

**SAN JUAN COUNTY (SJC), WASHINGTON
SPECIAL MEETING MINUTES – EARLY START
COUNTY COUNCIL
May 1, 2012**

Tuesday, May 1, 2012 – Legislative Hearing Room, Friday Harbor, WA

9:03 AM DISCUSSION: County Council Rules of Procedures (2nd Touch)

Ms. Miller opened the discussion to review the draft Ordinance regarding the Rules of Procedures to include videoconferencing. Randall Gaylord, Prosecuting Attorney, joined the discussion and answered questions from the Council.

Moved by Mr. Fralick, seconded by Mr. Peterson, to add to section 2 of the draft ordinance, page 3 of 6, after “Every subcommittee meeting shall be open to the public with the same provisions for noticing closed or executive sessions as provided under the Open Public Meetings Act.” ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Peterson, under Section 2 of the draft ordinance, page 3 of 6, after the word “subcommittees” add the words “up to three Council Members...” Mr. Rosenfeld offered a friendly amendment to add the words “two or three Council Members...” ALL AYES, MOTION CARRIED

Council asked Mr. Gaylord for clarification on the definition of subcommittee, and the limits on communication for three Council persons. Ms. Miller asked the General Government Subcommittee to provide a list of questions in this regard. Ms. Pratt asked that issues of civility be included.

It was agreed that the Council will provide their questions directly to Mr. Gaylord who will answer them collectively. The responses will then be forwarded to the General Government Subcommittee for review and incorporation into the draft ordinance.

9:55 AM Special Meeting Adjourned

10:00 AM CALL TO ORDER

Excused Absences: none

New Employee Introductions:

Rachel Dietzman, Public Works County Engineer, introduced new employees Jessie Douglas Seitz and Jamie Hanna, both Engineering Technicians II.

Approval of Minutes (April 24, 2012):

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve the Minutes of April 24, 2012 as amended. VOTE: 5-0 (Pratt abstained), MOTION CARRIED

Approval of Consent Agenda for May 1, 2012:

A. Resolutions:

Ordinances:

B. Contracts/Agreements :

C. Budget Items:

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

- Warrants #109439-109548 in the amount of \$160,003.62 for County Claims
- EFT #04182012 in the amount of \$18,857.84 for Public Works EFT
- Warrants #109598-109599 in the amount of \$490 for Veteran's Assistance
- Warrants #109549-109597 in the amount of \$44,658.29 for Public Works
- Warrants #109437-109438 in the amount of \$23,071.83 for 1st Qtr L&I vol/emp sec
- EFT #14172012 in the amount of \$5,029.56 for Public Works Excise
- Interfund transfers for the month of March, 2012

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve the Consent Agenda of May 1, 2012. ALL AYES, MOTION CARRIED

Approval of Correspondence:

Moved by Ms. Pratt, seconded by Mr. Peterson, to approve a letter to Mel Sheldon, Chairman of the Tulalip Tribal Council, thanking the Tribal Council for their donation to the San Juan County Local Integrating Organization environmental protection and restoration programs. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve a thank you letter to Rashi Gupta for her years of service as a Policy Director for the Washington State Association of Counties (WSAC). ALL AYES, MOTION CARRIED

Citizens Access: The following citizens offered comments: Janet Alderton, Leslie Carlson,

Ms. Miller announced that there were three candidates for the Orcas Request for Proposal (RFP) Vendor Selection Committee. The candidates are Solid Waste Advisory Committee Member Pete Moe, Citizen at Large Jeff Struthers, and Council Member Patty Miller.

Moved by Mr. Fralick, seconded by Mr. Peterson, to appoint Pete Moe, Patty Miller, and Jeff Struthers to the Orcas RFP Vendor Selection Committee. ALL AYES, MOTION CARRIED

Russ Harvey and Steve Alexander will be assigned staff members for the Orcas RFP Vendor Selection Committee.

10:15 AM

PUBLIC HEARING:

1. To Consider Extension of Land Bank Ordinance Term – Lincoln Bormann, Land Bank Director

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Mr. Bormann asked if the Council had any questions regarding the Land Bank Real Estate Excise Tax (REET). Ms. Miller opened for public testimony, and comments were offered by Janet Aldertson. Ms. Miller closed public testimony with the right to reopen. After discussion, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Stephens, to approve an Ordinance regarding the San Juan County Land Bank amending Section 2.120.020 of the San Juan County Code and adopting an Expenditure Plan. ALL AYES, MOTION CARRIED

10:30 AM **DISCUSSION:** Samish Tribe Legislative Proposal re: Mud Bay Oyster Beds – Leslie Eastwood, General Manager Samish Nation

Ms. Eastwood, General Manager of the Samish Indian Nation, provided background information on the development of the Samish Territory. She was joined by Vice Chairman of the Samish Tribal Council Tim King, and Treasurer Tamara Rogers.

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve a letter (indicated as letter #2) to legislators as amended stating San Juan County is not opposed to the legislation that would place Samish Tribe lands into Trust status. ALL AYES, MOTION CARRIED

10:50 AM **EXECUTIVE SESSION:** To review the performance of an employee pursuant to RCW 42.30.110(1)(g)

At 10:50 AM, Council Chair Miller announced that the Council would be holding an **executive session** to evaluate the performance of a public employee, pursuant to RCW 42.30.110 (1)(g); estimated to last approximately 25 minutes. Present: Full Council, County Administrator Pete Rose, Human Resources Manager Pamela Morais and Prosecuting Attorney Randall Gaylord. The session ended at 11:15 AM for a total executive session time of 25 minutes.

Mr. Rose stepped out of the large conference and announced that the executive session had ended.

No Action was taken.

11:17 AM **PRESENTATION:** U S Navy Briefing on Notification of Preparation of the Northwest Training and Testing (NWTT) Environmental Impact Study (EIS) – Kimberly Kler, Environmental Planner & Range Compliance Manager, Naval Facilities Engineering Command (NAVFAC)

Ms. Kler introduced U S Pacific Fleet Northwest Environmental Program Manager John Mosher(and Manager for the EIS Team), Navy Region Northwest Environmental Counsel Lieutenant Commander (LCDR) Joan Malik, Fisheries & Marine Mammal Biologist Andrea Balla-Holden, and Michael Bass, Director, Naval Surface Warfare, Carderock Division, Detachment Puget Sound. Mr. Mosher provided a PowerPoint presentation that explained the goals of the NWTT EIS/OEIS as well as topics of public concern and comment. The Team answered questions from the Council.

12:36 PM RECESS FOR LUNCH

12:45 AM EXECUTIVE SESSION: To review the performance of an employee pursuant to RCW 42.30.110(1)(g)

At 12:45 PM, Council Chair Miller announced that the Council would be holding an **executive session** to evaluate the performance of a public employee, pursuant to RCW 42.30.110 (1)(g); estimated to last approximately 45 minutes. Present: Full Council, County Administrator Pete Rose, Human Resources Manager Pamela Morais and Communications Administrator Stan Matthews. The session ended at 1:48 pm for a total executive session time of 1 hour and 3 minutes.

When the Council left the large conference room, Ms. Gabriel announced to the public that the executive session had ended.

No Action was taken.

Ms. Miller called the regular Council meeting back into session at 1:55 pm.

1:55 PM COUNTY ADMINISTRATOR ITEMS:

~~1. Parking Code Amendments (1st Touch) — Rachel Dietzman, County Engineer; Jon Cain, Civil Deputy Prosecuting Attorney~~

Chair Miller announced that the County Administrator Item on Parking Code Amendments will be re-scheduled to a future date.

Chair Miller announced that Pete Rose, County Administrator, has resigned to take a new position in Lake Forest and read the following press release:

The San Juan County Council announced today that Administrator Pete Rose has resigned his position, effective June 8, to become city administrator of Lake Forest Park in King County.

In a brief written statement delivered to the council during an executive session this morning, Rose said, “I appreciate the opportunity given to me to serve the County Council and the people of San Juan County. My time with San Juan County has been a continuous learning experience. I hope that I have left this organization a better place.”

“Pete has been a great asset to this County and we all wish him great success in his new position,” said County Council Chair Patty Miller.

Rose began work as San Juan County’s Administrator in July of 2006. He was the first permanent County Administrator hired after the adoption of the County’s home rule charter in November of 2005. His first task was to support the transition of the County Government from a three-

person elected commission to a government with a professional administrator and a 6-member policymaking council.

One of his earliest initiatives was equipping a County Council hearing room as a “smart room” which has enabled the Council to stream its meetings live on the Internet, and conduct meetings by video conference. “That, he said, “has made it possible for many more people to attend our council meetings than in counties many times our size.”

Rose has worked through difficult economic times for the County. In order to keep the County’s budget in balance, he initiated cuts which reduced its workforce by 15% between 2007 and 2011. He credits the financial sacrifices made by all County employees and the willingness of the employee union and guild to negotiate budget reduction measures. Unpaid furloughs and adjustments to benefits and wages enabled the County to keep essential services intact. “They deserve our gratitude,” he said.

Soon after arriving, Rose established weekly department-head meetings and set a standard for the quality of staff reports from administrative departments to the Council, and made the reports easily available to the public.

To help sort out the complex budgeting process, he designed an annual county budget book which presents budget proposals in an understandable format, rather than previous “240 pages of greenbar computer printouts.” In 2011, he added comprehensive quarterly financial reports to the council, which has helped it react quickly to recent, unanticipated drops in revenue.

Rose also cites his pride with improvements in transparency through providing information on the county’s website. During his administration, thousands of public documents have been made accessible in searchable online archives, and hundreds of staff hours formerly spent answering public inquiries have been saved by posting information such as detailed property profiles from the Assessor’s office, individual tax statements from the Treasurers’ office, announcements of jury duty cancellations by the district court, the County’s meeting calendar, council agendas with downloadable staff reports, and the daily schedules of building inspectors.

During his term, despite budget difficulties and staff cutbacks, the County has taken major steps toward becoming compliant with the State’s Growth Management Act.

But the Administrator admits that he’s hardly ready to take a victory lap. “This County government continues to face tough challenges. Perhaps the toughest being the need to find sources of revenue that will fund the essential functions of its government at a sustainable level.”

Miller indicated that the Council would begin the process of seeking a successor immediately.

1:59 PM

COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Legislative Priorities: Ms. Pratt reported on the State Supplemental budget which included cutting one year's distribution of the liquor excise tax.

Ms. Pratt reported on the letter received from Whatcom County regarding the proposed Gateway Terminal project and the confirmation she received that no additional correspondence is needed at this time regarding the Council's request for scoping meetings held in San Juan County.

Ms. Pratt gave an update on the FEMA Flood Insurance Program/BiOp (Biological Opinion) issues. The judge's decision (issued 4/12/12) regarding the lawsuit filed by the National Wildlife Federation against FEMA's implementation of the BiOp denied the preliminary injunction against the sale of new flood insurance. The underlying case will still be heard, likely within a year.

Ms. Pratt reported on the April 25 and 26 Oil Spill Rule Advisory Committee meetings and the April 27 Vessel Traffic Risk Assessment presentation.

Ms. Pratt will be attending the Washington State Association of Counties (WSAC) Legislative Steering Committee Planning Meetings on May 3 and 4.

Ferries/FAC/Intermodal: Mr. Rosenfeld reported that the FAC will meet on 5/30 this month, much later than usual, due to scheduling conflicts. There may not be a meeting in July.

The summer schedule is posted on the Washington State Ferries (WSF) website, and there continue to be some "tweaks." The fall schedule is in progress. The Coast Guard granted WSF permission to reduce the number of crew to a minimum level which may impact sailings.

FAC Member Larry Vandermay is getting the word out on the upcoming Orcas dock closure.

Mr. Rosenfeld reminded Council that the WSF will hold a meeting in the Council Hearing Room on June 7 from 5:00-7:00 pm. On the same day, there will be an Interisland ferry meeting between 11-3 pm. Brian Churchill, who is in charge of the reservation project, will be in attendance.

Mr. Rosenfeld suggested that FROG (Washington State Transportation Commission's Ferry Riders Opinion Group) had a new survey coming out that the FAC hoped would have some alternative to being forced to choose an answer (i.e., none of the above). He said we will wait to see if the consultants allow it, and he hoped that the Council would participate in the survey.

Budget Subcommittee: Mr. Fralick alerted the Council that they will be receiving some model graphs (via email) with respect to the budget and with the incorporation of the public safety tax. Some news is encouraging, and there are significant impactson shortfalls. Other assumptions will be discussed regarding sustainability.

General Government Subcommittee (GGS): Mr. Peterson discussed the public safety sales tax. Mr. Fralick said that the County is modeling projections on .003% sales tax. The Law & Justice Council met on Monday, and discussed the issues as listed on the ballot.

Solid Waste Subcommittee (SWSC): Ms. Miller reported that the SWSC met on Monday. Town Administrator King Fitch and Calvin Den Hartog attended. Discussion focused on transition and use of the town site. . The questions before Council are: Is Council comfortable with staff working with staff instead of Council members; and what parameters should Council give to the County Administrator. The Town Council would like to set parameters to ensure a successful RFP process and are willing to consider long term lease options dependent upon the capital improvement the responders may make. They were clear that self haul at the current site with its current configuration is not a long term option. The SWSC recommends that the Council direct county staff to work with town staff on developing solutions and suggestions.

Ms. Pratt asked if there is any possible coordination and consideration of RFP's for interconnection with both Orcas and San Juan. She also asked for an update on Skagit County.

It was agreed by consensus that Council directs staff to work with the Town of Friday Harbor staff to identify ways to partner with the Town to utilize the Town or County site for a long term solution, and examine as a team how the Orcas RFP can work with the San Juan RFP in order to let the process go forward.

Ms. Miller reminded Council that Mr. Peterson has expressed his concern that we communicate as soon as possible to the citizens of San Juan Island that the San Juan site may have a black out period of time in the future. Staff has been asked to create scheduled timely press releases with timeline instructions. Also, there is a June 1 deadline to apply for an extension on storm water compliance.

Regarding the transition, San Juan Sanitation (SJS) has stated that they cannot move forward in developing a route collected recycling model until the RFP is decided. They will require a 60 day notice. It was suggested that we agree on a September 1 date for SJS to begin recycling services. Ms. Miller asked Council for an agreement to put a hearing on the agenda to amend the Solid Waste Level of Service Ordinance to include the September 1 date. There will also need to be a different fee structure at all the facilities for recycling.

2:44 PM

Moved by Mr. Peterson, seconded by Mr. Fralick, to hold a public hearing on May 22, at 10:15, to amend the Solid waste Level of Service Ordinance. ALL AYES, MOTION CARRIED

Additional Updates & Discussion Items:

Mr. Stephens reported that LTAC will be having 2012 grant presentations on Friday May 4.

Mr. Peterson expressed his concern regarding the Inventory and Characterization Report. Citizens reported that the county issued a form for property owners to complete by April 30. Although the County did not generate the report, Mr. Peterson asked if the Council should extend the comment period which ended on April 30.

Discussion followed regarding the origin of the form, and the comments sent to individual Council members.

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to extend the public comment period on the Shoreline Inventory and Characterization Report for three weeks (from April 30 to May 21). WITHDRAWN

Moved by Mr. Fralick, seconded by Mr. Peterson, to direct staff to evaluate the need for an extension to the submission period for comment on the Shoreline Inventory and Characterization Report. Should such an extension be warranted, staff should prepare an announcement which clarifies how the report and comments are to be used and provide Council clarification as to how this will impact the Shoreline Master Program update schedule. ALL AYES, MOTION CARRIED

3:26 PM BREAK

3:29 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel reminded the Council that she will be attending a Clerks Workshop May 2-4. There will be a special meeting/early start on May 7, followed by a early start/regular meeting on May 8.

Ms. See will provide a full report on advisory committees next week.

3:32 PM DISCUSSION: Human Resource Manager Pamela Morais

Discussion was held regarding the recruitment/filling the role of Administrator. Ms. Morais answered questions from the Council regarding the fees associated with recruitment. Ms. Morais suggested three possibilities: look at an interim replacement from department head staff, look at an outside interim replacement, and look into using the pro tem.

3:47 PM ADJOURNED

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on May 8, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.