

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

May 25, 2010

1. Call to Order – The Chairperson called the regular meeting to order at 6:00 p.m.
2. Pledge of Allegiance – Karen Herr 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 Bureau of Indian Affairs sent notice of an application for acquisition of Minerva Terrace Tracts, Lots 7 and 17, for the Skokomish Indian Tribe.
    - 4.1.2 David Shephard, Sybil Jones and Mary Beth Marris expressed concerns regarding the proposed ADAGE project.
  - 4.2 Bob Thuring, Public Works, announced the contract award for 2010 manufacturing and stockpiling of sanding aggregate. The contract has been awarded to the apparent low bidder, Miles Sand & Gravel Company of Auburn, Washington at their bid price of \$45,289.52.
5. Open Forum for Citizen Input –
  - 5.1 Janice Vocke spoke in opposition to the proposed ADAGE project. She asked if Mason County wouldn't get sales tax if ADAGE sold their power to another county or state.

Cmmr. Sheldon answered that the power proposed to be produced would be renewable green power, which qualifies under Initiative 937. All utilities over a certain size must have 20% of their portfolio produced by renewable resources. As he understands it, the ADAGE proposal is a merchant plant and they would need a power sale agreement with their customers. All green power is very expensive, including wind power. Biomass is base load power so it never goes off. Base load power like this is more desirable because it is predictable. He didn't have a definitive answer on the tax because power is taxed in a different way.

Ms. Vocke was also concerned about truck traffic and its effect on emergency vehicles and about pollution and how it will affect the health of citizens. She noted that ADAGE and their parent companies have already been in trouble for polluting in a number of states. The companies tend to view the court cases for these issues as the cost of doing business. She stressed that the residents of Mason County want transparency in their government. When things go on behind doors the citizens feel like they are being kept in dark. She encouraged communication from the government. She was further concerned that ADAGE will be leasing Port property so they won't be paying property tax.

Cmmr. Sheldon clarified that ADAGE would be paying a leasehold tax of 12.84% of the lease in lieu of property tax. Any Port tenant in the state pays a leasehold tax of 12.84% to the County just like other people do for property taxes.
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 – May 11, 2010 and May 18, 2010 regular meeting minutes and May 10, 2010 briefing meeting minutes.

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**Cmmr. Sheldon/Gallagher moved and seconded to approve the May 11, 2010 and May 18, 2010 regular meeting minutes and May 10, 2010 briefing meeting minutes. Motion carried unanimously. RE-absent; S-aye; G-aye.**

8. Approval of Consent Agenda:

- 8.1 Approval of the resolution authorizing a two-day road closure of the Pickering Road Park n Ride, located just off of Pickering Road from 5:30 a.m. Tuesday, July 6, 2010 to 4:30 p.m. Wednesday, July 7, 2010 for road maintenance chip sealing work. **Resolution No. 41-10 (Exhibit A)**
- 8.2 Approval of the resolution suspending the 3% increase, as previously established by Resolution 85-01, for the 3<sup>rd</sup> District County Commissioner in 2011. This results in all three Commissioners being paid the same salary in 2011 at \$76,083 annually. **Resolution No. 42-10 (Exhibit B)**
- 8.3 Approval of the Veterans Assistance Fund application for: Eldon Hosick – Food \$200.00; Scott Kaylor – Food \$200.00; Bobby L. Gullotto – Food \$200.00 and Ronald Ralstin (Billee) – Housing \$600.00 for a total of \$1,200.00 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.4 Approval to accept the completed Rustlewood Wastewater Treatment Facility Improvements and authorize the Department of Utilities and Waste Management to release all retainage being held on the project.
- 8.5 Approval to reappoint Robert Gantenbein to the Mason County Water Conservancy Board for a four-year term ending April 2014.
- 8.6 Approval of the resolution setting a budget hearing on June 15, 2010 at 9:30 a.m. to consider a supplemental appropriation to the 2010 budget for the Current Expense Fund, Department of Community Development, to incorporate additional funds from Department of Ecology for Amendment 7 to Grant G0800033 in the amount of \$30,000. **Resolution No. 43-10 (Exhibit C)**
- 8.7 Approval of the Professional Services Agreement with Phil Olbrechts of Ogden Murphy Wallace, PLLC to serve as Hearings Examiner for Mason County. His services are paid with user fees.

Brenda Hirschi asked that item 8.2 be removed for further consideration.

Item 8.2

Ms. Hirschi stated that the wording of item 8.2 does not include the fact that the other two Commissioners' salaries are being raised. She asked if that omission was deliberate.

Cmmr. Sheldon responded that he and Commissioner Ring Erickson's current salaries are \$73,867. In 2009 the increase for those salaries was suspended. An additional 3% raise would have to be voted on with the budget. It is his understanding that there are constitutional limits that a Commissioner's salary can't be reduced while they are in office. A salary can't be raised either. Because the filing period is coming up in two weeks, the 3<sup>rd</sup> District Commissioner's salary needs to be changed. It can be done now because that position is up for election. Otherwise there will be an imbalance of having one Commissioner being paid more than the other two for the next four years.

Ms. Hirschi noted that Commissioner Gallagher explained that by constitution the other two Commissioners' salaries must be raised. It wasn't adding up to her.

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Cmmr. Gallagher replied that 20 years ago the salary for his position was \$26,000. The new term in 1991 had a filing fee of \$330, which means the salary was \$33,000. Over the years the salary has increased \$10,000 every term. By not increasing the salary for the next term, the salary for 2014 will be \$7,500 less than the \$10,000 increase. Because of budget problems, Commissioner Ring Erickson and Sheldon didn't accept a raise. They stayed at 2009 levels but he received an increase because he was in term and the others were up for election. Now that District 3 is starting a new term the salary is being changed so it stays at the same rate.

Ms. Hirschi didn't understand why the salaries couldn't stay just as they are now. She asked if it was okay in 2010 why isn't it okay in 2011.

Cmmr. Sheldon explained that would be possible in the budget vote, but this vote needs to be taken now or the salary for District 3 will be \$2,200 more than the other two Commissioners. It isn't fair to have three Commissioners doing the same job with one being paid more than the other two. This action is just to suspend the increase for District 3 to level out the salaries. This is the only way to get the salaries equal again.

Ms. Hirschi noted that Commissioner Gallagher has been donating the difference in his salary to other departments, so in effect things have been equal all year. There is also a resolution that requires a 3% pay raise for the Commissioners. The Board has chosen to honor that resolution, but the accrued leave resolution is ignored. It is inconsistent.

Cmmr. Sheldon replied that he wasn't ignoring the accrued leave resolution. The Board voted to suspend accrued leave payouts for non-union personnel and he hopes that can be bargained for union personnel also. The resolution was by a different Board and he would like to suspend it for all employees. He believes that this resolution is the only way the Board can equalize their salaries. When it comes to budget time he would be more than willing to keep the salary he has today, but without this resolution now the salaries cannot be equalized. This has to be done before the filing time for Commissioner District 3 otherwise the salary will remain disproportionate to the salaries of the other Commissioners.

Ms. Hirschi asked if anything could be done to freeze the other two Commissioners salaries as they are in 2010.

Cmmr. Sheldon thought the salaries could be frozen in the budget process. The salaries will stay the same until December 31<sup>st</sup>. They could be changed in the next budget year. He knows the salaries can't be reduced, but he believes they could be frozen.

Ms. Hirschi asked if the Board would consider changing the resolution for the 3% increase and if the Board would consider a salary commission that citizens can be involved in.

Cmmr. Sheldon noted that there is a salary commission at the State level and he thinks it has worked very well. The Commission is picked randomly out of the phone book. He doesn't know how it would work at a local level in a small county. He thinks it would be difficult to keep it unbiased and nonpartisan at a local level.

Ms. Hirschi thought there were resources in the county that were fair and intelligent that could sort it out.

Cmmr. Sheldon stated he would prefer a random selection for that kind of a Commission.

Annette McGee asked when Commissioner Sheldon filed for office last.

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Cmmr. Sheldon answered that he filed in 2003 for 2004 and again in 2007 for 2008.

Ms. McGee asked what he paid for his filing fee.

Cmmr. Sheldon didn't recall.

Ms. McGee noted the places in the Constitution of the State of Washington that address salary. She also noted that if the Board fixes their own salary they couldn't raise or lower it while in term. She thinks the last resolution was done in term. She thought that the Board could reduce the 3<sup>rd</sup> District Commissioners' salary to be equal to the other Commissioners' current salary.

Cmmr. Gallagher noted that the other Commissioners would still get the 3% increase next year and they would be unequal again.

Ms. McGee thought that the legality of the item was questionable. Taxpayers keep hearing that times are tough and she believes this is unscrupulous and deceitful. She urged the Board to take another look at the resolution for another way to bring the salaries into equality.

Cmmr. Sheldon didn't agree. He stated that the County's attorney has reviewed this. If it isn't changed the Commissioner in District 3 will make more than the other Commissioners for the next four years. He wants to leave a legacy of three Commissioners being paid the same salary. He believes that resolution 85-01 could be suspended. For 2009 he and Commissioner Ring Erickson kept their salaries the same, but it cannot be done now. He thinks the resolution could be suspended at budget time to have all of the Commissioners paid the same at the level they are at right now.

Ms. McGee thought Commissioner Sheldon needed to look at his filing fee before taking action. She knows that the Board cannot adjust their salaries to take affect while they are in office.

Andrew Graham asked if the resolution would have any effect on the salaries for Commissioner Districts 1 & 2.

Cmmr. Sheldon didn't think so. He thought the other two salaries could be addressed in the budget.

Karen Herr clarified that the salaries for Commissioner Districts 1 & 2 were adjusted in 2008 for 2009 because it was the last year of the term of office. It cannot be done next year because of the Constitution.

Constance Ibsen suggested that the item be tabled. She thought all three Commissioners should be present and the intent of the original resolution in the 2001 minutes should be looked at. She noted that the nature of the job has changed. The Board use to hear variances, shoreline request and did code enforcement. The Commissioners do not do that anymore. She believes this should be suspended and comparable counties salaries should be looked at.

Cmmr. Gallagher noted that the election is August 17, 2010 and candidates must file June 7-11, 2010. Commissioner Ring Erickson won't be back until June 8<sup>th</sup>. The Auditor would have to suspend the filing for District 3.

Cmmr. Sheldon suggested altering the resolution to satisfy everyone. He read the current proposed resolution and suggested removing the last line that lists the Commissioners' salaries for 2011.

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Ms. Herr stated that she spoke with legal council and she understands that the Board has no choice but to take the 3% increase until their last term in office. She noted it is unfortunate because the rest of the employees have all been reduced or had their salaries frozen for the last two years. Her solution was to reimburse the County the 3%. It would be receipted back into Current Expense and it would be a legal contribution.

Cmmr. Gallagher noted that the neighboring County Commissioners make quite a bit more than Mason County. It is all based on population and other things. Right now the issue is to suspend the salary increase for District 3.

Ms. Ibsen thought the resolution should be amended to establish a committee to look at the Commissioners salaries.

Ms. McGee urged the Board to look into the issue further and postpone voting on it.

Cmmr. Sheldon thought the question of a committee or salary commission should be looked at, but the resolution at hand could at least equalize the salaries. It is the most that can be done at the current time.

Ms. McGee asked if the Commissioners were positive they didn't need a public hearing to adjust their salaries.

Cmmr. Sheldon stated that was what he understood from the County's attorney.

**Cmmr. Sheldon/Gallagher moved and seconded to approve item 8.2. Motion carried unanimously. RE-absent; S-aye; G-aye.**

**Cmmr. Sheldon/Gallagher moved and seconded to approve Consent items 8.1 through 8.5 and item 8.7. Motion carried unanimously. RE-absent; S-aye; G-aye.**

9. 6:30 p.m. Public Hearings and Items Set for a Certain Time.

- 9.1 Public hearing continued from May 18, 2010 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, stated that he has done more research on the issue and provided that research to the Commissioners. He reiterated that it is a routine change. The building codes are changed and adopted through the State Building Code Council on a three-year cycle. It is required that the County adopts the changes to be in effect by July 1, 2010. This is adopting the 2009 additions of the International Codes, which include the Building Code, Residential Code, Fuel Gas Code, Fire Code, the Washington State Energy Code and the Uniform Plumbing Code.

There were no questions for staff or public testimony.

Cmmr. Sheldon was sorry there were no builders present to testify. He believes it will impact the cost of building a home in Mason County, especially the provisions in the energy codes. The State is now mandating duct testing, which could raise the price of a house between \$3,000 and \$4,000. He noted there would be confusion in the building codes if this wasn't approved.

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**Cmmr. Sheldon/Gallagher moved and seconded to approve the revisions to the Mason County Code, Title 14 (Building & Construction) to remain consistent with the Washington Administrative Code (WAC) Title 15 (Building Code Council). Motion carried unanimously. RE-absent; S-aye; G-aye. Ordinance No. 44-10 (Exhibit D)**

10. Other Business (Department Heads and Elected Officials) –
  - 10.1 Emmett Dobey provided an update on the closure of SR 300 in Belfair. They have reschedule the closure to the 2<sup>nd</sup> of June and it should be finished in 2 weeks. They are currently 2 ½ months ahead of schedule.
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 7:18 p.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