

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

May 24, 2016

1. Call to Order – The Chairperson called the regular meeting to order at 6:03 p.m.
2. Pledge of Allegiance – Chair Jeffreys led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Randy Neatherlin; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Terri Jeffreys.
4. Correspondence and Organizational Business
 - 4.1 Correspondence
 - 4.1.1 ORCAA (Olympic Region Clear Air Agency) sent notification that assessment fees have increased.
 - 4.1.2 Department of Natural Resources sent information regarding a plan to establish a Natural Resources Conservation Area.
 - 4.1.3 The Salmon Center sent a letter regarding seeking grant funds.
 - 4.1.4 Ken VanBuskirk sent a letter regarding the Salmon Center grant for the Sweetwater Creek project.
 - 4.1.5 Jeanne Reywaldt applied for the Thurston Mason BHO.
 - 4.1.6 Sylvia Florez-Milsom applied for the Planning Advisory Committee.
 - 4.2 News Release: Chair Jeffreys read the news release regarding New Leadership at Mason County.
 - 4.3 Staff Introduction – Chair Jeffreys introduced Public Works Director, Jerry Hauth and Community Services Director, Dave Windom.
5. Open Forum for Citizen Input – There was no citizen input.
6. Adoption of Agenda - **Cmmr. Neatherlin/Sheldon moved and seconded to adopt the agenda as published. Motion carried unanimously. N-aye; S-aye; J-aye.**
7. Approval of Minutes – April 18 & 25, 2016 briefing minutes and May 3 & 10, 2016 regular meeting minutes.
Cmmr. Sheldon/Neatherlin moved and seconded to approve the April 18 & 25, 2016 briefing minutes and May 3 & 10, 2016 regular meeting minutes. Motion carried unanimously. N-aye; S-aye; J-aye.
8. Approval of Action Agenda:
 - 8.1 Approval of the resolution transferring Emergency Management administrative and functional responsibilities from Mason County Public Works Department to Support Services Department and amending MCC Chapter 2.19 to reflect the creation of the Emergency Management Manager position to replace the Assistant Director position in County Code. **Resolution 26-16 (Exhibit A)**
 - 8.2 Approval to award the post of quotes for Mason County recreation/tourism maps to Northwest Event Organizers, Inc. for 80,000 maps at a cost of \$15,849.17 to be paid from lodging tax.
 - 8.3 Approval to submit a U.S. Department of Justice and Mental Health Collaboration Program grant application for Therapeutic Courts.
 - 8.4 Approval of the Veterans Assistance Fund applications for: Necessity Items \$450.00 and Utilities \$1,069.72 for a total of \$1,519.72 as recommended by the Veterans Service office.
 - 8.5 Approval for Public Works to advertise a request for proposals (RFP) for the collection and hauling of solid waste drop boxes from the main Solid Waste Public Drop Box Stations in Belfair, Hoodspout and Union to the main Solid Waste Transfer Station on Eells Hill Road and

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
May 24, 2016 - PAGE 2

to award and enter into an agreement and authorize the Chair to sign all pertinent documents. Contract award will be announced during a regular meeting of the Board.

- 8.6 Approval of the Court Commissioner Professional Services Agreement at salary of 85% of a Superior Court Judge for the period from June 30 through December 31, 2016
- 8.7 Approval to set a public hearing on Tuesday, June 21, 2016 at 9:30 a.m. to consider amendments to the Mason County Boating Regulations, Mason County Code Chapter 9.04.
- 8.8 Approval to make the following appointments to the Mason County Lodging Tax Advisory Committee: Heidi McCutcheon, Shelton Chamber of Commerce; Arnold Hampton, Friends of Schafer Lake Sylvia; Duane Wilson, Spender; Bonnie Knight, Generator; Shaun Tucker, Generator; and Kelly Bergh, Generator; for terms ending May 2018.
- 8.9 Approval to reappoint Dave Gjerstad to the Mason County Housing Authority Board of Commissioners for a term that ends July 1, 2021.
- 8.10 Approval of amendment #8 of the Public Health Consolidated Contract #17118 to add statements of work for Emergency Preparedness & Response and National Estuary Program (NEP) Pollution ID & Correction. These amendments have minor budgetary implication but should not require a budget amendment.
- 8.11 Approval of the resolution amending the Mason County Personnel Policy Chapter 8.3, Reporting Improper Governmental Action. **Resolution 27-16 (Exhibit B)**
- 8.12 Approval of Warrants:
- | | | | | |
|---------------------------------|-----------|-----------------|----|--------------|
| Claims Clearing Fund | Warrant#s | 8039772-8040076 | \$ | 955,569.08 |
| Direct Deposit Fund | Warrant#s | 31235-31620 | \$ | 583,860.16 |
| Salary Clearing Fund | Warrant#s | 7001874-7001917 | \$ | 934,790.34 |
| For a total of: \$10,804,239.13 | | | | |
| Claims Clearing YTD | | | \$ | 9,285,588.63 |
| Direct Deposit YTD | | | \$ | 4,295,134.16 |
| Salary Clearing YTD | | | \$ | 4,571,280.51 |

Cmmr. Sheldon clarified that the Court Commissioner salary is just for the next 6 months.

Cmmr. Neatherlin/Sheldon moved and seconded to approve action items 8.1 through 8.12. Motion carried unanimously. N-aye; S-aye; J-aye.

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

- 9.1 Public Hearing to consider the application for a Private Line Occupancy Permit for Scott Barnard, DBA S&S Property Investments, LLC; for water, power and telephone lines for parcels 22032-50-00920 and 22032-50-90921 underneath Somers Drive, a County Road, in Shelton, WA.

Melissa McFadden introduced and explained this item. There will be no damage to the roadway.

There was no public testimony.

Cmmr. Neatherlin/Sheldon moved and seconded to approve the application for a Private Line Occupancy Permit for Scott Barnard, DBA S&S Property Investments, LLC; for water, power and telephone lines for parcels 22032-50-00920 and 22032-50-90921 underneath Somers Drive, a County Road, in Shelton, WA Motion carried unanimously. N-aye; S-aye; J-aye.

- 9.2 Public Hearing to take public comments on renewal of 1/10 or 1% sales and use tax for chemical dependency or mental health treatment services.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
May 24, 2016 - PAGE 3

Frank Pinter introduced and explained this item and introduced Lydia Buchheit. Lydia Buchheit spoke about the Sales & Use Tax-Mental Health and Substance Abuse 2015 Annual Report and 5 Year Plan. Lydia thanked the Advisory Committee for all their work on this.

Cmmr. Neatherlin/Sheldon moved and seconded to approve the Resolution renewing the 1/10 of 1% sales and use tax for chemical dependency or mental health treatment services. Motion carried unanimously. N-aye; S-aye; J-aye Resolution 28-16 (Exhibit C)

Lydia answered questions from the audience and the Board.

Court Commissioner Robert Sauerlender thanked the county for addressing the needs of the County. The therapeutic courts and programs have been well thought out. He specifically spoke about family recovery court and shared a letter. He said therapeutic courts can change lives. He said the 5 year plan will be available to everyone.

Dan Toby said he was in 35 years of active addiction. He lost everything and was living on the streets. He said Tom Davis approached him and asked if he would interested in the program. He is now an active participant in the program. He is now clean and the program saved his life and he hopes this program will continue.

Ramona said she was homeless and using drugs and Delma at NW Resources helped her get her life back together. She said she and people like her need this.

Amber spoke about her experiences and how Delma helped her. She said Shelton needs these programs.

Steve Bloomfield said these stories are great to hear.

Susan Sergiojan said she strongly supports the therapeutic courts and continued programs. She would like people to get the treatment they need. She would like to see youth therapeutic courts.

Tom Davis said Vicki Kirkpatrick proposed this and contributed to make this happen. He wants to make sure she gets credit for that because it was an uphill battle.

The Board is in support of this tax.

Cmmr. Jeffreys said she would like recidivism to be considered as a performance measure.

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

Tammey Newton, Human Services Coordinator spoke about the 100 Day Challenge to end Homelessness. They have housed 18 families so far. There are 10 remaining. On June 6, there will be a celebration at the Governor's mansion.

11. Other Business: Department Heads and Elected Officials:

12. Adjournment – The meeting adjourned at 7:30 p.m.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
May 24, 2016 - PAGE 4

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Terri Jeffreys, Chair



Tim Sheldon, Commissioner



Randy Neatherlin, Commissioner

ATTEST:



Clerk of the Board

RESOLUTION NO. 26-16

TO ASSIGN EMERGENCY MANAGEMENT DEPARTMENT TO SUPPORT SERVICES DIVISION AND AMMEND MASON COUNTY CODE 2.19

WHEREAS, RCW 36.32.120 states "... the board of county commissioners...have the care of the county property and the management of the county funds and business.."

WHEREAS, the Board of Mason County Commissioners wishes to transfer administrative and functional responsibilities for Emergency Management to another department under the authority, of the Board;

NOW THEREFORE, EFFECTIVE THIS DATE 2016, the Board of Mason County Commissioners does hereby transfer administrative and functional responsibilities for the Emergency Management Program from the Mason County Public Works Department to Support Services Department; recognizing that the Mason County Search and Rescue Program will remain under the Sheriff's direction and administration.

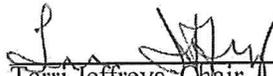
FURTHERMORE, the Board of Mason County Commissioners acknowledges that the position of Emergency Management Manager was created to replace the position of Assistant Director of Emergency Management and so corrected in the Mason County Code 2.19.

FURTHERMORE, the Board of Mason County Commissioners acknowledges that the Emergency Management Program will work in conjunction with the Mason County Public Works Department during all the phases of operations to prepare, respond and recover from a disaster event.

AND, IT IS FURTHER ESTABLISHED THAT, effective immediately, the Director of Support Services will administer Emergency Management and pay proper expenses of Emergency Management as approved by the Mason County Board of County Commissioners.

APPROVED this 24 day of May, 2016.

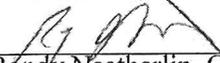
BOARD OF COUNTY COMMISSIONERS



Terri Jeffreys, Chair

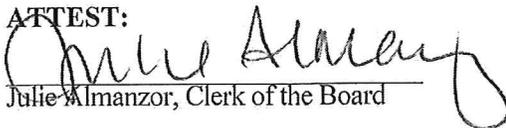


Tim Sheldon, Commissioner



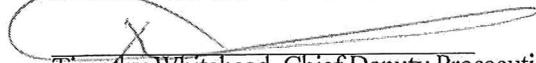
Randy Neatherlin, Commissioner

ATTEST:



Julie Almanzor, Clerk of the Board

APPROVED AS TO FORM:



Timothy Whitehead, Chief Deputy Prosecuting Attorney

RESOLUTION NO. 27-16
AMENDING PERSONNEL POLICY CHAPTER 8.3 REPORTING IMPROPER GOVERNMENTAL ACTION POLICY

WHEREAS, in compliance with the Local Government Employee Whistleblower Protection Act, Chapter 42.41 RCW, this policy is created to encourage employees to disclose in good faith, improper governmental action taken by County officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the County, with a process provided for speedy dispute resolution.

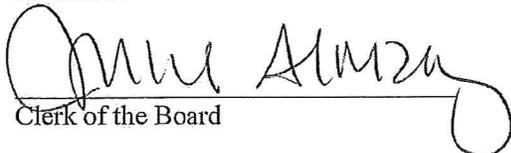
WHEREAS, by amending Chapter 8.3 of the Mason County Personnel Policy it will clarify and outline the steps in the procedures for reporting improper government action as outlined in Chapter 42.41 RCW. ; - Attachment A

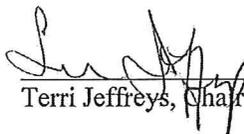
NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners does hereby revise Mason County's Personnel Policy Chapter 8.3 Reporting Improper Governmental Action Policy.

DATED this 24 day of May, 2016.

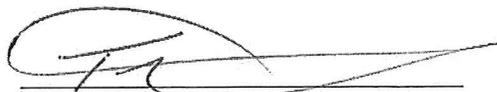
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:

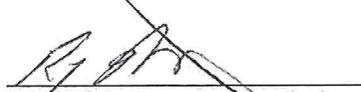

Clerk of the Board


Terri Jeffreys, Chair

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Tim Sheldon, Commissioner


Randy Neatherlin, Commissioner

8.3 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose in good faith, improper governmental action taken by County officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the County, with a process provided for speedy dispute resolution.

Key Definitions:

Improper Governmental Action: any action by a County Officer or employee that is:

1. undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
2. in violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
3. "improper governmental action" **does not** include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, reprimands, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations or any action that may be taken under Chapter 41.14 or 41.56 RCW.

Retaliatory Action: means any (a) adverse change in a local governments employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer , reassignment, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary actions; or (b) hostile actions by other employees toward a local government employee that were encouraged by a supervisor or senior manager or official.

Emergency: a circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action: County employees who become aware of improper governmental action shall follow this procedure:

1. Bring the matter to the attention of the Board of County Commissioners or the Prosecuting Attorney, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This shall be done as soon as the employee becomes aware of the improper action.
2. The Board of County Commissioners or the Prosecuting Attorney, or their designee, shall respond to the report of improper government action, within thirty (30) days of the employee's report. The employee shall be advised of the County's response.

3. The identity of a reporting employee shall be kept confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the County to determine whether an improper government action occurred, or that insufficient action was taken by the County to address the improper action or that for other reasons the improper action is likely to recur.

Protection Against Retaliation: It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action shall follow this procedure:

Procedure for Seeking Relief Against Retaliation:

1. Employees shall provide a written complaint to the Board of County Commissioners within thirty (30) days of the occurrence of the alleged retaliatory action.
 - a. The written charge shall specify the alleged retaliatory action; and
 - b. Specifies the relief requested.
2. The Board of County Commissioners or their designee shall respond in writing within thirty (30) days of receipt of the written charge.
3. After receiving the County's response, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the County's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Board of County Commissioners for response.
4. Within five (5) working days of receipt of a request for hearing the County shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The administrative law judge shall issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

5. The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the administrative law judge may be enforced by petition to superior court.

Policy Implementation: The Board of County Commissioners is responsible for implementing these policies and procedures. This includes posting the policy on County bulletin boards, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Elected Officials, department heads, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Prohibition on intimidation of whistleblower – Nondisclosure of protected information: County Elected Officials or employees may not use his or her official authority or influence, directly or indirectly to threaten, intimidate, or coerce an employee for the purpose of interfering with that employee's right to disclose information concerning an improper governmental action in accordance with the provisions of this policy.

RESOLUTION NO. 28-16

WHEREAS, RCW 82.14.460 (2) authorizes the County Legislative Authority to authorize, fix and impose a sales and use tax in addition to other taxes authorized by law with a rate not to exceed one-tenth of one percent; and RCW 82.14.460 (3) provides that monies collected shall be solely for the purpose of providing new or expanded substance abuse or mental health treatment services and for the operation of new or expanded therapeutic court programs; and

WHEREAS, the Mason County Advisory Committee for the 1/10th of 1% Sales and Use Tax for Mental Health and Substance Abuse services and Therapeutic Courts, upon review of local, state and national data and information identified the health, social community, and economic impact of alcohol and other drugs on Mason County and its citizens, and the impact of mental disorders, substance use disorder and co-occurring disorders, as a major public health and public safety problem in their October 2011 Report to the Mason County Board of County Commissioners and to the citizens of Mason County; and

WHEREAS, the Board of County Commissioners authorized the 1/10th of 1% Sales and Use Tax on November 1, 2011 for an initial 5 years; and

WHEREAS, the 2015 Mental Health & Substance Abuse Annual Report indicates more time is necessary for adequate evaluation of program results and recommends the reauthorization and continuance of the 1/10th of 1% Sales and Use Tax with annual reports and evaluation;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Mason County that:

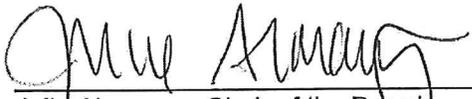
1. There is hereby imposed by this resolution a one tenth of one percent sales and use tax, as the case may be, upon every taxable event as defined in Chapter 82.08 and 82.12 RCW, occurring within Mason County. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. This tax shall be in addition to any other sales and use tax imposed by the State of Washington and/or Mason County.
2. The rate of tax imposed by this resolution shall be applied to the selling price in the case of a sales tax or the value of the article used in the case of a use tax.
3. The tax imposed by this resolution shall be administered and collected in accordance with Chapter 82.14.050. The Chair of the Board of County Commissioners is hereby authorized to and directed to execute any contracts with the Washington State Department of Revenue that may be necessary to provide for the administration or collection of the tax.
4. Monies collected pursuant to this resolution shall be deposited in the Mental Health and Substance Abuse Fund by the Mason County Treasurer. The fund balance may be invested by the Treasurer and any interest earned shall be deposited in this fund as well.
5. Monies deposited in such fund shall be used solely for purposes as authorized by the laws of the State of Washington, including, providing new or expanded substance abuse or mental health treatment services and for the operation of new or

expanded therapeutic court programs. Monies collected shall not be used to supplant existing funding for these programs.

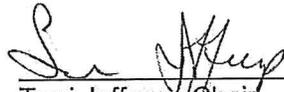
6. The fund shall be administered by the Board of County Commissioners through the Mason County Community Services Department.
7. If any provision of this resolution or its application to any person or circumstance is held invalid, the remainder of this resolution or the application of the provisions to other persons or circumstances is not affected.

DATED this 24 day of May 2016.

ATTEST:

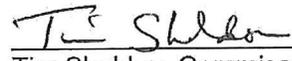

Julie Almanzor, Clerk of the Board

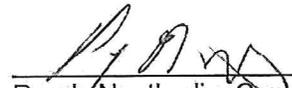
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Terri Jeffreys, Chair

APPROVED AS TO FORM:


Tim Whitehead,
Chief Deputy Prosecuting Attorney


Tim Sheldon, Commissioner


Randy Neatherlin, Commissioner