conditions of the original Agreement shall remain, including the option to allow Skagit County to seek allowable reimbursement pursuant to RCW 46.01.140 if expenditures for performing the services under the Agreement exceed the total revenue retained by the County. **(Amendment No. A20130053)**

d) COMMUNITY SERVICES:

6. Amendment No. 1 to Personal Services Agreement No. C20120461 with Island Hospital to provide mental health services for the Community Wellness Program. The purpose of this Amendment is to correct the compensation amount in the original Agreement. This Amendment increases compensation by \$10,000 for a corrected compensation amount not to exceed \$20,000. The original Agreement commenced on January 1, 2013, and shall continue until December 31, 2013. All other terms and conditions shall remain in effect. **(Amendment No. A20130054)**
7. Personal Services Agreement with Heather Varnau to provide mental health services with the primary goals of stabilization of problematic symptoms and/or behaviors and the promotion of ongoing recovery. The Agreement shall commence on July 1, 2013, and continue until June 30, 2014. Compensation shall not exceed \$10,000 and is funded by the 0.10% sales tax. **(Contract No. C20130209)**
8. Amendment No. 2 to Interlocal Cooperative Agreement No. C20040480, per Resolution No. R20040435, with the City of Mount Vernon, which allows Skagit County to collect a percentage from the City's share of revenues from liquor profit taxes to provide substance abuse treatment and prevention programs in Skagit County as authorized by RCW 70.96A.97. The purpose of this Amendment is to change the percentage of liquor revenues distributed to the County's detoxification program from ten (10) percent to two (2) percent. The original perpetual Agreement commenced on April 1, 2004, and shall continue until terminated. All other terms and conditions of the original Agreement and subsequent Amendment shall remain in effect. **(Amendment No. A20130055)**
9. A Personal Services Agreement with Dion L. Menser to provide mental health services with the primary goals of stabilization of problematic symptoms and/or behaviors and the promotion of ongoing recovery. The Agreement shall commence on July 1, 2013, and continue until June 30, 2014. Compensation shall not exceed \$10,000 and is funded by the 0.10% sales tax. **(Contract No. C20130210)**
10. Personal Services Agreement with Judith McCarthy to provide mental health services with the primary goals of stabilization of problematic symptoms and/or behaviors and the promotion of ongoing recovery. The Agreement shall commence on July 1, 2013, and continue until June 30, 2014. Compensation shall not exceed \$10,000 and is funded by the 0.10% sales tax. **(Contract No. C20130211)**

e) FACILITIES MANAGEMENT:

11. Amendment No. 1 to Vendor Services Agreement No. C20130138 with Great Floors Commercial Sales. This Amendment increases compensation by \$3,217.23 in order to lift and move furniture and office equipment for carpet replacement at the Assessor's Office located at 700 South 2nd Street in Mount Vernon. The original Agreement commenced on April 13, 2013, and shall continue for one year. The new total compensation amount shall not exceed \$26,591.64. All other terms and conditions of the Agreement shall remain in effect. **(Amendment No. A20130056)**

f) GEOGRAPHIC INFORMATION SERVICES:

12. Interlocal Cooperative Agreement, per Resolution No. R20070229, with Skagit 911 to establish a cost sharing partnership under the Interlocal Cooperative Act RCW 39.34 for Pictometry

Imagery and Software. The Agreement shall commence on the date of execution and continue for two (2) years. Compensation to Skagit County shall not exceed \$13,000 for the two (2) year license of Pictometry products. **(Contract No. C20130212)**

13. Interlocal Cooperative Agreement, per Resolution No. R20070229, with the City of Burlington to establish a cost sharing partnership under the Interlocal Cooperative Act RCW 39.34 for Pictometry Imagery and Software. The Agreement shall commence on the date of execution and continue for two (2) years. Compensation to Skagit County shall not exceed \$8,600 for the two (2) year license of Pictometry products. **(Contract No. C20130213)**

g) HUMAN RESOURCES:

14. Memorandum of Settlement with the Skagit County Prosecuting Attorneys' Guild for January 1, 2013, through December 31, 2013. **(Contract No. C20130214)**

h) INFORMATION SERVICES:

15. Amendment No. 1 to Vendor Services Agreement No. C20130035 with RFI Communications and Security Systems to provide all labor, materials, testing, training, and other incidentals for the installation and configuration of proximity readers, dual door modules and request to exit devices of sufficient quantity to implement access control on twelve (12) electronic doors at the Skagit County Transfer Station, located at 14104 Ovenell Road. This Amendment increases compensation by \$2,028 in order to pay for sales tax for all work performed. Total compensation shall not exceed \$26,762.19. The original Agreement commenced on January 28, 2013, and shall continue for one year from the date of execution. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20130057)**

i) NOXIOUS WEEDS:

16. Resolution authorizing a special assessment against an individual party to collect a lien in the amount of \$625 which was imposed for the expense of controlling noxious weeds under RCW 17.10. **(Resolution No. R20130125)**

j) PARKS, RECREATION, AND FAIRGROUNDS:

17. Vendor Services Agreement with Skagit Roofing, LLC to replace the roof on the Maintenance Shop located at Howard Miller Steelhead Park in Rockport. The Agreement shall commence on the date of execution and continue for one (1) year, with the option to extend for a total period not to exceed three (3) additional years from the date of execution. Compensation shall not exceed \$7,000. **(Contract No. C20130215)**
18. Vendor Services Agreement with Skagit Roofing to provide emergency roof replacement services for Buildings A/B located at the Skagit County Fairgrounds, per Resolution R20130117. The Agreement shall commence on the date of execution and continue for one year, with the option to extend for a total period not to exceed three (3) additional years from the date of execution. Compensation shall not exceed \$25,266.75 plus applicable taxes. **(Contract No. C20130216)**

k) PUBLIC WORKS:

19. Amendment No. 1 to Vendor Services Agreement No. C20120208 with Dahl Electric, Inc. to provide electrical repair and maintenance services for the Guemes Island Ferry, Road Operations, and Solid Waste Divisions. The purpose of this Amendment is to exercise the option to extend the term of the Agreement by one year. The original Agreement commenced on May 21, 2012, and shall now be extended to continue until May 21, 2014. All other terms and conditions of the original Agreement shall remain effect including the compensation amount not to exceed \$100,000. **(Amendment No. A20130058)**

20. Local Agency Standard Consultant Agreement with BergerABAM Inc. to provide engineering and environmental services for the Burlington Northern Overpass, Project ES50510-8. This Agreement was procured by Resolution No. R20130001, Request Qualifications for Engineering and Environmental Services for the Burlington Northern Overpass. The Agreement shall commence on the date of execution and continue until June 30, 2015. Compensation shall not exceed \$1,402,406. **(Contract No. C20130217)**
21. Vendor Services Agreement with American Environmental Construction LLC to provide for the removal and disposal of approximately 40' of buried and 25' of exposed abandoned asbestos pipe for property located in the Hansen Creek area. The Agreement shall commence on the date of execution and continue for one year. Compensation shall not exceed \$6,978.90. **(Contract No. C20130218)**

V. RATIFICATION AGENDA (items 22 and 23):

l) SHERIFF:

22. Resolution authorizing the ratification of a Harley-Davidson Law Enforcement Vehicle Lease Agreement with Smernis Enterprises, Inc. dba Sound Harley-Davidson for the lease of three (3) motorcycles. A signed Agreement was only recently received due to the need to wait for delivery of the motorcycles in order to identify and incorporate their Vehicle Identification Numbers (VIN) into the Agreement. **(Resolution No. R20130126)**
23. Harley-Davidson Law Enforcement Vehicle Lease Agreement with Smernis Enterprises, Inc. dba Sound Harley-Davidson for the lease of three (3) motorcycles. The Agreement commenced on April 26, 2013, and shall continue until April 25, 2015. The lease amount for each motorcycle shall not exceed \$2,187.44 per month for a total monthly lease amount not exceed \$6,562.32. **(Contract No. C20130219)**

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) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$71,427.77 (Transmittal No. C-61-13); and
  - b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$132,129.04 (Transmittal No. C-62-13; and
  - c) Warrants numbered 382843 through 383253 from Clearing Fund 696 in the total dollar amount of \$4,373,946.69 (Transmittal No. C-63-13).

VII. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 1:35 p.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Sharon D. Dillon, Chair

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Ron Wesen, Commissioner

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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Clerk of the Board