

**SAN JUAN COUNTY (SJC), WASHINGTON
MEETING MINUTES
COUNTY COUNCIL
April 17, 2012**

Tuesday, April 17, 2012 – Legislative Hearing Room, Friday Harbor, WA

10:02 AM CALL TO ORDER – REGULAR MEETING

Council Chair Patty Miller called the meeting to order at 10:02 am. Council Members present: Howard (Howie) Rosenfeld, Rich Peterson, Lovel Pratt, Jamie Stephens, and Richard Fralick; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Videoconferencing is available at the Lopez and Orcas Libraries

Excused Absences:

Moved by Ms. Pratt, seconded Mr. Fralick, to excuse Pete Rose from the meeting today. ALL AYES, MOTION CARRIED

Moved Mr. Peterson, seconded Ms. Pratt, to excuse Howie Rosenfeld from the late morning and afternoon portions of today's meeting necessary to attend a Washington Transportation Commission meeting in Mt. Vernon. ALL AYES, MOTION CARRIED

New Employee Introductions:

David Kelly introduced Sally Rogers who is the new Public Records Clerk.

Mr. Gaylord introduced the Target Zero Traffic Safety Awards by the Washington State Traffic Safety Commission that will honor Sheriff Rob Nou and Deputy Prosecutor Kim McClay for their work in training officers in all aspects of handling impaired drivers. Mr. Gaylord emphasized the importance of their work in our community to keep citizens safe.

Approval of Minutes (April 2, 2012 & April 3, 2012):

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve the Minutes of April 2, 2012 as amended. ALL AYES, MOTION CARRIED

Ms. Pratt moved, seconded by Mr. Rosenfeld, to rescind the following motion made on April 3, 2012:

“Moved by Ms. Pratt, seconded by Mr. Rosenfeld, that staff prepare a line item for agricultural composting in rural farm forest, agricultural resource and forest resource, and that staff be directed to prepare a definition for agricultural composting. ALL AYES, MOTION CARRIED”

Discussion followed after which Ms. Pratt asked to table her motion for discussion later in the day.

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve the Minutes of April 3, 2012 as amended. ALL AYES, MOTION CARRIED

Approval of Consent Agenda for April 17, 2012:

A. Resolutions:

Ordinances:

B. Contracts/Agreements :

Collective Bargaining Agreement Fourth Amendment 2012 Regarding Changes to Health Insurance Plan and Implementation of Classification Study Results.

C. Budget Items:

The Auditor's office requests approval of the following expenditures:

- Payroll expenditures for period ending 3/23/2012
- Warrants #108795-108797 in the amount of \$3,953.88 for Veteran's Assistance
- Warrant #108437 in the amount of \$69.05 for Veteran's Assistance
- Warrants #108410-108411 in the amount of \$4,762.77 for County Claims
- Warrants #108667-108722 in the amount of \$51,868.76 for Public Works Claims
- Warrants #108521-108666 in the amount of \$92,035.79 for County Claims
- Warrants #108821-108824 in the amount of \$1,266 for Veteran's Assistance
- Warrants #108798-108820 in the amount of \$8,8323.70 for Medical Reimbursements
- Warrants #108920-108936 in the amount of \$67,493.06 for Public Works Claims
- Warrants #108827-108919 in the amount of \$96,522.30 for County Claims

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

Acceptance of Cofelt Farms Conservation Easement Deed

H. Bid Openings:

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve the Consent Agenda of April 17, 2012. ALL AYES, MOTION CARRIED

Approval of Correspondence:

Letters to Senator Patty Murray, Senator Maria Cantwell, Representative Rick Larsen in support of the Samish Indian Nation Homelands Act of 2012 were withdrawn from the agenda by Mr. Stephens who will provide additional information for the Council.

A letter to Kimberly Kler, NWTT EIS/OEIS Project Manager, Naval Facilities Engineering Command Northwest, regarding the training activities effect on orcas in San Juan County was discussed. It was agreed by Council that the letter will be revised and re-introduced next week.

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve a letter to Julie Pigott, License Plate Administration Coordinator for the Lighthouse Environmental Programs, in support of the Friends of Lime Kiln Society (FOLKS) to secure funding for repairs to the lighthouse at Lime Kiln State Park. ALL AYES, MOTION CARRIED

Citizens Access: The following citizens offered comments: Janet Alderton

10:39 AM Mr. Rosenfeld was excused from the meeting.

10:39 AM COUNTY ADMINISTRATOR ITEMS

1. Extension of Land Bank Ordinance Term (2nd Touch) – Lincoln Bormann, Land Bank Director

Mr. Bormann reviewed the staff recommendation that Council amend the Land Bank ordinance to extend collection of the Land Bank REET at one percent through 2026.

2. Finalize Orcas Request for Proposals (RFP) – Frank Mulcahy, Public Works Director

Mr. Mulcahy, in conjunction with Steve Alexander, Manager of the Solid Waste Program, presented the Request for Proposals (RFP) that would make a portion of the Orcas Island Transfer Station available for provision of solid waste services by a private operator. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Peterson, to approve the Resolution for San Juan County request for Proposals for Solid Waste System Operations at Orcas Island Transfer Station Property, as amended. VOTE: 5-0 (Rosenfeld excused) MOTION CARRIED

3. Other Solid Waste Topics – Frank Mulcahy, Public Works Director

Discussion focused on an RFP for San Juan Island for the county owned property and other options. Utility Manager Ed Hale joined the discussion which included the costs of storm water improvements to the county owned site.

Discussion continued on the Lopez solid waste plan, the securing of a bond, and long term funding.

Moved by Mr. Peterson, seconded by Mr. Stephens, to have the signatures on the Lopez ballot validated. VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

12:10 PM RECESS FOR LUNCH

1:05 PM PRESENTATION: Plastic Ban Proposal – Robb Krehbiel, Program Associate, Environment Washington

Mr. Krehbiel, attending the meeting via WebEx, addressed the Council on the effects of plastic bags in the Puget Sound. Discussion followed on a draft Ordinance regulating the distribution of single-use carryout bags in retail establishments.

1:31 PM COUNTY ADMINISTRATOR ITEMS: (continued)

4. Washington Wildlife and Recreation Program (WWRP) water access grant application to acquire Buckhorn Road Beach (Hardman parcel) (2nd Touch) – Lincoln Bormann, Land Bank Director

Mr. Bormann explained the WWRP water access grant application to acquire the Buckhorn Road beach owned by the Hardman family. The process requires the Council to pass a

resolution supporting the grant application. This item is scheduled for action on the April 24 agenda.

1:44 PM DISCUSSION: Critical Area Ordinance (CAO) Timeline – Council

Ms. Miller provided the Council with a draft Timeline, Option 1 and Option 2.

Moved by Mr. Fralick, seconded by Mr. Peterson, to adopt the revised CAO timeline Option #2, with the addition of wetlands 1st touch on May 7, subject to the Planning Commission’s availability, and followed by a wetlands field trip. VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

2:00 PM DISCUSSION: Ballot Measure Ordinance (1st Touch) – Rich Peterson, Council Member; Howie Rosenfeld, Council Member

Prosecuting Attorney Randall Gaylord joined the discussion and described the Ordinance asking for a sales tax and use tax at the rate of three-tenths of one percent on transactions. Revenue uses are to assist law & justice criminal justice system for public safety purposes.

Mr. Gaylord reviewed the recommendations of the Law & Justice Council as requested by the County Council. The Council suggested language changes to the draft Ordinance.

Moved by Ms. Pratt, seconded by Mr. Peterson, to move an Ordinance to provide for the submission to the voters of San Juan County a Proposition authorizing an additional sales and use tax at the rate of three-tenths of one percent on transactions as described in RCW 82.14.450 to be used for criminal justice, public safety and other purposes to a public hearing on May 8, 2012 at 10:15. VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

2:30 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Legislative Priorities: Ms. Pratt reported on the council’s legislative priority to improve oil spill prevention, readiness and response: Ms. Pratt thanked the SJC Marine Resources Committee (MRC) for hosting the Marine Managers Workshop on March 26 and 27 that focused on oil spill prevention and readiness as well as salmon recovery research and planning in the shoreline built environment. Ms. Pratt reported on the upcoming meetings of the Oil Spill Contingency Plan (WAC 173-182) Rule Advisory Committee on April 25 and 26, the U.S. Army Corps of Engineers release of the Vessel Traffic Risk Assessment (VTRA) and the presentation by VTRA author Dr. Rene van Dorp on April 27, and the announcement by Kinder Morgan to expand their TransMountain pipeline deliveries from the current 300,000 barrels per day to 850,000 barrels per day.

Budget Subcommittee: Mr. Fralick acknowledged the work done by Mr. Peterson and Mr. Rosenfeld on the proposed sales and use tax for public safety purposes. Mr. Fralick is doing gap analysis, and asked if the state budget session which recently concluded revealed any changes we should know about. John Manning, Director of Health & Community Services, reported that the state budget did not take away too much and it appears that programs are still intact.

General Government Subcommittee (GGS): Mr. Peterson reported that the GGS has a draft of revisions to the ordinance allowing council participation at meetings by teleconferencing and the draft will be distributed.

Solid Waste Subcommittee: Ms. Miller reported that the committee will meet next week and discuss transitions.

Additional Updates & Discussion Items:

1. Approve Action for Accountability Oversight Committee (AOC) from April 11 meeting

There was no action needed regarding the AOC April 11 meeting.

Mr. Stephens will be attending/co-hosting a water forum on Lopez regarding storm water, drinking water, and water reuse.

Ms. Pratt asked if there will be future agenda time for discussion on the conservation fee structure. Ms. Miller confirmed there will be agenda time for this topic.

Ms. Pratt attended the Citizen's Salary Commission on March 29. She learned that the Commission is asking Elected Officials (not Council) to complete a job questionnaire analysis. Ms. Pratt suggested that Council may also wish to complete the questionnaire.

Ms. Pratt brought up the issue of civil conduct during meetings.

Ms. Miller participated in a teleconference with the state auditor's office regarding developing performance management efficiencies.

3:43 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel reminded the Council that the next meeting will be an early start meeting on April 24. The special meeting on April 30 has been cancelled and there will be a special meeting/early start on May 1.

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

Moved by Ms. Pratt, seconded by Mr. Peterson, to reassign Brian Ehrmantraut to Position #5 Orcas East, from Position #4, on the Planning Commission (in compliance with Ordinance 14-2007). VOTE 5-0 (Rosenfeld excused), MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, to reassign Bob Gamble to Position # 4 Orcas West, from Position #5, on the Planning Commission (in compliance with Ordinance 14-2007). VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, to appoint Kira Sable to the Fair Board. vote: 4-0 (Rosenfeld excused, Peterson abstained), MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, to appoint Tom Munsey to the Water Resources Management Committee. VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, to appoint Eliza Habegger to the Water Resources Management Committee. VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

Interviews will be arranged for applicants for the Civil Service Commission.

Review Agendas:

Ms. Miller reviewed and made changes to future agendas with the Council.

Moved Ms. Pratt, seconded by Mr. Peterson, to reschedule a Broadband/Emergency Services/Wireless Ordinance public hearing from May 1 to May 22. VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

Review Council Calendar Items:

Ms. Pratt reported that she will attend the Oil Spill Contingency Plan (WAC 173-182) Rule Advisory Committee meetings on April 25 & 26, and the presentation by VTRA author Dr. Rene van Dorp on April 27 regarding the US Army Corps of Engineers release of the Vessel Traffic Risk Assessment Release.

Mr. Fralick noted that the Salmon Recovery Council scheduled for May 24 has been moved to May 31.

Moved by Ms. Pratt, seconded by Mr. Fralick, to take the motion tabled this morning and take it off the table. VOTE: 5-0 (Rosenfeld excused), MOTION CARRIED

Ms. Pratt withdrew the motion.

4:07 PM **CLOSED SESSION:** to discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b)

Chair Miller announced that the Council would be holding a **closed session** to discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b) estimated to last approximately 45 minutes in total. Present: Councilmembers Rich Peterson, Jamie Stephens, Lovel Pratt, Richard Fralick, Patty Miller (Howie Rosenfeld absent); Human Resources Manager Pamela Morais, Deputy County Administrator David Kelly, Council Clerk Ingrid Gabriel, Contract Negotiating Team Members John Manning and Russ Harvey.

The session ended at 5:29 for a total time of 1 hour and 22 minutes. **No action was taken.**

Ms. Gabriel stepped out of the hearing room and announced that the closed session had ended. Ms. Miller called the meeting back into regular session and adjourned the meeting.

5:30 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on April 24, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.