

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, SEPTEMBER 29, 2014**

The Skagit County Board of Commissioners met in regular session on Monday, September 29, 2014, with Chair Ron Wesen, Commissioner Kenneth A. Dahlstedt, and Commissioner Sharon D. Dillon present.

I. CALL TO ORDER:

Chair Wesen called the proceedings to order at 1:30 p.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) 1:30 p.m. - 1:45 p.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items
- b) 1:45 p.m. - 2:00 p.m. Discussion/Possible Action: Revisions to Skagit County Code 14.44 "Enforcement/Penalties"

Chair Wesen reconvened the proceedings at 1:45 p.m.

Planning and Development Services Director Dale Pernula noted that one written comment had been received after the public hearing on September 16, 2014.

Deputy Prosecuting Attorney Ryan Walters said that there had been no modifications made to the ordinance amending Skagit County Code 14.44 "Enforcement/Penalties".

Commissioner Wesen addressed a concern in the written comment from Judith Meadows regarding the vesting of a development permit. Mr. Walters confirmed that an application for a development permit was vested at the time that a complete application was filed with the Planning and Development Services Department and all required permit fees were paid. He noted that if a building permit had never been applied for, then there would be no vested rights and that the applicant would be required to apply for a development permit based on the rules that were in effect at the time the application was filed.

A motion was made by Commissioner Dillon to approve adopting an Ordinance amending Skagit County Code 14.44 "Enforcement/Penalties". **(Ordinance No. O20140004)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

- c) \*2:00 p.m. - 3:00 p.m. Executive Session Litigation - (RCW 42.30.110(1)(i))

Chair Ron Wesen, Commissioner Ken Dahlstedt, and Commissioner Sharon Dillon attended an executive session on Monday, September 29, 2014, from 2:03 p.m. to 2:40 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 provided legal advice to the Board of County Commissioners: Prosecuting Attorney Rich Weyrich and Chief Civil Deputy Prosecuting Attorney Will Honea. Other attendees: County Administrator Tim Holloran; Public Health and Community Services Director Jennifer Johnson; Planning and Development Services Director Dale Pernula; and

Public Health Environmental Health Manager Corinne Story.

- d) \*3:00 p.m. - 4:00 p.m. Executive Session (None Scheduled as of the Date of this Notice)
- e) \*8:30 a.m. - 9:00 a.m. Executive Session (Real Estate Acquisition - RCW 42.30.110(1)(b))

Chair Ron Wesen, Commissioner Ken Dahlstedt, and Commissioner Sharon Dillon attended an executive session on Thursday, October 2, 2014, from 8:30 a.m. to 9:00 a.m. The purpose of the executive session was Real Estate Sale - RCW 42.30.110(1)(b). (Matters relating to real estate acquisition or lease where public knowledge would cause a likelihood of increased price.) The following attorneys were present and provided legal advice to the Board of County Commissioners: Prosecuting Attorney Rich Weyrich, and Civil Deputy Prosecuting Attorney Melinda Miller. Other Attendees: County Administrator Tim Holloran; Public Health and Community Services Director Jennifer Johnson; and Budget and Finance Director Trisha Logue.

IV. CONSENT AGENDA FOR MONDAY, SEPTEMBER 29, 2014 (items 1 through 19):

A motion was made by Commissioner Dillon to approve the Consent Agenda items 1 through 19, Ratification Agenda items 20 through 25, vouchers and warrants for Monday, September 29, 2014. Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

a) COMMISSIONERS:

- 1. Record of the Proceedings for Monday, September 22, 2014. **(Approved)**
- 2. Record of the Proceedings for Tuesday, September 23, 2014. **(Approved)**

b) COMMUNITY SERVICES:

- 3. Business Associate Agreement with Northwest ESD 189 to utilize privacy and security policies, procedures and practices to meet or exceed all applicable Federal and State requirements pertaining to the privacy and the confidentiality of Protected Health Information when providing services per County contracts (C20140067). The Agreement shall commence on the date of execution and continue until terminated pursuant to Section 14 of this Agreement. No monetary consideration is being paid. **(Contract No. C20140457)**
- 4. Business Associate Agreement with Darlene Stuber to utilize privacy and security policies, procedures and practices to meet or exceed all applicable Federal and State requirements pertaining to the privacy and the confidentiality of Protected Health Information when providing services per County contracts (C20130586). The Agreement shall commence on the date of execution and continue until terminated pursuant to Section 14 of this Agreement. No monetary consideration is being paid. **(Contract No. C20140458)**
- 5. Business Associate Agreement with Presbyterian Counseling Services North to utilize privacy and security policies, procedures and practices to meet or exceed all applicable Federal and State requirements pertaining to the privacy and the confidentiality of Protected Health Information when providing services per County contracts (C20130592). The Agreement shall commence on the date of execution and continue until terminated pursuant to Section 14 of this Agreement. No monetary consideration is being paid. **(Contract No. C20140459)**
- 6. Business Associate Agreement with Consumer Voices are Born (CVAB) to utilize privacy and security policies, procedures and practices to meet or exceed all

applicable Federal and State requirements pertaining to the privacy and the confidentiality of Protected Health Information when providing services per County contracts (C20140209). The Agreement shall commence on the date of execution and continue until terminated pursuant to Section 14 of this Agreement. No monetary consideration is being paid. **(Contract No. C20140460)**

7. Business Associate Agreement with Sea Mar Community Health to utilize privacy and security policies, procedures and practices to meet or exceed all applicable Federal and State requirements pertaining to the privacy and the confidentiality of Protected Health Information when providing services per County contracts (C20130562). The Agreement shall commence on the date of execution and continue until terminated pursuant to Section 14 of this Agreement. No monetary consideration is being paid. **(Contract No. C20140461)**
8. Personal Services Agreement with Pioneer Human Services to provide safe, stable transitional housing to a minimum of sixteen (16) individuals per year with mental illness and/or substance use disorders who are exiting Skagit County jail, hospitals, and crisis services, as well as Skagit County residents exiting inpatient treatment services. The Agreement shall commence on October 1, 2014, and continue until December 31, 2015. Compensation shall not exceed \$385,000 and is funded by the 0.1% sales tax. **(Contract No. C20140462)**

c) FACILITIES MANAGEMENT:

9. Vendor Services Agreement with Dimensional Communications, Inc. to replace the sound systems in four (4) courtrooms at the Skagit County Courthouse. Dimensional Communications, Inc. shall commence work within ten (10) days of execution of the Agreement and substantial completion of work shall be within sixty (60) consecutive calendar days from the Notice to Proceed and final completion within thirty (30) consecutive days thereafter. Compensation shall not exceed \$94,448. **(Contract No. C20140463)**
10. Vendor Services Agreement with Cardona and Sons Painting for the painting of the exterior of the Salvation Army Building located at 1101 East College Way in Mount Vernon. Painting services shall include paint, painting materials, equipment, preparation of surfaces, clean up, and proper disposal of all materials. Compensation shall not exceed \$4,460 plus sales tax. **(Contract No. C20140464)**
11. Vendor Services Agreement with Great Floors Commercial Sales to remove and dispose of existing carpet and install new Mainnington Carthage IV Carpet Tile in the Skagit County Auditor's Accounting Department located at 700 S. 2nd Street in Mount Vernon. The Agreement shall commence on the date of execution and shall continue for one year. Compensation shall not exceed \$11,895.02 and is based on a fee schedule. **(Contract No. C20140465)**
12. Amendment No. 1 to Personal Services Agreement No. C20140062 with Semrau Engineering & Surveying, PLLC to provide an ALTA/ACSM Land Title Survey on properties designated by the County. The purpose of this Amendment is to add the following language to paragraph 12 of the original Agreement "The contractor's insurance shall be primary. Any insurance or self-insurance maintained by the County, its officers, officials, employees or volunteers shall be in excess of contractor's insurance and shall not contribute to it. This Amendment also increases compensation by \$8,000 for a new compensation amount not to exceed \$33,000. All other terms and conditions shall remain the same including the termination date of December 31, 2014. **(Amendment No. A20140128)**

d) PARKS, RECREATION AND FAIR:

13. Amendment No. 1 to Personal Services Agreement No. C20140241 with Semrau Engineering & Surveying, PLLC to provide construction bid documents and specifications for site improvements, building pad and utility rough-in for the County's Clear Lake restroom facility project. The purpose of this Amendment is to provide construction phase administrative services as directed; add the following language to paragraph 12 of the original Agreement "The contractor's insurance shall be primary. Any insurance or self-insurance maintained by the County, its officers, officials, employees or volunteers shall be in excess of contractor's insurance and shall not contribute to it. This Amendment also increases compensation by \$3,000 for a new compensation amount not to exceed \$14,000. All other terms and conditions shall remain the same including the termination date of December 31, 2014. **(Amendment No. A20140129)**
- e) PLANNING AND DEVELOPMENT SERVICES:
  14. Resolution amending Resolution No. R20140108 to direct Planning and Development Services to draft Transfer of Development Rights (TDR) Density Credit policies and code for further review and consideration through the County's established process for land use legislation. **(Resolution No. R20140298)**
  15. Personal Services Agreement Berk Consulting, Inc. to assist the County with the 2016 Comprehensive Plan Update. The Agreement shall commence on the date of execution and continue until June 30, 2016. Compensation shall not exceed \$77,489.40 and is based on a fee schedule. **(Contract No. C20140466)**
- f) PROSECUTING ATTORNEY:
  16. Amendment No. 1 to Agreement No. C20140089 with Northwest Regional Council (NWRC) to provide services to the State of Washington Boundary Review Board for Skagit County. The purpose of this Amendment is to provide NWRC access to the County's private network for the specific purpose of coordinating, implementing and supporting the State of Washington Boundary Review Board for Skagit County. All other terms and conditions of the original Agreement shall remain the same including the termination date ending on December 31, 2018, and the compensation amount not to exceed \$10,000 per year. **(Amendment No. A20140130)**
- g) PUBLIC WORKS:
  17. Supplemental Agreement No. 1 to Local Agency Standard Consultant Agreement No. C20130217 with Berger ABAM Inc. to provide engineering and environmental services for the Burlington Northern Overpass, Project # ES50510-8. The purpose of this Amendment is to replace Exhibit "E-1" Consultant Fee Determination Summary of Costs with an updated Exhibit "E-1", Fee Schedule for July 2014 through June 2015, in order to reflect the routine hourly wage rate updates. All other terms and conditions shall remain the same including the termination date June 30, 2015, and the compensation amount not to exceed \$1,402,406. **(Amendment No. A20140131)**
- h) RISK MANAGEMENT:
  18. Resolution continuing relationships with the Washington Counties Risk Pool and adding the Senior Human Resources/Risk Analyst position as an Alternate Director representing Skagit County. **(Resolution No. R20140299)**
- i) SUPERIOR COURT:
  19. Memorandum of Understanding (MOU) between the Washington State Patrol (WSP), Identification and Criminal History Section, WSP Contract No. C130736GSC, and Skagit County Superior Court to ensure the protection of

criminal history record information between the WSP, Skagit County Superior Court, and the Federal Bureau of Investigation (FBI). This MOU provides guidance for the creation, viewing, modification, transmission, dissemination, storage and destruction of criminal history record information data. The MOU shall commence on the date of the last signature and shall continue for three (3) years. There is no monetary consideration associated with this MOU.  
**(Contract No. C20140467)**

V. RATIFICATION AGENDA (items 20 through 25):

j) COMMUNITY SERVICES:

20. Resolution to authorize the ratification of an Interlocal Cooperative Agreement with the Mount Vernon School District to support a special education parent group for families of students in special services. Development of terms and scope of work delayed finalization of the Agreement and it was important to provide continuity of services to eligible participants. **(Resolution No. R20140300)**
21. Interlocal Cooperative Agreement with the Mount Vernon School District to support a special education group for families of students in special services. The Agreement commenced on September 3, 2014, and shall continue through December 31, 2014. Compensation shall not exceed \$7,500 and is funded by the Developmental Disabilities Millage funds. **(Contract No. C20140468)**

k) OFFICE OF JUVENILE COURT:

22. Resolution authorizing the ratification of an Interlocal Cooperative Agreement with the Mount Vernon School District to jointly fund a BECCA Case Manager position to serve the School Districts and the Skagit County Office of Juvenile Court in implementing the truancy portion of the BECCA Bill as outlined by the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC). Finalization of the Agreement was delayed because it was received from the Mount Vernon School District on September 12, 2014. **(Resolution No. R20140301)**
23. Interlocal Cooperative Agreement with the Mount Vernon School District to jointly fund a BECCA Case Manager position to serve the Schools Districts and the Skagit County Office of Juvenile Court in implementing the truancy portion of the BECCA Bill as outlined by the Reviewed Code of Washington (RCW) and the Washington Administrative Code (WAC). The Agreement commenced on September 1, 2014, and shall continue until August 31, 2015. The Mount Vernon School District will reimburse Skagit County \$24,435. **(Contract No. C20140469)**

l) PUBLIC DEFENDER:

24. Resolution authorizing the ratification of a Personal Services Agreement with Mari Doerner to provide consultation and representation relating to clients on behalf of the Skagit County Public Defender for mental health and involuntary commitment hearings in conjunction with Dennis Scott, Attorney at Law, including any jury trails as calendared by the Skagit County Clerk's Office. A signed contract was not processed or received prior to the commencement of services on September 1, 2014. **(Resolution No. R20140302)**
25. Personal Services Agreement with Mari Doerner to provide consultation and representation relating to clients on behalf of the Skagit County Public Defender for mental health and involuntary commitment hearings in conjunction with Dennis Scott, Attorney at Law, including any jury trails as calendared by the Skagit County Clerk's Office. The Agreement commenced on September 1, 2014, and shall continue until August 31, 2015. Compensation shall not exceed

\$50,000 and is based on a fee schedule. **(Contract No. C20140470)**

VI. MISCELLANEOUS:

1. Kara Symonds, Public Works Planner Conservation Futures Program, explained that she was not able to route and submit the Notice of Grant and Agreement Award with the U.S. Commodity Credit Corporation acting through the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) through the typical consent agenda process because of the short turnaround time requested by the USDA. She noted that the Agreement was received on September 24, 2014, and the USDA requested signature by the end of their fiscal year on Thursday, September 30, 2014. Ms. Symonds explained that the USDA approved one (1) easement application for approximately 110 acres with two (2) development rights for the Wylie property that included parcels P16931, P16935, P17003, and P17011. The total cost of the easement is approximately \$250,000, Skagit County shall receive \$125,000 from USDA.

Civil Deputy Prosecuting Attorney Ryan Walters noted that some of the terms in the Agreement had changed significantly and pointed out some of the changes. Mr. Walters recommended that the Board sign the Agreement.

Ms. Symonds presented the Notice of Grant Agreement Award, Identification Notice No. 73-0546-14-003, with the U.S. Commodity Credit Corporation acting through the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) for Fiscal Year 2014 through September 30, 2016. The Agreement obligates \$125,000 in federal funds with a total approved budget not to exceed \$250,000 for the Wylie property that includes parcels P16931, P16935, P17003, and P17011.

A motion was made by Commissioner Dillon to approve Notice of Grant Agreement Award, Identification Notice No. 73-0546-14-003, with the U.S. Commodity Credit Corporation acting through the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) for Fiscal Year 2014 through September 30, 2016. The Agreement obligates \$125,000 in federal funds with a total approved budget not to exceed \$250,000 for the Wylie property that includes parcels P16931, P16935, P17003, and P17011. **(Contract No. C20140471)** Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Chair Wesen recessed the proceedings at 1:40 p.m.

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 Delta Dental of Washington from Clearing Fund 696 in the total dollar amount of \$6,479.00 (Transmittal No. C-123-14); and
  - b) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$74,529.92 (Transmittal No. C-124-14); and
  - c) Warrants numbered 409818 through 409868 from Clearing Fund 696 in the total dollar amount of \$110,473.43 (Transmittal No. C-126-14); and
  - d) ACH Transfer Request Form and Certification to Trusteed Plans Service

Corporation from Clearing Fund 696 in the total dollar amount of \$105,000.88 (Transmittal No. C-127-14); and

- e) ACH Transfer Request Form and Certification to Delta Dental of Washington from Clearing Fund 696 in the total dollar amount of \$39,861.49 (Transmittal No. C-128-14); and
- f) Warrants numbered 409869 through 410301 from Clearing Fund 696 in the total dollar amount of \$4,421,678.81 (Transmittal No. C-129-14); and
- g) Payroll warrants numbered 337872 through 338577 in the total dollar amount of \$1,168,987.48 (Transmittal No. P-36-14); and
- h) Junior District Payroll warrants numbered 806515 through 806681 in the total dollar amount of \$202,608.59 (Transmittal No. P-37-14).

VIII. ADJOURNMENT:

Chair Wesen adjourned the proceedings at 1:55 p.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Ron Wesen, Chair

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Kenneth A. Dahlstedt, Commissioner

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Sharon D. Dillon, Commissioner

ATTEST:

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Clerk of the Board