

SAN JUAN COUNTY (SJC), WASHINGTON
MEETING MINUTES

COUNTY COUNCIL
June 7, 2011

Tuesday, June 7, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

10:02 AM CALL TO ORDER

Council Chair Lovel Pratt called the meeting to order at 10:02 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.

New Employee Introductions: Prosecuting Attorney Randall Gaylord introduced new employee Amy Vira, an attorney who will work on land use issues, and Intern Marta Schwendeman.

Citizens Access: The following citizens submitted comments: none

Approval of Correspondence:

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve a letter to the Land Trust Accreditation Commission supporting the accreditation of the San Juan Preservation Trust (SJPT). ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Stephens, to approve a letter to the Puget Sound Partnership Salmon Recovery Council in support of Richard Fralick's appointment to the Puget Sound Partnership Salmon Recovery Council. ALL AYES, MOTION CARRIED

Mr. Peterson asked for a comprehensive list of Council commitments to outside committees that involves travel.

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve a comment letter to Liam Ngugen regarding the BP Cherry Point oil refinery National Pollutant Discharge Elimination System (NPDES) permit. ALL AYES, MOTION CARRIED

Review and Approve Minutes of May 23 & 24, 2011:

Moved by Mr. Fralick, seconded by Ms. Miller, to approve the Minutes of May 23, 2011. VOTE: 5-0 (Stephens abstained), MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve the Minutes of May 24, 2011. ALL AYES, MOTION CARRIED

Review and Approve Consent Agenda:

A. Resolutions:

Adopting Best Available Science to Be Included in the Reviews and, if Necessary, Revision of the County's Development Regulations Regarding Critical Areas

Ordinances:

B. Contracts/Agreements :

C. Budget Items:

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

- Warrants #95591-95593 in the amount of \$655 for Veteran's Assistance
- Warrants #95637-95741 in the amount of \$91,844.92 for County Claims
- Warrants #95742-95765 in the amount of \$45,055.35 for Public Works Claims
- Warrants #95766-95768 in the amount of \$17,002.83 for County Claims
- Payroll expenditures for period ending 5/24/11
- Warrants #95964-95967 in the amount of \$726 for Veteran's Assistance
- Warrants #95943-95963 in the amount of \$19,232.51 for County Claims

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

Moved by Mr. Fralick, seconded by Ms. Miller, to approve the Consent Agenda of June 7, 2011. ALL AYES, MOTION CARRIED

10:15 AM

PUBLIC HEARING: To consider Changes to the Ferry Advisory Committee (FAC) and Amending San Juan County Code Section 2.44.010, 2.44.020, 2.44.030, 2.44.040, 2.44.050, 2.44.060 and 2.44.080 – Randall Gaylord, Prosecuting Attorney

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Mr. Gaylord explained the purpose of the ordinance and the proposed amendments to the Ferry Advisory Committee rules.

Mr. Peterson asked if the membership of the FAC could be amended to include seven members, not five (making alternates full members). Mr. Gaylord answered that changes to memberships must be made from the level of Washington state law, or Department of Transportation. He recommended the question be posed to David Moseley on June 8 and get direction from Washington State Ferries or the State legislators.

Ms. Pratt opened the hearing for public testimony, and comments were offered by Sharon Kivisto, Jack Cory. Public testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve as amended an Ordinance regarding Changes to the Ferry Advisory Committee, Amending SJCC Section 2.44.070, and Repealing SJC Sections 2.44.010, 2.44.020, 2.44.030, 2.44.040, 2.44.050, 2.44.060 and 2.44.080. VOTE: 5-1 (Miller opposed), MOTION CARRIED

11:00 AM PRESENTATION: Oil Spill Prevention, Preparedness and Response, including the Northwest Area Contingency Plan – Elin Storey, Drill Coordinator and Policy Analyst Spill Preparedness Section; Nhi Irwin, Policy Analyst Spill Prevention, Preparedness and Response; Lieutenant Commander Erin Potter, Contingency Planner with the US Coast Guard

Lt. Commander Potter, Ms. Irwin and Ms. Storey gave a PowerPoint presentation on the Northwest Area Contingency Plan.

12:03 PM RECESS FOR LUNCH

1:31 PM PRESENTATION: Update on the University of Washington Friday Harbor Labs' Work – Dr. Kenneth Sebens, Director

Dr. Sebens gave a report on the University of Washington Friday Harbor Labs work.

2:00 PM 2011 COMMITTEE REPORT & WORK PLAN:

Law & Justice Council – Superior Court Judge Don Eaton

This report was cancelled for today, and will be rescheduled.

2:04 PM Clerk Update & Administrative Matters:

Ms. Gabriel reminded Council that there will be a Critical Areas Ordinance (CAO) Workshop on June 13 and a regular meeting on June 14 starting at 8:45 am, both in the Legislative Hearing Room. On Wednesday, June 8, from 5:30-7:00 pm, there will be a live streamed meeting with Washington State Ferries. The next available date for public hearing is July 12. There will be a joint meeting with the Town of Friday Harbor on June 16 at noon. County Council will not be attending the National Association of Counties (NACo) meeting in July due to budget constraints.

The Clerk also announced that video conferencing is ready to be tested, and asked the Council to choose a date for a town hall type meeting in order to make a trial run.

Review Agendas:

The former Critical Areas Ordinance Committee has been invited to the June 13 workshop.

Mr. Stephens asked that the Watmough Head Road issue be placed on the agenda for June 14.

Council Calendar Items:

The Board of Health meeting for June has been cancelled.

For the August calendar, the Council will not meet on August 23, but instead will meet on August 16.

2:14 PM Review of an Ordinance Setting Fees for Solid Waste Handling Services Provided by San Juan County and Repealing Ordinance 35-2010 – Council

Discussion followed.

2:19 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported that the Washington State Ferries meeting scheduled for June 8 in the Legislative Hearing Room will be live streamed and will take questions by email. FAC has been asked to participate in an update on the Hovee report (the only economic impact study on ferries for communities). They are willing to participate and update it, one possibility is to put it out to bid, we (SJC) will be asked to participate (cost approx \$20,000). The funding for capital costs goes to zero in the new biennium; legislature came up with enough money to keep services, but there is no long term funding.

There will be a Ferry Partnership meeting in Anacortes on Saturday, June 25, at the Cap Sante building. Our legislators are expected to attend.

2:30 PM DISCUSSION: To consider a Resolution regarding the Hearing Examiner Rules (2nd Touch) – Randall Gaylord, Prosecuting Attorney; Phil Olbrechts, Hearing Examiner

Mr. Gaylord explained the proposed changes to the Hearing Examiner Rules. Mr. Olbrechts explained some of the changes he is proposing in the Hearing Examiner Rules.

Public comments were offered by: Francine Shaw

3:00 PM COUNTY ADMINISTRATOR ITEMS:

1. Clarification on Charter Review Commission Make-up by Population
- Randall Gaylord, Prosecuting Attorney

Mr. Gaylord provided background information regarding the allocation of Charter Review Commissioners. Auditor Milene Henley posed the question to the Council “Should the number of Charter Review Commissioners be changed in order to achieve an equitable distribution by island as well as by legislative district?”

After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Stephens, to specify the number of commissioners to the charter review commissioners from 18 to 21. ALL AYES, MOTION CARRIED

Ms. Pratt was excused from the meeting for personal reasons.

1. Equipment Rental and Revolving Fund (ER&R) and Mental Health Tax

Fund with Regard to Interfund Loans – Auditor Milene Henley, ER&R Manager Mike Copas, and Health & Community Service Director John Manning

a) Discussion of Loans

Mr. Rose explained the reasons for examining prior policy decisions to use unallocated replacement funds of the ER&R fund to provide interfund loans, and to hold property that does not serve ER&R purposes. Discussion followed on ways to create a policy, either through the finance committee or budget committee, or the general government subcommittee. Public comment was made by John Wickham, a member of the Human Services Advisory Board. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Peterson, as part of the interfund loan process, that the manager/advisory boards for the fund making the loan be notified and have an opportunity to comment on the implications of the proposed loan. VOTE: 5-0, MOTION CARRIED

b) Discussion of ER&R Program

Public Works Director Russ Harvey and Mike Copas gave background information on the use of unallocated replacement funds of the ER&R fund to provide interfund loans and to hold property that does not serve ER&R purposes.

2) 2011 Public Facilities Financing Assistance Grant Program Awards (PFFAP) (2nd Touch) – Pete Rose, County Administrator

Mr. Rose presented the 2011 grant applications for PFFAP. The Council asked Mr. Rose for additional information on the applicants.

3. San Juan County Land Bank Proposed 2011 Amended Expenditure and Acquisition Plan (2nd Touch) – Land Bank Director Lincoln Bormann

Mr. Bormann presented an ordinance that amends the 2011 Budget for certain changes in relation to the Land Bank Acquisition Plan for 2011. He also presented a Land Bank Proposed 2011 Amended Expenditure and Acquisition Plan.

This matter has been scheduled for public hearing on June 14, 2011 at 3:00 pm.

4. Middleton Trail Easement Donation (2nd Touch) – Land Bank Director Lincoln Bormann

Mr. Bormann outlined the Middleton Trail Easement donation to the Council.

After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to move the Middleton Trail Easement Donation to the Consent Agenda for June 14, 2011. VOTE: 5-0, MOTION CARRIED

4:56 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS: continued

Budget Subcommittee: Mr. Fralick had no report at this time.

General Government Subcommittee: Mr. Peterson had no report at this time.

Solid Waste Subcommittee: Ms. Miller had no report at this time.

4:57 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on June 14, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.