

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
February 11, 12, 2008**

**Monday, February 11, 2008 - Council Hearing Room, Legislative Building, FH**

**CALL TO ORDER – WORKSHOP & COUNCIL/STAFF WORK SESSION**

Council Chair Howard Rosenfeld called the staff meeting to order at 10:05 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, and Bob Myhr; County Administrator, Pete Rose; Stan Matthews, Communication Program Manager; Randall Gaylord, PA; Pamela Morais, HR Manager; Maureen See, Council Dept. Assistant; Deputy Clerk, Valarie Graham; and interested members of the public were present.

**Moved by Peterson, seconded by Knapp, to excuse the absence of Alan Lichter. (Reason: Doctor Appt.)**

Council schedules and agendas were reviewed, as were plans for a retreat on February 25, 2008. Pete Rose, CA, commented that Committees and Boards need guidance as to scheduling and publicizing meetings, whether regular or special. Myhr suggested clarifying these issues during the committee/board meetings. Myhr also noted that the responsibilities of the County Council staff and the Chair of each Committee and Board need clarification. Pamela Morais discussed the agenda for the retreat scheduled for February 25, 2008. Rich Peterson commented on the open house scheduled for February 16, 2008 at the Pavilion in Roche Harbor and noted a survey was available on the County website. Kevin Ranker updated the Council on his trip to Washington, D.C. to discuss SJC Legislative Priorities. Chair Rosenfeld commented on the Legislative Rally held in Olympia and noted that each Council Member had a chance to meet with the Governor. The Ferry Advisory Committee was discussed and members of the Council planned to sit in on the next FAC meeting. Rosenfeld noted that there were two vacancies on the FAC and the FAC wish more youth were involved. Pete Rose stated the Transportation Commission is conducting a rider survey and that a study will be presented to the Joint Transportation Commission without any input from local governments. Rosenfeld opened a discussion on putting Alex McLeod back on the FAC. Pete Rose noted that it would be possible to move Council Staff to Administration. Randall Gaylord stated that Legislators have the right to supervise their staff. Myhr had clear reservations transferring Council Staff to any other department. Peterson noted that a draft Stormwater Ordinance should be ready by the end of the week. Stan Matthews requested input on the new County logo. Pete Rose stated that the County has multiple logos and should have only one. Rosenfeld commented on some ideas that are circulating about the ferry issues. One idea is passenger only ferries with flex car opportunities on San Juan Island and free parking in Anacortes. Another idea is using the steel electric ferries for commercial runs. Pete Rose suggested an exemption so that out-of-state and foreign countries could repair or build boats.

**RECESS** - At 11:35 a.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, February 12, 2008.

**Tuesday, February 12, 2008 - Council Hearing Room – Legislative Building, FH**

**CALL TO ORDER- REGULAR MEETING**

Council Chair Howard Rosenfeld called the regular meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Alan Lichter, and Bob Myhr; County Administrator, Pete Rose; Stan Matthews, Communication Program Manager; Randall Gaylord, PA; Milene Henley, Auditor; Maureen See, Council Dept. Assistant; Laura Tuttle, Council Clerk; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The flag salute was conducted.

**NEW EMPLOYEE INTRODUCTION**

Milene Henley, Auditor, introduced Kimberly Cox who joined the accounting department working with Junior District Payables and the credit card program.

**CITIZEN ACCESS TIME**

Tifini Twitchell addressed the Council to speak about the dismissal of Alex McLeod from the FAC.

Brian Lynch addressed the Council to speak about the dismissal of Alex McLeod from the FAC and asked to see a written County policy. Mr. Lynch mentioned the mood on Shaw Island is dark.

Ingrid Lynch addressed the Council to speak about the dismissal of Alex McLeod from the FAC and asked how many Council Members had read the Ferry Bill and stated the real issue is ferry funding.

Rick Karon addressed the Council to speak about the Friday Harbor Solid Waste Facility. Mr. Karon stated that there is no place to recycle metal and it has to be dumped into the landfill. Mr. Karon also stated that he would be happy to help solve the issue.

Deborah Hopkins, San Juan Islands Visitor Bureau, addressed the Council to discuss the Hotel Motel Tax and the increase in tax funds. Ms. Hopkins stated that in a comparison of Island, Clallam, Jefferson and Kitsap counties, SJC is 8.1% higher and ranks 3<sup>rd</sup> state wide. Bob Myhr said the increases were not adjusted for inflation.

Tom Munsey addressed the Council and handed out an information sheet that says the GMA does not require Eastsound and Lopez Village to be UGAs. Mr. Munsey also requested from Pete Rose, CA the funds for the public access franchise fees.

### **ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

### **APPROVAL OF MINUTES**

Moved by Peterson, seconded by Ranker, to approve the Minutes of **February 4, 5, 2008**. Motion carried unanimously.

### **CONSENT AGENDA**

Moved by Peterson, seconded by Lichter, to approve the **Final Consent Agenda of February 12, 2008** as follows:

#### **The County Council moved to:**

#### **A. Resolutions/Ordinances:**

**1. Resolution 10- 2008** - To Adopt a Resolution Adopting the San Juan County Veterans' Assistance Fund – Policies and Procedures for the Veterans' Advisory Board

**2. Resolution 11- 2008** - To Adopt a Resolution to accept three (3) Easements, Appropriate Funds, and Authorize Payment for Payment for Fisherman Bay Road Right-of-Way from: David Bruce Dunlop (Amount \$5,372.89 – CRP: 030702); b. Beverly Zapalac (Amount: 6, 190.00 – CRP: 030702); c) Richard L. & Barbara J. Pickering (Amount: 13,210.00 – CRP 030604)

#### **B. Contracts/Agreements:**

1. Approve the Interlocal Agreement between the Town of Friday Harbor and San Juan County, for continuing funding to support substance abuse treatment services provided by San Juan County for San Juan County. This Agreement provides for 2% of the collected liquor taxes or at least \$2,400 from the Town, to be contributed to the County's substance abuse treatment programs annually. There is no end date to the agreement, but it may be terminated with notice by either Party. (SJC 08HC.006)

2. Approve the Compass Health contract to continue the provision of substance abuse treatment services to San Juan County residents. This contract is for \$435,259 to provide payment for services provided from October 1, 2007 through June 30, 2009, and includes both state and federal funds provide to the County by the State Department of Social and Health Services and required county matching funds (approximately 10%). Matching funds include liquor taxes collected by both the County and Town of Friday Harbor. (SJC 08HC.007)

3. Approve the Interlocal agreement with Snohomish Health District for the provision of HIV/AIDS testing and counseling services for San Juan County. This Agreement continues services through December 31, 2008. Total consideration under this contract is limited to \$17,000. The contract may include both state and federal funds provided throughout the Snohomish Health District from the State Department of Health. No County matching funds are required. Funding approved in 2008 County budget. (SJC 08HC.008)

4. Approve the contract between San Juan County Health and Community Services 2007-2011 Consolidated Contract No. C14960, Amendment, by and between Washington State Department of Health and San Juan County. The purpose of change: To amend this contract between the Department of Health, hereinafter "DOH" and San Juan County Health & Community Services hereinafter referred to as "LHJ" re: add funding of continuing programs addressing water system inspections, on-site sewage treatment system maintenance and public health emergency planning. (See Exhibit A for Statements of Work Amendments; and Exhibit B-5 and B-6 for amendment of allocations) (SJC 08HC.009)

5. Approve the contract between San Juan County Health and Community Services 2007-2011 Consolidated Contract No. C14960, Amendment, by and between Washington State Department of Health and San Juan County. The purpose of change: To amend this contract between the Department of Health, hereinafter "DOH" and San Juan County Health & Community Services hereinafter referred to as "LHJ" re: add funding of continuing programs addressing water system inspections, on-site sewage treatment system maintenance and public health emergency planning. (See Exhibit A for Statements of Work Amendments; and Exhibit B-6 and B-7 for amendment of allocations) (SJC 08HC.010)

**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. 10-2008-** (Refer to Consent Agenda February 12, 2008 for details of action taken.)

**RES. NO. 11-2008-** (Refer to Consent Agenda February 12, 2008 for details of action taken.)

## **PUBLIC HEARINGS/MEETINGS/WORK SESSIONS**

### COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

**1. Notify WSF of changes to SJC FAC** – Pete Rose, CA, noted that Ed Sutton is the interim Chair of the FAC and WSF should be notified of the changes. Myhr didn't see a reason to send un-approved FAC minutes to the WSF. Ranker reported he had spoken to Jayne Davis, WSF and suggested getting Paula Hammond, DOT up to SJC for a meeting. Ranker also spoke to Ms. Davis about the changes to the FAC. Rosenfeld agreed to contact officials in the WSF to explain changes in the FAC and the ongoing review of the FAC ordinance.

**2. Legislative Priorities Update** – Kevin Ranker reported he had an excellent meeting with Senator Cantwell's staff last week in Washington D.C. The Neah Bay Year-round Rescue Tug was discussed and it is moving forward with additional support from other States. Ranker raised the question regarding the customs search in Anacortes for a ferry that departed from Friday Harbor. Senior staff at WSF was not aware of it. Ranker also reported there could possibly be an exemption of the Jones Act enabling a BC ferry to take over the Sidney, BC/Anacortes route stopping in Friday Harbor. Senator Cantwell and Representative Morris are looking into it.

**3. Orcas Public Library Board of Trustees** – Alan Lichter reported that Carter Shelley had passed and the Orcas Library Board of Trustees asked to appoint Tom Welch to the opening left by Carter Shelley and asked the Council to approve the appointment. It would go on consent agenda in a couple of weeks.

**4. FAC and Task Force** – Alan Lichter announced that he has been the liaison for the FAC and acting Chair of the new Task Force. With the dismissal of Alex McLeod, Lichter felt he can't be effective as the liaison with the FAC or Task Force and asked the Council to select new members to take over those tasks. Lichter also noted that he hoped the Council would continue to support both groups. Lichter also noted that keeping track of the FAC and Task Force could almost be a full time job for a Council Member.

#### **EXECUTIVE/CLOSED SESSIONS**

**10:45 a.m.** – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 45 minutes, to discuss a Public Employee Performance Evaluation pursuant to the provisions of RCW 42.30.110(1)(f). The session ended at 11:18 a.m. for an actual session time of 38 minutes. The following action was taken:

**Moved by Myhr, seconded by Lichter, to accept the resignation of Council Clerk, Laura Tuttle. Motion passed unanimously.**

#### DISCUSSION

Pamela Morais, HR Manager, presented a proposed list of responsibilities for Share of Supervision of Clerk of the Council and Council Staff for the CA and Council. Ranker noted that possibly two actions should be taken, first whether the Council wants to ask our CA to take over the day to day management of the Clerk and staff and the second discussion would be to look at the specifics of what that will look like. The following action was taken:

**Moved by Ranker, seconded by Peterson, to ask the CA to consider taking over the day to day management of the Council Clerk. (Chair Rosenfeld noted a friendly amendment to evaluate in 1 year)**

**Discussion** – Lichter questioned the employee supervision administrator's role in hiring and termination of staff. Ms. Morais responded that if the CA took over the day to day management and noticed a problem, the CA would come to you and tell you it wasn't working out and would want your support on the decision. Ranker noted that the hiring and firing should remain with the Council with input from the CA. Ms. Morais stated that HR and CA's perception is that it is hard to work for 6 people. Myhr noted he had serious issues with regard to separation of powers and when reading the charter it specifically talks about supervision by the legislative body. Myhr noted that the Council could delegate that responsibility but the Council has an obligation to live up to that responsibility and Myhr noted serious reservations regarding supervision. Myhr also noted that there is a need to discuss this more thoroughly as an agenda item in regular session of the Council. Chair Rosenfeld suggested if the Council decides to move forward with this, there should be a sunset clause in 6 months. Lichter stated he saw a big contradiction as far as who will supervise the day to day supervision and didn't think it was workable at all. Peterson stated the question that needed to be answered is do we want to transfer the supervision. Lichter noted that the Chair should be the person who elects to have the CA supervise the Clerk and if the Chair feels that he/she can supervise, the Chair should. Myhr felt the Council has to be very careful about this and there could be potential issues that could arise that could be disastrous.

**Ranker called the question and the vote was taken: Motion passed 4 to 2 with Myhr and Lichter opposed.**

**RECESS** – Council Chair Rosenfeld recessed the meeting at 11:55 a.m.

**1:30 p.m.**

#### ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Mark Tompkins, Manager Environmental Health Services; Members of the Water Resources Management Committee; Paul Kamin, John Whetten, Mike Ellis, Bob Eagan, Ron Mayo, King Fitch, Jeff Bash, Department of Ecology, Jerry Rasmussen, Vicki Heater and Kyle Loring.

**1. Water Resources Committee Annual Work Plan** – Mark Tompkins introduced the members of the Water Resources Committee and commented that they have been a dedicated group since 1996. The Watershed Action Plan was completed in 1999-2000 under the Watershed Planning Legislation. John Whetten noted the members all have diverse backgrounds and have lively discussions. Mr. Whetten stated they hold meetings the 2<sup>nd</sup> Monday of every month. Mr. Whetten also noted that they received a grant from the Department of Ecology to study water and found that salt water was intruding into fresh water systems. The study of groundwater has advanced greatly through the years. The Water Code Policy approved by the Board of Health enabled impairment analysis and the emphasis was to push the science as far as they could to provide the best science. A county wide water quality monitoring network was started and data loggers that record static water levels in wells have been established on Orcas and Lopez and some wells on San Juan Island in the future. The Department of Ecology and State funds much of the work done in SJC. Jeff Bash from the Department of Ecology stated his role is the watershed lead for SJC and can connect the Council and Committee with the right people from the Dept. of Ecology and is working towards implementation of funding the monitoring network. Mr. Whetten commented on the recent change in state law that says you can catch water in barrels and they are looking at the issue of rain water catchments. Golden & Associates have proven that catching rainwater is a benefit. Knapp asked if it was possible to measure the total amount of groundwater in the County. Mr. Whetten explained the problem is in the bedrock and any technique available is unpredictable. Chair Rosenfeld asked what nitrates were. Mark Tompkins explained when nitrate levels are too high, they attach to red blood cells and babies could die from it. Mr. Mayo pointed out that the problem was nitrites, and the threat is remote. Mr. Tompkins also reported that other things are getting into the groundwater like septic systems, lawn fertilizers and farming lead to increased levels in nitrates and they are working on corrective action. Vicki Heater reported that preliminary reports for nitrate contamination will be available in June 2008. Mr. Tompkins noted that dilution has been the solution in the past. Ranker asked what is the danger or impact to citizens. Ms. Heater recommended that citizens test their water. Myhr asked about the trend in saltwater conversion. Mr. Tompkins reported that desalinization is going in on the islands, not a huge amount, just a few each year. Mr. Tompkins noted that it takes 18 months to put in a desalinization plant and shoreline permits are involved. After further discussion, the following action was taken:

**Moved by Ranker, seconded by Myhr, to approve the Water Resources Committee 2008 Annual Work Plan. Motion carried unanimously.**

**Moved by Ranker, seconded by Myhr, to support the rainwater general permits and request the County Administrator submit the applications. Motion carried unanimously.**

#### **EXECUTIVE/CLOSED SESSIONS**

**2:15 p.m.** – (Commenced at 2:25 p.m. due to time constraints) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Labor Union Contracts pursuant to the provisions of RCW 42.30.140(4). The session ended at 3:10 p.m. for an actual session time of 45 minutes. No action was taken:

#### **PUBLIC HEARINGS**

**3:00 p.m.** – (Commenced at 3:10 p.m. due to time constraints.) A public hearing was held to consider An Ordinance Regarding the Lodging Tax; Amending Chapter 3.16 of the San Juan County Code and Adding a New Section to Chapter 3.16 Regarding Economic Impact Reports to Ensure Consistency with the San Juan County Charter and State Law and Repeal Resolution 128-2002 Present: Full Council; Karen Vedder, DPA; Milene Henley, Auditor; Pete Rose, CA; Maureen See, Council Department Assistant; Laura Tuttle, Clerk to the Council; Dona Wuthnow, Parks Superintendent; Valarie Graham, Deputy Clerk and interested members of the public. Public testimony was opened, submitted and, closed. Deliberations were held and the following action was taken:

**Moved by Myhr, seconded by Ranker, to continue the public hearing to February 26, 2008. Motion carried unanimously.**

#### **DISCUSSION**

Kevin Ranker asked the Council to send a letter of support for WSAC Legislative Priorities. Ranker noted that there were some priorities from WSAC that could take away importance for SJC. The Council authorized Ranker to send a letter to WSAC for 3 of the priorities.

**EXECUTIVE/CLOSED SESSIONS**

**3:30 p.m.** – (Commenced at 3:58 p.m. due to time constraints.) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Real Property pursuant to the provisions of RCW 42.30.110(1)(b). The session ended at 4:35 p.m. for an actual session time of 37 minutes. No action was taken:

**ADJOURNMENT** - Moved by Myhr, seconded by Ranker, to adjourn the meeting at 4:37 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 4:37 p.m. A Special Meeting was scheduled for Monday, February 25, 2008, and the next regular meeting was scheduled for Tuesday, February 26, 2008 on Lopez Island.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

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Howard Rosenfeld, Chair  
District 3, Friday Harbor

ATTEST: Clerk of the Council

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Gene Knapp, Vice-Chair  
District 5, Orcas East

By: \_\_\_\_\_  
Valarie Graham, Deputy Clerk

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

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Rich Peterson, Member  
District 2, San Juan North

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Alan Lichter, Member  
District 4, Orcas West/Waldron

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Bob Myhr, Member  
District 6, Lopez/Shaw