

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
May 4 and 5, 2009**

Monday, May 4, 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 Lisa Brown and Maureen See; and interested members of the public were present.

CITIZENS' ACCESS TIME

Gary Franco addressed the Council regarding the peddling issue that the General Government Subcommittee is considering.

10:15 AM CLERK UPDATE & ADMINISTRATIVE MATTERS: Ann Larson, Clerk to the Council; Maureen See, Deputy Clerk; Deputy Prosecuting Attorney, Karen Vedder; and interested members of the public were present.

Ms. Larson, brought a Public Health Jurisdiction Mutual Aid Agreement to the Council's attention. Mr. Rose noted that the Council had an opportunity to review the agreement earlier in the year and invited Ms. Vedder to answer questions from the Council. Mr. Peterson suggested adding the agreement to consent, noting that if there were any questions upon review, it would be pulled for discussion tomorrow. Ms. Larson inquired about interest in scheduling a legislative conference call and inviting District 40 legislators here. She pointed out that a Council meeting is tentatively scheduled for Orcas Island on June 22, 2009. Other upcoming meetings were discussed.

Ms. See provided a committee update. Mr. Peterson reported that the Planning Commission interview subcommittee failed to reach consensus regarding the two applicants they had interviewed. He asked the Council to review the candidate qualifications and be prepared to make a decision tomorrow. Committee advertising was also discussed.

Minutes, agendas, and Council calendar items were reviewed. Mr. Fralick inquired about a balanced panel for the Housing Authority workshop. Suggestions were made to Mr. Rose by the Council as to who he might invite to participate on the panel. Mr. Myhr reported that the Council had been invited to attend a consortium committee of the Northwest Workforce Development Council on May 27, 2009, to review and approve their draft plan. He solicited interest from his colleagues. He also reported on the North Sound Mental Health Administration and Skagit County's threat to withdraw from the organization, which he believes will have a minimal effect on SJC.

10:30 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported that the Ferry Advisory Committee (FAC) had received the draft fall schedule, which has serious problems, particularly related to service to Friday Harbor. The FAC has been told not to distribute the draft and that WSF is still under negotiations with the unions.

Budget Subcommittee: The Budget Subcommittee agreed to begin their meeting at 12:30 today, at Mr. Fralick's request. Mr. Myhr noted the need for a close reexamination of the budget, according to the Auditor's presentation last week. He inquired about the process. Mr. Fralick explained that the subcommittee would hold discussions, but no action would be taken. Mr. Peterson stated that the budget reduction process would be discussed tomorrow.

General Government Subcommittee: The General Government Subcommittee also agreed to meet at 12:30.

Options for Special Meetings: Council discussion took place regarding a special meeting time to consider a reduction to the budget for 2009. It was decided the Council would keep the first week in June, a no-meet week, open and since Mr. Myhr will be away, he could possibly attend by conference call.

Joint Town Meeting: Mr. Peterson requested topics for Discussion for the joint Town/County meeting scheduled for June 9, in the County Council chambers.

ADDED UPDATES:

Impound Ordinance: Mr. Knapp reported on the biggest jury verdict [award] in Skagit County's history last week, involving a drunk driver who was arrested and returned home without having her vehicle impounded. Council discussion took place.

Historic Document Preservation Funds: Ms. Pratt reported that the subcommittee had met this morning to review the grant applications. She said it was unfortunate that only a total of \$6,009 was available to distribute with the worthy applicants received. She then submitted the committee's recommendation to award \$1,500 each to the Lopez, Orcas, and San Juan Island Historical Museums and the Prosecuting Attorney's office. She named the unsuccessful applicants being the Land Bank and SJC Parks. Ms. Larson inquired about the pay-out process and explained what had been approved last year. The Council concurred that Ms. Larson handle these payments in the same manner as she did last year.

Certificate of Good Practice: Mr. Peterson reported that the SJC Road Department had received a Certificate of Good Practice from the Washington State County Road Administration Board (CRAB), noting that the County depends on this, as it allows access to more funding for SJC.

Farmers Market Fee: Mr. Peterson referenced a memo from Joe Buckler, who was unhappy that he was excluded from selling at the Farmers Market. Ms. Pratt explained that she had followed up with him and explained **that she had followed up with him and explained that SJC has an agreement with the San Juan Farmers' Market Association and has no say on their by-laws but that it was her understanding** that there are only a certain number of craft vendor spots available and once the quota is reached, they are handled on a rotation basis. **She also referred Mr. Buckler to an arts & crafts sales event organizer for additional sales opportunities.** Mr. Knapp questioned why vendors selling on public property on Orcas pay a higher fee. Mr. Rose explained that it is due to the venue. Council discussion took place.

11:00 AM COUNTY ADMINISTRATOR ITEMS: Pete Rose, County Administrator; Ron Henrickson, CD&P Director; Rene Beliveau, CD&P Deputy Director; John Manning, Health & Community Services Director; and interested members of the public were present.

1. DISCUSSION: CD&P Building Items – Mr. Henrickson reported on several items, including meetings held with contractors focusing on timely processing of permits, stormwater regulations, consistency of inspections, and improving communications; customer service card responses; the new *Building Community E-mail News* initiated by CD&P in April; and held a discussion regarding whether a Building Code Board of Appeals (BCBOA) should be established and whether a Building Advisory Council (BAC) should be implemented. Council discussion took place with Mr. Rose, Mr. Henrickson, and Mr. Beliveau answering questions from the Council, and the following action took place:

Moved by Myhr, seconded by Peterson, to advertise for a Building Code Board of Appeals, under the International Builder's code statute, to determine candidates to serve on that board, and appoint them at the appropriate time. Council discussion took place. Ms. Pratt said she would support the motion if it meant soliciting applications for appointment, not just to have names on file. Discussion regarding making appointments followed and Mr. Myhr said that it shouldn't require CD&P staff time if the Council did the appointing. Mr. Henrickson said it would be nominal to write the advertisement and Mr. Rose added that the common committee application would need to be modified to identify professionals CD&P would be seeking to fill the positions. Mr. Myhr also stated that it is his intention that Ms. See include this committee in her upcoming advertising. **Motion carried unanimously.**

Mr. Fralick commented that the Customer Service Card responses and the E-mail Newsletter were natural press releases depicting positive things taking place in CD&P.

2. Council Priorities: Review of Comprehensive Plan Vision Statement: Mr. Peterson suggested tabling this item due to the special update on the Swine Flu. Mr. Rose noted that this should be a perfunctory document

aligning Council core priorities with the vision statement but that it had been held for Mr. Knapp's review. Mr. Knapp and Mr. Myhr approved of the document. Mr. Rosenfeld had several questions regarding what he viewed as untrue assumptions and wanted time to discuss the document. Mr. Peterson suggested holding discussions as time permits in between public hearings. The Council concurred.

3. Swine Flu Update: Mr. Manning reported on Swine Flu occurrences, fatalities, and investigations, noting that the case on Camp Orkila was recorded in King County, as the infected child attending the camp resides in King County. Mr. Manning explained the testing process, noting that 87-90 percent of the cases sent to the Centers for Disease Control (CDC) are positive for H1N1 or Swine Flu. He reported that Camp Orkila had been closed, as well as the Salmonberry School, which had a case of a student who had returned from California with the flu. He reported on teleconferences with health care providers and prescription reporting to track antiviral supplies. Mr. Myhr thanked John Manning for his leadership and Mr. Manning thanked the Council and the Board of Health for their forward thinking in securing the stockpile of antivirals in preparation for an outbreak. Mr. Peterson asked if everyone was receiving Dr. James', SJC Health Officer, updates and Mr. Manning offered to include them in forwarding email messages from him.

11:45 AM EXECUTIVE SESSION: Real Property Acquisition

Council Chair Peterson announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss real property acquisition, pursuant to RCW 42.30.110 (1)(b). Present: Jon Shannon, Public Works Director. The session ended at 12:00 p.m. for an actual session time of 15 minutes. No action was taken upon reconvening.

12:00 PM ADJOURN: (Time Approximate) The meeting was adjourned at 12:00 noon.

Tuesday, May 5, 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, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

CITIZENS' ACCESS TIME

Sharon Kivisto addressed the Council to request a risk management assessment on the Sutton Road transfer station site and stated that she had heard that Ms. Cunningham, SJC Risk Manager, had already given her opinion. Ms. Pratt and Mr. Peterson stated that the assessment would be part of the process. Mr. Myhr said he would reserve his comments for Council Member Updates.

Gary Franco, a Lopez Island resident, addressed the Council to provide background in the RCWs, the Declaration of Independence, and his relationships with Orcans, related to **the Peddling Ordinance currently being drafted by the Prosecuting Attorney's Office**. He answered several questions from the Council.

COUNCIL ADMINISTRATIVE MATTERS

Minutes: Moved by Fralick, seconded by Rosenfeld, to approve the Minutes **of April 27 and 28, 2009**. Motion carried unanimously

Consent Agenda: Mr. Myhr requested discussion regarding the Mutual Aid Agreement. Moved by Pratt, seconded by Rosenfeld, to approve the **Consent Agenda of May 5, 2009**, as follows:

A. Resolutions/Ordinances: (No items.)

B. Contracts/Agreements:

Historical Preservation Grant awarded to:

- San Juan County Prosecutor in the amount of \$1,500.00

- Lopez Island Historical Society in the amount of \$1,500.00
- Orcas Island Historical Society in the amount of \$1,500.00
- San Juan Historical Museum in the amount of \$1,500.00

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

- Warrants #61534-61560 in the amount of \$27,807.31 for Public Works
- Warrants #61561-61565 in the amount of \$76,873.77 for Public Works (2)
- Warrants #61566-61697 in the amount of \$57,742.62 for County Claims
- Warrants #61852-61853 in the amount of \$508.91 for Veteran's Assistance

D. Personnel: (No items.)

E. Appointments: (No items.)

F. Correspondence:

- A letter to Tom Welch congratulating and awarding the Orcas Island Historical Society \$1,500.00 from the 2009 San Juan County Historical Preservation Grant
- A letter to Mark Thompson-Klein congratulating and awarding the Lopez Island Historical Society \$1,500.00 from the 2009 San Juan County Historical Preservation Grant
- A letter to Kevin Loftus congratulating and awarding the San Juan Island Historical Museum \$1,500.00 from the 2009 San Juan County Historical Preservation Grant
- A letter to Randy Gaylord congratulating and awarding the Prosecuting Attorney's Office \$1,500.00 from the 2009 San Juan County Historical Preservation Grant
- A letter of regret to Ruthie Dougherty thanking the San Juan County Land Bank for their application for the 2009 San Juan County Historical Preservation Grant
- A letter of regret to Dona Wuthnow thanking the San Juan County Parks Department for their application for the 2009 San Juan County Historical Preservation Grant

G. Miscellaneous: (No items.)

Motion carried unanimously.

Item Removed for Discussion: Public Health Inter-Jurisdictional Mutual Aid Agreement. Karen Vedder, Deputy Prosecuting Attorney, answered questions from the Council regarding the Mutual Aid agreement and the following action took place: **Moved by Rosenfeld, seconded by Myhr, to approve the agreement.** Mr. Myhr requested to have his questions regarding authorities answered at a later time. **Motion carried unanimously.** Mr. Manning arrived subsequently and it was determined that the local health officer is Frank James, MD, and the Health Department's authorized representative in requesting and receiving resources is Mr. Manning.

COUNCIL MEMBER UPDATES

Response to citizen risk assessment inquiry: Mr. Myhr, who had been away during the transfer station deliberations, inquired about the risk assessment. Council discussion took place with Mr. Rose. Ms. Pratt pointed out that it was a part of the motion regarding the transfer station location and Mr. Rosenfeld concluded by stating that the Department of Ecology officials indicated that there was no problem and encourages locating transfer stations to be located near prior land fill locations.

Nuclear Weapons: Mr. Myhr reported on a letter the Council received from an Orcas resident requesting that the County reinstall nuclear weapons free road signs and support the non-proliferation of nuclear weapons. Mr. Fralick said this letter came from one of his constituents and that he was drafting a response. Mr. Myhr said he wanted to see the letter and requested agenda time to discuss the issue.

Council Clerk Vacancy: A Council subcommittee, comprised of Council members Myhr, Fralick, and Rosenfeld, was formed to meet with Pamela Morais, Human Resources Manager; and Mr. Rose to set forth a process for filling the Clerk vacancy. Council discussion took place.

Planning Commission Vacancy: Mr. Peterson referenced applications from Ron Zee and Francine Shaw, and voiced his support for Ms. Shaw. Ms. Pratt said she supported Mr. Zee. Mr. Rosenfeld said he could not support Ms. Shaw. Mr. Knapp disclosed that he had hired Ms. Shaw to research property information and asked if anyone considered this to disqualify him from participating in this matter. Hearing nothing, Mr. Peterson made a motion to appoint Francine Shaw to the Planning Commission. Mr. Knapp seconded the motion, which failed with Pratt, Rosenfeld, and Myhr opposed. Following the vote, Mr. Rosenfeld made a motion, seconded by Pratt, to

appoint Mr. Zee to the Planning Commission, which failed with Knapp, Peterson, and Fralick opposed and Myhr abstained.

Moved by Myhr, seconded by Pratt, to advertise to see if the Council can get additional candidates to apply for the Planning Commission vacancy. Mr. Knapp suggested sending a letter to the two applicants who were voted down. **Motion carried unanimously.**

10:20 AM PUBLIC HEARING: McClure Timber Open Space Application #08TOS006. Council members Rich Peterson; Howard (Howie) Rosenfeld, Gene Knapp, Lovel Pratt, Bob Myhr, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Public Hearings Specialist, Lisa Brown; CD&P Senior Planner, Shannon FitzGerald; and interested members of the public were present.

Ms. Fitzgerald referenced her staff report and introduced applicant Will McClure. She explained the application and noted conditions recommended by the Planning Commission (PC) that prior to harvesting of timber, the applicant prepare a harvesting management plan and address any riparian and wetland zones. Ms. Fitzgerald answered questions from the Council and recommended approval of the application. Ms. Pratt requested a signature page, as contained in Will Hamilton's plans, be included for the forest management plan. Public testimony was opened, none submitted, and closed, and the following action took place:

Moved by Pratt, seconded by Knapp, to approve the McClure TOS Application Orcas Island 08TOS006 with the addition of the owner's signature on the forest management plan. Motion carried unanimous.

10:40 AM PUBLIC HEARING: Flint Beach Ohana Timber Open Space Application #08TOS007. Council members Rich Peterson; Howard (Howie) Rosenfeld, Gene Knapp, Lovel Pratt, Bob Myhr, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Public Hearings Specialist, Lisa Brown; CD&P Senior Planner, Shannon FitzGerald; and interested members of the public were present.

Ms. Fitzgerald provided information regarding the application, noting that the PC questioned whether timber in conservancy land use designation could be harvested and it was determined that it could. She noted that the PC and staff recommended approval of this application. Ms. Fitzgerald answered questions from the Council. Public testimony was opened, none submitted, and closed, and the following action took place:

Moved by Myhr, seconded by Rosenfeld, to approve the Flint Beach Ohana TOS Lopez Island 08TOS007. Motion carried unanimously.

11:00 AM COMMITTEE REPORT: Law & Justice Council Report – Stewart Andrew, District Court Judge; Anita Lopez, Superior Court Administrator; Joan White, Clerk of Court; William Cumming, Sheriff; **MORE PEOPLE**

Judge Andrew distributed his report and a copy of the Law & Justice (L&J) Plan adopted in 1994, pursuant to state law. He commented first regarding the budget reduction call, stating that it is necessary to discuss how proposed cuts from one department will affect others. He then reported on the L&J Plan, noting that goals laid out in the plan had been largely met. He reported on priorities of the security committee, the weeping wall, space issues, courthouse parking lot lighting, and historical courthouse renovation and he noted that the L&J Council is currently working on its first three-year amendment to the plan, which will be brought before the Council in the summer. Judge Andrew also reported on felony supervision and recently enacted state law that will eliminate supervision for some felony offenders and SJC. Judge Andrew provided more details related to the historic courthouse restoration. Sheriff Cumming and Judge Andrew answered questions from the Council.

11:20 AM DISCUSSION: Lopez Hill Lease Status & Management Plan – Dona Wuthnow, Director of Parks; Lincoln Bormann, Land Bank Director; and interested members of the public.

Ms. Wuthnow addressed the Council regarding difficulties she foresees in resource management with accepting the Lopez Hill Park. Ms. Wuthnow and Mr. Bormann answered questions from the Council and discussion took place regarding uses, liability, management, and ownership scenarios.

Prior to the lunch break Chair Peterson announced that the Council would reconvene at 1:00 to go into the scheduled executive session pursuant to RCW 42.30.110 (1)(g), and following that session would be an additional executive session to discuss pending litigation pursuant to RCW 42.30.100 (1)(i).

1:00 PM EXECUTIVE SESSION: Evaluation of Performance of a Public Employee

Council Chair Peterson announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, for the purpose of an evaluation of the performance of a public employee pursuant to RCW 42.30.110 (1)(g) and The session ended at 1:28 p.m. for an actual session time of 28 minutes. No action was taken upon reconvening.

1:30 PM EXECUTIVE SESSION: Pending Litigation (Added item.)

Council Chair Peterson announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss pending litigation pursuant to RCW 42.30.100 (1)(i). Present: Randall Gaylord, Prosecuting Attorney; and Adina Cunningham, SJC Risk Manager/Deputy Director. The session ended at 1:50 p.m. for an actual session time of 20 minutes. No action was taken upon reconvening.

1:30 PM COUNTY ADMINISTRATOR ITEMS: (Commenced at 2:00 p.m. due to time constraints.)
Pete Rose, County Administrator; Adina Cunningham, Deputy Director; Karen Vedder; and interested members of the public were present.

1. Verbal Briefing: Cable TV Franchise: Ms. Cunningham referenced her staff report and introduced the franchise agreement to the Council. She praised Ms. Vedder for her work on redrafting the document. Ms. Cunningham explained the purpose for such an agreement and the related revenue stream. Ms. Cunningham and Ms. Vedder answered questions from the Council indicating that they had been consulting with other municipalities who have cable franchises, including the Town of Friday Harbor.

2:00 PM COMMITTEE REPORT: Solid Waste Advisory Committee Work Plan – Carrie Lacher, SWAC Chair; Sam Jacobson, SWAC member; and interested members of the public were present.

Ms. Lacher introduced new SWAC member, Sam Jacobson, and presented the SWAC Work Plan for 2009. She officially invited a Council member to fill a vacancy on the Committee and reported that the committee will commence with updating the solid waste and hazardous waste plan. Ms. Lacher also requested a letter of commendation from the Council to the long-time SWAC member and advocate of waste reduction, George Post, who recently resigned. Ms. Pratt inquired about large scale composting, noting that the DOE had offered to provide outreach to SJC regarding large scale composting programs and, as this is something in the Council's plan for services at the new facility, asked if SWAC would be willing to facilitate this. Ms. Lacher said this is something they hope to execute. Mr. Jacobson reported on his recent voluntary ride-along with SJ Sanitation. He also expressed the idea of reviving "Trash Talks," previously done by George Post. He hopes to bring about discussions on things they agree on rather than disagree and suggested that SWAC would lead this forum on a regular basis to discuss issues important to San Juan Islanders in reforming the solid waste program. Ms. Lacher also thanked SJC Staff for their input and the following action took place:

Moved by Fralick, seconded by Rosenfeld, to approve the 2009 SWAC Work Plan. Motion carried unanimously.

Council discussion took place regarding representation on the SWAC and the following motion was made.

Moved by Myhr, seconded by Pratt, to appoint Rich Peterson to the SWAC. Motion carried unanimously.

Mr. Knapp requested that Ann prepare a letter of recognition for George Post.

2:30 PM DISCUSSION: MRC Quarterly Progress Report – Mary Knackstedt, MRC Coordinator; Laura Arnold and Ron Henrickson, MRC Members; and interested members of the public were present.

Ms. Knackstedt introduced MRC members present and noted that the MRC is approaching its next funding cycle. She provided a PowerPoint, reviewing policy and scientific focus, and reported on extensive outreach and education being provided to business owners and the community by the MRC, in partnership with UW Extension, Skagit Valley College, and SJC Pollution Prevention Specialist, Brian Rader. Ms. Knackstedt also reported on funding and grant proposals, for derelict gear removal and pollution prevention, noting their need to reduce her FTE to .75 due to reductions in funding. She also provided a report on Salmon Recovery and feeder bluff research for Ms. Rosenkotter, who was unable to attend. Ms. Knackstedt answered questions from the Council and Mr. Rose.

3:00 PM **DISCUSSION: Budget Reduction Process** – Pete Rose, County Administrator; and interested members of the public were present.

Mr. Rose reported in response to the Auditor’s presentation last week, stating the County is entering a budget reduction cycle and his presumed outcome is that the Council will be given a budget amendment ordinance, cutting back spending. He explained that he requested that department heads show 8 and 15 percent reduction scenarios with “department at a glance” sheets, showing full time equivalent (FTE) staffing and program reductions. He also reviewed mandated and core services, service levels, and guiding principles. Mr. Myhr requested further information on revenue source levels. He also noted that mandated services are not necessarily always fully funded and asked Mr. Rose to make sure there was Council input prior to presenting his budget amendment recommendations. Council discussion took place and Mr. Rose answered questions from the Council.

4:00 PM **ADJOURN AND SIGN DOCUMENTATION:** (Time Approximate) Chair Peterson adjourned the meeting at 3:32 p.m. A meeting was scheduled for Monday, May 18, 2009, and the next regular meeting was scheduled for Tuesday, May 19, 2009.

APPOINTMENTS:

1. Council Subcommittee of Myhr, Fralick, and Rosenfeld (See Tuesday, COUNCIL MEMBER UPDATES, Council Clerk Vacancy, for details.)
2. Rich Peterson – SWAC Appointment (See Tuesday, 2:00 PM, COMMITTEE REPORT, for details of action taken.)

BUDGET ITEMS/WARRANTS:

1. See Consent Agenda, section C.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS:

1. See Consent Agenda, section B
2. Mutual Aid Agreement (See Consent Agenda, Item removed for discussion.)

CORRESPONDENCE: (No items.)

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS: (No items.)

PERSONNEL ITEMS: (No items.)

These Minutes were approved and signed on Tuesday, May 19, 2009. The original document is retained in the Council’s permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.