

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

May 18, 2010

1. Call to Order – The Chairperson called the special meeting to order at 9:00 a.m.
2. Pledge of Allegiance – Annette McGee led the flag salute.
3. Roll Call – Present: Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.  
Absent: Commissioner District 1 - Lynda Ring Erickson.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 The Washington State Liquor Control Board sent notice of establishments in Mason County with liquor licenses due to expire on August 31, 2010 and notice of a change of LLC member for Robin Hood Restaurant and Lounge.
    - 4.1.2 Dave Tipton is seeking appointment to the Mason County Water Conservancy Board.
  - 4.2 Charlie Butros, Public Works, announced that Appraisal Solutions of Rochester, WA has been selected to provide on-call right of way appraisal services, as needed, during 2010.
5. Open Forum for Citizen Input –
  - 5.1 Annette McGee was called on but chose to yield her time to the other citizens first.
  - 5.2 Louis Cofoni commented about what is happening in Arizona. He stated that what is happening is because of non-action from people in Washington D.C. The State of Arizona may lead the country into a revolution. When he thinks of people coming into the country asking for freebies it concerns him greatly. His relatives came through Ellis Island and had to make sacrifices to come here for a better life. When politicians give in to illegal immigrants they are disrespecting the people who had to come through Ellis Island to become citizens without asking for handouts.
  - 5.3 Todd Fredson provided a short historical analysis regarding companies like ADAGE. He noted that in 1946 the Sustained Yield Act gave Simpson access to 100 million board feet per year, for 100 years, to provide 1,000 jobs for the community. ADAGE will require 100 to 300 trucks per day. That will be approximately 75,000 board feet per day, which will add up to 3,750,000 board feet per week, which is roughly twice what was considered sustainable in 1946. The Sustained Yield Act wasn't sustainable for 1,000 jobs for the 100 years. It lasted about 40 years and the consequences are still being made up for today.

Cmmr. Sheldon commented that biomass energy plants don't measure their fuel supply in board feet because they don't utilize whole logs. The proposal is for slash, which is generally measured in tons or bone dry tons.
  - 5.4 Brenda Hirschi asked if any of the Commissioners, or the Commissioners friends, family or staff, have invested in Areva or Duke Energy stock options, carbon credits or other investment vehicles that would stand to profit from involvement in the support of ADAGE or Simpson biomass facilities in Mason County. She also asked whether any of the Commissioners have discussed or negotiated timber contracts with the State Lands Commissioner or State DNR for sales of any biomass materials from State lands.

Cmmr. Gallagher answered that he would have to check his Roth for the inventory of stocks, he doesn't know if that would be in the package. He doesn't have any timber contracts.

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Cmmr. Sheldon noted that Ms. Hirschi's questions could easily be answered by looking at the F1 Form that all elected officials file with the Public Disclosure Commission. He explained that his grandfather acquired timberland in 1941, which has been passed on to his family. His family has a tree farm consisting of 500 acres of timber in Potlatch. Much of it is over 100 years old. No logs are sold by contract, they are sold on the open market. He harvested about 200 loads of timber himself last year. He has sold logs to Simpson but not in the last 15 years. It is a small operation that is sustainable and it is an award winning tree farm. He added that he has no financial commitments, obligations, contracts, backroom deals or agreements of any kind with any of the mentioned companies or DNR. He has a conservation easement on the property with the Department of Natural Resources, which is a 50-year easement. All of this is disclosed in the F1 Form that he mentioned. He doesn't feel that he has any conflict of interest and if he did he would disclose it and discuss it openly.

Ms. Hirschi was concerned that the 124 jobs that were promised by ADAGE would cost the taxpayers, at the Federal and State level, over 1 million dollars per job. She believes that change takes place and problems get fixed at the zip code level. She thinks that the ADAGE proposal is a fleecing of America and it is steeling the future of our children and grandchildren.

Cmmr. Sheldon responded that in Washington State there are 39 counties. There are 31 counties that have been designated in a rural, high unemployment category. At the Legislative level, tax incentives have been enacted for manufactures that are willing to locate in rural areas. Without those incentives, these companies would probably locate in King County where 1/3 of the population lives. Mason County has the second longest commute in the State of the Washington. The citizens have to travel long distances to work. At the last session of the Legislature another extension of the tax incentive was passed for companies that locate large server farms, such as Yahoo and Microsoft, in areas of high unemployment. That is the same as what is happening with manufacturing and energy firms that locate in areas of high unemployment. There is always a debate about this, but he believes tax incentives spread jobs around the State. The Department of Revenue will be giving reports on what tax incentives are available to this type of industry. He also noted that small logging companies don't pay sales tax on manufacturing equipment because it creates more jobs in the community. These are things that are enacted at the State and Federal level.

- 5.5 Annette McGee commented that Commissioner Gallagher never recognized her to speak at the last meeting. She is also appalled that Commissioner Gallagher made a statement that she wouldn't have allowed a citizen to speak at a public Commission meeting. She served with a makeup of 4 different Boards over 12 years and every Chair let all citizens have time to address the Board on any subject they wanted to. They were hired by the citizens of the county to respect the citizens and to listen to their comments. Many good comments and suggestions came out of the audience and they were taken into consideration before making a decision. Sometimes they continued the meetings on for 2 days to hear the public. When a Commissioner gets too big to listen to the citizens' comments it is time for them to move on.

She thanked Commissioner Sheldon for not voting on the 2010 budget because the Sheriff didn't have enough allocated. Commissioner Gallagher and Ring Erickson created a big problem when they passed the 2010 budget knowing that if the bargaining units were settled there would not be enough money in the budget. Even when the Auditor's office and Brenda Hirschi warned of this problem it was ignored. She agrees with Deputy Sergeant that it is wrong to tell the Sheriff to find the \$90,000 in his budget. The Board is responsible for creating this deficit. Sheriff Salisbury obeyed the Commissioners' demands by laying off people in his department, which could have endangered the public safety. He also turned back \$180,000 at the end of 2009, helping the Board

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to have a 2.9 million dollar surplus at the end of the year. The Commissioners and Administrators of the County have failed to work with the bargaining group to settle these contracts in previous years. The Sheriff's office has been working without contracts for 4 years and the citizens should thank them for their dedication. The public needs to know that next year that one contract will cost \$200,000. The Board has spent money for the past few years like there will be no tomorrow. They spent 30.9 million in 2007, 30.7 in 2008 and 27.8 in 2009 even though the Auditor, Treasurer and citizens warned the Board that there was not enough revenue to meet the budget demands. The facts of the unsettled contracts and retirees' payoff have also been ignored.

She further commented that Commissioner Ring Erickson's off the wall remark that the Board has already gotten rid of the fairgrounds and maybe it's time to look at closing the WSU Extension service, the Parks and the Probation services, was ludicrous. She needs to quit taking the problem out on the citizens and employees of the county. If she hadn't overspent in the past, the problem wouldn't be as huge as it is today.

She also addressed the Weaver Creek and Hunter Creek Bridges. She would like to know how long the Board intends to keep these bridges as one-way bridges. It is her understanding that the bridges have been this way for about 2 years and businesses are suffering.

Finally, she noted that she doesn't believe that 15 minutes is enough time for public input. She understands limiting the time to 5 minutes per person, but only allowing 15 minutes is ridiculous. It is only allowing 3 people to address the Board.

Cmmr. Gallagher responded that the \$95,000 is over a period of time. Whenever the Deputy's contract is settled the increase will be applied on next year's budget. He hopes there will be better revenue to accomplish things. He noted that doesn't agree with Commissioner Ring Erickson's comments and asked Commissioner Sheldon to comment on the bridges because he worked very hard to get them where they are.

Cmmr. Sheldon explained that both of the bridges were damaged in the 2007 storm. The County is searching for funds to fully repair them. There were load restrictions put on the bridges because of the damage. It really affected businesses in the area. The Public Works department came up with a solution to make the bridges one way to lift the restrictions. They are still looking for funds to improve the bridges. It is the best that can be done right now.

6. Adoption of Agenda - **Cmmr. Sheldon/Gallagher moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-absent; S-aye; G-aye.**
7. Approval of Minutes – April 26, 2010 and May 3, 2010 briefing minutes.

**Cmmr. Sheldon/Gallagher moved and seconded to approve the April 26, 2010 and May 3, 2010 briefing minutes. Motion carried unanimously. RE-absent; S-aye; G-aye.**

8. Approval of Consent Agenda:
  - 8.1 Approval of the resolution setting a budget hearing on June 8, 2010 at 9:30 a.m. to consider a \$23,765 supplemental appropriation to the 2010 budget for the WSU Extension due to a DSHS contract for \$20,000, North Olympic Salmon Coalition for \$2,100.00 and Mason Conservation District -Totten-Eld Grant for \$1,665.00 and a \$2,400 Budget Transfer from Current Expense Ending Fund Balance to Civil Service for a Food Services Register. **Resolution No. 37-10 (Exhibit A)**

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- 8.2 Approval of a 2010 Budget Transfer for WSU Extension/Mason County Noxious Weed Program in the amount of \$12,918 from the WSU/MOA budget line to Extra Help and Social Security budget lines. This transfer will have no effect on the overall budget.
- 8.3 Approval of the agreement with Dianna Timm Dryden in an amount not to exceed \$900 for the Union Park Attendant for 2010.
- 8.4 Approval of the Veterans Assistance Fund application for: Rodney Thurman, Jr. – Housing \$400.00 & Food \$200.00; Karla Anderson – Utilities \$476.72 for a total of \$1076.72 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.5 Approval for Public Works to advertise, interview, and hire an Engineering and Construction Manager to fill a vacant position. This is a budgeted position in the 2010 budget.
- 8.6 Approval to accept the recommendation of the Hearing Examiner and grant the vacation of the right-of-way as petitioned for a portion of Olympic Avenue, subject to the conditions contained in the Findings, Conclusions and Recommendations of the Hearing Examiner for Road Vacation File No. 370.
- 8.7 Approval to adopt a resolution setting a hearing date of Tuesday, June 22, 2010; 1:00 p.m. for a public hearing before the Hearing Examiner on the vacation of a portion of Johns Road in Mason County, Road Vacation No. 373. **Resolution No. 38-10 (Exhibit B)**
- 8.8 Approval of the resolution appointing Brian Matthews as the Public Works Deputy Director/County Road Engineer for Mason County effective August 16, 2010. **Resolution No. 39-10 (Exhibit C)**
- 8.9 Approval to accept all bids received from Peninsula Topsoil of Belfair, Miles Sand and Gravel of Shelton and Arris Kollman Trucking, Inc. Of Aberdeen to provide Mason County with Maintenance Rock Materials for the calendar year 2010. Mason County does not guarantee a minimum purchase of these materials.
- 8.10 Approval to appoint Gary Yando to the Mason Stormwater Management Advisory Taskforce. The Taskforce will assist staff in implementing the Department of Ecology stormwater grant and they will work with a consultant to assist in crafting financial options to fund stormwater improvement activities in the future. They will also be charged with developing methods to involve more of the public in our efforts to protect water quality in Mason County. This item was tabled from May 11, 2010.

Andrew Graham asked that item 8.9 be removed for further consideration.

Ms. Hirschi asked that items 8.1 and 8.10 be removed for further consideration.

Ms. McGee asked that item 8.5 be removed for further consideration.

Item 8.9

Mr. Graham asked if this item is only for bids that have been received, not bids that will be received in 2010.

Mr. Butros responded that is correct.

Item 8.1

Ms. Hirschi asked if this budget transfer is considered an emergency.

LouAnn Davis, Civil Service Commission, explained that it is an emergency because the Jail only has two food service positions and they serve meals every day of the week. Each position is 40 hours per week.

Ms. Hirschi asked if the Civil Service never budgets for vacant positions.

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Ms. Davis replied that they have always budgeted under the assumption there will be recruiting each year. The Commission decided that it is not a necessary item and has taken it out of the budget. Each time a recruitment comes about it will go before the Commission for a supplemental.

Ms. Hirschi commented that this is not unlike the un-funded contract settlements. There is no slack built into the 2010 budget, therefore the ending fund balance will be drawn down.

Cmmr. Sheldon noted the County is in a time of reduction. Staff is generally being reduced, but occasionally there is a position that needs to be filled. He asked Ms. Davis to explain what the Civil Service has to do to hire.

Ms. Davis explained that she has to advertise, the applications are reviewed and written and oral tests are established. The applicants are then ranked and put on a register. The top three candidates are certified and the Sheriff's office does the background checks.

Ms. Hirschi was concerned that there is no slack built in so this is eroding the ending fund balance. She thought supplemental budgets were only for emergency conditions.

Ms. McGee asked if the Board chose not to budget this in order to balance the budget.

Ms. Davis replied that is correct. The budget she submitted to the County incorporated funds that are needed for recruiting. Those funds were cut from the budget in 2009 and 2010. In previous years a balance was always turned back to the County.

Jim Barrett, Undersheriff, commented that there are two personnel matters effecting these positions. There is a possible resignation. This has to be done and it is an emergency circumstance.

Ms. Hirschi noted the emergency was created by how the budget was put together. In the 2011 budget process this would be an example of how not to do this.

Cmmr. Sheldon responded that it would be nice for every department to be able to build in a percentage that they could use for issues that come up, but the County doesn't have that luxury in a declining revenue situation.

Item 8.5

Ms. McGee asked how many engineers Public Works has now and asked why they need a new one.

Mr. Butros responded that this is the Engineering and Construction Manager position. He is being promoted to County Engineer and this will fill the position that is being vacated. They currently have 4 engineers and this is a replacement for one of those.

Item 8.10

Ms. Hirschi asked if the conflict of interest issue has been addressed.

Allison Chamberlain explained that there was no conflict of interest and the question was answered.

Ms. Hirschi asked if a consultant has been hired and how much the consultant will cost.

Ms. Chamberlain explained the functions of the Stormwater consultant. There is a million dollar grant from the Department of Ecology. They will offer about \$180,000 for a consultant and will see if that will be accepted. They are still negotiating because they need the most for the dollar.

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**Cmmr. Sheldon/Gallagher moved and seconded to approve Consent items 8.1 through 8.10. Motion carried unanimously. RE-absent; S-aye; G-aye.**

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

9.1 Public hearing to consider revisions to Mason County Code, Title 14 (Buildings & Construction) to remain consistent with the Washington Administrative Code (WAC) Title 51 (Building Code Council).

Mark Core, Department of Community Development, presented the proposed changes to Mason County Title 14. The changes are adopted through the State Building Code Council. This is a routine change that is on a 3-year cycle. July 1<sup>st</sup> of every third year the State Building Code Council adopts the previous published code. The process started in January of this year. He met with the Mason County Local Master Builders on January 12<sup>th</sup> to touch on this. He also has spoken with Rob McGuire, the President of the Mason County Master Builders, on several occasions about this. The stakeholders are accustomed to this and are aware that it is coming. He attended the Olympia Master Builders Housing Summit on April 22, 2010 and it was discussed there as well. It has been posted on the County's website on two occasions and notice of this hearing was published in the *Shelton-Mason County Journal*. Mason County began adopting the Uniform Building Codes in 1975. The County did not adopt the 2000 International Building Codes because the State didn't adopt at that point. This is adopted through RCW 19.27 and amended through Title 51 of the WAC. The WAC shows that the Code shall be adopted in all counties by July 1, 2010. He didn't bring copies of the building codes because they are quit lengthy. There are 7 publications.

Questions for Staff

Mr. Graham asked if there are any substantial changes to the Mason County Code

Mr. Core explained that there are no substation changes to Title 14. It just shows that the 2009 version is being adopted. There were housekeeping items that were cleaned up as well. The changes to the Code aren't simple, but they aren't written in Title 14.

Cmmr. Sheldon noted that Title 14 talks about addressing of parcels. He asked why the county is divided into 5 different districts.

Mr. Core thought that the county was divided in a certain way for law enforcement and emergency services.

Cmmr. Sheldon asked if floats that are not attached to the land and that are 120 square feet do not need a permit.

Mr. Core responded that is correct. A building permit isn't required but there may be provisions from other departments.

Cmmr. Sheldon asked if there are any changes to grading and excavation permitting.

Mr. Core replied that there are no changes. The fees are all remaining the same as well.

Cmmr. Sheldon noted that this has been changed 14 times. Sometimes there is something that raises a red flag later on that people didn't know about. For example, one time it changed the requirements for a fire marshal and fire codes were adopted that weren't appropriate for a small rural county.

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Mr. Core explained that the only big change would have been the portion in the appendix of the IFC that requires that single family residences all be sprinkled. It was put in the appendix so each jurisdiction has the opportunity to not adopt it. No jurisdictions around Mason County are adopting that portion at this point.

Cmmr. Sheldon asked if no appendices are being adopted with the revisions to Title 14.

Mr. Core replied that some appendices are proposed to be adopted. The WAC says some of the appendices shall be adopted.

Cmmr. Sheldon wanted to know if there are any appendices that are being adopted with the resolution that the Board doesn't have a copy of.

Mr. Core explained that he did not provide copies of the appendices or copies of the code because each book is about 500 pages. It may even be a copyright infringement to copy the entire thing.

Cmmr. Sheldon wanted to be able to read what was being adopted. He didn't want to adopt something that he hasn't reviewed. He would like something that shows what the changes are.

Mr. Core noted that the updates are available online. All of the staff has been to the code update training. It takes some time to digest the code. He would need to know if the Board wants a review of every change or just the ones that he assumes to be major.

Cmmr. Gallagher was concerned about unintended consequences.

Mr. Core responded that he wasn't aware of any consequences at this point. This is a routine process that happens through the State Building Code Council that is governed by the Legislature. The professional are very aware of this. The only concerns he has heard from the professionals were the Wildland Interface Code and the appendices that would have adopted the sprinkler systems. Neither of those items are being adopted.

Cmmr. Sheldon stated that those are examples of things he wouldn't want to adopt without good public discussion. He asked if there are any changes to septic systems, drainfields or setbacks.

Mr. Core stated the changes are strictly structural.

Ms. McGee noted that she was in office at the time the districting was done. It was done on a grid system at the request of emergency services so it would be easier for them to respond. She asked who makes the WACs in regards to this.

Mr. Core explained that is done through the State Building Code Council and through various meetings with local jurisdictions. It is then voted on by the Legislature.

Cmmr. Sheldon clarified that the Building Council adopts the WAC. It is an administrative document that is not generally voted on by the Legislature.

There was no public testimony.

Cmmr. Sheldon wanted to give more opportunity for the builders to be present so he could hear any additional testimony.

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**Cmmr. Sheldon/Gallagher moved and seconded to continue the hearing to consider revisions to Mason County Code, Title 14 (Buildings & Construction) to remain consistent with the Washington Administrative Code (WAC) Title 51 (Building Code Council) to May 25, 2010. Motion carried unanimously. RE-absent; S-aye; G-aye.**

10. Other Business (Department Heads and Elected Officials) –
- 10.1 Emmett Dobey, Utilities and Waste Management, announced that contaminated soil was discovered along State Route 300 so all work will be postponed until June 1<sup>st</sup>.
  - 10.2 Karen Herr, Auditor, gave an update on the progress of the Shelton Cemetery creating a Cemetery District.
  - 10.3 Jim Barrett, Undersheriff, spoke on behalf of Sheriff Salisbury. He wanted to clear up the 2009 13<sup>th</sup> month spending. \$101,000 was for jail operations, \$62,000 was the ER&R bill and the remaining \$39,000 was for admin patrol, \$7,000 of which was for interview rooms and a polygraph room. \$15,000 was for search and rescue operations. The second point of clarification the Sheriff wanted to make was that it is not his intent to dismantle other programs to resolve the labor contracts. They are working with the other departments as best as they can.
  - 10.4 Bob Simmons went over the upcoming WSU summer programs.
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 10:35 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

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Ross Gallagher, Chair

ATTEST:

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Lynda Ring Erickson, Commissioner

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Shannon Goudy, Clerk of the Board

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Tim Sheldon, Commissioner