

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

DECEMBER 30, 2004

8:50 A.M. Executive Session – Potential Litigation – RCW 42.30.110(1) (I) – Attendance: Deputy Prosecutor Darren Nienaber, County Administrator Ron Henrickson; Commissioners Wesley E. Johnson and Jayni L. Kamin. Executive session went from 8:50 – 8:59 a.m. with no action taken.

The continuation of the December 28, 2004 meeting was called to order by the Chairperson Wesley E. Johnson at 9:01 am. Commissioners Herb Baze & Jayni Kamin were in attendance.

Cmmr. Baze/Kamin moved and seconded to approve the agenda as presented. Motion carried unanimously. B-aye; J-aye; K-aye.

APPROVAL OF CONSENT AGENDA ITEMS

- 9.1 Approval of Veterans Assistance Fund Application for: Michael J. Heimbigner – housing \$600.00.
- 9.2 Approval of Warrants
Claims Clearing Fund 83166-83411 \$589,974.50
- 9.3 Approval of Shelton Arts Commission Agreement and a warrant in the amount of \$120.97 for their 2004 grant.
- 9.4 Approval of Interlocal Agreement between City of Shelton and Mason County to enable either party to provide fire marshal services.
- 9.5 Release of legal documents pertaining to public disclosure request – Belfair Bypass.

Bob Harris asked what consent agenda item 9.5 is.

Cmmr. Johnson explained this is an approval to waive the attorney client privilege and release the Hillis Clark Martin Petersen opinion and the Mark Johnson supporting opinion on the 1996 Belfair Bypass right-of-way agreement.

Cmmr. Kamin/Baze moved and seconded to approve items 9.1 through 9.5 as presented. Motion carried unanimously. B-aye; J-aye; K-aye.

Other Business

- 11.1 Decision on Motion for Reconsideration on the Belfair Plan FSEIS Appeal.

Chairperson Johnson noted that the County received a motion for reconsideration on its decision on the appeal of the Belfair FSEIS dated December 27, 2004. To the extent that there is any right to a motion for reconsideration of a SEPA appeal of legislative action, and to the extent that there is authority, the Motion is Denied.

The Motion itself does not cite additional legal authority. Rather, it for the most part seeks to reargue the same arguments that were previously. Made. The prior Decision appears to have one scrivener's error which is hereby corrected: "based on its special context with the Mason County Code"

Also they note for the appellant's interest under RCW 42.30.140 "That the (open meetings act) shall not apply to: . . . (2) that portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group. . ."

The open meetings act does not apply with respect to quasi judicial matters.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
DECEMBER 30, 2004 - PAGE 2**

Cmmr. Kamin/Johnson moved and seconded to deny the Motion for Reconsideration on the appeal of the Belfair FSEIS and sign the order in front of us to that effect. Motion carried unanimously. B-abstain; J-aye; K-aye.

Cmmr. Johnson stated that this closes down four years serving on the Board of Mason County Commissioners. It has been a very interesting and educational experience. Mason County is different than four years ago. He complimented the citizens of the county and those who have participated in the board meetings for their input. It has made it a very interesting and educational experience. He thanked the press for their coverage of the events in a fair and proper way.

He wished Cmmr. Kamin the best of success as she joins two new commissioners.

Cmmr. Baze echoed Cmmr. Johnson's sentiments. He also thanked the people of Mason County who participated in the process with their feedback.

Adjournment – The meeting adjourned at 9:12 am

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Wesley E. Johnson, Chairperson

ATTEST:

Jayni L. Kamin, Commissioner

Rebecca S. Rogers, Clerk of the Board

Herb Baze, Commissioner