

SKAGIT COUNTY COMMISSIONERS' AGENDA

Except for items marked with a *, you can watch these meetings online, on Comcast Channel 21, or listen live to the meeting by calling 1-571-317-3122 (access code: 519 220 229).

I. MONDAY, MARCH 30, 2020:

- a) 1:30 p.m. - 1:45 p.m. Consent Agenda, Vouchers, Warrants and Miscellaneous Items
- b) *1:45 p.m. - 2:30 p.m. Briefing – County Administrator and Various Departments
- c) *3:00 p.m. - 4:00 p.m. Executive Session (None Scheduled as of the Date of this Notice)

II. TUESDAY, MARCH 31, 2020:

FIFTH WEEK - NO REGULAR AGENDA SCHEDULED

- a) *9:00 a.m. - 9:30 a.m. Emergency Coordination Center (ECC) Webex Briefing with Elected Officials

III. THURSDAY, APRIL 2, 2020:

- a) *9:00 a.m. - 9:30 a.m. Emergency Coordination Center (ECC) Webex Briefing with Elected Officials

IV. FRIDAY, APRIL 3, 2020:

- a) *3:30 p.m. - 4:30 p.m. Washington State Association of Counties Weekly Coronavirus (COVID-19) – Webinar

MONDAY, MARCH 30, 2020: ***BID OPENING (Public Works Staff)***

3:00 p.m. (or soon thereafter) Vegetation Management within Skagit County

NOTE: ALL TIMES ARE ESTIMATES TO ASSIST IN SCHEDULING AND MAY BE CHANGED SUBJECT TO THE BUSINESS OF THE DAY AT THE BOARD'S DISCRETION

Except for the items marked with an asterisk *, you can watch these meetings online and they will be telecast live on Comcast Channel 21 and re-broadcast on Wave broadband - Channel 3, Thursdays at 12:00 noon and at 7:00 p.m.; Anacortes AT&T Cable - Channel 10, Fridays at 2:00 p.m. and at 7:00 p.m.; and Comcast Channel 21 daily at 12:00 noon and 6:00 p.m.

BY PROCLAMATION OF THE GOVERNOR OF THE STATE OF WASHINGTON: MEETINGS WILL BE TEMPORARILY HELD REMOTELY. IN-PERSON PUBLIC MEETINGS HAVE BEEN PROHIBITED.

To participate in a public hearing, call the Clerk of the Board at (360) 416-1300 before the meeting is scheduled to start.

IV. CONSENT AGENDA FOR MONDAY, MARCH 30, 2020 (items 1 through 23):

a) COMMISSIONERS:

1. Record of the Proceedings for Monday, March 23, 2020.
2. Record of the Proceedings for Tuesday, March 24, 2020.
3. Resolution regarding continuing essential county operations in compliance with the Governors "Stay Home, Stay Healthy" Proclamation.
4. Resolution reappointing members to the Skagit Regional Public Facilities District. Rod W. Carter, the incumbent of Position No. 2 for District II, and John Janicki, the incumbent of Position No. 1 for District III, shall be reappointed to four-year terms that will expire on September 1, 2024.

b) CORONER:

5. Personal Services Agreement with Allison Hunt, MD to provide external and internal forensic autopsies, toxicology reports and on-scene investigations. Compensation is based on a fee schedule and shall not exceed \$85,000. The Agreement is ratified to commence on January 1, 2020, and continue until December 31, 2020.

c) BUDGET AND FINANCE:

6. Resolution authorizing certain funds to exceed their adopted budget amounts for entries needed for financial statement preparation.
7. Amendment No. 1 to Interlocal Agreement No. C20130043 with Skagit Regional Public Facilities District (PFD) dated February 1, 2013 establishing the terms and conditions by which the PFD will fully pay the obligations with respect to the PFD portion of the refunding bonds authorized by Resolution No. R20130019. This Amendment adds 2020 Bonds as Additional Bonds. All of the terms and obligations of the District under the Agreement with respect to the 2013 PFD Refunding Bonds, including but not limited to the obligations under Section 3.03, shall apply to both (collectively) the 2013 PFD Refunding Bonds and the 2020 Bonds. The term remains the same and all other terms and conditions of the original Agreement shall remain in effect.

d) EMERGENCY MEDICAL SERVICES:

8. Resolution declaring a sole source purchase for Zoll Case Review premium subscription service for Emergency Medical Services Training and Quality Assurance.

e) FACILITIES MANAGEMENT:

9. Amendment No. 1 to Vendor Services Agreement No. C20190214 with Txley, Inc. to provide custodial equipment and supplies to Skagit County Facilities Management. This Amendment increases compensation by \$8,000 for a new compensation amount not to exceed \$48,000. All other terms and conditions of the original Agreement shall remain in effect including the termination date of May 27, 2020.
10. Vendor Services Agreement with Price and Visser Millwork, Inc. to repair and re-veneer the doors of Superior Court Room Two. Compensation shall not exceed \$2,100 plus applicable sales tax. The Agreement shall commence on the date of execution and continue for three months.

f) INFORMATION SERVICES:

11. Personal Services Agreement with Copiers Northwest for routine maintenance and support for all county provisioned printers including toner, labor, drums, fusers, rollers and other consumable items. Compensation shall not exceed \$210,000 and is based on the State of Washington NASPO Contract #3091/05214. The Agreement shall commence upon the date of execution and continue until December 31, 2023.
12. Service Order Form Agreement with Wholesail Networks to provide Skagit County with 1Gbps of internet speed connection. Compensation shall not exceed \$600 per month and will continue through December 31, 2022, as this Agreement replaces and supersedes Agreement No. C20190618 that had provided for 100Mbps of internet speed connection.
13. Interlocal Cooperative Agreement with the City of Mount Vernon for the provision of Fiber Optic services. Compensation shall not exceed \$20,000. The Agreement shall commence on the date of execution and continue through December 31, 2022.

g) PLANNING AND DEVELOPMENT SERVICES:

14. Grant Deed of Conservation Easement per Skagit County Code 14.16.860 for Short Plat #PL19-0080 submitted by Robert J. Hulbert, Jr., Scot H. Hulbert, Steven S. Hulbert (deceased), Colleen M. Fisher, and Michael L. Hulbert to preserve and protect 58.8 acres of farmland located on Parcel Nos. P22157, P22906, and P22957. No compensation is associated with this Easement. The Easement shall commence on the date of execution and continue in perpetuity.

h) PROSECUTING ATTORNEY:

15. Resolution calling for the Washington State Legislature to fully fund, enhance the operations of, and expand the capacities at the Washington State Patrol Crime Laboratory and Toxicology Laboratory so that criminal cases can be resolved more quickly and families can learn the outcomes of death investigations involving a loved one.

i) PUBLIC HEALTH:

16. Facility Reservation/Use Agreement with Burlington Inn to provide rooms for the isolation/quarantine of guests referred by Skagit County who do not have the ability to isolate or quarantine in their own homes. Compensation shall not exceed \$300,000 and is based on a fee schedule. The Agreement shall commence on April 1, 2020, and shall continue through May 31, 2021.

j) PUBLIC WORKS:

17. Resolution awarding the bid for Public Works Vehicle Upfitting to Gardner Electronics in the amount of \$53,750.
18. Resolution initiating the following County Road Projects (CRP): Hot Mix Asphalt (HMA) Overlay, Illuminate Channelized Intersections, Install/Upgrade Guardrail, Prairie Road Guidance Improvements, Upper Finney Creek Bridge, and Hot Mix Asphalt Preliminary Engineering Projects.
19. Amendment No. 1 to Interlocal Cooperative Agreement No. C20190444 with the City of Mount Vernon for the Maddox Creek Culvert Removal and Stream Enhancement Project for fish passage. The County was awarded a Grant from the Washington State Department of Ecology, Contract No. C20180651, to fund this project at 75%. This Agreement allows the remaining 25% to be shared by Skagit County and the City of Mount Vernon since ownership of the culvert is shared by the County and City. The City of Mount Vernon will provide 12.5% of the match requirement. This Amendment will allow for cost-share coverage to start the same date as that of the grant agreement received by the Washington State Department of Ecology on July 1, 2018, and continue until June 30, 2021, and also amends the manner of financing. All other terms and conditions of the original Agreement shall remain in effect.
20. Temporary Construction Easement on Parcel P28758 granted by City of Mount Vernon to Skagit County for the purpose of ingress and egress with necessary project equipment for the replacement of the failing culvert on Maddox Creek. The Agreement shall commence on the date of execution and continue until December 31, 2022.
21. Vendor Services Agreement with McAsphalt Industries Limited for the procurement of road maintenance materials such as liquid asphalt products as listed in Exhibit "A". Compensation shall not exceed \$1,500,000 and is based on a fee schedule. The Agreement shall commence on April 1, 2020, and continue until March 31, 2021.
22. Vendor Services Agreement with Lakeside Industries, Inc. for the procurement of road maintenance materials such as gravel, rock, specialty and mixed asphalt products as listed in Exhibit "A". Compensation shall not exceed \$1,000,000 and is based on a fee schedule. The Agreement shall commence on April 1, 2020, and continue until March 31, 2021.

k) RISK MANAGEMENT:

23. Personal Services Agreement with Summit Law Group PLLC to provide legal representation and assistance as requested on matters related to employment law, labor relations/negotiations, and litigation. Compensation shall not exceed \$75,000 and is based on a rate schedule. The Agreement shall commence on the date of execution and continue through December 31, 2020.



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-28

Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, and 20-27, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting person to person contact; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting the numbers of people who may gather in one location; and

WHEREAS, transparency in state government and all of its political subdivisions is an important state policy, such that all statutes related to open public meetings and public records are the business of the state; and

WHEREAS, there are a plethora of electronic, telephonic and other options that make it possible for the public to attend open public meetings remotely; and

WHEREAS, it is necessary to immediately waive any requirement in RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that provides for any activity that necessitates an in-person setting; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under RCW 38.08, RCW 38.52 and RCW 43.06, do hereby proclaim that a state of emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended by waiving and suspending the portions of RCW 42.30 and RCW 42.56 that require in-person meetings or contact.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

Any public agency, subject to RCW 42.30, is prohibited from conducting any meeting, subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access,

and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016):

<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016>

Cloud Solutions (05116):

<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MSRC, www.msrc.org).

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

Subject to the conditions for conducting any meeting as required above, agencies are further prohibited from taking “action,” as defined in RCW 42.30.020, unless those matters are necessary and routine matters or are matters necessary to respond to the COVID-19 outbreak and the current public health emergency, until such time as regular public participation under the Open Public Meetings Act is possible.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.30.030 – the following words only:
 - “and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
 - “Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
 - “Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”

- RCW 42.30.090 – as to the following words only:
 - “on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence: “Within five business days of receiving a public records request,”

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State