

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
JUNE 26 AND 27, 2006**

Monday, June 26, 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; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; and Interim Clerk of the Council, Carolyn Morrison, were present. County Administrator Pro-Tem, David Goldsmith, was excused due to a prior commitment.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council met for a weekly Staff Meeting and Council Work Session regarding various business of the County. An announcement was made that the planned trip to the Public Works Department to informally meet with the WA State County Road Administration Board (CRAB) had been cancelled by CRAB. This meeting will be rescheduled sometime in August. No action was taken.

RECESS - At 11:58 a.m., Council Chair recessed the meeting until 10:00 a.m., Tuesday, June 27, 2006.

Tuesday, June 27, 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

Lee Sturdivant – Regarding the pending acquisition of the Lafarge/Friday Harbor Sand and Gravel Pit, the transfer of the upland property to San Juan Island Park and Recreation District, and the possibility of utilizing some of this land for affordable housing.

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 **June 19 and 20, 2006**. Motion carried.

CONSENT AGENDA

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of June 27, 2006** as follows:

A. Resolutions/Ordinances:

1. **Resolution 33-2006** - Adopt the resolution to acquire the Saunders Property on San Juan Island, as described in Exhibit A "Property Description," for the sum of \$2,000,000 less credits at closing from the Conservation Area Fund; authorize the Director of the Land Bank to sign all other documents necessary to affect the purchase of the Saunders Property, including any necessary closing documents; and, accept a Statutory Warranty Deed from the sellers, J. Craig and Lynda Saunders, pursuant to the public hearing held on May 16, 2006.
2. **Resolution 34-2006** – Adopt the resolution authorizing Dona Wuthnow, SJC Parks Superintendent, to make a formal application for funding assistance for a Washington Wildlife and Recreation Program (WWRP) project to the Interagency Committee for Outdoor Recreation (IAC) as provided for in Chapter 79A.15 RCW.

B. Appointments:

1. Approve the reappointment of Jon Loop to the Eastsound Design Review Subcommittee as an alternate for a three-year term which will begin immediately and expire May 31, 2009.
2. Approve the appointment of John T. Whetten to the SJC Ferry Advisory Committee as a representative of Lopez Island for a term which will begin June 27, 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. Rescind the motion of June 20, 2006 made during the “Discussion/Other Action Agenda time” which approved signing the letter to Mike Anderson, Chief Executive Officer of WA State Ferries, regarding current and long-range ferry service to the San Juan Islands.
2. Sign the letter confirming the appointment of Jon Loop to the Eastsound Design Review Subcommittee as alternate.
3. Sign the letter confirming the appointment of John T. Whetten to the SJC Ferry Advisory Committee as a representative of Lopez Island.
4. Sign the letter to Mike Anderson, Chief Executive Officer of WA State Ferries, regarding current and long-range ferry service to the San Juan Islands.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

Proposed Resolution to Accept a Statutory Warrantee Deed for Friday Harbor Sand & Gravel Company – Present: Karen Vedder, Deputy Prosecuting Attorney. Also present: Randall Gaylord, Prosecuting Attorney; Jon Shannon, Public Works Director and County Real Estate Officer; Si Stephens, SJC Auditor; and interested citizens. Ms. Vedder began with a synopsis of the history of this acquisition and explained that Lafarge had completed the majority of the revegetation required under the reclamation of the property which has been overseen by the Department of Natural Resources (DNR). DNR will be releasing the “earthworks” portion of the bond they have held and will retain the revegetation bond until the second year of replanting. She further explained the tidelands lease held by Friday Harbor Sand and Gravel will now be on a month-to-month lease with DNR and the County until it can be permanently transferred to the County. The lease includes a permitted use for a barge loading dock; however, the new lease will have its own terms and conditions. It was also noted that since the County will now own this property, it will also have the authority to enforce all relative code enforcement issues including the shoreline area. Ms. Vedder noted that the transfer of the upland property to the San Juan Island Park and Recreation District will take place in ten days, pursuant to the terms of the Purchase and Sale Agreement and existing amendments. After discussion, the following action was taken:

RES. NO. 36-2006 - Moved by Myhr, seconded by Ranker, to adopt the resolution to acquire the Gravel Pit Property on San Juan Island pursuant to the purchase and sale agreement signed on June 10, 2003, and subsequent amendments signed by the former SJC Board of Commissioners; and accept the Statutory Warranty Deed as shown on Attachment A at the time of closing on June 30, 2006; and, accept the assignment of DNR tidelands lease No. 20-12244. Motion carried.

BUDGET ITEMS/WARRANTS:

1. Preliminary Review of Emergency Appropriations – Present: Si Stephens, Auditor; Jon Shannon, Public Works Director; and interested citizens. Mr. Stephens reviewed all requests for emergency appropriations to the 2006 budget not yet approved to go forward by the Council as listed on the itemized list dated June 23, 2006. He answered the Council's questions regarding each of the items. After discussion, the following action was taken: **Moved by Ranker, seconded by Myhr, to approve going forward with a public hearing to consider all requests on the itemized list from the Auditor as presented today. Motion carried.**

CALL FOR BIDS:

1. Moved by Myhr, seconded by Ranker, to approve a call for bids for County advertising and legal ads and other related official county publications with sealed bids to be received by the County Council until 1:30 p.m., Tuesday July 18, 2006 and the bid opening to occur precisely at 1:30 p.m. on that date.

MISCELLANEOUS ITEMS:

1. 1998 Transborder Agreement Review for Potential Updates – Council Chair Lichter explained that the original agreement was entered into by a former Board of County Commissioners (BOCC) in 1998. He asked Council Members Myhr and Ranker for suggestions for potential updates. This topic had been discussed with the Islands Trust Council at the recent annual meeting in June and they will also prepare a list of suggestions. Councilman Myhr noted that the majority of the agreement is well crafted. He suggested a few preliminary updates including reference to the “Council” rather than “BOCC”, a new “WHEREAS,” and reference to the new book being published. Councilman Ranker had suggestions to incorporate references to NAFTA, Ocean Policy Reports, and other marine issues. The Council agreed to furnish the Clerk of the Council with their recommendations within the next two weeks to allow for preparation of a new draft document. The matter will be brought back for further discussion after the document is prepared.

2. SJC Ballot Tracker Issue – Present: Si Stephens, Auditor; members of the Green Party of SJC Coordinating Council; and interested citizens. Chair Lichter had requested that the Auditor publicly address a letter sent to him dated June 21, 2006 which expressed concerns about the “Ballot Tracker” system used in SJC. Mr. Stephens began by stating that he and the Elections Supervisor, Dan Gillespie, had both received copies of this letter and that a written response was being prepared. He then explained that this system is similar to a Fed Ex package tracking system. The bar code allows a tracking of the location of the ballot, but does not know what is in the ballot envelope. This system, now in use in several counties in WA, allows the County to know when a ballot is sent to the voter, when it is returned, when a signature is verified, and when it is posted to the Web Site for a count of ballots received. When it is time to actually tally ballots, the next scan tells the system that the ballot is voted. He emphasized that the system never knows who voted or what they voted for. Mr. Lichter asked if a representative of the Green Party wanted to ask any specific question. Mr. Tom Munsey asked if the bar code on the ballot could identify the person who sent the ballot in. Mr. Stephens answered that, while the bar code can identify the voter, it could not under the current procedures in San Juan County. He invited the Green Party representatives to participate in the elections process and noted that the entire process is performed by citizens of SJC.

3. Stuart Island/Roche Harbor Dock Access Issues – Present: David Goldsmith and Jon Shannon, Public Works Director. Mr. Goldsmith addressed this issue at the request of Councilman Ranker who had received a letter from the President of the Stuart Island Airway Park dated June 12, 2006. The letter had been forwarded by Council staff to Mr. Goldsmith who had requested information from Public Works. He had received a memorandum from John Van Lund, County Engineer, dated June 20, 2006 which he shared with the Council. Mr. Shannon and Mr. Goldsmith then explained the complicated issues regarding providing for an outer island dock at the Roche Harbor Marina and noted that the County currently leases a space from the marina. Issues involve permanent Right-of-Way (R/W) acquisition, appraisals of required easements, road issues, etc. The County has been working on this project for at least fifteen years so far. The project is listed on the Six-Year Transportation Improvement Plan and it is anticipated that it may be completed by 2012. When asked if this project could be escalated, Mr. Shannon replied that he would be pleased to have this completed; however, negotiations are still in progress for R/W acquisition. He cautioned that moving this project up on the road program would bump another project back. He also explained that because Roche Harbor Resort is a business, the cost of acquisition will be expensive. The Council thanked Mr. Goldsmith and Mr. Shannon for their input.

4. Lafarge Property Purchase and Sale Agreement Terms and Conditions Update – Present: Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; members of the San Juan Island Park and Recreation District (SJIPRD); and interested citizens. Mr. Gaylord explained that the County will close on the transfer of the upland portion of the Lafarge property (Friday Harbor Sand and Gravel) within ten days as provided for in the purchase and sale agreement. Chair Lichter asked if the County could engage in a discussion with the SJIPRD regarding a master plan and to have the Council and the Administrator Pro-Tem be involved. Mr. Ranker noted that there is discussion in the community regarding affordable housing but that he would discuss this separately. He requested that the County Administrator convey to SJIPRD that the County would like to engage in dialog regarding the use of this land. After discussion, the following action was taken: **Moved by Ranker, seconded by Myhr, to direct the County Administrator to move forward and to execute the closing of the transfer of property to the San Juan Island Park and Recreation District in conjunction with the office of the Prosecuting Attorney, pursuant to the existing purchase and sale agreement. Motion carried.**

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. – (Commenced at 11:30 due to time constraints.) The Council sat as the Board of Health (BOH) for their regularly scheduled monthly meeting. Present: Frank James, MD, SJC Public Health Officer; JoAnne Campbell, Personal Health Services Manager; Mark Tompkins, Environmental Health Manager; and interested citizens. Agenda:

1. Maternal Child Health Program Updates – Ms. Campbell presented a synopsis of the written overview dated June 27, 2006. This report was a continuation of a previous BOH presentation.

2. Mosquito Control District (MCD) Informational Update – Dr. James addressed the information provided to the BOH two years ago detailing implementation of an MCD. Along with copies of the previous report and a print-out of the Power Point presentation he had made at that time, he provided a new map which detailed the current West Nile Virus cases since that time. He anticipates that the virus could occur this year in SJC. He encouraged consideration of the MCD with the main function to put in place a program in a dispassionate way before a crisis occurs. He reported that he receives call from citizens who currently use insecticides. With an MCD, he suggested a program using larvicides would be effective and safe. He noted that this is an acceptable form of treatment that works, and can be used in conjunction with other preventative measures. The burden of cost would be borne by the tax payers. Councilman Myhr stated he had reviewed the material and understood what was being recommended. Councilman Lichter stated he would study the report and wanted to discuss the matter again in two weeks on the Councils regular agenda. Dr. James noted that if there is an outbreak of West Nile in SJC, it will become “nasty.” He encouraged the MCD as a means of bringing the community together for prevention. **By consensus, it was agreed that this topic will be discussed on Tuesday, July 11, 2006.**

1:30 p.m. - A continued work session was held regarding proposed procedures for an ordinance to provide for the Council to hear appeals of Hearing Examiner’s Decisions. Present: Karen Vedder, Deputy Prosecuting Attorney; Laura Arnold, Consultant; and interested parties. Ms. Vedder reported that she had found a reference in the RCW that may conflict with the SJC Charter regarding this issue. Because of this potential conflict, she stated she was not prepared to go forward today. Chair Lichter asked for specificity regarding the contradiction. Ms. Vedder replied that the statute may say that the ordinance sets out a process but does not allow for discretionary review. After discussion, she requested time to review this new material and determine the conflict. She added that state law could preempt the Charter and this is an analysis she is required to do. Councilman Ranker stated that he too had issues to bring forward and had several questions as well. He thanked Ms. Vedder for raising this new issue. Mr. Ranker then suggested that the Council continue the review the draft document in the time allotted. In summary, Councilmen Myhr and Lichter both stated that they were not prepared to go forward until the issues were clearly understood. Mr. Lichter added that he was disappointed to learn only ten minutes before the session that that they were not going to be able to discuss this matter, but added that he agreed the issues needed to be addressed. The continuing issue of appeals consisting of multiple appellants who are not in agreement on where their appeals should be filed was still not satisfied. This matter is not addressed in the Charter. Although Mr. Ranker continued to urge the Council to reconsider their decision not to work on the draft document, Mr. Lichter and Mr. Myhr declined to go forward without a clear understanding of the legal issues. The Council requested that Ms. Vedder prepare a written analysis of the issues brought forward. **By consensus, the Council agreed to schedule the next work session on this topic for Monday, July 17, 2006 at 10:30 a.m.** Ms Vedder will provide an analysis and will also analyze obtaining declaratory action by a judge on the matter, and will bring forward her advice. Ms. Arnold will also be available for this meeting. Attorney Stephanie O’Day asked to make a comment. She urged getting the courts involved to make these decisions now rather than after litigation may be brought forward.

2:30 p.m. - A meeting was held with architects Les Tonkin and Ann Williamson regarding the Space Planning Report for the Courthouse and other facilities. Also present: David Zeretzke, Administrative Services Director; Si Stephens, Auditor; Randall Gaylord, Prosecuting Attorney; Stewart Andrew, District Court Judge; Marion Melville, District Court Administrator; Tom Kearney, Juvenile Court Administrator; Mary Jean Cahail, County Clerk; Brad Fincher, Probation Officer; Charles Silverman, Deputy Prosecuting Attorney; Liz Seaton, Chief Civil Deputy; Bill Cumming, Sheriff; Paul Dossett, Assessor; Jon Zerbe, Undersheriff; available Law and Justice (L&J) personnel; and interested parties.

Mr. Zeretzke began by stating that today’s meeting is a work session to determine where to focus the direction of the Council as there is funding left in the contract with the architects to do a final plan. He noted that handouts were available for all present which included a written report dated June 26, 2006 containing two recommended options and estimated costs, as well as detailed schematic drawings. Ms. Williamson then presented each of the

options and detailed all the recommendations associated with each alternative. During the presentation, questions were allowed from the audience concerning particulars related to the items which were enumerated within each of the two options. Summary:

Option 1 called for the remodel of the first and second floor of the Carlson building; moving the Prosecuting Attorney staff from the Patterson building to the first floor of the Carlson building; provide new offices for the County Administrator on the second floor of the Carlson building; move Juvenile personnel from the old Courthouse to the second floor of the Carlson building; move three Council Members into three offices on the first floor of the Old Courthouse; move the District Court Judge to the north end of the first floor of the old Courthouse; and remodel the current Council Hearing Room into a juried court room for District Court to be shared as a hearing room with the Council. Estimated cost \$422,250

Option 2 called for the remodel of the first and second floor of the Carlson building; move the Prosecuting Attorney personnel from the Patterson building to the second floor of the Carlson building; provide new offices and hearing room for the Council and Administrator on the first floor of the Carlson building; consolidate Juvenile at the south end of the first floor of the Courthouse; move probate to the north end of the first floor of the Courthouse; move District Court Judge to the south end of the second floor of the old Courthouse; and remodel the current hearing room into a juried court room for District Court and second floor south end offices for District court. Estimated cost \$812,555.

Comments from the audience were allowed concerning the options presented. Mr. Kearney detailed the issues involved with his department noting that he is on call 24/7 along with his staff to deal with the custody of minors. He detailed some of the issues he must deal with including juveniles who are suicidal, threaten others and staff, attempt bodily harm, and how he must be in close proximity to the other L&J offices, especially the Sheriff. Mr. Silverman stated he favored Option 2 because in the long run it will save money and keeps all of L&J together. Many L&J officials echoed the issues brought forth by Mr. Kearney. Chair Lichter noted that he hoped that everyone understood that the Council could not make everyone happy; however, the Council will attempt to be as careful as possible. Councilman Ranker interjected that he had been working with the Auditor and Mr. Goldsmith in an attempt to look at funding for a new building. He did not think it was possible to get an affirmative vote of the people and this would mean incurring a debt of about \$680,000 a year. He added he had not yet made up his mind on options but was leaning toward Option 1. He commented that it might be better to move all of L&J into a new building (state of the art) across the street. Mr. Ranker then stated that he felt Juvenile would be better off across the street. Chair Lichter asked the Sheriff his opinion on this issue. Mr. Cumming stated that time is a critical factor in getting to a situation. After his comments he added that after 26 years in service to the County, and striving to have all of the criminal justice offices in close proximity, this option is a step backwards. Additional items brought forth included cost estimates. In addition to the initial costs there will be expenses for IT, moving, furniture, and upgrading the Carlson building due to the age of the facility. Remodeling costs are over and above those anticipated. Mr. Gaylord stressed that the County needs a third meeting room and currently uses the Council Hearing Room three days a week. One of his staff cannot navigate the stairs in the Carlson building. No elevator/lift costs have been calculated. Ms. Melville pointed out that many of those present had been involved in these discussions for several years, and that she also agreed the voters will not consent to pay for funding of a new building. A Public Defender attorney noted that if Juvenile is moved across the street, the County will be required to provide additional security to maintain requirements. One of the existing tenants in the Carlson building, an office of the State of WA Department of Social and Health Services, expressed concerns about having to vacate their office space and the transition time needed to relocate. He also explained that their biggest concern is service to children. He is preparing a formal letter to address the issues he has been discussing with Mr. Zeretzke.

A lengthy discussion ensued concerning the ramifications of the options presented, possible alternatives within these options, and costs associated with those alternatives. Mr. Tonkin cautioned the Council to carefully study whatever they may be doing. Adjustments to the plans presented will raise the cost. Because of time limitations and the need for additional information, the Council stated they were leaning toward Option 1, but to keep Juvenile in the old Courthouse. Although Mr. Ranker was willing to provide for funding for extra security to have them move across the street, the Council could not ultimately agree on any one scheme presented. L&J personnel stated that the Council was not full-time and asked why they required six offices. Mr. Myhr responded with the amount of work he does in his office and the hours that he spends in Friday Harbor while representing District 6 (Shaw, Lopez, Decatur, etc.). Others asked about the basement space in the new Courthouse addition and the old section which had not been considered in these options. The response was that the large room used for document storage was concrete and therefore meets requirements for "fireproof" storage. Also, these

documents are regularly accessed by all departments in the Courthouse on a daily, weekly and monthly basis. However, the current “lunchroom” could be used for another use provided there was such a facility available for personnel in another location.

Chair Lichter asked if his fellow Councilmen had reached any conclusions regarding the direction to take today. Mr. Ranker wanted to continue with utilizing Option 1. Mr. Myhr wanted to use creativity to reduce the cost estimates and to consider alternatives for offices of the Councilmen, including allowing Juvenile to remain in the existing building. Mr. Ranker stated he did not like ultimatums, but wants a realistic commitment of security for Juvenile offices in next year’s budget and to stick with Option 1. He also stated he wanted to hear that the Council puts an item on the agenda in August to formally speak to the Administrator and Si to launch a way to pay for the new building. No other Council member agreed to this request at this time. Ms. Williamson noted that if the parameters are changed in their proposal, it will reduce the ability for a low-cost solution. Mr. Gaylord also suggested using creativity. Although the Council generally agreed they wanted to remain in the existing offices, there was a lack of agreement on how to proceed to accomplish this goal. The Council agreed to continue the discussion until Monday, July 17, at 1:30 p.m. in order to review requested additional information to be supplied by Mr. Tonkin and Ms. Williamson.

EXECUTIVE/CLOSED SESSIONS

10:52 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). Participants: Randall Gaylord, Prosecuting Attorney, and Karen Vedder, Deputy Prosecuting Attorney. At 11:12 a.m., the Council Clerk announced that Council required 10 more minutes. The session ended at 11:22 a.m. for an actual session time of 30 minutes. No action was taken.

ADJOURNMENT - Moved by Ranker, seconded by Myhr, to adjourn the meeting at 4:20 p.m. Motion carried. No meeting was scheduled for the week of July 3, 2006. A special meeting was scheduled for Monday July 10, and the next regular meeting was scheduled for Tuesday, July 11, 2006.

These minutes were approved and signed on July 11, 2006. The original document is retained in the Council’s permanent proceedings folder dated June 26 and 27, 2006. Attest: Carolyn K. Morrison, Clerk.