

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

April 7, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 9:06 a.m.
2. Pledge of Allegiance – Judge Finlay led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 Jack Miles, James Dok and Jeannie Gruber are seeking appointment to the Housing Authority of Mason County Board of Commissioners.
 - 4.1.2 Todd Johnson is seeking appointment to the Solid Waste Advisory Committee.
 - 4.1.3 Ardean Anvik and John Komen are seeking appointment to the Mason County Historic Preservation Commission.
 - 4.1.4 Pam Kiesel submitted questions and comments on the Draft Temporary Outdoor Public Event Ordinance.
 - 4.1.5 The Port of Hoodspport Commissioners would like update information regarding the Hoodspport Sewer Project.
 - 4.1.6 Hood Canal Communications is seeking support for their application to obtain a Broadband Grant.
 - 4.2 News Release – Earth Day - Barbara Adkins, Community Development Co-Manger, presented the news release. There will be an Earth Day celebration on April 22, 2009 at the Shelton Civic Center.
 - 4.3 Announcement of Public Work's 2009 Spring Spray Program for Vegetation Control - Charlie Butros, Public Works Director, announced that Public Works will be spraying herbicides on some of Mason County's roads for vegetation control beginning on or after April 30, 2009, weather permitting.
 - 4.4 Cmmr. Sheldon announced that the hearing scheduled for April 14, 2009 on the Temporary Outdoor Public Event Ordinance will be continued to April 28, 2009.
5. Open Forum for Citizen Input –
 - 5.1 Art Tozier stated he has five generations of family members that have lived in and enjoyed Mason County for many years. He would like to talk about a problem he is facing in the Skokomish Valley. He purchased a home and a piece of land in the Skokomish Valley that he has been trying to fix for the last 15 years. There are some things Community Development has asked him to do before they grant him occupancy. They want \$5000 in permits and fines. He has already elevated the structure 8 ½ feet out of the floodplain.
 - 5.2 Brenda Hirschi stated a week from today there will be a hearing on budget cuts. She doesn't see how the information is being released publicly. There are bits and pieces in the Journal. It is really important for the public to see these cuts. She wants to know what's going on with the County's budget and why we are in the place we are in now. The real issue is that this information is not being made available to look at and put in to context before next week. She has not seen the public process and is concerned there is no transparency.
6. Adoption of Agenda - **Cmmr. Gallagher/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – briefing minutes for the weeks of March 16 and 30, 2009 and regular meeting minutes for March 24, 2009.

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Cmmr. Ring Erickson stated she had asked for the initial briefing minutes to be redrafted. She wanted to make sure the minutes being approved were the redrafted version. The substance of the minutes didn't change.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve the briefing minutes for the weeks of March 16 and 30, 2009 and regular meeting minutes for March 24, 2009. Motion carried unanimously. RE-aye; S-aye; G-aye.

8. Approval of Consent Agenda:
 - 8.1 Approval of the resolution correcting the titles of Mason County's Americans with Disabilities Act (ADA) contact persons. **Resolution No. 28-09 (Exhibit A)**
 - 8.2 Approval of the resolution selecting *The Shelton-Mason County Journal* as the official county newspaper for publishing certain legal publications. **Resolution No. 29-09 (Exhibit B)**
 - 8.3 Approval to award lodging tax dollars as recommended by the Lodging Tax Advisory Committee for the following 2009 tourism related events: COMCAST cable television commercial campaign - \$50,000 and Olympic Peninsula Culinary Loop Tour - \$1,000.
 - 8.4 Approval to award lodging tax money in the amount of \$1,000 as recommended by the Lodging Tax Advisory Committee to support tourism related events for the Mason County Fair & Rodeo Queens Court for 2009.
 - 8.5 Approval of agreement between Mason County and the Cedar Creek Corrections Center (CCCC) to utilize inmate labor for Mason County Parks and Trails Department. Cost to the County is \$2.00 per offender hour and \$0.58 per mile per day.
 - 8.6 Approval of the agreement with the North Mason Little League to provide concession services at Sandhill Park during the 2009 season with options for the 2010 and 2011 seasons.
 - 8.7 Approval of the agreements between Mason County and Teamsters Local No. 252 Appraisers Unit, Teamsters Local No. 252 General Services Unit, Teamsters Local No. 252 Juvenile Detention Unit, Teamsters Local No. 252 Probation Unit, Teamsters Local No. 252/Operating Engineers Local No. 302 Public Works Unit for the period of January 1, 2009 through June 30, 2010.
 - 8.8 Approval of the Tri-Party Technical Advisory work group to advertise for consulting services to provide design for the three collection systems and the three Membrane Bio-Reactors (MBR) treatment plants for the Lower Hood Canal Wastewater Treatment Project.
 - ~~8.9 Approval for the Chair to sign the grant agreement with the Washington Department of Ecology to finance the services necessary to provide design for the three collection systems and the three Membrane Bio-Reactors (MBR) treatment plants for the Lower Hood Canal Wastewater Reclamation Project. REMOVED~~
 - 8.10 Approval to award the Biosolids Hauling and Disposal contract to Joe's Septic Tank Service of Shelton and authorize the Chair to sign all pertinent documents. This is to haul biosolids from Mason County owned wastewater treatment facilities at Rustlewood, Hartstene Pointe and the North Bay Water Reclamation Facility at the rate of 19.7 cents per gallon.
 - 8.11 Approval to award the Solid Waste Metal Hauling and Recycling Contract to Nutt Construction and Salvage of Shelton and authorize the Chair to sign all pertinent documents. This bid is to pay Mason County 1.25 cents per pound for salvageable metals.
 - 8.12 Approval of amendment 4 to existing WRIA 16 and 14b Phase IV Watershed Implementation Grant agreement between Mason County and Washington State Department of Ecology, to increase grant funds by \$8,406 to a total of \$250,000 (Ecology Grant No. G0800033).
 - 8.13 Approval for the Equipment Rental & Revolving Fund Manager to utilize the Washington State Department of Information Services master cabling contracts to install phone and data fiber in support of the Sheriff's Office located at 322 N. Third Street. Estimated cost is \$40,000.00 and will be paid from General Obligation Bond proceeds.

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- 8.14 Approval to sign a letter to the State of Washington Housing Trust Fund in support of a grant the Mason County Shelter is applying for to be used for the relocation of the Shelter.
- 8.15 Approval to execute County Road Project 1922 – Countywide Paver project on Brockdale Road (County Road Number 90090) and authorize the County Engineer to advertise, set bid opening date, award contract and the Chair to sign all pertinent documents for the projects. The contract award will be announced during a regular meeting of the Board of County Commissioners. **Resolution No. 30-09 (Exhibit C)**
- 8.16 Approval to execute County Road Project 1923 through 1934, Solar Lighted Intersections Safety Projects, and authorize the County Engineer to advertise, set bid opening date, award contract and the Chair to sign all pertinent documents for the projects. Lights will be placed on the following county maintained roads: Brockdale Road, Mason Lake Road, Lynch Road, Arcadia Road, Crestview Drive, Pickering Road, North Shore Road, Sand Hill Road and Public Works Drive. The contract award will be announced during a regular meeting of the Board of County Commissioners. This is funded through Washington State Department of Transportation's Highway and Local Programs for the American Recovery and Reinvestment Act of 2009. **Resolution No. 31-09 (Exhibit D)**
- 8.17 Approval to execute the Annual Certification for Calendar Year 2008; Certification of Expenditures for Traffic Law Enforcement – 2008; and, Certification for Expenditures for Fish Passage Barrier Removal – 2008 to be included in the annual submittal to the County Road Administration Board by the Department of Public Works.
- 8.18 Approval to set a public hearing on Tuesday, May 5, 2009 at 9:30 am to consider the Master Road Use Permit between Mason County and PUD 3.
- 8.19 Approval for the Chair to sign the signature authorizing form for the FEMA 1825-DR-WA Project - December 2008 Severe Windstorms/Snow.
- 8.20 Approval of Warrants
- | | | |
|----------------------|--------------------------|----------------|
| Claims Clearing Fund | Warrant #s 155274-155777 | \$1,146,909.48 |
| Salary Clearing Fund | Warrant #s 2399-2428 | \$ 237,891.62 |
| Direct Deposit Fund | Deposit #s 11147-11544 | \$ 594,816.46 |
- 8.21 Approval to cancel the April 21, 2009 Commission meeting. Cmmr. Gallagher will be attending an Area Agency on Aging conference in Washington DC

Judge Finlay asked that item 8.7 be set aside for further discussion.

Cmmr. Ring Erickson stated that item 8.10 lists Hartstene Pointe as a County owned wastewater treatment facility. Should there be a change in the text since it is now a separate water-sewer district? Are we in a position to offer that contract?

Tom Moore, Utilities and Waste Management, stated the intent is to sign the agreement during this transition period so they could piggyback on the contract. After the transfer is made Mason County would no long be responsible for hauling those biosolids. Technically it still is a County owned facility.

Monty Cobb, Deputy Prosecuting Attorney, clarified that it is still the County's facility and with negotiations of the transfer of the facility to the new district there is a discussion of the transfer of all existing contracts and this would be included in that discussion.

Theresia Ehrich, Chief Accountant for the Auditor's office, noted that on item 8.20 they did facilitate an interfund loan from ER&R because they needed about \$500,000 for payroll last week. They would not have been able to approve the item without that loan. The County needs to look at the revenues that they base their budget on and make sure they don't have expenditures that exceed

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their income. She too is concerned about the process that is used when deciding to make those changes.

Cmmr. Sheldon stated he would also remove item 8.20 for further discussion.

Cmmr. Sheldon noted that a couple of the items on the agenda are in the economic stimulus category. Cmmr. Ring Erickson has worked very hard on item 8.16 for solar lighting projects at different intersections. It will be a good safety improvement.

The 3rd and Pine building, which will house the Sheriff's office, will be receiving \$40,000 for cabling and phone installation from General Obligation Bonds.

A local stimulus project is our Lodging Tax Funding, which can only be used for tourism. The Lodging Tax Advisory Committee has worked very hard on some innovative ways to get the public to come spend some money here.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve Consent items 8.1 through 8.21, with exception of item 8.7 and 8.20. Motion carried unanimously. RE-aye; S-aye; G-aye.

Cmmr. Sheldon asked T.J. Martin, Human Resources Director, to comment on item 8.7.

Mr. Martin stated he has briefed the Board throughout the entire process. He has negotiated with Gary Johnson, union representative on behalf of the Teamsters. There are six collective bargaining agreements consisting of eight plus departments, four of which are mentioned under the General Service Contract, including Parks, DCD, Utilities and Personal Health. In all, the varying amounts of those contracts, including wages and benefits, vary between \$5000 and \$10,000. The grand total of these contracts would be around \$96,000. He has broken down the actual costs of each of these contracts during executive session and can provide those exact dollars to the public if the Board prefers.

In the beginning they were aware there was an increasing economic alarm. Within the past three months the economic climate has moved from a state of alarm to a state of emergency. The funding of these contracts is problematic. The balancing act is to compensate adequately and justly for the services the staff renders to the Commissioners and taxpayers. There are no easy choices or answers. With the 1.1 million dollar budget shortfall it makes funding the contracts even more difficult. These do not include the Sheriff's Deputy arbitration, which will be proceeding in May and will have it's own separate price tag. It's important to be fully educated and know the price tag and still meet the minimal staffing that is expected of the taxpayers. Ultimately, people say timber or shellfish are the greatest assets of Mason County but he believes it's the people. By ratifying these contracts it would say, "we appreciate and value your services".

Judge Finaly stated the reason she is asking the item be removed from the consent agenda is the contracts involve monetary increases, which would reduce the staffing levels in those departments because that's where the money would have to come from. It would drastically reduce the level of service those departments could give to the community and the court.

Gary Johnston, President of Teamsters Local 252, stated he bargained with the appropriate County officials on these contracts. He asks that the agreements be ratified. The Commissioners as representative of the County, as well as the Judges of the Courts and the appropriate bargaining units have an obligation to bargain in good faith, as does the Union. They have done that and have taken into consideration the County's fiduciary difficulties. The majority of the bargaining

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units have no wage increases for the first half of 2009. They did bargain in good faith and he asks that the contracts be ratified.

Brenda Hirschi asked if this would add to the 1.1 million shortfall.

Cmmr. Sheldon stated it would be in addition to the 1.1 million.

Theresia Ehrich stated she should be speaking to this issue not item 8.20. She wanted to point out in the financial reports there is \$200,000, instead of \$2.1 million on hand at the end of March. Those that are non-union have not received increases and have actually taken decreases. Whatever financial obligation there is will further impact our already fragile financial state. She asked if the \$96,000 figure would just cover this year.

Mr. Martin answered the \$96,000 would cover this year. The remaining six months of the contracts would be budgeted next year.

Ms. Ehrich asked if there are retro payments in these contracts.

Mr. Martin stated it is retroactive to January 2009.

Cmmr. Sheldon stated this is a very difficult issue for the county as a whole, also as a state and a country. If we look at the sales tax collection for Mason County for 2009 verses 2008 we are down in 2009 15% in January 3% in February and 24% in March. At the State level they had the worst revenue forecast in February that he has ever seen. There was a drop of 535 million dollars in anticipated revenue in just two months. The mills are on short shift. You can't sell timber unless you call first. It's an unsettling spot to be in financially. It would be unadvisable to approve these contracts right now. We need to go back to the bargaining table to look at what we can do in our existing resources. One of the hardest things to do as a Commissioner is to project what the revenue will be in the next few months. Mason County has experienced quite a few layoffs already. Our permitting and planning departments have taken enormous cuts in personnel and services. Mason County was the second fastest growing county in the state. It was fueled in a large part by construction activity and now that has changed. Personally, he can't ratify these contracts today. He looks forward to working with the citizens and employees to find some solution. They are looking at other counties to find creative solutions.

Cmmr. Gallagher stated he has been on both sides of the table over the years. Things are different now. This puts him in an awkward position. There is a 1 million dollar deficit and we need to act now, if we wait until September and are facing additional cut we will only have a quarter of the money and the cuts will be a lot deeper. He can't ratify this contract.

Cmmr. Ring Erickson stated she would not vote for these contracts. She knows that Mr. Martin and Mr. Johnson were bargaining in good faith. No one in office or in the community could have anticipated what is happening in the national economy. She would have liked to look at some reduction in hours and pay much earlier to keep people working, but that didn't happen. Mason County may loose some of its employees because there are counties around us that are urban and can pay a little more. One of the tragedies in these circumstances is that there are people in the community loosing their jobs and businesses. While the County may loose some levels of service and not be able to give raises, in comparison, our losses are not tragic. She has been a life long supporter of organized labor but she cannot vote for this at this time.

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Cmmr. Ring Erickson/Cmmr. Gallagher moved and seconded not to approve the agreements between Mason County and Teamsters Local No. 252 Appraisers Unit, Teamsters Local No. 252 General Services Unit, Teamsters Local No. 252 Juvenile Detention Unit, Teamsters Local No. 252 Probation Unit, Teamsters Local No. 252/Operating Engineers Local No. 302 Public Works Unit for the period of January 1, 2009 through June 30, 2010. Motion carried unanimously. RE-aye; S-aye; G-aye.

Cmmr. Sheldon stated the approval of warrants was also set aside. The total of the warrants is about 2 million dollars.

Ms. Ehrich stated she already spoke about the item. They are borrowing from the Equipment Rental and Revolving Fund. The ending balance was \$200,000 last month.

Cmmr. Sheldon clarified that it is nice to have about 2.5 million dollars in the account each month.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve warrants: Claims Clearing Fund Warrant #s 155274-155777 \$1,146,909.48, Salary Clearing Fund Warrant #s 2399-2428 \$237,891.62, Direct Deposit Fund Deposit #s 11147-11544 \$594,816.46. Motion carried unanimously. RE-aye; S-aye; G-aye.

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

9.1 Public hearing to consider revising Mason County Code Title 6, Chapter 6.76, Onsite Sewage Regulations.

Toby Tahja Syrett, the Chair of the Onsite Advisory Committee, presented the changes to the onsite regulations. Basically what's driven the changes is the State WAC has changed so the local regulations needed to change to accommodate the differences. Most of the changes were general housekeeping changes. There were more stringent requirements for contractors regarding continuing education. There were updates on definitions. One of the other focuses with the document is more emphasis on maintaining systems that have been installed. Mason County has a middle of the road policy as far as operation and maintenance goes. King County and Kitsap County have dramatic requirements for homeowners. There are also some counties that don't even license operation and maintenance operators. A lot of costly repairs and environmental degradation can be prevented by routine maintenance. The biggest change to the regulations is that they are asking that any time a home transfers ownership, the system is checked out by an appropriate maintenance provider, not necessarily just a pumper.

Cmmr. Ring Erickson asked what King County does.

Mr. Tahja Syrett stated King County requires a professional to look at your septic system twice a year.

Cmmr. Ring Erickson stated she owns a house in King County that is on septic, is 500 feet from Puget Sound and is in a neighborhood of about 250 septic systems. She has owned the property since about 1976 and she has never heard anything from King County about the septic. She has called to complain and still has not received any information. She does get hers inspected and it has been replaced, but many septic systems in that neighborhood have never been replaced.

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Mr. Tahja Syrett stated that brings up a good illustration as to how Mason County is approaching this situation appropriately. They are not putting regulations on paper that they cannot follow through on.

Cmmr. Ring Erickson stated one of the important things about government is that even though we may not do as much as people would like, we have to be credible about what we do. If you pass a law you have to make it be meaningful or people will lose respect for government. She has wanted inspections at time of sale since before she was elected.

Debbie Riley, Environmental Health Manager, stated the change that they made to the document as a result of the Board of Health meeting was to add a definition of "current" in the sentence: "Under the transfer of resident ownership shall require current inspection service report on the status of the onsite sewage system using the form prescribed by the Director." The definition of "current" shall mean within 3 years with a system consisting solely of a septic tank and drain field and annually for all other onsite septic systems.

The other change they would like to propose to the document that has been sent out for review and put on the website for review was in section 7.05. They want to add the 3 words "prior to closing". They would like to recommend this addition be made to the document today.

There were no questions for staff or public testimony.

Cmmr. Ring Erickson/Gallagher moved and seconded to adopt the revision of Mason County Code Title 6, Chapter 6.67 Onsite Sewage Regulations with the addition of the language "prior to closing" on page 4, section 7.05. Motion carried unanimously. RE-aye; S-aye; G-aye. Ordinance No. 32-09 (Exhibit E)

Cmmr. Sheldon excused himself from the meeting at 10:11 a.m. to go to Olympia.

10. Other Business (Department Heads and Elected Officials) –

- 10.1 Report on 4-H Fund Raising Efforts. Bob Simmons, WSU Extension Office Director, mentioned that April is national volunteer month and thanked the volunteers in Mason County. The Extension Office is in line for federal stimulus funding for the youth forestry leadership program. The youth assist with trail projects, day camps and the County Fair. They have had to cut back the 4-H Coordinator position, so they are using the help of volunteers and have established a fund raising committee. The goal is to raise \$25,000 to support after school programs, day camps and traditional clubs. There will be a 4-H Fresh Bite Beach Night on August 27th. If anyone would like to donate please contact the Extension Office. They are also planning a competition between WSU and UW alums to see who can raise the most money for 4-H. The winning group gets to fly their flag over the WSU Extension office.

Cmmr. Ring Erickson complemented the staff on their work. She has a lot of confidence in the community to help make it through hard times.

Cmmr. Gallagher stated the 4-H programs are valued in the community.

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Vicki Kirkpatrick stated from a public health perspective the biggest problem for kids is not having enough activities to do. This program supported in this community is one of the best things that can happen.

- 10.2 Betty Wing, Director of Central Operations, wanted to discuss two recent court cases brought against Mason County regarding access to public records. One of the cases brought against the County by Brad Carey resulted in a judgment against the County for approximately \$175,000 and the other by Harold Carey for approximately \$145,000. She have received many phone calls asking if this money will come from the Current Expense Fund and she wanted to clarify. Mason County is a member of the Washington Counties Risk Pool, which provides its members with joint insurance coverage, claims handling and risk management service. As a member of the risk pool Mason County has a \$10,000 deductible for any judgment in excess of \$10,000 and the risk pool pays the remainder.
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 10:32 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Tim Sheldon, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Shannon Goudy, Clerk of the Board

Ross Gallagher, Commissioner