



BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of October 21-25, 2024

OCT 29 2024

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, October 21, 2024. Present were Commissioners French, Ozias and Johnson and Administrator Mielke.

Items of discussion per the agenda published October 10 were:

- Calendar/Correspondence
- Resolution appointing Laurel Shriner and Jennifer Pelikan to the Homelessness Task Force
- Agreement Amendment 1 with the State of Washington Office of the Secretary of State for funding authorized under Help America Vote Act of 2002 for the purpose of improving elections
- Discussion regarding the over-budget bid on the Juvenile Replacement Chiller Project
- Notice to call for bids to be received no later than Tuesday, November 19, 2024 at 10 a.m. for the Old Olympic Highway Resurfacing Project
- Agreement with Washington State Department of Transportation (WSDOT) for bridge inspections
- Memorandum of understanding with Flaura's Acres Homeowners Association (HOA) to establish a Utility Local Improvement District (ULID)

Meeting concluded at 10:01 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair French called the meeting to order at 10 a.m., Tuesday, October 22, 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 presented, CMOs, mc

CONSENT AGENDA

- 1a Approval of vouchers for the week of October 14
- 1b Approval of payroll for the period ending September 30
- 1c Approval of minutes for the week of October 14
- 1d Resolution appointing Iliana Jones to the Homelessness Task Force
- 1e Resolution appointing Viola Ware and Stephen Workman to the Housing Solutions Committee
- 1f Resolution appointing Christine Motokane to the Developmental Disabilities Advisory Committee
- 1g Proclamation Recognizing October 20-26, 2024 as Pro Bono Law Week

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

REPORTS AND PRESENTATIONS

- CMF Recognized October 20-26, 2024 as Pro Bono Law Week
 - Cherish Cronmiller, Pro Bono Lawyers, provided comment
- CRJ commented on Peninsula Behavioral Health Open House Event
- CMO commented on Clallam Transit Board Meeting, Ecosystem Workgroup, Sequim Chamber of Commerce, Dungeness Off-Channel Reservoir
- CMF commented on Clallam Bay / Sekiu Community Advisory Committee, Department of Community Development presentation, Peninsula Regional Transportation Meeting

CONTRACTS AND AGREEMENTS

- 2a Agreement with Washington State Military Department and State 911 Funds for PenCom

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2b Agreement with Welfare of Animals Guild WAG for animal sheltering needs

ACTION TAKEN: CRJm to approve, CMOs, mc

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of October 21-25, 2024
Page 2

2c Memorandum of understanding with OUR RESCUE for equipment to assist with investigations against child trafficking

ACTION TAKEN: CRJm to approve, CMOs, mc

2d Agreement with Jamestown S'Klallam Tribe for Olympia oyster populations

ACTION TAKEN: CRJm to approve, CMOs, mc

ADMINISTRATION

3a Resolution authorizing an expenditure from the Clallam County Heritage Advisory Board to North Olympic History Center/\$1,980.35

ACTION TAKEN: CRJm to approve, CMOs, mc

PUBLIC COMMENT

- Kenneth Reandeau, Port Angeles, commented on Flaura's Acres, budget meetings
- John Worthington, Sequim, commented on Dungeness Off-Channel Reservoir
- Jeff Tozzer, Sequim, commented on budget public Meeting, Dungeness Off-Channel Reservoir Meeting
- Eric Ferhmann, Sequim, commented on democracy and republic
- Pepai Whipple, Sequim, commented on Towne Road,

Meeting concluded at 10:34 a.m. and continued to an executive session on Wednesday, October 23, 2024 at 2:30 pm. regarding litigation.

EXECUTIVE SESSION – October 23, 2024 at 2:30 p.m.

The Board convened in open session at 2:32 p.m. to discuss litigation. Present were Commissioners Ozias, French and Johnson, Administrator Mielke, Assessor's Office Rushton, and Prosecuting Attorney's Office Boughton.

ACTION TAKEN: CMOm to recess to executive session for 1 hours, CRJs, mc

The Board recessed into executive session at 2:33 p.m.

The Board convened in open session at 3:30 p.m.

ACTION TAKEN: No Action

Meeting concluded at 3:30 p.m. and continued to 9 a.m., Monday, October 28, 2024.

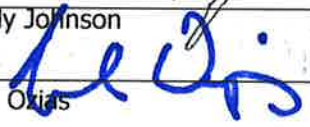
The Board of Commissioners attended WSAC Virtual Update, Budget Meetings, William Shore Memorial Pool District Meeting, Dungeness Off-Channel Reservoir Public Meeting, Coffee with Colleen, Budget Town Hall Meeting, KONP Radio Show, Forks Chamber Budget Show, KSQM Radio Show and Serenity House Fall Fundraiser during the week of October 21.

PASSED AND ADOPTED this 29th day of October 2024.

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair


Randy Johnson


Mark Ozias

ATTEST:


Loni Gores, MMC, Clerk of the Board



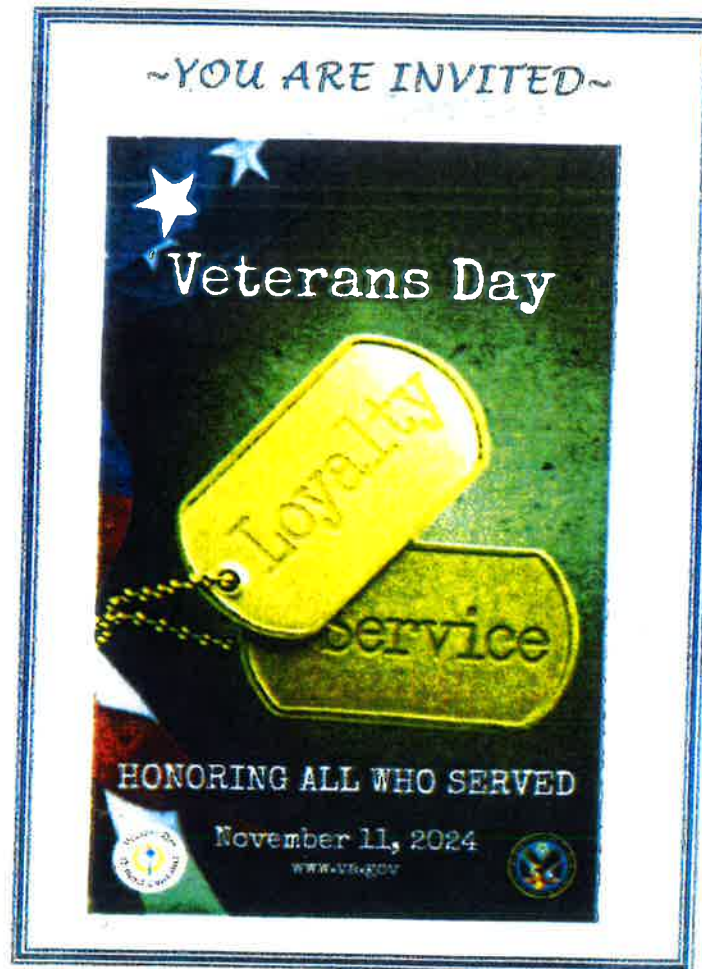
BOCC Mail Correspondences Received from other Jurisdictions

Clallam County Veterans Association
at the veterans center located at
216 S Francis Street, Port Angeles
(3rd & Francis near YMCA)

RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 15 2024

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The Clallam County Veterans' Association would be honored to have you attend the 2024 Veterans Day ceremony as our special guest representing one of our local government agencies.

This ceremony is held each year to honor and thank all who served in the United States Armed Forces.

We look forward to seeing you there,

Holly Rowan, President
Clallam County Veterans Association

VETERANS DAY CEREMONY

MONDAY, NOVEMBER 11

10:30—12:00

U.S. COAST GUARD AIR STATION
PORT ANGELES—EDIZ HOOK

ALL VIP Guests will be meeting in the Administrative Building, Second Floor Ward Room (Flag Poles in front of building) at 10* and will be escorted to the ceremony and seated in reserved seats at 10:30

When you RSVP your name will be put on the VIP list and you will receive a designated parking space at the ceremony

*Main Gate opens at 9am to begin admitting guests

Please RSVP to Holly Rowan at 360-797-1791 or president.ccva@gmail.com no later than Monday, November 4

OCT 15 2024

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Evergreen Forest County Group

9720 Ironmaster Drive
Burke, VA 22015
703 898-6603

October 3, 2024

Dear Commissioner,

I appreciate the opportunity to serve you in the nation's capital city. As your representative working with the National Forest Counties and Schools Coalition, we are down to the wire working with our Congressional allies to reauthorize the Secure Rural Schools (SRS) payments program. Having worked continuously for the past 21 months with your support, I am confident that the SRS three-year extension we have fought for will pass, either as a stand-alone bill or as part of a larger package.

However, this is not all I've focused on. With our Evergreen Forest County Group's full support, House Natural Resources Committee Chairman Bruce Westerman (R-Arkansas.) and U.S. Rep. Scott Peters (D-California) just handed National Forest counties a real victory with a 268-151 vote.

Together, they led the full House of Representatives to take decisive action to pass a legitimately bipartisan "Fix Our Forests Act", which will empower local land managers and agencies with tools to enact the most substantive legislation to spur active forest management in the U.S. and protect rural communities.

House Speaker Mike Johnson (R_LA) stated flatly, "Poor land management, senseless bureaucracy, and increasingly common wildfires pose severe threats to America's forests."

Wildfires have already burned over 7.3 million acres across the country this year. They release over 1.7 billion tons of CO2 every year, cost billions in property damage, and endanger millions of human lives and animals.

The bill (H.R. 8790) as passed by the House will:

- Simplify and expedite environmental reviews for forest management projects
- Promote federal, state, tribal and local collaboration
- Deter frivolous litigation that delays essential projects
- Create a framework for prioritizing treatments in the forests at highest risk of wildfire
- Encourage use of state-of-the-art for federal land managers
- Encourage active management to improve the forest safety
- Strengthen tools like Good Neighbor Authority and Stewardship Contracting while looking to assess the future of traditional timber sales. The Senate must still take up this legislation.

With a successful FY 2024 Payment in Lieu of Taxes (PILT) payment achieved in June and inclusion of another larger PILT payment for FY 2025, we are poised for a significant series of successes once SRS is complete.

I respectfully ask for your continued support of my efforts on your behalf and have attached a proposed contract and invoice for your consideration. Please call me at 703 898-6603 if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. K. Weidner', with a long, sweeping horizontal line extending to the right.

Robert K Weidner

Rkw57@mac.com

CLALLAM PUBLIC DEFENDER
516 EAST FRONT STREET
PORT ANGELES, WA 98362
(360) 452-3307
FAX (360) 452-3329

8000 RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 17 2024

HARRY D. GASNICK
Director

1...2...3...A JOHN F. HAYDEN
SUZANNE M. B. HAYDEN
ALEX R. STALKER
DOUGLAS J. KRESL
CHARLIE COMMERE
SETH B. DOHERTY
TOBIN STANDLEY
BRANKA VUKSHICH
TAMAR ARGANIAN
Staff Attorneys

RECEIVED
CLALLAM CO. FINANCE
OCT 17 2024

DATE: October 17, 2024

TO: CLALLAM COUNTY

FROM: HARRY GASNICK, Director



RE: 2024 3rd QUARTER INDIGENT DEFENSE APPOINTMENTS

In the 3rd quarter 2024, CPD was appointed on the following cases prosecuted in Clallam County District Court I:

CLALLAM DISTRICT CT I 3 rd quarter 2024 by prosecuting authority			
Prosecuting Authority	New cases	Probation violations	BLAKE
State of Washington	075	15	01
City of Sequim	017	03	01
City of Port Angeles	108	12	04
Total	200	24	02
CLALLAM DISTRICT CT I 3 rd quarter 2023 to 3 rd quarter 2024			
	New cases	Probation violations	BLAKE
3 rd quarter 2023	149	36	11
4 th quarter 2023	151	18	12
1 st Quarter 2024	189	32	05
2 nd quarter 2024	197	30	06
3 rd quarter 2024	200	24	02

CLALLAM DISTRICT CT I 3rd quarter 2023 to 3rd quarter 2024 by prosecuting authority			
State of Washington	New cases	Probation Violations	BLAKE
3 rd quarter 2023	50	19	04
4 th quarter 2023	69	08	08
1 st Quarter 2024	73	19	02
2 nd Quarter 2024	97	15	01
3rd quarter 2024	75	11	01
City of Sequim			
3 rd quarter 2023	23	10	03
4 th quarter 2023	20	02	01
1 st quarter 2024	14	04	0
2 nd Quarter 2024	19	03	01
3rd quarter 2024	17	05	00
City of Port Angeles			
3 rd quarter 2023	076	07	04
4 th quarter 2023	062	06	12
1 st quarter 2024	102	09	03
2 nd quarter 2024	081	12	04
3rd quarter 2024	108	08	02

In the 3rd quarter 2024, CPD was appointed on the following Clallam County/State of Washington cases in matters prosecuted in Clallam County District Court II:

DISTRICT CT II 3rd quarter 2024	New cases	Probation violations	BLAKE
State of Washington	13	02	00

DISTRICT CT II 3rd quarter 2023 to 3rd quarter 2024	New cases	Probation violations	BLAKE
3 rd quarter 2023	10	05	01
4 th quarter 2023	10	01	0
1 st quarter 2024	13	01	0
2 nd quarter 2024	21	07	0
3rd quarter 2024	13	02	00

In the 3rd quarter 2024, CPD was appointed on the following cases prosecuted in the Juvenile criminal court.:

JUVENILE CRIMINAL 3 rd quarter 2024	New cases	Probation violations	Blake
	40	19	01
JUVENILE CRIMINAL 3 rd quarter 2022 to 3 rd quarter 2024	New cases	Probation violations	Blake
3 rd quarter 2023	22	25	02
4 th quarter 2023	50	41	01
1 st quarter 2024	51	23	02
2 nd quarter 2024	59	31	00
3 rd quarter 2024	40	19	01

In the 3rd quarter 2024 CPD was appointed on the following adult Superior Court criminal cases:

SUPERIOR COURT ADULT CRIMINAL 3 rd quarter 2024	New cases (including RALJ appeals)	Exonerations	Probation violations	Blake
	107	07	02	02

SUPERIOR COURT ADULT CRIMINAL 3 rd quarter 2023 to 3 rd quarter 2024	New cases (*including RALJ appeals)	Exonerations	Probation violations	Blake
3 rd quarter 2023	80	0	09	38
4 th quarter 2023	74	09	09	24
1 st quarter 2024	78	06	06	33
2 nd quarter 2024	73	07	02	23
3 rd quarter 2024	107	07	02	02

There are still a number of open attorney-time intensive cases assignments pending for which CPD was appointed.

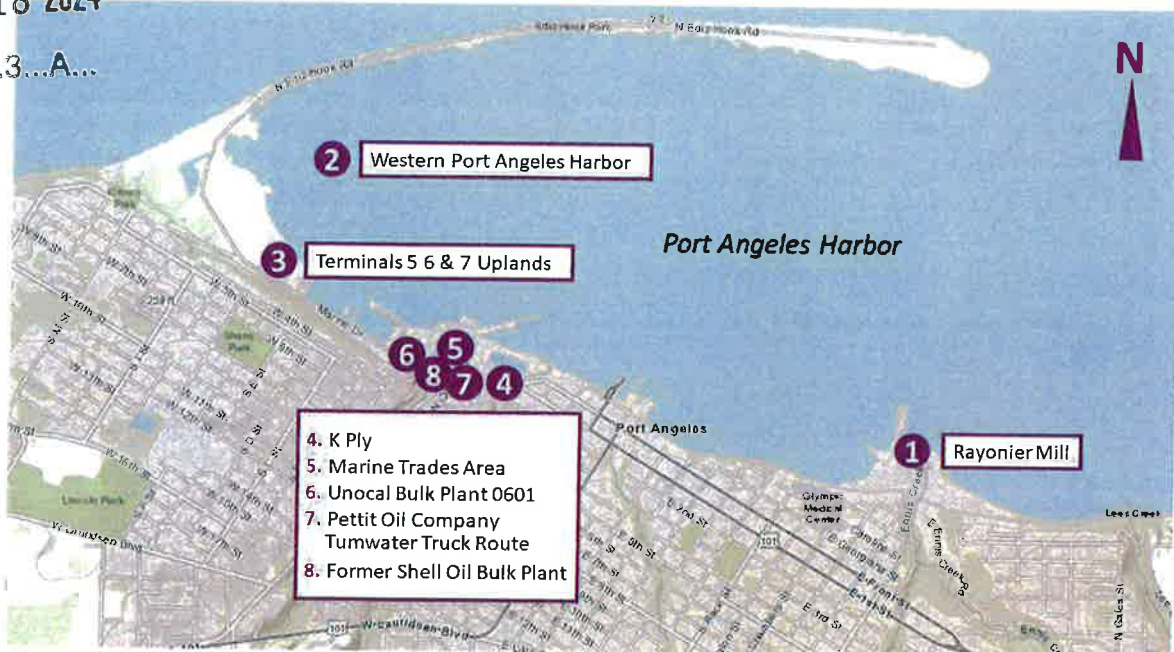
In the 3rd quarter 2024 CPD was appointed on the following Civil Commitment (ITA) cases:

3 rd quarter 2024	08
ITA appointments 3 rd quarter 2023 to 3 rd quarter 2024	
3 rd quarter 2023	06
4 th quarter 2023	01
1 st quarter 2024	07
2 nd quarter 2024	05
3 rd quarter 2024	08

RECEIVED Status Update: Port Angeles Formal Cleanup Sites &
CLALLAM CO. COMMISSIONERS Natural Resource Damage Assessments

OCT 18 2024

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Ecology's Toxics Cleanup Program supervises the cleanup at several formal sites in Port Angeles. If Ecology enters a legal agreement with the Potentially Liable Person (PLP), it is called a formal cleanup site. The PLP is the property owner or polluter and is responsible for the site investigation and cleanup. The map shows approximate locations of eight formal cleanup sites. The size of the circle does not show the size of the site.

The contamination at these sites resulted from historic activities that released pollutants into soil, groundwater, and sediment. Industries include lumber mills, wood processing, and petroleum distribution facilities.

Washington's cleanup law, the Model Toxics Control Act (MTCA) lays out the requirements for cleanup. We have public comment periods at key stages in the cleanup process at formal sites, shown as orange speech bubbles on the image below. Interim or partial cleanup actions can happen at any point in the cleanup process.

Public input opportunity



Contacts

Marian Abbett (Southwest Regional Office Acting Section Manager) marian.abbett@ecy.wa.gov (360) 489-4569

Carolyn Subramaniam (Public Involvement Coordinator) carolyn.subramaniam@ecy.wa.gov (564) 250-0563

Abby Zabrodsky (Public Involvement Coordinator) abby.zabrodsky@ecy.wa.gov (564) 250-0561

Site Status

For more detailed site information, search by **CSID** or site name on Ecology's Cleanup and Tank Search (CATS) page by scanning the QR code or going to go.ecology.wa.gov/cats.



Contaminants listed were confirmed above levels that need to be addressed under state law (MTCA). Depending on the site's cleanup stage, contaminants may have already been remediated.

Port Angeles Rayonier Mill (CSID 2270)

PLP	Rayonier AM Properties LLC
Contaminants	metals, PCBs, petroleum, dioxins/furans, PAHs, phenolic compounds, pesticides
Agreed Order	DE 6815 (Mar. 25, 2010) for Vol I through Vol IV; Amendment 1 (Aug. 1, 2012) to facilitate a combined Sewer Overflow project; Amendment 2 (Jun. 3, 2024) to complete modeling and sampling for a decision framework.
Update	Ecology approved Final Volumes I, II, and III (RI/FS for Study Area) in August 2021. We prepared a draft IAP identifying the selected remedies for the Study Area. We are negotiating a legal agreement to do the cleanup. We expect to hold a public comment period on the draft IAP and the implementing legal agreement in 2025.

Western Port Angeles Harbor (CSID 11907)

PLPs	Georgia-Pacific LLC, NPI USA Co. Ltd, Merrill & Ring, Port of Port Angeles, City of Port Angeles, Owens Corning
Contaminants	metals, PCBs, pesticides, phenolic compounds, dioxins/furans, PAHs
Agreed Order	DE 9781 (May 28, 2013) for RI/FS; Amendment 1 (Nov. 20, 2020) for preliminary draft CAP
Update	The RI/FS was approved Nov. 18, 2020. Ecology prepared a draft CAP and is negotiating an agreement to do the cleanup. We expect to hold a public comment period on the draft CAP and the agreement in 2025.

Terminals 5 6 & 7 Uplands (CSID 15440)

PLPs	Port of Port Angeles, Merrill & Ring, Owens Corning
Contaminants	PCBs, phenolic compounds, dioxins/furans, halogenated organics, petroleum
Agreed Order	DE 21560 (Jun. 1, 2024) for Phase 1 RI
Update	In 2023, we finalized an agreed order requiring a phase 1 remedial investigation (RI). The investigation was completed in 2023 and 2024 and focused on determining whether contaminated soil or groundwater is moving from the study area into the harbor. We await sample results before determining next steps.

K Ply (CSID 28)

PLPs	Port of Port Angeles, ITT Rayonier, ExxonMobil Environmental Services Company
Contaminants	petroleum, phenolic compounds, non-halogenated solvents, benzene
Agreed Order	DE 11302 (May 19, 2015) to implement the cleanup action plan
Update	Cleanup construction is complete, and an active environmental covenant protects the remedy. Residual soil and groundwater contamination remains at the site, and monitoring is ongoing. When complete, the first periodic review will be available for public comment.

Marine Trades Area & Pettit Oil Company Port Angeles WHS (CSID 1301 & 3447)

PLPs	Port of Port Angeles, Chevron Environmental Management Company, Atlantic Richfield Company
Contaminants	petroleum, non-halogenated solvents, benzene
Agreed Order	DE 03TCPSR-5738 (Dec. 19, 2005) for an RI/FS. Amendment 1 (June 26, 2013) for preparation of the preliminary draft CAP
Update	The RI/FS for this site is complete. Progress on this site was temporarily paused to prioritize work on the Western Port Angeles Harbor and Terminals 5 6 & 7 Uplands sites. Ecology is resuming work on a draft CAP and negotiating an agreement to implement the cleanup. When complete, the draft CAP and implementing agreement will be available for public comment.

Unocal Bulk Plant 0601 (CSID 4976)

PLP	Chevron
Contaminants	petroleum
Agreed Order	DE 4086 (Apr. 30, 2007) to complete an RI/FS and interim action.
Update	Chevron is working with a new consultant to complete the RI/FS. When the public review draft RI/FS is complete, Ecology will hold a public comment period for the public review draft RI/FS and an amendment requiring Chevron to complete a preliminary draft CAP.

Pettit Oil Company Tumwater Truck Route (CSID 13146) and Former Shell Oil Bulk Plant (CSID 13147)

PLPs	13146: Port of Port Angeles, 13147: Shell, Port of Port Angeles
Contaminants	petroleum
Agreed Order	In negotiations
Update	Ecology is working with the Port of Port Angeles to draft an Agreed Order that will include an interim action work plan and remedial investigation (RI). Ecology will hold a public comment period for the AO when it is ready.

Status of Natural Resource Damage Assessments

There are two Natural Resource Damage Assessments (NRDA) in Port Angeles.

Visit ecology.wa.gov/Port-Angeles-Harbor-NRDA or scan the QR code for more information.



Rayonier Mill Ongoing confidential settlement negotiations

Western Harbor Settlement of \$9.3 million under 2 consent decrees. Settlement will be used for restoration projects and planning is underway. In 2024, the Trustees provided funds for a four-year project to expand eelgrass production, planting, and monitoring along the inside of Ediz Hook expanding forage and shelter for many fish species in the harbor.

Abbreviations

AO	agreed order
CAP	cleanup action plan
CSID	cleanup site identification number
FS	feasibility study
IAP	interim action plan
MTCA	Model Toxics Control Act
NRDA	Natural Resource Damage Assessment

PAHs	polycyclic aromatic hydrocarbons
PCBs	polychlorinated biphenyls
PLP	potentially liable person
RI	remedial investigation

Complete list of abbreviations:

go.ecology.wa.gov/TCPglossary



Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775

PRESORTED
FIRST CLASS MAIL
US POSTAGE PAID
WA STATE DEPT
OF ENTERPRISE SRVCS
98501

563 1 1
563

CLALLAM COUNTY BD OF COMM
223 E 4TH ST STE 4
PORT ANGELES WA 98362-3000



Status Update: Port Angeles Formal Cleanup Sites & Natural Resource Damage Assessments



DEPARTMENT OF
ECOLOGY
State of Washington

You are receiving this mailing because you live near the cleanup sites in Port Angeles or have expressed interest in cleanups in this area.

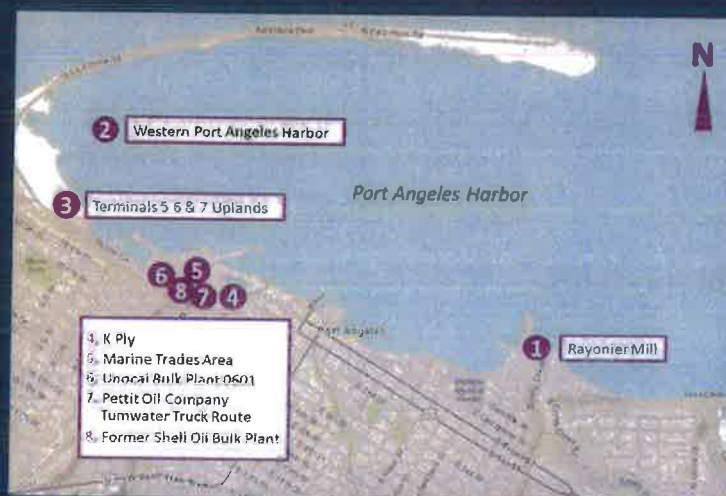
¿Habla Español? Unáse al diálogo sobre Port Angeles Sites. Para más información en español llame al (564) 250-0563 y solicite un intérprete.

To request an ADA accommodation, contact Ecology by:

- phone at (564) 250-0563
- email carolyn.subramaniam@ecy.wa.gov

For Relay Service or TTY call 711 or 877-833-6341.

Visit ecology.wa.gov/Accessibility for more information.



516 EAST FRONT STREET
PORT ANGELES, WA 98362
(360) 452-3307
FAX (360) 452-3329

RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 18 2024

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

HARRY D. GASNICK
Director

JOHN F. HAYDEN
SUZANNE M. B. HAYDEN
ALEX R. STALKER
DOUGLAS J. KRESL
CHARLIE COMMERE
SETH B. DOHERTY
TOBIN M. STANDLEY
BRANKA VUKSHICH
TAMAR ARGANIAN
Staff Attorneys

10/17/24

TO: Todd Mielke, Mark Laine, Tom Reyes

re: CPD contract

Per our conversations, below is a summary of the current staffing of Clallam Public Defender (CPD) relative to experience, case assignments, and tenure with the office. The purpose of this is for conducting the comparability analysis vis a vis the prosecuting attorney's office.

The below information does not address that CPD currently has a temporary full-time attorney on staff whose position may be extended into a permanent one depending upon the staffing needs under the contract going forward.

The CPD Director position is to be deemed comparable to the Chief Criminal Deputy Prosecutor, understood to be at 93/9. There do not appear to be tenure enhancements for this position.

Superior Court full-time attorneys include Seth Doherty (6 years with CPD), Doug Kresl¹ (15 years with CPD effective early 2024), Charlie Commeree (15 yrs. with CPD effective 11/24), Alex Stalker (16 years with CPD), Suzanne Hayden (29 years with CPD).

John Hayden is a 1/2 full-time felony staff attorney with CPD who has been with CPD approximately 40 years. Tenure enhancements are not believed to apply to part time attorneys.

Excluding the temporary full-time attorney mentioned previously, CPD's District Court 1 staffing consists of three attorneys, one with five years tenure with CPD, and two recent hires each with less than 6 months tenure with CPD.

I believe that based on responsibilities and tenure, all of the CPD attorneys for Superior Court should be classified as equivalent to DPA-3 believed to be at 78/9 along with tenure adjustments for the full time attorneys. For the same reasons, the District Court 1 attorney with five years tenure should be analogized to DPA-2 believed to be at 78/3. The

¹ Mr. Kresl's case assignments are split between adult felony and District Court 2. (approximately 70% felony and 30% District Court)

two recent hires are both properly classified as equivalent to starting level DPA-1, believed to be at 67/7².

CPD anticipates creating a Deputy Director position comparable to that of the Senior Deputy position that the prosecuting attorney's office has just filled at 83/7 plus appropriate tenure adjustment. Assuming staffing levels remain fixed, I expect that position will be filled internally by one of the current Superior Court designated (DPA-3 equivalent) attorneys. We hope to create and fill that position in approximately February 2024.

For purposes of the non attorney staff, CPD fills those positions based on a four day work week rather than five, hence 80% salary and salary factored costs (e.g. FICA and retirement contributions), but 100% medical benefits. I believe that our Office Manager position is comparable to the Office Manager position with the county, believed to be 70/8. The responsibilities that the county has specifically designated for its "administrative specialist" and "lead legal coordinator" positions are distributed among the remaining non attorney staff of which there are four such positions. Rather than designate one or more to equate to the higher salary specialized positions described above, I believe that the remaining non-attorney staff are comparable to 49/9 (subject to modification upon finalization of the teamster contract).

The county has in place the formulas for factoring in scheduled step increases, COLA's, and other increases over the anticipated contract period, so I'd impose on it to do the math for what the above costs would amount to for our contract purposes.

Costs for training of attorney staff should be comparable to that incurred by the prosecution that are understood to be approximately \$28,000.00 per year. That should be pro-rated down based on number of attorneys to no less than \$20,000.

In my review of county materials (Attachment A and the Prosecutor's budget), I was unable to identify where the following employee related costs appear: the Employee Assistance Plan (EAP); relocation allowances for new hires; hiring bonuses; HRA contribution; Washington Cares Act and Extended Family Leave contributions. Please identify those for me at your earliest opportunity as well as any other expenses that fall within "employee costs" (e.g. long term disability or life insurance). Please advise if those are covered in either of those materials or if I need to account for them separately.

On the subject of what I refer to as business operational costs, per our discussions, CPD is implementing cloud-based case management and Axon cloud based discovery retention and access systems. These new expenses are expected to run about \$8K each per year. These rates are substantially less than what I understand to be the comparable line items in the prosecution budget, even taking into account the difference in staffing numbers.

We have discussed CPD's need to obtain a more suitable physical facility and a summary of anticipated requirements for such is attached. CPD's current rent, utilities, cleaning, and property maintenance, are at \$45,100/yr.

² Both were also paid re-location allowances

Bar dues and organization dues (WSBA, WDA, WACDL, NACDL), are at \$10,000 (a bit more than the prosecutor's office)

Other operational expenses such as should be addressed at an amount that accounts for inflation since last contract. These include phone; internet; office supplies, copier maintenance/replacement; computer supplies, repair, maintenance, and tech support; storage; postage; shredding; bookkeeper and accounting fees; human resources consultation; research library; professional and board liability insurance. My estimate for those expenses is \$106,500/yr plus annual inflation adjustments.

Please note, investigation costs have not been included in any of the above.

Attorney staffing levels are of course a major question. The number of attorneys needed are a mathematical function of filing levels and caseload standards, both of which have variables. If the caseload standards that are proposed go into effect 7/1/25, as currently proposed and filing rates do not change, it is likely that current attorney staffing will be (barely) sufficient³. However, filings have been trending upwards for the last three (3) to four (4) quarters. Also the prosecutor's office has filled the criminal deputy positions (effective November 2024) that have been vacant for several years. These vacancies were purported to be the basis for filing reductions. Therefore, I anticipate an initial filing surge of clearing of cases that had been held in abeyance coupled with a continued increase in filing levels approximating pre-pandemic numbers. It is likely that any filing surge and increases in filing rates will be populated by less serious charges for the respective courts based on my assumptions of prosecutorial triaging priorities.

Given the above concerns and the fact that CPD's recent attorney hires are recent law school graduates who under current and future standards are required to handle a significantly limited caseload⁴, I strongly urge the County to consider our contract contemplate transitioning the temporary full-time attorney position into a permanent full time position or at least make it possible to extend that temporary position through the end of April 2025.

Very truly yours

Harry Gasnick
Director, Clallam Public Defender

attachment as stated

3 In making this estimate I have not conducted an analysis of how the case weighting components of the proposed changes will impact the number of attorney caseloads. These estimates, therefore may be unduly optimistic, especially since filing rates have increased since I provided Ms. Turner with data for the Wa. Assn of Counties caseload calculator

4 Attorneys with no prior public defense experience are limited to two thirds attorney caseload; Rule 9 interns are limited to approximately one half attorney caseload

OFFICE SPACE CHECKLIST

- Location: Near courthouse/prosecutor's office/jail
- Construction projects in area/adjacent underway or projected?
- Exterior: Secure parking (lighting, especially in winter)
- Protected access points (doors and windows easily secured, roof contain skylights or other access points?)
- Interior: Sufficient square footage (estimated 160 sq feet for offices, 90-100 sq feet for cubicles/workstations, 75 sq feet plus 25 sq feet per seated person for break room, 100-200 sq feet per person seated in reception area, 125-200 sq feet for file storage, 200 sq feet for work area such as copying, scanning, and useable hallway space of 20-30% of total useable space.)
- Updated HVAC
- Light and lighting. Light from windows. Comfortable and efficient artificial lighting for individual offices, workspaces, work areas, reception, and breakroom.
- Wiring sufficient for individual offices, workspaces, work area.
- Sound proofing sufficient for private conversations in offices.
- Appearance of office-clean, bright, tidy.
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ADA Compliant