

**SAN JUAN COUNTY (SJC), WASHINGTON
SPECIAL MEETING MINUTES – EARLY START
COUNTY COUNCIL
August 7, 2012**

Tuesday, August 7, 2012 – Legislative Hearing Room, Friday Harbor, WA

SPECIAL MEETING

9:15 AM PUBLIC HEARING (continued):

1. To adopt County Code 18.30 Updates Relating to Agricultural Sales, Recycling and Clarification of Terms, Regarding Amendment of San Juan Code Sections 18.20, 18.30 and 18.40, and adding new Section to SJCC 18.30 (continued from June 26) – Lee McEnergy, Planner II
Present: Full Council, Interim County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Miller opened the Public Hearing on County Code 18.30 Updates. Ms. Miller noted that public testimony was closed with the right to reopen. Discussion followed regarding land uses on page 28 of 81.

Moved by Ms. Pratt to amend Table 3.2, on page 28 of 81, under “Recycling collection only” to change “Provisional/Conditional (P/C)” under “Rural Residential” and “Rural Farm Forest” to “No (N).” NO SECOND

Moved by Mr. Peterson, on Table 3.2 on page 28 of 81, under the land use column, for “Recycling collection/processing” to change ‘N’ to “C” under Rural Farm Forest. NO SECOND

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to continue this hearing to August 28, at 9:00 am. ALL AYES, MOTION CARRIED

10:19 AM CALL TO ORDER – REGULAR MEETING

Excused Absences: none

New Employee Introductions: Health & Community Services Director John Manning introduced Jeannie Chamberlain, Public Health Nurse who replaced Terri McNichol.

Approval of Minutes (July 23 and 24, 2012):

Chair Miller asked the Council to defer the approval of the July 23 and 24 Minutes until August 21.

Approval of Consent Agenda for August 7, 2012:

- A. Resolutions:
Resolution to increase the existing Change Fund to \$400 at San Juan County Park
- B. Ordinances
- C. Contracts/Agreements :

Grant Contract No. 12-65400-016 Awarded to Island County to provide public service through the Opportunity Council to Low and Moderate Income Persons in Island, San Juan and Whatcom Counties

D. Budget Items:

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

- Warrant #113553 in the amount of \$1,785.59 for County Bulk Mail
- Warrant #113257 in the amount of \$1,600 for Elections Claim
- Warrants #113517-113552 in the amount of \$83,419.28 for Public Works
- EFT #07192012 in the amount of \$3,133.02 for Parks EFT
- Warrant #113427-113516 in the amount of \$115,406.04 for County Claims
- Warrants #113718-113796 in the amount of \$75,365.49 for County Claims
- Warrant #113830 in the amount of \$2,950 for Veteran's Assistance
- Warrants #113797-113826 in the amount of \$62,116 for Public Works
- Warrant #112813 in the amount of \$1,206.91 for 2nd Quarter L&I (volunteers)
- Warrants #112951-112991 in the amount of \$257,941.17 for Public Works
- Warrants #112823-112950 in the amount of \$116,741.66 for County Claims
- EFT #07162012 in the amount of \$6,071.30 for Public Works Excise EFT

D. Personnel

E. Appointments

F. Correspondence:

G. Miscellaneous:

Emergency funding for Second Replacement HVAC in CD&P Building

H. Bid Openings:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Consent Agenda of August 7, 2012. ALL AYES, MOTION CARRIED

Approval of Correspondence:

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve a letter to Craig Cole of Gateway Pacific Terminal. ALL AYES, MOTION CARRIED

Citizens Access: The following citizens offered comments: none

Ms. Pratt reminded Council that the County Fair starts next week and asked if Council wanted to sign up for County booth time.

Ms. Miller asked that any documents or emails regarding the Orcas RFP process be posted on the Orcas RFP link on the Public Works website.

10:26 AM DISCUSSION: Annual Financial Report and 2nd Quarter Financials –
Milene Henley, Auditor

Ms. Henley gave a PowerPoint presentation to the Council for the San Juan County Annual Report for fiscal year ending December 31, 2011.

Additionally, Ms. Henley gave a PowerPoint presentation on the San Juan County Financial Review for the 2nd Quarter 2012.

11:14 AM DISCUSSION: Auditor's Resolution Defining and Adopting Funds
Consistent with Government Accounting Standards Board Statement
Number 54 Relating to Restricted Funds – Milene Henley, Auditor

Ms. Henley briefly explained the draft Resolution.

11:20 AM DISCUSSION: Noxious Weed Board Report – Bruce Gregory, Chair

Mr. Gregory provided the Council with a report that included program priorities, progress and budget. He was joined by Richard Lee, Coordinator of Noxious Weed Control Program.

11:39 AM ACTION: To approve the County Wildfire Protection Plan – Orcas Fire Chief Kevin O'Brien, County Fire Chief Steve Marler

Chief Marler thanked the Council for taking the time to review the County Wildfire Protection Plan and commented on the many benefits of the plan. Chief O'Brien commented on how well departments, agencies and organizations work together to coordinate the project. Chief Marler and Chief O'Brien answered questions from the Council. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve the San Juan County Community Wildfire Protection Plan/Wildfire Assessment Plan. ALL AYES, MOTION CARRIED

11:58 PM RECESS FOR LUNCH

12:59 PM PRESENTATION: Oil Spill Contingency Plan Rulemaking Report – Lovel Pratt, Council Member

Ms. Pratt gave a PowerPoint presentation on current oil spill issues including the update to the Vessel Traffic Risk Assessment, the proposed Gateway Pacific Terminal project and proposed Kinder Morgan pipeline expansion and associated increased vessel traffic and increased risk of an oil spill, the Derelict Vessel Program, the Oil Spill Contingency Plan Rulemaking process, and the options for specific actions related to the Council's 2013 State and Federal legislative priorities on oil spills issues.

1:00 PM COUNTY ADMINISTRATOR ITEMS:
1. Capital Improvement Plan (CIP) Process – Bob Jean, Interim County Administrator Pro Tem

Mr. Jean provided a Capital Improvement Plan (CIP) progress report listing projects for 2013-2018. Mr. Jean answered questions from the Council.

1:50 PM ACTION: Approve the Lodging Tax Promotion Grant Request for Proposals (RFP) (public comment accepted) – Jamie Stephens, Council Member

Mr. Stephens provided additional information as requested and answered questions from other Council members.

The Council agreed, on page 2 of 9, under Areas of Emphasis, to add the words “including the off season” at the end of the first bullet.

The Council agreed, on page 2 of 9, to remove “2013” before the heading “III. AREAS OF EMPHASIS.”

The Council agreed, on page 4 of 9, to add language to one of the categories that states that all collectors of lodging tax will share equitably in the benefits of the program.

Moved by Ms. Miller, seconded by Mr. Peterson, to direct staff to add language that states that we have emphasis on tourism improvement throughout the year including the off season. VOTE: 4 -1 (Pratt opposed) (Rosenfeld abstained) MOTION CARRIED

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the Lodging Tax Promotion Grant Request for Proposals (RFP) as amended. ALL AYES, MOTION CARRIED

2:00 PM **DISCUSSION:** To Consider an Ordinance regarding a Lodging Tax Code Amendment (2nd Touch) – Randall Gaylord, Prosecuting Attorney; Stan Matthews, Interim Deputy Director Pro Tem

Mr. Gaylord provided handouts on how the lodging tax revenues can be used, and reviewed the state codes regarding San Juan County Lodging Tax Code provisions. Mr. Gaylord explained that San Juan County is in compliance with the state regarding the uses of lodging tax funds, and that no code amendments are required.

2:58 PM

1. Proposed San Juan Initiative Follow-up Project – Lovel Pratt, Council Member

Linda Lyshall, San Juan County Marine Coordinator, answered questions from the Council.

Moved by Ms. Miller, seconded by Ms. Pratt, to approve a letter to be sent from the San Juan Initiative Co-Chairs, Project Manager, and San Juan Marine Programs Coordinator dated August 7, 2012 to the San Juan Initiative Policy Group and to amend paragraph 2 to insure clarity that the grant has not yet been accepted, and to clarify at the bottom of paragraph 3 that the Council will be asked for their endorsement on the August 21, 2012 meeting. VOTE: 4-2 (Fralick and Peterson opposed) MOTION CARRIED

2. Approve agenda for the August 22 meeting of the Accountability Oversight Committee (AOC)

Discussion was held on the agenda of the Implementation and Accounting Oversight Committees.

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the agenda for the August 22 meeting of the Accountability Oversight Committee (AOC) and Local Integrating Organization (LIO) as amended. ALL AYES, MOTION CARRIED

3:34 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS

Legislative Priorities: Ms. Pratt reported on her August 3rd meeting with David Westbrook, liaison to Representative Rick Larsen, and their review of the Council's 2012 and draft 2013 federal legislative priorities. Ms. Pratt reviewed the draft 2013 legislative priorities with the Council and the draft was revised for Council discussion with public comment accepted, and scheduled on the August 21st agenda.

Ferries/FAC/Intermodal: The Ferry Advisory Committee (FAC) will meet on Wednesday, August 8 at 8:30 am. An issue high on their agenda will be to deconstruct what happened last weekend when the Evergreen State ferry broke down. The FAC wants to help the public understand the situation and work with Washington State Ferries (WSF) to improve their contingency plan which appears to be inadequate to meet peak summer demand.

There is a Press Release out regarding the Reservations Participation Group. The deadline is August 13 for anyone interested in participating in the Group.

Budget Subcommittee: Mr. Fralick had nothing to report at this time.

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

3:54 PM CLERK UPDATE & ADMINISTRATIVE MATTERS

Ms. Gabriel reminded the Council that the next meeting will be held on August 21, 2012 followed by a meeting on August 28, 2012.

Ms. See reported that there is no committee activity at this time.

Council Calendar Items:

Ms. Pratt asked to add the dates for Oil Spill Contingency Rulemaking hearings on September 25 and 27.

Agendas:

Ms. Miller reminded the Council that continued public hearings on Wetlands and Fish & Wildlife Habitat Conservation Area (FWHCA) Sections of the Critical Areas Ordinance (CAO) are scheduled on August 21, 2012 at 10:15 am.

There will be budget meetings on August 27, and the continuation of public hearings on Wetlands and FWHCA on August 28. The adoption of the Solid Waste Management Plan has been added to the August 28 agenda.

3:59 PM DISCUSSION: Prosecuting Attorney's Memorandum regarding Elected Officials Bonds – Amy Vira, Deputy Prosecuting Attorney

Ms. Vira referred to the memo she sent to Council regarding the requirement to review elected officials bonds.

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to direct the Prosecuting Attorney's office to correct the current bonds for elected officials by contacting the bonding company to issue bonds covering the offices of Assessor, Coroner, County Council Members, Prosecutor and Sheriff in the amounts required by statute. ALL AYES, MOTION CARRIED

4:05 PM EXECUTIVE SESSION: To discuss current and pending litigation pursuant to RCW 42.30.110(1)(i) – Randall Gaylord, Prosecuting Attorney

At 4:05 PM, Council Chair Miller announced that the Council would be holding an executive session to discuss current and pending litigation pursuant to RCW 42.30.110(1)(i) estimated to last 45 minutes.

Present: Council, Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Amy Vira; Chief Civil Deputy Prosecuting Attorney Jon Cain, County Administrator Pro Tem Bob Jean, County Engineer Rachel Dietzman and Clerk to the Council Ingrid Gabriel.

Ms. Dietzman left the session at 4:24 PM.

The session ended at 5:00 for a total executive session time of 55 minutes.

Ms. Gabriel stepped out of the hearing room and announced that the Executive Session had ended.

No Action was taken.

5:00 PM CLOSED SESSION: To discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b) – Pamela Morais, Human Resource Manager

At 5:00, 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 15 minutes in total. Present: Council, County Administrator Pro Tem Bob Jean, Human Resources Manager Pamela Morais and Council Clerk Ingrid Gabriel.

The session ended at 5:20 PM for a total session time of 20 minutes.

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 before adjourning the meeting.

No action was taken.

Ms. Miller ended the closed session, called the meeting back into regular session and adjourned the meeting.

5:20 PM ADJOURN

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on August 21, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.