

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
August 31, 2010**

Tuesday, August 31, 2010 - Council Hearing Room, Legislative Building, Friday Harbor

10:01 AM CALL TO ORDER

Council Chair Richard Fralick called the meeting to order at 10:01 a.m. Council members present: Vice-Chair Lovel Pratt, Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Rich Peterson; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Mr. Fralick reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing the day after the meeting. The videos will be archived for the three previous months and can be accessed by going to the San Juan County website www.sanjuanco.com and selecting the County Council tab.

Downloads from which to burn DVDs of meetings as well as attached documents are now available by ordering directly from the website. A sheet with directions is available on the back table.

Because of the demands on our staff's time, we ask that you please take advantage of the online service if at all possible. For those who are unable to download and burn due to technological limitations, our staff has a limited capacity to produce copies of the video on USB memory sticks. The cost is \$20 each.

Citizens Access: No comments offered

10:06 AM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel told Council that a revised Committee Calendar and revised 2011 Legislative Priorities document was at their place.

Ms. See gave a committee update. The following action took place:

Moved by Mr. Myhr, seconded by Ms. Pratt, to appoint Andrew Evers to the Water Resources Management Committee. ALL AYES, MOTION CARRIED

Review and Approve Minutes of August 24, 2010:

Ms. Pratt asked for the removal of quotation marks surrounding the statement Mr. Gaylord wrote and read in Ms. Pratt's name on pages 4 and 5.

Moved by Rosenfeld, seconded by Mr. Knapp, to approve the minutes of August 24, 2010 as amended. ALL AYES, MOTION CARRIED

Review Agendas: No changes noted.

Review and Approve Consent Agenda of August 31, 2010 as follows:

A. Resolutions:

Ordinances:

B. Contracts/Agreements:

C. Budget Items:

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

- Warrants #83777-8778 in the amount of \$650 for Veteran's Assistance
- Warrant #83827 in the amount of \$33,380 for County Claim
- Warrants #83828-83943 in the amount of \$109,791.67 for County Claims
- Warrants #83944-83966 in the amount of \$22,348.96 for Public Works Claims

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Knapp, seconded by Mr. Peterson, to approve the Consent Agenda of August 31, 2010. ALL AYES, MOTION CARRIED

Review Council Calendar Items: No changes to report

10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld gave an update on the Ferry Advisory Committee, a future meeting with the acting commander of the US Coast Guard, recommendations to the Council from FAC involving construction of super ferries and capital construction funds, legislative issues, creation of regional transportation board, and winter schedules.

Mr. Rosenfeld also requested that the County Council pass a resolution endorsing the FAC Executive Committees two motions:

1. The FAC Executive Council's top priority for construction after the third 64-car ferry is completed is to build two 144-car ferries;
2. The FAC Executive Council's legislative priority for the upcoming session is for a dedicated, ongoing, funding source for Washington State Ferries capital construction.

Budget Subcommittee: Mr. Fralick said the Subcommittee did not have a report at this time.

General Government Subcommittee: Mr. Knapp said the Subcommittee recommended that the Council form a committee to determine if Solid Waste should become a separate department from Public Works.

Moved by Mr. Peterson, seconded by Mr. Myhr, to appoint a committee to investigate forming a Solid Waste department within San Juan County. Motion tabled

Moved by Mr. Peterson, seconded by Mr. Myhr, to table the previous motion until the afternoon.

ALL AYES, MOTION CARRIED

Additional Updates:

The Action Agenda Oversight Group (AAOG) met on August 26 with Mr. Peterson and Ms. Pratt in attendance. The next meeting is scheduled for September 17.

Mr. Myhr reported that the largest sockeye salmon run is underway with an expectation of 38 million fish.

Mr. Fralick opened discussion on the WA State Association of Counties (WSAC) conference November 9-11 in Spokane. Mr. Peterson, Mr. Myhr and Ms. Pratt all expressed interest in attending. Mr. Fralick said budget line items would be adjusted to accommodate Council member attendance.

Milene Henley reported San Juan County ballot results came in at 62.2% of voter turnout, making San Juan County the highest in the state participating in the primary election.

10:33 AM RECESS

10:46 AM PUBLIC HEARINGS:

1. To Consider an Ordinance Amending Chapter 3.36 of the San Juan County Code to Provide for Renewal of a Conservation District Assessment – County Administrator Pete Rose

Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See, and interested members of the public.

Mr. Rose introduced the proposed Ordinance.

Mr. Fralick opened the hearing for public testimony. The following citizens addressed the Council: Vicki Heater, Tom Schultz, Ron Zee, Stephanie Buffum, Patty Miller, Jana Marks. Mr. Fralick closed public testimony, reserving the right to reopen. After deliberations, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Knapp, to approve an Ordinance Amending Chapter 3.36 of the San Juan County Code to Provide for Renewal of a Conservation District Assessment amended as suggested by the County Administrator “effective date established in 2006 and shall be renewed in 2011 and continued through tax collection year 2010.” ALL AYES. MOTION CARRIED

11:11 AM 2. To Consider a Proposed Ordinance Setting the Fees for Solid Waste Handling Services Provided by San Juan County and Repealing Ordinance 10-010 – Utility Manager Ed Hale

Present: Full Council; County Administrator Pete Rose, Prosecutor Randall Gaylord, Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See, and interested members of the public

Mr. Rose introduced the proposed ordinance. Utilities Manager Ed Hale updated the Council with a staff report characterizing the Ordinance as providing a new revenue source beginning October 1, 2010.

Mr. Hale identified one error on the draft ordinance: Attachment A, Option 3 should read “A person dropping off two cans of garbage will pay \$20 (\$10/ can).”

Mr. Gaylord said that he discouraged the inclusion of a “sunset clause” in the ordinance.

Mr. Fralick opened the hearing for public testimony. The following citizens addressed the Council: Sam Jacobson, Allen Rosenberg, Sharon Kivisto, Patty Miller, Randall Gaylord and Milene Henley. Mr. Fralick closed public testimony reserving the right to reopen.

Mr. Myhr indicated that he would oppose a motion to accept Attachment A, Option 1. Mr. Myhr said that A-1 would create additional traffic line-ups at the payment booth at the transfer stations, that it would not address the desired “stop-gap” funding because of the fee which would significantly lower recycling trips, that it was a total reversal of policy to encourage recycling which is not what our citizens want, and was not endorsed by SWAC. Attachment A, Option 3 would provide the necessary operating stop-gap revenue and was not opposed by the Town or franchise hauler.

After deliberations, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Knapp, to adopt an Ordinance setting the fees for Solid Waste Handling Services provided by San Juan County and repealing Ordinance 10-2010, by selecting Attachment A, Option 1, and setting the gate fee at \$5 with comingled recyclables and batteries per trip, with the modified language in Section 4 as suggested by the Prosecuting Attorney. VOTE 5:1 (Myhr opposed) MOTION CARRIED

Mr. Myhr stated that while he agrees with the need to provide stop-gap measures and no more than that, he does not believe that Attachment A, Option 1 will address the stop-gap any better than the provisions in Attachment A, Option 3, and A-1 will actually produce much less revenue because of the price elasticity.

12:17 AM WORKSHOP: 2011 Legislative Priorities – Council

Cynthia Stark-Wickman and Teddy McCullough addressed the Council regarding revisions to regulations granting liquor licenses near public school property.

12:23 PM RECESS FOR LUNCH

1:08 PM WORKSHOP CONTINUED: 2011 Legislative Priorities – Council

Mr. Fralick outlined the workshop and told the audience that opportunity for public comment would be available for each issue. The Council weighed the various issues and discussed how they would be addressed.

- Washington State Ferries (Council agreed the issue is a the priority)
- Storm Water Regulations for Rural Counties
- Fully Fund Public Schools (Council members will contact superintendents re: submitting issue to the legislature)
- Clarification of REET Allowable Uses (Mr. Rose gave a report)
- Statewide Consistency on Assessments of Affordable Housing Properties with Resale Restrictions (Mr. Fralick will follow up with the Assessor)
- Property Tax Exemption Qualifications for Social Security Disability Recipients
- Clarification of Washington’s Shoreline Master Program and The National Marine Fisheries Biological Opinion (Mr. Fralick requested that the state legislature oppose the federal enforcement of the ordinance until it is consistent with the Washington State Shoreline Management Act)
- Update of County Flood Plain Maps (Mr. Fralick reported)
- Cattle Point Road Relocation
- Retention of Capron Funding and Restoration for Nickel and 9.5 Cent Fuel Tax Increases
- Revisions to Regulations Regarding the Granting of Liquor Licenses near Public Schools
- Support Improved Oil Spill Prevention, Readiness and Response
- Support Priority Action Agenda Strategies of the Action Agenda Oversight Group (AAOG) (Mr. Peterson will provide a new draft)
- Ability to Hold Official Meetings via Video Conferencing (Mr. Myhr will clarify with the Prosecuting Attorney and submit a white paper)
- Assist Seniors to Stay Independent and at Home In their Communities (Mr. Myhr will continue to follow up)
- Support Enhanced Orca Protection (Mr. Peterson asked to rename it “Support Funding for Enforcement that Enhances Orca Protection)
- Maintain Mental Health Funding Levels for Individual and Community Safety (Mr. Myhr, as a participant in the North Sound Mental Health organization, will continue to follow up)

- Support Puget Sound Acquisition and Restoration 2011-2013 Budget Request (Barbara Rosenkotter answered Council questions on the program, which implements the salmon recovery plan)
- Moratorium on the Due Dates of Unfunded State Mandated Projects and Programs for Local Government until Full Funding can be Made Available (Mr. Peterson presented)
- Reconciliation of Puget Sound Partnership Authority Regulations
- Increase to Property Tax Increase Limitation (Mr. Rose outlined issue; Mr. Peterson voiced objection)
- Support Continued State Support of County Fairs (Mr. Rose commented)
- Support for Restoration Preservation and Interpretation of the Historic Brann Cabin (Ms. Pratt commented)
- Request for Legislation that would enable unincorporated Urban Growth Areas in San Juan County to be Recipients of a Population Proportionate Share of the “Public Safety” Sales Tax Designated for Incorporated Municipalities (Mr. Rosenfeld opposed to going forward with the issue; Mr. Fralick and Mr. Peterson also commented that it is problematic. It was agreed to keep it on the list and have Ms. Pratt approach Scott Merriman of WSAC to review and comment on any possible conflicts between cities and counties)
- Identify San Juan County Capital Projects suitable for Special Funding by the State Legislature and Petition our State Legislative Representatives to Include Such Projects in any Applicable Appropriation Bill(s) offered during the 2011 Legislative Session

Mr. Fralick suggested that a revised list indicating individual members’ priorities be submitted to the Clerk for compilation for the next meeting on September 14. Mr. Peterson commented on the letter from the Common Sense Alliance’s re: the elections of Conservation District supervisors.

Additional public comments were made by Josie Byington, Jack Cory and Tim Blanchard.

After discussion and comments, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Rosenfeld to appoint Ms. Pratt to the WSAC Legislative Steering Committee for the 2010-2011 Term. ALL AYES. MOTION CARRIED

2:45 PM COUNTY ADMINISTRATOR ITEMS:

1. Raise Excise Tax that Funds County E911 Services (first touch)

Mr. Rose addressed Council regarding changing the ordinance for E911 Excise Taxes. Sheriff Bill Cumming reported on the funding basis for changing E911 services including evolving technology from analog to digital, personnel, training, IT, CADD maintenance and the importance for staying current on changing issues.

2. Conveyance of an Easement for the County to have a Dock at Roche Harbor (first touch): – Pete Rose, County Administrator

Mr. Rose reported on the option to accept the easement. Mr. Fralick asked for a second touch on the issue.

3. Mr. Rose asked Council to appoint John Manning as County Administrator Pro Tem during his absence from Sept 1 – 9, 2010. The following action took place:

Moved by Mr. Myhr, seconded by Mr. Knapp, to appoint John Manning as County Administrator Pro Tem from Sept 1 – 9, 2010. ALL AYES. MOTION CARRIED.

4. Continued Solid Waste Discussion from August 20 Workshop – Jon Shannon, Public Works Director; Ed Hale, Utilities Manager

Mr. Fralick asked Solid Waste staff to cost out the operational and capital program in a way that represents fiscal stability.

Mr. Shannon responded and answered Council's questions. Staff will come back to Council with data in approximately 3 weeks.

Allen Rosenberg, Patty Miller and Jack Corey offered comment.

Mr. Fralick asked Mr. Shannon for a touch on the data collection at the September 14 meeting.

3:40 PM EXECUTIVE SESSION: At 3:40, Council Chair Fralick announced that the Council would be holding an **executive session to discuss current and pending litigation pursuant to RCW 42.30.110(1)(i)** – Randall Gaylord, Prosecuting Attorney;.

Present: Council (Ms. Pratt excused herself at 4:10); Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Jon Cain, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel. It was announced that the session would take 30 minutes. At 4:10, it was announced that the session would take an additional 15 minutes. At 4:25, it was announced that the session would take an additional 5 minutes. The session ended at 4:33: for a total executive session time of 53 minutes.

No Action was taken.

Ms. Gabriel stepped out of the hearing room and announced that the meeting was back in regular session. At 4:34, Mr. Fralick called the meeting back into session and then adjourned the meeting.

4:34 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on September 14, 2010. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.