

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

June 8, 2010

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – Commissioner Ring Erickson 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 Shorebank Enterprise Cascadia proposed funding options to extend the Hood Canal Septic Loan Program.
 - 4.1.2 FEMA approved the Flood Mitigation Assistance Addendum to the Mason County All Hazard Mitigation Plan.
 - 4.1.3 The Washington State Liquor Control Board sent notice of a special occasion liquor license application for the Allyn Community Association.
 - 4.1.4 Comcast announced changes to their installation and equipment rates.
 - 4.1.5 Patricia Anne Kleist is seeking appointment to the Lewis-Mason-Thurston Area Agency on Aging.
 - 4.1.6 Diane Johnson, Linda Gruer, Randy Baugh, Frances Prescott, Bill Gruver and Kathy Dunbar expressed concerns regarding the proposed ADAGE project.
 - 4.1.7 Herman Nelson expressed concerns regarding Peninsula Topsoil's proposed asphalt batch plant.
 - 4.2 News Release – Lewis-Mason-Thurston Area Agency on Aging Vacancy. Cmmr. Gallagher read the news release announcing that Mason County is seeking to fill a vacancy at the Lewis-Thurston-Mason Area Agency on Aging.
 - 4.3 Charlie Butros announced the bid award for County Road Project 1859 – Beeville Loop Road culvert replacement. The bid was awarded to Baker Underground & Construction in the amount of \$152,188.76.
5. Open Forum for Citizen Input –
 - 5.1 Brenda Hirschi spoke regarding the Commissioners salaries. She stated that when Commissioner Gallagher came into office in January 2007 the lowest paid deputy made \$41,520 and Commissioner Gallagher made \$69,627. Since then, Commissioner Gallagher's salary has increased automatically to \$76,083 and the deputy's salary has stayed the same. No increase has been approved for the people who ensure the public safety. If that deputy had been able to take advantage of the legal loopholes surrounding resolution 85-01, he would be making \$46,325 this year. Instead he is going backward in buying power. She doesn't understand how Commissioner Gallagher can come to meetings week after week knowing that he has been so unfair with the deputies. The Board has taken no action to change resolution 85-01, which will automatically bring the salaries of the County Commissioners to \$102,000 by 2020. Assuming the Board is not proud of this, they could take leadership by eliminating resolution 85-01 in 2012, which is the earliest it could be eliminated. She would also like the Board to settle with the Deputy's Guild and stop playing with people's lives. It is a shame to have these months go by without resolving this contract.

Cmmr. Sheldon resented the comment that the Commissioners are playing with people's lives. He noted that contract negotiations are not a public process. They law provides that the Commissioners negotiate in Executive Session and negotiations are ongoing.

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Cmmr. Ring Erickson stated that, as the person that went through 6 years of lawsuits for discriminatory hiring practices, and became the basis for the case law in this State for the term police officer rather than policeman, she believes that all references to the employees in any classification should be gender neutral. The repeated references to officers as 'he' is something she never wanted to hear again. All of the employees are serving in jobs that are gender neutral.

Cmmr. Gallagher commented that it takes two sides for negotiations. He has no control over the negotiating team on meeting dates and he has no control over when the Guild meets. There is a September date because there are vacations and other things in the mix. He hopes there will be resolution because the deputies deserve an increase. The Board just has to find out how to do it. The contract will be settled, but he doesn't sit at the table. This issue has gone too far and he agrees it has to be settled. In reference to the salary, Mason County could have 100,000 people in population in 2020 and the Commissioners salary is based on population.

- 5.2 Karen Randal represented Mason County 4-H. She requested that the Board take a good look at the proposal for Lodging Tax funds for the Mason Area Fair. They are desperately in need of money and they would like to keep something going in the community for the kids.
- 5.3 Elaine Adam stated it is a constitutional right for her to speak her mind and it is her obligation to hold the government accountable. The Board spent \$91,000 of the taxpayers' money to put off the contract for the Sheriff's department for 41 months. The deputies have not had a raise since 2006. The Board could have gone ahead with arbitration last month but they wouldn't do it because Commissioner Ring Erickson wasn't here. She wants to know if the contract will be honored in 2010 if it is settled in September. The Board hasn't honored contracts for the jail staff or the Assessor's office. Taxpayers' dollars are being used to keep these contracts at bay. She would like any explanation.

Monty Cobb, Chief Deputy Prosecuting Attorney, explained that an offer was extended to the Sheriff's deputies by the County and they did not respond. As the dates for arbitration were approaching there was discussion between outside council that represents the County and the council that represents the Guild about taking more time to discuss the offer that was on the table. The Guild did not respond to the County's offer and it became clear that they were at an impasse. They began discussions with a neutral arbiter. In arbitration of this type there are three arbiters. The County picks an arbiter, the Guild picks an arbiter and there is a neutral arbiter. The neutral arbitrator runs the process and picks the dates. The next available date in which all of the necessary parties were available was in September due to vacations, maternity leave and other issues. Arbitration is a binding issue. When the arbiter decides the result, both sides will be bound by it.

- 5.4 Ken VanBuskirk commented that last year Lynette George from the Kitsap County Blue Star Banner program gave a presentation to the North Mason Community Voice. The mission of the program is to strengthen, support and enhance patriotism in Kitsap County. She introduced the Board of Mason County Commissioners to program last fall. She asked him to thank the Board and their staff for their help in introducing the program to North Mason County. The first Gold Star banner in Mason County will be installed on June 19th at 10:00 a.m. He thanked the Board for their support of the program.
- 5.5 Annette McGee stated it was confusing when the Constitution and the RCWS refer to the Commissioners as administrators of County government. They also say the Board is the legislatures for the County government. She finds it very confusing that the Board has not settled contracts over the years. Also in the RCWs and the Constitution it refers to public health and public safety as the infrastructure of the county. As a taxpayer and former County Commissioner, she is very disappointed in what is happening. She encourages the Board to eliminate Resolution 85-01 in 2012. She doesn't think what was passed the other day is legal. She doesn't think Commissioner Gallagher can reduce his salary by eliminating his 3%

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raise. The other thing that has bothered her is that Commissioner Gallagher stated that he couldn't sit down at the negotiating table. It is his job as an administrator of the County and he should be the one sitting down at the table. She urges the Board to settle the contracts as soon as possible. She is also concerned about the \$90,000 settled for the Jail staff. It wasn't allowed for in the passing of the 2010 budget.

Cmmr. Gallagher asked if Ms. McGee ever sat at the negotiating table for the school board.

Ms. McGee responded that she did not and the Shelton School Board is not at the same level as the County Commissioners.

- 5.6 Connelly Watson commented that there are a lot of people in the room who are running for office and he will not be voting for anyone who is for biomass.

Cmmr. Sheldon also noticed that there were a lot of people in the room running for office. He reminded everyone that this is a business meeting for the County Commission and the Commission has business that needs to be addressed. It is not the place for campaigning.

Cmmr. Ring Erickson asked Commissioner Gallagher to clarify whether he donated his raise this year back to the County departments.

Cmmr. Gallagher stated that is correct.

- 5.7 Janice Vocke stated that a lot of people showed up at the meeting that ADAGE put on that were neutral and a lot of people went away feeling discouraged because their questions weren't answered. She encouraged the County Commissioners to look twice at this proposal. The more she learns about the company the more she thinks they don't need to be mudding Mason County's waters. It is not a company that she feels the county needs and she doesn't feel like the company is being honest at all. They have six very well paid people to act as experts that were being evasive. She talked to Jim Gaston about the project and noted that there were not going to be any tree planters hired. He said they would be on contract. He also said that the trees would be ready to be re-harvested in 15 years. Trees that are twice as old aren't as high as telephone pole yet. People aren't buying what this company has to say.

Cmmr. Sheldon thought the company was referring to pre-commercial thinning. He also asked for the source of where Ms. Vocke got the people's salaries because he didn't believe it was public information.

Mr. Cobb addressed the questions about the Commissioners' salary changes. He stated that the State Constitution does not allow an official that sets their own salary to make any changes to their salary during a term. The County Commission cannot act during their term to raise or lower the salary for that term. The Board previously acted at the change in term for two of the positions to freeze resolution 85-01. At that time they could not effect Commissioner Gallagher's position because he was in the middle of his term. Last week the same thing was done with District 3's position because the term will end at the end of the year. The change will apply to the first year of the next term for District 3. He also has provided a written response to this on Ms. Hirschi's blog. That is one of the reasons Commissioner Gallagher gave back part of his salary to be on par with the other Commissioners. Article 30 of the Constitution deals with officials who set their own salary.

Cmmr. Sheldon commented that he was a student of county government even before he was a Commissioner. It wasn't unusual for the Commissioners to have different rates of pay that were equalized at the end of a term when the Commissioners were allowed to adjust pay.

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6. Adoption of Agenda - **Cmmr. Sheldon/Ring Erickson moved and seconded to adopt the agenda, moving item 8.3 into Executive Session prior to action. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – May 25, 2010 regular meeting minutes and May 31, 2010 briefing meeting minutes.

Cmmr. Sheldon/Gallagher moved and seconded to approve the May 25, 2010 regular meeting minutes and May 31, 2010 briefing meeting minutes. Motion carried unanimously. RE-abstain; S-aye; G-aye.

8. Approval of Consent Agenda:
 - 8.1 Approval of the Veterans Assistance Fund application for:
Kelly Green – Housing \$330.00 and George Valent – Utilities \$135.70 for a total of \$465.70 as recommended by the Veterans Assistance Fund Screening Committee.
 - 8.2 Approval to set a public hearing on Tuesday, July 6, 2010 at 9:30 a.m. to consider declaring County owned park equipment located adjacent to Oakland Bay Junior High School and Walmart (skateboard park) surplus.
 - 8.3 Approval of the Memorandum of Understanding for the AFSCME bargaining unit for a three-year extension of the current collective bargaining agreement with added provisions regarding employees recalled from layoff and annual contract negotiations for wages and health care insurance. This item was tabled at the May 11, 2010 meeting.

Mr. Cobb noted that item 8.3 would need to be discussed in Executive Session prior to the end of the regular meeting, with any action to be announced before adjournment.

An audience member asked for clarification of item 8.2.

John Keates explained that they are attempting to surplus the equipment to sell it to someone else who could move it to another location. Essentially the park would be closed.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve Consent items 8.1 through 8.2. 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 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.

Bob Simmons, WSU Mason County Extension Office Director, stated that this hearing is to consider the approval of providing \$23,765 in a supplemental appropriation to the WSU Extension 2010 budget. All of the money is coming into the County from other sources. \$20,000 is coming through a Department of Social and Health Services contract that will provide for youth programs in the summer. The North Olympic Salmon Coalition is providing \$2,100 to do education and outreach in the Hood Canal area to address low dissolved oxygen issues. The Mason Conservation District is providing \$1,665 for educational programming in the south end of the county to address water quality issues.

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LouAnn Davis, Chief Examiner for the Civil Service Commission, stated she is requesting a budget transfer of \$2,400 in order to establish a food services coordinator register to fill a vacancy coming up in the Mason County Jail.

Cmmr. Gallagher asked if Ms. Davis has received any applicants.

Ms. Davis responded that she has 10 applicants and will establish the oral board on the 15th.

Cmmr. Ring Erickson/Sheldon moved and seconded to approve the \$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 and Mason Conservation District – Totten-Eld Grant for \$1,665 and a \$2,400 budget transfer from Current Expense ending fund balance to Civil Service for a food services register. Motion carried unanimously. RE-aye; S-aye; G-aye. Budget Order (Exhibit A)

- 9.2 Decision of the request by Peninsula Topsoil LLC to rezone two parcels (41.5 and 27.91 = 69.41 ac.) at the end of Timberline Dr. and west of the Belfair Urban Growth Area. A public hearing took place on Tuesday May 11, 2010 to review the rezone of these parcels from Rural Residential 20 to Rural Residential 10 zone.

Allan Borden, Department of Community Development, explained that this is an opportunity for the Commissioners to make a decision regarding the rezone request from Peninsula Topsoil that was heard at a public hearing on Tuesday, May 11th. The rezone request involved two properties totaling 69.41 acres. The property is located west of Old Belfair Highway, outside of the Belfair Urban Growth Area. The Planning Advisory Commission heard this request in January 2010 and recommended approval. At the May 11th hearing the Board heard a staff report and testimony from the applicant and the public. The Board made a motion to close public testimony and asked the Department of Community Development to find out whether a rezone request could be made with conditions. The Community Development Director contacted the State Department of Commerce and they noted that in Whatcom County, Jefferson County and Clallam County there is code that provides for zoning approvals with conditions that could provide limitations of what could occur in the zone. Monty Cobb also advised that some restrictions could be imposed as long as there is a reason for the restriction and it is consistent with the Comprehensive Plan. The rezone would be found consistent with the Comprehensive Plan. The applicant stated at the public hearing that he wasn't interested in the provision to do performance subdivision if he were granted the Rural Residential 10 zone. Proposed language of the agreement has been prepared.

Cmmr. Sheldon asked if it would go with title of the property if this rezone were approved with the provisions.

Mr. Borden replied the restrictions could be placed on the title.

Cmmr. Sheldon/Ring Erickson moved and seconded to approve the request by Peninsula Topsoil LLC to rezone two parcels (41.6 and 27.91 total 69.41 acres) from Rural Residential 20 to Rural Residential 10 zone, subject to completing an agreement between the applicant and Mason County within 30 days of this motion to limit the allowed number of lots created by subdivision in this Rural Residential 10 zone, and have the Chair sign the Findings of Fact for this decision. Motion carried unanimously. RE-aye; S-aye; G-aye.

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

10.1 Bob Simmons announced that the WSU Extension Office has installed a rain garden next to their building. It is an excellent way to clean up stormwater. It was installed with grant money from the USDA.

11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.

Cmmr. Ring Erickson/Sheldon moved and seconded to recess to go into Executive Session to consider item 8.3, with the regular meeting to reconvene at 10:50 a.m. Motion carried unanimously. RE-aye; S-aye; G-aye.

The recess was called at 10:19 a.m. and the meeting reconvened at 10:50 a.m.

Cmmr. Ring Erickson/Sheldon moved and seconded to take no action on item 8.3. Motion carried. RE-aye; S-aye; G-abstain.

12. Adjournment – The meeting adjourned at 10:53 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

Ross Gallagher, Chair

ATTEST:

Lynda Ring Erickson, Commissioner

Shannon Goudy, Clerk of the Board

Tim Sheldon, Commissioner