

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
DECEMBER 18 AND 19, 2006**

**Monday, 18, 2006 - Council Conference Room**

**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; Deputy Prosecuting Attorney, Karen Vedder; Clerk to the Council, Carolyn Morrison; and interested members of the public 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 11:45 a.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Tuesday, December 19, 2006.

**Tuesday, December 19, 2006 – Islanders Bank Community Meeting Room**

**CALL TO ORDER**

Council Chair Lichter called the meeting to order at 10:12 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.

**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.
2. The Council attended the 100-Year Rededication Ceremony of the SJC Courthouse at Noon in the Council Hearing Room followed by High Tea on the first floor.

**APPROVAL OF MINUTES**

Moved by Myhr, seconded by Ranker, to approve the minutes of **December 11 and 12, 2006**. Motion carried.

**CONSENT AGENDA**

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of December 19, 2006** as follows:

**A. Contracts/Agreements:**

1. **Agreement 06HC56** – Sign the Interagency Agreement between SJC and North Sound Mental Health Administration to provide integrated community support, crisis response, and inpatient management services to people needing such services in its Service Area, in the amount of \$20,000, for the period of October 1, 2006 through September 30, 2007, under the terms and conditions outlined therein.
2. **Agreement 06AG03** – Sign the Interlocal Agreement between SJC and the SJC Conservation District (SJCCD) to provide staff support as described in “Appendix A” to the SJC Agricultural Resources Committee with funding from the SJCCD to such an extent as appropriate for approximately 80 hours per month from December 1, 2006 through December 31, 2007, under the terms and conditions as set forth therein.

**B. Appointments:**

1. Approve the appointment of Steven Hussey to the SJC Solid Waste Advisory Committee to fill the unexpired term of Gunnar Wickman which will begin immediately and expire June 30, 2009.

**C. Correspondence:**

1. Sign the letter confirming the appointment of Steve Hussey to the SJC Solid Waste Advisory Committee to fill the unexpired term of Gunnar Wickman.
2. Sign the letter to Sharon Kivisto accepting her resignation from the SJC Fair Board; and, sign the Certificate of recognition for her service.
3. Sign the letter to Howard Rosenfeld accepting his resignation from the SJC Marine Resources Committee as representative of the Town of Friday Harbor; and, sign the Certificate of recognition for his service.
4. Sign the letters to Senator Harriett Spanel, Representative Jeff Morris and Representative Dave Quall urging them to assure the necessary funding for Lopez Hill on Lopez Island that is listed in the 2007-2009 Department of Natural Resources (DNR) Trust Lands Transfer Program.

Motion carried.

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**ORD. NO. 21-2006** - Moved by Myhr, seconded by Peterson, to adopt the ordinance to extend the existing moratorium for the Deer Harbor Hamlet Area for an additional 120-days and suspend the acceptance of applications for building and Land Use Permits in the Deer Harbor Activity Center, and to make Findings of Fact in support thereof. Motion carried. (Refer to MISCELLANEOUS ITEMS for additional information.)

**ORD. NO. 22-2006** - (Refer to PUBLIC HEARINGS/MEETINGS, 1:30 p.m., for details of action taken.)

**ORD. NO. 23-2006** - (Refer to PUBLIC HEARINGS/MEETINGS, 1:30 p.m., for details of action taken.)

**ORD. NO. 24-2006** - (Refer to PUBLIC HEARINGS/MEETINGS, 3:00 p.m., for details of action taken.)

APPOINTMENTS:

**1. SJC Fair Board** – Moved by Myhr, seconded by Peterson, to reappoint Brad Fincher and Terry Evans, each for a six-month term, on the SJC Fair Board. Motion carried with Councilman Rosenfeld opposed.

MISCELLANEOUS ITEMS:

**1. WA State Ferries Finance Study Status** – Present: Bob Distler, Commissioner on the WA State Transportation Commission, and interested citizens. In summary: Mr. Distler reported that he had sent information to the Legislative Steering Committee regarding a meeting scheduled for January 3, 2007 in Olympia with the consultant on this issue. He stated that the situation is currently “not good” due to the loss of the Motor Vehicle Excise Tax funding as the result of I-695. There are three ferries currently in service, which are over 80 years old. They have received waivers from the Coast Guard. Funding for the capital program has been neglected. Currently the system has a 73-percent overall recovery rate (fare box) and San Juan County is at a 50-percent recovery rate. There is an operating loss of 51 million dollars for the system with 19 million in the San Juans based upon 2005 figures. This amounts to \$11.00 per trip not covered on the San Juan routes. He believes the legislators will ask why the state is paying more for the Keystone, Mukilteo and San Juan routes. He believes the fares will continue to be under pressure and that the service levels will be in question. Additionally, he believes that current discounts are in jeopardy, especially for car and driver. Legislators from both sides had informed him that there is no money for ferries any longer. He wrote a paper that recommended three things: (1) an increase of 2.5 to 6 percent (versus current discussions for higher increases); (2) that a group including legislators, Transportation Commissioners, and a member of the Governor’s office sit down and look at the levels of service and potential changes; and (3) what are the total dollars needed and where will they come from. He estimates the need for two additional boats in the next 30 years. The Council asked pertinent questions related to highway funding being applied to ferries. Mr. Distler explained that capital funds come from state funds and some federal money. Operating funds come from the users. The cost per car on a highway is approximately one-half cent per mile, while the cost of the ferry equates to \$2.00 per mile per vehicle on the water. After discussion, the Council thanked Mr. Distler for his report. Additional information will be provided as known.

**2. Continued Discussion of the Request for Support of a Third Superior Court Judge or a Split Judicial District** – Present: Randall Gaylord, Prosecuting Attorney; Pete Rose, County Administrator; local SJC Bar

Association attorneys; and interested citizens. As requested in a prior meeting, Mr. Rose presented his Staff Report dated December 19, 2006. The report explained the estimated costs for the alternatives for consideration of the Council. After he related the information, he recommended consideration of a separate judicial district noting that if it is approved by the legislators, it will require an emergency appropriation to cover the additional costs. Mr. Gaylord then reported he held a meeting with Judge Churchill via teleconference call and included members of the local Bar Association to discuss the proposal. Approximately two-thirds of those present favored a separate district and one-third favored the addition of a third judge for the existing Island-San Juan County joint district. The Council allowed comments from the attorneys present. The Council then discussed the issues regarding this request. After a lengthy discussion, the following action was taken: **Moved by Knapp, seconded by Ranker, to proceed with the request to split the existing Judicial District with one Superior Court Judge for San Juan County. Motion carried.** After the motion passed unanimously, Mr. Rose explained that a letter of support would be required to convey the Council's decision. He offered to draft a letter for the Chair's signature. The Council, by consensus, agreed to have the Chair sign the letter when prepared.

**3. Deer Harbor Hamlet Plan Continued Discussion Regarding Direction from the Council and Extension of the Emergency Moratorium Ordinance** – Present: Randall Gaylord, Prosecuting Attorney; Ron Henrickson, Community Development and Planning (CDPD) Director; Colin Maycock, CDPD Senior Planner; and interested parties. Mr. Gaylord and Mr. Rose explained that the Planning Commission will meet on March 16 and April 10 and that the extension of the emergency ordinance will allow for meetings to be held in Deer Harbor to deal with 18 issues of problems previously cited by the Planning Commission. The prior suggestion of a facilitator was estimated to cost \$10,000 for these planning meetings. Each Council member expressed his concerns regarding the impacts to citizens if the existing moratorium was extended. The Council discussed the pros and cons of extending the moratorium and the current proposed schedule of meetings, which will allow for addressing the 18 outstanding issues resulting from the Planning Commission hearing. There was no decision made regarding the expenditure of funds for an outside facilitator at this time. The Council agreed to allow the planned meetings to go forward as scheduled in Deer Harbor. Before considering the proposed ordinance, the Council reviewed the written material supplied by Mr. Gaylord dated December 15, 2006. After review, the Council then adopted an ordinance to extend the existing moratorium for an additional 120-days. (Refer to ORDINANCES /RESOLUTION for details action taken.)

**4. SJC Fair Board Appointments** – Because the Council will be considering several new enabling ordinances for various boards, committees, and commissions to conform to the Charter form of government, Mr. Rose recommended six-month reappointments for two current Fair Board members whose terms expire December 31, 2006. The Council discussed the amount of work anticipated to accomplish these new ordinances and agreed with the recommendation with the exception of Councilman Rosenfeld. He suggested that the appointments be made for one-year to allow sufficient time for preparation and adoption of the amending ordinance. Additionally, both Councilmen Ranker and Rosenfeld will attend the next Fair Board meeting. (Refer to APPOINTMENTS for details of action taken.)

## **PUBLIC HEARINGS/MEETINGS**

**11:30 a.m.** - A meeting was held to hear a presentation on a proposed "Ride Share Program" in SJC. Present: Liza Michaelson, founder; John Van Lund, County Engineer; Randall Gaylord, Prosecuting Attorney; Joanruth Bowmann, Public Works Department; and interested citizens. Ms. Michaelson gave a Power Point presentation to explain this proposed volunteer program for allowing specific locations for pedestrians to use when looking for a ride to various destinations. Included in the presentation were safety tips for commuting, plans for a public awareness campaign, estimated cost of signage on each island, and program specifics. Due to time constraints, the Council asked that this presentation be continued at 1:15 p.m. to allow sufficient time for comments. Upon resuming, the Council continued discussions and expressed the view that this program was a "good idea." However, the Council explained that the request for funding for the signage for this program, which would be produced by Public Works, could not be considered until a detailed Staff Report was prepared covering all issues and actual costs. Additionally, sight distances and other safety considerations will be reviewed. **The Council agreed by consensus that this program had approval in principle subject to additional information being considered. This matter will be brought back when all reports are completed and approved by staff and the Administrator.**

**11:00 a.m.** – (Rescheduled to **1:30 p.m.** due to time constraints.) County Administrator Council Briefing. Also present: Randall Gaylord, Prosecuting Attorney; John Van Lund, County Engineer; and interested citizens.

**1. Request for Direction for Roadside Memorials Policy Options** – Resulting from comments from citizens, Mr. Rose prepared an issue paper dated September 20, 2006 for consideration of the Council. The report detailed

other legislation in place in the United States and a recommendation for SJC. Additionally Mr. Van Lund and Mr. Rose reported that the WA State Department of Transportation (WASDOT) has a one-year moratorium on these sites. Other WA State Counties' policies were given as a reference. The Council discussed the issue at length. Of the alternatives suggested, the Council agreed that it favored option 4a, which allowed roadside memorials for a specific amount of time and removal of these memorials by the County crews at the end of that time. **By consensus it was tentatively agreed that a three-month period of time was sufficient.** Mr. Knapp suggested that existing memorials have another 30-days before removal. However, after discussion, it was agreed that these would also fall under the three-month time period. No fees will be charged. **The Council agreed no additional work session was required and requested that Mr. Rose prepare an ordinance based upon the discussion and schedule a date for a public hearing to formally consider this matter.**

**2. WA State Legislative Matters** – Mr. Rose verbally suggested that the Council consider hiring a professional lobbyist to assist with the legislative priorities already determined to be priorities for SJC. In particular, he emphasized ferry issues and Capron funding. The Council discussed the merits of this recommendation noting that this would cost in the neighborhood of \$10,000 if a lobbyist could be engaged that was already under contract with other agencies. A full-time lobbyist could cost up to \$100,000. Additionally, Mr. Gaylord agreed with this recommendation. Mr. Ranker noted that the WA State Association of Counties (WSAC) has four full-time lobbyists that work on issues related to counties. Because these priorities were selected prior to the new Council Members being seated, Mr. Rosenfeld requested a review of the five priorities noting he would like to add affordability. Mr. Knapp noted that the voters of SJC had voted this issue down by a wide margin. Mr. Rose noted that there are other entities that will have affordable housing legislation proposed and suggested that the Council Members read these first. After discussion, the Council was not in favor of engaging a lobbyist at this time.

**3. Council Direction for a Draft Planning Commission Enabling Ordinance** – Mr. Rose noted that the Prosecutor required additional specifics to write the new ordinance. During a previous discussion, it had been agreed that there would be one member for each Charter district and three at-large members. **After a lengthy discussion on the proposed “at-large” members, it was again agreed that there would be nine members total and names for the three at-large positions could be nominated by any council Member with one from each major island for consideration.** Mr. Gaylord will prepare the ordinance by districts.

**1:30 p.m.** – (Commenced at 2:43 p.m. due to time constraints.) A public hearing was held to consider an ordinance regarding Emergency Appropriations to the SJC 2006 Budget and an ordinance regarding Supplemental Appropriations and Transfers to the SJC 2006 Budget. Present: Charlotte Dye, Chief Deputy Auditor; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; Pete Rose, County Administrator; and interested citizens. The proposed amendments to the 2006 SJC Budget were reviewed. There were no Council questions. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Rosenfeld, to adopt **Ordinance 22-2006** a budget ordinance amending SJC's 2006 Budget for Emergency Appropriations as listed therein. Motion carried.

Moved by Ranker, seconded by Rosenfeld, to adopt **Ordinance 23-2006** a budget ordinance amending SJC's 2006 Budget for Supplemental Appropriations and Transfers as listed therein. Motion carried.

**3:00 p.m.** - A public hearing was held to consider an ordinance amending Solid Waste Disposal Fees with the County Council sitting as the Solid Waste Disposal District Board. Present: Pete Rose, County Administrator; Ed Hale, Solid Waste Manager; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; and interested citizens. Mr. Hale noted that one error had been corrected in the publication of the public notice. There were no Council questions. Public testimony was opened, submitted, and closed. The Council asked questions of citizens who offered testimony. It was agreed that the Council would like to meet with the Solid Waste Advisory Committee and Solid Waste staff in the coming year to address issues related to this enterprise fund. Deliberations were held and the following action was taken:

Moved by Ranker, seconded by Myhr, to adopt **Ordinance 24-2006** an ordinance of SJC adopting a fee ordinance for Solid Waste services provided by the SJC Public Works Department as listed therein. Motion carried with Councilman Rosenfeld opposed.

## EXECUTIVE/CLOSED SESSIONS

**3:50 p.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. The session ended at 4:10 p.m. for an actual session time of 20 minutes. No action was taken.

**4:10 p.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 4:30 p.m., the Council Clerk announced that the session would require an additional five minutes. The session ended at 4:35 p.m. for an actual session time of 25 minutes. No action was taken.

**ADJOURNMENT** – At 4:40 p.m., Chair Lichter adjourned the meeting. There were no meetings scheduled for the weeks of December 25, 2006 or January 1, 2007. The next meeting was a Special Meeting scheduled for Monday, January 8, 2006, and the next regular meeting was scheduled for Tuesday, January 9, 2007.

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**These minutes were approved and signed on January 9, 2007. The original document is retained in the Councils' permanent proceedings dated December 18 and 19, 2006. Attest: Carolyn Morrison, Clerk.**