

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
May 5, 6, 2008**

**Monday, May 5, 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; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, as were plans for a meeting on Orcas Island, May 6, 2008. Deputy Clerk, Maureen See reported that there were many committee appointment requests the Council needed to review. The WSAC agenda for the June meetings was discussed as was the Board of Health meeting scheduled for May 14, 2008 in conjunction with the State Board of Health to be held at Rosario Resort, Orcas Island. The joint letter from the Councils of the Town of Friday Harbor and San Juan County to the WA State Congressional Legislators regarding spot-checks in Anacortes was discussed. Applications for Lodging Tax funds were discussed, and Pete Rose, CA, reported that Adina K. Cunningham has been selected as Deputy Director of Administration. The Council noted that they want to meet with her.

Pete Rose noted the CAO request for additional resources and reported that the CAO needs additional legal support and a Habitat Biologist. The Council agreed to add a discussion item to the following day's agenda. The Clerk of the Council provided updates on Council office and staff work.

**RECESS** - At 12:19 p.m., Council Chair Rosenfeld recessed the meeting until 10:30 a.m., Tuesday, May 6, 2008 on Orcas Island.

**Tuesday, May 6, 2008 – Fire Protection District #2, 45 Lavender Lane, Eastsound, Orcas Island**

**CALL TO ORDER**

Council Chair Howard Rosenfeld called the regular meeting to order at 10:30 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Maureen See, Council Department Assistant; John VanLund, County Engineer; Jon Shannon, Director Public Works; Karen Vedder, DPA; John Manning, Director Health & Community Services; Mark Tompkins, Environmental Health Manager; Stan Matthews, Communications Program Manager; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The flag salute was conducted.

**CITIZEN ACCESS TIME**

Patty Miller addressed the Council, asking the Council to provide the funding necessary to complete the CAO ordinance. Ms. Miller stated she was a member of the committee and when she joined, she didn't have a full understanding of what was going to be asked of the committee. The committee is re-writing the entire ordinance and with the State mandates concerning GMA and Fish & Wildlife habitat concerns, she urged the Council to encourage public outreach and that the public process needs to be very robust because it concerns every member of the community.

Jessica Bense addressed the Council and asked that future meetings be well advertised and published.

Errol Speed mentioned an article in the newspaper about a waterline project and encouraged the Council members to deny the possibility of taking water away from the aquifer. He noted that it is in opposition to the Comprehensive Plan and would like to see Public Works not allow the piping. It is a bad precedent to set, taking water away from agricultural land and shipping it to the shoreline for residential building. Mindy Kayl addressed the Council and reported that ARC has taken a stance on this very issue and that moving water from watershed to watershed is dangerous.

## **ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

## **APPROVAL OF MINUTES**

Moved by Lichter, seconded by Ranker, to approve the Minutes of **April 21, 22, 2008**. Motion carried unanimously.

## **CONSENT AGENDA**

**The County Council moved to:**

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

1. **Resolution** Accepting One Easement, Appropriating Funds, and Authorizing Payment for Fisherman Bay Road Right-Of-Way Acquisition, CRP 030702, Thomas P. and Lori D. Hayes.
2. **Resolution** Accepting One Easement, Appropriating Funds, and Authorizing Payment for Fisherman Bay Road Right-Of-Way Acquisition, CRP 030702, Jeremy S. Snapp, Celia Maria Marquis, and Lopez Island Vineyards, Inc.
3. **Resolution** Accepting One Easement, Appropriating Funds, and Authorizing Payment for Fisherman Bay Road Right-Of-Way Acquisition, CRP 030702, Brent R. Charnley and Margaret A. Nilan.
4. **Resolution** Designating Custodians for the County Council's Petty Cash Fund

**B. Contracts/Agreements:** (No items.)

**C. Budget Items:** (No items.)

**D. Personnel:** (No items.)

### **E. Appointments:**

1. Letter appointing Hawkins Pingree to the Agricultural Resources Committee, Position #14, the term expiring on September 30, 2011.
2. Letter to Patricia McKay, Ferry Advisory Committee, changing her representation designation to Alternate and her expiration date to December 31, 2009.
3. Letter to Ed Sutton, Ferry Advisory Committee, changing his representation designation to Primary and his expiration date to December 31, 2011.
4. Letter to Robert deGavre, Ferry Advisory Committee, changing his representation designation to Primary and his expiration date to December 31, 2010.
5. Letter to Jim Smith, Ferry Advisory Committee, changing his representation designation to Alternate and his expiration date to December 31, 2009.
6. Letter to John E. Whetten, Ferry Advisory Committee, changing his representation designation to Primary and his expiration date to December 31, 2011.
7. Letter reappointing Ellen Roberts to the San Juan County Health and Community Services Advisory Board, Position #4, the term expiring on February, 2011.
8. Letter appointing Jim Cole as a new member of the San Juan County Health and Community Services Advisory Board, Position #1, the term expiring on May 31, 2011.
9. Letter reappointing Brent Snow to the Lodging Tax Advisory Committee, the term expiring on December 31, 2010.
10. Letter reappointing Susan Fletcher to the Lodging Tax Advisory Committee, the term expiring on December 31, 2009.
11. Letter reappointing Helen King to the Lodging Tax Advisory Committee, the term expiring on December 31, 2008.
12. Letter reappointing Carl A. Silvernail to the Lodging Tax Advisory Committee, the term expiring on December 31, 2009.
13. Letter reappointing Debbie Pigman to the Lodging Tax Advisory Committee, the term expiring on December 31, 2008.

14. Letter reappointing Julie Van Camp to the Lodging Tax Advisory Committee, the term expiring on December 31, 2009.

15. Letter reappointing Mike Stolmeier to the Lodging Tax Advisory Committee, the term expiring on December 31, 2009.

16. Letter reappointing Sandy Playa to the Lodging Tax Advisory Committee, the term expiring on December 31, 2008.

17. Letter reappointing Robin Van Hying to the Northwest Workforce Council, the term expiring on April 30, 2011.

18. Letter reappointing Chuck McCarty to the San Juan County Open Space Advisory Team, Position #3, the term expiring February 28, 2011.

19. Letter appointing Kyle Loring to the Water Resources Management Committee, the term expiring on December 31, 2008.

**F. Correspondence:** (No items.)

**G. Miscellaneous:** (No items.)

**H. Bid Openings:** (No items.)

**Moved by Lichter, seconded by Myhr, to approve the Final Consent Agenda of May 6, 2008. Motion carried unanimously.**

## **ACTION AND DISCUSSION ITEMS**

### ORDINANCES/RESOLUTIONS:

**ORD. NO. 24-2008-** (Refer to PUBLIC HEARING at 1:30 p.m. for details of action taken.)

**RES. NO. 33-2008-** (Refer to PUBLIC HEARING at 10:45 a.m. for details of action taken.)

**RES. NO. 34-2008-** (Refer to PUBLIC HEARING at 10:45 a.m. for details of action taken.)

**RES. NO. 35-2008-** (Refer to Consent Agenda of May 6, 2008 for details of action taken.)

**RES. NO. 36-2008-** (Refer to Consent Agenda of May 6, 2008 for details of action taken.)

**RES. NO. 37-2008-** (Refer to Consent Agenda of May 6, 2008 for details of action taken.)

**RES. NO. 38-2008-** (Refer to Consent Agenda of May 6, 2008 for details of action taken.)

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

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

**1. Climate Change Documentary Film** – Alan Lichter reported that a film crew from France would be there at noon to film a discussion on Climate Change and discuss mitigation efforts the County is pursuing. The documentary will be part of 10 around the world and will be aired the end of 2008 on a French National Channel.

### PUBLIC HEARINGS

**10:45 a.m.** - A **continued public hearing** from March 11, 2008, was held to consider two Resolutions 1) Resolution to Vacate Portions of County Road Right-of-Way (Cormorant Bay Road Number 92) Described In Auditor's File Number 36574, Located in Government Lots 2 and 3, Section 1, Township 36 North, Range 3 West, W.M., Orcas Island and 2) A Resolution Accepting a Dedication Deed, For Right-of-Way On Cormorant Bay County Road, Number 92, Orcas Island. South Cormorant, LLC. Present: Full Council; Pete Rose, CA; John VanLund, County Engineer; Jon Shannon, Director Public Works; Karen Vedder, DPA; Stan Matthews, Communications Program Manager; Maureen See, Council Department Assistant; Ann Larson, Clerk to the Council; Valarie Graham, Deputy Clerk to the Council; and interested members of the public.

John VanLund sent a special thanks to Guard Sundstrom, PW, and Karen Vedder, DPA for finalizing the remaining 3 points which were: 1) Legal Clarification on Vacation of Road abutting bodies of water; 2) Road Construction Agreement with South Cormorant LLC with title report, and 3) Road Construction Bond or Cashiers

Check for the Cost of the Road Construction. Mr. VanLund also stated that accepting the Deed was the 2<sup>nd</sup> Resolution. Gene Knapp asked what a trim row was and Mr. VanLund responded that it meant clearing and trimming branches. Knapp also questioned re-vegetating the right-of-way, and Mr. VanLund explained that re-seeding will help stop erosion. Knapp questioned the width of the road and asked if it was two-way traffic. Mr. VanLund responded that it is tight but there is room for two cars to pass. Knapp questioned Karen Vedder about the NW Title and the 6 pages of exceptions and wondered if she was comfortable with them. Ms. Vedder responded that yes, she was comfortable. Public testimony was opened, submitted by Teri Williams, who explained the erosion control plan and urged the Council not to post signs. Testimony was also given by Bruce Tippery, owner of the property. Sharon Kivisto urged the Council to post signs directing public access to the beach. Public testimony was closed at 11:10 a.m. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Peterson, to adopt a Resolution to Vacate Portions of County Road Right-of-Way (Cormorant Bay Road Number 92) Described In Auditor's File Number 36574, Located in Government Lots 2 and 3, Section 1, Township 36 North, Range 3 West, W.M., Orcas Island. Ranker added a friendly amendment to include signage of public shoreline access where this road meets the next. Lichter accepts the amendment. Myhr added still another amendment that the adoption is subject to approval of title report. Lichter asks if the resolutions should have been done in reverse. Lichter withdraws his motion.**

After further discussion, the following action was taken:

**Moved by Lichter, seconded by Peterson, to adopt a Resolution Accepting a Dedication Deed, For Right-of-Way On Cormorant Bay County Road, Number 92, Orcas Island. South Cormorant, LLC. Ranker adds a friendly amendment that this approval includes signage, where this road meets the next public road, with a clearly visible sign stating "Public Shoreline Access." Myhr asked for clarification of Knapp's concerns. The motion passed unanimously.**

**Moved by Myhr, to continue this public hearing for 1 week after the Prosecuting Attorney has a chance to review the exceptions to the title report. Motion fails for lack of a second.**

**Moved by Myhr, seconded by Knapp, to continue this public hearing for 1 week. Motion failed.**

**Moved by Lichter, seconded by Peterson, to adopt a Resolution to Vacate Portions of County Road Right-of-Way (Cormorant Bay Road Number 92) Described In Auditor's File Number 36574, Located in Government Lots 2 and 3, Section 1, Township 36 North, Range 3 West, W.M., Orcas Island. Ranker adds a friendly amendment that this approval includes signage, where this road meets the next public road, with a clearly visible sign stating "Public Shoreline Access." Lichter accepts the amendment. Motion passed 4 to 2 with Myhr opposed and Knapp abstaining.**

#### DISCUSSION – Draft Report Eastsound Water Plan

Mark Tompkins, Environmental Health Manager, reported that the Water Plan will ultimately be adopted by the Board of Health and wanted the Council to have a chance to review. The Water Plan has gone through an extensive public meeting process and a public hearing is scheduled for June, 2008. Mr. Tompkins introduced Vicki Heater, Water Specialist, who introduced members of the Water Resources Committee. Ms. Heater reported that the Water Plan took 2 years to finalize and come up with recommendations like purchasing water rights and water storage which is expensive infrastructure. Ms. Heater mentioned there are 3 acute problems: Water supply, Sewer service, and Stormwater management. During the planning process, Eastsound water users became committed to the plan and stopped drilling wells in the UGA. There is a large high density in the community that isn't on the sewer district and has on-site septic systems. Two well fields have high nitrate levels and Ms. Heater showed a graph showing how the bedrock makes a bowl under the aquifer and the contaminates have no place to go. The Plan recommends agreements with service providers and the county. Rich Peterson reported that the Stormwater Subcommittee met yesterday and they are very close to a draft ordinance. What he saw in the draft report are 8 recommendations that need to be considered in the Stormwater Ordinance. The general consensus was that the water and sewer district and Environmental Health should meet with the Stormwater Subcommittee so the draft Stormwater Ordinance doesn't have any holes in it.

**DISCUSSION – Proclamation Wildland Fire Awareness Week**

Chair Rosenfeld read the Proclamation for Wildland Fire Awareness Week to the public and declared May 4<sup>th</sup> through the 10<sup>th</sup>, 2008, Wildland Fire Awareness Week in San Juan County.

**RECESS** – Chair Rosenfeld recessed the meeting until 1:00 p.m.

**COUNTY ADMINISTRATOR COUNCIL BRIEFING**

County Administrator Council Briefing. Also present: Milene Henley, Auditor; Jon Shannon, Director Public Works.

**1. 1<sup>st</sup> Quarter Report** – Milene Henley addressed the Council to give the 1<sup>st</sup> Quarter Financial Report for the County. Compared to last year at the same time, the County is down 1% in revenue. Ms. Henley stated that there are 3 revenue items she would like to discuss in detail. First item was interest, and the County did better in 2007 than in 2008 but it is not looking too bad at the present time and we should expect to see a drop in revenue soon. The second item was sales tax and Ms. Henley reported that the County was right on track. The third item was real estate excise tax and we've had the lowest quarter in many years. It is a hard thing to generalize, but 2 good months could turn the County around. The problem is that prices of homes are dropping and property isn't selling and Ms. Henley said it's too early to panic. Ms. Henley reported on expenditures, noting that by department, it is very close to the 25% mark with a few exceptions. Payroll expenditures are very close to the mark because of better budgeting. Ms. Henley also noted that in the beginning cash category, the insurance reserve is a cause of concern and there was an unusual demand on the Capital Improvement Fund which makes it difficult to cover the shortfall in Biosolids, plus the additional needs of CAO and the salary survey. One other major need is the Friday Harbor UGA expansion. Ms. Henley noted that the County is short by approximately 135K to fulfill those needs. Ms. Henley continued with a presentation on history and trends and noted that when you are talking about expenditures, you are talking about payroll.

**2. Chip Seal Update** – Jon Shannon, Public Works Director, reported that each annual chip seal project will be focused on one island. This year it is Orcas Island and the target was to chip seal 30 miles of highway. Public Works thinks they may be able to do 27 miles depending on weather conditions. The cost of emulsion is 35% higher than the year before. We can expect a continued price increase of 35% to 40%. As the cost goes up, PW will have to scale the miles back for chip sealing and there is concern for sustainability for the future. The difference between Orcas Island and San Juan Island is that Orcas has limited detour routes. There may be significant delays in some instances. Mr. Shannon pointed out that the schedule for the traveling public will be impacted between 8:00 a.m. and 6:00 p.m. and PW will not work on Fridays or weekends.

**PUBLIC HEARINGS**

**1:30 p.m.** - A **continued public hearing** from April 15, 2008 was held to consider a Public Dances Ordinance Repeal. Present: Full Council; ; Pete Rose, CA; John VanLund, County Engineer; Jon Shannon, Director Public Works; Karen Vedder, DPA; Stan Matthews, Communications Program Manager; Maureen See, Council Department Assistant; Ann Larson, Clerk to the Council; 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 Lichter, seconded by Myhr, to adopt Ordinance 24-2008 An Ordinance Repealing Chapter 5.04 of the San Juan County Code Regarding Public Dances. Motion carried unanimously.**

**DISCUSSION – CAO Committee Funding Proposal**

Ron Henrickson, Community Development & Planning Director, reported to the Council that the CAO Committee has made a request for additional funding for resources and reserves. Rich Peterson asked why the individual meetings of the CAO Committee needed a facilitator. Mr. Henrickson responded that the request came from the Committee and because of the diverse views of the membership, none of the members could Chair effectively. Lichter asked if the CAO had considered Co-Chairs. Ranker stated that this is critical with a diverse committee representing the community. The County can pay now or pay next year in court and the entire community needs

to be included. Ranker urged the Council to fully fund this request. Bob Myhr stated that the CAO is what the County has been working on for the past 7 to 12 months and urged all citizens in the community to keep abreast of it. It is required by the GMA and Myhr is eager to support the package. Peterson stated he was only concerned about the need of a facilitator. After further discussion, the following action was taken:

**Moved by Lichter, seconded by Ranker, to fund the full request of the CAO Committee from reserves. Motion passed 5 to 1 with Peterson opposed.**

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

**2:02 p.m.** – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 10 minutes, to discuss the appointment of Deputy Director of the County Administration pursuant to the provisions of RCW 42.30.140 (4). The session ended at 2:10 p.m. for an actual session time of 8 minutes.

The Council came out of executive session and took the following action: **Moved by Ranker, seconded by Lichter, to confirm the appointment of Adina K. Cunningham as Deputy Director of the County Administration. Motion carried unanimously.**

#### **DISCUSSION – Immigration Customs Enforcement, Customs and Border Patrol**

Joseph Giuliano, Deputy Chief Patrol Agent for CBP, answered questions from a large group of people concerning the random spot-checks at the Anacortes Ferry Terminal. Kevin Ranker asked Mr. Giuliano if it was true that a school bus had been boarded and students were asked their citizenship and if they were carrying contraband. Mr. Giuliano responded that no, it was not a school bus but a charter bus. When the agent boarded the bus, he realized that it was carrying school age children and left the bus. Mr. Giuliano stated that years ago, a border check-point had been considered at Friday Harbor. It didn't happen and CBP has no plans to come onto any island. He also noted that the premise for this is the same as it is for airports and sea-ports. Intelligence has been gathered that people are sneaking onto the islands and mixing with the population to board a ferry for entrance into the US. Bottom line, if you fail to answer the agents question, you can be detained for a reasonable amount of time.

Tom Felber told Mr. Giuliano that he had been pulled over in Anacortes, got out of his car and was approached by an agent who had pulled out a weapon. His daughter was frightened and he was angry about it. Ranker asked Mr. Giuliano if he was aware there was an incident that a baton was brought out. Mr. Giuliano responded yes, he was aware of the confrontation. Some of the other citizens who questioned Mr. Giuliano were: Natalie White, David Schermerhorn, Susan Whilder, Charles West, Jeff Bossler, Barbara LaBrash, Tod Collins, Don Yerly, Lisa Wieghorst, Bruce Harrod, Reed Goodrich, Owen Cheevers, Ed Sutton, Edward Lecocq, Bridget O'Toole, Eileen Pyka, Jim McKeon, Steven Lindgren, Mary Vetterlein and Jessica Bense.

Kevin Ranker asked Mr. Giuliano who made the decision to choose Anacortes. Mr. Giuliano stated that he had signed off on it when the station was identified. He endorsed it, went to Washington D.C. for validation and the decision rests on himself. Ranker said, "So you can stop it if you want?" Mr. Giuliano reported that yes, he could. Ranker asked what information he would need to end it. Mr. Giuliano reported that the frequency of the spot-checks have been cut in half and he has no problem mitigating the spot-checks on the weekends. Ranker told Giuliano that there was a joint letter from the Town of Friday Harbor and the County Councils asking our legislators to make it stop. Lichter asked Giuliano if our federal legislators could deflect his mission. Giuliano responded that legislation would have to be adjusted to change the law. Ranker told Giuliano that he had made a policy decision on a local level and if the federal legislators pressured enough, he believed it could stop. After further discussion, the following action took place:

**Moved by Ranker to have the County Council sign the joint letter and send to the Federal Legislators. The motion failed due to no second.** Lichter noted that the joint letter was a draft and it would be put in final form next week.

**ADJOURNMENT** - Council Chair Rosenfeld adjourned the meeting at 3:20 p.m. A Staff Meeting/Work Session was scheduled for Monday, May 12, 2008, and the next regular meeting was scheduled for Tuesday, May 13, 2008.

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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

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

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Gene Knapp, Vice-Chair  
District 5, Orcas East

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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