



WORK SESSION

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street, Room 160
Port Angeles, Washington
January 11, 2021

****ATTENTION****

In response to the current pandemic, to promote social distancing, and in compliance with Governor's Proclamation which prohibits in-person attendance at meetings, the Board of Commissioners strongly encourages the public to take advantage of remote options for attending open public meetings.

This meeting can be viewed on a live stream at this link: <http://www.clallam.net/features/meetings.html>

If you would like to participate in the meeting by phone call 408-419-1715 and use Meeting ID: 875 561 784.

If you would like to participate via video conference, visit www.bluejeans.com and join the Work Session with Meeting ID: 875 561 784.

No in-person attendance will be allowed until Governor's Proclamation is lifted.

Public comment and questions can be directed to the Clerk of the Board at 360-417-2256 or agores@co.clallam.wa.us.

Administration – 9 a.m.

- 1 Calendar/Correspondence
- 2 Agreement with Canyon City Solutions Software for True Star Behavioral Health Services clinical documentation and billing

Public Works

- 3 Resolution initiating a County Rod Project designated as CRP C1255, Traffic Control Devices (5a)*
- 4 Letter designating applicant agent and letter of support for the Dungeness Off-Channel Reservoir project (5b)*

Community Development

- 5 Indemnification of lost original note and/or deed of trust and request for full reconveyance

Board of Commissioners

- 6 Resolution appointing Philip Giuntoli to the Planning Commission
- 7 Discussion and resolution appointing members to the Clallam County Districting Commission

Budget

- 8 Resolution creating a new Bullman Beach Water System Fund
- 9 Discussion of proposed supplemental appropriations to be considered on January 26 (4a)*
- 10 Discussion of proposed budget emergencies to be considered on January 26 (4b)*

Continued Work Session - 1 p.m.

- 11 Discussion and next steps on Conservation Futures

General Discussion/Items for Future Agendas

- NODC update (January 25)
- Wake Boat Discussion (January 25 at 10 a.m.)
- CRC recommendation discussion (March 15)
- Noise Ordinance (TBD)

EXECUTIVE SESSION

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.

- 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.



AGENDA ITEM SUMMARY

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

11
cont-ws
y/11/21
@1pm

Department: BOCC

CONTINUED WORK SESSION

☒ Meeting Date: 1/11/21 – 1 p.m.

Item summary:

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

Documents exempt from public disclosure attached: ☐

Executive summary:

In 2019 the Commissioners established a Conservation Futures Fund for Clallam County. Clallam County Code 5.45.050 outlines the establishment of a Conservation Futures Program Advisory Board as follows:

5.45.050 Establishment of a Conservation Futures Program Advisory Board.

Effective January 1, 2020, the Board of County Commissioners shall appoint a Conservation Futures Program Advisory Board to implement the provisions of this chapter. The Advisory Board shall recommend to the Board of County Commissioners criteria for selection of the projects to be funded. The Advisory Board shall also make annual or more frequent recommendations to the Board of County Commissioners for projects to be funded as part of the conservation futures program and shall develop strategic, long-term plans for the program. All recommendations of the Program Advisory Board shall be forwarded to the Board of County Commissioners for final action.

The Advisory Board shall consist of five voting members, with one voting member from each of the respective County Commissioner Districts and two at-large members, with expertise and experience in the areas of farming and agriculture, family forestry, or natural resource conservation. Nonvoting ex officio members include the North Olympic Land Trust Director or designee, the Clallam Conservation District Director or designee, the Clallam County Habitat Biologist or designee, the WSU Extension Agent, and representatives from one or more tribal governments. Terms of the Advisory Board members shall be limited to four years. Initial terms shall be staggered so that no more than 33 percent of the board members' terms shall expire in any year.

The purpose of today's discussion will be to establish a process and a timeline for identifying members and formally establishing the Advisory Board.

* 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)

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 at this time.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
The purpose of today's discussion will be to establish a process and a timeline for identifying members and formally establishing the Advisory Board.

County Official signature & print name: Loni Gores Loni Gores

Name of Employee/Stakeholder attending meeting: Board of Commissioners, North Olympic Land Trust, Clallam Conservation District, Clallam County Habitat Biologist, WSU Extension Agent, Tribal Representatives, Finance Department, Department of Community Development

Relevant Departments: Board of Commissioners, Finance Department, WSU Extension, Department of Community Development

Date submitted: December 23, 2020

* 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)

CLALLAM COUNTY CONSERVATION FUTURES FUND--19910 SUMMARY FINANCIAL STATUS AS OF 12/31/2020 & BUDGET FOR 2021
--

	<u>2020 Actuals</u>	<u>2021 Budget</u>
REVENUES		
Real and Personal Property Taxes**	\$ 266,916	\$ 278,000
Leasehold Excise Tax	\$ 1,638	\$ -
DNR Timber Trust 2	\$ 8	\$ -
Housing Authority PILT	\$ 8	\$ -
Investment Interest	\$ 339	\$ -
DNR Other than Timber	\$ 1,158	\$ -
Sale of County Timber	\$ 16,582	\$ -
TOTAL REVENUE	\$ 286,650	\$ 278,000
TOTAL EXPENDITURES	\$ -	\$ -
OPERATING SURPLUS/(DEFICIT)	\$ 286,650	\$ 278,000
BEGINNING FUND BALANCE	\$ -	\$ 286,650
OPERATING SURPLUS/(DEFICIT)	\$ 286,650	\$ 278,000
ENDING FUND BALANCE	\$ 286,650	\$ 564,650

**Based on Levy Rates of \$.0273752777 for 2020 and \$.025619972587 estimated for 2021 per \$1,000 of assessed value)

CLALLAM COUNTY

BACKGROUND--RCW GOVERNING CREATION OF A CONSERVATION FUTURES FUNDS

Conservation futures are a useful tool for counties to preserve lands of public interest for future generations. ... (1) Any board of county commissioners may establish by resolution a special fund which may be termed a conservation futures fund to which it may credit all taxes levied pursuant to RCW 84.34.230.

RCW 84.34.240

Acquisition of open space, etc., land or rights to future development by certain entities—Conservation futures fund—Additional requirements, authority.

Conservation futures are a useful tool for counties to preserve lands of public interest for future generations. Counties are encouraged to use some conservation futures as one tool for salmon preservation purposes.

(1) Any board of county commissioners may establish by resolution a special fund which may be termed a conservation futures fund to which it may credit all taxes levied pursuant to RCW 84.34.230. Amounts placed in this fund may be used for the purpose of acquiring rights and interests in real property pursuant to the terms of RCW 84.34.210 and 84.34.220, and for the maintenance and operation of any property acquired with these funds.

(2)(a) Generally, the amount of revenue used for maintenance and operations of real property, the rights or interests of which were acquired pursuant to the terms of RCW 84.34.210 and 84.34.220, may not exceed fifteen percent of the total amount collected from the tax levied under RCW 84.34.230 in the preceding calendar year. Revenues from this tax may not be used to supplant existing maintenance and operation funding.

(b) A county may use up to twenty-five percent of the total amount for maintenance and operations of real property, the rights and interests of which were acquired pursuant to the terms of RCW 84.34.210 and 84.34.220, which may not be used to supplant existing maintenance and operation funding, if the county has:

- (i) Acquired rights and interests in four hundred or more acres of real property under RCW 84.34.210 and 84.34.220; and
- (ii) Collected a conservation futures levy for twenty or more years.

(3) Any rights or interests in real property acquired under this section must be located within the assessing county. The county must determine if the rights or interests in real property acquired with these funds would reduce the capacity of land suitable for development necessary to accommodate the allocated housing and employment growth, as adopted in the countywide planning policies. When actions are taken that reduce capacity to accommodate planned growth, the jurisdiction must adopt reasonable measures to increase the capacity lost by such actions.

(4) In counties greater than one hundred thousand in population, the board of county commissioners or county legislative authority shall develop a process to help ensure distribution of the tax levied under RCW 84.34.230, over time, throughout the county.

(5)(a) Between July 24, 2005, and July 1, 2008, the county legislative authority of a county with a population density of fewer than four persons per square mile may enact an ordinance offering a ballot proposal to the people of the county to determine whether or not the county legislative authority may make a one-time emergency reallocation of unspent conservation futures funds to pay for other county government purposes, where such conservation futures funds were originally levied under RCW 84.34.230 but never spent to acquire rights and interests in real property.

(b) Upon adoption by the county legislative authority of a ballot proposal ordinance under (a) of this subsection the county auditor shall: (i) Confer with the county legislative authority and review any proposal to the people as to form and style; (ii) give the ballot proposal a number, which thereafter must be the identifying number for the proposal; (iii) transmit a copy of the proposal to the prosecuting attorney; and (iv) submit the proposal to the people at the next general or special election that is not less than ninety days after the adoption of the ordinance by the county legislative authority.

(c) The county prosecuting attorney must within fifteen working days of receipt of the proposal compose a concise statement, posed as a positive question, not to exceed twenty-five words, which shall express and give a true and impartial statement of the proposal. Such concise statement must be the ballot title.

(d) If the measure is affirmed by a majority voting on the issue it shall become effective ten days after the results of the election are certified.

(6) Nothing in this section may be construed as limiting in any manner methods and funds otherwise available to a county for financing the acquisition of such rights and interests in real property.

Chapter 5.45 CONSERVATION FUTURES FUND

Sections:

5.45.010 Purpose.

5.45.020 Property tax levy imposed.

5.45.030 Fund established.

5.45.040 Use of fund.

5.45.050 Establishment of a Conservation Futures Program Advisory Board.**5.45.060 Review of tax and funding priorities required.****5.45.070 Severability.**

SOURCE: ADOPTED:

Ord. 958 11/26/19

5.45.010 Purpose.

It is hereby declared to be in the public interest and to be a County purpose to adopt and impose a property tax levy as authorized by RCW 84.34.230 and to create a special fund to which all such levy proceeds shall be credited. The purpose of the fund created is to acquire interest or rights in real property in order to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the County and its citizens.

5.45.020 Property tax levy imposed.

Pursuant to RCW 84.34.230, there is hereby imposed a property tax levy to be applied against all taxable property within Clallam County. The levy shall be applied at a rate of two and three-quarter cents per \$1,000 of assessed valuation.

5.45.030 Fund established.

A special fund is hereby established, as provided for under RCW 84.34.230, which shall be known as the conservation futures fund and to which will be credited all taxed levied under this chapter.

5.45.040 Use of fund.

Amounts placed in the conservation futures fund shall be used to acquire rights and interests in farm and agricultural land, open space land, timberland, and public access to water on a voluntary basis, as established in Chapter 84.34 RCW and for the maintenance and operation of any property acquired with these funds. The purpose is to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the property for public use or enjoyment. Included are debt issuances and debt service costs related to bond monies and repayment in instances where bonds are issued to further these purposes. Until withdrawn for such use, the monies accumulated in the fund may be invested in interest-

bearing securities. It shall be the joint responsibility of the Clallam County Treasurer and the County Auditor to account for all aspects of this fund. Any money remaining in the fund upon fund closure shall be transferred as directed by the Board of County Commissioners.

5.45.050 Establishment of a Conservation Futures Program Advisory Board.

Effective January 1, 2020, the Board of County Commissioners shall appoint a Conservation Futures Program Advisory Board to implement the provisions of this chapter. The Advisory Board shall recommend to the Board of County Commissioners criteria for selection of the projects to be funded. The Advisory Board shall also make annual or more frequent recommendations to the Board of County Commissioners for projects to be funded as part of the conservation futures program and shall develop strategic, long-term plans for the program. All recommendations of the Program Advisory Board shall be forwarded to the Board of County Commissioners for final action.

The Advisory Board shall consist of five voting members, with one voting member from each of the respective County Commissioner Districts and two at-large members, with expertise and experience in the areas of farming and agriculture, family forestry, or natural resource conservation. Nonvoting ex officio members include the North Olympic Land Trust Director or designee, the Clallam Conservation District Director or designee, the Clallam County Habitat Biologist or designee, the WSU Extension Agent, and representatives from one or more tribal governments. Terms of the Advisory Board members shall be limited to four years. Initial terms shall be staggered so that no more than 33 percent of the board members' terms shall expire in any year.

5.45.060 Review of tax and funding priorities required.

All monies collected during the initial 10-year period shall be expended for the conservation of farm and agricultural land.

No later than December 31, 2030, and every 10 years thereafter, the Board of County Commissioners shall hold a public hearing to consider public input regarding the continued need for the tax collected pursuant to RCW 84.34.230. The Advisory Board shall submit a report to the Board of Commissioners, which includes an accounting of all funds collected and expended as well as recommendations for future funding priorities. After the public hearing, the Board of Commissioners shall determine whether to continue collecting the tax, whether to change the rate of the tax, or whether to repeal the tax. The Board of

Commissioners will also set funding priorities. The Board of Commissioners shall consider, among other things, whether there is a continued need for funding, whether alternative funding sources exist and are adequate, and the success of past projects.

Any changes to this chapter must be made pursuant to the process set forth in the Clallam County Home Rule Charter.

5.45.070 Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

The Clallam County Code is current through Ordinance 969, passed November 10, 2020.

Disclaimer: The Commissioner's Office has the official version of the Clallam County Code. Users should contact the Commissioner's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <http://www.clallam.net/>

County Telephone: (360) 417-2256

Code Publishing Company



MARK OZIAS, District 1, Chair
RANDY JOHNSON, District 2
BILL PEACH, District 3

Board of Clallam County Commissioners

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

Rich Sill, County Administrator

File: A22.26

PRESS RELEASE **For Immediate Release**

CLALLAM COUNTY SEEKS VOLUNTEERS FOR CONSERVATION FUTURES PROGRAM ADVISORY BOARD

December 23, 2020 - Port Angeles, Washington – The Board of Clallam County Commissioners announces openings for the Conservation Futures Program Advisory Board.

CONSERVATION FUTURES (5)

Effective January 1, 2021, the Board of County Commissioners shall appoint a Conservation Futures Program Advisory Board to implement the provisions of this chapter. The Advisory Board shall recommend to the Board of County Commissioners criteria for selection of the projects to be funded. The Advisory Board shall also make annual or more frequent recommendations to the Board of County Commissioners for projects to be funded as part of the conservation futures program and shall develop strategic, long-term plans for the program. All recommendations of the Program Advisory Board shall be forwarded to the Board of County Commissioners for final action.

The Advisory Board shall consist of five voting members, with one voting member from each of the respective County Commissioner Districts and two at-large members, with expertise and experience in the areas of farming and agriculture, family forestry, or natural resource conservation. Terms of the Advisory Board members shall be limited to four years.

How to Apply

Interested citizens are invited to contact the Clallam County Commissioners' Office at (360) 417-2233, visit their office in the Clallam County Courthouse, 223 East 4th Street, Suite 4, Port Angeles, or obtain the application online at:

<http://websrv7.clallam.net/forms/uploads/BCGMembershipApplication.pdf>

Applications must be received by close of business Friday, January 22, 2021.

CLALLAM COUNTY

Conservation Futures Program Advisory Board

Bylaws-proposed

Article I-Object

These Bylaws are promulgated and enacted by the Conservation Futures Program Advisory Board (or "CFPAB") for the governance of the CFPAB.

Article II-Precedence

These Bylaws have been generated and approved in accordance with RCW 84.34.230 and Chapter 5.45 of the Clallam County Code. To the extent any text of these Bylaws is determined to be in conflict with either the state law or the County Code the text of the state law and/or County Code will be controlling. These Bylaws also expressly recognize that state law and County Code may, in the future, be the subject of amendment. Those amended state laws and/or County Code will also be controlling.

Article III-Membership and Terms

- A. The CFPAB shall have as many "voting members" as are listed in County Code §5.45.050.
- B. "Voting members" shall be appointed to terms of differing lengths in order to stagger the occasions when the position becomes vacant.
- C. There shall initially be appointed five (5) "voting members," and each such member shall be given a Position number, 1-5
 - a. The appointee holding Position Number 1 will have a term ending December 31, 2024
 - b. The appointees holding Positions Number 2 and 3 will have a term ending December 31, 2023
 - c. The appointees holding Position Number 4 and 5 will have a term ending December 31, 2022
 - d. The term of any person appointed to fill a mid-term vacancy will end upon the date chosen for the normal expiration of that term and the person so appointed mid-term shall be eligible for re-appointment to a full term.
- D. The appointment of "members" to the CFPAB will occur in accordance with County Code §5.45.050.
- E. There shall be "ex officio" (non-voting) "members" of the CFPAB as described in County Code §5.45.050.
- F. A full term shall be four (4) years in length and no longer.

- G. Clallam County will appoint one person from the Commissioners' Office to serve as the Administrative Assistant for the CFPAB.
- H. An attorney from the Prosecuting Attorney's Office will provide legal advice and consultation to the CFPAB in its role as an advisory Board to the County Commission BUT not to individual CFPAB members.

Article IV- Purpose of Conservation Futures Program

Amounts placed in the conservation futures fund shall be used to acquire rights and interests in farm and agricultural land, open space land, timberland, and public access to water on a voluntary basis, as established in Chapter 84.34 RCW and for the maintenance and operation of any property acquired with these funds. The purpose is to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the property for public use or enjoyment. Included are debt issuances and debt service costs related to bond monies and repayment in instances where bonds are issued to further these purposes.

And the amount of revenue used for maintenance and operations of real property, the rights or interests of which were acquired pursuant to the terms of RCW 84.34.210 and 84.34.220, i.e., Conservation Futures Funding, may not exceed fifteen percent of the total amount collected from the tax levied under RCW 84.34.230 in the preceding calendar year. Revenues from this tax may not be used to supplant existing maintenance and operation funding.

All monies collected during the initial 10-year period shall be expended for the conservation of farm and agricultural land.

Article V-Duties of the CFPAB

The CFPAB shall recommend to the Board of County Commissioners criteria for selection of the projects to be funded.

The CFPAB shall also make annual or more frequent recommendations to the Board of County Commissioners for projects to be funded as part of the conservation futures program.

The CFPAB shall develop strategic, long-term plans for the program.

Article VI-Meetings

- A. Regular meetings of the CFPAB shall be held on dates established at the first meeting of the CFPAB and shall be noticed and conducted in a manner consistent with Ch. 42.30 RCW, the Open Public Meetings Act.

- B. At the first meeting of the CFPAB, the "members" shall elect from among the "voting members" a chairperson to run the meetings and organize, with the assistance of the CFPAB's Administrative Assistant, the agenda for the meetings.
- C. Special meetings of the CFPAB may be called by the Chair of the CFPAB and shall be noticed and conducted in a manner consistent with Ch. 42.30 RCW, the Open Public Meetings Act.
- D. The CFPAB meetings and meetings of a CFPAB committee shall be open to the public and members of the media and shall occur in a location that is handicapped accessible.
- E. Public input at CFPAB meetings and committee meetings shall be limited to that time on the meeting agenda set aside for public input.
- F. Unless otherwise established by the Chair of the CFPAB, public input (oral testimony) will be limited to three minutes per speaker until such time as all persons wishing to speak have spoken or waived their right to speak, at which time a prior speaker may again speak for not more than two minutes.
- G. CFPAB members must attend all CFPAB meetings remotely until such time as the Governor's Proclamation of March 2019 and all related subsequent gubernatorial Proclamations are rescinded, lifted and/or nullified.
- H. An attendance record of all CFPAB meetings and committee meetings shall be kept.

Article VII- Agenda format

While the Chair has full discretion to establish the agenda for any and all CFPAB meetings, the following "Order of Business" is offered as a default or template agenda format for possible use:

- Open the meeting at the time set
- Pledge of allegiance
- Roll call
- Approval of minutes from prior meeting
- Adoption of agenda
- Review correspondence or communications received by CFPAB
- Unfinished business
- New business
- Public comment
- Announce date for next meeting
- Adjourn

Article VIII-Quorum

- A. Except as otherwise specifically provided in these Bylaws, the attendance (either in person or electronically) of four (4) "voting members" of the CFPAB at the CFPAB meeting shall constitute a quorum for the transaction of business.

Article IX-Voting

- A. A majority vote of the CFPAB members present and forming a quorum shall be sufficient for adoption of any motion, including recommendations to the County Commission.
- B. There shall be no secret ballots.

Article X-Adoption by the CFPAB of amendments

- A. At any meeting of the CFPAB where a quorum (as defined in Article VIII above) is present the CFPAB may, by a majority affirmative vote, change these Bylaws.
- B. At any meeting of the CFPAB where a quorum (as defined in Article VIII above) is present the CFPAB may, by a majority affirmative vote, change the criteria by which it ranks and evaluates candidates seeking funds from the Conservation Futures Program. However, such changes in the criteria are only recommendations and do not amend the criteria unless the amendment or revision is also approved by the County Commission.
- C. Any amendment suggested pursuant to Sections A and B of this Article must be on the Agenda of one CFPAB meeting and may not be approved or rejected until the next "regular" meeting of the CFPAB in order to provide time for review and consideration of the proposed amendment.

Article XI: Public Hearings

- A. The CFPAB has authority to hold such public hearings as it deems necessary at a time, date and place chosen by the Chair and arranged by the Administrative Assistant.
- B. Such hearings shall be noticed and held in compliance with the Open Public Meetings Act.
- C. If such public hearings are to be held, the CFPAB is encouraged to hold them in diverse locations reflecting the population of the county resides in the western, central and eastern regions of this County.

Article XII Vacancies

Any vacancies in the CFPAB shall be filled by the decision of the County Commission as decided in a public meeting. If needed, and if applicable, the County Commission may

enter into Executive Session pursuant to RCW 42.30.110(1) in order to complete the work of declaring the existence of a vacancy or filling a vacancy.

Article XIII Separate Rules document

Upon motion, and with 3 or more affirmative votes, the CFPAB may propose and adopt a separate document to be known as the "Rules." If such a document is adopted, and a conflict arises between these Bylaws and the 2020 Rules, the text of the Bylaws shall prevail.

Adopted by the Conservation Futures Program Advisory
Board this _____ day of _____, 2021
Signed by the Chair below:

End of document