

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
August 31 and September 1, 2009**

Monday, August 31, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

Council Chair Peterson called the staff meeting to order at 10:02 a.m. 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 Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

10:05 AM CLERK UPDATE & ADMINISTRATIVE MATTERS: Ingrid Gabriel, Clerk to the Council; Maureen See, Deputy Clerk / Department Assistant

Committees: Ms. See reported on committee vacancies and applicants. The Council concurred to add several appointments to the Consent Agenda and await the application from the San Juan Island Parks Board applicant.

Minutes and Agendas were reviewed. Council discussion took place regarding upcoming discussion items, and whether a quorum would exist through attendance at the following meetings: September Board of Health, Puget Sound Partnership (PSP), National Oceanic and Atmospheric Association (NOAA), and Citizens; Alliance for Property Rights (CAPR); and advertising requirements thereof.

10:15 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld referenced the letter mailed to the Transportation Commission and discussion took place regarding talking points for the upcoming Washington State Transportation Commission meeting.

Budget Subcommittee: Mr. Fralick reported that the Budget Subcommittee would be meeting tomorrow to discuss the Public Works budget and other issues related to next year's budget.

General Government Subcommittee: Mr. Knapp reported the subcommittee would be resuming their efforts after Mr. Gaylord returns from vacation.

Transient Rentals: Mr. Myhr explained an incident related to an unlicensed transient rental, noting that there is little allowance for denial of permits and no formal process for enforcement. Mr. Rose suggested the Council would have opportunity to address this in the annual docket under new code enforcement.

10:30 AM CLOSED SESSION: Collective Bargaining

At 10:35 Council Chair Peterson announced that the Council would be holding a **closed session** to discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(a); estimated to last approximately 45 minutes. Present: Pamela Morais, Human Resources Manager; Adina Cunningham, Deputy Director. The session ended at 11:15 a.m. for a total closed session time of 40 minutes. No action was taken.

11:20 AM RECESS FOR LUNCH

11:35 AM RECONVENE: Washington State Transportation Commission Meeting on the Interisland Ferry - The full Council and Deputy Clerk Brown joined the Washington State Transportation Commission Meeting. Others present included Transportation Commission members: Carol Moser, Bob Distler, and Elmira Fornier; Transportation Commission Executive Director, Rhema Griffith; Executive Director of Washington State Ferries (WSF), Greg Dierdorf; WSF Staff members; FAC members; and interested members of the public.

Ms. Fornier, Ms. Moser, and Mr. Distler provided overviews of the Transportation Commission's responsibilities in all areas of transportation and provided background regarding operating and capital budgets related to WSF. The panel answered questions from those in attendance regarding fares, levels of service, reservations systems, and discussed other methods of raising revenue through advertising and possibly selling naming rights to ferries.

Tuesday, September 1, 2009 - Legislative Hearing Room, 55 Second Street, Friday Harbor, WA

10:00 AM CALL TO ORDER

Council Chair Peterson called the meeting to order at 10:02 a.m. and the flag salute was conducted. Council Members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

CITIZENS' ACCESS TIME

Anne Monin gave a report to the Council about the Island Marble Butterfly, once extinct, now discovered in the Town of Friday Harbor. Ms. Monin urged the Council to provide protection for this species through the Critical Areas Ordinance.

COUNCIL ADMINISTRATIVE MATTERS

Minutes: Moved by Myhr, seconded by Knapp, to approve the **Minutes of August 25, 2009**. Motion carried unanimously.

Consent Agenda: Moved by Rosenfeld, seconded by Fralick, to approve the **Consent Agenda of September 1, 2009**, as follows:

A. Resolutions/Ordinances: (No items)

B. Contracts/Agreements: (No items)

C. Budget Items:

Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrant in the amount of \$200 for Veteran's Assistance
- Warrants #67855-67881 in the amount of \$128,590.37 for Public Works
- Warrants #67749-67854 in the amount of \$100,115 for County Claims
- Warrant #67917 in the amount of \$721.22 for County Claims
- Warrant #67919 in the amount of \$1,750 for reimbursement for damaged livestock

D. Personnel: (No items)

E. Appointments: TO BE ADDED AS DISCUSSED IN MONDAY'S CLERK UPDATE

1. A letter reappointing Dana Kinsey to the San Juan County Agricultural Resources Committee, Position #6, the term to expire on August 31, 2013.
2. A letter appointing Tim Clark to the San Juan County Agricultural Resources Committee, Position #7, the term beginning immediately and expiring on August 31, 2013.
3. A letter appointing Fred Klein to the Eastsound Planning Review Committee, Position #6, the term beginning immediately and expiring on May 31, 2011.

F. Correspondence:

A letter thanking Merritt Olsen, Executive Director of San Juan Community Theatre, for allowing the Council to meet at the Theatre on August 25.

Motion carried unanimously.

COUNCIL MEMBER UPDATES

Ferries/FAC/Intermodal: Mr. Rosenfeld reported on the Council meeting with the WA State Transportation Commission on Monday, August 31, noting that the public hearing regarding the new fare schedule was scheduled for September 8, 2009, in Seattle. He asked if the Council thought it necessary to have representation at the hearing. After discussion, it was agreed that Mr. Rosenfeld should attend the meeting. It was also agreed

to submit to testimony the letter from the Council to Ms. Moser, Chair of the Transportation Commission, regarding the super summer surcharge, including the two graphics demonstrating an increase in population and lodging tax.

Budget Subcommittee: Mr. Fralick reported that the Subcommittee met this morning and requested a special meeting the week of October 5, 2009, to hold a deliberative session regarding two budgets, with and without levy money, and make recommendations. After discussion, and with Mr. Myhr expressing his concerns for the process, it was agreed to schedule a special meeting on a date yet to be determined. At 3:25 p.m., it was decided that the Council would hold this special budget meeting on Wednesday, October 7, 2009, from 8:30 to 11:30 a.m.

CAO Workshop: Ms. Pratt provided a brief overview of the CAO Workshop and reported that all questions from the public that were not answered at the workshop have been compiled and sent to all workshop participants for written responses which will then be put up on the County's website. The Council agreed it would be important to set some agenda time in the future for a debriefing of the material and to receive public comments. Ms. Pratt suggested that in the future when workshops are scheduled, the Council make decisions regarding associated tasks and assignments.

10:30 AM DISCUSSION: Review of 2009 Council Priorities for comparison with Long Range Planning Tasks – Shireene Hale and Colin Maycock, Senior Planners.

Mr. Rose opened the discussion by introducing a Planning Priorities Short list created by Ms. Hale, Mr. Maycock, and himself. The Categories being: 1) Top priority by value or location in queue; 2) Process in the next group, becoming more active toward the end of the year; 3) Future 2010/11 group; 4) Undecided as to whether to prioritize; and 5) Ongoing support items that compete for priority project time. Discussion followed regarding the items in each group with Council input as to the priority. Areas not covered were also discussed, including personal wireless service facilities, and the Cell Phone Task Force. Brief discussion was held on the issue of the sign ordinance, whether it should be County wide or just for Eastsound.

11:30 AM EXECUTIVE SESSION: Pending Litigation

At 11:02 a.m., Council Chair Peterson announced that the Council would be holding an **executive session** to discuss potential litigation pursuant to RCW 42.30.100 (1)(i); estimated to last approximately 60 minutes. Present: Karen Vedder, Deputy Prosecuting Attorney; Jon Shannon, Public Works Director; and John VanLund, County Engineer. The session ended at 11:55 for a total executive session time of 53 minutes.

12:00 PM QUARTERLY JOINT MEETING: Town of Friday Harbor - Present: Town of Friday Harbor/San Juan County Council - Town Members Carrie Brooks, Carrie Lacher, Noel Monin, Anna Maria deFreitas, and Liz Illg; Mayor David Jones; Town Administrator King Fitch, Town Clerk Amy Taylor; County Council Members Rich Peterson, Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel; Deputy Clerks Lisa Brown and Maureen See; and interested members of the public.

1. National Oceanographic & Atmospheric Association (NOAA) Proposed Rule for Killer Whales in the NW Region: Johannes Krieger of the Marine Resource Committee (MRC); Bill Watson of the Economic Development Council (EDC); Dona Wuthnow, Parks Recreation Director; and Tom Sibley, NOAA, North Puget Sound Habitat Branch Manager (telephonically). In a PowerPoint presentation, Mr. Krieger provided an overview of the NOAA fisheries proposal, the background for the proposal and its key provisions; the proposed rules, including exemptions; San Juan County background, current vs. proposed regulations; issues and concerns; and MRC development and objectives. Mr. Watson commented on an analysis the EDC prepared one year ago which conservatively projected a \$5-10 million impact on the community. If requested, the EDC would provide an additional study. Ms. Wuthnow discussed the impact budget cuts have made on programs and also talked about the revenue generated at three campgrounds, including San Juan County Park. Kari Koski from Soundwatch talked about recovery plans for whales, funding and education. The questions posed to Tom Sibley of NOAA were in regard to funding: NOAA expects to fund enforcement of the regulations. Sheriff Bill Cumming spoke and emphasized that enforcement of whale laws is not adequate today, but he felt that enforcement presence will provide a change in behavior. He said there has to be a significant amount of money available to make better

things happen, keeping people safe and whales safe. Unless NOAA and Fisheries are going to station themselves on the water, enforcement by his department will be expected and will be impossible to deliver. Discussion followed regarding the possibility of Town and County providing a joint session with public testimony. MRC (according to Mary Knackstedt) could have their recommendations sooner than planned, and it may be possible to plan a public meeting September 23 or 24. Tom Sibley commented that SJC is making good progress, and will need to make a strong case to convey any changes in balancing the issues. He said that NOAA will look forward to the comments.

2) Polystyrene Ban: Discussion regarding how the Town planned to enforce the polystyrene ban took place. Mr. Monin said there would be a tiered infraction, and he described a schedule which the Town Code Enforcer would follow for enforcement, with a maximum fine of \$250.

3) Ferries: The County Council reported on the Interisland Ferry Meeting with the WA State Transportation Commission. Ms. Illg commended the Council for providing good advocacy, but was disappointed that the Transportation Commission focused more on strategy than policy. Ms. Lacher asked for County support in carrying out traffic control in Town. She asked for clearer dialogue of how the coordination of traffic monitoring would occur.

4) Lodging Tax Awards: It was suggested that the Town and County coordinate the expenditure of Hotel/Motel Tax funding to ensure that funding is granted in a manner that does not overlap, and the development of a long range plan to ensure that both sources of funding are expended in a coordinated manner to maximize economic development.

5) ADDED ITEM: Housing Bank Commission - Ms. Lacher expressed concern regarding the status of the Island Meadows subsidized low-income rental apartments, and expressed the necessity for a joint Town and County Housing Authority. It was agreed that this issue would be on the agenda for the next Quarterly Joint Meeting.

1:00 PM RECESS FOR LUNCH

2:00 PM COUNTY ADMINISTRATOR ITEMS – Present: Pete Rose, County Administrator; John Manning, Health & Community Services Director; Jon Shannon, Public Works Director; Ed Hale, Utility Manager; Steve Alexander, Utility Manager; and interested members of the public.

1. Mental Health Funding Grant Awards: Mr. Manning referenced his Staff Report, had additional materials distributed, and provided background regarding an opportunity for the Council to approve funding for three two-year contracts for mental health services to SJC schools. Mr. Manning answered questions from the Council and the following action took place:

Moved by Myhr, seconded by Knapp, to authorize the County Administrator to enter into contracts [for school-based mental health services totaling \$250,000, including: Lopez Island School District (\$59,500), Orcas Island School District (\$85,500), and San Juan Island School District (\$105,000) for said services] with funding available in the approved budget.

2. Solid Waste Operations Reductions: Mr. Rose reported on a continuing deficit trend in solid waste revenue, recommending immediate one-day-per-week closures on San Juan and Orcas and moving Lopez from separated recyclables to combined recycling to get operations back to positive. Mr. Shannon provided historical data and more details related to the current status and recommendation. Mr. Shannon and Mr. Hale answered questions from the Council and the following action took place:

Moved by Fralick, seconded by Knapp, that Council approve operating changes at the transfer stations as recommended. Discussion regarding co-mingling took place. **Motion carried unanimously.**

2:45 PM DISCUSSION: (Commenced at 2:33 due to time constraints.) Housing Bank Commission – Bill Agosta, Chair; Angela Lausch, Affordable Housing Coordinator; and interested members of the public were present.

Mr. Agosta addressed the Council regarding Island Meadows Apartments and read a letter of recommendation into the record, stating that their affordability requirement and subsidies will expire in 2010 as will those for Islewood Apartments. Having no housing authority or non-profits willing to purchase these apartments will leave San Juan Island with a loss of 19 subsidized low-income rental apartments. Mr. Agosta and Ms. Lausch answered questions from the Council and discussion took place regarding possible interim measures to mitigate the loss of these units. It was also noted by Ms. Pratt that the Town of Friday Harbor added discussion of a joint Housing Authority with the County to their next agenda.

3:00 PM DISCUSSION: Polystyrene Ban - Stephanie Buffum, Doris Estabrooks, SJ Anti-Litter Initiative (ALI) Group

Ms. Buffum announced that the Town passed an ordinance banning polystyrene on a 5-0 vote. She reported that in 1996, the BOCC adopted a Solid Waste Management Plan through Resolution 25-1996 that called for exploring the possibility of a ban on polystyrene food packaging in the Town and County under RCW 70.95 C 100. Ms. Buffum pointed out that 13 years have passed waiting for voluntary action and requested codifying this by adopting an ordinance. Ms. Estabrooks read a statement pointing out the hazards of polystyrene. John McBride, a Valmark employee reported on the decision made by Valmark to discontinue the sale of polystyrene and its use in the service deli. Mr. Peterson noted, with this type of voluntary success, he didn't feel it necessary to enact an Ordinance. Beth Helstein, a San Juan Island resident, noted that not all restaurants are willing to switch from Styrofoam containers and that an ordinance is necessary to catch the outliers. Ms. Buffum and Ms. Estabrooks answered questions from the Council and discussion took place regarding the ban, penalties, and enforcement. Discussion took place regarding the Ordinance suggested by the ALI group. Mr. Peterson explained the process ordinances go through prior to public hearing. Jack Cory, ALI member, provided input regarding the Town Ordinance and benefit of passing a similar ordinance and the following action took place:

Moved by Myhr, seconded by Fralick, to use the Town Ordinance as a model and move forward through the Ordinance process for consideration at a public hearing. Mr. Peterson expressed support of the concept, but stated his disagreement of passing an ordinance. **Motion carried with Mr. Peterson opposed.**

3:15 PM CONTINUED PUBLIC HEARING: Charter Update of Camping Restrictions Ordinance. Present: Full Council, Pete Rose, County Administrator; Lisa Brown, Public Hearings Specialist/Deputy Clerk; Karen Vedder, Deputy Prosecuting Attorney; and interested members of the public.

Ms. Vedder explained the background related to this Ordinance regarding code compliance and revisions to match the recently adopted Ordinance for Parks and Land Bank enforcement. Ms. Vedder answered questions from the Council. Public testimony was opened, none submitted, and closed. The following action took place:

Moved by Myhr, seconded by Knapp, to approve an Ordinance regarding camping restrictions, readopting without change, Sections 12.12.010 and 12.12.020, previously adopted by Resolution to ensure consistency with SJC Charter and State Law. Motion carried unanimously.

3:30 PM ADJOURN AND SIGN DOCUMENTATION: Council Chair Peterson adjourned the meeting at 3:30 p.m. The next regular meeting will be held on Tuesday, September 15, 2009.

APPOINTMENTS:

1. See Consent Agenda, section E.

BUDGET ITEMS/WARRANTS:

1. See Consent Agenda, section C.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS:

1. Mental Health Funding Grant Awards: See Tuesday, COUNTY ADMINISTRATOR ITEMS, No. 1, for details of action taken.

CORRESPONDENCE:

1. See Consent Agenda, section F.

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

ORD. NO. 34-2009 – Regarding Camping Restrictions (Refer to Tuesday, PUBLIC HEARINGS, 3:15 p.m., for details of action taken.)

PERSONNEL ITEMS: (No items.)

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Rich Peterson, Chair
District 2, San Juan North

ATTEST: Clerk of the Council

By: _____
Lisa Brown, Deputy Clerk/
Public Hearings Specialist

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