

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
December 15 and 16, 2008**

Monday, December 15, 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 10:07 a.m. Council members Rich Peterson, Gene Knapp (telephonically), Bob Myhr (telephonically), and Alan Lichter (telephonically); 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.

CITIZEN ACCESS TIME

There were no public comments submitted.

CLERK UPDATE / ADMINISTRATIVE MATTERS

Clerk Larson reported that the special meeting scheduled for January 5, 2009, had been advertised and that Mr. Ranker would try to attend. She also reported that Shireene Hale, Senior Planner, was present to answer questions regarding the legislative position paper related to shoreline management, after Ms. See's committee update.

Deputy Clerk See distributed committee applications for Madrona Murphy, Noxious Weed Board - Lopez position, and the reappointment of Shannon Plummer and Michael Baker, to the Veterans' Advisory Board (VAB). The Council was in favor of all three appointments. Ms. See also provided an outline "grid" of the Solid Waste Advisory Committee (SWAC) and reported that the committee chair, George Post, had taken issue with appointments being made to the SWAC. She said he believes there are too many members, including industry representatives. Council discussion took place and Ms. See and Mr. Jon Shannon, Public Works (PW) Director (also present), answered questions from the Council regarding committee representation, regulations, and review. Ms. See then reviewed applicants to the Deer Harbor Planning Review Committee and it was agreed that, since there were fewer applicants than positions, it would be appropriate to include this committee in the February ad. She also noted that Mr. Bormann is awaiting a recommendation for one vacancy on the Land Bank Committee.

Council schedules, agendas, and Minutes were reviewed.

COUNCIL MEMBER UPDATES

Council Retreat: Mr. Myhr reported that the Council Retreat was scheduled for February 2, 2009. Mr. Rose requested Council input so that staff could begin to prepare for a productive event. Mr. Rosenfeld concurred with Mr. Myhr that focus should be placed on the year 2009 and the budget, but said that a long-range vision is also needed. He asked fellow Councilmen if they would prefer more or less structure for this retreat. The Council concurred that less structure would be better and Mr. Myhr added that it would be important to hear the new Council members' visions. Mr. Lichter suggested spending time on the last couple of years, and 2009 and beyond, with time available for the two new members to share their thoughts – not just on the budget, but what the islands might and should be, a retrospective and prospective look. The Council concurred and Mr. Rose suggested a roundtable discussion. Mr. Myhr also asked that Mr. Rose be included in that discussion.

VAB Terms: Mr. Lichter, who serves on the VAB currently as a Council member, stated his desire to remain on the Board. Council discussion took place and the Council agreed to assign a timeframe to his position for Consent tomorrow, essentially transferring his role from Council member status to general member status. [Under RCW 73.08.035, Ord. No. 46-2007, and Res. No. 10-2008.]

Ferries/FAC/Ferry Subcommittee: Mr. Rose reported that the delayed long-range plan is currently scheduled to be released on December 19, 2009, and that more information is available on their website [www.wsdot.wa.gov/ferries]. Mr. Myhr announced that a meeting would be taking place on January 15, 2009, on the inter-island ferry for citizen input [[public outreach link](#)].

Cell Phone Subcommittee: Mr. Peterson reported that people had been inquiring about when the new Cell Tower Ordinance would be in place. Mr. Myhr stated that it continues to be a “hot” topic for some Lopezians who are asking which [wireless] companies are waiting to serve SJC under this proposed ordinance, and expressed concern that even with a new ordinance, [wireless] companies may not be willing to invest in towers here. He also pointed out that there are [wireless service] holes on Whidbey Island (Island County), and theirs is the ordinance that SJC is using as a model. Mr. Peterson explained that the SJC ordinance is turning out to be very different than the Island County Ordinance and that, although the subcommittee was not soliciting providers, Patty Miller, as a former employee of T-Mobile, had asked T-Mobile to evaluate the current ordinance and received a four page list of items that would make [wireless] industries disinterested. Mr. Peterson reported that in Roche Harbor he noticed that Verizon Wireless has posted a notice of application to improve coverage in that area, explaining that they had already gone through the extensive application process for the site and wanted a more user-friendly ordinance to make it more attractive for wireless companies to apply for new sites here. Mr. Myhr concluded by stating that he appreciates the work, but still has basic questions that need to be addressed.

Legislative Priorities (LP): Mr. Myhr reported that LP position statements had been revised according to the discussion in session last week and reported on the new priority regarding requesting DOE authorization to make changes to the Shoreline Management Program (SMP) so that it is consistent with other state and federal laws. Mr. Rosenfeld invited Shireene Hale, Senior Planner, to report. She explained her summary in the position paper and answered questions from the Council. Mr. Myhr reported that he had discussions regarding this with other coastal county officials and suggested banding with them through the Coastal Counties Caucus and asking Senator-elect Ranker and Representative Morris to advocate this priority.

Lobbying: (Continued at 11:11 a.m.) Mr. Rosenfeld addressed the option of seeking lobbying assistance for the upcoming legislative session. He stated that Richard Little, who made a presentation to the Council last week about his work as a lobbyist, wanted him to point out that he was present to speak in general about what a lobbyist could do for the county and was surprised when the discussion turned in the direction of hiring him. Mr. Rose reported that in his follow-up discussion with Mr. Little, he said that although he was surprised, he reviewed his obligations and would be available and willing to serve in that capacity for SJC. Discussion followed regarding this representation. Mr. Peterson shared his concern as to whether it would help by reducing Council trips to Olympia, or result in being called there more frequently on issues of importance. Mr. Rosenfeld suggested trying it for two months. Mr. Lichter expressed concern that it may seem SJC is trying to be considered “big-time” and not get the same consideration by the legislators that it has in the past. Mr. Knapp reminded the Council that they are considered part-time and was in favor of a trial period. Mr. Rosenfeld cited pros and cons and suggested the trial. Mr. Myhr asked what they needed help on, that they couldn’t address themselves. Mr. Peterson noted that the Council has representation through WSAC and that he would expect Senator-elect Ranker to let the SJCC know if something important to SJC is developing. Further Council discussion took place and Mr. Lichter suggested the idea of mailing a brief legislative update/ newsletter to all legislators, detailing SJC concerns and targets.

General Government Subcommittee: Mr. Knapp suggested cancelling the General Government Subcommittee meeting [scheduled for this afternoon] noting that the next meeting is scheduled for January 12, 2009.

Council Meeting / Hearing Ruling: Council discussion took place regarding the scheduled meeting and public hearing tomorrow and whether or not it would be permissible to meet and vote telephonically due to the weather, and whether or not the full meeting would need to take place or just the hearing and the following action took place:

Moved by Myhr, seconded by Lichter to allow Council members to meet telephonically tomorrow [December 16, 2008] due to the weather, to handle the single item of supplemental appropriations. Mr. Rosenfeld asked for clarification from the Clerk. Ms. Larson asked that each Council member state their name for the record along with their vote. Mr. Peterson asked for clarification on the meeting time at 10:50 a.m., to deal with the supplemental appropriations vote. Mr. Rosenfeld suggested that an effort be put forth to have at least four members present in person, but to proceed with the motion in case it is not possible for everyone to be present. Ms. Larson stated that Mr. Gaylord offered to transport Orcas Council members and reminded the Council that several other items will require votes. **Mr. Rosenfeld requested a friendly amendment for the motion to include the entire agenda. Mr. Myhr and Mr. Lichter accepted the modification.** Mr. Rosenfeld

said he would be in favor, as long as this would not be used as a crutch in cases where Council members could make it in. Mr. Rose stated that the entire agenda is important to include a vote on the Courthouse Renovation Phase 2 bid and advised them that he would provide a recommendation after the motion. **Motion carried unanimously with the Council reporting their votes as follows: Knapp, in favor, Myhr, in favor, Lichter, in favor, Peterson, in favor, and Rosenfeld, in favor.**

COUNTY ADMINISTRATOR ITEMS

11:00 a.m. Present: Pete Rose, County Administrator; Ron Henrickson, Community Development & Planning (CD&P) Director; Jon Shannon, Public Works (PW) Director; Brendan Cowan, Emergency Management Services (EMS) Director; and interested members of the public.

1) (Added item.) Update on Weather Conditions: Mr. Shannon reported that, based on information provided by EMS, that PW had County roads plowed and sanded by 1:00 p.m. on Sunday afternoon and anticipates routine sanding and plowing if necessary throughout the week. Mr. Cowan explained that there are four residences on Orcas that are currently without electricity and that the long-term forecast predicts that the cold weather may persist to the end of the year. He reported that he will be conducting a conference call this afternoon with emergency responders and PW Staff to coordinate with all departments, trying to keep in touch with everyone, to make sure nothing is missed as the week progresses. Mr. Cowan and Mr. Shannon answered questions from the Council regarding roads and reports from the on-line papers of cars in the ditch, providing emergency assistance to residents without heat and/or water, and impacts to the County budget. Mr. Shannon said that the County roads are passable, but that drivers still need to use caution. He also reported that the months of January and February were mild this year, so this storm late in the year should not exceed the 2008 budget allotment. Mr. Cowan said “warming stations” would be made available along with transportation in the event power is down and that the EMS is working with the Red Cross, Senior Centers, and Fire Stations to implement this. The Council suggested notifying the public and making the warming stations available now. Mr. Cowan said that once open, the centers must be manned 24 hours, but that they would be prepared to open the warming centers as soon as the need arose.

2) Discussion of Budget Policy: (Commenced at 11:39 due to time constraints.) Mr. Rose noted that, stemming from this year’s budget process, he identified six practices for maximizing revenue, and proposed the following for the Council to consider:

- 1) Require that the maximum administrative fee be taken on all grant applications.
- 2) Set a policy for operating cash, or unallocated fund balance, for the current expense fund, whereby the Council sets the beginning amount, with changes requiring a super-majority vote.
- 3) Identify funds of the county that should have cash reserves running on interest bearing warrants on a predictable and periodic basis in an effort to ensure solvent stewardship.
- 4) Explore an overhead charge for funds of the County, placing an equity stricture in the cost of performing direct and indirect administration services.
- 5) Establish a contingency reserve.
- 6) Clearly circumscribe the limits and authorization processes by which funds can move between sections of the department budgets in any direction. Mr. Rose provided a brief explanation of each proposed measure and answered questions from the Council.

3) Housing Needs and Changes to Appendix 1 – Population, Friday Harbor: Mr. Henrickson provided a briefing on updating the land use and housing elements of the Comprehensive Plan and answered questions from the Council.

ADJOURN - At 11:55 a.m., Council Chair Rosenfeld adjourned the meeting.

Tuesday, December 16, 2008 - Council Hearing Room – Legislative Building, FH

CALL TO ORDER

Council Chair Rosenfeld called the meeting to order at 10:01 a.m. Council Members Rich Peterson, Gene Knapp (telephonically), Bob Myhr (telephonically), and Alan Lichter (telephonically); County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

5/23/2016

17:37:24 PM

The flag salute was conducted.

EXCUSED ABSENCES

Moved by Lichter, seconded by Myhr, to excuse the absence of **Kevin Ranker**, who was away due to state-elect political activities. **Motion carried unanimously on a roll call vote.**

NEW EMPLOYEE INTRODUCTIONS

Mr. Rosenfeld reported that the Prosecuting Attorney hired Joanna Dupris as a District Court Prosecuting Attorney, replacing Stephen Brandli, who left to open a private practice in Friday Harbor.

CITIZEN ACCESS TIME

Jack Cory, a SJC citizen, commented that the Council already has too many priorities and suggested they review the basic priorities already established and give the CA time to complete those that have not yet been accomplished.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised and the following action took place:

Moved by Myhr, seconded by Knapp, to pass a resolution to ratify motions made on today's agenda. Mr. Lichter questioned the motion preferring that it state "motions that were and will be made today." Mr. Myhr and Mr. Knapp accepted the friendly amendment. Ms. Larson pointed out that the object was not to take action on the resolution, but to add the resolution, for consideration, on the January 5, 2009, agenda. **Mr. Myhr revised his motion to state that he was moving to place a resolution ratifying actions taken today, telephonically, on the agenda for the January 5, 2009, meeting. Mr. Knapp accepted the amendment. The motion was passed unanimously on a roll call vote.**

CLERK UPDATE

Mr. Knapp commented favorably on the letter of congratulations presented by Ms. Larson, for Council signature, to Barbara Kline, Superintendent of Orcas Island School District, on the district's efforts in recognition as a top high school in the country. **The Council members identified themselves and stated their approval of the letter, by consensus.**

APPROVAL OF MINUTES

Moved by Lichter, seconded by Myhr, to approve the **Minutes of December 8, and 9, 2008. Motion carried unanimously on a roll call vote.**

CONSENT AGENDA

Moved by Lichter, seconded by Myhr, to approve the **Final Consent Agenda of December 16, 2008** as follows:

A. Resolutions / Ordinances:

1. A Resolution granting Christopher T. Burn Timber Open Space Application No. 07TOS006 on Waldron Island.
2. A Resolution granting the Francis Trust Open Space Land Classification, File No. 07OS0003, San Juan Island.
3. A Resolution Changing Custodians of the Fair Revolving Fund.
4. A Resolution granting Greg Baker Timber Open Space Application No. 08TOS001 on San Juan Island.

B. Contracts/Agreements: (No items.)

C. Budget Items: Approve Warrants:

- Warrants #54995-55066 in the amount of \$80,540.32 for Public Works
- Warrants #54878-54993 in the amount of \$2,745.466.02 for County Claims

- Warrant #54994 in the amount of \$9,201.34 for Public Works Excise
- Warrant #54877 in the amount of \$70.20 for Assessor's Office

D. Personnel (No items.)

E. Appointments

1. A letter appointing Madrona Murphy to the Noxious Weed Control Board, Area #5, Lopez Island/Shaw Island, the term beginning January 1, 2009 and expiring July 31, 2013.

2. A letter reappointing Shannon Plummer to the San Juan County Veterans' Advisory Board, the term beginning January 1, 2009 and expiring on December 31, 2011.

3. A letter reappointing Michael Baker to the San Juan County Veterans' Advisory Board, the term beginning January 1, 2009 and expiring on December 31, 2011.

4. A letter reappointing Alan Lichter to the Veterans' Advisory Board as a Citizen Volunteer, beginning 1/1/09 and expiring December 31, 2009.

F. Correspondence:

1. A letter to David Moseley regarding the decision of US Coast Guard and scheduling impacts to the inter-island ferry.
2. A letter to Jerry & Jan Barto, Rosario Signal LLC, congratulating them on their purchase of Rosario Resort.

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously on a roll call vote.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 61-2008- (Refer to PUBLIC HEARINGS, 10:50 a.m., for details of action taken.)

RES. NO. 87-2008- (Refer to DISCUSSION, 10:35 a.m., for details of action taken.)

RES. NO. 88-2008- (Refer to PUBLIC MEETING, 2:00 p.m., for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

COUNCIL MEMBER UPDATES

Odlin South Acquisition: Mr. Myhr reported that the Odlin South Fund Raising event was cancelled due to weather, and that additional funding, from a project on the mainland, had not materialized. He stated the present strategy is to work with legislators to appropriate \$600,000 for the acquisition of 37 acres of Odlin South and suggested this be included in the legislative priorities.

Meeting Cancellations: Meeting cancellations and notifications were discussed regarding LTAC and VAB, due to weather conditions.

Calendar Planning: The Council agreed that one day would allow sufficient time to conduct the Council Retreat.

DISCUSSIONS

10:35 a.m. – A Resolution Amending the Coffelt Conservation Easement: Present, Lincoln Bormann, Land Bank Director; and interested members of the public. Mr. Bormann provided a Slide Show depicting maps with easements and the proposed building envelope in a 10 acre parcel in the NE corner of the property. Mr. Bormann stated that when interests merge, underlying fees go out of effect, but explained how the Land Bank was avoiding this by granting the easement to the Preservation Trust. Council discussion took place, with Mr. Bormann providing answers to their questions, and the following motion was made:

Moved by Myhr, seconded by Knapp, to accept the Land Bank Resolution Amending the Coffelt Easement. Motion carried unanimously on a roll call vote.

11:05 a.m. – Revised Noxious Weed Assessment Ordinance: Present: William Agosta, Chair, SJC Noxious Weed Board; Richard Lee, SJC Noxious Weed Control Program Field Coordinator; Judy Jackson, SJC Field Assistant; Jon Shannon, Public Works (PW) Director; and interested members of the public. Mr. Agosta explained the legal obligations of all land owners to remove noxious weeds and the connection that exists between Public Works activities and Weed Control Board activities. In an answer to a question posed by Mr. Knapp regarding two county departments duplicating efforts, Mr. Agosta, Mr. Lee, and Mr. Shannon explained the specific duties of the Weed Board, Noxious Weed Control Program, and Public Works, stating that their efforts were not duplicative.

11:25 a.m. Lobbying Efforts & Legislative Priorities: (Commenced at 10:34 due to time constraints.)
Lobbying Efforts: Mr. Peterson, Mr. Myhr, and Mr. Lichter agreed that engaging a lobbyist should remain on hold until the new Council members are seated. Mr. Rose confirmed that this, with three Council members in agreement, would need to be carried forward. **Legislative Priorities:** Mr. Rose reported that the changes discussed yesterday, regarding the Shoreline Management Program (SMP) priority, had been made and incorporated into the SJC Legislative Priority Position Papers and asked if the Council was ready to submit the document to the Legislature and Washington State Association of Counties (WSAC). Council discussion took place and Mr. Myhr suggested having Josh Brown, WSAC Western-District President, distribute the SJC Position Papers at the Coastal Counties Caucus meeting and the Legislative Steering Committee meeting of WSAC on January 22, 2009. He also reminded his colleagues that CD&P was going to consult with other coastal counties that are faced with the SMP issue, noting that SJC will not be the only driver on this issue. The Council concurred and Mr. Rose said he would distribute the document today. Discussion regarding grant applications and administrative fees followed. At 11:25 a.m., Mr. Rose suggested that the chair inquire if any citizens were present to discuss lobbying and legislative priorities, scheduled for this time. No members of the public came forward and the Council had a brief discussion regarding legislative priorities and lobbying.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

1:30 p.m. - Present: County Administrator, Pete Rose; and interested members of the public.

1) Staff Attendance: (Added item.) Mr. Rose, in following up on a request from the Council yesterday, reported that there were eleven County employees, including three Council members, absent due to the weather conditions.

2) Courthouse Renovation Phase 2 Bid Award: Mr. Rose stated that staff had recommended that the Council award this bid and authorize him to execute the contract. He explained that the formal sealed bids were opened on December 5, 2008, for the court room renovation, payment office, and jury restroom. He stated the apparent low bidder, Peter C Schmidt Construction, is now deemed the lowest responsible bidder, at \$235,533.46. He referenced his Staff Report, providing details regarding the project and funding. Mr. Rose answered questions from the Council and the following action took place:

Moved by Peterson, seconded by Myhr, to forward a public approval contract to Peter C. Schmidt Construction in the amount of \$231,533.26 for the Historic Courtroom Renovation Contract and authorize the County Administrator to execute the contract. Motion carried unanimously on a roll call vote.

PUBLIC MEETING

2:00 p.m. – A public meeting was held to consider a Resolution establishing Lottery Procedures for Detached Accessory Dwelling Units (ADU) Permits pursuant to Ordinance 51-2008. Present: Alan Shayo, Permit Coordinator; and interested members of the public. Mr. Shayo presented the proposed Resolution and answered questions from the Council, explaining in detail how the lottery procedure would take place. Public comment was opened, none submitted, and closed. The following action then took place:

Moved by Peterson, seconded by Lichter, to adopt a Resolution Adopting Procedures to be utilized by CD&P for the 2009 Lottery Permit issuance of the Accessory Dwelling Unit Permits. Motion carried unanimously on a roll call vote.

PUBLIC HEARING

10:50 a.m. - A **public hearing** was held to consider a Budget Ordinance amending SJC 2008 Budget Ordinance 57-2007 for emergency appropriations. Present: Council Chair Howard Rosenfeld; Council members Rich Peterson, Alan Lichter (telephonically), Gene Knapp (telephonically), and Bob Myhr (telephonically); SJC Auditor, Milene Henley; 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 her Staff Report containing items under consideration for the emergency ordinance. She provided details and answered questions from the Council. Public testimony was opened, none submitted, and closed. The following action then took place:

Moved by Lichter, seconded by Myhr, to adopt a Budget Ordinance amending the SJC 2008 Budget as adopted by Ordinance 57-2007, for emergency appropriations. Motion carried unanimously on a roll call vote.

ADJOURNMENT - Moved by Lichter, seconded by Myhr, to adjourn the meeting at 2:16 p.m. Motion carried unanimously on a roll call vote. A Special Meeting was scheduled for Monday, January 5, 2008, and the next regular meeting was scheduled for Monday, January 12, 2008, with the next regular Tuesday meeting scheduled for January 13, 2008.

These Minutes were approved and signed on Tuesday, January 13, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.