

MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
June 15 and 16, 2009

Monday, June 15, 2009 – Legislative Hearing Room, 55 Second Street, Friday Harbor, WA

10:00 AM CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

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

10:15 AM CLERK UPDATE & ADMINISTRATIVE MATTERS: Ann Larson, Clerk to the Council.

Ms. Larson requested approval of two additional letters for Consent. The Council concurred.

Committee Updates: Maureen See reviewed committee expirations and appointments. Several were placed on Consent for tomorrow. Council discussion took place regarding Stormwater Advisory Committee positions. Mr. Rosenfeld inquired about revising the Ordinance regarding appointments. Mr. Myhr suggested appointing Buckholtz to the Stormwater Advisory Committee, since Kilduff had already been appointed to the Solid Waste Advisory Committee (SWAC), with Patti Miller as the at-large position, noting that a Town of Friday Harbor (TFH) applicant is being pursued. The Council requested moving the slate forward to Consent. Employee Recognition: Ms. See requested signatures on the Certificates of Recognition she had prepared. An Ordinance for technical committees was discussed and the idea was raised to include an allowance if no one with expertise is available from a required district, that the Council person from that district could acquiesce, allowing membership representation from another district. Ms. See and Ms. Larson reported that committees will be scheduled to report on their work-plans throughout the year. Ms. Pratt requested information regarding reporting timelines.

Minutes and agendas were reviewed. Mr. Peterson inquired about a project coordinator for the SWAC. Mr. Fralick asked for agenda time for the Waldron Air Strip issue. Mr. Rose commented on process regarding this. Mr. Peterson stated there was an additional 10:45 item added to tomorrow's agenda. Mr. Peterson inquired about the legal notice procedure for Public Hearings related to Budget Amendments and Mr. Rose explained the additional noticing requirements. The Council stated their availability on July 1, 2009, for a special meeting to hold the Public Hearing for Budget Amendments. Council discussion took place regarding the projected County revenue shortfall of \$1,020,000. Mr. Peterson reported on a conflict precluding him from being present at the BOH meeting this week.

10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported on the Washington State Ferries (WSF) meeting on the inter-island ferry. WSF is working with the Ferry Advisory Committee (FAC) on possible alternative scenarios of a draft schedule, with touring-watches being the sticking point. He reported that representatives from the Coast Guard are in communication with WSF regarding this. Ms. Pratt recommended sending three letters: 1) A letter to WSF, requesting they communicate with SJC, in a timely way, anything which is mandated that will affect level of service (LOS) for SJC, to which Mr. Rosenfeld explained that SJCC had been notified of the elimination of the touring watches, but were unaware of the severity of consequences to LOS. 2) A letter requesting an exemption, or an extension, on touring-watches. Mr. Rosenfeld stated the exemption request had been sent. 3) A letter from the full Council to State representatives requesting they support our position with the Coast Guard. The Council Concurred. Mr. Myhr inquired about safety issues related to the elimination of touring-watches.

Budget Subcommittee: Mr. Fralick reported that the subcommittee is working to meet the challenges of the budget prior to the hearing tomorrow.

Legislative Priorities & Lobbying Efforts: Mr. Myhr spoke regarding unfunded mandates and reported on the meeting he attended at Washington State Association of Counties (WSAC). He noted that Scott Merriman, WSAC Director, is looking for specific, clearly articulated, unfunded mandate items to address.

General Government Subcommittee: Mr. Knapp reported that the subcommittee would be meeting to review draft ordinances this afternoon.

Additional Updates & Discussion Items: Mr. Rosenfeld stated that the **SJC Climate Change Ordinance**, item 8, requires County departments to switch to more fuel efficient, hybrid vehicles when appropriate. It had been brought to his attention that the Assessor purchased three new escapes, not hybrids, and that the Sheriff also bought non-hybrid cars. He asked if staff knew about the Climate Change Ordinance. Mr. Knapp argued the case for non-hybrid cars for the Sheriff's Department. Mr. Rosenfeld distributed booklets regarding development and the **Critical Areas Ordinance**, provided by a constituent. Council discussion took place. Mr. Fralick reported that he and Mr. Knapp met with the **Waldron community** to update them on current SJC affairs. Residents requested assistance in dealing with **hazardous waste disposal** problems on outer islands.

11:00 AM PRESENTATION: Puget Sound Partnership (PSP) Update – Tom Cowan, San Juan PSP Regional Liaison; Neil Aaland, WSAC Program Consultant; Mary Knackstadt, MRC Coordinator; Amy Windrope, San Juan Initiative Project Coordinator; Barbara Rosenkotter, Lead Entity Coordinator; and interested members of the public were present.

Mr. Cowan began with a PowerPoint presentation on the PSP, outlining the organization, work priorities, Action Agenda, strategies, and funding programs. He noted that he would no longer be the liaison for SJC, but that a new position had evolved as the Recovery Implementation Coordinator, which will be held by Linda Leisha. Mr. Peterson inquired about the request to have Council representation on the PSP. Mr. Cowan explained that it would involve some travel and would get back to the Council regarding the extent of participation. Mr. Aaland explained how WSAC is involved in support of the Action Agenda. He, and a variety of staff, are available to assist counties with tracking progress and evaluating policies regarding the Action Agenda. He reviewed funding for implementation; stormwater monitoring through regional assessment; and in-lieu mitigations. Mr. Aaland and Mr. Cowan answered questions from the Council throughout their presentation and learned about local issues regarding stormwater monitoring, SJC stormwater tax, and possible duplicative efforts by SJC. Mr. Rose, Ms. Knackstadt, Ms. Windrope, and Ms. Rosenkotter, also provided input. Mary Knackstadt explained why this information is necessary. Mr. Peterson questioned the plan that is preparing a system to comply with something that SJC has already moved ahead on. Mr. Rose and Mr. Myhr clarified the process. Ms. Pratt expressed limitations and disadvantages to SJC due to its size. Mr. Cowan reviewed materials he had provided to the Council, outlining implementation benefits, threats, and priorities for San Juan County. He reported that if Federal stimulus funding does come through to Washington for the PSP, their highest priority would be derelict gear removal in SJC. He stressed the importance of integrating work between plans and organizations, combining resources to accomplish goals of the Action Agenda, with education and outreach of critical importance. Council discussion continued with the panel answering questions and providing input.

12:00 PM COUNTY ADMINISTRATOR ITEMS:

1. Classification Committee Update & Recommendation – Pete Rose, County Administrator; Pamela Morais, Human Resources Manager; Jan Sears, Auditor; and interested members of the public were present.

Ms. Morais presented the results of the classification committee in a PowerPoint presentation. She explained that this study had been conducted according to the bargaining agreement to achieve internal equity, noting that an additional study is underway to look at ratings for all positions and said discussion on compensation philosophy is scheduled in August. She reviewed measures and the "weight" system, noting that Market Data Research overrides the point system. Ms. Morais answered questions from the Council and the following motion was made:

Moved by Fralick, seconded by Knapp, to approve the job reclassification and the classifications for the new positions recommended by the classification committee and this report. Ms. Morais read from language in the Contract, noting that this portion had been held out of the contract for separate negotiations in the future. Mr. Rosenfeld expressed concern regarding the budget constraints and not having a choice in this matter. Ms. Sears also provided input. **Motion carried unanimously.**

12:30 PM ADJOURN: Council Chair Peterson adjourned the meeting at 12:26 p.m.

Tuesday, June 16, 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, Ann Larson; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

CITIZENS' ACCESS TIME

Edie DesChaddenés, distributed a pamphlet and described the "Friends and Neighbors" program, a once informal help group that is now run from the Mullis Center.

COUNCIL ADMINISTRATIVE MATTERS

Minutes of June 5, and June 8 and 9, 2009: Moved by Fralick, seconded by Knapp, **to approve the Minutes of June 5, and June 8 and 9, 2009.** Motion carried unanimously.

Consent Agenda of June 16, 2009: Moved by Myhr, second by Rosenfeld, **to approve the Consent agenda of June 16, 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 #63572-63613 in the amount of \$84,262.35 for Public Works
- Warrants #62614-63705 in the amount of \$96,296.78 for County Claims
- Request for approval of interfund transfers for the month of May, 2009

D. Personnel: (No items.)

E. Appointments:

1. A letter reappointing Gulliver Rankin to the Eastsound Planning Review Committee, the term to begin immediately and expire on May 31, 2011.
2. A letter reappointing Audrey Moreland to the Eastsound Planning Review Committee, the term to begin immediately and expire on May 31, 2011.
3. A letter reappointing Carl Bender to the North West Senior Services committee, the term to begin immediately and expire on June 30, 2012.
4. A letter appointing Ed Bailey to the Storm Water Advisory Committee, the term expiring in January, 2013 (District #1).
5. A letter appointing Mike Kaill to the Storm Water Advisory Committee, the term expiring in January, 2011 (District #2).
6. A letter appointing Gulliver Rankin to the Storm Water Advisory Committee, the term expiring in January 2013 (District #4).
7. A letter appointing Robin Kucklick to the Storm Water Advisory Committee, the term expiring in January 2011 (District #5).
8. A letter appointing Bob Buchholz to the Storm Water Advisory Committee, the term expiring in January 2011 (District #6).
9. A letter appointing Patty Miller as the At Large Position, Storm Water Advisory Committee, the term expiring in January 2013 (District #1).
10. A letter appointing Howie Rosenfeld to the SJC Solid Waste Advisory Committee, Position #10, the term expiring on June 30, 2012.
11. A letter thanking Ed Kilduff for applying to the Storm Water Advisory Committee.

F. Correspondence:

1. A letter of support to Raul Julia-Levy for the filming of the reality series or documentary film called "An Orca's Journey".
2. A letter in support of the Northwest Agriculture Business Center's grant request for a Rural Cooperative Development Grant.

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

Council Member Updates: Mr. Rosenfeld reported that Moseley, WSF Director, is now in communication with the Coast Guard regarding touring-watches. Mr. Peterson reported on the Critical Areas Ordinance (CAO) meeting. Council discussion took place and the Council requested that Mr. Rose hold an additional public meeting on SJI in a space that can accommodate a larger crowd and inquired about locations on Lopez and Orcas.

10:20 AM DISCUSSION: Agricultural Resources Committee (ARC) Progress Report – Eliza Buck, ARC Coordinator; Ron Zee, ARC Chair; Peggy Bill, ARC Farmland Preservation Subcommittee Chair; Tim Clark, Farmland Preservation Project Coordinator; Hawk Pingree, ARC Vice-Chair; and Tom Schultz, Farm Enrichment Subcommittee Chair.

Mr. Zee introduced ARC members and staff present and thanked the Council for making agriculture a primary issue in SJC and allowing the ARC to report on their activities and provide policy recommendation. Mr. Clark reported regarding the Agriculture Mapping Project, noting that it provides important baseline information. Ms. Bill provided a report on No Net Loss of Agricultural Resource Lands (NNLRL), noting that currently 13,891 acres are designated as Ag Resource Lands (ARL). Ms. Bill reviewed history of the draft ARC policy and statewide measures, She reviewed the NNLRL Policy provided to the Council by the ARC, noting no net loss of the 13,891 acres, incentives, de-designation, and mitigation lands - requesting a mitigation strategy be included in SJC Code. She also answered questions from the Council. Tim Clark provided an update on Open Space Farm and Agricultural Land and answered questions from the Council. Mr. Rose made note that Ms. Pratt inquired about ensuring farms would not be at risk of losing their designation during the waiting period. Mr. Zee provided a summary, addressing the economic down-turn, climate change and droughts, and the related food crisis. Suggestions for additions to the Resolution were offered by Ms. Pratt as follows; 1) add a whereas addressing the importance of increased self-sufficiency regarding emergency preparedness, 2) a whereas talking about the historic role of SJC as a major provider of agricultural crops, and 3) a whereas to include the fact that new technology and the updated soils analysis provides an opportunity to better identify agriculture resource lands. Mr. Peterson addressed a possibility of an exception on de-designations related to mapping errors and soils analysis. He also inquired about the GMA relationship regarding this. Ms. Pratt suggested quoting from the GMA regarding this and adding a means to de-designate inappropriately identified lands as part of the resolution. The panel answered additional questions from the Council and the Council asked that the Draft Resolution be submitted to Mr. Knapp of the General Government Subcommittee, which he offered to forward to the Prosecuting Attorney. Ms. Pratt also requested that legislation to address L & I issues with farm internships and apprenticeships be added to the Work Plan.

10:45 AM DISCUSSION: 50 Percent Width of Shoreline Development Coverage Code (SJCC 18.50.330 B(13)) – Ron Henrickson, Community Development & Planning (CD&P) Director; Randall Gaylord, Prosecuting Attorney (PA); and interested members of the public were present.

Mr. Henrickson provided a draft hand-out and overhead demonstration to the Council on how building envelopes are determined for structures on waterfront lots, within the 200 foot setback. Mr. Henrickson and Mr. Gaylord answered questions from the Council. Jack Cory, who served on the committee that developed the regulations, also provided input. Mr. Henrickson explained that his interpretation was based on the Code, not the policy that Mr. Cory submitted. Council discussion took place. Bruce Williams, Contractor, commented on the ruling. Mr. Gaylord offered recommendations on how the Council could approach resolution. Mr. Peterson expressed his desire to arrive at a solution where common sense is considered when following the rules defeats the intent of why the rules were made. Changing the Code was discussed by the Council and Ms. Pratt pointed out that this issue is not on the Council priority list. Mr. Peterson concluded by stating his hope that the building could be moved by 5 feet in the envelope, to fit within the old policy, so that the project could meet approval and proceed.

11:00 AM DISCUSSION: Environmental Health Program Update – Mark Tompkins, Environmental Health Manager; and interested members of the public were present.

Mr. Tompkins provided a PowerPoint presentation and updated the Council on the activities of the Environmental Health Department, which exists primarily for public safety. He provided history; staffing information - declining since 1998, with two new state mandates; and funding information. He reviewed the various programs, and explained oversight regarding drinking water, groundwater monitoring and resource protection; solid waste; sewage disposal, for which his department trained over 1000 property owners in 18 months; food safety; living environment safety; and vectors. Mr. Tompkins answered questions from the Council.

11:30 AM COMMITTEE REPORT: Noxious Weed Board (NWB) Work Plan – Amanda Azous, Noxious Weed Board Chair; Richard Lee, Noxious Weed Board Coordinator; and interested members of the public were present.

Ms. Azous reviewed her Committee Report with the Council, noting that this is a “banner year” for Scotch Broom. Ms. Azous and Mr. Lee answered questions from the Council regarding the proliferation of noxious weeds and the conditions leading to this situation; the NWB notification and enforcement policy; and areas of concentration.

1:30 PM COUNTY ADMINISTRATOR ITEMS

1. Discussion: Park and Land Bank Revised Enforcement Ordinance (second touch) – Karen Vedder, Deputy PA; and interested members of the public were present.

Mr. Rose provided background regarding the Enforcement Ordinance. Ms. Vedder reviewed details of the Ordinance and answered questions from the Council. Mr. Knapp offered suggestions, including a change under section 100 (C) to read “all visitors to County Parks and Land Bank Preserves shall comply with this Ordinance and any limitations . . .” Ms. Vedder made the change and the following motion was made:

Moved by Myhr, seconded by Fralick, to move the Ordinance forward, with modifications, to public hearing on July 7, 2009. Motion carried unanimously.

REMINDER: Mr. Rose noted that he would be out of the office from Friday, June 19, through Friday, June 26, and that Mr. Henrickson would be attending the Orcas meeting and next Tuesday’s meeting as County Administrator Pro Tempore.

2:00 PM Discussion: An Introduction of Ordinances from the General Government Subcommittee – Randy Gaylord, Prosecuting Attorney

Mr. Gaylord provided an indexed packet of resolutions and ordinances from the General Government Subcommittee for review by the full Council. Discussion took place regarding the following:

Resolution for Advisory Board Appointments: Mr. Gaylord answered questions from the Council regarding representation on boards and committees. Council discussion took place with input from Mr. Rose and guidance from Mr. Gaylord. The Council requested referencing the application form in the Resolution and having the title include, “and other appointed boards and commissions.”

Allowing teleconference participation by the Council, ruling in advance, and the procedure to be followed was discussed. Ms. Pratt requested authority for the Council to attend by teleconference when away on county business, rather than unforeseen urgent business.

Council noted that the General Government Subcommittee had reviewed the ordinances and resolutions, that there would be time for future review, and concurred to move the packet forward to public hearing.

2:30 PM PUBLIC HEARING: An Ordinance Amending the 2009 SJC Budget – Full Council, County Administrator, Pete Rose; Council Clerk, Ann Larson; Public Hearings Specialist, Lisa Brown; Milene Henley, Auditor; John Manning; Health & Community Services Director; Jon Shannon, Public Works Director; Sheriff Bill Cumming; available County Staff; and interested members of the public were present.

Mr. Rose introduced the ordinance, based on the Auditor's budget review, projections, and Council direction. He noted that Mr. Manning, was available to provide detail on the proposal for Community Services.

Ms. Henley provided a spreadsheet outlining two scenarios, one as proposed and an alternate, including a one year Road Shift of \$100,000 to achieve the 10% operating reserve. She reviewed details regarding reduced projections in sales and lodging tax and personnel costs related to lay-offs. Mr. Manning answered questions regarding the Health & Community Services programs. Mr. Shannon provided motor-pool clarification and answered questions from the Council. Mr. Knapp inquired about the Sheriff's budget related to a reserve officer hire. Ms. Henley and Sheriff Cumming answered questions from the Council. Community Development & Planning reductions were also addressed. Public Testimony was opened and submitted by Oscar Smaalders, Charles Anderson, Randall Gaylord, and John Manning, and was left open. Ms. Henley answered additional questions from the Council and the following motion was made:

Moved by Myhr, seconded by Fralick, to direct staff to immediately implement staff reductions proposed in the draft ordinance, with the exception of Council staff. Motion carried unanimously.

Mr. Peterson addressed Mr. Gaylord's request to keep \$1,050.00 in his M&O budget. Mr. Rose suggested the Council postpone a decision regarding that until the July 1st hearing. Mr. Myhr also commented on reductions, noting other counties are facing similar reductions. Mr. Peterson continued the public hearing to July 1, 2009, at 9:00 AM.

4:00 PM ADJOURN AND SIGN DOCUMENTATION: Council Chair Peterson adjourned the meeting at 3:53 p.m. The next meeting is a Special Meeting scheduled for June 22, 2009, on Orcas Island, and the next regular Meeting is scheduled for Tuesday, June 23, 2009.

APPOINTMENTS:

1. See Consent Agenda, section E. Appointments.

BUDGET ITEMS/WARRANTS:

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

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE:

1. See Consent Agenda, section F. Correspondence.

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS: (No items.)

PERSONNEL ITEMS:

1. Reclassifications: See Monday, 12:00, COUNTY ADMINISTRATOR ITEMS, No. 1, for details of action taken.
2. Reductions in Force: See Tuesday, 2:30, PUBLIC HEARING, for details of action taken.

COUNTY COUNCIL, SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on Tuesday, June 23, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.