

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
FEBRUARY 27 and 28, 2006**

**Monday, February 27, 2006 - Council Conference Room**

**CALL TO ORDER**

Council Chair Lichter called the special meeting to order at 1:00 p.m. Council Members Ranker and Myhr, Administrator Pro-Tem David Goldsmith; Prosecuting Attorney Randall Gaylord; and the Interim Clerk to the Council Carolyn Morrison were present.

**PUBLIC MEETINGS/WORK SESSIONS**

**1:00 p.m.** – The Council held a Staff Meeting and a general work session to discuss County business. No action was taken.

**RECESS** - At 3:58 p.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Tuesday, February 28, 2006.

**Tuesday, February 28, 2006 - Council Hearing Room**

**CALL TO ORDER**

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

**CITIZEN ACCESS TIME**

Stephen Robins – Regarding the inventory and use of publicly owned property; and to thank the County Assessor for furnishing the data he received.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda and Discussion/Other Action Agenda were revised.

**APPROVAL OF MINUTES**

Moved by Ranker, seconded by Myhr, to approve the minutes of **February 13 and 14, 2006**. Motion carried.

**CONSENT AGENDA**

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of February 28, 2006** as follows:

**A. Resolutions/Ordinances:**

1. **Ordinance 2-2006** – Adopt the 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 for the development of affordable housing in SJC, pursuant to approval of the Council at the public hearing of February 14, 2006.
2. **Ordinance 3-2006** – Adopt the ordinance restructuring the SJC Affordable Housing Fund Commission into the SJC Housing Bank, and Repealing Ordinance 5-1994, pursuant to approval of the Council at the public hearing of February 14, 2006.
3. **Resolution 13-2006** - Adopt the resolution authorizing the SJC Treasurer to cancel uncollectible personal property taxes in the amount of \$1,456.58 as listed therein.

**B. Contracts/Agreements:**

1. **Agreement No. 06RD14** – Sign the Interlocal Agreement between SJC and the Town of Friday Harbor (TFH) for the purpose of administering \$547,500 of Federal Funds (SAFE TEA-LU) secured by the TFH and \$300,000 of

Federal Funds (TEA-21) secured by SJC, in accordance with the provisions of RCW 39.34 and SJC Resolution 113-2005, for the provision of consulting services by SJC to the Town for construction of the Guard Street Improvement Project (Phase Four), with reimbursement for administration from the TFH in the estimated amount of \$15,000, effective the date of execution through December 31, 2008, under the terms and conditions as set forth therein.

**C. Budget Items:**

1. Approve going forward with the required paperwork to the Auditor to schedule a public hearing to consider an Emergency Appropriation in the amount of \$5,272 to cover the cost of increasing the weekly hours of the Personnel Analyst in the Human Resources Division from 33.5 hours per week to 40 hours per week as detailed in the Staff Report dated February 8, 2006 from the Administrative Services Director, noting this matter has the authorization and approval of the County Administrator Pro-Tem for consideration by the Council.
2. Approve the Claims Fund Warrants in the amount of \$719,579.34 for year-end of the SJC budget year 2005.

**D. Appointments:**

1. Approve the reappointment of Barbara Fleming to the SJC Health and Community Services Advisory Board as a representative of District No. 2 for a three year term which will begin immediately and expire February 28, 2009.

**E. Correspondence:**

1. Sign the letter to Barbara Fleming confirming her reappointment to the SJC Health and Community Services Advisory Board as a representative from District No. 2 for a three year term which will begin immediately and expire February 28, 2009.

Motion carried.

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**Proposed Resolution to Set an Election Date for the Imposition of a One-Half of One Percent Real Estate Excise Tax (REET) for Affordable Housing** – Present: Randall Gaylord, Prosecuting Attorney; John Manning, Health and Community Services Director; and interested citizens. Mr. Gaylord began with a review of Ordinance 2-2006 that was adopted by the Council on the Consent Agenda which provided for the imposition of an excise tax in support of affordable housing by the County after an election approving such a tax. He noted that the Attorney General has informed him that an opinion from that office on the use of this tax for moderate income housing is due in April. He asked the Council if they wanted to delay going to the voters on May 16, 2006 until a later date. He added that within the ordinance, it states that the County will abide by the provisions of the State law, therefore whatever opinion is rendered will be upheld by SJC. The Council stated that the County will spend the REET in a lawful matter and agreed this is provided for within the ordinance. It was noted that members of the public who have worked on this issue for some time were anticipating the May election date. The following action was taken:

**RES. NO. 14-2006** - Moved by Ranker, seconded by Myhr, to adopt the resolution setting an election for the imposition of a one-half of one percent Real Estate Excise Tax (REET) for Affordable Housing to be placed on the ballot as a proposition in a special election to be held on May 16, 2006, pursuant to the provisions of Ordinance 2-2006. Motion carried.

BUDGET ITEMS/WARRANTS:

**1. Request for Emergency Appropriation** – (See 1:30 p.m., Administrator Pro-Tem Council Briefing, for additional details.) **Moved by Ranker, seconded by Myhr, to go forward with the appropriate paperwork to schedule a public hearing to consider an emergency appropriation in the amount of \$8,022 to cover the cost of the Skagit Valley College maintenance expenses as listed in Staff Report from David Goldsmith dated February 21, 2006. Motion carried.**

MISCELLANEOUS ITEMS:

**1. Waldron & Company Point Person Appointment** – The Administrator Pro-Tem recapped that the draft documents submitted to the Council the previous week for review regarding the search for a permanent County Administrator had been reviewed by the Council. He added that it was agreed during the work session held on Monday, February 27, to have Councilman Myhr consolidate these comments and submit them to Waldron & Company. He requested that the Council formally appoint Mr. Myhr as the “point” person for these tasks as they arise. **By consensus, the Council agreed that Councilman Myhr will be the lead person to represent the Council comments in communication with Waldron & Company.**

**2. Cellular Tower Ordinance Review Discussion** – Council Chair Lichter recapped for the audience that last year Mr. Roger Crosby of Orcas Island had requested that the Board of County Commissioners (BOCC) amend the existing ordinance to allow for additional cellular coverage in SJC. *(Clerk’s Note: The last time a discussion was held with the BOCC on October 18, 2005, the meeting was attended by a number of citizens and there were many diverse opinions expressed. Mr. Crosby was not able to answer the technical questions that were asked. The BOCC had been informed by Interim CDPD Director Matt Zybas, that citizen input was essential and the review of this issue would fall under Community Development and Planning Department (CDPD). At that time, Commissioner Ranker, with concurrence from the rest of the BOCC, had requested that George Johnson, Information Services Manager, and Jim Ricks, E-911 Coordinator, assist Mr. Crosby and Dennis Sevier, owner operator of San Juan Wireless, in putting this additional information together for a work session. That information would be used to determine if the BOCC would consider moving forward or not with any amendments to the existing ordinance.)* Chair Lichter then explained to the audience that the BOCC had requested additional information but had not received what they had specifically asked for from Mr. Crosby or the County staff. He suggested that the Council had choices to consider. The matter could be referred to CDPD for review; or the County Administrator Pro-Tem could be asked to confer with the Prosecuting Attorney on the status of any amendments in progress; or, the Council could ask Mr. Crosby to return with the information requested (which he favored). Councilman Myhr asked to address the issue. He stated that this is a situation much like the “chicken and the egg.” Issues to consider are (a) where are the “holes” in air coverage, and (b) who wants the additional communication and better service? This information is needed. He suggested that the matter should actually be referred to the Planning Commission before it is brought back to the Council. He noted that there is an application in process for a new tower at the Lopez Island Airport, but was unaware if the existing ordinance will meet the requirements of this provider. He suggested that Mr. Crosby speak with CDPD before anything comes to the Council, noting the Council needed a great deal more information before considering any new action. Councilman Ranker stated that the Department of Emergency Management Director, Brendan Cowan, was in the audience and had previously raised questions concerning emergency providers being able to reach each other. Mr. Ranker liked the idea of having CDPD take on this matter, but stated they could not handle any new issues at this time. He also thought this matter should go to the Planning Commission for review and suggested Mr. Crosby might speak to them. Mr. Myhr suggested asking Mr. Goldsmith to assist. Mr. Goldsmith responded that it was appropriate to take this matter on for review and to bring it back in the form of legislation at a later date. **It was the consensus of the Council to assign this matter to the Administrator Pro-Tem.**

**3. Publicly Owned Properties Inventory Update** – Council Member Ranker asked to respond to comments made during Citizen’s Access Time. He noted that John VanLund, County Engineer, was in the audience. He explained that Public Works is currently evaluating and inventorying County owned properties at this time. He added that there is an RCW that specifically states that certain publicly owned lands can be evaluated on an annual basis for uses such as affordable housing and that the County can purge lands that are not appropriate for affordable housing. When Public Works has completed the analysis, the Council can review how we use these lands. Council Member Myhr asked Mr. Goldsmith how many acres of public lands are actually in “roads” versus other property. Mr. Goldsmith explained that the new Housing Bank would be the official body to access what properties would have intrinsic values as they sit now for housing use. Additionally, determining what are right-of-ways, what could be used for Parks, etc., will be evaluated, and that the intended use is important. He cautioned that some property could be on the side of a cliff or otherwise unsuitable for certain uses. Public Works will have the analysis completed by the end of the year. Mr. Goldsmith then addressed the current GIS system and the fact that the Assessor’s maps are a good approximation but not tied to the actual ground. This issue is being worked on by Public Works to find a way to make it correct. As previously stated, the Council reiterated that they had charged the Central Services division to correct this problem and make the various systems compatible. Mr. Goldsmith will continue to work on this issue.

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

**11:00 a.m.** - The Council sat as the Board of Health (BOH) for their regularly scheduled monthly meeting. Present: Dr. Frank James, Public Health Officer; John Manning, Health and Community Services Director; Mark

Tompkins, Environmental Health Officer; JoAnne Campbell, Personal Health Services Manager; George Harper, representative of First Choice Health Network; Dr. Burke Gossom, Susan Hill (ARNP), and Susan Murfin (Administrative Assistant) of San Juan Health Care (San Juan Island). Agenda:

**1. Presentation of Grant Award** – Mr. Harper addressed the Board to relate that the First Choice Health Network had awarded \$20,000 grants to ten small and generally rural physician practices throughout WA State. Applications were received from over 150 practices. He was pleased to announce that he would be presenting a check to San Juan Health Care as part of a joint quality initiative that included Qualis Health, a Seattle based health care quality improvement organization. This grant will help fund the appropriate use of digital technology, such as electronic medical records. Qualis DOQ-IT (Doctor's Office Quality Information Technology initiative program) will provide consultation, quality improvement assistance and support to the grant recipients. The program aims to improve care for patients in the areas of diabetes, heart failure, coronary artery disease, hypertension and preventative care. After this introduction, Mr. Harper was pleased to present the check to San Juan Health Care founders Dr. Gossom and Ms. Hill. The Board congratulated them on their award.

**2. Influenza Update** – Dr. James updated the BOH on the progression of the avian virus strain previously reported to the Board noting that it is looking grim. Although there have been no new human cases in the last 30 days, there have been 173 cases since 2003 with three known deaths. The virus is spreading within the bird population to include poultry. He noted that there may be a wildcard because of the HIV so prevalent in Africa. There is approximately \$2,000,000 set aside at the State level for a pandemic. But the problem in the future must be addressed with the legislature. He asked the Board to assist with a letter to the appropriate parties. Mr. Manning added that it would be a misconception to think that the federal government would take care of this type of issue as there is not a lot of federal money available. He will provide some background information to the Board so that a letter can be drafted. Dr. James noted there will be a regional meeting in Tacoma that he and Mr. Manning will attend on April 14, 2006 to learn more by representatives at the federal level in what way they may assist. It was suggested that the Council/BOH liaison attend this meeting. Council Member Lichter is the designated liaison.

**3. Annual Environmental Health Report** – Mr. Tompkins reviewed the Drinking Water Program, On-site Sewage Program, Food Program, Shellfish/Surface Water Monitoring, Solid Waste investigations, and Living Environment issues which were detailed in his Year End Report dated February 14, 2006. The issue of rabies was brought forth as related to dog and other animal bites. The Board requested that their Clerk ascertain the status of the proposed revisions to the existing ordinance concerning dogs. Dr. James explained that dogs in SJC generally get vaccinated and are licensed. However, cats are not licensed and may not be vaccinated. They can spread rabies if infected. He stated that there is a time line of 72 hours to intervene should a human be bitten by a rabid animal or the bite will be fatal. Measures are in place to examine the brain of the suspect animal to determine if rabies is present.

**4. Board of Health Composition** – Mr. Manning asked the BOH for clarification on the composition of the expanded BOH for future consideration. The Board stated they preferred seven members and to have one of these be a member of the Town Council to be appointed by the Mayor. Mr. Manning will prepare a draft for future review.

**1:30 p.m.** – A meeting was held with David Goldsmith, County Administrator Pro-Tem, for a briefing on County issues.

**Archives** – Mr. Goldsmith reported that a representative from the State Archivist Office came to SJC on February 21 and that we are one of few counties in state that has not centralized its records. As previously reported, there is an opportunity for a \$50,000 grant from the Courts to begin this process. The State is willing to assist with the project and the grant application is being submitted. We will be notified by May if we have this funding.

**Space Issues** – The County is engaging a space planner to address multi departments and the needs of the Council, which will increase to six members in November. This is a necessary study.

**Community Development and Planning Department (CDPD) Staffing Issues** – Mr. Goldsmith reported that he has instructed CDPD that there will be no more long-range planning issues undertaken until those projects in progress are finished. These include compliance issues. Currently recruitment is continuing for two Senior Planners. Mr. Goldsmith noted that the SJC salary range is competitive; however, the recruiting problem concerns the gap between the salary and the cost of housing. Previously the County had required a high degree of experience and credentials. The requirements have been lowered to be able to attract planners that can be trained. We are also looking at a market differential, possible retention bonuses, etc., to attempt to attract qualified applicants; but, he emphasized that he also wants to be fair to the existing staff. An offer has been

made to a candidate for the position of Building Official. Currently permitting is twelve to sixteen weeks out and this is stressful to the public and staff. The process should take six to eight weeks on the very outside. The Council asked questions about staffing options and issues. Mr. Goldsmith noted that other communities have faced housing issues such as in Colorado. The Council thanked the Administrator Pro-Tem for the work done on this issue and noted they see the progress being made.

**Skagit Valley College/WSU Extension Agent Interlocal Agreement** – Mr. Goldsmith explained that the Council would need to consider going forward with an emergency appropriation to cover maintenance expenses as called for in the agreement in the amount of \$8,022. After discussion, Council Member Myhr suggested setting up a fund that could cover these small requests for the future. Mr. Goldsmith explained how this is done in other jurisdictions and will note this for next year's budget. Council Member Ranker stated that in February of last year, the former Commissioners told departments that the Board would not entertain emergency appropriations because they should be able to plan for a year. He explained some of the issues that were brought forth that had merit and some that did not. The Council took action to approve moving forward (refer to BUDGET ITEMS/WARRANTS for details).

**Completion of Impact Fees and SEPA Mitigation Fees Rate Study** – Mr. Goldsmith presented his Staff Report dated February 21, 2006 detailing the impacts associated with these fees and asked if the Council wanted him to go forward to develop an ordinance to fund capital investment in the County. After a lengthy explanation, which had been previously presented to the Council by Public Works earlier in the year, Mr. Goldsmith stated that unless funding was in place, the Capital Improvement Program would cease. He explained taxes cover administrative fees of the County, schools, etc. Impact fees cover costs related to infrastructure needs. For example, in Port Townsend the impact fee is \$3,200 per house. Dollars collected go to parks, administrative spaces for City Hall, roads, sewers, etc. The study will tell us what these fees could cover and other taxing districts will be subject to these impact fees as well. Jefferson County went with SEPA mitigation fees. He reminded the Council that he was directed to come up with a plan for fees to cover capital expenses and noted that this study will provide a clearer picture. The Council discussed the issue at length, including the provision in the Growth Management Act that provides for new growth to pay these fees. The Council agreed that they had directed this work to go forward at the last Work Session with Public Works in January, and that the proposal before them was realistic to the needs of the County. **By consensus the Council agreed to go forward with a plan to determine where the \$37,000 in necessary funding for this study will come from.** Mr. Goldsmith will report back to the Council

**Fire Marshal Contracts** – Mr. Goldsmith reported that the contracts are out for review and on track for approval.

At 2:08 p.m., the Council recessed the meeting to call for an Executive Session. Upon resuming the open meeting, the Administrator continued with the rest of his briefing.

**Proposal to Lease a Portion of the Carlson Building For the Elections Department** – Mr. Goldsmith briefed the Council about the possibility of a federal grant covering the cost of this proposed lease for two years. He noted that the Secretary Of State is obtaining a decision about whether grant funds can be used for rent. If not, the cost will be "cost allocated" to other taxing districts for expenses for running various elections. This means that the County's share of lease would be about 40 percent of the rent if the grant funding cannot be used. The proposal is for an annual lease for about 1,600 square feet at around \$925 per month. He explained that this is timely due to the proximity of this building to the Courthouse and the requirement to house the new election equipment that is already on its way. He noted that the Auditor feels, from the standpoint of records, fire safety, security, etc., that these items will be covered at this new location. A room will be fireproofed for ballot storage and the federal government will pay for these improvements. There were no questions. **By consensus, the Council approved Mr. Goldsmith going forward with the proposed lease for a portion of the Carlson Building as discussed for the SJC Elections Department.**

**3:00 p.m.** – A meeting was held with the Marine Resources Committee (MRC) for presentation of their 2005 Annual Report and 2006 Work Plan. Present: Jody Kennedy, MRC Coordinator; Kirsten Evans, Stewardship Area Coordinator; available members of the MRC including Jim Slocomb; and interested citizens. Ms. Kennedy had prepared a Power Point presentation to accompany her written report dated February 24, 2006. She announced that Barbara Rosenkotter, the Lead Entity Coordinator for the Salmon Recovery Program in SJC, was unable to attend today due to a back injury. The Council conveyed their wishes for a speedy recovery. Ms. Kennedy then gave historical information for the audience which included the charge by the former Board of County Commissioners in 2004 to study unique areas in SJC in the marine stewardship area. She identified the

tasks and how citizens will participate to shape the proposal. The Tribes, state and federal agencies, and Non-Governmental Organizations (NGO's) all work on this here in the County. At the conclusion of her presentation, the Council commended the MRC and Ms. Kennedy for the work they have done and the clarity of the presentation and proposed work plan. Council Member Ranker noted that their work parallels the work the County will do on the Critical Areas Ordinance updates and other work, such as a potential project with Shared Strategy of Puget Sound. He noted that representatives will be coming to SJC on March 7 to present additional material. The Council then discussed some of the issues brought forward during the report such as the impacts of illegal mooring buoys. This will be part of the study. Chair Lichter allowed comments from the audience and the Council congratulated the MRC on their achievements.

**EXECUTIVE/CLOSED SESSIONS**

**2:10 p.m.** – (Originally scheduled to commence at 1:40) Council Chair Lichter announced that the BOCC 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). At 2:30 p.m., the Council Clerk announced that the Council would be in executive session for another ten minutes. The session ended at 2:40: p.m. for an actual session time of 30 minutes. No action was taken.

**ADJOURNMENT** - Moved by Myhr, seconded by Ranker, to adjourn the meeting at 3:48 p.m. Motion carried. A Special Meeting was scheduled for Monday, March 6, and the next regular meeting was scheduled for Tuesday, March 7, 2006.

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**These minutes were approved and signed on March 7, 2006. The original document is retained in the Council permanent proceedings filed dated February 27 and 28, 2006. Attest: Carolyn K. Morrison, Interim Clerk.**