

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

July 21, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 9:02 am.
2. Pledge of Allegiance – Dave Tipton led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Ross Gallagher.

4. Correspondence and Organizational Business

4.1 Correspondence

- 4.1.1 The Washington State Liquor Control Board sent notice of establishments in Mason County with liquor licenses due to expire on October 31, 2009.
 - 4.1.2 Mason County PUD #3 resubmitted their request for funds for the Lynch Road Broadband Extension Project.
 - 4.1.3 Mr. & Mrs RK Jacobson, Mrs. Marilyn Laubach and Ms. Betty Wanzer expressed concerns regarding Mason County Garbage's recycling program.
- 4.2 Staff Recognition – Sheriff's Office. Sheriff Casey Salisbury presented a service award to Irene Moffatt for her thirty years of service to the Sheriff's Office. He also presented green star awards to Tami Lester, Michelle Goldsby, Deputy Kelly LaFrance, Deputy Doug Smith, Detective Bill Adam, Deputy Larry Ellis, Deputy TR Rankin, Detective Sergeant Dracobly, Detective Jeff Rhoades and Detective Luther Pittman.
- 4.3 News Release – Mason County's Recycling Ordinance. David Baker read a letter to the Washington Utilities and Transportation Commission regarding Mason County's Recycling Ordinance.

Cmmr. Ring Erickson stated she received a call from Pat Dunn, the Government Relations person for Waste Connections. They will be asking the UTC to delay the rate hearing to August 13, 2009 to give them more time to work with the County. The UTC has only moved a hearing location once, but there will be an opportunity to give testimony by phone. The Mason County Commissioners will also be meeting with Mason County Garbage at 1:30 p.m. today.

Cmmr. Sheldon stated he hopes there is something the Commission can do to have a rate for garbage only. There needs to be other solutions. The response from the public has been overwhelming. He hopes the program can be voluntary.

5. Open Forum for Citizen Input –

- 5.1 Brenda Hirschi stated she attended the Commission briefings yesterday and when she attempted to get clarification on the County's plans for replacing the Financial Services software system she was told members of the public were not allowed to speak at Commission briefings. That is why she is bringing her questions and concerns to the Board's Tuesday meetings.
The first question she has is what happened to the general fund reserve balance? The most recent reports show 5.8 million on hand on June 30, 2005. The ending fund balance this year is anticipated to be 1.6 million. The County needs a minimum of 2.5 to 3 million dollars at all times to cover monthly expenditures. Where did the money go? She has been trying to answer that question for the last few months so she requested copies of the Finance Committee meeting minutes. She discovered that during the April 4, 2007 Finance Committee meeting the Treasurer stated that for the first time in seven years she did not have enough cash reserves to cover expenses. The Treasurer

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cautioned that spending needed to be reduced and there needed to be 3 million dollars in reserve. In the minutes Commissioner Ring Erickson stated that she and Tim are very aware of the financial situation and in the last couple of years have added services and made decisions with their eyes wide open, with the knowledge this would decrease reserves for a couple of years but starting in 2007 it would level off. What happened to get us to this point? In light of these minutes it is not enough to blame this on the recession. There has been mismanagement of County funds for several years. What did the County get for this and how are we going to turn this around?

Her second question is how will the Director of Community Development position be structured to be sustainable? DCD expenditures are at 56% of budget. On a strait line basis they should be at 50%. Plundering dedicated special funds is not the answer for long term sustainability of the budget. Paying DCD salaries with money that has been set aside for emergencies is a tactical decision, but it is not a strategy that serves the best interest of the public in the long run. These are just a few questions she would like thoughtful answers to.

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 – June 29 and July 13, 2009 briefing minutes and July 14, 2009 regular minutes.

Cmmr. Sheldon stated the briefing minutes of July 13, 2009 show him as being present when he was not.

Cmmr. Gallagher/Ring Erickson moved and seconded to approve the June 29, 2009 briefing minutes and July 14, 2009 regular minutes. Motion carried. RE-aye; G-aye; S-abstained.

8. Approval of Consent Agenda:

- 8.1 Approval of the resolution for the distribution of the Public Utility District Excise Tax, per RCW 54.28.090. The Mason County Current Expense Fund will receive \$497,867.50 and the City of Shelton will receive \$71,786.05. **Resolution No. 63-09 (Exhibit A)**
- 8.2 Approval of the Interagency Agreement IAA10389 between Mason County Juvenile Court and the State of Washington Administrative Office for the Court Appointed Special Advocate (CASA) Program. This is for the 2009-2011 funding in the amount of \$126,792.
- 8.3 Approval of the Suspension and Debarment form with the WA State Department of Social and Health Services for the Clerk's office. This is for the Child Support Program. This serves as certification that Mason County is not prohibited by federal agencies from entering into a federal contract.
- 8.4 Approval for Public Works to hire a contractor to fabricate a portion of the new sander racks and enter into a contract for an estimated amount of \$30,000 and is budgeted.
- 8.5 Approval to accept the bid received from Pettit Oil Company of Hoquiam, WA to provide Mason County with gasoline, diesel and heating fuel for the period of August 1, 2009 through July 31, 2010, extendable up to two additional years.
- 8.6 Approval of Warrants
Claims Clearing Fund Warrant #s 159342-159976 \$1,422,371.66
- 8.7 Approval of the entertainment contract for the 2009 Mason County Fair & Rodeo with Outlaw Superstock Racing Lawn Mowers/Jim & Barbara McCracken in the amount of \$200.00. This is budgeted in the Fair budget.

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Cmmr. Gallagher/Ring Erickson moved and seconded to approve Consent items 8.1 through 8.7. Motion carried unanimously. RE-aye; S-aye; G-aye.

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

- 9.1 Public hearing continued from July 14 to consider the petition of the Skokomish Indian Tribe to vacate a portion of Bourgault Road, Vacation File No. 369.

Rick Brush, Public Works Property Manager, stated the Skokomish Tribe has petitioned to vacate a portion of Bourgault Road from mile point .45 in an easterly direction to Purdy Cut-off Road. Public Works has examined the area of the road to be vacated and is recommending the vacation be granted. One of the purposes of the request was to facilitate a wetland mitigation project that would be constructed by the Washington Department of Transportation in connection with the construction of the new Purdy Creek Bridge on Hwy. 101. The public hearing last week prompted comments from citizens who use a portion of Bourgault Road to access an unnamed slough about 400 feet from Purdy Cut-off Road. As a result of the comments the Board voted to continue the hearing. Public Works has considered what might be done to satisfy the concerns of the those citizens and propose to grant the vacation as petitioned with the exception of the portion of the right-of-way that extends from the unnamed slough to Purdy Cut-off Road, which is approximately 400 feet. That would enable fisherman and hunters to continue to access the slough and the Skokomish River.

Questions for Staff

Cmmr. Sheldon asked if the portion of the road from Purdy Creek Cut-off north to Purdy Creek was not vacated, would it still be an access for an individual to get to the water. What is the approximate length and width?

Mr. Brush stated the right-of-way for Bourgault Road is that width that the County has traditionally maintained, which is approximately 30 feet. The portion that would not be vacated is approximately 400 feet. The portion that would be vacated would be about 4/10 of a mile.

Cmmr. Sheldon asked if the 400 foot portion was not vacated would the roadbed still be removed in the mitigation project.

Mr. Brush stated that is correct.

Cmmr. Ring Erickson asked if the portion could be accessed by vehicle or just by foot.

Rick Brush stated access would be by whatever means a citizen could find. The roadbed would be removed so by definition it would no longer be a County road. There will still be a right-of-way in favor of the public, but it will no longer be possible to have it in the County road system. It will be a primitive right-of-way.

Cmmr. Sheldon asked if would be open to the public.

Mr. Brush stated the public would still have the right of way, or the right to travel. They wouldn't have the right to park outside of the 30 foot corridor, they wouldn't have the right to hunt or fish outside of that corridor until they get to the slough. Any citizen using the water would have to determine if the water is navigable water.

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Cmmr. Sheldon asked if there is a plan for planting on the right-of-way.

Mr. Brush stated the maps he has seen show planting areas on either side of the right-of-way. It looks like the existing right-of-way will remain open. They have talked to DOT and continued access by the public would not be a problem for the mitigation project.

Cmmr. Sheldon asked if water were to rise and change the road bed would the County come in and fix it.

Mr. Brush stated they would not. He is not certain that the right-of-way would remain under the purview of Public Works. It might be more appropriate for it to be overseen by the Parks and Trails department.

Cmmr. Ring Erickson asked if this is like anything else the County has done.

Mr. Brush stated he is not aware of having done this before.

An audience member asked with the abandonment of the right-of-way who will be the owner.

Mr. Brush stated that vacated portion will be reverted to the owners on either side of the road and the owners are the Tribe. The public will no longer have the right to travel beyond the 400 feet that is not vacated.

Cmmr. Ring Erickson asked if this is different than what was originally looked at.

Mr. Brush stated originally the entire segment from mile post .45 to Purdy Cut-off Road was to be vacated.

Cmmr. Ring Erickson asked if this has been discussed with the Tribe.

Mr. Brush answered yes.

Cmmr. Sheldon stated he has walked down to the area with Public Works and the Department of Transportation. He has heard from several people who would like to maintain access for hunting and fishing purposes. He thinks the area should at least be available to hunters and fishers.

An audience member stated last week they had talked about keeping the road open for beaver control. Is that still an option?

Mr. Brush stated he couldn't comment on that. That is the Department of Fish and Wildlife.

Ron Figlar-Barnes, Skokomish Tribe, stated he talked to the hatchery manager and that isn't an issue. They take a canoe from their hatchery and they will still be able to maintain their brush removal and other activities.

Tom Moore, Utilities and Waste, stated the County, through a FEMA buyout program, purchased several properties along the road of significant acreage that have become public property. He is curious if the access to those properties will be affected.

Cmmr. Ring Erickson stated they are on a different side of the Road.

Mr. Figlar-Barnes showed the area to be vacated on a map.

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Greg Stairs asked if the portion to be vacated still includes the first bridge.

Mr. Brush stated the first bridge would still be demolished during the mitigation project and the second bridge will continued to be used for farming purposes.

Public Testimony

Greg Stairs stated he appreciates that the County has looked at this. He still would prefer that the road not be vacated because he would like access to the bridge. The problem is once it is gone it is gone forever. The problem with removing the first bridge is there would be no access to the second bridge. If there were a problem with fish access the State would have taken care of it years ago, so there isn't really a problem with the bridge. His family has paid taxes in Mason County for 70 years. The bridge has been up since 1920 so it has survived many floods. The road does not impede the flooding level. The County should allow public access to the area for a long time. The mitigation project with the State could proceed without the removal of the bridge.

Joseph Pavel, Skokomish Tribe, stated he supports this vacation. It would facilitate the recovery and restoration of the Skokomish watershed. This is an important project in conjunction with the Department of Transportation's construction of the Purdy Creek Bridge. This will be mitigation for the impact of that construction project on the creek. Vacating the road would continue to enhance the relationship between the County and the Tribe. Public access to the road is minimal. It is highly degraded from the impacts of flooding with brush encroaching on either side. It is gated off so there is no vehicle access. He is opposed to vehicle access. It should remain a pedestrian access. He encourages the Commission to pass the vacation as recommended by staff.

Cmmr. Sheldon asked if Joe Bourgault has a life estate to farm the property.

Mr. Pavel stated yes, primarily for hay. That is the reasoning to maintain the second bridge.

Cmmr. Sheldon stated the idea of not vacating the portion of 400 feet is a good compromise so the public has access to the slough.

Cmmr. Gallagher/Ring Erickson moved and seconded to grant the vacation of the portion of Bourgault Road as petitioned by the Skokomish Indian Tribe, except the portion of the road extending approximately 400 feet from the Purdy Cut-off Road to an unnamed slough, subject to any existing private easements and retaining an easement in favor of Mason County for any utilities present in the vacated right of way. Motion carried unanimously. RE-aye; S-aye; G-aye. Order of Vacation No. 369 (Exhibit B)

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

- 10.1 TJ Martin, Human Resources Director, stated next week he will put out a news release regarding the continuing government priorities workshops. Documents will be available online. The workshops will begin in August. From the workshops he plans to consolidate the priorities of government to a document that will be presented to the Board in September.
- 10.2 Cmmr. Ring Erickson asked the Public Health Director if cases of Swine Flu continue to be reported.

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Vicki Kirpatrick stated there have been over 50,000 cases confirmed statewide, however the State lab is no longer testing except for high risk cases. There have probably been one million cases total statewide.

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 10:12 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. 63-09

DISTRIBUTION OF PUD EXCISE TAX

WHEREAS, the P.U.D. Excise Tax Monies which have accrued to the credit of Mason County have now been received in the total amount of \$569,653.55.

WHEREAS, under Chapter 278, Session Laws of 1957, provision has been made for the distribution of said funds (RCW 54.28.090);

NOW, THEREFORE BE IT HEREBY RESOLVED by the Board of Mason County Commissioners that the following distribution of P.U.D. Excise Tax be made as follows:

RECEIPTS

P.U.D. NUMBER 1\$ 53,282.69
P.U.D. NUMBER 3\$516,370.86

DISTRIBUTION

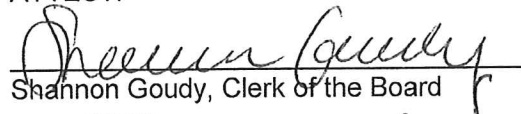
City of Shelton\$ 71,786.05
Computed as 3/4 of 1% of Gross
Revenue from sales of electricity
in the City of Shelton

Current Expense Fund.....\$497,867.50

BE IT FURTHER RESOLVED that the Treasurer of Mason County is hereby directed to make the distribution as herein set forth.

DATED this 21st day of July, 2009.

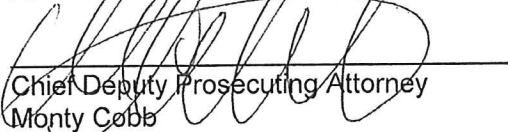
ATTEST:


Shannon Goudy, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Tim Sheldon, Chair

APPROVED AS TO FORM:


Chief Deputy Prosecuting Attorney
Monty Cobb


Ross Gallagher, Commissioner


Lynda Ring Erickson, Commissioner

C: Clerk of the Board
City Clerk
Treasurer
J:\resolute\2009\pudtax

RETURN TO MASON COUNTY PUBLIC WORKS
100 W. Public Works Dr.
Shelton, WA 98584

IN THE MATTER OF THE PETITION OF:
A PORTION OF BOURGAULT ROAD

ORDER OF VACATION
VACATION FILE NO. 369
RCW 36.87

WHEREAS, it is the intention of the Board of Mason County Commissioners to vacate the following described road right of way:

All that portion of right of way know as Bourgault Road located in Sections 14 and 15, Township 21 North, Range 4 West, W.M, Mason County, Washington, as described in the attached Exhibit "A".

AND, WHEREAS, the date of hearing was set for July 14, 2009 and July 21, 2009 at 9:30 a.m. and Notice of Hearing, Intent to Vacate, was published and posted according to law; and

WHEREAS, the hearing was held on July 14, 2009 and July 21, 2009, and the Board of Mason County Commissioners considered the County Engineer's report, together with any evidence for or objection against said vacation; and

WHEREAS, the Board of Mason County Commissioners has given them due consideration and has found that the vacation should be approved as petitioned, excepting that portion of the right of way lying between Purdy Cutoff Road and an unnamed slough, as described in the attached Exhibit "A."

NOW, THEREFORE, IT IS ORDERED that the above-described right of way is hereby vacated together with all interest held by Mason County in two bridges located within the vacated road right of way; and

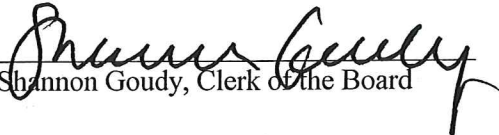
IT IS FURTHER ORDERED that said vacation is subject to any existing private easements for ingress and egress or any other purpose and to retaining an easement in favor of Mason County for any utilities present in the vacated road right-of-way, in accordance with RCW 36.87.140.

EXHIBIT B

DATED this 21 day of JULY, 2009.

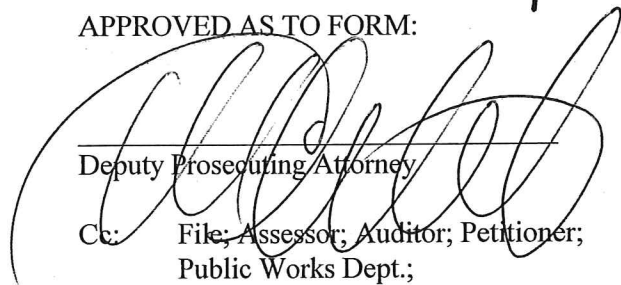
ATTEST:


BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Shannon Goudy, Clerk of the Board


Tim Sheldon, Chair

APPROVED AS TO FORM:


Deputy Prosecuting Attorney
Cc: File; Assessor; Auditor; Petitioner;
Public Works Dept.;
Vacation File No. 369


Lynda Ring Erickson, Commissioner

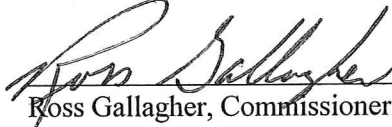

Ross Gallagher, Commissioner

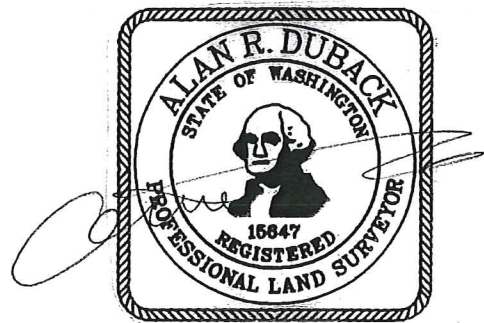
EXHIBIT 'A'

MASON COUNTY TO THE SKOKOMISH INDIAN TRIBE

All that portion of Bourgault Road, County Road No. 41900, lying in the East half of the Southeast quarter of Section 15 and the South half of the Southwest Quarter of Section 14, Township 21 North, Range 4 West, W.M., as said Bourgault Road is described in the Statutory Warranty Deeds to the Skokomish Indian Tribe under Auditor's File Numbers 1796657 recorded October 30, 2003, 1796658 recorded October 30, 2003 and 1843585 recorded July 26, 2005.

Above described Bourgault Road being a portion of the "Order of Vacation of Maintenance, Vacation File No. 312, RCW 36.87" recorded February 9, 2001 under Auditors File Number 1726087.

EXCEPTING therefrom all that portion lying between East Purdy Cutoff Road and running Northwesterly to the north bank of an un-named slough, approximately 400 feet in length, as Bourgault Road is shown on Short Subdivision No. 2790, recorded September 25, 1996, In Volume 1 of Short Plats, page 199, under Auditor's file number 634706.



7/21/09