

**SAN JUAN COUNTY (SJC), WASHINGTON
MEETING MINUTES
COUNTY COUNCIL
January 24, 2012**

Tuesday, January 24, 2012 - Council Hearing Room, Legislative Building, Friday Harbor

8:47 AM SPECIAL MEETING

PUBLIC HEARING CONTINUED FROM December 12, 2011:

To Consider Adopting an Ordinance Regarding General Regulations For Critical Areas; Amending San Juan County Code Sections 18.20.020, 18.20.030, 18.20.040, 18.20.140, 18.20.170, 18.30.110, 18.80.020 and 18.80.090, and adding a new Section to SJCC 18.80 – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

Chair Miller informed those present that the Ordinance Adopting Rules of Procedure for Public Hearings could be found on the table near the entrance.

Ms. Hale reviewed items for Council consideration.

Moved by Ms. Pratt, seconded by Mr. Fralick, to insert the language recommended by staff on page 3, in Finding M. VII. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, second by Mr. Stephens, to move the sentence, on page 21 G., beginning with “It is the policy of San Juan County” to the beginning of the paragraph. Ms. Pratt offered a friendly amendment to direct staff to amend the language in this section. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Ms. Miller, to remove D.2 from page 16. VOTE: 3-3 (Peterson, Miller, Fralick Ayes), (Rosenfeld, Stephens, Pratt Opposed) MOTION NOT CARRIED

Moved by Mr. Peterson, to defer the reasonable use exceptions section for adoption until the final deliberations. NO SECOND, MOTION FAILED

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to add to page 18, E.5.g., the sentence “Nothing in this section shall prohibit, or be construed to prohibit, a state licensed professional from working in their lawful profession.” ALL AYES, MOTION CARRIED

Moved by Mr. Stephens, seconded by Mr. Peterson, to add language in page 16, C.6. to include “if created subsequent to the effective date of this ordinance.” ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Fralick, to add the words “ceased or discontinued” before “nonconforming use or activity” on page 22, G.5. ALL AYES, MOTION CARRIED

Moved by Mr. Stephens, seconded by Mr. Peterson, to add the words “existing uses” on page 15, C.3. after “and development areas.” VOTE: 4-2 (Peterson, Stephens, Miller, Fralick Ayes), (Rosenfeld, Pratt Opposed) MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Stephens, to modify the last line on page 22, G.3. by removing the words “or replacement” from the last sentence on page 22, G.3. VOTE: 4-2 (Peterson, Stephens, Miller, Fralick Ayes), (Rosenfeld, Pratt Opposed) MOTION CARRIED

Moved by Mr. Fralick, seconded by Ms. Pratt, to continue the public hearing and set this Ordinance over for a final vote on Tuesday, March 27, 2012, 10:15 am, with the other proposed Critical Areas amendments with the understanding that modifications may be needed to make all Critical Area amendments consistent. VOTE: 5-1, Ayes (Rosenfeld, Stephens, Pratt, Fralick, Miller) (Peterson Opposed)

10:42 AM CALL TO ORDER REGULAR MEETING

Council Chair Patty Miller called the meeting to order at 10:42 a.m. Council Members present: Howard (Howie) Rosenfeld, Rich Peterson, Lovel Pratt, Richard Fralick, and Jamie Stephens; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Excused Absences: none

New Employee Introductions: Rene Beliveau, Director of Community Development and Planning, introduced Linda Lyshall, the new Local Integrating Organization (LIO)/Marine Resources Committee (MRC) Coordinator.

Approval of Minutes (January 10, 2012):

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of January 10, 2012. ALL AYES, MOTION CARRIED

Approval of Consent Agenda for January 24, 2012:

A. Resolutions:

Ordinances:

B. Contracts/Agreements:

C. Budget Items:

The Auditor’s office requests approval for the following warrants:

- Warrants #105103-105160 in the amount of \$24,917.32 for County Claims
- Warrants #105161-105193 in the amount of \$47,225.46 for Public Works Claims
- Warrants #105211-105226 in the amount of \$32,977.54 for County Claims
- Warrants #105654-105671 in the amount of \$15,341.37 for County Claims
- Warrants #105645-105653 in the amount of \$21,285.14 for Public Works Claims
- Warrants #105612-105644 in the amount of \$47,869.24 for Public Works Claims
- Warrants #105507-105611 in the amount of \$75,409.24 for County Claims
- Warrants #105395-105413 in the amount of \$5,974.48 for Medical Reimbursements

- EFT #01112012 in the amount of \$435.47 for Parks EFT
- Interfund Transfers for the month of December 2011

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Consent Agenda of January 24, 2012. ALL AYES, MOTION CARRIED

Approval of Correspondence:

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve a letter to Rep Morris and Rep Lytton in support of HB 2404 reducing the use of disposable checkout bags. Mr. Fralick moved to table the motion until after lunch, seconded by Mr. Peterson. ALL AYES, MOTION CARRIED

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve a letter to Senator Ranker and Rep Morris, asking for their support of transportation bills HB 2660 and SB 6455. ALL AYES, MOTION CARRIED

Citizens Access: The following citizens offered comments: George Post (Orcas Island), Janet Alderton (San Juan Island), Jack Cory (San Juan Island), Peg Gerlock (San Juan Island)

11:13 AM DISCUSSION: Solid Waste Update: Frank Mulcahy, Public Works Director

Mr. Mulcahy gave a PowerPoint presentation showing options for Council consideration regarding Request for Proposals (RFP) for interested private and public enterprises to operate solid waste handling services at one or more of the county sites. The presentation also considered whether the operational and service specifications should be included in the RFP or left to the respondents to include in their submittals.

Moved by Mr. Fralick, seconded by Mr. Peterson, to choose the request for proposals (RFP) procedure to seek interested private and public enterprises to operate and provide solid waste handling services at one or more of the county solid waste handling sites. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Peterson, to direct County Administrator to direct staff, through an RFP procedure, to seek private, public, and non-profit enterprises to operate and provide solid waste handling services at one or more of the county solid waste handling sites per RCW 36.58.090. ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, to direct County Administrator in the RFP process to include the following requirements for respondents: that services must include solid waste services; facilities must be open to public; operator will be

responsible for all required permits, the operator will be responsible for any insurance requirements and capital improvements. ALL AYES, MOTION CARRIED

12:02 PM RECESS FOR LUNCH

1:02 PM DISCUSSION: Interfund Loan Resolution – Auditor Milene Henley

Ms. Henley gave background information regarding the \$200,000 loan from the Auditor's Document Preservation Fund and transferring \$100,000 as a new loan to the Capital Improvement Fund. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve a Resolution authorizing a Two-Year Interfund Loan from the Capital Improvement Fund (Fund 1261) to the Solid Waste Projects Fund (Fund 4017) in the amount of \$100,000. ALL AYES, MOTION CARRIED

1:10 PM Approval of Correspondence (continued):

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to bring back the tabled motion from this morning to the floor. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve a letter to Representative Morris and Representative Lytton in support of HB 2404 reducing the use of disposable checkout bags. ALL AYES, MOTION CARRIED

1:15 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel reminded Council that there will be a Council/Advisory Committee workshop on January 30, 2012, followed by a regular Council meeting on Tuesday, January 31, 2012. The quarterly meeting with the Town of Friday Harbor will be held on Thursday, February 2 at Town Hall. There will be a Council Retreat on February 6 at the Friday Harbor House followed by a Special Meeting on February 7 at the Outlook Inn on Orcas Island.

1:17 PM COUNTY ADMINISTRATOR ITEMS:

Mr. Rose gave an administrator update. Mr. Rose welcomed the Public Works employees to the meeting and thanked them for their efforts in handling the recent snow storm. Russ Harvey, Jeff Clark, Kerry Geiser, and Frank Mulcahy were in attendance.

1:29 PM DISCUSSION: Council comments on Puget Sound Partnership Action Agenda and Report on Accountability Oversight Committee (AOC) Meeting of January 20, 2012 – Lovel Pratt and Rich Peterson, Council Representatives to the AOC

Ms. Pratt reported on the January 20 meeting. Council reviewed the AOC decisions from the January 20 meeting and the proposed changes to the Action Agenda in the San Juan Islands. **Moved by Mr. Peterson, seconded by Mr. Fralick, to carry over this discussion until February 7, 2012. ALL AYES, MOTION CARRIED**

Moved by Ms. Pratt, seconded by Mr. Peterson, to approve the following Accountability Oversight Committee (AOC) recommendations to the Puget Sound Partnership (PSP) regarding the Ecosystem Coordination Board (ECB): 1) by whatever method appropriate, split the San Juan and Whatcom Action Areas and the representation to the ECB (this having been an administrative decision by the PSP); 2) regarding new legislation: a) the AOC supports including Whatcom/Nooksack as a distinct Action Area; b) the AOC supports identifying LIO representatives to the ECB in place of the current Action Area representative structure. ALL AYES, MOTION CARRIED

2:00 PM PRESENTATION: Marine Resources Committee (MRC) 2011 Annual Report – Jeff Hanson, MRC Coordinator

Mr. Hanson gave a PowerPoint presentation and was joined by Steve Revella, Chair of the Marine Resources Committee, and Barbara Marrett, Member of the Marine Resources Committee.

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve the Marine Resources Committee 2012 Work Plan. ALL AYES, MOTION CARRIED

3:45 PM CLERK UPDATE (continued):

Ms. See gave a committee report. After discussion, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to appoint Mike Pickett to the Agricultural Resources Committee. ALL AYES, MOTION CARRIED

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to reappoint John Wetten to the Ferry Advisory Committee. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephen, to appoint Ken Crawbuck to the Solid Waste Advisory Committee. ALL AYES, MOTION CARRIED

Review Agendas:

Ms. Miller will provide information on the format for the January 30 Council/Advisory Committee Workshop. She asked Council to send her their preference for meeting with committees on January 30.

Executive Session has been added to January 31 Agenda. Discussion continued on future agendas.

2:34 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Legislative Priorities: Ms. Pratt asked if councilmembers had any questions or comments regarding her written report on the January 19 meetings of the Washington State Association of Counties (WSAC) Legislative Steering Committee (LSC) and the Coastal Counties Caucus.

There were none. Ms. Pratt referred the Council to WSAC's January 23 newsletter for the most up-to-date information about the legislative session.

Ferries/FAC/Intermodal: Mr. Rosenfeld reported that we are in the fifth year in a row facing ferry cuts. The Governor has stated that five ferry routes will be cut without her proposed transportation package which includes five routes and six terminal closures. The proposal is now a 3.68 billion package; the Task Force recommended that anything new would have to go to voters. The Governor came forward with a proposal supported by fees which require 51% approval, taxes require 2/3 majority. Another issue is there is nothing to stop the fees in the future being moved away from transportation. There needs to be a big lobbying effort. A package has been made into Bills and is going before transportation committees today. Jim Corenman is testifying today. What else should Council do? Our legislators are onboard. We need to get to people who are not representatives.

Ms. Pratt said that if the Sydney ferry is cut it will be a 25% loss of domestic service during the spring and fall and 3% loss of domestic service in the summer. In the spring and fall, of the 18 crew hours per day, only 7 crew hours are spent on the Sydney run, and 11 crew hours are spent on domestic service. Ms. Pratt stated that we need to get the word out to the public so that their concerns can be heard by the legislature.

The FAC meeting on Lopez was well received; ferry docks on Orcas and Lopez will be closed for selected days sometime this year for repairs (mid to late October for Orcas for three days). Ms. Miller asked that the FAC put a communications plan together for Lopez and Orcas regarding the closure.

FAC has recommended John Wetten be reappointed to FAC. The Ferry Community Partnership will meet on Saturdays in Bremerton.

Budget Subcommittee: Mr. Fralick reported that the Subcommittee is putting a work plan together for the Council that will be available on February 6.

General Government Subcommittee: Mr. Peterson had nothing to report at this time.

Additional Updates & Discussion Items:

Mr. Stephens updated the Council on the Lodging Tax Advisory Committee including a review of the work plan, changes to the facilities grant application, and a recommendation from the committee to set 10% aside for new projects.

There will be a SWAC meeting this Thursday, January 26.

Ms. Pratt reported that she attended the January 12 Building Advisory Council (BAC) meeting.

3:06 PM Solid Waste Update (continued)

The Council continued discussion on the criteria for solid waste RFPs, Level of Service Ordinance and the disposal of household hazardous waste.

4:34 PM

ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on January 31, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.