

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
August 20 and 21, 2007**

Monday, August 20, 2007 - Council Conference Room

CALL TO ORDER

Council Vice-Chair Rosenfeld called the special meeting to order at 10:00 a.m. Council members Ranker, Peterson, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Laura Tuttle; and interested members of the public were present.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council held a staff meeting. No action was taken.

RECESS - At 12:00 noon, Council Chair Myhr recessed the meeting until 10:00 a.m., Tuesday, August 21, 2007.

Tuesday, August 21, 2007 - Council Hearing Room

CALL TO ORDER

Council Chair Myhr called the meeting to order at 9:00 a.m. The flag salute was conducted.

CITIZEN ACCESS TIME

No matters were brought before the Council.

ANNOUNCEMENTS/SCHEDULE CHANGES

Council Chair Myhr reported that the NW Regional Council, with four NW Counties serving as the Local Area Agency on Aging, met on Lopez Island to present their four-year plan, 2008-2011.

The posted Council Agenda was revised. Milene Henley, Auditor, and Karen Vedder, Deputy Prosecuting Attorney, had been in attendance as early as 10:00 for the 10:30 discussion item, *Council Budget Priorities*, and learned at 11:00 that the agenda had been revised and that item had already been discussed. They expressed their frustration with this practice and respectfully requested that the Council Chair adhere to the posted agenda. Ms. Kivisto and Mr. Corey expressed similar sentiments.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Rosenfeld, to approve the Minutes of **August 13 and 14, 2007**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Rosenfeld, to approve the **Final Consent Agenda of August 21, 2007**, as follows:

A. Resolutions/Ordinances:

1. Resolution 35-2007 - Adopt the resolution approving the open open space Classification for Ron McDowell and Kathleen Dickinson, 393 Bobbyann Road, Eastsound, WA, File No. 060S001, for parcel number 160923004, Orcas Island, subject to the findings and conditions listed therein; and authorize the County Administrator to sign the Open Space Taxation Agreement, pursuant to the public hearing held on January 17, 2007.

B. Contracts/Agreements:

1. Open Open Space Taxation Agreement (SJC Agreement No. 060S001) between San Juan County and Ron McDowell and Kathleen Dickinson, 393 Bobbyann Road, Eastsound, WA, re: File No. 060S001, for parcel number 160923004, Orcas Island, subject to the findings and conditions listed therein; pursuant to the public hearing held on January 17, 2007.

2. Agreement Amendment (2) with North Sound Mental Health Administration (NSMHA), for the provision of mental health services to under-served children and families in San Juan County (SJC Agreement No. 07HC11B), Contract No. NSMHA 93.958 – Federal Block Grant for Community Mental Health Services, San Juan County Health and Community Services – 06-07.

3. Agreement for Air Tank Recharging Services (SJC Agreement No. 07SH12) between the San Juan County Sheriff's Department, the law enforcement agency for San Juan County, Washington, and the Town of Friday Harbor, requiring the San Juan County Sheriff's Office to continue to provide and maintain the Air Fill Station.

4. Interlocal Agreement with Educational Service District (ESD) 189 for Nursing Services (SJC Agreement No. 07HC48) by and between Northwest Educational Services District 189 (NWESD 189) and the San Juan County Health and Community Services (SJCHCS).

5. Agreement for San Juan County Health & Community Services 2007-2011 Consolidated Contract, Amendment 4 (SJC Agreement No. C14960), by and between Washington State Department of Health and San Juan County Health and Community Services, to continue the provision of public services in San Juan County.

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. Approve the appointment of Peter Dederich to the San Juan County Initiative Policy Commission, for a term which will begin immediately and expire upon completion of the deliberations of the San Juan County Initiative Policy Commission.

F. Correspondence: (No items.)

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 31-2007- (Refer to PUBLIC HEARINGS, 10:00 a.m., for details of action taken.)

ORD. NO. 32-2007- (Refer to PUBLIC HEARINGS, 10:00 a.m., for details of action taken.)

ORD. NO. 33-2007- (Refer to PUBLIC HEARINGS, 10:00 a.m., for details of action taken.)

ORD. NO. 34-2007- (Refer to PUBLIC HEARINGS, 10:00 a.m., for details of action taken.)

CORRESPONDENCE:

1. It was agreed by consensus to sign the letter, edited in session and dated August 21, 2007, to Mr. David Dicks, newly-appointed Executive Director of the Puget Sound Partnership.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS

10:15 a.m. Legislative Priorities – Also present: Pete Rose, County Administrator; and interested members of the public. The ten legislative priorities on the list for 2008 were discussed. Mr. Peterson, Mr. Lichter, and Mr. Rosenfeld were in support of moving ferries to the top of the list, but Mr. Ranker, who returned to the meeting at 10:20, disagreed. He suggested selecting three or four priorities, and giving them equal weight. Mr. Ranker also identified the nature of the requests as to whether they included a financial “ask.” Of those that had become the focus of the Council, Mr. Ranker noted that Mitchell Hill had no monetary request, the Oil Spill priority did have a significant monetary request, the WSAC request would require a small amount of funding for staffing, the Ferry request would require around \$40,000 for an economic study, and the Affordable Housing request was to change the definition of “moderate income,” and had no monetary request. **It was agreed by consensus to move forward with priorities from the list, with equal weight, as follows: 1) Save Mitchell Hill; 2) Neah Bay Oil Spill Advisory Council; 4) WSAC full-time staff for coastal county issues; 5) Ferries – long-term financial planning; and, 7) Affordable Housing.**

10:30 a.m. (Commenced at 9:20 due to an agenda change.) **Council Budget Priorities for 2008** – Also present: Pete Rose, County Administrator; and interested members of the public. Council Chair Myhr suggested a two-prong discussion, first, addressing overall County budget concerns, and then the Council budget. Mr.

Ranker suggested reviewing and evaluating the priorities listed for 2008. Each Council member offered his input and then identified their top four budget priorities. A lengthy discussion followed regarding Regional Transportation Planning Organizations (RTPO) and the idea of forming a sub-RTPO for San Juan County, linking SJC with Island County, and the other priorities listed. **The priorities arrived at by a polling consensus were numbers: 4) Basic services (Public Works) be maintained; 5) Additional CDPD Staffing for code enforcement, UDC, Lopez UGA; 9) ARC needs; and, 11) Inter-island Technological Connectivity/Video Conferencing.**

PUBLIC HEARINGS/MEETINGS

10:00 a.m. – (Commenced at 10:10 due to time constraints.) A public hearing was held to consider ordinances to implement the County Charter, amendments to Title 1 of San Juan County Code, Ordinance 31-2007, regarding Chapter 1.04; Ordinance 32-2007, regarding Chapter 1.10; Ordinance 33-2007, regarding Chapter 1.12; and, Ordinance 34-2007, regarding Chapter 1.20. Present: Full Council; Pete Rose, County Administrator; Laura Tuttle, Clerk to the Council; Lisa Brown, Deputy Clerk; Karen Vedder, Deputy Prosecuting Attorney; and interested members of the public. Councilman Ranker needed to be excused from the meeting temporarily. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Peterson, seconded by Rosenfeld, to adopt Ordinances 31-2007, 32-2007, 33-2007, and 34-2007. Under discussion, Mr. Rosenfeld pointed out that these ordinances were to add language to comply with the Charter, and had no substantive changes. **Motion carried with Mr. Ranker absent.**

11:15 a.m. - A public meeting was held regarding the property closing on the Meng/Cady Whatmough Bay property on Lopez Island. Present: Lincoln Bormann, Land Bank Director. Mr. Bormann presented his Staff Report and recommendation to adopt a resolution to acquire the deed for Whatmough Bay on Lopez Island. He explained the complexity of this transaction in that it was set up to leverage funds up front, with grant money applied for to be received as a reimbursement. This is expected by December, finalizing the cost at approximately \$575,000 with an additional \$50,000 reallocated to the stewardship fund for managing the property. Mr. Bormann answered questions from the Council. Mr. Lichter questioned the exclusion of the reimbursement language in the Resolution. Mr. Bormann explained that while the resolution executes the deal, the Staff Report clarifies reimbursements. Mr. Ranker questioned the likelihood of receiving grant money to reimburse the County after the purchase is complete. Mr. Bormann explained that the closing date was scheduled to coincide with the end of the fund-raising period and that an agreement would be in place with the Preservation Trust to guarantee they will reimburse the County the full fifty percent, making up the difference if their fund-raising efforts are insufficient. After deliberations, the following action took place:

Moved by Ranker, seconded by Knapp, to sign the resolution to acquire and accept the deed for the Meng/Cady property on Lopez Island. Motion carried.

11:30 a.m. - A public meeting was held to consider continued funding for the Agricultural Resources Committee (ARC) Coordinator position in the amount of \$10,000. Present: Pete Rose, SJC Administrator; Ron Zee, Conservation District Manager; Tom Schultz, WSU Extension Agent; and interested members of the public. Mr. Rose prefaced Mr. Zee's report by reminding the Council that, at the end of the budget process last year, Mr. Zee was asked to work with the Conservation District in moving the ARC coordinator position from the Extension Agent, to the Conservation District, and funding was allocated for the first eight to nine months, with the expectation of receiving this request to fund the position through the end of the year. Mr. Zee explained how the ARC is helping to address issues in the County regarding maintaining open space, local food production, and preserving part of the County's cultural farming heritage. Mr. Zee commented that this partnership between the County and Conservation District creates an optimal situation and believes all agree that the ARC should flourish, not perish. He added that the future of SJC farming is "in our hands." Mr. Zee answered questions from the Council. Mr. Rose pointed out that the \$12,500, set aside for the Town of Friday Harbor (TFH) Urban Growth Area (UGA) study, was still available, as the study was accomplished in-house, and suggested reallocating those funds. Several members of the community spoke in favor of the ARC and funding this position. Mr. Rosenfeld commented that this was the only budget priority discussed that got all six votes of the Council. Deliberations were held and the following action took place:

Moved by Lichter, seconded by Rosenfeld, to approve \$10,000 to fund the ARC Coordinator position through the end of the year. A friendly amendment was offered by Mr. Ranker, to add language regarding

the reallocation of the funding from the TFH UGA study to fund this position. The friendly amendment was accepted. **Motion carried.**

12:00 noon - A public meeting of a joint meeting between the Town Council of Friday Harbor and the San Juan County Council to address issues of mutual concern. Present: David Jones, Mayor; Liz Illg, Carrie Brooks, Wally Gillette, Debbie Emery, and Kelly Balcomb-Bartok, Town Council Members; King Fitch, Town Administrator; Amy Taylor, Town Clerk; Full SJC Council; Pete Rose, County Administrator; Laura Tuttle, Clerk to the Council; Lisa Brown, Deputy Clerk; and interested members of the public. Brought forth for discussion by the Mayor and representatives of the Town were: Turn Point/Pear Point Road alterations, regional transportation planning, and the solid waste transfer station. The County initiated discussions regarding the Town of Friday Harbor Urban Growth Area, Regional Transportation Planning Organization (RTPO), and the 6-Year Transportation Improvement Plan. Town and County officials also shared planning efforts and exchanged input regarding affordable housing, upgrading and expanding infrastructure, traffic solutions, trails, and grants.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

1. Classification Committee Recommendation Regarding Staffing and Contract Status of the Undersheriff

– Also Present: Pamela Morais, Human Resources Manager; Milene Henley, Auditor; Ron Henrickson, Community Development and Planning Department (CDPD) Director; and interested members of the public. Ms. Morais gave a PowerPoint presentation outlining the rationale behind the recommendations she brought before the Council regarding the reclassification of five positions, and the addition of a full-time GIS Technician and a temporary, part-time (.4 FTE), Ecosystems Education Coordinator position, through 2009, based on three quarters grant-funding for the entire term. As far as the Undersheriff salary, Ms. Morais provided background stating that the Sheriff's Guild Contract covers nearly every position in the department assuring an annual three percent cost of living adjustment (COLA), except the Undersheriff, which is an unrepresented position. She noted that there is no overtime permitted with this position, and that the Sheriff's salary must be at least two percent higher than the Undersheriff's salary. Ms. Morais referenced her staff report, sharing her concern that without an adjustment, the deputy salary may exceed that of the Undersheriff, resulting in a compression issue that would compound over time. She indicated that the primary issue was that without a wage increase, there was no incentive to serve in a management position in SJC law enforcement. Ms. Morais answered questions from the Council. After discussion, the following action took place:

Moved by Peterson, seconded by Ranker, that the unrepresented positions within the Sheriff's Department that are appointed, at-will, armed, and able to enforce the governing laws of the State of Washington, receive the same wage COLA as provided to Guild Members in the SJC Guild Members Collective Bargaining Agreement. Ms. Henley inquired if there were any other employees that fell into that category. Ms. Morais said there were not, and Sheriff Cumming added that he had made a request for a chief criminal deputy sheriff in the current budget due to high work volume and overtime, and stated that this person would fall into that category. Mr. Rose explained that the Council sets pay ranges and staffing levels, but that this motion would affect an omnibus decision, placing any new positions that meet those criteria to move along with the Guild contract rather than unrepresented staff, but that staffing levels would still be determined by the Council. He further explained that relative to Civil Service Law, there is a staffing formula used to determine allowable management staffing. **Motion carried.**

Moved by Ranker, seconded by Rosenfeld, to approve the classification committee recommendations for reclassifications and new positions. Mr. Lichter questioned the need for an additional ecosystem education coordinator, when Amy Windrope is already on staff and doing the work. Mr. Henrickson helped to clarify this by explaining that all four programs relating to the San Juan Initiative (SJI) have a need for public education, beyond the immediate group, to get the word out as to what they are doing. When the time comes to approve regulatory changes, the public will need to be much more informed about those decisions. All four programs have the same need and overlapping program areas, and each will provide one quarter of the cost of one part-time person. He added that this is the most efficient and least costly way to reach their goal, with an impact on the current budget of \$5,000, which is currently in the budget for this year. Mr. Lichter asked if this would become a permanent position. Mr. Henrickson said that when grant funding ends, in June of 2009, he would recommend termination of the position, and hopefully by then, the SJI would have accomplished its goals. **Motion carried.**

2. Housing Bank Commission / Affordable Housing Priorities – Also present: John Manning, Health and Community Services Director; Ron Henrickson, CDPD Director; and interested members of the public. Mr. Manning referenced his Staff Report and recommendations. Mr. Manning and Mr. Henrickson answered

questions from the Council. Mr. Knapp stated that the housing plan and attachments were well done, but expressed objection to establishing a Housing Authority (HA), giving way to the right of eminent domain, “a very dangerous ground.” He added that if the Council could get assurance from the Prosecuting Attorney’s office that there was some way to eliminate that from the statute, he would have no objection. Mr. Myhr raised related issues regarding seeking a redefinition of Affordable Housing through the upcoming legislature, and was concerned about identifying properties within the County which could be available for housing affordability. Mr. Myhr also stated that, although his mind is open, he has serious reservations about SJC creating a Housing Authority and getting into the business of operating housing. Mr. Ranker stated he was in favor of the Staff Recommendation to come back with a more comprehensive analysis of what a Housing Authority does and answer Mr. Knapp’s question regarding eminent domain. After discussion, the following action took place:

Moved by Ranker, seconded by Rosenfeld, to direct Staff and the Housing Bank Commission to prepare an information package on the development of a Housing Authority. Under discussion, Mr. Rose explained that a Housing Authority Board could be the County Council, with the Council making the decision whether or not to use eminent domain. He added that it could be in partnership with the Town and be comprised of three members from the Town and County, or once it is set up to run the housing, it could be a model like Mr. Pagini suggested in Nantucket, where a non-profit actually runs the housing program. Mr. Lichter stated that, with the large number of priorities CDPD is faced with, if enough members of the Council were seriously interested in a Housing Authority, they should proceed on that basis. He then asked Mr. Henrickson how extensive this investigation might be. Mr. Henrickson said he would outline the technical mechanisms used to set up a Housing Authority and provide an evaluation of what the need is in terms of what authorities the Housing Authority has to have, what programs they are going to get involved with, and the aspect of who would run the Housing Authority. He assured the Council that the Housing Bank Commission and Mr. Manning would be willing to work along with him to prepare this and considers it a key to the future of this community. He said he would work off-hours to bring back a range of possibilities and choices, and that although it would take some time, it would be time well spent. **Motion carried.**

3. Stormwater Utility Discussion – Also present: Ed Hale, Utility Manager, Jim Nelson, Eastsound Water Association; John Evans, San Juan Builders Association; Rachel Dietzman, Engineer; Steve Hussey, SJC Conservation District; Patty Miller, Eastsound property owner; and interested members of the public. Mr. Rose explained that he took this opportunity to provide a baseline to all six Council members, three of which were not in office when the fee was determined. He also invited members of the citizens’ committee that recommended the stormwater utility fee. Mr. Hale gave many reasons related to addressing stormwater as an issue, explained the research that was done, and the rationale behind the recommendation of the committee. Several committee members present also explained how they arrived at their final recommendation -- overall, understanding that there was no perfect solution, they felt the method chosen was the best available. It was also noted that the process was open to the public and well advertised. The panel answered questions from the Council.

4. Build Team Between Solid Waste Advisory Committee (SWAC) and Council – Mr. Rose stated that this item was discussed earlier at the joint meeting with the Town, and encouraged Council members to attend the next SWAC meeting on Monday, September 17th, 2007, at 11:45.

5. Courthouse Parking Lot Lighting – Also Present: Jon Shannon, Public Works Director; and interested members of the public. Mr. Shannon referenced his Staff Report reviewing research he had done related to installing solar lighting standards, versus electric lighting standards. He reported that his staff would need to work on design-level engineering to evaluate solar capture numbers and coefficients in designing a system to ensure the light density would meet L&I requirements. Included in his analysis was the high cost of the solar standards and battery packs, which have a 5-6 year lifespan, and are required for back-up to the solar power. He concluded that although the solar lighting would be more eco-friendly, it would actually be more costly than the bid received in the spring to dig into the bedrock to bury the wiring for the electric standards. Mr. Shannon and Mr. Rose then answered questions from the Council. Mr. Shannon explained that the previous bid was no longer available and it would not be possible to meet the L&I deadline of daylight savings time with a complete system, electric or solar. Mr. Rose suggested an interim alternative of installing building-mounted hooded fixtures that would also serve as a back-up if the solar standards fell below the foot-candles required by L&I. During discussion, it was conveyed by the Council that, although it was determined to be slightly more costly, it was their desire to continue to pursue the solar lighting. **The consensus of the Council was to have Public Works move forward in pursuit of solar standards and provide a plan to the Council in two months.** Mr. Rose concluded by recommending that the Council make a capital budget allocation to begin analysis and stated that he would direct PW Staff to implement interim measures for Staff safety.

6. Essential Public Facilities Ordinance Update – Also Present: Ron Henrickson, CDPD Director; and interested members of the public. Mr. Henrickson reported that he had reviewed the ordinance and forwarded it to Public Works (PW). The ordinance will go before the Planning Commission in October, and thereafter, CDPD will bring a Staff recommendation before the Council.

7. Eastsound UGA Compliance Update – Also Present: Ron Henrickson, CDPD Director; and interested members of the public. Mr. Henrickson reported that the County was required to work with CTED regarding this. CTED directed CDPD to work with Ann Henrickson as a mediator. Tentative dates for meetings in September have been set with Eastsound Sewer. Mr. Myhr stated that he spoke with a representative of Lopez Fisherman Bay Water System and learned they are awaiting paperwork to sign.

ADJOURNMENT - Moved by Peterson, seconded by Lichter, to adjourn the meeting at 4:37 p.m. Motion carried. A Special Meeting was scheduled for Monday, September 10, 2007, and the next regular meeting was scheduled for Tuesday, September 11, 2007.

These minutes were approved and signed on Tuesday, September 11, 2007. The original document is retained in the Council's permanent proceedings file dated August 21, 2007. Attest: Lisa J. Brown, Deputy Clerk.