



# **AGENDA**

## **CHARTER REVIEW COMMISSION**

**223 East 4<sup>th</sup> Street, Room 160**  
**Port Angeles, Washington**  
**December 8, 2025 – 5:30 p.m.**

### **Notes for the Audience**

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

### **\*\*ATTENTION\*\***

Charter Review Commission meetings will also be available virtually at:

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

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

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

Public comment can be directed to the Clerk at 360-417-2256 or [Loni.Gores@clallamcountywa.gov](mailto:Loni.Gores@clallamcountywa.gov)

### **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF MINUTES**

- Meeting Minutes November 24, 2025

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

### **CORRESPONDENCE/PETITIONS**

### **BUSINESS ITEMS**

- Voters Pamphlet (Step 2) – Commissioner Richards
- Attorney/Client Privilege legal response – Commissioner Tozzer/Dee Boughton

### **COMMITTEE REPORTS**

- Land Acquisition recommendation – Commissioner Cameron

### **REPORTS**

- Chair Report – Commissioner Fisch

### **PUBLIC COMMENT – Please limit comments to three minutes**

### **GOOD OF THE ORDER/FUTURE AGENDA ITEMS**

**AGENDA for the Meeting of December 8, 2025**  
**CHARTER REVIEW COMMISSION**  
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**ADJOURNMENT**

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

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

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

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

**CHARTER REVIEW COMMISSION UPCOMING MEETING DATES**

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

- December 22, 2025 at 5:30 p.m.

# **Charter Review Commission**

## **Draft Minutes**



## CLALLAM COUNTY CHARTER REVIEW COMMISSION MINUTES OF NOVEMBER 24, 2025

### MEETING OF THE CHARTER REVIEW COMMISSION (CRC)

Chair Susan Fisch called the meeting to order at 5:30 p.m., Monday, November 24, 2025. Also present were Commissioners Jim Stoffer, Jeff Tozzer, Alex Fane, Patti Morris, Ron Richards, Rod Fleck, Bill Benedict, Mark Hodgson, Ron Cameron, Chris Noble, Christy Holy and Nina Sarmiento. Paul Pickett and Cathy Walde were excused.

### REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

**ACTION TAKEN:** Richards moved to add an agenda item entitled consideration of Dr. Sarah Huling letter regarding actions on the lands acquisition amendment, Tozzer seconded, motion failed (5 voted in favor and 7 voted opposed)

There was no objection to discussing the letter (email) submitted by Dr. Sarah Huling under the Land Acquisition Committee report section of the agenda.

**ACTION TAKEN:** Adopted as presented

### APPROVAL OF THE MINUTES

- Minutes November 10, 2025

**ACTION TAKEN:** Adopted as presented (Stoffer abstained)

### PUBLIC COMMENT – Please limit comments to three minutes

- Denise Lapio, Sequim, commented on the security issue being removed from the agenda
- John Worthington, Sequim, commented on Ethics Committee, attorney client privilege issue, land acquisition issue
- Eric Fehrmann, Sequim, commented on ethics
- Ed Bowen, Clallam Bay, commented on land acquisition, attorney client privilege
- Karin Cummins, Sequim, commented on land acquisition, ethics
- Dr. Sarah Huling, District III, commented on her correspondence, land acquisition, ethics

### CORRESPONDENCES

Gores noted receipt of correspondences from Elections Department, Commissioner Tozzer, David Herbelin, Dr. Sarah Huling, Commissioner Richards, Loni Greninger – Jamestown S’Klallam Tribe and Clerk Gores. The legal action request from June 20, 2025 provided by Dee Boughton – Prosecuting Attorney’s Office will also be attached as correspondences. See attached.

### BUSINESS ITEMS

- **Ethics Review Board proposed Charter Amendment (Step 4): Commissioner Cameron**

Fisch reminded the Commission that the Ethics Review Board proposed amendment is on Step 4. She read the following into the record:

#### Proposed amendment:

Clallam County Charter, Article VIII – The Public Interest, Section 8.100, Ethics Review Board - Establishment and Purpose, be added to read as follows:

#### **Section 8.100. Ethics Review Board — Establishment and Purpose**

An independent Ethics Review Board is hereby established to receive and review complaints of violations of the Clallam County Code of Ethics by elected county officials.

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

**Section 8.110. Composition and Terms**

(a) The Ethics Review Board shall consist of three members, one from each of the county commissioner districts.

(b) Members shall serve without compensation for staggered three-year terms, with initial terms determined by lot to establish staggering.

(c) No member may be a current county employee, elected official, or candidate for county office, nor an immediate family member thereof.

**Section 8.120. Appointment of Members**

(a) Members shall be appointed by independently elected county officials. The offices eligible to appoint are:

- County Auditor
- County Treasurer
- County Assessor
- County Director of the Department of Community Development

(b) The order of making appointments shall be determined by lot and each official will make one appointment in turn, repeating the order after each official has made an appointment to the Ethics Review Board.

(c) In the event of a vacancy, the office assigned under the current rotation shall appoint a qualified replacement for the remainder of the unexpired term.

(d) Members must be residents of the district they represent and meet the eligibility requirements specified in Section 8.110.

**Section 8.130. Duties and Procedures**

(a) The Ethics Review Board shall:

1. Determine the rules of procedure for receipt, review and appeal of complaints of violations of the Clallam County Code of Ethics
2. Receive and review written complaints alleging violations of the Clallam County Code of Ethics by elected county officials.  
Determine whether complaints fall within its jurisdiction.  
Conduct impartial reviews.
3. Issue written findings publicly upon completion of review.

(b) The Board shall not impose penalties or sanctions.

(c) The Ethics Review Board shall have no authority to investigate or consider alleged conduct that occurred prior to the effective date of this Charter amendment. All investigations must pertain only to actions or omissions occurring after this amendment becomes effective.

(d) Any complaint submitted to the Ethics Review Board must be made by a person or persons having first-hand knowledge of the alleged facts.

The complainant shall certify under penalty of perjury that they:

1. Have direct knowledge of the alleged conduct; and
2. Believe the charge or charges to be true and based upon their personal knowledge of the facts forming the grounds for the complaint.

Anonymous or second-hand complaints shall not be accepted.



**CLALLAM COUNTY CHARTER REVIEW COMMISSION**  
**MINUTES of November 24, 2025**  
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**Section 8.140. Transparency**

All final findings of the Ethics Review Board shall be publicly available and posted on the county website. Meetings may be closed only as necessary to protect confidentiality of complainants or witnesses during active investigations.

**ACTION TAKEN: Morris moved to accept the amendment and move it forward to the 2026 ballot, Cameron seconded, motion passed**  
(13 voted in favor and 0 voted opposed)

Fisch noted that the amendment passes and has asked Gores to forward the amendment to the Auditor for the 2026 ballot.

• **Voters Pamphlet – Commissioner Richards**

Richards commented that he is offering this as Step 1 in the process and the reasons for the proposal are stated in findings 5 and 6. He stated his concerns about why he feels this amendment is important. He noted that he feels the Attorney's opinion leaves out two provisions of the RCW's that he thinks makes his legal opinion inapplicable and that the full text is required. Specifically, one of the provisions says the local voter pamphlet will follow the same format as the state voter pamphlet. The other one states that it should include but not be limited to that it will contain the text of the amendment. Looking at this in a bigger picture it is obvious to him that the Auditor needs to publish the full text, and he believes the voters deserve to look at the full text.

Fisch noted that the proposed amendment will move forward to the December 8 meeting.

**Proposed amendment:**

Section 11.20: Charter Amendment and Repeal, 11.20.10: General Provisions, of the Clallam County Charter be amended to read as follows:

Charter amendments may be proposed by the Commission, the County Commissioners or by the public. Any proposed Charter amendment shall be filed and registered by the Auditor and submitted to the voters at the next statewide general election occurring at least 90 days after registration of the proposed amendment by the Auditor. If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that the people may vote for or against the amendments separately; provided that an amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it is composed of changes to one or more Articles. The full text of any proposed Charter amendment shall be printed in the local voters' pamphlet.

If a proposed amendment is approved by a majority of voters voting on the issue, it shall be effective 10 days after the results of the election are certified unless a later date is specified in the petition or ordinance proposing the amendment. Any implementing ordinance required by any Charter amendment shall be enacted by the County Commissioners within 180 days after the amendment is effective, unless the amendment provides otherwise.

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

• **Attorney/Client Privilege – Commissioner Tozzer**

Fisch noted that Tozzer asked that the Commission discuss proper procedures, expectations, and safeguards for handling privileged communications.

Tozzer commented that it appears a Charter Review Commissioner shared confidential email from his County email to his private email and with a private citizen. Tozzer is wondering about the protocol from here on out.

# CLALLAM COUNTY CHARTER REVIEW COMMISSION

## MINUTES of November 24, 2025

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Attorney Boughton commented that he isn't thoroughly prepared to address all the nuances, ins and outs of privileges. He noted that there are number of privileges such as doctor-patient, priest-penitent, attorney/client and marital privilege to name a few. He believes the Commission is talking about attorney/client privilege. As a general rule there are a lot of case laws that deal with attorney/client privilege in different contexts and different types of clients. Boughton explained attorney/client privilege relationships. He noted that he needs to go back and review the meeting that was held soon after he provided the memorandum related to the topic lands acquisition. When he sent the memorandum it was under attorney/client privilege. He believes that during the meeting there was some discussion, but he does not remember if it was to specifically discuss details. If the Commission requested that Boughton discuss in public the memorandum that almost certainly was a waiver of the attorney/client privilege at that time for that communication. He mentioned again that he needs to follow up on that still. Boughton commented that to give the most complete and accurate response for *what is the proper procedures, expectations, and safeguards for handling privileged communications* he will need some additional time research.

Commissioners held discussions regarding attorney/client privilege. Stoffer called a point of order and referenced RCW 42.30.110 executive session. He pointed out that if someone is making allegations against him they need to move into an executive session. Noble called a point of order. He believes Richards has made another accusation. Fisch commented that if Richards could proceed with a statement that doesn't talk about a specific person he can continue, but if not the Commission needs to address Attorney Boughton if it's proper for the Commission to go into executive session. Commissioners continued discussions regarding attorney/client privilege.

**ACTION TAKEN:** Benedict moved that as a group to vote to remove the attorney/client privilege from the memo that Tozzer is referencing that is specifically a memo from Dee Boughton to the Commission that is dated June 20, 2025, Noble seconded, motion passed (13 voted in favor and 0 voted opposed)

**ACTION TAKEN:** Benedict moved to ask the Prosecuting Attorney's Office if the attorney/client privilege that is established through a board such as the Charter Review Commission if one of the members unilaterally waives that privilege is that violation and if it is a violation what are the consequences, Richards seconded, motion passed (12 voted in favor and 1 voted opposed)

### COMMITTEE REPORTS

- Land Acquisition – Commissioner Richards  
Richards commented that he did not realize that Cameron made a comment regarding having a Lands Acquisition Committee meeting to discuss forwarding a recommendation to the Board of Commissioners on this subject. Even if he had he would not have been interested in having a meeting because this issue transcends this county commission. The failure to respond to these types of requests has gone on for years and multiple Board of Commissioners. He addresses the letters sent by Chairman Woodruff, Quileute Tribe and Dr. Sarah Huling. Commissioners held discussions regarding submitting a land acquisition amendment or recommendation.

**ACTION TAKEN:** Morris moved that the committee or others on the Charter Review Commission assist in getting a recommendation written to the Board of Commissioners for the land acquisition to move forward, Benedict seconded, motion passed (10 voted in favor and 3 voted opposed)

**ACTION TAKEN:** Benedict moved to call the question, Cameron seconded, motion passed (12 voted in favor and 1 voted opposed)

Cameron will connect with Walde to come up with a plan.

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## REPORTS

- **Chair Report – Commissioner Fisch**

No Chair report.

## PUBLIC COMMENT – Please limit comments to three minutes

- Denise Lapio, Sequim, commented on attorney/client privilege memo release
- John Worthington, Sequim, commented on land acquisition, attorney/client privilege, security
- Eric Fehrmann, Sequim, commented on treatment from Commissioners, transparency, racism
- Ed Bowen, Clallam Bay, commented on treaty rights claim, recommendation for a donation program for cause (see attached)
- Pat Day, Sequim, commented on thanked the veterans and commission, survey, agendas, harassment, security, land acquisition, property, tax rolls
- Karin Cummins, Sequim, commented on understanding government, security, went over things she has learned over the last 11 months
- Pepai Whipple, Sequim, commented on confidential information, land acquisitions, security, attorney/client privilege, Commissioner Stoffer
- Mimi Smith, Clallam County, commented on reprimand, being called a racists
- Dr. Sarah Huling, District III, commented on ethics, land acquisition
- Mary Wilson, Sequim commented on compromised data, holding accountability

## GOOD OF THE ORDER/FUTURE AGENDA ITEMS

- Voter Pamphlet – Step 2
- Prosecuting Attorney legal request regarding attorney/client privilege
- Land Acquisition recommendation

**ADJOURNMENT** - Meeting concluded at 7:20 p.m.

Respectfully submitted,

Loni Gores, MMC  
Clerk of the Charter Review Commission

Approved:



CLALLAM COUNTY CHARTER REVIEW COMMISSION 2025 – Roll Call Voting – November 24, 2025

Y – Yes, N- No, A-Absent

|                | Motion to approve<br>the Ethics<br>amendment--<br>Morris |
|----------------|----------------------------------------------------------|
| Susan Fisch    | Yes                                                      |
| Bill Benedict  | Yes                                                      |
| Jim Stoffer    | Yes                                                      |
| Jeff Tozzer    | Yes                                                      |
| Alex Fane      | Yes                                                      |
| Ron Cameron    | Yes                                                      |
| Pattie Morris  | Yes                                                      |
| Chris Noble    | Yes                                                      |
| Paul Pickett   | Absent                                                   |
| Ron Richards   | Yes                                                      |
| Rod Fleck      | Yes                                                      |
| Mark Hodgson   | Yes                                                      |
| Christy Holy   | Yes                                                      |
| Cathy Walde    | Absent                                                   |
| Nina Sarmiento | Yes                                                      |
| Yes            | 13                                                       |
| No             | 0                                                        |
| Pass or Fail   | Passed                                                   |

# CHARTER REVIEW COMMISSION PUBLIC COMMENT SIGN-UP SHEET

## Public Comment on Agenda Items – 1<sup>st</sup> Session

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

| No | PRINTED NAME     | SIGNATURE        | ADDRESS     |
|----|------------------|------------------|-------------|
| 1  | Denise Lapio     | Denise Lapio     | Sequim      |
| 2  | John Worthington | John Worthington | Sequim      |
| 3  | Eric Fehrmann    | Eric Fehrmann    | Sequim      |
| 4  | Ed Boyer         | Ed Boyer         | POB 111 CFB |
| 5  | Karin Cummins    | Karin Cummins    | Sequim      |
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# CHARTER REVIEW COMMISSION PUBLIC COMMENT SIGN-UP SHEET

## General Public Comment – 2<sup>nd</sup> Session

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

| Nº | PRINTED NAME     | SIGNATURE        | ADDRESS      |
|----|------------------|------------------|--------------|
| 1  | Denise Lapio     | Denise Lapio     | Sequim       |
| 2  | JOHN WORTHINGTON | John Worthington | Sequim       |
| 3  | Eric Fehrmann    | Eric Fehrmann    | Sequim       |
| 4  | Ed Brown         | Ed Brown         | PO Box 11 CB |
| 5  | Pat. Day         | Pat. Day         | SEQUIM       |
| 6  | Karin Cummins    | Karin Cummins    | Sequim       |
| 7  | Pepai Whipple    | Pepai Whipple    | Sequim       |
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Public comment  
CRC

Ed Bowen  
11/24/25

Gores, Loni

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**From:** James Salazar <james.salazar@quileutetribes.com>  
**Sent:** Monday, November 10, 2025 8:59 AM  
**To:** Gores, Loni  
**Cc:** Bryan Cramer  
**Subject:** Quileute Tribes Comments to the CRC  
**Attachments:** Letter to Clallam County Charter Review Commission.pdf

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

Good Morning,

Attached is a letter from the Quileute Tribal Council for the CRC to review prior to their meeting tonight. If there are any comments or questions from the CRC, please direct them to Bryan Cramer the tribes General Manager as he is the primary point of contact for government agencies on behalf of the tribe. Thank you.

James Salazar  
Quileute Tribal Council  
90 Main St,  
La Push WA, 98350  
Office: (360) 374-6163  
Cell: (360) 640-2151

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## Quileute Tribal Council

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P.O. Box 279 • La Push, WA • 98350-0279  
Phone: (360) 374-6163 • Fax: (360) 374-6311



November 10<sup>th</sup>, 2025

Clallam County Charter Review Commission  
Port Angeles, WA

Via Email  
(loni.gores@clallamcountywa.gov)

*Re: Comments Regarding Proposed Charter Amendment Concerning Trust Lands*

Dear Charter Review Commission Members:

The Quileute Tribal Council writes in opposition to the proposed amendment to the Clallam County Charter ("Charter") regarding trust land transfers, which is currently under consideration by the Clallam County Charter Review Commission ("CRC"). First, we explain some of the reasons why we oppose the proposed amendment. Second, we provide some additional context we hope will help CRC members understand why the proposed amendment is not advisable.

### EXECUTIVE SUMMARY

There are numerous practical reasons why the proposed amendment should not be enshrined in Clallam County's highest governing document (where it does not really belong in the first place) without the ability to amend it for at least five years. There are already established processes in place for the County to respond to a proposed trust land transfer if it wishes to do so for any particular reason. But *requiring* it to do so in *all* cases is unnecessary, will strip Clallam County (the "County") of discretion it should have, and will result in unnecessary costs and impacts that have not been clearly identified or quantified. Moreover, the proposed amendment wades into multiple areas of law, including federal Indian law, which is a notoriously complex and nuanced area of law, without thorough legal review. In short, more due diligence is necessary.

In addition, we hope that the context we provide below will help the CRC recognize that the proposed amendment is not advisable. Tribal trust land transfers are both historically and legally appropriate. They significantly benefit both tribes and surrounding communities, and they should not be discouraged as a general matter.

If the CRC would like to see the County more frequently respond to proposed trust land transfers, we suggest that it instead send a recommendation to the County Board of Commissioners so that appropriate due diligence can be performed and, if deemed necessary, a regulation, policy, or process can be more carefully developed, with appropriate intergovernmental coordination and legal review, and without the last-minute time constraints and lack of information the CRC currently faces with this proposed amendment.





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### A. REASONS WHY THE CRC SHOULD NOT PASS THE PROPOSED AMENDMENT

There are many reasons, most of them quite practical in nature, why the CRC should not pass the proposed amendment. These include, without limitation:

1. **The proposed amendment is unnecessary.** The County already has the ability to weigh in on proposed transfers of land into trust if and when it chooses to do so. For example, there is an established process for local governments to submit responses regarding tribes' fee-to-trust applications to the United States. 25 C.F.R. §§ 151.9(d), 151.10(d), 151.11(c). Similarly, there are opportunities for public comment and/or lobbying activities at multiple stages of the Washington Department of Natural Resources' trust land transfer program, including at the Advisory Committee stage, the Board of Natural Resources stage, and the legislative appropriations stage. See [https://dnr.wa.gov/sls\\_policies\\_files/2012-13-amp\\_14\\_process.pdf](https://dnr.wa.gov/sls_policies_files/2012-13-amp_14_process.pdf). Accordingly, the proposed amendment is not necessary in order for the County to weigh in on proposed trust land transfers.

2. **The proposed amendment will strip the County of its discretion.**

As a general matter, it is important for government administrators and elected officials to have discretion in performing many of their duties, and not be excessively bound by red tape. The proposed amendment would strip the County of its discretion by requiring it to respond to all proposed trust land transfers that fall within the broad scope of the proposed amendment. And it would prescribe the development of standards that would further bind the County. Yet there are many circumstances in which it might not be in the County's best interests to weigh in on a proposed trust land transfer. As discussed below, there will be costs associated with doing so, and a response might not be worth the costs in many cases. For example:

- The land in question may be located on a tribe's reservation, so the proposed trust transfer is not of significant interest to the County;<sup>1</sup>
- The proposed trust transfer may have an obviously *de minimis* impact on the County that is not worth the cost of addressing (such as, perhaps, a fee-to-trust application for a small homesite with a low property value);
- There may be obvious benefits to the surrounding community of a proposed trust land transfer (such as more revenues for the County from a DNR trust transfer, or the significant economic benefits to the surrounding community that might come

<sup>1</sup> The CRC may be surprised to know that even fee-to-trust applications for on-reservation land could fall within the scope of the proposed amendment as written. For example, fee land within a reservation may be subject to state/local taxation under the Burke Act of 1906.



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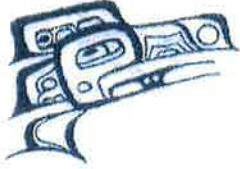
from a tribal economic development project associated with a federal fee-to-trust transfer), rendering the cost of a response unnecessary;

- The law may establish a strong presumption in favor of a trust land transfer that is obviously unlikely to be outweighed by the County's response, making it not worth the cost of addressing. E.g., 25 C.F.R. § 151.9(c) and (d) (establishing a presumption that a tribe's fee-to-trust request for land within reservation boundaries should be approved and placing the burden of rebutting that presumption on local governments);
- The County and the tribe in question may have already reached some type of agreement regarding one or more proposed trust land transfers, making it unnecessary for the County to respond (and a waste of resources to require it to).

As discussed above, the County already has the ability to respond to proposed trust land transfers, but restricting its discretion by requiring it to do so is not advisable in this case, given the many scenarios in which a response might be unnecessary or undesirable. If the CRC would like to see the County more frequently respond to proposed trust land transfers, that is a policy issue that could be better forwarded to the County Board of Commissioners as a recommendation.

3. The proposed amendment will entail unnecessary time and effort at taxpayer expense. The proposed amendment will require significant and often unnecessary (see above) time and effort at taxpayer expense. We lead a government, so we are very familiar with the time constraints, staffing considerations, and cost concerns that governments face. It is our understanding that Clallam County already has existing staffing and budgetary concerns, which the proposed amendment would only exacerbate. We do not wish to see the taxes the Quileute Tribe and its members pay to Clallam County expended in unnecessary ways, and we suspect many other taxpayers would feel the same.

One significant cost would be making the required amendments to the County's Comprehensive Plan. This would undoubtedly require many hours of staff time (presumably including attorney time) and possibly consultant time as well. Indeed, an amendment process is currently underway which has taken nearly two years, involves a large team of both consultants and staff, and is projected to cost more than \$150,000 for the amendments to the Comprehensive Plan alone (not including associated work, such as updating ordinances and regulations). See <https://www.clallamcount-wa.gov/DocumentCenter/View/21174/Comprehensive-Update-Work-Plan-Final-Draft-20240930>. In this case, the process would be particularly cumbersome because of the broad scope of the proposed Charter amendment. The proposed charter amendment encompasses numerous (and vaguely identified) types of trust land transfers



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which are governed by various federal and state laws. The purposes, processes, parties involved, potential considerations, etc. for each vary widely, so crafting standards will be difficult. Moreover, to the extent the trust land transfers involve issues of federal Indian law, crafting the standards will involve specialized knowledge the County staff and their usual consultants are not likely to possess. To make things worse, such standards may be largely unnecessary in some (perhaps all) cases. For example, notices from the federal government regarding tribal fee-to-trust requests already outline a number of questions for local governments to consider, and federal regulations already clearly set forth the topics the federal government considers.

Another significant cost would be the time, effort, and resources required to respond to the proposed trust land transfers. Again, the scope of the proposed amendment is broad, yet vague, so it is not clear exactly what types of trust land transfers it encompasses, and we have not seen that enumerated yet. Accordingly, it is impossible to know how many responses might be required or how burdensome those responses might be. But presumably they would all require, at a minimum, review of the request by one or more staff, legal research, property research, review of applicable zoning and other relevant land use laws and regulations, review of property taxes and other tax revenues generated from the property, review of what governmental services are/would be provided to the property, drafting time, legal review, and more. In short, the required responses seem likely to get very time consuming and expensive, very fast. Moreover, depending on the process in question, the timeframe for the response might be short. For example, the County only has 30 days to respond to notices of fee-to-trust applications from the federal government, 25 C.F.R. §§ 151.9(d), 151.10(d), 151.11(c). In government, that is a relatively short timeline which would likely require multiple staff people to drop what they are doing and prioritize the response.

As far as we know, the staffing considerations, budgetary impacts, and other practical implications of the proposed amendment have not been analyzed or described. Nor have all of the trust land transfers that would be encompassed in the proposed amendment, or the legal standards involved for each, been identified. Proposing an amendment to the Charter—the County's highest governing document—which could not be changed again for at least five years if approved, without doing basic due diligence about the costs and other practical implications of the proposed amendment would be irresponsible.

4. **The proposed amendment is not appropriate for the Charter.** The Charter is the County's highest governing document, similar to a constitution. As such, it deals on a very high level with the framework and general administration of the County government. In contrast, the proposed amendment pertains to a minor administrative function. This is the type of topic that would more typically (and appropriately) be





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addressed in regulations, policies, or procedures, not in a governing document like a charter, or even in a code.

5. **The required amendment to the County's Comprehensive Plan would be an odd fit with a timeline that might not be feasible.** The proposed amendment would require amending the County's Comprehensive Plan no later than July 1, 2027, to add standards for the County's responses to proposed trust land transfers. As an initial matter, this topic would be an odd fit for the Comprehensive Plan, which covers more substantive, higher-level aspects of land use, transportation, zoning, development, etc. And, as discussed above, the amendment process would be lengthy, burdensome, and expensive. Additionally, it is not clear whether the prescribed timeline could even be met. The current amendment process is scheduled to conclude by the end of next month and the Comprehensive Plan is not updated frequently. It appears that the last update was in 2020. Again, we question whether basic due diligence has been done into whether this requirement is even feasible, not to mention desirable.
6. **The proposed amendment involves complex and nuanced areas of law, policy, history, and intergovernmental relations, which should be considered and addressed in a more careful way.**

Federal Indian law (which is the body of federal law that governs the rights of tribes and the relations between tribes and the federal and state governments, and includes the U.S. Constitution, federal statutes, federal regulations, federal court case law, and more) is a notoriously complex area of law that even most attorneys are not well versed in, unless they specifically practice it. Underlying it is centuries of history and vacillating federal policy (and the resultant effects) that most non-Indians are not well informed about. And intergovernmental relationships with tribes require a high level of diplomacy, like any other intergovernmental relationships. Even purportedly well-intentioned efforts in dealing with tribes, without tribal involvement and careful consideration, can easily backfire and have negative consequences, as history has repeatedly shown. Federal Indian law is simply not an area to wade into casually. A proposed amendment to the Charter that involves federal Indian law and impacts tribes should not be recommended by the CRC or placed on the ballot for voters' consideration without careful consideration and full vetting. This proposed amendment was drafted by laypersons who are obviously not very familiar with federal Indian law, has not had thorough legal review by an attorney well versed in federal Indian law, and has not been analyzed for its practical impacts. Even if it were an appropriate topic for the Charter (which, as discussed above, it is not), putting it on the ballot would be premature, at best. At most, the CRC should



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consider making a recommendation to the County Board of Commissioners for further review of this topic.

7. The proposed amendment inappropriately targets tribes and may be applied to tribes in ways that are not appropriate.

While the proposed amendment is worded somewhat neutrally on its face and does not specifically reference tribes, tribes and their trust land transfers appear to be the primary target of the proposed amendment. Moreover, much of the rhetoric regarding the proposed amendment seems to boil down to the misguided idea that tribes should have to "pay their fair share." Accordingly, we are concerned that the standards developed pursuant to the proposed amendment and/or the way those standards are applied, may result in a presumption that the County will oppose trust land transfers unless tribes are willing to "pay for play," so to speak. Besides the fact that ethical governments should not operate on a "pay for play" basis, that is simply not an appropriate way to engage with another government, much less a tribal government. The following discussion explains why targeting tribes in this way is not appropriate.

### B. IMPORTANT CONTEXT FOR THE CRC TO UNDERSTAND

We are concerned about the anti-tribal rhetoric we have seen and heard in the discussions and materials regarding this proposed ordinance. At the same time, we recognize that some of this may be rooted in simple lack of information or misunderstanding about federal Indian law, tribes, and intergovernmental relations. Accordingly, we provide below some overall context that is important for the CRC to understand, as well as some information specific to some of the key points we have heard and seen made. Hopefully, once armed with this information, the CRC will see why the proposed amendment is not appropriate.

1. **Historical context must not be ignored.** Tribes pre-exist the County, the State of Washington, and the United States. All of Clallam County was originally tribal land. For hundreds of years, tribes were unfairly dispossessed of their land in various ways. First, via treaties which were typically negotiated in a language the tribes did not speak, entered into under varying degrees of fraud and/or duress, and involved inadequate compensation for the land. Second, pursuant to the since-repudiated federal allotment program and its after-effects. And sometimes in other ways as well. The Quileute Tribe was left with a particularly small reservation that is insufficient for the Tribe's housing, community service, cultural, and economic development needs. We ask CRC members to keep this historical context at the front of their minds.





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2. **Tribal land reacquisition is beneficial for tribes and surrounding communities.** In recent decades, tribes have made great strides in revitalizing their governments and communities. After much sustained effort, they are now in a position where they are sometimes able to reacquire certain parcels of land in their traditional homelands. Not only is that quite meaningful for tribes, but it is also beneficial to both the tribes and the surrounding communities in various ways, including:
  - In most cases, tribes purchase property on the open market, at fair market prices, which supports local real estate markets and property values. Note that this also means tribes are *paying* to reacquire land that was unfairly taken from them. The assertion that tribes have a competitive advantage (*i.e.*, can make higher offers) because of the possibility of having land placed into trust in the future is not realistic. There is no guarantee that the land will be taken into trust and even if it is, the process can take years.
  - Even in cases where tribes themselves **do not pay for the land**, such as under the **DNR trust land transfer program**, the State pays DNR fair market value for the land. The tribes then use the property for some public benefit (such as parkland, open space, conservation, nature preserve, recreational opportunities, scientific research, and/or outdoor education) and **are responsible for all costs of maintaining the property**. The DNR is then able to acquire more profitable replacement land elsewhere. See [https://dnr.wa.gov/sites/default/files/2013-07/dnp\\_01\\_program.pdf](https://dnr.wa.gov/sites/default/files/2013-07/dnp_01_program.pdf).
  - Tribes use their lands in various ways, but always in ways that directly benefit **their communities** (such as for housing, community services, cultural activities, and economic development). This enables tribal communities to become even healthier and more self-sufficient, which also benefits surrounding communities. In addition, tribes' use of their lands benefits surrounding communities in numerous ways, both direct and indirect. Direct benefits could include, for example, a health clinic that all community members can access, **a park or recreation area open to all**, a tribal agency or business that employs numerous individuals from the surrounding community, or a new attraction that people want to visit. Indirect benefits could include, for example, less demand on local governments to provide community services, contracts for goods/services with local businesses, tribal employees (both Indian and non-Indian) spending their paychecks in the surrounding community, attractions drawing more people to the area who also spend money at other local businesses, or tribal donations to community organizations.
3. **Tribes are governments who are uniquely situated in the American governmental framework and must be treated accordingly.** We have heard and seen several



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comments to the effect that tribes should be treated like everyone else. But the fact is that tribes are *not* like everyone else. Tribes are governments. They pre-exist the United States and have always been treated differently, since the founding of the United States. See U.S. CONST., art. I, §§ 2 and 8. Tribal governments have sovereign governmental powers similar to other governments (e.g., the power to tax, law enforcement authority, judicial authority, regulatory authority, etc.). Also like other governments, they provide a full range of governmental services (e.g., education, law enforcement, court systems, infrastructure, natural resources management, healthcare, childcare, elder care, etc.). Obviously, all of that needs to be funded, yet tribes have a very limited tax base compared to other governments, as an unfortunate legacy of various federal court decisions, federal laws, and federal policy. Instead, tribal economic development provides a crucial way to fund tribal governmental services. Tribal businesses are not like other businesses, whose profits go to individuals. Tribal business revenues go to the tribal government, to fund tribal governmental services. Thus, the idea that tribes or tribal businesses should be treated like everyone else is simply misguided. Concerningly, it harkens back to the 1880s and the 1950s, when the United States policy towards Indians was to promote assimilation. In both cases, the results were disastrous and assimilation-based laws and policies were subsequently reversed. Since 1970, the policy of the United States has been to support tribal sovereignty and self-determination. See Nixon's Special Message on Indian Affairs, July 8, 1970, *available at* <http://www.presidency.ucsf.edu/statement/special-message-to-congress-indian-affairs>.

4. **There is no equal protection issue.** We have also heard comments that treating tribes or Indians differently raises **equal** protection issues. Not so. As discussed above, tribes have always been treated differently under United States law. Indeed, there is an entire chapter of the United States Code devoted entirely to tribes. 25 U.S.C. There is no equal protection issue because this distinction is not based on race. Instead, it is based on the **political status of tribes as governments** pre-existing the United States (and of tribal members as citizens of their tribes). See *Morton v. Mancari*, 417 U.S. 535, 553-555 (1974). While it is true that anti-tribal individuals and organizations have sometimes continued to claim that there is an equal protection issue, their efforts have not been successful. The law review article that we have seen cited as somehow supporting the idea that there is an equal protection issue merely recognizes the continued existence of these claims. It does not agree with such claims—rather, it “defends the constitutionality of federal Indian law.” It is a highly theoretical article, written by a law professor (*not* a tribal attorney, as has been stated) that outlines a scholarly argument that could potentially be used to defend federal Indian law from equal protection challenges. Michael Doran, *The Equal-Protection Challenge to Federal Indian Law*, 6 U. PA. J. L. & PUB. AFF. 1 (2020). It does not support the claim that there is an equal protection issue here.



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5. **What is the federal fee-to-trust program?** The federal government has held land in trust for tribes for centuries. As part of federal efforts to correct past mistakes (such as the federal allotment policy in the 1880s and resultant land losses) and support tribal governments, there has been a process for tribes and Indians to request the United States to take additional land into trust on their behalf for nearly a century, since 1934. 25 U.S.C. § 5108 (formerly 25 U.S.C. § 465). The current process is detailed in the Code of Federal Regulations. 25 C.F.R. Part 151. Under this process, tribes and Indians can ask the United States to take land that is in fee status (like most land owned by individuals and businesses) into trust on their behalf. If the United States agrees, then the United States takes ownership of the land, but holds it in trust on behalf of the tribe or Indian. When this happens, the land becomes subject primarily to tribal and federal authority, not state or local authority. This was intended to help correct past land losses and prevent future land losses, by protecting the land. For example, trust land cannot be sold, leased, or otherwise encumbered without federal approval. So trust status protects the land for future generations of the tribe. It also provides opportunities for tribes to make the best use of the land. For example, tribes may be able to offer tax incentives (like other governments do) to attract outside business development, tribes may be able to engage in business opportunities that would not otherwise be available, they may be able to establish and control important community services, they may qualify for certain government programs, etc. As discussed above, these things also benefit surrounding communities.

The fee-to-trust application process is far from a foregone conclusion. Assembling an application is a time- and labor-intensive process, requiring a significant amount of information. And while recent revisions to the federal regulations should speed up the processing of applications, it remains to be seen if that is truly the case. In the past, the process could take years. And not all applications are approved.

6. **What is the Washington DNR trust land transfer program?** State trust lands are trust lands that were granted by the United States to the State of Washington upon statehood. DNR manages three million acres of these trust lands, which generate revenues to support counties, public schools, etc. Revenues are generated from the lands through activities like harvesting timber and other forest products, leasing lands for agricultural purposes, and leasing lands for various other purposes. For decades (since 1989), the DNR trust land transfer program has allowed the DNR to identify State trust lands that are economically underperforming (*i.e.*, they are not generating the desired revenues). The DNR can propose the transfer of these underperforming lands to tribes or public agencies (which, notably, could include Clallam County itself) to be used for some public benefit (such as conservation, recreation, open space, etc.). There is an extensive review process





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for such proposals, which includes review by an Advisory Committee, the Board of Natural Resources, and finally the State legislature. Only a few transfers are approved each two-year cycle. If approved, the legislature provides funds equal to the fair market value of the land, the land is transferred to the tribe or public agency (which becomes responsible for all future costs), and the DNR uses the funds provided by the legislature to purchase *replacement* land from which it can generate more revenues for the counties, schools, etc. Therefore, these DNR trust land transfers *benefit* the County by allowing economically underperforming land to be used instead for some public benefit, while enabling the DNR to acquire land that will generate more revenues for the County and local schools. See <http://dnr.wa.gov/land/transactions/trust/land-transfer> (and associated materials).

7. Tribal trust land transfers do not necessarily mean a loss of revenues for the County. For the reasons discussed above, even if tribal trust land transfers result in some lost revenues to the County, that should not be a reason to oppose them. However, it is also important to note that tribal trust transfers do not necessarily mean a loss of revenues for the County. In some cases, such as the DNR trust land transfer program discussed above (where, incidentally, the lands are *already* exempt from property taxes), revenues to the County should actually *increase*. And while tribal fee-to-trust transfers do remove the property from the County's property tax rolls, even that does not necessarily mean a loss of revenue. As discussed above, tribes' use of trust lands brings significant benefits, both direct and indirect, and both financial and otherwise, to surrounding communities. These can range from reduced need for County governmental services (whether to the property itself, or as a result of community services provided by the tribe on the property), to tax revenues generated by non-Indian businesses on a property, to tax revenues generated at nearby businesses due to increased visitor numbers, to employee paychecks being spent in the community, to donations by the tribe to community organizations, to a more attractive/vibrant community, and more. The outsized economic and community benefits of tribes in Washington has been well-documented and quantified. <http://www.washingtonpolicycenter.org/wp-content/uploads/2015/06/2015-Economic-Community-Benefits-of-Tribes-in-Washington.pdf>. This report is lengthy, but we would encourage CRC members to review some or all of it. The benefits include, among many others, *billions* in State/local revenues, wages, benefits, and purchases; and tens of thousands of jobs (majority non-Indians). Why would the CRC want to risk impeding any of that with the proposed amendment?

8. Why does the federal government have the ability to remove land from state/local authority? Some commenters have questioned whether the federal government actually has the ability to remove land from state/local authority. It does. First, recall that the



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lands in question *came from* the federal government (after it first acquired them from the tribes, albeit typically unfairly), whether through sales to individuals, transfer of trust lands to the State at statehood, or some other way. Second, the Supremacy Clause of the United States Constitution makes the Constitution, laws, and treaties of the United States "the supreme Law of the Land," which takes precedence over state constitutions and laws. U.S. CONST. art. VI, cl. 2. The federal government can, and does, take ownership of property (thus removing it from state/local authority) in various ways, such as by eminent domain with just compensation (*see* U.S. CONST. amend. V) and by designating national parks, national forests, military installations, and other federal lands. Taking property in trust for tribes is just another way the federal government does this. As discussed above, the federal government has held land in trust for tribes for centuries, and there has been clear federal statutory authority for it to take additional land into trust on behalf of tribes since 1934. 25 U.S.C. § 5108. There is nothing new or uncertain about any of this.

### CONCLUSION

In conclusion, tribal trust land transfers are historically and legally appropriate, they benefit both tribes and surrounding communities, and they should not be discouraged as a general matter. If there is a proposed trust land transfer that the County has particular concerns about for some reason, it can certainly submit a response, and there are established processes in place for it to do so. But *requiring* it to do so in *all* cases is unnecessary, will strip the County of discretion it should have, and will result in costs and impacts that have not been clearly identified or quantified. If the CRC would like to see the County more frequently respond to proposed trust land transfers, we suggest that it instead send a recommendation to the County Board of Commissioners so that appropriate due diligence can be performed and, if deemed necessary, a proposed regulation, policy, or process can be more carefully drafted, with appropriate intergovernmental coordination and legal review, and without the last-minute time constraints and lack of information the CRC currently faces with this proposed amendment.

Sincerely,

Douglas Woodruff, Jr.  
Chairman



# **CHARTER REVIEW COMMISSION**

## **CORRESPONDENCES RECEIVED**

11-24-25

**From:** Boughton, Dee  
**Sent:** Friday, June 20, 2025 5:23 PM  
**To:** Fisch, Susan  
**Cc:** Gores, Loni; Reno, Jay  
**Subject:** Proposed Tribal Trust Land Amendment to Clallam Co. Charter ATTORNEY CLIENT PRIVILEGED

CRC voted to  
release email from PAO



Chairwoman Fisch,

The Clallam County Prosecuting Attorney's Office has been asked to read and opine regarding a draft amendment to the Clallam Co. Charter related to transfers of real property into tribal trust lands thus taking these parcels off the tax rolls of the county. I have attempted to ascertain precisely what we are being, asked which has been a challenge. So for clarity, the following areas are being addressed in the context of amending the charter to require the BoCC to comment on all applications for conversion of non-tribal trust real property into tribal trust property:

1. Compliance with federal regulation/law
2. Interference or invading the purview of the DCD director
3. Interference of the commissioners' duties

**I. Compliance with Federal regulation/law**

First I am not entirely sure the scope of the question related to whether the proposed amendment complies with Federal law. The draft amendment cites and discusses 25 CFR 151 at length. To the extent that this question is related to 25 CFR, it is very clear that the County has the right to be notified and to comment. There is a regulatory framework which specifically permits the County to do so. The proposed amendment could be significantly shortened by simply stating any comments by the BoCC as required by the charter shall comply with 25 CFR and Federal Law. That said, what is being proposed is consistent with the federal framework.

To the extent that the question is related to compliance with other Federal law or U.S. Constitutional provisions, there is one obvious area of concern. That area is whether this proposed amendment may violate the Equal Protection Clause of the 14<sup>th</sup> Amendment to the US Constitution.

This is not intended to be an exhaustive analysis of the 14<sup>th</sup> Amendment, but in general when government regulation focuses on and impacts a "discrete and insular minority", that has been historically discriminated against, the Equal Protection clause of the 14<sup>th</sup> Amendment may be violated. In any litigation alleging violation of Equal Protection, the most important consideration is what level of scrutiny will be applied by the court. If the regulation does not single out a suspect class, generally the courts will apply the "rational basis" test and will give great deference to the legislature and the regulation. In applying the rational basis test, the court will determine whether the Govt. action has a legitimate purpose and whether there is a rational relationship between the regulation and the purpose.

However, if the governmental classification or regulation does single out a suspect class, the court will apply "strict scrutiny". In this instance, the court will determine if the Govt. purpose for classification of

the suspect class is compelling and whether the govt. action is narrowly tailored to that compelling interest. In practice, if a regulation triggers strict scrutiny, it will almost certainly be found to violate equal protection.

Given the above discussion, it is highly advisable that the county not single out a suspect class in relation to the County taking action or commenting related to lands that are being proposed to be removed from the tax rolls. There are other instances where taxable lands have been removed from the county tax rolls. For instance, when the Federal govt. takes taxable lands into the national park, when the state govt. takes lands into state parks, and when school districts take lands for school facilities. The process of commenting or taking a position on these actions is not regulated by the US Code, and comment by our BoCC would likely look different, but comment could be made and a position taken.

If the Charter is to be amended to require the BoCC to comment on, and take a position on, applications to transfer lands into tribal trust, it is highly advisable to also require the BoCC to comment on and take a position in any instance where land is proposed to be transferred into a non-taxable status by state or federal govt. or any other entity that would, or could, propose such a transfer. By broadening this amendment to require comment by the BoCC related to all transfers of land into non taxable status, it would not be singling out a suspect class. As a result, it is highly likely that the regulation would be given great deference and would be much more likely to pass constitutional muster because a reviewing court would likely apply the rational basis test rather than the strict scrutiny test.

## **II. Impacting or Invading the purview of DCD Director.**

Presumptively this question relates to whether this proposed charter amendment would conflict with Section 4.25 of the county charter. I believe that this issue can be dealt with pretty concisely. It does not appear that this amendment would create a significant ambiguity within the charter. Clearly, this amendment relates to the process of commenting on proposed transfers of land out of taxable status into non-taxable status. The tax status of the lands within Clallam Co. are legitimately, and probably solely, within the purview of the legislative body, which is the board of county commissioners. The provision within section 4.25 which states that the DCD director shall administer, enforce and advise the County Commissioners on all laws,.....with respect to.....land, does not grant the DCD Director the authority over taxation and specifically taxation of land.

As stated above, the proposed amendment does not appear to conflict with existing sections of the charter but if there is concern, the proposed amendment could also state something to the effect of :“notwithstanding section 4.25 of the charter” the following amendment shall apply” which would address this issue.

## **III. Interference with BoCC Duties**

Again, it is uncertain exactly what issue is to be addressed here. After consideration, the only apparent issue related to interference with BoCC duties is the proposal that standards be adopted within the county’s comprehensive plan which the BoCC would base its responses upon. This doesn’t necessarily interfere with BoCC duties because the BoCC is the body that adopts a comprehensive plan. Despite charter language, the growth management act specifically requires comprehensive plans be adopted by the county legislative authority. That said, serious consideration should be given to this portion of the draft amendment.

First, comprehensive plans are aspirational policy documents. Implementation of policies found within Comp. plans and action has to occur outside the plan in the form of some form of enabling or implementation legislation. As such, Comp. plans are not specifically enforceable. Second, the comp. plan amendment process as dictated by the Growth Management Act, RCW 36.70A, is difficult and lengthy and requires a tremendous amount of staff work and time. It is not advisable that the standards referred to in this amendment be set out in a comp. plan. Rather, it is highly advisable that they be codified in the county code by adoption of ordinance(s). Such ordinance(s) would be clearly enforceable, and would be based on a much more efficient public hearings process that would be much less staff intensive. As proposed, this amendment attempts to make a comp. plan provision(s) applicable and enforceable by reference in a charter provision. This is not advisable for the reasons stated above in addition to the following.

As stated above, the proposed comp. plan process, is highly inefficient, and requires a very difficult process for adoption of the required standards. It would also make subsequent refinement or amendments to those standards equally onerous. Perhaps most importantly, it would create a scenario in which the charter required standards could be challenged to the growth hearings board, which is an administrative body that has the authority to review comp plans and land use regulations for compliance with the Growth Management Act. This body has marginal ability to review land use regulations and GMA required plans, and further has no expertise or authority to review questions of the nature proposed in this amendment. What is being proposed, at its heart, has nothing to do with land use, but rather limiting the amount of land taken off the county's tax rolls. Because of this, standards related to when and how the BoCC will comment on applications to remove land from the tax rolls, is not required under RCW 36.70A, nor is it contemplated, to be included in comp. plans under growth management. It is highly advised that the CRC not require a process which would open the county up to Growth Hearings Board appeals upon the adoption or amendment of the county's comp. plan in the context of aspirational standards for requiring BoCC comment on transfer's of property off the county tax rolls.

In addition there are recent changes which require GMA planning entities to take certain steps to include tribes in the comp. plan process. The inclusion of the above policies related to standards aimed directly at commenting, and perhaps objecting to transfer of lands into tribal trust, would at the very least be problematic, and could potentially be grounds for appeal and invalidation of the county's entire comp plan. It is further strongly advised that this commission should solicit input from the DCD director and his staff prior to taking action which might implicate and involve the comp. plan process.

Please let me know if can be of further assistance in this matter.

Best Regards,

Bert D. Boughton  
Chief Civil Deputy Prosecuting Attorney  
Clallam County Prosecutor's Office



## Gores, Loni

---

**From:** Gores, Loni  
**Sent:** Tuesday, November 11, 2025 11:01 AM  
**To:** Benedict, Bill; Boughton, Dee; Cameron, Ron; Fane, Alex; Fisch, Susan; Fleck, Rod; Hodgson, Mark; Holy, Christy; Morris, Patti; Noble, Chris; Pickett, Paul; Richards, Ron; Sarmiento, Nina; Stoffer, Jim; Tozzer, Jeff; Walde, Cathy  
**Cc:** Gores, Loni  
**Subject:** Ethics Review Board Meeting Notice - November 24  
**Attachments:** CRC Notice of amend Ethics Review Board 11-10-25.pdf

See attached notice for the Ethics Review Board – November 24.

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

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



## NOTICE OF MEETING CLALLAM COUNTY CHARTER REVIEW COMMISSION

November 11, 2025

The Clallam County Charter Review Commission will be conducting a meeting on Monday, November 24, 2025 at 5:30 p.m. in the Commissioners' Board Room, 223 East 4<sup>th</sup> Street, Room 160, Port Angeles, Washington.

The Charter Review Commissioners will be voting on the following proposed amendment:

### **Proposed amendment:**

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

1. The citizens of Clallam County expect honesty, integrity, and accountability from their elected officials.
2. The County Code includes a Code of Ethics applicable to all county personnel, including elected officials, but it includes no mechanism for the review of ethical concerns involving elected county officials.
3. The establishment of an independent Ethics Review Board will strengthen public confidence in local government and ensure fair, transparent conduct in public office.

Therefore, the 2025 Clallam County Charter Review Commission hereby proposes that the Clallam County Charter, Article VIII – The Public Interest, Section 8.100, Ethics Review Board - Establishment and Purpose, be added to read as follows:

### **Section 8.100. Ethics Review Board — Establishment and Purpose**

An independent Ethics Review Board is hereby established to receive and review complaints of violations of the Clallam County Code of Ethics by elected county officials.

### **Section 8.110. Composition and Terms**

(a) The Ethics Review Board shall consist of three members, one from each of the county commissioner districts.

(b) Members shall serve without compensation for staggered three-year terms, with initial terms determined by lot to establish staggering.

(c) No member may be a current county employee, elected official, or candidate for county office, nor an immediate family member thereof.

#### **Section 8.120. Appointment of Members**

(a) Members shall be appointed by independently elected county officials. The offices eligible to appoint are:

- County Auditor
- County Treasurer
- County Assessor
- County Director of the Department of Community Development

(b) The order of making appointments shall be determined by lot and each official will make one appointment in turn, repeating the order after each official has made an appointment to the Ethics Review Board.

(c) In the event of a vacancy, the office assigned under the current rotation shall appoint a qualified replacement for the remainder of the unexpired term.

(d) Members must be residents of the district they represent and meet the eligibility requirements specified in Section 8.110.

#### **Section 8.130. Duties and Procedures**

(a) The Ethics Review Board shall:

1. Determine the rules of procedure for receipt, review and appeal of complaints of violations of the Clallam County Code of Ethics
2. Receive and review written complaints alleging violations of the Clallam County Code of Ethics by elected county officials.
3. Determine whether complaints fall within its jurisdiction.
4. Conduct impartial reviews.
5. Issue written findings publicly upon completion of review.

(b) The Board shall not impose penalties or sanctions.

(c) The Ethics Review Board shall have no authority to investigate or consider alleged conduct that occurred prior to the effective date of this Charter amendment. All investigations must pertain only to actions or omissions occurring after this amendment becomes effective.

(d) Any complaint submitted to the Ethics Review Board must be made by a person or persons having first-hand knowledge of the alleged facts.

The complainant shall certify under penalty of perjury that they:

1. Have direct knowledge of the alleged conduct; and
2. Believe the charge or charges to be true and based upon their personal knowledge of the facts forming the grounds for the complaint.

Anonymous or second-hand complaints shall not be accepted.

**Section 8.140. Transparency**

All final findings of the Ethics Review Board shall be publicly available and posted on the county website. Meetings may be closed only as necessary to protect confidentiality of complainants or witnesses during active investigations.

**November 24, 2025, Meeting Call Information:**

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

If you would like to listen to the meeting via Zoom video conference, visit [www.zoom.com](https://www.zoom.com) and use meeting ID: 836 9266 4344 and passcode: 12345

Charter Review information can be found on the County website at the following links:

<https://www.clallamcountywa.gov/210/Charter-Review-Commission-CRC> and

<https://clallamcowa.portal.civicclerk.com/>

Public comment can be directed to the Clerk at 360-417-2256 or

[Loni.Gores@clallamcountywa.gov](mailto:Loni.Gores@clallamcountywa.gov)



## Gores, Loni

---

**From:** zElections  
**Sent:** Monday, November 17, 2025 1:24 PM  
**To:** Gores, Loni  
**Subject:** RE: For & Against Form - BOCC Town Hall Meetings 2026 Ballot

Received, thank you!

**Ian Hillway** | pronouns: he/him/his



**Election Confidence Team**

Elections Manager

223 E. 4th Street, Room 42 | Port Angeles, WA 98362

☎ 360.417.2217

**Public Records Disclaimer:** Pursuant to the Washington State Public Records Act (RCW 42.56), this e-mail is a public record and may be considered subject to disclosure to a third-party.

**From:** Gores, Loni <loni.gores@clallamcountywa.gov>  
**Sent:** Monday, November 17, 2025 12:27 PM  
**To:** zElections <elections@clallamcountywa.gov>; Riggs, Shoona <shoona.riggs@clallamcountywa.gov>  
**Cc:** Gores, Loni <loni.gores@clallamcountywa.gov>  
**Subject:** For & Against Form - BOCC Town Hall Meetings 2026 Ballot

Elections Department:

See attached For and Against appointment form for the Charter Review Commission 2026 BOCC Town Hall Meetings Ballot Title.

Please confirm receipt of this form and let me know if you need anything else from me.

Thanks, Loni

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

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

## Committee "For" and "Against" Appointment Form

Name of Jurisdiction/Proposition No.: Board of Commissioner - Clallam County Charter Review Commission

Jurisdiction Contact Name: Loni Gores - Clerk of Board of Commissioners and Charter Review Commission

Email: loni.gores@clallamcountywa.gov Phone: 360-417-2256

### Jurisdiction's responsibility:

1. Submit completed form to Clallam County Elections Division on or before the resolution submittal deadline: [elections@clallamcountywa.gov](mailto:elections@clallamcountywa.gov)
2. Provide committee members with statement submission requirements and deadlines. (Requirements and deadlines can be found in the Elections Guide for Jurisdictions and Candidates.)

Questions? Call (360) 417-2217

| <b>"For" Committee (1-3 members)</b> |  |
|--------------------------------------|--|
| <b>*1st Committee Member:</b>        |  |
| Name                                 |  |
| Ron Richards                         |  |
| Email                                |  |
| Phone                                |  |
| Website                              |  |
| N/A                                  |  |
| <b>2nd Committee Member:</b>         |  |
| Name                                 |  |
| Jeff Carter                          |  |
| Email                                |  |
| <b>3rd Committee Member:</b>         |  |
| Name                                 |  |
| Email                                |  |

| <b>"Against" Committee (1-3 members)</b> |  |
|------------------------------------------|--|
| <b>*1st Committee Member:</b>            |  |
| Name                                     |  |
| Jim Stoffer                              |  |
| Email                                    |  |
| Phone                                    |  |
| Website                                  |  |
| N/A                                      |  |
| <b>2nd Committee Member:</b>             |  |
| Name                                     |  |
| Email                                    |  |
| <b>3rd Committee Member:</b>             |  |
| Name                                     |  |
| Email                                    |  |

*\*1st Committee Member must provide at least one method of contact, which will be published in the voters' guide/pamphlet.*

**Gores, Loni**

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**From:** Tozzer, Jeff  
**Sent:** Tuesday, November 18, 2025 11:16 AM  
**To:** Fisch, Susan; Noble, Chris; Hodgson, Mark  
**Cc:** Gores, Loni  
**Subject:** CRC - Request to add "Attorney/Client Privileged" to next agenda

Hi Loni, Please forward to all 15. Thanks.

-----  
Dear Executive Committee,

Please add an agenda item titled **"Attorney/Client Privileged"** to our next regularly scheduled CRC meeting.

At our last meeting, Chair Fisch referenced a document she could not share because it was classified as attorney–client privileged. My understanding is that this was the June 20th email from Deputy Prosecuting Attorney Dee Boughton titled *"Proposed Tribal Trust Land Amendment to Clallam Co. Charter – ATTORNEY CLIENT PRIVILEGED."*

It now appears this confidential email was forwarded from Commissioner Jim Stoffer's county email account to his private email address, and also to a private citizen who, to my knowledge, has no formal role with the Charter Review Commission. I believe it would be appropriate for Commissioner Stoffer to clarify whether this privileged communication was shared with any additional recipients from both his private and county email accounts.

Below, I have included the opening sections of several emails indicating that the attorney–client privilege—so strongly emphasized by Chair Fisch—may have been breached.

Given the seriousness of this matter, I believe it is important that we, as a commission, discuss proper procedures, expectations, and safeguards for handling privileged communications.

Appreciatively,  
Commissioner Jeff Tozzer

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**From:** Boughton, Dee <[dee.boughton@clallamcountywa.gov](mailto:dee.boughton@clallamcountywa.gov)>  
**Sent:** Friday, June 20, 2025 5:23 PM  
**To:** Fisch, Susan <[susan.fisch@clallamcountywa.gov](mailto:susan.fisch@clallamcountywa.gov)>  
**Cc:** Gores, Loni <[loni.gores@clallamcountywa.gov](mailto:loni.gores@clallamcountywa.gov)>; Reno, Jay <[Jay.Reno@clallamcountywa.gov](mailto:Jay.Reno@clallamcountywa.gov)>  
**Subject:** Proposed Tribal Trust Land Amendment to Clallam Co. Charter **ATTORNEY CLIENT PRIVILEGED**

Chairwoman Fisch,

The Clallam County Prosecuting Attorney's Office has been asked to read and opine regarding a draft amendment to the Clallam Co. Charter related to transfers of real property into tribal trust lands thus taking these parcels off the tax rolls of the county...

-----  
**From:** Stoffer, Jim <jim.stoffer@clallamcountywa.gov>

**Sent:** Jun 23, 2025 15:18:40.000000000 UTC

**Subject:** FW: Proposed Tribal Trust Land Amendment to Clallam Co. Charter ATTORNEY CLIENT PRIVILEGED

**To:** jamesstoffer@wavecable.com <jamesstoffer@wavecable.com>

**Cc:** Stoffer, Jim <jim.stoffer@clallamcountywa.gov>

Thank You

Jim Stoffer

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

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

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

Date: 6/23/25 7:56 AM (GMT-08:00)

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

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

Loni Gores  
Clerk of the Board  
Commissioners Office  
223 East 4th Street, Suite 4

---

**From:** Fisch, Susan <susan.fisch@clallamcountywa.gov>  
**Sent:** Saturday, June 21, 2025 11:53 AM  
**To:** Gores, Loni <loni.gores@clallamcountywa.gov>  
**Cc:** Hodgson, Mark <mark.Hodgson@clallamcountywa.gov>; Noble, Chris <chris.noble@clallamcountywa.gov>  
**Subject:** Re: Proposed Tribal Trust Land Amendment to Clallam Co. Charter ATTORNEY CLIENT PRIVILEGED

Loni: Can you please forward to the entire Commission.

Thank you-

Susan

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**From:** Boughton, Dee <dee.boughton@clallamcountywa.gov>  
**Sent:** Friday, June 20, 2025 5:23 PM  
**To:** Fisch, Susan <susan.fisch@clallamcountywa.gov>  
**Cc:** Gores, Loni <loni.gores@clallamcountywa.gov>; Reno, Jay <Jay.Reno@clallamcountywa.gov>  
**Subject:** Proposed Tribal Trust Land Amendment to Clallam Co. Charter ATTORNEY CLIENT PRIVILEGED

Chairwoman Fisch,

The Clallam County Prosecuting Attorney's Office has been asked to read and opine regarding a draft amendment to the Clallam Co. Charter related to transfers of real property into tribal trust lands thus taking these parcels off the tax rolls of the county.

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**From:** Stoffer, Jim <jim.stoffer@clallamcountywa.gov>  
**Sent:** Aug 26, 2025 06:02:20.000000000 UTC  
**Subject:** FW: Proposed Tribal Trust Land Amendment to Clallam Co. Charter ATTORNEY CLIENT PRIVILEGED  
**To:** 'Cindy Kelly' <ctkelly@olypen.com>

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**From:** Boughton, Dee <dee.boughton@clallamcountywa.gov>  
**Sent:** Friday, June 20, 2025 5:23 PM  
**To:** Fisch, Susan <susan.fisch@clallamcountywa.gov>  
**Cc:** Gores, Loni <loni.gores@clallamcountywa.gov>; Reno, Jay <Jay.Reno@clallamcountywa.gov>  
**Subject:** Proposed Tribal Trust Land Amendment to Clallam Co. Charter ATTORNEY CLIENT PRIVILEGED

Chairwoman Fisch,



The Clallam County Prosecuting Attorney’s Office has been asked to read and opine regarding a draft amendment to the Clallam Co. Charter related to transfers of real property into tribal trust lands thus taking these parcels off the tax rolls of the county.

## Gores, Loni

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**From:** Emery, Bruce  
**Sent:** Wednesday, November 19, 2025 8:09 AM  
**To:** Gores, Loni  
**Subject:** FW: Comp Plan Update comments

Hello Loni,

I received the below email on 11/13/25. After reviewing, it appears the individual wishes the email to be reviewed by the Charter Review Commission. Please pass this along to the Commission according to your procedures. Please let me know if there are any questions regarding this information.

Bruce Emery, DCD

**From:** David Herbelin <davidherbelin@gmail.com>  
**Sent:** Thursday, November 13, 2025 6:36 PM  
**To:** Havel, Tim <Tim.Havel@clallamcountywa.gov>; Emery, Bruce <Bruce.Emery@clallamcountywa.gov>  
**Cc:** melissa herbelin <melissaherbelin@gmail.com>; Ozias, Mark <mark.ozias@clallamcountywa.gov>  
**Subject:** Re: Comp Plan Update comments

Hello Mr. Havel and Mr. Emery,

Speaking with a colleague of mine who is on the Charter Review Committee, they stated that they have not seen the Comp Plan Update Comments I sent in on May 28th. According to them, the topics covered in my comments were never brought up in their meetings. I am sending my comments again for review. Please forward these comments to the committee so that the issue can be considered. Let me know if you have any questions or concerns.

Thank you,  
David Herbelin

### **COMP PLAN UPDATE COMMENTS:**

Good afternoon Mr. Havel and Mr. Emery,

Thank you for taking comments for consideration regarding the Comprehensive Plan update. I would like to submit suggestions regarding Agriculture Accessory Use and the Sequim Urban Growth Area (UGA).

#### **Continuance of Chapter 33.48, Agricultural Accessory Uses.**

In 2024 Clallam County adopted a County Code Chapter 33.48, Agricultural Accessory Uses.

The Agricultural Accessory Use Amendment was designed to support Clallam County agricultural farms, most of which are small family owned businesses, while adhering to the spirit and purpose of the County Codes. The Agricultural Accessory Uses outlined in 33.48 were determined as ventures needed for these farms to remain viable businesses. The farms expressed that simple agriculture

sales could not sustain their businesses and that agritourism, which includes farm tours, u-pick, and on site gift stores, was required in order to acquire any profits. Chapter 33.48 addresses these agritourism ventures, and classifies them as Agricultural Accessory Uses. Prior to Chapter 33.48 the County required farms apply for Conditional Use Permits (CUP) to seek approval for these revenue streams. As these farms could not afford the time or resources needed to apply for CUPs, a path to compliance with minimal fees was developed via Certificates of Compliance. For comparison, a CUP costs approximately \$3,500 and takes several weeks or months to process, a Certificate of Compliance costs \$150 and is processed quickly. However, when the amendment was adopted, it only included properties in the Rural or Resource Zoning and did not include properties in Sequim Urban Growth Areas (UGA). No reason on why UGA was not included was ever discussed or debated in the public negotiation process of the adoption of Chapter 33.48

In my understanding, Chapter 33.48 was adopted to allow local farms to continue operations until the next Comprehensive Plan could be considered and permanent changes could be implemented. I would like to suggest that Agricultural Accessory Uses outlined in Chapter 33.48 be included in the next Clallam County Comprehensive Plan.

### **Expanding Chapter 33.48 to include properties in the UGA**

The second suggestion I would like to make is for Chapter 33.48 to be expanded to include properties in the UGA so that these farms may enjoy the same rights and freedoms of their neighboring farms in Rural and Resource Zoning. Please allow me an opportunity to support this suggestion.

Just as in Rural and Resource Zoning, UGA zones S(R-I), S(R-II), and S(R-III) allow Agriculture, Home Enterprises, and Timber Harvesting outright. UGA farms, just like farms in Rural and Resource Zoning, need access to the same Agricultural Accessory Uses outlined in chapter 33.48 to be successful as discussed in the negotiations towards adoption of Chapter 33.48. As the law currently stands, two identical directly neighboring farms, one in UGA and one in Rural or Resource Zoning, can apply for Agricultural Accessory Uses, however the farm in UGA is required to apply through a CUP and must pay application fees starting at 2,333.33% higher than the Certificate of Compliance application fee available for the farm in Rural or Resource Zoning. Without the revenue streams accessed through Agricultural Accessory Uses, the UGA farm cannot compete against the neighboring farm that can adopt those Uses for much cheaper. This creates an unfair market and an uneven burden on the UGA farm, though it has the same rights to operate as the other farm.

Establishing an agricultural farm in UGA zoning does not impede on the spirit of restrictions in UGA zoning as current UGA regulations allow agriculture and home enterprises outright. Mitigating a farm's impact on surrounding neighbors has already been considered, negotiated, guidelines agreed upon, and outlined in Chapter 33.48. These restrictions include minimal operating hours, seasonality, setbacks, landscape needs, lot size requirements, and intended uses. Using Chapter 33.48 and Certificates of Compliance to guide application and approval of Agricultural Accessory Use for farms in UGA reduces impact on county resources compared to the current process of each CUP application being negotiated separately.

Sequim's Comprehensive Plan supports small farms in its UGA. Chapter 8, Section 2.3 (ED 8.2.3) of the Sequim Comprehensive Plan seeks to market the local economy of which the agriculture industry is listed. The discussion published in ED 8.2.3 specially calls out lavender, agrotourism, and the Lavender Festival. Chapter 8, Section 1.5 (ED 8.1.5) "encourages the retention of unique and small businesses that lend character" to the City of Sequim which proudly features lavender farming in its identity, including its logo. Chapter 10 Section 2 (HCR 10.2.1) calls Sequim the "Lavender Capital of North America" and calls for support of heritage events like the Lavender Festival which small local farms created and sustain.

As it was learned in the adoption of Chapter 33.48, Clallam County farms cannot succeed without access to Agricultural Accessory Uses. If farms in UGA, Rural and Resource Zoning all have the right to exist outright, they should have the same access to adopting Agricultural Accessory Uses required to succeed. One farm should not be charged 23.33 times higher fees simply because they are on the wrong side of a line drawn decades ago. Please consider creating a free and fair market for Clallam County farms by allowing Chapter 33.48 to pertain to UGA zoning.

Thank you for your time considering these suggestions. If you need more information or would like to discuss this matter further, please feel free to reach out to me.

Thank you,  
David Herbelin

On Wed, May 28, 2025 at 4:35 PM David Herbelin <[davidherbelin@gmail.com](mailto:davidherbelin@gmail.com)> wrote:

Good afternoon Mr. Havel and Mr. Emery,

Thank you for taking comments for consideration regarding the Comprehensive Plan update. I would like to submit suggestions regarding Agriculture Accessory Use and the Sequim Urban Growth Area (UGA).

#### **Continuance of Chapter 33.48, Agricultural Accessory Uses.**

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As it was learned in the adoption of Chapter 33.48, Clallam County farms cannot succeed without access to Agricultural Accessory Uses. If farms in UGA, Rural and Resource Zoning all have the right to exist outright, they should have the same access to adopting Agricultural Accessory Uses required to succeed. One farm should not be charged 23.33 times higher fees simply because they are on the wrong side of a line drawn decades ago. Please consider creating a free and fair market for Clallam County farms by allowing Chapter 33.48 to pertain to UGA zoning.

Thank you for your time considering these suggestions. If you need more information or would like to discuss this matter further, please feel free to reach out to me.

Thank you,  
David Herbelin



**From:** Sarah <triplesconsultants2025@gmail.com>  
**Sent:** Friday, November 21, 2025 2:24 PM  
**To:** Gores, Loni  
**Subject:** Charter Review Correspondence for November 24th, 2025 meeting

Hi Loni,

Please include the correspondence I am submitting today in the official record for the November 24 Charter Review Commission meeting. Thank you.

Commissioners,

This correspondence is submitted to correct the record regarding the Land Acquisition Amendment and to provide clear procedural instructions under the 2025 CRC Bylaws, so this amendment may move forward in time for the 2026 ballot, where the voters, not the Commission, may decide the outcome.

**The November 10 vote was influenced by misinformation and misplaced accusations.**

After a full review of the Prosecutor's memo, the Quileute Tribe's letter, and the actual amendment language contained in the November 10 packet, it is now clear:

- ☐

The concerns raised on November 10 were based on a version of the amendment that had since been revised.

- ☐

The version under consideration was already widened to include all state and federal land acquisitions that remove land from the tax rolls, exactly what the Prosecuting Attorney recommended.

- ☐

The Prosecutor's memo did NOT oppose the amendment language the CRC voted on.

- ☐

It warned only against singling out tribal trust land. The version in the packet fully cured that issue.

- ☐

The Quileute Tribe's concerns applied to the early, narrow draft, not the broad, neutral version.

- ☐

Claims that the amendment was discriminatory were, therefore, unfounded.

- ☐

The legal risk, constitutional issue, and accusations of racism applied to a conceptual draft that was no longer before the Commission.

The record must reflect this, because public trust requires accuracy, not assumptions or ideological projections.

**The CRC's bias against the amendment must be made explicit.**

Several Commissioners expressed moral outrage or framed the amendment as racially motivated, despite the actual text being neutral and legally sound.

- ☐

That is an example of implicit bias, not legal analysis.

- ☐

The CRC cannot substitute personal ideology for governance.

- ☐

Its duty is not to adjudicate cultural virtue; it is to steward the County Charter.

This amendment is not about race; it is about fiscal stewardship and ensuring the BOCC responds to any land removal from the tax base, whether by federal, state, or local parks, other public districts, or trust acquisitions.

**Under the CRC Bylaws, this amendment CAN and SHOULD be advanced in the final three meetings.**

Here is the legally accurate roadmap:

STEP 1: Introduction or Re-Introduction. Article IX(1)(Step 1) allows any member or committee to introduce a draft and place it on a future agenda.

Action for Nov. 24: Accept the committee's 3–0 recommendation and re-enter the amendment at Step 1.

STEP 2: CRC Considers and Approves the Final Draft. Article IX requires the CRC to consider the amendment and approve a final draft before scheduling the final vote.

Action for Dec. 8: Complete Step 2 and approve the final draft (the broad, legally sound version).

STEP 3: Public Notice (minimum 3 days). Article IX states that public notice must be given after the final draft approval and at least 3 days before the final vote.

Action: Post public notice from December 9 to 19.

STEP 4: Final Adoption (Roll Call Vote). A majority vote is sufficient. No substantive changes may be made at Step 4.

Action for Dec. 22: Take the Step 4 roll-call vote and forward the amendment to the Auditor for placement on the 2026 ballot.

**Procedural reality:** There is NO legal barrier to completing Steps 1–4 by Dec. 22.

All three requirements are fully achievable with the meetings on November 24, December 8, and December 22. The only remaining obstacle is the Commissioner's willingness, not the bylaws.

**Instructions to the Commission**

Accordingly, I respectfully, but firmly, instruct the Commission as follows:

Correct the record, acknowledge that the November 10 objections were based on outdated and inaccurate information, and proceed immediately:

- ☐

Nov. 24: Reintroduce the amendment at Step 1

- ☐

Dec. 8: Complete Step 2

- ☐

Dec. 22: Take the Step 4 roll-call vote

So the voters, the people of Clallam County, may decide this issue in 2026. This Commission does not exist to block ballot access based on personal ideology or unfounded assumptions. Its duty is to empower the electorate, not pre-empt them.

### **Closing**

The structure of the amendment is legally sound, procedurally viable, and consistent with the Prosecutor's written guidance and federal regulation (25 CFR 151).

It is time to remove bias from this discussion, correct the misconceptions on the record, and fulfill the Commission's chartered obligation: Let the people decide.

Respectfully,  
Dr. Sarah Huling  
Forks, Washington

## Gores, Loni

---

**From:** Richards, Ron  
**Sent:** Monday, November 24, 2025 7:00 AM  
**To:** Gores, Loni  
**Subject:** Proposed Charter Amendment  
**Attachments:** Proposed Charter Amendment Regarding Publication of Proposed Charter Amendments in Local Voters Pamphlet.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Loni,

Attached is a proposed charter amendment requiring printing of the full text of proposed charter amendments in the Local Voters Pamphlet. I intend to propose this amendment pursuant to Step One of our bylaws at tonight's meeting. The reasons for this amendment are addressed in the resolution, especially at Findings 5 and 6.

Please forward this email to the other members of the CRC and provide copies of the resolution to them at tonight's meeting.

Thank you,

Ron Richards

2025  
Clallam County Charter Review Commission

Resolution Number \_\_\_\_\_

Proposed Charter Amendment Requiring Printing of the Full Text of Proposed  
Charter Amendments in the Local Voters' Pamphlet

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

1. RCW 29A.32.210 requires each county auditor to print and distribute a local voters' pamphlet that provides information on all measures appearing on ballots within that county and specifies that "The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.
2. RCW 29A.32.070(10) requires that the state voters' pamphlet contain the full text of each statewide measure on the ballot.
3. RCW 29A.32.241 requires that the "local voters' pamphlet shall include but not be limited to . . . the text of each measure. . ."
4. The Clallam County Auditor has not always included the full text of proposed Charter amendments in the local voters' pamphlet, and the Prosecuting Attorney has opined that the full text need not be included in the local voters' pamphlet, just the text.
5. The difference in the meaning of "the full text" and the "text" is too vague to be certain that the voters of Clallam County will always be appropriately apprised of the meaning of proposed Charter amendments.
6. Rather than risk a proposed Charter amendment adopted by the voters of Clallam County being adjudged void for failure of the full text of the amendment having been printed in the local voters' pamphlet; and because the voters of Clallam County deserve the same opportunity to consider the terms of proposed charter amendments that the voters of the State of Washington have to consider the terms of proposed statewide initiatives; and to give effect of the terms of RCW 29A.32.210 that "the format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets"; and to give effect to the terms of RCW 29A.32.241 that requires the "local voters' pamphlet shall include but not be limited to . . . the text of each measure. . ."; and to err on the side of caution, it is best that the Clallam County Charter be amended to explicitly require the full text of any proposed Charter amendment be printed in the local voters' pamphlet.

Proposed Charter Amendment Requiring Printing of the Full Text of Proposed Charter  
Amendments in the Local Voters' Pamphlet - 1



Therefore, the 2025 Clallam County Charter Review Commission hereby proposes that Section 11.20: Charter Amendment and Repeal, 11.20.10: General Provisions, of the Clallam County Charter be amended to read as follows:

Charter amendments may be proposed by the Commission, the County Commissioners or by the public. Any proposed Charter amendment shall be filed and registered by the Auditor and submitted to the voters at the next statewide general election occurring at least 90 days after registration of the proposed amendment by the Auditor. If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that the people may vote for or against the amendments separately; provided that an amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it is composed of changes to one or more Articles. The full text of any proposed Charter amendment shall be printed in the local voters' pamphlet.

If a proposed amendment is approved by a majority of the voters voting on the issue, it shall be effective 10 days after the results of the election are certified unless a later date is specified in the petition or ordinance proposing the amendment. Any implementing ordinance required by any Charter amendment shall be enacted by the County Commissioners within 180 days after the amendment is effective, unless the amendment provides otherwise.

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

Further, the 2025 Clallam County Charter Review Commission, pursuant to Article XI, Sub-Sections 11.20.10 and 11.20.20 of the Clallam County Charter, and Clallam County Code Section 37.10.020, calls for:

1. The Clerk of the 2025 Charter Review Commission to cause this Resolution and the Charter amendment hereby proposed, and five copies of the same, to be filed with and registered by the Clallam County Auditor, along with the Resolution Coversheet required by the Clallam County Auditor; and
2. For the Charter amendment hereby proposed to be submitted to the voters at the next statewide general election occurring at least 90 days after registration of the proposed amendment by the Auditor.

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

\_\_\_\_\_  
Susan Fisch, District 1 Commissioner, Chair

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Patti Morris, District 2 Commissioner

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Bill Benedict, District 1 Commissioner

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Chris Noble, District 2 Commissioner

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Ron Cameron, District 2 Commissioner

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Paul Pickett, District 2 Commissioner

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Alex Fane, District 1 Commissioner

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Ron Richards, District 2 Commissioner

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Rod Fleck, District 3 Commissioner

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Nina Sarmiento, District 3 Commissioner

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Mark Hodgson, District 3 Commissioner

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Jim Stoffer, District 1 Commissioner

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Christy Holy, District 3 Commissioner

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Jeff Tozzer, District 1 Commissioner

\_\_\_\_\_  
Cathy Walde, District 3 Commissioner

## Gores, Loni

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**From:** Richards, Ron  
**Sent:** Monday, November 24, 2025 10:53 AM  
**To:** Gores, Loni  
**Subject:** Fw: Proposed Land Acquisitions Charter Amendment

Loni,

Following is an email that I just sent to Chairman Woodruff in response to his letter regarding the proposed Land Acquisitions Charter Amendment. I would appreciate it if you would provide copies of this email to the other CRC members. I plan on referencing this in the meeting tonight.

Thank you,

Ron

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**From:** Richards, Ron  
**Sent:** Monday, November 24, 2025 10:49 AM  
**To:** james.salazar@quileutetribe.com <james.salazar@quileutetribe.com>  
**Subject:** Proposed Land Acquisitions Charter Amendment

November 23, 2025

Douglas Woodruff, Jr.  
Chairman, Quileute Indian Tribe  
P.O. Box 279  
c/o [james.salazar@quileutetribe.com](mailto:james.salazar@quileutetribe.com)  
La Push, WA 9835-0279

Dear Chairman Woodruff,

I am writing this email as a member of the charter review commission, and not on behalf of the Charter Review Commission nor its Land Acquisitions Committee of which I am the Chair, in reply to your November 10, 2025, letter to the Clallam County Charter Review Commission regarding what has most recently been known as the proposed Land Acquisitions Charter Amendment. I appreciate very much that you wrote regarding that amendment, but I wish your letter would have expressed a more positive opinion of the amendment for the reasons stated herein.

The proposed amendment is totally neutral on its face and in its substantive terms, it merely instructs the County Commissioners to respond to requests from government agencies for comments on the effects land acquisitions might have on the county's taxing, legislative, regulatory, and/or law enforcement jurisdiction, and it provides a mechanism for establishing standards upon which to base their responses. It applies to more than just tribal trust land acquisitions, it recognizes that there can be

positive ramifications to land acquisitions by government agencies, and it addresses an issue that has been totally ignored by county government for many years. This is the very situation that the charter form of government is designed to address.

Most of your letter is addressed to listing the ways in which tribal land acquisitions can benefit our county (some of which I happen to agree with) and encouraging the county to study the situation more closely. The proposed charter amendment is expressly written to accomplish both of your requests. I believe your letter might just as well been written to support the proposed amendment.

Additionally, your letter would be extremely valuable for the Planning Commission and County Commissioners to use in developing the standards required by the proposed charter amendment. I am confident that those standards would include itemizing situations where a proposed acquisition would have a minimal impact on county jurisdiction and require little or no study in developing a response. This would meet a major concern of yours that needless expense would be incurred in responding to insignificant acquisitions.

Your suggestion that a full study of multiple areas of law, including federal Indian law, is necessary before the County Commissioners can respond greatly underestimates what the county already deals with. It is the county government that deals with taxing, legislative, regulatory, and/or law enforcement jurisdiction on tribal trust lands almost daily and is in the best position to provide the requested input.

Finally, your assertion that the proposed amendment has not been given appropriate due diligence or legal review, and is being done on a last-minute basis, does not recognize the fact that the proposed amendment was first considered in April. Since then, it has been the subject of numerous Charter Review Commission and Land Acquisition Committee meetings which have all been appropriately advertised and in which much legal, county official, and public input has been received and considered. In particular, the Director of the Department of Community Development has expressly agreed with the proposed amendment's requirement that the Comprehensive Plan set forth the standards upon which the County Commissioners should base their responses; the proposed amendment was modified to account for input from the Prosecuting Attorney relating to the constitutionality of a previous draft of the amendment; and the County Commissioners have conceded in a work session that it is very difficult to prepare responses without established standards.

It is my hope that you might reconsider your opposition to the proposed amendment and recognize it as an opportunity for you and your tribe to enshrine in the county's comprehensive plan standards that would recognize the positive benefits you claim from tribal trust land acquisitions.

Sincerely,

Ron Richards  
Charter Review Commissioner, District 2

## Gores, Loni

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**From:** Loni Greninger <[lgreninger@jamestowntribe.org](mailto:lgreninger@jamestowntribe.org)>  
**Sent:** Monday, November 24, 2025 1:10 PM  
**To:** Gores, Loni  
**Cc:** W Ron. Allen  
**Subject:** Letter for CRC Commissioners  
**Attachments:** JST Letter to CRC Re Trust Land Aquisitions Charter Proposed Amendment - 11.24.2025.pdf

Hello, Loni!

May I request that this letter be emailed to the Clallam County Charter Review Commission Commissioners for their meeting packets tonight?

Thank you!

**yu'čciʔə - Loni Greninger, MPA**  
**Vice Chairwoman, Tribal Council**  
**Director, Culture Department**  
**Jamestown S'Klallam Tribe**  
**O: 360-681-4660**  
**E: [lgreninger@jamestowntribe.org](mailto:lgreninger@jamestowntribe.org)**  
**A: 1033 Old Blyn Hwy, Sequim, WA 98382**  
**W: <http://www.jamestowntribe.org>**



November 24, 2025

Clallam County Charter Review Commission  
Port Angeles, WA

*Submitted via email to: [loni.gores@clallamcountywa.org](mailto:loni.gores@clallamcountywa.org)*

**Re: Opposition to Proposed Charter Amendment Concerning Land Acquisitions**

Dear Charter Review Commission Members,

On behalf of the Jamestown S'Klallam Tribe, we submit this letter to officially share our opposition to the proposed charter amendment to the Clallam County Charter regarding land acquisitions.

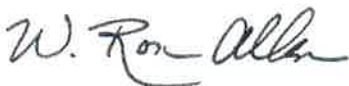
We acknowledge there is a heightened awareness of the tribal land acquisition process, and how it affects the local jurisdictions. As such, we appreciate those who fully investigate the consequences of this decision before voting to move this amendment to the next phase. There are many years of federal-Indian history that led to the land acquisitions system. The Quileute Tribal Council submitted a letter on November 10, 2025, that describes the long history of Tribes reacquiring their homelands for many reasons, e.g., Tribal governmental operations, natural resources and conservation purposes, protection of sacred and cultural sites, homes and infrastructure and economic development to name a few.

These purposes all benefit our Tribe's community and the non-Indian community who surround our Tribe. Our economic development brings over 1,100 jobs into the community, all enhancing the local economy. We firmly feel the current opportunity provided by the federal process provides the local governments sufficient opportunity to comment on our Land-into-Trust applications with the Department of Interior.

We believe that we have been very transparent in our goals and objectives including how we can benefit and collaborate on mutual interests. A great example is our health care operations where we provide health coverage to over 20,000 Clallam residents. Another is the Discovery Trail where we take active leads and agree to it traveling through our lands including the upgrade of the Dungeness River Bridge. Another is the restoration of the Dungeness River for our salmon and habitat. In our opinion the above short list above clearly offsets tax losses from the Trust status. We, as well as our sister Tribes have many other pertinent information that would be more reasons to reject the proposed amendment. We hope that with more understanding of local and state/tribal history, and federal-Indian law, the CRC should continue to reject the proposed charter amendment.

More information on Title 25, Chapter 1, Subchapter H, Part 151 can be found here:  
<https://www.ecfr.gov/current/title-25/chapter-1/subchapter-H/part-151>.

Respectfully,



W. Ron Allen, Chair/CEO

# **CHARTER REVIEW COMMISSION**

**Correspondences end page**

# **Charter Review Commission**

**Business item**

**Voters Pamphlet**

2025  
Clallam County Charter Review Commission

Resolution Number \_\_\_\_\_

Proposed Charter Amendment Requiring Printing of the Full Text of Proposed  
Charter Amendments in the Local Voters' Pamphlet

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Susan Fisch, District 1 Commissioner, Chair

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Patti Morris, District 2 Commissioner

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