

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
JUNE 12 AND 13, 2006**

Monday, June 12, 2006 - Council Conference Room

CALL TO ORDER

Council Chair Lichter called the special meeting to order at 11:30 a.m. Council Members Ranker and Myhr; County Administrator Pro-Tem, David Goldsmith; Si Stephens, SJC Auditor; Dave Zeretzke, Administrative Services Director; and Interim Clerk of the Council, Carolyn Morrison, were present.

PUBLIC MEETINGS/WORK SESSIONS

11:30 a.m. – The Council met for a weekly Staff Meeting and Council Work Session, including a staff lunch, regarding various County business. No action was taken

RECESS - At 1:58 a.m., Council Chair recessed the meeting until 10:00 a.m., Tuesday, June 13, 2006.

Tuesday, June 13, 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

No matters were brought before the Council.

ANNOUNCEMENTS/SCHEDULE CHANGES

1. The posted Council Agenda and Discussion/Other Action Agenda were revised.
2. Two or more Council Members and their Clerk will attend the Solid Waste Advisory Committee meeting on Monday, June 19, 2006 at Noon at the Mullis Fire Station in Friday Harbor.
3. Council Members Lichter and Ranker attended the annual Gulf Islands' Trust/SJC Joint Conference held on Saturna Island, B.C., on Wednesday afternoon, June 14 and Thursday morning, June 15, 2006.

APPROVAL OF MINUTES

Moved by Ranker, seconded by Myhr, to approve the minutes of **June 5, 6, 7, and 8, 2006**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of June 13, 2006** as follows:

A. Appointments:

1. Approve the appointment of Gunnar Wickman to the SJC Solid Waste Advisory Committee for a three-year term that will begin immediately and expire in June of 2009.
2. Approve the appointment of Linda Ann Vorobik to the SJC Park Board as a representative of Lopez Island for a six-year term which will begin July 1, 2006 and expire June 30, 2012.
3. Approve the appointment of Larry Hendel to the SJC Planning Commission as a representative of Lopez Island for a six-month term which will begin June 20, 2006 and expire December 31, 2006 for the purpose of maintaining a quorum for upcoming Planning Commission Hearings during the process of amending the San Juan County Code governing the body.

4. Approve the appointment of Robert Gamble to the SJC Planning Commission as a representative of Orcas Island for a six-month term which will begin June 20, 2006 and expire December 31, 2006, for the purpose of maintaining a quorum for upcoming Planning Commission Hearings during the process of amending the San Juan County Code governing the body.
5. Approve the appointment of Brian Ehrmantraut to the SJC Planning Commission as a representative of Orcas Island for a six-month term which will begin June 20, 2006 and expire December 31, 2006 for the purpose of maintaining a quorum for upcoming Planning Commission Hearings during the process of amending the San Juan County Code governing the body.

B. Correspondence:

1. Sign the letter to Gunnar Wickman confirming his appointment to the SJC Solid Waste Advisory Committee for a three-year term.
2. Sign the letter to Linda Ann Vorobik confirming her appointment to the SJC Park Board as a representative of Lopez Island for a six-year term.
3. Sign the letter to Larry Hendel confirming his appointment to the SJC Planning Commission as a representative of Lopez Island for a six-month term.
4. Sign the letter to Robert Gamble confirming his appointment to the SJC Planning Commission as a representative of Orcas Island for a six-month term.
5. Sign the letter to Brian Ehrmantraut confirming his appointment to the SJC Planning Commission as a representative of Orcas Island for a six-month term.
6. Sign the letters of appreciation to the members of the Citizens' Panel appointed to interview the four finalists for the position of San Juan County Administrator.
7. Sign the letters of appreciation to the members of the "County" Panel appointed to interview the four finalists for the position of San Juan County Administrator.
8. Sign the letter congratulating Adam E. Myers for having completed the requirements to become Eagle Scout; and, sign the Certificate of Recognition for his achievement.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 8-2006 - (Refer to PUBLIC HEARINGS/MEETINGS/WORK SESSIONS, 1:30 p.m., for details of action taken.)

ORD. NO. 9-2006 - (Refer to PUBLIC HEARINGS/MEETINGS/WORK SESSIONS, 1:30 p.m., for details of action taken.)

MISCELLANEOUS ITEMS:

1. Review of Draft Ordinance Regarding Appeals to the Council of Hearing Examiner Decisions – Present: Laura Arnold, Consultant; Randall Gaylord, Prosecuting Attorney; and interested citizens. Ms. Arnold reviewed the extensive draft ordinance. After review, she explained that the Council would continue to hear the same type of appeals that the former Board of County Commissioners heard. The Council posed questions including what would occur if there was more than one appellant and not all chose to allow the Council to hear the appeal. Ms. Arnold explained that if any appellant filed with the Court, then the appeal would not be heard by the Council. Depending upon the type of appeal, if the Council did not hear the matter it could go to Superior Court or to the Shoreline Hearings Board. The Council requested additional time to review the entire document and requested that Ms. Arnold return the following week. Ms. Arnold noted that the portion of the document that would become an ordinance began on Page 46 and continued through Page 52. Councilman Ranker requested that the Prosecutor send a copy of the document electronically to afford the ability to utilize "track changes" should he have recommendations to change any existing language. Mr. Gaylord stated he would provide the document in PDF format. Additionally, Mr. Gaylord addressed the issue of discretionary review and petition for discretionary review. The matter will be discussed again next week for final review so that a date can be scheduled for a public hearing.

2. Governor's Ocean Policy Group Meeting Report – Councilman Ranker reported that the meeting in Friday Harbor was well attended. A boating tour of the islands was provided by San Juan Safari, Bill Wright owner, at a

reduced rate. The meeting lasted most of the day and was attended by state employees, citizens, and “Policy Group” members. About 55 people attended the public portion of the meeting Wednesday night at the Friday Harbor Laboratories. There have already been several meetings throughout the Washington coastal areas. Comments brought forth from the meeting in Friday Harbor are being sent to the group for inclusion in the master report. One issue concerning fish net pens has received comments from several communities. The importance of the “land-sea” connection was also discussed along with other topics. Four state agencies have mandates regarding these issues and it was noted that previously several tribes, cities, and towns had not communicated with each other regarding some of the issues. The SJC Marine Stewardship Program and others are being spotlighted by the Governor as models for the entire state. Mr. Ranker will update the Council when the report is available.

3. County Administrator Pro-Tem Council Briefing – Present: David Goldsmith, Administrator Pro-Tem; Matt Zybas, SJC Utility Manager; Randall Gaylord, Prosecuting Attorney; several members of the SJC Solid Waste Advisory Committee (SWAC); Todd Peterson, Senior Project Manager with Norton Arnold & Co., Solid Waste Consultant; and interested citizens.

A. Solid Waste Issues for San Juan Island and the County Requiring Review and Clarifications of the Council – Mr. Zybas explained that with the studies and planning currently being conducted, the consultant and SWAC require advice and direction regarding the authority of SWAC. He introduced Mr. Peterson who invited the Council to attend the next public meeting of SWAC to be held on Monday, June 19, 2006 at noon at the Fire District #3 office on Mullis Street. He thanked the Council for attending the May 15, 2006 SWAC meeting to hear the presentation of the consultants to ascertain solutions to the current solid waste problems. He added that progress has been made since that meeting and their Civil Engineer will go over the options at the next meeting. Council Chair Lichter allowed members of SWAC to pose questions. Mr. Peterson stated that there is currently a “fork in the road” regarding decisions to consider. One question is whether or not to have curb-side pickup on San Juan Island and the transfer of that waste to Orcas Island transfer station for shipment to Waste Management in Oregon; or, to consider continuing to handle the waste for San Juan Island locally. The questions asked by SWAC was the depth of their authority and their mission regarding these issues (such as being involved with the selection of a new site on San Juan Island). Council Member Myhr responded first. He stated that SWAC is an “advisory group.” He posed questions to the consultant regarding the efficiency of the Lopez Island site and asked if he had seen how the site operates. He added that he did not have actual costs for this operation. He then stated he wanted to hear from his fellow Council Members regarding their input. Councilman Ranker restated the questions he had heard during discussions and gave his personal answers. His answer was “yes” to the question of should “we” deal with waste in the islands. He did note that SJC has the highest cost in the state for waste management and requested copies of these figures. He agreed with Mr. Myhr that Lopez worked well and added that the Orcas Island transfer station also worked well. He added that he plans on attending all SWAC meetings during this process and noted that SWAC was appointed to deal with these issues and to come back with recommendations for consideration. He stressed the importance of acquiring input from citizens. Mr. Ranker stated that he will work as an individual but will not manipulate the process. He shared that the topic of the location of a site for the San Juan Island Transfer Station has been going on for years. There have been nine studies done thus far and he has provided copies of them to Mr. Goldsmith. He stated that he felt SWAC should be involved in this process and to assist in making a recommendation. He also noted that some of the preferred sites have not been able to be utilized due to law suits brought by citizens. However, he added that citizens have been involved in all the site selection processes in the past. He wanted the issues of safety addressed at the current site. Mr. Zybas and a SWAC member explained that the consultant is not dealing with the current site. The safety issues have been addressed with the Department of Labor and Industries and the Department of Ecology on a temporary basis while long-term solutions are considered. The Council discussed some of the known issues, addressed the scenario if curb-side pick up must be implemented, reviewed safety issues at the current transfer station, reviewed limited commercial access to the site if it was closed to “self-haulers,” and agreed that the SJC staff had excellent expertise with which to reach a solution. It was agreed that the SWAC and consultant had enough direction to move forward in their process to resolve the solid waste issues defined in their scope of work. Mr. Lichter will also attend the SWAC meeting along with the Council Clerk. Mr. Myhr regretted to report he had a previous commitment.

B. Proposed Interlocal Agreement Regarding Fire Marshal Services – Mr. Goldsmith stated that the draft contract is ready for review and he will discuss this proposal at the 1:30 public hearing to a consider fee related ordinance as these are tied to the proposed contract.

4. Continued Discussions Regarding Finalizing Negotiations for the County Administrator – The Council announced that they were continuing with negotiations with Mr. Pete Rose and would be reviewing in session the draft contract. **After the review was completed, it was the consensus of the Council to have the Council Clerk email a corrected draft to Mr. Rose for his review, and to give notice that the final document is being reviewed by the Prosecutor for submitting to Mr. Rose for signature when completed.**

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. - A work session was held on the SJC Six-Year Transportation Improvement Program for 2007-2012. Present: John Van Lund, SJC Engineer. Also present: Ron Henrickson, Community Development and Planning Director; Jon Shannon, Public Works Director; Si Stephens, SJC Auditor; and interested citizens. Mr. Van Lund began by explaining that the Planning Commission will hold a hearing on this matter and that will be followed by a public hearing before the Council. Each project on the list was addressed and the Council asked questions as the projects were discussed. Mr. Shannon discussed the potential \$400,000 levy shift that may occur and how this would affect the projects on the list. He also noted that there still exists a portion of the banked levy that has not yet been utilized by the County. He passed out several handouts for review. The Council discussed the issues and asked for additional information from Mr. Goldsmith. Both Mr. Goldsmith and Mr. Stephens estimated that the banked reserves would be less than Mr. Shannon had estimated. **The Council agreed that Mr. Van Lund would prepare a revision to the program as discussed to include the proposed levy shift and to include the maximum banked levy for further review. It was further agreed that repairs related to safety are the first issue of priority followed by new construction related to safety. This information is to be forwarded to the Council for review and then publication for the public hearing before the planning commission and SEPA can go forward.**

1:30 p.m. - A public hearing was held to consider an ordinance of San Juan County, repealing the existing fee Resolution 9-2006, and adopting a fee ordinance for services provided by the San Juan County Community Development and Planning Department; and to consider an ordinance of San Juan County, amending San Juan County Ordinance 1-2006 that adopted Uniform Codes As Building Codes; Repealed San Juan County Code Sections 15.04.010 Through 15.04.331 (Uniform Codes) and the Fees Adopted In 15.04.580, 600 And 610; adding to Section 7, Title 15, new Subsections H And I. Present: David Goldsmith, County Administrator Pro-Tem; Ron Henrickson, Community Development and Planning Director; Randy Gaylord, Prosecuting Attorney; and interested Fire District members. Mr. Goldsmith began by suggesting the fee ordinance be done first. He explained that because of the SJC Charter, a more permanent form of fees needed to be in place and that is why there will now be an ordinance. Mr. Goldsmith noted that because the Council is considering hearing appeals of Hearing Examiner's decision, he recommended including a provision for this in the fee schedules along with another minor modification to Exhibit C. Mr. Henrickson suggested word changes to Exhibit A. After questions from the Council were answered, public testimony was opened, none submitted, and closed. However, the representatives of the Fire Districts did express agreement with the proposed fees that would pay for their services to the County. The Council thanked Mr. Henrickson and Mr. Goldsmith for their work in coordinating these efforts with all the various departments and districts. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Myhr, to adopt **Ordinance 8-2006** of San Juan County, repealing the existing fee Resolution 9-2006, and adopting a fee ordinance for services provided by the San Juan County Community Development and Planning Department with all the changes identified today. Motion carried.

Second, Mr. Goldsmith addressed the proposed amendment to Ordinance 1-2006 adding new subsections H and I. There was only one question from the Council which was answered. Public testimony opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Myhr, to adopt **Ordinance 9-2006**, an ordinance of San Juan County, amending San Juan County Ordinance 1-2006 that adopted Uniform Codes As Building Codes; Repealed San Juan County Code Sections 15.04.010 Through 15.04.331 (Uniform Codes) and the Fees Adopted In 15.04.580, 600 And 610; adding to Section 7, Title 15, new Subsections H And I. Motion carried.

After passage of ordinances, Mr. Goldsmith handed out copies of a draft Interlocal Agreement that went with these fee changes to allow for funding for the duties of Fire Marshal. He requested that the Council review this agreement as this will be coming back to the Council for approval as soon as possible. **After discussion, it was**

the consensus of the Council to send a copy in the final format to fire chiefs with the changes discussed, and then have it come back to the Council for final signature.

2:15 p.m. - A meeting was held for a presentation and briefing by Washington State Ferries (WSF) representatives regarding the Anacortes Ferry Terminal Project; the draft Long Range WA Ferry System Plan; and the Draft Friday Harbor Master Plan. Present: Available SJC Ferry Advisory Committee (FAC) Members Alex McLeod, Robert deGavre, and Jim Smith; Ray Deardorf, WSF Planning Director; Dave Sauers, WSF Project Engineer for Anacortes and the Friday Harbor Intermodal Plan; Joy Goldenberg, WSF Communications Manager; and Jayne Davis, WSF Regional Manager. Mr. Deardorf began with a recap of the loss of revenues to the ferry system over the past number of years, the need for improvements to the Anacortes terminal, and the plans over the next 20 years for new vessels, more capacity, and better Interisland service. He provided written material for the Council and audience to review. The public comment period is still open through July. These comments will be presented to the WA State Transportation Commission for a final plan in the fall. Mr. Sauers gave the history of the Intermodal study and the goal of finding ways to reduce congestion at the terminal. A consultant is doing traffic counts and there will be a final study done in the fall for presentation to Olympia (legislators) for short- and long-term funding. The Intermodal study should be ready for review locally in August of this year. Ms. Goldenberg discussed the changes to the original plans for the Anacortes terminal and the problems they had to overcome related to tribal issues, funding, and slips. She had additional material for the Council and audience to study. After the updates by WSF, the Council responded. Chair Lichter stated he was opposed to a “new” Anacortes terminal as it is being driven by Anacortes business interests and Skagit County politicians. Those in the San Juans do not need an elegant facility and suggested that these funds could be better spent. Mr. Deardorf explained that this comment had been heard from other public members and because of that the terminal will be more functional. Councilman Ranker then addressed the previous plans of WSF to purchase additional property in the San Juans for staging and that it had not been done. He stated that if the Intermodal is not done in the islands, WSF will hear from him as delays are no longer an option. He did, however, compliment the WSF personnel for working well with legislators to secure additional funding, including Capron Funds. He requested that WSF be aware of an on-going discussion in the community regarding the wireless service at the Anacortes terminal and on the ferries. The network is secured and he wanted to request they un-block the secure network so people who commute can continue to work while traveling. Another request was for the left ticket booth in Anacortes to be for those commuters who have pre-purchased tickets. Mr. Davis answered questions concerning the electronic ticket implementation. It is in place down-sound in Port Townsend and working well. However, it is a little more complicated than originally thought for the San Juan’s. It may be ready by July but will be kept to weekdays in the beginning. After comments from FAC members, the Council thanked both the FAC and WSF team for working well together and for coming in for the briefing. Councilman Myhr thanked the group for better ferry service today.

3:15 p.m. – (3:25-FTR commenced) A meeting was held with Shared Strategy of Puget Sound (SSPS) regarding the SJC Eco-Based Management System Initiative. Present: Jim Kramer, SSPS Executive Director; Carol MacIlroy, SSPS Watershed Liaison; Jody Kennedy, SJC Marine Resources Committee (MRC) Coordinator; and interested members of the public. After beginning discussions in January of this year and again in April, Ms. MacIlroy presented a draft Memorandum of Agreement (MOA) for a program that worked with the resolution adopted by the Council for the SJC Eco-Based Management System Initiative. Mr. Kramer thanked Councilman Ranker for his assistance in working with them in the effort to secure funding, noting that his participation on several Councils has increased what may be allocated for this project from state funding. He estimated there will be approximately \$200,000 funding for this project and that by working together, with SJC providing the leadership for this project, there is far less competition for funding by others. In summary, working together in partnership with others will provide a pilot for other counties to utilize as well. The Council reviewed the draft MOA and asked questions pertaining to the various aspects of the program, funding from SRF Board, and a draft of a job description for a lead entity for implementation of this project. The salary range for this position would be in the neighborhood of \$80,000 to \$100,000 as a consultant/contract employee. **After a lengthy discussion, it was agreed that Mr. Goldsmith and the Council Clerk would prepare the final agreement for approval of the Prosecutor and to come back to the Council for signature as soon as possible in order to allow for the start of the project and posting of the new position.** Mr. Kramer added that SSPS is close to obtaining the amount of funding they had sought; however, not all of it had been secured. Mr. Ranker thanked his fellow Council Members for their help in getting this project started.

ADJOURNMENT - At 4:30 p.m., Council Chair Lichter adjourned the meeting. A special meeting was scheduled for Monday, June 19, 2006, and the next regular meeting was scheduled for Tuesday, June 20, 2006.

These minutes were approved and signed on June 20, 2006. The original document is retained in the permanent Council proceedings dated June 12 and 13, 2006. Attest: Carolyn K. Morrison, Clerk.