

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
November 5, 6, 2007**

Monday, November 5, 2007 - Council Conference Room

CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

Council Chair Bob Myhr called the staff meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Howard Rosenfeld, Gene Knapp, and Alan Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Auditor, Milene Henley; Community Development & Planning Director, Ron Henrickson; Human Resource Manager, Pamela Morais; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, as were plans for a meeting with Harriet Spanel and Dave Quall. Alan Lichter provided an update on the Ferry Summit in Bremerton on December 7, 2007. There was a discussion of Legislative Priorities and Randall Gaylord commented on various ordinances. The Clerk of the Council provided updates on Council office and staff work.

RECESS - At 1:55p.m. Council Chair Myhr recessed the meeting until 10:00 a.m., Tuesday, November 6, 2007.

Tuesday, November 6, 2007 - Council Hearing Room

CALL TO ORDER

Council Chair Myhr called the meeting to order at 10:00 a.m. The flag salute was conducted.

CITIZEN ACCESS TIME

JoanRuth Baumann informed the Council about a devastating water situation in the city of Kunya, in Kenya, Africa. She introduced Daniel Rateng, of Kunya, who briefed the Council about Kunya's water system: it contains bad water, parasites, and water-born diseases. Citizens need to fetch water from the lake, exposing themselves to crocodiles and snakes. The community is working very hard to eliminate the problem. Chair Myhr, thanked Mr. Rateng for sharing this experience, recognizing his strength and community involvement. Mr. Rose noted a fund-raising event on November 9, 2007, to help improve the water system in Kunya. The following action took place:

Moved by Lichter, seconded by Ranker, to award a Commendation to Daniel Rateng, for his fund-raising efforts and sharing his expertise in implementing a clean water purification system in Kunya, Africa. Motion carried unanimously.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Rosenfeld, seconded by Lichter, to approve the Minutes of **September 22, 23, 2007**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Rosenfeld, to approve the **Final Consent Agenda of November 6, 2007 as follows:**

The County Council moves to:

A. Resolutions/Ordinances: (No items.)

B. Contracts/Agreements:

1. Approve the Interlocal Agreement between San Juan County and The San Juan Island Park and Recreation District For A San Juan Island Trails Program. Duration of this Agreement is from January 1, 2007 through December 31, 2007. San Juan Island Park & Recreation District will provide \$4,500 in funding for Trails Committee activities. These funds are included in this year's budget and a supplemental appropriation will not be needed. (SJC Agreement No. 07PK08)
2. Approve the San Juan County Health & Community Services Interlocal Agreement with San Juan Island School District for the provision of a primary intervention program (PIP), that provides funds for primary mental health services to identified children and referral of family members, if appropriate. This agreement is for the coming school year with an effective date of July 1, 2007 through June 15, 2008. The contract is for a maximum amount of \$2,500. These funds are from a grant from the Community Mobilization Against Drug Abuse (CMOB) program of the Washington Department of Community, Trade, and Economic Development. These funds are included in this year's budget and a supplemental appropriation will not be needed. (SJC Agreement No. 07HC67)
3. Approve the San Juan County Health & Community Services Interlocal Agreement with Orcas Island School District for the provision of mental health services, which provides funds for primary mental health services to identified children and referral of family members, if appropriate. This agreement is for the coming school year with an effective date of July 1, 2007 through June 15, 2008. The contract is for a maximum amount of \$6,000. These funds are from a grant from the North Sound Mental Health Administration (NSMHA). These funds are included in this year's budget and a supplemental appropriation will not be needed. (SJC Agreement No. 07HC66)
4. Approve the San Juan County Community Development & Planning Memorandum of Understanding between San Juan County and the AFSCME Local 1849 Union for the approval of a 15% market rate adjustment for the Plans Review Position in the CD&P Department. San Juan County Personnel Rules, Chapter 7, subsection 7.020, require Council approval of starting pay rates above the adopted schedule, which includes a market rate adjustment.
5. Approve the San Juan County Health & Community Services Interlocal Agreement with San Juan Island School District for provision of mental health services. This agreement provides funds for mental health assessments, short-term counseling, and consultation services to school age children and families. This agreement is for the coming school year with an effective date of October 1, 2007 through September 30, 2008. The contract is for a maximum amount of \$10,000. Funding for this grant is from the North Sound Mental Health Administration (NSMHA). These funds are included in this year's budget and a supplemental appropriation will not be needed. (SJC Agreement No. 07HC69)
6. Approve the San Juan County Family Policy Council Community Network Interagency Agreement for Fiscal Agency and Administrative Services. This Agreement shall be for a two-year period unless the termination clause is evoked by either party. The estimated budget for the coming biennium is \$95,254. (SJC Agreement No. 07HC70)

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. Accept the resignation of Council Member, Kevin Ranker, from the Board of Health and appoint Council Member, Rich Peterson, to carry out Mr. Ranker's remaining term on the Board of Health.

F. Correspondence:

1. Sign letter accepting resignation of Ruth Offen, from the San Juan Island Library District Board of Trustees.

2. Sign letter for appointment of Marie Johanson to the San Juan Island Library District Board of Trustees, as Position #5. Length of term will be full five year term beginning January 1, 2008 and ending on December 31, 2012.

G. Miscellaneous:

1. Sign An Amendment to the Summary Of The Minutes, San Juan County (SJC), Washington, County Council, October 15, 16, 2007.

H. Bid Openings: (No items.)

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 46-2007- (Refer to PUBLIC HEARING 10:30 a.m. continued to 3:30 p.m. for details of action taken.)

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Draft of Legislative Priorities: Council Member Ranker introduced the 2008 Legislative Priorities for San Juan County Council. **1) Save Mitchell Hill** through a private, local and federal partnership, find resources for the \$4.5-8 million value. Council agreed the Washington Congressional delegation should support the completion and acceptance of Mitchell Hill into the National Park and support annual appropriations until the property is acquired from the Conservation Fund. Council also agreed that securing key endorsements from the Governor, Legislature and other key individuals was paramount to securing the preservation of Mitchell Hill; **2) Fund the Washington State Oil Spill Advisory Council and Year-Round Neah Bay Rescue Tug.** The Governor and State Legislators should write letters to the Washington Congressional delegation asking for Congressional action on the Coast Guard Reauthorization Act of 2007, including the year-round funding of the rescue tug. The State must fully fund the Oil Spill Advisory Council; **3) Affordable Housing;** Increase the income limits and set appropriate asset limits for access to affordable housing programs in areas with very high affordability gaps. The State Law should be altered to allow affordable housing programs to serve populations of up to 120% MFI with appropriate qualifications; **4) Ferries;** Develop a predictable and sustainable source of state funding for ferry operations. Involve impacted local governments in important decisions that impact our communities. The State should fund an independent economic analysis of the relationship and impact of ferry fares on ferry-served communities and provide a “seat at the table” for local governments in the creation of alternatives and solutions to address the WSF shortfall; **5)** Ask the Governor to include in her 2008 Supplemental Budget the Washington Department of Fish and Wildlife \$400,000 Supplemental Budget Request for the **Salmon Recovery Lead Entity Program** and ask the Washington Legislature to support the **Washington Department of Fish and Wildlife’s Supplemental Budget** request; **6)** Introduce and pass state legislation creating state-wide interim protection for the endangered **Southern Resident Orca Whale population** and pass a funding package to Washington Department of Fish and Wildlife marine enforcement of the regulations. After Council discussion, the following action was taken:

Moved by Peterson, seconded by Knapp, to adopt the 2008 Legislative Priorities for San Juan County Council. Motion carried unanimously.

2. Puget Sound Partnership: Kevin Ranker briefed the Council about the Puget Sound Partnership’s action plan to recover Puget Sound by the year 2020.

3. Friends of Lopez: Chair Myhr announced that the Friends of Lopez Hill gained a Washington State Legislative Appropriation of 5.95 Million dollars in 2007 to secure a 50-year lease for Lopez Hill, a 400 acre parcel. Mr. Myhr commented on the hard work of the citizens on Lopez and by the Department of Natural Resources.

4. Town Meeting on Orcas Island: Alan Lichter informed the Council that the previous Thursday evening, joined by Gene Knapp and Pete Rose, CA, a Town Meeting was held on Orcas Island where the following items were discussed: Stormwater Utilities, Eastsound UGA, Ferry Issues, and County Government. Mr. Knapp presented a powerpoint about charter governments and it was decided that more Town Meetings would be held in the future.

5. North West Straits Commission: Kevin Ranker discussed the NWSC annual meeting held at Rosario Resort, Orcas Island, November 2nd and 3rd, 2007. It was very well attended with the 7 coastal counties represented. Lichter and Knapp also attended. A keynote address by David Dicks on Saturday spotlighted the San Juan Initiative and the need to put resources there.

10:15 a.m. COUNCIL DISCUSSION

1. Council Review of Proposed Increase in Solid Waste Rates – Ed Hale, Public Works Utility Manager, informed the Council that due to an increase in handling charges, escalation in contract costs and the shift of equipment to ER&R, the staff recommendation is for a 7.3% increase in Solid Waste Rates. Waste Management raised their transport rates which are significantly higher than other counties. Mr. Lichter wondered about small annual rate increases. Mr. Hale stated that it was easier to do that, as most other counties do; if you raise the rates annually, there is not a large rate increase at one time. Mr. Peterson asked if the rate increase had gone by the Solid Waste Advisory Committee. Mr. Hale said it had not. Mr. Hale stated that if the rate increase fails, there would be a service level decrease. Mr. Rosenfeld asked when we will have a site selection. Mr. Hale responded that without the EPA report, we are unable to make a site selection. Mr. Rosenfeld asked about the opportunity to upgrade the existing site. Mr. Rose commented that the EPA has to run its course. Mr. Hale stated the first increase could occur in April, 2008, State Law requires a 75 day notice. After further discussion, the following action was taken:

Moved by Peterson, seconded by Ranker, to have staff draft an Ordinance for an Increase in Solid Waste Rates to send to the Solid Waste Advisory Committee to review. Motion carried.

2. Public Records Ordinance Introduction – Randall Gaylord, Prosecuting Attorney, presented a revised Ordinance that names a centralized public records officer. The change was made to remove Risk Manager and change to County Administrative Officer. After further discussion, the following action was taken:

Moved by Lichter, seconded by Knapp, to move the Public Records Ordinance forward to Public Hearing. Motion carried.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

PUBLIC HEARINGS

10:30 a.m. (Commenced at 11:12 a.m. due to time constraints) - A public hearing was held to consider a Veterans' Advisory Board Ordinance. Present: Full Council; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Communications Program Manager, Stan Matthews; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public. Alan Lichter addressed the Council, noting the Ordinance was written by him and the PA after reviewing similar Ordinances from other Counties. Mr. Lichter stated that a brochure of written procedures will soon be presented to the Council for approval. Public testimony was opened, submitted and closed. After further discussion, Chair Myhr continued the hearing until 3:30 p.m. that afternoon.

COUNCIL DISCUSSION

11:15 a.m. (Commenced at 11:34 a.m. due to time constraints)

1. Lopez Hill Land Transfer – Land Bank - Lincoln Bormann, Land Bank Director, came before the Council and asked that a letter of intent be signed for the transfer of Lopez Hill to the County. Mr. Bormann also informed the Council that there is a change in the Federal Tax Law that allows a landowner to declare up to 50% of donations on taxes. Mr. Bormann stressed the importance of extending this benefit that has long been tied up in the Farm Bill and may expire after this year. After further discussion, the following action was taken:

Moved by Ranker, seconded by Lichter, to sign the Letter of Intent Transferring Lopez Hill to the County. Motion carried unanimously.

2. Letter of Intent between County and the Town of Friday Harbor for Shared Space - Dave Zeretzke, Administrative Services Director, came before the Council and asked that a Letter of Intent between the County

and the Town of Friday Harbor be signed to allow for shared space in the new Legislative Building. After discussion, the following action was taken:

Moved by Lichter, seconded by Ranker, to sign the Letter of Intent between County and the Town of Friday Harbor for Shared Space (with changes). Motion carried.

PUBLIC HEARINGS

1:00 p.m. – (Commenced at 1:06 p.m. due to time constraints) A public hearing was held to consider Setting Property Tax Levy for Current Expense for 2008. Present: Full Council; County Administrator, Pete Rose; Auditor, Milene Henley; Prosecuting Attorney, Randall Gaylord; Communications Program Manager, Stan Matthews; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public. Milene Henley, Auditor, informed the Council that revenue is considered separately. Revenue has to equal expenditures and a revenue review is required. An Ordinance setting a Tax Levy will be introduced on November 27, 2007 for approval on December 4, 2007. Ms. Henley went on to explain that for all property taxes, growth is projected at 2.4%. Licenses and permits are 9% of total revenue. The bulk of the 92K increase is building permits and a 20K increase in permitting costs. Ms. Henley also stated that miscellaneous revenues are 98% interest and that department by department the County spent 94% of the budget for the previous two years and the County won't have that option in 2008. Public testimony was opened at 1:44 p.m. Jack Cory mentioned he was concerned about the attempt to change the owner-builder permitting process and Tom Munsey suggested a cost comparison between the Commissioner and Charter forms of government. Public testimony was submitted and closed at 1:50 p.m. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Ranker, to send forward an Ordinance Setting Property Tax Levy for Current Expense for 2008. Motion carried.

EXECUTIVE/CLOSED SESSIONS

1:30 p.m. (Commenced at 1:50 p.m. due to time constraints) – Council Chair Myhr announced that the Council would be holding an **executive session** estimated to last approximately 10 minutes, to discuss Pending Litigation pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 2:13 p.m. for an actual session time of 23 minutes. The Council came out of executive session and took the following action:

Moved by Ranker, seconded by Lichter, not to appeal Durhack v. San Juan County, Judgment and Order Granting Land Use Petition. Motion carried 5 to 1, with Chair Myhr opposed.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Milene Henley, Auditor; Pete Rose, County Administrator; Jon Shannon, Director Public Works; Laura Tuttle, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public.

1. Presentation of Proposed Capital Improvement Fund Budget – Milene Henley, Auditor, addressed the Council stating that the Capital Improvement Fund for 2008 is mandated by REET, State statute RCW82.46.030(2), and is intended to be a mix of REET and other funds. Use of CIF for both real and personal property is acceptable per the BARS manual. Ms. Henley stated the use of REET is only approved for capital facilities projects and has a 6-year debt service schedule. In a couple of years, SJC will be able to bond and have a 6-year capital plan for parks, fair, facilities, and accounting system upgrades. The 2008 projected revenues are approximately 700K, much less than SJC needs. Ms. Henley stated the Courthouse renovation project is 50% grant funded and the work needs to be completed by 2009. The County must match the \$734K grant. Other capital improvements include courthouse parking lot lighting and the remodel of the legislative building. General facilities and repairs are woefully short at 25K.

2. Presentation of Proposed Budgets of Buildings & Grounds, Roads, ER&R, Solid Waste, Bio-solids, Storm Water Utility – Jon Shannon, Director of Public Works, addressed the Council to review the 6 fund operating budgets for Public Works. Mr. Shannon stated that if there were no rate increase for Solid Waste the fund will carry a negative balance of -\$130K that can be eliminated by the proposed Solid Waste rate increase of 7.3%. Mr. Shannon noted that in 2008, there is \$978K less revenue in the road fund. Mr. Shannon also noted that in 2008, grant funds for roads are coming in at one time. A levy in the road fund could be recommended with

a proposed fee ordinance estimated at \$31,500; and the preparation of a draft ordinance which includes diversions could eliminate the long-term effect of levy shifts with no diversion. In 2010, projects will be removed from the road plan which will increase the levy shift to the Sheriff by 1% each year. Mr. Shannon also noted that 70% of the budget is not salaries, unlike County current. Some of the road fund highlights are; new chip seal program, Fisherman Bay Road Project, Digital Road Log Project, 4 new trails/paths and the Roche Harbor/North Islands Dock. Mr. Shannon continued his presentation with the ER&R fund stating that the use of bond proceeds will enable shop improvements over the next 3 years. Lopez shop property acquisition, Orcas and San Juan fuel depots and a communications system replacement are long range goals. Mr. Shannon noted that the Facilities fund may require a service level reduction for garbage and recycling and general cleaning in all non-public spaces from everyday to 2-3 days a week. Mr. Shannon stated the Storm Water Capital Fund is funded through fees, grants and contributions. The Bio-solids fund is for cleaning up the dump sites.

PUBLIC HEARINGS

3:32 p.m. (Continued from Public Hearing at 10:30 a.m.) **Veterans' Advisory Board Ordinance/Board – Present:** Full Council, County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Auditor, Milene Henley; Communications Program Manager, Stan Matthews; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public. Randall Gaylord, Prosecuting Attorney, presented an Ordinance to the Council with edit changes. Alan Lichter was named as Chair to the Veterans' Advisory Board, as required by the Ordinance. Milene Henley, Auditor, asked if the procedures would allow an alternate approver if the Chair of the Committee is absent. After further discussion, the following action was taken:

Moved by Peterson, seconded by Lichter, to adopt Ordinance 46-2007 An Ordinance Establishing The San Juan County Veterans' Advisory Board. Motion carried.

Moved by Peterson, seconded by Ranker, to reconsider the number of members for the San Juan County Veterans' Advisory Board.

Moved by Peterson, seconded by Ranker, to move the numbers of The San Juan County Veterans' Advisory Board to nine (9) members. Motion carried.

The following individuals were unanimously approved to serve on the Veterans' Advisory Board: Michael Baker, Robert A. Cook, Susie Teague, Ron Metcalf, Jack Cory, Brent Johnson, Roger Salquist and Mike Kaill.

ADJOURNMENT - Moved by Lichter, seconded by Ranker, to adjourn the meeting at 4:21 p.m. Motion carried. Council Vice-Chair Rosenfeld adjourned the meeting at 4:21 p.m. A Special Meeting was scheduled for Monday, November 26, 2007, and the next regular meeting was scheduled for Tuesday, November 27, 2007.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Bob Myhr, Chair
District 6, Lopez/Shaw

ATTEST: Clerk of the Council

Howard Rosenfeld, Vice Chair
District 3, Friday Harbor

By: _____
Valarie Graham, Deputy Clerk

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

Gene Knapp, Member
District 5, Orcas East