

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
MARCH 19 AND 20, 2007**

Monday, March 19, 2007 - Council Conference Room

CALL TO ORDER

Council Chair Myhr called the special meeting to order at 10:00 a.m. Council members Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Administrative Services Director, Dave Zeretzke; Clerk to the Council, Carolyn Morrison; Public Hearing Specialist, Lisa Brown; Deputy Clerk, Amy Taylor; and interested members of the public were present. Councilman Ranker was excused because of a scheduled conference.

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.

1:04 p.m. – The Council held a general work session to discuss proposed Council Procedures. No action was taken.

RECESS - At 3:27 p.m., Council Chair Myhr recessed the meeting until 10:00 a.m., Tuesday, March 20, 2007.

Tuesday, March 20, 2007 - Council Hearing Room

CALL TO ORDER

Council Chair Myhr called the meeting to order at 10:01 a.m. Council members Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Carolyn Morrison; Public Hearing Specialist, Lisa Brown; and interested members of the public were present. The flag salute was conducted.

EXCUSED ABSENCES

Moved by Peterson, seconded by Lichter, to excuse Councilman Ranker from the session. Motion carried

CITIZEN ACCESS TIME

Francine Wagner, a representative from the Waldron Community Meeting, was present to provide an updated Water Resources Plan for Waldron Island, pursuant to the provisions in the SJC Comprehensive Plan.

Hugh Hendrick presented copies of the Washington State Shoreline Laws to the Council with regard to the Rosario Master Plan Resort application, stating concerns regarding potential conflicts with State Law.

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 **March 12 and 13, 2007**. Motion carried.

CONSENT AGENDA

Moved by Peterson, seconded by Rosenfeld, to approve the **Final Consent Agenda of March 20, 2007** as follows:

A. Resolutions/Ordinances:

1. **Resolution 4-2007** - Adopt the resolution allocating all available current and future Federal Surface Transportation Program funds, approximately \$815,717.00 through 2009, to projects as listed in Attachment "A," prioritized from the adopted SJC Six-Year Transportation Program.
2. **Resolution 5-2007** – Adopt the resolution granting the request for timber open space classification for Tax Parcel Number 173512004-002 to Richard Brothers, 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 February 6, 2007 and motion of approval by the Council.
3. **Resolution 6-2007** – Adopt the resolution appointing SJC County Administrator, Pete Rose, as the Director and the Risk Manager, and David Zeretzke, as the Alternate Director to the Washington Counties Risk Pool for San Juan County.
4. **Resolution 7-2007** – Adopt the resolution designating Lisa Brown as Deputy Clerk of the San Juan County Council.

B. Contracts/Agreements:

1. **Agreement No. 07HC13A** – Sign Amendment No. 1 to SJC Agreement No. 05HC48 between SJC and the WA State Department of Social and Health Services [DSHS No. 0563-75744-01], revising Section No. 5 of the original agreement regarding billing and payment, with all other terms and conditions of the original agreement to remain in effect.
2. **Agreement No. 07HC14** – Sign the Interlocal Agreement between SJC and Orcas Island School District to provide facilitation, coordination, childcare, and curriculum expenses for the "Active Parent Now" family education program as described in Exhibit A, "Program Management," for the period February 1, 2007 through March 31, 2007, in the amount of \$984, under the terms and conditions outlined therein.
3. **Agreement No. 07HC15** – Sign the Interlocal Agreement between SJC and San Juan Island School District to provide mental health assessments, counseling and consultation services to school age children and families described in Exhibit A "Statement of Work," between October 1, 2006 through September 30, 2007, in the amount of \$9,750, under the terms and conditions outlined therein.
4. **Agreement No. 07HC16** – Sign the Interlocal Agreement between SJC and Skagit Island Head Start/Skagit Valley College to deliver Primary Intervention Program curriculum, as described in Exhibit A, "Prevention Activity Implementation Plan," between July 1, 2006 through June 30, 2007, in the amount of \$5,693, under the terms and conditions outlined therein.
5. **Agreement No. 07HC17** – Sign the Interlocal Agreement between SJC and Snohomish Health District for implementation of Region 3 AIDS Service Network, as defined in RCW 70.24, and to provide prevention and central services in areas of HIV infection and AIDS disease, as described in Exhibit A, "Year 2007 Statement of Work," between January 1, 2007 through December 31, 2007 in the amount of \$17,000, in accordance with Exhibit B, "Budget," under the terms and conditions as set forth in Exhibits C through F.
6. **Agreement No. 07HC18** – Sign the Interlocal Agreement between SJC and Orcas Island School District to provide mental health assessments, counseling and consultation services to school age children and families as described in Exhibit A, "Statement of Work," between October 1, 2006 through September 30, 2007, in the amount of \$5,850, under the terms and conditions outlined therein.
7. **Agreement No. 07HC19** – Sign the Interlocal Agreement between SJC and Shaw Island School District to provide mental health assessments, counseling and consultation services to school age children and families as described in Exhibit A, "Statement of Work," between October 1, 2006 through September 30, 2007, in the amount of \$500, under the terms and conditions outlined therein.
8. **Agreement 07PD01** - Sign the Public Defender (PD) Contract between SJC and The Law Office of Joan Pedrick, for the provision of PD legal services as described therein in the amounts and years as follows: \$52,250 for 2007, \$53,555 for 2008, and \$54,895 for 2009, with provisions for compensation for additional services falling at or under the "point schedule of 190" as listed, under the terms and conditions and standards as set forth therein.

C. Call For Bids/Bid Openings:

1. Approve a Call for Bids for three five-yard trucks with hooklift systems and components, with sealed bids to be received by the County Council until 11:45 a.m. April 10, 2007, and the bid opening to occur precisely at 11:45 a.m., on that date after the last call.
2. Approve a Call for Bids for contract to supply approximately 3,500 tons of 3/8" Chiprock and 400 tons of 1/4" choke stone to San Juan Island and Lopez Island with sealed bids to be received by the County Council until 11:55 a.m., April 10, 2007, and the bid opening to occur precisely at 11:55 a.m. on that date after the last call.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 3-2007- (Refer to PUBLIC HEARINGS/MEETINGS, 3:00 p.m. for details of action taken.)

ORD. NO. 4-2007- (Refer to PUBLIC HEARINGS/MEETINGS, 3:00 p.m. for details of action taken.)

MISCELLANEOUS ITEMS:

1. Revised Procedures for the Council’s Citizen’s Access Time – Council Chair Myhr presented the proposed “more user-friendly” Citizen’s Access Guidelines. He pointed out that the Council has several meetings scheduled on other islands and will look for opportunities to schedule more in the future. **Moved by Peterson, seconded by Rosenfeld, to accept the new Council Citizen’s Access Guidelines. Motion carried.**

2. WA State Ferry Matters –Present: Anne Sheridan, representative of a SJC ferry delegation; Robert deGavre, SJC FAC Member; and interested members of the public. **(a) Ferry Fare Increases.** Ms. Sheridan reported on behalf of the group who traveled to Olympia which included: Councilman Ranker; Superintendent of Schools, Michael Soltman; Ferry Advisory Committee (FAC) members Alex McLeod and Ed Sutton; SJ Chamber of Commerce (COC) representative Dan Ward; and San Juan Island Visitor’s Bureau (SJIVB) Executive Director, Debora Hopkins. Ms. Sheridan said a broad range of testimony, including a petition with over 3,100 signatures of SJC citizens and key economic points, was brought before Senators Haugen and Spanel, Representative Quall, and Representative Jeff Morris’ aide, Andrew Austin. Ms. Sheridan stated there are no quick solutions for this complicated problem, but felt they were able to present valid concerns from the community regarding fare increases. She said Councilman Ranker did an excellent job expressing larger impacts. Mr. Myhr thanked Ms. Sheridan for her active role in this group. **(b) Ferry Loading Priority** –Mr. deGavre reported that it was the unanimous opinion of the FAC not to support the proposed priority loading for agricultural vehicles. The FAC had determined that there was no need for priority loading on Interisland ferries, as there is rarely an overloaded situation on these sailings. He pointed out that loading procedures are set by the WA Administrative Code (WAC) on a system-wide basis, and added that he would be happy to work with citizens to review their requests on a case-by-case basis. Regarding priority loading for County vehicles, he stated there was very little support from the FAC, suggesting the County use the reservation system the State ferry system has in place. Concerns were raised by the Council regarding transporting solid waste to Anacortes; transporting asphalt emulsions, with a shelf life on resins and binders, from Anacortes and on Interisland sailings; and occasionally moving equipment between islands to handle emergencies. Questions were raised by staff and the Council regarding ferry-system requirements and compliance issues. Councilman Rosenfeld requested a list of the priority situations that are currently supported by the FAC to provide a basis for further discussion. Mr. Myhr thanked Mr. deGavre.

3. Proposed Impound Vehicle (Formerly “DUI/DWSL”) Ordinance – Present: Mr. Uzek Susol; SJC Sheriff Bill Cumming; Prosecuting Attorney Randall Gaylord; and interested members of the public. Councilman Lichter introduced Mr. Susol, who originally brought this matter forward. Mr. Susol, a certified tow operator on Orcas Island, provided background information for his concerns and referenced ordinances already in place in other communities. Sheriff Cumming said he was in support of an ordinance, stating that the quick release of a DUI suspect could give them access to their vehicles, possibly causing potential harm. He said impounding vehicles for driving with suspended licenses (DWSL) would bear more discussion, stating that the vehicle may be a family car with other drivers depending on the use of it. Mr. Gaylord pointed out that there are lesser degrees of offences on DWSL that should also be taken into consideration. The Council asked specific questions of the Prosecuting Attorney and Sheriff. Sheriff Cumming said that he favored the existing Bellingham ordinance as a model for SJC. Mr. Gaylord stated he could draft an ordinance and bring it to the Council. After discussion, the following motion was taken: **Moved by Lichter, seconded by Knapp, to direct the Prosecuting Attorney’s office to draft an impound vehicle ordinance in a format appropriate for SJC. Motion carried.**

4. Transborder Island Agreement (TIA) – Councilman Lichter provided copies of a revised TIA explaining that it was originally established by SJC and the Gulf Islands Trust (GIT) in 1998, acknowledging the friendship and shared interests between the two island communities. It has since been agreed that two meetings would be held each year to discuss mutual community concerns. At a joint meeting in Victoria this past December, an up-to-date reworking of the TIA was started, and Mr. Lichter reported that on a recent trip Mr. Lichter to British Columbia, he had met with Linda Adams, Executive Director of the Islands Trust, and they completed the draft revision of the agreement. He and Ms. Adams are suggesting that our Council and Islands Trust Executive Council give preliminary approval to this Draft, and subject to any desired changes, the final TIA would be presented for a joint

signing ceremony at the next joint meeting, which will be held June 13, 14, and 15, 2007 on Pender Island, BC. It was pointed out that the document can be changed at anytime by either Council and is not legally binding, but rather a declaration of mutual concern for each other's issues. **It was agreed by consensus, to place the draft TIA on next week's Consent Agenda for preliminary approval.**

5. Report on Town of Friday Harbor (TFH) Council and County Council Meeting – Although this was not an official meeting with the Town, the Council had requested an update. Councilman Rosenfeld reported that he presented some of the Council's legislative priorities. He told the Town Council of the Council's interest in considering a European model development for Urban Growth Areas (UGA), which was met with resistance from one TFH Council member. The comment was made that apartment living was not family friendly and separate housing was preferable. Mr. Rosenfeld listed other topics which included the proposed TFH's UGA expansion; a proposed affordable housing project; transportation issues (including the Bellingham passenger ferry and a year-round transit bus); the San Juan Island Solid Waste transfer station; and the County's chip-seal process. Traffic pressure relief alternatives for Turnpoint/Pearpoint Roads and Warbass/Harrison Roads were also discussed. Alternative routes were discussed including an easement through the Buck property, and the Gravel Pit property. These will require further discussions with TFH. Councilman Knapp also provided information regarding the differences in governing under the Charter.

6. Other Council Matters and Updates - (a) Council Agenda –Chair Myhr announced that the County Administrator's Council Briefing time would be moved to 1:30 p.m. to allow for more time in the morning for miscellaneous discussion items as soon as scheduling will permit. He asked the Council to get discussion topics to him as soon as possible to facilitate preparation of the Council agendas. Mr. Lichter suggested that the Council Chair and Clerk work together to determine appropriate time frames for the scheduling of various matters. **(b) NEVs and Bicycles** –The Council revisited the matter of electric vehicles. Mr. Knapp stated that these discussions about speed and safety gave him concerns that County roads may be unsafe for bicyclists. Discussion regarding bicycle safety followed, including issues of poor shoulders and aggressive driving. Mr. Myhr pointed out that on April 28, 2007, 750 bicyclists will arrive for the fourth annual Tour de Lopez. He stated that Lopez Island gets more bicyclists than the other islands due to the topography. The question was raised as to whether or not the County should be encouraging more bicyclists to come without having safety measures in place. Mr. Peterson suggested the Council ask the "trails committees" to incorporate bicyclists into their plans and indicated they could possibly obtain grant money to develop the trails. He stated he realized it might be piecemeal to start with, but could eventually all tie together. Chair Myhr pointed out that the tendency has been to think of roads and trails separately, but said it may be more productive to link planning efforts in this regard. Mr. Rosenfeld suggested gathering information from the Chambers of Commerce in other areas regarding trails to determine what our best course might be. Advertising by the SJIVB encouraging bicyclists to come here was discussed. It was suggested by Mr. Lichter that Mr. Myhr meet with SJIVB Director Deborah Hopkins, as the County would share in liability were an accident to occur due to road conditions. He also suggested the idea of holding back on funds committed to SJIVB, in order to pay for shoulder improvements. Mr. Rose stated that concerns regarding liability should include Dave Zeretzke, Administrative Services Director and Insurance and Risk Manager. Cleaning gravel off road shoulders was discussed. Mr. Myhr pointed out that some people have "love/hate" feelings towards bicyclists, and that neither drivers nor bicyclists like chip seal. Mr. Rosenfeld pointed out that to lessen the competition for space on County roads we need to keep the shoulders in good shape. Mr. Rose stated he would be asking for a post season report from Mr. Shannon. Regarding NEV accommodation, Mr. Rosenfeld pointed out that the 35 mph speed-limit would impact emergency response times, in that most first responders are using their own vehicles and are not to exceed the speed limit. Mr. Rosenfeld said he was advised by an engineer that NEVs cost from nine to twelve thousand dollars, have no safety features, and are not impressively engineered. He stated Hybrids are not much more in cost and might be a much better alternative for our citizens. **(c) Updates: The State's Proposed Capital Budget** – Mr. Peterson announced that \$193,000 was earmarked for the San Juan Community Theatre as part of the State's proposed budget. Mr. Myhr expressed his pleasure that the State's proposed budget also included a 30-year lease on the Lopez Hill land by the DNR, which would in turn benefit school construction funds. He also stated the State budget is pending House approval.

PUBLIC HEARINGS/MEETINGS

11:00 a.m. – County Administrator Council Briefing. Also present: Public Works Director, Jon Shannon, and interested members of the public.

1. Courthouse Parking Lot Lighting Bid – Mr. Rose referred to the staff recommendation for the parking lot lighting bid in the amount of \$136,000, and explained the history of this issue. Mr. Peterson provided literature on solar standards as an option. Mr. Rose asked that the Council keep employee safety in mind and if they were not ready to move ahead at this time, he encouraged them to consider resolving the issue prior to the end of daylight

savings time this fall. Discussion regarding Labor and Industries (L&I) Safety Standards, and the feasibility and benefits of using solar lights followed. After discussion, **the Council agreed by consensus to find a lighting solution for the Courthouse parking lot and have it in place by the end of daylight savings time this year.**

1:34 p.m. - A public hearing was held to consider a Timber Open Space (TOS) application for U.S. Bank NA, Trustee/Lowery Trust; and Robert and Peggy Frazier, to convert from Designated Forest Land to TOS, 95.58 acres of land, Orcas Island, File No. 05TOW001. Present: Lee McEnery, Community Development and Planning Department (CDPD) Associate Planner. Ms. McEnery presented the Staff Report dated February 28, 2007. The Council's questions were answered. Public testimony was opened with Mr. Myhr noting that no members of the public were present, and then closed. Deliberations were held and the following action was taken:

Moved by Knapp, seconded by Peterson, to approve the TOS Application for U.S. Bank NA, Trustee/Lowery Trust; and Robert and Peggy Frazier, to convert from Designated Forest Land to TOS, 95.58 acres of land, Orcas Island, File No. 05TOW001. Under discussion, a friendly amendment was moved by Knapp, seconded by Peterson, to add to the first motion "as recommended by the Planning Commission." Both the original motion and friendly amendment carried.

2:00 p.m. - A public hearing was held to take public testimony regarding 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, pursuant to adoption by the Council on February 13, 2007 of Ordinance 2-2007. Present: Ron Henrickson, Community Development and Planning Department Director, and interested citizens. Mr. Henrickson presented a copy of Ordinance No. 2-2007, and distributed colored maps showing overlays delineating zoning. Mr. Henrickson answered the Council's questions. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Rosenfeld, seconded by Knapp, to affirm the adoption of **Ordinance 2-2007**, adopted on February 13, 2007, an emergency ordinance to establish interim zoning for areas on Lopez Island outside the Lopez Village Urban Growth Area and Marine Center LAMIRD. Motion carried.

3:00 p.m. - A public hearing was held to consider an ordinance for Emergency Appropriations and an ordinance for Supplemental Appropriations and Transfers to the SJC 2007 Budget. Present: Pete Rose, County Administrator; Ron Henrickson, Community Development and Planning Department Director; Milene Henley, SJC Auditor; Charlotte Dye, Chief Deputy Auditor; available elected officials and department heads; and interested members of the public. Mr. Rose provided detailed budget information regarding items under consideration, including some reductions due to negotiations by the Auditor. The Auditor expressed concerns about accommodating funding for special interest groups. The Council's questions were answered. Public testimony was opened, submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Rosenfeld, to adopt **Ordinance 3-2007**, approving Emergency Appropriations to the SJC's 2007 Budget as set forth therein. Motion carried.

Moved by Lichter, seconded by Rosenfeld, to adopt **Ordinance 4-2007** approving Supplemental Appropriations and Transfers to the SJC's 2007 Budget as set forth therein. Motion carried.

3:30 p.m. – (Commenced at 3:50 due to time constraints.) A meeting was held with the SJC Marine Resources Committee (MRC) to present the schedule for community meetings and to discuss proposed strategies for the Marine Stewardship Area (MSA)." Present: Jim Slocomb, MRC Chair; Mary Knackstedt, MRC Coordinator; Amy Windrope, San Juan Initiative Coordinator; and interested citizens. Mr. Slocomb presented a report and provided informational materials put together by the MRC. Discussions regarding combining efforts with other conservation organizations regarding how they could work in concert with the Comprehensive Plan amendments followed. A series of MRC workshops will be held on ferry-served islands. The presentations will begin with an overview by a facilitator, then attendees will "break-out" into focus groups with expert presenters. It was noted that the MRC Coordinator, the Salmon Recovery Lead Coordinator, and the San Juan Initiative Coordinator, and CDPD staff are on the Council Agenda for April 10, 2007 at 3:30 p.m. for a presentation of a proposed Coordination Plan between the MRC Marine Stewardship Area, Critical Areas Ordinance updates, and San Juan Initiative. Chair Myhr thanked Mr. Slocomb for his work and presentation.

EXECUTIVE/CLOSED SESSIONS

11:22 a.m. – Council Chair Myhr announced that the Council would be holding an **executive session** estimated to last approximately 20 minutes, to discuss a matter of Real Estate Acquisition, pursuant to the provisions of RCW 42.30.110(1)(b). Participants: Karen Vedder, Deputy Prosecuting Attorney. At 11:40 a.m., the Council Clerk announced that the Council would need another 20 minutes. The session ended at 12:02 p.m. for an actual session time of 40 minutes. No action was taken.

12:05 p.m. – Council Chair Myhr announced that the Council would be holding a **closed session** estimated to last approximately 15 minutes, to discuss a matter of labor negotiations, pursuant to the provisions of RCW 42.30.140(4) (a). The session ended at 12:20 p.m. for an actual session time of 15 minutes. No action was taken.

ADJOURNMENT - Moved by Lichter, seconded by Knapp, to adjourn the meeting at 4:07 p.m. Motion carried. A Special Meeting was scheduled for Monday, March 26, 2007, and the next regular meeting was scheduled for Tuesday, March 27, 2007.

These minutes were approved and signed on March 27, 2007. The original document is retained in the Council's permanent proceedings file dated March 19 and 20, 2007. Attest: Carolyn K. Morrison, Clerk.