



WORK SESSION

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street, Room 160
Port Angeles, Washington
April 10, 2023

Board of Clallam County Commissioner meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

This meeting can be viewed on a live stream at this link: <https://www.clallamcountywa.gov/669/Live-Archived-Meetings-Online>

Public comment can be directed to the Clerk of the Board at 360-417-2256 or Loni.Gores@clallamcountywa.gov

Administration – 9 a.m.

- 1 Calendar/Correspondence
- 2 National Public Lands Center discussion
- 3 Agreement amendment 4 with Norpoint Protective Services for security services
- 4 Legal engagement letter regarding outside counsel for tax appeals (1c)*
- 5 Review and recommendations for Homelessness Task Force request for proposals 2023-2025

Community Development

- 6 Letter to Senator Patty Murray regarding Northwest Straits Marine Conservation Initiative
- 7 Memorandum of understanding regarding the Clallam County Code Enforcement Program

Board of Commissioners

- 8 Presentation regarding nuisance regulation and enforcement and noise code adoption/amendment

Budget

- 9 American Rescue Plan Act ARPA request for Habitat for Humanity of Clallam County
- 10 Discussion of proposed supplemental appropriations to be considered on April 25 (4a)*
- 11 Discussion of proposed budget emergencies to be considered on March 28 (4b)*

General Discussion/Items for Future Agendas

- Climate Change Update (April 17)
- Joint Meeting with Port of Port Angeles (April 24 at 11 a.m. at Port)
- Department of Transportation Highway 101 Project discussion (June 26 at 9 a.m.)
- Nuisance Ordinance update (TBD)

EXECUTIVE SESSION – April 10, 2023 at 3 p.m.

An Executive Session is requested to discuss developing issues, and Clallam County involvement, in potential new opioid litigation.

This litigation may be discussed with legal counsel in Executive Session pursuant to RCW 42.30.110(1)(i), which states that executive sessions may be held “to discuss with legal counsel representing the agency litigation ... to which the agency, the governing body, or a member acting in an official capacity is... a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.”

The Board may recess into Executive Session to consider employment or dismissal of personnel, to review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110.

Joint Meeting with City of Port Angeles – April 10, 2023 at 5 p.m.

- Joint Meeting with the City of Port Angeles – Hosted by the City of Port Angeles

- Other items may be added at the discretion of the Board and additional Work Sessions may be scheduled if more time is needed to allow for adequate discussion.
- Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board. Copies of public documents from Board meetings are available by contacting the Public Records Department.

MEMORANDUM

LONI GORES
Clerk of the Board

April 10, 2023



TO: Board of Commissioners, Administrator Sill

RE: Agenda Modification(s)

FILE: A14.09.18

- The following item has been added to the April 10, 2023 work session agenda:

Administration

- 12 Request for waiver of BID/RFP/quote requirement to purchase a 2019 Forest River Surveyor RV from Wilder RV



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AGENDA ITEM SUMMARY

APR 10 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date:** 4-10-23 – 9 a.m.

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other - Discussion |

Documents exempt from public disclosure attached: ☐

Executive summary:

National Public Lands Center:

The Western Interstate Region representatives at the National Association of Counties is advocating for the establishment of a National Public Lands Center – a “think tank” of sorts that will serve to research issues commonly faced by counties like Clallam which have a large intersection with public lands such as national parks and national forests. Western state county associations, including the Washington State Association of Counties, have established a dues structure to support this effort and today Stevens County Commissioner/WSAC representative to the Western Interstate Region at NACO and WSAC Executive Director Eric Johnson will attend to describe the Center as envisioned in greater detail and describe what kinds of impacts to expect for the potential investment.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
National Public Lands Center discussion.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Washington State Association of Counties

Relevant Departments: Board of Commissioners

Date submitted: 4-5-23

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

National Public Lands Center 4-10-23
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256



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APR 10 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Sheriff

WORK SESSION ☒ **Meeting Date:** 4/10/23

REGULAR AGENDA ☒ **Meeting Date:** 4/18/23

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 815-23-02 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: This is the fourth amendment to contract 815-22-02, and extends the timeframe of services provided until August 31, 2023. The on-going staffing shortage in the jail necessitates the continuance of contracted personnel to provide the security detail for the courtrooms and courthouse.

Budgetary impact: These contracted costs will be borne by the Sheriff's Office Jail Budget, using the salary money assigned to empty positions until such time as those positions are filled.

Recommended action: Board approval

County Official signature & print name: Ron Cameron, Undersheriff

A handwritten signature in blue ink, appearing to read "Ron Cameron", written over a horizontal line.

Name of Employee/Stakeholder attending meeting: Don Wenzl

Relevant Departments: Sheriff

Date submitted: 4/5/23

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

COPY

Contract #815-23-02



**PERSONAL SERVICES AGREEMENT
AMENDMENT 4**

THIS AMENDMENT is entered into between CLALLAM COUNTY, a political subdivision of the State of Washington, (hereinafter called "County" or "Clallam County") and

Name: Norpoint Protective Services

Address: 1010 South C Street
Port Angeles, WA 98363

Phone N°: 877.667.7676

(hereinafter called "Contractor") and changes the following attachments to the agreement entered into on month, day, year.

This Amendment is comprised of:



Attachment A – Scope of Work
Attachment B – Compensation

copies of which are attached hereto and incorporated herein by this reference as if fully set forth.

This agreement is modified to continue security services for the Courthouse and Juvenile and Family Services courtroom.

The term of this Amendment shall commence on the 1st day of May 2023 and shall, unless terminated as provided elsewhere in the Agreement, end on the 31st day of August 2023. This contract may be extended with a review of rates, services, and needs of CCSO and County Administrative staff. Review and contract writing will need to commence on August 5 and be completed by August 15, 2023.

IN WITNESS WHEREOF, the parties have executed this Agreement on this ____ day of April 2023.

CONTRACTOR

CLALLAM COUNTY BOARD OF COMMISSIONERS

Steven Bentley, Norpoint Protective Services

Mark Ozias, Chair

Title: _____

Date: _____ 2023

Originals: BOCC
Vendor
Initiating Department

THIS CONTRACT HAS BEEN APPROVED AS TO
FORM BY THE CLALLAM COUNTY PROSECUTING
ATTORNEY

SCOPE OF WORK

1. Norpoint Protective Services (NPS) will provide security services at, and for the Clallam County Courthouse located at 223 E 4th Street, Port Angeles, WA 98362 and the Clallam County Juvenile and Family Services Facility courtroom at 1912 W. 18th Street, Port Angeles, WA 98363.
2. NPS will provide properly trained, uniformed, and equipped licensed security personnel at the Courthouse, 8 hours a day, 5 days a week, Monday - Friday, except for County recognized holidays, from May 1, 2023 until August 31, 2023.
3. Starting May 1, 2023 until August 31, 2023, NPS will provide security personnel at the Juvenile and Family Services courtroom at 1912 W. 18th Street up to eleven hours per week, on a schedule to be determined and flexible based on that court schedule each week.
4. NPS security officer will be posted inside the courthouse for monitoring of the courthouse, courtrooms, and be posted at the security office on the 3rd floor and roaming as instructed. On scheduled dates determined by the Juvenile Court, a NPS security officer will be posted in or near the juvenile courtroom.
5. NPS will not under any circumstances, as a governmental agent, contractor, or at the request of a private entity, citizen, or any other, act in a manner that would violate any constitutional rights or freedoms available to an American citizen. Any requests will be immediately reported to an NPS supervisor and CCSO contract manager.
6. Due to the nature of the state of emergency, the emerging COVID19 pandemic, NPS reserves all rights to modification of how services are rendered and carried out, acting in the best interests of NPS personnel, CCSO, general public, county staff and employees, as conditions worsen or lessen, with input from the Contract Manager, while providing the required security coverage of the courthouse and grounds.
7. NPS will be supplied radios for communication to CC Courthouse staff. NPS will also be supplied a radio for communications to PENCOM, CCSO deputies, and other local LE and Fire agencies as needed in the event of an emergency. Radios will be stored on the chargers in the Courthouse security office when not in use during business hours.
8. NPS Security officers and supervisors will have access to necessary portions of the Clallam County courthouse and Juvenile Facility building, while on duty, and be provided the necessary credentials, physical keys, and digital access cards labeled "CC Court House Security" by the contract manager by start date.
9. NPS Security Officers will act at the request of CCSO deputies, Court Room Commissioners and Judges, in the capacity contracted and authorized to perform.
10. All Invoices will be based on actual costs.

COMPENSATION

☒ **HOURLY RATES:** For services rendered, the County shall compensate the Contractor at the following hourly rates:

SERVICE	RATE	DURATION	ANTICIPATED TOTALS
Courthouse Security Officer	\$55.00 per hour	8 hours per day (8:30am to 4:30pm) Closed weekends and holidays.	87 Days \$38,280.00
Courthouse Security Officer	\$55.00 per hour	8.5 hours per day (8:00am to 4:30pm) Closed weekends and holidays.	87 Days \$40,672.50
Juvenile Services Security Officer	\$55.00 per hour	Eleven (11) hours per week, scheduled based on court schedule.	17 weeks \$10,285.00
TOTAL			\$89,237.50

Payments for completed tasks shall be made no more frequently than ☒ every two weeks.

Each request for payment shall be supported by an invoice specifying: the name/position of the Contractor's employee if two or more are identified above; number of hours worked; completed tasks for which compensation is sought; estimated percentage of task completion; payment amount requested

In no event shall Contractor be compensated in excess of EIGHTY-NINE THOUSAND, TWO HUNDRED THIRTY-SEVEN DOLLARS and FIFTY CENTS (\$89,237.50) for the completed work set forth in Attachment "A."

2. AND

☒ The compensation set forth herein includes, without limitation: labor, materials, equipment, travel, telephone, computer, copiers and the like.



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

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APR 10 2023
IC

Department: Prosecuting Attorney's Office

WORK SESSION ☐ Meeting Date: April 10, 2023

REGULAR AGENDA ☐ Meeting Date: April 11, 2023

Required originals approved and attached? ☐ Yes
Will be provided on:

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other Legal engagement letter |

Documents exempt from public disclosure attached: ☐

Executive summary:

The Prosecuting Attorney's Office is requesting a work session with the Clallam County Board of County Commissioners to discuss a legal engagement letter, the terms of which will facilitate outside counsel providing representation to the County Assessor in connection with two complex tax appeals.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐ **Funding will be provided through the county's Risk Management budget.**

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?) Discuss any questions at work session and execute the legal engagement letter during regular meeting.

County Official signature & print name: Mark Nichols Mark B. Nichols

Name of Employee/Stakeholder attending meeting: Mark Nichols, Prosecuting Attorney

Relevant Departments: Assessor's Office, Board of County Commissioners, Prosecuting Attorney's Office, Administrator's Office and Risk Management.

Date submitted: April 5, 2023

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

AIS - BTA
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256

MENKE JACKSON BEYER, LLP

Attorneys at Law

807 NORTH 39TH AVENUE • YAKIMA, WASHINGTON 98902
(509) 575-0313 • FAX: (509) 575-0351

ANTHONY F. MENKE
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KENNETH W. HARPER
QUINN N. PLANT
SEANN M. MUMFORD
AZIZA L. FOSTER

Of Counsel
ROCKY L. JACKSON
G. SCOTT BEYER

March 27, 2023

Mr. Mark B. Nichols, Prosecuting Attorney
CLALLAM COUNTY
223 E. 4th Street, Ste 11
Port Angeles, WA 98362

via email

RE: Terms of Engagement for Providing Services

Dear Mr. Nichols:

Thank you for engaging Menke Jackson Beyer, LLP, to represent Clallam County. We are pleased to have the County as a client and look forward to working with you.

This letter and the attached Statement of Terms will govern our engagement. Please review the terms carefully and, if you have any questions or concerns about them, please contact me to discuss them. Except for the recitations as to the scope of representation, the attorneys responsible for that representation, and our hourly rates, the terms of this letter and the attached Statement of Terms will also apply to all future matters in which we represent the County.

Scope of Representation. You have engaged us to represent Clallam County in connection with Board of Tax Appeals matters. Our services will be limited to providing the foregoing representation and will not extend to the County's general business, personnel, or legal affairs, or to any other aspect of its activities. You understand and agree that our receipt or use of confidential or other information from the County or anyone else in the course of this representation will not give rise to any expectation by you that we will render any other advice or services.

Responsibility. The attorneys and paralegals of our firm have extensive experience in a variety of legal specialties and disciplines. We assign work to the person best suited to perform it, with the goal of creating the best quality product on the most cost-effective basis. At all times, however, I will remain responsible and accountable to you. If you have any question or concern about our staffing or provision of services to you, please do not hesitate to contact me (509-575-0313).

Fees. As the attached statement explains in more detail, our fees are ordinarily based on the hourly rates for attorneys and others who work on a matter. These rates are reset from time to time, usually at the beginning of each year, with changes reflected in the following month's

billing statement. The current hourly rate for Ken Harper and Kirk Ehli is \$255.00. The hourly rate for all other partners and of counsel attorneys is \$240.00 and for associate attorneys is \$215.00. The rate for paralegals is \$100.00 per hour. Travel time is billed at the hourly rate and billings are based on a one-tenth (1/10) hour minimum.

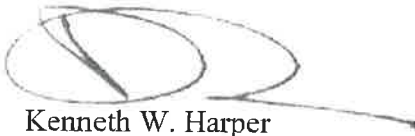
Invoices. As explained in the attached statement, we will bill you monthly and request payment upon receipt. We reserve the right to charge interest on unpaid invoices. If any invoice remains unpaid for more than 60 days, we may, consistent with our ethical obligations and requirements, cease performing services until satisfactory arrangements have been made.

Document Retention. Please note that at the conclusion of the engagement, you may request the return of original records you have provided to us, and of original records we have created for you. If you request additional materials or a copy of your entire file, you agree to pay our reasonable copying expenses. Materials associated with this matter that are not returned may be destroyed in accordance with our file retention policy.

Agreement. Our policy is that we cannot begin work on this engagement until we have received a copy of this letter countersigned by you. Accordingly, if the terms meet your approval, please sign and return the enclosed copy to me upon receipt. If you ask us to start work before then, we will be happy to do so, but will consider that request as your agreement to the terms of this letter and statement.

We appreciate your choice of Menke Jackson Beyer, LLP, to serve Clallam County's legal needs. As in every engagement we undertake, our goal is to understand your needs, provide the highest quality service and exceed your expectations. We welcome discussion of this letter and encourage you to be frank with us about how best to serve you. Should you ever have any questions about any aspect of our engagement, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kenneth W. Harper", with a long horizontal flourish extending to the right.

KWH:tah
Enclosure

CLALLAM COUNTY, by its Prosecuting Attorney, agrees to the above terms of engagement.

Mark B. Nichols

MENKE JACKSON BEYER, LLP
STATEMENT OF TERMS OF ENGAGEMENT

In addition to the foregoing letter, the following terms are an important part of our agreement with you and may be modified only if both parties agree in writing. Unless expressly changed, these terms will apply to the matter described in the engagement letter and to future matters in which we represent you. Please review these terms carefully and keep this document and the engagement letter in your files.

CONFLICTS

We have examined our internal data to determine whether any conflicts of interest exist that would preclude us from representing you, and have found no such conflicts. Our examination is based upon our existing information and the information you have provided to us. Because circumstances change, both we and you must be continually alert to the development of additional information that may give rise to a conflict. Please call us immediately if you become aware of such information.

COOPERATION

We want to provide you the best representation possible. To do so, it is essential that you cooperate with us by providing timely, complete, and accurate responses to our requests for information. In addition, it may be necessary for you to make employees available to discuss issues and to participate in meetings, work sessions, or judicial proceedings related to the matter. We cannot be responsible for the consequences of a failure to cooperate in these respects: not only will it hinder our ability to represent your interests, but it could necessitate our withdrawal from representation.

CONFIDENCES

With rare exceptions, ethical rules prevent us from disclosing to persons outside our firm information we have obtained from a client, without first obtaining the client's permission to do so. In many engagements, however, we may work with persons outside our firm who have been retained to perform services on the client's behalf. You agree that in the event such persons are retained on your behalf, we can disclose to such persons information that is, in our judgment, necessary to the performance of their duties and to the representation of your interests. Our effective representation also may require disclosures of information among members of our firm, but we will never make such disclosures unnecessarily.

CLIENT DEPOSITS

As a general practice, and consistent with our ethical and fiscal responsibilities, we will deposit any advance deposit in a pooled interest-bearing trust account called an IOLTA account, a statewide procedure approved by the Washington Supreme Court. The interest accruing on such funds, net of transaction costs, is paid to the Legal Foundation of Washington, which uses it to provide lawyers to persons who cannot afford them. The interest is not taxable to clients. Unless you request otherwise, we will place such deposits into the IOLTA account. If you do request otherwise in writing, and if funds are such that interest would exceed accounting fees and expenses, we will establish a separate trust account for your funds. In that event, interest earned, net of the financial institution's charges, will be deposited in that trust account and taxable to you.

FEES

Our fees will be primarily based on the amount of time spent by lawyers, paralegals, and in some cases, other professionals or law clerks. Fees are determined by multiplying the number of hours worked by the hourly rate of the person performing the work. The rates charged will be those in effect at the time the work is performed. Our rates are based upon an individual's experience and expertise. Our rates are reviewed annually and may be adjusted without notice.

We are often asked to estimate the amount of fees and costs likely to be charged in connection with a particular matter. Whenever possible, we will be happy to furnish such an estimate based on our best professional judgment. However, it is important to understand that any such estimate is not a guaranteed maximum. We generally cannot give maximum fee quotations because it is often not possible to predict exactly how much time and effort will be required. This is especially true in matters involving litigation or negotiation, where factors that are not within our control often affect the ultimate fee.

Each month before a bill is issued, a review is performed to assess the nature and quality of the services performed, and in cases where there is a disparity between the services rendered and the time charged, the bill is adjusted as appropriate. Time charges are not absolutes to which we adhere without

analysis. We may consider factors other than time such as the novelty or complexity of issues and problems encountered, the extent of responsibility involved, the results achieved, the efficiency of our work, and the customary fees for similar legal services in arriving at a fair fee.

COSTS AND DISBURSEMENTS

A variety of costs may be incurred in the course of our representation of your interests. These may include charges for long distance telephone, delivery or messenger services, faxing, photocopying, travel expenses, filing fees, court reports, transcripts, witness fees, service of process, and the use of other service providers, such as expert witnesses and court reporters. We may also charge for computerized legal research services, as the use of such services greatly reduces lawyer research time and thus assists in controlling the cost to you.

Any disbursements advanced by our firm are done as a courtesy to the client and to expedite performance--the client is liable for all advanced disbursements. Please note that billing of such costs may lag the actual expenditures because of delays in the receipt of third-party bills and the posting of accounts. In certain circumstances, we may request that you pay expenses directly to a service provider.

PAYMENT OF INVOICES

Unless otherwise agreed, invoices will be sent monthly reflecting work performed in the previous month, as well as expenses or disbursements incurred on your behalf. Payment is due upon receipt of our invoice, and should be made by check or sent by wired funds to "Menke Jackson Beyer, LLP." If we do not receive questions about the invoice within 30 days from the date of the invoice, we will assume that you have reviewed the invoice and found it in order. Unless otherwise agreed, bills not paid within 30 days shall accrue interest at an annual rate of 9% (or .75% per month). If any invoice remains unpaid for more than 60 days, we may, consistent with our ethical obligations and judicial requirements, cease performing services for you until arrangements satisfactory to the firm have been made for payment of the account in arrears as well as future fees.

DELINQUENT ACCOUNTS

Should an account become delinquent, the firm has collection procedures that it will follow to ensure that the account is paid promptly. These collection procedures have been established in fairness to the very high percentage of the firm's clients who pay their bills each month as rendered.

TERMINATION OF REPRESENTATION

Both you and we have the right at any time to terminate the attorney-client relationship. If you decide to terminate the relationship, you must notify us immediately of your decision in writing. Your termination of our representation does not eliminate your responsibility to pay for work performed prior to termination.

If we determine that we are no longer able to represent you, we will abide by the applicable Rules of Professional Conduct regarding the withdrawal of representation.

QUESTIONS?

We encourage you to be frank with us about how best we can serve you. If you have any questions about any aspect of our arrangements, please do not hesitate to discuss them with the attorney responsible for your matter.

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, Washington 98902



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APR 10 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Clallam County Health and Human Services

WORK SESSION ☒ **Meeting Date:** April 10, 2023

REGULAR AGENDA ☒ **Meeting Date:** April 18, 2023

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance
Recommendations | ☐ Final Ordinance ☒ Other 2023-25 Homelessness Funding |

Documents exempt from public disclosure attached: ☐

Executive summary:

The information on the attached report was submitted to the full Homelessness Task Force on April 4, 2023. The HTF has reviewed the attached recommendations made by the RFP Review Committee and have requested these be forwarded to the BOCC for approval.

If these recommendations are approved by the BOCC, Clallam County Health and Human Services will develop statements of work and contracts for final BOCC approval. 2023-2025 Homeless Housing And Assistance Funds (2163) RFP recommendations are in the amount of \$1,200,000.00. 2023-2025 Affordable Housing Funds (2060) RFP recommendations are in the amount of \$237,720.00.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
Funds for proposals are in the HHS 2023 budget.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Please approve funding recommendations.

County Official signature & print name:  Jennifer Oppelt

Name of Employee/Stakeholder attending meeting: Christine Dunn & Jenny Oppelt

Relevant Departments: Health and Human Services

Date submitted: April 5, 2023

* Work Session Meeting - Submit 1 single sided/not stapled copy 23-25 Homelessness Program Funding Recommendations agenda Item Summary 4.4.2321

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019

2023 – 2025 Homeless Program Funding (2163 & 2060)

RFP Summaries and Recommendations

2163 - Homeless Housing and Assistance Funds:

Proposals: \$1,200,000 was available for the 2023-2025 cycle (\$600,000 per year) for homeless housing and assistance in Clallam County.

2060 – Affordable Housing Funds:

Proposals: \$240,000 was available for the 2023-2025 cycle (\$120,000 per year) for affordable housing in Clallam County.

Clallam County Health and Human Services received 15 proposals. Of these, 12 were for 2163 funding and 3 were for 2060 funding.

The total funds requested for 2163: **\$2,202,440.00**

The total funds requested for 2060: **\$237,720.00**

The following members volunteered to participate on the proposal review committee. Each member has no financial interests in any entity eligible to submit a proposal.

RFP Proposal Review Committee Members:

John DeBoer

Christy Smith

Leonard Hitz

Amy Miller

Loni Greninger

Facilitators (not scoring proposals):

Jenny Oppelt

Christine Dunn

HHS provided review committee members with a binder of information including the RFP, scoring sheets, copy of each proposal in addition to agency audits or financial records. On March 21, 23, 24 and 27, 2023, the review committee assembled virtually via Zoom where all 15 programs that submitted proposals provided a short presentation of their proposal and answered questions posed by the review committee members. The information provided helped clarify elements of the proposals which ultimately aided in the final rating of the proposal.

The Review Committee discussed scores and information provided by agencies at intervals throughout the three days and again on the last day. Due to the large amount of funds requested compared to funds available, the review committee members utilized several factors to assist in the decision-making process. This included utilizing agency audits to determine ratios, particularly program ratios and availability of other funding sources to the agency were considered. The review committee also considered if the program in question was targeting other funding priorities in addition to the one identified in their proposal (priorities determined previously by the Homelessness Task Force). The review committee discussed the need within the community and determined that of the funding priorities; housing and shelter were most critical. These factors in conjunction with the proposal score were utilized to make funding recommendations. The addition of considering ratios, other available fund sources, and prioritizing housing/shelter increased the overall objectivity of the funding recommendations.

Proposals and Recommendations: 2163 Funding:

Agency	Title of Proposal	Description	Funds Request	Funds Recommended	Details
Lutheran Community Services Northwest	LCSNW Clallam Family Resource Center	Offers support services that reduce and prevent homelessness by supporting permanent changes that lead to stable, self-sufficient residents with secure housing. Outreach to increase awareness of available services, in-house basic needs supports hygiene, food, clothing, parenting supplies and education about health & wellness.	2023-24 \$150,000 2024-25 \$160,000 Total: \$310,000	2023-24 \$0.00 2024-25 \$0.00 Total: \$0.00	<i>Existing/New. No funding awarded.</i> Proposal scored low overall, program ratio, funding priorities, and proposal score.
Concerned Citizens	A Road Home 4 All	Assist individuals with housing retention, re-entry, budget assistance, advocacy for clients and outreach and emergency assistance.	2023-24 \$109,000 2024-25 \$109,000 Total: \$218,000	2023-24 \$0.00 2024-25 \$0.00 Total: \$0.00	<i>Existing. No funding awarded.</i> Proposal scored low overall, program ratio, funding priorities, and proposal score.
Serenity House of Clallam County	Family Shelter Case Management	Serenity House provides two housing units at Evergreen Family Village to give temporary housing to unsheltered/unhoused families. We can house up to 6 families with this model. Each family has an assigned room, larger families may have two.	2023-24 \$45,760.00 2024-25 \$47,132.00 Total: \$92,892.00	2023-24 \$22,880.00 2024-25 \$23,566.00 Total: \$46,446.00	<i>Existing. Partial funding.</i> Underspent in previous contract. Agency prioritized Shelter Aides program over Family Shelter.

		The average turnaround time from street to connection to DSHS, Housing, other stability partners to a move-in to stable housing is on average 70 to 90 days.			
Serenity House of Clallam County	Serenity House Shelter Aides Funding	The shelter aides provide the following services to meet the need of Clallam County Homeless, people with no other resources: Transport services to shelter and appointments and from the Hospital to shelter. Cleaning 4 bathrooms with 19 showers. Clean 10 dorm rooms, with 152 beds. Order clothes and shoes for the homeless. Assists clients with signing up for outside services. CPR and Narcan trained and are the first responders for emergencies at the shelter. The aides provide security for guests' behavioral commitments, curb fighting between guests, maintain safety and health standards to keep a substance free shelter.	2023-24 \$388,252.00 2024-25 \$396,018.00 Total: \$784,270.00	2023-24 \$294,101.00 2024-25 \$294,101.00 Total: \$588,202.00	<i>Existing. Partial funding.</i> Agency serves the entire county. The need for 24/7 shelter services is high. Decreased funding equates to decreased operating hours. Scored high in ratio and priorities.
Reflections Counseling Services Group	Hotel Leasing & Rapid Rehousing	Project to provide payment for hotel stays, oxford housing deposit and/or rent, deposit and/or rent to private landlords or payment for other safe housing options available to	2023-24 \$75,000 2024-25 \$75,000	2023-24 \$52,250 2024-25 \$52,250	<i>New. Partial funding.</i> Partially funded due to funding available. The agency offers wraparound

		currently unhoused individuals. The priority population for this project is individuals with unmet substance use and or mental health conditions that are currently unhoused, however, other unhoused individuals may be served under this project.	Total: \$150,000	Total: \$104,500	services. Scored high on funding priorities.
The Answer for Youth (TAFY)	Starfleet Operations	Program provides on-site, case-managed housing for up to four males. Program designed to transition clients from substance use and homelessness into healthy & stable lifestyles. Program covers client expenses related to their housing and becoming employed. The program runs for up to six months per client and is designed to exit them employed and in self-supported, permanent housing.	2023-24 \$16,560 2024-25 \$16,560 Total: \$33,120	2023-24 \$14,076 2024-25 \$14,076 Total: \$28,152	<i>Existing. Partial funding.</i> Collaborating with other agencies for case management services. Scored high in ratio, priorities, and proposal.
The Answer for Youth (TAFY)	Bridging the Gap 11	This proposal is to provide funding for essential agency operational costs of mortgage, utilities, insurance, L&I, property taxes, storage, and technology.	2023-24 \$43,601 2024-25 \$43,601 Total: \$87,202	2021-22 \$28,340.65 2022-23 \$28,340.65 Total: \$56,681.30	<i>Existing. Partial funding.</i> Excluding mortgage and property tax (\$14,109). Scored high in ratio and proposal.
Olympic Community	Sequim Warming Center	Program provides shelter that operates overnight when outside temps may be life	2023-24 \$31,570	2023-24 \$23,870	<i>Existing. Partial funding.</i>

Cation Program (OlyCAP)		threatening. Offers referrals to supportive services (coordinated entry) for various unmet needs.	2024-25 \$31,570 Total: \$63,140	2024-25 \$23,870 Total: \$47,740	Limited resources on east end of county. Increase in days open in 2023 resulted in need for increase in funding. Agency prioritized funding for staffing. Scored moderately on funding priority and proposal.
Forks Abuse DBA Mariposa House	West End Hope	Program provides advocacy services, housing assistance, emergency financial assistance, safety planning, recovery/substance abuse treatment encouragement & referrals, case management, employment assistance, UA's and outreach.	2023-24 \$36,974 2024-25 \$38,941 Total: \$75,915	2021-22 \$30,000 2022-23 \$34,527.75 Total: \$64,527.75	<i>Existing. Partial funding.</i> Limited resources on west end of county. Agency prioritized funding for staffing. Scored high on ratio and proposal, and moderate on funding priority.
Boys & Girls Club of the Olympic Peninsula	Life Skills Training For Youth Experiencing or At Risk of Homelessness	Program will expand weekly Life Skills program for teens that focuses on the needs of youth at risk of, or experiencing, homelessness and expand these services in Sequim. Program will increase the Teen Center hours of operation to additional evening hours at both locations. This is a critical part of the day for teens who may not be sure where they will be sleeping at night or if they will have food. Through this work, program will build	2023-24 \$74,675 2024-25 \$77,421 Total: \$152,096	2023-24 \$38,024 2024-25 \$38,024 Total: \$76,048	<i>Existing. Partial funding.</i> Prevention and support service program. Serving youth that are currently homeless is a need in the community. Scored high in the ratio and proposal.

		capacity for, and expand relationships with other regional organizations servicing homeless youth and families.			
North Olympic Regional Veteran's Housing Network (NORVHN)	Case Management & Veteran's Outreach	Funding for three-quarters of full-time Case Manager position at the homeless Veteran shelter, "Sarge's Place". The Case Manager works with the clients daily, assessing their needs, aiding with medical, mental health, and dental appointments. Connects Veterans to community resources as required by their specific needs. Case Manager also aids Veterans within our County with referrals and connectivity to aid them from becoming homeless.	2023-24 \$50,000 2024-25 \$50,000 Total: \$100,000	2023-24 \$40,000 2024-25 \$40,000 Total: \$80,000	<i>Existing. Partial funding.</i> Limited resources on west end of county. Fully spent previous contract. Scored high in ratio and proposal.
Healthy Families of Clallam County	Safely Home	Project is designed to provide support services at no charge to victims/survivors of domestic violence and/or sexual assault, who are homeless or at risk of homelessness in order to prevent and resolve homelessness. These services to include .75 FTE, short-term financial assistance such as rental/utility assistance including deposits. Funding for basic needs including food, clothing and other necessary	2023-24 \$67,164 2024-25 \$68,641 Total: \$135,805	2023-24 \$53,851.47 2024-25 \$53,851.48 Total: \$107,702.95	<i>Existing. Partial funding.</i> Agency identified staffing needs/flexible funding as highest need for funding. Scored high overall.

		supplies for school/work; client identified needs to remove barriers to housing include costs of birth certificates and ID's			
TOTAL			\$2,202,440.00	\$1,200,000.00	

Proposals and Recommendations: 2060 Funding:

Agency	Title of Proposal	Description	Funds Request	Funds Recommended	Details
Healthy Families of Clallam County	Healthy Families Emergency Shelter	This proposal requests the rental cost of four out of six emergency shelter units that are used to provide emergency shelter to women, men and children who are fleeing intimate partner violence.	2023-24 \$36,360 2024-25 \$36,360 Total: \$72,720	2023-24 \$36,360 2024-25 \$36,360 Total: \$72,720	<i>Existing. Fully fund.</i> Clear proposal and budget.
North Olympic Regional Veteran's Housing Network (NORVHN)	Utilities & Remodeling of Minsky Place and Sarge's Shelter	Funds for utilities for Sarge's Place shelter, and permanent supportive housing projects in Forks and Sequim: Minsky Place, Hobucket House, and Camp Sol Duc. Remodeling of Minsky Place in Sequim.	2023-24 \$70,000 2024-25 \$70,000 Total: \$140,000	2023-24 \$70,000 2024-25 \$70,000 Total: \$140,000	<i>Existing. Fully fund.</i> Clear proposal and budget.
Peninsula Housing Authority	Ox Bow Apartments	The Peninsula Housing Authority (PHA) is currently under contract to purchase Ox Bow Apartments in Forks WA. This funding is for assistance with the feasibility study cost.	2023-24 \$25,000 2024-25 \$0 Total: \$25,000	2023-24 \$25,000 2024-25 \$0 Total: \$0	<i>New. Fully fund.</i> Clear proposal and budget.
TOTAL			\$237,720.00	\$237,720.00	



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APR 10 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: DCD

WORK SESSION ☒ **Meeting Date: 4/10/2023**

REGULAR AGENDA ☒ **Meeting Date: 4/18/2023**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other Letter of Support |

Documents exempt from public disclosure attached: ☐

Executive summary:

The Northwest Straits Marine Conservation Initiative is up for reauthorization. Congressional reauthorization is needed to ensure ongoing federal support that fully funds the Northwest Straits (NWS) Marine Conservation Initiative. The NWS Initiative provides technical assistance, coordination, and base funding support to seven county-based Marine Resources Committees (MRC), including Clallam County MRC.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Please sign the letter of support.

County Official signature & print name: Bruce Emery

A handwritten signature in blue ink, appearing to read "Bruce W. Emery", written over a horizontal line.

Name of Employee/Stakeholder attending meeting: Rebecca Mahan

Relevant Departments:

DCD

Date submitted: 3/28/2023

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



Board of Clallam County Commissioners

223 East 4th Street, Suite 4
Port Angeles, WA 98362-3015
360.417.2233 Fax: 360.417.2493
Email: commissioners@co.clallam.wa.us

MARK OZIAS, District 1, Chair
RANDY JOHNSON, District 2
MIKE FRENCH, District 3

RICH SILL, County Administrator

April 18, 2023

Senator Patty Murray
154 Russell Senate Office Building
Washington DC, 20510

Dear Senator Murray,

The Board of Clallam County Commissioners urges you to support Northwest Straits Marine Conservation Initiative reauthorization. Congressional reauthorization is needed to ensure ongoing federal support that fully funds the Northwest Straits (NWS) Marine Conservation Initiative. The Initiative's leadership and work is critical to the health of our marine resources in our county and six others—a majority of counties in the Puget Sound region. We rely on these resources for a strong economy and a robust way of life.

The NWS Initiative provides technical assistance, coordination, and base funding support to seven county-based Marine Resources Committees (MRC), including Clallam County MRC. The work that MRCs do protects and restores our valuable marine resources and nearshore environment. Our county, like others, faces ongoing pressures from population growth, climate change, and habitat loss, making the contributions of MRCs more important than ever.

MRCs are made up of local volunteers who prioritize and lead restoration, monitoring and education projects and serve as advisory bodies to local elected officials, including the Board of Clallam County Commissioners. The MRC serves a unique role by convening a diversity of community perspectives from tribal, economic, recreational, and environmental interests to prioritize and initiate consensus-driven work. A few examples from our county include Elwha Beach stewardship, internships for early career individuals, and Olympia oyster restoration.

Project implementation through our MRC is a cost-effective way of contributing to recovery and protection of marine resources that are important to our county residents and the local economy. Funding and support from the NWS Initiative assures we can maintain this locally driven approach to solving problems in our region.

We hope that we can count on your help to see that this important work will continue and be adequately funded.

Sincerely,

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

Mike French

Cc: Senator Maria Cantwell
Representative Rick Larsen
Representative Derek Kilmer



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AGENDA ITEM SUMMARY

APR 10 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: DCD

WORK SESSION ☒ Meeting Date: April 10, 2023

REGULAR AGENDA ☒ Meeting Date: April 18, 2023

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: The civil code enforcement effort in Clallam County requires coordinated participation from several departments—each operating under their own legislative authority and missions. The purpose of this Draft Memorandum of Understanding (MOU) is to foster a formal collaborative relationship between various county departments/offices that are directly or indirectly involved in the enforcement of the Ordinances of Clallam County and establish a written framework for ensuring that the code enforcement program will continue in an effective, predictable manner. The attached Draft MOU has been prepared with the input of the below identified offices and includes a clean version along with a strike/underscore version showing recent changes to the draft document. This is a non-binding document to memorialize inter-departmental commitment to the program.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐ No budgetary impact.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?) Recommend the Board approve the Draft MOU as presented and sign the same as co-signatories during April 18, 2023 Regular Meeting.

County Official signature & print name: Bruce Emery

A handwritten signature in blue ink, appearing to read "Bruce W. Emery", written over a horizontal line.

Name of Employee/Stakeholder attending meeting: Bruce Emery _____

Relevant Departments: Department of Community Development, Clallam County Sheriff's Office, Clallam County Health & Human Services Environmental Health Division, Clallam County Health Officer, Clallam County Prosecuting Attorney's Office, Board of Clallam County Commissioners.

Date submitted: April 5, 2023

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agenda Item Summary MOU 041023
Revised: 3-04-2019

MEMORANDUM OF UNDERSTANDING

among the

THE BOARD OF CLALLAM COUNTY COMMISSIONERS, THE CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, THE CLALLAM COUNTY SHERIFF'S OFFICE, THE CLALLAM COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT, THE CLALLAM COUNTY HEALTH OFFICER, AND THE CLALLAM COUNTY PROSECUTING ATTORNEYS' OFFICE REGARDING THE CLALLAM COUNTY CODE ENFORCEMENT PROGRAM

This memorandum of understanding ("MOU") is entered into this __ day of _____, 2023, by and between the Board of Clallam County Commissioners (BOCC), Clallam County Department of Community Development ("DCD"), the Clallam County Sheriff's Office ("CCSO"), the Environmental Health Division of the Clallam County Health and Human Services Department ("EH"), the Clallam County Health Officer (Health Officer) and the Clallam County Prosecuting Attorney's Office ("PAO") (hereinafter, referred to as the "Parties").

WHEREAS the Parties share a common goal to promote, protect and improve the health, safety and welfare of Clallam County citizens and visitors to our community,

WHEREAS each of the Parties participate either directly or indirectly in the administration of code enforcement within Clallam County and wish to provide in an MOU a framework of high-level mutual goals, planned actions and contingencies to increase the effectiveness of county code enforcement, improve oversight and enhance interagency coordination and cooperation.

NOW, THEREFORE, the Parties enter into this MOU for the following purposes and agree as follows:

I. PURPOSE

The purpose of this MOU is to foster a formal collaborative relationship between the various Clallam County Departments/Offices that are directly or indirectly involved in the enforcement of the Ordinances of Clallam County and establish an agreed written coordinated framework for ensuring that the code compliance program will continue in an effective, predictable manner recognizing that changes in departmental or office leadership, and their related priorities, interests, or levels of support are a normal occurrence within county government.

II. REGULATORY CONSIDERATIONS

- a. Primary Authority. The Parties recognize that the responsibilities and authorities for administration of the code enforcement program are established in state law and the County Code.
 - i. In accordance with Title 20, CCC, code enforcement shall primarily be the duty and responsibility of the Director of DCD. Likewise, the Junk Vehicle Ordinance (Section 19.60, CCC) sets forth the Director of DCD as the lead program administrator. Both ordinances define “Director” and “Department” as the Director of the DCD and DCD, respectively.
 - ii. Section 4.25 of the Clallam County Home Rule Charter establishes that enforcement authority “...with respect to the environment, natural resources, and land and shoreline development, including, but not limited to, zoning, land divisions, environmental policy, building and fire codes... watershed planning, and floodplains,” resides with the Director of the Department of Community Development
- b. Other Authorities. The Parties further recognize that the County Code and state law establish other authorities for the enforcement of the County Code.
 - i. In addition to the designation of DCD as the primary authority, Sections 20.08.010(4) and (5), authorize the BOCC to designate by ordinance any other department or person as lead for the enforcement of Title 20, CCC.
 - ii. Section 20.08.020, CCC, establishes that civil code violations are declared as public nuisances, that such violations are also misdemeanors, and specifically authorizes the PAO to bring legal actions necessary to provide enforcement.
 - iii. In addition to designating DCD as the primary authority, the Junk Vehicle Ordinance also authorizes “...any law enforcement officer, and the Clallam County Prosecuting Attorney...to enforce this chapter (CCC 19.60.060(1)).”
 - iv. RCW 36.28.010 establishes that the Clallam County Sheriff is “the chief executive officer and conservator of the peace of the county.” Under RCW 36.28.010 and .020, the Sheriff and CCSO deputies shall “...execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law” and “execute all warrants delivered for that purpose by other public officers,

according to the provisions of particular statutes.” Additionally, the CCSO has the common law and constitutional power to enforce county law, including infractions determined to be public nuisances as set forth in Section 20.08.020, CCC.

- v. Section 2.30.10, Clallam County Home Rule Charter vests the Board of County Commissioners (BOCC) with the legislative powers of the County. Within that power is the authority to establish or abolish the duties and authorities of departments by ordinance, except those departments directed by elected officials whose duties are established by state law. The Charter further vests the BOCC with authority to execute and enforce laws and ordinances (Section 2.30.20). These powers are further augmented by RCW 36.32.120(7), which grants the BOCC with the authority to make and enforce regulations by ordinance or resolution.
- c. Supporting Roles. The Parties further recognize that each department, by virtue of the corresponding expertise and competencies required for their core functions, are best suited to provide specific contributions and support to the code enforcement effort.
- i. The DCD houses subject-matter experts on land use, shoreline, building, critical areas and resource lands regulations. The department is also the primary liaison with the Hearing Examiner.
 - ii. EH is responsible for the administration of all regulations concerning health (Charter, Section 4.25). While the Charter creates a clear distinction between the roles of the DCD and EH, field personnel from both departments can, and do, play a mutually beneficial role in alerting the other to the presence of potential issues involving the other’s code enforcement role.
 - iii. The CCSO is essential in providing safe escort for code enforcement officers when the subjects of an investigation have a potential for dangerous or violent encounters. The CCSO is also the designated authority for the administration of criminal warrants, and if necessary, arrests under a charge of misdemeanor.
 - iv. The PAO is essential in providing further prosecutor services should a matter require court action (e.g., failure to comply with Hearing

Examiner Order). The PAO is also essential in providing updates on case law and guidance on proper investigation and enforcement procedures.

III. PLANNED ACTIONS

Recognizing the foregoing purpose and considerations, the Parties hereby stipulate, and agree as follows:

- a. To execute the Code Enforcement Program as envisioned and articulated in County Code, including:
 - i. As articulated under Title 20, CCC, and Section 4.25 of the County Charter, the Department of Community Development shall be the lead enforcement entity concerning zoning, land divisions, environmental policy, building and fire codes, watershed planning, floodplains, and junk vehicles.
 - ii. Also as articulated under Section 4.35 of the County Charter, the Department of Health and Human Services shall be the lead enforcement entity concerning public health. Additionally, the Health Officer is authorized pursuant to RCW 70.05.070 to enforce all state health statutes and all local health regulations.
- b. To provide support for the Code Enforcement Program consistent with each department's core functions and competencies, including:
 - i. The DCD and EH shall provide continued reciprocal support in the efforts of field investigation and evidence collection, where convenient and within the scope of each other's duties, during each department's own field investigation efforts.
 - ii. The DCD and EH shall provide subject-area expert testimony and support for the prosecution of violations for which administrative remedies have failed to garner compliance.
 - iii. The CCSO shall provide safety escort for code enforcement field personnel while investigating properties with known or suspected individuals with the potential to cause physical harm. It is recognized that safety escort is dependent on CCSO Deputy availability and

typically requires advance scheduling. All parties agree to follow reasonable practices in requesting and accommodating escorted visits within staffing limits and available schedules.

- iv. The CCSO shall provide for the execution of warrants for arrest as determined by court order.
 - v. The CCSO shall provide assistance when deputy availability exists for the abatement of junk vehicles under CCC 19.60. The need for this assistance will be reduced as additional code enforcement staff become certified in VIN processing.
 - vi. The PAO agrees to provide legal advice to code enforcement staff in relation to their duties. Said services will be limited to staff availability and work capacity within the context of existing duties.
 - vii. All parties agree to maintain open channels of communication and to continue to provide input of core competencies to the code enforcement program. Central to this effort is the continuation of monthly code enforcement meetings involving representatives of all parties. Support shall include subject expert input to help prioritize and facilitate best practices for achieving abatement of violations, safety in interacting with targets of investigation, and refinement of procedures for processing of code enforcement cases. Said meetings shall also be open to representatives from the Office of the Clallam County Commissioners.
- c. To follow a specific protocol for priority one code enforcement complaints and solid waste violations under CC title 41.11.070 or 41.11.080, as follows:
- i. Any high-priority code enforcement case that has been brought before the Hearing Examiner, where an administrative order has been issued and for 30 days thereafter no compliance has occurred, shall be referred by the DCD Director to the Clallam County Sheriff who shall then determine how to best address the non-compliance, including, but not limited to, making a referral to the PAO to bring injunctive, declaratory, or a criminal action as necessary to enforce the provisions of the Clallam County Code or any state law violations.
 - ii. Any solid waste violation where the Health Officer has determined to impose penalties under Section 41.11.130, CCC and those penalties

imposed have reached the calendar year penalty limit amount specified under Section 41.11.130, CCC, may be referred by the HHS Director or Health Officer to the Clallam County Sheriff to determine how to best address the non-compliance, including, but not limited to bringing injunctive, declaratory, or a criminal action as necessary to enforce the provisions of the Clallam County Code or any state law violations.

- iii. Notwithstanding the requirements and procedural obligations articulated in the County Code, state law or otherwise reiterated herein, all Parties reserve the right and discretion to pause enforcement processing of violations in cases where the primary driver of the violation is extreme poverty or mental health disorder.
- d. To explore feasibility and implementation of initiatives intended to enhance and improve the effectiveness of the Code Enforcement Program, including:
 - i. Implementation of a Problem Oriented Policing (POP) program consisting of a volunteer cohort organized and managed by the Code Enforcement staff. The focus of the POP program would be to concentrate community-wide enforcement and outreach in localized areas encountering high levels of code infractions. Facets of the program may include field conduct and case management training, limited commissioning of cohort members, and specific targeting of retired law enforcement personnel for recruitment based on past experience and expertise in investigation, situational awareness and procedures of evidence. The CCSO will assist in the recruitment effort for the POP program.
 - ii. Inviting the participation of the CE program in the Neighborhood Watch Program and other joint community outreach events.
 - iii. Providing legal updates and training through the PAO in case law or legislative changes affecting program requirements and procedures.
 - iv. Coordinate with supporting agencies in establishing protocols for assisting people in crisis and poverty encountered during code enforcement investigations, such as involvement with area social service providers and availability of resources in abating violations.

- e. The DCD hereby agrees to provide quarterly reporting to the BOCC on CE cases, including the following parameters:
 - i. Case Load:
 - 1. Total current cases:
 - a. Building
 - b. Land use
 - c. Environmental Health
 - d. Junk vehicles:
 - i. Voluntary
 - ii. Enforcement
 - 2. Cases designated by DCD as priority one (i.e., violations that present an imminent threat to public health or safety)
 - 3. Total site visits conducted
 - 4. Total confirmed violations/Notice of Violation Letters sent
 - 5. Total Voluntary Compliance Agreements entered into
 - 6. Total cases taken to administrative hearing
 - 7. Total cases taken to Superior Court
 - 8. Fines and penalties assessed / collected / in collection proceedings
 - ii. Processing/Efficiency:
 - 1. Summary report of Top 10 priority cases
 - 2. Average days cases are open
 - 3. Total cases resolved by month, year (with priority one cases broken out)
 - 4. Cases resolved by administration, enforcement, Hearing Examiner, and/or court order

Other metrics could be established for monitoring the program's effectiveness and efficiency at the request of the BOCC.

IV. CONTINGENCY

Despite the agreements represented in this MOU, the requirements articulated in the County Code and the good-faith commitment of the participants herewith, the full involvement of all participants is subject to the continued personal commitment of the elected officials and department heads involved. The autonomy inherent with being an elected official suggests that, at some point and despite the regulatory obligations articulated herein, one or more departments could conceivably refuse to participate in one or more of the essential functions of the code enforcement program. The

following establishes a contingency strategy that could be implemented should such an event occur:

- a. In the event the DCD refuses to participate in the code enforcement program, the following contingencies may be implemented:
 - i. The Board of County Commissioners may appoint by ordinance, the CCSO as lead enforcement entity of Title 20, CCC (CCC 20.08.010(4) & (5)). Since enforcement of the Junk Vehicle Ordinance is already within the purview of the CCSO (CCC 19.60.060(1)), no additional regulatory barriers would exist.
 - ii. It would be recommended that additional funding be allocated to the code enforcement effort under the CCSO in order to hire code enforcement field personnel, and/or personnel with subject area expertise in land use, shoreline, critical area and other disciplines subject to enforcement under Title 20, CCC.
- b. In the event the PAO refuses to participate in the code enforcement program, the following contingencies may be implemented:
 - i. Section 20.08.020, CCC, provides that code violations are public nuisances, the violation of which are misdemeanors enforceable by the CCSO.

V. POINTS OF CONTACT

The points of contact responsible for administration of this MOU are:

- DCD: DCD Director Bruce Emery
- EH: Health & Human Services Director Kevin LoPiccolo
- Sheriff's Office: Sheriff Brian J. King
- Prosecuting Attorney's Office: Prosecuting Attorney Mark Nichols

VI. LIMITATIONS

- a. This MOU is neither a fiscal nor a funding obligation document. All commitments made pursuant to this MOU are subject to the availability of budgeted funds and each Party's budget authorities and priorities, based on

allowances approved by the BOCC. Nothing in this MOU requires the parties to commit, obligate, or expend their budgeted funds.

- b. Any endeavor involving the transfer of funds between the Parties to this MOU will be executed in separate agreements between or among the participating Parties.
- c. Nothing in this MOU alters the statutory authorities, the Clallam County Charter or any other authorities of the Parties. This MOU is intended to facilitate cooperative efforts for the mutual provision of services, support, and technical assistance by the Parties in the conduct of their official business.
- d. This MOU is strictly for internal management purposes for each Party. This MOU is a voluntary agreement that is not legally enforceable and shall not be construed to create any legal obligation on the part of any Party.
- e. This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity against any of the Parties, their employees, or any other person. This MOU shall not be construed to provide a private right or cause of action for or by any person or entity. This MOU is subject to, and will be carried out in compliance with, all applicable laws, regulations, and other legal requirements.
- f. The Parties will consult in advance on the form, content, and timing of any public statements or press releases regarding this MOU.

VII. DURATION

This MOU becomes effective on the date of final signature and will remain in effect indefinitely from the effective date, or in the case of signature by an elected official, for the duration of that official's time in office. Any Party upon 90-day notice to the other Parties and the BOCC may suggest amending this MOU. This MOU can only be amended through a written agreement signed by all Parties.

VIII. TERMINATION

Any Party upon 90-day written notice to the other Parties and the BOCC may terminate this agreement. The 90-day notice to the BOCC is required so as to provide the BOCC sufficient time to assess what measures, if any, need to be taken to assure a robust code enforcement program in lieu of this MOU.

This Memorandum of Understanding is agreed to and accepted by:

Chair, Board of Clallam County Commissioners,

Date

Director of the Department of Community Development

Date

Sheriff of Clallam County

Date

Director of Health & Human Services

Date

Clallam County Health Officer

Date

Prosecuting Attorney of Clallam County

Date

MEMORANDUM OF UNDERSTANDING

among the

THE BOARD OF CLALLAM COUNTY COMMISSIONERS, THE CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, THE CLALLAM COUNTY SHERIFF'S OFFICE, THE CLALLAM COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT, THE CLALLAM COUNTY HEALTH OFFICER, AND THE CLALLAM COUNTY PROSECUTING ATTORNEYS' OFFICE REGARDING THE CLALLAM COUNTY CODE ENFORCEMENT PROGRAM

This memorandum of understanding ("MOU") is entered into this __ day of _____, 2023, by and between the Board of Clallam County Commissioners (BOCC), Clallam County Department of Community Development ("DCD"), the Clallam County Sheriff's Office ("CCSO"), the Environmental Health Division of the Clallam County Health and Human Services Department ("EH"), the Clallam County Health Officer (Health Officer) and the Clallam County Prosecuting Attorney's Office ("PAO") (hereinafter, referred to as the "Parties").

WHEREAS the Parties share a common goal to promote, protect and improve the health, safety and welfare of Clallam County citizens and visitors to our community,

WHEREAS each of the Parties participate either directly or indirectly in the administration of code enforcement within Clallam County and wish to provide in an MOU a framework of high-level mutual goals, planned actions and contingencies to increase the effectiveness of county code enforcement, improve oversight and enhance interagency coordination and cooperation.

NOW, THEREFORE, the Parties enter into this MOU for the following purposes and agree as follows:

I. PURPOSE

The purpose of this MOU is to foster a formal collaborative relationship between the various Clallam County Departments/Offices that are directly or indirectly involved in the enforcement of the Ordinances of Clallam County and establish an agreed written coordinated framework for ensuring that the code compliance program will continue in an effective, predictable manner recognizing that changes in departmental or office leadership, and their related priorities, interests, or levels of support are a normal occurrence within county government.

II. REGULATORY CONSIDERATIONS

- a. **Primary Authority.** The Parties recognize that the responsibilities and authorities for administration of the code enforcement program are established in state law and the County Code.
 - i. In accordance with Title 20, CCC, code enforcement shall primarily be the duty and responsibility of the Director of DCD. Likewise, the Junk Vehicle Ordinance (Section 19.60, CCC) sets forth the Director of DCD as the lead program administrator. Both ordinances define “Director” and “Department” as the Director of the DCD and DCD, respectively.
 - ii. Section 4.25 of the Clallam County Home Rule Charter establishes that enforcement authority “...with respect to the environment, natural resources, and land and shoreline development, including, but not limited to, zoning, land divisions, environmental policy, building and fire codes... watershed planning, and floodplains,” resides with the Director of the Department of Community Development
- b. **Other Authorities.** The Parties further recognize that the County Code and state law ~~establishes~~establish other authorities for the enforcement of the County Code.
 - i. In addition to the designation of DCD as the primary authority, Sections 20.08.010(4) and (5), authorize the BOCC to designate by ordinance any other department or person as lead for the enforcement of Title 20, CCC.
 - ii. Section 20.08.020, CCC, establishes that civil code violations are declared as public nuisances, that such violations are also misdemeanors, and specifically authorizes the PAO to bring legal actions necessary to provide enforcement.
 - iii. In addition to designating DCD as the primary authority, the Junk Vehicle Ordinance also authorizes “...any law enforcement officer, and the Clallam County Prosecuting Attorney...to enforce this chapter (CCC 19.60.060(1)).”
 - iv. RCW 36.28.010 establishes that the Clallam County Sheriff is “the chief executive officer and conservator of the peace of the county.” Under RCW 36.28.010 and .020, the Sheriff and CCSO deputies ~~shall~~shall “...execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law” and “execute all warrants delivered for that purpose by other public officers,

according to the provisions of particular statutes.” Additionally, the CCSO has the common law and constitutional power to enforce county law, including infractions determined to be public nuisances as set forth in Section 20.08.020, CCC.

- v. Section 2.30.10, Clallam County Home Rule Charter vests the Board of County Commissioners (BOCC) with the legislative powers of the County. Within that power is the authority to establish or abolish the duties and authorities of departments by ordinance, except those departments directed by elected officials whose duties are established by state law. The Charter further vests the BOCC with authority to execute and enforce laws and ordinances (Section 2.30.20). These powers are further augmented by RCW 36.32.120(7), which grants the BOCC with the authority to make and enforce regulations by ordinance or resolution.
- c. Supporting Roles. The Parties further recognize that each department, by virtue of the corresponding expertise and competencies required for their core functions, are best suited to provide specific contributions and support to the code enforcement effort.
 - i. The DCD houses subject-matter experts on land use, shoreline, building, critical areas and resource lands regulations. The department is also the primary liaison with the Hearing Examiner.
 - ii. EH is responsible for the administration of all regulations concerning health (Charter, Section 4.25). While the Charter creates a clear distinction between the roles of the DCD and EH, field personnel from both departments can, and do, play a mutually beneficial role in alerting the other to the presence of potential issues involving the other’s code enforcement role.
 - iii. The CCSO is essential in providing safe escort for code enforcement officers when the subjects of an investigation have a potential for dangerous or violent encounters. The CCSO is also the designated authority for the administration of criminal warrants, and if necessary, arrests under a charge of misdemeanor.
 - iv. The PAO is essential in providing further prosecutor services should a matter require court action (e.g., failure to comply with Hearing

Examiner Order). The PAO is also essential in providing updates on case law and guidance on proper investigation and enforcement procedures.

III. PLANNED ACTIONS

Recognizing the foregoing purpose and considerations, the Parties hereby stipulate, and agree as follows:

- a. To execute the Code Enforcement Program as envisioned and articulated in County Code, including:
 - i. As articulated under Title 20, CCC, and Section 4.25 of the County Charter, the Department of Community Development shall be the lead enforcement entity concerning zoning, land divisions, environmental policy, building and fire codes, watershed planning, floodplains, and junk vehicles.
 - ii. Also as articulated under Section 4.35 of the County Charter, the Department of Health and Human Services shall be the lead enforcement entity concerning public health. Additionally, the Health Officer is authorized pursuant to RCW 70.05.070 to enforce all state health statutes and all local health regulations.
- b. To provide support for the Code Enforcement Program consistent with each department's core functions and competencies, including:
 - i. The DCD and EH shall provide continued reciprocal support in the efforts of field investigation and evidence collection, where convenient and within the scope of each other's duties, during each department's own field investigation efforts.
 - ii. The DCD and EH shall provide subject-area expert testimony and support for the prosecution of violations for which administrative remedies have failed to garner compliance.
 - iii. The CCSO shall provide safety escort for code enforcement field personnel while investigating properties with known or suspected individuals with the potential to cause physical harm. It is recognized that safety escort is dependent on CCSO Deputy availability and

typically requires advance scheduling. All parties agree to follow reasonable practices in requesting and accommodating escorted visits within staffing limits and available schedules.

- iv. The CCSO shall provide for the execution of warrants for arrest as determined by court order.
- v. The CCSO shall provide assistance when deputy availability exists ~~for the~~for the abatement of junk vehicles under CCC 19.60. The need for this assistance will be reduced as additional code enforcement staff become certified in VIN processing.
- vi. The PAO agrees to provide legal advice to code enforcement staff in relation to their duties. Said services will be limited to staff availability and work capacity within the context of existing duties.
- vii. All parties agree to maintain open channels of communication and to continue to provide input of core competencies to the code enforcement program. Central to this effort is the continuation of monthly code enforcement meetings involving representatives of all parties. Support shall include subject expert input to help prioritize and facilitate best practices for achieving abatement of violations, safety in interacting with targets of investigation, and refinement of procedures for processing of code enforcement cases. Said meetings shall also be open to representatives from the Office of the Clallam County Commissioners.
- c. To follow a specific protocol for priority one code enforcement complaints and solid waste violations under CC title 41.11.070 or 41.11.080, as follows:
 - i. Any high-priority code enforcement case that has been brought before the Hearing Examiner, where an administrative order has been issued and for 30 days thereafter no compliance has occurred, shall be referred by the DCD Director to the Clallam County Sheriff who shall ~~then~~can determine how to best address the non-compliance, including, but not limited to, making a referral to the PAO to bring injunctive, declaratory, or a criminal action as necessary to enforce the provisions of the Clallam County Code or any state law violations.

ii. Any solid waste violation where the Health Officer has determined to impose penalties under Section 41.11.130, CCC and those penalties imposed have reached the calendar year penalty limit amount specified under Section 41.11.130, CCC, ~~shall~~may be referred by the HHS Director or Health Officer to the Clallam County Sheriff to determine how to best address the non-compliance, including, but not limited to bringing injunctive, declaratory, or a criminal action as necessary to enforce the provisions of the Clallam County Code or any state law violations.

~~ii-iii.~~ Notwithstanding the requirements and procedural obligations articulated in the County Code, state law or otherwise reiterated herein, all Parties reserve the right and discretion to pause enforcement processing of violations in cases where the primary driver of the violation is extreme poverty or mental health disorder.

- d. To explore feasibility and implementation of initiatives intended to enhance and improve the effectiveness of the Code Enforcement Program, including:
- i. Implementation of a Problem Oriented Policing (POP) program consisting of a volunteer cohort organized and managed by the Code Enforcement staff. The focus of the POP program would be to concentrate community-wide enforcement and outreach in localized areas encountering high levels of code infractions. Facets of the program may include field conduct and case management training, limited commissioning of cohort members, and specific targeting of retired law enforcement personnel for recruitment based on past experience and expertise in investigation, situational awareness and procedures of evidence. The CCSO will assist in the recruitment effort for the POP program.
 - ii. Inviting the participation of the CE program in the Neighborhood Watch Program and other joint community outreach events.
 - iii. Providing legal updates and training through the PAO in case law or legislative changes affecting program requirements and procedures.
 - iv. Coordinate with supporting agencies in establishing protocols for assisting people in crisis and poverty encountered during code enforcement investigations, such as involvement with area social service providers and availability of resources in abating violations.

e. The DCD hereby agrees to provide quarterly reporting to the BOCC on CE cases, including the following parameters:

i. Case Load:

1. Total current cases:
 - a. Building
 - b. Land use
 - c. Environmental Health
 - d. Junk vehicles:
 - i. Voluntary
 - ii. Enforcement
2. Cases designated by DCD as priority one (i.e., violations that present an imminent threat to public health or safety)
3. Total site visits conducted
4. Total confirmed violations/Notice of Violation Letters sent
5. Total Voluntary Compliance Agreements entered into
6. Total cases taken to administrative hearing
7. Total cases taken to Superior Court
8. Fines and penalties assessed / collected / in collection proceedings

ii. Processing/Efficiency:

1. Summary report of Top 10 priority cases
2. Average days cases are open
3. Total cases resolved by month, year (with priority one cases broken out)
4. Cases resolved by administration, enforcement, Hearing Examiner, and/or court order

Other metrics could be established for monitoring the program's effectiveness and efficiency at the request of the BOCC.

IV. CONTINGENCY

Despite the agreements represented in this MOU, the requirements articulated in the County Code and the good-faith commitment of the participants herewith, the full involvement of all participants is subject to the continued personal commitment of the elected officials and department heads involved. The autonomy inherent with being an elected official suggests that, at some point and despite the regulatory obligations articulated herein, one or more departments could conceivably refuse to participate in

one or more of the essential functions of the code enforcement program. The following establishes a contingency strategy that could be implemented should such an event occur:

- a. In the event the DCD refuses to participate in the code enforcement program, the following contingencies may be implemented:
 - i. The Board of County Commissioners may appoint by ordinance, the CCSO as lead enforcement entity of Title 20, CCC (CCC 20.08.010(4) & (5)). Since enforcement of the Junk Vehicle Ordinance is already within the purview of the CCSO (CCC 19.60.060(1)), no additional regulatory barriers would exist.
 - ii. It would be recommended that additional funding be allocated to the code enforcement effort under the CCSO in order to hire code enforcement field personnel, and/or personnel with subject area expertise in land use, shoreline, critical area and other disciplines subject to enforcement under Title 20, CCC.

~~b. In the event EH refuses to participate in the code enforcement program, the following contingencies may be implemented:~~

- ~~i. RCW 70.05.060 empowers the Clallam County Board of Health to address this situation by either replacing the Health Officer or appointing an administrative officer to enforce environmental health regulations.~~

~~e.b.~~ In the event the PAO refuses to participate in the code enforcement program, the following contingencies may be implemented:

- i. Section 20.08.020, CCC, provides that code violations are public nuisances, the violation of which are misdemeanors enforceable by the CCSO.

V. POINTS OF CONTACT

The points of contact responsible for administration of this MOU are:

- DCD: DCD Director Bruce Emery
- EH: Health & Human Services Director Kevin LoPiccolo
- Sheriff's Office: Sheriff Brian J. King

- Prosecuting Attorney's Office: Prosecuting Attorney Mark Nichols

VI. LIMITATIONS

- This MOU is neither a fiscal nor a funding obligation document. All commitments made pursuant to this MOU are subject to the availability of budgeted funds and each Party's budget authorities and priorities, based on allowances approved by the BOCC. Nothing in this MOU requires the parties to commit, obligate, or expend their budgeted funds.
- Any endeavor involving the transfer of funds between the Parties to this MOU will be executed in separate agreements between or among the participating Parties.
- Nothing in this MOU alters the statutory authorities, the Clallam County Charter or any other authorities of the Parties. This MOU is intended to facilitate cooperative efforts for the mutual provision of services, support, and technical assistance by the Parties in the conduct of their official business.
- This MOU is strictly for internal management purposes for each Party. This MOU is a voluntary agreement that is not legally enforceable and shall not be construed to create any legal obligation on the part of any Party.
- This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity against any of the Parties, their employees, or any other person. This MOU shall not be construed to provide a private right or cause of action for or by any person or entity. This MOU is subject to, and will be carried out in compliance with, all applicable laws, regulations, and other legal requirements.
- The Parties will consult in advance on the form, content, and timing of any public statements or press releases regarding this MOU.

VII. DURATION

This MOU becomes effective on the date of final signature and will remain in effect indefinitely from the effective date, or in the case of signature by an elected official, for the duration of that official's time in office. Any Party upon 90-day notice to the other Parties and the BOCC may suggest amending this MOU. This MOU can only be amended through a written agreement signed by all Parties.

VIII. TERMINATION

Any Party upon 90-day written notice to the other Parties and the BOCC may terminate this agreement. The 90-day notice to the BOCC is required so as to provide the BOCC sufficient time to assess what measures, if any, need to be taken to assure a robust code enforcement program in lieu of this MOU.

This Memorandum of Understanding is agreed to and accepted by:

Chair, Board of Clallam County Commissioners,	Date
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Director of the Department of Community Development	Date
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Sheriff of Clallam County	Date
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Director of Health & Human Services	Date
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Clallam County Health Officer	Date
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Prosecuting Attorney of Clallam County	Date
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AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

APR 10 2023

Department: Prosecuting Attorney's Office

WORK SESSION ☒ **Meeting Date: April 10, 2023**

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: PRESENTATION REGARDING NUISANCE REGULATION AND ENFORCEMENT AND NOISE CODE ADOPTION/AMENDMENT BY THE CLALLAM COUNTY PROSECUTOR'S OFFICE FOR THE CONSIDERATION OF THE CLALLAM COUNTY COMMISSIONERS.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Recommended action: It is recommended that the Board consider and discuss current Clallam County noise regulations and regulations of other jurisdictions pertaining to regulation of noise.

County Official signature & print name: Bert D. Boughton

A handwritten signature in blue ink, appearing to read "Bert Boughton", written over a horizontal line.

Name of Employee/Stakeholder attending meeting: Bert D. Boughton

Relevant Departments: Prosecutor, DCD(code enforcement)

Date submitted: 4/10/2023

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Title 10 Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.010 Nuisance Properties - Purpose

The City of Spokane is committed to protecting its citizens from the dangers of properties that are abandoned, where unsafe conditions exist or where crime repeatedly occurs. Such properties are known as “nuisance properties” because of their adverse impact on the quality of life of Spokane’s citizens. Additionally, when owners, financial institutions and persons in charge fail to take responsible action to secure and care for these properties, they deteriorate and become “chronic nuisance” properties. Chronic nuisance properties create a substantial financial burden, pose a significant strain on city services, interfere with other’s use and enjoyment of their lands, and are a prohibited public nuisance. Persons in charge of such properties have a duty to take all reasonable measures to prevent and abate nuisance activity. It is the purpose of this chapter to hold legally and financially accountable the owners and persons in charge of nuisance and chronic nuisance properties, and to provide for the restoration and abatement of such properties. It is also the purpose of this chapter to provide for the closure of abandoned properties that are not subject to the building official process under Chapter 17F.070 SMC.

Date Passed: Monday, June 6, 2016

Effective Date: Thursday, July 21, 2016

ORD C35394 Section 1

Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.020 Definitions

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

- A. "Abandoned property", for purposes of defining a chronic nuisance, means a property over which the person in charge no longer asserts control due to death, incarceration, or any other reason, and which is either unsecured or subject to occupation by unauthorized individuals.
- B. "Abate" means to repair, replace, remove, destroy, return to productive use, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the applicable City department director or designee determines is necessary in the interest of the general health, safety and welfare of the community.
- C. "Abatement agreement" means a contract between the City and the person in charge of the chronic nuisance property in which such person agrees to promptly take all lawful and reasonable actions, which shall be set forth in the agreement, to abate the nuisance within a specified time and according to specified conditions.
- D. "Chronic nuisance property" means:
 - 1. a property on which nuisance activity is observed on three or more occasions during any sixty-day period or on which nuisance activity is observed on seven or more occasions during any twelve-month period, or
 - 2. a property where, pursuant to a valid search warrant, evidence of drug-related activity has been identified two or more times, or
 - 3. any abandoned property where nuisance activity exists.
- E. "Control" means the ability to regulate, restrain, dominate, counteract or govern property or conduct that occurs on a property.
- F. "Drug-related activity" means any unlawful activity at a property which consists of the manufacture, delivery, sale, storage, possession, use, or giving away of any controlled substance as defined in chapter 69.50 RCW, legend drug as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW. Possession of

marijuana that is legal under state law shall not result in enforcement action under this ordinance.

G. "Landlord" means the owner, lessor or sublessor of the dwelling unit or the property of which it is a part, and in addition, means any person designated as a representative of the landlord.

H. "Nuisance activity" means and includes:

1. Any civil code violation as defined by state law or local ordinance occurring around or near the property, including, but not limited to, the following activities, conditions or behaviors:

- a. Litter and Rubbish: SMC 10.08.010.
- b. Fire Hazard from Vegetation and Debris: SMC 10.08.040.
- c. Any dangerous animal violations: SMC 17C.310.
- d. Fire Code Violations: SMC 17F.080.
- e. Alcohol beverage control violations, as defined in RCW 66.44.

f. General Nuisance

- i. any act or omission, as provided in Chapter 7.48 RCW or Chapter 9.66 RCW or which unreasonably:
 - 1. interferes with the comfort, solitude, health or safety of others; or
 - 2. offends common sensibilities and senses by way of extreme noise, light or odor; or
 - 3. obstructs or renders hazardous for public passage any public way or place; or
 - 4. pollutes or renders less usable any watercourse or water body.
- ii. maintaining or permitting upon any land:
 - 1. refrigerator, freezer or other insulated container within which a child could suffocate;
 - 2. a pit, excavation, swimming pool, well or other uncovered hole into which a person could fall;
 - 3. lumber, metal, plastic, paper, cardboard, or other scrap material deposited in such place and manner as to constitute a hazardous attraction to children;
 - 4. unused or junk vehicle or machinery or parts unless enclosed and secured as required by law for wrecking yards or junk yards;
 - 5. an abandoned or vacant building, structure or part thereof not securely closed to entry;

6. toxic, radioactive, caustic, explosive, malodorous or septic substances, such as putrescent animal, fish or fowl parts, animal or vegetable waste matter, excrement and any material likely to attract or breed flies or rats, unless kept in proper receptacles as provided by the health and refuse laws; or
 7. structure, collection of wood, cloth, paper, plastic or glass material, vegetation or flammable substances kept in such manner as to create a substantial risk of combustion or spread of fire.
2. Any criminal conduct, including the attempt and/or conspiracy to commit any criminal conduct, as defined by State or local ordinance occurring on, around, near or having a nexus to a property, including but not limited to:
 - a. Stalking: SMC 10.11.060.
 - b. Harassment: SMC 10.11.070 through SMC 10.11.072 and SMC 10.11.079.
 - c. Failure to disperse: SMC 10.10.010.
 - d. Disorderly conduct: SMC 10.10.020.
 - e. Assault: SMC 10.11.010, including domestic violence assault, chapter 10.09 SMC.
 - f. Reckless endangerment: SMC 10.11.020.
 - g. Prostitution: SMC 10.06.030.
 - h. Patronizing a prostitute: SMC 10.06.010.
 - i. Disorderly house, as defined by: SMC 10.06.010.
 - j. Indecent exposure: SMC 10.06.025.
 - k. Lewd conduct: SMC 10.06.020.
 - l. Any firearms or dangerous weapons violations listed in: SMC 10.11.052.
 - m. Noise: SMC 10.08.D.
 - n. Loitering for the purpose of engaging in drug-related activity: SMC 10.15.020.
 - o. Drug-related activity.
 - p. Gang-related activity, as defined in: RCW 59.118.030.
 - q. Any crimes of domestic violence.
 - r. Any violation of any protection order authorized under chapter 7.92 RCW, RCW 7.90.090, 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590.

- s. Warrant arrests, or any instance in which a DOC offender is located at a property while in violation of DOC supervision.
 - t. Reckless Driving, Driving Under the Influence, Vehicular Homicide and Assault: RCW 46.61.500 through RCW 46.61.540.
 - u. Possession of stolen property: RCW 9A.56; SMC 10.05.064.
 - v. Trafficking in stolen property and/or criminal profiteering: RCW 9A.82.
 - w. Theft, trafficking, or unlawful possession of commercial metal property: RCW 19.290.
 - x. Identity theft: RCW 9.35.020.
 - y. Rendering criminal assistance: RCW 9A.76; SMC 10.07.037; SMC 10.07.038; SMC 10.07.039.
 - z. Possession of stolen vehicle: RCW 9A.56.068.
- I. "Owner" means any person having any interest in the real estate in question as indicated in the records of the office of the Spokane County auditor, or who establishes under this chapter, their ownership interest therein.
 - J. "Person" means natural person, financial institution, bank, joint venture, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, officer or employee of any of them.
 - K. "Person associated with a property" means any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit, a property or a person present on property, including without limitation, any officer, director, customer, agent, employee or any independent contractor of a property, or a person in charge of or owner of a property.
 - L. "Person in charge" of a property means any person in actual or constructive possession or control of a property, including, but not limited to, an owner, occupant, agent or property manager of a property under his control, and any bank or financial institution in actual or constructive possession or which possesses any sort of lien or interest in the property. There may be at any one time multiple persons in charge of a property all of which may be jointly and severally liable under this chapter.
 - M. "Premises and property" may be used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate or

land or portion thereof including property used as residential or commercial property.

- N. "Rental unit" means any structure or that part of a structure including, but not limited to, single-family home, room or apartment, which is rented to another and used as a home, residence or sleeping place by one or more persons.

Date Passed: Monday, June 6, 2016

Effective Date: Thursday, July 21, 2016

ORD C35394 Section 2

Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.030 General Nuisance - Penalty

No person in charge may maintain or permit nuisance activity under section 10.08A.020.H(1)(f) of this chapter upon any land or property within the City of Spokane. Any person in charge who maintains or permits nuisance activity under section 10.08A.020.H(1)(f), and fails to respond to the City and/or refuses to permit the City to fully abate the property, commits a misdemeanor.

The procedures set out in SMC 10.08A.040 for chronic nuisance properties do not apply to this section.

Date Passed: Monday, June 6, 2016

Effective Date: Thursday, July 21, 2016

ORD C35394 Section 3

Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.040 Chronic Nuisance Property - Procedure

A. Chronic Nuisance Notice

1. When documentation confirms a chronic nuisance property, as defined by SMC 10.08A.020, the chief of police, or his designee shall notify the person in charge of the property in writing that the property is in danger of being declared a chronic nuisance property.
2. The notice shall indicate the following:
 - a. the street address or a legal description sufficient for identification of the property;
 - b. a concise description of the nuisance activities that have occurred on the property and whether the property is abandoned;
 - c. a warning that the person in charge of the property may be subject to penalties as set forth in this chapter.
 - d. a demand that the person in charge respond to the chief of police or his designee within ten days of service of the chronic nuisance notice to discuss the nuisance activities and create a plan to abate the nuisance;
 - e. a statement that the person in charge shall have an opportunity to abate the nuisance giving rise to the nuisance; and
 - f. a warning that, if the person in charge does not respond, as required, or if the matter is not voluntarily corrected to the satisfaction of the chief of police, or his designee, the City may file an action to abate the property as a chronic nuisance property pursuant to this chapter and/or take other action against the property or person in charge.
3. Such notice shall be either:
 - a. personally served, or
 - b. delivered by first class mail to the person in charge of the property with a copy mailed to the owner at the address indicated by the Spokane County auditor, if different than the person in charge of the property.

B. Requirement to Respond

A person in charge who receives notice pursuant to this section must, within ten days, contact the officer who issued the notice to establish a plan of action to eliminate the conditions, behaviors or activities which constitute a nuisance at the property.

C. Abatement Agreement/Approved Plan to Abate

1. The person in charge shall enter into an abatement agreement or otherwise produce a plan approved by the chief of police or his designee to abate the nuisance within fifteen days of the issuance of the chronic nuisance notice.
2. The abatement agreement, or approved plan to abate, shall be signed by the person in charge and shall include the following:
 - a. The name and address of the persons in charge of the property;
 - b. The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;
 - c. A description of the nuisance activities and whether the property is abandoned;
 - d. The necessary corrective action to be taken, and a specific date or time by which correction must be completed.

D. Corrective Action

Once the person in charge has entered into an abatement agreement or otherwise produced an approved plan to abate the nuisance, he or she must abide by the approved plan and promptly take corrective action to eliminate the nuisance. Corrective action may include, but is not limited to:

1. Effective tenant screening, leasing and rule enforcement;
2. Implementing physical improvements for crime prevention;
3. Providing security for the property;
4. Evicting persons responsible for the nuisance activity; and
5. Pursuing other remedies available to the owner pursuant to any lease or other agreement.

E. The City of Spokane shall offer services to persons in charge with known mental or physical disabilities in order to facilitate such persons taking all lawful and reasonable corrective action necessary to abate the nuisance.

All corrective action must conform to state and local laws, including but not limited to RCW 59.18.580, the Victim Protection Limitation on Landlord's Rental Decisions.

Date Passed: Monday, June 6, 2016

Effective Date: Thursday, July 21, 2016

ORD C35394 Section 4

Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.045 Penalties

A. Failure to Respond

It is a class 1 civil infraction for any person in charge to fail to respond to the chief of police or his designee within ten days of service of the chronic nuisance notice.

B. Failure to Enter Agreement or Produce an Approved Plan to Abate

It is a class 1 civil infraction for any person in charge to fail to enter into an abatement agreement or otherwise produce an approved plan to abate the nuisance within fifteen days of the issuance of the chronic nuisance notice.

C. Failure to Abate Nuisance

After the issuance of the chronic nuisance notice, and after the time to enter into an abatement agreement or otherwise produce an approved plan has passed, every subsequent nuisance activity is a class 1 civil infraction.

D. The penalties and remedies of this chapter are not exclusive and do not affect any other enforcement actions taken by the City under this chapter, or any other section of the municipal code or law or enforcement actions taken by a different jurisdiction.

Date Passed: Monday, June 6, 2016

Effective Date: Thursday, July 21, 2016

ORD C35394 Section 5

Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.050 Commencement of Abatement Action – Enforcement

- A. The matter may be referred to the city attorney for review and a determination of whether to initiate legal action.
- B. In any action filed, the City shall have the burden of showing by a preponderance of the evidence that the property is a chronic nuisance property. Police reports, official city reports, and affidavits may be offered as evidence of chronic nuisance. The failure to prosecute an individual, or the fact no one has been convicted of a crime, is not a defense to a chronic nuisance action.
- C. If the superior court determines the property to be a chronic nuisance under this chapter the court may:
 - 1. impose a warrant of abatement ordering the complainant to take all necessary steps to abate, deter and prevent the resumption of such nuisance; which may include but is not limited to, the immediate:
 - a. vacation of the premises;
 - b. closure and securing of the premises;
 - c. removal of litter, rubbish and junk vehicles from the premises;
 - d. safety inspection by Code Enforcement, Building Official, Fire Marshal, or any other government agency;
 - e. removal of personal property subject to seizure and forfeiture pursuant to RCW 69.50.505. or RCW 10.105.010.
 - 2. impose the expenses of abating, or attempting to abate, the nuisance on the property and/or the person in charge;
 - 3. impose a fine, civil penalty or award damages;
 - 4. order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable, necessary expenses of abating the nuisance and returning the property to productive use;
 - 5. order the person in charge to pay relocation assistance to any tenant who must relocate because of the order of abatement, and who the court finds not to have caused or participated in nuisance activities at the property; and

6. any other further relief deemed appropriate by the court.
- D. In assessing the penalties and remedies, the court may consider the following factors:
1. The actions taken by the person in charge to mitigate or correct the nuisance activity.
 2. The financial condition of the person in charge.
 3. Any known mental or physical disabilities of the person in charge.
 4. The repeated or continuous nature of the nuisance activity.
 5. The statements of the neighbors or those affected by the nuisance activity; and
 6. Any other factor deemed relevant by the court.
- E. Any fine, civil penalty and/or expense awarded to the City may be filed with the city treasurer who shall cause the same to be filed as a lien on the property with the county treasurer. Expenses shall be submitted to the court for review and may be collected on execution.
- F. The City shall file a formal lis pendens notice when an action for abatement is filed in the superior court.
- G. The superior court shall retain jurisdiction during any period of closure or abatement of the property.
- H. Spokane municipal court is to have jurisdiction of all civil infractions issued pursuant to this chapter.

Date Passed: Monday, June 6, 2016

Effective Date: Thursday, July 21, 2016

ORD C35394 Section 6

Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.060 Summary Closure

Nothing in this chapter prohibits the City from taking any emergency action for the summary closure of such property when it is necessary to avoid an immediate threat to public welfare and safety. The City may take summary action to close the property without complying with the notification provisions of SMC 10.08A.040, but shall provide such notice as is reasonable under the circumstances.

Date Passed: Monday, June 4, 2007

Effective Date: Wednesday, July 11, 2007

Recodification ORD C34041 Section 1

Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.070 Severability

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected.

Date Passed: Monday, June 4, 2007

Effective Date: Wednesday, July 11, 2007

Recodification ORD C34041 Section 1

Title 10 Regulation of Activities

Division I. Penal Code

Chapter 10.08A Chronic Nuisance Properties

Section 10.08A.080 REPEALED (Sunset Clause)

Repealed by ORD C33441.

Date Passed: Monday, June 4, 2007

Effective Date: Wednesday, July 11, 2007

Recodification ORD C34041 Section 1

Overview

Inadequately controlled noise can adversely affects people's health, safety, welfare, property values, and the environment. Cities and counties in Washington follow three basic approaches to control noise problems:

- (1) Adoption of noise control provisions based upon the state Noise Control Act, chapter 70A.20 RCW (formerly chapter 70.107), utilizing decibel-based standards;
- (2) Adoption of subjective "public disturbance noise" standards, which do not require the use of decibel meters for enforcement; or
- (3) A combination of these two approaches.

Many smaller cities and towns have chosen the "public disturbance noise" approach.

Noise Control Laws

RCW 70A.20.030(1) empowers the Department of Ecology (DOE) to establish maximum noise levels in identified areas or environments. The rules adopted by DOE establishing maximum permissible noise levels are contained in chapter 173-60 WAC, relating to maximum environmental noise levels, and chapter 173-62 WAC, relating to motor vehicle noise performance standards.

- Chapter 173-60 WAC establishes three classes of environmental designations for noise abatement (EDNA), which are the areas or zones within which the maximum permissible noise levels are set. These EDNA zones are defined with respect to land use and can usually be applied to previously established classifications in existing zoning ordinances or comprehensive plans.
- Chapter 173-62 WAC relates to motor vehicle noise performance standards and establishes maximum permissible sound levels for motor vehicles on all public highways.

Court Decisions

- State v. Immelt, 173 Wn.2d 1 (2011) - The court found a free speech violation in a Snohomish County ordinance that prohibited sounding a car horn except for public safety reasons.
- Holland v. City of Tacoma, 90 Wn. App. 533, 954 P.2d 290 (1998) - Tacoma's noise ordinance, which prohibits the playing of car sound systems at a volume that would be "audible" at a distance of greater than 50 feet, was held to be constitutional.

- Seattle v. Eze, 111 Wn.2d 22, 759 P.2d 366 (1988) - The court upheld a Seattle ordinance that prohibited "unreasonably" disturbing others with "loud or raucous behavior" while on a public bus. The ordinance met constitutional requirements of sufficient certainty to provide adequate notice and to avoid arbitrary enforcement.
- Spokane v. Fischer, 110 Wn.2d 541, 754 P.2d 1241 (1988) - An ordinance prohibiting frequent and habitual dog barking that disturbs or annoys "any other person or neighborhood" was found unconstitutionally vague.
- Everett v. O'Brien, 31 Wn. App. 319, 641 P.2d 714 (1982) - The court upheld Everett's public nuisance noise ordinance in response to a claim that decibel measurements are required in order to establish a violation. The court affirmed that violations could be established under a public nuisance approach.

Regulating Noise Nuisances

Local government across Washington have varied approaches to regulating noise nuisances, from using a decibel-based approach to regulate a variety of noises, to identifying and regulating specific noises.

The Decibel-Based Approach

From a practical standpoint, the decibel-based standards approach is the most difficult to enforce. This method requires the adoption and/or enforcement of noise control provisions enacted pursuant to RCW 70A.20.030(1). Local governments may enact similar provisions establishing noise limitations for areas within their jurisdictions. RCW 70A.20.060(3) requires that any difference between the local regulations and those provided for by the state must be approved by DOE. If DOE has not acted within 90 days after a local ordinance has been submitted, the local provision is automatically approved.

Quite a few Washington cities and counties have adopted combined public nuisance and decibel-based ordinances. Some pair the EDNA set forth in chapter 173-60 WAC with zoning codes to establish maximum permissible environmental noise levels for specifically designated or zoned areas.

Examples of Decibel-Based Ordinances

All of the examples below set maximum permissible decibel levels within their jurisdiction, often making distinctions between differently zoned areas, and also allow for exemptions, such as noise produced by emergency vehicles, electrical substations, or utility installations. Many also offer the opportunity to obtain variances when producing prohibited noise in a temporary way, such as during a construction project.

- **Bellevue Municipal Code Ch. 9.18** — Establishes quiet zones in a specific community park and a greenbelt access area and offers different, defining additional noises prohibited in these areas

- **Kent** Municipal Code Ch. 8.05 — Sets forth which EDNA designation applies in each of the city's zones
- **Seattle** Municipal Code Ch. 25.08 — Requires applicants submit a Noise Management and Mitigation Plan when submitting for a variance
- **Spokane** Municipal Code Ch. 10.08D — Offers exemptions for permitted special events under certain conditions
- **Thurston County** Code Ch. 10.36 and Ch. 10.38 — On the list of exempted items is noise generated through customary agricultural activities and in off-highway vehicles in off-road vehicle parks
- **Tukwila** Municipal Code Ch. 8.22 — Exempts aircraft noise, including noise generated when engines are being tested and/or maintained

The Public Disturbance Approach

Another approach to the problem of noise control is through the enforcement of "public disturbance" noise ordinances. Public disturbance noise ordinances are based upon a subjective standard as opposed to measures of maximum decibel readings. Public disturbance noise provisions, while perhaps easier to enforce, may raise constitutional questions. Provisions must be sufficiently detailed to place a person on notice of what constitutes a violation but prohibitions cannot be so broad as to impinge on free speech.

Examples of Public Nuisance/Disturbance Noise Ordinances

- **Chelan** Municipal Code Ch. 8.31 — Defines a public disturbance noise as loud, raucous, frequent, repetitive, or continuous and includes, but is not limited to, construction activity at non-approved times, audio equipment, including portable or vehicle audio, and vehicle horns or sirens clearly heard by someone at a distance of 75 ft. or more
- **Lakewood** Municipal Code Ch. 8.36 — Provides that yelling, shouting, whistling, or singing on a public street in a manner that disturbs the peace is a violation. Restricts the hours that noise from construction and/or lawn/ground maintenance are allowed, from 10:00 p.m. to 7:00 a.m. on the weekdays and 10:00 p.m. to 9:00 a.m. on the weekends
- **Oak Harbor** Municipal Code Ch. 6.56 — Includes among possible public disturbances: the keeping of any animal and/or bird making frequent or long, continued noise
- **Omak** Municipal Code Ch. 7.20 — Includes among possible public disturbances: yelling, shouting, hooting, whistling, or singing on or near public streets at any time or place

Regulation of Audio Devices

These are generally sections within codes that address broader issues, such as noises or vehicle parking.

Examples of Audio Device Ordinances

- **Bellevue** Municipal Code Sec. 9.18.042 — Creates quiet zones in which noises such as those coming from audio devices are prohibited if they can be heard from over 30 ft. away
- **Ocean Shores** Municipal Code Sec. 10.08.060 — Restricts sound from portable and vehicle stereo equipment such that it not be audible more than 50 ft. from the source, increasing the distance to no greater than 100 ft. for portable stereos on the ocean beach

Regulation of Construction Noises

Some jurisdictions regulate construction site noise by establishing designated hours for permitted construction for certain zones, such as residential zones. Others regulate construction noise through a provision in their general noise control ordinance.

Examples of Construction Noise Ordinances

- **Issaquah** Municipal Code Ch. 16.35 — Permits construction noise from 7:00 a.m. to 6:00 p.m. during the weekdays. Allows individuals or entities to apply for extended hours via a permit process
- **Poulsbo** Municipal Code Ch. 15.32 — Prohibits construction activity within 1,000 ft. of any residence between 7:00 p.m. and 7:00 a.m. on weekdays and on federal, state, or city-observed holidays. Weekend prohibited hours are 7:00 p.m. to 8:00 a.m.
- **Tumwater** Municipal Code Sec. 8.08.030(G) — Limits construction activity that is audible from a dwelling to certain hours

Regulation of Mechanical Equipment

Noise from mechanical equipment, such as heat pumps, is often the subject of code enforcement complaints. Noise-generating mechanical equipment is generally required to meet the noise limits set by DOE in chapter 173.60 WAC, as well as local ordinances. Mechanical equipment is also regulated by building and zoning codes. Some jurisdictions provide that mechanical equipment may be located in a setback if the applicable EDNA noise levels are met at the property line.

Examples of Mechanical Equipment Noise Ordinances

- **Lynnwood** Municipal Code Sec. 21.44.400 (B) — Allows a variance to install a heat pump in a setback if it does not exceed the applicable dBa noise level at property line
- **Mercer Island** Municipal Code Sec. 19.02.020(C)(3)(e) — Provides a variance for mechanical equipment in a setback if it does not exceed the maximum permissible noise levels set forth in WAC 173-60-040 and is not less than three feet from the property line
- **Seattle** Municipal Code Sec. 23.44.014(D)(12) — Requires mechanical equipment to comply with the city's noise control provisions and restricts this

equipment from being located within three feet of any lot line. Includes charging devices for electric cars

- **Woodland Municipal Code Sec. 17.16.080(A)** — Requires that mechanical equipment be visually screened and not disturb neighboring properties in low-density residential zones

Regulation of Power Equipment

While power tools are often viewed as labor-saving devices, they can also be quite noisy. Many cities have regulated the times during which these tools may be used.

Examples of Power Equipment Noise Ordinances

- **Kirkland Zoning Code Sec. 115.95(2)** — Prohibited before 8:00 a.m. or after 8:00 p.m. weekdays and before 9:00 a.m. or after 6:00 p.m. on weekends or on specific federal holidays
- **Shoreline Municipal Code Sec. 9.05.010(C)(9)** — Prohibited between 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends
- **Tumwater Municipal Code Sec. 8.08.030 (N)** — Allowed between the hours of 7:00 a.m. and 8:00 p.m. on weekdays or between 9:00 a.m. and 8:00 p.m. on weekends

Regulation of Rock Crushing and Gravel Operations

Generally, noises from manufacturing and extraction are regulated through performance measures.

Examples of Rock Crushing and Gravel Operation Noise Ordinances

- **Jefferson County Code Sec. 18.20.240(2)(f)** — Allows mineral extraction, mining, quarrying, and reclamation only between 7:00 a.m. and 7:00 p.m. on weekdays
- **Thurston County Code Sec. 17.20.110** — Requires compliance with DOE regulations regarding noise

Recommended Resources

MRSC offers some related resources, including:

- [Animal Nuisances](#) — This webpage has a section that addresses noise nuisances created by animals
- [Automobile Nuisances](#) — This webpage has a section that addresses automobile-generated noise nuisances



A. *General Prohibition.* It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

B. *Public Disturbances.* The following sounds are public disturbance noises in violation of this chapter:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.
2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.
3. Yelling, shouting, whistling or singing on or near public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.
4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.
5. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.
6. Sound from audio equipment, such as loud speakers, amplification equipment, tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source and not operated upon the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, and if operated on the property of the operator or with the knowledge, permission or consent of the owner or legal occupant of the property, than so as to be audible greater than 50 feet from the boundary of the property. For the purposes hereof, any sound, music or other noise emanating from fixed or portable audio equipment of or in a business shall be presumed to be with the knowledge, permission or consent of the owner or legal occupant of the property, which presumption may be rebutted by reasonable evidence to the contrary.
7. The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.
8. Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

9. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, powered hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

C. *Exclusion.* This chapter shall not apply to community events such as parades or regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 11:00 p.m. This chapter shall not apply to fireworks lawfully discharged within the City.

D. *Penalty.* Any person who violates the provisions of this chapter shall be subject to a civil penalty of up to \$250.00; provided, that the penalty for a second or subsequent violation within a two-year period shall be a civil penalty of up to \$500.00. [Ord. 199 § 1, 1999; Ord. 44 § 1, 1996.]

Chapter 10.28

NOISE*

* **Editor's Note:** Prior ordinance history: Ord. 3 (1969) and part of an unnumbered ordinance dated August 28, 1972.

Sections:

- 10.28.010 Definitions.**
- 10.28.030 Environmental designations.**
- 10.28.040 Maximum permissible environmental noise levels.**
- 10.28.050 Exemptions from Sections 10.28.040 and 10.28.145 between 7:00 a.m. and 10:00 p.m.**
- 10.28.060 Exemptions from Sections 10.28.040(b) and 10.28.145.**
- 10.28.070 Exemptions from Section 10.28.040 relating to noise reception in Class A EDNAs and from Section 10.28.145.**
- 10.28.080 Exemptions from all provisions of Sections 10.28.040 and 10.28.145.**
- 10.28.085 Exemptions from all provisions of Section 10.28.145.**
- 10.28.090 Variances – Granting when.**
- 10.28.100 Variances – Implementation schedule.**
- 10.28.110 Variances – Issuance – Hearings when.**
- 10.28.120 Variances – Noise sources with overriding considerations for.**
- 10.28.130 Measurement.**
- 10.28.140 Enforcement policy.**
- 10.28.145 Public disturbance noises.**
- 10.28.146 Enforcement of public disturbance noises.**
- 10.28.150 Violation – Penalty.**

10.28.010 Definitions.

(a) “Background sound level” means the level of all sounds in a given environment, independent of the specific source being measured.

(b) “dBa” means the sound pressure level in decibels measured using the “A” weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is twenty times the logarithm to the base ten of the pressure of twenty micropascals.

(c) “EDNA” means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(d) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(e) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(f) "Property boundary" means an imaginary line exterior to any enclosed structure, at ground surface, which separates the real property owned by one person from that owned by another person, and its vertical extension.

(g) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(h) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(i) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

(j) "Watercraft" means any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water.

(Ord. 3-A (1975) § 2, 1975)

10.28.030 Environmental designations.

For purposes of establishing noise limitations, the unincorporated areas of Kitsap County shall be classified in accordance with Kitsap County zoning ordinance codified in Title 17, and any amendments thereto, as follows:

(a) Residential Zones. Class A EDNA residential zones shall include the following:

- (1) All single-family residential zones;
- (2) All multiple-family residential zones;
- (3) Residential mobile home zone;
- (4) Agricultural zone;

- (5) Forestry zone;
- (6) Undeveloped land zone.

(b) Commercial Zones. Class B EDNA commercial zones shall include the following:

- (1) Business neighborhood zone;
- (2) Business general zone;
- (3) Commercial zone;
- (4) Light manufacturing zone.

(c) Industrial Zones. Class C EDNA industrial zones shall include the following: Manufacturing zone.

Nonconforming uses, as defined by Chapter 17.570, and any amendments thereto, shall be classified according to the actual use of the property under the above EDNA classifications. The maximum permissible noise level for a nonconforming use shall be that level which is applicable to the EDNA classification of the nonconforming use limited by the EDNA of the receiving property.

(Ord. 3-A (1975) § 3, 1975)

10.28.040 Maximum permissible environmental noise levels.

(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied:

EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
Class A	55 dBA	57 dBA	60 dBA
Class B	57	60	65
Class C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m., the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night, the applicable noise limitations in subsections (a) and (b) of this section may be exceeded for any receiving property by no more than:

- (1) 5 dBA for a total of fifteen minutes in any one-hour period; or
- (2) 10 dBA for a total of five minutes in any one-hour period; or
- (3) 15 dBA for a total of 1.5 minutes in any one-hour period.

(Ord. 3-A (1975) § 4, 1975)

10.28.050 Exemptions from Sections 10.28.040 and 10.28.145 between 7:00 a.m. and 10:00 p.m.

The following shall be exempt from the provisions of Sections 10.28.040 and 10.28.145 between the hours of 7:00 a.m. and 10:00 p.m.:

- (1) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances;
- (2) Sounds created by the discharge of firearms on authorized shooting ranges;
- (3) Sounds created by blasting;
- (4) Sounds created by aircraft engine testing and maintenance not related to flight operations, provided that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
- (5) Sounds created by the installation or repair of essential utility services.

(Ord. 3-B (1995) § 2, 1995; Ord. 3-A (1975)q § 5(a), 1975)

10.28.060 Exemptions from Sections 10.28.040(b) and 10.28.145.

The following shall be exempt from the provisions of Sections 10.28.040(b) and 10.28.145:

- (1) Noise from electrical substations and existing stationary equipment used in the conveyance of water by a utility;

(2) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of fifteen hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the Kitsap County commissioners, or their duly authorized representatives.

(Ord. 3-B (1995) § 3, 1995: Ord. 3-A (1975) § 5(b), 1975)

10.28.070 Exemptions from Section 10.28.040 relating to noise reception in Class A EDNAs and from Section 10.28.145.

The following shall be exempt from the provisions of Section 10.28.040, and from the provisions of Section 10.28.145, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.:

- (1) Sounds originating from temporary construction sites as a result of construction activity;
- (2) Sounds originating from forest harvesting and silvicultural activity.

(Ord. 3-B (1995) § 4, 1995: Ord. 3-A (1975) § 5(c), 1975)

10.28.080 Exemptions from all provisions of Sections 10.28.040 and 10.28.145.

The following shall be exempt from all provisions of Sections 10.28.040 and 10.28.145:

- (1) Sounds created by motor vehicles when regulated by WAC Chapter 173-62 and motor vehicles, licensed or unlicensed when operated off public highways except when such sounds are received in Class A EDNAs;
- (2) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations;
- (3) Sounds created by surface carriers engaged in interstate commerce by railroad;
- (4) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes and carillons;

- (5) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible;
- (6) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety or welfare of the community;
- (7) Sounds originating from motor vehicle racing events at existing, authorized facilities;
- (8) Sounds originating from officially sanctioned parades and other public events;
- (9) Sounds from existing refrigeration equipment for preservation of retail food goods;
- (10) Sounds emitted from petroleum refinery boilers during the startup of the boilers; provided that the startup operation is performed during daytime hours whenever possible;
- (11) (Repealed);
- (12) Sounds caused by a natural phenomena and unamplified human voices;
- (13) Sounds created by the discharge of legal fireworks only during the specific days, times and locations where discharge is allowable pursuant to existing state and local law.

(Ord. 3-B (1995) § 5, 1995: Ord. 133-A (1992) § 45, 1992: Ord. 133 (1989) § 45, 1989: Ord. 3-A (1975) § 5(d), 1975)

10.28.085 Exemptions from all provisions of Section 10.28.145.

The following shall be exempt from all provisions of Section 10.28.145 but not thereby made exempt from other applicable ordinances:

- (1) Sounds commonly associated with an existing commercial operation which has been approved through a public hearing process and is operating in compliance with all permit conditions relating to noise;

(2) Sounds commonly associated with an existing commercial operation which was established prior to the effective date of any land use regulation(s) and is thereby nonconforming.

(Ord. 3-B (1995) § 6, 1995)

10.28.090 Variances – Granting when.

Variances may be granted by the Kitsap County commissioners, or their duly authorized representatives, to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(Ord. 3-A (1975) § 6(a), 1975)

10.28.100 Variances – Implementation schedule.

An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(Ord. 3-A (1975) § 6(b), 1975)

10.28.110 Variances – Issuance – Hearings when.

Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than thirty days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(Ord. 3-A (1975) § 6(c), 1975)

10.28.120 Variances – Noise sources with overriding considerations for.

Sources of noise, subject to this chapter, upon which construction begins after the effective date of this chapter, shall immediately comply with the requirements of this chapter except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

(Ord. 3-A (1975) § 6(d), 1975)

10.28.130 Measurement.

Noise measurement for the purposes of enforcing the provisions of Section 10.28.040 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property; provided, however, a violation of this chapter may occur without the above noise measurements being made.

(Ord. 3-A (1975) § 7, 1975)

10.28.140 Enforcement policy.

(a) Compliance with this chapter may be enforced by mandatory injunction brought by the owner or owners of land lying within the area affected by any violation of this chapter, or the prosecuting attorney may commence an action or proceeding for abatement and enjoinder thereof, in the manner provided by law, and shall apply to such court as may have jurisdiction to grant such relief as will abate, restrain and enjoin the violation.

(b) Any person, violating the provisions of this chapter, in addition to the penalties provided for in Section 10.28.150, shall, by order of the court in such action, be ordered to forthwith abate and remove such nuisance; and if the same is not done by such offender within twenty-four hours, the same shall be abated and removed under the direction of the officer authorized by order of the court, which order of abatement shall be entered upon the docket of the court and made a part of the judgment in the action. Any such offender shall be liable for all costs and expenses of the abatement when such nuisance has been abated by any officer or authorized agent of Kitsap County; the costs and expenses shall be taxed as part of the costs of the prosecution against the offender, liable to be recovered as other costs are recovered, and in all cases where the officer is authorized by the court to abate any such nuisance, he shall keep an account of all expenses attending such abatement; and in addition to other powers given to collect such costs and expenses, Kitsap County may bring suit for the same in any court of competent jurisdiction against the offender carrying on the nuisance so abated.

(c) In addition to or as an alternative to any other penalty provided in this chapter or by law, any violation of any provision of this chapter shall constitute a Class I civil infraction. Each violation shall constitute a separate infraction for each and every day or portion thereof during which the violation is committed, continued, or permitted. Infractions shall be processed in accordance with the provisions of the Civil Enforcement Ordinance (Chapter 2.116 of this code).

(Ord. 3-D (1997) § 1, 1997; Ord. 3-A (1975) § 9, 1975)

10.28.145 Public disturbance noises.

It is unlawful for any person to cause, or for any person in possession of real or personal property to allow to originate from such property, a public disturbance noise. Provided, that owners or possessors of real property shall not be responsible for public disturbance noises created by trespassers. The following sounds are public disturbance noises:

- (1) Frequent, repetitive or continuous sound of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
- (2) Frequent, repetitive, or continuous sounds from starting, operating, repairing, rebuilding, or testing of any motor vehicle, motorcycle, dirt bike, or other off-highway vehicle, or any internal combustion engine, within a rural or residential district, and which unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property in the area affected by such noise;
- (3) Use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein except as permitted by law, except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;
- (4) Any loud and raucous sound made by use of a musical instrument, whistle, sound amplifier, or other device capable of producing or reproducing sound which emanates frequently, repetitively or continuously from any building, structure or property, such as sound originating from a band session, tavern operation, or social gathering, and which unreasonably disturb, or interfere with the peace, comfort and repose of possessors of real property in the area affected by such noise;
- (5) Noise from portable or motor vehicle audio equipment, such as a tape player, radio or compact disc player, while in park areas, residential and commercial zones, or any area where residences, schools, human service facilities, or commercial establishments are in obvious proximity to the source of the sound, and where the volume of such audio equipment is such that it can be clearly heard by a person of normal hearing at a distance of fifty feet or more from the source of the sound; provided, however, that this section shall not apply to persons operating

portable audio equipment within a public park pursuant to an event sanctioned by a responsible authority under valid permit or license.

(Ord. 3-B (1995) § 7, 1995)

10.28.146 Enforcement of public disturbance noises.

(a) The county sheriff's office shall enforce the provisions of Section 10.28.145. Evidence of sound level through the use of a sound level meter reading shall not be necessary to establish the commission of the offense. Provisions of Section 10.28.145 shall not affect any other claim, cause of action or remedy including any prosecution for violation of sections regulating environmental noise.

(b) For public disturbance noise that is not related to motor vehicles and noise emanating from vehicles, enforcement may be undertaken only upon receipt of a complaint made by a person residing or who is employed in an area affected by a public disturbance noise, except as provided in Section 10.28.145(5) in which event enforcement shall be undertaken upon complaint made by any person affected by the public disturbance noise.

(c) The subsections of Section 10.28.145 relating to motor vehicles and noise emanating from vehicles may be subject to enforcement with or without a citizen's complaint.

(Ord. 3-B (1995) § 8, 1995)

10.28.150 Violation – Penalty.

Inasmuch as this chapter is for the benefit of the life, health, welfare and safety of the inhabitants of the unincorporated areas of Kitsap County, and is passed under the power given to the county commissioners by the state, it is a misdemeanor to violate any of the provisions of this chapter or any amendments thereto, and such violation shall be punishable by imprisonment in the county jail for not more than ninety days, or by a fine of not more than two hundred fifty dollars. Each day charged shall constitute a separate offense. The prosecuting attorney shall have discretion in each violation of this chapter to proceed with prosecution, either criminally in accordance with this section or civilly in accordance with Section 10.28.140, or both.

(Ord. 3-A (1975) § 8, 1975)

9.24.030 - Disturbing the peace.

It shall be a Class II misdemeanor for any person to create a noise nuisance. For the purposes of this section, a "noise nuisance" is created where:

- A. A person intentionally makes or permits to be made any excessive noise which unreasonably and knowingly disturbs another, after being given notice that such noise is causing or will cause a disturbance; or
- B. The person plays or permits to be played any radio, television, musical instrument, stereo, or other machine or device for producing or reproducing sound in any manner so as to unreasonably and knowingly disturb another, after being given notice that such playing of the above instrument is causing or will cause a disturbance; or
- C. A person uses or permits to be used in a residential zone or in the vicinity of a hotel, motel or hospital, hand or power tools or machinery, resulting in unreasonably loud and disturbing noises between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. 2447 § 1, 6/16/1987)

9.26.010 - Public disturbance noise from portable or motor vehicle audio equipment.

While in park areas, residential, or commercial zones, or any areas where residences, schools, human service facilities or commercial establishments are in obvious proximity to the source of the sound, it is unlawful for any person to cause, make or allow to be made from audio equipment under such person's control or ownership the following:

- A. Sound from a motor vehicle audio system, such as a radio, tape player or compact disc player, which is operated at such a volume that it can be clearly heard by the human ear at a distance of 75 feet or more from the vehicle itself; or
- B. Sound from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume that it can be clearly heard by the human ear at a distance of 75 feet or more from the source of the sound.

(Ord. 2612 § 1, 9/1/1990)



9
APR 10 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Finance

WORK SESSION ☒ **Meeting Date: April 10, 2023**

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other Discussion and Next Steps |

Documents exempt from public disclosure attached: ☐

Executive Summary

In August of 2021 Habitat for Humanity of Clallam County was awarded \$100,000 of ARPA funds to support the completion of affordable housing projects in Clallam County or for restarted affordable housing projects that were previously placed on hold due to high construction material or contractor/subcontractor costs encountered during the COVID-19 public health emergency. These funds were to be used in support of funding affordable housing units built in Clallam County for low-income households with incomes of 30-80% of County AMI. As of December 31, 2021 all funds were expended for affordable housing construction costs.

In October of 2022 the Clallam County Board of Commissioners committed \$1 million of the remaining ARPA funds to Affordable Housing Projects in Clallam County. \$300,000 was committed to Peninsula Housing Authority which left a remaining balance of \$700,000.

In February of 2023, Habitat for Humanity of Clallam County submitted an Executive Summary to the Clallam County Board of Commissioners outlining their need for \$500,000 of ARPA Funds to help cover gaps in funding for the infrastructure and development of Phase One of their affordable housing project located at Brownfield Rd and Miller Rd in Sequim on two, 10-acre parcels purchased by Habitat for Humanity in October 2021 and August 2022. This project will be in two phases (Brownfield Rd and Miller Rd) and each phase will develop approximately 40-42 units (duplexes and townhomes) with a total infrastructure cost of roughly \$3.4 million with each unit to cost \$80,000 for infrastructure development. To date Habitat for Humanity has secured \$1.5 million in funding for these infrastructure costs. These affordable housing units will be for Clallam County eligible households with household incomes of 30-80% of County AMI. The development's land and related infrastructure will be retained and owned by Habitat for Humanity of Clallam County through a Land

* Work Session Meeting - Submit 1 single sided/not stapled copy ARPA Clallam Direct Grant Assistance Agreement--Habitat for Humanity of Clallam County 4-10-23

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019

Trust, and the deed of trust for each unit will require that the unit may only be sold to a subsequent buyer meeting the 30-80% County AMI requirement, ensuring these units remain affordable housing.

On March 28, 2023, Clallam County staff met with Habitat for Humanity of Clallam County to review their attached ARPA application and discuss their needs. The \$500,000 requested of ARPA Funds would assist Habitat for Humanity of Clallam County with Brownfield Rd (Phase One) infrastructure costs including roads/sidewalks/lighting, hookup to electricity/sewer/water and stormwater, permitting and impact fees.

Based on the this discussion, staff believes this project would be an eligible use of ARPA funds. Habitat for Humanity of Clallam County is working to apply for grants and funding at the state level to cover the remaining funding gaps, but intends to begin infrastructure development in the near in 2023 while it continues to secure additional funding. This project is currently in the design phase and will begin the infrastructure development phase later this year with planned completion by the end of 2024. Home building breaking ground will commence in 2025 with an estimated completion date in 2027.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Following review of the attached ARPA application and overview of the project by Habitat for Humanity of Clallam County, staff requests direction from the BOCC on whether to proceed with preparing an ARPA Direct Grant Beneficiary Agreement with Habitat for Humanity of Clallam County for this ARPA request for funding.

County Official signature & print name:



MARK LANE

Name of Employee/Stakeholder attending meeting:

Mark Lane and Chelsea Millar, Clallam County

Colleen Robinson, Habitat of Humanity for Clallam County

Relevant Departments: Finance, BOCC

Date submitted: 4/5/23

* Work Session Meeting - Submit 1 single sided/not stapled copy ARPA Clallam Direct Grant Assistance Agreement--Habitat for Humanity of Clallam County 4-10-23

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019

Entry #: 29 - Habitat for Humanity of Clallam County

Status: Submitted

Submitted: 3/13/2023 6:27 PM

APPLICANT BACKGROUND INFORMATION:**Business/Organization Name**

Habitat for Humanity of Clallam County

Legal Name if different from Business/Organization Name

Habitat for Humanity of Clallam County

Address

728 E Front Street, Port Angeles, Washington 98362

Mailing Address (if different)

PO Box 1479, Port Angeles, Washington 98382

WA State UBI

601346010

TIN (Tax Identification Number)

91-1535386

Unique Entity Identifier (UEI)**Date Business/Organization Opened***

10/1/1991

Organization Type

Non-Profit

Name of Business/Organization Owner/Principal Contact

Colleen Robinson

Other contact names (if applicable)

Colleen Robinson

Phone

(360) 775-3742

Email for the person responsible for grant

colleen@habitatclallam.org

COVID-19 IMPACTS:**What is the amount of money you are requesting:**

\$500,000.00

Please select the eligible use category that fits your needs:

Public Health

Please describe the negative financial and operational impact COVID-19 has had on your organization.

Housing is a social determinant of health. A safe house away from potential hazards can promote well-being. However, living in unsafe or unsuitable housing conditions may contribute to health inequities and be a factor in health problems, such as chronic diseases. People spend roughly 90% of their time indoors, with most of that time likely being in their home. This emphasizes the potential impact housing can have on a person's health.

Clallam County has a critical need for affordable/workforce housing. Habitat Clallam wants to move the needle on affordable workforce housing for the Olympic Peninsula. <https://www.nar.realtor/advocacy/housing-is-critical-infrastructure> - Rosen Consulting Group published a report stating that "housing is critical infrastructure for communities to thrive".

Shortfall in funding for infrastructure and development costs. Habitat Clallam now owns 10-acres within Sequim City limits. The 10-acres are comprised of 2-separate parcels – our development will be in 2-phases. (See Attachment)

- Critical need for workforce/affordable housing in Clallam County.
- Habitat projects development to be \$80k – per unit, our goal is 42-homes for each phase: \$80k x 40-homes = \$3.4million in infrastructure before we put a shovel in the ground to build a home.
- Another issue: The majority of City of Sequim was zoned, single-family, detached. In order to meet the critical need for affordable housing, we needed to build with more density.

* In Oct 2021, Habitat Clallam began a campaign advocating along with other community partners to increase density/zoning with the City of Sequim Planning Commission and Sequim City Council Members. On Oct 10, 2022, the Sequim City Council unanimously voted to allow multi-family zoning within Sequim City limits. This change in zoning significantly increases the amount of homes we can build on each property we own.

Please briefly describe how you would use the funds that were awarded under this program:

Infrastructure: roads/sidewalks/lighting, hookup to electricity/sewer/water and stormwater, permitting and impact fees. Habitat Clallam projects \$80k for infrastructure and development costs per unit. Phase 1 - Brownfield Rd
HFHCC is requesting \$500,000 of the Clallam County designated ARPA funds of the \$750,000 remaining County funds designate for affordable housing. Further, we are requesting the funds be distributed in a lump sum payment to address HFHCC's immediate cash flow need and ensure that the project will continue to move forward over the next 18 to 24 months of property development.

Please briefly describe the impact to your organization if you do not receive the funds requested:

The sooner infrastructure and development are completed, the sooner we can begin construction on homes. In March of 2022, Habitat Clallam was awarded \$1,000,000 from the MacKenzie Scott Foundation, in addition Habitat Clallam has leveraged our mortgage portfolio and secured an additional \$500,000. While \$1,500,000 is a good start towards our \$3,200,000 budget, a shortfall remains. In addition, funding from Clallam County can be used to leverage other fundraising from donors, foundations and grants and highlights that our county government values this project to create more inventory for entry level homes for our workforce is crucial. Lack of funding will impact the timeline negatively for infrastructure and development, which as a domino effect will delay the start to building homes.

Please indicate how much, if any, other COVID-relief funding your organization has received and what it was used for.

\$100,000 - Clallam County, to assist with spiraling construction costs on building Habitat Clallam homes
\$100,000 - City of Port Angeles - home repairs/aging in place projects for City of Port Angeles residents

Please indicate any other COVID-related relief that you have applied for or will be applying for that you are awaiting a response.

None

If your request for funding is related to a water, sewer, or broadband infrastructure project, please indicate how this project meets the infrastructure requirements criteria under ARPA. For water/sewer projects, the project must be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Funds (CWSRF) or Drinking Water State Revolving Fund (DWSRF). For Broadband projects, the project must target unserved or underserved households or businesses not currently served by a wireline connection that delivers at least 25 mbps download speeds and 3 mbps of upload speeds and the project as designed will deliver minimum download and upload speeds of 100 mbps.

N/A

If applicable, please describe how the funding if awarded, would enable your organization to provide assistance to disproportionately impacted by COVID-19 populations, households or geographic areas including addressing health disparities, building stronger neighborhoods and communities as it relates to homelessness, affordable housing, addressing educational disparities worsened by COVID, and promoting healthy childhood environments.

Habitat is proud of the homes built alongside homeowners and volunteers, and the lives that have changed as a result, but we know that our impact on the economy goes beyond the construction of homes. Habitat affiliates across the country purchase goods and services from other businesses, create local jobs, and generate demand in the broader economy. The investments that affiliates make in construction and operations are a powerful engine for local economies. The dollars they spend support other businesses and their employees, who in turn generate even more economic activity. Residential construction has been shown to be a strong catalyst for economic activity and jobs; according to the National Association of Home Builders, building a single-family home generates 3.9 jobs. This ripple effect on jobs and economic activity adds up and amounts to millions of dollars of economic impact in communities nationwide.

Workforce housing is housing built to serve families that are sitting in the middle between true affordable housing and luxury housing. There are a few different versions of workforce housing. Typically, they come into play at an income level where you're serving families that earn between 50 - 80 percent of area median income. There are many benefits to having adequate affordable housing for working families located in a community. Workforce housing allows the critical community workers and emergency responders, CNAs, restaurant workers, hospitality workers and school district staff to live in the same communities in which they work.

Has your organization been made ineligible to receive federal assistance due to debarment, suspension, ineligibility or by voluntary exclusion for lower tier covered transactions?

No

Additional Comments

The benefits that stable housing brings to families and communities, building and repairing homes stimulates other sectors of the economy, driving additional spending and creating local jobs. This is the seldom-told story "beyond the house" of how Habitat creates a ripple effect in local and regional economies around the country. Habitat affiliates purchase goods and services from local businesses and generate increased economic activity in their service areas. For infrastructure and development we will use many local contractors and businesses including but not limited to: excavators, cement work, road paving, etc.

Jobs will be created in construction, Construction Leads will be needed for a project of this size. Regarding the homes to be built, we intend to use local available contractors i.e. electricians, plumbers, drywall, roofers for the homes. Infrastructure and development are the first steps in creating a community. There will be green space for families to gather and enjoy their community.

Our programs and operations create jobs, wages, tax revenue and business activities in the communities where Habitat works. Although a homeowner or family may be the ultimate benefactor of a Habitat house, many people and organizations benefit from the dollars spent and the activity supported along the way.

In submitting this application I swear under penalty of perjury under the laws of the State of Washington that the foregoing information contained in this application is true and correct to the best of my knowledge and belief.

Yes

Certification:

Name

Colleen Robinson

Title

Chief Executive Officer

Date

Please provide any other supporting materials that would assist us in assessing your application (pre-COVID or COVID); financial statements, operational metrics, key invoices/quotes, a detailed list for proposed use of funds, project plans for water, sewer or broadband infrastructure projects, etc.

Upload your completed W-9 here in pdf or jpg

	12 Letters of Support.pdf 3.8 MB	
	Preliminary Site Pland & Survey.pdf 0.7 MB	
	Habitat Property location.pdf 0.2 MB	

	W-9 with Signature.pdf 1.2 MB	
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We build strength, stability, self-reliance and shelter.

February 21, 2023

Clallam County Courthouse

Attn: Clallam County Commissioners Johnson, Ozias, French & Timothy Dalton

223 E 4th Street, #4

Port Angeles, WA 98362

RE: Clallam County ARPA (American Rescue Plan Act) Funds Request

EXECUTIVE SUMMARY

Overview

Habitat for Humanity of Clallam County (HFHCC) has been providing affordable homeownership to Clallam County residents since 1991. In that time HFHCC has built 38 modest, safe, decent homes. HFHCC serves residences that fall between 30-60% of AMI, traditionally first time homebuyers that would not qualify for a traditional mortgage. To qualify for our HFHCC program residences must demonstrate a need for housing i.e. substandard conditions, cost burdened (paying more than 30% of their income on housing), or families doubling up in one dwelling. In addition, they must be able to pay an affordable mortgage that goes into the revolving fund for Humanity to build future Habitat homes and be willing to partner with HFHCC. This partnership is a sweat equity component of 250 hours per adult (18-years or older) that will be living in the home. HFHCC has a paid Construction Manager, but volunteers working alongside our Family Partners primarily build Habitat homes. A 20-year shared appreciation schedule between HFHCC and our Family Partners helps ensure that homes stay in the affordable housing arena. See **Attachment A**

The Problem

Shortfall in funding for infrastructure and development costs. Habitat Clallam now owns 10-acres within Sequim City limits. The 10-acres are comprised of 2-separate parcels – our development will be in 2-phases.

See **Attachment B**

- Critical need for workforce/affordable housing in Clallam County.
- Habitat projects development to be \$80k – per unit, our goal is 40-homes for each phase: \$80k x 40-homes - \$3.2million in infrastructure before we put a shovel in the ground to build a home.
- Another issue: The majority of City of Sequim was zoned, single-family, detached. In order to meet the critical need for affordable housing, we needed to build with more density.
 - In Oct 2021, Habitat Clallam began a campaign advocating along with other community partners to increase density/zoning with the City of Sequim Planning Commission and Sequim City Council Members. On Oct 10, 2022, the Sequim City Council unanimously voted to allow multi-family zoning within Sequim City limits. This change in zoning significantly increases the amount of homes we can build on each property we own.

The Solution

HFHCC is requesting \$500,000 of the Clallam County designated ARPA funds of the \$750,000 remaining County funds designate for affordable housing. In March of 2022, Habitat Clallam was awarded \$1,000,000 from the MacKenzie Scott Foundation, in addition Habitat Clallam has leveraged our mortgage portfolio and secured an additional \$500,000. While \$1,500,000 is a good start towards our \$3,200,000 budget, a shortfall remains. In addition, funding from Clallam County can be used to leverage other fundraising from donors, foundations and grants. Highlights that our county government values this project to create more inventory for entry level homes for our workforce is crucial. See **Attachment C**

Further, we are requesting the funds be distributed in a lump sum payment to address HFHCC's immediate cash flow need and ensure that the project will continue to move forward over the next 18 to 24 months of property development. The sooner infrastructure and development are completed, the sooner we can begin construction on homes.



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ATTACHMENT A

Share Appreciation (Equity)

A shared equity mortgage is an arrangement under which a “lender” and a borrower share ownership of a property. The borrower must occupy the property. When the property sells, the allocation of equity goes to each party according to their equity contribution.

Through volunteer labor and donations of money and materials, Habitat for Humanity of Clallam County builds simple, decent houses. Habitat homes are built with donated labor, resources and funds. The home is then sold to the selected “partner” family via a geared to income, low interest mortgage. A Family Partner does not pay more than 30% of their income for their mortgage payment.

Shared equity/appreciation models enable Habitat affiliates or the communities in which they work to retain or recapture the benefits of public and private subsidies that support access to affordable homeownership.

Timeline	Shared Appreciation Owed to Habitat Clallam
Fifth to Sixth Anniversary	93.3%
Sixth to Seventh Anniversary	86.6%
Seventh to Eighth Anniversary	80.0%
Eighth to Ninth Anniversary	73.3%
Ninth to Tenth Anniversary	67.7%
Tenth to Eleventh Anniversary	60.0%
Eleventh to Twelfth Anniversary	53.3%
Twelfth to Thirteenth Anniversary	46.6%
Thirteenth to Fourteenth Anniversary	40.0%
Fourteenth to Fifteenth Anniversary	33.3%
Fifteenth to Sixteenth Anniversary	26.6%
Sixteenth to Seventeenth Anniversary	20.0%
Seventeenth to Eighteenth Anniversary	13.3%
Eighteenth to Nineteenth Anniversary	6.6%
Nineteenth to Twentieth Anniversary	0.0%



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ATTACHMENT B

HFHCC - Property Owned Within City of Sequim City Limits

This property is less than a mile from the center of town, to ensure easy access to services such as shopping, schools and transportation for both of these developments.

This location is also ideal for a possible future CTE (Career Technology Education) Construction program in partnership with Sequim High School. Habitat closed on 6.4 acres below Alpine Loop in August 2022. These two pieces of land could potentially be where a total of 80-homes are built for families that live and work in Clallam County; and will keep Habitat Clallam Building for many years to come!

Development on the Brownfield Road Parcel began in Nov 2022. Wetland delineation, survey and a preliminary site plan have been completed to date.

↑ Bell Hill



↓ Highway 101



We build strength, stability, self-reliance and shelter.

ATTACHMENT C

Workforce Housing

Workforce housing is housing built to serve families that are struggling in the middle between true affordable housing and luxury housing.

There are many benefits to having adequate affordable housing for working families located in a community. Workforce housing allows critical community workers and emergency responders, CNAs, restaurant workers, hospitality workers and school district staff to live in the same communities in which they work.

**We house the
workforce in our
community!**

Here are a few
examples of the
employers that our
current Habitat Family
partners work for:



Hartnagel Building Supply



United Engineering Inc.



Olympic Garage Door



Peninsula Behavioral Health



Red Lion Hotel



Lower Elwha Klallam Tribe



Tranco Transmissions



Respectfully submitted by:

Colleen Robinson

Chief Executive Officer

Habitat for Humanity of Clallam County

360-460-5560 – cell

colleen@habitatclallam.org

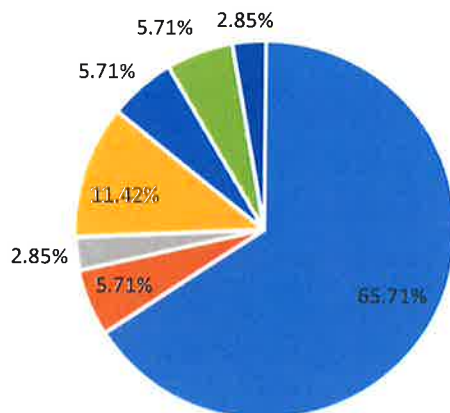


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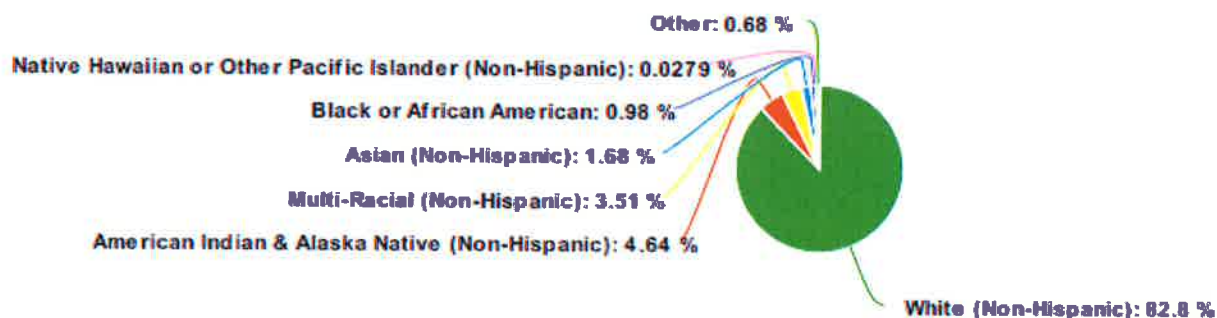
Highlights

These graphs illustrate the family demographic served by HFHCC since 1991 (Building 35 homes) in comparison to Clallam County (2019 Census data) as a whole.

Demographic of HFHCC Home Owners



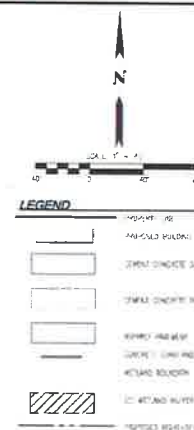
Demographics of Clallam County
<https://datausa.io/profile/geo/clallam-county-wa>



In July of 2019, our Affiliate made a commitment to complete 8-homes in 3-years at our Maloney Heights 14 home community in Port Angeles. In light of the fact that prior to this commitment our Affiliate built 1-home every 12 to 18 months this was an ambitious goal, however, to date we have completed 8-homes. Maloney Heights in Port Angeles is a 14 home community and we are 50% complete on the 14th and final home.

Home ownership for low-income families means they are building personal wealth through their home equity and establishing their permanency in the community. Habitat for Humanity provides a hand-up not a hand-out.

1000-0000/07/0000-0000\$5.00/0
DOI: 10.1002/jbm.b.30100
© 2007 Wiley Periodicals, Inc. *J Biomed Mater Res Part B: Appl Biomater* 79B: 1000–1000, 2007



PROJECT INFORMATION

TO: DOWA HOME MFG. CO. #4 (RHS) NEW BELLEVILLE
40 TONS 360"
E.M. ACW PROPERTY

LEGAL DESCRIPTION
FROM THE JOHN MARGARET DEED BOOK 1 PAGE 4
PARCEL 5 OF EASE NORTH-SOUTH PLAT RECORD 7 REEYES & A 2016 & VOLUME 20
OF EASE PLAT, PART 10 UNDER EASEMAN EUGENE RECOVERED TO DO & EASEMAN,
LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST
QUARTER SECTION 20, TOWNSHIP 2, RANGE 3, WEST 10M EASEMAN COUNTY, MINNESOTA

[illegible]

LOCAL STREET IN TOWNMENT OF VON
 17 VON KRENTZBERG, 4 PLANTER DR. 10TH FLOOR
 21 PARKING LOT ON ONE SIDE
 21 DRIVEWAY ON BOTH SIDES
 21 TRAIL LANE 1/2 MILE WIDE
 21 BLVD ON EACH SIDE BETWEEN 21 MILE

ATTACHED HEREONTO IS THE R-1222 RECORD AN A-100 (ADMINISTRATIVE, COMBINATION SYSTEM) WHICH IS IN THE R-1222 (SEE R-1222).

Each couple home will have a set each with total dimensions 60" x 20" x 10"

Each couple home building will have 2 units each with total dimensions 48" x 20" x 10"

24 BUILDING AND BASED ON FORMULA SET OUT IN CODE 12,000 SF PER BUILDING
APPROXIMATE 260 FOL. FOR 314 ACRES.

DRAINAGE: 1/2" CAN BE AVOIDED BY USE OF AC AND BUTTER (PER SMC
IN BC DRAIN)
BUTTER CAN BE AVOIDED



1997

LDC | Surveying
Engineering
Planning

HABITAT FOR HUMANITY
BROWNSFIELD RD DEVELOPMENT



ADD NUMBER	122-1
STANDARD NAME	
DESIGNER	
STANDARD BY	
DATE	DECEMBER 1981
TEXT	83 ADD
APPROVAL	

2011

BROWNSFIELD ROAD PROJECT

A PORTION OF SECTION 29, TOWNSHIP 30 NORTH, RANGE 3 WEST, W.M.

CLALLAM COUNTY, WASHINGTON

TOPOGRAPHY MAP

LEGAL DESCRIPTION

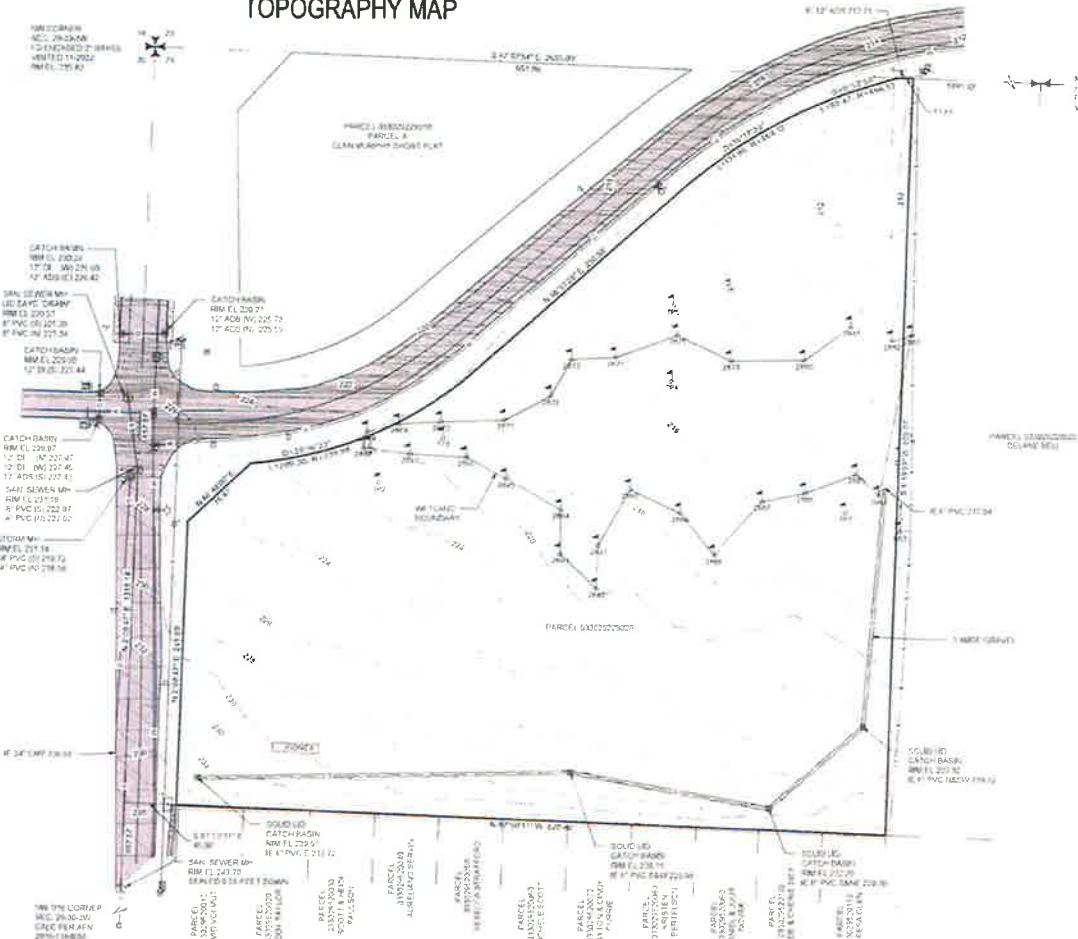
FOR STATUTORY WARRANTY DESD 0022-144204;
PARCEL 5 OF CLAMMURRY (SHORT PLAT) RECORDED SEPTEMBER 19, 2019 IN
VOLUME 35 OF SHORT PLATS PAGE 71 UNDER CLALLAM COUNTY RECORDING
NO. 2019-234465. LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST
QUARTER OF THE NORTHWEST QUARTER SECTION 29 TOWNSHIP 30 RANGE 3
WEST 30 W. CLALLAM COUNTY WASHINGTON.

LEGEND

- CLUMP ANCHOR
- LIGHT STANDARD
- POWER CAPPING
- POWER WETP
- POWER POLE
- POWER POLE WITH DROP
- POWER POLE WITH DROP & TRANS-GRAMEL
- POWER FULL BOX
- SEWER
- STORM MANHOLE
- CULVERT INLET
- STORM CATCH BASIN
- SEWER MANHOLE
- TELEPHONE WAREHOUSE
- TELEPHONE PEDestal
- TELEVISION PEDestal
- UNDERGROUND MANHOLE
- FIRE WARDEN
- WATER WARDEN POST
- WATER VALVE
- ASPHALT
- CONCRETE

SURVEYOR'S NOTES

INTENDED USE OF MAP FOR CIVIL ENGINEERING DESIGN
CONTOURS DERIVED FROM DIRECT FIELD OBSERVATIONS
NATIONAL MAPPING STANDARDS: ONE-HALF THE CONTOUR INTERVAL
THIS IS NOT A BOUNDARY SURVEY
BOUNDARY INFORMATION BASED ON AFS 2519-12645X AND 1998-10104M
NO SUB-SURFACE UTILITIES LOCATED
SURVEY PERFORMED WITH A 3" TOTAL STATION AND/OR GNSS RECEIVER
USING FIELD TRAVERSE. CURVA BASED RELATIVE STATIC ALIGNMENT REAL
TIME KINEMATIC SURVEY METHOD. SURVEY MEETS OR EXCEEDS
ACCURACY REQUIREMENTS CONTAINED IN WAC 332-130-090



BROWNSFIELD ROAD PROJECT

TOPOGRAPHY MAP

HABITAT FOR HUMANITY OF CLALLAM COUNTY



JAMESTOWN
LAND SURVEY

311 BUSH ST. PARK LODGE
311 CLAM, WA 98502
Phone: (360) 663-6844
Email: survey@jamesstownland.com

2022-S-068 1 of 1 SHEET



March 6, 2023

RE: Habitat for Humanity of Clallam County Brownfield Rd Project

To Whom it May Concern,

I write on behalf of our Tribe to encourage the Commerce Housing Trust Fund leadership to support this grant request from the Habitat for Humanity Affordable Housing Project.

Our Tribe has been collaborating with the County and City of Sequim regarding our urgent community need for affordable housing. The County and Sequim have conducted a housing study on the Olympic Peninsula and have determined the obvious; that we have a huge shortage of affordable housing in our community. The housing market in the past few years has driven the housing prices outside of the financial means of the average wage earner family and we need to urge efforts from developers and organizations like Habitat for Humanity to fill that gap. Their request for funding to development and infrastructure of land within Sequim City limits to build *homes* will help those families immensely.

We have committed \$50,000 to contribute to the purchase. Our Tribe employs over 900 people and many of them live a fair distance from our operations and would like to live in the Sequim area, but this shortage is a clear barrier. As our Tribal operations continue to grow and we work at recruiting young new professionals from outside of the area, they quickly realize that the lack of housing is a deep concern.

This grant award will secure the funding to develop the property so 40 affordable homes can be built. The importance of the location of land within Sequim City limits to allow for easier access to schools, transit, and essential services for those that will benefit from owning a Habitat home.

We urge and encourage your Commerce Housing Trust Fund leadership to fund Habitat's request for funding to develop land to build a brighter future for our young families on our Peninsula!

Sincerely,

A handwritten signature in black ink that reads "W. Ron Allen". The signature is fluid and cursive, with the first name "W." and last name "Allen" clearly distinguishable.

W. Ron Allen, Tribal Chairman/CEO



Re: Support for Habitat for Humanity of Clallam County Brownfield Road Project

To Whom It May Concern,

March 7, 2023

Clallam County EDC wholeheartedly supports Habitat for Humanity of Clallam County (HFHCC) in their effort to provide affordable housing options to our community with the development of the Brownfield Road Project.

Clallam County has the second lowest housing affordability index in the entire state, according to University of Washington's Center for Real Estate Research. (wcrer.be.uw.edu/archived-reports). We may not be alone in the housing crisis, but our rural community has been particularly hard hit by it. HFHCC plays an integral role in our ability to improve the lives of our residents.

HFHCC has a proven track record of successful projects. Seven new homes have been built in the last three years, and, this year alone, eight homes were modified to allow the owners to age in place. HFHCC is looked upon as a major change agent in our community, and the Brownfield Road Project will be successful under its leadership.

Providing affordable homeownership options on the housing continuum is critical to economic growth. The 2021 Rosen Consulting Group study, *Housing is Critical Infrastructure: Social and Economic Benefits of Building More Housing* highlights the size of the existing underbuilding gap, consequences of underinvesting in housing, benefits of building more housing, the role of housing infrastructure in communities, and the need for a once-in-a-generation response to address the nation's housing shortage and affordability crisis (www.rosenconsulting.com). Clallam County EDC supports HFHCC's effort to address these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colleen McAleer".

Colleen McAleer
Executive Director



152 W. Cedar Street, Sequim, WA 98382
PH (360) 683-4139 FAX (360) 681-3448

March 9, 2023

Re: Funding for Habitat for Humanity of Clallam County Brownfield Rd. Project

To Whom It May Concern:

The City Council of Sequim recognizes the significant nationwide housing crisis which includes the Olympic Peninsula and the City of Sequim.

Accordingly, this letter is to support Habitat Clallam in its efforts to develop workforce housing in Sequim to alleviate housing shortages. The grant would assist with development costs which are anticipated to be approximately \$80k per unit and include, among other things, infrastructure (roads/sidewalks/lighting), hookups to electricity/sewer/water as well as storm-water mitigation.

Habitat Clallam has been a strong partner organization of the City of Sequim since 2015. Together we have established Rally in the Alley, a neighborhood cleanup program, and created a partnership program in 2018 called Sequim Service Fest that drew 16 Habitat Caravanners to Sequim with to help with home renovations, park cleanup, and neighborhood improvement projects.

There is a serious housing inventory need, including workforce housing. Habitat's business model addresses this issue through their resident-partnership equity model. Knowing Habitat, we trust that Habitat Clallam will deliver a valuable workforce product to the Sequim community.

Therefore, the City Council of Sequim supports Habitat Clallam and their workforce development homeownership program proposed for Sequim. Workforce housing projects like this will make an impact on Sequim for many years to come.

Respectfully,

Brandon Janisse, Deputy Mayor
Sequim City Council

United Way of Clallam County
PO Box 937
905 W 9th Street
Port Angeles, WA 98362
(360) 457-3011 | www.unitedwayclallam.org



February 27, 2023

RE: Habitat for Humanity of Clallam County, Brownfield Road Development

To Whom it May Concern:

This letter is in support of Habitat for Humanity of Clallam County's (HHCC) Brownfield Road Development Project in Sequim, Washington. In October of 2022 the City of Sequim unanimously voted to allow for multi-family zoning within Sequim City limits, allowing for increased density. This change in zoning significantly increases the number of homes that can be built on the property owned by Habitat. HHCC plans to build 40 units at a cost of approximately \$80,000 per unit. While they have raised over \$1.5 million toward the project, a shortfall is anticipated and are they are asking for a set aside to help them reach their goal.

The addition of 40 homes for working families will make a huge impact in Clallam County. This is an incredible opportunity to provide self-help affordable homeownership to CNAs, restaurant workers, office employees, service industry providers, and more. With a low housing stock, this project is just what our community needs.

HHCC has been providing affordable housing to Clallam County since 1991. Their dedication to working with families to create permanent affordable housing helps United Way of Clallam County achieve their mission of helping all residents live safe, healthy, productive lives. We support their vision of helping everyone have a safe place to live. We encourage you to fund their project that will add to our communities affordable housing stock.

Sincerely,

A handwritten signature in black ink, appearing to be "CS" or "Christy Smith", written in a cursive style.

Christy Smith
Chief Executive Officer
United Way of Clallam County
PO Box 937 Port Angeles, WA 98362
(360) 457-3011 www.unitedwayclallam.org



Building Industry Association of Washington
300 Deschutes Way SW, Ste. 300
Tumwater, WA 98501
(360) 352-7800 | BIAW.com

March 8, 2023

RE: Support for Habitat for Humanity of Clallam County Brownfield Road Project

To Whom it May Concern,

I am writing in support of Clallam County Habitat for Humanity's Housing Trust Fund grant request. Our state has a housing affordability crisis. The Brownfield Road Project will help ease the affects of the crisis for residents of Clallam County by building 40 affordable homes.

We have supported their Summer Build Classes which promote Youth Workforce Training as well as community training. Clallam County Habitat for Humanity has demonstrated responsible and equitable use of the funds BIAW has granted them along with providing the desired outcomes from the programs they offer.

The Building Industry Association of Washington (BIAW) fully endorses Clallam County Habitat for Humanity's efforts to help build the next generation of our states' workforce and provide affordable homes in their community. BIAW urges the Housing Trust Fund to approve this grant request.

Respectfully submitted,

Al Audette
Building Industry Association of Washington
Education and Workforce Development Director

Kaye Gagnon Consulting • Elegant: Strategy, Design and Results

10 Juniper Lane Sequim WA 98382

kaye@kaye6.com • (310) 654 - 3441 • www.kaye6.com

February 27, 2023

To whom it may concern:

I am in full support of the congressional set aside funding for the Habitat Humanity Clallam County (HFHCC) Brownfield Road Project. Pre development is well under way and funding for this Workforce Housing development is critical for our rural economy.

This development will enable workforce training for our High School Students as part of the Career Technical Education (CTE) curriculum designed to graduate career ready High School graduates. As you know we are working to create a new building on Sequim School Campus to increase our CTE learning, fill skilled trade job opening and stop the export of our youth. The groundswell of support for the CTE building is the first step in the path forward of gaining community engagement and support for our School District.

Big Impact: 40 homes within 2 years will provide a significant impact to our workforce housing crisis here in Clallam County.

Right reasons: Minority and fixed income families will have home security which will allow them to focus on their jobs and families.

Proven track record: HFHCC has a 30-year success story and going strong and a \$1,000,000.00 grant for a rural affiliate, now that is results!

Leadership second to none: The HFHCC Board is a talented, diverse and successful group with a robust strategic plan. The Brownfield Lot acquisitions meet financial, environmental, equality and economic goals.

I have enjoyed a 32-year career as an Aerospace Engineer serving on Executive Leadership Teams for over 20 years. I have donated my Consulting skills while working with the HFHCC Board of Directors since 2020. Based on my experience I can attest that the HFHCC Board is high quality organization with excellent leadership and capabilities which is producing world class results.

I urge you to invest in the development of the Brownfield Road properties now so we can relaunch our CTE Construction Curriculum to graduate career ready students and fill the many open jobs in our County while we provide workforce housing.

Sincerely, Kaye Richardson

Kaye Richardson, Kaye Gagnon Consulting



Peninsula Housing Authority
Serving Clallam and Jefferson Counties
2603 S. Francis Street, Port Angeles WA 98362
(360) 452-7631 Ext *813 • (360) 457-7001 Fax
Email: smartinez@peninsulapha.org

March 3, 2023

RE: Support for Habitat for Humanity of Clallam County Development of Brownfield Rd. project

To Whom It May Concern:

Peninsula Housing Authority (PHA) fully supports Habitat for Humanity of Clallam County's Brownfield Rd. Project. The development of this project will provide much needed affordable housing in Clallam County.

Habitat for Humanity of Clallam County is proposing forty (40) homes for the Brownfield Rd. project. The rising cost of real estate prevents many individuals and families from owning a home simply because they are employed at a job in the service industry. The housing in which Habitat is looking to develop at the Brownfield Rd. Project would fit the needs and incomes of those in food service, medical assisting, grocery, retail and many other workforce jobs in our community. Forty homes will make a significant impact in our current housing market. Not only for those who are seeking affordable homeownership, but also impacting the entire housing continuum by building new housing. Any new affordable housing units added to the market has a ripple effect on the strained rental market.

PHA strongly encourages you to support Habitat for Humanity of Clallam County in their request for congressional appropriation.

Thank you for your consideration.

Sincerely,

Sarah T. Martinez
Executive Director
Peninsula Housing Authority



6 March 2023

RE: Affordable Housing

To whom it may concern:

I am an independent marketing consultant based in Sequim, but with clients throughout the country. Hence the letterhead.

But I am also involved in a number of community organizations, including St. Vincent de Paul and Sequim Cares. These are two of the organizations who help people who are facing housing issues. It is in this role that I writing this letter.

The shortage of affordable housing in Sequim is critical. With St. Vincent de Paul, we are often helping with rents of \$2,000 for people who are employed and making minimum wage.

We also help families who are homeless, often they are employed as well. The homeless population here is not very visible. People are living in their cars. Not too long ago when I was on call for St. Vincent de Paul, I bought gas for a family who were living in their car. The mom was holding a three-month-old baby. Dad is a cook at a local restaurant. This is just one example of what we often see here.

The need for affordable housing for working families is critical to our community. Not only is it important for humanitarian reasons, it also will help our economy. Businesses need workers, but without affordable housing, there will be nowhere for workers to live.

Please support affordable housing in Sequim.

Sincerely,

A handwritten signature in black ink that reads "Mike Flynn". The signature is written in a cursive, flowing style.

Mike Flynn



31 My Way
Sequim, WA 98382 | 360.452.8160

www.northpeninsulabuildingassociation.com

March 6, 2023

RE: Habitat for Humanity of Clallam County, Brownfield Road Development

To whom it may concern:

North Peninsula Building Association is sending this letter in support of the Habitat for Humanity of Clallam County- (HHCC) Brownfield Road Development Project. As a building association we understand first and foremost the importance and urgency of affordable housing. We partner with Habitat of Humanity Clallam County supporting their workforce residential construction build classes because we know there is an ever-rising shortage of affordable housing in Clallam County that has a direct impact on the entry level workforce population.

With the change to the City of Sequim's multi-family zoning in Oct of 2022, HHCC will now be able to build significantly more homes on the property that they own than they were previously able to. This equates into a substantial increase of affordable housing for our local workforce which is desperately needed. Local contractors, trades people along with so many other businesses in our county have employee shortages. In an effort to find and retain employees we need to have affordable housing available for them. Entry level housing such as the type that HHCC is planning with this project is an integral starting point for the success of young people trying to build their future working and living as members of the community, the county, and the state.

We believe that the efforts HHCC have made on affordable housing in our community thus far have positively impacted the lives of many families that are now able to stay part of the local workforce and community. The Brownfield Project will provide even more housing and is a great starting point in a long journey to improve and grow the local economy.

If affordable housing is not made available, we believe we will see a continual exodus of the workforce population out of the state which will not be beneficial to anyone.

North Peninsula Building Association encourages you to support Habitat for Humanity of Clallam County in their request for congressional appropriation and in doing so you will be helping so many families as well as employers maintain a livelihood in a place, they call home.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Dewey', is written over a light blue horizontal line.

Amber Dewey

Executive Officer

North Peninsula Building Association

Info.npba@gmail.com

Ann Marie Henninger BSN RN
425 N Sunnyside Avenue
Sequim Washington 98382
amhenninger@gmail.com/360.461.5531

23 February 2023

To Whom it May Concern,

I am writing you to express my passionate support for Habitat of Clallam County's grant application to build 40 homes in my community of Sequim.

As a 27-year resident of this community, an active volunteer, a registered nursing for an outpatient Opioid Treatment Clinic, and elected official in the health care sector, I see every day the need we have in our town for affordable housing. Sequim is **seriously short of housing** that is affordable and many citizens either cannot *find* housing or cannot *afford* housing.

This project will enable 40 units of comfortable and accessible housing to be built in our town, which will benefit other sectors of our community. If we have housing, we can attract teachers and healthcare providers, both of which will enhance life in Sequim. If we have housing, citizens working in various jobs and currently priced out of local housing will be able to find a home.

There is a tremendous amount involved in the process of awarding grants; know that your fiat or "Yes" to this project will have powerful and long-lasting impact for good. I am proud of Habitat of Clallam County and the very good work they've done over the years. I have complete faith that this project will bring forth the same level of excellence and compassion.

Thank you for your consideration,



Ann Marie Henninger BSN RN



Peninsula Housing Authority
Serving Clallam and Jefferson Counties
2603 S. Francis Street, Port Angeles WA 98362
(360) 452-7631 Ext *813 • (360) 457-7001 Fax
Email: smartinez@peninsulapha.org

March 3, 2023

RE: Support for Habitat for Humanity of Clallam County Development of Brownfield Rd. project

To Whom It May Concern:

Peninsula Housing Authority (PHA) fully supports Habitat for Humanity of Clallam County's Brownfield Rd. Project. The development of this project will provide much needed affordable housing in Clallam County.

Habitat for Humanity of Clallam County is proposing forty (40) homes for the Brownfield Rd. project. The rising cost of real estate prevents many individuals and families from owning a home simply because they are employed at a job in the service industry. The housing in which Habitat is looking to develop at the Brownfield Rd. Project would fit the needs and incomes of those in food service, medical assisting, grocery, retail and many other workforce jobs in our community. Forty homes will make a significant impact in our current housing market. Not only for those who are seeking affordable homeownership, but also impacting the entire housing continuum by building new housing. Any new affordable housing units added to the market has a ripple effect on the strained rental market.

PHA strongly encourages you to support Habitat for Humanity of Clallam County in their request for congressional appropriation.

Thank you for your consideration.

Sincerely,

Sarah T. Martinez
Executive Director
Peninsula Housing Authority



EQUAL HOUSING OPPORTUNITY



BARRIER FREE



NORTH OLYMPIC REGIONAL VETERAN'S HOUSING NETWORK

250 ASH AVENUE, FORKS, WASHINGTON 98331

PHONE: 360.374.5252 FAX: 360.327.3601

www.sargesveteransupport.org Federal ID: 91-2046287

February 23, 2023

RE: Habitat for Humanity of Clallam County Brownfield Road Development Project

Dear Sirs & Madams:

This letter is in support of Habitat for Humanity of Clallam County who is developing 40 homes in Sequim for workforce housing on Brownfield Road.

Habitat has been a champion of low income families believing in a world where everyone has a decent place to live. They bring people together to build homes, communities, and hope. Incorporated in 1991, Habitat began their work in Sequim as Dungeness Valley Habitat for Humanity and in 2006 they moved to Port Angeles and became Habitat for Humanity of Clallam County. They have served over 30 families in 25 years through new home construction, and over 50 families through their Neighborhood Revitalization approach.

They are crafting goodness in our community, aiding those who are vulnerable and struggling to house their families, and are quite literally constructing neighborhoods for our local citizens. They are creating a sense of well being, fortitude, perseverance and HOPEFULNESS for their residents, our neighbors and our County.

Thank you for supporting Habitat for Humanity of Clallam County and their development of the Miller property. Through this work, more families will be able to find their own sense of center and community.

If you have any questions, please do not hesitate to contact me at 360-374-5252.

Sincerely,

Cheri A. Tinker, MSW
Executive Director



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AGENDA ITEM SUMMARY

APR 10 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

4a

Department: BOCC

WORK SESSION ☒ **Meeting Date:** 4/10/23

REGULAR AGENDA ☒ **Meeting Date:** 4/11/23

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other - Notice |

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached supplemental appropriations on April 25, 2023.

Supplemental appropriations – increased expenditures due to unanticipated federal, state, and local funds.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
See attached form(s).

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice of supplemental appropriations.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



NOTICE OF SUPPLEMENTAL APPROPRIATIONS BUDGET MEETING

Notice is hereby given Clallam County will adopt by Resolution of the Board, the supplemental budget appropriations in the following funds pursuant to RCW 36.40.100, at 10 a.m. on April 25, 2023 in the Commissioners' Meeting Room (160) of the Clallam County Courthouse.

HHS – Developmental Disabilities – Additional funding from DSHS/DDD for increasing services provided to individuals with developmental disabilities and increase in administration funds/\$546,167

HHS Operations – Funding received for providing COVID 19 services and providing lodging and housing assistance/\$71,387

Copies of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Date: April 11, 2023

Mark Ozias, Chair

Publish: April 16

Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

MAR 16 2023



CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 3/16/23 ✓

Budget Hearing/Meeting Date: 4/25/23 ✓

☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	11331.511 ✓	Budget Name	HHS – Developmental Disabilities ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
11331.511 ✓	HHS – Developmental Disabilities	33404.68.1552 ✓	DSHS State Grant	510,436
11331.511 ✓	HHS – Developmental Disabilities ✓	33404.68.1554 ✓	DSHS State Grant Administration	35,731
Total				546,167 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
11331.511 ✓	HHS – Developmental Disabilities ✓	56800.41.0350 ✓	Developmental Disabilities Services	510,436
11331.511 ✓	HHS – Developmental Disabilities ✓	56800.43.0020 ✓	Travel Training	5,000
11331.511 ✓	HHS – Developmental Disabilities ✓	56800.49.0060 ✓	Registration	3,000
11331.511 ✓	HHS – Developmental Disabilities ✓	50800.00.0000 ✓	Ending Fund Balance	27,731
Total				546,167 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Additional funding from DSHS / DDD for increasing services provided to individuals with developmental disabilities (510,436). Funding includes an increase in administration funds (35,731).

County Official Approval: 
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

45

MAR 20 2023



CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 3/20/23 ✓

Budget Hearing/Meeting Date: 4/25/23 ✓

- ☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

11301.511

11301.511	11331.511	Budget Name	HHS Operations
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REVENUE/SOURCE

BUDGET NUMBER XXXXX.XXX.	DEPT NAME	BARS NUMBER XXXXX.XX.XXXX	ACCOUNT DESCRIPTION	AMOUNT
11301.511 ✓	HHS Operations ✓	33393.32.3020 ✓	DOH ELC EDE LHJ Allocation	27,519
11301.511 ✓	HHS Operations ✓	33404.20.2030 ✓	DOH Hotel Leasing & Rapid Rehousing	43,868
Total				71,387 ✓

EXPENDITURES

BUDGET NUMBER XXXXX.XXX.	DEPT NAME	BARS NUMBER XXXXX.XX.XXXX	ACCOUNT DESCRIPTION	AMOUNT
11301.511 ✓	HHS Operations ✓	56210.41.0020 ✓	Professional Services	63,587
11301.511 ✓	HHS Operations ✓	56210.31.0065 ✓	Food	7,800
Total				71,387 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

HHS is receiving an additional \$27,519 of funding for providing Covid 19 services. Also, receiving an additional \$43,868 from the Department of Commerce for the hotel leasing & rapid rehousing services grant to provide lodging and housing assistance.

County Official Approval: _____
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

[Signature]

46



11
APR 10 2023
46

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date:** 4/10/23

REGULAR AGENDA ☒ **Meeting Date:** 4/11/23

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other - Notice |

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached debatable emergencies on April 25, 2023

Debatable emergency – Public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
See attached form(s).

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice of debatable emergencies.

County Official signature & print name: Loni Gores Loni Gores

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



BUDGET RESOLUTION _____, 2023

CALL FOR HEARING FOR DEBATABLE EMERGENCIES IN THE FUNDS LISTED BELOW

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Pursuant to RCW 36.40.140, the following facts constitute a public emergency that could not reasonably have been foreseen at the time of making the budget:

Sheriff – Animal Control – Additional funding to meet increased contract costs for the Humane Society for 2023/\$21,000

PW – Roads – Employee retirement vacation and sick pay out/\$37,530

PW – Carlsborg Sewer - Adjustment of 2022 City of Sequim True-Up due to incorrect rates and underbilling/\$79,936

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. A public hearing on the debatable emergencies listed above will be held April 25, 2023 at 10:30 a.m. in Room 160 of the Clallam County Courthouse.
2. A copy of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

PASSED AND ADOPTED this 11th day of April 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

Mike French

ATTEST:

Loni Gores, CMC, Clerk of the Board

Publish: April 15, 2023

Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

MAR 22 2023

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 3/20/23

Budget Hearing/Meeting Date: 4/25/23

- ☐ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☒ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.813	Budget Name	Sheriff - Animal Control
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	21,000
Total				21,000

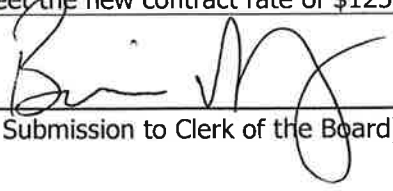
EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.813	Sheriff - Animal Control	55430.49.0077	Humane Society Sheltering	21,000
Total				21,000

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

The Humane Society is seeking increased contract costs for 2023. Their operating costs have increased substantially and they have not received an increase in their contract rate for many years. The established budget is for \$104,000, so an additional \$21,000 is requested to meet the new contract rate of \$125,000.

County Official Approval:  03/22/23

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)



CLALLAM COUNTY BUDGET CHANGE FORM

MAR 30 2023



Date Submitted: 03.30.23 ✓

Budget Hearing/Meeting Date: 04.25.23 ✓

— **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds

☒ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

— **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law

— **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase

— **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	10101.611 ✓	Budget Name	PW - Roads ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
10101.611 ✓	PW – Roads ✓	50800.00.0000 ✓	Ending Fund Balance	\$37,530
Total				\$37,530 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
10101.611 ✓	PW – Roads ✓	54420.10.0010 ✓	Regular Time	\$37,530
Total				\$37,530 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Employee retirement vacation and sick pay out.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

[Handwritten signature]

49



Budget Hearing/Meeting Date: 04.25.23 ✓

Budget Reduction – a reduction in revenues and/or expenditures

Revised: C:\Users\hsteeby\Desktop\BUDGET CHANGE\2023 42401 DE 03.28.33 CITY OF SEQUIM TRUE UP.docx



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

12
4/10/23

Department:

Document was submitted after the agenda and packet were posted on 4/10/23

WORK SESSION ☒ Meeting Date: 04.10.2023

REGULAR AGENDA ☒ Meeting Date: 4-10-23

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: PFF would like to purchase one used RV from Wilder RV to replace the aged out RV at DRA campground. The RV is used to house seasonal employees.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) If a budget action is required, has it been submitted and a copy attached? ☐

Recommended action: PFF recommends the board approve this purchase.

County Official signature & print name: Rick McFarlen Rick McFarlen

Name of Employee/Stakeholder attending meeting: Rick McFarlen

Relevant Departments: Parks, Fair, Facilities

Date submitted: 04.10.2023.

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



**REQUEST FOR WAIVER OF
BID/RFP/QUOTE REQUIREMENT**

Department: **Parks, Fair & Facilities**

Date: 04.10.2023

Contract Number: **10911.23.001**

Pursuant to Clallam County Code Chapter 3.12, and Administrative Policy 560, a waiver of the Bid/RFP/Quote requirement for purchases of goods or services is requested.

Goods or Services to be Purchased: Used 2019 Forest River Surveyor. This is a used bumper pull RV trailer to replace the existing aged out RV at DRA Campground. The RV is used to house seasonal employees.

Cost of Purchase: \$34,996.00

Vendor to be Awarded Contract: Wilder RV, Port Angeles WA.

I certify that after diligent inquiry, to the best of my knowledge the vendor indicated above is the sole provider of the goods/services detailed in this document.

By: _____

A handwritten signature in blue ink, appearing to read "Donald Crawford", written over a horizontal line.

Donald Crawford
Director, Parks, Fair & Facilities

Approved this _____ day of _____ 20

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair



Phone 1-800-927-9379 or 360-457-8511 • Fax 360-565-2364



3/27/2023

Stock #R1975A Online Advertisement:

2019 Forest River SURVEYOR

4X4TSVF23KL036953

List Price **\$36,739**

Web Sale Price **\$32,995**

(Quote for Clallam County Parks \$31,900 + Tax & License)

#R1975A	\$31,900.00
Tax	\$2,807.20
License	\$139.75
Doc Fee	\$150.00

Total **\$34,996.95**

Guy Mitchell

General Sales Manager

Wilder RV & Auto

1527 Front Street

Port Angeles, WA 98362

43 Jetta Way • Port Angeles, WA 98362

**You can
count on us!**



ES e
30m
APR 10 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Prosecuting Attorney's Office

EXECUTIVE SESSION ☒ **Meeting Date: 4/10/2023**
3:00pm

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other: Litigation |

Documents exempt from public disclosure attached: ☐

Executive summary:

An Executive Session is requested to discuss developing issues, and Clallam County involvement, in potential new opioid litigation.

This litigation may be discussed with legal counsel in Executive Session pursuant to RCW 42.30.110(1)(i), which states that executive sessions may be held "to discuss with legal counsel representing the agency litigation ... to which the agency, the governing body, or a member acting in an official capacity is... a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Provide feedback on the proposed statewide allocation structure.

County Official signature & print name: Bert Dee Boughton

A handwritten signature in blue ink, appearing to read "Bert Boughton", written over a horizontal line.

Name of Employee/Stakeholder attending meeting: Bert Dee Boughton

Relevant Departments: PAO, BOCC, HHS, RISK

Date submitted: April 6, 2023

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agenda Item Summary - PBH Bellweather
Revised: 3-04-2019



4/10/23
Joint meeting
@ city of PA
@ 5pm

April 10, 2023
Port Angeles City Council and the Clallam County Commissioners
Joint Special Meeting Agenda

This meeting will be conducted as a hybrid meeting.

This meeting will be conducted as a hybrid meeting. In hybrid meetings, members of the public, Council members, Clallam County Commissioners, City and County staff have the option to attend in person at the City Hall Council Chambers, located at 321 East 5th Street in Port Angeles, or attend remotely via telephone or video link. This meeting is open to the public. To attend the meeting virtually, follow the instructions below, or visit www.cityofpa.us for more information regarding our virtual meetings.

The Mayor of the City and Chair of the Board of County Commissioners will preside over the meeting. They may determine the order of business and the agenda should be arranged to best serve the needs and/or convenience of the Council, Commissioners, and the public. The Mayor and Chair will determine time of break. Closed captions may be available, please email cityclerk@cityofpa.us or call 360-417-4634. The items of business for the joint special meeting may include the following:

For audio only, please call: 1-844-992-4726

Use access code: 2553 863 3884

Use webinar password: 52377658

To join through the Webex link:

<https://cityofpa.webex.com/cityofpa/j.php?MTID=m1e3716843bc15f6acd71e814d2033c71>

A. Call to Order – Special Meeting at 5:00 p.m.

B. Joint Meeting

- Site Selection and Infrastructure / *Discussion and Action May Follow*
- Ownership/Term Sheet / *Discussion and Action May Follow*
- Authorization of Property Selection/Purchase / *Discussion and Action May Follow*

C. Adjournment – 7:00 p.m.

The Council and Commissioners encourage citizen participation. An opportunity for public comment will be available at a later date. Upcoming meeting information can be found on the City website: www.cityofpa.us/583/Meetings-Agendas. Community members may also contact City Council by email at council@cityofpa.us, or written letter mailed to 321 East 5th Street, Port Angeles, WA 98362 or by dropping it by City Hall. Learn more by visiting: www.cityofpa.us/137/City-Council