

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
August 10 and 11, 2009**

Monday, August 10, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER STAFF MEETING & COUNCIL WORK SESSION

Council Chair Peterson called the meeting to order at 10:01 a.m. 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 Clerk, Maureen See; and interested members of the public were present.

CITIZENS ACCESS

Chair Peterson opened the meeting with brief comments regarding the process of citizen's access time, and his intention to facilitate the allotment of time with proper decorum.

Jack Cory responded to the Chair's comments by stating that people are free to say what they want and should not be restricted during Citizen's Access time. Chair Peterson then read a written statement from the Prosecuting Attorney's office describing the purpose and spirit of citizen's access time.

Sam Buck read a statement to the Council describing his family history, and his compelling interest in the San Juan Islands and San Juan County. He urged the Council to protect its citizens.

Bob Levinson read his letter to the Council stating his concerns over the Critical Areas Ordinance issues, emphasizing bank stabilization and prescriptive buffers. He offered his expertise to the Council regarding natural shoreline rockeries and reinforcements.

10:17 AM CLERK UPDATE AND ADMINISTRATIVE MATTERS

Clerk to the Council Ingrid Gabriel reported a change in today's agenda time, and the rescheduling of Captain Englebert and David Moseley to a September meeting date with County Council.

Committee Updates: Deputy Clerk Maureen See reported on three members from the Agricultural Resources Committee who would like to be reappointed: R. Bruce Gregory, Jane Burton-Bell, and Peter Corning. Council requested their reappointments be placed on Consent for tomorrow. Ms. See also reported that an Advisory Committee vacancy ad will be published this month.

Minutes and agendas: No corrections to Minutes. There will not be a meeting on Monday, August 25. Short discussion followed regarding an agenda item scheduled for tomorrow's meeting involving the levy lift. Clerk Gabriel was asked to provide a calendar for the Council to discuss.

10:27 AM COUNCIL MEMBER UPDATES AND DISCUSSION ITEMS

Border Patrol: Mr. Rosenfeld announced that he has been invited to Senator Cantwell's office on August 16 to meet with local businesses and others regarding border patrol and profiling. The Council supports Mr. Rosenfeld's attendance at this meeting.

FAC/Ferries/Intermodal: Mr. Rosenfeld reported that the Ferry Advisory Committee will meet on Tuesday, August 11, 2009. He also reported he met with Anacortes Mayor Maxwell in Senator Ranker's office recently. Discussions will continue with regard to increasing ferry boats during the 2010 Olympics and the potential economic boom for the islands.

Budget Subcommittee: Mr. Fralick announced that a Council discussion will be held today between 3-4 pm.

Legislative Priorities: Discussion followed describing the history of choosing the priority list. Ms. Pratt suggested that farm internships and assessments of community land trust properties be added to the legislative priorities.

General Government Subcommittee: Meeting has been switched to 1:30 pm

Additional Updates:

Mr. Fralick reported that he and Mr. Knapp had a very successful town meeting on Orcas, on August 6. There was an excellent turn out, and the discussions were animated and respectful.

Mr. Rosenfeld reported that the Town of Friday Harbor has approved the concept of banning Styrofoam use for take out food containers.

Mr. Peterson opened discussion on the NOAA exclusion (no go zone) issue. He recommended continued dialogue that includes the Economic Development Council and the Town of Friday Harbor. He also recommended that we should invite someone from NOAA to the August 25, 2009, CAO workshop.

10:45 AM Keepers of the Patos Light House

Denise Wilk, Vice President of preservation of Patos Light House, gave a lively presentation to the Council, welcoming all to visit this historic place. The Bureau of Land Management provided funds for the restoration of the lighthouse.

11:20 AM Joseph Romero was scheduled to give a U. S. Census Report, however, this will be rescheduled with a another representative.

11:25 AM COUNTY ADMINISTRATOR

DISCUSSION: Comprehensive Shoreline Master Program Update - Shireene Hale, Senior Planner II, Community Development and Planning, and Amy Windrope and Jim Kramer, San Juan Initiative, Randy Gaylord, Prosecuting Attorney

Mr. Rose introduced Ms. Hale, Ms. Windrope and Mr. Kramer. Mr. Rose stated that the issue before the Council is how San Juan County will proceed with the necessary and/or required updates and amendments to shoreline policies and regulations (the Shoreline Master Program). His recommendations are:

1. Begin project planning and contracting processes to start comprehensive SMP update in January 2010, using grant money by Dept of Ecology;
2. Join with San Juan Initiative to do public outreach that includes field meetings and exploration of buffer concept;
3. Allow Essential Public Facility amendments to proceed on their own with 2009 Comp Plan docket;
4. Reach separate understanding of any requirements that National Marine Fisheries Service biological opinion of 2008, and determine its weight as FEMA implements its work plan pertaining to local governments.

A long and comprehensive discussion followed by the County Council. The following motion was made:

Moved by Pratt, seconded by Myhr, that the County Council begin the process of the Comprehensive Shoreline Master Program Update no later than January 1, 2010 and to direct the Staff to immediately begin work to:

- **Begin the process of scoping the project;**
- **Begin the process of developing the grant agreement;**
- **Develop a public participation plan and bring it to the County Council for review and approval;**
- **Authorize the San Juan Initiative to facilitate a portion of the public participation plan as presented in today's staff report, Attachment C;**
- **Develop a calendar for the SMA update process;**
- **Advance the Shoreline Essential Public Facility amendments as a minor SMA amendment.**

Motion carried unanimously.

12:36 PM RECESS

3:00 PM RECONVENE (Commenced at 3:04 p.m.)

Mr. Knapp indicated that the Hearing Examiner contract is up for renewal again, and he asked the Council about the possibility of opening recruitment for more applicants. Discussion followed. The suggestion was made to get feedback from the community.

3:05 PM Budget Subcommittee Report - Milene Henley, Auditor, and interested members of the public were present. (Commenced at 3:07 p.m.)

From the recommendations of the Budget Subcommittee, Mr. Fralick opened discussion on the levy lid lift. The committee proposed two alternate of resolutions: a permanent lift, or a temporary lift (6 years). Long discussion followed, exploring expenses and revenues, sustainability, the idea of permanent vs. 6 year lift.

4:00 PM U.S. Congressman Rick Larsen, and Adam Lemieux, Legislative Liaison, and Liz Illg, Town of Friday Harbor Council Member

Congressman Larsen gave an update to the Council on some of the themes he has been working on that may affect the San Juan Islands. He reiterated that his office is open to help, so please call if you want help. Congressman Larsen touched upon affordable housing, transportation, ferry system, NOAA, veterans, agriculture, scenic byways. The County Council asked about FEMA, extra ferries during the Olympics, stimulus packages, and health care. The Council thanked Congressman Larsen for his support with Mitchell Hill, work with BLM, the Cattle Point Road relocation project, and the Guard St. completion. The Congressman suggested that requests for assistance be specific and priority driven.

Tuesday, August 11, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

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 Clerk, Lisa Brown; and interested members of the public were present.

COUNCIL ADMINISTRATIVE MATTERS

Minutes: Moved by Myhr, seconded by Fralick, to approve the Minutes of **July 27, 2009**. Motion carried with Rosenfeld abstained.

Consent Agenda: Moved by Myhr, seconded by Fralick, to adopt the **Consent Agenda of August 11, 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 #66518-66570 in the amount of \$89,953.51 for Public Works
- Warrants #66422-66517 in the amount of \$179,491.63 for County Claims
- Warrants #66074-66210 in the amount of \$221,758.86 for County Claims
- Warrants #66211-66260 in the amount of \$156,091.30 for Public Works
- Warrant #66261 in the amount of \$5,797.95 for Public Works
- Warrants #66262-66264 in the amount of \$1,024.71 for Veteran's Assistance

D. Personnel: (No items.)

E. Appointments:

1. A letter reappointing R. Bruce Gregory to the Agricultural Resources Committee, the term to continue through August 31, 2013.
2. A letter reappointing Peter Corning to the Agricultural Resources Committee, the term to continue through August 31, 2013.

3. A letter reappointing Jane Burton-Bell to the Agricultural Resources Committee, the term to continue through August 31, 2013.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

(Following the 2:50 p.m. Public Meeting, Mr. Peterson reported that the Council would be holding a closed session regarding collective bargaining at the end of the meeting.)

COUNCIL MEMBER UPDATES

Ferry/FAC/Intermodal: Mr. Rosenfeld reported on upcoming WSF meetings and a proposed summer fare surcharge.

SJC Fair: Ms. Pratt inquired about covering Fair shifts in the SJC booth.

Council discussion took place regarding public meetings on the CAO and introducing the idea of a levy lift. Mr. Rosenfeld noted that he would be meeting at Senator Cantwell's office on August 19, 2009.

10:20 AM PUBLIC HEARING: Proposed Ordinance to Amend Ordinances 59-2008, 8-2009, 9-2009, 10-2009, and 18-2009, by Revising San Juan County 2009 General Fund budget appropriations downward, and making minor changes in other funds. Present: Full Council, Pete Rose, County Administrator; Ingrid Gabriel, Clerk of the Council; Lisa Brown, Public Hearings Specialist; Milene Henley, Auditor; Pete Rose, County Administrator; Randall Gaylord, Prosecuting Attorney; John Linde, Superior Court Judge; Tom Kearney, Juvenile Court Administrator; Joan White, SJC Clerk; Karen Vedder, Deputy Prosecuting Attorney; and interested members of the public.

Mr. Rose introduced this hearing as Phase 2 of budget reductions, to account for the remaining \$117,000 deficit in the 2009 general fund budget, noting concern that cuts this deep impact service levels. Ms. Henley provided details regarding changes in the Superior Court, Juvenile Court, and Health and Community Services budgets, including a \$59,000 diversion from the Road Fund as an option. Ms. Henley answered questions from the Council. Public testimony was opened, submitted by Mr. Gaylord, Judge Linde, Mr. Kearney, Ms. White, and Ms. Vedder, and closed with the right to reopen. Ms. Henley answered additional questions from the Council regarding the mental health tax, Information Services (IS) accounting, the prosecutor's request for additional funding, and the potential need for supplemental appropriations in several departments prior to the end of the year. Mr. Rose also provided input. The following action then took place:

Moved by Myhr, seconded by Knapp, to add \$15,000 back into this amendment ordinance for PA office. Ms. Pratt pointed out that the request was for \$12,000. Ms. Henley and Mr. Gaylord explained the request and answered questions from the Council. **Mr. Myhr amended his motion to the amount of \$12,000, which was approved by Mr. Knapp. Motion carried with Pratt and Rosenfeld opposed.**

Mr. Fralick inquired about the source of this additional funding. Ms. Henley stated her assumption that this would come in as an additional amount from the Road Fund and the following action took place:

Moved by Myhr, seconded by Peterson, to increase the amount transferred from the Road Fund by \$12,000. Motion carried unanimously.

Moved by Fralick, seconded by Pratt, to pass an Ordinance Amending Ordinances 59-2008, 8-2009, 9-2009, 10-2009, and 18-2009, by Revising San Juan County 2009 General Fund budget appropriations downward, and making minor changes in other funds. Motion carried unanimously.

(Following the 2:50 p.m. Public Meeting, Ms. Henley reported an error in her calculation related to the transfer from the Road Fund, resulting in a total difference of \$15,000. She noted that she had made this change.)

10:50 AM **DISCUSSION:** Review of 2009 Council Priorities and comparison with Long Range Planning Tasks (Commenced at 11:20 a.m., due to time constraints.) Pete Rose, County Administrator; Shireene Hale and Colin Maycock, Senior Planners; and interested members of the public were present.

Mr. Rose gave a brief review of Council priorities and coinciding long range planning tasks. Ms. Hale reviewed the roster, including modifications recommended by the Council [in session July 28, 2009]. Ms. Hale explained that she was seeking direction from the Council regarding items for inclusion on the annual docket. Ms. Hale, Mr. Maycock, and Mr. Rose answered questions from the Council. Council discussion took place regarding their priorities, the CAO, and wireless communications improvement. Council Chair Peterson tabled this item until after the public hearing regarding the Waldron Airstrip. After the hearing, discussion regarding planning resumed. Mr. Maycock stated that Ms. Hale would focus on comprehensive plan changes that need to come as part of the docket, while he attends to the LAMIRD, signs, redesignations, and the remainder as time permits. Additional discussion took place regarding the CAO and the Shoreline Master Plan update. Ms. Hale and Mr. Rose answered questions from the Council. Ms. Hale also reported on an opportunity for counties to weigh in on considered changes to GMA compliance legislation. Mr. Fralick requested a copy of the document from Ms. Hale. Mr. Rose suggested conferring with the other small counties for a joint request approach. Mr. Myhr agreed to follow up with WSAC regarding this.

11:30 AM **PUBLIC HEARING:** Waldron Airstrip – Modification to Covenants, Conditions, and Restrictions (CCRs) (3rd Touch) – Present: Full Council, Pete Rose, County Administrator; Ingrid Gabriel, Clerk of the Council; Lisa Brown, Public Hearings Specialist; Milene Henley, Auditor; Pete Rose, County Administrator; Randall Gaylord, Prosecuting Attorney; Bill Carlson, Bill Appel, and interested members of the public.

Mr. Gaylord explained that the purpose of this hearing was to receive testimony regarding a proposal submitted to the Council to amend CCRs, dated July 24, 1984, that the County is a party to. He provided details of the request made by Mr. Appel and Mr. Carlson to amend the use on 10 of the 22 acres included in the airstrip property. Mr. Gaylord answered questions from the Council. Public testimony was opened, submitted by Mr. Appel, Mr. Bill Carlson, Peter Alexander, Oliver Wildress, and Mr. Mike Carlson, and closed. Mr. Gaylord answered additional questions and the following motion was made:

Moved by Fralick, seconded by Rosenfeld, that the Council consent to the preliminary proposal set forth in the memos dated July 27, and in the letter of May 11, 2009, direct the County Administrator to confirm and communicate that consent to the undersigned and authorize the County Administrator to execute the necessary and appropriate documentation consistent herewith on behalf of the County in form satisfactory to the County Administrator and approved as to form by the Prosecutor. Motion carried unanimously.

1:30 PM COUNTY ADMINISTRATOR ITEMS

1. Consideration of Levy Lid Lift Resolution and Ballot Language: County Administrator, Pete Rose; Auditor, Milene Henley; Prosecuting Attorney, Randall Gaylord; and interested members of the public were present.

Mr. Rose introduced this item by explaining that August 11, 2009 was the last possible date for the Council to take action on whether to place a levy lid lift on the November ballot. He explained elements the Council would need to consider related to a levy lid lift and reviewed the current state of County finances. Ms. Henley provided detail and information regarding the ballot title. She and Mr. Gaylord answered questions from the Council and discussion took place regarding the term, amount, and fund limitations of a lift. Mr. Rosenfeld made a motion that the Council move forward with proposing a levy lid lift on the November ballot. Mr. Knapp seconded the motion with details to be provided in later motions. Mr. Rosenfeld accepted this amendment. After Council discussion, Mr. Rosenfeld and Mr. Knapp withdrew their motion. Additional Council discussion took place. Mr. Myhr moved that the levy lid lift be permanent, Ms. Pratt seconded this motion, which was withdrawn after discussion and the following action took place:

Moved by Fralick, seconded by Rosenfeld, to limit the term of the levy lid lift, yet to be specified. Discussion followed regarding possible terms. **Mr. Fralick amended his motion to include the term be six (6) years. Mr. Rosenfeld seconded this amendment. Motion carried with Myhr opposed.**

Discussion took place regarding the amount of tax to seek approval on and the following action took place:

Moved by Fralick seconded by Rosenfeld, to set the levy lid lift at twelve (12) cents/one thousand dollars of assessed value. Motion carried unanimously.

Ms. Henley referenced the “twelve cent” list, and answered questions from the Council. Ms. Wuthnow provided input regarding funding for Parks. Consensus was reached on the list presented and the following motion was made:

Moved by Fralick, seconded by Rosenfeld, to adopt the Levy Lid Lift Resolution and Ballot Language, as discussed today. Mr. Myhr requested that paragraph F be eliminated. The Council concurred. **Mr. Fralick restated the motion to include “for a period of 6 years and to include amendments made in session. Mr. Rosenfeld seconded the amendment. Motion carried unanimously.**

(Following the 2:50 p.m. Public Meeting, Ms. Henley reported that, according to statute, she would be appointing argument – pro and con – writers for the voters’ pamphlet since the council acted to introduce the measure within the 45 day time period.)

2:30 PM PUBLIC HEARING: Amending the Land Bank 2009 Budget (3rd Touch) Present: Full Council, Pete Rose, County Administrator; Ingrid Gabriel, Clerk of the Council; Lisa Brown, Public Hearings Specialist; Pete Rose, County Administrator; Lincoln Bormann, Land Bank Director; and interested members of the public.

Mr. Bormann referenced his staff report and explained the amendment, relative to reduced real estate excise tax (REET) income. He noted that acquisitions were removed and stewardship projects carried forward. He provided details on management plans for the Frazer Homestead Preserve and Fisherman Bay Spit. Mr. Bormann answered questions from the Council. Public testimony was opened, none submitted, and closed, and the following action too place:

Moved by Myhr, seconded by Knapp, to approve the Ordinance amending Ordinances 59-2008, 8-2009, 9-2009, 10-2009, and 18-2009, by Revising San Juan County 2009 Budget for emergency appropriations for the Land Bank. Motion carried unanimously.

2:50 PM PUBLIC MEETING: Land Bank Transfer of the Sundstrom Property to conservation Trust with a conservation Easement to Preservation Trust (the County Council intends to continue this Public Meeting to a time and date certain, which is August 25 at 11:30. The purpose of the continuance is to allow additional staff preparation on the issue) – Present: Full Council, Pete Rose, County Administrator; Ingrid Gabriel, Clerk of the Council; Lisa Brown, Public Hearings Specialist; Pete Rose, County Administrator; Lincoln Bormann, Land Bank Director; and interested members of the public.

The public meeting convened, public testimony was opened, and none submitted.

Moved by Myhr, seconded by Rosenfeld, to continue the Public Meeting to August 25, 2009, at 11:30 a.m. Motion carried unanimously.

3:05 PM PUBLIC HEARING: An ordinance amending Section 2.04.120 of the SJCC to allow participation in Council meetings via telephone (3rd Touch) – Present: Full Council, Pete Rose, County Administrator; Ingrid Gabriel, Clerk of the Council; Lisa Brown, Public Hearings Specialist; Pete Rose, County Administrator; Randall Gaylord, Prosecuting Attorney; and interested members of the public.

Mr. Gaylord explained this ordinance, reviewed by the General Government Subcommittee, which allows Council member participation by telephone. Mr. Gaylord answered questions from the Council and discussion took place. The following motion was then made:

Moved by Myhr, seconded by Fralick, to pass an Ordinance amending Section 2.04.120 of the SJCC to allow participation in Council meetings via telephone. Motion carried unanimously.

3:20 PM **DISCUSSION:** Introduction of an Ordinance creating a General Fund Reserve Policy; authorizing operating cash, budget stabilization reserves, and capital reserves; and creating budget stabilization (2nd touch) Milene Henley, Auditor; and Randall Gaylord, Prosecuting Attorney.

Ms. Henley explained that she had made adjustments recommended by the Council in session regarding eliminating reference to super-majority, binding the administrator to the requirement of the budget, and included a general CPI calculation so as to base differential between growth and revenue from the previous year CPI for all items. Ms. Henley and Mr. Gaylord provided details regarding the reserve fund and regulations and answered questions from the Council, and the following action took place:

Moved by Fralick, seconded by Rosenfeld, to introduce the Ordinance to public hearing, scheduled for September 15, 2009. Motion carried unanimously.

ADDED ITEM: Appointment of Administrator Pro-Tem

Mr. Rose informed the Council that he would be out of the County on the 21st and 24th of August, and noted that a pro-tem had not been identified. He recommended Milene Henley fulfill that role on a temporary basis for those two days.

Moved by Rosenfeld, seconded by Myhr, to appoint Ms. Henley as temporary interim director [for August 21 and August 24, 2009]. Motion carried unanimously.

3:50 PM **DISCUSSION:** Recreation and Conservation Office (RCO) Grant for Odlin Park Renovation, Dona Wuthnow, Parks & Recreation Director.

Ms. Wuthnow referenced her staff report, explaining that this opportunity for \$155,000 in grant funding came about because another public agency decided they could not move forward with their project. She provided details regarding her project proposal for Odlin Park and answered questions from the Council. Mr. Rose also provided input and the following action took place:

Moved by Fralick, seconded by Myhr, to accept the RCO grant, in the amount of \$140,000, for Odlin Park renovation and authorize the Administrator to move forward to set matching funds. Council discussion took place. Motion carried unanimously.

ADDED ITEM: CLOSED SESSION: Collective Bargaining

At 4:10 p.m., Council Chair Peterson 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); estimated to last approximately 15 minutes, with the possibility of a motion to take place upon reconvening. Present: Pamela Morais, Human Resources Director; and Adina Cunningham, Deputy Administrator. The session ended at 4:21 p.m., for a total session time of 11 minutes. The Council reconvened and the following action took place:

Moved by Myhr, seconded by Fralick, that the Council give the County Administrator the authority to negotiate and execute an agreement with Local 1849 regarding voluntary furloughs to accomplish expenditure reductions implemented with the current budget reductions. Motion carried unanimously.

4:00 PM **ADJOURN AND SIGN DOCUMENTATION:** Council Chair Peterson adjourned the meeting at 4:23 p.m. A meeting was scheduled for Monday, August 24, 2009, and the next regular meeting was scheduled for Tuesday, August 25, 2009.

APPOINTMENTS:

1. See Consent Agenda, section E.
2. Auditor appointment of pro and con writers for the levy lift measure in the voters' pamphlet, see line 286.
3. Temporary appointment of Milene Henley as Administrator Pro-Tem, see line 345.

BUDGET ITEMS/WARRANTS:

1. See Consent Agenda, section C.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS:

1. Waldron Airstrip CCRs: Refer to Tuesday, 11:30 a.m. PUBLIC HEARING, for details of action taken.

CORRESPONDENCE: (No items.)

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

- ORD. NO. 30-2009** (Refer to Tuesday, PUBLIC HEARINGS, 10:20 a.m., for details of action taken.)
ORD. NO. 31-2009 (Refer to Tuesday, PUBLIC HEARINGS, 2:30 p.m., for details of action taken.)
ORD. NO. 32-2009 (Refer to Tuesday, PUBLIC HEARINGS, 3:05 p.m., for details of action taken.)
RES. NO. 28-2009 (Refer to Tuesday, COUNTY ADMINISTRATOR ITEMS, 1:30 p.m., details of action taken.)

PERSONNEL ITEMS:

1. See ADDED ITEM, line 368, for action pertaining to collective bargaining.

COUNTY COUNCIL, SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on Tuesday, August 25, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.