

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
NOVEMBER 20, 2012**

Legislative Hearing Room, Legislative Building, Friday Harbor

8:50 AM CALL TO ORDER SPECIAL MEETING

Council Chair Patty Miller called the special meeting to order at 8:50 a.m. Present: Council Members Howard (Howie) Rosenfeld, Rich Peterson, Patty Miller, Richard Fralick, Lovel Pratt and Jamie Stephens; County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

08:51 AM DISCUSSION: Acceptance of Lane Property (Orcas) by Land Bank – Lincoln Bormann, Director Land Bank

Mr. Bormann presented the Land Bank acquisition and answered Council's questions. After discussion, the Council took the following action:

Moved by Ms. Pratt, seconded by Mr. Fralick to approve a resolution to accept the statutory warranty deed for the Lane property on a future consent agenda. ALL AYES; MOTION CARRIED.

08:56 AM ACTION: To Approve a Resolution Adopting the San Juan County 2013 Annual Road Program – Rachel Dietzman, County Engineer

Ms. Deitzman presented the Resolution and answered Council's questions. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Peterson to approve a Resolution Adopting the San Juan County 2013 Annual Road Program. ALL AYES; MOTION CARRIED.

09:06 AM PUBLIC HEARINGS:

09:06 AM Public Hearing: 2013 Revenues by Fund – Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to discuss 2013 Revenues. Mr. Jean presented the Revenues and answered Council's questions. The following citizen provided public testimony: Rick Hughes.

Ms. Miller closed public testimony reserving the right to reopen. No action taken.

09:26 AM Public Hearing: To Adopt an Ordinance of San Juan County, Washington, Setting the Property Tax Levy for Current Expense for 2013 [continued from November 6] – Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean,

Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to adopt the Ordinance Setting the Tax Levy. Mr. Jean presented the Ordinance and answered Council's questions. The following citizens provided public testimony: none.

Ms. Miller closed public testimony reserving the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Ms. Pratt to adopt an Ordinance of San Juan County, Washington, setting the Property Tax Levy for 2013. ALL AYES; MOTION CARRIED.

09:28 AM **Public Hearing:** To Adopt an Ordinance of San Juan County, Washington, Setting the Property Tax Levy for Land Conservation Futures for 2013 [continued from November 6] - Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to adopt an Ordinance Setting the Property Tax Levy for Land Conservation Futures for 2013. Mr. Jean presented the Ordinance and answered Council's questions. The following citizens provided public testimony: none.

Ms. Miller closed public testimony reserving the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Ms. Pratt to Adopt an Ordinance of San Juan County, Washington, Setting the Property Tax Levy for Land Conservation Futures for 2013. ALL AYES; MOTION CARRIED.

09:30 AM **Public Hearing:** To Adopt an Ordinance of San Juan County Washington, Setting the Property Tax Levy for County Roads for 2013 [continued from November 6] - Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to adopt an Ordinance Setting the Property Tax Levy for County Roads for 2013. Mr. Jean presented the Ordinance and answered Council's questions. The following citizens provided public testimony: none.

Ms. Miller closed public testimony reserving the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Stephens to adopt an Ordinance of San Juan

County, Washington, Setting the Property Tax Levy for County Roads for 2013. ALL AYES; MOTION CARRIED.

09:31 AM **Public Hearing:** To Adopt an Ordinance Amending Ordinance 46-2009, a Fee Ordinance for Services Provided by the San Juan County Public Works Department [continued from November 6] – Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to adopt a Fee Ordinance for Services Provided by the San Juan County Public Works Department. Mr. Jean presented the Ordinance and he and Ms. Dietzman answered Council's questions. The following citizens provided public testimony: Rick Hughes.

Ms. Miller closed public testimony reserving the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Peterson, seconded by Ms. Miller, to table the Public Works Fee Ordinance until comparator information can be obtained at a time convenient to staff. ALL AYES; MOTION CARRIED.

09:44 AM **Public Hearing:** To Consider Adopting an Ordinance of San Juan County, Washington, Adopting an Annual Budget for the Year 2013 and Setting Forth the Estimated Revenues and Appropriations [continued from November 6] - Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to adopt an Ordinance of San Juan County, Washington, Adopting an Annual Budget for the Year 2013 and Setting Forth the Estimated Revenues and Appropriations Adopting an Ordinance Setting Certain Fees and Charges for 2013. Mr. Jean presented the Ordinance and answered Council's questions. The following citizens provided public testimony: John Ashcoft, Victoria Compton, Jim Hooper. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Stephens to continue public hearing to 10:40 AM this morning. ALL AYES; MOTION CARRIED.

10:22 AM CALL TO ORDER REGULAR MEETING

Ms. Miller called the regular meeting to order at 10:22 AM. Present: Full Council; County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

FLAG SALUTE

EXCUSED ABSENCES: none

NEW EMPLOYEE INTRODUCTIONS: Linda Kuller, Planner IV in CDPD

APPROVAL OF MINUTES: (November October 29 and 30 & November 5 and 6, 2012)

Moved by Mr. Rosenfeld, seconded by Mr. Stephens to approve the minutes of Monday, October 29, 2012. ALL AYES: MOTION CARRIED.

Moved by Mr. Rosenfeld, seconded by Mr. Stephens to approve the minutes of Tuesday, October 30, 2012. ALL AYES: MOTION CARRIED.

Moved by Mr. Rosenfeld, seconded by Mr. Stephens to approve the minutes of Monday, November 5, 2012. ALL AYES: MOTION CARRIED.

Moved by Mr. Rosenfeld, seconded by Mr. Stephens to approve the minutes of Tuesday, November 6, 2012. ALL AYES: MOTION CARRIED.

Review and Approve Consent Agenda:

Moved by Ms. Pratt, seconded by Mr. Rosenfeld to approve the Consent Agenda of November 20, 2012, as follows:

- A. Resolution of Governing Board Approving Lopez Solid Waste Disposal District 2012 Budget

Resolution Approving Lopez Solid Waste Disposal Loan

Resolution Granting Nutt Current Use Timber Classification Application No. PTOSOP-11-0002 on Orcas Island

B. Budget Items:

- EFT #10242012 Public Works EFT in the amount of \$5,773.50
- Warrant #117454 – 117539 County claims in the amount of \$109,180.01
- Warrant #117540 – 117591 Public Works claim in the amount of \$203,708.83
- Warrant #117711 - 117784 County claims in the amount of \$53,509.75
- Warrant #117785 – 117811 Public Works claim in the amount of \$19,820.90
- Warrant #117812 Veteran's assistance in the amount of \$250.00
- Warrant #117830 County claim in the amount of \$4000.00
- Warrant #117863 – 117946 County claims in the amount of \$118,050.11
- Warrant #117831 – 117861 Public Works claims in the amount of 26,972.21
- Interfund transfers for the month of October, 2012
- Payroll Expenditures for the pay period ending 10/24/12

C. Miscellaneous:

Housing Bank Commission recommendation to grant a total of \$25,500 to the three Family Resource Centers for Emergency Rental Assistance

Administrator's Report on \$4,930,000 Limited-Tax General Obligation Bond Sale

ALL AYES; MOTION CARRIED.

Approval of Correspondence: none

Citizens Access: The following citizens submitted comments: Susan Dehlendorf, Michael Durland.

10:15 AM PUBLIC HEARINGS CONTINUED:

10:35 AM Public Hearing: To Consider Open Space Application POPNSP-12-0001 (Johnson Brothers, Lopez Island) - Lee McEnery, Planner III
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to consider Open Space Application POPNSP-12-0001. The following citizens provided public testimony: none.

Ms. Miller closed public testimony reserving the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Stephens, seconded by Mr. Rosenfeld to approve the Johnson Brothers Family, LP, Open Space Application POPNSP-12-0001. ALL AYES; MOTION CARRIED.

10:41 AM Public Hearing: To Consider Farm and Ag Conservation Application POPNSP-12-0004 (John and Carol Avent, Lopez Island) – Julie Thompson, Planner III
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to consider Farm and Ag Conservation Application POPNSP-12-0004. The following citizens provided public testimony: none.

Ms. Miller closed public testimony reserving the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Stephens, seconded by Mr. Rosenfeld to move forward the Avent Farm and Ag Conservation Application POPNSP-12-0004 to a future consent agenda. ALL AYES; MOTION CARRIED.

10:53 AM CONTINUED Public Hearing: To Adopt an Ordinance Amending 29-2011, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Emergency Appropriations and To Adopt an Ordinance Amending Ordinances 29-2011, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Supplemental Appropriations **[public testimony accepted]** – José Domenech, Deputy Auditor
Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the

public.

Council continued discussion on the Ordinance and took the following actions:

- a. Moved by Mr. Fralick, seconded by Mr. Peterson to accept the accounting adjustments. VOTE 5:0:0 (Stephens absent); MOTION CARRIED.**
- b. Moved by Mr. Peterson, seconded by Mr. Fralick to approve election related adjustments. ALL AYES; MOTION CARRIED.**
- c. Moved by Mr. Fralick, seconded by Mr. Peterson to approve a .3 salary equivalent for a public health nurse in the 2013 budget within existing staff. VOTE 5:1 (Pratt opposed); MOTION CARRIED.**
- d. Moved by Mr. Stephens, seconded by Mr. Fralick to approve 39.6 FTE for Roads for the 2013 budget. ALL AYES; MOTION CARRIED.**
- e. Moved by Mr. Fralick, seconded by Mr. Peterson to support 6.55 FTE for ER&R for the 2013 budget. ALL AYES; MOTION CARRIED.**
- f. Moved by Ms. Miller, seconded by Mr. Peterson to approve the \$50k project management funding for Parks and Fair Department, but allocate it from the capital funding program. ALL AYES; MOTION CARRIED.**
- g. Moved by Mr. Fralick, seconded by Mr. Peterson to transfer 50k out of the general fund to the Parks and Fair Department. ALL AYES; MOTION CARRIED.**
- h. Moved by Ms. Pratt, seconded by Mr. Stephens to accept FTE recommendations of the County Administrator Pro Tem as modified for the 2013 Budget including the on-call custodial and public works .04 FTE. ALL AYES; MOTION CARRIED.**

12:26 PM RECESS FOR LUNCH

01:15 PM PUBLIC HEARINGS CONTINUED:

Moved by Mr. Stephens, seconded by Mr. Peterson to continue hearing on an Ordinance of San Juan County, Washington, Adopting an Annual Budget for the Year 2013 and Setting Forth the Estimated Revenues and Appropriations to 2:00 PM. ALL AYES. MOTION CARRIED.

01:20 PM DISCUSSION: Orcas and San Juan Island Solid Waste Services – Frank Mulcahy, Director of Public Works; Ed Hale, Utility Manager

Mr. Hale presented the staff report on the Orcas transfer site operator recommendation and answered Council's questions. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Ms. Miller to direct staff to draft contracts with Orcas Recycling Services (ORS) consistent with provisions described in the attachment to the staff report. Staff should present contracts for approval no later than January 2013

along with any rate adjustments relating to continuing County operations during 2013. ALL AYES; MOTION CARRIED.

Moved by Mr. Fralick, seconded by Ms. Pratt that any equipment sales or leases required as part of the contract be negotiated at a fair market value. ALL AYES; MOTION CARRIED.

Mr. Hale presented the recommendation from the San Juan Island Vendor Selection Committee. After discussion, the Council took the following action:

Moved by Ms. Pratt, seconded by Mr. Rosenfeld to accept the vendor selection committee report and that staff initiate contract negotiations with KenTec USA and lease agreements with the Town of Friday Harbor. ALL AYES; MOTION CARRIED.

02:09 PM CONTINUED PUBLIC HEARING: To Adopt an Ordinance of San Juan County, Washington, Adopting an Annual Budget for the Year 2013 and Setting Forth the Estimated Revenues and Appropriations

i. Moved by Mr. Rosenfeld, seconded by Ms. Pratt to approve \$10k to the Marine Resources Committee out of the general fund. Should the reserve funding become available at a later date, a transfer of funds would be an option. VOTE: 3:3 (Fralick, Peterson, Miller opposed); MOTION FAILED.

j. Moved by Ms. Miller, seconded by Ms. Pratt to allocate \$10k to the Marine Resources Committee (MRC) utilizing MRC reserves. If upon completion of the research, it was not within the intended use of those funds, then the \$10k will be allocated out of general funds. VOTE: 5:1 (Peterson opposed); MOTION CARRIED.

k. Moved by Ms. Miller, seconded by Mr. Rosenfeld to allocate a total of \$60k to Community Development and Planning for Critical Area Ordinance implementation/mapping/property owners (or their agents) assistance in the 2013 budget and requiring staff to come back to the Council for program plan approval prior to any expenditures being made. ALL AYES; MOTION CARRIED.

l. Moved by Ms. Pratt, seconded by Mr. Stephens to allocate \$25K from the general fund to provide seed money for the Community Conversation. ALL AYES; MOTION CARRIED.

m. Moved by Mr. Fralick, seconded by Mr. Stephens to direct staff to incorporate changes as discussed today to the 2013 budget and bring the entire 2013 Budget to the continuation of this budget hearing at 10:00 AM on Tuesday, December 4, 2012. ALL AYES; MOTION CARRIED.

03:12 PM PUBLIC HEARING CONTINUED; To Adopt an Ordinance Amending 29-2011, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Emergency Appropriations and To Adopt an Ordinance Amending Ordinances 29-2011, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Supplemental Appropriations **[public testimony accepted] –**

José Domenech, Deputy Auditor

Ms. Miller continued the public hearing on the Ordinance. The following citizens provided public testimony: none. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Peterson to continue this hearing until 4:00 PM. ALL AYES; MOTION CARRIED

03:13 PM **DISCUSSION:** Post-Election Governance Structure, Effect and Effective Dates – Randall Gaylord, Prosecuting Attorney; Bob Jean, County Administrator Pro Tem

Mr. Gaylord discussed the timing and impact of and from Propositions 1, 2 and 3 and answered Council's questions. After discussion, the Council took the following action:

Moved by Ms. Miller, seconded by Mr. Stephens to direct staff to develop a resolution that communicates that the Interim County Manager role will be identical to the County Administrator Pro Tem role, where not inconsistent with the Charter. ALL AYES; MOTION CARRIED.

03:45 PM **PUBLIC HEARING:** Reconsideration of An Ordinance Relating to Land Use Designation and Clarifications of Terms Including Provisions for Agricultural Sales and Recycling; Amending SJC Code Sections 18.20.010, 18.20.030, 18.20.140, 18.20.180, 18.30.010, 18.30.020, 18.30.030, 18.30.040, 18.30.050, 18.30.060, 18.30.070, 18.30.080, 18.30.090, 18.30.100, 18.30.170, 18.30.180, 18.30.190, 18.30.200, 18.30.210, 18.30.230, 18.30.290, 18.30.300, 18.30.310, 18.30.450, 18.40.020; Adding a New Section to SJCC Chapter 18.30 Listing Activity Center Plans; and Repealing SJCC Sections 18.30.240 and 18.40.340 **[continued from October 30]** – Lee McEnery, Planner III

Ms. Miller opened the continued public hearing on the reconsideration. Ms. McEnery presented the Ordinance. After discussion, the Council took the following actions:

Moved by Mr. Peterson, seconded by Mr. Stephens to direct staff to delete on page 28 of 80 the line “neighborhood solid waste and recycling collection site” and on page 10, delete the definition for same. ALL AYES; MOTION CARRIED.

Moved by Ms. Pratt, seconded by Mr. Peterson to adopt an Ordinance Relating to Land Use Designation and Clarifications of Terms Including Provisions for Agricultural Sales and Recycling; Amending SJC Code Sections 18.20.010, 18.20.030, 18.20.140, 18.20.180, 18.30.010, 18.30.020, 18.30.030, 18.30.040, 18.30.050, 18.30.060, 18.30.070, 18.30.080, 18.30.090, 18.30.100, 18.30.170, 18.30.180, 18.30.190, 18.30.200, 18.30.210, 18.30.230, 18.30.290, 18.30.300, 18.30.310, 18.30.450, 18.40.020; Adding a New Section to SJCC Chapter 18.30 Listing Activity Center Plans; and Repealing SJCC Sections 18.30.240 and 18.40.340. ALL AYES; MOTION CARRIED.

03:55 PM **ACTION:** To Approve Resolution on 2013 Legislative Priorities – Council

Mr. Jean suggested revisions to the priorities. After discussion, Council took the following Actions:

Moved by Ms. Miller, seconded by Mr. Rosenfeld to appoint Jamie Stephens as Council’s Legislative Representative. ALL AYES; MOTION CARRIED.

Moved by Ms. Miller, seconded by Mr. Stephens to approve a resolution regarding legislative priorities for the 2013 Legislative Session as submitted with the following modifications: #7 under federal priorities, add the word “project” at the end; modify #3 under State Legislative priorities to read ”secure funding for major road projects”; make #3 letter “A”; add a letter “B” that reads “secure funding for Deer Harbor Project; add letter “C” that reads “secure funding for the Pear Point Road to Turn Point Road connector project” and add letter “D” to read “secure funding for Eastsound streetscape plan implementation.” ALL AYES; MOTION CARRIED.

Ms. Pratt stated that she will continue to serve through the end of her term as a representative of WSAC on the Cross Partnership Oil Spill Work Group and the Vessel Traffic Risk Assessment Steering Committee. She further stated that she resigned from the Washington State Association of Counties (WSAC) Legislative Steering Committee (LSC) prior to the WSAC Board Meeting on Tuesday, November 13 so that the WSAC Board could appoint a replacement, who could then join the LSC during the WSAC Annual Conference and participate in establishing WSAC’s 2013 Legislative priorities. Council Vice Chair Jamie Stephens was subsequently appointed.

04:10 PM PUBLIC HEARING CONTINUED: To Adopt an Ordinance Amending 29-2011, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Emergency Appropriations and To Adopt an Ordinance Amending Ordinances 29-2011, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Supplemental Appropriations **[public testimony accepted]** – José Domenech, Deputy Auditor

Ms. Miller opened the public hearing on the Ordinance. Mr. Domenech presented the Ordinance and answered Council’s questions. After discussion, the Council took the following actions:

Moved by Ms. Miller, seconded by Mr. Stephens to adopt an Ordinance Amending 29-2011, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Emergency Appropriations with the following modification: the addition of \$1,473,626 to the San Juan County Conservation Area Fund and to move that forward to a future consent agenda. ALL AYES; MOTION CARRIED.

Moved by Ms. Pratt, seconded by Mr. Rosenfeld to adopt an Ordinance Amending Ordinances 29-2011, 5-2012, 6-2012 and 7-2012 by revising the San Juan County 2012 Budget for Supplemental Appropriations. ALL AYES; MOTION CARRIED.

04:19 PM DISCUSSION: Scope of Critical Area Ordinances Consistency

Review – Council

Jon Cain, Deputy Prosecuting Attorney presented consistency issues and answered Council's questions.

04:52 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS

Legislative Priorities: none
Ferries/FAC/Intermodal: Mr. Rosenfeld gave an update
Budget Subcommittee: none
General Government Subcommittee: none
Solid Waste Subcommittee: none
Additional Updates and discussion Items: Pratt, Stephens and Fralick added updates.

05:12 PM Clerk Update and Administrative Matters – Ingrid Gabriel, Clerk

Ms. Gabriel gave an update.

05:14 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on December 18, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.