

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 7, 2017**

The Skagit County Board of Commissioners met in regular session on Monday, August 7, 2017, with Chair Ron Wesen, and Commissioner Kenneth A. Dahlstedt present. Commissioner Lisa Janicki excused.

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) *9:30 a.m. - 10:45 a.m. Tour of the Skagit County Community Justice Center with Congressman Larsen (201 Suzanne Lane, Mount Vernon)
- b) 1:30 p.m. - 2:30 p.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items
- c) 2:30 p.m. - 3:00 p.m. Presentation from KSVU 90.1 FM Radio Station

Chair Wesen reconvened the proceedings at 2:30 p.m.

Radio host of the Local Yokel program Christie Fairchild provided a presentation about the local radio station 90.1 FM KSVU which included how the station was started, grew, how radio transmissions worked, what programs were on-air, how the station was a partner with Skagit Valley College's KSVU radio station, how KSVU was funded, that volunteers were always welcome, and what upgrades were desired.

The presentation provided by Ms. Fairchild can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/08072017/>

The Commissioners thanked Ms. Fairchild for the information. A brief discussion was held on what funding sources had been explored.

KSVU can be reached at (360) 853-8588 or at KSVU.org

Chair Wesen recessed the proceedings at 3:00 p.m.

- d) 3:00 p.m. - 3:30 p.m. Discussion/Possible Action/ and Public Comment - Letter to Department of the Interior Secretary Zinke RE: Draft Environmental Impact Statement on Grizzly Bear Reintroduction in North Cascades, and, Close-Out Contract with American Stewards of Liberty

Chair Wesen reconvened the proceedings at 3:05 p.m. and said they were present to finalize a letter to Department of the Interior Secretary Zinke. He announced that it was a joint letter from Skagit, Chelan, and Okanogan Counties. Chair Wesen acknowledged that concerns had been shared regarding Skagit County's contract with American Stewards of Liberty. He said that the Commissioners contracted with Margaret Byfield for coordination purposes only and that was the extent of the contract with American Stewards of Liberty.

County Administrator Tim Holloran said that the Commissioners wanted to address the additional concerns they had received about grizzly bears and the contract with American Stewards of Liberty. He said that Commissioner Janicki planned on attending the meeting but had been absent from the office due to a serious medical emergency in the family. Mr. Holloran read a statement from Commissioner Lisa Janicki into the record:

The Commissioners worked to ensure the safety and welfare of residents; Margaret Byfield was hired to advise Skagit County on the Grizzly Bear Draft Environmental Impact Statement after

meeting her in 2015 at a Washington State Association of Counties conference where she presented a workshop on local/federal government coordination; when the Grizzly DEIS came out, the Commissioners thought her experience would help coordinate more effectively with the federal government; although Margaret Byfield worked for the American Stewards of Liberty, Skagit County's contract with her in no way is an endorsement of their values or practices; with Margaret's help, Skagit County completed a response to the Department of the Interior; the Commissioners firmly believe that grizzly bears should not be reintroduced to the North Cascades ecosystem; a letter has been prepared and will be sent expressing those sentiments to Secretary of the Interior Zinke; the final letter represents the end of Skagit County's contract with Margaret and American Stewards of Liberty; Skagit County does not plan to use their services in the future; the data provided in the DEIS regarding how grizzly bears might affect those residents inside the grizzly management area were concerning; and reintroducing bears into the community was not consistent with the commissioners job to protect people first. Commissioner Janicki endorsed the letter and authorized that her signature be placed on it.

Commissioner Dahlstedt said that when Margaret Byfield was hired, he had no intentions of endorsing any of the things that the other organization was doing. He said Margaret's expertise was in coordinating with the federal government, which she helped Skagit County do when they met with representatives of the National Park Service, U.S. Fish and Wildlife Service, and other county and city representatives to address the lack of consideration of local plans and multiple other concerns.

Commissioner Dahlstedt shared concerns about the range of the grizzly bear. He showed two maps that had been produced by U.S. Fish and Wildlife Service and the National Park Service. One showed the historical and current range of the grizzly bear in the lower 48 states and the other showed the location of selected grizzly bear recovery zones.

He observed that grizzly bears were most concentrated in the middle of the United States and that since 1970 there had been no concentration of grizzly bears in the State of Washington. The maps also showed that from 1850 – 1990, the concentration of bears continued to move further and further north and that a large population was now concentrated in British Columbia. He wondered if global warming contributed to their migration further north over time to better habitat. He said that the population of grizzly bears just north of Washington in British Columbia were not restricted from moving south if they chose to. He predicted that it was inadequate food that limited their migration south.

Commissioner Dahlstedt anticipated the reintroduction of grizzly bears would fare worse than the reintroduction of elk. The elk herd was also a safety concern: causing car accidents and damaging the livelihood of the farming community. Farming and logging are two employers in Skagit County that would be negatively impacted by grizzly bears. 80% of the county is timberland and black bears are more problematic than in the past.

While safety was each person's own responsibility, Commissioner Dahlstedt said that he would not feel comfortable allowing the introduction of something dangerous into the county. If someone was killed by a grizzly bear, he would know that it could have been preventable. Also, conditions have been dryer, more forest fires have been occurring and the habitat was not what it was in 1850. He stated that he did not support the introduction of grizzly bears to the North Cascades, he did not endorse or support American Stewards of Liberty, Skagit County would not be members of the organization, and the letter and coordination had been completed.

The maps referred to by Commissioner Dahlstedt can be found here:
<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/o8072017/>

Chair Wesen said that the Draft EIS listed four options: one was to do nothing and three were to bring in 200 bears. He supported doing nothing for many reasons. Some of which included that the population has grown and will continue to grow. Many people use the parks and public safety is a big concern. Also, of the six recovery zones identified, four already had a concentration of grizzly bears. He did not support introducing grizzly bears to the North Cascades.

Chair Wesen opened the floor for public comments. The clerk confirmed that the timer would be set for 2 minutes per speaker.

Martha Hall of Anacortes thanked the Commissioners for their comments regarding American Stewards of Liberty. She wished the Commissioners supported the introduction of grizzly bears.

She was concerned that the Commissioners only heard one side regarding grizzly bears and she said that she could not find Paul Fielder's credentials. She shared that she enjoyed camping and hiking in locations where there were grizzly bears and that that in Yellowstone and the Canadian Rockies, more people were killed by hot springs and geysers than by grizzly bears.

Timothy Manns of Mount Vernon said that the June 19th draft letter prepared to Secretary Zinke repeated the same misinformation: that the North Cascades has so many people living and recreating in it, that encounters with grizzly bears would be frequent. He said that statement was a significant misrepresentation and pointed out that there had been many more people in the proposed recovery area over a century ago when there had been a gold rush, and in his experience, he has not encountered many other people when hiking in the area (which was approximately 6 million acres of mostly wilderness). He believed that Paul Fielder was fear mongering and said that Skagit County residents supported the introduction of grizzly bears and did not want their tax dollars spent on organizations like American Stewards of Liberty or American Lands Council.

Carol Ehlers of Fidalgo Island provided background information about the North Cascades National Park: it had been created by the Alpine Club, which she had been a member of, so that people would have a safe place to hike during hunting season, and, to improve the economy east of Sedro-Woolley. In order to improve the economy, they needed a road that connected Eastern and Western Washington. In order to have a road, they needed to create a National Park and two recreation areas (Ross Lake and Stehekin). Ms. Ehlers encouraged people to read the Draft EIS and note what was missing: both recreation areas. They were described as wilderness areas. She also did not think there was adequate information about what food was where and when for grizzly bears – which was a poor way to manage an animal.

Christine Kohnert of Mount Vernon was concerned about governing by fear instead of by scientific evidence. She believed that falls, avalanches, black bears and guns accounted for more deaths than 200 grizzly bears ever would. She said that studies had been done on the available food source and that grizzly bears only multiplied to what could be supported by the habitat. She said that Skagit County residents valued biodiversity and she thanked the Commissioners for separating from American Stewards of Liberty.

Steve Bruland of Mount Vernon shared that he was a hiker and he spent a lot of time in the North Cascades. He said he strongly opposed the introduction of grizzly bears to the area. He said that he used a tent and would not feel safe if he knew that he was moving amongst 200 grizzly bears.

Jerry Eisner of Mount Vernon shared concerns about working with American Stewards of Liberty. He provided a packet of information to the Commissioners that he found regarding American Stewards of Liberty, the American Lands Council, and the Militia of Montana. He said that these were extremist groups that used the grizzly bear as a distraction and method to allow the state seizure of public lands. He said the information included information on what "coordination" really meant to these groups. He asked the Commissioners to use fact finding and choose experts carefully. He did not think Paul Fielder was an unbiased expert as his wife was the CEO of American Lands Council. He asked the Commissioners to share if they opposed publicly owned parks and lands and renounce their association with the group.

The information provided by Mr. Eisner can be found here:

<ftp://ftp.skagitcounty.net/countycommissioners/documents/agendapackets/08072017/>

Graham Taylor with the National Parks Conservation Association said that national parks were unique places, and sometimes the only wild places left where some of our most endangered animals could live. He said the National Parks Conservation Association supported grizzly bear recovery. Science showed that grizzly bears do not recover and return on their own. Hunting, trapping and development have pushed them out of their natural areas and he desired to be able to pass down a complete ecosystem to future generations, one that included grizzly bears. He reported that more people die from being struck by lightning than by being killed by grizzly bears and thought that the argument for maintaining public safety was not applicable. He asked the Commissioners to take this opportunity to maintain biodiversity, look to local experts, and look to experts on grizzly bears.

Elizabeth Mills of Bay View shared that when she was a National Park Ranger at Katmai National Park she hosted approximately 4,000 human visitors each year and they would see approximately 20 bears a day. Her job was to meet the public, educate them about bears, walk

them to their campsite, and show them where to put their food. She only heard of one incident and thinks that the species was misrepresented. She said that the biologists who contributed to the Draft EIS should be given more weight and consideration than an extremist group from Texas. She said that many Skagit County residents thought that biodiversity was important for now and for the future.

Chair Wesen asked if anyone else would like to comment. Seeing none, Commissioner Dahlstedt said that the Commissioners had a final letter to Secretary Zinke that he was prepared to execute and that it was different than the draft being discussed that had been pre-viewed.

A motion was made by Commissioner Dahlstedt to approve signing and sending the letter to Department of the Interior Secretary Zinke regarding the Draft Environmental Impact Statement on Grizzly Bear Reintroduction in the North Cascades. Chair Wesen seconded the motion.

The vote passed unanimously. Commissioner Lisa Janicki's absence was excused

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

No executive sessions were scheduled for the week of August 7, 2017.

IV. CONSENT AGENDA ITEMS FOR FURTHER DISCUSSION:

Chief Civil Deputy Prosecuting Attorney Melinda Miller provided additional information on Consent Agenda item no. 8.

Alicia Hughes from Public Health provided additional information on Consent Agenda item no. 12.

Surface Water Section Manager Jan Flagan provided additional information on Consent Agenda item no. 15.

Ferry Operations Division Manager Rachel Rowe provided additional information on Consent Agenda item no. 17.

Engineering Division Manager Keith Elefson provided additional information on Consent Agenda item numbers 18 and 22.

V. CONSENT AGENDA FOR MONDAY, AUGUST 7, 2017 (items 1 through 25):

A motion was made by Commissioner Dahlstedt to approve Consent Agenda items 2 through 25, including all items requiring ratification, vouchers and warrants for Monday, August 7, 2017. Chair Wesen seconded the motion.

The vote passed unanimously. Commissioner Lisa Janicki's absence was excused

a) COMMISSIONERS:

1. Record of the Proceedings for Monday, July 31, 2017. **(Pulled for consideration at later date)**

b) INFORMATION SERVICES:

2. Resolution regarding the destruction of electronic media containing confidential information per Resolution No. R20170044 and RCW 40.14.060. **(Resolution No. R20170162)**
3. Amendment No. 2 to Customer Software License Agreement No. C20110411 with Creative Information Systems, Inc., for the SMS Turbo Software being used at the Ovenell Transfer station. This Amendment increases compensation by \$10,000 for upgrades to the SMSTurbo scale management software at each scale at the Ovenell and Sauk Transfer stations. Total compensation shall not exceed \$28,000. All other terms

and conditions of the original Agreement shall remain in effect. **(Amendment No. A20170088)**

c) PROSECUTING ATTORNEY:

4. Personal Services Agreement with Mark R. McClung, MD, to provide expert witness investigative services, witness evaluation, records review and testimony in the area of forensic psychiatry in the matters of the State v. Jaramy Chism, Skagit County Superior Court Cause No. 17-1-00736-5 and the State v. Kimberly Hughes, Skagit County Superior Court Cause No. 17-1-00735-7. Compensation shall not exceed \$15,000 and is based on a fee schedule. The Agreement is ratified to commence on July 17, 2017, and shall continue until December 31, 2018. **(Contract No. C20170365)**
5. Personal Services Agreement with Mark R. McClung, MD, to provide expert witness investigative services, witness evaluation, records review and testimony in the area of forensic psychiatry in the matters of the State v. Lane Maurice Davis, Skagit County Superior Court Cause No. 17-1-00739-0. Compensation shall not exceed \$15,000 and is based on a fee schedule. The Agreement is ratified to commence on July 17, 2017, and shall continue until December 31, 2018. **(Contract No. C20170366)**

d) PUBLIC HEALTH:

6. Memorandum of Understanding with Washington State Health Care Authority HCA MOU No. K2417 to establish the State's assurances with respect to the use of the city/county one-tenth of one percent sales tax levy programs approved as a Designated State Health Program under the Washington State Medicaid Transformation Project. The Memorandum shall commence on the date of execution and continue through December 31, 2021. **(Contract No. C20170367)**
7. County Program Agreement No. 1763-96103 with the Washington State Department of Social and Health Services Division of Developmental Disabilities to provide a coordinated and comprehensive state and local program of services for persons with developmental disabilities. The Agreement is ratified to commence on July 1, 2017, and shall continue until June 30 2018. Compensation to Skagit County shall not exceed \$1,838,023. **(Contract No. C20170368)**
8. Interlocal Cooperation Agreement with the City of Anacortes. Skagit County will provide nutrition programming at the Anacortes Senior Activity Center. The City of Anacortes will oversee and provide comprehensive programming and operational support services at the Anacortes Senior Activity Center. The Agreement shall commence on September 5, 2017, and continue through December 31, 2018. The County will pay the City a prorated annual amount of \$90,000 for 2017 and \$95,000 for calendar year 2018. The City will pay the County an annual amount of \$36,000. **(Contract No. C20170369)**
9. Grant Agreement with Washington State Department of Commerce Contract No. 17-62210-012 through the Community Development Block Grant (CDBG) Program to provide public services through Community Action of Skagit County to low and moderate income persons in Skagit County. The Agreement is ratified to commence on July 1, 2017, and continues through June 30, 2018. Compensation from the Department of Commerce shall not exceed \$65,286. **(Contract No. C20170370)**
10. Subrecipient Agreement with Community Action of Skagit County who will provide the Community Development Block Grant (CDBG) Program services for the East Skagit Critical Needs and Homeless Services Project. The Agreement is ratified to commence on July 1, 2017. Compensation shall not exceed \$61,786. **(Contract No. C20170371)**
11. Funding Agreement with Anacortes Family Center to provide distribution services of low-income housing funds pursuant to Substitute House Bill 2163. The Agreement is ratified to commence on July 1, 2017, and shall continue until June 30, 2018. Compensation shall not exceed \$60,000. **(Contract No. C20170372)**
12. Interlocal Agreement with North Sound Behavioral Health Organization LLC for professional services to ensure that tax revenue from the sale of marijuana and cannabis products is used for healthcare, research and substance use disorder prevention. The

Agreement is ratified to commence on December 1, 2016, and continues through March 31, 2018. Compensation shall not exceed \$245,000. **(Contract No. C20170373)**

13. Personal Services Agreement with Michelle Anderson to provide mental health consultation with the Nurse-Family Partnership Program. The Agreement is ratified to commence on March 23, 2017, and shall continue until June 30, 2018. Compensation shall not exceed \$3,450 and is based on a rate schedule. **(Contract No. C20170374)**
 14. Business Associate Agreement with Michelle Anderson, MA, LMHC 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 for Skagit County. 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. C20170375)**
- e) PUBLIC WORKS:
15. Resolution authorizing the submission of an application for a Washington State Recreation and Conservation Office grant for a culvert replacement on Martin Ranch Road to improve fish passage (17-1160). **(Resolution No. R20170163)**
 16. Resolution to appoint Victor R. Jensen to the Skagit County Noxious Weed Control Board for a four-year term. Mr. Jensen shall represent District 1. His term is effective August 7, 2017, through August 6, 2021. **(Resolution No. R20170164)**
 17. Local Agency A&E Professional Services Cost Plus Fixed Fee Consultant agreement with Glostien to provide the design services for the replacement vessel for the Anacortes/Guemes Island route and support Skagit County through vessel procurement and construction. The Agreement shall commence on the date of execution and continue through July 31, 2018. Compensation shall not exceed \$513,742.35 and is based on a rate schedule. **(Contract No. C20170376)**
 18. Local Agency A&E Professional Services Negotiated Hourly Rate Consultant Agreement with GeoTest Services, Inc. to provide geotechnical engineering services for the Bow Hill Road Reconstruction Project. The Agreement shall commence on the date of execution and continue through December 31, 2018. Compensation shall not exceed \$79,324.06 and is based on a rate schedule. **(Contract No. C20170377)**
 19. Interagency Agreement with Washington State Department of Agriculture (Contract No. K2273) to provide Skagit County funding for the control of invasive knotweed species on Grandy Creek and Samish River and associated tributaries in Skagit County. The Agreement is ratified to commence on July 1, 2017, and continue through June 30, 2019. Compensation shall not exceed \$20,000. **(Contract No. C20170378)**
 20. Supplemental Agreement No. 6 to Local Agency Standard Consultant Agreement No. C20130217 with BergerABAM Inc. to provide engineering and environmental services for the Burlington Northern Overpass, Project #ES50510-8. This supplement updates the job classification rates and reimbursable expense fees. Compensation remains the same and shall not to exceed \$1,727,107. The term remains the same and shall continue through December 31, 2018. All other terms and conditions of the original Agreement and subsequent Amendments shall remain in effect. **(Amendment No. A20170089)**
 21. Personal Services Agreement with PRR, Inc. to identify gaps in Skagit County's existing Pollution Identification and Correction Outreach and Education program, create compelling and effective communications materials, and create a strategic plan for outreach. The Agreement shall commence on the date of execution and continue until March 31, 2019. Compensation shall not exceed \$50,000 and is based on a rate schedule. **(Contract No. C20170379)**
 22. Local Agency A&E Professional Services Cost Plus Fixed Fee Consultant Agreement with KPFF Consulting Engineers to provide the design engineering services, preparation of plans, specification and estimates for the Illabot Creek Alluvial Fan Restoration Project. They will also provide support for environmental documentation and project permitting as needed and technical support during the project advertising/bidding phase. The Agreement shall commence on the date of execution and continue through December 31,

2018. Compensation shall not exceed \$368,535.32 and is based on a rate schedule. **(Contract No. C20170380)**

23. Vendor Services Agreement with Industrial Mowing and Spraying to provide mowing of multiple county facilities, which include retention/detention ponds, permanent drainage easements and the Inman Landfill. The Agreement shall commence on the date of execution and continue through December 31, 2019. Compensation shall not exceed \$61,143.25 and is based on a rate schedule. **(Contract No. C20170381)**

f) **SHERIFF:**

24. Interagency Agreement with the Washington Association of Sheriffs and Police Chiefs (WASPC) to award a grant to Skagit County for the Registered Sex Offender Address and Residency Verification Program. Compensation to Skagit County shall not exceed \$108,739.20. The Agreement is ratified to commence on July 1, 2017, and shall continue through June 30, 2018. **(Contract No. C20170382)**

g) **TREASURER:**

25. Resolution authorizing the cancellation of outstanding warrants per RCW 36.22.100. **(Resolution No. R20170165)**

VI. **VOUCHERS AND WARRANTS:**

- a. 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 465774 through 466089 from Clearing Fund 696 in the total dollar amount of \$3,462,605.30 (Transmittal No. C-108-17).

VII. **MISCELLANEOUS AGENDA (Items 1 through 3):**

a) **PROSECUTING ATTORNEY:**

Chief Civil Deputy Prosecuting Attorney Melinda Miller provided additional information on Miscellaneous Agenda item no. 1.

1. Resolution authorizing the execution of a Washing State Military Department Data Sharing, Non-disclosure and Use Agreement for Communications Services for 2017-01. **(Resolution No. R20170166)**

A motion was made by Commissioner Dahlstedt to approve Miscellaneous Agenda item no 1. Chair Wesen seconded the motion.

The vote passed unanimously. Commissioner Lisa Janicki's absence was excused

b) **SHERIFF:**

Corrections Sergeant Ron Coakley provided additional information on Miscellaneous Agenda item numbers 2 and 3.

2. Automatic Debit/Credit and Money Transmission Agreement Form with Tech Friends, Inc. to authorize Tech Friends, Inc. and Argent Financial Group, Inc. to initiate automatic debits/credits to the inmate account, and, to appoint Tech Friends, Inc. and Argent Financial Group, Inc. as agents of the Skagit County Community Justice Center for the purpose of receiving funds or money transmission activities for inmate accounts. The Agreement is ratified to commence on August 1, 2017, and shall continue through July 31, 2024. Tech Friends, Inc. is a subcontractor of Securus Technologies, Inc., Skagit County Contract No. C20170196. **(Contract No. C20170383)**
3. Deposit Authorization Form with J-Pay to establish trust fund processing for inmate

accounts at the new Skagit country Community Justice Center. The Authorization Form shall commence on the date of execution and continue through July 31, 2024. J-Pay is a subcontractor of Securus Technologies, Inc., Skagit County Contract No. C20170196. **(Contract No. C20170384)**

A motion was made by Commissioner Dahlstedt to approve Miscellaneous Agenda item numbers 2 and 3. Chair Wesen seconded the motion.

The vote passed unanimously. Commissioner Lisa Janicki's absence was excused

Chair Wesen recessed the proceedings at 1:52 p.m.

VIII. ADJOURNMENT:

Chair Wesen adjourned the proceedings at 3:40 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chair

Kenneth A. Dahlstedt , Commissioner

Lisa Janicki, Commissioner

ATTEST:

Clerk of the Board