

**MEETING MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
November 3, 2009**

**Tuesday, November 3, 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, 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.

**EXCUSED ABSENCES**

Moved by Myhr, seconded by Knapp, to **excuse the absence of Lovel Pratt**, due to illness.

**CITIZENS' ACCESS TIME**

**Mr. Wright**, a San Juan Island resident, addressed the Council regarding a prior public records request and the response he received. He also submitted another request for a copy of SJC's grant application to the DOE and suggested that money is available if it is asked for properly.

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

**Clerk Update:** Ms. Gabriel pointed out an additional executive session added to the November 10, 2009, agenda. Council discussion took place regarding notice for the upcoming special meetings and field trips pertaining to shoreline regulations. Ms. Gabriel also pointed out an addition to the Minutes of October 27, 2009.

**Committee Appointments:** Ms. See addressed the Council regarding committee applicants interviewed last week. A recommendation from the interview team was brought forth by Mr. Fralick. After Council discussion the following action took place:

**Moved by Fralick, seconded by Knapp, to appoint Ted Tidrington, to the Eastsound Planning Review Committee (EPRC). Motion carried unanimously.**

Ms. See then answered questions from the Council regarding the upcoming committee vacancy ad to run next week, which will include vacancies that will transpire at the end of the year.

**Minutes:** Minutes were reviewed. Mr. Knapp requested agenda time to discuss the Prosecutor's suggestion regarding the Minutes. The following action then took place: Moved by Rosenfeld, seconded by Myhr, to **adopt the Minutes of October 27th, 2009**. Motion carried unanimously.

**Agendas:** Upcoming Agendas were reviewed. Mr. Rosenfeld requested that the Public Hearings scheduled on November 30<sup>th</sup> be slated earlier and Mr. Myhr requested additional time to discuss new fees prior to the public hearing. The Consent Agenda was reviewed and Mr. Rosenfeld requested that the Street Vacation Resolution be pulled and voted on separately. The following action took place: Moved by Myhr, seconded by Fralick, to **adopt the Consent Agenda of November 3, 2009, minus the Street Vacation Resolution**, as follows:

**A. Resolutions/Ordinances:** A Resolution vacating a portion of unused County Road Right-of-Way Newton Street, Orcas Island.

**B. Contracts/Agreements:** An Interlocal Agreement between San Juan County Health and Community Services and Island County for Jail Services

**C. Budget Items:** Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #70469-70545 in the amount of \$60,902.23 for County Claims
- Warrants #70546-70576 in the amount of \$137,618.27 for Public Works

- D. Personnel:**
- E. Appointments:**
- F. Correspondence:**
- G. Miscellaneous:**
- H. Bid Openings:**

**Motion carried unanimously.**

**Moved by Fralick, seconded by Myhr, to approve the Resolution vacating a portion of unused County Road [Right-of-Way on Newton Street, Orcas Island]. Motion carried with Rosenfeld opposed.**

**Calendar Items:** Mr. Peterson announced that Ms. Wuthnow, Parks Director, had distributed information regarding public land outreach planning meetings on each of the ferry served islands, noting that the meeting for San Juan Island is scheduled for November 10, 2009, from 3:00 – 6:00, at the Mullis Center, and that people are welcome to drop in at any time during that period.

**COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported on the FAC meeting earlier today, which included a conference call with Washington State Ferry (WSF) personnel. He reported on 10-hour watches, touring watches, and scheduling solutions. He also reported that WSF will be holding a public meeting on the Inter-Island Ferry on Thursday, leaving Friday Harbor at 2:15 p.m.

**Budget Subcommittee:** Mr. Fralick reported on this morning's meeting, which included a preview of the third quarter financial review and a report on Solid Waste Advisory Committee (SWAC) policy issues regarding solid waste funding, remanded to the Budget Subcommittee. Mr. Fralick requested meeting time for full Council discussion prior to SWAC's meeting on November 23, 2009, and suggested that Council members check their calendars over the lunch recess for scheduling. At 3:14 p.m., Mr. Fralick suggested scheduling a special meeting to review solid waste funding options. The Council concurred. [Later it was decided the Council would convene for this purpose on Monday, November 9<sup>th</sup>, at 8:30 am.]

**General Government Subcommittee:** Mr. Knapp reported that activity in the off season is reduced due to the absence of the out-of-state attorney who assists the Prosecuting Attorney (PA) with updating the ordinances. He did note that, year-to-date, 36 ordinances have been passed by the Council and that the Sign and Enforcement Ordinances are currently under revision. However, he added that it is necessary to have Prosecutor, Randall Gaylord, available to proceed, and that they agreed to resume the pace when the work-load in the PA office subsides.

**ADDITIONAL UPDATES & DISCUSSION ITEMS:**

**Public Service Award:** Council Chair Peterson presented County Administrator, Pete Rose, with a Distinguished Public Service Award from the Washington City/County Management Association, for his 15 years of service to City and County Government.

**Public Notice of Upcoming Council Matters:** Mr. Myhr requested posting notice of upcoming Council matters. Council discussion took place regarding this and Ms. Gabriel agreed to accommodate the Council on this request.

**ADDITIONAL UPDATES & DISCUSSION ITEMS (Added at 11:45 a.m.):**

**NOAA Letters:** Mr. Rosenfeld presented three letters regarding enforcement of Orca protection for Council consideration.

**Salary Commission:** Mr. Rosenfeld suggested that the Council take a position on whether to continue their stance on their COLAs and question whether their retirement should be based on half- or full-time employment status prior to the Salary Commission's December 3, 2009, meeting. The Council concurred to meet to discuss this, possibly on November 13, 2009. [This discussion has been scheduled for November 9, 2009, at 10:00 a.m.]

**ADDITIONAL UPDATES & DISCUSSION ITEMS (Added at 2:42 p.m.):**

**NOAA Letters:** Discussion took place regarding edits to the letters and Mr. Ranker's letter and requesting that the Town of Friday Harbor sign on with the Council on their letters. The Council agreed to place the two letters from the Council on the Consent Agenda for November 10, 2009.

**CAO Best Available Science (BAS):** Mr. Fralick reported that Island County developed their own BAS, by contracting with Dr. Paul Adamus. He stated that the definitions they used represented more of the complexity found in the wetlands and they had gained DOE approval based on this. Mr. Frailck said Dr. Adamus offered an estimate of \$95,000 to SJC for a similar study. Council discussion took place and there was concurrence to learn more. Mr. Rose offered next steps as being everyone on the Council and Planning Commission (PC) review the Island County study; then he and the Planning Coordinator [Ms. Hale] review the differences in approaches; with the third step being a video conference with Dr. Adamus to learn more about this approach.

**Certificate of Need:** Mr. Peterson received concurrence from the Council to add a letter to the Consent Agenda for November 10, 2009, in support of the hospital to help meet the requirements for their Certificate of Need.

**Solid Waste Funding:** Council discussion took place regarding a meeting time to discuss solid waste funding.

**10:20 AM DISCUSSION ITEMS:** 1) Third Quarter Financial Review; and 2) 2010 Budget Deliberations. Milene Henley, Auditor; and Pete Rose, County Administrator.

1) Ms. Henley provided a PowerPoint presentation for the third-quarter financial review, including details regarding expense, revenue, and cash balances, relative to the budget and projections. She also provided detail broken down by department and fund. In summary, Ms. Henley stated that she expects the ending cash to be between \$250 – 550 thousand below budget. Ms. Henley answered questions from the Council.

2) Mr. Rose referenced the two proposed budgets, with and without the lid lift, and the list of specific add-backs described in the lid lift. Mr. Rose and Ms. Henley reviewed the details presented to the Council and answered questions from the Council. Ms. Henley also prepared a list of requested add-backs by department, which were reviewed by the Council. Council discussion took place regarding the budgets, the impacts of the add-backs, and the 10% cash reserve policy.

**11:30 AM PUBLIC HEARING:** Council Chair Peterson announced public hearing was held to consider an Ordinance Adding a New Chapter Regarding Public Defense Services to Title 2 of the San Juan County Code. Present: Council Members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, and Richard Fralick; County Administrator (CA), Pete Rose; Clerk to the Council, Ingrid Gabriel; Public Hearings Specialist, Lisa Brown; Deputy Director, Adina Cunningham; and interested members of the public.

Ms. Cunningham referenced the draft ordinance, explaining that although this is the third touch, the State Office of Public Defenders, on further review, requested to submit additional comments. In light of this, Ms. Cunningham suggested continuing the hearing to a future agenda. Public testimony was opened, none submitted, and closed, reserving the right to reopen, and the following action took place:

**Moved by Myhr, seconded by Fralick, to continue the Hearing to November 30, 2009, at the 11:00 am time-slot [which had been changed during Council Administrative Matters to 10:45 am]. Motion carried unanimously.**

**11:45 AM PRESENTATION:** Orcas Museum Final Report on Preservation of Historical Archives Grant – Tom Welch, Board of Trustees President, Orcas Historical Museum

Mr. Welch provided his report, noting that this would be an interim report, as the amended contract has extended the time-frame of the grant to run through the end of 2010. He noted that he would deliver his final report at that time. He provided museum history, funding, and staffing, and explained how the SJC Historical Preservation Grant money was being used. He explained that he was able to leverage the results of the money and reported that the museum had extended its hours open to the public through the winter. He also reported that the Museum received its first ever Smithsonian traveling exhibit. Mr. Welch answered questions from the Council.

**12:00 PM RECESS FOR LUNCH:** At 11:54, Mr. Peterson announced that the Council would be holding a **closed session at 1:30** to discuss Collective Bargaining pursuant to RCW 42.30.140(4)(b); and recessed for lunch.

**1:30 PM CLOSED SESSION:** Collective Bargaining

At 1:30 pm, a **closed session** was held, pursuant to RCW 42.30.140(4)(b), to discuss matters pertaining to collective bargaining; estimated to last approximately 30 minutes. Present: Pamela Morais, Human Resources Manager; and Adina Cunningham, Deputy Director. The session ended at 1:58 p.m., for a total closed session time of 28 minutes.

**2:00 PM COUNTY ADMINISTRATOR ITEMS**

- 1. Memorandum of Understanding with Sheriff's Guild** – Adina Cunningham, Deputy Director; Pamela Morais, Human Resources Manager; Felix Menjivar and Eric Gardner, Sheriff's Deputies and representatives of the Sheriff's Guild.

Mr. Rose reported that the County reached an agreement with the Sheriff's Guild on their offer of an option extending their no pay increase agreement for one year, with medical benefits on the side. Ms. Morais shared her appreciation towards the guild for extending this offer in uncertain economic times and requested approval of the memo of understanding (MOU) outlining the details of the extension.

**Moved by Myhr, seconded by Knapp, to approve, with appreciation, the MOU with the Sheriff's Guild. Motion carried unanimously.**

- 2. Combining Fair and Parks Departments** – Pete Rose, County Administrator; Randy Gaylord, Prosecuting Attorney; Donna Wuthnow, Parks Director; and Rev Shannon, Fair Manager.

Mr. Rose explained his proposal to combine the Fair and Parks Departments in order to achieve efficiencies in the budget. He reviewed Charter authorizations regarding this and duties of the respective departments and offered that two departments share synergy and that combining them should add good value. Mr. Shannon and Ms. Wuthnow also provided input and answered questions from the Council.

**Moved by Fralick, seconded by Peterson, to direct the County Administrator to prepare an ordinance seeking to combine the Parks and Fair Departments.** Mr. Myhr expressed his concerns. **Motion carried with Myhr opposed.**

Mr. Rose then answered questions regarding the fairground overlay district.

**3:30 PM ADJOURN AND SIGN DOCUMENTATION:** (Time Approximate) Council Chair Peterson adjourned the meeting at 3:15 p.m. A Special Meeting was scheduled for Monday, November 9, at 8:30 a.m. and the next Regular Meeting was scheduled for Tuesday, November 10, 2009.

APPOINTMENTS:

1. EPRC member (refer to CLERK UPDATE AND COUNCIL ADMINISTRATIVE MATTERS, for details of action taken).

BUDGET ITEMS/WARRANTS:

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

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS:

1. Inter-local Agreement between SJC and Island County, jail services (refer to the Consent Agenda, section B. Contracts/Agreements, for details of action taken).

2. MOU with the Sheriff's Guild regarding pay (refer to COUNTY ADMINISTRATOR ITEMS, 2:00 PM, for details of action taken).

CORRESPONDENCE: (No items.)

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

1. **Resolution 40-2009:** Road Vacation (refer to CLERK UPDATE AND COUNCIL ADMINISTRATIVE MATTERS, for details of action taken).

PERSONNEL ITEMS: (No items.)

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**COUNTY COUNCIL, SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on Tuesday, November 10, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.**