

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
October 6, 2009**

Tuesday, October 6, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER

Council Chair Peterson called the staff meeting to order at 10:00 am. Council Members Howard (Howie) Rosenfeld, Rich Peterson, Gene Knapp, Bob Myhr, Lovel Pratt and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Maureen See and interested members of the public were present.

CITIZENS' ACCESS TIME

John Evans addressed Council noting that the planning process has been taken out of local control and been delegated to outside organizations instead of County citizens.

COUNCIL ADMINISTRATIVE MATTERS

Minutes:

Moved by Mr. Rosenfeld to approve the Minutes of September 28th and September 29th, 2009. Mr. Myhr seconded. Motion carried unanimously.

Consent Agenda:

Moved by Mr. Rosenfeld to approve the Consent Agenda of October 5, 2009. Seconded by Mr. Knapp. Motion carried unanimously.

A. Resolutions/Ordinances:

Resolution Adopting the 2010 Equipment Rental Rates and Authorizing the ER&R Fund/Fleet Manager to Purchase Approved Budget Items and/or Acquire Approved Budget Items through Bidding at Public Auctions

B. Contracts/Agreements: (no items)

C. Budget Items:

Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #69304-69382 in the amount of \$35,884.54 for County Claims
- Warrants #69274-69303 in the amount of \$20,942.77 for Public Works

D. Personnel: (no items)

E. Appointments:

A letter appointing Roger Ellison to the San Juan County Agricultural Resources Committee, the term to begin immediately and expire on August 31, 2011.

A letter appointing John Lackey to the Planning Commission, the term to begin immediately and expire on December 31, 2009.

F. Correspondence:

1. A thank you letter to Alice Hurd for donating a trail easement for public use on her Cattle Point Rd property.
2. A thank you letter to Louisa Nishitani for donating a trail easement for public use on her Cattle Point Rd property.

G. Miscellaneous:

H. Bid Openings:

COUNCIL MEMBER UPDATES

General Government Subcommittee: Mr. Knapp reported that the Subcommittee voted to invite applications from all interested persons for hearing examiner. Mr. Knapp moved to accept General Government Subcommittee's recommendation, Mr. Fralick seconded. Motion carried unanimously,

Ferries/FAC/Intermodal:

Mr. Rosenfeld reported on the National Oceanic and Atmospheric (NOAA) October 5th, 2009 meeting and said there was unanimous agreement for Go-Slow Zone either on the west side or anywhere where whales are present. He noted that no review procedures or evaluation are included in NOAA's regulations and NOAA is not allowing themselves to be questioned. A great deal of support was shown for salmon enhancement.

Mr. Fralick asked if NOAA is ending public comment on Oct. 27, 2009. No word in response to Council's request for an extension. He gave the website for comments: orca.plan@noaa.gov.

Mr. Peterson noted that the comment at the meeting was limited to 2 minutes. Enforcement was the main theme of the audiences' discussion. He suggested reworking Preliminary Comment to NOAA according to information from October 5th meeting.

Mr. Rosenfeld suggested sending a letter and inviting Town to meet within the next two weeks to discuss final response.

Mr. Rose asked if anything in presentation from NOAA would form a consensus on which the letter could be based. Ms. Pratt noted that a power point presentation was made by NOAA. Mr. Peterson added that total attendance was about 100 speakers.

10:20 AM DISCUSSION: Proposed Approach to the Implementation of the Puget Sound - 2010 Action Agenda - Linda Lyshall, Ecosystem Recovery Coordinator and Project Manager for the San Juan Local Integration Organization

Linda Lyshall made a presentation to Council giving background on developing Action Agenda to restore protect and stop sources of pollution in Puget Sound by 2020. She indicated that the purpose of the program is to assist with integrating the implementation of local plans. Ms. Lyshall referred to the meeting of September 16, 2009 where the consensus was to develop a steering

committee to identify participants.

Mr. Peterson, Mr. Fralick, Ms. Pratt and Mr. Myhr all attended the September 16th meeting. Mr. Peterson said that the work has not been fully done yet regarding who is on the committee, where funding originates, indentifying the expectations and what is the Council's role in getting the program rolling.

Mr. Rosenfeld asked if there was a choice of a County Council member. Ms. Lyshall said she would leave that to Council. Ms. Pratt commented that the 2010 Agenda aligns with the objectives of the Council. Mr. Myhr suggested that Ms. Lyshall was present to get Council's input in appointing a steering committee and how to structure the local integrating organization.

Mr. Peterson wanted to identify the correct steps needed in becoming involved. Mr. Fralick shared his concerns over the structure of Puget Sound Partnership and there wasn't an option to participate. He stated that San Juan County would be outvoted by large counties without showing any benefit to SJC. Mr. Fralick asked for an outline of the process and how it would benefit SJC.

Ms. Lyshall said that initial meetings would take place in two to three months for educational purposes and to meet the key players who implement natural resource plans. The discussion moved to options in creating a new committee to implement plans or integrate an existing effort to create efficiencies. The group will then be responsible for prioritizing funding. Puget Sound Partnership (PSP) will support the group with staff and funding, but it will be ideally supported by the Council. There needs to be a method for the Tribes to participate as well.

Mr. Peterson asked Mr. Rose if the Council or the County Administrator is the authorizing body, Mr. Rose replied that trying to get a better articulation of local control needs to be determined. Mr. Rose noted that PSP does not have an impact on the regulatory process, but the Council will want to steer where the money should be directed. The PSP wants the Council to own the plan, and a plan with a local base has more chance of success.

Mr. Myhr said Council participation allows for both input and control and that it's beneficial for the Council to participate in a leadership role. He encouraged the Council to move ahead with the process.

Mr. Fralick asked about funding sources. Lyshall said that they are getting funding from both state and federal sources and will get a budget to Council if they request it. Mr. Rosenfeld asked if they are asking for funding. Ms. Lyshall said that PSP is providing its own funding. Mr. Rosenfeld questioned why Council is expressing resistance.

Mr. Fralick said that caution is always appropriate and wants to make sure that Council has a say in the direction of the committee. Ms. Lyshall responded that having Council participation is important. Ms. Pratt said that there is no money in the County budget to do any of the items on the Action Agenda, and that it's appropriate for the Council to take an active role as the PSP is bringing together many different goals and needs of the community.

Mr. Peterson and Mr. Myhr asked for time to consider names on the steering committee. Mr. Rosenfeld wanted to move it forward immediately. Ms. Pratt supported waiting. Mr. Rose suggested making space for discussion the same agenda time next Tuesday, October 13th, 2009 to decide who will be on the steering committee.

11:00 AM PRESENTATION: Tribal Fishing, Salmon Recovery and San Juan County -
Terry Williams, Commissioner of Fisheries and Natural Resources, Tulalip Tribes

Mr. Myhr introduced Mr. Williams.

Mr. Williams gave a history of the Tulalip Tribes in the Puget Sound area. He talked about the Tribes' relationship to salmon and how it's built into their song, dance and lifestyle. The Tribes are winning cases in court against encumbrance, but are not winning the negative effects from human impact, particularly in the area of population growth in Washington and climate change. Mr. Williams anticipated that the resources to hunt, fish and gather will be gone in the next 20 years, which is why work with the Partnership is so important.

Mr. Williams discussed pollution and loss of habitat caused by growth of human population and climate impact regarding loss of fish. King County and San Juan County have been the most progressive dealing with problems locally even without organized support and direction and are models to other counties.

Ms. Pratt thanked Mr. Williams and said she is interested in learning more about Treaty rights. The County is in the process of updating the Shoreline Master Program and Critical Area Ordinance and is interested in knowing how treaty rights impact those.

Mr. Williams responded that treaties regarding encumbrances on the land have been held up in the courts and gave the Culvert Case as an example of free access.

Mr. Rosenfeld noted that there is a resistance to environmental protection from a significant part of the local population and thanked Mr. Williams.

Mr. Peterson thanked Mr. Williams and adjourned the meeting at 11:56

RECESS FOR LUNCH (time approximate)

1:00 PM COUNTY ADMINISTRATOR ITEMS

Chair Peterson reconvenes meeting at 1:00 pm.

1. Orcas Recreation Update – Dona Wuthnow, Parks and Recreation Director

Dona Wuthnow addressed Council regarding Orcas Island Recreation Program which originated in 1984 and is a long-standing program within the County. The finances are tracked separately from the park system in their own reserve and are separate from the park fund. However, they can no longer keep up with the costs of the program.

Ms. Wuthnow provided a financial report to Council that included planned revenue and estimated expenses. The program is undertaking fund raising with some success, but the Orcas Rec advisory committee requests that the County wave the data processing charge. Ms. Wuthnow believes they can be made whole for the rest of the year.

Mr. Peterson asked why the levy lid lift is being factored in as Orcas Rec wasn't included in the funding basis for the lid lift.

Mr. Rose replied that the Council's administrative capacity would be better. The Orcas Rec program needs liability and legal support during the transition.

Wuthnow said that if the Orcas Recreational district measure passes, it divorces Orcas Rec from the County, but there was a commitment to the transition and the whole community benefits as opposed to closing shop and losing staff.

Mr. Knapp said that Orcas Recreation is very highly regarded on Orcas Island. Mr. Fralick said that having taken the \$10k out of the parks budget, the County is still providing support in terms of utilities and insurance, and the Council will have to try and figure out how to supply support during the transition.

Ms. Wuthnow is satisfied to wait until after the election, but felt it was important to update Council on issue.

1:21 PM DISCUSSION: 2010 Budget Deliberations

Mr. Rose said that Milene Henley, Auditor, put out a note to the Departments explaining what's changed and inviting them to testify if they have concerns. Mr. Rose suggested opening up the floor to the departments for testimony.

Mr. Myhr said he believes in a reserve policy but has a problem with having money drive our decisions. Mr. Fralick reminded Council that the ordinance includes a 10% reserve and that it's the decision of to Council what they do with it.

Ms. Henley talked about potential savings in office supplies and the jury manager position. John Manning addressed Council regarding staffing in senior services.

Mr. Myhr stated that he would not approve any budget until there is a half time senior coordinator on Lopez. Mr. Rose replied that speaking for the entire organization, we want to support senior services but we are trying to attain a balanced budget and the Council needs to start making deals.

Mr. Peterson said that if the levy lid lift passes, programs are saved including senior services.

Ms. Pratt reiterated her support for co-wide senior services, but that she would not support a budget increase for senior services without identifying a corresponding budget cut.

Mr. Rose suggested validating the process by listing what is being put out on the table to identify what are the motivational parts. Mr. Myhr reiterated that we have a general picture and hold with that until we get to the final budget in November.

Mr. Rose said we are only 6 pages short of a final budget proposal and that has to be submitted by October 18, 2009. (Henley says ballots are being mailed October 15, 2009).

Marion Melville, District Court Administrator, addressed the Council regarding staffing in her department and noting that while she has not added staff in twenty years, the work load in District Court has doubled from 2004 until today. She requested that her staff not be decreased in terms of FTEs.

Charles Zalmanek, Assessor, addressed the Council with the need for additional funds for postage, appraisers' education for reaccreditation, and the need for additional funds to allow him to attend the required Assessor's Conference in June of 2010.

Adina Cunningham, Deputy Administrator, addressed Council stating that unemployment compensations were not included in 2010 budget.

Tom Schultz, Director of WSU Extension addressed Council and requested the reinstatement of a half time 4-H/Family Living Faculty position if the levy lid lift passes (\$22,000 in salary with WSU providing benefits).

Randy Gaylord, Prosecuting Attorney, addressed Council and asked for a 3-5% M&O increase.

Mr. Peterson suggested that Council continues further budget discussion from October 7th to Tuesday, October 13th during County Administrator's time. He added Local Integration to the morning of October 13th for 40 minutes. He proceeded with the agenda established for the Special Meeting of October 7 and moved the Closed Session agenda item earlier to 11:30.

Mr. Peterson adjourned the meeting at 2:45 PM.

2:45 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Rich Peterson, Chair
District 2, San Juan North

ATTEST: Clerk of the Council

By: _____
Ingrid Gabriel, Clerk

Richard Fralick, Vice-Chair
District 4, Orcas West/Waldron

Lovel Pratt, Member
District 1, San Juan South

Howie Rosenfeld, Member
District 3, Friday Harbor

Gene Knapp, Member
District 5, Orcas East

Bob Myhr, Member
District 6, Lopez/Shaw