

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
AUGUST 14 AND 15, 2006**

Monday, August 14, 2006 - Council Conference 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; and Clerk to the Council, Carolyn Morrison, were present.

ANNOUNCEMENTS/SCHEDULE CHANGES

The Council and Council Clerk will visit the Public Works Department Administration Building for an informal lunch with Public Works staff, the County Administrator, and Members of the WA State County Road Administration Board (CRAB) at noon today.

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 11:45 a.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Tuesday, August 15 2006.

Tuesday, August 15, 2006 – Islander's Bank Community Meeting Room and Council Hearing Room

CALL TO ORDER

Council Chair Lichter called the meeting to order at 10:00 a.m., at Islanders Bank Community Meeting Room. Council Members Ranker and Myhr; County Administrator Pete Rose; and Clerk of the Council, Carolyn Morrison were present.

CITIZEN ACCESS TIME

Jim Francs and Richard Durhack - Regarding the Aliquot measurement of land parcels in San Juan County. Note: Although the Council does not normally respond to matters brought forward during Citizen Access Time, Chair Lichter stated that this matter will be discussed on September 5, 2006 during the Council's Discussion/Other Action Agenda Time.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

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

CONSENT AGENDA

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of August 15, 2006** as follows:

A. Appointments:

1. Approve the appointment of Julie VanCamp to the SJC Lodging Tax Advisory Committee as a representative from the Lopez Center for Community and the Arts with a term to begin immediately and to expire December 31, 2007.

B. Correspondence:

1. Sign the letter to Julie VanCamp confirming her appointment to the SJC Lodging Tax Advisory Committee.

C. Miscellaneous:

1. Approve the contract drawings and specifications for the San Juan County 2-Lane Rural County Roadway Pilot Program, San Juan Island Guardrail Installation, for approximately 3,986 lineal feet of Weathering Steel Beam Guardrail as follows: Roche Harbor Road Curve Guardrail (MP 0.97-1.12); Beaverton Valley Road Guardrail (MP 1.31-1.81); and Beaverton Valley Road Guardrail MP 2-3); and, authorize the Chair to sign on behalf of the Council.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 12-2006 – (Refer to PUBLIC HEARINGS/MEETINGS/WORK SESSIONS, 1:30 p.m., for details of action taken.)

MISCELLANEOUS ITEMS:

1. Snohomish County PUD (SCPUD) and SJC Joint Meeting Update – Councilman Ranker reported that he had met with the SCPUD Chief Counsel, Jeffrey R. Kallstrom, and SJC Prosecuting Attorney, Randall Gaylord, last week to discuss what was actually planned for this project. As previously reported, the SCPUD has filed for research permits; however, it could implement a small-scale pilot project. The process could take up to five years. A meeting has been scheduled for Monday, September 11, 2006 at 10:00 a.m. to include the SCPUD representatives, the Council, representatives of the Marine Resources Committee, OPALCO, the Port of Friday Harbor, SeaDoc Society, and interested parties. (Clerk's Note: This event will be held at the Key Bank Meeting Room in Friday Harbor.)

2. Stormwater Project Status Report – Present: Matt Zybas, Public Works Utility Manager. Mr. Zybas reported that the Steering Committee for this project consists of Brent Snow (Roche Harbor Resorts), Jim Nelson (Eastsound Water Association and Bayside Cottages), John Evans (San Juan Builders Association), Patty Miller (Eastsound property owner), Rachel Dietzman (MPD Engineers), Ralph Gutschmidt (Citizens for Responsible Government), Steve Hussy (San Juan County Conservation District), and Stephanie Buffum-Field (Friends of the San Juans). The committee had agreed to meet five times to write a mission statement, identify goals and location of utilities including guidelines for water quality, establishing fees, and other stormwater issues. The committee facilitator is Chris Hoffman of Norton-Arnold & Company who is very experienced in this field. Mr. Zybas stated that at the September 20, 2006 meeting of the committee, he will want recommendations from the group to present to the Council. Councilman Myhr asked who had selected the members of the committee. Mr. Zybas answered that he and staff had selected the committee members, and he did speak with individual Council members, but there were no persons from Lopez available to sit on this committee. He suggested that the Council and public go to the Public Works Web Site and click on "Stormwater Utilities" for a complete history of the committee's meetings and draft documents. Councilman Ranker asked if there were any issues on this topic with the Town of Friday Harbor. Mr. Zybas explained that there were and they will be addressed. One location is Jackson Beach. Mr. Myhr said he had spoken with Chris Hoffman, the consultant, but that steering committee membership had not been discussed. The Council thanked Mr. Zybas for the report.

3. Solid Waste Advisory Committee (SWAC) Public Meeting Update – Councilman Ranker reported he had attended the Thursday, August 10th evening meeting of SWAC and estimated that approximately 110 people had attended. He stated that those present from the community wanted to be responsible for "our own waste." He noted that Edie DeChadenedes (Public Access Television operator for Council meetings) had told the group that, "We need to be ecologically responsible." He said that, in his opinion, curbside service was off the table, but may be an option in the future. The majority of those present wanted to use the existing transfer facility, and the consultant is now working on draft designs to see if it can be done. He added that if there is a redesign, the County-owned property on Sutton Road might be included. Mr. Ranker concluded the report by stating that he appreciated the Solid Waste staff coming to the meeting to relate how it is to work at the San Juan Island Transfer station.

4. Lodging Tax Revenue and Disbursement Updates – Councilman Myhr explained that the first two percent of these funds, commonly referred to as "Hotel/Motel funds," support County parks, museums, the County Fair, etc. The second two percent of this special Lodging Tax funding was enacted to promote tourism in the shoulder

season. Currently funding from this second two percent has been awarded to the San Juan Island Visitor Bureau (SJIVB) under a contract that expires at the end of 2007. The amount of the award is capped at \$350,000. Any amount that is deposited into that fund over that amount is to be awarded by RFP to other qualifying entities by a decision of the Council. He reported that an award was made to the San Juan Island Chamber of Commerce in 2005 for 2006 because of an estimated \$15,000 in additional revenue. However, after all revenue had been posted, the total amount available was only about \$400. The SJC Auditor estimated that funding for 2006 may not meet the \$350,000 amount which is allocated to the SJIVB. Mr. Myhr wanted to let the citizens know that an advertisement will be placed in the paper stating that it is anticipated no funding will be available for any other qualifying projects in 2007. He added that the Lodging Tax Advisory Committee (LTAC) had met and discussed the existing ordinance and resolution, as these documents require amendments pursuant to the direction of the State Auditor and new Charter. The committee currently numbers nineteen (19) and the LTAC made a motion to have the committee consist of thirteen (13) total members (six which receive funding, six which contribute to the funding, and one elected official). Other issues will be reexamined as well.

5. Space Issues for the Courthouse and the Carlson Building – Present: Available Elected and Appointed Officials and staff members. Council Chair Lichter began by stating that his suggestion of the prior week to have the Prosecuting Attorney move across the street to the Carlson Building was being retracted. He then stated that he was now suggesting to his fellow Council Members that the Council and the Administrator and staff move to the Carlson Building and leave the Courthouse to Law and Justice. Mr. Ranker stated he was absolutely in favor of moving to the Carlson Building and setting up in a way that works for the Council and the citizens. He added his personal comments and concluded by saying that with this decision, it allows for the legislative and administrative branches to conduct County business, and provides a way to take care of County employees. Mr. Myhr stated he had nothing more to add except that he understood the difficulties of the situation from the beginning and was comfortable with this decision. He added that he appreciated the help provided by the Administrator. Comments from the audience were allowed. Paul Dossett, County Assessor, stated that this was the right decision and he applauded the process. He concluded with this decision being the “right” beginning for a new building. Others concurred. The following formal action was taken: **Moved by Ranker, seconded by Myhr, to begin the process to move the Council and County Administrator to the Carlson Building; and that the County spends the resources necessary to produce a worthwhile and efficient facility. Motion carried.** Mr. Rose stated that he will convene a committee and that the budget would need to be amended. Chair Lichter then stated that he tasked the Administrator with convening a committee to discuss and plan how the current Council space will be used, with due process and deliberations, so there will be no infighting, and then submit a recommendation to the Council. **It was the consensus of the Council to have such a committee convened to recommend how the Council’s current offices will be used after the Council moves to the Carlson Building.** Mr. Ranker stated that he was still committed to constructing a new building and that he knows that Mr. Rose has ideas. The Council agreed that they wanted additional information on finances for a future discussion.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. – County Administrator Council Briefing. Also present: Si A. Stephens, County Auditor, and interested citizens.

1. Update on Financing for Additional Space Needs for the County – Mr. Rose reported that the Prosecuting Attorney had stated that his 1999 opinion, that a new Real Estate Excise Tax (REET) could be imposed without a vote of the people, was still valid. He reviewed a 2003 report done by the Auditor that referred to other sources of potential funding such as an excess levy, road levy shift, bonding, etc. He stated that there may be other funding sources and the possibility of shifting REET 1 funding from storm utilities. These will be discussed more in the future. It was reiterated from prior discussions that there will be about \$229,000 freed up in 2009 and new bonding could be implemented for a 20-30 year period. It was agreed by the Council that there was no decision being made today until all information is known. Mr. Rose stated he will have a planning group review the dollars; and, another group to study the Carlson Building improvement costs. Mr. Rose noted that this will be a phasing process. Mr. Ranker wanted the work to be done with the Council. Mr. Lichter emphasized that there will be no decision on a new building until all the facts are known including any partnerships, who will use the building, what is actually needed, etc. He suggested that a professional firm be engaged to make a recommendation under the supervision of the County Administrator. Mr. Ranker stated that he would rather defer to Mr. Rose as so much money had previously been spent, and some of the studies may be usable. However, he would leave the decision to Mr. Rose. Mr. Rose stated that he would use in-house staff to start; but, if “we” get into partnering and actual financing, then it is good to have a third party who is neutral. Mr. Myhr added that in the recent past the County had purchased three major properties at over a million dollars each to lay a foundation for the future. But,

the County also spent dollars to do so and we need to be careful as we look forward. He added that there needs to be consolidation and state of the art facilities.

2. Eden Accounting System Update – Mr. Stephens handed out a new timeline of the process of implementing the Eden system and explained the information. He noted that he has determined that the modules are resistant to County needs, but there is a good contract in place and the provider will meet “our” needs. He reported that employees may be able to work from remote stations in the future and that the County staff is working on this possibility. There are 25 Junior Taxing Districts in the County that may also be able to use Eden from remote stations as well. To test this, the Auditor’s office will start with the larger districts, like the Port of Friday Harbor, some time next year. Mr. Stephens stated he wanted to return before the Council in October or November to relate the successes of the program. The Council then asked questions about how this system is working for all departments. Mr. Stephens noted that the end product and the query ability are good. However, inputting information is very burdensome, which he did not expect. He stated that the provider will “need to step to the plate” per the contract specifications. Mr. Rose added that the system is auditable and the State likes this. He added he has used this in another jurisdiction. Discussions were held on the possibilities of future uses of this program such as on-line payments for taxes. Mr. Stephens did state that the payroll portion of the implementation was going like clockwork.

3. Code Enforcement Update – Mr. Rose stated that Jeff Wasnick, Code Enforcement Officer, was compiling a list which will be ready next week.

4. Bond Sale Update – Mr. Rose noted that the bonding for the Carlson Building, Turtleback property, and related expenses will be heard at a public hearing on September 12 before the Council, and the bond award will be in October. The Council requested the information on this matter well in advance.

5. Lopez Subarea Plan Proposal – Councilman Myhr requested that a discussion be held as soon as the appropriate staff was available to consider moving forward with a Subarea Plan for Lopez Island.

1:30 p.m. - A public hearing was held to consider an ordinance renaming the Emergency Services Department and establishing the revised priority for persons authorized to declare a state of emergency; and amending SJC Code Chapter 2.48 and Ordinance 9-1998. Present: Brendan Cowan, Department of Emergency Management Director, and interested citizens. Mr. Cowan began by explaining how he had worked with the Town of Friday Harbor and Town Administrator; County Administrator Pro-Tem, David Goldsmith; the County Sheriff; the Fire Districts; and other applicable agencies. He addressed all the changes being proposed and how they coincide with changes in state laws and in the County per the adoption of the Charter. He answered the questions of the Council. Specific wording changes were requested by Council Members. Public testimony was opened and it was noted that testimony should be submitted to include the changes suggested by the Council. After testimony was concluded, public testimony was closed. Deliberations were held. It was agreed that the Council would approve the content of the Ordinance with the changes specified and then adopt the Ordinance after a brief recess to allow the Council Clerk to make the changes. The following action was then taken:

Moved by Ranker, seconded by Myhr, to approve the ordinance renaming the Emergency Services Department and establishing the revised priority for persons authorized to declare a state of emergency; and amending SJC Code Chapter 2.48 and Ordinance 9-1998 with the changes suggested today: delete Home Rule in the first Whereas; change 2.48.100 removing “members” and adding new language in the same paragraph to read :”A state of emergency may be declared by any one of the Council members in the event no other Council members can be contacted.” Motion carried.

A recess was called for 10 minutes to allow for the changes to be made. The following action was then taken:

Moved by Ranker, seconded by Myhr, to adopt **Ordinance 12-2006**, an ordinance renaming the Emergency Services Department and establishing the revised priority for persons authorized to declare a state of emergency; and amending SJC Code Chapter 2.48 and Ordinance 9-1998. 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 Karen Vedder, Deputy Prosecuting Attorney; and interested citizens. It was noted that Randall Gaylord, Prosecuting Attorney, had sent a request to the Council Clerk to postpone this discussion on the proposed draft ordinance until September due to the workload in his office. Ms. Vedder was present to assist with any questions the Council might have. The outline prepared by Mr. Gaylord in his memo to the Council dated July 27 was reviewed. Mr. Lichter informed Ms. Vedder that during the last work session with Mr. Gaylord, the Council had agreed that Shoreline Permits and Simple Land Divisions were to go from Column B to Column A. The subject of Clearing and Grading Permits was again discussed. Mr. Ranker wanted additional information. He also stated his concern in the delay of having this matter scheduled for a public hearing. He

asked if a draft ordinance would be available upon Mr. Gaylord's return from his vacation. Mr. Lichter stated he concurred that a draft ordinance should be ready as soon as possible so the matter can go forward with the changes previously discussed. The Council requested a memo be prepared that would define the effect by example of certain types of appeals that may be brought before the Council. Mr. Ranker stated he was still not decided on the issue of Clearing and Grading Permits and wanted to hear from the public. Mr. Lichter stated that the Council would not hear these types of permit appeals. Mr. Lichter then allowed a comment from Stephanie O'Day, a local attorney. Ms. O'Day stated that she did not agree that the current proposal by the Prosecuting Attorney would address the issue and suggested that an ordinance would be challenged because it is inconsistent with the Charter. At the conclusion of the discussion, it was noted that should there be a challenge to an ordinance regarding this issue, the courts will decide the issue of multiple appellants. **The Council agreed to schedule a work session with the Prosecuting Attorney to review a draft ordinance on Monday, September 11, at 1:30 p.m.**

ADJOURNMENT - The meeting was adjourned at 3:09 p.m. by Chair Lichter. A special meeting was scheduled for Monday, August 21, and the next regular meeting was scheduled for Tuesday, August 22, 2006.

These minutes were approved and signed on August 22, 2006. The original document is retained in the Council's permanent proceedings file dated August 14 and 15, 2006. Attest: Carolyn K. Morrison, Clerk.