

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
August 25 and 26, 2008**

Monday, August 25, 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 10:01 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, Maureen See; and interested members of the public were present.

CITIZEN ACCESS TIME

Jack Yelverton addressed the Council regarding serving on the Civil Service Commission.

Kathy Obenaus was present to offer her support for Mr. Yelverton's appointment to the Civil Service Commission.

CLERK UPDATE

Clerk Larson reported that the minutes were distributed by e-mail to the Council for review. Calendar items were discussed. A special meeting was planned for September 29, 2008 for the Orcas Village Plan, with the regular Tuesday meeting following the next day in Friday Harbor. Ms. Larson arranged a meeting with David Moseley, WSF Representative, on October 9, 2008, from 3-5:00 p.m., in Anacortes. Mr. Rosenfeld offered to poll Council Members to determine who would attend, without establishing a quorum. A letter from the Council, in support of a purchase by Of People and Land (OPAL), was agreed to, with minor changes. **Deputy Clerk See** provided committee updates to the Council, including interest she has received in the new Cell Phone Coverage Committee. Mr. Rosenfeld added that the letter requested by Mr. Strathmann had been drafted by Karen Vedder and was ready for signature.

ADMINISTRATIVE MATTERS

Council schedules and agendas were reviewed.

COUNCIL MEMBER UPDATES

Board of Health (BOH): Mr. Lichter reported that Dr. James, SJC Health Officer, stated at the last BOH meeting that, through a review of hard data, SJC is now recognized as the healthiest County in the State. Dr. James will be holding a health professional/community workshop in October to share the details of these results and to collaborate on ways to improve in certain areas. He added that on Tuesday he would be bringing forward a recommendation from the BOH, in the form of a motion passed by a majority of the BOH, that the County Council prohibit smoking on all SJC properties. **Ferries/FAC/Ferry Subcommittee:** Mr. Rosenfeld, gleaned information from Fox National News reporters present, stated that the Elwha was back in service today. He stated that Mr. Peterson and he would be attending a legislative committee meeting this week telephonically, during which he will stress that WSF and the Governor's office need to be involved in the economic analysis. The follow-up meeting is in Edmonds on September 4, 2008. Mr. Myhr said he would be available to attend that meeting. Mr. Ranker explained that Fox News is doing a Special on ferries and Customs/Border Patrol and that the reporters present were interested in interviewing Council Members during a break. **Stormwater:** Mr. Peterson reported that the media was invited to attend the last Stormwater Committee meeting, and that things are on hold until the Prosecuting Attorney (PA) delivers the proposed ordinance and fee schedule. He stressed the importance of having this circulated and approved prior to budget deliberations. The Council shared concerns regarding this and the delay in receiving the ordinance from the PA. Mr. Peterson stated that the task for the Council will be to ultimately adopt a funding system. Council discussion took place and Ms. Henley explained that what is under consideration is a system where two fees would be assessed, a base fee that would cover maintenance, monitoring, and basin studies, and another fee that would be assessed by project. Mr. Knapp suggested proceeding with an outline, while waiting for PA to deliver the Ordinance. Discussion regarding GMA compliance followed and Mr. Rose suggested including the committee's hope to make stormwater recommendations for public outreach and technical assistance. **Legislative Priorities:** Mr. Myhr asked for Council comment on the proposed list of Federal, State Legislative, and Office of the Governor priorities, provided by Clerk Larson. In

Council discussion that followed, it was noted that of the Federal priorities, it is better not to rank them and Mr. Ranker and Mr. Rosenfeld would discuss whether to include Ferries; of the State Legislative priorities, a specific “ask” would need to be identified in the Mental Health priority, and rank order was discussed; regarding Governor’s Office priorities, all were fine. Mr. Rosenfeld concluded that a couple things needed to be bumped down to the opportunistic list. **Charter Completion:** Mr. Knapp reported nothing new since the last meeting of the Committee. **Rainwater:** Mr. Knapp referenced a letter received from Don Webster regarding rainwater, stating he thought Mr. Matthews should respond, explaining the County’s position. Mr. Rose stated that he had forwarded the letter to the Health Department for response. Mr. Myhr stated that he did respond, unofficially explaining how SJC is addressing rainwater. **Rosario Resort:** Mr. Knapp stated that the closing of Rosario Resort is a very unfortunate situation, and hopefully temporary. He suggested Mr. Matthews provide a comment regarding this also. **Salmon Recovery:** Mr. Myhr reported that a request was made by Barbara Rosenkotter for a letter to the Washington State Department of Fish and Wildlife (DFW), supporting additional funding for Lead Entity Programs across the state. Mr. Myhr was in favor of writing a letter. Mr. Ranker explained how this is related to the letter being sent to David Dicks, Director of the Puget Sound Partnership and Bill Ruckelshaus, and suggested including DFW Director, Jeffrey P. Koenings, Ph.D. on this letter and request support for the Lead Entity programs. **Water System Ruling:** Mr. Knapp reported on a King County Superior Court case regarding private water systems that has a potentially unintended consequence of “sweeping” municipal systems into the ruling. The case is likely being appealed to the Supreme Court. He stated that this could have serious ramifications to Eastsound and Lopez Village if upheld. He suggested having the PA keep the Council informed on developments and suggestions. **Correspondence:** Mr. Myhr stated he received a letter from Joe Cohen and suggested working with Jon Shannon, Public Works Director, and the PA on an appropriate response. **Committee Volunteers:** Mr. Knapp reported that Mr. Kit Rawson, Chair of the Marine Resource Committee (MRC), has received “rough” e-mails that he believes warrant Council support. The Council agreed. Discussion regarding whether residency is a requirement to serve on committees followed. It was decided that discussion regarding this would be brought to the Charter Completion Committee.

COUNTY ADMINISTRATOR ITEMS

Also present: Jon Shannon, Public Works Director; and interested members of the public.

1.) Public Rights-of-Way: Briefing on roles and responsibilities of the County and County Council in processing and granting utility franchises in public rights-of-way. Mr. Shannon reported that currently SJC has two pending applications and explained that no franchise has been granted in over 20 years. He stated that the four primary players were the County [PW], the utility, the public, and legislative authority. He provided a hand-out reviewing legislative intent. Council discussion followed and Mr. Shannon answered questions from the Council.

DISCUSSION

12:30 p.m. Video Conferencing Demonstration: George Johnson, Information Services Manager, introduced Allen G. Abrahamson, Microsoft, US State & Local Gov’t, Unified Communication Specialist, and Thomas Roy, CompuCom, Enterprise Solution Architect. Mr. Abrahamson gave a PowerPoint presentation on data/voice collaboration and unified communications, demonstrating how all forms of communication can be merged for accessibility, storage, and retrieval. He explained tele-working and demonstrated video conferencing capabilities through a Microsoft program, Sharepoint, with the roundtable camera/microphone system. He explained that operating would require just one technology savvy person in every building who would have the authority to set up whatever scenario a meeting would require, or desired functionality for that office. Mr. Abrahamson answered questions from the Council. Mr. Roy then spoke briefly about the partnership CompuCom has with Microsoft in offering this program.

RECESS - At 2:25 p.m., Council Chair Rosenfeld adjourned the meeting until 10:00 a.m., Tuesday, August 26, 2008.

Tuesday, August 26, 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, Gene Knapp, and Bob Myhr; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

The flag salute was conducted.

EXCUSED ABSENCES

Moved by Myhr, seconded by Peterson, to excuse **Alan Lichter**, due to illness. The motion carried unanimously.

CITIZEN ACCESS TIME

Michael Soltman, SJI Superintendent of Public Schools, addressed the Council seeking support in legislative efforts for full-funding for public education. He stated that as a Council and as a community we have an interest in seeing that our schools are fully supported to continue to attract families here and to continue to have a robust community with a workforce that our businesses can draw from. He urged the Council to review the materials that he submitted in consideration of adding full-funding for public schools to the Council's legislative agenda.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Peterson, seconded by Knapp, to approve the Minutes of **August 18 and 19, 2008**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Knapp, to approve the **Final Consent Agenda of August 26, 2008**, as follows:
The County Council moves to:

A. Resolutions/Ordinances: (No items.)

B. Contracts/Agreements: (No items.)

C. Budget Items: Approve Warrants:

- Warrants # 49503 – 49525 for Medical Reimbursement claims in the amount of \$7,148.12
- Warrant #49501 to 49502 for Veterans' Assistance in amount of \$1,176.00
- Warrant #49527 in amount of \$100 for Veterans' Assistance
- Warrant #49530 to 49573 for Public Works claims in the amount of \$209,953.95
- Warrant #49574 to 49708 for County claims in the amount of \$129,629.78

D. Personnel: (No items.)

E. Appointments:

1. A letter appointing Jack Yelverton to the Civil Service Commission, Position 1 filling the unexpired term of John Vejvoda. The term begins immediately and expires May 31, 2014.
2. A letter appointing Jack Yelverton to the Solid Waste Advisory Committee, Member #1. The term begins immediately and expires August 31, 2011.
3. A letter appointing Johannes Krieger to the SJC Marine Resources Committee, Position #11, as Business Representative for the Town of Friday Harbor. The term begins immediately and expires on August 31, 2012.

F. Correspondence:

1. A letter to the Eastsound Sewer and Water District thanking them for their work and commitment.
2. A letter to Ken Sebens of FH Laboratories regarding the University of Washington Preserve Boundary Line matter.
3. A letter to Susan McKittrick, Multifamily Housing Program Specialist from the USDA Rural Development, and to Lisa Vatske, Managing Director of the WA State Housing Trust Fund, in support of OPAL Community Land Trust's purchase of the Lavender Hollow Apartments in Eastsound.
4. A letter to Kit Rawson thanking him for his service on the SJC Marine Resources Committee (MRC).

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried.

COUNCIL MEMBER UPDATES

- 1.) Mr. Peterson reported that he was ready to begin planning and scheduling public meetings regarding Stormwater and that the release of the Ordinance could coincide with this scheduling. Mr. Rosenfeld suggested issuing a press release regarding this.
- 2.) Ms. Larson reported, on behalf of Councilman Lichter, that the Mayor of Esquimalt will be coming to present to SJCC the first or second week of October.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 68-2008- (Refer to DISCUSSION, 2:00 p.m. for details of action taken.)

PUBLIC HEARINGS/MEETINGS/DUSCUSSIONS/WORK SESSIONS

COUNTY ADMINISTRATOR COUNCIL BRIEFING

1:30 p.m. General Updates:

Also present: Ron Henrickson, CD&P Director; Adina Cunningham, SJC Deputy Director; George Johnson, Information Services Manager; Lincoln Bormann, Land Bank Director; and interested members of the public.

1.) Agriculture Designations: Mr Rose stated that the Assessor had been scheduled to report, on the 8th of September, regarding the agriculture land conservation program and on feedback he is receiving from the letter sent to people in Agriculture designations.

2.) Western Washington Growth Management Hearings Board (GMHB) Remand Requests: Mr. Henrickson was pleased to report that remands by the GMHB were being met satisfactorily and that, barring any surprises, he looks forward to a finding of compliance on October 30, 2008. He distributed a copy of the last page of the order, showing the remands of the GMHB. Mr. Henrickson answered questions from the Council and discussion took place regarding water systems.

3.) Supreme Court Ruling Regarding Public Records/Retention Requirements: Mr. Rose reported that, in a second Supreme Court decision, all forms of electronic communications having to do with public business were subject to the same discovery and retention requirements as paper documents. He stated that Ms. Cunningham was present to provide a briefing on this and George Johnson, IS Manager, would recap yesterday's options presented by Microsoft agent, Allen Abrahamson. Ms. Cunningham gave an informational update on "e-documents" and their metadata, and retention requirements and liabilities in a PowerPoint presentation. She answered questions from the Council. Mr. Johnson then explained how this onerous task of retaining, retrieving, and auto-deleting "documents" could be managed with the program that was presented yesterday by Mr. Abrahamson. Council discussion took place. Mr. Rose cautioned the council not to conduct public meetings via e-mail stating they can be traced through metadata. Mr. Johnson suggested implementing video conferencing and video streaming as the first steps in achieving what the Council has asked for. The end stage would involve integrating the phone system to restore, categorize, and retrieve messages. Mr. Ranker asked for a ballpark figure for Mr. Myhr to take to WSAC to make this a top priority for counties. Mr. Johnson said he is working to determine a budget and the amount of storage required for implementation. Mr. Rose stated that the State is also trying to figure out how to manage this and is looking at solutions through the Department of Information Systems (DIS). Mr. Johnson said DIS is not providing services to Counties yet, but that the State Archivist recognized the need and has been attempting to develop systems for the permanent retention of archival documents in the e-mail arena so that Counties could upload their messages for permanent retention to the digital archives at no cost. Discussion followed regarding permanent retention and Ms. Cunningham explained that as long as a document is retained it must be disclosed even if it is beyond the retention requirement period. She added that by not destroying documents according to the schedule, it would place SJC in violation of its own policy. Mr. Peterson asked for Council training on basic technology, such as phone functions. Mr. Johnson offered training as a group or individually.

4.) Odlin South: Mr. Bormann, Land Bank Director, reported on the status of the Odlin South Trustland transfer. He stated that in 2006, Doug Sutherland, Commissioner of Public Lands, committed to preserving a portion of this 104 acre property, at no cost to the County. The latest version of their offer is to include it in the Trustland Transfer List for the next legislative session. The DNR creates a list of properties and requests State Legislature to commit money to purchase those properties which end up going to various other entities. SJC would be the entity receiving approximately 35 acres of the Odlin South property. The DNR would retain 60-65 acres to sell as four 15 acre lots. He stated that the Land Bank is currently reviewing the ecological attributes of the property to ensure it meets SJC needs and will provide trail connections, etc. He added that there is some flexibility in terms of the overall area as long as the DNR gets its four development units.

5.) Mitchell Hill: Mr. Bormann stated that since the DNR cannot do a direct sale, the plan is to hold a direct sale of Mitchell Hill with the County as a player at the front end, passing the property through to the Conservation Fund, which will hold the property until Congress appropriates the funds to add it to the English Camp unit of the SJI National Historical Park, possibly this fall or early next year. Mr. Ranker stated that, in this case, both Mitchell Hill and Odlin South need to be on the legislative priorities as far as pushing for funding now on both State Legislature and Federal Congress lists. Mr. Bormann answered questions from the Council.

DISCUSSION

10:08 a.m. (Added item.) Full Funding Request Discussion: Mr. Ranker thanked Mr. Soltman for coming forward with this request and stated that he supports adding it as one of the top SJC priorities for the State Legislature as well as for the Governor. He added that there is a State committee now, thanks to Jeff Morris, that should have a new definition of basic education before the legislative session begins, satisfying that step, but that the other requests put forward in Mr. Soltman's document should be added to the Council's asks. Mr. Soltman answered questions from the Council and discussion followed regarding property taxes and initiatives, levies, enrollment and other funding factors, and full-funding for basic education. Jack Cory asked for clarification on the definition of basic education and if unfunded mandates were part of basic education. Mr. Soltman explained that that is the question they are trying to resolve. He explained that "basic education" was defined in the late '70s with funding formulas relative to that time. Since then technology happened, special programs for disabled students happened, English as a Second Language (ESL) programs happened, along with a whole variety of state and federal mandates, and school districts are required to fulfill these as part of basic education. After Council discussion with the CA, Mr. Ranker moved to add a legislative priority for state legislature and the Governor, for local educational support and to define the specifics of that. Mr. Peterson seconded the motion. Mr. Knapp asked if there was a way to phrase the motion in the language that Mr. Rose had mentioned, to support these requests through school organizations and WSAC. Mr. Ranker withdrew his motion and asked Mr. Soltman if his request would be coming from the full-funding coalition and if it would it be appropriate for SJC's legislative push to support his request. Mr. Soltman said that it would and the following action took place:

Moved by Ranker, seconded by Peterson, to add to SJC legislative priorities supporting the requests from the Full-funding Coalition to support education in Washington State. The motion carried unanimously.

Mr. Ranker then stated that it is realistic that this could have greater strength by having other counties add it to their priorities. Mr. Soltman stated that he is the chair of the Superintendent's Advisory Council for the ESD and would be certain to get that message out to the other districts.

10:20 a.m. Board of Health: This discussion was tabled until the next Council meeting due to Mr. Lichter's absence.

10:35 a.m. Legislative Priorities: Mr. Myhr opened this discussion with the addition of the request for basic education. Mr. Ranker explained that the Governor was unaware that although Washington State received the single largest increase in decades, it still only funded two-thirds of the mandates due to the definition of basic education. Mr. Knapp asked that a crosswalk be marked between the Courthouse and the Legislative Building. Discussion followed and the Council decided to send a letter to the Mayor and Town Council requesting this. Mr. Myhr referenced the request from Barbara Rosenkotter. Mr. Ranker expressed concern regarding the increase in DFW's bi-annual budget request. Mr. Ranker asked that Ms. Rosenkotter contact DFW for information regarding

this and suggested David Trout, Nisqually Tribe, and Salmon Recovery Funding (SRF) Board member, as a contact. Mr. Rosenfeld concluded this discussion, recapping that the Council would keep all priorities as listed and add support of basic education to the Legislative and Governor lists.

2:00 p.m. (Commenced at 2:19 due to time constraints.) Judd Cove: Mr. Bormann provided a slide presentation on the Judd Cove property on Orcas Island. He referenced reasons for preserving this property, stating that it is a documented herring spawn area, has a wide variety of species in the cove, will add to the very limited public shoreline access on Orcas, and provide trail connections. He stated there are also historical attributes and would be used for a variety of purposes such as research and education. He reviewed the restoration plans, stating that it is currently a log dump, but that the DNR has agreed to remove all remaining creosote structures and underpilings. He reviewed acquisition costs stating that of the \$1.15 Million purchase price, the Land Bank is committed to \$500,000, the Trust for Public Lands and grants amounts to \$650,000, WWRP Water Access applied for is \$450,000, with match requirements, results in a maximum cost to SJC of up to \$500,000. Council discussion took place and the following action was taken:

Moved by Myhr, seconded by Knapp to approve a resolution to acquire and accept the deed for the Carlson Property, Judd Cove, on Orcas Island. Motion carried unanimously.

2:30 p.m. – Washington Counties Risk Pool (WCRP) – Adina Cunningham, SJC Deputy Director, introduced David Goldsmith, WCRP Member Services Manager, and Vyrle Hill, WCRP Executive Director, who explained how risk pools are funded and provided an update on the pool, including SJC's position and risk assessments. Mr. Goldsmith distributed an information packet including the 2007 Annual Report. Mr. Hill explained member assessments, the benefits of belonging to a risk pool, and the current confidence factor of WCRP as 90% and their goal of achieving a confidence factor of 98% in the next two years. They answered questions from the Council. Mr. Knapp thanked them for their interesting and informative report.

PUBLIC HEARINGS

10:50 a.m. - A public hearing was held to consider the Doran Timber Open Space Application #07TOS003. Present: Council Chair, Howie Rosenfeld; Council Members, Rich Peterson, Gene Knapp, and Bob Myhr, and Kevin Ranker; Julie Thompson, Associate Planner CD&P; Bob and Happy Doran, Applicants; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. Thompson presented her Staff Report and amendments recommended by the Planning Commission (PC). She explained the review process and how proper programs for management are determined. Ms. Thompson answered questions from the Council. Public Testimony was opened, none submitted, and closed. Mr. Myhr announced that he's had a long standing relationship with the Applicants and feels this would not impair his judgment as a public official on this application and asked if there was any objection to his participation. No one expressed objection. Mr. Rosenfeld made a similar statement and asked if there were any objections to his participation. No one expressed objection. Deliberations were held and the following action was taken:

Moved by Peterson, seconded by Myhr, to approve the Doran Timber Open Space Application #07TOS003 with the changes recommended by the PC. Motion carried unanimously.

11:05 a.m. A public hearing was held to consider the Doran Open Open Space Amendment #07OS002,. Present: Council Chair, Howie Rosenfeld; Council Members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr; Julie Thompson, Associate Planner CD&P; Bob and Happy Doran, Applicants; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. Thompson presented her Staff Report which had been recommended for approval by the PC. Ms. Thompson answered questions from the council. Mr. Myhr pointed out that the Public Benefit Rating System (PBRS) scores were high and that PBRS has a tendency to be slanted towards habitat as opposed to land conservation, and stated his concern that Agriculture Conservation Open Space be included in SJC. Public Testimony was opened, none submitted, and closed. Mr. Myhr announced that he's had a long standing relationship with the Applicants and feels this would not impair his judgment as a public official on this application and asked if there was any objection to his participation. No one expressed objection. Mr. Rosenfeld made a similar statement and asked if there were any objections to his participation. No one expressed objection. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Ranker, to approve the Doran Open Open Space Amendment #070S002. Motion carried unanimously.

EXECUTIVE/CLOSED SESSIONS

11:20 a.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to evaluate performance of a public employee pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 12:10 p.m. for an actual session time of 50 minutes. No action was taken.

3:30 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to evaluate performance of a public employee pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 3:45 p.m. for an actual session time of 50 minutes. No action was taken.

ADJOURNMENT - Moved by Ranker, seconded by Myhr, to adjourn the meeting at 3:47 p.m. Motion carried. The next regular meeting was scheduled for Monday, September 8, 2008, and the next regular Tuesday meeting was scheduled for Tuesday, September 9, 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Howard Rosenfeld, Chair
District 3, Friday Harbor

ATTEST: Clerk of the Council

By: _____
Lisa Brown, 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