



BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of August 23 - 27, 2021

1b
8/31/21

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, August 23, 2021. Present were Commissioners Ozias, Johnson and Peach and Administrator Sill.

Items of discussion per the agenda published August 19 were:

- Calendar/Correspondence
- Agreement with Washington State Health Care Authority for Substance Use Disorder Prevention Services
- Discussion and request for authorization to move forward with Permit Planning project
- Discussion of long term plan for addressing space concerns of Jail facilities
- Agreement with Washington State Department of Commerce through the Multi-Jurisdictional Drug-Task Force Program for Olympic Peninsula Narcotics Enforcement Team (OPNET) operating costs
- Notice of call for bids to be received no later than 10 a.m. Tuesday, September 28, 2021 for Sequim-Dungeness Way/Woodcock Road Round-about, CRP C1257
- Agreement with Habitat for Humanity Clallam County for American Rescue Plan Act funds
- Discussion and request to adjust American Rescue Plan Act funds for Food Support for Local Food Banks category

Meeting concluded at 12 p.m. and continued to the Department of Natural Resources quarterly report meeting convening at 1 p.m. Present were Commissioners Ozias (video), Johnson and Peach, and Administrator Sill.

Department of Natural Resources

- Quarterly income report

Meeting adjourned at 1:53 p.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, August 24, 2021. Also present were Commissioners Johnson and Peach, and Administrator Sill.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

PUBLIC COMMENT

- David Jenson, Sequim, commented on code enforcement issue.
- Kenneth Reandeau, Port Angeles, commented the old Port Angeles Humane Society, item 4a, Clallam Bay Food Bank

CONSENT AGENDA

1a Approval of vouchers for the week of August 16

1b Approval of minutes for the week of August 16

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

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REPORTS AND PRESENTATIONS

- CBP commented on Hipcamp, Code Enforcement
- CRJ commented on Marbled Murrelet, Healthy Food Coalition, 4-H Livestock Auction, Port Angeles Food Bank
- CMO commented on Northwest Straits Commission, Ian's Ride – Accessibility Awareness in the Outdoors

CONTRACTS AND AGREEMENTS

2a Agreement with the Washington State Administrative Office of the Courts for support of the Family and Juvenile Court Improvement Plan

ACTION TAKEN: CRJm to approve, CBPs, mc

2b Agreement with the Washington State Administrative Office of the Courts for the purpose of reimbursement costs associated with hiring of attorneys to represent a parent or court visitor

ACTION TAKEN: CRJm to approve, CBPs, mc

2c Agreement with Children's Home Society of Washington for Parents for Parents Program

ACTION TAKEN: CRJm to approve, CBPs, mc

2d Agreement with Habitat for Humanity Clallam County for American Rescue Plan Act funds

ACTION TAKEN: CRJm to approve, CBPs, mc

BIDS AND AWARDS

3a Bid opening – Emergency Operations Center/Emergency Management Department and a 911 Communications Center

Contractor

OAC Services, Inc.

Lawhead Architects P.S.

ACTION TAKEN: CRJm to forward the bids to the Sheriff's Office for review and recommendation, CBPs, mc

ADMINISTRATION

4a Resolution appointing Walter Morton to the Clallam Bay / Sekiu Community Action Team

ACTION TAKEN: CRJm to adopt, CBPs, mc

COMMUNITY DEVELOPMENT

5a Resolution authorizing action on current use assessment (CUA) applications pursuant to Clallam County Code Chapter 27.08, Open Space

ACTION TAKEN: CRJm to adopt, CBPs, mc

PUBLIC COMMENT

- Kenneth Reandeau, Port Angeles, commented on Hipcamp, Code Enforcement, Clallam County drought, Clallam County Comprehensive Plan, shortage of housing
- Ed Bowen, Clallam Bay, commented on Department of the Interior Notice of Non-Gaming Land Acquisition Application with Jamestown S'Klallam Tribe (see attached).
- Mike Doherty, Port Angeles, commented on Climate Change, books he dropped off at the BOCC office, study of wildfire damage, encouraged us to do better informing residents of the potential danger of sea level rise, funding for electric vehicle charging stations, Jefferson County does a better job at hosting Commissioner Meetings.

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Meeting concluded at 10:44 a.m. and continued to an executive session at 1 p.m. to discuss Mallinckrodt PLC Chapter 11 Bankruptcy.

EXECUTIVE SESSION

The Board convened in open session at 1 p.m. to discuss Mallinckrodt PLC Chapter 11 Bankruptcy. Present were Commissioners Ozias, Johnson and Peach, Human Resources Director/Administrator Sill, Health and Human Services Director LoPiccolo, Prosecuting Attorney Nichols, Chief Civil Deputy Prosecuting Attorney Stanley, Deputy Prosecuting Attorney Boughton, Christopher Graver – Keller Rohrback, and David Ko - Keller Rohrback.

Mallinckrodt has proposed a Plan of Reorganization that has been sent to Clallam County. The BOCC should consider the plan and vote to either accept or reject the plan. The deadline for voting is **September 3, 2021.**

This litigation may be discussed with legal counsel in Executive Session pursuant to RCW 42.30.110(1)(i), which states that executive sessions may be held "to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

ACTION TAKEN: CRJm to recess to executive session for 30 minutes, CBPs, mc

Board convened in open session at 1:27 p.m. and CMO noted no action will be taken.

BOCC will discuss and plan next steps at work session on Monday, August 30, 2021.

Meeting concluded at 1:28 p.m. and continued to executive session at 1:30 p.m. to discuss The Civil Survival Project v. State of Washington, et al., King County Superior Court Case No. 21-2-03266-1.

EXECUTIVE SESSION

The Board convened in open session at 1:30 p.m. to discuss The Civil Survival Project v. State of Washington, et al., King County Superior Court Case No. 21-2-03266-1. Present were Commissioners Ozias, Johnson and Peach, Human Resources Director/Administrator Sill, Chief Financial Officer Lane, Prosecuting Attorney Nichols, Chief Civil Deputy Prosecuting Attorney Stanley, Deputy Prosecuting Attorney Boughton.

This is a Blake-related class action currently against the State, King County, and Snohomish County that is being expanded to individually name all 39 counties. The suit is currently pending in King County Superior Court before Judge Michael Scott.

Plaintiffs essentially assert two claims, both of which seek refunds of the money they paid toward LFOs imposed on their judgments of conviction for simple drug possession. Their first claim is for unjust enrichment / restitution / money had and received. Their second claim is rescission, which seeks to unwind the plea agreements between the plaintiffs and the State. The amended complaint expands their relief to request that the court in a civil lawsuit somehow vacate a prior criminal conviction. Plaintiffs also allude to unspecified collateral damages, but have included no cause of action directly addressed to these claimed damages. Plaintiffs have a broad view that Blake covers all drug possession convictions back to the 1950s.

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This litigation may be discussed with legal counsel in Executive Session pursuant to RCW 42.30.110(1)(i), which states that executive sessions may be held "to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

ACTION TAKEN: CRJm to recess to executive session for 30 minutes, CBPs, mc

Board convened in open session at 1:55 p.m. and CMO noted no action will be taken.

Meeting concluded at 1:56 p.m. and continued to 9 a.m., Monday, August 30.

There are no Zoom chat logs for the week of August 23.

The Board of Commissioners attended a WSAC Virtual Assembly – COVID 19 update, Department of Natural Resources Meeting, Executive Sessions, Williams Shore Memorial Poos District Meeting, Regional Economic Development Planning Meeting, Clallam Transit Meeting, KONP Radio Show and Emergency Management Meeting during the week of August 23.

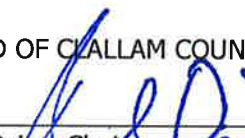
PASSED AND ADOPTED this thirty-first day of August 2021

ATTEST:

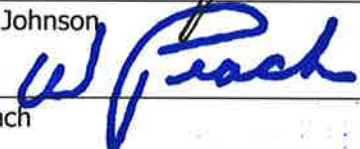

Loni Gores, CMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias, Chair


Randy Johnson


Bill Peach

KEY TO ABBREVIATIONS:

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

m moved
mc motion carried
s seconded

Gores, Alanna

Ed Bowen
Public Comment
8/24/21

From: Ed Bowen <rockypt@olypen.com>
Sent: Tuesday, August 24, 2021 10:00 AM
To: Peach, Bill; Johnson, Randy; Ozias, Mark
Cc: Gores, Alanna
Subject: Public Comment at BOCC 24AUG2021
Attachments: DOI Trust Transfer comment to BOCC 24AUG2021.pdf

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

BOCC

For inclusion in to the record for today's BOCC board meeting 24AUG2021, 2nd Public Comment period on the agenda in support of my verbal comments to be presented via Zoom.

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



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August 24, 2021

Clallam Board of County Commissioners (BOCC),

You were presented correspondence at your worksession on August 9, 2021 from the Department of Interior. I believe this correspondence requires action of the BOCC as the legislative body for the County. I have not been able to ascertain the intentions of the BOCC from individual conversations with commissioners and therefore make the request for a need of the BOCC to take action on this submission by the Federal government that will affect local and State jurisdiction in this county. The BOCC is tasked to represent the citizens of this county and take action in the best interest of all said citizens.

These jurisdictional transfers have historically created conflicts with the planning and land use regulations of the county. This is likely a transfer that will have significant impacts to the planning by the county and the State in regards to everything from protection of agriculture interest in the county's Conservation Futures program to corridor transportation activities and interest. These transfers also contribute to loss of land base for taxing purposes; shouldn't the Federal government at least be obligated to offset this burden on the remaining tax base, and beyond a poorly appropriated program as the Federal Payment In Lieu of Taxes if that is even an option? I stated "likely" because I haven't even learned from the individual commissioners where the property is located, what the zoning is along with all of the other aspects brought up in the correspondence; there is no attachment A made available either. My concern is this submission has not been open and transparent for any action, if any action is being taken by the county beyond just reviewing the letter; at least to a point it is public in any assessment and discussion by the BOCC.

I ask the board as a whole to take action in a public manner.

Ed Bowen

Attch: DOI Letter 2AUG2021 w/o Attachment A

P.O. Box 111

Clallam Bay, WA 98326



IN REPLY REFER TO:
Real Estate Services
TR-4609-P5

United States Department of the Interior

NORTHWEST REGIONAL OFFICE

911 NE 11th Ave
Portland, Oregon 97232

RECEIVED
CLALLAM CO. COMMISSIONERS

AUG 06 2021

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

Case Number: 29883

NOTICE OF NON-GAMING LAND ACQUISITION APPLICATION

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, 151.10 On-Reservation, notice is given of the application filed by the JAMESTOWN S'KLALLAM TRIBE to have real property accepted "in trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any governmental services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with the zoning.

We provide the following information regarding this application:

Applicant:

JAMESTOWN S'KLALLAM TRIBE

Legal Land Description/Site Location:

See "Exhibit A" for legal descriptions.

Project Description/Proposed Land Use:

Olympia Peninsula Discovery Trail, residential, agricultural (hay production), and light commercial development, such as construction of a convenient store and fueling station

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on

NOLA001



Office Codes: P-P, 06, 129 AD Number: 4200255996 Case: 29883

local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act (NEPA) of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs office listed at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted one thirty day extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. Additionally, copies of all comments will be provided to the applicant for a response. You will be notified of the decision to approve or deny the application.

If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy to said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act (FOIA), is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to the NORTHWEST REGIONAL AGENCY Office attention: SHERRY A. JOHNS, NORTHWEST REGIONAL REALTY OFFICER, (503) 872-2879.

Sincerely,


Bryan L. Mercier, Regional Director

Digitally signed by BRYAN
MERCIER
Date: 2021.08.02 08:10:25
-07'00'

REGIONAL DIRECTOR

Enclosure(s)

NO LA 001


Office Codes: P, P-06, 129 AD Number: 4200255996 Case: 29883

Gores, Alanna

From: Ed Bowen <rockypt@olypen.com>
Sent: Tuesday, August 24, 2021 10:39 AM
To: Peach, Bill; Johnson, Randy; Ozias, Mark
Cc: Gores, Alanna
Subject: This is a matter of record to the poor opportunity to speak public comment during Covid-19 24AUG2021

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

BOCC,

All three commissioners respond to my request by saying in essence "No interest" in responding to the letter. But you failed to do your job to even do the assessment of the points brought up in the letter, the whole letter and not just the Discovery Trail. How did you represent my concerns and interest as a citizen today? That is the question I now hold you accountable to respond to.

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



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