



WORK SESSION AGENDA

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street Room 160

Port Angeles, Washington

Monday, July 29, 2024 – 9:00 a.m.

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. [Agreement with Washington State Administrative Office of the Courts for reimbursement costs required by the Blake decision](#)

[Agreement](#)

3. [Agreement amendment 1 with Washington State County Road Administration Board for Edgewood Drive Project](#)

[Agreement amendment 1](#)

4. [Agreement with Washington State Department of Fish and Wildlife for hanger space in Sequim](#)

[Agreement](#)

5. [Resolution re-establishing the Animal Issues Advisory Committee and renaming it the Animal Solutions Advisory Committee \(1g\)*](#)

[Resolution](#)

Board of Commissioners

6. [Discussion and next steps regarding changes to Clallam County Code Chapter 5.40 Opportunity Fund Program, Section 5.40.041 Use of Proceeds](#)

[Discussion and next steps](#)

7. Discussion regarding HB 1575 authorizing a 1/10 of 1% Sales and Use Tax dedicated to Cultural Access Programs

Discussion and next steps 

8. Discussion and next steps on regarding Hearing Examiner Services

Discussion and next steps 

General Discussion/Items for Future Agendas:

- * Department of Natural Resources Meeting (August 19 at 1 p.m.)
- * Department of Transportation Highway 101 Project Discussion (September 9 at 9 a.m.)
- * Joint Meeting with Port of Port Angeles (October 28 at 11 a.m. - hosted at BOCC)
- * Department of Natural Resources Meeting (November 18 at 1 p.m.)
- * Department of Transportation Highway 101 Project Discussion (December 9 at 9 a.m.)

EXECUTIVE SESSION - July 29, 2024 at 11:30 a.m.

The Board of County Commissioners, pursuant to RCW 42.30.080, has scheduled a special meeting to be held at 11:30 a.m., July 29, 2024 in the Commissioner's Board Room, 223 East 4th Street, Port Angeles, Room 160.

The purpose of the special meeting is to facilitate an Executive Session with the Prosecuting Attorney's Office, per RCW 42.30.110. No virtual option will be available.

*** Agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party...**

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

Executive Session

- 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.



2

AGENDA ITEM SUMMARY

JUL 29 2024

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

Department: Clerk

WORK SESSION ☒ **Meeting Date: 07/29/2024**

REGULAR AGENDA ☒ **Meeting Date: 08/06/2024**

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

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # IAA25170/891-24-001 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: The purpose of this Agreement is to reimburse the extraordinary judicial, prosecutorial, clerk, court administration and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions or sentences are affected by the *Blake* decision. For Municipalities and Counties, this will include language Engrossed Substitute Senate Bill 5187, Section 114(3) passed by the 2023 Legislature, which includes simple drug possession, to include cannabis and possession of paraphernalia.

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?)
Review and approve Interagency Reimbursement Agreement between Clallam County and the Administrative Office of the Courts.

County Official signature & print name: Nikki Botnen, Superior Court Clerk *N. Botnen*

Name of Employee/Stakeholder attending meeting: Nikki Botnen

Relevant Departments: Courts, Prosecuting Attorney, Clerk

Date submitted: 07/23/2024

* Work Session Meeting - Submit 1 single sided/not stapled copy Agenda Item Summary 07-23-2024 IAA25170 891.24.001
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies) Revised: 3-04-2019

891-24-001

INTERAGENCY REIMBURSEMENT AGREEMENT - IAA25170**BETWEEN****WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS****AND****CLALLAM COUNTY**

This Interagency Reimbursement Agreement ("Agreement") is entered into by and between Washington State Administrative Office of the Courts ("AOC") and Clallam County ("Jurisdiction") to reimburse extraordinary costs of resentencing and vacating sentences as required by *State v. Blake* ("*Blake*"). AOC and Jurisdiction will be known individually as *Party* and collectively as *Parties*.

I. PURPOSE

The purpose of this Agreement is to reimburse the extraordinary judicial, prosecutorial, clerk, court administration and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions or sentences are affected by the *Blake* decision. For Municipalities and Counties, this will include language Engrossed Substitute Senate Bill 5187, Section 114(3) passed by the 2023 Legislature, which includes simple drug possession, to include cannabis and possession of paraphernalia.

II. REIMBURSEMENT

- A. Extraordinary Expenses Reimbursement. AOC shall reimburse Jurisdiction up to a maximum of \$476,807 for the extraordinary judicial, clerk, court administration, prosecutorial, and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions and/or sentences are affected by the *Blake* decision. For Municipalities this will include language from the Engrossed Substitute Senate Bill 5187, Section 114(13), passed by the 2023 Legislature, which includes simple drug possession to include cannabis and possession of paraphernalia.

To be eligible for reimbursement, the Costs must be incurred between July 1, 2024 and June 30, 2025. AOC will not reimburse Jurisdiction Costs incurred after June 30, 2025. AOC may, at its sole discretion, deny reimbursement requests in excess of the amount awarded. If additional funding is or becomes available for these purposes, AOC and Jurisdiction may mutually agree to increase the amount awarded under this Agreement.

- B. General. AOC shall reimburse Jurisdiction for approved and completed reimbursements by warrant or electronic funds transfer within 30 days of receiving a properly completed A-19 invoice and the necessary backup documentation.

III. PERIOD OF PERFORMANCE

Performance under this Agreement begins on July 1, 2024, regardless of date of execution, and ends on June 30, 2025. The period of performance maybe amended by mutual agreement of the Parties.

IV. TERMS OF REIMBURSEMENT

- A. Jurisdiction shall electronically submit, once per month, it's A-19 invoices to payables@courts.wa.gov.
- B. Jurisdiction's A-19 invoices must include:
 1. Payment documents from Jurisdiction indicating the amounts expended, the recipients, and the date of expenditure;
 2. A list of any case numbers associated with the services provided;
 3. A breakdown of expenses by judicial, clerk/court administration, prosecutorial, and defense-related costs;
 4. Any employee positions supported by Blake related funds, broken down by judicial, clerk/court administration, prosecutorial, and defense-related positions, including name of employee, title, hourly wage of the individual, time spent on *Blake*-related cases and a list of corresponding cause numbers;
 5. The unique three-digit court code for the Jurisdiction the work was completed on behalf of must be provided on the A-19. If a Jurisdiction contracts with another jurisdiction to provide court services, then the unique court code for the jurisdiction for which the work was completed must be provided; and,
 6. Data, including case numbers and aggregate data on the number and type of cases:
 - a. Vacated under *Blake*;
 - b. Resentenced under *Blake*; and
 - c. Being worked on under *Blake*.

V. REVENUE SHARING

- A. AOC, in its sole discretion, may initiate revenue sharing. AOC will notify the Jurisdiction no later than May 1, 2025 that AOC intends to reallocate funding among courts in the program and/or to support the Supreme Court's directive for an AOC case vacating team. If AOC determines the Jurisdiction may not spend all monies available under the Agreement or if Jurisdiction declines and/or elects not to participate in the vacating of Blake eligible cases, AOC may reduce the Agreement amount as mentioned above. If AOC determines the Jurisdiction may spend more monies than available under the Agreement and for its scope, AOC may increase the Agreement amount.
- B. If the AOC initiates revenue sharing, then the Jurisdiction must submit the final revenue sharing A-19 to payables@courts.wa.gov between July 12, 2025 and August 1, 2025.

VI. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by agreement of the Parties. Such amendments are not binding unless they are in writing and signed by personnel authorized to bind each of the Parties.

VII. GOVERNANCE

- A. This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement must be construed to conform to those laws.
- B. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency will be resolved by giving precedence in the following order:
 - 1. Applicable state and federal statutes and rules;
 - 2. This Agreement; and then
 - 3. Any other provisions of the Agreement, including materials incorporated by reference.

VIII. WAIVER

A failure by either Party to exercise its rights under this Agreement does not preclude that Party from subsequent exercise of such rights and is not a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the Party and attached to the original Agreement.

IX. SEVERABILITY

If any Party to exercise its rights under this Agreement does not preclude that Party from subsequent exercise of such rights and is not a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the Party and attached to the original Agreement.

X. AGREEMENT MANAGEMENT

The Program Managers/Point of Contacts noted below are responsible for and are the contact people for all communications and billings regarding the performance of this Agreement:

AOC Program Manager	Jurisdiction Program Manager/ Point of Contact
Sharon Fogo Blake Implementation Manager PO Box 41170 Olympia, WA 98504-1170 Sharon.Fogo@courts.wa.gov (360) 819-7305	Nikki Botnen County Clerk 223 E 4th St, Ste 9 Port Angeles, WA 98362-3015 nikki.botnen@clallamcountywa.gov 360-417-2231

XI. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement are considered to exist or to bind any of the Parties to this agreement unless otherwise stated in this Agreement.

AGREED:

**Washington State Administrative
Office of the Courts**

Jurisdiction

Signature

Date

Signature

Date

Christopher Stanley, CGFM

Mike French

Name

Name

**Chief Financial and Management
Officer**

Title

Title


 Approved as to Form



3

AGENDA ITEM SUMMARY

JUL 29 2024

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

Department: Public Works

WORK SESSION ☒ **Meeting Date: 07/29/2024**

REGULAR AGENDA ☒ **Meeting Date: 08/06/2024**

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

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 101-23-003A |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

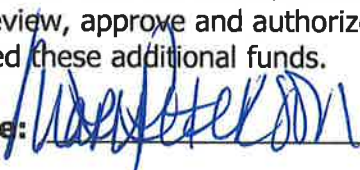
This item is an amendment to a Rural Arterial Program Project Agreement for improvements to Edgewood Drive, between Reddick and Rife Roads. This amendment adds \$961,540 of funding to the project, involving shoulder widening, grading, drainage & surfacing improvements.

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?** ☐

This project is on the 6-Year TIP and 2024 Annual Construction Program- thus is budgeted.

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

We recommend that the Commissioners review, approve and authorize the Chair to sign this amendment allowing the County to received these additional funds.

County Official signature & print name: , Mary Peterson for Joe Donisi

Name of Employee/Stakeholder attending meeting: Joe Donisi

Relevant Departments: Public Works

Date submitted: 07/24/2024

* 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)

101-23-0034

STATE OF WASHINGTON - COUNTY ROAD ADMINISTRATION BOARD

**RURAL ARTERIAL PROGRAM
PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL**

AMENDMENT NO. 1

Submitting County: Clallam

Project Number: 0523-01

Date Approved: 05/01/2023

Road Number(s)	Road Name(s)	BMP(s)	EMP(s)	Segment #
93110	Edgewood Drive	0.870	2.380	1

This is Amendment No. 1 to the above described Project Agreement, between the County of Clallam, hereinafter the "County" and the State of Washington County Road Administration Board, hereinafter the "CRABoard."

WHEREAS, the COUNTY and CRABoard desire to amend the original Project Agreement to allow an increase in authorized RATA funding under the conditions described in WAC 136-161-070.

NOW, THEREFORE, pursuant to chapter 36.79 RCW and in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. The following new language is added as section 15 to the Project Agreement:

Authorized RATA funding is increased to \$1,072,900 per CRABoard approval dated April 25, 2024.

2. All other terms and conditions of the original Project Agreement shall remain in full force and effect except as modified by this Amendment No. 1.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AMENDMENT No. 1 as of the PARTY's date last signed below.

COUNTY ROAD ADMINISTRATION BOARD:

Clallam COUNTY:

By: _____

By: _____

Date: _____

Mike French, Chair
Board of Clallam County Commissioners

Date: _____



4
JUL 29 2024

AGENDA ITEM SUMMARY

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

Department: Sheriff

WORK SESSION ☒ **Meeting Date:** 7/29/24

REGULAR AGENDA ☒ **Meeting Date:** 8/6/24

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

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 11003-24-02 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: The Clallam County Sheriff's Office houses it's marine patrol boat in a leased hanger space in Sequim. That lease agreement allows for us to sublease half of the space to Washington State Fish and Wildlife (WDFW) for their boat storage as well as ours. This is a five-year renewal of the WDFW sublease, which reimburses the County monthly for half of the lease cost.

Budgetary impact: Already included in budget as this is an ongoing arrangement.

Recommended action: Board approval

County Official signature & print name: Brian King, Sheriff

Handwritten signature of Brian King, Sheriff.

Name of Employee/Stakeholder attending meeting: Beth Waknitz

Relevant Departments: Sheriff

Date submitted: 7/24/24

* 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 Beers Sublease renewal with WDFW 2024

Revised: 3-04-2019

INTERAGENCY AGREEMENT BETWEEN
THE
WASHINGTON DEPARTMENT OF FISH & WILDLIFE and CLALLAM COUNTY
RELATING TO USE OF SHARED STORAGE FACILITY

THIS AGREEMENT, made pursuant to RCW 39.34, and the authority set forth in RCW 10.93, is entered into this ____ day of _____, 2024, by and between the Washington Department of Fish & Wildlife, a municipal corporation of the State of Washington (hereinafter referred to as "WDFW") and Clallam County, a political subdivision of the State of Washington (hereinafter referred to as "County").

THE PURPOSE OF THIS AGREEMENT IS TO memorialize the terms under which the County will sublet a portion of a leased hanger for the purpose of co-locating boating equipment and supplies with WDFW.

NOW, THEREFORE, IT IS MUTUALLY AGREED THAT:

SCOPE OF WORK

The County Sheriff's has leased a 2,750 square foot facility and each party will occupy 50%. The County will be the primary renter at a monthly lease rate of \$545. WDFW will sublet from the County at a rate of \$272.50 per month. The utilities will be billed to WDFW by the Clallam County Sheriff's Office on a quarterly basis at a rate of 50% of the actual expense.

INDEMNIFICATION

Each party will defend, indemnify and hold harmless the other for liability stemming from its own intentional and/or negligent acts and/or omissions, but not those of the other, or based on claims arising out of the terms of this agreement.

DURATION

This Agreement shall be effective on the 1st of July 2024, and said Agreement shall be in effect for a period of one (1) year, with an automatic renewal for up to four (4) additional one (1) year terms.

CONTACT PERSONS

The WDFW and the County will each appoint a representative who will be responsible for the administration of this Agreement. Unless otherwise designated in writing, the WDFW contact person will be the WDFW Facilities Manager. The County contact person will be the Sheriff Office Chief Civil Deputy.

COMPENSATION

The WDFW has appropriated that public funds be expended to meet this storage need. The source of funds is the WDFW budget. Funds for payment of services to be rendered

under this agreement will be available for this purpose. The County will not be obligated to perform services, for which timely payment is not received.

WDFW will provide a Payment Authorization Form releasing the County from the need to send a monthly invoice. Payment will be submitted to the County automatically once a month as per the Agreement amount.

The Sheriff's Office will submit a quarterly invoice to WDFW for half of the prior three (3) month incurred utilities cost as per this Agreement. Upon receipt of the monthly invoice, WDFW will remit payment to Clallam County within 30 business days.

AGREEMENT ALTERATIONS AND AMENDMENTS

The WDFW and the County may mutually amend this agreement. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind the WDFW and the County.

TERMINATION

Except as otherwise provided for in this agreement, either party may terminate this agreement upon thirty (30) days written notice. If this agreement is so terminated, the terminating party shall be liable only for performance rendered or costs incurred in accordance with the terms of this agreement prior to the effective date of termination. In the event of termination, the parties agree that any property acquired in connection with this agreement shall remain the property of the party who purchased the property.

DISPUTE RESOLUTION

In the event that a dispute arises under this agreement, it shall be determined in the following manner:

The WDFW shall appoint a member to the Dispute Board. The County will appoint a member to the Dispute Board. The WDFW and the County will jointly appoint a member to the Dispute Board. In the event the WDFW and County are not able to jointly agree on a third member to serve on the Dispute Board, either party may petition the Superior Court for Clallam County to appoint a third member to the Dispute Board. The Dispute Board shall evaluate and adjudicate the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto.

SEVERABILITY

If any provision of this agreement or any provision of any law, rule, or document incorporated by reference into this agreement, shall be held invalid, such invalidity shall not affect the other provisions of this agreement which legally can be given effect without the invalid provision. To this end, the provisions of this agreement are declared to be severable.

COMPLETE EXPRESSION

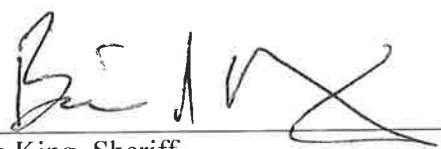
This agreement, and any written attachments or amendments thereto, constitutes the complete agreement of the parties and any oral representations or understandings not incorporated herein are excluded.

ALL WRITINGS CONTAINED HEREIN

IN WITNESS WHEREOF, the Washington Department of Fish & Wildlife and Clallam County have signed this agreement as of the date and year written below.

Michele Brady, Facilities Manager
Washington Department of Fish &
Wildlife

Date: _____



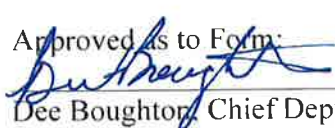
Brian King, Sheriff
Clallam County Sheriff's Office
Date: 7/23/24

Contractor Information:
Washington Department of Fish &
Wildlife

Mike French, Chair
Clallam County Commissioners
Date: _____

Address:
WDFW / Facilities office
600 Capitol Way North
Olympia, WA 98501

Contact Name: Michele Brady
Cellular: 360-561-3729
Email: michele.brady@dfw.wa.gov

Approved As to Form: 

Dee Boughton, Chief Deputy Prosecuting
Attorney

Local Contact:
Sgt. Matt Jewett
WDFW Enforcement Program
Cellular: 360-580-4126
Email: matt.jewett@dfw.wa.gov



5
JUL 29 2024
19

AGENDA ITEM SUMMARY

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

Department: BOCC

WORK SESSION ☒ **Meeting Date: 7-29-24**

REGULAR AGENDA ☒ **Meeting Date: 7-30-24**

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:

Animal Solutions Advisory Committee Next Steps:

The Commissioners and the Sheriff wish to re-establish the former Animal Issues Advisory Committee, rename it the Animal Solutions Advisory Committee and begin recruitment as soon as possible. Today the group will review draft Resolution language to re-establish this formal Committee with the goal being to finalize the Committee's makeup and to set a recruitment and initial meeting schedule.

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?** ☐
N/A

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Animal Solutions Advisory Committee next steps

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

Name of Departments/Employee/Stakeholder attending meeting: Board of Commissioners, Sheriff's Office

Date submitted: 7-24-24

* 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)



RESOLUTION _____, 2024

RE-ESTABLISH THE ANIMAL ISSUES ADVISORY COMMITTEE AND
RENAMING IT THE ANIMAL SOLUTIONS ADVISORY COMMITTEE

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Resolution 34, 1996 adopted by the Board of Commissioners on March 12, 1996, created the Animal Shelter Advisory Committee and established the purpose of the Committee. Since that time, a variety of related Resolutions have been adopted that modified the name and purpose for this Committee.
2. Resolution 67, 2019 adopted by the Board of Commissioners on July 23, 2019 formally dissolved the Animal Issues Advisory Committee at the request of the Sheriff's Department after two years had passed with no meetings.
3. The Olympic Peninsula Humane Society is no longer able to accommodate canine surrenders and has therefore terminated their contract for animal control support with Clallam County.
4. At present there is no organization or facility that can accommodate the flow of canine surrenders from Clallam County residents
5. The Board of Commissioners wish to re-establish the Animal Issues Advisory Committee and rename it the Animal Solutions Advisory Committee to provide guidance and coordination to ensure that the needs of the community, and the needs of companion animals, are being met.

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

1. The Animal Issues Advisory Committee is hereby re-established and renamed the Animal Solutions Advisory Committee.
2. The purpose of the Animal Solutions Advisory Committee shall be to advise the Board of County Commissioners and to provide advice and support to the Sheriff's Office regarding animal control management in Clallam County.
3. The further purpose of the Animal Solutions Advisory Committee will be to provide a regular forum for exchanging information, sharing resources, highlighting emergent concerns and recommending key community strategies to better support county residents and their companion animals.
4. The Clallam County Sheriff's Office will be appointed to serve as the administrative support for the Animal Solutions Advisory Committee.
5. The Animal Solutions Advisory Committee shall meet at least quarterly, and more often as needed.
6. At the first meeting, and then at the first meeting of each calendar year thereafter, the Committee shall elect a Chair and Vice-Chair from their membership.
7. The Committee shall consist of the following representation:
 - One member from the Clallam County Sheriff's Office
 - One member each from the Cities of Sequim, Port Angeles and Forks
 - Clallam County Animal Control Officer
 - City of Port Angeles Animal Control Officer
 - City of Sequim Animal Control Officer

- One member representing the Jamestown S’Klallam Tribe
- One member representing the Lower Elwha Klallam Tribe
- One member representing the Makah Tribe
- One member representing the Quileute Tribe
- One Veterinarian
- One member from the Olympic Peninsula Humane Society
- One member from the Welfare for Animals Guild
- One member from Friends of Forks Animals
- One member from Peninsula Friends of Animals
- One member representing an equine rescue organization in Clallam County
- One member representing an animal rescue organization that accommodates animals other than dogs, cats and horses
- One member at-large

8. Members appointed by the Committee will serve a term of three years, except when terms must be modified to allow for staggered expiration. Vacancies occurring on the Committee other than through the expiration of a term shall be filled for the unexpired term.

PASSED AND ADOPTED this ____ day of _____ 2024

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

ATTEST:

Randy Johnson

Loni Gores, MMC, Clerk of the Board

Mark Ozias



6
JUL 29 2024

AGENDA ITEM SUMMARY

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

Department: BOCC

WORK SESSION ☒ Meeting Date: 7-29-24

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 and next steps |

Documents exempt from public disclosure attached: ☐

Executive summary:

Discussion and next steps regarding amending Clallam County Code Chapter 5.40 Opportunity Fund Program, Section 5.40.041 Use of Proceeds related to purchasing land as established in RCW 82.14.370.

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?** ☐
N/A

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

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

Name of Departments/Employee/Stakeholder attending meeting: Board of Commissioners, Timothy Dalton – Housing Resources Director

Date submitted: 7-24-24

* 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)

Opportunity Fund Code Change 5.40 7-29-24
Revised: 3-04-2019

5.40.041 Use of proceeds.

- (1) Moneys received from this tax shall only be used by Clallam County for the following purposes:
 - (a) The financing of public facilities serving economic development purposes in accordance with Washington statutes. The public facility must be listed as an item in the officially adopted Clallam County overall capital facilities plan, or the economic development section of Clallam County's comprehensive plan, or the comprehensive plan of a city or town located within Clallam County; or provide affordable workforce housing infrastructure or facilities. "Affordable workforce housing infrastructure or facilities" means housing infrastructure or facilities that a qualifying provider uses for housing for a single person, family, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located. Nothing in this section shall be deemed to require that a qualified provider is permitted to, or is required to, consider the source of a tenant's, or prospective tenant's, source of income in determining eligibility in contravention of RCW [59.18.255](#).
 - (b) To finance the compensation of personnel in "economic development offices" as that term is defined in State law.
- (2) For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the State of Washington.
- (3) For purposes of this section, "economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in Clallam County. Economic development purposes may be accomplished through construction of public facilities that have direct job creation or by construction of public facilities, such as infrastructure, that create an environment for business development and job creation.
- (4) For purposes of this section, "qualifying provider" means a nonprofit entity as defined in RCW [84.36.560](#), a nonprofit entity or qualified cooperative association as defined in RCW [84.36.049](#), a housing authority created under RCW [35.82.030](#) or [35.82.300](#), a public corporation established under RCW [35.21.660](#) or [35.21.730](#), or a county or municipal corporation.
- (5) Costs for administration of the Opportunity Fund shall be charged to the fund in accordance with the County's administrative policies and cost allocation plan.

The Clallam County Code is current through Ordinance 1020, passed July 2, 2024.

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: www.clallam.net](http://www.clallam.net)

[Hosted by General Code.](#)

Sales and use tax for public facilities in rural counties.

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax may not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between 60 and 100 persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section must be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue must perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section may only be used to:

- (i) Finance public facilities serving economic development purposes in rural counties;
- (ii) Finance the construction of affordable workforce housing infrastructure or facilities; and
- (iii) Finance personnel in economic development offices.

(b) The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040, or provide affordable workforce housing infrastructure or facilities. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county, or provide affordable workforce housing infrastructure or facilities.

(c) In implementing this section, the county must consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure of money collected under this section meets the goals of creating, attracting, expanding, and retaining businesses, providing family-wage jobs, and providing affordable workforce housing infrastructure or facilities and the use of money collected under this section meets the requirements of (a) and (b) of this subsection. Each county collecting money under this section must provide a report to the office of the state auditor within 150 days after the close of each fiscal year identifying in detail each new and continuing public facility project, economic development purpose project, affordable workforce housing infrastructure or facilities project, economic development staff position, and qualifying provider project funded with the tax authorized under this section and the amount of tax proceeds allocated to such project or position in the prior fiscal year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged may not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(4) The definitions in this section apply throughout this section.

(a) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroads, electrical facilities, natural gas facilities, research, testing, training, and incubation facilities in innovation partnership zones designated under RCW 43.330.270, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, or port facilities in the state of Washington.

(b) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county, including affordable workforce housing infrastructure or facilities.

(c) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW [43.330.010](#), which promotes economic development purposes within the county.

(d) "Affordable workforce housing infrastructure or facilities" means housing infrastructure, facilities, or land that a qualifying provider owns or uses for housing for single persons, families, or unrelated persons living together whose income is no more than 120 percent of the median income, adjusted for housing size, for the county where the housing is located.

(e) "Qualifying provider" means a nonprofit entity as defined in RCW [84.36.560](#), a nonprofit entity or qualified cooperative association as defined in RCW [84.36.049](#), a housing authority created under RCW [35.82.030](#) or [35.82.300](#), a public corporation established under RCW [35.21.660](#) or [35.21.730](#), or a county or municipal corporation.

(5) No tax may be collected under this section before July 1, 1998.

(a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than 25 years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax before August 1, 2009, and meeting the definition of a rural county as of August 1, 2009, the tax expires December 31, 2054.

(6) By December 31, 2024, the state auditor must provide a publicly accessible report on its website containing the project information and other expenditure information included in the annual report required under subsection (3)(c) of this section for each county. The publicly accessible report must also include the total amount of revenue collected by the county under this section in the prior fiscal year. The state auditor must develop a standardized expenditure report for the project information and other expenditure information included in the annual report submitted by counties. This subsection applies to reports filed beginning in 2024 based on 2023 expenditures and thereafter.

(7) For purposes of this section, "rural county" means a county with a population density of less than 100 persons per square mile or a county smaller than 225 square miles as determined by the office of financial management pursuant to RCW [43.62.035](#).

[[2024 c 58 s 1](#); [2023 c 411 s 1](#); [2022 c 175 s 1](#); [2012 c 225 s 4](#); [2009 c 511 s 1](#). Prior: [2007 c 478 s 1](#); [2007 c 250 s 1](#); [2004 c 130 s 2](#); [2002 c 184 s 1](#); [1999 c 311 s 101](#); [1998 c 55 s 6](#); [1997 c 366 s 3](#).]

NOTES:

Effective date—2007 c 478: "This act takes effect August 1, 2007." [[2007 c 478 s 2](#).]

Intent—2004 c 130: "It is the intent of the legislature in enacting this 2004 act to reaffirm the original goals of the 1997 act which first provided distressed counties with the local option sales and use tax contained in RCW [82.14.370](#). The local option tax is now available to all rural counties and the continuing legislative goal for RCW [82.14.370](#) is to promote the creation, attraction, expansion, and retention of businesses and provide for family-wage jobs." [[2004 c 130 s 1](#).]

Finding—Intent—1999 c 311: "The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons: One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity." [[1999 c 311 s 1](#).]

Part headings and subheadings not law—1999 c 311: "Part headings and subheadings used in this act are not any part of the law." [[1999 c 311 s 601](#).]



7
JUL 29 2024

AGENDA ITEM SUMMARY

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

Department: BOCC

WORK SESSION ☒ Meeting Date: 7/29/24

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 |

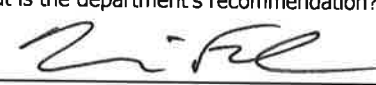
Documents exempt from public disclosure attached: ☐

Executive summary: HB 1575 authorizes a 1/10 of 1% Sales and Use Tax dedicated to Cultural Access Programs. Cultural Access Programs must provide funding to schools for increased access to cultural activities and programming for students; and may also provide funding to cultural organizations (non-profit organizations who have a primary purpose of advancing or preserving science or technology, visual or performing arts, heritage, or natural history).

Local advocates requested a conversation with the BoCC to explain what a local Cultural Access Program might look like, with the assistance of representatives from ArtsWA and Inspire Washington who have experience with other Cultural Access Programs state-wide.

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?) Discussion

County Official signature & print name: CMF 

Name of Employee/Stakeholder attending meeting: David Heberlin, Olympic Theatre Arts; Kyle LeMaire; Karen Hanan, ArtsWA; Manny Cawaling, Inspire Washington

Relevant Departments: BoCC

Date submitted: 7/22/24

* 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)

Cultural Access Sales and Use Tax Agenda Item Summary
Revised: 3-04-2019

FINAL BILL REPORT

HB 1575

C 179 L 23
Synopsis as Enacted

Brief Description: Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action.

Sponsors: Representatives Reed, Berry, Berg, Taylor, Farivar, Stonier, Peterson, Senn, Doglio, Cortes, Ryu, Fosse, Springer, Bateman, Goodman, Ramel, Bergquist and Pollet.

House Committee on Local Government

House Committee on Finance

Senate Committee on Local Government, Land Use & Tribal Affairs

Senate Committee on Ways & Means

Background:

Cultural Access Program Formation and Governance.

Cultural access programs may provide funding for cultural activities for students and to cultural organizations. The legislative authority of a county may, by ordinance, create a cultural access program. Contiguous groups of counties can create a multicounty program by entering into an interlocal agreement. A county may relinquish its right to create a cultural access program. If it does so, or if it did not attempt to create a cultural access program before June 30, 2017, then a city within the county may create a cultural access program. A city that establishes a program has the same authority, and is subject to all of the same conditions, as a county that establishes a program.

A county may establish an advisory council for the cultural access program that includes citizen representatives of constituencies and organizations with interests relevant to the program. A county with fewer than 1.5 million people may contract with the Washington State Arts Commission for the management of the program. The county must designate either a nonprofit organization that does not qualify as a cultural organization or a state agency to evaluate cultural organizations and to distribute funding to select cultural organizations. Any county may consolidate the administration of a cultural access program

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

organization if it is at risk of losing its funding. Agencies of the state or its political subdivisions; any organization that raises funds for multiple cultural organizations; a radio station, television station, newspaper, or magazine; or an internet communication venture cannot qualify as a cultural organization. A cultural organization that operates in a facility owned by the state, a state agency, or an educational institution can qualify as a cultural organization.

Cultural Access Program Funding.

There are two tax options available for funding cultural access programs: a sales and use tax, and a property tax. A county can only utilize one of the options at a time, and a county with more than 1.5 million people cannot impose the property tax. The imposition of either tax requires voter approval.

A sales tax is a tax applied to the sale, rental, repair, or installation of personal property purchased for the buyer's own use. It is a percentage tax based on the value of the items. A use tax is similar, except that it applies to the use of goods within the state when a sales tax for them has not been paid. For example, a sales tax would be imposed on the sale of a car inside Washington, while a use tax would be imposed on a car purchased outside of Washington when it is registered in Washington if no sales tax, or a lower sales tax rate than Washington's, was paid at the time of purchase.

With voter approval, a county can impose a sales and use tax of up to 0.1 percent of the selling price. The revenue from this tax must be used to fund cultural access programs. Voters may approve the imposition of the tax for up to seven years before voter approval for the tax is again required. The sales and use tax is in addition to any other tax imposed on the sale or use of the property.

A property tax is a tax levied on all real and personal property based on the value of the property, unless the property is subject to an exemption. There are two significant limitations on property tax in Washington. The first is a constitutional limitation. Article VII, section 2 of the state Constitution limits the amount of annual tax that may be levied from all sources upon property to 1 percent of the total value of that property, unless voters approve a temporary increase of this limit. This limitation means that, without specific authorization from voters, the maximum tax that can be imposed per \$1,000 of value is \$10. The other limit is statutory. Generally, the amount of property tax levied by a taxing district cannot be increased by more than 1 percent of the amount that was levied the prior year. In other words, the maximum that can be levied is 101 percent of the prior year's amount. There are additional limits on the aggregate amount of property tax that taxing districts can impose.

With voter approval, a county can impose a property tax levy with the amount of the levy equivalent to 0.1 percent of the sales and use tax collected by the county in the most recent calendar year. This amount must be recalculated annually. The revenue from the tax must be used to fund cultural access programs. Voters can authorize the imposition of this tax for

Inspire Olympia



Inspire Olympia's mission

Providing a reliable source of public funding that sustains a healthy, visible, welcoming, and inclusive nonprofit cultural and science sector, making creative cultural experiences accessible for everyone in Olympia.

[See the funding opportunities](#)

[Resources for funded organizations](#)

2024-25 Inspire Olympia funded organizations

The Cultural Access Advisory board has approved contracts for the 2024-25 funding cycle totaling approximately \$2.6 million, for 60 local non-profit Art, Culture, Heritage, and Science organizations. They are:

Arbutus Folk School	Olympia Junior Programs
ACE Strategies: Accessible Pathways into the Creative Economy	Olympia Kato Sister City Association
Avanti Bikes!	Olympia Lamplighters
Avanti Sustainable Agriculture Internship Program	Olympia Music History Project
Ballet Northwest	Olympia Peace Choir
Capital City Chorus	Olympia Symphony Orchestra
Capital City Pride	Pacific Northwest Theater
Community Print	Pacific Shellfish Institute

experiences in Olympia, especially for youth and traditionally underserved populations. Funding is based on a competitive application process and is distributed through contracts for services with the City of Olympia. Contracts will go to those organizations that best demonstrate how their arts, culture, heritage, and/or science programs benefit people and communities in Olympia.

✓ **What are the primary funding goals?**

- Support public programs in arts, culture, heritage and/or science.
- Increase access to these programs and reduce barriers to participation, especially for historically underserved populations.
- Support programming by and for culturally or ethnically specific communities and or underrepresented groups.
- Expand access to youth education programs in arts, cultures, heritage, and science.
- Support the sustainability of and collaboration among cultural sector organizations.

› **Who can receive Inspire Olympia funding?**

› **When can I apply?**

› **How can funds be used?**

› **Are there any kinds of expenses that Inspire Olympia funds cannot support?**

› **How are applications reviewed?**

› **If we are a recipient of Inspire Olympia funds, do we receive all of the money up front?**

› **How does Cultural Access promote equity?**

› **My cultural organization is not in Olympia. Will we qualify for funding?**

› **What if my organization does not have non-profit status?**

› **Will cultural access funds go to the Armory?**

9



AGENDA ITEM SUMMARY

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

JUL 29 2024

Department: BOCC

WORK SESSION ☒ Meeting Date: 7-29-2024

REGULAR AGENDA ☐ Meeting Date:

Item summary:

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

Executive summary:

The Hearing Examiner conducts administrative and quasi-judicial hearings on appeals of departmental decision and a variety of land use permits requested within unincorporated areas of Clallam County and renders a decision. The Hearing Examiner is an independent contractor relationship. The Hearing Examiner functions in accordance with the policies and procedures set forth in Chapter 26.04, Clallam County Code, and Clallam County Administrative Policies 921, 922 and 923.

The Hearing Examiner shall be appointed and compensated by the Board of Clallam County Commissioners and shall serve at the pleasure of the Board.

On July 2, 2024 the Board of Commissioners called for requests for proposals/qualifications for Hearing Examiner services to be submitted no later than Tuesday, July 23, 2024. One request for proposal/qualifications packet was received from Stephanie E. Marshall – Marshall Hicks Law LLC/Bennu Law.

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?** ☐
Included in the 2024 Budget.

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

Review and discuss next steps regarding the request for proposal for Hearing Examiner services in Clallam County.

County Official signature & print name:  Administrator Mielke

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: Board of Commissioners

Date submitted: 7-24-24

- * 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)

Hearing Examiner 7-29-24
Revised: 3-04-2019

Comparison of Hearing Examiner Proposals

Alex Sidles (Prior HE) versus Marshall Hicks Law (Current RFP)

Activity	Sidles Law	Activity	Marshall Hicks Law
Single family variances	\$1,400		\$1,400
Cluster developments	\$1,400		\$1,400
Residential Special Use Permits (SUPs)	\$1,400		
Residential Conditional Use Permits (CUPs)	\$1,400	CUPs – no critical areas	\$1,400
		CUPs – w/critical areas	\$1,800
Commercial/multi-family/ industrial variances	\$2,800	Variance applications	\$2,800
Commercial SUPs	\$2,800		\$2,800
Commercial CUPs	\$2,800		\$2,800
Multi-permit applications	\$3,500		\$3,500
Plats	\$3,500		\$3,500
Shoreline permits	\$3,500	Shoreline applications	\$3,500
Binding site plans	\$3,500	Subdivision applications – no critical areas	\$3,500
		Subdivision application – w/ critical areas	\$4,000
Master Planned Resorts	\$3,500		\$3,500
Planned unit developments	\$3,500		\$3,500
Appeals of admin decisions, interpretations, enforcement actions, SEPA determinations, etc.	\$195/hr	Administrative appeals	\$3,500
		SEPA appeal	\$3,500
		For exceptional circumstances where hearings for the above items involve multiple days or there are pre- or post-hearing motions, there will be an additional charge.	\$200/hr



July 19, 2024

Board of Clallam County Commissioners
223 E 4th Street, Suite 4
Port Angeles, WA 98362

SENT VIA FEDERAL EXPRESS

re: Hearing Examiner 2024 RFPQ Proposal

Dear Commissioners,

This letter sets forth my Proposal and Statement of Qualifications in response to Clallam County's Request for Proposal for Hearing Examiner services. Enclosed herewith as writing samples are copies of three (3) copies of written decisions I have rendered as a Hearing Examiner in land use hearings. I am submitting this Proposal and SOQ as the owner and sole member of Marshall Hicks Law LLC. Marshall Hicks Law LLC is a registered foreign limited liability company in the state of Washington. Bennu Law is a registered trade name of Marshall Hicks Law LLC. I have been a member in good standing with Washington State Bar Association, admitted in 1994, WSBA #24344.

As set forth in more detail herein, I am well-qualified to serve as Clallam County's Hearing Examiner, with decades of land use and permitting experience before a wide variety of administrative tribunals (local hearing examiners, Shorelines Hearings Board, Growth Management Hearings Board) in superior court on Land Use Petition Act (LUPA) petitions, and in appellate courts. Over the past ten years, I have served as a land use Hearings Officer for Deschutes County, Oregon and the City of Bend, Oregon, and also served as a pro tempore Hearing Examiner for Kitsap County from November 2023 through February 2024. I recently accepted an offer from the City of Snohomish to enter into a contract for Hearing Examiner services.

I understand the role of a Hearing Examiner to be an objective, third-party reviewer for land use applications and appeals. As I have done throughout my years of service as a Hearing Examiner, I strive to ensure that all quasi-judicial hearings before the Examiner are conducted in a fair, impartial and respectful manner. I understand and have consistently complied with requirements to be free of improper influence and conflict of interest, including the appearance of fairness doctrine. I have flexibility to serve both on

a regularly scheduled, rotating basis and where circumstances require hearing availability on other days.

A. BACKGROUND

I have a deep connection to the Puget Sound area and extensive experience in and around Clallam County. I was born in Olympia, Washington and was raised in the Seattle area. My uncle, Gary Burleson, was the Mason County Prosecuting Attorney for many years. I graduated from University of Washington before heading to Salem, Oregon to attend law school. My parents still own property in Olympia, my son lives in Seattle, and my sister lives on Mercer Island. My brother-in-law is from Port Orchard, and his parents continue to reside there.

For the first 12 years of my career, I worked in Seattle-based law firms, primarily in the practice area of land use. My primary mentors were the late Dennis Reynolds (Williams, Kastner and subsequently, Davis Wright Tremaine) and J. Tayloe Washburn at what was then known as Foster, Pepper. I was briefly employed by the King County Prosecuting Attorney's Office as a Senior Deputy Assistant Prosecuting Attorney in the land use division. Thereafter, my family and I moved to Bend, Oregon in 2006, where I currently reside. In approximately 2011, Dennis Reynolds reached out to me to inquire as to my interest in working with him on a contract basis. He had opened up his own law firm on Bainbridge Island.

From 2011 to his passing in 2019, I assisted Mr. Reynolds on a number of land use matters in the area, including appeals to the Central Puget Sound Growth Management Hearings Board and the Shoreline Hearings Board. I also assisted with Land Use Petition Act (LUPA) appeals, many of which were in Kitsap County Superior Court. I helped Mr. Reynolds with a separate water intrusion trespass trial in Kitsap County and another trial in Thurston County Superior Court concerning flooding that was alleged to be occurring due to construction of a bridge approach. During all of this time, I continued to reside in Oregon. I frequently traveled to assist in hearings, and presented argument to Division II of the Washington Court of Appeals for one of Mr. Reynolds's clients. After Mr. Reynolds passed away, I began assisting another one of the attorneys who had worked with Mr. Reynolds, Piper Thornburgh, of Piper Thornburgh Law PLLC. Much of the work with which I help Ms. Thornburgh is located in Bainbridge Island.

My years of practice in Washington state and my connections to the Puget Sound area give me a unique understanding of land use regulations among various jurisdictions, particularly with respect to critical areas (wetlands, streams, steep slopes and sensitive shorelines). I am also familiar with timber/vegetation management regulations and the respective roles of various Washington State regulatory agencies vis-à-vis local jurisdictions. These include the Department of Ecology, Department of Fish and Wildlife, Department of Commerce, and Department of Forestry. I have worked on a number of wetland and shoreline matters in Washington state that involved hydraulic permit approvals and review by the United States Army Corps of Engineers.

I have worked on matters covering every aspect of land use applications and regulations in the state of Washington. I am experienced with respect to the Growth Management Act, SEPA, the Subdivision Act (RCW Ch. 58.17), the Local Project Review Act, the Shoreline Management Act, Forest Practices Act, and all growth management/local planning procedures as they relate to adoption and amendment of development regulations, comprehensive plan policies and countywide planning policies.

I have served as a land use Hearing Examiner for more than a decade for several jurisdictions. I understand the requirements for issuance of timely decisions, as state policy dictates that land use applications be decided in an expeditious manner. I will work with the Hearing Examiner Clerk to ensure that a copy of my written decision, supported by findings of fact and conclusions of law, is issued within 10 business days of the close of the record.

B. PROPOSAL

At the outset, I want to emphasize that I do not charge any travel time or request reimbursement for any expenses associated with performing Hearing Examiner services, including but not limited to site visits.

In a professional services contract with the County I propose payment on a price per case type basis. The proposed fees set forth below will cover all Examiner services in preparing for a hearing, presiding over the hearing, reviewing the record and preparing a decision supported by findings of fact and conclusions of law. There will not be any charge for coordination with staff.

In those exceptional circumstances where a hearing is held on multiple days and/or where the parties file pre- or post-hearing motions, I propose to bill additional time to the price per case types set forth below on a basis of \$200/hour basis.

- Subdivision application, no critical areas: \$5000
- Subdivision application with critical areas: \$6500
- SEPA appeal: \$5000
- Conditional Use Permit application, no critical areas: \$5000
- CUP application with critical areas: \$6500
- Variance application: \$5000
- Shoreline applications \$6500
- Administrative appeal: \$6500

I understand and am familiar with county staff coordination associated with notices, agendas, preparation and amendment of the record, and staff reports. I have an administrative assistant myself and will continue to meet all deadlines, as I have in the past as a Hearing Examiner.

C. APPROACH TO HEARINGS

With respect to uncontested matters and land use applications on which the Hearing Examiner is the initial decision-making body, I understand that the applicant bears the burden of establishing that the application is consistent with all applicable local, state and federal laws and the County Comprehensive Plan. I will make a decision or recommendation based on the record and applicable County code, comprehensive plan and state law, including applicable Washington Administrative Code (WAC) provisions. Decisions and recommendations will include citations to the record for ease of review. Conditions of approval may be included or recommended as part of these decisions.

For appeals and contested matters, appellants will proceed first, followed by the County and then the applicant. On appeals, public comment or evidence will not be received. On land use applications, the process will start with County staff making a presentation, the applicant will follow, members of the public in favor, opposition, or neutral, and finally, the applicant will have an opportunity for rebuttal. Staff generally will close out the hearing. It is at this time that a request to leave the written record open, or a request for continuance of the hearing will be considered and addressed by the Hearing Examiner. After the close of the record, I will prepare a decision addressing all applicable criteria and arguments presented by the parties.

I am willing and able to preside over hearings in person. However, I have the necessary technological capabilities and technology for this position to appear remotely. I am familiar with compilation of the record in Dropbox, and am able to conduct remote hearings via Zoom or Microsoft Teams with full and adequate audio and visual transmissions. I am familiar and comfortable with using a paperless, online system for transmitting and receiving large volumes of permit files, documents and hearing records.

D. ABILITY TO COMPLY WITH COUNTY, STATE AND FEDERAL LAWS

Ensuring that all participants enjoy equal protection and due process rights, accommodations may have to be made at times to the conduct of hearings, the time allotted for hearing preparation/deadlines, and with respect to compliance with certain conditions of approval. These are key considerations for any person or entity serving in the capacity of a quasi-judicial or judicial officer. I have specific experience as a Hearings Examiner in working with staff to accommodate a hearing participant that is hard of hearing. In that particular instance, a remote hearing was scheduled with closed captioning for that individual.

A Hearing Examiner must be proactive and identify or ask about specific needs or limitations in order to plan for and accomplish accommodation. This may also require working with the County to obtain an interpreter in advance of a hearing or pre-application meeting. During a hearing, the Hearing Examiner should ensure that frequent and appropriate breaks are offered to participants. In one of my decisions as a Code Enforcement hearing examiner, my order allowed additional time beyond the recommended correction period due to medical conditions of the property owner, even

though no Americans with Disabilities Act (ADA) request had been made. I also followed up with staff and discussed my concerns as to whether the property owner understood the proceedings in a sufficient manner, as they were not represented by counsel.

E. REFERENCES

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piper@piperthornburghlaw.com

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J. Tayloe Washburn
Fmr. Managing Partner
Foster Garvey PC
(206) 419-3878
tayloewashburn@gmail.com

In addition to the above references, I recommend that Clallam County contact Jeff Rimrack, Kitsap County Department of Community Development Director at (360) 337-4659, jrimrack@kitsap.gov for information about the quality and timeliness of my Hearing Examiner services provided to Kitsap County as a Pro Tempore Hearing Examiner. Additional references are also available upon request.

F. CONCLUSION

Thank you for your consideration of this Proposal and SOQ. I would enjoy the opportunity to provide hearing examiner services to Clallam County on a regular basis. I look forward to an opportunity to discuss my qualifications in more detail and provide additional information in the near future

Please do not hesitate to reach out with any additional questions at (541) 390-7590 or stephanie@bennulaw.com.

Sincerely,



Stephanie E. Marshall, Esq.
Owner/Member Marshall Hicks Law LLC



AGENDA ITEM SUMMARY

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

ES
JUL 29 2024
@ 11:30am

Department: Prosecuting Attorney's Office

Executive Session ☒ **Meeting Date: 7-29-24 at 11:30 a.m.**

Item summary:

☒ **Other – Executive Session**

Executive summary:

The Board of County Commissioners, pursuant to RCW 42.30.080, has scheduled a special meeting to be held at 11:30 a.m., July 29, 2024 in the Commissioner's Board Room, 223 East 4th Street, Port Angeles, Room 160. The purpose of the special meeting is to facilitate an Executive Session with the Prosecuting Attorney's Office, per RCW 42.30.110. No virtual option will be available.

The Executive Session is to discuss the following item(s):

- ☐ The purchase or sale of real estate
- ☐ Evaluate the qualifications of an applicant for public employment, or to review the performance of a public employee
- ☒ Agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party...
- ☐ Collective bargaining...during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress. (RCW 42.30.140)

The Board of County Commissioners will take no action while in Executive Session but reserves the right to take action at the conclusion of the Executive Session once it is back in open session.

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?)
Executive Session to discuss litigation.

County Official signature & print name: Dee Boughton Dee Boughton, PAO DPA

Name of Relevant Department/Employee/Stakeholder attending meeting: Board of Commissioners, Dee Boughton, PAO DPA

Date submitted: 7-24-24

* Work Session Meeting - Submit 1 single sided/not stapled copy

Executive Session litigation Worthington 7-29-24

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

Revised: 3-04-2019

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