

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
December 17, 18 & 21, 2007**

**Monday, December 17, 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; Auditor, Milene Henley; Human Resource Manager, Pamela Morais; Director CD&P, Ron Henrickson; Deputy PA, Karen Vedder; Communication Program Manager, Stan Matthews; Department Assistant, Maureen See; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, and Council staff submitted a staff report recommending the Council adopt the Scheduling and Use policy for the new legislative building Hearing Room and Conference Rooms. Rate structures were discussed as well as operation of the Hearing Room Audio/Video equipment. Karen Vedder, Deputy PA, discussed the Shoreline Hearing Board and mentioned that settlement authority in the Charter is unclear. Chair Myhr is stepping down as Chair of LTAC and Howard Rosenfeld has agreed to assume the Chair of LTAC Committee. Chair Myhr discussed future Council meetings to be held on Orcas, Lopez and Shaw Islands. The Special Meeting scheduled for Friday 12/21/07 on Orcas Island at 10:15 a.m. was discussed as well as the meeting with the Town of Friday Harbor which is now scheduled for 1/15/07. Alan Lichter mentioned the next meetings for TFFT and VAB would be held on Thursday January 10, 2008. The Stormwater Sub-committee has put a draft ordinance together to be discussed the following day.

**RECESS** - At 11:25 a.m., Council Chair Myhr recessed the meeting until 10:00 a.m., Tuesday, December 18, 2007.

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

**CALL TO ORDER – REGULAR COUNCIL MEETING**

Council Chair Myhr called the regular meeting to order at 10:00 a.m. The flag salute was conducted. Council members Rich Peterson, Howard Rosenfeld, Gene Knapp, and Alan Lichter; Auditor, Milene Henley; Human Resource Manager, Pamela Morais; Prosecuting Attorney, Randall Gaylord; Director CD&P, Ron Henrickson; Deputy PA, Karen Vedder; Communication Program Manager, Stan Matthews; Department Assistant, Maureen See; Deputy Clerk, Valarie Graham; and interested members of the public were present.

**EXCUSED ABSENCES**

**Moved by Rosenfeld, seconded by Knapp, to excuse the absence of Kevin Ranker. Motion carried unanimously.**

**CITIZEN ACCESS TIME**

Alice Hurd, San Juan Island Trails Committee, urged the Council to read the letter submitted by the Chair of the SJI Trails Committee, Don Jarrell, because a tragic car accident occurred outside the entrance to Roche Harbor. Ms. Hurd stressed the importance of making the roads and pathways safer for pedestrians. Howard Rosenfeld reported that he had spoken with Pete Rose and Jon Shannon regarding this issue.

Tom Munsey informed the Council that Public Access Television equipment is old and wearing out. The signal is not as good as it could be. Public Access is completely un-funded. The county-wide revenue list for 2008 has a cable franchise contribution from Time Warner on SJI and Pacific Sun on Orcas for \$10,500. With that money we can upgrade the system on San Juan Island and get Public Access going on Orcas Island. We can provide more and better coverage for the County. Mr. Lichter asked how much money has been received for public access. Mr. Munsey used to receive \$50 a month for internet connection but hasn't received any in several months.

Bill Watson from the SJC Economic Development Council addressed the Council with the 2007 Annual Report. Mr. Watson apologized for the lateness of the report. This report is the one we submit to CTED; it is a bi-annual report so the numbers have to be divided by two. Full update for 2007 will be reported to the Council next month. Chair Myhr encouraged Mr. Watson to get time on upcoming agendas instead of using citizen's access time.

Sharon Kivisto suggested that the County should receive public input before ordinances are drafted for the Fair Board, Parks Board, and the Ferry Advisory Committee.

#### **ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

#### **APPROVAL OF MINUTES**

Moved by Lichter, seconded by Rosenfeld, to approve the Minutes of **December 10, 11, 2007**. Motion carried unanimously.

#### **CONSENT AGENDA**

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

##### **A. Resolutions/Ordinances:**

1. Ordinance 57- 2007 – An Ordinance Of San Juan County, Washington, Adopting An Annual Budget For The Year 2008, Setting Forth The Estimated Revenues And Appropriations.

##### **B. Contracts/Agreements:**

1. Sign the Interlocal Agreement with Island County to continue the provision of mental health services to San Juan County residents in jail. This contract is for \$10,687 to provide payment for services provided from July 1 through September 30, 2007. The contract may include both state and federal funds provided to the NSMHA by the State Division Mental Health, and no county matching funds are required. Funding approval for this contract was included in the 2007 County budget.

2. Sign the Contract Amendment with the Division of Developmental Disabilities (DDD) to provide services to the developmentally challenged citizens of San Juan County. This amendment increases the amount available for the continuation of existing services for the period of July 1, 2007 through June 30, 2009. The Contract Amendment is for the amount of \$48,956 and may include both state and federal funds. Total funding under this contract is for \$163,548. No matching funds are required. Funds provided under this contract are authorized in the current County budget and 2008 proposed budget.

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

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

##### **E. Appointments:**

1. Sign letter appointing Jack Giard to the San Juan County Marine Resources Committee, Position #4, filling a seat vacated by Alan Lowe. The appointment will begin immediately and expire at the end of the term in June, 2009.

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

##### **G. Miscellaneous:**

1. Move to Affirm that the 2.75% Cost Of Living Adjustment Included In The 2008 Approved Budget Is Extended To All Unrepresented Employees.

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

## **ACTION AND DISCUSSION ITEMS**

### ORDINANCES/RESOLUTIONS:

**ORD. NO. 55-2007-** (Refer to PUBLIC HEARINGS on December 21, 2007 at 10:15 a.m. for details of action taken.)

**ORD. NO. 57-2007-** (Refer to CONSENT AGENDA of December 18, 2007 for details of action taken.)

**RES. NO. 52-2007-** (Refer to COUNCIL DISCUSSION at 11:15 a.m. December 18, 2007 for details of action taken.)

**RES. NO. 53-2007-** (Refer to COUNCIL DISCUSSION at 2:00 p.m. December 18, 2007 for details of action taken.)

**RES. NO. 54-2007-** (Refer to PUBLIC HEARING at 10:45 a.m. December 18, 2007 for details of action taken.)

**RES. NO. 55-2007-** (Refer to PUBLIC HEARING at 10:15 a.m. December 21, 2007 for details of action taken.)

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

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

**1. Chair Myhr to step down as Chair for LTAC –** Bob Myhr announced that he would be stepping down as Chair for LTAC and that Howard Rosenfeld has agreed to replace Mr. Myhr as Chair for LTAC. The following action was taken:

**Moved by Lichter, seconded by Knapp, to appoint Howard Rosenfeld Chair of the Lodging Tax Advisory Committee. Motion carried unanimously.**

**2. Chair Myhr Stepping down as Chair of the Council –** Bob Myhr thanked everyone for their help and assistance in making Chair of the Council fun and enjoyable over the last year. Mr. Myhr felt honored to be the Chair of the new (6) member Council. He noted that it had been a year of adventure and the experiment is still going. The Council has done a lot this year and they experienced their first referendum. He stressed the importance of continuing to keep the focus on the county as a whole to protect such a special place.

**3. Proposed Amendment to Resolution 32-2007. The 6 year Road Plan –** Randall Gaylord, PA, informed the Council that an Amendment to the Six-Year Transportation Improvement Plan for the years 2008 through 2013 (Resolution 32-2007) Narrative for Item No. 17 – Griffin Bay Marine Access is incorrect. In a hearing before the Growth Board, SJC said that the use of the phrase “essential public facility” was not intended to use the Six-Year Road Plan to make such a designation. SJC proposed an amendment to the narrative to Item No. 17 to remove the reference to essential public facility and to better explain the pre-planning activity that is intended. Mr. Gaylord recommends that the narrative for Item 17 to the Six-Year Road Plan be revised and by motion, direct that a public hearing be held on the proposed amendment to the narrative to Item 17 in the Six-Year Road Plan. After further discussion, the following action was taken:

**Moved by Knapp, seconded by Rosenfeld, to move the Amendment to Narrative to Item No. 17 of the 2008-2013 Six-Year Transportation Improvement Plan to public hearing. Motion carried unanimously.**

## **EXECUTIVE/CLOSED SESSIONS**

**10:30 a.m. –** Council Chair Myhr announced that the Council would be holding an **executive session** with Karen Vedder, DPA estimated to last approximately 15 minutes, to discuss Settlement Authority pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 10:59 a.m. for an actual session time of 29 minutes.

The Council came out of executive session and took the following action:

**Moved by Knapp, seconded by Peterson, that in the Shoreline Hearings Board case of Hughes vs. San Juan County, County Administrator, Pete Rose, is authorized to conclude the settlement that has been presented to us.**

**Motion carried unanimously.**

**10:45 a.m. – Public Hearing** (Commenced at 11:00 a.m. due to time constraints) A Public Hearing was held to consider a Resolution Adopting the Buck Properties Infrastructure Analysis Project for submission for consideration for a Planning Only Community Development Block Grant, designating a Chief Administrative Officer and certifying compliance to relative State and Federal laws. Present: Full Council with the exception of Kevin Ranker; Director CD&P, Ron Henrickson; Senior Planner II, CD&P, Colin Maycock; Council Department Assistant, Maureen See; Deputy Clerk to the Council, Valarie Graham; and interested members of the public. Colin Maycock addressed the Council and said that bi-lingual information sheets were located in the Hearing Room in English and Spanish. Mr. Maycock explained that this CDBG block grant is for planning purposes only. The Planning Only Block Grant is a request to the Community, Trade and Economic Development Department for \$23,325 to help defray the costs of the infrastructure analysis required by the Buck Property Affordable Housing Project. Public testimony was opened, submitted and closed. Deliberations were held and the following action was taken:

**Moved by Rosenfeld, seconded by Knapp, to sign A Resolution Adopting the Buck Properties Infrastructure Analysis Project for submission for consideration for a Planning Only Community Development Block Grant, designating a Chief Administrative Officer and certifying compliance to relative State and Federal laws. Motion carried unanimously.**

#### DISCUSSION/ACTION ITEMS

**Signing of Official Land Use Maps – Shireene Hale/Melissa Crane.** Melissa Crane gave a PowerPoint presentation to the Council explaining that since 2003, parcel boundaries did not always match land use boundaries. In order to solve this problem, the land use data was parcel-based. It is a State requirement to have maps that reflect the current land use designations. After further discussion the following action was taken:

**Moved by Lichter, seconded by Rosenfeld, to sign A Resolution Certifying A True And Accurate Copy Of The San Juan County Comprehensive Plan Land Use And Shoreline Master Program Maps. Motion carried unanimously.**

#### DISCUSSION

**Introduction of Hearings Examiner Ordinance – Ron Henrickson/Shireene Hale.** Ron Henrickson informed the Council that last month, The Planning Commission advised that due to the spirit of the charter, the Council shouldn't be hearing appeals. Mr. Henrickson also stated that if the Council chose to hear appeals, final changes could be made to the Ordinance before adoption. Rich Peterson agreed with the Planning Commission and didn't feel the Council should be involved in hearing examiner processes. Mr. Rosenfeld questioned whether there would be any cost savings for the citizen. Gene Knapp felt that the majority of the Planning Commission was right. He recommended land use appeals be decided by professionals. After further discussion, the following action was taken:

**Moved by Myhr, seconded by Lichter, to move the Hearings Examiner Ordinance to public meeting and or public hearing. Motion failed with Peterson, Rosenfeld and Knapp opposed.**

**Moved by Peterson, seconded by Rosenfeld, to Amend the Ordinance amending the San Juan County Code To Ensure Consistency With The San Juan County Charter Relating to the Hearing Examiner System and Administrative Appeals of Land User Decisions. Motion failed with Myhr abstaining and Lichter not voting.**

**RECESS** Chair Myhr recessed the meeting until 1:00 p.m.

#### DISCUSSION

**Mental Health Tax Study Briefing – Barbara LaBrash and Tom Kearney.** Tom Kearney, Administrator for Juvenile Court, informed the Council that several issues related to the 1/10 of 1 cent additional sales tax to provide for Mental Health Services and a Therapeutic Court is running into problems on the court side. SJC hasn't the Judge in place to implement the program and it is worth going slow. Families that go into this program are motivated to change because the parents are going through the program as well. Mr. Kearney suggested coming up with a well thought-out plan, identify the problems specific to SJC and develop a Mental Health task

force and begin a public outreach program. In some ways we are already being taxed by it through law enforcement and schools, and we are paying for it in indirect ways. Mr. Lichter asked how much would 1/10 of 1 cent create. Mr. Kearney stated 350K annually with an additional 100K incentive for treatment services. The incentive funds will come in for 3 years. Mr. Knapp requested consideration of a smaller tax since the proposed tax would raise double the amount of money needed. After further discussion the following action was taken:

**Moved by Lichter, seconded by Knapp, to direct staff to develop a Mental Health Task Force and develop an allocation process and report back to the County Council with findings. Motion carried unanimously.**

#### PUBLIC HEARINGS

**1:30 p.m.** – A **public hearing** was held to consider the Direct Sale of the Argyle Lots in Friday Harbor on San Juan Island Owned by San Juan County through the Land Bank. Present: Full Council with exception of Kevin Ranker; Ron Henrickson, Director CD&P; Deputy Clerk to the Council, Valarie Graham; Council Department Assistant, Maureen See; Karen Vedder, DPA; and interested members of the public. Lincoln Bormann, Director, the Land Bank, addressed the Council to ask for an agenda change. The potential purchaser, after learning of the conveyance of a historical preservation easement, has decided to not go forward with the purchase and there was no longer the need for the public hearing. Chair Myhr opened public testimony, Jack Cory submitted and public testimony was closed. After further discussion about conveying the historical easement to the Town of Friday Harbor, no action was taken.

#### DISCUSSION

**Acceptance and Execution of Deed for Purchase of Property on Cady Mountain (Clark Property)** – Lincoln Bormann, Director, the Land Bank asked the Council to sign a resolution for the Clark Property on San Juan Island. These 10 acres of property which is adjacent to the Cady Mountain Preserve has been a goal for the Land Bank to acquire. The property has Garry Savanna Oak and a private road going up the mountain. There is an additional 20 acres of land that can be donated to the Land Bank to create a patchwork of additional properties and a trail system on public and private property. After further discussion the following action was taken:

**Moved by Rosenfeld, seconded by Lichter, to sign A Resolution To Acquire And Accept The Deed For The Clark Property On San Juan Island. Motion carried unanimously.**

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Full Council with exception of Kevin Ranker; Director CD&P, Ron Henrickson; Director Public Works, Jon Shannon; Prosecuting Attorney, Randall Gaylord; Council Department Assistant, Maureen See; Deputy Clerk to the Council, Valarie Graham; and interested members of the public.

**1. Introduction of Ordinance 2.10.010** – Randall Gaylord, PA. Randall Gaylord presented the Council with an updated Ordinance. Chair Myhr noted that it was consistent with the charter changes and asked the Clerk to set a time for a public hearing.

**2. Stormwater Sub-Committee Report** – Howard Rosenfeld, Rich Peterson and Gene Knapp presented the Council with a proposed Ordinance. Howard Rosenfeld suggested changes to the rate structure with a flat rate of \$6.00 for every property owner in the county for 1 year. The unincorporated urban growth areas would pay 1 ½ times, developed and undeveloped, which would amount to \$9.00 per year. This will generate approximately 105K. This money is specifically to be used to establish the baseline data. Listed below are the specific areas where the money will be spent:

1. Watershed basin planning - \$60,000
2. Water Quality monitoring - \$20,000
3. Gathering data and measuring actual impermeable surface area for commercial, institutional and industrial parcels - \$20,000
4. Staff time and materials - \$5,000

Mr. Peterson stated that it doesn't address all the issues. There is concern that a flat rate isn't fair. A steering committee could show us how to proceed but there are still things we don't know. Mr. Knapp stated that it's not

one stormwater problem, every neighborhood has one. It will be very difficult to draft an ordinance to please everyone. Jon Shannon stated that the prior Stormwater Sub-committee only worked on funding, nothing technical. The water quality monitoring being done is just for wells, not surface water. Chair Myhr asked what was left over in the stormwater fund and was there any flexibility to use those funds. Mr. Shannon stated there were no funds in the budget for 2009 and no flexibility with ongoing projects and maintenance. Mr. Peterson stated if we don't choose to move it forward to public hearing, we just wait for the new ordinance. After further discussion, the following action was taken:

**Moved by Rosenfeld, seconded by Knapp, to adopt the Stormwater Ordinance Amending Section 13.04 of the San Juan County Code Regarding the County Stormwater Utility. Motion failed with Lichter, Peterson and Myhr opposed.**

**3. (a) Retreat Goals (b) Site (c) Subject Matter** – Bob Myhr opened the discussion to decide where and what items were of importance to discuss on the retreat. Stormwater was a first item and Mr. Myhr suggested having technical expertise present when discussing stormwater. Mr. Lichter mentioned that he was writing a white paper on the Pagini workshops and incorporating the Smart Growth movement which is national and dealing with a lot of County issues. Mr. Peterson thought the Council should re-visit the list from last year to see what issues are still relevant and what issues haven't been dealt with. Legislative priorities, the way the State manages the GMA, solid waste and WSAC positions. Mr. Myhr suggested budget sustainability, how many employees work for the County, and the dollar value of County equipment. Mr. Lichter wanted to know what kind of workshop does the Council want. Should it be ideas and discussions or plan it to be more solution oriented. An old fashioned round-table with Pete Rose was discussed with inviting input from Department heads as well.

**3:30 p.m. DISCUSSION**

**Resolution Adopting Donation of Lopez Village Park/Signing Contract** – Dona Wuthnow, Parks Superintendent. Dona Wuthnow addressed the Council to discuss the Lopez Park Agreement for management of Lopez Village Park. Ms. Wuthnow mentioned that Parks has been working for a long time with Karen Vedder, DPA and the escrow agent and pointed out these key points; \$2,666 dollars a year are earmarked for capital improvements; Lopez Chamber of Commerce decided to have a similar contract with the County and the County is to only pay for capital improvements. The Chamber of Commerce is to provide maintenance through 2013. Mr. Knapp asked if this agreement had been approved by the Prosecuting Attorney and particularly the indemnity clause. Chair Myhr asked Randall Gaylord, PA his opinion on the indemnity clause. Mr. Gaylord responded that it was a very broad clause and is not typically used. Ms. Wuthnow decided that the Parks doesn't want to manage this park on Lopez and decided to hold off until the PA and Ms. Wuthnow had a chance to work on the indemnity clause.

**ADJOURNMENT** - Moved by Peterson, seconded by Knapp, to adjourn the meeting at 3:51 p.m. Motion carried. Council Chair Myhr adjourned the meeting at 3:51 p.m. A Special Meeting was scheduled for Friday, December 21, 2007, at 10:15 a.m. on Orcas Island, Fire Hall, 45 Lavender Lane, Eastsound, Orcas Island, WA.

<b>SAN JUAN COUNTY COUNCIL AGENDA</b>
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**SPECIAL MEETING  
Friday, December 21, 2007**

Friday, December 21, 2007

Fire Hall, 45 Lavender Lane, Eastsound, Orcas Island, WA

**CALL TO ORDER**

Council Chair Myhr called the meeting to order at 10:15 a.m. Council members Rich Peterson, Howard Rosenfeld, Gene Knapp, and Alan Lichter; County Administrator, Pete Rose; Auditor, Milene Henley; Prosecuting Attorney, Randall Gaylord; Director CD&P, Ron Henrickson; Manager Environmental Health, Mark Tompkins; Senior Planner CD&P, Colin Maycock; Department Assistant, Maureen See; Deputy Clerk, Valarie Graham; and interested members of the public were present.

**10:20 a.m. Public Hearing:** To accept testimony, adopt findings and take action on a resolution to set election re: Petition for Annexation of the Rosario Area to the Eastsound Sewer and Water District of San Juan County, WA.

Chair Bob Myhr called the public hearing to order and was pleased to let the citizens of Orcas Island know that more meetings would be scheduled on several islands in the future. Chair Myhr asked that all commentary to the Council please be held to two minutes. Chair Myhr then asked Randall Gaylord, PA to brief the audience as to steps leading up to the public hearing. Randall Gaylord informed the Council that there are three main water service areas requesting to be annexed into the Eastsound Sewer and Water District. The Council must act today to allow the issue to be addressed by public vote on February 8, 2008. Mr. Gaylord urged the Council to listen to four main criteria that has to be defined as to why this annexation will be conducive to the public health, public welfare, public convenience and be of special benefit to the land to be included in the district. Colin Maycock informed the Council to pay special attention to the number of districts, how many are rural residential and rural farm forests and what the extension of urban services into rural areas will mean to the GMA. After further discussion, Chair Myhr opened public testimony. After two hours of public testimony, all submitted, Chair Myhr closed public testimony at 11:51 a.m. After deliberations, Gene Knapp stated that based on oral and written testimony all necessary elements have been met. Mr. Lichter sided with Mr. Knapp and was ready for a motion and vote. After further discussion the following action was taken:

**Moved by Lichter, seconded by Knapp, to sign Resolution 55-2007 A Resolution Regarding Rosario Water Systems Annexation To The Eastsound Sewer And Water District to be placed on a February ballot for voters. Motion carried unanimously.**

**ADJOURNMENT** - Moved by Knapp, seconded by Myhr, to adjourn the meeting at 11:56 a.m. Motion carried. Council Chair Myhr adjourned the meeting at 11:56 a.m. A Special Meeting was scheduled for Monday, January 7, 2008, and the next regular meeting was scheduled for Tuesday, January 8, 2008.

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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: \_\_\_\_\_  
Valarie Graham, Deputy Clerk

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

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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