

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
May 21 and 22, 2007**

Monday, May 21, 2007 - Council Hearing Room

CALL TO ORDER

Council Chair Myhr called the special meeting to order at 10:05 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Carolyn Morrison; Deputy Clerks, Lisa Brown and Amy Taylor; and interested members of the public were present.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – A public meeting was held to discuss the SJC Superior Court Judge Selection Process / Funding. Present: Attorneys Carla Higginson, John Wickham, and Dick Keefe, SJC Bar Association President; interested members of the SJC Bar Association; SJC Staff; and interested members of the public. Mr. Keefe provided information about his background and reported that the SJC Bar Association had decided not to take a public position on whether to have the Governor make an appointment, or to hold an election, for the SJC Superior Court Judge position. He stated the Bar Association was looking for 75 percent in favor one way or the other and that was not achieved. He added that there is no right or wrong answer, just points of view. Ms. Higginson and Mr. Wickham had volunteered to provide pro and con views for the meeting. Mr. Wickham was first. He provided information about his background and presented arguments in favor of the appointment process, including: superior court judges don't shape the law as appellate and supreme court judges do; citizens cast votes for people who represent interest groups supporting certain people; the process would burden our already under-served County with only 8-10 attorneys who practice in Superior Court; the candidates would only be able to tout their fairness and integrity but not address issues the public cares about most, such as their case experience. He added that along with the Governor's extensive candidate questionnaire, she is in a position to review technical qualifications, interview judges whom the candidate has appeared before, and question attorneys who have appeared before them in pro-tem positions, to get a real sense of what their integrity level is. Ms. Higginson then provided information on her background after which she presented arguments in favor of requesting that the Governor waive her right to appoint and move forward with the election process. She detailed two elections in which she was a candidate and in which she was still able to maintain her law practice as a sole practitioner. She said it should be no different for anyone else. Candidates may need to work hard and put in extra hours, but that should not be a basis for denying a vote in SJC. Ms. Higginson continued with the following: the people of SJC know these practitioners, their ability to research, and perform; there is already an election scheduled for November and the Secretary of State has classified the opening of the judge position as a "vacancy," meaning the filing period would begin June 5, 2007; and, other counties have requested waivers and our governor understands the voters' right to elect their own judicial officers. She went on to describe the unique demographics of our county with the independent spirit and highly educated populace, adding that our citizens deserve this right in this historic moment, during the 100 year anniversary of the establishment of our Courthouse, to elect their own judge.

Mr. Myhr invited others to offer comments. Carolyn DeRoos, a Missouri attorney who provides pro bono services in SJC and is also a member of the League of Women's Voters, spoke in favor of the appointment process, followed by an election in 2008. Anthony Vivenzio, a SJC attorney and Federal Arbiter, spoke in favor of the democratic process, encouraging a waiver of the appointment process. SJC attorney, Katie Blaine, expressed concern over the abbreviated election period, and for that reason, was in favor of the appointment process. Questions were posed by the Council and answered by the panel. Mr. Knapp expressed concern regarding the legality of subverting the constitutional process and the process set forth in Washington State Statute. Mr. Myhr asked if any others wanted to present their opinions. Stephanie O'Day, a SJC attorney, was in favor of in-depth evaluations and decided she would lean more towards appointment. Both Prosecuting Attorneys Charlie Silverman and Randall Gaylord presented information about the appointment process and SJC Attorney John Linde spoke in favor of the election process.

SJC Administrator, Mr. Rose, pointed out that a decision to fund this position needed to be made and a timeline determined. He referenced Attachment 2 in his Staff Report dated for the meeting of May 22, 2007, outlining a draft budget for the Superior Court. The Council discussed at length all issues related to this matter. The following action was taken:

Moved by Peterson, seconded by Ranker, to move to an ordinance to fund the Superior Court Judge position beginning January, 2008. Motion carried.

The issue of appointment by the Governor versus requesting a waiver to hold an election was then discussed at length, and the following action was taken:

Moved by Rosenfeld, seconded by Ranker, to allow the gubernatorial appointment of the SJC Superior Court Judge position. A friendly amendment to move to an ordinance not asking for a waiver was submitted by Ranker and accepted by Rosenfeld. Motion and friendly amendment carried with Lichter and Peterson opposed.

2:40 p.m. The Council met in the Council Conference Room for a weekly Staff Meeting and Council Work Session regarding County business. No action was taken. Councilmen Ranker and Lichter were excused due to prior commitments.

RECESS - At 3:50 p.m., Council Chair Myhr left the meeting to catch a ferry. The remaining Council members continued until 4:30 p.m. The meeting was recessed until 10:00 a.m., Tuesday, May 22, 2007.

Tuesday, May 22, 2007 - Council Hearing Room

CALL TO ORDER

Council Chair Myhr called the meeting to order at 10:00 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Carolyn Morrison; Deputy Clerks, Lisa Brown and Amy Taylor; 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

1. There were no changes to the posted agenda.
2. Councilman Ranker excused himself from the afternoon session due to a prior commitment.
3. Four or more Council Members will attend a special "Smart Growth" workshop on June 20 and 21, 2007, led by John Pagini and moderated by Councilman Lichter in Friday Harbor.

APPROVAL OF MINUTES

Moved by Ranker, seconded by Rosenfeld, to approve the Minutes of **May 14 and 15, 2007**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Rosenfeld, to approve the **Final Consent Agenda of May 22, 2007**, as follows:

A. Resolutions/Ordinances:

1. **Resolution 12-2007** - Adopt the resolution granting the request for Timber Open Space classification for Tax Parcel Number 252331003 to J.H. and Geraldine Boone, subject to the approved Forest Management Plan and Open Space Taxation Agreement attached therein; and, authorize the County Administrator to sign the Open Space Agreement on behalf of the Council, pursuant to the public hearing held on January 23, 2007 and motion of approval by the Council.
2. **Resolution 13-2007** – Adopt the resolution granting the request for Timber Open Space classification for Tax Parcel Number 160511003-000 to Kevin and Carol McCoy, subject to the approved Forest Management Plan and Open Space Taxation Agreement attached therein; and, authorize the County Administrator to sign the Open Space Agreement on behalf of the Council, pursuant to the public hearing held on April 17, 2007 and motion of approval by the Council.

3. **Resolution 14-2007** – Adopt the resolution denying the appeal and affirming and upholding the Hearing Examiner's decision to deny a plat alteration for Barry and Connie Collins, appellant and applicant, on Lot No. 65 of the Buck Mountain Plat, Orcas Island, File No. 06APL003, pursuant to the Closed Record Appeal on April 24, 2007.

4. **Resolution 15-2007** – Adopt the resolution repealing Resolution 10-2006 attached thereto; and, approve the release of the cash bond in the amount of \$1,585 to Keith Grinstein, petitioner for the vacation of unopened County Road right-of-way in Government Lot 2, Section 25, Township 35 North, Range 3 West, W.M., Cameron Lane, County Road Number 159.

B. Contracts/Agreements:

1. **Agreement No. 07HC03B** – Sign Amendment No. 2 to SJC Agreement No. 07HC03, the 2007-2011 Consolidated Contract, between SJC and the WA State Department of Health (State No. C14960), adjusting those programs and dollar amounts as listed in Exhibit A "Statement of Work" and Exhibit B "Allocations," thereby increasing the total by \$46,341, for a revised maximum consideration of \$294,008, as approved in the adopted 2007 SJC budget, with all other terms and conditions of the original agreement to remain in effect.

2. **Agreement No. 07CDPD12** – Sign the 2007 Puget Sound Watershed Protection and Restoration Grant [G0700298] between SJC and WA State Department of Ecology (DOE) for spatially explicit shoreline permit and policy analysis; hydrologic modeling and estuarine wetland data; salmonoid habitat study integration; and, analysis and synthesis of data gaps; as described in the "Scope of Work," in the amount of \$50,000, noting no requirement for matching local funding, as described in the "Proposed Budget," for the time period of February 1, 2007 through January 31, 2008, under the terms and conditions outlined therein. **(Clerk's Note: Refer to Item C-1.)**

3. **Agreement 07HC33A** – Sign Amendment No. 1 to SJC 07HC33 between SJC and Department of Social and Health Services (DSHS) for outreach and referral services, amending the contract amount for up to \$25,000; removing the maximum consideration dollar value; replacing, revising, and adding language in Sections three and five, "Statement of Work" and "Billing"; and, extending the contract expiration through June 30, 2008; with all terms and conditions of the original agreement to remain in effect, as approved in the adopted 2007 budget.

C. Budget Items:

1. Approve moving forward with the required paperwork to the SJC Auditor to schedule a public hearing to consider an Ordinance for a Supplemental Appropriation to the San Juan County 2007 approved Budget in the amount of \$50,000 to address grant funding related to **SJC Agreement No. 07CDPD12**, the "2007 Puget Sound Watershed Protection and Restoration Grant." **(Clerk's Note: Refer to Item B-2.)**

D. Appointments:

1. Approve the reappointment of Karin Agosta to the SJC Planning Commission as a representative of San Juan Island for a six-month term, which will begin immediately and expire December 31, 2007.

2. Approve the reappointment of Dave Dysart to the SJC Board of Equalization as a representative of Lopez Island for a three-year term, which will begin immediately and expire May 31, 2010.

3. Approve the appointment of Audrey J. Moreland to the Eastsound Planning Review Committee for a two-year term, which will begin on June 1, 2007 and expire May 31, 2009.

4. Approve the reappointment of Gulliver Rankin to the Eastsound Planning Review Committee for a two-year term, which will begin on June 1, 2007 and expire May 31, 2009.

5. Approve the reappointment of Richard Strathmann to the SJC Marine Resources Committee for a four-year term, which will begin on July 1, 2007 and expire June 30, 2011.

6. Approve the reappointment of Mary Masters to the SJC Marine Resources Committee for a four-year term, which will begin on July 1, 2007 and expire June 30, 2011.

E. Correspondence:

1. Sign the letter confirming the reappointment of Karin Agosta to the SJC Planning Commission as a representative of San Juan Island.

2. Sign the letter confirming the reappointment of Dave Dysart to the SJC Board of Equalization as a representative of Lopez Island.

3. Sign the letter confirming the appointment of Audrey J. Moreland to the Eastsound Planning Review Committee.

4. Sign the letter confirming the reappointment of Gulliver Rankin to the Eastsound Planning Review Committee.

5. Sign the letter confirming the reappointment of Richard Strathmann to the SJC Marine Resources Committee.
6. Sign the letter confirming the reappointment of Mary Masters to the SJC Marine Resources Committee.
7. Sign the letter to Virginia Hawker accepting her resignation from the Eastsound Planning Review Committee; and, sign the Certificate of Recognition for her service.

F. Miscellaneous:

1. Approve the Council Chair to sign the “Associate Development Organization (ADO) Affirmation/Designation Form” for the WA State Department of Community, Trade and Economic Development (CTED), designating the SJC Economic Development Council as the ADO for SJC during the 2007-2009 Biennium.
2. Sign the Signature Authorization Form between SJC and WA State Department of Early Learning designating the authorized signatories for the forthcoming Early Learning Education Assistance Program.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCE/RESOLUTIONS:

Resolution 16-2007 - (Refer to MISCELLANEOUS ITEMS, No. 2, for details of actions taken.)

CONTRACTS/AGREEMENTS:

Agreement No. 07SH09 - Interlocal Agreement between SJC and Snohomish County DEM (Refer to MISCELLANEOUS ITEMS, No. 1, for details of actions taken.)

MISCELLANEOUS ITEMS:

1. Agreement No. 07SH09 – Interlocal Agreement between SJC and Snohomish County DEM. Present: Brendan Cowan, SJC Emergency Management Director. Mr. Lichter had requested that this item be pulled from the prior week’s Consent Agenda for further information. Mr. Myhr asked Mr. Lichter if his questions on this item were answered with the documentation provided by Mr. Cowan. Mr. Lichter stated he had received the answers to his questions and thanked Mr. Cowan. The following action was taken:

Moved by Ranker, seconded by Lichter, to sign the Interlocal Agreement between SJC and Snohomish County DEM, acting as the fiscal agent of Homeland Security, to enhance the capability of local law enforcement with projects and needs that relate to terrorist event prevention through a sub-grant of the Law Enforcement Terrorism Prevention Program (LETPP), in the amount of \$78,590, for the period between July 1, 2006 through February 28, 2008, under the terms and conditions as listed therein, as approved in the 2007 SJC budget. Motion carried.

2. Historic County Courthouse Rehabilitation Grant Program Application and Proposed Resolution – Present: Marion Melville, SJC District Court Administrator; and interested members of the public. Ms. Melville presented the final Historic County Courthouse Rehabilitation Grant Application to the Council. Mr. Ranker pointed out that by moving ahead with this application the Council would be committing funds for the 2008 capital budget for which priorities had not yet been discussed or identified. After discussion, Mr. Knapp asked Mr. Rose for a recommendation. Mr. Rose stated that the County needs to renovate the historic portion of the building and this grant would provide the opportunity to do that renovation for “50 cents on the dollar.” He added that if the Council agreed to move forward, the County would find a way to fund it. Mr. Myhr thanked Ms. Melville for putting this proposal together. The following action was taken:

Moved by Rosenfeld, seconded by Knapp, to adopt **Resolution 16-2007**, a resolution of the County Council supporting a SJC application for funding through the Washington State Historic County Courthouse Rehabilitation Grant Program. Motion carried.

Moved by Ranker, seconded by Rosenfeld, to authorize the County Administrator to co-sign the Historic County Courthouse Rehabilitation Grant Proposal Application on behalf of the County. Motion carried.

3. Update on the Planned Land Use Retreat with Guest John Pagini – Councilman Lichter reported on Mr. Pagini’s upcoming visit. He distributed the invitation and draft agenda for the planned event June 20 and 21,

2007, to the Council. Mr. Lichter, with assistance from Mr. Rose and his Staff, has secured the Mullis Center for the first day of the visit and the Friday Harbor High School Commons for the second day. They have also arranged for two panels of presenters, one for each day; a private collegial dinner with Community Development Planning Department (CDPD) staff the first night; and a dinner with the Council and the Planning Commission the second. During the daytime sessions, the San Juan Islands' Visitors Bureau will be providing coffee, and the Friends of the San Juans will provide lunch. He reported that invitations had been given to junior partners to be mailed to organizational boards. Under discussion, Mr. Peterson asked if there would be a facilitator present. Mr. Lichter replied that Lisa Byers would facilitate and he would act as the moderator. Mr. Myhr mentioned the study prepared by Pat Mann of the SJC Planning Department, which was updated during March through May of 2000, and asked if the Nantucket portion of that study would be available for review during the session. He added that Mr. Pagini was the Planning Director in Nantucket at the time of that study. Council Clerk Morrison said she would provide copies of the report to the Council. Mr. Ranker and Mr. Myhr thanked Mr. Lichter and Mr. Rose for their efforts in this regard.

4. Chipseal Update – Present: Pete Rose, SJC Administrator; Jon Shannon, SJC Public Works Director; and interested members of the public. Mr. Rose invited Mr. Shannon to report. Mr. Shannon stated that the new fog-seal process was underway and ahead of schedule. He named roads on San Juan Island (SJI) that were being worked on and added that his crew would be mobilizing to Lopez Island tomorrow, and returning to SJI to finalize the project by June 4, 2007. He noted that the fog-seal process, although it is safe to drive on, takes 30 days to set and a full year to fix completely. Mr. Shannon reported that he had received many calls with overwhelmingly positive comments and added that the combination of the new emulsion, smaller rock, modern distributor, and a third roller have made a dramatic difference in the outcome. He reported that traffic control has been better this year as well. He stated that there were overload problems with getting product on the ferries which were disruptive and costly. Mr. Ranker asked what the overloads cost the County. Mr. Shannon estimated \$5,000 per day, indicating that it happened on two days. Mr. Ranker stated that the Mobile Slaughter Unit now has a priority rating, but that the County was still in negotiations regarding priorities for materials. Mr. Myhr commented on discussions the Council is having regarding not only priority loading, but the County's relationship with the entire ferry system and the vital role the ferries play in our community. He then thanked Mr. Shannon and commended his staff for the excellent work.

5. Discussion of Scheduling a Work Session Regarding Vessel Operators Proximity to Killer Whales (Orcas) – Present: Karen Vedder, Deputy Prosecuting Attorney; and interested members of the public. Mr. Myhr asked Mr. Rosenfeld to report on an item that was added to the discussion agenda at the staff meeting on Monday after his early departure. Mr. Rosenfeld stated it was the desire of the remaining Council members present, to schedule a work session during the week of June 11, 2007 (an off week of the Council). He reported that Mr. Rose suggested inviting representatives from all Puget Sound counties and every other possible stake holder to discuss this issue, adding that Mr. Gaylord agreed, and referenced similarities to the procedure of putting together the jet-ski ordinance, which worked well for the County. Mr. Rosenfeld was concerned about the lengthy process, expressing his desire to have an ordinance done and in place by June, which is Orca Awareness Month. He suggested having the ordinance written using the "Be Whale Wise" guidelines which are broadly accepted and have been enforced in British Columbia for two years. Mr. Peterson asked Mr. Lichter if this would be an appropriate topic to add to the agenda for the Islands Trust trans-border meeting scheduled for June 13, 2007. Mr. Lichter said he thought they would be delighted to add it and suggested requesting an update from them on their enforcement efforts with discussion following. Mr. Ranker commented on Mr. Rose's suggestion last week to include partners in this effort, and Mr. Rose distributed a letter he drafted in this regard for the Council to consider. Mr. Ranker referred to the direction at the meeting of May 14, 2007 to add this topic to the agenda of the upcoming Coastal Counties Caucus (CCC) meeting that he will be attending, and the Council's desire to seek congressional authority on jurisdiction of the orca whales as an endangered species. He said he wanted to be sure that whatever the Council does in the way of an ordinance, it moves on a parallel path with these efforts. Mr. Rosenfeld expressed concern regarding the lengthy process of networking impeding the drafting of an ordinance, and was in favor of moving forward on both tracks. Mr. Lichter agreed with Mr. Rosenfeld urging the Council to move ahead with a proposed ordinance to present at the meeting while moving ahead with the two-track system. Mr. Ranker also agreed with moving forward with drafting an ordinance, recognizing that the Council needs to be proactive in making sure others are brought on board. He spoke of contacting Ron Sims' office to see if King County would be interested in the idea. He is confident that Island, Clallam, and Jefferson Counties would join in and has done some preparation for the CCC meeting he will be attending. Ms. Vedder commented that Mr. Gaylord's direction may have changed since their last discussion, but that it was her understanding that they were to hear the views of the stake-holders to assist in drafting the ordinance. She said Mr. Gaylord may be on board in a new direction, but needed to know so that there would be no misunderstanding in what needs to be done to proceed with drafting the ordinance. The following action was taken: **By consensus, the Council directed the Prosecuting Attorney's office to draft the orca protection ordinance based on the "Be Whale Wise" guidelines and directed Mr. Rose to organize a work session with stake-holders to discuss the issue.** Mr.

Ranker requested that the invitation for the work session not be sent until after his meeting with the CCC. Mr. Knapp suggested holding the meeting in a location other than Friday Harbor for convenience. Mr. Myhr agreed and asked to create a sub-committee to work with Mr. Rose in organizing the meeting. **By consensus, it was agreed that Mr. Ranker, Mr. Knapp, and Mr. Peterson would comprise the sub-committee.**

PUBLIC HEARINGS/MEETINGS

11:00 a.m. – (Commenced at 11:09 due to time constraints.) A public hearing was held to consider a site specific redesignation to amend the Comprehensive Plan and Official Map for approximately five acres from Rural Farm Forest (RFF-5) to Rural General Use (RGU-5 – 1 Unit Per 5 Acres) within the South ½ of Sections 10 and 11, Township 35 North, Range 3 West, W.M., Parcels: 351044003000, 351152001, 351152002, and 351152003, for Robert and Catherine Eggenberger, Juniper Maas, and Ronald Brueninger, Beaverton Valley Road, San Juan Island, **File No. 04RED002**. Present: Colin Maycock, Community Development and Planning Department (CDPD) Senior Planner; Ron Henrickson, CDPD Director; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; Juniper Maas, and Ronald Brueninger, Applicants; Stephanie O'Day, Counsel for the Applicants; available Staff; and interested members of the public. Ms. Vedder informed the Council that this hearing was to be considered a quasi-judicial matter rather than a legislative matter and that the "Appearance of Fairness Doctrine" applied. Mr. Myhr then asked if any Council Members had any matters to declare. Mr. Ranker stated that he had been friends with Ms. Maas but that they had never discussed this application. There were no Appearance of Fairness issues raised. Ms. Vedder provided a legal opinion regarding the Comprehensive Plan related to site specific redesignations. Mr. Maycock presented the Staff Report received by the Council on May 10, 2007. The Council's questions were answered by Staff. Public testimony was opened, submitted, and closed. Deliberations were held and the following action took place:

Moved by Lichter, seconded by Ranker, that the application be moved to the Prosecuting Attorney's office for preparation of an ordinance to adopt the covenants and concomitant agreements presented, and to schedule a public hearing for the ordinance. Mr. Ranker offered a friendly amendment, that was accepted by Lichter, specifying that the ordinance approving the application is for SSR on File No. 04RED002 with covenants and agreements. Motion carried.

11:30 a.m. - (Commenced at 11:56 due to time constraints.) A public hearing was held to consider a site specific redesignation to amend the Comprehensive Plan and Official Map by redesignating the western portions of tax parcels 271131001000 and 271131006000 totaling approximately 10 acres, from Eastsound Residential 2/Acre P* to Service and Light Industrial for Eric Johnson, Eglise Estates, Eastsound, Orcas Island within Section 11, Township 37 N, Range 2 W, W.M., **File No. 05RED001** (Lantec). Present: Colin Maycock, Community Development and Planning Department (CDPD) Senior Planner; Ron Henrickson, CDPD Director; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; Eric Johnson, Applicant; Francine Shaw, Agent for the Applicant; available Staff; and interested members of the public. Mr. Myhr introduced Council members (Mr. Ranker was absent due to a prior commitment), and Staff present and asked for Appearance of Fairness disclosures. Hearing none, he called on Mr. Maycock, who presented his Staff Report, received by the Council on May 10, 2007. The Council's questions were answered by Staff. Public testimony was opened, submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Knapp, that the application be moved to the Prosecuting Attorney's office for preparation of an ordinance with necessary attachments, amendments and restrictions, and to schedule a public hearing for the ordinance. Under discussion, Mr. Myhr expressed his desire to reexamine areas where differences in designations exist that may require redesignation, to be reviewed on an annual basis in the future. **Motion carried.**

1:30 p.m. - (Commenced at 1:46 due to time constraints.) A public hearing was held to consider whether an error was made in originally designating approximately 28 acres of the Comprehensive Plan Land Use Map as Forrest Resources rather than Rural Farm Forest; and, if so, to correct the error and to redesignate these approximate 28 acres from Forest Resource to Rural Farm Forest, and to change the density from 1 unit per 20 acres to 1 unit per 10 acres, west of Halverson Road, in the NE ¼ of the NE ¼ of Section 9, Township 35 North, Range 3 West, W.M., Parcel No. 350911003-001, for Gregory and Heidi Ingram, Halvorson Road, San Juan Island, **File No. 05RED003**. Present: Colin Maycock, Community Development and Planning Department (CDPD) Senior Planner; Karen Vedder, Deputy Prosecuting Attorney; Ron Henrickson, CDPD Director; Gregory Ingram, Applicant; Don Eaton and Bob Querry, Agents for Applicant; available Staff; and interested members of the public. Mr. Myhr introduced Council members (Mr. Ranker was absent due to a prior commitment), and Staff present and asked for Appearance of Fairness disclosures. Hearing none, he called on Mr. Maycock, who presented his

staff report, received by the Council on May 10, 2007. The Council's questions were answered and it was determined that, due to the nature of this action being determined as a mapping error, it was a legislative matter rather than a quasi-judicial matter. Public testimony was opened, submitted, and closed. Deliberations were held and the following action was taken:

Moved by Rosenfeld, seconded by Knapp, that there was a mapping error and directed the Prosecuting Attorney's office to move to an ordinance declaring this as a mapping error, changing the designation to RFF-10. Under discussion, Mr. Myhr inquired about other densities in existence under RFF. **Mr. Rosenfeld offered a friendly amendment, accepted by Knapp, to add TPN 350911003 to the motion. Motion carried with Myhr opposed.**

2:00 p.m. – (Commenced at 2:46 due to time constraints.) A public hearing was held to consider a site specific redesignation to amend the Comprehensive Plan and Official Map by correcting a long-standing mapping error and to return the designation to "Service Park" from "Eastsound Residential 2/Acre P,* within the NE ¼ of Section 13, Township 37 N., Range 2 W., W.M., Lot 5, Eastsound Five Acre Tracts, approximately ¾ mile east of Eastsound on Maidenhair Rd., north of Sword Fern Rd. Parcel No: 271350005, for Stephen and Debra Guilford, Orcas Island, **File No. 05RED004.** Present: Colin Maycock, Community Development and Planning Department (CDPD) Senior Planner; Karen Vedder, Deputy Prosecuting Attorney; Ron Henrickson, CDPD Director; Stephen Guilford, Applicant; available Staff; and interested members of the public. Mr. Myhr introduced Council members (Mr. Ranker was absent due to a prior commitment), and Staff present. Mr. Maycock presented his staff report, received by the Council on May 10, 2007. The Council had no questions for Mr. Maycock. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action took place:

Moved by Knapp, seconded by Lichter, to change the land use designation on TPN 271350005, lot five, Orcas Island, from Eastsound Residential 2/Acre P*, to Service Park, and direct the Prosecuting Attorney's office to move to an ordinance and public hearing. Motion carried.

2:45 p.m. – (Commenced at 2:50 due to time constraints.) A public hearing was held to consider the renewal for 60 days of Ordinance No. 12-2005, as amended by Ordinance 17-2005, and Ordinance 5-2006, Ordinance 14-2006, and Ordinance 21-2006, which Ordinances suspended for six months and Ordinance 14-2006 for 90 days, the acceptance of applications for building and land use permits in the Deer Harbor Activity Center, as adopted by **Ordinance 6-2007** on April 17, 2007 for an additional 60 days effective May 1, 2007 and expiring on June 30, 2007. Present: Karen Vedder, Deputy Prosecuting Attorney; available Staff; and interested members of the public. Mr. Myhr introduced Council members (Mr. Ranker was absent due to a prior commitment), and Staff present. The Council had no questions of staff. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action took place:

Moved by Lichter, seconded by Rosenfeld to affirm the renewal of 60 days of Ordinance No. 12-2005, as amended by Ordinance 17-2005, and Ordinance 5-2006, Ordinance 14-2006, and Ordinance 21-2006, which Ordinances suspended for six months and Ordinance 14-2006 for 90 Days, the acceptance of applications for building and land use permits in the Deer Harbor Activity Center, as adopted by Ordinance 6-2007 on April 17, 2007 for an additional 60 Days Effective May 1, 2007 and expiring on June 30, 2007. Under discussion, Mr. Peterson asked about the adoption of the Deer Harbor Hamlet Plan, which is to take place prior to the expiration of this ordinance. Council Clerk Morrison answered that there is a clause in the ordinance that will rescind this moratorium at that time if adopted by the Council. **Motion carried.**

3:00 p.m. - (Commenced at 3:23 due to time constraints.) A meeting was held with the Health and Community Services Director and staff for a Department update. Present: Pete Rose, SJC Administrator; John Manning, Health and Community Services Director; Barbara LaBrash, Human Services Coordinator; Joyce Rupp, Community Services Manager; Sage MacLeod, Early Childhood Education and Assistance Program (ECEAP) Coordinator; available Staff; and interested members of the public. Mr. Rose prefaced the presentations by stating that he has scheduled departments to come before the Council to provide information regarding their budgets, successes, and problems, then invited Mr. Manning to introduce Staff present to report on the Health and Community Services Department. Mr. Manning introduced Ms. LaBrash, Ms. Rupp, Ms. MacLeod, and two members of Health and Community Services Advisory Board, Emily Connery and Barbara Fleming, who were also present. Mr. Manning gave a Power Point presentation and provided information about his department, including history, staffing levels, services, and funding. He then answered questions of the Council. Ms. MacLeod gave her Power Point presentation on ECEAP, stressing the importance of structured early learning experiences leading to success in life, and less economic impact on schools, counties, and states. She concluded by stating that she is proud of the positive impacts her department has on young children and is

looking forward to the positive impact they, in turn, will have on our County. Ms. LaBrash gave a Power Point presentation on the human services programs that she oversees, including chemical dependency treatment and prevention, and other “at risk” population segments. She closed by repeating her opening quote (at the request of Councilman Lichter), “The quality of a society is measured by the way it treats its most vulnerable,” which is the work of the SJC Health and Community Services Department. She added that she looks forward to working with the Council to help make SJC a healthier, safer place to live. Ms. Rupp gave a Power Point presentation regarding Senior Services and the various ways her department offers support to seniors in SJC, including assistance to help elderly stay in their own homes; providing assistance with transportation, assistance with meals and medications, and many volunteer opportunities. Mr. Myhr thanked them for their reports.

EXECUTIVE SESSIONS

1:00 p.m. – (Commenced at **1:16** due to time constraints.) Council Chair Myhr announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to evaluate the qualifications of a candidate for public employment pursuant to the provisions of RCW 42.30.110(1)(g). Councilman Ranker was absent. The session ended at 1:45 p.m. for an actual session time of 30 minutes. No action was taken.

2:30 p.m. – (Commenced at **2:58** due to time constraints.) Council Chair Myhr announced that the Council would be holding a **closed session** estimated to last approximately 20 minutes, to discuss real estate acquisition pursuant to provisions of RCW 42.30.110(1)(b). Councilman Ranker was absent. The session ended at 3:14 p.m. for an actual session time of 16 minutes. No action was taken.

ADJOURNMENT – Councilman Rosenfeld excused himself at 4:05 p.m., and Councilman Ranker was absent. Moved by Lichter, seconded by Knapp, to adjourn the meeting at 4:30 p.m. Motion carried. There were no meetings scheduled for the week of May 28 and 29, 2007. A special meeting was scheduled for Monday, June 4, 2007, and the next regular meeting was scheduled for Tuesday, June 5, 2007.

These minutes were approved and signed on Tuesday, June 5, 2007. The original document is retained in the Council’s permanent proceedings file dated May 21 and 22, 2007. Attest: Lisa J. Brown, Deputy Clerk.