

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
March 31, April 1, 2008**

Monday, March 31, 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 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, and Bob Myhr; Randall Gaylord, Prosecuting Attorney; County Administrator Pro Tem, Ron Henrickson; Maureen See, Council Department Assistant; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Excused Absences

Moved by Ranker, seconded by Myhr, to excuse the absence of Alan Lichter. Motion carried unanimously. (Reason: Illness)

Moved by Ranker, seconded by Knapp, to excuse the absence of County Administrator, Pete Rose. Motion carried unanimously. (Reason: Vacation)

Council schedules and agendas were reviewed, as were plans for a joint meeting with the Town of Friday Harbor Council scheduled for April 22, 2008. The Council discussed legal publication billing and decided to take the issue to the County Administrator.

Rich Peterson announced that Bill Diller will be joining LTAC from Lopez Island. Bob Myhr announced that he will be working with Maureen See, Council Department Assistant, on all committee vacancies.

Chair Rosenfeld reported on the May 6, 2008 meeting on Orcas Island and that FAC and TFFT members will be invited to discuss both committees. Chair Rosenfeld noted that the WSF is holding a meeting on April 2, 2008 and David Moseley, WSF Head, will be in attendance. Chair Rosenfeld also reported he will be meeting with Custom and Border Patrol Deputy Chief, Joseph Giuliano on April 2, 2008 to discuss immigration issues. Kevin Ranker reported that Senator Cantwell has requested a formal inquiry into the spot checks on the Anacortes ferry run and has concerns with the economic impact to the San Juan Islands. Ranker reported that a cease and desist has to come from our Federal Delegation.

Rich Peterson reported on the LTAC meeting held on March 26, 2008 and Ron Henrickson held a prioritizing exercise for the members for judging RFP's. Peterson suggested the Council conduct the same exercise and compare the rankings with LTAC rankings.

Chair Rosenfeld reported that he sailed on the inaugural Sidney B.C. ferry run and was interviewed by a reporter from Channel 6 television. Rosenfeld noted that WSF provided all ferry tickets and the City of Anacortes brought food and Sidney BC provided a band.

Rich Peterson reported the Stormwater Subcommittee will have a report to the Council on April 8, 2008. Gene Knapp reported that the Charter Completion Subcommittee is moving along and bringing Ordinances to the Council. Kevin Ranker reported the Lobbying Subcommittee will have something for the Council soon. The Council discussed affordable housing and Smart Growth and Gene Knapp commented that the Chair of ARC said 1 acre a day of open space is disappearing.

Ron Henrickson discussed the Owner/Builder proposed new fee schedule and Gene Knapp stated the original intent of the owner/builder fees was to help people starting out in building a modest house and he felt inclined to limit the permits to homes under 2,500 square feet.

Randall Gaylord, PA, reported he would email Bill Nielsen's Hearing Examiner Rules to the Council.

RECESS - At 11:45 a.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, April 1, 2008.

Tuesday, April 1, 2008 - Council Hearing Room – Legislative Building, FH

CALL TO ORDER

Council Chair Rosenfeld called the meeting to order at 10:00 a.m.

The flag salute was conducted.

Council members Kevin Ranker, Rich Peterson, Gene Knapp, Alan Lichter, and Bob Myhr; Randall Gaylord, Prosecuting Attorney; County Administrator, Pete Rose; Fire Chief, Steve Marler; CD&P Senior Planner, Colin Maycock; Deputy Clerk, Valarie Graham; and interested members of the public were present.

CITIZEN ACCESS TIME

No matters were brought before the Council.

NEW EMPLOYEE INTRODUCTION

Kiara McLaughlin has joined Public Works in a Laborer position on Lopez Island.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Myhr, seconded by Lichter, to approve the Minutes of **March 17, 18, 2008**. Motion carried unanimously.

CONSENT AGENDA

Moved by Ranker, seconded by Myhr, Myhr withdraws his second, Ranker withdraws his motion.

Moved by Peterson, seconded by Ranker, to approve the **Final Consent Agenda of April 1, 2008 leaving out Contract # 08SH.007**. Motion carried unanimously.

Moved by Myhr, seconded by Knapp, to approve the **Final Consent Agenda of April 1, 2008 (with changes to Contract # 08SH.007)**.

Moved by Myhr, seconded by Lichter, to approve the **Final Consent Agenda of April 1, 2008 (with changes to Contract # 08SH.006)**. Motion carried unanimously.

Call for reconsideration by Myhr replacing Contract # 08SH.006 with Contract # 08SH.007.

Moved by Myhr, seconded by Lichter, to approve the **Final Consent Agenda of April 1, 2008** as follows: (Clerk's Note: With changes to Contract # 08SH.007)

A. Resolutions/Ordinances:

1) Ordinance No. 9 – 2008 - An Ordinance Regarding County Fair Department; Adding New Sections to Chapter 2.36 of the SJ Co. Code, Amending Sections 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

2) Ordinance No. 10 – 2008 An Ordinance Regarding the County Public Records and Amending Sections 2.108.010, 2.108.020, 2.108.030, .1008.040, 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

3) Ordinance No. 11 – 2008 An Ordinance Regarding the Business Rules for Volunteer Advisory Committees Appointed by the San Juan County Council;

- 4) **Ordinance No. 12– 2008** An Ordinance Regarding the Rules of Order for Volunteer Advisory Committees Appointed by the San Juan County Council;
- 5) **Ordinance No. 13 – 2008** 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 12.08 to Ensure Consistency With The San Juan County Charter and State Law
- 6) **Resolution 21 - 2008.** A Resolution Accepting One Easement, Appropriate Funds, and Authorize Payment for Fisherman Bay Road Right-Of-Way Acquisition.
- 7) **Resolution 22 - 2008.** Resolution Designating a Deputy Clerk of the Council.

B. Contracts/Agreements:

1. Approve and sign Interlocal Agreement between San Juan County and the San Juan County Fire Protection District No. 2 Pursuant to RCW 39.34 for Provision of Dispatching Services
2. Approve and sign Interlocal Agreement Between San Juan County and the San Juan County Fire Protection District No 3 Pursuant to RCW 39.34 for Provision of Dispatching Services
3. Approve and sign Interlocal Agreement Between San Juan County and the San Juan County Fire Protection District No 5 Pursuant to RCW 39.34 for Provision of Dispatching Services
4. Approve and sign Interlocal Agreement Between San Juan County and San Juan Island Emergency Medical Services Pursuant to RCW 39.34 for Provision of Dispatching Services
5. Approve and sign Intergovernmental Agreement for Law Enforcement Services and Assistance
6. Approve and sign Interlocal Agreement Between San Juan County and the Town of Friday Harbor Pursuant to RCW 39.34 for Provision of Dispatching Services

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. Sign letter appointing Carrie Lacher to the San Juan County Solid Waste Advisory Committee, as a Town Representative. The appointment will begin immediately and expire on March 31, 2011.
2. Sign letter appointing Bill Diller to the San Juan County Lodging Tax Advisory Committee as contributor. The appointment will begin immediately and expire on March 31, 2009.

F. Correspondence:

1. Letter regarding the Wolf Hollow WRC event to WA State Liquor Control Board.

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 23-2008- Moved by Knapp, seconded by Lichter, to adopt the Resolution Ratifying And Approving Hearing Examiner Rules. Motion carried unanimously.

- ORD. NO. 9-2008-** (Refer to Consent Agenda of April 1, 2008 for details of action taken.)
ORD. NO. 10-2008- (Refer to Consent Agenda of April 1, 2008 for details of action taken.)
ORD. NO. 11-2008- (Refer to Consent Agenda of April 1, 2008 for details of action taken.)
ORD. NO. 12-2008- (Refer to Consent Agenda of April 1, 2008 for details of action taken.)
ORD. NO. 13-2008- (Refer to Consent Agenda of April 1, 2008 for details of action taken.)
ORD. NO. 14-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)
ORD. NO. 15-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)
ORD. NO. 16-2008- (Refer to PUBLIC HEARING at 2:30 PM for details of action taken.)
ORD. NO. 17-2008- (Refer to PUBLIC HEARING at 11:15 a.m. for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Veterans' Advisory Board – Alan Lichter updated the Council with news that a process for receiving applications from veterans needing assistance is in place at the Senior Centers on San Juan, Lopez, and Orcas Islands.

2. Documentary Film Makers – Alan Lichter reported that he had been contacted by 2 French documentary filmmakers working on a global project relating to climate change. The filmmakers plan to be in the San Juan Islands in late April and would like to film three different events as follows; 1) What the San Juan government is doing to inform citizens; 2) Film a special community event; 3) Film a discussion in the Council chambers with Council about climate change. Bob Myhr suggested contacting the Lopez Land Trust.

DISCUSSION

Fire Chief, Steve Marler, addressed the Council to discuss a proposed fireworks ban in SJC. Chief Marler said he was speaking on behalf of all Fire Chiefs and Firemen and many other organizations. Chief Marler reported that it is usually younger people who are harmed by fireworks and the fireworks ban would not include professional fireworks shows. Chief Marler reported that 117 jurisdictions have either banned or restricted fireworks and also noted the ban would not take effect until July, 2009. Rich Peterson asked if the ban included the "safe and sane" fireworks. Chief Marler said that even safe and sane fireworks are dangerous. Peterson stated that there will be a lot of people on different sides of the issue. Alan Lichter asked Chief Marler to give the Council a 5 year history of injuries related to fireworks. Chief Marler reported that a county-wide list of data is not finished but once it is, it will be brought before the Council. Bob Myhr reported that 57% of injuries to children age 5 to 15 are from sparklers. Kevin Ranker asked Undersheriff Jon Zerby how enforceable would this ban be. Zerby reported that in the past, warnings have been given unless there was an extreme danger, then a ticket would be issued. Ranker commented that the Council should get considerably more public input. The Council decided to move the discussion to a public hearing to receive public input. Robert Low, SJC Fire Marshall, reported that information put out by the City of Everett stated that last year 1,000 fires and 1,300 injuries were reported in Washington State. Jim Cole, SJ EMS Chief, stated it was a matter of public safety and fully supports the ban on fireworks. Fire Chief, Mike Harris, Orcas Island, stated that a fire caused by fireworks got out of control in Deer Harbor and he also fully supports the fireworks ban.

DISCUSSION

Randall Gaylord, Prosecuting Attorney, addressed the Council to discuss a Hearing Examiner Rules Resolution. Mr. Gaylord stated that the resolution is a stop-gap measure for rules going forward. Ranker asked to have the Home Rule Charter changed to County Charter. After further discussion, the following action was taken:

Moved by Knapp, seconded by Lichter, to sign Resolution 23-2008 a Resolution Ratifying and Approving Hearing Examiner Rules. Motion carried unanimously.

PUBLIC HEARINGS

11:00 a.m. – (Commenced at 11:10 a.m. due to time constraints) A public hearing was held to consider an Ordinance to Amend Ordinance 9-2005 to Change the Boundaries of the Lopez Village UGA. Present: Full Council, Pete Rose, CA; Randall Gaylord, PA; Colin Maycock, CD&P Senior Planner; Valarie Graham, Council Deputy Clerk, and interested members of the public. Colin Maycock addressed the Council showing maps of water and sewer system areas and stated that a number of parcels are not included in the water service area or sewer district and that some parcels are in one and not the other. Mr. Maycock talked to the property owners to be annexed into the UGA and about applying to the water system. All but 3 landowners have done so. Mr. Maycock said in order to maintain continuity with previous documents, the map is the exact same map with 3 parcels removed. Peterson asked why a landowner wouldn't want to join the UGA. Mr. Maycock responded that it was too expensive. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Ranker, to adopt Ordinance 17-2008 an Ordinance to Amend Ordinance 9-2005 to Reduce the Boundary of the Lopez Village Urban Growth Area. Motion carried unanimously.

DISCUSSION

Randall Gaylord, PA, came before the Council with an Ordinance Regulating the Keeping of Dogs and Other Animals; Amending Chapter 6.08 of the San Juan County Code to Ensure Consistency with the San Juan County Charter and State Law. Bob Myhr reported that all questions had been resolved and Alan Lichter reported he had spoken to the Orcas Animal Shelter people and everything was fine. After further discussion the following action was taken:

Moved by Ranker, seconded by Myhr, to introduce the Ordinance Regulating the Keeping of Dogs and Other Animals; Amending Chapter 6.08 of the San Juan County Code to Ensure Consistency with the San Juan County Charter and State Law and schedule for public hearing. Motion carried unanimously.

EXECUTIVE/CLOSED SESSIONS

11:30 a.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Evaluation of Qualifications of applicant(s) for public employment pursuant to the provisions of RCW 42.30.140(4). The session ended at 12:32 p.m. for an actual session time of 62 minutes. No action was taken.

RECESS – Chair Rosenfeld recessed the meeting until 1:30 PM.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Full Council and many County employees.

1. Employee Recognition – Dave Zeretzke - Chair Rosenfeld presented Dave Zeretzke, Administrative Services Director, a Proclamation for his 28 years of outstanding service to San Juan County. Rosenfeld read the Proclamation to the audience and Pete Rose also thanked Mr. Zeretzke for his outstanding service. A farewell party has been arranged at the Grange in Friday Harbor from 1:00 PM to 3:00 PM on Friday, April 4, 2008.

EXECUTIVE/CLOSED SESSIONS

1:40 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Evaluation of Qualifications of applicant(s) for public employment pursuant to the provisions of RCW 42.30.140(4). The session ended at 2:20 p.m. for an actual session time of 40 minutes. No action was taken.

CONTINUED COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Jon Shannon, Director Public Works; Lincoln Bormann, Land Bank Director; Dave Zeretzke, Administrative Services Director.

2. Stonebridge-Terrill Preserve Stewardship and Management Plan – Lincoln Bormann addressed the Council to discuss the Stonebridge-Terrill Preserve Stewardship and Management Plan. Mr. Bormann reported that the only problem is with airplane enthusiasts but feels a solution has been found. The time for electric and fuel airplanes have been limited for use on the weekends. Mr. Bormann also stated that if there is an existing use that doesn't facilitate the mission of the Land Bank, Land Bank will discontinue the use immediately. Ranker asked if bicycles and horse use had been considered on the site. Mr. Bormann explained that it is a very wet site and it was difficult to get a foot trail and fears serious degradation to the site if horses and bicycles were allowed.

3. Garbage Loading list for Ferries - Jon Shannon reported to the Council that there is movement forward to amend the WAC, the ferries are supporting it, Department of Ecology and Health Department support it also. The short term problem is no truck service to Orcas on Tuesdays and Thursdays and the short term solution will be a service interruption on Orcas by closing the site on certain days and planning to move more to the weekends. Mr. Shannon also explained that many trucks want to go on the early boats but there isn't enough truck capacity in the system.

4. Public Defender Ordinance Update – Dave Zeretzke, Administrative Services Director, reported that some counties don't have an ordinance and Skagit County was the best model to look at. It was not too detailed which is advantageous to SJC. The ordinance doesn't have a lot of sections and the purpose under the law provides a system for public defense services driven by financial needs. Mr. Zeretzke explained that current eligibility screening is operating out of District Court and the object is recoupment with the sliding financial scale. There are caseload limits by state standards and SJC is fortunate to have adult and juvenile courts separated. Mr. Zeretzke also reported that Executive, Judicial, and Legislative bodies are working closely together and there needs to be a complaint structure.

PUBLIC HEARINGS

2:30 p.m. – (Commenced at 3:03 PM due to time constraints) A public hearing was held to consider 5 Ordinances which the Council considered separately. Present: Full Council, Pete Rose, CA; Randall Gaylord, PA; Valarie Graham, Council Deputy Clerk and interested members of the public. Randall Gaylord, PA, introduced the FAC Ordinance and reported that the number of members had changed to 5 with 2 alternates at large. Public testimony was opened, submitted by Sharon Kivisto and Jack Cory, who both expressed the need for better media notification of meetings, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Lichter, to adopt An Ordinance Regarding The Ferry Advisory Committee Amending Sections 2.44.010, 2.44.020, 2.44.030, 2.44.040, 2.44.050, 2.44.070 and Repealing 2.44.080 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter and State Law. Motion carried unanimously. (With a note for notice to the media of meetings)

Pete Rose, CA, introduced the ordinance regarding Court Fees and explained the state statute calls for Court Fees to be deposited in a different account. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Lichter, to adopt An Ordinance Regarding Court Fees; Amending Sections 3.28.050 And 3.28.060 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter and State Law. Motion carried unanimously.

Pete Rose, CA, introduced the Leasehold Excise Tax Ordinance and explained the ordinance allows the County in unincorporated land to get a piece of the action through property tax. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Lichter, to adopt An Ordinance Regarding The Leasehold Excise Tax; Amending Sections 3.04.050, 3.04.060 And 3.04.070 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter and State Law. Motion carried unanimously.

Randall Gaylord, PA, introduced the Public Dances Ordinance and Rich Peterson asked what constituted a dance. Peterson stated he didn't see anything in the ordinance that says he could have a dance at his house and would have to go to the Sheriff if he wanted to have one. Mr. Gaylord reported there was a lot of old language in this ordinance. Public testimony was opened, submitted by Jack Cory, and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Peterson, to continue the public hearing to April 15, 2008 at 11:00 a.m. Motion carried unanimously.

Randall Gaylord introduced the Sales and Use Tax Ordinance to the Council. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Myhr, to adopt An Ordinance Regarding The Sales and Use Tax; Amending Sections 3.12.090, 3.12.200, 3.12.240, 3.12.250, 3.12.270, 3.12.300, 3.12.340 And 3.12.350 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter and State Law. Motion carried unanimously. (With corrections to numbering sections)

EXECUTIVE/CLOSED SESSIONS

3:30 p.m. – (Commenced at 3:42 PM due to time constraints) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 90 minutes, to discuss Pending Litigation and Litigation pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 5:00 p.m. for an actual session time of 78 minutes. No action was taken.

ADJOURNMENT - Moved by Knapp, seconded by Myhr, to adjourn the meeting at 5:00 PM. Motion carried. Council Chair Rosenfeld adjourned the meeting at 5:00 PM. A Special Meeting was scheduled for Monday, April 7, 2008, and the next regular meeting was scheduled for Tuesday, April 8, 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