

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL SESSION
June 11, 2007**

Monday, June 11, 2007 - Council Hearing Room

CALL TO ORDER

Council Vice-Chair Rosenfeld called the special meeting to order at 10:00 a.m. Council members Ranker, Peterson, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Acting Clerk to the Council, Amy Taylor; Deputy Clerk, Lisa Brown; and interested members of the public were present. *Chair Myhr was absent.*

ACTION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 11-2007 - (Refer to PUBLIC MEETINGS/WORK SESSIONS, 10:00 a.m., for details of action taken.)

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council met for a public hearing to continue deliberations in consideration of an ordinance to adopt the Rosario Master Planned Resort (MPR) and Official Map Redesignation. Present: Ron Henrickson, Director, Community Development and Planning Department (CDPD); Shireene Hale, Senior Planner, CDPD; Randall Gaylord, Prosecuting Attorney; Pete Rose, County Administrator; Mike Usen and Laurie Cameron, agents for the Applicant; and interested members of the public. Mr. Rosenfeld introduced those present and opened the public hearing. Ms. Hale distributed revised conditions for numbers 5 and 20 of the MPR, based on Council discussions during the meeting of June 4, 2007. Mr. Lichter expressed his concern regarding e-mails pertaining to the Rosario MPR that had come in after public testimony had been closed, and his desire to have the Council consider the testimony. Mr. Gaylord advised the council that public testimony would need to be reopened in order for this to be considered, thus giving the Applicant an opportunity to respond. He added that, in all fairness, the Council would need to re-advertise and call another public hearing to allow additional testimony from the opponents. Mr. Rosenfeld stated that although he was not willing to reopen public testimony, he would entertain a motion to do so. Mr. Lichter made a motion to reopen public testimony. The motion failed for lack of a second. Mr. Ranker asked Ms. Hale if changes were being made to the ordinance, or just the plan. Ms. Hale explained that the changes were in the plan and would be replaced with whatever language the Council arrived at during the hearing. Mr. Ranker then expressed concern over the numerous pictures of the marina, depicting an expanded build-out. Ms. Hale assured the Council that they were conceptual drawings and that the marina would need to go through a separate permitting process. Mr. Rosenfeld asked if there were any other questions for Staff and the following action took place:

Moved by Knapp, seconded by Peterson, to approve the ordinance adopting the Rosario Master Planned Resort and Official Map Redesignation as presented. Mr. Ranker offered a friendly amendment to include, “with the language dated 6/11/2007 for sections 5 and 20.” The friendly amendment was accepted by Knapp and Peterson. Under discussion, Mr. Ranker asked Mr. Henrickson if he had concerns about the marina illustrations depicting the maximum build-out. Mr. Henrickson pointed out footnote number seven in the table on page 125 of the MPR, stating that this would be the maximum build-out, and suggested referencing the footnote under each diagram of the marina. **Mr. Ranker added another friendly amendment to include reference to footnote number seven, under any and all diagrams depicting the marina in the MPR. The friendly amendment was accepted by Knapp and Peterson.** Mr. Lichter asked if deliberations had concluded, but was satisfied continuing under discussion of the motion. **Motion carried with Lichter opposed.**

12:30 p.m. – The Council met for a Work Session to review the proposed Orca Whale Protection Ordinance. Present: Randall Gaylord, Prosecuting Attorney; Bill Cumming, SJC Sheriff; Charlie Silverman, Prosecuting Attorney; Pete Rose, County Administrator; Amy Trainer, Staff Attorney, Friends of the San Juans; Jim

Slocumb, Marine Resource Committee Member; and interested members of the community. Prior to the presentation, Mr. Ranker announced that KPLU/MPR aired a segment on the discussion to take place today regarding the whale protection ordinance under consideration by San Juan County. Mr. Gaylord presented a PowerPoint regarding regulation of vessels near southern resident killer whales, showcasing the Be Whale Wise guidelines, a Puget Sound map, and the draft ordinance under consideration. He provided background regarding regulations currently in place by various jurisdictions, methods of enforcement, and determination of authorities. He also reviewed the risks and limitations of adopting a local ordinance, and the need to continue seeking methods of enforcement on international and other flag-state vessels. Mr. Gaylord explained in detail, the rationale used to determine each element included in the draft ordinance, designed on the Be Whale Wise guidelines. It was determined the violation would be considered an infraction rather than a misdemeanor, due to legislative requirements. Enforcement and the safety of enforcement personnel were addressed by Sheriff Cumming. Sheriff Cumming stated that although the final draft of the Orca Whale Protection Ordinance may help in commissioning Washington Department of Fish and Wildlife (WDFW) enforcement, he would be more in favor of a State Law. Mr. Gaylord and Staff answered the Council's questions and posed scenarios as they arose throughout Mr. Gaylord's presentation. Public comment was invited by Mr. Rosenfeld and heard by the Council. Mr. Rosenfeld stated he was pleased with the draft and is looking forward to its completion.

EXECUTIVE SESSION

10:45 a.m. – Council Vice-Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last 45 minutes, to evaluate the qualifications of a candidate for public employment pursuant to the provisions of RCW 42.30.110(1)(g). Councilman Myhr was absent. The session ended at 11:06 p.m. for an actual session time of 21 minutes. The Council came out of executive session and took the following action:

Moved by Lichter, seconded by Ranker, to name Lisa Brown “Acting Clerk” of the Council. Motion carried.

Moved by Lichter, seconded by Ranker, that Amy Taylor’s appointment of Acting Clerk be rescinded (due to her acceptance of another position). Under discussion Mr. Lichter clarified that his intent was to maintain the substitute pay for Ms. Taylor, regardless of the title. **Motion carried.**

Moved by Lichter, seconded by Ranker, that Lisa Brown receive out-of-class pay. Motion carried.

Moved by Lichter, seconded by Ranker, that the Council authorize a minimum of ten hours of overtime per week, per Staff person, for the next three weeks. Under discussion, it was suggested that a minimum stipulation was not reasonable. Mr. Rose clarified that this motion was necessary because personnel rules state that overtime must be authorized by a supervisor, but that it could be a blanket authorization by the Council. **Mr. Ranker made a friendly amendment to authorize overtime for the Deputy Clerk and Acting Clerk. Mr. Knapp added a friendly amendment to also include, “as determined by Ms. Brown.” The friendly amendments were accepted by Lichter and Ranker. Motion carried.**

Mr. Rosenfeld suggested directing Ms. Morais to seek temporary clerical help for the Council office. Mr. Ranker asked about forming a subcommittee. It was agreed by consensus that a subcommittee of Kevin Ranker, Rich Peterson, and Howie Rosenfeld, appointed by the Vice-Chair, would assist Ms. Morais with the search and selection of temporary Staff for the Council office during this time of transition. Various management, supervision, and evaluation scenarios were discussed for the department head position of Clerk to the Council. The Council agreed that it is a unique situation and asked Mr. Rose to put together a hybrid model to consider, while in the meantime, the Chair would hold management and supervisory responsibility. Mr. Lichter stated that, given the importance of this issue, it should be deliberated by the full Council.

ADJOURNED – Council Vice-Chair Rosenfeld adjourned the meeting at 2:45 p.m. The next special meeting was scheduled for Monday, June 18, 2007, and the next regular meeting was scheduled for Tuesday, June 19, 2007.

These minutes were approved and signed on Tuesday, June 19, 2007. The original document is retained in the Council's permanent proceedings file dated June 19, 2007. Attest: Lisa J. Brown, Deputy Clerk.