

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
October 27, 2009**

Tuesday, October 27, 2009 - Legislative Hearing Room, 55 Second Street, Friday Harbor, WA

10:00 AM CALL TO ORDER

Council Chair Peterson called the meeting to order at 10:00 a.m. and the flag salute was conducted. Council Members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

CITIZENS' ACCESS TIME

Sharon Kivisto, a San Juan Island resident, addressed the Council regarding a ticketing ordinance for code enforcement that had been scheduled to be on the Docket.

CLERK UPDATE & COUNCIL ADMINISTRATIVE MATTERS: Ingrid Gabriel, Clerk; and Maureen See, Department Assistant.

Clerk Update: Ms. Gabriel reminded the Council that there will be no Monday meetings in November [until the last Monday, November 30, 2009]. She also noted that revised minutes for October 13 were included in their packets.

Committee Appointments: Ms. See addressed the Council regarding committee vacancies and brought Barry Jacobson's application forward for the Human Services Advisory Board (HSAB), which came with a recommendation of the HSAB. Ms. See answered questions from the Council and the following action took place: **Moved by Myhr, seconded by Rosenfeld, to appoint Barry Jacobson to the HSAB. Motion carried unanimously.** Ms. See noted that EPRC applicants were scheduled to be interviewed this week.

Minutes: Minutes were reviewed and the following action took place: Moved by Rosenfeld, seconded by Pratt, to **rescind the Minutes from October 13, 2009 and adopt the amended Minutes from October 13, 2009.** Motion carried unanimously. Moved by Rosenfeld, seconded by Knapp, to **adopt the Minutes from the October 19th and 20th, 2009.** Motion carried unanimously.

Agendas: Upcoming Agendas and Consent were reviewed and the following action took place: Moved by Rosenfeld, seconded by Fralick, to **adopt the Consent Agenda of October 27, 2009,** as follows:

- A. Resolutions/Ordinances: (No items.)
- B. Contracts/Agreements: (No items.)
- C. Budget Items: Approve 2009 Warrants signed by Auditor and County Administrator:
 - Warrants #70151-70266 in the amount of \$129,898.44 for County Claims
 - Warrants #70267-70306 in the amount of \$62,178.73 for Public Works
- D. Personnel: (No items.)
- E. Appointments: (No items.)
- F. Correspondence: (No items.)
- G. Miscellaneous: (No items.)
- H. Bid Openings: (No items.)

Motion carried unanimously.

COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported on WSF crew documentation compliance was again under review as well as scheduling and that a draft winter schedule is due out next week.

Budget Subcommittee: Mr. Fralick reported that the Budget Subcommittee learned that the County recorded an \$81,000 deficit in operating cash at the end of September and details of the third quarter financial report would be provided by Auditor Henley next week. Council discussion took place.

Legislative Priorities & Lobbying Efforts: Ms. Pratt noted that Senator Ranker would be making a presentation to the Council on November 30, 2009. Mr. Rosenfeld proposed using the draft letter to NOAA to lobby federal and state representatives for enhanced enforcement. The Council concurred. Mr. Rosenfeld also suggested the Town of Friday Harbor sign on as well. Discussion took place regarding minor revisions to the letter.

General Government Subcommittee: There was no report.

ADDITIONAL UPDATES & DISCUSSION ITEMS:

ARC Coordinator Staffing: Mr. Peterson questioned the decision by the ARC to post the ARC Coordinator position upon Eliza Buck's resignation. Council discussion took place regarding the use of .09 excise tax funding for this position, and other possibilities for this money. Mr. Fralick requested information on other allowable uses for the .09 excise tax money.

Orca Protection: Ms. Pratt distributed miniature Orca Action Guides, published by Salish Sea Association of Marine Naturalists (SSAMN).

10:20 AM PRESENTATION: Law and Justice (L&J) Council Report – District Court Judge, Stewart Andrew, Chair; Charlie Silverman, Prosecuting Attorney; District Court Administrator, Marion Melville; Joan White, Clerk; other available L&J staff; and interested members of the public were present.

Mr. Gaylord provided an overhead presentation of a reconfiguration plan for the offices of the Prosecuting Attorney and Juvenile Court Staff, which included an expansion with the removal of the “weeping wall” [the leaking, unstable south wall of the new Courthouse], eliminated entry points in the historic Courthouse, allowed for adequate space allocations for staff, respondents, and victims, and provided for additional public safety and security for staff. Mr. Gaylord and Mr. Rose answered questions from the Council. Council discussion took place regarding project costs. The Council viewed the plan favorably, in theory, and questioned where the capital funds could be accessed from. **Mr. Silverman**, reporting for Judge Linde, addressed Courthouse security needs and presented a three-phase program. The plan included increasing duress alarm points, interior security cameras, and eventually regular use of the Magnetometer, staffed with screeners. Mr. Silverman answered questions from the Council, who, through consensus, gave conceptual approval of the plan. **Judge Andrew** reported on the “weeping wall,” stating that the most cost effective and efficient solution would be to remove the wall and expand the space. He noted that L&J and the financial departments [located in that wing of the Courthouse] support this approach. He reiterated Mr. Gaylord's earlier statement, that several REET bonds would be retiring this year, and added that there is also capacity in the second quarter REET money. Mr. Rose answered questions from the Council regarding the cost of the expansion, which he stated was near two million dollars and that drawings and designs could near \$100,000. The Council agreed with Mr. Rosenfeld's suggestion to defer discussion until after the levy vote, to see if the signal from the people of San Juan County is to shrink government at all levels.

11:00 AM PUBLIC HEARINGS: Council Chair Peterson announced public hearings to be held to consider the following matters: 1) an Ordinance designating the Newton Street Road Vacation; 2) Anne Hay Open Open Space application; and 3) Thomas Lloyd Leonard Timber Open Space application. Present: Full Council; County Administrator (CA), Pete Rose; Clerk to the Council, Ingrid Gabriel; Public Hearings Specialist, Lisa Brown; County Engineer, John Van Lund; Associate Planner, Lee McEnery; Elizabeth Hance, road vacation applicant; Jeff Otis, agent for Anne Hay and interested members of the public.

1. Newton Street Road Vacation – Mr. Van Lund referenced his staff report and the proposed Ordinance. He provided details, referencing maps and photographs, noting that the Planning Commission recommended that the shoreward lot never be developed. He reported that the Hearing Examiner agreed that the two lots could be combined as long as the County Council vacated the right-of-way. Mr. Van Lund explained the public benefit requirement and answered questions from the Council regarding public process and the property. Public

testimony was opened, submitted by Sharon Kivisto, Elizabeth Hance (applicant), and Jack Cory, and closed with the right to re-open reserved. Mr. Rosenfeld expressed his opposition to vacating County property, suggesting a trade at a minimum. Mr. Myhr noted the PC recommended that the vacation will not be granted until the residential unit for the lot be eliminated and registered on the title. Mr. Van Lund concurred. Deliberations were held and the following motion was made:

Moved by Fralick, seconded by Myhr, to approve the Resolution to vacate a portion of unopened County Road right-of-way, Newton Street, lot 1 of Block 7 and Lot 1 of Block 8 of the Plat of Doe Bay, Volume 1 of Plats, Page 43, Records of SJC. Myhr offered a friendly amendment, accepted by Fralick, to include the Planning Commission's request that the vacation will not be granted until the residential density unit for the lot be eliminated and registered on the title. Motion carried with Rosenfeld opposed.

2. Ann Hay Open Open Space Hearing 09OS004 (Parcel 271034003-000, Orcas) Ms. McEnergy introduced the proposal and explained that staff's initial recommendation to the Planning Commission (PC) was to deny the application but was reconsidered after reviewing Public Benefit Rating Points. She reported that both Staff and PC had recommended approval. Ms. McEnergy answered questions from the Council. Public testimony was opened, submitted by Jeff Otis, and closed with the right to re-open reserved. The following action took place:

Moved by Myhr, seconded by Pratt, to approve the Anne Hay Open Open Space Application 09OS004. Motion carried unanimously.

3. Thomas Lloyd Leonard, Timber Open Space 07TOS002 (Parcels160333002-001 and 002, Orcas) Ms. McEnergy reviewed the application and Forest Management Plan, noting that staff's recommendations had been incorporated into the plan. She stated that both CD&P and the Planning Commission recommended approval of the application. Public Testimony was opened, none submitted, and closed, reserving the right to re-open.

Moved by Myhr, seconded by Knapp, to approve the Thomas Lloyd Leonard Timber Open Space Application 07TOS002. Motion carried unanimously. Ms. Pratt, in reference to the Open-Open Space application process (as in the aforementioned Hay case), inquired about the possibility of giving an applicant an approximation of possible Public Benefit Rating System (PBRs) points so, when they are close as they were in this case, an applicant can decide whether to take the risk before initiating the costly application process,. Ms. McEnergy stated that the applicant had an agent familiar with the process, who explained that the PBRs points would be marginal and the applicant chose to proceed.

12:00 PM RECESS FOR LUNCH

Excise Tax Fund (.09 funds): Mr. Rose researched the Council's questions regarding .09 excise tax funding over the lunch recess. He stated that the definition of Public Facilities includes buildings and structures, but that those would need to be identified and included on an adopted Economic Development Plan. He speculated that there was approximately \$250-300,000 available in this year's grant round, without changing the ARC Coordinator position funding. Council discussion took place.

County Road Vacation: Mr. Rose asked if the Council was seeking a report on whether the Council could impose more restrictive vacation policies than state law. Mr. Myhr suggested that the Council continue to review potential road vacations on a case-by-case basis. Mr. Rose answered several questions from the Council and Mr. Fralick did request legal clarification on policy. Mr. Rose also stated that the Resolution for today's 11:00 public hearing was being revised to reflect the motion passed by the Council and would be ready for signature later in the day.

1:30 PM COUNTY ADMINISTRATOR ITEMS

- 1. Annual Docket Update Briefing** – Community Development and Planning (CD&P) Planning Coordinator; Shireene Hale; Senior Planner, Colin Maycock; and interested members of the public were present.

Ms. Hale and Mr. Maycock reviewed details of each of the items on the comprehensive list of 2009-2010 Long Range Planning Tasks they had submitted to the Council. The tasks were ranked by priority and broken into

three categories: 1) Basic Functions; 2) Actions required by State or Federal Law or County Code with impending negative consequences to public resources and residents; and 3) Legally required actions with no ongoing or impending consequences. Ms. Hale and Mr. Maycock answered questions from the Council and Council discussion took place as they worked their way through the list. Ms. Hale then responded to questions regarding staffing changes in CD&P.

2:30 PM PRESENTATION: Risk Pool Management, Washington Counties Risk Pool Annual County Visit – Vyrle Hill, Executive Director and David Goldsmith, Member Services Manager

Mr. Goldsmith and Mr. Hill presented the Washington Counties Risk Pool Annual Report to the Council. They provided information regarding changes to the policy in coverage and premiums. They showed comparisons to prior years and other counties, and San Juan County’s risk by exposure units and experience factors. They explained how the risk pool functions and answered questions from the Council.

3:30 PM ADJOURN AND SIGN DOCUMENTATION: Council Chair Peterson adjourned the meeting at 3:47 p.m. There will be no Monday Meeting and the next regular Tuesday Meeting was scheduled for Tuesday, November 3, 2009.

APPOINTMENTS:

1. Barry Jacobson, to the Human Services Advisory Board; refer CLERK UPDATE AND ADMINISTRATIVE MATTERS for details.

BUDGET ITEMS/WARRANTS:

1. See Consent Agenda, section C. Budget Items.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE:

1. A letter to Barry Jacobson, appointing him to the Human Services Advisory Board.

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS: (No items.)

PERSONNEL ITEMS: (No items.)

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on Tuesday, September 1, 2009. The original document is retained in the Council’s permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.