



BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of December 16-20, 2024

DEC 31 2024
10

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, December 16, 2024. Present were Commissioners French, Ozias and Johnson and Administrator Mielke.

Items of discussion per the agenda published December 12 were:

- Calendar/Correspondence
- Discussion regarding the Clallam County Coroner position
- Resolution reappointing Shahida Shahrir to the Clallam County Board of Health
- Resolution certifying County capitalized asset inventory as of December 31, 2023
- Request for a Resolution establishing a position in support of proposition 1 Sequim School District 323 replacement educational programs and operation levy and a Resolution establishing a position in support of proposition 2 Sequim School District 323 bond to replace & upgrade deteriorating schools & improve safety
- Agreement with Department of Commerce through Office of Crime Victims Advocacy Community Services Division for STOP Violence Against Women Formula Grant Program
- Agreement with Norpoint Protective Services for security services
- Contract with Axon Enterprise, Inc. for upgrading less-than-lethal equipment
- Contract with Axon Enterprise, Inc. for upgrading digital storage/sharing capacity
- Agreement with Washington State Military Department and U.S. Department of Homeland Security for Emergency Management Preparedness Grant
- Agreement with Washington State Military Department and U.S. Department of Homeland Security for State Homeland Security Program Grant
- Discussion and next steps regarding Public Records Act model rules (Chapter 44-14 WAC)
- Agreement with Jefferson County for behavioral health services
- Agreement with Peninsula Dispute Resolution Center for We're in this Together seminars
- Agreement with Port Angeles School District for behavioral health services for 2024-2025 school year
- Agreement with Jamestown S'Klallam Tribe for annual population surveys of Olympia oysters
- Agreement amendment 1 with Facet NW, Inc. to correct termination date
- Agreement amendment 1 with Center of Inclusive Entrepreneurship for changes in the Community Development Block Grant
- Memorandum of understanding with Clallam County Information Technology for American Rescue Plan Act Funds ARPA
- Discussion on proposed budget revisions to be considered on December 31
- Discussion regarding American Rescue Plan Act ARPA obligations

Meeting concluded at 11:52 a.m. and continued to an executive session to be held on Tuesday, December 17, 2024 at 8 a.m. regarding potential litigation.

EXECUTIVE SESSION – December 17, 2024 at 8 a.m.

The Board convened in open session at 8 a.m. a.m. to discuss potential litigation. Present were Commissioners Ozias and French, Administrator Mielke and outside counsel Duncan Fobes. Commissioner Johnson was excused.

ACTION TAKEN: CMOM to recess to executive session for 30 minutes, CMFs, mc

The Board recessed into executive session at 8:01 a.m.

The Board convened in open session at 8:31 a.m.

ACTION TAKEN: No action taken

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CMO noted that there will be a discussion held at the December 30 and 31, 2024 BOCC meetings.

Meeting concluded at 8:32 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair French called the meeting to order at 10 a.m., Tuesday, December 17, 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

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on public comment period, item 2a
- John Worthington, Sequim, commented on item 1a and 2d
- Jeff Tozzer, Sequim, commented on public comment period, road fund, item 1a
- Eric Fehrmann, Sequim, commented on public comment period

CONSENT AGENDA

1a Approval of vouchers for the week of December 9

The Following warrants and electronic payments are approved for payment:

Accounts Payable:	Total
Warrant numbers: 9932981-9933146; 9933163-9933209	\$661,262.26
Electronic payments dates: n/a	\$0.00
Total Accounts Payable:	\$661,262.26

1b Approval of payroll for the period ending November 30

The following voucher/warrants/electronic payments are approved for payment:

Payroll	Total
Warrant Numbers	
172670-173178, 9932951-9932975	\$1,866,388.13
Electronic Payment Dates	
12/10/2024-12/13/2024	\$781,165.90
Total Payroll:	\$2,647,554.03

1c Approval of minutes for the week of December 9

1d Call for hearing to be held on Tuesday, December 31, 2024 at 10:30 a.m. regarding a Resolution for grants from the Opportunity Fund

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

REPORTS AND PRESENTATIONS

- CMO commented on Washington Association of Counties newly elected official training, Salish Behavioral Health update, Healthcare Authority
- CRJ commented on Wreaths Across America, North Olympic Legislative Alliance NOLA, carbon and forestry, Rayonier Timberlands, Olympic Discovery Trail
- CMF commented on Trails Advisory Committee, department staff meeting, Clallam Transit, Human Resources Director

CONTRACTS AND AGREEMENTS

2a Agreement amendment 21 with the Department of Health to decrease funding for COVID Vaccine

ACTION TAKEN: CRJm to approve, CMOs, mc

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- 2b Agreement with Peninsula Behavioral Health for Behavioral Health one-tenth of one percent Hargrove reserve funds to support the development of a 36-unit permanent supportive multi family complex at 138 W. 2nd Street, Port Angeles

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2c Agreement with Peninsula Behavioral Health for Affordable Sales and Use Tax 1406/1590 funds to support the development of a 36-unit permanent supportive multi-family complex at 138 W. 2nd Street, Port Angeles

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2d Agreement amendment 3 with Washington Water Trust for the Dungeness Off-Channel Reservoir

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2e Agreement amendment with Facet NW, Inc. for Filtration plant for Bullman Beach Water System

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2f Contract with Axon Enterprise, Inc. for upgrading less-than-lethal equipment

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2g Contract with Axon Enterprise, Inc. for upgrading digital storage/sharing capacity

ACTION TAKEN: CRJm to approve, CMOs, mc

BIDS AND AWARDS

- 3a Bid opening – Old Olympic Highway Resurfacing Project

<u>Contractor</u>	<u>Amount</u>
Lakeside Industries, Inc.	\$854,970

ACTION TAKEN: CRJm to forward the bids to Road Department for review and recommendation to the Board of Commissioner, CMOs, mc

BUDGET

- 4a Notice that the following budget revisions will be adopted by Resolution on December 31:
NonDept–American Rescue Plan Act – The budget is being revised to utilize unspent budget in the Wireless Network capital project to fund the unbudgeted portion of the gurney for the Coroner vehicle/\$4,200

ACTION TAKEN: CRJm to issue notice, CMOs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on Revenue Advisory Committee Meeting, work session 1l and 1b, Coroner, Charter Review Commission
- John Worthington, Sequim, commented on jurisdictions, tribes, Clallam County taxpayers
- Ed Telenick, Sequim, commented on Board of Commissioners, Hearing Examiner, Department of Community Development fee schedules (see attached)
- Eric Fehrmann, Sequim, commented on power
- Jeff Tozer, Sequim, commented on Washington State gas tax shortfall, rebate program, communication
- Denise Lapio, Sequim, commented on roundabouts

Meeting concluded at 11:21 a.m. and continued to 9 a.m., Monday, December 30, 2024.

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The Board of Commissioners attended a WSAC virtual update, Revenue Advisory Committee, Board of Health, Clallam Transit Meeting, Habitat for Humanity Ground Breaking Ceremony from December 16, 2024 through December 27, 2024

The BOCC Meetings for December 23 and 24, 2024 were cancelled.

PASSED AND ADOPTED this 31st day of December 2024.

ATTEST:


Loni Gores, MMC, Clerk of the Board

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair

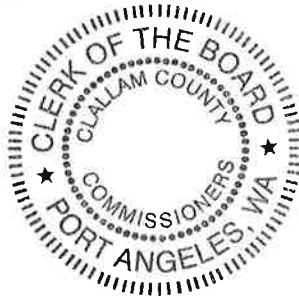

Randy Johnson


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



Commissioners,

During the past two BOCC meetings you once again showed that you are deaf to the concerns of taxpaying citizens who took the time to participate in the process that is supposed to be fair and transparent. Each and every week you rubber stamp each and every item that is brought before you without even questioning the necessity or the fact that this County is in dire financial straits.

I'm going to give you one case in point that was glossed over last week. It is one of the hundreds of debatable emergencies that you unanimously approve every year.

One of the items in the Public Hearing last week contained a request for \$23,000 for additional funds to the Bennu Law Center to cover taxpayer funded Hearings Examinations for Code violations serious enough to be brought before an independent review. **ITEM SA PUBLIC HEARING**

Mr. Mielke, who oversees the budget and serves at the direction of the Commissioners, asked if the newly approved Building fee schedule was going to include the increased fees being charged by Bennu Law Hearings Examiner services. Director Emery concurred that these increases were taken into account.

Here are the FACTS regarding the Hearing Examiner cases for Code Enforcement in 2024.

Code enforcement fees are not charged or passed along to the applicants like other services provided by the Examiner.

To date: in 2024 there were three hearings for Code violations according to the calendar. There are no hearings scheduled for the remainder of 2024.

The contracted price for a CE hearing according to Bennu Law is \$700 per case, which I believe is actually less or at least comparable to the 2 previously contracted law firms.

The only fines that were collected to date according to Mr. Emery's 3rd quarterly report was \$10,000 dollars from a single violation. Were those funds applied to offset this \$23000 request?

While Director Emery is tasked with overseeing the CE team, the \$23,000 that was requested comes from the general fund out of the BOCC budget from everything I can determine. That is NOT grant money. It's our tax dollars.

Why is **DCD** requesting additional funds when their department does not pay for these services and why was \$23,000 requested when there were only 3 cases held during the entire year? According to my math the cost of those three cases amounted to approximately 10 percent of what was requested.

Mr. Emery has provided you with false data in the past during his quarterly updates and continues to distort the realities of the challenges he faces, citing high turnover, COVID, lack of Staff, lack of a HE, etc.

During his recent presentation Director Emery stressed the importance of maintaining a competent staff when he knowingly ignored the illegal actions of his principal planner (Donella Clark) the senior building official (Annette Warren) , and the former CE supervisor (Anastasia White) who now serves as the secretary for the HE. Their actions have resulted in further liability for the County. The subsequent cover up by Mr. Emery resulted in a costly lawsuit for us and continues to haunt us because the County failed to abide by their own codes, a judge's orders and a huge mess for the current CE supervisor.

Commissioners, when are you going to wake up and see that you have a responsibility to our tax dollars and need to ask more questions before you squander more of our tax dollars away?

The CE function of this County should not be handled by the same Department that creates many of the problems that result in code violations and hamstring the Sheriff's department from carrying out their law enforcement duties.

Ed Telenick

3RD QTR 2024 CODE ENFORCEMENT REPORT

Processing and Efficiency since 2023.

- Average days cases are open: **444**
- Total cases resolved:
 - By Year:
 - **2023: 193**
 - **2024 (Q1): 63**
 - **2024 (Q2): 9**
 - **2024 (Q3) 32**

- By Month:

Cases Closed by Month		
	Q3 2024	Q3 2023
July	8	33
August	14	27
September	10	14

- Cases resolved in Q3, 2024 by:
 - Administration: **0**
 - Enforcement: **32**
 - *○ Hearing Examiner: **0**
 - Court order: **0**

In Q3 of 2024, Code Enforcement processed and facilitated the removal of **64 junk vehicles** from **18 properties**. Code Enforcement issued **16 dump vouchers** with **9 vouchers** used (some carried over from Q2), resulting in the removal of **11.01 tons of solid waste** (non-junk vehicles) from properties. The cost of this effort was **\$2,686.77**.

Priority Cases. The following table details the Q3 top 10 cases targeted by the Code Enforcement Division:

Top 10 Q3 Priority Case Summary Clallam County DCD - Code Enforcement Division				
Case #	Address	Priority Rating	Nature of Infraction	Status
CMP2020-00130	550 Sherburne	3 4	BWOP, junk vehicles	\$10,000 in fines collected. Final Inspection still required.
CODE2024-00002	4210 Dry Creek	1	JVs, solid waste, building violations, zoning violation (encampment)	Working with PBH to find housing for current lawful occupant. Will proceed with voluntary abatement plan in Q4.
CODE2024-00048	1861 S 3 rd Avenue	1	Solid waste, zoning violation (encampment)	Working with P.O. on court ordered eviction.
CMP2022-00096	162 Applegate	3	Junk vehicles, occupied RVs	Tenant now deceased, keeping in contact with P.O. Removal of JVs pending probate.
CMP2022-00196	181 Salal Way	3	Solid waste, Dangerous structure	Fines initiated. Working with P.O. to establish plan.
CMP2022-00124	451 Serpentine Ave	4	Solid waste, JVs	Dump vouchers issued and used; Significant improvement. Can likely be closed after next site visit.
CODE2024-00020	3917 S Airport Rd	4	Solid waste, JVs	P.O. is deceased, home reported to be subject to bank foreclosure and future auction. Dump vouchers and JVAs issued. Some removed.
CMP2020-00188	6992 Old Olympic Hwy	3	Vehicle repair, JVs, Solid Waste,	Complex family and poverty issues – Removed JVs and 5 th wheel trailer; significant SW removed. P.O. will continue to haul SW in lieu of a dumpster.
CODE2024-00005	111 Riverside Rd	3	Solid waste, JVs	Dump vouchers and JVAs issued.

In accordance with CCC 20.08.050, Code Enforcement prioritizes cases according to the following criteria:

THIS DESIGNATION IS FALSE - PROPERTY IS WITHIN DESIGNATED SMA, STRUCTURE POSES HEALTH & SAFETY RISK.

- ★(1) Violations that present an imminent threat to public health or safety.
- (2) Violations that present a high risk of damage to public resources and/or facilities.
- ★(3) Violations involving critical areas, floodplains or shorelines.
- (4) Violations that may result in damage to real or personal property.
- (5) Violations that do not fit within any of the previous categories.

Although confirmed violations are assigned a priority rating per the above criteria, depending on the nature of the circumstances, the person(s) involved, the scope of the problem, and priorities established by other departments, the individual case may be worthy of attention beyond the priority rating. Further, all cases require processing, which means that at any given point, the cases being focused on include a range of high, medium, and low priorities.

As noted in the Code Enforcement MOU, extreme poverty and mental illness often creates challenges to efficient enforcement of the County Code. Of the Top Ten cases cited above, five are known to involve either extreme poverty, mental illness, or both. In cases of poverty, resources (e.g. dump vouchers) can be made available. However, in cases of mental illness, the challenges can be more nuanced and usually require more patience for a humane solution to be realized. Code Enforcement seeks to identify other alternatives to assist low-income owners with needed abatements that may be beyond their means, but grant funding for private property abatement is not currently available unless the site is a brownfield designated property.

Hearing Examiner Orders and Invoiced Fines. As discussed in previous CE reports, through staff turnover, COVID, and system-related challenges, several gaps in record keeping consistency have been identified and we're working to account for and correct them. There remain six Hearing Examiner Orders (of the 32 Hearing Examiner decisions reviewed) where fines were assessed but no invoices appear to be sent. Where needed, some of these cases may be brought before the Hearing Examiner to reassess the circumstances and make appropriate orders. Because of the obligation for periodic invoicing and notice (CCC 20.08.030(4)), the schedules for the individual fines will commence on the date of re-establishment, as recommended by the investigating officer or as determined by the Hearing Examiner. Code Enforcement expects this billing matter to be resolved by Q1 of 2025.

Thank you for your attention and your ongoing support for the CE program. If you have any questions or other metrics you would prefer to see in future reports, please let me know. I can be reached at 360-417-2323.

Sincerely,



Bruce Emery, Director
Clallam County DCD

COMPENSATION

1. ☒ **a. FIXED FEE FOR SERVICE:** For services rendered, the County shall pay to the Contractor a fixed fee for the completed work on all land use applications as set forth in Attachment "A." Payments for completed tasks shall be made no more frequently than ☐ monthly; ☐ quarterly; ☐ semi-annually; ☐ annually; ☐ at completion of project; ☒ other (specify)

Permit application hearings shall be billed at the following fixed rates:

\$500

- Motions for reconsideration of Hearing Examiner decisions

\$700

- Code Enforcement actions

\$1,400:

- Single-family residential variances
- Cluster developments
- Residential special use permits (SUPs)
- Residential conditional use permits (CUPs) – no critical areas
- Amendments to Type 3 permits, conditional use permits, variances, etc.

\$1,800:

- Residential conditional use permits (CUPs) - with critical areas
- Alterations to Subdivision and Binding Site Plans

\$2,800:

- Commercial/multi-family/industrial variances
- Commercial special use permits (SUPs)
- Commercial conditional use permits (CUPs)

\$3,500:

- Multi-permit applications
- Plats
- Shoreline permits
- Binding site plans – Subdivision applications – no critical areas
- Master planned resorts
- Planned unit developments

\$4,000:

- Binding site plans – Subdivision applications – with critical areas

\$3,500:

Appeals of administrative decisions, interpretations, enforcement orders, licensing decisions, and SEPA threshold determinations, as well as such other regulatory, enforcement, or quasi-judicial matters as may be assigned by the County Commissioners

- Administrative appeals
- SEPA appeal

Each request for payment shall be supported by an invoice specifying the tasks completed up to the request for payment and the payment amount requested. In no event shall payment be sought in an amount which represents a percentage of the fee greater than the percentage of completed tasks.

AND

☒ **b. HOURLY RATES:** For services rendered on all administrative appeal hearings and decisions or non-quasi-judicial tasks as set forth in Attachment "A" the County shall compensate the Contractor at the following hourly rates:

PUBLIC COMMENT TELEPHONIC
12/17/24

HEARING EXAMINER SCHEDULE FOR 2024

Wed. Sept. 4 8 - 12:30

Thurs. Sept. 26 8-1:00

Wed. Oct. 30 8-1:00

CMP - designation for code violations

DATE	START TIME	CC STAFF	HEARING EXAMINER	CASE NUMBER & APPLICANT NAME	DECISION DATE
6/01/2023	2:00 PM	D. Clark	Reeves / Sidles	CUP2023-00006 Pinson B&B, Herrick Rd	3/4/2024
Jan 4	1:00 PM		CANCELLED	No Items scheduled	
Jan 18	2:00 PM	D. Clark	Sidles	CUP2023-00012 Fire Dist #2	1/22/2024
Feb 1	1:00 PM	T. Coward	Sidles	Cont'd Hearing for VAR2023-00001 Russell	2/15/2024
Feb 1	2:00 PM	D. Clark	Sidles	CUP2023-00013 Olympic Peninsula Timberlands	3/27/2024
Feb 15	1:00 PM		CANCELLED	No Items scheduled	
Mar 7	1:00 PM	D. Clark	Sidles	LDV2024-00003 Cedarland (Record closed 3/27/24)	4/4/2024
Mar 7	2:00 PM	C.Fouts	Sidles	* CMP2023-00131 Henderson	3/11/2024
Mar 21	1:00 PM	T. Havel	Sidles	* CMP2022-00196 Horn / Lindley	3/27/2024
Mar 21	2:00 PM	C.Fouts	CANCELLED	GMP2023-00129, Ray BWOP came in on 3/07/24 & has 90 days	
Apr 4	1:00 PM	T. Coward	Sidles	CUP2024-00004 Timberland 4/15-Record Closed	4/26/2024 - Distrit
Apr 18	2:00 PM	D. Clark	Sidles	CUP2024-00002 Cox 5/9/24 Record Closed	5/31/2024
				CUP2024-00002 additional Request for Reconsideration	
May 2	2:00 PM	D. Clark	CANCELLED	LDV2024-00008 Carlsborg Village	
May 16	1:00 PM	D. Clark	Sidles	CUP2024-00007 Blue	5/31/2024
May 16	2:00 PM	D. Clark	Sidles	LDV2024-00008 Carlsborg Village	5/31/2024
May 16	3:30 PM	C.Hagood	Sidles	* CMP2022-00016 Grotjan critical area violation	5/21/2024
June 6			CANCELLED: NO Hearing Examiner		
June 20			CANCELLED: NO Hearing Examiner		
July 4			CANCELLED: INDEPENDENCE DAY HOLIDAY		
July 18			CANCELLED: NO Hearing Examiner		
Aug 1			CANCELLED: NO Hearing Examiner		
Aug 15			CANCELLED: NO Hearing Examiner		
Wed. Sep 4	8:30 AM	D. Clark	Marshall	VAR2024-00001 & PSHR2024-00004, Eliades	9/16/2024
Wed. Sep 4	10:00 AM	D. Clark	Marshall	CUP2024-00006 & PLDV2024-00002, Olympic RV Investment	9/13/2024
Sep 5			CANCELLED	Room Not Available	
Sep 19			CANCELLED	Room Not Available	
Sep 26	10:00 AM	D. Clark	Marshall	PVAR2024-00009 McLaughlin	9/30/2024
Oct 3			CANCELLED	No Items scheduled	
Oct 17	1:00 PM	D. Clark	Marshall	PCUP2024-00001 & PSHR2024-00001, Dawley	10/25/2024
Oct 17	2:00 PM	D. Clark	Marshall	PCUP2024-00005 Wierbenowski	10/29/2024
Oct 30			CANCELLED	No Items scheduled	
Nov 7	1:00 PM	T. Coward	Marshall	PSHR2024-00002 WA Dept. of DNR / JSKT	12/2/2024
Nov 7	3:30 PM	D. Clark	Marshall	PLDV2024-00007 Darling	11/18/2024
Nov 21	1:00 PM	T. Coward	Marshall	PVAR2024-00010 Carlsborg Village, LLC	12/2/2024
Nov 21	2:00 PM	D. Clark	Marshall	PSHR2024-00007 Loushin	11/26/2024
Dec 5	1:00 PM	T. Coward	Marshall	PSHR2024-00005-PNNL SSDP	12/11/2024
Dec 5	2:00 PM	C. Hoffman	Marshall	PLDV2024-00008 DNR	12/13/2024
Dec 5	3:00 PM	D. Clark	Marshall	CUP2024-00005 Buchannan	Due 12/20/24
Dec 19	1:00 PM	D. Clark	Marshall	PCUP2024-00020 Timberland	
Dec 19	2:00 PM	E. Valenzuela	Marshall	PCUP2024-00035 Kimer	

BOCC Mail Correspondences Received from other Jurisdictions



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

Commissioner Mark Ozias
223 E 4th Street Suite 4
Port Angeles, WA 98362

November 26, 2024
RECEIVED
CLALLAM CO. COMMISSIONERS

DEC 02 2024

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

Re: Code Officials Must Comply with Initiative 2066

Dear Commissioner Ozias:

I am the Vice President, General Counsel of the Building Industry Association of Washington (“BIAW”), representing nearly 8,000 businesses in the Washington home building industry. You are likely aware that on November 5, 2024, Washington voters approved Initiative 2066, which protects natural gas as an energy source.

The Washington State Constitution provides that an initiative enacted by the people of Washington take effect thirty days following the election, which means **Initiative 2066 will be effective December 5, 2024.**

Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, that the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. See WA Const. Art. II § 1d.

Therefore, on December 5, 2024, the current 2021 Washington State Energy Code (“WSEC”), which penalizes and discourages natural gas primarily via Section R406, will be unenforceable.

Per Section R103.1, code officials are authorized to waive the requirements for construction documents or other supporting data **if the code official determines they are not necessary to confirm compliance with the code.** Any code sections that penalize, discourage, or disincentivize natural gas are preempted by Initiative 2066, specifically the amendments made to RCW 19.27A.020. Therefore, any construction documents or supporting data required by the preempted code sections are no longer required. Building code officials should use their discretion to waive these requirements.

Further, per Section R103.3, code officials shall examine the accompanying construction documents and shall ascertain whether the construction indicated and described follows the requirements of the code **and other pertinent laws or ordinances.** Therefore, code officials must assess applications with respect to both the current code *and* Initiative 2066.

Code officials have no authority to go against the will of the voters by ignoring that certain sections of the WSEC are preempted by Initiative 2066. BIAW members expect code officials to follow the law as it becomes effective on December 5, 2024.

Sincerely,



Ashli Penner
Vice President, General Counsel
The Building Industry Association of Washington (BIAW)
300 Deschutes Way SW, Suite 300
Tumwater, WA 98501
360.352.7800 ext. 118
ashlip@biaw.com