

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

Monday, February 5, 2007 - Council Conference Room

CALL TO ORDER

Council Vice-Chair Rosenfeld called the special meeting to order at 10:05 a.m. Council members Ranker, Peterson, Knapp, and Lichter; County Administrator, Pete Rose; Clerk to the Council, Carolyn Morrison; and interested members of the public were present. Council Chair Myhr was excused due to a planned vacation.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council held a Staff Meeting and a general work session to discuss County business. No action was taken.

RECESS - At 11:00 a.m., Council Vice-Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, February 6, 2007.

Tuesday, February 06, 2007 - Council Hearing Room

CALL TO ORDER

Council Vice-Chair Rosenfeld called the special meeting to order at 10:05 a.m. Council members Ranker, Peterson, 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. Council Chair Myhr was excused due to a planned vacation. 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 Ranker, to approve the minutes of **January 22 and 23, 2007**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Lichter, to approve the **Final Consent Agenda of February 06, 2007** as follows:

A. Contracts/Agreements:

1. **Agreement No. 07HC11A** – Sign Amendment No. 1 to SJC 06HC56 between SJC and North Sound Mental Health Administration replacing the existing paragraph in Section 4, “Uses and Use Restrictions,” with a new paragraph, with all other terms and conditions of the original agreement to remain in effect.
2. **Agreement No. 07SH07** – Sign the Interlocal Agreement between SJC and SJC Fire Protection District No. 3 to purchase E-911 dispatch services from SJC through December 31, 2007 in the amount of \$1,815 as set forth therein, pursuant to RCW 39.34.
3. **Agreement No. 07SH08** – Sign the Interlocal Agreement between SJC and SJC Fire Protection District No. 2 to purchase E-911 dispatch services from SJC through December 31, 2007 in the amount of \$28,887 as set forth therein, pursuant to RCW 39.34.

B. Appointments:

1. Approve the appointment of Kelley Balcomb-Bartok to the SJC Marine Resources Committee as a representative of the Town of Friday Harbor, to fill the unexpired term of Howard Rosenfeld which will begin immediately and expire March 31, 2009, noting the recommendations submitted by Kit Rawson, Chair of the MRC, on behalf of the Committee in his letter dated January 18, 2007.

C. Correspondence:

1. Sign the letter to Kelley Balcomb-Bartok confirming his appointment to the SJC Marine Resources Committee as a representative of the Town of Friday Harbor.
2. Sign the letters to Senator Harriet Spanel and Representatives Dave Quall and Jeff Morris in support of the proposed 2007-2009 Puget Sound Salmon Recovery Plan funding.
3. Sign the letter to Representative Dave Uptegrove, Chairman of the Select Committee on Puget Sound, in support of his request for one million dollars to help fund the operations of the Northwest Straits Initiative during the 2007-2009 biennium.

Motion carried.

ACTION AND DISCUSSION ITEMS

CONTRACTS/AGREEMENTS:

Interlocal Agreement with Homeland Security – Present: Brendan Cowan, Department of Emergency Management Director, and interested citizens. Councilman Lichter had requested that Mr. Cowan explain what Homeland Security intended to do concerning terrorism in SJC. Mr. Cowan explained that this is the fifth year the County has received funding from the agency. Funds are currently used as the County sees fit. This covers funding for staff, administration, equipment procurement, training, and first responder training (fire districts, port districts, medical clinics, etc.). This funding can also be used for natural disasters. In the beginning of the program the monies were used for mandatory equipment purchases. There are still funds earmarked for this, but generally money is spent on useful items. It was noted that this funding may not be used for staff salaries in 2007. After discussion, the following action was taken:

Agreement No. 07SH06 – Moved by Ranker, seconded by Lichter, to sign the Interlocal agreement between SJC, Snohomish County DEM, and Homeland Security to enhance the capability of state and local units to prevent, deter, respond to, and recover from incidents of terrorism through the FFY 2006 Homeland Security Grant Program [E07-190], State Homeland Security Program in the amount of \$81,979, for the period between July 1, 2006 through April 30, 2008, under the terms and conditions as listed therein. Motion carried.

MISCELLANEOUS ITEMS:

1. Establishment of an Interview Sub-Committee – Moved by Ranker, seconded by Peterson, to appoint Council Members Knapp and Lichter to serve as a sub-committee to conduct interviews with applicants from the Orcas District for an opening on the SJC Land Bank Commission and to come back to the Council with a recommendation. Motion carried.

2. Washington State Association of Counties (WSAC) Legislative Rally Report – Councilman Peterson began by stating that he was impressed by the WSAC staff and their interest in “our” well being. He noted that the public may question attendance by the Council at these types of conferences as to cost effectiveness, but this was very worth while, even though no actual action was taken on the requests of the Council. Mr. Lichter seconded these comments. Mr. Ranker explained what the Council actually did while in Olympia. Councilmen Rosenfeld, Lichter, Peterson, and he had met with SJC legislators and presented them with the SJC 2007 Legislative Priorities. In their meetings they stressed the 2007 Position on Ferries which states: Support Governor, Tariff Committee and Transportation Commission recommendation for modest 2.5-4.0 percent increase to retain affordable ferry-user fees; provide a “seat at the table” for local governments in the creation of alternatives and solutions to address the WA State Ferries (WSF) shortfall; and request the Governor to direct the Community, Trade and Economic Department (CTED) to undertake an economic analysis of the relationship between ferry fares and our local economies. The Councilmen also discussed the serious difficulties with the County Road Fund due to last year’s loss of a portion of the Capron Funds. They requested that Senator Spanel look into reinstating a portion of the lost funds. The Council members also brought to the WSAC Transportation Sub-Committee the County’s 2007 Position on Ferries. It was argued successfully that there needs to be solidarity between eastern and western counties. The Sub-Committee adopted this concept unanimously and the

issue was then taken to the full WSAC Legislative Steering Committee (LSC). The LSC adopted the San Juan County position on Ferries as a state-wide issue for WSAC. This was the first time the weight of 39 counties was behind our ferry issues. Skagit, Jefferson, Kitsap and Island Counties also assisted in these efforts. Hearings will be held in the weeks to come. He noted that WSAC helps to pay for some of the costs to attend this annual rally. Mr. Lichter asked to provide a slight correction to Mr. Ranker's recap by explaining that the Tariff Policy Committee had recommended a 2.5 percent increase in ferry fares with one individual recommending more. At the Transportation Commission level, the same individual was able to "push the Commission to agree to a four percent increase." He reported that there will be a petition circulated in SJC to request that the 2.5 percent increase be recognized and not the recommended four percent. Mr. Lichter added that he felt it would not be wise of the Council to go against the requests of our citizen's. Mr. Ranker said he was in contact with the individuals working on the petition and that the formal County position and the Counties legislative work was being closely coordinated with their petition drive. Mr. Lichter stated that any increase over 2.5 percent should not be acceptable. Mr. Rosenfeld noted that the Council discovered and confirmed that any future increases in Capron funding will be given to WA State Ferries. SJC is "stuck" at the current 23 cents.

3. Puget Sound Partnership Update – Mr. Ranker reported that the current Puget Sound Action Team will no longer be in existence and the new Puget Sound Partnership will be. He handed out a position statement from WSAC Coastal Counties Caucus entitled "Puget Sound Partnership Principles of Intent." This is for the restoration of the Puget Sound. He stated that local governments should be at the table on this issue and counties were willing to be held accountable with regard to the "action agenda" that will be developed within this new department, but that counties needed resources in order to meet any new deliverables in addition to needing support for existing work such as our Critical Areas Ordinance and Shoreline Master Program.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. – County Administrator Council Briefing. Also present: Colin Maycock, Community Development and Planning Department Senior planner; Karin Agosta, Chair of the SJC Planning Commission; Randall Gaylord, Prosecuting Attorney; and interested citizens. Agenda:

1. Deer Harbor Hamlet Plan Public Meetings Update – Mr. Rose recapped the progress of the new round of meetings noting the last one was the prior Saturday. He felt that citizens are attempting to identify the most important items. He stated that there was fairly broad consensus that the Hamlet should include a community (commercial) center. One additional meeting has been added. Ms. Agosta then reported that Mr. Rose's recap was fairly accurate; however, it will be "tough" for everyone to come to agreement. The schedule is that a draft plan is to be ready by February 27 with one week for review. Then the draft plan goes to the Planning Commission on March 17 with a hearing in April. Should it be necessary, March 3 has been set aside for one final meeting if it is needed. There are usually 50 to 60 people who attend. Mr. Lichter added that Ms. Agosta and the facilitator, Mr. Vivenzio, have done an excellent job. Mr. Rose added that several Planning Commission members and the Prosecuting Attorney have also attended, and taken their time to be committed to this process.

2. Council Work Session/Retreat at Friday Harbor Labs Update – Mr. Rose reported that the Director of the Labs, Ken Sebens, will welcome the Council. He reviewed the itinerary and suggested laying a foundation first. He has compiled details of his thoughts after meeting individually with Council members. He also noted that a Council sub-committee is working on "Charter implementation basics," and other documents such as rules of procedures for meetings. He handed out an outline which covered many of the issues to be addressed. He suggested having department heads join the work session as well as having a facilitator for group dynamics so that he can be an active participant with the Council. He estimated the cost to be about \$2,000. Additionally, he explained that the Labs were not charging the County for the use of the Commons for the two days of the retreat. He suggested that the Council members get together for a "social" dinner after the first day and that no County business should be discussed. The Council discussed the items on the written outline and liked the idea of meeting for dinner. Appreciation was extended for the generosity of the Friday Harbor Labs in not charging the County, but the cost of the facilitator posed a concern. It was also suggested that other members of the community could be invited to attend and perhaps to give comments to the Council. **After a lengthy discussion it was agreed that a facilitator would be considered within a reasonable cost and the person is to be approved by the Council; and, that perhaps a handout could be given to spectators to be filled out and turned in with their comments. Mr. Knapp wanted some time for members of the public to offer comments. There was not objection at this time.** Mr. Rose will contact possible facilitator candidates and will prepare written material for the Council.

1:30 p.m. - A public hearing was held to consider the renewal for 120 days of Ordinance No. 12-2005, as amended by Ordinance 17-2005, and Ordinance 5-2006, acceptance of applications for Building and Land Use

Permits in the Deer Harbor Activity Center, as adopted by Ordinance 21-2006 on December 19, 2006 for an additional 120 days. Present: Pete Rose, County Administrator, and Colin Maycock, Community Development and Planning Department Senior Planner. There were no members of the public present. Mr. Rose explained that when an emergency ordinance is adopted it requires a hearing within 60-days to take public testimony. If agreeable, then the Council will affirm the ordinance. If not, then it will lapse. Mr. Maycock stated that the residents are continuing to work on a Hamlet Plan and are optimistic of completing it. He encouraged affirming the ordinance adopted on December 19, 2006. The Council asked questions which were answered by staff. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Ranker, to affirm the renewal for 120 days of Ordinance No. 12-2005, as amended by Ordinance 17-2005, and Ordinance 5-2006, acceptance of applications for Building and Land Use Permits in the Deer Harbor Activity Center, as adopted by Ordinance 21-2006 on December 19, 2006 for an additional 120 days. Motion carried.

2:30 p.m. - A meeting was held for a presentation by David Goldsmith of the Washington Counties Risk Pool Insurance Audit of San Juan County. Also present: Jill Lowe, WA Counties Risk Pool Loss Control Coordinator; Dave Zeretzke, Administrative Services Director and County Risk Manager; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; Milene Henley, SJC Auditor; and interested citizens.

Mr. Goldsmith presented a detailed report for the benefit of the Council. He explained how the "Pool" was formed and how risk management is performed. He recommended that the County should have an actual written process for review of contracts but noted that there is a great "working practice" in place on what is being done. He also recommended having a safety list for boats and vehicles and a written safety policy. His recommendations were contained in the written report. He stated that SJC is in the top third of all counties in the "Pool" and therefore are doing well over all. Mr. Rose imparted additional information on issues that may come up in the future regarding juvenile and adult probation matters. He further stated that he and Mr. Zeretzke will take the recommendations to heart and will have addressed the items by the next audit.

3:30 p.m. - A public hearing was held to consider a Timber Open Space (TOS) application to transfer 22 acres of land from Designated Forest Land (DFL) to TOS for Richard Brothers, File No. 06TOS001 - Orcas Island. Present: Lee McEnery, Community Development and Planning Department Associate Planner, and interested citizens. Ms. McEnery presented the Staff Report dated January 17, 2007. At the request of Councilman Lichter she explained the difference between DFL and TOS. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Knapp, to approve the Timber Open Space (TOS) application to transfer 22 acres of land from Designated Forest Land (DFL) to TOS for Richard Brothers, File No. 06TOS001, Orcas Island, as recommended by SJC Planning Commission. Motion carried.

3:45 p.m. - A public hearing was held to consider a Timber Open Space (TOS) application to transfer 21 acres of land from Designated Forest Land (DFL) to TOS for Jens and Pamela Quistgaard, File No. 06TOS005 - Orcas Island. Present: Lee McEnery, Community Development and Planning Department Associate Planner, and interested citizens. Ms. McEnery presented the Staff Report dated January 17, 2007 and stated that the application has changed from 21 acres to 15 acres. If this is approved by the Council, then the change will be reflected in the motion and on the resolution when it is prepared. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Knapp, to approve the Timber Open Space (TOS) application to transfer 15 acres of Land From Designated Forest Land (DFL) to TOS for Jens and Pamela Quistgaard, File No. 06TOS005, Orcas Island, as recommended by Planning Commission. Motion carried.

EXECUTIVE/CLOSED SESSIONS

10:35 a.m. – Council Vice-Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 25 minutes, to discuss a matter of litigation, pursuant to the provisions of RCW 42.30.110(1)(i). Participants: Randall Gaylord, Prosecuting Attorney. At 10:59 a.m., the Council Clerk announced an additional ten minutes was needed. Again at 11:09 a.m., the Clerk announced that the Council required another five minutes. The session ended at 11:15 p.m. for an actual session time of 40 minutes.

The Council came out of executive session and took the following action in open session: Moved by Ranker, seconded by Peterson, to allow the prosecutor to accept service on behalf of SJC. Motion carried with Councilman Knapp absent for the vote.

ADJOURNMENT - At 3:50 p.m., Vice-Chair Rosenfeld adjourned the meeting. A special meeting was scheduled for Monday, February 12, 2007, and the next regular meeting was scheduled for Tuesday, February 13, 2007.

These minutes were approved and signed on February 13, 2007. The original document is retained in the Council's permanent proceedings file dated February 5 and 6, 2007. Attest: Carolyn K. Morrison, Clerk.