

**MEETING MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
October 13 and 14, 2008**

**Monday, October 13, 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 10:02 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, and Bob Myhr; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

**EXCUSED ABSENCES**

Moved by Peterson, seconded by Knapp, to **excuse Councilman Lichter**, due to an unplanned medical appointment. Motion carried unanimously.

**CITIZEN ACCESS TIME**

**Jack Cory** noted that he attended the stormwater meetings and inquired why the public had been polled when the plan had already been forwarded to the Prosecuting Attorney (PA) for drafting of the Ordinance, which, to him implied the Council had already chosen an option. He asked which option was sent to the PA. Mr. Peterson explained that what was forwarded to the PA didn't include a formulaic approach, but that Mr. Gaylord was evaluating legal wording of the Ordinance, minus that part. Mr. Rosenfeld assured Mr. Cory that the Stormwater Subcommittee had narrowed the scope down to three options and that their hope is that one of the three, or some hybrid, will work.

**CLERK UPDATE / ADMINISTRATIVE MATTERS**

**Clerk Larson** reviewed upcoming meetings and inquired which Council members would be attending the lunch meeting with the visitors from British Columbia next Tuesday. Councilmen Rosenfeld, Knapp, and Peterson said they would attend. Ms. Larson also reminded the Council that next Monday's meeting would take place on Orcas Island. Ms. Larson referenced the proposed 2009 Meeting Calendar, noting that she had shifted an off-week from October to August to allow for the continuum of budget presentations from mid-September through October.

**Deputy Clerk See** reported on committee resignations from Ron Zee, Agricultural Resource Committee (ARC), and Teri Williams, Planning Commission, and informed them of current interest and upcoming advertising. She reported that the Deer Harbor Planning Review Committee is included in the ad and Margie Doyle is running an article on it in the *Sunder*. Mr. Knapp inquired about the appointment process for the Orcas Library Board. Ms. See explained that the Council is not required to recruit candidates, but must make the appointment. Mr. Myhr inquired about training sessions for committee [advisory body] members. Mr. Rose explained that he had begun to address this by creating a small committee in his department to identify uniform business rules, agenda order, and other items that they will submit to the PA to assist with that process. Ms. See also reported that she had completed registration for Council members attending WSAC.

**Administrative Matters:** Deputy Clerk Brown announced that an updated draft of the Council Minutes would be distributed following today's session. Agendas were reviewed and Mr. Ranker questioned the relevance of the presentation by Russel Barsh, scheduled for October 28, 2008, and if the presentation would be more appropriately made to the Water Resource Management Committee (WRMC). Mr. Myhr inquired about the November 4th public hearing regarding revenues of the County. Mr. Rose explained that every entity that adopts a property tax levy has to hold a hearing to propose the ordinances prior to that time.

**COUNCIL CALENDAR REVIEW**

Council calendar items were reviewed. Ms. Larson inquired about attendance at the October 15, 2008, meeting with David Moseley in Anacortes. Mr. Rose, Mr. Knapp, and Mr. Peterson said they would attend. Mr. Peterson inquired about the conflicting Board of Health (BOH) workshop. Ms. Larson explained that the BOH meeting will

be held as planned from 11:45-12:30 and that the workshop would follow, allowing for them to attend both the BOH meeting and the Moseley meeting in Anacortes.

### COUNCIL MEMBER UPDATES

**Lead Entity Supplemental Request Letter:** Ms. Rosenkotter addressed the Council regarding a letter supporting the Salmon Recovery Funding Board, the Puget Sound Partnership, and Lead Entities. Mr. Myhr stressed the importance of not only the work done by these efforts, but the money that comes into the County as a result of the programs, noting that SJC has been a key player in this arena. By consensus, the Council agreed to place the letter on the Consent Agenda for October 14, 2008. **Puget Sound Partnership Letter:** Mr. Ranker pointed out that the letter received from David Dicks confirms that what is being proposed is to provide full-funding to SJC for the Lead Entity position by June, 2009. Mr. Rosenfeld suggested a thank-you letter to be sent to Mr. Dicks from Pete and himself. The Council concurred. **ADU and Water Availability Letter:** Mr. Rosenfeld explained that the WRMC had written a letter to the Council expressing concern over water availability and ADU permitting. He shared the thank you letter he sent and asked if the Council wanted to add this to the discussion agenda and possibly in place of Russel Barsh. Mr. Rose concurred with Mr. Myhr's earlier suggestion to refer Mr. Barsh to WRMC. Mr. Rosenfeld punctuated the importance of ensuring that WRMC is made aware of any action being taken on an issue that could impact water management. Council discussion took place and it was agreed that Mr. Rosenfeld would send a letter stating that the Council will be more considerate in the future. **Press Release from Governor Gregoire:** Mr. Ranker reported on cuts in excess of \$800 million in the bi-annual State budget and the significant importance of tracking the proposed cuts, as it could be felt hard in SJC where we are impacted by Ferries and on track for a rural stormwater plan, that could now be at risk. **Ferries/FAC/Ferry Subcommittee:** Mr. Rosenfeld reported on the WSF inter-island ferry meeting, stating that he was pleased with the turn-out and dialogue. Mr. Myhr attributed the attendance to better publicity. Mr. Rosenfeld said that the FAC is recommending more meetings like this. He reported on the FAC meeting today and said he would circulate by e-mail the questions they came up with this morning for David Moseley. He and Ed Sutton plan to attend the Ferry Community Partnership meeting on Bainbridge and inquired about whether Shannon Wilbur would attend and car-pooling. Mr. Ranker reported on a discussion in legislature that he was briefed on over the weekend, which is earmarking 1/10 of 1 percent of the total gas tax, to as much as 1 percent, as a sustainable funding source for ferries. Mr. Rosenfeld reported that Mr. Ditsler talked about a motor vehicle excise tax that would cover all state transportation needs: roads, ferries, and transit. Mr. Knapp inquired about the boat tax total for the State. Mr. Ranker said he was unsure, but the concept would be to address the shortfall with this. Council discussion took place. **Stormwater Subcommittee:** Mr. Peterson reported on the outreach meeting series on San Juan, Orcas, and Lopez and thanked participants for their contributions. He said that Mr. Matthews, who also attended the meetings, wrote an analysis for the Council to review and use to draw their conclusions. Council discussion took place and it was decided to schedule a Council "touch" Monday, October 20, at 11:30 a.m. on Orcas Island, with the Stormwater Subcommittee convening this afternoon. The introduction for the Ordinance is scheduled for October 28, 2008, with the public hearing on November 4, 2008. **Legislative Priorities & Lobbying Efforts:** Mr. Myhr reported that he attended the Legislative Steering Committee of WSAC on Thursday. He pointed out that WSAC's policy statement calls for adequate funding for all transportation modes, including ferries, and that a copy of the policy statement and legislative position papers are available in the Clerk's office and on-line. He reported that SJC had two additional items placed on the WSAC policy statement; Stormwater and Puget Sound Partnership. He also reported on a discussion regarding restructuring county government and whether it is necessary to have a vote of freeholders in order to reorganize, or if it can be done based on decisions by the CC. Mr. Rosenfeld inquired whether this would affect SJC's five- year review. Mr. Myhr replied that it was possible that it could. He went on to report that all counties, including the eastern counties, are promoting a sustainable source for funding ferries. Scott Merriman, WSAC Deputy Director, pointed out that there would be very little discussion of a final budget to within days of the deadline, but that it would be a great time to bring to the legislature items that don't have fiscal impacts, such as NEVs, or a change in WAC for reexamination of policy. Mr. Myhr reviewed several other items that are included in the Clerk's office. **General Government Subcommittee:** Mr. Knapp stated that the PA is unable to contract out to Ms. Kulseth for assistance with ordinances due to the budget shortfall, so foresees this process slowing until the first of the year. Mr. Myhr suggested meeting regarding changes on how committees conduct business. Mr. Rosenfeld inquired about the Cell Phone Ordinance. Mr. Peterson reported that it is not likely that they will be able to move on the ordinance prior to the docket process this year.

### COUNTY ADMINISTRATOR ITEMS

**11:00 a.m.** – (Commenced at 11:28 due to time constraints.) **Preliminary Budget Review:** Mr. Rose reported that he is still \$200,000 away from closing the budget and shared information on other Washington State counties. To give perspective to the 1.8 million dollar reduction SJC is faced with this year, he noted that this amount is the equivalent of all three SJC financial departments, or the four court departments, including the Clerk, plus \$200,000 – the largest gap-percentage he has had to close in his career. SJC has small departments with required services without much to give, but these departments are engaged in a positive manner, with sobering acceptance. Mr. Rose stated that his first approach is to protect public safety and retain essential services and said a “values discussion” would be useful as he nears closing the budget. Mr. Rose, Ms. Henley, and Ms. Morais answered questions from the Council and discussion took place.

**ADJOURN** – At 11:58 a.m., Council Chair Rosenfeld adjourned the meeting until 10:00, Tuesday, October 14, 2008, after notifying the Council of the Stormwater meeting at 12:30 today and the photo-shoot scheduled for tomorrow at 12:15, on the Courthouse steps.

**Tuesday, October 14, 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, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

The flag salute was conducted.

### **CITIZEN ACCESS TIME**

**Tom Munsey**, Public Access Media Chair, distributed a copy of an e-mail sent to the Council. He stated that he would have no problem with the County retaining ownership to avoid gifting of public funds, but did have a problem with the censorship clause in the proposed agreement. Mr. Ranker requested agenda time for this issue. Mr. Munsey also inquired about a glitch in the County e-mail system, noting that when sending a message to a group with more than certain numbers of recipients, messages go into the spam bucket with no reply to the sender to let them know that their message has not been received. Mr. Rosenfeld stated that a message is sent to the recipient from the spam site and the Council and/or Staff is supposed to check and retrieve legitimate mail. Mr. Myhr said he erases those messages and they should be sent again.

**Sharon Kivisto**, SJC citizen and editor of *sanjuanislander.com*, asserted that the FAC and Council were not living up to the requirements of their governing ordinance, in “noticing” meetings. Ms. Kivisto had requested meeting notices as an on-line editor and did not receive them for the meeting last week Monday on the inter-island ferry, which was attended by the Chief of WSF, David Moseley, WSF Communications Director, Ray Deardorf, and staff, to gather input from islanders for the Long Range Study the State Legislature has mandated, nor yesterday’s FAC meeting. She said she was informed by Mr. Rosenfeld that it was an oversight and she considers this to be a big oversight – where citizens had an opportunity to be heard in person. Mr. Rosenfeld said that there really was no excuse and that the meetings need to be advertised. Mr. Ranker suggested discussing this on today’s agenda as well.

**Jack Cory**, SJC citizen, spoke in favor of Mr. Munsey’s comments, adding that the Town is doing a better job than the County and that the County should take the necessary steps to make it a reality. Mr. Cory also commented on the e-mail dilemma, stating that the sender wouldn’t know they needed to resend the message, because they would be unaware that the message was not received and that it would make more sense for Mr. Myhr to check [his spam mailbox]. Mr. Cory shared Ms. Kivisto’s frustration stating that public notice of the draft ordinance for stormwater had been lingering for weeks, perhaps months before finally receiving it and that some Council members hadn’t even seen it. He asked why this was held back. Mr. Rosenfeld provided clarification, explaining that the Stormwater subcommittee hadn’t received it until yesterday either. Mr. Cory said he was interested in obtaining the document that the subcommittee was working on and had forwarded to Mr. Gaylord. Mr. Rosenfeld asked for clarification on whether or not a subcommittee’s working-document is subject to public disclosure.

## APPROVAL OF MINUTES

Moved by Ranker, seconded by Myhr, to approve the **Minutes of September 29 and 30, 2008**. Motion carried.

## CONSENT AGENDA

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of October 14, 2008** as follows:

**A. Resolutions/Ordinances:** (No items.)

**B. Contracts/Agreements:** Historical Preservation Grant Awards

- Lopez Island Historical Society in the amount of \$6,250.00
- Orcas Island Historical Society in the amount of \$6,500.00
- The 100 Friends of Old Island Barns, in collaboration with The Washington Trust for Historic Preservation in the amount of \$6,464.00

**C. Budget Items:** Approve Warrants

- Warrants #51304-51429 in amount of \$409,504.50 for County Claims
- Warrants #51430-51461 in amount of \$172,533.24 for Public Works
- Warrants #51748-51783 in amount of \$191,999.26 for Public Works
- Warrant #51551 in the amount of \$93.34 for Elections
- Warrants #51659-51747 in amount of \$96,926.16 for County Claims
- Warrants #51785-51787 in amount of \$892.88 for Veteran's Assistance
- Warrants #51801-51931 in amount of \$83,302.85 for County Claims
- Warrants #52067-52066 in amount of \$190,409.59 for Public Works

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

**E. Appointments:** (No items.)

**F. Correspondence:**

1. A letter to Governor Gregoire in support of the Salmon Recovery Funding and Increased Operating Funds for Lead Entities

**G. Miscellaneous:** Authorize the County Administrator to Accept the Bid Recommended by the County Engineer, Sign the Construction Contract, and Sign Change Orders.

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

Motion carried.

## ACTION AND DISCUSSION ITEMS

### ORDINANCES/RESOLUTIONS:

(No items.)

## PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

### COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

**Citizen Issues – WSF/FAC Meeting Notices:** Mr. Rosenfeld stated that this is a staff function and that they will try to do better, and suggested posting notices to the SJC website as well. **SJ Public Access Media (PAM):** Mr. Rose explained that on June 3, 2008, the Council voted to approve the purchase of the recording equipment for PAM use, and the Deputy PA was scheduled to submit the draft PAM/SJC agreement to the Deputy Administrator/Risk Manager, Adina Cunningham, for review later today. Mr. Munsey's e-mail, indicating what PAM was willing to sign, had also been forwarded to the Deputy PA. Mr. Rose answered several questions from the Council. Mr. Myhr stated he was in favor of providing as much public information as possible, but was uncomfortable with the idea of PAM having sole responsibility in determining what is in the public's interest without further information on the Board of PAM. Mr. Peterson concluded by stating that this is a legal issue, not for the Council to decide. **Working Drafts:** Mr. Rosenfeld asked for clarification on requirements for public release of documents. Mr. Rose explained that once a document is introduced in a public meeting it is a public document and should be shared with the other Council members as soon as possible thereafter. **BC Sewage:** Mr. Lichter

reported that representatives Chris Clement, Chair of the Core Area Liquid Waste Management Committee & Dwayne Kalynchuk, Manager of Environmental Services, from British Columbia, would be presenting here next Tuesday, October 21, 2008, at 11:00 a.m., regarding their sewage treatment plant. He also reported that they would be covering their own expenses. **Rosario Resort:** Mr. Knapp made a request that the Council send a welcoming letter to the new owner of Rosario, to let them know the Council is willing to cooperate with them in any way possible, and suggested including a copy of the tourism report showing that tourism contributed \$127 million dollars to the SJC economy last year. The Council concurred and Mr. Rosenfeld asked Mr. Knapp to work with Ms. Larson on the letter. Mr. Ranker said that he had met with the new owner and invited him to come to meet the SJC Council at his leisure.

**10:20 a.m.** – (Commenced at 10:33 due to time constraints.) **Health & Community Services Budget Proposal:** John Manning, Director of Health & Community Services, presented a PowerPoint overview of his department and the 2009 department budget. He shared the mission statement of Health & Community Services and provided detail on the important work and services carried out by the HCS departments for the community -- families, new mothers, children, senior citizens, businesses -- HCS Staff, staffing, fees, funding, and grants. Mr. Manning provided three budget scenarios; his original request, with some increases for fuel and environmental health, a status-quo budget, and a 12% reduction budget. A lengthy dialogue followed with Mr. Manning answering questions from the Council. For further information on the HCS Budget Proposal, please see the HCS Budget Proposal located in the proceedings file dated October 14, 2008.

**10:50 a.m.** – (Commenced at 11:21 due to time constraints.) **Community Development & Planning Budget Proposal:** Ron Henrickson, Director of Community Development & Planning, presented a PowerPoint overview reviewing departments and staffing from 2006-2008 and proposals for 2009, before and after the 12% reduction. He explained the differences in the proposals, struggling to preserve positions that are grant funded and positions in programs that have been fee supported. With the down-turn in the economy, he anticipated reduced fee income and grant shortfalls. This is problematic because CDP may have to reduce staff that were supported by those revenues to provide the services that assess the fees and fulfill the grant program responsibilities, causing an even greater decline in revenue for his department. One concern was over the MRC grant, which supports a position until the end of June. Mr. Henrickson answered questions from the Council. For further information on the CDP Budget Proposal, please see the CDP Budget Proposal located in the proceedings file dated October 14, 2008.

**11:20 a.m.** – (Commenced at 11:37 due to time constraints.) **Parks Budget Proposal:** Dona Wuthnow, Parks Director, presented a PowerPoint presentation of her budget proposal, based on the preliminary budget. Ms. Wuthnow explained the Parks Department Mission and core services, her staffing, expenses (primarily labor), fees, grants, and other revenue. She reviewed the many groups hosted in the past year and projects underway on various County Parks and trails. Ms. Wuthnow answered questions from the Council. For further information on the Parks Budget Proposal, please see the Parks Budget Proposal located in the proceedings file dated October 14, 2008.

**11:40 a.m.** – (Commenced at 11:57 due to time constraints.) **Fair Budget Proposal:** Rev Shannon, Interim Fair Director, presented a PowerPoint overview of the budget, facilities, and programs. Mr. Shannon explained the reduction of his position from 1.0 to .875 FTE was arrived at mutually. He reviewed expenses and staffing, which is "bare-bones," and reported on the success of the Transportation Summit and the necessity to enhance facilities to accommodate more summits in the future. Mr. Shannon also reported on fair statistics and the temporary and volunteer staffing influx during that time. He suggested re-designating the fair grounds to get out from under Conditional Use Permit (CUP) restrictions to allow more camping and other events year-round and develop sponsorships for special kinds of educational and entertainment programs. Mr. Shannon introduced Fair Board member Brad Fincher, who was also present. For further information on the Fair Budget Proposal, please see the Fair Budget Proposal located in the proceedings file dated October 14, 2008.

**1:20 p.m.** – (Commenced at 1:48 due to time constraints.) **Agricultural Resource Committee (ARC) Budget Proposal:** Bruce Gregory, ARC Chair, and Eliza Habegger, ARC Vice-Chair, were present to report. They alternated in explaining ARC history, funding, and services. The advisory committee was created in 2005 and in 2008 the County allocated funds to hire a coordinator, Eliza Buck. The Conservation District provides office space, equipment, and staff support. Agriculture is seen as a part of the County's heritage and has experienced a recent resurgence. The Comprehensive Plan includes envisioning for rural communities and working lands and

the Economic Development Element notes that agriculture plays critical role in the local economy. The ARC has taken Economic Development Council recommendations for a year-round covered farmers' market facility on SJC and attaining innovative farmland leases. They provided a map showing all farmland in SJC and provided statistics. Mr. Gregory and Ms. Habegger answered questions from the Council. Mr. Ranker asked to hear from the farmers, prior to deciding on the \$35,000 program, whether this work of the ARC is valuable in maintaining their ability to farm and promote their goods. He agreed with Mr. Knapp that agriculture is a critical economic driver and part of SJC heritage that must be preserved. For further information on the ARC Budget Proposal, please see the ARC Budget Proposal located in the proceedings file dated October 14, 2008.

**1:30 p.m.** – (Commenced at 2:00 due to time constraints.) **WSU Extension Budget Proposal:** Tom Schultz, WSU Extension Agent, provided an overview of the WSU Extension program, noting that according to a USDA census statistic there are 225 farms in SJC and the trend has been increasing – up from 150 farms 15 years ago. Mr. Schultz provided copies of his presentation and bullet points explaining the WSU Extension program. Located at Skagit Valley College, the WSU Extension is a hybrid department, diversely funded, with education as its mission. His department facilitates the 4H program, enrichment programs for youth at risk, WSU Beach Watching Program (funded by the EPA and NW Straits Commission), and works collaboratively with the ARC and MRC, bringing research based information to increase quality of life and economic livelihoods. He provided an organizational chart, showing no changes for two years, and a funding chart indicating the four sources of funding; SJC, WSU, Donations, and Grants – all dependent on SJC funding. Mr. Schultz answered questions from the Council. For further information on the WSU Extension Budget Proposal, please see the WSU Extension Budget Proposal located in the proceedings file dated October 14, 2008.

**1:50 p.m.** – (Commenced at 2:30 due to time constraints.) **Land Bank Budget Proposal:** Lincoln Bormann, Land Bank Director, provided a PowerPoint presentation, including a real estate sales summary [the Land Bank receives a 1% SJC Real Estate Excise Tax (REET)] and a budget table showing revenues, expenditures, and working reserves. Mr. Bormann noted that the Land Bank has substantial debt to carry through 2014 and expressed his desire to institute a policy of maintaining the equivalent of one year's operation budget as a working reserve, approximately \$500,000, for a total budget of \$2.3 million. He reviewed project accomplishments, acquisitions in land and easements, bequeaths, preserves, trails, public access, stewardship, management, and tremendous volunteer assistance. The Council shared comments. For further information on the Land Bank Budget Proposal, please see the Land Bank Budget Proposal located in the proceedings file dated October 14, 2008.

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

**2:20 p.m.** - County Administrator Council Briefing. Also present: Rev Shannon, SJC Fair Interim Director; Steve Marler, SJC Fire Chief; and interested members of the public.

**1) Department Head Hiring:** Mr. Rose presented Mr. Shannon for ratification of his hiring as Fair and Events Manager, stating that he had been interviewed and affirmed flexibility. He recommended the Council's approval.

**Moved by Lichter, seconded by Myhr, to approve the hiring of Rev Shannon as SJC Fair and Events Manager. Motion carried unanimously.**

**2) Fire Marshal Contract:** Mr. Rose explained that in 2006 the County entered into an interlocal agreement with Fire Districts 2, 3, 4, and 5, to create the office of County Fire Marshal. The agreement also provided for cost sharing if the Fire Marshal program didn't generate sufficient fees. Fire District No. 3, the administering agency, is proposing continuation of that element. Chief Marler explained that each County is required by RCW to have a Fire Marshal. The Cooperative Agreement with the Fire Districts and the County, includes a mechanism for covering shortfalls. He stated that the maintenance of the Fire Marshal's office is critical to the health and welfare of the County and that the intent was that this would be a self-funding program, however, the fee schedules were reduced at onset, handicapping the program from the beginning. Chief Marler requested affirmation from the Council that their support would continue. Mr. Rose explained that this is the first touch in bringing this issue to the attention of the Council. Council discussion took place with Chief Marler and Mr. Rose answering questions regarding operational and capital expenses and fees.

**3. County Budget Discussions:** (Did not commence due to time constraints.)

PUBLIC HEARINGS

**1:00 p.m.** - A public hearing was held to consider an Ordinance to Change Parcel Assessment. Present: Full Council; Amanda Azous, Noxious Weed Control Board Chair; Rich Lee, Noxious Weed Control Program Field Coordinator; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. Azous presented her Staff Report, giving an overview of the work of the Noxious Weed Board and the funding necessary to support it. She also provided the options the County has for funding this, either through assessment, enforcement proceedings against citizens, and billing for noxious weed control, of which the latter two are unfriendly and not a direction the Noxious Weed Board would like to go in. Ms. Azous and Mr. Lee answered questions from the Council. Public Testimony was opened, submitted by ten individuals (four approving the measure, six opposed), and closed, when no one wished to submit additional testimony. Mr. Rosenfeld reserved the right to reopen testimony and announced that the hearing would be continued to November 18, 2008, at 10:40 a.m., in the Legislative Hearing Room.

**2:10 p.m.** – (At 2:30 Mr. Rosenfeld inquired whether anyone was present to submit testimony regarding the ADU/UDC Procedures hearing. Receiving no response, another matter was heard at this time and the ADU/UDC public hearing commenced at 2:53 due to time constraints.) A public hearing was held to consider an Ordinance amending ADU/UDC Procedures. Present: Full Council; Allen Shayo, CD&P Permit Coordinator; Ron Henrickson, CD&P Director; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Shayo presented his Staff Report explaining that the proposal is merely to create an equal opportunity for people to get on the list from which CD&P draws from for ADU permits. The current practice is a first-come, first-served call-in basis. Overwhelming requests were received to institute a lottery system instead. Mr. Shayo explained that this would allow better efficiency in his department, as they would have an opportunity to cull-out the property owners that didn't meet the guidelines prior to placing names in the hopper. Then people could come in and watch the drawing, alleviating perceived inequities. Council discussion took place and Mr. Knapp preferred having the lottery procedure open to public comment as well as the concept. Public Testimony was opened, submitted by Jack Cory, who was opposed to the lottery concept, and closed. Council discussion took place regarding the lottery program and how the procedure to run the lottery would be established. Mr. Myhr suggested adding the words "established by the Administrator and approved by the Council" after "by Lottery." It was decided that this would require a review by the PA to determine legal implications and the following action took place:

**Moved by Ranker, seconded by Peterson, to continue the hearing until November 18<sup>th</sup>, 2008. Motion carried unanimously.**

**EXECUTIVE/CLOSED SESSIONS**

**3:45 p.m.** - Council Chair Rosenfeld announced that the Council would be holding a **closed session** estimated to last approximately five (5) minutes, to discuss matters pertaining to collective bargaining, pursuant to the provisions of RCW 42.30.140(4) (b). The session ended at 3:55 p.m. for an actual session time 10 minutes.

**3:55 p.m.** – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss potential litigation pursuant to the provisions of RCW 42.30.110(1)(i). Participants: Randall Gaylord, Prosecuting Attorney. The session ended at 4:46 p.m. for an actual session time of 47 minutes. No action was taken.

**ADJOURNMENT** - Council Chair Rosenfeld adjourned the meeting at 4:46 p.m. A Special Meeting was scheduled for Monday, October 20, 2008, on Orcas Island at the Fire Protection District No. 2, and the next Regular Tuesday Meeting was scheduled for, October 21, 2008.

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**COUNTY COUNCIL SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on Tuesday, October 21, 2008. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.**