

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
May 19, 20, 2008**

**Monday, May 19, 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; Council Department Assistant, Maureen See; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, and the Memorandum of Understanding (MOU) regarding the supervision of the Council Clerk was discussed. Clerk, Ann Larson reported that online agendas were now available on the County website with links to documents. She also noted that an online personal calendar for the Council members is also available through Outlook. Council Department Assistant, Maureen See noted that there were vacancies for Civil Service that the Council should interview and reported that an employee recognition ceremony was scheduled for June 3, 2008 and suggested signing the letters in advance. The Council reviewed the minutes and made minor changes. The Clerk provided updates on Council office and staff work.

Rich Peterson discussed the Stormwater Ordinance and reported that the presentation describes a process to follow which includes requirements especially for new building needing engineering studies that are very expensive. Knapp suggested the County talk to the public about the requirements. Rosenfeld noted there were two vacancies on the Ferry Advisory Committee. (FAC) The Council agreed to talk about ferry priorities in the afternoon work session. Ranker commented that the Joint Transportation Committee (JTC) would be meeting and wondered if the Council should send a representative to the meeting. Lichter suggested hiring a staff member part-time to support the work of the FAC and all ferry-related activities. The FAC and Task Force for Ferries and Transportation (TFFT) and Local Agency Review Team (LART) could provide information to a staff member to report in Olympia.

Rich Peterson reported that the Lodging Tax Advisory Committee (LTAC) had almost reached a recommendation as to who will be receiving the funds. He hopes to wrap up the process by May 28, 2008. The School Budget Crisis was tabled for the afternoon discussion. Bob Myhr and Rich Peterson agreed that both would apply to the WSAC (Washington State Association of Counties) Legislative Steering Committee.

**RECESS** - At 11:55 a.m., Council Chair Rosenfeld recessed the meeting until 12:30 PM.

Council Chair Rosenfeld called the work session to order at 12:30 PM. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Council Department Assistant, Maureen See; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The Council met to discuss their legislative priorities for the next legislative session. All agreed that Ferry issues were at the top of the list. Myhr stressed the importance of having specific priorities and Lichter noted that our public transportation is the highway system which includes the ferries and it needs to be stressed to the legislature. Pete Rose commented that the next year's Ferry Bill will be discussed and it is time to solve the problem. Peterson commented that the Transportation Fund could target ferries at the Federal level. Ranker reported that he had heard from the Feds that no money is going towards ferries. Ranker commented that due to the anti-terrorist activity by Customs and Border Patrol, (CBP) there could be possible support from Homeland Security funds. Ranker also noted that SJC wants full funding for the 3 144 car ferries being constructed in 2009/2010. Lichter reminded the Council that they have to stay on target with what the citizens and County need. Ranker said they should be realistic how they fight for things in Olympia and suggested pairing up with Kitsap, Skagit, Jefferson and Island Counties. Knapp suggested asking for the same things that the Governor asks for and that our priorities should be out by the end of summer. Ranker stated that most agency budgets are already in draft form. The Council discussed having WSF ask for a review of the WAC's and Ranker said he would call Jill Satron, Paula Hammond and David Moseley. The scenic byway was discussed as was Class A water systems.

**RECESS** - At 1:55 PM, Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, May 20, 2008.

**Tuesday, May 20, 2008 - Council Hearing Room – Legislative Building, FH**

### **CALL TO ORDER**

Council Chair Howard Rosenfeld called the regular 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; Council Department Assistant, Maureen See; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The flag salute was conducted.

### **NEW EMPLOYEE INTRODUCTION/RETIREMENT**

The Council recognized the retirement of Dan Powell.

### **CITIZEN ACCESS TIME**

Tom Munsey announced that Channel 19, Public Access TV is shutting down at the end of May. After more than 6 years, the equipment necessary to run Channel 19 is failing. The shut-down is directly attributable to the refusal of local government to fund Public Access operations and maintenance. Mr. Munsey also noted that no lawsuit has ever been lost by citizens taking local governments to court to require local government funding of Public Access. Mr. Munsey reported that neither the Town of Friday Harbor nor the County has provided any funding.

Chair Rosenfeld suggested that Pete Rose obtain the dollar figure from Mr. Munsey so that the Council might provide the funding.

Patty Miller addressed the Council to talk about the parking issues on Lopez and Orcas Islands. She noted she was the head of the parking subcommittee and has spent a lot of work on these issues. Public Works has a lot of history and the subcommittee wants to be included in the planning and review and future discussions.

Peter DeLorenzi reported that Monday, May 26, 2008 is Memorial Day and invited everyone to Memorial Park at 11:00 a.m.

Kimberly Blake addressed the Council with concerns about the school district's 800K shortfall. Teachers are losing their jobs and moving, children will not get a quality education and Ms. Blake wanted to know what the Council was prepared to do about the dilemma. Rich Peterson reported that the Council had discussed the issue the day before and it was a jurisdictional issue, but noted the Council would like to be part of the solution. The Council needs an overture from the school districts. Ranker noted that it would be appropriate to be asked by the responsible parties.

### **ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

### **APPROVAL OF MINUTES**

Moved by Lichter, seconded by Myhr, to approve the Minutes of **May 12, 13, 2008**. Motion carried unanimously.

### **CONSENT AGENDA**

**The County Council moved to:**

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

1. A Resolution rescinding Resolution 11-2008 and accepting three easements, appropriating funds, and authorizing payments for Fisherman Bay Road Right-Of-Way acquisition, CRP 030604 and 030702, David Bruce Dunlop, Beverly Zapalac, Richard L. and Barbara J. Pickering.

2. A Resolution rescinding Resolution 12-2008 and accepting two easements, appropriating funds, and authorizing payments for Fisherman Bay Road Right-Of-Way acquisition, CRP 030702, Wyvonna L. Blake, Trustee of T.J. Blake Testamentary Trust, Warsen Family LTD, Partnership.

**B. Contracts/Agreements:**

**Memorandum of Understanding** Regarding Supervision of the Clerk of the Council and His or Her Staff

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

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

**E. Appointments:**

1. A Policy regarding appointments to the County Advisory Committees.

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

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

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

**Moved by Lichter, seconded by Peterson, to approve the Final Consent Agenda of May 20, 2008. Motion carried.** (Clerk's note: Regarding the MOU for Clerk Supervision, the vote was 4 to 2 with Myhr and Lichter abstaining)

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**ORD. NO. 26-2008-** (Refer to PUBLIC HEARING at 11:30 a.m. for details of action taken.)

**ORD. NO. 27-2008-** (Refer to PUBLIC HEARING at 2:15 PM for details of action taken.)

**RES. NO. 40-2008-** (Refer to Consent Agenda of May 20, 2008 for details of action taken.)

**RES. NO. 41-2008-** (Refer to Consent Agenda of May 20, 2008 for details of action taken.)

**RES. NO. 42-2008-** (Refer to PUBLIC HEARING at 10:20 a.m. for details of action taken.)

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

**1. New Executive Director WSAC (Washington State Association of Counties)** – Kevin Ranker announced that Eric Johnson has been named the new Executive Director of WSAC and it will be great to have him in this role.

**2. State Board of Health Meeting at Rosario Resort** – Alan Lichter reported that the SBOH had concerns about our carrying capacity, water in the County, and a variety of health and safety concerns. Mark Tompkins, Environmental Health Manager, presented a report on the SJC Group B Water System. John Manning and Frank James, M.D. were also present at the meeting. When asked if there was anything they could do for SJC, Lola Deane, BOH member stated that no unfunded mandates would be appreciated.

**3. Salmon Recovery Lead Entity Program** – Alan Lichter reported that a celebration occurred on Saturday, May 17, 2008 led by Barbara Rosenkotter, that included field trips, a field camp, and a slide show. About 60 people showed up for the event and Billy Frank Jr., NW Indian Fisheries lead for over 20 years was the keynote speaker.

PUBLIC HEARINGS

**10:20 a.m.** – (Commenced at 10:29 a.m. due to time constraints) A public hearing was held to consider a Resolution regarding Eastsound Land Supply. Present: Full Council; Colin Maycock, CD&P Senior Planner; Pete Rose, CA; Don Kehrer, Consultant; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public. Colin Maycock and Don Kehrer presented the Eastsound Land Supply Analysis to the Council and noted that it is a requirement to adopt the Resolution to be in compliance with the GMA. Public testimony was opened, submitted by Patty Miller, who expressed her concern that there is not enough commercial land available, and Eastsound Planning Review Committee member, stated “Some of the opponents at the Planning Commission hearing raised concerns about there being inadequate commercial land and that if more commercial land was made available, more supply may reduce the cost of land, and make it more affordable for more businesses. The reality is, with our seasonal economy, rent cost is not the biggest factor that would go into the fact that more businesses would be more viable and there is no validity in that . . . I strongly encourage you to approve this proposal.” Public testimony was then closed. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Ranker, to adopt A Resolution Adopting the 2008 Eastsound Land Supply Analysis, Affirming The Boundaries of Eastsound Unincorporated UGA and Accepting Analysis of Local Conditions Justifying Suburban Densities. Motion carried unanimously.**

PUBLIC HEARINGS

**11:30 a.m.** - A public hearing was held to consider An Ordinance Regarding the Comprehensive Habitat Conservation Plan. Present: Full Council; Lincoln Bormann, Land Bank Director; Pete Rose, CA; Stan Matthews, Communication Program Manager, Ann Larson, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public. Lincoln Bormann addressed the Council asking them to adopt an Ordinance which will allow the Land Bank to apply for State Grants. Kevin Ranker asked why the plan didn't take into account the recreational aspects of habitat conservation. Mr. Bormann responded that this plan sets priorities for protection and there would be a secondary discussion regarding recreational uses. Mr. Bormann did mention that the Parks and Recreation Department does have a plan that the Habitat Conservation Plan complements. Public testimony was opened, submitted by Sharon Kivisto who complained there was not adequate public notice, Patty Miller who wished all conservation groups had been well informed, and Jack Cory who also mentioned the tremendous overlap of conservation groups in SJC and desired better public notice. Deliberations were held and the following action was taken:

**Chair Rosenfeld continued the public hearing until 1:15 PM.**

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present:

**1. Solid Waste Transfer Station Update** – Steve Alexander, Solid Waste Manager addressed the Council to discuss the progress of the draft Environmental Impact Statement (EIS). The topic for the update was the Land Use Plans and Policies developed by AMEC, Earth & Environmental, Inc. Mr. Alexander introduced Tiffany Peters, Lead Consultant, who reported they were analyzing SJC's existing documents including the Growth Management Act (GMA), the Comprehensive Plan and the County Code. The GMA requires a comprehensive plan and the language in the county code is an ongoing process of being updated. Pete Rose, CA asked what the definition of a fully enclosed facility was. Gary Harshman, AMEC, stated that a fully enclosed facility has three walls with an opening for trucks to enter and leave. The transfer stations located near airports like Snohomish and Arlington have fully enclosed facilities. Ms. Peters commented that shorelines would be affected at the Egg Lake Road site. Danah Palik, AMEC, gave a presentation of animations created for each of the proposed sites and noted that the models were conceptual. Mr. Harshman explained the Planning Cost Considerations and commented on the other items that were considered but not costed. Kevin Ranker asked when would they be costed, and Mr. Harshman reported that they will be providing the cost analysis at the same time the EIS comes out but cautioned that putting a dollar amount on them was premature. The first stages of funding options were discussed that included a Public Works trust fund, grants from the State, taxes and tipping fees.

PUBLIC HEARINGS

**1:53 p.m.** - A **continued** public hearing from 11:30 a.m. was held to consider An Ordinance Regarding the Comprehensive Habitat Conservation Plan. Present: Full Council; Lincoln Bormann, Land Bank Director; Pete Rose, CA; Stan Matthews, Communication Program Manager, Ann Larson, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public. Lincoln Bormann explained that the money received will pay the Land Bank for what they intend to do anyway. That is the extent of the implications, the Land Bank will have an additional 1.5 Million they didn't have before. After further discussion, deliberations were held and the following action was taken:

**Moved by Peterson, seconded by Ranker, (with amendment from Peterson to correct the notification that only one online newspaper printed the meeting notice), to adopt An Ordinance Adopting the 2008-2014 San Juan County Land Bank Habitat Conservation Plan. Motion carried unanimously.**

DISCUSSION – Border Patrol Joint Letter with the Town of Friday Harbor

**Moved by Ranker, seconded by Myhr, to sign the joint letter. Lichter asked for clarification about the letter and the issue around it from the previous week. Peterson asked why the letter was dated May 13, 2008, and said it still occurs to him that there are several things that shouldn't be in the letter. Peterson felt it was inappropriate to send it. The question was called, and the motion passed 5 to 1 with Peterson opposed.**

PUBLIC HEARINGS

**2:15 PM** - A public hearing was held to consider an Ordinance of The County Council Of San Juan County, Washington, Authorizing a Line of Credit (Interfund Loan) To Stormwater Capital Fund (Fund 4157) From The Road Fund (Fund 1121) For An Amount Not To Exceed \$2,000,000, Establishing Interest Charges, And Requiring Repayment Of The Loan, To Fund Capital Improvement Projects For Stormwater In Eastsound. Present: Full Council; Pete Rose, CA; Stan Matthews, Communication Program Manager, Ann Larson, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public. Pete Rose addressed the Council to inform them the Interfund borrowing, also referred to as the Rasmussen Plan, was before them due to not having a Stormwater Ordinance in place and no funding for the 6 year capital improvement plan. One thing that has changed is that the Land Bank is out as one of the two funds being considered. The road fund is what is being recommended. was being recommended to come from the Road Fund rather than the Land Bank Fund, adding that the Ordinance meets State Auditor requirements, including charging interest to the borrowing fund, being paid at 75 basis points above the Local Government Investment Pool (LGIP) rate, which is generally how County money is invested. Gene Knapp pointed out in the first Whereas of the Ordinance that the GMA not Comprehensive Plan was the top priority. Mr. Rose agreed and the change was made. Mr. Rose said the interfund loan is your pledge to take care of the problem from the Hearings Board. the GMA Hearings Board that you have funding committed to fund projects in the year they are needed, should they not be funded by either the successor Ordinance or a grant. Myhr responded that in thinking about the loan, there is recognition that when the Stormwater Ordinance is passed, we will have funding and won't have to use the interfund loan. Myhr asked Rose if there was an idea of the total cost of projects, not just Eastsound, but the entire County. Myhr Mr. Rose indicated that he understands the total cost to be at least in the ES UGA area would be in the neighborhood of \$9 million over 20 years with the remainder outside the ES UGA. Rose stated that during the 6 year period of time, the key and critical basin projects will be done. Public testimony was opened, submitted by Patty Miller, who questioned any funds in excess and wondered if property owners could ask for a reduction in taxes. spoke in favor of the Ordinance, also summarized from the "Inter-fund Transactions and Balances" attachment, "If you are going to borrow, as a rule of thumb, you can borrow those municipal monies which are inactive or in excess of current needs and available for investment, so if that is in fact the situation of when you can borrow, I'm not sure that you won't get appeals from people saying that if the road funds are in excess, then you should reduce our taxes, not arbitrarily choose to reallocate them. If I am incorrect on that great, but I'd make sure we knew what that was before we approved an ordinance." She felt the Rasmussen report Plan was inept a good start, and that although it would meet the needs of the Growth Management Board and should be submitted, there were clearly inadequacies, as there was no low cost impact development incorporated into the plan. Gordy Petersen questioned the 782K that was in the fund and taken out against the will of the citizens. Mr. Petersen asked for an accounting of the 1.3 Million dollars for Stormwater. Public testimony was closed. After further discussion, public

testimony was reopened and submitted by Gordy Petersen who said the money, as far as he knew, was never transferred into the Stormwater fund. Patty Miller wanted to know, where the money got spent. Jack Cory stated the money had been invested. Public testimony was closed. Deliberations were held and the following action was taken:

**Moved by Peterson, seconded by Knapp, to adopt an Ordinance of The County Council Of San Juan County, Washington, Authorizing a Line of Credit (Interfund Loan) To Stormwater Capital Fund (Fund 4157) From The Road Fund (Fund 1121) For An Amount Not To Exceed \$2,000,000, Establishing Interest Charges, And Requiring Repayment Of The Loan, To Fund Capital Improvement Projects For Stormwater In Eastsound Motion carried. (Knapp adds a friendly amendment to change Comprehensive Plan to GMA in the first Whereas, Peterson found a typo in the last Whereas, and Peterson accept both changes.) Motion passed unanimously.**

**DISCUSSION – Task Force for Ferries and Transportation (TFFT) and WSAC Legislative Priorities**

Alan Lichter passed out a draft memo from when the Task Force was first created. Rich Peterson wondered if this group was redundant. He'd had the impression all along that we do need this group. People willing to go and participate at meetings, in Olympia, and report back to the Council. Lichter felt that this group is doing different things that aren't being done by the other groups. The farmhouse gang, ferry community partnership and the FAC (Ferry Advisory Committee) are all serving important functions. The task force is SJC-centric. Patty Miller suggested defining clear roles for each group, and a Council member in Olympia who sits as a liaison with all the groups. Ranker noted that this body could serve as a group of experts to make suggestions to open a new level of communication. Lichter suggested a staff person could work with the FAC and TFFT to join the two groups. Patty Miller suggested a strategy of looking at the jobs that need to be done, what skills would they need to do the jobs and if those two things could coincide, it would be beneficial. Ms. Miller also noted that it is a big commitment to go to Olympia. Rosenfeld mentioned there was an alternate vacancy on the FAC and wondered if anyone from the TFFT would care to join the FAC. Ms. Miller suggested contacting each member individually. Myhr noted the County needs a Transportation Plan that includes ferries and noted the County is looking for a Transportation Planner. Jon Shannon, Director Public Works, noted that the new Transportation Planner has a very comprehensive job description which includes non-motorized planning, all county road planning, marine facilities and a marine access plan. Hopefully we can find a person who has the skill set to do all these things. Lichter noted that since the task force has been in a state of arrest, he felt it unfair to keep it hanging any longer and asked that the task force be disbanded. After further discussion, the following action was taken:

**Moved by Lichter, seconded by Peterson, to disband the Task Force for Ferries and Transportation. Motion carried unanimously.**

**EXECUTIVE/CLOSED SESSIONS**

**3:45 p.m.** – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Pending and Potential Litigation pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 4:10 p.m. for an actual session time of 25 minutes. No action was taken.

**ADJOURNMENT** - Moved by Ranker, seconded by Knapp, to adjourn the meeting at 4:12 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 4:12 p.m. A Staff Meeting/Work Session was scheduled for Monday, June 2, 2008, and the next regular meeting was scheduled for Tuesday, June 3, 2008.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

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Howard Rosenfeld, Chair  
District 3, Friday Harbor

ATTEST: Clerk to the Council

By: \_\_\_\_\_  
Ann Larson, 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