



BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of October 17 – 21, 2022

16
10/25/22

WORK SESSION – 9 a.m.

The work session convened at 9:00 a.m., Monday, October 17, 2022. Present were Commissioners Ozias, Johnson, and Peach and Administrator Sill.

Items of discussion per the agenda published September 1 were:

- Calendar/Correspondence
- Applicant resolution and authorization with Washington State Recreation and Conservation Office for Lake Pleasant Boat Launch
- Request for temporary easement from Washington State Department of Transportation to use a portion of Lake Aldwell boat launch for discharging groundwater
- Agreement with Scarsella Brothers, Incorporated for construction of Levee tie-ins and flood return channel in the Lower Dungeness River Floodplain restoration area
- Agreement with Scarsella Brothers, Incorporated for removal of Towne Road in the Lower Dungeness River Floodplain restoration area
- Resolution authorizing submission of request to the United States Department of Treasury for release of awarded funding under Section 605 Local Assistance and Tribal Consistency Fund (LATCF) of the American Rescue Plan Act (ARPA) and designation of county contact person
- Overview of the American Rescue Plan Act project and expenditure report for third quarter of 2022

Meeting concluded at 9:52 a.m.

EXECUTIVE SESSION – October 17, 2022 at 1 p.m.

This Executive Session is being held to discuss pending litigation in State v. Winborn, Clallam County Superior Court Case No. 22-2-00421-05. This is a proper matter to be considered in executive session pursuant to RCW 42.30.110(1)(i), which allows for the use of an executive session "to discuss with legal counsel representing the agency litigation ... to which the agency, the governing body, or a member acting in an official capacity is, or is ... a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

The Board convened in open session at 1 p.m. to discuss pending litigation in State v. Winborn, Clallam County Superior Court Case No. 22-2-00421-05. Present were Commissioners Ozias, Johnson, and Peach, Human Resources / Administrator Sill, Human Resources / Deputy Administrator Reyes, Chief Financial Officer Lane, Chief Civil Deputy Prosecuting Attorney Stanley, and Deputy Prosecuting Attorney Boughton.

ACTION TAKEN: CRJm to recess to executive session for 45 minutes, CBPs, mc

Board recessed into executive session at 1:02 p.m.

Board convened in open session at 1:48 p.m.

ACTION TAKEN: CRJm to approve the proposed settlement offer in the pending litigation regarding State v Winborn, CBPs, mc CRJ and CBP in favor of and CMO opposed

Meeting concluded at 1:49 p.m.

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REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, October 18, 2022. Also present were Commissioner Johnson and Peach and Administrator Sill.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as presented, CBPs, mc

PUBLIC COMMENT

- Herb Schairbaum, Sequim, commented on the elections process
- Ed Bowen, Clallam Bay, commented on temporary easement
- Tyson Mink, Port Angeles, commented on Aldwell Timber Sale (see attached)

CONSENT AGENDA

- 1a Approval of vouchers for the week of October 10
- 1b Approval of payroll for the period ending September 30
- 1c Approval of minutes for the week of October 10

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

REPORTS AND PRESENTATIONS

- CBP commented on the Department of Natural Resources
- CRJ commented on Lodging Tax Advisory Committee Strategic Tourism Plan
- CMO commented on opioid settlement, Miller Peninsula State Park meeting, Poet Laureate Program

ADMINISTRATION

- 2a Resolution appointing Craig Jaeger to the Lodging Tax Advisory Committee

ACTION TAKEN: CRJm to approve, CBPs, mc

PUBLIC WORKS

- 3a Resolution establishing government equipment rental schedule for year 2023

ACTION TAKEN: CRJm to approve, CBPs, mc

- 3b Resolution modifying CR 6, 2022 regarding the temporary closure of Cooper Ranch Road – Road No. 20650

ACTION TAKEN: CRJm to approve, CBPs, mc

- 3c Approve updated Right of Way Procedures

ACTION TAKEN: CRJm to approve, CBPs, mc

BUDGET

- 4a Resolution authorizing submission of request to the United States Department of Treasury for release of awarded funding under Section 605 Local Assistance and Tribal Consistency Fund (LATCF) of the American Rescue Plan Act (ARPA) and designation of county contact person

ACTION TAKEN: CRJm to approve, CBPs, mc

PUBLIC COMMENT

- Susan Shothafer, Port Angeles, commented on the election process
- Randy Simmons, Port Angeles, commented on Final Binding Site Plan approval for Island View R.V. Park LDV 2021-00005 – Randy Simmons applicant
- Ed Bowen, Clallam Bay, commented on Federal Issues and Relations Committee, Transportation Project, Clallam County Board of Health Meeting
- Karen Parker, Sequim, commented on the election process (see attached)

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- Karen Walter, Port Angeles, commented on the election process
- William Cutting, Sequim, commented on the election process (see attached)
- John Graham, Port Angeles, commented on the election process
- Trina Berg and Josie Gonser – Towne Road Working Farm Neighborhood, sent in a written comment (see attached)

Meeting concluded at 10:47 a.m. and continued to 9 a.m., Monday, October 24, 2022.

There are no Zoom chat logs for the week of October 17.

The Board of Commissioners attended a WSAC Virtual update, Board of Health Meeting, Miller Peninsula State Park Public Meeting, Coffee with Colleen, Clallam Transit Meeting, Budget Meetings, and Federal Issues and Relations Committee during the week of October 17.

PASSED AND ADOPTED this 25th day of October 2022.

ATTEST:

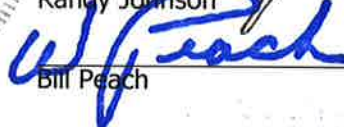

Loni Gores, CMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias, Chair


Randy Johnson


Bill Peach

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CBP Commissioner Bill Peach

m moved
mc motion carried
s seconded

Comment to Commissioners Meeting
October 18, 2022

Public Comment
10/18/22
Herb Scharbaum

Re: Reduction in Observer Participation

Commissioners:

In June and July of this year the Republican Election Integrity Committee asked for, and finally had to demand, that everyone requesting observer training through the party be able to attend the county mandated training. Sixty-three of us requested the training, fifty-nine of us attended and were certified. The training consisted of a power point presentation and handouts, nothing more and no actual explanations of what any of the processes actually consisted of. A copy of that Power Point is being sent to you.

The county training was poor and during the actual primary processing there was very, very little ongoing explanation from the Election Manager as to what staff was doing with the ballots and why, although the opportunity was there for any of them to explain without breaking their rhythm of work. Without that input and because we were genuinely interested, we asked questions. It should be noted that in that Power Point presentation was a slide that specifically said:

“Observers should:

- Question and discuss their observations with the Elections Manager or Auditor.
- Report their observations.”

Despite what was clearly presented on a power point slide, it was clear to us that questions were not allowed. Following the Primary, in reaction to the genuine hostility we felt from staff over our questions, we conducted two-hour workshops with no more than twelve attending at a time. In these workshops we prepared almost every one of our fifty-nine observers to better understand what the machines do, when and why. We stressed the importance of keeping questions to a minimum. We did everything in our power to prepare for the General election—to not disrupt the staff with needless questions.

Just eight days before the General Election we were informed that the number of observers allowed to participate during ballot processing would be reduced from two to one for each party, for each processing room. Reducing observer participation by half is the opposite of opening up the process to transparency!

Request for Observers

- ▶ The County Auditor shall *email* the party chairs:
 - Notify major political party chairs the **date that processing** of mail ballots begins.
 - **Request observers** for the processing and tabulation of mail ballots.
 - The maximum **number of representatives** to observe. Clallam County has set this limit at 6 observers (3 per major political party).

Absence of observers will not prevent the county from their work.

RCW 29A.40.100
WAC 434-250-110

Election Observers Serve an Important Role

Election Observers protect the integrity of the election by impartially observing process activities.



When Are Observers Present?

- ▶ Election Observers are requested for every aspect of the process:
 - Logic and Accuracy testing
 - Election Center and Annex activities / processing mail-in ballots
 - Batch Audit
 - Canvassing Board meetings / certification of the election
 - Recounts (if applicable)
- ▶ Different election observers may be assigned to each part of the process

RCW 29A.40.100
WAC 434-250-110

Election Observers

Observers should:

- ▶ Question and discuss their observations with the Elections Manager or Auditor.
- ▶ Report their observations.

Observers may not:

- ▶ Obstruct the process.
- ▶ Touch ballots or containers.
- ▶ Operate vote tallying systems.
- ▶ Be an election worker hired to process ballots.



Signature Checking

- ▶ The process of verifying that a voter's signature on their voted ballot envelope matches that of their voter registration record.
- ▶ All Clallam County signature checkers have taken training provided by the Washington State Patrol and/or Secretary of State's Office.

RCW 29A.60.165
WAC 434-261-050



Random Check of Ballot Counting Equipment

- ▶ Political party election observers are invited to observe this mandatory process
 - Up to six batches may be selected.
 - Must be completed no later than 48 hours after Election Day.
 - Selected batches are hand counted, hand tally is then compared to machine report for that batch.



321 East Fifth Street
Port Angeles, WA 98362

Public comment-
10/18/22
tyson minkus

September 29, 2022

Hilary Franz, Commissioner of Public Lands

Office of the Commissioner of Public Lands
MS47001
Olympia, WA 98504-7001

RE: Aldwell Timber Harvest Auction #102215

Dear Commissioner Franz:

On behalf of the City Council of Port Angeles, I request that you delay the Aldwell timber harvest auction #102215, and further request that this important legacy forest be considered for the Carbon Offset Program. It is critically important that you allow the City and other stakeholders the time to review impacts to watershed and Climate Action Plan policies. City Council unanimously voted September 20, 2022 to voice their concerns via a letter regarding the timber auction.

On September 6, 2022, the Washington Board of Natural Resources approved the logging of timber in the Elwha River watershed, referred to as the Aldwell timber sale. If your office approves the sale of this legacy timber, the timber will go to auction. This action will be the demise of a valuable legacy forest on the Olympic Peninsula.

For a number of reasons, this sale has detrimental effects on the citizens of the Olympic Peninsula and the community of Port Angeles. Legacy forests store and sequester carbon and aid in reducing climate change. Timber and complex forest canopies provide major biodiversity to our area that we cannot stand to lose. The City has an obligation to our citizens to protect our local water supply and it is important to share that through interlocal agreements this water is purveyed beyond City boundaries. As a City we must have ample time to review the long-term impacts to our local water supply and the watershed that contributes to it. The forests are a valuable resource to local tribes, and these lands must be protected. The federal government spent millions on restoration work during dam removal and re-establishing the Elwha River Watershed and therefore we must be diligent with decision making in this area.

The City initially commented on this sale on May 26, 2022 and requested you consult with us prior to making a decision. In addition, we requested additional time for review. We again request that any decision be delayed on the Aldwell timber harvest auction until you have had time to directly consult with the City of Port Angeles and our neighboring Lower Elwha Klallam and Jamestown S'Klallam Tribes.

Sincerely,


Kate Dexter
Mayor

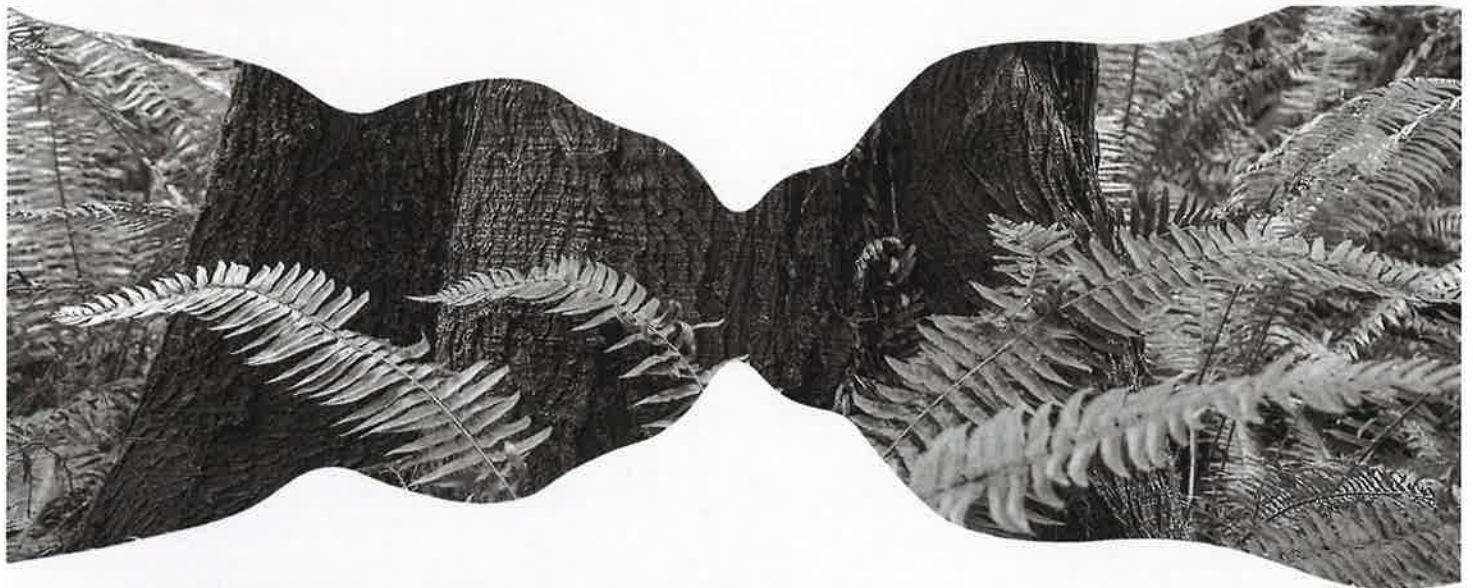
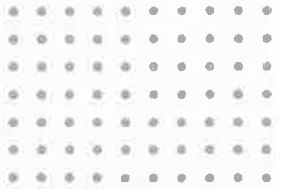
CC: Senator Kevin Van De Wege
Representative Steve Tharinger
Representative Mike Chapman



Together we can protect this approx.
100 acres of legacy forest!

STOP WA STATE FROM LOGGING LEGACY/ OLD-GROWTH FOREST IN ELWHA RIVER VALLEY

**WA Board of Natural Resources just
approved logging in the Elwha River
Watershed (the "Aldwell" timber sale).**



VISIT THE FOREST:

Sunday, Oct. 23, 11-2pm.

Meet at the Madison Falls Trailhead parking lot.



Email: Elizabeth at
edunne@earthlaw.org
with questions and to learn
how you can help.

REGISTER NOW



Comment to Commissioners Meeting
October 18, 2022

Public comment
10/18/22
Karen Parker

RE: Random Batch Manual Count

Commissioners:

The fact that batches for the manual audit were chosen through a Google Random Number Generator PRIOR to the primary election and without Observer input should make every citizen concerned. An audit should not allow those who process the batches to know ahead of time which of those batches will be audited. A TRUE audit would not allow the same people who run the batches to audit the batches. To correct for that we have observers. It is only because we had a very observant observer that this was caught and corrected.

For this General election, at least, it is our understanding that the batches chosen for the General election manual audit will not be prechosen prior to the election, but instead batch numbers will be chosen by both political parties and those batch choices need be handed to the Auditor no later than Monday, November 7. This solution, however, does not adequately address the problem.

The audit proof solution for the Random Batch Audit can be found by selecting the audit batches in the ballot count room in real time with the observers who are going to watch the audit in the room. We recommend not selecting the batches in advance in any way. That is NOT a random audit.

The reason behind this solution to a fair and transparent audit is we don't know until the day of the random audit how many batches have been processed. As an example, in the Primary, the day after election when the random audit was done, there were 20,788 ballots that had been tabulated out of 28,636 ballots counted (and on the shelves), leaving 7,848, or over a quarter of the ballots that had not yet been processed, not eligible for audit.

We are asking the Auditor and Canvassing Board to reconsider the Random Batch Audit and take our suggestions in the spirit in which it is offered—to ensure transparency and fairness in the Clallam County election process and leaving as little possibility as possible to have the audit challenged in the future.

Sincerely,

Certified Election Observers
Republican Party
Clallam County

Comment to Commissioners Meeting
October 18, 2022

Public comment
10/18/22
William Cutting

RE: Live Cams

Dear Commissioners:

We are here today to report that there has been progress toward election transparency in Clallam County. We now understand that live cams will be operational 24/7 in the election offices although they will still be routed through YouTube with the same poor resolution. We appreciate this gesture toward election transparency. We have been informed that there is surveillance camera installation and upgrading going on throughout the courthouse. We've previously asked about the possibility of cameras on the eight ballot boxes scattered across the county. Is that being considered either now or in the future? *Also, is there access to these camera's 24/7 since it is a public building*

Election observers are gearing up to watch ballot boxes 24/7 as we did for the Primary. We respect and will follow the 25-foot rule and will call law enforcement should we witness anything that looks illegal occurring at or around the boxes. However, live cams operational during the election periods would eliminate the need for observers at the ballot boxes and would silence political critics who think it is a terrible thing to lawfully watch the ballot boxes during an election.

Some of those critics took it way too far during the Primary and staged cars at the ballot boxes, intentionally blocking the boxes, claiming those cars belonged to ballot box observers from the Republican party. That was false and we have the photos to prove it was no one from the Republican party, but rather a staged event to cause trouble for the ballot box observers and subsequently the Republican party.

The ballot box observers who were harassed, attacked, and intimidated by those who objected to our presence at the ballot boxes managed themselves well, calling the Sheriff when things got dangerously out of hand. Again, we have video, photos and police reports attesting to our restraint and professionalism as some of our observers were unlawfully confronted for lawfully observing ballot boxes during an election. The point being to this narrative? Live cams would be safer for all concerned and an asset to the election process either proving or disproving ballot box tampering and serving as a deterrent to those who might wish to illegally affect the votes in our county. Please consider installing 24/7 live cameras at the ballot boxes.

Sincerely,

Certified Election Observers
Republican Party
Clallam County

A SIMPLE NON-PARTISAN GUIDE TO HELP INSURE A FREE AND FAIR ELECTION

Public Comment
10/18/22
John Graham

DID YOU KNOW THAT:

1. Voting by Mail or Dropbox makes your ballot extremely vulnerable to alteration and/or deletion
2. Voting on any day EXCEPT Election Day gives advance notice for those who want to know how many votes must be fraudulently manufactured to install a pre-chosen candidate

THEREFORE!!!

- **VOTE IN-PERSON ONLY ON ELECTION DAY NOV 8, 2022**
- **DO NOT OPEN ANY Ballots mailed to you.** INSTEAD, bring it along with you to your polling location in the event they tell you that you have already voted by mail. If this happens, immediately contact your Sheriff (NOT the Police), and report that your identity has been stolen. Show your unopened ballot as proof you haven't already voted. Keep your ballot's for future proof (*work with Sheriff & Staff before leaving*)
- If voting on paper ballot at the polling location, only **use a BLUE ball point pen** (take one along with you) - this avoids unauthorized copies

FINALLY

- Use Write-in Candidate option if available, or choose "None of the Above" instead of voting for someone you despise. This sends a **STRONG** message.



Turn over
↓

AMERICA'S FRONTLINE DOCTORS
**CITIZEN
CORPS**
BE BRAVE • TAKE ACTION • LIVE FREE

To: Clallam County Commissioners; Clallam County Planning Department;
Kathy Lear
From: Towne Road Working Farm Neighborhood
Re: Draft TIP for 2023
Date: October 16, 2022

Public
Comment
10-18-22
Trina Berg & Josie Gonser
RECEIVED
CLALLAM CO. COMMISSIONERS

OCT 17 2022

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

We would like to thank Commissioner Mark Ozias and Chief Road Engineer Joe Donisi for maintaining contact with us since our last meeting on September 15, 2021. Their efforts to keep us apprised throughout the construction of the Lower Towne Road Levee section is very much appreciated.

The construction activity this summer has had a big impact on the livability for all the residents who live along Towne Road. Our close proximity to the road has amplified the impacts. Our neighborhood has witnessed and endured high truck volume and speed, long hours of operation, as well as a general concern for air quality due to dust, general safety and livability. This has strengthened our resolve as a neighborhood to be actively involved with any future planning for Towne Road.

We understand the value of the Lower Towne Road Levee project and appreciate the vision and years of work that went into making it a reality. Please help us look upon it as a positive part our unique neighborhood by involving us in any future design efforts for Towne Road as the project continues to the south through farmland and our residential neighborhood.

Towne Road needs to be more than just a thoroughfare for cars and trucks. We want to feel safe walking and biking as we access the natural beauty and recreational opportunities that the Dungeness River provides at our doorsteps. A well designed Towne Road can build connections for people, fish and farms.

Sincerely,

Trina Berg and Josie Gonser

On behalf of the Towne Road Working Farm Neighborhood

To: Clallam County Commissioners; Clallam County Planning Department
From: Concerned Citizens of Towne Road Working Farm Neighborhood,
Re: Draft TIP for 2021
Date: November 3, 2020

Towne Road has 2 projects listed in the draft TIP for 2021, #28 and #29. The section that we call the Towne Road Working Farm Neighborhood is the southern $\frac{3}{4}$ mile of project #29 (from Cougar Heights Rd. to the Dungeness Creamery).

Both of the Towne Road projects on either side of our neighborhood section are 'good to go'; they are already designed and fully funded. Our Towne Road Working Farm Neighborhood piece has many obstacles to planning and has yet to be designed. We haven't even had a stakeholders' meeting with the County yet.

Our section is a hard nut to crack. Please look at it differently. It sits upon a very narrow geologic esker that falls away quickly to the west. Consequently many of the houses are sited close to the road. This poses many design obstacles when trying to overlay a standard road widening template. We think we have unique qualifications to justify an alternative set of design solutions that would include traffic calming elements.

We would like to work with the County to develop a plan that addresses our many concerns, such as speed and safety, loss of signature trees, rural character, and privacy. We want a road designed to enhance and define our neighborhood.

Our Towne Road Working Farm Neighborhood piece is not ready to move forward like the other parts of the overall Towne Road project. Please press the pause button in order to address our concerns and create a plan that meets the goals of the County while balancing our private property issues.

Sincerely,

Towne Road Working Farm Neighborhood

Janis Berg

Yvonne Yokota

[Signature]

Arthur [Signature]

[Signature]

David [Signature]
Catherine [Signature]

BL Berg

MARK [Signature]

Susan Cooper

C Nash Hub

[Signature]

[Signature]
Sue a [Signature]

[Signature]
David McArthur