

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
FEBRUARY 13 AND 14, 2006**

**Monday, February 13, 2006 - Council Conference Room**

**CALL TO ORDER**

Council Chair Lichter called the special meeting to order at 10:00 a.m. Council Members Ranker and Myhr; David Goldsmith, County Administrator Pro-Tem; and Carolyn Morrison, Interim Clerk of the Council were present.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised. The work session scheduled for this afternoon was cancelled and rescheduled for Monday, February 27, 2006.

**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 11:20 p.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Tuesday, February 14, 2006.

**Tuesday, February 14, 2006 - Council Hearing Room**

**CALL TO ORDER**

Council Chair Lichter called the meeting to order at 10:00 a.m., in the Council Hearing Room. Council members Ranker and Myhr; County Administrator Pro-Tem David Goldsmith; and Carolyn Morrison, Interim Clerk to the Council were present. The flag salute was conducted.

**CITIZEN ACCESS TIME**

Tom Munsey – Requesting that the establishment of the SJC Citizen's Salary Commission be expedited. The Council Clerk announced that the public hearing to consider this ordinance was scheduled for March 7, 2006.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

**APPROVAL OF MINUTES**

Moved by Ranker, seconded by Myhr, to approve the minutes of **February 6 and 7, 2006**. Motion carried.

**CONSENT AGENDA**

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of February 14, 2006** as follows:

**A. Resolutions/Ordinances:**

1. **Resolution 10-2006** - Adopt the resolution requiring the petitioners to make an appropriate cash deposit of \$1,585, or to obtain a bond, against which all cost incurred in the examination, report and proceedings pertaining to the road vacation and abandonment shall be charged of a portion of County Road Right-of Way in Government Lot 2, Section 25, Township 35 North, Range 3 West, W.M., said portion of County Road Right-of-Way Cameron Lane, County Road No. 159, San Juan Island, as shown on Attachment "A"; and, direct the County Engineer to report on such vacation and abandonment.

**B. Contracts/Agreements:**

1. **Agreement No. 06HC10** – Sign the Omnibus Agreement between San Juan, Island, Skagit, and Whatcom Counties and the Snohomish Health District to provide emergency assistance to each other during times of public health emergency or disaster in the form of personnel, equipment, materials, or other support, in and bordering the geographic area of Public Health Region No. 1, with payment as specified at the time of emergency, effective upon execution, for a five year term, under the terms and conditions as set forth therein.

**C. Personnel:**

1. Approve the SJC Council Hearing Examiner Appointment Process Procedure as set forth therein.

**D. Correspondence:**

1. Sign the letter to Oscar Smaalders accepting his resignation from the SJC Affordable Housing Fund Commission; and, sign the Certificate of Recognition for his service.

**E. Miscellaneous:**

1. Approve the 2006 SJC Council Liaison and Policy Liaison Assignments

Motion carried.

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**Proposal to Declare a State of Emergency for Expenses Related to Storm Damage** – Present: Brendan Cowan, Department of Emergency Management Director; Russ Harvey, Operations Manager of Public Works; and interested citizens. Mr. Cowan explained that his department had reported to the Council that beginning on January 27 and ending on February 4, 2006, a number of strong weather systems affected SJC. The emergency recovery resources of SJC are not sufficient to meet the expenses resulting from the damage from these storms, and may require the use of the statutory emergency powers granted to the County. He explained that he believed that SJC would qualify for state or federal assistance if an emergency was declared. After discussion, the following action was then taken:

**RES. NO. 12-2006** - Moved by Myhr, seconded by Ranker, to adopt the resolution to declare a state of emergency within SJC requesting that WA State Resources be considered and granted when made; and, that if the State is unable to grant the request, that it be forwarded to the appropriate Federal Response Agency in a timely fashion. Motion carried.

**Proposed Public Participation Plan for a Hamlet Plan for Deer Harbor, Orcas Island** – Present: Ron Henrickson, Community Development and Planning Director, and interested citizens. Mr. Henrickson explained that a new consultant has been hired to complete the proposed plan and meetings have been scheduled in March within the community. When completed, the plan will then go to the Planning Commission. The current moratorium ends in April and may have to be extended for a short time; however, he will return at a later date to request an extension if necessary. After discussion, the following action was taken:

**RES. NO. 11-2006** - Moved by Myhr, seconded by Ranker, to adopt the resolution adopting the public participation plan for the Deer Harbor Hamlet Plan as set forth therein. Motion carried.

MISCELLANEOUS ITEMS:

1. **SJC Fair Centennial Celebration Plans** – Present: Christine Miller, SJC Fair Coordinator; Brad Fincher, Fair Board Chair; Marie Johansen, Department of Corrections Law and Justice Assistant; and interested citizens. Ms. Miller verbally presented the information in her Staff Report dated February 8, 2006. The County Fair and the Courthouse will be 100 years old this year. She detailed the special events that are planned along with a special exhibit called “Through the Looking Glass” which will be a history of the Courthouse and of the State of WA as it applies to counties. Ms. Johansen is in charge of a “Centennial Quilt” that being planned to depict a story of the Fair and Courthouse. Public participation is being solicited and the estimated cost of the final product will be between \$750 and \$1,000. The quilt will be displayed in the Courthouse after the Fair. The goal of the Fair Board

is to have a Fair that will have a “free gate” (no admission fee) for this celebration. Fund-raising is underway to make this possible. A draft proclamation was recommended which will be put before the Council at a later date for formal action. At the conclusion of the presentation of planned activities, Ms. Miller explained that additional funds are needed to accomplish all of the items on the list for this special event. She requested the Council’s assistance in securing \$25,000 to accomplish all the improvement items on the list she prepared. David Goldsmith stated that he and Si Stephens, SJC Auditor, are currently researching this funding request and have suggested ideas to Ms. Miller. Councilman Ranker stated that he wanted to see a budget from Ms. Miller concerning this request. She replied that she has one prepared and will submit it. After discussion, **the Council agreed by consensus to have the proclamation placed on a future Consent Agenda, and for Ms. Miller to continue working with Mr. Goldsmith and Mr. Stephens regarding funding; and, for them to bring forward their recommendations at a future meeting.**

**2. Electric Cars (NEV’s) Discussion** – Councilman Ranker addressed the Council and audience stating he has meet with community people and the Prosecuting Attorney regarding the use of NEV’s in SJC. He requested that he would like the Council to lead by example with alternative vehicles. He suggested consideration of a policy statement that supports both alternative energy and transportation in the County. He added that the Prosecutor will be getting back to the Council with information on the possibility of splitting the speed limit on County roads. According to preliminary research, the definition of State “highways” does include “County” roads. If a decision comes back that does not permit this, he suggested working on the issue in the 2007 legislative session. Mr. Ranker noted that if SJC champions legislation to address this, it will serve other communities as well. He asked the Council to consider a directive for the Administrator Pro-Tem that would also look at gas/electric hybrids where appropriate for use in the County. He concluded by stating that he was personally not in favor of reducing existing speed limits on County roads. Chair Lichter wanted to address investigating other energy sources such as wind power as a related issue, yet separate. Councilman Myhr stated that while in favor of alternate energy vehicles, he cautioned that speed is responsible for injuring people on our islands. He reminded the audience and Council that there is really no place to travel on the islands past a given point, and that residents should live and let live with a number of different vehicles. Chair Lichter invited comments from the audience which were submitted in favor of the alternative means of transportation by Aaron Hayes and Russell Savvier. Both gentlemen offered to assist the Administrator with information they have researched. Mr. Savvier stated he has already spoken to John Van Lund, County Engineer, regarding the issue of speed limits. **By consensus, the Council directed the County Administrator Pro-Tem to move forward with alternative energy/transportation investigation/studies.**

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

**11:00 a.m.** – A meeting was held with David Goldsmith, County Administrator Pro-Tem, for a briefing on County issues.

1. **County Administrator Search** - The preliminary written description work product from Waldron & Company has been forwarded from the Human Resources Manager for review by the Council. However, since the Council does not meet until February 28, it was suggested that each Council Member’s comments be provided to the Administrator by email with copies to the Council Clerk. Councilman Lichter stated that he thought the firm’s description of SJC was slightly over-dramatic. Councilmen Ranker and Myhr wanted time to review and digest the material before commenting.
2. **County Fire Marshal Update** – Mr. Goldsmith reported that he had met with the Fire Chief of District 3 (San Juan Island) regarding implementation of a new agreement with the County for Fire Marshal duties. Councilman Ranker stated that he would like to include a 60-day cancellation clause in the new document to allow for any issues that may come up. Mr. Goldsmith reminded the Council that the County had to contract for Fire Marshal services with the Town of Friday Harbor as the Fire Districts would not continue with the existing agreement until the new codes were adopted and new permit fees set in place for services. Mr. Goldsmith noted that he did not believe the new permit fees adopted by the Council would support the Community Development and Planning Department entirely. He said there may be an issue of certain fees being paid into the General Fund, but not going into the proper line item. Whatcom County had a similar issue which resulted in fees having to be rebated. He stated he would recommend that his successor review this issue for a way to track any such fee revenue accurately.
3. **Records Archiving** – A representative from the WA State Archiving Division will visit the County on February 21, 2006 to evaluate the County’s needs.
4. **Citizen’s Salary Commission Update** – The public hearing is scheduled to consider adoption of the proposed ordinance. Up to this morning, Mr. Goldsmith stated that he has approximately 16 names of

interested citizens who fit into one or more of the required categories for consideration. However, in SJC there are not a lot of people with organized labor background, nor is there such an organization within the County boundaries. He explained that salary management and compensation issues experience will be considered as an alternative in reviewing the backgrounds of candidates. Councilman Ranker asked that there be on-going dialog with the Council on the names submitted before a selection is made. Chair Lichter pointed out that the Council is very aware of what is involved in running for office. He added that potential candidates may have to cut back on their normal working hours should they decide to run for a County office as well as needing to know what salary range they would be looking at before filing for office. Mr. Goldsmith added that there are many elected positions coming up in 2007 and many County officials have stated they will not run for re-election again.

**11:30 a.m.** - A public hearing was held to consider a direct sale of a portion of Stonebridge Farm on Orcas Island owned by San Juan County through the San Juan County Land Bank. Present: Lincoln Bormann, Land Bank Director; Lisa Lawrence, Land Bank Commission Chair; and interested citizens. Mr. Bormann presented the information from his Staff Report dated February 13, 2006. He stated that today he was asking for permission to go forward with consideration of the direct sale with the encumbrances requested and that when a transaction was ready for final consideration, he would come back to the Council for formal approval. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

**Moved by Ranker, seconded by Myhr, to approve the direct sale of the property either to the current potential buyer or a buyer who becomes known following further advertising of the property, and that the final details of the purchase price of the property meets or exceeds full market value, contains a conservation easement deed; and, that a resolution for the sale of real property will be brought back to the Council at a later meeting when appropriate. Motion carried.**

**1:30 p.m.** - A public hearing was held to consider adoption by Resolution of the East Orcas Water Supply Report and recommendations. Present: Mark Tompkins, Environmental Health Manager; Vicki Heater, Environmental Health Technician - Water; and interested citizens. Mr. Tompkins presented background information on this plan and read from his Staff Report dated February 14, 2006. He explained that the SEPA comment period was still open, that a DNS had been issued, and requested that the Council continue the hearing to a date certain pending the outcome of the SEPA determination. Ms. Heater reviewed additional background information and noted that the "Minority Report" submitted at the January 10, 2006 Work Session with the Council had been incorporated into the actual plan. Cost estimates had been obtained on the completion of the work set forth in the plan and will run approximately \$45,000. Public testimony was opened, and submitted. When all present who wished to offer testimony had concluded their comments, Chair Lichter asked the Council Clerk for an available date to continue this hearing on Orcas Island as requested by members of the Orcas community. He announced that additional testimony would be allowed at that continued hearing. The Council Clerk recommended continuing the hearing for a special meeting to Wednesday, March 15, 2006; due to the need to plan for inter-island travel which would preclude holding this hearing on a normal meeting day of Tuesday. The following action was taken:

**Moved by Myhr, seconded by Ranker, to continue the public hearing to consider adoption by Resolution of the East Orcas Water Supply Report and recommendations to 10:00 a.m., Wednesday, March 15, 2006 on Orcas Island at a place to be determined, and to allow additional public testimony. Motion carried.**  
(Clerk's Note: After the end of this day's session, it was determined that the continued hearing would be held at the Orcas Senior Center in Eastsound on Orcas Island.)

**2:30 p.m.** - A public hearing was held to consider an ordinance restructuring the Affordable Housing Fund Commission into the SJC Housing Bank and repealing Ordinance 5-1994; and, an ordinance adding a new Chapter to Title Three of the County Code Establishing the Collection and Disbursement of One-Half of One Percent Real Estate Excise Tax (REET) for the Development of Affordable Housing. Present: Karen Vedder, Deputy Prosecuting Attorney; John Manning, Health and Community Services Director; and interested citizens. Chair Lichter announced that the Council would take testimony on both ordinances, however, adoption or approval of each ordinance would be considered separately. Mr. Manning began with a recap of the meetings and work sessions that had been previously held with members of the public, the Affordable Housing Fund Commission, the Town of Friday Harbor Council, the former Board of Commissioners, and current Council. He stated that no new comments had been received since the ordinance was advertised. The Council asked questions concerning the proposed wording on the REET ordinance which were answered by Ms. Vedder. Public testimony was then opened, submitted, and closed. Deliberations began and each proposed ordinance was

addressed individually. The Council requested that Ms. Vedder prepare final versions with the changes as discussed to be placed on the Consent Agenda for February 28, 2006. Deliberations concluded and the following action was taken:

**Moved by Myhr, seconded by Ranker, to approve the revised language for the proposed ordinance to restructure the SJC Affordable Housing Fund Commission into the SJC Housing Bank and repealing Ordinance 5-1994; and to place the final ordinance on the Consent Agenda for formal approval on February 28, 2006. Motion carried.**

**Moved by Ranker, seconded by Myhr, to approve the revised language for the proposed ordinance to add a new Chapter to Title Three of the County Code Establishing the Collection and Disbursement of One-Half of One Percent Real Estate Excise Tax (REET) for the Development of Affordable Housing. Motion carried.**

At the close of the hearing, Ms. Vedder stated that she would also prepare a resolution setting forth the provisions of enabling the REET ordinance issue to be placed on the May 17, 2006 election ballot for presentation to the Council on February 28, 2006.

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

**3:30 p.m.** – Council Chair Lichter announced that the BOCC would be holding an **executive session** estimated to last approximately 20 minutes, to discuss a matter of litigation pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 3:50 p.m. for an actual session time of 20 minutes.

The Council came out of executive session into open session and took the following action: **Moved by Myhr, seconded by Ranker, to accept the settlement offer of the Woodrow E. Auge Trust to resolve the dispute over ownership of a strip of land adjacent to Westside Road on San Juan Island, noting the terms of the settlement are the payment by SJC through the SJC Land Bank of \$15,000 in exchange for a quit claim deed from the Auge Trust to the Land Bank of all ownership interest in the disputed strip of land. Motion carried.**

**ADJOURNMENT** - Moved by Ranker, seconded by Myhr, to adjourn the meeting at 3:52 p.m. Motion carried. There was no meeting scheduled for the week of February 20, 2006. A Special Meeting was scheduled for Monday, February 27, 2006. The next regular meeting was scheduled for February 28, 2006.

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**These minutes were approved and signed on February 28, 2006. The original document is retained in the permanent Council proceedings dated February 13, and 14, 2006. Attest: Carolyn K. Morrison, Interim Clerk.**