



WORK SESSION AGENDA

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street Room 160

Port Angeles, Washington

Monday, October 17, 2022 – 8:00 a.m.

Board of Clallam County Commissioner 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: 875 561 7844 and passcode: 12345

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

This meeting can be viewed on a live stream at this link: <http://www.clallam.net/features/meetings.html>

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

Administration – 9 a.m.

1. Calendar/Correspondence
2. Applicant resolution and authorization with Washington State Recreation and Conservation Office for Lake Pleasant Boat Launch

Resolution and authorization 

Public Works

3. Request for temporary easement from Washington State Department of Transportation to use a portion of Lake Aldwell boat launch for discharging groundwater

Temporary easement 

Community Development

4. Agreement with Scarsella Brothers, Incorporated for construction of Levee tie-ins and flood return channel in the Lower Dungeness River Floodplain restoration area

Agreement 

5. Agreement with Scarsella Brothers, Incorporated for removal of Towne Road in the Lower Dungeness River Floodplain restoration area

Agreement 

Board of Commissioners

6. 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 (4a)*

Resolution 

Budget

7. Overview of the American Rescue Plan Act project and expenditure report for third quarter of 2022

Review 

Item 7 additional document - submitted after agenda packet was posted on 10/13/22 

General Discussion/Items for Future Agendas

- A. Joint Meeting with Port of Port Angeles (October 24 at 11 a.m.)
- B. Department of Natural Resources quarterly report (November 28 at 1 p.m.)

EXECUTIVE SESSION - 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 may recess into Executive Session to consider employment or dismissal of personnel, to review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110

Executive Session 

- Other items may be added at the discretion of the Board and additional Work Sessions may be scheduled if more time is needed to allow for adequate discussion.
- Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board.
- Copies of public documents from Board meetings are available by contacting the Public Records Department.



AGENDA ITEM SUMMARY

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

2
10/17/22

Department: Parks, Fair, & Facilities

WORK SESSION ☒ **Meeting Date:** 10.17.2022

REGULAR AGENDA ☒ **Meeting Date:** 10-29-22

Required originals approved and attached? ☐

Will be provided on:

Item Summary:

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

Documents exempt from public disclosure are attached: ☐

Executive summary:

In order to submit an RCO Boating Facilities Grant Application for Lake Pleasant Boat Launch, the Commissioners must sign an Applicant Resolution / Authorization (see attached)

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

The grant has a 25% match which has been budgeted for in the 2023 capital plan.

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

Sign the Applicant Resolution / Authorization

County Official signature & print name:  Don Crawford, Director

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Road
Department and Parks, Fair and Facilities Department

Relevant Departments: Board of Commissioners, Parks, Fair & Facilities

Date submitted: 10-10-22

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



Applicant Resolution/Authorization

Organization Name (sponsor) Clallam County Parks, Fair, & Facilities Department

Resolution No. or Document Name RCO Boating Facilities Grant

Project(s) Number(s), and Name(s) Lake Pleasant Boat Launch

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Don Crawford, Director Clallam County Park, Fair, & Facilities
Project contact (day-to-day administering of the grant and communicating with the RCO)	Don Crawford, Director Clallam County Park, Fair, & Facilities
RCO Grant Agreement (Agreement)	Don Crawford, Director Clallam County Park, Fair, & Facilities
Agreement amendments	Don Crawford, Director Clallam County Park, Fair, & Facilities
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property

acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only-If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only-If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title _____ Date _____

On File at: _____

This Applicant Resolution/Authorization was adopted by our organization during the meeting held:
(Local Governments and Nonprofit Organizations Only):

Location: _____ Date: _____

Washington State Attorney General's Office

Approved as to form Brian Teller 2/13/2020
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.



3
10/17/22

AGENDA ITEM SUMMARY

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

Department: Public Works/Roads

WORK SESSION ☒ **Meeting Date: 10/17/2022**

REGULAR AGENDA ☒ **Meeting Date: 10/25/2022**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

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

Documents exempt from public disclosure attached: ☐

Executive summary:

Washington State Department of Transportation would like a Temporary Construction Easement to use a portion of the Lake Aldwell boat launch for discharging groundwater from the construction site of the Elwha bridge and plant establishment. The term is until 12/31/2027. They will not restrict access to the public for parking or access to adjacent public lands.

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

None

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

Approve

County Official signature & print name:.. Steve Gray

Name of Employee/Stakeholder attending meeting: Steve Gray & Linda Capps

Relevant Departments: Roads

Date submitted: 10/11/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

After recording return document to:

State of Washington
Department of Transportation
Real Estate Services Office
P O Box 47338
Olympia WA 98504-7338

Document Title: Temporary Easement
Reference Number of Related Document: N/A
Grantor: Clallam County
Grantee: Washington State Department of Transportation
Legal Description: SWSE & SESW Section 21, Township 30 North, Range 7 West W.M.
Additional Legal Description is on Page 3 of Document.
Assessor's Tax Parcel Number: 073021340500

TEMPORARY EASEMENT

US 101 Elwha River Bridge Replacement MP 239.23 - MP 239.93

The Grantor, Clallam County, a political subdivision of the State of Washington, for and in consideration of the sum of TEN AND NO/100 (\$10.00) Dollars, and other valuable consideration, conveys and grants unto the State of Washington, acting by and through its Department of Transportation, and its assigns, Grantee, under the imminent threat of the Grantee's exercise of its right of Eminent Domain, the right, privilege and easement over, upon, and across the hereinafter described lands for the purpose of placing personnel and equipment on said lands for discharging groundwater from adjacent construction site and plant establishment.

Said lands being situated in Clallam County, State of Washington, as described in Exhibit A, attached hereto, and made a part of.

The term of this Temporary Easement shall commence on the date of acceptance of this Temporary Easement by Grantee and shall terminate on 12/31/2027.

Grantee's use and occupancy of the said lands will not restrict access to the public for parking, turnaround at the end of Lake Aldwell Road and access to adjacent public lands.

Grantee shall provide Grantor written notice no less than 30 days in advance of Grantee's intent to exercise its rights under this Temporary Easement.

It is understood and agreed that delivery of this temporary easement is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, by and through its Department of Transportation, by its authorized agent.

Dated: _____, _____

By: _____
Name

By: _____
Name

Accepted and Approved

STATE OF WASHINGTON
Department of Transportation

By: _____
Cyndi Booze, Olympic Region
Real Estate Services Manager

Date: _____

STATE OF WASHINGTON)
)
) ss
County of Clallam)

On this _____ day of _____, 2022 before me personally appeared _____ to me known to be the _____ of Clallam County, a political subdivision of the State of Washington, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Clallam County for the uses and purposes therein mentioned, and on oath stated that (he/she/they) (is/are) authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of Washington,
residing at _____

My commission expires _____

EXHIBIT A

That portion of the Southwest Quarter of the Southeast Quarter and of the Southeast Quarter of the Southwest Quarter in Section 21, Township 30 North, Range 7 West W.M., Clallam County, Washington, described as follows:

Beginning at Engineer's Station 28 + 00 as described in Quit Claim Deed recorded March 18, 1968 under Auditor's File No.379986;

Thence North 36° 32' West, 50 feet; .

Thence North 53° 28' East, 550 feet;

Thence South 36° 32' East, 53 feet, more or less, to the West edge of Lake Aldwell;

Thence Southwesterly along the West edge of said Lake to a point 50 feet, more or less, South 36° 32' East of the Point of Beginning;

Thence North 36° 32' West 50 feet, more or less, to the Point of Beginning.

Situate in the county of Clallam, State of Washington.

Grantor's Initials



REAL PROPERTY VOUCHER

DEPARTMENT OF TRANSPORTATION Real Estate Services PO Box 47338 Olympia, WA 98504-7338		GRANTOR OR CLAIMANT (NAME & ADDRESS) Clallam County 223 E. 4th St. Port Angeles, WA 98362		SWV NO.: SW000020043		
PROJECT NO. 310135F						
RW PLAN TITLE US 101 Indian Creek to Elwha River Vicinity						
FEDERAL AID NO. NHPP-0101(378)	PARCEL NO. 3-11126	WORK ORDER: RW5520	GROUP: 01	WORK OP: 0221	C.S.: 050115	ORG NO.: 433101
VOUCHER NO.:		I hereby certify under penalty of perjury that the items and amounts listed herein are proper charges against the State of Washington, that the same or any part thereof has not been paid, and that I am authorized to sign.				
AMOUNT:		SIGNATURE IN INK FOR EACH CLAIMANT:		DATED		
LAND	\$48,000.00	SIGNATURE:				
IMPROVEMENTS	\$0.00	PRINT NAME:				
DAMAGES:		SIGNATURE:		DATED		
COST TO CURE:	\$0.00	PRINT NAME:				
PROXIMITY:	\$0.00	SIGNATURE:		DATED		
OTHER:	\$0.00	PRINT NAME:				
SPECIAL BENEFITS	\$0.00	SIGNATURE:		DATED		
REMAINDER	\$0.00	PRINT NAME:				
DEDUCTIONS:		SIGNATURE:		DATED		
AMOUNT PREVIOUSLY PAID	\$0.00	PRINT NAME:				
PERFORMANCE BOND	\$0.00	SIGNATURE:		DATED		
SALVAGE AMOUNT	\$0.00	PRINT NAME:				
PRE-PAID RENT	\$0.00	SIGNATURE:		DATED		
OTHER	\$0.00	PRINT NAME:				
ADMINISTRATIVE SETTLEMENT	\$0.00	ACQUISITION AGENT:		DATE		
STATUTORY EVALUATION ALLOWANCE	\$0.00	BY: Asmahan Ahmath				
ESCROW FEE	\$0.00	AUTHORIZED SIGNATORY FOR WSDOT:		DATE		
REAL ESTATE EXCISE TAX	\$0.00	BY:				
OTHER:	\$0.00	TOTAL AMOUNT DUE:		\$48,000.00		



AGENDA ITEM SUMMARY

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

4
10/17/22

Department: DCD

WORK SESSION ☒ Meeting Date: 10.17.2022

REGULAR AGENDA ☒ Meeting Date: 10.25.2022

Required originals approved and attached? ☒

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # 334.21.005-1 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

The attached agreement with Scarsella Brothers, Incorporated provides for construction of levee tie-ins and the flood return channel in the lower Dungeness River floodplain restoration area. The tie-ins and flood return channel are important elements of flood hazard protection and are a requirement of the US Army Corps of Engineer permitted design. It is critical to have these features installed prior to the start of flood season.

Under Emergency Resolution 83 signed by the Commissioners on August 2, 2022, Scarsella has submitted the proposal to ensure that the tie-ins and flood return channel are in place prior to the start of the flood season.

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

This work is included in the revised 2022 Lower Dungeness Floodplain Restoration budget that was approved by BOCC on October 11, 2022.

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

Staff recommends approving the change order.

County Official signature & print name: Rich Meier

Name of Employee/Stakeholder attending meeting: Rich Meier/Cathy Lear

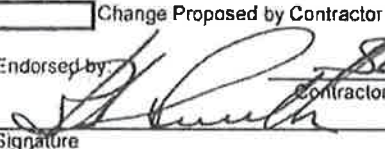
Relevant Departments: DCD, Public Works

Date submitted: 10.12.2022

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

**CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
CHANGE ORDER SUMMARY AND CONTRACT VALUE CHANGE ESTIMATE**

334-21-005-1

Project Title: Lower Dungeness River Floodplain Restoration and Levee/Road Realignment Project / Phase 1 Earthwork		Project Engineer: Tyler Stephens, PE
Sheet 1 of 1	Date: 8/16/2022	CO No. 007
☒ Order by Engineer under terms of Section 1-04.4 of Standard Specifications ☐ Change Proposed by Contractor		To: Mike Wilson Address: Scarsella Brothers, Inc. 8404 South 196th Street Kent, WA 98031 Phone: (253) 872-7173 Fax No: (253) 395-1209 Contract No.: N/A County Road No.: N/A Federal Aid No.: N/A
Endorsed by:  Contractor Firm Name: Scarsella Bros., Inc. Date: Aug. 24, 2022		
Signature: _____ Date: _____ Title: N/A Consent Given By Surety: (when required see Sec. 1-04.4)		Approval by: Tyler Stephens Date: 8/16/2022 Date Work Began: 8/4/2022
By: _____ Attorney-in-Fact Date: _____		

CHANGE ORDER

CHANGE ORDER

007 Construct North and South Setback Levee Tie Ins and Flood Return Channel per Phase 2 Project Plans and Special Provisions

Please see attached change order descriptions, justifications, quantities, affected bid items and contract value change estimates.

CHANGE ORDER NO.	DESCRIPTION	UNIT MEAS.	UNIT PRICE	ESTIMATED QUANTITY CHANGE	ESTIMATED AMOUNT CHANGE	ACCT CODE
007A	Construct North and South Setback Levee Tie Ins	See Detail			\$ 3,279,448.50	
007B	Construct Flood Return Channel	See Detail			\$ 882,764.00	
TOTAL ESTIMATED CHANGE					\$ 4,162,212.50	

All work, materials, and measurement to be in accordance with the provision of the Standard Specifications and Special Provisions for the type of construction involved.

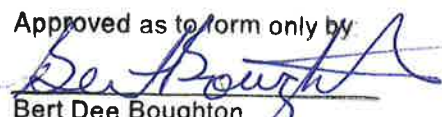
ORIGINAL CONTRACT AMOUNT	CHANGE IN WORKING DAYS	CURRENT CONTRACT AMOUNT	ESTIMATED NET CHANGE THIS ORDER	ESTIMATED CONTRACT TOTAL AFTER CHANGE
\$5,529,123.55	49	\$5,527,195.83	\$ 4,162,212.50	\$9,689,408.33
APPROVAL RECOMMENDED		APPROVAL		
 Project Engineer Date: 8-25-22		 Clallam County Date: 8-26-22		

CLALLAM COUNTY BOARD OF COMMISSIONERS

Mark Ozias, Chair

CO_007_Cover Sheet_20220817.xlsxCO

Approved as to form only by:


 Bert Dee Boughton
 Civil Deputy Prosecuting Attorney
 Clallam County

CHANGE ORDER DESCRIPTION

TO: Cathy Lear, Joe Donisi (Clallam County)

DATE: August 16, 2022

PROJECT: LDRC-P1

PROJ. #: Clallam Cty 2021-049

SUBJECT: Change Order 007 – Phase 2 North and South Levee Tie Ins, Flood Return Channel

CHANGE ORDER DESCRIPTION

This change order incorporates specific elements of the planned Phase 2 Project construction into the Phase 1 Project contract. These items include constructing the North Levee tie in to the existing Dungeness Levee, the North Levee West Access Ramp, the Towne Road Levee tie in to River's Edge Levee, the Towne Road roadway embankment south of the tie in to River's Edge Levee, and placing riprap on Towne Road Levee near the tie in to River's Edge Levee. This change order also incorporates flood return channel construction as shown in the Phase 2 Project Drawings. All Phase 2 Project elements will be constructed as specified in the Phase 2 Special Provisions.

REASON FOR CHANGE

Removal of the existing US Army Corps of Engineers Dungeness Levee upstream of the County Project began in May 2022 and continues through the summer. This work opens the County Project site to 2022-2023 flood season impacts. Under an emergency declaration, the County is constructing the portions of the planned Phase 2 work described above as part of the Phase 1 contract to provide flood protection during the 2022-2023 flood season.

MEASUREMENT AND PAYMENT

This change order results in a net change in total contract cost of \$4,162,212.50.

BID PROPOSAL
LOWER DUNGENESS RIVER FLOODPLAIN RESTORATION &
LEVEE/ROAD REALIGNMENT PROJECT- PHASE 2 FLOOD RETURN
CHANNEL

To the Board of County Commissioners of Clallam County Port Angeles, Washington

Gentlemen:

This certifies that the undersigned has examined the Contract Plans and Specifications for this improvement project, and has examined the location of

LOWER DUNGENESS RIVER FLOODPLAIN RESTORATION & LEVEE/ROAD REALIGNMENT
PROJECT- PHASE 2 FLOOD RETURN CHANNEL

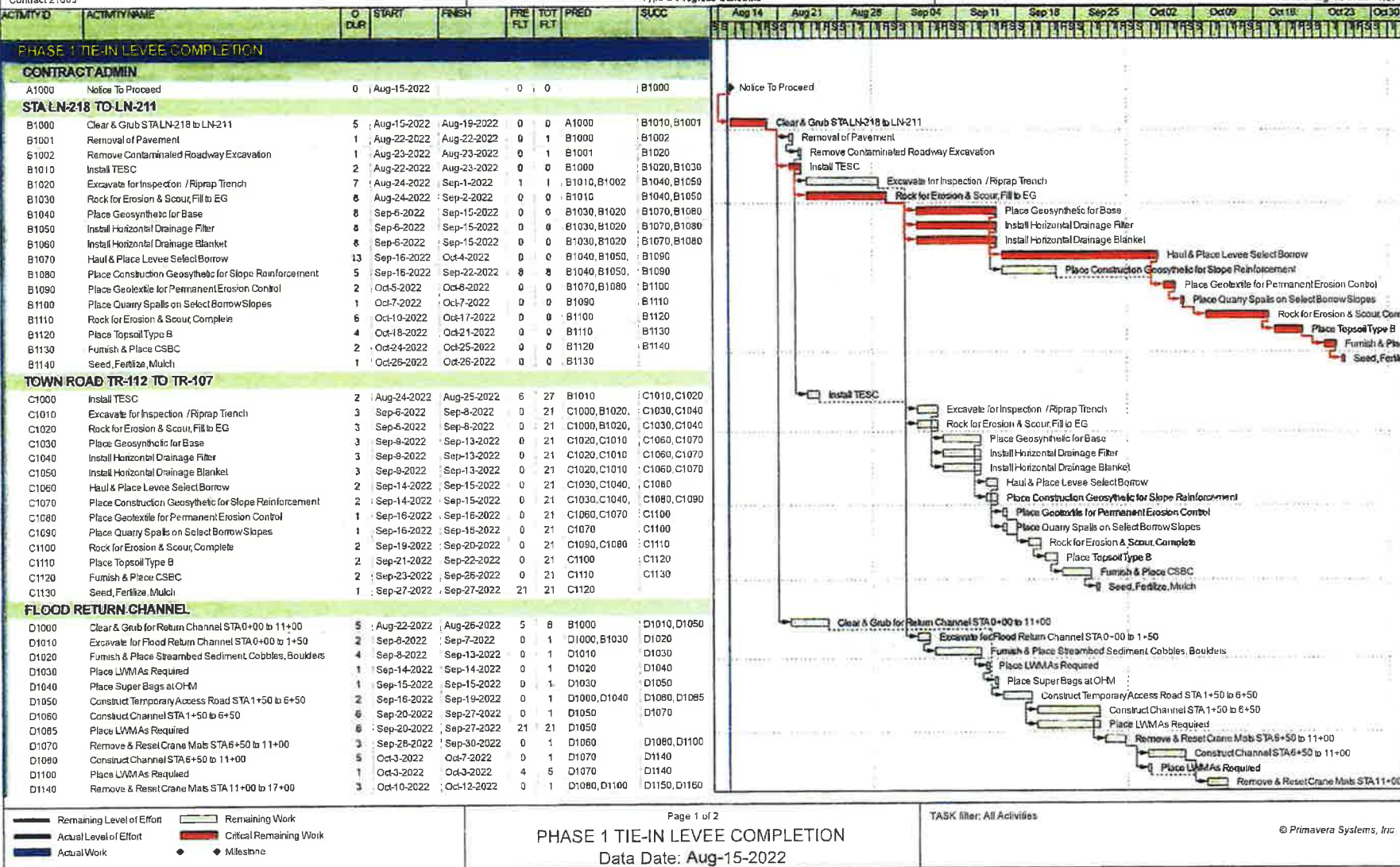
included within said improvement project. The signatory on the Proposal Signature Page further certifies that he/she understands the plans, specifications and contract governing the work embraced in this improvement, and the method by which payment will be made for said work. Unanticipated financial constraints on the part of the County may result in curtailment or limiting of this improvement project to as much of the work as can be completed with the money available. The undersigned hereby proposes to undertake and complete the work embraced in this improvement project in accordance with the said plans, specifications and contract, and the following schedule of rates and prices:

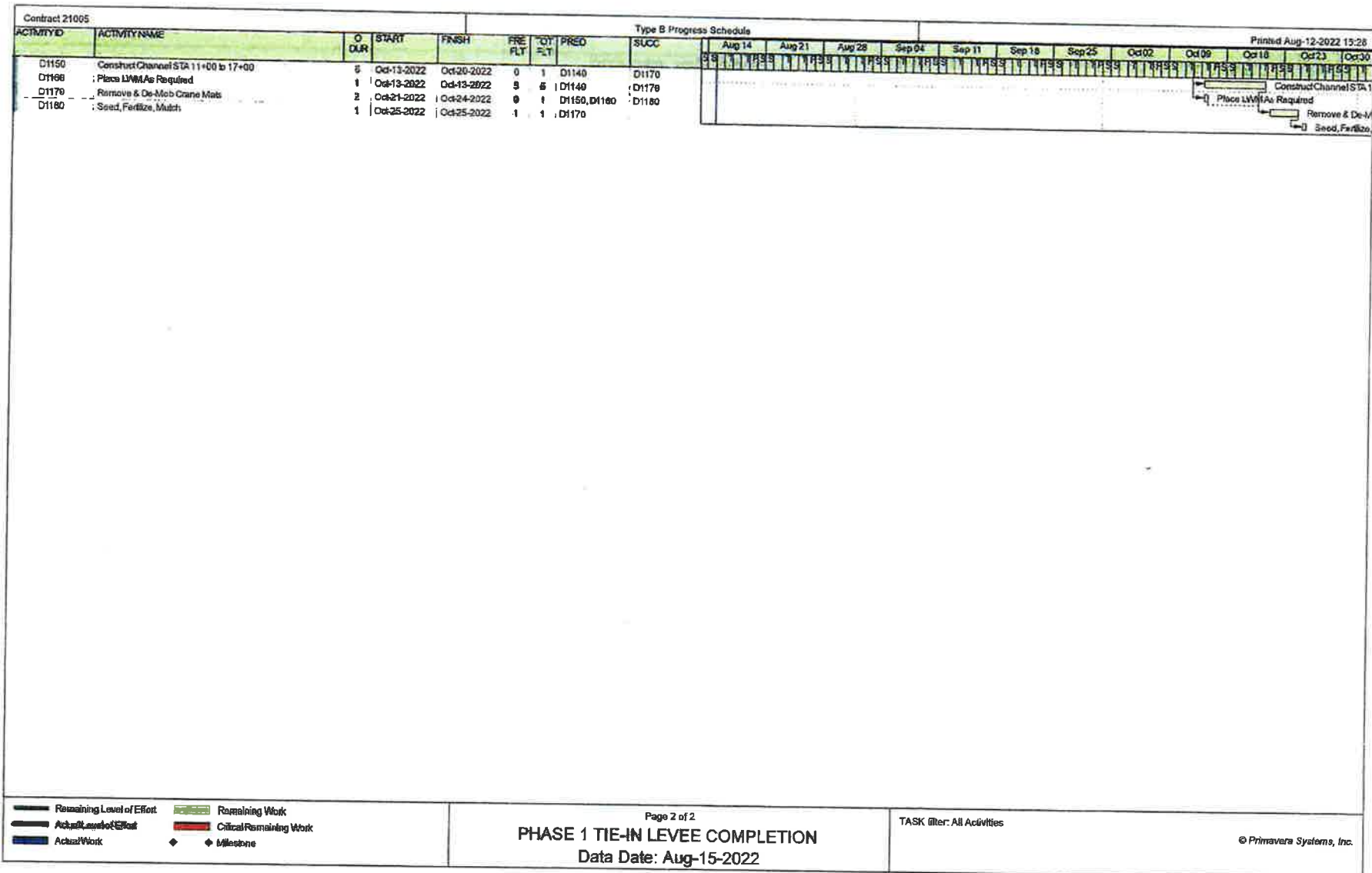
NOTE: Unit Prices and Unit Totals for all items, and the Bid Total shall be shown, and shall be shown in figures only. Figures written to the right of the dot (decimal) in the Unit Price and Unit Total columns shall be interpreted as cents. Unit prices shall include sales tax. All entries must be typed or entered in ink. If a discrepancy exists between the Unit Price and the Unit Total, the Unit Price will control.

NO.	APRX QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	1	LS	TEMPORARY ACCESS	\$ 295,000.00	\$ 295,000.00
2	1	LS	RECORD DRAWINGS	\$ 2,000.00	\$ 2,000.00
7	1	LS	MOBILIZATION / DEMOBILIZATION	\$ 25,000.00	\$ 25,000.00
8	1	EST	PROJECT TEMPORARY TRAFFIC CONTROL (ADDITIONAL FROM LEVEE TRAFFIC CONTROL, IF NEEDED, BY FORCE ACCOUNT)	\$ 10,000.00	\$ 10,000.00
9	1.20	AC	CLEARING AND GRUBBING INCL. HAUL	\$ 25,000.00	\$ 30,000.00
22	4,100	CY	CHANNEL EXCAVATION	\$ 62.30	\$ 255,430.00
41	9	EA	LWM TYPE 1	\$ 2,525.00	\$ 22,725.00
42	3	EA	LWM TYPE 2	\$ 3,550.00	\$ 10,650.00
43	3	EA	LWM TYPE 3	\$ 6,070.00	\$ 18,210.00
44	5	EA	LWM TYPE 4	\$ 2,285.00	\$ 11,425.00
45	-	EA	LWM TYPE 5		\$ -
46	5	EA	LWM TYPE 6	\$ 2,860.00	\$ 14,300.00
62	1	EST	EROSION CONTROL AND WATER POLLUTION PREVENTION (ADDITIONAL FROM LEVEE CONSTRUCTION, BY FORCE ACCOUNT)	\$ 5,000.00	\$ 5,000.00
63	2,300	LF	HIGH VISIBILITY SILT FENCE	\$ 5.50	\$ 12,650.00
64	580	SY	BIODEGRADABLE EROSION CONTROL BLANKET FOR DITCHES	\$ 7.10	\$ 4,118.00
80	175	TON	STREAMBED SEDIMENT	\$ 80.00	\$ 14,000.00
81	525	TON	STREAMBED COBBLE 10"	\$ 80.00	\$ 42,000.00
83	175	TON	ONE MAN STREAMBED BOULDERS	\$ 90.00	\$ 15,750.00
99	0.60	AC	HYDROSEEDING, FERTILIZING, MULCHING - EROSION CONTROL SEED MIX	\$ 5,210.00	\$ 3,126.00
100	0.60	AC	HYDROSEEDING, FERTILIZING, MULCHING - WETLAND EMERGENT SEED MIX	\$ 5,300.00	\$ 3,180.00
101	56	DAY	DEWATERING (6 INCH DIESEL PUMP)	1,575.00	\$ 88,200.00
			Equipment, Labor, & Material		882,764.00

Preliminary Quantity Estimates for Phase 1 Change Order estimating of completing levee fill work for flood protection 2022

#	Quantity	Unit	Description	Unit Cost	Total Cost
1	1.00	LS	MOBILIZATION	\$ 275,000.00	275,000.00
1	2.35	AC	CLEARING AND GRUBBING INCL. HAUL	\$ 25,000.00	58,750.00
2	2,600	SY	REMOVAL OF PAVEMENT	\$ 8.00	20,800.00
3	4,790	CY	ROADWAY EXCAVATION INCL. HAUL	\$ 33.60	157,920.00
4	90	CY	CONTAMINATED ROADWAY EXCAVATION INCL. HAUL	\$ 160.30	14,427.00
5	19,300	CY	ROAD/LEVEE SELECT BORROW (IMPORT)	\$ 40.10	781,950.00
6	2,610	CY	COMMON BORROW	\$ 27.30	71,253.00
7	1,225	CY	HORIZONTAL DRAINAGE FILTER (IMPORT) INCL. HAUL	\$ 53.60	65,110.00
8	830	CY	HORIZONTAL DRAINAGE BLANKET (IMPORT) INCL. HAUL	\$ 55.60	46,148.00
9	11,300	SY	CONSTRUCTION GEOSYNTHETIC FOR BASE REINFORCEMENT	\$ 14.55	164,415.00
10	3,250	SY	CONSTRUCTION GEOSYNTHETIC FOR SLOPE REINFORCEMENT	\$ 4.70	15,275.00
11	7,125	SY	CONSTRUCTION GEOTEXTILE FOR PERMANENT EROSION CONTROL	\$ 4.40	31,350.00
12	5,630	SY	CONSTRUCTION GEOTEXTILE FOR SEPARATION	\$ 2.30	12,995.00
13	975	CY	CRUSHED SURFACING BASE COURSE (CSBC)	\$ 68.10	66,397.50
14	75	CY	CRUSHED SURFACING TOP COURSE (CSTC)	\$ 73.10	5,482.50
15	310	CY	BALLAST	\$ 63.50	19,685.00
16	2,410	CY	TOPSOIL TYPE B INCL. HAUL	\$ 16.65	40,126.50
17A	1,610	TON	ROCK FOR EROSION AND SCOUR PROTECTION, CLASS A, INCL. HAUL (CLALLAM COUNTY PIT)	\$ 89.41	143,950.10
17B	1,610	TON	ROCK FOR EROSION AND SCOUR PROTECTION, CLASS A, INCL. HAUL (NON CLALLAM COUNTY PIT)	\$ 120.60	194,166.00
18A	3,990	TON	ROCK FOR EROSION AND SCOUR PROTECTION, CLASS A, INCL. HAUL (CLALLAM COUNTY PIT)	\$ 89.41	356,745.90
18B	3,990	TON	ROCK FOR EROSION AND SCOUR PROTECTION, CLASS B, INCL. HAUL (NON CLALLAM COUNTY PIT)	\$ 120.60	481,194.00
19	1,150	TON	QUARRY SPALLS	\$ 52.05	59,857.50
20	1.55	AC	HYDROSEEDING, FERTILIZING, MULCHING - EROSION CONTROL SEED MIX	\$ 5,210.00	8,075.50
21	0.50	AC	HYDROSEEDING, FERTILIZING, MULCHING - WETLAND EMERGENT SEED MIX	\$ 5,300.00	2,650.00
22	1,000	CY	MATERIAL REUSE - LOADING, HAULING, PLACEMENT	\$ 46.10	46,100.00
23	180	LF	CORRUGATED POLYETHYLENE CULVERT PIPE 36-IN DIAM	\$ 280.00	50,400.00
24	320	CY	STRUCTURE EXCAVATION CLASS A INCL. HAUL	\$ 40.00	12,800.00
25	115	CY	GRAVEL BACKFILL FOR PIPE ZONE BEDDING	\$ 60.00	6,900.00
26	1	EA	SETTLEMENT PLATE	\$ 2,500.00	2,500.00
27	1	EA	DECOMMISSION OBSERVATION WELL	\$ 5,000.00	5,000.00
28	1	EST	TRAFFIC CONTROL (ADDITIONAL FROM PI LEVEE WORK, AS NEEDED, BY FORCE ACCOUNT)	\$ 5,000.00	5,000.00
29	1	EST	STREET SWEEPING (ADDITIONAL FROM PI LEVEE WORK, AS NEEDED, BY FORCE ACCOUNT)	\$ 5,000.00	5,000.00
30	21	DAY	DEWATERING (6 INCH DIESEL PUMP) (ADDITIONAL TO PHASE 1 CONTRACT TERMS)	\$ 1,575.00	33,075.00
31	2,900	LF	HIGH VISIBILITY SILT FENCE	\$ 5.50	15,950.00
Equipment, Labor, & Material					3,279,418.50







AGENDA ITEM SUMMARY

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

5
10/17/22

Department: DCD

WORK SESSION ☒ Meeting Date: 10.17.2022

REGULAR AGENDA ☒ Meeting Date: 10.25.2022

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- ☐ Call for Hearing ☒ Contract/Agreement/MOU - Contract # 334.21.005-2
- ☐ Resolution ☐ Proclamation ☐ Budget Item
- ☐ Draft Ordinance ☐ Final Ordinance ☐ Other

Documents exempt from public disclosure attached: ☐

Executive summary:

The attached agreement with Scarsella Brothers, Incorporated provides for removal of Towne Road in the lower Dungeness River floodplain restoration area. Removing Towne Road is an important element of flood hazard protection and is a requirement of the US Army Corps of Engineer permitted design. It is critical to remove the road prior to the start of flood season.

Under Emergency Resolution 83 signed by the Commissioners on August 2, 2022, Scarsella has submitted the proposal to ensure that the tie-ins and flood return channel are in place prior to the start of the flood season.

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

This work is included in the revised 2022 Lower Dungeness Floodplain Restoration budget that was approved by BOCC on October 11, 2022.

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

Staff recommends approving the change order.

County Official signature & print name: Rich Meier

Rich Meier

Name of Employee/Stakeholder attending meeting: Rich Meier, Cathy Lear

Relevant Departments: DCD, Public Works

Date submitted: 10.12.2022

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

**CLALLAM COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
CHANGE ORDER SUMMARY AND CONTRACT VALUE CHANGE ESTIMATE**

Project Title: Lower Dungeness River Floodplain Restoration and Levee/Road Realignment Project / Phase 1 Earthwork Project Engineer: Tyler Stephens, PE

Sheet 1 of 1 Date: 10/4/2022 CO No. 012

☒ Order by Engineer under terms of Section 1-04.4 of Standard Specifications	To: Mike Wilson
☐ Change Proposed by Contractor	Address: Scarsella Brothers, Inc. 8404 South 196th Street Kent, WA 98031
Endorsed by: 	Phone: (253) 872-7173
Signature: <u>Scarsella Bros., Inc.</u>	Fax No: (253) 395-1209
Date: <u>Oct. 5, 2022</u>	Contract No.: N/A
Title: N/A	County Road No.: N/A
Consent Given By Surety: (when required see Sec. 1-04.4)	Federal Aid No.: N/A
By: <u>Attorney-in-Fact</u>	Approval by: Tyler Stephens
Date: _____	Date: 10/4/2022
	Date Work Began: 10/4/2022

CHANGE ORDER

CHANGE ORDER

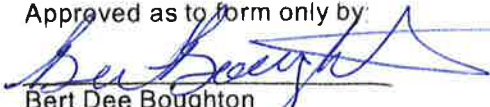
012 Remove Existing Towne Road per Phase 2 Project Plans and Special Provisions

Please see attached change order descriptions, justifications, quantities, affected bid items and contract value change estimates.

CHANGE ORDER NO.	DESCRIPTION	UNIT MEAS.	UNIT PRICE	ESTIMATED QUANTITY CHANGE	ESTIMATED AMOUNT CHANGE	ACCT CODE
012	Remove Existing Towne Road	See Detail			\$ 253,122.25	
TOTAL ESTIMATED CHANGE					\$ 253,122.25	

All work, materials, and measurement to be in accordance with the provision of the Standard Specifications and Special Provisions for the type of construction involved.

ORIGINAL CONTRACT AMOUNT	CHANGE IN WORKING DAYS	CURRENT CONTRACT AMOUNT	ESTIMATED NET CHANGE THIS ORDER	ESTIMATED CONTRACT TOTAL AFTER CHANGE
\$5,529,123.55	0	\$9,689,408.33	\$ 253,122.25	\$9,942,530.58
APPROVAL RECOMMENDED			APPROVAL	
				
Project Engineer	Date	Clallam County	Date	

Approved as to form only by:

 Bert Dee Boughton
 Civil Deputy Prosecuting Attorney
 Clallam County

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TO: Cathy Lear, Joe Donisi (Clallam County)

DATE: October 4, 2022

PROJECT: LDRC-P1

PROJ. #: Clallam Cty 2021-049

SUBJECT: Change Order 012 – Remove Existing Towne Road

CHANGE ORDER DESCRIPTION

This change order incorporates removal of existing Towne Road (originally included in the Phase 2 Project) into the Phase 1 Project contract. The work items included are presented in the change order bid form and demolition plan sheet included herein. Removal of Towne Road will be constructed as specified in the Phase 2 Special Provisions.

REASON FOR CHANGE

Under an emergency declaration, Clallam County is constructing portions of the planned Phase 2 work described above as part of the Phase 1 contract. Clallam County plans to remove existing Towne Road in the floodplain before the site may become inaccessible during and after flood season.

MEASUREMENT AND PAYMENT

This change order results in a net change in total contract cost of \$253,122.25.

Lower Dungeness River Floodplain Restoration - Phase 1 Tie-In Change Order: Remove Existing Towne Road
 Clallam County From Mike Wilson (Scarsella 9/28/22)

#	Quantity	Unit	Description	Unit Cost	Total Cost
1	6,010	SY	REMOVAL OF PAVEMENT	\$ 8.00	\$ 48,080.00
2	3,150	CY	ROADWAY EXCAVATION INCL. HAUL	\$ 21.25	\$ 66,937.50
3	434	TN	CONTAMINATED ROADWAY EXCAVATION INCL. HAUL	\$ 160.30	\$ 69,490.05
4	2,350	CY	TOPSOIL TYPE B INCL. HAUL	\$ 16.65	\$ 39,127.50
5	1.32	AC	HYDROSEEDING, FERTILIZING, MULCHING - EROSION CONTROL SEED MIX	\$ 5,210.00	\$ 6,877.20
6	5	EA	REMOVE SIGNS	\$ 75.00	\$ 375.00
7	2	EA	RELOCATE SIGNS	\$ 250.00	\$ 500.00
8	260	LF	REMOVE CULVERTS	\$ 30.00	\$ 7,800.00
9	400	SY	REMOVE GRAVEL ROAD (Eberle Driveway)	\$ 5.00	\$ 2,000.00
10	2,387	LF	REMOVE FENCING	\$ 5.00	\$ 11,935.00
TOTAL				\$	253,122.25

10/04/2022 Towne Road
Removal Change Order
012 Plan Markups

1. ALL DEBRIS AND WASTES SHALL BE DISPOSED AT AN APPROVED DISPOSAL LOCATION.
2. CONTRACTOR RESPONSIBLE TO PROTECT AND REPAIR DAMAGE CAUSED TO ANY FACILITIES WHICH ARE NOT DESIGNATED FOR REMOVAL.
3. CONTRACTORS SHALL COORDINATE WITH CALIFORNIA COUNTY PUD AND CONTRACTOR SHALL REMOVE AND RELOCATE ELECTRICAL AND COMMUNICATION SERVICES WITHIN THE PROJECT AREA.
4. CLEAR AND SALVAGE OR REMOVE ALL TREES WITHIN 10 FEET OF THE PROJECT AREA. CONTRACTOR SHALL MAINTAIN A BUFFER OF 10 FEET FOR REFUGE TO REMAIN. MATURE TREES TO BE REMOVED SHALL BE REPLACED WITHIN 10 FEET OF THE PROJECT AREA. CONTRACTOR SHALL MAINTAIN A BUFFER OF 10 FEET FOR REFUGE TO REMAIN. MATURE TREES TO BE REMOVED SHALL BE REPLACED WITHIN 10 FEET OF THE PROJECT AREA.

WETLANDS

CONSTRUCTION LIMIT LINE

PROJECT BOUNDARY

CHANNEL EXCAVATION AREA

REMOVE OVERHEAD ELECTRIC

REMOVE UNDERGROUND COMMUNICATIONS

REMOVE FENCE

REMOVE CULVERT

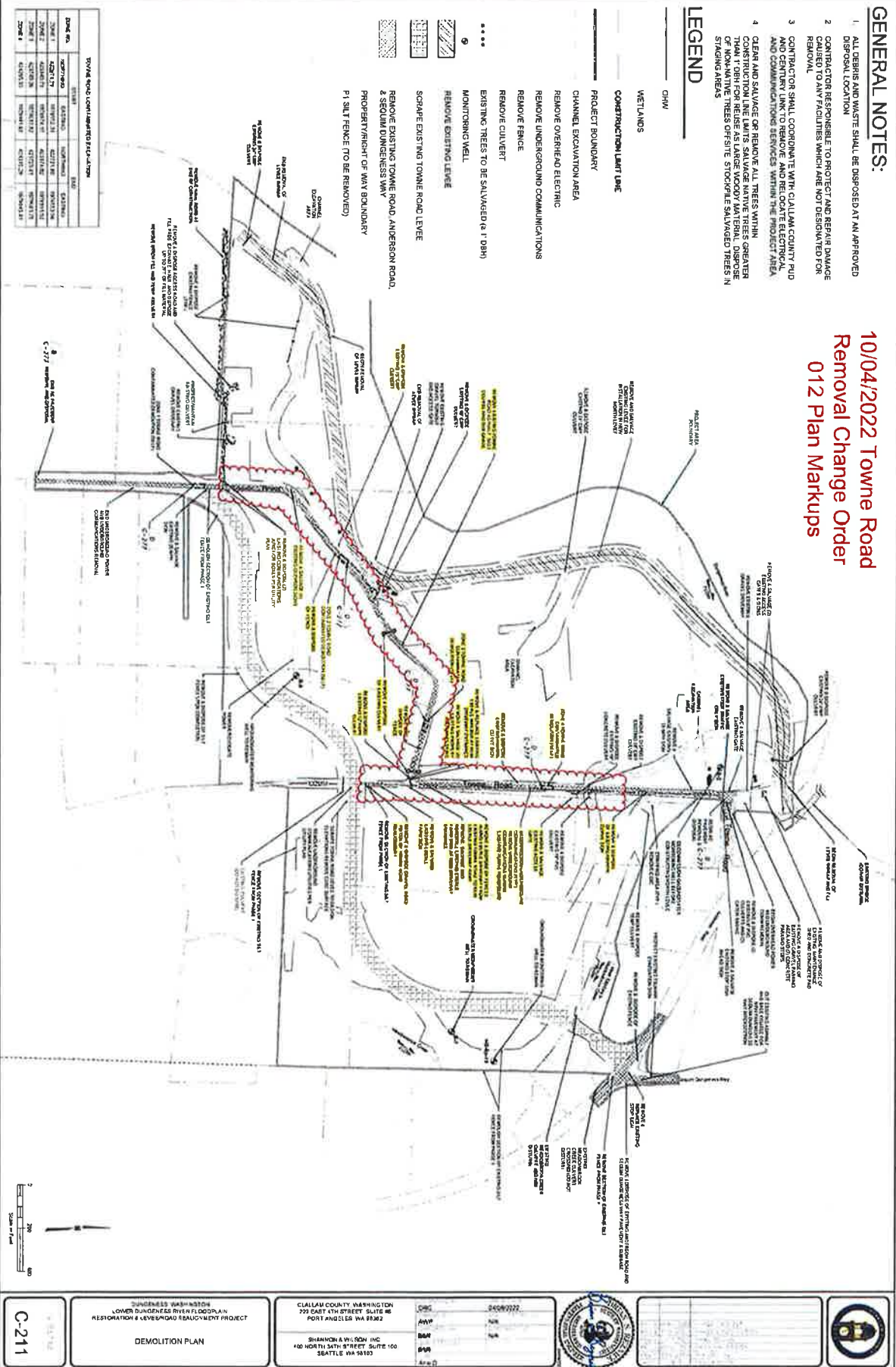
EXISTING TREES TO BE SALVAGED @ 1' DIAMETER

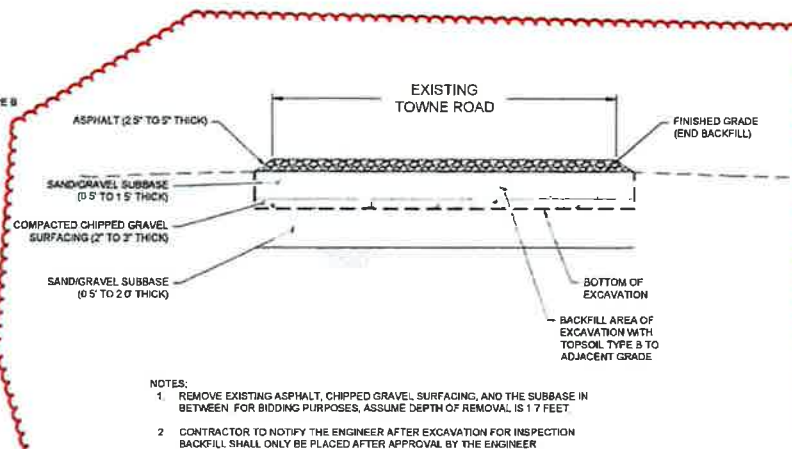
MONITORING WELL

REMOVE EXISTING LEVEE

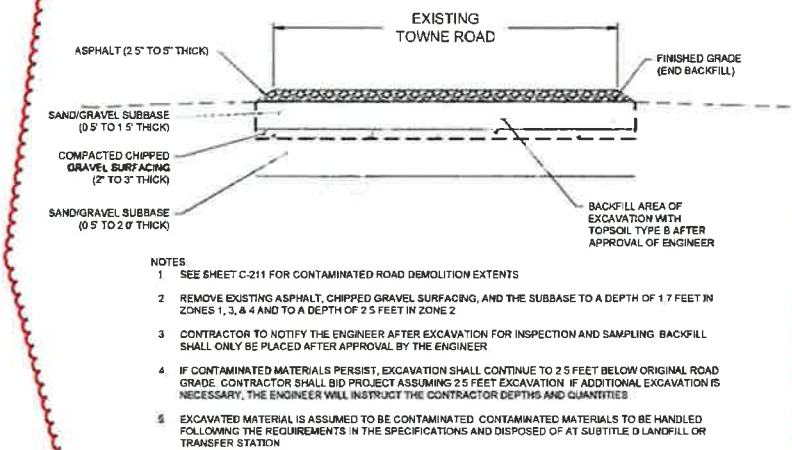
SCAPE EXISTING TOWNE ROAD LEVEE

REMOVE EXISTING TOWNE ROAD, ANDERSON
& SECOND DUNDENESS HWY





B DETAIL - ROAD DEMOLITION
NTS

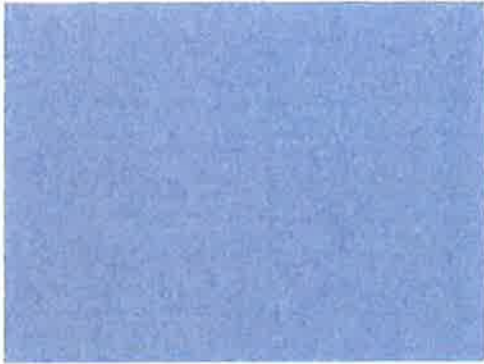


D DETAIL - CONTAMINATED ROAD DEMOLITION
NTS

1	HORIZONTAL DRAINAGE BLANKET (IMPORT)	4	HORIZONTAL DRAINAGE FILTER (IMPORT)
2	REUSE FILL	5	TOPSOIL TYPE B
3	ROAD/LEVEE SELECT BORROW (IMPORT)	6	CONSTRUCTION GEOSYNTHETIC FOR BASE REINFORCEMENT

NOTES

- 1 SEE SHEET C-211 FOR CONTAMINATED ROAD DEMOLITION EXTENTS
- 2 REMOVE EXISTING ASPHALT, CHIPPED GRAVEL SURFACING, AND THE SUBBASE TO A DEPTH OF 17 FEET IN ZONES 1, 3, 4 AND TO A DEPTH OF 25 FEET IN ZONE 2
- 3 CONTRACTOR TO NOTIFY THE ENGINEER AFTER EXCAVATION FOR INSPECTION AND SAMPLING. BACKFILL SHALL ONLY BE PLACED AFTER APPROVAL BY THE ENGINEER
- 4 IF CONTAMINATED MATERIALS PERSIST, EXCAVATION SHALL CONTINUE TO 25 FEET BELOW ORIGINAL ROAD GRADE. CONTRACTOR SHALL BID PROJECT ASSUMING 25 FEET EXCAVATION. IF ADDITIONAL EXCAVATION IS NECESSARY, THE ENGINEER WILL INSTRUCT THE CONTRACTOR DEPTHS AND QUANTITIES
- 5 EXCAVATED MATERIAL IS ASSUMED TO BE CONTAMINATED. CONTAMINATED MATERIALS TO BE HANDLED FOLLOWING THE REQUIREMENTS IN THE SPECIFICATIONS AND DISPOSED OF AT SUBSITUE D LANDFILL OR TRANSFER STATION



SUBMITTED TO:
Clallam County
223 East 4th Street, Suite 6
Port Angeles, WA 98362



BY:
Shannon & Wilson
400 N. 34th Street, Suite 100
Seattle, WA 98103

(206) 632-8020
www.shannonwilson.com

SOILS MANAGEMENT PLAN
Lower Dungeness River Floodplain
Restoration and
Levee/Road Realignment Project
CLALLAM COUNTY, WASHINGTON

Submitted To: Clallam County
223 East 4th Street, Suite 6
Port Angeles, WA 98362
Attn: Ms. Cathy Lear

Subject: SOILS MANAGEMENT PLAN, LOWER DUNGENESS RIVER FLOODPLAIN
RESTORATION AND LEVEE/ROAD REALIGNMENT PROJECT, CLALLAM
COUNTY, WASHINGTON

Shannon & Wilson prepared this report and participated in this Project as a consultant to Clallam County. Our services were conducted in general accordance with the Personal Services Agreement with Clallam County, Contract No. 334.16.005, dated June 1, 2016, and executed June 28, 2016, as amended through Amendment No. 9, July 21, 2021. This report presents our recommendations for the removal of the existing Towne Road and was prepared by the undersigned. This report supersedes all previous versions submitted under this contract.

We appreciate the opportunity to be of service to you on this Project. If you have questions concerning this report, or we may be of further service, please contact us.

Sincerely,

SHANNON & WILSON



Christian Canfield
Environmental Staff

Scott W. Gaulke, PE, LHG
Vice President

CTC:SWG/ctc

CONTENTS

1	Site and Project Description.....	1
2	Applicable or Relevant and Appropriate Requirements.....	1
3	Previous Environmental Investigations.....	2
4	Soils Management Plan.....	3
4.1	Field Screening	3
4.2	Excavation Confirmation Sampling	4
4.3	Stockpiling Controls	4
4.4	Disposal	5
4.5	Transportation Guidelines	6
4.6	Site Report.....	7
5	Limitations	7
6	References	8
	Exhibit	
	Exhibit 3-1: Minimum Number of Stockpile Samples	6
	Figures	
	Figure 1: Site and Exploration Plan	
	Figure 2: Contaminated Excavation Plan	
	Appended	
	Important Information	

1 SITE AND PROJECT DESCRIPTION

During Project Phase 2 construction, the new, realigned Towne Road will be constructed on top of the newly constructed Towne Road Levee. After the realigned Towne Road is completed, the existing Towne Road, between the beginning of the proposed Towne Road Levee and East Anderson Road, will be removed. As part of the Project design phase, pavement borings were performed on September 30, 2019, along the existing Towne Road to estimate the relative thickness of the asphalt and subbase for removal and disposal. These borings were designated P-1 through P-3. The locations of the subsurface explorations are shown in Figure 1.

The thickness of the asphalt varied from about 2.5 to 5 inches at the boring locations. A sand and rounded gravel subbase was observed in these borings extending to about 1 to 1.5 feet below ground surface (bgs). Beneath this gravel subbase lies a possible older road, consisting of about 2 to 3 inches of compacted chipped gravel surfacing overlying a sand and rounded gravel subbase. The older road gravel subbase material extends to about 2.5 to 3 feet bgs.

A faint oil odor was observed within the lower elevation road surfacing material. Oil was historically used along dirt and gravel roads to control dust. The underlying gravel subbase and subsurface soil may have oil contamination. Following the results of our pavement borings, we recommended additional environmental testing be performed to establish approximate bid quantities for volumes of contaminated material to be excavated and disposed of and to provide appropriate recommendations for contaminated material handling and disposal.

2 APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS

Applicable or Relevant and Appropriate Requirements (ARARs) establishes a pilot process for meeting the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requirement to identify and determine state and federal ARARs when selecting remedial cleanup actions.

The soil analytical results resulting in detections above regulatory criteria are summarized below. The detected values are compared with Model Toxics Control Act Method A (MTCA-A) cleanup level for unrestricted land use (Washington State Department of

Ecology [Ecology], 2021), the Sediment Cleanup Objective values (WAC 173-204), and the Priority Contaminants of Ecological Concern for Sites that Qualify for the Simplified Terrestrial Ecological Evaluation Procedure (Simplified TEE) (WAC 173-340-900). Where no criterion is established for MTCA-A for a parameter, MTCA Method B values are used.

Shannon & Wilson selected the above referenced screening criteria based on future conditions of the Towne Road area. It is presumed the Town Road area will be periodically inundated with water due to seasonal weather changes. Selected screening criteria reflected these considerations.

3 PREVIOUS ENVIRONMENTAL INVESTIGATIONS

This section describes the previous explorations on the subject property completed by Shannon & Wilson for geotechnical and environmental evaluation. The Contractor shall be familiar with the environmental data and findings presented in these reports.

On October 28, 2021, Holocene Drilling, Inc., under subcontract to Shannon & Wilson, used a direct-push probe rig to complete five explorations (P-4-21 through P-8-21) (Figure 1). Each probe was advanced 5 feet bgs. Groundwater was not encountered during this investigation (Shannon & Wilson, 2022).

Soil samples were submitted to Fremont Analytical, Inc. of Seattle, Washington. Selected soil samples were analyzed for:

- Gasoline-range total petroleum hydrocarbons by Northwest Total Petroleum Hydrocarbons-Gasoline Extended;
- Diesel- and oil-range total petroleum hydrocarbons by Northwest Total Petroleum Hydrocarbons Diesel-Extended;
- Volatile organic compounds by U.S. Environmental Policy Act (EPA) 8260D;
- Polyaromatic hydrocarbons by EPA Method 8270 (selected ion monitoring);
- Polychlorinated biphenyls by EPA 8082; and
- Resource Conservation and Recovery Act (RCRA) metals, including arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver, by EPA Methods 6020 and 7471.

The following conclusions were determined:

- Gasoline-range organics were detected at 410 milligrams per kilogram (mg/kg) in the sample collected 0.5 foot bgs at location P-4-21. This detection exceeds the Model Toxics Control Act Method A (MTCA-A) cleanup criteria for unrestricted land use of

100 mg/kg. This sample also returned an elevated total petroleum hydrocarbon (TPH) concentration of 1,310 mg/kg. This detection is below the MTCA-A cleanup criterion of 2,000 mg/kg. TPH concentrations are calculated from the sum of diesel fuel and heavy oil. Gasoline and TPH were not detected in the sample collected 1.5 feet bgs at location P-4-21.

- Diesel was detected at 434 mg/kg in the sample collected 2 feet bgs at location P-5-21. This detection exceeds the Sediment Cleanup Objective of 340 mg/kg.
- Heavy-oil was detected at 1,430 mg/kg in the sample collected 0.5 feet bgs at location P-6-21. This detection exceeds the Simplified Terrestrial Ecological Evaluation Procedure of 460 mg/kg.
- Gasoline-range organics were detected at 280 mg/kg in the sample collected 1.5 feet bgs at location P-7-21. This detection exceeds the MTCA-A cleanup criteria for unrestricted land use of 100 mg/kg. This sample also returned an elevated TPH concentration of 10,530 mg/kg. This detection is above the MTCA-A cleanup criterion of 2,000 mg/kg.

No other analyte detections returned concentrations above their respective cleanup level criterion.

4 SOILS MANAGEMENT PLAN

This Soils Management Plan outlines the actions to be taken when contamination is encountered or suspected during construction.

Work involving known or suspected contaminated soil must be performed by workers with proper hazardous materials safety training as required by the Occupational Safety and Health Administration and the Washington Industrial Safety and Health Administration.

Figure 2 outlines the areas and dimensions of the suggested remedial excavation. The actual final extent of excavation will be determined by field screening and confirmation sampling.

4.1 Field Screening

Remedial excavation activities will be monitored for indications of contamination. The purpose of the monitoring is to:

- Provide on-site screening to assess soil contamination for segregation, removal, and/or stockpiling;
- Document remaining conditions; and
- Provide guidance on remedial actions and disposal of contaminated soil.

The Owner's consultant will screen excavated soil for indications of contamination. Field screening will consist of visual and olfactory observations and photoionization detector (PID) measurements. Indications of contamination include:

- Stained or discolored soil or stressed vegetation,
- Containers or debris indicating a release of hazardous substances may have occurred,
- Unusual odors, and/or
- Elevated PID measurements.

4.2 Excavation Confirmation Sampling

Following the remedial excavation, the base and sidewalls of the excavation area are to be sampled by the Owner's consultant. Analytical testing may vary dependent upon field observations, but will include at minimum diesel/heavy-oil-range organics, gasoline-range organics, and RCRA-8 metals. If contamination is confirmed to still be present above MTCA-A (Washington State Department of Ecology [Ecology], 2015) cleanup criteria, the excavation area should be extended by a distance agreed upon in writing by the Owner and Contractor and be resampled.

Confirmation sample frequency will be taken in accordance with Ecology's Guidance for Remediation of Petroleum Contaminated Sites document. At minimum, one sample will be taken from each sidewall, and one sample will be taken from the base of excavation. Additional samples may be taken at the Ecology-suggested frequency of one base sample for every 400 square feet of exposed bottom and one sidewall sample every 20 feet horizontally.

4.3 Stockpiling Controls

If the contaminated soil is not loaded directly into trucks and hauled offsite, the contaminated material will be segregated and stockpiled. The following steps should be taken if stockpiling:

- Stockpiled materials shall be placed on intact plastic sheeting or similar material to prevent contamination of underlying soil.
- Stockpiled materials shall always be covered to prevent dust escape, odor emissions, and rainfall contact when not being worked..
- A berm or other stormwater control method shall be installed around the stockpiled material to prevent runoff from leaving the area and stormwater from entering the stockpile area.
- Stockpiles shall not be placed near drains, watercourses, or other stormwater features.

The covered bin or stockpiling area should be checked and maintained during storage to ensure that there are no releases to the environment.

4.4 Disposal

The contaminated material is to be disposed of offsite. Prior to disposal, contaminated soil will be sampled at a frequency consistent with Ecology's guidelines and/or criteria established by the facility receiving the soil. In accordance with Ecology guidance, Exhibit 3-1 provides the minimum number of samples needed prior to removal of petroleum-contaminated soil stockpiles (Ecology, 2016). Samples will be collected by the Owner's consultant and will be sent to an approved and certified laboratory for testing.

Exhibit 3-1: Minimum Number of Stockpile Samples

Volume of Soil (cubic yards)	Minimum Number of Samples
0 – 100	3
101 – 500	5
501 – 1,000	7
1,001 – 2,000	10
Greater than 2,000	10+1 for each additional 500 cubic yards

Upon completion of remedial actions and disposal, all equipment shall be cleaned and decontaminated prior to leaving the site. Water from wheel washes shall be collected and disposed of properly. Loose soil on equipment should be brushed onto a collection mat or tarpaulin and the soils transferred/included in any contaminated soils for proper disposal.

4.5 Transportation Guidelines

Transportation of contaminated soil must comply with Washington Administrative Code (WAC) 173-350-300. All transporters of dangerous waste must operate in accordance with WAC 173-303-240. Receipts documenting offsite disposal should be retained by Seattle Public Schools. The collection and transportation standards include:

- All persons collecting or transporting solid waste shall avoid littering at the loading point during transport and during proper unloading of the solid waste.
- Vehicles or containers used for the collection and transportation of solid waste shall be tightly covered or screened where littering may occur, durable, and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned as necessary to prevent nuisance odors and insect breeding and shall be maintained in good repair.
- Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such manner that the containers will not fail and the contents will not spill or leak. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.
- All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles at least monthly. Inspection records shall be maintained at the facility normally used to park such vehicles or such other location where maintenance records are kept. Such records shall be kept for at least two years and be made available upon the request of the jurisdictional health department.

The transportation contractor will direct trucks to the appropriate receiving facility. Truck drivers should be made aware if their load has been determined to be contaminated.

4.6 Site Report

At the end of construction work, a Site Characterization Report will be prepared to provide a summary of the activities undertaken to manage contaminated materials discovered during construction work, including documentation of locations, analytical data, disposal records, and testing/monitoring results. If any contaminated materials are left in situ, the report will also include any proposed future management measures of such materials if required.

5 LIMITATIONS

Within the limitations of scope, schedule, and budget, we have prepared this scope of services in a professional manner using the level of skill and care normally exercised for similar projects under similar conditions by reputable and competent environmental consultants currently practicing in this area.

The scope of services was intended to evaluate only for materials that may be encountered during the shoreline restoration project. The sampling effort served as a screening effort only. It was not intended to define the lateral or vertical extent of soil and/or groundwater contamination.

The data presented in this assessment are based on research and sampling at the subject property and should be considered representative at the time of our observations. We are not responsible for conditions or consequences arising from relevant facts that were concealed, withheld, or not fully disclosed at the time this assessment was prepared. We also note that the facts and conditions referenced in this assessment may change over time and that the conclusions and recommendations set forth here are applicable to the facts and conditions described only at the time of this assessment. We believe that the conclusions stated here are factual, but no guarantee is made or implied.

This assessment was prepared for the exclusive use of Clallam County and their representatives. We do not guarantee that any agency or its staff will reach the same conclusions as presented in this assessment. To help you and others in understanding the limitations of this assessment, we have prepared an appendix, Important Information About Your Environmental Site Assessment/Evaluation Report.

6 REFERENCES

Shannon & Wilson, 2022, Revised environmental report, Lower Dungeness river floodplain restoration and levee/road realignment project, Clallam County, Washington: Report prepared by Shannon & Wilson, Inc., Report No. 21-1-12559-151, for Clallam County Road Division, Port Angeles, Wash., May 12.

Washington State Department of Ecology (Ecology), 2015, Cleanup levels and risk calculation (CLARC) data tables: Olympia, Wash., Washington State Department of Ecology, July, available: <https://fortress.wa.gov/ecy/clarc/CLARCHome.aspx>, accessed April 1, 2019.

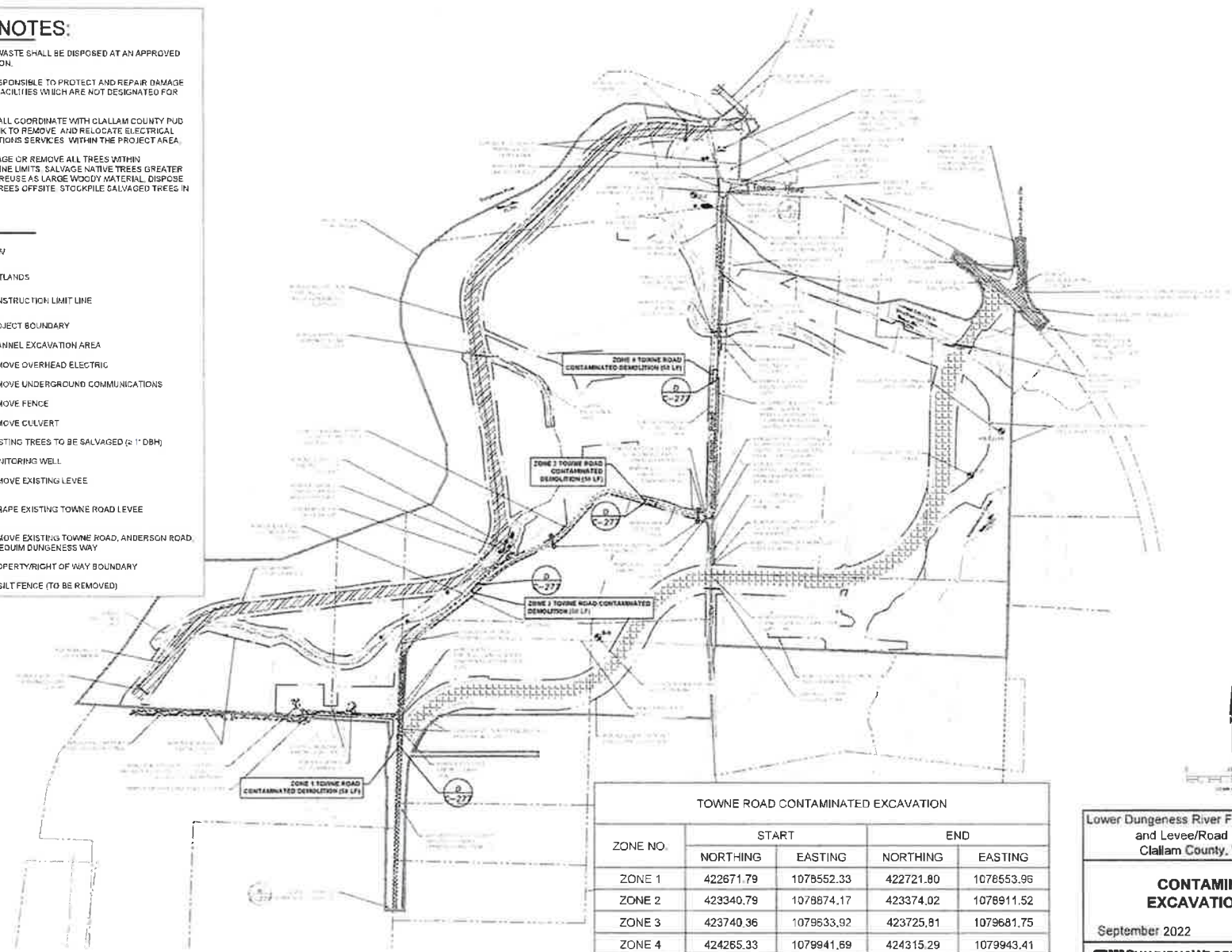
Washington State Department of Ecology (Ecology), 2016, Guidance for remediation of petroleum contaminated sites (rev.): Olympia, Wash., Washington State Department of Ecology Toxics Cleanup Program, publication no. 10-09-057, Table 6.9, June, available: <https://fortress.wa.gov/ecy/publications/documents/1009057.pdf>.

GENERAL NOTES:

1. ALL DEBRIS AND WASTE SHALL BE DISPOSED AT AN APPROVED DISPOSAL LOCATION.
2. CONTRACTOR RESPONSIBLE TO PROTECT AND REPAIR DAMAGE CAUSED TO ANY FACILITIES WHICH ARE NOT DESIGNATED FOR REMOVAL.
3. CONTRACTOR SHALL COORDINATE WITH CLALLAM COUNTY PUD AND CENTURY LINK TO REMOVE AND RELOCATE ELECTRICAL AND COMMUNICATIONS SERVICES WITHIN THE PROJECT AREA.
4. CLEAR AND SALVAGE OR REMOVE ALL TREES WITHIN CONSTRUCTION LINE LIMITS. SALVAGE NATIVE TREES GREATER THAN 1" DBH FOR REUSE AS LARGE WOODY MATERIAL. DISPOSE OF NON-NATIVE TREES OFFSITE. STOCKPILE SALVAGED TREES IN STAGING AREAS.

LEGEND

- OHW
- WETLANDS
- CONSTRUCTION LIMIT LINE
- PROJECT BOUNDARY
- CHANNEL EXCAVATION AREA
- REMOVE OVERHEAD ELECTRIC
- REMOVE UNDERGROUND COMMUNICATIONS
- REMOVE FENCE
- REMOVE CULVERT
- EXISTING TREES TO BE SALVAGED (> 1" DBH)
- MONITORING WELL
- REMOVE EXISTING LEVEE
- SCRAPE EXISTING TOWNE ROAD LEVEE
- REMOVE EXISTING TOWNE ROAD, ANDERSON ROAD, & SEQUIM DUNGENESS WAY
- PROPERTY/RIGHT OF WAY BOUNDARY
- P1 SILT FENCE (TO BE REMOVED)



TOWNE ROAD CONTAMINATED EXCAVATION

ZONE NO.	START		END	
	NORTHING	EASTING	NORTHING	EASTING
ZONE 1	422671.79	1078552.33	422721.80	1078553.96
ZONE 2	423340.79	1078674.17	423374.02	1078611.52
ZONE 3	423740.36	1078633.92	423725.81	1079681.75
ZONE 4	424265.33	1079941.69	424315.29	1079943.41

Lower Dungeness River Floodplain Restoration
and Levee/Road Realignment
Clallam County, Washington

CONTAMINATED EXCAVATION PLAN

September 2022 21-1-12559-151

SHANNON & WILSON, INC.
SUSTAINABLE AND ENVIRONMENTAL ENGINEERS

FIG. 2

Important Information

About Your Environmental Site Assessment/Evaluation Report

ENVIRONMENTAL SITE ASSESSMENTS/EVALUATIONS ARE PERFORMED FOR SPECIFIC PURPOSES AND FOR SPECIFIC CLIENTS.

This report was prepared to meet the needs you specified with respect to your specific site and your risk management preferences. Unless indicated otherwise, we prepared your report expressly for you and for the purposes you indicated. No one other than you should use this report for any purpose without first conferring with us. No one is authorized to use this report for any purpose other than that originally contemplated without our prior written consent.

The findings and conclusions documented in this site assessment/evaluation have been prepared for specific application to this project and have been developed in a manner consistent with that level of care and skill normally exercised by members of the environmental science profession currently practicing under similar conditions in this area. The conclusions presented are based on interpretation of information currently available to us and are made within the operational scope, budget, and schedule constraints of this project. No warranty, express or implied, is made.

OUR REPORT IS BASED ON PROJECT-SPECIFIC FACTORS.

Our environmental site assessment is based on several factors and may include (but not be limited to) reviewing public documents to chronicle site ownership for the past 30, 40, or more years; investigating the site's regulatory history to learn about permits granted or citations issued; determining prior uses of the site and those adjacent to it; reviewing available topographic and real estate maps, historical aerial photos, geologic information, and hydrologic data; reviewing readily available published information about surface and subsurface conditions; reviewing federal and state lists of known and potentially contaminated sites; evaluating the potential for naturally occurring hazards; and interviewing public officials, owners/operators, and/or adjacent owners with respect to local concerns and environmental conditions.

Except as noted within the text of the report, no sampling or quantitative laboratory testing was performed by us as part of this site assessment. Where such analyses were conducted by an outside laboratory, Shannon & Wilson relied upon the data provided and did not conduct an independent evaluation regarding the reliability of the data.

CONDITIONS CAN CHANGE.

Site conditions, both surface and subsurface, may be affected as a result of natural processes or human influence. An environmental site assessment/evaluation is based on conditions that existed at the time of the evaluation. Because so many aspects of a historical review rely on third-party information, most consultants will refuse to certify (warrant) that a site is free of contaminants, as it is impossible to know with absolute certainty if such a condition exists. Contaminants may be present in areas that were not surveyed or sampled or may migrate to areas that showed no signs of contamination at the time they were studied.

Unless your consultant indicates otherwise, your report should not be construed to represent geotechnical subsurface conditions at or adjacent to the site and does not provide sufficient information for construction-related activities. Your report also should not be used following floods, earthquakes, or other acts of nature; if the size or configuration of the site is altered; if the location of the site is modified; or if there is a change of ownership and/or use of the property.

INCIDENTAL DAMAGE MAY OCCUR DURING SAMPLING ACTIVITIES.

Incidental damage to a facility may occur during sampling activities. Asbestos and lead-based paint sampling often require destructive sampling of pipe insulation, floor tile, walls, doors, ceiling tile, roofing, and other building materials. Shannon & Wilson does not provide for paint repair. Limited repair of asbestos sample locations is provided. However, Shannon & Wilson neither warrants repairs made by our field personnel, nor are we held liable for injuries or damages as a result of those repairs. If you desire a specific form of repair, such as those provided by a licensed roofing contractor, you need to request the specific repair at the time of the proposal. The owner is responsible for repair methods that are not specified in the proposal.

READ RESPONSIBILITY CLAUSES CAREFULLY.

Environmental site assessments/evaluations are less exact than other design disciplines because they are based extensively on judgment and opinion and there may not have been any (or very limited) investigation of actual subsurface conditions. Wholly unwarranted claims have been lodged against consultants. To limit this exposure, consultants have developed a number of clauses for use in their contracts, reports, and other documents. These responsibility clauses are not exculpatory clauses designed to transfer the consultant's liabilities to other parties; rather, they are definitive clauses that identify where responsibilities begin and end. Their use helps all parties involved recognize their individual responsibilities and take appropriate action. Some of these definitive clauses may appear in this report, and you are encouraged to read them closely. Your consultant will be pleased to give full and frank answers to your questions.

Consultants cannot accept responsibility for problems that may develop if they are not consulted after factors considered in their reports have changed or conditions at the site have changed. Therefore, it is incumbent upon you to notify your consultant of any factors that may have changed prior to submission of the final assessment/evaluation.

An assessment/evaluation of a site helps reduce your risk but does not eliminate it. Even the most rigorous professional assessment may fail to identify all existing conditions.

ONE OF THE OBLIGATIONS OF YOUR CONSULTANT IS TO PROTECT THE SAFETY, HEALTH, PROPERTY, AND WELFARE OF THE PUBLIC.

If our environmental site assessment/evaluation discloses the existence of conditions that may endanger the safety, health, property, or welfare of the public, we may be obligated under rules of professional conduct, statutory law, or common law to notify you and others of these conditions.

The preceding paragraphs are based on information provided by the ASFE/Association of Engineering Firms Practicing in the Geosciences, Silver Spring, Maryland



AGENDA ITEM SUMMARY

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

4a

Department: BOCC

WORK SESSION ☒ Meeting Date: 10/17/2022

REGULAR AGENDA ☒ Meeting Date: 10/18/2022

Required originals approved and attached? X
Will be provided on:

Item summary:

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

Executive summary:

AMERICAN RESCUE PLAN ACT SECTION 605 "LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND"

In March 2021, the American Rescue Plan Act ("ARPA") was passed which, in addition to creating the State and Local Fiscal Recovery Fund under Section 603 whereby the County received a total of \$15.020 million of funding in 2021 and 2022, also created the Local Assistance and Tribal Consistency Fund ("LATCF") under Section 605 of the ARPA Act, which provides \$2 billion to the US Department of the Treasury in 2022 and 2023 to provide payments to eligible revenue sharing counties and eligible Tribal governments for use on any governmental purpose except for lobbying activity. Of these funds, \$1.5 billion was allocated to eligible revenue sharing counties, with \$750 million allocated to be paid to eligible revenue sharing counties for each of the fiscal years 2022 and 2023.

WHAT COUNTIES ARE ELIGIBLE TO RECEIVE LATCF FUNDS

To be eligible to receive LATCF funds, a county must be considered an eligible revenue sharing county by meeting the following requirements:

- Be Independent of any other unit of local government;
- Be the principal provider of government services for the area within its jurisdiction; and
- Have experienced a negative revenue impact due to implementation of a Federal program or changes to such program. Such programs include the Payments in Lieu of Taxes ("PILT") program which compensates counties and other local governments with certain types of federal lands within their borders ("entitlement lands").

* Work Session Meeting - Submit 1 single sided/not stapled copy Agenda Item Summary 10172022 Resolution Approving Submission of ARPA Local Assistance & Tribal Consistency Fund Award Funds Release Request.docx

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019

Based on these requirements, Treasury identified a total of 2,086 local governments that that meet these requirements. **As a county that participates in the Payments in Lieu of Taxes (“PILT”) program, Clallam County qualifies as an eligible revenue sharing county under these requirements.**

WHAT ALLOCATION METHODOGY WAS USED IN AWARDING LATCF FUNDS

In determining the amount to allocate to each eligible county, the US Treasury considered economic conditions of each eligible revenue sharing county using measurements of poverty rates, household income, land values, and unemployment rates as well as other economic indicators over a 20-year period ending on September 30, 2021. Award allocations were then calculated based on a county’s relative economic conditions compared to other eligible counties and the number of acres of federal lands within the county’s borders, subject to maximum award limits of \$6,000,000 and a minimum award limit of \$50,000.

CLALLAM COUNTY’S LATCF FUNDS AWARDED

On September 29, 2022, the US Treasury issued LATCF guidance for eligible county recipients, provided notice of the amount awarded to each eligible county to be paid in each of the years 2022 and 2023, and opened an online application portal for counties to submit their request to Treasury for funds disbursement. Based this guidance and award list on the US Treasury LATCF website, **Clallam County was awarded a total of \$2,510,765.24, of which \$1,255,382.62 will be disbursed with 5 business days of submission and the \$1,255,382.62 to be received after the start of calendar year 2023.**

ALLOWED FOR USES OF LATCF FUNDS

As the purpose of LATCF funds is to serve as a general revenue enhancement program, county recipients have broad discretion on uses of funds, similar to the ways in which counties may use funds generated from their own revenue sources. Programs, services and capital expenditures that are traditionally undertaken by a government are considered incurred for a “government purpose”, and therefore would be eligible for funding with LATCF funds. The only substantive restriction placed on LATCF funds is the prohibition of using such funds for lobbying activities.

Eligible costs must be incurred/obligated no earlier than March 15, 2021. There is no deadline by which such funds must be spent, however annual reporting requirements will continue until such time as all funds are utilized (see reporting requirements below).

REPORTING REQUIREMENTS FOR LATCF FUNDS

Counties receiving LATCF funds must file with the US Treasury an annual Obligation and Expenditure Report by March 31st of each year outlining how much LATCF funds have been obligated and expended to-date, and what eligible uses the funds were used to support. The first of such required reports will be due March 31, 2023, covering the 2022 calendar year. Annual reports will be required until all funds are expended.

NEXT STEPS—AUTHORIZATION TO APPLY FOR RELEASE OF LATCF FUNDS AWARDED

* Work Session Meeting - Submit 1 single sided/not stapled copy Agenda Item Summary 10172022 Resolution Approving Submission of ARPA Local Assistance & Tribal Consistency Fund Award Funds Release Request.docx

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019

Attached for review and approval is a Board resolution authorizing Clallam County Commissioner Mark Ozias to serve as the Authorized Representative for the County and Mark Lane, Chief Financial Officer, to serve as the designated Contact Person with the US Treasury for the ARPA LATCF funds which is identical to how the County's ARPA SLRF award's county contacts were designated. The resolution also authorizes Mr. Lane with proceeding with submitting the requested information (much of which is the same information provided previously to Treasury under the County's ARPA SLRF submission previously) to request US Treasury's release of these funds to the County.

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

Once application is received and processed by the US Treasury, this action will provide approximately \$1.255 million of revenue in 2022 (which is approximately \$131,000 lower than our 2022 budget initial estimate) and another \$1.255 million in 2023 (which is reflected in the 2023 recommended budget). As the County is provided broad discretion for how LATCF funds may be utilized in support of government services similar to how the County's other general revenue sources may be utilized, we plan to account for these funds in the General Fund under the Treasurer's Department. This may be re-evaluated once final reporting requirements guidance is provided by the US Treasury.

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

I request approval of the attached resolution so that we can timely proceed with submitting our County's request for release of ARPA LATCF funds awarded by the US Department of Treasury.

County Official signature & print name:



Mark Lane, Chief Financial Officer

Name of Stakeholder attending meeting:

Mark Lane

Relevant Departments:

Board of Commissioners, Finance

Date submitted:

10/11/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy Agenda Item Summary 10172022 Resolution Approving Submission of ARPA Local Assistance & Tribal Consistency Fund Award Funds Release Request.docx

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019



RESOLUTION _____, 2022

AUTHORIZING SUBMISSION OF REQUEST TO THE US 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 FOR LATCF

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. In March 2021, Section 605 of the American Rescue Plan Act ("ARPA") entitled Local Assistance and Tribal Consistency Fund ("LATCF") was passed providing \$1.5 billion to the US Department of the Treasury in 2022 and 2023 to fund payments to eligible revenue sharing counties, with \$750 million to be paid to eligible counties for each of the fiscal years 2022 and 2023. Of these funds, the County is eligible to receive a total of \$2,510,765.24, with \$1,255,382.62 of such funds to be released in October 2022 and the remainder to be distributed in calendar year 2023.
2. Funds under LATCF may be used by local governments for any governmental purpose other than a lobbying activity, with such funds to be treated in a manner similar to that of general revenue funds generated by the local governments' own revenue sources.
3. On September 29, 2022, the US Treasury released further guidance on the eligible uses of LATCF funds and instructions for how local governments can request the release of funds awarded to them from the US Treasury.
4. In order to receive LATCF awarded funds, the County must submit through the US Treasury Submission Portal a completed Recipient Information application, which requires among other items the designation of an Authorized Representative and Authorized Contact of the County, and a completed certification document to be signed by the Authorized Representative.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. The Board of Clallam County Commissioners wishes to proceed with requesting Local Assistance and Tribal Consistency Funds awarded to the County under ARPA, and authorizes the submission of all required information via the US Treasury Submission Portal to request the release of such funding.
2. Mark Ozias, Chairman, will serve as the designated Authorized Representative and Mark Lane, Chief Financial Officer, will serve as the Authorized Contact for purposes of submitting the request for release of LATCF funding to the US Treasury.

PASSED AND ADOPTED this _____ day of _____ 2022

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC, Clerk of the Board

Bill Peach

Local Assistance and Tribal Consistency Fund

Allocations to Eligible Revenue Sharing Counties

September 2022

Section 605 of the Social Security Act (the Act), added by Section 9901 of the American Rescue Plan (ARPA), established the Local Assistance and Tribal Consistency Fund (LATCF), which provides for Treasury to pay \$2 billion to eligible revenue sharing counties and eligible Tribal governments across fiscal years 2022 and 2023 for use on any governmental purpose except for a lobbying activity. This document summarizes Treasury's methodology for determining eligibility and allocating funds to eligible revenue sharing counties.

The Act appropriates \$1.5 billion to Treasury for payment to eligible revenue sharing counties, reserving \$750 million for each of fiscal years 2022 and 2023, and directs the Secretary of the Treasury (the Secretary) to allocate the funds "taking into account economic conditions of each eligible revenue sharing county using measurements of poverty rates, household income, land values, and unemployment rates as well as other economic indicators, over the 20 year period ending September 30, 2021."¹

Eligibility Criteria

Statutory requirements for determining eligibility

The statute defines eligible revenue sharing counties to include any county, parish, or borough

- (i) that is independent of any other unit of local government;
- (ii) that, as determined by the Secretary, is the principal provider of government services for the area within its jurisdiction; and
- (iii) for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program.²

The statute also specifically enumerates the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands as eligible revenue sharing counties.³

¹ 42 U.S.C. § 805(b)(1). Treasury previously announced the allocation of the \$500 million reserved for Tribal governments, available here: <https://home.treasury.gov/system/files/136/605-LATCF-Allocation-Methodology-Summary.pdf>.

² See 42 U.S.C. § 805(f)(1)(A).

³ See *id.* § 805(f)(1)(B).

Defining “a county, parish, or borough” that is “independent of any other unit of local government” and “the principal provider of government services”

Treasury referred to Census Bureau classifications to determine which units of government constitute “a county, parish, or borough” that is “independent of any other unit of local government” and “the principal provider of government services.” Treasury referred to the Census Bureau’s census of governments⁴ and its classification of the functional status of counties and equivalents.⁵

First, Treasury referred to those geographic areas classified by the Census as counties including those that the Census Bureau categorizes as parishes or boroughs.⁶

Second, Treasury determined that counties that are consolidated with other units of government are not “independent of any other unit of local government.”⁷

Third, Treasury determined that counties that do not have government functions or have only very limited government functions do not qualify as “principal provider[s] of government services.” Such counties include those classified by the Census Bureau as “non-functioning legal entities.”⁸

Defining “negative revenue impact due to implementation of a federal program implementation or changes to such program”

Treasury is defining counties with a “negative revenue impact due to the implementation of a Federal program or changes to such a program” to be counties that participate in the Payments in Lieu of Taxes (PILT) program administered by the Department of the Interior and the Refuge Revenue Sharing program administered by the Fish and Wildlife Service (FWS).⁹ Both of these revenue sharing programs provide funds to counties that are available for expenditure for general

⁴ See 13 U.S.C. § 161; Individual State Descriptions: 2017, 2017 Census of Governments, U.S. Census Bureau, G17-CG-ISD (April 2019) (2017 Census of Governments Report).

⁵ See Functional Status Codes and Definitions, U.S. Census Bureau, <https://www.census.gov/library/reference/code-lists/functional-status-codes.html>.

⁶ Entities in the Census of Governments Report with functional status codes of “F” and “S” are either fictitious county entities created by the Census Bureau to fill its geographic hierarchy or statistical entities that the Census Bureau uses to subdivide the unorganized borough of Alaska and are, therefore, not counties, parishes, or boroughs. See 2017 Census of Governments Report at 17.

⁷ Such counties are listed in the Census of Governments Report with functional status codes “B” and “C.”

⁸ The Census Bureau lists those counties classified as non-functioning counties with functional status code “N.” See 2017 Census of Governments Report at 280. In addition, the 14 counties in Vermont that perform very limited functions do not qualify as principal providers of government services. As summarized by the Census of Governments, Vermont’s counties “perform very limited functions, which consist chiefly of maintaining the courthouse and county jail.” See 2017 Census of Governments Report at 280.

⁹ More specifically, Treasury will include counties that otherwise qualify as eligible revenue sharing counties and are listed by Interior as having land that is entitlement land for purposes of PILT or donated or acquired refuge land for purposes of the Refuge Revenue Sharing program.

purposes. Congress has not always provided consistent funding for these programs.¹⁰ Counties receiving payments from these programs suffer a negative revenue impact when these programs are not fully funded, and the inconsistent funding of these programs means these counties are not able to confidently project their future revenues and thus are not able to plan their expenditures efficiently.

Under PILT, the Department of the Interior provides annual payments to counties and other local governments with certain categories of federal lands within their borders. These lands, referred to as “entitlement lands,” include national parks, national forests, land managed by the Bureau of Land Management (BLM), land managed by FWS that has never left federal ownership, and others as set forth in PILT statute. Although Congress has appropriated full funding for the PILT program since fiscal year 2018, the PILT program has experienced other periods of constrained funding since 2005, requiring prorated reductions to the amounts paid to recipients under the allocation formula.

Under the Refuge Revenue Sharing program, the FWS provides annual payments to counties and other local governments that have land administered solely or primarily by the FWS. This includes payments for refuge lands that were acquired by or donated to the federal government and that are thus not included as entitlement lands for purposes of PILT. The Refuge Revenue Sharing program has also been inconsistently funded by Congress. Since 1981, Congress’ appropriations for the program have varied, and the program has not been fully funded to pay the full amount to each county provided for in the allocation formula.

Thus, Treasury is defining counties “for which, as determined by the Secretary, there is a negative revenue impact due to implementation of a Federal program or changes to such program” as those counties that participate in the PILT and Refuge Revenue Sharing programs.

District of Columbia, Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands

The District of Columbia, the Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands are statutorily included as eligible revenue sharing counties for the LATCF program.

Total Eligible Revenue Sharing Counties

Overall, 2,086 total local governments meet the definition of a “county, parish, or borough” that is “independent of any other unit of local government” that is “the principal provider of services” and for which there is “a negative revenue impact as the result of the implementation of a federal program or changes to such program.” This includes the District of Columbia and the 3 territories, Puerto Rico, Guam, and U.S. Virgin Islands, specifically enumerated as eligible by the statute.

¹⁰ See FWS, Historical Summary of Refuge Revenue Sharing Payments, <https://www.fws.gov/sites/default/files/documents/RefugeRevShare%20Historical%20Summary2022.pdf> (indicating less than full funding for the Refuge Revenue Sharing program since 1981). A discussion of annual funding levels for PILT is provided in Interior’s PILT annual reports, available at <https://www.doi.gov/pilt/resources/annual-reports>.

Allocation Methodology

The Act provides that the Secretary shall determine the allocations for eligible revenue sharing counties “taking into account economic conditions of each eligible revenue sharing county, using measurements of poverty rates, household income, land values, and unemployment rates as well as other economic indicators, over the 20-year period ending with September 30, 2021.”¹¹

Data Sources for Statutory Economic Indicators (“poverty rates, household income, land values, and unemployment rates”)

Poverty Rates and Median Household Income

Treasury used data on poverty rates and median household income as published by the Census Bureau at the county level in its Small Area Income and Poverty Estimates (SAIPE) program, last published in December 2021, reflecting data for calendar year 2020.¹² This Census Bureau data source is meant to “provide estimates of income and poverty for the administration of federal programs and the allocation of federal funds to local jurisdictions.”¹³

Unemployment Rates

Treasury used data on unemployment rates by county, through 2021, published by the Bureau of Labor Statistics (BLS) Local Area Unemployment Statistics (LAUS) dataset. BLS LAUS program data is derived from the Current Population Survey, which is the household survey that is the source of the national unemployment rate.¹⁴

Land Values

Given the program’s legislative purpose of providing additional funding to counties with federal lands¹⁵ and the lack of comprehensive availability of property value data at a county or territorial level, Treasury’s allocation uses the amount of acres of federal land constituting entitlement land for the purposes of PILT and acquired or donated federal lands for purposes of the Refuge Revenue Sharing program for fiscal year 2021 in an eligible revenue sharing county.

Data Sources for “Other Economic Indicators”

Treasury considered various other economic indicators to factor into the allocation methodology. In evaluating whether to add a specific metric, staff considered whether there is available data at

¹¹ 42 U.S.C. § 805(b)(1).

¹² “The U.S. Census Bureau’s Small Area Income and Poverty Estimates program produces single-year estimates of income and poverty for all U.S. states and counties.” Census, Small Area Income and Poverty Estimate Program, <https://www.census.gov/programs-surveys/saipe/about.html>.

¹³ *Id.*

¹⁴ BLS, Local Area Unemployment Statistics, <https://www.bls.gov/lau/lauov.htm>.

¹⁵ 167 CONG. REC. S1271 (daily ed. Mar. 5, 2021) (statement of Sen. Wyden).

the county level and the extent to which the additional metric captures something distinct from what is already required by the statute.

Treasury incorporated childhood poverty and population into the allocation as “other economic indicators.” Childhood poverty, while correlated with overall poverty, provides a distinct measure of economic conditions, given the long-term impact of poverty on children.¹⁶ Childhood poverty data is available as published by the Census Bureau at the county level in the SAIPE program, last published in December 2021, reflecting data for calendar year 2020, and is incorporated into the Economic Distress Index described further below.

Population is a useful proxy for the size of an economy and the extent of the burden placed on the county government to provide essential services. Population data at the county level is available as published by the Census Bureau via its Subcounty Resident Population Estimates data set.¹⁷ To account for population as an additional economic indicator, as described further below, Treasury imposed a per capita maximum payment using population data as of July 1, 2021, scaled to the effective fiscal year 2021 per capita maximum under PILT.

Allocation Formula

Overall, Treasury’s allocation formula is based on the calculation of a county’s relative economic condition compared to other eligible revenue sharing counties and its acres of federal land. Allocations are subject to a total maximum of \$6,000,000, a total minimum of \$50,000, as well as a per capita maximum of \$300. This methodology and the above data sources were used to determine allocations for both fiscal years 2022 and 2023. Specifically, Treasury used the following methodology to allocate funds:

- Treasury calculated an Economic Distress Index (EDI) by multiplying economic indicators (poverty rate, childhood poverty rate, median household income, and unemployment rate), averaged over the 20-year period for which data are available, in proportion to their national figures (except for the data for Puerto Rico, which were averaged over the available 10-year period, and Guam and U.S. Virgin Islands, which do not have a calculated EDI, as further described below). A higher EDI value reflects relatively higher economic distress.
- Treasury sorted eligible revenue sharing counties into five groups based on the quintile of their EDI values, such that group 1 has the least distressed economic conditions and group 5 has the most distressed economic conditions. Counties in the same group receive the same “EDI group number,” reflecting which EDI group they fall in. The relationship is such that counties in group 2 receive twice the EDI weighting as counties in group 1, counties in group 3 receive three times the EDI weighting as counties in group 1, counties

¹⁶ See, e.g., Chapter 3: Consequences of Child Poverty, A Roadmap to Reducing Child Poverty. National Academies of Sciences, Engineering, and Medicine. National Library of Medicine Bookshelf. <https://www.ncbi.nlm.nih.gov/books/NBK547371/>. February 28, 2019.

¹⁷ See Incorporated Places and Minor Civil Divisions Datasets: Subcounty Resident Population Estimates: April 1, 2020 to July 1, 2021 (SUB-EST2021); <https://www.census.gov/newsroom/press-kits/2022/subcounty-estimates.html>.

in group 4 receive four times the EDI weighting as counties in group 1, counties in group 5 receive five times the EDI weighting as counties in group 1.

- Treasury then calculated a county's "Scaled EDI" by multiplying its EDI group by its acres of federal land (sum of a county's PILT-eligible acres as listed by Interior as having land that is entitlement land for purposes of PILT or donated or acquired refuge land for purposes of the Refuge Revenue Sharing program).
- Treasury calculated the annual allocation for an eligible revenue sharing county by comparing the county's Scaled EDI as a proportion of the available annual funds (\$750,000,000) relative to the sum total of all Scaled EDIs, subject to a minimum, an absolute maximum, and a per capita maximum.
- Treasury calculated the total allocation of FY22 and FY23 payments by multiplying each eligible revenue sharing county's annual allocation by 2.

Treatment of the District of Columbia, Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands

While all data described above is available for the District of Columbia, data availability varies for Puerto Rico, Guam, and the U.S. Virgin Islands. The District of Columbia is treated the same as other eligible revenue sharing counties in the allocation formula.

For Puerto Rico, while data is available for unemployment rate and land values, the data for poverty rate, childhood poverty rate, and median household income data is only available for a ten-year period, from 2010-2019. Accordingly, Treasury's evaluation of Puerto Rico's economic conditions is based on available data for 2010-2019.

For Guam and the U.S. Virgin Islands, BLS does not publish unemployment data, and poverty rate, childhood poverty rate, and median household income data is only available for 2009, 1999, and 1989 via the decennial Census. The available data suggests these territories should be placed in the most economically distressed group, group five, for purposes of the allocations.

Payment schedule

Treasury expects to make two payments to eligible counties. The first payment will be available immediately and will be made to eligible revenue sharing counties on a rolling basis. Treasury expects to make the second payment after the start of calendar year 2023.

To receive payments, eligible revenue sharing county governments must submit their information online through the Treasury Submission Portal, which is available at treasury.gov/LATCF. County governments will be required to complete payment information and sign an award agreement. The award agreement will cover both tranches of payments. After an eligible revenue sharing county government's submission is received, Treasury expects that it

will take approximately 4-5 business days for Treasury to review and process the payment. Once the information and documentation submitted is determined to be complete and accurate, the point of contact that an eligible revenue sharing county government designates in its online submission will receive information regarding the timing and amount of the first payment.

The deadline to complete the submission is January 31, 2023, at 11:59 PM AKST. If an eligible revenue sharing county government does not complete its submission by that deadline, the eligible revenue sharing county government will not be eligible to receive any payments under the LATCF.

Treasury may reallocate funds unclaimed by eligible revenue sharing county governments by the deadline noted. Treasury expects that the reallocated funds will be included in the second payment to counties that submitted the requisite information by the deadline.

In fiscal year 2023, Treasury expects to communicate to eligible revenue sharing county governments the amount of such reallocation, if any, and the date for the second payment.



AGENDA ITEM SUMMARY

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

7
10/17/22

Department: Finance

WORK SESSION ☒ **Meeting Date: 10/17/2022**

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other ARPA 2022 Third Quarter Monthly Review |

Documents exempt from public disclosure attached: ☐

Executive summary:

OVERVIEW OF ARPA PROJECT AND EXPENDITURE REPORT FOR THIRD QUARTER OF 2022, AND STATUS UPDATE OF ARPA FUNDING OBLIGATIONS/COMMITMENTS/REMAINING UNALLOCATED FUNDS

The purpose of this briefing is to provide the public, county commissioners, department heads, elected officials, and partnering agencies with an understanding of Clallam County's stewardship of the \$15,020,640 of ARPA relief funds thus far.

This data will be updated onto the Clallam County ARPA webpage located at www.clallam.net to provide additional transparency on Clallam County's administration of ARPA funds.

ARPA BACKGROUND

In May 2021, the County was awarded \$15,020,640 of federal stimulus funding from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Funds ("ARPA Funds") under Section 603(b) of the Social Security Act, as amended by Section 9901 of the American Rescue Plan Act ("ARPA Act"). The County received the first half of these funds on May 28, 2021, with the 2nd half of these funds received by the County in June, 2022.

As outlined in the ARPA Final Rule and FAQ guidance provided by the U.S. Treasury, ARPA Funds can be utilized in support of the following purposes:

- * Work Session Meeting - Submit 1 single sided/not stapled copy ARPA Project & Expenditure Report for Third Quarter of 2022 10-17-22
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies) Revised: 3-04-2019

- (1) To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- (2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- (3) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;
- (4) To make necessary investments in water, sewer, or broadband infrastructure; and
- (5) To address the disparate impact of COVID-19 on certain populations and geographics, additional eligible services may include:
 - a. Addressing health disparities and the social determinants of health, including community health workers, public benefits navigators, remediation of lead paint or other lead hazards, and community violence intervention programs;
 - b. Building stronger neighborhoods and communities, including supportive housing and other services for individuals experiencing housing or food insecurity, development of affordable housing, and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity;
 - c. Addressing educational disparities exacerbated by COVID-19, including: early learning services, increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, and supports for students' social, emotional, and mental health needs; and
 - d. Promoting healthy childhood environments, including: child care, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth

During the July 6, 2021 Continued Work Session with BOCC, the BOCC identified eight priority areas that they indicated support for allocating ARPA Funds to, including:

- Local Small Business and Non-Profit Economic Assistance;
- Assistance to Businesses and Non Profits that provide Child Care Services;
- Mental/Behavioral Health;
- Food Security Support to Local Food Banks;
- Affordable Housing/Homelessness Support;
- Residential and Commercial Utility Relief;

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- Local Water Systems Infrastructure; and
- Broadband

OVERVIEW OF CLALLAM COUNTY'S PROJECT AND EXPENDITURE REPORT FOR THE PERIOD COVERING JULY 1, 2022 – SEPTEMBER 30, 2022 TO BE SUBMITTED TO THE U.S. TREASURY BY OCTOBER 31, 2022

Under the compliance reporting requirements of the ARPA Act, the County is required to submit quarterly Project & Expenditure Reports to U.S. Treasury outlining the ARPA funded projects the County entered into, the amount of ARPA fund obligations, and the expenditures incurred for the quarterly period ending September 30, 2022. In addition to requiring the County to disclose each of the projects for which ARPA funds were obligated and/or expended, the County is also required to:

- Indicate the ARPA eligible expenditure category the project was covered under;
- Provide a description of each project;
- Provide a list of subrecipients that received the awarded funds;
- Indicate the type of award made (i.e. Subaward, reimbursable grant, direct payment, etc.)
- Provide a list and details of each expenditure made under each of those Subawards greater than \$50,000 during the reporting period; and
- Report the aggregate amount expended for awards less than \$50k.

As will be disclosed in the Clallam County SLRF Project and Expenditure report due to the U.S. Treasury by October 31, 2022, **the County has entered into ARPA funded contractual obligations totaling \$11,716,475.38 through September 30, 2022 representing 78% of total ARPA funds awarded to Clallam County.**

A total of \$7,225,438.86 of ARPA funds have been disbursed to-date:

- \$3,616,410.87 disbursed through December 31, 2021 (3/1/2021 through 12/31/2021)
- \$1,978,701.22 disbursed during the first quarter of 2022 (1/1/2022 through 3/31/2022)
- \$1,557,465.40 disbursed during the second quarter of 2022 (4/1/2022 through 6/30/2022)
- \$72,861.37 disbursed during the third quarter of 2022 (7/1/2022 through 9/30/2022)

A summary table is included below of the projects for which ARPA funds have been formally obligated and expended by Clallam County during the period March 2021 – September 2022:

* Work Session Meeting - Submit 1 single sided/not stapled copy ARPA Project & Expenditure Report for Third Quarter of 2022 10-17-22
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Project Expenditure Category Group	Project Expenditure Category	Project Name	Total Obligations	Total Expenditures for Third Quarter of 2022	Total Expenditures for Second Quarter of 2022	Total Expenditures for First Quarter of 2022	Total Expenditures Thru 12/31/21	Total Expenditures Disbursed to Date	Project Description
2. Negative Economic Impacts	2.2 Household Assistance: Rent, Mortgage, and Utility Aid	Clallam County PUD Residential and Commercial Utility Assistance	\$ 350,000.00	\$ 6,415.33	\$ 5,402.43	\$ 39,727.05	\$ 197,882.64	\$ 249,427.45	Funds were committed to provide utility payment assistance to residents, small businesses, and non-profits experiencing severe financial hardship due to job loss, layoff, reduction of work hours, reduced revenues or other negative economic impacts or circumstances resulting from the COVID-19 public health emergency. The funds were needed to avoid a utility disconnect that would endanger the health and well-being of the impacted residents, and impair the ability of businesses to continue to operate. To date, 377 households and small businesses had received ARPA-funded utility payment assistance.
2. Negative Economic Impacts	2.29 Assistance to Small Businesses: Loans or Grants to Mitigate Financial Hardship	Clallam Economic Development Council - Lifeboat3--Small Businesses	\$ 2,484,788.00	\$ -	\$ 470,434.73	\$ -	\$ 1,943,060.27	\$ 2,413,495.00	Funds were committed to provide small businesses whose operations and financial conditions were adversely impacted by the COVID-19 public health emergency, including reduction in revenues, increase in operating costs related to implementing COVID-19 prevention or mitigation tactics or due to other operating cost increases experienced during the pandemic, business disruption or closure, event cancellation, and/or other similar circumstances during the pandemic that created a financial hardship. Under the EDC Lifeboat 3 grant program funded by these ARPA funds, a total of 160 small businesses in Clallam County received assistance through June 30, 2022.
2. - Negative Economic Impacts	2.34 Assistance to Non-Profits: Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)	Clallam Economic Development Council - Lifeboat 3 Economic Assistance--NonProfits	\$ 302,000.00	\$ -	\$ 140,000.00	\$ -	\$ 162,000.00	\$ 302,000.00	Funds were committed to provide nonprofits whose operations and financial conditions were adversely impacted by the COVID-19 public health emergency, including reduction in revenues, increase in operating costs related to implementing COVID-19 prevention or mitigation tactics or due to other operating cost increases experienced during the pandemic, business disruption or closure, event cancellation, and/or other similar circumstances during the pandemic that created a financial hardship. Under the EDC Lifeboat 3 grant program funded by these ARPA funds, a total of 30 non-profits in Clallam County had received assistance through June 30, 2022.
2. - Negative Economic Impacts	2.11 Healthy Childhood Environments: Child Care	Clallam Economic Development Council--Lifeboat 3 Economic Assistance--Childcare	\$ 469,064.00	\$ -	\$ 469,064.00	\$ -	\$ 469,064.00	\$ 469,064.00	Funds were committed for small business, non-profits, and special districts that provide child care services in Clallam County that were impacted by the COVID-19 public health emergency. Under the EDC Lifeboat 3 grant program funded by these ARPA Funds a total of 23 childcare organizations received funds; 16 small businesses, 6 nonprofits and 1 special district.
2. - Negative Economic Impacts	2.15 Long-term Housing Security: Affordable Housing	Peninsula Housing Authority	\$ 210,000.00	\$ -	\$ -	\$ -	\$ 210,000.00	\$ 210,000.00	Funds were committed to cover gaps in support of six affordable home projects that were on hold and other similar affordable housing projects located in Clallam County that low-income families are participating in building through Peninsula Housing Authority's 'Mutual Self-Help Program' and that qualify for assistance under their 'Down Payment Assistance Program'. Funds are used to bridge funding gaps once USDA loan funds are exhausted.
2. Negative Economic Impacts	2.15 Long-term Housing Security: Affordable Housing	Peninsula Behavioral Health - All View Motel Affordable Housing Project	\$ 727,411.00	\$ -	\$ -	\$ -	\$ 727,411.00	\$ 727,411.00	Funds were committed to support the purchase of the All View Motel for conversion into a supportive affordable housing project of 27 units to house up to 41 individuals or families with serious mental health needs and/or significant substance use disorders who are in need of permanent stable housing with onsite services.
2. Negative Economic Impacts	2.15 Long-term Housing Security: Affordable Housing	Habitat for Humanity	\$ 100,000.00	\$ -	\$ -	\$ -	\$ 100,000.00	\$ 100,000.00	Funds were committed to support the completion of select affordable housing projects in Clallam County for households with incomes of 30-80% of Clallam County's Area Median Income (AMI). Funding was needed to address immediate cash flow constraints that were hindering Habitat for Humanity's ability to cover funding gaps in planned affordable housing projects due to increased building material costs. These funds were used for affordable housing construction costs, including contractor/subcontractor and building material expenses for current affordable housing unit projects, or for restarting affordable housing projects that were previously placed on hold due to high construction material or contractor/subcontractor costs encountered during the COVID-19 public health emergency. Two affordable housing projects in Port Angeles were completed at the end of 2021 utilizing the provided ARPA funds.

2. Negative Economic Impacts	2.1 Household Assistance: Food Programs	Clallam Bay - Sekiu New Hope Food Bank	\$ 250,000.00	\$ -	\$ -	\$ -	\$ 194,921.96	\$ 194,921.96	Funds were committed to support the New Hope Food Bank serving residents of Clallam Bay-Seki and surrounding areas within west Clallam County who are experiencing food insecurity during the COVID-19 public health emergency. Their current food bank facility (a 30+ year-old single-wide mobile home of approximately 720 sq ft), has fallen into a state of severe disrepair due to the buildings age and construction quality. As a result of pest infestation, electrical wiring problems and other issues, it is no longer safe or viable for the continued operation as a food bank. In addition to the structure issues, the current facility is located approximately 3 miles outside of Clallam Bay, which greatly hinders its ability to serve the food security needs of low income residents in the area, many of whom lack a means of transportation to the food bank. In order to address these issues, a 1,300 sq ft replacement facility was located and available at 33 Bogachiel Street in Clallam Bay. This facility is within close proximity to several local organizations that support other needs of the community including; the Lions Club, health clinic, community center, and a local church. These funds are to support the purchase and renovation of the food bank's new facility in Clallam Bay.
2. Negative Economic Impacts	2.16 Long-term Housing Security: Services for Unhoused Persons	North Olympic Regional Veteran's Housing Network--Hobucket House	\$ 59,903.00	\$ -	\$ -	\$ -	\$ 59,903.00	\$ 59,903.00	Funds were committed to NORVHN to support completion of the "Hobucket House" group home project for homeless, disabled Veterans in Clallam County. Funding was needed to address immediate cash flow constraints that were hindering their ability to cover gaps in this planned affordable housing group home project located in Forks, WA due to increased building material costs resulting from the supply chain disruptions created during the COVID-19 public health emergency. The grand opening of the Hobucket House was held on April 20, 2022.
2. Negative Economic Impacts	2.35 Aid to Tourism, Travel, or Hospitality	Black Ball Transportation Inc Economic Assistance Grant	\$ 1,250,000.00	\$ -	\$ 801,693.30	\$ 24.05	\$ -	\$ 801,717.35	Funds were committed to support the preservation of the Black Ball private marine transportation activities and jobs associated with such activities that were severely negatively impacted by the closure of the United States- Canada border during the COVID-19 pandemic by providing ARPA-funded economic support assistance.
1. Public Health	1.1 COVID-19 Vaccination	COVID-19 Vaccination Marketing Campaign	\$ 21,000.00	\$ -	\$ -	\$ -	\$ 20,017.00	\$ 20,017.00	Funds were used to develop the social media branding campaign platform, 'Clallam County Cares' to provide COVID-19 facts, updates, and resources to the public.
2. Negative Economic Impacts	2.11 Healthy Childhood Environments: Child Care	Child Care Recruitment Job Fair	\$ 1,215.00	\$ -	\$ -	\$ -	\$ 1,215.00	\$ 1,215.00	Sponsorship was provided for a recruitment fair to encourage participants to consider a career in childcare and early childhood education and accept job openings currently available in most childcare centers and facilities across the county. Current staff shortages have reduced available child care slots by over 25%. Funds were used for advertising in the local paper and a City Banner (cost and installation). The recruitment fair was held on July 31, 2021. Funds were exhausted as of 12/31/2021.
1. Public Health	1.4 Prevention in Congregate Settings	Tek84 Full Body Scanner for County Jail	\$ 183,872.00	\$ -	\$ -	\$ 183,872.00	\$ -	\$ 183,872.00	Funds were committed to purchase the Tek84 Intercept Full Body Scanner System. The thermal body scanner will scan all incoming inmates to the County jail, minimizing the amount of time and physical proximity needed to conduct a search for contraband while alerting staff to any elevated body temperatures. The results will be a reduced risk of potential COVID-19 exposure to jail staff during the processing of incoming inmates and an early warning of illness symptomology.
2. Negative Economic Impacts	2.1 Household Assistance: Food Programs	Forks Community Food Bank	\$ 105,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed to support the purchase of a walk-in freezer allowing the food bank to meet the additional cold storage needs for increased food assistance to the community during the COVID-19 public health emergency. Funds will also be used for the salary and benefit costs of transitioning a volunteer executive director position into a paid full-time staff position due to the increased demands placed on this role and the food bank during the COVID-19 public health emergency.
2. Negative Economic Impacts	2.1 Household Assistance: Food Programs	Sequim Open Air Market	\$ 4,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed to support the market's one-to-one matching ability for eligible food purchases under the 'SNAP Market Match Program' and matching costs incurred to support the 'Low-Income Seniors Farmer's Market Nutrition Program' and the 'Women Infants and Children (WIC) Farmer's Market Nutrition Program' to provide improved access to fresh, healthy, and locally grown fruits and vegetables to low-income seniors and WIC recipients.

2 - Negative Economic Impacts	2.1 Household Assistance: Food Programs	West Olympic Peninsula Betterment Association	\$ 18,000.00	\$ 3,740.26	\$ -	\$ 14,259.74	\$ -	\$ 18,000.00	Funds were committed to the OPBA's "Feed the 5000" community meal service that assists residents in the City of Forks and surrounding areas experiencing food insecurity during the COVID-19 public health emergency by providing a free meal each Tuesday. Funds were used to reimburse for costs related to the purchase and storage of food, the preparation of meals to include cookware and carts, the on-site meal service, to include cutlery, plates and seating, personal protection and sanitation materials, and packaging materials related to the delivery of meals due to the 300% increase in the number of individuals seeking the weekly meal service during the COVID-19 public health emergency.
2. Negative Economic Impacts	2.1 Household Assistance: Food Programs	Sequim Food Bank	\$ 185,950.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed for the design, permitting, and other pre-construction costs relating to Sequim Food Bank's need to build an additional food storage facility on its adjoining property to provide a more sustainable operation to meet the food security needs of the community during the COVID-19 public health emergency. Funds will also be used for staffing costs supplementing the increased staffing required to meet the higher demand.
2. Negative Economic Impacts	2.1 Household Assistance: Food Programs	Port Angeles Farmer's Market	\$ 6,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed to support the market's one-to-one matching ability for eligible food purchases under the 'SNAP Market Match Program' and matching costs incurred to support the 'Low-Income Seniors Farmer's Market Nutrition Program' and the 'Women Infants and Children (WIC) Farmer's Market Nutrition Program' to provide improved access to fresh, healthy, and locally grown fruits and vegetables to low-income seniors and WIC recipients.
2. Negative Economic Impacts	2.1 Household Assistance: Food Programs	Port Angeles Food Bank	\$ 1,348,000.00	\$ -	\$ 73,930.78	\$ 1,248,008.70	\$ -	\$ 1,321,939.48	Funds were committed to assist the PA Food Bank in renovations of its new facility, including construction of a 2,000 sq ft food pantry market; a 1,800 sq ft commercial processing kitchen; a 2,000 sq ft training and workspace room for co locating of additional social services; and 4,000 sq ft of infrastructure improvements needed to create suitable administration and operations space. The renovation funds were deemed necessary and proportionate to enable PA Food Bank to meet the growing need for food assistance during the COVID-19 public health emergency and to support the additional demands placed on it since becoming the "Redistribution Organization" for County food assistance. Remaining funds are to be used for essential worker premium pay and staffing costs.
3. Public Health - Negative Economic Impact: Public Sector Capacity	3.2 Rehiring Public Sector Staff	County Need--Clallam Prosecuting Attorney/Clallam Public Defender--Additl Staff Funding for Case Back Log	\$ 104,216.69	\$ 42,104.68	\$ 38,366.33	\$ 23,745.68	\$ -	\$ 104,216.69	Funds were initially committed for the temporary hiring of additional staff in the Clallam Prosecuting Attorney's Office and Public Defender's Office over a 2 year period to address the court case backlog created by the COVID-19 public health emergency. Based on progress made to clear back-log, additional staff needs ended after the third quarter of 2022.
5. Infrastructure, Water & Sewer	5.11 Drinking water: Transmission & Distribution	Black Diamond Water District	\$ 62,537.28	\$ 2,730.00	\$ -	\$ -	\$ -	\$ 2,730.00	Funds were committed to support the replacement of the main water line over the Little River to be located and securely attached to the new bridge that was installed by the Department of Natural Resources in 2020. This project will ensure the delivery of safe water to 450 Clallam County residents.
2 - Negative Economic Impacts	2.34 Assistance to Non-Profits: Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)	United Way of Clallam County - Clallam Resilience Project	\$ 59,000.00	\$ 4,000.00	\$ 1,000.00	\$ -	\$ -	\$ 5,000.00	Funds were committed to support the Clallam Resilience Project in hosting twelve cost-free Community Meetings and hosting a Collaborative Learning Academy no later than April 2023 to aid in building resilience in Clallam County.
1. Public Health	1.4 Prevention in Congregate Settings	County Need--BOCC Meeting Room Technology Project to Improve COVID Virtual Meeting Capabilities	\$ 134,000.00	\$ 10,353.60	\$ 26,637.83	\$ -	\$ -	\$ 36,991.43	This IT capital project is designed to allow more robust public participation during County meetings and supports the need for improved virtual public meeting capabilities during the COVID-19 public health emergency.
2. Negative Economic Impacts	2.11 Healthy Childhood Environments: Child Care	Olympic Peninsula YMCA	\$ 500,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed to support Olympic Peninsula YMCA has in the construction and development of an Early Learning Facility to be located in Port Angeles to provide childcare and early learning services to children 0-6 years of age.
2. Negative Economic Impacts	2.15 Long-term Housing Security: Affordable Housing	Peninsula Housing Authority	\$ 300,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed to support Peninsula Housing Authority with unbudgeted payroll and administrative costs incurred in support of the Mutual Self-Help Building program. Peninsula Housing Authority has experienced homebuilding construction delays due to the COVID-19 pandemic.
2. Negative Economic Impacts	2.18 Housing Support: Other Housing Assistance	Clallam County Health and Human Services Medical Respite	\$ 483,320.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed to Clallam County Health and Human Services to develop the Medical Respite Care in partnership with homeless shelters and medical care providers for a two year period which provides short-term resident services coupled with support services and access to medical for people experiencing homelessness.

REMAINING UNOBLIGATED ARPA FUNDS

In addition to the funds formally obligated via agreement to be reported to the U.S. Treasury through September 30, 2022, the BOCC has subsequently entered into agreements or has approved additional ARPA commitments in 2022 as well as has indicated support for committing ARPA funds towards eligible purposes for which the County has not yet formally entered into agreements to fund. The breakdown of these additional expenditures and placeholder funds committed, are as follows:

* Work Session Meeting - Submit 1 single sided/not stapled copy ARPA Project & Expenditure Report for Third Quarter of 2022 10-17-22
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OTHER COMMITMENTS (BUT NOT FORMALLY OBLIGATED YET)

Project Expenditure Category Group	Project Expenditure Category	Project Name	Total Obligations	Project Description
1. Public Health	1.4 Prevention in Congregate Settings	County Need--BiPolar Ionization HVAC Filtering System	\$ 250,000.00	Air purification equipment approved for Courthouse as part of the 2022 Capital Budget to help prevent spread of COVID.
2. Negative Economic Impacts	2.15 Long-term Housing Security: Affordable Housing	Affordable Housing Programs	\$ 700,000.00	BOCC had indicated funds of up to \$1 million dollars to support affordable housing projects in Clallam County (less \$300k committed to Peninsula Housing Authority, see above).
5. Infrastructure: Water & Sewer	Local Water Systems	TBD	\$ 87,462.72	BOCC earmarked up to \$150k to support local water systems. \$87,462.72 remains unobligated after supporting the Black Diamond Water District project for \$62,537.28.

\$ 1,037,462.72**REMAINING UNCOMMITTED FUNDS**

6. Revenue Replacement	6.1 Provision of Government Services	TBD	\$ 2,266,701.90	County's "Lost Revenue" category under ARPA, which under the Final Rule allows the County to designate up to \$10 million of its ARPA award as "lost revenue" to be used to support provisions of government services. Potential options to be discussed with BOCC includes support of: Carlsborg UGA Water Infrastructure Support (\$775k), Coverage of grant funding gaps of Dungeness Off Channel Reservoir (\$300k), Bullman Beach (TBD). This includes returning funds for case backlog from the Prosecutor's Office and Public Defender (\$1.09 million).
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TOTAL--OTHER ARPA COMMITMENTS**\$ 3,304,164.62****TOTAL ARPA OBLIGATIONS (2021/2022) AND COMMITMENTS, NET OF RETURN OF ARPA FUNDS****\$ 15,020,640.00****TOTAL ARPA FUNDS AWARDED TO CLALLAM COUNTY****\$ 15,020,640.00**

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

None.

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

This presentation is an update to the BOCC on the ARPA Project & Expenditure Report to be submitted to U.S. Treasury by September 30, 2022 as required under the ARPA reporting requirement and to review the status of the ARPA Funds in terms of obligations/commitments made to date.

County Official signature & print name: Chelsea Miller Chelsea Millar for
Mark Lane

Name of Employee/Stakeholder attending meeting: Mark Lane

Relevant Departments: Finance

Date submitted: 10/12/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy ARPA Project & Expenditure Report for Third Quarter of 2022 10-17-22
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Document was submitted after the
agenda and packet were posted on
10-13-22 item 7

3. Public Health - Negative Economic Impact: Public Sector Capacity	3.3 Public Sector Workforce: Other	Clallam County Sheriff's Office - Hiring and Retention Incentives	\$ 600,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	Funds were committed for hiring and retention incentives to encourage deputies to remain employed by the Clallam County Sheriff's Office for a contracted period of 36 months to ensure delivery of public safety services during a period of critical staff shortages experienced in our County jail and across many law enforcement agencies.
6. Revenue Replacement	6.1 Provision of Government Services	Broadband Grant Local Match	\$ 1,786,109.41	\$ 3,517.50	\$ -	\$ -	\$ -	\$ 3,517.50	Funds represent the 10% required local match for the Washington State Broadband Office grant recently awarded to Clallam County. The remaining project funding requirement of over \$20 million will be paid out of State grants awarded to Clallam County. The Clallam County Broadband Project will serve approximately 1,600 homes beginning at the Hwy 101/Hwy 112 junction and going through Joyce.

INCOME

RETURN OF ARPA FUNDS AVAILABLE FOR OTHER ELIGIBLE USES	3.10 Housing Support: Affordable Housing	Peninsula Behavioral Health - All View Motel Affordable Housing Project	\$ (389,911.00)	\$ -	\$ -	\$ -	\$ -	\$ -	Under the ARPA Grant agreement with Peninsula Behavioral Health for the All-View Motel mental health affordable housing project, PBH was required to reimburse the County a total of \$389,911 in ARPA funds received in the event PBH was awarded funds under its Department of Commerce Housing Trust Fund grant application. As PBH was recently notified that such grant funding was awarded to them, these ARPA funds were returned to the County and are available to be used for other ARPA-eligible projects.
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TOTAL ADDITIONAL OBLIGATIONS

\$ 11,716,475.38	\$ 72,861.37	\$ 1,557,465.40	\$ 1,978,701.22	\$ 3,616,410.87	\$ 7,225,438.86
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AGENDA ITEM SUMMARY

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

ES
10/17/22
@
1pm

Department: Prosecuting Attorney

EXECUTIVE SESSION ☒ Meeting Date: 10/17/22 1:00

Required originals approved and attached? ☐

Will be provided on:

Item summary:

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

Documents exempt from public disclosure attached: ☐

Executive summary:

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."

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
The Board of County Commissioners should provide guidance to Prosecuting Attorney.

County Official signature & print name: Mark Nichols 

Name of Employee/Stakeholder attending meeting: Mark Nichols

Relevant Departments: BOCC, PAO, Auditor, HR/Risk

Date submitted: 10/12/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)