

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
November 30, 2009**

Monday, November 30, 2009 - Legislative Hearing Room, 55 Second Street, Friday Harbor, WA

9:30 AM CALL TO ORDER SPECIAL MEETING

Council Chair Peterson called the meeting to order at 9:30 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, Maureen See; and interested members of the public were present.

9:31 AM DISCUSSION: Senator Kevin Ranker, 40th Legislative District, WA State Senate

Senator Ranker began his remarks with an overview of the state budget indicating another 1/4 of the budget will be cut again. Senator Ranker emphasized that "everything is on the table" and the discussion needs to reflect expectations and revenues.

Senator Ranker then reviewed the Council's 2010 New Legislative Priorities offering suggestions, strategies, and support he may be able to provide on various issues. He thanked the Council for the efforts to save Mitchell Hill, and acknowledged Lincoln Bormann's role in the process.

CITIZENS' ACCESS TIME

Laura Tuttle urged the Council to keep the Pear Point/Turn Point Connector Road in the Six-Year Transportation Improvement Program for 2010-2015 for the affordable housing project.

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

Ms Gabriel reported to the Council the addition of one letter added to the Consent Agenda: a letter thank Eliza Buck for her commendable service to the Agricultural Resources Committee. Ms. Gabriel also noted that Marta Coursey, Director of Communication, Washington State Ferries, will be joining guests Captain Suzanne Englebert and David Moseley today.

Ms. See reported on several new applicants for committee vacancies. The following action was taken: **Motion by Pratt to appoint Sheralyn Lehman to the San Juan County Fair Board, seconded by Myhr.** Motion passed unanimously

Moved by Pratt to appoint Lynn Weber-Roochvaarg to the San Juan Island Library Board of Trustees, seconded by Fralick. Motion carried unanimously.

There will be applicant interviews scheduled this week.

Minutes: Minutes were reviewed. Ms. Pratt requested that the Minutes be amended on line 37 to include the Auditor's remarks involving retirement benefits indicating that costs to the County for increased hours reported would be approximately \$30 per quarter for the entire Council. Moved by Fralick as amended, seconded by Myhr, to **adopt the Minutes of November 9 and 10, 2009.** Motion carried unanimously.

Agendas: Upcoming Agendas were reviewed. Mr. Fralick requested agenda time, 10-15 minutes, on December 8 for a Budget Subcommittee Report. It was suggested that the Executive Session scheduled for 3:15 on that day be moved to 3:30 pm. Mr. Myrh asked for time on 12/8/09 to address Whidbey Jet overflights and Council support for another meeting with NAS Whidbey. Mr. Knapp asked for time to review the Resolution for Restrictive Use on the Consent Agenda. Following the review, it was **moved by Knapp, seconded by Fralick to approve the Consent Agenda of November 30, 2009 as follows:**

A. Resolutions:

A. proposed Resolution accepting a restrictive use easement for a development known as North Beach Gardens on Orcas Island.

Ordinances: (No Items)

B. Contracts/Agreements: (No Items)

C. Budget Items:

Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #71060-71169 in the amount of \$128,675.36 for County Claims
- Warrants #71170-71228 in the amount of \$101,131.49 for Public Works
- EFT #1192009 in the amount of \$5,455.84 for Public Works Excise EFT
- Warrants #71539-71542 in the amount of \$590 for Veteran's Assistance
- Warrant #71368 in the amount of \$1,175.00 for Public Works
- Warrants #71483-71538 in the amount of \$275,372.45 for Public Works
- Warrants #71370-71482 in the amount of \$144,614.18 for County Claims
- **Warrants #71349-71367 in the amount of \$7,058.96 for Medical Reimbursements**

D. Personnel: (No Items)

E. Appointments: (No Items)

F. Correspondence:

A letter thanking Eliza Buck for her important services and contributions to the Agricultural Resources Committee.

G. Miscellaneous:

1. 2010 Census Partner Proclamation

2. Approve the continuation of reduced business hours for certain departments for the remainder of 2009 and for 2010 as proposed by the County Administrator

H. Bid Openings: (No Items)

COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld gave a brief update on the status of the winter schedule and touring watches. He is working with other transportation counties on sustainable funding.

Budget Subcommittee: No report at this time.

Legislative Priorities & Lobbying Efforts: Areas were covered in this morning's briefing with Senator Ranker.

General Government Subcommittee: Nothing new to report. Mr. Knapp commented on two recent meetings he attended: Board of Health meeting, where it was announced that swine flu is on the decline here; and a Law & Justice meeting where discussion continued on office remodeling plans.

ADDITIONAL UPDATES AND DISCUSSION ITEMS:

Mr. Myhr gave a brief report on the recent Washington State Association of Counties (WSAC) meeting, discussion with Paul Anderson from the Department of Ecology, North Sound Mental Health Administration update, and continued concerns from Lopez citizens regarding the noise issues from aircraft.

10:40 AM DISCUSSION: Association of WA Cities (AWC) Unrestricting Lodging Tax Funds - Deborah Hopkins, SJIVB and Merritt Olsen present;

Ms. Hopkins briefed the Council on the AWC proposal for unrestricting lodging taxes to expand their uses due to budget cuts. The Council indicated there has been no information from WA State Association of Counties (WSAC) regarding the same.

10:45 AM PUBLIC HEARINGS: Council Chair Peterson announced public hearings to be held to consider the following matters: **1)** Resolution to Adopt the Revised Comprehensive Six-Year Transportation Improvement Program for 2010-2015; **2)** Resolution to Adopt the Revised 2010 Annual Road Program; **3)** Ordinance to Set the Property Tax Levy for Land Conservation Futures for 2010; **4)** Ordinance to Set the Property Tax Levy for County Roads 2010; **5)** Ordinance to Adopt an Annual Budget for the Year 2010; **6)** Ordinance to Add a New Chapter Regarding Public Defense Services to Title 2 of the San Juan County Code (Continued from 11/3/09). **Present:**

Full Council, County Administrator Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Maureen See; Public Works Director, Jon Shannon; County Engineer John Van Lund; Auditor Milene Henley; Deputy Director Adina Cunningham; including staff and interested members of the public

2 Minute Recess

1. Resolution to Adopt the Revised Comp Six-Year Transportation Improvement Program for 2010-2015 - Jon Shannon, Director of Public Works, and John Van Lund, County Engineer

Mr. Rose gave a brief introduction of the budget issues leading to this resolution. Discussion followed that included Deer Harbor Marine Access Parking, Guardrail Safety Projects, Pear Point Road to Turn Point Road Connector, Eastsound street and parking plans and MacKaye Harbor Road Relocation. Public Testimony was opened, and comments were offered by Bill Eager, Nancy Devaux, and Mike Ahrenius; public testimony was closed, reserving the right to re-open.

Several options were presented to the Council for consideration. The Council agreed to Option #3. Deliberations were held and the following action was taken:

Moved by Rosenfeld, seconded by Pratt, to adopt by Resolution the San Juan County Revised Comprehensive Six-Year Transportation Improvement Program for 2010-2015. Motion carried with Fralick opposed.

2. Resolution to Adopt the Revised 2010 Annual Road Program - Jon Shannon, Public Works Program
Discussion was held on the 2010 Annual Road Program. Mr. Fralick expressed his concern over past decisions regarding the use of road funds that has left many projects under/unfunded. Public Testimony was opened, and closed with the right to re-open reserved. Deliberations were held and the following action was taken:

Moved by Pratt, seconded by Myhr, to adopt the Revised 2010 Annual Road Program, Option #3. Motion carried unanimously.

3. Ordinance to Set the Property Tax Levy for Land Conservation Futures for 2010 - Pete Rose, County Administrator; Milene Henley, Auditor

Mr. Rose offered a brief introduction indicating that this was one of the Land Bank's fund sources.

Public Testimony was opened, and closed with the right to re-open reserved. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Knapp to pass an Ordinance to Set the Property tax Levy for Land Conservation Futures for 2010. Motion carried unanimously.

4. Ordinance to Set the Property Tax Levy for County Roads 2010 - Milene Henley, Auditor

Mr. Rose offered a brief introduction. Public Testimony was opened, and closed with the right to re-open reserved. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Knapp, to pass an Ordinance to Set the Property Tax Levy for County Roads 2010. Motion carried unanimously.

5. Ordinance to Adopt an Annual Budget for the Year 2010 - Milene Henley, Auditor

Mr. Rose offered a brief introduction and asked the Council to consider two motions. Public Testimony was opened, and submitted by Bill Wright, and closed with the right to re-open reserved. Deliberations were held and the following action was taken:

Moved by Fralick, seconded by Rosenfeld, to Approve a Resolution Adopting an Annual Budget for 2010, setting forth the estimated Revenues and Appropriations. Motion carried unanimously

Moved by Fralick, seconded by Rosenfeld, to Approve a Resolution Adopting a Written Finding that an emergency exists requiring General Fund Operating Cash to be reduced below 8%. Motion carried unanimously

6. Ordinance to Add a New Chapter Regarding Public Defense Services to Title 2 of the SJC Code - Adina Cunningham, Deputy Director (continued hearing)

Ms. Cunningham reminded the Council that this was a continued hearing from November 3, and the changes are not substantive. Public Testimony was opened, and closed with the right to re-open reserved. Deliberations were held and the following action was taken:

Moved by Pratt, seconded by Knapp, to pass an Ordinance to Add a New Chapter Regarding Public Defense Services to Title 2 of the San Juan County Code. Motion carried unanimously

12:00 PM RECESS FOR LUNCH

Mr. Fralick proposed that the County Council send a letter of congratulations to the Orcas Girls Soccer Team, the first Orcas High School sports team to make it to State and win the State Championship..

Moved by Fralick, seconded by Myhr, to send a congratulations letter to the Orcas Vikings Girls SoccerTeam.

1:02 PM DISCUSSION: Visit from Captain Suzanne Englebert, US Coast Guard, Sector Seattle, and David Moseley, Assistant Secretary of Transportation, WA State Ferries, and Marta Coursey, Director of Communications

Captain Englebert briefed the Council on the origin of rules applying to crews on ferry vessels, and discussed life rafts, evacuations, rules of 2002, touring watches with conditions, logging hours and rest periods for crew, training, and audits of practices.

David Moseley, Assistant Secretary of Transportation, WA State Ferries, reported on crew endurance issue and touring watches issues for the Washington State Ferry. He is thankful for the support from Captain Englebert, as well as all the ferry stakeholders. Mr. Moseley also discussed the budgetary concerns the state is facing, with particular emphasis on fuel costs.

Open discussion continued between the Council and Captain Englebert and Mr. Moseley.

1:58 PM DISCUSSION

1. New Fees

A. Establishing Public Works Fees for Franchises, Road Uses and Other Similar Fees, Jon Shannon, Director of Public Works

Mr. Shannon explained the draft ordinance and draft fee structure. Discussion followed and is scheduled for continued discussion on December 8, 2009.

2. Emergency and Supplemental Budget Appropriations - Milene Henley, Auditor

Mr. Rose gave an introduction, Ms. Henley discussed the supplemental and transfer request for funds, and well as the request for emergency appropriations for Current Expense and other funds. Discussion followed and the following action was taken:

Moved by Myhr, seconded by Knapp to schedule public hearing on Ordinance Amending Ordinances 59-2008, 8-2009, 9-2009, 18-2009, 30-2009, and 31-2009, by revising the San Juan County 2009 Budget for Emergency Appropriations, and the Ordinance Amending Ordinances 5-2008, 8-2009, 9-20-09, 10-2009,

18-2009, 30-2009, and 31-2009, by revising the San Juan County 2009 Budget for Transfers and Supplemental Appropriations. Motion carried unanimously

3. Introduction of 2010 Fee Changes

A. Parks Fee Amendment for 2010 - Dona Wuthnow, Director Parks and Recreation

Mr. Rose gave an introduction explaining that Park fees are both a revenue generator and a management tool. Ms. Wuthnow discussed the proposed fee changes including: increased camping and related fees at San Juan and Odlin parks, fees for group camping, increasing commercial fees on Lopez, and streamline fees at Eastsound Village Green. Discussion followed and the following action was taken:

Moved by Pratt, seconded by Knapp, to introduce the 2010 Proposed Parks Fees and to hold a Public Hearing on December 8, 2010. Motion carried unanimously

2:50 PM B. Building and Land Use Permitting Fee Changes, - Community Development & Planning, John Manning, Interim Director

Mr. Rose gave a overall introduction to a proposed reorganization of the Community Development & Planning Department predicated on the span of control issues, knowledge base project, and sharpening the management information systems. Discussion followed, and the following action was taken:

Moved by Rosenfeld, seconded by Knapp to introduce the building permit and land use permit Fee Amendments and hold a Public Hearing on December 8, 2009. Motion carried unanimously

4. Presentation of Unified Development Code (UDC) Amendments - Shireene Hale, Senior Planner

- A. Lopez Pool Amendment
- B. Resort Master Plan Extension
- C. Upland Essential Public Facilities

Ms. Hale explained the requirements for the proposed amendments for conformance with the Growth Management Act and the allowance for essential public facilities (EPFs). In the Council discussion of the draft EPF Ordinance, Mr. Myhr raised a concern about "new" EPF's being determined by the Director instead of the Council, saying that this is a matter of policy and should not be a ministerial determination.

3:43 PM ADJOURN AND SIGN DOCUMENTATION:

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Rich Peterson, Chair
District 2, San Juan North

ATTEST: Clerk of the Council

By: _____
Maureen See, Deputy Clerk

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

Lovel Pratt, Member

District 1, San Juan South

Howie Rosenfeld, Member
District 3, Friday Harbor

Gene Knapp, Member
District 5, Orcas East

Bob Myhr, Member
District 6, Lopez/Shaw