

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

September 16, 2014

1. Call to Order – The Chairperson called the regular meeting to order at 9:04 a.m.
2. Pledge of Allegiance – Neal Winders 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 A petition of approval and three letters of opposition were received regarding the formation of the Lake Management District at Lake Nahwatzel.
 - 4.1.2 The Washington State Liquor Control Board sent marijuana license applications for MAC Garden and OG Farms and a liquor license for Eldon Store.
 - 4.1.3 The U.S. Department of the Interior/Fish and Wildlife Service sent a letter stating they are considering designating critical habitat areas in nine states for the yellow billed cuckoo.
 - 4.1.4 Robert Allen submitted an application for the Planning Advisory Committee.
 - 4.2 News Release: Michael MacSems read the news release regarding the Historic Resources Survey and Inventory.
 - 4.3 News Release: Chair Jeffreys read the news release regarding the Housing Authority Board of Commissioners Vacancy.
5. Open Forum for Citizen Input –
 - 5.1 Attorney Eric Valley spoke on behalf of his client Todd Nelson with Patient to Patient Marijuana Grow Collective. He explained that his client is not happy that the County is not enforcing Ordinances.

Cmmr. Neatherlin stated that they are in the process of trying to hire code enforcement officers.

Cmmr. Jeffreys stated that Community Development is understaffed but have been trying to get a code enforcement officer hired.
 - 5.2 Cmmr. Jeffreys recognized Tom Davis for work he does on the Mason County Veterans Mentoring program.

Cmmr. Neatherlin said he Mr. Davis earned his time in the community and they are glad he is here.
6. Adoption of Agenda - **Cmmr. Sheldon/Neatherlin moved and seconded to adopt the agenda as revised. Motion carried unanimously. N-aye; S-aye; J-aye.**
7. Approval of Minutes – Approval of the September 2, 2014 regular meeting minutes. **Cmmr. Neatherlin/Sheldon moved and seconded to approve the September 2, 2014 regular meeting minutes. Motion carried unanimously. N-aye; S-aye; J-aye.**
8. Approval of Action Agenda:
 - 8.1 Approval for the Chair to sign a Letter of Engagement with Foster Pepper PLLC for assistance on the proposed lake management district (LMD) for Lake Nahwatzel. Green Diamond and Forterra have agreed to pay \$2000.00 each for the Foster Pepper fees in the event the LMD is not created, otherwise Foster Pepper charges will be included as a cost of the LMD.
 - 8.2 Approval to set a public hearing on Tuesday, October 7, 2014 at 10:30 a.m. to take testimony and consider abolishing the Skokomish Flood Control Zone District.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
September 16, 2014- PAGE 2

- 8.3 Approval for the Board to sign a letter of intent in order to replace the Superior Court Management Information System (SCOMIS) with Superior Court Case Management System (SC-CMS) and Document Management System (DMS). This upgrade is deemed necessary as the State has determined that SCOMIS can no longer keep up with demands of new technology. There should be little to no cost associated with individual counties to participate in this DMS project.
- 8.4 Approval of the Veterans Assistance Fund application for food \$150.00 as recommended by the Veterans Assistance Committee.
- 8.5 Approval of Warrants:
- | | | |
|----------------------|-----------------------------|--------------|
| Claims Clearing Fund | Warrant #s 8011261-8011280 | \$ 11,583.59 |
| Claims Clearing Fund | Warrant #s 8011284-8011322 | \$290,270.34 |
| Claims Clearing Fund | Warrant # 8011323 | \$ 6,675.48 |
| Direct Deposit Fund | Warrant #s 16027-16416 | \$573,279.99 |
| Salary Clearing Fund | Warrant #'s 7000493-7000531 | \$792,326.65 |
- 8.6 Approval for the Board to sign a letter requesting technical advice and assistance from the Trust for Public Land in efforts to finance parks, trails, open space and land conservation. There will be no cost to the County for this assistance.
- 8.7 Approval to set a hearing for Tuesday, October 14, 2014 at 9:30 a.m. to consider the 2015 Annual Construction Program and 2015-2020 six year Transportation Improvement Program.
- 8.8 Approval for the Board to execute the Interlocal Agreement between Mason County and Island County for reimbursable work, supplies and/or rental equipment. This agreement will remain in effect until terminated by either party.
- 8.9 Approval for the Board to authorize the County Engineer to sign the agreement and future extending letter agreement (s) with PUD 3 that will allow them to use a portion of the County owned property at the intersection of W. Matlock Brady Road and W. Matlock Deckerville Road (parcel 62011-23-00060).
- 8.10 Approval of the Request for Proposal process to select contractors to provide homelessness and housing services for 2015. These services will be paid by 2163 Housing Funds from recording fees with an estimate of \$300,000 for contracts for 2015.
- 8.11 Approval of the ordinance to amend Rules of the Board – Meetings of Board of County Commissioners amending Chapter 2.88.020 that special meetings may be called at any time only by a majority of the members of the Commission and Chapter 2.88.090 to reflect changes to the Open Public Meetings Act that regular meeting agendas must be posted online 24 hours in advance of the published start time of the meeting. **Ordinance 50-14 (Exhibit A)**
- 8.12 Approval of the Request for Proposals (RFP) for a qualified consultant to conduct a reconnaissance level historic resources survey and inventory for the Matlock area and the mainline logging railroad between Shelton and Grays Harbor County line. This RFP will be funded by the Historic Preservation budget up to \$20,000

Question: Cmmr. Sheldon asked about item 8.10. He asked for clarification on 2163 Housing Funds from recording fees. He also asked if you can be for profit and/or nonprofit to receive the 2163 funds.

Vicki Kirkpatrick answered it can be for both profit and nonprofit.

Chair Jeffreys stated this is the first time they have used a RFP process.

Cmmr. Neatherlin/Sheldon moved and seconded to approve action items 8.1 through 8.12 with the exception of 8.1 and 8.6 removed for a separate vote. Motion carried unanimously. N-aye; S-aye; J-aye.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
September 16, 2014- PAGE 3

Item 8.1 Approval for the Chair to sign a Letter of Engagement with Foster Pepper PLLC for assistance on the proposed lake management district (LMD) for Lake Nahwatzel. Green Diamond and Forterra have agreed to pay \$2000.00 each for the Foster Pepper fees in the event the LMD is not created, otherwise Foster Pepper charges will be included as a cost of the LMD.

Chair Jeffreys explained the LMD. She said the Friends of Lake Nahwatzel want to purchase land and conservation easements. She explained that this is a new process it is important to have council present. The County will retain the services from Foster Pepper and it will be paid for by Green Diamond and Forterra.

Tom Davis said he thinks it's unfair to Lake Nahwatzel residents to have to tax themselves for a Lake Management District. He wants the Board to know that not everyone at Lake Nahwatzel is in agreement of the LMD. He said there is a conflict of interest by hiring Foster Pepper. He added that this whole situation concerns him.

Cmmr. Neatherlin explained they are not taxing themselves but would be purchasing land development rights. He explained that once the residents start sending petitions, the County is automatically involved.

Cmmr. Sheldon commented he doesn't agree with some of Mr. Davis' statements. He added that it is up to the residents around lake Nahwatzel to decide what they want to do.

Cmmr. Jeffreys stated she feels Foster Pepper is the best place to get legal advice regarding this situation. She said she is not willing to take anything to ballot until it's right. She does not agree it's a conflict of interest. She stated that she is in agreement with Cmmr. Neatherlin and reiterated that once the Board starts receiving petitions, they are involved.

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

Item 8.6 Approval for the Board to sign a letter requesting technical advice and assistance from the Trust for Public Land in efforts to finance parks, trails, open space and land conservation. There will be no cost to the County for this assistance.

Neal Winders from the Parks Advisory Committee spoke on behalf of this item.

Tom Davis said he is bothered because the Board is facilitating the plan to put a lot of land in conservancy. He said the County doesn't need any more open space or conservation land but they need diversity and economic growth.

Cmmr. Neatherlin commented that they are considering doing this survey and the survey is free of charge.

Tom Davis said nothing is free and they have an agenda.

Neal Winders said the main purpose of the survey is to gain knowledge to be able to move forward.

Conley Watson asked if these lands are surrounded by property owned by Green Diamond.

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS
September 16, 2014- PAGE 4

Cmmr. Jeffreys answered that she doesn't know at this time. She added that she is interested in growing active parks. There is a lot of work involved in this survey process the County is getting this survey for free.

Cmmr. Neatherlin stated they can do the survey and it will be up to the Board to decide what to do with the survey results.

Cmmr. Sheldon said he would like to vote for this because he is interested in the results because he would like to hear what other people have to say.

Cmmr. Sheldon/Neatherlin moved and seconded to approve action items 8.6. Motion carried unanimously. N-aye; S-aye; J-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time – There are no public hearings.
10. Other Business (Department Heads and Elected Officials) -
 - 10.1 News Release-Vicki Kirkpatrick read a news release regarding RFP 2015
 - 10.2 News Release-Barbara Adkins read a news release regarding Planning Advisory Commission vacancy for District 2.
11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.

There will be briefings directly following this meeting.

12. Adjournment – The meeting adjourned at 10:25 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Terri Jeffreys, Chair



Tim Sheldon, Commissioner

ATTEST:



Clerk of the Board



Randy Neatherlin, Commissioner

ORDINANCE NO. 50-14

AMENDING ORDINANCE 09-13 TO AMEND COUNTY CODE CHAPTER 2.88 – MEETINGS OF BOARD OF COUNTY COMMISSIONERS

WHEREAS, the Board of Mason County Commissioners adopted Rules of the Board so Commission meetings are carried out with efficiency and uniformity and are responsive to the public; and

WHEREAS, these rules are designed to provide guidance to the Commission and do not amend statutory or other regulatory requirements;

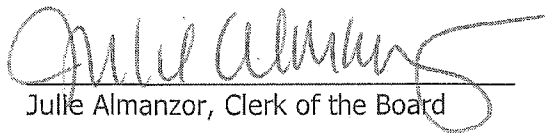
WHEREAS, the Commission wishes to amend Chapter 2.88.020 Special Meetings to state that special meetings may be called at any time only by a majority of the members of the Commission;

WHEREAS, RCW 42.30, Open Public Meetings Act, was amended in the 2014 Regular Legislative Session requiring public agencies with governing bodies to make regular meeting agendas available online no later than twenty-four hours in advance of the published start time of the meeting and Mason County Code Chapter 2.88.090 needs to be amended to reflect this change.

NOW, THEREFORE BE IT RESOLVED, the Board of Mason County Commissioners hereby amends Chapter 2.88.020 and Chapter 2.88.090 of the Rules of the Board (Attachment A). These rules shall be in effect upon adoption by ordinance of the Commission and until such time as new rules are adopted by ordinance.

DATED this 16th day of September, 2014.

ATTEST:


Julie Almanzor, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Terri Jeffreys, Chair

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Tim Sheldon, Commissioner


Randy Neatherlin, Commissioner

**Mason County Board of Commissioners
Rules of the Board**

2.88.010 Regular Meetings.

Regular meetings of the Board of Mason County Commissioners are held at 9:00 a.m. each Tuesday, except for the fifth Tuesday (in those months that have five Tuesdays) in the Commission Chamber, 411 North 5th Street, Shelton, Washington to transact regular business, (RCW 36.32.080) provided that:

- 1) If a holiday recognized and observed by the county falls on a Tuesday, such regular meeting shall be held on the next business day, per RCW 42.30.070;
- 2) If, due to an emergency, it is unsafe to meet in the Commission Chambers, meetings may be held for the duration of the emergency at such place as is designated by the chairperson of the board;
- 3) The regular meeting of the board on the fourth Tuesday of the month shall commence at 6 p.m. in the Commission Chambers;
- 4) The regular working session (briefings) may be held on Mondays from 8:00 a.m. to 5:00 p.m., on Tuesdays following the regular Commission meeting until 5:00 p.m. and on Wednesdays from 8:00 a.m. to 5:00 p.m. At these meetings, the Board is briefed by staff and discussion may occur with other agencies. These are generally not decision-making meetings, however, occasionally an action is taken;
- 5) The Board may hold continued meetings in accordance with requirements of the law and may conduct continued meetings in the evening.

Board members may participate in regular meetings via conference call or videoconference. All Board meetings shall be open to the public. However, the Board may retire to executive session by majority vote and in compliance with the law (RCW 42.23 and RCW 42.30.110). Nothing in this section shall prohibit the Board of County Commissioners from adjourning Tuesday meetings from time to time, or from calling special meetings in accordance with notice requirements of law (RCW 42.30), or from cancelling a Commission meeting.

2.88.020 Special meetings.

Special meetings (RCW 42.30.080) may be called at any time by a majority of the members of the Board by providing written notice personally, by mail, by fax, or by e-mail at least 24 hours before the time of the special meeting to each member of the Board, to each local newspaper of general circulation, and to each local radio or television station that has a written request on file with the governing body to be notified of special meetings. Notice shall be posted at the entrance to the meeting room and posted on the County's web site. The notice shall specify the time and place of the special meeting and the business to be transacted. Final action shall not be taken on any other matter at such meeting.

Written notice to a member of the governing body is not required when a member files at or prior to the meeting a written waiver of notice or provides a waiver by telegram, fax or e-mail or the member is present at the meeting at the time it convenes.

2.88.030 Emergency meetings.

The notice required for special meetings may be waived in the event it is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements would make it impractical and increase the likelihood of injury or damage. An emergency meeting must be open to the public.

2.88.040 Quorum.

A quorum of the Board of Mason County Commissioners shall consist of two elected or appointed County Commissioners.

The Board shall not adopt nor discuss with each other any ordinance, rule, regulation, order or directive except in a meeting open to the public and attended by a quorum; except for executive sessions (RCW 42.30.110) and those proceedings exempted by RCW 42.30.140.

2.88.045 Meetings outside the regular meeting place.

The Board may schedule regular, continued, or special meetings at locations outside the regular meeting place, subject to provisions of the Open Public Meetings Act (Chapter 42.30 RCW).

2.88.050 Officers of the Board.

The elected officers of the Board are the Chair and Vice Chair. At their first regular meeting of the calendar year, the Board of Mason County Commissioners shall select one of its members to preside at its meetings as Chair of the Board and Vice Chair. In the event of a vacancy in the office of the Chair for any reason, including succession, the position shall be filled by the Vice Chair and the election of a replacement for the Vice Chair shall be held to serve the unexpired portion of the term. The Vice Chair will serve as Chair when the Chair is unable to serve.

The Chair shall sign all documents requiring the signature of the Board, and the Chair's signature shall be as legal and binding as if all members had affixed their names, provided the signature is authorized by the Board. In case the Chair is absent at any meeting of the Board, all documents requiring the signature of the Board shall be signed by the Vice Chair.

2.88.060 Clerk of the Board.

The Board of Mason County Commissioners shall appoint, by resolution, a Clerk who shall attend its meetings and keep a record of its proceedings. The Board may appoint an alternate person to act as Clerk when the appointed Clerk is unable to attend meetings.

2.88.070 Motions, seconds, and voting.

Any member of the Board, including the Chair and Vice Chair may make motions and/or second the motions of other members and vote on matters before the Board. Any member may disqualify themselves if they have a conflict of interest or believe participation in a Board action may raise issues of appearance of fairness.

2.88.080 Postponement of action.

When only two members of the Board are present at a meeting of the Board, and a division takes place on any question, the matter under consideration shall be postponed until the next regular meeting.

2.88.090 Agendas.

Agendas for regular meetings of the Board of County Commissioners shall be available to the public and online no later than twenty-four hours in advance of the published start time of the meeting . Nothing in this section prohibits subsequent modifications to agendas nor invalidates any otherwise legal action taken at a meeting where the agenda was not posted in accordance with this section. (RCW 42.30.077)

Written notice for adjourned or continued meetings of the Board of County Commissioners shall be made in the same manner as provided in 2.88.020.

Additions or modifications to the agenda may be made by majority vote of the Board at any time during the regular meeting.

2.88.100 Records of the Board.

All records of the Board, except those which are not public records within the terms of RCW 42.56, as enacted or hereafter amended, shall be available for public inspection at the office of the Commissioners during regular working hours.

2.88.110 Applicability.

Nothing in this resolution or in Chapter 42.30 RCW prohibits Board members from travelling together or from gathering for other purposes than county business nor from individually discussing county business with other than Board members.