

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
January 14, 15, 2008**

Monday, January 14, 2008 - Council Conference Room, Legislative Building

CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

Council Chair Howard Rosenfeld called the staff meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, and Alan Lichter; County Administrator, Pete Rose; Administrative Assistant, Debbie Emery; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Debbie Emery brought samples of signage for the new Legislative Building and placement was discussed. A ribbon cutting and grand opening was scheduled for February 5, 2008. Chair Rosenfeld discussed advertising committee openings and Rich Peterson questioned the lengthy SWAC-SEPA process regarding the solid waste transfer site. The State Board of Health will hold a joint meeting with San Juan County Board of Health on May 14, 2008 on Orcas Island. Kevin Ranker announced that a draft bill is scheduled for hearing in Olympia on Thursday, January 17, 2008 regarding The Southern Resident Orca Whale Protection. The Ferry Advisory Committee held a meeting on Monday, January 14, 2008 but did not advertise the meeting. Chair Rosenfeld left the staff meeting upon noticing FAC members arriving for a non-advertised meeting. Chair Rosenfeld interrupted the meeting and asked the FAC to re-schedule the meeting with proper advertisement. The FAC refused to end the meeting. Kevin Ranker suggested Citizen Committee Training through the Prosecuting Attorney's office and noted that ignoring the Chair's request was unacceptable. Council schedules and agendas were reviewed, as were plans for a retreat on February 25, 2008. The Clerk of the Council provided an update on the joint meeting with the Town Council of Friday Harbor scheduled for Tuesday, January 15, 2008 and provided updates on Council office and staff work.

RECESS - At 12:00 Noon, Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, January 15, 2008.

Tuesday, January 15, 2008 - Council Hearing Room – Courthouse, FH

CALL TO ORDER – REGULAR MEETING

Council Chair Rosenfeld called the meeting to order at 10:06 a.m. Present: Full Council with exception of Bob Myhr; County Administrator, Pete Rose; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public.

The flag salute was conducted.

EXCUSED ABSENCES

**Moved by Lichter, seconded by Ranker, to excuse the absence of Bob Myhr. (Reason: Family Vacation)
Motion carried unanimously.**

NEW EMPLOYEE INTRODUCTION

Ron Henrickson, Director, Community Development and Planning, introduced the new Permit Coordinator, Chris Laws.

CITIZEN ACCESS TIME

No matters were brought before the Council.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Ranker, seconded by Lichter, to approve the Minutes of **January 7, 8, 2008**. Motion carried unanimously.

CONSENT AGENDA

Moved by Ranker, seconded by Peterson, to approve the **Final Consent Agenda of January 15, 2008 (Less item B-3, Interagency Agreement with Dept. of Ecology)** (Clerks note: Item B-3 removed) as follows:

The County Council moved to:

A. Resolutions/Ordinances:

1. Resolution 3 - 2008 - To Adopt a Resolution to Grant and Convey a Utility Easement to Orcas Power and Light Cooperative (OPALCO) and Other Utility Companies for Below Ground and Above Ground Wires and Fixtures on County Property at the San Juan County Public Works Maintenance Yard at 1000 Guard Street, Friday Harbor, Washington, and also Authorize the county Administrator to Sign the Utility Easement Street project (by Public Works)

2. Resolution 2 - 2008 - To Adopt a Resolution Accepting Four Easements, Appropriating Funds, and Authorizing Payments for Fisherman Bay Road Right-Of-Way Acquisition CRP 030702, 030604 & 030602

3. Resolution 5 - 2008 - To Adopt a Resolution Rescinding Resolution No. 14-2004 and Adopting an Alternate Way of Designating Deputy Auditors

B. Contracts/Agreements:

1. Health and Community Services

Northwest Regional Council Contract to provide services to SJC seniors, including Information & Assistance / Case Management / Administration Claiming / Respite Case Management / Family Caregiver Support, for the period January 1, 2008 and December 31, 2008 for a total of \$111,147. (SJC 08HC.002)

2. Health and Community Services

Interlocal agreement between SJC and Island County Health Department to provide jail services to eligible SJC residents incarcerated in Island and Okanogan Counties in the amount of \$78,246 for the period October 1, 2007 to June 30, 2009. (SJC 08HC.003)

3. Prosecuting Attorney/Coroner

Interlocal agreement between SJC and Snohomish County to provide death investigation services, through its Medical Examiner, to San Juan County, in the amount of a base fee of \$1,000.00 per month for death investigation services (maximum of twelve (12) post-mortem examinations), \$1,000.00 for each additional case that requires post-mortem exam during autopsy; \$500 for each additional case where no autopsy performed); Additional \$1,000.00 for each suicide or homicide case; \$50/hour for investigator and \$150/hour or forensic pathologist for preparation/testifying at inquest and court proceedings, and travel reimbursement, for a term effective January 1, 2008, or upon execution by the parties and recordation with Snohomish County Auditor, and continue in effect through December 31, 2008. (SJC 08PA.001)

4. Juvenile Court

Program Agreement between State of Washington Department of Social and Health Services (DSHS) and the County of San Juan for Juvenile Rehabilitation Administration Background Check/Criminal History and Sexual Misconduct Services, in the maximum amount of \$24,980.00, term of contract to become effective January 1, 2008 and terminate June 30, 2009. (SJC 08JV.001)

5. Juvenile Court

Program Agreement between State of Washington Department of Social and Health Services (DSHS) and the County of San Juan for consolidated contract for 2008-2009 for the continuation of a long standing contractual arrangement between SJC Juvenile Court Services, WA State and Juvenile Rehabilitation Administration (JRA) Current funding is \$86,958 with a local match of \$20,000 for the benefits portion of the probation salary. (SJC 08JV.002)

6. Emergency Management/San Juan County Sheriff Agreement between State of Washington Emergency Management Division (EMD) and the County of San Juan for a federal grant designed to provide supplementary funding to local emergency management department for special projects and needs. Original Contract amount is limited to \$18,671; new contract award is for \$23,495 (an increase of \$4,824), term of contract extended from December 31, 2007 to December 31, 2008. Funding approval for this contact was included in the 2007 County Budget. (SJC 08SH.001)

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments: (No items.)

F. Correspondence:

1. Approve and execute letter to confirm the appointment to the Orcas Island Library Board of Trustees of Pierrette Guimond, to fill the one-year term remainder of Allan Adler. Term to begin immediately and expire on December 31, 2008.

2. Accept resignation of Mr. Steve Hussey from the Critical Area Ordinance Review Committee and the Solid Waste Advisory Committee, and in appreciation for his past service in these committees.

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 5-2008- (Refer to PUBLIC HEARING at 2:00 p.m. for details of action taken.)

ORD. NO. 4-2008- (Refer to DISCUSSION at 2:45 p.m. for details of action taken.)

RES. NO. 4-2008- (Refer to PUBLIC HEARING AT 1:30 p.m. for details of action taken.)

DISCUSSION

EDC calendar year end report of EDC Deliverables in 2007, and Project Plans for 2008 – Bill Watson, Program Coordinator and Ralph Hahn, President, Economic Development Council for San Juan County, passed out the first Economic Almanac to Council Members. Mr. Hahn explained that when the Council received the 2007 annual report, there were no financials included. The financials are located online and can be viewed via the website on the summary sheet. Mr. Hahn stated that questionnaires had been delivered to the Council Offices with stamped return envelopes and encouraged the Council Members to complete them to share information and talk about the economic community. Mr. Peterson asked if the community at large would be solicited and asked Pete Rose, CA, if something could be put on our website to get feedback from citizens. Mr. Rose stated that, yes, that could be done and also suggested soliciting Department Heads both elected and appointed for feedback. Mr. Hahn noted that the EDC is just starting business surveys and affordable housing is very important to businesses and will revolve around worker availability. Low income to moderate income earners are having difficulty finding affordable housing. Mr. Lichter asked that given the land prices, housing prices, limited employment opportunities, a large retirement community and tourism being flat, how the EDC would state the economic prognosis for San Juan County. Mr. Hahn replied that the potential housing slump should turn around in 2010. National press says the economy is slipping into a recession. The market in SJC is in play for professionals, skilled professionals, and professional services which are going to charge high prices. Mr. Ranker asked if it was known what economic drivers SJC brings to the state and how many people visit WA State because of the San Juan Islands. Bill Watson responded that there is no data about surveying tourists and that it is very hard to pull data from the State.

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Washington Department of Fish and Wildlife Lead Entity Request - Kevin Ranker stated that Barbara Rosenkotter, Lead Entity Coordinator, has worked to secure an additional 1.8 Million dollars for SJC. The salaries for Lead Entity Coordinators state-wide were created in 1995 and in 1995 salaries were set at one amount. Since that time, there has been no increase in the budget for salary increases although they perform far more work in broader areas. Fish and Wildlife asked for a \$400K increase which is just a basic COLA increase since 1995. The State Association of Counties adopted this request by the Legislative Steering Committee. When the Governor's budget came out, it was not in it. Last week, after talking to 4 different Representatives and Senators, we decided to work this from the House and Senate side due to the Governor pushing back any new programs. This isn't a new program, simply a critical increase to an existing program.

2. Affordable Housing – Kevin Ranker stated that at the meeting at the Majestic with Senator Spanel and Representative Dave Quall, Representative Quall volunteered to take our position to the housing committee and in particular to Representative Mark Miloscia. Representative Miloscia strongly does not support our position and listed a few reasons why. He feels it is probably unconstitutional because the state constitution does not allow for tax dollars to go to anyone other than the poor who must be at 80% of median family income and lower. (MFI) He also feels that it changes the direction and diverts money from the very under-funded state housing program which are aimed at for those who most need it. Representative Miloscia defined those as homeless, disabled, domestic violence victims and those suffering from substance abuse. He is very concerned that if we push this it will shift that money to the middle class instead of the poor. He asked why we were concerned at retaining workers at 60K a year and asked what we are doing for the working poor at 20, 30 and 40K a year and whether we shouldn't be concentrating on that. He also asked how SJC is handling the needs for those under 80%, the elderly, the working poor and those in need, what about them. The takeaway that Mr. Ranker got from the conversation is we are not going to get any traction even from our own Legislators, Spanel, Morris and Quall, and certainly not Representative Miloscia. Representative Miloscia did agree to meet with Ranker because he recognizes that SJC has a problem and would like to talk about how to fix it. Ranker then asked the Council to remove the Affordable Housing Legislative Priority from the 2008 priorities as written. After further discussion the following action was taken:

Moved by Ranker, seconded by Knapp, to remove Affordable Housing from the 2008 SJC Legislative Priorities as written and work to develop a new strategy. Motion carried unanimously.

3. Orca Whale Protection – Kevin Ranker noted that a dynamic group is supporting a bill that was drafted and scheduled for hearing on January 17, 2008. All 14 coastal counties support the bill as do numerous bi-partisan lawmakers both on the County and State level. Ranker noted that there was some push back from people who don't understand the legislation.

4. Ferries – Kevin Ranker informed the Council that he attended a Joint Transportation Commission meeting with Lance Evans who sits on the Task Force for Ferries and Transportation and noted that it was a very interesting meeting. Senator Spanel said that we need to include the communities that are served by the ferry routes and find out their needs. The more the communities can unite their common goals, the better off they will be. If the communities divide on issues, there will be no lobbying strength. Mr. Ranker stated that the US Coast Guard has pulled 4 ferries out of service requiring repairs immediately. Only 5 facilities can house a ferry and three are in Canadian waters and are full. One or two in Portland but taking a ferry there is not favorable. There is one space in Anacortes with very limited capacity. Mr. Ranker noted that some of the alternatives are starting to get creative like a second car deck on the Sealth. The JTC are looking at how significantly impacted the economy in Port Townsend is due to the loss of ferries. If it happened in SJC, we would see 90% loss of economy. Alan Lichter stated that the ferries that need to go into dry dock are not the steel electric ferries and that it is very unwise to scrap the steel electrics. For a relatively small amount, say 5-8 Million each, the steel electrics could be repaired and be in service for 4 to 5 years. Mr. Lichter noted that the replacement ferries commissioned by the Governor's office are being built with low freeboards and will be unsafe in bad weather, high winds and storms. Mr. Lichter stated that the Hiyu is going to become the SJC inter-island boat. It has a small capacity and it's hard to do turn-arounds. Mr. Lichter also stated that WSF needs an aggressive maintenance program. Mr. Ranker stated that the Ferry Advisory Committee is considering a schedule for the spring without a Sidney, BC run.

5. Oil Spill – Neah Bay Rescue Tug – Kevin Ranker stated that Senator Cantwell is pushing this priority at the federal level. When the governor was pushed on this issue, it was found that there is a placeholder in the State budget that cites federal funding. Ranker will talk to Senator Spanel about having a state back-up plan.

DISCUSSION

The item removed from the consent agenda for discussion was the Interagency Agreement # C0800242 between SJC and the State of Washington Department of Ecology to provide funding to hire a “Local Source Control Specialist” as part of the Local Source Control Partnership to help small businesses and citizens safely manage hazardous and solid wastes for the period of January 1, 2008 through June 30, 2009 in an amount not to exceed \$196,250.00. Rich Peterson asked Ron Henrickson what the specialist would be doing dealing with Stormwater, assisting the Fire Marshall with inspections and why would MRC provide training. Mr. Henrickson responded that the specialist’s primary role would be educational: talking to the businesses and addressing their issues, either regulatory or grievance violations, and see that they are mitigated. It’s an incentive program for businesses and bringing recognition that businesses are doing well. Mr. Henrickson stated that in order to meet the guidelines for the State, you need to show some type of progress. Mr. Henrickson also noted that this specialist has nothing to do with the Fire Marshall and would be identifying anything separate and distinct from what the Fire Marshall is doing. Mr. Peterson asked if the Fire Marshall was OK with that and Mr. Henrickson stated that yes, the Fire Marshall was, and that it is an MRC grant and the training is through the Dept. of Ecology. After further discussion, the following action was taken:

Moved by Peterson, seconded by Ranker, to sign the Interagency Agreement # C0800242 between SJC and the State of Washington Department of Ecology to provide funding to hire a “Local Source Control Specialist”. Motion carried unanimously.

DISCUSSION

Alan Lichter informed the Council that a mission statement will be coming to the Council for review for the Task Force for Ferries and Transportation. Mr. Lichter also noted that members of the task force are asked to monitor all meetings whether ferry or transportation. Mr. Lichter asked the Council their opinion on reimbursement for travel expenses for the task force. Mr. Rosenfeld asked if the funds could be taken out of the Council’s travel budget. Mr. Ranker stated that the Council’s travel budget was cut in half this year and noted the need for good communication to let others know when a Council member would be in Olympia so there would be no overlap. Ranker also noted that the MRC is doing fabulous work and not getting reimbursed for expenses. Pete Rose, CA, noted that the Council will have to make the policy decision if Council wants to reimburse. Mr. Rose suggested covering the expenses out of the Council travel budget and see how it goes and determine if Council will need an emergency appropriation. Rich Peterson noted that a written policy would be best and recommended that Alan Lichter and Kevin Ranker draft the policy and present it to the Council.

RECESS – Chair Rosenfeld recessed the meeting until 12:00 noon.

JOINT MEETING WITH TOWN OF FRIDAY HARBOR COUNCIL

12:00 Noon – Chair Rosenfeld welcomed the members of the Town of Friday Harbor Council. The members included; Mayor, David Jones; Kelley Balcomb-Bartok; Carrie Brooks; Liz Illg; Chris Wolf; Carrie Lacher; and C. King Fitch. The discussion began with Kevin Ranker updating the Town Council on ferry issues. Mayor Jones stated that he is going to Olympia on January 30 and 31, 2008 to meet with legislators to discuss ferry issues and affordable housing. The Town Council’s number 1 priority is ferry issues. Mayor Jones extended the invite to the County Council for a member to join him in Olympia. Gene Knapp stated that a crosswalk was needed from the Courthouse to the Legislative Building. Mayor Jones agreed. Kevin Ranker updated the Town Council on affordable housing. Mr. Ranker stated that the State has a very under-funded housing situation that is 1 billion short for the people who really need it. Chris Wolf asked if anyone had contacted the Navy about using their dry-docks for ferry repairs. Jon Shannon, Public Works Director, passed out the timelines for SEPA EIS for the solid waste transfer site. Chair Rosenfeld informed the Town Council that 5 properties are being considered. Shannon FitzGerald, Senior Planner CD&P stated that scoping documents are now located on the CD&P website and informed everyone that briefing meetings are being held and traffic and wetland studies are being performed. The centennial parade is scheduled for July 4, 2009, and all Council members were encouraged to attend.

PUBLIC HEARINGS

1:30 p.m. - A public hearing was held to consider an amendment to the Six Year TIP. Present: Full Council with exception of Bob Myhr; Randall Gaylord, Prosecuting Attorney; Jon Shannon, Director Public Works; Pete Rose, County Administrator; Laura Tuttle, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public. Three letters were received for public comment by Laura Arnold, Peter Eglick and Christopher Clark. Public testimony was opened, submitted, and closed. Deliberations were held and the following action was taken:

Moved by Knapp, seconded by Ranker, to adopt a Resolution to Amend Six-Year Transportation Improvement Plan for the Years 2008 Through 2013 (Resolution 32-2007) Narrative For Item No. 17 – Griffin Bay Marine Access. Motion carried unanimously.

2:00 p.m. - A public hearing was held to consider An Omnibus Ordinance Amending Sections 2.10.010, 2.10.060, 2.10.085, 2.10.090, 2.10.095, 2.10.110, 2.10.130, 2.10.140, 2.10.160, 2.10.170 and 2.10.180, And Repealing Sections 2.10.020, 2.10.070 And 2.10.120 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Present: Full Council with exception of Bob Myhr; Randall Gaylord, Prosecuting Attorney; Jon Shannon, Director Public Works; Pete Rose, County Administrator; Laura Tuttle, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public.. Public testimony was opened, none submitted and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Peterson, to adopt An Omnibus Ordinance Amending Sections 2.10.010, 2.10.060, 2.10.085, 2.10.090, 2.10.095, 2.10.110, 2.10.130, 2.10.140, 2.10.160, 2.10.170 and 2.10.180, And Repealing Sections 2.10.020, 2.10.070 And 2.10.120 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Motion carried unanimously.

EXECUTIVE/CLOSED SESSIONS

2:20 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss Pending Real Property Acquisition pursuant to the provisions of RCW 42.30.110(1)(b). Participants: Randall Gaylord, PA; Jon Shannon, Director Public Works; John VanLund, County Engineer; Karen Vedder, DPA. The session ended at 2:45 p.m. for an actual session time of 25 minutes. No action was taken.

DISCUSSION

2:45 p.m. – A consent agenda item was removed for discussion on January 8, 2008. Randall Gaylord was directed to make changes to the ordinance. In 2006, changes had already been made to the ordinance and Mr. Gaylord had to go back and review the changes made in 2006. The ordinance changes made by Mr. Gaylord and the changes made in 2006 now reconcile. Mr. Gaylord stated it is appropriate to adopt the ordinance as amended. After further discussion, the following action was taken:

Moved by Lichter, seconded by Knapp, to adopt An Ordinance Regarding The Emergency Management Council Amending Sections 2.48.010, 2.48.070, 2.48.090, 2.48.100 And 2.48.110 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Motion carried unanimously.

EXECUTIVE/CLOSED SESSIONS

3:00 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss Pending Real Property Acquisition pursuant to the provisions of RCW 42.30.110(1)(b). Participants: Randall Gaylord, PA; Jon Shannon, Director Public Works; Karen Vedder, DPA; John VanLund, County Engineer. The session ended at 3:15 p.m. for an actual session time of 15 minutes. No action was taken.

3:15 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Pending Litigation pursuant to the provisions of RCW 42.30.110(1)(i). Participants: Jonathan Cain, DPA; Randall Gaylord, PA. The session ended at 4:15 p.m. for an actual session time of 60 minutes. No action was taken.

4:15 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Personnel pursuant to the provisions of RCW 42.30.110(1)(f). Participants: Randall Gaylord, PA. The session ended at 4:35 p.m. for an actual session time of 20 minutes.

The Council came out of executive session and took the following action: Moved by Peterson, seconded by Lichter, to send a letter to Alex MacLeod regarding the Ferry Advisory Committee. Motion carried unanimously.

The Council came out of executive session and took the following action: Moved by Peterson, seconded by Knapp, to send a letter to Ed Sutton regarding his behavior as a member of the Ferry Advisory Committee. Motion carried unanimously.

ADJOURNMENT - Moved by Ranker, seconded by Lichter, to adjourn the meeting at 4:48 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 4:48 p.m. A Special Meeting was scheduled for Monday, January 28, 2008, and the next regular meeting was scheduled for Tuesday, January 29, 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Howard Rosenfeld, Chair
District 3, Friday Harbor

ATTEST: Clerk of the Council

By: _____
Valarie Graham, Deputy Clerk

Gene Knapp, Vice-Chair
District 5, Orcas East

Kevin M. M. Ranker, Member
District 1, San Juan South

Rich Peterson, Member
District 2, San Juan North

Alan Lichter, Member
District 4, Orcas West/Waldron

Bob Myhr, Member
District 6, Lopez/Shaw