



SEP 19 2023

BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of September 11-15, 2023

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, September 11, 2023. Present were Commissioners Ozias and Johnson and French, and Administrator Mielke.

Items of discussion per the agenda published September 7 were:

- Calendar/Correspondence
- Letter to Bureau of Justice Assistance to decline Adult Drug Court and Veterans Treatment Court Discretionary Grant Program
- Purchase order with GovConnection, Inc. for VMWare renewal
- Agreement with Axon Enterprise, Inc. for access to a basic, free version of Evidence.com
- Agreement with Jamestown S'Klallam Tribe for Olympia oyster restoration
- Pre-application questionnaire and support letter with Department of Commerce for Comprehensive Plan GMA Periodic Update Grant
- Clallam County Poet Laureate update
- Notice to call for bids to be received no later than Tuesday, October 10, 2023 at 10 a.m. regarding the Lighthouse Pump Station Replacement Project
- Pre-application questionnaire and Recreation and Conservation Office Resolution for Local Parks Maintenance Grant Projects – Olympic Discovery Trail and Salt Creek Recreation Area
- Agreement amendment 1 with Department of Ecology for Clallam Bay/Seki Sewer Improvements
- Update on Opportunity Funds for Forks Sewer Rebuild
- Discussion on proposed budget revisions to be considered on September 26
- Discussion of proposed supplemental appropriations to be considered on September 26
- Discussion of proposed budget emergencies to be considered on September 26

Meeting concluded at 11:05 a.m. and continued to an executive session to be held on September 11, 2023 at 12:30 p.m.

EXECUTIVE SESSION – 12:30 p.m.

Pursuant to RCW 42.30.110, an executive session will be held at 12:30 p.m., Monday, September 11, 2023 in the Commissioners Board Room, 223 East 4th Street, Port Angeles, Room 160. No Zoom option will be available. This executive session is to discuss potential new litigation against Clallam County, and to discuss the potential dismissal of existing Blake related litigation in which Clallam County is a Plaintiff.

This is a proper matter to be considered in executive session pursuant to RCW 42.30.110(1)(i), which allows for the use of an executive session "to discuss with legal counsel representing the agency litigation ... to which the agency, the governing body, or a member acting in an official capacity is, or is ... a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

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

The Board convened in open session at 12:30 p.m. to discuss potential new litigation against Clallam County, and to discuss the potential dismissal of existing Blake related litigation in which Clallam County is a Plaintiff. Present were Commissioners Ozias, Johnson and French, Administrator Mielke, Chief Civil Deputy Prosecuting Attorney Boughton, Chief Financial Officer Lane, Human Resources/Risk Reyes, and Department of Community Development Clark.

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

The board recessed into executive session at 12:36 p.m.

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The board convened in open session at 1:20p.m.

ACTION TAKEN: CRJm Prosecuting Attorney's Office to proceed with dismissal without prejudice in the Blake litigation, CMFs, mc

ACTION TAKEN: CRJm Prosecuting Attorney's Office to proceed with the preferred alternatives in the next steps in the McColl case, CMFs, mc

Meeting concluded at 1:23 p.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, September 12, 2023. Also present were Commissioners Johnson and French and Administrator Mielke.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

PUBLIC COMMENT

- Kenneth Reandeau, Port Angeles, commented on item 2a
- Ashley Smith, Port Angeles, commented on item 1c
- Ed Bowen, Clallam Bay, commented on item 5c
- James G. Bacinski, item 1c (see attached)

CONSENT AGENDA

- 1a Approval of vouchers for the week of September 4
- 1b Approval of minutes for the week of September 4
- 1c Letter to Bureau of Justice Assistance to decline Adult Drug Court and Veterans Treatment Court Discretionary Grant Program

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

REPORTS AND PRESENTATIONS

- CMF commented on Slip Point Lighthouse Community Meeting, Trails Advisory Committee Meeting, department staff meetings, Recompete, west end meetings, Twilight Fest, Census and Climate Change reports
- CRJ commented on Emergency Operations Center, school district funding
- CMO commented on Veterans support services, healthcare, Olympic Peninsula Healthy Community Coalition Forks Meeting

HEARING(S)

H1 Ordinance amending Clallam County Code Chapter 5.100 Consolidated Fee Schedule – Records Fees 110-A

- ARM, read the agenda item into the record
- Kelly Gonzalez and Jesse Major, Public Records Department, provided a staff report

ACTION TAKEN: CRJm to open the public hearing, CMFs, mc

- The following provided testimony:
 - Ed Telenick, Sequim
- The following testimony was submitted by: Jennifer White (see attached)

ACTION TAKEN: CRJm to close the public hearing and adopt, CMFs, mc

H2 Proposed Ordinance titled Signs

- ATM, read the agenda item into the record
- Donella Clark, Department of Community Development, provided a staff report

ACTION TAKEN: CRJm to open the public hearing, CMFs, mc

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- The following provided testimony:
 - Ed Telenick, Sequim
 - Ed Bowen, Clallam Bay
 - Tom Butler, Port Angeles
 - Kenneth Reandeau, Port Angeles
- The following testimony was submitted by: James Carpentier (see attached)

ACTION TAKEN: CRJm to close the public hearing and adopt, CMFs, mc

CONTRACTS AND AGREEMENTS

2a Rental Agreement with Richard B. Beers for leased hanger space in Sequim

ACTION TAKEN: CRJm to approve, CMFs, mc

2b Agreement amendment B with Department of Commerce for Multi-Jurisdictional Gang-drug Task Force

ACTION TAKEN: CRJm to approve, CMFs, mc

BIDS AND AWARDS

3a Bid opening – Clallam County Courthouse VAV Upgrade Project

<u>CONTRACTOR</u>	<u>AMOUNT</u>
Apex Mechanical	\$732,145
Hoch Construction, Inc.	\$707,583
Neeley Construction	\$844,000

ACTION TAKEN: CRJm to forward the bids to the Parks, Fair and Facilities Department for review and recommendation to the Board of Commissioners, CMFs, mc

PUBLIC WORKS

4a Recreation and Conservation Office Resolution for Local Parks Maintenance Grant Projects – Olympic Discovery Trail and Salt Creek Recreation Area

ACTION TAKEN: CRJm to approve, CMFs, mc

BUDGET

5a Notice that the following budget revisions will be adopted by Resolution on September 26:
Sheriff – Jail

- Contracted costs for Norpoint Services to provide courthouse security for the month of July 2023/\$18,590
- Contracted costs for Norpoint Services to provide courthouse security for the month of August 2023/\$20,570

NonDept – American Rescue Plan Act – Reallocation of American Rescue Plan Act (ARPA) funding expected to be provided for the PUD Carlsborg/Van-Lan water system project and to North Olympic Regional Veteran's Housing Network (NORVHN) under its amended agreement/\$140,000

ACTION TAKEN: CRJm to issue notice, CMFs, mc

5b Notice that the following supplemental appropriations will be adopted by Resolution on September 26:
Juvenile Services

- State revenue share from Special Sex Offender Disposition program. Clallam County exceeded our estimated caseload resulting in increased reimbursement of cost per participant for supervision and treatment services/\$31,494
- Unanticipated Community Prevention Wellness Initiative (CPWI) funds through the Health Care Authority (HCA)/\$101,264

Sheriff – Emergency Services – Expenditures and reimbursement revenue received from state contract E23-089 Sate Homeland Security Program Grant FY22 for salary and benefits, purchase of a ballistic shield rated for rifle rounds, operational supplies, grant administration time, and county indirects/\$50,455

ACTION TAKEN: CRJm to issue notice, CMFs, mc

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5c Resolution calling for a hearing to be held September 26 at 10:30 a.m. for the following debatable emergencies:

NonDepartmental – Additional funding needed to cover leave payouts to separating and retiring employees which have occurred at a higher amount than anticipated in the 2023 Budget/\$50,000

Assessor – Upgrade to existing mapping imagery in software system (PACS)/\$5,097

Parks and Facilities – REET – Out of scope project costs exceeded estimates including access control replacements being added to the Juvenile Services facility as a project change order/\$198,262

Public Works – Bullman Beach Water System – Funding needed to cover staff efforts related to the Request for Proposals process, procurement of a new pump with associated installation costs, and expected staff time for chlorine calculations and AsBuilt correction measurements/\$25,000

ACTION TAKEN: CRJm to adopt, CMFs, mc

PUBLIC COMMENT

- Tim Wheeler, Sequim. commented on Elwha Watershed, TCB 23 and Power Plant – Elwha River (see attached)
- Ed Bowen, Clallam Bay, commented on item H2, Bill HR 1450
- Ellen Manshew, Joyce, commented on Elwha Watershed, TCB 23 and Power Plant – Elwha River, Climate Change
- Nina Sarmiento, Port Angeles, commented on TCB 23 and Power Plant – Elwha River
- Elizabeth Dunne, Port Angeles, commented on TCB 23 and Power Plant – Elwha River

The meeting concluded at 11:41 a.m. and continued to 9 a.m., Monday, September 18, 2023.

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

The Board of Commissioners attended WSAC Virtual Update, Executive Session, Employee Ice Cream Social, Coffee with Colleen and KONP Radio, during the week of September 11.

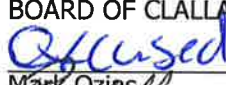
PASSED AND ADOPTED this 19th day of September 2023.

ATTEST:

Loni Gores, MMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias


Randy Johnson


Mike French

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CMF Commissioner Mike French

m moved
mc motion carried
s seconded

Public Hearing H1 9-12-23

Testimony

Gores, Loni

From: White, Jennifer
Sent: Thursday, August 31, 2023 12:33 PM
To: Gores, Loni
Subject: Fee Policy changes
Attachments: Opposition - Records Fee Policy.pdf

Good afternoon Loni,
My concerns about the Records Fee Schedule changes are attached.

Thank you,

Jennifer L White

Clallam County Treasurer

223 E 4th Street, Suite 3
Port Angeles, WA 98362-3000
360.417.2248 - Direct Line
360.417.2344 - Main Office
www.clallamcountywa.gov



08.31.2023

Good afternoon,

I am writing in response to the Records Officer's request to modify the Records Fee schedule 110-A. I would like to preface my comment by saying that I support transparency at all levels and feel strongly that citizens have rights to information that they are entitled to. That being said, I have had sidebar conversations with the Record's Office over the past few years that never amounted to the production of concrete reasoning as to why I'm not allowed to follow the current fee schedule as set forth. Now, the Record's Office is requesting to simply remove these fees from the policy. I would have preferred to have these discussions between our offices; however, the department brought their action through public forum, and this is what is available for me to state my grievance.

I apologize for the length of this document, but I have many concerns regarding the process and the impacts to my office directly.

Process concerns:

1. This discussion should have begun at a departmental level. Including the stakeholders, who's fees are being added or eliminated. By providing open dialogue and understanding to the departments it is highly likely that agreements could have been made regarding the proposal moving forward.
2. The Agenda Item Summary states "... Chapter 5.100 Consolidated fee Schedule – Records Fees 110-A needs to be updated." There is no reasoning included that supports the changes. I believe the reason for needing to update this policy should be transparent and RCW's or other equivalent legislation should be cited.
3. The Agenda Item Summary states 'none' under budgetary impact. It is unclear if there has been a cost analysis performed to show what our revenues *would be* by enforcing the current schedule and what our losses would be over time under the new schedule. With potential revenue channels being extinguished, we would be unable to recapture these funds without another modification in the future.
4. There are multiple stakeholders involved, who (to my knowledge) have not been consulted or included in the review of these changes such as Treasurer, Assessor, GIS, IT, and Sheriff.
5. Regarding specific tax files - Individuals/agencies requesting the taxpayer information usually intend to do so for commercial purposes, which is a violation of the public records code; these requests are not able to be thoroughly vetted by the PRO beyond them being able to pose the question to the requestor.
6. Regarding specific tax files - Information contained in these files *may* be protected under RCW 42.56.050 as it may be highly offensive to a reasonable person and/or is not of legitimate concern to the public (attachment #1) and;
7. Under RCW 42.56.230 (attachment #2) *"The following personal information is exempt from public inspection and copying under this chapter: (4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer."*

Office impact concerns:

1. We should meet the standard for imposing agency charges for actual costs under RCW 42.56.120 (charges for copying under the public records section) as they have been adopted through the legislative process for Clallam County and have both been adopted and posted (attachment #3).
2. Continuing, RCW 42.56.120 (3)(a)(i) states that *"in addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may only be*

imposed if the agency estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes."

- a. These reports are tedious, burdensome, and considered 'obsolete records' as they are subject to change immediately after or during the data retrieval process. The value does not outweigh the processing time and is highly inefficient. The reports serve no true purpose.
3. Our office pays vendors for the ability to run these reports and at times have to pay fees for software enhancements to be able to configure the data or special reports.
4. We do not have a 'records specialist' position in our office. This work is typically being done behind the scenes by someone that is 'off the floor', which is one of the three highest paid people in the office. This translates to higher rates for their time to produce the reports.

Resolution:

1. Contact all stakeholders and educate us on where the guidance is coming from and provide an opportunity for transparency that the Records Office can share their requirements and reason for making these changes.
2. I want to retain the ability to charge these fees now, or in the future, at a fair flat rate to the consumer.
3. Allow us to collect our fees as they currently are set (we have an electronic process available for this already), or;
4. If there is a violation of the public records RCWs, then deny all requests to the public that contain treasurer's tax and billing files, tax rolls, and delinquent property tax files.

It is likely that I am speaking from an uneducated position. However, without the communication and willingness to work together when there are direct impacts to departments, I only know what I have heard and researched. I stand firmly that my office should be able to collect fees under the current schedule, and it should be enforced. I speak for myself and my department only, and this has been a concern of mine for the past few years. I feel it is fair to offset costs and deter running reports that may be used fraudulently and are a bit of a hardship on our office. I further support the taxpayers right to privacy, so if the PAO has a recommendation as to the nature of this information, I would like to be included in that educational session and discussion so that I am offered an opportunity to understand in its entirety.

Respectfully,



Jennifer White

Clallam County Treasurer
223 E 4th St, Suite 3
Port Angeles, WA 98363
(360) 417.2248

Attached:	#1	-RCW 42.56.050
	#2	-RCW 42.56.230
	#3	-RCW 42.56.120



2
AUG 21 2023

AGENDA ITEM SUMMARY

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

Department: Public Records

WORK SESSION ☒ **Meeting Date:** 08-21-23

REGULAR AGENDA ☒ **Meeting Date:** 08-29-23

Item summary:

☒ Notice of Hearing

☐ Contract/Agreement/MOU - Contract #

☐ Resolution

☐ Proclamation

☐ Budget Item

☒ Draft Ordinance

☐ Final Ordinance

☐ Other

Documents exempt from public disclosure attached: ☐

Executive summary:

To continue the effort to keep the Clallam County Code up to date, the code section relating to Chapter 5.100 Consolidated Fee Schedule – Records Fees 110-A needs to be updated.

Review Ordinance and request a call for hearing to be held Tuesday, September 12, 2023, at 10:30 a.m.

The Ordinance has been reviewed and approved by the Prosecuting Attorney's Office.

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

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

Review Ordinance and request a call for hearing to be held Tuesday, September 12, 2023, at 10:30 a.m.

County Official signature & print name:

Kelly Gonzalez

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Kelly Gonzalez – Public Records

Relevant Departments: Board of Commissioners, Public Records Department, Prosecuting Attorney's Office

Date submitted: August 16, 2023

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

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

Records Fee Schedule 110-A Notice AIS fnl.docx

Revised: 3-04-2019

PDF **RCW 42.56.050**

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Invasion of privacy, when.

A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) **Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public.** The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records.

[1987 c 403 § 2. Formerly RCW 42.17.255.]

NOTES:

Intent—1987 c 403: "The legislature intends to restore the law relating to the release of public records largely to that which existed prior to the Washington Supreme Court decision in *"In Re Rosier,"* 105 Wn.2d 606 (1986). The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records, and (2) agencies having public records should rely only upon statutory exemptions or prohibitions for refusal to provide public records. Further, to avoid unnecessary confusion, "privacy" as used in RCW 42.17.255 is intended to have the same meaning as the definition given that word by the Supreme Court in *"Hearst v. Hoppe,"* 90 Wn.2d 123, 135 (1978)." [1987 c 403 § 1.]

Severability—1987 c 403: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 403 § 7.]

PDF RCW 42.56.230

#2

Personal information.

The following personal information is exempt from public inspection and copying under this chapter:

- (1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- (2)(a) Personal information:
 - (i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;
 - (ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs;
 - (iii) For a student enrolled or previously enrolled in a local education agency, in any records pertaining to the student, including correspondence;
 - (iv) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) through (iii) of this subsection; or
 - (v) For substitute caregivers who are licensed or approved to provide overnight care of children by the department of children, youth, and families.
- (b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;
- (3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;
- (4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;
- (5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;
- (6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;
- (7)(a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.
- (b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.
- (c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.
- (d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is

or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in (c) of this subsection (7) and this subsection (7)(d) that is subject to public disclosure;

(8) All information related to individual claim resolution settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals. The board of industrial insurance appeals shall provide to the department of labor and industries copies of all final claim resolution settlement agreements;

(9) Voluntarily submitted information contained in a database that is part of or associated with 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577;

(10) Information relating to a future voter, as provided in RCW 29A.08.725;

(11) All information submitted by a person to the state, either directly or through a state-licensed gambling establishment, or Indian tribes, or tribal enterprises that own gambling operations or facilities with class III gaming compacts, as part of the self-exclusion program established in RCW 9.46.071 or 67.70.040 for people with a gambling problem or gambling disorder;

(12) Names, addresses, or other personal information of individuals who participated in the bump-fire stock buy-back program under former RCW 43.43.920; and

(13) All personal and financial information concerning a player that is received or maintained by the state lottery or any contracted lottery vendor except the player's name and city or town of residence. Additional information may be released only in accordance with prior written permission from the player.

[2023 c 361 § 14; 2023 c 346 § 1; 2023 c 182 § 2; 2021 c 89 § 1. Prior: 2019 c 470 § 8; 2019 c 239 § 2; (2019 c 239 § 1 expired July 1, 2019); 2019 c 213 § 2; 2018 c 109 § 16; 2017 3rd sp.s. c 6 § 222; prior: 2015 c 224 § 2; 2015 c 47 § 1; 2014 c 142 § 1; prior: 2013 c 336 § 3; 2013 c 220 § 1; prior: 2011 c 350 § 2; 2011 c 173 § 1; 2010 c 106 § 102; 2009 c 510 § 8; 2008 c 200 § 5; 2005 c 274 § 403.]

NOTES:

Reviser's note: This section was amended by 2023 c 182 § 2, 2023 c 346 § 1, and by 2023 c 361 § 14, without reference to one another. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—2023 c 182: "The legislature recognizes the important public interest in maintaining an open and transparent government and the critically important role that our public records act plays in ensuring the people of Washington have access to public records maintained by state and local agencies with narrow exemptions. The legislature recognizes that protecting the personal information of our minor students is also of critical importance, especially when disclosure of that personal information could potentially jeopardize the physical or mental health and safety of a student. While current state law also acknowledges the importance of protecting a student's privacy by providing an exemption for personal information in records maintained on a student's behalf, the legislature notes that there have been instances where information has been released from records held by schools that contains personal information about a student or related to a student and the release allows the student to be identified. The legislature intends to provide additional clarity in this narrow situation involving the disclosure of personal information related to a student that may be found in a nonstudent record. This clarity is intended to ensure school districts understand that they have the ability to protect a student's privacy and redact personal information related to a student regardless of the type of record that the information is found in." [2023 c 182 § 1.]

Effective date—2021 c 89: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 16, 2021]." [2021 c 89 § 7.]

Expiration date—Effective date—2019 c 239 §§ 1 and 2: "(1) Section 1 of this act expires July 1, 2019.

(2) Section 2 of this act takes effect July 1, 2019." [2019 c 239 § 4.]

Effective date—2019 c 239: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 30, 2019]." [2019 c 239 § 5.]

Application—2019 c 239: "The exemptions in this act apply to any public records requests made prior to April 30, 2019, for which the disclosure of records has not already occurred." [2019 c 239 § 3.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Effective date—2013 c 336: See note following RCW 46.08.066.

Effective date—2011 c 350: See note following RCW 46.20.111.

Effective date—2010 c 106: See note following RCW 35.102.145.

Effective date—2009 c 510: See RCW 31.45.901.

Finding—Intent—Liberal construction—2009 c 510: See note following RCW 31.45.010.

PDF **RCW 42.56.120**

#3

Charges for copying.

(1) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of this section. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. When calculating any fees authorized under this section, an agency shall use the most reasonable cost-efficient method available to the agency as part of its normal operations. If any agency translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record for purposes of this chapter. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not amount to the creation of a new public record.

(2)(a) Agency charges for actual costs may only be imposed in accordance with the costs established and published by the agency pursuant to RCW 42.56.070(7), and in accordance with the statement of factors and manner used to determine the actual costs. In no event may an agency charge a per page cost greater than the actual cost as established and published by the agency.

(b) An agency need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons doing so would be unduly burdensome. To the extent the agency has not determined the actual costs of copying public records, the agency may not charge in excess of:

(i) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;

(ii) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;

(iii) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and

(iv) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and

(v) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

(c) The charges in (b) of this subsection may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(d) An agency may charge a flat fee of up to two dollars for any request as an alternative to fees authorized under (a) or (b) of this subsection when the agency reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than two dollars. An additional flat fee shall not be charged for any installment after the first installment of a request produced in installments. An agency that has elected to charge the flat fee in this subsection for an initial installment may not charge the fees authorized under (a) or (b) of this subsection on subsequent installments.

(e) An agency shall not impose copying charges under this section for access to or downloading of records that the agency routinely posts on its public internet website prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means.

(f) A requestor may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

(3)(a)(i) In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may only be imposed if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes.

(ii) The customized service charge may reimburse the agency up to the actual cost of providing the services in this subsection.

(b) An agency may not assess a customized service charge unless the agency has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

(4) An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request, including a customized service charge. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request. An agency may waive any charge assessed for a request pursuant to agency rules and regulations. An agency may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

[2017 c 304 § 3; 2016 c 163 § 4; 2005 c 483 § 2. Prior: 1995 c 397 § 14; 1995 c 341 § 2; 1973 c 1 § 30 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.300.]

NOTES:

Finding—Intent—2016 c 163: See note following RCW 42.56.240.

Public Hearing H2 9-12-23

Testimony

From: noreply@civicplus.com
Sent: Tuesday, September 12, 2023 10:13 AM
To: Gores, Loni
Subject: Online Form Submission #2124 for Contact the Clerk of the Board

Contact the Clerk of the Board

First Name	James
Last Name	Carpentier
Email	james.carpentier@signs.org
Phone	14807733756
Subject	Proposed sign code
Comments	We recommend that section h. be stricken since it is not enforceable due to ambiguous language (3) Electronic signs are prohibited outside of the Eastern Port Angeles Urban Growth Area unless displaying a numeric price per unit of a fixed item, such as the current price of gasoline at a gas station. Electronic signs may be permitted within the Eastern Urban Growth Area of Port Angeles if they meet the following standards: a. Only one sign on the property may be an electronic sign; b. The electronic portion of a multiple-business complex sign is limited to 32 square feet in size; c. All electronic signs shall be equipped with automatic dimming capabilities; d. The brightness of the sign shall be no greater than 0.3 foot candles above ambient light (includes day and night); e. Messages shall remain static for a minimum 10 seconds and shall change instantaneously, avoiding startling flashing of lights or distracting movements. f. Sign shall not contain any animation. g. Messages shall relate to the business on-premise, however, if approached by a community organization the sign owner is encouraged to advertise events occurring

in the County.

h. Photo quality images may not be displayed behind text

Please Note

This form is not for emergencies. If you have an emergency, please phone 911.

Email not displaying correctly? [View it in your browser.](#)

Gores, Loni

From: James Carpentier <James.Carpentier@signs.org>
Sent: Tuesday, September 12, 2023 10:40 AM
To: Johnson, Randy; Ozias, Mark; French, Mike
Cc: 'pking@nwsigncouncil.org'; David Hickey; Weed, Rachel; Clark, Donella; Gores, Loni
Subject: RE: Proposed amendments to the Clallam County Sign Ordinance

Honorable Clallam County Board of Commissioners:

I am not able to log into the Zoom link since it is not active or the meeting ID that is on the agenda, so I am sending you this email in regards to the public hearing for the sign ordinance. We recommend that Section 33.57.060 (3) (h) be stricken from the code since it is not enforceable and is ambiguous.

Thanks for your consideration.

h. Photo quality images may not be displayed behind text.

James Carpentier, AICP
Director, State & Local Government Affairs

From: James Carpentier
Sent: Friday, June 30, 2023 7:38 PM
To: 'Randy.Johnson@ClallamCountyWA.gov' <Randy.Johnson@ClallamCountyWA.gov>; 'Mark.Ozias@ClallamCountyWA.gov' <Mark.Ozias@ClallamCountyWA.gov>; 'Mike.French@ClallamCountyWA.gov' <Mike.French@ClallamCountyWA.gov>
Cc: 'pking@nwsigncouncil.org' <pking@nwsigncouncil.org>; David Hickey <David.Hickey@signs.org>; 'Rachel.Weed@ClallamCountyWA.gov' <Rachel.Weed@ClallamCountyWA.gov>; 'donella.clark@clallamcountywa.gov' <donella.clark@clallamcountywa.gov>
Subject: RE: Proposed amendments to the Clallam County Sign Ordinance on the July 3rd agenda

Honorable Clallam County Board of Commissioners:

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

The proposed sign regulations are not business friendly and will place an economic burden or limit economic opportunities for the business community and others, such as the elimination of pole signs and electronic signs.

Therefore, to ensure the sign regulations support the business community and other entities in Clallam County, we respectfully request that the County Board of Commissioners approve the sign code with the attached recommended language that allows for: pole signs, electronic signs and separates the regulation of temporary signs and permanent signs.

We appreciate your consideration of these recommendations. Do not hesitate to contact me with any questions.

Sincerely,

James Carpentier, AICP
Director, State & Local Government Affairs
International Sign Association
480.773.3756 / james.carpentier@signs.org
Signs.org / SignExpo.org

Public Comments 9-12-23

Gores, Loni

From: Bacinski, James <james.bacinski@umaryland.edu>
Sent: Tuesday, September 12, 2023 9:55 AM
To: Gores, Loni
Subject: Public Comment - County Council Meeting Agenda item 1C, 9-12-23

Good Morning,

I am writing as a Veteran of the United States Army and a concerned resident of Clallam County. It has come to my attention that the council intends to vote to decline a Department of Justice grant award that would fund diversion and rehabilitation services for veterans, including treatment courts.

Having served multiple tours in Afghanistan I have many brothers and sisters in arms who have been uniquely affected by the opioid epidemic in this country. Many, including myself, suffered serious injuries during our service which unfortunately for some, led them on a road to addiction. Most often these are good people, selfless servants of our nation, who burdened with physical and emotional trauma were proscribed opiates or turned to the illicit market to seek relief and spiraled into addiction and all of its consequent associated ills.

The 'war on drugs' as waged for decades has proven ineffectual at stemming the tide of both drugs and addiction and the research is conclusive that penalization does nothing to address the problem. Shuffling addicts into jails where they continue to abuse, fueling crime and corruption inside the walls of justice, has not worked. The yoke of a criminal record burdens those so encumbered with a lifelong impediment to employment becoming a barrier to rejoining a productive society. Veteran's courts offer a third way between criminalization and *liaise faire* policies, attacking the problem at its core and treating a medical condition as it is, not as a criminal offense.

Regardless of your opinions on the efficacy of such courts, the funding offered by this grant will resource our county to better respond to an issue that is in our faces every day. Drive through Port Angeles and the toll of drug abuse is apparent. Policies in place now are clearly inadequate and with overburdened police forces (signing bonuses anyone?) struggling to respond, we need to look toward modern and compassionate solutions.

In brief, I condemn the intent to reject the grant and challenge the council to live up to it's obligations to serve the best interests of our community.

Respectfully,

James G. Bacinski
18D, 1/10th SFG(A) 2006-2013
405 Elk Run Trail, Port Angeles

Tim Wheeler
Public comment
9/12/23

Clallam County Democrats - adopted unanimously, Sept 9, 2023

RESOLUTION 23 - 02
Protect Forests in the Elwha Watershed

WHEREAS the Elwha River Watershed is in a state of recovery after the removal of two dams, and the water quality and quantity of the Elwha River are essential for the health of both salmon species and the people of Clallam County; and

WHEREAS the Forest lands in the Elwha River Watershed play a critical role in mitigating climate change by absorbing and sequestering carbon dioxide; and

WHEREAS the Washington Department of Natural Resources (DNR), led by Commissioner of Public Lands Hilary Franz, continues to propose logging of older forests in the Elwha River Watershed, including forests within the proximity of the river itself, known by the sales names "Power Plant" and "TCB23"; and

WHEREAS the harvesting of timber of said forest will compromise efforts to restore salmon habitat, affect other recovering species, destroy important essential carbon sinks, threaten the sole drinking water source for the City of Port Angeles and over 25% of Clallam County, and diminish recreational value to the community; and

WHEREAS our Legislative District Representative Mike Chapman has stood up for his constituents in opposition to the proposed timber harvests designated as TCB23, and Power Plant forests;

THEREFORE, BE IT RESOLVED that the 24th Legislative District Democrats call upon Hilary Franz, Public Lands Commissioner, to direct the Department of Natural Resources (DNR) to:

1. delay or cancel the timber sales known as TCB23 and Power Plant;
2. evaluate these important stands relative to the Elwha River Watershed and the protection of steep slopes located between these stands and the river; and
3. pause all timber sales on State lands in the Elwha River Watershed until there can be proactive and collective discussion of a long-term plan for harvests that protect the Elwha River; and

THEREFORE, BE IT FINALLY RESOLVED that copies of this resolution be sent to Commissioner of Public Lands, Hilary Franz; State Representatives Mike Chapman and Steve Tharinger; State Senator Kevin van de Wege; Clallam Board of County Commissioners; Port Angeles City Manager

Submitted by:

Ellen Menshew, Executive Board LD24, menshewmom@gmail.com, (360) 477-5104

Brian Grad, Resolutions Committee, Clallam County Democrats, briansway51@gmail.com, (360) 620-4036

Adopted by the Membership of the Clallam County Democrats
September 9, 2023

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RESOLUTION 23 - 02

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(Clallam County Democrats
adopted unanimously, Sept 9,
2023)

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