

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
March 17 18, 2008**

Monday, March 17, 2008 - Council Hearing Room, Legislative Building, FH

CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

Council Chair Howard Rosenfeld called the staff meeting to order at 10:03 a.m. Council members Kevin Ranker, Rich Peterson, Bob Myhr, 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.

Council schedules and agendas were reviewed, and Clerk Laura Tuttle informed the Council that Susan Key had declined the appointment to the Critical Area Ordinance Committee, and provided updates on Council office and staff work. Maureen See, Council Department Assistant, informed the Council that there are many committee vacancies and many committees whose members' terms expired in December, 2007. The Council agreed to add LTAC member discussion after the public hearing scheduled at 2:30 PM on Tuesday March 18, 2008.

Kevin Ranker updated the Council on his trip to Washington, D.C., and reported that it was incredibly successful, since the Orca Whale Ordinance and funding had been secured for the Neah Bay Year-round Rescue Tug. Ranker reported that \$250K had been received for the MRC, and the Coastal Caucus is using the NW Straits as a model for Grays and Pacific Counties. Jefferson & Clallam Counties will share. Ranker reported that WSAC is looking for a new Director and the job announcement should be coming out this week. Rosenfeld reported that the State Board of Health will be coming to Rosario Resort to hold a joint Board of Health meeting with the San Juan County BOH on May 14, 2008. Myhr reported that someone broke into an Opalco sub-station and tried to disconnect a transmission line and was seriously hurt. Power was out on the west side of Orcas Island. Chair Rosenfeld referenced an email he received from William Hamilton, Friday Harbor, in reference to the spot checks being performed by the Customs and Border Patrol at the Anacortes ferry terminal. Rosenfeld also reported that Joseph Giuliano, Deputy Chief Patrol Agent for the Border Patrol was scheduled to speak with the Council at 11:15 a.m. the next day. Pete Rose, CA, stated that the Joint Transportation Committee will be reviewing the Ferry Bill in terms of ridership, discount ferry tickets, reservations and capital issues both vessels and terminals. Mr. Rose also commented that a survey was being conducted by the Transportation Commission. Rich Peterson reported that the Stormwater Sub-committee is still working on an ordinance and would be meeting later in the day and hoped to have a draft ordinance to take on the road to receive public input. Gene Knapp reported that the Charter Completion Sub-committee has 5 ordinances on the agenda for Tuesday and will have 5 more for April 1, 2008. The Council discussed the FAC and TFFT and it was suggested that a meeting should be scheduled to include both groups and discuss the future of the TFFT. A meeting on Orcas Island is tentatively set for May 6, 2008.

RECESS - At 11:20 a.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, March 18, 2008.

Tuesday, March 18, 2008 - Council Hearing Room – Legislative Building, FH

CALL TO ORDER

Council Chair Rosenfeld called the meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Bob Myhr, Gene Knapp, and Alan Lichter; County Administrator, Pete Rose; Jon Shannon, Director Public Works; George Johnson, IS Manager; Milene Henley, Auditor; Lincoln Bormann, Land Bank Director; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The flag salute was conducted.

CITIZEN ACCESS TIME

No matters were brought before the Council.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Ranker, to approve the Minutes of **March 10, 11, and 12, 2008**. Motion carried unanimously.

CONSENT AGENDA

Moved by Lichter, seconded by Ranker, to approve the **Final Consent Agenda of March 18, 2008** as follows:

The County Council moved to:

A. Resolutions/Ordinances: (No items.)

B. Contracts/Agreements:

1. Approve and sign the contract between Northwest Incident Management Team and San Juan County (and Members listed on Exhibit A) to fill all or portions of the Incident Command System (ICS) positions required during a large scale emergency response. The Agreement shall commence upon execution of the majority of Members listed on Exhibit A, and shall terminate on December 31, 2008. Funding cost to the County is \$750.00, to be paid through the 2008 Emergency Management Performance Grant. (SJC No. 08SH.005)

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments: (No items.)

F. Correspondence:

1. Approve and sign letter appointing Patty Miller to the Critical Areas Citizen Committee (to replace the vacancy created by Steve Hussey). This committee is a project-specific committee. The appointment is to begin immediately and termination of the position will occur at the completion of the project.

2. Approve and sign the letter of thanks to David Moseley, Assistant Secretary of Transportation re: March 12, 2008 San Juan County Council Meeting.

3. Approve and sign the letter of thanks to Jayne Davis, Regional Operations Manager – North of Transportation, re: March 12, 2008 San Juan County Council Meeting.

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 9-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)

ORD. NO. 10-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)

ORD. NO. 11-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)

ORD. NO. 12-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)

ORD. NO. 13-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Legislative Updates – Kevin Ranker updated the Council on his trip to Washington, D.C, where he met with David Dicks, Puget Sound Partnership, Senators Cantwell, Murray and Snow from Maine. Ranker reported the funding for the Neah Bay Year-round Rescue Tug came through at the State level and will begin on July 1, 2008 and federal funding is being sought for this rescue tug. Ranker also reported that there are 87 private foundations that fund coastal communities and Ranker gave a presentation in Baltimore and outlined the San Juan Initiative and the NW Straits Commission and had follow up from 3 foundations. Ranker reported that it was a very fruitful time in D.C.

2. North Sound Mental Health – Bob Myhr reported that the North Sound Mental Health Administration is moving its service from managed care to a fee-based system. Due to the fact that Mental Health is funded primarily by Federal and State funds, here in SJC the funds primarily go to Compass Health. Myhr stated he would keep John Manning and Barbara LaBrash up to date on further developments.

DISCUSSION

Pagini – Smart Growth White Paper – Council member Alan Lichter briefed the Council on his Report concerning the workshop last summer to discuss the comparison of SJC and Nantucket to see what differences existed. At the time, Nantucket was well on the way to becoming an exclusive community. Lichter reported that there are no essential differences and SJC is following the same path. Nantucket developed many strategies that could control growth while maintaining a rural environment but the strategies were put into place too late. Lichter urged the Council to get started on a program of smart growth immediately as SJC is facing serious challenges. No affordable housing, over 100 individuals commuting daily, salaries not competitive and losing the work force. Lichter stressed that smart growth programs are sponsored by the EPA and contain community self assessment tools. Peterson stated that Nantucket has a GMA and it seemed the comprehensive plan is smart growth. Lichter responded that GMA deals with land use, not affordable housing, clean water, tourism and good paying jobs.

DISCUSSION

San Juan Solid Waste Transfer Station – Steve Alexander, Solid Waste Manager, addressed the Council with the first draft Environmental Impact Statement to address the topic of impacts to wetlands and properties for the 5 proposed sites. Mr. Alexander introduced Jennifer Leach, an environmentalist from AMEC Earth & Environmental, Inc., who reported that direct impacts deal with filling and dredging wetlands and indirect impacts deal with water quantity and water quality. Ms. Leach went on to discuss each site and began with Daniel Lane which shows no impacts to the wetlands. Egg Lake does not anticipate any wetlands on this site. The Sutton Road site has unavoidable impacts to the wetlands. Ms. Leach said the buffer on the Golf Course Road site can be preserved and shows no impacts direct or indirect at this site. Ms. Leach stated that all buffers on the Beaverton Valley site can be preserved and there will be no impact to the wetlands.

DISCUSSION

Anacortes Ferry Terminal Inspections by Customs Border Patrol – Joseph W. Giuliano, Deputy Chief Patrol Agent for Blain Sector came before the Council to discuss the Anacortes Ferry Terminal screenings and answer questions from the Council and public. Chair Rosenfeld introduced Mr. Giuliano and asked him to make a statement. Mr. Giuliano reported that Customs and Border Patrol is a different entity from ICE, Immigration and Customs Enforcement, but falls under the big umbrella of Homeland Security. Mr. Giuliano stated that intelligence gathered at the federal level suggested that foreign terrorists could get to the San Juan Islands by boat or plane and blend in with the community and board a domestic ferry to Anacortes. Mr. Giuliano also stated that checkpoints create a deterrent effect and the sooner CBP achieves the deterrent, they slow down on the checkpoints. If you are a US citizen, CBP cannot ask you to prove it by showing documentation at the Anacortes checkpoint but the driver has to have a valid driver's license and if from another country, evidence of alien registration. Chair Rosenfeld proceeded to open comment to the public. Hundreds of people showed up to voice their opinion. Ary Hobbel stated he was a member of the community but not a citizen. Mr. Hobbel said it was hard work to immigrate to the US and the privilege shouldn't be taken lightly. Jon Grimsson reported that if Border Patrol pulls him over he will evoke his 5th Amendment right. Adam Farish commented that he had no problem with Border Patrol dealing with someone trying to break the law but his concern is that a large agency like Homeland Security can infiltrate into a community and way of life and create a feeling of fear. Sarah Farish voiced her support for the Council and wants the Council to make sure the community's rights are protected. Ms. Farish also commented that the checkpoints in Anacortes have created fear among the population of the San Juans. Steven Garrison asked Mr. Giuliano to distinguish between CBP and ICE. Ed Sutton read the 4th

Amendment on behalf of his grandson. Judy Gilson Moody said it was a sad day when she was told that people were being stopped and interrogated in Anacortes. Claudia Mills reported she was stopped on March 5, and felt appalled. She also felt it was a clear case of racial profiling. Jane Ward reported she was stopped on March 14 and was asked for her citizenship. Ms. Ward felt it was a violation of her 4th amendment right and that CBP is being secret in the name of protection when this is clearly an immigration issue. Fred Ellis voiced that Bush's power is extending so that you are guilty until proven innocent and resents his civil liberties being taken away. Mr. Ellis said the checkpoint in Anacortes is intrusive and invasive. Liz Scranton said the biggest concern is the erosion of our civil liberties and detainees being held without a trial is misrepresented by CBP as fighting terror. Ms. Scranton said the real terror is losing our rights and finds it offensive to be checked going to Anacortes. Ms. Scranton asked the Council to use every legal power they have to stop the Federal Government in this pursuit. Jeff Bossler reported he had taken a day off work, losing time and money to voice his opinion that this is a humanitarian issue. People who live here and love the community are being treated unfairly and it's a terrible thing to lose your rights because we are afraid of something. Vince Dauciunas reported that he had flown to Mt. Baker and on his return apparently used a similar flight pattern as drug smugglers out of Canada. When he landed in Friday Harbor, he was greeted by a CBP Agent and asked for documentation. Mr. Dauciunas's first response was to thank the agent. Louise Dustrude asked what is happening to the children of the people who are detained. Ann Sheridan said she was echoing the voices that preceded her and that there is no probable cause to stop people on a domestic ferry run and that it is an invasion of rights. Ms. Sheridan also asked Mr. Giuliano to listen closely. The community is speaking very loudly. Sally Hawkins reported she had been stopped the Friday night before and her community is not unlike Seattle or Anacortes for an opportunity for intrusion. Ms. Hawkins stated that this isn't a terrorism issue, it's an immigration issue. Francie Hansen stated she was shocked and frightened that this could happen on the ferries. Tracy Roberson stated the great thing about our country is the opportunity to voice your opinion and the random searches on the ferries are a violation of rights. Fr. Raymond Hefferman commented that we have to relate in a humanly fashion and the people removed from the community are hard working, responsible and stable and asked that CBP look at the spirit of the law. Tamara Joyner, Public Health Nurse, reported that she currently has a caseload of children who have to travel to Children's Hospital in Seattle and one particular case involves an infant whose well being is fragile and suffering from failure to thrive. This child was born in the US but the parents are not US citizens. Ms. Joyner stated she was federally funded to care for this family. Mr. Giuliano reported there is a parole process through Citizenship & Immigration for the baby and the parents and would be happy to make the phone call for them. Gretchen Gubelman and Rick Karon also voiced their opinions. Sandy Strehlou stated that in honor of her grandfather who immigrated to the US, it is so unjust what is happening on our highway. Ms. Strehlou also stated that if this was happening in Nantucket, you would see a lot more political pressure.

Kevin Ranker questioned whether these types of checkpoints will be done at SEATAC Int'l Airport. Mr. Giuliano reported that SEATAC was looked at but a decision was made not to, but CBP do stop domestic flights at Bellingham Airport. Ranker asked to be provided examples and stated the real issue is the fear in the community is horrific and not just the Latino community, the entire community. Ranker also noted that there is no specific law saying you can or can't do a checkpoint. Bob Myhr stated he was concerned about the mindset of fear and it appears the checkpoints in Anacortes are for convenience for CBP that creates a feeling that our community is not free to move around. Myhr requested if this activity continues, members of the community getting detained, that the Sheriff be notified. Gene Knapp asked how many people have been detained. Mr. Giuliano reported that 24 people had been detained. He also stated that along the southern borders, people move in large numbers. It is not the same social picture with Canada. His main concern isn't the number of people detained; it's the one person with the wrong intention with the right equipment. Rich Peterson stated it was not the Council's role to shape federal policy in respect to immigration and thanked Mr. Giuliano for coming up on short notice. Mr. Giuliano stated there are parts of the patriot act that he is concerned with and if we are going to get anywhere in a process it begins with good dialogue.

Chair Rosenfeld reported that on February 1, 2008 in an online Seattle newspaper, Mr. Giuliano was quoted as saying WSF is notified when CBP plans a checkpoint in Anacortes. Mr. Giuliano apologized and took full responsibility, stating it should have happened and was sorry the first checkpoint wasn't reported to WSF. Rosenfeld reported that it wasn't just the first time; up until the previous Wednesday, March 5, 2008, WSF hadn't been notified. Kevin Ranker stated for the record that the checkpoints in Anacortes are problematic, inappropriate and should be stopped. It is not fair to inflict fear on the community and believes the reason it's happening in Anacortes is that the facility already exists. Ranker said this needs to be stopped and should not continue. Ranker requested the Council write a letter to the entire Congressional Delegation demanding a formal inquiry.

Mr. Giuliano reported that the checkpoints are going to go on for some time and the sooner CBP gets the deterrent effect they are looking for, the checkpoints will lessen. Lichter asked Giuliano who or what was being deterred, and Giuliano said, "terrorists and criminals." Ranker asked if CBP was aware of the potential impact to the local economy and community. Mr. Giuliano stated that during the high tourist season they could reduce the number of checkpoints, and note where the deterrent level is and possibly bring in additional personnel and better technology. Ranker again stated it was appropriate that the Council take action to our Congressional Delegation, request a formal inquiry, look into the legality of the checkpoints and the checkpoints be stopped until the inquiry is done. Rich Peterson commented that this is happening due to a failed immigration policy nationwide.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: George Johnson, Information Services Manager; Milene Henley, Auditor; Lincoln Bormann, Land Bank Director; Karen Vedder, DPA; Laura Tuttle, Clerk to the Council; Valarie Graham, Deputy Clerk to the Council; and interested members of the public.

Moved by Lichter, seconded by Knapp, to excuse the absence of Bob Myhr. (Reason: OPALCO Business) Motion carried unanimously.

Pete Rose, CA, reminded the Council to reschedule the Cormorant Bay Road Right-of-Way until the April 8, 2008 meeting. Steve Alexander, Solid Waste Manager, will be giving a report on metal recycling and suggested inviting Rick Karon to that meeting.

1. Information Technology Strategic Plan – George Johnson, Information Services Manager, presented a PowerPoint presentation to the Council highlighting the Strategic Planning Context which included Global Warming, where the carbon footprint is getting larger with 24/7 power demands; Cost of Travel which can be mitigated by videoconferencing; Cost of Living which could be mitigated by telecommuting from where you do live; Affordable Housing; Demographics and the Pressure on Resources. Mr. Johnson suggested a goal to maximize the County's return on investment and making green choices wherever possible. Pete Rose, CA, commented that what George Johnson was proposing was a buffet, and wanted the Council to see everything on the table before the Council makes a choice. For further information regarding Mr. Johnson's presentation, please refer to the proceedings file.

2. Land Bank Amended Budget – Lincoln Bormann, Land Bank Director, reported that this was the second touch for the Council and the request was very straightforward. The basic core concept involves 2 things; 1) staffing adjustments and 2) managing Land Bank properties. The Land Bank will be reducing 1 employee's hours from 40 to 30 hours per week and increasing 1 employee's hours from 15 to 25 hours per week. Mr. Bormann wants to add a part time person on Lopez Island due to the time involved traveling from island to island. The other major element is the acquisition of 40 acres in the San Juan Valley which won't be an expensive purchase and has the ability to restore the salmon bearing stream. Ranker reported that the Salmon Recovery Council said the stream wasn't worth restoring. Mr. Bormann reported that Cutthroat trout have been found in the stream spawning. Mr. Bormann also reported that a new 5 year plan is needed which will require the use of sub-contractors to help develop the 5 year plan so the Land Bank can apply for approximately 5 Million to State Wildlife for grants.

EXECUTIVE/CLOSED SESSIONS

2:15 p.m. – (Commenced at 2:24 PM) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss Real Property pursuant to the provisions of RCW 42.30.110(1)(b). The session ended at 2:41 p.m. for an actual session time of 17 minutes.

The Council came out of executive session and took the following action:

Moved by Knapp, seconded by Ranker, to grant authority to the County Administrator to exceed the 20% limit in settlement negotiations on the right-of-way acquisitions on Lopez Island. Motion carried unanimously.

PUBLIC HEARINGS

2:30 p.m. – (Commenced at 2:42 PM) A public hearing was held to consider 5 ordinances for County Fair, County Public Records, Business Rules for Volunteer Advisory Committees, Rules of Order for Volunteer Advisory Committees, and Parks and Recreation Department. Present: Full Council with exception of Myhr; Pete Rose, CA; Dona Wuthnow, Parks Superintendent; Christine Miller, Fair Manager; Randall Gaylord, PA; Laura Tuttle, Clerk to the Council; Valarie Graham, Deputy Clerk to the Council; and interested members of the public. Randall Gaylord announced that 5 ordinances were before the Council and would be reviewed separately. The first ordinance concerned the County Fair Department. Mr. Gaylord reported that this ordinance makes the County Fair a County Department and sets out rules as to operation of the Fair Board. Public testimony was opened, submitted by Sharon Kivisto, Jack Cory and Christine Miller. Public testimony was closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Lichter, to adopt An Ordinance Regarding County Fair Department; Adding New Sections To Chapter 2.36 of the San Juan County Code, Amending Section 2.36.010, And Repealing Sections 2.36.020 and 2.36.030 To Ensure Consistency With The San Juan County Charter and State Law. (As Amended) Motion carried unanimously.

The 2nd Ordinance for review regarded Public Records. Mr. Gaylord reported that several changes needed to be made to meet State Law. Mr. Gaylord reported that it is a difficult law to implement and requires a fair amount of training and a prompt response. Public testimony was opened, submitted by Jack Cory and closed. Deliberations were held and the following action was taken:

Moved by Peterson, seconded by Knapp, to adopt An Ordinance Regarding The County Public Records and Amending Sections 2.108.010, 2.108.020, 2.108.030, 2.108.040, 2.108.060, 2.108.070, 2.108.080, 2.108.110, 2.108.120 and Adding New Sections Of the San Juan County Code To Ensure Consistency with the San Juan County Charter and State Law. (As Amended) Motion carried unanimously.

The 3rd Ordinance for review regarded Parks and Recreation Department. Mr. Gaylord explained that this is a large ordinance that includes many changes. The Park Board is now an Advisory Board with more responsibility like listening to appeals for violations. The membership of the Park Board is unchanged and the Park Board is renamed the Park Commission. Dona Wuthnow is now the Director. Public testimony was opened, submitted by Dona Wuthnow and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Peterson, to adopt An Ordinance Regarding Parks and Recreation Department, Adding New Sections to Chapter 2.40 of the San Juan County Code and Repealing Sections 2.40.010 Through 2.40.040, and Chapter 12.08 To Ensure Consistency with the San Juan County Charter and State Law. (As Amended) Motion carried unanimously.

The 4th Ordinance for review regarded Business Rules for Volunteer Advisory Committees Appointed by the San Juan County Council. Mr. Gaylord reported that this ordinance sets guidelines, recommendations, rules of order, annual work plan, meeting advertising and other business rules. Mr. Gaylord and Mr. Rose will assist in training members of the advisory committees. Public testimony was opened, submitted by Sharon Kivisto, Jack Cory, and Peter Delorenzi, and closed. Deliberations were held and the following action was taken:

Moved by Peterson, seconded by Lichter, to adopt An Ordinance Regarding The Business Rules for Volunteer Advisory Committees Appointed by the San Juan County Council. (As Amended) Motion carried unanimously.

The 5th Ordinance for review regarded the Rules of Order for Volunteer Advisory Committees Appointed by the San Juan County Council. Mr. Gaylord reported that these rules are subject to change and can be modified with good leadership from the Committee and these rules are a fallback for these groups. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Ranker, to adopt An Ordinance Regarding The Rules Of Order For Volunteer Advisory Committees Appointed by the San Juan County Council. (As Amended) Motion carried unanimously.

ADJOURNMENT - Moved by Lichter, seconded by Peterson, to adjourn the meeting at 4:17 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 4:17 p.m. A Staff Meeting/Work Session was scheduled for Monday, March 31, 2008, and the next regular meeting was scheduled for Tuesday, April 1, 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