

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 22, 2015**

The Skagit County Board of Commissioners met in regular session on Monday, June 22, 2015, with Chair Kenneth A. Dahlstedt, Commissioner Lisa Janicki, and Commissioner Ron Wesen present.

I. CALL TO ORDER:

Chair Dahlstedt called the proceedings to order at 10:01 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

a) *9:00 a.m. - 10:00 a.m. Briefing - County Commissioners/County Administrator with Public Works; Planning and Development Services; Parks, Recreation and Fair; and Facilities Management

b) 10:00 a.m. - 10:30 a.m. Prosecuting Attorney, Rich Weyrich:

1. Discussion/Possible Action: Request for Non-Contract Prosecuting Attorney Investigator Position

Prosecutor Rich Weyrich requested that the Board of County Commissioners reconsider their decision to have a contractor work as an investigator in the Prosecutor's Office. He requested that the amount allocated in the 2015 budget, which was approximately \$85,000, be reallocated so that his office could hire an investigator who would be an employee in their office. Mr. Weyrich referenced a letter sent to the Board of County Commissioners on March 23, 2015, and a letter received from the Whatcom County Prosecuting Attorney's office on June 19, 2015.

Mr. Weyrich said that there was a business need in his office for a non-contract investigator position which would be used to quickly respond to domestic violence cases. He said the investigator would assist his office by fully supporting domestic violence victims as well as obtaining statements and interviewing witnesses about what had happened within the first 24 hours after the domestic violence incident and that the position would free up the time of victim witness advocates and attorneys to allow them to work on restitution, preparing no-contact orders, meeting with victims about their cases, and working on other cases.

Chief Criminal Deputy Prosecuting Attorney Rosemary Kaholokula noted that in the past, the Prosecutor's Office had a contracted position for a child interviewer which caused a number of difficulties including scheduling the contractor's time. She spoke about the success of the Child Advocacy Center (CAC) after the office was able to hire a child interviewer permanently.

Ms. Kaholokula indicated that it was common in domestic violence cases for victims to recant their stories and that it was crucial for investigators to be able to interview victims within 24 hours of the incident and being able to obtain a signed affidavit which could be used as evidence if the case went to trial.

There was a discussion about the different investigative needs of the Prosecutor's Office and the Public Defender's Office and whether a contractor could meet the needs of the Prosecutor's office. Mr. Weyrich noted that all of the contract investigators that the Public Defender utilized had their own privately licensed businesses. He said that his office would keep statistical data on the usefulness of the investigator and would report back to the Board of County Commissioners.

Commissioner Janicki spoke about her experiences with contractors versus employees and the definition of independent contractors and employees as defined by the Internal Revenue Service and the Department of Labor and Industries.

Commissioner Dahlstedt discussed the Public Defender's Office contract investigators and addressed the challenges with hiring additional staff without any additional revenue.

Commissioner Wesen discussed the June 19, 2015, letter from the Whatcom County Prosecuting Attorney's Office and whether a similar arrangement could work in Skagit County.

Sheriff Will Reichardt addressed his concerns about having a Sheriff's Office detective assigned to the Prosecutor's Office and said that his preference would be that the Prosecutor's Office had their own investigator that would have their duties supervised and directed by that office. He explained the Sheriff's Office case assignment procedures and spoke in support of the Prosecutor's request.

[Letter from Skagit County Prosecutor Weyrich and Whatcom County Chief Criminal Deputy Prosecutor Eric Richey:](ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/06222015/)

A motion was made by Commissioner Janicki to approve the reallocation of the budget line item for Prosecutor's office investigator position from being a contractor to an employee within the amount budgeted including benefits. Commissioner Wesen seconded the motion.

The vote passed unanimously.

Chair Dahlstedt recessed the proceedings 10:35 a.m.

- c) 1:30 p.m. - 2:30 p.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items
- d) *2:30 p.m. - 4:30 p.m. Executive Session (None Scheduled as of the Date of this Notice)

Chair Kenneth A. Dahlstedt, Commissioner Lisa Janicki, and Commissioner Ron Wesen attended an executive session on Wednesday, June 24, 2015, from 9:00 a.m. to 9:30 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 provided legal advice to the Board of County Commissioners: Chief Civil Deputy Prosecuting Attorney Melinda Miller; Senior Civil Deputy Prosecuting Attorney Will Honea; Senior Civil Deputy Prosecuting Attorney Arne Denny; and Civil Deputy Prosecuting Attorney Jill Dvorkin. Other attendees: County Administrator Tim Holloran, and Public Works Director Dan Berentson.

IV. CONSENT AGENDA DISCUSSION ITEMS:

Chair Dahlstedt reconvened the proceedings at 1:31 p.m.

Marc Estvold, AIA LEED, AP/Project Manager provided additional information about Consent Agenda item #11. Mr. Estvold said that all of the responding bidders for the project had bid below the Engineer's Estimate. He said that the awarded bid received from Wyser Construction Inc., had been reviewed and met the specifications. He indicated that the work was expected to begin on July 7, 2015, and should be completed within four to five weeks.

County Engineer Paul Randall-Grutter provided additional information about Consent Agenda item #14. Mr. Randall-Grutter said that the haul out and maintenance was part of the regular annual schedule.

Water Resources Technician Tracy Alker provided additional information about Consent Agenda item #17. Ms. Alker indicated that property owners in the Lake Management District would receive notice of the treatments, herbicides, and lake use restrictions. She went on to explain the procedures that the contractor would follow.

Sheriff Will Reichardt provided additional information about Consent Agenda #25 and explained that several years ago the State of Washington was the second largest illegal marijuana producing state in the country and that with the funding from the state, Skagit County had eradicated a large number of illegal grow operations. He said that the funds would be used to pay for Deputy Hamlin's time to spot illegal marijuana grows on public and private lands.

V. CONSENT AGENDA FOR MONDAY, JUNE 22, 2015 (items 1 through 23):

A motion was made by Commissioner Wesen to approve the Consent Agenda items 1 through 23, and Ratification Agenda items 24 and 25, vouchers and warrants for Monday, June 22, 2015. Commissioner Janicki seconded the motion.

The vote passed unanimously.

a) COMMISSIONERS:

1. Record of the proceedings for Monday, June 15, 2015. **(Approved)**
2. Record of the proceedings for Tuesday, June 16, 2015. **(Approved)**

b) BUDGET AND FINANCE:

3. Resolution calling for a public hearing to consider testimony regarding a resolution to amend the 2015 Skagit County budget. The public hearing is scheduled to take place on Tuesday, July 7, 2015, at 11:15 a.m. in the Skagit County Commissioners' Hearing Room. **(Resolution No. R20150205)**

c) COMMUNITY SERVICES:

4. Memorandum of Understanding (MOU) with Service Alternatives to provide employment assessment services at Skagit County Senior Center located in Anacortes, Burlington, Concrete, Mount Vernon, and Sedro-Woolley. The MOU shall

commence on the date of execution and continue until December 31, 2017. **(Contract No. C20150259)**

5. Personal Services Agreement with Service Alternatives Inc., to provide "Pathways to Employment" and "Community Access" services to eligible individuals with developmental disabilities. Pathways to Employment services are those services designed to assist working age adults to pursue and maintain paid employment in integrated community services. Community Access Services are those services designed to increase independence and inclusion in the community for those in retirement or no longer seeking employment. The Agreement shall commence on July 1, 2015, and continue until June 30, 2016. Compensation shall not exceed \$71,128 and is funded by the Washington State Department of Social and Health Services (DSHS) through the Developmental Disabilities Administration. **(Contract No. C20150260)**
6. Personal Services Agreement with Washington Vocational Services to provide "Pathways to Employment" and "Community Access" services to eligible individuals with developmental disabilities. Pathways to Employment services are those services designed to assist working age adults to pursue and maintain paid employment in integrated community services. Community Access Services are those services designed to increase independence and inclusion in the community for those in retirement or no longer seeking employment. The Agreement shall commence on July 1, 2015, and continue until June 30, 2016. Compensation shall not exceed \$557,404 and is funded by the Washington State Department of Social and Health Services (DSHS) through the Developmental Disabilities Administration. **(Contract No. C20150261)**
7. Personal Services Agreement with Edgework Crisis Intervention Resources PLLC to provide training for the Advanced Skagit County Crisis Intervention Team (CIT) -on October 8, and 9, 2015, which will provide interactive and informational opportunities for participants to understand individuals with mental illness and co-occurring disorders who have contact with the criminal justice system. The Agreement shall commence on July 1, 2015, and continue until December 31, 2015. Compensation shall not exceed \$3,800. **(Contract No. C20150262)**
8. Amendment No. 2 to Personal Services Agreement No. C20140057 with Phoenix Recovery Services to provide chemical dependency prevention, treatment and support services in an outpatient setting to eligible persons as part of the Prevention, Intervention, Treatment and Aftercare (P-I-T-A) continuum. The purpose of this Amendment is to extend the term of the Agreement from June 30, 2015, to July 31, 2015. Due to the Washington State legislature still being in session, funding from the State has not been allocated and it was deemed necessary to pay for the services for non-Medicaid clients from the .1% sales tax. All other terms and conditions of the original Agreement and subsequent Amendment shall remain in effect including the compensation amount not to exceed \$1,600,000, and is funded by multiple sources including Federal, Washington State, and the .1% sales tax. **(Amendment No. A20150102)**
9. Amendment No. 2 to Personal Services Agreement No. C20140028 with Sunrise Services, Inc. to provide substance abuse treatment to eligible Skagit County residents. The purpose of this Amendment is to extend the term of the Agreement from June 30, 2015, to July 31, 2015. Due to the Washington State legislature still being in session, funding from the State has not been allocated and it was deemed necessary to pay for the services for non-Medicaid clients from the .1% sales tax. All other terms and conditions of the original Agreement and subsequent Amendment shall remain in effect including the compensation amount not to exceed \$90,000, and is funded by multiple sources including Federal, Washington State, and the .1% sales tax. **(Amendment No. A20150103)**
10. Amendment No. 3 to Personal Services Agreement No. C20140203 with Catholic Community Services to provide youth and adult substance abuse treatment for eligible Skagit County residents. The purpose of this Amendment is to extend the term of the Agreement from June 30, 2015, to July 31, 2015. Due to the Washington State legislature still being in

session, funding from the State has not been allocated and it was deemed necessary to pay for the services for non-Medicaid clients from the .1% sales tax. All other terms and conditions of the original Agreement and subsequent Amendment shall remain in effect including the compensation amount not to exceed \$600,000, and is funded by Washington State, and the .1% sales tax. **(Amendment No. A20150104)**

d) FACILITIES MANAGEMENT:

11. Resolution to award the bid for the Skagit County Truck City Site Remedial Action for the proposed new jail facility, located at 3216 Old Highway 99 South in Mount Vernon to Wyser Construction Inc., for the amount of \$205,207.50. **(Resolution No. R20150206)**
12. Construction Agreement with Scholten Roofing Inc., to re-roof the Skagit County Administration building, located at 700 South 2nd Street in Mount Vernon. The project consists of demolition and removal of existing gravel, roof walkway pavers, built-up roof, rigid insulation, poured concrete insulation, roof flashings, and various roof vents at all roof levels. The roof will be completely reinstalled with a new PVC roofing system. The Agreement shall commence on the date of the Notice to Proceed with Substantial Completion within 90 calendar days of the Notice to Proceed. Final Completion shall occur within 30 calendar days after Substantial Completion. Compensation shall not exceed \$472,973. **(Contract No. C20150263)**

e) PUBLIC HEALTH:

13. Amendment No. 1 to Health Jurisdiction Agreement with Washington State Health Care Authority, Agreement No. K772, Skagit County Contract No. C20130262, for the Access to Baby and Child Dentistry (ABCD) Local Activities program. This Agreement provides public health nurses to perform outreach and recruitment of Medicaid-eligible children ages birth to six, in collaboration with other organizations. The purpose of this Amendment is to extend the period of performance, update Exhibits "A" (ABCD Quarterly Outreach and Casement Management Report) and "E" (End of Year Summary Report), update the contractor contact information and increase the total compensation amount to Skagit County by an additional \$56,000 for a new compensation not to exceed \$114,500. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20150105)**

f) PUBLIC WORKS:

14. Resolution to call for bids for the 2015 Haul Out and Maintenance for the vehicle and passenger ferry M/V Guemes, Project #FEH015-1. The bid opening is scheduled to take place on Monday, July 13, 2015, at 2:00 p.m., in the Skagit County Commissioners' Hearing Room. **(Resolution No. R20150207)**
15. Resolution awarding the bid for the 2015 Asphalt Overlay Project #ESAO15-1 to Lakeside Industries, Inc., for the amount of \$642,332. **(Resolution No. R20150208)**
16. Vendor Services Agreement with Skagit Soils, Inc. to process yard waste including grass, leaves, brush, and organic trimmings less than four inches in diameter. The Agreement shall commence on the date of execution and continue for two years. Compensation for the two-year period shall not exceed \$20,000. **(Contract No. C20150264)**
17. Vendor Services Agreement with Northwest Aquatic Eco-Systems to provide lake services to continue implementing the control strategy to manage invasive populations of Eurasian milfoil, Brazilian elodea, fragrant water lilies, and other nuisance aquatic vegetation at Lake Management District No. 1 (LMD 1) at Big Lake. The control strategy identified in

the scope of work for this contract is consistent with the goals established by the Big Lake Integrated Aquatic Vegetation Management Plan and includes: lake surveys, annual herbicide treatments, mapping and ongoing community education and outreach. The Agreement shall commence on the date of execution and continue until May 31, 2017. Compensation shall not exceed \$118,737.10 and is funded by annual assessments collected from the residents of LMD 1. **(Contract No. C201560265)**

18. Vendor Services Agreement with Northwest Aquatic Eco-Systems to provide aquatic surveys and lake treatment services to manage invasive and nuisance aquatic vegetation for Lake Management District No. 2 (LMD 2) at Lake McMurray. The control strategy identified in the scope of work for this contract is consistent with the goals established in the Lake McMurray Integrated Aquatic Vegetation Management Plan and includes: lake surveys, annual herbicide treatments, and map procurement. The Agreement shall commence on the date of execution and continue until May 31, 2017. Compensation shall not exceed \$19,151.60 and is funded by annual assessments collected from the residents of LMD 2. **(Contract No. C20150266)**
19. Vendor Services Agreement with Northwest Aquatic Eco-Systems to provide aquatic surveys and lake treatment services to manage invasive and nuisance aquatic vegetation for Lake Management District No. 3 (LMD 3) at Lake Erie and Lake Campbell. The control strategy identified in the scope of work for this contract is consistent with the goals established in the Lake Erie and Lake Campbell Integrated Aquatic Vegetation Management Plan and includes: lake surveys, annual herbicide treatments, and map procurement. The Agreement shall commence on the date of execution and continue until May 31, 2017. Compensation shall not exceed \$32,703.20 and is funded by annual assessments collected from the residents of LMD 3. **(Contract No. C20150267)**
20. Vendor Services Agreement with Northwest Aquatic Eco-Systems to provide aquatic surveys and lake treatment services to manage invasive and nuisance aquatic vegetation for Lake Management District No. 4 (LMD 4) at Clear Lake and Beaver Lake. The control strategy identified in the scope of work for this contract is consistent with the goals established in the Clear Lake and Beaver Lake Integrated Aquatic Vegetation Management Plan and includes: lake surveys, annual herbicide treatments, and map procurement. The Agreement shall commence on the date of execution and continue until May 31, 2017. Compensation shall not exceed \$24,657.80 and is funded by annual assessments collected from the residents of LMD 4. **(Contract No. C20150268)**
21. Amendment No. 1 to Vendor Services Agreement No. C20150152 with ISCO Industries, Inc. for the procurement of Road Maintenance Materials which include culvert lining as listed in Exhibit "A". The purpose of this Amendment is to revise the Scope of Services Exhibit "A" to include an additional price list for the products that the road maintenance division requested in the bid packets. The Amendment will allow for the purchase of various sizes of culvert linings for maintenance projects. All other terms and conditions of the original Agreement shall remain in effect including the compensation amount not to exceed \$100,000. **(Amendment No. A20150106)**
22. Construction Contract Agreement with Interwest Construction, Inc. to furnish all tools, materials, equipment and transportation required for the construction of the Sauk Transfer Station Paving Project #WMP50-12. The Agreement shall commence on date execution and continue until completion. All work shall be completed within 15 working days Compensation shall not exceed \$48,749. **(Contract No. C20150269)**

g) SHERIFF:

23. Reimbursement Agreement with Puget Sound Energy (PSE) to provide additional law enforcement coverage to PSE to increase the presence and visibility of law enforcement within the Lower Baker River Project areas. The Agreement shall

commence on the date of execution and continue through September 30, 2015. Compensation to Skagit County shall not exceed \$4,560. **(Contract No. C20150270)**

VI. RATIFICATION AGENDA (items 24 and 25):

h) SHERIFF:

24. Resolution authorizing the ratification of an Interagency Agreement with the Washington State Patrol (WSP) to support a federal grant for domestic cannabis eradication and suppression pursuant to Resolution No. R20070294. A signed Agreement was only recently received from WSP after they were able to determine the amount of funding to be allocated. **(Resolution No. R20150209)**
25. Interagency Agreement with the Washington State Patrol (WSP) to support a federal grant for domestic cannabis eradication and suppression pursuant to Resolution No. R20070294. The Agreement commenced on June 1, 2015, and continues until December 31, 2015. Compensation to Skagit County shall not exceed \$20,000. **(Contract No. C20150271)**

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 \$305,808.52 (Transmittal No. C-85-15); and
 - b) Warrants numbered 423939 through 424418 from Clearing Fund 696 in the total dollar amount of \$1,372,428.81 (Transmittal No. C-86-15).

VIII. MISCELLANEOUS:

Brandon Rozen, Executive Director of Western Washington Agricultural Association (WWAA), provided the Commissioners with an update about the lack of water that farmers and the drainage and irrigation districts were currently experiencing. He indicated that WWAA was in the process of working on agreements to secure water for land owners and that he would keep the Commissioners updated throughout the season. He said that he would be attending a meeting at 6:00 p.m. today at the City of Anacortes to discuss an emergency water transfer for agricultural use.

The Commissioners thanked Mr. Rozen for the update.

IX. ADJOURNMENT:

Chair Dahlstedt adjourned the proceedings at 2:06 p.m.

BOARD OF COMMISSIONERS

SKAGIT COUNTY, WASHINGTON

Kenneth A. Dahlstedt, Chair

Lisa Janicki, Commissioner

Ron Wesen, Commissioner

ATTEST:

Clerk of the Board