



CLALLAM COUNTY CHARTER REVIEW COMMISSION MINUTES of January 27, 2025

MEETING OF THE CHARTER REVIEW COMMISSION (CRC)

Chair Susan Fisch called the meeting to order at 5:30 p.m., Thursday, January 27, 2025. Also present were Commissioners Bill Benedict, Jim Stoffer, Jeff Tozzer, Alex Fane, Ron Cameron, Patti Morris, Chris Noble, Paul Pickett, Ron Richards, Rod Fleck, Mark Hodgson, Christy Holy, and Cathy Walde.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Fisch requested to add a business item regarding the District III vacancy

ACTION TAKEN: Fleck moved to approve the agenda as modified Cameron second, motion passed (14 voted in favor of)

APPROVAL OF THE MINUTES

- Minutes January 13, 2025

Richards requested to be added to the Town Hall Committee

ACTION TAKEN: Minutes approved as amended

PUBLIC COMMENT ON AGENDA ITEMS

Fisch provided a brief explanation of the public comment period

- Kenneth Reandeau, Port Angeles, commented on public comment, vacancy
- Ed Bowen, Clallam Bay, commented on vacancy, public comment, timeline

CORRESPONDENCES

Gores noted receipt of correspondences from Commissioner Pickett, Commissioner Hodgson, Karin Cummins, Mark Nichols, Karen O'Donnell, Board of County Commissioners, Ron Richards (citizen) (see attached).

INTRODUCTIONS OF CHARTER REVIEW COMMISSIONERS

Fisch requested the Commissioner introduce themselves and identify their priorities. The Executive Committee requested that Commissioners email the Executive Committee with priorities. Commissioners took the opportunity to introduce themselves and their priorities.

REPORTS

- Chair Report – Commissioner Fisch
 - Nomination of Loni Gores, Clerk as CRC Secretary
 - Public comment update
 - May 26, 2025 meeting date change to May 27, 2025

Fisch requested to appoint Loni Gores as Secretary for the 2025 Charter Review Commission.

ACTION TAKEN: Benedict moved to nominate Loni Gores, Clerk as the CRC Secretary for 2025, Fleck second, motion passed (14 voted in favor of)

Fisch commented that she already provided the public comment update during the first public comment session.

She mentioned that the May 26, 2025 meeting falls on Memorial Day. The meeting date has been changed to May 27, 2025. No objection.

She commented that all Charter Review Commissioners names are listed on the website with emails linked to allow the public to email Commissioners.

CLALLAM COUNTY CHARTER REVIEW COMMISSION
MINUTES of January 27, 2025
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She mentioned that correspondences will be attached to the minutes for each meeting.

She noted that the executive committee will be meeting between meetings. If Commissioners have items to be discussed email the executive committee.

DISCUSSION ITEMS

- Coroner discussion – Administrator Mielke

Administrator Mielke briefed on the Coroner topic. Richards stated his concerns with Charter Review Commission legal representation. Mielke clarified that he was in the selection process of outside counsel Duncan K. Fobes. CRC Members held discussion. Fobes commented that he was not hired to provide legal advice to the Charter Review Commission but instead his client asked him to provide his thoughts regarding the Coroner topic. Fobes briefed the CRC Members. CRC Members held discussion.

Hodgson requested to take a 5-minute break from 7:10 p.m. to 7:15 p.m.

- Charter Review Commissioner District III vacancy

Fisch informed the Commission that on January 23, 2025 the Board of County Commissioners (BOCC) received a letter of resignation from Karen O'Donnell. She noted that per State statute the BOCC must accept resignations from elected officials. The BOCC reviewed the resignation at their work session on January 27, 2025 and took action to accept. Charter section 11.10.20 addresses a vacancy which requires the Charter Review Commission to provide notice within 14 days and fill the vacancy within 30 days of receiving the resignation. CRC Members held discussion.

Fleck original motion:

ACTION TAKEN: Fleck moved to empower the Clerk to publish a vacancy in a similar manner in the past, noting the vacancy is in District III and sending it to the Peninsula Daily News, Forks Forum and Radio Stations in Clallam County, Richards second

Fisch questioned what the notice should say since the notice issued in 2020 just said there was a vacancy and didn't include information on how to apply. Fleck responded that there is usually a statement that includes there is a vacancy, position, district and requests a letter of intent to be sent to the Clerk by a due date.

Richards amended motion:

ACTION TAKEN: Richards amended the motion to add to the County website, Hodgson second, motion passed

(14 voted in favor of)

Discussion was held regarding the motion.

Richards amended motion:

ACTION TAKEN: Richards amended the motion to add other locations where the County typically advertises, Noble second, motion passed

(14 voted in favor of)

Discussion was held regarding the motion. Fisch noted that response is needed by Friday, February 7, 2025. Additional discussion was held regarding the timeline to appoint a Commissioner.

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Pickett amended motion:

ACTION TAKEN: Pickett amended the motion to have the Clerk contact each person who ran for office for election to let them know individually there is an opening in District III, Fane second, motion failed

(5 voted in favor of and 9 voted opposed)

Discussion was held regarding the motion.

Fleck original motion:

ACTION TAKEN: Fleck moved to empower the Clerk to publish a notice to the Peninsula Daily News, Forks Forum, Radio Stations, County website and other locations the County typically advertises including the vacancy position, district and letter of intent by February 7, 2025, Richards second, motion passed

(14 voted in favor of)

Fisch briefed the CRC Members regarding the process to fill a vacancy. She noted the bylaws say traditionally the vacancy is filled by the person with the next highest votes count. CRC Members held discussion regarding the application process.

Fleck left the meeting at 7:36 p.m. for a City Council meeting.

Richards motion:

ACTION TAKEN: Richards moved that the CRC Members ask the Chair to ask the Prosecutor to tell the CRC if the person as part of the application process must file a F1 prior to being appointed, Richards withdrew his motion

Discussion was held regarding the Pubic Disclosure Commission.

Richards withdraws his motion.

- Special meeting:

Discussion was held regarding holding a special meeting. Gores commented that Tuesday, February 18, 2025 at 5 p.m. was available in the board room. She also reminded the CRC that this would be considered a special meeting so only items on the agenda can be discussed. Fisch confirmed that there will be a special meeting held on Tuesday, February 18, 2025 at 5 p.m.

SUBCOMMITTEE REPORTS

- Bylaws and Rules Committee

ACTION TAKEN: Stoffer moved to table the bylaws and rules discussion to February 10, 2025, Hodgson second, motion passed

(12 voted in favor of and 1 voted no)

Picket requested that CRC Members send comments to him regarding requested bylaw and rule changes to the executive committee can review.

- Timeline discussion

Fisch noted that 2 timelines are included in the agenda packet. She asked members to review prior to the next meeting. She noted it would be helpful to backtrack dates for town hall meeting planning.

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PROPOSED CHARTER ARTICLE AMENDMENTS

- Process discussion – Commissioner Fisch

No discussion was held.

- Coroner Topic

ACTION TAKEN: Stoffer moved to establish a Coroner Committee, Morris second, motion passed (12 voted in favor of and 1 voted no)

Richards, Cameron, Walde, and Fane volunteered to serve on the Coroner Committee. Fisch appointed all to serve on the committee.

PUBLIC COMMENT

- Tony Corrado, Sequim, commented on water availability and issues
- Karin Cummins, Sequim, commented on Commissioner Morris, meeting dates on the agenda, town hall meeting, public comment sign-up sheet, microphone system, Coroner topic, vacancy topic, transparency, ethics, Commissioners attending meetings
- Eric Fehrmann, Sequim, commented on vacancy
- Ed Bowen, Clallam Bay, commented on current Charter conflicts, website, bylaws, subcommittees
- Pepai Whipple, Sequim, commented on serving on the Charter Review Commission, vacancy, Coroner, Commissioners serving on Boards, tabling the bylaws

GOOD OF THE ORDER/FUTURE AGENDA ITEMS

- Email priority lists to the Executive Committee
- Survey
- Subcommittees
- Discussion regarding committee meetings notice

ADJOURNMENT - Meeting concluded at 8:25 p.m.

Respectfully submitted,



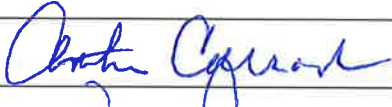
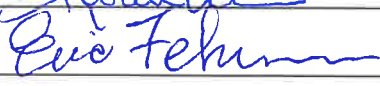
Loni Gores, MMC
Clerk to the Charter Review Commission

Approved: February 10, 2025

CHARTER REVIEW COMMISSION PUBLIC COMMENT SIGN-UP SHEET

General Public Comment – 2nd Session

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	TONY CARRADO		10 Royal Loop Sequim, WA
2	KARIN Cummins		Dungeness
3	Eric Fehrman		Sequim
4			
5			
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CHARTER REVIEW COMMISSION PUBLIC COMMENT SIGN-UP SHEET

Public Comment on Agenda Items – 1st Session

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
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CHARTER REVIEW COMMISSION

CORRESPONDENCES RECEIVED

Gores, Loni

From: Gores, Loni
Sent: Monday, January 13, 2025 8:15 PM
To: Benedict, Bill; Boughton, Dee; Cameron, Ron; Fane, Alex; Fisch, Susan; Fleck, Rod; Gores, Loni; Hodgson, Mark; Holy, Christy; Morris, Patti; Noble, Chris; ODonnell, Karen; Pickett, Paul; Richards, Ron; Stoffer, Jim; Tozzer, Jeff; Walde, Cathy
Subject: FW: CRC budget

Commissioner Pickett requested that I send the CRC 2025 budget. Below is what was provided to me from the Finance Department today.

ACCOUNT DESCRIPTION	AMOUNT
Supplies – Charter Review	200
Charter Review	4,000
Travel – Charter Review	4,000
	\$8,200

“My email address has changed! The new format is Loni.Gores@clallamcountywa.gov Please update my contact card as your earliest convenience, Thank you!”

*Loni Gores
Clerk of the Board
Commissioners Office
223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256*

From: Pickett, Paul <paul.pickett@clallamcountywa.gov>
Sent: Monday, January 13, 2025 7:59 PM
To: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: CRC budget

Loni,

I heard mention in the meeting of a budget for the Charter Review Commission, which was a question I had.

Could you send me and the other Commissioners any information you have on a budget available to us?

Paul

Gores, Loni

From: Hodgson, Mark
Sent: Tuesday, January 14, 2025 2:24 PM
To: Gores, Loni
Cc: Fisch, Susan
Subject: Parliamentary Procedure Reference Cards

Good afternoon, Loni.

I am recommending the Commission purchase parliamentary procedure reference cards for each commissioner. I found this helpful for members of other boards and commissions I've served on ([Laminated Cheat Sheet 10-pack - Wait! Wait! What Should I Say? - Jurassic Parliament](#)).

I am also asking for guidance on tracking motion language. At our meeting yesterday, motion language was recorded with pen and paper. As motions become more complex and amendments are added, it will be beneficial to use a laptop. I see three options available to us:

1. County issued laptop to parliamentarian (since we do not have a designated secretary).
2. Personal device use within the Clallam County Microsoft Cloud infrastructure (Word, OneNote, etc). Similar to our email use.
3. Ask the clerk for a readback of each motion and amendment.

Your guidance would be appreciated.

Thank you for supporting the CRC!

Mark

Gores, Loni

From: Karin Cummins <karinc@olypen.com>
Sent: Thursday, January 16, 2025 9:18 AM
To: Gores, Loni
Subject: Good evening Charter Review Board Commisioners

Good evening Charter Review Board Commisioners

I would like to thank each member of the charter review board for taking the time out of your personal lives and to voluntarily put yourself out there for public scrutiny. I would also like to thank your families as they will be sacrificing their time with you.

Citizen engagement includes free speech.

I for one like the possible option of 5 minutes. 3 minutes sometimes is not sufficient I understand the need for balance tho however Those that signed up for the commission know the time commitment required.

I have been attending commissioner meetings regularly since 2019. The reason, I had a specific concern which I brought to the DCD, heard excuses, then to my commissioner excuses, got passed it to another commissioner, excuses who then passed it to another commissioner, finally it ended up on Mr Boutens desk, but more excuses- Forward to April 2024. We've a new administrator and it now has been passed to the administrator who said by the end of July. Now my error was not asking which year!

So I get how our county government works.

Some things to consider:

If you don't think mismanagement and ideological policies don't destroy communities just ask those involved in the fires of California.

What you are being tasked with will affect the lives of the citizens of this county well beyond your term. I ask you go with facts and not feelings.

Our county is economically depressed.

So economically depressed we were one of six counties in the United States that received the coveted recompetete grant. So economically depressed because of the lack of foresight and accountability with the way this county gives away and spends our tax dollars

Our County commissioners have no oversight and our county needs an ethics committee for the three of our commissioners.

Our county commissioners attend meetings on sovereign land and do not supply information regarding those meetings. This is unacceptable.

Any public tax dollars given to any non-governmental organization or nonprofit organization must have a clause that states all meetings must be public and or meeting minutes provided upon request

It is your responsibility to guide this community and its commissioners towards prosperity. It is not to maintain the cliques and special interest groups that have been overshadowing this county.

Thank you

Karin Cummins
Dungeness

Kärin

Gores, Loni

From: Nichols, Mark
Sent: Wednesday, January 22, 2025 8:29 AM
To: Gores, Loni
Subject: Conflict notice to charter review commission
Attachments: Conflict notice to CRC 1.22.25.pdf

Loni:

Please find attached a conflict notice for the charter review commission. I would appreciate if you would please forward this to the commission, cc to Commissioner French and Administrator Mielke, on my behalf in advance of its next meeting.

Best,

Mark Nichols
Clallam County Prosecuting Attorney
Direct (360) 417-2590

CLALLAM COUNTY PROSECUTING ATTORNEY

MARK B. NICHOLS

223 EAST 4TH STREET, SUITE 11
PORT ANGELES, WA 98362
PHONE: 360-417-2301 FAX: 360-417-2469
TOLL FREE FROM FORKS: 360-374-5324

TO: Clallam County Charter Review Commission

CC: Mike French, Chair, Clallam County Board of County Commissioners;
Todd Mielke, Clallam County Administrator

FROM: Mark Nichols

DATE: January 22, 2025

REGARDING: *Conflict of Interest*

Honorable Charter Review Commissioners:

I write to notify you of a conflict of interest that may¹ warrant the retention of conflict counsel for the Charter Review Commission (CRC).

The conflict of interest became apparent in the aftermath of the Washington Attorney General's (AG's) August 22, 2024, release of AGLO 2024 No.3. This opinion concludes, in essence, that prosecuting attorneys in counties with a population of less than 40,000 may not perform the duties of the coroner after January 1, 2025. While the opinion focuses on counties with a population of less than 40,000 and is silent regarding charter counties, the reasoning contained therein arguably applies to all prosecuting attorneys in the state of Washington.

The most obvious conflict of interest stems from the fact that the current text of Article IV, Section 4.20 of Clallam County's charter states, "[t]he Prosecuting Attorney will serve as ex-officio coroner without extra compensation." As noted in the AG's opinion, Washington law now precludes a prosecuting attorney who performs the duties of the coroner from being able to practice law after January 1, 2025. Given that prosecuting attorneys must be able to practice law to fulfill their role, they cannot perform the duties of the coroner after January 1, 2025. For this reason, I discontinued performance of the duties of the coroner effective midnight December 31, 2024.

The law envisions that conflicts of interest will arise from time to time and provides a pathway through which counties may retain conflict counsel to provide legal advice. Should the need arise, I will work with the county and the commission to facilitate the retention of conflict counsel to advise the CRC in relation to the county coroner.

The citizens of Clallam County elected me to serve as their prosecuting attorney and to discharge the duties of that office on behalf of the county. Consistent with this obligation, the prosecuting attorney's

¹ I say "may" because I do not yet know whether the charter review commission has decided to include address of the county coroner within its priorities.

Clallam County Charter Review Commission
January 22, 2025
Page 2

office will remain available to the CRC for all other matters pending resolution of the issue of how best to address the continued provision of county coroner services.

This notice is being provided to you in the discharge of my ethical duties under Rule of Professional Conduct 1.7 (a) (2).

Respectfully,



Mark Nichols
Clallam County Prosecuting Attorney

Gores, Loni

From: Gores, Loni
Sent: Friday, January 24, 2025 5:04 PM
To: Benedict, Bill; Boughton, Dee; Cameron, Ron; Fane, Alex; Fisch, Susan; Fleck, Rod; Hodgson, Mark; Holy, Christy; Morris, Patti; Noble, Chris; O'Donnell, Karen; Pickett, Paul; Richards, Ron; Stoffer, Jim; Tozzer, Jeff; Walde, Cathy
Cc: Gores, Loni
Subject: FW: Resignation letter - Karen O'Donnell
Attachments: Full Modification Packet item 2d.pdf

CRC Commissioners:

Forwarding correspondences that the BOCC received from Charter Review Commissioner Karen O'Donnell on January 23, 2024.

BOCC plans to discuss this at their work session on Monday, January 27, 2025. I've attached that agenda packet for reference.

If you wish to listen to the BOCC meeting, you can use the following call information:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345.

Loni

"My email address has changed! The new format is Loni.Gores@clallamcountywa.gov Please update my contact card as your earliest convenience, Thank you!"

*Loni Gores
Clerk of the Board
Commissioners Office
223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256*

From: Huntress Wildwood <wildwoodhuntress@gmail.com>
Sent: Thursday, January 23, 2025 4:29 PM
To: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: Resignation letter

KAREN O'DONNELL

wildwoodhuntress@gmail.com

541-272-8558

January 23, 2025

Clallam County Board of County Commissioners

Mark Ozias, Mike French, Randy Johnson

223 E 4th Street, Suite 4

Port Angeles, WA 98362

I am writing to inform you that I must resign the position of Charter Review Commissioner. I regret that I am unable to fulfill the position due to technical difficulties in filing the PCD online documents. And subsequent late or absent forms.

I hope to perhaps run again when I am better prepared and informed about all of the obligations. I was not aware of all of the material that I was obligated to provide for an unpaid, volunteer position. I have served the people in the past as PCO. And I didn't have to provide information on online forms.

I called PDC for help but was unable to resolve the glitch that prevented me from entering information into the online form.

I have never had an experience of being threatened, and fined for having technical difficulties in filling out a government website online form. Government agency websites are notoriously permeated with glitches. I did try multiple ways to resolve the issue.

I am told that it has never happened before, that a candidate was elected in the top 5% and was barred from serving with threats of fines for violations. I can't help but have suspicions about the possibility of partisan bias from the PDC. Given that the state of Washington leans very far to the left. And I am registered as a republican. I'm not a far right republican I'm a libertarian, I have friends from both sides, and respect their rights to vote as they choose. I use critical thinking to choose the best of both sides. And refuse to accept what is unconstitutional from both sides. I rely on the constitution for a grounded base from which judgements about platforms can be made. America was the land of the free once. I have a dream of the restoration of our constitutional republic to a free society again.

My message resonated with the people. I feel that there is hope for a return to a more secure, productive, and prosperous community in Clallam county.

I see governmental over regulation as the most significant deterrent to the revitalization of our community. Buildings in the most prime locations are empty and dilapidated. People are laying on the streets without shoes, nodding out on drugs. But there is hyper regulation that is a barrier to business start ups. There are people that have made a career of standing on corners for hours with cardboard signs. But people won't be allowed to sell items like arts and crafts anywhere but in a controlled by government, and charged fees situation like the farmers market. The Port Angeles farmers market is not impressive. Its small and very limited and very exclusive. I've participated in farmers markets in Colorado that were huge. And very inexpensive for vendors. What if people were allowed to have freer markets, and encouraged to create, grow produce, flowers, and sell art, or start small businesses? Rather than just over taxing people, and over regulating business? Meanwhile enabling people who are on drugs, living in poverty on the streets, and causing our cities to be unsafe. Businesses are harmed by this. Which further deteriorates the economies. And cause more people to become unemployed.

I hope our economy can recover. And we can get people who are homeless, and unable to work due to addictions, mental illness, or simply oppressive governmental regulations back to a dignified life of productivity.

I hope that we can allow more people financial opportunities, without oppressive regulations, fees, and barriers. Before more people are pushed into poverty from lack of jobs.

Sincerely yours,

Karen O'Donnell

Karen O'Donnell

1/23/2025

MEMORANDUM

LONI GORES
Clerk of the Board

January 24, 2025



TO: Board of Commissioners, Administrator Mielke

RE: Agenda Modification(s)

FILE: A14.09.18

- The following item has been added to the January 27, 2025 Work Session and Action Item section on the agenda:

Board of Commissioners

Added:

- 2d Acceptance of the letter of resignation and approval of letter confirming receipt of the letter of resignation regarding Charter Review Commissioner District III Karen O'Donnell

Action Item

Board of Commissioners

Added:

- 2d Acceptance of the letter of resignation and approval of letter confirming receipt of the letter of resignation regarding Charter Review Commissioner District III Karen O'Donnell



Document was submitted after the agenda and packet were posted on

AGENDA ITEM SUMMARY

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

1/24/25 Item 1d
1/27/25

Department: BOCC

WORK SESSION and ACTION ITEM ☒ Meeting Date: 1-27-27

Item summary:

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

Documents exempt from public disclosure attached: ☐

Executive summary:

On January 23, 2025, Charter Review District III Commissioner Karen O'Donnell notified the Board of Commissioners in writing that she is resigning from the 2025 Charter Review Commission.

RCW 42.12.020

Resignations, to whom made.

Resignations shall be made as follows: By the state officers and members of the legislature, to the governor; by all county officers, to the county commissioners of their respective counties; by all other officers, holding their offices by appointment, to the body, board or officer that appointed them.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
N/A

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

Recommend acting on:

- *Accepting the letter of resignation from Karen O'Donnell
- *Approve a letter to notify Karen O'Donnell of the acceptance of her resignation from the 2025 Charter Review Commission.

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

Name of Departments/Employee/Stakeholder attending meeting: Board of Commissioners, Prosecuting Attorney's Office - Dee Boughton

Date submitted: 1-24-25

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)
- Charter Review Commission Resignation O'Donnell 1-27-25
Revised: 3-04-2019

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



MIKE FRENCH, District 3, Chair
RANDY JOHNSON, District 2
MARK OZIAS, District 1

Board of Clallam County Commissioners

223 East 4th Street, Suite 4
Port Angeles, WA 98362-3015
360.417.2233 Fax: 360.417.2493
Email: commissioners@clallamcountywa.gov

TODD MIELKE, County Administrator

January 27, 2025

Karen O'Donell

RE. Resignation from Clallam Co. Charter Review Commission

Dear Ms. O'Donell,

The Clallam Board of County Commissioners has received your letter dated January 23, 2025, in which you informed this Board of your resignation from the above mentioned Commission. This letter is to confirm our receipt of your resignation, and to inform you that we have accepted your resignation.

Thank you for your correspondence, and we wish you the best.

Sincerely,

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

Randy Johnson

Mark Ozias

Gores, Loni

From: Huntress Wildwood <wildwoodhuntress@gmail.com>
Sent: Thursday, January 23, 2025 4:29 PM
To: Gores, Loni
Subject: Resignation letter

KAREN O'DONNELL

wildwoodhuntress@gmail.com

541-272-8558

January 23, 2025

Clallam County Board of County Commissioners

, Mark Ozias, Mike French, Randy Johnson

223 E 4th Street, Suite 4

Port Angeles, WA 98362

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I called PDC for help but was unable to resolve the glitch that prevented me from entering information into the online form.

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My message resonated with the people, I feel that there is hope for a return to a more secure, productive, and prosperous community in Clallam county.

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I hope our economy can recover. And we can get people who are homeless, and unable to work due to addictions, mental illness, or simply oppressive governmental regulations back to a dignified life of productivity.

I hope that we can allow more people financial opportunities, without oppressive regulations, fees, and barriers. Before more people are pushed into poverty from lack of jobs.

Sincerely yours,

Karen O'Donnell

Karen O'Donnell

1/23/2025



MIKE FRENCH, District 3, Chair
RANDY JOHNSON, District 2
MARK OZIAS, District 1

Board of Clallam County Commissioners

223 East 4th Street, Suite 4
Port Angeles, WA 98362-3015
360.417.2233 Fax: 360.417.2493
Email: commissioners@clallamcountywa.gov

TODD MIELKE, County Administrator

January 27, 2025

Karen O'Donell

RE. Resignation from Clallam Co. Charter Review Commission

Dear Ms. O'Donell,

The Clallam Board of County Commissioners has received your letter dated January 23, 2025, in which you informed this Board of your resignation from the above mentioned Commission. This letter is to confirm our receipt of your resignation, and to inform you that we have accepted your resignation.

Thank you for your correspondence, and we wish you the best.

Sincerely,

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair


Randy Johnson


Mark Ozias

Gores, Loni

From: Ron Richards <ronaldrichards@gmail.com>
Sent: Monday, January 27, 2025 11:41 AM
To: Gores, Loni
Subject: Fwd: Coroner Issue
Attachments: 121924 Note to Mark Nichols Re Coroner Issue.pdf

Hi Loni,

I'm forwarding you this email that I just wrote to Mark Nichols on my behalf, and not as a member of the Charter Review Commission, because it is very pertinent to the CRC agenda item tonight regarding the prosecutor as coroner issue. I would hope you can forward this email to the other members of the CRC because I think it would be of help to them in considering this issue. Although I have copied Todd Mielke with this email, you might want to make sure he has read it because it regards a very important portion of the Washington State Constitution that has not been highlighted in what appears to be documentation related to his presentation to the CRC tonight.

Thank you very much,

Ron Richards

----- Forwarded message -----

From: Ron Richards <ronaldrichards@gmail.com>
Date: Mon, Jan 27, 2025 at 11:27 AM
Subject: Re: Coroner Issue
To: <mark.nichols@clallamcountywa.gov>
Cc: Ozias, Mark <Mark.Ozias@clallamcountywa.gov>, <Randy.Johnson@clallamcountywa.gov>, French, Mike <Mike.French@clallamcountywa.gov>, Todd.Mielke@ClallamCountyWA.gov <Todd.Mielke@clallamcountywa.gov>, Emma Maple PDN <emma.maple@peninsuladailynews.com>

Hi Again Mark,

On December 20, 2024, I as an interested citizen had a telephone conversation with you, and I emailed you a note, in which I suggested it was appropriate for you as the Prosecuting Attorney under the Clallam County Charter to remain the Clallam County Coroner. I am authoring this email again as an interested citizen to follow up on that telephone conversation and note. I am not writing this in my new role as a member of the Clallam County Charter Review Commission because the Commission has not authorized me to do so, nor can I opine whether a majority of the Commission would agree with me.

In that telephone conversation you stated that there could be certain issues of statewide importance that would allow state laws to override provisions of a county charter that assign duties to certain officers. You suggested prohibiting the Prosecuting Attorney from being Coroner was such an issue of statewide importance.

My response to your opinion then was to say that the statewide importance consideration only applied to the “what does the county do” part of the charter powers and not to the “who does what for the county” part of the charter powers. Since our conversation I have further reviewed the court decisions regarding the issue of conflicts between county charters and state laws. I can find no Washington State court decision that allows state laws to override provisions of a county charter that assign duties to certain officers. The only Washington State court decisions regarding this issue of conflicts involve the “what does the county do” part of the equation. See, e.g., *Henry v. Thorne*, 602 P.2d 354 (1979) and *State Ex Rel. Carroll v. King County*, 474 P.2d 877 (1970), county regulations control over conflicting state laws concerning the timing of local elections, *1000 Friends of Washington v. McFarland*, 149 P.3d 616 (2006), and *Whatcom County v. Brisbane*, 884 P.2d 1326 (1994), finding statewide interests embellished in the Growth Management Act take precedence over local interests.

This comes as no surprise because the following provisions of Article 11, Section 4, so clearly dictate it is the county charter that controls the “who does what for the county” issue.

Article 11, Section 4, says in part:

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article [11] as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof.

Section 5, the part of Article 11 that does not apply to charter counties, says in pertinent part:

The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office:

Thus, the very part of the Washington State constitution that allows the legislature to prescribe the duties of county officers (including the prosecuting attorney) does not apply to charter counties.

This means, according to State Ex Rel. Carroll v. King County, 78 Wn.2d 452, 456 (1970), 474 P.2d 877 (1970):

[T]he framers of [Article 11, Section 4] meant to confer upon counties adopting home rule charters those powers which had theretofore been conferred upon the legislature under Const. art. 11, § 5 . . .

It's difficult to imagine finding better authority than this Washington State Supreme Court holding to establish your duty to continue serving as both coroner and prosecuting attorney.

Furthering this concept, the remaining portions of Article 11, Section 4, clearly state it is the Charter that establishes the duties of the county officers, to wit:

[A voter approved Charter] shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter . . .

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law

. . .

Whether we are talking about duties established under special laws, general laws, or uniform laws, Article 11, Section 4 dictates that it is the charter that controls "who does what for the county" in charter counties. Consequently, when the Clallam County Charter says the Prosecuting Attorney should be the coroner, it prevails over conflicting state law.

There is another issue that creeps into the situation that Clallam County now faces.

Just as the United States Attorney General has the obligation to defend and enforce the acts of Congress except in instances where the unconstitutionality of the act of Congress is palpable (See [op-olc-v004a-p0055_0.pdf](#)), and just as State Attorney Generals have the same responsibility in regard to state legislation (See [Yale Law Journal - Fifty States, Fifty Attorneys General, and Fifty Approaches to the Duty To Defend](#)), Prosecuting Attorneys should have the same responsibility towards county legislation, especially when dealing with the charter which is the organic law of the county.

This same conclusion is reachable under the Rules of Professional Conduct by the following reasoning. It is the duty of a prosecuting attorney to represent the county as an entity. [MRSC - Roles and Responsibilities of Local Government Leaders](#) . Nothing better sets forth the interests of our county as an entity than its organic law, the Clallam County Charter. When our charter states that the Prosecuting Attorney shall be the coroner, it is the duty of the Prosecuting Attorney to advocate for that position. See the preamble to the RPC's where it states, "As advocate, a lawyer conscientiously and ardently asserts the client's position under the rules of the adversary system." Also see RPC 1.3 Diligence where it states "A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with diligence in advocacy upon the client's behalf." Giving effect to the Conflicts portions of the RPCs, I believe designating a special prosecuting attorney to bring an action to uphold the Charter's designation of the Prosecuting Attorney as the coroner would satisfy your duties under the RPCs.

Another manner in which to approach this issue is to appoint a special prosecuting attorney for the Charter Review Commission to bring an action to uphold the Charter's designation of the Prosecuting Attorney as the coroner, or to declare the rights, status and other legal relations of all parties involved.

As always, Mark, I appreciate your willingness to consider my opinions. I hope that in this case you will act upon them affirmatively. This issue is of fundamental importance to counties operating, or considering operating, under the charter form of government. It extends beyond the issue of whether a prosecuting attorney can also be coroner, to the greater issue of whether the state legislature can, directly or indirectly, override any county charter provision assigning a duty to a particular officer. An authoritative court decision settling this issue would be of great benefit, not only to Clallam County, but to all the counties in this state.

Sincerely,

Ron Richards

PS: I am attaching a copy of my December 20, 2024, note for ease of reference.

Hi Mark,

Below is a marked-up copy of Article 11, Section 4, of the Washington State Constitution that I have used to remind myself of how our county charter should work.

Regarding the requirement of our charter that you serve as coroner, I would point out the following words of the constitution that say the charter:

"shall become the organic law [of the county], and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter."

With such a clear statement that the charter shall supersede any existing form of county government and all special laws inconsistent with such charter, I think there is a good chance that AGO 2024 No. 3 has no bearing on your continuing obligation to serve as Coroner.

I think the following language from that AGO establishes this point:

"Without the express statutory requirement for the prosecuting attorney to act as coroner, the plain language of RCW 36.24.170 and RCW 2.48.200 would preclude the prosecuting attorney from acting as both prosecuting attorney and coroner."

With our charter, there is even better law than an "express statutory requirement" for a prosecuting attorney to act as coroner – there is an express constitutional requirement for the prosecuting attorney to act as coroner.

I do not believe having a district court judge agreeing to become the coroner, or having the county appoint a coroner, as the 12/19/24 PDN article states the county's attorney has suggested, would in any way be effective solutions. Both actions would violate the express provisions of the Charter and the question of whether the Charter controls would remain. Consequently, the third option suggested by the county's attorney, litigation, and particularly a declaratory judgment action, is the only effective way out of this problem.

You remaining as Coroner while such a case is litigated, which I think would be without risk under some form of temporary relief, would allow sufficient time to resolve this issue on a permanent basis.

Declaratory judgments are effective ways to avoid protracted, heated, and acrimonious litigation, and are precisely the tool to solve this situation. As stated in the Uniform Declaratory Judgments Act, Section 7.24.020:

“A person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.”

Having this issue settled by a judge before it arises in an action challenging a decision by either a district court judge acting as a coroner, or by an appointed coroner, would be a much less expensive solution. That might also avoid situations that would involve monetary damages, for example, by an illegally acting coroner, ordering an autopsy.

Just as you have reservations about staying on as coroner under the circumstances, I would assume anyone else considering taking on the position would have the same or similar reservations. This situation just cries out for solving via a declaratory judgment action so that everyone knows their obligations and responsibilities.

I am looking forward to further considering this issue, and other issues, on the 2025 Charter Review Commission.

Ron Richards
360-477-5367

Washington State Constitution

Article 11, Section 4

SECTION 4 COUNTY GOVERNMENT AND TOWNSHIP
ORGANIZATION. . . .

Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.

Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but

shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.

After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county

officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county. [AMENDMENT 21, 1947 Senate Joint Resolution No. 5, p 1372. Approved November 2, 1948.]