

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
JUNE 19 AND 20, 2006**

Monday, June 19, 2006 - Council Conference Room

CALL TO ORDER

Council Chair Lichter called the special meeting to order at 10:00 a.m. Council Member Ranker; County Administrator Pro-Tem, David Goldsmith; Randall Gaylord, Prosecuting Attorney; Cameron Carter, Deputy Prosecuting Attorney; and Interim Clerk of the Council, Carolyn Morrison, were present. Council Member Myhr was excused due to prior commitments.

ANNOUNCEMENTS/SCHEDULE CHANGES

Councilmen Lichter and Ranker attended the Solid Waste Advisory meeting with the Council Clerk. The meeting was held at the Fire District #3 Fire Station on Mullis Avenue in Friday Harbor from noon until 3:00 p.m.

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 11:30 a.m., Council Chair recessed the meeting until 10:00 a.m., Tuesday, June 20, 2006.

Tuesday, June 20, 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 changes to Public Access Television federal rules and regulations, status of the current local operators, and the effects upon local broadcasts. The Council agreed to respond to this during the Discussion/Other Action Agenda time.

ANNOUNCEMENTS/SCHEDULE CHANGES

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

APPROVAL OF MINUTES

Moved by Ranker, seconded by Myhr, to approve the minutes of **June 12 and 13, 2006**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of June 20, 2006** as follows:

A. Contracts/Agreements:

1. **Agreement No. 06CO08** - Sign the Employment Agreement between SJC and Donald D. (Pete) Rose to serve as the San Juan County Administrator, effective July 24, 2006, under the terms and conditions as set forth therein, pursuant to the action of the SJC Council taken on June 8, 2006.
2. **Agreement No. 06SJ29** - Sign the Interagency Agreement between SJC and the WA State Department of Natural Resources for an assurance of reimbursement of expenses from the Derelict Vessel Removal Account (DVRA) for 90 percent of the total reasonable and auditable costs incurred, as described in Attachment A and

Attachment B, in the amount of \$124,488.00 for the period between June 30, 2006 and June 30, 2008 for the removal and disposal of derelict vessels authorized under RCW 79.100.

B. Appointments:

1. Approve the reappointment of Elisabeth Byers to a sixth term on the Eastsound Planning Review Committee for a two-year term which will begin immediately and expire May 19, 2008.
2. Approve the reappointment of Patricia A. McKay to the SJC Ferry Advisory Committee as a representative of San Juan Island for a term which will begin June 20, 2006 and expire December 31, 2006 for the purpose of maintaining a quorum for upcoming Ferry Advisory Committee meetings during the process of amending the San Juan County Code governing the body.
3. Approve the reappointment of Robert T. deGavre to the SJC Ferry Advisory Committee as a representative of San Juan Island for a term which will begin June 20, 2006 and expire December 31, 2006 for the purpose of maintaining a quorum for upcoming Ferry Advisory Committee meetings during the process of amending the San Juan County Code governing the body.
4. Approve the reappointment of Ed Sutton to the SJC Ferry Advisory Committee as a representative of Orcas Island for a term which will begin June 20, 2006 and expire December 31, 2006 for the purpose of maintaining a quorum for upcoming Ferry Advisory Committee meetings during the process of amending the San Juan County Code governing the body.
5. Approve the reappointment of Jim Smith to the SJC Ferry Advisory Committee as a representative of Lopez Island for a term which will begin June 20, 2006 and expire December 31, 2006 for the purpose of maintaining a quorum for upcoming Ferry Advisory Committee meetings during the process of amending the San Juan County Code governing the body.
6. Approve the reappointment of Alex McLeod to the SJC Ferry Advisory Committee as a representative of Shaw Island for a term which will begin June 20, 2006 and expire December 31, 2006 for the purpose of maintaining a quorum for upcoming Ferry Advisory Committee meetings during the process of amending the San Juan County Code governing the body.

C. Correspondence:

1. Sign the letter confirming the reappointment of Elisabeth Byers to the Eastsound Planning Review Committee.
2. Sign the letter confirming the reappointment of Patricia A. McKay to the SJC Ferry Advisory Committee as a representative of San Juan Island for a term which will begin June 20, 2006 and expire December 31, 2006.
3. Sign the letter confirming the reappointment of Robert T. deGavre to the SJC Ferry Advisory Committee as a representative of San Juan Island for a term which will begin June 20, 2006 and expire December 31, 2006.
4. Sign the letter confirming the reappointment of Ed Sutton to the SJC Ferry Advisory Committee as a representative of Orcas Island for a term which will begin June 20, 2006 and expire December 31, 2006.
5. Sign the letter confirming the reappointment of Jim Smith to the SJC Ferry Advisory Committee as a representative of Lopez Island for a term which will begin June 20, 2006 and expire December 31, 2006.
6. Sign the letter confirming the reappointment of Alex McLeod to the SJC Ferry Advisory Committee as a representative of Shaw Island for a term which will begin June 20, 2006 and expire December 31, 2006.
7. Sign the letter to Charles (Rick) Gadd accepting his resignation from the San Juan County Parks Board; and, sign the Certificate of Recognition for his service.
8. Sign the letter to Patty Miller thanking her for her interest in becoming a member of the SJC Planning Commission and informing her that her letter of interest will be kept on file for any future vacancies.
9. Sign the letter to Don Webster thanking him for his interest in becoming a member of the SJC Planning Commission and informing him that his letter of interest will be kept on file for any future vacancies.
10. Sign the letter to David Moody accepting his resignation from the SJC Ferry Advisory Committee; and, sign the Certificate of Recognition for his service.
11. Sign the letter to Dacia Youngren accepting her resignation from the SJC Ferry Advisory Committee; and, sign the Certificate of Recognition for her service.
12. Sign the letter to Anthony D. Vivencio accepting his resignation from the SJC Salary Commission; and, sign the Certificate of Recognition for his service.

D. Bid Openings:

1. Approve a Call for Bids for annual road striping for San Juan, Orcas, Lopez, and Shaw Islands with sealed bids to be received by the County Council until 3:15 p.m. July 18, 2006 and with the bid opening to occur precisely at 3:15 p.m. on that date. Motion carried.

ACTION AND DISCUSSION ITEMS

CORRESPONDENCE:

1. Moved by Myhr, seconded by Ranker, to sign the letter to Mike Anderson, Chief Executive Officer, WA State Ferries, regarding current and long-range ferry issues affecting San Juan County. Motion carried.
2. Moved by Ranker, seconded by Myhr, to sign the letters to Richard (Dick) Grout, Lloyd Halverson, and Mark Weinberg, thanking them for interviewing with the Council for the position of County Administrator and for participating in the process. Motion carried.

MISCELLANEOUS ITEMS:

1. Continued Discussion of a Proposal for the Council to Hear Appeals of Hearing Examiner's Decisions - Present: Karen Vedder, Deputy Prosecuting Attorney; Laura Arnold, Consultant; and interested citizens. Councilman Ranker announced in the morning that he had made changes to the draft presented the prior week by Ms. Arnold and that he would like this discussed during the work session in the afternoon. Ms. Vedder stated that neither she nor Ms. Arnold had received copies of any changes and therefore could not comment on them without review. Additionally, she stated that she and Mr. Arnold have worked for at least 40 hours on the document presented last week and that Ms. Arnold's contract with the County for this work would need to be extended as she had reached the limit set in the agreement. After discussion, the following action was taken: **Moved by Ranker, seconded by Myhr, to approve extending the consulting contract between SJC and Laura Arnold for work on the Hearing Examiner Appeal project, executed by the County Administrator Pro-Tem, for up to an additional \$500. Motion carried.**

2. SJC Council and Islands' Trust Council Joint Annual Meeting Update – Also present: Laura Arnold and Karen Vedder. Councilman Lichter began by reporting that this was his second meeting since being elected and that the tone, comradeship, and subject matter were better than the previous year. Each entity had topics they wanted to discuss and both Councils have many of the same issues to deal with. In terms of tourism, the cost of housing, and economic issues, SJC is about five to seven years ahead of the Gulf Islands. The exchanges on the first day were so productive that it was suggested the meetings take place twice a year. At breakfast the following morning, the Gulf Islands' Trust Council (GITC) passed a resolution to that effect. The next meeting will be December 7, 2006 in Victoria B.C. Councilman Ranker and Mr. Goldsmith also attended; but Councilman Myhr was not able to attend due to prior commitments. In all, it was a very productive session. Councilman Ranker agreed that it was an excellent meeting. He noted that the GITC expressed that SJC had dealt with the issue of transient rentals well even though the SJC Council Members thought more work was needed. He added that going to the Gulf Islands was like coming to the San Juans in the 1970's. He was also in favor of meeting twice a year and added that Mr. Jim Slocomb, SJC Marine Resources Committee (MRC) member, had attended the meeting as well. Mr. Ranker noted there was a Transborder Agreement which had been adopted about ten years ago and that it probably needed to be updated. It was pointed out that Ms. Arnold was a principal drafter of this agreement and that Mr. Slocomb and some members of the MRC had assisted. It was agreed that copies would be provided for the Council to review by Council staff to see if they wanted to update this agreement. Councilman Myhr asked about the status of the new book about the islands that is being prepared by the Preservation Trust in partnership with the Islands Trust. Mr. Ranker responded that Kathleen Foley of the Preservation Trust also attended the meeting and the book is now in production. She had furnished cutouts and drafts for those at the meeting. Mr. Goldsmith added that the book should be out in August or September. After the report, the following action was taken: **Moved by Ranker, seconded by Myhr, to agree to schedule two meetings per year with the SJC Council and the Islands' Trust Council. Motion carried.**

3. June 19, 2006 Solid Waste Advisory Meeting Update – Councilman Lichter began noting he had arrived early and the issues surrounding what to do with the San Juan Island waste was the main topic. Councilman Ranker stated that it was an outstanding meeting, well attended by citizens, and that the consultants are doing an excellent job. With the multitude of options presented to the group, those present were given the opportunity of voting for their priorities as well as the suggestions that did not meet their list of options to be considered. At the end of the meeting, the options remaining for consideration were updating the existing San Juan Island transfer station, building a new one, and considering a new site. Priority issues were recycling and safety at the transfer site location. Additionally, the citizens wanted minimal impacts to the community, a financially sound plan, and a solution that was beneficial to the community. The next meeting will be a "town hall" gathering to address the alternatives so that recommendations can be put together for additional discussion.

4. Remand Hearing Regarding a Permit Application by Thor Black – Also present: Karen Vedder. Councilman Ranker stated that he had received email expressing concern that there was no County

representation at the latest hearing before Wick Dufford, Hearing Examiner. Mr. Vedder informed Mr. Ranker that the Prosecutor's office has never sent legal counsel to these hearings. The County is represented by the Community Development and Planning Department staff person. She added that some counties do budget for additional counsel for land use matters, but not SJC. Mr. Ranker asked Ms. Vedder to tell the Prosecutor to put this item in his budget for next year.

5. Report on the Department of Natural Resources (DNR) Meeting in SJC – Councilman Ranker reported that he had sent out a press release yesterday to let the public know that SJC had successfully negotiated a four-year extension on the disposal of certain DNR property in SJC. The two major properties were Mitchell Hill on San Juan Island and Lopez Hill on Lopez Island. He complimented all those who attended the meeting, which included the Commissioner of Public Lands, Doug Sutherland; Senior Staff Members of DNR; former SJC Commissioner Tom Cowan; SJC Land Bank Director, Lincoln Bormann; and Will Hamilton, Forester. Council Chair Lichter noted for the public the importance of the Council to continue to be in contact with officials in Olympia. If the Council members do not continue to lobby for SJC, the County's voice will not be heard. Council Member Myhr expressed his gratitude for the success of this meeting and for Mr. Ranker's assistance in the positive outcome of these discussions.

6. Public Access Television Issues within SJC – This discussion item was placed on the agenda because of information received during Citizen's Access Time. Citizens Tom Munsey and Kate Stone explained that the current broadcast of public programs, including the Council sessions and local meetings, are currently done by volunteers. Ms. Stone's family has donated their expertise and paid a monthly fee to Adelphia Cable (in the Town of Friday Harbor) in order to facilitate the broadcast of public meetings on Channel 19. Currently, the Adelphia office provides a small space for the volunteers to work, but much of the media work can be run remotely by outside computers. Ms. Stone explained that she and her husband, Jordan, who has worked with Adelphia to make the broadcasts possible, will be moving off island. The current contract with the cable providers in the County had expired and has been temporarily extended. New legislation regarding public television regulations will severely restrict providers unless new agreements are reached with cable companies. The Council thanked Mr. Munsey and Ms. Stone for their work on behalf of the citizens of the County and stated they will review written information if it is provided. No action was taken.

PUBLIC MEETING/WORK SESSIONS

11:00 a.m. – County Administrator Pro-Tem Council Briefing. Also present: Karen Vedder, Deputy Prosecuting Attorney; Bill Cumming, SJC Sheriff; and interested citizens. Mr. Goldsmith stated that he wanted to address preliminary space planning issues related to the Sheriff and will bring up other issues during the Council's work session.

1. Additional Space Allocations for the Sheriff – Mr. Goldsmith explained that when he arrived at the County, he had a tour of entire facility. He determined that the worst problem related to space issues was that of the Sheriff's department because there is no place to interview people, no space for the detectives, and no room for the administrative staff to conduct their work. He added that as the County Administrator for Jefferson County, he had gone through a difficult time with litigation over the same issue. He further explained that he made a determination that when the Elections Department relocated to their new offices across the street, the space they vacated next to the Sheriff's office would alleviate this situation with very little disruption to any other department. He spoke to the Sheriff and he agreed that this would work as a temporary solution to the problem. Because the Council had expressed their opinions concerning a decision being made that they had not been party to, nor had they approved, he wanted to publicly explain the circumstances. He cited the RCW's which provide for County Commissioners to provide space for those in government. However, under the language of the Charter, he questioned whether or not this was administrative or legislative. He apologized for not informing the Council of his decision, noting that he had the best interest of the County in mind by authorizing this move. Chair Lichter asked the Council to address the issue of the occupation of this space before continuing any discussion on who has authority to make these decisions. **After a lengthy discussion, it was agreed that although this is a temporary "fix" for the Sheriff, it will relieve some of the stress and safety issues that face that department, and the Council agreed to his use of this space.** The Council then addressed the issue of decision-making regarding space allocations. Councilman Myhr expressed his displeasure at not being informed of a decision made two months ago when the Council had made it very clear that they were the final say in any reallocation of space with the acquisition of the "Carlson" building. Chair Lichter stated that while he appreciated and was aware of the needs of the Sheriff, it was inappropriate that a decision was made without the Council having knowledge since they are the lead on this matter. The question was posed whether or not the architectural firm hired to make space recommendations was aware of these decisions, and the answer was affirmative. **In summary, the Council stated that there must be mutual cooperation between the administrative and**

legislative branches of government, including team work, and that there will be no further moves in the direction of space allocation unless it is approved by the Council.

1:30 p.m. - A work session was held regarding County issues. Also present: Karen Vedder, Deputy Prosecuting Attorney; Laura Arnold, Consultant; and interested citizens.

1. Continued Discussion of the Proposal for the Council to Hear Appeals of Hearing Examiner Decisions –

In summary, the Council held a lengthy discussion on changes and questions which Councilman Ranker brought forth in the morning. Ms. Vedder, Ms. Arnold, and Councilmen Lichter and Myhr all stated that they had not had the opportunity to review any of the items. Chair Lichter asked if, in the spirit of moving ahead, the Council and Ms. Vedder could at least address some of the items. Mr. Myhr agreed that team work was needed to get through the process. Some of the proposed new recommendations/questions were discussed. Concurrences on the matter were not reached. And, there was disagreement on the language of the Charter as it applied to the appellant's rights to have the Council hear an appeal if there were more than one appellant and not all of the appellants wanted the Council to hear the appeal. **It was agreed that this discussion would continue on June 27 at 1:30 p.m., after all parties had time to review and digest the issues brought forth.**

2. Ordinance Adoption Process – Mr. Goldsmith reviewed a draft of a process with which to move ordinances forward. This document had been prepared by the Prosecuting Attorney. The goal of the document was to provide consistency and uniformity. Mr. Goldsmith added that it would be wise to have the Council Clerk in charge of the publication of the ordinances so that it would mesh with the scheduling of hearings and agenda time. Additional discussion will be held on how to make this process work. Councilman Myhr suggested a few additional steps be considered. He also suggested that these be made part of the Council Rules of Procedure. After discussion, it was also suggested that it could be referenced as an Exhibit or Appendix item. There was no disagreement from the other Council members. Refinement of the process will be brought back in the near future.

3. Amendments to the Existing Noise Ordinance – Mr. Goldsmith explained in detail that this proposed amendment will cover noise generated by resorts for events such as weddings, etc. **After discussion on how this can be implemented and enforced, it was the consensus of the Council to move forward with a public hearing to consider this amendment.**

EXECUTIVE/CLOSED SESSIONS

11:30 a.m. – Council Chair Lichter announced that the Council would be holding an **executive session** estimated to last approximately 20 minutes, to discuss a matter of litigation, pursuant to the provisions of RCW 42.30.110(1)(i). Participant: Cameron Carter, Deputy Prosecutor. At 11:50 a.m., the Council Clerk announced another ten minutes would be required. The session ended at 11:59 a.m. for an actual session time of 29 minutes. No action was taken.

ADJOURNMENT - Moved by Ranker, seconded by Myhr, to adjourn the meeting at 3:52 p.m. Motion carried. A special meeting was scheduled for Monday, June 26, 2006 and the next regular meeting was scheduled for Tuesday, June 27, 2006.

These minutes were approved and signed on Tuesday, June 27, 2006. The original document is retained in the permanent proceedings of the Council dated June 19 and 20, 2006. Attest: Carolyn Morrison, Clerk.