

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

MAY 27, 2008

1. Call to Order – The Chairperson called the regular meeting to order at 6:02 p.m.
2. Pledge of Allegiance – The flag salute was led by Ken Martig, Jr..
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 Washington State Liquor Control Board sent notice of special occasion license application for St. Edwards Catholic Church, North Mason Rotary, and Allyn Community Association.
 - 4.1.2 The Washington State Department of Health, Office of Shellfish and Water Protection have reclassified a portion of the Pickering Passage commercial shellfish growing area from Approved to Conditionally Approved. (Copy to Environmental Health.)

Cmmr. Ring Erickson stated this is the McLane Cove area that the county has been aware of for some time, which is not a heavily populated area. It is off the north end of Harstine Island. There are no houses and Mason County is working closely with Department of Health to look into this. It appears to be natural or animal caused as opposed to human caused. She concluded it is a downgrade and not a closure and the County is working to do what is humanly possible to help.
 - 4.1.3 John Worthington expressed concerns regarding counties signing federal contracts which are in violation of the Washington State medical marijuana law.
 - 4.1.4 Mr. and Mrs. James Wilkinson expressed concerns regarding the proposed Renaissance Fair.
 - 4.1.5 William Bell expressed concerns regarding unsupervised, unlicensed children riding quads and dirt bikes in his area. (Copy to Sheriff's Office.)
 - 4.1.6 The Mason County Sportman's Association is seeking county property on which to build an outdoor shooting range.
 - 4.2 Announcement for the Small Works Roster – Public Works Director Charlie Butros announced their annual notification to contractors of the existence of the small works roster for projects estimated to cost \$200,000 or less. There is no deadline for placement on the roster.
5. Open Forum for Citizen Input
 - 5.1 Brian Lev, Lynch Road, explained he went through the building permit process obtaining the paperwork from the county. He obtained a feasibility report and was told by the planning staff he needed a geological assessment for the building site. He held off on his report because of the six month expiration date on the report, in case the process took longer than anticipated. He received septic approval, well approval, and the building plan was approved. He submitted the geotechnical assessment done by Ken Martig Engineering to the County. He obtained a rejection from the County planning staff that says the assessment is inadequate and incomplete. Nowhere did it state where the assessment is inadequate, except that some of his own research done on the site and never making a site visit. He did not understand the process. If the conditions of a building site will change within six months he questioned why have a geological assessment done. He understood a geotechnical report can be waived upon the geological assessment saying that the report is not needed. He felt that he had the report from Mr. Martig.

Chairperson Sheldon stated the County could look into it. The County is working on trying to revise the process to make it less cumbersome. Barb Robinson, Community Development Director, is working on this and he could talk with her.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 27, 2008 - PAGE 2**

Sam Lev, Lynch Road, stated there is a qualified engineer doing the assessment report required by the County planning staff. The consultant engineer came out and spent hours on the property measuring and taking information on the well and then wrote up an 18 page report which was charged to Brian Lev. The report was sent back to the County building department and then the county sent it off to the County's assessment engineer. He questioned why is Brian's engineer's assessment less valuable than the County's engineer assessment. He asked if Mr. Martig is not as qualified as the county's engineer.

Ken Martig, Martig Engineering, Olympia, WA, prepared a handout associated with the Lev problem.

Chairperson Sheldon stated they will give the handout to Barbara Robinson, Community Development Director, who is working on this same issue.

Mr. Martig stated they prepared a thorough geotechnical assessment which was reviewed. Three items in the review were commented on: 1) slope issues; 2) the fact they are located within "an agent landslide area"; 3) potential sand liquification settlement issue. He felt the rejection of the Martig report was not based upon any sited deficiency or omission. The reviewer got on the internet and looked at a few things and based on that information he referenced these three items noted above. It shows the Lev site is an unstable area.

A 61 year old concrete foundation that supported the prior existing primary residence has been removed for the new foundation to be placed. There are no cracks and it is stable. A site plan shows slopes that are near 40%. They are under the 40% slope. He gave a handout to the Planning Staff.

Allan Tahja, Licensed Engineer, Hoodspout, said he is here with some of the same issues. He will be here every week if necessary until he sees a change in the policy and processes. The one issue he is concerned with is the six month limit which seems unrealistic. He said he is encouraged with what the staff shared with him before the meeting. He understood staff is considering more in-house reviews with a possible checklist.

Cmmr. Sheldon stated a checklist is a good suggestion. The county staff will be working with Barb Robinson on this further.

6. Adoption of Agenda – **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. G-aye; RE-aye; S-aye.**
7. Approval of Minutes – **Cmmr. Ring Erickson/Gallagher moved and seconded to approve the regular meeting minutes for May 13, 2008 and briefing minutes for the week of April 21, 2008. Motion carried unanimously. G-aye; RE-aye; S-aye.**
8. Approval of Consent Agenda:
 - 8.1 Approval of Veterans Assistance Fund applications for: Donald Hannah - burial \$600.00; Jimmy Williams - housing \$600.00 and Frank Ori - housing \$600.00 for a total of \$1,800.00 as recommended by the Veterans' Assistance Screening Committee.
 - 8.2 Approval to set a public hearing on June 17, 2008 at 9:30 a.m. to consider the revisions to the 2008-2013 6-Year Transportation Improvement Program.
 - 8.3 Approval to set a public hearing on June 17, 2008 at 9:30 a.m. to consider the revisions to the 2008 Annual Construction Program.
 - 8.4 Approval to set a hearing on June 17, 2008 at 9:30 a.m. to consider revising Mason County Stormwater Ordinance No. 14-06 and Chapter 14.48 of the Mason County Code to integrate the "2005 Ecology Manual" for the Belfair and Allyn Urban Growth Areas.
 - 8.5 Approval to set a public hearing on June 17, 2008 at 9:30 a.m. to consider supplemental appropriations to the 2008 Budget for Mason County GO Bond Fund 2008 in the estimated amount of \$87,856, the

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 27, 2008 - PAGE 3**

- Mason County Public Works Facility Bond '07 Fund in the estimated amount of \$1,161,785 and the Current Expense Fund in the estimated amount of \$165,360. **Resolution No. 60-08 (Exhibit A)**
- 8.6 Approve a resolution to amend Resolution 116-06 and set the salary of the Mason County Prosecuting Attorney at that of a Superior Court Judge effective July 1, 2008. The annual salary effective July 1st is \$140,979 and half of this amount is paid by the State of Washington. **Resolution No. 61-08 (Exhibit B)**
- 8.7 Approval to designate the following terms for the Mason County Water Conservancy Board: George "Sam" Sevier – 6 years; George Campbell – 4 years; Boyd Smith – 2 years; Larry Mahoney as alternate – 6 years and Bob Gantenbein as alternate – 6 years. These terms are effective April 22, 2008.
- 8.8 Set a public hearing at 9:30 a.m. on Tuesday, July 1, 2008, to consider the need to rescind portions of Ordinance #81-07 which amended the Mason County Resource Ordinance regarding Frequently Flooded Areas in the Skokomish Valley.
- 8.9 Approval of the lease with the North Mason Chamber of Commerce for office space for the Permit Center in Belfair. The monthly cost is \$192.99.
- 8.10 Approval of Amendment 9 to the Consolidated Contract C14956 with the Washington State Department of Health to increase the Beach Environmental Assessment, Communication, and Health (BEACH) program by \$9,500. This also adjusts the 5930 Public Health Funding and Public Health Emergency Preparedness and Response programs.
- 8.11 Approval of Warrants
Claims Clearing Fund Warrant #s 141235-141482 \$1,226,359.79

Cmmr. Sheldon asked that Consent Item 8.6 be removed for further discussion.

Approve a resolution to amend Resolution 116-06 and set the salary of the Mason County Prosecuting Attorney at that of a Superior Court Judge effective July 1, 2008. The annual salary effective July 1st is \$140,979 and half of this amount is paid by the State of Washington.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve the consent agenda Items 8.1 – 8.5 and 8.7 - 8.11. Motion carried unanimously. G-aye; RE-aye; S-aye.

Item 8.6

Cmmr. Sheldon asked if there were any other counties within Washington state the size of Mason County that have adopted a similar resolution relating to the Prosecutor's salary increase.

Ione Siegler, Budget Director, responded that Clallam County may have adopted a resolution. She has not researched the other counties. The law does take effect July 2008 so all other counties will have to adopt this.

Cmmr. Sheldon stated he tried talking to someone in Olympia today and found the bill went through the Ways & Means Committee. The lady that he needed to talk to was not in today. He wanted to get more background on what other counties are doing. That was one reason to have further discussion.

Cmmr. Ring Erickson stated that Tom McBride, Exec Dir. of the Washington State Association of Prosecuting Attorneys is present and has followed this process and may have more information on the other counties.

Tom McBride, Washington Association of Prosecuting Attorneys (WAPA) Olympia, Washington, stated he helped put this legislation through the legislature. The counties that he is aware of that have adopted a similar resolution are: King, Pierce, Snohomish, Yakima, Clark and Kitsap. The counties which are considering adoption of a similar resolution are: Benton, Chelan, Whatcom, Spokane, Franklin, Thurston, Skagit and Clallam. The legislature found that the salary of the elected Prosecutor

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 27, 2008 - PAGE 4**

should be tied to that of a Superior Court Judge salary. They did not force the issue at the local level as the state and county split the salary 50/50. The State set their amount permanently at half of whatever Superior Court Judge makes. The legislature left the timing of adoption of a resolution up to the county's discretion. If the county stays at the 2008 level, the County will need to revisit it as the county's budget goes through cycle and also when the state's salary commission amends the Superior Court Judge's salary.

Cmmr. Sheldon asked if there was discussion to tie the superior court judges' salary to federal district court judges' salary.

Mr. McBride responded that prior to Superior Court Judges being put on the State Salary Commission there were a number of ideas considered between federal and state. Prior to 1971, the state set the salary and the county paid whatever the state set it at. In 1971, the state delegated to the County to establish the salary and the state pays half of whatever is set. Under this proposal, the legislature looked to the national standard which is the trial court judges' salary. There are 11 states that have adopted this tie in. There are a number of other states that have established the salary at a set dollar amount. When the legislation was brought forward there was a look to see if there was any consensus. In the 50 states there did not seem to be a majority position. A sizeable number of counties said this is the proper tie in. A number of the National District Attorney's Association said this is recommended standard and American Bar Association is tied to a similar standard. The standard that the legislature recommended is appropriate. They did not know the fiscal health of every county in the state. They not want to force the counties to act immediately so they left it up to the counties to determine when to make the tie in. The Counties would have to make a decision by July 1, 2008. Whether the counties match the state or take more time to get up to the match they left the counties with that discretion to do it incrementally or in one vote.

If the county adopts a resolution now the county is committed to paying the larger amount starting July 1, 2008. If the county does not adopt the resolution now, the county will have to keep revisiting this issue twice a year (state's fiscal cycle and county's budget cycle) until it ties to the superior court judges' salary. Ultimately, the counties will get there.

It was noted that the present salary of the Mason County Prosecutor is \$118,539. There is a difference of approximately \$22,000 from the Superior Court Judge salary of \$140,979. Starting at July 1 the difference between the two salaries would be \$11,000 for the State/County share combined.

Cmmr. Sheldon again stated he would like more information about what the other counties are going to do. He stated the Prosecutor's salary could be set at a little less than the Superior Court Judge salary.

When he looks at the state offices, there is a hierarchy that is set up by the Constitution. He believed there should be a hierarchy that may be set at the District Court level or between the District Court and Superior Court levels.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve Consent Agenda Item 8.6 to approve a resolution to amend Resolution No. 116-06 and set the salary of the Mason County Prosecuting Attorney at that of a Superior Court Judge effective July 1, 2008. The annual salary effective July 1, 2008 is \$140,979 and half of this amount is paid by the State of Washington. Motion carried 2 : 1. G-aye; RE-aye; S-nay.

9. 6:30 p.m. Public Hearings and Items Set for a Certain Time
There are no public hearings scheduled.
10. Other Business (Department Heads and Elected Officials) - None

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
MAY 27, 2008 - PAGE 5**

11. Board's Reports & Calendar – The board members gave brief reports on meetings attended during May 20 through May 27, 2008. The commissioners also announced their calendars for May 27, 2008 through June 3, 2008.
12. Adjournment – The meeting adjourned at 6:50 p.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