

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 7, 8, 2008**

Monday, April 7, 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, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Communications Program Manager, Stan Matthews; CD&P Director, Ron Henrickson; Auditor, Milene Henley; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, as was the meeting on Orcas Island scheduled for May 6, 2008. The Deputy Clerk of the Council provided an update on the joint meeting with the Town Council of Friday Harbor scheduled for Tuesday, April 22, 2008, and provided updates on Council office and staff work.

Kevin Ranker reported that a special security briefing was being held in Olympia on Thursday, April 10, 2008 with General Clark, Homeland Security, the Washington State Patrol, members of the military, WSF and the Governor, to discuss the spot checks in Anacortes.

Rich Peterson reported on the Aquatic Reserve meetings that the MRC have been holding for the public and Bob Myhr stated he had attended the meeting on Lopez and it was not very well planned. Chair Rosenfeld reported that the MRC didn't have the Council involved and wanted an update from the MRC at the next meeting.

Rich Peterson reported on the LTAC meeting and suggested the Council rank criteria to see if it is consistent with LTAC. The Council ranked their priorities and Stan Matthews tallied the results. LTAC and the Council had different ranking results.

Ron Henrickson handed out a new owner/builder fee schedule for the Council to review and the Council decided which fees to include in the Ordinance.

Milene Henley reported that the Council has a fund with approximately 20K to be used for historical document preservation. The County receives \$1.00 for each recorded document that goes into the fund and there are usually 8,000 documents recorded each year.

Pete Rose updated the Council on the Local Area Review Team and answered questions the Council had. Mr. Rose also discussed Council Clerk Supervision by the CA and the Council decided to wait until a MOU was drafted that the new clerk could review.

RECESS - At 11:55 a.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, April 8, 2008.

Tuesday, April 8, 2008 - Council Hearing Room – Legislative Building, FH

CALL TO ORDER – REGULAR MEETING

Council Chair Howard Rosenfeld called the meeting to order at 10:00 a.m. Council members Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Communications Program Manager, Stan Matthews; CD&P Director, Ron Henrickson; Auditor, Milene Henley; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The flag salute was conducted.

EXCUSED ABSENCES

Moved by Lichter, seconded by Myhr, to excuse the absence of Kevin Ranker. Motion passed unanimously. (Reason: Family affairs)

NEW EMPLOYEE INTRODUCTIONS

Milene Henley, Auditor, announced that Carlys Allen is joining the Elections Department. Milene Henley also announced that Kira Sable has joined the Auditor's office.

David Osterbrink has joined Public Works as the new County Surveyor.

CITIZEN ACCESS TIME

Pierrette Guimond addressed the Council to voice her concern that solid waste is being buried on personal property on Orcas Island and asked the Council what the law states.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Peterson, to approve the Minutes of **March 31, and April 1, 2008**. Motion carried unanimously.

CONSENT AGENDA

Moved by Peterson, seconded by Lichter, to approve the **Final Consent Agenda of April 8, 2008** as follows:

The County Council moved to:

A. Resolutions/Ordinances:

1. A **Resolution** ___ - **2008** Accepting One Easement, Appropriate Funds, and Authorize Payment for Fisherman Bay Road Right-Of-Way Acquisition from Edward R. and Marianne H. Langenbach.
2. A **Resolution** ___ - **2008** Accepting One Easement, Appropriate Funds, and Authorize Payment for Fisherman Bay Road Right-Of-Way Acquisition from Richard Glenn and Patricia Lee Cade.
3. A **Resolution** ___ - **2008** Accepting One Easement, Appropriate Funds, and Authorize Payment for Fisherman Bay Road Right-Of-Way Acquisition from John A. Domanic.
4. A **Resolution** ___ - **2008** Declaring an Emergency and Waiving Requirements for Competitive Bidding as Authorized Under RCW 39.04.280

1. **Ordinance** ___ - **2008 Regarding The Sales and Use Tax; Amending Sections 3.12.090 et al; of the San Juan County Code To Ensure Consistency With The San Juan County Charter and State Law.**

B. Contracts/Agreements: (No items.)

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. Sign letter to reappoint Bill Agosta to the Housing Bank Commission, Position #7. The new term begins immediately and will expire February, 2012.
2. Sign letter to reappoint Sandy Bishop to the Housing Bank Commission, Position #6. The new term begins immediately and will expire February, 2012.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 20-2008- (Refer to Consent Agenda of April 8, 2008 for details of action taken.)

ORD. NO. 21-2008- (Refer to PUBLIC HEARING at 3:00 PM for details of action taken.)

RES. NO. 24-2008- (Refer to Consent Agenda of April 8, 2008 for details of action taken.)

RES. NO. 25-2008- (Refer to Consent Agenda of April 8, 2008 for details of action taken.)

RES. NO. 26-2008- (Refer to Consent Agenda of April 8, 2008 for details of action taken.)

RES. NO. 27-2008- (Refer to Consent Agenda of April 8, 2008 for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Canvassing Board – Howard Rosenfeld as Chair of the Council announced that he will be running for re-election to the Council and therefore recused himself from the Canvassing Board.

2. New Clerk to the Council – Chair Rosenfeld announced the Council has hired Ann Larson for the new Clerk to the Council and she will begin on April 14, 2008, and thanked Laura Tuttle for her past service.

3. Meeting with Deputy Chief Patrol Agent Giuliano – Chair Rosenfeld reported he had met with Joseph Giuliano, CBP last week and was told the spot checks in Anacortes are never going away. Rosenfeld submitted a letter for publication and also noted that tourism is very important to our economy and scaring away visitors won't help and asked if the CBP could be less threatening and militaristic.

4. Veterans' Advisory Board – Alan Lichter announced that changes will have to be made to the Policies and Procedure Manual for the VAB due to the new intake process through the Senior Centers. Milene Henley stated she asked Randall Gaylord, PA for an opinion regarding HIPAA training for senior center staff.

DISCUSSION

Pete Rose, CA, addressed the Council to give a report on ferries by the Local Agency Review Team. Mr. Rose stated that in 2007 the Legislature passed a ferry bill and ferry finance bill and stated they want the LART to have new and better information before bringing them decisions. They set up in that process 3 agencies working on this and Mr. Rose sits in on these meetings. The first agency is the WSF Planning and they put a pretty high level team in with LART, the second agency is the WA State Transportation Commission that reviews the materials WSF produces, plus, they are doing a large survey right now. The third agency is the Joint Transportation Commission who meets every other week with WSF and the output of WSF will be a long range plan which will take place of the 2006 study. Mr. Rose stated that LART is still pushing for a seat at the table before decisions are made but folks in elected positions don't want a vicarious seat by assigned staff, they want one of their own. WSF main product is this plan and it is based on 2 criteria, ridership forecasts and level of service. If SJC can't operate in the existing plan then try to move to another system, possibly a reservation system. Mr. Rose urged the Council to keep an eye on the operational strategies to see if it will make a better peak run. Mr. Rose reported the survey is very interesting and has talked to a few people who have filled it out. Questions on the survey are, how many times do you take the ferry; how long was your wait in line, etc. They are testing preferences and tolerances and the Transportation Commission is urging all to think in a discerning manner the outcome of the survey. Bob Myhr stated the planners are thinking about the whole system and asked because our ferry service is different, are we being heard. Mr. Rose reported it's not a system, it's a closed access system. WSF understands this and are broadcasting to SJC that there won't be a one size fits all and are anticipating

different values in different rider-sheds. WSF are open to solutions that would make sense here and it's on the table. The proof will be how they implement operations as ridership increases.

DISCUSSION

Randall Gaylord, Prosecuting Attorney, addressed the Council to discuss a Proclamation for National Crime Victims' Rights Week, April 13 – 19. Mr. Gaylord played a video clip of crime victims and announced that starting this year, there is an additional 750K for crime victim coordinators through PA offices. Chair Rosenfeld read the Proclamation and the Council signed it declaring April 13-19, 2008 National Crime Victims' Rights Week.

DISCUSSION

Rich Peterson reported to the Council that the Stormwater Subcommittee has decided to break the process into 2 steps. First, the Council should commit to borrow 2 Million dollars for the Eastsound projects and by July 2008, develop a county wide financing plan for repayment of the borrowed money due to the fact that funding sources are not available now. Alan Lichter asked who came up with the projection of costs. Peterson stated it was the Rasmussen Report. Jon Shannon, Director Public Works passed out the report to the Council. Chair Rosenfeld stated it could lead to a building moratorium but we have to show there is funding available to do the 2 Million capital improvement projects for Eastsound. Rosenfeld also noted that it could get the County in compliance with the GMA and help them apply for low interest loans and grants. Pete Rose, CA, noted that the system has to provide for water quality monitoring and basin studies and that after 5 or 6 years, the County will have a complete plan. Mr. Rose noted it was a short answer to the problem. Alan Lichter asked what gives hope that this will pass citizen review. Peterson responded that the Subcommittee feels they are being realistic enough to understand that not everyone will be happy but will do our best to educate the public and come up with the fairest plan. Literally, asking the Council to make a loan commitment and get past the Growth Management Hearings Board. Randall Gaylord, PA, stated that the Council needs to show a financing plan to the Hearings Board and suggested a rolling 6 year financing plan and to look at Stormwater like you look at roads. Bob Myhr asked about public education about the plan and also asked Mr. Rose what his comfort level was with the plan. Mr. Rose stated, "very comfortable". After further discussion the following action was taken:

Moved by Peterson, seconded by Rosenfeld, to direct the County Administrator to prepare the documents necessary to authorize interfund borrowing of up to \$ 2 million dollars for Eastsound Stormwater capital facilities. Motion carried unanimously.

PUBLIC HEARINGS

11:30 a.m. – (Commenced at 11:47 a.m. due to time constraints) A public hearing was held to consider 2 Ordinances for Supplemental Appropriations and Emergency Appropriations to the San Juan County 2008 Budget. Present: Full Council with the exception of Kevin Ranker; Milene Henley, Auditor; Pete Rose, CA; Randall Gaylord, PA; Lincoln Bormann, Land Bank Director; Valarie Graham, Deputy Clerk to the Council, and interested members of the public. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Lichter, to adopt A Budget Ordinance Amending San Juan County's 2008 Budget for Supplementals and Transfers. Motion carried unanimously.

Moved by Myhr, seconded by Lichter, to adopt A Budget Ordinance Amending San Juan County's 2008 Budget for Emergencies. Motion carried unanimously.

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

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: John Manning, Director Health & Community Services; Milene Henley, Auditor; Jon Shannon, Director Public Works.

1. Affordable Housing HB2060 Grant Awards – John Manning addressed the Council to discuss the funding for very low income – below 50% median income housing projects. A State Grant supplies most of the money and the local money from the County is minimal, approximately 40K. 4 applications were received and the recommendation from the Housing Bank Commission was for the Opal Community Land Trust which has a 22 unit apartment complex for low and very low income families in the amount of \$35K and the Lopez Community Land Trust in the amount of \$5K to support the completion of two rental units for very low income residents. John Campbell voiced his disappointment that the Orcas Long House did not qualify because some tenants there are paying 100% of their income for rent. After further discussion the following action was taken:

Moved by Lichter, seconded by Myhr, to approve the recommendations of the Housing Bank Commission to award grants of \$35,000 to OPAL Community Land Trust and \$5,000 to Lopez Community Land Trust. Motion carried unanimously.

2. Discussion of Council Clerk Supervision – Pete Rose reminded the Council they had a motion to ask the CA to supervise Council staff. A new Clerk will be starting on Monday and the PA told the Council that it is the Council's staff and the Council could delegate the CA to supervise and Mr. Rose asked what the interests of the Council are. Alan Lichter stated it would be fair to the new clerk to know who she answers to. Bob Myhr stated the SJC Charter is quite clear on rules of conduct and employment and separation of powers. Myhr said the responsibilities of performance have to remain with the Council. Myhr also said the Charter says the legislative body shall be responsible for its own organization and thought the responsibility for the Council staff needs to continue with the County Council. Lichter noted the last time the Council went into discussion on this topic there was a supervision chart that made no sense and the thing that worried him is the attitude behind it. There is no Council input at all and the authority to hire and fire all staff is with the CA. Lichter felt the draft MOU was quite out of place and something he could not personally work with.

3. Prospective Historic Document Preservation Grant Program – Milene Henley, Auditor, addressed the Council to inform them of the Historical Preservation Fund that is not limited to documents and can be used for any historical program. Ms. Henley stated that to date, none of the funds have been used. The Council discussed the historical museums and using the funds to preserve the County's documents. Sandy Strehlou from the Town of Friday Harbor suggested rural farm house preservation especially with the scenic byways. She also suggested the library rural archives project.

PUBLIC HEARINGS

2:45 p.m. - A continued public hearing from March 11, 2008 was held to consider the Vacation and Abandonment of County road (Cormorant Bay Road) Right-of-way and Acceptance of Dedication Deed. Present: Full Council with the exception of Kevin Ranker; Jon Shannon, Director Public Works; Pete Rose, CA; Valarie Graham, Deputy Clerk to the Council, and interested members of the public. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Lichter, to continue the public hearing until May 6, 2008 at 10:20 a.m. on Orcas Island. Motion carried unanimously.

3:00 p.m. - A public hearing was held to consider An Ordinance Amending Chapter 16.54 of the San Juan County Code Regarding the San Juan County Land Bank. Present: Full Council with the exception of Kevin Ranker; Randall Gaylord, PA; Pete Rose, CA; Lincoln Bormann, Land Bank Director; Valarie Graham, Deputy Clerk to the Council, and interested members of the public. Randall Gaylord noted that the provisions are language changes and the composition of the Advisory Commission and how they are appointed are first and foremost. The changes to the Commission are that it is made up of 7 members, one member from Orcas, Lopez and San Juan Islands and the remaining 4 are at large. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Knapp, to adopt An Ordinance Amending Chapter 16.54 of the San Juan County Code Regarding the San Juan County Land Bank. Motion carried unanimously.

DISCUSSION

Randall Gaylord addressed the Council to Introduce an Ordinance Regarding the San Juan Islands Conservation District; Amending Section 3.36.020 Of the San Juan County Code To Ensure Consistency with the San Juan County Charter and State Law. After further discussion the following action was taken:

Moved by Myhr, seconded by Knapp, to schedule the Ordinance for public hearing. Motion passed unanimously.

EXECUTIVE/CLOSED SESSIONS

3:30 p.m. – (Commenced at 3:38 PM due to time constraints) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 20 minutes, to discuss Pending Litigation pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 3:54 p.m. for an actual session time of 16 minutes. No action was taken.

ADJOURNMENT - Moved by Myhr, seconded by Lichter, to adjourn the meeting at 3:55 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 3:55 p.m. A Staff Meeting/Work Session was scheduled for Monday, April 14, 2008, and the next regular meeting was scheduled for Tuesday, April 15, 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Howard Rosenfeld, Chair
District 3, Friday Harbor

ATTEST: Clerk of the Council

By: _____
Valarie Graham, Deputy Clerk

Gene Knapp, Vice-Chair
District 5, Orcas East

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

Rich Peterson, Member
District 2, San Juan North

Alan Lichter, Member
District 4, Orcas West/Waldron

Bob Myhr, Member
District 6, Lopez/Shaw