

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
TUESDAY, NOVEMBER 6, 2012**

Legislative Hearing Room, Legislative Building, Friday Harbor

SPECIAL MEETING

08:47 AM CALL TO ORDER SPECIAL MEETING:

Chair Patty Miller opened the special meeting. Council Members present: Howard (Howie) Rosenfeld, Rich Peterson, Patty Miller, Richard Fralick, Lovel Pratt and Jamie Stephens; County Administrator Pro Tem Bob Jean and Clerk to the Council Ingrid Gabriel.

08:47 AM EXECUTIVE SESSIONS: To discuss Evaluation of the Performance of a Public Employee pursuant to RCW 42.30.110(1)(g) and To discuss current and pending litigation pursuant to RCW 42.30.110(1)(i) – Pamela Morais, Human Resources

At 8:47 AM, Ms. Miller called for an **executive session** pursuant to RCW 42.30.110(1)(g) and to RCW 42.30.110(1)(i) to last approximately 60 minutes. Present: Full Council; Prosecuting Attorney Randall Gaylord, County Administrator Pro Tem Bob Jean, Human Resources Manager Pamela Morais, Communications Director Stan Matthews and Clerk to the Council Ingrid Gabriel. The executive session ended at 9:46 for a total session time of 59 minutes.

Ms. Gabriel stepped out of the hearing room and announced that the executive sessions had ended.

NO ACTION TAKEN.

09:47 AM EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(d) To review Negotiations on the Performance of Publicly Bid Contracts – Frank Mulcahy, Director Public Works

At 9:47 AM, Ms. Miller called for an **executive session** pursuant to RCW 42.30.110(1)(d) to review Negotiations on the Performance of Publicly Bid Contracts to last approximately 15 minutes. Present: Full Council; Public Works Director Frank Mulcahy, Utility Manager Ed Hale, Prosecuting Attorney Randall Gaylord, County Administrator Pro Tem Bob Jean and Clerk to the Council Ingrid Gabriel. The executive session ended at 10:10 AM for a total session time of 23 minutes.

Ms. Gabriel stepped out of the hearing room and announced that the executive sessions had ended.

NO ACTION TAKEN.

10:16 AM DISCUSSION: Update on San Juan Island Solid Waste Site Request for Proposals (RFP) – Ed Hale, Utility Manager; Frank Mulcahy, Public Works Director

Mr. Hale gave an update to the Council and answered Council's questions.

REGULAR MEETING

10:24 AM CALL TO ORDER

Council Chair Patty Miller called the regular meeting to order at 10:14 AM. Present: Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

Flag Salute

Employee Absences: None

Moved by Ms. Pratt, seconded by Mr. Peterson to excuse Mr. Stephens from the Council meeting at 4:00 PM. ALL AYES; MOTION CARRIED.

New Employee Introductions: None

Approval of Minutes: postponed until November 20th meeting for further review,

Approval of Correspondence: None

Review and Approve Consent Agenda:

Moved by Mr. Fralick, seconded by Mr. Stephens, to approve the Consent Agenda of November 6, 2012, as follows:

A. Resolutions: Resolution Approving the Six Year Transportation Improvement Program (TIP) 2013 to 2018

Ordinances:

B. Contracts/Agreements: Interlocal Juvenile Detention Agreement

C. Budget Items:

D. Personnel:

E. Appointments:

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

ALL AYES; MOTION CARRIED.

Employee Recognition: Elizabeth Anderson

Citizens Access: The following citizens submitted comments: Marc Forlenza,

10:34 AM PUBLIC HEARINGS:

10:34 AM

1. To Adopt an Ordinance Amending 8.12 of the San Juan County Code and Adopting the San Juan County Solid and Hazardous Waste Management Plan [**public testimony accepted**] – Frank Mulcahy, Director Public Works; Ed Hale, Utility Manager
Present: Full Council, County Administrator Pro Tem Bob Jean, Public Works Director Frank Mulcahy, Utility Manager Ed Hale, Council Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing To Adopt an Ordinance Amending 8.12 of the San Juan County Code and Adopting the San Juan County Solid and Hazardous Waste

Management Plan. The following citizens provided public testimony: none.

Mr. Hale and Mr. Mulcahy presented the Ordinance and answered Council's questions. After discussion, the Council took the following action:

Moved by Mr. Peterson, seconded by Mr. Stephens to adopt Ordinance 8.12 of the San Juan County Code and Adopting the San Juan County Solid and Hazardous Waste Management Plan. ALL AYES; MOTION CARRIED

10:36 AM PUBLIC HEARINGS ON 2013 BUDGET ORDINANCES

Ms. Miller opened the public hearings on all five 2013 Budget Hearings. The following citizens provided public testimony: none.

10:36 AM 2. To Consider Adopting an Ordinance of San Juan County, Washington, Setting the Property Tax Levy for Current Expense for 2013 **[public testimony accepted]** – Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Auditor Milene Henley, Council Clerk Ingrid Gabriel and interested members of the public.

County Administrator Pro Tem Bob Jean presented the draft Ordinance Setting the Property Tax Levy for Current Expense for 2013 and answered Council's questions.

3. To Consider Adopting an Ordinance of San Juan County Washington, Setting the Property Tax Levy for Land Conservation Futures for 2013 **[public testimony accepted]** - Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Auditor Milene Henley, Council Clerk Ingrid Gabriel and interested members of the public.

County Administrator Pro Tem Bob Jean presented the draft Ordinance Setting the Property Tax Levy for Land Conservation Futures for 2013 and answered Council's questions.

4 To Consider Adopting an Ordinance of San Juan County Washington, Setting the Property Tax Levy for County Roads for 2013 **[public testimony accepted]** – Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Auditor Milene Henley, Council Clerk Ingrid Gabriel and interested members of the public.

Public Works Director Frank Mulcahy and County Engineer Rachel Dietzman presented the draft Ordinance Setting the Property Tax Levy for County Roads for 2013 and answered Council's questions.

5. To Consider Adopting an Ordinance Amending Ordinance 46-2009, A Fee Ordinance for Services Provided by the San Juan County Public

Works Department [**public testimony accepted**] – Bob Jean, County Administrator Pro Tem

Present: Full Council, County Administrator Pro Tem Bob Jean, Auditor Milene Henley, Council Clerk Ingrid Gabriel and interested members of the public.

Public Works Director Frank Mulcahy and County Engineer Rachel Dietzman presented the draft Fee Ordinance for Services Provided by the San Juan County Public Works Department and answered Council's questions.

6. To Consider Adopting an Ordinance of San Juan County, Washington, Adopting an Annual Budget for the Year 2013 and Setting Forth the Estimated Revenues and Appropriations Adopting an Ordinance Setting Certain Fees and Charges for 2013 [public testimony accepted] - Bob Jean, County Administrator Pro Tem
Present: Full Council, County Administrator Pro Tem Bob Jean, Auditor Milene Henley, Council Clerk Ingrid Gabriel and interested members of the public.

County Administrator Pro Tem Bob Jean presented the draft Ordinance Adopting an Annual Budget for the Year 2013 and answered Council's questions. After discussion, the Council took the following actions:

Moved by Ms. Pratt, seconded by Mr. Stephens to continue public hearing to consider adopting an Ordinance of San Juan County, Washington, Setting the Property Tax Levy for Current Expense to Tuesday, November 20, 2012 at 8:45 AM. ALL AYES; MOTION CARRIED.

Moved by Ms. Pratt, seconded by Mr. Rosenfeld to continue the public hearing to consider adoptin an Ordinance of San Juan County Washington, Setting the Property Tax Levy for Land Conservation Futures for 2013 to Tuesday, November 20, 2012 at 8:45 AM. ALL AYES; MOTION CARRIED.

Moved by Ms. Pratt, seconded by Mr. Rosenfeld to continue the public hearing to consider adopting an Ordinance of San Juan County Washington, Setting the Property Tax Levy for County Roads to Tuesday, November 20, 2012 at 8:45 AM. ALL AYES; MOTION CARRIED.

Moved by Ms. Pratt, seconded by Mr. Rosenfeld to continue the public hearing to consider adopting an Ordinance Amending Ordinance 46-2009, A Fee Ordinance for Services Provided by the San Juan County Public Works Department to Tuesday, November 20, 2012 at 8:45 AM. ALL AYES; MOTION CARRIED.

12:10 AM RECESS FOR LUNCH

01:05 PM PUBLIC HEARINGS RESUMED

The public hearing continued on Adopting an Annual Budget for the Year 2013 and Setting Forth the Estimated Revenues and Appropriations Adopting an Ordinance Setting Certain Fees and Charges for 2013. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded Mr. Stephens to continue the public hearing to consider adopting an Ordinance of San Juan County, Washington, Adopting an Annual Budget for the Year 2013 and Setting Forth the Estimated Revenues and Appropriations to Tuesday, November 20, 2012 at 8:45 AM. ALL AYES; MOTION CARRIED.

01:38 PM PUBLIC HEARINGS RESUMED [Council deliberations on Critical Area Ordinance Sections Continued from November 5, 2012]:

01:38 PM 7. To Adopt an Ordinance Regarding Critical Area Regulations for Wetlands; Amending San Juan County Code Sections 18.10.040, 18.20.010, 18.20.020, 18.20.040, 18.20.070, 18.20.080, 18.20.090, 18.20.120, 18.20.130, 18.20.140, 18.20.170, 18.20.180, 18.20.190, 18.20.200, 18.20.230, 18.30.150, and 8.60.170; and Repealing Appendices A-C of SJCC 18.30.150 - Shireene Hale, Planning Coordinator
Present: Full Council, Planning Coordinator Shireene Hale, Deputy Prosecutor Randall Gaylord, County Administrator Pro Tem Bob Jean, Council Clerk Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to adopt an Ordinance Regarding Critical Area Regulations for Wetlands.

Ms. Hale updated the Council and answered Council's questions. After discussion, the Council took the following actions:

- a. **Moved by Ms. Miller, seconded by Mr. Peterson to direct staff to modify Step 2 on pages 34 and 35 to align with the new Wetlands process. ALL AYES; MOTION CARRIED.**
- b. **Moved by Ms. Pratt, seconded by Mr. Stephens to direct staff to revise F1 on page 33 to more clearly define "full delineation," "partial delineation" and "wetland reconnaissance" and their applicability. ALL AYES; MOTION CARRIED.**
- c. **Moved by Mr. Fralick, seconded by Mr. Stephens to continue this public hearing and set forth the Wetlands Ordinance as amended for final vote to Tuesday, November 27 at 10:45 AM with the other proposed critical area amendments with the understanding that modifications may need to be made to make all critical area amendments consistent. ALL AYES; MOTION CARRIED.**

02:30 PM 8. To Adopt an Ordinance Regarding the Critical Area Regulations for Fish and Wildlife Habitat Conservation Areas, Amending San Juan County Code Sections 18.10.040, 18.20, and 18.30.160 – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

Present: : Full Council, Planning Coordinator Shireene Hale, Planner IV Colin Maycock, Deputy Prosecutor Randall Gaylord, County Administrator Pro Tem Bob Jean, Council Clerk Ingrid Gabriel and interested members of the public.

Ms. Miller opened the public hearing to adopt an Ordinance Regarding the Critical Area Regulations for Fish and Wildlife Habitat Conservation Areas.

Ms. Hale and Mr. Maycock updated the Council and answered the Council's questions. After discussion, the Council took the following actions:

- a. **Moved by Mr. Fralick, seconded by Ms. Miller to direct staff to modify listings shown on page 13 B.1.A to be more specific on listing of endangered species. ALL AYES; MOTION CARRIED.**
- b. **Moved by Ms. Pratt, seconded by Ms. Miller to direct staff to amend on page 32 of 49 C.i.a to insert the words "new development on bedrock shorelines should be located and designed to avoid the need for future shoreline stabilization to the extent feasible." ALL AYES; MOTION CARRIED.**
- c. **Moved by Ms. Pratt, seconded by Ms. Miller to direct staff to amend under C Additional Standards for Shoreline Stabilization Measures i.C to make B to read "new development on all shorelines other than bedrock shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure as demonstrated by a geotechnical analysis." VOTE 4:2 (Peterson, Fralick opposed); MOTION CARRIED.**
- d. **Moved by Ms. Pratt, seconded by Ms. Miller to direct staff to change B to C under Additional Standards for Shoreline Stabilization Measures and remove the word "reasonable." ALL AYES; MOTION CARRIED.**
- e. **Moved by Ms. Pratt, seconded by Ms. Miller to direct staff to eliminate letter "D" under C.i. VOTE 4:0:2 (Rosenfeld, Fralick abstained); MOTION CARRIED.**
- f. **Moved by Mr. Rosenfeld, seconded by Ms. Miller to direct staff to continue hearing to 4:15 PM today. VOTE 5:0:0 (Stephens excused); MOTION CARRIED.**

04:07 PM **DISCUSSION** To Approve a Resolution on 2013 Legislative Priorities [public comment accepted] – Council

The following citizens provided public comment: Jim Hooper, Kurt McMillen.

04:19 PM **PUBLIC HEARING RESUMED**

Ms. Miller resumed the public hearing on the Fish and Wildlife Habitat Conservation Areas Ordinance.

- g. Moved by Ms. Pratt, seconded by Ms. Miller to direct staff to remove C.i.D formerly known as E on page 32 of 49. ALL AYES; MOTION CARRIED.**
- h. Moved by Ms. Miller, seconded by Mr. Rosenfeld to direct staff to add on page 32 of 49 the language “where no alternatives including relocation or reconstruction of existing structures are found to be feasible and less expensive than the proposed stabilization measures“ and insert under ii. A, B and C. VOTE 5:0:0 (Stephens excused); MOTION CARRIED.**
- i. Moved by Ms. Pratt, seconded by Mr. Rosenfeld to direct staff to draft language that would prohibit shoreline stabilization to protect vegetated areas on all shorelines other than bedrock. VOTE 4:1:0 (Peterson opposed, Stephens excused); MOTION CARRIED.**
- j. Moved by Ms. Pratt, seconded by Mr. Rosenfeld to direct staff to remove the word “identical” on iii on page 33 of 49. VOTE 5:0 (Stephens excused); MOTION CARRIED.**
- k. Moved by Ms. Pratt, seconded by Mr. Rosenfeld to direct staff to clarify language on section iii on page 33 and 34. VOTE 5:0 (Stephens excused); MOTION CARRIED.**
- l. Moved by Ms. Pratt, seconded by Mr. Rosenfeld to direct staff to move iv on page 34 to the beginning of the section. VOTE 5:0 (Stephens excused); MOTION CARRIED.**
- m. Moved by Ms. Miller, seconded by Mr. Peterson to direct staff to remove on page 39 of 46 under the Recommendations column that the western meadowlark needs to be have a high water quality sensitivity rating. VOTE 5:0 (Stephens excused); MOTION CARRIED.**
- n. Moved by Ms. Pratt, seconded by Mr. Rosenfeld to direct staff to prepare language that would prohibit fin-fish net pens in table 3.10 for consideration in the hearing draft. VOTE 3:2:0 (Miller, Fralick opposed, Stephens excused); MOTION FAILED.**
- o. Moved by Ms. Miller, seconded by Mr. Pratt to direct staff to change the language on bottom of page 41 and top of page 42, paragraph 2 to specify “a water quality sensitivity of medium ...” VOTE 4:1:0 (Peterson opposed; Stephens excused); MOTION CARRIED.**
- p. Moved by Mr. Fralick, seconded by Mr. Rosenfeld to continue this public hearing as amended on the Fish and Wildlife Habitat Conservation Area Ordinance for a final vote on Tuesday, November 27, 2012 at 10:45 AM with the other proposed critical area amendments with the understanding that modifications may need to be made to make all critical area amendments consistent. VOTE 5:0 (Stephens excused); MOTION CARRIED.**

05:21 PM ADJOURN AND SIGN DOCUMENTATION

Ms. Miller adjourned the meeting.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on November 20, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.