

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

JANUARY 15, 2008

1. Call to Order – The Chairperson called the regular meeting to order at 9:04 a.m.
2. Pledge of Allegiance –Ken VanBuskirk led the flag salute.
3. Roll Call - Present: Cmmr. Dist. 1 – Lynda Ring Erickson; Cmmr. Dist. 2 – Tim Sheldon; Cmmr. Dist. 3 – Ross Gallagher.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 The City of Shelton Mayor and Commission approved an Annexation Ordinance on Monday December 24, 2007 of a parcel of land into the City.
 - 4.1.2 The Governor sent her heart-felt appreciation for efforts in response to the recent storm and provided an update about FEMA assistance.
 - 4.1.3 Broadstripe will modify certain prices for ancillary services and equipment effective February 1, 2008.
 - 4.1.4 Robert McKibbin in requesting minutes, journals or records documenting the Board of Equalization rejection of his petition.
 - 4.1.5 Mike Southerland and Brian Peterson are seeking appointment to the TIP-CAP. (Copy to Public Works)
 - 4.1.6 Jim and Mary Penny expressed their concerns regarding the delay of the Simmons Road project. (Copy to Public Works)
 - 4.1.7 The Port of Shelton concurs with the Planning Advisory Commission's recommendation to adopt language in the County Capital Facilities Plan that would include specific mention of three Essential Public Facilities at the Port of Shelton. They also submitted comments on the pending adoption of Chapter XI to the County Comprehensive Plan.
 - 4.1.8 The Washington State Liquor Control Board sent notice of establishments in Mason County with liquor licenses due to expire on April 30, 2008.
 - 4.1.9 The Army Corps of Engineers sent notice that matching funds in the amount of \$295,000 are due to FAO, USAED, Seattle District.
 - 4.1.10 Lois Walker has questions concerning the sale of the St. Edwards church property to Mason County.
 - 4.1.11 The Washington State Department of Ecology provided the annual notification of continuing education status for each board commissioner on the Mason County Water Conservancy Board.
 - 4.2 Employee Recognition – A green star was presented to: Tom Fischer & Bill VanBuskirk for their work in reducing the arsenic levels in the drinking water at Hartstene Pointe.
5. Open Forum for Citizen Input
 - 5.1 Ken VanBuskirk congratulated the Board in the selection of CH2M Hill, Consultant. He stated they appear to be very interested in what is happening in Belfair. He suggested that the Board give an update to the sewer and Growth Management at the next meeting in Belfair on the fifth Tuesday. It was noted the next fifth Tuesday is January 29, 2008.
6. Adoption of Agenda – **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as presented. Motion carried unanimously. G-aye; RE-aye; S-aye.**
7. Approval of Minutes – None
8. Approval of Consent Agenda:
 - 8.1 Approval of Contract No. 0863-34175 and No. 0863-34192 between Mason County Juvenile Court and the Juvenile Rehabilitation Administration for the remainder of the 2007-2009 biennium to provide funding for Juvenile Court sentencing alternatives.

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- 8.2 Approval to appoint Donald Stacy to the Mason County Civil Service Commission to fill a vacant position. This is for a four-year term ending December 31, 2011.
- 8.3 Approval of the Interlocal agreement between the City of Shelton and Mason County for use of the Mason County Jail Facilities. The 2008 flat monthly confinement billing rate is \$18,297.12.
- 8.4 Approval to send a statement to the Washington State Board on Geographic Names that there are no objections for the proposed names for creeks located in Mason County - Miggie Creek and Viola Creek.
- 8.5 Approval of the Resolution and Findings of Fact to rename the road system for Lakewood Plat A. **Resolution No. 05-08 (Exhibit A)**
- 8.6 Approval for the Chair to sign the "Memorandum of Agreement" Appendix A between Mason County and Washington State University Extension to provide 2008 funding for WSU Extension programs in Mason County. The total funding amount is \$228,798.
- 8.7 Approval to update the signatures on the State E911 form reflecting current organization of the Mason County Commission.
- 8.8 Approval of the resolution setting a public hearing on Tuesday, February 12, 2008, 1:00 p.m. with the Hearing Examiner to consider public comment on the petition for vacation of a portion of Burkhead Way. **Resolution No. 06-08 (Exhibit B)**
- 8.9 Approval of the County Road Projects (CRP) for specific county-wide maintenance activities for 2008, as set forth in CRP 1912 (Sign Placement), CRP 1913 (Culvert Installations), CRP 1914 (Wetland Mitigation) and CRP 1915 (Guardrail Placement). **Resolution No. 07-08 (Exhibit C)**
- 8.10 Approval for Public Works to accept the Stormwater Management Implementation Grant in the amount of \$750,000 and allow the Director of Public Works to sign the Grant Agreement when received.
- 8.11 Approval of County Road Projects (CRP) 1906 – Finch Creek Road; CRP 1907 – Sand Hill Road; CRP 1908 – Dewatto Holly Road; CRP 1909 – Grapeview Loop Road; and CRP's 1910 and 1911 – North Shore Road, for multiple projects resulting from the December 3, 2007 storm. Also authorize the Chair to sign all pertinent documents and authorize the Public Works County Engineer to advertise, set bid dates/times, and award each contract. Contracts will be announced during a regular meeting of the Board. **Resolution No. 08-08 (Exhibit D)**
- 8.12 Approval of the interlocal agreement with Kitsap County for two EPA-funded Source Control Specialist positions. This is for a program to reduce pollution in Puget Sound.
- 8.13 Approval of the resolution amending the Non-Union Salary Range Alignment Table to reflect salary range and classification title changes. The Facilities Manager is a one range upward adjustment; a new position of Parks & Trails Manager is established and two classification title changes in Superior Court for Official Court Recorder/Judicial Assistant and Official Court Recorder/Family Law Facilitator. **Resolution No. 09-08 (Exhibit E)**
- 8.14 Approval of the 2008 Collective Bargaining Agreement between Mason County and Teamster Local 252, Personal Health Services unit.
- 8.15 Approval of a \$36,468 budget transfer from the Translator/Clerk III salary line item to a Community Health Program Assistant salary line item in the Public Health/Nursing Budget.
- 8.16 Approval of Veterans Assistance Fund applications for: Terry McFarlane (Kathleen) - utilities 136.24 and food \$212.94; Rodney Gorm - housing \$600.00; Roy Oster (Rose) - utilities \$569.45 and food \$30.55; Raymond Pope - utilities \$47.19 and food \$552.81; Bobby Gullotto - food \$600.00; Allan Brownawell - utilities \$259.81; Samuel Ofte - \$387.20; Lawrence DeYoung - utilities \$183.05 and food \$416.95; Walter Glosup - housing \$600.00; and Chris Greiner - food \$300.00; for a total of \$4,896.19 as recommended by the Veterans' Assistance Screening Committee.
- 8.17 Approval of the agreement with Skookum Peak Consulting to assist Mason County Parks and Trails Department with the development of the Camp Govey Backcountry Trail Planning and Feasibility Study. The cost of the agreement is not to exceed \$60,000 with the Recreation and Conservation Funding Office (RCO) grant funds covering \$50,000 and County matching funds in the amount of \$10,000.

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- 8.18 Approval of Warrants
Salary Clearing Fund Warrant #s 174011-174014 \$1,393.60

Cmmr. Sheldon referred to the Veterans Assistance Funds and noted the funds are transferred through Mason County to veterans. Veterans have the opportunity to meet with the Veterans Assistance Screening Committee that meets weekly at Memorial Hall on Mondays from 9 am – 12 noon.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve Consent Agenda Items 8.1 through 8.18. Motion carried unanimously. G-aye; RE-aye; S-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time

- 9.1 Public hearing to consider the request by Scott H. Miller to rezone one 35-acre parcel along State Route 108 from Rural Residential 20 zone to Rural Residential 10 zone, and have the Chair sign Findings of Fact for this decision.

Allan Borden, Planner, explained that a portion of the property is already being used for a single family residence. The property in question was zoned in 2000 as Rural Residential 20. There are several properties in the vicinity that are residential use and received the Rural Residential 20 designation even though several of them are 2 – 4 acres in size. Nearby is an agricultural resource lands to the northeast. This is in the upper part of the Skookum Creek Watershed. Adjacent lands to the east, west and south are large parcels primarily owned by Green Diamond which are in long term commercial forest designation and are currently being managed for timber. The property is located approximately 10 miles southwest of the Shelton Urban Growth Area and approximately two miles from the Grays Harbor/Mason County border. There is a Type III stream which runs through the middle of the property and there are 30 percent slopes on the southwest part of the property. The owner intends to continue use of the property for residential use. Currently, the property can only have one residence on it. The property owner could utilize the property in a performance subdivision process but would only get an additional lot. Mr. Miller also owns a two acre parcel next to this subject property which fronts on State Route 108. If the rezone were approved, Mr. Miller would then have a performance subdivision that he could get up to six additional properties. Under the performance subdivision process approximately half of the property would be set aside to protect critical areas and provide open space. The county through a performance subdivision process allows for additional lot creation.

Considering the seven rezone criteria and reviewing the request, the staff recommended approval of the proposal. There are some concerns about where this property is located. It is a quarter quarter of a section among a very large expanse of large parcels that are under long term commercial forest designation. It is potentially different land use than timber management around it.

There was discussion about the setbacks for development. The setback for the stream is 150' buffer plus an additional 15' building setback. A geological assessment is needed for development if there is between 15 – 30% slope in the area on the southern south of the creek.

It was noted that the smaller property to the northeast is two acres in size.

It was questioned if the R-10 is more similar to some of the other land uses in the area. There is not a lot of smaller lot development in the area. Rural Residential 10 might be appropriate for a transition between very large properties and smaller properties.

It was questioned if the County is running the risk of creating unbuildable lots with the streams and slopes.

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The distance from the creek will push a lot of the parcels away to the south. The lots might have to be clustered to accommodate them. Lots will not be created that cannot be developed without a variance. Lots cannot be created knowing that there are critical areas and certain development standards that aim to be followed for subsequent development.

To some extent, with a cluster philosophy there could be a placement of more houses on this parcel than if it is rezoned R10.

The larger parcel could undergo a performance subdivision. They could actually create two lots out of the large parcel and then have a boundary line adjustment done.

The chairperson opened it up for public comments.

Scott Miller, Applicant, stated he has lived in the area for 20 years. He wanted to divide his property up for his children. In the year 2000 the zoning was changed.

The Board discussed that there are still options available to the applicant. There was concern that the parcel is surrounded by long term forestry or agricultural lands. It leaves some difficulty in downzoning the property because of the neighbors. Green Diamond, Pope Resources, and Port Blakely own property in the area and the subject property is not bordered by properties which are zoned 1 in 10 or 1 in 5.

There was concern for a domino effect. In this case, there are no other smaller parcels zoned in the area. This is not consistent with the neighborhood. There must be considerable slope issues. There are concerns about the setbacks and where the residence would be located. A performance subdivision is still available to the applicant and it would double the density of the property. With a lot line adjustment to the other adjacent parcel there is room for flexibility for his children.

Cmmr. Gallagher/Ring Erickson moved and seconded to deny the request by Scott H. Miller to rezone one 35-acre parcel along State Route 108 from Rural Residential 20 zone to Rural Residential 10 zone. Motion carried unanimously. G-aye; RE-aye; S-aye.

- 9.2 Public hearing to consider adoption of the revised Capital Facilities Element (Chapter VI) of the Comprehensive Plan in accordance with RCW 36.70A.70(3).

Barbara Adkins, Planner, explained this is the annual update for the Capital Facilities Element. The Growth Management Act requires that the Capital Facilities Element contain a 6-Year Finance Plan. Every year they update the Plan and they are planning the 2008 – 2013 timeframe. There is a summary of the county budget at the end of the update. Also, there are updates to budgets and projects that were received from Utilities and Public Works. These were adopted with the County's annual budget adoption in early December and is being incorporated into the Comprehensive Plan as required. Some projects were added and some deleted.

The Planning Commission suggested some changes and asked that instead of updating the budget figures in 2008, they be allowed to have a little more time with this particular chapter of the Comprehensive Plan and look at some of the policies. This will go to the Planning Commission around June.

Cmmr. Ring Erickson expressed concern that they are trying to plan for 2008 – 2013 on information from 2002 – 2004. She understood the Planning staff is working on getting this more consistent because it is hard to understand the trends.

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Mrs. Adkins stated they typically make sure all the budget numbers are updated and the rest of the information is on hold for a full Comprehensive Plan update which is done every seven years. They are looking at these numbers and she has already spoken to people that have statistics in this report so that when the Planning Advisory Commission look at this in more detail they will get as many current numbers as they can to be as accurate as possible.

Cmmr. Sheldon referred to page 78 of the document where capital projects are listed and where they might be funded through the .09 Rural Improvement Fund. It lists the City of Shelton Johns Prairie Utility extension as a large expenditure in 2008. He felt it would be wise to move the project out a few years. They could put the dollar figures out to at least 2010 and the \$700,000 would probably be more accurate at \$200,000.

Jay Hupp, Port of Shelton, spoke on behalf of their letter dated January 2, 2008 encouraging the Commissioners to adopt language in the County Capital Facilities Plan (listed on page 7 of the document) that would include specific mention of three Essential Public Facilities at the Port of Shelton. Sanderson Field Airport, Port's Transload Rail Facility at John's Prairie and Oakland Bay Marina.

He noted that in the Capital Facilities Element section there is an Essential Public Facilities paragraph. In other counties, they have named the essential public facilities.

Charlie Butros, Public Works Director, stated they are continuing to seek grants and other sources of revenues to assist in funding the Capital Improvement Projects that are identified in the Plans as well as the administrative and program costs.

The Board questioned if it would be difficult to have a list of the essential public facilities, such as the correction center, Belfair Mission Creek.

Mrs. Adkins commented they had discussed this at the Planning Advisory Commission. They did not have a written comprehensive list of what and where they are that they could put in. They settled on clearly defining what they were rather than listing them. It was noted there is a footnote in the Plan that defines the essential public facilities.

It was questioned if they would be better off with a definition of an essential public facility that meets the ongoing changing nature of the county. They could possibly state, "some essential public facilities include," and then a list.

The Board stated that maybe next year they could add text which included the footnote, but also add text that such as and list as many as possible.

Cmmr. Ring Erickson/Gallagher moved and seconded to adopt the revised Capital Facilities element (Chapter VI) of the Comprehensive Plan in accordance with RCW 36.70A.70(3) Ordinance No. 10-08 (Exhibit F) Motion carried unanimously. G-aye; RE-aye; S-aye.

- 9.3 Public hearing to consider rescission of Ordinance 139-06 as it relates to Rezone Request 06-08 (Shaw Family) and subsequent amendments to the Future Land Use Map.

Barbara Adkins, Planner, asked if the Board would continue the hearing to February 5, 2008 to allow time for some unresolved issues to be addressed.

It was asked if anyone was present to testify about this topic. No one was present.

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Cmmr. Ring Erickson/Gallagher moved and seconded to continue the hearing to February 5, 2008 at 9:30 a.m. Motion carried unanimously. G-aye; RE-aye; S-aye.

- 9.4 Public hearing continued from November 20, 2007 to consider the Shelton Urban Growth Area Subarea Plan as Chapter XI of the Mason County Comprehensive Plan.

The staff report was presented by Barbara Adkins, Planner, explained the process started approximately 2002. A Memorandum of Understanding was signed between Mason County and the City of Shelton in 2003 directing the City to take the lead on this project. The consultants Jones & Stokes were hired to prepare a draft of the Subarea Plan. The Plan was completed in 2006. The Plan has gone through several revisions and is slightly modified from what the City has adopted. The City has adopted the Plan in December.

Steve Goins, Director of Community Development, was present.

Cmmr. Ring Erickson referred to page 10 and the level of service (LOS). She noted that intersections are rated A,B,C,D & F. An F would be a failing intersection. The City's level of service for intersections is D which is below average. There are 11 intersections which are in the urban growth area (UGA) which are rated D or better. She voiced concern that the level of service in the UGA not be allowed to deteriorate to D. The County does not have jurisdiction over the level of service in the City; however she hoped the County could work with Public Works and City Planning to go for a regional standard which is better.

Cmmr. Gallagher concurred with Cmmr. Ring Erickson on the issue of intersections. He referred to the Wallace Kneeland Boulevard intersection.

Rick Byrd referred to RCW 36.70A.40 and RCW 36.70A.200 it states the comprehensive plan shall include a process for identifying and siting essential public facilities. Section 2 states that the Office of Financial Management shall maintain a list of those essential state public facilities which are required or likely to be built within the next six years. The OFM may at any time add facilities to the list. No local Comprehensive Plan or Development Regulations may preclude the siting of essential public facilities. He asked if this was considered when the county's list was put together.

Mrs. Adkins clarified if he was asking if they are using the OFM list.

Mr. Byrd asked if she read the RCW's as it relates to the essential public facilities.

Mrs. Adkins responded has not read that section of the RCW.

The Board stated that it appears to be commenting more about state facilities.

Mr. Byrd, Port of Shelton Commissioner, he commented that some years ago the state decided they needed to establish ports. This was done so there would be staff and commission to handle the port business bring in and help with airports, marinas, and other things. They have found in discussions they have been limited with their input with the urban growth plan. They are not against working with this. He concurred with Cmmr. Ring Erickson to have more ongoing staff and commission discussion regarding these issues. They feel that the adoption that came from the City their points were dismissed. Their staff is set up to work with economic growth and transportation. They find there are several things where the airport was sited as an essential entity. There are several acres of land around the airport that they have addressed in their comprehensive plan to allow for different industry to be present. The industries provide the jobs for the people that live in the residential section. As a port they are not allowed to do anything residential and do not plan to discuss anything along that line.

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There is a section they would like to see added into the urban growth area plan. He referred to page 17 Urban Growth Area Goals & Policies.

They would like to have a policy added Urban Growth Area 1d. The County and City recognizes that the Port of Shelton within its authority has adopted a comprehensive plan through public process including city and county participation. As such approval, conditional approval or denial of proposed land uses within port properties will be at the Port's discretion subject to the guidance provided in the Port's comprehensive plan. This will not preclude the need for other applicable county reviews and approvals, such as but not limited to SEPA, fire flow, septic approval, or building and grading permits. They are saying their comprehensive plan addresses the needs of the Port. They would like to be able to have Port Zone. They would operate within their own comprehensive plan. Their comprehensive plan is not set up and designed strictly around the port. Their planner meets with people in the city and county. They want this to be ongoing. They don't want to be guided on things that the City wants in the area. They have had some issues over residential area encroachments. They want to be able to operate under the Port's comprehensive plan. The County is acknowledging that the rail service is an essential public facility.

Matt Matyoshi, Economic Development Council (EDC), recognized the work of the City of Shelton with their Subarea UGA Plan. He thanked the County in working with the EDC through this process. They are looking forward to partner with the County in this process and to fine tune this plan and make revisions where appropriate that reflect the current development as well as future needs of the community.

Jay Hupp, Port of Shelton, added in reading the final draft of Chapter XI it is a 21-page document. He did not believe there has been adequate discussion between the County, City, and Port on this issue prior to adoption. He understood there is no deadline when the adoption of this document has to take place. He would like to see the Board delay adoption of Chapter XI until meaningful policy discussion between the city, county and port on this subject.

Mr. Byrd added he met with the county staff and one area of concern was losing grant money. He understood that if the county does not act by the deadline established it is not a condition which would disqualify the city or county from grants, loans or pledges.

Cmmr. Ring Erickson questioned how long this particular subject has been in process.

It was reiterated that this process commenced in 2002 when Jones & Stokes was hired for Phase I of the project. They developed the early stages of the plan through 2004. In early 2005 and 2006 the process was paused. As part of the process, the County adopted population allocations that the city ultimately was required to plan under. With those numbers and additional information which was provided to the city regarding commercial industrial land needs, the process has taken nearly five years.

Cmmr. Ring Erickson questioned how many public meetings were held on this issue.

Mr. Goins estimated at least six workshops and public meetings were held since the Phase II process was initiated. The City was given the lead role in doing the public participation site of this process. During the course of the workshops and Phase II plan being ruled the City contacted every property owner within the UGA by mail to notify of the process. The four workshops held in the spring hundreds of people attended. They feel they have addressed all the comments as best they could

Cmmr. Ring Erickson asked if the City has had contact with the Port of Shelton elected officials regarding the matters raised today.

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Mr. Goins responded they have had an ongoing dialogue with the Port's staff and talked about some of the land use concerns which have been raised.

Mrs. Adkins stated that they had a workshop with the Planning Advisory Commission

Cmmr. Gallagher referred to the map of the whole area of Sanderson Field complex which is termed industrial. He questioned if the term industrial is fairly broad. There was discussion, in past years, of a free trade zone. He questioned if it would fall into the category of industrial.

Mr. Byrd stated they currently have two foreign trade zones that are not activated. They could be activated at any time. One is located at Johns Prairie and one is located at Sanderson Field. The foreign trade zone falls under commercial rather than a heavy industrial.

There was discussion that an edited copy of the Plan was sent to the City of Shelton.

Patti Miller-Crowley, Port of Shelton, except for the footnote of essential public facilities, she did not believe any of the suggested changes were adopted.

Mr. Goins stated they believe they are on a threshold of economic activity in the City of Shelton. They have been successful in being awarded a grant through the Community Trade and Economic Development offices to work with Mason County in developing regulations which would further refine the land uses that are currently being proposed as well as update the City's regulations. He believed the process would deal with a lot of the issues they are contemplating today. It will further allow them to protect some of the industrial and compatible uses.

Mr. Hupp felt the danger is in setting policy and then flowing into the Development Regulations. One thing that the Development Regulations bring to the Port, City and County is the matrix of permitted uses to city/county/port.

Ms. Miller-Crowley noted the Port would like to have early and continuous opportunity for working with the county and the city on the items that are identified under the Growth Management Act planning grant that has been received. It is checked as a regional collaboration and the Port is a regional partner.

Cmmr. Sheldon asked the Deputy Prosecutor if there is any precedence for a state law that would permit a Port Zone

TJ Martin, Deputy Prosecutor, replied there based on a couple of attorney general opinions back in 1983 there was a Des Moines case that took on the Puget Sound Development Council in approx. 1999. They basically noted that ports are governed by cities and counties zoning under the Growth Management Act (GMA). There is nothing specific in the GMA which gives the Port authority to supercede cities or counties in establishing zoning regulations.

Cmmr. Ring Erickson stated that it has been her understanding that general service governments have certain functions and they cannot delegate their authority. This has been a lengthy process and they need to make a decision.

Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the proposed Shelton Urban Growth Area Subarea Plan as Chapter XI of the Mason County Comprehensive Plan. Motion carried unanimously. G-aye; RE-aye; S-aye. Ordinance No. 11-08 (Exhibit G)

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10. Other Business (Department Heads and Elected Officials)
 - 10.1 Charlie Butros, Public Works Director, gave an update on road closures within the County. The North Shore Road (Burma Road) has been reopened since the December 3, 2007 storm.
11. Board's Reports and Calendar – The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.
12. Adjournment – The meeting adjourned at 11:00 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Tim Sheldon, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Rebecca S. Rogers, Clerk of the Board

Ross Gallagher, Commissioner