

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
October 27 and 28, 2008**

Monday, October 27, 2008 - Council Hearing Room, Legislative Building, FH

CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

Council Chair Howard Rosenfeld called the staff meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, and Bob Myhr; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk Lisa Brown; and interested members of the public were present.

EXCUSED ABSENCES

Moved by Myhr, seconded by Knapp, to **excuse Councilman Lichter**, today and tomorrow, for a medical procedure. Motion carried unanimously.

CLERK UPDATE / ADMINISTRATIVE MATTERS

Clerk Larson reported that she would be updating the budget books by placing additional pages in them this afternoon and reminded the Council that November 3-5 would be full meeting days to cover budget discussions. She also referenced the thank-you letter from Mr. Rosenfeld to Chris Clement and Dwayne Kalynchuk, the Canadian officials who provided a briefing on the sewage treatment situation in BC.

Deputy Clerk See distributed a committee vacancy update chart that included term expirations/resignations, and current applicants and explained that an ad would run this week and next week, covering all committees with openings occurring through the end of the year. She also reported that Linda Cobos, recently appointed to the ARC, had resigned, and reviewed term expirations and applicants. Council discussion took place and the following motion was made.

APPOINTMENTS:

Moved by Ranker, seconded by Myhr, to appoint Merritt Olson and Juniper Maas to LTAC and Carl Jones to the Park Board. Motion carried unanimously.

Administrative Matters: Council Minutes and agendas were reviewed. The upcoming budget meetings were discussed and the Council expressed a desire to have an overall discussion regarding possible solutions prior to more departmental reviews. Mr. Knapp added that he was disappointed in Ms. Morais' reprimand and thought her e-mail should be discussed. Mr. Rose explained that direct employee dialogue, that could impact labor negotiations, is not permitted and Ms. Morais was doing her job to discourage that. Mr. Peterson suggested forming a subcommittee to review suggestions that have been submitted by employees. It was decided that Councilmen Peterson, Knapp, and Myhr would comprise that committee. Mr. Ranker offered to lay out his thoughts for consideration. Regarding the Consent Agenda, Mr. Knapp questioned the Federal Fair Housing Act item. Mr. Rose stated that it is an annual notification regarding the Community Development Block Grant (CDBG), pledging that SJC will "play by the rules." Mr. Knapp requested to see the rules, possibly after the budget is resolved. Mr. Rose said that he would follow-up on this and schedule time for a presentation by Colin Maycock.

COUNCIL CALENDAR REVIEW

Council calendar items were reviewed.

COUNCIL MEMBER UPDATES

Derelict Vessel Program: Mr. Ranker reported on an e-mail regarding a derelict vessel in Barlow Bay that Public Works said they were not responding to. Mr. Rose said he would contact Mr. Manning for information regarding this, as this program is under the direction of Health and Community Services. **SJC Transfer Station:** Mr. Rosenfeld referenced an e-mail from Larry Wight regarding a recycling facility in Ballard that includes services on a compact site. He was able to view it on Google Earth, and suggested SWAC look into it. **Public Works**

Annual Road Plan: Mr. Rosenfeld received an e-mail from King Fitch, Town Administrator, thanking the Council for delaying the SJ Valley Road project until next year, as they have not yet engineered the water-line. **Ferries/FAC/ Ferry Subcommittee:** Mr. Rosenfeld reported that WSF has offered to include FACs in decisions at upcoming meetings and expressed concern about providing proper meeting notice, as it would require having a quorum in attendance. Ms. Larson suggested advertising these meetings as special meetings, which require only a 24 hour notice and Mr. Myhr suggested teleconferencing. **Stormwater Subcommittee:** Mr. Peterson suggested, if the driving force in passing this ordinance is to gain Growth Management Act (GMA) compliance, that the Council consider passing just the base fee, and work towards compliance in the future. He does not want to burden SJC citizens at this time, noting “the economy trumps a lot of other things right now.” Council discussion took place and Mr. Ranker stated that each year SJC remains non-compliant, the County misses out on opportunities to apply for millions of dollars in grants. He also stated that he appreciated what Mr. Peterson said regarding the economy and the impact of increased fees on SJC citizens, and said it needs to be looked at holistically. Mr. Rosenfeld said he would consult Staff and Mr. Myhr noted that the decision would have ramifications on the budget. **Legislative Priorities & Lobbying Efforts:** Mr. Myhr reported that Jeff Morris would be on SJI on Tuesday, from 8:30 to 10:30, on Lopez from 1:30 to 3:30, and on Orcas this afternoon, to present regarding energy issues and solutions. **General Government Subcommittee:** Mr. Knapp reported that he received a draft Code Enforcement Ordinance from the Prosecuting Attorney and asked Clerk Larson to schedule time on the Council agenda for discussion regarding this. He said Ms. Larson had researched franchise agreements from other jurisdictions, and ordinances regarding peddling.

COUNTY ADMINISTRATOR ITEMS

Also present: Jonathan White, San Juan Initiative (SJI) Co-chair; Amy Windrope, SJI Program Coordinator; Jim Kramer, SJI member; Jay Weber, County Road Administrative Board (CRAB) Executive Director; Jon Shannon, Public Works Director; and interested members of the public.

11:00 a.m. – San Juan Initiative (SJI) Update: Mr. White reported that he and Ms. Windrope would be presenting their recommendations for improving protection of marine shorelines at six public meetings and then go back before the SJI Policy Group with their recommendations, bringing feed-back received from the public. He also invited input from the Council. Ms. Windrope provided an overview of the SJI goals, research, findings, and recommendations for improving shoreline protections as they approach the end of their two-year mission, with the final meeting of the Policy Group scheduled for December 11, 2008. Their next meeting is scheduled for November 13, 2008. Ms. Windrope asked that the Council review the recommendations and invited them to attend these meetings, and to weigh in on what they think is important and where they see challenges. Ms. Windrope gave a detailed presentation on the four key points arrived at by the Policy Group to improve protection, which are: (1) tailoring protection to match ecological functions that exist along the shoreline, (2) improving education and access to information to the public; (3) improving consistency of regulation, and (4) ensuring a system is in place that encourages doing the right thing, and discourages non-compliant activity and any activity that can be damaging to the environment. She explained the reasoning and scientific basis behind these points and shared research related to their focus on two ecosystem components; protecting shoreline vegetation, and improving protection of natural beach forming and beach erosion processes. Mr. Kramer invited feed-back from the Council to bring to the public and asked the Council to consider whether they have met the objectives set forth by Policy Group. Mr. White, Ms. Windrope, and Mr. Cramer answered questions from the Council.

County Road Administration Board (CRAB) Update: Mr. VanLund introduced Jay Weber, CRAB Executive Director, explaining that in order for Public Works to maintain its Certificate of Good Practice, PW records are inspected bi-annually by CRAB. Mr. Weber introduced his colleagues, also present; Bob Moorhead, CRAB Data Manager; Walt Olsen, CRAB Deputy Director and Chief of Engineering Services; Jeff Munson, County Engineer and PW Director for Whatcom County, serving in the capacity of Intergovernmental Service Manager for CRAB. Mr. Weber explained that they would also look at SJC policies and procedures to see how they align with State Statutes and WACs, adding that SJC has a history of doing very well in this regard. He referenced comments made earlier regarding the budget shortfall and cautioned the Council that, as they eye “mountains of cash” in the Road Fund, they consider that one transfer from the Road Fund could have lingering effects for twenty years. He commended Staff, stating that he offered to watch from afar through the transition from Commission to Council and found the process to be exemplary; he hopes to see the County continue in this regard. Mr. Weber answered questions from the Council.

PUBLIC HEARING

12:30 p.m. (Commenced at 12:34 due to time constraints.) A **public hearing** was held to consider an Ordinance adopting the Critical Aquifer Recharge Area (CARA) and Critical Area Ordinance (CAO) Amendments. Present: Council Chair Howie Rosenfeld; Council members Kevin Ranker, Rich Peterson, Gene Knapp, and Bob Myhr; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Public Hearings Specialist, Lisa Brown; Shireene Hale, CD&P Senior Planner; Ron Henrickson, CD&P Director; Jon Cain, Deputy PA; Vicki Heater, Environmental Health Water Specialist; and interested members of the public were present. Ms. Hale referenced her Staff Report, noting that the CAO committee did not reach consensus regarding designating the entire County as a CARA. The concern by four of the nine members was regarding “unintended consequences” and is included in a minority report. She explained that as they moved through the process there was little opposition to the proposed amendments and broad groundwater approach, and that she had received a letter of support from Washington State Community Trade and Economic Development (CTED) indicating that most of the island communities in Puget Sound had designated their entire island as a CARA, but believed that Island County had not. She noted that the discomfort surrounding this idea mainly comes from the term “critical.” She noted that the Ordinance presented is lengthy, however, the majority is existing language that is not proposed to be changed, but the law requires presenting the entire section. Proposed is a County-wide groundwater protection program based on the determination that most of our groundwater is susceptible to contamination through a study done by a County hydrologist. This eliminates the requirement, currently in place, for businesses that use chemicals to provide a hydro geological analysis. Amendments include: plan reviews and occasional inspections of businesses, language regarding sewage and wastewater management, clarification that practices outlined in the 2005 Low Impact Development (LID) manual are acceptable alternatives for managing stormwater, and updates to outdated references, including extending services beyond urban growth area (UGA) boundaries. She stated that a “takings” analysis had been done. Ms. Hale and Ms. Heater answered questions from the Council, regarding: the differences between the many aquifers in our County and other island areas, which are comprised of single aquifers that are equally vulnerable and susceptible to contamination; recharge rates; boundaries of designated areas; and impacts. Public testimony was opened, and submitted by seven individuals (four were opposed to the proposed CARA, one asked for a better notification process for items with significant impacts, one expressed a concern regarding protection of our resources, and one urged the Council to move forward with the proposed Ordinance). Public testimony was then closed, with the right to reopen reserved. The Council asked additional questions of staff. Mr. Ranker moved to have deliberations continued to 10:00 a.m. or after on November 18, 2008. The motion was seconded by Mr. Peterson with a friendly amendment to allow additional public testimony. Mr. Rosenfeld asked if there was anyone present wishing to submit additional testimony. Mr. Ranker withdrew his motion and Mr. Rosenfeld reopened public testimony. Two individuals spoke in opposition to the Ordinance and additional comments were made by the individual regarding increased notification, suggesting adding to the current 250 e-mail address data-bank in a County comprised of 17,000 tax parcels. Public testimony was then closed, with the right to reopen reserved.

Moved by Ranker, seconded by Myhr, that deliberations be continued to 10:00 a.m., or after, on November 18, 2008. Motion carried unanimously.

Mr. Rosenfeld added that public testimony was open for written comments.

ADJOURN - At 2:10 p.m., Council Chair Rosenfeld adjourned the meeting.

Tuesday, October 28, 2008 - Council Hearing Room – Legislative Building, FH
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CALL TO ORDER

Council Chair Rosenfeld called the meeting to order at 10:01 a.m. Council Members Kevin Ranker, Rich Peterson, Gene Knapp, and Bob Myhr; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk Lisa Brown; and interested members of the public were present.

The flag salute was conducted.

EXCUSED ABSENCES

Mr. Rosenfeld noted that **Mr. Lichter's absence** today had been excused yesterday.

CITIZENS ACCESS TIME

Mike Kaill, a SJC citizen, addressed the Council regarding reductions in the Community Development and Planning (CD&P) Department that impact low impact development (LID) and encouraged them to reconsider that decision.

Jack Cory, a SJC citizen, commented on a recent stormwater application he submitted recently, noting that there had been no changes in the process, but did learn that one Council member had confirmed that an author of the King County Stormwater Plan said he never intended its use for rural communities and that it is inappropriate in the way it is being applied, and asked the Council to report on that. Mr. Ranker explained that this is being worked on. Mr. Cory said it could easily be adapted for single family residences. Mr. Rose reported that Ms. Cunningham has Staff working on a plan for densities of R5 and greater, applying conditions to low-, medium-, and high-risk threshold areas, with a focus on high-risk areas.

APPROVAL OF MINUTES

Moved by Myhr, seconded by Ranker, to approve the **Minutes of October 20 and 21, 2008**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Knapp, to approve the **Final Consent Agenda of October 28, 2008**, as follows:

A. Resolutions / Ordinances:

1. A Resolution adopting the San Juan County 2008 [sic 2009] Annual Road Program.

B. Contracts/Agreements: (No items.)

C. Budget Items: Approve Warrants:

- Warrant #52655 in the amount of \$200.00 for Veteran's Assistance
- Warrants #52656-52752 in the amount of \$77,113.06
- Warrants #52753-52788 in the amount of \$175,672.02 for Public Works
- Warrant #52842 in the amount of \$2403.01
- Warrant #52843 in the amount of \$296.00 for Veteran's Assistance

D. Personnel: (No items.)

E. Appointments:

1. A letter reappointing Merritt Olsen to the SJC Lodging Tax Advisory Committee, as a Receiver, beginning November 1, 2008 and expiring October 31, 2011.
2. A letter appointing Carl Jones to the SJC Park Board, Position #6, beginning November 1, 2008 and expiring June 30, 2014.
3. A letter appointing Juniper Maas to the SJC Lodging Tax Advisory Committee, as a Contributor, beginning January 1, 2009 and expiring December 31, 2012.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried.

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

COUNCIL MEMBER UPDATES

Ferries/FAC/Ferry Subcommittee: Mr. Rosenfeld reported that he was contacted by a resident (a Friday Harbor business owner) who had been detained by Customs, with his girlfriend and daughter, for two hours in Anacortes, when trying to get his daughter to the mainland for a visit with her mother. The Customs agent had taken his keys and requested a birth certificate for his daughter. Mr. Ranker asked if the family was Latino and also said that BP

is allowed to ask for proof of American citizenship in the form of a passport and/or driver license, but not a birth certificate, and suggested contacting Senator Cantwell's office.

DISCUSSION ITEMS

10:20 a.m. – San Juan County Water Quality: Paleobiologist Russel Barsh, presented a report, Preliminary Survey of Pyrethroid Pesticides and Surfactants in SJC Surface Waters, to the Council. His report included research, findings, and recommendations for improvement. He stated that although the visual perception of the San Juan Islands is pristine, they are located in the middle of an urban triangle; the center of all of the affluent and air-borne contaminants (that can travel up to 100 miles) of major cities in the area. He noted that given this circumstance, problems in the marine environment are expected, but that public information and awareness is important to assist citizens and businesses in reducing what they contribute. Mr. Barsh explained his research in detail, noting that it is difficult to determine how much contamination comes from airborne sources outside our region. Mr. Ranker suggested testing water quality in Lakes on Cypress, which are in a protected area, free from local contamination, to establish a baseline marker for outside contaminants. Mr. Barsh said that was a good idea and answered questions from the Council and the public regarding the levels of contamination, pesticides, surfactants, and fertilizers.

10:50 a.m. (Commenced at 10:55 due to time constraints.) **Lodging Tax Advisory Committee (LTAC) Recommendation for the Visitor Bureau Marketing Plan:** Deborah Hopkins, Executive Director of the SJ Islands Visitors Bureau, referenced her plan, noting that LTAC had great suggestions that she incorporated into the plan, printed in red. Ms. Hopkins answered questions from the Council and the following action took place:

Moved by Peterson, seconded by Knapp to approve the SJ Islands Visitors Bureau Marketing Plan for 2009. Motion carried unanimously.

1:30 p.m. – Revisions to the Homeless Plan and Proposal for SJC Housing Authority: Angela Lausch, Health & Community Services Affordable Housing Coordinator, reported that the Housing Bank Commission (HBC) is requesting approval for a new program for extremely low income seniors, with annual incomes less than \$13,650, for the purpose of preventing homelessness. She referenced mandates of the SJC Homeless Plan, required under the Homeless Housing and Assistance Act, passed in 2005, noting that the program is referenced in the plan and she is seeking authorization to implement it. She also noted that funds for the program are already available, but require the program to be in place in order to access them. Ms. Lausch answered questions from the Council. Mr. Rose pointed out that this was the first touch and that Staff was seeking approval to continue in moving forward in preparation of the next presentation. Chair Rosenfeld gave his approval.

Ms. Lausch then referenced the Staff Report regarding the formation of a Housing Authority for San Juan County. She read from a prepared statement and provided data showing median income, increasing less than \$10,000 in the past seven years, in contrast to median home prices, which have increased over \$300,000 in that same period. Ms. Lausch says it makes economic sense to have a Housing Authority, adding economic development requires businesses, businesses need employees, and employees need housing. She reported that the lack of workforce housing is already being felt here and local businesses blame unsuccessful recruiting on the high cost of housing, land, and development costs. Ms. Lausch answered questions from the Council regarding Housing Authority properties not being subject to property taxes, mixed development, rental units available, funding restrictions, regulations, governing authority, and eminent domain. Mr. Knapp stated that in his opinion the Housing Authority law is not aimed at communities like SJC, as it would set up a new form of government with extensive powers. He noted that only one of the 13 pages of powers from the RCW was included in the packet and identified the most serious problem being that this power is exercised by five lay people, not the local government, and includes the power of eminent domain. Mr. Rosenfeld asked Ms. Lausch to bring the proposal back at a later date to address the concerns that had been noted. Mr. Knapp asked Ms. Lausch to determine whether or not a Housing Authority could be enacted excluding the power of eminent domain.

3:00 p.m. – Review of 2009 Law and Justice Budgets: Present: Mr. Rose, County Administrator; Marion Melville, District Court Manager; Stewart Andrew, District Court Judge; John Linde, Superior Court Judge; Joan White, SJC Clerk; Tom Kearny, Juvenile Court Administrator; Randall Gaylord, Prosecuting Attorney; Charles Silverman, Deputy Prosecuting Attorney; and SJC Sheriff, Bill Cumming. Mr. Rose prefaced this discussion by explaining that each Law and Justice Department had made the reduction percentages he requested in order to

close the SJC Budget and Department Managers were present to explain what impacts these cuts will have on their services, unrelated to pay and benefits. The department managers alternated coming before the Council and answered questions regarding their case-loads, mandates, and impacts to the community. They reported that work-loads are anticipated to trend upward and on inter-departmental staffing shifts. Mr. Ranker expressed that he understands the needs, but is very troubled by the idea of laying people off and then hiring new staff during this difficult time. Mr. Linde explained that he learned of two people seeking employment that have many years of court reporting experience, a skill not easily come by, and requirement in the position he requested. Several department heads explained that should their services exceed available funding next year, they would need to come before the Council for emergency appropriations.

EXECUTIVE/CLOSED SESSIONS

11:10 a.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 50 minutes, to discuss Labor Contract Negotiations pursuant to the provisions of RCW 42.30.140(4). Participants: Pamela Morais, Human Resource Manager. The session ended at 12:25 p.m. for an actual session time of 75 minutes. No action was taken.

When the Council session resumed at 1:30 p.m. Council Chair Rosenfeld announced that the Council would return to executive session at 2:00 p.m., pre-empting the 2009 Budget Review Discussion scheduled.

2:00 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 60 minutes, to discuss Labor Contract Negotiations pursuant to the provisions of RCW 42.30.140(4). Participants: Pamela Morais, Human Resource Manager. The session ended at 3:05 p.m. for an actual session time of 65 minutes. No action was taken.

ADJOURNMENT - Moved by Ranker, seconded by Myhr, to adjourn the meeting at 3:51 p.m. Motion carried. The next Regular Meeting was scheduled for Monday, November 3, 2008, and the next Regular Tuesday Meeting was scheduled for Tuesday, November 4, 2008.

COUNTY COUNCIL, SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on Tuesday, November 4, 2008. The original document is retained in the Council’s permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.