

**MEETING MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
Monday, February 9 and 10, 2009**

**Monday, February 9, 2009 - Council Hearing Room, Legislative Building, Friday Harbor**

**10:00 AM                    CALL TO ORDER**

Council Chair Peterson called the Staff Meeting/Work Session to order at 10:00 a.m. Council members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks Maureen See and Lisa Brown; and interested members of the public were present. Mr. Peterson recognized the Centennial birthday of the Town of Friday Harbor and various celebration events were noted by the Council.

**CITIZENS' ACCESS TIME**

**Liz Illg, Scenic Byway Coordinator; and Laura Tretter, Transportation Summit Organizer**, were present to thank the Council for their support in the Transportation Summit held on September 17, 2008. Ms. Tretter provided each Council Member with a DVD that she and Ms. Illg put together, containing a video of the seven presenters and an electronic file of materials presented to refer back to constituent desires as they continue to deal with transportation issues. Ms. Tretter also thanked Tom Munsey, Public Access TV, and Darin Obrien, San Juan Islands TV, for recording, and Lloyd Warren for arranging the DVD. Ms. Illg, also a Town Council Member, then invited the Council to the Town of Friday Harbor centennial festivities this afternoon and evening.

**10:15 AM                    CLERK UPDATE & ADMINISTRATIVE MATTERS:** (Commenced at 10:07 a.m.) Ann Larson, Clerk to the Council (Verbal)

Ms. Larson requested Council approval and signatures today, due to time sensitivity, on letters of support to Community Development and Planning, Eastsound Sewer and Water District, and on the House Bill. The following action took place: **Moved by Rosenfeld, seconded by Knapp, to approve the signing of these three letters. Motion carried unanimously.** Ms. Larson then reviewed upcoming agendas and calendar items with the Council.

Committee Membership: Ms. See reported on upcoming advertising for committee membership, requested a review on Policy Group membership, and specifications on Mr. Rosenfeld's term on the Ferry Advisory Committee. Ms. See provided a list of applicants to the Deer Harbor Planning Review Committee for Council consideration. Mr. Myhr asked that Mr. Fralick and Mr. Knapp, the two Orcas Council Members, serve as a subcommittee on this and make a recommendation to the Council. **The Council agreed by consensus.**

Council agendas, schedules, and calendar items were discussed. Mr. Peterson noted three important resolutions on consent, two of which would be discussed under Mr. Rose's County Administrator (CA) report. Mr. Rose pointed out that the third was pertaining to housekeeping from the Fisherman Bay project.

**10:25 AM                    COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:** (Commenced at 10:21 a.m.)

**Small Business Association Disaster Relief Sign:** Mr. Peterson reported on a complaint he had gotten regarding the SBA sign, stating that it is too big, illegal, and wouldn't be allowed anywhere else, and asked Mr. Rose how long it would be in place. Mr. Rose said that it would be coming down almost immediately. Mr. Rosenfeld said he thought there may be a provision for a temporary banner in the Town Sign Ordinance.

**Ferries/Ferry Advisory Committee (FAC):** Mr. Rosenfeld reported that the FAC would be meeting tomorrow at 8:30 a.m. and that two other Council Members could attend. He noted that there is a new version of the posters the Council endorsed encouraging people to sign the on-line ferry petition showing Town Council endorsement, and encouraged as many on-line signatures and as much publicity as possible in leading up to the rally on February 18, 2009, noting that he, would be attending a meeting at WSDOT this Friday, and Ms. Pratt and Mr. Sutton would be attending the Rally on Tuesday. Ms. Larson offered clarification to Mr. Rosenfeld's term as Chair of the FAC, noting that this would be his final year to serve on that committee, as there is a one term limit of two years.

**Budget Subcommittee:** Mr. Fralick reported that the Budget Subcommittee had met once and would be meeting today to delve deeper into the issues.

**Cell Phone Taskforce:** Mr. Peterson reported that the taskforce met on February 4, 2009, to begin formulating the actual Ordinance. He noted that, due to budgeting, fair labor standards, and union issues, Alan Shayo would be unable to continue with this Taskforce and that Shireene Hale had replaced him. He expressed concern over losing historical background and that the Taskforce was surprised by Ms. Hale's announcement that they may be behind the curve in having an Ordinance in time for a 2009 Annual Docket consideration. He said the committee was frustrated to have missed the 2008 Docket, and that they are confident they will meet the time constraints for this year. He reported that the next meeting was scheduled for February 26, 2009 and hopes to have a draft ordinance by then. Council discussion took place and Mr. Peterson answered questions from the Council. Mr. Rosenfeld suggested testing radiation output from the cell tower next to the Council offices and also wanted to make sure that siting of Amateur Radio facilities was included in the process. Mr. Peterson said he would look into this.

**General Government Subcommittee:** Mr. Knapp reported that the Enforcement Ordinance was on its way to the Planning Commission for their review and recommendation, and that for today's meeting the committee had 18 ordinances under review, which he recommended prioritizing. He said they would also discuss a citizen's complaint regarding the lack of a Building Board of Appeal. Mr. Knapp explained that the Uniform Building Code states there shall be one and that SJC does not have one.

**Electronics Recycling:** Mr. Myhr questioned why our transfer stations couldn't pass electronics, toxic, and precious metals on to legitimate recyclers. Steve Alexander, Solid Waste Manager, was present and answered questions from the Council, explaining that the County doesn't have adequate storage or space to contain the recyclable materials, keeping them free from water and vectors prior to turning them over to a recycler. Mr. Peterson inquired about whether this would be reviewed by the Solid Waste Advisory Committee (SWAC). Mr. Alexander said he would be meeting with Carrie Lacher, SWAC Chair, and see that this recycling issue gets on a future agenda.

**WSAC Legislative Rally:** Ms. Pratt referenced her notes that Ann provided to the Council. She reported on meetings that she, Mr. Myhr, Mr. Fralick, and Mr. Rose had with representatives from Districts 40, 30, 10, and 39; Senator Mary Margaret Haugen, Chair of the Senate Transportation Committee; and Representative Judy Clibborn, Chair of the House Transportation Committee, while attending the WSAC Legislative Rally in Olympia. She said it was a good opportunity to learn what the different state and county representatives saw as the important issues that the legislature is facing, with SJC's main focus being on ferries. She noted that everyone they spoke with understood that ferries are the only road to SJC. Ms. Pratt reported that there was a strong legislative coalition supporting the Anacortes/San Juans/Sidney ferry and is pushing for the Anacortes ferry terminal project as a good candidate for federal stimulus funding, which is estimated to provide 2,700 jobs over a period of two years. Ms. Pratt reported that stimulus funding, if appropriated there, would free funds identified for this purpose currently included in the State's Capital Fund budget. She also reported on budget deficits, the request to change the requirement for ferries to be built in Washington to allow for federal funding, the Neah Bay rescue tug, and that the Governor had announced that she would be disbanding several advisory committees, including the FACs.

**Lobbying Efforts** (Commenced at 11:54 a.m.) Mr. Peterson pointed out that, from Senator Ranker's point of view, he sees the need for increased presence in Olympia and tracking of bills and that the Council could not encompass as much as a lobbyist would. Mr. Myhr shared his assessment of the Rally, adding to Lovel's points and noting that Senator Haugen was SJC's biggest advocate regarding ferries being the only highway to SJC and that the Governor would be eliminating 56 boards and commissions by executive order over the next three years. He stated concerns regarding reductions in the state budget for chemical dependency issues. Mr. Myhr also reported on House Bill (HB) 1653 relating to the conflict between the Critical Areas Ordinance (CAO) and the Shoreline Master Program (SMP), noting that Washington State Association of Counties (WSAC) assures this will have a legislative "fix." The Council agreed to continue this discussion on Tuesday.

**11:00 AM COUNTY ADMINISTRATOR ITEMS:** Pete Rose, County Administrator; Dona Wuthnow, Parks Director; John Linde, Superior Court Judge; Angela Lausch, Affordable Housing Coordinator; and interested members of the public were present.

**1. Briefing on the Resolution to approve the Shaw Park Master Plan:** (Commenced at 11:13 a.m.) Mr. Rose introduced this item noting that through the planning process that park, tourist, and islander needs had been met in the proposed plan and that once adopted (slated for Consent tomorrow) by the Council, implementation and grant funding efforts would begin. Ms. Wuthnow gave a PowerPoint presentation review of the project and process; including maps, shoreline and forest concerns, solutions, funding, and access. Ms. Wuthnow answered questions from the Council.

**2. Superior Court Support Staff Position:** (Commenced at 11:02 a.m.) Mr. Rose pointed out that by statutory authority the Council is responsible for setting staffing levels of the County, with the exception of temporary and seasonal staff. He explained that Judge Linde had found a creative way to create an additional .5 FTE of budget-neutral staffing for his department. Judge Linde presented a plan explaining how, with the original staffing allocation to his department, combined with other expenses that would be offset by employing support staff with the right combination of skills and funding made available for "Therapeutic Court," he arrived at a 1.0 FTE to serve the needs of his department. Mr. Rose and Judge Linde answered questions from the Council and the following action took place: **Moved by Knapp, seconded by Rosenfeld, to approve the plan [increasing the Superior Court staffing level to 1.0 FTE]. Motion carried unanimously.**

**3. Senior Rental Subsidy:** (Commenced at 11:26 a.m.) Mr. Rose introduced this item, noting that in December when the Council had considered this amendment to the Housing Plan to include a portion of the recording fees for senior rental subsidy towards preventing homelessness, they inquired about including a residency requirement. He explained that the Prosecuting Attorney's (PA) office provided a legal opinion, stating that this would be unconstitutional. Mr. Rose answered questions from the Council and it was decided that the Housing Plan would remain on Consent, unless other options, such as including the requirement of being a registered voter, could be considered.

**11:30 AM DISCUSSION: Update on the Roche Harbor Master Plan.** (Commenced at 11:33 p.m.) Ron Henrickson, Director of Community Development and Planning (CD&P); Brent Snow, Roche Harbor (RH) General Manager; and interested members of the public.

Mr. Rose explained that the RH Resort Master Plan (RMP) had been adopted by prior commissioners and that Mr. Snow was present to explain development under the plan. Mr. Henrickson pointed out that Richard Hobbs, Architect, had been to CD&P to begin the next phase of development at RH and wanted to bring the process to the Council's attention to provide insight on a community developing in the islands. Mr. Snow provided a summary, including the history of the resort, converted from a mining operation in the late 50's, attributing its success to the principals applied. He explained how owner goals, together with the involvement of the community and CD&P, work to achieve a sense of place, protecting and preserving history, and ensuring long-term viability. Mr. Snow answered questions from the Council. Mr. Peterson stated that having RH in his district is something he is proud of and hopes Rosario experiences similar success.

**12:00 PM ADJOURN:** Mr. Peterson adjourned the meeting at 12:05 p.m.

<b>Tuesday, February 10, 2009 - Council Hearing Room, Legislative Building, Friday Harbor</b>
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**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, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

**CITIZENS' ACCESS TIME:** There were no public comments submitted.

**COUNCIL ADMINISTRATIVE MATTERS:**

**Minutes:** Moved by Rosenfeld, seconded by Fralick, to approve the **Minutes of January February 2 and 3, 2009.** Motion carried 5-0, with Knapp temporarily absent.

**Consent Agenda:** Moved by Myhr, seconded by Rosenfeld, to approve the **Consent Agenda of February 10, 2009**, as follows:

**A. Resolutions / Ordinances:**

1. A Resolution adopting a revised Homeless Prevention Plan with rent subsidies, rescinding the decision to require a 6 month residency requirement for eligibility for Senior Rental Subsidy Program
2. Resolution to Clear Title from the recording of the previous Resolution 13-2008, K & B Enterprises on Lopez, Inc., TPN 251133002
3. Resolution to Adopt a Master Plan for Shaw Island County Park

**B. Contracts/Agreements:** (No items.)

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

- Warrants #57745-57746 in amount of \$57.23 for Salary Commission reimbursement
- Warrants #57671-57699 in amount of \$13,102.48 for Public Works Claims
- Warrants #57602-57662 in amount of \$32,361.53 for County Claims
- Warrants #57663-57670 in amount of \$104,800.14 for Public Works
- Warrants #57536-57601 in amount of \$123,816.20 for County Claims
- Warrant #57800 in amount of \$169.53 for County Claims
- Warrant #57809 in amount of \$4,000 for County Claims
- Warrant #57808 in amount of \$1,000 for Veteran's Assistance

**D. Personnel:** (No items.)

**E. Appointments:** (No items.)

**F. Correspondence:** (No items.)

**G. Miscellaneous:** (No items.)

**H. Bid Openings:** (No items.)

Motion carried unanimously, with Pratt abstaining from approval of Warrants [C. Budget Items.].

**10:15 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Lobbying Efforts:** Ms. Pratt laid out the various Council options as follows: 1) hire a lobbyist, 2) partner with another ferry served County that has hired a lobbyist, or 3) increase Council presence in Olympia. Discussion regarding each of these options and how they would impact the County took place. Mr. Fralick reported that Senator Ranker, Representative Morris, and Representative Quall (40<sup>th</sup> District legislators) offered to make themselves available for a weekly phone call with SJC Council members to share information and listen to SJC concerns. Ms. Pratt explained that Senator Ranker also recognized this would be valuable to him and his colleagues at the State level by maintaining regular contact with each other. Ms. Pratt suggested, as the discussion led in the direction of not hiring a lobbyist, that the Council determine who is willing to go [to Olympia], how often, and when, and that they keep a calendar of upcoming legislation that would be important for a SJC Council member to be present to weigh in on. Mr. Myhr expressed confidence in Scott Merriman, WSAC Deputy Director, and Eric Johnson's, WSAC Executive Director, interest in keeping SJC apprised of specific things that would be of interest for SJC to hone in on. He also expressed his confidence in the relationship SJC has with its legislators, but isn't sure to what extent that influence would carry beyond the 40<sup>th</sup> district. Council discussion took place regarding scheduling a regular Monday morning telephone conference with Ranker, Morris, and Quall, and which Council member would take responsible charge, regarding this and matters in Olympia, as a legislative liaison. **It was agreed by Council consensus that Mr. Fralick would act in this capacity.**

**Taping of Executive Sessions:** (Commenced at 10:46 a.m.) Mr. Myhr reported on a Bill, that WSAC has been working on with the Attorney General, regarding OPMA executive session violations to result in taping of future executive sessions as a punitive measure. He also reported that a WSAC committee was working on updating its articles and bylaws in an effort to bring more institutionalization into WSAC for the Westside counties and specifically the ones that will affect the Coastal Counties Caucus (CCC).

**Critical Areas Ordinance (CAO) / Shoreline Master Program (SMP):** Mr. Myhr referenced the suspension of work on the CAO, attributing this to both staff and committee members being currently unavailable and the wait for a legislative cure. He noted that Mr. Merriman insists that HB 1653 will solve issues for the conflict between the SMP and the CAO. Council discussion took place regarding this.

**Ferry Advisory Committee (FAC):** Mr. Rosenfeld noted that he would be attending a meeting at WSDOT this Friday, and Ms. Pratt and Mr. Sutton would be attending the Rally on Tuesday and meeting with legislators in Olympia. He requested clarification on the message they would convey. Ed Sutton, FAC Chair, introduced FAC members present Lance Evans, Orcas; Rob deGavre, SJI; Pat McKay, SJI; Jon Whetten Lopez; and Jay Brantigan, Shaw; and stated that he would be attending meetings at the Rally as well, and wanted to be talking from the same script. He reported on the Governor's announcement to disband FACs. He also reported on efforts and participation of other FACs and discussed strategy with the Council. Mr. Knapp suggested placing a map showing the remoteness of the islands from the mainland above the bullet points conveying SJC's message. Mr. deGavre listed proposed bullet points as follows: 1) no reduction in service, 2) affordable fares, and 3) near-term construction of 144-class ferries. Mr. Rose suggested that Mr. Matthews work on putting bullet points together with a map and making it available for Mr. Sutton and the Council.

**11:00 AM**                    **DISCUSSION: Retreat Report and Follow-up.** (Originally scheduled for 2:30 p.m.) Pamela Morais, Human Resources Manager; and interested members of the public were present.

Ms. Morais referenced her draft of the priorities seeking Council edits for accuracy. Each priority was reviewed while she noted changes and Council discussion took place. Ms. Morais said she would revise the list and bring it back for further Council review.

**11:30 AM**                    **DISCUSSION: Agricultural Resource Committee Work Plan.** (Commenced at 11:36 a.m.) Eliza Buck, ARC Coordinator; Tim Clark, Agriculture Mapping; Bruce Gregory, ARC Chair; Candace Yagel, WSU Extension; Tom Shultz, WSU Extension Director; Kristine Dahl-Sesby, ARC Member; Rich Anderson, Westcott Bay Orchards; and interested members of the public were present.

Ms. Buck and Mr. Clark presented a PowerPoint overview of the ARC program and goals, and reported on the ARC 2009 work plan and grant report. They answered questions from the Council and Mr. Rose regarding farmland preservation, stewardship, commercial farming, farming census data, staffing and volunteers, and future needs such as infrastructure for year round farmers market and cool and cold storage to increase success in agriculture. Mr. Myhr noted the success of the mobile slaughter unit, originating in SJC, that several Seattle restaurants use the cache of beef raised on Lopez Island and stores have products with labeling of "Made in the San Juan Islands," and the idea of developing additional marketing. Mr. Rosenfeld raised the idea of agri-tourism and stressed the importance of no-net-loss of farmland. After Council discussion, the following action took place: **Moved by Pratt, seconded by Knapp, to approve the ARC 2009 work plan. Motion carried unanimously.**

**1:30 PM**                    **COUNTY ADMINISTRATOR ITEMS:** Pete Rose, County Administrator; Steve Marler, Fire Chief; Bob Lowe, Fire Marshal; Mike Harris, Orcas Fire Chief; Brad Creesy, Assistant Fire Chief; Bill Cumming, SJC Sheriff; Adina Cunningham, Deputy Director; Jon Shannon, Public Works Director; and interested members of the public were present.

**1. Map Project:** Mr. Shannon showcased aerial photos of Orcas and Lopez and offered to hang an aerial photo of this quality, including all islands, on the wall in the Legislative Hearing Room. Mr. Peterson thanked Mr. Shannon and the Council concurred that it in addition to being attractive, it would also be useful to look at context when considering land use issues.

**2. Update to the Fire Marshal Agreement:** (Commenced at 1:42 p.m.) Mr. Rose explained that Chiefs Marler and Harris were present from the Fire Districts to propose a modification to their existing inter-local agreement with SJC. He provided background information leading up to this request noting that their assumption was that the program would be up and running on its own fees soon. He outlined the proposal that the districts are making, including that SJC cover the first \$30,000 in cost overruns, and noted risk areas and options for Council consideration. Chief Marler reported on the recently updated fee schedule and shortfalls which are trending steadily smaller, explained the organization and benefits to the community, various roles and response protocols, and revenue streams of the fire districts. Mr. Rose and Chiefs Marler and Harris answered questions from the Council. Mr. Myhr concurred with Mr. Rose that it would be useful to encourage the Town of Friday Harbor to participate in this agreement.

**3. Joint Policy Planning Committee:** (Commenced at 1:33 p.m.) Mr. Rose reported on the need to staff this committee and begin work with the Town of Friday Harbor on resolving differences over infrastructure funding and the population calculation in the urban growth area (UGA) boundary and the following action took place: **Moved by Pratt, seconded by Knapp, to appoint Mr. Rosenfeld to that committee. Motion carried unanimously.** Mr. Myhr inquired about other appointees to the committee. Mr. Rose named membership as called out in an appendix to the Comprehensive Plan, as Administrator, Council Member, Planning Commissioner; and support staff, which would be selected by the Planning Commission this Friday.

**4. Small Business Association (SBA) Sign:** Mr. Rose noted, in response to Mr. Peterson's report on complaints regarding the SBA sign, that it would be gone by the end of the week.

**5. Safety Committee Background & Briefing:** (Commenced at 1:36 p.m.) Ms. Cunningham explained that, under state law, Counties are required to have a Safety Committee and that SJC currently has a resolution confirming this requirement, noting that she would be seeking appointment of two management members to the committee. She reviewed membership and responsibilities of the committee and answered questions from the Council. Mr. Myhr suggested that this action may need to come in the form of an ordinance due to its permanent nature and suggested having the General Government Subcommittee review it under the Charter.

**2:00 PM DISCUSSION: 2008 Year End Budget Review.** Milene Henley, Auditor; and interested members of the public were present.

Ms. Henley provided a year-end budget review showing comparisons to budgeted and actuals and total percentage of revenues received and taxes collected. She noted that real estate excise tax (REET) was down but that Lodging tax came in higher than forecasted. She also noted that permits are trending downward, which is an indicator of future economic activity. She also provided a glimpse into 2009 with figures in for January and answered questions from the Council.

**3:00 PM EXECUTIVE SESSION:**

Council Chair Peterson announced that the Council would be holding an **executive session** estimated to last approximately 45 minutes, to discuss labor contract negotiations pursuant to the provisions of RCW 42.30.140(4)(b). Participants: Pamela Morais, Human Resources Manager. The session ended at 3:45 p.m. for an actual session time of 45 minutes. No action was taken.

**3:45 PM ADJOURN AND SIGN DOCUMENTATION:** Mr. Peterson adjourned the meeting at 3:45 p.m. A meeting was scheduled for Monday, February 23, 2009, and the next regular Tuesday Meeting was scheduled for Tuesday, February 24, 2009.

APPOINTMENTS:

1. **Mr. Fralick and Mr. Knapp**, appointed to a **Deer Harbor Planning Review Committee Membership Subcommittee**. (See Monday, February 9, 2009, CLERK UPDATE & ADMINISTRATIVE MATTERS, 10:15 AM, for details of action taken.)
2. **Mr. Fralick**, appointed as **Legislative Liaison**. (See Tuesday, February 10, 2009, CLERK UPDATE & ADMINISTRATIVE MATTERS, 10:15 AM, Lobbying Efforts, for details of action taken.)
3. **Mr. Rosenfeld**, appointed to the **Joint Policy Planning Committee**. (See Tuesday, February 10, 2009, COUNTY ADMINISTRATOR ITEMS, 1:30 PM, Number 3, for details of action taken.)

BUDGET ITEMS/WARRANTS:

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

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE:

1. **Letter to Eastsound Sewer and Water District**
2. **Letter to CD&P**
3. **Letter to Legislators**

(See Monday, February 9, 2009, CLERK UPDATE & ADMINISTRATIVE MATTERS, 10:15 AM, for details of action taken.)

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

1. **Resolution 8-2008** (See Consent Agenda of February 10, 2009, A. Resolutions / Ordinances, for details of action taken.)
2. **Resolution 9-2008** (See Consent Agenda of February 10, 2009, A. Resolutions / Ordinances, for details of action taken.)
3. **Resolution 10-2008** (See Consent Agenda of February 10, 2009, A. Resolutions / Ordinances, for details of action taken.)

PERSONNEL ITEMS: (No items.)

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**These Minutes were approved and signed on Tuesday, February 24, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.**