

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
DECEMBER 4 AND 5, 2006**

**Monday, December 4, 2006 - Council Hearing Room**

**ANNOUNCEMENTS**

At 9:45 a.m., newly elected San Juan County Council members, Gene Knapp, Rich Peterson, and Howard Rosenfeld, were sworn in for the "short term" by the County Auditor, Si A. Stephens. Members of the public and available County staff were present to welcome and greet the newly seated Council members.

**CALL TO ORDER**

Council Chair Lichter called the special meeting to order at 10:00 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Myhr; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Carolyn Morrison; and interested members of the public were present. (The Discussion/Other Action Agenda for this special meeting was printed on the Council Meeting Agenda.)

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**ORD. NO. 15-2006** - (Refer to PUBLIC MEETINGS/WORK SESSIONS, 11:30 a.m., for details of action taken.)

**ORD. NO. 16-2006** - (Refer to PUBLIC MEETINGS/WORK SESSIONS, 11:30 a.m., for details of action taken.)

**ORD. NO. 17-2006** - (Refer to PUBLIC MEETINGS/WORK SESSIONS, 11:30 a.m., for details of action taken.)

**ORD. NO. 18-2006** - (Refer to PUBLIC MEETINGS/WORK SESSIONS, 11:30 a.m., for details of action taken.)

APPOINTMENTS:

**1. Citizens' Salary Commission** – Moved by Ranker, seconded by Rosenfeld, to appoint Mike Roger to serve in the legal profession position on the Citizens' Salary Commission on Salaries for Elected Officials for the term to expire December 31, 2007. Motion carried.

MISCELLANEOUS ITEMS:

**1. Seating Arrangement for New Council** – The Council discussed whether to remain at the podium or to move to the floor of the Hearing Room for future meetings. Councilman Ranker stated he favored the podium. Councilman Rosenfeld also preferred to remain at the podium. All other Council members favored relocating to the floor when in session. After discussion the following action was taken: **Moved by Rosenfeld, seconded by Myhr, to have the seating arrangement for the Council on the lower level of the Hearing Room floor. Motion carried.** It was further agreed that the Chair and Vice-Chair would be seated in the "center" of the Council and the other members would seat themselves without assignments.

**2. Discussion Regarding Request for Support of a Third Superior Court Judge or Split Judicial District at the Request of Judge Churchill** – Present: Randall Gaylord, Prosecuting Attorney. Mr. Rose explained that this item had been brought to the attention of the Council during the budget presentations and that Judge Churchill had spoken with each Council member and members-elect concerning the matter. If a third, shared judge was considered for Superior Court (Island and San Juan Counties share), that judge would only be seated for one-half a year and the County would no longer require a Court Administrator. This cost would amount to approximately \$8,000 for 2007. If a SJC-only Judge was considered, it would increase the budget requirements by approximately \$41,000. Mr. Rose stated he would speak with Mike Merringer, Superior Court Administrator, if the Council was interested in pursuing these options. He also noted that Judge Churchill is currently the Chair of her committee and this will allow a better chance to have this proposal be accepted by the legislators. Mr. Gaylord then stated that the item was before the Council today as adoption of the 2007 SJC Budget was to be considered late in the morning. Mr. Ranker stated he was in favor of a third judge but had questions on the effect of the budget being considered later today. Mr. Rose explained that the budget would be adjusted next year in an amendment; however, this would be an elected position so there would not be an immediate need. Mr. Myhr pointed out that the existing two Superior Court Judges were both in favor of a third judge; however, they were not in agreement whether that position should be solely allocated to SJC. His opinion was that the County did not need the third judge immediately, but was on the threshold for an additional Judge. His concerns were regarding budgetary challenges that the County and Council are facing. Councilman Knapp offered that this was an

important decision and that Judge Churchill had explained that this was the time to present this proposal to the legislators as the opportunity may not be available for some time. It is now or not again for another three to four years. After discussion, Mr. Rose suggested that he meet with Mr. Merringer on the staffing needs for both positions and determine the actual budget figures. Mr. Myhr thanked him for doing this as it will give the Council all hidden costs in order to make a decision. Mr. Gaylord suggested the Council provide a letter of support for the proposal. Mr. Rose responded that a letter would have to come from both Island and San Juan Counties to take to the legislators. **The Council agreed to place this item on the agenda for December 19, 2006 for further consideration.**

**3. Consideration of Necessary Short Term Re-appointments to the Planning Commission** – Present: Randall Gaylord, Prosecuting Attorney; Ron Henrickson, Community Development and Planning Department Director; and interested citizens. Mr. Rose began with the statutory requirements for the Planning Commission (PC) and addressed the fact that a new ordinance was required under the Charter to denote the new districts and provide for the number of commissioners. Although this was previously discussed by the Council, due to the many matters before the Council and staff, no new draft ordinances had been crafted. Mr. Gaylord reminded the Council he had sent a memorandum to them earlier in the year regarding this subject. The Council discussed the existing makeup of the PC and agreed to keep the number at nine members. Mr. Ranker noted that the same issue exists for the Land Bank Commission. This issue was also discussed. Mr. Myhr cautioned that these changes needed to be done in the proper manner. Chair Lichter asked Mr. Henrickson if he had any comments on the current functionality of the PC as it exists. Mr. Henrickson reported that he felt the nine-member commission worked well, was comprised of a diverse group, and recommended that it remain at that size. Mr. Myhr asked that the Council consider “land mass” as well. Mr. Gaylord stated that if the Council was in agreement on the makeup of these two commissions, he would be able to prepare draft ordinances relatively quickly and that six-month appointments would allow for time to review and adopt the necessary amendments. After discussion, **it was the consensus of the Council to retain the nine members of the Planning Commission with one member for each district and 3 members at large; to retain the seven members of the Land Bank Commission with one member for each district and one at large.** Mr. Gaylord will prepare draft ordinances to move these matters forward.

## **PUBLIC MEETINGS/WORK SESSIONS**

**10:00 a.m.** – The Council met for its weekly Staff Meeting. Council Chair Lichter invited members of the public to remain in the Hearing Room if they would like to do so. No action was taken.

**10:15 a.m.** – A special meeting was held for a Council Work Session regarding County business. (Refer to ACTION AND DISCUSSION ITEMS and the sub-categories for details of action taken.)

**10:45 a.m.** – (Commenced at 11:00 a.m., due to time constraints.) County Administrator Council Briefing. Also present: Jon Shannon, Public Works Director; Matt Zybas, Utilities Manager; Ed Hale, Solid Waste Manager; Fire Marshal Rob Lowe; Acting District 3 Fire Chief Brad Creesy; and interested citizens.

**1. Recommendation for Appointment to a Vacant Position on the Citizens’ Salary Commission**– Mr. Rose presented his Staff Report in which he recommended the appointment of Mr. Mike Roger to the Citizen’s Salary Commission. This appointment would fill a vacant “legal” position. After discussion the Council approved the appointment. (See APPOINTMENTS for details of action taken.)

**2. Proposed Solid Waste Fee Increases and Request for Public Hearing Confirmation** – Chair Lichter requested that Mr. Zybas and Mr. Hale brief the new Council members on the background of this matter. Mr. Zybas did so in addition to his Staff Report dated November 28, 2006. The Council asked questions which were answered. Mr. Rosenfeld stated that the Town of Friday Harbor was not being given special consideration even though they offer the use of the facility to the County for a nominal fee. After discussion the following action was taken: **Moved by Ranker, seconded by Knapp, to approve consideration of the Solid Waste Fee Amendment Ordinance at a public hearing at 3:00 p.m., Tuesday, December 19, 2006. Motion carried with Councilman Rosenfeld opposed.**

**3. Fire Marshal Occupancy Inspection Fee Update** – Mr. Rose presented the background of the issue which was included in his Staff Report to the Council. At the direction of the Council, he had worked with Fire Marshal Lowe and Acting Fire Chief Creesy to develop an alternative to the existing occupancy inspection fee schedule. The current fee is a flat rate of \$100 per inspection and would be amended to have a cost range of \$35 to \$175 depending upon the size and category of the business. The recommendation was to hold a public hearing to amend the ordinance to address the class of a business, the occupancy of a facility, the degree of hazard related to the business, and other factors. Mr. Rose stated that approximately 80 businesses have been inspected and there will be a recalculation (retroactive) on the billing for these. **After discussion on the proposal, it was the**

**consensus of the Council to schedule a public hearing to consider amendments to the ordinance for the first meeting in January 2007 if possible.**

**11:30 a.m.** – A public meeting was held for adoption of ordinances for 2007 budget as follows: Setting the Property Tax Levy for Current Expense for 2007; setting the Property Tax Levy for the County Road Fund for 2007; setting the Property Tax Levy for Land Conservation Futures for 2007; and adoption of the 2007 San Juan County Budget, pursuant to the Public Hearing held on November 14, 2006. Present: Si A. Stephens, SJC Auditor; Pete Rose, County Administrator; Charlotte Dye, Chief Deputy Auditor; available Department Heads and Elected Officials; and interested citizens. Mr. Rose explained each of the ordinances before the Council including revenues and expenditures. Chair Lichter asked for questions from the Council which were answered by Mr. Rose and Mr. Stephens. Mr. Rosenfeld asked for additional information regarding the proposed position of “Affordable Housing Coordinator” for future discussion since this was not funded in the proposed budget. Public testimony was opened, submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Ranker, to adopt **Ordinance 15-2006**, an ordinance of SJC setting the property tax levy for current expense for 2007 as listed therein. Motion carried.

Moved by Ranker, seconded by Myhr, to adopt **Ordinance 16-2006**, an ordinance of SJC setting the property tax levy for County Roads for 2007 as listed therein. Motion carried.

Moved by Myhr, seconded by Knapp, to adopt **Ordinance 17-2006**, an ordinance of SJC setting the property tax levy for Land Conservation Futures for 2007 as listed therein. Motion carried.

Moved by Ranker, seconded by Myhr, to adopt **Ordinance 18-2006**, an ordinance of SJC adopting an annual budget for the year 2007, setting forth the estimated revenues and appropriations as listed therein. Motion carried.

#### **EXECUTIVE/CLOSED SESSIONS**

**1:40 p.m.** – Council Chair Lichter announced that the Council would be holding a **closed session** estimated to last approximately one hour and 30 minutes, to discuss a matter of labor negotiations, pursuant to the provisions of RCW 42.30.140(4)(a). At 3:10 p.m., the Council Clerk announced that up to 30 more minutes were required. The session ended at 3:20 p.m. for an actual session time of one hour and 10 minutes. No action was taken.

**RECESS** - At 3:25 p.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Tuesday, December 5, 2006.

<b>Tuesday, December 5, 2006 - Council Hearing Room</b>
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#### **CALL TO ORDER**

Council Chair Lichter called the meeting to order at 10:00 a.m. Council Members Ranker, Peterson, Rosenfeld, Knapp, and Myhr; County Administrator Pete Rose; and Clerk of the Council, Carolyn Morrison were present. The flag salute was conducted.

#### **CITIZEN ACCESS TIME**

Stephen Robins – Regarding his participation in the crafting of the Home Rule Charter form of government and to welcome the three new Council members to the full San Juan County Council.

Bob Querry – Regarding his role as a former Freeholder, stating his agreement with Mr. Robins’ comments, and requesting that the County begin to see more of the transition of power to the County Administrator.

#### **ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Meeting Agenda was revised.

#### **APPROVAL OF MINUTES**

Moved by Myhr, seconded by Ranker, to approve the minutes of **November 13 and 14, 2006**. Motion carried with Councilmen Knapp, Rosenfeld, and Peterson abstaining as they were not Council members at that time.

## **CONSENT AGENDA**

Councilman Peterson requested that a letter to the WA State Department of Fish and Wildlife be removed from the proposed Consent Agenda. The Council agreed, removed the letter, and further agreed this matter will be placed on the December 12, 2006 Discussion/Other Action Agenda.

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of December 5, 2006** as follows

### **A. Contracts/Agreements:**

1. **Agreement 06HC52** - Sign the Interlocal Agreement for professional services between SJC and Island County to provide access to dental care for low income children as described in Exhibit A "Scope of Work" up to the cumulative amount of \$3,500 as described in Exhibit B "Fee Schedule" from January 1, 2006 through December 31, 2006, under the terms and conditions outlined therein.

### **C. Appointments:**

1. Approve the appointment of Fred Henley to the San Juan Island Library Board of Trustees to fill the unexpired term of Roy Mocerri which will begin immediately and expire December 31, 2011, based upon the recommendation of the Library Board in their letter dated October 6, 2006.

### **D. Correspondence:**

1. Sign the letter confirming the appointment of Fred Henley to the San Juan Island Library Board of Trustees to fill the unexpired term of Roy Mocerri.
2. Sign the letters and Certificates of Recognition to those employees honored for their service to the County for five, ten, fifteen, and twenty or more years.
3. Sign the Certificates of Recognition to those Elected Officials honored for their service to the County.

Motion carried.

## **ACTION AND DISCUSSION ITEMS**

### ORDINANCES/RESOLUTIONS:

**RES. NO. 63-2006** – Moved by Myhr, seconded by Ranker, to adopt the resolution to declare a State of Emergency within San Juan County, WA, dated November 28, 2006, as set forth therein. Motion carried

### MISCELLANEOUS ITEMS:

**1. Deer Harbor Hamlet Plan Discussion** – Present: Ron Henrickson, Community Development and Planning (CDPD) Director; Colin Maycock, CDPD Senior Planner; representatives of the Deer Harbor community; representatives of the Planning Commission; and interested citizens. Mr. Rose presented information on the background of the matter before the Council for the benefit of the new Council members and the public. The Staff Report dated November 20, 2006 detailed the alternatives that could be considered. Among the alternative "Hamlet Plans" was a suggestion to consider an extension of the Emergency Ordinance Moratorium which expires December 31, 2006. Mr. Rose recommended that the Council task CDPD with coordinating public forums and "flush out" the issues which remain along with suggestions either for a planning committee, or involvement of the Planning Commission, to attempt to resolve these issues. Mr. Henrickson presented the history of this matter for the benefit of the new Council members. Mr. Ranker again disclosed that he was a property owner in Deer Harbor and asked if anyone wanted him to stand down from voting on this matter. No members of the public or the Council asked him to do so. Mr. Henrickson suggested a meeting be set for Saturday, December 16, 2006 in the Deer Harbor community as many citizens had complained that they were unable to attend previous meetings held during the working hours. A facilitator was also suggested. The Council discussed the proposals, asked questions and examined the options proposed for consideration. Before any direction was considered, Chair Lichter allowed comments from the citizens of Deer Harbor who wished to speak. At the conclusion of the comments submitted, the Council addressed the options. Mr. Knapp was in favor of the Planning Commission to

direct the process or one member to conduct the meetings along with participation from citizens. Mr. Ranker expressed his concern about placing an undue burden on the Planning Commission members and suggested a facilitator. After a lengthy discussion, **the Council reached consensus to request the Administrator, the CDPD Director, and the Planning Commission Chair to meet and to come back with a recommendation including consideration of an extension of the existing moratorium.**

**2. Council Work Priorities** – Mr. Rose presented his report to the Council detailing his recommendation to hold a work session on the many issues on the list. Then from the work accomplished during that session, plan a retreat to work on the key issues. Councilmen Lichter, Ranker, and Myhr explained what has been discussed over this year for the benefit of the new Council members. **After discussion, the Council directed its Clerk and Mr. Rose to set a time for a two-hour work session to identify the time-sensitive issues, and then consider a date for a Council retreat.**

**3. Agricultural Resources Committee (ARC) Reorganization and Staffing Plan Update** – Present: Ron Zee, SJC Conservation District Manager, and interested citizens. Mr. Rose referred to the November 16, 2006 memorandum from Mr. Zee which explained the proposed plan. After reiterating the background information on this subject, Mr. Rose stated that the ARC would like consideration of a long-term plan and not only one for 2007. Mr. Zee explained that agriculture is vital to the community in SJC and one of the long-term goals of the District is sustainable agricultural resources. Mr. Ranker explained that this is a volunteer group and they had been promised a staff person which did not occur due to lack of additional funding from the WSU SJC Extension Agent Office. Mr. Rose noted that although a long-term arrangement is a goal, Budget Year 2007 needs to be resolved. **After a lengthy discussion, it was the consensus of the Council to place a proposed Interlocal Agreement for 2007 regarding this issue on the Discussion/Other Action Agenda for December 19, 2006.**

**4. Confirmation of the Resolution Declaring an Emergency in San Juan County** – Under the existing regulations, when an emergency is declared, with verbal authority from the members of the Council, one Council member can sign a document if it is required. The Department of Emergency Management had prepared a resolution, approved by the Administrator, which was signed by Councilman Ranker on November 28, 2006 declaring an emergency due to the severe storm conditions in the County. The Council Clerk had obtained and conveyed the verbal authorization for the declaration from both Councilmen Lichter and Myhr. By formal adoption of the resolution, the document is confirmed. (See RESOLUTIONS/ORDINANCES for details of the action taken by the three Council members who were in office at that time.)

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

**11:00 a.m.** – (Commenced at 11:15 due to time constraints.) An Elected Official recognition ceremony was held to honor all SJC Elected Officials and to give special recognition to retiring officials Kathy Turnbull, Treasurer (8 years); Mary Jean Cahail, County Clerk (16 years); Paul Dossett, Assessor (20 years); and Si A. Stephens, Auditor (24 years). The Council welcomed all participants and presented personalized certificates and County pins in recognition of the officials' service to the County. Retiring Elected Officials were also presented with engraved pen sets in honor of their years of service.

**11:30 a.m.** - An employee recognition ceremony was held to honor employees who have been with the County for 5, 10, 15, 20, 30, and 35 years. The Council welcomed all participants and presented individual letters, certificates, and County pins in recognition of these employees' service to the County. The presentation was followed by an informal reception. The following employees were honored:

### **FIVE YEARS**

Julie Thompson – Community Development &  
Planning Department  
Robin DeLaZerda – Sheriff's Office  
Michael Rennick - Sheriff's Office

### **TEN YEARS**

Craig Vaughn - Community Development &  
Planning Department  
Joyce Stimpson – Health and Community  
Services Department  
Dona Wuthnow – Parks Department  
Gary Covington - Health and Community  
Services Department

### **FIFTEEN YEARS**

Guard Sundstrom – Public Works Department  
Neil Hanson – Public Works Department  
Jean Schmidt – Health and Community Services

### **TWENTY YEARS**

Vicki Heater – Health and Community  
Services Department  
Tim Arnold - Public Works Department

Tom Kearney – Juvenile Court

**THIRTY YEARS**

Steve Vierthaler – Sheriff's Office

**THIRTY-FIVE YEARS**

JoAnne Campbell – Health and Community  
Services Department

**1:30 p.m.** - A public hearing was held to consider amendments to the animal ordinance. Present: Karen Vedder, Deputy Prosecuting Attorney; Pete Rose, County Administrator; and interested citizens. Councilman Gene Knapp was excused from the hearing due to a previous commitment. Ms. Vedder presented the final draft of the ordinance which was published as required. She itemized the significant changes which have been made for fines and penalties as a result of many work sessions. Questions from the Council were answered. Public testimony was then opened, submitted, and closed. The Council presented their comments related to the testimony presented. Deliberations began. A motion was made by Councilman Myhr to accept the ordinance with some "fine tuning" which was seconded by Councilman Ranker for discussion purposes. It was agreed, upon the advice of the Council Clerk and the Administrator, to withdraw the motion and continue deliberations, making the changes which the Council agreed upon, and then to accept all the changes by motion with a final document to be placed on the Consent Agenda the following week. Ms. Vedder agreed with this recommendation. The motion and second were withdrawn and deliberations continued. After all modifications were agreed upon by the majority of the Council members, the Council concluded deliberations and the following action was taken:

**Moved by Myhr, seconded by Ranker, to accept the ordinance amending Chapter 6.08 of the San Juan County Code regarding the regulation of dogs and other animals as amended today during deliberations; and, to bring back the final draft for consideration on the Consent Agenda a week from today. Motion carried.**

**ADJOURNMENT** - At 2:59 p.m. Chair Lichter adjourned the meeting. A special meeting was scheduled for Monday, December 11, 2006, and the next regular meeting was scheduled for Tuesday, December 12, 2006.

**These minutes were approved and signed on December 12, 2006. The original document is retained in the Council's permanent proceedings file dated December 4 and 5, 2006. Attest: Carolyn K. Morrison, Clerk.**