

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
MARCH 6 AND 7, 2006**

Monday, March 6, 2006 - Council Conference Room

CALL TO ORDER

Council Chair Lichter called the special meeting to order at 10:00 a.m. Council Members Ranker and Myhr; County Administrator Pro-Tem David Goldsmith; Prosecuting Attorney Randall Gaylord; and Interim Clerk of the Council Carolyn Morrison were present.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council met for a weekly Staff Meeting and Council Work Session regarding various County business. No action was taken

RECESS - At 11:20 a.m., Council Chair recessed the meeting until 10:00 a.m., Tuesday, March 7, 2006.

Tuesday, March 7, 2006 - Council Hearing Room

CALL TO ORDER

Council Chair Lichter called the meeting to order at 10:00 a.m. Council members Ranker and Myhr, Administrator Pro-Tem David Goldsmith, and the Interim Clerk to the Council Carolyn Morrison were present. The flag salute was conducted.

CITIZEN ACCESS TIME

Stephen Robins – Regarding continued transparency in County government.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Ranker, seconded by Myhr, to approve the minutes of **February 27 and 28, 2006**. Motion carried.

CONSENT AGENDA

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of March 7, 2006** as follows:

A. Contracts/Agreements:

1. **Agreement No. 06CDPD02** – Sign the Cooperative Agreement between SJC and The Nature Conservancy to provide stewardship planning and scientific support for creation of a draft adaptive management framework to foster the success of the SJC Marine Stewardship Area as set forth in the Memorandum of Agreement, **SJC No. 05SJ33** (Attachment A), signed November 29, 2005; and, to provide funding in the amount of \$24,000 to the County for completion of a conservation plan as detailed in Attachment A, with a Project Budget as shown on Attachment B, under the terms and conditions as set forth therein.

B. Budget Items:

1. Approve going forward with a public meeting to consider a supplemental appropriation to the County in the amount of \$24,000 from The Nature Conservancy to fund the work outlined in **SJC Agreement 06CDPD02**.

C. Personnel:

1. Approve an extension of the appointment of Carolyn Morrison as the Interim SJC Council Clerk/Office Manager, effective immediately and to be in effect until July 25, 2006, at Range L, Step 3 of the 2006 Management Non-Represented Pay Schedule.

D. Correspondence:

1. Sign the letter to Senator Harriet Spanel, and Representatives David Quall and Jeff Morris, thanking them for their assistance in the passage of ESSB 6366 to provide funding for pandemic influenza planning and preparation.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 4-2006 – (Refer to PUBLIC HEARINGS/MEETINGS, 1:30 p.m., for details of action taken.)

MISCELLANEOUS ITEMS:

1. Proposed Accessory Dwelling Unit (ADU) Time Lines – Present: Randall Gaylord, Prosecuting Attorney; Ron Henrickson, Community Development and Planning Department Director; and interested members of the public. Mr. Gaylord began with a review of a printed time line for ADU deadlines to meet the schedule set by the Growth Management Hearings Board (GMHB). He noted that the Planning Commission had completed their deliberations on March 3; however, a SEPA analysis is required. He recommended that the Council request a 60-day extension from the GMHB to allow for preparation of the analysis, draft ordinance, public process and final consideration of the Council. Additionally Mr. Gaylord had provided two Memoranda to the Council dated March 2 and March 6, 2006 which addressed his recommendations and advice regarding the current stay of a decision by the Court of Appeals and a request for an extension of the compliance deadline to the GMHB regarding the ADU issue. The Council discussed at length whether or not to request an additional stay from the Court and another extension from the GMHB. Because of the time that will be required to consider a proposed ordinance on the issue of ADU's, the following action was taken:

(a) **Moved by Ranker, seconded by Myhr, to ask that the Prosecuting Attorney request the State Court of Appeals to grant an additional stay of the decision of the appeal in the matter of *Friends of the San Juans v. San Juan County* for another 180 days. Motion carried.**

(b) **Moved by Ranker, seconded by Myhr, to ask that the Prosecuting Attorney request an extension of 60 days from the GMHB March 13 deadline for compliance on the ADU ordinance. Motion carried.**

2. Request to Extend the Deer Harbor Moratorium Ordinance – Present: Randall Gaylord, Prosecuting Attorney; Bob Henigson of Deer Harbor (speaking on behalf of signatories on a letter of request); and interested citizens. Mr. Henigson addressed the Council with a review of a written request for a six-month extension of the Deer Harbor Hamlet Building Moratorium which will expire on April 4, 2006. He expressed the views of certain members of the Deer Harbor community who are not pleased with the current draft plan as it is being prepared. Mr. Henigson stated that at the last meeting of citizens, over 70 members of the community stated they wanted an extension of the moratorium, with the exception of those involved with Trend West. That meeting was attended by Ron Henrickson, Community Development and Planning (CDPD) Director and Councilman Lichter. The Council discussed specific points that were raised and noted that the new CDPD consultant, Michele Stearns, also prepared the San Juan Valley Heritage Plan for the County. There was no objection to working with Ms. Stearns; but the members of the community wanted her to come over to see the actual layout of the area and meet with citizens. Chair Lichter requested input from Mr. Gaylord who referred to a copy of a memorandum he wrote to the previous Board of County Commissioners on September 21, 2006 that addressed the moratorium issue and the issue of "takings." He advised the Council that it is wise to reconsider these issues and that findings of fact will need to be drafted before any renewal. He urged the Council to review the issue of takings and noted that he is in favor of short moratoriums. He did conclude that the Council could extend this action for another six months, but also emphasized that this decision is made within the budget and time frame for adoption and not to simply protect the status quo. He suggested that the Council consider allowing some things to be allowed such as building a single-family residence. If the Council proceeds, the existing Ordinance would be repealed upon adoption of a new six-month moratorium. After a lengthy discussion, it was the **consensus of the Council to go forward with preparation of a draft ordinance, and to schedule a public hearing to consider a six-month extension. The Council requested that the County Administrator Pro-Tem work with Mr. Gaylord and CDPD to prepare the necessary paperwork.** At the conclusion of this discussion, Chair Lichter

thanked Mr. Henrickson for the work that he has done since stepping into this process and for his diligence in the matter.

3. Recruitment Process for County Administrator Update – Councilman Myhr reported that copies were available for the public of the advertisement that Waldron & Company had completed for the recruitment of this position. He again emphasized that the Council would like to see this position filled by mid-May of this year. The Council thanked him for taking the lead and agreed the process needs to be completed expeditiously.

PUBLIC HEARINGS/MEETINGS

11:00 a.m. – County Administrator Pro-Tem Council Briefing. Also present: Si A. Stephens, Auditor and Interim Administrator Pro-Tem.

- 1. Juvenile Department Request for Staff Time Increase** – Mr. Goldsmith is working with this department and will bring it to the Council when ready.
- 2. Deer Harbor Hamlet Update** – Mr. Goldsmith reported that he had met with members of the community along with Ron Henrickson, Community Development and Planning Department Director. He noted that it is not uncommon for a community to view their area (hamlet) in a different manner than the whole County. However, he emphasized that there are issues to be resolved such as residential versus commercial, parking for Waldron Island residents, and the Trend West Project. All of these issues will have to be addressed in the planning process.
- 3. East Orcas Community Plan** – Mr. Goldsmith met with members of this community and they requested updates to their area as well. He reported that he had explained to them that the County does not have time currently to do an update, but maybe it can be considered in about a year. As previously reported, there can be no additional long-range planning scheduled at this time. Councilman Myhr stated that Lopez Island may want to consider a Sub-Area Plan. Mr. Goldsmith replied that there is list of thirteen communities that want plans at present and only three can be done currently.
- 4. Fire Marshal Contract** – Mr. Goldsmith reported he will be meeting with all fire districts to be certain all issues are covered. District 3 is currently the lead; however, each fire district may be able to handle things within their own district. The issue is funding, and some is permit driven with inspection fees. The Council asked what had changed since the prior year and Mr. Goldsmith explained that the County did not meet their obligations in the first contract for these services. He offered that when a Building Official is hired, if they have credentials to act in this capacity, we could transfer this function back to the County and sub out some of the duties. He will update the Council as progress is made.
- 5. Salary Commission** – The Council will consider an ordinance at a public hearing today. He has a list of interested candidates. March 21, 2006 is the deadline for their comments and he and the Auditor want to do the lottery and present the other four recommendations at same time. Mr. Ranker asked if Mr. Stephen's lottery process could take longer. Mr. Stephens stated he has already sent letters to each district (six) and these letters notified five separate people in each district at the same time. Councilman Myhr thanked both Mr. Goldsmith and Mr. Stephens for keeping the process going. Mr. Goldsmith stated that the names of candidates will be placed before the Council for consideration and approval or denial.
- 6. Monday, March 13** – Mr. Goldsmith stated that he and Chair Lichter will be meeting together to review Hearing Examiner candidate evaluations.
- 7. Space Needs** – Mr. Goldsmith reported that a space planner and he met with Community Development and Planning to analyze the space needs and identify necessary space for various activities. It will be about 60 to 90 days before all the work is done. They will also incorporate the previous work that was done. He added that he is also reviewing space needs of new Council members. He is investigating interactive video but the County's technology is not yet ready to consider this. The planned improvement that OPALCO is working on must be completed first. Councilman Ranker noted that he used inter-active video conferencing in a previous position and was not impressed with the results. After discussion, Mr. Goldsmith replied that his report will be ready in about 60 days and this will include the options for housing the County Council within their existing space or in another location.
- 8. Environmental Policy** – Mr. Goldsmith reported he is working on a policy as requested by the Council. It will be 60-90 days out. He is obtaining information from OPALCO on their "Green Program" but other departments need to look at what this means regarding building codes, energy codes, etc. He cautioned the Council that it will cost more to do this.

11:30 a.m. - A meeting was held to hear a report presented by Alex McLeod Chair of the SJC Ferry Advisory Committee (FAC). Also present: Robert deGavre, FAC member; and interested citizens. Mr. McLeod reviewed the history of the FAC, and the results of the passage of Initiative 695 which eliminated funding from the Motor

Vehicle Excise Tax for transportation. He noted that even with the departure of Robert Distler (now serving on the WA State Transportation Commission), the FAC in SJC is still functioning as a good committee. He explained that the new tariff increase being proposed is six percent per year; might be considered at five percent through 2006; and there will also be an increase to the inter-island fares. He reviewed capital costs and plans for improvement to terminals in the system. He explained that from 2000 to 2005 there has been a drop in ridership in the San Juans in both vehicles and in walk-on passengers. At present, the expenses to run the system in the San Juans are more than the 80-percent fare box recovery set by the legislature. The recent public hearings held by WA State Ferries (WSF) on San Juan and Orcas Islands was not well attended by local residents, and no clear message was expressed. Lobbyists for motorcyclists presented their opposition to the proposed increases to fares for motorcycles in the down Sound.

Mr. McLeod explained that the various Puget Sound FAC's have an Executive Council that meets once per month. The members have passed a resolution which was sent to the Governor and key legislators that deals with the impacts of the proposed increases and to state their opposition to any increases that go beyond inflation. The County legislative authorities are being asked to request assistance from the Governor and Legislators to conduct a report on WSF and their plans to determine the impacts on people, sustainability and the state. Councilman Ranker said that the bill for the creation of a study group to look at WSF finances is still alive but the amount of funding being proposed would only cover an audit. Mr. McLeod said that the Tariff Policy Committee is meeting today and he believes they will ratify the proposal with the exception of the proposal for motorcycles. The WA State Transportation Commission will meet on March 23. Mr. deGavre noted that they will be continuing to work with WSF on the Sidney B.C. run to ascertain if more cars going to Friday Harbor can be loaded in Anacortes. After a lengthy discussion of issues and impacts to residents, Council Member Myhr thanked the FAC for the report and added that the issue of parking on Lopez is a serious problem and that he has asked the Land Bank and WSF to look into this issue. **By consensus, the Council asked that Mr. McLeod return as soon as possible to convey the results of the FAC meeting with WSF and the recommendations of the Tariff Policy Committee.** The Council Clerk set March 28 for the next report.

1:30 p.m. - A public hearing was held to consider an Ordinance establishing a Citizens' Salary Commission for setting the salaries of Elected Officials. Present: David Goldsmith, County Administrator Pro-Tem; and interested citizens. The Administrator reviewed the background of this proposed ordinance, the statutes, and stated that it has been reviewed by counsel and approved for Council consideration. Public testimony was opened, submitted and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Myhr, to adopt **Ordinance 4-2006**, an ordinance establishing the SJC Citizens Salary Commission on Salaries for Elected Officials as set forth therein. Under discussion, Council Member Myhr asked to make a statement to be incorporated into the official minutes. The Council agreed. He then stated, "There remains a very legitimate question of interpretation of the RCW and Charter. The Council has chosen to form the Citizens' Salary Commission (CSC), as Randall Gaylord, our Counsel, advised – by ordinance, and approval of four members of the CSC by the Council. There clearly is another way of doing it – by resolution and appointment of the four members of the CSC by the Council, also consistent with the RCW and Charter. I support this ordinance as part of our action to effect a smooth, timely, and successful transition to new Charter government and reiterate that by this legislative action to establish this CSC, we are not setting a precedent in the Council's interpretation of RCW 36.17.024 and the Charter, or any future action under RCW 36.17.024 and the Charter, as elected representatives of the citizens of SJC." At the conclusion of the statement, the question was called and the motion carried.

2:30 p.m. - A meeting was held with Shared Strategy of Puget Sound (SSPS) regarding presentation of a proposal entitled "Protecting the Ecosystem and Community Values and Functions". Present: Jim Kramer, SSPS Executive Director; and Carol MacIlroy, SSPS Watershed Liaison; available members of the SJC Marine Resources Committee (MRC); Lincoln Bormann, SJC Land Bank Director; and interested members of the public. Mr. Kramer began by recapping the first meeting held with the Council on January 10, 2006. He then referred to the written proposal dated February 27, 2006 that outlined the steps for the proposed initiative. Ms. MacIlroy then related the proposed five phases of this project and stated that SSPS is hoping to assist SJC in finding funding to achieve this initiative. The Council was asked for a decision on whether to move forward with a partnership to achieve this endeavor at the end of the presentation. In summary, the first phase would be the initiative organization of policy and formation of a scientific group to lay out a process; the assessment phase (two) would figure out what works and what is needed and to identify the tools; the third phase would be to set goals and finalize what is to be achieved and what is successful; phase four is solutions that people can support; and the final fifth phase is a celebration of success. She noted that there are many successes already going on in SJC

with the efforts of the MRC and others. If the meeting today is successful, SSPS would like to present this information to the Fish and Wildlife Foundation for possible funding, and draw up a memorandum of understanding between the County and SSPS. Chair Lichter asked for comments from the Council which were submitted. The roles of the proposed partners were discussed and it was stated that this project could not be housed in an existing County department. The various funding sources being considered for application submittals were also discussed; who would be the actual fiscal agency; and defining the responsibility of both the County and SSPS.

At the request of Council Chair Lichter, the County Administrator shared his comments based on what was being proposed. He recommended that the County part of this proposal should sit with the County Administrator because it will cross several department lines as it plays out. He identified space needs and policy issues and stated that a Council Member should also be a lead person. There will be a need to change codes and policies. He added that at the present time he would not assign this proposal to any existing departments due to the current work loads and suggested that SSPS be the agency to hire and lead the consultants who would work on this initiative. The Council discussed potential structures for policy groups, consultants, and citizen groups. Mr. Bormann related that he had done similar work while working for the Nature Conservancy in Florida. He noted it is very important to have non-profit organizations involved as they can bridge the gap that government cannot.

In summary, Chair Lichter stated that the Council and SSPS should share “authority”; that the County has the ability to oversee the disbursement of the funds paid to consultants; the County and SSPS have joint responsibility; that a resolution be prepared to endorse the initiation and that a memorandum of understanding will be necessary. **By consensus, the Council requested that Shared Strategy for Puget Sound and the County Administrator prepare a draft resolution and a separate Memorandum of Understanding for further consideration.**

The Council then discussed designating a point person from the Council for this project. Noting there was a time deadline, Council Member Myhr suggested that for the time being Councilman Ranker could be the lead “point person.” **It was agreed by consensus to have Mr. Ranker be the point person for this initiative on behalf of the Council.** It was requested that Mr. Ranker update the Council on a regular basis as to the status of the proposal and the status of securing funding.

Mr. Kramer thanked the Council for their cooperation. Mr. Myhr noted that the SJC Council operates as a team and that the Council was pleased at the progress made today. The Administrator and Mr. Kramer will work on the required documents for further consideration of the Council.

ADJOURNMENT – At 3:25 p.m., Chair Lichter adjourned the meeting. A special meeting was scheduled for Monday, March 13; the next regular meeting was scheduled for Tuesday, March 14; and a special meeting was scheduled to be held on Orcas Island for Wednesday, March 15, 2006.

These minutes were approved and signed on March 14, 2006. The original document is retained in the permanent Council proceedings file dated March 6 and 7, 2006. Attest: Carolyn K. Morrison, Clerk.