

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

August 25, 2009

1. Call to Order – The Chairperson called the regular meeting to order at 6:01 p.m.
2. Pledge of Allegiance – Dr. Busacca 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 Counties Risk Pool announced upcoming coverage changes and premium increases.
 - 4.1.2 The Washington State Board on Geographic Names is seeking comments regarding the proposed name of Hoke Creek for a stream in Mason County.
 - 4.1.3 The Washington State Parks and Recreation Commission is seeking suggestions for improvements at Lake Sylvia and Schafer State Park.
 - 4.1.4 Tacoma Power has started a maintenance project on their power lines and towers in North Bay.
 - 4.1.5 Valerie Johnson expressed her appreciation of Kell McAboy's support of the Mason County Historic Preservation Commission.
 - 4.1.6 *The Washington Trust for Historic Preservation urged the Board to consider the proposal submitted for the preservation and rehabilitation of St. Edward's Catholic Church.*
 - 4.2 Charlie Butros announced the contract award for County Road Project 1908 – Dewatto Holly Road has been made to J.R. Hayes & Sons, Inc. of Maple Valley, WA at their bid price of \$91,443.80.
 - 4.3 Charlie Butros announced the contract award for County Road Project 1911 – Northshore Road has been made to Beisley Inc. of Belfair, WA at their bid price of \$173,241.55.

Cmmr. Sheldon submitted a list of questions to the Clerk of the Board to give to the Prosecuting Attorney. He has reservations regarding a letter he received today from the Human Resources Director dated August 12, 2009. The letter was signed by the other two Commissioners on August 17th and it talks about their support of a union agreement. He would like to know where the letter was signed and why he was not asked to sign. He would like the Prosecutor's opinion.
5. Open Forum for Citizen Input –
 - 5.1 Scott Grout, Gold Coast Oysters, spoke regarding the recent closure of Annas Bay due to elevated levels of fecal coliform from fishermen. He has approached the Mason County Department of Environment Health as well as land use and zoning. The Health Department's response has been impotent. He created a CD illustrating his concerns. He has had issues regarding this problem over the past five years. There has been an increase of just a few RVs per weekend to 50-70 RVs and 60-70 campsites. The area is not a permitted or zoned RV park. There is only so much pressure the State can put on the County to take care of this. He has numerous photos detailing the problem, which he provided to the Board. He was given assurance by the Department of Health that the waste problem was taken care of, but the Santi-Cans on location are always full.

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Cmmr. Sheldon stated that the Commissioners met at the Board of Health today and discussed this issue. The Environmental Health Manager is also aware of the issue. Last year he spoke with the Department of Fish and Wildlife and they estimated that between the Highway 101 bridge and the mouth of the river there are as many as 1,000 people during fishing season.

Mr. Grout commented that the Department of Health walked the river from Highway 106 and counted 900 people, but people came before and after they counted. He also floated his oyster barge up the river and there are more boats in the river than he has ever seen before.

Cmmr. Sheldon asked Mr. Grout if his harvesting has been closed.

Mr. Grout answered yes it has.

Cmmr. Sheldon asked the Environmental Health Director to respond.

Debbie Riley, Environmental Health Manager, stated she has been able to review the CD of photographs that Mr. Grout created. A strong salmon run has drawn so many sport anglers to the Skokomish River that the banks are overcrowded and the portable toilets can't keep up. The State Department of Health has implemented an emergency indefinite closure of Annas Bay until the situation corrects itself. This is a public health procedure to keep the feces in the water from polluting the shellfish. The Department of Health and the Department of Fish and Wildlife have been working together. Fish and Wildlife has doubled the number of Port-a-Potties available and added another dumpster. Part of the issue is that there used to be a limited number of access points to the river and now people are creating their own access points. It is like a small city with hundreds of fishermen at any given time. The sportsmen need to pack it in and pack it out and use the Port-a-Potties. These people would not want anyone using their front yard as a toilet. Fish and Wildlife officials have been touring the area. They will be back on site tomorrow with a decision if the fishery will be closed. This is the largest fishery in Washington State right now. The Department of Fish and Wildlife and the Department of Health will both be walking the river tomorrow to assess the situation.

Mr. Grout stated there are a lot of dangerous factors going on out there at night. The Sheriff's office should do some emphasis patrols. People aren't parking properly on Highway 106.

Cmmr. Sheldon noted that the State Patrol has been out there ticketing vehicles and the Board will talk to the Sheriff's office.

Cmmr. Ring Erickson commented that she shares this concern. She walked the area on August 5th.

- 5.2 Becky Schoytun, Peninsula Arts Association, would like to preserve the St. Edwards Church for a theater and art center. She has been at the art club for 18 years and they have done shows at the library. The library no longer has time or room for them. Culture, art and music are what give a good feel to a community. This is an incredible building and once it comes down it's gone. An office building can go anywhere. The human differences in culture are special and she is in support of trying to preserve the church.
- 5.3 Tracy Moore wanted to speak on behalf of the efforts to save the building. She is the director of the McReavy House Museum, which is a 120 year old building that was given to the group on the basis that the building will be restored and used to promote cultural arts. The church is a great venue for performance arts and it could be valuable to the community. The State considers it an important building. The City preservation Board has been in effect for 14 years and they have

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recognized the building as well. The Mason County Historic Preservation Ordinance recognizes the importance of historic sites in the community. She would like the Commission to work in partnership on this.

- 5.4 Judy Manke stated the fate of the St. Edward's building is in the Commissioners hands. This group would not be fighting to keep the building without the knowledge that the parish has made it clear that they will let the building stand if they are paid the \$300,000 held back by the County. The \$50,000 demolition cost would also be saved. During the meeting in April with parish representatives and Commissioner Sheldon the Diocese representatives stated they would go along with the decision of the Commissioners. The Commissioners' mantra has been that they bought the land only, not the church. The group has offered \$100,000 for the land under the church and the Diocese has said they will go along with what the Commissioners decide.
- 5.5 Dr. Bill Busacca has been a Mason County resident for 37 years and he is here for the long haul. He has something to say for this town. This is a historic building and this is a historic town. When you travel around America the towns are all starting to look the same. This town doesn't look like any other in America. It is an important part of the town and it's history to save this building. He has seen a lot of things lost, such as the logging camps, and it has started a bad progression. He proposes the building be saved as something to be proud of. In the financial situation 10 parking spaces for a couple hundred thousand dollars is not a good buy. When the economy is in the tanks it is an important time to save money. Even though this money is for capital improvements and cannot be used for other things, it could be used to renovate the inside of the courthouse. There are viable tenants if the building is saved. He thinks it would be a terrific thing for this town. There are four prominent people in this town that are leaving when they retire because they are tired of what is happening in this here. We need to take care of the community so people stay. Let's be proud of the town and save the church.
- 5.6 Mary Jean Hrbacek would like to offer some things to consider. She knows people are emotionally invested in the church but she has concerns regarding the history of St. Edwards. The future Sheriff's office is to be where the Parish Hall is. In the 50s or 60s a parish priest wanted to build a school there and they were unable to get a permit from the City. The Church tried the best they could to use the facility and found they could only use one wall. She is concerned that the City will not grant a permit for a cultural arts center because there is no parking. It is a beautiful church but she hasn't heard anyone discuss moving the church to site where there could be parking. That might be something else the group could look at. Anything that happens with that building has to be economically viable.
- 5.7 Rhoda Pykonen stated the group did look in to moving the church and they received a bid from a company in Seattle. It was over 1 million dollars to move it, not including the land. Even the City was willing to help find a mover but costs made it prohibitive. Only one architect said one wall would be viable but three other architects said the building was repairable. There is funding and grants for such things. They have worked for months on this. It has not been done lightly.
- 5.8 Ralph Wingert has listened to people talk about this church. He didn't know he was an antique. As far as saving the logging camps, he has been in them and people don't want to be there.
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 – None.

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8. Approval of Consent Agenda:

- 8.1 Approval to authorize the ER&R Manager to utilize the post-for-quotes/telephone bid procedures to purchase e-mail archiving software. The total cost is not to exceed \$15,000 plus tax and will be funded by the Technology Fund.
- 8.2 Approval of Amendment #16 to the Consolidated Contract C14956 which increases the maximum consideration of the contract by \$22,597 to \$1,809,010 for the Health Childcare of Washington program and the Recreational Shellfish program.
- 8.3 Approval of Warrants
Claims Clearing Fund Warrant #s 161689-162196 \$1,620,421.60
- 8.4 Approval to request statement of qualifications for Budget & Finance Professional Services for 2009 and the first quarter of 2010. The contract may be extended. The statement of qualifications will be accepted until September 25, 2009.

Cmmr. Ring Erickson asked that item 8.4 be set aside for further discussion.

An audience member asked why the church problem was not being addressed.

Cmmr. Sheldon clarified that statements were made during the open forum for citizen input. There is not an item on the agenda regarding the church. There was a purchase and sale agreement that was signed in 2007 and agreed to by all three Commissioners. It is not on the agenda for action or consideration. He prefers the agreement that has been made.

Cmmr. Ring Erickson noted that maybe under item 10, Other Business, she could offer her thoughts on the situation.

Cmmr. Sheldon stated it could be discussed but a motion would not be in order.

Cmmr. Ring Erickson/Gallagher moved and seconded to approve Consent items 8.1, 8.2 and 8.3. Motion carried unanimously. RE-aye; S-aye; G-aye.

TJ Martin, Human Resources Director, commented on item 8.4. It was conveyed to him that the Commissioners would like assistance regarding budgeting projection work for the last quarter of this year and for preparation of the 2010 budget. The professional service assistance would entail working with the Auditor and Treasurer to make sure there is a balanced budget in 2009 and preparation for the 2010 budget. There would be possibly be some costing work regarding collective bargaining agreement.

Cmmr. Ring Erickson stated she thinks there were several people on staff who were capable of doing this work and their positions were abolished. Maybe the Board should not have been so hasty to abolish those positions or at least had more thoughtful conversation on how to do the work. She recommends training existing staff in the Public Works Department, Financial Services or Public Health Department so the budget process can continue forward with staff that already knows the financial issues of the County.

Cmmr. Sheldon disagreed. He thinks this would be a short term contract and the County needs someone with extraordinary skills in budgeting and forecasting. The County is in a difficult position trying to estimate the revenues for the rest of 2009 and 2010. It is a prudent use of money and it would be in the taxpayers' best interest to get the best information available in planning the budget.

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Cmmr. Gallagher/Sheldon moved and seconded to approve Consent item 8.4. Motion carried. S-aye; G-aye; RE-nay.

Brenda Hirschi stated she was misled. She thought there would be adequate opportunity to discuss this item further. She received a copy of the qualifications statement at the briefing yesterday wanted to go over the scope of work. This is not a mandated service or position. The responsibility in the first item lies with the elected official or department head responsible for the fund. In regards to the second item, there is no shortage of recommendations. The shortage is decisions on the Boards' behalf. Ensuring legal compliance is the Auditor and Prosecutor's role, which are mandated positions. Assisting the Human Resources department in costing collective bargaining proposals is covered under the professional services contracts already in place. The citizens are paying for duplicative and repetitive services. The Auditor develops budgetary accounting systems and those are already established. The Auditor also prepares the draft budget.

Cmmr. Sheldon responded that many elected officials have asked the Board to get temporary outside help to give a second look at what's happening. The County has not done a good job of forecasting or it would be in better shape now. He does agree that decision making has been tardy. The Board has not been making decisions in a timely matter and a premium is now being paid for those decisions that have been delayed.

Ms. Hirschi continued going over the scope of work listed in the Statement of Qualifications. The Auditor verifies a correctly adopted budget processed and performs financial analysis. The Board does not need more recommendations when they cannot make a decision. The Board cannot figure out how to come up with \$700,000 to balance the budget and they continue to spend reserves.

Cmmr. Sheldon stated he appreciates Ms. Hirschi's opinion, but it is not adequate to just read through the Statement and make comment after comment. The issue has been voted on.

Ms. Hirschi stated that this shows the Board will take money and spend it on non-mandated services when the County can't staff it's mandates. H.R. has an assistant already.

Cmmr. Sheldon clarified that the Auditor's office does not do forecasting. They tell you where you've been not where you're going.

Ms. Hirschi commented that the elected officials have already given their best estimates on revenues and grants.

Cmmr. Sheldon noted those estimates have not materialized.

Annette McGee stated she has been in the Commissioners' chair and she agrees with Ms. Hirschi about what the Auditor's office can do. She thinks they need to be consulted. She has never seen so many duplicated services in all of her life.

She did not hear the Chair call for any more input under item 5. She would like to know if there is written policy on how the Commission meetings are run. Can the public not be heard?

Cmmr. Sheldon stated there is a short policy. The Board asks people for comments on agenda items. He didn't realize he jumped ahead and didn't allow Ms. Hirschi to comment. There is an open forum for public discussion. The agenda states that each person is allowed five minutes and this has gone way over that. It also states there is a 15 minute time limit, which this has gone way over. That's fine, the Board just wants to be respectful and listen. That's the policy.

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Ms. McGee stated her question wasn't answered. Is there a written policy that public can't comment on agenda items?

Cmmr. Sheldon answered that there is opportunity for the public to comment, but it is not an open meeting. It is run by an agenda and Robert's Rules of Order.

Ms. McGee asked again if there is a written policy on how the meeting should be ran.

Cmmr. Sheldon stated he doesn't believe there is a written policy. The Board uses Robert's Rules of Order occasionally to find answers to parliamentary questions.

Ms. McGee stated she also has something to say regarding the St. Edward's building. She is asking the Board to voice their opinion tonight on whether they would approve what the committee has proposed. Is there a written policy that the Board cannot make a motion unless it's on the agenda?

Cmmr. Sheldon clarified that if the Board were to change a purchase and sale agreement it would take more than a discussion. They would need to talk to the Prosecutor and the Archdiocese of Seattle is absent and they are a party to this agreement.

Ms. McGee also wanted to bring up that the 4-H club is having a big dinner this Thursday to raise money because their funds have been cut. The group educates on leadership and farm management and many other things. She would like to ask the individual Commissioners to support the cause. Tickets to the dinner are \$20.

Cmmr. Ring Erickson stated she has two things she would like to offer. She would like to offer a motion for the Commissioner's to consider the proposal to save the St. Edward's church building. She thinks there is a lot of merit in saving this building. It is part of the character of the community. If there is a viable proposal she hopes the Board would reconsider it. She doesn't think the County is in a financial situation to do any major building in the next few years. The motion is not for action, just to ask the Prosecutor for an opinion and schedule a briefing to discuss the proposal.

Cmmr. Sheldon stated the motion is not in order because it was not advertised to public that this issue would be discussed or potential action would be taken on a purchase and sale agreement.

Cmmr. Ring Erickson clarified that she is not asking for action to be taken, just to schedule a briefing.

Cmmr. Ring Erickson moved to schedule a briefing in consultation with the Prosecutor's office, as well as the group that has provided the proposal, to reconsider the long term holding of the property which the St. Edward's building sits on.

Cmmr. Gallagher stated he has heard conflicting view points from the Archdiocese, so he would like the Archdiocese and legal council to be present.

Cmmr. Sheldon stated he thinks a deal is a deal. The church was sale for many years without a buyer. A master plan was developed and it is in the best interest of the County to carry through with the deal. It is for long term disposition of the property. He also wanted to note that just because there was one bid to move the church doesn't mean it couldn't be moved. The County has had many bids come in under budget for road and construction projects. The Department of Transportation's bids last quarter for road projects in this region have come in at 41% less than the engineer's estimates. You cannot rely on one bid and then dismiss moving the church as on option.

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Cmmr. Ring Erickson/Gallagher moved and seconded to schedule a briefing with the County's legal council and the Archdiocese of Seattle's legal council to reconsider the County's position on the purchase and sale agreement for St. Edward's Church. Motion carried. RE-aye; G-aye; S-nay.

Cmmr. Ring Erickson directed staff in the Department of Community Development to work with the Prosecutor's office to prepare a briefing regarding the amendment of the appropriate ordinance regarding Mason County Code, Section 9.24, Discharge of Firearms Prohibited, to include Lakeland Village.

9. 6:30 p.m. Public Hearings and Items Set for a Certain Time. – There were no public hearings scheduled.
10. Other Business (Department Heads and Elected Officials) –
 - 10.1 Charlie Butros announced that North Shore Road was opened on Wednesday August 19, 2009. Weight restrictions are still being maintained.
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 7:09 p.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Tim Sheldon, Chair

ATTEST:


Lynda Ring Erickson, Commissioner
Shannon Goudy, Clerk of the Board
Ross Gallagher, Commissioner