



AGENDA

CHARTER REVIEW COMMISSION

223 East 4th Street, Room 160

Port Angeles, Washington

April 14, 2025 – 5:30 p.m.

Notes for the Audience

- Assistive listening devices are available. Please notify Clerk before the meeting if you would like a SoundMate personal listening system.
- Please utilize the public comment sign-up sheets located at the front door.

****ATTENTION****

Charter Review Commission meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 836 9266 4344 and passcode: 12345 and use *9 to raise your hand.

If you would like to participate in the meeting via Zoom video conference, visit <https://us06web.zoom.us/j/83692664344> and use meeting ID: 836 9266 4344 and passcode: 12345

This meeting can be viewed on a live stream at this link: <https://www.clallamcountywa.gov/669/Live-Archived-Meetings-Online>

Public comment can be directed to the Clerk at 360-417-2256 or Loni.Gores@clallamcountywa.gov

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Meeting Minutes March 24, 2025

PUBLIC COMMENT ON AGENDA ITEMS – Please limit comments to three minutes

CORRESPONDENCE/PETITIONS

BUSINESS ITEMS

- Department of Community Development – Director Bruce Emery
- Open Public Meetings Act clarification – Commissioner Tozzer
- Strategy – Commissioner Tozzer
- Legal opinion requests – Commissioners Tozzer and Richards

SUBCOMMITTEE REPORTS

- Water Committee
- Outreach Town Hall Committee
- Coroner Committee
- Bylaws/Rules Committee

AGENDA for the Meeting of April 14, 2025
CHARTER REVIEW COMMISSION
Page 2



REPORTS

- Chair Report – Commissioner Fisch

PUBLIC COMMENT – Please limit comments to three minutes

GOOD OF THE ORDER/FUTURE AGENDA ITEMS

ADJOURNMENT

AGENDA for the Meeting of April 14, 2025
CHARTER REVIEW COMMISSION
Page 3



**INSTRUCTIONS FOR SPEAKING AT A
CHARTER REVIEW COMMISSION MEETING:**

- Members of the public wishing to address the Commission on general items may do so during the designated times on the agenda.
- Members of the public wishing to comment at the public hearing are asked to sign in on the sheet provided giving their name, address and topic.
- Public comment is limited to 3 minutes for each speaker subject to the Commissions concurrence.
- Speakers, generally, will be heard in the order they signed up. All comments must be made from the speaker's rostrum and any individual making comments shall first state their name and address for the official record.
- General comments, applause, booing from members of the audience are inappropriate and may result in removal.

These guidelines are intended to promote an orderly system for conducting a public hearing so that each person has an opportunity to be heard and to ensure that exercising their right of free speech embarrasses no one.

Note: Written testimony presented by members of the public during the meeting is considered a public document and must be submitted to the Clerk of the Charter Review Commission. Copies of public documents from meetings are available by contacting the Public Records Department.

CHARTER REVIEW COMMISSION UPCOMING MEETING DATES

Dates are subject to change as needed. For most up to date meeting information visit the Clallam County CivicClerk Portal at: <https://clallamcowa.portal.civicclerk.com/>

- April 28, 2025 at 5:30 p.m.
- May 12, 2025 at 5:30 p.m.
- May 27, 2025 at 5:30 p.m.
- June 9, 2025 at 5:30 p.m.
- June 23, 2025 at 5:30 p.m.
- July 14, 2025 at 5:30 p.m.
- July 28, 2025 at 5:30 p.m.
- August 11, 2025 at 5:30 p.m.
- August 25, 2025 at 5:30 p.m.
- September 8, 2025 at 5:30 p.m.
- September 22, 2025 at 5:30 p.m.
- October 13, 2025 at 5:30 p.m.
- October 27, 2025 at 5:30 p.m.
- November 10, 2025 at 5:30 p.m.
- November 24, 2025 at 5:30 p.m.
- December 8, 2025 at 5:30 p.m.
- December 22, 2025 at 5:30 p.m.

CHARTER REVIEW COMMISSION

**Draft minutes
March 24, 2025**



CLALLAM COUNTY CHARTER REVIEW COMMISSION MINUTES of March 24, 2025

MEETING OF THE CHARTER REVIEW COMMISSION (CRC)

Chair Susan Fisch called the meeting to order at 5:32 p.m., Monday, March 24, 2025. Also present were Commissioners Bill Benedict, Jim Stoffer, Jeff Tozzer, Alex Fane, Ron Cameron, Patti Morris, Paul Pickett, Ron Richards, Christy Holy, Mark Hodgson, Nina Sarmiento, Chris Noble and Cathy Walde. Rod Fleck were excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Pickett requested to add proposed grant amendment and water issues committee.

Stoffer requested to add discussion Open Public Meeting Act and first amendment issue.

ACTION TAKEN: Adopted as modified

APPROVAL OF THE MINUTES

- Minutes March 10, 2025

ACTION TAKEN: Adopted as presented

PUBLIC COMMENT – Please limit comments to three minutes

- Ed Bowen, Clallam Bay, submitted 2 petitions regarding taxation and encumbered lands County jurisdiction relinquishment (see attached)
- Pat Johnston, Sequim, commented on Tribal meetings, Commissioner Tozzer's article, Clallam County Watchdog, social media (see attached)

CORRESPONDENCES

Gores noted receipt of correspondences from Karin Cummins, Patrice Johnston, Don – Swains, Commissioner Richards, Paul Schmidt, Brad Anderson, Eric Fehrmann, Commission Fisch, Commissioner Tozzer, Commissioner Pickett, Carol von Borstel, and Randy Tierney (see attached).

BUSINESS ITEMS

- Zoom update

Fisch noted that the BOCC has switched to using Zoom webinar format which will allow Commissioners to participate virtually with video and audio. She noted the attendees will have audio but no video to participate. Participants will be able to use video and audio once moved into the panelist's mode.

ACTION TAKEN: Hodgson moved to follow the same Zoom webinar format as the BOCC, Stoffer seconded, motion carried

(14 voted in favor of)

- Board of Commissioners – Commissioners Ozias, French and Johnson

Fisch briefed in looking at rules for when Commissioners ask questions she is seeing that 10 minutes is allowed.

ACTION TAKEN: Noble moved to adopt a 2 minute time limit in asking questions, Holy seconded, motion carried

(14 voted in favor of)

Ozias commented that he submitted his employee survey and has nothing additional to add.

Johnson commented on grants, code enforcement, mid-year budget review, encumbered lands.

French commented that he has no prepared remarks to make.

CLALLAM COUNTY CHARTER REVIEW COMMISSION
MINUTES of March 24, 2025
Page 2

CRC Members asked questions regarding benefits of 5 County Commissioners, Department of Community Development Director elected or appointed, Coroner topic, serving on other committees, code enforcement, and forest issues. County Commissioners responded to questions. CRC Members discussed a second round of questions and determined that the question and answer session will end. CRC Commissioners can submit any additional questions to Gores for response.

The CRC Commission recessed at 6:54 p.m. and reconvened at 6:59 p.m.

- Prosecuting Attorney's Office – Dee Boughton

Dee Boughton, PAO briefed the CRC on his legal research provided regarding ballot measures. CRC Members held discussion.

- Commissioner Survey

Morris provided an update on the survey priorities. She noted that she went through the lists and tried to consolidate the priorities. She noted that she believes she has the top priorities but now needs a question for each priority. Stoffer will form a committee to write questions. Pickett recommended forming committees on each topic so the commission can get to work. CRC Members held discussion regarding the survey priorities.

- County Loan and Grants

Pickett briefed the Commission on his charter amendment regarding grants and loans. CRC Members held discussion. Pickett requested for the item to be on the next agenda to start the Charter amendment process. Richards, Cameron, and Pickett will form a committee.

- Water Issues

Pickett commented that he would like to form a committee to start researching to see if there is even something the Charter could do and understand what the County's role is regarding water management. CRC Members held discussion. Pickett, Richards, Holy, and Sarmiento will form a Water Committee.

ACTION TAKEN: Pickett moved to form a water committee, Richards seconded, motion carried

- Open Public Meetings Act and First Amendment

Stoffer commented on serial meetings over email because discussions start happening and how are we sharing that information with the public. He addressed the public comment that citizen Pat Johnston made regarding the social media postings on the Clallam County Watchdog. He stated his concerns with the social media posting, and he is not comfortable or happy with what occurred. He feels it speaks to integrity and disrespect for the public who come to the CRC meetings to speak to the commission. Chair Fisch handed over her Chair duties to Noble so she could make comment. Fisch asked the bylaws committee to reconvene to discuss the bylaws. She noted that only thing that is in the bylaws besides the fact that the commission must follow the Open Public Meetings Act is a section under public statements. She read the statement section into the record *statements purporting to represent the views or pronouncements of the Commission or committees thereof shall not be made except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing and provision shall be made for expression of minority views at the same time*. She suggested the following, that if you are using social media, at a public meeting, or a forum you must state that you are not speaking on behalf of the commission and are speaking on behalf of yourself. Especially true if you're using government county resources. She recommends refraining from identifying an individual person who has made public comment by name. She feels there is a difference between identifying somebody by name and colling them out versus talking about the idea that they proposed. She noted that you can certainly talk about a topic. She addressed first amendment rights, public comment and intimidating citizens so they won't come to CRC meetings. She reminded the Commissioners that an IT agreement was signed by each Commissioner regarding the use of county resources. CRC Members held discussion.

CLALLAM COUNTY CHARTER REVIEW COMMISSION

MINUTES of March 24, 2025

Page 3

ACTION TAKEN: Fisch moved to have the bylaws committee reconvene to discuss whether or not the items she raised are appropriate to put in the bylaws and/or rules, Stoffer seconded, motion carried

(9 voted in favor of and 5 voted no)

Fisch, Holy, Noble and Tozzer will form the bylaws committee.

SUBCOMMITTEE REPORTS

- Town Hall Outreach Committee

Stoffer commented that on March 26 he will be meeting with Morris regarding the priority list. He pointed out that he read online that there wasn't a posting of the town hall meetings. He stated he sent the required documentation to Clerk Gores. The next town hall meetings will be held on April 1 and 7. He mentioned that folks can email him on his county email if they need clarification on town hall meeting dates. The CRC informational table that was being planned for Swains will not be taking place. He will continue to pursue town hall meetings throughout the County from east to west including the tribal government and political parties. Fisch commented that she was invited to the Kiwanis Club at Joshua's on May 15.

- Coroner Committee

Cameron commented there is no report on the Coroner Committee.

REPORTS

- Chair Report – Commissioner Fisch

Fisch commented that BOCC approved the supplemental budget for Clerk Gores. CRC Members were forwarded copies of the elected official and department head questionnaires. If Commissioners would like to hear from any of the elected officials please let the Executive Committee know.

PUBLIC COMMENT – Please limit comments to three minutes

- Ed Bowen, Clallam Bay, commented on 5 County Commissioners, priorities survey list
- Norma Turner, Port Angeles, commented on ambiguities, priorities
- Eric Fehrmann, Sequim, commented on board involvement, social media, first amendment
- John Worthington, Sequim, commented on bylaws and Charter, board involvement, conflict of interest
- Ellen Menshew, District III, commented on the Kiwanis meeting request for May 15 not April 10, ethics

GOOD OF THE ORDER/FUTURE AGENDA ITEMS

- Department of Community Development

ADJOURNMENT - Meeting concluded at 8:14 p.m.

Respectfully submitted,

Loni Gores, MMC
Clerk of the Charter Review Commission

Approved:

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
1	Ed Bowe	Ed Bowe	
2	Pat Johnston	Pat Johnston	Sequim WA
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

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	E. J. Bower	E. J. Bower	
2	N. Terna	N. Terna	TH
3	Guc Fehompson	Guc Fehompson	seque n
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

Ed Bowen
Public Comment
24 March 2025
3/24/25

Chair
Clallam County Charter Review Commission

I petition the Clallam County Charter Review Commission to consider the following, as one, for inclusion in changes to the Clallam County Charter, for a vote of the people November 2025:

Taxes and Fees

- Newly implemented fees imposed by the county that are not a requirement of the RCW or Federal Code requires a simple majority vote of the people for approval.
- Increase in fees imposed by the county that exceed 1% annually, except if stipulated otherwise by RCW or Federal Code requires a simple majority vote of the people for approval.
- Any new tax imposed by the county, regardless of whether authorized by RCW or Federal Code, or by enactment of county ordinance requires a simple majority vote of the people for approval. (not taxes required by RCW or Federal Code)
- Any tax by the county or any portion of a tax that the county receives from another taxing authority can only be diverted by county legislative authority from a specific designated use to other/new use after an advisory vote by the people has taken place.

This petition is for the purpose of addressing two needs on behalf of the citizens of the county:

- The question of taxes versus fees receiving equal constitutional representation will be satisfied.
- An approval vote will satisfy the lack of representation for the burden new taxes have (and the rate of dependence on creating new taxes) on the tax base. And an advisory vote reflects the will of the people while the representative county legislative decision has an effective means to manage the distribution of collected taxes, whether general or specific in purpose.

I look forward to your deliberation on this subject matter; I make myself available and willing to provide further details in discussion amongst the commissioners.

Thank you for considering my petition. I represent myself in this petition, as a tax paying citizen of this county.

Ed Bowen
PO Box 111
Clallam Bay, WA 98326

Chair
Clallam County Charter Review Commission

I petition the Clallam County Charter Review Commission to consider the following, as one, for inclusion in changes to the Clallam County Charter, for a vote of the people November 2025:

County Jurisdiction Relinquishment

- The County must take measures to maintain jurisdiction:
 - As a viable tax base
 - Include impact to the remaining tax base if such relinquishment takes place, take a position in any process to insure the remaining tax base does not incur an increased financial burden from the reduction in said "lost" tax base. Such failed programs as PILT and Secure Rural Schools and also beyond the direct property tax loss but also the secondary tax impact for programs like timber harvest excise taxes.
 - Address the impact if the result of such relinquishment is dissimilar jurisdictions (or checkerboard jurisdictions) by mitigation with the gaining jurisdiction
 - Retaining lands in fee simple where the county has a fiduciary or long term interest
 - Other interest, laws and regulations aside from the County's that creates an encumbrance on such title, including implied and practiced, that precludes the citizens of the county from full use and enjoyment
 - Fiduciary interest is defined and defended as a momentary interest that directly benefits the county's annual budget described in the charter.
 - For continuity of land use regulations
 - Such relinquishment should minimize conflicts in such regulations between both sides of a boundary line
 - Maintaining what the character of the county is
 - Character is defined by the people who live here, collectively and not special interest.

- Sub categories of this in ordinance and RCW is "Rural Character". Maintaining that is not by changing the definition in a planning action.
- Changes to the county's jurisdiction:
 - If the county is petitioned to comment on a government action that will change jurisdiction the county must inform the people similar to when zoning is changed and noticed to adjacent landowners/signage of the action. In addition, a public hearing must take place prior to the deadline of the petition in order to give the public at large the due process to comment on such action and the county to represent those points of views.
 - If the County is taking the action to change jurisdiction itself, an advisory vote of the people is required.
 - If the budget of the county is affected by an indirect jurisdictional concern, the county must defend such concern up to and including legal action to defend the interest of those taxed to fuel the budget. Any change to what may be considered a non-momentary benefit for a fiduciary obligation to the county must only be upon a vote of a simple majority in favor by the people.
 - In the matter of trust lands for which the county is a beneficiary, the county shall not enjoin a unified trust aspect that is misrepresentative or denies equal justice with the other attached beneficiaries to the same trust.
 - Regarding the county's representation of disbursement to junior taxing districts of their interest, any policy must be with full approval of those junior taxing districts and a public hearing for the public that is subjugated to those taxing districts, and those taxing districts shall retain the right to withdraw from such approval retain the elected privilege granted by the citizens that vote for those independent of the county representatives.

This petition is for the purpose of addressing needs on behalf of the citizens of the county, and for clarity for the citizens on what hasn't taken place regarding such jurisdictional changes of past:

- Transfer of jurisdiction for tribal reservations, tribal trust lands, and lands purchased by tribes not held in trust.
- Federal land expansion: National Park Service by act of Congress, lands held by the Federal government but no action to transfer jurisdiction, US Forest Service and "Proclaimed" forest boundaries, marine environment/coastal zone jurisdiction (3 miles), military reservations

- NGO Land Trust and Open Space in regards to the effect on the tax base
- Fiduciary has it best example of the recent deferment of State Forest Trust Lands, lands that are those of the county that were taken from them by the state for the purpose of management and placed in trust for the benefit of the county and its related junior taxing districts. This concept is under attack by efforts to undercut that trust responsibility and also redefine just what "compensation" is. The Charter should provide direction for the BOCC to take action on returning the ownership of these county specific trust lands back to the county that includes the benefits to the junior taxing districts.

I look forward to your deliberation on this subject matter; I make myself available and willing to provide further details in discussion amongst the commissioners.

Thank you for considering my petition. I represent myself in this petition, as a tax paying citizen of this county.

Ed Bowen
PO Box 111
Clallam Bay, WA 98326

Public Comment
Patrice Johnston
3/24/25

Patrice Johnston public comment 3/24/25

I attended the Commission's last meeting, on 3/10/25, because I was curious about its work. I sat and listened to the commission's discussions and comments from the public. As I listened, I took notes on a few issues I thought I might comment on myself. Here are the notes, on a receipt I found in my purse.

I offered comments on three topics: 1) the procedure for filling a vacancy on the commission; 2) whether county officials should be allowed to serve on local boards or otherwise participate in outside organizations; and 3) whether there was any reason that the county should not hold meetings on the Jamestown S'Klallam tribe's property in Blyn.

At the end of the meeting, Commissioner Tozzer approached me and asked if he could send me an email explaining his position on the issue of meetings on tribal property. I said sure. The next day, I received his email, which was sent from his official county email and was copied to Ms. Gores for distribution to the rest of the commissioners. Several days later, on March 14, I responded in an email in which I interlineated my comments into his email in blue ink, so it was clear exactly which of his comments I was responding to. This email was also copied to Ms. Gores for distribution to the rest of the commissioners. A week later, on Friday evening, Mar. 21, at 7:00 pm, Commissioner Tozzer sent a response to my email further explaining his position, which in my view did not advance his cause, and taking the opportunity to go on the attack about the recent Sequim school bond issue, about which he claimed that "when public officials

(presumably me, since I'm on the Sequim School Board) advocate for measures while sidestepping transparency rules, it raises concerns about fairness in the democratic process."

I had no opportunity to respond to this baseless accusation before, by 8:00 am the following morning, Commissioner Tozzer posted about our email exchange on his Substack newsletter, which he calls the Clallam County Watchdog. He published his own initial email in full, then purported to publish mine; however, he deleted my statement that I was providing my comments in blue as interlineations, and instead condensed all my interlineations into what appears to be a single email, which is hard to follow because it is not in context and is a blatantly dishonest representation of my response. He then included a copy of my page from the 2021 Voters Pamphlet when I ran for the school board, including my photo and campaign contact information.

The article generated 54 comments, including the following:

"The last school levy was not transparent, the pig had lipstick & was real pretty."

"Ms. Johnston apparently should know all of this but I think is very good at hiding ALL the facts." To which Mr. Tozzer replied, "You're welcome . . . "

From an anonymous commenter: "I find her to be suspiciously defensive and accusatory," and a followup: "Me, too! She's a lawyer. She'll grandstand for any client for a price."

"Condescending and superior in her attitude."

"Condescending for sure. How dare you ignorant slaves object to our orders."

"I am deeply concerned that anyone who is or was a so-called "attorney" would gloss over the very critical principle of real estate where location is all powerful. . . ALL so-called "attorneys" would definitely know that if they were actually honest & real legitimate attorney's."

" Lawyers really do think they control the language. I thank God for people like you Jeff. That know how to put them in their place."

Commissioner Tozzer replied: **"It's taken all of us so far, and there may be future place-putting."**

As a so-called and actual retired attorney, who believes in the rights of citizens under the First Amendment and the OPMA to freely offer public comment to their elected officials, I ask you, Who would want to make a public comment to this body knowing that this is the type of retaliation that they face? What kind of "place-putting" do I have to look forward to for these comments this evening?

I am an adult, I spent my career dealing with people who were in conflict with each other, and I understand the rough and tumble of politics. This, however, is not about politics. It is about institutional integrity. When members of the public come to these meetings, they are allowed to offer public comment free of harassment and intimidation. That protection should extend beyond the walls of this building. I am asking the Commission to adopt a rule that prohibits any commissioner from using social media or other channels to harass individuals who offer public comment and/or engage in email exchanges about issues. If the commission does not act, I believe it will be seen as condoning this type of behavior.

Thank you for your time and attention.

COUNTYWIDE

Balancing transparency and sovereignty

Charter Review faces debate over public meeting locations



JEFF TOZZER
MAR 22, 2025



28



54



Share

A proposal to host a public town hall on sovereign land has ignited a debate over government transparency. Some insist that public meetings must be held exclusively on county land to ensure compliance with open government laws, while others argue that the location does not affect transparency. An email exchange between two elected officials exposes different approaches to transparency, accountability, and public engagement.



Fifteen members of the Charter Review Commission meet bi-monthly to discuss voter-led initiatives that will shape the future of county government.

With numerous meetings already held, the Clallam County Charter Review Commission has primarily focused on procedural matters in preparation for hearing from constituents about ways to improve county government. The commission's recommendations will eventually appear on the ballot as voter initiatives for county residents to decide.

While much of the discussion has been procedural, one issue has already sparked controversy, dividing both commissioners and members of the public.

Commissioner Jim Stoffer, representing the Sequim area, provided an update to his fellow commissioners about plans to hold a town hall event. The purpose of the event would be to inform the public about the Charter Review process and gather feedback on desired changes to county governance.

"I'm also looking at Blyn," Stoffer noted. "I spoke with a representative of tribal properties, and we will probably be able to use one of them without a fee.

I am also a commissioner representing the Sequim area. At that point, I raised my hand to voice an objection. "About a possible meeting in Blyn, what we've heard from the public—and I don't see that it made our list—not to have public meetings on sovereign land." I explained that it is essential to keep these meetings on public land, where transparency laws unequivocally apply.

Stoffer responded by emphasizing that tribal citizens are also citizens of the county and that holding the meeting at a tribal facility would not compromise transparency. "Everybody votes," he pointed out.

Public comment weighs in

Later in the meeting, during the public comment period, Sequim resident Patrice Johnston addressed the issue directly.

"I know that the issue has come up several times of this group, or other groups, meeting at the Tribe's facilities in Blyn," Johnston said. She clarified that government transparency requirements would still apply regardless of the meeting's location. "There's nothing particular about meeting on the campus of the Jamestown S'Klallam Tribe that would prevent those public disclosure requirements from being imposed.

Johnston went on to express concern that some commissioners seemed to imply there was something improper about meeting on tribal land simply because it is a sovereign nation. "We should stop making those types of statements," she urged. "They are unfair, and they're unwarranted."

Commissioner Ron Richards related an event that happened years ago. He was notably barred from attending a joint meeting between the Sequim City Council and the Navy at the Jamestown S'Klallam tribal headquarters in Blyn, where he argued that city officials violated Washington's Open Public Meetings Act by (OPMA) participating in a closed-door session. Richards contended that even passive attendance could constitute a violation if council members were forming opinions based on testimony received behind closed doors. The Peninsula Daily News covered the 2015 incident [here](#).

After the meeting, I approached Johnston, thanked her for her comments, requested her email, and promised to follow up. Below is the exchange that followed.

Dear Ms. Johnston,

I wanted to take a moment to thank you for attending the Charter Review Commission meeting on Monday night. I truly appreciate your thoughtful public comment, and I'

like to offer some clarification regarding my preference not to hold meetings on sovereign nation land.

Last April, during the finalizing details of Towne Road's completion, elected officials Commissioner Mark Ozias and DCD Director Bruce Emery, along with appointed staff members County Engineer Joe Donisi and Habitat Biologist Cathy Lear, [met with the Jamestown Tribe](#) at their Blyn campus. This meeting, held on sovereign land, led to important decisions about Towne Road's stormwater management and mitigation, which added significant costs to the project, ultimately funded by taxpayers. It also caused delays in its completion. Unfortunately, this meeting was held behind closed doors, with the public not being notified.

A subsequent meeting, months later, involved Commissioner Mike French and Director Emery [meeting with the Tribe](#) again. Further decisions were made about a county road—its design and associated costs—without public access. As a result, there is no recording of this meeting, which influenced how taxpayer funds were allocated for a public project.

In October of last year, the County funded and [hosted a conference](#) at the Jamestown Tribe's conference center. This event provided an opportunity to *"help shape the climate component of area comprehensive and Hazard Mitigation Plans."* Unfortunately, the event was closed to the public, even though they had funded it and would be directly affected by the decisions made.

I believe these instances would have violated laws that promote transparency and good governance had they occurred on land governed by county policy and state law.

Additionally, I have some concerns about jurisdiction when county events are hosted on sovereign land. For example, if a protester were to disrupt a town hall and break the law, the consequences would presumably be addressed in the Clallam County Court. However, if this were to occur on sovereign land, would the protester face charges in tribal court or perhaps federal court, requiring a trip to Tacoma? These uncertainties

raise questions for me when county business is conducted on sovereign land. I would feel the same if the County were to host a town hall in another country, such as Canada.

Ultimately, my goal is for county business to take place on land where Clallam County and Washington State policies and laws are clearly understood and respected. I believe this approach would make it easier for a broader group of people to feel welcome, comfortable, and included in the process.

That being said, if the Commission decides to proceed with meetings on sovereign land, I will likely determine that the opportunity to engage with constituents outweighs the potential loss of engagement that might result from my decision not to attend.

Thank you again for your time and consideration. Please let me know if I can provide further clarification about my stance.

Sincerely,

Jeff Tozzer

District 1 Charter Review Commissioner

Dear Mr. Tozzer,

Thank you for following up on your offer to provide additional information regarding your opposition to the Commission holding meetings on property owned by the Jamestown S'Klallam Tribe. It was my impression that you might provide some type of legal authority indicating that there was something improper about a local government entity meeting on tribal property, but I don't see anything along those lines.

Unless I misunderstand, your issue is not that the meeting took place on tribal property, it is that it took place at all. The meeting could just as easily have taken place

in the county's offices. Public employees have meetings like this all the time; not all meetings are public meetings. It does not appear that the Open Public Meetings Act applied here and nothing inappropriate took place. You don't like the decisions that were made and made your views known. That's how the process works.

Once again, from your description this appears to have been an appropriate meeting that was not subject to the Open Public Meetings Act. When projects are underway the people who are working on them need to meet and talk about them. This is commonplace and normal. Public facilities managers meet with service providers to determine how to do repairs, replace equipment, etc. There are no recordings of the meetings. These discussions "influence how taxpayer funds [are] allocated for public projects" only to the extent they address details of how projects are carried out, and they are within the scope of these individuals' authority to do their jobs.

It appears that you are referring to the North Olympic Peninsula Summit on Energy Climate Resilience co-hosted by the North Olympic Development Council and Clallam County on October 29-30, 2024. This was a technical professional conference sponsored by numerous public and private entities (including the City of Port Townsend, Jefferson County, Jefferson and Clallam County PUDs, and Pacific Northwest National Laboratories) working in this area to share information about "energy resilience and reliability projects," among other things. It was also funded in part by the state's Climate Commitment Act.

Once again, it appears that your issue is not that the event was held at the Tribe's conference center, it's that it was "closed to the public." Professional conferences are generally not open to the public, and this one would not have been regardless of where it was held. They are not policy-making events. Discussions at the conference "help[ing] shape the climate component of area comprehensive and Hazard Mitigation Plans" would have been at a technical level that would then have been incorporated into public policy discussions.

As a retired attorney I disagree and ask you to provide legal authority to support this comment. Otherwise you should stop baselessly accusing people of violating the law and for good measure, apologize to them and pledge to be more accurate and truthful in your "reporting" in the future.

A quick Google search of "Can non-natives be tried in tribal court?" yields the following answer: "Generally, tribal courts lack inherent jurisdiction to try non-Indian for crimes committed in Indian Country, but there are exceptions, such as for domestic violence crimes and crimes against tribal-enrolled children, where Congress has granted tribes special criminal jurisdiction." Many other resources also show up that can shed light on this question.

Furthermore, there are at least three current and former local law enforcement officers on the Charter Review Commission who I'm sure have dealt with this issue and could answer this question for you.

I'm sure you are aware that many local organizations such as the Chamber of Commerce, the EDC, the Irrigation Festival, and United Way regularly schedule events at Jamestown S'Klallam facilities. There is absolutely no reason for anyone to feel anything other than welcome, comfortable and included there.

You will perceive a common thread in my comments. You have the ability to influence people with your writing, and they trust you to give them honest and correct information. When you represent disagreements as ethical violations, allege wrongdoing when there is none, pose skewed "questions" that are easily answered a way to create controversy, and stoke resentment between neighbors, you do your readers and our community a disservice. You could choose to use your platform to uplift and build rather than to denigrate and attack, helping your readers to feel good about their community rather than spreading cynicism and fear. You could make a difference for the better. I hope you choose to do so.

Best regards,

Pat Johnston

Dear Ms. Johnston,

Thank you for your email. I appreciate your engagement and would like to clarify my position. I did not intend to suggest that I would cite case law, as I am not an attorney. However, I did some additional research:

- **Tribal Sovereignty:** Tribes are not bound by state laws such as OPMA and may engage in government-to-government consultations without public oversight. Holding a public meeting on tribal land could introduce jurisdictional and access concerns. Tribal lands have their own governance structures and laws, which could impact public access, recording, or enforcement of OPMA requirements.
- **Jurisdiction on Tribal Land:** Crimes involving non-Native persons on tribal land often fall under federal jurisdiction.

Regarding Commissioner Richard's discussion about the Sequim City Council's attendance at the closed meeting at the Jamestown S'Klallam headquarters, he raised valid concerns about whether their participation constituted a violation of OPMA. The key issue is not merely the location of the meeting, but whether holding such discussions outside the public eye undermines transparency.

I want to emphasize that my role is not to provide legal opinions, but rather to facilitate the concerns of the public and bring them before the Charter Review Commission. The issue of holding meetings on tribal land is one that has been raised multiple times. While I deeply respect tribal sovereignty and value our government-to-government relationships, I believe that as a commission, we can be creative in finding meeting locations on county land where laws and policies are clearly understood and respected by all parties.

One of the primary concerns is accessibility. Sovereign land is not bound by ADA requirements, which can make it difficult for individuals with disabilities to participate in meetings. Ensuring public access should be a top priority. Additionally, closed-door meetings, like the one Commissioner Richards referenced, further highlight the uncertainties that arise when meetings occur on sovereign land. Whether or not this was intentional, the perception of reduced transparency is damaging to public trust. There is simply too much gray area.

Transparency in local government is paramount, and I continue to be concerned about decisions affecting taxpayer funds being made without public scrutiny. That concern extends beyond town halls and to other instances of governance, including the recent Sequim School bond proposal process under your leadership as a school board member. While I respect your service to the School Board, I believe the [lack of transparency](#) in the bond's presentation—such as omitting key financial details from [ballot language](#) and strategically timing endorsements—played a role in shaping public perception. When public officials advocate for measures while [sidestepping transparency rules](#), it raises concerns about fairness in the democratic process.



Patrice Johnston

(Nonpartisan)

Elected Experience

None.

Other Professional Experience

Retired attorney, practiced family law for 14 years and general corporate litigation for 12 years. Legislative Assistant to US Senator Slade Gorton 1985-1986. Secretary, Dungeness Irrigation District and Sequim Prairie Tri-Irrigation.

Education

JD, University of Washington, 1983; BA English, University of Puget Sound, 1980.

Community Service

Clallam County Court Appointed Special Advocate for children in foster care; Tax prep volunteer, AARP; Parent Board and classroom volunteer; Board President, Childbirth Education Association of Seattle; Soulumination volunteer.

Statement

Ms. Johnston is running for Sequim School Board because she believes that good schools are the heart of a healthy community. She spent her career resolving emotionally and financially complex issues such as the issues facing the School Board. She knows the value of listening to all points of view, doing your homework, behaving in a professional and courteous manner, putting aside personal and partisan agendas, valuing teamwork, and focusing on the goal at hand.

In this case, that goal is to provide the best possible education for the students in the Sequim School District, a respectful and supportive employment environment for teachers and other employees, and responsible stewardship of taxpayer funds.

Ms. Johnston brings a needed objectivity and fresh perspective to the issues facing the Sequim School District. She will work to assure that the District communicates clearly and effectively with the community and others who play a vital role in our schools' success, including our local and national elected officials.

She appreciates your time in reading this statement, and will be honored to have your vote.

Contact

(360) 775-0300; patjohnstonforsequimkids@gmail.com;
www.patricejohnston.com

Johnston was elected to the Sequim School Board in 2021.

I appreciate your suggestion that I use my platform to uplift and build our community. Fortunately, I've had role models who exemplified this. My mother, who served on the

school board during the construction of Greywolf Elementary, championed transparency and community engagement. After her passing, my father continued legacy and he urged my sister and I to support the construction of the Sequim Museum. At my dad's request, we established the Judith McInnes Tozzer Art Gallery a space within the museum dedicated to fostering unity and creativity in our community.



A week before the Sequim Museum officially opened at its new location, Mom's family and friends came together to celebrate the unveiling of an art gallery named in her honor.

I take my responsibility to the public seriously. Holding elected officials accountable is not an attack; it is a fundamental part of democracy. If I have made baseless accusations, I welcome evidence and will gladly apologize to those affected. Similar

if you can point to specific instances where I have "stoked resentment," "denigrated" or "attacked," I will take responsibility.

If you have ideas for the Charter Review Commission that serve the public good, I would be happy to support them. I look forward to open discussions that strengthen our community through transparency and accountability.

Thank you again for your service. I hope our community's youth learn that asking tough questions and demanding transparency are not signs of hostility, but essential practices for responsible civic engagement.

Sincerely,

Jeff Tozzer

"All tyranny needs to gain a foothold is for people of good conscience to remain silent."

— Edmund Burke

patricejohnston1953@gmail.com

Charter Review Commission Town Hall this week

The Clallam County Charter Review Commission (CRC) is kicking off its first town hall event in District 1 (Sequim area), with plans to host similar gatherings in Districts 2 and 3.

Date: This Wednesday, March 26

Time: 5:30 PM – 7:30 PM

Location: KSQM Radio Community Room, 609 W. Washington Street, Sequim (corner of the old JCPenney Plaza)

This town hall will provide a brief overview of the commission's role before opening floor for community input. The CRC convenes once every five years to evaluate the county's charter—its governing "constitution"—and propose ballot measures that county residents will vote on this fall.

Have recommendations for the CRC? Email the Clerk of the Board at **loni.gores@clallamcountywa.gov** (specify "CRC" in the subject line) or click [here](#)

The CRC meets twice a month at the Clallam County Courthouse in Port Angeles.

For upcoming meeting dates and more information, visit the CRC website [here](#)

This is your chance to shape the future of Clallam County government. The charter review process happens only once every five years—don't miss your opportunity to get involved!



28 Likes

← Previous

Next →

Discussion about this post

Comments

Restacks



Write a comment...



JJW 2d

I can not think of any justifiable reason for anything that affects me to be held on tribal land.

COUNTYWIDE

Balancing transparency and sovereignty

JEFF TOZZER MAR 22 28 54

Charter Review faces debate over public meeting locations

Read →

54 Comments

↑↓ Top 1



Write a comment...



JJW

I can not think of any justifiable reason for anything that affects me to be held on tribal land.

LIKE (23) REPLY (1)

S



Pepai Whipple 2d

It Affects your tax dollars. I believe the local organizations attorney Johnston cited, Chamber Commerce, EDC, Irrigation Festival & United Way are not governmental entities or councils plan or work on our public projects and have authority or influence over our county tax dollars. This is so simple & common sense and of course an attorney will explode it into something really is not, that is what attorneys do for a price. The last school levy not transparent, the I had lipstick & was real pretty. Meetings held on our land are also protected by FOIA, there are many numerous to list and again Ms. Johnston apparently should know all of this but I think is very good at hiding ALL the facts.

Another very good piece Jeff, thanks for your courage to stand up speak out, provide truth facts, and give people hope change can & will happen. People are tired of the lies, the gaslighting, all the crying & destruction in the name of democracy.

LIKE (16) REPLY (1)

S



Jeff Tozzer 2d

Author

You're welcome, Pepai.

LIKE (7) REPLY



OlyPen Crime 2d

As a tax-payer, I find her to be suspiciously defensive and accusatory.

LIKE (20) REPLY (1)



Denise Lapio 2d

Me, too! She's a lawyer. She'll grandstand for any client for any price.

LIKE (16) REPLY



Kathy 2d

"You could choose to use your platform to uplift and build rather than to denigrate and attack"

In other words all reporting should be rainbows and roses, and real concerns have no place in journalism. The only reason she wouldn't want the truth to come out is if there's something to h

LIKE (13) REPLY



Aleta Baker 2d

"'I'm also looking at Blyn,'" Stoffer noted. "I spoke with a representative of tribal properties, and will probably be able to use one of them without a fee."

This statement is what concerns me. Since moving here, I have observed many instances of whi could be perceived as "quid pro quo."

Also, Ms. Johnston's excuse "'They are not policy-making events. Discussions at the conferenc "help[ing] shape the climate component of area comprehensive and Hazard Mitigation Plans" w have been at a technical level that would then have been incorporated into public policy discussions.' Oh please. A 'technical level' beyond the understanding of the public? Condescen and superior in her attitude. And she still did not address your specific examples!

LIKE (13) REPLY (1)



Eric Fehrmann Eric's Substack 2d

Condescending for sure. How dare you ignorant slaves object to our orders.

LIKE (10) REPLY



Denise Lapio 2d

Fantastic article, Jeff! The more you dig, the more you expose, the more truth you liberate. I am tax payer, and until complete transparency and accountability are unquestioned, I endorse that county/city related issues remain on county/ city property. The Towne Road issue epitomizes wh

meetings must be held where transparency is suspect and not ever in question. I enjoyed reading about your family's commitment to this community and how your mother instilled that sense of pride for Sequim. We must save our town from becoming only known for its casino. See you

LIKE (10) REPLY (1)



Jeff Tozzer 2d

Author

She would have loved you.

LIKE (7) REPLY (1)



MK MK 2d

Was she the same person at the last meeting basically poo-pooing (sorry to use potty language) the need for ethics reform?

LIKE REPLY



Concerned Citizen Concerned's Substack 2d

So incredibly glad we have you and others on the review board who are so fiercely dedicated to transparency and accountability.

I am not a lawyer but I try to acquaint myself with the OPMA as I believe it is the bulwark to transparency as it pertains to the sausage making process - and I find it's plain reading to be refreshingly accessible. It was meant to protect the public, so it should be easily understood by public and generally speaking, I think it is.

I found the following in the OPMA RCW 42.30.070

Times and places for meetings—Emergencies—Exception.

"Unless otherwise provided for in the act under which the public agency was formed, meetings the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction"

Under the OPMA's definitions section found in RCW 42.30.020

"Meeting" means meetings at which action is taken.

And "Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, consideration reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

In the examples you gave where French/Ozias and Emery were meeting with various others, I *t

Expand full comment

LIKE (9) REPLY (3)



Jeff Tozzer 2d

Author

I think the next Town Hall will be at Crescent Grange in Joyce, but I can't find a date for it on the CRC website. Maybe we will learn about the date and time at this Monday's regular CRC meeting (March 24, 5:30pm, courthouse).

Thank you for that succinct, easy-to-understand synopsis of the OPMA. Now, I believe I was wrong, and I wonder why the commissioners wouldn't just explain it as you did.

As for that events hall, they (along with allies) are pushing for a sales tax increase to fund it Monday. I'll try to share that information on Monday morning. I agree; it's time to open the books on that project. Dad and I took a self-guided tour a few weeks ago. It is a beautiful building, but the floors and tables were filthy. It was on a Monday, and no one had cleaned it since the weekend. There was peeling paint, spills on chairs, and stains. I was impressed by construction but not by the maintenance.

Regarding the date for the Town Hall in Blyn, I'm not sure. Usually, I find out about things at meetings but I'll put the word out when we know.

I hope to touch on CRC topics in an article this Tuesday to give an overview of issues that are already rising to the top.

If you're open to questions: Could a non-quorum of PA City Council members, a non-quorum of the commissioners, and our DCD director meet and decide on hundreds of thousands of dollars regarding a project while having that meeting closed to the public? That's similar to what happens in Blyn during government-to-government meetings.

LIKE (3) REPLY (1)



Denise Lapio 2d

A woman on Zoom (she goes by CGH?) declined to give her name and address during public comment at last Tuesday's Board meeting. I believe she cited that an RCW does require her to give that information.

LIKE (2) REPLY (2)



Concerned Citizen Concerned's Substack 1d

That was me, and the main reason I decline to give that information is because I read every possible optional restriction on public comment I can (as protected by OPMA

35

while it's still optional - so that when they try to require it, I've drawn my line and I made the precedent clear.

Sequim city council apparently requires you register your personal information 24 in advance so they can "verify your identity". I'm not a Sequim resident so the only reason I know about this is because the BoCC cited it as a possibility to adopt for board meetings. I understand this to be a violation of OPMA, as the other comment cited, but I think their argument is "attendance" v. "Participation", although OPMA makes no distinction.

I'm working on putting together my own write up on OPMA and public comment, so keep an eye out for that if you're interested in learning more.

LIKE (2) REPLY (1)



Denise Lapio 1d

Thank you for the detailed reply. I look forward to learning and hearing more from you. I applauded (silently) your stance to not reveal your personal information at Tuesday's meeting.

LIKE (1) REPLY



MK MK 2d

Everything is open to interpretation when language isn't incredibly specific.

<https://app.leg.wa.gov/RCW/default.aspx?cite=42.30.040>

"A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. This section does not prohibit any generally applicable conditions determined by the governing body to be reasonably necessary to protect the public health or safety, or to protect against interruption of the meeting, including a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency."

LIKE (2) REPLY (1)



Denise Lapio 2d

Thank you, MK.

LIKE (1) REPLY



Jennifer Jennifer's Substack 2d

Concerned Citizen, thank you for all the research and explanations. It helps in rounding out big picture!

LIKE (3) REPLY



Denise Lapio 2d

Thank you!

LIKE REPLY



Kathleen Smith Kathleen Smith 2d Edited

Public meeting room at county is the only reasonable place to meet. Can't believe this is even an item on charter review committee. It not broken, why on earth would anyone suggest to "fix it"!

LIKE (7) REPLY (2)



Timothy Weller 2d

The Clallam County Courthouse was constructed with taxpayer funding to accommodate County business, along with resident/taxpayer attendance at such meetings. If the venue did not accommodate attendance, then the Port Angeles High School Performing Arts Center could be utilized, being that County taxes have paid for that building, and it's maintenance since it was constructed,, as opposed to having closed door meetings at Seven Cedars Casino facilities. The PAHSPAC is more central to county residents, as well. I can see no logical, or rational argument for County Commissioners to travel over 20 miles each way in taxpayer funded vehicles, maintenance and fuels to the Seven Cedars Casino complex to discuss County business affecting all Clallam County residents and taxpayers. In a time when budget constraints are a factor, our Commissioners are not acting in the best interests of taxpayers responsible resource management.

LIKE (4) REPLY



MK MK 2d

If I recall the behind the scenes discussion had to do with outreach so that more citizens could be engaged instead of driving an hour plus each way to participate. The Commission in general seemed to agree with the concept. From there, the devil's in the details.

LIKE (3) REPLY (2)



Kathleen Smith Kathleen Smith 2d Edited

To improve public engagement, the local newspaper should be reporting the details, not just publishing a website. There are many folks who are not into computers and websites. They are disenfranchised from all the agencies, committees, meetings. To hold this public meeting on a tribal owned facility is partisan politics (imho). The county courthouse is midway

our county, historically and traditionally the place for public business. Whoever is suggesting otherwise is sowing chaos and wasting public time (imho).

♡ LIKE (4) 💬 REPLY (1)

👤 S



Aleta Baker 2d

Sowing chaos to undermine their detractors, no doubt.

♡ LIKE 💬 REPLY (1)

👤 S



Timothy Weller 2d

Creating problems where none previously existed.

♡ LIKE (1) 💬 REPLY

👤 S



Pepai Whipple 2d

Centrally located in the county would not be Blyn, PA would ease any burden for westi but that's what the CC will determine hopefully not on sovereign tribal land. Consider t suggester & then you'll better understand why at every opportunity this county is sinki further & further into financial trouble.

♡ LIKE (3) 💬 REPLY (1)

👤 S



MK MK 2d

More of my hazy recollection. I believe that when the group was asked who would take up organizing the meetings (Swain's was another location) Commissioner Str was the first to offer up that assistance.

♡ LIKE 💬 REPLY

👤 S



Lloyd 2d

In 1971 a communist named Saul Alinsky wrote a book called, Rules For Radicals. Never read it. a quote from it "He who controls the language, controls the masses". Lawyers really do think th control the language. I thank God for people like you Jeff. That know how to put them in their pl

♡ LIKE (6) 💬 REPLY (1)

👤 S



Jeff Tozzer 2d *Edited*

Author

It's taken all of us so far, and there may be future place-putting.

♡ LIKE (2) 💬 REPLY

👤 S



Garry Blankenship Garry's Substack 2d

I am not a law smith, but the existence of treaty entitled sovereignties within this country is a never ending gray area point of contention. I readily acknowledge that peoples who inhabited the U.S. prior to it's European colonization were unfairly treated. Those people and their abusers no longer live. The treaty entitled enjoy and use non-treaty entitled provided infrastructure from roads to cell phones. I am not intimate with what taxation looks like for treaty sovereign lands, but I am confident it is much less than non treaty entitled ownership. There is a complete lack of both equity and logic in this pseudo sovereignty. Discriminating on a basis of ancestry is antithetical to the laws of the U.S.A.. How far down that rabbit hole is the exact legal determination of who qualifies to be treaty entitled ? Are there specified genetics and minimum genetic percentages that determine who is treaty entitled or is it simply a determination made by a treaty entitled chieftain ? How long should the ancestors of those who committed abusive acts pay for that ancestry ? I suggest the treaty entitled divide their resources as they choose, abandon sovereign status and become citizens of this country with identical rights and privileges. No more BIA and no more legally sanctioned discrimination. Just friends and neighbors. Conversely; if Clallam County wishes to conduct it's business on sovereign land, compliance identical to that of all sovereign nations must be followed include passport services, legal identification, etc..

♡ LIKE (6) 💬 REPLY (2)

↑ S



Pepai Whipple 2d

Even convicts serve their time and then it's over. However as USA citizens of a nation who fought the Indians and won, like what happens in any war, WE are sentenced for an undetermined time to correct wrongs against the Indian nations. THIS IS A CON. Convicts serve their time & it's over. If Indians need help & their tribe clearly has needs then help them but I don't see even well off & very successful tribes helping each other, because back many moons ago they fought & killed each other, yet currently as USA citizens we are paying a sentence without any parole.

♡ LIKE (9) 💬 REPLY (2)

↑ S



Randy Walterson Randy Walterson 2d

Well said !

♡ LIKE (2) 💬 REPLY

↑ S



Jennifer Jennifer's Substack 2d

Pepai, I never thought of it that way. It makes sense.

♡ LIKE (1) 💬 REPLY

↑ S



Jennifer Jennifer's Substack 2d

Garry, enrollment in a tribe, is determined by the individual tribe. Blood quantum is determined by the individual tribe (not necessarily needed if tribe so chooses under rights of ancestry) make a very good point on many levels. Native rights are being challenged on both sides in courts all the time under what I call the "S" words.

Sovereignty, Sustenance, Self reliance, Self governance, Stream rights, Soil rights, Salmon rights, Service funding rights, Stewardship rights, Saltwater rights, Sanctions, Science, Sec funding, Scams, Scapegoats, S'Klallam.

♡ LIKE (1) ○ REPLY (1)

👤 S



JJW 2d

If my memory serves me correctly, which is debatable, according to a newspaper article a tribe north of Seattle wanted to raise the percentage of native blood higher to be recognized as a member of the [tribe.By](#) coincidence this was after the casinos started minting money. My take on that was: big numbers good for various forms of assistance but bad for splitting the pot. This was years ago. Just my personal opinion.

♡ LIKE (1) ○ REPLY

👤 S



Gayle Baker Gayle Baker 2d Edited

Great article, Jeff, and way to hold your own with Patrice. I am with you that to hold meetings on sovereign land is not a good policy. And to add clarification to that: why are some folks fighting very hard to hold those meetings on Tribal land? Seems awfully fishy to me, like most things involving the tribe and control over Sequim policies.

♡ LIKE (5) ○ REPLY (1)

👤 S



Jeff Tozzer 2d

Author

Thanks. If Patrice has concerns, I'm sure others in the community do, too. I hope others can see how I formed my stance on this issue.

♡ LIKE (3) ○ REPLY

👤 S



Concerned Citizen Concerned's Substack 2d

My most generous explanation would be a lack of familiarity or a misunderstanding of the text. That's why I just copy/pasted, so that hopefully if my understanding is incorrect, the text itself will do the speaking (and someone will point that out to me!)

As far as a quorum goes...I'm not super familiar but I believe each entity decides what number to count as a quorum. In the case of the BoCC I believe it is 2 or more. Therefore, it would be possible to think, for 1 representative from each entity to go to a meeting, and it not count as a quorum.

However, any event that is hosting public testimony or public comment falls under the requirements of the OPMA if my reading of the following is correct:

"Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

But I think that may need to coincide with a quorum. Meaning, if you met with an individual commissioner and were giving testimony or public comment, I don't think it would be subject to OPMA - but if you wanted to meet with more than one, then it would. Hopefully that makes sense.

Looking forward to your articles, as I do for all of them! I've been hoping to get more info on the goings on of the CRC and planning on calling in from now on (toddler + newborn do not make in person attendance easy). And yes, the latest push for a "letter of support" for funding the event center from the commissioners had me rolling my eyes. I haven't personally had a chance to visit but it strikes me that something that involved so much public funding should be at the public's disposal for public meetings.

👍 LIKE (3) 🗨️ REPLY (1)

👤 S



Jeff Tozzer 2d

Author

Thanks for the explanation, and double thanks for staying so engaged while raising a family. Not easy to do, but you do it very well.

👍 LIKE (1) 🗨️ REPLY (1)

👤 S



Concerned Citizen Concerned's Substack 2d

Funnily enough it's being up at 3am that has gotten me back on the wagon keeping up date with this stuff 🤔

👍 LIKE (1) 🗨️ REPLY

👤 S



MK MK 2d Edited

From the recording of the January 27, 2025, Clallam County Charter Review Commission meeting <https://clallamcowa.portal.civicclerk.com/event/3093/media>

Time stamp 25:35 - 26:18

"Because I have deep respect to all of our local tribes. School board directors, and school districts are required to do what's called government to government training, and that's mandatory for superintendents, the cabinet level, and school board directors. I'd like to see that at other elected levels because there is a lot of not of great understanding of how that works type thing. It's about respect of another sovereign government with each other and working together. So we'd like to see that."

So my question is, who's the "we"?

LIKE (3) REPLY (1)



Eric Fehrmann Eric's Substack 2d

Yes, who' the we.

LIKE (3) REPLY



Michael Heath Michael Heath 2d

Thank you Jeff Tozzer for another well written & thoughtful article~! I always smile at your professional push back when YOU are publicly accused of the same things that these manipulat clowns in government are constantly pulling~! When these dubious characters who have "somehow" (questionably to say the least) worked their way into our government get called out their shady & suspicious dealings, highly questionable closed-door meetings, admitted preferer of some special interest groups over the majority of folks within our community, and political "doublespeak", they always very predictably pull the same "deny, lie, and accuse the other guy" garbage in their intellectually weak efforts to baffle, confuse, and sway the opinions of the good less aware folks in our community. To the specific point of "where" our community business shc be conducted, I must remind everyone that when dealing in matters of real estate that "LOCATIO is always of utmost importance~! Location, Location, Location~! I am deeply concerned that any who is or was a so-called "attorney" would gloss over the very critical principle of real estate wh location is all powerful~! Why would such a concerted effort be organized to deceive the good f of our community into believing that tribal property is "supposedly" functionally the same as property within our community? This stinks to high heaven~! This is in fact an enormous red flag and it speaks volumes about the lack of transparency and Goodwill just on the face of it~! Tribal land enjoys a great many well-known and well understood exceptions to the rule of law compare the land (location) within our community. ALL so-called "attorneys" would definitely know that if they were actually honest & real legitimate attorney's~! I clearly remember a recent revelation o some conversations within a local government leadership meeting where some were concerned about the legality of what they were doing, so this slick maneuver to hold our community's publ business on tribal land is in fact highly questionable and wreaks of "stinkyocity" as a potential criminal ploy to intentionally complicate any future questions regarding jurisdictional issues and

Expand full comment

LIKE (2) REPLY (1)



Jeff Tozzer 2d

Author

You're welcome, Michael. Still trying to look up "stinkyocity" in my Mirriam-Webster dictionary :)

♡ LIKE ○ REPLY (1)



Michael Heath Michael Heath 2d

HA! HA!

If memory serves, there is an old episode of the TV show "Growing Pains" where the "bookish" actress "Tracey Gold" (Carol Seaver) turns in an English paper while attending high school, and her English teacher commented that her work was "replete with stinkyocity" which greatly upset her because she was supposedly a straight "A" student otherwise ;-). I embrace irony and I often use it as a weapon~! I actually worked on that TV show (and others) at one time delivering scripts... This sort of thing greatly pleases me because as an old American Constitutionalist I am all too well aware that "we" (Americans) have been viciously and ruthlessly controlled by the criminals of humanity and their constant screwing with the English language to brainwash and control Americans~! So "Ips-O Fats-O" (a wonderful old Archie Bunkerism ;-). I have ALWAYS rebelled by using Illuminati's own words and phrases back on them~! Yes, I am absolutely ruthless in defending America and ALL Americans against the criminals of humanity and I "stick it to them" every chance and in every way that I possibly can~! Ah, what good sport ;-). The added benefit is that I absolutely LOVE to torture the very odd language commonly known as "English". Hey, the English language started it first~!!! Ha Ha Ha Ha Ha!!!! I am actually well capable of "speaking & writing English" if I want, but where would the fun be in doing that all of the time~? Ha! I have actually been a published writer for many decades, but I am also a cranky American Patriot who takes no prisoners ;-). Not many can understand my sense of humor in the dimensions that I actually unleash it, but then again I have been playing 5D Chess since I was very young and I live in the world of multiple meanings which some also correctly understand as "military style signaling" these days... In fact, your President and the global alliance (white hats) have indeed been using military style signaling hot & heavy since 2016, but not many understand it at all. To the majority it always appears to be "fumbling & bumbling" which with my face is easy to assume true HA! Yes, my friend, I really am monitoring what is

REALLY going on at the national and international level as I have previously said ;-). Bring it on yourself, because I have been holding back, but sooner or later I will let loose with the "GOBZ" and all Hell will break loose~! Baaaaaaa Haaaaaaa Haaaaaaa~! Have a fun day~! Sincerely, Mike

♡ LIKE (1) ○ REPLY



John Worthington John's Substack 2d Edited

There shouldn't even be a "Blyn" option. They are taking up salmon spawning space. Jamestown should have listened to reason long ago, even for more valuable land on Bell Hill. While most other properties are blocked for allegedly being a future victim of sea level rise, the Jamestown tribe made a mockery of those allegations. They moved an entire creek and blocked creeks. Just driving by is a Loomis Tavern middle finger to the scientific or municipal conditions everyone else has to abide by now. Ditto the event center which is where it could be held.

Out of principle alone my answer is no. If they want to do a four corners style as kind of a formal Joyce, Port Angeles, Sequim and Gardner. Or just one big one in Sequim and one big one in Port Angeles, I am down.

I haven't taken the "I live in the lands" of people who need reparations for colonization" for a "bi-relationship" oath.

<https://www.straitern.org/>

We acknowledge and honor the ancestral areas of the q^widičča?á-tx̣' (Makah), nəx^wsłáyəm' (Klallam) and t̚jəmqəm (Chimacum) Peoples, who have stewarded the land and waters from Cape Flatter to Point Wilson throughout hundreds of generations. We respect their sovereignty and support the Treaty rights and right to self-determination. Through disease, unfair dealings, oppression, and attempted erasure of their culture, these people have endured and continue to honor their cultural traditions.

Living more sustainably requires us to think holistically and long-term – not just to look forward to the future, but to recognize our past. Colonization has shaped the reality of everyone here today. We take this opportunity to acknowledge that fact and express our desire to be part of the much needed process of learning about our "landcestry" and repairing relationships with the original people of these lands and waters, as an investment in the generations to come.

<https://www.noprco.org/>

"We acknowledge that we live and work on the appropriated homeland and territory of the Jamestown S'Klallam, Port Gamble Klallam, Lower Elwha Klallam, Makah, Quileute, Hoh and Quinault Tribes. We respect and honor their stewardship of these lands in the past, present and future and their Treaty Rights and status as sovereign nations."

♡ LIKE (2) ○ REPLY

👤 S



No One Important No One Important 2d

Bravo, Jeff, your eloquence and knowledge are very impressive and refreshing. I thank you for your service to our community, both formally and informally.

♡ LIKE (1) ○ REPLY (1)

👤 S



Jeff Tozzer 2d

Author

You're welcome, NOI.

 LIKE  REPLY  S James Johnston 1d

This whole conversation is ridiculous. Washington state laws apply to Washington state agencies no matter how or where they act (as one of your commenters noted). For example, whether the Clallam County Commissioners meet in Port Angeles, Joyce, Forks, Blyn (on or off tribal trust land), Victoria Canada, or Disneyland, California, Washington State law regarding their actions and decision-making applies. Full stop. No legitimate legal question here. What is the real issue here?

 LIKE  REPLY (1)  S

Jeff Tozzer 1d

Author

Did you read the article Mr. Johnston? Where have I seen that last name before?

 LIKE  REPLY (1)  S

James Johnston 21h

Oh, yes, I read your stuff. It doesn't hold water, sorry. And, yes, my wife shares my name. But I am my own person, with my own views. I reiterate -- what is your issue?

 LIKE  REPLY (1)  S

Jeff Tozzer 21h

Author

I tried my best to outline concerns about transparency in the article and I presented several issues.

 LIKE  REPLY (1)  S

James Johnston 21h

I appreciate your effort, but, honestly, they have no merit. Tough to hear, I am sure, but it is what it is. I've been on the receiving end of things I didn't want to hear before, but please accept reality.

 LIKE  REPLY  S

© 2025 Jeff Tozzer · [Privacy](#) · [Terms](#) · [Collection notice](#)
[Substack](#) is the home for great culture

In the examples you gave where French/Ozias and Emery were meeting with various others, I *think* that because they are not on the same board or governing body (also defined in RCW 42.30.020) their meeting does not meet the definition of a quorum and therefore is not required to be made public. I don't think working for Clallam county generally makes them part of the same governing body.

However, the example given by commissioner Richards of Sequim city council meeting at the tri headquarters and barring his attendance would *absolutely* be a violation of the OPMA. Makes sense why the Sequim city council feels so emboldened to continue to break the OPMA by requiring people register their names, address, phone numbers and emails to give public comment...but that's another point...

That leaves your point about tribal jurisdiction as far as protestors etc. A "quick googled search advised by Ms. Johnston) gives me this "The question of jurisdiction is complex when tribal lands are involved. This is because recent U.S. Supreme Court opinions have greatly altered the extent to which people who are not tribal citizens are covered by federal, state, or tribal laws while on the lands."

So I'm gonna go ahead and say that why not avoid the whole thing and just hold the meeting at a location where the laws are clearer? Maybe that big, beautiful events center that we all paid for? Which as a total side tangent I'd love to get a deep dive into the funding that went into that! In the last work session where they had someone from the events hall present to the commissioners he did a lot of smoke and mirrors in response to how much tax payer money went into that... But I digress.

Again, so appreciate your willingness to go toe to toe on these issues. Keep up the good work. Really looking forward to seeing the CRC unfold, we so need an overhaul in this county and I'm eager to see what can be done. When will the date and location for the town-hall meeting be decided upon? I had reached out to you a couple weeks back asking about these town-hall style meetings and whether making some changes to the manner and time of commissioners meetings would be in the purview of the CRC so I definitely want to attend.

Thanks for all your hard work!

♡ LIKE (9) ○ REPLY (3)

📧 S



Jeff Tozzer 2d

Author

I think the next Town Hall will be at Crescent Grange in Joyce, but I can't find a date for it on the CRC website. Maybe we will learn about the date and time at this Monday's regular CRC meeting (March 24, 5:30pm, courthouse).

CHARTER REVIEW COMMISSION

CORRESPONDENCES RECEIVED

Gores, Loni

From: Karin Cummins <karinc@olypen.com>
Sent: Monday, March 10, 2025 8:57 PM
To: Gores, Loni
Subject: County business on anothers sovereign land

Loni,

Please distribute to each commissioner.

After listening to the last public speaker, I almost changed my mind regarding the public Townhall meeting being held on tribal lands. However, I believe the commission needs to take a stand.
No county business is done on another's sovereign land. No exceptions. If you need to pay for a place to accommodate a meeting that's what your budget is for.

Karin Cummins
Dungeness

Gores, Loni

From: Patrice Johnston <patricejohnston1953@gmail.com>
Sent: Friday, March 14, 2025 11:46 AM
To: Tozzer, Jeff; Gores, Loni
Subject: Re: Town hall meetings on sovereign land

Dear Mr. Tozzer,

Thank you for following up on your offer to provide additional information regarding your opposition to the Commission holding meetings on property owned by the Jamestown S'klallam Tribe. It was my impression that you might provide some type of legal authority indicating that there was something improper about a local government entity meeting on tribal property, but I don't see anything along those lines. With that in mind, I have provided my comments in **blue** below.

I wanted to take a moment to thank you for attending the Charter Review Commission meeting on Monday night. I truly appreciate your thoughtful public comment, and I'd like to offer some clarification regarding my preference not to hold meetings on sovereign nation land.

Last April, during the finalizing details of Towne Road's completion, elected officials Commissioner Mark Ozias and DCD Director Bruce Emery, along with appointed staff members County Engineer Joe Donisi and Habitat Biologist Cathy Lear, met with the Jamestown Tribe at their Blyn campus. This meeting, held on sovereign land, led to important decisions about Towne Road's stormwater management and mitigation, which added significant costs to the project, ultimately funded by taxpayers. It also caused delays in its completion. Unfortunately, this meeting was held behind closed doors, with the public not being notified.

Unless I misunderstand, your issue is not that the meeting took place on tribal property, it is that it took place at all. The meeting could just as easily have taken place in the county's offices. Public employees have meetings like this all the time; not all meetings are public meetings. It does not appear that the Open Public Meetings Act applied here and nothing inappropriate took place. You don't like the decisions that were made and made your views known. That's how the process works.

A subsequent meeting, months later, involved Commissioner Mike French and Director Emery meeting with the Tribe again. Further decisions were made about a county road—its design and associated costs—without public access. As a result, there is no recording of this meeting, which influenced how taxpayer funds were allocated for a public project.

Once again, from your description this appears to have been an appropriate meeting that was not subject to the Open Public Meetings Act. When projects are underway, the people who are working on them need to meet and talk about them. This is commonplace and normal. Public facilities managers meet with service providers to determine how to do repairs, replace equipment, etc. There are no recordings of those meetings. These discussions "influence how taxpayer funds [are] allocated for public projects" only to the extent they address details of how projects are carried out, and they are within the scope of these individuals' authority to do their jobs.

In October of last year, the County funded and hosted a conference at the Jamestown Tribe's conference center. This event provided an opportunity to "help shape the climate component of area comprehensive

and Hazard Mitigation Plans.” Unfortunately, the event was closed to the public, even though they had funded it and would be directly affected by the decisions made.

It appears that you are referring to the North Olympic Peninsula Summit on Energy and Climate Resilience co-hosted by the North Olympic Development Council and Clallam County on October 29-30, 2024.

<https://olyopen.com/2024/10/12/energy-climate-resilience-summit-october-29-30-2024/>

This was a technical professional conference sponsored by numerous public and private entities (including the City of Port Townsend, Jefferson County, Jefferson and Clallam County PUDs, and Pacific NW National Laboratories) working in this area to share information about "energy resilience and reliability projects," among other things. It was also funded in part by the state's Climate Commitment Act.

Once again, it appears that your issue is not that the event was held at the Tribe's conference center, it's that it was "closed to the public." Professional conferences are generally not open to the public, and this one would not have been regardless of where it was held. They are not policy-making events. Discussions at the conference re "help[ing] shape the climate component of area comprehensive and Hazard Mitigation Plans" would have been at a technical level that would then have been incorporated into public policy discussions.

I believe these instances would have violated laws that promote transparency and good governance had they occurred on land governed by county policy and state law.

As a retired attorney I disagree and ask you to provide legal authority to support this comment. Otherwise you should stop baselessly accusing people of violating the law, and for good measure, apologize to them and pledge to be more accurate and truthful in your "reporting" in the future.

Additionally, I have some concerns about jurisdiction when county events are hosted on sovereign land. For example, if a protester were to disrupt a town hall and break the law, the consequences would presumably be addressed in the Clallam County Courts. However, if this were to occur on sovereign land, would the protester face charges in tribal court or perhaps federal court, requiring a trip to Tacoma?

A quick Google search of "Can non-natives be tried in tribal court?" yields the following answer: "Generally, tribal courts lack inherent jurisdiction to try non-Indians for crimes committed in Indian Country, but there are exceptions, such as for domestic violence crimes and crimes against tribal-enrolled children, where Congress has granted tribes special criminal jurisdiction." Many other resources also show up that can shed light on this question.

Furthermore, there are at least three current and former local law enforcement officers on the Charter Review Commission who I'm sure have dealt with this issue and could answer this question for you.

These uncertainties raise questions for me when county business is conducted on sovereign land. I would feel the same if the County were to host a town hall in another country, such as Canada.

Ultimately, my goal is for county business to take place on land where Clallam County and Washington State policies and laws are clearly understood and respected.

I believe this approach would make it easier for a broader group of people to feel welcome, comfortable, and included in the process.

I'm sure you are aware that many local organizations such as the Chamber of Commerce, the EDC, the Irrigation Festival, and United Way regularly schedule events at Jamestown S'Klallam facilities. There is absolutely no reason for anyone to feel anything other than welcome, comfortable and included there.

That being said, if the Commission decides to proceed with meetings on sovereign land, I will likely determine that the opportunity to engage with constituents outweighs the potential loss of engagement that might result from my decision not to attend.

Thank you again for your time and consideration. Please let me know if I can provide further clarification about my stance.

You will perceive a common thread in my comments. You have the ability to influence people with your writing, and they trust you to give them honest and correct information. When you represent disagreements as ethical violations, allege wrongdoing when there is none, pose skewed "questions" that are easily answered as a way to create controversy, and stoke resentment between neighbors, you do your readers and our community a disservice. You could choose to use your platform to uplift and build rather than to denigrate and attack, helping your readers to feel good about their community rather than spreading cynicism and fear. You could make a difference for the better. I hope you choose to do so.

Best regards,

Pat Johnston

On Tue, Mar 11, 2025 at 3:27 PM Tozzer, Jeff <jeff.tozzer@clallamcountywa.gov> wrote:

Dear Ms. Johnston,

I wanted to take a moment to thank you for attending the Charter Review Commission meeting on Monday night. I truly appreciate your thoughtful public comment, and I'd like to offer some clarification regarding my preference not to hold meetings on sovereign nation land.

Last April, during the finalizing details of Towne Road's completion, elected officials Commissioner Mark Ozias and DCD Director Bruce Emery, along with appointed staff members County Engineer Joe Donisi and Habitat Biologist Cathy Lear, met with the Jamestown Tribe at their Blyn campus. This meeting, held on sovereign land, led to important decisions about Towne Road's stormwater management and mitigation, which added significant costs to the project, ultimately funded by taxpayers. It also caused delays in its completion. Unfortunately, this meeting was held behind closed doors, with the public not being notified.

A subsequent meeting, months later, involved Commissioner Mike French and Director Emery meeting with the Tribe again. Further decisions were made about a county road—its design and associated costs—without public access. As a result, there is no recording of this meeting, which influenced how taxpayer funds were allocated for a public project.

In October of last year, the County funded and hosted a conference at the Jamestown Tribe's conference center. This event provided an opportunity to "help shape the climate component of area comprehensive and Hazard Mitigation Plans." Unfortunately, the event was closed to the public, even though they had funded it and would be directly affected by the decisions made.

I believe these instances would have violated laws that promote transparency and good governance had they occurred on land governed by county policy and state law.

Additionally, I have some concerns about jurisdiction when county events are hosted on sovereign land. For example, if a protester were to disrupt a town hall and break the law, the consequences would presumably be addressed in the Clallam County Courts. However, if this were to occur on sovereign land, would the protester face charges in tribal court or perhaps federal court, requiring a trip to Tacoma? These uncertainties raise questions for me when county business is conducted on sovereign land. I would feel the same if the County were to host a town hall in another country, such as Canada.

Ultimately, my goal is for county business to take place on land where Clallam County and Washington State policies and laws are clearly understood and respected. I believe this approach would make it easier for a broader group of people to feel welcome, comfortable, and included in the process.

That being said, if the Commission decides to proceed with meetings on sovereign land, I will likely determine that the opportunity to engage with constituents outweighs the potential loss of engagement that might result from my decision not to attend.

Thank you again for your time and consideration. Please let me know if I can provide further clarification about my stance.

Sincerely,

Jeff Tozzer

District 1 Charter Review Commissioner

Gores, Loni

From: swains.don@olypen.com
Sent: Tuesday, March 11, 2025 12:34 PM
To: Morris, Patti
Cc: Gores, Loni; Cameron, Ron
Subject: Re: Clallam County Charter Review Commission Awareness Table - April 12th or 19th 11-3 PM

You don't often get email from swains.don@olypen.com. [Learn why this is important](#)

Patti Morris and fellow commissioners:

Thank you for your request to set up a table to provide information to our customers here at Swain's General Store.

We are going to have to pass on this opportunity. Sorry we cannot accommodate your request.

Regards,

Don

From: Morris, Patti <patti.morris@clallamcountywa.gov>
Sent: Tuesday, March 11, 2025 9:32 AM
To: swains.don@olypen.com <swains.don@olypen.com>
Cc: Gores, Loni <loni.gores@clallamcountywa.gov>; Cameron, Ron <ron.cameron@clallamcountywa.gov>
Subject: Clallam County Charter Review Commission Awareness Table - April 12th or 19th 11-3 PM

Good morning, I am one of the 15 elected Charter Review Commissioners. We have a Town Hall Committee which is tasked with providing information about the Clallam County Charter and gaining input from citizens on any items they feel important to be considered by the Commission to be placed on the Ballot or recommended to the Board of County Commissioners for review or change.

Our goal is to provide awareness to citizens.

We are asking you to allow us to set up a table, provide some refreshments, on either April 12th or 19th from 11-3 PM and talk to citizens that visit your store. We would love to have their input. We will have 2-3 Charter Review Commissioners there to answer questions and take input from citizens.

Please let me know if this is acceptable. You can reach me at this email or via phone at 360-461-9008. Thanks.

Patti Morris
District #2
Charter Review Commissioner

Gores, Loni

From: Richards, Ron
Sent: Wednesday, March 12, 2025 9:03 PM
To: Gores, Loni
Subject: Meeting on Tribal Property

Loni,

At the close of Monday's CRC meeting, I referred to a Sequim City Council meeting on tribal property that was the subject of a newspaper article regarding the applicability of the Open Meetings Act and the First Amendment. That newspaper article copied below. I would appreciate it if you could forward this to the whole CRC.

Thank you,

Ron Richards

[ELECTRONIC WARFARE TRAINING — Questions raised about Sequim City Council at closed-door Navy-Jamestown S'Klallam meeting | Peninsula Daily News](#)



ELECTRONIC WARFARE TRAINING — Questions raised about Sequim City Council at closed-door Navy- Jamestown S'Klallam meeting - Peninsula Daily News

BLYN — The Sequim City Council apparently sailed into a gray area when a quorum of the council attended the Navy's Feb. 20 briefing to the Jamestown

www.peninsuladailynews.com

ELECTRONIC WARFARE TRAINING — Questions raised about Sequim City Council at closed-door Navy-Jamestown S'Klallam meeting

- by [James Casey](#)
- Monday, March 2, 2015 12:01am
-

BLYN — The Sequim City Council apparently sailed into a gray area when a quorum of the council attended the Navy's Feb. 20 briefing to the Jamestown S'Klallam tribe.

If council members simply sat and did nothing, they probably complied with state law that requires them to meet and act in public, according to Nancy Krier, assistant state attorney general for open government.

However, if they took “testimony” — depending on how the term is defined — or acted — which could be construed to include forming opinions — they may have tripped over Washington’s Open Public Meetings Act, according to Krier.

Ron Richards, a former Clallam County commissioner and a critic of the Navy’s Pacific Northwest Electronic Warfare Range proposal, said the meeting was illegal.

Sequim’s city attorney said it was legal.

And Krier said she’s uncertain which man is right.

The briefing nine days ago at tribal headquarters in Blyn was closed to the public at the tribe’s request.

The tribe sought the Navy’s reasons for its proposal to fly electronic warfare tests over areas that include tribal treaty fisheries.

A dozen non-tribal citizens who tried to attend were escorted to a nearby parking lot by tribal police officers and three Clallam County sheriff’s deputies.

The deputies acted in their capacity as the tribe’s civil enforcers, said Jamestown S’Klallam Chairman Ron Allen.

The Navy’s critics — one group headed by Richards, a Port Angeles lawyer, and another composed of Whidbey Island residents calling themselves Citizens of Ebey’s Reserve — already had made their case to the tribe, Allen said.

Their opposition had prompted the Jamestown S’Klallam to invite the Navy for a government-to-government briefing, he said.

Because the tribe had other business to conduct with the Sequim City Council, it also invited council members to attend. After the briefing, both councils met publicly about extending Sequim wastewater services to Blyn.

People were escorted from the center because Allen wanted to head off any protest at a meeting the tribe had initiated, he said.

“To politicize that and do that sort of protesting on the doorstep of a respectful government-to-government meeting would be inappropriate,” he said.

No one from the Whidbey Island group tried to attend the meeting or protest outside it.

As for the other critics, Richards said he’d urged them “to let your mere presence express our concerns over this session,” which he called a “secret meeting.”

Richards’ group carried no signs and distributed no pamphlets.

“Out of respect to the Jamestown S’Klallam tribe we do not believe there should be any loud protests or demonstrations,” Richards wrote to members of his email list.

“The tribe has every right to meet with the Navy as it wishes. It is the Sequim City Council that should not do so in probable violation of the Open Public Meetings Act.”

The secrecy accusation continues to fuel controversy.

Richards said the same secrecy had marred the Navy’s proposal from its outset.

He said the Navy failed to publish a notice of environmental assessment in North Olympic Peninsula news outlets or hold public meetings on the Peninsula before citizen outcry demanded them.

“The Sequim City Council is exacerbating those failures,” he said, adding that the Navy might have “compromised” council members.

“If the Navy told the Sequim City Council the [EA-18G Growler jet overflights] would make the lavender grow better in Sequim, would the council sit there and take that at face value, or would they try to evaluate it as something they could believe or not believe?” Richards asked.

Whatever they’d believe, council members acted, Richards said, even inadvertently.

"They received public testimony. They listened to discussions. They must have evaluated what they were hearing," he said.

But Craig Ritchie, Sequim city attorney, said the council members — at his advice — simply sat and listened without discussing the issue or taking action.

"We were sitting there with our mouths shut," Ritchie said. "We were just attending. We were not deciding."

As for Richards' contention they took "public testimony," Ritchie said the meeting's privacy precluded any testimony being public.

Richards, however, said the state Legislature's intent in the Open Public Meetings Act "was that public testimony would mean testimony from [members of] the public."

The city has invited the Navy to present another briefing at a public meeting the City Council hopes to host. A date for the briefing has not yet been scheduled.

According to Ritchie, it's at this future meeting where council members will solicit not only the Navy's proposal but citizens' opposition.

The City Council, Ritchie said, will act only on information provided in public — even if it duplicates what it already heard at the Blyn briefing.

That's as it should be, Krier said.

"Just sitting in the audience doesn't trigger the Open Public Meetings Act," she said.

Part of the issue is the meaning of the term "testimony."

"The act defines action to mean the transaction of the official business of a public body, including testimony received," Krier told the Peninsula Daily News.

The matter also turns on the term "action," which Richard said includes forming opinions.

"There is no doubt in my mind that they took action at this meeting," he said.

Krier said the issue was unclear.

In light of the ensuing controversy, Ritchie said: "I would like to say they didn't listen. But we all listened."

As for the briefing, "the presentation essentially was the same material" the Navy already has presented, he said.

Yet therein looms the gray area, according to Krier.

"The [Open Public Meetings] Act defines 'action' to mean the transaction of official business, including public testimony received," she said.

"If you move over to discussion of the agency's business and you have a quorum, then yes, it could trigger the Open Meetings Act requirements.

"I just couldn't say one way or the other."

Reporter James Casey can be reached at 360-452-2345, ext. 5074, or at jcasey@peninsuladailynews.com.

From: noreply@civicplus.com
Sent: Monday, March 17, 2025 6:35 AM
To: Gores, Loni
Subject: Online Form Submission #6828 for Contact the Clerk of the Board

Contact the Clerk of the Board

First Name	Paul
Last Name	Schmidt
Email	pschmidt3013@gmail.com
Phone	2063960337
Subject	County Charter/Charter Review Committee
Comments	The county charter should require Clallam County commissioners to respond to and ardently oppose any requests by tribes to the Bureau of Indian Affairs to place any property in trust. Tribes should pay their fair share of taxes.

Please Note

This form is not for emergencies. If you have an emergency, please phone 911.

Email not displaying correctly? [View it in your browser.](#)

Gores, Loni

From: noreply@civicplus.com
Sent: Monday, March 17, 2025 10:12 AM
To: Gores, Loni
Subject: Online Form Submission #6831 for Contact the Clerk of the Board

Contact the Clerk of the Board

First Name	Brad
Last Name	Anderson
Email	Brad.anderson479@icloud.com
Phone	916-521-0548
Subject	Discriminatory practices causing prejudices
Comments	county charter should require Clallam County commissioners to respond to and ardently oppose any requests by tribes to the Bureau of Indian Affairs to place any property in trust. Tribes should pay their fair share of taxes."

Please Note

This form is not for emergencies. If you have an emergency, please phone 911.

Email not displaying correctly? [View it in your browser.](#)

Gores, Loni

From: Eric Fehrmann <efehrm_3@hotmail.com>
Sent: Monday, March 17, 2025 11:25 AM
To: Gores, Loni
Subject: Charter Commission

Loni; Please send this to the charter review commissioners.

Charter Commissioners

I would like to suggest that Clallam County Commissioners be required to oppose any Bureau of Indian Affairs request to place tribal property in trust, if it is to be used in association with any commercial or industrial enterprise. This removal of property from tax roles is having an adverse effect on revenue in this county. As I am new to your processes, I do not know the proper format for this request. I hope to hear this subject breached at your next meeting.

Thank you

Eric Fehrmann

Gores, Loni

From: Fisch, Susan
Sent: Monday, March 17, 2025 2:50 PM
To: Gores, Loni
Subject: The Charter and the CRC

All:

At the first CRC meeting when you honored me by making me the Chair, I said that I would do the best I could to keep us on track and in alignment with our duty as stated in the Charter. I said that we had to remember what the Charter was and how it could and could not be amended. On several other occasions since that time, including a meeting of the District 1 Commissioners (town hall planning meeting), I reiterated the need to stay on task. I stated my position that Commissioners should always provide accurate information to the community and educate them on the Charter and possible amendments. This includes a statement at the beginning of each town hall explaining the Charter and how it is amended. I don't think it is fair or accurate to encourage citizens to believe that the Charter can be amended in a way that is inconsistent with Federal and State law and doesn't address the operation of county government. Many of you have voiced this same view.

Today, we received three identical requests from citizens. Concerning because they were identical, arrived on the same day and are not something that can be accomplished by a Charter amendment. If you know these citizens, this would be a great opportunity to educate them. By not providing correct information to the citizens in our community, we are allowing disinformation and distrust in the the government to flourish. We should take every opportunity to educate.

Susan Fisch

Gores, Loni

From: Tozzer, Jeff
Sent: Monday, March 17, 2025 8:48 PM
To: Gores, Loni
Subject: Explanation for citizen submissions

Hi Loni, could you please forward this to all the CRC? Thank you.

Dear Susan,

I wanted to reach out and take responsibility for those citizen submissions—I'm fairly certain they originated from a comment thread on my website, *Clallam County Watchdog*. Someone asked if the CRC could address an issue, and I encouraged them to complete the form. Others saw the post and followed suit.

Since I'm not a lawyer and haven't served in public office before, I wasn't aware that the request couldn't be addressed through a Charter amendment. If it's possible, I'd love for us to have a discussion as a commission about what types of issues can be handled through this process and which cannot. I understand that some things, like changing a speed limit, fall outside our purview, but there are other areas where I could use more clarity.

As for the similar wording in submissions, I know it's common practice for like-minded individuals to use templates when reaching out to elected officials. Not everyone feels comfortable writing requests from scratch. I believe the Sequim School District recently did something similar when seeking support from both the County Commissioners and Sequim City Council for their ballot measures.

I also recall our discussions about using our time in office to help citizens find the right channels for their concerns, even if their initial request falls outside our scope. To that end, I don't mind receiving multiple submissions on the same topic—it shows engagement, and sometimes it leads to highlighting related issues that *are* within our reach. I appreciate Dee's willingness to help us navigate what we can and cannot address.

Above all, I look forward to hearing from the community about how county government can best serve them. Even when a request isn't feasible, it can spark conversations that lead to meaningful change. That's why I won't be discouraging anyone from submitting their ideas.

Susan, you are doing a fantastic job leading us—I truly can't imagine a better person for the role. Thank you for your hard work; it hasn't gone unnoticed.

Sincerely,

Jeff

Gores, Loni

From: Richards, Ron
Sent: Tuesday, March 18, 2025 1:33 PM
To: Gores, Loni; Fisch, Susan
Subject: Re: The Charter and the CRC

Chair Fisch,

I believe the three messages received yesterday regarding requests to transfer property into tribal trust land status make legitimate requests. While we might not think the requests should be responded to affirmatively, others might legitimately think otherwise.

As I read those messages, they make three points: (1) that the County Commissioners should respond to requests to transfer tribal fee land into trust land; (2) that the County Commissioners should oppose those requests; and (3) that the tribes pay their fair share of taxes. In the context of these messages, I believe the concern with taxes is that once land becomes tribal trust land, the county loses the ability to collect real estate taxes from those lands.

It is my understanding that the Bureau of Indian Affairs does seek the county's opinion on whether a requested transfer into trust land status should be granted. Consequently, it is appropriate for anyone to ask that the County Commissioners respond to those requests. And those people requesting that the County Commissioner's oppose those requests do have a right, whether we agree with them or not, to favor the County Commissioners opposing the transfers on the basis that the county will lose the ability to collect real estate taxes from those lands.

On March 15, a Notice of Action (copied below) was published in the Peninsula Daily news inviting anyone "who is adversely affected" by a decision to transfer certain Jamestown S'Klallam Tribe property into trust land status to appeal. This would seem to allow an argument by Clallam County that it would be adversely affected through the loss of real estate taxes, or perhaps through the inability to apply its environmental ordinances to the property in question, or perhaps other reasons.

Because there seems to be a clear right for Clallam County to participate in these requests, it is an appropriate area in which to consider proposing charter amendments. In fact, I have proposed a charter amendment to require a section in the Clallam County Comprehensive Plan planning for the expansion of tribal trust and reservation property and establishing guidelines for county approval of such expansions. While the BIA could well approve an expansion despite the County's disapproval, it seems important to me that some planning be done in regard to these matters.

Sincerely,

Ron Richards

Case Number: 58181

Applicant Name: JAMESTOWN S'KLALLAM TRIBE

Public Notice to Acquire Land into Trust – BIA Regional Director Decisions

ACTION: Notice of decision to acquire land into trust under 25 Code of Federal Regulations, Part 151.

SUMMARY: The Regional Director, Bureau of Indian Affairs, U.S. Department of the Interior, on the below date, has made a determination to acquire real property in trust for the Jamestown S'Klallam Tribe, Case No. 58181.

The land referred to as the former "Blyn Basin V" property, herein and described as:

See "Exhibit A" for the legal description.

DATE: The determination was made on 03/11/2025

FOR FURTHER INFORMATION CONTACT: BIA NORTHWEST REGIONAL OFFICE, Bureau of Indian Affairs, 911 NE 11TH AVENUE, PORTLAND, OR 97232, telephone (503) 231-6702.

SUPPLEMENTARY INFORMATION: This notice is published to comply with the requirement of 25 CFR § 151.12(d)(2)(iii) that notice be given of the decision by the authorized representative of the Secretary of the Interior to acquire land in trust.

A copy of the determination is available from the NORTHWEST REGIONAL OFFICE, Bureau of Indian Affairs. This decision may be appealed by any person or entity who is adversely affected by the decision of the Regional Director. A Notice of Appeal shall be in writing, signed by the appellant or by his attorney of record or other qualified representative as provided by 43 CFR 1.3, and filed with the Interior Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after receipt by the appellant of the decision from which the appeal is taken.¹ A copy of the Notice of Appeal shall simultaneously be filed with the Assistant Secretary—Indian Affairs. As required by § 4.333 of this part, the Notice of Appeal sent to the Board shall certify that a copy has been sent to the Assistant Secretary—Indian Affairs. A Notice of Appeal that is not filed in a timely manner shall be dismissed for lack of jurisdiction.

A Notice of Appeal shall include:

- (1) A full identification of the case;
 - (2) A statement of the reasons for the appeal and of the relief sought; and
 - (3) The names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision, whether or not they participated as interested parties in the earlier proceedings.
- In accordance with 25 CFR 2.20(c), a notice of appeal shall not be effective for 20 days from receipt by the Board, during which time the Assistant Secretary—Indian Affairs may decide to review the appeal. If the Assistant Secretary—Indian Affairs properly notifies the Board that he has decided to review the appeal, any documents concerning the case filed with the Board shall be transmitted to the Assistant Secretary—Indian Affairs.

When the appellant is an Indian or Indian tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal.

At any time during the pendency of an appeal, an appropriate bond may be required to protect the interest of any Indian, Indian tribe, or other parties involved. See 43 CFR § 4.332.

Service of Notice of Appeal

On or before the date of filing the notice of appeal, the appellant shall serve a copy of the notice upon each known interested party, upon the official of the Bureau of Indian Affairs from whose decision the appeal is taken, and upon the Assistant Secretary—Indian Affairs. The notice of appeal filed with the Board shall certify that service was made as required by this section and shall show the names and addresses of all parties served.

The notice of appeal will be considered to have been served upon the date of personal service or mailing or electronic transmission in accordance with § 4.310(f). See 43 CFR § 4.333.

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: BLYN BASIN V

Land Area	Land Area Name	Tract Number	LTRD	Region	Agency	Resources
129	JAMESTOWN KLALLAM (CLALLAM)		PORTLAND OR	NORTHWEST REGIONAL OFFICE	OLYMPIC PENINSULA AGENCY	Both (Mineral and Surface)

From: Gores, Loni <loni.gores@clallamcountywa.gov>

Sent: Monday, March 17, 2025 3:03 PM

To: Benedict, Bill <bill.benedict@clallamcountywa.gov>; Boughton, Dee <dee.boughton@clallamcountywa.gov>;

Cameron, Ron <ron.cameron@clallamcountywa.gov>; Fane, Alex <alex.fane@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>; Fleck, Rod <rod.fleck@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Hodgson, Mark <mark.hodgson@clallamcountywa.gov>; Holy, Christy <christy.holy@clallamcountywa.gov>; Morris, Patti <patti.morris@clallamcountywa.gov>; Noble, Chris <chris.noble@clallamcountywa.gov>; Pickett, Paul <paul.pickett@clallamcountywa.gov>; Richards, Ron <ron.richards@clallamcountywa.gov>; Sarmiento, Nina <Nina.Sarmiento@clallamcountywa.gov>; Stoffer, Jim <jim.stoffer@clallamcountywa.gov>; Tozzer, Jeff <jeff.tozzer@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>

Subject: FW: The Charter and the CRC

Correspondences from Fisch.

"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: Fisch, Susan <susan.fisch@clallamcountywa.gov>
Sent: Monday, March 17, 2025 2:50 PM
To: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: The Charter and the CRC

All:

At the first CRC meeting when you honored me by making me the Chair, I said that I would do the best I could to keep us on track and in alignment with our duty as stated in the Charter. I said that we had to remember what the Charter was and how it could and could not be amended. On several other occasions since that time, including a meeting of the District 1 Commissioners (town hall planning meeting), I reiterated the need to stay on task. I stated my position that Commissioners should always provide accurate information to the community and educate them on the Charter and possible amendments. This includes a statement at the beginning of each town hall explaining the Charter and how it is amended. I don't think it is fair or accurate to encourage citizens to believe that the Charter can be amended in a way that is inconsistent with Federal and State law and doesn't address the operation of county government. Many of you have voiced this same view.

Today, we received three identical requests from citizens. Concerning because they were identical, arrived on the same day and are not something that can be accomplished by a Charter amendment. If you know these citizens, this would be a great opportunity to educate them. By not providing correct information to the citizens in our community, we are allowing disinformation and distrust in the the government to flourish. We should take every opportunity to educate.

Susan Fisch

Gores, Loni

From: Patrice Johnston <patricejohnston1953@gmail.com>
Sent: Tuesday, March 18, 2025 8:28 PM
To: Gores, Loni
Subject: Summary of public comment from 3/10/25 meeting

You don't often get email from patricejohnston1953@gmail.com. [Learn why this is important](#)

Dear Ms. Gores,

Please accept this written summary of my public comment from the Charter Review Commission's March 10, 2025 meeting. These comments are from my memory so they won't exactly track my comments, but I will try to capture the main ideas.

I would like to comment on three matters that have been discussed by the Commission this evening.

First, the question of ***how a vacancy on the Commission should be filled***. During the meeting, it was suggested that it should be filled by offering the position to the person on the ballot who got the next highest total of votes to the last person (#5 of 5 from the relevant district, I assume) elected. The question was then raised if this is a common practice, or if it is more common to take applications and have the sitting Commissioners fill the vacancy by appointment. I offered my view that the better practice would be to accept applications and have the sitting Commissioners appoint the new member. My reasoning is 1) it is my understanding that this is the common practice in this situation (I have seen it followed multiple times on the Sequim City Council and the Sequim School Board); and 2) certainly any prior candidate who was not elected could apply and the votes they received could be one factor considered by the Commissioners in deciding who to appoint. In addition, I believe that once an election is certified, the election is over and it is inappropriate to "reopen" it and put a prior candidate on the Commission without giving others an opportunity to apply. Finally, there may have been good reasons that the voters rejected a particular candidate, and I see no reason to lock the Commission into a position where they have no discretion in who is appointed to a vacant seat.

Second, the question of ***whether public officials should sit on boards of, or otherwise participate in, other organizations***. Public officials benefit from talking to many people, learning about issues in their communities and resources available to address those issues. That may include serving on nonprofit boards and/or working with other organizations. It is incorrect to refer to such activities as presenting a conflict of interest unless the official is personally benefiting from the activity. According to Wikipedia, "conflicts of interest can be defined as any situation in which an individual . . . is in a position to exploit a professional or official capacity in some way *for their personal . . . benefit*." Simply being involved with an organization that has a mission a constituent disagrees with does not mean the public official has a conflict of interest.

Third was the question of ***whether the Commission or other government entities should meet on property owned by the Jamestown S'Klallam tribe***. I believe the Commissioners received my views on that subject in my email to Commissioner Tozzer dated 3/14/25.

Thank you for taking the time to consider my input.

Patrice Johnston
Sequim, WA

Gores, Loni

From: Richards, Ron
Sent: Wednesday, March 19, 2025 10:01 AM
To: Gores, Loni
Subject: Charter Priorities

Hi Loni,

In reviewing the spreadsheet summarizing the priorities of the Charter Review Commissioners, I noted the summary showed me not prioritizing "Environmental Steward". I intended to vote for that. It was "c" on my list of priorities.

Ron

Gores, Loni

From: Pickett, Paul
Sent: Thursday, March 20, 2025 11:06 AM
To: Fisch, Susan; Noble, Chris; Hodgson, Mark
Cc: Gores, Loni
Subject: Proposed Charter Amendment regarding grants and loans
Attachments: Model Grant Charter Language draft1.docx

Susan, Chris, Mark:

I'm giving notice to the Commission that I'd like the proposed Charter Amendment to be considered by the Commission. Please include this under "new business" for Monday's meeting.

I'm open to a couple avenues for action:

1. Place on the agenda of our April 14 meeting for debate and potential amendment.
2. Create a committee to review this issue further and refine the proposal.

Loni, please cc this message to all Commissioners.

Thank you!

Paul Pickett

CHARTER REVIEW COMMISSION RESOLUTIONS No. _____
DRAFT – March 24, 2025

THE CLALLAM COUNTY CHARTER REVIEW COMMISSION finds as follows:

1. The current Charter provides no clear requirements for County grants and loans; and
2. There have been requests from the public to provide greater transparency for grants and loans; and
3. Language in the Charter, modeled after [WAC 173-323](#), would improve transparency and accountability in County government;

NOW THEREFORE BE IT RESOLVED, the Clallam County Charter Review Commission, in consideration of the above findings of fact, transmit the following amendment to the County Auditor for inclusion on the 2025 general election ballot in a form that substantially conforms to the following:

New Section to be added to Article IX:

9.80 Grant and Loan management

1. Clallam County and the recipient must fulfill their obligations under the terms of a grant or loan agreement.
2. Clallam County, or an auditor authorized by the County, may audit or inspect a recipient's grant or loan agreements and records.
3. Any agreement for grants and loans of over \$1,000 shall be provided as a draft to the public for their review and comment for at least 14 days before the County may finalize the agreement.
4. Clallam County shall structure grants and loan agreements to ensure that recipients must:
 - a. Follow all applicable accounting and auditing laws and rules related to grants and loans
 - b. Use funds according to the agreement
 - c. Use funds according to the recipient's own policies and procedures, and according to all applicable laws and rules.
 - d. Comply with all applicable laws, rules, orders, and permits when carrying out activities authorized by the agreement.
 - e. Obtain preapproval for equipment purchases over the amount specified in the agreement.
 - f. Submit to the County: progress reports on a regular basis, usually monthly; payment requests; equipment purchase reports; documentation; a final closeout report; any other required information.
5. Clallam County shall:
 - a. Follow all applicable accounting and auditing laws and rules related to grants and loans.
 - b. Monitor projects and review progress reports to assure compliance with applicable laws, rules, orders, permits, and terms and conditions of the agreement.
 - c. Confirm that the County has received required documentation and the project is satisfactorily completed before approving final payment.
 - d. Ensure that all documents are available for public review in accordance with Washington's Public Records Act (Chapter 42.86 RCW).

PASSED AND ADOPTED this ____ day of ____ 2025.

Gores, Loni

From: Pickett, Paul
Sent: Thursday, March 20, 2025 11:29 AM
To: Gores, Loni
Subject: Re: The Charter and Trust Land conversion

Please provide the following reply to the Commission.

I respect the legitimate concerns of losing taxable property to trust or other non-taxable properties. But the treaty and federal trust rights of the Tribes must also be respected.

If the Commission wants to pursue this course, let me suggest a compromise approach. In any cases governments have reached agreements with the Tribes to provide alternative compensation or mitigation for loss of taxes, for example between Tribes and the State of Washington regarding cigarette sales.

As an alternative, proposed Charter language could state that the County opposes lands currently taxed to go into trust unless an agreement is reached to provide mitigation to the county for the loss of taxable properties, in which case the County could support the change in taxation status based on that agreement.

Food for thought...

Paul Pickett
Charter Commissioner, District 2

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Tuesday, March 18, 2025 4:17 PM
To: Benedict, Bill <bill.benedict@clallamcountywa.gov>; Boughton, Dee <dee.boughton@clallamcountywa.gov>; Cameron, Ron <ron.cameron@clallamcountywa.gov>; Fane, Alex <alex.fane@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>; Fleck, Rod <rod.fleck@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Hodgson, Mark <mark.hodgson@clallamcountywa.gov>; Holy, Christy <christy.holy@clallamcountywa.gov>; Morris, Patti <patti.morris@clallamcountywa.gov>; Noble, Chris <chris.noble@clallamcountywa.gov>; Pickett, Paul <paul.pickett@clallamcountywa.gov>; Richards, Ron <ron.richards@clallamcountywa.gov>; Sarmiento, Nina <Nina.Sarmiento@clallamcountywa.gov>; Stoffer, Jim <jim.stoffer@clallamcountywa.gov>; Tozzer, Jeff <jeff.tozzer@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>
Subject: FW: The Charter and the CRC

Resending the correspondences from Richards. I had a CRC member that said it came over blank on their end. I'll also try attaching it to an email in just a minute as well so I make sure you see it.

"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: Richards, Ron <ron.richards@clallamcountywa.gov>
Sent: Tuesday, March 18, 2025 1:33 PM
To: Gores, Loni <loni.gores@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>
Subject: Re: The Charter and the CRC

Chair Fisch,

I believe the three messages received yesterday regarding requests to transfer property into tribal trust land status make legitimate requests. While we might not think the requests should be responded to affirmatively, others might legitimately think otherwise.

As I read those messages, they make three points: (1) that the County Commissioners should respond to requests to transfer tribal fee land into trust land; (2) that the County Commissioners should oppose those requests; and (3) that the tribes pay their fair share of taxes. In the context of these messages, I believe the concern with taxes is that once land becomes tribal trust land, the county loses the ability to collect real estate taxes from those lands.

It is my understanding that the Bureau of Indian Affairs does seek the county's opinion on whether a requested transfer into trust land status should be granted. Consequently, it is appropriate for anyone to ask that the County Commissioners respond to those requests. And those people requesting that the County Commissioner's oppose those requests do have a right, whether we agree with them or not, to favor the County Commissioners opposing the transfers on the basis that the county will lose the ability to collect real estate taxes from those lands.

On March 15, a Notice of Action (copied below) was published in the Peninsula Daily news inviting anyone "who is adversely affected" by a decision to transfer certain Jamestown S'Klallam Tribe property into trust land status to appeal. This would seem to allow an argument by Clallam County that it would be adversely affected through the loss of real estate taxes, or perhaps through the inability to apply its environmental ordinances to the property in question, or perhaps other reasons.

Because there seems to be a clear right for Clallam County to participate in these requests, it is an appropriate area in which to consider proposing charter amendments. In fact, I have proposed a charter amendment to require a section in the Clallam County Comprehensive Plan planning for the expansion of tribal trust and reservation property and establishing guidelines for county approval of such expansions. While the BIA could well approve an expansion despite the County's disapproval, it seems important to me that some planning be done in regard to these matters.

Sincerely,

Ron Richards

PDNL: March 15, 2025

Legal No. 1010578

Case Number: 58181

Applicant Name: JAMESTOWN S'KLALLAM TRIBE

Public Notice to Acquire Land into Trust -- BIA Regional Director Decisions

ACTION: Notice of decision to acquire land into trust under 25 Code of Federal Regulations, Part 151.

SUMMARY: The Regional Director, Bureau of Indian Affairs, U.S. Department of the Interior, on the below date, has made a determination to acquire real property in trust for the Jamestown S'Klallam Tribe, Case No. 58181.

The land referred to as the former "Blyn Basin VI" property, herein and described as:

See "Exhibit A" for the legal description.

DATE: The determination was made on 03/11/2025

FOR FURTHER INFORMATION CONTACT: BIA NORTHWEST REGIONAL OFFICE, Bureau of Indian Affairs, 911 NE 11TH AVENUE, PORTLAND, OR 97232, telephone (503) 231-6702.

SUPPLEMENTARY INFORMATION: This notice is published to comply with the requirement of 25 CFR § 151.12(d)(2)(iii) that notice be given of the decision by the authorized representative of the Secretary of the Interior to acquire land in trust.

A copy of the determination is available from the NORTHWEST REGIONAL OFFICE, Bureau of Indian Affairs. This decision may be appealed by any person or entity who is adversely affected by the decision of the Regional Director. A Notice of Appeal shall be in writing, signed by the appellant or by his attorney of record or other qualified representative as provided by 43 CFR 1.3, and filed with the Interior Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after receipt by the appellant of the decision from which the appeal is taken.¹ A copy of the Notice of Appeal shall simultaneously be filed with the Assistant Secretary—Indian Affairs. As required by § 4.333 of this part, the Notice of Appeal sent to the Board shall certify that a copy has been sent to the Assistant Secretary—Indian Affairs. A Notice of Appeal that is not filed in a timely manner shall be dismissed for lack of jurisdiction.

A Notice of Appeal shall include:

- (1) A full identification of the case;
 - (2) A statement of the reasons for the appeal and of the relief sought; and
 - (3) The names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision, whether or not they participated as interested parties in the earlier proceedings.
- In accordance with 25 CFR 2.20(c), a notice of appeal shall not be effective for 20 days from receipt by the Board, during which time the Assistant Secretary—Indian Affairs may decide to review the appeal. If the Assistant Secretary—Indian Affairs properly notifies the Board that he has decided to review the appeal, any documents concerning the case filed with the Board shall be transmitted to the Assistant Secretary—Indian Affairs.

When the appellant is an Indian or Indian tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal.

At any time during the pendency of an appeal, an appropriate bond may be required to protect the interest of any Indian, Indian tribe, or other parties involved. See 43 CFR § 4.332.

Service of Notice of Appeal

On or before the date of filing the notice of appeal, the appellant shall serve a copy of the notice upon each known interested party, upon the official of the Bureau of Indian Affairs from whose decision the appeal is taken, and upon the Assistant Secretary—Indian Affairs. The notice of appeal filed with the Board shall certify that service was made as required by this section and shall show the names and addresses of all parties served.

The notice of appeal will be considered to have been served upon the date of personal service or mailing or electronic transmission in accordance with § 4.310(f). See 43 CFR § 4.333.

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: BLYN BASIN V

Land Area	Land Area Name	Tract Number	LTR	Region	Agency	Resources
129	JAMESTOWN KLALLAM (CLALLAM)		PORTLAND OR	NORTHWEST REGIONAL OFFICE	OLYMPIC PENINSULA AGENCY	Both (Mineral and Surface)

From: Gores, Loni <loni.gores@clallamcountywa.gov>

Sent: Monday, March 17, 2025 3:03 PM

To: Benedict, Bill <bill.benedict@clallamcountywa.gov>; Boughton, Dee <dee.boughton@clallamcountywa.gov>; Cameron, Ron <ron.cameron@clallamcountywa.gov>; Fane, Alex <alex.fane@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>; Fleck, Rod <rod.fleck@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Hodgson, Mark <mark.hodgson@clallamcountywa.gov>; Holy, Christy <christy.holy@clallamcountywa.gov>; Morris, Patti <patti.morris@clallamcountywa.gov>; Noble, Chris <chris.noble@clallamcountywa.gov>; Pickett, Paul <paul.pickett@clallamcountywa.gov>; Richards, Ron <ron.richards@clallamcountywa.gov>; Sarmiento, Nina <Nina.Sarmiento@clallamcountywa.gov>; Stoffer, Jim <jim.stoffer@clallamcountywa.gov>; Tozzer, Jeff <jeff.tozzer@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>

Subject: FW: The Charter and the CRC

Correspondences from Fisch.

"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: Fisch, Susan <susan.fisch@clallamcountywa.gov>

Sent: Monday, March 17, 2025 2:50 PM

To: Gores, Loni <loni.gores@clallamcountywa.gov>

Subject: The Charter and the CRC

All:

At the first CRC meeting when you honored me by making me the Chair, I said that I would do the best I could to keep us on track and in alignment with our duty as stated in the Charter. I said that we had to remember what the Charter was and how it could and could not be amended. On several other occasions since that time, including a meeting of the District 1 Commissioners (town hall planning meeting), I reiterated the need to stay on task. I stated my position that Commissioners should always provide accurate information to the community and educate them on the Charter and possible amendments. This includes a statement at the beginning of each town hall explaining the Charter and how it is amended. I don't think it is fair or accurate to encourage citizens to believe that the Charter can be amended in a way that is inconsistent with Federal and State law and doesn't address the operation of county government. Many of you have voiced this same view.

Today, we received three identical requests from citizens. Concerning because they were identical, arrived on the same day and are not something that can be accomplished by a Charter amendment. If you know these citizens, this would be a great opportunity to educate them. By not

providing correct information to the citizens in our community, we are allowing disinformation and distrust in the the government to flourish. We should take every opportunity to educate.

Susan Fisch

Gores, Loni

From: Pickett, Paul
Sent: Thursday, March 20, 2025 2:43 PM
To: Fisch, Susan
Cc: Noble, Chris; Hodgson, Mark; Gores, Loni
Subject: Getting the Job Done

Susan,

I want to provide some comments and suggestions that might help us work more efficiently.

Please take this message in a friendly and constructive spirit.

A lot of the time at the meeting has been taken with people talking - presentations, discussion, etc. Very little time at the meeting has been for working on proposed amendments, which is our core work. So here are my thoughts for getting going on our work:

- Limit the time for each person to discuss an issue. A few people are dominating the discussions and making long statements. Maybe the Commission can agree on a group on time limits for discussion. Perhaps one Commissioner gets their first say (3 minutes maybe), then others get to speak. If everyone has spoken once, Commissioners can get a second statement.
- Limits on time for presenters. Some of the presentations have gone on too long, in my opinion. However some of the Q&A sessions were very helpful.
- As an alternative to presenters (County staff, or whomever) taking up meeting time, maybe we should schedule special meetings just for presentations and discussion of the work of County staff, then keep our regular meetings for our core work on amendment proposals.
- I'd like to see the top proposals get assigned to Commissioners. Perhaps each Commissioner can "adopt" a proposal and either draft an amendment or chair a Committee for study and recommendations. My two earlier emails are examples - in one case I did the research myself and drafted a proposal, and in the other extensive research is needed and I'm willing to lead a Committee to do that work.
- Committees should be empowered to draft an amendment and bring it to the Commission as their recommendation. The Coroner Committee reported, but had no recommendation, asked for direction, and got none. This is another way we drag our feet. The job of a Committee should be to choose a preferred alternative and bring a draft to the Commission. The Commission can then agree to move forward with the Committee recommendation, or choose a different recommendation.

If these suggestions are implemented, we will get a lot more work done in the short time we have to produce results. I'm really not interested in continuing with the Committee unless it gets more efficient, but these suggestions or any other. Our approach needs to improve.

In the spirit of my suggestions, I hope the Executive Board will decide which to implement in their powers to set agendas and run the meetings, and which to bring to the Commission.

Loni, please cc the rest of the Commission.

Thank you for all you all do!

Paul Pickett
Charter Review Commissioner, District 2

Gores, Loni

From: Pickett, Paul
Sent: Thursday, March 20, 2025 7:28 PM
To: Gores, Loni
Subject: Fw: Request for a Committee to consider a Charter amendment about water management

My apologies. I forgot to cc you.

From: Pickett, Paul
Sent: Thursday, March 20, 2025 11:15 AM
To: Fisch, Susan <susan.fisch@clallamcountywa.gov>; Noble, Chris <chris.noble@clallamcountywa.gov>; Hodgson, Mark <mark.hodgson@clallamcountywa.gov>
Subject: Request for a Committee to consider a Charter amendment about water management

Susan, Chris, and Mark,

Please provide me some time under New Business to propose a Committee to explore how to address County water management in the Charter. I'd like to propose a Committee to study this and bring recommendations to the Commission.

A few points regarding this request:

- There have been requests by the public to consider this issue.
- This was a top-10 priority with our recent prioritization exercise, under the topic heading "Environmental Stewardship"
- I have had a career of over 40 years in Water Resources, and I believe I'm highly qualified to participate in and possibly lead this Committee
- Water Resources is a complex issue, and must consider the regulatory role of Department of Ecology and the treaty responsibilities to the Tribes.
- The role of the County is limited by these other authorities, but the County still has significant duties regarding water, especially in Community Development, Public Works, and Environmental Health. But framing those duties in a way appropriate for the Charter will take some study and discussion with the Tribes, Ecology, and knowledgeable County staff.

If the Commission supports a Committee, the discussion could be limited to the value and priority of a Committee, and the complex details can be explored by the Committee.

Loni, please cc this message to all Commissioners.

Thank you,

Paul Pickett

From: carolvb@olympen.com
Sent: Friday, March 21, 2025 1:01 PM
To: Gores, Loni
Subject: Clallam Charter Review Commission

You don't often get email from carolvb@olympen.com. [Learn why this is important](#)

Please forward a copy of this email to the Commission for consideration

Stewardship of water purity in the Dungeness River Watershed and on the Miller Peninsula poses concerns that we hope the CRC may address.

As you know, our groundwater in the Sequim Dungeness watershed and on the Miller Peninsula is primarily drawn from four aquifers. (USGS study, 1999) These aquifers tend to communicate both vertically and laterally. Concern about the depletion of the aquifers raises two issues of stewardship that have not been adequately addressed.

The first of these issues is saltwater intrusion:

The only thing that keeps seawater from pushing into the aquifers is the pressure of fresh water within them. If we deplete freshwater pressure with overuse, saltwater intrusion will occur. This potential, coupled with climate-related declining snowpack, disappearance of glaciers, and uncertain climatology would seem to require the governing bodies here to closely monitor the aquifers and plan carefully for the expansion of development, but this is not being adequately done.

The second issue is recharging with reclaimed water:

There is currently discussion in the City of Sequim and otherwise of replenishing the water supply by recharging the aquifers with reclaimed water. Reclaimed water is not potable and diluting it with groundwater does not make it safe. Though the water filtration in Sequim has received awards for conscientious maintenance there are things it does not and cannot do.

Nitrates in our watershed have long been a concern. They leach from septic systems and also the fertilizer in farming and gardening. Nitrates are not filtered out of our reclaimed water. Recharging the aquifers with reclaimed water would amplify levels over time. "A systematic review with meta-analysis published in Environmental Research in 2022 examined the link between nitrate contamination in drinking water and cancer risk...the review revealed a significant connection between nitrate exposure and stomach cancer specifically." (Joseph Mercola, February 21, 2025)

Pharmaceuticals:

In the Potomac River in the later 1990's fish were found with both male and female sex organs. It was soon discovered that phytoestrogens in the water, likely from synthetic birth control pills were affecting the hormones of these aquatic "canaries in the coal mine" (GreenMed Info, March 16, 2023). Flushed pharmaceutical residues remain in reclaimed water and they cannot be filtered out with current technologies. Recharging our aquifers would expose every resident to the drugs their neighbors ingested.

How much water to we actually have?

The state gives the city an allotment of water as a share. It is only a percentage and is not connected to the reality of what is actually in the ground. However, the City of Sequim uses this allotment percentage as proof of supply.

Our water here, as elsewhere, is a most precious resource. I believe we cannot be negligent in monitoring and protecting it. It is not a forever commodity, and the results of overuse would be dire. I support the Water Coordinator concept.

Thank you for the opportunity to share my concerns.

Carol von Borstel

2922 W Sequim Bay Road

Sequim, WA 98382

carolvb@olypen.com

Gores, Loni

From: Randy Tierney <erjtierney90@gmail.com>
Sent: Friday, March 21, 2025 1:45 PM
To: Gores, Loni
Subject: Citizen Letter To The Charter Review Commission

You don't often get email from erjtierney90@gmail.com. [Learn why this is important](#)

Dear Commissioners,

Our names are E. Randy and Jan R. Tierney and we are residents of Sequim.

I request the CRC to consider adding an additional topic of water to your agenda. Specifically, the topic of ***water availability***.

We have entered the zone of non-predictability with respect to climate change. The only certainty is that the severity and frequency of severe weather events will impact our area with exponential rates of change in severity. The implication of this fact is that historical performance is no longer an indicator of future weather predictability.

So far governmental assurances of the adequacy of our water supply for projected development, agricultural and domestic use are based solely upon Department of Ecology based *water rights*, not *water availability*. This is analogous to possessing a driver's license but not having fuel for your vehicle.

Clallam County has many demands for water, yet we lack a realistic, climate change accountable, water master plan. We cannot rely on any single agency or entity to decide on the future of water availability.

I urge the Charter Review Commission to establish a "***Water Facilitator/Coordinator***" agency. This agency must operate free from political or vested interests. This agency should study and recommend policy solutions based on data and science only. It should operate with transparency and attention to the citizen's priorities.

I also urge water management agencies to make their data public on a “dashboard” website that also provides links to pertinent websites. Users could then search on their own for information or data. The county may sponsor the site.

Thank you for this opportunity to share my concerns.

E. Randy and Jan R. Tierney
1796 West Sequim Bay Road
Sequim, WA 98382
er.tierney@wavecable.com
360-461-3765 Randy cell

Gores, Loni

From: Richards, Ron
Sent: Monday, March 24, 2025 7:24 AM
To: Pickett, Paul; Fisch, Susan
Cc: Gores, Loni
Subject: Re: Vacancies in Office

Hi Paul,

Your question regarding how to remove someone from office because of a failure to fulfill mandatory duties raises some really big questions. The citizens of our county and our government leaders have been dealing with this issue forever.

One problem is identifying what is a mandatory duty. Does an elected law enforcement officer have to arrest every speeder, and catch every drug dealer, and prosecute every person for violating a zoning ordinance?

A second problem is identifying who is responsible for the failure. Again, using the above example, would a county commission be responsible for failing to provide the necessary resources for the law enforcement officers to do their jobs?

Be all this as it may, I think on the state level and below what we have to remove someone from office is about all we can expect to have. The main options are:

1. Primary and General Elections. This is pretty much the main line of defense.
2. As you mentioned, Recall Elections. In the mid 1970's this tool was used to remove 2 Clallam County commissioners from office. The courts have made recall more difficult and more expensive since then, but they remain viable options.
3. Quo Warranto. Chapter 7.56 RCW. Under this statute, the Prosecutor has the power to have a court remove a public officer for "having done or suffered any act which by the provisions of the law shall work a forfeiture of his or her office." In the late 1970's this tool was used to remove a Clallam County Sheriff from office.
4. Declaratory Judgment. Chapter 7.24 RCW. While not really useful for removing someone from office, I think this option could have been used to determine whether our Prosecutor can serve as coroner. The operative words of the statute in this respect are "A person whose ... status or other legal relations are affected by a statute, municipal ordinance ... may have determined any question of construction or validity arising under the ... statute, ordinance ... and obtain a declaration of rights, status or other legal relations thereunder."

Ron

From: Pickett, Paul <paul.pickett@clallamcountywa.gov>
Sent: Saturday, March 22, 2025 1:10 PM
To: Richards, Ron <ron.richards@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>

Cc: Gores, Loni <loni.gores@clallamcountywa.gov>

Subject: Re: Vacancies in Office

Thank, Ron - that's helpful. Maybe if we have a "housekeeping" amendment for ambiguity issues, a reference to this law could be added. But not worth it's own amendment.

One issue i was trying to get at was removing someone from office because of a failure to fulfil mandatory duties of their position. Obviously recall is an option. But if the duties are clearly spelled out, could they be taken to court and be removed, much like being removed for a felony conviction?

Which points in turn to the need for the Charter to clearly spell out mandatory duties, which has already come up in the context of CD Director.

Loni, could you cc this to the entire Commission?

Paul

From: Richards, Ron <ron.richards@clallamcountywa.gov>

Sent: Saturday, March 22, 2025 12:46 PM

To: Pickett, Paul <paul.pickett@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>

Cc: Gores, Loni <loni.gores@clallamcountywa.gov>

Subject: Vacancies in Office

Paul,

After reading your emails to Susan which address an ambiguity in Section 7.50 of the Charter, I now understand the question you asked last Wednesday night at the CCD's meeting on the Charter. I agree that saying an office becomes vacant for "other causes" is vague, but I think the issue is made somewhat insignificant by RCW 42.12.010 which provides:

RCW 42.12.010

Causes of vacancy.

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) Except as provided in RCW * [3.46.067](#) and [3.50.057](#), his or her ceasing to be a legally registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

There could well be other reasons for a vacancy that could be found in appellate court decisions. In any event, I think RCW 42.12.010 fills in enough contingencies that we do not have to be concerned about the vagueness of Section 7.50.

I also think the main purpose of Section 7.50 of the Charter is to specify the procedures for filing a vacancy and not defining when a position becomes vacant. For this purpose, I think the section is adequate.

I'm sorry I didn't understand your question last Wednesday, but I hope this adequately responds to it.

Ron

Gores, Loni

From: Richards, Ron
Sent: Monday, March 24, 2025 1:51 PM
To: Pickett, Paul; Gores, Loni; Fisch, Susan
Subject: Re: Vacancies in Office

Paul,

I should have added mention of the following constitutional provisions and RCWs to my last email for actions that “shall work a forfeiture of office”, or create a vacancy in office, or which create other reasons for removal from office.

Under Article V, Section 3 of the Washington Constitution, “[a]ll officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.” Under Article V, Section 2 of the Washington Constitution, only “[t]he governor and other state and judicial officers” are liable to impeachment.

As far as county officers are concerned impeachment is not an avenue for removal, but they may be removed for “misconduct or malfeasance” in such manner as may be provided by law. There are at least three RCW’s that provide for removal. These are copied below.

Whether a Charter provision creating the ability to remove an elected official because of a failure to fulfill mandatory duties of their position, as you have questioned, would be grounds for “removal for misconduct or malfeasance in office, in such manner as may be provided by law” under Article V, Section 3 of the Washington Constitution is a very interesting question. First, would such a Charter provision qualify as a “manner as may be provided by law”, or is that condition only satisfied by the enactment of a state law. Second, is failure to fulfill mandatory duties “misconduct”.

Article 11, Section 4, of the Washington State Constitution, says “the charter of said county ... shall become the organic law thereof, and supersede . . . all special laws inconsistent with such charter”. Article 11 (coincidentally) of the California State Constitution, says “the provisions of a charter are the law of the State and have the force and effect of legislative enactments”. These provisions certainly leave room for Charter provisions to be considered as “law” that can provide for the removal of officers.

The next issue, whether the failure to fulfill mandatory duties would constitute “misconduct” seems to have been answered in the affirmative by the Washington Appellate Court Case of Johnson v. Wash. State Conservation Comm’n, 16 Wash.App.2d 265, 480 P.3d 502. There, the Court upheld findings that the failure to maintain full and accurate records of district business and delayed approval of timesheets and signing of checks constituted “neglect of duty” which under RCW 89.08.200 was grounds for removal from office. The court further held that “neglect of duty” constituted “a specific type of “misconduct” which are grounds for removal of officers under the Washington State Constitution. “Neglect of duty” seems to be a clear example of what you term to be “a failure to fulfill mandatory duties of their position”. The above authority certainly creates the possibility that our Charter could address removing elected officials for that reason.

I really appreciate your raising this issue as something to consider. Whether it should rise to a priority in the eyes of the CRC is an open question, but it would certainly be an interesting issue that could further define the powers of Charter counties.

In ending this email, I would point out the following regarding the statutes copied below:

RCW 9.92.120 only addresses felonies and malfeasance in office. It does not go as far as the constitution allows to also address "misconduct".

RCW 42.12.010(4) is what did in our past Director of the Office of Community Development.

RCW 42.12.010(5) adds "violation of an official oath" to the mix of what creates a "vacancy" in an office, which seems to be equivalent to working a forfeiture.

The oath of office that the CRC members signed, and I assume all Clallam County elected officials sign, says in pertinent part "I will support the Constitution and laws of the United States and the State of Washington and the charter and ordinances of Clallam County, and that I will faithfully and impartially discharge the duties of this office to the best of my ability." Whether failing to perform mandatory duties could be considered a "violation of an official oath" so as to constitute a violation of RCW 42.12.010(5) to effect a "vacancy" in an office under that statute is another open question. An official could, I suppose, claim they did not have the "ability to fulfill the duty."

Thank you, Paul, for raising this interesting issue.

Ron

RCW [9.92.120](#)

Conviction of public officer forfeits trust.

The conviction of a public officer of any felony or malfeasance in office shall entail, in addition to such other penalty as may be imposed, the forfeiture of his or her office, and shall disqualify him or her from ever afterward holding any public office in this state.

RCW [42.12.010](#)

Causes of vacancy.

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) Except as provided in RCW * [3.46.067](#) and [3.50.057](#), his or her ceasing to be a legally registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or

(8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

RCW 89.08.200

Supervisors—Term, vacancies, removal, etc.—Compensation.

The term of office of each supervisor shall be three years and until his or her successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his or her successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state conservation commission. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation, but they shall be entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties. A supervisor may be removed by the state conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The governing board shall designate a chair from time to time.

From: Pickett, Paul <paul.pickett@clallamcountywa.gov>
Sent: Monday, March 24, 2025 10:35 AM
To: Richards, Ron <ron.richards@clallamcountywa.gov>
Subject: Re: Vacancies in Office

Ron, yes, you raise good issues. And on top of that, how often and for how long did they not fulfil duties? Better to leave that issue off the table.

But clarifying duties might be worthwhile. And making a longer list of reasons for vacancies with the legal basis and options to address them might be good. But I'm inclined to let the group decide if those are priorities.

Paul

From: Richards, Ron <ron.richards@clallamcountywa.gov>
Sent: Monday, March 24, 2025 7:24 AM
To: Pickett, Paul <paul.pickett@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>
Cc: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: Re: Vacancies in Office

Hi Paul,

Your question regarding how to remove someone from office because of a failure to fulfill mandatory duties raises some really big questions. The citizens of our county and our government leaders have been dealing with this issue forever.

One problem is identifying what is a mandatory duty. Does an elected law enforcement officer have to arrest every speeder, and catch every drug dealer, and prosecute every person for violating a zoning ordinance?

A second problem is identifying who is responsible for the failure. Again, using the above example, would a county commission be responsible for failing to provide the necessary resources for the law enforcement officers to do their jobs?

Be all this as it may, I think on the state level and below what we have to remove someone from office is about all we can expect to have. The main options are:

1. Primary and General Elections. This is pretty much the main line of defense.
2. As you mentioned, Recall Elections. In the mid 1970's this tool was used to remove 2 Clallam County commissioners from office. The courts have made recall more difficult and more expensive since then, but they remain viable options.
3. Quo Warranto. Chapter 7.56 RCW. Under this statute, the Prosecutor has the power to have a court remove a public officer for "having done or suffered any act which by the provisions of the law shall work a forfeiture of his or her office." In the late 1970's this tool was used to remove a Clallam County Sheriff from office.
4. Declaratory Judgment. Chapter 7.24 RCW. While not really useful for removing someone from office, I think this option could have been used to determine whether our Prosecutor can serve as coroner. The operative words of the statute in this respect are "A person whose ... status or other legal relations are affected by a statute, municipal ordinance ... may have determined any question of construction or validity arising under the ... statute, ordinance ... and obtain a declaration of rights, status or other legal relations thereunder."

Ron

From: Pickett, Paul <paul.pickett@clallamcountywa.gov>
Sent: Saturday, March 22, 2025 1:10 PM
To: Richards, Ron <ron.richards@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>
Cc: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: Re: Vacancies in Office

Thank, Ron - that's helpful. Maybe if we have a "housekeeping" amendment for ambiguity issues, a reference to this law could be added. But not worth it's own amendment.

One issue i was trying to get at was removing someone from office because of a failure to fulfil mandatory duties of their position. Obviously recall is an option. But if the duties are clearly spelled out, could they be taken to court and be removed, much like being removed for a felony conviction?

Which points in turn to the need for the Charter to clearly spell out mandatory duties, which has already come up in the context of CD Director.

Loni, could you cc this to the entire Commission?

Paul

From: Richards, Ron <ron.richards@clallamcountywa.gov>

Sent: Saturday, March 22, 2025 12:46 PM

To: Pickett, Paul <paul.pickett@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>

Cc: Gores, Loni <loni.gores@clallamcountywa.gov>

Subject: Vacancies in Office

Paul,

After reading your emails to Susan which address an ambiguity in Section 7.50 of the Charter, I now understand the question you asked last Wednesday night at the CCD's meeting on the Charter. I agree that saying an office becomes vacant for "other causes" is vague, but I think the issue is made somewhat insignificant by RCW 42.12.010 which provides:

RCW 42.12.010

Causes of vacancy.

Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) Except as provided in RCW * [3.46.067](#) and [3.50.057](#), his or her ceasing to be a legally registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

There could well be other reasons for a vacancy that could be found in appellate court decisions. In any event, I think RCW 42.12.010 fills in enough contingencies that we do not have to be concerned about the vagueness of Section 7.50.

I also think the main purpose of Section 7.50 of the Charter is to specify the procedures for filing a vacancy and not defining when a position becomes vacant. For this purpose, I think the section is adequate.

I'm sorry I didn't understand your question last Wednesday, but I hope this adequately responds to it.

Ron

Charter Review Commission

Priority ranking sheets

CRC Commissioner /Citizen Suggestions

1. BOCC

☒ District Based Elections

☒ Number of Commissioners

Transparent BOCC spending

General transparency issues

Reforming BOCC committee appointments

Increased BOCC public engagement

~~16~~ = My Chicos (Ninos)

[Signature]
10 MAR 2025

2. County Elected/Appointed Positions

☒ Coroner

Public Defenders Office

Environmental/Water Steward

☒ DCD. (If elected, who has what authority/conflict resolution)

County Clerk- enumerated responsibilities

☒ Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum

Not Tax increases/Voter Approval

☒ Budget Townhalls

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners

Not sure [No property tax increases —

- ① Coroner
- ② Public Access
- ③ TLT Program
- ④ Oversight
- ⑤ # of Commissioners
- ⑥ Election by Dist
- ⑦ DCD
- ⑧ Budget Townhall
- ⑨ CRC - Decade or Five years

HECK PG 2

4. Ethics

Ethics Board/Commission

~~(was)~~ Restrictions on elected official's advocacy - not after the

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

~~(now)~~ BOCC can't vote on/request funds while sitting on the board of a requesting agency - not now
legal w/
rank of clerk

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

 CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

 Public Access to County meetings

Independent Hearing Officer

 Trust land transfer program

Rank Choice Voting

CRC Commissioner /Citizen Suggestions

1. BOCC

District Based Elections

Number of Commissioners

Transparent BOCC spending

General transparency issues

Reforming BOCC committee appointments

Increased BOCC public engagement

2. County Elected/Appointed Positions

Coroner

Public Defenders Office

Environmental/Water Steward

DCD. (If elected, who has what authority/conflict resolution)

County Clerk- enumerated responsibilities

Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum

Tax increases/Voter Approval

Budget Townhalls

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners

No property tax increases

4. Ethics

Ethics Board/Commission

Restrictions on elected official's advocacy

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

BOCC can't vote on/request funds while sitting on the board of a requesting agency

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings

Independent Hearing Officer

Trust land transfer program

Rank Choice Voting

CRC Commissioner /Citizen Suggestions

1. BOCC

District Based Elections

Number of Commissioners

Transparent BOCC spending

General transparency issues

Reforming BOCC committee appointments

Increased BOCC public engagement

2. County Elected/Appointed Positions

Coroner

Public Defenders Office

Environmental/Water Steward

DCD. (If elected, who has what authority/conflict resolution)

County Clerk- enumerated responsibilities

Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum

Tax increases/Voter Approval

Budget Townhalls

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners

No property tax increases

Holy P2

4. Ethics

Ethics Board/Commission

Restrictions on elected official's advocacy

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

BOCC can't vote on/request funds while sitting on the board of a requesting agency

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings

Independent Hearing Officer

Trust land transfer program

Rank Choice Voting

Hodgson
Pg 1

Mark Hodgson

1. BOCC

- District Based Elections
- Number of Commissioners
- Transparent BOCC spending
- General transparency issues
- Reforming BOCC committee appointments
- Increased BOCC public engagement

Would like to know more about BOCCs from Administration

Would like to know more about BOCCs

2. County Elected/Appointed Positions

Coroner

Public Defenders Office

Environmental/Water Steward

BCD. (If elected, who has what authority/conflict resolution)

County Clerk - enumerated responsibilities

Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum

Tax increases/Voter Approval

Budget Townhalls

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners

No property tax increases

MS CHAIRMAN

Hodgson pg 2

MARK HODGSON

4. Ethics

Ethics Board/Commission

Restrictions on elected official's advocacy

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

BOCC can't vote on/request funds while sitting on the board of a requesting agency

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings

Independent Hearing Officer

Trust land transfer program

Rank Choice Voting

Emergency Powers

Discussion

Mark Hodgson
CRC 0.3

From: Pickett, Paul
Sent: Monday, March 10, 2025 7:03 PM
To: Gores, Loni; Morris, Patti
Subject: Re: Top 10 priorities for CRC survey

Another, from Mark's comments:

Charter specifications for reporting requirements when the County provides a grant or loan.

From: Pickett, Paul <paul.pickett@clallamcountywa.gov>
Sent: Monday, March 10, 2025 6:35 PM
To: Gores, Loni <loni.gores@clallamcountywa.gov>; Morris, Patti <patti.morris@clallamcountywa.gov>
Subject: Re: Top 10 priorities for CRC survey

Mark Lane's comment should be added:

how to address issues in an emergency situation that the Charter doesn't address, or when laws conflict with the Charter.

From: Pickett, Paul
Sent: Monday, March 10, 2025 6:21 PM
To: Gores, Loni <loni.gores@clallamcountywa.gov>; Morris, Patti <patti.morris@clallamcountywa.gov>
Subject: Top 10 priorities for CRC survey

Here are my top priorities for the survey:

- Coroner
- Add mandatory duties of elected officials – for example, DCD, Clerk, Treasurer, Auditor (as related to CFO)
- Environmental/Water Steward or other water resource protection methods
- Conflict of interest (for example sitting on the board of a requesting agency) and recusal issues
- Charter Ambiguities ("Shall", definitions, duties of officials, vacancy)
- Creating a unified state forest transfer trust to make timber revenue more equitable.
- Government to government relations, as with the local tribes
- Public Defenders Office
- Improve transparency
- Rank Choice Voting

Thanks,

Paul Pickett
Charter Review Commissioner, District 2

Tozzer

Gores, Loni

From: Tozzer, Jeff
Sent: Tuesday, March 11, 2025 6:55 AM
To: Gores, Loni
Subject: CRC ranked priorities

Good morning Loni,

Here are my top ten priorities for Commissioner Morris and others.

Thank you,

Jeff

1. Ethics Board & include minimum penalties
2. Increased BOCC public engagement
3. District-based elections
4. BOCC can't vote on/request funds while sitting on the board of a requesting agency
5. General Fund reserve minimum
6. Tax increases/voter approval
7. Fair bidding process
8. Transparency in spending and issues
9. Transparency in public fund allocation to NGO's
10. Clarify what "American" government means

From: Richards, Ron
Sent: Tuesday, March 11, 2025 10:50 AM
To: Gores, Loni
Subject: CRC Initial Priorities

Ron Richards' Priorities Regarding CRC Commissioner / Citizen Suggestions

Note: My 10 recommendations are labeled a through j to distinguish between the categories labeled with numbers.

1. BOCC

I would not prioritize any of these issues because either the electorate has decided these before or the perceived problems can be addressed through other issues mentioned below.

2. County Elected/Appointed Positions

a. Coroner

b. Public Defenders Office. This and the county's water issues are the most financially challenging issues facing the county.

c. Environmental/Water Steward. This should be a position focused only on water issues including supply, flooding, and sea level rise. This and the Public Defenders issue are the most financially challenging issues facing the county.

d. Overlap between Auditor, Treasurer and CFO. This is more of a problem with the County Commissioners not complying with the separation of powers envisioned by the Charter than it is with the Charter itself. However, because the problem exists, language should be added to the Charter to eliminate the problem.

While the failure of the Charter to assign any duties to the County Clerk is a very significant issue, I would suggest ignoring this issue in picking the top ten other issues because the fix is so simple and should be uncontroversial.

The voters have made clear their position on electing the Director of the DCD. We need not go there again. The authority/conflict issues with this office are less, in my opinion, than with the other elected officials because of the detailed listing in the charter of the DDCD responsibilities.

3. Budget/Tax Issues.

Even though the Budget Townhall was my idea, I would not prioritize it without a better indication of broad-based support than I have seen. While lower permit costs are very important, I would approach that issue via the elimination of the hearing examiner and the elimination of conditional use permits. The other issue mentioned in this category I don't believe should be solved via amending the Charter.

4. Ethics.

e. Ethics should be prioritized with an ethics board or commission, reimposing penalties, and possibly restricting County Commissioner participation on some boards all considered together.

5. Other Issues.

f. Charter ambiguities.

g. Fair bidding process (to even the playing field depending on a bidder's taxation situation).

h. Vacancy language for CRC.

i. Eliminate the Hearing Examiner system (and conditional use permits).

j. Regarding Trust Land Transfers it is important to distinguish between DNR issues and Tribal issues. I believe it is essential that a comprehensive plan provision be required to guide County Commissioner recommendations to the BIA on what tribal properties should become trust properties or reservation property. If this issue was meant to be included in the "Government to Government relations/training" issue, I would prioritize that for this purpose.

I believe the frequency of Charter Review Commissions being elected has been decided by the electorate and should not be an issue again.

I believe revising the charter to better explain the procedures for amending the charter (or bringing an initiative or referendum) is very important, but similarly to the County Clerk issue, I would ignore this issue in picking the top ten other issues because the fix is simple and should be uncontroversial.

Ron Richards
March 11, 2025

Gores, Loni

Noble

From: Noble, Chris
Sent: Tuesday, March 11, 2025 8:33 AM
To: Gores, Loni
Subject: Re: priority lists - Due this morning 3/11

Loni,

My top 10:

1. Coroner
2. Number of Commissioners
3. Ethics Board/Commission
4. Public Defenders Office
5. Rank Choice Voting
6. Environmental/Water Steward
7. DCD
8. CRC every 10 years
9. Government to government relations/training
10. Charter Ambiguities

Thank you for all you do for the CRC!
Chris

From: Gores, Loni
Sent: Tuesday, March 11, 2025 8:14 AM
To: Noble, Chris; Walde, Cathy
Cc: cathywalde@hotmail.com; electchrisnoble@outlook.com
Subject: priority lists - Due this morning 3/11

Hi Chris and Cathy,

At the CRC meeting last night, the group decided to have each Commissioner forward me their top 10 priorities off the attached list for the survey by noon today.

If you get this email in time, please email me back your top 10 so I can add your information to the packet that will be sent to Patti Morris for preparing the survey.

I also cc'ed your personal emails in case you were away from your County emails.

Thanks, 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!"

Gores, Loni

Walde

From: Cat Walde <cathywalde@hotmail.com>
Sent: Tuesday, March 11, 2025 12:18 PM
To: Gores, Loni
Subject: Re: priority lists - Due this morning 3/11

1. District based elections.
2. Transparent BOCC spending
3. Coroner
4. Lower permit costs for property/business owners.
5. No property tax increases.
6. Restrictions on elected official's advocacy.
7. Ethics Board/commission.
8. Restrictions on board membership for BOCC.
9. Fair bidding process.
10. Independent hearings officer.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Tuesday, March 11, 2025 8:14:25 AM
To: Noble, Chris <chris.noble@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>
Cc: cathywalde@hotmail.com <cathywalde@hotmail.com>; electchrisnoble@outlook.com
<electchrisnoble@outlook.com>
Subject: priority lists - Due this morning 3/11

Hi Chris and Cathy,

At the CRC meeting last night, the group decided to have each Commissioner forward me their top 10 priorities off the attached list for the survey by noon today.

If you get this email in time, please email me back your top 10 so I can add your information to the packet that will be sent to Patti Morris for preparing the survey.

I also cc'ed your personal emails in case you were away from your County emails.

Thanks, 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*

Gores, Loni

From: Sarmiento, Nina
Sent: Wednesday, March 12, 2025 4:44 PM
To: Gores, Loni
Subject: Re: top 10 lists - CRC

Hi Loni,

This is my list for Commissioner Morris.

1. Number of commissioners
2. Reforming BOCC committee appointments
3. Environmental/Water steward
4. Coroner
5. Government to government relations
6. Rank choice voting

Thanks,

Nina

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Tuesday, March 11, 2025 4:35 PM
To: Benedict, Bill <bill.benedict@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>; Cameron, Ron <ron.cameron@clallamcountywa.gov>; Sarmiento, Nina <Nina.Sarmiento@clallamcountywa.gov>; Stoffer, Jim <jim.stoffer@clallamcountywa.gov>
Cc: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: top 10 lists - CRC

If you've received this email, I have not received your top 10 list yet for Commissioner Morris. Please email those over to me as soon as possible.

If you've already sent it please resend to me.

Thanks, 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*

CRC Commissioner /Citizen Suggestions

1. BOCC

District Based Elections

Number of Commissioners

Transparent BOCC spending

General transparency issues

Reforming BOCC committee appointments

Increased BOCC public engagement

1
ITEM

2. County Elected/Appointed Positions

Coroner

Public Defenders Office

Environmental/Water Steward

DCD. (If elected, who has what authority/conflict resolution)

County Clerk- enumerated responsibilities

Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum

Tax increases/Voter Approval

~~Budget Townhalls~~

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners

No property tax increases

4. Ethics

Ethics Board/Commission

Restrictions on elected official's advocacy

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

BOCC can't vote on/request funds while sitting on the board of a requesting agency

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings

Independent Hearing Officer

Trust land transfer program

Rank Choice Voting

CRC Commissioner /Citizen Suggestions**1. BOCC**

District Based Elections
 Number of Commissioners
 Transparent BOCC spending
 General transparency issues
 Reforming BOCC committee appointments
 Increased BOCC public engagement

2. County Elected/Appointed Positions

Coroner

Public Defenders Office

Environmental/Water Steward

DCD. (If elected, who has what authority/conflict resolution)

County Clerk- enumerated responsibilities

Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum -not charter

Tax increases/Voter Approval -not charter

Budget Townhalls

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners -not charter

No property tax increases - not charter

Fisch

Fisch

4. Ethics

Ethics Board/Commission

Restrictions on elected official's advocacy

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

BOCC can't vote on/request funds while sitting on the board of a requesting agency

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings

Independent Hearing Officer

Trust land transfer program

Rank Choice Voting

Cameron

Ron C.

4. Ethics

Ethics Board/Commission

Restrictions on elected official's advocacy

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

BOCC can't vote on/request funds while sitting on the board of a requesting agency

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings

Independent Hearing Officer

Trust land transfer program

Rank Choice Voting

CRC Commissioner /Citizen Suggestions

1. BOCC

District Based Elections

Number of Commissioners

Transparent BOCC spending

General transparency issues

Reforming BOCC committee appointments

Increased BOCC public engagement

2. County Elected/Appointed Positions

Coroner

Public Defenders Office

Environmental/Water Steward

DCD. (If elected, who has what authority/conflict resolution)

County Clerk- enumerated responsibilities

Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum

Tax increases/Voter Approval

Budget Townhalls

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners

No property tax increases

BENEDICT

CRC Commissioner /Citizen Suggestions**1. BOCC****2. District Based Elections**

Number of Commissioners

Transparent BOCC spending

General transparency issues

Reforming BOCC committee appointments

Increased BOCC public engagement

2. County Elected/Appointed Positions**1. Coroner**

Public Defenders Office

Environmental/Water Steward

*Remove Coroner Position from
Prosecutors Office***3. DCD. (If elected, who has what authority/conflict resolution)****4. County Clerk- enumerated responsibilities**

Overlap between Auditor, Treasurer and CFO

3. Budget/Tax Issues

General Fund Reserve Minimum

Tax increases/Voter Approval

Budget Townhalls

Transparency in public fund allocation to NGO's

Lower permit costs for property/business owners

No property tax increases

4. Ethics

Ethics Board/Commission

Restrictions on elected official's advocacy

Strengthen ethics code (include minimum penalties)

Restrictions on board membership for BOCC

BOCC can't vote on/request funds while sitting on the board of a requesting agency

Recusal issues

5. Other Issues

Charter Ambiguities

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings

Independent Hearing Officer

Trust land transfer program

Rank Choice Voting

Stoffer

Com Jim Stoffer

Policy items *

CRC Commissioner /Citizen Suggestions

1. BOCC

District Based Elections — NO

⑤ Number of Commissioners — possibly

Transparent BOCC spending — rule 5 *

General transparency issues — rule 5 *

Reforming BOCC committee appointments ?

Increased BOCC public engagement — rule 5 *

2. County Elected/Appointed Positions

⑥ *Coroner

Public Defenders Office — PA office

Environmental/Water Steward — under the DCD office

⑦ *DCD. (If elected, who has what authority/conflict resolution)

County Clerk- enumerated responsibilities — rules *

Overlap between Auditor, Treasurer and CFO — ? *

3. Budget/Tax Issues

General Fund Reserve Minimum — Rules *

Tax increases/Voter Approval — all Jr

Budget Townhalls — CRC

⑨ Transparency in public fund allocation to NGO's — rule 5 *

Lower permit costs for property/business owners — state laws

No property tax increases — ?

Stoffer

Stoffer Notes/Items

4. Ethics

Ethics Board/Commission — OK ✓ ↑

~~Restrictions on elected official's advocacy~~

Strengthen ethics code (include minimum penalties) — OK ✓

Restrictions on board membership for BOCC — some are mandatory

BOCC can't vote on/request funds while sitting on the board of a requesting agency — limiting
The work of the BOCC is not good

Recusal issues — Rule 5 *

5. Other Issues

Charter Ambiguities — who?

Revise procedures for amending the Charter

Government to Government relations/training

Fair bidding Process

CRC every 10 years instead of 5 years

Vacancy language for elected officials

Vacancy language for CRC

Clarify what "American" government means

Public Access to County meetings — Rule 5 *

Independent Hearing Officer — PA

Trust land transfer program — DCD

Rank Choice Voting — maybe

Required for School BOD Directors, should be required for all elected

Charter Review Commission

Questionnaire responses for Clallam County Officials

Questionnaire for Clallam County Officials (Draft)

To: **Monicka Anderson (Information Technology Interim Director)**

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

1. What sections do you and your staff rely on and how are those working for you and your department?

The Information Technology Department does not have a direct role outlined in the Clallam County Home Rule Charter. However, we operate within the framework established in Article V – Administrative Departments and Article VI – Administrator, which provide the general structure for county departments and administrative oversight.

While the Charter primarily addresses governance, legislative processes, and financial administration, it does not directly impact the day-to-day operations of the IT Department. Instead, we function under policies set by county leadership and align our technology strategies with the county's broader operational goals.

To date, we have not encountered any issues related to the Charter that affect our department's ability to provide essential IT services. The structure in place allows us to support county operations effectively, ensuring that technology resources remain secure, reliable, and aligned with the needs of all departments.

2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?

The IT Department has not encountered any problems or difficulties related to the Clallam County Home Rule Charter. As the Charter primarily focuses on governance, legislative processes, and administrative structures, it does not directly impact on our department's daily operations.

Our department operates within the broader administrative framework outlined in Article V – Administrative Departments and Article VI – Administrator, which provide general oversight and structure for county departments. These sections have not presented any challenges to our ability to deliver IT services effectively.

At this time, we do not have any recommendations for changes to the Charter, as it has not posed any barriers to our work. We continue to align our operations with county policies and administrative directives to ensure the efficient management of technology services.

3. Are there any issues related to the Charter that have been brought to your attention by the public?

Not that I am aware of.

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

Not at this time.

5. Would you like to make a presentation to the Charter Review Commission?

Only if there are questions or concerns you would like me to address.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Questionnaire for Clallam County Officials (Draft)

To: Mark Ozias

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

- 1. What sections do you and your staff rely on and how are those working for you and your department?** The BOCC office probably relies most heavily on Articles II and III, which outline the basic responsibilities of the Legislative and Executive branches of Clallam County government and which describe the processes used to adopt Ordinances. These are straightforward and the language works fine from my perspective. Article VI which outlines the role of the Administrator is also important to the BOCC function and this language also serves the purpose.
- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

Section 4.25, which outlines the responsibilities of the elected Director of Community Development is one that causes confusion in several different ways. For example, state law tasks the county's legislative authority (Commissioners) to sign off on the Comprehensive Plan and its components. However, this is not the work product of the Commissioners and the BOCC has very little involvement in, and no control over, the process or product.

There could also be more clarity around what it means to "administer, enforce and advise the County Commissioners on all laws...with respect to the

environment, natural resources...forest management..." Specifically, whom should be leading conversations with the DNR regarding public timber management strategies? There is both an environmental planning nexus – which would seem to indicate that the Director of Community Development should be the lead elected official – and a financial nexus due to the attached timber revenue for the county and for junior taxing districts which would indicate that the BOCC should be taking the lead.

Yet another challenge arising from the language in this section relates to habitat restoration or other major capital projects that fall within DCD's purview. There is no formal way to ensure either that an appropriately-broad project team gets created, or even to ensure that the DCD remains engaged in project management over the long-term.

By charging DCD with providing leadership in these arenas but not actually requiring "ownership" of a given project – especially recognizing that some of these projects span many years and different elected officials with differing interests – the chance for problems related to lack of management oversight are heightened.

Given this position is highly likely to remain elected I am not certain how the Charter document could help address these issues, perhaps save by providing additional clarifying language and/or proscribing a project management framework for DCD.

3. Are there any issues related to the Charter that have been brought to your attention by the public?

None you aren't already discussing.

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

It may be worth re-considering whether every five years is the correct timeframe for the Charter Review cycle; my observation is that meeting at this relatively short interval encourages more discussion related to county

operational topics rather than the big-picture structural topics that are addressed in the Charter document.

5. Would you like to make a presentation to the Charter Review Commission?

Happy to attend at the CRC's pleasure.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Gores, Loni

From: Mielke, Todd
Sent: Monday, March 17, 2025 5:37 PM
To: Fisch, Susan
Cc: Gores, Loni
Subject: FW: Questionnaire for Elected Officials and Department Heads

FYI...Please see the message below from Judge Basden regarding the Court's involvement in the CRC survey.

Todd

Todd Mielke

County Administrator
Clallam County
223 E 4th St, Suite 4
Port Angeles, WA 98362
Ph 360-565-2670
County Cell 360-477-1501
Email: todd.mielke@clallamcountywa.gov



From: Basden, Brent <Brent.Basden@clallamcountywa.gov>
Sent: Monday, March 17, 2025 2:42 PM
To: Mielke, Todd <Todd.Mielke@clallamcountywa.gov>
Subject: RE: Questionnaire for Elected Officials and Department Heads

Todd, the court will stay out of the legislative process, at least in this context, and so will not provide answers to the survey.

Judge Basden

From: Mielke, Todd <Todd.Mielke@clallamcountywa.gov>
Sent: Thursday, March 13, 2025 12:09 PM
To: Anderson, Monicka <monicka.anderson@clallamcountywa.gov>; Barnhart, Simon <simon.barnhart@clallamcountywa.gov>; Basden, Brent <Brent.Basden@clallamcountywa.gov>; Botnen, Nikki <nikki.botnen@clallamcountywa.gov>; clea.rome@wsu.edu; Crawford, Donald <Donald.Crawford@clallamcountywa.gov>; Dalton, Timothy <Timothy.Dalton@clallamcountywa.gov>; Donisi, Joe <joe.donisi@clallamcountywa.gov>; Emery, Bruce <Bruce.Emery@clallamcountywa.gov>; French, Mike

Questionnaire for Clallam County Officials (Draft)

To: Steve Gray

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

1. What sections do you and your staff rely on and how are those working for you and your department?

The Charter sections related to Public Works typical business areas include Article III – Legislation, Section 5.10 (Administrative Departments); Section 5.30 (Resolution/Motions); Section 9.30.020 (Meetings on the Preliminary Budget); and Section 12.20 (Purchasing, Contracts and Bonds). There are no identified concerns with how these sections are currently addressed in the Charter.

2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?

Charter has not caused any significant difficulties related to the Public Works business.

3. Are there any issues related to the Charter that have been brought to your attention by the public?

No

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

None identified at this time.

5. Would you like to make a presentation to the Charter Review Commission?

Thank you for the opportunity to provide input. I have not identified any issues or changes related to the Charter to present to the Charter Review Commission.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Submitted by:

Steve Gray

Public Works, Deputy Director

Questionnaire for Clallam County Officials (Draft)

Jennifer White - Treasurer's Office submitted 3-18-25

To:

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

- 1. What sections do you and your staff rely on and how are those working for you and your department?**

None, necessarily as this office falls under RCW direction as stated in the Charter.

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

None, as this office and its duties fall under RCW. We do not have any direct difficulties related to the Charter, thereby no suggestions for improvements.

- 3. Are there any issues related to the Charter that have been brought to your attention by the public?**

No.

- 4. Are there any other issues or priorities related to the Charter that you would like us to consider?**

No thank you.

- 5. Would you like to make a presentation to the Charter Review Commission?**

At this time, I would respectfully decline.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Questionnaire for Clallam County Officials (Draft)

To: Auditor – Shoona Riggs

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

1. What sections do you and your staff rely on and how are those working for you and your department?

The County Auditor's Office uses the Charter for both Elected Official purposes and for Election purposes. There are several Articles and Sections in which we rely. Currently they are working well for us and are in conjunction with state law.

The Articles and Sections below are ones we rely on:

Article II – Legislative and Executive Branches, Section 2.20;

Article IV – Other Elected Officials, Sections 4.10-4.20;

Article VII – Elections, Sections 7.10-7.60;

Article VIII – The Public Interest, Sections 8.10-8.95;

Article XI – Charter Review, Amendment and Repeal, Sections 11.10-11.20;

Article XII – General Provisions, Sections 12.50 and 12.70

Article XIII – Transitional Provisions, Sections 13.30-13.40.

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

None at this time

- 3. Are there any issues related to the Charter that have been brought to your attention by the public?**

None at this time

- 4. Are there any other issues or priorities related to the Charter that you would like us to consider?**

None at this time

- 5. Would you like to make a presentation to the Charter Review Commission?**

Not at this time

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Questionnaire for Clallam County Officials (Draft)

To: Commissioner Mike French

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

- 1. What sections do you and your staff rely on and how are those working for you and your department?**

Multiple sections. Currently I have few concerns with the charter. I'm still in my first term and have little practical experience with conflicts with the charter (the Coroner issue is perhaps my only direct experience).

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

Again, I have few concerns with the charter. There are areas that have potential for cleanup and clarification (Section 5.1/5.2 come to mind), and I realize that it's difficult to create clear ballot titles around these types of minor changes without cluttering the ballot.

- 3. Are there any issues related to the Charter that have been brought to your attention by the public?**

None that come to mind, other than relating to the Coroner issue.

- 4. Are there any other issues or priorities related to the Charter that you would like us to consider?**

Perhaps consider whether the County Commissioners should be non-partisan offices like City Council offices are; the vast majority of issues we deal with are not partisan issues, they are local issues. The move to make the elected Prosecuting Attorney a non-partisan position was a very positive move, in my opinion.

Would you like to make a presentation to the Charter Review Commission?

No, but I'm happy to appear and answer questions at any meetings.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Questionnaire for Clallam County Officials (Draft)

To: Jody Jacobsen – Juvenile Services

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

- 1. What sections do you and your staff rely on and how are those working for you and your department?**

The Director of Clallam County Juvenile and Family Services is an appointed position and directly reports to the BOCC through the County Administrator (Article VI). Our department relies on established policies and procedures as directed by the Charter regarding Financial Administration (Article IX), Personnel System (Article X), and General Provisions (Article XII).

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

None

- 3. Are there any issues related to the Charter that have been brought to your attention by the public?**

No

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

No

5. Would you like to make a presentation to the Charter Review Commission?

We would be happy to make a presentation to the Charter Review Commission if they would like to know more about the programs and client services provided by the Juvenile and Family Services department.

Please return this questionnaire to Loni Gores no later than Wednesday, March 19, 2025 at 12 p.m. Thank you for your input.

Charter Review Commissioners

Mark Lane
Finance Dept.

Questionnaire for Clallam County Officials (Draft)

To: Mark Lane, Chief Financial Officer, Finance Department

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

1. What sections do you and your staff rely on and how are those working for you and your department?

Reporting to the County Administrator, the Finance Department is principally supported through the authority provided to the County Administrator to perform any of his/her duties or responsibilities through subordinates as provided under Charter Section 6.20: Duties and Responsibilities of the County Administrator which states:

“The Administrator shall be directly responsible to the Commissioners and he or she shall serve the Commissioners and the county by making recommendations concerning the affairs of the county as may be necessary; keeping the Commissioners advised as to the needs of the county and making recommendations when appropriate; preparing and submitting the proposed annual budget to the Commissioners; supervising, performing, and delegating other responsibilities as may be prescribed by this Charter or be required of him or her by ordinance or resolution of the Commissioners. The Administrator and any other officer or officers of the county are authorized to exercise and perform any of their

duties or responsibilities through any of their respective subordinates.”

In addition, like many departments not specifically listed in the Charter (such as IT, Human Resources, Risk Management, Parks Fair & Facilities, GIS, Health & Human Services, etc), the creation of the Finance Department is allowed for under Section 2.30.10 Legislative Power which provides the Commissioners with “the power to establish, abolish, combine or divide offices, departments and agencies” except as otherwise provided for within the Charter.

Finally, Article IX—Financial Administration, Sections 9.30-9.70 of the Charter outlines the powers/duties of the Commissioners and County Administrator as it relates to the preparation and adoption of the County Budget, one of the principal functions the Finance Department is tasked with.

As presented to the Charter Review Committee earlier this year, through the delegated authority granted by the County Administrator and by extension the Board of County Commissioners, the Finance Department is directly responsible for the following core financial functions which serve to support the roles and duties of both the County Administrator and BOCC, including:

- Directing and Preparing the Annual Budget and 5 Year Capital Projects Planning;
- Financial Reporting & Analysis Support to the County Administrator & BOCC;
- Administrative and Fiscal Oversight of several BOCC-managed departments/funds, including BOCC Operations, BOCC NonDepartmental, Lodging Tax, Veteran’s Relief, Board of Equalization, Conservation Futures, Opportunity Fund, Indigent Defense, others;
- Financial Systems Administration;
- BOCC Directed Grants Administration (COVID relief)
- Financial Analysis & Support for Committees, Department Projects & Junior Taxing Districts, including:
 - Committees Supported--Lodging Tax, Conservation Futures, Affordable Housing, Revenue Advisory Committee, Opportunity Fund Advisory Board, Finance Committee

- Department Project Support—Labor Negotiations, Fee Schedule Updates, Joint Public Safety Facility, Dungeness Off Channel Reservoir, Broadband Infrastructure
- DNR Timber Revenue reporting and forecasting for County and Junior Taxing Districts
- Other Special Projects as assigned by the County Administrator & BOCC
- Finally, the Finance Department continues to collaborate with the Auditor's Office in supporting the preparation of the County's Annual Report, coordination of the annual audit, implementation of new accounting standards as required by the State Auditor's Office, and review of financial accounting results, by leveraging staff strengths and capabilities of both teams. This collaboration has served to create the essential bridge needed between the financial analysis, budgeting and capital planning functions of the County delegated by Charter to the BOCC and County Administrator and the accounting and regulatory reporting functions of the County delegated to the County Auditor via the Charter to insure maximum effectiveness of the financial reporting, analysis and planning functions of the County.

In terms of how those sections are “working for our department”, I believe these Charter sections overall support the core functions of the Finance Department, albeit indirectly through delegation of authority granted by the Charter to the County Administrator. As additional financial analysis support needs increase as the County's budgetary challenges become increasingly complex, the need for new systems being implemented, and other organizational demands for Finance Department support increasing, it will be increasingly challenging to balance financial operation workloads across the three departments tasked with overseeing different aspects of the financial operations of the County—Auditor's Office, Treasurer's Office and Finance Department-- requiring these groups to continue to work closely together to insure all organizational financial services and oversight needs are being met.

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

Significant Risk Management Exposure Related to Certain Exemptions Provided to Elected Officials—while not an issue that has directly caused a problem or difficulty to the Finance Department operations, an area of exposure within the Charter that from a finance perspective creates substantial financial risk for the County is the exemptions granted to Elected Officials and their deputies under Article X, Section 10.10 and 10.20 which in theory provide an exemption for Elected Officials and their deputies from following County policy, personnel rules and regulations. Based on observations and events that have occurred both before and during my time at the County, this exemption loophole represents a significant area of financial risk for the County in the event an elected official or deputy takes an action/s in violation of county policy and personnel rules and regulations that are in place to insure the County is in compliance with current employment law and to protect the County from wrongdoing and costly litigation. By the Charter creating this exemption, it exposes the County to unlimited potential losses in the event of an elected official choosing to ignore or neglecting to follow these policies and rules and leaving the County very little recourse or options in taking appropriate action to stop or at least mitigate such non-compliance and further loss. This risk is real, and in fact has resulted in substantial losses in the form of litigation costs, settlements, and increased risk management insurance pool costs for the County, as well as forced the County to take extreme measures in certain situations to protect County staff and the County from further liability being caused by an elected official's actions that are in violation of County policy, personnel rules and regulations that are often extensions of federal and state employment laws.

3. Are there any issues related to the Charter that have been brought to your attention by the public?

Following creation of the Finance Department in late 2018, I have received considerable positive feedback both supporting the creation of the department and the need for it within the County. I have likewise heard some concerns expressed about it, specifically as it relates to its potential impact and/or conflict with the roles and responsibilities of the Auditor's Office. Again, referring back to my earlier presentation and comments made to the Charter Review Commission regarding the partnership created between the Auditor's Office and the Finance Department and the team approach being taken, I feel we have laid a solid team-based foundation for addressing the ever increasing needs for more robust financial planning analysis, support and strategic finance leadership of the County while

preserving and ensuring the legal responsibilities and financial checks and balances are satisfied and maintained within the Auditor's Office.

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

Other than addressing the risk management issue discussed previously as it relates to Sections 10.10 and 10.20, there are no other issues or priorities that come to mind that we would recommend the Charter Review Commission to consider at this time.

5. Would you like to make a presentation to the Charter Review Commission?

I have previously provided a brief presentation providing an overview of the Finance Department's core functions to the Commission. If there is any additional information or follow up questions that the Commission would like me to address, I am happy to do that.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Kevin LoPiccolo
HHS

Questionnaire for Clallam County Officials (Draft)

To: Health and Human Services Department – Kevin LoPiccolo

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

- 1. What sections do you and your staff rely on and how are those working for you and your department?**

The Health and Human Services Department does not rely on any specific sections of the Charter. Health and Human Services Department Director is not an elected office.

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

The Health and Human Services Department has not experienced any issues or difficulties due to the Charter.

- 3. Are there any issues related to the Charter that have been brought to your attention by the public?**

I have not heard from the public regarding any issues with the Charter.

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

None.

5. Would you like to make a presentation to the Charter Review Commission?

No thank you.

Please return this questionnaire to Loni Gores no later than Wednesday, March 19, 2025 at 12 p.m. Thank you for your input.

Charter Review Commissioners

Questionnaire for Clallam County Officials (Draft)

To: Department of Community Development – Bruce Emery

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

- 1. What sections do you and your staff rely on and how are those working for you and your department?**
 - a. DCD primarily relies on Article III, Legislation, and Article IV, Other Elected Officials as well as Sections 5.25, Hearing Examiner System and Section 10.20, Exemptions. Generally speaking, the provisions of the Charter in conjunction with County Policy and other applicable regulations work well with respect to the operations of the Department of Community Development (DCD).

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**
 - a. The first paragraph of Section 4.25 spells out the range of disciplines upon which the Director of DCD is responsible to enforce and advise the Board of County Commissioners. Included are "...forest management, mining..." There are circumstances in which the DCD is directly involved in both activities. A Class IV conversion timber harvest requires a permit from the DCD. Likewise, if an aggregate mine (gravel pit) is being proposed in a zoning district where the use is listed as conditional, a Conditional Use Permit (CUP) is processed through the DCD for the activity. However, most mining and timber

harvest activities involve timberlands with no conversion of use or requirements for CUP overview. In these cases, only a permit from the Washington Department of Natural Resources is required.

Another level of involvement from DCD in these resource matters is the establishment of land use and zoning districts. The Commercial Forest (CF) Zone was established by Clallam County as a requirement of the Growth Management Act to ensure the long-term protection and viability of the County's commercial forests. This zone achieves that protection through very low residential density (one home/80 acres) which generally restricts encroachment of residential and other non-compatible land uses. Likewise, the Mineral Lands Resource Overlay District provides similar protections for lands suited for aggregate mining.

The main point is that the involvement of DCD with these resource matters has less to do with "forest management" and "mining," and more to do with preserving forest and resource lands of long-term commercial significance for future community and regional needs. There is no authority granted by the Charter to preempt state law with respect to these issues. Because of this preemption and for the sake of clarity, refining the DCD's involvement with these matters in the Charter might be helpful.

3. Are there any issues related to the Charter that have been brought to your attention by the public?

- a. On a limited basis, the issues discussed in #2, above.

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

- a. No

5. Would you like to make a presentation to the Charter Review Commission?

- a. No, but I would be happy to be available to answer questions if that would be helpful.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Commissioner Johnson
BOCC

To: Charter Review Commission

From: Randy Johnson

Subject: Regarding the Charter Review and Issues of Good Governance and Transparency

Some of the following issues do not necessarily fall directly under specific Charter Review Articles, but in my view, need to be addressed. I've listed these issues below:

- 1) Large projects such as Towne Road, Dungeness Off Channel Reservoir, EOC-911 are all multiyear projects that involve many departments. These projects need to be tracked, reported and managed to provide a transparent view to the public.
- 2) Code Enforcement is currently much improved, but rests on an MOU involving many departments. However, new electees could make this current agreement worthless. The result could be what occurred before when the elected individual decided this would not be a priority. In addition, metrics on code enforcement as to performance need to be required and provided to the public.
- 3) The Charter currently requires a mid-year financial review. The County currently reviews County financial performance monthly which in my opinion should be a requirement and not a mid-year review.
- 4) The Charter states that the DCD shall administer, enforce and advise--- forest management. Forest management, including the management of the DNR forests for revenue going to the school districts, Encumbered Lands Proviso, Trust Land Transfers, Ecosystem Service should not (in my opinion) reside in this department and from a practical standpoint is currently handled by the Commissioners and the Revenue Advisory Committee. Conversions of forestland to other uses, however, should continue to be handled in DCD.

mark nichols
Prosecutor

Questionnaire for Clallam County Officials (Draft)

To: Mark Nichols – Prosecuting Attorney’s Office

From: Clallam County Charter Review Commission (CRC)

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

- 1. What sections do you and your staff rely on and how are those working for you and your department?**

The Prosecuting Attorney’s Office relies on numerous charter provisions. With the exception of the matter identified in response to question 2 below, and some ambiguity in relation to the duties of the DCD Director vis – a- vis the duties of the board under state law, the charter works fairly well.

- 2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?**

Article IV, Section 4.20’s directive that “[t]he Prosecuting Attorney will serve as ex-officio coroner without extra compensation[] is problematic considering changes to state law and a late breaking attorney general opinion. I am requesting this language be removed from the charter.

3. Are there any issues related to the Charter that have been brought to your attention by the public?

Yes. General confusion about what the charter is and what it can accomplish.

4. Are there any other issues or priorities related to the Charter that you would like us to consider?

No.

5. Would you like to make a presentation to the Charter Review Commission?

Recognizing that I already have, I would be glad to return if there is interest.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners

Questionnaire for Clallam County Officials (Draft)

To: Clallam County Charter Review Commission (CRC)

From: Sheriff Brian King

Re: Charter and Input for CRC

The Clallam Charter Review Commission is gathering information and seeking input from both elected county officials and department heads regarding the Charter. We would like to get your input on the Charter, how it is working and any potential amendments or issues that you would like us to consider.

Regarding the Charter and your position or department:

1. What sections do you and your staff rely on and how are those working for you and your department?

ARTICLE II – LEGISLATIVE AND EXECUTIVE BRANCHES- for purposes of reviewing the authority the charter gives the BOCC.

ARTICLE IV – OTHER ELECTED OFFICIALS Section 4.10; Section 4.20:
Powers and Duties

The charter works for my office and for me.

2. What sections have caused you or your staff problems or difficulties (if any)? What suggestions do you have to improve the Charter to reduce those problems or difficulties?

The Charter has not caused my staff or I problems or difficulties.

3. Are there any issues related to the Charter that have been brought to your attention by the public?

The only discussions I have had with the public, as it relates to the charter, is discussions surrounding the office of coroner. This is largely due to the public process of bifurcating the duties from the Office of the Prosecutor. Much of the discussion has been regarding the CRC's ability to propose an amendment that the

duties be an administrative function of county government or an independent elected office.

I have asked my own legal advisor (prosecutor) as to whether the CRC could propose the duties of the coroner be an administrative function. Out of respect for the conflict that exists with his office, our elected prosecutor is not able to answer my question.

In conversations with constituents, the discussions have been equally divided as to which (elected vs appointed) would be the preference. The fiscal impact on the county is most paramount factor in much of the public's minds.

3. Are there any other issues or priorities related to the Charter that you would like us to consider?

My priority would be to focus on the duties of the coroner and where the function should reside in county government (administrative or an elected office).

4. Would you like to make a presentation to the Charter Review Commission?

Only if needed by the CRC.

Please return this questionnaire to Loni Gores **no later than Wednesday, March 19, 2025 at 12 p.m.** Thank you for your input.

Charter Review Commissioners