

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 6, 2022**

The Skagit County Board of Commissioners met in regular session on Tuesday, September 6, 2022, with Chair Peter Browning, Commissioner Ron Wesen, and Commissioner Lisa Janicki present.

I. CALL TO ORDER:

Chair Browning called the proceedings to order at 8:32 a.m.

II. AGENDA:

- a) 8:30 a.m. - 9:15 a.m. Briefing - Planning and Development Services, Public Health, Public Works, and Department of Emergency Medical Services

The purpose of the briefing was for Planning and Development Services, Public Works, Public Health, and Emergency Medical Services departments to provide an update.

Attendees:

Chair Peter Browning
Commissioner Ron Wesen
Commissioner Lisa Janicki
County Administrator Trisha Logue
Deputy County Administrator Jennifer Johnson
Public Works Director Grace Kane
Planning and Development Services Director Hal Hart
Emergency Medical Services Director Josh Pelonio
Human Resources/Risk Management Director Bonnie Beddall
Assistant County Engineer/Engineering Division Manager Thomas Weller
Solid Waste Division Manager Margo Gillaspay
Members of the public Larita Humble and Patrick Donnelly
Skagit Valley Herald reporter Brandon Stone

Chair Browning recessed the proceedings at 9:18 a.m.

Link to briefing documents:

<https://www.skagitcounty.net/CountyCommissioners/Documents/AgendaPackets/09062022.zip>

- b) *9:30 a.m. Pledge of Allegiance

Chair Browning reconvened the proceedings at 9:30 a.m. and led the audience in the salute to the flag.

- c) *9:30 a.m. - 10:30 a.m. Board of County Commissioners Public Hearing to Consider Testimony Regarding an Ordinance Banning Offsite Compensatory Mitigation on Skagit Valley Farmland

Senior Civil Deputy Prosecuting Attorney Will Honea provided a brief PowerPoint presentation and noted that the Board of County Commissioners adopted Interim Ordinance No. O20220007 on July 18, 2022 which prohibited offsite compensatory mitigation on Ag-NRL (farmland of long-term commercial significance). He noted that the Board of County Commissioners were required to hold a public hearing within sixty (60) days of the adoption of the Interim Ordinance pursuant to RCW 36.70A.390.

Mr. Honea went on to provide background information about Ordinance No. O20090006 which was adopted in 2009 and banned mitigation banking on the use of Skagit farmland for any offsite compensatory mitigation. He said that the Interim Ordinance would enhance Ordinance No. O20090006 by specifically prohibiting mitigation that did not involve selling environmental credits to third parties.

Mr. Honea summarized the rationale for the need of the Interim Ordinance and noted that it was important locally, regionally, and globally because it would protect farmland for generations against development, sprawl, and conversion. He explained that the Interim Ordinance did not impact efforts to achieve the 2005 Skagit Chinook Recovery Plan's goals for the Skagit Delta estuary restoration.

Next Steps:

Planning and Development Services would bring a permanent Ordinance for consideration by the Planning Commission.

If necessary, the Board of County Commissioners had the authority to extend the Interim Ordinance in six (6)

month increments.

Link to PowerPoint presentation:

<https://www.skagitcounty.net/CountyCommissioners/Documents/AgendaPackets/09062022.zip>

Chair Browning opened the public hearing at 9:40 a.m.

Riley Jungquist on behalf of Maple Wood Farms in Mount Vernon, Darrin Morrison on behalf of Morrison Farms in Mount Vernon, Allen Rozema with Skagitians to Preserve Farmland in Mount Vernon, Jenna Friebe on behalf of Skagit Drainage and Irrigation District Consortium in Mount Vernon, Lorna Ellestad of Mount Vernon, John Roozen on behalf of Washington Bulb Company, Inc. in Burlington, Randy Good of Sedro-Woolley, Scott Schuler with the Upper Skagit Indian Tribe in Sedro-Woolley, Andrea Xaver of Mount Vernon, and Annie Lohman of Bow spoke in support of the Interim Ordinance and the Farmland Legacy Program.

Valentino Villaluz and Amy Trainer on behalf the Swinomish Indian Tribal Community in La Conner and Molly Doran on behalf of Skagit Land Trust in Mount Vernon spoke in opposition to the Interim Ordinance.

Seeing no further public testimony forthcoming Commissioner Janicki made a motion to close the public hearing at 10:21 a.m. Commissioner Wesen seconded the motion. The vote passed unanimously.

1. Possible Action: Ordinance Banning Offsite Compensatory Mitigation on Skagit Valley Farmland

Mr. Honea announced that the Board of County Commissioners would be considering a final Ordinance in late October after the Planning Commissions' public process and deliberation.

Chair Browning recessed the proceedings at 10:26 a.m.

d) *10:30 a.m. - 11:30 a.m. Public Works - Grace Kane, Director:

Chair Browning reconvened the proceedings at 10:35 a.m.

Public Works Director Grace Kane introduced the agenda items.

Engineering Division Manager Forrest Jones provided a PowerPoint presentation and noted that the Six (6) Year Transportation Improvement Program (TIP) was governed by the Revised Code of Washington (RCW) 36.81.121. He explained that the TIP was a perpetual six (6) year plan that included projects that were regionally significant and funded by federal and state funds. Proposed projects included road, bridge, ferry and other transportation facilities construction which were based on anticipated revenues versus desirable projects.

Proposed Additions and Amendments:

Preventative Maintenance Bridge Deck Bundle (Addition)

- Repair Cascade River, F&S Grade Road at Samish River and South Skagit Highway at Presentin Bridge Decks

Guemes Island Ferry Terminal modification (Addition)

Guemes Ferry Electric Shore-Side Facilities (Amendment)

Guemes Island Electric Ferry Project (Amendment)

Skagit River Marblemount Bridge (Amendment)

Thomas Creek Bridge (Amendment)

Cook Road / I-5 Interchange Vicinity Improvements (Amendment)

Link to PowerPoint

presentation: <https://www.skagitcounty.net/CountyCommissioners/Documents/AgendaPackets/09062022.zip>

1. Public Hearing/Possible Action to Consider Testimony Regarding Revision No. 2 to the 2022-2027 Six-Year Transportation Improvement Program (TIP)

Chair Browning opened the public hearing at 10:57 a.m. Seeing no public testimony forthcoming, Commissioner Janicki made a motion to close the public hearing at 10:57 a.m. Commissioner Wesen seconded the motion. The vote passed unanimously.

Mr. Jones noted that a Resolution would be brought forward on a future Consent Agenda.

2. Update on Project Status and Upcoming Change Order Overview for the Farm to Market / Josh Wilson Intersection Improvements Project #ES31010-4

Project Manager Sonny Andrew provided an update on the Farm to Market / Josh Wilson Road Roundabout Construction Project. He outlined how the weather and unforeseen subgrade issues delayed the project. He said that the road should be opened on or before Friday, September 9.

He explained that he would be submitting Change Order No. 2 which would address some of the cost overruns.

There was a discussion about lessons learned from the project and how many days the intersection had been closed.

Link to PowerPoint

presentation: <https://www.skagitcounty.net/CountyCommissioners/Documents/AgendaPackets/09062022.zip>

3. Miscellaneous

No miscellaneous items.

Chair Browning recessed the proceedings at 11:08 a.m.

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

Chair Browning reconvened the proceedings at 11:30 a.m.

1. Public Comment Period

Richard Boyer of Mount Vernon spoke in opposition to increasing property taxes and requested that property owners receive a 25% rebate on property taxes.

Cody Hart of Sedro-Woolley commented on posting religious flyers on County property.

Patrick Donnelly of Skagit County commented on the definition of farmland.

Ed Johnson of Skagit County commented on the First Step Homeless Shelter, various laws, and COVID booster shots.

2. County and Individual Success Stories

Commissioner Wesen commented on a tour of the Volunteers of America Refugee Welcome Center Tour in Everett that he attended on Friday, September 2.

Commissioner Janicki commented on the 988 Suicide and Crisis Lifeline call center that Volunteers of America were managing, an International Overdose Awareness event that she attended on Wednesday, August 31, and the recent increase in traffic fatalities on Highway 20.

Chair Browning commented on food security.

3. Miscellaneous

There were no miscellaneous items.

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

f) 1:00 p.m. - 2:00 p.m. Special Washington State Association of Counties (WSAC) Virtual Assembly hosted by WSAC

g) *3:00 p.m. - 3:30 p.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items:

Chair Browning reconvened the proceedings at 3:00 p.m.

1. PUBLIC COMMENT (Specifically related to the agenda item)

None provided.

2. CONSENT AGENDA ITEMS FOR FURTHER DISCUSSION:

The Commissioners commented on Consent Agenda items 4 and 21.

3. CONSENT AGENDA FOR TUESDAY, SEPTEMBER 6, 2022 (items 1 through 22):

A motion was made by Commissioner Wesen to approve the Consent Agenda Items 1 through 22 including all items requiring ratification, vouchers, and warrants, for Tuesday, September 6, 2022. Commissioner Janicki seconded the motion.

The vote passed unanimously.

- a) COMMISSIONERS:
1. Record of the Proceedings for Monday, August 29, 2022. **(Approved)**
 2. Record of the Proceedings for Wednesday, August 31, 2022. **(Approved)**
 3. Resolution to appoint David Christianson to fill position 1 on the Skagit County Drainage and Irrigation District No. 17 Board of Commissioners until the next special district general election. **(Resolution No. R20220164)**
- b) ADMINISTRATIVE SERVICES:
4. Personal Services Agreement with Northwest Agriculture Business Center to provide Skagit Valley producers access to available resources for business development support and implement an economic recovery program for Skagit Valley producers establishing new wholesale markets to promote Genuine Skagit Valley to increase sales that were lost because of the COVID-19 pandemic. Compensation is based on a quarterly fee schedule of \$23,700 per quarter and shall not exceed \$190,000. The Agreement shall commence on the date of execution and continue until September 30, 2024. **(Contract No. C20220348)**
- c) DISTRICT COURT:
5. Grant Agreement No. GRT23001 with Washington State Administrative Office of the Courts (AOC) to provide funding to identify individuals who are before the court with substance use disorders or other behavioral health needs and engage those individuals with community-based therapeutic interventions within Skagit County. Compensation is based on a fee schedule and shall not exceed \$205,714. The Agreement is ratified to commence on July 1, 2022 and continue until June 30, 2023. **(Contract No. C20220349)**
 6. Grant Agreement No. IAA23978 with Washington State Administrative Office of the Courts (AOC) to provide funding to support community justice counselors, or similar positions that work with municipal and district court drug and therapeutic court programs. Compensation is based on a fee schedule and shall not exceed \$200,000. The Agreement is ratified to commence on July 1, 2022 and continue until June 30, 2023. **(Contract No. C20220350)**
- d) EMERGENCY MANAGEMENT:
7. Resolution designating applicant agent Don McDermott, Director of Emergency Management or his alternate, Bob Dolhanyk, Chief of Emergency Management and authorizing them to execute the Skagit County Natural Hazard Mitigation Plan application and payment requests to the Washington State Military Department, Emergency Management Division through the State of Washington Hazard Mitigation Grant Program on behalf of Skagit County. All Agreements, including the Grant Agreement, if awarded, will be executed by the Skagit County Board of Commissioners. **(Resolution No. R20220165)**
- e) FACILITIES MANAGEMENT:
8. Amendment No. 2 to Personal Services Agreement No. C20200615 with ATS Automation, Inc. to provide building automation control system support updates and inspections for multiple facilities. This Amendment adds maintenance of an additional Alerton Control System for HVAC control and monitoring at the Evaluation and Treatment Center located at 1420 State Route 20 in Sedro-Woolley. Compensation is increased from \$110,000 to an amount not to exceed \$125,000. The term remains the same and shall continue until December 31, 2023. All other terms and conditions of the original Agreement and prior Amendment shall remain in effect. **(Amendment No. A20220139)**
- f) OFFICE OF JUVENILE COURT:
9. Interlocal Cooperative Agreement with Concrete School District to jointly fund the BECCA Case Manager position to serve the School District and the Skagit County Office of Juvenile Court in implementing the truancy portion of the BECCA Bill as outlined by RCW and WAC. Compensation to Skagit County shall not exceed \$1,247. The Agreement is ratified to commence on September 1, 2022 and continue through August 31, 2023. **(Contract No. C20220351)**
- g) PLANNING AND DEVELOPMENT SERVICES:

10. Amendment No. 2 to Personal Services Agreement No. C20200462 with BERK Consulting, Inc. to assist with the Department's Workplan and conduct outreach and assessment of Agritourism in Skagit County. This Amendment adds engagement activities to the Agritourism Exploration and Analysis project to reach a wider audience and to hear more diverse ideas about agritourism. Compensation is increased from \$74,440 to an amount not to exceed \$107,240. The term remains unchanged and shall continue until August 1, 2023. All other terms and conditions of the original Agreement and prior Amendment shall remain in effect. **(Amendment No. A20220140)**

h) PUBLIC DEFENDER:

11. Personal Services Agreement with Tallan Paul to provide investigation services as requested by the Skagit County Public Defender including, but not limited to, witness interviews, preparation of witness interview reports or transcripts, locating witnesses, service of subpoenas, preparation of diagrams, photographing items of evidentiary value, obtaining records, and court testimony. Compensation is based on an hourly rate schedule and shall not exceed \$110,833. The Agreement is ratified to commence on September 1, 2022 and continue until December 31, 2022. **(Contract No. C20220352)**

i) PUBLIC HEALTH:

12. Facility Use Agreement for rental of McIntyre Hall Performing Arts and Conference Center for the Population Health Trust's Powerful Partnerships event taking place on Wednesday, September 14, 2022. Compensation is based on a fee schedule and shall not exceed \$5,000. The Agreement shall commence on September 14, 2022 and continue until September 14, 2022. **(Contract No. C20220353)**

13. Advertising Agreement with Skagit Publishing for COVID communication advertising of 50,000 GoSkagit digital impressions and two (2) 3 x 10 color print ads per month. Compensation is based on a monthly fee schedule and shall not exceed \$8,750. The Agreement is ratified to commence on August 1, 2022 and continue until February 28, 2023. **(Contract No. C20220354)**

14. Amendment No. 1 to Subaward Agreement No. C20220121 with Tenfold Health LLC to assist in the development of a county-wide shared vision and framework for the delivery of behavioral health, and homeless housing services working closely with elected officials, county staff, community providers and stakeholders. This Amendment updates the Scope of Work to add local behavioral health expertise to the North Star Project. Compensation is increased from \$244,500 to an amount not to exceed \$269,250 which is funded through the American Rescue Plan Act (ARPA). The term remains unchanged and shall continue until December 31, 2022. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20220141)**

15. Personal Services Agreement with Sedro-Woolley School District to develop a Multi-Tiered System of Support (MTSS) practice teams, increase school attendance, academic achievement and address the social and emotional determinates of health and learning. Compensation is based on a fee schedule and shall not exceed \$100,000 which is funded through the American Rescue Plan Act (ARPA). The Agreement is ratified to commence on September 1, 2022 and continue until August 31, 2023. **(Contract No. C20220355)**

j) PUBLIC WORKS:

16. Amendment No. 1 to Personal Services Agreement No. C20190246 with the Skagit Fisheries Enhancement Group to provide services in Skagit County for the Cedar Grove Pedestrian Bridge Crossing Project. Services include project management, permitting support, fish sampling, and public outreach. This Amendment updates Exhibit "B" Consultants Compensation Rates. Compensation remains unchanged and shall not exceed \$40,000. The term remains the same and shall continue until December 31, 2022. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20220142)**

17. Change Order No. 1 to Vendor Services Agreement No. C20220316 with TrueNorth Steel, Inc. to provide for the purchase and delivery of a 30-foot prefabricated vehicle bridge to exclude cattle from the Little Fisher Creek. This Change Order modifies the delivery date of the bridge from August 15, 2022 to September 19, 2022 due to the need to improve the abutment system design to consider the soil bearing strength and accommodating for property lines. Compensation is increased from \$48,300.48 to an amount not to exceed \$55,618.05. The term remains the same and shall continue until August 15, 2023. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20220143)**

18. Amendment No. 1 to Vendor Services Agreement No. C20200503 with Overhead Door Company of Bellingham LLC to inspect and make needed adjustments and repairs to eleven (11) roll-up doors at the Skagit County Transfer and Recycling Station, located at 14104 Ovenell Road in Mount Vernon. This Amendment extends the term of the Agreement from September 21, 2022 to September 21, 2023. Compensation remains at an amount not to exceed \$24,000. All other terms and conditions of the original Agreement shall remain in effect. **(Amendment No. A20220144)**
19. Interlocal Cooperative Agreement with the City of Mount Vernon to provide reimbursable services on behalf of the City regarding the development and implementation of a stormwater source control program intended to satisfy the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit. Compensation to Skagit County is based on a reimbursement fee schedule and shall not exceed \$50,000. The Agreement is ratified to commence on September 1, 2022 and continue until December 31, 2023. **(Contract No. C20220356)**
20. Public Assistance Grant Agreement No. D22-257 with the Washington State Military Department and the Federal Emergency Management Agency (FEMA) to receive payments for emergency work caused by severe storms, straight-line winds, flooding, landslides, and mudslides as identified under Presidential Disaster Declaration No. FEMA-4650-DR-WA. Compensation to Skagit County shall be determined based upon approved project worksheets. The Agreement is ratified to commence on December 26, 2021 and continue until March 29, 2026. **(Contract No. C20220357)**
21. Resolution to award the bid for the Haul Out and Maintenance for the Vehicle and Passenger Ferry M/V Guemes Project #FEH022-1 to Dakota Creek Industries, Inc. in the amount of \$738,505. **(Resolution No. R20220166)**

k) RISK MANAGEMENT:

22. Amendment No. 2 to Personal Services Agreement No. C20210625 with SDSpro, LLC to provide SDSpro On-Demand (SaaS) Annual Lease Program which includes SDSpro Application, Unlimited Employee SDS Access via intranet, Integrated Backup, Web Inventory Manager License (WIM), and Chemical Authorization Request (CAR). This Amendment provides for the purchase of SDSprovider Essential Advantage - Acquisition and Indexing Service. Annual fee and online hosting fee are increased by \$1,246 for 2022. Annual compensation for 2022 and 2023 is estimated at \$5,041 for a new estimated amount not to exceed \$9,246 plus any applicable taxes. All other terms and conditions of the original Agreement and prior Amendment shall remain in effect. **(Amendment No. A20220145)**

4. 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) ACH Transfer Request Form and Certification to Delta Dental Corporation from Clearing Fund 696 in the total dollar amount of \$13,581.48 (Transmittal No. C-136-22); and
 - b) Corporation from Clearing Fund 696 in the total dollar amount of \$330,80904 (Transmittal No. C-137-22); and
 - c) Warrants numbered 550955 through 551247 from Clearing Fund 696 in the total dollar amount of \$3,197,179.18 (Transmittal No. C-138-22).

5. MISCELLANEOUS AGENDA ITEMS FOR FURTHER DISCUSSION:

Commissioner Wesen recused himself from voting on Miscellaneous Agenda items 1 through 4 because he was on the Board of Directors for Community Action of Skagit County.

6. MISCELLANEOUS AGENDA (items 1 through 4):

A motion was made by Commissioner Janicki to approve Miscellaneous Agenda items 1 through 4. Chair Browning seconded the motion.

The vote passed unanimously.

a) PUBLIC HEALTH:

1. Resolution to call for a public hearing to consider testimony regarding the HOME Consortium of Skagit, Island and Whatcom Counties' Consolidated Annual Performance and Evaluation Report (CAPER) for the Plan Year 2021. The public hearing is scheduled to take place on Monday, September 26, 2022, at 10:30 a.m., or as soon thereafter as possible in the Skagit County Commissioners Hearing Room. Attendance will be in-person or remote by computer, tablet, or smartphone: <https://bit.ly/SkagitBoCCMtg> or by phone: 1 (253) 215-8782 Meeting ID: 871 8000 1980 Passcode: 143573. **(Resolution No. R20220167)**
2. Resolution approving the FY 2022 HOME Investment Partnerships' Agreement from the U.S. Department of Housing and Urban Development (HUD) and designating Chair Peter Browning as the authorized representative to sign the Agreement. **(Resolution No. R20220168)**
3. Funding Approval and HOME Investment Partnerships Agreement, Grant No. M22-DC530210, with the U.S. Department of Housing and Urban Development (HUD) for the provision of \$1,057,317 in funding for affordable housing and rental assistance services in Skagit, Island, and Whatcom Counties. The period of performance for this Agreement is from August 22, 2022, to September 1, 2030. **(Contract No. C20220358)**
4. Resolution to approve the submission of 2021-2022 Community Development Block Grant Public Services closeout report to the Washington State Department of Commerce for Community Action of Skagit County programs at the East County Resource Center located at 45770 Main Street in Concrete. **(Resolution No. R20220169)**

h) 3:30 p.m. - 4:30 p.m. Executive Session (None scheduled as of the date of this notice)

None scheduled for the week of September 5, 2022.

III. ADJOURNMENT:

Chair Browning adjourned the proceedings at 3:05 p.m.

*Note, to obtain an audio or video recording of this meeting; please contact the Skagit County Commissioners' office.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Peter Browning, Chair

Ron Wesen, Commissioner

Lisa Janicki, Commissioner

ATTEST:

Clerk of the Board