



## BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of October 4 - 8, 2021

16  
10/12/21

### WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, October 4, 2021. Present were Commissioners Ozias and Peach and Administrator Sill. All appeared by video. Commissioner Johnson was excused.

Items of discussion per the agenda published September 30 were:

- Calendar/Correspondence
- Letter of support for Clallam Transit System Bus and Bus Facilities Program application
- Pre-application questionnaire for Stop Formula Grant
- Agreement with Kitsap Public Health District for Youth Marijuana Prevention and Education AND Commercial Tobacco Prevention Programs
- Agreement with Washington State Health and Human Services for Developmental Disabilities Services
- Agreement with County of San Juan for detention holds and services
- Purchase order for annual software renewal for VMware
- Pre-application questionnaire for Department of Justice equipment grant
- Resolution initiating a County road project designated as CRP C1257, Sequim Dungeness / Woodcock Roundabout
- Resolution initiating a County road project designated as CRP C1258, 2021 Countywide Overlay Project
- Discussion regarding dredge project in La Push Marina
- Letter of support for the Clallam County Broadband Project
- Resolution appointing Walter Morton to the Sheriff's Citizens Advisory Committee

Meeting adjourned at 10:22 a.m.

### REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, October 5, 2021. Also present were Commissioner Peach and Administrator Sill. All appeared by video. Commissioner Johnson was excused.

### REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

**ACTION TAKEN:** CBPm to adopt the agenda as presented, CMOs, mc

### PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on overlay project, Department of Community Development, Charter Review Commission, review of the Clallam County Charter (see attached).
- Renee Renninger, Carlsborg, commented on COVID.
- Tammi Moses, Joyce, commented on RV Ordinance, mental health crisis.

### CONSENT AGENDA

- 1a Approval of vouchers for the week of September 27
- 1b Approval of payroll for the period ending September 15
- 1c Approval of minutes for the week of September 27
- 1d Letter of support for the Clallam County Broadband Project
- 1e Proclamation recognizing the second Monday of October, 2021 as Indigenous Peoples' Day
- 1f Proclamation recognizing October 2021 as Disability Employment Awareness Month

**ACTION TAKEN:** CBPm to adopt the consent agenda, CMOs, mc

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**REPORTS AND PRESENTATIONS**

- CMO read the Proclamation recognizing the second Monday of October, 2021 as Indigenous Peoples' Day.
- CMO read the Proclamation recognizing October 2021 as Disability Employment Awareness Month.
  - Karen Pierce, Pierce Jones and Associates, made comments.
- CBP commented on Legislative session, House Bill 1152, Board of Health, County Health Officer, salmon recovery, climate change.
- CMO commented on Governor Inslee, Composite Recycling Technology Center, Dungeness Levee Setback Project.

**CONTRACTS AND AGREEMENTS**

- 2a Agreement with Washington State Administrative Office of the Courts for Blake decision reimbursement

**ACTION TAKEN: CBPm to approve, CMOs, mc**

- 2b Agreement with Washington State Department of Ecology for Solid Waste activities

**ACTION TAKEN: CBPm to approve, CMOs, mc**

**BIDS AND AWARDS**

- 3a Notice of call for bids to be received no later than 10 a.m. Tuesday, October 26, 2021 for Carpet Replacement – Superior Court II Courtroom & Hallway

**ACTION TAKEN: CBPm to issue notice, CMOs, mc**

- 3b Bid award and request the Chair to sign the contract once received with Interwest Construction, Inc. for the Sequim-Dungeness / Woodcock Roundabout Project CRP C1257

**ACTION TAKEN: CBPm to approve and authorizes the Chair to sign the contract once available, CMOs, mc**

- 3c Bid award and request the Chair to sign the contract once received with Lakeside Industries, Inc. for the 2021 Countywide Overlay Project CRP C1258

**ACTION TAKEN: CBPm to approve and authorizes the Chair to sign the contract once available, CMOs, mc**

- 3d Request for proposals opening Behavioral Health Proposals 2022

| <b><u>Contractor</u></b>              | <b><u>Amount</u></b>    |
|---------------------------------------|-------------------------|
| Port Angeles Fire Department          | \$99,600/\$101,600      |
| Serenity House of Clallam County      | \$130,435/\$133,352     |
| Transformations by Olympic Angels     | \$14,939/\$41,004       |
| West End Outreach Services            | \$46,925/\$46,925       |
| First Step Family Support Center      | \$121,351/\$127,419     |
| Sequim High School                    | \$162,960/\$170,000     |
| Peninsula Behavioral Health           | \$181,250/\$181,250     |
| Peninsula Behavioral Health           | \$18,000/\$18,000       |
| Peninsula Behavioral Health           | \$18,032/\$18,032       |
| Olympic Peninsula Community Clinic    | \$685,090/\$690,095     |
| Lutheran Community Services           | \$105,336/\$111,784     |
| Lutheran Community Services           | \$68,922/\$73,993       |
| Reflections Counseling Services Group | \$189,800/\$189,800     |
| Reflections Counseling Services Group | \$0/\$35,000            |
| Olympic Personal Growth Center        | \$87,900/\$87,900       |
| Cedar Grove Counseling                | \$40,598.40/\$40,598.40 |

**ACTION TAKEN: CBPm to forward the request for proposals to the Health and Human Services for review and recommendation, CMOs, mc**

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**ADMINISTRATION**

4a Approval of the 2020 Clallam County Charter Review Commission County Commissioners' Formal Response to Recommendations

**ACTION TAKEN: CBPm to adopt, CMOs, mc**

4b Purchase order for annual software renewal for VMware

**ACTION TAKEN: CBPm to approve, CMOs, mc**

**PUBLIC WORKS**

5a Resolution initiating a County road project designated as CRP C1257, Sequim Dungeness / Woodcock Roundabout

**ACTION TAKEN: CBPm to adopt, CMOs, mc**

5b Resolution initiating a County road project designated as CRP C1258, 2021 Countywide Overlay Project

**ACTION TAKEN: CBPm to adopt, CMOs, mc**

**PUBLIC COMMENT**

- Ed Bowen, Clallam Bay, commented on roads.
- Carey Seefeld, Joyce, commented on in person / virtual meetings, RV Ordinance, public meetings.
- Karen Pierce, Port Angeles, commented on County Health Department, in person / virtual meetings.
- Clark Hallam, Joyce, commented on in person / virtual meetings, RV Ordinance.

Meeting concluded at 11:22 a.m. and continued to 9 a.m., Monday, October 11, 2021.

There are no Zoom chat logs for the week of October 11.

The Board of Commissioners attended WSAC Virtual COVID Update and a COVID-19 Briefing during the week of October 4.

PASSED AND ADOPTED this twelfth day of October 2021.

ATTEST:

*L. Gores*

Loni Gores, CMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS

*Mark Ozias*  
Mark Ozias, Chair

*Randy Johnson*  
Randy Johnson

*Bill Peach*  
Bill Peach

**KEY TO ABBREVIATIONS:**

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

m moved  
mc motion carried  
s seconded

Public comment  
Ed Bowen  
10/5/21

**Gores, Alanna**

**From:** Ed Bowen <rockypt@olypen.com>  
**Sent:** Tuesday, October 05, 2021 10:08 AM  
**To:** Gores, Alanna  
**Cc:** Peach, Bill  
**Subject:** Documents for BOCC 5OCT2021 Public Comment  
**Attachments:** 23 January 2020 CCCRC Petition.pdf; 13FEB2020 CCCRC Petition.pdf; 20FEB2020 CCCRC Petition.pdf

\*\*\* EXTERNAL EMAIL \*\*\* This message was sent from outside our County network.

Submitted documents I would normally provide during public comment if in person. Request these be included in regards to public comment at the BOCC 5 Oct 2021 at the beginning for agenda items, 4a CRC Recommendations

Ed Bowen  
P.O. Box 111  
Clallam Bay, WA 98326



Virus-free. [www.avg.com](http://www.avg.com)

23 January 2020

Chair  
Clallam County Charter Review Commission

I petition the Clallam County Charter Review Commission to consider the following, as one, for inclusion in changes to the Clallam County Charter, for a vote of the people November 3<sup>rd</sup>, 2020:

#### Taxes and Fees

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

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

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

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

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

Ed Bowen  
PO Box 111  
Clallam Bay, WA 98326

13 February 2020

Chair  
Clallam County Charter Review Commission

I petition the Clallam County Charter Review Commission to consider the following, as one, for inclusion in changes to the Clallam County Charter, for a vote of the people November 3<sup>rd</sup>, 2020:

**County Jurisdiction Relinquishment**

- The County must take measures to maintain jurisdiction:
  - As a viable tax base
    - Include impact to the remaining tax base if such relinquishment takes place, take a position in any process to insure the remaining tax base does not incur an increased financial burden from the reduction in said "lost" tax base.
    - Address the impact if the result of such relinquishment is dissimilar jurisdictions (or checkerboard jurisdictions) by mitigation with the gaining jurisdiction
  - Retaining lands in fee simple or the county has a fiduciary interest
    - Other interest, laws and regulations aside from the County's that creates an encumbrance on such title, including implied and practiced, that precludes the citizens of the county from full use and enjoyment
    - Fiduciary interest is defined and defended as a momentary interest that directly benefits the county's annual budget described in the charter.
  - For continuity of land use regulations
    - Such relinquishment should minimize conflicts in such regulations between both sides of a boundary line
  - Maintaining what the character of the county is
    - Character is defined by the people who live here, collectively and not special interest.
      - Sub categories of this in ordinance and RCW is "Rural Character". Maintaining that is not by changing the definition in a planning action.
- Changes to the county's jurisdiction:



- If the county is petitioned to comment on a government action that will change jurisdiction the county must inform the people similar to when zoning is changed and noticed to adjacent landowners/signage of the action. In addition, a public hearing must take place prior to the deadline of the petition in order to give the public at large the due process to comment on such action and the county to represent those points of views.
- If the County is taking the action to change jurisdiction itself, an advisory vote of the people is required
- If the budget of the county is affected by an indirect jurisdictional concern, the county must defend such concern up to and including legal action to defend the interest of those taxed to fuel the budget. Any change to what may be considered a non-momentary benefit for a fiduciary obligation to the county must only be upon a vote of a simple majority in favor by the people.
  - Regarding the county's representation of disbursement to junior taxing districts of their interest, any policy must be with full approval of those junior taxing districts and a public hearing for the public at large.

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

- Transfer of jurisdiction for tribal reservations, tribal trust lands, and lands purchased by tribes not held in trust.
- Federal land expansion: National Park Service by act of Congress, lands held by the Federal government but no action to transfer jurisdiction, US Forest Service and "Proclaimed" forest boundaries, marine environment/coastal zone jurisdiction (3 miles), military reservations
- NGO Land Trust and Open Space in regards to the effect on the tax base
- Fiduciary has it best example of the recent deferment of State Forest Trust Lands, lands that are those of the county that were taken from them by the state for the purpose of management and placed in trust for the benefit of the county and its related junior taxing districts. This concept is under attack by efforts to undercut that trust responsibility and also redefine just what "compensation" is. Also the discriminatory action of the state to not include Grays Harbor in the required takeover/jurisdictional change to date.

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

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

Ed Bowen  
PO Box 111  
Clallam Bay, WA 98326



20 February 2020

Chair  
Clallam County Charter Review Commission

I petition the Clallam County Charter Review Commission to consider the following, as one, for inclusion in changes to the Clallam County Charter, for a vote of the people November 3<sup>rd</sup>, 2020:

**County Resources and Accountability for Natural Resources Inventory**

- The County must take measures to insure its invested natural resource interest has an accountable inventory:
  - As a viable operational and capital improvement funding stream
    - County timber trust lands (WDNR State Forest Transfer Trust) provide a reliable funding stream for the operational and infrastructure in providing core services to the citizens; as long as there is a realistic inventory of just what those assets are in providing that funding stream.
    - The inventory must provide reliability and confidence in sustaining the budgetary needs of the county
  - 2015 Charter Review Commission (CRC) made recommendation to the Board of County Commissioners (BOCC) that resulted in establishing a trust land advisory committee to serve for one year.
    - Trust land committee discussed the inventory issue, and the creation of the Chief Financial Officer appears to have started incorporating that idea. One thought the committee had: a county forester that would understand the timber related aspects of the inventory question. Recommendation to continue this idea in parallel with the CFO's roll in the direction the Charter might provide is needed with the ever changing issue of the county's 93,000+ acres it is the beneficiary agent to receiving and distribution of funds received.
    - Other natural resource trust lands (likely the Capital Trust) that benefit the local schools should partner with such a county forester, given similar inventory and reliable funding issues.
    - The request at the 2015 CRC to petition the withdrawal of the mentioned county trust lands from State (WDNR) trustee and management returning to full management by the county is still a possible solution and should be continued to be considered.

- Grays Harbor County retained its natural resource lands, of the timber counties that were affected by the State transfer action.
  - It has not transferred, or held accountable to the State's action since. A bias exist, and thus an argument to make all counties right. This is the purpose of the Charter in this case, to hold local accountability and representation for the will of the people governed.
- Suggest the Charter include, or recommendation made to the BOCC that the Trust Land Advisory Committee be convened at least once during the 5 year period between CRC to address the status of the inventory and make Charter/county policy recommendations to address issues. It would probably be best if the task was a function of the CFO so as to tie in to what improvements of all the county asset forecasts the CFO has been working on in recent times.
- The Charter should be amended to specify the accountability of the timber and other natural resource assets either owned outright or a fiduciary obligation to its benefit; that accountability is a requirement of the Board of County Commissioners with the support and reporting by the county departments and the other elected officials of the county.
  - Similar in concept to a balance budget amendment, with the goal that such accountability cannot rely on a credit due.
  - That any natural resource funding stream that is diminished due to the inventory accuracy of the asset cannot be a negative component of and justification for a levy on private property without the vote of the people.
  - Deferments of the asset, to include arrearages for failing to meeting harvest calculations will be challenged on any legal merit.

This petition is for the purpose of addressing needs on behalf of the citizens of the county, and for clarity for the citizens on what hasn't taken place regarding such natural resource inventory that significantly impacts the funding of core, county and junior taxing district services:

- Core county services have been impacted by the reduction in natural resource harvest revenue generation. The State has managed a vast majority of these resources and the evidence has shown since the last CRC that management for the best interest of these services continues to be without a viable solution (improving the benefit to the beneficiary). Making suggestions that the State legislature will bail us out is false hope, this short session where specific

solutions have been introduced are coming up short. The willingness of the property owners to cover this short fall has been demonstrated by the example of Clallam Fire District 4 in a levy lift. But that is not making up for the shortfall that the natural resource harvest revenue should have provided over the past 15 to 20 years, and won't provide in the future because of a declining calculation overburdened with deferments and other regulatory barriers. Great example is the lack of an adequate fire station that was built by the community but not allowed to build a better one on their own sweat-equity so that it might survive the Big One. Regulation results in a cost prohibitive solution. And this is just the icing on the cake, budgetary impact when it comes to CFD 5.

- How can one manage a resource when they don't even know what they have in inventory? A vast majority of inventory records are based on modeling and checking which way the wind is blowing. Many times the inventory isn't even known until a harvest sale is developed, and that can take much time/out of date by the time the action takes place.
- The limitation is driven from a desired affect by a Federal regulation called the ESA Habitat Conservation Plan, but the Federal government doesn't take responsibility for the impact of that imposition the county is faced with in providing core services, and beyond what was guaranteed at statehood or county acquisition. Secure Rural Schools (county offset for loss of US Forest Service harvest) and Payment In Lieu of Taxes is not a payable/reimbursable when impacting State or county trust lands.
- The Charter is the place for the county to take responsibility of its own affairs and not depend on the welfare of the upper levels of government to create something counterproductive. This is not succession, but establishing a key aspect of the state's constitution that the authority is granted by the consent of the governed. That authority I argue is better represented at the lowest level of those to be granted...our county.

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

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

Ed Bowen  
PO Box 111  
Clallam Bay, WA 98326