

Former county official blasts Anderson, Munks

Ex-public works director berates two commissioners over the handling of garbage contract

By **JAMES GELUSO** Staff Writer

Skagit County's former public works director has criticized his former bosses, accusing two of the county commissioners of pushing a controversial solid waste contract and setting up a system that could hurt the county in the long term.

Chal Martin, who resigned in August to take a job as Burlington's public works director, sent a letter to the editor of the Skagit Valley Herald, which is being published today on page A4.

At issue is the county's handling of Cimarron Transfer and Recycling, a private company that wanted to build a facility to accept and process garbage, essentially competing with the county's transfer station. The company was supported by county commissioners Ted Anderson and Don Munks, both longtime friends of one of the company's co-owners, Anacortes businessman Ray Sizemore.

Martin accused Anderson and Munks of easing the way for the company to get into the garbage business.

"In my view, the strategic objective Mr. Anderson and Mr. Munks had for this contract was to create favorable conditions for Cimarron to get into the lucrative garbage business in Skagit County without having to compete for it," Martin wrote in the letter. "This is big business, currently generating revenues in excess of \$8 million per year."

Although the company obtained a permit, site designation and contract with the county, it was unable to come to an agreement with the Port of Skagit County, which owns the land where the facility was to be located. Sizemore's partner, former Waste Management general manager Norm Wietting of Bellevue, says the project isn't dead, but some other observers believe it is.

Martin's letter came just three weeks before Election Day. Anderson, one of the two commissioners mentioned, is up for re-election next month.

Martin said his concerns with Cimarron were part of the reason he left Skagit County. He also acknowledged that he went public with his concerns after being contacted by the

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campaign of Sedro-Woolley Mayor Sharon Dillon, Anderson's opponent.

Anderson dismissed Martin's complaints as politically motivated. He noted that Martin is now public works director for Burlington, and that Burlington Mayor Gus Tjeerdsma ran against Anderson in the Republican primary and has now endorsed Dillon.

"It's just totally a politically motivated position," Anderson said.

Munks defended the commissioners' actions, saying that Cimarron had applied for a permit to handle solid waste and the county was obligated to look at it. He said it was the same process that got Skagit Soils and Skagit River Steel, two smaller companies, contracts to handle some solid waste.

"We have to look at every request that comes before us," Munks said.

"I just flat out disagree with that," Martin said in an interview Thursday. The county's lawyers told the commissioners and staff that the county was under no obligation to process the permit, he said. State law gives counties discretion and control of the system, he said.

Skagit River Steel and Skagit Soils are small companies that deal with limited amounts of material, he said. "That's just specialty work, that's not like (Cimarron)," he said. "Any solid waste professional understands that this is just different."

Skagit River Steel receives recyclables and Skagit Soils receives yard waste, and the material for both is dumped in roll-off containers at the county's transfer station and dropoff sites. Cimarron, on the other hand, planned to receive all the garbage picked up by Waste Management in the unincorporated county.

And the contracts with those smaller companies are different than the contract with Cimarron. The other contracts allow the county to terminate the contract at will, but Cimarron's is for 30 years — a provision Munks defended as necessary to allow the investors to recoup the costs of building a new business in a specialized facility.

The other contracts follow the county's standard form and are six pages long. Cimarron's is 41 pages.

Most of the contracts are signed by the department head — in this case, that would have been Martin — and by a staff member responsible for budget as well as the county's risk manager. But those signature blocks didn't appear on the Cimarron contract.

County Administrator Gary Rowe said he omitted the signature blocks so that the staff wouldn't have to choose whether to sign. He said he knew some had reservations, and the contract was highly controversial.

"I didn't put them in that position," he said. "I didn't think it was fair to them."

The contract was signed by Rowe, Anderson and Munks. County Commissioner Ken

Dahlstedt didn't sign it because he voted against it. It's customary for a commissioner who votes against an action to not sign the resulting document.

And while all the contracts allow the contract to be transferred to another party only with the written consent of the county, the Cimarron contract has an unusual provision — "consent shall not unreasonably be withheld."

"This brings a huge pile of unknowns to the county and carries huge risk to the county, that little tiny clause there," Martin said.

Munks said the clause just means that the county can't stop someone from buying Cimarron out just because the county doesn't like the buyer. The buyer would still have to accept all the provisions of the contract, Munks said.

Martin said the long-term threat was that Cimarron could drive the county out of the solid waste business. The company tried unsuccessfully to convince the commissioners to exclude the company from having to pay to maintain the two disposal sites near Clear Lake and Rockport, and self-haulers — the most inefficient part of the county's waste stream — would have been left to the county.

The result could have been a private monopoly set up with virtually no competition, Martin said.

"This was a big deal," he said. "My staff was getting serious pressure from those two commissioners to negotiate that contract. The staff of the county resisted."

James Geluso can be reached at 360-416-2146 or at jgeluso@skagitvalleyherald.com.