

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
January 28, 29, 2008**

Monday, January 28, 2008 - Council Hearing Room, Courthouse, FH

CALL TO ORDER – SPECIAL MEETING

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

EXECUTIVE/CLOSED SESSIONS

10:00 a.m. – (Commenced at 10:08 a.m.) Council Chair Rosenfeld announced that the Council would be holding an **executive session** to discuss A Public Employee Performance Evaluation pursuant to RCW 42.30.110(1)(f)., estimated to last 30 minutes. At 10:10 a.m. Chair Rosenfeld continued the **executive session** until 10:30 a.m.

DISCUSSION

Oil Spill and the Year-round Neah Bay Rescue Tug - Kevin Ranker updated the Council on the SJC 2008 Legislative Priorities beginning with the Oil Spill Advisory Council and the Year-round Neah Bay Rescue Tug. Ranker stated that two things were taking place; the first is that we are trying to get the Governor and Legislature to prioritize the Neah Bay Rescue Tug. The Governor has put a placeholder in the budget for federal funding. The second is if the federal funding falls through, that there is enough support in the House and Senate to switch the funding to State money.

Affordable Housing – Kevin Ranker reported that Representative Mark Miloscia is the lead in the House for affordable housing. Since the Council has removed Affordable Housing (as written) from the 2008 Legislative Priorities, Ranker will be working with Representative Miloscia and others to help develop a strategy for 2009.

Ferries – Kevin Ranker reported that he had spoken with many key Legislators and that the Ferry issues are not going to come up in the short Legislative session. Ranker also noted that ferry fares are going up again and more dry dock space is available than first anticipated. Ranker also noted that with the Hiyu ferry's small capacity (36 cars) it will become a serious impact to the communities that are served by it. Ranker also stated that if anything goes wrong with any boat, SJC is in big trouble.

Salmon Recovery Lead Entity – Kevin Ranker stated that no money was put in the Salmon Recovery budget for the Lead Entity Request.

Southern Resident Orca Whale Protection – Kevin Ranker reported that a hearing was held on the House and Senate side and that Fish and Wildlife came back with some concerns about the exemptions in our Ordinance which the State Legislation is based on. We have exemptions for commercial fishermen whose nets are in the water. We have an exemption for tankers. You wouldn't want a tanker to veer off course because there are whales around. There was a bit of back and forth with Fish and Wildlife wanting to support the bill but coming in with serious questions that were raising alarms for the prime sponsors of the bill, primarily on the House side where the committee was not as friendly. It nearly stalled out the legislation and we spent a lot of time working with Fish and Wildlife's Attorney General, General Counsel for NOAA, and Randall Gaylord, all of whom were instrumental in getting information to me. We have great support on the House and Senate side. Things are moving forward and we are setting ourselves up for a very good session. There was no testimony in opposition of the bill.

Veterans' Advisory Board – Alan Lichter reported to the Council that the Veterans' Advisory Board met last week and had an excellent session. There was a Policy and Procedure manual that he drafted and the entire Board went over it, made some corrections and additions and there should be a final copy to present to the Council next week for comments and hopefully approval so we can have this brand new system to help our Veterans.

RECESS 10:22 a.m. Council Chair Rosenfeld recessed the meeting until 10:30 a.m.

EXECUTIVE/CLOSED SESSIONS

10:30 a.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss A Public Employee Performance Evaluation of RCW 42.30.110(1)(f). Chair Rosenfeld said that at the request of Ed Sutton, Member of the Ferry Advisory Committee, the **executive session** would be open to the public but not open to public comment. Chair Rosenfeld noted that everyone was in agreement that Mr. Sutton's hard work on the FAC was appreciated and that he was acting in the best interest of the County. Council member Knapp stated that Mr. Sutton was a good friend and is aware of the long time he puts in on the committee. Mr. Knapp asked if he should be recused. Council and Mr. Sutton agreed that recusal was not necessary. Chair Rosenfeld explained that the session was between Mr. Sutton and the Council. Alex McLeod, Chair of the FAC, in an outburst asked, what legal right the Council had to call the executive session. Mr. Ranker told Mr. McLeod that he was out of order and that no public comment was allowed. Council member Ranker asked Mr. Sutton that at the FAC meeting held on January 14, 2008, which was not publicized, Chair Rosenfeld asked to have the meeting re-scheduled, what action was taken and why an email was sent to WSF at 5:00 p.m. Mr. Sutton responded that he didn't know. Council member Knapp asked Mr. Sutton for the names of the FAC members who said the meeting should be stopped after Chair Rosenfeld asked them to stop. Mr. Sutton responded that no one did. Mr. Knapp asked if anyone mentioned stopping the Sidney BC run. Mr. Sutton didn't recall. Mr. Sutton admitted to being somewhat uncomfortable when the FAC didn't end the meeting and said not publishing notice of the meeting was just an oversight. Chair Rosenfeld stated that he heard from quite a few people at the State level and their relationship with SJC FAC is at an all-time low, please address this. Mr. Sutton responded that the FAC is outspoken on behalf of our citizens and WSF is probably very upset because we ask tough questions. Mr. Sutton stated that going forward it would help to know what the role of the FAC is to be and that he would like to report directly to the Council. Mr. Sutton also stated that hopefully we all learn from our mistakes and that he sincerely apologized and said it would never happen again. The session ended at 11:27 a.m. for an actual session time of 1 hour and 16 minutes. No action was taken.

11:30 a.m. – (Commenced at 11:35 a.m.) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss A Public Employee Performance Evaluation of RCW 42.30.110(1)(f). Chair Rosenfeld said that at the request of Alex McLeod, Chair of the Ferry Advisory Committee, the **executive session** would be open to the public but not open to public comment. Chair Rosenfeld noted that Mr. McLeod had received the Council's concerns by mail, phone and email. Mr. McLeod asked whether the meeting had been publicized and stated that he found only a notice of a work session. Clerk to the Council, Laura Tuttle, stated that the special meeting requirements were met by posting to the old and new County website the previous Friday afternoon. Council member Peterson asked Mr. McLeod if suggesting to the WSF to suspend the Sidney, B.C. ferry run seemed antagonistic towards Anacortes, WA. Mr. McLeod responded that he asked to see a draft schedule with the suspension in service for a short time. Peterson asked Mr. McLeod why he didn't bring this to the attention of the Council. Mr. McLeod said the FAC knew there was limited time because the spring schedule usually goes to the printer by now. Council member Lichter asked Mr. McLeod why Jayne Davis, WSF prefers not to talk to him. Mr. McLeod responded that WSF would be happy if the FAC remained silent and that the FAC asks difficult questions. Council member Knapp asked Mr. McLeod if he had called the WSF officials dumb and inept in an editorial printed in King County. Mr. McLeod responded that yes, he had. Chair Rosenfeld asked Mr. McLeod if he felt bad about using the words dumb and inept in reference to WSF. Mr. McLeod responded that no, he did not feel bad. Chair Rosenfeld stated that several State officials considered Mr. McLeod's attitude to be belligerent and hostile and asked Mr. McLeod if he perceived any problem in working with the Council or State officials. Mr. McLeod responded that if names of State officials weren't given to him, he refused to respond. Chair Rosenfeld asked Mr. McLeod if he thought this could harm the County's ability to work at these levels if they don't want to work with him. Mr. McLeod stated that in his experience working 4 years on the FAC, the FAC is easy to blow off because they are just an advisory committee. Mr. McLeod did personally apologize for continuing the January 14 meeting. Chair Rosenfeld closed the executive session at 12:55 p.m. for an actual session time of 1 hour and 20 minutes. No action was taken.

1:00 p.m. – Council Chair Rosenfeld announced that the Council would be holding a **closed executive session** estimated to last approximately 30 minutes, to discuss A Public Employee Performance Evaluation of RCW 42.30.110(1)(f). Chair Rosenfeld ended the closed executive session at 1:05 p.m. for an actual session time of 5 minutes. The following action was taken:

Moved by Lichter, seconded by Knapp, to hold deliberations in an open session. Motion passed unanimously.

1:10 p.m. Council Chair Rosenfeld announced that the Council would be holding an **open executive session for deliberations** estimated to last approximately 30 minutes, to discuss A Public Employee Performance Evaluation of RCW 42.30.110(1)(f). Council member Peterson suggested deliberating discussing Ed Sutton and Alex McLeod one at a time starting with Ed Sutton. Peterson felt that Mr. Sutton had caused damage to the County and recommended probation in his role on the FAC and noted the Council has serious concerns as to his role on the FAC. Knapp stressed the Council has to recognize that all committees need proper training and the Council needs to renew the FAC ordinance. The following action was taken:

Moved by Peterson, seconded by Ranker, to place Ed Sutton on probation for 1 year and accompany the probation with a letter of reprimand.

After further discussion, Peterson withdrew the motion and Ranker consented. After further discussion, the following action was taken:

Moved by Peterson, seconded by Ranker, to issue a letter of reprimand and explain expectations for his role on the FAC to Ed Sutton. Motion passed unanimously.

Council member Peterson stated that Alex McLeod had caused damage so severe that keeping him on the FAC would be wrong. Knapp noted that Mr. McLeod refused to take responsibility and attributed the problems to the Council. Ranker agreed with Knapp. Lichter noted that through Mr. McLeod's leadership, a lot of things had been accomplished with WSF and it may be that we need someone assertive and aggressive at times. Perhaps instead of removing him from the FAC, the Council could give him a chance to modify his communication style. Chair Rosenfeld stated that Mr. McLeod has been hostile and belligerent to a lot of people. He expressed no remorse and only apologized for continuing the meeting of January 14. Rosenfeld also noted that Mr. McLeod was stubborn in thinking there was no problem, but the Council clearly sees a problem. Rosenfeld felt there was no choice in the matter but to remove Mr. McLeod from the FAC. After further discussion the following action was taken:

Moved by Peterson, seconded by Ranker, to revoke Alex McLeod's appointment to the FAC. (Ranker added an amendment that the Council needs to recognize Mr. McLeod's dedication to the community). Motion passed 4 to 1, with Lichter opposed.

RECESS 1:50 p.m. Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, January, 29, 2008.

Tuesday, January 29, 2008 - Council Hearing Room – Courthouse, FH
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Council Chair Howard Rosenfeld called the regular meeting to order at 10:00 a.m. Council members Bob Myhr, Rich Peterson, Gene Knapp, and Alan Lichter; County Administrator, Pete Rose; Ron Henrickson, Director CD&P; Charles Zalmanek, Assessor; Carol Legate, Health & Community Services Office Manager; Mary Knackstedt, SJ MRC; Kit Rawson, MRC; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public were present.

CALL TO ORDER – REGULAR MEETING

Council Chair Rosenfeld called the meeting to order at 10:00 a.m. The flag salute was conducted.

NEW EMPLOYEE INTRODUCTIONS

Ron Henrickson, Director CD&P, announced that the department was officially fully staffed. He introduced Maureen McNally as the new Office Assistant, Brian Rader, Pollution Specialist, and John Geniuch as the new Plans Examiner.

Charles Zalmanek announced that Carol Strum, who has worked part-time for SJC since 2001, has joined the Assessor's office full-time.

Carol Legate, HCS Office Manager, announced the new addition of Kirstin Wallin.

A special birthday announcement was made for Council Member, Bob Myhr, who, it was noted, may have passed his 39th birthday.

EXCUSED ABSENCES

Moved by Myhr, seconded by Knapp, to excuse Kevin Ranker because of business travel. Motion passed unanimously.

CITIZEN ACCESS TIME

Mike Kaill addressed the Council to discuss eel grass and global warming.

Bill Wright addressed the Council to discuss the Ferry Advisory Committee.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Peterson, to approve the Minutes of **January 14, 15, 2008**. Motion carried unanimously.

CONSENT AGENDA

Moved by Myhr, seconded by Peterson, to approve the **Final Consent Agenda of January 29, 2008** as follows:

The County Council moved to:

A. Resolutions/Ordinances:

1. Resolution 6-2008 - To Adopt a Resolution Setting Prosecuting Attorney's Salary For 2008.

B. Contracts/Agreements:

1. Agricultural Resources Committee – To approve an Agreement between the Washington State Conservation Commission and San Juan County for grant funding from the Farmland Preservation Account, Fund 09C, in the amount of \$25,000 for ARC to implement a county wide outreach and education campaign to engage landowners in the retention of agricultural lands through conservation easements. The effective date of this Agreement is January 1, 2008 through December 31, 2008. (SJC 08SJ.001)
2. Civil Service – To Approve a Public Safety Testing Subscriber Agreement between San Juan County, and Public Safety Testing, Inc. to enter into a nonexclusive Subscriber Agreement wherein the Contractor shall provide testing, and the results thereof of law enforcement and dispatchers on behalf of San Juan County, or it's public agency, or civil service commission, as more fully set out in the Agreement. The term of the contract takes effect upon signature by both parties and terminates on the last day of December 2010. Total funds available under this agreement are limited to \$1,480.00 per year. (SJC08SH.002)

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments: (No items.)

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 6-2007- (Refer to Consent Agenda for January 29, 2008 for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Town Meeting – Rich Peterson announced that a Town Meeting for District #2 is scheduled for February 16, 2008 at 10:00 a.m. at the Pavilion in Roche Harbor. A survey has been circulated requesting public input, posted on the County website and citizens from every district are invited to attend.

2. Islands Trust Visitors – Alan Lichter announced that the Islands Trust members from British Columbia were present and introduced Kim Benson, Gary Steeves and Linda Adams, a joint discussion was scheduled for 11:00 a.m. with SJC Council to discuss many important issues, and citizens were encouraged to attend.

DISCUSSION

Mary Knackstedt, MRC Coordinator, and Kit Rawson, addressed the Council to discuss the 2007 Annual Report and 2008 MRC Work Plan. Ms. Knackstedt highlighted the Stewardship Program which is focusing on 6 initiatives and noted that the Salmon Recovery Lead Entity Program had secured 2.1 Million dollars, most of which will stay local in SJC. Ms. Knackstedt also noted that the MRC is working closely with the San Juan Initiative.

Barbara Rosenkatter, Lead Entity Coordinator, addressed the Council to update on Salmon Recovery efforts. Ms. Rosenkatter reported that SJC scored highly for the state-wide process for community salmon projects. The big picture encompasses Skagit River Cooperative, NOAA, local biologists, Beach Watchers, and looking for juvenile salmon habitats. Salmon recovery is looking at removal of 20+ acres of derelict fishing nets and the shoal bay tide removal from Lopez Island. The removal of the swimming pool at Deer Harbor is paramount and funding was received for the estuary but more feasibility studies are needed. Kit Rawson reported that performance benchmarks have been set by the Northwest Straits Commission which is addressed in the 2008 work-plan. A retreat was held in December, 2007 when sub-committees were re-organized and a new membership sub-committee was formed. Mr. Rawson also noted that the outreach strategy, funded by the NW Straits Commission grant, was progressing and participation of the Department of Ecology grant for local businesses to help manage the uplands had a lot of volunteers. One additional thing was accomplished: the Puget Sound Partnership wants to educate builders on low impact development. A grant from the DNR was received to put a proposal together for an aquatic reserve. Mr. Rawson continued noting that monitoring the marine environment was a key activity and is working on long term gap analysis which needs science sub-committees. The bottom fish recovery is not working as expected. There is a lot of volunteer time to figure out how to make it work which directly correlates with the MSA. After further discussion, the following action was taken:

Moved by Lichter, seconded by Myhr, to approve the MRC 2008 work-plan. Motion carried unanimously.

DISCUSSION

11:00 a.m. Members of the Canadian Islands Trust, Kim Benson, Chair; Gary Steeves, Vice-Chair; and Linda Adams, CEO, met with the SJC Council for a joint discussion on several issues. Their Council consists of 26 elected members, 13 districts, and 2 members each. It was the first time to utilize the friendship agreement and the first time their members came to SJC for a joint meeting. Ms. Benson noted what a good opportunity it was to discuss the general ecosystem surrounding the islands and how similar the issues are; wildlife management, roads, climate change and affordable housing. Council member Lichter suggested climate change mitigation as an opening topic. Ms. Benson stated that they were entering the 3rd year of a 3 year term and how they were suffering the effects of living on the islands, learning how to adapt and then asked Ms. Adams to update the SJC Council on the 5 step program. Linda Adams told the Council that they were taking the first step with a scoping study to understand the issues and understand the best direction to take. They are investigating the impacts of future climate change with science based models. With sea levels rising, ecosystems changing, violent weather

and ground water changes, Ms. Adams reported there are many universities interested in the topic. Planning departments are using the information and incorporating into future planning. Chair Rosenfeld said Whatcom County had already accomplished baseline measures and suggested contacting them. Ms. Adams stated the goal for Islands Trust was to reduce the corporate carbon footprint to 0 by 2012. Ms. Benson noted that a community planning review dealing with density was underway. She also noted that they use SJC as a model for things they want. We've used the Land Bank for taxation purposes and it helped to show a working model. Bob Myhr discussed using computer visualization under different scenarios for land use planning. Mr. Steeves reported a computer program, Community Viz, kicked off the planning review, layering different patterns one at a time. It generated a great community discussion in land use and planning decisions. Ms. Adams gave an update on the National MRC at the federal level. A feasibility study has been underway for years and is becoming a reality. Something should be in place by 2010 for all the waters surrounding our islands. Council member Myhr asked if there was much concern about salmon recovery in their islands. Ms. Adams reported that there is a requirement on all local governments to protect fish-bearing streams. Kit Rawson offered to share the Marine Stewardship Plan with Islands Trust. Affordable housing was the next item discussed and Islands Trust said they were dealing with the same issues. Assessed values have tripled in the last few years, schools are in jeopardy, and more people want to retire there. Ms. Adams reported that some things they are looking at are secondary suites, guest cottages and sectors for affordable housing. Salt Spring Island received a grant for an affordable housing needs assessment. Ms. Adams also reported that most islands don't want a development build-up.

RECESS Chair Rosenfeld recessed the meeting until 1:30 p.m. (Clerks note: The discussion with Islands Trust continued through lunch)

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Randall Gaylord, PA.

1. 2008 Interdepartmental Briefing – Pete Rose, CA, reported to the Council that the Stormwater Ordinance is now part of the critical area, GMA compliance issue. Chair Rosenfeld noted that at the retreat on February 25, 2008 the Council will have their own list of goals along with department goals. Mr. Rose stated that June 8, 2008 is the drop dead date for GMA compliance. Council member Myhr asked if these goals were from Elected Officials as well as department heads. Mr. Rose responded, yes, they were and included the new Superior Court Judge. An advertisement was published for community input as well. Member Lichter asked what the time schedule for the retreat. Council Clerk Tuttle, responded that it was an 8 hour day. Mr. Rose asked if the Council could possibly start earlier in the day. Lichter responded that they could start at 9:00 a.m. instead of 10:00 a.m. and thought they should.

2. Ferries – Pete Rose reported that a user survey is getting underway by WSF. He reported it wasn't just riders but businesses in the communities the ferries serve. Mr. Rose stressed the importance of developing operational strategies, pricing strategies, and work with the FAC to come up with a SJC policy rather than go on with level of service issues. Mr. Rose noted that commuter discount travel is something that's for sale in this process. Mr. Rose also noted that peak travel is only counted on west-bound sailings. The Council should note level of service standards. At present, a 1 boat sailing wait is the standard and there has to be some smart thinking how ferry standards mesh with transportation standards. Mr. Rose also noted that the reservation system has impacts on people in the islands when we don't have repetitive route needs.

DISCUSSION

2:30 p.m. SJC Declaration and Resolution on Climate Change – Alan Lichter noted that he, Kevin Ranker, Tom Muncey, and Ron Zee had drafted an initial resolution and modifications were made by the Council. Ron Zee, Conservation District Director for SJC stated that we've come back to the same issues. Our dependence on foreign oil and dependence on energy still have the same answers today, and the challenges are much greater. He urged the passage of this resolution and offered assistance on implementation. Council member Peterson asked if the Conservation District could offer assistance with composting bins. Helen Venada, Hazardous Waste Coordinator, stated that we have an ecology grant to do composting workshops on 3 islands and offer both worm bins and composting bins at a reduced price. Ms. Venada also noted that mercury light bulbs are being taken in on San Juan Island and Orcas Island in the spring and Lopez Island in the fall. After further discussion, the following action was taken:

Moved by Lichter, seconded by Myhr, to adopt the Declaration and Resolution on Climate Change (with change for hazardous waste). Motion carried unanimously.

DISCUSSION

Randall Gaylord, PA, addressed the Council to discuss how committees' are going to act and that some had rules and some didn't. There needs to be very specific direction to all committees and boards about conducting business. Mr. Gaylord's recommendation is to take the comments received back to the charter review committee and put in an ordinance. Member Knapp asked if it was appropriate to have different rules for specific committees. Mr. Gaylord responded that there are exceptions by state law and most of the comments can be dealt with by exception. Knapp suggested going ahead with the public hearing and deal with the MRC's comments at a later date. Member Myhr opposed this idea stating that they rushed before and should send this to the Charter Review Committee before any action is taken. Mr. Gaylord stated he made a mistake and will have the ordinance with him to make changes on the fly. Myhr stated he wanted it to go to committee. Knapp suggested taking a vote. After further discussion, the following action was taken:

Moved by Knapp, seconded by Peterson, to note Committee Meetings, Rules & Procedures for public hearing. Motion failed with Myhr and Lichter opposed.

EXECUTIVE/CLOSED SESSIONS

3:15 p.m. – (Commenced at 3:18 p.m.) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss Pending/Potential Litigation pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 3:28 p.m. for an actual session time of 10 minutes. No action was taken

3:30 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Public Employee Performance Evaluation pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 4:30 p.m. for an actual session time of 60 minutes. No action was taken

ADJOURNMENT - Moved by Peterson, seconded by Knapp, to adjourn the meeting at 4:30 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 4:30 p.m. A Special Meeting was scheduled for Monday, February 4, 2008, and the next regular meeting was scheduled for Tuesday, February 5, 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Howard Rosenfeld, Chair
District 3, Friday Harbor

ATTEST: Clerk of the Council

Gene Knapp, Vice-Chair
District 5, Orcas East

By: _____
Valarie Graham, Deputy Clerk

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