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**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
November 16, 2010**

Tuesday, November 16, 2010 - Council Hearing Room, Legislative Building, Friday Harbor

10:03 AM CALL TO ORDER

Council Chair Richard Fralick called the meeting to order at 10:03 a.m. Council members present: Vice-Chair Lovel Pratt, Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, and 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.

Mr. Fralick made a few announcements including the addition of a fifth item to the County Administrator discussion

Citizens Access: The following citizens submitted comments: Marc Forlenza, Barbara Marrett, Dave Cable, Bill Wertz, Stephanie Buffum Field, Sharon Kivisto, Terry Whalen,

10:15 AM Clerk Update and Administrative Matters – Clerk Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Gabriel reminded the Council that November 19 is National Adoption Day, and there will be a 3:30 pm ceremony in the Superior Courtroom. Vice-Chair Lovel Pratt will be attending and will read the Proclamation.

Ms. Gabriel also reminded Council that the next possible public hearing date is December 7, November 30 is the next Council meeting with an early start at 9:00 am, and that a draft 2011 Calendar is available in binders for review.

Committee Update: Ms. See gave a committee update. After discussion, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to appoint Jennifer Rigg to the San Juan County Fair Board. ALL AYES, MOTION CARRIED

52 **Moved by Mr. Knapp, seconded by Mr. Myhr, to appoint Lance Evans to the Land Bank**
53 **Commission. ALL AYES, MOTION CARRIED**

54
55 **Moved by Mr. Myhr, seconded by Ms. Pratt, to reappoint Nancy Greene to the Land Bank**
56 **Commission. ALL AYES, MOTION CARRIED**

57
58 **Moved by Mr. Knapp, seconded by Mr. Peterson, to appoint Peg Manning to the**
59 **Eastsound Plan Review Committee. ALL AYES, MOTION CARRIED**

60
61 **Approval of Minutes of November 2, 2010:**

62
63 **Moved by Mr. Peterson, seconded by Mr. Myhr, to approve the Minutes of November 2,**
64 **2010. ALL AYES, MOTION CARRIED**

65
66 **Review Agendas: No changes**

67
68 **Review and Approve Consent Agenda:**

69
70 **A. Resolutions:**

71 A Resolution Increasing the Solid Waste Change Fund and Designating Custodians
72 A Resolution Authorizing a Solid Waste Clearing Fund Account to Deposit Transfer Station
73 and Drop Box

74 Revenues

75 A Resolution Authorizing a Solid Waste Revolving Fund

76 A Resolution to Accept One Easement and Authorize Payment for Point Lawrence Road
77 Culvert (MP 0.2) Project Right-of-Way Acquisition

78 **Ordinances:**

79 **B. Contracts/Agreements:**

80 **C. Budget Items:**

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

- 82 • Warrants #86710-86815 in the amount of \$115,616.29 for County Claims
- 83 • Warrants #86816-86854 in the amount of \$33,006.34 for Public Works Claims
- 84 • Warrants #86855-86856 in the amount of \$289.74 for Veteran's Assistance
- 85 • Interfund transfers for the month of October

86 **D. Personnel:**

87 **E. Appointments**

88 **F. Correspondence:**

89 **G. Miscellaneous:**

90 **H. Bid Openings:**

91
92 **Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Consent Agenda of**
93 **November 16, 2010. ALL AYES, MOTION CARRIED**

94
95 **Review Council Calendar Items: No changes**

96
97 **10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS**

98

99 **Ferries/FAC/Intermodal:** Mr. Rosenfeld thanked Ms. Kivisto for her comments regarding Ed
100 Sutton of the Ferry Advisory Committee and stated that the comments, although inappropriate,
101 were made out of his dedication and overwhelming concern about ferry services. An increase
102 of 2.5% in ferry rates has been announced, yet opponents say rate increases require a vote.
103 With the end of Bob Distler's term, there will be a vacancy on the State Transportation
104 Commission and they would like a recommendation from San Juan County.
105

106 Mr. Peterson and Mr. Myhr of the General Government Subcommittee will meet with Mr.
107 Sutton to discuss his recent public comments.
108

109 The Washington State Ferry (WSF) community meeting will be held on December 14, at 5:30
110 in the Legislative Hearing Room. The meeting will be live-streamed and public comment will
111 be accepted through email access.
112

113 Mr. Rosenfeld also reported that WSF cutbacks will start in the Fall of 2011 and the reductions
114 will be ongoing, not temporary.
115

116 **Moved by Mr. Myhr, seconded by Ms. Pratt, to send David Moseley a letter regarding**
117 **ferry reservations. ALL AYES, MOTION CARRIED**
118

119 **Budget Subcommittee:** Mr. Fralick reported that the committee met yesterday, and more
120 discussion will be held this afternoon
121

122 **General Government Subcommittee:** Mr. Knapp had nothing to report at this time.
123

124 **Legislative Priorities:** Ms. Pratt reported on her attendance at the NW Straits Commission's
125 Annual MRC (Marine Resources Committee) Conference that was held at Rosario Resort on
126 November 5 and 6. At this meeting Ms. Pratt was able to speak with Senator Cantwell's
127 Northwest Washington Director Sally Hintz about San Juan County's top two federal legislative
128 priorities: Support Improved Oil Spill Prevention, Readiness and Response and Secure
129 Federal Funds for the Cattle Point Road Realignment Project.
130

131 Ms. Pratt also reported on the WSAC Annual Conference held in Spokane November 10 and
132 11, including the legislative Steering Committee (LSC) Natural Resources and Environment
133 Work Group meeting. The meeting included: discussion about proposed water resources
134 legislation; the Coastal Counties Caucus meeting and a review of all the San Juan County
135 legislative priorities relevant to coastal counties; a presentation about Public Records
136 Requests; a report from the Governor's Committee on Transforming Washington's budget; a
137 panel presentation on the State budget deficit; the LSC meeting with a presentation on the
138 Washington Wildlife and Recreation Program; and the WSAC Business Meeting.
139

140 Ms. Pratt reported that she had several discussions throughout the WSAC conference with
141 Commissioners and staff from Skagit, Island, and Jefferson counties about various options to
142 work together to gain cost savings and/or efficiencies and/or improved services. This would
143 be a major policy decision and would be related to the Council's efforts to achieve a long-term
144 sustainable budget. By consensus the Council directed the Budget Subcommittee to work
145 further on this and provide a recommendation to the Council.
146

147 **Moved by Mr. Rosenfeld, seconded by Mr. Knapp, to send letters prepared by Ms. Pratt**
148 **regarding legislative priorities to Senator Patty Murray, Senator Maria Cantwell,**
149 **Representative Rick Larsen, and State Representative-Elect Kristine Lytton. ALL AYES,**
150 **MOTION CARRIED**

151

152 **10:53 AM** **Break**

153

154 **10:54 AM** **PUBLIC HEARINGS:**

155

156 1. To Consider Approval of Hadac Property Open Space Proposal –
157 Lee McEnery, Associate Planner

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

161

162 Ms. McEnery introduced the proposal for the Hadac family to move into the Open Open Space
163 Program.

164

165 Mr. Fralick opened public testimony, and comments were taken from Sharon Kivisto. Public
166 testimony was closed with the right to reopen. After discussion, the following action took
167 place:

168

169 **Moved by Mr. Myhr, seconded by Ms. Pratt, to approve the Hadac Open Space-Current**
170 **Use Application POPNSP-10-0002. ALL AYES, MOTION CARRIED**

171

172 Ms. Pratt asked that the number of open space applications under consideration be available
173 for the December 7 discussion.

174

175 2. Receive Public Comment on the 2011 Annual Budget

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

179

180 Mr. Rose explained that this is an opportunity for public input on the 2011 annual budget, and
181 suggested specific areas of the budget for Council's attention.

182

183 Mr. Fralick opened for public testimony. Comments were offered by Marc Forlenza, Barbara
184 Marrett, and Patty Miller. Public testimony was closed with the right to reopen. There will be
185 additional discussion at 1:30 pm today and a Public Hearing will be held on November 30.

186

187 **11:15 AM** **DISCUSSION: Mini-Initiative on Cannon at Odlin Park (2nd Touch) –**
188 **Karen Vedder, Deputy Prosecuting Attorney**

189

190 Ms. Vedder explained some legal concerns surrounding the Mini-Initiative language, including
191 the issue of *ultra vires*.

192

193 **11:30 AM** **DISCUSSION: Resolution Regarding Accountability Oversight Committee**

194 (AOC) and Authority of Its Council Representatives – Lovel Pratt, Vice-
195 Chair; Rich Peterson, Council Member; Karen Vedder, Deputy
196 Prosecuting Attorney
197

198 Ms. Vedder suggested some changes in the Resolution for clarification. Mr. Peterson said the
199 resolution could be brought forward for adoption on a future consent calendar.
200

201 **11:57 AM Additional Updates & discussion Items:**

202
203 1. Council Recommendations to Citizen Salary Commission
204

205 After discussion, the following action took place:
206

207 **Moved by Mr. Rosenfeld, seconded by Mr. Peterson, recommending to the Citizen's**
208 **Salary Commission that no cost of living increase be given to the County Council.**
209 **ALL AYES, MOTION CARRIED**
210

211 Mr. Fralick directed staff to draft a letter to the Salary Commission stating the same.
212

213 **12:00 PM RECESS FOR LUNCH**

214
215 **1:09 PM**
216

217 **Moved by Mr. Peterson, seconded by Mr. Myhr, to send letters drafted by Ms. Pratt**
218 **regarding 2011 Legislative Priorities to Senator Ranker and Representative Morris. ALL**
219 **AYES, MOTION CARRIED**
220

221 **Moved by Mr. Rosenfeld, seconded by Mr. Knapp, to send a letter to Mayor Lacher and**
222 **Town of Friday Harbor Council Members requesting their consideration to assign a**
223 **third party lease at the Sutton Road Transfer site. ALL AYES, MOTION CARRIED**
224

225 **1:12 PM DISCUSSION:** Introduction of Interfund Loans – Milene Henley, Auditor
226 Karen Vedder, Deputy Prosecuting Attorney
227

228 Ms. Henley explained the recommendation from the County's Finance Committee regarding
229 interfund loans.
230

231 **Moved by Mr. Peterson, seconded by Mr. Myhr, to proceed with interfund loans as**
232 **follows: \$140,000 from Public Facilities to DEM (one year loan), \$100,000 from Public**
233 **Facilities to Capital Improvement (three year loan), \$500,000 from ER&R to Roads (one**
234 **year loan), \$1,000,000 to Solid Waste from a group of funds for a five year loan that**
235 **include: \$200,000 Auditor Document Preservation; \$100,000 Mental Health Tax Fund;**
236 **\$100,000 Other Grants/Septic Loans; \$200,000 Public Facilities Improvement; \$400,000**
237 **ER&R, and bring back resolutions for approval on November 30. ALL AYES, MOTION**
238 **CARRIED**

239
240 **2:10 PM DISCUSSION:** Continued on 2011 Annual Budget – Pete Rose, County
241 Administrator

242
243 Comments given by: Prosecuting Attorney Randall Gaylord, Director Parks, Recreation and
244 Fair Dona Wuthnow and Assessor Charles Zalmanek; Marc Forlenza, Sharon Kivisto and
245 Patty Miller also made comments.

246
247 **Moved by Ms. Pratt, seconded by Mr. Rosenfeld, that the Council request that the**
248 **Lodging Tax Advisory assess the total 2010 LTAC funding when the final report for 2010**
249 **is issued, and prioritize an allocation of additional LTAC funds to the Fair if the amount**
250 **exceeds the amount needed for the LTAC reserve plan. ALL AYES, MOTION CARRIED**

251
252 **Moved by Mr. Peterson, seconded by Mr. Knapp, to retain all of the Budget Request**
253 **Items through 6b, for inclusion in the Budget for Public Hearing. ALL AYES, MOTION**
254 **CARRIED**

255
256 **Moved by Mr. Myhr, seconded by Mr. Knapp, to add \$22,651 to the budget as requested**
257 **by the Prosecuting Attorney by reducing the reserve cash balance. VOTE: 4-2**
258 **(Fralick and Pratt opposed) MOTION CARRIED**

259
260 **Moved by Mr. Rosenfeld, seconded by Mr. Myhr, to add \$26,000 to the Assessor's**
261 **budget for a part-time Appraiser by reducing the reserve cash balance. VOTE: 4-2**
262 **(Fralick and Pratt opposed) MOTION CARRIED**

263
264 **Moved by Ms. Pratt, seconded by Mr. Myhr, to approve the additional funding of \$5,700**
265 **for the Economic Development Council's business classes, the funds obtained through**
266 **the Public Facilities Fund. VOTE: 5-1 (Fralick opposed) MOTION CARRIED**

267
268 **3:00 PM COUNTY ADMINISTRATOR ITEMS:**

269
270 1. General, Conservation Futures & Road Levies Introduction – Pete
271 Rose, County Administrator

272
273 Mr. Rose explained the levy adoption ordinances under consideration: the General Property
274 Tax Levy, the Road Tax Levy, and the Conservation Futures Tax Levy

275
276 The Council by consensus asked for this matter to be moved to Public Hearing on November
277 30.

278
279 Ms. Pratt temporarily left the session to print letters.

280
281 2. Acceptance of a Trail Easement Deed on the Smith/Weil Property,
282 San Juan Island – Lincoln Bormann, Land Bank Director

283
284 Mr. Bormann explained the background of the trail easement deed on the San Juan Island
285 property. After discussion, the following action took place:

286
287 **Moved by Mr. Peterson, seconded by Mr. Myhr, to approve a Resolution to accept th**
288 **Trail Easement on the Smith/Weil Property on San Juan Island. VOTE 5-0, MOTION**
289 **CARRIED (Ms. Pratt was temporarily absent during this vote)**

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3. 2011 Staffing, Pay and Benefits Plan and Public Works Organizational Chart Resolution (2nd Touch) – Pamela Morais, Human Resources Mgr.

Mr. Myhr is excused for the day, Ms. Pratt returned to the session.

Ms. Morais gave a PowerPoint presentation outlining the staffing, pay and benefit levels for 2011. This matter is scheduled for further consideration on December 7.

4:01 PM 4. 2011 Fees and Charges (1st Touch) – Pete Rose, County Administrator

More information from staff was requested by Ms. Pratt.

Rene Beliveau, Director of Community Development and Planning (CD&P), explained various fee changes, and answered questions from the Council. Shireene Hale, Planning Coordinator, also answered questions.

5. Briefing on the Findings of the Growth Management Hearings Board
Jon Cain, Deputy Prosecuting Attorney

4:32 PM EXECUTIVE SESSIONS:

At 4:32 PM Council Chair Fralick announced that the Council would be holding **Executive Sessions** to discuss:

1. **Current and pending litigation pursuant to RCW 42.30.110(1)(i)** – Present were five Council members (Bob Myhr absent), Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Karen Vedder, Deputy Prosecuting Attorney Jon Cain, County Administrator Pete Rose, Council Clerk Ingrid Gabriel.
2. **Potential litigation pursuant to RCW 42.30.110 (1)(i)** – Present were five Council members (Bob Myhr absent), Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Karen Vedder, Deputy Prosecuting Attorney Jon Cain, County Administrator Pete Rose, Deputy County Administrator David Kelly, Human Resources Manager Pamela Morais and Council Clerk Ingrid Gabriel.

It was announced that the **Executive Session** would take approximately 30 minutes. Mr. Knapp left the meeting at 5:00 PM. The sessions ended at 5:15 for a total of 43 minutes.

No Action was taken.

5:15 PM CLOSED SESSION:

At 5:15 PM Council Chair Fralick 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)** – Present were four Council members (absent Mr. Myhr and Mr. Knapp), County Administrator Pete Rose, Deputy County Administrator David Kelly, Human Resources

338 Manager Pamela Morais and Council Clerk Ingrid Gabriel.

339

340 The session lasted for 15 minutes.

341

342 **No action was taken.**

343

344 At 5:30 Mr. Rose stepped out of the hearing room and announced that the **Executive and**
345 **Closed Sessions** were finished. Mr. Fralick called the meeting back into regular session and
346 adjourned the meeting.

347

348 **5:30 PM ADJOURN AND SIGN DOCUMENTATION**

349

These Minutes were approved and signed on November 30, 2010. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.