



16
OCT 15 2024

BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of October 7-11, 2024

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, October 7, 2024. Present were Commissioners French, Ozias and Johnson and Administrator Mielke.

Items of discussion per the agenda published October 3 were:

- Calendar/Correspondence
- Heritage Advisory Board update
- Agreement amendment 20 with Department of Health to amend statement of work and funding
- Rural Arterial Program final prospectus form for Old Olympic Highway Project
- Port Angeles School District presentation regarding 2024 Bond and EP&O Levy measures
- Agreement with Department of Commerce for North Peninsula Microenterprise Assistance
- Agreement with Center for Inclusive Entrepreneurship for North Peninsula Microenterprise Assistance
- Agreement with Port Angeles Food Bank for Department of Agriculture food assistance
- Discussion and next steps regarding encumbered timberlands replacement for Clallam County
- Administrator recommended 2025 Clallam County Budget for review

Meeting concluded at 11:58 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair French called the meeting to order at 10 a.m., Tuesday, October 8, 2024. Also present were Commissioners Ozias and Johnson and Administrator Mielke.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as modified, CMOs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on item Heritage Advisory Board, work session items 2a, 3a and 3e, regular meeting 1d and 2f
- John Worthington, Sequim, commented on item 2a

CONSENT AGENDA

- 1a Approval of vouchers for the week of September 30
- 1b Approval of minutes for the week of September 30
- 1c Resolution appointing Dann May to the Marine Resources Committee
- 1d Call for hearing to be held Tuesday, November 12, 2024 at 10:30 a.m. regarding adopting the Six-Year 2025-2030 Transportation Improvement Program
- 1e Proclamation recognizing the second Monday of October as Indigenous Peoples' Day

ACTION TAKEN: CRJm to adopt the consent agenda, CMOs, mc

REPORTS AND PRESENTATIONS

- CMO recognized the second Monday of October as Indigenous Peoples' Day
- CRJ commented on Habitat Together We Build Event, Olympic Area Agency on Aging,
- CMO commented on Animal Solution Advisory Committee, Flaura's Acres
- CMF commented on Elections Tour for kids, Trails Advisory Committee Meeting, Crescent Community Advisory Committee, Clallam Fire District 4 facility, first time home buyers

CONTRACTS AND AGREEMENTS

2a Agreement with Jamestown S'Klallam Tribe for drought related outreach

ACTION TAKEN: CRJm to approve, CMOs, mc

2b Agreement Amendment 2 with Olympic Peninsula Community Clinic for Clallam Respite Care Pilot Project

ACTION TAKEN: CRJm to approve, CMOs, mc (CMF recused)

2c Agreement with Grow Strong LLC for a wellness training program for patrol and corrections deputies

ACTION TAKEN: CRJm to approve, CMOs, mc

2d Agreement with Washington Traffic Safety Commission for reimbursement of overtime spent on emphasis patrols in support of statewide programs

ACTION TAKEN: CRJm to approve, CMOs, mc

2e Agreement with Peninsula College for establishing the jail as a training site for the Peninsula College Nursing Program

ACTION TAKEN: CRJm to approve, CMOs, mc

2f Land purchase agreement with Ronald Konopaski for Middle Point pump station easement

ACTION TAKEN: CRJm to approve, CMOs, mc

2g Contract with Department of Commerce – Economic Development Administration (EDA) for the Recompete Program

ACTION TAKEN: CRJm to approve, CMOs, mc

BIDS AND AWARDS

3a Bid opening – Clallam County Chiller Replacement Project

<u>Contractor</u>	<u>Amount</u>
Swift Plumbing and Heating Inc.	\$444,517

ACTION TAKEN: CRJm to forward the bids to Parks Fair and Facilities for review and recommendation to the BOCC, CMOs, mc

HEARING(S)

4a Ordinance amending Clallam County Code Chapter 11.04, Speed Limits on County Roads

- Joe Donisi, Road Department, provided a staff report

ACTION TAKEN: CRJm to open the public hearing, CMOs, mc

- The following provided testimony:
 - Diana Childs, Sequim
 - Ed Bowen, Clallam Bay
 - John Worthington, Sequim
- CMF noted no one provided testimony
- The following sent in written testimony: Thomas Miller, Josh and Bradi Bergesen, and various Towne Road Neighbors (see attached)

ACTION TAKEN: CMOM to close the public hearing, CRJs, mc

ACTION TAKEN: CMOM to approve the Ordinance with one change to removing Towne Road from the 30 mph and amending in the 25 mph from Woodcock to East Anderson Road, CRJs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on County Administrator, Budget Town Hall Meeting for October 23, 2024 at 5 p.m.
- Denise LaPio, Sequim, commented on Proclamation recognizing the second Monday of October as Indigenous Peoples' Day
- Jeff Tozzer, Sequim, commented on meeting format, Jamestown Tribe land acquisition
- John Worthington, Sequim, commented on Planning Commission, Jamestown

Meeting concluded at 11:05 a.m. and continued to 9 a.m., Monday, October 21, 2024.

EXECUTIVE SESSION – October 9, 2024 at 7:30 a.m.

The Board convened in open session at 7:31 a.m. to discuss litigation. Present were Commissioners Ozias, French and Johnson, Administrator Mielke, Assessor's Office Kuss, Hancock, and Childress, Prosecuting Attorney's Office Boughton.

ACTION TAKEN: CMom to recess to executive session for 30 Minutes, CRJs, mc

The Board recessed into executive session at 7:33 a.m.

The Board convened in open session at 8:02 a.m.

ACTION TAKEN: CMom to authorize counsel to research engaging a mediator and pay for half of the associated costs, CRJs, mc

Meeting concluded at 8:03 a.m. and continued to 9 a.m., Monday, October 14, 2024.

The Board of Commissioners attended WSAC Virtual Update, Habitat for Humanity Together We Build Event, Budget Meetings, Public Works Six-Year TIP Open House, Coffee with Collen, PA Budget Chamber Meeting, during the week of October 7.

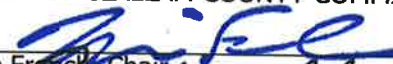
PASSED AND ADOPTED this 15th day of October 2024.

ATTEST:


Loni Gores, MMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair


Randy Johnson


Mark Ozias

KEY TO ABBREVIATIONS:

ATM Administrator Todd Mielke
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CMF Commissioner Mike French

m moved
mc motion carried
s seconded

BOARD OF CLALLAM COUNTY COMMISSIONERS PUBLIC HEARING

Ordinance amending Clallam County Code Chapter 11.04, Speed Limits on County Roads

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate. Please print name and address clearly.

Nº	PRINTED NAME	SIGNATURE	ADDRESS
1	Trina Berg	Trina Berg	
2	Diana Chiles	Diana Chiles	
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

Gores, Loni

From: Ozias, Mark
Sent: Wednesday, September 11, 2024 1:08 PM
To: Gores, Loni
Subject: For Speed Limit hearing
Attachments: Binder1 SIGNED.pdf

Loni, can you include this with testimony for our Oct. 8 hearing on speed limits?

Thanks,

Mark Ozias

Clallam County Commissioner

** Please note my new email address: mark.ozias@clallamcountywa.gov*

** This correspondence may be subject to disclosure under the Public Records Act.*

From: Thomas Miller <easyville22@msn.com>
Sent: Monday, August 12, 2024 11:33 PM
To: Donisi, Joe <joe.donisi@clallamcountywa.gov>; 'rickpeder@gmail.com' <rickpeder@gmail.com>
Cc: Mielke, Todd <Todd.Mielke@clallamcountywa.gov>; Johnson, Randy <randy.johnson@clallamcountywa.gov>; Ozias, Mark <mark.ozias@clallamcountywa.gov>; ODell, Jason <jason.odell@clallamcountywa.gov>
Subject: Re: URGENT — Gupster Road is UNSAFE

Some people who received this message don't often get email from easyville22@msn.com. [Learn why this is important](#)

Gentlemen

It has been 5 months since our request for speed limit and signage changes on Gupster Road and 4 months since the County Engineer replied that a "study" was forthcoming. Has the County reached a favorable decision?

Kindly update us. We contend an UNSAFE condition still exists and Fall school bus traffic will resume soon making matters much more dire.

(Please reference the attached Binder1 Signed for a full understanding of the pending matter)

Cordially,
Tom Miller

From: Donisi, Joe <joe.donisi@clallamcountywa.gov>
Sent: Thursday, April 18, 2024 11:51 AM
To: 'easyville22@msn.com' <easyville22@msn.com>; 'rickpeder@gmail.com' <rickpeder@gmail.com>
Cc: Mielke, Todd <Todd.Mielke@clallamcountywa.gov>; Johnson, Randy <randy.johnson@clallamcountywa.gov>; Ozias, Mark <mark.ozias@clallamcountywa.gov>; ODell, Jason <jason.odell@clallamcountywa.gov>
Subject: RE: URGENT — Gupster Road is UNSAFE

Hello Mr. Miller,

Thank you for your request supported by the visual aids. We are expecting to complete a speed study in the next two weeks on Gilbert and Gupster Roads and expect that data to support a speed limit reduction mainly base upon my observations.

Sincerely,

Joe Donisi, PE

County Engineer

Clallam County

360-417-2404

From: Johnson, Randy <randy.johnson@clallamcountywa.gov>
Sent: Thursday, March 14, 2024 9:46 AM
To: Donisi, Joe <joe.donisi@clallamcountywa.gov>
Cc: Mielke, Todd <Todd.Mielke@clallamcountywa.gov>
Subject: Fwd: URGENT — Gupster Road is UNSAFE

Would you please respond.

Sent from my iPhone

Begin forwarded message:

From: Thomas Miller <easyville22@msn.com>
Date: March 13, 2024 at 12:01:01 PM PDT

To: "Johnson, Randy" <randy.johnson@clallamcountywa.gov>, "Ozias, Mark" <mark.ozias@clallamcountywa.gov>
Cc: Rick Peder <rickpeder@gmail.com>
Subject: URGENT — Gupster Road is UNSAFE

Some people who received this message don't often get email from easyville22@msn.com. [Learn why this is important](#)

Gentlemen;

Kindly, review the attached and please take ACTION.

Thank you.

March 11, 2024

Mr. Randy Johnson
Clallam County Commissioner – District 2
223 E 4th Street
Suite 4
Port Angeles, WA 98362

RE: Need for a Speed Limit Reduction on Gupster Road

Dear Commissioner Johnson;

The 35 mph speed limit on Gupster Road is **UNSAFE**.

And this letter is a plea for at least a 10 mph reduction. 20 or 25 mph is more appropriate for the neighborhood activities and the condition of the roadway.

The Gupster-adjacent neighborhoods have several children – of all ages – and many senior citizens – of all ages – who routinely walk along Gupster and must use the roadway because no pedestrian walkways exist on either side. Pedestrians are forced off the roadway when 2-way traffic approaches – regardless of speed – but the 35 mph severely cuts the walkers' AND the drivers' reaction time and only exacerbates the dangers for both. Blind spots abound.

Most drivers typically use Gupster as a short-cut off U.S. 101 via Gilbert-Mill Roads and they often travel much, much faster than 35 mph (45-50). Frequently, pedestrians are overwhelmed by distracted or otherwise unyielding motorists. Larger vehicles passing head-on create perils not only with pedestrians present but with each other. Near misses happen more often than is acceptable or excusable.

Additionally, Gupster lacks signage which warns motorists, such as **SLOW CHILDREN PLAYING — CAUTION PEDESTRIANS — CAUTION SCHOOL BUS STOPS —** or **NARROW ROAD**. Such essential signage is sorely needed.

Exhibit A is attached, wherein are photographic comparisons of 25 and 35 mph roads in the surrounding area. Stark distinctions are readily apparent. 35 mph roads have wider lanes, fog lines, turn lanes, center-line markings, shoulders and some semblance of pedestrian walkways. Other 25 mph roads have none of these upgraded features which warrant the reduced speed limit — and in the same way, Gupster Road is perfectly justified for 25 mph limit.

Please review Exhibit A. In summary, I trust you will find it quite obvious (as it is with all adjoining residents) that Gupster Road is **NOT** suited for, designed for nor built for the current 35 mph speed limit.

For these reasons, kindly **REDUCE** the speed limit and provide appropriate warning signage. The life YOU save may be any one of us on Gupster Road.

Sincerely yours,

Rick Peder — Gupster Road Resident
rickpeder@Gmail.com

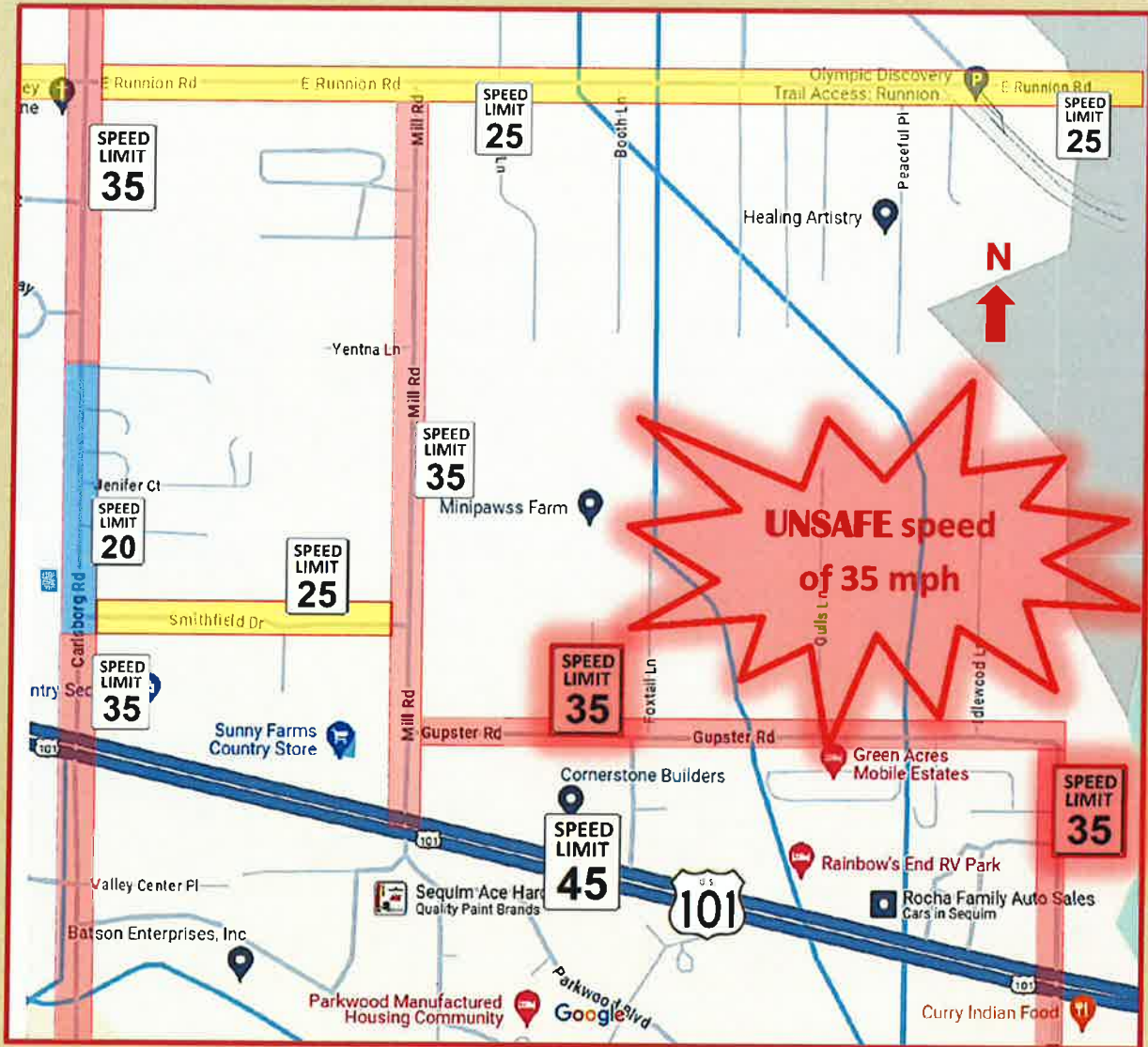
Tom Miller — Gupster Road Resident
Easyville22@msn.com



Cc:

Sent via email
Randy.Johnson@ClallamCountyWA.gov

Exhibit A



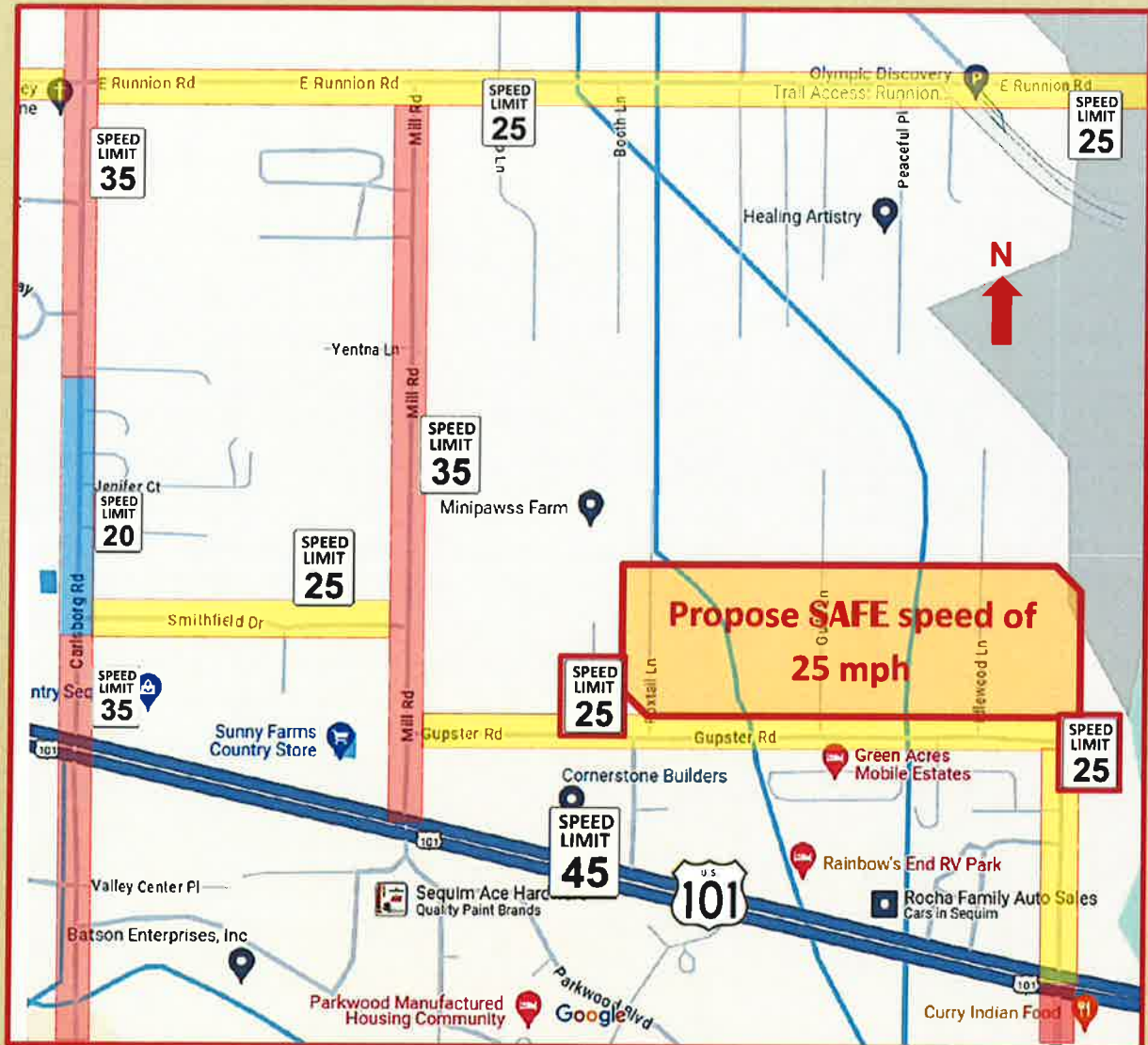
Current Speed Limits on Clallam County Public Roads

Part District 2 (Google Map Excerpt)

This **PETITION** concerns Gupster and Gilbert Roads where 35 mph is viewed clearly as **UNSAFE**.

Key — 20 mph 25 mph 35 mph

Exhibit A



Proposed Speed Limit Changes

Part District 2 (Google Map Excerpt)

This exhibit **PROPOSES** Gupster and Gilbert Road's speed limit be set at a much **SAFER** 25 mph — matching Smithfield & Runnion Roads.

Key — 20 mph 25 mph 35 mph

Exhibit A



Gupster Road
(Looking East from Mill Road)

Current **UNSAFE** Speed Limit — 35 mph

- Very Narrow Road
- NO Fog Lines
- NO Side Shoulder
- NO Centerline
- NO Pedestrian Walkways
- NO “SLOW CHILDREN” Signs

All neighboring 35 mph roads are much wider, with Fog Lines.

Most other 35 mph roads have Shoulders and Centerlines.

Most others 35 mph roads also have Pedestrian Walkways.

Exhibit A



Gilbert Road

(Looking North from US 101)

Current **UNSAFE** Speed Limit — 35 mph

- Narrow Road
- Short run (900 ft.) before Sharp 90° Turn onto Gupster Road
- Very Congested Business Intersection
- NO Fog Lines
- NO Side Shoulders
- NO Centerline
- NO Pedestrian Walkways

All neighboring 35 mph roads are much wider, with Fog Lines.

Most other 35 mph roads have Side Shoulders and Centerlines.

Most others 35 mph roads also have Pedestrian Walkways.

Exhibit A



SAFELY Rated for 35 mph — Carlsborg Road
(Looking North Past Gray Wolf School Zone)



SAFELY Rated for 35 mph — Mill Road
(Looking North from US 101)

Both Have —

- Wide Lanes
- Turn Lanes
- Fog Lines
- Side Shoulders
- Centerlines
- 3,000 ft. Mill Road has 2,200 ft. of Pedestrian Walkway

Exhibit A



ONLY Rated for 25 mph — Smithfield Road
(Looking West from Mill Road)



ONLY Rated for 25 mph — Runnion Road
(Looking East past Mill Road Intersection)

Both Lack —

- Wide Lanes
- Turn Lanes
- Fog Lines
- Side Shoulders
- Centerlines
- Pedestrian Walkways

Exhibit A



SAFELY Rated for 35 mph — Carlsborg Road
(Looking North from US 101 approaching School Zone)



SAFELY Rated for 35 mph — Taylor Cut-off Road
(Looking South from US 101)

Both Have —

- Wide Lanes
- Turn Lanes
- Fog Lines
- Side Shoulders
- Centerlines
- 800 ft. +/- of Pedestrian Walkways combined

Gores, Loni

From: Ozias, Mark
Sent: Friday, October 4, 2024 8:46 AM
To: J B
Cc: Gores, Loni
Subject: RE: Towne Rd. Speed limit

Thank you for sharing your thoughts. I have included our Clerk in this reply to ensure that your comment is included as testimony for the upcoming public hearing.

Sincerely,

Mark Ozias

Clallam County Commissioner

** Please note my new email address: mark.ozias@clallamcountywa.gov*

** This correspondence may be subject to disclosure under the Public Records Act.*

From: J B <joshgbergesen@gmail.com>
Sent: Thursday, October 3, 2024 7:17 AM
To: Ozias, Mark <mark.ozias@clallamcountywa.gov>; Johnson, Randy <randy.johnson@clallamcountywa.gov>; French, Mike <Mike.French@clallamcountywa.gov>
Subject: Towne Rd. Speed limit

Some people who received this message don't often get email from joshgbergesen@gmail.com. [Learn why this is important](#)

Clallam County Commissioners

223 E. 4th Street
Port Angeles, WA 98362

Dear Commissioners,

We are writing to express our concerns regarding the newly realigned Towne Rd. and the critical need to reduce the speed limit to 25 mph along its entire length, from East Anderson to Woodcock Road. This speed limit is the only one that will sufficiently address safety concerns and lower speeds to a somewhat safe level for the residents and those traveling the road, whether that be pedestrians, cyclists or motor vehicles.

The new alignment of Towne Rd., while improvement in terms of design, has unfortunately made it conducive to higher and potentially dangerous speeds. In the past, the road's numerous 90-degree turns, lack of shoulders, frequent flooding, and poor conditions made it an undesirable route for drivers. However, now that the road is in better condition, it will undoubtedly attract more traffic and invite

increased speeds. This poses a significant danger, especially in light of the county's well-known issue with speeding on rural roads.

As population and development continue to grow in this area, Towne Rd. is positioned to become a north-south thoroughfare, significantly increasing traffic. The addition of a new trail system will further compound this issue, drawing even more traffic through our neighborhood. It is imperative that the county recognize the long-term safety implications of this new road and take immediate steps to address the risks posed by speeding. Failure to do so could result in dangerous environments for the Towne Rd. Residents and those who choose to travel the road.

Towne Rd. is riddled with blind spots due to its topography, making it particularly hazardous at higher speeds. Additionally, having multiple speed limits along the stretch of road is confusing for drivers and makes compliance with speed regulations more difficult. A consistent speed limit of 25 mph for the entire stretch of Towne Rd. from Woodcock to Anderson would not only create safer conditions but also provide clarity for drivers, encouraging slower and safer travel.

We strongly urge the county to take swift action to implement a 25 mph speed limit along this stretch. It is the county's responsibility to foresee the dangers of increased traffic and speeds, and to act in the best interests of the hundreds of residents who live along Towne Rd. We ask that you prioritize safety by instituting this lower speed limit, thereby protecting both the residents and those traveling the road.

Thank you for your attention to this important matter.

--

Sincerely,

Josh & Bradi Bergesen
joshgbergesen@gmail.com

1653 Towne Rd.
Sequim, WA 98382

**Towne Road Speed Limit & Related Improvements
Petition Letter to Clallam County Commissioners**

RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 07 2024

To: Clallam County Commissioners

Cc: Bruce Emery, Todd Mielke, Joe Donisi

1...2...3...A...

As residents of the Towne Road neighborhood - a group of more than 120 households, whose sole vehicular connection with Sequim and beyond is via Towne Road - we seek the following:

1. A speed limit of 25 mph for the entire length of Towne Road from East Anderson to Woodcock.
2. The installation of physical speed structures, such as speed tables or humps, that would reinforce the 25 mph speed limit.

The overall context of our appeal is obvious fact: Towne Road between the new levee extension and Woodcock is substandard. Despite strongly-voiced opposition, the County has nevertheless chosen to open the levee extension, throwing through traffic on Towne Road without needed improvement to Towne Road.

A consistent 25 mph speed limit from East Anderson until Woodcock would help to mitigate the effects of opening the levee extension. To aid enforcement of this speed limit, physical features - speed tables or speed humps - are essential.

The following support these changes.

1. The County determined the appropriate speed limit for the new levee-top extension is 25 mph. This new section of Towne Road has better sight lines, is wider and flatter and has no blind entrances. A 25 mph speed limit on the new stretch is therefore a powerful argument for 25 mph on the old, much-inferior section.
2. Differing speed limits would create confusion, and make enforcement more questionable. This is a contiguous segment. There are no stop signs between East Anderson and Woodcock.
3. Questionable data, collected during a time of unusual circumstances (i.e. heavy construction traffic and the road closure), led to a mistaken staff recommendation of 30 mph.
4. The sheriff's department is on record supporting a 25 mph speed limit on this section (meeting with Sheriff King August 20, 2024).
5. The history of speeding (documented in traffic studies) and the apparent-isolation of the road speaks to the need for physical features to help slow traffic.
6. This section of Towne Road, like the levee section, is a recreation corridor much used for walking and biking, yet offers few physical protections for pedestrians, such as pavement width and adequate shoulders. A 25 mph speed limit and in-place/physical constraints on speed are therefore all the more important.

Towne Road Speed Limit & Related Improvements
Petition Letter to Clallam County Commissioners

SIGNATURE PAGE

Address	Printed Name	Signature	Email
1491 Towne Rd	DAVID GILES		
1461 Towne Rd	Josh Gonser		
1531 Towne Rd	Katrina Berg		Trinda@olypen.com
1405 Towne Rd	Erin Urquiza		erinurquiza13@gmail.com
1405 Towne Rd	Rob Thomas		
1232 Towne Rd	Michele C		mcdonson911@hotmail.com
61 Cougar Hts Dr	Leslie Schiller		
61 Cougar Hts Dr	Nev Woodruff		none
58 Jacob Lane	TERRY HARTMAN		
62 Jacob Lane	Diane Schantz Miller		DLSchantz@gmail.com
130 JACOB LANE	SCOTT HEADRICK		Scott@ZENOVIC.NET
151 Jacob Lane	Melee VanderVelde		melee.vandervelde@gmail.com
151 Jacob Lane	Derek VanderVelde		dnuvan1999@gmail.com
51 Jacob Lane	Marielahn VanderVelde		none
151 Jacob Lane	Meguire VanderVelde		none
151 Jacob Lane	RAYMOND VAN DER VELDE		None
151 Jacob Lane	Charence VanderVelde		caggvandy@gmail.com
1491 Towne Rd	COLLEEN McAteer		colleen@olypen.com
1531 Towne Rd	Brian Berg		bcborg@olypen.com
1563 Towne Rd	Yvonne Yokota		yvonne.yokota@gmail.com
1747 Towne Rd	Alethea Mari		alethea27@gmail.com
1416 Towne Rd	Dave Kelm		davekelm58@gmail.com

Towne Road Speed Limit & Related Improvements
Petition Letter to Clallam County Commissioners

To: Clallam County Commissioners

Cc: Bruce Emery, Todd Mielke, Joe Donisi

As residents of the Towne Road neighborhood - a group of more than 120 households, whose sole vehicular connection with Sequim and beyond is via Towne Road - we seek the following:

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2. The installation of physical speed structures, such as speed tables or humps, that would reinforce the 25 mph speed limit.

The overall context of our appeal is obvious fact: Towne Road between the new levee extension and Woodcock is substandard. Despite strongly-voiced opposition, the County has nevertheless chosen to open the levee extension, throwing through traffic on Towne Road without needed improvement to Towne Road.

A consistent 25 mph speed limit from East Anderson until Woodcock would help to mitigate the effects of opening the levee extension. To aid enforcement of this speed limit, physical features - speed tables or speed humps - are essential.

The following support these changes.

1. The County determined the appropriate speed limit for the new levee-top extension is 25 mph. This new section of Towne Road has better sight lines, is wider and flatter and has no blind entrances. A 25 mph speed limit on the new stretch is therefore a powerful argument for 25 mph on the old, much-inferior section.
2. Differing speed limits would create confusion, and make enforcement more questionable. This is a contiguous segment. There are no stop signs between East Anderson and Woodcock.
3. Questionable data, collected during a time of unusual circumstances (i.e. heavy construction traffic and the road closure), led to a mistaken staff recommendation of 30 mph.
4. The sheriff's department is on record supporting a 25 mph speed limit on this section (meeting with Sheriff King August 20, 2024).
5. The history of speeding (documented in traffic studies) and the apparent-isolation of the road speaks to the need for physical features to help slow traffic.
6. This section of Towne Road, like the levee section, is a recreation corridor much used for walking and biking, yet offers few physical protections for pedestrians, such as pavement width and adequate shoulders. A 25 mph speed limit and in-place/physical constraints on speed are therefore all the more important.

Towne Road Speed Limit & Related Improvements
Petition Letter to Clallam County Commissioners

SIGNATURE PAGE

Address	Printed Name	Signature	Email
24 Forest Ridge	Otto Eiper	Otto Eiper	OETPERT@yahoo.com
114 Forest Ridge	Brett Glass	Brett Glass	bu
152 Forest Ridge	Richard Clark	Richard Clark	
92 Cottage Lane	Teresa Buckland	Teresa Buckland	bucklandmike@
"	mike Buckland	mike Buckland	hotmail.com
72 Cottage Ln	Sonatha Buckland	Sonatha Buckland	Buckljk185@a
110 Cottage Lane	JERRY KOCK	Jerry Kock	
113 Cottage Lane	Linda Bell	Linda Bell	
82 Charles Way	Anna	Anna	
112 CHARLESWAY	PAUL BUTLER	PAUL BUTLER	
152 Charles Way	FRANK BLASI	FRANK BLASI	dfudon@att.net
152 Charles Way	Donna Blasi	Donna Blasi	dfudon@att.net
43 Charles Rd	Keri Banaty	Keri Banaty	
31 Edna Pl	Melissa Marr	Melissa Marr	mdmarr@gmail.com
31 Forest Ridge	Allan Byrd	Allan Byrd	
20 curlow ct	Gary Boole	Gary Boole	
913 Towne Rd	Edwark	Edwark	
913 Towne Rd	Luz Maria	Luz Maria	
30 Edna Pl	Jim Stuart	Jim Stuart	
51 Forest Ridge Dr	Nora Kennedy	Nora Kennedy	
1017 Towne Rd	Russell Wyatt	Russell Wyatt	
1015 Towne Rd	Kay Wyatt	Kay Wyatt	

Towne Road Speed Limit & Related Improvements
Petition Letter to Clallam County Commissioners

To: Clallam County Commissioners

Cc: Bruce Emery, Todd Mielke, Joe Donisi

As residents of the Towne Road neighborhood - a group of more than 120 households, whose sole vehicular connection with Sequim and beyond is via Towne Road - we seek the following:

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5. The history of speeding (documented in traffic studies) and the apparent-isolation of the road speaks to the need for physical features to help slow traffic.
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Towne Road Speed Limit & Related Improvements

Petition Letter to Clallam County Commissioners

SIGNATURE PAGE

[illegible]

Towne Road Speed Limit & Related Improvements
Petition Letter to Clallam County Commissioners

To: Clallam County Commissioners
Cc: Bruce Emery, Todd Mielke, Joe Donisi

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2. The installation of physical speed structures, such as speed tables or humps, that would reinforce the 25 mph speed limit.

The overall context of our appeal is obvious fact: Towne Road between the new levee extension and Woodcock is substandard. Despite strongly-voiced opposition, the County has nevertheless chosen to open the levee extension, throwing through traffic on Towne Road without needed improvement to Towne Road.

A consistent 25 mph speed limit from East Anderson until Woodcock would help to mitigate the effects of opening the levee extension. To aid enforcement of this speed limit, physical features - speed tables or speed humps - are essential.

The following support these changes.

1. The County determined the appropriate speed limit for the new levee-top extension is 25 mph. This new section of Towne Road has better sight lines, is wider and flatter and has no blind entrances. A 25 mph speed limit on the new stretch is therefore a powerful argument for 25 mph on the old, much-inferior section.
2. Differing speed limits would create confusion, and make enforcement more questionable. This is a contiguous segment. There are no stop signs between East Anderson and Woodcock.
3. Questionable data, collected during a time of unusual circumstances (i.e. heavy construction traffic and the road closure), led to a mistaken staff recommendation of 30 mph.
4. The sheriff's department is on record supporting a 25 mph speed limit on this section (meeting with Sheriff King August 20, 2024).
5. The history of speeding (documented in traffic studies) and the apparent-isolation of the road speaks to the need for physical features to help slow traffic.
6. This section of Towne Road, like the levee section, is a recreation corridor much used for walking and biking, yet offers few physical protections for pedestrians, such as pavement width and adequate shoulders. A 25 mph speed limit and in-place/physical constraints on speed are therefore all the more important.

404

Address	Printed Name	Signature	Email
123 Madrona Ter.	Pam Carter	Pam Carter	seedpod101@gmail.com
161 Cougar Heights Dr.	M. Walcott	Mary Walcott	mwalcott2@mcn.com
181 Madrona Ter	Carla Jordan	Carla Jordan	sunland41@yahoo.com
201 Madrona Ter.	Kate Dean	KGS-Dean	katesoutharddean@hotmail.com
254 Madrona Ter.	Ryan Blackburn	Ryan Blackburn	Ryan and ash Blackburn@gmail.com
111 Madrona Ter	MARK PLATT	Mark Platt	mplatt@bentonarea.com
112 Madrona Ter	SUSAN BOUDREAU	Susan Boudreau	sboudreau@gmail.com
42 Madrona Ter	Nicole Henley	Nicole Henley	nms@ischaan.org
31 Olympic Pl	THERESA FOX	Theresa Fox	vhold720@hotmail.com
23 Olympic	Guzanne Vana	Guzanne Vana	SRVANA@WASH-COLLEGE
134 Madrona Ter	Kay Cockrill	Kay Cockrill	Kay@Sivig.com
Same	Jon Edward	Jon Edward	Jon@Jansentil.com
212 Madrona Terrace	David Solis	David Solis	supergoats@gmail.com
231 Madrona Ter	Jo Ann McConnell	Jo Ann McConnell	joannemcconnell@gmail.com
84 Madrona Ter	Kelly McKillip	Kelly McKillip	mckillipe@protonmail.ch
35 Madrona Ter	Sarah Main	Sarah Main	
62 Madrona Ter	Lagory Blum	Lagory Blum	pearlblackstgry@gmail.com
161 Madrona Ter	Marti Campbell	Marti Campbell	marticampbell@yahoo.com
81 Cougar Heights	Susan Lewis	Susan Lewis	skewisleeche@gmail.com

Towne Road Speed Limit & Related Improvements
Petition Letter to Clallam County Commissioners

To: Clallam County Commissioners
Cc: Bruce Emery, Todd Mielke, Joe Donisi

As residents of the Towne Road neighborhood - a group of more than 120 households, whose sole vehicular connection with Sequim and beyond is via Towne Road - we seek the following:

1. A speed limit of 25 mph for the entire length of Towne Road from East Anderson to Woodcock.
2. The installation of physical speed structures, such as speed tables or humps, that would reinforce the 25 mph speed limit.

The overall context of our appeal is obvious fact: Towne Road between the new levee extension and Woodcock is substandard. Despite strongly-voiced opposition, the County has nevertheless chosen to open the levee extension, throwing through traffic on Towne Road without needed improvement to Towne Road.

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[illegible]

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SIGNATURE PAGE

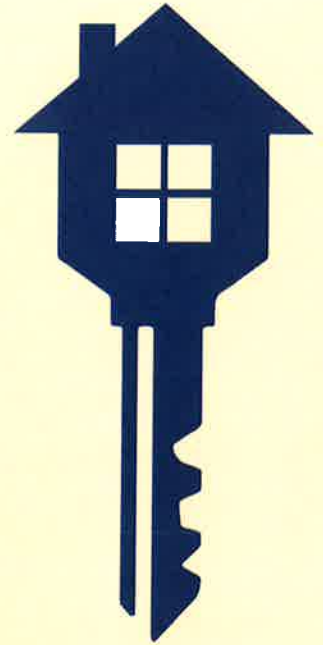
Address	Printed Name	Signature	Email
182 Henkes Rd	Alan Graebner	Alan Graebner	
50 Henkes Rd	Barbara McLean	[Signature]	
50 Henkes Rd. RD [Signature]	Bruce McLean	[Signature]	
80 HENKES RD	ANN KUSTER	A. Kuster	
132 HENKES RD	RICK BURNS	Rick Burns	RICKPAULBURNS@GMAIL.COM
132 Henkes Rd	Jay Burns	Jay Burns	jayburns@rocketmail.com
165 Havenwood Ln	Andrea Sherman	[Signature]	andrashterence@gmail.com
165 HAVENWOOD	ROD SCHERENCE	[Signature]	RODSCHERENCE@gmail.com
170 Havenwood	Danielle Patterson	[Signature]	danielle.e.allplaysystems.com
170 HAVENWOOD	JAKE PATTERSON	[Signature]	" "
170 Havenwood	Madeline Patterson	[Signature]	" "
160 HAVENWOOD	[Signature]	[Signature]	
100 Havenwood	Darlene McCaffrey	Darlene McCaffrey	dm.mccaffrey@hotmail.com
100 Havenwood	Larry McCaffrey	Larry McCaffrey	" "
30 Henkes Rd	Lynne Harris	[Signature]	waterfall@fastmail.com
30 Henkes Rd	David Malkson	David Malkson	dmalkson@fastmail.com

BOCC Mail Correspondences Received from other Jurisdictions

You're Invited



Open **HOUSE**



Wednesday, October 16, 2024
4pm-5pm

Please join us for an Open House for Peninsula Behavioral Health's newest Transitional Living home in Sequim.

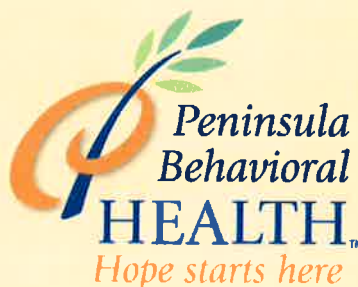
A special thank you to the Sequim Chamber of Commerce as they will be hosting a Ribbon Cutting Ceremony for us during the Open House!

Light refreshments will be served.

490 W. Fir Street, Sequim

Parking is available across the street at St. Luke's.

For questions, please contact:
Tracy Sheldon, Development Director
360-457-0431 ext 531159
Cell or text: 360-797-4345
tracys@peninsulabehavioral.org



Gores, Loni

From: Ogden, Sarah (DNR) <Sarah.Ogden@dnr.wa.gov>
Sent: Tuesday, October 1, 2024 11:07 AM
To: Ozias, Mark; Johnson, Randy; French, Mike; Gores, Loni; Mielke, Todd; White, Jennifer; Rushton, Pam; DOR Clallam County REET 2; Fire District #3 - Mike Mingee; lcoleman@ccfd3.org; jgrider@ccfd3.org; Misty Shaw; thudson@ccfd3.org; Chief@Clallamfire4.org; bruce.c.leiper@clallamfire4.org; Cheryl Anderson; paulb@forkshospital.org; lacijs@forkshospital.org; lcannon@olympicmedical.org; jnutter@olympicmedical.org; director@nols.org; Amy Hough; connieb@portofpa.com; braedib@portofpa.com; dbingham@csd313.org; rnickels@sequimschools.org; tnorman@sequimschools.org; diana.reaume@qvschools.org; Steve Burke
Cc: Emmons, Duane (DNR)
Subject: October Clallam County Timber Sale Revenue Report
Attachments: Clallam County TS Revenue Report 10-2024.pdf

Some people who received this message don't often get email from sarah.ogden@dnr.wa.gov. [Learn why this is important](#)

Greetings,

I am happy to be sending out the attached County Timber Sale Revenue Report for the month of October. This report is a tool we are using to inform our beneficiaries, including county leaders and junior taxing districts, about the timber sale revenue that they will benefit from over the next three years.

Please take time to review the document and reach out if you have any questions or would like a more in-depth walkthrough of the information included.

Sincerely,
Sarah

Sarah Ogden

Trust Outreach Specialist
Washington State Department of Natural Resources (DNR)
Mobile: (360)791-5774
sarah.ogden@dnr.wa.gov
www.dnr.wa.gov



Beneficiary Timber Sale Revenue Report

Clallam County – October 2024

July Auction Results:

Timber Sale	Minimum Bid	Actual Sale Price	Receiving Trusts
Pistol Pete Sorts	\$1,102,964.69	\$ 1,312,927.05	State Forest Transfer – 15% Common School Trust – 85%

County Revenue from Pistol Pete Sorts Timber Sale

Trust 01 - Clallam County - TCA 202*

Taxing District	Estimated Total to Fund	Actual Total to Fund
Clallam County Roads	\$ 83,730.64	\$ 99,669.76
Sequim School District Enrichment	\$ 93,264.04	\$ 111,017.95
Sequim School District CP/Bonds	\$ 46,741.52	\$ 55,639.32
Port of Port Angeles	\$ 11,888.48	\$ 14,151.59
State 1	\$ 162,255.75	\$ 193,143.05
State 2	\$ 87,043.72	\$ 103,613.52
Conservation Futures	\$ 1,917.89	\$ 2,282.98
Clallam County	\$ 82,938.35	\$ 98,726.64
Fire District #3 General	\$ 120,487.65	\$ 143,423.89
Fire District #3 EMS	\$ 38,102.18	\$ 45,355.38
North Olympic Library	\$ 31,587.00	\$ 37,599.95
Hospital District #2	\$ 34,177.37	\$ 40,683.44
Totals:	\$ 794,134.58	\$ 945,307.48

August Auction Results:

Timber Sale	Minimum Bid	Actual Sale Price	Receiving Trusts
Doc Holliday	\$ 1,240,000	\$ 1,633,791.50	State Forest Transfer – 100%
Salmonberry Surprise	\$ 826,000	\$912,962	Common School – 82% Agricultural School – 18%

County Revenue from Doc Holliday Timber Sale

State Forest Transfer to Tax Code Area 153*

Taxing District	Estimated Total to Fund	Actual Total to Fund
Clallam County Roads	\$ 52,083.03	\$ 54,687.18
Crescent School District Enrichment	\$ 54,660.95	\$ 57,394.00
Crescent School District CP/Bonds	\$ 12,755.31	\$ 13,393.07
Port of Port Angeles	\$ 7,395.00	\$ 7,764.75

DRAFT - content subject to change

State 1	\$ 100,928.05	\$ 105,974.45
State 2	\$ 54,143.86	\$ 56,851.06
Conservation Futures	\$ 1,192.98	\$ 1,252.63
Clallam County	\$ 51,590.19	\$ 54,169.70
Fire District #4 General	\$ 69,843.17	\$ 73,335.33
North Olympic Library	\$ 19,648.08	\$ 20,630.48
Hospital District #2	\$ 21,259.37	\$ 22,322.34
Totals:	\$ 445,500.00	\$ 467,775.00

September Auction Results:

- No timber sales were brought to auction in September.

October Proposed Timber Sales to the Board of Natural Resources:

Timber Sale	Draft Appraised Value	Receiving Trusts
Ellens Rock	\$ 735,000	State Forest Transfer – 59% Common School Trust – 41%

Estimated County Revenue from Ellens Rock

State Forest Transfer to Tax Code Area 502*

Taxing District	Estimated Total to Fund
Clallam County Roads	\$ 36,261
Quillayute Valley School District	\$ 38,146
Quillayute Valley School District	\$ 57,578
Port of Port Angeles	\$ 5,148
State 1	\$ 70,267
State 2	\$ 37,695
Conservation Futures	\$ 831
Clallam County	\$ 35,918
North Olympic Library	\$ 13,679
Hospital District #1	\$ 18,560
Hospital District #1	\$ 11,154
Totals:	\$ 325,238

Other County Timber Sale Revenue Information

- [County Income Quarterly Reports](#). County-specific information regarding quarterly revenue from state forestlands.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
OLYMPIC PENINSULA AGENCY

2707 COLBY AVENUE
SUITE 1101
EVERETT, WA 98201

RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 03 2024

1...2...3...A...

IN REPLY REFER TO:
Real Estate Services
TR-4609-P5

Case Number: 56829

NOTICE OF NON-GAMING LAND ACQUISITION APPLICATION

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, 151.10 On-Reservation, notice is given of the application filed by the JAMESTOWN S'KLALLAM TRIBE to have real property accepted "in trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any governmental services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with the zoning.

We provide the following information regarding this application:

Applicant:

JAMESTOWN S'KLALLAM TRIBE

Legal Land Description/Site Location:

See "Exhibit A" for legal descriptions.

Project Description/Proposed Land Use:

Undeveloped vacant land, no change in land use proposed.

NOLAQ01



Office Codes: P,P,06,129 AD Number: 4200437580 Case: 56829

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act (NEPA) of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs office listed at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted one thirty day extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. Additionally, copies of all comments will be provided to the applicant for a response. You will be notified of the decision to approve or deny the application.

If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy to said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act (FOIA), is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to the OLYMPIC PENINSULA AGENCY Office attention: CAROLEE TOBY, REALTY SPECIALIST, (564) 200-2529.

Sincerely,



SUPERINTENDENT

Enclosure(s)

NO LA 201



Office Codes: P.P.O.B.129 AD Number: 4200437580 Case: 56829

CC:

BY CERTIFIED MAIL:

CLALLAM COUNTY ASSESSOR CHIEF DEPUTY ASSESSOR

223 E 4TH STREET, SUITE 2

PORT ANGELES, WA 98362

Certified Mail ID: 7020 0640 0002 1121 4154

STATE OF WASHINGTON

GOVERNOR'S OFFICE OF INDIAN AFFAIRS

1110 CAPITAL WAY SOUTH, SUITE 225

OLYMPIA, WA 98501

Certified Mail ID: 7020 0640 0002 1121 4581

CITY OF SEQUIM

152 W. CEDAR STREET

SEQUIM, WA 98382

Certified Mail ID: 7020 0640 0002 1121 4161

NO LAQ01



Office Codes: P, P, 06, 129 AD Number: 4200437580 Case: 56829

Case Number: 56829
Applicant Name: JAMESTOWN
S'KLALLAM TRIBE

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: GOLF COURSE III

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
129	JAMESTOWN KLALLAM (CLALLAM)		PORTLAND, OR	NORTHWEST REGIONAL OFFICE	OLYMPIC PENINSULA AGENCY	Both (Mineral and Surface)

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
4	030.00N	004.00W	WASHINGTON	CLALLAM	Willamette		.320

DESCRIPTION: CLALLAM COUNTY AP# 043003540140

METES AND BOUNDS: LOT 8, DUNGENESS ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED
IN VOLUME 7 OF PLATS, PAGE(S) 32 AND 33, RECORDS OF CLALLAM COUNTY, WASHINGTON.
SITUATE IN CLALLAM COUNTY, STATE OF WASHINGTON.

WDAEA01



Office Codes: P-P-06-129 AD Number: 4200437580 Case: 56829

Gores, Loni

From: Virginia Shogren <vshogren@gmail.com>
Sent: Friday, October 4, 2024 9:40 AM
To: Gores, Loni
Cc: Johnson, Randy; French, Mike; Ozias, Mark; Riggs, Shoona; michael.dashiell@sequimgazette.com; Matthew.Nash@sequimgazette.com; Jeff Tozzer; CSD - Seth Woolson; Fisk, Emma (ATG)
Subject: Public Comment for BOCC 10-8-24 Meeting
Attachments: 24-2-01904-34 Conformed Complaint.pdf

Some people who received this message don't often get email from vshogren@gmail.com. [Learn why this is important](#)

Dear Loni,

Attached please find public comment for the next Board of County Commissioners public meeting scheduled for Tuesday, October 8, 2024.

This is being provided as a follow up to the Work Session meeting with Clallam Conservation District representatives held on September 30, 2024. During that meeting, the Commissioners had questions regarding the attached lawsuit.

Thank you,

Virginia Shogren
961 W. Oak Court
Sequim, WA 98382
360-461-5551

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

VIRGINIA P. SHOGREN,

Petitioner,

v.

WASHINGTON STATE
CONSERVATION COMMISSION,

Respondent.

Case No. 24-2-01904-34

VERIFIED PETITION CHALLENGING
CERTIFICATION OF MARCH 19, 2024
CLALLAM CONSERVATION DISTRICT
SPECIAL ELECTION

Petitioner Virginia P. Shogren hereby alleges:

I. PARTIES

1. Petitioner Virginia P. Shogren is a resident of Clallam County, a County elector, and a voter in the March 19, 2024 Clallam Conservation District Supervisor Election ("District Election").

2. Respondent Washington State Conservation Commission ("SCC") is a state agency run by a board of ten commissioners tasked with, *inter alia*, determining whether district special elections comply with Title 135-110 of the Washington Administrative Code.

VERIFIED PETITION CHALLENGING
CERTIFICATION OF MARCH 19, 2024
CLALLAM CONSERVATION DISTRICT
SPECIAL ELECTION

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1 7. On March 13, 2024, I attended a meeting of the Dungeness River Management Team
2 ("DRMT") at the Dungeness River Nature Center, a facility operated by a local tribal entity. The in-
3 cumbent for the District Election has told me she is a member of the same tribe.

4 8. The Election Supervisor and a CCD Supervisor attended the DRMT meeting at the
5 tribal facility. To my surprise, during the DRMT meeting, the Election Supervisor and CCD Supervi-
6 sor orally discussed and announced a *third* method of voting in the election. They announced that in-
7 **person voting for the District Election was on-going at the CCD headquarters and could be**
8 **done at any time outside of the mail-in ballot deadline and poll-site District Election date and**
9 **specified hours.** The Election Supervisor and CCD Supervisor seemingly advocated for in-person
10 voting prior to the poll-site District Election, with the Election Supervisor saying they needed more
11 "conservation-minded folks" to vote. I interpreted this statement as a 'political dog whistle' for eligi-
12 ble voters to cast their votes for the tribal incumbent. The CCD Supervisor at the tribal-hosted DRMT
13 meeting announced Lori DeLorm as the "only candidate" in favor of pipeline projects that bring sub-
14 stantial funding to CCD.
15

16 9. Prior to the March 13, 2024 meeting, the Election Supervisor had mounted an external
17 ballot drop box on a wall in an open public hallway adjacent to the CCD office. At the meeting on
18 March 13, 2024, she indicated that voters could come get a ballot any time and cast it prior to Elec-
19 tion Day by depositing their ballot in the drop box at CCD's headquarters. The previous day, on
20 March 12, 2024, while waiting for the CCD's public meeting to commence, I had witnessed white
21 envelopes presumably containing deposited ballots within the drop box that were poking up in the
22 small box which appeared to be readily capable of reaching by hand for removal or tampering.
23

24 10. Given all that I had witnessed and heard on March 12, 2024 and March 13, 2024, on
25 March 14, 2024, I submitted complaints in writing to the SCC regarding the District Election. At-
26

1 attachment A, pages “104 of 179” to “106 of 179.” The poll-site election was fast approaching (March
2 19, 2024). I have narrowed the issues for purposes of this judicial review, without prejudice.

3 11. On March 14, 2024, I notified the SCC of the on-going WAC violations of allowing a
4 *third* method of in-person poll-site voting **prior to the designated poll-site Election Day and hours,**
5 **which contradicted the proper election notification already given.** I asked that the Election Su-
6 pervisor be immediately relieved of her duties. I asked that the CCD appoint a new election supervi-
7 sor who could take steps to ameliorate the violations, including requiring that any electors who had
8 cast votes contrary to the Resolution be immediately contacted and required to cast their votes in-
9 person on Election Day, March 19, 2024, between 12:00 p.m. and 7:00 p.m. according to the proper
10 notice provisions already given.

11
12 12. On March 22, 2024, I confirmed that the SCC had taken no action to rectify the elec-
13 tion violations described within my notice dated March 14, 2024. Attachment A, pages “103 of 179”
14 to “104 of 179.” This failure to act allowed the District Election to proceed on March 19, 2024 with-
15 out addressing a single concern that I provided.

16
17 13. On March 22, 2024, I also forwarded to the SCC confirmation of the WAC violations
18 from the Election Supervisor. Attachment C. Per an email exchange with the Election Supervisor dat-
19 ed March 21, 2024 (two days after the District Election), **the Election Supervisor confirmed that**
20 **she had allowed/conducted in-person voting between March 1, 2024 and March 18, 2024**
21 **(AFTER the absentee mail-in ballot request deadline and BEFORE the poll-site election on**
22 **March 19th, 2024 from 12 to 7 p.m.).** The Election Supervisor further confirmed that: 1) she had
23 no record of how many ballots she handed out; 2) she had no record of the number of in person bal-
24 lots requested at the poll-site election (12 to 7 p.m. on March 19, 2024); and, 3) she had no record of
25 how many ballots were deposited in the make-shift drop box (which was lacking any security). *Id.*

1 14. On April 12, 2024, following a telephone interview with SCC staff conducting an in-
2 vestigation of the District Election, I re-forwarded the Election Supervisor's email dated March 21,
3 2024 to the SCC, noting that it was sent within two days of the March 19, 2024 District Election, and
4 therefore, was of high evidentiary value for SCC's investigation. **I again noted that the Election**
5 **Supervisor confirmed that in-person voting (which she referred to as "walk-in" voting at the**
6 **March 13, 2024 DRMT meeting), was conducted AFTER the absentee mail-in ballot request**
7 **deadline and BEFORE the poll-site election on March 19, from 12 to 7 p.m.**

9 15. On May 16, 2024, the SCC unanimously certified the District Election based on staff's
10 conclusion that the Resolution for the District Election had been followed. During the public meet-
11 ing, I do not recall any mention by SCC staff of the March 21, 2024 email from Ms. Williams con-
12 firming she was handing out untracked numbers of ballots before Election Day. The March 21, 2024
13 email was not included in the staff report to the SCC board members. Attachment A. I also do not re-
14 call any discussion of the Election Supervisor permitting in-person voting outside of the mail-in re-
15 quest deadline and the poll-site election held on March 19, 2024 from 12:00 to 7:00 p.m. with no
16 oversight and no other poll officers present.

18 V. WAC AUTHORITY FOR DISTRICT ELECTIONS

19 16. District Election resolutions "must include" "[f]or a poll site election, the date(s), the
20 physical location(s), and the times polls will open and close for each polling place. . . ." WAC 135-
21 110-210(2)(b).

23 17. "Poll-site election" and "walk-in election" means an election in which a voter signs in
24 on a poll list, receives a ballot from a polling officer, enters a vote for a candidate on the ballot, and
25 places the ballot in a ballot box at a polling place supervised or monitored by polling officers." WAC
26 135-110-110.

1 18. ““Mail-in election” means an election in which mail-in ballots are provided before
2 election day to qualified voters. Voters return completed ballots to a receiving location or address au-
3 thorized by the conservation district board of supervisors.” WAC 135-110-110.

4 19. ““Remote election” means an election in which ballots are returned by some means
5 other than for a poll-site election. A mail-in election is a type of remote election.” WAC 135-110-
6 110.

7 20. ““Polling officer” means a person appointed by the election supervisor to verify voter
8 eligibility, assure compliance with this rule in and around the polling place, issue ballots, count bal-
9 lots, and verify the unofficial ballot count in writing to conservation district supervisors.” WAC 135-
10 110-110.

11 21. ““Poll list” or “polling list” means a list of voters who voted in an election.” WAC
12 135-110-110.

13 22. ““Election supervisor” means an individual or entity appointed by conservation district
14 supervisors to organize, coordinate, and manage tasks related to the election of conservation district
15 supervisors.” WAC 135-110-110.

16 23. “Every physical poll site must be open for at least four consecutive hours at a time
17 convenient for voters, and every physical poll site must have at least two polling officers present dur-
18 ing the hours the polls are open.” WAC 135-110-240(2).

19 24. “During a poll-site election, polling officers must monitor the voting place for compli-
20 ance with this section, and also serve as guardians of all issued and unissued ballots, under the super-
21 vision and direction of the election supervisor.” WAC 135-110-450(1).

22 ///

1 **VI. THE SCC ERRED IN CERTIFYING THE DISTRICT ELECTION**

2 25. The District Election was noticed for two methods: “Poll site & mail-in”. Attachment
3 A, page “99 of 179” and page “107 of 179”.

4 26. The poll-site election was noticed for March 19, 2024, 12:00 p.m. to 7:00 p.m. *Id.*

5 27. The deadline to request an absentee ballot for the mail-in election, whether in-person,
6 online, or by phone, was February 29, 2024 at 4:00 p.m. *Id.*

7 28. Unbenownst to the general public, but announced by the Election Supervisor at the
8 tribal facility on March 13, 2024, voters presumably casting votes for the tribal member candidate (re-
9 ferred to by the Election Supervisor as “conservation-minded folks”) could vote via a more conven-
10 ient third method. The Election Supervisor called the third method of voting a “walk-in” method,
11 namely, coming to CCD offices at any convenient time prior to Election Day, being handed a ballot,
12 and immediately casting the ballot by depositing it in an (unsecure) drop box.

13 29. There is no provision in WAC 135-110 that authorizes an Election Supervisor to: 1)
14 hand out ballots outside of the noticed time/hours for a poll-site election, apparently by herself, and
15 without any other polling officers present; 2) hand out untracked numbers of ballots prior to the poll-
16 site election without having the voter sign a poll list; or, 3) hand out ballots to be cast in an unsecure
17 ‘ballot box’ mounted in a hallway that is unsupervised and not monitored by “at least two polling of-
18 ficers”. WAC 135-110-110; WAC 135-110-240(2); WAC 135-110-210(2)(b).

19 30. This is for obvious reasons. A single person cannot lawfully engage in poll-site elec-
20 tion activity outside of the noticed hours for said poll-site election. Mail-in elections and remote elec-
21 tions allow for an in-person return of the ballot, but not the in-person receipt of a ballot after the pub-
22 licly-noticed absentee request deadline. WAC 135-110-110. Otherwise, there is no purpose served by
23

1 the absentee request deadline, and ballots could be obtained and cast at *any time*, even on Election
2 Day *prior to the polls being opened*.

3 31. Critical for purposes of this Petition is the fact that the Election Supervisor admitted,
4 in writing, within 48 hours of the District Election, **that she had allowed/conducted in-person vot-**
5 **ing between March 1, 2024 and March 18, 2024 (AFTER the absentee mail-in ballot request**
6 **deadline and BEFORE the poll-site election on March 19th, 2024 from 12 to 7 p.m.).** The SCC
7 omitted this key email from its investigative report. Attachment C.

9 32. The vote totals for the District Election show only *two* types of vote totals, not *three*.
10 Attachment A, page "101 of 179". Any votes cast by way of the secret *third* method in contravention
11 of Title WAC 135-110 are invalid and void. The Election Supervisor does not know how many bal-
12 lots she handed out. Attachment C. The WAC violations are so egregious that the true outcome of
13 the District Election is unknowable.

14 VII. RELIEF SOUGHT

15 WHEREFORE, Petitioner prays for the following relief:

- 16 I. For a declaration that the actions of the Election Supervisor, as stated herein, rise to
17 the level of significant non-compliance with the election procedure of WAC 135-110;
18
19 II. For an order directing the SCC to withdraw its certification of the District Election to
20 correct the error in certification, accordingly; and,
21
22 III. For such further relief as the Court may deem just.

23 Dated: May 24, 2024

24 
25 Virginia P. Shogren
26 961 W. Oak Court
27 Sequim, WA 98382
28 360-461-5551, vshogren@gmail.com
Petitioner, *pro se*

VERIFIED PETITION CHALLENGING
CERTIFICATION OF MARCH 19, 2024
CLALLAM CONSERVATION DISTRICT
SPECIAL ELECTION

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VERIFICATION

I, Virginia P. Shogren, declare:

I am the Petitioner in the above-captioned action. I have read the foregoing VERIFIED PETITION CHALLENGING CERTIFICATION OF MARCH 19, 2024 CLALLAM CONSERVATION DISTRICT SPECIAL ELECTION and know the contents thereof. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, that the attachments hereto are true and correct copies redacted for privacy where needed, and that this document was executed in the County of Clallam, State of Washington, on this 24th day of May, 2024. GR 13.


Virginia P. Shogren

ATTACHMENT A



May 16, 2024

TO: James Thompson, SCC Executive Director

FROM: Shana Joy, Election Officer

SUBJECT: Results of investigation of allegation related to the Clallam Conservation District election of March 19, 2024

Action Item

X

Informational Item

☐

Background Summary:

The Washington State Conservation Commission (SCC) received a complaint about the Clallam Conservation District (CCD) election. Staff conducted an investigation,¹ determined the allegations do not rise to the level of significant non-compliance with election procedure, and recommend the SCC certify and announce the CCD election.

Requested Action:

That the SCC certify and announce the official winner of the CCD election.

Suggested motion:

Motion by [Commissioner _____] to certify and announce Lori DeLorm as the official winner of the Clallam Conservation District election.

Summary:

Allegation	A CCD supervisor took an official position on a candidate, the ballot box was unsecure, the election resolution was not followed, and the unofficial winner is ineligible.
Date Made	Shogren: March 14, 2024, and March 22, 2024. Worthington: March 28, 2024.
Source	Email complaints from Ms. Virginia Shogren; an email and voice mail messages from John Worthington.
Status	Unsubstantiated.

Summary	Ms. Shogren alleges a number of concerns with the CCD election, including that a CCD supervisor took an official position on a candidate, the ballot box was unsecure, and that the election resolution was not followed, and that the double envelope system used was invalid. Mr. John Worthington challenges the eligibility of the unofficial winner of the election to serve as a conservation district supervisor.
Effect	Since no official position was taken by a CCD supervisor, the ballot box was not unsecure, the election resolution was followed, the double envelope system used was valid, and the unofficial winner of the election is eligible to serve as a conservation district supervisor, the allegations complained of do not constitute "significant noncompliance" which impacted the outcome of the election².

Clallam Conservation District Election Allegation:

On March 14, 2024, and again on March 22, 2024, SCC staff received an email complaint about the CCD election from Ms. Virginia Shogren.³ On March 27, 2024, by email and two voice mails, Mr. John Worthington also complains about the CCD election.

On March 14, 2024, Ms. Shogren indicated a number of areas of complaint with the CCD election, including that a CCD supervisor took an official position on a candidate, the ballot box was unsecure, errors regarding the ballot process, and that the election resolution was not followed. On March 22, 2024, Ms. Shogren again contacted SCC staff to reiterate her concerns with the CCD election. Ms. Shogren's allegations primarily involve statements made by Ms. Kim Williams, election supervisor for CCD, and Mr. Ben Smith, CCD board supervisor, at two public meetings: a regular CCD board meeting on March 12, 2024, and a meeting of the Dungeness River Management Team (DRMT) on March 13, 2024.

On March 27, 2024, Mr. John Worthington asserted that the unofficial winner is ineligible.

The general parameters of the CCD election were set out in the CCD board Resolution #23-008, dated November 14, 2023.⁴ CCD made provisions for both a poll site and mail-in election.

The poll site portion was to be held on Tuesday, March 19, 2024, from 12:00pm until 7:00 pm at the Armory Square Office Building, 228 W First Street, Suite H, Port Angeles, WA. The candidate filing deadline was set for January 15, 2024, by 4:00 pm. Voters could request a mail-in ballot from the District until February 29, 2024, by 4:00 pm. Ballots could be requested online at www.clallamcd.org or by phone.

Voters who otherwise do not receive a requested mail-in ballot or who wish to pick up a ballot were allowed to stop by the district office and pick one up during regular business hours. If a voter returned a ballot by mail, the ballot must be postmarked by March 19, 2024.⁵

On March 19, 2024, CCD held the poll-site portion of its election from 12 pm – 7pm. The unofficial winner was incumbent Lori DeLorm with 256 votes. Judy May Larson received 62 votes. There also was one write-in candidate, Steve Marble, who received 3 votes. 42 votes were disqualified. Total votes were 363.

Investigation:

The submittal of a complaint via the election feedback form triggers WAC 135-110-790, which results in notice being provided to the SCC Executive Director (ED) of the allegation, the investigation of the allegation, and the determination of the ED of if the allegation rises to the level of significant non-compliance with election procedure sufficient to warrant the noncertification of the election.

On March 14, 2024, the regional manager for CCD became aware of the complaint. On March 25, 2024, the ED directed the SCC's Election Officer and SCC staff to investigate the complaint. The notice required in WAC 135-110-790 was provided on March 25, 2024.

On April 10, 2024, SCC staff assigned to the investigation contacted Kim Williams, election supervisor for the CCD to gain further information about the allegations. Ms. Williams confirmed that she was present at the two public meetings which are the focus of most of the allegations, and that she spoke at both meetings.

⁴ The CCD election resolution accompanies this memo.

⁵ It should be noted here that the resolution lists the incorrect year regarding the postmark return date. During an email exchange on May 2, 2024, Ms. Williams confirmed that the year error was corrected for the required due notice advertisement of the election and in all other elections communications (web site, etc.). No other date in the resolution was inaccurate, no complaint was received regarding it, no allegation has been made that it affected the election, and the date for receiving a written complaint has passed. SCC leadership will review this information for purposes of the SCC's Conservation Accountability and Performance Program (CAPP). The CAPP is a combined mandatory and voluntary accountability and performance program for Washington conservation districts.

On April 11, 2024, SCC staff assigned to the investigation contacted the complainant Ms. Virginia Shogren. Ms. Shogren confirmed that she sent two emails to CCD staff on March 14 and March 22, 2024, regarding the election. She also confirmed that she provided [a link to the recording of the March 13, 2024 DRMT public meeting \(https://clallam.granicus.com/player/clip/2075?view_id=2&redirect=true\)](https://clallam.granicus.com/player/clip/2075?view_id=2&redirect=true).

Ms. Shogren provided further information about her concerns with the CCD election, including that there was a third option to vote besides the mail-in or in-person election – a walk-in period which allowed voters to vote at any time, and that this third option wasn't allowed in the election resolution.

On March 12, 2024, while attending the CCD regular board meeting, she saw the make-shift ballot box and she saw someone pushing ballots down in the ballot box. The ballot lockbox was not a normal ballot box, it was a hinged mailbox. She observed a voter who tried to insert her ballot into the box having to push another ballot down into the box. She asserts that the ballot lockbox did not adequately secure ballots hand-delivered to the CCD for chain-of-custody purposes but didn't see anyone tamper with the ballots.

During the March 13, 2024, DRMT public meeting, Ms. Shogren says while Kim Williams started out explaining how persons could vote by mail or in-person, CCD supervisor Ben Smith talked about the third election option (the walk-in period).

Ms. Shogren also asserts that during the March 13, 2024, DRMT meeting Supervisor Smith promoted Ms. Lori DeLorm, the incumbent candidate, when he stated that the CCD needed "conservation-minded people." She also asserts that there was no record of who cast a ballot on election day.

On April 15, 2024, SCC staff assigned to the investigation spoke with Supervisor Ben Smith. He confirmed that he was present and spoke at the DRMT public meeting on March 13, 2024. He explained that the DRMT was a group of community stakeholders affected by the Dungeness River, which includes state and local agencies. He said he is the President of the Dungeness River Agricultural Water Users Association, and that he was representing that Association during the DRMT meeting of March 13, 2024. He further explained that it is common knowledge in the community that he sits on both the Association board and the CCD board. During the March 13, 2024, DRMT meeting, at the beginning of the meeting, he introduced himself as President of the Water Users Association and member of the DRMT. At conclusion of the meeting, during public comment, he indicated he was speaking as a private citizen, then encouraged folks to participate in the CCD election and stated that the incumbent, "Lori DeLorm is the only candidate who is in support of piping projects. So I think that's um, a very critical point, and I think that ah your

participation would be appreciated and its important to keep these piping projects going. Thank you.”⁶

Analysis:

The Revised Code of Washington (RCW) Title 29A generally governs elections in Washington, however, the provisions of the general election process do not apply to special purpose districts.⁷

So, while RCW Chapter 29A governs general elections in Washington State, it does not govern conservation district elections. Conservation district elections are governed by RCW Chapter 89.08, WAC Chapter 135-110, and elections policy and procedures as determined by the SCC; the state agency charged with establishing procedures for elections.⁸ The SCC has adopted election rules.⁹ District elections are to be conducted annually and must comply with election rules and procedures.

The election procedures exist to assist conservation districts and conservation district supervisors in the election, appointment, and replacement of supervisors in the State of Washington, and to assure fair treatment of all parties involved in such proceedings, and to provide guidance for compliance with WAC Chapter 135-110.

In the event the rules, procedures, or both are not substantially followed, the Commission may make a determination of significant noncompliance. Significant noncompliance consists of failures to follow these procedures that, in the sole judgment of the Commission, may (1) affect the outcome of an election; (2) affect the appointment of a supervisor; or (3) deny voters their right of privacy in voting. If a determination of significant noncompliance is made, the Conservation Commission may choose not to certify the election.¹⁰

The standard to be applied in this situation is if the alleged action may affect the outcome of the election (there is no allegation of denying voters their right in privacy in voting). An analysis of the alleged action does not support a recommendation of non-certification.

Candidate Endorsement:

Both the WAC and Manual require that no official position on any candidate be taken by a conservation district supervisor or employee. “*No conservation district*

⁶ See [a link to the recording of the March 13, 2024 DRMT public meeting \(https://c1allam.granicus.com/player/clip/2075?view_id=2&redirect=true\)](https://c1allam.granicus.com/player/clip/2075?view_id=2&redirect=true), beginning at the 2:53:00 mark.

⁷ RCW 29A.04.216 and RCW 29A.04.330 (1) (b).

⁸ RCW 89.08.190.

⁹ WAC Chapter 135-110 is effective November 19, 2010, amended October 22, 2020.

¹⁰ WAC 135-110-795.

supervisors, municipal officers or employees may adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate.”¹¹ Conservation district supervisors do not give up their First Amendment right to free speech upon assuming the position of conservation district supervisor, but they must remain impartial when acting in their official capacity during a district election.

There was no evidence of intent to endorse a candidate in an official capacity. CCD Supervisor Ben Smith confirmed that he spoke at the DRMT public meeting on March 13, 2024, and did so by identifying himself at the beginning of the meeting as President of the Water Users Association and member of the DRMT. At conclusion of the meeting, during public comment, he indicated he was speaking as a private citizen, then encouraged folks to participate in the CCD election and stated that the incumbent, “Lori DeLorm is the only candidate who is in support of piping projects. So, I think that’s um, a very critical point, and I think that ah your participation would be appreciated and its important to keep these piping projects going. Thank you.”

There was no evidence of Supervisor Smith using his official position as CCD supervisor to promote Ms. Delorm. The evidence demonstrates the contrary, that Ben Smith was appearing as DRMT member and Water Users Association President when making his statement during public comment, which is not a violation of conservation district election procedure under WAC 135-110-150.

Ms. Williams, in her presentation to the DRMT, is the person who used the phrase “conservation-minded people,” in the context of providing outreach and education about the CCD election, encouraging persons interested in the work of the CCD to participate in its election. Further, there is nothing in this allegation which tends to establish that the outcome of the election was in any way affected. After investigation, no identifiable community member beyond the complainant provided any information to substantiate this claim.

CCD has its own Supervisor policies and code of conduct for supervisors, which augment the conservation district election WAC in this instance:

Only the designated spokesperson(s) for the District or Board will provide formal or informal comments to the press or media on behalf of the District or Board. In the circumstance where Supervisors participate in meetings or events, all Supervisors will make it very clear that while they do serve as a CCD Supervisor, they are not speaking on behalf of, or representing the District unless formally designated to do so by the Chair or District Manager.¹²

¹¹ WAC 135-110-150, see also Election Guide, page 6.

¹² WAC 135-110-150, see also Election Guide, page 6. Policies, Supervisors Code of Conduct, #4, Page 169
Approved March 8, 2022.

In the present case, there is no substantiated allegation that an employee or supervisor of CCD took an official position on a candidate, therefore, we do not find any evidence of a violation of WAC 135-110-150.

Election Resolution, Remote Elections, and Ballot Tallying:

Conservation districts are required to adopt an election resolution setting out the parameters of their upcoming election.¹³ The general parameters of the CCD election were set out in the CCD board Resolution #23-008, dated November 14, 2023.¹⁴ CCD made provisions for both a poll site and mail-in election. However, not every detail of the election is required to be set out in the resolution. The CCD election resolution included the following language, related to voters requesting mail-in ballots or picking up ballots at the CCD office:

Eligible voters are registered voters who reside within the boundaries of Clallam County. The last day and time that voters can request a mail in ballot from the District is February 29, 2024 by 4:00PM. If you do not receive a ballot you may stop by the district office and pick one up during regular business hours. Ballots can also be requested online at www.clallamcd.org or by phone. If a voter is returning a ballot by mail, the ballot must be postmarked by March 19, 2023, election day.¹⁵

A poll-site election means "an election in which a voter signs in on a poll list, receives a ballot from a polling officer, enters a vote for a candidate on the ballot, and places the ballot in a ballot box at a polling place supervised or monitored by polling officers."¹⁶ A mail-in election is defined in WAC Chapter 135-110 as "an election in which mail-in ballots are provided before election day to qualified voters. Voters return completed ballots to a receiving location or address authorized by the conservation district board of supervisors."¹⁷ A remote election is "an election in which ballots are returned by some means other than for a poll-site election. A mail-in election is a type of remote election."¹⁸

The CCD chose to offer both a mail-in and poll-site election to its voters, which is allowed under WAC Chapter 135-110.¹⁹ It provided a mechanism for voters to request mail-in ballots and allowed those ballots to be returned by mail or hand delivered to the CCD on or before election day.²⁰ Providing a lockbox for the collection of ballots is a common and accepted election practice. The conservation

¹³ WAC 135-110-210.

¹⁴ The CCD election resolution accompanies this memo.

¹⁵ Clallam Conservation District Resolution #23-008, November 14, 2023. Also, see Footnote #5, above.

¹⁶ WAC 135-110-110.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ See WAC 135-110-240(1) "The conservation district supervisors must choose the method of the election using physical polling sites, or by remote methods, or by any combination of these methods."²⁴ of 179

²⁰ See Figure 1, photo of CCD Ballot Lockbox and WAC 135-110-240(3).

district election WAC is very broad when describing how ballots can be returned in remote elections, and conservation districts are encouraged to provide accommodations of this sort to voters.²¹

Figure 1 – CCD Ballot Lockbox



While a larger box might have served to provide more space to voters to drop their ballot securely into it, the definition of a box in which voters place their ballots is “a container secured against tampering into which paper ballots are placed.”²² CCD provided such a container, and there was no evidence discovered that the lockbox was tampered with or otherwise unsecured. Ms. Williams indicated that the ballot lockbox was located just outside of the CCD office,²³ which is closed on Sundays and after 6 pm all days. The ballot lockbox was attached to the outside office wall. The lockbox was checked every day, except Saturdays. During office hours, many people came inside to the office to drop off their ballots. The

lockbox was checked at least once a day, but usually multiple times a day. Ballots taken out of the lockbox were placed in a locked bag and the bag put into a locked cabinet in the CCD office. Ballots were tallied as per SCC procedure and added to Election Form 2 (EF2).²⁴

Ms. Shogren further alleges that the CCD outer ballot return envelopes do not comply with WAC 135-110-700, as the ballots cannot be verified as having been submitted by a qualified district elector “before the outer envelope is opened”.

“Every ballot must be verified as being cast by or returned by a qualified district elector before the ballot is counted.”²⁵ A qualified district elector is a registered voter in the county where the district is located and who resides within the conservation district boundary.²⁶ Procedures for providing and processing ballots are set out generally in the Election and Appointment Guide²⁷ and in the WAC.²⁸ Conservation districts are directed to use a two-envelope balloting system when conducting elections.

²¹ WAC 135-110-250.

²² WAC 135-110-110.

²³ Armory Square Office Building, 228 W First Street, Suite H, Port Angeles, WA.

²⁴ See EF2 which accompanies this memo.

²⁵ WAC 135-110-610 and WAC 135-110-700 (2).

²⁶ WAC 135-110-110.

²⁷ See generally the Election and Appointment Guide, pages 8-9.

²⁸ WAC 135-110-520 (1) “Ballots must be provided to eligible voters upon request....”

Ballots cast must use a double-envelope paper balloting system, in which:

- (1) The voter places the completed ballot inside the inner envelope;
- (2) The inner envelope is sealed to prevent tampering;
- (3) No personally identifying marks are to be placed on the inner envelope;
- (4) The inner envelope containing the completed ballot is placed in the outer envelope;
- (5) The voter provides sufficient identifying information on, or inserted into, the outer envelope to allow polling officers to verify the eligibility of the voter...²⁹

The two-envelope system is designed to provide privacy in voting.³⁰ Each voter is required to provide his or her name, sufficient to allow identification in the voter registration list, and address sufficient to allow identification in the voter registration list.³¹ Under the voting instructions provided in the Election Guide, voters are instructed to provide this information on an "attest statement".³²

While, no mechanism for obtaining the ballot (personal appearance, mail, telephone, or electronic request) is prescribed in the Commission's election WAC, "[b]allots may be returned to the conservation district by mail, by personal delivery, or by electronic means previously approved by the election supervisor."³³ "Every individual requesting a ballot for any conservation district election must be verified as a qualified district elector before his or her ballot is counted."³⁴ Polling officers review and verify a voter's eligibility to vote using the voter list obtained from the County Auditor or Secretary of State.³⁵

During poll-site elections, polling officers verify the eligibility of voters before they are issued ballots.³⁶ During mail-in or with hand-delivered ballots, it is the voter's responsibility to provide "sufficient identifying information on, or inserted into, the outer envelope to allow polling officers to verify the eligibility of the voter."³⁷ However,

[w]hen a voter cannot be verified as eligible to vote in this election from information provided on the outer envelope, the outer envelope should be opened. If, after opening the outer envelope, a voter still cannot be verified as eligible to vote in this election, the ballot must be counted as a disqualified ballot.³⁸

²⁹ WAC 135-110-560.

³⁰ WAC 135-110-640.

³¹ WAC 135-110-550.

³² Election and Appointment Guide, Page 12.

³³ WAC 135-110-520 (2).

³⁴ WAC 135-110-610 and see also the Election and Appointment Guide, page 5.

³⁵ WAC 135-110-400 and see also the Election and Appointment Guide, pages 7-8.

³⁶ WAC 135-110-520(4) and WAC 135-110-550 (3).

³⁷ WAC 135-110-560 (5).

³⁸ Election and Appointment Guide, pages 7-8.

WAC 135-110-560 requires mailed-in, or hand-delivered ballots be submitted using a double-envelope, paper balloting system. WAC 135-110-560 requires voters to place the completed ballot inside the sealed inner envelope in order to prevent tampering. The system requires a ballot to be inside a sealed inner security envelope, which itself must be placed in an outer sealed envelope that contains information necessary to verify the voter's eligibility. But "if it cannot otherwise be determined from an examination of the outer envelope or its contents whether the voter is a qualified district elector, the polling officers may open the inner envelope."³⁹

"Ballots must be verified as having been submitted by a qualified district elector before the outer envelope is opened, and upon verification, the outer envelope must be opened and set aside, and the inner envelope placed into the ballot box."⁴⁰ But with conservation district mail-in or hand-delivered ballots, the voter attestation statement is on a separate slip of paper that is supposed to be put by the voter inside the outer envelope. The outer envelope of a mailed-in or hand-delivered ballot is always opened before it can be verified that it comes from a qualified district elector. The attestation statement is critical to confirming the veracity of the information provided. The failure to provide the attestation statement does not allow the conservation district to verify the information provided as true and correct.

Absent any indications of fraud or tampering, if the ballot was not returned in compliance with WAC 135-110-560, but the ballot can be verified as having come from a qualified district elector, then the voter's interest in giving effect to their ballot outweighs the voter's privacy interest and any such ballots should be eligible to be counted.

There is no allegation of fraud or any such tampering here. Our investigation of the CCD election demonstrated that CCD followed this standard procedure of sending a two-envelope package to eligible electors who had requested ballots or provided the same to voters who made in-person requests.

Candidate Eligibility:

Mr. John Worthington challenges the qualifications of the incumbent candidate Ms. Lori DeLorm, the unofficial winner of the CCD election.

WAC 135-110-355 directs the election supervisor at the conservation district to "verify the eligibility of each person who submits candidate information" during a district

election. The SCC's Election Guide also sets out procedures for conservation districts to follow to determine candidate eligibility.⁴¹

The eligibility requirements for candidates are straightforward. Every candidate in a conservation district election must be a qualified district elector.⁴² A qualified district elector is a registered voter residing within the boundary of the conservation district where the candidate wishes to serve.⁴³ In addition, some positions may be required to own land or operate a farm to be eligible.⁴⁴

As indicated in the CCD election form EF2, the conservation district has confirmed the eligibility under SCC election rules and regulations of Ms. DeLorm as a qualified district elector.

Conclusion:

Staff conducted an investigation and concluded the allegation does not rise to the level of significant non-compliance with election procedure. SCC staff recommends the SCC certify and announce the CCD election.

Staff Contact:

Shana Joy, Election Officer, 360-480-2078, sjoy@scc.wa.gov

Bill Eller, SCC staff, 509-385-7512, beller@scc.wa.gov

⁴¹ See [the Election and Appointment Guide](#), Checklist 1: Verification and Eligibility for the Office of Elected Supervisor, page 27.

⁴² WAC 135-110-300.

⁴³ WAC 135-110-310.

⁴⁴ WAC 135-110-310.

Form Name:
Submission Time:

EF1 - CD Election Information
January 3, 2024 9:39 am

Select your conservation district	Clallam
Election date	Mar 19, 2024
Election method	Poll site & mail-in
Date and time ballots must be returned by	Mar 19, 2024 07:00 PM
Time polls open	12:00 PM
Time polls close	07:00 PM
Election physical address, location or description	Armory Square Office Building 228 W First Street, Suite H Port Angeles, WA
Candidate filing deadline	Jan 15, 2024 04:00 PM
Candidate filing location (address)	Clallam Conservation District 228 W First Street, Suite H Port Angeles, WA 98362
Ballot request deadline	Feb 29, 2024 04:00 PM
Location where voters can request or pick up ballots (address)	Clallam Conservation District 228 W First Street, Suite H Port Angeles, WA 98362
Elected position - the supervisor up for election (if vacant, please enter "vacant" in all boxes):	Lori DeLorm
Appointed position - the supervisor up for appointment (If none or vacant, please enter "none" or "vacant" as appropriate)	Bennett Smith
Election Supervisor (person responsible for running the election)	Kim Williams
Election Supervisor email	kim.williams@clallamcd.org
Election Supervisor phone	(360) 775-3747
Has the election supervisor attended or listened to the recording of the Commission's election training webinar	Yes
CD Board meeting date when the Election Resolution was adopted	Nov 14, 2024

WA State Conservation Commission May 16, 2024

**PLEASE SELECT YOUR
CONSERVATION DISTRICT**

Clallam

Publication Dates or Range

Nov. 20, 2023 and again Nov. 27, 2023

Newspaper Name

Penninsula Daily News

The NAER was properly published

Yes

After official publication of the NAER in a newspaper, how did the CD chose to provide election information to the public (choose all that apply)

On-line
Newspaper
CD newsletter
Other: We also posted the resolution in our office counter and on an outfacing window.

Appointment Notice - Please explain how the Appointment Notice was published (choose all that apply)

On-line
Newspaper
CD newsletter
Other: We also posted the resolution in our office counter and on an outfacing window. The resolution explained the opening for both the elected position and the appointed position.

**PLEASE CHOOSE ONE OF THE
FOLLOWING**

An election was held with at least one candidate's name pre-printed on the ballot

How many candidates were in your election?

3

Were all candidates qualified district electors (meaning registered voters residing within the CD boundary)?

Yes

Will two of the three elected positions on the CD board be occupied by landowners or farm operators if the unofficial winner of the election is certified by the Commission?

Yes

Did all candidates submit PF-A before the deadline (the candidate filing deadline for those candidates whose name was preprinted on the ballot, or for write-in candidates, no later than 28 days after Election Day)?

No

If not all candidates submitted PF-A by the deadline, please write the names of those candidates who missed the deadline below

Steve Marble, write in candidate, still waiting for the 28 day requirement

Candidate 1: Please provide the candidate's complete name (FIRST, MIDDLE, LAST). If the candidate has no middle name, please write "N/A". Then, provide the number of eligible votes received, the number of disqualified votes received, and the total (ELIGIBLE + DISQUALIFIED = TOTAL)

Lori, N/A, DeLorm. Total votes 256+36=292

Candidate 2: Please provide the candidate's complete name (FIRST, MIDDLE, LAST). If the candidate has no middle name, please write "N/A". Then, provide the number of eligible votes received, the number of disqualified votes received, and the total (ELIGIBLE + DISQUALIFIED = TOTAL)

Judy May Larson. Total votes 62+6=68

Candidate 3: Please provide the candidate's complete name (FIRST, MIDDLE, LAST). If the candidate has no middle name, please write "N/A". Then, provide the number of eligible votes received, the number of disqualified votes received, and the total (ELIGIBLE + DISQUALIFIED = TOTAL)

Steve, N/A Marble. Write in candidate, Total votes 3+0=3

Did you remember to include vote totals for all candidates? If not, please go back and add those next to each name. Use this format: eligible votes + ineligible votes = total votes. Example (5 + 1 = 6)

Yes

Please explain any election or voting discrepancies, disqualifications, and/or anomalies. If none, please enter "none"

None, except this is a contested election.

Please provide the complete name of the unofficial winner of the election. If the middle name isn't known, or if the winner does not have a middle name, please write "N/A"

Lori N/A DeLorm

Mailing address of unofficial winner

445 Medsker Rd
Sequim, WA 98382

Email of unofficial winner

lon.delorm@ciatlamed.org

Please choose the number of polling officers

Other: 5, not enough room to put all names

Polling officer

Deborah Cannon

Polling officer

Sarah Miller

Election Supervisor:

Kimberly Williams

Election Supervisor Email

kim.williams@dallamod.org

From: [Fike, Jean \(SCC\)](#)
To: [Eller, Bill \(SCC\)](#)
Cc: [Joy, Shana \(SCC\)](#)
Subject: FW: Clallam Conservation District Election - Notice of Violations WAC 135-110
Date: Friday, March 22, 2024 12:02:18 PM
Attachments: [Gmail - CCD Kim Williams Response Regarding Lack of Ballot Chain of Custody.pdf](#)

Hello, I let Ms. Shogren know that we had received this and that the person following up on her concerns would be in touch as soon as he was able.

From: Virginia Shogren <vshogren[REDACTED]>
Sent: Friday, March 22, 2024 11:25 AM
To: Fike, Jean (SCC) <JFike@scc.wa.gov>; Culp, Jon (SCC) <JCulp@scc.wa.gov>
Cc: Christy Cox <christycox[REDACTED]>; CSD - Seth Woolson <swoolson[REDACTED]>; Larjdyng <larjdyng[REDACTED]>; Jeff Tozzer <jeff.tozzer[REDACTED]>; michael.dashiel[REDACTED]; Matthew Nash <matthew.nash[REDACTED]>
Subject: Re: Clallam Conservation District Election - Notice of Violations WAC 135-110

External Email

Dear Ms. Fike,

This will confirm that, to my knowledge, the SCC took no action with regard to my notice of election violations dated March 14, 2024 prior to the poll site election held on March 19, 2024 from 12 to 7 p.m.

I am forwarding confirmation of some of the WAC violations from Kim Williams, Elections Manager for CCD.

Per the attached, Ms. Williams has confirmed that in-person voting was conducted by CCD AFTER the absentee mail-in ballot request deadline and BEFORE the poll site election on March 19th, 12 to 7 p.m.

Ms. Williams has further confirmed that:

CCD has no record of how many ballots were handed out during the unauthorized (and non-noticed) in-person election period (March 1, 2024 to March 18, 2024).

CCD has no record of how many ballots were cast at the poll site on March 19, 2024 from 12 to 7 p.m.

CCD has no record of how many ballots were deposited in the make-shift dropbox lacking in ballot security.

Please advise whether the State Conservation Commission intends to certify the election despite the numerous WAC violations combined with an utter lack of ballot chain of custody.

If the SCC intends to certify, please advise as to the RCW and/or WAC provisions that apply for

contesting said certification.

Thank you,

Virginia Shogren

Sequim, WA 98382

On Fri, Mar 15, 2024 at 3:55 PM Fike, Jean (SCC) <JFike@scc.wa.gov> wrote:

Hello Ms. Shogren,

Thank you for contacting us with your concerns. I have relayed this message to my supervisor and we will be following up.

From: Virginia Shogren <vshogren>
Sent: Thursday, March 14, 2024 11:55 AM
To: Fike, Jean (SCC) <JFike@scc.wa.gov>; Culp, Jon (SCC) <JCulp@scc.wa.gov>
Cc: Christy Cox <christycox>; CSD - Seth Woolson <swoolson>
Subject: Clallam Conservation District Election - Notice of Violations WAC 135-110

External Email

Notice of Lack of Substantial Compliance with WAC 135-110

Dear State Conservation Commission,

I am writing to notify the SCC of substantial non-compliance with the provisions of WAC 135-110 for the March 19, 2024 election being overseen by Clallam Conservation District ("CCD") ("Election"). The election violations are outlined below:

Violations of Election Resolution

The CCD Resolution for the Election dated November 14, 2023 (attached) specifies a poll site and mail-in election to be held on Tuesday, March 19, 2024 from 12:00 p.m. to 7:00 p.m. The deadline for requesting a mail-in ballot was specified as 4:00 p.m. on February 29, 2024. The Resolution election methods are consistent with the election timeline and procedures provided by CCD on its website (also attached) and during its public meeting on March 12, 2024.

Contrary to the Resolution, the CCD website, and representations regarding the election procedures made on March 12, 2024, on March 13, 2024, Election Supervisor Kim Williams and

Supervisor Ben Smith provided public notice at a hybrid meeting of the Dungeness River Management Team ("DRMT") attended by approximately 25 people (in person and on line) that in-person voting for the Election was on-going at the CCD headquarters and could be done at any time outside of the mail-in ballot deadline and poll site Election date and specified hours. Ms. Williams and Supervisor Smith advocated for in-person voting prior to the poll site Election saying they needed more "conservation-minded folks" to vote. Violations of WAC 135-110-210(2)(b), (2) (c), and (2)(h) are on-going.

Candidate Promotion

At the same meeting on March 13, 2024, Supervisor Smith openly promoted voting for incumbent Supervisor Lori DeLorm for re-election, stating as his ground for support that Supervisor DeLorm is the "only candidate in support of piping projects." Supervisor Smith did not disclose his personal, family, or business conflicts of interest with respect to the piping projects. He also did not disclose his elected official position with CCD to the general public when promoting Supervisor DeLorm's candidacy. The meeting was recorded. WAC 135-110-150.

Lack of Ballot Security/Chain of Custody

An external ballot drop box was installed on a wall in an open public hallway that is readily accessible for Election ballot removal or tampering. White envelopes containing deposited ballots can be seen within the box and may be reached by hand for removal. Ballot security and chain of custody is compromised; the violations are on-going. WAC 135-110-570.

Constitutional Violations Relating to Elector Identity in Preparing/Depositing Ballot

CCD outer ballot return envelopes for the Election do not comply with WAC 135-110-700. Ballots cannot be verified as having been submitted by a qualified district elector "before the outer envelope is opened". WA Const. Article VI, Section 6.

Requested Action

Given the electioneering activity along with the multiple WAC violations, in my capacity as an elector who has cast a mailed-in vote for the Election, I am requesting that election supervisor Kim Williams immediately be relieved of her duties.

The CCD should appoint an election supervisor who does not personally financially benefit from CCD's grant operations, who is impartial, and who will immediately take steps to ameliorate the on-going WAC violations, including, without limitation, requiring that any electors who have cast votes contrary to the Resolution be immediately contacted and required to re-cast their vote in-person on Election day between 12:00 p.m. and 7:00 p.m., on March 19, 2024.

Thank you,

Virginia Shogren

[REDACTED] Sequim, WA 98382
[REDACTED]



Clallam Conservation District

228 W. First Street, Suite H Port Angeles, WA 98362 www.clallamcd.org 360-775-3747 Fax: 360-775-3749

Clallam Conservation District
Resolution #23-008
November 14, 2023

WHEREAS, the Board of Supervisors of the Clallam Conservation District ("District") operates under the laws of the State of Washington applicable to conservation districts.

WHEREAS the District is governed by a five-member board, as set out in RCW Chapter 89.08 and WAC Section 135-110.

It is RESOLVED that a poll site and mail-in election for an open position on the District board of Supervisors will be held on Tuesday, March 19, 2024 from 12:00PM until 7:00PM at the Armory Square Office Building, 228 W First Street, Suite H, Port Angeles, WA.

The elected position whose term is expiring in May 2024 is currently held by Lori DeLorm. The appointed position whose term is expiring in May 2024 is currently held by Bennett Smith.

Interested candidates must be registered voters who reside within the boundaries of the District. The filing deadline for election candidates to file their required candidate information is January 15, 2024 by 4:00PM. The required information must be filed at the following location: 228 W First Street, Suite H, Port Angeles, WA 98362 or by email to info@clallamcd.org. Candidates interested in applying for the appointed position must have their application to the State Conservation Commission no later than March 31, 2024.

Eligible voters are registered voters who reside within the boundaries of Clallam County. The last day and time that voters can request a mail in ballot from the District is February 29, 2024 by 4:00PM. If you do not receive a ballot you may stop by the district office and pick one up during regular business hours. Ballots can also be requested online at www.clallamcd.org or by phone. If a voter is returning a ballot by mail, the ballot must be postmarked by March 19, 2023, election day.

The election supervisor will be Kim Williams.

A conservation district supervisor is a public official who serves without compensation and who sets policy and direction for the conservation district. The election procedures can be viewed at the District office and are available from the Washington State Conservation Commission and on our website www.clallamcd.org.

Adopted at a regular board meeting of the District Board of Supervisors on November 14, 2023.


Chair Signature


District Supervisor

ATTACHMENT B



Virginia Shogren <vshogren[REDACTED]>

Follow up info from 4/11/24 telecon

2 messages

Virginia Shogren <vshogren[REDACTED]>
To: "Eller, Bill (SCC)" <beller@scc.wa.gov>

Fri, Apr 12, 2024 at 4:11 PM

Dear Bill,

Thank you again for speaking with me yesterday. I went back through the emails, and have more info for your memorandum.

1. Candidate Promotion by Supervisor

Below is the link to the 3/13/24 DRMT meeting, and the time stamp for the candidate promotion by Clallam Conservation District Supervisor Ben Smith is 2:52:50 through 2:54:04:

https://clallam.granicus.com/player/clip/2075?view_id=2&redirect=true

Draft minutes from the meeting (attached) also reflect the candidate promotion (page 4).

2. Sample Evidence of Conflict of Interest by Elections Manager

As I mentioned, Kim Williams receives salary and fringe benefits from the CCD's pipeline projects in her capacity as the Project Manager, Notice of Award attached. Given the millions of dollars in pipeline projects overseen by the Clallam Conservation District, Kim Williams, as the Elections Manager, had a conflict of interest in overseeing an election which, according to CCD's own Supervisor Smith, involved candidate promotion for Lori Delorm. Ms. Delorm was identified by Supervisor Smith as the "only" candidate who supports the pipeline projects (and, therefore, the associated CCD funding benefiting CCD generally, and Ms. Williams, in particular).

3. I believe you already have the third attachment (emails dated March 21, 2024), but am providing it again for reference, as the date of the exchange between Judy Larson and Kim Williams (March 21, 2024) is within two days of the March 19, 2024 election, and therefore, is of high evidentiary value.

Ms. Williams confirms that in-person voting (which she referred to as "walk-in" voting at the 3/13/24 DRMT meeting), was conducted by CCD AFTER the absentee mail-in ballot request deadline and BEFORE the poll site election on March 19, from 12 to 7 p.m. Ms. Williams further confirms that CCD has no record of how many ballots were handed out during the unauthorized (and non-noticed) in-person election period of March 1, 2024 to March 18, 2024. CCD kept no record of how many ballots were cast at the poll site election on March 19, 2024 from 12 to 7 p.m. CCD kept no record of how many ballots were deposited in the make-shift dropbox lacking in ballot security.

As a result, there is no way to determine how many unauthorized "walk-in" votes were cast in contravention of the election Resolution. This, alone, is grounds for not certifying the election.

4. The State Constitution (Art. VI, Section 6) requires that the legislature provide absolute secrecy in the preparation and deposit of ballots. For this election, I was required, in order to vote by mail, to submit a form with personal information on it along with my ballot. The return envelopes also did not comply with WAC 135-110-700.

The Conservation District's elections must comply with the basic requirements of the State Constitution and the SCC's own WAC provisions.

https://leg.wa.gov/CodeReviser/Pages/WACConstitution.aspx#ARTICLE_VI

<https://app.leg.wa.gov/WAC/default.aspx?cite=135-110-700&pdf=true>

I humbly suggest that the SCC amend its WACs to provide for in-person, single-day, poll site elections, only. That would keep costs to a minimum and would alleviate almost all of the issues that occurred in Clallam County.

For my planning purposes, if the State certifies despite the lack of substantial compliance, please advise as to the method for a legal challenge to the certification. If the SCC certification is subject to challenge under RCW 29A.68.013(3), please confirm.

Thank you again for your attention and assistance in bringing these issues to the SCC's attention for resolution.

Virginia Shogren
[REDACTED]

3 attachments



DTMT3-13-24DraftNotes - Minutes.pdf

59K



Notice of Award 7.12.2023.pdf

4566K



Gmail - CCD Kim Williams Response Regarding Lack of Ballot Chain of Custody.pdf

96K

Eller, Bill (SCC) <beller@scc.wa.gov>
To: Virginia Shogren <vshogren@[REDACTED]>
Cc: "Delavan, Kate (SCC)" <KDelavan@scc.wa.gov>

Thu, Apr 18, 2024 at 4:47 PM

Hello Ms. Shogren:

I don't think I've responded to this email yet – sorry about the delay – thanks for this information. As for your appeal question, you would want to consult an attorney on that.

Bill Eller † WSCC DAP Manager & S.A.L. † [REDACTED] † beller@scc.wa.gov

From: Virginia Shogren <vshogren@[REDACTED]>
Sent: Friday, April 12, 2024 4:11 PM
To: Eller, Bill (SCC) <beller@scc.wa.gov>
Subject: Follow up info from 4/11/24 telecon

External Email

[Quoted text hidden]

ATTACHMENT C



Virginia Shogren <vshogren@clallamcd.org>

CCD 2024 Vol. Supvrs Election: Q's about Election/Unofficial results for the Recordlarjdyn@clallamcd.org <larjdyn@clallamcd.org>
To: Virginia Shogren <vshogren@clallamcd.org>

Thu, Mar 21, 2024 at 6:20 PM

----- Original Message -----

Subject: Re: CCD 2024 Vol. Supvrs Election: Q's about Election/Unofficial results for the Record

Date: 2024-03-21 16:33

From: Kim Williams <kim.williams@clallamcd.org>

To: "larjdyn@clallamcd.org" <larjdyn@clallamcd.org>

Cc: Christy Cox <christycox@clallamcd.org>, Jayne Bloomberg <jayne.bloomberg@clallamcd.org>

My answers are in RED below.

Kim Williams

District Manager

Clallam Conservation District

228 W First St., Suite H

Port Angeles, WA 98362

clallamcd.org<<http://clallamcd.org>>

Email correspondence to conservation district personnel is subject to public records act disclosure.

From: larjdyn@clallamcd.org <larjdyn@clallamcd.org>

Sent: Thursday, March 21, 2024 3:38 PM

To: Kim Williams <kim.williams@clallamcd.org>; info@clallamcd.org <info@clallamcd.org>

Subject: CCD 2024 Vol. Supvrs Election: Q's about Election/Unofficial results for the Record

Hi all,

I just checked the CCD website and have a few questions for my interest and for the record:

*How many ballots were requested by the 4pm 2-29-24 deadline? The total number on our list of people who wanted to receive a mail in ballot for all CCD elections as of 2-29-24 deadline was 685. In person requests were not counted.

*How many ballots were submitted BEFORE or ON 3-19-24 by drop-off to the CCD lobby ballot box before 7pm 3-19-24? These ballots are not counted as they came in. Pursuant to WAC 135.110 all ballots received were placed in a locked box until ballot counting.

*How many ballots were requested in person on 3/19 between 12-7pm? We did not count the number of in person ballots requested.

***Were any ballots PROVIDED to anyone between 3-1-24 and 3-18-24? Yes**

[Quoted text hidden]