

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
FEBRUARY 12 AND 13, 2007**

Monday, February 12, 2007 - Council Conference Room

CALL TO ORDER

Council Vice-Chair Rosenfeld called the special meeting to order at 10:00 a.m. Council members Ranker, Peterson, and Knapp, County Administrator, Pete Rose; Clerk to the Council, Carolyn Morrison; and interested members of the public were present. Council Members Myhr and Lichter were excused.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council met for a weekly Staff Meeting and Council Work Session regarding County business. No action was taken

RECESS - At 11:28 a.m., Council Vice-Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, February 13, 2007.

Tuesday, February 13, 2007 - Council Hearing Room

CALL TO ORDER

Council Chair Myhr called the meeting to order at 10:07 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Carolyn Morrison; and interested members of the public were present. The flag salute was conducted.

CITIZEN ACCESS TIME

No matters were brought before the Council.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda and Discussion/Other Action Agenda were revised.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Peterson, to approve the minutes of **February 5 and 6, 2007**. Motion carried with Councilman Myhr abstaining due to non-participation.

CONSENT AGENDA

There was no Consent Agenda for this meeting.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 1-2007 – (Refer to PUBLIC HEARINGS/MEETINGS, 1:30 p.m. for details of action taken.)

ORD. NO. 2-2007 – (Refer to PUBLIC HEARINGS/MEETINGS, 3:30 p.m. for details of action taken.)

MISCELLANEOUS ITEMS:

1. Letter of January 17, 2007 to WA State Transportation Commission – Councilman Knapp requested this matter be discussed in open session because there may have been a violation of the Council's rules involving a January 17, 2007 letter that appeared to be from the Council, sent to the Tariff Policy Committee without the knowledge or approval of the Council. A copy of emails that described the circumstances of the letter and a copy of the January 17th letter were made part of the public record. The letter had been drafted by the Chair of the Ferry Advisory Committee who asked that the Council send it as soon as possible to meet a very short deadline.

Mr. Knapp stated that this was an unusual circumstance unlikely to occur again and therefore requested that the matter be closed. Mr. Lichter added that this incident fell in the category of an unusual situation and he felt there should be safeguards in effect for future matters and the Chair and Clerk need to keep watch. Mr. Ranker added that when a Council member writes a letter as an individual, he needs to be certain he does so as an individual and not as the Council. For the record, he stated that a letter had been sent to Chair Myhr from Richard Ford, Chairman of the WA State Transportation Commission, dated February 8, 2007, stating that the Tariff Policy Committee had been dissolved upon a recommendation of the Joint Transportation Committee.

2. Draft SJC Ferry Schedule for Summer 2007 and Other Ferry Issues – Present: Alex Macleod, SJC Ferry Advisory Committee (FAC) Chair; and interested citizens. **(a) Draft Ferry Schedule** -- Councilman Peterson read a letter from Susan Herrera, a County Employee at the WSU Extension Office to Senator Harriet Spanel dated February 9, 2007 addressing a draft schedule that was the “worst schedule” she has ever seen. He read the contents into the record which basically stated this proposed schedule would make for a 14-hour day for commuters from Lopez Island. Mr. Macleod explained that this was Draft 8 of work that the FAC had been working on and they were now on Draft 10 or 11. This issue has been resolved. He explained to the Council that there are complicated issues the FAC has to deal with before WA State Ferries (WSF) makes a final decision on each schedule, adding that the FAC only makes suggestions. Mr. Peterson stated it would be useful for the Council to see the final draft so that it can be reviewed. Mr. Knapp noted that on the draft the Council had, he was glad it was a draft as there was a six-hour gap on ferries from Anacortes to Orcas Island. Mr. Ranker noted that this draft made it impossible to take the early ferry for meetings and that he too had concerns about San Juan Island schedules. He wanted the Council to work together on this so that it was aware of the situations and background information on the proposals. Mr. Macleod reported that Robert deGavre and Ed Sutton, FAC members, worked on the scheduling, and for San Juan Island he should speak with Mr. deGavre. Mr. Ranker wanted a motion from the Council about participation in the process. Mr. MacLeod suggested that as soon as WSF had signed off on a schedule the FAC would bring it to the Council. He expressed his concerns if the process was held up by reporting to the Council each step of the way. Mr. Rosenfeld commented on the impossible job the FAC has and that they should have kudos for the fantastic job they have done. He did offer suggestions on keeping the most “full boat” out of Friday Harbor at the noon hour and the arrival of the one at 1:45 p.m. as being a big improvement over other schedules. Mr. Ranker asked Mr. Macleod about a request from the public for a copy of the draft being discussed and if it had been withheld. Mr. Macleod responded that the FAC had invited the press to attend a work session and this Draft No. 8 was being discussed at that meeting. He was not aware that a draft had to be released during a work session; however, the Prosecutor had explained that if a document is brought into a meeting it becomes a public document. A copy was given to the person who made the request. The Council discussed communication issues about the draft schedules, having a seat at the WSF table, and other related issues. Mr. Macleod stated that the FAC has regular contact with the public and receives comments and suggestions on a regular basis. He added that, “Anything to do with ferries cuts to the heart of this County.” He added that there is a 50/50 chance that the 2006 summer schedule will be used for the 2007 summer schedule except for which boat will be used for the Sidney, B.C. run. Mr. Ranker asked for Mr. Rose to share his comments. Mr. Rose offered that all working drafts brought to public meetings are subject to being given to the public upon request. Mr. Lichter stated he felt it would be bad judgment for this Council to review by a motion, having the FAC share every draft they work on; however, we could ask them to share the final drafts as they near completion. Mr. Ranker restated his concerns and opinions noting he is in contact with WSF at least a couple of times a week and has never heard that the County Council cannot review schedules. He stated that they are (as Council members) elected to watch over things like this; but, we would have to respond quickly. He felt it was a good idea to follow Councilman Peterson’s lead that the Council pay close attention to this issue, and that it would be great if the FAC sent us another draft so that we could let our constituents know we were paying attention. Mr. Macleod stated he wanted to confer with WSF staff before releasing further working drafts to the Council as he understood that WSF might view this in a negative fashion; however, he understood that the FAC was an advisory body to the Council and would be happy to do so if WSF agreed. The matter was discussed further. Chair Myhr stated that he understood that the FAC was “thinking out loud” at their work sessions, but asked them to keep in mind that Highway 20 is an extension of the highway system to the islands. Mr. Ranker stated that he would hold off on a motion concerning this matter until this afternoon after he had placed a call to Jayne Davis and Mike Anderson at WSF to hear what they had to say concerning the issue of drafts coming to the Council. Mr. Rose suggested that Mr. Macleod could email the Council with the progress of the scheduling to keep everyone informed. **(b) Other Ferry Issues and Tariff Policy Committee (TPC) Meetings in San Juan County** – Councilman Rosenfeld began by reporting he had attended the meeting on San Juan Island and felt the whole thing was an exercise in futility. The citizens who spoke said the right things, and the vast majority were heartfelt, but it went over like a lead balloon. It was estimated that more than 72 people attended the San Juan meeting and over a hundred on Lopez. Mr. Ranker asked Mr. Lichter if he was meeting with Mike Anderson (CEO of WSF) on Friday. Mr. Lichter replied that he was and that it was at the request of Mr. Anderson

concerning the Anacortes Ferry Terminal. This was due to his involvement as the FAC liaison and his interest in the terminal proposal. His concern was why 40 million dollars was being spent that was of no benefit to SJC. He stated he will report back to the Council next week. Mr. Macleod asked if he could make a commentary on the TCP meetings held the prior day. He noted that he felt there was a “disconnect” between the people and a message relayed by Mr. Ranker on behalf of the Council. There were over 2,000 signatures collected on a petition within the community to have no more than a 2.5 percent increase in fares. He said that Mr. Ranker had noted that an increase of from 2.5 to 4 percent was being considered. Mr. Ranker clarified what he had stated in accordance with the formal position of the Council that they would be pushing for a 2.5 increase but that it may not be realistic and that the Transportation Commission had recommended 4 percent. No action was taken.

3. Request for Consideration of an Emergency Appropriation for Payment of the New Council Recording System in 2007 with Funds that had Been Approved and Scheduled to be Paid From 2006 Budgeted Funds – Mr. Lichter made a motion to approve going forward with this request to the Auditor for a Public Hearing to formally consider this issue which was seconded by Mr. Peterson. Because Mr. Rose had asked to bring forward other matters of emergency funding during his time, the Council agreed to discuss this Council issue at 11:00 a.m. The motion and second were withdrawn. All items that will be brought forward will be placed on the agenda for discussion the following week to give direction on going to public hearing based upon Council approval.

4. Other Items – (a) Councilman Lichter asked if they could discuss chipseal issues today. Mr. Rose explained that this was scheduled for next week and Mr. Shannon, Public Works Director, was not prepared for today. Mr. Myhr asked if any public agencies had reviewed these issues. Mr. Rose stated that there have been independent people and vendors that have been in contact with Public Works. Mr. Peterson stated that he wanted public input next week. (b) Lopez Hill updates. Mr. Ranker stated that he has time to assist with testimony on this issue as he will be in Olympia this week and will also meet with the Executive Policy people in the Governor’s office. Mr. Myhr stated he will provide him with talking points and thanked him for his assistance. Mr. Rose stated for the benefit of Mr. Myhr that the Council had included Lopez Hill on their “A” list of priorities. (c) Additional comments regarding transportation issues of the Tariff Policy Committee meetings held on Monday. Mr. Ranker stated that he felt Mr. Macleod’s comments on his presentation to the citizens and TPC on Monday were erroneously stated. Mr. Rosenfeld agreed that Mr. Ranker had clearly stated the Council would prefer a 2.5 percent increase. Now that the TPC is being dissolved, it would be important for the Council to be involved if a similar committee was formed. Discussions will be held in the future when more information is forthcoming.

5. Special Announcement Decision of the Growth Management Hearings Board on ADU’s – During the late afternoon, Mr. Ranker asked to share a draft press release with the Council regarding the settlement of the issues concerning accessory dwelling units (ADU’s) in SJC. He stated that with the exception of one issue related to certain parcels less than five acres, the other issues had been resolved and the Growth Management Hearings Board (GMHB) had issued their findings. The Council discussed the wording on the draft and the approach that Mr. Ranker had taken in the document he had passed out. Not all members were in agreement as to the approach taken and did not feel Council letterhead needed to be used for this information release. The Council discussed the matter and Mr. Ranker gave historical information for the benefit of the newly-seated Council members. Chair Myhr requested that the Council be given time to read the GMHB report and digest the findings. Any direction necessary on the two issues still not in compliance could be given when the Council had read and understood the whole report. The majority of the Council felt that this press release should be released by the Administrator; and, that the outstanding issues will be reviewed and direction given to the Administrator as necessary. Mr. Ranker stated that capable outside Counsel had been brought in to deal with this issue and he was grateful for the work done.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. – County Administrator Council Briefing. Also present: Brendan Cowan, Department of Emergency Services Director; Bill Cumming, SJC Sheriff; and interested citizens.

1. Upcoming Emergency Appropriation Requests and Capital Expenditures – Mr. Rose noted that requests were submitted for more than the Council’s recording system. He verbally itemized some of the items which ranged from dump trucks to Critical Areas Ordinance updates “outreach program funding.” Mr. Cowan explained that the grant funding which had paid for half of his salary was going to expire the end of February. He requested consideration of funding for this lost grant assistance. When asked by Councilman Rosenfeld why this had not been addressed in the 2007 budget process, Mr. Cowan explained that it had been brought up during the budget process and was tabled as it was not known when or if the grant funding would cease. The Council asked that Mr. Rose prepare a list of all items for consideration for next Tuesday’s Discussion/Other Action Agenda so that the

items could be taken one at a time. The council also requested that Mr. Cowan be present to address his issue at that time.

2. County Facilities Tour Draft – Mr. Rose presented a draft of the facilities on each of the islands that the Council will be visiting in the future. Each Council member suggested the addition of a few other “stops” and they will be added to the list. San Juan Island tours will be split up over several tours on Monday afternoons. Other island tours will be worked out between Mr. Rose and the Council Clerk. Orcas Island has been scheduled for March 30.

3. Recommendation for a Facilitator for Council Work Session – February 26th and 27th – Mr. Rose stated he had taken suggestions from the Council members and recommended Ms. Lynn Hobbs who has an excellent background in working with the subject matter of this planned work session. The Council discussed the goal of the meeting, what they would like to accomplish, and if a facilitator would assist or impede the completion of the goals of the meeting. Mr. Rose stated he understood the concerns expressed and the benefits that a facilitator could bring, noting that this is a public meeting and therefore there are ground rules and self-discipline in reaching these desired goals. After discussion it was agreed by consensus to contract with Ms. Hobbs for her services. The following action was taken: **Moved by Ranker, seconded by Peterson, to direct the County Administrator to prepare a contract with Lynn Hobbs to act as a facilitator for this planned work session to be paid from the Council’s Professional Services Line Item. Motion carried.**

1:30 p.m. - A public hearing was held to consider amendments to SJC Code Chapter 3.40.030, and Ordinance 9-2006, Attachment C, Fire Code. Present: Pete Rose, County Administrator; Bob Lowe, SJC Fire Marshal; Randall Gaylord, Prosecuting Attorney; and interested citizens. Mr. Rose presented the Staff Report explaining the changes proposed. He asked that the Fire Marshal add his comments. The Council asked questions concerning the proposed changes. Public testimony was opened, submitted and closed. The Council asked additional questions based upon information submitted during testimony and concerning existing fees which were not being considered at this hearing. Mr. Rose stated that those fees could be addressed at another time and were not part of the matter before the Council; and, that he would convey the comments and questions to the appropriate staff members. Deliberations were held and the following action was taken:

Moved by Peterson, seconded by Ranker, to adopt **Ordinance 1-2007**, an ordinance amending SJC Code Chapter 3.40.030, and Ordinance 9-2006, Attachment C, Fire Code. (Under discussion, Councilman Ranker asked that the Fire Marshal and Administrator come back to the Council regarding existing items G and K with more information. Mr. Rosenfeld stated he was more in favor of a sliding scale than the previous fees, but that he has trouble with “all these fees” because his jurisdiction did not charge for this. Mr. Lichter stated he was in favor of the proposal and that this ordinance was well done. Mr. Knapp stated he was pleased with the public that “rose up against” the original fees and got results.) Motion carried.

3:30 p.m. – (Commenced at 4:00 p.m., due to time constraints.) A public meeting was held to consider an Emergency Ordinance amending Ordinance 9-2005, establishing interim zoning for areas on Lopez Island outside the Lopez Village Urban Growth Area (UGA) and Marine Center LAMIRD. Present: Ron Henrickson, Community Development and Planning Department Director; and Pete Rose, County Administrator. Mr. Henrickson presented his Staff Report detailing the issue to be considered. This ordinance would clarify the zoning and density in the areas of the initially proposed Lopez Village UGA which were subsequently not designated as UGA or Marine Center LAMIRD by Ordinance 9-2005. He noted a public hearing is to be scheduled within 60 days. The Council members asked pertinent questions which were answered. Mr. Henrickson noted that it was the intention of the original ordinance to include the density on the map; however, it was an oversight which was affirmed by the Prosecuting Attorney. No public was present and no public testimony was solicited at this time. Deliberations were held and the following action was taken:

Moved by Rosenfeld, seconded by Ranker, to adopt emergency **Ordinance 2-2007**, amending Ordinance 9-2005, establishing interim zoning for areas on Lopez Island outside the Lopez Village Urban Growth Area (UGA) and Marine Center LAMIRD. Mr. Ranker moved a friendly amendment to have staff schedule public hearing within required time. Mr. Rosenfeld seconded the friendly amendment. Both motions were carried.

EXECUTIVE/CLOSED SESSIONS

2:30 p.m. – Council Chair Myhr announced that the Council would be holding an **executive session** estimated to last approximately one hour, to evaluate the performance of public employees, pursuant to the provisions of RCW 42.30.110(1)(g). County Administrator Pete Rose announced that approximately 15 more minutes were required at 3:30 p.m., and Council member Ranker announced that an additional three was needed at 3:45 p.m. The

session was recessed at 3:50 p.m. to allow for other business with an announcement that it would reconvene when the rest of the Council's business was completed. At 4:15 p.m., the executive session was reconvened and lasted an additional 30 minutes. The actual session time was one hour and 48 minutes. No action was taken.

ADJOURNMENT - At 4:45 p.m., Chair Myhr adjourned the meeting. There is no special meeting scheduled for February 19, 2007 as the County offices will be closed in observance of President's Day. The next regular meeting was scheduled for Tuesday, February 20, 2007, and a special meeting was scheduled for Friday, February 23, 2007.

These minutes were approved and signed on February 20, 2007. The original document is retained in the Council's permanent proceedings file dated February 12 and 13. Attest: Carolyn K. Morrison, Clerk.