

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
OCTOBER 17, 2006**

CALL TO ORDER

Council Chair Lichter called the meeting to order at 10:00 a.m., in the Key Bank Garden Room, Friday Harbor. 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. Due to time constraints, several agenda items were rescheduled.
2. Two or more Council members may attend the WA State Parks Commission meeting at the Best Western Hotel in Friday Harbor on Thursday, October 19, 2006.

APPROVAL OF MINUTES

Moved by Myhr, seconded by Ranker, to approve the minutes of **October 9 and 10, 2006**. Motion carried.

CONSENT AGENDA

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of October 17, 2006** as follows:

A. Correspondence:

1. Sign the letter to Jacqueline Hansson regarding her question concerning Advisory Ballots in San Juan County.
2. Sign the letter to Gunnar Wickman thanking him for his service on the Solid Waste Advisory Committee.

B. Bid Openings:

1. Approve a Call for Bids for Orcas and Lopez Islands Septage Lagoon closures and remediation, San Juan County, WA with sealed bids to be received by the County Council until 4:00 p.m. Tuesday, October 31, 2006 and the bid opening to occur precisely at 4:00 p.m. on that date after the last call.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 55-2006 - (Refer to PUBLIC HEARINGS/MEETINGS/WORK SESSIONS, 1:30 p.m., for details of action taken.)

BUDGET ITEMS/WARRANTS:

1. Request for Emergency Appropriation Consideration for Outside Counsel for ADU Litigation – Present: Randall Gaylord, Prosecuting Attorney. In his memorandum to the Council dated October 12, 2006, Mr. Gaylord had requested consideration of an emergency appropriation to cover the cost of outside counsel for the limited purpose of representing SJC before the Growth Management Hearings Board on Accessory Dwelling Unit cases. He proposed using approximately \$6,000 from funds that would have been paid to Cameron Carter, former Deputy Prosecuting Attorney who recently left the County. After a lengthy discussion, the following action was taken: **Moved by Ranker, seconded by Myhr, to approve going forward with the necessary paperwork to the Auditor to schedule a public hearing to consider an emergency appropriation in the amount of**

\$14,000 to the 2006 Budget to pay for the services of outside counsel for the office of the Prosecuting Attorney regarding Accessory Dwelling Unit “ADU” litigation. Motion carried.

MISCELLANEOUS ITEMS:

1. Review of Hearing Examiner Appeal Process Draft Ordinance – Present: Randall Gaylord, Prosecuting Attorney. The Council and Mr. Gaylord continued their review of the draft document including a recap of the previous discussions. It was noted that the Council wanted to hear appeals of Clearing and Grading Permits. After completing additional modifications to the draft, **it was agreed by consensus to have Mr. Gaylord prepare a final document with all changes discussed and send it to the Planning Commission for a public hearing that is scheduled for November 17, 2006.**

2. Animal Control (Dog) Draft Ordinance Review - Present: Randall Gaylord, Prosecuting Attorney; Lori Preuss, Deputy Prosecuting Attorney; Undersheriff Jon Zerby; WSU Extension Agent Tom Schultz; and interested citizens. The Council and Prosecutor resumed the review of this draft ordinance. Ms. Preuss presented a case which is being tried before the County that involved a “potentially dangerous dog” owner. She detailed the amount of time involved with law enforcement officers and the prosecution of the matter. She encouraged a change to the existing code to address issues she brought forward. Discussions were focused on reaching consensus on penalties for infractions and misdemeanors, and remuneration to owners of livestock and other domestic animals that have been injured or killed by dogs. Chair Lichter allowed comments from the audience and County staff. It was noted that the original animal control ordinance enacted over twenty years ago provided for signage but all signs had been removed. The posted notices that informed people that dogs which attacked other animals could be shot. Councilman Ranker requested the Administrator to work with Public Works to place signs at appropriate places to inform the public of the law. It was pointed out that SJC is growing in population and as it becomes more urbanized there will be more dogs. It was also noted that dogs must be licensed each year and that many dogs in the County have not been licensed. Mr. Zerby commented on the suggestion of an Animal Control Officer and said his officers do not have time to act in this capacity. He will look into grants to see if this could be a revenue neutral position. It was preliminarily agreed that a fee of up to \$20 would be sufficient when animals are impounded; and, that the animal protection societies should determine the charges. Also, if an animal control officer can be revenue neutral, then it is something to be considered, but not without grant funding. Signs should be posted, especially at ferry landings. It was tentatively agreed that there needed to be a way to separate a fine for a dog that is merely walking toward a person, versus one acting in a menacing manner. Mr. Gaylord said that in the new section he has proposed, “friendly roamers” would fall under an “infraction” and not a misdemeanor. To avoid conflict on this issue, additional new language will be proposed to say: “if following in an aggressive manner.” Mr. Schultz informed the Council of a civil case in Yakima where eleven sheep had been killed and the courts awarded \$37,000 in damages. He supports the proposed fee schedule and the recommendations of the Agriculture Resources Committee. Because of the value of ewes, the idea was discussed of raising the remuneration from \$500 to \$1,000 in the draft. Chair Lichter announced that the Council would recess for lunch and resume this discussion later in the afternoon. Upon resuming, the comments made by members of the public were discussed. **Preliminarily, it was agreed to stay within the State Statute on funds to be paid to owners related to the killing of an animal; to not list a fee for retrieval of an animal from a shelter (leave it as discretionary); and signage is to be provided for in the ordinance. Mr. Gaylord was asked to bring back a final draft next week for one last review so that the matter can be scheduled for a public hearing.**

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

1:30 p.m. – (Commenced at **1:50 p.m.** due to time constraints.) A public hearing was held to consider a resolution to revise and establish the maximum lawful speed limit for Beaverton Valley Road Number 2, San Juan Island, from Milepost 0.958 (Town limits) to Milepost 1.70 (Leeward Road) from 45 miles per hour to 35 miles per hour. Present: John VanLund, County Engineer; and interested citizens. Mr. VanLund explained that other approaches to the Town of Friday Harbor have gradual speed limit reductions from 45 to 35 and then to 25 miles per hour. This approach to Town is the last road to be considered for a gradual speed reduction. He noted the number of accidents that have occurred on this stretch of road since 1993. After Council questions, public testimony was opened, submitted, and then closed. Councilman Myhr asked if the County could be pro-active in identifying the other places in the County where it would be advantageous to reduce speed limits; and, perhaps to consider allowing the County Engineer to perform this task. Mr. Rose noted that the Council could only authorize a very limited delegation of authority related to a specific distance and signage. Councilmen Myhr and Ranker asked that the Sheriff place the speed monitoring “box” at the appropriate place on the road to help the public obey the speed limit. Deliberations were then held and the following action was taken:

Moved by Ranker, seconded by Myhr, to adopt **Resolution 55-2006**, a resolution to revise and establish the maximum lawful speed limit for Beaverton Valley Road Number 2 from Milepost 0.958 (Town limits) to Milepost 1.70 (Leeward Road) from 45 miles per hour to 35 miles per hour. Motion carried.

2:17 p.m. – (Originally scheduled for 11:00 a.m.) A work session was held with the County Administrator, Pete Rose, and the County Auditor, Si Stephens, regarding the 2007 SJC Budget. Because the Council had requested additional information regarding the emergency appropriations they had approved during 2006, Mr. Rose had prepared a detailed Staff Report dated October 17, 2006 which allowed the Council to consider the merits of appropriations earmarked as a portion of the proposed 2007 budget. Mr. Stephens and Mr. Rose reviewed each of the 44 items and noted that eleven had been included in the 2007 preliminary budget. **It was agreed that the Second Street Ferry Control Officer (\$3,000) would not be considered for 2007. It was also agreed the amount earmarked for the three new Council Members for 2006 should be adjusted if necessary, as it is not known when they will be seated in 2006. The Council also agreed to review consideration of an increase in personnel to Juvenile Services, the Sheriff, and the Auditor that was approved for 2006.** Councilman Myhr asked why the appropriation for the Lopez Senior Center had not been released as it had been approved by the Council. Mr. Stephens noted that the required agreement was being reviewed by the Prosecuting Attorney. Mr. Rose then addressed items that will need to be considered such as a rise in cost to asphalt emulsion, fuel costs, utility increases, etc. The Council discussed a possible reduction in construction revenue, and the importance of a sustainable budget. Discussions were also held regarding Community Development and Planning being a separate fund. Mr. Rose noted that there were 40 to 50 new program requests; however, most will be cut. The Marine Resource Committee staff and Salmon Recovery Program staff will require becoming employees rather than contract personnel. Mr. Rose added that he intends to move into the Administrative Services Department and to share staffing. He shared the preliminary plans for the upcoming relocation of several departments within the Legislative/Administrative Building. The Council thanked Mr. Rose and Mr. Stephens for their work on the budget.

2:30 p.m. – (Commenced at **3:00 p.m.** due to time constraints.) County Administrator Council Briefing. Also present: Matt Zybas, Utility Manager.

1. Update on the Solid Waste Advisory Committee (SWAC) Work on Solid Waste for San Juan Island – Mr. Zybas stated that SWAC will recommend designing and constructing a new transfer station to include recyclables. He noted that the staff does not endorse all recommendations, but he will be preparing a Staff Report for Mr. Rose and will present more details when the report is finished. After comments from the Council, Mr. Zybas explained that this is the end of Phase I. The next charge of SWAC will be to address selecting a suitable site by using the best process available, which will include community participation. Mr. Rose stated that he will provide more information when the report has been turned in for his review.

3:15 p.m. - A meeting was held with Barbara Rosenkotter, Lead Entity Coordinator, to hear a presentation on the Salmon Recovery work in SJC / WRIA2. Also present: Ron Henrickson, Community Development and Planning Director, and interested parties. Ms. Rosenkotter gave a Power Point presentation detailing the success of the various programs in SJC, the goals of the program in the future, the number of protected species of fish and habitat, funding sources and levels, and planned future work. Printed copies were made available for the audience. Mr. Ranker noted that he would offer to draft a letter to a tribal member who had suggested a base-line for funding for the counties. He also pointed out the accomplishments of Ms. Rosenkotter in this program and that she had been appointed to the Lead Entity Council of the state. Mr. Myhr noted that the primary threat that the primary threat that “most development is incremental single family residential development, most undeveloped parcels are along the shoreline,” as noted in Ms. Rosenkotter’s presentation, is the same key primary threat that was highlighted more than fifteen years ago in the County’s Open Space and Conservation Plan. After the detailed presentation, Ms. Rosenkotter noted that SJC is really becoming noticed for near-shore habitat work. The Council and Mr. Rose discussed some of the scheduled programs including the Eco-Based San Juan Initiative in partnership with Shared Strategy of Puget Sound. Mr. Rose announced that the Marine Resources Committee (MRC) Coordinator would be leaving at the end of November and that the Council needed to direct him whether or not this was to remain in the budget for 2007. Mr. Henrickson noted that Shireene Hale, CDPD staff member, will be performing these duties for the time being. **It was agreed that the issue of the Lead Entity Coordinator and the MRC Coordinator should be discussed the following week as to the necessary changes to have these positions become regular employees versus contract employees.** Ms. Rosenkotter also noted that her work is federally mandated and if it is not done locally, an outside entity will be sent in from Island or Skagit Counties to do this work. The Council thanked her for the excellent presentation and accomplishments.

EXECUTIVE/CLOSED SESSIONS

1:15 p.m. – (rescheduled from 10:45 a.m.) Council Chair Lichter announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss a matter of litigation pursuant to the provisions of RCW 42.30.110(1)(i). Participants: Randall Gaylord, Prosecuting Attorney. At 1:30 p.m., the Council Clerk announced that the session would continue for an additional five minutes. The session ended at 1:33 p.m. for an actual session time of 18 minutes. No action was taken.

ADJOURNMENT – At 4:10 p.m., Chair Lichter adjourned the meeting. A Special Meeting was scheduled for Monday, October 23, 2006, and the next regular meeting was scheduled for Tuesday, October 24, 2006.

These minutes were approved and signed on October 24, 2006. The original document is retained in the Council's permanent proceedings file dated October 17, 2006. Attest: Carolyn K. Morrison, Clerk.