

**MEETING MINUTES**

**SAN JUAN COUNTY (SJC), WASHINGTON**

**COUNTY COUNCIL  
January 11, 2011**

Tuesday, January 11, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

**10:00 AM CALL TO ORDER**

Council Chair Richard Fralick called the meeting to order at 10:00 a.m. Council members present: Howard (Howie) Rosenfeld, Rich Peterson, Lovel Pratt, Jamie Stephens, and Patty Miller; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Mr. Fralick reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing via live-streaming on the day of the meeting and can be viewed the following day on the Council website. The current video and three months of prior videos can be accessed by going to the San Juan County website [www.sanjuanco.com](http://www.sanjuanco.com) and selecting the County Council tab.

**Oath of Office:**

Judge Donald Eaton executed the oath of office for Patty Miller and Jamie Stephens, newly elected County Council Members. He also executed the oath of office for Rich Peterson, who was re-elected as a County Council Member. Council Members acknowledged their family and friends, and the tasks before them.

**Selection of Chair and Vice-Chair for Council Year Beginning January 11, 2011:**

Clerk to the Council Ingrid Gabriel announced the instructions for selecting a chair and called for nominations. Mr. Rosenfeld nominated Lovel Pratt for Chair. There were no further nominations. **Council Vote: 6-0, ALL AYES in favor of Ms. Pratt as Chair**

Chair Pratt then called for nominations for Vice-Chair. Mr. Peterson nominated Patty Miller for Vice-Chair. There were no further nominations. **Council Vote: 6-0, ALL AYES, in favor of Ms. Miller as Vice-Chair.**

Mr. Fralick passed the AVCA announcement, as well as the 30 second time limit sign for public comment to the new Chair Lovel Pratt.

**New Employee Introduction:** John Manning, Director of Community Health & Community Services, acknowledged Susan Leff, the new Manager of Personal Health Services.

**Citizens Access:** The following citizens submitted comments: none

**10:18 AM Clerk Update and Administrative Matters – Clerk Ingrid Gabriel, Deputy Clerk Maureen See**

Ms. Gabriel reminded the Council that the next meeting, Tuesday January 18, 2011, will be a Workshop on Orcas. We are tentatively scheduled for a quarterly meeting with the Town of Friday Harbor on February 22. The next available dates for public hearings are February 15 or 22.

**Committee Update:** Ms. See gave a committee update. After discussion, the following action took place:

Ms. Miller and Mr. Fralick will interview Evelyn Fuchser for the Planning Commission vacancy.

**Moved by Ms. Miller, seconded by Mr. Fralick, to reappoint Robin Kucklick to the Storm Water Advisory Committee, District #5. ALL AYES, MOTION CARRIED**

**10:38 AM     Review and Approve Minutes of January 4, 2011:**

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of January 4, 2011. VOTE: 4-0 (Stephens and Miller abstained), MOTION CARRIED**

**Review Agendas:**

Mr. Fralick reported that the Eastsound Planning Review Committee would like to offer their annual report to the Council on February 15 at the Council meeting on Orcas.

**10:41 AM             Recess**

**10:45 AM             PUBLIC HEARING:**

To Consider an Ordinance Creating a Fee Ordinance for Services Provided by the San Juan County Sheriff's Office – Robert Nou, Sheriff  
**Present:** Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Sheriff Nou said the Ordinance is to increase civil fees to help offset the actual expenses. Sheriff Nou answered questions from the Council. Ms. Pratt opened for public testimony, and no comments were offered. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to adopt an Ordinance, with the corrected signature blocks, Creating a Fee Ordinance for Services Provided by the San Juan County Sheriff's Office. ALL AYES, MOTION CARRIED**

Letters for Council approval were discussed. The following action took place:

**Moved by Mr. Rosenfeld, seconded by Ms. Miller, to approve the letter to Rick Hughes thanking him for his efforts on the pilot prescription drug Take Back Program. ALL AYES, MOTION CARRIED**

**Review and Approve Consent Agenda:**

**A. Resolutions:**

Resolution on Solid Waste/Equipment Rental and Revolving Fund (ER&R) Property Reconciliation

**Ordinances:**

- B. **Contracts/Agreements:**
- C. **Budget Items:**
- D. **Personnel:**
- E. **Appointments**
- F. **Correspondence:**
- G. **Miscellaneous:**
- H. **Bid Openings:**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve the Consent Agenda of January 11, 2011. ALL AYES, MOTION CARRIED**

**Review Council Calendar Items:**

**2011 Council Calendar:** Discussion followed on the 2011 Calendar. The meeting on February 22 was cancelled, the quarterly meeting with the Town of Friday Harbor will be rescheduled to another date, possibly earlier in the day (9:00-10:00 am) or on Thursday at the Town office. Mr. Fralick will be out of the country on April 12. Mr. Stephens will be gone on May 23.

There will not be a Lodging Tax Advisory Committee in January.

**11:15 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS**

**Legislative Priorities:** Ms. Pratt had nothing to report at this time.

**Budget Subcommittee:** Mr. Fralick had nothing to report at this time

**General Government Subcommittee:** Mr. Peterson reported that the next meeting will be held on January 25.

**Additional Updates & Discussion Items:** none

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported that last week's letter (joint letter with the Town of Friday Harbor) to legislators regarding the current ferry issues, was sent prior to the Governor's announcement on proposed regional ferry districts. Another letter is before the Council for approval that responds to the Governor's proposal..

Discussion followed regarding what monies actually go to the ferry system from the Department of Transportation. The Council asked Mr. Rosenfeld questions, and suggested some changes in the letter to the Governor. It was agreed that the changes would be incorporated into the letter and brought back to the Council in the afternoon.

The Ferry Caucus will meet on January 18, the Ferry Advisory Executive Committee will meet on January 20 in Seattle, and our Ferry Advisory Committee (FAC) will meet on Wednesday,

January 12, and will focus on the Governor's proposal. There will be a meeting on January 26 to begin reviewing the summer schedule.

**11:39 AM                    2011 Committee Assignments**

Chair Pratt led a discussion on Council committee assignments. The following action took place:

Ms. Pratt volunteered to be on the Law Library Committee; Ms. Miller volunteered to be on the Law and Justice Committee.

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to appoint Patty Miller and Jamie Stephens to the Solid Waste Subcommittee. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Peterson, to appoint Jamie Stephens and Patty Miller on the Budget Subcommittee. ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Fralick, to appoint Lovel Pratt and Howie Rosenfeld to the General Government Subcommittee. ALL AYES, MOTION CARRIED**

Jack Cory asked the Council if subcommittee meetings are open to the public and press. The committee chairs will get back to the Council in open session and answer the question.

**12:03 PM                    RECESS FOR LUNCH**

**1:02 PM                    Reconvene**

**Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve the letter to Governor Gregoire regarding ferry issues. ALL AYES, MOTION CARRIED**

**1:04 PM                    2011 Committee Assignments – Council (continued)**

John Manning, Director of Health and Community Services department, explained the purposes and functions of the Northwest Regional Council and the North Sound Mental Health Administration.

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to appoint Jamie Stephens to the North Sound Mental Health Administration. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to appoint Jamie Stephens to the NW Regional Council. ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Stephens to appoint Richard Fralick to the Board of Health. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to reappoint Rich Peterson to the Board of Health. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to appoint Noel Monin to the Board of Health as a representative of Friday Harbor, pending receipt of the nomination from the Town of Friday Harbor. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to reappoint Rich Peterson to the Lodging Tax Advisory Committee, ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to reappoint Rich Peterson to the Accountability Oversight Committee. ALL AYES, MOTION CARRIED**

**1:30 PM COUNTY ADMINISTRATOR ITEMS:**

1. Board of Health (BOH) Appeals Referral to Hearing Examiner (1<sup>st</sup> Touch) - Karen Vedder, Deputy Prosecuting Attorney

Mr. Rose introduced the concept to the Council. Ms. Vedder explained the Board of Health's role, indicating Title VIII is the jurisdiction of BOH. She reviewed the kinds of decisions that are primarily the role of the Health Office. In the event of an appeal, Ms. Vedder is suggesting the Council consider changing Title VIII, and the County Code, to have the appeal referred to the Hearing Examiner.

2. Briefing to Council on a Petition to Vacate a Portion of Deer Harbor Road (Sommerville) (2<sup>nd</sup> Touch) – John Van Lund, County Engineer

Mr. Van Lund introduced a staff report regarding a road vacation on Deer Harbor Rd, Orcas Island.

**Moved by Mr. Fralick, seconded by Mr. Stephens, to schedule a Public Hearing on February 15, 2011, at 10:45 am, to approve a report for vacation and abandonment of a portion of Deer Harbor County Road right-of-way. ALL AYES, MOTION CARRIED**

3. Ordinance Authorizing the County Administrator to Open Bid Proposals, Accept Bids, Execute Construction Contract Documents and Change Orders, and Accept Completed Work for 2011 County Construction Projects (1<sup>st</sup> Touch) – John Van Lund, County Engineer

Mr. Rose introduced the proposed ordinance authorizing the County Administrator to open bid proposals, etc.

**Moved by Mr. Fralick, seconded by Mr. Peterson, to bring this matter forward on a future agenda for second touch. ALL AYES, MOTION CARRIED**

4. Introduction of Interdepartmental Work Plan – Pete Rose, County Administrator

Mr. Rose explained a matrix of interdepartmental work plan proposals.

5. Introduction of Draft Shoreline Master Program Public Participation

Plan (1<sup>st</sup> Touch) – Colin Maycock, Senior Planner

Mr. Maycock introduced phases of the Shoreline Master Program update plan including a public participation plan.

**2:30 PM**                    **DISCUSSION:** Second Quarter Percent Real Estate Excise Tax  
(REET 2)  
(2<sup>nd</sup> Touch) – Milene Henley, Auditor

Ms. Henley explained the origins of the real estate excise tax (REET). REET 2 may be used to finance roads, storm and sewer utilities, and other park projects.

Comment by Sharon Kivisto.

**Moved by Mr. Rosenfeld, seconded by Ms. Miller, to schedule a public hearing on February 15, 2011, at 10:45 am, at the Orcas Firehouse, to consider adoption of the additional tax on real estate sales authorized by RCW 82.46.035. ALL AYES, MOTION CARRIED**

**3:11 PM**                    **DISCUSSION:** Organization of January 24 Council Retreat – Council

**3:16 PM**                    **Recess**

**3:25 PM**                    **EXECUTIVE SESSION:** To discuss current and pending litigation pursuant to RCW 42.30.110(1)(i) – Randall Gaylord, Prosecuting Attorney

At 3:25 Council Chair Pratt announced that the Council would be holding an executive session to discuss current and pending litigation pursuant to RCW 42.30.110(1)(i) to last 15 minutes.

Present: Full Council, Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Karen Vedder, County Administrator Pete Rose, Deputy County Administrator David Kelly, Clerk to the Council Ingrid Gabriel. At 3:40 Ms. it was announced that the session would take an additional 10 minutes, and 5 minutes were added . The session ended at 4:00 for a total executive session time of 35 minutes.

**No Action was taken.**

Ms. Gabriel stepped out of the hearing room to announce that the executive session had ended. Ms. Pratt called the meeting back into regular session and then announced that the meeting was adjourned.

**4:00 PM**                    **ADJOURN AND SIGN DOCUMENTATION**

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on January 25, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**

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