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MAY 21 2024

BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of May 13-17, 2024

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, May 13, 2024. Present were Commissioners French, Ozias and Johnson, and Administrator Mielke.

Items of discussion per the agenda published May 8 were:

- Calendar/Correspondence
- Pre-application questionnaire with Washington State Administrative Office of the Courts for therapeutic courts in Courts of Limited Jurisdiction for FY2025
- Agreement with Department of Ecology for Water Resources Streamflow Restoration Program
- Discussion and next steps regarding the McDonald Creek Irrigation and Fish Passage Improvement Project bid received on May 7, 2024
- Pre-application questionnaire with Department of Fish and Wildlife for Habitat Strategic Initiative
- Briefing and call for hearing to be held on Tuesday, June 4, 2024 at 10:30 a.m. regarding amending Clallam County Code Title 21, Building and Construction Code
- Discussion regarding a draft ordinance establishing performance standards for agricultural accessory uses in Clallam County and resource zones
- Memorandum of understanding amendment 2 with City of Forks for Opportunity Fund Program – Waste Water Treatment Facility Project
- Discussion regarding Clallam Public Defender 1st quarterly report 2024 and upcoming changes
- Discussion on proposed budget revisions to be considered on May 28
- Discussion of proposed supplemental appropriations to be considered on May 28
- Discussion of proposed debatable emergencies to be considered on May 28

Meeting concluded at 11:31 a.m. and continued to an executive session at 1 p.m.

EXECUTIVE SESSION

The Board convened in open session at 1 p.m. to discuss real estate. Present were Commissioners Ozias, French and Johnson, Administrator Mielke, Prosecuting Attorney Office Boughton, Road Department Gray, Donisi and Capps.

ACTION TAKEN: CRJm to recess to executive session for 1 hour, CMOs, mc

The Board recessed into executive session at 1:01 p.m.

The Board convened in open session at 1:59 p.m.

ACTION TAKEN: CMOM to authorize staff to draft a letter to Rayonier regarding the Olympic Discovery Trail. Road Department/Public Works will bring the letter to the BOCC Work Session, May 20 and Regular Meeting, May 21 for review and recommend approval, CRJs, mc

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair French called the meeting to order at 10 a.m., Tuesday, May 14, 2024. Also present were Commissioners Ozias and Johnson and Administrator Mielke.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

PUBLIC COMMENT

- Jeff Tozzer, Sequim, commented on item 3b
- John Worthington, Sequim, commented on 3b

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- Sue Gillman, Sequim, commented on item 1e
- Cheryl Baumann, Port Angeles, commented on item salmon, Climate Change, item 3b
- Derrick Eberle, Sequim, commented on item 3b
- Ed Telenick, Sequim, commented on item 3b

CONSENT AGENDA

- 1a Approval of vouchers for the week of May 6
- 1b Approval of minutes for the week of May 6
- 1c Proclamation Recognizing Peace Officer Memorial Week
- 1d Resolution appointing Jeri Boe to the Clallam Bay/Seki Community Action Team
- 1e Letter to Washington Utilities and Transportation Commission Regarding Rate Increases

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

REPORTS AND PRESENTATIONS

- CRJ read a Proclamation Recognizing Peace Officer Memorial Week
 - Lorraine Shore, Sheriff's Office, provided comment
- CMO commented on department staff meetings, Festival, Washington State Association of Counties
- CRJ commented on Olympic Medical Center, Revenue Advisory Committee
- CMF commented on Recompete, department staff meetings

CONTRACTS AND AGREEMENTS

- 2a Agreement with United States Department of Agriculture (USDA) Forest Service for weed control work within Olympic National Forest

ACTION TAKEN: CRJm to approve, CMOs, mc

BIDS AND AWARDS

- 3a Request for proposal opening – Deferred Compensation Recordkeeping 2024

CONTRACTOR

EmPower
Voya Financial
Mission Square
Nationwide

ACTION TAKEN: CRJm to forward the bid to Human Resources for review and recommendation to the BOCC, CMOs, mc

- 3b Bid award – Nordland Construction NW for the Lower Dungeness River Floodplain Restoration and Levee Road Realignment Project – Phase 3 – 2024 Construction

ACTION TAKEN: CRJm to approve, CMFs, mc, CMO voted no

BUDGET

- 4a Notice that the following budget revisions will be adopted by Resolution on May 28:
NonDept – American Rescue Plan Act – Reallocation of American Rescue Plan Act (ARPA) funding for the final contractual payment to the Public Utility District (PUD) for their Carlsborg/Van-Lan Water System Project. The invoice expected in 2023 was not received until April 2024/\$60,000
Prosecuting Attorney – Operations – Funds originally allocated for attorney salaries will be used for contracted attorney services while short-staffed/\$100,000
Sheriff – Jail Medical – Our two Mental Health Professionals are funded by the "Hargrove Fund". Since the second position will have been vacant from January through the end of April, Health and Human Services is seeking approval for the unspent salary dollars to be used for supplies needed by the positions instead. This will allow for the purchase of office furniture, computer equipment, or other items supporting the mental health program for incarcerated individuals that was not originally planned for/\$25,000

ACTION TAKEN: CRJm to issue notice, CMOs, mc

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- 4b Notice that the following supplemental appropriations will be adopted by Resolution on May 28:
- Superior Court – Contract renewal with the Salish Behavioral Associated Health Organization for Criminal Justice Treatment Account (CJTA) funds set aside by the State of Washington for the betterment of therapeutic courts/\$5,966
- Noxious Weed Control – Program spent less money than expected from the Washington Department of Agriculture Knotweed grant due to difficulty hiring seasonal help. The grant expires in June 2025. The money will be used to increase seasonal wages/\$5,500
- Sheriff – OPNET Drug – The OPNET Task Force was only partially funded during the budget cycle due to uncertain grant funding. While Washington State has since approved appropriation funding to support task forces, we are requesting to use proceeds from a confiscated property to balance the budget for the remainder of the year while the appropriation disbursement specifics are established. The appropriation funds can then reimburse the fund balance once received/\$301,736

ACTION TAKEN: CRJm to issue notice, CMOs, mc

- 4c Resolution calling for a hearing to be held May 28 at 10:30 a.m. for the following debatable emergencies:
- Parks & Facilities – Real Estate Excise Tax (REET) – To cover unpaid sales tax due on the Courthouse Access Control project, and two invoices for the Restoration of Old Juvie Building project received after the close of accounts payable for year-end/\$21,253
- General Fund Reserves – City of Port Angeles stormwater assessment unexpectedly increased 103% from 2023. Additional General Fund support is needed to cover the increase (1 of 2)/\$10,000
- NonDept – Indigent Defense – Additional funding for Superior Court Conflict Attorney services provided in 2023 as well as the new contract for 2024/\$19,000
- Treasurer – Land Assessment –
- City of Port Angeles stormwater assessment unexpectedly increased 103% from 2023. Additional General Fund support is needed to cover the increase (2 of 2)/\$10,000
 - 2024 increase to City of Port Angeles stormwater fees for county owned parcels. Increased rates and values were not provided to the Treasurer in order to anticipate this increase/\$13,000
- Department of Community Development – Permit Center –
- Due to uncertainty concerning when the State Building Code Council would implement the 2021 International Codes, Code Books were not purchased in 2023 as they were budgeted because the State was still delaying implementation. It has now been passed/\$3,575
 - Repair costs for vehicle driven by Building Inspector after collision with wildlife while driving on Highway 112. Policy 860 4.9 states that it will be the responsibility of the renting department to pay the difference in costs to replace or repair the vehicle as Equipment Rental & Revolving (ER&R) does not carry collision insurance on vehicles or equipment/\$8,972
- Human Resources – Unemployment Compensation – Requesting additional funding for unanticipated increase in unemployment compensation costs/\$40,000
- Health and Human Services Operations – Reallocation of Foundational Public Health Services (FPHS) Communications funding to the machinery and equipment category for the purchase of 3 copy machines/\$65,000
- NonDept – Hotel/Motel Tax – Additional funds need for Resolution 40, 2024 Board-approved Lodging Tax applications/\$480,000

ACTION TAKEN: CRJm to issue notice, CMOs, mc

PUBLIC COMMENT

- Ed Telenick, Sequim, commented on Department of Community Development, budget, County issues
- Pepai Whipple, Sequim, commented on Towne Road
- Citizen phone ending in 2605, xx , commented on item 1e Cascadia Water
- Karin Cummins, Sequim, commented on board room technology, Cascadia Water, Aurora Borealis, Brandi Kruse, Jamestown S’Klallam Tribe
- John Worthington, Sequim, commented on permit process, ICLEI
- Christy Campbell, Sequim, commented on Towne Road
- Erik Ferman, Sequim, commented on Olympic Medical Center, evening meetings
- Bri Eberle, Sequim, commented on evening meeting, Towne Road,

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Meeting concluded at 11:59 a.m. and continued to an executive session at 12 p.m.

EXECUTIVE SESSION

The Board convened in open session at 12:06 p.m. to discuss litigation. Present were Commissioners Ozias, French and Johnson, Administrator Mielke, Prosecuting Attorney Office Boughton, Assessor's Office Rushton, Kuss, and Childress, Finance Department Lane and outside legal counsel Ken Harper.

ACTION TAKEN: CRJm to recess to executive session for 1 hour, CMOs, mc

The Board recessed into executive session at 12:07 p.m.

The Board convened in open session at 1:10 p.m.

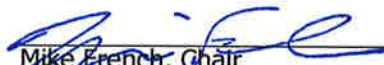
ACTION TAKEN: CMOM that BOCC move forward with the proposed option and have legal counsel act accordingly. BOCC would like the PAO to bring back information to the BOCC, CRJs, mc

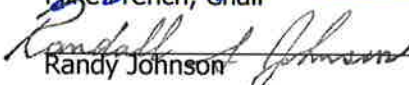
Meeting concluded at 1:12 p.m. and continued to 9 a.m., Monday, May 20, 2024

The Board of Commissioners attended WSAC Virtual Update, RAC Special Meeting, Clallam Transit Meeting, KONP Radio Show, Minsky Place Dedication Ceremony and Peace Officers Memorial Ceremony during the week of May 13.

PASSED AND ADOPTED this 21 day of May 2024.

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair


Randy Johnson


Mark Ozias

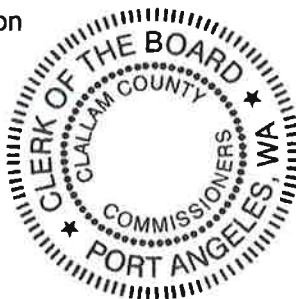
ATTEST:


Loni Gores, MMC, Clerk of the Board

KEY TO ABBREVIATIONS:

ATM Administrator Todd Mielke
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CMF Commissioner Mike French

m moved
mc motion carried
s seconded



BOCC Mail Correspondences Received from other Jurisdictions

Gores, Loni

From: Loni Greninger <lgreninger@jamestowntribe.org>
Sent: Wednesday, May 1, 2024 9:56 AM
To: French, Mike; Johnson, Randy; Ozias, Mark; Emery, Bruce
Cc: Gores, Loni; Donisi, Joe; Lear, Cathy; W Ron. Allen; hhalts@jamestowntribe.org
Subject: Jamestown S'Klallam Response to Road/Stormwater Plan
Attachments: JST letter Re Clallam Co Towne Rd-Trail - May 1 2024.pdf

Greetings, Clallam County Commissioners and Director Emery,

Thank you to Commissioner French, Director Emery, Mr. Donisi, Ms. Lear, and the Engineering Team for agreeing to meet with us to discuss the Towne Road plans on 04/23. We appreciate the time it took for your team to put together the presentation, answer our questions, and hear our concerns. Attached is a follow up letter that I mentioned the Tribe would send, covering the elements we hope to see in plans moving forward. We want to continue to partner with the County in this project, and looking forward to utilizing our strengths together.

Thank you,



Loni Greninger, MPA
Vice Chairwoman, Tribal Council
Phone: 360-681-4660
Email: lgreninger@jamestowntribe.org
Address: 1033 Old Blyn Highway
Sequim, WA 98382
Website: www.jamestowntribe.org



JAMESTOWN S'KLALLAM TRIBE

1033 Old Blyn Highway, Sequim, WA 98382

360/683-1109

FAX 360/681-4643

May 1, 2024

Bruce Emery
Director, Department of Community Development
Clallam County
223 East 4th St.
Port Angeles, WA 98362

Re: Towne Rd. project design, Dungeness, Clallam County

Dear Director Emery,

I write on behalf of our Tribe to urge the County to delay construction of the Towne Rd levee segment until both neighborhood traffic and the demand/benefits analysis of recreational use are better understood. Tribal leadership is especially interested in developing and securing funding for a trail that is fully separated from traffic. A separated trail from the levee road would resolve the current safety concerns and retain the quality experience that trail users' desire.

Our Tribe is aware that Clallam County initiated a construction bid process for the current design of Towne Rd/sidewalk trail and anticipates opening bids on May 7th.

Jamestown's preliminary comments highlighted our concern with the efficacy of the stormwater treatment system. We appreciate that you arranged time for us to review specifics with the design team. We've learned additional details related to compost-amended vegetation filter strips (CAVFS). Ecology recognizes that to be effective CAVFS requires ongoing monitoring and maintenance – as it is subject to plugging from fine sediment (ECY 2019 Stormwater Manual for Western WA – Vol V BMP T7.40 CAVFS) and the compost should be removed and replaced, although that schedule is not defined. The Tribe is further concerned that filter strips should be inspected as breaks in the sod/vegetation or erosion channels would result in direct pollutant discharges.

Currently there is no indication of performance monitoring, or maintenance activity in the plan set. The Tribe requests this addition to guide timing and frequency of sweeping, dedicated filter strip inspections, effluent monitoring, and compost replacement. The County should also develop an adaptive management plan because the site has hydraulic continuity with federally designated critical habitat for ESA listed aquatic species on both sides of the road. The monitoring, maintenance and adaptive management measures should be incorporated into the County's Transportation Improvement Plan with a commitment to fund them fully annually.

Thank you for considering our Tribe's comments. We would like to stay updated on the County's approach to effluent monitoring and maintenance and would appreciate a reply. We offer our direct assistance with the development of these plans.

Sincerely,

Loni Greninger, Jamestown Vice-Chair

Cc: Mike French, Commissioner
Randy Johnson, Commissioner
Mark Ozias, Commissioner
Joe Donisi, Public Works
Cathy Lear, Community Development

Gores, Loni

From: Hansi Hals <hhals@jamestowntribe.org>
Sent: Thursday, May 2, 2024 2:16 PM
To: lgreninger@jamestowntribe.org; French, Mike; Johnson, Randy; Ozias, Mark; Emery, Bruce
Cc: Gores, Loni; Donisi, Joe; Lear, Cathy; W Ron. Allen
Subject: RE: Jamestown S'Klallam - comment to USACE permit NWS-2017-0719-b
Attachments: JST - USACE permit NWS-2017-0719-b comment April 29-2024.pdf

Hello Commissioners, Director Emery and project staff,

On behalf of Loni Greninger, Vice Chairwoman, I am forwarding a copy of Jamestown's comment (4/29/24) related to the permit modification request USACE permit NWS-2017-0719-b for your situational awareness. The comment letter recognizes that Jamestown is engaged with Clallam County regarding the Towne Rd levee construction project.

Thank you,

Hansi Hals
Natural Resources Director
Jamestown S'Klallam Tribe
1033 Old Blyn Hwy
Sequim WA 98382
(360) 681-4601
Cell (360) 460-1578

From: Loni Greninger <lgreninger@jamestowntribe.org>
Sent: Wednesday, May 1, 2024 9:56 AM
To: Mike.French@ClallamCountyWA.gov; Johnson, Randy <randy.johnson@clallamcountywa.gov>; Ozias, Mark <mark.ozias@clallamcountywa.gov>; Emery, Bruce <Bruce.Emery@clallamcountywa.gov>
Cc: Gores, Loni <loni.gores@clallamcountywa.gov>; Donisi, Joe <joe.donisi@clallamcountywa.gov>; Lear, Cathy <cathy.lear@clallamcountywa.gov>; W Ron. Allen <rallen@jamestowntribe.org>; Hansi Hals <hhals@jamestowntribe.org>
Subject: Jamestown S'Klallam Response to Road/Stormwater Plan

Greetings, Clallam County Commissioners and Director Emery,

Thank you to Commissioner French, Director Emery, Mr. Donisi, Ms. Lear, and the Engineering Team for agreeing to meet with us to discuss the Towne Road plans on 04/23. We appreciate the time it took for your team to put together the presentation, answer our questions, and hear our concerns. Attached is a follow up letter that I mentioned the Tribe would send, covering the elements we hope to see in plans moving forward. We want to continue to partner with the County in this project, and looking forward to utilizing our strengths together.

Thank you,



Loni Greninger, MPA
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Website: www.jamestowntribe.org



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360/883-1109

FAX 360/881-4643

Pamela Sanguinetti
Senior Project Manager, Regulatory
U.S. Army Corps of Engineers – Seattle District

April 29, 2024

RE: NWS-2017-0719-b, Dungeness, Clallam County

Dear Ms. Sanguinetti,

Jamestown S'Klallam Tribe appreciates the opportunity to comment on Clallam County's request for a modification to their NWS-2017-0719 permit.

The project site is located immediately adjacent to a large Dungeness floodplain restoration site, WSDOT mitigated wetland site, WDFW conservation land, and a headwater tributary to Meadowbrook Creek; as well as in proximity of Meadowbrook Creek and developing side channels of the Dungeness River. The Dungeness River is Jamestown S'Klallam Tribe's ancestral river – near this project site are multiple historic village sites, and the community of Jamestown is within 1.5mi of the project. Both sides of the levee facility are in hydraulic connectivity with federally designated critical habitat for ESA listed salmonids. Since the restoration project, wildlife observations are frequent, particularly of waterfowl and songbirds. On the same day, Virginia Rail, Sora Rail and American Bittern were all observed! The study of road generated pollutants' negative interactions with aquatic species and best management strategies is emerging. As such, any stormwater treatment in this reach warrants ongoing monitoring and maintenance, for effectiveness over time.

The Tribe remains concerned about the efficacy of the proposed stormwater treatment system. We are currently researching the selected BMPs and may have a third-party (stormwater expert) assist with our assessment of the BMPs and possible alternatives. Furthermore, Jamestown S'Klallam Tribe seeks assurance that the County will maintain its stormwater treatment and is committed to its optimal performance. During a work session (April 23, 2024) with Clallam Co Public Works we learned that there is currently no plan for BMP performance monitoring, nor is there any plan for replacing/replenishing the compost amended materials. The Tribe alerted the County that we'll seek development of a written plan to guide timing and frequency of sweeping, dedicated filter strip inspections, effluent monitoring, and BMP adaptive management. The Tribe requests that any permit modification is conditioned upon effluent monitoring, maintenance, and adaptive management requirements, as well as including the ongoing responsibilities, with funding needs, within the County's transportation plan.

Jamestown S'Klallam Tribe will continue to work with Clallam County and will be pleased to provide updates to USACE.

Sincerely,

Digitally signed by Hansi Hals
DN: cn=Hansi Hals, o=Jamestown S'Klallam
Tribe, ou=Natural Resources,
email=hansi.hals@jst.org, c=US
Reason: I am the signer of this document

Hansi Hals
Natural Resources Director

Cc: Caroline Corcoran, ECY