

## SECTION A

### MEETING MINUTES SAN JUAN COUNTY (SJC), WASHINGTON COUNTY COUNCIL August 4 and 5, 2008

Monday, August 4, 2008 - Council Hearing Room, Legislative Building, FH

#### CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

Council Chair Howard Rosenfeld called the staff meeting to order at 10:04 a.m. Council members Kevin Ranker, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

#### CITIZEN ACCESS TIME

**Bill Wright** came before the Council for a determination on whether or not the Ferry Advisory Committee (FAC) and other advisory boards are considered by the Council to be governing bodies and subject to the Open Public Meetings Act (OPMA). He noted that the PA has indicated that the FAC is not, as recently as this weekend at the League of Women Voters meeting. He added that if the PA was to abide by his statement, he would be violating a person's civil rights by demanding personal emails [from FAC members]. Mr. Rosenfeld stated that the County has established that all SJC committees do comply with OPMA and that the PA is an independently elected official.

#### EXCUSED ABSENCES

Moved by Lichter, seconded by Ranker, to approve the absence of **Mr. Peterson**, who is away on a family vacation. Motion carried unanimously.

#### CLERK UPDATE

**Clerk Larson** reported that the binders for the August 12, 2008 meeting on Orcas have been prepared in advance for Council review and that public comment, regarding the Orcas Village Plan, is in a single reading file. She also reported that warrants will need to be signed off by the Council and that Auditor Henley is looking into a way of streamlining this by way of the Consent Agenda. Ms. Larson briefed the Council on a document preservation proposal included in the binders and informed the Council that Museum representatives would be present at 11:20 a.m. to report on this. Ms. Larson suggested to the Council the idea of adopting Action Minutes to reduce printing fees. Council discussion took place regarding publishing Action Minutes in the newspaper and detailed notes on-line. Mr. Cory inquired about Council approval of the notes for content. Mr. Rosenfeld expressed concern over Adoption of Minutes and Notes and legal printing requirements, stating that the Council would need a legal opinion. **Department Assistant See** reported that although the Health and Community Services Board approved of Dr. Harold Letzer's application to their Board, Council approval was also necessary. Ms. See was directed to place his appointment on consent. She was also asked to place Kai McIntyre on Consent for the Agricultural Resource Committee. Ms. See confirmed that there is a residency requirement for the NW Agricultural Business Center and that she is seeking an appointment for Lopez Island.

#### ADMINISTRATIVE MATTERS

Council schedules, Minutes and agendas were reviewed and discussed.

#### COUNCIL MEMBER UPDATES

**Ferries** – Mr. Rosenfeld reported on the Kitsap Regional Coordinating Council meeting that he attended on July 31, 2008. A comment made by Don Munks, a Skagit County Commissioner, that San Juan is an island of retired rich people, confirmed to Mr. Rosenfeld that our presence and reliable data is necessary for us to be taken seriously regarding ferry issues and funding. He identified two action items as: funding for SJC economic impact analysis; and developing a political strategy. He reported that a summit in Pt. Townsend was being planned and he had requested that it not conflict with our September 17, 2008, Transportation Summit. Discussion followed

regarding appropriate representation at these meetings, the marginalization SJC is experiencing related to ferry service, and the possibility of seeking federal assistance. **Veterans' Advisory Board (VAB)** – Mr. Lichter reported that interviews were underway for the VAB vacancy and that a recommendation from the Advisory Board Interview Committee was forthcoming. **Stormwater** – Mr. Myhr reported on suds being discharged into the harbor due to incorrectly plumbed sewer connections. Photographs of this discharge were made available to the Council. Remedies were discussed, including working proactively with the Town of Friday Harbor. Discussion included further reaching effects, including negative impacts to the efforts of the Puget Sound Partnership. **Legislative Priorities** – Mr. Myhr reviewed the list of legislative priorities and Mr. Rosenfeld requested the list be circulated to the Council electronically to allow input and response back to Councilman Myhr. **Charter Completion** – Mr. Knapp requested that agenda time be made available in September to discuss enforcement, with PA and the SJC Enforcement Officer present. **Affordable Housing** – Mr. Lichter requested that staff re-name this item under discussion to Community Health/Smart Growth and distributed his plan for review prior to discussion tomorrow. **Lobbying** - Mr. Ranker provided a report to the Council, analyzing his lobbying efforts over the past year and outlining three scenarios to consider in the future for maximum benefit to the County, evaluating both cost effectiveness and potential for optimum results. He reviewed in detail how each of the scenarios would work and their approximate cost. Council discussion followed, including the probability of incentivizing and/or review by the salary commission to make appropriate compensation adjustments according to added responsibilities and expenses of Council members. He stated that these recommendations needed further discussion and conclusions in order to make a recommendation to the CA and program request of the Auditor, and that a plan of action in the near-term would be necessary. Mr. Knapp suggested ranking the options for this discussion. Mr. Rosenfeld requested agenda time next Monday at 11:30 and Mr. Lichter suggested addressing this in advance of Administrative Matters so that Mr. Ranker could be available to participate in the discussion.

**1. Document Preservation Proposal** – Mr. Rose reported that the museums on San Juan, Orcas, and Lopez had submitted a written appeal requesting a surcharge being collected by the County, under HB 1386, be distributed to them for historical document preservation. Ms. Henley, Auditor, confirmed that these funds, authorized by the State, and accumulated with one dollar from each document recorded by the County, build at approximately \$8,000 per year, totaling approximately \$23,000 to date. She explained that the funds are intended for use in historical preservation projects. She reported that no prior requests had been made for this money, but that a state-wide movement to request these funds had come to the attention of residents here. Ms. Henley answered questions from the Council, and representatives from the San Juan and Orcas museums spoke regarding their proposed use of the funds. Ms. Henley suggested revisiting an earlier recommendation of making the funds available through an RFP, which she had written. She reminded the Council that the question before them was to decide whether to give the money to Historical Museums, or go back to an RFP process. Mr. Rosenfeld stated that the Council had consensus that funding be project-specific for preservation of historic documents. Mr. Lichter was in favor of involving school-age youth in these projects, as is already the practice on Orcas Island, for educational and enrichment value. Mr. Rose shared considerations such as whether or not SJC could be an applicant and the idea of a large document scanner that everyone with large historic documents could benefit from, adding that some SJC documents are historic, such as an original 1892 grant of road easement. He also said that the RFP could help determine the universal need. Ms. Henley read from language included in the RFP award criteria, including the minimum eligibility requirement of non-profits and government. Mr. Rosenfeld thanked those present and said the Council would take it under consideration. Ms. Micki Ryan, Director, Orcas Island Historical Museum, invited the Council for a tour while there next Tuesday.

**2. Introduction to Ordinance Regarding Purchasing Procedures** – Ms. Vedder, Deputy Prosecuting Attorney, reported that she had discovered a gap in signature authority on Professional Service Contracts (PSC) in the Purchasing Procedures Ordinance that was passed last Tuesday, and immediately drafted and sent to publication, a correction Ordinance, so that all contracts that typically go to Mr. Rose for signature won't require Council signature. The Ordinance is set for Council consideration and public hearing on August 19, 2008. As a stop-gap measure, Ms. Vedder presented a Resolution for Consent on Tuesday, August 5, 2008, authorizing Mr. Rose to sign PSCs within the County budget either until August 29, 2008, when the "correction" Ordinance takes effect, or August 19, 2008, if the Council decides not to adopt the Ordinance.

**3. Introduction to Ordinance Regarding Council Procedures** – Mr. Matthews, Communications Program Manager, presented an amendment Ordinance for the Rules of Procedure for SJC regarding regular meetings. Mr. Matthews answered questions from the Council. It was decided by Consensus that the practice of excusing absences should apply to Monday meetings. The importance of maintaining provisions for meetings on other

islands, whether they are considered regular or special, was discussed. Mr. Rosenfeld stated that with those changes the ordinance should be ready to bring forward.

**12:30 – Ferry Advisory Committee Joint Meeting Discussion** – (Commenced at 12:45) Present: Ed Sutton, FAC Chair; and members Rob deGavre and John Whetten; and interested members of the public were present. Mr. Sutton reported on the lack of funding for ferries resulting from the passage of I-695. He pointed out that past discussions have focused on plans and recommendations regarding long-term solutions, but expressed the necessity to pay attention to the near-term. Council and Committee member discussion included distribution of state funds, fare-box recovery (FBR), maintaining the current level of service (LOS), at a minimum, for island runs, a potential change in scheduling ferry staff due to a USCG study, and challenges faced in addressing these issues, such as the rising cost of fuel, decline in ridership, the inability to track ridership by route with the new ticketing system, and the lack of back-up ferries in the event of break-downs. Mr. Rosenfeld reported that the State is looking for 80% FBR and currently SJ is well below 50%. After lengthy discussion it was decided that careful strategic planning needs to take place. Proposing a funding schedule akin to the “Remote and Necessary” funding available by Washington State for public schools was discussed in this regard, as well as a Public Transportation Benefit Area, providing incentives for local public transportation to increase walk-on ridership, and seeking grants for rural public transportation, showing an aggressive stance towards trying to protect vehicle space for essential, and commercial vehicles, and to provide for tourism. Mr. deGavre expressed the necessary outcome as finding a stable source of financing for the ferry system and suggested a tax since it is not feasible to accomplish this through fares. Ms. Illg agreed, suggesting the Council may have the ability to designate a small percentage of County sales tax for transit. Mr. Sutton concluded that if a solution isn’t found and our LOS changes from what it is today, it would have a great impact on how we live. Mr. Rosenfeld said he would circulate his notes for prioritization and further Council discussion.

**RECESS** - At 2:02 p.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, August 5, 2008.

<b>Tuesday, August 5, 2008 - Council Hearing Room – Legislative Building, FH</b>
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**CALL TO ORDER**

Council Chair Rosenfeld called the meeting to order at 10:00 a.m. Council members Kevin Ranker, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

The flag salute was conducted.

**EXCUSED ABSENCES**

Moved by Myhr, seconded by Lichter, to approve the absence of **Mr. Peterson**, who is away on a family vacation. Motion carried unanimously.

**NEW EMPLOYEE INTRODUCTIONS**

**CITIZEN ACCESS TIME**

**Mike Kaill** was present to report on the damage to marine life and species in his tank due to surfactants in the harbor. He began testing the waters in April and when the detergent level continued to be high after notifying the Town, County, and Port, he notified the Department of Ecology. Mr. Kaill stated the DOE violation fines are around \$10,000. Council discussion took place. Mr. Myhr pointed out that this was a discussion item before the Council on Monday. Mr. Ranker suggested screening the outfall until the source is determined and corrected. Mr. Rosenfeld thanked Mr. Kaill for his report.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

## APPROVAL OF MINUTES

Moved by Lichter, seconded by Ranker, to approve the Minutes of **July 28 and 29, 2008**. Motion carried.

## CONSENT AGENDA

Moved by Lichter, seconded by Knapp, to approve the **Final Consent Agenda of August 5, 2008** as follows:

### A. Resolutions & Ordinances:

1. A Resolution to convey a Grant Deed of Conservation Easement to the San Juan Preservation Trust on the Watmough Bay property (formerly owned by Meng).
2. A Resolution to Clarify Signatory Authority for Professional Services Contracts.

### B. Contracts/Agreements: (No items.)

### C. Budget Items:

Bill Approval for Warrants #'s 48450 and 48480, and Wire Transfer #07242008

### D. Personnel: (No items.)

### E. Appointments:

1. A letter appointing Harold Lentzer to the SJC Health and Community Services Advisory Board, Position #8, beginning immediately and expiring August 31, 2011.
2. A letter appointing Kji McIntyre to the SJC Agricultural Resources Committee, Position #8, filling an unexpired term. The term begins immediately and expires on August 31, 2009.

### F. Correspondence: (No items.)

### G. Miscellaneous: (No items.)

### H. Bid Openings: (No items.)

Motion carried.

## ACTION AND DISCUSSION ITEMS

### ORDINANCES/RESOLUTIONS:

**ORD. NO. 34-2008-** (Refer to PUBLIC HEARINGS, 11:40 a.m., for details of action taken.)

**ORD. NO. 35-2008-** (Refer to PUBLIC HEARINGS, 11:40 a.m., for details of action taken.)

**ORD. NO. 36-2008-** (Refer to PUBLIC HEARINGS, 11:40 a.m., for details of action taken.)

**RES. NO. 63-2008** – (Refer to CONSENT AGENDA, August 5, 2008, for details of action taken.)

**RES. NO. 64-2008** – (Refer to CONSENT AGENDA, August 5, 2008, for details of action taken.)

## PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

### COUNCIL UPDATES:

**Transportation Commission** – Mr. Rosenfeld reported that on September 18, 2008, the Transportation Commission would be in Friday Harbor and the Council and FAC discussion would take place from 10:15 – 11:15 a.m. **VAB** - Mr. Lichter reported that the interview subcommittee unanimously recommended the Council accept the application of Shannon Plummer as the new VAB member and that his appointment would go on Consent for next week. **Community Health/Smart Growth (CHSG)** – Mr. Lichter referenced a paper he wrote, *Prospectives and Possibilities for SJC*, stemming from a presentation by Mr. Pagini, Land Planner for Nantucket. During the two-day workshop in June of 2007, that compared Nantucket with SJC, it was discovered that SJC was well on the road to “Nantucketization,” which for Nantucket meant a loss of community, an enclave for the rich, and service-workers commuting from other communities. Mr. Lichter stated that in order to retain a high quality of “place” in SJC, SJC should adopt National Smart Growth principals and undertake long-range planning immediately. He referenced a CHSG checklist to sketch overarching goals and a program for the future. He pointed out the transportation checklist on page 2, which addressed streets, paths, travel patterns, connections for shopping, bike paths, and trails, for transit-oriented development. He asked if SJC has enough public places that foster community interactions, with clearly designed guidelines so these spaces work together to create a sense of place; events to celebrate heritage and community character; and historic preservation. He offered to bring in Smart Growth projects that other communities have undertaken, resulting in extremely livable, high quality

communities. He added that communities that grow up topsy-turvy with band-aids along the way suffer consequences of that kind of growth. Mr. Lichter asked for an hour of discussion to begin work towards a Smart Growth plan for SJC. Mr. Rosenfeld expressed difficulty in determining where to start with our unique community. Mr. Knapp pointed out that the County does have a Smart Growth plan in the Growth Management Act (GMA) and that the GMA needs to be looked at as a friend rather than an enemy. Mr. Myhr agreed, adding that looking at a visualization of where these islands are going to be 30-40 years from now would be helpful. **Ferries** – Mr. Ranker will report on a response expected shortly from Jill Satran regarding Capron Funds and economic impacts associated with WSF, and an idea of economic analysis relative to revenue stream for Washington State related to tourism. **Washington State Association of Counties WSAC** – Mr. Ranker announced that he received notice that Scott Marriman is the newly appointed Deputy Director of WSAC.

## DISCUSSION

**10:20 a.m. FAC Joint Meeting Update** – Mr. Rosenfeld summarized key points from yesterday’s meeting, which had been called to ensure the FAC and Council were in agreement regarding ferry issues. He stated that it is important to determine a WSF economic impact analysis prior to any change in LOS taking place, as Eastern Washington’s case for roads is our case for ferries, relative to freight and rural community connectivity; associating FBR and Capron Funds should be avoided; and discussing FBR in general is a losing proposition for SJC - Capron Funds should be dealt with by the Governor, not the legislature; and comparing FBR down-sound, where getting from a-b is a short trip, to here, where it is long and expensive, isn’t an apples to apples comparison and higher fares would have a greater social engineering impact here. He went on to report that this particular angle is a losing proposition if SJC undertakes it alone, but if other ferry communities join in, it would carry more political clout and suggested concurring with other ferry served communities. Ferry funding needs to be a statewide tax, like highways, and not on the backs of the ferry riders, and funding for the international route should be provided by federal money. Mr. Myhr agreed that it is wise not to discuss FBR, and important to work with WSF, opposed to having an adversarial relationship. He suggested next steps as inviting David Moseley here now, in the early stages of seeking solutions for the near-term; determining what message to take to the legislature; and what message to take to the federal congress about shoring up federal support for marine transportation. Mr. Ranker weighed in stating that he agreed but that WSF would have a great deal of competition going after federal funds with the competition of other large projects taking place in Washington State requiring federal money. Mr. Lichter agreed with this and reiterated yesterday’s suggestion to erase the quasi-adversarial relationship with WSF. Mr. Rosenfeld said that as SJC develops the main talking points on ferry issues, it may be a good to ask WSF if there is anything they want to suggest that SJC lobby for. Mr. Ranker said beginning that dialogue is a good idea, but wise to wait on taking a position until the WSF study is released. Mr. Rose provided a time-line regarding WSF study, stating it will likely be complete in November, but the operation and pricing strategies are to daylight in October. Further Council discussion took place regarding arranging a meeting with Mr. Moseley. Mr. Sutton agreed that it is important to establish contact with WSF, to work with them cooperatively, and keep up with the “homework” as the state formulates their strategy, but that Mr. Ranker is correct in warning against stating a position until specificity of the study is revealed. Mr. Rosenfeld mentioned responding to the group that he met with last Thursday, at the Kitsap Regional Coordinating Council meeting, regarding the economic impact analysis and Mr. Ranker cautioned against any collaboration with other counties until after the Governor responds to SJC.

**11:20 a.m. Second Quarter Financial Review** – Ms. Henley distributed a copy of her PowerPoint presentation and reviewed salient points of the SJC Financial Review with the Council. She reported that expenditures are up, revenues are down, property tax is stable, but growth will slow if construction slows, sales tax is stable, but vulnerable to key sectors, and interest and real estate excise tax (REET) are down. She reported that typically the County runs on a 6% carry-over, but fully expects to come in at 100% by the end of the year and that “it is time to worry.” Ms. Henley answered questions from the Council and lengthy discussion followed regarding grant administration, conservation measures, expenditure limitations, and analysis of need. Mr. Rose commented on savings he is experiencing in both time and money by teleconferencing and made several suggestions, including redoing projections for this year based on looking at less revenue and departments getting their expenditures in and bring it back for discussion on August 19 and 20; department discussions take place immediately, including elected departments; pushing to get grants billed; and inviting the Land Bank Commission to come in September to tell how they are reacting to the reduced revenue this year. Mr. Rose commented that a draft economic development element won’t be complete until a settlement is determined on the Campbell suit. Further discussion and questioning of Ms. Henley and Mr. Rose took place.

**2:00 p.m. Parcel Assessment Change Ordinance Briefing** – Amanda Azous, Noxious Weed Board (NWB) Chair, introduced fellow Weed Board members present; Bill Augusta, Bruce Greg, Rich Lee, Judy Jackson, Scott Rozenbaum, who recently left the board after 8 years of service, and Tom Schulz, NWB Advisor from WSU. Ms. Azous presented a request from the Noxious Weed Board to add a fractional percentage to property taxes, through a proposed Ordinance, to fund crucial staffing, supplies, and equipment to run their program. She provided a PowerPoint presentation and a detailed outline of their request including the budget, benefits their program offers, and efforts underway to reduce noxious weeds county-wide. The panel answered questions from the Council. After discussion, the following action took place:

**Moved by Knapp, seconded by Ranker, that the Council review the Ordinance for public hearing. Motion carried unanimously.**

**2:30 p.m. Contract Award for Treasurer & Assessor Software** – Present: Charles Zalmanek, Assessor; and Jan Sears, Treasurer. Mr. Rose explained that with the phasing out of the current program used by the Assessor and Treasurer, Compu-Tech, and after researching options, the County would need to take action now on the new program chosen, True Automation, in order to take advantage of the discount being offered. Mr. Zalmanek referenced his staff report that provided information about the capabilities of the program and a summary of cost including purchasing the software, conversion, migration and support; and necessary appropriations from the 2009 budget and grant funding available. He also explained how appraisals could be done more efficiently with the new technology and field devices and that certain functions in the Treasurer's office would be automated. Ms. Sears also spoke in favor of the program. Council discussion took place. Mr. Zalmanek, Ms. Sears, and Mr. Rose answered questions from the Council and the following action took place:

**Moved by Lichter, seconded by Ranker, that the SJCC approve necessary funding to contract with True Automation of Plano, Texas, to acquire Assessor/Treasurer software for administration of assessments, levies, computer assisted mass appraisal (CAMA), collections and investments. The motion carried unanimously.**

**3:00 p.m. Review of VAB Membership Guidelines** – Present: Peter DeLorenzi and Shannon Plummer, Members of the American Legion Post 163; Jerry Pfannenstiel, Department of Washington Veterans Community Service Coordinator; and David Mitchell, Assistant Department Service Officer. Mr. DeLorenzi explained that he and his guests all appreciate the sacrifices Veterans have made and were there to present their views and obtain answers to questions regarding the SJC VAB and assistance fund. He provided copies of related letters and regulations, seeking discussion on the inception of the VAB to present. Mr. Ranker pointed out that the first time the idea was formally discussed, was in the Spring of 2007, between Mr. Pfaffenstiel, Mr. Lee, and himself and that it was coincidentally brought forward by the Auditor, stating SJC was required to have a VAB but did not. Discussion regarding the regulating RCW 73.08.010 and membership took place and it was agreed that with the recent selection of Shannon Plummer that the Board was in compliance in that regard. A lengthy conversation took place between the panel present, Jack Cory, VAB Member, the Council, Ms. Henley, and Prosecuting Attorney, Randall Gaylord. Mr. Pfaffenstiel shared how other counties handle the application process and administration of funds by providing a wide avenue of possibilities for Veterans to apply. He stated that Service Officers, who know of many other programs available to Veterans, are trained to go through this screening process with the applicants. He added that the Legion is a vital link and should be more visible and play a bigger role. Mr. Rosenfeld suggested notifying the Legion Post of each application. Mr. Cory stated that the board had discussed this and agreed to make as many contact points available as possible. Mr. DeLorenzi suggested taking the application review process out of the purview of the VAB and returning it to the Legion to review and make requests on behalf of the Veterans, adding that VABs are formed to advise the Council on needs and resources, not to administer the fund. Mr. DeLorenzi expressed concern over a waiting period of up to one month, after screening or review, to come before the next meeting of the VAB. Mr. Lichter replied that in the case of an emergency, a check would be cut immediately, and come before the next meeting of the Board for ratification. Mr. Rosenfeld commented that we are better off as of today and is encouraged to see what next steps will follow. Mr. DeLorenzi questioned the legality of executive sessions to discuss applications for assistance. Mr. Lichter explained that due to civil and confidentiality issues the applications are addressed privately in a quasi-judicial format, but was open to future discussion regarding this.

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

1:30 p.m. County Administrator Council Briefing. Also present: Stan Matthews, Communication Program Manager.

**1. Introduction of Ordinance amending Ordinance No. 21-2007** – Mr. Matthews presented his Staff Report with revisions to the Ordinance that were noted yesterday. Mr. Matthews answered questions from the Council and the following action took place:

**Moved by Ranker, seconded by Knapp, to introduce an Ordinance Amending Rules of Procedure for SJCC and to set a public hearing on the subject for August 26, 2008. The motion carried unanimously.**

**2. Follow-up regarding Mr. Wright, CAT** – Mr. Rose inquired about comments made by Mr. Wright on Monday. Mr. Lichter suggested that Mr. Rose send him a letter explaining that this is not the Council's jurisdiction. Mr. Knapp added that it should include that the PA is a separate elected official and "runs his own shop."

**3. Follow-up regarding Mr. Kaill, CAT** – Mr. Rose asked for direction in handling this issue.

**Mr. Ranker stated that Stormwater and run-off issues are under the purview of the Marine Resource Committee and suggested referring to them for a recommendation. The Council agreed by consensus.**

#### PUBLIC HEARINGS

**10:50 a.m.** - A public hearing was held to consider a Petition for the Annexation of Orcas Village into Eastsound Water District (ESWD). Present: Council Chair, Howie Rosenfeld; Council Members, Kevin Ranker, Gene Knapp, Bob Myhr, and Alan Lichter; Adina Cunningham, SJC Deputy Director; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; Susan Kemple, Executive Secretary of the ESWD; Ed Sutton, ESWD Committee Member; and interested members of the public. Ms. Cunningham presented her recommendation and Mr. Maycock's Staff Report regarding the annexation of Orcas Village area and provided an overview of the ESWD, which has been in operation since 1989. She reported that the annexation would be conducive to health and public welfare and that it complied with the Comprehensive Plan. She stated that she reviewed the Department of Ecology's latest report, which was favorable, and stated that in terms of the decision-making process, if the Petition passes this hearing, the findings are presented to the voters, a notice of election will be issued, wording on ballot would be formulated, and the measure would be placed on the ballot for November. Public Testimony was opened, submitted, and closed. Ms. Cunningham answered questions from the Council. Deliberations were held and the following action took place:

**Moved by Myhr, seconded by Lichter, for a resolution finding that the petition for annexation for sewer services submitted by Eastsound Sewer and Water District for Orcas Village, be placed on the ballot for the general election in November. Motion carried unanimously.**

**11:40 a.m.**- (commenced at 11:47 due to time constraints.) A public hearing was held to consider emergency appropriations and Supplemental Amendments to the 2008 Annual Budget. Present: Council Chair, Howie Rosenfeld; Council Members, Kevin Ranker, Gene Knapp, and Alan Lichter; Milene Henley, Auditor; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. Henley presented the Ordinance and reviewed the proposed appropriations. She explained that studies on positions and wages, as part of a bargaining agreement, had taken place and adjustments needed to be made in this regard. Ms. Henley was also seeking authorization for payment for equipment for public access TV for airing Council sessions, and an emergency appropriation for a leak in the Courthouse. Ms. Henley and Mr. Rose answered questions from the Council. Public testimony was opened, none submitted and closed. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Ranker, to adopt the Budget Ordinance Amending San Juan County's 2008 Budget for Supplementals and Transfers, as advertised. Motion carried unanimously.**

**Moved by Lichter, seconded by Knapp, to adopt the Budget Ordinance Amending San Juan County's 2008 Budget for Emergencies, as attached. Motion carried unanimously.**

**Moved by Lichter, seconded by Knapp, to adopt the Budget Ordinance Amending San Juan County's 2008 Budget for Actual Cash Carryover, as attached.**

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

**2:42 p.m.** – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss matters of personnel pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 2:55 p.m., for an actual session time of 13 minutes.

**The Council came out of executive session and took the following action: Moved by Lichter, seconded by Ranker, to approve the hiring of an additional building inspector to ensure adequate inspection services are provided while the building department experiences unprecedented long-term illness among its staff. Motion carried unanimously.**

**4:00 p.m.** – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 10 minutes, to discuss potential litigation, pursuant to the provisions of RCW 42.30.110(1) (i). Present: Karen Vedder, Deputy Prosecuting Attorney. The session ended at 4:11 p.m. for an actual session time of 11 minutes.

**The Council came out of executive session and took the following action regarding Eastsound sewer and water easement: Moved by Ranker, seconded by Lichter, to give settlement authority to the County Administrator for settlement for prospective lot 10 and lot 11. Motion carried unanimously.**

**ADJOURNMENT** - Council Chair Rosenfeld adjourned the meeting at 4:12 p.m. The next regular meeting was scheduled for Monday, August 11, 2008, to continue on Tuesday, August 12, 2008, on Orcas Island.

**SECTION B**

**SUMMARY OF THE MINUTES for PUBLICATION  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL**

**August 4 and 5, 2008**

**(Full text available on line at [www.sanjuanco.com](http://www.sanjuanco.com) or in the County Council Office)**

**Monday, August 4, 2008 - Council Hearing Room, Legislative Building, FH**

**CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION**

Council Chair Howard Rosenfeld called the staff meeting to order at 10:04 a.m. Council members Kevin Ranker, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

**CITIZEN ACCESS TIME**

**Bill Wright** came before the Council.

**EXCUSED ABSENCES**

Moved by Lichter, seconded by Ranker, to approve the absence of **Mr. Peterson**, who is away on a family vacation. Motion carried unanimously.

The Clerk provided an update, administrative matters were discussed, the Council conducted a roundtable discussion on current issues, Tuesday Agenda items were reviewed, and the Ferry Advisory Committee (FAC) was present for a joint Council / Committee meeting review.

**RECESS** – No action was taken and at 2:02 p.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, August 5, 2008.

**Tuesday, August 5, 2008 - Council Hearing Room – Legislative Building, FH**

**CALL TO ORDER**

Council Chair Rosenfeld called the meeting to order at 10:00 a.m. Council members Kevin Ranker, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

The flag salute was conducted.

**EXCUSED ABSENCES**

Moved by Myhr, seconded by Lichter, to approve the absence of **Mr. Peterson**, who is away on a family vacation. Motion carried unanimously.

**NEW EMPLOYEE INTRODUCTIONS**

**CITIZEN ACCESS TIME**

**Mike Kaill** came before the Council.

### **ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

### **APPROVAL OF MINUTES**

Moved by Lichter, seconded by Ranker, to approve the Minutes of **July 28 and 29, 2008**. Motion carried.

### **CONSENT AGENDA**

Moved by Lichter, seconded by Knapp, to approve the **Final Consent Agenda of August 5, 2008** as follows:

#### **A. Resolutions & Ordinances:**

1. A Resolution to convey a Grant Deed of Conservation Easement to the San Juan Preservation Trust on the Watmough Bay property (formerly owned by Meng).
2. A Resolution to Clarify Signatory Authority for Professional Services Contracts.

#### **B. Contracts/Agreements:** (No items.)

#### **C. Budget Items:**

Bill Approval for Warrants #'s 48450 and 48480, and Wire Transfer #07242008

#### **D. Personnel:** (No items.)

#### **E. Appointments:**

1. A letter appointing Harold Lentzer to the SJC Health and Community Services Advisory Board, Position #8, beginning immediately and expiring August 31, 2011.
2. A letter appointing Kji McIntyre to the SJC Agricultural Resources Committee, Position #8, filling an unexpired term. The term begins immediately and expires on August 31, 2009.

#### **F. Correspondence:** (No items.)

#### **G. Miscellaneous:** (No items.)

#### **H. Bid Openings:** (No items.)

Motion carried.

### ORDINANCES/RESOLUTIONS:

**ORD. NO. 34-2008-** (Refer to PUBLIC HEARINGS, 11:40 a.m., for details of action taken.)

**ORD. NO. 35-2008-** (Refer to PUBLIC HEARINGS, 11:40 a.m., for details of action taken.)

**ORD. NO. 36-2008-** (Refer to PUBLIC HEARINGS, 11:40 a.m., for details of action taken.)

**RES. NO. 63-2008** – (Refer to CONSENT AGENDA, August 5, 2008, for details of action taken.)

**RES. NO. 64-2008** – (Refer to CONSENT AGENDA, August 5, 2008, for details of action taken.)

### COUNCIL UPDATES:

### DISCUSSION

**10:20 a.m. FAC Joint Meeting Update** – Mr. Rosenfeld provided a summary from the meeting on Monday and Council discussion took place.

**11:20 a.m. Second Quarter Financial Review** – Ms. Henley distributed a copy of her PowerPoint presentation and provided a review. Ms. Henley answered questions from the Council and discussion took place.

**2:00 p.m. Parcel Assessment Change Ordinance Briefing** – Amanda Azous, Noxious Weed Board (NWB) and other members of the board were present to report and request an Ordinance to accommodate funding of their program.

**Moved by Knapp, seconded by Ranker, that the Council review the Ordinance for public hearing. Motion carried unanimously.**

**2:30 p.m. Contract Award for Treasurer & Assessor Software** – Present: Charles Zalmanek, Assessor; and Jan Sears, Treasurer.

**Moved by Lichter, seconded by Ranker, that the SJCC approve necessary funding to contract with True Automation of Plano, Texas, to acquire Assessor/Treasurer software for administration of assessments, levies, computer assisted mass appraisal (CAMA), collections and investments. The motion carried unanimously.**

**3:00 p.m. Review of VAB Membership Guidelines** – Present: Peter DeLorenzi and Shannon Plummer, Members of the American Legion Post 163; Jerry Pfannenstiel, Department of Washington Veterans Community Service Coordinator; and David Mitchell, Assistant Department Service Officer. Council discussion took place.

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

1:30 p.m. County Administrator Council Briefing. Also present: Stan Matthews, Communication Program Manager.

##### **1. Introduction of Ordinance amending Ordinance No. 21-2007 –**

Matthews presented his Staff Report with revisions to the Ordinance that were noted yesterday. Mr. Matthews answered questions from the Council and the following action took place:

**Moved by Ranker, seconded by Knapp, to introduce an Ordinance Amending Rules of Procedure for SJCC and to set a public hearing on the subject for August 26, 2008. The motion carried unanimously.**

**2. Follow-up regarding Mr. Wright, CAT** – Mr. Rose inquired about comments made by Mr. Wright on Monday. Mr. Lichter suggested that Mr. Rose send him a letter explaining that this is not the Council's jurisdiction. Mr. Knapp added that it should include that the PA is a separate elected official and "runs his own shop."

**3. Follow-up regarding Mr. Kaill, CAT** – Mr. Rose asked for direction in handling this issue.

**Mr. Ranker stated that Stormwater and run-off issues are under the purview of the Marine Resource Committee and suggested referring to them for a recommendation. The Council agreed by consensus.**

#### PUBLIC HEARINGS

10:50 a.m. - A public hearing was held to consider a Petition for the Annexation of Orcas Village into Eastsound Water District (ESWD).

**Moved by Myhr, seconded by Lichter, for a resolution finding that the petition for annexation for sewer services submitted by Eastsound Sewer and Water District for Orcas Village, be placed on the ballot for the general election in November. Motion carried unanimously.**

11:40 a.m.- (commenced at 11:47 due to time constraints.) A public hearing was held to consider emergency appropriations and Supplemental Amendments to the 2008 Annual Budget.

**Moved by Lichter, seconded by Ranker, to adopt the Budget Ordinance Amending San Juan County's 2008 Budget for Supplementals and Transfers, as advertised. Motion carried unanimously.**

**Moved by Lichter, seconded by Knapp, to adopt the Budget Ordinance Amending San Juan County's 2008 Budget for Emergencies, as attached. Motion carried unanimously.**

**Moved by Lichter, seconded by Knapp, to adopt the Budget Ordinance Amending San Juan County's 2008 Budget for Actual Cash Carryover, as attached.**

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

2:42 p.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss matters of personnel pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 2:55 p.m., for an actual session time of 13 minutes.

**The Council came out of executive session and took the following action: Moved by Lichter, seconded by Ranker, to approve the hiring of an additional building inspector to ensure adequate inspection services are provided while the building department experiences unprecedented long-term illness among its staff. Motion carried unanimously.**

**4:00 p.m.** – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 10 minutes, to discuss potential litigation, pursuant to the provisions of RCW 42.30.110(1) (i). Present: Karen Vedder, Deputy Prosecuting Attorney. The session ended at 4:11 p.m. for an actual session time of 11 minutes.

**The Council came out of executive session and took the following action regarding Eastsound sewer and water easement: Moved by Ranker, seconded by Lichter, to give settlement authority to the County Administrator for settlement for prospective lot 10 and lot 11. Motion carried unanimously.**

**ADJOURNMENT** - Council Chair Rosenfeld adjourned the meeting at 4:12 p.m. The next regular meeting was scheduled for Monday, August 11, 2008, to continue on Tuesday, August 12, 2008, on Orcas Island.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

\_\_\_\_\_  
Howard Rosenfeld, Chair  
District 3, Friday Harbor

ATTEST: Clerk of the Council

By: \_\_\_\_\_  
Lisa Brown, Deputy Clerk

\_\_\_\_\_  
Gene Knapp, Vice-Chair  
District 5, Orcas East

\_\_\_\_\_  
Kevin M. M. Ranker, Member  
District 1, San Juan South

\_\_\_\_\_  
Rich Peterson, Member  
District 2, San Juan North

\_\_\_\_\_  
Alan Lichter, Member  
District 4, Orcas West/Waldron

\_\_\_\_\_  
Bob Myhr, Member  
District 6, Lopez/Shaw