

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
APRIL 3 and 4, 2006**

**Monday, April 3, 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; Randall Gaylord, Prosecuting Attorney; Sheriff Bill Cumming; 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 11:27 a.m., Council Chair recessed the meeting until 10:00 a.m., Tuesday, April 4, 2006.

**Tuesday, April 4, 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**

Tom Munsey – Regarding the posting of the Council agendas on Web Site.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda and Discussion/Other Action Agenda were revised.

**APPROVAL OF MINUTES**

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

**CONSENT AGENDA**

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of April 4, 2006** as follows:

**A. Correspondence:**

1. Sign the letter to Mike Anderson, Director, Washington State Ferries, requesting that the ferry Chelan be substituted for the ferry Elwha by this summer's schedule to better match vessel capacity with declining traffic demand on the international route.

**B. Bid Openings:**

1. Approve a Call for Bids for 900 to 1,000 tons of Asphalt Emulsion with sealed bids to be received by the Council until 3:15 p.m. April 25, 2006 and the bid opening to occur precisely at 3:15 p.m. on that date.

Motion carried.

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**ORD. NO. 5-2006** – (Refer to PUBLIC HEARINGS/WORK SESSIONS, 2:30 p.m., for details of action taken.)

**RES. NO. 20-2006** – Moved by Ranker, seconded by Myhr, to adopt Resolution 20-2006, a resolution confirming appointments to the San Juan County Citizens' Commission on Salaries for Elected Officials, pursuant to the provisions of Ordinance 4-2006. Motion carried. (Refer to MISCELLANEOUS ITEMS, No. 1, for details of other action taken.)

MISCELLANEOUS ITEMS:

**1. SJC Salary Commission Candidate Review and Appointments** – Present: David Goldsmith, County Administrator Pro-Tem; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; and interested citizens. On March 28, 2006, the Council requested that Mr. Goldsmith allow time for the Council Members to review the material he had presented on that date, and to have additional alternative names prepared in case it might be necessary. No action was taken at that time. Today, Mr. Goldsmith began with a recap of his presentation the week before and offered the same four candidates previously presented for consideration. He explained that the process of selection he had used was in keeping with the provisions of the RCW's and County Ordinance, which set forth specific requirements for consideration of applicants for four of the positions on this Commission. In his memo to the Council, Mr. Goldsmith stated that he appointed four persons to the Commission for confirmation or rejection by the Council. Mr. Myhr pointed out that Commission members, according to the County Ordinance, "shall be appointed by the County Administrator with the approval of the County Council," and not appointed by the Administrator and then confirmed or rejected by the Council. The Administrator may recommend Commission members but cannot appoint them until approved by the Council. Mr. Goldsmith also noted that he had spoken with Councilman Myhr before session began, and that he (Mr. Goldsmith) now suggested that this might have been a more inter-active process with the Council. Mr. Goldsmith and Mr. Myhr noted that their discussion had been intelligent and productive. Mr. Goldsmith also added that each of the four candidates being put forth are registered voters in SJC. The Council then discussed each of the four candidates individually. Mr. Myhr asked if any of the candidates being recommended had any conflict of interest issues that required consideration. Mr. Goldsmith stated that there were none that he was aware of. After discussion, the Council agreed that the two of the candidates presented (for the business and organized labor positions) were acceptable; however, they requested that two alternate names be recommended for personnel management and for the legal profession positions. For the record, the Council explained their reasons for not accepting the two candidates and requesting alternate recommendations. The following action was taken:

**Moved by Ranker, seconded by Myhr, to approve the appointment of James Lett for Position 7, Business; and to approve the appointment of Michael Soltman for Position 10, Organized Labor, on the SJC Citizens' Commission on Salaries for Elected Officials. Motion carried.**

Due to time constraints, this topic was recessed until later in the morning. Upon resuming at 11:30 a.m., Mr. Goldsmith provided two additional names for consideration. Because Councilman Myhr sits on the Board of OPALCO, he noted that he fully supported the nomination of Mr. Randy Cornelius, an employee of OPALCO; however, he would abstain from voting to avoid any appearance of fairness or conflict of interest. Mr. Goldsmith stated that the alternate legal candidate currently sits as a pro-tem Judge for the County and had offered to tender his resignation in order to sit on the Commission. After discussion of the two alternate candidates, the following action was taken:

**Moved by Ranker, seconded by Myhr, to approve the appointment of Anthony Vivenzio for Position 9, Legal Profession, on the SJC Citizens' Commission on Salaries for Elected Officials, subject to his resignation as a County Pro-Tem Judge. Motion carried.**

**Moved by Ranker, seconded by Lichter, to approve the appointment of Randy J. Cornelius for Position 8, Personnel Management, on the SJC Citizens' Commission on Salaries for Elected Officials. Motion carried with Councilman Myhr abstaining.**

In the afternoon, the Council adopted a formal resolution. (Refer to ORDINANCES/RESOLUTIONS, for details of the motion.)

**2. Continued Discussion Regarding a Proposal for an Advisory Ballot Measure to Ask that US Troops be Sent Home from Iraq** – Councilman Lichter stated that he had received a clear message from a constituent that he did not want tax payers to pay for this advisory ballot if the Council approved going forward. Both Councilmen Myhr and Ranker stated they had received similar messages. Mr. Ranker noted that he had consulted with the County Auditor who had informed him there would be no additional cost if this measure was placed on the primary ballot. Councilman Myhr said he did not wish to make a statement "for" our voters, but was happy to place this question on the ballot. He asked that the language provided from the Wisconsin Referendum language for

Whitefish Bay be used for the ballot in SJC, noting he preferred to keep the language simple. Language: *“Should the United States now begin withdrawing troops from Iraq, and continue steady withdrawals until all our troops are home?”* Chair Lichter asked for comments from the audience, which were then submitted. After comments, the Council discussed how to proceed. Councilmen Myhr and Ranker were in favor of Mr. Myhr’s proposal; however, Mr. Lichter wanted changes to the proposed language. **It was agreed by consensus to bring the matter back in two weeks for further consideration.**

**3. Islands’ Trust Tourism Forum Report** – Councilman Myhr reported that 140 people attended the forum in Duncan, B.C. He provided a brief written summary of the event for the Council and audience that addressed housing, working, tourism, conservation, taxation, and infrastructure issues in the city of Whistler and similar issues in the Gulf Islands. He added that the Gulf Islands are ahead of SJC in planning but are behind SJC in other areas. In closing, he noted that SJC spends over \$300,000 a year to promote tourism in the shoulder season, but does little about mitigation of the impacts.

**4. Governor’s Ocean Policy Working Group Update** – Councilman Ranker reported that he had been appointed to work on this group which deals with WA State coastal issues. The group has requested working outside of the Olympia area and will meet here in Friday Harbor on June 7 for a “closed dialog” during the day and an “open dialog” in the evening. He expressed that this will be an excellent opportunity to discuss SJC issues in front of this policy group.

**5. Waldron & Company County Administrator Search Update** – Councilman Myhr informed the audience that on Tuesday, April 18, beginning at 11:00 a.m., the Council will hold an Executive Session including a working lunch (if the Council Members’ schedules permit) to evaluate the qualifications of candidates for the position of County Administrator.

## **PUBLIC HEARINGS/MEETINGS/WORK SESSIONS**

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

**1. Request for Increase in Hours for Administrative Staff for the Sheriff’s Office** – Because the Juvenile Department administrative staff was increased to full-time (previously half-time for Juvenile and half-time for the Sheriff), this left a half-time vacancy in the Sheriff’s office. The Sheriff has requested that this half-time position be expanded to accommodate the increased work load in that department. Mr. Goldsmith explained that he had conferred with the Auditor to ascertain if this position could be split three-quarter time with the Sheriff and one-quarter time with the Auditor. Some of the necessary funding would be transferred from the Eden account and the balance would need to be approved by the Council for the last quarter of 2006. The Auditor explained that this would not be a permanent position in his office. He anticipated it would last for approximately one to one and a half years during the conversion to the new accounting system. The consensus of the Council was to go forward with preparation of a complete list of all 2006 previous and current requests and to schedule agenda time to review each request before going forward with a public hearing. The following action was taken: **Moved by Myhr, seconded by Ranker, to include this request as part of the overall budgetary considerations to come back to the Council for further discussion when a list is provided by the Auditor and the Administrator. Motion carried.**

**2. San Juan Island Solid Waste Facility Discussion** – As previously requested by the Council, Mr. Goldsmith reported that Jon Shannon, Public Works Director, will be hiring a consultant to assist in dealing with the issues related to the current problems at the San Juan Island Transfer Station. Before this matter can be brought back to the Solid Waste Advisory Committee (SWAC) for consideration and recommendation, options will need to be reviewed. Members of the community are also involved. Options should be ready for SWAC possibly by April 17 but more likely May 15. Chair Lichter was concerned that the facility may have to be closed. Mr. Goldsmith explained that Mr. Shannon is working with the Department of Ecology and the Town of Friday Harbor. The Town is assisting with funding this process. The Department of Labor and Industries came to the site to deal with safety issues and changes were made to remain open. The potential for accidents and workplace injuries were greatly reduced. Councilman Ranker asked if these consultants were also looking at storage and space needs for other offices for Public Works. Mr. Goldsmith explained that that is a separate issue from Solid Waste. Mr. Ranker requested an update on that topic in two weeks and a private update on the status of the Lafarge Site.

**3. Siting of a Solid Waste Facility** – Mr. Goldsmith reminded the Council that the County must look at Essential Public Facilities in the Comprehensive Plan. There are other things we will need to operate as a community. He also noted that no one wants this type of facility in their community. He said he would like to move Lopez facility to San Juan Island to show residents here what can be done and noted that this was a model facility.

**4. Capron Funds Update** – Mr. Goldsmith noted that the Council had sent a line item veto request to the Governor regarding a legislative reduction in the amount of Capron funds paid to the County. He noted that this

will affect the Six-Year Transportation Program and will amount to about a \$400,000 reduction in funding from what had been put in the approved budget. Councilman Ranker noted this reduction was the same amount the Council had transferred out of the Road Fund for 2006 and that this transfer might not be considered for next year. As of this date, it was not known if the Governor had yet signed the Bill.

**5. Space Planning Update** – Architects Les Tonkin and Ann Williamson were chosen to conduct this study and have worked with SJC in the past. They will be utilizing the various material amassed in prior studies and will include new work on the potential use of the Carlson Building (under consideration for purchase). Mr. Goldsmith stated he will be meeting with Dave Zeretzke, Administrative Services Director, and Si Stephens, Auditor, regarding Capital funding and will also meet with C. King Fitch, Town of Friday Harbor Administrator, tomorrow regarding parking issues if this becomes a public building. He noted that he will be stressing that it is the County's plan to move people around and not to add additional personnel. He will also discuss continuing to move forward with a larger building as a joint venture with the Town. Mr. Ranker stated he was pleased to see that this was moving forward and Mr. Myhr stated that he appreciated Mr. Goldsmith's work as the Administrator Pro-Tem and added he has been doing a "great" job.

**1:30 p.m.** – (Commenced at 1:42 p.m.) A work session was held to discuss the draft ordinance amending the SJC Code regarding Accessory Dwelling Units (ADU's). Present: Ron Henrickson, Community Development and Planning Director; Randall Gaylord, Prosecuting Attorney; and interested citizens. Mr. Henrickson noted that the draft being used was that which had been supplied to the Council at the March 21, 2006 meeting at which Councilman Myhr was absent. He recapped the prior discussion held on that day for the benefit of the audience and again recommended going forward with this draft for a public hearing. Council Member Ranker also had a revised draft for review. He explained that the current draft had erroneous references to the "Planning Commission" that should have stated the "County Council" and recommended that the Council agree to these changes. The Council discussed the language in the proposed ordinance, agreed with Mr. Ranker's recommendations, and asked specific questions regarding the proposed provisions to the draft, the scope of the Western Region Growth Management Hearings Board (GMHB) Order, the issues related to compliance, allowable size of structures, and related matters such as clustering and building envelopes. It was noted that the issues of transient rentals was not addressed as this was not part of the GMHB Order. Although the current draft does not allow for free standing (detached) ADU's (formerly referred to as "guesthouses"), it was noted that if a property owner has enough density, they could build a second, separate structure. Certain outbuildings allowed under the County Code will not be affected. While working through the document, the Council agreed a motion was in order to reflect the changes suggested during the session. The following action was taken: **Moved by Ranker, seconded by Myhr, to go forward with the public hearing scheduled for April 25, 2006 at 2:30 p.m., with the revised, modified draft presented today which reflects changing some of the references to the Planning Commission to that of the County Council. Motion carried.**

**As an aside**, Chair Lichter asked Mr. Gaylord about an amicus curiae brief that had been filed in opposition to the motion filed by the County to stay a decision of the Court of Appeals. Mr. Gaylord explained the legalities of the document filed, the procedures for such a brief, and that the Court would formally notify the County so that they could respond. He explained that the County confers with another attorney who specializes in these matters and he has placed a call to him to discuss the issue. Should there be any additional information to bring back to the Council, he will do so.

**2:30 p.m.** - A public hearing was held to consider an ordinance to renew Ordinance 12-2005, as amended by Ordinance 17-2005, for a period of six months and to suspend acceptance of applications for building and land use permits in the Deer Harbor Activity Center, and to make findings of fact in support thereof. Present: Randall Gaylord, Prosecuting Attorney, and interested citizens. Mr. Gaylord explained the proposed ordinance is identical to the last ordinance adopted by the Board of County Commissions, and that it makes additional findings as required. He gave the background of this moratorium, what the Council had agreed to, and concluded his presentation by informing the Council that the Ordinance needed to be adopted today under the grounds for emergency ordinances as provided in Charter and Growth Management Act. The ordinance will become effective upon adoption. 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 5-2006**, an ordinance to renew Ordinance 12-2005, as amended by Ordinance 17-2005 for a period of six months and suspend the acceptance of applications for building and land use permits in the Deer Harbor Activity Center and make findings of fact in support thereof. Motion carried.

**EXECUTIVE/CLOSED SESSIONS**

**3:15 p.m.** – Council Chair Lichter announced that the BOCC would be holding an **executive session** estimated to last approximately 30 minutes, to discuss a matter of litigation, pursuant to the provisions of RCW 42.30.110(1)(i). Participants: Randall Gaylord, Prosecuting Attorney, and Karen Vedder, Deputy Prosecuting Attorney. The session ended at 3:43 p.m. for an actual session time of 28 minutes. No action was taken.

**ADJOURNMENT** – At 3:45 p.m. Chair Lichter adjourned the meeting. There was no meeting scheduled for the week of April 10, 2006. A special meeting was scheduled for Monday, April 17, and the next regular meeting was scheduled for April 18, 2006.

**These minutes were approved and signed on April 18, 2006. The original document is retained in the Councils' permanent proceedings file dated April 3 and 4, 2006. Attest: Carolyn Morrison, Clerk.**