

## BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

July 8, 2014

1. Call to Order – The Chairperson called the regular meeting to order at 9:02 a.m.
2. Pledge of Allegiance – Bob Harris led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Randy Neatherlin; Commissioner District 2 – Tim Sheldon via speaker phone; Commissioner District 3 – Terri Jeffreys.
4. Correspondence and Organizational Business
  - 4.1 Correspondence
    - 4.1.1 The Washington State Dept. of Ecology sent notifications that Rustlewood Wastewater Treatment Plant and The North Bay Case Inlet Water Reclamation facility are receiving the 2013 Wastewater Treatment Plant Outstanding Performance awards.
    - 4.1.2 A letter of protest was sent by Kelly Huber regarding Forbidden Farms.
    - 4.1.3 The Secretary of the Interior sent a notification letter that Mason County will receive a PILT payment in the amount of \$196,693.00.
    - 4.1.4 The Washington State Liquor Control Board sent a special occasion license application for Mason County Rodeo Association.
  - 4.2 Barbara Adkins read a News Release regarding Multi-Family Housing Incentive Program.
5. Open Forum for Citizen Input –
  - 5.1 Tom Davis commented on the moratorium on an economic basis. He feels that Mason County is losing money for various reasons. He asked "whatever happened to getting to yes?". He asked the Board to consider everything Mason County will lose. He will speak more about this at the July 22nd hearing.

Cmmr. Neatherlin stated that he agrees completely and is already getting calls from people from people stating how the moratorium will have negative impacts on their livelihood.
  - 5.2 Sheriff Salisbury stated he is not sure if he is here as the Sheriff or a citizen. He asked about the budget and stated that with the raises he will also have to cut deputy positions so staff can get pay raises. He added that they are already running short staffed. He feels this is not good faith bargaining. He added that there are cascading effects and he fears negative impacts on the Sheriff's office, jail staff and programs.

Cmmr. Jeffreys stated if they have expenses above and beyond it would go on the budget as supplemental. She stated this is the same as last year. She stated it can be made clear in the letter that is being drafted now.

Sheriff Salisbury stated that he is deeply concerned about the way the budget was given yesterday.

Cmmr. Neatherlin stated that he tries really hard to positive with the Sheriff's Department and stated to him that he is here as the Sheriff and is talking as the Sheriff. Cmmr. Neatherlin stated that this concern should have been brought to them in a different manner. He asked the Sheriff to give it a chance and reminded him that everything is not determined at this time.
  - 5.3 Monte Ritter, Parks and trails advisory member feels that items should be purchased inside the county so their dollars stay in Mason County.

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**Cmmr. Neatherlin/Jeffreys moved and seconded to approve action items 8.1 through 8.7 with the exception of item 8.4 removed for discussion. Motions carried. N-aye; S-Absent; J-aye.**

- 8.4 Approval for the Board to authorize the Public Works Director to sign Supplement #3 for KBA Construction Management, Inc., for their service on the Belfair Wastewater Project Dispute Resolution Board (DRB).

Brian Matthews stated that this works will complete.

Bob Harris, Belfair sewer advisory committee. He would like to work with the Commissioners to get this job finished. He said a problem is that all three Commissioners are not on the job and we need all three working hard in conjunction to get this work done.

Cmm. Jeffreys thanked and commented on what an excellent job he has done.

Bob Harris thanked Jack Johnson for putting the committee together.

**Cmmr. Neatherlin/Jeffreys moved and seconded to approve action items 8.4 Motion carried . N-aye; S-absent; J-aye.**


9. 9:30 a.m. Public Hearings and Items Set for a Certain Time – There were no public hearings.
10. Other Business (Department Heads and Elected Officials) – There was no other business.
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 9:50 a.m.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

  
\_\_\_\_\_  
Terri Jeffreys, Chair

  
\_\_\_\_\_  
Tim Sheldon, Commissioner

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

  
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Randy Neatherlin, Commissioner

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- 5.4 Guild president for deputies, Tim Rip asked for Sheriff's budget clarification. He asked if the Sheriff's office would have to absorb the raises they received. He stated they bargained in good faith and they were told they would get a raise. He added that public safety is very important. Cmmr. Jeffreys responded that any extraordinary costs need to be outlined outside the regular departmental requests.

Cmmr. Neatherlin added that all departments were asked to come up with the 2014 numbers. He added that he hopes to look at revenue generation.

Cmmr. Jeffreys added that they are obligated to honor the contract.

- 5.5 Labor Specialist Debbie Lippencott from the Fraternal Order of Police stated that at no time did the Mason County say they didn't have the ability to pay.

Cmmr. Jeffreys stated Mason County has their process for determining the budget to allow flexibility for departments.

Cmmr. Neatherlin stated that the only thing that has happened so far is that they have asked the departments to submit budget requests and secondary budgets.

6. Adoption of Agenda - **Cmmr. Neatherlin/Jeffreys moved and seconded to adopt the agenda as published. Motion carried. N-aye; S-no vote; J-aye.**
7. Approval of Minutes – Approval of the June 30, 2014 briefing minutes.  
**Cmmr. Neatherlin/Jeffreys moved and seconded to approve the June 30, 2014 briefing minutes. Motion carried. N-aye; S-no vote; J-aye.**

**Cmmr. Sheldon had to hang up the telephone at 9:33 a.m.**

8. Approval of Action Agenda:
- 8.1 Approval of the resolution selling Mason County surplus property located at 50 East and 50 West Kalama Place (Parcels 51917-54-00011 and 51917-54-00012) to Dale and Kathy Avery for the amount of \$9,000. **Resolution 36-14 (Exhibit A)**
- 8.2 Approval to set public hearing on August 5, 2014 at 9:30 a.m. to declare two Mason County surplus properties for sale. (Parcel numbers 22206-50-00037 and 12207-75-90091)
- 8.3 Approval for the Board to extend the terms of the Belfair Sewer Advisory Committee members to July 31, 2015. The members are: Rob Drexler, Bob Harris, Jennifer Hines, Jack Johnson, Annetta Knight, Judy Scott, Lee Swoboda, and Greg Waggett.
- 8.4 Approval for the Board to authorize the Public Works Director to sign Supplement #3 for KBA Construction Management, Inc., for their service on the Belfair Wastewater Project Dispute Resolution Board (DRB).
- 8.5 Approval of the resolution amending Personnel Policy 4.6 to provide break time for nursing mothers and to add Personnel Policy 7.11 Holidays for Reasons of Faith or Conscience.  
**Resolution 37-14 (Exhibit B)**
- 8.6 Approval of the Early Intervention Program Agreement between Mason County and the Department of Social and Health Services. This contract is a continuation of the Early Intervention Program for \$36,623.04 through June 30, 2015. The revenue and work from the contract were budgeted in the 2014 budget. There is no match requirement.
- 8.7 Approval of the Veterans Assistance Fund applications for Utilities \$664.40 and Housing \$600.00 for a total of \$1,264.40 as recommended by the Veterans Assistance Committee.

RESOLUTION NO. 36-14

DECLARATION OF SURPLUS PROPERTY AND APPROVAL OF SALE

WHEREAS, Mason County owns the real property listed and legally described in Exhibit A, Attached hereto; and

WHEREAS, certain parcels of the property are tax title property with delinquent property tax, penalties, interest and expenses owing; and

WHEREAS, other parcels were acquired for various purposes; and

WHEREAS, the Board of County Commissioners upon the recommendation of the Property Manager has determined that the property is surplus to the needs of the County; and

WHEREAS, Mason County has received an offer to purchase the property in the amount of \$9,000.00 from Dale Avery and Kathy Avery; and

WHEREAS, the Mason County Board of Commissioners, on February 11th, 2014 held a public hearing during which members of the public were able to testify before the Mason County Board of Commissioners regarding the property, the proposed declaration of surplus and sale.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mason County Board of County Commissioners that the property described in Exhibit A, attached hereto, is declared surplus property and that sale of said property to Dale Avery and Kathy Avery, at a price of \$9,000.00, is approved; and


BE IT FURTHER RESOLVED, that the proceeds of the sale of said property are to be dedicated first to any delinquent property tax obligations and related penalties, expenses and assessments; and next to reimbursement of the Facilities and Parks fund for expenses of the Property Manager; and finally to the Reserve for Accrued Leave Fund; and

BE IT FURTHER RESOLVED, that the chair of the Commission is authorized to sign the related closing documents and the property manager initiate payment of 8% fee of sale price to the County's real estate agent.

DATED this 8th day of July, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON


  
Julie Almanzor, Clerk of the Board

  
Randy Neatherlin, Commissioner

APPROVED AS TO FORM:

Absent.  
Tim Sheldon, Commissioner

  
Tim Whitehead, Deputy Prosecuting Attorney

  
Terri Jeffreys, Chairperson

# EXHIBIT A

50 East and 50 West Kalama Place, Elma, WA

51917-54-00011; LAKE ARROWHEAD #5 TRACT 11

51917-54-00012; LAKE ARROWHEAD #5 TRACT 12

Sale Price: \$9,000.00

Buyer: Dale Avery and Kathy Avery

RESOLUTION NO. 37-14

AMENDING PERSONNEL POLICY 4.6 TO ADD BREAK TIME FOR NURSING MOTHERS PROVISION AND TO ADD PERSONNEL POLICY 7.11 HOLIDAYS FOR REASONS FOR FAITH OR CONSCIENCE

WHEREAS, Effective March 23, 2010, the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require employers to provide a nursing mother reasonable break time and location to express breast milk after the birth of her child.; - Attachment A

WHEREAS, the Washington State Legislature has passed, and the governor has signed into law, SB 5173 granting state and local government employees the right to take two (2) unpaid holidays per year for reasons of faith or conscience. -Attachment B


NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners does hereby revise Mason County's Personnel Policy 4.6 to add a Break Time for Nursing Mothers Provision and add Personnel Policy 7.11 Holidays for Reasons of Faith or Conscience.

DATED this 8<sup>th</sup> day of July, 2014.

BOARD OF COUNTY COMMISSIONERS  
MASON COUNTY, WASHINGTON

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

  
\_\_\_\_\_  
Terri Jeffreys, Chair

APPROVED AS TO FORM:

  
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Tim Whitehead, Chief DPA

  
\_\_\_\_\_  
Tim Sheldon, Commissioner

  
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Randy Neatherlin, Commissioner

## 4.6 BREAKS AND MEAL PERIODS

Employees will be allowed up to a one (1) hour unpaid lunch period as approved and scheduled by the employee's supervisor. Employees may take one (1) fifteen-minute break for every four (4) hours worked. Breaks should be arranged so that they do not interfere with County business or service to the public. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length. Lunch periods and breaks shall not be combined and they may not be used to shorten an employee's workday.

### BREAK TIME FOR NURSING MOTHERS PROVISION:

#### **Purpose and Overview**

The intent of this policy is to support Mason County employees who are breastfeeding and to meet the requirements of Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) as amended by the Patient Protection and Affordable Care Act (effective March 23, 2010). This policy applies to all Mason County employees.

#### **Procedures**

This policy provides the following information:

1. A reasonable amount of time to express milk or breastfeed (lactation time)
2. Private and secure rooms to express milk or breastfeed (lactation room)
3. Employee responsibilities
4. Education and support
5. Anti-discrimination, harassment or retaliation
6. Employee Notification

#### **1. Reasonable Amount of Time to Express Milk or Breastfeed (Lactation Time)**

Managers must provide an employee a reasonable amount of time to express milk or breastfeed their infants during the workday. The frequency of breaks and the duration may vary. In the early months of a baby's life, nursing employees will typically need two to three breaks during an eight-hour shift. Typically the act of expressing breast milk alone will take 15-20 minutes. However, the actual length of break may vary depending on additional factors, such as the location of the private space and the amenities nearby (proximity to sink, milk storage area, etc.)

Reasonable accommodations shall be made to provide breaks of adequate timing and length to support the ongoing production of breast milk. This may necessitate total break time in excess of that regularly scheduled on a temporary basis during the breastfeeding experience. Managers and employees will discuss requested accommodations and any schedule adjustments needed. Nursing mothers may request a flexible work schedule, subject to approval by management, to address their individual needs (*e.g.* allow employee the flexibility to come in early or stay late, or use a portion of their lunch period, to make up time).

#### **2. Private and Secure Rooms to Express Milk or Breastfeed (Lactation Room)**

Federal guidelines provide that a bathroom may NOT serve as a lactation room. Lactation rooms shall be:

- private (window coverings are required);

- secure (lockable from the inside, if possible);
- accommodating (comfortable seating, a table, and power outlets);
- reasonably close to the employee's work area;
- provided with a sign to designate the space is in use.

Although not required, when possible, the lactation room should also:

- Be near a sink with hot water and soap for hand washing and equipment cleaning.
- Have a place where expressed breast milk can reasonably be stored. This does not mean refrigeration must be provided but, employees must be allowed to bring insulated food containers and ensure there is a place to store a pump and containers while they are at work.

Employees in outlying work locations that do not have a designated lactation room should arrange, with their managers, an intermittent or temporary location to be used as a lactation room.

Designated lactation rooms may exist at some Mason County worksites; a list of rooms and scheduling information can be found at: *{Mason County website link}*

If no lactation room or other suitable space is available, contact Human Resources for additional assistance or questions at extension 268.

### **3. Employee Responsibilities**

Any necessary equipment (breast pump, storage containers, etc.) should be securely stored at the employee's workstation or at another storage area agreed upon by the employee and manager. Employees are responsible for keeping milk expression areas clean, using antimicrobial wipes. Breast milk may be stored in a labeled personal storage cooler or in a tightly closed container in a staff refrigerator.

### **4. Education and Support**

Employees have access to additional support and education for breastfeeding through the following resources.

- Health insurance benefits may cover breastfeeding-related resources and services. Contact your specific health insurance provider to inquire about resources available.
- Contact a Mason County Public Health Nurse at x400 for additional resource information.

### **5. Anti-Discrimination, Harassment or Retaliation**

Mason County is committed to supporting its employees who are nursing mothers. As with any right conferred under the FLSA, nursing mothers who express milk or nurse their infants during the workday are protected from discrimination, harassment or retaliation for doing so. In addition, Mason County does not tolerate discrimination, harassment or retaliation. Such action is a violation of this policy and any employee engaging in such misconduct may be subject to discipline, up to and including termination.

Any county employee who experiences or witnesses what may be discrimination, harassment or retaliation toward a nursing mother, is strongly encouraged to address it by asking the person to stop the behavior; and/or reporting the alleged incident to the immediate supervisor, any other member of management within the agency, or to Human Resources.



#### 6. Employee Notification

- Human Resources shall notify all employees of Mason County's *Breastfeeding Accommodation Policy and Procedures* upon adoption.
- Employees will receive a copy of the *Breastfeeding Accommodation Policy and Procedures* during New Employee Orientation.
- Human Resources or management shall provide a copy of the *Breastfeeding Accommodation Policy and Procedures* when they become aware of an employee preparing for an approaching child birth or maternity leave.

## 7.11 HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, as pursuant to SB 5173 - 2013-14 (or successor legislation).

The employee may select the days on which the he or she desires to take the two unpaid holidays off with their supervisor's approval. The unpaid holiday may be compensated through utilization of vacation or comp time or by making alternative work schedule arrangements and following the department's customary process in which to request approval and scheduling of time off. Such requests shall not be unreasonably denied unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

The two holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.