

**MEETING MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
September 15, 2009**

**Council Hearing Room, Legislative Building, Friday Harbor**

**10:00 AM                    CALL TO ORDER**

Council Chair Rich Peterson called the staff meeting to order at 10:02 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.

**CITIZEN'S ACCESS TIME:**

Christopher Clark addressed the Council regarding the La Farge property and the storage of gravel on the beach which is in violation of County Code. Chair Peterson asked that discussion on the storage of gravel be continued during Council updates.

**10:05 AM                    CLERK UPDATE AND ADMINISTRATIVE MATTERS**

Clerk to the Council Ingrid Gabriel reported that the Solid Waste Advisory Committee and the Agricultural Resource Committee presentations would be shortened to allow for the Council photo shoot at 12:00 noon.

**Committee Report:** Deputy Clerk Maureen See advised the Council that there were two new applicants for the Human Services Advisory Board, Patricia Lehr and Debra Staehlin, and one new applicant for the Park Board, Johannes Krieger. The Council agreed to appoint the applicants and place them on the Consent Agenda.

**Moved by Myhr, seconded by Rosenfeld to appoint the new applicants. Motion carried unanimously.**

Mr. Rosenfeld announced to the Council that an appointment is needed for the joint Town of Friday Harbor/County **Affordable Housing Needs Study Steering Committee. Moved by Pratt, seconded by Knapp, to appoint Howard Rosenfeld to the Committee. Motion carried unanimously.**

**Minutes and Agenda:** Ms. Pratt had some modifications for the Minutes, so the discussion and approval will be continued until later in the day.

**Consent Agenda:** Ms. Pratt asked that the letter regarding Island Meadows Apartment also be sent to Susan M. McKittrick from the USDA.

**A. Resolutions:**

**Ordinances:**

**B. Contracts/Agreements :**

**C. Budget Items :**

Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrant #68051 in the amount of \$400 for Veteran's Assistance
- Warrants #68075-68162 in the amount of \$82,671.78 for County Claims
- Warrants #68163-68192 in the amount of \$28,378.43 for Public Works
- Auditor's office requests approval of payroll expenditures and associated benefit expenditures for the pay period ending 8/24/2009.

Total Gross:	\$1,162, 934.06
Employer Benefits:	\$365,379.61

**D. Personnel:**

**E. Appointments:**

**F. Correspondence:**

1. A letter to Senator Maria Cantwell asking for support for continued subsidized housing in the USDA program in regard to the Island Meadows Apartments.

2. A letter to Senator Patty Murray asking for support for continued subsidized housing in the USDA program in regard to the Island Meadows Apartments.
3. A letter to Congressman Rick Larsen asking for support for continued subsidized housing in the USDA program in regard to the Island Meadows Apartments.
4. A letter to Sue Davenport, USDA Multi-Family Loan Specialist, indicating the Council's support of maintaining Island Meadows Apts. as affordable rentals for seniors.
5. A letter to the National Marine Fisheries Service requesting a ninety (90) day extension for the Public Comment period on NOAA Proposed Rules to Safeguard Puget Sound Southern Resident Killer Whales.
6. A letter to Susan M. McKittrick, Housing Program Specialist from USDA, asking for support for continued subsidized housing in the USDA program in regard to the Island Meadows Apartments.

**G. Miscellaneous:**

Adoption of 2009 Docket of Comprehensive Plan Amendments and Associated Public Participation Plans, Community Development and Planning

Chair Peterson asked to hold the 2009 Docket of Proposed Comprehensive Plan Amendments approval as he had questions on the timeline indicated on Attachment B.

**Moved by Fralick to approve the Consent Agenda minus the 2009 Docket of Proposed Comp Plan Amendments, seconded by Knapp. Motion carried unanimously.**

Chair Peterson led a discussion regarding the proposed 2009 Docket with questions about the approval timeline. The main issue was whether approving the 2009 Docket in February 2010 would impact the 2010 Docket. It was decided to ask the Prosecuting Attorney's opinion on this issue later today in open session.

**9:51 AM COUNCIL MEMBER UPDATES AND DISCUSSION ITEMS**

Ms. Pratt reported she had received the final answers to Council member questions from the Critical Areas Ordinance and Shoreline Master Plan Workshop. Ms. Pratt also polled Council members about going on a field trip with Bob Levinson and Amy Windrope to look at bulkheads. Mr. Peterson and Mr. Rosenfeld expressed interest; Ms. Pratt will make arrangements.

**FAC/Ferries/Intermodal:** The Washington State Transportation Commission voted 5-2 not to impose the super surcharge (Elmira Fornier and Bob Distler voted against). Mr. Rosenfeld testified via conference call and commented on the small number of public in attendance.

Mr. Myhr noted that Captain Gerral David, Commanding Officer of the Whidbey Island Naval Air Station, will be presenting at the Council's October 19 Work Session. Mr. Myhr requested that this meeting be held on Lopez. The Council agreed by consensus to hold the October 19 meeting on Lopez.

In response to Dr. Clark's concern about the storage of gravel on the beach, it was decided that the County Administrator would look into the issue with senior planners and report on his findings.

A brief discussion followed regarding the open seat on the Marine Resources Committee previously held by the Planning Director.

**10:03 AM Paperless Packets**

George Johnson, Information Services Manager, reported on the availability and possibilities of paperless packets.

He offered a demonstration of a software product, Acrobat Profession. The program would allow the Council to access the agendas and binder material with a single click. Research will continue to determine how much it will cost to outfit three Council members into this technology.

It was agreed to return to this discussion following the conclusion of the **scheduled Public Hearing**

**10:21 AM PUBLIC HEARING:** An Ordinance Creating a General Fund Reserve Policy; Authorizing

Budget Operating Cash, Budget Stabilization Reserves, and Capital Reserves; and Creating a Stabilization Fund. Present: Full Council, Pete Rose, County Administrator; Ingrid Gabriel, Clerk to the Council; Maureen See, Deputy Clerk; Milene Henley, Auditor; and interested Members of the public.

Ms. Henley explained that the proposed ordinance creates a formal general fund reserve policy, addressing three types of reserves: operating cash, budget stabilization reserves, and capital reserves.

Discussion by the Council followed regarding the necessary of creating reserves for capital funding, and the development of stabilization reserves. Mr. Myhr pointed out that ultimately the Council can change this policy at any time.

**Public Comment:** David Nasman, a citizen, warned the Council that fiscal responsibility is a lesson from history, and he stressed from his experience that operating without reserves is fiscally irresponsible. He urged the Council to give this ordinance very serious consideration.

Closed 10:35 Public Hearing

Deliberations: The County Council discussed the proposal, the amount of reserves needed, the percentages proposed, and the wording of the ordinance.

**Moved by Myhr, second by Fralick, to modify the language in the ordinance** to remove the word "legislative body" and replace with County Council, and remove the lines that indicate "approval of a minimum of four (4) affirmative votes." **Motion carried with Pratt and Rosenfeld opposed.**

**Moved by Fralick, seconded by Pratt, to approve an Ordinance Creating a General Fund Reserve Policy; Authorizing Operating Cash, Budget Stabilization Reserves, and Capital Reserves, and Creating a Budget Stabilization Fund, with the modification stated. Motion carried unanimously.**

**10:48 AM Continued Discussion on Paperless Packets**

Mr. Johnson explained the use of laptops, website access, training and costs of upgrading. He further explained that there is a cost differential for laptops that camera record.

10:58 AM **PRESENTATION:** Solid Waste Advisory Committee (SWAC), Carrie Lacher, Chair

Carrie Lacher, on behalf of the Solid Waste Advisory Committee, provided the Council with a unanimous consent recommendation for a new rate structure of the solid waste program. The modifications would include gate fee (except recycling), parcel fees, town capital fee, and tipping fees. The purpose of the new structure is to create a stable revenue source from the parcel fee for the purpose of funding expenses that do not vary with the amount of waste that is processed. The new rate structure was developed with the idea that costs for the entire solid waste program will be shared as equitably as possible.

The Council asked questions that included combining Town and County into one disposal district, how the average tipping fee is determined, gate fees, self hauling, and the effects on commercial haulers.

**Public Comment:** Dave Dysart expressed his concern with the parcel fee recommendation, and the amount of monies generated by this fee structure. He also questioned raising property taxes without the vote of the people.

The Council then debated whether to move the SWAC recommendations to the Budget SubCommittee who could then process the information, develop spread sheets and help coordinate the financial information for the Council.

**Moved by Rosenfeld, seconded by Lovel to move the Solid Waste Advisory Committee recommendations for a new rate structure for the solid waste program to the Budget SubCommittee. Motion carried with Myhr opposed.**

In conclusion, Ms. Lacher stated that the Solid Waste Advisory Committee wishes the Council to know they consider the solid waste station to be an essential public facility.

**11:30 AM**                    **DISCUSSION:** Agricultural Resource Committee (ARC) Quarterly Report and Update on Volunteer/Intern Issues; Ron Zee, ARC Chair; Eliza Buck, ARC Coordinator

Ms. Buck reported on the ARC 2009 work plan and the benefits of working with the Economic Development Council (EDC). Discussion then moved to the farm volunteer/internship issue, and the Department of Labor & Industries audit of a local farm. Mr. Zee asked the Council how far they wish ARC to pursue this issue. It was agreed that much of the discussion would be better served at the state level. Ms. Buck will meet with Field Audit Manager, Kathy Vargas, on September 24. The Council asked for an update after that meeting.

**11:45 AM**                    **RECESS FOR LUNCH**

**1:30 PM**                    **COUNTY ADMINISTRATOR ITEMS** – Present: Pete Rose, County Administrator; Charles Zalmanek, Assessor; Jan Sears, Treasurer

**1. Pro Tem Appointments to the Board Of Health**

The legislative authority of charter counties establishes the local Board of Health (BOH) and sets out the membership and selection process for the Board. Ordinance 6-2006 established the local Board of Health. The ordinance provides that three members of the county Council are members of the Board of Health and that a quorum including two of the Council Members must be present in order for the BOH to take action.

It is the recommendation of the County Administrator to appoint Gene Knapp as member pro-tem at the September 16, 2009 Board of Health meeting.

**Moved by Myhr, seconded by Rosenfeld to appoint Gene Knapp as member pro-tem at the September 16, 2009 Board of Health meeting in place of Rich Peterson. Gene Knapp is authorized to fill all the duties and responsibilities assigned to Rich Peterson, who is a member of the San Juan County Board of Health. Motion carried unanimously.**

**2. Report on Implementation of True Automation Software**

Mr. Zalmanek reported on the choice of True Automation Software for the Assessor's office and its implementation. There have been numerous problems with the system, some have been resolved, some have not. He will meet with the Auditor to determine if any funds remain for this project and will report back to the Council. Mr. Zalmanek thanked Stan Matthews for his help in resolving some of the problems.

Ms. Sears expressed the same sentiments as Mr. Zalmanek in the implementation of the True Automation Software and the difficulties in applying the system to current needs, particularly on REET distribution. Ms. Sears has resolved to hold back on the final payment, pending the corrections.

**3. Approve Budget Calendar**

The Council discussed the budget calendar, and by consensus agree to move ahead with the proposed schedule with the exception of moving all revenues to November 10.

**1:48 PM**                    **CONTINUED DISCUSSION ON 2009 DOCKET OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS AND ASSOCIATED PUBLIC PARTICIPATION PLANS;** Present: Full Council; Pete Rose, County Administrator; Randall Gaylord, Prosecuting Attorney; Ingrid Gabriel, Clerk to the Council; Maureen See, Deputy Clerk; and interested member of the public were present

Mr. Gaylord began the discussion by explaining how the docket schedule is formulated. He stated that the time begins once you formally adopt, and that it is not a requirement that adoption occur on a calendar basis.

**Moved by Rosenfeld to approve 2009 Docket of Proposed Comprehensive Plan Amendments and Associated Public Participation Plans, Attachment A, and 2009 Comprehensive Plan Docket Schedule, Attachment B. Seconded by Myhr. Motion carried, unanimously.**

**Myhr**

**2:00 PM**

**EXECUTIVE SESSION;**

1. Discussion on pending civil litigation cases - Randy Gaylord, Prosecuting Attorney
2. Real Property Acquisition pursuant to RCW 42.30.110 (1)(b) - Jon Shannon, Director Public Works

**CLOSED SESSION:**

1. Labor Contract Negotiations pursuant RCW 42.30.140(4), Pamela Morais, Human Resources Manager and Pete Rose, County Administrator

**4:00 PM**

**DISCUSSION:** Legislative Priorities, San Juan County Council

**Discussion opened with a Motion by Myhr to re-open discussion of Vendor Ordinance. Seconded by Rosenfeld. Motion carried.** The Council agreed to send the Vendor Ordinance back to the General Government Subcommittee for review.

The Council reviewed the 2009 Legislative Priorities and the following suggested additions were made:  
Retaining the 2009 priorities: Washington State Ferries, Stormwater Regulations for Rural Counties, Save Mitchell Hill, Cattle Point Road Relocation, and Fully Fund Public Schools.

Add the following priorities: Clarification of REET allowable Uses (re: funding for solid waste facilities and other local improvement projects), Direction to Labor & Industries Regarding Small Farm Interns, Volunteers, and Apprentices, State-Wide Consistency Regarding the Assessments of Affordable Housing Properties with Resale Restrictions, Property Tax Exemption Qualification for Social Security Disability Recipients, Hummel Lake Cleanup; neighborhood electronic vehicles (NEV), No Go Zone (NOAA, National Marine Fisheries Service (NMFS)).

**4:30 PM**

**ADJOURN AND SIGN DOCUMENTATION**

Chair Peterson adjourned the meeting at approximately  
Next meeting is scheduled for Monday, September 21, and the next regular meeting is  
Scheduled for Tuesday, September 22, 2009.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

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Rich Peterson, Chair  
District 2, San Juan North

ATTEST: Clerk of the Council

By: \_\_\_\_\_  
Maureen See, Deputy Clerk/

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Richard Fralick, Vice-Chair  
District 4, Orcas West/Waldron

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Lovel Pratt, Member  
District 1, San Juan South

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Howie Rosenfeld, Member  
District 3, Friday Harbor

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Gene Knapp, Member  
District 5, Orcas East

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Bob Myhr, Member  
District 6, Lopez/Shaw