

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
JULY 31 AND AUGUST 1, 2006**

Monday, July 31, 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, County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Deputy Prosecuting Attorney, Cameron Carter; and the Interim Clerk to the Council, Carolyn Morrison, were present.

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 12:05 p.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Tuesday, August 1, 2006.

Tuesday, August 1, 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, County Administrator Pete Rose; and the Interim Clerk to the Council, Carolyn Morrison, were present. The flag salute was conducted.

CITIZEN ACCESS TIME

Stephanie Buffum Field – To thank the Council for supporting the Anti-Litter Initiative Proclamation.

ANNOUNCEMENTS/SCHEDULE CHANGES

1. The posted Council Agenda and Discussion/Other Action Agenda were revised.
2. Chair Lichter introduced Pete Rose, SJC County Administrator.

APPROVAL OF MINUTES

Moved by Myhr, seconded by Lichter, to approve the minutes of **July 17 and 18, 2006**. Motion carried with Councilman Ranker abstaining due to non-participation.

CONSENT AGENDA

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of August 1, 2006** as follows:

A. Resolutions/Ordinances:

1. **Resolution 42-2006** - Adopt the resolution authorizing the Lopez Island Library District Board of Trustees to place a ballot proposition on the November 7, 2006 General Election Ballot for a levy increase as set forth therein.
2. **Resolution 43-2006** - Adopt the resolution authorizing the SJC Land Bank to acquire a Historic Preservation and Conservation Easement Deed of approximately 0.5 acres on the Artworks Property on Orcas Island, legally described in Exhibit A "Property Description", from the Olga Strawberry Council ("Seller"); authorize payment to the Seller in the amount of \$75,000 less credits at closing from the Conservation Area Fund; accept and sign the Deed of Conservation Easement (**06EASE01**) from the Seller; and, authorize the Land Bank Director to sign all other closing documents necessary for the acquisition of the Artworks Property Historic Preservation and Conservation Easement.

B. Contracts/Agreements:

1. **Agreement 06CO14** – Sign the Employment Agreement between SJC and Amy E. Taylor, to serve as Department Assistant and Deputy Clerk to the SJC Council as described in Exhibit A "Position Description," at

Range F, Step 2 of the Management and Non-represented Personnel Salary Schedule as described in Exhibit B "Fee Schedule," effective July 21, 2006, under the terms and conditions as set forth therein.

2. **Agreement 06HC36** - Inter-local Agreement between SJC and Town of Friday Harbor (TFH) for additional funding from the TFH in the amount of \$5,000 to supplement costs incurred by SJC for consultant services for the on-going Pandemic Flu planning process to be completed by December 31, 2006, under the terms and conditions as listed therein.

3. **Agreement 06CO16** – Sign the Employment Agreement between SJC and Carolyn K. Morrison, to serve as Council Clerk and Office Manager to the San Juan County Council as described in Exhibit A "Position Description," at Range L, Step 3 of the Management and Non-represented Personnel Salary Schedule as described in Exhibit B "Fee Schedule," effective August 1, 2006, under the terms and conditions as set forth therein.

C. Personnel:

1. Approve the permanent appointment of Carolyn Morrison as the Clerk of the Council/Office Manager at Range L, Step 3, of the Management and Non-represented Pay Schedule effective today.

D. Appointments:

1. Approve the appointment of Betty S. Gilson to the SJC Board of Health as an At Large representative, noting a concurrent recommendation from the H&CS Director in his letter dated July 7, 2006.

2. Approve the appointment of Barbara Fleming to the SJC Board of Health as an At Large representative, noting a concurrent recommendation from the H&CS Director in his letter dated July 7, 2006.

3. Approve the appointment of Howard Rosenfeld to the SJC Board of Health as representative of the Town of Friday Harbor, based upon the recommendation from Mayor David Jones in his letter dated June 8, 2006.

4. Approve the reappointment of Al Wilding to the SJC Civil Service Commission for a six-year term which will begin immediately and expire May 31, 2012.

5. Approve the reappointment of Amanda Azous to the Noxious Weed Control Board for a four-year term which will begin August 1, 2006 and expire July 31, 2010.

E. Correspondence:

1. Sign the letter confirming the appointment of Betty S. Gilson to the SJC Board of Health as an At Large representative.

2. Sign the letter confirming the appointment of Barbara Fleming to the SJC Board of Health as an At Large representative.

3. Sign the letter confirming the appointment of Howard Rosenfeld to the SJC Board of Health as representative of the Town of Friday Harbor.

4. Sign the letter confirming the appointment of Al Wilding to the SJC Civil Service Commission.

5. Sign the letter confirming the reappointment of Amanda Azous to the Noxious Weed Control Board.

F. Miscellaneous:

1. Sign the Proclamation stating that San Juan County hereby endorses the activities of the San Juan Island Anti-Litter Initiative, and encourages residents, visitors, businesses, organizations, and government entities to participate in its programs.

G. Bid Matters:

1. Accept the bid and award of contract to *The Journal of the San Juan Islands* as the County's designated legal newspaper pursuant to the bid opening held July 18, 2006; and, direct the County Administrator to prepare and enter into a contract for this service. Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 44-2006 - (Refer to PUBLIC HEARINGS/MEETINGS/WORK SESSIONS, 1:30 p.m., for details of action taken.)

MISCELLANEOUS ITEMS:

1. Introduction to the San Juan Island Ambassador Program– Minnie Knych, Northwest Workforce Development Council representative, thanked the Council for the opportunity to present this program. She introduced Mary Kalbert, who has been hired as the Program Coordinator, and who hopes to expand the program throughout SJC. Ms. Knych reported that the Town of Friday Harbor had provided Lodging Tax funds to support this program as much of the work is being done in the Town, but that a similar program is being planned for Lopez and Orcas Islands. Ms. Kalbert explained that the ambassadors meet the ferries and private boats; speaking to and assisting people in the Town; help the Chamber of Commerce; and perform similar duties at the Roche Harbor Resort. She then introduced Master William King, one of three student ambassadors present, to detail for the Council and audience what the ambassadors accomplish during their work week. He reported that each ambassador keeps a tally sheet that details where visitors have come from; what they have done during their visit to SJC; their preferences, and any comments they may have. Most of the questionnaires are filled in when they meet ferry passengers and the Victoria Clipper. There are seven boats coming in each day. Their goal is to be as helpful as possible with visitors to the islands. As of last Saturday, 7,000 people have been assisted by the ambassadors. He then introduced Christina Tisinger who told the Council that she and her co-workers enjoy helping people and that she would like to see this program on Orcas and Lopez Islands as well. She then introduced Hana Dubail who shared that the ambassadors also collect “exit” interview surveys to help determine what additional services might be considered. These surveys are turned into the Visitors’ Bureau and used in their assessment of tourism in SJC. Last year the team had collected 215 exit surveys and this year to date they have collected over 180. Ms. Kalbert explained that the ambassadors are hired at an average age of 14 and work 20 hours a week with daily supervision. She estimated they will help over 20,000 visitors and collect over 500 exit surveys this season. The Council thanked Ms. Knych for starting this program, for introducing the ambassadors and staff, and for the excellent work they are doing.

2. Growth Management Hearings Board (GMHB) July 21, 2006 Hearing Update and Related GMHB Matters – Present: Randall Gaylord, Prosecuting Attorney; Cameron Carter, Deputy Prosecuting Attorney; and interested citizens. Chair Lichter reported that he attended the hearing held in Anacortes that lasted from 10:00 a.m. until 4:30 p.m., with 19 individuals opposed to the ordinance the Council had adopted. He reiterated that the Council had attempted to come up with a local solution to the dilemma that has plagued this County for at least six years. He complimented Mr. Carter for his representation of the County and noted that attorneys David Mann and Lynn Bahrych provided assistance on behalf of the Friends of the San Juans. Mr. Lichter stated he hoped the ordinance will provide a means to lift the existing order of invalidity and will bring the County into compliance. He then stated that subsequent to the hearing, the Friends of the San Juans had filed a motion with the Court of Appeals to ask for an additional 30-day stay on their decision, to allow enough time for the GMHB to reach a decision. He asked if the Council could agree to file in concert. The Council discussed his request and asked Mr. Gaylord for his opinion. After a lengthy discussion on the merits of filing or not for a request for a stay in proceedings, the following action was taken: **Moved by Myhr, seconded by Ranker, to direct the Prosecuting Attorney to request a 30-day stay of a decision from the Court of Appeals. Motion carried.** The Council thanked Mr. Carter again for his excellent representation at the hearing and stated they hoped he would relate to the Court of Appeals that the County is close to a decision on this matter when considering the request.

3. Discussion Regarding the Submission of Ordinance 11-2006 to the Growth Management Hearings Board (GMHB) – Present: Randall Gaylord, Prosecuting Attorney, and interested citizens. Councilman Ranker had written a memorandum dated August 1, 2006 to the Council recommending the Council request the Prosecuting Attorney to not submit Ordinance 11-2006 (an ordinance establishing rules to apply to the construction of a principal residence after the construction of a certain lawful freestanding accessory dwelling unit for a period of five years) to the GMHB. He explained that this action would further delay the closure of this issue for individuals in SJC who built a guest house before November 30, 2000. Further, he stated he did not think that the GMHB had jurisdiction over “vesting” and read aloud the GMHB Finding of Fact 9, dated July 2005. After presenting his opinions, he requested comments from the Council. Mr. Myhr asked Mr. Gaylord his opinion on this issue. Mr. Gaylord explained that Ordinance 11-2006 establishes new rules and classifications, and in his judgment, is not a “vesting” ordinance. It was submitted to CTED for review and would not have needed to be if it was a true vesting ordinance. After discussion on several aspects of the ordinance, Mr. Gaylord responded that he believed it should be submitted to the GMHB, and to allow them to decide if they have jurisdiction or not. He reiterated that the County is under an order of invalidity and if any other related ordinance is adopted it needs to be submitted to them. The Council and Mr. Gaylord discussed many aspects of the ordinance and whether it should be submitted. Mr. Ranker noted that other attorneys he has spoken with have stated to him that it is not necessary to send it to the GMHB. Mr. Gaylord stated that if this was a vesting ordinance, then it would not have to be submitted. However, in his opinion, it is not a “vesting” ordinance and therefore it would be illegal not to submit it to the GMHB. The following action was taken: **Moved by Ranker, seconded by Lichter, to instruct the Prosecuting Attorney not to submit Ordinance 11-2006 to the GMHB. Motion carried with Councilman**

Myhr opposed. After the motion, Mr. Gaylord informed the Council that he would disregard the Council's instructions for the reasons stated.

4. Space Allocation Discussion Regarding the Carlson Building – Present: Available Elected Officials, Department Heads, and interested citizens. Chair Lichter began by reviewing previous discussions; said that he wanted to include the new County Administrator, Pete Rose in today's discussions; and stated he hoped the Council could reach a decision today. Councilman Ranker noted that he had reviewed the minutes of previous meetings and copies of paperwork supplied by staff. He stated that he was still of the same opinion that the Council should remain in the Courthouse. He added it will be a difficult budget year and he was hesitant to spend hundreds of thousands of dollars on renovations. His preference was to split the Council's conference room into two offices, provide a jury box for the courts in the hearing room, and wait to do additional changes until the new Council is on board. Councilman Myhr reiterated earlier statements that he does not want to rush into a situation where an office in this building was changed in a way that was not vetted by all members and subsequently created an unfortunate situation. He added he wanted creative solutions and felt that there was more to the issue than what had been presented. He expressed concerns for both the short-term and long-term impacts and how long everyone will have to live with them. He also stated that he felt fortunate to have "our" permanent County Administrator to help us to look over this issue for the next few months; and, that with the nature of the Charter, the space requirements over time may be different than last year. He noted that he is now, and will in the future, be in the Friday Harbor office about 2.5 days each week. His preference was that there was four months with which to make a decision and that he was not ready to say that "this is the way it has to be." Chair Lichter noted that with the Home Rule in SJC there is a new situation with an Administrator. For him, it is a crucial point on how the Administrator and full Council will interact, and how to address the proximity of, or lack of, the Council and the Administrator to each other. He asked Mr. Rose if he had any comments to offer, noting the Council would appreciate his input. Mr. Rose began by noting that he has received many opinions thus far; that he had reviewed a decade of documents of working on this issue; and, he added the Council needed to celebrate a success in that there has been an acquisition of property and there are options on how to deal with it. After other introductory remarks he emphasized that in his 26 years of government service, this is the worst situation he has ever seen. Files are in hallways, prisoners are in shackles among regular administrative personnel, every office has inappropriate records storage. From an outsider's view, this is not healthy. He itemized the needs of the County workspace, meeting spaces, records storage needs, the need to reduce rents being paid, and to consolidate services on the campus. He noted there was a potential of another one-quarter of one percent Real Estate Excise Tax (REET) which could be used for a new facility and that current bond payments will be up in about two to three years, thus freeing up \$200,000 to \$300,000 of debt service. He suggested looking at short-, mid-, and long-term planning. By looking at the time frame to be used, the Council could decide on the amount of changes to be made. First – Where will the Council be? Ask departments to come back with interim issues for the Council to consider what will help to get interim breathing room. If the Carlson building will be used long-term, he suggested developing an adequate hearing room, decent offices, sound system, overhead projection equipment, and a decent conference room; and, if less than ten years, then less expenditures. He concluded his comments by suggesting that a policy be developed around that "room" to look at sharing reception and phone answering and general clerical. The Council discussed related issues, with Mr. Ranker noting that he liked having the Administrator in close proximity. Mr. Rose replied that SJC is not a large county and sharing an office was not in good spirit but being in the same building was. Mr. Myhr explained that in a prior position he worked in an open-office landscape with six-foot high partitions with careful utilization of space. He felt this could work in the Council offices - especially with transparency in government. Mr. Lichter agreed with the transparency comments but Mr. Ranker stated he did not wish to share an office and thought that the three San Juan Island Council Members would each want to have a place to do their work and to be able to close a door for privacy. He did not agree with Mr. Myhr that the Council had until November to decide on what to do. After further discussion, Chair Lichter stated that he appreciated the comments of Mr. Rose and wanted to reflect on these. He asked that Mr. Rose think about and present ideas for funding a new building if at all possible. **It was the consensus of the Council to place this matter on the agenda for the following week to review any new options and ideas.**

5. Request for Funding for the Agriculture Resource Summit August 31, 2006 – The Council carried this request forward until Mr. Ranker returned. Mr. Myhr and Mr. Lichter briefly explained that the information received concerning the event and the monetary request was different than had been previously presented by Mr. Ranker. Councilman Ranker briefly reiterated the importance of the event, the benefit of working regionally with four other counties as opposed to working as an individual county. He stated that the August 31 meeting is expected to have attendees from the participating counties and state and federal representatives. He added that Skagit and San Juan Counties were the co-hosts for this meeting; and said that Skagit has a full-time staff person who will contribute time, in addition to other funding. SJC was being asked to contribute \$1,500. The Council asked if this payment was for a facilitator. After discussion, Mr. Ranker agreed that the County's contribution would pay for this expense. Mr. Myhr suggested that SJC had staff in the Extension Office, the Conservation District, and the Noxious Weed Control Board and that they may want to contribute a portion. Mr. Lichter stated

again that he was supportive of farmers and agriculture, and very supportive of the summit. However, he pointed out that SJC has a population of 15,000 and Skagit County has 150,000; and, the amount being requested was not an equitable share. Mr. Ranker again requested the Council consider funding the amount of the request noting that at prior summit meetings other hosting counties had contributed over \$20,000. The Council asked the ir Clerk where this money would come from. She replied that it could be an emergency appropriation or could be taken from the Council's Professional Services Budget. Council Chair Lichter stated he was willing to approve \$500. Mr. Ranker felt this was not enough. Mr. Myhr stated he had no problem supporting agriculture in SJC, but the real issue is that there were mixed messages given to him and Mr. Lichter. He stated he was willing to expend \$1,000 adding that there was no question on providing financial support but he wanted additional information. Mr. Ranker asked if the issue could wait one more week to allow him to get additional answers to questions that were posed. **It was the consensus of the Council to carry this matter over one additional week in order for Mr. Ranker to provide additional information.**

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. – (Commenced at 11:18 a.m. due to time constraints) County Administrator Council Briefing. Also present: Randall Gaylord, Prosecuting Attorney, and interested citizens.

1. General Updates Regarding Proposed Agreements – Mr. Rose noted that the County is approaching finality on several pending agreements which include interlocal agreements with the Town of Friday Harbor on Capron Funding, Fire Protection District/Fire Marshal Agreements, and the Lopez Senior Center. Mr. Myhr noted that he had spoken with Deputy Prosecuting Attorney, Karen Vedder, regarding the Lopez Senior Center and that she had explained there needed to be a "person of substance" called out. He asked Mr. Rose if he would speak with John Manning, Health and Community Services Director, for a name of a person to serve in this capacity so that the center can move forward. Mr. Rose will check into this request. Mr. Rose then noted he had been working with David Goldsmith, former County Administrator Pro-Tem; Karen Vedder; and Carol Macllroy of Shared Strategy for the Puget Sound, regarding the Memorandum of Agreement for the San Juan County Eco-Based Initiative. Mr. Ranker stated that he had been briefed on the status of this project but wanted it to move forward as soon as possible, as further delays could cause a loss of additional private foundation funding. He explained some of the issues that had been previously discussed. Mr. Rose stated that the County needs this process to be transparent, to which Mr. Ranker agreed and shared that Mr. Myhr had attended the first meeting of this group the prior week and a diverse group of individuals attended.

2. 2007 Budget Call – Mr. Rose offered historical budget information, commented on the actual letter that was sent out, and discussed the big-picture of policy direction.

3. Carlson Building Purchase Closes Today – Mr. Rose noted he had signed the papers and that half of the closing costs is the assumption of debt.

4. Request to Approve the Resignation of Laura Arnold as a Consultant – Mr. Rose noted that Ms. Arnold had sent a request to be relieved of her contract with the County for additional work on the appeal process related to Hearing Examiner decisions. After discussion, the following action was taken: **Moved by Ranker, seconded by Myhr, to accept Laura Arnold's resignation from her contract. Motion carried.**

5. CDBG Grant Process – Mr. Rose stated that he had one entity contact him on this annual process and that he will set up the process for a hearing in September. Mr. Myhr asked what types of projects would be eligible for these block grants. Mr. Rose answered that SJC is part of a non-jurisdictional region and so it is one "pot" and there is competition for funding. He explained that housing and Human Services tended to be the largest recipients of funding. Mr. Myhr asked if storm water systems would be eligible and Mr. Rose explained how this would have to be done in order to fit the criteria for infrastructure.

6. General Updates – Mr. Rose noted that he has been attending many meetings around town with various groups and that he has a steep learning curve. He asked the Council for their indulgence for a short period of time. He noted he would like to remain in the big picture for the benefit of the County. He asked if the Council had any comments for him. **Mr. Myhr stated he wanted to be sure that Community Development and Planning (CDPD) was fully funded and that he was eager to be certain that the County moves the Eastsound and Lopez UGA's forward as soon as possible because agreements are needed to be put in place, particularly with for Fisherman Bay Sewer and Water district. Noting that this is a budget item, he requested consideration of a fully-funded staff person to be able to do this work as the County staff has been depleted for so long.** Mr. Rose noted that Mr. Henrickson, CDPD Director, would appreciate this support for staffing and added that he has spoken to him to request information on these issues. Mr. Ranker added that his number one priority for next year is for CDPD to have adequate staffing to satisfy their deliverables. Mr. Lichter's comments included addressing land use and development, wages, housing prices, the lack of affordable housing, and to be certain that we do not reach the state of Aspen and Nantucket – in effect he called for a long-term vision. He added that he feels completely confident that working together we can achieve this and maintain environmental protection for the

community and environment. Mr. Myhr noted that the Council is doing “team-work” and that the new Charter has brought about changes that citizens are only slowly beginning to understand in the overall culture of the County. He also commented that he thought we, as a County, were already far along toward Nantucket and Aspen noting he had lived on Martha’s Vineyard 40 years ago. Having revisited there a few years ago, he stated that he sees the same patterns as we have here. Mr. Ranker added that even though the Council was working well together, he did not feel it was good to “butt heads” with the Prosecutor and did not feel good about this. He concluded the discussion with the comment that we may look forward to greatness in the future, however, it is just difficult right now.

1:30 p.m. - A public hearing was held to consider the San Juan County Six-Year Transportation Improvement Program. Present: John Van Lund, County Engineer; Jon Shannon, Public Works (PW) Director; interested County staff; and interested citizens. Mr. Van Lund began by recognizing Guard Sundstrom, PW Office Engineer, and Joanruth Baumann, PW Planning and Programs Manager, who assisted in putting the program together. He then presented his Staff Report dated July 26, 2006, which included the recommendations and approval of the Planning Commission. Mr. Van Lund answered questions from the Council in detail, and Council Members complimented Mr. Van Lund on the excellence of the documents before them. Public testimony was opened, submitted, and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Myhr, to adopt **Resolution 44-2006**, a resolution adopting the San Juan County Comprehensive Six-Year Transportation Improvement Program for 2007-2012, including the recommendation of the San Juan County Planning Commission. Motion carried.

2:30 p.m. - A continued work session was held regarding a proposal for the Council to hear appeals of the SJC Hearing Examiner decisions. Present: Randall Gaylord, Prosecuting Attorney, and interested citizens. Mr. Gaylord read from his memorandum of July 27, 2006 addressing an in-depth review of the work session held the week before. His proposal for the process was reviewed page by page, with Council questions answered if posed. In summary, this new proposal separates those matters that would be heard on appeal into two classes. One class would be those matters that would be appealed to the Council and the second would be those that would be appealed to the Shoreline’s Hearing Board or Superior Court. The Council discussed the concept, the benefits, and the drawbacks at length with Mr. Gaylord. Chair Lichter asked if those in the audience would like to comment on the proposal. The legal director of the Friends of the San Juans stated she felt this was a sensible solution that will appeal to everyone and offered her suggestions for further consideration. Mr. Rose offered his comments on certain classifications of potential appeals and explained why he felt they should be excluded from those that the Council would consider hearing. Mr. Gaylord emphasized that any appeal heard by the Council would be a closed-record appeal. After a lengthy discussion, Mr. Lichter stated that he felt it was the sense of the Council that they were in favor of this classification system and would like to proceed with a draft ordinance. Mr. Gaylord stated he would attempt to put a draft ordinance together but suggested that the Council make information available for public comments as well. **The Council scheduled 2:30 p.m., Tuesday August 8, for a continued work session to review a draft ordinance.**

ADJOURNMENT – Council Chair Lichter adjourned the meeting at 3:47 p.m. A special meeting was scheduled for Monday, August 7, 2006 and the next regular meeting was scheduled for Tuesday, August 8, 2006.

These minutes were approved and signed on August 8, 2006. The original document is retained in the Council’s permanent proceedings file dated July 31 and August 1, 2006. Attest: Carolyn Morrison, Clerk.