

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
Monday, September 17 and 18, 2007**

**Monday, September 17, 2007 - Council Conference Room**

**CALL TO ORDER**

Council Vice-Chair Rosenfeld called the special meeting to order at 10:00 a.m. Council members Ranker, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Laura Tuttle; Deputy Clerk, Lisa Brown; Public Hearing Specialist, Valarie Graham; and interested members of the public were present. *Council Chair Myhr and Council member Peterson were not present due to planned absences.*

**PUBLIC MEETINGS/WORK SESSIONS**

**9:00 a.m.** – The Council met for a Staff Meeting and Work Session.

**RECESS** - At 10:30 a.m., Council Vice-Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, September 18, 2007.

**Tuesday, September 18, 2007 - Council Hearing Room**

**CALL TO ORDER**

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

**EXCUSED ABSENCES**

**Moved by Lichter, seconded by Ranker, to excuse the planned absences of Mr. Peterson and Mr. Myhr. Motion carried.**

**CITIZEN ACCESS TIME**

Ginger Norgaard expressed to the Council that despite the Deputy PA's claim that the Judge's decision was unclear, the Judge's decision was made in her favor regarding the Aliquot issue and she doesn't want to pay the costs of going back to court to clarify the issue for the Deputy PA. She stated that if Ms. Vedder doesn't understand the judge's decision, she should find another way to get clarification rather than taking her back to court. She added that a motion for reconsideration is asking the judge to reconsider his decision. Mr. Rosenfeld reminded the Council and public present that pending litigation cannot be discussed in open session.

Richard Durhack read a statement regarding the Aliquot ruling and submitted it for the record.

Randall Gaylord explained that it is not appropriate for the Council to hear matters currently under litigation during citizen's access time. He added that the parties' lawyers were in communication, scheduling court dates, and there was no reason for clients to go directly to one another. Mr. Gaylord did want to clarify a misunderstanding regarding what Ms. Vedder had reported last week. He stated that she was not confused about the decision itself, but rather how it would comport in other circumstances. Mr. Gaylord reported that this land also had modern surveys available that were undisclosed at the first hearing. He added that Ms. Vedder was away on vacation and would file the paperwork upon her return in three weeks.

**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 **September 11, 2007**. Motion carried.

**CONSENT AGENDA**

Moved by Lichter, seconded by Ranker, to approve the **Final Consent Agenda of September 18, 2007**, as follows:

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

**B. Contracts/Agreements:**

1. Approve the Interagency Agreement Between Skagit/Islands Head Start and San Juan County Health Department (SJC Agreement No. 07HC52), for a term effective September 1, 2007 through August 31, 2008, to provide health consultation to the staff and families of Skagit/Islands Head Start in Friday Harbor by Dianne Dyer or other Public Health Nurses.

2. Approve the Contract by and between the San Juan County Council and Thomas C. Pacher, Attorney at Law, Inc. (SJC No. 07PD05) as and for the Primary Public Defender Contract for Legal Services for Years 2008, 2009 and 2010 For Adults.

3. Approve The North Sound Mental Health Administration Federal Block Grant Agreement with San Juan County Health and Community Services (NSMHA-San Juan Health-FBG-07-08) (SJC Agreement No. 07HC53) for the period of October 1, 2007 through September 30, 2008.

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

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

**E. Appointments:** (No items.)

**F. Correspondence:** (No items.)

**G. Miscellaneous:**

1. Approve Pete Rose, County Administrator, to approve/accept bid award and process bid for purchase and installation of telecommunications and audio visual equipment for the Legislative Building of San Juan County.

**H. Bid Openings:** (No items.)

Motion carried.

## **ACTION AND DISCUSSION ITEMS**

### COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

Also present: Randall Gaylord, Prosecuting Attorney; and interested members of the public.

**1. Joint Ocean Commission Initiative (JOCI) –** Mr. Ranker, a signatory on a joint letter (from eighteen west coast elected officials) to the Hon. Leon Panetta and Admiral Watkins requesting support to protect coastal resources, announced that he had received a favorable response and that Mr. Panetta and Admiral Watkins would be working with this group of officials to publish a full report on how to provide tools and resources to help support healthy coastal eco-systems. Mr. Ranker will keep the Council and the public informed on their progress.

**2. Miscellaneous Items – a) Request to fly the American Flag at half-mast –** Mr. Lichter referenced a letter he received from the Donners, asking to fly the American Flag at half-mast to honor the war dead. Under discussion it was unclear whether they were seeking permission to fly their flag at half-mast, requesting the County to fly Government flags at half-mast, or wishing the County to require all citizens to fly their flags at half-mast. Mr. Knapp asked Mr. Gaylord to advise the Council on what would be appropriate regarding the flying of the American Flag. He gave a brief update on flag protocol and added that Counties look to recommendations from State and Federal offices and that it is usually done uniformly with schools and other public locations where flags are flown. Mr. Ranker suggested that Mr. Lichter research this and come back to the Council with a recommendation. Mr. Lichter responded by stating that he had researched enough to learn that citizens cannot fly the flag at half-mast at will at their own homes, but they could fly a memorial banner. He further added that flying the American flag at half-mast is limited to government buildings. Mr. Rosenfeld concluded by saying this wasn't a matter for Council purview, but that if more citizens came forward that it should be researched further. **b)**

**Enforcement of Private Covenants –** Mr. Rosenfeld reported that a complaint had been submitted regarding a vacation rental permit issued, in the Yacht Haven area, where it was restricted by Covenants, Codes, & Restrictions (CC&Rs). He asked Mr. Gaylord if he could respond to this complaint by letting the complainant know that the County does not get involved with the enforcement of private covenants. Mr. Gaylord said that would be the appropriate response, adding that the County is not a party to CCRs, which are private premises that run with the land. He also said that a County permit is not a license to violate a covenant. Mr. Gaylord offered to answer any additional questions the public might have.

## **PUBLIC HEARINGS/MEETINGS/WORK SESSIONS**

**10:15 a.m.** An inspection tour of the Courthouse and Legislative buildings was held to provide information regarding structural concerns, possible remedies, and design updates. The tour began with Marian Melville, District Court Administrator, who presented an update on the Historic Courthouse Renovation Project, for which she had been successful in attaining a \$350,000 matching grant. Ms. Melville led the Council, Staff, and interested public through each area of the historic part of the Courthouse to view possible re-locations of offices and use of space, and to meet Staff. Following, Jon Shannon, Public Works Director, continued the tour in the addition of the Courthouse, explaining structural deficiencies that need to be addressed. Sheriff Cumming then took the lead, providing a comprehensive tour of his department from dispatch to jail cells, noting the dire need for more space. Mr. Rose, County Administrator, continued the tour across the street in the Community Development and Planning, and Health Departments before concluding the tour in the construction zone of the Legislative Building that will eventually house Council operations.

## COUNTY ADMINISTRATOR COUNCIL BRIEFING

**1:30 p.m.** Pete Rose, County Administrator (CA) Council Briefing – Also present: Bill Cumming, SJC Sheriff; Kari Koski, Soundwatch; Milene Henley, Auditor; and interested members of the public. (Mr. Rose noted for the record that with the absence of Mr. Ranker, until 3:30, there would be no quorum or capability to take action until his return.)

**1. Granicus** – Mr. Rose, reviewing the Granicus discussion from the week prior, explained the options available to the Council in the differing scenarios, including joint use with the Town of Friday Harbor. He noted that the quote given was good until March of 2008.

**2. Advisory Bodies** – Mr. Rose reported that the rules and regulations regarding advisory bodies were forwarded to Debbie Emery, Administrative Assistant to the CA, for distribution to each Board and Committee for review. After receiving their feedback, Mr. Rose will provide his recommendations to the Council.

**3. Orca whale follow-up** – Mr. Rose invited Sheriff Cumming to report on enforcement and an emergency appropriations request to place enforcement personnel on the water for the last two weekends of the boating season. Sheriff Cumming requested funding in the amount of \$9,000 to cover eight seven-hour days for enforcement (including salaries, boat-time, fuel, haul-outs and maintenance) of the newly adopted Whale Protection Ordinance, 35-2007. He reported having positive discussions with Sergeant Mullins of the Washington State Department of Fish and Wildlife (WDFW), and their plan to work together regarding citations. He stressed the importance of the presence of the SJC Sheriff on the water to show how seriously enforcement is taking this issue. He also said he would be conservative with time and money, stating that if there was not much activity on the water the deputies would not need to be present. Kari Koski reported that the Soundwatch boat had blown an engine, but they would be on the water in a Strait Watch boat, but felt it was still important to have the Sheriff out along with WDFW. Mr. Cumming and Ms. Koski answered questions from the Council.

**4. Miscellaneous Items – a) Public Information Regarding Stormwater Utility Fee Assessment** Mr. Rose reported that the Council had two options regarding providing information to the public about the stormwater utility fee assessment. One would be to put out a neutral fact sheet, and keep it non-political. The other would be to take a position on the referendum and publish their message to the public. For the later, it would be necessary to hold a legally advertised public meeting. In each case, however, the County must comply with the Public Disclosure Commission (PDC) guidelines. Mr. Rose answered questions from the Council. Under discussion, Mr. Lichter stated that he believed the Council had an obligation to provide information to the public. He added that he was not in support of slanting it towards a particular position but rather a statement of facts. Mr. Knapp agreed, adding that he thinks the Council has an obligation to do this and recognized the outstanding group of people who put the plan together. Mr. Rose suggested a concise, attention-getting question and answer fact-sheet to be widely distributed to the public. **b) Legislative Priorities Addition re: Orca Protection Ordinance** – Mr. Rose asked if the Council would be interested in suggesting to the State in the legislative policy document that since SJC acted locally with support of 12 Puget Sound coastal counties, it is time to act on a state-wide basis. He suggested making it the centerpiece so that it would not detract from the other items already listed.

**5. Discussion items Mr. Rose requested direction on, upon Mr. Ranker’s return - a) Stormwater issue education piece requiring a motion.** Mr. Rose recapped this discussion for Mr. Ranker and the following action took place:

**Moved by Ranker, seconded by Lichter, to direct staff to create a factual stormwater pamphlet. Mr. Lichter added a friendly amendment to include “informational,” which was accepted by the maker of the motion. Motion carried.** Discussion continued as to whether or not the Council would take a stand on the issue and timelines were considered. Mr. Rose pointed out that normally the Council would be prevented from using resources and facilities in favor of or opposition to a ballot measure, but that they could take a position as long as it was taken in an open public meeting with both viewpoints presented. Mr. Ranker felt it would put forth a more powerful statement if the entire council took one position. Mr. Rose recommended scheduling this for two weeks out to allow for adequate publication and notice. **b) Whale Protection Ordinance Enforcement** – This item was re-discussed for the benefit of Mr. Ranker, who requested the presence of Sheriff Cumming so that he could question him directly. Sheriff Cumming arrived and answered questions from the Council. After discussion, the following action took place:

**Moved by Lichter, seconded by Knapp, to have enforcement for up to eight days, with the understanding that Sheriff Cumming would be conservative with scheduling and expenses. Mr. Ranker offered a friendly amendment that this appropriation not exceed the amount of \$9,000. The friendly amendment was accepted and the motion carried.** Sheriff Cumming added that this should be a state law rather than a county law and this should be made clear in all dealings surrounding this issue with the legislature. **c) Legislative Priorities Addition** - Mr. Ranker wanted to be certain that Whale Protection was added to the legislative priorities based on the Be Whale Wise guidelines and the following action took place:

**Moved by Ranker, seconded by Knapp, to add to SJC’s legislative priority list, to request that the state adopt guidelines similar to SJC’s, regarding Southern Resident Killer Whales. Motion carried.**

PUBLIC HEARINGS/BID OPENINGS

**3:15 p.m.** - A bid opening was held for purchase and installation of telecommunications and audio visual equipment for the Legislative Building of San Juan County. Bid specifications were published as required by law. Two bids were submitted. Each bid was signed and fully executed. The following is a summary of the bids received:

<b>FIRM NAME</b>	<b>ITEM</b>	<b>TOTAL PRICE</b>
1. Commercial Sound, Inc. WA Low Voltage Contractors License # COMMESC061K5 – Received 9/18/2007 Time: 2:15 pm	Audio/Video Systems	\$96,238.00
	Sales Tax @ (7.7%)	<u>\$ 7,410.33</u>
	Base Bid TOTAL	\$103,648.33
	Alternate 1 -	
	Additional Video Camera	\$ 1,427.00
	Sales Tax @ (7.7%)	<u>\$ 109.88</u>
	Alternate 1 TOTAL	\$ 1,536.88
Alternate 2 -		
	Crestron Control System	\$19,746.00
	Sales Tax @ (7.7)	<u>\$ 1,520.44</u>
	Alternate 2 TOTAL	\$21,266.44
It is acknowledged that a completed List of Subcontractors is included for the Base bid.		
2. Dimensional Communications, Inc. WA Low Voltage Contractors License # DIMENCI110QA- Received 9/18/2007 Time: 1:30 pm.	Audio/Video Systems	\$65,168.00
	Sales Tax @ (7.7%)	<u>\$ 5,018.00</u>
	Base Bid TOTAL	\$70,186.00
	Alternate 1 –	
	Additional Video Camera	\$ 1,498.00
	Sales Tax @ (7.7%)	<u>\$ 115.35</u>

	Alternate 1 TOTAL	\$ 1,613.35
Alternate 2 -	Crestron Control System	\$13,272.00
	Sales Tax @ (7.7%)	<u>\$ 1,022.00</u>
	Alternate 2 TOTAL	\$14,294.00

It is acknowledged that a completed List of Subcontractors is included for the Base bid.

**[Clerk's note: Mr. Ranker was not present at the time of the bid opening, but direction had been given, approving Mr. Rose to approve/accept the bid award and process the bid for purchase and installation of telecommunications and audio visual equipment for the Legislative Building of San Juan County, by motion on consent when a quorum was present in the morning.]** Mr. Rose pledged to determine the lowest responsible bidder, barring any anomalies or concerns, which would be brought back into open session.

**ADJOURNMENT** - Moved by Lichter, seconded by Knapp, to adjourn the meeting at 3:55 p.m. Motion carried. A Special Meeting was scheduled for Monday, September 24, 2007, and the next regular meeting was scheduled for Tuesday, September 25, 2007.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

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Bob Myhr, Chair  
District 6, Lopez/Shaw

ATTEST: Clerk of the Council

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Howard Rosenfeld, Vice Chair  
District 3, Friday Harbor

By: \_\_\_\_\_  
Lisa J. Brown, Deputy Clerk

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Kevin M. M. Ranker, Member  
District 1, San Juan South

\_\_\_\_\_  
Rich Peterson, Member  
District 2, San Juan North

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Alan Lichter, Member  
District 4, Orcas West/Waldron

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Gene Knapp, Member  
District 5, Orcas East