

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

Monday, November 6, 2006 - Council Conference Room

CALL TO ORDER

Council Chair Lichter called the meeting to order at 10:00 a.m. Council members Ranker and Myhr; County Administrator, Pete Rose; Lincoln Bormann, Land Bank Director; Karen Vedder, Deputy Prosecuting Attorney; Clerk to the Council, Carolyn Morrison, and interested citizens were present.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council held a Staff Meeting and a general work session to discuss County business. No action was taken.

RECESS - At 11:50 p.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Tuesday, November 7, 2006.

Tuesday, November 7, 2006 – Islanders Bank Community Meeting Room

CALL TO ORDER

Council Chair Lichter called the meeting to order at 10:00 a.m. Council members Ranker and Myhr; County Administrator, Pete Rose; and Clerk to the Council, Carolyn Morrison, were present.

CITIZEN ACCESS TIME

No matters were brought before the Council.

ANNOUNCEMENTS/SCHEDULE CHANGES

1. The posted Council Agenda and Discussion/Other Action Agenda were revised. Several agenda items were adjusted as necessary.
2. Two or more Council members will attend the Agricultural Summit at the Lynnwood Convention Center, Thursday, November 30, 2006.

APPROVAL OF MINUTES

Moved by Myhr, seconded by Ranker, to approve the minutes of **October 30 and 31, 2006**. Motion carried.

CONSENT AGENDA

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

A. Resolutions/Ordinances:

1. **Resolution 62-2006** - Adopt the resolution authorizing SJC Land Bank to acquire 1,578 acres of land known as the Turtleback Property on Orcas Island as described in Exhibit A, for the amount of \$10,000,000 under the Purchase and Sale agreement between the Medina Foundation ("Seller"), and the San Juan Preservation Trust dated May 19, 2006, and under an agreement between the San Juan Preservation Trust and San Juan County ("Turtleback Mountain Agreement") to be signed as identified henceforth; authorize payment to the Seller at closing, less credits, to be paid from the Conservation Area Fund; accept the Bargain and Sale Deed conveying the Turtleback Property to SJC; and, authorize the Land Bank Director to sign the Conservation Easement and Turtleback Mountain Agreement and all other documents necessary to effect the purchase of the property.

B. Contracts/Agreements:

1. **Agreement 06OS01** – Sign the Open Space Taxation Agreement between SJC and the Medina Foundation limiting the use of the Turtleback Property, as described in Exhibit A, “Assessor’s Parcel Numbers,” and Exhibit B, “Legal Descriptions,” under the terms and conditions as set forth therein, pursuant to the provisions of Resolution 50-2006 with the exception of authorizing the rescission of signing authority given to the County Administrator to sign said agreement, and hereby approve the Council as the signatories on said agreement.

F. Correspondence:

1. Sign the letter to Cynthia Iyall and the Nisqually Tribal Council Members expressing appreciation for the leadership of David Troutt, Nisqually Natural Resources Director.

Motion carried.

ACTION AND DISCUSSION ITEMS

BUDGET ITEMS:

1. **Request for Approval of Emergency Appropriation Funding for the Purchase of Influenza Antiviral Medications** – Moved by Ranker, seconded by Myhr, to approve going forward with the necessary paperwork to the Auditor for scheduling a public hearing to consider an emergency appropriation for up to \$40,000 for the cost of anti-viral vaccine for use in an influenza pandemic. Motion carried. (Refer to County Administrator Council Briefing for additional information.)

2. **Request for Approval of Emergency Appropriation Funding for Funding of a Contract for Document Restoration** – Present: Si A. Stephens, County Auditor; Dave Zeretzke, Administrative Services Director; and interested citizens. Mr. Zeretzke referred to his Staff Report dated October 24, 2006 which explained that the money previously approved by the Board of County Commissioners and subsequently spent in 2004 to recover lost imaged documents for the County Clerk’s records had not been sufficient to complete this task. He further explained that there had been other factors involved, including problems with internal County servers and imaging platforms. His request was for \$95,000 from the Auditor’s Document Preservation Fund to correctly re-scan, re-digitize and re-index approximately 300 storage boxes of court records. Mr. Stephens then addressed his objection to the use of these funds for a project that was previously funded. He reported that the system he has had in place for the same type of document preservation has an off-site back up. Had he not had this, all of his records would have also been lost in the initial system failure in 2004. He added that the preservation system he had put together for his office was due to be replaced because of its age and current failure rate. He added that by using these special funds for the County Clerk, it would mean a lengthy delay in being able to implement a new County recording system. The matter was discussed. Mr. Stephens offered a compromise of using half of the funds from the document preservation fund and the other half as an emergency appropriation. This would allow the new Auditor to secure a new recording system sometime during the second half of the coming year. The Council discussed all aspects of the information presented. Councilmen Myhr and Lichter were agreeable to splitting the cost; however, Councilman Ranker favored all funding coming from the Document Preservation Fund. The following action was taken: **(a) Moved by Myhr, seconded by Lichter, to approve the request of the Auditor to split the cost of the document restoration for the County Clerk with half of the funding from the Document Preservation Fund and half in funding from an emergency appropriation request. Motion carried with Councilman Ranker opposed. (b) Moved by Ranker, seconded by Myhr, to approve going forward with scheduling a public hearing to consider an emergency appropriation request in the amount of \$95,900 to cover the cost of utilizing half of the funding from the Auditor’s Document Preservation Fund and half from the General Fund to cover the cost of funding a contract for document restoration for Superior Court related records. Motion carried.**

MISCELLANEOUS ITEMS:

1. **10:10 a.m.** – County Administrator Council Briefing. Also present: SJC Fire Marshal, Rob Low; Acting District 3 Fire Chief, Brad Creesy; and interested citizens.

a. Fire Marshal Inspection Fee Discussion – Mr. Rose recapped the history of the adoption of the fee schedule for Fire Marshal fees, including inspections of commercial establishments. He then explained that there have been citizen complaints concerning the amount being charged for a small business, lack of adequate notice, and the communications style of the inspector. After discussing the potential remedies that may resolve this issue, Mr. Rose suggested a separate Memorandum of Agreement with the Fire Districts concerning this specific fee schedule. Mr. Low and Mr. Creesy conveyed that they were willing to work with the Administrator and County.

It was noted that a solution may require a subsidy on the part of the County until a new schedule is agreed upon. **By consensus, the Council requested Mr. Rose to work with the Fire Districts to work out a “restart” of this program that is equitable.**

b. Request for Emergency Appropriation Funding for the Purchase of Influenza Antiviral Medications - Present: John Manning, Health and Community Services Director. Mr. Rose reported that the Federal Government was making available courses of this vaccine which is intended for use of an influenza pandemic. The courses would normally cost \$85.00 each. The cost through this special program is approximately \$15.00 each. Mr. Manning had provided a detailed report dated November 7, 2006, which was accompanied by a written recommendation from Dr. Frank James, SJC Health Officer, dated October 23, 2006. Mr. Manning noted that the Town of Friday Harbor will be contributing up to \$10,000 of the \$40,000 maximum required to secure this medication. Local pharmacies will assist with storage. The Council discussed the request and took action. Refer to BUDGET ITEMS for details.

2. Seating of New Council Members – Present: Randall Gaylord, Prosecuting Attorney. Mr. Gaylord read from his memorandum to the Council dated November 3, 2006. He explained that the newly elected Council members would take office after certification of the 2006 General Election by the Canvas Board which would allow seating on Tuesday, November 28, 2006. He further explained that the Charter has not been reviewed by the Courts so he used case law to make his determination. Councilman Myhr voiced his disagreement with seating of the council members-elect this year as he did not feel the Charter was clear, nor did it mean their term was for an extra month. The Council discussed the matter. **It was the consensus of the Council to agree that the newly Council members would be seated after certification and swearing in at some time on Tuesday, November 28, 2006.**

3. Consideration of Rescission of a Motion of October 17, 2007 to Consider an Emergency Appropriation – Present: Randall Gaylord, Prosecuting Attorney. Council Chair Lichter explained that the Council had approved going to public hearing to consider funding for a special Deputy Prosecuting Attorney to handle Accessory Dwelling Unit (ADU) litigation because of the resignation of Cameron Carter from the office of the Prosecuting Attorney. He wanted the Council to agree to rescind the motion as the Council had not been provided with the background information requested by the Council concerning the attorney that had been hired; and, because he had questions concerning the qualifications and expertise of the person who had been selected. For the sake of discussion, Councilman Ranker moved to rescind the motion of October 17, 2006 for this funding consideration. Councilman Lichter seconded the motion. Under discussion, Mr. Gaylord was allowed to offer comments. He explained that he had hired a qualified attorney as explained to the Council and noted that he had no way of anticipating this need for special counsel due to the resignation of Mr. Carter. He further explained that the Council cannot say who is hired in his office and cited the applicable statutes. Mr. Lichter stated that part of his concern was that the person selected did not have Growth Management experience; that Mr. Gaylord had not agreed with the Council on the ordinance adopted; and that he wanted to be certain that the County's position was defended as adopted. The Council discussed the issue and Mr. Gaylord stated that he would not debate the qualifications of the candidate but added that the Council would be happy with the work that will be done. After a lengthy discussion, including another request for background information to be provided to the Council, Mr. Ranker withdrew his motion and Mr. Lichter withdrew his second. However, Councilman Ranker noted that the item may be brought back next week if the information requested is not forthcoming.

4. Economic Development Council (EDC) Status Report – Present: Ralph Hahn, EDC President. In his written report to the Council, Mr. Hahn detailed the need of the EDC for additional funding in order to provide SJC with the ability to develop economic elements for the Town and County Comprehensive Plans. He detailed the accomplishments of the EDC, the budgetary requirements for matching funds in order to qualify for matching funding, and the EDC proposal to request \$7,500 from the Town of Friday Harbor, \$7,500 from the Port of Friday Harbor, and \$15,000 from SJC to achieve the required \$30,000 in funding for 2007. County Administrator Pete Rose stated he supports reasonable economic development. The Council discussed the request and the fact that SJC used to contract with Island County for services of their EDC and there should be some funding to be coming from Skagit County. Mr. Hahn stated he is looking into this issue. Councilman Ranker requested that Mr. Rose put in a new program request for the SJC 2007 budget so that the Council could look at this \$15,000 request as presented. Mr. Rose stated he would prepare the request.

5. Shared Strategy for the Puget Sound (SSPS) / SJC Eco-Based Initiative Project Updates and Staff Recommendation – Present: Jim Kramer, SSPS Executive Director; Carol Macllroy, SSPS staff; and interested citizens. In a short “briefing” memo dated November 7, 2006, Mr. Kramer detailed the process of recruitment to find a project manager to head the project in SJC. The candidate will be an employee of SSPS; however, the Council and SSPS had agreed that the Council would be part of the approval process. Mr. Lichter and Mr. Ranker had participated in the interview process held in SJC. Mr. Kramer recommended approval of Ms. Amy Windrope. After discussion of her qualifications, the following action was taken: **Moved by Ranker, seconded**

by Myhr, to confirm the recommendation of Amy Windrope as the Project Manager for the San Juan Eco-Based Management Project. Motion carried.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. (Rescheduled to **1:00 p.m.** due to time constraints.) - A work session was held for presentation of the proposed San Juan County 2007 Budget for the SJC Land Bank Commission. Present: Lincoln Bormann, Land Bank Director; Lisa Lawrence, Land Bank Commission Chair; and interested citizens. No action was taken.

1:30 p.m. - A work session was held for presentation of the proposed San Juan County 2007 Budget for the SJC Law & Justice Departments including the Prosecutor, County Clerk, and District Court, Sheriff and related in-house fund budgets. Present: Mary Jean Cahail, County Clerk; Marion Melville, District Court Administrator; Stewart Andrew, District Court Judge; Randall Gaylord, Prosecuting Attorney; Bill Cumming, SJC Sheriff; Charlotte Dye, Chief Deputy Auditor; and interested citizens. Each department presented its budget, any new program requests, and any revenue increases that had not been put into the preliminary figures. No action was taken.

1:30 p.m. - A work session was held for presentation of the proposed San Juan County 2007 Budget for the SJC Public Works Department, including ER&R, Solid Waste, and Roads divisions. Present: John Shannon, Public Works Director; Matt Zybas, Utilities Manager; available Public Works staff; Charlotte Dye, Chief Deputy Auditor; and interested citizens. Mr. Shannon gave a Power Point presentation of his proposed 2007 budget. The Council had specific questions concerning the anticipated loss of Capron funding due to new legislation. No action was taken.

4:15 p.m. - A bid opening was held for closure of septage lagoons on Orcas and Lopez Islands. Bid specifications were published as required by law. Only one bid was submitted which was signed and contained a bid bond. A letter was received from another firm stating that they chose not to submit a bid. The following is a summary of the one bid received:

FIRM NAME	TOTAL PRICE
1. Cowlitz Clean Sweep (CCS), Longview, WA	\$311,574.59

Moved by Ranker, seconded by Myhr, to forward the bids to the Public Works Department for analysis and recommendation. Motion carried.

ADJOURNMENT - At 4:20 p.m., Chair Lichter adjourned the meeting. A Special Meeting was scheduled for Monday, November 13, 2006, and the next regular meeting was scheduled for Tuesday, November 14, 2006.

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