

**RESOLUTION FOR REPLACEMENT OF  
PRIOR HEARING EXAMINER**

WHEREAS on January 3, 2023, the Board of Skagit County Commissioners approved Personal Service Agreement (C20230015) between Skagit County and Sound Law Center, LLC for the provision of hearing examiner services; and,

WHEREAS Personal Service Agreement C20230015 provides that the agreement can be terminated for default upon written notice; and,

WHEREAS Section 14.02.070(3) of the Skagit County Code (SCC) provides that a hearing examiner may be removed from office at any time by a majority vote of the Board of County Commissioners; and,

WHEREAS on November 27, 2023, the Board of Skagit County Commissioners entered resolution number R2023025, which found that there was default by the hearing examiner and removed Andrew Reeves as hearing examiner pursuant to SCC 14.02.070(3) effective upon completion of outstanding work or notice by the County that any such outstanding work is unneeded; and

WHEREAS legal proceedings were pursued in Skagit County Superior Court case number 23-2-00631-29 to compel Andrew Reeves to issue a decision on the Permit Application of Concrete Nor'West in PLI6-0097; No. PLI 6-0098 and Appeal No. PL22-0142 (Permit Application); and,

WHEREAS on February 1, 2024, following prior orders of the Court compelling a decision by Andrew Reeves, an Order on Motion for Contempt was issued compelling a decision be issued by February 1, 2024, with a copy of the decision filed with the Court; and,

WHEREAS on February 1, 2024, a "Final Decision of Former Hearing Examiner Reeves (Absent Reconsideration)" (Final Decision) was filed with the Court and filed with the parties; and,

WHEREAS, the Final Decision indicated: "Even further, to ensure there is no confusion, Mr. Reeves would like to clearly to convey to the County that he is releasing any right they have conferred upon him with termination of the previous Hearing Examiner agreement to retain jurisdiction of this matter, and supports the county's clear ability to appoint someone else as needed to conclude it."; and,

WHEREAS notices of appeal and motions for reconsideration have been filed of the Final Decision; and,

WHEREAS the Final Decision failed to comply with SCC 14.06.190(9) which provides:

The Hearing Examiner decision or recommendation shall be in writing and shall include a statement of the applicable criteria and standards from the Skagit County Comprehensive Plan; the Skagit County Code and other applicable law; a statement of the facts that the Hearing Examiner found showing the application does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards; the reasons for the decision or the recommendation to approve or deny the development permit or appeal; and any conditions or modifications deemed necessary.

WHEREAS reconsideration is most appropriately completed prior to Board of Skagit County Commissioners considering any appeals; and,

WHEREAS given the Final Decision issued, the Board of Skagit County Commissioners has no confidence that Andrew Reeves will issue a decision on reconsideration that gives the parties meaningful basis to address issues of concern for the parties and pursue appeal; and,

WHEREAS replacement of a hearing examiner with a hearing examiner for the sole purpose of conducting reconsideration of the Permit Application will expeditiously address the matter.

**NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED,**

- I. Andrew Reeves has technically completed the outstanding work on this matter by issuing the Final Decision and has otherwise relinquished any remaining authority to act as Hearing Examiner.
- II. Andrew Reeves is immediately removed as hearing examiner on the Permit Application pursuant to SCC 14.02.070(3).
- III. The County shall promptly retain a hearing examiner who shall timely address the motions for reconsideration filed by the parties and shall take such other actions as deemed appropriate to complete reconsideration of the Permit Application.
- IV. Consideration of the appeals previously filed shall be stayed pending completion of the hearing examiner's decision on the motions for reconsideration.

PASSED this 4 day of March, 2024.

BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



\_\_\_\_\_  
Peter Browning, Chair

**RECUSED**

\_\_\_\_\_  
Lisa Janicki, Commissioner

Ron Wesen  
\_\_\_\_\_  
Ron Wesen, Commissioner

Attest:

Katie Williams  
\_\_\_\_\_  
Clerk of the Board

Recommended:

Russ Walker  
\_\_\_\_\_  
Central Services Department Head  
Russ Walker

Approved as to form:

Erik Pedersen  
\_\_\_\_\_  
Civil Deputy Prosecuting Attorney  
Erik Pedersen