

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

May 5, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 9:06 a.m.
2. Pledge of Allegiance – John Komen 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 Vicki Rice is seeking appointment to the Solid Waste Advisory Committee.
 - 4.1.2 The Washington State Liquor Control Board sent notice of a new liquor license application for Summertide Store; notice of a special occasion liquor license application for North Mason Rotary; and notice that Rest-A-While RV Park has discontinued sales and service of liquor.
 - 4.1.3 The Port of Hoodspout expressed concerns regarding the proposed Temporary Outdoor Public Event ordinance.
 - 4.1.4 The Washington State Department of Natural Resources sent their projections of income from state forest lands.
 - 4.1.5 The United States Department of Justice recognized the efforts of Fire Marshal Craig Haugen, Coroner Wes Stockwell and Assistant Coroner Jane Pentz during an investigation of a fire in Belfair that claimed the lives of two children.
 - 4.2 Staff Recognition – Sheriff's Office. Sheriff Casey Salisbury presented a service award to Detective Jack Gardner for 25 years of service to Mason County. He also presented green star awards to Chaplain George Albertson, Detective Luther Pittman, Deputy Doug Smith, Deputy Chris Gaynor, Deputy Bill Philpott, Chief Deputy Dean Byrd, and Deputy T.R. Rankin for outstanding service to the community.
 - 4.3 Staff Recognition – District Court. Judge Victoria Meadows presented Jeff Meyers with the 2008 Misdemeanant Corrections Association Probation Officer of the Year Award.
 - 4.4 Volunteer Board Recognition - Barbara Adkins recognized the Department of Community Development's volunteer boards: the Planning Advisory Commission, Joint Advisory Committee for the Shelton Urban Growth Area, Mason County Historic Preservation Commission, and the Advisory Group for the Belfair Future Roads map project.
Charlie Butros recognized Public Works' volunteer boards: the Technical Stormwater Advisory Committee, Transportation Improvement Program Citizens Advisory Program, Mason County Communication Support Team, Mason County Critical Incident Stress Management, Mason County Mobile Search and Rescue, Mason County Explorer Search and Rescue, Mason County Dive Team, and Mason County General Volunteers.
John Keates recognized the Mason County Parks and Trails Advisory Board and thanked the local community groups that assist the Parks department.
 - 4.5 News Release – Community Service Needs Survey. Jeannie Gruber, United Way Mason County, presented the news release. An electronic survey will be distributed throughout the county to identify community service programs that may be at risk due to the current economic situation.
5. Open Forum for Citizen Input – There was no public comment.
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 – April 13, 2009 briefing minutes and April 28, 2009 regular meeting minutes.

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Cmmr. Ring Erickson/Gallagher moved and seconded to approve the April 13, 2009 briefing minutes and April 28, 2009 regular meeting minutes. Motion carried unanimously. RE-aye; S-aye; G-aye.

8. Approval of Consent Agenda:

- 8.1 Approval of the following contracts for the 2009 Mason County Fair & Rodeo: Davis Shows Northwest, carnival and midway games for entertainment; Brian Wood, for entertainment, \$1,800.00; Danny Vernon, for entertainment, \$700.00; Lazy HK Bar Rodeo Company, for professional services, \$11,000.00; J.D. McLing, for professional services, \$1,500.00; Image In Action, for professional services, \$2,608. These contracts total \$17,608.00 and are budgeted in the Fair budget.
- 8.2 Approval to reappoint Don Reid to the Mason County Board of Equalization for a three-year term that will expire 5/31/2012.
- 8.3 Approval to sign three certification forms for the Mason County Shelter for grant applications for the Emergency Shelter and Homeless Prevention Program, the Homeless Prevention and Rapid Re-Housing Program (funded by the American Recovery and Reinvestment Act of 2009) and the Transitional Housing, Operating and Rent (THOR) Program.
- 8.4 Approval to appoint Jeannie Gruber to the Mason County Housing Authority Board for a five year term that will expire 4/30/2014.
- 8.5 Approval of the Resolution Designating Applicant Agent authorizing Martin E. Best as the agent and Charlie Butros as the alternate agent for the purpose of obtaining and administering certain state and federal assistance under the Hazard Mitigation Grant Program (44 CFR Subpart N). **Resolution No. 36-09 (Exhibit A)**
- 8.6 Approval of Warrants
- | | | |
|----------------------|--------------------------|--------------|
| Claims Clearing Fund | Warrant #s 156791-157018 | \$533,917.15 |
| Salary Clearing Fund | Warrant #s 2486-2516 | \$245,298.33 |
- 8.7 Approval of the agreement with Lake Cushman Maintenance Company for the Mason County Sheriff to provide enhanced law enforcement services in the Lake Cushman development for the period of March 1, 2009 through March 1, 2010. Lake Cushman Maintenance Company agrees to reimburse the County in an annual amount not to exceed \$40,000 for the services provided.
- 8.8 Approval of the resolution with the Washington State Recreation and Conservation Office submitting two funding proposals for MCRA and Oakland Bay Park from the Land and Water Conservation Fund. **Resolution No. 37-09 (Exhibit B)**
- 8.9 Approval to appoint Kristina Trebil to the Mason County Historic Preservation Commission for a three-year term ending May 2012.

Cmmr. Ring Erickson stated she would like to see the amount detail for item 8.3. Under item 8.5 Charlie Butros should be changed to Charles Butros. She would also like to read the full contract for item 8.7.

Cmmr. Sheldon commented that on item 8.7 the original contract with the Lake Cushman Maintenance Company was for \$75,000, but they didn't use all of the services so they revised the contract to the amount used last year.

Cmmr. Ring Erickson noted she would also to like to know the amounts of the funding proposals in item 8.8.

John Keates stated he has asked for about \$240,000 for the Oakland Bay project and \$470,000 for MCRA.

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Debra Nielsen, Director of Mason County Homeless Shelter, commented on item 8.3. The certification forms are just a policy and procedure they have to follow for the Department of Community Trade and Economic Development. They are grants that go directly to the Mason County Shelter. They want to be in compliance with the 10 year plan to end homelessness and that requires the approval of the County Commission. The dollar figures that will go directly to the Shelter are approximately \$53,000 to fund the operation of the shelter, \$13,500 for the transitional housing operating and rent program, and \$203,000 over three years for a federal homeless prevention and rapid re-housing program.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve Consent items 8.1 through 8.9. 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 approving a Master Road Use Permit between Mason County and Mason County Public Utility District #3.

Rick Hirschberg, Public Works Environmental Service Manager, stated a Master Road Use Permit is a little bit different than the other utility agreements the Board has approved. There are some entities under State law that are not required to get the County's permission to have their utilities located on the right of way. PUD #3 is one of those groups. The Master Road Use Permit has all of the provisions of a utility franchise agreement. The only difference is this particular agreement doesn't grant right of occupancy. PUD #3 has applied for a Master Road Use Permit for their wholesale telecommunication facilities as well as their power transmission lines.

Questions for Staff

Cmmr. Sheldon asked what the duration of the agreement is.

Mr. Hirschberg stated 10 years.

Cmmr. Ring Erickson asked if past issues have been worked out.

Mr. Hirschberg answered yes they have.

There was no public testimony.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve the Master Road Use Permit between Mason County and Mason County Public Utility District #3. Motion carried unanimously. RE-aye; S-aye; G-aye.

- 9.2 Public hearing to consider adoption of revisions to Title 8 (Environmental Policy), Sections 8.52.170 (Fish and Wildlife Habitat Conservation Areas) and 8.52.110 (Wetlands) regarding "Danger Trees".

Barbara Adkins, Department of Community Development Co-Manager, stated this is a hearing to amend Section 8.52.110 as it addresses the removal of danger trees in Fish and Wildlife Habitat areas and wetlands. This discussion started in 2006. The revisions were not made and subsequently the resource ordinance was challenged. It was found to be in compliance. There was direction to staff revisit the language.

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In September of 2008 there was a workshop for the Planning Advisory Commission to go over revisions to the language. There were hearings in front of the Planning Advisory Commission in November and again in January. The language being presented came from the Planning Advisory Commission. The proposed language in the staff report has been summarized in comparison to the current language. The current language provides that trees can be removed with documentation from a professional forester. The proposed language only requests that the County be notified. She read the proposed language in the staff report compared to the current language.

The Prosecutor's office has some concerns regarding the new language including the lack of notification to the County before felling trees. County approved fees are not defined. Many definitions are not clear. Does the County have a danger tree tracking system? The Department of Fish and Wildlife also submitted additional comments. They recommend a permit review for the removal of danger trees. They also recommend better definitions. Ms. Adkins is proposing continuation of the hearing to June 16, 2009 for further amendments or to have the Board remand the proposed revisions back to the Planning Commission.

Questions for Staff

Cmmr. Sheldon noted this was part of the critical area regulations. It was reviewed and approved by the Growth Management Hearings Board. He asked if we make changes are we subject to another review.

Ms. Adkins stated yes anytime there are edits you are exposed to review.

Cmmr. Sheldon stated he doesn't understand the replanting section. Generally when people replant they choose a seedling from a nursery. To require a tree that is a minimum of 3 feet in height would make it difficult to find trees in a forestry nursery. The survival rate would be better with a 3-0 Douglas fir.

Ms. Adkins stated she wasn't sure where the request for that change came from.

Cmmr. Sheldon also noted that the language refers to falling and segmenting, but it should be falling and bucking.

Cmmr. Ring Erickson commented that she has seen several versions of this ordinance. The 2006 version that was not adopted was very permissive and raised some concerns. She would like to see a side by side comparison with the proposed version and what is in the books. In the text it is made very clear that this is about buffers, it's not all property. There was a huge concern on a property just outside of her district regarding the removal of trees. She would like to see some bullet points about what actions need to be done and the time frames.

Cmmr. Sheldon noted the proposed changes deal with Wildlife Habitat Conservation Areas, not all properties.

There was no public testimony.

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Cmmr. Ring Erickson/Gallagher moved and seconded to continue the public hearing to consider adoption of the revisions to Title 8 (Environmental Policy), Sections 8.52.170 (Fish and Wildlife Habitat Conservation Areas) and 8.52.110 (Wetlands) regarding "Danger Trees" to June 16, 2009. Motion carried unanimously. RE-aye; S-aye; G-aye.

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

10.1 Vicki Kirkpatrick, Mason County Public Health Director, presented an update on the Swine Flu. Right now there are 45 probable cases in Washington, none of which have been confirmed by the CDC. There is one suspect case in Mason County. A sample has been sent to the State lab for testing, but they have not heard back yet. The severity index is very similar to seasonal flu. It's very mild to medium. The only difference is the age rage tends to be in the teens to 30 year olds. It tends to hit the healthier community. The recommendations are now to keep schools open, not to close schools on the basis of one case. The focus is on preventing the spread of the virus. Check your family members each morning and if anyone is sick make sure they stay home. This may slow down because we are at the end of flu season and it may come back in the fall. The Health department is on heightened alert. She noted that things change daily, but this is where we are at right now.

10.2 Charlie Butros, Public Works Director, presented a news releases announcing an emergency road closure for Belfair Tahuya Road to repair the bridge deck on the temporary Tahuya River Bridge. Beginning Thursday May 7th to Sunday May 10th the road will close between 8:00 p.m. and 12:00 a.m. and remain closed until 4:00 a.m. each day.

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

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

absent 5-12-09

Tim Sheldon, Chair

Lynda Ring Erickson
Lynda Ring Erickson, Commissioner

ATTEST:

Shannon Goudy
Shannon Goudy, Clerk of the Board

Ross Gallagher
Ross Gallagher, Commissioner

SECTION 3 RESOLUTION DESIGNATING APPLICANT AGENT

For the state of Washington Hazard Mitigation Grant Program Planning Grant application

BE IT RESOLVED THAT Martin E. Best, Emergency Management Manager
(Print Name and Title)


OR HIS/HER ALTERNATE: Charles Butros, Pubic Works Director
(Print Name and Title)

is hereby authorized to execute for and on behalf of **Mason County**, a local government entity, state agency, special purpose district, tribe, or private nonprofit organization established under the laws of the state of Washington, this application, grant agreement, and payment requests to be filed with the Military Department, Emergency Management Division, for the purpose of obtaining and administering certain state and federal financial assistance under the Hazard Mitigation Grant Program (44 CFR Subpart N).

THAT the Board hereby authorizes its agent to provide to the State Emergency Management Division for all matters concerning such state disaster mitigation assistance the assurances and agreements required.

Passed and approved this 5th day of May 2009.

BOARD OF MASON COUNTY COMMISSIONERS


Tim Sheldon
Chair


Lynda Ring Erickson
Commissioner


Ross Gallagher
Commissioner

CERTIFICATION

I, Shannon Goudy, duly appointed as Clerk of the Board
do hereby certify that the above is a true and correct copy of a resolution passed and approved by the **Board of Mason County Commissioners** on the 5th day of May, 2009.


(Signature)

Note: Applicant agent designation is made by a mayor, county executive or governing board. An individual cannot designate himself/herself as the Applicant Agent.

**Land and Water Conservation Fund
Authorizing Resolution**

Local Agencies only—You may reproduce in your own format; text may not change.

Organization Name Mason County Parks Resolution No. 37-09

Project Name(s) MCRA Renovation, Oakland Bay Project

A resolution authorizing application(s) for federal funding assistance for a Land and Water Conservation Fund (LWCF) program project to the Recreation and Conservation Office (RCO) as provided in the LWCF Act of 1965, as amended.

WHEREAS, our organization has approved a comprehensive plan that includes this project area; and

WHEREAS, under the provisions of LWCF, federal funding assistance is requested to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, our organization considers it in the best public interest to complete the land acquisition and/or development project described in the application;

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Commission [MAYOR, DIRECTOR, PRESIDENT, ETC] be authorized to make formal application to the Recreation and Conservation Office for funding assistance;
2. Any fund assistance received be used for implementation of the project referenced above;
3. Our organization hereby certifies that its share of project funding is committed and will be derived from Force Labor, Donated Labor, REG II Funds, Donations, Partnerships, Land Sale. [SPONSOR MATCHING RESOURCES]
4. We acknowledge that we are responsible for supporting all non-cash commitments to this project should they not materialize; [if applicable]
5. We are aware that the grant, if approved, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid and remitted to our vendors.
6. We acknowledge that any property acquired or facility developed with financial aid from the Recreation and Conservation Funding Board (RCFB) must be placed in use for the funded purpose, and be retained in such use in perpetuity unless otherwise provided and agreed to by our organization, RCFB, and the National Park Service;
7. This resolution becomes part of a formal application to the Recreation and Conservation Office; and
8. We provided appropriate opportunity for public comment on this application
9. We acknowledge that LWCF grants are federal funds and, as such, our organization must comply with all applicable federal laws.

This resolution was adopted by our organization during the meeting held:

Location Shelton, Washington Date 5-18-09

Signed and approved by the following authorized representative:

Signed T. Shedd Lemle Ringer Rep. Ballinger

Title Board of County Commissioners Date 4-24-09

Attest: Sharon Caudy

Approved as to form [Signature] PPA