

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

August 10, 2010

1. Call to Order – The Chairperson called the regular meeting to order at 9:00 a.m.
2. Pledge of Allegiance – Gale McGrath 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 The Washington State Department of Natural Resources sent their projection of income for state forest lands.
    - 4.1.2 The Washington State County Road Administration Board provided the regular motor vehicle fuel tax allocation factors for 2011.
    - 4.1.3 FEMA provided options for communities to demonstrate full compliance with the Endangered Species Act by September 23, 2010.
    - 4.1.4 The Washington State Association of Counties announced that Commissioner Ring Erickson has been reappointed to the Legislative Steering Committee.
    - 4.1.5 Mason County Fire District No. 2 is seeking assistance in the enforcement of the adopted International Fire Code regarding access to fire hydrants.
    - 4.1.6 Jim Hawkes expressed support of MCRA Park.
    - 4.1.7 Loree Byers expressed concerns regarding the proposed Adage project.
  - 4.2 Cmmr. Gallagher thanked everyone for their concern regarding his recent health issues.
5. Open Forum for Citizen Input –
  - 5.1 Mary Green stated that she has fibrosis on her left lung. She has lived in Mason County for 26 years and has been in the medical profession for 65 years. Her husband spent 20 years in the Coast Guard and she spent 9 years as a nurse in the military. Now she finds that some of the freedoms that she has helped to maintain are being taken away from her. She feels that she should have the right to vote on biomass and that the elected officials of Mason County should be recalled, fired or have their salaries cut. She is speaking for those that cannot come out to speak for themselves. The County doesn't have a very good track record for health and she demands a vote against biomass.
  - 5.2 Tom Davis read a statement that he also read on July 6, 2010 regarding mitigating the County's potential legal liability from citizens' loss of health and property values due to the proposed Adage project. His statement is included in the July 6, 2010 and August 10, 2010 record.
  - 5.3 Connelly Watson commented that the newspaper mentioned issues with the County budget. He also noted that there is a difference between Adage and a 7-11 store.
  - 5.4 Richard Curtis noted that the elected officials are suppose to forgo any increases in salary in 2011 and he wanted to know if that means that the Commissioners salaries from Districts 1 & 2 will also be reduced. He suggested a resolution to reduce the salary of Commissioner District 3 to keep it even with Districts 1 and 2, and to hold those two districts salaries steady until the economy improves. He has also heard that the Commissioners are concerned about lawsuits if Adage isn't allowed to construct a plant in Shelton. He believes that if the Board denies all biomass as an entire class it is perfectly legal. He reminded the Board that they received 3000 signatures petitioning to authorize an advisory vote, which needs to be resolved today. He also reminded the Board to

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consider the importance of the physicians' statement on the health hazards of a biomass plant to the citizens of Mason County. He believes Commissioner Sheldon's analogies about Adage are ludicrous and that he attempts to discredit his fellow Commissioners. He feels that Commissioner Sheldon is becoming a tyrant in Mason County.

- 5.5 Brandt Orme asked the Board to reconsider the route chosen to access Old Olympic Highway from Lynch Road. He believes the route will serve the Taylor Towne property owners, but fails to provide the safest and best option for the residents that use the road. He hasn't come across one person in two years who thinks that it is the best option. He believes Nordquist Road is a better option than the option the County has chosen. As the county grows, going through Taylor Towne will lead to even more congestion, which could be a hazard for first responders.
- 5.6 Gale McGrath agreed with Mr. Orme but stated that Simmons Road was the recommendation of the stakeholders meeting in early 2001. For some reason Public Works didn't like Nordquist Road and now the project is up to 5 or 6 million dollars. He also noted that an article in the paper about a recent lawsuit said that the State highway department would do something immediately to close off the intersection, which was never part of the deal. He thinks that the left hand turn to Olympia should be closed off as soon as possible to avoid further lawsuits.
- 5.7 Annette McGee commended Ms. Green on speaking up and defending her freedoms at 95 years old. She thinks the Board needs to reconsider the 3000 signatures that were presented at the last meeting. She stated that there is a lot of talk about whether Adage will pay for infrastructure upkeep if permitted. She would like the Board to answer that question.

Cmmr. Sheldon responded that he believes that in 1992 the City of Shelton and Mason County got a Community Economic Revitalization Board grant and partial loan to construct the interchange at Wallace Kneeland Road. The road was upgraded from Olympic Highway out to John's Prairie Road. There was a freeze thaw issue with the road so trucks could not go out to John's Prairie when the roads were thawing. Over the years the taxpayers and the State and Federal government have partnered to make that road system an industrial road system. Often through the SEPA process and after a traffic study, a company will be required to make safety improvements to a road.

Cmmr. McGee asked if Adage would pay for the deterioration of the road.

Cmmr. Sheldon replied that those issues will be identified throughout the application process. Companies often have to make contributions to offset potential damage to the roads. The Board doesn't make a formal decision on building permits or applications. That process is going on now.

- 5.8 Frances Prescott brought up the issue of the option to lease between Adage and the Port of Shelton. She thinks the Commission needs to determine whether or not that lease puts all of the Port property at risk. It is a very unbalanced contract. If there should be an issue between the Port and Adage over the lease the County could be put at risk of having tenants on property that the Port no longer owns. She thinks the Commissioners should review the lease to see if it puts the County under undue risk.

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6. Adoption of Agenda - **Cmmr. Ring Erickson/Sheldon moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; G-aye.**
7. Approval of Minutes – July 19, 2010 briefing meeting minutes, July 27, 2010 regular meeting minutes, August 2, 2010 preliminary 2011 budget briefing minutes, August 3, 2010 regular meeting minutes.

**Cmmr. Sheldon/Ring Erickson moved and seconded to approve the July 19, 2010 briefing meeting minutes, July 27, 2010 regular meeting minutes, August 2, 2010 preliminary 2011 budget briefing minutes, August 3, 2010 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.**

8. Approval of Action Agenda:
  - 8.1 Approval of the amendment to the contract with Robert W. Droll in an amount not to exceed \$22,662 for consulting services to complete planning and design work for the Mason Lake Boat Ramp Renovation Project. Funding for the amendment will come from Boating Facilities Grant (75%) and REET II Capital Funds (25%). This item was tabled from the July 20, 2010 agenda.
  - 8.2 Approval of the annual maintenance agreement with Efficiency, Inc. in the amount of \$1,180.48 for the Reporter Deck located in the Commission Chambers. This is in the 2010 Central Operations budget.
  - 8.3 Approval for Parks and Trails Director to call for bids for the Mason Lake County Park Boat Launch Renovation Project. Bid opening date is to be Friday, August 27, at 1:00 p.m. The project is funded by a Boating Facilities Grant and REET II Capital Funds.
  - 8.4 Approval of the Reimbursable Agreement for Mason County Public Works Road Department to provide work or services requested by Pioneer School District No. 402 for maintenance services, emergency assistance, fabrication of signs and materials.
  - 8.5 Approval for Public Works to select a consultant from the Professional Services Roster and enter into an agreement for cultural resource survey services for the Lynch Road/ Simmons Road project, County Road Project 1861. The selection will be announced during a regularly scheduled Commissioner meeting.
  - 8.6 Approval for the County Engineer to execute Supplemental Agreement No. 1 to Service Agreement No. 09-040 with Integrity Structural Engineering, PLLC, to inspect bridges for overweight and oversized loads. The maximum amount payable is not to exceed \$45,000.
  - 8.7 Approval of the Interlocal Agreement between Mason County and MACECOM for GIS service data conversion. Compensation for these services are based on the rate of \$67 per hour, not to exceed \$33,690. The project is to be completed by June 30, 2011.
  - 8.8 Approval of the Veterans Assistance Fund application for: Robert A. Bacon – Utilities - \$84.93 as recommended by the Veterans' Assistance Screening Committee.
  - 8.9 Approval to appoint James Sims (District #3), and reappoint Bill Dewey (District #1) and Dennis Pickard (District #3) to the Planning Advisory Commission as provided under RCW 36.70.100 to fill vacant positions. These are four-year term appointments.
  - 8.10 Approval to set a public hearing for Tuesday, September 7, 2010 at 9:30 a.m. to consider the Private Line Occupancy Permit between Mason County and Ernest Conrad.

Audience members asked that Action items 8.2, 8.5 and 8.7 be removed for further consideration.

Cmmr. Gallagher had a question on item 8.6.

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**Cmmr. Ring Erickson/Sheldon moved and seconded to approve Action items 8.1, 8.3, 8.4, 8.8, 8.9 and 8.10. Motion carried unanimously. RE-aye; S-aye; G-aye.**

Item 8.2

Terra Dittmer asked if the maintenance agreement is not to exceed this amount or if it is just a flat fee.

Cmmr. Gallagher replied that it is an annual fee.

Cmmr. Ring Erickson added that it includes routine upgrades and maintenance.

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

Item 8.5

Ms. Dittmer asked for a description of a cultural resource survey.

Charlie Butros, Public Works, explained that it is an evaluation of the areas where work will be done to determine whether or not there are any cultural artifacts in the area that would preclude work from proceeding without protection of those cultural findings.

Ms Dittmer asked who does this work.

Mr. Butros replied that it is a consultant that specializes in making these types of determinations. The Squaxin Tribe would be involved to protect artifacts that are sensitive to their cultural. The contract is not to exceed \$15,000.

Mr. Orme asked what the stakeholders meeting was for if the County doesn't choose the same option that the stakeholders chose. He doesn't think there was a lot of public input on this project because the local homeowners associations were not contacted.

Cmmr. Gallagher noted that there were 4 community meetings over the years.

An audience member asked if this project has gone through the SEPA process.

Brian Matthews, Public Works, replied that they have gone through the SEPA documentation. There was a determination of minimal environmental impact.

The audience member asked about the public notification process.

Mr. Butros responded that the processes that have been gone through on the project have been going on over a decade. There were many public meetings to explore alternatives and those alternatives were evaluated. Some of the property owners involved in the alternatives indicated that the impacts of having a road run through their property were unacceptable. It was also determined that there were no existing rights of way on Nordquist Road that could be used. With the input of residents and business owners at Taylor Towne the decision was made on the routing and the design was authorized to move forward. The design has been completed and the work has moved forward to seeking funding for the project. The step being requested today is a step in the process to allow the project to move forward. The design for the routing is complete.

Cmmr. Ring Erickson noted that the public meetings were all well attended.

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Mel Williamson commented that in 2000 there was a horrible accident at the intersection of Lynch Road and US 101. He also noted several other injuries that have occurred at the intersection. He has been a member of the TIPCAP for 10 years because of this. It was decided that Simmons Road was the preferred road to use but the issue has been funding. He doesn't want to see any more fatalities at this intersection and he doesn't want any more delays.

Brenda Hirschi stated that she has lived off of Lynch Road for 8 years and the traffic has increased. There have been attempted improvements but making a left turn there is terrifying. The intersection is becoming more and more dangerous. There isn't a lot of money out there at the State and Federal level and the opportunity to come up with 5.5 million dollars to make this fix isn't that great. She would like to know if there is another way to have a safe intersection without this. If the public wasn't involved it should be looked at. The primary reason for the design should be the safety aspects.

Ms. McGee urged the Board not take action on item 8.5 until the residents in the area can get more information on the SEPA process. There have been a lot of Band-Aid approaches to the intersections in the area over the years.

Cmmr. Gallagher commented that a couple of years ago the Department of Transportation did a value engineering study. They came to the conclusion to put in an overpass, which would have been over 8 million dollars so the next best option was to use Simmons Road. Senator Murray has submitted appropriations for this project and it could be in the upcoming budget. He appreciates everyone's comments but the item at hand is a contract for a cultural survey.

Cmmr. Ring Erickson noted that the 2001 study was a thorough process and a lot of the community was involved. She hears that people don't like the design decision but they also want this fixed. She would like to work with the Public Works department to look at what the public process was and to develop a public information meeting about the project.

Cmmr. Sheldon stated that in 2004 he was instrumental in putting 1 million dollars in the State Transportation budget for this project because it is a serious safety issue. The Kamilche intersection was also an at-grade crossing until four individuals lost their lives in an accident. He hates to see the process go on and on while the inevitable is waiting to happen. This item is about a cultural resource study, which is very important. It is also important to keep moving forward and not bog down the process. The State isn't going to pay for a project for a county with less than 1% of the State's population that is outrageously expensive like a tunnel or an overpass. There needs to be a practical solution, which has been found in Simmons Road. People have worked on this project for a long time and it is important to take action because lives are at stake.

Ms. McGee asked what happened to bog down the project after Commissioner Sheldon got the million dollars in the budget.

Cmmr. Sheldon replied that a soil analysis and drilling weren't done at that point but the Department of Transportation felt that 1 million dollars would be adequate to connect Old Olympic Highway with an extension of Simmons Road. That started the process but it was found that more work would need to be done and the project was bogged down. He thinks additional funding can be obtained to make the project work.

Mr. Orme didn't think that the Taylor Towne business community should get to choose the road rather than pick the route that best serves the residents in the area.

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**Cmmr. Sheldon/Ring Erickson moved and seconded to approve Action item 8.5. Motion carried unanimously. RE-aye; S-aye; G-aye.**

Item 8.6

Cmmr. Gallagher asked if all of the County's bridges would be inspected with this amount.

Bob Thuring, Public Works, explained that the contract is for bridge design and engineering services. There are a variety of projects that the contract is used for. They are currently looking to have the company analyze a series of 9 bridges where there are frequent overload permit requests.

Cmmr. Gallagher asked if Weaver Creek and Hunter Creek bridges would be included.

Mr. Thuring replied that they are not included. There have been requests for overload permits on those bridges and the bridges would not accept the load.

Ms. Dittmer asked if there is the expertise in staff to do these inspections.

Mr. Thuring responded that structural examination for bridge design is a specialty field and Public Works does not have that capability.

Ms. McGee asked if there is anything in the works about reconstructing Hunter Creek Bridge.

Mr. Thuring answered that requests for Federal funding have been submitted and a formal answer is expected in November. He has been assured that it is almost guaranteed that the bridge will be funded.

**Cmmr. Sheldon/Ring Erickson moved and seconded to approve Action item 8.6. Motion carried unanimously. RE-aye; S-aye; G-aye.**

Item 8.7

Ms. Dittmer asked for an explanation of service data conversion.

Mr. Butros replied that the County is continually updating the database that MACECOM uses for responses. It is an ongoing contract for service.

**Cmmr. Sheldon/Ring Erickson moved and seconded to approve Action item 8.7. 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 tabled from July 20<sup>th</sup> to consider declaring County owned park equipment located adjacent to Oakland Bay Junior High School and Walmart (skateboard park) as surplus.

John Keates, Parks and Trails, recommended that the hearing be extended to September 14<sup>th</sup>. He is working with a youth group to become "friends of the skate park" and he will be meeting shortly with businesses in the area about continued funding.

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Public Testimony

Zach Portch stated that he is part of the skate park initiative. If the place where these kids mess around is taken away they will go to the local business and skate around people's cars. The logical thing to do is keep the kids isolated to one area. It will cost the County initially but it will support the Board in the public opinion of the youth and keep the community happy. There are a lot of youth in the courts already and there doesn't need to be even more.

Michael Wyatt commented that he would like to make the skateboarders responsible for the skate park. He and his friends have picked up the trash at the park before and Walmart let them throw it away there. They don't need to be asking other companies to sponsor the park. There are good kids that want to take care of it. Asking for more money will just prolong the situation. The people that use it need to take care of it.

Mr. Orme asked why the park is proposed to be put on the surplus list.

Mr. Keates explained that it all comes down to funding.

Brandt Orme testified that there is a lack of things for kids to do in the area and he can't believe that the Board would sell the park that actually keeps the kids occupied. It is a great program for youth and there is a serious lack of parks in the County. For the County to sell it is outrageous. The kids need to be supported and kept occupied with healthy things.

Cmmr. Ring Erickson noted that it is nice that the youth are taking responsibility for themselves. It speaks well for the community. The County has limited resources and an active recreation skate park in the City limits is unusual for the County to be running. Generally, County parks are passive recreation and located outside of the incorporated area, but she would like to see the park continue. She recommended closing public testimony and continuing the hearing.

Cmmr. Sheldon preferred to keep public testimony open in case the situation changes.

**Cmmr. Ring Erickson/Sheldon moved and seconded to table the public hearing to consider declaring County owned park equipment located adjacent to Oakland Bay Junior High School and Walmart (skateboard park) as surplus to September 14, 2010. Motion carried unanimously. RE-aye; S-aye; G-aye.**

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

10.1 Sheriff Salisbury congratulated the Hawkins Middle School students that were invited to present their "Project Citizen" project in Washington D.C. They received the top rating from Congress.

10.2 Courthouse Security Discussion.

Judge Sheldon played an audio clip from an incident that occurred at the District Court on July 30, 2010. It was an extremely tense situation that shows why security is needed. The point of asking for courtroom security isn't for the judges' protection. The point is to have a courtroom that is safe for everyone to come into to have their matters resolved. She understands that funding is difficult to come by and she is willing to work with the Commission to come up with alternatives to funding. She provided a packet to the Board entitled *Washington State Courthouse Public Safety Standards for 2009*. She would like this document to become a resource for the committee who is looking at courtroom security. She asked Mike Rutter to go over what the committee has been working on recently.

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Cmmr. Ring Erickson commended Judge Meadows on the professional manner in which she handled the District Court incident. She was glad that no one was hurt and there were no weapons involved.

Monty Cobb, Chief Deputy Prosecutor, noted that the same should be said for Ms. Sergiojan, the public defender that was present.

Ms. Sergiojan explained that she was injured in the altercation and was in the emergency room. In a broader context she thinks that the Commissioners need to take a look a security before something tragic happens. She knows of at least a dozen occasions where her clients were in the courtroom with guns. It is only a matter of time before something happens and she hopes the Commissioners use this incident as the grounds to look at this in a more urgent fashion before a bigger tragedy happens.

Cmmr. Sheldon noted that it was fortunate that the situation was diffused because Judge Meadows mentioned that an officer was only in the District Court to escort another defendant to the jail.

Mike Rutter, Facilities Manager, stated that the situation that occurred was a mess and someone did get hurt. There are a lot of emotions involved and you never know when someone will go off. The courthouse security committee will meet weekly on Thursday mornings. He will attend these meetings and report back to the Board. He went over the long term and short term goals of the committee's action plan. He has worked at the County for 28 years and he has seen the violence grow. He believes that security will be as good as the action plan and the action plan has costs associated with it. Those costs will be brought forward to the Commissioners.

Cmmr. Ring Erickson supported taking thoughtful actions on physically making the courthouse more safe and providing more training for the staff. She commented that systems can fail as she found when she was taken hostage in the King County courthouse with armed security officers in the room. She was also present when there was a triple fatality at the King County courthouse. There will need to be a thoughtful look at doing the best job possible to prevent and respond, which will need to be done with limited resources at this time.

Cmmr. Sheldon thanked Mr. Rutter for his hard work on this issue over the last several months. He believes this last incident is a wake up call for the community. These are important issues that need to be focused on. He hopes the first focus can be on the domestic calendar. He thinks Real Estate Excise money should be expended for a metal detector. Victims and others need to feel secure in the courthouse. He would like to keep this issue on the agenda and continue the discussion every week until some progress is made.

Cmmr. Ring Erickson wanted to know how long it would take to get a proposal to address all of the infrastructure changes to the courthouse so it could be funded in one action.

Mr. Rutter thought that the biggest item to discuss would be a person to do the weapons screening. Just providing equipment without someone to run it would provide a false sense of security.

Cmmr. Sheldon noted that Pacific County is a rural county half the size of Mason County and they have a manned metal detector at the courthouse. He would like to move ahead on this as quickly as possible.

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Sheriff Salisbury commented that this has been going on for a long time. He also worked at a county that pleaded for this issue along the same lines and projects to improve the safety of the court weren't done until an officer there was badly beaten. Just after this last occurrence at the courthouse one of his officers was escorting a person from the court and ended up with a broken shoulder. Things are getting dangerous. At least when this last incident happened there were officers of the court and citizens there to observe what was going on. When his deputies go out at night they bring these guys in by themselves with no observers. It is an issue across the board for all of the community. Since his budget has been cut back he would basically have to close the jail in order to provide courtroom security. They are fortunate to be there when they can.

Judge Sheldon felt the most effective procedure to assist with courthouse security is to try to keep the weapons out. The current system isn't effective. Sometimes after hours people even need to go into the courtroom to get a token to put their gun in the gun locker downstairs. The RCW does require that a lock box or a designated individual be provided to keep a person's weapon while they are in court. They would like to approach the State Legislature to change the wording in the RCW because they would like to be able to keep the lock boxes outside of the courthouse. There are immediate things that can be done such as moving the lock box from the middle of the courthouse and looking into getting new lock boxes that would take a code rather than having to get a token. She would also like to look at a change in the courtroom that hears domestic violence case. She would like to have separate entrances and seating for the petitioners and the respondents like Thurston County. Those little changes would help put a measure of security in the domestic violence calendar. She would like to see these little steps done one by one.

Cmmr. Sheldon thought that there needed to be a screening device at the domestic calendar, which is one day per week. There could even be a hand detector to begin with.

**Cmmr. Ring Erickson/Sheldon moved and seconded to direct the Facilities Manager to prepare cost estimates by next Monday for moving the Court's gun lock box, ordering a key code gun lock box and creating separate entrances and seating for one courtroom and to ask the Sheriff to prepare an estimate for jail personnel to provide weapons screening for the Court's domestic calendar. Motion carried unanimously. RE-aye; S-aye; G-aye.**

10.3 Cmmr. Ring Erickson noted that she has asked staff to double the proposal for indigent defense. Having looked at what other counties are doing and what the other options are, it will need to be doubled or tripled. There isn't a specific recommendation yet but there will be a significant increase.

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

An audience member provided a report on the Skokomish River water quality issue. One of two key components has been taken care of by Fish and Wildlife. He is now asking the County to help coordinate a plan to address a safety issue on Hwy. 106.

12. Adjournment – The meeting adjourned at 11:23 a.m.

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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