

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
August 13 and 14, 2007**

**Monday, August 13, 2007 - Council Conference Room**

**CALL TO ORDER**

Council Chair Myhr called the special meeting to order at 10:00 a.m.

**PUBLIC MEETINGS/WORK SESSIONS**

**10:00 a.m.** – The Council held a staff meeting. No action was taken.

**RECESS** - At 12:00 p.m., Council Chair Myhr recessed the meeting until 10:00 a.m., Tuesday, August 14, 2007.

**Tuesday, August 14, 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**

No matters were brought before the Council.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

**APPROVAL OF MINUTES**

Moved by Lichter, seconded by Ranker, to approve the Minutes of **August 6 and 7, 2007**. Motion carried.

**CONSENT AGENDA**

Moved by Lichter, seconded by Rosenfeld, to approve the **Final Consent Agenda of August 14, 2007**, as follows:

**A. Resolutions/Ordinances:** (No items.)

**B. Contracts/Agreements:** (No items.)

**C. Budget Items:** (No items.)

**D. Personnel:** (No items.)

**E. Appointments:**

1. Approve the reappointment of Christina Dahl-Sesby, to the Agricultural Resources Committee, 2nd Term, as a representative of District #1, in Position #1, for a term which will begin immediately and expire August 31, 2011. Said reappointment is endorsed by Ron Zee, Chair of ARC.

2. Approve the reappointment of Madden Surbaugh, to the Agricultural Resources Committee, 2nd Term, as a representative of District #3, in Position #1, for a term which will begin immediately and expire August 31, 2011. Said reappointment is endorsed by Ron Zee, Chair of ARC.

3. Approve the reappointment of Jim Lawrence, to the Agricultural Resources Committee, 2nd Term, as a representative of District #1, in Position #5, for a term which will begin immediately and expire August 31, 2011. Said reappointment is endorsed by Ron Zee, Chair of ARC.

4. Approve the appointment of Chris "Gus" Lohman, to the Agricultural Resources Committee, 1st Term, as a representative of District #2, in Position #9, for a term which will begin immediately and expire August 31, 2011. Said appointment is endorsed by Ron Zee, ARC Chair.

5. Approve the reappointment of Sara Jones, to the Agricultural Resources Committee, 2nd Term, as a representative of District #3, in Position #12, for a term which will begin immediately and expire August 31, 2011. Said reappointment is endorsed by Ron Zee, Chair of ARC.

6. Approve the reappointment of Ken Sebens, to the SJC Marine Resources Committee, Position #6, for a four-year term, which will begin immediately and expire June 30, 2011. Said appointment is endorsed by Mary Knackstedt, MRC Coordinator.

**F. Correspondence:**

1. Sign the letter confirming the reappointment of Christina Dahl-Sesby, to the Agricultural Resources Committee, as a representative of District #1.

2. Sign the letter confirming the reappointment of Madden Surbaugh, to the Agricultural Resources Committee, as a representative of District #1.

3. Sign the letter confirming the reappointment of Jim Lawrence, to the Agricultural Resources Committee, as a representative to District #5.

4. Sign the letter confirming the appointment of Chris “Gus” Lohman, to the Agricultural Resources Committee, as a representative to District #2.

5. Sign the letter confirming the reappointment of Sara Jones, to the Agricultural Resources Committee, as a representative to District #3.

6. Sign the letter confirming the reappointment of Ken Sebens, to the SJC Marine Resources Committee.

Motion carried.

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**ORD. NO. 30-2007-** (Refer to PUBLIC HEARINGS/MEETINGS/WORK SESSIONS, 11:30 a.m. for details of action taken.)

**PUBLIC HEARINGS/MEETINGS/WORK SESSIONS**

**10:15 a.m.** – A public meeting was held to consider authorizing the Marine Resource Committee (MRC) to send a letter of intent to the DNR nominating San Juan County for consideration as a site for protection under the DNR Aquatic Reserves Program. Also present: Mary Knackstedt, MRC Coordinator; David Palazzi, DNR Aquatic Reserves Program (ARP) Manager; Terry Carten, Land Manager, NW Region; and interested members of the public. Ms. Knackstedt reported that, after giving the council time to learn about the DNR Aquatic Reserve Program, and discuss the nomination of SJC through a letter of intent by the MRC, she was back with representatives from the DNR seeking authorization from the Council to move forward. She was also available to provide an overview of marine management collaboration in San Juan County. She added that the MRC and NW Straits Commission had been convening marine managers since 2004 to share information and coordinate activities, and the idea to become involved with the DNR ARP came from this. Mr. Palazzi explained that, although the DNR is responsible for managing state-owned aquatic lands that the reserve program pertains to, their goal is to create local partnerships to provide long-range planning, land use management, and conservation for habitat, providing an “eco-system management approach” in the designated areas. The panel answered questions from the Council. Mr. Peterson expressed concerns regarding the impact this designation would have related to management plan criteria, based on research he had done on the Maury Island ARP. He stated that the DNR manages 2.4 million acres of aquatic lands in Washington, to provide a balance of public benefit to the people of the state. Mr. Peterson also pointed out that this is a 90-year plan with ten year review cycles. He asked if the County could be removed from the plan if the Council decided it no longer wished to participate in the plan. Mr. Palazzi responded that the County could be removed through the State Environmental Policy Act (SEPA) process during a review cycle. Mr. Peterson read from the plan, “Public benefits may take place within reserves, but they will be of lesser priority and may occur only if they meet the criteria.” He added his concern for a current shipyard owner and what this would mean to the future of any shoreline business. Mr. Ranker pointed out that, by applying for the entire county to be recognized, the areas best suited for inclusion would be determined during the planning process. Mr. Knapp asked what the benefits and effects to the average citizen would be. He expressed his support of the overall idea, but concern over hidden problems. Mr. Lichter inquired about funding obligations and enforcement responsibility. Mr. Myhr invited public participation. Interested members of the public offered their comments in favor of the program. After discussion, the following action took place:

**Moved by Ranker, seconded by Knapp, to authorize the MRC to move forward with a letter of intent to apply for the Aquatic Reserves Program.** Under discussion, Mr. Peterson expressed his opposition to the motion, stating that he felt it was a triggering event and couldn't support taking this step. Mr. Lichter stated his

concern regarding duplication of efforts, staff time, and revenue, with other environmental groups and programs already in place to protect our marine environment, such as the San Juan Initiative. He wanted to be sure the Council would not be obligating the County, with the letter of intent, in any other way than to move ahead with optimism to look at the program the DNR would develop for SJC. Mr. Ranker stated that the benefit would be an increase in the capacity of a major land-holder (DNR) to formally participate in the San Juan Initiative (SJI). He added that the DNR being mandated to go through a planning process that directly supports SJI would be a powerful tool and not create overlap. **Motion carried with Peterson opposed.**

**11:15 a.m.** – (Commenced at 11:33 due to time constraints.) A public hearing was held to consider a Timber Open Space application for approximately 15 acres of land for Hazel Burns and Phil Pizzica, file No. 06TOS0006, Lopez Island. Present: Full Council; Laura Tuttle, Clerk to the Council; Lisa Brown, Deputy Clerk; Pete Rose, SJC Administrator; Milene Henley, SJC Auditor; Lee McEnery, CDPD Associate Planner; Applicants, Hazel Burns and Phil Pizzica; and interested members of the public. Chair Myhr opened the public hearing and introduced those present. Ms. McEnery referenced her Staff Report and recommendation, noting that the Planning Commission had also approved the application, with added language addressing noxious weed control. Ms. McEnery answered questions from the Council. Public testimony was opened, submitted, and closed. Deliberations were held and the following action was taken:

**Moved by Myhr, seconded by Lichter, to approve the Timber Open Space application of Burns/Pizzica, file No. 06TOS0006, dated August 14, 2007. Motion carried.**

**11:30 a.m.** – (Commenced at 11:42 due to time constraints.) A public hearing was held to consider an ordinance increasing the Rural Sales and Use Tax for San Juan County from .08% to .09%, consistent with a recent change in state law. Present: Full Council; Laura Tuttle, Clerk to the Council; Lisa Brown, Deputy Clerk; Pete Rose, SJC Administrator; Milene Henley, SJC Auditor; and interested members of the public. Chair Myhr opened the public hearing and introduced those present. Ms. Henley referenced her Staff Report, noting that this increased tax amount was not an additional tax to consumers or the County, but a portion of the state tax that is given back to the County. Rural counties with populations of less than 100 people per square mile or less than 225 square miles are eligible for this tax, which is to be used for public facilities to enhance economic development in the county. This results in an additional \$43,000 (approximately) to SJC. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

**Moved by Rosenfeld, seconded by Lichter, to adopt the ordinance to increase SJC Rural Sales and Use Tax from .08% to .09% consistent with state law. Motion carried.**

**1:30 p.m.** COUNTY ADMINISTRATOR COUNCIL BRIEFING - Pete Rose:

**1. Friday Harbor UGA Expansion** – Also present: Ron Henrickson, CDPD Director; and interested members of the public. Mr. Rose introduced this item by explaining that the Town of Friday Harbor (TFH) forwarded a proposal for expansion of the UGA to the County six weeks ago for review by CDPD. Mr. Henrickson referenced his Staff Report, which included a detailed analysis he had done, along with additional suggestions regarding expansion. He noted that this document had been made available to the public and is also available on the website. Mr. Henrickson reported that the County is going to see substantial growth, particularly on San Juan Island in the TFH, and will have a need for housing far beyond the budget of affordability. Mr. Henrickson and Mr. Rose then answered questions from the Council.

**2. Quarterly and Year to Date (YTD) Budget Report to the Council** – Also present: Milene Henley, SJC Auditor; and interested members of the public. Ms. Henley provided an overview of the second quarter and YTD financials in a PowerPoint presentation. Expenses, with some areas slightly above budget and others slightly below, are very close to even overall. She pointed out that payroll is the largest component of the expense budget and noted that the figures included all positions, even those that were grant funded. As far as revenues, the YTD budget percentages are typical, coming in at just under 50 percent for County and County Current. She reported that the Real Estate Excise Tax (REET) has decreased significantly year-to-year. She added that this was anticipated in the budgeting process and that the account is ahead of budget. Ms. Henley reported that as far as the outlook, she is cautiously optimistic, as the first quarter REET was down by 30 percent. She reported that employee costs were up by 12-13 percent and, again, cautioned the Council about start-of-year cash depletion and the necessity to establish and restore operating reserves. Ms. Henley provided detail, and explained the increase, of personnel costs relating to cost of living adjustments (COLA), the necessity to offer higher wages to entice qualified candidates to accept positions on the island, increased benefit costs, and increased numbers of

Staff retiring, with projections indicating that this will continue. Ms. Henley then answered questions from the Council.

**3. Public Defender Contract Update** – Also present: Dave Zeretzke; and interested members of the public. Mr. Rose began by explaining that Administrative Services was authorized to negotiate, rather than bid, this contract. Mr. Zeretzke referenced his Staff Report, noting the high volume in case-loads. He explained the point system that the salary was based upon, in which weighted case-load reports were used, and points for each type of case determined. This currently translates to approximately \$270 per day for an adult felony charge prosecution. He noted that if a case goes to trial the Public Defender is obligated to try the case, possibly at his own financial risk. Mr. Zeretzke reported that the County is coming to the end of a three-year term with Tom Pacher, who also has the contract for Island County. Mr. Zeretzke then answered questions from the Council.

**4. Public Records Requests** - (Added agenda item.) Also present: Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; and interested members of the public. Council Chair Myhr began by stating that a number of items listed on a recent public records request were held back under “attorney/client privilege.” He then asked how to handle a request when one council member is of the opinion that it is alright to release certain privileged information and another feels it should be withheld. Mr. Gaylord distributed the procedure and ordinance adopted under SJC Code 2.108 and also the procedure the Attorney General had recently published. He noted that SJC had not yet reconciled its ordinance to the Attorney General’s, but that the main difference was that SJC designates departmental Public Records Officers and the Attorney General model specifies that there should be only one Public Records Officer designated county-wide. The objective is to disclose documents that are public and exempt those that are protected. A log is to be kept of all documents disclosed and withheld. Mr. Gaylord, Ms. Vedder, and Mr. Rose answered questions from the Council regarding updating the policy and Ordinance for SJC and the Charter. Mr. Gaylord commented that new methods of implementation would need to be considered with the six-member Council. Mr. Myhr expressed his concern regarding the list of documents requested by Mr. Petersen that were considered exempt and feels they should continue to be exempt. Mr. Gaylord stated that Mr. Petersen had not followed the appeal process set out in the ordinance, but rather made a new request for the documents that were exempt. After a lengthy discussion, Mr. Gaylord pointed out that the current policy and ordinance would be revised under Charter review, but in the meantime, there was a policy in place. Ms. Vedder pointed out that under that policy it is their duty as attorneys not to disclose the documents unless they are waived by the Council. Mr. Lichter asked if the County would be liable for fees if it was determined that the documents should not have been exempt. Mr. Gaylord responded by saying only if the Council determines a mistake had been made. **The Council agreed by consensus to follow the current policy regarding this request.**

**2:15 p.m.** COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS: (Commenced at 3:43 due to time constraints.)

**1. Legislative Priorities – Kevin Ranker** – Mr. Ranker referenced the latest draft of Legislative Priorities distributed to the Council and thanked Mr. Rose for his assistance in putting them together. Mr. Ranker reviewed the list, giving a brief explanation and invited Council discussion regarding each item under consideration: 1) Save Mitchell Hill; 2) Fund the Washington State Oil Spill Advisory Council and Year-round Neah Bay Rescue Tug; 3) Puget Sound Partnership; 4) Affordable Housing; 5) Ferries; and 6) Neighborhood Electric Vehicles. The merits and concerns regarding each request were discussed and it was decided that this would be placed on the agenda next Tuesday, August 21, 2007, at 10:15, for a vote to determine which priorities would make the final list.

#### **EXECUTIVE/CLOSED SESSIONS**

**3:59 p.m.** – Council Chair Myhr announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to conduct an employee evaluation, pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 4:15 p.m. for an actual session time of 16 minutes. No action was taken.

**ADJOURNMENT** - Council Chair Myhr adjourned the meeting at 4:16 p.m. A Special Meeting was scheduled for Monday, August 20, 2007, and the next regular meeting was scheduled for Tuesday, August 21, 2007.

**These minutes were approved and signed on Tuesday, August 21, 2007. The original document is retained in the Council’s permanent proceedings file dated August 14, 2007. Attest: Lisa J. Brown, Deputy Clerk.**

