



AGENDA

CHARTER REVIEW COMMISSION

223 East 4th Street, Room 160
Port Angeles, Washington
Tuesday, May 27, 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 www.zoom.com 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 May 12, 2025

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

CORRESPONDENCE/PETITIONS

BUSINESS ITEMS

- Proposed coroner amendment (step 4) - Commissioner Cameron
- Proposed tribal trust land transfer amendment (step 2) - Commissioner Richards

SUBCOMMITTEE REPORTS

- Ethics Committee
- Water Committee

REPORTS

- Chair Report – Commissioner Fisch

PUBLIC COMMENT – Please limit comments to three minutes

AGENDA for the Meeting of May 27, 2025
CHARTER REVIEW COMMISSION
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GOOD OF THE ORDER/FUTURE AGENDA ITEMS

ADJOURNMENT

**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/>

- 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

MAY 12, 2025



CLALLAM COUNTY CHARTER REVIEW COMMISSION MINUTES of May 12, 2025

MEETING OF THE CHARTER REVIEW COMMISSION (CRC)

Chair Susan Fisch called the meeting to order at 5:30 p.m., Monday, May 12, 2025. Also present were Commissioners Jim Stoffer, Jeff Tozzer, Alex Fane, Ron Cameron, Patti Morris, Paul Pickett, Ron Richards, Christy Holy, Rod Fleck, Chris Noble, Bill Benedict, Mark Hodgson and Cathy Walde. Nina Sarmiento was excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Richards requested to add a discussion regarding following the Commission Bylaws.

ACTION TAKEN: Adopted as modified

APPROVAL OF THE MINUTES

- Minutes April 28, 2025

ACTION TAKEN: Adopted as presented

PUBLIC COMMENT – Please limit comments to three minutes

- John Worthington, Sequim, commented on ethics commission, tribal trust land transfer, North Olympic Development Council, CERN, Water Committee
- Eric Fehrmann, Sequim, commented on tribal trust land transfer, survey, town hall meetings
- Ed Bowen, Clallam Bay, commented on survey, tribal trust land transfer
- Bonnie Bless-Boenish, Sequim, commented on tribal trust land transfer
- C.G.H, commented on survey, accountability
- Phone #9418, commented on water steward, county water issues
- Jodi Dotson, Port Angeles, commented on water steward, county water issues
- Pepai Whipple, Sequim, commented on survey

CORRESPONDENCES

Gores noted receipt of correspondences from Pepai Whipple, Marilee Smith, Commissioner Tozzer, Commissioner Pickett, Commissioner Holy, Commissioner Stoffer, Diana Henderson, Commissioner Sarmiento, Commissioner Richards, Pamela Caldwell, Shelley Taylor, Commissioner Morris, Dee Boughton, Commissioner Cameron, Dale Jarvis, Mark Curtis, Marguerite Glover, Tom Ash, Eric Fehrmann, and Commissioner Morris (see attached).

BUSINESS ITEMS

- **Proposed coroner amendment - Commissioner Cameron**

Fisch clarified that the Commission is on step 2 of the amendment process. She noted that 2 minutes per person, each doing pro and con. Richards called a point of order regarding the Bylaws requiring the Commission to follow Roberts Rules of Order. He noted that Roberts Rules of Order requires a motion and a second to limit debate and then a two-thirds vote. He stated his concerns with the Open Public Meetings Act (OPMA) and a Committee not following the OPMA. Fleck responded to the point of order. Cameron reported that town halls were held to receive input on the Coroner amendment. Fisch read the amendment into the record. CRC Members debated the amendment.

Section 4.20: Powers and Duties

All other elected officials shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control and records management systems established by the Commissioners through ordinance except insofar as such

CLALLAM COUNTY CHARTER REVIEW COMMISSION
MINUTES of May 12, 2025
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utilization would be contrary to the powers and duties of the constitutional officers. ((The Prosecuting Attorney will serve as ex-officio coroner without extra compensation.))

ACTION TAKEN: Benedict moved to adopt the proposed amendment, Cameron seconded, motion passed
(14 voted yes)

Fisch noted step 3 of the Bylaws is to give notice to the public of the proposed amendment. CRC Members held discussion regarding Bylaws step 3 and 4.

Step 3: GIVE NOTICE TO PUBLIC: Notice must be given to the public after the meeting at which the Commission approves a final draft of the proposed amendment and three days before the meeting at which the Commissioners will vote.

Step 4: HOLD MEETING TO ADOPT AMENDMENT: The proposed Charter Amendment shall be placed on the agenda for a roll-call vote by the Commission. A majority vote in favor of the proposed Charter amendment will be required to file such amendment with the Auditor for submission to the voters in the manner required by the Charter. The Commission shall make no substantive changes to the language of a proposed amendment at this meeting. If the Commission decides to make substantive changes, the process returns to Step 2.

ACTION TAKEN: Richards moved to move forward to step 4 on the Coroner Charter amendment at the May 27 meeting, Noble seconded, motion passed
(14 voted yes)

- **Ethics commission discussion - Commissioner Fleck**

Fleck requested to put this topic on the agenda because it keeps coming up at every meeting that there needs to be an ethics committee and rules with enforcement mechanisms. He would like to have a discussion as to what is needed. For example, is there an Ordinance that already exists and just needs to bolster that Ordinance. He noted that he keeps coming back to whether this is a Charter amendment, Ordinance, or recommendation. CRC Members held discussion.

ACTION TAKEN: Noble moved to form a committee to review whether or not this Commission should take any action with regard to ethics in the county. Considering whether or not an amendment or recommendation is appropriate, Hodgson seconded, motion passed
(14 voted yes)

Commissioners Tozzer, Walde, Benedict, Noble, Fleck and Cameron volunteered to serve on the Ethics Committee.

Charter Review Commission recessed at 6:43 p.m. and reconvened at 6:52 p.m.

- **Proposed tribal trust land transfer amendment - Commissioner Richards**

Fisch clarified that the Commission is on step 1 of the amendment process. Richards requested to move to step 2 at the May 27 CRC meeting. Richards commented on the tribal trust land transfer amendment.

- **Survey - Commissioner Morris and Commissioner Tozzer**

Morris reported that there was a press release with the survey link issued on May 12, 2025. She noted that if someone doesn't have access to complete the survey online, they can contact Gores, and she will send a hard copy of the survey. Gores plans to issue a number to survey copies so duplications can be tracked. Morris briefed on the survey questions. She noted that any CRC Member can issue out their own survey. Tozzer expressed his concerns on the survey. CRC Members held discussion.

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Tozzer presented a list of survey questions that each Commissioner received over email and a copy at the meeting. Tozzer commented that he was told by the Commission that if a second survey was brought forward it would be considered. To his knowledge these are all the items the public has come up with. It could be 27, it could be 32 items. The last five he couldn't remember what the one-line items were. He noted that the survey can be changed. CRC Members held discussion.

Fleck left the meeting.

ACTION TAKEN: Tozzer moved to accept his email questions dated May 4 as a second survey, Walde seconded, motion failed
(3 voted yes and 10 voted no)

Tozzer requested to have the Commissioners place stickers on whiteboards or posters of 30 topics in front of the public so they could see how the Commission is voting.

ACTION TAKEN: Tozzer moved put stickers of priorities on poster or white board, Walde seconded, motion failed
(2 voted yes and 11 voted no)

• **Bylaws and Open Public Meetings Act - Commissioner Richards**

Richards that the CRC Bylaws clearly say that committees shall have 2 open public comment periods. He noted that according to the instructions of Dee Boughton – Prosecuting Attorney's Office and the Bylaws it requires all committee meetings to be open meetings under the Open Public Meetings Act (OPMA). He pointed out that all committee meetings are special meetings since there are no regular meetings. He added that meetings notices for special meetings need to be detailed. He states his concerns with following the special meetings and the OPMA. CRC Members held discussion. Boughton commented that as a general rule committees of this Commission would not be subject to the OPMA so long as there is not a quorum of Commission members present. Under RCW 42.30.020 (2) definition of a governing body means a multi-member 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, take testimony or public comment. So, the conservative approach to this is if you're taking public comment, he would suggest to the Commission that it makes sense to assume that you are subject to the OPMA if taking public comment. He addressed the case he sent out via email which could give rise to an argument that it might not necessarily be universally true. He is saying from the Prosecuting Attorney Office's perspective the advice he is giving would be to approach this conservatively and treat any committee meetings in which public comment is taken as subject to the OPMA. He noted that is the safest path forward for the Commission and Clallam County. He has not looked in depth at the issue of the bylaws required in public meetings. He did indicate the Commission can amend their bylaws.

SUBCOMMITTEE REPORTS

• **Town Hall Committee**

Stoffer reported that there were outreach sessions held in Clallam Bay/Seki (2), Sequim, Fairview, Crescent, and Forks. He noted that as of right now the outreach town hall committee has completed their steps. Walde noted that she believes the outreach town hall meetings should be put on pause instead of completion due to additional outreach needed as items come to the CRC.

• **Water Committee**

Pickett reported that he put together a status report that tries to tell the story as clearly as possible of what the committee has been doing. He noted that he wanted to be clear that what he sent out was comments from the committee, but the final draft was his. The committee didn't vote to approve anything. The committee contributed but Pickett put together the draft to present. Pickett briefed on this draft report. CRC Members held discussion.

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REPORTS

• **Chair Report – Commissioner Fisch**

No report.

PUBLIC COMMENT – Please limit comments to three minutes

- John Worthington, Sequim, commented on ethics, North Olympic Development Council, CERN, League of women Voters
- Eric Fehrmann, Sequim, commented on Commissioner Richards, Commissioner Stoffer, Democratic Party
- Mark Curtis, Sequim, commented on survey, town hall meeting in Sequim, water steward, priority list
- Denise Lapio, Sequim, commented on water steward
- Pat Johnston, Sequim, commented on tribal trust land transfer
- Norma Turner, Port Angeles, commented on survey, ballot
- Ed Bowen, Clallam Bay, commented on public comment
- Karin Cummins, Sequim, commented on Commissioner Stoffer, church, clicks, ballot
- Marolee Smith, Port Angeles, commented on the ballot, taxes, water steward, voting by district
- Mark Klinke, Sequim, commented on ethics, conflicts, water steward, tribal trust land transfer
- Pepai Whipple, Sequim, commented on tribal land, water steward, survey

GOOD OF THE ORDER/FUTURE AGENDA ITEMS

- Step 4 of Coroner amendment
- Step 2 of tribal trust land transfer

ADJOURNMENT - Meeting concluded at 8:43 p.m.

Respectfully submitted,

Loni Gores, MMC
Clerk of the Charter Review Commission

Approved:

CLALLAM COUNTY CHARTER REVIEW COMMISSION 2025 – Roll Call Voting –May 12, 2025
Y – Yes, N- No, A-Absent

	Moved to adopt the proposed Coroner amendment - Benedict
Susan Fisch	Y
Bill Benedict	Y
Jim Stoffer	Y
Jeff Tozzer	Y
Alex Fane	Y
Ron Cameron	Y
Pattie Morris	Y
Chris Noble	Y
Paul Pickett	Y
Ron Richards	Y
Rod Fleck	Y
Mark Hodgson	Y
Christy Holy	Y
Cathy Walde	Y
Nina Sarmiento	A
Yes	14
No	0
Pass or Fail	Passed

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	JOHN WORTHINGTON	John Worthington	303 S. ST. HAVEG-53
2	Eric Fehrman	Eric Fehrman	Sequim
3	Mark Curtis	Mark Curtis	50 Jersey Lane Sequim
4	Denise Lapio	Denise Lapio	Sequim, WA
5	Pat Johnston	Pat Johnston	Sequim WA
6	Norma Turner	Norma Turner	TPA, WA
7	Ed Bouyer	Ed Bouyer	POB CB
8	KAREN CUMMINS	Karen Cummins	GER
9	Maudie Sute	Maudie Sute	P.A.
10			
11			
12			
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CHARTER REVIEW COMMISSION PUBLIC COMMENT SIGN-UP SHEET

Public Comment on Agenda Items – 1st Session

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

Nº	PRINTED NAME	SIGNATURE	ADDRESS
1	JOHN WORTHINGTON	John Worthington	303 S. 5TH AV SEQUIM
2	Eric Fehrman	Eric Fehrman	Sequim
3	Ed Bowen	Ed Bowen	Po Box 111 CB
4	Bonnie Bless-Boerish	Bonnie Boerish	Sequim
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My name is Bonnie Bless-Boenish and I'm speaking to the agenda item under Business "Proposed tribal trust land transfer amendment".

I do not support this amendment which would require the Board of County Commissioners to respond to all requests from the BIA on the potential impact of transfers of land into Tribal trust lands and include a recommendation that requests be denied, granted or conditioned and address both the positive and negative impacts.

I don't believe there has been enough study and data collection on this issue. What percent of tribal land in Clallam County has been put into trust? What percent of the total Clallam land is this? How often have these types of tribal trust land requests occurred in past years? What is the impact of tribal land trust requests compared to other types of land trust requests? What criteria does the BIA use to determine whether a challenge will be upheld? Who at the county would do this work? How much time would it take to respond and at what cost? Are there any other home rule charters that have a comparable amendment or is this out of the purview of the charter? Does this amendment enhance or diminish government-to-government relations?

Without the answers to these questions, I urge Commissioners to reject this amendment.

Ed Bauer

1st Comment
Period
12 MAY 2025

If Treaties are claimed to be the supreme law of the land, consider the citizen's rights that are as supreme as those others addressed in such treaties:

...to be friendly with all citizens thereof, and they pledge themselves to commit no depredations on the property of such citizens.

Submitted for consideration for addressing the public's engagement with the county's processes where I feel those accountable are fully living up to my needs and expectations for how my comments and testimony are properly considered. Two options for adding a section in the Charter regarding the public's input in order to serve the citizens' needs.

RESPONSE TO PUBLIC COMMENT shall include responses to substantive concerns raised by the public in comments and during public meetings if received within 30 days of such meetings and opportunity to comment.

or

RESPONSE TO PUBLIC Testimony shall include responses to substantive aspects raised by the public in testimony during a public hearing if received within 30 days of such meetings and opportunity to testify.

CHARTER REVIEW COMMISSION

CORRESPONDENCES RECEIVED



COMMITTEE MEETING NOTICE

CLALLAM COUNTY CHARTER REVIEW COMMISSION

The Charter Review Commission Outreach Town Hall Committee has scheduled an Outreach Town Hall Committee meeting to be held on Thursday, May 8, 2025 from 2:30-4:30 p.m. in the Board of Commissioners Small Conference Room at 223 East 4th Street, Room 150, Port Angeles.

Purpose of the meeting is to review input received during Community Town Hall events and outreach.

Zoom:

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 www.zoom.com and use meeting ID: 836 9266 4344 and passcode: 12345

Citizens with comments or questions regarding the Charter Review Commission may contact the Clerk of the Charter Review Commission at loni.gores@clallamcountywa.gov or 360-417-2256.

Dated this 29th day of April, 2025

A handwritten signature in black ink that reads "Loni Gores".

Loni Gores, MMC

Clerk to the Charter Review Commission



COMMITTEE MEETING NOTICE

CLALLAM COUNTY CHARTER REVIEW COMMISSION

The Charter Review Commission Water Committee has scheduled a Water Committee meeting to be held on Friday, May 9, 2025 at 10 a.m. at North Olympic Library System, Margaret Coffey Room at 2210 South Peabody Street, Port Angeles, WA

The purpose of the meeting is to discuss the water issues raised by CRC Commissioners and Citizens and consider the possibility of a Charter amendment regarding County water management.

Zoom:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 886 4917 4467 and passcode: 542950 and use *9 to raise your hand.

If you would like to participate in the meeting via Zoom video conference, visit <https://us02web.zoom.us/j/88649174467?pwd=2dbWOGNuxhS4EogUc6PHcgT1NUxPrU.1> and use meeting ID: 886 4917 4467 and passcode: 542950

Citizens with comments or questions regarding the Charter Review Commission may contact the Clerk of the Charter Review Commission at loni.gores@clallamcountywa.gov or 360-417-2256.

Dated this 2nd day of May, 2025

A handwritten signature in dark ink that reads "Loni Gores".

Loni Gores, MMC

Clerk to the Charter Review Commission

Gores, Loni

From: Pepai Whipple <pepalapu@sbcglobal.net>
Sent: Tuesday, April 29, 2025 9:42 AM
To: Gores, Loni
Subject: Meeting 4/28 please forward, thank you.

Dear Commissioners,

Had difficulty recalling the vote on the survey 4/14 because hadn't seen the questions until last night's meeting. As Commissioner Tozzer noted at the meeting it was the first time he had seen the 7 questions going out on the County survey and Commissioner Tozzer was expected to immediately vote.

Did recall discussion around priorities & Board was requested by many to stick to what is of importance. However, tonight feeling dismayed Commissioner Morris felt personally attacked because she worked so hard to get a worthwhile survey out to the people as a step forward when faced with public comment. It is important to note Commissioner Morris is only one of several Commissioners on the Town Hall Outreach committee responsibly deciding the 7 questions presented on the survey & 1 of 15 to vote. So there is no reason for Commissioner Morris to feel the work that has been done is not worth while. Unfortunate & sorry but was not directed intentionally to criticize Commissioner Morris for her work.

Side note I looked for information & minutes for April 23rd which was apparently convened, however there are no minutes of who attended & who discussed the listed bullet items. Looking for committee dialog for the selected 7 question discussion that should have taken place in committee other than survey vote night 4/28. Any assistance would be appreciated.

Also noted during the April 14th CRC meeting during the survey discussion about the survey questions Mr. Stoffer called for the question during discussion & immediately Susan Fisch, chair, did not take a vote for "call for the question" which must pass with a 2/3's vote to stop or shut up the discussion. There was NO vote, protocol was not followed, Robert's Rules was not followed.

This was one of two incidences that happened during the April 14th meeting and duly noted they both involved Commissioners Fisch and Stoffer working in unison against Commissioner Tozzer. Same three individuals involved in both dances. Very unprofessional this is one explanation why things are not moving forward smoothly, fairly, and without conflict between the public and the Commission. One public commenter stated in all her years serving as a Commissioner she has not ever dealt with discontent

from the public like what is happening here in Clallam County.

At the minimum Commissioner Fisch owes Mr. Tozzer an official apology for her behavior as Chair. Commissioner Fisch & again Commissioner Stoffer in unison publicly attacked Commissioner Tozzer's 1st Amendment rights that night by singling out Mr. Tozzer's right to speak. By denying Commissioner Tozzer Robert Rules of Order consideration twice to possibly speak is totally unacceptable and Commissioner Fisch should publicly apologize in writing for her multiple errors as chair or resign her position.

Regards, Tom & Pepai Whipple

Sent from my iPad

Gores, Loni

From: marolee diane smith <maroleedsmith@gmail.com>
Sent: Tuesday, April 29, 2025 10:57 AM
To: Gores, Loni; Boughton, Dee
Subject: Charter Review archives and you

I am concerned about the ARCHIVES of the Charter Review.

The reason that I ask about where minutes of sub-committee or other meetings exist is because --- anyone should be able to locate a record, ask "why did they do that" (long after you all are dead) and find the answer. It's our HISTORY, which you are making.

In today's "*only now matters, cell in my hand*" world we forget that what we do now not only affects the future, but what we do is for posterity. Not for "*me me me*" but for the long haul.

I am, primarily, a researcher. I have long depended on going to old newspaper "morgues" and to the card files of libraries. I'm no stranger of "where to look" for data.

I can go back to the founding of the City of Port Angeles and read in the archives the first meetings, first laws on the city books. I can go to Boston and read about the revolutionary war, and what was decided before, and why.

But, for the life of me -- I can't figure out WHY this Home Charter Review Commission does much of anything. You are all being quite obtuse. You are not documenting what you do for posterity.

The sub-committee minutes are awful (not the ones that Loni produces), specifically, the ones that each of these sub-committees create (or don't create) are dismal.

I should not have to ask you for these. In fact I should be able to go back and see what you've done, discussed, voted on, referred to the full body -- who was present -- through agendas and minutes.

And, oddly, it's in your own bylaws!

Section III, Section Three says "The commission may hold other meetings at such times and places as the Commission or other committee may decide. Such meetings shall be accessible to the public and in compliance with RCW 43.30" and Section VI section 3 "*An attendance record of all Commissioners attending commission and committee meetings shall be kept.*"

It is pathetic that I must resort to Public Information Requests to (try) and get these things.

And, all previous Charter Reviews had the archives of the history (previous reviews) present on the page. So that people could read what has been done, and so that CHARTER REVIEW COMMISSIONERS could see that some things are just not going to go another way, no matter how many times you annoy the voters with it.

George Santayana: Those who cannot remember the past are condemned to repeat it."

Marolee Smith

Gores, Loni

From: Tozzer, Jeff
Sent: Wednesday, April 30, 2025 11:33 AM
To: Gores, Loni
Subject: Clarification on Survey Distribution

Hi Loni, please distribute to all 15. Thanks.

Dear Commissioners,

Thank you to the Town Hall Outreach Committee and the three other commissioners who attended the Clallam Bay event last night—it was a great turnout and much appreciated.

I'm writing because I'm unclear on something and would appreciate clarification.

After hearing on Monday that the current survey had been withdrawn, I was surprised to see it circulated at last night's event. Many attendees completed and returned it to CRC members.

As I've been encouraged, I'm drafting a second survey and plan to submit it soon for the next agenda. Since we're aiming to make this process more streamlined and reduce confusion, I'm concerned about how the first survey will be viewed if a second one is introduced. How will we address responses from those who already submitted the first version? What if they can't be reached again? If they've only voted on 7 issues without knowing there are 20 or more, is that fair?

This raises ongoing concerns I've had about strategy—something I believe we need clearer leadership on as we move forward.

Is anyone else concerned that we may be disenfranchising the first round of participants?

Thank you,

Jeff

Gores, Loni

From: Pickett, Paul
Sent: Wednesday, April 30, 2025 12:50 PM
To: Gores, Loni
Subject: Financial analysis for Water Committee
Attachments: CRC Water Committee Financial Analysis 1May2025.docx

Loni, could you forward to the Water Committee Commissioners, and provide copies at the meeting?

I've attached a quick screening analysis of the financial costs of 2 Water Steward proposals. The attachment also has the email thread from Mark Lane as background.

For discussion at our May 1 meeting.

Paul Pickett
Charter Review Commissioner, District 2

**Clallam County Charter Review Commission
Water Committee**

Summary of Financial information for Water Steward proposal
May 1, 2025

Here is a summary of possible financial impacts of two hypothetical Water Steward proposals.

Single Water Steward position – Senior Hydrogeologist or Water Resource Engineer

- A senior technical Lead at Range 70 would cost the County up to \$127,500

Board of Water Stewardship

- Budget Assumptions:
 - Senior Technical Lead (Range 70) = \$127,500
 - Communication and Education Specialist (Range 60) = \$103,000
 - Environmental Technician = \$103,000
 - Board overhead (travel, meeting costs) = \$9,000
 - Streamkeepers = \$250,000
 - TOTAL = \$592,500
- Potential property tax line item:
 - Current tax rate is 0.731, and the County bills for about \$11,875,000
 - An increase in property tax of 0.04 would raise around \$650,000
 - The additional tax on a \$500,000 house would be \$20

Emails exchanges with Mark Lane:

Sent: Saturday, April 19, 2025 12:18 PM
To: Lane, Mark <mark.lane@clallamcountywa.gov>
Subject: Charter Review Commission - a few questions

Mark,

I'm Chair of the Water Committee of the Charter Review Commission. We are discussing several options around the idea of a "Water Steward". Could you help me with some financial information?

Questions:

- How much would a senior technical specialist cost in a budget, such as an Engineer?
- How much would be budgeted for a mid-level specialist, like a Communications and Education position or science technician?

- Could the County increase the local sales tax rate? If so, could you estimate how much revenue would be raised by an increase of 0.1% added on (2.2% instead of 2.1%)?

Thank you for your time and attention!

Paul Pickett
Charter Review Commissioner, District 2

Hi Paul,

The first two questions are somewhat difficult questions to answer as educational background/work experience and job requirements are largely going to dictate the answers I am able to give.

Based on the name "Water Steward", I am going to presume that this is potentially an engineering position coupled with someone very well versed in the science of water management. The closest position I can think of that might be a close equivalent to that would have been a Project Coordinator position held by an individual with a Water Geologist educational background who headed up the early days of our County's Dungeness Off Channel Reservoir and deep water well development who was in Community Development and later Public Works prior to her retirement.

At Range 70, this position's annual salary would range from \$86,041.48 to \$104,833.01. Fully benefited, this position's total cost would be between **\$105,000 to \$127,500**.

On the mid-level specialist Communications and Education role, my best guess would be that position might be equivalent to Environmental Health Specialist II position in HHS Environmental health (range 60), which would put them in the annual salary range of \$68,892 to \$84,760. Fully benefited, this position's total cost would be between **\$83,500 to \$103,000**.

On your question whether the County has the ability to raise its sales tax rate to support such a position, I don't believe so. The capacity to raise sales taxes simply by an act by the Commissioners is very limited—with I believe only a 0.1% arts & sciences sales tax being available to be added by a simple majority vote of the Commissioners, but such a tax is limited to support nonprofit organizations in the arts and sciences. All other available increases in sales tax are for restricted purposes (such as public safety, affordable housing, mental health, etc) AND require voter approval for any increase available for unused taxing capacity the County has beyond what is currently in place.

- As a side note, if we did have capacity to raise sales tax, a 0.1% sales tax increase would generate approximately \$2-\$2.1 million

Hope that answers your questions.

****PLEASE NOTE—my work email has recently changed to mark.lane@clallamcountywa.gov . Please update my contact card at your earliest convenience****

Mark Lane

Chief Financial Officer

Clallam County

223 E 4th St, Suite 4

Port Angeles, WA 98362

Ph 360-417-2383

Email: mark.lane@clallamcountywa.gov

From: Pickett, Paul <paul.pickett@clallamcountywa.gov>

Sent: Monday, April 21, 2025 6:19 PM

To: Lane, Mark <mark.lane@clallamcountywa.gov>

Subject: Re: Charter Review Commission - a few questions

Thanks Mark - this is helpful.

Do you happen to know where I can see the list of allowed uses for sales tax?

Also, could the county raise the property tax rate? I can see the property tax revenues in the Treasurer's report, so that give me an idea of what could be done.

In both cases, the tax proposal would be part of the Charter amendment that would go to the people, (of course if my idea goes anywhere).

Paul Pickett

Charter Review Commissioner, District 2

Paul,

Attached is a [link](#) to MRSC Revenue Guide for Counties—this outlines all of the potential revenue streams counties may have. The various sales taxes and their permitted uses are covered on pages 69-96.

As to your question whether the property tax levy rate can be increased, outside of the 1% levy amount increased we are limited to by RCW, the only way we can do a levy rate lift is through a voter-approved ballot measure. Covered on page 20 of the MRSC Revenue guide, counties maximum levy rate allowed is \$1.80 for its Current Expense (i.e. General Fund). Clallam's General Fund levy rate for 2025 is currently \$.7305536050 per \$1,000 of assessed value. While Olympia was considering legislation to allow Counties to raise property taxes up to 3% rather than the current 1% limit, I heard this morning that the House version of the budget dropped that from the bill based on Gov Ferguson push back.

****PLEASE NOTE—my work email has recently changed to mark.lane@clallamcountywa.gov . Please update my contact card at your earliest convenience****

Mark Lane

Chief Financial Officer

Clallam County

223 E 4th St, Suite 4

Port Angeles, WA 98362

Ph 360-417-2383

Email: mark.lane@clallamcountywa.gov

Gores, Loni

From: Pickett, Paul
Sent: Wednesday, April 30, 2025 12:51 PM
To: Gores, Loni
Subject: CRC Water Committee minutes and agenda
Attachments: CRC Water Committee Agenda DRAFT 1May2025.docx; CRC Water Committee draft minutes 18April2025.docx

Loni,

Could you also provide printed copies of the draft minutes and agenda for the meeting tomorrow?

Paul Pickett
Charter Review Commissioner, District 2

Clallam County Charter Review Commission
Water Committee

DRAFT Agenda - May 1, 2025

- 9:00 am Call to Order
- 9:05 Approval of Minutes and Agenda
- 9:10 Report-backs on research
- 9:30 What have we learned?
- 9:50 Discussion and preliminary decisions
- 10:10 What should we do next?
- 10:20 Public Comment
- 10:30 Adjourn

Clallam County Charter Review Commission
Water Committee
Minutes of April 18, 2025 meeting

The meeting was called to order at 9:05.

The Committee approved the agenda.

Bowen Kendrick, Water Manager for Clallam County PUD, provided information on the how the PUD and the County work together. He discussed the case study of the Carlsborg water supply project. He provided some feedback on the Water Steward proposal. A discussion with the Committee followed.

Bruce Emery, Director of Community Development, and Jennifer Garcelon, Environmental Health Manager, shared information on the aspects of water management in their departments. They provided feedback on the Water Steward proposal. A discussion with the Committee followed.

Comments were provided in the Public Comment section of the agenda.

A discussion of next steps followed with a few interim decisions:

- **TASK:** Nina will continue work on researching water management in other Counties.
- **TASK:** Paul will organize a meeting of the Tribes in Clallam County.
- **All agree:** The position will not include regulation and enforcement. It will include data collection, sharing, and education. Coordination is a goal but needs to be carefully defined.
- **All agree:** This will not be a volunteer position.
- **TASK:** Paul will do some preliminary research on position costs and funding options.
- **TASK:** Christy: will make a flow chart of water management .
- **TASK:** Paul will finish his list of rivers and streams.
- **Next meeting:** May 1st, 9:00 to 10:30 am

The meeting adjourned at 12:00 pm.

Gores, Loni

From: Holy, Christy
Sent: Thursday, May 1, 2025 8:24 AM
To: Gores, Loni
Cc: Stoffer, Jim; Walde, Cathy
Subject: Re: Town Hall Meeting - April 29
Attachments: Clallam Bay-Sekiu Lions Club Town Hall Agenda for 4.29.25.docx; Forks Town Hall Agenda for 5.6.25.docx; Clean copy of Questionnaire 4.11.25.docx; Priorities Totals.xlsx

Hi Loni,

Please see the agenda that was posted at the Clallam Bay Town Hall, as well as the questionnaire and priority list that was provided. Also included is the Forks Town Hall Agenda. The same other documents will be used at the Forks meeting.

Thanks,
Commissioner Holy

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Wednesday, April 30, 2025 1:15 PM
To: Holy, Christy <christy.holy@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>; Stoffer, Jim <jim.stoffer@clallamcountywa.gov>
Cc: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: Town Hall Meeting - April 29

Please email me the word document for the Town Hall meeting held last night in CB/Sekiu. I need to post those to the websites.

I'll also need the same for May 6 Forks meeting.

Thanks, LG

"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 Town Hall – Clallam Bay/Sekiu Lions Club

90 Bogachiel Street, Clallam Bay

April 29, 2025 from 6-8 pm

- **Welcoming and Introductions –**
 - **Recognition of other Elected Officials Attending**
 - **Appreciation to Lions Club for the use of their facility**
 - **Building Safety & Meeting Protocols**
 - **Introduction of CRC Chair & Town Hall Outreach Committee**
- **Format and procedures for tonight's Town Hall**
 - **Handout listing CRC Priorities received from the Public and CRC Commissioners**
 - **Timeline/Calendar; items to the ballot or recommendations to the BOCC**
- **Overview of the Charter**
- **Open Discussion – Each speaker is limited to 3 minutes subject to the Commission's concurrence. Speakers generally will be heard in the order they signed up. All comments must be made from the podium and any individual making comments shall first state their name and district for the official record. The Commissioners will attempt to answer the speaker's questions at the meeting but may have to seek assistance from other resources but will follow-up with the speaker if they leave their contact information.**
- **The Commissioners reserve the right to remove anyone from Crescent Grange for any reason.**
- **Closing Comments**

CRC Town Hall – Forks –

First Congregational Church, 280 Spartan Avenue, Forks

May 6, 2025 from 6-8 pm

- **Welcoming and Introductions – Commissioner Stoffer**
 - **Recognition of other Elected Officials Attending**
 - **Appreciation to First Congregational Church for the use of their facility**
 - **Building Safety & Meeting Protocols**
 - **Introduction of CRC Chair & Town Hall Outreach Committee**
- **Format and procedures for tonight's Town Hall -Commissioner Stoffer**
 - **Handout listing CRC Priorities received from the Public and CRC Commissioners**
 - **Timeline/Calendar; items to the ballot or recommendations to the BOCC**
- **Overview of the Charter – Commissioners present**
- **Open Discussion – Each speaker is limited to 3 minutes subject to the Commission's concurrence. Speakers generally will be heard in the order they signed up. All comments must be made from the podium and any individual making comments shall first state their name and district for the official record. The Commissioners will attempt to answer the speaker's questions at the meeting but may have to seek assistance from other resources but will follow-up with the speaker if they leave their contact information.**
- **The Commissioners reserve the right to remove anyone from the church for any reason.**
- **Closing Comments**

Public Survey Questions – Charter Review Commission - 2025

1. County Commissioners are currently nominated by district and elected county-wide.

**How should County Commissioners be elected? _____ by the district you live in?
_____ countywide?**

2. Currently, County Commissioners serve on a variety of state, regional, and local non-government organizations. If the work conflicts with the duties outlined in the charter for county commissioners, there could be cause for recusal. This could limit commissioners' ability to endorse policies that directly benefit organizations with which they are involved.

Should County Commissioners recuse themselves from participating in non-government organizations?

_____yes _____no

3. Clallam County has a charter provision that requires the County Commissioners to adopt an ethics ordinance, but does not specify any requirements of the ordinance. The ethics ordinance that does exist contains no penalties for a violation.

Should the charter create an ethics board or commission? _____yes _____no Should the charter mandate certain ethical standards? _____yes _____no Should the charter mandate civil penalties for violations of the code of ethics? _____yes _____no

4. There are multiple jurisdictions that are involved in county-wide water management. No one is currently proactively identifying county-wide concerns regarding water supplies, and reactive measures are more expensive to the county taxpayers. Available water resources information is inadequate and outdated.

Should the Charter create a Water Steward position to gather necessary information? It would not have regulatory or enforcement authority. It shall operate as an independent information gathering, analysis, and advisory office.
_____yes _____no

5. Clallam County currently has three county commissioners. They are nominated by district and elected county-wide.

How many county commissioners should Clallam County elect? _____3 _____5

6. All other charter counties in our state meet every ten years. Currently, the Clallam Charter Review Commission meets every 5 years.

**How frequently should the Charter Review Commission meet? _____3 years _____5 years
_____10 years**

7. Currently, the county does not provide for ranked choice voting options for elections.

Should the charter consider the adoption of ranked choice voting options to the county? ____yes ____no

Commissioners

Written Public Comment

Coroner	14
Ethics Board and Commissions	9
Elected/Appointed Positions Oversight/Over	7
Govt to Govt Relations and Training	7
District Based Elections	6
DCD Elected or Appointed	6
Charter Ambiguities	6
County Clerk Enumerated Responsibilities	5
Public Defender's Office	5
Environmental Steward	5
CRC Term	5
Rank Choice Voting	5
Transparent BOCC & Public Engagement	4
Trust Land Transfer Program	4
Townhalls Budget	3
Number of Commissioner	3
Fair Bidding	3
Elected Officials & CRC Vacancy Language	3
Independent Hearing Officer	3
Recusal Issues	2
Transparency w/ Non-Governmental Orgs	2
General Fund Reserve Minimum	2
Voter approved tax increases or no prop tax increases	2
Lower Permit Costs for Property, Business & Owners	0
Revise Procedures for amending charter	0

Town Hall Public Comment

D3 D1 D2 D3

Gores, Loni

From: Stoffer, Jim
Sent: Thursday, May 1, 2025 12:10 PM
To: Gores, Loni
Subject: FW: Thank You

Loni,

Please distribute to the CRC, thank you.

Best!

Jim

Commissioner Stoffer
Clallam County Charter Review
Jim.stoffer@clallamcountywa.gov
360.775.9356

From: Stoffer, Jim <jim.stoffer@clallamcountywa.gov>
Sent: Wednesday, April 30, 2025 10:28 AM
To: French, Mike <Mike.French@clallamcountywa.gov>
Cc: Stoffer, Jim <jim.stoffer@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>; Cameron, Ron <ron.cameron@clallamcountywa.gov>; Richards, Ron <ron.richards@clallamcountywa.gov>; Morris, Patti <patti.morris@clallamcountywa.gov>; Holy, Christy <christy.holy@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>
Subject: Thank You

Thank you Commissioner French for attending the CRC Outreach Townhall Event in Sekui last night, 29 April at the Lions Club.

Much appreciated.

Thank You

Jim Stoffer

Clallam County Charter Review Commissioner
Jim.Stoffer@clallamcountywa.gov
360.775.9356

Sent from my Verizon, Samsung Galaxy smartphone

Gores, Loni

From: Gores, Loni
Sent: Thursday, May 1, 2025 12:15 PM
To: Diana H; Fisch, Susan; Benedict, Bill; Stoffer, Jim; Tozzer, Jeff; Fane, Alex; Cameron, Ron; Morris, Patti; Noble, Chris; Pickett, Paul; Richards, Ron; Fleck, Rod; Hodgson, Mark; Sarmiento, Nina; Holy, Christy; Walde, Cathy
Cc: Gores, Loni
Subject: RE: CRC Water Committee Meeting - Zoom recordings

Diana Henderson,

Your email has been received.

Just to be clear the CRC regular meetings are all recorded and can be found on the CivicClerk Portal at this link: <https://clallamcowa.portal.civicclerk.com/> You can find all meetings starting from the first meeting date (January 13) at that link.

The link you provided below in your first sentence is the link to the water committee recording for today (5-1-25 @ 9 a.m.). I'm confused on why you say it wasn't recorded but you provide the link to the recording.

You will notice that prior to April 14 the CRC Committee meetings weren't recorded. At the April 14 CRC regular meeting Commissioner Richard requested to have the committee meetings recorded moving forward. CRC agreed to record committee meetings moving forward starting April 14. This option to record committee meetings was offered to the CRC several times prior to April 14. I believe with the community interest in wanting to listen to these meetings that initiated the need for recordings. Please keep in mind that when the meetings are held outside of the County Courthouse it is difficult for them to record meetings due to technology issues. The CRC does their best to get recordings, when possible. Also, just a reminder it is recommended but not a requirement for meetings to be recorded RCW 42.30.220

I will point out that the April 23 Town Hall committee meeting recording is not on CivicClerk at this time. I've requested it from the committee, but it has not been provided yet. I was out of the office that day so I'm not sure if it was recorded or not. The meeting was held in a different location than the BOCC rooms due to room availability. If they have a recording it will be uploaded as soon as it's provided to the BOCC office.

Loni

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

*Loni Gores
Clerk of the Board
Commissioners Office*

223 East 4th Street, Suite 4
Port Angeles, WA 98362
Phone: 360-417-2256

From: Diana H <dianahender@gmail.com>

Sent: Thursday, May 1, 2025 10:49 AM

To: Gores, Loni <loni.gores@clallamcountywa.gov>; Fisch, Susan <susan.fisch@clallamcountywa.gov>; Benedict, Bill <bill.benedict@clallamcountywa.gov>; Stoffer, Jim <jim.stoffer@clallamcountywa.gov>; Tozzer, Jeff <jeff.tozzer@clallamcountywa.gov>; Fane, Alex <alex.fane@clallamcountywa.gov>; Cameron, Ron <ron.cameron@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>; Fleck, Rod <rod.fleck@clallamcountywa.gov>; Hodgson, Mark <mark.hodgson@clallamcountywa.gov>; Sarmiento, Nina <Nina.Sarmiento@clallamcountywa.gov>; Holy, Christy <christy.holy@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>

Subject: CRC Water Committee Meeting

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

Hello Commissioners,

Why aren't meetings being recorded for anyone unable to attend? <https://clallamcowa.portal.civicclerk.com/event/3487/media>

I have attended several meetings but there is no transcript available or recordings available afterwards.

This morning I listened to some of the water committee meeting and some of the discussions are troubling to me. I appreciate Commissioner Richards' questions. It may be safe to assume other citizens might also be troubled by some of the discussion.

I look forward to this being remedied by recording on Zoom as other meetings in the county.

Regards,
Diana Henderson
Sequim

Gores, Loni

From: Stoffer, Jim
Sent: Thursday, May 1, 2025 12:26 PM
To: Gores, Loni
Cc: Stoffer, Jim
Subject: RE: Town Hall Committee - May 8
Attachments: Outreach Committee Meeting Agenda 8 May.docx

Hi Loni,

Good afternoon, here you go and thank you again for your assistance.

Best!

Jim

Commissioner Stoffer
Clallam County Charter Review
jim.stoffer@clallamcountywa.gov
360.775.9356

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Wednesday, April 30, 2025 1:17 PM
To: Stoffer, Jim <jim.stoffer@clallamcountywa.gov>
Cc: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: Town Hall Committee - May 8

Jim,
Once you have the agenda for the TH Committee meeting on May 8, please send that over for posting to the websites.
Thanks, LG

"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*

Draft Agenda for Outreach Townhall Committee

Thursday, 8th May 2:30pm-4:30pm

Room 150 BOC Offices

Purpose of the Meeting is to review input received during outreach sessions. As this is a work meeting and is being conducted IAW OPMA, Public Comments are not expected to be taken.

<https://www.clallamcountywa.gov/DocumentCenter/View/22454/CRC-Committee-Notice-Town-Hall-5-8-25>

Welcome Intro

Discussion items:

- Meeting notes from last meeting
- 10 items direction from Chair Fisch, received on 4 Mar; see attachment.
- Input from Coroner Com & Water Steward Com Rep
- input from Dist3
 1. Feedback from the Sekiu Forum
 2. Feedback from the Forks Forum
- Input from Dist2
 1. Survey Status – Com Morris
- Dist1 & Com Chair Input
- Next Steps, next meeting
 1. Possible Motions thoughts

Gores, Loni

From: Sarmiento, Nina
Sent: Thursday, May 1, 2025 3:49 PM
To: Gores, Loni
Subject: Water Committee Minutes

Hi Loni, Can you forward this to Christy, Paul and Ron for thier approval or edits? Thank you!

Nina

Clallam County Charter Review Commission
Water Committee

Minutes of May 1 2025 meeting

In attendance: Christy Holy, Paul Pickett, Nina Sarmiento, Ron Richards (zoom), Rod Fleck (zoom).

The meeting was called to order at 9:05

Agenda was approved

The minutes from the last meeting on April 18th were approved.

Rod Fleck talked about the west end, a recently drilled well, and water resource inventory paperwork. At the town hall in forks he can ask the public about water. He couldn't stay for the rest of the meeting.

Research and outreach is in progress to identify counties' water related staff, departments and boards to see how other western WA counties structure these positions.

Christy read the summary of the DRMT report. The focus was on climate change and the importance of preparing to respond to the impacts to water.

A chart of WIRA's created by Paul can help display where problems are.

Commissioners agree that a water resource information officer would not have any control or authority.

Next meeting is scheduled for May 9th at 10 am at the Port Angeles Library Margaret Coffey room. Tribal representatives will come to speak at 10:30.

TASK: Nina will continue counties research and outreach.

TASK: Paul will finalize an interim report of information gathered to share before the next CRC meeting, including a new draft of reasons supplied in comments paper, charts, and possible resolutions.

TASK: Ron will begin work on gathering info about the expenses incurred because of water issues.

The meeting adjourned at 12:25

Gores, Loni

From: Pickett, Paul
Sent: Thursday, May 1, 2025 8:44 PM
To: robert.beck@quileutetribe.com; QNR Director; Shawn Hines; hhals@jamestowntribe.org; matt.bierne@elwha.org; steve.pendleton@makah.com
Cc: Gores, Loni
Subject: Water Committee meeting with Tribes - Clallam County Charter Review Commission

Thank you for your interest in meeting with the Water Committee of the Clallam County Charter Review Commission.

We are looking a proposals for a "Water Steward" who would work for the County, with the primary purpose of collecting data, sharing information, education, and networking with water users. (This would definitely NOT be a position addressing policy, regulation, or enforcement.)

We'd like to hear from you about your work with water issues, especially flow and fish habitat, but also water supply needs.

Potential topics for discussion:

- How is your Tribe working on issue related to water?
- How does the County's role with water affect your Tribe?
- What are the positives and negatives about the Water Steward proposal from your perspective?

We've scheduled the meeting for Friday May 9th from 10:20 am to 12:00 noon at the Port Angeles NOLS library. We will also have zoom access available - I'll send out the link later.

(Steve, I haven't been able to reach you, but I hope you can join us!)

Let me know if you have questions or suggestions regarding this meeting.

Thank you!

Paul Pickett,
Chair, Water Committee
Charter Review Commissioner, District 2

[Loni, please send a cc to the Water Committee]

Gores, Loni

From: Richards, Ron
Sent: Friday, May 2, 2025 9:19 AM
To: Gores, Loni
Subject: Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment
Attachments: Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment.pdf

Hi Loni,

Attached is a draft of a proposed charter amendment that I as a member of the CRC am asking to be provided to the CRC at our next meeting pursuant to Article IX, Section 1, Step 1, of the CRC bylaws. At our next meeting I will ask, also pursuant to Step 1, that the CRC place this draft on the agenda at the following meeting for consideration of proceeding to Step 2 of considering a proposed charter amendment.

In preparing this draft of a proposed charter amendment, I have referred to Title 25 of the Code of Federal Regulations, Part 151. I have also used as guidance a Bureau of Indian Affairs Fee-To-Trust Acquisitions and Reservation Proclamations Handbook. Citations to these documents are, respectively, [eCFR :: 25 CFR Part 151 -- Land Acquisitions](#) and [52 IAM 12-H: Fee-to-Trust Acquisitions and Reservation Proclamations Handbook](#). Anyone reviewing this proposed charter amendment would find reading those documents helpful.

Ron Richards

2025
Clallam County Charter Review Commission

Resolution Number _____

The Clallam County Charter Review Commission elected by the voters of Clallam County for the year 2025 finds that:

1. Title 25 of the Code of Federal Regulations, Part 151 (25 CFR §151), sets forth provisions whereby Tribes and Tribal Citizens can apply to the Bureau of Indian Affairs (BIA) to have land transferred into Tribal trust land status.
2. Depending on the specifics of an application to transfer land into Tribal trust land status, several provisions within 25 CFR §151 require the BIA to give state and local governments with regulatory jurisdiction over the land to be transferred 30 calendar days in which to provide written comments on the potential impact of the transfer on regulatory jurisdiction, real property taxes, and special assessments. The BIA must also give state and local governments notice of requests from a tribe to proclaim reservation status of trust land.
3. A transfer of land into Tribal trust land status can affect the regulatory jurisdiction, real property taxes, and special assessments of state and local governments. State and local government land use laws no longer apply to land transferred into Tribal trust land status; criminal law jurisdiction issues become more complicated, real property taxes levied on the property by state and local governments are eliminated, and the Tribe and Tribal members can obtain other benefits due to the land being in trust land status. Proclaiming reservation status of trust land brings with it additional benefits to Tribes and Tribal members and also facilitates the transfer of contiguous property into tribal trust land status.
4. The BIA is required to give great weight to approving a transfer of land into Tribal trust land status if it furthers Tribal interests by establishing a Tribal land base or protects Tribal homelands; protects sacred sites or cultural resources and practices; establishes or maintains conservation or environmental mitigation areas; consolidates land ownership; reduces checkerboarding; acquires land lost through allotment; protects treaty or subsistence rights; or facilitates Tribal self-determination, economic development, or Indian housing.
5. Despite having received many requests from the BIA for written comments on the potential impact of such transfers on regulatory jurisdiction, real property taxes, and special assessments, Clallam County has only infrequently, if ever, commented to the BIA on such potential impacts. The more land that is transferred into Tribal trust land status the greater these potential impacts are, especially if such transfers result in a checkerboard jurisdictional situation.

6. It is therefore becoming increasingly important for Clallam County to provide the BIA with written comments on the potential impacts of such transfers and reservation proclamations on regulatory jurisdiction, real property taxes, and special assessments.
7. It is important that Clallam County base any such comments on well thought out and considered standards which have been developed through an orderly process such as can be provided through the procedures for amending the County Comprehensive Plan.

Therefore, the 2025 Clallam County Charter Review Commission hereby proposes that the Clallam County Charter be amended by adding to Article VIII – The Public Interest, a Section 9.00: Tribal Trust Land Transfer Procedures, to read as follows:

Section 9.00: Tribal Trust Land Transfer and Reservation Proclamation Procedures

The Board of County Commissioners shall be required to respond to all requests from the Bureau of Indian Affairs (BIA) for written comments on the potential impact of transfers of land into Tribal trust land status on regulatory jurisdiction, real property taxes, and special assessments; and to respond to BIA notices of requests from a tribe to proclaim reservation status of trust land. No later than December 1, 2026, the County Comprehensive Plan shall be amended to add a section setting forth standards under which the Board of County Commissioners must base its responses required by this section. Those standards shall allow for the responses to include a recommendation that the requests be denied, granted, or conditioned; they shall address both the positive and/or the negative impacts, as the case may be, of such transfers on the county's interests; and they shall consider the factors which the BIA gives great weight to in approving transfers of land into Tribal trust land status.

In the above proposed Charter amendment, underlined words or letters are intended to be added, and words or letters with a strikethrough are intended to be deleted.

Further, the 2025 Clallam County Charter Review Commission, pursuant to Article XI, Sub-Sections 11.20.10 and 11.20.20 of the Clallam County Charter, calls for this Resolution, and the Charter amendment hereby proposed, to be filed with and registered by the Auditor, and for the Charter amendment hereby proposed to be submitted to the voters at the next statewide general election occurring at least 90 days after registration of the proposed amendment by the Auditor.

This Resolution is passed and approved on this _____ day of _____, 2025, by the 2025 Clallam County Charter Review Commission.

Susan Fisch, District 1 Commissioner, Chair

Bill Benedict, District 1 Commissioner

Ron Cameron, District 2 Commissioner

Alex Fane, District 1 Commissioner

Rod Fleck, District 3 Commissioner

Mark Hodgson, District 3 Commissioner

Christy Holy, District 3 Commissioner

Patti Morris, District 2 Commissioner

Chris Noble, District 2 Commissioner

Paul Pickett, District 2 Commissioner

Ron Richards, District 2 Commissioner

Nina Sarmiento, District 3 Commissioner

Jim Stoffer, District 1 Commissioner

Jeff Tozzer, District 1 Commissioner

Cathy Walde, District 3 Commissioner

Gores, Loni

From: Holy, Christy
Sent: Friday, May 2, 2025 5:31 PM
To: Gores, Loni
Cc: Stoffer, Jim; Walde, Cathy
Subject: Re: Town Hall Meeting - April 29 - Meeting notes
Attachments: Notes from Clallam Bay Sekiu Town Hall 4.29.25.docx

Here are the notes from the 4.29 Town Hall.

Thanks,
Christy Holy

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Friday, May 2, 2025 12:37 PM
To: Holy, Christy <christy.holy@clallamcountywa.gov>
Cc: Stoffer, Jim <jim.stoffer@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: RE: Town Hall Meeting - April 29 - Meeting notes

Christy,
Do you have any meeting notes from the 4-29-25 town hall in CB/Sekiu? If so, please send those over so I can post to the website.
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*

From: Holy, Christy <christy.holy@clallamcountywa.gov>
Sent: Thursday, May 1, 2025 8:24 AM
To: Gores, Loni <loni.gores@clallamcountywa.gov>
Cc: Stoffer, Jim <jim.stoffer@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>
Subject: Re: Town Hall Meeting - April 29

Hi Loni,
Please see the agenda that was posted at the Clallam Bay Town Hall, as well as the questionnaire and priority list that was provided. Also included is the Forks Town Hall Agenda. The same other documents will be used at the Forks meeting.

Thanks,

Commissioner Holy

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

Sent: Wednesday, April 30, 2025 1:15 PM

To: Holy, Christy <christy.holy@clallamcountywa.gov>; Walde, Cathy <cathy.walde@clallamcountywa.gov>; Stoffer, Jim <jim.stoffer@clallamcountywa.gov>

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

Subject: Town Hall Meeting - April 29

Please email me the word document for the Town Hall meeting held last night in CB/Sekiu. I need to post those to the websites.

I'll also need the same for May 6 Forks meeting.

Thanks, LG

"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

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Notes from Clallam Bay/Sekiu Town Hall Meeting

Clallam Bay Lions Club – 6-8 pm – 4.29.25

Attendees: Commissioners Walde, Holy, Tozzer, Fane

Also attending: County Commissioner Mike French, Greg Bellamy, Kenneth Reandeau, Jackie Ahrens, Danny Ahrens, Bill and Lori Shingleton, Shannon Southwash, D. George, Ed Bowen, Deb Boynton, Roy Morris

Meeting commenced at 6:00 pm. Commissioner Walde introduced all the CRC Commissioners present, as well as County Commissioner Mike French. She went over safety procedures and welcomed everyone to the Town Hall.

Commissioner Holy explained what the charter does and encouraged everyone to read it. She also encouraged attendees to email any input to Loni Gores at clallamcountywa.gov.

No one signed up specifically for public comment, so Commissioner Walde went around the room and asked if anyone wanted to speak.

Public comment –

Greg Bellamy – wants to vote for commissioners in own district, county-wide favors one party over another.

Ed Bowen – what are the amendments currently being looked at by CRC to go to the Ballot?

Commissioner Holy – Explained the Coroner issue and the water steward issue are two issues which are being considered in committee. The vacancy amendment has been tabled, and as of this date, no other amendments are pending review. At any time, any of the commissioners or the public can bring forth an issue or a resolution for something they would like to see become a charter amendment.

S.S. – Will the steward be determining which systems should be consolidated? Under Peach, Johnson, and Ozias, the WA ODW met to take over water system improvements, but that didn't go anywhere. Concern about more regulation. Commissioner Holy – explained that the water committee has not made any final decisions on anything, but at this time, they were looking at a position that is non-regulatory, but merely a data/science gathering position.

There was extended public comment regarding the water systems in Clallam Bay. What are we going to put on the ballot? We need good data we can prove on the

ground. Currently, many depend on stream gauging. Streamkeepers was mentioned as an organization doing a lot of data-gathering.

Ed Bowen – There seems to be some animosity when it comes to taking public comment. Would like to see something in the charter that encourages public comment like more town halls. We should vet the town hall idea.

The CRC commissioners present went through the list of priorities and explained the topics that anyone had questions about.

There was a question about the trust land transfer program. Commissioner Mike French explained the program concisely.

Greg Bellamy – due to the fact that it can be so complex and so politicized, he thinks the charter should stay away from doing anything with the trust land transfer program.

People expressed a need to take out the forest management language in the DCD's job description in the charter.

Suggestions for an Ethics and Improvement Board (7 person board to handle ethics issues)

People expressed gratitude for the commissioners coming out and appreciated the public engagement. They suggested that we have more town halls in the future. All enjoyed the cookies and coffee provided by Commissioner Walde.

Submitted by Commissioner Christy Holy

Gores, Loni

From: Pickett, Paul
Sent: Friday, May 2, 2025 7:17 PM
To: Gores, Loni
Subject: Re: May 9 - CRC Water meeting Agenda
Attachments: CRC Water Committee Agenda DRAFT 9May2025.docx

Here's the agenda...

Charter Review Commissioner, District 2

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Friday, May 2, 2025 1:08 PM
To: Holy, Christy <christy.holy@clallamcountywa.gov>
Cc: Pickett, Paul <paul.pickett@clallamcountywa.gov>
Subject: May 9 - CRC Water meeting Agenda

Paul,
Please forward me the agenda as soon as its ready and I'll post.
If needing copies of documents for the meeting, please send to me no later than Wednesday so I can get them printed for you to pick-up on Thursday.
Loni

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

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

From: Holy, Christy <christy.holy@clallamcountywa.gov>
Sent: Friday, May 2, 2025 11:33 AM
To: Gores, Loni <loni.gores@clallamcountywa.gov>
Cc: Pickett, Paul <paul.pickett@clallamcountywa.gov>
Subject: Re: zoom link

Hi Loni and Paul,
Here is the Zoom Link for the May 9th Water Committee Meeting at the library.
Thanks,
Christy Holy

Topic: CRC - Water Committee Meeting

Time: May 9, 2025 10:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88649174467?pwd=2dbWOGNuxhS4EogUc6PHcgT1NUxPrU.1>

Meeting ID: 886 4917 4467

Passcode: 542950

One tap mobile

+12532158782,,88649174467#,,,,*542950# US (Tacoma)

+12532050468,,88649174467#,,,,*542950# US

Dial by your location

- +1 253 215 8782 US (Tacoma)
- +1 253 205 0468 US
- +1 669 444 9171 US
- +1 669 900 9128 US (San Jose)
- +1 719 359 4580 US
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 689 278 1000 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)

Meeting ID: 886 4917 4467

Passcode: 542950

Find your local number: <https://us02web.zoom.us/j/88649174467?pwd=2dbWOGNuxhS4EogUc6PHcgT1NUxPrU.1>

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

Sent: Friday, May 2, 2025 9:04 AM

To: Holy, Christy <christy.holy@clallamcountywa.gov>

Subject: zoom link

Hi Christy,

Happy Friday! 😊

When available please send me the zoom information for the May 9 meeting. I'll get that added to the notice.

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
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Phone: 360-417-2256*

Clallam County Charter Review Commission

Water Committee

May 9, 2025 at 10 a.m. at North Olympic Library System, 2210 South Peabody Street, Port Angeles

DRAFT Agenda

- 10:00 Meeting called to order. Approve agenda for the meeting and minutes of last meeting.
- 10:05 Public Comments
- 10:10 Discussion and decisions on materials to present to the Charter Review Commission on May 12th.
- 10:30 Discussion of the County's role in water management with the Clallam County Tribes.
- 12:00 Adjourn

Zoom:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 886 4917 4467 and passcode: 542950 and use *9 to raise your hand.

If you would like to participate in the meeting via Zoom video conference, visit <https://us02web.zoom.us/j/88649174467?pwd=2dbWOGNuxhS4EogUc6PHcgT1NUxPrU.1> and use meeting ID: 886 4917 4467 and passcode: 542950

Gores, Loni

From: Pamela Caldwell <pandmcalldwell@gmail.com>
Sent: Saturday, May 3, 2025 8:01 AM
To: Gores, Loni
Subject: Charter Review

Please pass on that as a Tax Payer I'm not looking for my taxes to be raised in any form. No! To a paid "Water" person and WHY do you think we need one in the first place? Are one of you looking for a job? Do I need to list all the "Paid" positions this county has that doesn't produced results?? NO! NO! NO! Think about how you guys could lower our TAXES!!

Sincerely,

Pamela Caldwell

Gores, Loni

From: Shelley Taylor <shelley@overthemoon.me>
Sent: Saturday, May 3, 2025 1:12 PM
To: Gores, Loni
Cc: news@peninsuladailynews.com; KONP; Ozias, Mark; French, Mike; Johnson, Randy
Subject: CLALLAM COUNTY WATCHDOG NEWSLETTER

Importance: High

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

Honorable Loni Gores, Clerk, Charter Review Commission:

I wish to see more transparency on this - and all other issues - the Clallam Charter Review Commission is reviewing...routinely posted in a very public place - not simply a reply/response to this email.

It would be reassuring, as a taxpayer, to see a weekly column in our local paper (i.e. PDN), as well as a weekly interview on our local radio (i.e. KONP) to inform taxpayers as to any proposals made by the Commission that may affect residents' quality of life, property rights, &/or increase taxes.

And I would like to see the same protocol (regular reporting) followed for our Clallam County Commission and Commissioners.

I do not think it is too much to ask, as all property owners are required to pay taxes to finance every expenditure made by these commissions, to require our local government to go the extra mile to keep us informed...in a timely manner so that we have the opportunity to question commissioners publicly.

More effort needs to be made to make all of this information widely available. It is not enough to simply refer taxpayers to a website to ferret out important information.

Thank you.

Respectfully,

Shelley Taylor

Begin forwarded message:

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A solution in search of a problem

Water Steward committee aims to limit public engagement



Four Clallam Charter Review Commissioners are pushing a taxpayer-funded "Water Steward" position with little public input, focusing more on controlling the message than on transparency. Led by Commissioner Paul Pickett—who has a history of public records scandals—the committee seems more interested in selling the idea than addressing real community concerns.

Four Charter Review Commissioners—Paul Pickett (Chair), Nina Sarmiento, Christy Holy, and Ron Richards—have formed a "Water Steward Committee" that increasingly appears to be a solution in search of a problem.

After a coordinated push from activists within the League of Women Voters, the committee is moving quickly to craft a ballot initiative that would add a new, tax-funded position to Clallam County government. Their meetings suggest the goal is not just administrative—they are openly focused on selling the proposal to the public while minimizing both transparency and public involvement in the process.

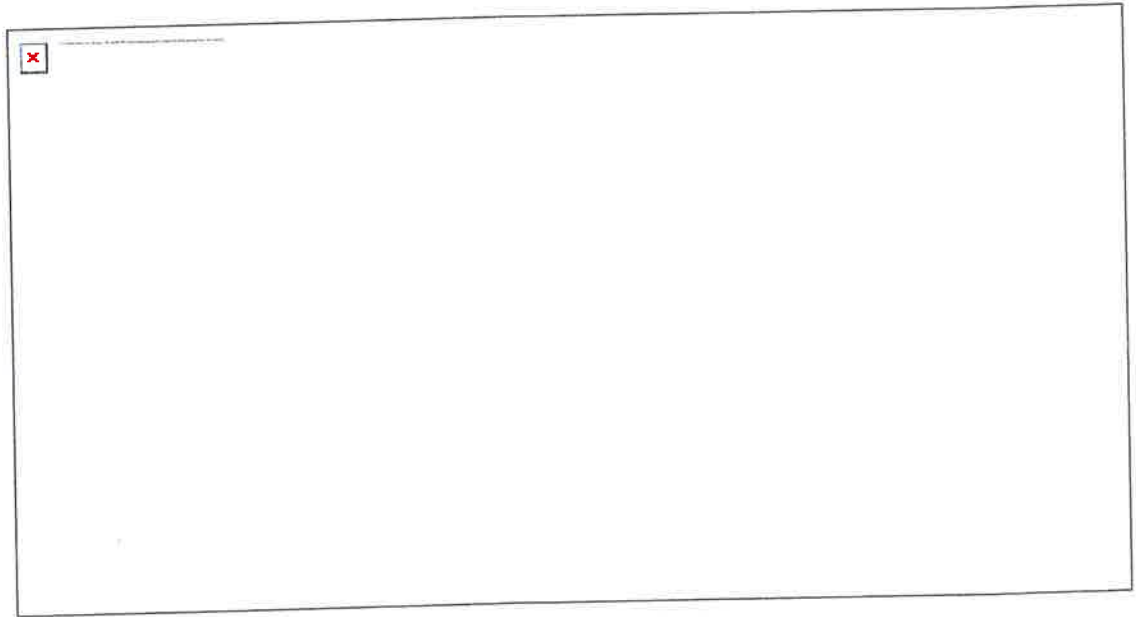
"Based on what's happened over the past few weeks," Pickett explained, "I think that the minutes should be really short and sweet and probably, our meeting notes, we should keep to ourselves."

County Clerk Loni Gores reminded the committee that any meeting notes and minutes need to be submitted to the Clerk because they are public record. It's a warranted reminder—Commissioner Paul Pickett has a troubled history with transparency and the public process.

Paul Pickett's problem-plagued past

According to articles from *We the Governed*, Paul Pickett, a former Evergreen College faculty member and employee of the Washington State Department of Ecology, was allegedly elected to the Thurston Conservation District board

to help conceal internal corruption and mismanagement. The articles claim that Pickett's role involved suppressing scrutiny over the misuse of public funds and maintaining the flow of government grants without proper oversight. He is portrayed as a "rubber stamp" supervisor who, alongside others, facilitated the falsification of public records, such as meeting minutes, to obscure staff misconduct and protect the interests of those benefiting from the grant system.



From [We the Governed](#) during Pickett's time in Thurston County.

Now, as Chair of the Charter Review Commission's Water Steward Committee, Pickett is again leading a process with little public input while sidestepping transparency.

Beware of CC Watchdog

"I can't imagine how the people out in Clallam Bay don't think there's a problem when they have two water systems in deep trouble," said Commissioner Ron Richards during the Water Steward committee meeting.

Commissioner Christy Holy responded, "No, they think there's a huge problem. They just really were thinking we were talking about a regulatory thing, and we kept trying to reinforce the fact that, like you said, that, you know this is just a data gathering position. That it's not a regulatory thing."

Commissioner Nina Sarmiento inquired whether the identities of the experts interviewed by the committee should be associated with their responses. Richards encouraged reporting only on the “general gist” of what the Water Steward Committee hears, suggesting that paraphrasing would be preferable to quoting someone directly.

“Especially with Clallam County Watchdog around, we could really be setting someone up for undue criticism, like Jim Stoffer and Patti Morris have been unduly criticized,” Richards said.

“Everything you say will be used against you,” replied Paul Pickett. “Don’t get me going on that topic.”

Undue criticism?

Commissioner Stoffer came under fire after telling the Sequim Gazette that it was illegal for the Charter Review Commission to answer questions from the public during Town Hall meetings. This statement followed Chairwoman Susan Fisch’s decision to end the Sequim event an hour early—and has since been confirmed to be legally false.

Commissioner Morris drafted a seven-question survey intended to gather public input. However, after facing criticism for narrowing the focus to just seven issues out of more than thirty currently before the CRC, she withdrew the survey at the conclusion of the most recent Charter Review meeting. Morris stated, “I want to be done with this survey, and I want to throw it out the door. That’s my opinion—I don’t want a survey at all.” She added, “I’m not doing this, how about that?”

When Chairwoman Fisch was asked whether a survey was still in circulation, she replied: “I don’t know.”

Nevertheless, the survey was handed out at the following night’s event in Clallam Bay, which caused confusion. Many attendees completed it and returned it to CRC members.

A second survey is currently being drafted for submission to the next meeting agenda, with the goal of streamlining the process and reducing confusion.

Still, concerns persist over how the initial survey will be interpreted if a revised version is introduced. Questions have arisen regarding how to handle the responses already collected—especially if some participants cannot be contacted again. If individuals answered only seven selected issues, without knowing that thirty or more topics are under consideration, can that feedback be considered a fair representation of public input?

These issues underscore an ongoing need for strategic clarity and stronger leadership as the review process continues. There is also a broader concern that the first wave of participants may be unintentionally disenfranchised.

A selling point

At the Water Steward Committee meeting, Holy suggested the committee develop a problem statement, like the scientific method, with possible solutions, “just to keep it on track.”

Richards proposed the committee could track the exorbitant cost the County has spent piping irrigation ditches, which have prevented aquifer recharge, and the City of Sequim’s new attempt to address that problem by building a new aquifer recharge site. He also mentioned examining how much money is collected from new homeowners who pay for mitigation certificates under the Dungeness Water Rule and how it’s used.

Pickett agreed that a “selling point” to get this on the ballot would be to calculate how much money has been spent on water management and to float this not just as an environmental issue, but as an economic issue that helps developers know where the water is.

Committee members agreed that Ann Soule (with the League of Women Voters) and the WSU Extension office would have the information they are looking for. Both Soule, in her role on the Marine Resources Committee, and WSU Extension have attracted recent attention due to their involvement in the looming eviction of residents from 3 Crabs Road.

Possible property tax increase

Pickett reported that Clallam County CFO Mark Lane said a Senior Technical Engineer or Hydrologist would cost the county up to \$127,500. Pickett is exploring funding a Water Steward Board, with three staff, through a tax increase. "If you put it in a charter amendment, that's a vote," Pickett explained, noting that Washington law requires a public vote for property tax increases over 1%. In other words, residents this fall could not only vote on the creation of a Water Steward Board, but also a property tax increase.

"A lot of people have said, we need more data—We need more streams monitored, we need more wells monitored," said Pickett.

Pickett asked his co-committee members if the cost of creating the Steward and supporting staff should be shared now, "or should we just hold onto the financial [information] for awhile?"

Sarmiento suggested downplaying the expense. "I don't think we should present the cost until we have savings to go along with it."

Commissioner Richards said, "Just as we are straining to make this sound nonauthoritarian, to use a good term these days, we need to make it sound simple and inexpensive."

Richards recommended avoiding the word "Board" because it carries connotations of money, control, expense, and involvement. Pickett suggested changing the title to "Water Information Officer," with an advisory board that helps direct their duties, or possibly creating an advisory committee.

Sarmiento said another option would be to house this position in the County's Department of Natural Resources. Another could be to have the County Commissioners appoint a natural resources director with a hydrologist position who serves as the "total information awareness person about water."

The committee debated whether to ask that the position of Water Steward be put on the ballot for voters, or just recommended to the County Commissioners by the Charter Review Commission.

"If you make a recommendation, they could just say: *Thank you, we don't have any money, we'll look at it again someday,*" Pickett said. He explained that

putting it in the Charter would elevate the issue to *"this is something the county wants; you need to do it."*

Bruce Emery, the elected Director of the Department of Community Development, has stated he does not want the position of Water Steward mandated in the charter. He recommends that it be created organically, when the Board of Commissioners sees a need.

"It could be framed as 'Bruce doesn't have the expertise on natural resources, or he doesn't have the capacity,' because his job is so big," said Sarmiento.

"Secrecy, being an instrument of conspiracy, ought never to be the system of a regular government." — Jeremy Bentham



"This meeting is really about them"

"Do we want to have to have public comments or not?" asked Paul Pickett. He noted that the Charter Review Commission bylaws say the meetings must be open and that the public can attend. "The bylaws don't say that we have to have a comment period."

Sarmiento agreed, saying that all the CRC committees have to do is say they're not taking public comments. It was agreed they would seek more information on the topic, but Pickett asked, "Should we not have a public comment period for the meeting with the Tribes?"

"Why not have these be open meetings?" asked Richards.

Pickett suggested arranging the agenda to allow public comment only at the beginning of the meeting, before the Tribes arrive, or eliminating it altogether.

"I don't think it's appropriate to, like, have that be at the end or have the Tribes, like, there—you know—that they have to listen to that because this meeting is really about them," said Sarmiento.

Leave a comment

The Charter Review Commission Water Committee has scheduled a Water Committee meeting with area Tribes to be held on Friday, May 9, 2025 at 10 a.m. at North Olympic Library System, Margaret Coffey Room at 2210 South Peabody Street, Port Angeles, WA.

If you would like to participate via Zoom, click [here](#) for instructions.

Citizens with comments or questions regarding the Charter Review Commission may contact the Clerk of the Charter Review Commission at loni.gores@clallamcountywa.gov

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 COMMENT

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1052 Jamestown Rd, Sequim, WA 98382

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Gores, Loni

From: Tozzer, Jeff
Sent: Sunday, May 4, 2025 7:16 PM
To: Gores, Loni
Subject: Item for upcoming agenda (survey)

Hi Loni. Please distribute to all 15. Thanks.

Dear Charter Review Commissioners,

I continue to be confused about our overall strategy. I see that the poll has gone live, despite it having been withdrawn at our last meeting. It appears to be structured not as a poll to determine which issues should be prioritized, but rather as a vote on potential ballot items—as if these decisions have already been made. What is the purpose of this approach?

Additionally, I'm unclear on how the Town Hall Outreach Committee came to be responsible for drafting surveys. I don't recall that being established as a task of the committee, nor do I remember any communication to the full commission that this work would be delegated in that way.

With that in mind, I am requesting that the **survey draft below be added to the upcoming agenda** for commission consideration. This version is different in key ways: the explanations are short and understandable, it focuses on identifying public priorities rather than predicting votes, and it includes all topics raised in public comments and Town Hall meetings. If I've missed anything, it can easily be added.

If we choose not to move forward with this type of survey, I would ask that the Commission revisit an idea I raised months ago: that each commissioner place stickers—perhaps ten—on their individually chosen top ten issues, in full public view. This method would allow for transparency and may help address the growing public concern about the perception that discussions are happening behind closed doors. I know my priorities have changed since engaging with the public, and I'd appreciate an opportunity to revisit my rankings.

For those concerned that a list of 27 to 32 items might be overwhelming, I'd remind you that we are working with an incredibly engaged public this term. Moreover, 15 of us worked through prioritizing these issues earlier, and at that time, I did not hear that the task was unmanageable. There are five items at the bottom of the draft survey that currently lack descriptions; I've forgotten exactly what those amendments pertain to, but they can easily be clarified before publication.

Thank you,
Jeff

The Clallam County Charter Review Commission wants your input on which issues should be prioritized as we evaluate how county government functions. Please review the list and select up to ten items by [end date].

Note: The issue of how the County Coroner is selected has been excluded from this list, as a recent change in state law means it will appear on an upcoming ballot.

- **Code of Ethics with civil penalties:** Currently, there is a Code of Ethics for elected officials, but the Board of Commissioners removed penalties for violations. This amendment could establish enforceable penalties.
- **Aligning elections with WA State Constitution:** This amendment would hold elections at the precinct level, vet voters, and require hand-counting ballots.
- **Reforming Board of Commissioner committee appointments:** This amendment could change how members are appointed to various county boards, such as the Trails Advisory Board, Animal Solutions Advisory Committee, and Board of Equalization.
- **Recusal requirement for commissioners:** Would mandate that County Commissioners recuse themselves from votes where they have a conflict of interest.
- **Restrictions on elected officials' advocacy:** Would limit commissioners' ability to endorse policies that directly benefit organizations they are involved with.
- **Government-to-Government Relations and Training:** This amendment would require county officials to undergo government-to-government training to better understand and respect local tribes as sovereign governments, improving collaboration and mutual respect.
- **Restrictions on board membership for commissioners:** This amendment would restrict commissioners from sitting on boards of organizations that receive county funding or influence county policies, addressing potential conflicts of interest.
- **Add “American governments” to Intergovernmental Relations section 1.20:** This amendment would ensure that any Clallam County partnerships with foreign nations are subject to federal oversight to prevent conflicts of interest or foreign influence.
- **Return to district voting:** This amendment would ensure that only voters within a district vote for their county commissioner in both the primary and general elections, rather than countywide.

- **Elected Director of the Department of Community Development:** Clallam County is the only county in the U.S. with an elected DCD director, rather than appointed, which presents unique benefits and challenges.
- **Ranked Choice Voting (RCV):** Voters would rank candidates in order of preference.
- **Charter Review Commission frequency:** This would change the review cycle from every five years to ten.
- **Increased public engagement:** Could require quarterly town halls with the Board of Commissioners.
- **Public access to meetings:** Would mandate greater transparency in decision-making processes involving public funds and require that meetings be held on land governed by county policy and state law.
- **Board of County Commissioners spending transparency:** This amendment would require detailed financial reporting.
- **Budget town halls:** Would ensure that budget presentations are free, public, and interactive.
- **Fair bidding process:** Could level the playing field for local businesses bidding against foreign corporations that avoid fees and taxes.
- **General fund reserve minimum:** This amendment would establish a fiscal reserve threshold to ensure long-term financial stability.

- **Transparency in public funds to nongovernmental organizations (NGOs):** This amendment would require financial transparency from any NGO the county contracts with, ensuring that public funds are allocated to organizations with clear and accessible financial records.
- **Tax increases by voter approval:** This amendment would require voter approval for any future property or sales tax increases.
- **Public Defender's Office:** Clallam Public Defender's Office is currently a private nonprofit that receives funding from the county. This amendment would incorporate it into county government.
- **Independent hearing examiner:** Would ensure that land use and zoning decisions are made impartially, free from political influence.
- **Trust land transfer program:** Affects the county's collaboration with the Department of Natural Resources in managing forestland.
- **Lower permit costs for property and business owners:** Would reduce financial barriers for development.
- **Establishment of a Water Steward:** Would create a county position focused on long-term water management.
- **Requirement to notify Bureau of Indian Affairs on adverse effects:** Would mandate the county notify the BIA when land use changes affect county interests.
- **Increase number of County Commissioners:** Increase the number of commissioners from 3 to 5.
- Clarify vacancy language for commissioners & elected officials
- Define Auditor, Treasurer, and CFO Responsibilities
- Revise Procedures for Amending the Charter

- Define the duties of the Clerk of the Board which are currently unclear
- Clarify vacancy language for the charter

-

Gores, Loni

From: Morris, Patti
Sent: Monday, May 5, 2025 9:41 AM
To: Gores, Loni
Subject: Survey Status and Recommendation

Good morning, please pass along the below email.

I HAVE CLOSED THE SURVEY MONKEY SURVEY. PLEASE PLACE IT ON THE NEXT COMMISSION AGENDA FOR DISCUSSION.
SEE BELOW:

I recommended that we send out a Survey Monkey Survey early on in the Charter Review Process as we had done in previous years. Commissioner Fisch asked that each Commissioner identify their Top 10 Priorities from a list that she had developed from, I believe our conversations. That list was supposed to assist in the development of the initial Survey questions. I compiled responses on an Excel Spreadsheet which was reviewed at the Commission Meeting. At that time, the Commission said we should move to identify initial questions for the Survey. At that time, I asked the Town Hall Committee for some assistance in putting the language together for the questions. I also enlisted the Town Hall Committee to assist in paring down the survey to reasonable number of questions. Those in no way, were a correlation to decisions made by the Charter on what to move forward to the Ballot process. I appreciate all of the help and hours that the Town Hall Committee spent in coming up with a reasonable 7 questions to start with on the Survey.

Please understand this was NOT a Town Hall Committee task but was a welcome assistance from several experienced people to assist in writing the questions for the Survey.

I would like to remind Charter Commission members that we took a vote at a prior meeting agreeing to the Survey format along with the 7 questions and at the last meeting we approved the minutes that reflected that approval by 11 Yes to 1 No vote.

It has become clear to me that the Survey is being considered in my opinion a Negative and not a Positive. It is so unfortunate because we are nearing the deadline to propose Amendments for the Ballot and the Survey previously helped to learn what Citizens wanted us to move forward with.

At the last meeting it was brought to my attention that there wasn't a control over paper ballots. It would allow for multiple copies being turned in from one person. The paper ballot process has also been suspended until there is further discussion.

Thanks, Patti

Gores, Loni

From: Morris, Patti
Sent: Monday, May 5, 2025 9:48 AM
To: Gores, Loni
Subject: Town Hall Committee Resignation

Please send to the Town Hall Committee Members and Susan Fisch.

Please consider this my Resignation from the Town Hall Committee. I wish you well! Thanks, Patti

Gores, Loni

From: Boughton, Dee
Sent: Monday, May 5, 2025 2:02 PM
To: Gores, Loni
Cc: Deckard, Madison
Subject: RE: Supreme Court Case
Attachments: Citizens Alliance for Property Rights Legal Fund v San Juan County (1).pdf

Here it is.

From: Gores, Loni <loni.gores@clallamcountywa.gov>
Sent: Monday, May 5, 2025 11:20 AM
To: Boughton, Dee <dee.boughton@clallamcountywa.gov>
Cc: Deckard, Madison <Madison.Deckard@clallamcountywa.gov>; Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: FW: Supreme Court Case

Dee,
Looking for the response on this request.
Thanks, LG

“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: Gores, Loni
Sent: Thursday, May 1, 2025 7:18 AM
To: Boughton, Dee <dee.boughton@clallamcountywa.gov>
Subject: FW: Supreme Court Case

Dee,
Please forward me this information for the CRC.
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*

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From: Richards, Ron <ron.richards@clallamcountywa.gov>
Sent: Thursday, May 1, 2025 4:00 AM
To: Gores, Loni <loni.gores@clallamcountywa.gov>
Subject: Supreme Court Case

Hi Loni,

Dee Boughton said he would get us the citation to the Washington State Supreme Court case that he referred to during our last meeting. Have I missed that or has he not yet provided it?

Ron



KeyCite Yellow Flag

Declined to Extend by [Group Health Cooperative v. Department of Revenue](#), Wash.App. Div. I, April 1, 2019

184 Wash.2d 428

Supreme Court of Washington, En Banc.

**CITIZENS ALLIANCE FOR PROPERTY
RIGHTS LEGAL FUND**, a Washington

nonprofit corporation, Petitioner,

v.

SAN JUAN COUNTY, a Washington municipal
corporation, and San Juan County Critical Areas
Ordinance/Shoreline Master Program Implementation
Committee, a subcommittee of [the San Juan
County Council](#), and its Members Richard Fralick,
Patty Miller, and Lovel Pratt, Respondents.

No. 90500–2

Argued Feb. 26, 2015.

Decided Oct. 1, 2015.

Synopsis

Background: Citizens group brought action against county, critical area ordinance implementation committee, and individual council members for violation of the Open Public Meetings Act. The Superior Court, San Juan County, [Alan R. Hancock](#), J., entered summary judgment in favor of defendants. Citizens group appealed. The Court of Appeals, [181 Wash.App. 538](#), [326 P.3d 730](#), affirmed. Citizens group appealed.

Holdings: The Supreme Court, en banc, [Wiggins](#), J., held that:

[1] critical area ordinance implementation team meetings did not constitute meetings of the county council itself under the Act;

[2] team was not a “committee thereof” with respect to county council; and

[3] team did not “act on behalf of” county council as would subject it to the Act.

Affirmed.

[Yu](#), J., concurred in part and dissenting in part and filed opinion.

Procedural Posture(s): On Appeal; Motion for Summary Judgment.

West Headnotes (20)

[1] **Appeal and Error** 🚩 Review using standard applied below

Supreme Court reviews grants of summary judgment de novo, engaging in the same inquiry as the trial court.

12 Cases that cite this headnote

[2] **Appeal and Error** 🚩 Statutory or legislative law

Construction of a statute is a question of law that appellate court reviews de novo.

3 Cases that cite this headnote

[3] **Statutes** 🚩 Intent

On matters of statutory interpretation, appellate court's fundamental objective is to ascertain and carry out the Legislature's intent.

13 Cases that cite this headnote

[4] **Statutes** 🚩 Plain Language; Plain, Ordinary, or Common Meaning

If the statute's meaning is plain on its face, then the court must give effect to that plain meaning as an expression of legislative intent.

19 Cases that cite this headnote

[5] **Statutes** 🚩 Plain Language; Plain, Ordinary, or Common Meaning

Statutes 🚩 Plain, literal, or clear meaning; ambiguity

When determining a statute's plain meaning, the appellate court considers the ordinary meaning of words, the basic rules of grammar, and the statutory context to conclude what the legislature has provided for in the statute and related statutes; the court considers other matters, including legislative history, if the statute remains susceptible to more than one reasonable meaning after completing the plain meaning analysis.

12 Cases that cite this headnote

[6] **Statutes** 🏠 **Undefined terms**

Statutes 🏠 **Construing together; harmony**

In giving meaning to an undefined statutory term, the appellate court considers the statute as a whole and provides such meaning to the term as is in harmony with other statutory provisions.

5 Cases that cite this headnote

[7] **Statutes** 🏠 **Context**

Statutes 🏠 **Dictionaries**

Though undefined terms in a statute are given their common law or ordinary meanings, the words must be read in the context of the statute in which they appear, not in isolation or subject to all possible meanings found in a dictionary.

1 Case that cites this headnote

[8] **Statutes** 🏠 **Purpose**

Ultimately, in resolving a question of statutory construction, the appellate court will adopt the interpretation which best advances the legislative purpose.

6 Cases that cite this headnote

[9] **Courts** 🏠 **Previous Decisions as Controlling or as Precedents**

Although not controlling, attorney general opinions are entitled to great weight; this is particularly true where the attorney general issues an opinion shortly after the passage of

legislation and where the legislature fails to amend the statute in response to the opinion.

[10] **Statutes** 🏠 **Similarity or difference**

When the legislature uses two different terms in the same statute, courts presume the legislature intends the terms to have different meanings.

1 Case that cites this headnote

[11] **Statutes** 🏠 **Superfluosity**

Statutes must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous.

6 Cases that cite this headnote

[12] **Administrative Law and Procedure** 🏠 **Meetings Required to Be Open**

The Open Public Meeting Act does not extend to advisory committees and other entities that do nothing more than conduct internal discussions and provide advice or information to the governing body. [West's RCWA 42.30.030](#).

1 Case that cites this headnote

[13] **Administrative Law and Procedure** 🏠 **Open Meetings Requirement; Sunshine Laws**

Gatherings that do not include a majority of the governing body's members are not considered "meetings" for the purposes of the Open Public Meeting Act. [West's RCWA 42.30.030](#).

2 Cases that cite this headnote

[14] **Administrative Law and Procedure** 🏠 **Open Meetings Requirement; Sunshine Laws**

For a gathering of a governing body's members to be considered a "meeting" of the governing body itself, under Open Public Meeting Act, the purpose of the gathering must be to discuss or act on matters in which the attendees have a common

interest relating to the official business of the governing body. [West's RCWA 42.30.030](#).

6 Cases that cite this headnote

[15] Administrative Law and Procedure **Electronic communications or meetings**

Passive receipt of e-mails and other one-way forms of communication between members of the governing body does not, by itself, amount to participation in a "meeting" under Open Public Meeting Act; such passive receipt of information does not demonstrate the necessary intent to meet. [West's RCWA 42.30.030](#).

2 Cases that cite this headnote

[16] Administrative Law and Procedure **Open Meetings Requirement; Sunshine Laws**

Within the context of the Open Public Meeting Act (OPMA), the Supreme Court would adopt the following definitions: (1) a "meeting" of a governing body occurs when a majority of its members gathers with the collective intent of transacting the governing body's business, (2) a "committee thereof" with respect to a given governing body is an entity that the governing body created or specifically authorized, and (3) a committee acts "on behalf of" a governing body when the committee exercises actual or de facto decision-making authority on behalf of the governing body. [West's RCWA 42.30.030](#).

6 Cases that cite this headnote

[17] Municipal, County, and Local Government **Access to Proceedings; Open Meeting Requirements and Sunshine Laws in General**

Critical area ordinance implementation team meetings did not constitute meetings of the county council itself under the Open Public Meetings Act (OPMA), where none of the meetings included a majority of council members. [West's RCWA 42.30.030](#).

1 Case that cites this headnote

[18] Municipal, County, and Local Government **Access to Proceedings; Open Meeting Requirements and Sunshine Laws in General**

E-mail and telephone exchange between three members of county council did not constitute a meeting under Open Public Meeting, where the council had six members, and although a fourth council member had received a copy of the e-mail, the communications contained no indication that the participants had the requisite collective intent to meet. [West's RCWA 42.30.030](#).

2 Cases that cite this headnote

[19] Municipal, County, and Local Government **Access to Proceedings; Open Meeting Requirements and Sunshine Laws in General**

Critical area ordinance implementation team was not a "committee thereof" with respect to county council, and thus was not subject to requirements of Open Public Meetings Act, where there was no evidence indicating that the council had authorized creation of the team. [West's RCWA 42.30.020, 42.30.030](#).

[20] Municipal, County, and Local Government **Access to Proceedings; Open Meeting Requirements and Sunshine Laws in General**

Critical area ordinance implementation team did not "act on behalf of" county council as would subject it to Open Public Meetings Act, where there was no indication that the team exercised actual or de facto decision-making power, rather, evidence suggested the team's role with respect to the council was at most, that of support staff. [West's RCWA 42.30.020](#).

Attorneys and Law Firms

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Opinion

WIGGINS, J.

***432 ¶ 1** In this case, the Citizens Alliance for Property Rights Legal Fund (CAPR) seeks to invalidate several ordinances passed by the governing council of San Juan County (County), alleging violations of Washington's Open Public Meetings Act of 1971 (OPMA), chapter 42.30 RCW. Specifically, CAPR asserts that four ordinances passed as part of a state-mandated update of the County's critical area ordinances (CAO) should be voided because the ordinances had first been discussed by an informal group of county officials and employees (CAO Team) in meetings that did not comply with the OPMA. We reject CAPR's arguments because (1) none of the CAO team meetings constituted

"meetings" of the San Juan County Council (Council) under the OPMA, (2) the CAO Team itself was not a "committee" of the Council, and (3) the CAO Team never acted on behalf of the Council.

***433 BACKGROUND**

¶ 2 At all times relevant to this appeal, the County operated under a home rule charter that vested legislative functions in the Council, consisting of six voting members. Former San Juan County Home Rule Charter art. 2, §§ 2.10, 2.20, 2.30(1) (2005). The charter specified that the Council cannot act without the affirmative vote of four of its members. *Id.* § 2.40(3). Further, the charter placed all administrative and executive functions under the purview of a county administrator hired by the Council. *Id.* §§ 3.41, 3.43. During the relevant time period, Pete Rose served as county administrator.

¶ 3 In 2010, the County began the process of updating its CAO as required by the Growth Management Act, chapter 36.70A RCW. The County had initiated the CAO update process on two prior occasions but had failed to pass the required update both times. By the time the County initiated the third effort to update the CAO, the required update was already four years overdue.

¶ 4 The CAO Team appears to have been an informal group that met occasionally to discuss how to implement the CAO update. The informal nature of the team is reflected by the near-complete absence of official documents referencing the team or its work. For example, the record provides few clues as to how the CAO Team came into existence. It does not appear that it was created through a formal legal instrument such as a legislative resolution or an executive directive. Likewise, no documents in the record indicate how the members of the CAO Team were chosen—in fact, none of the documents in the record suggests that the CAO Team even had an official list of members. The record also does not contain any documents indicating that the CAO Team had any formal purpose, list of responsibilities, or official relationship to other county agencies.

***434 ¶ 5** This informal group met approximately 26 times between July 2010 and February 2012. The CAO Team did not keep attendance records, and the record provides little information on who attended many of the individual team meetings. In a response to an interrogatory, the County stated

that 10 individuals attended at least one CAO team meeting: Pete Rose, the county administrator; Jon Cain, a deputy prosecutor from the San Juan County Prosecuting Attorney's **757 Office; Paul Adamus, a consultant; Shireene Hale, Janice Biletnikoff, Colin Maycock, and Rene Beliveau, all members of the County's planning staff; and three members of the Council—Richard Fralick, Lovel Pratt, and Patty Miller. CAPR does not allege, and the record does not indicate, that any members of the Council besides Fralick, Pratt, and Miller attended any CAO team meetings.

¶ 6 During the period that the CAO Team was meeting, the Council continued its work related to the CAO update. The record indicates that the Council held 70 different meetings, workshops, hearings, or joint hearings regarding the CAO update between 2010 and 2012. On April 26, 2012, San Juan County Prosecuting Attorney Randall Gaylord submitted a memorandum to the Council, suggesting that all gatherings involving at least three members of the Council should comply with the OPMA. Following this memorandum, the CAO Team did not hold any further meetings.

¶ 7 After the CAO Team ceased meeting, the Council met over 25 times and continued to hold public discussions, hearings, and readings of the CAO update. In December 2012, the Council completed the CAO update process by adopting the four ordinances that CAPR now seeks to invalidate. All four of these ordinances were passed by a five to one vote of the Council. None of the adopted ordinances refer to the work or recommendations of the CAO Team.

¶ 8 Shortly before the ordinances were adopted, CAPR filed a complaint against the County, the CAO Team, and *435 the three council members who attended CAO team meetings—Fralick, Miller, and Pratt. After discovery was completed, the County moved for summary judgment. The trial court granted the motion and denied CAPR's motion for reconsideration.

¶ 9 CAPR appealed. The Court of Appeals affirmed the trial court's dismissal of CAPR's complaint, concluding that the OPMA did not apply to the CAO team meetings because CAPR submitted no evidence that a majority of the Council attended CAO team meetings or that the CAO Team acted "on behalf of" the Council, as required by the OPMA. See *Citizens All. for Prop. Rights Legal Fund v. San Juan County*, 181 Wn. App. 538, 545, 326 P.3d 730, review granted, 181 Wn.2d 1013 (2014).

STANDARD OF REVIEW

[1] ¶ 10 We review grants of summary judgment de novo, engaging in the same inquiry as the trial court. *Amalg. Transit Union Local 587 v. State*, 142 Wash.2d 183, 206, 11 P.3d 762, 27 P.3d 608 (2000). Summary judgment is proper where there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. *CR 56(c)*.

[2] [3] [4] [5] ¶ 11 Construction of a statute is a question of law that we review de novo. *State v. Ammons*, 136 Wn.2d 453, 456, 963 P.2d 812 (1998). On matters of statutory interpretation, our "fundamental objective is to ascertain and carry out the Legislature's intent." *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002). "[I]f the statute's meaning is plain on its face, then the court must give effect to that plain meaning as an expression of legislative intent." *Id.* at 9-10. When determining a statute's plain meaning, we consider "the ordinary meaning of words, the basic rules of grammar, and the statutory context to conclude what the legislature has provided for in the statute and related statutes." *436 *In re Forfeiture of One 1970 Chevrolet Chevelle*, 166 Wn.2d 834, 838-39, 215 P.3d 166 (2009). We consider other matters, including legislative history, if "the statute remains susceptible to more than one reasonable meaning" after completing this plain-meaning analysis. *Campbell & Gwinn*, 146 Wn.2d at 12.

ANALYSIS

¶ 12 We conclude that the OPMA did not apply to the CAO team meetings. The OPMA applies only to meetings of "[g]overning bod[ies]," a term that applies both to legislative entities such as the Council and "committee[s] thereof" when the committee "acts on behalf of" the legislative entity. *RCW 42.30.020(2)*. Here, none of the CAO team meetings constituted meetings of the Council itself under the OPMA because none **758 of the meetings included a majority of council members. Moreover, the CAO Team was not a "committee thereof" with respect to the Council because CAPR produced no evidence indicating that the Council created the CAO Team. The CAO Team also never "acted on behalf of" the Council and thus could not have constituted a "governing body" under the OPMA even if the Council

had created it. We therefore affirm the dismissal of CAPR's complaint.

I. Statutory construction

¶ 13 RCW 42.30.030 sets forth the OPMA's prohibition against closed public meetings:

All *meetings* of the *governing body* of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(Emphasis added.) Another section of the OPMA provides the definitions of the above-emphasized terms:

(2) "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 *437 committee *acts on behalf of the governing body*, conducts hearings, or takes testimony or public comment.

(4) "Meeting" means meetings at which action is taken.

RCW 42.30.020 (emphasis added). Unfortunately, while subsection (4) purports to define "meeting," it actually does no more than specify *when* meetings are subject to the OPMA without clarifying what a "meeting" itself is. The OPMA also does not provide any guidance on the meanings of "committee thereof" and "acts on behalf of" as those terms are used in subsection (2)'s definition of "governing body."

[6] [7] [8] ¶ 14 In giving meaning to an undefined term, we "consider the statute as a whole and provide such meaning to the term as is in harmony with other statutory provisions."

Heinsma v. City of Vancouver, 144 Wn.2d 556, 564, 29 P.3d 709 (2001). Though undefined terms in a statute are given their common law or ordinary meanings, see State v. Chester, 133 Wn.2d 15, 22, 940 P.2d 1374 (1997), the words "must be read in the context of the statute in which they appear, not in isolation or subject to all possible meanings

found in a dictionary." State v. Lilyblad, 163 Wn.2d 1, 9, 177 P.3d 686 (2008). "Ultimately, in resolving a question of statutory construction, this court will adopt the interpretation which best advances the legislative purpose." Bennett v. Hardy, 113 Wn.2d 912, 928, 784 P.2d 1258 (1990).

[9] ¶ 15 The attorney general's office (AGO) construed both "committee thereof" and "acts on behalf of" in an opinion issued in 1986, three years after the legislature amended the OPMA by adding those terms to the definition of "governing party." See 1986 Op. Att'y Gen. No. 16, <http://www.atg.wa.gov/ago-opinions/applicability-open-public-meetings-act-committee-governing-body>. "Although not controlling, attorney general opinions are entitled to great weight." Thurston County v. City of Olympia, 151 Wn.2d 171, 177, 86 P.3d 151 (2004). This is particularly true where the AGO issues *438 an opinion shortly after the passage of legislation and where the legislature fails to amend the statute in response to the opinion:

[W]e presume that the legislature is aware of formal opinions issued by the attorney general and a failure to amend the statute in response to the formal opinion may, in appropriate circumstances, be treated as a form of legislative acquiescence in that interpretation. The weight of this factor increases over time and decreases where the opinion is inconsistent with previous formal opinions, administrative interpretations, or court opinions.... [W]here the opinion is issued in close temporal proximity to the passage of the statute in question, it may shed light on the intent of the legislature, keeping in mind, of course, that the attorney general is a member of a separate branch of government.

Five Corners Family Farmers v. State, 173 Wn.2d 296, 308, 268 P.3d 892 (2011) (citations omitted). Here, the AGO issued its opinion construing "committee thereof" and "acts on behalf of" shortly after those terms were added to the

definition of “governing ****759** body” and the legislature has not amended or clarified the statutory definitions in the three decades since the opinion was issued. Because of these factors and because we find the 1986 AGO opinion persuasive in its reasoning, we adopt the interpretations as set forth in that opinion. *See* 1986 Att’y Gen. Op. No. 16.

¶ 16 The parties also dispute the meaning of “meeting” as applied to the Council. This dispute focuses on two issues: whether a “meeting” of a governing body requires that a majority of the governing body be present and under what circumstances a serialized sequence of phone calls and e-mails can constitute a “meeting” under the OPMA.

¶ 17 We examine and construe each of the disputed terms in turn.

A. “Committee thereof”

¶ 18 A committee of a governing body may itself be a governing body if it is a “committee thereof.” The 1986 AGO ***439** opinion reasoned that the word “thereof” referred to any committee that the governing body creates:

The term “thereof” is defined as: “1: of that: of it ... 2: from that cause: from that particular: Therefrom ...” Webster’s Third New International Dictionary 2372 (1971). There are two definitions of the word “thereof.” The first definition would seem to limit the composition of committees to members of the governing body. However, the second definition includes *any committee the governing body brings into being*.

We find nothing in the language of the Act or its legislative history to indicate that the Legislature intended the more restrictive first definition. Also, the policy of the Act and the legislative declaration that the statute be liberally construed support our application of the broader definition of the word “thereof.”

1986 Op. Att’y Gen. No. 16, at 6–7 (emphasis added) (alterations in original).

¶ 19 We agree. Consequently, the key to assessing whether an entity is a “committee thereof” with respect to a particular governing body is not whether the entity’s members are members of the governing body but, rather, whether the entity was “created by [the] governing body pursuant to its executive authority....” *Id.* at 5. Thus, a committee may be composed “solely of a minority of the members of the governing body” and even “of nonmembers of the governing

body” as long as the governing body created the committee. *Id.* at 6.¹

B. “Acts on behalf of”

¶ 20 The OPMA applies to committees only under certain circumstances—specifically, “when the committee acts on behalf of the governing body, conducts hearings, or ***440** takes testimony or public comment.” RCW 42.30.020(2). We focus on the meaning of the phrase “acts on behalf of” because CAPR has not alleged that the CAO Team engaged in any of the other three enumerated activities. Here, we agree with the 1986 AGO opinion that “acts on behalf of” refers to situations where a committee exercises actual or de facto decision-making authority for a governing body. This construction is supported by two fundamental principles of statutory construction: the use of different terms in a statute suggests a different meaning for each term and all language in a statute must be given effect.

[10] ¶ 21 “When the legislature uses two different terms in the same statute, courts presume the legislature intends the terms to have different meanings.” *Densley v. Dep’t of Ret. Sys.*, 162 Wn.2d 210, 219, 173 P.3d 885 (2007). Here, the legislature used different words to describe when *committees* are subject to the OPMA (when the committee “acts on behalf of the governing body”) than when it specified that *meetings* are subject to the OPMA (when “action is taken” at the ****760** meeting). RCW 42.30.020(2), (4). While the OPMA defines “action” quite broadly, *see* RCW 42.30.020(3), the use of different words in the definition of “governing body” suggests that the legislature intended the phrase “acts on behalf of” to carry a narrower meaning.

[11] ¶ 22 Moreover, “[s]tatutes must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous.” *G-P Gypsum Corp. v. Dep’t of Revenue*, 169 Wn.2d 304, 309, 237 P.3d 256 (2010) (internal quotation marks omitted) (quoting *State v. J.P.*, 149 Wn.2d 444, 450, 69 P.3d 318 (2003)). Here, construing “acts on behalf of” as covering all deliberations of a committee would render the remainder of the definition superfluous. As the AGO explained:

If the Legislature intended a broad interpretation of the phrase “acts on behalf of,” it simply would have added the words “or any committee thereof” to the definition of “governing body.” Had the Legislature done so, a

committee would have *441 been subject to the Act on the same basis as the governing body itself—whenever it conducts a meeting at which action is taken.

However, the Legislature also added the phrase “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” These words would be rendered meaningless if a committee is required to comply with the Act when it holds a meeting where action is taken. Under this language a committee of a governing body is required to comply with the Act only “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.”

We also note that the Legislature selected the word “acts” instead of the word “action,” which is broadly defined in [RCW 42.30.020\(3\)](#). If the Legislature intended the phrase “acts on behalf of” to be broadly construed we believe it would have used the word “action.”

1986 Op. Att’y Gen. No. 16, at 9.

¶ 23 As the 1986 AGO opinion acknowledged, while this statutory context strongly suggests that the legislature intended a narrow meaning of “acts on behalf of,” the term could also reasonably be construed more broadly as referring to all instances when the committee “performs a specified function in the interest of the governing body.” *Id.* at 7. To the extent that a term in a statute is susceptible to more than one reasonable meaning, we may consider the statute’s legislative history. [Campbell & Gwinn, 146 Wn.2d at 12](#). In this case, however, the legislative history behind the statute leads to the same conclusion: the phrase “acts on behalf of” does not extend to the work of purely advisory bodies.

[12] ¶ 24 An early version of the OPMA 1983 amendment would have defined “governing body” as including “any committee thereof if the committee is authorized to act on behalf of the governing body in conducting hearings, taking testimony or public comment, or *deliberating the making of policy or rules.*” S.B. 3206, at 1–2, 48th Leg., Reg. Sess. *442 Wash. 1983) (emphasis added). The above-emphasized final phrase was stricken from the definition of a substitute bill, strongly suggesting that the legislature did not intend to extend the OPMA “to committees that do nothing more than deliberate the making of policy or rules.” 1986 Op. Att’y Gen. No. 16, at 10. A colloquy on the House floor during the discussion of the amendment further suggests this narrower construction of “acts on behalf of” reflects the intent of the legislature:

“Mr. Isaacson: ‘What are the requirements with respect to giving formal notice?’

“Ms. Hine: ‘It’s the intent of the legislation, we believe, subject to the deliberations of the governing body, that this apply only to deliberations of the governing body or subcommittees which the governing body specifically authorizes to act on its behalf, or which [sic] policy, testimony, or comments are made in its behalf. In other words, it’s when making policy or rules, not for general comments or any kind of informal type meeting they may have. Those would not require the official formal notice.’ ”

**761 *Id.* at 11 (quoting 1 House Journal, 48th Leg., Reg. Sess., at 1294 (Wash. 1983)). Taking the plain meaning of the statute together with this legislative history, the AGO concluded that “a committee acts on behalf of the governing body when it exercises actual or de facto decisionmaking authority for the governing body.” *Id.* at 8. We agree and adopt the AGO’s construction of “acts on behalf of” as set forth in its 1986 AGO opinion. The OPMA therefore does not extend to advisory committees and other entities that do nothing more than conduct internal discussions and provide advice or information to the governing body.

C. “Meeting”

[13] ¶ 25 OPMA also specifies when meetings are subject to the OPMA—when “action is taken” at a meeting. [RCW 42.30.020\(4\)](#). Our case law also establishes that the OPMA applies only to meetings where a majority of the governing

*443 body is present. [In re Recall of Beasley, 128 Wn.2d 419, 427, 908 P.2d 878 \(1996\)](#) (citing [In re Recall of Roberts, 115 Wn.2d 551, 554, 799 P.2d 734 \(1990\)](#)); [Wood v. Battle Ground Sch. Dist., 107 Wn. App. 550, 564, 27 P.3d 1208 \(2001\)](#). Gatherings that do not include a majority of the governing body’s members are not considered meetings for the purposes of the OPMA.

¶ 26 Unfortunately, the OPMA does not actually define what a “meeting” itself is, and neither this court nor the AGO has construed “meeting” in an opinion. To construe this term, we start by examining its plain and ordinary meaning. [State v. Kintz, 169 Wn.2d 537, 547, 238 P.3d 470 \(2010\)](#). While we typically ascertain plain meaning from standard English dictionaries, it is helpful to examine legal dictionaries when words are used in a legal context. [Lynott v. Nat’l Union Fire Ins. Co. of Pittsburgh, 123 Wn.2d 678, 691–92, 871 P.2d 146 \(1994\)](#). Here, Black’s Law Dictionary provides a

useful definition of “meeting” in the context of legislative and deliberative bodies:

meeting, *n.* (14c) *Parliamentary law.*
A single official gathering of people to discuss or act on matters in which they have a common interest; esp., the convening of a deliberative assembly to transact business. • A deliberative assembly's meeting begins with a call to order and continues (aside from recesses) until the assembly adjourns.

Black's Law Dictionary 1131 (10th ed. 2014).

[14] [15] ¶ 27 For a gathering to be considered a “meeting,” then, the purpose of the gathering must be “to discuss or act on matters in which” the attendees “have a common interest.” *Id.* It follows that for a gathering of a governing body's members to be considered a “meeting” of the governing body itself, the “common interest” must relate to the official business of the governing body. Consequently, and as our courts have held, members of a governing body “must collectively intend to meet to transact the governing body's official business” for their communications to constitute a meeting.  **Wood, 107 Wn. App. at 565** (emphasis added) (citing 1971 *444 Op. Att'y Gen. No. 33, at 19). As the Court of Appeals correctly held, the passive receipt of e-mails and other one-way forms of communication does not, by itself, amount to participation in a meeting because such passive receipt of information does not demonstrate the necessary intent to meet. See **Citizens All., 181 Wn. App. at 545** (citing  **Wood, 107 Wn. App. at 564**). If communications do not reflect the requisite collective intent to meet, no “meeting” has occurred and the OPMA does not apply.

[16] ¶ 28 Thus, within the context of the OPMA, we adopt the following definitions: (1) a “meeting” of a governing body occurs when a majority of its members gathers with the collective intent of transacting the governing body's business, (2) a “committee thereof” with respect to a given governing body is an entity that the governing body created or specifically authorized, and (3) a committee “acts on behalf of” a governing body when the committee exercises actual or de facto decision-making authority on behalf of the governing body. Thus, to establish that the CAO Team

violated the OPMA, CAPR must establish that an issue of fact exists regarding whether (A) a majority of council members participated in a CAO team meeting with the collective intent of transacting **762 the Council's business, or (B) the CAO Team was created by the Council and (C) that it exercised decision-making authority on behalf of the Council.²

II. The CAO team meetings were not subject to the OPMA

¶ 29 Here, the CAO team meetings did not violate the OPMA because (A) none of the CAO team meetings included a majority of council members, (B) the team was not *445 a “committee” of the Council, and (C) the team did not “act on behalf of” the Council.

A. No majority of the Council

[17] ¶ 30 CAPR argues that the CAO team meetings constituted meetings of the Council itself because they included a “quorum” of the Council's members. In support of this argument, CAPR asserts that the OPMA applies to meetings in which a “ ‘negative quorum’ ” of the Council's members participate—i.e., a number of Council members sufficient to *block* legislation being considered by the Council, even if that number is not sufficient to *enact* legislation. Am. Pet. for Review at 8. CAPR further alleges that one series of e-mails and telephone conversations constituted a “meeting” of the Council that included an actual majority of the Council's members. We reject the former argument because it runs contrary to our long-standing precedent requiring the presence of a majority of a governing body's members for a gathering to trigger the requirements of the OPMA. We also reject the latter argument because the record does not indicate that a majority of council members had a collective intent to meet during the e-mail and telephone exchange that CAPR cites.

¶ 31 The Council had six members during the relevant period. The CAO Team initially included two members of the Council (Fralick and Pratt), and a third member (Miller) began attending the meetings later. While formal attendance records do not appear to have been kept for the team's meetings, we assume arguendo that all three of these council members attended all CAO team meetings that occurred after Miller joined the Council. Under Washington law, the OPMA applies to a gathering of a governing body's members only if a majority of members are present. See  **In re Recall of Beasley, 128 Wn.2d at 427**. Applying this standard, the

CAO team meetings did not trigger the OPMA because three members of the Council is one less than a majority.

*446 ¶ 32 CAPR argues, however, that we should depart from this precedent and hold that the presence of a negative quorum of a governing body's members suffices to trigger the OPMA. A "negative quorum" refers to the situation where the number of members present would be sufficient to block the passage of legislation. CAPR cites no Washington case that utilizes the negative quorum principle, instead relying on a single out-of-state opinion published nearly three decades ago.³

¶ 33 We see no reason to depart from our long-standing rule requiring the presence of a simple majority of a governing body's members—a rule that provides clear guidance to public agencies regarding the application of the OPMA. It is easy to determine whether a majority of a governing body's members are present at a meeting. On the other hand, it might be difficult to apply a negative quorum rule because different measures being discussed by a governing body might require the approval of different numbers of members (e.g., some measures might require a simple majority and others a **763 two-thirds supermajority) for passage.⁴ We decline to overturn our prior precedent and instead reaffirm that the OPMA applies to meetings of a governing body when a majority of the governing body's members are present.

[18] ¶ 34 CAPR does not dispute that all of the CAO Team's in-person meetings included at most three members of the Council. Consequently, none of the in-person CAO team meetings constituted a meeting of the Council itself for the purposes of the OPMA. But CAPR asserts that a serialized e-mail and telephone exchange involving members of the Council constituted a "meeting" of the Council because four *447 council members were "present" during the communications. See Suppl. Br. of Appellant, App. A-4, at 7-8. The communications that CAPR describes as a "meeting" consisted of two e-mails and a telephone call that occurred over the course of a 14-hour period. Council member Peterson, who did not attend any of the CAO Team's in-person meetings, sent the first e-mail on which CAPR relies; the recipients were Fralick and Miller, who were on the CAO Team. Fralick responded to Peterson later the same day, copying Miller. In his e-mail, Fralick alluded to a telephone call between himself and Pratt (another CAO team member) that apparently had occurred earlier in the same day. Both the e-mails and Fralick's summary of the telephone call reference the CAO update.

¶ 35 These communications did not constitute a meeting of the Council because they contain no indication that the participants had the requisite collective intent to meet. See

Wood, 107 Wn. App. at 565 ("the participants must collectively intend to meet to transact the governing body's official business" for the OPMA to apply (citing 1971 Op. Att'y Gen. No. 33)). The text of the e-mails do not indicate that Miller or Peterson were aware of Fralick's call to Pratt before Fralick sent his e-mail summarizing it; certainly, the e-mails do not suggest that Miller or Peterson actually intended for a telephone call to Pratt to be part of an otherwise e-mail-based "meeting" of the Council. Likewise, there is no indication that Pratt was aware of the e-mails sent by Peterson or Fralick. Consequently, the communications cited by CAPR do not evidence a collective intent for the four council members to meet to transact council business.

¶ 36 Moreover, the record does not contain any e-mails sent by Miller in this exchange, nor does it reference any telephone calls in which Miller participated. Instead, Miller passively received one e-mail each from Fralick and Peterson. Because passive receipt of e-mail does not constitute participation in a meeting, Wood, 107 Wn. App. at 564, *448 Miller could not have been part of the ostensible "meeting" for OPMA purposes. Without Miller, the communications at issue involve only three council members—the same number that participated on the CAO Team and less than a majority of the full Council. For these reasons, the e-mail/telephone exchange did not constitute a "meeting" of the Council.⁵

¶ 37 Because CAPR cites to no meetings or communications of the CAO Team involving more than three council members and because we reject CAPR's negative quorum argument, CAPR has failed to establish that the CAO team meetings constituted meetings of the Council.

B. Not a committee of the Council and no action on behalf of the Council

[19] ¶ 38 The fact that CAO team meetings were not meetings of the Council itself does not end the OPMA inquiry because the OPMA also applies to committees and subcommittees of legislative bodies under certain circumstances:

(2) "Governing body" means the multimember ... 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 **764 hearings, or takes testimony or public comment.

RCW 42.30.020 (emphasis added). Here, CAPR has not alleged that the CAO Team conducted hearings or took testimony or public comment. Thus, for the CAO Team to be subject to the OPMA, it must satisfy two conditions: (1) it must be a "committee thereof" with respect to the Council and (2) it must have "acted on behalf" of the Council.

¶ 39 The CAO Team does not meet either of these requirements. CAPR failed to create an issue of fact whether the team was a committee of the Council because CAPR failed to offer any evidence that the Council authorized the *449 creation of the CAO Team. Moreover, the CAO Team never "acted on behalf of" the Council because the record contains no indication that the CAO Team exercised actual or de facto decision-making power. Rather, all evidence adduced by CAPR suggests that the CAO Team's role with respect to the Council was, at most, that of staff support.

1. The CAO Team was not a "committee thereof" with respect to the Council

¶ 40 We apply the 1986 AGO opinion's construction of "committee thereof," under which the CAO Team can be considered a committee of the Council only if the Council somehow acted to bring the CAO Team into being. 1986 Op. Att'y Gen. No. 16, at 7. None of the voluminous documents that CAPR obtained during discovery and cited in its court filings suggest that the Council took any such action. All six individuals who were members of the Council during the CAO update process filed declarations before the trial court stating individually that they took no action as a council member to bring the CAO Team into being, never intended to bring it into being, never authorized the CAO Team to act for the Council, and never intended for the CAO Team to act for the Council. CAPR failed to adduce any evidence disputing these unequivocal statements that the Council did not create the CAO Team,⁶ nor have they cited to any documents in

the record suggesting that the Council later ratified the CAO Team's formation.

¶ 41 The concurrence/dissent argues that the CAO Team was created by the Council because "[i]t was the Council, not the county administrator, that determined it needed an updated participation plan in order to fulfill its *450 mandatory duty to update its critical areas ordinance using best available science." Concurrence/dissent at 456. This is a non sequitur. When a governing body directs its staff to develop a plan of action and the staff creates a committee to develop the plan, the staff, not the governing body, has created the committee. That is the nature of organizations: the governing body decides on policy and orders the staff to implement the policy, and the staff complies. If the concurrence/dissent's theory were correct, every staff department would be a committee of the governing agency and would be subject to the OPMA. This cannot have been the intent of the act.

¶ 42 For these reasons, the CAO Team was not a "committee thereof" with respect to the Council.⁷

2. The CAO Team did not "act on behalf of" the Council

[20] ¶ 43 Even if we were to conclude that the CAO Team was a "committee" of the **765 Council, CAPR's claim would fail because the CAO Team did not act on behalf of the Council. Applying the 1986 AGO opinion's definition, CAPR must demonstrate that the CAO Team exercised actual or de facto decision-making authority for the Council to establish that the team acted "on behalf of" the Council. See 1986 Att'y Gen. Op. No. 16, at 8. The record contains no indication that the CAO Team ever exercised such authority.

¶ 44 The record demonstrates that the CAO Team's role with respect to the Council was, at most, that of staff or an advisory board. The CAO Team appears to have spent much of its time discussing procedural and logistical issues such *451 as the timeline for completing the update, the formatting of reports, the scheduling of public comment sessions, and gathering information from outside consultants and experts. Other topics discussed included public messaging and anticipating and responding to potential objections to the update. To the extent that the team addressed the substance of the CAO update, nothing in the record indicates that they did anything more than gather information, conduct internal discussions, and provide information to the Council. As the 1986 AGO opinion suggests and as the Court of Appeals held, none of these activities amount to the exercise of actual or de facto

decision-making authority. Rather, they are consistent with the role of an informal advisory committee or administrative staff support. See *id.* at 11-12; [Citizens All., 181 Wn. App. at 551-52](#).

¶ 45 The concurrence/dissent selectively seizes on part of a definition of the word “act” or “acts” from the 1986 AGO opinion, using “exert[s] power or influence or produce[s] an effect” to define “acts.” Concurrence/dissent at 768. But this ignores the AGO’s express qualification that the committee must be acting “on behalf” of the governing body: “Under this construction, a committee acts on behalf of the governing body when it exercises actual or de facto decisionmaking authority for the governing body.” 1986 Op. Att’y Gen. No. 16, at 8.

¶ 46 The concurrence/dissent seems to conclude that a committee might be subject to the OPMA if the committee exerts power or influence, concluding that the CAO Team might have exercised power or influence because “it played a key role in formulating the best available science synthesis adopted by the Council.” Concurrence/dissent at 459. This theory is internally inconsistent, as the CAO Team could not have been acting on behalf of the Council by making a recommendation to the Council itself, particularly where the Council, not the CAO Team, was deciding what would constitute the best available science.

¶ 47 The concurrence/dissent’s focus on the exercise of power and producing an effect results in a vague definition *452 of when a committee acts on behalf of the governing body, which the concurrence/dissent characterizes as “nuanced.” *Id.* at 768. As a result, three years after the CAO Team completed its work, after proceedings in three levels of court, and despite a summary judgment record exceeding 1,000 pages, the concurrence/dissent concludes that we still do not know if the CAO Team acted “on behalf” of the Council. This lack of clarity places government units in the untenable position of not knowing until long after the fact whether any committee is subject to the OPMA. State and local governments need a clear definition, not a nuanced definition. We adhere to the clear and workable definition that a committee acts on behalf of a governing body only when the committee exercises actual or de facto decision-making authority for a governing body.

¶ 48 Consequently, the CAO Team did not act on behalf of the Council. The team’s meetings therefore cannot constitute meetings of a “governing body” under [RCW 42.30.020\(2\)](#).

III. Attorney fees

¶ 49 CAPR asserts that it would be entitled to reasonable attorney fees and costs under the OPMA if we reverse the Court of Appeals and hold that the County violated the OPMA. Because we affirm and hold that no the OPMA violation occurred, we deny CAPR’s request for attorney fees.

**766 CONCLUSION

¶ 50 For these reasons, we affirm.

WE CONCUR: [MADSEN, C.J.](#), [OWENS, FAIRHURST, GONZÁLEZ](#), and [GORDON McCLOUD, JJ.](#)

[YU, J.](#) (concurring in part and dissenting in part).

¶ 51 “All political power is inherent in the people, and governments derive their *453 just powers from the consent of the governed.” Const. art. I, § 1. In order to give meaning and substance to this consent, the Open Public Meetings Act of 1971 (OPMA) helps to ensure that the people “may retain control over the instruments they have created.” [RCW 42.30.010](#). I agree with the majority that the attorney general has provided highly persuasive guidance for interpreting the OPMA. Given the context and nuances of this guidance, however, I cannot agree with all of the majority’s conclusions. I would hold that the Citizens Alliance for Property Rights Legal Fund (CAPR) has shown, as a matter of law, that the critical areas ordinance team (CAO Team) was a committee of the San Juan County Council (Council) and that CAPR has produced sufficient evidence to create a genuine issue of material fact as to whether and when the CAO Team acted on the Council’s behalf. I therefore respectfully dissent in part.⁸

ANALYSIS

¶ 52 It is undisputed the CAO Team held meetings that would have violated the OPMA, if the OPMA applied. I agree with the majority that the OPMA applied to those meetings only if the CAO Team was a committee of the Council and only when it acted on the Council’s behalf. See majority at 762 & n. 2. However, I would hold CAPR has produced sufficient evidence to survive summary judgment because the CAO Team was a committee of the Council as a matter of law and

there is a genuine issue of fact as to whether it acted on the Council's behalf.

A. The CAO Team was a committee of the Council

¶ 53 The OPMA applies to governing bodies of public agencies, such as the Council, and to “any committee thereof.” *454 RCW 42.30.020(2). The CAO Team was certainly a “committee”—“ ‘a body of persons delegated to consider, investigate, or take action upon and usu. to report concerning some matter of business.’ ” 1986 Op. Att’y Gen. No. 16, at 6 (quoting Webster’s Third New International Dictionary 458 (1971)). The question is what the CAO Team was a committee of, and based on the facts presented, I would hold that it was a committee of the Council.

¶ 54 In 1986, the attorney general issued a formal opinion determining that a committee of a governing body could include “committees composed of nonmembers of the governing body when appointed by the governing body.” *Id.* at 2. The OPMA’s coverage “includes any committee the governing body brings into being” because in this context, “thereof” is broadly defined as “ ‘from that cause: from that particular.’ ” *Id.* at 6–7 (quoting WEBSTER’S, *supra*, at 2372). This coverage is not limited to committees brought into being “through a formal legal instrument such as a legislative resolution or an executive directive.” Majority at 756. Quite the contrary.

¶ 55 In fact, the OPMA was amended to fill a “gap in the coverage” for “committees, subcommittees, and other groups that were not created by or pursuant to statute, ordinance, or other legislative act.” 1986 Op. Att’y Gen. No. 16, at 4. Holding that the OPMA does not apply to committees unless they are created by a formal legal instrument reopens a statutory gap that has been closed for nearly 30 years. “The unavoidable fact is that each new arrangement must be examined anew and in its own context.” 1991 Op. Att’y Gen. No. 5, at 5 (quoting *Pub. Citizen Health Research Grp. v. Dep’t of Health, Educ. & Welfare*, 215 U.S. App. D.C. 191, 668 F.2d 537, 542 (1981)). As eloquently stated in an informal opinion by the attorney general’s open government ombudsman, “Whether the committee was created directly or indirectly by the [governing body] is of less relevance than how it functions as a committee.” Clerk’s Papers (CP) at 695; cf. *Worthington v. WestNET*, 182 Wn.2d 500, 507–08, 341 P.3d 995 (2015) (endorsing a functional approach to analyzing when an entity is a public agency subject to the

Public Records Act, chapter 42.56 RCW). There is certainly nothing in the record to show that the Council specifically created the CAO Team with a formal legal instrument, but the relevant inquiry is the context in which the CAO Team was created and not merely the formalities of how it was done. Nothing about the OPMA endorses the view that informality is an adequate substitute for open government.

¶ 56 The record indicates that the specific idea to form a CAO Team came from the county administrator, CP at 254, 761–69, and the CAO Team was originally brought together by a joint effort of its members, which included members of the Council as well as other individuals, San Juan County Resolution (SJCR) 26-2010, at 3 (June 29, 2010).⁹ Those actions, by themselves, probably would not make the CAO Team a committee of the Council. Generally speaking, a group may come together on its own initiative to discuss ideas and formulate suggested approaches to government policy without being a committee of that government. But that is not all that happened here.

¶ 57 The CAO Team was formed because the Council had already tried and failed twice to update the county’s critical areas ordinance. *See, e.g.*, CP at 254–55, 290, 320, 384. By statute, this update was mandatory and required “the best available science in developing policies and development regulations to protect the functions and values of critical areas.” SJCR 12-2010, at 1 (Feb. 16, 2010) (citing *RCW 36.70A.130*, .172). A problem arose in the Council’s prior update attempts when “the San Juan County Planners and a citizens advisory committee” used incomplete reports “to prepare a draft critical areas ordinance before the best available science was approved by the County Council.” *Id.*

*456 ¶ 58 Based on this prior experience, the Council determined in February 2010 that it needed to “revise its process for consideration of best available science in the adoption of its critical areas regulations.” *Id.* The Council directed the planning department to draft “a revised public participation plan with a schedule for the review, and if necessary, revision of” the critical areas ordinance. *Id.* at 2. The Council provided specific directions about what the public participation plan should look like: “The first step of the public participation process will be to identify the best available science that will be relied upon,” which should include opportunities for submissions and comments by the public. *Id.*

¶ 59 Approximately four months after the Council determined it needed a revised participation plan, it formally adopted one. The first step of that plan reads, “Establish CAO Update Implementation Team.” SJCR 26–2010, at 3 (boldface omitted). The CAO Team was designated as solely responsible for “[d]etermin[ing] content and format of science syntheses, evaluation of reg[ulation]s and recommendations.” *Id.* at 5. In August 2011, the Council passed a resolution updating and replacing the earlier plan. The first task was listed as “Establish [critical areas ordinance/shoreline master program] Update Implementation Team.” SJCR 32–2011, Ex. A at 1. The CAO Team was designated as the party solely responsible for having completed the task of “[d]etermin[ing] content and format of science syntheses.” *Id.* at 3.

¶ 60 This context cannot be ignored. It was the Council, not the county administrator, that determined it needed an updated participation plan in order to fulfill its mandatory duty to update its critical areas ordinance using best available science. The Council passed a formal resolution ratifying the CAO Team's role in that plan. Unlike an *768 outside group, such as a citizens' committee, the CAO Team was not merely given an opportunity to provide input—it was delegated specific, essential tasks, without which the Council “wouldn't *457 have made any progress.” CP at 230. Its task was not merely to develop a plan for synthesizing best available science but to actually formulate that synthesis, which required discarding specific approaches. And unlike many other parties with designated roles in the participation plan (for example, the Department of Commerce and the county prosecuting attorney), the CAO Team did not exist before or after the Council's ordinance update process. The Council is the entity that brought the CAO Team into being, and the CAO Team was therefore a committee of the Council.

B. There is a genuine issue of material fact as to whether the CAO Team acted on the Council's behalf

¶ 61 I agree with the majority that just because an entity is a committee of a governing body does not mean all its meetings are subject to the OPMA. As applied to this case, the OPMA applies only when the committee “acts on behalf of the governing body.” RCW 42.30.020(2). Contrary to the majority's summary conclusions, I believe there is a genuine issue of fact as to whether the CAO Team did so.

1. The attorney general's guidance must be read in context

¶ 62 The attorney general determined that “a committee acts on behalf of the governing body when it exercises actual or de facto decisionmaking authority for the governing body.” 1986 Op. Att'y Gen. No. 16, at 8. This guidance is both persuasive and relevant, but it is also more nuanced than that single phrase conveys.

¶ 63 “[A] committee might act on behalf of the governing body only when it exerts power or influence or produces an effect as the representative of the governing body.” *Id.* To exert power or influence or produce an effect as the governing body's representative, a committee must do more than merely discuss an issue. As the attorney general has noted, if that were sufficient, committee meetings would be *458 subject to the OPMA to the same extent as meetings of the governing body. *Id.* at 9. On the evidence presented, many of the CAO Team's activities probably did not rise to the level of acting on behalf of the Council under the definition adopted by the attorney general.

¶ 64 However, a committee's activities certainly do not need not take the form of “final action” as defined in RCW 42.30.020(3) (“[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.”). If that were necessary, the committee would have to usurp the final decision-making authority of the governing body before the OPMA could apply. Such an interpretation is easy to apply in practice but is irreconcilable with the OPMA's broad statement of legislative purpose:

The legislature finds and declares that all ... councils, committees, subcommittees, ... and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

RCW 42.30.010.

¶ 65 The attorney general's full definition captures the appropriate middle ground on which we should analyze whether and when the CAO Team acted on behalf of the Council—whenever it “exert[ed] power or influence or produce[d] an effect as the representative of the governing body.” 1986 Op. Att’y Gen. 16, at 8. I would hold that the evidence presented indicates that at least some of the CAO Team's activities might have met this definition.

2. There is a genuine issue of material fact about whether the CAO Team acted on behalf of the Council

¶ 66 Our ability to evaluate what the CAO Team did at any particular meeting is hampered by the fact that its *459 meetings were not recorded or transcribed and that CAO team members generally stated they did not **769 recall the specific events of any particular meeting or the specific discussions held on any particular topic.¹⁰ *E.g.*, CP at 258, 267, 367, 385–86. This lack of documentation and institutional amnesia only emphasizes the importance of public oversight under the OPMA. Nevertheless, there is sufficient evidence to create a genuine issue of material fact. We know the CAO Team met over 20 times, and we know it played a key role in formulating the best available science synthesis adopted by the Council. The full extent and influence of this role is a question of fact.

¶ 67 While official documents relevant to this question are scarce, some are illuminating. The Council's own resolutions designate the CAO Team as solely responsible for “[d]etermin[ing] content and format of science syntheses.” SJCR 26–2010, at 5; SJCR 32–2011, Ex. A at 3. Determining the format of science syntheses is unlikely to exert power or influence or create any substantive effect on the Council's behalf, but determining its content certainly would. I do not believe that at the summary judgment stage, this can be dismissed as mere unartful wording. The county's prosecuting attorney indicated that in council committees, “ideas and policies are brought forward, discussed, narrowed and discarded and approaches are formulated for making presentations of subcommittee work to the entire Council.” CP at 453. Simply bringing forth and discussing ideas and policies is not acting on the Council's behalf, but narrowing and discarding them might be.

¶ 68 Indeed, members of the Council indicated that this narrowing and discarding process might include deciding how much of the information underlying its

recommendations, if any, should be provided to the full Council or to the public. For instance, the Council held a special public meeting on January 31, 2012 to discuss “issues associated *460 with the role of subcommittees.” *Id.* at 228. Many statements by the council members themselves indicate that neither the Council nor the public was given access to the information underlying committee recommendations or even provided with a summary of the committee's discussions in reaching its recommendations. One council member stated that there was a “challenge” presented by the fact that “like the public, those council members who aren't on the subcommittee aren't privy to all of the information and all of the discussion that went into the formation of a recommendation.” *Id.* at 229. Later in the same meeting, a council member who was speaking from the perspective of someone “[h]aving only dealt with this system for a year” raised the CAO Team as an example of a “subcommittee” whose members “would have more knowledge than the rest of the council.”¹¹ *Id.* at 230. A third council member freely acknowledged that committee members might tell the rest of the Council they have nothing to report from committee, not because nothing happened but

because I was there and lived it, but am I being fair to the rest of the council by not providing some of the background of the nature of the dialogue?

... We can't sit down and have the whole conversation with you that we had in the subcommittee, but I don't see any reason why the documents couldn't be made more readily available so you have them and you have a chance to digest them.

Id. at 232. And a fourth member noted that when the full Council was “in an agenda crunch,” reports from subcommittees “are usually one of the things that goes first” and are most likely to be treated “as throwaways.” *Id.*

*461 ¶ 69 Unofficial records created by CAO team members further indicate that the CAO Team considered more information than it provided to the Council or the public in the process of crafting the best available science **770 synthesis. Particularly in light of the central importance of best available science to the Council's mandatory duty to update its critical areas ordinance, this issue warrants careful scrutiny. Using the best available science is not simply good policy; it *must* be considered “in developing policies and development regulations to protect the functions and values of critical areas.” SJCR 12-2010, at 1.

¶ 70 One of the CAO Team's duties regarding the best available science synthesis was "identifying for the County Council its view of what policy decisions had to be made by the County Council." CP at 445. This provided a "starting point" for determining what issues the Council should even look at. *Id.* at 446. It should go without saying that identifying the issues that must be decided is very likely to produce an effect on the decisions that are made. Particularly in light of the fact that the majority of the Council agreed in 2012 that its committees often did not provide it with the information underlying its decisions, I would hold there is a genuine question of fact as to whether identifying issues rose to the level of acting on behalf of the Council.

¶ 71 A member of the CAO Team who was not on the Council also indicated that the CAO Team's duties included making suggestions for explaining the scientific information "in a way that normal people can understand." *Id.* at 401. Whether the CAO Team considered that an issue of determining the "content" of the best available science synthesis or merely its "format," the "normal" people should be able to see the underlying information that is being explained. It is not clear from the record whether and to what extent they were able to access that information, and there is a genuine issue of material fact as to the level of influence this may have had.

¶ 72 It also appears there was an ongoing question about whether a scientific expert contracted by the county was in *462 fact providing the best available science. In November 2011, a member of the CAO Team wrote an e-mail to the rest of the CAO Team about this expert:

At some point soon we do need to discuss Dr. Adamus' role moving forward. While he can be quite helpful, it is a problem if he doesn't have time to attend hearings (which we have not asked him to do but which would help him understand the comments we receive), review materials, and participate in problem solving in a constructive manner. His lack of attention and input into the last wetland draft resulted in a significant waste of both our time, and the public's time.

Id. at 517. Several months later, these problems had only become worse. In an e-mail message to the rest of the CAO Team, the same team member lamented, "We are continuing to struggle with the crafting of a site specific approach to buffers that is understandable, workable and scientifically defensible—and the more I work with the various versions of Dr. Adamus' approaches the more concerned I become." *Id.* at 503. After listing various problems with the substance of the expert's recommendations, she concluded that it was unlikely the CAO Team would be able "to go forward with one approach we both understand and support," which "is an odd situation for a client and contractor." *Id.* at 504.

¶ 73 Members of the CAO Team stated they could not remember what happened in response to this e-mail. *Id.* at 336–41, 414–15. However, I find it troubling that a member of the CAO Team would suggest it was appropriate for the CAO Team, rather than the full Council, to determine "how to proceed" regarding this substantive conflict without public oversight. *Id.* at 504. The public has a right to see more than just an alternative to the expert's recommendations—it has a right to know when its money is being spent on the services of an expert whose recommendations might include major substantive flaws based on the expert's inability to "participate in problem solving in a constructive manner." *Id.* at 517. And if the county spent its limited *463 funds on an expert whose contributions were ill-informed or unsupportable, it is a reasonable inference that the county had less money to spend on someone who would do the job well, exerting influence over the Council's ultimate decisions.

**771 ¶ 74 If the Council had decided that some of the information it solicited, gathered, and paid for with public funds was not sufficiently important, persuasive, or probative enough to warrant consideration in formulating its policy decisions, it would be exercising its actual decision-making authority. If, as the record indicates, the CAO Team made such a decision without the Council's input, it exercised decision-making authority on the Council's behalf. Depending on the circumstances, such a decision could very well exert power or influence or produce an effect on a governing body's entire decision-making process.¹²

¶ 75 Allowing such decisions to occur behind closed doors is directly contrary to one of the OPMA's fundamental principles: "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know." RCW

42.30.010. In the words of one council member, “[i]f they want to watch the sausage grinding, ... they have every right to witness the decision-making process and all the discussion that goes into arriving at whatever ordinance or resolution or whatever outcome we arrive at.” CP at 229.

I *464 therefore respectfully dissent from the majority's conclusion that the OPMA does not apply to the CAO Team as a matter of law.

JOHNSON and STEPHENS, JJ.

CONCLUSION

All Citations

184 Wash.2d 428, 359 P.3d 753

¶ 76 The CAO Team was certainly a committee of the Council, and it may have acted on the Council's behalf.

Footnotes

- 1 The 1986 AGO opinion does not address the issue of whether a group can be a “committee thereof” with respect to a governing body if the group consists entirely or mostly of a governing body's members but was not created or authorized by the governing body as a whole. We need not reach that question in this case because the record shows that the participants in CAO team meetings consisted primarily of nonmembers of the Council.
- 2 CAPR attempts to argue that these requirements are disjunctive—i.e., that a committee is a “governing body” under the OPMA if it was created by the council or if it acted on behalf of the council. But the “committee thereof” and “acts on behalf of” requirements are clearly separate under the plain language of the statute, which makes a “committee thereof” subject to the OPMA only “when the committee acts on behalf of the governing body...” RCW 42.30.020(2) (emphasis added). An entity thus must meet both requirements to be subject to the OPMA.
- 3 See  *State ex rel. Newspapers Inc. v. Showers*, 135 Wis.2d 77, 80, 398 N.W.2d 154 (1987) (Wisconsin open meeting law applied to a gathering of 4 members of an 11-member body to discuss a budget measure that required a two-thirds supermajority to pass).
- 4 In fact, if a measure required unanimous approval for passage, then the presence of a single member of the governing body would technically constitute a negative quorum with respect to that measure.
- 5 We do not reach the issue of whether such a serialized sequence of communications can ever constitute a “meeting” under OPMA.
- 6 In its response to the summary judgment motion, CAPR cited to a single deposition statement by another county employee who was a member of the CAO Team opining that the Council “would have created” the CAO Team. The trial court correctly struck this statement as speculation because the deposition did not suggest that the employee had any personal knowledge of how the CAO Team was created; CAPR did not challenge this decision in its petition for review or supplemental brief.
- 7 On appeal, CAPR has argued that meetings of other council subcommittees—specifically governance, budget, and solid waste subcommittees—also held closed meetings in violation of OPMA. See Am. Pet. for Review at 4–5. The Court of Appeals rejected CAPR's argument with respect to these other subcommittees, noting that while “CAPR made some passing references to the other subcommittees in its amended complaint

and response to the County's motion for summary judgment[, it] did not name those subcommittees as defendants, include them in its claim for relief, or provide evidence and argument in support of its assertion that they violated OPMA." *Citizens All.*, 181 Wash.App. at 542 n. 4, 326 P.3d 730. We agree and therefore do not consider CAPR's arguments concerning other subcommittees.

- 8 I agree that CAPR has not produced sufficient evidence to survive summary judgment on the question of whether the Council as a whole violated the OPMA. I also agree that we should not consider its arguments regarding any committees other than the CAO Team. Finally, I agree with the necessarily implied conclusion that, even if the CAO Team did violate the OPMA, the ordinances at issue in this case are not void under [RCW 42.30.060\(1\)](#). I therefore concur in part.
- 9 The county has acknowledged that we may take judicial notice of this resolution, as well as SJCR 12–2010 (Feb. 16, 2010) and SJCR 32–2011 (Aug. 9, 2011). See Resp't's Answer to Mot. to Augment R. after Oral Arg. at 3–4.
- 10 Whether these assertions are credible is, of course, a question for the finder of fact.
- 11 Other council members who were part of the CAO Team quickly jumped in to make it clear they did not view the CAO Team as a subcommittee "because it actually has staff and other people involved," CP at 230, but the attorney general's 1986 opinion makes it clear that an entity's membership is not determinative of whether it is a committee of a governing body. This candid statement from a council member looking at the CAO Team from an outside perspective is telling as to the actual function of the CAO Team relative to the Council as a whole.
- 12 This interpretation is fully consistent with the other activities that might subject a committee meeting to the OPMA's requirements—"conduct [ing] hearings, or tak[ing] testimony or public comment." [RCW 42.30.020\(2\)](#). The public clearly has a right to know the underlying information a committee considered if that information is presented orally. I cannot read the OPMA as granting a committee license to decide, on behalf of a governing body and behind closed doors, whether the public has a right to know about information presented in writing.

Gores, Loni

From: Morris, Patti
Sent: Wednesday, May 7, 2025 10:07 AM
To: Gores, Loni
Subject: Survey Status

Good morning, can you please send out to the Charter Commissioners:

I am working on the Question 3 which will be 1 Yes/No Answer. I will send out the new Survey Monkey Link hopefully tomorrow to Loni for distribution. It will have a new link. Thanks, Patti

Gores, Loni

From: Holy, Christy
Sent: Wednesday, May 7, 2025 12:08 PM
To: Gores, Loni
Cc: Stoffer, Jim
Subject: Notes from Forks Town Hall
Attachments: Notes from Forks Town Hall at First Congregational Church.docx

Hi Loni,
Please see the attached notes from the Forks Town Hall that took place on May 6th.

Thanks,
Commissioner Holy

Notes from Forks Town Hall at First Congregational Church

May 6, 2025 from 6-8 pm

Attendees: Commissioners Walde, Holy, Cameron, Tozzer, and Fleck

Other attendees: County Commissioner Mike French, 3 members from the community

Commissioner Walde welcomed a small group at 6 pm and thanked the First Congregational Church for donating their space.

Commissioner Fleck explained the charter.

Commissioner Holy invited public input.

Commissioner Cameron spoke about the coroner issue.

Public comment topics:

- 1) Permit times and fees
- 2) How do we protect our own county interests
- 3) How can the charter encourage a small-business friendly climate

Commissioner Tozzer asked about district vs. county-wide elections. The three participants said they prefer district-based elections.

The Town Hall ended at 7:15.

Submitted by Commissioner Christy Holy

Gores, Loni

From: Cameron, Ron
Sent: Wednesday, May 7, 2025 1:00 PM
To: Gores, Loni; Fisch, Susan; Noble, Chris; Hodgson, Mark
Cc: Walde, Cathy; Fane, Alex; Richards, Ron
Subject: Coroner amendment
Attachments: Draft Coroner Proposed Amendment.docx

After having town halls in all district areas, and receiving comments on topics including the coroner issue, please place on the agenda steps to advance the committees draft amendment regarding the coroner position.

Thank you
Ron

Ron Cameron
Charter Review Commission District 2
Clallam County
223 E 4th St
Port Angeles WA 98362
ron.cameron@clallamcountywa.gov



2025
Clallam County Charter Review Commission

Resolution Number _____

The Clallam County Charter Review Commission elected by the voters of Clallam County for the year 2025 finds that:

1. Article IV, Section 4.20, of the Clallam County Charter provides in pertinent part that “The Prosecuting Attorney will serve as ex-officio coroner without extra compensation.”
2. The Washington State Attorney General has determined that a prosecuting attorney in a county with less than 40,000 population cannot serve as a coroner. That determination was based on a state statute that says a coroner cannot practice as an attorney in any court.
3. Clallam County’s Prosecuting Attorney has resigned his position as ex-officio coroner, based on his belief that the Attorney General’s determination referred to above might also apply to Clallam County despite the requirement in the Clallam County Charter that the Prosecuting Attorney will serve as ex-officio coroner.
4. Since the Prosecuting Attorney’s resignation as ex-officio coroner, a District Court Judge has been acting as coroner under a state statute providing that if the office of coroner is vacant the duties of the coroner’s office may be performed by any district judge.
5. Continuing with a District Court Judge as coroner because the coroner’s position is vacant is not a viable, long-term solution to the situation that now exists because of the conflict between what the Clallam County Charter requires and what the Attorney General and the Clallam County Prosecuting Attorney believe a state statute requires.
6. Attempting to obtain a definitive court decision or an Attorney General’s opinion on whether Clallam County’s Charter would control over conflicting state law and allow the county’s Prosecuting Attorney to serve as coroner could be a lengthy and costly proceeding.
7. Even if Clallam County’s Charter would control over conflicting state law, having the Prosecuting Attorney serve as ex-officio coroner is increasingly thought of as involving conflicts of interest and is not a preferred alternative.
8. A state statute, RCW 36.16.030, only allows counties with a population exceeding two hundred fifty thousand to adopt a medical examiner system, therefore precluding that alternative from being considered for Clallam County.
9. If the Clallam County Charter is amended to remove the requirement that the Prosecuting Attorney also serve as ex-officio coroner, the responsibility for performing those duties,

or having those duties performed, would fall on the Clallam County Commissioners under a provision of Article 11, Section 4, of the Washington State Constitution that provides that any duties of county officials prescribed by state law, with certain exceptions, if not assigned to specific officers by the County Charter, will fall on the Board of County Commissioners. In such a case, the County Commissioners could hire personnel with the appropriate training to serve as the coroner, much as was being done under the Prosecuting Attorney, and is now being done under a District Court Judge. That would result in a satisfactory solution to the current situation.

Therefore, the 2025 Clallam County Charter Review Commission hereby proposes that Article IV – OTHER ELECTED OFFICIALS, Section 4.20: Powers and Duties, be amended to read as follows:

All other elected officials shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control and records management systems established by the Commissioners through ordinance except insofar as such utilization would be contrary to the powers and duties of the constitutional officers. ~~((The Prosecuting Attorney will serve as ex officio coroner without extra compensation.))~~

Any language in double parentheses with a line through it is existing Clallam County Charter language and will be taken out of the Charter if this measure is approved by voters. Any underlined language does not appear in current Clallam County Charter language but will be added to the Charter if this measure is approved by voters.

Further, the 2025 Clallam County Charter Review Commission, pursuant to Article XI, Sub-Sections 11.20.10 and 11.20.20 of the Clallam County Charter, calls for this Resolution, and the Charter amendment hereby proposed, to be filed with and registered by the Auditor, and for the Charter amendment hereby proposed to be submitted to the voters at the next statewide general election occurring at least 90 days after registration of the proposed amendment by the Auditor.

This Resolution is passed and approved on this ____ day of _____, 2025, by the 2025 Clallam County Charter Review Commission.

Susan Fisch, District 1 Commissioner, Chair

Alex Fane, District 1 Commissioner

Bill Benedict, District 1 Commissioner

Rod Fleck, District 3 Commissioner

Ron Cameron, District 2 Commissioner

Mark Hodgson, District 3 Commissioner

Christy Holy, District 3 Commissioner

Patti Morris, District 2 Commissioner

Chris Noble, District 2 Commissioner

Paul Pickett, District 2 Commissioner

Ron Richards, District 2 Commissioner

Nina Sarmiento, District 3 Commissioner

Jim Stoffer, District 1 Commissioner

Jeff Tozzer, District 1 Commissioner

Cathy Walde, District 3 Commissioner

Gores, Loni

From: Pickett, Paul
Sent: Wednesday, May 7, 2025 1:33 PM
To: Gores, Loni; Richards, Ron; Holy, Christy; Sarmiento, Nina
Subject: Change in Friday's Water Committee agenda
Attachments: CRC Water Committee Agenda REVISED 9May2025.docx

Please note that the agenda for Friday's Water Committee has changed. We will not be meeting with the Tribes at that meeting.

The revised agenda is attached. Loni, could you replace the agenda that's posted?

Paul Pickett
Charter Review Commissioner, District 2

**Clallam County Charter Review Commission
Water Committee**

REVISED Agenda

- 10:00 Meeting called to order. Approve agenda for the meeting and minutes of last meeting.
- 10:05 Public Comments
- 10:15 Discussion and decisions on materials to present to the Charter Review Commission on May 12th.
- 11:15 Public Comments
- 11:30 Adjourn

AMENDED AGENDA

Clallam County Charter Review Commission

Water Committee

May 9, 2025 at 10 a.m. at North Olympic Library System, 2210 South Peabody Street, Port Angeles

DRAFT Agenda

- 10:00 Meeting called to order. Approve agenda for the meeting and minutes of last meeting.
- 10:05 Public Comments
- 10:15 Discussion and decisions on materials to present to the Charter Review Commission on May 12th.
- 11:15 Public Comments
- 11:30 Adjourn

Zoom:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 886 4917 4467 and passcode: 542950 and use *9 to raise your hand.

If you would like to participate in the meeting via Zoom video conference, visit <https://us02web.zoom.us/j/88649174467?pwd=2dbWOGNuxhS4EogUc6PHcgT1NUxPrU.1> and use meeting ID: 886 4917 4467 and passcode: 542950

Gores, Loni

From: Richards, Ron
Sent: Thursday, May 8, 2025 12:52 PM
To: Gores, Loni
Subject: Additional Survey Issues
Attachments: RNR Changes to Tozzer Proposed Survey.docx

Loni,

Attached are comments I have made on Jeff Tozzer's suggestions for an additional survey. I would like these comments to be made available to the CRC for use in discussing the related item on next Monday's agenda.

Thank you,

Ron Richards

Dear Outreach Committee and Charter Review Commission Members:

We recently received a suggestion by Commissioner Tozzer that an additional survey be submitted to the public for comments on amending the county charter. I have copied that suggested survey below and have made suggested additions, suggested deletions, and comments. I have no objection to such a survey if amended consistent with the following additions (underlined) and deletions (stricken through). My comments are in brackets. I would not propose those comments to be included with the survey. As always, including these issues in the survey does not indicate any opinion on whether charter amendments addressing those issues should be presented to the voters.

Sincerely,

Ron Richards

The Clallam County Charter Review Commission wants your input on which issues should be prioritized as we evaluate how county government functions. Please review the list and select ~~up to ten items~~ those you think should be further considered by [end date].

Note: The issue of how the County Coroner is selected has been excluded from this list, as a recent change in state law means it will appear on an upcoming ballot because a proposed amendment has already been drafted consistent with the large majority of the public input to date.

- **Code of Ethics with civil penalties:** Currently, there is a Code of Ethics for elected officials, but the Board of Commissioners removed penalties for violations. This amendment could establish enforceable penalties.
- ~~**Aligning elections with WA State Constitution:** This amendment would hold elections at the precinct level, vet voters, and require hand-counting ballots. [I do not believe this is wise, nor is it required by the WA State Constitution].~~
- ~~**Reforming Board of Commissioner committee appointments:** This amendment could change how members are appointed to various county boards, such as the Trails Advisory Board, Animal Solutions Advisory Committee, and Board of Equalization.~~
- **Recusal requirement for commissioners:** Would mandate that County Commissioners recuse themselves from votes where they have a conflict of interest.
- **Restrictions on elected officials' advocacy:** Would limit commissioners' ability to endorse policies that directly benefit organizations they are involved with.

- **Government-to-Government Relations and Training:** This amendment would require county officials to undergo government-to-government training to better understand ~~and respect local tribes as sovereign governments operations,~~ improving collaboration and mutual respect. [I don't think the training should be limited to just training regarding tribal governments - county officials need get along with all governments.]
- **Restrictions on board membership for commissioners:** This amendment would restrict commissioners from sitting on boards of organizations that receive county funding or influence county policies, addressing potential conflicts of interest.
- **Add "American governments" to Intergovernmental Relations section 1.20:** This amendment would ensure that any Clallam County partnerships with foreign nations are subject to federal oversight to prevent conflicts of interest or foreign influence. [This is just plainly unconstitutional and is in effect meaningless – tribes are "American governments".]
- **Return to district voting:** This amendment would ensure that only voters within a district vote for their county commissioner in both the primary and general elections, rather than countywide.
- **Elected Director of the Department of Community Development:** Clallam County is the only county in the U.S. with an elected DCD director, rather than appointed, which presents unique benefits and challenges.
- **Ranked Choice Voting (RCV):** Voters would rank candidates in order of preference.
- **Charter Review Commission frequency:** This would consider a change to the review cycle from every five years to ten to a cycle to be determined and could extend the term of service beyond one year.
- **Increased public engagement:** Could require quarterly town halls with the Board of Commissioners.
- **Public access to meetings:** ~~Would mandate greater transparency in decision-making processes involving public funds and require that meetings be held on land governed by county policy and state law.~~ [The Open Meetings Act, if enforced or if people avail themselves of their rights to sue under its provisions, already requires a great amount of access to County Commissioner meetings. Requiring public participation in staff meetings would unduly burden the operation of county government and greatly increase the cost. Prohibiting meetings on tribal property would involve a whole number of constitutional issues. I would be in favor of a requirement that tribes waive their sovereignty in respect to members of the public

wishing to attend any meeting on tribal land that is covered by the OMA so that the laws and constitution of the US and the State of Washington would apply to those members of the public just as they would off the tribal property.]

- ~~**Board of County Commissioners spending transparency:**~~ This amendment would require detailed financial reporting. [There already is quite a bit of spending transparency if only the public would avail themselves of the opportunities they have to review the reports that are required to be made, or the invoices that are submitted to the County Commissioners for approval.]
- ~~**Budget town halls:**~~ Would ensure that budget presentations are free, public, and interactive. [The budget process is already subject to multiple laws requiring information to be shared with the public and requiring public comment. The biggest problem with the process is that very few members of the public avail themselves of the opportunities they have to participate.]
- **Fair bidding process:** Could level the playing field for local businesses bidding against foreign corporations that avoid fees and taxes.
- ~~**General fund reserve minimum:**~~ This amendment would establish a fiscal reserve threshold to ensure long-term financial stability. [This is an issue that is best left with the county commissioners to address in its budget deliberations,
- **Transparency in public funds to nongovernmental organizations (NGOs):** This amendment would require financial transparency from any NGO the county contracts with, ensuring that public funds are allocated to organizations with clear and accessible financial records, and ensuring the organizations are required to comply with the provisions of the Public Records Act.
- ~~**Tax increases by voter approval:**~~ This amendment would require voter approval for any future property or sales tax increases. [Although it is an admirable goal to eliminate or minimize tax increases, this is an issue that is best left with the county commissioners to address in its budget deliberations, or by amending the charter to allow for a more efficient form of county government, such as by eliminating the Hearings Examiner Position; ending the current MOU between the County Commissioners, the Treasurer, and the County Auditor that violates the terms of the Clallam County Charter; and creating the position of water resources information officer to gather the information necessary for efficiently addressing our future water supply issues.]
- **Public Defender's Office:** Clallam Public Defender's Office is currently a private nonprofit that receives funding from the county. This amendment would incorporate it into county government.

- **Independent hearing examiner:** ~~Would ensure that land use and zoning decisions are made impartially, free from political influence.~~ [I prefer eliminating the Hearings Examiner Position because the system is not impartial and it adds cost to the administration of our permit systems. The examiner also makes what are in effect legislative decisions that should be the province of the County Commissioners. I would suggest replacing this question with the next question.]
- **Hearing Examiner.** Should the position of Hearing Examiner be eliminated, and hearings formerly held by the County Commissioners returned to being held by the County Commissioners.
- **Trust land transfer program:** ~~Affects the county's collaboration with the Department of Natural Resources in managing forestland.~~ [This is an issue that cannot be solved through county charter amendments. It is an issue that must be addressed at the state level.]
- **Lower permit costs for property and business owners:** ~~Would reduce financial barriers for development.~~ [Although this is an admirable goal, this is an issue that is best left with the county commissioners to address in its budget deliberations, or by amending the charter to allow for a more efficient form of county government, such as by eliminating the Hearings Examiner Position; ending the current MOU between the County Commissioners, the Treasurer, and the County Auditor that violates the terms of the Clallam County Charter; and creating the position of water resources information officer to gather the information necessary for efficiently addressing our future water supply issues.]
- **Establishment of a Water Steward water resources information officer.** Would create a county position focused on long-term water management gathering information, and only gathering information, regarding our water resources for the use of our local governments as they attempt to solve our increasingly difficult water supply issues.
- **Requirement to notify Bureau of Indian Affairs on adverse effects:** Would mandate the county notify the BIA when land use changes affect county interests submit comment to the BIA on how tribal requests for transfer of lands into trust status and on how tribal requests to proclaim trust land as reservation land would affect regulatory jurisdiction, real property taxes, and special assessments of state and local governments.
- **Increase number of County Commissioners:** Increase the number of commissioners from 3 to 5.

- ~~Clarify vacancy language for commissioners & elected officials~~ [I don't believe this is a significant issue, other than for the Charter Review Commissioners, addressed below.]
- Define Auditor, Treasurer, and CFO Responsibilities [The current MOU between the County Commissioners, the Treasurer, and the County Auditor violates the terms of the Clallam County Charter].
- Revise Procedures for Amending the Charter
- Define the duties of the Clerk of the Board which are currently ~~unclear~~ not specified.
- Clarify vacancy language for the charter review commission appointments.

From: Richards, Ron
Sent: Thursday, May 8, 2025 8:00 PM
To: Gores, Loni; Fisch, Susan
Subject: May 12 Agenda Addition - Bylaws / Public Comment Issue

Fellow Charter Review Commissioners:

Today I was faced with a choice of participating in an Outreach Committee meeting that in my estimation would have either violated our Bylaws (because no public comment periods were scheduled) or violated the Open Meetings Act (because public comment periods were not listed in the special meeting notice). Given the choice, I decided to not participate in the meeting.

I urge the Charter Review Commission to ask our attorney to develop a Special Meeting Notice form that can be used for all Special Committee meetings so as to avoid this situation in the future. Such a form would be similar to the Special Meeting Notices of both the Port of Port Angeles and the Board of County Commissioners that are included in the May 12 CRC agenda package. In essence, a proper Special Meeting Notice sets forth the agenda of the Special Meeting.

Today's situation arose because of Article III of our bylaws that provides in part as follows:

Section 3. The Commission and committees may hold other meetings at such time and places as the Commission or committee may decide. Such meetings shall be accessible to the public and in compliance with RCW 42.30.

Section 4. Non-committee Commission members shall have no vote in committee, but may be allowed to speak on matters before the committee, subject to rules established by the Commission.

Section 5. Two public comment opportunities will be available at each meeting, subject to rules established by the Commission.

Section 3 addresses both Commission meetings and Committee meetings.

Section 4 addresses a rule to be followed in a committee meeting, and then goes on to say the rule will be subject to rules established by the Commission.

Section 5 requires two public comment opportunities "at each meeting", and then goes on to say the rule will be subject to rules established by the Commission.

While Section 4 clearly only applies to committee meetings, there is no wording in Section 5 that suggests "at each meeting" does not include both commission and committee meetings, especially so since Section 3 applies to both commission and committee meetings. The words "subject to rules established by the Commission" cannot be argued to limit Section 5 to Commission meetings because the same language is used in Section 4 and Section 4 clearly applies only to Committee meetings.

Consequently, two public comment periods must be allowed at each committee meeting. According to our attorney's advice at the last CRC meeting, taking public comment at a committee meeting requires the committee meeting to be in compliance with the Open Meetings Act (as does Section 3). Because our committee meetings are all special meetings, that requires notice setting forth all the business to be

transacted. Omitting a reference to the required public comment periods would not be consistent with the required notice.

There is an overriding issue here, especially in the context of today's **Outreach Committee** meeting. Why, if the CRC is as interested in obtaining public comment as we should be, would we attempt to avoid the public comment periods clearly called for by our bylaws, and why would we spend as much time as we have attempting to avoid open public meetings on the basis of technicalities?

I request that this matter be added to the agenda for the May 12 CRC meeting.

Sincerely

Ron Richards

Gores, Loni

From: Dale Jarvis <dale@djconsult.net>
Sent: Thursday, May 8, 2025 10:02 PM
To: Gores, Loni
Subject: Fwd: CRC Comment on Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment
Attachments: CRC Comment on Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment.pdf

Hi. I made a typo in your email address below.

Dale

Sent from my iPhone

Begin forwarded message:

From: dale@djconsult.net
Date: May 8, 2025 at 6:27:22 PM PDT
To: loni.gores@clallamcountywa.gov, bill.benedict@clallamcountywa.gov, dee.boughton@clallamcountywa.gov, ron.cameron@clallamcountywa.gov, alex.fane@clallamcountywa.gov, susan.fisch@clallamcountywa.gov, rod.fleck@clallamcountywa.gov, mark.Hodgson@clallamcountywa.gov, christy.holy@clallamcountywa.gov, patti.morris@clallamcountywa.gov, chris.noble@clallamcountywa.gov, paul.pickett@clallamcountywa.gov, ron.richards@clallamcountywa.gov, Nina.sarmiento@clallamcountywa.gov, jim.stoffer@clallamcountywa.gov, jeff.tozzer@clallamcountywa.gov, cathy.walde@clallamcountywa.gov
Subject: FW: CRC Comment on Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment

Dear Commissioners, I am sending my comments directly to you because they are coming too late to be included in the May 12, 2025 packet that has already been published.

OVERVIEW

I am commenting on Commissioner Richards proposed Charter Amendment related to Tribal Trust Land and Reservation Proclamation Charter Amendment and would like these comments entered into the public record. The relevant Title 25 of the Code of Federal Regulations, Part 151 is a complicated issue that requires careful. Specific areas of complexity include:

- 1) Why The Fee-to-Trust Process of the Indian Reorganization Act of 1934 was passed by Congress;
- 2) The benefits and shortcomings of the 1934 legislation;

- 3) The appropriateness of including a Tribal Trust Land-related item in the Clallam County Charter versus some other area of county rules and regulations;
- 4) How the proposed amendment aligns, overlays, or duplicates existing sections of the Clallam County Charter, existing MOUs and County Code;
- 5) The appropriateness of pulling out a single tax role-related area when Tribal Trust Land makes up a very small portion of land in Clallam County that has been or might be taken off the tax roles by the Federal Government, State Government, Cities and Municipalities, Public Schools and Colleges, the Port District, Fire Districts, the Public Utility District, Hospitality Districts, Public Right of Way Easements, Airports, Churches, and Nonprofit Organizations;
- 6) Whether it is feasible to develop a methodology for the county to complete a timely cost-benefit analysis of any proposed transfers of land into Tribal trust; and
- 7) The feasibility of the county to meet the requirements embedded in the proposed Charter Amendment

Before spending time on the first five items, a focus on items 6 and 7 may be all the Commissioners need to decide whether to move Commissioner Richards proposal forward.

SUMMARY

Many decades of experience shows that while Section 151 does include a process for Clallam County to comment on the potential impact of transfers of land into Tribal trust land status, existing Federal law makes it virtually impossible for the county to complete a meaningful analysis of any proposed transfer within the 30-day window. Because of this shortcoming in the law, putting forth a Charter Amendment that requires such analysis creates an impossible ask of county staff, is bad public policy, would be a poor use of taxpayer resources, and should not be implemented. As such, this proposed Charter Amendment should not pass Step 1 of the Charter Amendment process.

DETAILED EXPLANATION

In 2012, Kelsey Waples published an 87-page article in the Pepperdine Law Review that did a thorough analysis of The Fee-to-Trust Process of the Indian Reorganization Act of 1934 that was put into regulation in Title 25 of the Code of Federal Regulations, Part 151. Entitled, "*Extreme Rubber-Stamping: The Fee-to-Trust Process of the Indian Reorganization Act of 1934*," the article

provides a history of Indian property rights, the current state of the law, guidance for application of the law, an analysis of application of the law in California, impact of the law, and recommendations for change (["Extreme Rubber-Stamping: The Fee-to-Trust Process of the Indian Reorga" by Kelsey J. Waples](#)).

Pages 304 and 305 of the Law Review provides an important and credible argument for why the proposed Charter Amendment should not be considered. I quote that section, bolding text to highlight the most important statements.

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This translates into the following reality of Title 25 of the Code of Federal Regulations, Part 151:

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possible to even complete a rudimentary cost-benefit analysis in 30 days.

- Attempting to rush an analysis in 30 days would provide a false picture of the positive and negative impacts of the project and hurt the credibility of the county.
- Creating a rule that cannot be properly met would result in a waste of taxpayers' dollars.

While there may be merit in being able to achieve the goal embedded in Commissioner Richards proposal, current Federal Regulations make such a goal impossible to achieve under current Federal law.

Dale Jarvis, District 1

Gores, Loni

From: Dale Jarvis <dale@djconsult.net>
Sent: Monday, May 12, 2025 10:17 AM
To: Richards, Ron
Cc: Benedict, Bill; Boughton, Dee; Cameron, Ron; Fane, Alex; Fisch, Susan; Fleck, Rod; Hodgson, Mark; Holy, Christy; Morris, Patti; Noble, Chris; Pickett, Paul; Sarmiento, Nina; Stoffer, Jim; Tozzer, Jeff; Walde, Cathy; Gores, Loni
Subject: Re: CRC Comment on Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment

Good morning Ron. Thank you for taking the time to respond to my comments. And a thank you to all of the commissioners for your commitment to serving the community.

I have a few quick things to add:

- 1) Ron, good work identifying the updated information about the BIA requirements!
- 2) My comments are based on 30 years doing cost benefit analysis work for individual organizations, counties, states, and at the federal level. I would characterize my comments related to the 30-day period as experience-based realistic.
- 3) We both agree that due diligence is important when it comes to public policy issues. My recommendations are based on expending resources on due diligence work that has the potential to impact the outcome. I continue to conclude that this amendment would not due to the 30-day clock.
- 4) If the Commissioners arrive at a different conclusion, I suggest that the next step in the decision tree is for the CRC to assess whether the proposed amendment belongs in the charter.

Thank you all for inviting the public to make comments like this.

Dale Jarvis, District 1
Sent from my iPhone

On May 12, 2025, at 7:13 AM, Richards, Ron <ron.richards@clallamcountywa.gov> wrote:

Hi Everyone,

Please find attached my response to Dale Jarvis' comments on the Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment.

In part my response points out that the 2012 law review article Dale relies on is outdated because of changes in the applicable rules that have been adopted since then - some of which changes make it even more important for the county to submit comments to the BIA.

I hope that you all will have the time to review this response prior to tonight's CRC meeting.

Sincerely,

Ron Richards

From: dale@djconsult.net <dale@djconsult.net>

Sent: Thursday, May 8, 2025 6:27 PM

To: Ioni.gores@clallamcountywa.gov <loni.gores@clallamcountywa.gov>; 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>; 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: CRC Comment on Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment

You don't often get email from dale@djconsult.net. [Learn why this is important](#)

Dear Commissioners, I am sending my comments directly to you because they are coming too late to be included in the May 12, 2025 packet that has already been published.

OVERVIEW

I am commenting on Commissioner Richards proposed Charter Amendment related to Tribal Trust Land and Reservation Proclamation Charter Amendment and would like these comments entered into the public record.

The relevant Title 25 of the Code of Federal Regulations, Part 151 is a complicated issue that requires careful. Specific areas of complexity include:

- 1) Why The Fee-to-Trust Process of the Indian Reorganization Act of 1934 was passed by Congress;
- 2) The benefits and shortcomings of the 1934 legislation;
- 3) The appropriateness of including a Tribal Trust Land-related item in the Clallam County Charter versus some other area of county rules and regulations;
- 4) How the proposed amendment aligns, overlays, or duplicates existing sections of the Clallam County Charter, existing MOUs and County Code;
- 5) The appropriateness of pulling out a single tax role-related area when Tribal Trust Land makes up a very small portion of land in Clallam County that has been or might be taken off the tax roles by the Federal

Government, State Government, Cities and Municipalities, Public Schools and Colleges, the Port District, Fire Districts, the Public Utility District, Hospitality Districts, Public Right of Way Easements, Airports, Churches, and Nonprofit Organizations;

6) Whether it is feasible to develop a methodology for the county to complete a timely cost-benefit analysis of any proposed transfers of land into Tribal trust; and

7) The feasibility of the county to meet the requirements embedded in the proposed Charter Amendment

Before spending time on the first five items, a focus on items 6 and 7 may be all the Commissioners need to decide whether to move Commissioner Richards proposal forward.

SUMMARY

Many decades of experience shows that while Section 151 does include a process for Clallam County to comment on the potential impact of transfers of land into Tribal trust land status, existing Federal law makes it virtually impossible for the county to complete a meaningful analysis of any proposed transfer within the 30-day window. Because of this shortcoming in the law, putting forth a Charter Amendment that requires such analysis creates an impossible ask of county staff, is bad public policy, would be a poor use of taxpayer resources, and should not be implemented. As such, this proposed Charter Amendment should not pass Step 1 of the Charter Amendment process.

DETAILED EXPLANATION

In 2012, Kelsey Waples published an 87-page article in the Pepperdine Law Review that did a thorough analysis of The Fee-to-Trust Process of the Indian Reorganization Act of 1934 that was put into regulation in Title 25 of the Code of Federal Regulations, Part 151. Entitled, "*Extreme Rubber-Stamping: The Fee-to-Trust Process of the Indian Reorganization Act of 1934*," the article provides a history of Indian property rights, the current state of the law, guidance for application of the law, an analysis of application of the law in California, impact of the law, and recommendations for change (["Extreme Rubber-Stamping: The Fee-to-Trust Process of the Indian Reorga" by Kelsey J. Waples](#)).

Pages 304 and 305 of the Law Review provides an important and credible argument for why the proposed Charter Amendment should not be

considered. I quote that section, bolding text to highlight the most important statements.

While Section 151 does include a mechanism for incorporating state and local interests in the fee-to-trust process, it is severely inadequate. **The notice provided to state and local governments is limited and often insufficient for such entities to comprehensively analyze and comment on the proposed acquisition.** For example, the notice **does not include the actual fee-to-trust application and often does not state the tribe's proposed use.** Additionally, state and local **governments are only invited to comment narrowly, on tax revenue and jurisdictional conflict impacts only, in a limited thirty-day period.** In order to meaningfully participate in the process and protect legitimate interests, **state and local governments need full disclosure of the proposed trust acquisition and more time to respond.** Furthermore, “governments and individuals with significant interests [are often] unaware of the acquisition request until it is too late” because the process only includes notice to state and local governments with regulatory jurisdiction. This excludes nearby state and local governments as well as affected individuals, who may have significant concerns. Moreover, while the BIA often does accept comments from affected individuals, it is not statutorily mandated to even consider them. Thus, **“towns and their residents appear[] to have little chance of even being heard, let alone challenging [a] tribe's land trust requests.”**

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While there may be merit in being able to achieve the goal embedded in Commissioner Richards proposal, current Federal Regulations make such a goal impossible to achieve under current Federal law.

Dale Jarvis, District 1

<051225 RNR Response to Dale Jarvis Comments.pdf>

Gores, Loni

From: Richards, Ron
Sent: Wednesday, May 14, 2025 6:47 AM
To: Gores, Loni
Subject: Fw: CRC Comment on Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment
Attachments: 051225 RNR Response to Dale Jarvis Comments.pdf

Hi Loni,

Here is my response to Dale Jarvis, with attachment.

Ron

From: Richards, Ron <ron.richards@clallamcountywa.gov>
Sent: Monday, May 12, 2025 7:13 AM
To: dale@djconsult.net <dale@djconsult.net>; Loni.gores@clallamcountywa.gov <loni.gores@clallamcountywa.gov>; 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>; 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>; 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: Re: CRC Comment on Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment

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In part my response points out that the 2012 law review article Dale relies on is outdated because of changes in the applicable rules that have been adopted since then - some of which changes make it even more important for the county to submit comments to the BIA.

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To: Loni.gores@clallamcountywa.gov <loni.gores@clallamcountywa.gov>; Benedict, Bill <bill.benedict@clallamcountywa.gov>; Boughton, Dee <dee.boughton@clallamcountywa.gov>; Cameron, Ron

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While there may be merit in being able to achieve the goal embedded in Commissioner Richards proposal, current Federal Regulations make such a goal impossible to achieve under current Federal law.

Dale Jarvis, District 1

Dear Dale,

Thank you for your response to my email asking for comments on the proposed amendment to the Clallam County Charter requiring the County to respond to BIA requests for comments on tribal trust land issues.

I notice that your response was based on a Pepperdine Law Review article that was written in 2012.

That article, however, stresses that "affected communities struggle with the substantial consequences of successful trust acquisitions in their area: the loss of tax revenue, and zoning, planning, and other regulatory control". That suggests to me an even greater importance to Clallam County studying the impacts of tribal trust land transfers and responding to BIA requests for comment.

Based on the comments in your own letter, Clallam County could especially "struggle" with continued transfers to tribal trust land status without adequate study and/or mitigating agreements. Specifically, you speak to how much land in Clallam County has already been taken off the tax roles by "the Federal Government, State Government, Cities and Municipalities, Public Schools and Colleges, Cities, and Municipalities, Public Schools and Colleges, the Port District, Fire Districts, the Public Utility District, Hospitality Districts, Public Right of Way Easements, Airports, Churches and Nonprofit Organizations." To the degree this is true in comparison with other jurisdictions, your statement supports the need for closer examination of tribal trust land transfers because the taxable base in Clallam County is already so reduced by tax exempt property.

These potential adverse impacts cause me to question why you would be advocating that consideration of the proposed charter amendment "should not pass Step 1 of the Charter Amendment process". Step 1 simply allows a member to provide a draft of the proposed Charter amendment to the Commission at a meeting and then, especially important here, requires the amendment to be placed on the agenda at a subsequent meeting scheduled by the Commission. This mandates the proposal be advanced to Step 2 where it will be considered by the Commission whether to approve a final draft for consideration at a subsequent hearing. There the public will have even more of an opportunity to comment on this proposed charter amendment. Your suggestion asks the Charter Review Commission to violate its own bylaws.

The Charter Review Commission's bylaws are intended to allow multiple opportunities for public input on proposed amendments. This seems to me to be especially wise where the law review article you rely upon, and your own comments, recognize the potential for adverse impacts from transfers of land into tribal trust properties.

Frankly, Dale, I am very surprised at how much you appear to be against public input on this issue. Not only is it apparent from the circumstances mentioned above, but it is apparent from your very dark view of how intelligently Clallam County could comment giving a thirty-day comment period. You warn of “insufficient information”, “impossible timeframes”, “rushing an analysis”, and creating a “rule that cannot properly be met”. Although a thorough discussion of this is more properly addressed at the subsequent meeting at which this proposed amendment must be discussed, I would like to point out the following that I believe make your assertions overly pessimistic. First, my proposal calls for a thorough study of the issues involved (both positive and negative) through the process in which the Comprehensive Plan will be amended to address this issue. That study will go a long way in identifying the factors in need of consideration and the effects those factors would have on state and local governments. Second, Clallam County has an exceptional number of talented citizens who could participate not only in the Comprehensive Plan amendment procedures, but could also provide meaningful input to the County in preparing its comments for the BIA. Third, subsequent requests for transfers to trust land status will most certainly involve similar properties intended for similar purposes. Even if perfect comments cannot be made on the first of such requests, the County would be increasingly prepared to comment on subsequent requests.

Finally, I would like to point out that at least some of the deficiencies in the Fee-To-Trust application procedures mentioned in the Pepperdine Law Review article from 2012 have been eliminated. Rules that went into effect in 2024 now require a complete Fee-To-Trust application package before the 30-day notice to state and local governments is sent. A complete application package requires a map depicting the boundary and general location of the property and the current use of the property and any proposed changes in land use. The notice to state and local governments must include a land description and a description of the current use and purpose of the transfer. See Sections 3.2 and 4.7 of the [52 IAM 12-H: Fee-to-Trust Acquisitions and Reservation Proclamations Handbook](#).

While some of the changes in the new rules make it easier for trust land transfers to be approved, especially for property in or contiguous to existing reservation property, the new rules have been acknowledged to “ensure meaningful notice to state and local governments and opportunity to comment.” See the American Law Institute’s comment at [TRUST THE PROCESS: INTERIOR PROMISES FINAL RULE WILL STREAMLINE TRIBAL TRUST LAND ACQUISITIONS](#).

One of the new rules makes it even more important for state and local governments to submit comments to the BIA. This is explained at

Understanding Recent Changes to the Bureau of Indian Affairs Fee-to-Trust Regulations - Schwabe as follows:

The burden of proving state and local impacts has now shifted to the state and local governments and they are required to provide evidence to the BIA as to why the agency should not presume the impacts would be minimal. *Id.* The BIA will then consider the impacts analysis and comments submitted by those governments in a "holistic analysis" of the application. If no comments are received, then the BIA has no further responsibility to affirmatively determine or consider the impacts to state and local governments.

I recognize that your letter states other reasons, without explanation, as to why the proposed charter amendment should not be considered. I look forward to you providing explanations for those reasons, and these being addressed in further hearings if you continue to oppose the proposed charter amendment. However, based on the above, especially the last two points regarding the opportunity for meaningful comment and the presumptions in the face of no comments being received from state or local governments, I would urge you to reconsider and support the proposed charter amendment being submitted to the Auditor for a vote of the people.

Sincerely,

Ron Richards

Gores, Loni

From: Morris, Patti
Sent: Friday, May 9, 2025 8:55 AM
To: Gores, Loni
Subject: Survey is Now Live - Please forward to all Charter Review Commissioners
Attachments: SurveyMonkey_523364693-Charter - 5-9-25.pdf

<https://www.surveymonkey.com/r/MZSFB38>

Please use the Survey's top paragraph for all media distribution.

Thanks, Patti

Copy of Charter Review Commission Survey

Charter Review Commission Survey

The Clallam County Charter Review Commission (CRC) invites you to give us input on seven (7) priorities related to our County Charter.

Clallam County is one (1) of seven (7) counties in our state to have a Home Rule Charter. Our Charter allows local citizens to vote on how our county government should be structured. Currently the elected Charter Review Commission (CRC) is considering possible changes to our Home Rule Charter. The proposed changes will be voted on by the citizens of the county in a general election. This is an opportunity to give your input into the CRC discussion.

The CRC welcomes your input on these initial seven (7) priorities that have been recommended by the CRC. More input may be requested in the future depending on the citizen responses from the survey.

Please take a few moments to fill out the survey. All Survey responses are anonymous.

1. County Commissioners are currently nominated by district and elected county-wide.

How Should County Commissioners be elected?

- ☐ By the district you live in
- ☐ Countywide
- ☐ No Opinion

Comment

2. Should County Commissioners recuse themselves from participating in non-governmental organizations (NGOs)?

- ☐ Yes
- ☐ No

Comment

3. Clallam County has a charter provision that requires the County Commissioners to adopt an ethics ordinance, but does not specify any requirements of the ordinance. The ethics ordinance that does exist contains no penalties for a violation. Should the charter create an ethics board or commission?

- ☐ Yes
- ☐ No

4. There are multiple jurisdictions that are involved in county-wide water management. No one is currently proactively identifying county-wide concerns regarding water supplies, and reactive measures are more expensive to the county taxpayers. Available water resources information is inadequate and outdated.

- ☐ Yes - The Charter should create a Water Steward position to gather necessary information. It would not have regulatory or enforcement authority. It shall operate as an independent information gathering, analysis, and advisory office.
- ☐ No - The Charter should not create a Water Steward position to gather necessary information.

Comment

5. Clallam County currently elects three (3) County Commissioners. They are nominated by District in the Primary election and in the General election are elected county-wide. How many County Commissioners should Clallam County elect?

- ☐ 3
- ☐ 5

Comment

6. All other charter counties in our state meet every ten years. Currently, the Clallam Charter Review Commission meets every 5 years. How frequently should the Charter Review Commission meet?

- ☐ 3 Years
- ☐ 5 Years
- ☐ 10 Years

Comment

7. Currently, the county does not provide for ranked choice voting options for elections. Should the charter consider the adoption of ranked choice voting options for the county?

- ☐ Yes
- ☐ No

Comment



PRESS RELEASE
CLALLAM COUNTY CHARTER REVIEW COMMISSION

May 12, 2025

From: 2025 Clallam County Charter Review Commission
Re: Survey - Citizen Input to Charter Review Commission

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The CRC welcomes your input on these initial seven (7) priorities that have been recommended by the CRC. More input may be requested in the future depending on the citizen responses from the survey.

Please take a few minutes to fill out the survey. All survey responses are anonymous.

The Commission wants public input about changes to the Clallam County Charter by filling out a survey at:

<https://www.surveymonkey.com/r/MZSFB38> **The survey deadline is May 31, 2025.**

The survey is one way that the Commission is seeking public input. Written comments can be sent to the Charter Review Commission at loni.gores@clallamcountywa.gov

Information regarding the Charter Review Commission can be found on the County website at the following links:

<https://www.clallamcountywa.gov/210/Charter-Review-Commission-CRC> or <https://clallamcowa.portal.civicclerk.com/>

If you would like a hard copy of the survey for completion request a copy from loni.gores@clallamcountywa.gov

Charter Review Commission

Loni Gores, Clerk

loni.gores@clallamcountywa.gov

360-417-2256

Gores, Loni

From: MARK CURTIS <mnttrekr@yahoo.com>
Sent: Friday, May 9, 2025 10:50 AM
To: Gores, Loni
Subject: Charter Review Comment

[You don't often get email from mnttrekr@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Could you please forward my comment to the commissioners for their next meeting.

As I understand the water steward position it is advisory. The steward will use existing data and existing studies for their reports. If that is the case, there is a more simple solution. Existing county departments with the use of A.I. can accomplish the same thing at zero cost to the county.

Thank you,
Mark Curtis
Sequim WA.

Sent from my iPhone

Gores, Loni

From: marg@sequim.com
Sent: Friday, May 9, 2025 11:07 AM
To: Gores, Loni
Subject: Proposed Water Steward/Information Gatherer for our Charter

Loni, I am on the Zoom for the Water Committee of the Clallam County Charter Review Commission. To say that all of our water data is older than 15 years ignores the good work of the PUD and their studies conducted for the deep well on the Van Lan project in Carlsborg. This committee even had a presentation from Bowen Kendrick of the Clallam County PUD.

We have 4-5 known aquifers in the Sequim-Dungeness Valley (not in the foothills). There was extensive work in identifying wells, water systems, and water rights, for the Dungeness Water Management Rule. That rule took effect in January of 2013, 12 years ago. It was noted that some surface water rights (such as in Matriotti Creek) have been relinquished, due to the 5 year usage rule. Not all of the paper water rights are actual water any more. In addition, the irrigators relinquished some of their water rights; and, they limit their withdrawals from the Dungeness River in a drought year. Even though drilling in the 4th (or 5th) aquifer does impact other watersheds (for example, Bell and Bagley Creeks), that impact is small—and the well owner has to pay mitigation, so that there can be aquifer recharge projects in those other watersheds. These actions/requirements are already in place. The Washington Water Trust and the Clallam Conservation District works on seeing that those actions happen.

At one of the Department of Ecology Dungeness Water Rule's meetings, the hydrogeologist for the Department of Ecology Dave Nazy, said that even if we complete the full buildout for the Sequim Dungeness Valley, we could not "mine out" the lower aquifers. There are only 3 wells in the deepest aquifer—one is on the Weyerhaeuser tree farm, and one is the PUD well on the Van Lan property. At the moment, I forget where the 3rd one is.

The well that was drilled by the U. S. government on the Dungeness Spit is 600 feet deep, and provides artesian, fresh water! This is due to the force of the water coming from rain and snowmelt, up in the mountains. The mountains and high foothills in the Sequim area have no defined aquifers. The melting snow and rain cannot be absorbed by the bedrock and basalt, so it goes underground into the Valley, and even under Dungeness Bay! Some people up in the hills do find water for their wells, that is in fissures in the rock.

The Charter Review Commission could recommend that the County Department of Community Development fund a hydrogeologist. But, what if they don't have the money? It seems to me that the Water Committee of the Charter Review Commission wants to micro manage county departments. We have a number of requirements for wells. Some from the county Environmental Health Department; some from the Department of Ecology; some from the Dungeness Water Exchange (managed & run by the Washington Water Trust).

I am against mandating a Water Steward for the county, via the County Charter.

Thank you for your attention.

Marguerite Glover
103 Pond Lane
Sequim WA 98382
360-461-3365

Gores, Loni

From: Sarmiento, Nina
Sent: Friday, May 9, 2025 4:53 PM
To: Gores, Loni
Subject: Water Committee Minutes

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Loni, could you forward these minutes to the other water committee members for approval? Thank you!

Nina

Water Committee Friday May 9th 2025.

Commissioners in attendance: Ron Richards (online), Christy Holy, Paul Pickett, Nina Sarmiento.

Commissioner Pickett suggested changes to the previous meeting minutes
Commissioner Sarmiento made a motion to approve the minutes
Commissioner Holy Seconded, the changes to the meeting minutes were approved.

The agenda was approved

No one made a public comment

Commissioner Pickett presented a draft status report that includes people we have interviewed and topic titles where problems have been identified.

Feedback was given to Commissioner Pickett.

Proposals were discussed for an amendment.

Commissioner Sarmiento made a motion for Commissioner Pickett to integrate all the comments on the problem statement and proposal direction for the commission.

Commissioner Holy seconded.

There was a brief discussion. Commissioners Holy, Pickett and Sarmiento said i. Commissioner Richards said Nay.

Public Comment heard from Robert Beck, Craig Smith and Tony Corado.

Meeting Adjourned.

Gores, Loni

From: Tom Ash <ashthomas@msn.com>
Sent: Sunday, May 11, 2025 8:15 PM
To: Gores, Loni
Subject: For the Charter Commissions

Thank you Loni.

Dear Commissioners.

It is fascinating that The League of Women Voters has been able to manipulate the Charter Commissioners through the Chair and through the engagement of non-Charter Commissioners from the League of Women Voters attempt to hijack the committee circumventing the goal of the Charter Commission.

The intent of the charter commission is to solicit input from the public, vote among all Charter Commissioners to develop a list of worthy suggestions from the public and present these suggestions for consideration by the public as referendums on the November 2025 budget.

Coopted by The League of Women Voters coup none of that has happened. Instead, to date, the focus has been led by Chairwomen Susan Fisch to spend all the time of the Charter attempting to silence any whom do not follow The League of Women Voters' agenda, or even the public she is to serve through false claims that the Charter Commissioner are not allowed to respond to the public. All of this work has been for nothing as The League of Women Voters failed at all votes to silence those that wish to follow the charge of the Charter Commission. The League of Women Voters have been able to create a secret survey with only seven (7) items that were not determined by or voted on by the majority of commissioners. A larger list of thirty (30) items presented by the public has been ignored and has not been added to the Agenda for tonight's meeting. It follows this email for your use.

It is clear to all that the Charter Commission is in shambles, consumed by the personal agenda of The League of Women Voters, and failing at their mission. What is shocking is that the members of the Charter Committee are not awaked to their own folly and content with a dysfunctional legacy.

Thomas Ash

The Clallam County Charter Review Commission wants your input on which issues should be prioritized as we evaluate how county government functions. Please review the list and select up to ten items by [end date].

Note: The issue of how the County Coroner is selected has been excluded from this list, as a recent change in state law means it will appear on an upcoming ballot.

Code of Ethics with civil penalties: Currently, there is a Code of Ethics for elected officials, but the Board of Commissioners removed penalties for violations. This amendment could establish enforceable penalties.
Aligning elections with WA State Constitution: This amendment would hold elections at the precinct level, vet voters, and require hand-counting ballots.

Reforming Board of Commissioner committee appointments: This amendment could change how members are appointed to various county boards, such as the Trails Advisory Board, Animal Solutions Advisory Committee, and Board of Equalization.

Recusal requirement for commissioners: Would mandate that County Commissioners recuse themselves from votes where they have a conflict of interest.

Restrictions on elected officials' advocacy: Would limit commissioners' ability to endorse policies that directly benefit organizations they are involved with.

Government-to-Government Relations and Training: This amendment would require county officials to undergo government-to-government training to better understand and respect local tribes as sovereign governments, improving collaboration and mutual respect.

Restrictions on board membership for commissioners: This amendment would restrict commissioners from sitting on boards of organizations that receive county funding or influence county policies, addressing potential conflicts of interest.

Add "American governments" to Intergovernmental Relations section 1.20: This amendment would ensure that any Clallam County partnerships with foreign nations are subject to federal oversight to prevent conflicts of interest or foreign influence.

Return to district voting: This amendment would ensure that only voters within a district vote for their county commissioner in both the primary and general elections, rather than countywide.

Elected Director of the Department of Community Development: Clallam County is the only county in the U.S. with an elected DCD director, rather than appointed, which presents unique benefits and challenges.

Ranked Choice Voting (RCV): Voters would rank candidates in order of preference.

Charter Review Commission frequency: This would change the review cycle from every five years to ten.

Increased public engagement: Could require quarterly town halls with the Board of Commissioners.

Public access to meetings: Would mandate greater transparency in decision-making processes involving public funds and require that meetings be held on land governed by county policy and state law.

Board of County Commissioners spending transparency: This amendment would require detailed financial reporting.

Budget town halls: Would ensure that budget presentations are free, public, and interactive.

Fair bidding process: Could level the playing field for local businesses bidding against foreign corporations that avoid fees and taxes.

General fund reserve minimum: This amendment would establish a fiscal reserve threshold to ensure long-term financial stability.

Transparency in public funds to nongovernmental organizations (NGOs): This amendment would require financial transparency from any NGO the county contracts with, ensuring that public funds are allocated to organizations with clear and accessible financial records.

Tax increases by voter approval: This amendment would require voter approval for any future property or sales tax increases.

Public Defender's Office: Clallam Public Defender's Office is currently a private nonprofit that receives funding from the county. This amendment would incorporate it into county government.

Independent hearing examiner: Would ensure that land use and zoning decisions are made impartially, free from political influence.

Trust land transfer program: Affects the county's collaboration with the Department of Natural Resources in managing forestland.

Lower permit costs for property and business owners: Would reduce financial barriers for development.

Establishment of a Water Steward: Would create a county position focused on long-term water management.

Requirement to notify Bureau of Indian Affairs on adverse effects: Would mandate the county notify the BIA when land use changes affect county interests.

Increase number of County Commissioners: Increase the number of commissioners from 3 to 5.

Clarify vacancy language for commissioners & elected officials

Define Auditor, Treasurer, and CFO Responsibilities

Revise Procedures for Amending the Charter

Define the duties of the Clerk of the Board which are currently unclear

Clarify vacancy language for the charter

Gores, Loni

From: Pickett, Paul
Sent: Sunday, May 11, 2025 8:32 PM
To: Gores, Loni
Cc: Holy, Christy; Richards, Ron; Sarmiento, Nina
Subject: Water Committee status report to CRC
Attachments: Water Committee report to CRC 12May2025 Final_ Draft.pdf

Loni,

Please email this to all Commissioners and provide printed copies at the Commission meeting.

Thank you!

Paul Pickett
Charter Review Commissioner, District 2

Status Report to the Charter Review Commission – Final DRAFT

The Water Committee is presenting the Commission with a written status report to help clarify the work we've been doing.

Information Collection

Up to this point in our Committee work we have been collecting information about water management on our County and the role of County government in management. Towards this end we have interviewed:

- Community Activists Ann Soule (hydrogeologist and former County employee) and Craig Smith (Sequim resident and professor at UW)
- Bowen Kendrick, Water Manager at Clallam PUD
- Bruce Emery (Director of Community Development) and Jennifer Garcelon (Environmental Health Manager)
- A meeting with Tribes in Clallam County has been planned.

We have also been reviewing various report on water resources developed for our county.

Problem Statement

The Water Committee has identified problems that support the proposal of a Water Steward (or Chief Scientist, Water Science Information Officer). In summary:

- 1) Clallam has vast and important water resources. It covers all or parts of four Water Resource Inventory Areas (WRIAs). A review of the WDFW Stream catalog shows 59 rivers and major streams. WDFW populations data shows 71 different salmonid populations in the County.
- 2) Water data is sparse, often old. There is no central person identifying and sharing data. Other Counties have addressed this challenge in varying ways.
- 3) Multiple agencies and entities have a stake in Clallam's water – for municipal and residential supply, for agriculture, and fish habitat. Coordination of these entities is ad hoc, at best.
- 4) Actual water availability is poorly understood, including the impacts of existing water rights and exempt wells, and the County's water budget.
- 5) Long term sustainability of Clallam's water resources is unknown: for population and economic growth, and for maintenance of fish and our quality of life.
- 6) Clallam County is facing multiple impacts of climate change, including declining summer stream flows, hotter weather, and less precipitation in the dry season.
- 7) For all these needs, there are immense data needs that are not being met.
- 8) Clallam County is in a unique position to provide a central role in improving data collection, management, and sharing. This is especially important as the County moves into an updated Comprehensive Plan and continues to manage growth and climate change impacts.

Interim Decisions

- A Chief Water Scientist position will not be a volunteer position, but a paid professional
- Any proposal would be for data collection, analysis, sharing and networking. It would not be for enforcement or regulation, which is already covered by DCD and Environmental Health.

Next steps

This Committee, based from public comments and our discussion, will continue to explore possible proposals:

1. Proposed Charter Amendment (preferred option): Create a Chief Water Scientist position (probably independent, reports to BOCC)
2. Recommendation to BOCC (Alternative Option): Propose a Water Steward (Chief Scientist, Water Science Information Officer) position to the BOCC - responsible for listening to water and fishery users and sharing information. Could be supported by volunteers.

More details need to be worked out, such as the preferred name, where in the organization, how to support the independence of the position.

Summary of ideas from interviews and public comment

The following information we've received from interviews and public comments. These support our summary of the problems above:

- 1) Water data collection and management
 - a) Most water data is old – 15 years ago or more.
 - b) Lack of a central repository for water data and the integration of data to support education and policy development. Existing data is intermittent, a lot is older, no one is looking at all available data.
 - c) There are so many water purveyors and some are aquifer-based while others rely on streamflows that it is difficult to know how they are all interconnected
 - d) Multiple agencies, often with conflicts of interest, tap the same aquifers without appropriate monitoring or inter-agency communication
 - e) Lack of expertise among County staff. Contracted out in the past. Comp plan may add conditions needing that expertise. Water will be an increasing issue for the County into the future. Loss of consistency from intermittent hydrogeologist vacancy.
- 2) Long-term sustainability
 - a) Little or no recent information on water supply, which raises concern around the impact of new developments.
 - b) Sustainability of our water resources is uncertain
 - c) There are water rights, but don't know much about the presence or abundance of actual, physical water.
 - d) Groundwater monitoring in the Dungeness Valley is showing declining groundwater levels in some areas

- 3) Climate impacts:
 - a) Declining stream flows
 - b) Declining snowpack with earlier runoff
 - c) Recession and disappearance of glaciers
 - d) Reduced groundwater recharge
 - e) Increased fire risk from hotter, drier summers and drier soils and forest stands
 - f) Increasing summer water shortages for cities and other large water systems.
 - g) Increasing competition between different water uses and fish needs.

- 4) There is a lack of data to meet critical County needs:
 - a) Quantifying the status of countywide water systems, inclusive of groundwater, river and stream flow, aquifer status, and water storage systems
 - b) Forecasts of future water availability with consideration of planned county wide growth, climate impacts, and ecological needs;
 - c) MOUs and interlocal agreements
 - d) A county-wide strategic plan for water
 - e) A county-wide Coordinated Water System Plan
 - f) A water balance for the County
 - g) Supporting water conservation efforts
 - h) Storage reservoirs, aquifer recharge, and other water storage projects
 - i) Development of Instream Flow Rules and support for Adjudication
 - j) Identify water available in growing areas of the county
 - k) Identify saltwater intrusion problems
 - l) Support identification and correction of water quality problems
 - m) Other policy and education needs

These issues came from Commissioners, staff of local agencies, and public commenters, which include the individuals we interviewed listed above, and other citizens:

- 1. Carol von Borstel
- 2. Tony Corrado
- 3. Tree Stokan
- 4. Alex Fane
- 5. Janine Blaeloch
- 6. Martha Rudersdorf
- 7. Nicole Hartman

Gores, Loni

From: Eric Fehrmann <efehrm_3@hotmail.com>
Sent: Monday, May 12, 2025 8:22 AM
To: Gores, Loni
Subject: Ballot priorities for Charter Review Commission

Hi Loni

Please forward to Charter review commissioners.

Thank You, Eric

This is my priority list of proposed ballot measures your consideration.

1. **Restrictions on board membership for commissioners:** This amendment would restrict commissioners from sitting on boards of organizations that receive county funding or influence county policies, addressing potential conflicts of interest.
2. **Return to district voting:** This amendment would ensure that only voters within a district vote for their county commissioner in both the primary and general elections, rather than countywide.
3. **Tax increases by voter approval:** This amendment would require voter approval for any future property or sales tax increases.
4. **Requirement to notify Bureau of Indian Affairs on adverse effects:** Would mandate the county notify the BIA when land use changes affect county interests.
5. **Fair bidding process:** Could level the playing field for local businesses bidding against foreign corporations that avoid fees and taxes.
6. **Increased public engagement:** Could require quarterly town halls with the Board of Commissioners.
7. **Add "American governments" to Intergovernmental Relations section 1.20:** This amendment would ensure that any Clallam County partnerships with foreign nations are subject to federal oversight to prevent conflicts of interest or foreign influence.
8. **Aligning elections with WA State Constitution:** This amendment would hold elections at the precinct level, vet voters, and require hand-counting ballots.
9. **Code of Ethics with civil penalties:** Currently, there is a Code of Ethics for elected officials, but the Board of Commissioners removed penalties for violations. This amendment could establish enforceable penalties, mandate that County Commissioners recuse themselves from votes where they have a conflict of interest, limit commissioners' ability to endorse policies that directly benefit organizations they are involved with, and mandate greater transparency in decision-making processes involving public funds and require that meetings be held on land governed by county policy and state law

10. **Transparency in public funds to nongovernmental organizations (NGOs):** This amendment would require financial transparency from any NGO the county contracts with, ensuring that public funds are allocated to organizations with clear and accessible financial records.
11. **Public Defender's Office:** Clallam Public Defender's Office is currently a private nonprofit that receives funding from the county. This amendment would incorporate it into county government.

Gores, Loni

From: Stoffer, Jim
Sent: Monday, May 12, 2025 10:00 AM
To: Gores, Loni
Cc: Stoffer, Jim
Subject: Fire up your planning commission for high performance

Good morning Loni,

Please share out to the CRC, thank you.

From: Ann Macfarlane <ann@jurassicparliament.com>
Sent: Tuesday, May 6, 2025 11:00 AM
Subject: Fire up your planning commission for high performance

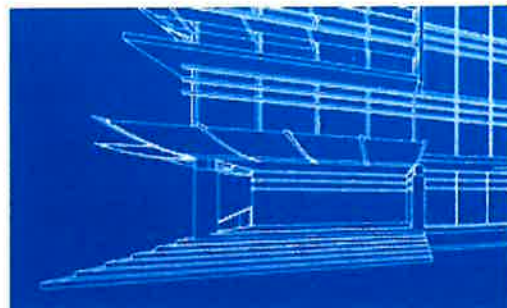
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Best,

Ann

Ann G. Macfarlane
Professional Registered Parliamentarian

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Download Quick Guide for Advisory Committees

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Gores, Loni

From: Stoffer, Jim
Sent: Monday, May 12, 2025 2:44 PM
To: Gores, Loni
Cc: Stoffer, Jim
Subject: Notes from Outreach Committee Meeting 8 May.
Attachments: Outreach Committee Meeting Agenda 8 May - notes.docx

Good afternoon Loni,

Notes from the last Outreach Committee Meeting on 8 May.

V/R
Commissioner Stoffer

Best!

Jim

Commissioner Stoffer
Clallam County Charter Review
Jim.stoffer@clallamcountywa.gov
360.775.9356

Outreach Townhall Committee – Meeting Notes

Thursday, 8th May 2:30pm-4:30pm

Room 150 BOC Offices

Purpose of the Meeting is to review input received during outreach sessions. As this is a work meeting and is being conducted IAW OPMA, Public Comments are not expected to be taken.

<https://www.clallamcountywa.gov/DocumentCenter/View/22454/CRC-Committee-Notice-Town-Hall-5-8-25>

Welcome Intro – *Opened Meeting at 2:30; present Commissioners Stoffer, Walde in person, Commissioners Richards, Holy on-line. three members of the public, one in person (Mr. Ed Bowen) and then two on-line, did not record their names.*

Discussion items:

- Meeting notes from last meeting – *No additional items/notes*
- 10 items direction from Chair Fisch, received on 4 Mar; see attachment. *Reviewed directions*
- Input from Coroner Com & Water Steward Com Rep – *Noted info to be discussed at next CRC on 12 May.*
- *COM Richards objected to format not being IAW OPMA and departed the meeting at 2:45.*
- input from Dist3
 1. Feedback from the Sekiu Forum – *Notes from Forum were received and have been shared with CRC and are in the Agenda package for the 12 May Meeting; of note, BOCC Mike French attended.*

2. Feedback from the Forks Forum - *Notes from Forum were received and have been shared with CRC and are in the Agenda package for the 12 May Meeting; of note, BOCC Mike French attended.*

- Input from Dist2

1. Survey Status – *Com Morris, to be presented at the 12 May CRC Meeting.*

- Dist1 & Com Chair Input – *reviewed OPMA requirements – we are not a Governing Committee, nor is there a quorum of the CRC represented in attendance; nor is this a special meeting. It is being conducted IAW OPMA requirements, has been verified by Dee Boughton, County PA*

- Next Steps, next meeting – *Outreach Committee has completed its work; on pause for any further developments as approved by the CRC.*

1. Possible Motions thoughts – *None at this time*

CHARTER REVIEW COMMISSION

BUSINESS ITEM

Coroner Amendment

Gores, Loni

From: Cameron, Ron
Sent: Wednesday, May 7, 2025 1:00 PM
To: Gores, Loni; Fisch, Susan; Noble, Chris; Hodgson, Mark
Cc: Walde, Cathy; Fane, Alex; Richards, Ron
Subject: Coroner amendment
Attachments: Draft Coroner Proposed Amendment.docx

After having town halls in all district areas, and receiving comments on topics including the coroner issue, please place on the agenda steps to advance the committees draft amendment regarding the coroner position.

Thank you
Ron

Ron Cameron
Charter Review Commission District 2
Clallam County
223 E 4th St
Port Angeles WA 98362
ron.cameron@clallamcountywa.gov



2025
Clallam County Charter Review Commission

Resolution Number _____

The Clallam County Charter Review Commission elected by the voters of Clallam County for the year 2025 finds that:

1. Article IV, Section 4.20, of the Clallam County Charter provides in pertinent part that “The Prosecuting Attorney will serve as ex-officio coroner without extra compensation.”
2. The Washington State Attorney General has determined that a prosecuting attorney in a county with less than 40,000 population cannot serve as a coroner. That determination was based on a state statute that says a coroner cannot practice as an attorney in any court.
3. Clallam County’s Prosecuting Attorney has resigned his position as ex-officio coroner, based on his belief that the Attorney General’s determination referred to above might also apply to Clallam County despite the requirement in the Clallam County Charter that the Prosecuting Attorney will serve as ex-officio coroner.
4. Since the Prosecuting Attorney’s resignation as ex-officio coroner, a District Court Judge has been acting as coroner under a state statute providing that if the office of coroner is vacant the duties of the coroner’s office may be performed by any district judge.
5. Continuing with a District Court Judge as coroner because the coroner’s position is vacant is not a viable, long-term solution to the situation that now exists because of the conflict between what the Clallam County Charter requires and what the Attorney General and the Clallam County Prosecuting Attorney believe a state statute requires.
6. Attempting to obtain a definitive court decision or an Attorney General’s opinion on whether Clallam County’s Charter would control over conflicting state law and allow the county’s Prosecuting Attorney to serve as coroner could be a lengthy and costly proceeding.
7. Even if Clallam County’s Charter would control over conflicting state law, having the Prosecuting Attorney serve as ex-officio coroner is increasingly thought of as involving conflicts of interest and is not a preferred alternative.
8. A state statute, RCW 36.16.030, only allows counties with a population exceeding two hundred fifty thousand to adopt a medical examiner system, therefore precluding that alternative from being considered for Clallam County.
9. If the Clallam County Charter is amended to remove the requirement that the Prosecuting Attorney also serve as ex-officio coroner, the responsibility for performing those duties,

or having those duties performed, would fall on the Clallam County Commissioners under a provision of Article 11, Section 4, of the Washington State Constitution that provides that any duties of county officials prescribed by state law, with certain exceptions, if not assigned to specific officers by the County Charter, will fall on the Board of County Commissioners. In such a case, the County Commissioners could hire personnel with the appropriate training to serve as the coroner, much as was being done under the Prosecuting Attorney, and is now being done under a District Court Judge. That would result in a satisfactory solution to the current situation.

Therefore, the 2025 Clallam County Charter Review Commission hereby proposes that Article IV – OTHER ELECTED OFFICIALS, Section 4.20: Powers and Duties, be amended to read as follows:

All other elected officials shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control and records management systems established by the Commissioners through ordinance except insofar as such utilization would be contrary to the powers and duties of the constitutional officers. ~~((The Prosecuting Attorney will serve as ex-officio coroner without extra compensation.))~~

Any language in double parentheses with a line through it is existing Clallam County Charter language and will be taken out of the Charter if this measure is approved by voters. Any underlined language does not appear in current Clallam County Charter language but will be added to the Charter if this measure is approved by voters.

Further, the 2025 Clallam County Charter Review Commission, pursuant to Article XI, Sub-Sections 11.20.10 and 11.20.20 of the Clallam County Charter, calls for this Resolution, and the Charter amendment hereby proposed, to be filed with and registered by the Auditor, and for the Charter amendment hereby proposed to be submitted to the voters at the next statewide general election occurring at least 90 days after registration of the proposed amendment by the Auditor.

This Resolution is passed and approved on this _____ day of _____, 2025, by the 2025 Clallam County Charter Review Commission.

Susan Fisch, District 1 Commissioner, Chair

Alex Fane, District 1 Commissioner

Bill Benedict, District 1 Commissioner

Rod Fleck, District 3 Commissioner

Ron Cameron, District 2 Commissioner

Mark Hodgson, District 3 Commissioner

Christy Holy, District 3 Commissioner

Ron Richards, District 2 Commissioner

Nina Sarmiento, District 3 Commissioner

Patti Morris, District 2 Commissioner

Jim Stoffer, District 1 Commissioner

Chris Noble, District 2 Commissioner

Jeff Tozzer, District 1 Commissioner

Paul Pickett, District 2 Commissioner

Cathy Walde, District 3 Commissioner

CHARTER REVIEW COMMISSION

BUSINESS ITEM

Tribal Trust Lands Amendment

Gores, Loni

From: Richards, Ron
Sent: Friday, May 2, 2025 9:19 AM
To: Gores, Loni
Subject: Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment
Attachments: Proposed Tribal Trust Land and Reservation Proclamation Charter Amendment.pdf

Hi Loni,

Attached is a draft of a proposed charter amendment that I as a member of the CRC am asking to be provided to the CRC at our next meeting pursuant to Article IX, Section 1, Step 1, of the CRC bylaws. At our next meeting I will ask, also pursuant to Step 1, that the CRC place this draft on the agenda at the following meeting for consideration of proceeding to Step 2 of considering a proposed charter amendment.

In preparing this draft of a proposed charter amendment, I have referred to Title 25 of the Code of Federal Regulations, Part 151. I have also used as guidance a Bureau of Indian Affairs Fee-To-Trust Acquisitions and Reservation Proclamations Handbook. Citations to these documents are, respectively, [eCFR :: 25 CFR Part 151 -- Land Acquisitions](#) and [52 IAM 12-H: Fee-to-Trust Acquisitions and Reservation Proclamations Handbook](#). Anyone reviewing this proposed charter amendment would find reading those documents helpful.

Ron Richards

2025
Clallam County Charter Review Commission
Resolution Number _____

The Clallam County Charter Review Commission elected by the voters of Clallam County for the year 2025 finds that:

1. Title 25 of the Code of Federal Regulations, Part 151 (25 CFR §151), sets forth provisions whereby Tribes and Tribal Citizens can apply to the Bureau of Indian Affairs (BIA) to have land transferred into Tribal trust land status.
2. Depending on the specifics of an application to transfer land into Tribal trust land status, several provisions within 25 CFR §151 require the BIA to give state and local governments with regulatory jurisdiction over the land to be transferred 30 calendar days in which to provide written comments on the potential impact of the transfer on regulatory jurisdiction, real property taxes, and special assessments. The BIA must also give state and local governments notice of requests from a tribe to proclaim reservation status of trust land.
3. A transfer of land into Tribal trust land status can affect the regulatory jurisdiction, real property taxes, and special assessments of state and local governments. State and local government land use laws no longer apply to land transferred into Tribal trust land status; criminal law jurisdiction issues become more complicated, real property taxes levied on the property by state and local governments are eliminated, and the Tribe and Tribal members can obtain other benefits due to the land being in trust land status. Proclaiming reservation status of trust land brings with it additional benefits to Tribes and Tribal members and also facilitates the transfer of contiguous property into tribal trust land status.
4. The BIA is required to give great weight to approving a transfer of land into Tribal trust land status if it furthers Tribal interests by establishing a Tribal land base or protects Tribal homelands; protects sacred sites or cultural resources and practices; establishes or maintains conservation or environmental mitigation areas; consolidates land ownership; reduces checkerboarding; acquires land lost through allotment; protects treaty or subsistence rights; or facilitates Tribal self-determination, economic development, or Indian housing.

5. Despite having received many requests from the BIA for written comments on the potential impact of such transfers on regulatory jurisdiction, real property taxes, and special assessments, Clallam County has only infrequently, if ever, commented to the BIA on such potential impacts. The more land that is transferred into Tribal trust land status the greater these potential impacts are, especially if such transfers result in a checkerboard jurisdictional situation.
6. It is therefore becoming increasingly important for Clallam County to provide the BIA with written comments on the potential impacts of such transfers and reservation proclamations on regulatory jurisdiction, real property taxes, and special assessments.
7. It is important that Clallam County base any such comments on well thought out and considered standards which have been developed through an orderly process such as can be provided through the procedures for amending the County Comprehensive Plan.

Therefore, the 2025 Clallam County Charter Review Commission hereby proposes that the Clallam County Charter be amended by adding to Article VIII – The Public Interest, a Section 9.00: Tribal Trust Land Transfer Procedures, to read as follows:

Section 9.00: Tribal Trust Land Transfer and Reservation Proclamation Procedures

The Board of County Commissioners shall be required to respond to all requests from the Bureau of Indian Affairs (BIA) for written comments on the potential impact of transfers of land into Tribal trust land status on regulatory jurisdiction, real property taxes, and special assessments; and to respond to BIA notices of requests from a tribe to proclaim reservation status of trust land. No later than December 1, 2026, the County Comprehensive Plan shall be amended to add a section setting forth standards under which the Board of County Commissioners must base its responses required by this section. Those standards shall allow for the responses to include a recommendation that the requests be denied, granted, or conditioned; they shall address both the positive and/or the negative impacts, as the case may be, of such transfers on the county's interests; and they shall consider the factors which the BIA gives great weight to in approving transfers of land into Tribal trust land status.

Any language in double parentheses with a line through it is existing Clallam County Charter language and will be taken out of the Charter if this measure is approved by voters. Any underlined language does not appear in current Clallam County Charter language but will be added to the Charter if this measure is approved by voters.

Further, the 2025 Clallam County Charter Review Commission, pursuant to Article XI, Sub-Sections 11.20.10 and 11.20.20 of the Clallam County Charter, calls for this Resolution, and the Charter amendment hereby proposed, to be filed with and registered by the Auditor, and for the Charter amendment hereby proposed to be submitted to the voters at the next statewide general election occurring at least 90 days after registration of the proposed amendment by the Auditor.

This Resolution is passed and approved on this ____ day of _____, 2025, by the 2025 Clallam County Charter Review Commission.

Susan Fisch, District 1 Commissioner, Chair

Bill Benedict, District 1 Commissioner

Ron Cameron, District 2 Commissioner

Alex Fane, District 1 Commissioner

Rod Fleck, District 3 Commissioner

Mark Hodgson, District 3 Commissioner

Christy Holy, District 3 Commissioner

Patti Morris, District 2 Commissioner

Chris Noble, District 2 Commissioner

Paul Pickett, District 2 Commissioner

Ron Richards, District 2 Commissioner

Nina Sarmiento, District 3 Commissioner

Jim Stoffer, District 1 Commissioner

Jeff Tozzer, District 1 Commissioner

Cathy Walde, District 3 Commissioner