

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

MARCH 20, 2012

1. Call to Order – The Chairperson called the regular meeting to order at 9:01 a.m.
2. Pledge of Allegiance – Mariah Frazier led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon - Absent; Commissioner District 3 – Steve Bloomfield.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 The Washington State Liquor Control Board sent notice of special occasion liquor license applications for United Way of Grays Harbor, Hood Canal Highland Celtic Festival and Mason County Rodeo Association, notice of a new liquor license application for Emil's Black Bear Tavern and notice of establishments in Mason County with liquor licenses due to expire on May 31, 2012.
    - 4.1.2 Resolutions were received from the Washington State Senate and the Washington State House of Representatives in support of the "2012 Paddle to Squaxin" event.
    - 4.1.3 The Washington State Noxious Weed Control Board provided their biennial report.
    - 4.1.4 Comcast sent notice of expanded services, effective March 21, 2012.
    - 4.1.5 Mary Reeves provided updated contact information pursuant to her District Court Public Defender contract.
    - 4.1.6 A petition was received to restrict the use of firearms on Probert Road.
    - 4.1.7 Forest Green expressed support of the Humane Society's proposed animal shelter.
    - 4.1.8 Kimberley Klint is seeking appointment to the Mental Health and Substance Abuse Advisory Committee.
  - 4.2 Cmmr. Bloomfield read a news release regarding Lodging Tax Advisory Committee.
  - 4.3 Tom Moore, Utilities and Waste Management Interim Director, announced Utilities & Waste Management Staff Recognition Ronda Hargraves and Lisa Smith for receiving a letter received.
  - 4.4 Brian Matthews, Mason County Engineer, announced an award of the 2012 Manufacturing & Stockpiling of Mineral Sanding Aggregate to Miles Sand & Gravel out of Auburn, Washington at their bid price of \$57,289.40.
  - 4.5 Mr. Matthews announced an award of the 2012 Paint Striping Contract to Specialized Pav Mark out of Tualatin, Oregon at their bid price of \$274,109.09.
  - 4.6 Announcement of award of County Road Project 1951, Recessed Pavement Markers, to Apply A Line out of Pacific, Washington at their bid price of \$64,862.50.
5. Open Forum for Citizen Input –
  - 5.1 Annette Mcgee asked if the Commissioners had plans to start the fairgrounds again. She stated if not, the Historical Society would love to fill that space. She would like to set a meeting or briefing on the topic.

Cmmr. Ring Erickson stated that she would like to start the fairgrounds again, but she doesn't think that will happen anytime soon. She welcomes the discussion on Historical Society filling that space. She values the fair, but her commitment is to public safety and County employee raises.

Cmmr. Bloomfield agreed that he would also like to see the fair start again, but doesn't think it is the right time for the County to start it at this time.
  - 5.2 Gerald Apple, High School Advisor, and Brianna Atwell from the SADD (Students Against Destructive Decisions) Club at the High School. They announced a Town hall meeting during

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS**  
**March 20, 2012 - PAGE 2**

the day on March 28, 2012 at Choice High School. The subjects that will be discussed are substance abuse, alcohol, texting while driving and drinking and driving.

- 5.3 Louis Cafoni commented on MariMeds located across from Bayshore Golf Course. He questioned if a user of cannabis gets in an accident, who would be at fault, the user, the supplier or the County? He gave his opinion on why he thought the Sheriff wasn't involved. The Sheriff is here to enforce the law, not make the law.
6. Adoption of Agenda - **Cmmr. Bloomfield/Ring Erickson moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; B-aye.**
7. Approval of Minutes – None
8. Approval of Action Agenda:
- 8.1 Approval of contract agreement amendment #1 with Richmond Engineering in an amount not to exceed \$16,000 for consulting services to complete bidding and construction management work for the Mason County Courthouse, Phase II Project. Funding for the amendment will come from Save America's Treasurers Grant (50%) and REET I Capital Funds (50%).
  - 8.2 Approval to execute a contract for interim staff support services for the Utilities & Waste Management Department with J.A. Cunningham Consulting, LLC. The cost is \$75 an hour to a maximum of 40 hours a week.
  - 8.3 Approval of the Mason County Boards and Commission Handbook. The handbook has been created to provide information and guidance to citizen advisory members.
  - 8.4 Approval to Request for Proposals for a Jury Management System for the Mason County Courts. Proposals will be accepted until 9 a.m. on April 17 and will be paid from the Trial Court Improvement Fund.
  - 8.5 Approval for the Interim Utilities & Waste Management Department Director to advertise for bid proposals and to award the contract for construction of side sewer laterals for the Belfair Sewer Project's County Hook-up Program Group #3 package. Bids are due by 3:00 P.M. on Thursday, April 19, 2012. The bid award will be announced at a regular Commission meeting.
  - 8.6 Approval to execute the Annual Certification for Calendar Year 2011; Certification of Expenditures for Traffic Law Enforcement – 2011; and, Certification for Expenditures for Fish Passage Barrier Removal – 2011 to be included in the annual submittal to the County Road Administration Board by the Department of Public Works.
  - 8.7 Approval of the Veterans Assistance Fund applications for Francis J. Diamantine – Food \$200.00; Robin M. Kiser – Food \$150.00; David J. Stucke – Food \$150.00 for a total of \$500.00 as recommended by the Veterans Assistance Fund Screening Committee.
  - 8.8 Approval of execution of the change order in the amount of \$617,836.17 for Issue #8 for the Belfair Wastewater Treatment & Water Reclamation Facility (WWT/WRF) for the "tie-in" between the WWT/WRF and the onsite Treated Water Storage Pond/Irrigation System by the Interim Director of the Utilities and Waste Management Department.
  - 8.9 Approval of the resolution approving the sale of the real properties located at E. 11, E. 21, E. 41, E. 51 and E. 71 Agate Beach Drive for \$5,000 cash to Gary L. Strout and Colleen S. Dugan-Strout. **Resolution No. 17 -12 (Attachment A)**
  - 8.10 Approval for Public Works to select and hire a contractor from the County MRSC Small Works Roster to provide materials, equipment and installation of yard lighting at the Public Works Facility. Award will be announced at a regular scheduled Commission Meeting.
  - 8.11 Approval to set a public hearing for the Skokomish Flood Control Zone Board for April 10, 2012 at 10:30 a.m. to consider removing the Lake Cushman Development from the Skokomish Flood Control Zone.

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS**  
**March 20, 2012 - PAGE 3**

8.12 Approval for the County Engineer to execute Supplemental Agreement No. 1 to Service Agreement No. 11-1920, with KPFF Consulting Engineers, to include a cultural resource assessment, required by WSDOT, and additional civil design to modify and design neighboring driveways. The cost of this supplement is \$21,094.72 for a new maximum amount payable of \$181,054.70.

Item 8.1

An audience member asked the Commissioners to clarify if it should read "not to exceed" instead of "to exceed" in the first line of item 8.1.

John Keates, Parks, Trails and Facilities Director, answered "not to exceed".

Item 8.2

An audience member asked if item 8.2 was an open-ended contract or if it had an ending.

Tom Moore, Utilities and Waste Management Interim Director, stated the contract cannot go past October 1, 2012.

Item 8.8

An audience member asked about the tie in and knew that it was not in the budget originally. He wanted to know how there could be a change order with no budget.

Mr. Moore stated it was a shift from pond project to the Waste Water Reclamation Facility Project. They bid before the design for the pond was completed in 2010. When the pond project was completed, they had a contractor for the design of the pond project and a contractor for the Water Redamation Facility. The same contractor received both jobs. It was more a shift in cost and was in the budget. Both projects are well below the engineers estimate for the entire pond project.

Item 8.9

An audience member asked if item 8.9 was advertised.

Rick Brush, Mason County Property Manager, stated that the property was among many that were foreclosed upon in 2003 and put up for bid at a regular tax foreclosure auction. It didn't sell. It was declared surplus in 2010 and offered for sale along with twenty-eight other properties. It received no bids and remained on the market and is displayed on the website under Surplus Properties Sale. It was advertised.

Tom Moore commented on the lots.

**Cmmr. Bloomfield/Ring Erickson moved and seconded to approve Action items 8.1 through 8.12. Motion carried unanimously. RE-aye; S-aye; B-aye.**

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

9.1 Lisa Frazier, Mason County Treasurer, discussed a Public hearing to update Ordinance #149-01, establishing the Gambling Tax Rate for Punch Boards and Pull Tabs. The updated ordinance outlines two additional options to aid in the collection of gambling taxes and there are no proposed changes to the amount of tax charged.

**Ordinance No. 18-12 (Attachment B)**

Ms. Frazier stated that in the course of her duties to collect gambling tax on behalf of the County, she had some issues with the Ordinance # 149-01 in giving aides in the collection of delinquent

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS**  
**March 20, 2012 - PAGE 4**

gambling taxes. It has been determined that there are needs for other options to collect besides criminal penalties. The updated Ordinance would outline two options. One allows the Treasurer to lein taxes against the real and/or personal property of the responsible party and the other allows for a civil court process to impose a writ of garnishment or a lean. There are no proposed changes to the amount of tax the County is currently collecting.

There were no questions for staff or public testimony.

**Cmmr. Bloomfield/Ring Erickson moved and seconded to approve the updated Ordinance #149-01 establishing the Gambling Tax Rate for Punch Boards and Pull Tabs. Motion carried unanimously. RE-aye; S-aye; B-aye.**

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

10.1 Vicki Kirkpatrick, Mason County Public Health, read a news release regarding "Kick Butt Day" March 21, 2012.

10.2 Bob Simmons, WSU Extension Director, announced upcoming workshops and their costs.

10.3 Cmmr. Bloomfield commented on the Sheriff's parking in the Catholic Church's parking lot.

Sheriff Salisbury stated that they moved all of the vehicles, boats and trailers. He stated that there might be one trailer left. He reminded the Commissioners that the Sheriff's office was told that they are not allowed to park any vehicles at Public Works.

10.4 Cmmr. Bloomfield commented on the Sheriff's budget. There was a portion cut in the trafficking but there was an increase in the budget. He just wanted to address the rumors

Sheriff Salisbury stated that they turned in \$200,000 plus at the end of the year. The trafficking was cut \$125,000. They did receive additional funding for meals for juvenile detention, but no additional funding to put more deputies out to the community.

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

**BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS**  
**March 20, 2012 - PAGE 5**

12. Adjournment – The meeting adjourned at 10:14 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
Lynda Ring Erickson, Chair

  
Tim Sheldon, Commissioner

ATTEST:

  
Shannon Goudy, Clerk of the Board

  
Steve Bloomfield, Commissioner

RESOLUTION NO. 17-12

**APPROVAL OF SALE OF REAL PROPERTY**

**WHEREAS**, Mason County owns real property located at 11 E., 21 E., 41 E., 51 E., and 71 E. Agate Beach Dr, Plat of Agate Beach Estates, more fully described in Exhibit A, attached hereto; and

**WHEREAS**, the property is tax title property and was declared surplus to the needs of the County by resolution of the Board of County Commissioners; and

**WHEREAS**, said property was offered for sale through a sealed-bid auction in 2010, which process did not yield any bids; and

**WHEREAS**, the property has been continuously listed for sale since the sealed-bid auction on the County's website; and

**WHEREAS**, an offer to purchase the property for the sum of Five Thousand Dollars has recently been received; and

**WHEREAS**, the Property Manager recommends the sale of the property at the offered price on the basis that the price exceeds the taxes, penalties, interest and expenses of foreclosure owed; it will restore the property to the tax rolls; it will relieve the County of ownership of unproductive property; and it will avoid the continued costs and liability of property ownership and management; and

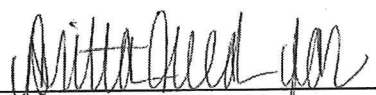
**WHEREAS**, Board of County Commissioners finds that it is in the best interest of the County to sell the property for the offered price for the reasons cited above.

**NOW, THEREFORE, BE IT RESOLVED** by the Mason County Board of Commissioners that the sale of the real property described in Exhibit A, attached hereto, is approved at the price of Five Thousand Dollars; and

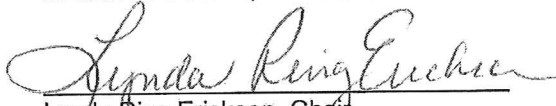
**BE IT FURTHER RESOLVED**, that the Property Manager is authorized to sign the related Bid form and Purchase and Sale Agreement and the Chair of the Board of County Commissioners is authorized to sign the deed.

**DATED** this 20th day of March, 2012.


ATTEST:

  
Shannon Goudy, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
Lynda Ring Erickson, Chair

APPROVED AS TO FORM:

  
Deputy Prosecuting Attorney

Absent  
Tim Sheldon, Commissioner

Assessor  
Auditor  
Treasurer  
Property Manager

  
Steve Bloomfield, Commissioner

Exhibit A

LEGAL DESCRIPTION

A portion of the Southwest Quarter of the Northwest Quarter, Section 24, Township 20 North, Range 3 West, W.M., more particularly described as follows:

Lots 1, 2, 3, 4 & 5, Block 1 of the Plat of Agate Beach Estates, Volume 5, Pages 96 & 97, records of Mason County, Washington.

Tax Parcel Numbers 32024-53-01001, 32024-53-01002, 32024-53-01003, 32024-53-01004 and 32024-53-01005.

Exhibit A

ORDINANCE NO. 18-12  
REVISING ORDINANCE NO. 149-01  
ESTABLISHING THE GAMBLING TAX RATE  
FOR PUNCH BOARDS AND PULL-TABS

**WHEREAS**, RCW 9.46.110 states “(1) The legislative authority of any county, city-county, city or town, by local law and ordinance and in accordance with the provisions of this chapter and rules adopted under this chapter within in its jurisdiction, the tax receipts to go to the county, city-county, city or town so taxing the activity. Any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located in the county but the tax rate established by a county, if any, shall constitute the tax rate through out the unincorporated areas of such county.”

**WHEREAS**, it is the intent of the Board of Mason County Commissioner’s to levy a tax in an amount provided by State Law on persons operating gambling activities pursuant to RCW 9.46.0217 within the unincorporated areas of Mason County; but not to levy a tax on “bona fide charitable or nonprofit organizations” as defined below;

**NOW THEREFORE**, there is hereby levied upon and shall be collected from and paid by every person receiving money or value from punch boards and pull-tabs as authorized by state laws, a tax in the amount of five percent (5%) of the gross receipts from the operation of the games (punch boards and pull tabs).

**1. DEFINITIONS. “Person(s)”** means any individual, firm, partnership, association, corporation, company, or group of individuals working from a common purpose or an organization of any kind.

**“Bona fide charitable or nonprofit organizations”** means any nonprofit organization duly existing under the provisions of state law, or any other nonprofit corporation duly existing under the provisions of Chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civil, patriotic, political, social, fraternal, athletic, or agricultural purposes only.

**“Gross receipts”** means the total sum of money or value received from punch boards or pull tabs activity before the deduction is taken for operational and maintenance expenses, capital outlay, cost of prizes, or any other expense of any kind or nature.

**2. PAYMENT OF TAX.** Payment of the tax imposed by this ordinance shall be due and payable quarterly in each calendar year, and remittance shall be made on or before the 21<sup>st</sup> day of the month next succeeding the end of the quarterly period in which the tax is accrued. The taxpayer shall swear or affirm that the information given on the tax return is full and true and correct.



Tax returns and tax payments shall be filed with the Mason County Treasurer. Whenever the total tax due does not exceed the sum of Twenty-five Dollars (\$25.00) for any quarterly period, an annual return may be made if approved by the Mason County Treasurer.

When a taxpayer begins business during any quarterly period, his/her first return or tax shall be based upon, and cover the portion of the quarterly period during which he/she conducted business.

Payment of the tax shall be made on the form provided by the Mason County Treasurer.

**3. TAX RECORDS TO BE KEPT.** It shall be the duty of each person taxed under this ordinance to keep proper records as required by Chapter 9.46 RCW of the amount of gross receipts received from punch boards and pull tabs.

**4. OVER AND UNDER PAYMENT OF TAX.** If the Mason County Treasurer finds that the tax paid on any tax return exceeds the amount required, the Treasurer shall refund the amount overpaid. If the Mason County Treasurer finds the tax paid is less than required, the Treasurer shall mail a statement to the person showing the balance due, and such person shall within five (5) working days, pay the amount shown due.

**5. FAILURE TO FILE A RETURN.** If any person fails, neglects, or refuses to file his return as required, the Mason County Treasurer is authorized to determine the amount of tax due, and by mail to notify the person of the amount of tax due. The determined tax amount shall, upon notification by mail, become the tax due and payable.

**6. APPEAL TO THE BOARD OF COUNTY COMMISSIONERS.** Any person aggrieved by the amount of tax found by the Mason County Treasurer to be due may appeal the amount of the tax to the Board of Mason County Commissioners by filing a written notice of appeal with the Clerk of the Board of the Mason County Commissioners within five (5) business days from the date such person received notice of the amount of tax due.

The Board of Mason County Commissioner's shall fix a time and place for a hearing of such appeal, which shall not be more than three (3) weeks after the filing of the notice of appeal. The Board of Mason County Commissioners shall mail a notice of the hearing to appellant.

At such hearing, the appellant shall be entitled to be heard and to introduce evidence in his own behalf. The Board of Mason County Commissioners shall determine the correct amount of the tax by order. The appellant must pay the tax amount due within five (5) working days after receipt of the Board of County Commissioners order.

The Chairman of the Board of Mason County Commissioners may require the attendance of any person at the hearing, and may require any such person(s) to produce any pertinent records. It shall be unlawful for any such person to fail to appear in response to a subpoena; and unlawful for any such person to fail or refuse to produce the required records for to fail to testify truthfully under oath.

**7. COUNTY TREASURER TO MAKE RULES.** The Mason County Treasurer shall have the power to adopt, publish, and enforce rules and regulations consistent with this Ordinance and state law for the purpose of carrying out the provisions of this Ordinance; and it shall be unlawful to violate or fail to comply with any such rule or regulation.

**8. FALSE RETURNS UNLAWFUL.** It shall be unlawful for any person liable for the tax to fail to or refuse to file the required returns, or to fail to or refuse to pay the tax due; or for any person to make a false or fraudulent return or any false statement or representation in, or in connection with any such return, or to aid or abet another in any attempt to evade payment of the tax, or any part of the tax.

**9. PENALTY FOR DELINQUENT PAYMENTS AND LATE RETURNS.** In addition to any tax due, the Mason County Treasurer shall collect from each taxpayer the sum of Fifty Dollars (\$50.00) for any tax return filed late up to ten (10) days after the date the tax return is was due, and shall collect a penalty of One Hundred Dollars (\$100.00) for each tax return filed more than ten (10) days after the date the tax return was due.

The filing of the tax return within thirty (30) days after the due date, and payment of all taxes and penalties due shall relieve the taxpayer from any additional liability for failure to pay the tax when due, including criminal penalties.

In addition to the foregoing penalties, the Mason County Treasurer shall collect an additional penalty in the amount of ten percent (10%) for the amount of tax due for each month, or portion of a month thereof, that the tax remains due and unpaid, beginning with the thirty-first (31) day after the due date of the tax.

**10. CRIMINAL PENALTIES.** Any person violating any of the provisions, or failing to comply with any of the mandatory requirements of this Ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under this Ordinance shall be punished by a fine of not more that Five Hundred Dollars (\$500.00) or by imprisonment not to exceed ninety days, or by both, consistent with state laws. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the Ordinance is committed, continued, or permitted by any such person, and he/she shall be punished accordingly.

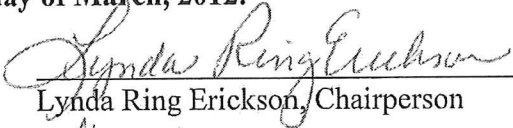
**11. LIEN OF TAXES IMPOSED.** Taxes imposed by the Ordinance as stated in Chapter 9.46.110 (4) become a lien upon the personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010. The lien shall attach on the date the tax becomes due and shall relate back and have priority against the real and personal property to the same extent as ad valorem taxes.

**12. CIVIL ACTION TO COLLECT TAXES, INTEREST, PENALTIES AND FEES.** Where the tax is one imposed by a county, city or town under RCW 9.46.110, any such action shall be brought by that county, city or town on its own behalf. An action may be brought whether or not the person owing the amount is at such time a licensee pursuant to the provisions of Chapter 9.46.350 RCW. If such an action is brought in the courts of this state, a writ of attachment may be issued and no bond or affidavit prior to the issuance thereof shall be required. In all actions in this state, the records of the county, city or town, shall be prima facie evidence of the determination of the tax due or the amount of the delinquency.

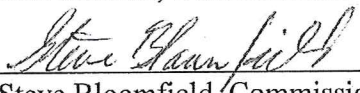
**13. INTERPRETATION.** This Ordinance shall be subject to the laws of the State of Washington, particularly Chapter 9.46 RCW, and the rules and regulations of the Gambling Commission of the State of Washington. In the event any section or portion of this Ordinance should be held by a court of competent jurisdiction to be invalid, the remaining portions not so held to be invalid shall remain in full force and effect.

**14. EFFECTIVE DATE.** This ordinance shall supersede Ordinance #149-01 on the 20th day of March, 2012.

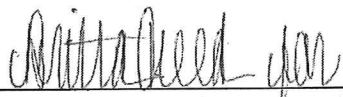
Approved this 20th day of March, 2012.

  
Lynda Ring Erickson, Chairperson


Absent  
Tim Sheldon, Commissioner

  
Steve Bloomfield, Commissioner

Attest:

  
Shannon Goudy, Clerk of the Board

Approved as to Form:

  
Tim Whitehead, Civil Deputy Prosecuting Attorney