

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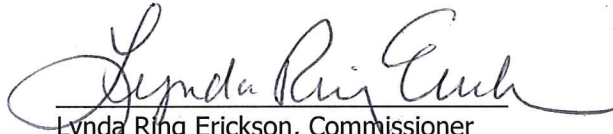
Vicki Kirkpatrick stated from a public health perspective the biggest problem for kids is not having enough activities to do. This program supported in this community is one of the best things that can happen.

- 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



Lynda Ring Erickson, Commissioner

ATTEST:



Shannon Goudy, Clerk of the Board



Ross Gallagher, Commissioner

**RESOLUTION NO. 28-09
Mason County's Americans with Disabilities Act Coordinators
Amends Resolution 46-92**

WHEREAS, the Americans with Disabilities Act was signed into law on July 26, 1990 and;

WHEREAS, Mason County adopted Resolution 46-92 acknowledging compliance with the law and designating the Personnel Coordinator and Facilities and Ground Coordinator as ADA contact persons for any internal or external complaints or grievances.

WHEREAS, the titles of these contact persons have changed.

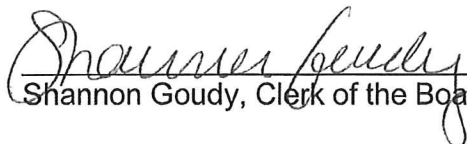
NOW, THEREFORE, BE IT RESOLVED that the Board of Mason County Commissioners herby designate the Human Resources Director and Facilities and Grounds Director as Mason County's ADA Coordinators for any internal or external complaints or grievances.


BE IT FURTHER RESOLVED that the ADA Coordinators shall post Mason County's ADA Grievance Procedure (Exhibit A) and Notice of Nondiscrimination (Exhibit B) in all County buildings. The ADA Coordinators shall also complete a self-evaluation (Exhibit C) every three years, beginning in 2009.

DATED this 7th day of April 2009.

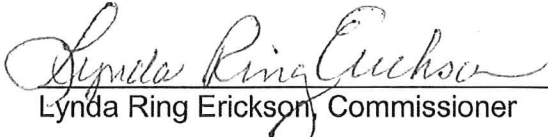
ATTEST:

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Shannon Goudy, Clerk of the Board


Tim Sheldon, Chair

APPROVED AS TO FORM:


Lynda Ring Erickson, Commissioner


Deputy Prosecuting Attorney


Ross Gallagher, Commissioner

ADA GRIEVANCE PROCEDURE

Mason County has adopted an internal grievance procedure providing for prompt equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to:
Mason County ADA Coordinator
411 North 5th Street
Shelton, Washington, 98584
(360) 427-9670

1. A complaint should be filled in writing and contain information about the alleged violation such as the name, address, phone number of complainant and the location, date and description of the violation. Alternative means of filing complaints, such as a personal interview, will be made available for persons with disabilities upon request.
2. A complaint should be filed as soon as possible, but no later than thirty (30) calendar days after the alleged violation.
3. An investigation, as may be appropriate, shall follow the filing of a complaint within fifteen (15) calendar days. The investigation shall be conducted by Mason County's ADA Coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator, and copy forwarded to the complainant no later than fifteen (15) calendar days after the investigation.
5. If the response of the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision within fifteen (15) calendar days after the receipt of the response to the Board of County Commissioners. A final decision will be made by the Board of County Commissioners within thirty (30) calendar days.
6. The ADA Coordinator shall maintain the files and records relating to complaints. Mason County shall retain these records for at least three years.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure the Mason County complies with the ADA and implementing regulations.

Notice of Nondiscrimination

In accordance with the requirements of the Americans with Disabilities Act of 1990, Mason County will not discriminate against qualified individuals with disabilities in the admission or access to, or treatment or employment in, its services, programs or activities.

The ADA does not require Mason County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a Mason County program, service or activity is not accessible to persons with disabilities should be directed to:

Mason County ADA Coordinator
411 North 5th Street
Shelton, WA 98584
(360) 427-9670

STATE OF WASHINGTON
AMERICANS WITH DISABILITIES ACT
SELF-EVALUATION REVIEW FORM

AGENCY: _____

LOCATION OF AGENCY: _____

BRIEF DESCRIPTION OF AGENCY SERVICES:

AGENCY ADA COORDINATOR: _____ ADDRESS: _____

Signature: _____ TELEPHONE: _____

PERSON COMPLETING FORM: _____ ADDRESS: _____

Signature: _____ TELEPHONE: _____

Date: _____

OFFICE ADDRESS WHERE FORM IS ON FILE: _____

TELEPHONE: _____

NOTE: List the name of persons with disabilities, organizations and their addresses who provided assistance or comments to the self-evaluation process, and attach a copy of their suggestions to this document.

A. GENERAL PROCEDURES

The Americans with Disabilities Act (ADA) and its implementing regulations require all public entities to evaluate their policies and practices to identify those that discriminate against or prevent participation of persons with disabilities. The ADA also states that a public entity may not directly or through contracts, licenses or other arrangements, discriminate against persons with disabilities in providing aid, benefits, services or employment. An agency that licenses facilities or enters into contract with other agencies to provide services and other programs must ensure that those agencies are not violating the ADA. To ensure compliance, the persons involved in licensing and writing or negotiating contracts must be made aware of the requirements of the ADA. Those persons monitoring or auditing state-funded programs have the same obligation to understand ADA requirements and ensure compliance. As a result, CTED is asking all entities contracting with the Department for client services to complete a self-evaluation review form. Discriminatory policies and procedures must be corrected. All interested persons, including those with disabilities, or organizations representing them, must be given an opportunity to participate in the self-evaluation process by submitting comments.

A method for considering and, if necessary, acting on the comments received shall be established. The evaluation shall be kept on file for three years, and shall list the persons consulted or heard from, the areas considered, the problems identified, and the modifications or changes made.

QUESTIONS – GENERAL PROCEDURES	YES	NO	IF “NO,” ACTION/DUE DATE
<p>A1. Are persons with disabilities and/or persons from organizations representing persons with disabilities consulting with the agency during the self-evaluation process? <u>If “no,” the agency must contact persons and organizations to assist in the evaluation process.</u></p>			
<p>A2. Has the agency established methods for ensuring that public comments are considered and, if necessary, acted upon during the self-evaluation process? <u>If “no,” the agency must develop a procedure to consider and act upon public comments about the evaluation process.</u></p>			

B. NOTIFICATION

Providing Notification

In addition to evaluating each aspect of employment and the program and service provision, every agency is required to notify the public that it complies with the ADA in all of its programs, services and activities. Each agency has the responsibility for ensuring that this notice is posted at a height and location that is accessible to persons using mobility devices. The notice must be posted in an area where the public normally receives services. The notice must also be available in alternative formats such as Braille and large print type. The nondiscrimination notice also must contain information about how a complaint of discrimination can be filed, including the name, telephone number and address of the person to whom the complaint should be directed.

Applicants for jobs or promotions must be made aware that the agency complies with the ADA's nondiscrimination requirements. All current and future staff and recipients of agency services need to be informed of the agency's nondiscrimination policy. One step to ensure that agency staff fully understand and apply the agency's policy of nondiscrimination would be to provide this information in periodic training and new employee orientation.

Complaint Process

Each public entity or contractor providing services to agency clients shall identify at least one employee to coordinate its efforts to comply with the ADA. This coordination must include the investigation of complaints filed alleging discrimination or violations of the ADA. The person must be specifically named with telephone number and address. In addition to having a specific individual designated to receive complaints, each agency must adopt and make public a grievance procedure that provides a prompt, fair resolution of ADA complaints.

Each agency must develop a process that identifies where complaints can be directed. Each agency must develop a process and provide information on how a complaint can be made if a person feels that he or she has been discriminated against because of a disability.

Policy Statements and Practices

It is discriminatory to impose policies or criteria that directly or indirectly prevent or limit persons with disabilities from participating in programs. For example, requiring a driver's license as the sole means of identification for the purpose of paying by a check would be discriminating against individuals with severe vision impairments who are ineligible to receive a driver's license. Agencies could use an alternative means of identification.

QUESTIONS – NOTIFICATION	YES	NO	IF “NO,” ACTION/DUE DATE
<p>Providing Notification:</p>			
<p>B1. Through the use of brochures, handouts, posters, etc., does the agency notify employees and recipients of agency services of the agency’s policy against discrimination? <u>If “no,” the agency is required to publicize a notification process.</u></p>			
<p>B2. Does the agency have special procedures to assure that this notice of non-discrimination is accessible to individuals with disabilities? <u>If “no,” the agency must take steps to make notices accessible to persons with disabilities.</u></p>			
<p>B3. Does the agency’s nondiscrimination notice contain information about how to file a complaint? <u>If “no,” the notice must be revised to contain this information.</u></p>			
<p>B4. Has the agency’s nondiscrimination policy been communicated to all staff and recipients of services? <u>If “no,” the agency must devise a system to advise all current and future employees and service recipients that the agency does not discriminate in employment or in providing services and benefits.</u></p>			
<p>B5. Has the agency taken steps to ensure that the staff fully understand the agency’s policy of nondiscrimination and can take all appropriate steps to facilitate the participation of persons with disabilities in agency programs and employment opportunities? <u>If “no,” the agency must establish a mechanism to ensure that staff understands their responsibility not to discriminate in employment or service delivery systems.</u></p>			

ATTACHMENT 10-J (5)

QUESTIONS – NOTIFICATION	YES	NO	IF “NO,” ACTION/DUE DATE
Complaints Process:			
B6. Has the agency identified the employee who will be responsible for receiving and processing discrimination complaints? <u>If “no,” the agency must identify this person.</u>			
B7. Has the agency adopted the nondiscrimination complaint policy and investigation/resolution process? <u>If “no,” such a procedure must be developed.</u>			
Policy Statements and Practices:			
B8. Has the agency reviewed documents (agency brochures, publications, booklets, posters) to see if policy statements about nondiscrimination are included? <u>If “no,” review all documents with the self-evaluation team and make any necessary changes.</u>			
B9. Does the agency have policies or criteria that have a direct or indirect effect of excluding or limiting the participation of people with disabilities in agency programs and activities? <u>If “yes,” the agency must modify its policies or criteria.</u>			

C. USE OF CONTRACTORS

As stated on page 2, an agency may not directly or through contracts, licenses or other arrangements discriminate against persons with disabilities in providing aid, benefits, services or employment. An agency that license facilities or enters into contracts with other agencies to provide services and other programs must ensure that those agencies are not violating the ADA. To ensure compliance, the persons involved in licensing and writing or negotiating contracts must be made aware of the requirements of the ADA. Those persons monitoring or auditing state-funded programs have the same obligation to understand ADA requirements and ensure compliance.

At a minimum, contracts shall include language to the effect that the contractor is aware of and in compliance with the requirements of the ADA and its regulations. The most logical place to do so is in the "general terms and conditions" section of state contracts. Contractors must be made aware of the requirements of the ADA to ensure that they are in compliance. Failure to be in compliance could result in the state entity being held liable for a contractor's licensee's discrimination.

QUESTIONS – USE OF CONTRACTORS	YES	NO	IF "NO," ACTION/DUE DATE
C1. Has the agency taken steps to ensure that appropriate personnel understand the ADA requirements as they apply to contractors? <u>If "no," the agency must take steps to ensure that appropriate personnel understand the ADA requirements as they apply to contractors.</u>			
C2. Has the agency included language in its contracts to ensure that contractors are aware of their obligations to facilitate the participation of persons with disabilities in programs and activities the contractor operates on behalf of the agency? <u>If "no," steps must be taken to include ADA related language in all contracts.</u>			
C3. Has the agency developed a procedure to disseminate information about ADA requirements to contractors? <u>If "no," the agency must establish a procedure.</u>			

D. ACCESSIBILITY OF FACILITIES AND PROGRAMS

The ADA requires that agencies operate each program, service or activity so that when viewed in its entirety, the program, service or activity is readily accessible to and usable by persons with disabilities. One way to help guarantee that a state-sponsored program, service or activity is accessible, is to make sure that it is offered in an accessible building or facility.

If the agency's programs, services or activities are not provided on the agency's premises, the agency must address whether the delivery system provides the program, service or activity in a manner that is accessible to persons with disabilities. The agency must disseminate program accessibility requirements to service providers.

QUESTIONS – ACCESSIBILITY OF FACILITIES	YES	NO	IF “NO,” ACTION/DUE DATE
D1. Has the agency evaluated its buildings or facilities to identify any access barriers? <u>If “no,” use Attachment 1 of this form, “A Quick Look Accessibility Checklist,” to do so.</u>			
D2. Has the agency developed a procedure to assess the delivery system for its programs, services and activities to ensure that they are accessible and available to persons with disabilities? <u>If “no,” the agency must do so.</u>			
D3. Has the agency developed and disseminated ADA program accessibility requirements to service providers? <u>If “no,” the agency must do so.</u>			

E. TRANSPORTATION

The main principle of the ADA's transportation regulation is: "No entity shall discriminate against a person with a disability in connection with the provision of transportation service." Meeting this broad requirement requires more than simply equipping vehicles with lifts or other access features or making facilities accessible. Operation policies and procedures must also be designed to be nondiscriminatory. Access to communications and transportation is also required.

ADA regulations identify a number of specific requirements related to the provision of service. These requirements vary based on whether an entity is public or private, and on the type of service being provided (fixed-route versus demand responsive).

All print materials made available to the users of a transportation service must also be available in accessible formats for persons with disabilities. This includes schedules, general information, rider handbooks and service bulletins. The availability of a telephone information service is not an adequate substitute for accessible route and schedule information.

Provision must be made to allow persons with speech and/or hearing impairments access to information that is provided by telephone. Access to scheduling and dispatch phone lines, general information lines, and important administrative lines must be provided. Persons using text telephone must not experience delays or incur costs that are not experienced by the general public.

Personnel of both public and private transportation providers are to be trained "to proficiency" in the safe operation of vehicles and access-related equipment. They must also be trained to recognize the different abilities of persons with disabilities and must provide service in a respectful and courteous way.

Lifts, securement systems, public address systems, and other access-related equipment must be maintained in operating condition. If damaged or out of order, the equipment must be repaired promptly.

All "common wheelchairs" and their users must be transported. A common wheelchair is a wheelchair that does not exceed 30 inches in width and 48 inches in length, measured two inches above the ground, and does not weigh more than 600 pounds when occupied. Wheelchairs are defined to include both three-wheeled and four-wheeled mobility aids.

Use of the securement system can be required as a condition of receiving service, although service cannot be denied on the grounds that mobility device cannot be secured to the satisfaction of the operator. Vehicle operators are to assist passengers in the use of the lift, ramp and securement system.

ATTACHMENT 10-J (9)

If a fixed route bus does not have seatbelts for ambulatory passengers, mobility aid users cannot be required to use a seat belt. If a paratransit service requires all passengers to use a seatbelt, mobility aid users can be required to use a seatbelt. Note: Washington State Law requires children under one year of age or less than 20 pounds to be secured in a rear-facing infant seat. A child safety seat is required for children weighing between 21-40 pounds.

QUESTIONS – TRANSPORTATION	YES	NO	IF “NO,” ACTION/DUE DATE
E1. Does the agency provide or contract for transportation services? <u>If the answer is “yes,” complete the following questions. If the answer is “no,” go on to the next section.</u>			
E2. Does the agency or contractor have procedures for responding to requests from persons with disabilities to provide schedule and route materials in a timely manner in an accessible form? <u>If “no,” the agency or contractor must develop procedures.</u>			
E3. Does the agency or contractor have text telephones or a relay service that can provide information with no delay nor additional cost to persons with disabilities? <u>If “no,” the agency must make these provisions.</u>			
E4. Does the agency or contractor provide comprehensive training and testing to assure employees are fully qualified to serve passengers with disabilities? <u>If “no,” the agency or contractor must develop training and testing procedures.</u>			
E5. Does the agency or contractor have a policy that requires regular and frequent checks of lifts, as well as other access-related equipment or vehicles? <u>If “no,” the agency or contractor must develop and implement a policy.</u>			

F. DECISIONS ABOUT UNDUE FINANCIAL AND ADMINISTRATIVE BURDENS

An entity is required to make its programs accessible in all cases except when to do so would result in a fundamental alteration of the nature of the program or would present undue financial and administrative burdens. The decision that compliance would result in such alterations or burdens must be made by the head of the public entity or his/her designee and must be accompanied by a written statement of the reasons(s) for reaching that conclusion. The determination must be made by a high-ranking official, no lower than an agency head, who has budgetary authority and responsibility for expenditure decisions.

QUESTIONS – UNDUE FINANCIAL AND ADMINISTRATIVE BURDENS	YES	NO	IF “NO,” ACTION/DUE DATE
F1. Has the agency established a procedure for ensuring that decisions about undue financial and administrative burdens are made properly and expeditiously? If “no,” the agency must establish a procedure.			

G. TELEPHONE COMMUNICATIONS

When an entity communicates with applicants and beneficiaries by telephone, telecommunication devices for the deaf (TDD) or equally effective communication systems are required to communicate with persons with deafness or hearing or speech impairments. Agencies with extensive telephone contact with service beneficiaries and/or other persons with hearing or speech impairments are encouraged to have TDDs to provide access that is more immediate than a relay service. Telephone emergency services, such as fire, police, ambulance, including 911, need to provide direct access to persons who use TDDs and computer modems. TDD relay service numbers must be published in the same manner as non-TDD numbers.

QUESTIONS – TELEPHONE COMMUNICATIONS	YES	NO	IF “NO,” ACTION/DUE DATE
G1. Does the agency have a procedure for communicating effectively over the telephone with persons with hearing impairments or deafness? <u>If “no,” the agency must establish a procedure.</u>			
G2. Have TDD numbers or telephone relay numbers been added to all agency directories, pamphlets, brochures, letterhead, etc? <u>If “no,” the agency must add these numbers to all directories, pamphlets, etc.</u>			
G3. If the agency uses “1-800” toll-free incoming telephone service in its program or automated voice messaging, has the agency taken steps to ensure that these services are usable by persons with deafness or hearing or speech impairments? <u>If “no,” the agency must ensure that the “1-800” and automated voice messaging services are accessible.</u>			
G4. Has the agency taken steps to familiarize appropriate staff with the operation of TDDs and other effective means of communicating over the telephone with persons with deafness or hearing or speech impairments? <u>If “no,” it is advisable to provide staff training.</u>			

H. DOCUMENTS AND PUBLICATIONS

All interested persons, including persons with impaired vision or hearing, must be able to obtain information about the availability and location of accessible service, activities and facilities. The agency must have a procedure for making documents available in alternate formats, e.g., audiotape, large print, Braille, computer disk, etc. Agency publications must avoid use of language or images that patronize or stigmatize persons with disabilities.

QUESTIONS – DOCUMENTS AND PUBLICATIONS	YES	NO	IF “NO,” ACTION/DUE DATE
H1. Does the agency have a procedure for making documents available in alternate formats? <u>If “no,” the agency must develop this procedure.</u>			
H2. Has the agency reviewed public documents to eliminate patronizing or stigmatizing language and images? <u>If “no,” the agency must make this review and make appropriate changes. It is advisable to instruct employees on using positive language and images to portray persons with disabilities when preparing public documents.</u>			

ATTACHMENT 10-J (13)

I. INTERPRETERS, ASSISTIVE LISTENING DEVICES, AND OTHER AUXILIARY AIDS

Entities are required to furnish appropriate auxiliary aids and services when necessary to afford a person with a disability an equal opportunity to participate in, and enjoy the benefits of, the public entity's service, program or activity. This can include qualified readers and interpreters, audiotapes, Brailled or large print materials, or close-captioned video programs. The entity must provide an opportunity for persons with disabilities to indicate their chosen forms of accommodation. This expressed choice shall be given primary consideration. However, the agency providing the accommodation has the ultimate discretion to choose the less expensive accommodation or the accommodation that is easier to provide.

QUESTIONS – INTERPRETERS, ASSISTIVE DEVICES, OTHER AIDS	YES	NO	IF "NO," ACTION/DUE DATE
11. Does the agency have a procedure to ensure that qualified interpreters are provided in an expeditious manner when requested in advance at meetings, interviews, conferences or public appearances by agency officials and hearings? <u>If "no," the agency must develop this procedure.</u>			
12. Are auxiliary aids available (or sources identified where they can be obtained) for persons with speech, vision or hearing impairments to ensure effective participation in a program or activity? <u>If "no," the agency is required to establish relevant procedures to obtain and use auxiliary aids when needed.</u>			

J. EMERGENCY EVACUATION

The ADA requires that where alarm systems are required in new buildings and facilities, visible and audible alarms be installed to warn people with hearing and vision disabilities in case of emergency. If the agency's building does not have an audible or visible alarm system, new employees with blindness or vision impairments must be instructed on evacuation routes to take during an emergency.

The ADA requires that areas be installed in new buildings and facilities, where elevators cannot be used to exit during an emergency, that will provide protection from smoke and fire to persons in wheelchairs until they can be assisted off floors above the first floor. These areas are called Areas of Evacuation Assistance and are generally located in stair landings or enclosures.

QUESTIONS – EMERGENCY EVACUATION	YES	NO	IF “NO,” ACTION/DUE DATE
<p>J1. Does the building have a fire alarm system? <u>If “yes,” does it include both visible and audible signals? If the answer to either one of these questions is “no,” complete the next two questions.</u></p>			
<p>J2. Does the agency have a procedure to notify persons with hearing or vision impairments in case of an emergency? <u>If “no,” the agency must establish evacuation procedures to notify these persons in an emergency.</u></p>			
<p>J3. Does the agency have a procedure to inform all employees with blindness or vision impairments on evacuation routes during an emergency? <u>If “no,” the agency must provide this training and ensure that it is included in new employee orientations.</u></p>			
<p>J4. Does the building have an area near or within a stair landing or enclosure that could accommodate a wheelchair without blocking the path of other people exiting the building? <u>If “no,” the agency must establish evacuation procedures that will identify how persons in wheelchairs can safely exit floors above the first floor during an emergency.</u></p>			

ATTACHMENT 10-J (15)

K. EQUIPMENT ACQUISITION/ADAPTATION

To facilitate accommodations of employees or service recipients with disabilities and to minimize costs, agencies must consider the needs of persons with disabilities when making equipment purchases.

QUESTIONS – EQUIPMENT ACQUISITION/ADAPTATION	YES	NO	IF “NO,” ACTION/DUE DATE
K1. Does the agency purchase office equipment that can be readily and cost-effectively modified for people with disabilities? <u>If “no,” the agency must adopt a policy for purchasing office equipment.</u>			

L. EMPLOYMENT

The ADA prohibits discrimination in the employment of persons with disabilities. Each agency must analyze its employment-related activities, policies and procedures, to assure the agency's employment practices are free of discrimination. The ADA requires employers to develop a policy to respond to requests to reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability, unless to do so would pose an undue hardship.

QUESTIONS – EMPLOYMENT	YES	NO	IF "NO," ACTION/DUE DATE
L1. Has the agency reviewed the following areas to assure that the agency does not discriminate against persons with disabilities? <u>If "no," the agency must modify its procedures. Contact the personnel officer/affirmative action officer for guidance.</u>			
• Recruitment advertising			
• Processing of applications			
• Employment testing			
• Hiring, upgrading, promotion, demotion, transfer, layoff, termination, rehiring			
• Rates of pay or any other form of compensation and changes in compensation			
• Job assignments			
• Job classifications			
• Organizational structures			
• Leaves of absence, sick leave, or any other leave			
• Selection and financial support for training, professional meetings, conferences, and other related activities			
• Agency sponsored social and recreational programs			

QUESTIONS – EMPLOYMENT (continued)	YES	NO	IF “NO,” ACTION/DUE DATE
Health and Insurance Benefits:			
Additional Employment Questions			
L2. Does the agency have a procedure for reporting to requests for accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee? <u>If “no,” the agency must adopt a procedure to respond to a request for accommodation. This procedure must include an explanation of the agency’s process to determine undue hardship.</u>			
L3. Does the agency offer training to hiring managers and supervisors on complying with ADA requirements for employment practices? <u>If “no,” the agency must specify how it will provide this training.</u>			

ATTACHMENT 10-J (18)

A "QUICK LOOK" CHECKLIST FOR ACCESSIBILITY

While a full review of a facility requires comparison of existing conditions with the standards established by the ADA Accessibility Guidelines (ADAAG) and Washington Administrative Code 51.20 (barrier-free design standards), this checklist will give a quick appraisal of potential problem areas for accessibility. Completion of these items will not necessarily achieve compliance with ADA or WAC requirements.

ITEM TO BE PERFORMED	YES	NO
Building Access		
1. Are disabled parking spaces designated near the main building entrance?		
2. Are disabled spaces 96" wide designated with a 60" access aisle?		
3. Has a "drop off" zone been established near the building entrance?		
4. Is the gradient/slope from parking to building entrance 1:12 or less?		
5. Is the entrance doorway (open) at least 32 inches wide?		
6. Is the door handle easy to grasp? Has a lever handle been installed?		
7. Is the door easy to open (less than 8.5 pounds pressure?)		
8. Has adequate signage been installed to direct visitors and clients?		
9. Are accessible facilities identified?		
Building Corridors		
1. Is the floor surface of the travel path hard and not slippery?		
2. Is the path of travel wide enough (36") for a wheelchair?		
3. Do obstacles (telephones, fountains) protrude less than 40" into a corridor?		
4. Are elevator controls low enough (54") to be reached from a wheelchair?		
5. Are elevator markings in Braille?		
6. Do elevators provide audible signs?		
7. Do elevator interiors provide a turning area of 51" for wheelchairs?		
Restrooms		
1. Are restrooms near the building entrance or program areas?		
2. Do doors have lever handles?		
3. Are doors into restrooms at least 32" wide?		
4. Is restroom large enough for wheelchair turnaround (60" minimum)?		
5. Are stall doors a minimum of 32" wide?		
6. Are grab bars provided on the back walls in toilet stalls?		
7. Are sinks at least 30" with room for a wheelchair to roll under?		
8. Are soap and towel dispensers no more than 48" from the floor?		
Program Areas		
1. Are doorways to program areas a minimum of 32" wide?		
2. Are interior doors easy to open?		
3. Is the threshold no more than 1/2" high?		
4. Is the path of travel between tables, desks and furniture wide enough for wheelchairs?		

RESOLUTION NO. 29-09
A RESOLUTION SELECTING OFFICIAL COUNTY NEWSPAPER

WHEREAS, RCW 36.72.075 requires the county legislative authority to let a contract to a legal newspaper to serve as the official county newspaper for the term of one year and;

WHEREAS, If there is at least one legal newspaper published in the county, the contract shall be let to a legal newspaper published in the county and;

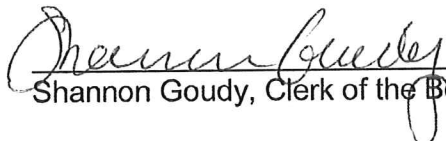
WHEREAS, *The Shelton-Mason County Journal* is published in Mason County and qualifies as a legal newspaper in accordance with RCW 65.16.020

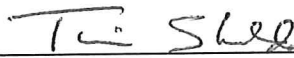
NOW, THEREFORE, BE IT RESOLVED, the Board of Mason County Commissioners hereby declare *The Shelton-Mason County Journal* the official county newspaper for furnishing certain legal publications for the period of one year beginning on July 1, 2009.

APPROVED this 7th day of April 2009.

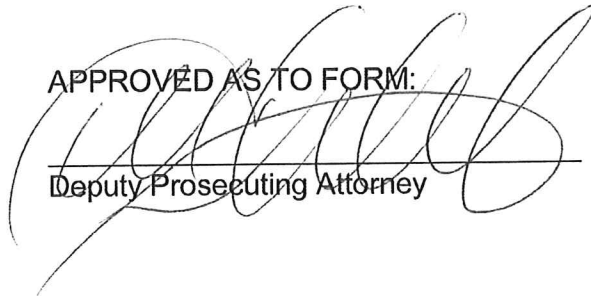
ATTEST:


BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Shannon Goudy, Clerk of the Board


Tim Sheldon, Chair


Lynda Ring Erickson, Commissioner

APPROVED AS TO FORM:

Deputy Prosecuting Attorney


Ross Gallagher, Commissioner

MASON COUNTY
 COMMISSIONERS RESOLUTION NO. 30-09
 COUNTY ROAD PROJECT NO. 1922

WHEREAS, on Mason County Road No. 50090, known locally as the BROCKDALE ROAD, and more specifically located in Sec.25&26, T 21N, RW 4W, WM, at the approximate mile posts listed below; work defined as "construction" in the BARS Manual, Page II-63, et seq, is determined to be necessary and proper; and,

WHEREAS, the project is funded through Washington State Department of Transportation's Highway and Local Programs for the American Recovery and Reinvestment Act of 2009 (ARRA) and is federally funded 100%, no local match, and limited to the \$350,000.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that it is their intention to:

Pave a portion of Brockdale Road from milepost 5.06 to milepost 6.26.

SAID WORK is to be performed by day labor / contract in accordance with the Washington State Standard Specifications for Road and Bridge Construction as adopted by Mason County.

BE IT FURTHER RESOLVED that the above-described County Road Project is necessary and proper, and the estimated costs of said project are herewith set out as follows:

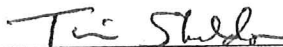
Engineering	\$ <u>50,000</u>
Right-of-Way	\$ <u>-0-</u>
Road Construction	\$ <u>300,000.</u>

BE IT FURTHER RESOLVED, that the Chairperson is authorized to sign all pertinent documents related to this CRP, but not limited to signing of right of way plans, authorize right of way acquisition, sign plans for construction, set bid opening date and sign the contract.

The County Road Project herein described is HEREBY DECLARED to be a public necessity, and the County Road Engineer is HEREBY ORDERED AND AUTHORIZED to report and proceed thereon as by law, provided and in accordance with WAC 136-18.

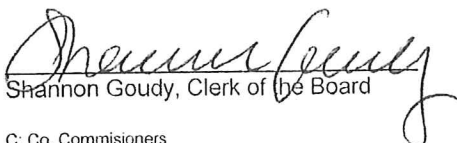
ADOPTED this 7th day of APRIL, 2009.

BOARD OF COUNTY COMMISSIONERS
 MASON COUNTY, WASHINGTON


 Tim Sheldon, Chair


 Lynda Ring Erickson, Commissioner

ATTEST:


 Shannon Goudy, Clerk of the Board


 Ross Gallagher, Commissioner

C: Co. Commissioners
 Engineer
 JOURNAL: Publ. 11 4/16/09 date

RESOLUTION NO: 31-09

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF MASON COUNTY, WASHINGTON.

In the matter of initiating County Road Projects and assigning CRP numbers.
IT IS HEREBY RESOLVED THAT the roads listed below be improved as shown between the points indicated.
 These projects are hereby declared to be public necessity and the county road engineer is hereby ordered and authorized to report and proceed as by law provided. (RCW 36.75.050, 36.80.080, 36.80.070) (Optional References).
IT IS FURTHER RESOLVED that appropriations from the officially adopted road fund budget and based on the county engineers estimates are hereby made in the amount and for the purposes shown:

Item	Road Name	Road No.	M.P.	Type of Work (See Code)	Cont.	Day Labor	Cost Estimate (Thousand \$)				Section, Township, Range	CRP No
							Engr	R/W	Const	Federal		
1	Brockdale Road	90090	3.00	H	X		0	8.5	10	0	S31, T 21N, R 3W	1923
2	Mason Lake Road	52211	1.42	H	X		0	17	20	0	S33, T21N, R3W	1924
3	Brockdale Road	90090	4.81	H	X		0	17	20	0	S24, T21N, R4W	1925
4	Lynch Road	15500	2.74	H	X		0	8.5	10	0	S3, T19N, R3W	1926
5	Arcadia Road	91100	1.82	H	X		0	8.5	10	0	S27&28, T20N, R3W	1927
6	Mason Lake Road	52210	10.15	H	X		0	8.5	10	0	S3, T21N, R2W	1928
7	Crestview Drive	20900	0.76	H	X		0	8.5	10	0	S14, T20N, R3W	1929
8	Pickering Road	28850	3.33	H	X		0	8.5	10	0	S3, T20N, R2W	1930
9	Pickering Road	28850	1.30	H	X		0	8.5	10	0	S33, T21N, R2W	1931
10	North Shore Road	70390	3.36	H	X		0	8.5	10	0	S2, T221N, R2W	1932
11	Sand Hill Road	86070	0.00	H	X		0	17	20	0	S30&31, T25N, R1W	1933
12	Public Works Drive	40100	0.19	H	X		0	8.5	10	0	S2, T20N, R4W	1934
							22.5	0	127.5	150		

- (1) TYPE OF WORK CODE
- A. Preliminary Engineering
 - B. Right-of-Way
 - C. Grading, Draining, Surfacing
 - D. Light, Bituminous Surface Treatment
 - E. A.C. or P.C.C. Pavement
 - F. Curbs and Sidewalks
 - G. Traffic Facilities/Safety
 - H. Bridge Construction
 - I. Paths & Trails (RCW 47.301)
- (2) (3) (4) (5) (6) (7)
- (8) (9) (10)
- (6) The construction is to be accomplished by contract in accordance with RCW 36.77.020 et. seq.
 (7) The construction is to be accomplished by county forces in accordance with RCW 36.77.060 and WAC 136.18

ADOPTED this 7th day of April, 2009

ATTEST:

 Shannon Goudy, Clerk of the Board

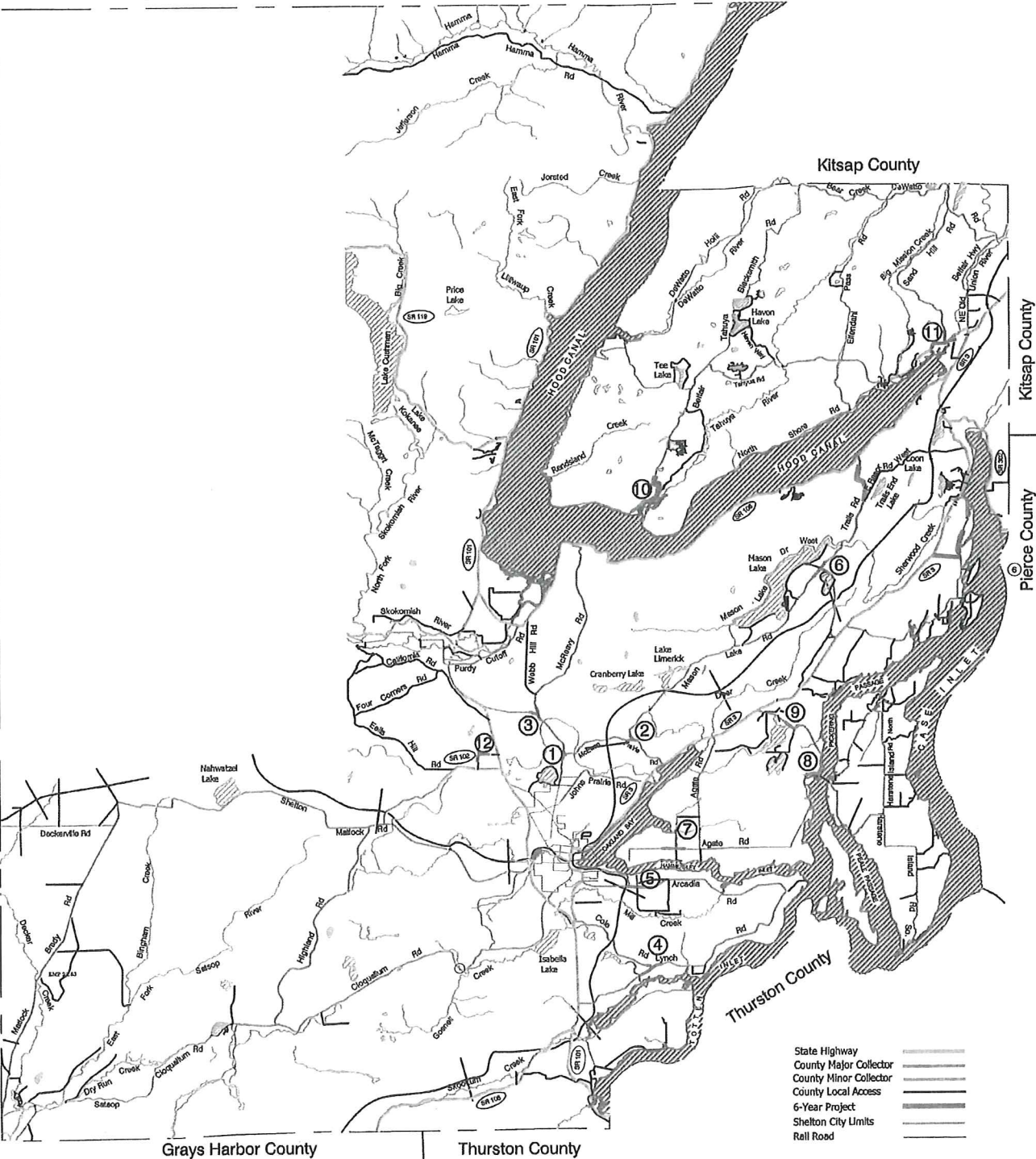
cc: Commissioners
 Engineer
 JOURNAL: Publ. It: _____ (Bill Rd Dept.)

BOARD OF COUNTY COMMISSIONERS
 MASON COUNTY, WASHINGTON


 TIM SHELDON, Chair


 LYNDIA RING ERICKSON, Commissioner


 ROSS GALLAGHER, Commissioner



- | | | | | | |
|---|--|--|--|--------------------------------------|--|
| 1. CRP 1923 Brookdale Rd
McEwen Prairie Rd | 2. CRP 1924 McEwen Prairie Rd
Mason Lake Rd | 3. CRP 1925 Brookdale Rd
McReavy Rd | 4. CRP 1926 Cole Rd
Lynch Rd | 5. CRP 1927 Arcadia Rd
Collier Rd | 6. CRP 1928 Mason Lake Rd
Mason Benson Rd |
| | | | | | |
| 7. CRP 1929 Agate Loop Rd
Crestview Rd | 8. CRP 1930 Hermina Bridge Rd
Pickering Rd | 9. CRP 1931 Pickering Rd
Phillips Lake Rd | 10. CRP 1932 North Shore Rd
Bollair Tahuya Rd | 11. CRP 1933 Sand Hill Rd
SR 300 | 12. CRP 1934 Public Works Dr |
| | | | | | |

ORDINANCE NO. 32-09
ORDINANCE TO AMEND MASON COUNTY CODE
TITLE 6 SANITARY CODE
CHAPTER 6.76 ONSITE SEWAGE REGULATIONS

AN ORDINANCE amending Mason County Code Title 6 Chapter 6.76 Onsite Sewage Regulations.

WHEREAS, Mason County Code Title 6, Chapter 6.76 addresses local onsite sewage regulations; and

WHEREAS, Chapter 6.76 has been revised to eliminate requirements included in Washington State Board of Health WAC 246-272A; and

WHEREAS, the proposed Mason County Onsite Regulations were reviewed by the Mason County Board of Health on February 24, 2009; and

WHEREAS, the Mason County Board of Commissioners held a public hearing about the proposed revision on April 7, 2009, to consider the testimony of the Mason County Public Health Department and Mason County citizens; and

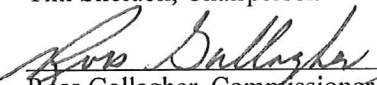
NOW THEREFORE, BE IT HEREBY ORDAINED, the Mason County Board of Commissioners hereby approves and ADOPTS revisions to Mason County Code Title 6 Chapter 6.76 as described by ATTACHMENT A.

APPROVED this 7th day of April 2009.

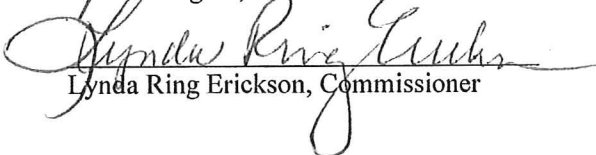
BOARD OF COUNTY COMMISSIONERS



Tim Sheldon, Chairperson

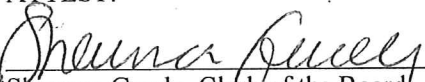


Ross Gallagher, Commissioner



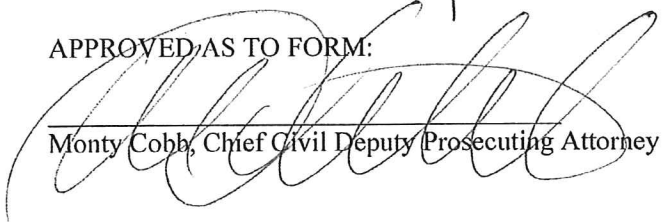
Lynda Ring Erickson, Commissioner

ATTEST:



Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:



Monty Cobb, Chief Civil Deputy Prosecuting Attorney

MASON COUNTY BOARD OF HEALTH
ON-SITE SEWAGE REGULATIONS

- REVISION ADOPTED -

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SECTION ONE: AUTHORITY

Pursuant to the authority of Chapters 43.20.050, 70.05.060 RCW, These regulations are hereby established as minimum requirements of the Mason County Board of Health, governing on-site sewage systems in Mason County.

SECTION TWO: PURPOSE

The purpose of these regulations are to assure protection of public health by:

- 2.01. Minimizing the public health effects of on-site sewage systems on surface water and ground water.
- 2.02. Minimizing the potential for public exposure to sewage.
- 2.03. Establishing design, installation, and management requirements for on-site sewage systems to accommodate effective treatment and disposal of sewage on a long term basis.
- 2.04. Require a known level of treatment for sewage disposed in Mason County.
- 2.05. Enhance protection of environmentally sensitive areas within Mason County.

SECTION THREE: ADMINISTRATION

The Mason County Public Health Director, through authority delegated by the Mason County Board of Health and the Mason County Health Officer shall administer these regulations. Fees may be charged for this administration.

SECTION FOUR: DEFINITIONS

The definitions of terms contained in Chapter 246-272A WAC are hereby adopted and incorporated by reference. In addition, the following definitions shall also apply in these regulations:

Board shall mean the Mason County Board of Health.

Director shall mean the Mason County Public Health Director or a member of the department authorized by and under the direct supervision of the Mason County Health Officer and Director.

Department shall mean the Mason County Public Health

Health Officer shall mean the Mason County Health Officer or a member of the department authorized by and under the direct supervision of the Mason County Health Officer.

Professional Development Hour (PDH) shall mean an hour engaged in a qualifying activity

Continuing Education unit (CEU) shall mean unit of credit customarily used for continuing education courses. One continuing education unit equals 10 Professional Development Hours.

Qualifying Activity shall mean any activity that is related to on-site wastewater treatment systems or will help the installer or operation and maintenance provider maintain their competency.

Surface Water shall mean any body of water, whether fresh or marine, flowing or contained in a natural or artificial unlined depressions for a significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes and tidal waters.

Significant periods of the year shall mean from December 1 through March 31

Community Drainfields shall mean a drainfield serving two or more residences on two or more parcels.

Shared Drainfield shall mean two residences on one parcel sharing one drainfield with or without separate tanks.

SECTION FIVE: APPLICABILITY

- 5.01. These regulations shall apply to all on-site sewage systems except the following:
- 5.01.01. New construction for which a permit was issued prior to adoption of these regulations and which is still valid.
 - 5.01.02. Facilities constructed or operated in accordance with a permit or approval issued by the Washington State Department of Ecology. Where these regulations are in conflict with Chapter 90.48 or 70.95 RCW, said RCW shall apply.
 - 5.01.03. Facilities constructed or operated in accordance with a permit or approval issued by the Washington State Department of Health. Where these regulations are in conflict with 246-272B WAC.
 - 5.01.04. Where any of the requirements of these regulations conflict with one another or with any requirements of Chapter 246-272A WAC, the more stringent requirement shall apply.

SECTION SIX: MINIMUM STANDARDS AND ADOPTION BY REFERENCE

- 6.01. "Chapter 246-272A WAC, Rules and Regulations of the State Board of Health for On-Site Sewage Systems" as presently adopted and any future revisions are hereby adopted and incorporated by reference in these regulations. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.
- 6.02. "Mason County Public Health On-Site Standards" as presently adopted and any future revisions are hereby adopted and incorporated by reference in these regulations. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.
- 6.03. "Mason County's On-Site Sewage System Management Plan" as presently adopted and any future revisions are hereby adopted and incorporated by reference in these regulations. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.
- 6.04. Permits shall be required prior to any construction, alteration, extension, relocation, or repair of any on-site sewage system. Permits shall be valid for three years from the signature date of the site inspection. Permit fees shall be charged according to the "Mason County Public Health Fee Schedule." Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.

SECTION SEVEN: OPERATION AND MAINTENANCE OF ON-SITE SEWAGE SYSTEMS

- 7.01. On-site sewage systems shall be inspected as prescribed in 246-272A WAC and the Mason County Public Health On-Site Standards.
- 7.02. The homeowner or person contracted by the homeowner to perform the inspection service shall report fully on the status of the on-site sewage system, using the form prescribed by the Director.

- 7.03. The homeowner or person contracted by the homeowner to perform the inspection service shall report immediately any identified on-site sewage system failure to the Department.
- 7.04. The system owner shall take necessary corrective action, as identified by the Director, to correct deficiencies in system design and operation, when such deficiencies are documented through operation and maintenance inspections.
- 7.05. Transfer of resident ownership shall require a current inspection service report on the status of the on-site sewage system, using the form prescribed by the Director.
- 7.05.1. Current shall mean within three years with a system consisting solely of a septic tank and drainfield and annually for all other on-site septic system.
- 7.05.2. Service for an on-site sewage system consisting solely of a septic tank and gravity drainfield shall be performed by a Mason County Certified Pumper or a Mason County Certified Operation and Maintenance Specialist. All other on-site sewage systems will require a report from a Mason County Certified Operation and Maintenance Specialist.

SECTION EIGHT: CERTIFIED PUMPER REQUIREMENTS

- 8.01. It shall be unlawful for any person, firm or corporation to engage in cleaning any septic tank, seepage pit or chemical toilet, or removing other accumulations of sewage without first obtaining a Pumper's certificate from the Department.
- 8.02. The requirements for pumper certification shall include all of the following:
- 8.02.01. The applicant shall demonstrate having a certified disposal site for the septage or holding tank wastes.
 - 8.02.02. The applicant shall demonstrate sanitary equipment meeting the following requirements:
 - 8.02.02.01 The pump tank shall be of at least 1000 gallons in capacity, in good repair, and of cleanable construction.
 - 8.02.02.02 All outer contact surfaces and fittings shall be kept in a clean and sanitary condition while stored or in transit, and all premises served and equipment used shall be left in a clean and sanitary condition.
 - 8.02.02.03 All discharge valves shall be in good repair, free from leaks and fitted with watertight caps.
 - 8.02.02.04 The name of the operating firm shall be prominently displayed on the sides of any pump tank vehicle.
- 8.03 The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. A Pumper's certificate shall not be transferable.
- 8.04 Copies of all pumping reports shall be submitted to the Mason County Public Health office monthly except as noted in section 8:06 of this document.
- 8.05 A copy of the pumping report as prescribed by the Health Officer shall be given to the homeowner at the time of the service.
- 8.06 A pumper's certificate may be suspended by the Director or Certified Contractor Review Board for a period not to exceed thirty (30) days for: failure to report to the Department within two (2) working days, non-functioning on-site components that could result in human contact with sewage effluent, failure to report to the Department within seven (7) working days non-functioning on-site components that could result in further system damage, failure to report to the Department within twenty (20) working days other non-functioning on-site sewage system components, or other incompetence, negligence, or misrepresentation. Said suspension may be appealed by the holder of the certificate following the provisions of Section 14 of these regulations and will be held in abeyance pending resolution of the appeal.
- 8.07 A pumper's certificate shall be revoked by the Certified Contractor Review Board for a period not to exceed one year for serious or repeated violations of any of the requirements of these regulations, using the following procedure:
- 8.07.01 The Chair of the Certified Contractor Review Board shall notify the pumper in writing, stating the reasons for which the pumper's certificate is subject to

revocation and advising that the certificate shall be permanently revoked at the end of ten (10) days following service of such notice, unless a written request for hearing is filed with the department by the holder of the pumper's certificate within the ten (10) day period.

- 8.07.02 The Director shall schedule a special hearing of an appeal for the pumper with the Certified Contractor Review Board within 30 days of the request for hearing.
- 8.07.03 The Director may suspend the pumper's certificate pending the hearing with the Certified Contractor's Review Board.

SECTION NINE: CERTIFIED INSTALLER REQUIREMENTS

- 9.01. It shall be unlawful for any person, firm or corporation to engage in installation, alteration, repair or modification of an on-site sewage system within Mason County without first obtaining an installer's certificate from the department except as noted in 246-272-0250 WAC.
- 9.02. Requirements for installer certification shall include all of the following:
 - 9.02.01. Presentation to the Director of evidence showing a minimum of one year experience working with a certified installer or some other experience that can be demonstrated to the Director as providing knowledge and skills equivalent to having worked with a certified installer for a minimum of one year.
 - 9.02.02. Prior to issuance of a certificate, the Director shall require written examination of the applicant's knowledge of on-site sewage system principals and the rules, regulations, laws and ordinances affecting the public health and safety with respect to on-site sewage systems.
 - 9.02.03. The initial certification fee shall be in accordance with the adopted fee schedule. At the end of each calendar year all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. An installer's certificate shall not be transferable.
 - 9.02.04. Prior to the issuance of an installer's certificate, the applicant shall provide verification to the Department of their current status as a Specialty Contractor.
 - 9.02.05. The installer shall accumulate twelve professional development hours for any three year period.
 - 9.02.06. The installer is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The installer shall keep their records of continuing education for the current renewal period plus the three years before the last renewal. All continuing education records and supporting documentation must be furnished to the Board upon request.
- 9.03. Certificates may be suspended by the Director or the Certified Contractor Review Board for a period not to exceed thirty (30) days for incompetence, negligence, misrepresentation, or the installation, repair or modification of a system for which a permit has not been previously obtained, or for failure by the holder to comply with any other requirement of these regulations.

Said suspension may be appealed by the holder of the certificate following the provisions of Section 14 of these regulations and will be held in abeyance pending resolution of the appeal.

- 9.04. An installer's certificate shall be revoked by the Certified Contractor Review Board for a period not to exceed one year for serious or repeated violations of any of the requirements of these regulations, using the following procedure:
- 9.04.01. The Chair of the Certified Contractor Review Board shall notify the installer in writing, stating the reasons for which the installer's certificate is subject to revocation and advising that the certificate shall be permanently revoked at the end of ten (10) days following service of such notice, unless a written request for hearing is filed with the department by the holder of the installers certificate within the ten (10) day period.
 - 9.04.02. The Director shall schedule a special hearing of an appeal for the installer with the Certified Contractor Review Board within thirty (30) days of the request for hearing.
 - 9.04.03. The Director may suspend the installer's certificate pending the hearing with the Certified Contractor's Review Board.
- 9.05. Any installer whose certificate has been revoked will be required to take the written examination again before issuance of a new installer's certificate.
- 9.06. It shall be unlawful for an installer to engage in construction, alteration, repair or modification of an on-site sewage system within Mason County during the period his or her certificate is revoked or suspended.

SECTION TEN: CERTIFIED OPERATION AND MAINTENANCE SPECIALIST REQUIREMENTS

- 10.01. It shall be unlawful for any person, firm or corporation to engage in operation and maintenance of an on-site sewage system within Mason County without first obtaining an operation and maintenance certificate from the Department.
- 10.02. Any operation and maintenance inspection required by the Department shall be performed by appropriate personnel as specified in the "Mason County Public Health On-Site Standards
- 10.03. The requirements for maintenance specialist certification shall include all of the following:
- 10.03.01. Presentation to the Director of evidence showing a minimum of one year experience working with a certified maintenance specialist, working as a Licensed Designer or some other experience that can be demonstrated to the Director as providing knowledge and skills equivalent to having worked with a certified maintenance specialist or as a Licensed Designer for a minimum of one year.
 - 10.03.02. Prior to issuance of a certificate, the Director shall require written examination of the applicant's knowledge of on-site sewage system principles and the rules, regulations, laws, and ordinances affecting the public health and safety with respect to on-site sewage systems.

-
- 10.03.03. The operation and maintenance specialist shall demonstrate to the Director attendance of training in on-site wastewater treatment operation and maintenance at the Northwest On-Site Wastewater Training Center or the equivalent.
- 10.03.04. The initial certificate fee shall be in accordance with the adopted fee schedule. At the end of each calendar year, all certificates shall expire. Certificates may be renewed for a fee established by the adopted fee schedule. A maintenance specialist's certificate shall not be transferable.
- 10.03.05. The operation and maintenance specialist shall accumulate twenty-four professional development hours for any three year period.
- 10.03.06. The operation and maintenance specialist is responsible for maintaining records to be used to support credits claimed. Records should include date of activity, instructor's name, description of activity, number of contact hours and location. The operation and maintenance specialist shall keep their records of continuing education for the current renewal period plus the three years before the last renewal. All continuing education records and supporting documentation must be furnished to Mason County Public Health upon request.
- 10.04. Copies of all maintenance reports, as prescribed by the Health Officer, shall be submitted to the Mason County Public Health monthly except as noted in 10.06 of this document.
- 10.05. A copy of the maintenance report, as prescribed by the Health Officer, shall be given to the homeowner at the time of service.
- 10.06. A operation and maintenance specialist's certificate may be suspended by the Director or Certified Contractor Review Board for a period not to exceed thirty (30) days for: failure to report to the Department within two (2) working days, non-functioning on-site components that could result in human contact with sewage effluent, failure to report to the Department within seven (7) working days non-functioning on-site components the could result in further system damage, failure to report to the Department within twenty (20) working days other non-functioning on-site sewage system components, or other incompetence, negligence, or misrepresentation. Said suspension may be appealed by the holder of the certificate following the provisions of Section 14 of these regulations and will be held in abeyance pending resolution of the appeal.
- 10.07. A maintenance specialist's certificate shall be revoked by the Certified Contractor Review Board for a period not to exceed one year for serious or repeated violations of any of the requirements of these regulations, using the following procedure:
- 10.07.01. The Chair of the Certified Contractor Review Board shall notify the maintenance specialist in writing, stating the reasons for which the maintenance specialist's certificate is subject to revocation and advising that the certificate shall be permanently revoked at the end of ten (10) days following service of such notice, unless a written request for hearing is filed with the department by the holder of the installers certificate within the ten (10) day period.
- 10.07.02. The Director shall schedule a special hearing of an appeal by the maintenance specialist with the Certified Contractor Review Board within 30 days of the request for hearing.

- 10.07.03. The Director may suspend the maintenance specialist's certificate pending the hearing with the Certified Contractor's Review Board.
- 10.08. Any operation and maintenance specialist whose certificate has been revoked will be required to take the written examination again before issuance of a new operation and maintenance specialist's certificate.
- 10.09. It shall be unlawful for an operation and maintenance specialist to engage in any on-site inspections within Mason County during the period his or her certificate is revoked or suspended.

SECTION ELEVEN: CERTIFIED CONTRACTOR REVIEW BOARD

- 11.01. The Director shall establish and maintain a review board called the Certified Contractor Review Board.
- 11.02. The review board shall meet as needed or as determined by the Health Officer to evaluate the performance of all certified Mason County pumpers, installers, and operation and maintenance specialists to determine whether they have the capacity and proven record of performing their jobs in a manner that is acceptable for the protection of public health, and to recommend to the Director appropriate disciplinary action for contractors that do not meet minimum performance standards, and to hold hearings and make determinations on appeals of decisions by the Director pertaining to certified contractors.
- 11.03. The review board shall act under by-laws adopted by the Board. Copies of said document shall be kept on file and made available for public inspection at the department office.

SECTION TWELVE: ON-SITE SEWAGE ADVISORY COMMITTEE

- 12.01. The Director shall establish and maintain an advisory committee called the On-Site Sewage Advisory Committee.
- 12.02. The advisory committee shall meet a minimum of once each year to evaluate department policies and procedures pertaining to the on-site sewage program, "Mason County Public Health Standards" and all relevant local ordinances and codes. The committee will present findings and make recommendations to the Director and the Board of Health.
- 12.03. The advisory committee shall act under by-laws adopted by the Board. Copies of said document shall be kept on file and made available to the public at the Mason County Public Health office.

SECTION THIRTEEN: ENFORCEMENT

- 13.01. It shall be unlawful to discharge sewage from any on-site sewage system, including septic tank wastes and greywater to surface water or upon the surface of the ground.
- 13.02. It shall be unlawful to use or maintain a malfunctioning on-site sewage system. Upon the discovery of the existence of such a system, written notice of violation shall be given to the recorded owner and/or occupant of the premises. Upon failure to adequately repair and restore the sewage system to proper working order within the time frame stipulated on the written

- notice or thereafter amended, the premises may be vacated. Failure to so vacate shall constitute an additional violation.
- 13.03. No person shall discharge waste products other than domestic sewage into an on-site sewage systems, except where it has been adequately demonstrated to the Director that the non-domestic waste discharge would be consistent with the system design, good sanitary waste treatment and disposal practice, and not cause a water quality violation or violate hazardous waste materials disposal law.
- 13.04. No person shall use and maintain an on-site sewage system except in a manner that is appropriate to the design of the system.
- 13.05. The Director may condemn, according to law, any residence or other establishment which is accumulating or disposing of sewage in a manner contrary to the requirements of these regulations.
- 13.06. All violations of these regulations are determined to be unlawful and declared to be detrimental to the public health, safety and welfare, and are public nuisances. All conditions which render any building, structure, premises, land use or portion thereof to be used or maintained in violation of these regulations shall be abated if provisions for their continuance made pursuant to these regulations are not satisfied.
- 13.07. In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person or establishment who violates these regulations or by each act of commission or omission procures, aids or abets such violation, may be assessed a civil penalty not to exceed two hundred fifty dollars (\$250) for each day of continuous violation to be directly assessed by the Health Officer until such violation is corrected. The per diem penalty shall double for the second separate violation and triple for the third and subsequent separate violations of the same regulation within any five (5) year period.
- 13.08. In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person who violates these regulations or by each act of commission or omission procures, aids or abets such violation, shall, upon conviction, be guilty of a misdemeanor. For purposes of these regulations, each section violated shall constitute a separate and distinct offense, and each day's violation shall constitute a separate and distinct offense. Penalty, upon conviction, shall be punishable by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

SECTION FOURTEEN: APPEALS

- 14.01. Decisions of the Director pertaining to the certification of Pumpers, Installers and Operation and Maintenance Specialists may be appealed to the Certified Contractor Review Board.
- 14.02. All other decisions of the Director may be appealed to the Health Officer. Appeals must be made in writing to the Director within ten 10 working days of the decision which is being disputed. A hearing date shall be scheduled with the Health Officer to be held within thirty (30) days of said decision being appealed.

- 14.03. Determinations of the Health Officer may be appealed to the Hearings Examiner. Appeals must be made in writing to the Director within ten (10) working days of the decision which is being disputed. A hearing date shall be scheduled with the board for their next regular meeting.
- 14.04. Departmental orders and determinations shall be stayed for the period the appeal is pending, provided no surfacing sewage or public health hazard results from said stay.
- 14.05. Any variations from these regulations resulting in requirements less stringent than those found in Chapter 246-272A WAC shall have concurrence from the Washington State Department of Health.
- 14.06. Administrative hearings shall be conducted in accordance with Mason County Office of Environmental Health Variance and Appeal Procedure. Copies of said document shall be maintained and made available to the public at the Mason County Public Health office.

SECTION FIFTEEN: SEVERABILITY

In the event any section, subsection, or other portion of these regulations are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion shall be deemed a separate provision of these regulations and such designation shall not affect the validity of the remaining portions of these regulations.

SECTION SIXTEEN: REPEALER

These regulations supersede Mason County Board of Health On-Site Sewage Regulation rev.4/2/1998 repealed by the Board of Commissioners.

SECTION SEVENTEEN: EFFECTIVE DATE

These regulations shall be effective immediately upon adoption by the Mason County Board of Health.

MASON COUNTY PUBLIC HEALTH ON-SITE SEWAGE REGULATIONS UPDATE

Public Process for Review and Input:

The On-Site Advisory Committee has been meeting monthly since July 2008 working on these changes. We have received input from our Advisory Committee members and other counties. Our members consists of a licensed designer, certified pumper, certified installer, certified operation and maintenance provider, realtor, representatives from a water shed, Mason County Public Health and a citizen at large.

12/1/08 Presentation to the Lower Hood Canal Watershed Coalition

1/8/09 Sent out 116 letters to certified installers, O&M providers and pumpers

1/9/09 Posted new proposed revised regulations on our website

1/12/09 Sent letters to 29 designers that work mainly in our county.

1/12/09 Sent letters addressing new regulations to all of the realty offices in our county.

1/15/09 The Oakland Bay Clean Water District Advisory Committee was informed about the new proposed regulations which are posted on our website and members were invited to contact Cindy Waite for questions and input.

1/23/09 Presentation by Debbie Riley to the Mason County Realtors Association which included realtors and title companies

2/11/09 Received comments back from the State Department of Health and incorporated them into the proposed regulations

2/17/09 Presentation by Cindy Waite to the Home Builders of Mason County

2/18/09 Final discussion with the On Site Advisory Committee

2/19/09 Presentation by Cindy Waite at the WRIA 16 meeting