

SAN JUAN COUNTY (SJC), WASHINGTON
MEETING MINUTES

COUNTY COUNCIL
May 24, 2011

Tuesday, May 24, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER

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

Ms. Pratt 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 and selecting the County Council tab.

Citizens Access: The following citizens submitted comments: Minnie Kynch, Polly Gavora, Joanne Sample, Frank Penwell

Approval of Correspondence:

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve a letter to Washington Military Department, Emergency Management Division, confirming the appointment of Robin DeLaZerda as Interim E-911 Director made by Sheriff Rob Nou. ALL AYES, MOTION CARRIED

10:15 AM COUNTY ADMINISTRATOR ITEMS:

Mr. Rose informed the Council that the Odlin Park Project began yesterday.

1. Council Briefing on 2012-17 Six Year Transportation Improvement Plan (2nd Touch) – Rachel Dietzman, County Engineer

Ms. Dietzman explained the proposed Six Year Transportation Improvement Program (TIP) and answered questions from the Council. A public hearing is scheduled on July 26, 2011.

2. First Quarter Budget Report – Pete Rose, County Administrator

Mr. Rose reported on the first quarter budget for 2011

3. Resolution Accepting Road Right-of-Way on Mt. Baker Road/Trail Pursuant to SJC Code 2.28.10 (2nd Touch) – Jon Cain, Chief Civil Deputy Prosecuting Attorney

Mr. Cain explained the Resolution regarding road and trail projects, which requires that the County Council accept by resolution conveyances or transfer of real estate. After discussion, the following action took place:

Moved by Ms. Miller, seconded by Mr. Fralick, to approve the Resolution to accept easements for the Mt. Baker Road and Trail Improvement Projects along County Road Number 58 (MP 0.00 to MP 1.10), and authorize the County Administrator to sign all documents necessary to carry out the acceptance of easements for the completion of the Mt. Baker Road and Trail Improvement Projects along County Road Number 58 (MP 0.00 to MP 1.10). ALL AYES, MOTION CARRIED

4. Ordinance for Acceptance of Credit Cards for Permit Payments (2nd Touch) - Rene Beliveau, Director Community Development & Planning; Lisa Brown, Office Manager

Mr. Beliveau and Ms. Brown described the process and costs for implementing a credit card payment component for permit applications. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Peterson, to move the Ordinance forward for public hearing on July 12, 2011 at 10:15 pm. ALL AYES, MOTION CARRIED

5. Odlin South Trust Land Transfer Lease – Lincoln Bormann, Director Land Bank

Mr. Bormann reviewed the transaction involving the Odlin South “Well Property” and the Lease Tract. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Stephens, to accept the quitclaim deed for the three acre Odlin South “Well Property” on Lopez Island. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Stephens, to accept the 50 year Lease for the 100 acre “Lease Tract” on Lopez Island. ALL AYES, MOTION CARRIED

12:00 PM RECESS FOR LUNCH

1:00 PM ADOPTION: to Consider a Resolution to adopt a Synthesis of Best Available Science for Critical Area Ordinance (CAO) Review – Shireene Hale, Planning Coordinator (public comment accepted only on most recent revisions)

- Chapter 1 – Introduction
- Chapter 2 – Wetlands
- Chapter 3 – Marine Fish and Wildlife Habitat Conservation Areas (FWHCAs)
- Chapter 4 - Upland Fish and Wildlife Habitat Conservation Areas (FWHCAs)
- Chapter 5 – Frequently Flooded Areas
- Chapter 6 – Geologically Hazardous Areas
- Chapter 7 – Storm Water Management Alternatives
- Chapter 8 – Maps
- Chapter 9 – Responses to Comments from Scientific Experts and Agencies

Comments were offered by: Tim Blanchard

Council discussion included direction to staff by consensus to make changes to the current draft in chapters 2 and 3 regarding water quality maintenance.

Mr. Peterson raised his concerns over Russel Barsh's grant submission, and his (Mr. Peterson's) subsequent response.

Moved by Mr. Peterson to remove all studies authored or co-authored by Russel Barsh and that they be removed from the Best Available Science (BAS) Synthesis and any inferences or conclusions drawn from them. NO SECOND

Discussion followed on the language of the Resolution. After the discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Peterson, to amend the language in Paragraph M that says "which supports the conclusions reached" to say "that is cited."
ALL AYES, MOTION CARRIED**

Moved by Mr. Fralick, seconded by Mr. Stephens, to adopt, as amended, a Resolution Best Available Science to be included in the review and, if necessary, revision of the County's Development Regulations Regarding Critical Areas. ALL AYES, MOTION CARRIED

2:04 PM Clerk Update & Administrative Matters:

Ms. Gabriel reminded Council that there will be a Solid Waste Workshop on June 6 and a regular meeting on June 7, both will be in the Legislative Hearing Room. The next available date for public hearing June 14. We have confirmation of five Council members' availability for a quarterly joint meeting with the Town of Friday Harbor Council in their Chambers beginning at noon.

Ms. See gave a committee report. After discussion, the following action took place:

Moved by Mr. Rosenfeld, seconded by Ms. Miller, to reappoint Steve Revella, Jonathan White, David Loyd, Ken Sebens, Laura Arnold, and to appoint Barbara Bentley to the Marine Resources Committee. ALL AYES, MOTION CARRIED

Review and Approve Minutes of May 16 & 17, 2011:

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the Minutes of May 16, 2011. ALL AYES, MOTION CARRIED

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the Minutes of May 17, 2011. ALL AYES, MOTION CARRIED

Review Agendas: Ms. Miller requested that Early Start Meetings begin at 8:45 am, instead of 8:30 am. There was a discussion of the June 7 Agenda, County Administrator Item #1.

Review and Approve Consent Agenda:

A. Resolutions:

Ordinances:

B. Contracts/Agreements:

C. Budget Items:

The Auditor's office requests approval for the following warrants:

- Warrants #95307 – 95309 in the amount of \$437.97 for Medical Reimbursements
- Warrants #95287-95305 in the amount of \$5,844 for Medical Reimbursements
- Warrants #95311-95429 in the amount of \$132,749.63 for County Claims
- EFT #05172011 in the amount of \$5,716.82 for Public Works Excise
- Warrants #95430-95466 in the amount of \$96,374.04 for Public Works

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Moved by Ms. Miller, seconded by Mr. Stephens, to approve the Consent Agenda of May 24, 2011. ALL AYES, MOTION CARRIED

Council Calendar Items: The following dates need to be added to the Council Calendar: June 16 Town/County Council Meeting; Accountability Oversight Committee (AOC) meeting is scheduled for July 29; list Eastsound Planning Review Committee (EPRC) meetings (with Mr. Fralick and Ms. Miller in attendance) and Deer Harbor Planning Review Committee (DHPRC) meetings (Mr. Fralick in attendance); Ferry Community Partnership meeting in Anacortes (Ranker and Morris will be present) on June 25 at Cap Sante Retirement Center; the Ferry Advisory Committee will meet on June 15 (third Wednesday) instead of June 8 (the second Wednesday).

2:10 PM

COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Solid Waste Subcommittee: Ms. Miller reported on the following committee activities: there will be a meeting tomorrow on May 25 on Orcas, and later in the week with the Solid Waste Advisory Committee (SWAC) with the goal to have information ready for the June 6 workshop; the committee is working with staff to provide updated recommendations; the Committee will meet with Town representatives today at 4:00 pm; a Draft Ordinance is before the Council today proposing a rate increase for self haulers on July 1, and franchise haulers on September 1.

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, in addition to the option already presented in Attachment A, that the County Administrator, in consultation with the Solid Waste Subcommittee, create an Option B in which rates are adjusted to make up the unfunded difference. ALL AYES, MOTION CARRIED

Mr. Rosenfeld raised the issue of rates on commingled recyclables.

Legislative Priorities: Ms. Pratt reported that the Legislature’s Special Session will end by tomorrow night at midnight, and that she will have a more complete legislative priorities report once the session has ended.

Ms. Pratt also reported that the Governor has signed into law ESHB 1886 which implements the recommendations of the Ruckelshaus center by establishing a Voluntary Stewardship Program. This program will provide one option for counties to address agricultural activities in critical areas. This is a voluntary program and the county will have approximately nine months to decide whether or not to opt in. Ms. Pratt is working to set a date for a workshop for the council and stakeholders which would be led by Eric Johnson, Executive Director of Washington State Association of Counties (WSAC) and the representative for counties during the Ruckelshaus Center negotiations. Possible workshop dates are Monday, September 12th or Monday, September 19th.

Ferries/FAC/Intermodal: Mr. Rosenfeld reported the legislature passed ESSB 5742 (ticket surcharge) and it appears that a round trip will be assessed the 25 cent surcharge same as the single fare; SHB 2053 is still under consideration for funding for ferries (raises drivers license and dealer fees and permits); the Washington State Ferries (WSF) will hold their public meeting here on June 8; fuel surcharge is still coming; the County and Town may be asked to participate in updating the Hovee report, a study on the economic benefits of the Sydney run, a report that wasn't well accepted in Olympia.

Mr. Rosenfeld gave a report on his medical condition.

At the advice of staff, the Council acted on the following motion that had been previously communicated by consensus:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to amend the May 20, 2011 draft of San Juan County Best Available Science (BAS) Synthesis, Chapter 2, Wetlands, page 72 #4 as submitted, and to amend the May 23, 2011 draft of San Juan County BAS Synthesis, Chapter 3, page 90 as submitted. ALL AYES, MOTION CARRIED

3:10 PM **CLOSED SESSION:** To discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b) – Pamela Morais, Human Resources Manager

Ms. Pratt announced that the Council would be holding a **closed session** to discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b); estimated to last approximately 50 minutes. Present: Full Council, County Administrator Pete Rose, Human Resources Manager Pamela Morais, Deputy County Administrator David Kelley and Council Clerk Ingrid Gabriel. The session ended at 3:55 for a total closed session time of 45 minutes.

No Action was taken.

Mr. Rose stepped out of the hearing room and announced that the closed session had ended. Ms. Pratt called the meeting back into regular session before adjourning the meeting.

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

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on June 7, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.