



WORK SESSION AGENDA

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street Room 160

Port Angeles, Washington

Monday, May 8, 2023 – 8:45 a.m.

Board of Clallam County Commissioner meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

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

Public comment can be directed to the Clerk of the Board at 360-417-2256 or Loni.Gores@clallamcountywa.gov

Administration ? 9 a.m.

1. [Calendar/Correspondence](#)
2. [Agreement with Jefferson County Noxious Weed Control Board for weed control services](#)

[Agreement](#)

3. [Discussion regarding implementation of a Body-Worn Camera Program](#)

[Discussion](#)

[Document - added after the agenda packet was posted on 5/3/23](#)

4. [Resolution establishing salary and benefits for elected officials](#)

[Resolution](#)

Public Works

5. [Briefing and call for hearing to be held Tuesday, June 6 at 10:30 a.m. regarding a proposed Ordinance for the Clallam Bay / Sekiu Sewer System](#)

[Briefing and notice for hearing](#)

6. [Discussion and next steps regarding Bullman Beach](#)

[Discussion and Next Steps](#)

Board of Commissioners

7. Review of Encumbered Lands Proviso ? 11 a.m.

Discussion

Item 7 additional document - submitted after agenda packet was posted on 5/3/23

BOCC Special Meeting - 2 p.m.

*** This Special Meeting is being held to discuss and determine the final disposition of the Board of Equalization board order recommendations forwarded by the Board of Equalization Hearing Examiners to the Board of Commissioners pursuant to RCW 84.48.014. Final action will be taken at the meeting.**

BOCC / BOE Special Meeting

EXECUTIVE SESSION - 7:30 a.m.

Pursuant to RCW 42.30.110, an executive session will be held at 7:30 a.m., Monday, May 8, 2023 in the Commissioners Board Room, 223 East 4th Street, Port Angeles, Room 160. No Zoom option will be available.

The Parks, Fairs and Facilities Department has requested an Executive Session with the Board of County Commissioners, the County Administrator, and the Real Estate Department to discuss the proposed purchase of property for Robin Hill Park

Discussing this matter in executive session is appropriate because public knowledge of the discussion would reveal the County's legal strategies and likely result in an adverse legal or financial consequence to the agency. RCW 42.30.110 (1) (i) expressly authorizes a governing body to convene an executive session for the above-described purposes.

Despite the availability of an Executive Session, the final action purchasing property shall be taken in a meeting open to the public.

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

Executive Session

EXECUTIVE SESSION - 8:15 a.m.

Pursuant to RCW 42.30.110, an executive session will be held at 8:15 a.m., Monday, May 8, 2023 in the Commissioners Board Room, 223 East 4th Street, Port Angeles, Room 160. No Zoom option will be available.

This executive session is being called to discuss potential purchase of real estate.

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

Executive Session

- Other items may be added at the discretion of the Board and additional Work Sessions may be scheduled if more time is needed to allow for adequate discussion.
- Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board.
- Copies of public documents from Board meetings are available by contacting the Public Records Department.



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda) **MAY 08 2023**

Department: Extension/Noxious Weed Control

WORK SESSION ☒ **Meeting Date: 5-8-2023**

REGULAR AGENDA ☒ **Meeting Date: 5-16-2023**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|--|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 13001-381-23-001 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Contract between Jefferson County Noxious Weed Control Board and Clallam County Noxious Weed Control Board for at-cost weed control services along select Jefferson County roads. Jefferson County NWCB does not have the staff to control noxious weeds along these roads, which serve as a vector for weeds to enter Clallam County. The main focus would be Jefferson County roads that contain wild chervil, a regulated noxious weed that occurs in Jefferson County but not in Clallam County. Treating these noxious weeds at the source prevents them from entering Clallam County, which would lead to increase weed control costs for Clallam County in the future.

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?** ☐

Budget impact has been included in the 2023 budget.

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

Please approve.

County Official signature & print name:  Christina St. John

Name of Employee/Stakeholder attending meeting: Christina St. John

Relevant Departments: Noxious Weed Control Board

Date submitted: 5-1-2023

* 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)

**PROFESSIONAL SERVICES AGREEMENT FOR
JEFFERSON COUNTY NOXIOUS WEED CONTROL BOARD (COUNTY)
AND
CLALLAM COUNTY NOXIOUS WEED CONTROL BOARD (CONTRACTOR)**

THIS PROFESSIONAL SERVICES AGREEMENT ("this Agreement") is entered into between the County of Jefferson, a municipal corporation ("County"), and the Clallam County Noxious Weed Control Board ("Contractor"), in consideration of the mutual benefits, terms, and conditions specified below.

1. Project Designation. Contractor is retained by County to perform the following Project:

Jefferson County Public Works Roads Department Noxious Weed Control Project:

The Jefferson County Noxious Weed Control Board (JCNWCB) has partnered with the Jefferson County Public Works (Roads Division) to provide services for weed control along right of ways on county roads.

2. Scope of Services. Contractor agrees to perform the services identified on Exhibit "A" attached hereto including the provision of all labor.
3. Time for Performance. This Agreement shall commence on May 15, 2023 and continue through August 31, 2023. Work performed consistent with this Agreement during its term, put prior to the adoption of this Agreement, is hereby ratified. Contractor shall perform all services pursuant to this Agreement as outlined on Exhibit "A". Time is of the essence in the performance of this Agreement.
4. Payment. Contractor shall be paid by County for completed work and for services rendered under this Agreement as follows:
 - a. Payment for the work provided by Contractor shall be made as provided on Exhibit "B" attached hereto, provided that the total amount of payment to Contractor shall not exceed \$15,000 without express written modification of this Agreement signed by County.
 - b. Invoices must be submitted by the 15th of the month for the previous month's expenses. Such invoices will be checked by County, and upon approval thereof, payment will be made to Contractor in the amount approved. Failure to submit timely invoices and reports pursuant to Exhibit B of this Agreement may result in a denial of reimbursement. Invoices not submitted within 60 days may be denied.
 - c. Final payment of any balance due Contractor of the total contract price earned will be made promptly upon its ascertainment and verification by County after the completion of the work and submittal of reports under this Agreement and its acceptance by County.

- d. Contractor's records and accounts pertaining to this Agreement are to be kept available for inspection by representatives of County and state for a period of six (6) years after final payments. Copies shall be made available upon request.
5. Ownership and Use of Documents. All non-confidential or de-identified documents, drawings, specifications, and other materials produced by Contractor in connection with the services rendered under this Agreement shall be the property of County whether the project for which they are made is executed or not. Contractor shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information, reference and use in connection with Contractor's endeavors. Contractor shall not be held liable for reuse of documents or modifications thereof, including electronic data, by County or its representatives for any purpose other than the intent of this Agreement.
6. Compliance with laws. Contractor shall, in performing the services contemplated by this Agreement, faithfully observe and comply with all federal, state, and local laws, ordinances and regulations, applicable to the services to be rendered under this Agreement.
7. Maintenance of Records. Each party shall maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either to perform this Agreement. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration of agreement. The Office of the State Auditor, federal auditors, the Jefferson County Auditor, and any persons duly authorized by the parties shall have full access and the right to examine these materials during this period. If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved. Records and other documents, in any medium, furnished by one party to this Agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed.
8. Audit. An audit will be submitted to County upon request. Upon request, Contractor will submit the most recent financial audit within 30 days.
 - a. Upon request County shall have the option of performing an onsite review of all records, statements, and documentation.
 - b. If County finds indications of potential non-compliance during the monitoring process, County shall notify Contractor within ten (10) days. County and Contractor shall meet to discuss areas of contention in an attempt to resolve issues.
 - c. Audit will provide statements consistent with the guidelines of Reporting for Other Non-Profit Organizations AICPA SOP 78-10, and is performed in accordance with generally accepted auditing standards and with Federal Standards for Audit of Governmental Organizations, Programs, Activities and Functions, and meeting all requirements of 2 C.F.R. Part 200, as applicable.

9. Indemnification. Contractor shall indemnify and hold harmless County, its past or present employees, officers, agents, elected or appointed officials or volunteers (and their marital communities), from and against all claims, losses or liability, or any portion thereof, including reasonable attorney's fees and costs, arising from injury or death to persons, including injuries, sickness, disease or death to Contractor's own employees, or damage to property occasioned by a negligent act, omission or failure of Contractor. Contractor shall be liable only to the extent of Contractor's proportional negligence. Contractor specifically assumes potential liability for actions brought against County by Contractor's employees, including all other persons engaged in the performance of any work or service required of Contractor under this Agreement and, solely for the purpose of this indemnification and defense, Contractor specifically waives any immunity under the state industrial insurance law, Title 51 R.C.W. Contractor recognizes that this waiver was specifically entered into pursuant to provisions of R.C.W. 4.24.115 and was subject of mutual negotiation. This section shall survive the expiration or termination of this Agreement.
10. Insurance. Parties understand and agree Contractor is self-insured and a member of a liability pool which includes coverage for professional liability, among other categories of coverage, in adequate quantity to protect against legal liability arising out of contract activities. Contractor shall provide evidence of its status as a self-insured entity meeting these requirements within fifteen (15) calendar days of the execution of this Agreement. Upon request by County, Contractor must describe its financial condition and the self-insured / liability pool funding mechanism. County, or any other third party, need not be named as additional insureds under the self-insurance / liability pool coverage policies as said policies prohibit the Contractor from naming third parties as additional insureds. Contractor shall give County thirty (30) calendar days' advance notice of any self-insurance or liability pool cancellation or non-renewal.
11. Worker's Compensation (Industrial Insurance).
- a. If and only if Contractor employs any person(s) in the status of employee or employees separate from or in addition to any equity owners, sole proprietor, partners, owners or shareholders of Contractor, Contractor shall maintain workers' compensation insurance at its own expense, as required by Title 51 RCW, for the term of this Agreement and shall provide evidence of coverage to County, upon request.
 - b. Worker's compensation insurance covering all employees with limits meeting all applicable state and federal laws. This coverage shall include Employer's Liability with limits meeting all applicable state and federal laws.
 - c. This coverage shall extend to any subcontractor that does not have their own worker's compensation and employer's liability insurance.
 - d. Contractor expressly waives by mutual negotiation all immunity and limitations on liability, with respect to County, under any industrial insurance act, disability

benefit act, or other employee benefit act of any jurisdiction which would otherwise be applicable in the case of such claim.

- e. If County incurs any costs to enforce the provisions of this subsection, all cost and fees shall be recoverable from Contractor.

12. Independent Contractor. Contractor and County agree that Contractor is an independent contractor with respect to the services provided pursuant to this Agreement. Contractor specifically has the right to direct and control Contractor's own activities, and the activities of its subcontractors, employees, agents, and representatives, in providing the agreed services in accordance with the specifications set out in this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties. Neither Contractor nor any employee of Contractor shall be entitled to any benefits accorded County employees by virtue of the services provided under this Agreement, including, but not limited to: retirement, vacation pay; holiday pay; sick leave pay; medical, dental, or other insurance benefits; fringe benefits; or any other rights or privileges afforded to Jefferson County employees. County shall not be responsible for withholding or otherwise deducting federal income tax or social security or for contributing to the state industrial insurance program, otherwise assuming the duties of an employer with respect to Contractor, or any employee of Contractor.

13. Subcontracting Requirements.

- a. Contractor is responsible for meeting all terms and conditions of this Agreement including standards of service, quality of materials and workmanship, costs, and schedules. Failure of a subcontractor to perform is no defense to a breach of this Agreement. Contractor assumes responsibility for and all liability for the actions and quality of services performed by any subcontractor.
- b. Every subcontractor must agree in writing to follow every term of this Agreement. Contractor must provide every subcontractor's written agreement to follow every term of this Agreement before the subcontractor can perform any services under this Agreement. The Public Health Director or their designee must approve any proposed subcontractors in writing.
- c. Any dispute arising between Contractor and any subcontractors or between subcontractors must be resolved without involvement of any kind on the part of County and without detrimental impact on Contractor's performance required by this Agreement.

14. Covenant Against Contingent Fees. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement, and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, County shall have the right to annul this Agreement without

liability or, in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

15. Discrimination Prohibited. Contractor, with regard to the work performed by it under this Agreement, will not discriminate on the grounds of race, color, national origin, religion, creed, age, gender, sexual orientation, material status, sex, or the presence of any physical or sensory handicap in the selection and retention of employees or procurement of materials or supplies.
16. No Assignment. Contractor shall not sublet or assign any of the services covered by this Agreement without the express written consent of County. Assignment does not include printing or other customary reimbursable expenses that may be provided in an agreement.
17. Non-Waiver. Waiver by County of any provision of this Agreement or any time limitation provided for in this Agreement shall not constitute a waiver of any other provision.
18. Termination.
 - a. County reserves the right to terminate this Agreement at any time by giving ten (10) days written notice to Contractor.
 - b. In the event of the death of a member, partner, or officer of Contractor, or any of its supervisory personnel assigned to the project, the surviving members of Contractor hereby agree to complete the work under the terms of this Agreement, if requested to do so by County. This section shall not be a bar to renegotiations of this Agreement between surviving members of Contractor and County, if County so chooses.
 - c. County reserves the right to terminate this contract in whole or in part, with 10 days' notice, in the event that expected or actual funding from any funding source is withdrawn, reduced, or limited in any way after the effective date of this agreement. In the event of termination under this clause, County shall be liable for only payment for services rendered prior to the effective date of termination.
19. Notices. All notices or other communications which any party desires or is required to give shall be given in writing and shall be deemed to have been given if hand-delivered, sent by facsimile, email, or mailed by depositing in the United States mail, prepaid to the party at the address listed below or such other address as a party may designate in writing from time to time. Notices to County shall be sent to the following address:

Jefferson County Risk Management
P.O. Box 1220
Port Townsend, WA 98368

Notices to Contractor shall be sent to the following address:

Christina St. John

Clallam County Noxious Weed Control Board
223 E 4th St, Ste 15
Port Angeles, WA 98362
360-417-2442
Christina.stjohn@clallamcountywa.gov

20. Integrated Agreement. This Agreement together with attachments or addenda represents the entire and integrated Agreement between County and Contractor and supersedes all prior negotiations, representations, or agreements written or oral. No representation or promise not expressly contained in this Agreement has been made. This Agreement supersedes all prior or simultaneous representations, discussions, negotiations, and agreements, whether written or oral, by County within the scope of this Agreement. Contractor ratifies and adopts all statements, representations, warranties, covenants, and agreements contained in its proposal, and the supporting material submitted by Contractor, accepts this Agreement and agrees to all of the terms and conditions of this Agreement.
21. Modification of this Agreement. This Agreement may be amended only by written instrument signed by both County and Contractor.
22. Disputes. The parties agree to use their best efforts to prevent and resolve disputes before they escalate into claims or legal actions. Any disputed issue not resolved pursuant to the terms of this Agreement shall be submitted in writing within 10 days to County Risk Manager, whose decision in the matter shall be final, but shall be subject to judicial review. If either party deem it necessary to institute legal action or proceeding to enforce any right or obligation under this Agreement, each party in such action shall bear the cost of its own attorney's fees and court costs. Any legal action shall be initiated in the Superior Court of the State of Washington for Jefferson County. The parties agree that all questions shall be resolved by application of Washington law and that the parties have the right of appeal from such decisions of the Superior Court in accordance with the laws of the State of Washington. Contractor hereby consents to the personal jurisdiction of the Superior Court of the State of Washington for Jefferson County.
23. Section Headings. The headings of the sections of this Agreement are for convenience of reference only and are not intended to restrict, affect, or be of any weight in the interpretation or construction of the provisions of the sections or this Agreement.
24. Limits of Any Waiver of Default. No consent by either party to, or waiver of, a breach by either party, whether express or implied, shall constitute a consent to, waiver of, or excuse of any other, different, or subsequent breach by either party.
25. No Oral Waiver. No term or provision of this Agreement will be considered waived by either party, and no breach excused by either party, unless such waiver or consent is in writing signed on behalf of the party against whom the waiver is asserted. Failure of a party to declare any breach or default immediately upon the occurrence thereof, or delay in taking any action in connection with, shall not waive such breach or default.
26. Severability. Provided it does not result in a material change in the terms of this Agreement, if any provision of this Agreement or the application of this Agreement to any person or

circumstance shall be invalid, illegal, or unenforceable to any extent, the remainder of this Agreement and the application this Agreement shall not be affected and shall be enforceable to the fullest extent permitted by law.

27. Survival. Those provisions of this Agreement that by their sense and purpose should survive the term of this Agreement shall survive the term of this Agreement. Without limiting the generality of the preceding sentence, and for the avoidance of doubt, the provisions that survive the term of this agreement include: (a) controlling law; (b) insurance; and, (c) indemnification.
28. Binding on Successors, Heirs and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties' successors in interest, heirs, and assigns.
29. No Assignment. Contractor shall not sell, assign, or transfer any of rights obtained by this Agreement without the express written consent of County.
30. No Third-party Beneficiaries. The parties do not intend, and nothing in this Agreement shall be construed to mean, that any provision in this Agreement is for the benefit of any person or entity who is not a party.
31. Signature in Counterparts. The parties agree that separate copies of this Agreement may be signed by each of the parties and this Agreement shall have the same force and effect as if all the parties had signed the original.
32. Attachments. Any document in this Agreement identified as an attachment is part of this Agreement and is incorporated by reference into this Agreement.
33. Facsimile and Electronic Signatures. The parties agree that facsimile and electronic signatures shall have the same force and effect as original signatures.
34. Arms-Length Negotiations. The parties agree that this Agreement has been negotiated at arms-length, with the assistance and advice of competent, independent legal counsel.
35. Public Records Act. Notwithstanding the provisions of this Agreement to the contrary, to the extent any record, including any electronic, audio, paper or other media, is required to be kept or indexed as a public record in accordance with the Washington Public Records Act, Chapter 42.56 RCW, as may hereafter be amended, Contractor agrees to maintain all records constituting public records and to produce or assist County in producing such records, within the time frames and parameters set forth in state law. Contractor further agrees that upon receipt of any written public record request, Contractor shall, within two business days, notify County by providing a copy of the request per the notice provisions of this Agreement.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

JEFFERSON COUNTY WASHINGTON

Board of County Commissioners
Jefferson County, Washington

By: _____
Greg Brotherton, Chair Date

By: _____
Kate Dean, Commissioner Date

By: _____
Heidi Eisenhour, Commissioner Date

SEAL:

ATTEST:

Carolyn Galloway Date
Clerk of the Board

Approved as to form only:

Philip C. Hunsucker Date
Chief Civil Deputy Prosecuting Attorney

CONTRACTOR

Board of County Commissioners
Clallam County, Washington

By: _____
Mike French, Commissioner DATE

By: _____
Randy Johnson, Commissioner DATE

By: _____
Mark Ozias, Chair DATE

SEAL:

ATTEST:

Loni Gores DATE
Clerk of the Board

Approved as to form only:

 4/26/2023

Bert Dee Boughton DATE
Chief Civil Deputy Prosecuting Attorney

APPENDIX A - SCOPE AND PAYMENT OF SERVICES

Project

Jefferson County Public Works Roads Department Noxious Weed Control Project:

The Jefferson County Noxious Weed Control Board (JCNWCB) has partnered with the Jefferson County Public Works (Roads Division) to provide services for weed control along right of ways on county roads. Public Works maintains approximately 400 miles of county roads, which have infestations of county listed noxious weeds. County road right of ways are a vector for the spread of noxious weeds. Therefore, it is important to control these weeds early and continue annual maintenance. These noxious weeds pose a threat to the health of our environment and are required for control by state law.

Objectives

Under supervision of SPONSOR, crew(s) will perform tasks that control or limit the spread of noxious weeds. Specific tasks could include control, scientific surveying and monitoring, or reporting.

The predominant weed that is being targeted on Jefferson County Roads is wild chervil, *Anthriscus sylvestris*. This Class B weed has an aggressive growth habit which thrives on road sides and quickly creates monocultures. It poses a serious threat to native plants and agriculture. It is also on the Washington Department of Agriculture's quarantine list. The partnership between the Jefferson County Noxious Weed Control Board and the Clallam County Noxious Weed Control Board is to limit the spread of noxious weeds from Jefferson County to Clallam County. Clallam County has no reported infestations of wild chervil and the collaboration on this project will keep it that way, as well as limit the transport of other weeds to and from the counties.

Other noxious weeds found along Jefferson County Roadways are poison hemlock, spotted jewelweed, common teasel, knotweed species, tansy ragwort, and Canadian thistle.

Considerations and Conditions

1. CONTRACTOR is not responsible for normal wear and tear when project requires the use of SPONSOR-provided tools, equipment, or safety gear.
2. The assignment of members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of non-overtime work, wages, or other employment benefits.
3. If inclement weather makes a project site inaccessible, then the SPONSOR may reassign the crew, or defer the work to a later date.

CONTRACTOR Deliverables

1. Provide agreed upon number of crew members for scheduled work days.
2. Provide appropriate and necessary herbicide at cost for the project.
3. Provide own equipment for project.
4. Fill out accurate spray records and provide copies to SPONSOR.

Payment of Services

CCNWCB will invoice JCNWCB within 30 days of completion of work.

Item	Details	Standard Rate	Quantity	Subtotal
Coordinator		\$56.13 / hr		
Inspector		\$47.60 / hr		
Seasonal Tech		\$25.94/hr		
Transportation	At cost			
Herbicide	At cost			
Supplies	Misc, as needed			
TOTAL				

Scope of Work

Wild chervil has been found along Jefferson County Roads since 2016. Crews have been performing spot treatments along the roads for wild chervil, poison hemlock, and common teasel. The main target roads are Center Valley Rd, Eaglemount Rd, West Valley Rd, Beaver Valley Rd, and Uncas Rd. See Map A below for 2022 survey. Map B outlines the spray areas in 2022. Jefferson County Noxious Weed Board staff will perform surveys of these areas to determine if there are weeds present for the 2023 work season. There may also be wild chervil on county roads west of Quilcene.

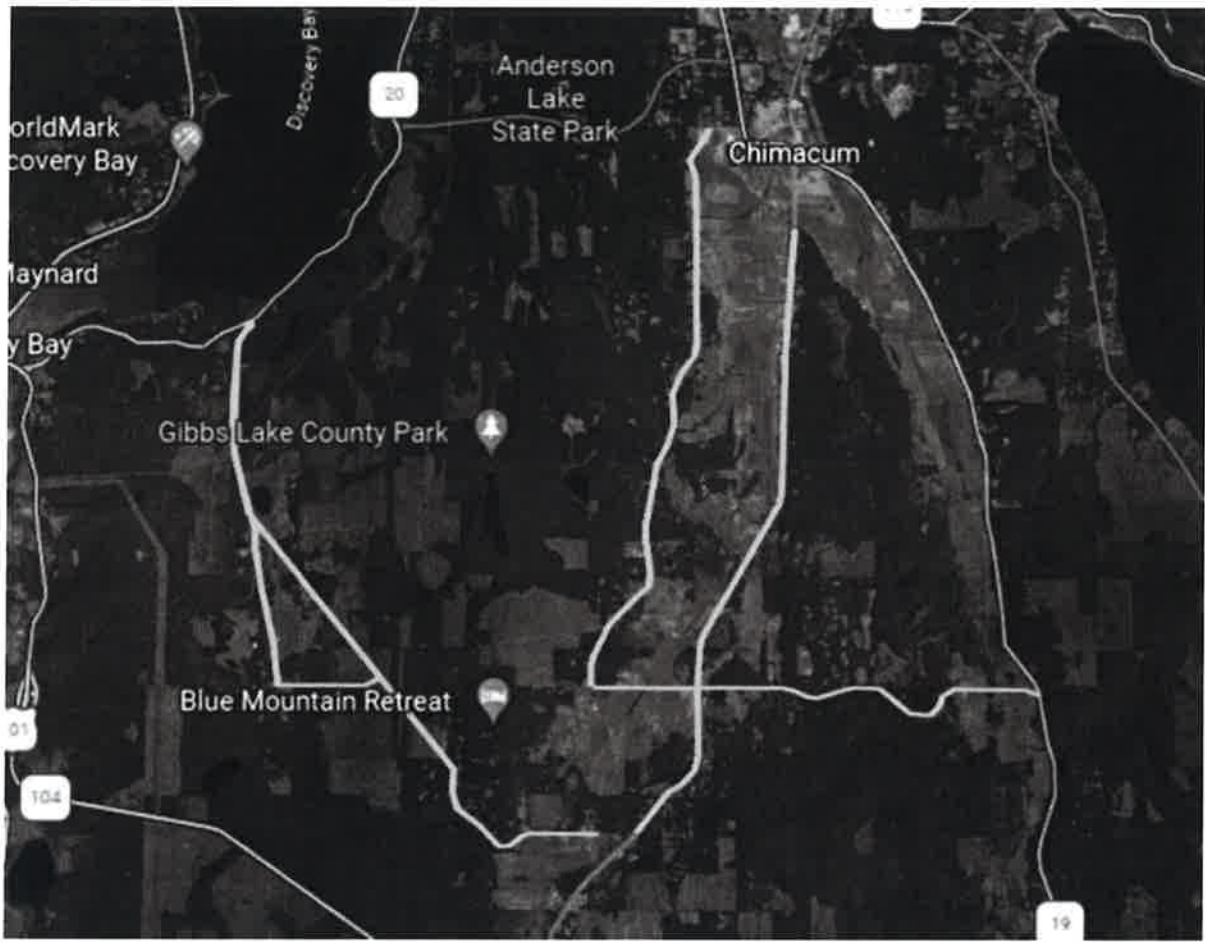
Spotted jewelweed is another target species that will be in the scope of work for the Clallam Crew. It is believed that an infestation in Jefferson County is travelling West onto Forest Service Roads. It may be on Jefferson County Roads or on City of Port Townsend Land (they own the reservoir).

As needed, crew will spot treat other noxious weeds as directed by the Coordinator, or that they come across while out in the field.

Map A - 2022 Survey Points



MAP B – 2022 Target Areas of Control – Spot treatment for noxious weeds





AGENDA ITEM SUMMARY

MAY 08 2023

Department: Sheriff's Office

WORK SESSION ☒ Meeting Date: 5/8/23

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Discussion |

Executive summary: Based on efforts to enhance transparency of the responses and interactions of our law enforcement deputies and the public, as well as reduce liability for the Risk Pool and the subjectiveness of many charges for the Courts, we propose Clallam County Sheriff's Office initiate a Body Worn Camera program. Based on extensive review of laws and regulations as well as comparison of the programs in use at different agencies, our department has organized preliminary documentation on the various facets this program would entail.

- 1) We have reviewed several equipment/digital storage vendors and selected the most suitable for our needs.
- 2) We have established a department policy on the use of body cameras.
- 3) We have Union letters in support of this program.
- 4) We have established the additional staff time needed to process public records requests for footage.
- 5) We have analyzed the eligible fees the County could receive as revenue from body camera footage, which could help offset the costs of the additional staff time.
- 6) Developing this program plan has been a collaborative effort involving Public Records, Risk Pool, and Finance in addition to the Sheriff's Office.

Budgetary impact: The contracted costs of the equipment; including cameras, maintenance, licenses, storage, and charging and docking components, will be paid from the Risk Pool Claims Management line. The cost of 1 additional FTE Public Records Specialist assigned to the Sheriff's Dept. will be partially offset by the redaction fees RCW 42.56.240 allows. The remaining cost of the staff time will be requested from either the General Fund or potentially ARPA fund interest, at the Board's discretion.

Recommended action: Board approval of additional FTE and the budget to support it.

County Official signature & print name: Brian King Brian King, Sheriff

Name of Employee/Stakeholder attending meeting: Brian King et al.

Relevant Departments: _____

Date submitted: 4/26/23

- * 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)

Agenda Item Summary
Revised: 3-04-2019



Brian King
Sheriff

Clallam County Sheriff's Office

WASPC Accredited Agency

*223 East 4th Street, Suite 12
Port Angeles, WA 98362-3015*

*Support Services: (360)417-2270
Fax: (360)417-2498*

<https://www.clallamcountywa.gov/497/Sheriff>

sheriff@clallamcountywa.gov

Ron Cameron
Undersheriff

Amy Bundy
Chief Criminal Deputy

Alice Hoffman
Chief Civil Deputy

Don Wenzl
Chief Corrections Deputy

FILE:

MEMORANDUM

To: BOCC Commissioners
Rich Sill, County Administrator
Mark Lane, CFO
Tom Reyes, Deputy County Administrator/Risk Manager

From: Brian King, Sheriff
Ron Cameron, Undersheriff

Date: March 30th, 2023

Subject: Implementation of a Body-Worn Camera Program

Recommendation: BOCC approval for funding for the purchase of a body worn cameras (BWC) for all patrol deputies and 1 FTE for a full-time Sheriff's Office support services position to administer the BWC program by providing IT support, digital evidence management, and public records support

INTRODUCTION

Over the last several years, the Clallam County Sheriff's Office (CCSO) has been assessing whether to deploy body-worn cameras (BWCs) weighing the benefits, challenges, and potential barriers in implementing a full-scale BWC program. Locally, the Jefferson County Sheriff's Office has had a BWC program for over a year and the City of Sequim Police Department is rolling out its BWC program this year after utilizing a pilot program of various BWC vendors. We are aware that the City of Port Angeles Police Department is also contemplating a BWC program. In a November 2020 KING 5 survey, 85 of the 160 Washington law enforcement agencies who responded indicated they were seeking funding or taking other steps to implement a BWC program.

The ability of law enforcement to fight crime effectively depends in great part on the public's perception of the legitimacy of the actions of law enforcement officers both from an accountability and transparency perspective. An agency that deploys body-worn cameras is making a statement that it believes the actions of its officers are a matter of public record and sends a message to the members of our community that we have confidence that our law enforcement officers are acting in a fair and just manner when interacting with them.

The CCSO's decision to deploy a BWC program for patrol deputies has involved numerous interactions with multiple law enforcement agencies and body-worn camera vendors,

review of various federal and state research studies, Lessons Learned literature, the Bureau of Justice Assistance (BJA) Implementation Checklist and BJA's BWC Toolkit, analysis of applicable Washington State laws, internal and inter-department discussions, engagement with the public through the Sheriff's Citizen Advisory Committee and dialogue with the Sergeant and Patrol Deputies Unions. We have spent much time, effort and thought in drafting a comprehensive BWC Policy that will provide the necessary guidelines for the use of body-worn cameras by our deputies.

This Memo outlines our thought process concerning the potential benefits implementing a BWC program, the challenges and barriers that exist, current research findings on the policing outcomes of utilizing body-worn cameras, cost-benefit analysis for our BWC Program, and additional policy considerations.

PERCEIVED BENEFITS OF A BWC PROGRAM

When properly implemented, body-worn camera use by law enforcement officers appears to have significant positive impacts on a number of fronts:

- Strengthening police accountability and transparency of officer activities and encounters with the public which promotes community trust and fosters police-public relationships;¹
- Reducing use-of-force and other confrontational situations and improving internal use-of-force investigation processes;²
- Reducing citizen complaints and aiding in their resolution in a more expedited manner;³
- Detering criminal activity and uncooperative behavior during officer-public interactions;
- Potentially reducing liability exposure and litigation cost for the County, especially under the circumstances of a false use-of-force/misconduct claim where litigation dollars might otherwise be expended, but for the existence of compelling video evidence;
- Bolstering the confidence of law enforcement officers that false accusations of misconduct will be correctly resolved in an expedited fashion;
- Collecting additional evidence for use in criminal investigations and prosecutions (e.g., a video record of the location, condition and recovery of evidence at a crime or accident scene, a record of the demeanor of victims, witnesses, suspects and law enforcement and a video/audio record of the incidents that officers encounter);
- Enhancing the evidentiary value for prosecutor decision-making, charging, and case management;
- Increasing early guilty pleas, reducing officer case preparation and court time;
- Improving evidentiary outcomes in critical incident assessments;
- Providing live-action training material to serve as a teaching tool and improve tactics and officer performance (e.g., to showcase exemplary de-escalation practices or to demonstrate ineffective practices);
- Assisting Command Staff with identifying and correcting deputy conduct issues; and

¹ T. Woodmansee, J. Markovic (2021), *Optimizing Body-Worn Cameras to Enhance Common Police Practices and Field Investigations* (with citation); M. Williams (March 2021), *Explaining Public Support for Body-Worn Cameras in Law Enforcement*, *Police Practice and Research*, 22:6, 1603-1617 ("Public opinion surveys have clearly demonstrated broad support for the use of body-worn cameras (BWC's) in law enforcement.")

² D. Zehnder (2016), *How Body-Worn Cameras Can Allow Police to Apply a Risk Management Lens to Use of Force*, *bwccta.com* (BJA grant).

³ See footnotes 4,6, 7.

- Enhancing messaging to the public about the positive and humane work that deputies often perform during calls of service (i.e., proactive transparency).

Several empirical studies conducted in the United States support the notion that body-worn camera usage by law enforcement creates positive policing outcomes:

- In a 2012 Rialto, California BWC study, evaluators found a 60 percent reduction in police use-of-force over a 1 year period following camera deployment and an 88 percent reduction of citizen complaints.⁴
- In a similar study conducted by Arizona State University, Mesa police officers assigned body cameras had 40 percent fewer complaints and 75 percent fewer use-of-force complaints than they did during the prior year when they were not wearing cameras.⁵
- A 2018 study performed in Las Vegas, Nevada found that Las Vegas metropolitan police officers assigned body cameras had 12.5 percent fewer use-of-force complaints and 14 percent fewer citizen complaints, generated 5.2 percent more arrests and generated 6.8 percent more citations than those officers not wearing a body camera.⁶
- In 2020, there were several BWC studies performed and analyzed as a meta-analysis by the Council on Criminal Justice and the University of Chicago Crime Lab. The interpretation of this meta-analysis found that complaints against police officers dropped by 17 percent with the usage of body-worn cameras and the use-of-force by police officers during fatal and non-fatal encounters was reduced by nearly 10 percent compared to officers not wearing body-worn cameras.⁷

Apart from current scientific research, there exists strong anecdotal justifications for implementing a body-worn camera program from both a law enforcement and legal risk-management perspective.

First, courts can and do use BWC video to dismiss claims against police officers accused of undue force. For example, in dismissing a civil rights lawsuit against City of Escondido police officers, a federal district court judge made two important findings: (1) “the body-worn camera provides a technological aide to better serve the community by protecting both officers and citizens. An accurate depiction of the contacts between the police and community improves public safety, provides an objective means for evidence gathering, and serves as a valuable tool for police officers.” and (2) “the court notes that if a picture is worth a thousand words, a video from the body-worn camera of a law enforcement officer during a “contact” giving rise to

⁴ Program Profile: Body-Worn Cameras (Rialto California Police Department), Crime Solutions, National Institute of Justice (website) (2016).

⁵ Police Executive Research Forum (2014), *Implementing a Body-Worn Camera Program Recommendations and Lessons Learned* at pg. 6 (COPS DOJ) (2014); But see Washington D.C. study, where evaluators found no statistically significant differences in police use-of-force, nor the number of citizen complaints. *Program Profile: Body-Worn Cameras (Washington D.C. Metropolitan Police Department)*, Crime Solutions, National Institute of Justice (website) (2016).

⁶ W. Sousa, (2019), *Program Profile: Body-Worn Cameras (Las Vegas Metropolitan Police Department)*, Crime Solutions, National Institute of Justice (website).

⁷ M. Williams, et. al., (March 2021), *Body-Worn Cameras in Policing: Benefits and Costs*, National Bureau of Economic Research, Working Paper 28622.

litigation may be worth a thousand pictures. Such is the case here. The video shows that the officers acted professionally and respectfully in their encounter with Plaintiffs.”⁸

Second, police agencies have found that having BWC video footage of an officer-citizen encounter discourages people from filing unfounded complaints against officers and can help to resolve more serious incidents in a more expedient manner. See e.g., Topeka, Kansas Chief of Police Ron Miller (“We’ve actually had citizens come into the department to file a complaint, but after we show them the video, they literally turn and walk out”).⁹

CHALLENGES/BARRIERS TO A SUCCESSFUL BWC PROGRAM

In determining whether to implement a BWC program several policy, legal and practical issues must be fully understood and closely scrutinized: (1) the potential for privacy right intrusions of the public and officers, (2) the significant financial, technical and personnel resources that are required to have a successful BWC program, (3) potential public misconceptions that cameras are equal to or better than humans at capturing events, and (4) implications of BWC malfunctions in the field. We address each of these considerations below.

A. PRIVACY CONCERNS OF THE PUBLIC AND OFFICERS

Body-worn camera recordings raise several privacy concerns since the cameras can record video and audio in not only public spaces but potentially in non-public areas and during calls of service where sensitive situations are or have occurred (rape, child abuse, domestic violence or other matters that raise privacy concerns of victims). The secure digital media storage of these recordings and who gets to view them are critical issues that need to be addressed before implementing a BWC program.

Washington State has through legislation provided some direction to addressing certain of these privacy concerns,¹⁰ but the best practices followed by law enforcement agencies around the country is to (1) have explicit comprehensive written policies specific enough to provide clear and consistent guidelines, (2) assure that the officers are trained to understand these policies, and (3) conduct audits and periodic training to have confidence that the policies are being followed. We intend to follow these best practices. The CCSO BWC Policy will establish proper guidelines relating to privacy of the public (when the camera will be activated, providing notice that a recording is taking place, prohibitions of recording in certain facilities, locations or situations, and proper treatment of privileged information). All CCSO staff will read the policy and agree to abide by it. We will conduct training on the policy and we will conduct routine audits to assure the policy is being followed. In addition, the BWC Policy will be made available to the public on our website.

Our BWC Policy will also make clear that uniformed personnel wearing body-worn cameras shall have no expectation of privacy in the contents of the recordings. At the same time,

⁸ *Emmons v. City of Escondido*, 168 F.Supp.3d 1265 (SD Cal. 2016).

⁹ Police Executive Research Forum (2014), *Implementing a Body-Worn Camera Program Recommendations and Lessons Learned* (COPS DOJ).

¹⁰ RCW 42.56.240: “The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter: ‘Body worn camera recordings to the extent nondisclosure is essential for the protection of any person’s right to privacy as described in RCW 42.56.050’”

there will be no video recording of breaks, locker rooms, bathroom usage, etc. to assure that our deputies' privacy is being respected.

B. COST CONSIDERATIONS

All new technology equipment has a cost, but the deployment of body-worn cameras involves not only an equipment expense but the need to employ an additional Sheriff's staff member to assure that we are satisfying the privacy requirements set forth under RCW 42.56 by performing proper video redactions, maintaining the videos pursuant to Washington State laws on document retention, addressing requests for video under the Washington State Public Records Act and managing the Cloud platform that the videos will reside on. According to HR data, last year, the Sheriff's Office received 1041 new public record requests, 64% of the public record requests made to the County in 2022. At present, the Sheriff's Office has only one administrative specialist dedicated to responding to those public record requests and her hardworking efforts (including significant over-time hours) resulted in over 1,000 public record requests being completed in 2022.

We have analyzed carefully which BWC vendor to use for our BWC program. The cost of a five-year contract is \$224,324.85 (i.e., \$44,864.97 per year), which includes 35 body-worn cameras, free replacement for defective cameras, new cameras every 30 months, training services, cloud storage, licenses and evidence software. The vendor, Axon Enterprises, is the most used BWC vendor in the Country and their cameras are being used by Jefferson County deputies with very positive results. We expect that the additional staff member will have salary and fringe benefits amounting to approximately \$80,000 per year over a five-year average.

Weighing all the potential benefits versus the costs of a BWC program is complex. If we knew for certain that litigation costs would decrease, complaints would be reduced, or that confrontations and use-of-force would be reduced, we could assign a dollar amount and carry out a viable cost-benefit analysis. Based upon empirical and anecdotal data, it seems very possible that implementing a BWC program will have cost savings. Under the County's Insurance Pool, the County is responsible for the first \$100,000 of litigation expenses (it's deductible). If the BWC Program could reduce a single lawsuit every year, that would pay for a significant amount of the cost of the program.

We are aware of one recent study that has attempted to estimate a benefit-cost ratio of the usage of body-worn cameras. The analysis was published in March 2021 by the University of Chicago Crime Lab and the Council on Criminal Justice¹¹ and utilizes the "value per statistical life" which is the approach the federal government uses in carrying out benefit-cost analyses of its own activities. Using this approach, the total averted harm per 100k people per year was \$1,944,015 and the cost of BWC per 100k people per year was \$392,700, making the benefit-cost ratio 4.95: for every dollar of cost, you receive almost 5 dollars of benefit.

Lastly, it is unknown whether and when Washington State will require law enforcement agencies to use body-worn cameras as seven other states have done over the last several years. Having a contract "locked-in" avoids having to establish a future program where vendor prices may be much higher as a result of inflation or demand dynamics. Recent legislation requiring the

¹¹ M. Williams, et. al. (March 2021), *Body-Worn Cameras in Policing: Benefits and Costs*, National Bureau of Economic Research, Working Paper 28622.

need to audio and video record certain custodial interviews highlights the need for BWC implementation.

C. MISCONCEPTIONS/LIMITATIONS OF BODY-WORN CAMERAS

Body-worn cameras have limitations that both the public, law enforcement and prosecutors need to understand through an education process. Significantly, body-worn cameras do not follow an officer's eyes and therefore do not record exactly what an officer is seeing. The camera will also not video record what is happening behind the officer and may not be positioned to record what is happening on various other angles. Night vision cameras record things that the officer may not be seeing. The Axon body-worn cameras do not have night vision capabilities, so this will not be an issue for us.

D. IMPLICATIONS OF BWC MALFUNCTIONS IN FIELD

There always exists the possibility that a body-worn camera will malfunction in the field. We will have on hand extra body-worn cameras to deploy when a malfunction happens, and officers will be required before they go on shift to test the camera to assure it is operational. Officers will be required to report any instance of inoperability as soon as practicable.

OTHER CONSIDERATIONS SUPPORTING IMPLEMENTATION OF BWCs

In moving forward with a BWC implementation, we have engaged with numerous stakeholders and have gained wide-spread support. Both the Operations Sergeants Union (Local 1619-S) and the Patrol Deputies Union (Local 1619-D) unanimously support the implantation of body-worn cameras. The Sheriff's Citizen Advisory Committee fully supports a BWC program. The Administrator, HR Risk Compliance, the County Prosecutor, and the Clallam Public Defender all support the implementation of a BWC program.

Position	Union Status	Hours Per Week	As of January 1		Step Increase		Salary Adjustment "A"	Current Adopted Salary	Future Budgeted Salary	FICA/ Medicare 0.0765	Plan	Retirement 0.0530	401A Match/ Contribution		Employee Medical Insurance	Unemployment @ 0.2%	Industrial Insurance		Future Estimated Comp	Yearly COLA 2.5%	Paid Days in a Year	
			Range	Monthly	Month	Salary							%	Expense			Rate	Expense				
			Step	Salary																		
Administrative Spec II cc A-1% N	LC	40.00	50	1	0	6	4,124	0	0	29,701	2,272	P2	3,086	0.02	594	15,740	59	0.1299	271	51,723	722	261

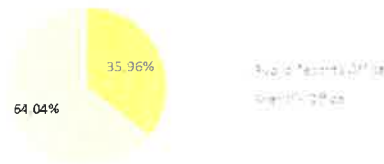
Salary June - December
29,701

Benefits June - December
22,023

Sheriff's Office Public Records Requests			
2022		2023 YTD	
New	Closed	New	Closed
1040	1019	342	340

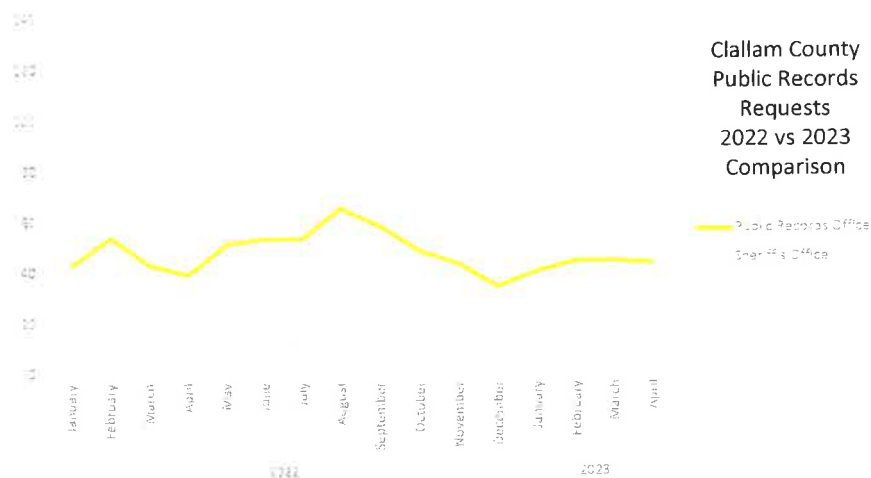
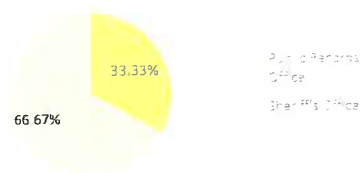
2022 Total Clallam County Public Records Requests	
Department	Count
Public Records Office	584
Sheriff's Office	1040
Grand Total	1624

Total Clallam County Public Records Requests 2022



2023 YTD Total Clallam County Public Records Requests	
Department	Count
Public Records Office	171
Sheriff's Office	342
Grand Total	513

Total Clallam County Public Records Requests 2023





Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-457264-45007.582KH

Issued: 03/22/2023

Quote Expiration: 04/30/2023

Estimated Contract Start Date: 05/15/2023

Account Number: 127518

Payment Terms: N30

Delivery Method:

SHIP TO

Business;Delivery;Invoice;Other-223 E 4th St
223 E 4th St
Port Angeles, WA 98362-3000
USA

BILL TO

Clallam County Sheriff's Office - WA
223 E 4th St
Port Angeles, WA 98362-3000
USA
Email:

SALES REPRESENTATIVE

Kyle Hunt
Phone:
Email: huntk@axon.com
Fax: (480) 930-4484

PRIMARY CONTACT

Brian King
Phone: (360) 417-2544
Email: bking@co.clallam.wa.us
Fax: (360) 417-2498

Quote Summary

Program Length	60 Months
TOTAL COST	\$210,257.50
ESTIMATED TOTAL W/ TAX	\$224,324.85

Discount Summary

Average Savings Per Year	\$4,919.20
TOTAL SAVINGS	\$24,596.00

Payment Summary

Date	Subtotal	Tax	Total
May 2023	\$42,051.50	\$2,813.47	\$44,864.97
May 2024	\$42,051.50	\$2,813.47	\$44,864.97
May 2025	\$42,051.50	\$2,813.47	\$44,864.97
May 2026	\$42,051.50	\$2,813.47	\$44,864.97
May 2027	\$42,051.50	\$2,813.47	\$44,864.97
Total	\$210,257.50	\$14,067.35	\$224,324.85

Quote Unbundled Price:	\$234,853.50
Quote List Price:	\$216,607.50
Quote Subtotal:	\$210,257.50

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	60	\$69.79	\$34.66	\$34.66	\$10,398.00	\$915.00	\$11,313.00
BWCamTAP	Body Worn Camera TAP Bundle	35	60	\$36.17	\$32.50	\$32.50	\$68,250.00	\$6,005.95	\$74,255.95
A la Carte Hardware									
AB3C	AB3 Camera Bundle	35			\$749.00	\$749.00	\$26,215.00	\$2,306.90	\$28,521.90
AB3MBD	AB3 Multi Bay Dock Bundle	5			\$1,638.90	\$1,638.90	\$8,194.50	\$721.10	\$8,915.60
A la Carte Software									
73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	60		\$24.00	\$24.00	\$50,400.00	\$0.00	\$50,400.00
ProLicense	Pro License Bundle	5	60		\$39.00	\$42.25	\$12,675.00	\$1,115.40	\$13,790.40
BasicLicense	Basic License Bundle	35	60		\$15.00	\$16.25	\$34,125.00	\$3,003.00	\$37,128.00
A la Carte Services									
85144	AXON STARTER	1			\$9,950.00	\$0.00	\$0.00	\$0.00	\$0.00
Total							\$210,257.50	\$14,067.35	\$224,324.85

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB3 Camera Bundle	11507	MOLLE MOUNT, SINGLE, AXON RAPIDLOCK	39	05/01/2023
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	39	05/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	35	05/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	1	05/01/2023
AB3 Multi Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	5	05/01/2023
AB3 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	5	05/01/2023
AB3 Multi Bay Dock Bundle	74210	AXON BODY 3 - 8 BAY DOCK	5	05/01/2023
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	MULTI-BAY BWC DOCK 1ST REFRESH	5	11/01/2025
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	36	11/01/2025
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	MULTI-BAY BWC DOCK 2ND REFRESH	5	05/01/2028
Body Worn Camera TAP Bundle	73310	AXON CAMERA REFRESH TWO	36	05/01/2028

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	35	05/15/2023	05/14/2028
Basic License Bundle	73840	EVIDENCE.COM BASIC ACCESS LICENSE	35	05/15/2023	05/14/2028
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	15	05/15/2023	05/14/2028
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	5	05/15/2023	05/14/2028
A la Carte	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	05/15/2023	05/14/2028

Services

Bundle	Item	Description	QTY
A la Carte	85144	AXON STARTER	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	35	05/15/2023	05/14/2028
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	1	05/15/2023	05/14/2028
Body Worn Camera Multi-Bay Dock TAP Bundle	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	5	05/01/2024	05/14/2028

Payment Details

May 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,080.00	\$0.00	\$10,080.00
Year 1	85144	AXON STARTER	1	\$0.00	\$0.00	\$0.00
Year 1	AB3C	AB3 Camera Bundle	35	\$5,243.00	\$461.38	\$5,704.38
Year 1	AB3MBD	AB3 Multi Bay Dock Bundle	5	\$1,638.90	\$144.22	\$1,783.12
Year 1	BasicLicense	Basic License Bundle	35	\$6,825.00	\$600.60	\$7,425.60
Year 1	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$183.00	\$2,262.60
Year 1	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,650.00	\$1,201.19	\$14,851.19
Year 1	ProLicense	Pro License Bundle	5	\$2,535.00	\$223.08	\$2,758.08
Total				\$42,051.50	\$2,813.47	\$44,864.97

May 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,080.00	\$0.00	\$10,080.00
Year 2	85144	AXON STARTER	1	\$0.00	\$0.00	\$0.00
Year 2	AB3C	AB3 Camera Bundle	35	\$5,243.00	\$461.38	\$5,704.38
Year 2	AB3MBD	AB3 Multi Bay Dock Bundle	5	\$1,638.90	\$144.22	\$1,783.12
Year 2	BasicLicense	Basic License Bundle	35	\$6,825.00	\$600.60	\$7,425.60
Year 2	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$183.00	\$2,262.60
Year 2	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,650.00	\$1,201.19	\$14,851.19
Year 2	ProLicense	Pro License Bundle	5	\$2,535.00	\$223.08	\$2,758.08
Total				\$42,051.50	\$2,813.47	\$44,864.97

May 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,080.00	\$0.00	\$10,080.00
Year 3	85144	AXON STARTER	1	\$0.00	\$0.00	\$0.00
Year 3	AB3C	AB3 Camera Bundle	35	\$5,243.00	\$461.38	\$5,704.38
Year 3	AB3MBD	AB3 Multi Bay Dock Bundle	5	\$1,638.90	\$144.22	\$1,783.12
Year 3	BasicLicense	Basic License Bundle	35	\$6,825.00	\$600.60	\$7,425.60
Year 3	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$183.00	\$2,262.60
Year 3	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,650.00	\$1,201.19	\$14,851.19
Year 3	ProLicense	Pro License Bundle	5	\$2,535.00	\$223.08	\$2,758.08
Total				\$42,051.50	\$2,813.47	\$44,864.97

May 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,080.00	\$0.00	\$10,080.00
Year 4	85144	AXON STARTER	1	\$0.00	\$0.00	\$0.00
Year 4	AB3C	AB3 Camera Bundle	35	\$5,243.00	\$461.38	\$5,704.38
Year 4	AB3MBD	AB3 Multi Bay Dock Bundle	5	\$1,638.90	\$144.22	\$1,783.12
Year 4	BasicLicense	Basic License Bundle	35	\$6,825.00	\$600.60	\$7,425.60

May 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$183.00	\$2,262.60
Year 4	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,650.00	\$1,201.19	\$14,851.19
Year 4	ProLicense	Pro License Bundle	5	\$2,535.00	\$223.08	\$2,758.08
Total				\$42,051.50	\$2,813.47	\$44,864.97

May 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,080.00	\$0.00	\$10,080.00
Year 5	85144	AXON STARTER	1	\$0.00	\$0.00	\$0.00
Year 5	AB3C	AB3 Camera Bundle	35	\$5,243.00	\$461.38	\$5,704.38
Year 5	AB3MBD	AB3 Multi Bay Dock Bundle	5	\$1,638.90	\$144.22	\$1,783.12
Year 5	BasicLicense	Basic License Bundle	35	\$6,825.00	\$600.60	\$7,425.60
Year 5	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$183.00	\$2,262.60
Year 5	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,650.00	\$1,201.19	\$14,851.19
Year 5	ProLicense	Pro License Bundle	5	\$2,535.00	\$223.08	\$2,758.08
Total				\$42,051.50	\$2,813.47	\$44,864.97

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract Sourcewell Contract #010720-AXN is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

3/22/2023





*American Federation of
State, County, and Municipal Employees
Local 1619-D*

February 27, 2023

TO: Clallam County Board of Commissioners and Sheriff King

RE: AXION Body Cameras

The Patrol Union, AFSCME 1619-D, would like to provide a letter of support for Sheriff King's proposal to purchase AXION Body Cameras.

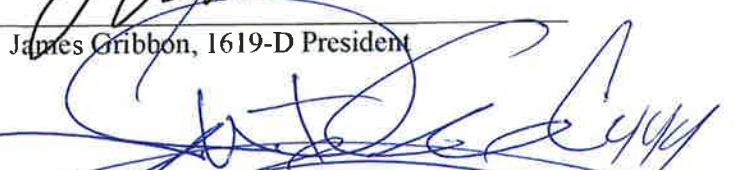
After discussion and research, the Patrol Union has voted to fully support this measure.

Per the National Institute of Justice, and the experience of our lateral deputies and neighboring agencies, body cameras provide better transparency, increase civility, and corroborate evidentiary findings.

We look forward to working with the County to negotiate the use and parameters surrounding the implementation of the industry standard AXION systems.

Respectfully,


James Gribbon, 1619-D President


Jeff Waterhouse, 1619-D Vice President



*American Federation of
State, County, and
Municipal Employees
Local 1619-S*

To: Sheriff Brian King

From: Sgt. John Keegan

Date: February 27th, 2023

RE: Body worn cameras.

Sheriff King,

The Local 1619-S, Operations Sergeants, unanimously support the implementation of body worn cameras for the use by Operations Section of the Clallam County Sheriff's Office.

A handwritten signature in blue ink, appearing to be "John Keegan", written over a horizontal line.

John Keegan 1619-S President

CLALLAM COUNTY PROSECUTING ATTORNEY

MARK B. NICHOLS

PROSECUTING ATTORNEY

223 EAST 4TH STREET, SUITE 11
PORT ANGELES, WA 98362
PHONE: 360-417-2301 FAX: 360-417-2469
TOLL FREE FROM FORKS: 360-374-5324

LETTER OF SUPPORT

To: Clallam County Sheriff Brian King

From: Clallam County Prosecuting Attorney/Ex-Officio Coroner Mark Nichols

Date: March 22, 2023

Re: Body-Worn Camera Implementation

Sheriff King:

The Clallam County Prosecuting Attorney's Office (CCPAO) is in strong support of the Clallam County Sheriff's Office's (CCSO) implementation of body-worn camera systems.

Body-worn camera systems promote officer accountability and bolster community relations through transparency. Both measures will help ensure the public has confidence in our community's criminal justice system.

Body-worn cameras may also provide key evidence that will allow prosecutors to make more informed decisions in the interest of justice.

For the above reasons, the CCPAO looks forward to collaborating with the CCSO in providing guidance on the use of body-worn camera systems in accordance with applicable laws.

Sincerely,



Mark Nichols

PROSECUTING ATTORNEY/EX-OFFICIO CORONER

CLALLAM PUBLIC DEFENDER
516 EAST FRONT STREET
PORT ANGELES, WA 98362
(360) 452-3307
FAX (360) 452-3329

HARRY D. GASNICK
Director

JOHN F. HAYDEN
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ALEX R. STAKER
DOUGLAS J. KRESL
CHARLIE COMMERE
SETH B. DOHERTY
TOBIN M. STANDLEY
KARA A.S. PALMER
PAUL J. HAGGERTY
Staff Attorneys

March 27, 2023

Clallam County Commissioners
223 East 4th Street. #4
Port Angeles, WA 98362

Commissioners:

I have read Mr. Nichols' letter endorsing the use of body cam equipment for CCSO and fully support the sentiments expressed therein. Regrettably, I am not positioned to expand on that at this time but I will be happy to do so when the circumstances permit.

Very truly yours,

CLALLAM PUBLIC DEFENDER

Harry D. Gasnick director

HDG/pmp
Dictated but not read

cc: Mark Nichols, Prosecuting Attorney for Clallam Co.
Brian King, Clallam Co. Sheriff ✓

Body-Worn Cameras

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body-worn cameras by Deputies of this department while in the performance of their duties (RCW 10.109.010).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

This policy does not apply to the interception of conversations for lawfully authorized investigative purposes under RCW 9.73.210 and RCW 9.73.230.

Body-worn camera systems will be used to enhance member safety while promoting community trust and transparency. They are not intended to replace effective first-level supervisory practices. Body-worn camera use shall be used in accordance with applicable law. In the event of future changes to applicable law, this policy may be reviewed and revised following standard department procedure.

The Department has adopted the use of body-worn cameras by Deputies to:

- (a) Accurately capture the actions, interactions, and communication of both Deputies and the public.
- (b) Collect evidence for use in criminal investigations and prosecutions.
- (c) Deter criminal activity and uncooperative behavior during police-public interactions.
- (d) Assist Deputies with completing reports and providing testimony in court.
- (e) Ensure accountability for policy and law violations.
- (f) Provide evidence quickly and accurately resolve complaints; and,
- (g) Provide additional information for member evaluation, training, and continuous improvement.

Body-worn cameras provide additional information regarding an investigative or enforcement contact with a member of the public. Body-worn cameras, however, provide a limited perspective of the encounter and should be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence.

450.1.1 DEFINITIONS

Body-worn video camera (BWC) -System that captures audio and video signals that is capable of being worn on an officer's person which includes, at minimum, a camera, microphone, and recording device.

Body-Worn Cameras

450.2 POLICY

The Clallam County Sheriff's Office may provide members with access to body-worn cameras, for use during the performance of their duties due to their regular interactions with members of the public. All Deputies who are provided with a BWC by the department shall use and wear it consistent with the policy. Deputies are prohibited from using privately owned BWCs while on duty. The use body worn-cameras is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 DEPUTY PRIVACY EXPECTATION

All recordings made by Deputies on any department-issued device at any time, and any recording made while acting in an official capacity of the department, regardless of ownership of the device it was made on, shall remain the property of the Department. Deputies shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 DEPUTY RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a BWC issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable. In order to minimize the risk of accidental activations and/or deactivations, preferred placement should be near the center of the chest.

Deputies shall verbally inform any person being recorded that an audio and video recording is being made and shall make the attempt to ensure said advisement is recorded. A Deputy may encounter a situation in public that is rapidly evolving, dynamic, or involving a group of persons. In these situations, it may not be feasible to advise all parties present that they are being audio and video recorded because of the dynamic environment. In a group, or public setting or in situations where the law recognizes minimal expectations of privacy, the Deputy should advise the primary contact and make reasonable efforts to advise all other parties if time and circumstances allow.

Deputies conducting traffic stops while equipped with a BWC shall notify the occupants that there is an audio and video recording occurring. Deputies shall make a reasonable effort to ensure that non-English speaking persons, those with limited English proficiency, or hearing-impaired persons understand that they are being recorded. This may be accomplished simply by pointing at the camera or providing the advisement in multiple languages on a reference card.

Deputies shall make a reasonable effort to ensure video from a BWC is uploaded by the end of their shift and any time the storage capacity is identifiably nearing its limit. Deputies shall classify each video in the manner prescribed during their training. Deputies shall make reasonable efforts to avoid incurring overtime to perform the upload. If the upload may incur overtime, the Deputy shall report the issue to their supervisor.

Body-Worn Cameras

Any member assigned to a non-uniformed position may carry an approved BWC at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Non-uniformed personnel in special assignments such as OPNET may use body worn cameras to contemporaneously and objectively document enforcement actions taken by team members. Employees assigned to special assignments, such as OPNET, should limit the use of body worn cameras to overt tactical events (for example, the execution of search warrants or similar tactical events), or events during which the employee is wearing an overt uniform, or emergent situations such as a crime in progress. The use of BWC's during any pre-event planning, debriefing, controlled transactions, reversals or other such investigative steps is prohibited. The use of a BWC during these events may jeopardize the confidentiality of the investigation and/or expose officer safety protocol that could compromise investigations.

When using a BWC, the assigned member shall record his/her name, CCSO identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Deputies should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for delay or deactivation in their report or official record of the contact if no report (RCW 10.109.010). If a citation was issued, the proper notation shall be made in the SECTOR or paper citation that the incident was recorded.

450.5 ACTIVATION OF THE BODY-WORN CAMERA

This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The BWC should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify PENCOM
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Any other circumstance that the Deputy reasonably believes that a recording of a contact or event would be appropriate

Clallam County Sheriff's Office

Clallam County SO Policy Manual

Body-Worn Cameras

Deputies should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

No member of this department may record a face-to-face conversation without first announcing to everyone present that the conversation is going to be recorded and ensuring the announcement is recorded except pursuant to a warrant, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030).

At no time is a member expected to jeopardize his/her safety in order to activate their BWC. However, the BWC should be activated in situations described above as soon as reasonably practicable.

Deputies recording law enforcement activity who inadvertently turn off their BWC shall not be subject to discipline unless the Deputy has been previously counseled for similar incidents. Deputies who repeatedly fail to activate the BWC when required or intentionally deactivates the BWC in situations in which recording is mandated by policy, will be subject to discipline, up to and including termination.

450.5.1 SURREPTITIOUS USE OF THE BODY-WORN CAMERA

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

450.5.2 CESSATION OF RECORDING

Once activated, the BWC should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

450.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

450.5.4 DEACTIVATING THE BWC DURING AN INCIDENT

Consistent with this policy, once started, BWC recordings should continue without interruption until the contact ends. However, Deputies should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect the privacy by discontinuing recording whenever it reasonably appears to the Deputy that such privacy may outweigh any legitimate law

Body-Worn Cameras

enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Deputies may de-activate or turn off the BWC during an incident in the following circumstances:

(a) Deputies have the discretion to keep their cameras turned off during conversations with witnesses to, or victims of, crime and members of the community who wish to report or discuss criminal activity in their neighborhood if the Deputy believes that deactivation of the BWC would encourage complete and accurate information sharing by the witness or victim,

(b) Deputies have the discretion to keep their cameras turned off in situations involving rape, sexual abuse, nudity, or other similarly sensitive matters. Deputies should consider the evidentiary value of recording and the willingness of the victims or witnesses to speak on camera.

(c) Consistent with this policy, Deputies may deactivate the BWC during an incident when exchanging information with other members when the information is sensitive to a criminal investigation or when engaged in an operational or tactical discussion. If the BWC is de-activated during a contact to exchange sensitive information or to discuss operational details with another law enforcement officer, the Deputy shall state the reason the BWC is being turned off and the Deputy should promptly re-activate the BWC before resuming duties related to the incident.

(d) Deputies may choose to utilize the BWC to document the processing of evidence, such as serving a search warrant on an impounded vehicle or processing a crime scene and may turn off the audio portion of the recording during these instances. In all other instances, the BWC shall record both audio and video.

Recording should resume when privacy is no longer at issue or to capture that the contact has ended. Anytime a Deputy turns off the camera prior to the conclusion of an interaction or contact, the Deputy shall record on camera the reason for turning the BWC off unless impractical or impossible and shall also document the same in their police report.

450.5.5 CUSTODIAL INTERROGATION

Consistent with RCW 9.73.090 and RCW 10.122.030, before a Deputy records an arrested suspect with a BWC, the Deputy Shall

- (a) Inform the suspect that they are being recorded.
- (b) State the time the recording begins and ends.
- (c) Record the reading of Miranda warning.

450.5.6 RECORDING IN A PRIVATE RESIDENCE AND RESPONDING TO CIRCUMSTANCES WHERE A PERSON IS OR MAY BE UNWILLING TO COMMUNICATE WHILE BEING RECORDED

It is permissible to record in a private residence and, absent exigent circumstances or when a contact becomes adversarial, Deputies shall verbally, or otherwise, inform any person being recorded that a recording is being made and shall ensure said advisement is recorded.

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Personnel should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy interests by discontinuing recording whenever it reasonably appears to the Deputy that such privacy may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue or to capture that the contact has ended.

If a victim or witness requests that their identity and/or communications remain confidential for public records purposes, the Deputy shall reflect this in their general report. There is no guarantee that these recordings will be exempt from disclosure, but these criteria will be evaluated at the time a public records request may be received.

If a community member objects to being recorded, the Deputy may elect to record the encounter despite the objection. Since conversations with on-duty police officers are not considered private under Washington law, there is no requirement that a Deputy turn off the camera for a community member who objects to having the interaction recorded.

450.5.7 RECORDING IN A CORRECTIONAL FACILITY

When entering the Clallam County Jail with a person who is in custody, Deputies will continue to record with their BWC until custody has been transferred to Corrections Deputies. BWC will be activated in the BAC room and the sally port area but not beyond the sally port into the facility.

Formal transfer of custody occurs once Corrections has determined that the inmate is acceptable for booking and housing.

No recording of footage in the inmate housing area is allowed unless officers are responding to an emergency or investigating a crime that occurred within the jail. This is to maintain the privacy of others that are in the jail. Any time footage inside the housing area is recorded by body worn cameras, the Deputy should be able to articulate why it was recorded.

When entering a facility other than the Clallam County Jail, Deputies will follow the guidance of that facility as it relates to BWC usage.

450.5.8 RECORDING IN SENSITIVE AREAS

Employees will not record in restrooms, and the interiors of medical, mental health, counseling, or therapeutic facilities unless for a direct law enforcement purpose.

Examples of law enforcement purposes include:

- Crime(s) in progress
- Taking resistant arrestees into custody
- Ongoing or impending use(s) of force
- Recording an allegation of misconduct
- Supervisor interviews of arrestees for use of force investigations and arrest screenings

Note: Employees will record in the interiors of ambulances/medic units.

Body-Worn Cameras

450.5.9 RECORDING IN A SCHOOL

Deputies are prohibited from recording in schools unless they are responding to actual or potential criminal conduct.

450.5.10 RECORDING AT A FIRST AMENDMENT GATHERING

Officers are prohibited from activating their cameras during a First Amendment gathering unless (reference CCSO policy 461 on First Amendment Assemblies):

- Command personnel have a reasonable suspicion that unlawful activity is occurring in or around the event and, based on that suspicion, determine that visual recording is appropriate, or
- A crime is occurring (among the gathering or nearby) and an arrest or investigative detention likely.

450.6 PROHIBITED USE OF BODY-WORN CAMERA RECORDINGS

Deputies are prohibited from using department-issued BWC's and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Deputies are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, Deputies should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.

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- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover deputy or confidential informant.

Any time a Deputy reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Supervisors should ensure that this policy is being followed and that all applicable protocols are followed through day-to-day observations.

450.8 REVIEW OF BODY-WORN CAMERA RECORDINGS

When preparing written reports, Deputies should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, Deputies shall not retain personal copies of recordings. Deputies should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

AUDIT

BWC recordings may be randomly reviewed to monitor Deputy performance using a general auditing function, as provided by the vendor, to ensure compliance with this policy.

DEPUTIES

When preparing written reports, Deputies should review their recordings as a resource. However, Deputies shall not retain personal copies of recordings. Deputies should not use the fact that a recording was made as a reason to write a less detailed report. Deputies may review recordings made by other Deputies if they have a related investigative interest, such as a detective being

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assigned a case for follow up, a Deputy having a common suspect or vehicle, or the recording would offer other investigative leads that are articulable by the Deputy. Deputies may not review recordings made by other Deputies for personal curiosity reasons.

In situations where a Deputy has not been able to review relevant BWC video prior to preparing a written report, providing a statement, or answering questions as part of a formal interview, or informal questioning, the Department recognizes that in those situations, the potential for accuracy may be diminished. As such, a Deputy should not receive any discipline based solely upon a difference between the Deputy's report and the video evidence unless the preponderance of the evidence proves deception.

SUPERVISORS

A supervisor may conduct a review of a specific incident when there is an articulable reason justifying such review. Articulable reasons for reviewing and/or disclosing a specific incident include, but are not limited to:

- 0 Capturing specific evidence for use in a criminal prosecution,
 - (a) When a civil claim has been filed or threatened against the County involving the incident,
 - (b) When a complaint has been made against a Deputy regarding the incident,
 - (c) When the incident included use of force,
 - (d) When the incident included a vehicle pursuit,
 - (e) When the incident included a vehicle collision,
 - (f) When the incident involved serious injury or death,
 - (g) With the involved Deputy present to address a training or coaching issue in a private setting (such as Field Training or a recurring performance issue).
- 1. Supervisors shall not routinely or randomly review videos with the goal of finding training or coaching issues on a specific Deputy, unless:
 - (a) The Deputy is undergoing training as part of a formal training program, or
 - (b) If the Deputy is having recurring documented performance issues, or
 - (c) As part of a general auditing function, as provided by the vendor, to ensure compliance with this policy.
- (h) To assess properly functioning BWC systems when there is reason to believe that the system is not functioning properly.
- (i) By a department investigator who is participating in an official investigation, such as a personnel complaint, preliminary investigation, administrative investigation, or a criminal investigation.
- (j) To assess possible training value at the suggestion of the involved Deputy and approved by the Chief Criminal Deputy or designee.
- (k) Recordings may be shown for training purposes.

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1. The involved Deputy will be notified if the recording is being considered for training purposes.
2. If an involved Deputy objects to showing a recording, his or her objection shall be submitted to the Chief Criminal Deputy or designee to determine if the training value outweighs the Deputy's objection

LEGAL

- (a) Recordings will be provided to the County prosecutors or attorney's office when a case is filed or when requested as part of discovery for a criminal or civil case.
- (b) By an employee's legal representative and/or bargaining unit representative who is involved in representing the employee in an official investigation, such as a personnel complaint or a criminal investigation.
- (c) BWC recordings may be viewed in connection with any incident that garners media or community inquiry.

PUBLIC DISCLOSURE

BWC recordings may be viewed as part of any Public Disclosure Request. All recordings should be reviewed by the Public Disclosure Analyst, or equivalent position, prior to public release.

Recordings that unreasonably violate a person's sense of privacy or sense of dignity should not be publicly released, absent appropriate redaction, unless disclosure is required by law or order of the court. (RCW 42.56)

450.9 COORDINATOR

The Sheriff or the authorized designee should appoint a coordinator responsible for (RCW 10.109.010):

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for transferring, downloading, tagging or marking events.
- (c) Establishing procedures for members communicating to non-English speakers, those with limited English proficiency or those who are deaf or hard of hearing that a portable recorder is being used.
- (d) Establishing procedures for accessing data and recordings.
- (e) Establishing procedures for logging or auditing access.

450.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

450.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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Body-Worn Cameras

450.11 TRAINING

The Training Sergeant should ensure that those members issued a portable recorder receive initial training upon issue and periodic training thereafter (RCW 10.109.010).

CLALLAM COUNTY BUDGET CHANGE FORM

COPY



Date Submitted: 5/2/23

Budget Hearing/Meeting Date: 6/27/23

- ☐ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☒ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.811	Budget Name	Sheriff - Operations
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293	General Fund Reserves	50800.00.0000	Ending Fund Balance	43,543
Total				43,543

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.811	Sheriff - Operations	52123.10.0010	Regular Time	29,701
00100.811	Sheriff - Operations	52123.20.0020	Benefits	13,842
Total				43,543

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

The Sheriff's Office believes that the implementation of a Body Worn Camera (BWC) program is in the best interest of the citizens of the county as well as the efficiency of this government. The execution and maintenance of this program requires an additional 1 FTE Records Specialist assigned to the Sheriff's department who will be responsible for responding to Public Records Act requests. BWC's will produce many hours of footage that must be responsive to records requests, and the current 1 FTE assigned to public records for the Sheriff's Office is already past capacity and cannot absorb additional demand. Assuming a start date of June 1, 2023, a county Schedule A calculated the salary and benefits cost of this new position based on the current classification range in use. The total budget request is for \$43,543 split between salary and benefits in the Support Services section of the Sheriff – Operations budget.

County Official Approval: _____
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)



Brian King
Sheriff

Clallam County Sheriff's Office was posted on 5/4/23

WASPC Accredited Agency

*223 East 4th Street, Suite 12
Port Angeles, WA 98362-3015*

*Support Services: (360)417-2270
Fax: (360)417-2498*

<https://www.clallamcountywa.gov/497/Sheriff>

sheriff@clallamcountywa.gov

*Ron Cameron
Undersheriff*

*Amy Bundy
Chief Criminal Deputy*

*Beth Waknitz
Chief Civil Deputy*

*Don Wenzl
Chief Corrections Deputy*

FILE: BWC Program

MEMORANDUM

To: Sheriff Brian King
Undersheriff Ron Cameron

From: Special Assistant to Sheriff's Command Staff, Diane Harvey

Date: April 20, 2023

Subject: **Body Worn Camera Public Disclosure Video Redaction Fee**

INTRODUCTION

The Clallam County Sheriff's Office is seeking to implement a body worn camera (BWC) program for its patrol and corrections deputies. Deputies would wear body cameras and capture recordings that are public records subject to the Washington Public Records Act (PRA), RCW 42.56. After a public record request is made for a body-worn camera video, these records would need to be reviewed and possibly redacted pursuant to the privacy exemptions existing under the RCW and under certain federal statutes and rules.

The PRA allows agencies to charge the reasonable costs associated with redacting body-worn camera video and audio, including the cost of redaction technology, so long as it is the least costly commercially available method. Certain requestors cannot be charged a redaction fee under the PRA. Since the cost and work involved in reviewing and redacting audio and video can be substantive, most law enforcement agencies charge a redaction fee to those requestors that a fee can be imposed upon.

Law enforcement agencies in Washington State with existing body worn camera programs have consistently set their redaction fees according to the average salary (including fringe benefits) of the employee responsible for video redaction and the actual amount of time it takes to process the digital footage. None of these agencies have included a technology redaction cost, presumably due to the difficulty in apportioning such a charge when the number of video requests requiring redactions cannot be predicted in advance of any given year.

Utilizing the methodology of all the other law enforcement agencies with an existing BWC program and calculated by assuming the expected salary/fringe benefits of our proposed Sheriff Office hire who will perform these redactions, our fee would be set at \$37.08 per hour (prorated if less than a full hour at \$0.618 per minute).

APPLICABLE LAW UNDER THE PRA

The PRA allows an agency to charge a requestor “the reasonable cost of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure,” except for the following requestors who cannot be charged for redactions:

- A person directly involved in an incident recorded by the requested BWC recording;
- An attorney representing a person directly involved in an incident recorded by the requested BWC recording;
- A person or his attorney who requests a BWC recording relevant to a criminal case involving that person;
- The Executive Director from either the Washington State Commission on African-American Affairs, Asian Pacific American Affairs, or Hispanic Affairs; or
- If relevant to a cause of action, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States Department of Justice settlement.¹

In order to charge the redaction fee, the PRA requires that an agency “must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.”²

Agencies interpreting the above PRA provisions have performed two analyses: (1) a cost analysis and (2) a time study analysis. None of the current agencies engaged in a BWC program charge a requestor for the cost of redaction technology.

PROPOSED POLICIES

It is recommended that the following policy assumptions be made in order to be consistent with the PRA:

- Charge for redactions based upon the parameters provided by the PRA and the methodologies employed by agencies who currently have a BWC program and charge redaction fees;
- Charge staff time directly applicable to redacting video, including any necessary audio redactions;
- Charge staff time (salary and benefit cost only) based upon the employee who is to perform the redactions;
- Use redaction technology that most effectively and efficiently meets the administrative and operational needs of the Sheriff's Office;
- Do not charge requestors any costs related to the redaction technology software;
- In addition to allowed redaction costs, charge requestors the actual cost of copies of BWC recordings as provided under the PRA.³

¹ RCW 42.56.240 (14)(e) and (f)(i). Currently, the Washington State House of Representatives is proposing changes to these exceptions. See HB 1080.

² RCW 42.56.240 (14)(f)(ii).

³ RCW 42.56.240 (14)(f)(ii).

COST ANALYSIS

The following cost analysis is consistent with the methodology used by all existing agencies who have a BWC program and charge redaction fees. The calculation is straightforward: the salary and fringe benefit for the employee performing the redactions is calculated and then that dollar amount is divided by the total minutes worked by that employee in a calendar year assuming 260 days and an 8-hour day (i.e., 260 days x 8 hours x 60 = 124,800 minutes). Using the information provided by Chief Civil Deputy Waknitz, the following 2022 employee salary/benefits is assumed:

Salary	\$ 50,918
Benefits	\$ 26,318

Total	\$ 77,236

The Total is then divided by 124,800 minutes: $\$77,236 / 124,800 \text{ minutes} = \$ 0.618 \text{ per minute}$

This per minute redaction charge is consistent with other agencies who are currently charging BWC video redaction fees:

- City of Kent \$1.01
- City of Monroe \$0.79
- City of Mukilteo \$0.92
- City of Seattle \$0.60
- City of Spokane \$0.39
- City of Tacoma \$0.49
- City of Tukwila \$0.63

TIME STUDY ANALYSIS

Most agencies with an existing BWC program have relied upon a time study analysis performed in 2018 by the City of Seattle. Attached hereto as Exhibit 1. The conclusions of the Seattle time study are provided below:

Time Study Results:

Redaction Type	Actual Time	Redaction Time
Targeted Video Redaction with or without Targeted Audio Redaction	1 Minute per individual or object redacted	10 Minutes per individual or object redacted
Targeted Audio Redaction Alone	1 Minute	5 Minutes
Screen Blur or Screen Blackout	1 Minute per segment	1 Minute per segment

The Clallam County Public Records Officer has reviewed this time study and is comfortable that the results reflect a reasonable analysis to utilize for our County. A data driven Clallam County time study analysis can be performed once there is sufficient data derived from our BWC video redaction experience.

EXHIBIT 1

City of Seattle

Revised Body Worn Video Redaction Cost Study Narrative

March 2018

Background

SPD has implemented a Body Worn Video (BWV) program. Currently more than 900 SPD officers are equipped with body cameras. They capture recordings that are public records subject to the Washington Public Records Act, Chapt. 42.56 RCW (PRA). The PRA allows a law enforcement agency to charge certain requestors the reasonable costs of redacting BWV videos prior to disclosure. Allowable redaction costs are in addition to copying costs that agencies are legally allowed to charge requestors. SPD conducted an initial body worn video redaction cost study in February 2017. SPD conducted this revised body worn cost study to incorporate SPD's experience with body worn video over the course of the past year. The purpose of this revised cost study is to determine those reasonable costs including determining reasonable estimated redaction charges to provide to requestors.

Introduction

With the exception of the following requestors, the PRA allows an agency to charge a requestor the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure:

- A person directly involved in an incident recorded by the requested body worn camera recording;
- An attorney representing a person directly involved in an incident recorded by the requested body worn camera recording;
- A person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person;
- The executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs; or
- If relevant to a cause of action, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement.

An agency that charges redaction costs must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

Principles

- We charge for redactions based on the parameters provided in the PRA
- We charge staff time directly applicable to redacting videos
- We charge staff time (salary only) for no more than the lowest-paid employee assigned responsibility for redacting video
- We have a highly-skilled Video Specialist who applies her expertise to redact video in an efficient and skillful manner
- We use redaction technology that most effectively and efficiently meets the administrative and operational needs of the Department
- We do not charge requestors any costs related to the redaction technology
- The City incurs substantial costs for video management, processing, storage, and redaction technology
- In addition to allowed redaction costs, we charge requestors the actual cost of copies of BWV recordings as provided in the PRA

Types of Redactions

- Targeted Video Redaction of Person or Object with or without Targeted Audio Redaction: This blurs or blacks out the face or identifying features of an individual or object
- Targeted Audio Redaction Alone: This removes exempt portions of the audio without redaction of related video
- Screen Blur or Blackout: This blurs or blacks out the entire screen for a segment of video containing an exempt image, such as a Mobile Data Terminal (MDT) with exempt screen content, the interior of a place of residence where a person has a reasonable expectation of privacy, the interior of a medical or mental health facility, etc.
- The types of video redactions are illustrated in the next section

Video Redaction Type Illustrations

Targeted Video Redaction¹



Screen Blur²



Screen Blackout



¹ The size of the dot or shape obscuring an individual or object may vary to ensure that exempt identifying details are sufficiently obscured.

² Screen blur here is illustrated at 60% blur. The level of blurring may vary to ensure that exempt identifying details are sufficiently obscured

Redaction Process

The cost of redacting video using current technology reflects actual staff time derived from the workflow necessary to apply redactions as detailed in the SPD Redaction Process Workflow, attached to this Cost Study.

Time Studies

Stopwatch style time studies were conducted to determine the amount of time it takes to redact BWV recordings including how long it takes to fully blur and remove audio from an entire video, eliminate one minute of video, redact one minute of simple audio, redact one minute of complex audio, redact one minute of simple video, and redact one minute of complex video.

Time Study Results:

Redaction Type	Actual Time	Redaction Time
Targeted Video Redaction with or without Targeted Audio Redaction	1 Minute per individual or object redacted	10 Minutes per individual or object redacted
Targeted Audio Redaction Alone	1 Minute	5 Minutes
Screen Blur or Screen Blackout	1 Minute per segment	1 Minute per segment

Video Specialist Salary

The salary for the Video Specialist in the SPD Public Disclosure Unit is approximately \$.60 per minute. This amount does not include benefits paid to the Video Specialist or other overhead costs. The PRA allows agencies to charge the actual cost of redacting BWV recordings including the cost of redaction technology provided it is the least costly commercially available method. The Video Specialist's salary amount does not include the cost of redaction technology and the City does not intend to charge requestors technology costs at this time. The City intends to charge requestors at the rate of \$.60 per minute of Video Specialist time to redact body worn videos. This rate is below the actual cost incurred by the City for redacting video.

Estimating Redaction Costs

Based on the results of the cost study, SPD Public Disclosure Unit staff will calculate estimated redaction costs at the following rates:

Redaction Method	Estimated Cost Per Minute to Redact	Minutes to Redact Per Minute of Raw Footage	Estimated Cost of Redaction Per Minute of Raw Footage
Targeted Video Redaction with or without Targeted Audio Redaction	\$.60 per individual or object redacted	10 per individual or object redacted	\$6.00 per individual or object redacted
Targeted Audio Redaction Alone	\$.60	5	\$3.00
Screen Blur or Screen Blackout	\$.60	1 Minute per segment	\$.60/segment

SPD Will Charge Redaction Costs Based on Actual Redaction Time

The City will charge requestors redaction costs reflecting the actual time it takes to redact a particular video calculated at the rate of \$0.60 per minute.

4



AGENDA ITEM SUMMARY

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

MAY 08 2023

Department: Human Resources

WORK SESSION ☒ Meeting Date: 5-8-23

REGULAR AGENDA ☒ Meeting Date: 5-16-23

Item summary:

- | | | |
|--|--|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☒ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Continuing discussion as it relates to salaries and benefits for Elected Officials.

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?** ☐ If approved, the individual departments needing budget revisions will be required to make the needed requests as appropriate (see attached).

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Review and sign if approved.

County Official signature & print name: Tom Reyes Tom Reyes, Human Resources

Name of Employee/Stakeholder attending meeting: Brenda Wenzl, Tom Reyes

Relevant Departments: Offices of the Elected Officials & Human Resources

Date submitted: 05/02/2023

* 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)



RESOLUTION _____, 2023

ESTABLISHING SALARY AND BENEFITS FOR ELECTED OFFICIALS

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Elected Officials include the Assessor, Auditor, County Commissioners, Director of the Department of Community Development, District Court Judges, Prosecuting Attorney, Sheriff, Superior Court Judges and Treasurer.
2. The Board of Commissioners is authorized to establish the salary for Elected Officials except Superior and District Court Judges, the salaries for which are set by the Washington Citizens' Commission on Salaries for Elected Officials (WCCSEO).
3. One-half of Superior Court judges' salaries are paid by the state and one-half are paid by the county in which the court is located. District Court judges' salaries are paid 100% by the county in which the court is located.
4. The salary for the Prosecuting Attorney is tied to the salary for a Superior Court judge, with the state contributing an amount equal to one-half the salary of a Superior Court judge and the county paying the remainder.
5. County Commissioners' salary may not be increased or decreased after an election and during their term of office.
6. The Board of Commissioners is allowed to base Elected Official salaries on the results of an outside salary commission study.
7. The Washington Citizens' Commission on Salaries for Elected Officials is an independent, citizen commission created to set the salaries of the state's elected officials, the salary considerations for which apply equally to the county's Elected Officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. Elected Officials- salaries are hereby set according to a percentage of the salary of a Superior Court Judge as now or hereafter determined by the WCCSEO, as set forth below:
 - Assessor – 50 percent of a Superior Court Judge
 - Auditor – 50 percent of a Superior Court Judge
 - Commissioners – 50 percent of a Superior Court Judge
 - Director of the Department of Community Development – 50 percent of a Superior Court Judge
 - Prosecuting Attorney – ~~100~~ 95 percent of a Superior Court Judge
 - Sheriff – 72 percent of a Superior Court Judge
 - Treasurer – 50 percent of a Superior Court Judge
 2. Elected Official salaries shall be increased on the same schedule as is set forth by the WCCSEO for Superior Court judges, with the exception of Commissioners whose salaries shall be set according to the following schedule: Changes to Commissioner salaries will take effect January 1, 2027 (District 3); January 1, 2024 (District 1); and January 1, 2025 (District 2) and will change on January 1 of each successive year by the same percentage as the Washington Citizens' Commission of Salaries for Elected Officials (WCCSEO) determines for the salary of a Superior Court Judge.
-

3. With the exception of the Superior Court judges, whose benefits are provided through the State (Washington Courts), Elected Officials shall receive the medical, dental, and vision plan identical to the one provided to members of the Local 1619-MP bargaining unit.
4. With the exception of the Superior Court judges, the following list of additional benefits are included in the total compensation package:
 - a. Life/accidental death and dismemberment insurance in the amount of \$50,000 and long-term disability insurance provided by a carrier of the County's selection~~are additional benefits.~~
 - b. 4.~~Elected Officials shall receive a 2 percent%~~ contribution to a 401(a) plan established by the employer.
 - c. 6HRA VEBA
 - d. Unless provided a County vehicle in accordance with the County's vehicle policy, the following Elected Officials shall receive monthly vehicle allowance: Assessor, Auditor, Commissioners, Director of Community Development, Prosecuting Attorney, and Treasurer.
5. This resolution rescinds all prior resolutions of the Board regarding salaries for Elected Officials and shall remain in full force and effect unless otherwise changed by the Board.

PASSED AND ADOPTED this

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, Clerk of the Board

Mike French

Elected Official wage and benefits adjustment if step increase is effective Jul 1st
 Superior Court Judges' Salary **217,391** -- effective 7/1/2023

Salary for Elected Officials effective Jan 1st except for Pros Atty who also gets it Jul 1st

	% Sup Ct Judge	budgeted	new	add'l
Assessor	50%	137,448	141,719	4,271
Auditor	50%	137,448	141,719	4,271
Commissioners	50%	137,448	0.00	0.00
DCD Director	50%	137,448	141,719	4,271
Prosecuting Attorney	95%	233,763	249,189	15,426
Sheriff	72%	187,359	193,242	5,883
Treasurer	50%	137,448	141,719	4,271
Total				38,393



RESOLUTION _____, 2023

ESTABLISHING SALARY AND BENEFITS FOR ELECTED OFFICIALS

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

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3. One-half of Superior Court judges' salaries are paid by the state and one-half are paid by the county in which the court is located. District Court judges' salaries are paid 100% by the county in which the court is located.
4. The salary for the Prosecuting Attorney is tied to the salary for a Superior Court judge, with the state contributing an amount equal to one-half the salary of a Superior Court judge and the county paying the remainder.
5. County Commissioners' salary may not be increased or decreased after an election and during their term of office.
6. The Board of Commissioners is allowed to base Elected Official salaries on the results of an outside salary commission study.
7. The Washington Citizens' Commission on Salaries for Elected Officials is an independent, citizen commission created to set the salaries of the state's elected officials, the salary considerations for which apply equally to the county's Elected Officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

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 - Commissioners – 50 percent of a Superior Court Judge
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-

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4. With the exception of the Superior Court judges, the following list of additional benefits are included in the total compensation package:
 - a. Life/accidental death and dismemberment insurance in the amount of \$50,000 and long-term disability insurance provided by a carrier of the County's selection.
 - b. 2% contribution to a 401(a) plan established by the employer.
 - c. HRA VEBA
 - d. Unless provided a County vehicle in accordance with the County's vehicle policy, the following Elected Officials shall receive monthly vehicle allowance: Assessor, Auditor, Commissioners, Director of Community Development, Prosecuting Attorney, and Treasurer.
5. This resolution rescinds all prior resolutions of the Board regarding salaries for Elected Officials and shall remain in full force and effect unless otherwise changed by the Board.

PASSED AND ADOPTED this

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, Clerk of the Board

Mike French



AGENDA ITEM SUMMARY

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

5
MAY 08 2023

Department: **PUBLIC WORKS**

WORK SESSION ☒ Meeting Date: **05/08/2023**

REGULAR AGENDA ☒ Meeting Date: **05/16/2023**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|--|--|--------------------------------------|
| ☒ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☒ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

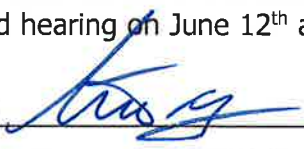
Executive summary: The department has been tasked with creating an ordinance for the Clallam Bay/Seki Sewer System to capture all users of the utility. Furthermore, the goal of this ordinance is to create fair and equitable charges for use of the sewer system. This ordinance will repeal and replace the existing ordinance (CCC 13.04) in its entirety. The proposed ordinance is a comprehensive ordinance including definitions, connection requirements, user fees, permit requirements, system use regulations, and other sections common to utility system management, use, operations, and maintenance. The process of creating the new ordinance has involved input and collaboration with the Clallam Bay/Seki Sewer Advisory Committee over a period of approximately four years. During the April 19th, 2023 Sewer Advisory Committee meeting, the committee voted to recommend presenting the new ordinance to the BOCC for adoption. Adoption of this proposed ordinance will result in a larger base of paying system users increasing funding for system operation and thereby reducing the burden on the county general fund. It will also provide for better information needed for planning future system needs in operation, maintenance and funding opportunities for required facility improvements.

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?** ☐

Ordinance adoption will result in additional revenue.

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

The department recommends a call for hearing on June 6th at 10:30am in the Clallam County Courthouse Commissioner's meeting room with a continued hearing on June 12th at 6:00pm at the Seki Community Center.

County Official signature & print name: Steve Gray 

Name of Employee/Stakeholder attending meeting: Steve Gray & Ronald Garcelon

Relevant Departments: PUBLIC WORKS

Date submitted: Tuesday, May 2, 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)

Agenda Item Summary
Revised: 3-04-2019

PUBLIC HEARING

Proposed Clallam County Ordinance

*Repealing and replacing Clallam County, Chapter 13.04 – Clallam Bay/Seki Sewerage Rate Schedule
With a new chapter "Clallam Bay/Seki Sewer System"*

NOTICE: The Clallam County Board of Commissioners will conduct a public hearing on Tuesday, June 6th, 2023 at 10:30 a.m., or as soon thereafter as possible in the Commissioners' Meeting Room of the Clallam County Courthouse, 223 East 4th Street, Room 160, Port Angeles, Washington. A continued public hearing will be conducted on June 12th, 2023 at 6:00pm in the Sekiu Community Center. The public hearing is to consider the ordinance listed above. All proposed ordinances are available on the County website <https://www.clallamcountywa.gov/228/Comment-on-Proposed-Ordinances-Policies>

Public comments are encouraged. Submit written comments to the address below before the hearing or present comments in person at the public hearing.

In compliance with the Americans with Disabilities Act, reasonable accommodations are available upon request. The facility is considered "barrier free" and accessible to those with physical disabilities.

PROPONENT: Clallam County Board of Commissioners
223 East 4th Street, Suite 4
Port Angeles, WA 98362-3015
Telephone: 360.417.2233

FORMAL IDENTIFICATION: Ordinance replacing CCC 13.04 Clallam Bay/Seki Sewerage Rate Schedule

SUMMARY OF PROPOSED CHANGES:

- Section 1. Section .010, General Provisions, is created**
- Section 2. Section .020, Definitions, is created**
- Section 3. Section .030, Connection requirements, is created**
- Section 4. Section .040, Sewer connection permits, is created**
- Section 5. Section .050, Sewer system use regulations, is created**
- Section 6. Section .060, Sewer maintenance regulations, is created**
- Section 7. Section .070, Repair and construction regulations, is created**
- Section 8. Section .080, Side sewer regulations, is created**
- Section 9. Section .090, Administration and Enforcement, is created**
- Section 10. Section .100, Developer reimbursement, is created**
- Section 11. Section .110, Sewer user fees, is created**
- Section 12. Section .112, Repeal of prior fees, is created**
- Section 13. Section .112, Repeal of prior fees, is created to**
- Section 14. Section .114, Effective date, is created**

Publish: Friday, May 19th , 2023 & Friday, May 26th , 2023

Bill: Clallam County Public Works

Loni Gores, CMC, Clerk of the Board

Ordinance _____

An ordinance repealing CCC 13.04 (Clallam Bay/Seki Sewerage Rate Schedule) in its entirety and replacing it with a new chapter of the Clallam County Code concerning regulation and administration of the Clallam Bay Seki sewer system, titled "Clallam Bay/Seki Sewer System".

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .010, General Provisions, is created to read as follows:

(1) Purpose. The purpose of this chapter is to provide regulatory requirements for the use of the Clallam Bay Seki sewer system and administrative procedures for management of the Clallam Bay Seki sewer system as a utility of Clallam County established pursuant to RCW 36.94.

(2) Minimum standards. The requirements of this chapter are declared to be minimum standards and shall not be construed to prevent the enforcement of more stringent standards imposed by other ordinances, or by the authority of state law.

(3) Connection permit, and user fees established. This chapter sets forth the requirements, procedures, permit fees, connection fees, and monthly user fees for users of the Clallam Bay Seki sewer system.

(4) Severability. If any section of this division is adjudged to be invalid, such adjudication shall not affect the validity of the remaining portions.

Section 2. Section .020, Definitions, is created to read as follows:

Words and phrases used in this chapter, unless contrary to or inconsistent with the context, shall mean as follows:

(1) "Accessory Dwelling Unit" or "ADU" means a separate dwelling unit, containing habitable space, bathroom(s), and a kitchen, with a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property.

(1) (a) Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary dwelling unit.

(1) (b) Attached. Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of a detached accessory dwelling unit.

(2) "Authorized side sewer contractor" means a person having appropriate license, bond, insurance, as well as skills and abilities to do work incidental to the construction or repair of side sewers.

(3) "Base rate" means the fixed portion of the monthly user fee that does not vary with the amount of water usage.

(4) "Clallam Bay Seki sewer system" or "sewer system" or "public sewer system" means the Publicly Operated Treatment Works owned by Clallam County, including all present and future public interceptors' sewers, treatment plants, pump stations, outfalls, force mains, trunk lines, sewer mains, sub-mains, laterals, and appurtenances, easements, and rights of way, located in the Clallam Bay Seki Urban Growth Area, and the sewer lines connecting this system.

5) "Clallam Bay Sekiu general sewer plan" means the most recent "Clallam Bay Sekiu General Sewer/Wastewater Facilities Plan".

(6) "Clean out" means a capped vertical structure connected in line with a side sewer or sewer main intended to be used only for flushing or other maintenance of that line.

(7) "Change of ownership" means any change that results in more than 50 percent new ownership or new individuals in control of a property, as reflected in a deed of trust, quit claim deed, purchase agreement, or other legally binding ownership document filed with the County Auditor.

(8) "Commercial use" means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income or profit.

(9) "Consumption fee" means the portion of the monthly user fee that is based on the amount of water consumed by each user as reported by the local water utility.

(10) "County" means Clallam County.

(11) "County inspector" means any employee of the County Public Works Department designated by the Director to inspect sewer facilities pursuant to this chapter.

(12) "Cover" means the depth of material between the top crown of the sewer pipe or drain and the finished grade immediately above it.

(13) "Department" means Clallam County Public Works Department.

(14) "Developer" means a property owner or their agent that is proposing property improvements that will trigger the provisions of the chapter.

(15) "Director" means the Public Works Director or designee, of the County Public Works Department.

(16) "Downspout" means a pipe which conveys water from the roof of a building to control structure or roadside drainage.

(17) "Dwelling" or "Dwelling Unit" means any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

(18) "Equivalent residential unit" or "ERU" means a water service connection typical of a residential unit, consisting of a three-fourths inch or one-inch diameter service line with a five-eighths-inch meter.

(19) "Footing drain" means an open joint or perforated pipe located near the foundation of a building, intended to intercept and carry underground storm or drainage water away from the structure.

(20) "Force main" means a pressurized pipe conveying sewage from one or more side sewers.

(21) "Food Waste" means putrescible waste from the harvest, preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

(22) "Properly shredded food waste" means food waste that has been shredded to such a degree that it will be carried or suspended freely under flow conditions normally prevailing in public sewers, with no particle larger than three-eighths of an inch in any dimension.

(23) "Industrial waste" means a liquid, solid or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food processing, business, trade or research, including the development, recovering or processing of natural resources and including garbage, but distinguished from sanitary sewage or storm drainage.

(24) "LID" means a Local Improvement District established by the County.

(25) “Lateral” or “sewer lateral” means that portion of a side sewer that is on public property and is publicly owned.

(26) “Mobile Home Park” means a lot or parcel of land occupied by two or more mobile homes on a rent or lease basis and approved by Clallam County pursuant to County regulations.

(27) “Natural outlet” means a watercourse, pond, lake, stream, river, ditch, or other body of surface water.

(28) “New development” means any development, redevelopment, or change of use of property that would necessitate either provision of a new sewer service or an expansion or upgrade of an existing septic system or sewer connection.

(29) “Park Model”, “Park Model RV” or “Recreational Park Trailer” means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria: Built on a single chassis, mounted on wheels, Having a gross trailer area not exceeding 400 square feet in the set-up mode, certified by the manufacturer as complying with ANSI A119.5

(30) “Permit card” means a card, in a form prescribed by the Director, issued in conjunction with a permit, or a copy of the permit which shall be posted on the premises of the work being accomplished.

(31) “Person” means any individual, company, partnership, corporation, association, society or group and the singular term shall include the plural.

(32) “Pretreatment” means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the sanitary sewer.

(33) “Public sewer system” means the Clallam Bay Sekiu sewer system used to collect, convey and treat wastewater generated in the Clallam Bay Sekiu UGA.

(34) “Public place,” “public area” or “street area” means any space dedicated to or acquired by the county for the use of the general public.

(35) “Public building” means a building or improvement which is used or owned by a governmental agency.

(36) “RV park” means a campground for day use and overnight accommodations by recreational vehicles or RVs.

(37) “Recreational vehicle” or “RV” means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, recreational park trailers, park model RV’s, park models and motor homes.

(38) “Recreational vehicle hookup” or “RV hookup” means an exterior sewer standpipe with a removable cap intended to serve one recreational vehicle sewer service. The use of such single RV hookups must be consistent with the applicable zoning requirements, occupancy usage and any other applicable requirements or restrictions set forth in CCC Title 33 pertaining to a “recreational vehicle” as that term is defined under WAC 296-150R-0020.

(39) “Residential complex” means a multi-family building i.e. apartments, condominiums, duplex, tri-plex

(40) “Sanitary plumbing outlet” means a plumbing outlet from a structure which carries the wastewater from sanitary facilities and plumbing fixtures, and which does not intentionally carry storm water or unpolluted water.

(41) “Sanitary sewer” means a sewer which carries wastewater and does not intentionally carry ground water from footing drain, storm water, or unpolluted water.

(42) “Sewer main” or “sub-main” means a sanitary sewer line that conveys wastewater from one or more side sewers.

(43) “Sewage” means waste discharged from sanitary plumbing outlets of buildings.

(44) “Side sewer” means a privately owned sanitary sewer pipe leading from the plumbing outlet at a building(s), RV’s connection or footing line(s) to the property line, together with the publicly owned sewer lateral connected to the sewer main.

(45) “Single-family Dwelling” means a dwelling unit intended for occupation by one family and including accessory improvements and uses. This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit.

(46) “Storm drain” means a public or private drain which carries storm and surface waters or drainage, effluent from storm plumbing outlets, and other unpolluted water.

(47) “Storm plumbing outlet” means a plumbing outlet from a building or structure which carries surface water or unpolluted water.

(48) “Suspended solids” means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by filtering the liquid, and includes matter which, upon dilution with water or sewage, results in the formation of suspended solids.

(49) “UGA” or “Clallam Bay Sekiu UGA” means Clallam Bay Sekiu Urban Growth Area established by the County pursuant to the Growth Management Act, Chapter 36.70A RCW, for the unincorporated Clallam Bay Sekiu area.

(50) “Unpolluted water” means water in its natural state, or water which, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director may determine which water is unpolluted water.

(51) “User fee(s)” means the monthly fee charged each customer of the Clallam Bay Sekiu sewer system, consisting of a base rate and a consumption fee.

(52) “Wholesale sewer connection” means commercial properties such as mobile home parks or RV parks which contain multiple residential or recreational units where one water meter serves multiple sewer connections.

(53) “Wastewater” is a comprehensive term including industrial waste and sewage.

Section 3. Section .030, Connection requirements, is created to read as follows:

(1) Prohibition of new septic systems in the Clallam Bay Sekiu UGA. No new septic systems shall be permitted in the Clallam Bay Sekiu UGA, unless a waiver is granted pursuant to subsection (3)(d) below.

(2) Eligibility for sewer service.

(a) All properties within the Clallam Bay Sekiu UGA are eligible to apply for connection to the Clallam Bay Sekiu sewer system at any time. Applications for connection shall be submitted on forms provided by the County pursuant to section 040 below.

(b) Pursuant to RCW 36.70A.110(4) no property outside the Clallam Bay Sekiu UGA shall be allowed to connect to the Clallam Bay Sekiu sewer system except in those limited circumstances that it has been demonstrated to the Director that such a connection is necessary to protect basic public health and safety and the environment. The Director shall consult with the Clallam County Health Officer and the Clallam County Department of Community Development for determining consistency with RCW 36.70A.110(4) and the Clallam County Comprehensive Plan.

(3) Connection required. The following sewer system connection requirements shall apply to properties in the Clallam Bay Sekiu UGA:

(a) Properties with existing septic systems that are within 200 feet of a sewer main or sub-main (as measured along the usual or most feasible route of access as determined by the Director) shall be required to connect to the Clallam Bay Sekiu sewer system within one year of the date of change in ownership.

(b) Properties farther than 200 feet from the nearest sewer main or sub-main (as measured along the usual or most feasible route of access as determined by the Director) shall be allowed to continue use of an existing properly functioning septic system until such time as a sewer main or sub-main is available within 200 feet of the property, at which time the provisions of subsection (3)(a) of this section shall apply. Nothing herein prohibits any property in the Clallam Bay Sekiu UGA from connecting to the Clallam Bay Sekiu sewer system at any time; however, all properties are responsible for the installation of any sewer main or sub-main extensions and sewer laterals necessary for such connection. All such sewer mains, sub-mains, and laterals shall meet standards for sewer facilities established by the County, and upon inspection and approval by the County shall be dedicated to the County.

(c) All new development on parcels within the Clallam Bay Sekiu UGA shall provide sewer service by connection to the Clallam Bay Sekiu sewer system unless a waiver from connection is provided pursuant to subsection (3)(d) of this section.

(d) The Director may grant a waiver from the requirement of subsection (3)(c) of this section upon finding all the following conditions have been met:

(i) The parcel is more than 200 feet from the nearest sewer main or sub-main (as measured along the usual or most feasible route of access as determined by the Director); and

(ii) The cost of connection to the Clallam Bay Sekiu sewer system (including the connection fees listed in subsection (6) below and all other costs to connect the building to the sewer main) is more than 150 percent of the total cost of a private septic system meeting the requirements of the Clallam County Environmental Health Division; and

(iii) The property owner files with the County Auditor an agreement provided by the County not to protest or vote against any proposed future LID for a sewer system expansion for a period of 10 years.

To apply for a connection waiver, the property owner must submit a waiver application and remit to the Department a waiver review fee of \$150.

(e) When or if a Clallam Bay Sekiu sewer system main or sub-main is extended to within 200 feet (as measured along the usual or most feasible route of access as determined by the Director) of a property granted a waiver under this subsection, the property shall then be subject to the requirement of subsection (3)(a) of this section.

(4) Sewer service required for all new land divisions. Prior to final plat approval for all new land divisions as defined by CCC 29.03.100(26) within the Clallam Bay Sekiu UGA, sewer service shall be provided by extension of sewer mains, sub-mains, and lateral sewers as needed to serve each parcel in the division. All such sewer mains, sub-mains, and laterals shall meet standards for sewer facilities established by the County, and upon inspection and approval by the County shall be dedicated to the County.

(5) Connection required for failed septic systems. Any property within the Clallam Bay Sekiu UGA with a septic system that the local or State Health Department determines to be failing to provide the level of effluent treatment necessary to protect basic public health and safety is required to connect to the Clallam Bay Sekiu sewer system unless a waiver is granted pursuant to subsection (3) above.

(6) Connection fees.

(a) The connection fee for the Clallam Bay Sekiu sewer system shall be \$1,500 per ERU.

(b) Fees for sewer connection shall be payable at the time of submission of a connection permit application. No connection permit shall be issued by the Department unless all fees are paid in full by the applicant. This includes: the connection fee, connection permit application fee, right-of-way permit fees (if applicable) and one inspection fee.

(c) Equivalent Residential Unit (ERU) Factors. The factors for determining the proportional ERUs shall be in accordance with Table 1: Equivalent Residential Unit (ERU) Factors.

(e) If the actual water meter size installed is increased to provide for fire sprinkler installation, the applicant shall provide documentation of water use, fixture count, and a copy of the permitted plans showing the combined piping. The Director shall determine the appropriate equivalent residential unit factor based upon a standard installation for the use without fire sprinklers.

(f) For commercial property for which no water meter exists (for example, where the water supply is a private well) or for any instances in which a mix of residential and commercial uses exists in multiple structures on a single parcel served by a single water meter, the Director shall determine the ERU factor based on a determination of flow consistent with "Criteria for Sewage Works Design" published by the Washington State Department of Ecology in effect at the time with 125 gallons per day per ERU, a fixture count table, or other method deemed appropriate by the Director.

(g) All single-family dwellings shall be one ERU regardless of meter size.

(h) Failure to connect when required. In addition to any other penalty authorized by this chapter, a property owner who fails to connect to the Clallam Bay Sekiu sewer system within 90 days of receiving official notice to do so, shall be subject to a penalty that shall be a non-refundable monetary charge in an amount equal to the base monthly sewer rate that would be charged against that property if it were connected to the sewer system. The Department shall assess the penalty against the property through its utility billing system.

Table 1: Equivalent Residential Unit (ERU) Factors

Type of Connection	ERU Factor
<u>Residential Connections</u>	
a. Initial sewer connection on a leased or owned lot (initial connection may serve a Single-Family Dwelling, Park Model or RV)	1.0 ERU
b. Additional RV hookup	0.35 ERU per RV Hookup
c. Accessory Dwelling Unit (ADU), attached or detached	1.0 ERU
d. Residential Complex	1.0 ERU per dwelling unit
<u>Commercial Use Connections</u>	
a. Non-residential connections (i.e.) Commercial Use, Industrial, and Public. Connections based on the following meter size.	
Meter Size (inches)	
5/8 and 3/4	1.0
1	2.5
1-1/2	5.0
2	8.0
Meters sized greater than 2 inches or any use requiring an industrial pretreatment plan requires an approved engineering analysis of equivalent ERUs.	
b. Commercial Use Wholesale Account Connections	
Mobile Home Park	1.0 ERU per dwelling
RV Park	0.35 ERU per RV hookup

Section 4. Section .040, Sewer connection permits, is created to read as follows:

(1) Unlawful to connect, repair or alter without permit. It is unlawful to make any connection, addition or alteration to any public or private sewer system, drain or natural outlet without complying with all of the provisions of this chapter and all other regulations in relation thereto, and without a valid permit issued by the Director. This includes replacement of a structure or mobile home. An authorized side sewer contractor or a property owner or their agent shall not break, alter, or tamper with any public sewer system or its appurtenances except to make a connection to an existing wye or tee under permit from the County.

(2) Application for permit.

(a) Application for the permit required by this chapter shall be filed with the Director stating the following:

- (i) The name of the property owner;
- (ii) The address of the property to be served;
- (iii) The property owner's mailing address;
- (iv) The side sewer contractor's name;
- (v) The legal description of the property to be served;
- (vi) The dimensions of the buildings to be served, including insets or ell;
- (vii) The location of buildings on the property;
- (viii) The purpose for which the building is to be used;
- (ix) The location of the proposed side sewer and other proposed works.
- (x) Details of any pressurized side sewer as specified in section 080(6) below.
- (xi) A count of all fixtures served by the proposed side sewer.
- (xii) Elevation of the lowest plumbing fixture, and elevation of side sewer at the building or foundation line.
- (xiii) Cover of side sewer at building or foundation line.
- (xiv) The size, length and material or private side sewer and the slope
- (xv) Approximate location of exterior utilities

(b) The Director may change or modify the application and designate the manner and place where the side sewer shall connect to the public sewer system, may specify the material, size and grade of the side sewer and determine whether or not a permit shall be granted. The Director may require the applicant to furnish plans prepared and stamped by a professional engineer, licensed in the State of Washington, where unusual or special circumstances dictate, or where deviation from the standards of section 080 of this chapter are proposed. The Director shall keep such records as deemed necessary of all side sewer permits and inspection reports.

(c) The Director may require property owners applying for a change of use, building, land division or sewer permits to perform upgrades to material and other standards of their permitted side sewer per section 080 of this chapter to address health or safety concerns, including the impact to operation of the Clallam Bay-Seki Sewer. The Director may use inspection or other relevant records of side sewer installation or require a visual inspection to assess the extent of upgrades required. Property owners may provide an engineered assessment of side sewers to the Department for consideration.

(d) Any work on Washington State Department of Transportation (WSDOT) right of way shall be in accordance with the current franchise between the County and WSDOT and will require approval by WSDOT prior to issuance of a sewer connection permit.

(3) Decommissioning permit.

When a structure is to be demolished, lost due to fire, or has been condemned and no sanitary sewer use is to be required of the property, a property owner may obtain a side sewer decommissioning permit from the Department.

(a) Minimum requirements for decommissioning include:

- (i) Confirmation of property line boundary
- (ii) Minimum of 20-feet piping exposed from delineated property boundary

- (iii) Physical disconnect of a minimum of 2-feet (downstream cut edge to upstream cut edge)
- (iv) Installation of push on PVC cap to match existing pipe diameter
- (v) Cap to remain exposed until inspection by County inspector completed
- (vi) Contractor to place pressure treated 2x4 adjacent to cap with minimum 24" exposed from existing grade to indicate cutoff location and backfill with native material
- (vii) Contractor to either grout remaining side sewer and abandon in place or remove all piping leading to building foundation

All costs, including inspection fee will be at the property owner's expense. Upon completion, an as built must be submitted to the county for the decommissioning permit to be finalized and for monthly sewer fees to be terminated.

Upon reconnection of any new development, a new sewer connection permit would be required along with current connection and other associated fees.

(4) Developer provided sewer facilities. In addition to the above permit requirements, all proposed developer provided sewer system facilities shall adhere to the following provisions:

(a) All developer owned, or developer supplied public sewer mains, force mains, pump station, or other facilities that convey sewage from one or more side sewers shall upon inspection and acceptance by the County be conveyed to County ownership. Where such facilities are on private property, an easement of sufficient size to facilitate maintenance as determined by the Director shall be granted to the County and filed with the County auditor.

(b) Approval of plans. Plans and specifications for all proposed developer provided sewage system facilities shall be submitted to the department for review and approval prior to construction. Plans shall be prepared by a professional engineer licensed in the state of Washington.

(c) Standards. All developer provided sewer system facilities shall adhere to the standards for sewer facilities established by the County and the "Criteria for Sewage Works Design" (commonly referred to as the Orange Book) published by the Washington State Department of Ecology in effect at the time.

(5) Work to conform to permit specifications - Posting. After approval of the application and issuance of the permit, it is unlawful to alter the permit or to do any work other than that provided for in the permit. If the permittee wishes to perform additional work, the Director may require that he secures an additional permit. One copy of the permit, or an additional card bearing the permit number, according to directions of the Director, shall be posted upon the work site at a place readily and safely accessible to the County inspector, and in a conspicuous place near the work being performed under the permit.

(6) Validity of permit. A permit issued under this chapter shall not be valid for a period of more than 120 days unless extended or renewed by the Director prior to the date of expiration or the sewer permit is issued in conjunction with a building permit in which case the expiration shall be matched to the building permit expiration date.

(7) Fees.

(a) Fees for sewer connection shall be as prescribed by subsection (7)(a) of this chapter and payable at the time of submission of a connection permit application. No connection permit shall be issued by the Department unless all fees are paid in full by the applicant. This includes: the connection fee, connection permit application fee, right-of-way permit fees (if applicable) and one inspection fee. Sewer permit fees are non-refundable.

(b) Connection permit fees shall be as follows:

(i) For residential: single family dwellings, residential complexes, RV, and public connections the permit fee shall be \$150.00.

(ii) For commercial use connections the fee shall be \$250.00.

(iii) Inspection fee shall be \$75 per inspection.

(c) Decommissioning permits per section (2)(a) shall be as follows:

(i) For all accounts the fee shall be \$150.00

Section 5. Section 050, Sewer system use regulations, is created to read as follows:

(1) Purpose. It is the purpose of this section to provide provisions to eliminate the discharge of certain harmful and potentially harmful materials into the public sewer system. This section is to be construed under the police powers granted the County and is for the protection and general welfare of the citizens of the Clallam Bay Sekiu UGA and the surrounding areas.

(2) Interceptors or grease traps required. For all commercial use kitchens, interceptors or grease traps are required. All grease traps and interceptors shall be constructed and installed, at a minimum, to comply with the uniform plumbing code specifications in effect at the time of installation, as administered by the County Building Division.

(3) Inspection.

(a) The Director or any other duly authorized employees of the County bearing proper credentials and identification shall be permitted to enter at reasonable hours upon all applicable facilities for the purposes of inspection, observation, measurement, sampling, and testing of interceptors or traps.

(b) Should the County find an interceptor to be out of compliance with the provisions of this chapter, the costs of the inspection, including both time, labor and/or any materials and/or services rendered by the County in connection with bringing the interceptor or trap into compliance, shall be borne by the owner of the premises upon which the interceptor or trap is located.

(c) The owner of any interceptor or trap or premises which is not in compliance shall be given notice by the County and shall be allocated 48 hours from the date of the notice to bring the interceptor or trap into compliance. If compliance is not forthcoming, the County shall have the right to correct the deficiency and to bring the interceptor or trap into compliance, all at the expense of the owner of the premises.

(d) Any expenses incurred by the County to remedy a non-compliant situation prohibited by subsection 050(3)(c) above shall constitute a lien against the premises charged, which lien may be foreclosed by the County in the same manner in which other sewer utility liens are foreclosed pursuant to state statute.

(4) Discharges of certain materials prohibited. The discharge into the sewer system by direct or indirect means of any of the following is hereby prohibited:

- (a) Subsoil foundation drains, curtain drains, or French drains;
- (b) Footing drains;
- (c) Window well drains;
- (d) Door well drains;
- (e) Yard drains, ditch water, runoff, or wash-down water;
- (f) Unroofed basement floor drains;
- (g) Overflows from unpolluted water storage facilities;
- (h) Clear water from refrigeration, reverse-cycle heat pumps and cooling or air conditioning equipment, except for periodic draining and cleaning of such systems;
- (i) Roof drains or downspouts from areas exposed to rainfall or other precipitation;
- (j) Surface or underground waters from any source other than the municipal domestic water systems;
- (k) Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit (60 degrees Celsius);
- (l) Any waste that contains more than 150 parts per million by weight of fat, oil or grease;
- (m) Any gasoline, benzene, naphtha, oil, or other flammable liquid, solid or gas which by their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause a fire or explosive hazard;
- (n) Any sand, mud, straw, hair, shaving, metal, glass, rags, diapers, wipes, feathers, tar, plastic, wood, paunch manure, non-biodegradable products, or any other solid or substance capable of causing obstruction to the flow in sewers or improper operation of the sewage works;
- (o) Any waste having a pH lower than 5.5 or higher than 11 or having any other corrosive property capable of causing damage or hazard to the sewer system structures, equipment, or personnel;
- (p) Any waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process;
- (q) Any waste containing suspended solids or viscous substances of such character and quantity that unusual attention or expense is required to handle such materials in the sewer system but in no cases solids greater than ¼ inch;
- (r) Pollutants including oxygen demanding pollutants (biochemical oxygen demand, chemical oxygen demand, etc.) released in a discharge at a flow rate and/or pollutant concentration, which, either singly or by interaction with other pollutants will cause interference;
- (s) Any obnoxious or malodorous gas or substance capable of creating a public nuisance;
- (t) Food waste, except that properly shredded food waste is not prohibited;
- (u) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Director in compliance with applicable state or federal regulations; and
- (v) Materials defined as dangerous waste under Chapter 173-303 WAC as now enacted or hereafter amended.

(5) Unlawful to damage. It shall be unlawful for any person to maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance, or

equipment which is part of the sewage system. Interceptors installed pursuant to this chapter shall be deemed, for purposes of this section, to be part of the sewage system.

(6) **Unlawful to discharge.** It shall be unlawful for any person to maliciously, willfully or negligently discharge any of the materials listed in subsection (4)(a)-(v) of this section 5.

Section 6. Section 060, Sewer maintenance regulations, is created to read as follows:

(1) Notice of inoperative or inadequate condition. Where it is determined by the Director that a side sewer is obstructed, broken, inoperative or inadequate and is a menace to health, or is liable to cause damage to public or private property, the Director shall give notice to the owner, agent or occupant of the property in which such condition exists. If the owner, agent or occupant refuses to reconstruct, relay, reconnect, repair or remove the obstruction of the side sewer within the time limit specified in such notice, the Director may authorize such work as may be necessary to comply with this section. The cost of such work authorized by the Director shall be charged to the property owner and shall become immediately payable to the County upon written notice of such amount being given to the property owner or posted upon the premises.

(2) Discharge of materials or stormwater due to inoperative or damaged side sewers. The property owner shall be responsible for capping all sanitary inlets before the time of demolition, and for paying all associated costs for capping cases of demolition, fire damage or other situations that may expose sanitary inlets to ensure there is no unlawful discharge to sewers.

(2) Use of existing side sewers. Where a new or converted building or new installation replaces an old one, an application shall be submitted, and a permit issued pursuant to the provisions of section 040 of this chapter. The use of an existing side sewer will be allowed when approved by the Director as conforming to all requirements of this chapter. No new connection fee will be required unless the new building or installation requires an increase in the water meter size.

(3) Backwater sewage valves.

(a) In any building, structure, or premises in which the plumbing outlets or other facilities are too low in elevation as determined by the Director to permit gravity flow to the public sewer system, wastewater shall be lifted mechanically and discharged into the public sewer.

(b) Whenever a situation exists involving the danger of backups of sewage or drainage from the public sewer system, the Director may prescribe a minimum elevation at which the plumbing outlet or side sewer may be discharged to the public sewer system. Wastewater from drains or side sewers below such minimum elevations shall be lifted mechanically to an elevation determined by the Director, or if approved by the Director, a backwater sewage valve may be installed provided the property owner shall record with the department an instrument as described in subsection 080(4) below. The effective operation of the backwater sewage valve shall be the responsibility of the owner of the sewer or drain.

(4) Unlawful to plant certain vegetation. It is unlawful to plant within 30 feet of any sanitary sewer or side sewer any tree or shrub whose roots are likely to enter and obstruct the flow of the sewers, for example specifically banned for planting within this 30- foot area are: willows, birches, oaks, poplars, cottonwoods, soft maples, and gum trees.

Section 7. Section 070, Repair and construction regulations, is created to read as follows:

(1) Trenches and excavations – safety standards.

(a) All trenches or excavations within four feet of any public place and all obstructions or encroachments upon a public place shall be barricaded and shored as required for public safety. It is unlawful to fail to maintain the lateral support of any public place while constructing, altering, or repairing any side sewer or storm drain. All trenches or excavations shall be covered during hours of inactivity of work on the side sewer.

(b) Barricades posted upon arterial streets or highways must conform to the standards established by the Washington State Department of Transportation (WSDOT), and/or such addenda to such standards as the County may establish.

(c) All work performed under the authority of this section shall be accomplished within the minimum safety standards prescribed by the Washington State Department of Labor and Industries (L&I). Evidence of failure to comply with the requirements of L&I shall be sufficient reason for the Director to order a stoppage of work until the required safety precautions are established on the job.

(2) County may complete unfinished work. Work within the limits of any public area shall be performed to completion with due diligence in accordance with a valid permit, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably necessary to fill the same, the Director may cause the same to be backfilled and the public area restored forthwith. Cost incurred by the County in having such work performed shall be charged to the side sewer contractor in charge of such work and shall be immediately payable to the County by the contractor upon written notification of the amount thereof given to the contractor or posted at the location. A lien shall be placed on the property if payment is not received within 30 days of the date of written notification.

(3) Owner or contractor liable for County completion costs. If any work performed on a side sewer is not completed in accordance with the provisions of this Department and the plans and specifications as approved by the Director, and if the contractor or person doing the work refuses to properly construct and complete such work, notice of such failure or refusal shall be posted on the premises where the work is being done, and the Director may cause the work to be completed and the sewer connected in the proper manner, and the cost of such work and any materials necessary therefore shall be charged to the owner or contractor and be payable by the owner or contractor immediately upon the Director giving written notice of the amount thereof or posting a notice thereof on the premises. A lien shall be placed on the property if payment is not received within 30 days of the date of written notification.

(4) In no case shall the County be responsible for the maintenance or repair of side sewers on property not owned by the County.

Section 8. Section 080, Side sewer regulations, is created to read as follows:

(1) Lateral sewer contractor requirements.

(a) It is unlawful for anyone to construct, reconstruct or repair any sewer lateral unless they are authorized licensed and bonded side sewer contractor in the State of Washington, or is an employee of the Director performing assigned duties.

(b) Each side sewer contractor performing work on a sewer lateral shall file with the County a certificate of insurance from an insurance company licensed to do business in the state that the contractor carries public liability and property damage insurance in amounts deemed adequate by the Director. Such policy shall contain an endorsement naming the County, its officers, elected officials, employees, and agents, as an additional insured and providing for not less than 10 days' notice to the County of any change, cancellation, or expiration of such policy.

(c) An authorized side sewer contractor must secure their own permits, be responsible for all work accomplished under those permits and connect all plumbing outlets or facilities in a complete manner, as required by the Director.

(d) A property owner or their employee may construct, reconstruct, or repair a side sewer on their private property.

(2) Costs to be borne by owner. Costs and expense incidental to the installation, connection and maintenance of a side sewer shall be borne by the owner or occupant of the premises served by the side sewer.

(3) Easement required.

(a) Before a side sewer may be located on a building site other than the site being served by the side sewer, and before the Director issues a permit authorizing the laying of such a side sewer, the owner of the side sewer shall secure a written easement from the owner of the building site to be crossed. The Director may designate the manner and place that a side sewer may be connected to a sewer main. The easement shall be duly acknowledged and shall grant the right to occupy the property for side sewer or utility purposes. The easement shall be recorded in the office of the County Auditor, by the owner of the side sewer, and a copy of the recorded easement included with the side sewer permit application.

(b) Where a side sewer is to be connected in a public area to a side sewer which is owned by another and does not involve an easement, written permission for such connection shall be obtained from the owner of such side sewer and shall be filed with the Director before a permit authorizing such connection is issued.

(4) Variances to standards. If, in the opinion of the Director, physical conditions make compliance with the provisions of this section impracticable, the Director may issue a permit for installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible, and such permit shall be issued only upon the condition that the property owner shall record with the County Auditor an instrument acceptable to the Director agreeing to save harmless and indemnify the County from any damage or injury resulting from such installation. Such instrument shall be upon a form approved by the County.

(5) Materials and standards –gravity side sewers.

(a) Materials and workmanship in connection with the installation of any side sewer or drain shall be gasketed, ASTM D3034 SDR 35 (i.e., Twinseal or comparable). No glue joints shall be allowed. Connection to the sewer main shall be by an approved tee, wye, or sanitary saddle.

(b) Six inches shall be the minimum diameter of pipe for gravity-flow sewer laterals except for single residential units which shall be a minimum of four inches.

(c) Not more than one residence or commercial building shall be connected to a side sewer except by permission of the Director, and in accordance with, rules and regulations of this chapter.

(d) Any one single-family dwelling shall be connected with not less than four-inch diameter pipe on private property; provided, that where a dual connection of two single-family dwellings, or a multiple dwelling or commercial building with a single-family dwelling is permitted by the Director, such connection shall be made with not less than six-inch diameter pipe below the point of dual connection.

(e) Any multiple dwelling, industrial or commercial building shall be connected with not less than six-inch diameter pipe on private property.

(f) Side sewer lines shall be located a minimum of 10 feet horizontally from water mains and water service lines. Side sewer lines shall cross water lines below the water line with a minimum vertical separation of 18 inches between the invert of the water line and the crown of the sewer; otherwise, sewer line is to be sleeved.

(g) If the vertical or horizontal separation contained in (5)(f) of this section cannot be maintained, construction shall be as follows: sewer shall be ductile iron (C151 or C104), HDPE (3408) or PVC (D3034) encased in concrete or in a one-quarter inch thick continuous steel, ductile iron, or pressure rated PVC pipe with all voids pressure-grouted with sand-cement grout or bentonite for a distance of at least ten feet each side of the center of the water main.

(h) Fittings, reducers, traps, etc., shall be of standard manufacture.

(i) Changes in line or grade shall be made with wyes or 45-degree bends, or for slight changes in line or grade, by setting each pipe out of line slightly, within the deflection angle allowed by the pipe manufacturer's specifications, or by using 10-degree, 22-1/2-degree or 30-degree bends supplied by pipe manufacturers.

(j) When laying around a 90-degree corner, a wye and 45-degree bend combination shall be used with the end of the wye constructed as a cleanout.

(k) Cleanouts are required at:

(i) Foundations;

(ii) On private property 2 feet from private property lines;

(iii) For 45 degree or greater direction and/or grade changes; and

(iv) For every 100 feet of sewer pipe.

(l) Reducers or wyes shall be used when changing the sizes of pipe. Pipe size may also be changed at a manhole.

(m) Grafts on four-inch, six-inch or eight-inch pipe shall not be allowed.

(n) A bend must not be used adjacent to a tee or wye at the main sewer but may be used at a length of pipe or more away from the main sewer unless the bend is manufactured as a part of the first length of pipe.

(o) Side sewer shall be laid on not less than two percent nor more than 100 percent grade; shall be not less than 30 inches from any foundation wall of any building, and if there is no foundation wall, not less than 30 inches from the outer lines of any footings, pilings or building supports. Side sewers shall have not less than 30 inches of cover at ditch lines, in paved areas, and at the property line, and 18 inches of cover on the private property. All cover measurements shall be based on the established grade, or on existing improvements, or shall be determined by the Director.

(p) If a side sewer is to be constructed at more than 100 percent grade, or with less than the required minimum cover prescribed in this chapter, the Director may require special plans for the construction to be submitted for his approval, and he may require the use of ductile iron pipe, HDPE, or other material before approving the plan of construction. The wall

thickness of the pipe to be used, and whether it should be encased in concrete or concrete with reinforcing steel, shall be determined by the Director.

(q) All sewer pipes are to be bedded in pea gravel, sand, or pea gravel/sand mix 2-4 inches below & 4-6 inches above.

(r) Whenever it becomes necessary to disturb pavement in connection with any work authorized under this chapter, the opening shall be not less than three feet square; provided, the Director may specify a size of opening and additional cuts to be made when needed to insure a proper backfill. Such pavement disturbances are subject to the fees established in CCC 5.100.245.

(s) No excavation shall be made in any public area except at the times and in the manner prescribed by the Director.

(t) A trash pump is to be on site or immediately available if water is present in the ditch.

(u) No debris shall enter the public sewer at any time. Any such unauthorized use shall constitute a violation.

(v) All work is to be left exposed for inspection pursuant to section 090 of this chapter.

(w) Backfill of excavation and tunnels under concrete or asphalt roadway surfacing and the restoration of these surfaces in public areas shall be accomplished by the contractor as directed by the Director.

(x) Tunnels or excavations under public sidewalks or under driveways in public places may be backfilled by a side sewer contractor; provided, that the material has been approved by the Director, and provided it is tamped in place with a mechanical tamper, in layers of not more than 8 inches loose thickness; except that, within two feet of finish grade the loose thickness layers shall not exceed six inches. The density of all such compaction shall be approved by the Director.

(y) Traffic control shall be the responsibility of the side sewer contractor and subject to the approval of the Director.

(6) Pressurized side sewers. In any building, structure, or premises in which the plumbing outlets are too low in elevation as determined by the Director to permit gravity flow to the public sewer system, wastewater shall be lifted mechanically and discharged into the public sewer. All such pressurized side sewers shall be designed by an authorized side sewer contractor or professional engineer licensed in the State of Washington, and a complete description of the pressure system shall be provided to the County as part of the sewer connection permit required in section 040 above. Information provided shall include:

(a) diameter and materials of all pressurized lines;

(b) pump manufacture, capacity, and rating;

(c) size and location of pumping chamber or reservoir; and

(d) any other information deemed necessary by the Director.

(7) Restoration to original condition. Streets, sidewalks, planting strips and other public areas disturbed or altered in the course of any side sewer work, shall be restored by the authorized side sewer contractor to the original surface condition as approved by the Director; and in the event of the failure of the contractor to so restore the area the Director may make such restoration and charge the cost thereof to the side sewer contractor or property owner who shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area, make immediate payment thereof to the County within 90 days.

(8) Manholes required. In any property served by a side sewer carrying industrial waste, the owner or the occupant shall install a manhole in the side sewer to facilitate observation, sampling and measurement of the wastes, when required by the Director. Such manhole shall be accessible, safely located and shall be constructed and installed in accordance with the plans approved by the Director. The manhole shall be installed and maintained by the owner or occupant at their sole expense.

Section 9. Section 090, Administration and Enforcement, is created to read as follows:

(1) Inspection of work.

(a) Any person performing any work pursuant to the provisions of this chapter shall notify the Department when the work will be ready for inspection and shall specify in such notification the location of the premises by address and the permit number issued pursuant to section 040above.

(b) On any request for inspection 48 hours notice plus Saturday, Sunday and holidays from the date and time of the request for inspection may be required by the Department.

(c) If the Department finds the work performed or materials used not in accordance with the permit, this chapter, and rules and regulations and the County "Standard Plans and Specifications" for side sewer construction as amended, the person doing the work and the owner of the premises shall be notified by posting a notice on or near the permit card. Such posted notice shall be all the notice that is required to be given of the defects in the work or the materials found in such inspection.

(d) The inspection shall include a visual inspection to determine that the side sewer is of tight construction and does not allow infiltration or ex-filtration of water; additional pressure testing may occur at the discretion of the Director. If the County inspector finds that the work and materials used are in accord with this section and the side sewer inspection is satisfactory, approval shall be granted. Upon such approval the trench or sewer within the street area shall be filled or covered in such a manner that no significant settlement shall occur for a period of one year. During this time the filled trench or sewer may be inspected by the County inspector who may order its refilling if at any time it is found that significant settlement has occurred, or that because of defective workmanship or material used, the work is otherwise unsatisfactory.

(e) If the permittee is an authorized side sewer contractor, either the contractor or a competent representative shall be on the premises whenever so directed to meet the inspector. A property owner shall also meet the inspector at a mutually convenient time during regular hours of business when requested.

(f) No trench shall be filled nor any sewer or drain covered until the work has been inspected and approved by the County inspector, and his approval noted on the card posted on the job site.

(g) The County inspector or other County official or employees of the County, bearing proper credentials and identification, may with the consent of the occupant or with the consent of the owner of unoccupied premises or pursuant to a lawfully issued warrant, enter upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing of sewers and sewage waste in accordance with the provisions of this chapter.

(h) The County inspector or other County official or employees of the County, bearing proper credentials and identification, shall be permitted to enter all private properties through

which the County holds a duly negotiated easement agreement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if only on the easement shall be done in full accordance with the terms of the duly negotiated easement agreement pertaining to the private property involved.

(2) Promulgation of additional rules and policies. The Director may make rules and policies and amend them from time to time, not inconsistent with the provisions of this chapter, which are deemed necessary and convenient to carry out the provisions of this chapter.

(3) Violations.

(a) The Director is authorized to post notice on public or private property at or abutting the scene of any violation of this chapter, calling for the terms of this chapter to be complied with, and the notice may require the work to cease if necessary.

(b) It is unlawful for anyone to remove, mutilate, destroy, or conceal any notice issued or posted by the Director or the County inspector pursuant to the provisions of this chapter.

(c) Whoever violates any of the provisions of this chapter shall, in addition to any penalties provided for such violation, be liable for any expense, loss or damage occasioned thereby to the County.

(d) Violation of or failure to comply with the provisions of this chapter or submit an action plan within 30 days of receipt of violation notice shall subject the offender to a fine of \$100.00 each day that any violations or failure to comply exists after 30 days of receipt. Charges to be applied as a lien on the property until work as complete to the satisfaction of the Director as addressed in the violation notice.

(e) If a citation, notice, or order was issued in error, or if penalties were assessed in error, the Director may adjust the penalties assessed. The Director shall document the circumstances under which a decision was made to adjust penalties and such a statement shall become public record unless privileged.

Section 10. Section 100, Developer reimbursement, is created to read as follows:

(1) Purpose. The purpose of this developer reimbursement section is to define the rules and regulations for executing contracts between the County and developers for those portions of public sewer system constructed and paid for by private developers, and to provide a means for partial cost recovery through a charge to later users of the systems who did not contribute to the capital costs thereof, and for establishing assessment reimbursement areas defining which property is subject to such charges.

(2) Definitions. The following definitions shall apply to this section:

(a) "Assessment reimbursement area" or "benefit area" means that area within the Clallam Bay Sekiu UGA, which area includes parcels of real estate adjacent to, or likely to require connection to or service by, the Clallam Bay Sekiu sewer system improvements constructed by a developer who has applied to the County for a developer reimbursement agreement pursuant to this section. The boundary of an "assessment reimbursement area" shall be drawn according to Section 10(4)(a) below.

(b) "Cost of construction" means those costs incurred for permit fees, design, acquisition of right of way and/or easements, labor, materials, and installation required to create an

improvement which complies with County standards. In the event of a disagreement between the County and the developer concerning the "cost of construction" in a particular situation, the determination of the Director shall be final.

(c) "Developer reimbursement agreement" means a written contract between the County, as approved and executed by the Director, and one or more property owners providing for construction of sewer system facilities and for partial reimbursement to the party causing such improvements to be made of a portion of the costs of such improvements by owners of property benefitted by the improvements, as authorized and described in RCW 36.94.190.

(d) "Developer reimbursement charge" or "assessment" means a fair pro rata charge to be paid by an owner of property within an area benefitted by the private construction of public sewer, system improvements pursuant to this section.

(e) "Sewer system improvements or facilities" means the acquisition of rights-of-way and/or easements, design, inspection, and installation of improvements to County standards and includes such things as sewer mains and manholes, pump stations, force mains, and telemetry stations.

(3) Application for developer reimbursement agreement.

(a) Any property owner, who uses private funds to construct sewer system improvements that become the property of the County where the cost of construction is greater than \$20,000.00 to connect to existing Clallam Bay Sekiu sewer for the purpose of serving the area in which the real property of such owner is located, may apply to the County to establish a developer reimbursement agreement in order to recover a pro rata share of the costs from subsequent users of the system.

(b) The application must be on a form prescribed by the Director and must be accompanied by a nonrefundable application fee of \$1,000.

(c) The Director may require the applicant to submit a certified statement by a State of Washington licensed professional engineer containing an itemization of the total projected cost of the system improvements and a copy of the design drawings and specifications.

(d) The Director is authorized to establish policies and procedures for processing applications and determining eligibility of a system for a developer reimbursement agreement consistent with the requirements of this chapter.

(e) Applicants for developer reimbursement agreements must be in compliance with all County ordinances, rules and regulations in order to be eligible for processing of such agreements and must be current with the real estate property taxes owed on any parcel or parcels which are the subject of the proposed developer reimbursement agreement.

(f) A developer reimbursement agreement application shall not be accepted for the improvement of a developer's abutting right of way.

(g) The proposed improvements must be consistent with the Clallam Bay Sekiu general sewer plan.

(h) The County must have the capability and capacity to service the sewer facilities.

(i) The application must comply with the requirements of this chapter and all other applicable County regulations.

(4) Assessment reimbursement area and charge.

(a) The Director shall formulate an assessment reimbursement area (benefit area) based upon a determination of which parcels did not contribute to the original cost of the sewer system improvement(s) and are located within 200 feet of the provided improvements (as measured along the usual or most feasible route of access as determined by the Director).

(b) The Director will determine the assessment or charges for parcels within the assessment reimbursement area by calculating the fair pro rata share of the cost of construction for each property which might be served by the system, and thus within the benefit area, on the basis of acreage.

(c) A notice containing the assessment reimbursement area boundaries, the preliminary assessments or charges, and a description of the property owner's rights and options under this chapter, including the right to request a public hearing before the Clallam County Hearing Examiner with regard to the area boundaries and assessments, will be forwarded by registered mail to the property owners of record as shown on the records of the Clallam County Assessor within the proposed assessment reimbursement area.

(d) If any property owner requests a hearing regarding their inclusion in the proposed benefit area in writing within 20 days of the mailing of the notice, a hearing shall be held before the Clallam County Hearing Examiner. Notice of such hearing shall be given to all affected property owners.

(e) All notice requirements set forth in this chapter shall be the sole responsibility of the applicant and shall be satisfied by a notarized affidavit that the applicant has mailed the notices pursuant to the requirements set forth herein.

(f) After reviewing the public hearing testimony and the preliminary determination of the Director, the Board of County Commissioners may approve, modify, or reject the assessment reimbursement area and/or charges. If a property owner requests a hearing regarding their inclusion in the proposed benefit area, the Clallam County Hearing Examiner's determination shall be final.

(g) The survey or record reflecting the assessment reimbursement area or benefit area shall be recorded with the County Auditor and shall include a listing of all parcels (by tax number) or portions of parcels that are within it.

(5) Implementation of developer reimbursement agreement.

(a) The application for developer reimbursement agreement and the non-refundable application fee shall be submitted to the Director prior to acceptance by the County of the improvements. The application shall be in compliance with the requirements of this chapter and all other applicable County regulations.

(b) After the construction has been completed and accepted by the County in accordance with the terms of the developer reimbursement agreement, the final cost of the improvements shall be reviewed against the preliminary assessments established by the Director and the agreement and charges shall be modified accordingly.

(c) The developer reimbursement agreement, as modified if necessary, and a notice of the agreement and charge shall be recorded in the County Auditor's office within 30 days of the final execution of the agreement. It shall be the sole responsibility of the applicant to record the agreement and notice and pay the applicable filing fees.

(d) The applicant shall send by registered mail a copy of the agreement and notice to each owner of record of all properties subject to the developer reimbursement charge. The applicant shall provide a notarized affidavit that the applicant has mailed the agreement and notice.

(e) Once the agreement and notice are recorded and mailed, the developer reimbursement agreement and charge shall be binding on all owners of record within the assessment reimbursement area.

(6) Rights and non-liability of County. The County reserves the right to refuse to enter into any developer reimbursement agreement or to reject any application thereof. All applicants for developer reimbursement agreements shall be deemed to release and waive any claims for any liability of the County in the establishment and enforcement of such agreements. The County shall not be responsible for locating any beneficiary or survivor entitled to benefits under developer reimbursement agreements. Any collected funds not claimed by a developer prior to the expiration of a developer reimbursement agreement shall inure to the benefit of the Clallam Bay Sekiu sewer system fund.

(7) Term of developer reimbursement agreements. Developer reimbursement agreements shall have an initial term of 15 years from the date of final acceptance by the County. If the developer is fully reimbursed for the cost of the improvements prior to the expiration of the agreement, then further developer reimbursement charges and payments shall not be made. If the developer is not fully reimbursed for the cost of the improvements, the County may extend the term for up to an additional five (5) years upon request of the developer.

(8) Ownership of system.

(a) Upon approval of a developer reimbursement agreement and the completion and acceptance of construction, the system shall become the property of the County. The County may charge and receive fees for utility system use according to the County's established rates.

(b) A copy of the engineering "as built" plans, specifications and drawings, including all necessary rights-of-way and easement documents shall be provided to the County prior to acceptance of the sewer facilities.

(c) No connection to or other use of the facilities will be allowed or permitted until the County has officially accepted the construction.

(9) Defective work. The applicant shall be responsible for all work found to be defective within one year after the date of acceptance of the improvements by the County. The applicant shall provide the County with a "maintenance guarantee bond" or equivalent acceptable to the County in the amount of ten percent of the value of the sewer facilities to be in effect for a period of one year from the date of final approval and acceptance of the facilities. If the applicant does not correct the work within a reasonable period after notice of the defect, the County shall be reimbursed for costs of correcting such defective work either by the applicant or by the bond proceeds.

(10) Connection/use prepayment requirement.

(a) Connection to or use of the facilities shall be prohibited, and development permission shall not be granted unless the County has received payment, or acceptable assurance of payment, of the developer reimbursement charge, including interest and administration costs.

(b) The County will exercise its best efforts to assure compliance with this section; provided, however, that in no event shall the County incur liability for an unauthorized connection to or use of the facilities.

(11) Removal of unauthorized connections. Whenever any connection is made into the sewer facilities without payment being made as required by this chapter, the Director may cause to be removed such unauthorized connection and all connecting pipe located in the County right of way without any liability to the County or County officials.

(12) Interest on developer reimbursement charge.

(a) The beneficiary of a developer reimbursement agreement will receive interest in accordance with the terms of this section.

(b) If the charge is paid within 30 days from the date of execution of the agreement, no interest is payable. Otherwise, interest is payable from the date of execution of the agreement to the date of payment of the developer reimbursement charge.

(c) The rate of interest will be fixed at the Federal Reserve rate for a ten-year Treasury Note on the date the developer reimbursement agreement is recorded.

(d) Interest is calculated on the basis of a 365-day year and is not compounded.

(e) Total interest payable may not exceed the principal amount of the developer reimbursement charge.

(13) Administration costs. The County shall add five percent, but not less than \$20.00 nor more than \$500.00, to each developer reimbursement charge as reimbursement for the County's administration costs.

(14) Payments of developer reimbursement charge.

(a) Each payment of the developer reimbursement charge shall be made to the County in one lump sum including interest and administrative costs. The County will pay over the amounts due to the beneficiary within 60 days of receipt.

(b) When the developer reimbursement fee for a particular lot or parcel has been paid, at the request of the owner/payer the Director will approve a certification of payment which may be recorded by said owner.

(c) Throughout the term of the agreement the person, partnership firm or entity that is the beneficiary of the developer reimbursement agreement shall in writing certify annually in January the name(s) and address(es) of the beneficiary. The County is not responsible for locating any person who may be entitled to benefits under any agreement. Failure to receive the annual certification required under this subsection will give the County cause to refuse to make payment under the agreement, and money received may become the sole and exclusive property of the County and shall be deposited in the Clallam Bay Sekiu sewer operating fund.

Section 11. Section 110, Sewer user fees, is created to read:

(1) Each residential, commercial, industrial and RV hookup, connected to the Clallam Bay Sekiu wastewater collection, treatment and disposal system shall be charged a monthly customer charge per the table found in section 3(6)(d). ERU factor determined by Section 3(6) Table1.

(2) Residential accounts. For residential use properties such as: single family dwellings, Residential complex, RV hookups, the monthly user fee shall be as follows:

(a) Metered water supply:

(i) Base rate: \$51.00 per ERU.

(ii) Consumption rate: \$7.00 per one hundred cubic feet of monthly water use over 700 cubic feet per month.

(b) Un-metered water supply: for those accounts with an un-metered water supply the monthly user fee shall be \$58.80 per ERU.

(3) Commercial use accounts. For commercial use properties served by a single water meter, including Wholesale Accounts, the user fee shall be as follows:

(a) Metered water supply:

- (i) Base rate: \$56.50 per ERU.
 - (ii) Consumption rate: \$7.00 per one hundred cubic feet of monthly water use over 700 cubic feet per month.
 - (b) Un-metered water supply: for those accounts with an un-metered water supply the monthly user fee shall be \$58.80 per equivalent residential unit.
- (4) All properties shall be charged the monthly base rate established in subsections (2) and (3) of section 110 of this chapter starting from the first full month after the date of approval of the associated sewer permit. Usage charges shall go into effect from the date of the approval to cover the side sewer by the County inspector.
- (5) Installation of water meters.
- (a) Property owners with non-consumptive water use (water use such as irrigation that does not result in wastewater being discharged into the sewer system) may at their expense install separate meters for such non-consumptive use. Metered non-consumptive use shall not be used to determine the user fees described in this section. Installation of such meters shall be per the standard of the local utility district. Before installation of non-consumptive flow meters, property owners shall provide the Director the plumbing details and any other information deemed necessary by the Director, sufficient to demonstrate that the non-consumptive uses is separate from the consumptive use.
- (6) Liens authorized for non-payment of user fees.
- (a) To the extent provided by RCW 36.94.150, the delinquent utility charges shall become a lien upon the real property to which the utility services have been provided. The lien shall include those amounts (including the maximum penalty amount and interest rate) provided for under RCW 36.94.150. User fees shall become “delinquent” for the purposes of this section when such fees remain unpaid for 90 days as measured from the date of the bill or invoice which notified the customer of the amount owed by that customer, OR when such user fees greater than or equal to \$300.00 remain unpaid for 30 days as measured from the date of the bill or invoice which notified the customer of the amount owed by that user.
- (b) The Department shall certify periodically the delinquencies to the auditor of the County at which time the lien shall attach.
- (c) The County may, at the County’s sole discretion, file and record a notice of such lien with the office of the County auditor.
- (d) Upon the expiration of 60 days after the attachment of the lien, the County may bring suit in foreclosure by civil action in the Superior Court of the County where the property is located. Costs associated with the foreclosure of the lien, including but not limited to advertising, title report, and personnel costs, shall be added to the lien upon filing of the foreclosure action. In addition to the costs and disbursements provided by statute, the court may allow the County a reasonable attorney's fee. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens.
- (e) The lien shall have priority over all other liens and interest in the real property to the extent provided by the laws of the state.
- (f) Upon payment of all delinquent fees, the County shall notify the property owner of the release of lien. If the lien has been filed with the auditor, the County will file the release of lien with the County auditor.

(g) Upon written proof of economic hardship provided to the Director and sworn to under penalty of perjury pursuant to the laws of this State, the Director may waive and remove any penalty amount and interest accrued from an amount owed the County having the status of “delinquent.”

(h) After not less than two years of usage by a particular customer and timely payments, that customer may seek from the Director to pay the same amount each month (“level payments”) for the next 12 months after the request is made in writing to the Director. The level payment amount to be paid by the customer requesting such payments shall be computed as follows: One Hundred Ten Percent (110%) of the total amount of the last 12 bills generated prior to the request for level bills divided by 12 ($\div 12$), rounded to the next highest dollar. For successive years, the computation will be made annually based on 110% of what the bills would have been for the 12 prior months if a level payment plan had not been in place.

Section 12. Section .112, Repeal of prior fees, is created to read as follows:

The fees set in this chapter supersede any prior fees set by ordinance or resolution, specifically Ordinance No. 914 adopted November 22, 2016, for the administrative services covered herein.

Section 13. Section .112, Repeal of prior fees, is created to read as follows:

If any provision of this chapter is held invalid by a court of competent jurisdiction, the remaining provisions shall remain valid.

Section 14. Section .114, Effective date, is created to read as follows:

This chapter shall take effect (i.e., the effective date shall be) 90 days from adoption of the ordinance codified in this chapter. The existing CCC 13.04 which is repealed and replaced by this ordinance shall remain in full force and effect until the effective date of this new ordinance. The new rates shall take effect upon the first day of the first month following the adoption of the ordinance codified in this chapter.

ADOPTED this _____ day of _____ 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC, Clerk of the Board

Mike French



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AGENDA ITEM SUMMARY

MAY 08 2023

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

Department: Public Works

WORK SESSION ☒ **Meeting Date: May 8, 2023**

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: In October 2020, the court appointed Clallam County as the receiver for the Bullman Beach Water System (BBWS). The Court tasked the county with bringing the system into compliance with state laws.

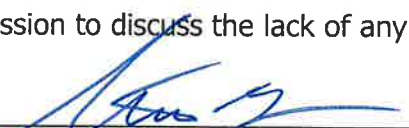
The Washington State Department of Health-Office of Drinking Water conducted a sanitary survey of the BBWS on September 1, 2022. The resulting sanitary survey report contained deficiencies and findings. One of the deficiencies noted was the requirement to install a water filtration system to comply with state and federal treatment requirements for a groundwater system under the influence of surface water. To address this deficiency, the Department requested the Board to issue a notice for a Request for Proposals (RFP) for the final design and construction of a bag filtration water treatment plant for the BBWS. No bids were received by the April 25, 2023, deadline.

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?** ☐

\$160,000 of ARPA funding allocated by the Board for the final design and construction of the water treatment system.

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

No action required. The Board requested scheduling a work session to discuss the lack of any bids received and next steps.

County Official signature & print name: Steve Gray 

Name of Employee/Stakeholder attending meeting: Steve Gray & Joe Donisi

Relevant Departments: Public Works

Date submitted: May 2, 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)



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AGENDA ITEM SUMMARY

MAY 08 2023

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

at 11 a.m.

Department: BOCC

WORK SESSION ☒ **Meeting Date: 5-8-23** at 11 a.m.

REGULAR AGENDA ☐ **Meeting Date:**

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other - Discussion |

Executive summary:

Paul Jewell and Mary Jean Ryan are two of the key architects of a Budget Proviso passed by the legislature this session and awaiting signature by the Governor which would, among other things:

Keep same numbers and language as first version, then conclude with

Paul and Mary Jean will walk the Board through the details of the Proviso and discuss the benefits and drawbacks of various trustland management strategies.

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 of Encumbered Lands Proviso

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Paul Jewell - WSAC

Relevant Departments: Board of Commissioners

Date submitted: 4-26-23

* 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)

Encumbered Lands Proviso 5-8-23
Revised: 3-04-2019



**DEPARTMENT OF
NATURAL RESOURCES**

OLYMPIC REGION
411 TILlicum LANE
FORKS WA 98331

360.374.2800
OLYMPIC.REGION@DNR.WA.GOV
WWW.DNR.WA.GOV

April 14, 2023

Dear Clallam County Commissioners,

I am reaching out regarding a pair of upcoming Department of Natural Resources timber sales in Clallam County that you may have received some concerns from the public about.

The TCB 23 sale is designed in part to create habitat for the endangered Taylor's checkerspot butterfly. Our staff have worked with the Washington Department of Fish and Wildlife to design the harvest unit in a way that will allow DNR to create a large amount of short-term habitat for the butterfly for the next five to seven years. The TCB 23 sale will also allow us to maintain 7 acres of habitat in the long term that we will replant with plants the butterflies use. We will keep invasive species, trees and brush out of that 7-acre area to give the butterflies the best chance to flourish.

For the Power Plant timber sale, much of the footprint of the sale was harvested approximately two decades ago, shortly after DNR first adopted its Habitat Conservation Plan with the U.S. Fish and Wildlife Service and National Marine Fisheries Service. That harvest was designed in an experimental way, and the trees have not responded in the way that our foresters and scientists had expected. By harvesting this area now, it will allow DNR to improve the long-term health and function of these forests by restoring them to a more healthy state.

After the harvests, some areas will be left to grow and others will be replanted so that future generations will benefit from a healthy forest.

For both timber sales, the trails within the harvest areas will either be buffered from harvest activities or the purchaser of the timber sale will be required to rehabilitate any damage done to the trails. Revenue from both sales will benefit the junior taxing districts in Clallam County. It is important to remember that while recreation is an allowed use of State lands it must not interfere with land management activities.

The two sales are currently slated to be brought to the Board of Natural Resources for approval during its June 2023 meeting.

The state trust lands that DNR manages are different than other publicly managed lands. They come with a legal responsibility to generate revenue for their designated beneficiaries, including the counties, schools, hospitals, fire districts, and other critical local services.

As stewards of the state's lands and natural resources, DNR draws upon a variety of staff, including foresters, engineers, geologists, biologists, hydrologists, soil scientists, economists, archaeologists, and others while management activities are planned.

All of the forestlands DNR manages west of the Cascades, including those on the Olympic Peninsula, are managed under the Habitat Conservation Plan with the federal government. The policies in the plan ensure that all timber harvests comply with the Endangered Species Act and the Clean Water Act.

Approximately 50 percent of trust lands in the Olympic Region are currently set aside from harvest for habitat and resource protection.

All DNR-managed forested trust lands are certified under the Sustainable Forestry Initiative® (SFI). Certified forests are grown to an approved set of standards that demonstrate environmentally responsible, socially beneficial, and economically viable management practices. For more information, the SFI website is <https://forests.org/>

If you have any questions about the sales, please do not hesitate to reach out.

Sincerely,



Mona Griswold
Olympic Region Manager
360-374-2800



PORT ANGELES
WASHINGTON, U.S.

321 East Fifth Street
Port Angeles, WA 98362

April 18, 2023

Hilary Franz, Commissioner of Public Lands
cpl@dnr.wa.gov
Office of the Commissioner of Public Lands
MS47001
Olympia, WA 98504-7001

Re: TCB 23 and Power Plant Timber Sales

Dear Ms. Franz,

The City of Port Angeles is requesting that Department of Natural Resources (DNR) delay the planned harvest sales of TCB23 and Power Plant forests and further request that these important stands be evaluated relative to their contribution to the Elwha River Watershed and the protection of steep slopes located between these stands and the river.

Numerous emails from concerned residents have been received by the City related to both TCB 23 and Power Plant cuts; all of these communications have been in opposition of the timber sales for these two sites. We have previously conveyed the critical importance of the Elwha River Watershed to the City of Port Angeles, and it is imperative that DNR take this into consideration prior to proceeding with future sales.

We do appreciate that Olympic Regional Manager Griswold took the time to write to City Council to clarify the intentions of the harvests, however, a number of elements were missing from that letter and from the previously completed State Environmental Policy Act analysis. TCB23 and Power Plant forests are adjacent to the Elwha River and play an important part in watershed restoration. Logging these forests compromises efforts to restore endangered salmon habitat; threatens other endangered and recovering species; destroys essential carbon sinks; and threatens Port Angeles' sole drinking water source.

The City will continue to oppose the State logging in the Elwha River Watershed, until such time that we can proactively and collectively discuss a long-term plan for harvests that protects the river. Delaying these timber sales can provide time to explore forward-thinking solutions compatible with larger-scale Elwha Watershed restoration efforts.

Please understand that the Elwha River is the water source which serves our entire population and over 25% of the county-wide drinking water. I look forward to future conversations on these specific harvests and to working with you on planning for the future of DNR properties within the Elwha River Watershed.

Sincerely,

Nathan A. West
City Manager
City of Port Angeles

CC: City Council
Olympic Region Manager Griswold

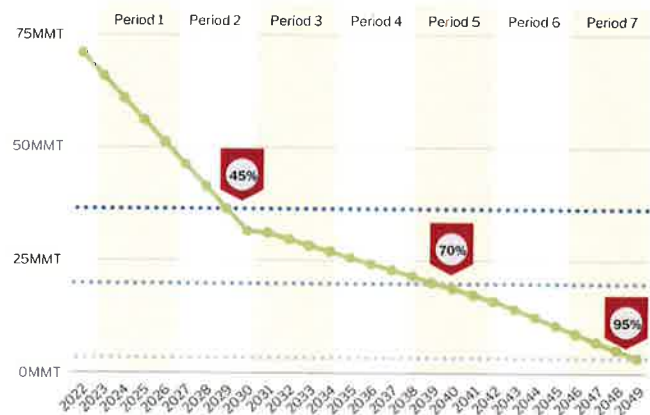
Presentation to the Clallam County Board of County Commissioners

Mary Jean Ryan
May 8th, 2023

Climate Commitment Act of 2021

- Set a total cap on carbon emissions for all anthropogenic activity in the state
- Lowers cap over time to reach net zero emissions by 2050
- Mandates that Washington's biggest polluters buy allowances at quarterly auctions for the carbon they emit
- Invests the raised money into climate and clean energy projects in Washington
- Earmarks at least 35% of that funding for the direct benefit of overburdened communities

Projected Allowance Budgets Over Time
Based on the proportionate reduction in CCA-covered emissions required for Washington to meet its statutory obligation of reducing emissions by 95% by 2050.



Graph from WA Dept of Ecology

Natural Climate Solutions Account

- RCW 70A.65.270
- Created in the state budget by the Climate Commitment Act
- Is "intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity."
- Section VII: "[Money may be allocated to] Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands"

First CCA Auction

Environment

First auction held for 'licenses to pollute' in Washington

KNKX Public Radio | By [Bellamy Pailthorp](#)

Published March 1, 2023 at 2:34 PM PST



The first auction of allowances under the CCA took place on February 28, 2023. It sold all 6,185,222 permits available for \$48.50 each, raising a total of \$300 million, more than had been expected.

First Session with CCA Money

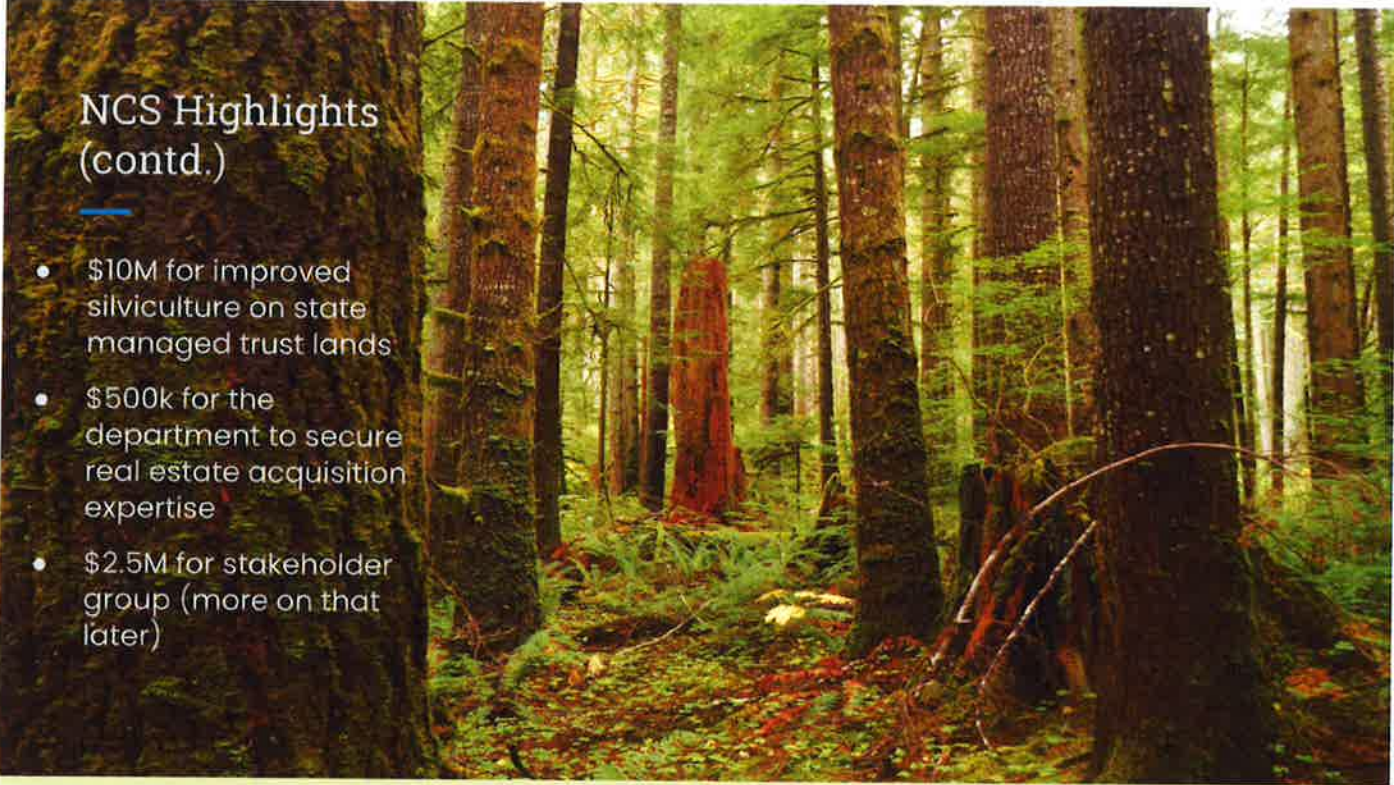
- 2023 was the first year where state could budget CCA money
- Gov. Inslee, in his proposed 2023-25 budget, included over \$208 million total from NCS account
- \$10 million of the Governor's proposal for NCS was for DNR to enhance carbon sequestration on state lands, and support conservation and ecological management of the most carbon-dense, structurally complex forests
- Senate initially proposed a proviso at \$80 million but passed \$83M with amendments
- House initially proposed \$10M but matched Senate at \$83M in the end



NCS Highlights

- Up to 2,000 acres of existing structurally complex, carbon dense forest on state trust lands may be conserved. Counties must approve.
- \$70M is for buying replacement land for the 2000 acres and for encumbered lands in Clallam, Jefferson, Pacific, Skamania, and Wahkiakum counties.





NCS Highlights (contd.)

- \$10M for improved silviculture on state managed trust lands
- \$500k for the department to secure real estate acquisition expertise
- \$2.5M for stakeholder group (more on that later)

Stakeholder Group

- “Comprised of a balanced representation of relevant stakeholders and tribal interests”
- Discuss approaches to management of older, carbon dense, structurally complex forest stands
- Develop an understanding of current timber supply by region
- Explore strategies for sequestration and storage of carbon
- Consider approaches for predictable for beneficiary revenue and economic development in rural counties
- Contract with researchers for additional info on wood supply by region and carbon accounting including in forest and in wood products.
- Submit report to legislature by December 1, 2023

Reporting and Deadlines

- Progress Report due from DNR to legislature on December 1, 2023
- Stakeholder Group findings also due December 1, 2023
- Preliminary ID of the 2,000 acres due to BNR by December 31, 2023



Tools in the Toolbox



County in the Driver's Seat

Reconveyance

- Counties may request the state reconvey trust lands originally conveyed by counties to the state. Must be for use as parks (RCW 79.22.300, 1969)
- Proposed use must be consistent with State Comprehensive Outdoor Recreation Plan (SCORP)
- DNR evaluates proposal and presents recommendation to BNR



Reconveyance Example #1: Whatcom

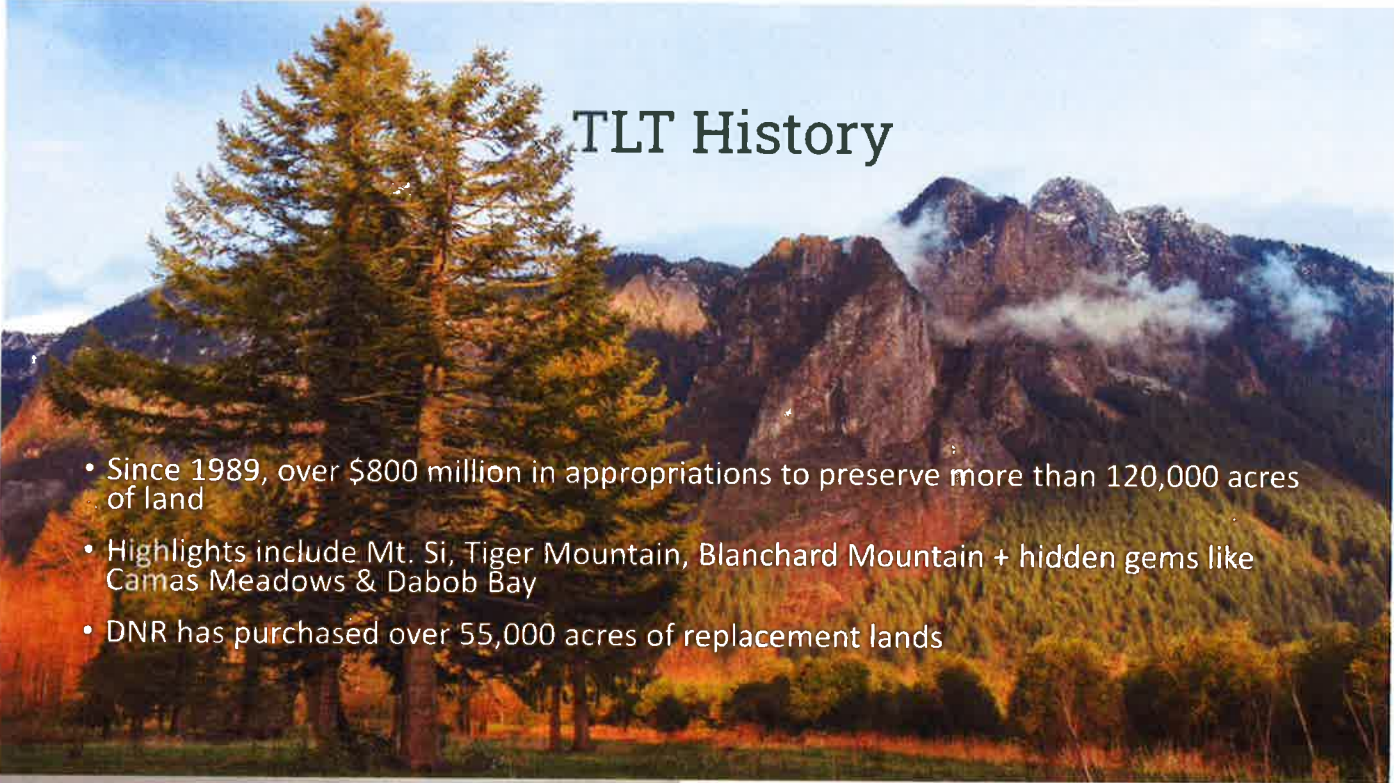
- In January 2014, Whatcom County took title to 8,844 acres of State Forest Trust lands from the DNR
- This land would become the Lookout Mountain Forest Preserve and Lake Whatcom Park
- The park and preserve contain a total of over 90 miles of trails



Reconveyance Example #2: Kitsap

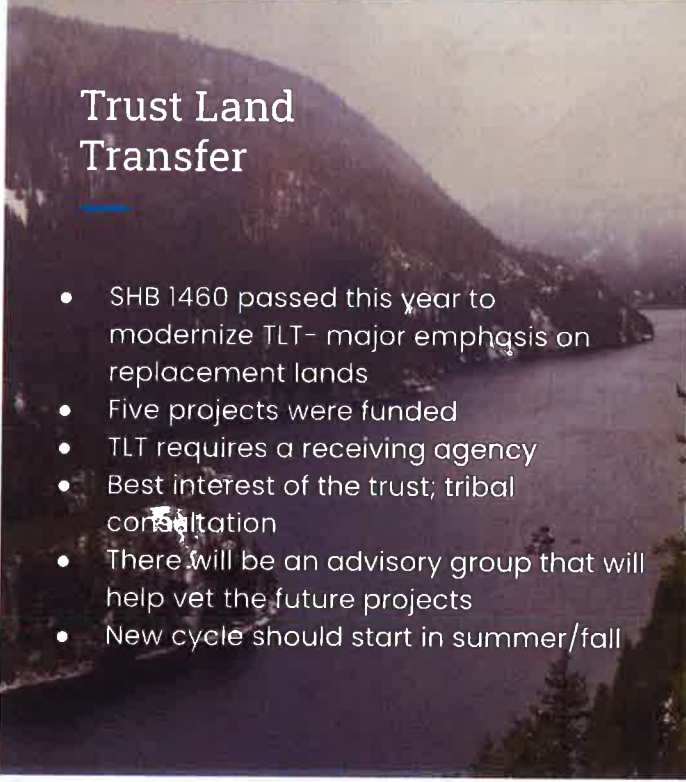
- In 2011, Kitsap County took title to 315 acres of State Forest lands from the DNR
- This land would become part of the Newberry Hill Heritage Park
- This section of the park is also home to outdoor classrooms adjacent to a nearby school





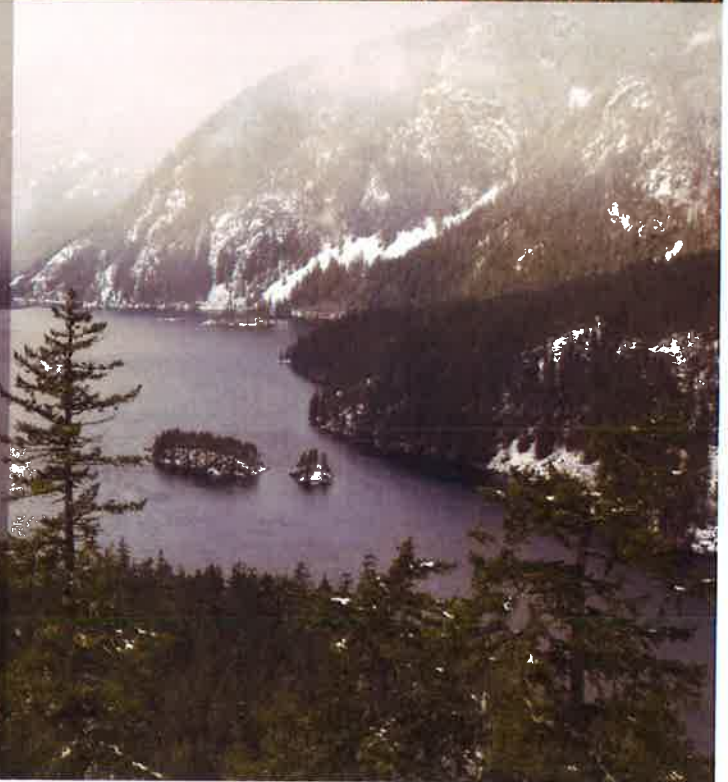
TLT History

- Since 1989, over \$800 million in appropriations to preserve more than 120,000 acres of land
- Highlights include Mt. Si, Tiger Mountain, Blanchard Mountain + hidden gems like Camas Meadows & Dabob Bay
- DNR has purchased over 55,000 acres of replacement lands



Trust Land Transfer

- SHB 1460 passed this year to modernize TLT- major emphasis on replacement lands
- Five projects were funded
- TLT requires a receiving agency
- Best interest of the trust; tribal consultation
- There will be an advisory group that will help vet the future projects
- New cycle should start in summer/fall



Forest Conservation Mechanisms

	Natural Climate Solutions	Trust Land Transfer	Reconveyance
Purpose	Increase carbon storage and sequestration on state forest lands. This was adopted by proviso in the state capital budget. Subject to the CCA/NCS statute.	Repositioning underperforming assets- buying replacement lands. Legislation codifying TLT just passed, SHB 1460.	Support County open space objectives. RCW 84.34.065
Opportunity	Conserve 2000 acres of structurally complex, carbon dense forests. Also potential for replacing some encumbered lands.	Can help conserve forests with high conservation and/or recreation value. Eglon Forest near Kingston and Devil's Lake near Quilcene are two good examples.	Counties can take back lands that the state has been managing for them at no cost. Lands have to be managed for open space /community recreation purposes. Thinning for forest health is allowed and revenue can be obtained from the timber harvested. Kitsap, for example uses that revenue to support its operating costs for the open space.
Process	Counties must approve the acreage that is part of the 2000. DNR will run a process. Preliminary identification by December 31- report to the BNR.	Projects get nominated and then are vetted by DNR and advisory. Approved by the BNR. Funded by the legislature. Must be a willing receiving agency to take the land being removed from the Trust. Often it is DNR's Natural Area Program. Must pass the "Best Interest of the trust test". Tribal consultation is emphasized. The new law- 1460- just passed so watch for new program guidance from DNR.	Counties file a reconveyance request with DNR. BNR approves. Can be used for small acreage or very large areas.
Beneficiary Benefits	Replacement land of equal value. If the 2000 acres is transferred to a NAP/NRCA, PILT payments should apply.	Replacement lands are purchased. In 1460 a new option is created for transfers involving state forest lands where counties are the beneficiaries. Counties can request a portion of the timber value be provided in cash rather than all the value being put into replacement land.	As community needs change, this offers a way to redeploy forests for purposes other than for timber harvest.



SPECIAL MEETING AGENDA

BOARD of CLALLAM COUNTY COMMISSIONERS

BOARD OF EQUALIZATION HEARINGS

223 East 4th Street, Room 160
Port Angeles, Washington
May 8, 2023 – 2 p.m.

Board of Clallam County Commissioner meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

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

Public comment can be directed to the Clerk of the Board at 360-417-2256 or Loni.Gores@clallamcountywa.gov

CALL TO ORDER, ROLL CALL

DISCUSS AND DETERMINE FINAL DISPOSITION

This Special Meeting is being held to discuss and determine the final disposition of the Board of Equalization board order recommendations forwarded by the Board of Equalization Hearing Examiners to the Board of Commissioners pursuant to RCW 84.48.014. Final action will be taken at the meeting on the following:

2022-108	Michalson
2022-145	Rankin
2022-181	Petersen
2022-220	Bridge/Argersinger
2022-197	Vanwormer
2022-198	Vanwormer
2022-199	Vanwormer
2022-200	Vanwormer
2022-201	Vanwormer
2022-202	Vanwormer
2022-203	Vanwormer
2022-204	Vanwormer
2022-155	Westport, LLC
2022-59	Slezak
2022-48	Ralston
2022-123	Scharf
2022-124	Scharf
2022-138	Windle
2022-172	Reandeau, Jr.
2022-173	Reandeau
2022-192	Deam Trust
2022-13	Interfor US Inc.
2022-45	Interfor US Inc.
2022-81	Port Angeles Hardwood, LLC
2022-82	Port Angeles Hardwood, LLC

Corrections from May 1, 2023:

2022-185	Whittall
2022-170	C.H.I. Port Angeles, LLC



SPECIAL MEETING NOTICE CLALLAM COUNTY BOARD OF COMMISSIONERS

PUBLIC NOTICE

Pursuant to RCW 42.30.080, the Board of Commissioners will be calling a Special Meeting on Monday, May 8, 2023 at 2 p.m. in the Commissioners Meeting Room, 223 East 4th Street, Port Angeles, Room 160. The meeting will be held in person and virtually by Zoom.

To participate by Zoom:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

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2022-200	Vanwormer
2022-201	Vanwormer
2022-202	Vanwormer
2022-203	Vanwormer
2022-204	Vanwormer
2022-155	Westport, LLC
2022-59	Slezak
2022-48	Ralston
2022-123	Scharf
2022-124	Scharf
2022-138	Windle
2022-172	Reandeau, Jr.
2022-173	Reandeau
2022-192	Deam Trust
2022-13	Interfor US Inc.
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2022-82	Port Angeles Hardwood, LLC

Corrections from May 1, 2023:

2022-185	Whittall
2022-170	C.H.I. Port Angeles, LLC



AGENDA ITEM SUMMARY

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

Department: BOE/BOCC

SPECIAL MEETING ☒ **Meeting Date:** May 8, 2023 @ 2:00 p.m.

Item summary:

- | | |
|---|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Special Meeting to discuss and determine final disposition of the Board of Equalization Board Order recommendations forwarded by the Board of Equalization Hearing Examiners for: April 19 and April 26, 2023.

Make correction for the record for March 29, 2023 Petition Number 2022-185 and April 12, 2023 Petition Number 2022-170 which were previously approved at the May 1, 2023 Board of Equalization Special Meeting.

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?)

Determine final disposition of Board Order recommendations for April 19 and April 26, 2023 and correct two petitions from the May 1, 2023.

County Official signature & print name: Chelsea Reynolds Chelsea Reynolds

Name of Employee/Stakeholder attending meeting: Chelsea Reynolds and Rachel Weed

Relevant Departments: BOE/BOCC

Date submitted: 5/2/2023

* 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)



Clallam County Board of Equalization

223 E. 4th St., Room 160
Port Angeles, Washington

Hearing Date	Petition Number	Name	Property ID	Recommendation
4/19/2023	2022-108	Michalson	13237	Sustain
4/19/2023	2022-145	Rankin	80916	Sustain
4/19/2023	2022-181	Petersen	13239	Sustain
4/19/2023	2022-220	Bridge/Argersinger	84074	Sustain
4/19/2023	2022-197	Vanwormer	44799	Sustain
4/19/2023	2022-198	Vanwormer	44799	Sustain
4/19/2023	2022-199	Vanwormer	44799	Sustain
4/19/2023	2022-200	Vanwormer	44799	Sustain
4/19/2023	2022-201	Vanwormer	44799	Sustain
4/19/2023	2022-202	Vanwormer	44799	Sustain
4/19/2023	2022-203	Vanwormer	44799	Sustain
4/19/2023	2022-204	Vanwormer	44799	Sustain
4/19/2023	2022-155	Westport, LLC.	70393	Sustain
4/26/2023	2022-59	Slezak	37046	Overrule Original Determination and Accept Revised Determination
4/26/2023	2022-48	Ralston	70510	Overrule Original Determination and Accept Revised Determination
4/26/2023	2022-123	Scharf	36473	Sustain
4/26/2023	2022-124	Scharf	53543	Sustain
4/26/2023	2022-138	Windle	4656	Overrule Original Determination and Accept Revised Determination
4/26/2023	2022-172	Reandean Jr.	83141	Overrule Original Determination and Accept Revised Determination
4/26/2023	2022-173	Reandean	82769	Sustain
4/26/2023	2022-192	Deam Trust	41324	Sustain
4/26/2023	2022-13	Interfor US Inc.	72849	Sustain
4/26/2023	2022-45	Interfor US Inc.	12114	Sustain
4/26/2023	2022-81	Port Angeles Hardwood LLC	68592	Sustain
4/26/2023	2022-82	Port Angeles Hardwood LLC	78372	Sustain

****Corrections to be made from May 1, 2023 Special Meeting**

3/29/2023	2022-185	Whittall	25326	Sustain
4/12/2023	2022-170	C.H.I. Port Angeles, LLC.	84774	Sustain

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Martin and Mary Michalson

Petition Number: 2022-108

Property ID(s): 13237

Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 564,300	Land	\$ 564,300
Buildings	\$ 69,211	Buildings	\$ 69,211
Total Value	\$ 633,511	Total Value	\$ 633,511

Petitioner: Martin and Mary Michalson

Hearing date: April 19, 2023

Property location: 310 N. Diamond Shore Lane, Sequim

Property description: Park model RV on a 0.127-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 633,511

Assessor's recommended value: \$ 633,511

Petitioner's estimate of value: \$ 192,961

Assessor's Response prepared by: Micki McFall

Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Martin Michalson
Appraiser(s): Micki McFall & Lee Hancock
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Email from local Remax agent
- Plat map of Diamond Point First Addition
- Web map of subject property
- Letter from the Clallam County Department of Community Development dated November 10, 2003
- Letter to the Board of Equalization dated March 21, 2023
- Map of comparable properties

Assessor's Response:

- Appraiser summary
- Comparable sales grid
- Map of the subject property and comparable sales

Petitioner's comments:

Mr. Michalson believes that Diamond Point is a unique area. He stated their lot is one of the smallest lots, long but very shallow. He also noted there is a 399 square foot Park model RV that has been there for 20 years. He doesn't believe the comparable sales Ms. McFall provided should be considered when valuing his property. He noted the comparable properties have larger lots, large homes, and garages. One comparable property had a 140-foot depth compared to his 99 feet of depth. He explained it is only recreational use and he would not be able to live there year-round, but others can.

Mr. Michalson mentioned his neighbor paid over one million dollars for his home. Mr. Michalson said he asked him what he thought the value of the subject property would be and he was told \$475,000. Mr. Michalson explained that the number came from a real person who just went through the process, so he would know value and know what he's purchasing. Mr. Michalson felt this showed a true, real-world appraisal.

Assessor's comments:

Ms. McFall addressed the comparable sales she used. She explained she used beach front properties in the immediate neighborhood and did try to use properties that were minimally developed. She also addressed the conversation with the neighbor who purchased comparable number four. She explained mass appraisal, how they must consider many sales. One sale won't establish the market value. She also explained that no two properties are identical, and they adjust for the differences.

Ms. Mc Fall stated the property was valued based on its current use. She explained during the mass appraisal process for beach front footage property in the Diamond Point area, a lower rate per front foot was used for the properties that have shallow depth. She said they did take into consideration a smaller building envelope.

Ms. McFall said she spoke with a qualified planner in the Clallam County Department of Community Development, and noted any improvement would need to follow the Shoreline Critical Area zoning and

other requirements. She said she didn't find any evidence the subject property is unbuildable.

Petitioner's comments:

Mr. Michalson addressed the comparable Ms. McFall provided as number four, and noted they don't have their own septic system and drain field. That wasn't taken into consideration when building the lot.

Assessor's comments:

Ms. McFall responded by saying when the park model goes away or ages out, the value would be adjusted. She believes the existing utilities in place would not have to be removed or taken out. If they did, they would make that adjustment at that time. She stated the property is valued as it is in its current use.

Questions from the Board:

The Board asked if the Assessor could explain adjustments.

Ms. McFall explained the individual characteristics and land size are added or subtracted to allow for the differences between the value of the subject property and the sales of comparable properties.

The Board asked when the last time a physical inspection was done.

Ms. McFall said it was about two to three years ago.

The Board asked if the subject property was undervalued in 2021.

Ms. McFall said it was.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

NOTICE

This order can be appealed to the State Board of Tax Appeals by filing a notice of appeal with them at PO Box 40915, Olympia, WA 98504-0915, within thirty days of the date of mailing of this order. The Notice of Appeal form is available from either your county assessor or the State Board.

To ask about the availability of this publication in an alternate format for the visually impaired, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Robert and Gayle Rankin

Petition Number: 2022-145

Property ID(s): 80916

Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

<u>Assessor's True and Fair Value Determination</u>		<u>BOE True and Fair Value Determination</u>	
Land	\$ 225,000	Land	\$ 225,000
Buildings	\$ 637,423	Buildings	\$ 637,423
Total Value	\$ 862,423	Total Value	\$ 862,423

Petitioner: Robert and Gayle Rankin

Hearing date: April 19, 2023

Property location: 111 S. Diamond Shore Lane, Sequim

Property description: Single family residence on a 0.89-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 862,423

Assessor's recommended value: \$ 862,423

Petitioner's estimate of value: \$ 635,000

Assessor's Response prepared by: Micki McFall

Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Robert Rankin
Appraiser(s): Micki McFall & Lee Hancock
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Letter to the Board of Equalization
- Map
- Critical area study completed by Loggy Soil and Wetland Consulting
- Six photographs of views around the subject property

Assessor's Response:

- Appraiser summary
- Comparable sales grid
- Map of the subject property and comparable sales
- Sales adjustment for time calculation
- Cost approach

Petitioner's comments:

Mr. Rankin stated that his lot is a 0.89-acre parcel, but 0.38-acres is classified as wetland. He said because it's a steep slope, it is unusable. He also noted he can't get to it from the beach road.

Mr. Rankin addressed the comparable Ms. McFall provided as sale number three, and noted it has a good marine view, 0.46-acre, and valued at \$87,500. He said his land is valued at \$225,000. He explained the comparable properties don't have views that would ever be compromised. His property has views that are compromised by taller homes being built.

Mr. Rankin stated that his garage is 1,136 square feet. He explained the shop is 416 square feet and is the only finished, heated part. The rest of the garage is 720 square feet, not finished, not insulated, and not heated. He believes the Assessor made an error when marking it finished.

Mr. Rankin also mentioned the bathroom which the Assessor valued at \$6,120. He said he built the bathroom himself for no more than \$350.

Assessor's comments:

Ms. McFall addressed the petitioner's concern with the parcel and said they do take individual characteristics into consideration. They use different rates based on those characteristics. She also addressed the different views and noted they tried to pick comparable sales with similar views.

Ms. McFall addressed the concern with the garage and explained they don't go inside homes, so they try to do the best they can with the information they have. She said she'd be willing to come to the subject property and make any corrections if need be.

Questions from the Board:

The Board asked if the Assessor could explain marine views.

Ms. McFall explained they go by mass appraisal and aren't walking around the whole subject property.

When they do go out during the six-year cycle, it may be in the fall and winter, so it may be challenging to verify a view. The Assessor does try to update the view during that six-year cycle. As far as marine views, especially in an area like Diamond Point, they can see if views have been obstructed. They can then make adjustments with the rates they use.

The Board asked if the Assessor could explain valuation of building costs versus market value.

Ms. McFall explained that building costs do not equal sales market value. She said the amount of money used to build something; it doesn't mean it will adjust the value by the same amount. They also take into consideration time. As time goes by building costs fluctuate and change and the real estate market also changes.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

NOTICE

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Peggy Petersen
Petition Number: 2022-181
Property ID(s): 13239
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 612,750	Land	\$ 612,750
Buildings	\$ 88,724	Buildings	\$ 88,724
Total Value	\$ 701,474	Total Value	\$ 701,474

Petitioner: Peggy Petersen
Hearing date: April 19, 2023
Property location: 280 N. Diamond Shore Lane, Sequim
Property description: Park model on shallow lot with 130 feet of beach front
Purchase price, date: Not provided
Assessor's value for current tax year: \$ 701,474
Assessor's recommended value: \$ 701,474
Petitioner's estimate of value: \$ 375,000
Assessor's Response prepared by: Micki McFall
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Peggy Petersen
Appraiser(s): Micki McFall & Lee Hancock
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Letter to the Board of Equalization dated November 20, 2022
- Appraisal report of 300 N. Diamond Shore Lane dated July 31, 2020
- Site Registration On-Site Sewage Construction permit dated October 2, 1998
- Photo of the park model
- Bill of sale of the park model

Assessor's Response:

- Appraiser summary
- Comparable sales grid
- Map of the subject property and comparable sales
- Cost approach

Petitioner's comments:

Ms. Petersen began by saying the subject property is recreational use only. She mentioned a neighbor had an assessment that came in at \$325,000 a couple of years ago. She noted the septic system is only for an RV and doesn't see how there can be a variance. It won't work for a permanent house. She said there's a drainage easement that may make it hard to build anything on the subject property.

Assessor's comments:

Ms. McFall explained they try to value the property with its current recreational use with minimal improvements. She said they don't have any indication there's a requirement for the petitioner to remove the existing improvements that are on site. As they age out, they would apply depreciation for age, time, and wear. If they were removed, they would remove the improvement value for those items. She noted the shallower lots have limitations with minimal or no building envelopes. She said she did speak with a qualified planner in the Clallam County Community Development Department and found historically the shallow lots have been allowed variances.

Ms. McFall addressed the appraisal report that was submitted. She is not able to use it due to copyright issues and the scope of work was done for an estate value.

Questions from the Board:

The Board asked if the subject property was undervalued in prior years and why.

Ms. McFall said the land was undervalued in prior years. She explained there are pockets of the county that have minimal number of sales, so it can be difficult to have sufficient data to adjust values up to 100 percent of market value which is what they are required to do. She said the chief appraiser is the one who does the statistical analysis and will be conservative when the annual factors are applied. During the six-year cycles when they physically inspect the properties, they will make sure to update the

characteristics to what they're seeing on the property.

The Board asked when the last physical inspection was.

Ms. McFall said they started in the fall of 2019 and into 2020.

The Board asked if it's common during the physical inspection year for assessments to rise.

Ms. McFall explained the annual factors are applied every year. Changes can be seen every year due to the real estate market. On the six-year cycle, more adjustments are being made on the characteristics.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF CURRENT USE DETERMINATION**

Property Owner: Joseph Bridge and Lisa Argersinger
Petition Number: 2022-220
Property ID(s): 84074
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

Sustains the determination of the Assessor to remove the one acre home site from the agricultural classification

Petitioners: Joseph Bridge and Lisa Argersinger

Hearing date: April 19, 2023

Property location: 142 Towne Road, Sequim

Property description: Farm on a 3.49-acre parcel

Assessor's Response prepared by: Pamela McCarter

Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Joseph Bridge
Appraiser(s): Pam Rushton & Pam McCarter
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- A recorded document of the Notice of Removal of Current Use Classification and Additional Tax Calculations Chapter 84.34 RCW Clallam County dated January 18, 2023
- The petitioner also submitted late evidence on March 28th, which was not 21 business days prior to the hearing. That evidence consisted of a 2008 Notice of Continuance Land Classified as Current Use or Forest Land Chapter 84.34 and 84.33 RCW

Assessor's Response:

- Assessor's response
- The Assessor submitted late evidence on April 12, 2023 in response to the late evidence submitted by the petitioner on March 28th, 2023. Assessor's Answer to the petition appealing Current Use or Designated Forest Land Assessment Valuation or Removal from Current Use Classification or Forest Land Designation.

Petitioner's comments:

Mr. Bridge began by giving an overview of the subject property. He stated that in 2011 he placed a trailer on the property close to the stand for their farmer worker to help with the stand and help reduce theft. Mr. Bridge explained that the subject property which constitutes the farm he owns is currently being leased to another farmer since 2015. He explained that the produce that has been produced on the farm is sold to local businesses.

He stated that the Notice of Continuance from 2008 was thought to be clear but was shocked to find out they were not in compliance when they received their letter from the Assessor's Office in late 2022. Mr. Bridge reviewed the Notice of Continuance and outlined his opinion of understanding of what was agreed upon.

Mr. Bridge questioned the Assessor on why the trailer was classified as a mobile home as the trailer is on wheels with skirting around it and it is employee housing.

Assessor's comments:

Ms. Rushton began by explaining having a mobile home for an employee working on a farm must be on a farm of 20 or more acres. She stated that due to the farm acreage being less than 20, the property does not qualify as being able to have a home for employees on the site.

She stated that due to the mobile home being hooked up to permanent utilities and skirting around the mobile home has lost its mobility as being classified as a trailer and is now considered a home site. Due to the mobile home being considered a home site, the law is very strict that home sites have a standard one-acre parcel thus explaining the removal of the one-acre parcel from the farm and agricultural land.

Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the removal of the one-acre home site from agriculture tax classification was erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the Assessor was correct in removing the one-acre home site from the agricultural classification.

Therefore, the Board sustains the Assessor's decision.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-197
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
(with daughter Sarah Salazar-Tipton)
Appraiser(s): Pam Rushton, Pam McCarter, Stacey
Gregson & Matt Gomez
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Exhibit A – letter from petitioner
- Item 1 – 12 pgs multiple documents referring to American General Annuity Service Corporation
- Item 2 – U.S. Code 104
- Item 3 – WAC 458-16A-110
- Item 6 – 2022 Corrected Property Tax Statement printed July 27, 2022
- Item 4 – letter from the Assessor's office dated June 8, 2022
- Item 10 – letter from the Assessor's office dated October 7, 2022

- Letter dated March 20, 2023 from Waterfront CPA Group
- 3 page timeline for 2022
- Item 15 - 2022 Corrected Property Tax Statement printed November 3, 2022
- Receipt of payment to the Treasurer's office dated November 3, 2022
- Item 4A – Renewal application for Senior Citizen Exemption dated June 24, 2022
- Item 4B – disposable income/combined disposable income form
- #7 – email from the Department of Revenue
- Item 5 – letter from the Assessor's office dated June 29, 2022
- Item 4C - Renewal application for Senior Citizen Exemption dated September 23, 2022.

Assessor's Response:

- 3-page Assessor's Response

Petitioner's comments:

Ms. Vanwormer stated she receives a structured settlement for injury damages she received in an accident. She had been receiving it for thirteen years and mentioned she started the exemption in 2012. She explained the settlement is paid by an annuity but is not considered income because it falls under the umbrella of settlement damages which deals with different IRS and WAC codes. She was told in 2012 that she did not have to include settlement on the disposable income worksheet, but ended up putting it on there as she was told it wouldn't make a difference. In 2015, she was asked about it again. Someone from the Assessor's office made an appointment with the Department of Revenue and they spoke about it and was again told she did not have to include it. She believes it does not count as income or annuity income.

Ms. Vanwormer expected the same result this year, and said she was told she didn't have to include it again. She then received a pink Treasurer's notice saying she owed more for 2022 taxes. She met with Ms. Rushton and she was told it was entered as annuity income.

Ms. Vanwormer goes over some of the WAC's and RCW's she provided.

Ms. Vanwormer noted the federal codes are for federal income tax only but believes that to be a mix up because it's not taxable or non-taxable income, so it doesn't have any tax consequences.

Assessor's comments:

Ms. Rushton noted the annuity affects all the years Ms. Vanwormer is appealing. She said they didn't receive all the income information prior to 2021, and if they had that information, she may still qualify at a three level. She also explained they were never given the information when Ms. Vanwormer started collecting Social Security.

Ms. Rushton explained that Ms. Vanwormer is correct in explaining the federal code versus state code regarding annuities. The federal code does not count annuities in gross income. The state code adds it back in as it is a periodic payment. They have asked for clarification from the Department of Revenue, along with attorneys at the state level. She explained they are following state law rules and adding the annuity back in based on the way it's written. She also noted the information given to them from the CPA refers to federal code not state code. She said the petitioner still qualifies on an upper level on the years the information was provided.

Ms. Rushton explained in 2015, Ms. Vanwormer did not put the annuity on there, so they assumed it was gone. She also noted the petitioner started collecting Social Security, but the information wasn't provided when they asked and has never been received. She said it's a self-reporting system, so when there are changes in one's life that may affect their levels, a taxpayer is required by law to bring that information forward.

Questions from the Board:

The Board asked about periodic payments.

Ms. Rushton said periodic payments are a definition on how they would define an annuity.

The Board asked the Assessor to explain the different levels of qualifications.

Ms. Rushton explained if income is under \$40,000 then that would be Level 3 which the petitioner may be at right now. If income is under \$35,000 then it would be Level 2 and Level 1 is \$30,000. She explained Level 2 and Level 1 have a portion of value removed for tax purposes. At Level 3, excess levies are removed.

Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented the appropriate income evidence to qualify for the Senior Exemption at this time.

Therefore, the Board sustains the Assessor's decision.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-198
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
(with daughter Sarah Salazar-Tipton)
Appraiser(s): Pam Rushton, Pam McCarter, Stacey Gregson & Matt Gomez
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Exhibit A – letter from petitioner
- Item 1 – 12 pgs multiple documents referring to American General Annuity Service Corporation
- Item 2 – U.S. Code 104
- Item 3 – WAC 458-16A-110
- Item 6 – 2022 Corrected Property Tax Statement printed July 27, 2022
- Item 4 – letter from the Assessor's office dated June 8, 2022
- Item 10 – letter from the Assessor's office dated October 7, 2022

- Letter dated March 20, 2023 from Waterfront CPA Group
- 3 page timeline for 2022
- Item 15 - 2022 Corrected Property Tax Statement printed November 3, 2022
- Receipt of payment to the Treasurer's office dated November 3, 2022
- Item 4A – Renewal application for Senior Citizen Exemption dated June 24, 2022
- Item 4B – disposable income/combined disposable income form
- #7 – email from the Department of Revenue
- Item 5 – letter from the Assessor's office dated June 29, 2022
- Item 4C - Renewal application for Senior Citizen Exemption dated September 23, 2022.

Assessor's Response:

- 3-page Assessor's Response

Petitioner's comments:

Ms. Vanwormer stated she receives a structured settlement for injury damages she received in an accident. She had been receiving it for thirteen years and mentioned she started the exemption in 2012. She explained the settlement is paid by an annuity but is not considered income because it falls under the umbrella of settlement damages which deals with different IRS and WAC codes. She was told in 2012 that she did not have to include settlement on the disposable income worksheet, but ended up putting it on there as she was told it wouldn't make a difference. In 2015, she was asked about it again. Someone from the Assessor's office made an appointment with the Department of Revenue and they spoke about it and was again told she did not have to include it. She believes it does not count as income or annuity income.

Ms. Vanwormer expected the same result this year, and said she was told she didn't have to include it again. She then received a pink Treasurer's notice saying she owed more for 2022 taxes. She met with Ms. Rushton and she was told it was entered as annuity income.

Ms. Vanwormer goes over some of the WAC's and RCW's she provided.

Ms. Vanwormer noted the federal codes are for federal income tax only but believes that to be a mix up because it's not taxable or non-taxable income, so it doesn't have any tax consequences.

Assessor's comments:

Ms. Rushton noted the annuity affects all the years Ms. Vanwormer is appealing. She said they didn't receive all the income information prior to 2021, and if they had that information, she may still qualify at a three level. She also explained they were never given the information when Ms. Vanwormer started collecting Social Security.

Ms. Rushton explained that Ms. Vanwormer is correct in explaining the federal code versus state code regarding annuities. The federal code does not count annuities in gross income. The state code adds it back in as it is a periodic payment. They have asked for clarification from the Department of Revenue, along with attorneys at the state level. She explained they are following state law rules and adding the annuity back in based on the way it's written. She also noted the information given to them from the CPA refers to federal code not state code. She said the petitioner still qualifies on an upper level on the years the information was provided.

Ms. Rushton explained in 2015, Ms. Vanwormer did not put the annuity on there, so they assumed it was gone. She also noted the petitioner started collecting Social Security, but the information wasn't provided when they asked and has never been received. She said it's a self-reporting system, so when there are changes in one's life that may affect their levels, a taxpayer is required by law to bring that information forward.

Questions from the Board:

The Board asked about periodic payments.

Ms. Rushton said periodic payments are a definition on how they would define an annuity.

The Board asked the Assessor to explain the different levels of qualifications.

Ms. Rushton explained if income is under \$40,000 then that would be Level 3 which the petitioner may be at right now. If income is under \$35,000 then it would be Level 2 and Level 1 is \$30,000. She explained Level 2 and Level 1 have a portion of value removed for tax purposes. At Level 3, excess levies are removed.

Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented the appropriate income evidence to qualify for the Senior Exemption at this time.

Therefore, the Board sustains the Assessor's decision.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-199
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
(with daughter Sarah Salazar-Tipton)
Appraiser(s): Pam Rushton, Pam McCarter, Stacey
Gregson & Matt Gomez
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Exhibit A – letter from petitioner
- Item 1 – 12 pgs multiple documents referring to American General Annuity Service Corporation
- Item 2 – U.S. Code 104
- Item 3 – WAC 458-16A-110
- Item 6 – 2022 Corrected Property Tax Statement printed July 27, 2022
- Item 4 – letter from the Assessor's office dated June 8, 2022
- Item 10 – letter from the Assessor's office dated October 7, 2022

- Letter dated March 20, 2023 from Waterfront CPA Group
- 3 page timeline for 2022
- Item 15 - 2022 Corrected Property Tax Statement printed November 3, 2022
- Receipt of payment to the Treasurer's office dated November 3, 2022
- Item 4A – Renewal application for Senior Citizen Exemption dated June 24, 2022
- Item 4B – disposable income/combined disposable income form
- #7 – email from the Department of Revenue
- Item 5 – letter from the Assessor's office dated June 29, 2022
- Item 4C - Renewal application for Senior Citizen Exemption dated September 23, 2022.

Assessor's Response:

- 3-page Assessor's Response

Petitioner's comments:

Ms. Vanwormer stated she receives a structured settlement for injury damages she received in an accident. She had been receiving it for thirteen years and mentioned she started the exemption in 2012. She explained the settlement is paid by an annuity but is not considered income because it falls under the umbrella of settlement damages which deals with different IRS and WAC codes. She was told in 2012 that she did not have to include settlement on the disposable income worksheet, but ended up putting it on there as she was told it wouldn't make a difference. In 2015, she was asked about it again. Someone from the Assessor's office made an appointment with the Department of Revenue and they spoke about it and was again told she did not have to include it. She believes it does not count as income or annuity income.

Ms. Vanwormer expected the same result this year, and said she was told she didn't have to include it again. She then received a pink Treasurer's notice saying she owed more for 2022 taxes. She met with Ms. Rushton and she was told it was entered as annuity income.

Ms. Vanwormer goes over some of the WAC's and RCW's she provided.

Ms. Vanwormer noted the federal codes are for federal income tax only but believes that to be a mix up because it's not taxable or non-taxable income, so it doesn't have any tax consequences.

Assessor's comments:

Ms. Rushton noted the annuity affects all the years Ms. Vanwormer is appealing. She said they didn't receive all the income information prior to 2021, and if they had that information, she may still qualify at a three level. She also explained they were never given the information when Ms. Vanwormer started collecting Social Security.

Ms. Rushton explained that Ms. Vanwormer is correct in explaining the federal code versus state code regarding annuities. The federal code does not count annuities in gross income. The state code adds it back in as it is a periodic payment. They have asked for clarification from the Department of Revenue, along with attorneys at the state level. She explained they are following state law rules and adding the annuity back in based on the way it's written. She also noted the information given to them from the CPA refers to federal code not state code. She said the petitioner still qualifies on an upper level on the years the information was provided.

Ms. Rushton explained in 2015, Ms. Vanwormer did not put the annuity on there, so they assumed it was gone. She also noted the petitioner started collecting Social Security, but the information wasn't provided when they asked and has never been received. She said it's a self-reporting system, so when there are changes in one's life that may affect their levels, a taxpayer is required by law to bring that information forward.

Questions from the Board:

The Board asked about periodic payments.

Ms. Rushton said periodic payments are a definition on how they would define an annuity.

The Board asked the Assessor to explain the different levels of qualifications.

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Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented the appropriate income evidence to qualify for the Senior Exemption at this time.

Therefore, the Board sustains the Assessor's decision.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-200
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
(with daughter Sarah Salazar-Tipton)
Appraiser(s): Pam Rushton, Pam McCarter, Stacey
Gregson & Matt Gomez
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Exhibit A – letter from petitioner
- Item 1 – 12 pgs multiple documents referring to American General Annuity Service Corporation
- Item 2 – U.S. Code 104
- Item 3 – WAC 458-16A-110
- Item 6 – 2022 Corrected Property Tax Statement printed July 27, 2022
- Item 4 – letter from the Assessor's office dated June 8, 2022
- Item 10 – letter from the Assessor's office dated October 7, 2022

- Letter dated March 20, 2023 from Waterfront CPA Group
- 3 page timeline for 2022
- Item 15 - 2022 Corrected Property Tax Statement printed November 3, 2022
- Receipt of payment to the Treasurer's office dated November 3, 2022
- Item 4A – Renewal application for Senior Citizen Exemption dated June 24, 2022
- Item 4B – disposable income/combined disposable income form
- #7 – email from the Department of Revenue
- Item 5 – letter from the Assessor's office dated June 29, 2022
- Item 4C - Renewal application for Senior Citizen Exemption dated September 23, 2022.

Assessor's Response:

- 3-page Assessor's Response

Petitioner's comments:

Ms. Vanwormer stated she receives a structured settlement for injury damages she received in an accident. She had been receiving it for thirteen years and mentioned she started the exemption in 2012. She explained the settlement is paid by an annuity but is not considered income because it falls under the umbrella of settlement damages which deals with different IRS and WAC codes. She was told in 2012 that she did not have to include settlement on the disposable income worksheet, but ended up putting it on there as she was told it wouldn't make a difference. In 2015, she was asked about it again. Someone from the Assessor's office made an appointment with the Department of Revenue and they spoke about it and was again told she did not have to include it. She believes it does not count as income or annuity income.

Ms. Vanwormer expected the same result this year, and said she was told she didn't have to include it again. She then received a pink Treasurer's notice saying she owed more for 2022 taxes. She met with Ms. Rushton and she was told it was entered as annuity income.

Ms. Vanwormer goes over some of the WAC's and RCW's she provided.

Ms. Vanwormer noted the federal codes are for federal income tax only but believes that to be a mix up because it's not taxable or non-taxable income, so it doesn't have any tax consequences.

Assessor's comments:

Ms. Rushton noted the annuity affects all the years Ms. Vanwormer is appealing. She said they didn't receive all the income information prior to 2021, and if they had that information, she may still qualify at a three level. She also explained they were never given the information when Ms. Vanwormer started collecting Social Security.

Ms. Rushton explained that Ms. Vanwormer is correct in explaining the federal code versus state code regarding annuities. The federal code does not count annuities in gross income. The state code adds it back in as it is a periodic payment. They have asked for clarification from the Department of Revenue, along with attorneys at the state level. She explained they are following state law rules and adding the annuity back in based on the way it's written. She also noted the information given to them from the CPA refers to federal code not state code. She said the petitioner still qualifies on an upper level on the years the information was provided.

Ms. Rushton explained in 2015, Ms. Vanwormer did not put the annuity on there, so they assumed it was gone. She also noted the petitioner started collecting Social Security, but the information wasn't provided when they asked and has never been received. She said it's a self-reporting system, so when there are changes in one's life that may affect their levels, a taxpayer is required by law to bring that information forward.

Questions from the Board:

The Board asked about periodic payments.

Ms. Rushton said periodic payments are a definition on how they would define an annuity.

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Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented the appropriate income evidence to qualify for the Senior Exemption at this time.

Therefore, the Board sustains the Assessor's decision.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-201
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
(with daughter Sarah Salazar-Tipton)
Appraiser(s): Pam Rushton, Pam McCarter, Stacey
Gregson & Matt Gomez
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Exhibit A – letter from petitioner
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Assessor's Response:

- 3-page Assessor's Response

Petitioner's comments:

Ms. Vanwormer stated she receives a structured settlement for injury damages she received in an accident. She had been receiving it for thirteen years and mentioned she started the exemption in 2012. She explained the settlement is paid by an annuity but is not considered income because it falls under the umbrella of settlement damages which deals with different IRS and WAC codes. She was told in 2012 that she did not have to include settlement on the disposable income worksheet, but ended up putting it on there as she was told it wouldn't make a difference. In 2015, she was asked about it again. Someone from the Assessor's office made an appointment with the Department of Revenue and they spoke about it and was again told she did not have to include it. She believes it does not count as income or annuity income.

Ms. Vanwormer expected the same result this year, and said she was told she didn't have to include it again. She then received a pink Treasurer's notice saying she owed more for 2022 taxes. She met with Ms. Rushton and she was told it was entered as annuity income.

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Assessor's comments:

Ms. Rushton noted the annuity affects all the years Ms. Vanwormer is appealing. She said they didn't receive all the income information prior to 2021, and if they had that information, she may still qualify at a three level. She also explained they were never given the information when Ms. Vanwormer started collecting Social Security.

Ms. Rushton explained that Ms. Vanwormer is correct in explaining the federal code versus state code regarding annuities. The federal code does not count annuities in gross income. The state code adds it back in as it is a periodic payment. They have asked for clarification from the Department of Revenue, along with attorneys at the state level. She explained they are following state law rules and adding the annuity back in based on the way it's written. She also noted the information given to them from the CPA refers to federal code not state code. She said the petitioner still qualifies on an upper level on the years the information was provided.

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Questions from the Board:

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Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented the appropriate income evidence to qualify for the Senior Exemption at this time.

Therefore, the Board sustains the Assessor's decision.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-202
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
(with daughter Sarah Salazar-Tipton)
Appraiser(s): Pam Rushton, Pam McCarter, Stacey Gregson & Matt Gomez
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Exhibit A – letter from petitioner
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Assessor's Response:

- 3-page Assessor's Response

Petitioner's comments:

Ms. Vanwormer stated she receives a structured settlement for injury damages she received in an accident. She had been receiving it for thirteen years and mentioned she started the exemption in 2012. She explained the settlement is paid by an annuity but is not considered income because it falls under the umbrella of settlement damages which deals with different IRS and WAC codes. She was told in 2012 that she did not have to include settlement on the disposable income worksheet, but ended up putting it on there as she was told it wouldn't make a difference. In 2015, she was asked about it again. Someone from the Assessor's office made an appointment with the Department of Revenue and they spoke about it and was again told she did not have to include it. She believes it does not count as income or annuity income.

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Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented the appropriate income evidence to qualify for the Senior Exemption at this time.

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Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-203
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
(with daughter Sarah Salazar-Tipton)
Appraiser(s): Pam Rushton, Pam McCarter, Stacey
Gregson & Matt Gomez
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Assessor's Response:

- 3-page Assessor's Response

Petitioner's comments:

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Board decision:

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Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
REVIEW OF SENIOR/DISABLED PERSON PETITION**

Property Owner: Cheryl Vanwormer
Petition Number: 2022-204
Property ID(s): 44799
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Petitioner: Cheryl Vanwormer
Hearing date: April 19, 2023
Property location: 140 Mains Road, Sequim
Property description: Single family residence on a 0.34-acre parcel
Assessor's Response prepared by: Pam Rushton
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Cheryl Vanwormer
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Ms. Rushton noted the annuity affects all the years Ms. Vanwormer is appealing. She said they didn't receive all the income information prior to 2021, and if they had that information, she may still qualify at a three level. She also explained they were never given the information when Ms. Vanwormer started collecting Social Security.

Ms. Rushton explained that Ms. Vanwormer is correct in explaining the federal code versus state code regarding annuities. The federal code does not count annuities in gross income. The state code adds it back in as it is a periodic payment. They have asked for clarification from the Department of Revenue, along with attorneys at the state level. She explained they are following state law rules and adding the annuity back in based on the way it's written. She also noted the information given to them from the CPA refers to federal code not state code. She said the petitioner still qualifies on an upper level on the years the information was provided.

Ms. Rushton explained in 2015, Ms. Vanwormer did not put the annuity on there, so they assumed it was gone. She also noted the petitioner started collecting Social Security, but the information wasn't provided when they asked and has never been received. She said it's a self-reporting system, so when there are changes in one's life that may affect their levels, a taxpayer is required by law to bring that information forward.

Questions from the Board:

The Board asked about periodic payments.

Ms. Rushton said periodic payments are a definition on how they would define an annuity.

The Board asked the Assessor to explain the different levels of qualifications.

Ms. Rushton explained if income is under \$40,000 then that would be Level 3 which the petitioner may be at right now. If income is under \$35,000 then it would be Level 2 and Level 1 is \$30,000. She explained Level 2 and Level 1 have a portion of value removed for tax purposes. At Level 3, excess levies are removed.

Board decision:

Standard of proof: 'Clear, Cogent and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented the appropriate income evidence to qualify for the Senior Exemption at this time.

Therefore, the Board sustains the Assessor's decision.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

NOTICE

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Westport LLC
Petition Number: 2022-155
Property ID(s): 70393
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

<u>Assessor's True and Fair Value Determination</u>		<u>BOE True and Fair Value Determination</u>	
Land	\$ 653,400	Land	\$ 653,400 //
Buildings	\$ 13,566,858	Buildings	\$ 13,566,858
Total Value	\$ 14,220,258	Total Value	\$ 14,220,258

Petitioner: Oliver Gibbons
Hearing date: April 19, 2023
Property location: 637 Marine Drive, Port Angeles
Property description: Industrial Special Purpose Building
Purchase price, date: Not provided
Assessor's value for current tax year: \$ 14,220,258
Assessor's recommended value: \$ 14,220,258
Petitioner's estimate of value: \$ 9,000,000
Assessor's Response prepared by: Layton (Bud) Lund
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Petitioner(s): Oliver Gibbons
Appraiser(s): Layton (Bud) Lund
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- 86-page draft appraisal report of the subject property completed by Kidder Mathews
- 44-page packet of documents explaining the valuation prepared by Ryan LLC

Assessor's Response:

- Assessor's analysis
- Land sales grid
- Cost approach

Petitioner's comments:

Mr. Gibbons stated they used an income approach and a sales comparison when estimating the true and fair value for the property. He stated that as of the lien date of January 1, 2022 their estimated true and fair value is \$9,650,000 or \$95 per square foot.

Mr. Gibbons reviewed his evidence found on page 14 that supplied the comparable sales of four properties in Washington State that are similar to the subject property. He also used three additional properties that began on page 37 through page 44 were investment transfers and were used as evidence for the cap rate.

He explained that the four comparable properties he used required adjustments such as; age, size, quality of construction, clear height, and percentage of office size. He stated that prior to adjustments made the price per square foot ranged from \$99 to \$147 and then after adjustments were made it was \$85 to \$112 per square foot. The mean was \$92.70 per square foot and was rounded up to \$95 per square foot to be applied to the subject property.

He stated that based on the Income Approach and the Sales Comparison Approach the true and fair value of the subject property is \$9,650,000.

Assessor's comments:

Mr. Lund explained that the subject property is a Special Purpose Building designed to build large yachts and due to this the Cost Approach was used to evaluate the subject property.

He stated that the subject property is a single occupancy building and properties similar to this are not purchased for their rental value but for owner occupancy. This meant that the income approach was considered but not used.

Mr. Lund reviewed the Appraisal Report submitted by Mr. Gibbons and stated the Sales Comparison Approach comparable sales could not be used due to the differences compared to the subject property. The four comparable properties provided by Mr. Gibbons were standard warehouses or industrial buildings and are not comparable to the subject property due to the properties special purpose.

Mr. Lund discussed that the evidence submitted by the Appellant did not use the Cost Approach

Summary which is the most effective method to use and therefore does not believe there is clear, cogent and convincing evidence of overassessment at this time.

Questions from the Board:

The Board asked Mr. Lund about the lack of similar properties to the subject.

Mr. Lund explained the Cost Approach was used for the subject property due to the type of building it is classified; Special Purpose Building.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

NOTICE

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: James and Jiji Slezak
Petition Number: 2022-59
Property ID(s): 37046
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☐ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☒ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 152,500	Land	\$ 142,500
Buildings	\$ 337,785	Buildings	\$ 332,897
Total Value	\$ 490,285	Total Value	\$ 475,397

Petitioner: James and Jiji Slezak
Hearing date: April 26, 2023
Property location: 20 Sheree Lane, Sequim
Property description: Single family residence on a 1.1-acre parcel
Purchase price, date: \$468,000 on February 21, 2021
Assessor's value for current tax year: \$ 490,285
Assessor's recommended value: \$ 475,397
Petitioner's estimate of value: \$ 385,364
Assessor's Response prepared by: Layton (Bud) Lund
Hearing attendees: Hearing Examiners: Gordon Gibbs
Petitioner(s): James and Jiji Slezak
Appraiser(s): Layton (Bud) Lund & Pam Rushton
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Typed explanations dated January 30, 2023, March 23, 2023 and April 21, 2023
- Maps with/without Jay Road
- Invoices from Strait Floors and Diamond Roofing Enterprises
- Picture of plumbing

Assessor's Response:

- Appraiser summary
- Six comparable sales

Petitioner's comments:

Mr. Slezak stated they don't believe their subject property should be assessed as the 1.1-acre parcel due to the easement for the road on their property. He said they feel the road is worthless as people are allowed to use the road, and they aren't allowed to make any changes on both sides of the road up to a certain point. He also said he believes the calculations done by square footage alone are inaccurate.

Assessor's comments:

Mr. Lund stated all comparable sales provided by the petitioner were past the lien date of January 1, 2022. He explained they look at properties sold during the five-year period preceding that date. They also bracket the lien date by looking at comparable sales after January 1st up to April 30th.

Mr. Lund addressed the 0.35 acres of land the petitioner believes should not be assessed due to easements. He explained that just because a portion of the land is not buildable, does not mean it is worthless.

Mr. Lund noted the petitioner believes they purchased the property for too much. He said according to the comparable sales, they did not. He said the comparable sales range from \$461,901 to \$731,527. He said the adjusted sales price of the subject property is at the low end of the range, below median average.

Ms. Rushton explained that part of the acreage they own is used for an easement for the road and even though it runs through their property, that still counts toward their 1.1-acre. She also noted that Mr. Lund did take the easement for the road into consideration and adjusted the value downward.

Board decision:

Standard of proof: The Preponderance of Evidence

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by a preponderance of evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds there is sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board concurs with the Assessor's requested, adjusted value for the current tax year.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: John and Gail Ralston
Petition Number: 2022-48
Property ID(s): 70510
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☐ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☒ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 59,488	Land	\$ 59,488
Buildings	\$ 398,181	Buildings	\$ 375,881
Total Value	\$ 457,669	Total Value	\$ 435,369

Petitioner: John and Gail Ralston
Hearing date: April 26, 2023
Property location: 822 W. 15th Street -824, Port Angeles
Property description: Two story duplex on a 10,500 square foot parcel
Purchase price, date: Not provided
Assessor's value for current tax year: \$ 457,669
Assessor's recommended value: \$ 435,369
Petitioner's estimate of value: \$ 316,372
Assessor's Response prepared by: Christina (Tina) Deemer
Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Christina (Tina) Deemer & Lisa Pluard
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- None provided

Assessor's Response:

- Comparable sales grid
- Map of the subject property and comparable sales
- Critical area map
- Google Earth imagery map

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Ms. Deemer stated she met with the petitioner at the subject property. She said she reviewed some of the issues he noted. She did not value the asphalt so there was no cost-to-cure and recommended the improvement value be reduced. She noted the petitioner did not agree with the overall reduction. She also said she gave him the packet of information on site.

Ms. Deemer explained the comparable properties she provided. She said the subject property is located in an inferior neighborhood. It is known as an area with lower comparable sales since there are many foreclosures, bargain and deed sales, and low-income housing close by.

Ms. Deemer recommends adjusting the value due to depreciation from a water line repair and exterior paint.

Board decision:

Standard of proof: The Preponderance of Evidence

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by a preponderance of evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds there is sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board concurs with the Assessor's requested, adjusted value for the current tax year.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Janet Scharf
Petition Number: 2022-123
Property ID(s): 36473
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 137,500	Land	\$ 137,500
Buildings	\$ 0	Buildings	\$ 0
Total Value	\$ 137,500	Total Value	\$ 137,500

Petitioner: Janet Scharf
Hearing date: April 26, 2023
Property location: Scenic Place, Sequim
Property description: Land only 1.0-acre parcel
Purchase price, date: Not provided
Assessor's value for current tax year: \$ 137,500
Assessor's recommended value: \$ 137,500
Petitioner's estimate of value: \$ 70,000
Assessor's Response prepared by: Tanya Kerr
Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Tanya Kerr, Layton (Bud) Lund, & Pam Rushton
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Nine comparable sales

Assessor's Response:

- Comparable sales grid
- Map of subject property and comparable sales
- Emails from the Assessor

Petitioner's comments:

Ms. Scharf began by explaining the condition of the property. She stated there are no views, no paved road, and no septic or water. She went over some of the comparable properties she provided, noting they have many amenities that her property doesn't, some are bigger, and they sold at a lower price. She said she spoke with realtors regarding her assessed value.

Assessor's comments:

Ms. Kerr noted she kept the comparable sales she provided close to the subject property. She said the comparable sales are \$149,000 at the low end and \$170,000 at the high end. She explained the subject property is lower than the lowest comparable property. She went over the comparable properties Ms. Scharff provided and let her know why they couldn't be used.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

DRAFT

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Janet Scharf
Petition Number: 2022-124
Property ID(s): 53543
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 95,634	Land	\$ 95,634
Buildings	\$ 0	Buildings	\$ 0
Total Value	\$ 95,634	Total Value	\$ 95,634

Petitioner: Janet Scharf
Hearing date: April 26, 2023
Property location: Conner Road, Port Angeles
Property description: 5.43-acre parcel of vacant land
Purchase price, date: Not provided
Assessor's value for current tax year: \$ 95,634
Assessor's recommended value: \$ 95,634
Petitioner's estimate of value: \$ 67,000
Assessor's Response prepared by: Layton (Bud) Lund
Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Tanya Kerr, Layton (Bud) Lund, & Pam Rushton
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Nine comparable sales

Assessor's Response:

- Appraiser summary
- Comparable sales grid
- Map of subject property and comparable sales
- 2022 property appraisal information

Petitioner's comments:

Ms. Scharf began by explaining the condition of the property. She noted the access road is in poor shape with many potholes, there's no water and no electricity. She also mentioned there are no views and she isn't even able to walk through the property. She said many of the neighbors have clear cut their properties to make them buildable. She went over some of the comparable properties she provided noting they have many amenities that her property doesn't, and they sold at a lower price. She explained that it would cost a lot of money to get the subject property ready for a building site. She said she spoke with realtors regarding her assessed value.

Assessor's comments:

Mr. Lund went over the comparable sales he provided, all within two miles of the subject property. He noted the petitioner provided nine comparable sales, but he was only able to identify seven as none of them had property IDs listed. He said of the seven sales, one was past the lien date, one was a sale between family members, and one was sold prior to 2006. The remaining sales range from Sequim to Freshwater Bay in location. This is necessary only when few sales are close by.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Julie and Carl Windle
Petition Number: 2022-138
Property ID(s): 4656
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☐ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☒ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 85,548	Land	\$ 85,548
Buildings	\$ 743,230	Buildings	\$ 652,616
Total Value	\$ 828,778	Total Value	\$ 738,164

Petitioner: Julie and Carl Windle
Hearing date: April 26, 2023
Property location: 277 Sawyer Way, Forks
Property description: Single family residence on a 4.95-acre parcel
Purchase price, date: \$430,000 on December 15, 2017
Assessor's value for current tax year: \$ 828,778
Assessor's recommended value: \$ 738,164
Petitioner's estimate of value: \$ 674,640
Assessor's Response prepared by: Lisa Pluard
Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Lisa Pluard & Pam Rushton
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Four comparable sales

Assessor's Response:

- Appraiser summary
- Subject property photographs
- Copy of adjusted value for 2022
- Comparable sales analysis
- Cost approach summary

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Ms. Pluard noted she visited the subject property and supports the recommended adjusted value.

Board decision:

Standard of proof: The Preponderance of Evidence

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by a preponderance of evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds there is sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board concurs with the Assessor's requested, adjusted value for the current tax year.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Robert Reandeau Jr.
Petition Number: 2022-172
Property ID(s): 83141
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☐ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☒ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

<u>Assessor's True and Fair Value Determination</u>		<u>BOE True and Fair Value Determination</u>	
Land	\$ 154,250	Land	\$ 154,250
Buildings	\$ 508,224	Buildings	\$ 488,784
Total Value	\$ 662,474	Total Value	\$ 643,034

Petitioner: Robert Reandeau Jr.
Hearing date: April 26, 2023
Property location: 259533 Hwy 101, Sequim
Property description: Storage garage on a 4.6-acre parcel
Purchase price, date: Not provided
Assessor's value for current tax year: \$ 662,474
Assessor's recommended value: \$ 643,034
Petitioner's estimate of value: \$ 430,000
Assessor's Response prepared by: Layton (Bud) Lund
Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Layton (Bud) Lund
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- None provided

Assessor's Response:

- Four comparable sales

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Mr. Lund noted there was a vent pipe that was protruding from one of the buildings on the subject property that indicated a septic or sewer system. The petitioner said there isn't one on site. Mr. Lund confirmed with the Clallam County Department of Community Development there is no septic system. He recommended the adjusted value due to a manifest error.

Board comments and questions:

The Board clarified the adjustment amount of \$643,034 or \$643,043.

Mr. Lund confirmed the amount should be \$643,034. The \$643,043 listed in the Appraiser's Summary is a clerical error.

Board decision:

Standard of proof: The Preponderance of Evidence

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by a preponderance of evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds there is sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board concurs with the Assessor's requested, adjusted value for the current tax year.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

DRAFT

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Robert and Chantelle Reandeau

Petition Number: 2022-173

Property ID(s): 82769

Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 41,310	Land	\$ 41,310
Buildings	\$ 422,725	Buildings	\$ 422,725
Total Value	\$ 464,035	Total Value	\$ 464,035

Petitioner: Robert and Chantelle Reandeau

Hearing date: April 26, 2023

Property location: 259493 Hwy 101, Sequim

Property description: Agricultural storage on 0.85-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 464,035

Assessor's recommended value: \$ 464,035

Petitioner's estimate of value: \$ 320,000

Assessor's Response prepared by: Layton (Bud) Lund

Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Layton (Bud) Lund
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- None provided

Assessor's Response:

- Four comparable sales

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Mr. Lund started by addressing the petitioner's concerns regarding the subject property being used for agricultural storage. He said the Marshall and Swift rates from the agricultural section of the manual were used for an average plus quality shop. The range of value for the sales was \$63.32 square feet to \$193.28 square feet and he noted the subject property was below that range.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

NOTICE

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Richard and Emma Deam Trust

Petition Number: 2022-192

Property ID(s): 41324

Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 471,332	Land	\$ 471,332
Buildings	\$ 1,445,000	Buildings	\$ 1,445,000
Total Value	\$ 1,916,332	Total Value	\$ 1,916,332

Petitioner: Michelle Tarbell

Hearing date: April 26, 2023

Property location: 1130 W. Washington Street, Sequim

Property description: Single occupant retail store on a 1.13-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 1,916,332

Assessor's recommended value: \$ 1,916,332

Petitioner's estimate of value: \$ 1,350,000

Assessor's Response prepared by: Layton (Bud) Lund

Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Layton (Bud) Lund
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Printout of subject property information from the Assessor & Treasurer property search
- Copy of the lease between CSK Auto Inc and Sequim Y3K LLC

Assessor's Response:

- Assessor's analysis
- Land sales grid
- Cost approach
- Improved sales grid

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Mr. Lund referred to the petitioner's concern that the market value is in excess based on the three approaches to value. He noted the only evidence they provided was a lease agreement. He explained since the subject property is a single occupancy building, the income approach is considered the least reliable indication of value. The assessed value is supported by the cost and sales approach.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

NOTICE

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Distribution: • Assessor • Petitioner • BOE File

DRAFT

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Interfor U.S. Inc.
Petition Number: 2022-13
Property ID(s): 72849
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		~~BOE True and Fair Value Determination~~	
Land	\$ 159,969	Land	\$ 159,969
Buildings	\$ 35,340,201	Buildings	\$ 35,340,201
Total Value	\$ 35,500,170	Total Value	\$ 35,500,170

Petitioner: DuCharme, McMillen & Associates, Inc.
– D. Andrew Davis

Hearing date: April 26, 2023

Property location: 243701 Hwy 101, Port Angeles

Property description: Softwood lumber mill on an 18.47-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 35,500,170

Assessor's recommended value: \$ 35,500,170

Petitioner's estimate of value: \$ 13,181,046

Assessor's Response prepared by: Layton (Bud) Lund

Hearing attendees: Hearing Examiners: Gordon Gibbs
Petitioner's representatives:
D. Andrew Davis & Scott Mitchell
Dave Dionne (Interfor)
Appraiser(s): Layton (Bud) Lund
Washington State Department of Revenue representative:
Melissa Olivas
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- 58-page packet of documents explaining the valuation of the properties

Assessor's Response:

- Allocation of appraised value
- Copy of the Department of Revenue Advisory Appraisal

Petitioner's comments:

Mr. Davis began by giving an overview of the subject property. The mill was originally built in 1998. The mill produces kiln dried Precision End Trimmed (PET) studs from Douglas and Hemlock fir which is then shipped domestically via truck and rail. Mr. Davis informed the Board that he believes the Assessor appraised the subject property as "heavy industrial," which he states is in error.

Mr. Davis noted the Department of Revenue used three approaches for their advisory appraisal. First, is the trended investment method, a cost approach that takes the construction costs and assets on site, it trends costs up and then depreciates down for age. The second cost approach is the Marshall Valuation Service (MVS), which uses Marshall and Swift to determine what the construction costs would be today and calculates per square foot basis. Mr. Davis believes when the Assessor used this cost approach, they errored in appraising the subject property as heavy industrial which inflated the value. Lastly, he said they would address the income approach and believe the Assessor made two errors while using this method.

Mr. Mitchell started by giving an overview of what is happening in the sawmill and wood production industry. He said there is a negative impact due to inflation and borrowing rates that will slow construction activity which should be taken into consideration. Since the subject property is in Western Washington there is a competitive export market which should also be considered. He noted regional log prices have been volatile and reduced availability greatly influences the subject property's value.

Mr. Dionne reiterated that it is a cyclical industry and they're in down markets. They are considering down time.

Mr. Davis addressed the income approach used by the Assessor and Department of Revenue and the errors they believe were made. Mr. Mitchell goes over pages six through nine of the 58-page packet, explaining more in detail where they feel the errors were made. Mr. Davis goes over pages ten and eleven of the packet.

Assessor's comments:

Mr. Lund said an Advisory Appraisal by the Department of Revenue was relied on. He said the land value was provided, and noted the land value isn't being contested.

Ms. Olivas stated she was the one who completed the Advisory Appraisal. She reviewed the three approaches she used to value the property. She used the Trended Investment Method (TIM), Marshall Valuation Service (MVS), and an income approach without REITS. She also noted the numbers may be

different because she used heavy industrial while the petitioner used light industrial. Heavy industrial has always been used and has been upheld in the past by the Board. She also noted that the formula the petitioner feels was incorrect, is in fact not incorrect as she made sure to double check all the numbers.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

NOTICE

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Distribution: • Assessor • Petitioner • BOE File

**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
(PERSONAL PROPERTY)**

Property Owner: Interfor U.S. Inc.
Petition Number: 2022-45
Property ID(s): 12114
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Personal Property	\$ 23,214,336	Personal Property	\$ 23,214,336
Buildings	\$ 0	Buildings	\$ 0
Crops/Minerals	\$ 0	Crops/Minerals	\$ 0
Total Value	\$ 23,214,336	Total Value	\$ 23,214,336

Petitioner: DuCharme, McMillen & Associates, Inc.
– D. Andrew Davis

Hearing date: April 26, 2023

Personal Property location: 243701 Hwy 101, Port Angeles

Property description: Softwood lumber mill on an 18.47-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 23,214,336

Assessor's recommended value: \$ 23,214,336

Petitioner's estimate of value: \$ 1,500,000

Assessor's Response prepared by: Layton (Bud) Lund

Hearing attendees: Hearing Examiners: Gordon Gibbs
Petitioner's representatives:
D. Andrew Davis & Scott Mitchell
Dave Dionne (Interfor)
Appraiser(s): Layton (Bud) Lund
Washington State Department of Revenue representative:
Melissa Olivas
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- 58-page packet of documents explaining the valuation of the properties

Assessor's Response:

- Allocation of appraised value
- Copy of the Department of Revenue Advisory Appraisal

Petitioner's comments:

Mr. Davis began by giving an overview of the subject property. The mill was originally built in 1998. The mill produces kiln dried Precision End Trimmed (PET) studs from Douglas and Hemlock fir which is then shipped domestically via truck and rail. Mr. Davis informed the Board that he believes the Assessor appraised the subject property as "heavy industrial," which he states is in error.

Mr. Davis noted the Department of Revenue used three approaches for their advisory appraisal. First, is the trended investment method, a cost approach that takes the construction costs and assets on site, it trends costs up and then depreciates down for age. The second cost approach is the Marshall Valuation Service (MVS), which uses Marshall and Swift to determine what the construction costs would be today and calculates per square foot basis. Mr. Davis believes when the Assessor used this cost approach, they erred in appraising the subject property as heavy industrial which inflated the value. Lastly, he said they would address the income approach and believe the Assessor made two errors while using this method.

Mr. Mitchell started by giving an overview of what is happening in the sawmill and wood production industry. He said there is a negative impact due to inflation and borrowing rates that will slow construction activity which should be taken into consideration. Since the subject property is in Western Washington there is a competitive export market which should also be considered. He noted regional log prices have been volatile and reduced availability greatly influences the subject property's value.

Mr. Dionne reiterated that it is a cyclical industry and they're in down markets. They are considering down time.

Mr. Davis addressed the income approach used by the Assessor and Department of Revenue and the errors they believe were made. Mr. Mitchell goes over pages six through nine of the 58-page packet, explaining more in detail where they feel the errors were made. Mr. Davis goes over pages ten and eleven of the packet.

Assessor's comments:

Mr. Lund said an Advisory Appraisal by the Department of Revenue was relied on. He said the land value was provided, and noted the land value isn't being contested.

Ms. Olivas stated she was the one who completed the Advisory Appraisal. She reviewed the three approaches she used to value the property. She used the Trended Investment Method (TIM), Marshall Valuation Service (MVS), and an income approach without REITS. She also noted the numbers may be

different because she used heavy industrial while the petitioner used light industrial. Heavy industrial has always been used and has been upheld in the past by the Board. She also noted that the formula the petitioner feels was incorrect, is in fact not incorrect as she made sure to double check all the numbers.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Port Angeles Hardwood LLC

Petition Number: 2022-81

Property ID(s): 68592

Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Land	\$ 545,940	Land	\$ 545,940
Buildings	\$ 16,920,513	Buildings	\$ 16,920,513
Total Value	\$ 17,466,453	Total Value	\$ 17,466,453

Petitioner: Don Kuckuck

Hearing date: April 26, 2023

Property location: 333 Eclipse Industrial Parkway, Port Angeles

Property description: Hardwood sawmill located on a 30.33-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 17,466,453

Assessor's recommended value: \$ 17,466,453

Petitioner's estimate of value: \$ 3,245,940

Assessor's Response prepared by: Layton (Bud) Lund

Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Layton (Bud) Lund
Washington State Department of Revenue representative:
Melissa Olivas
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- None provided

Assessor's Response:

- Allocation of appraised value
- Copy of the Department of Revenue Advisory Appraisal

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Mr. Lund said an Advisory Appraisal by the Department of Revenue was relied on. He said the land value was provided, and noted the land value isn't being contested.

Ms. Olivas explained that whenever they receive an advisory request from a county, a letter is sent out requesting an updated or full asset list and income/expense information. She noted for the 2021 valuation, the representative declined via email to provide the requested information. She also said she didn't receive a response back for the 2022 valuation which is what this hearing is addressing. For two years the petitioner has refused to provide the financial information or updated list per RCW 84.08.050. She has not been able to update the cost approaches accurately, so any personal property valuation would not be accurate. She explained the two cost approaches that were used. She also noted she did two income approaches.

Mr. Lund said it was recommended to the petitioner to go straight to the State Board of Tax Appeals and they chose not to.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

**ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION
(PERSONAL PROPERTY)**

Property Owner: Port Angeles Hardwood LLC

Petition Number: 2022-82

Property ID(s): 78372

Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ **Sustains the determination of the Assessor.**
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

Assessor's True and Fair Value Determination		BOE True and Fair Value Determination	
Personal Property	\$ 12,833,547	Personal Property	\$ 12,833,547
Improvement/Bldgs	\$ 0	Improvement/Bldgs	\$ 0
Crops/Minerals	\$ 0	Crops/Minerals	\$ 0
Total Value	\$ 12,833,547	Total Value	\$ 12,833,547

Petitioner: Don Kuckuck

Hearing date: April 26, 2023

Personal Property location: 333 Eclipse Industrial Parkway, Port Angeles

Property description: Hardwood sawmill located on a 30.33-acre parcel

Purchase price, date: Not provided

Assessor's value for current tax year: \$ 12,833,547

Assessor's recommended value: \$ 12,833,547

Petitioner's estimate of value: \$ 9,754,060

Assessor's Response prepared by: Layton (Bud) Lund

Hearing attendees: Hearing Examiners: Gordon Gibbs
Appraiser(s): Layton (Bud) Lund
Washington State Department of Revenue representative:
Melissa Olivas
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- None provided

Assessor's Response:

- Allocation of appraised value
- Copy of the Department of Revenue Advisory Appraisal

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Mr. Lund said an Advisory Appraisal by the Department of Revenue was relied on. He said the land value was provided, and noted the land value isn't being contested.

Ms. Olivas explained that whenever they receive an advisory request from a county, a letter is sent out requesting an updated or full asset list and income/expense information. She noted for the 2021 valuation, the representative declined via email to provide the requested information. She also said she didn't receive a response back for the 2022 valuation which is what this hearing is addressing. For two years the petitioner has refused to provide the financial information or updated list per RCW 84.08.050. She has not been able to update the cost approaches accurately, so any personal property valuation would not be accurate. She explained the two cost approaches that were used. She also noted she did two income approaches.

Mr. Lund said it was recommended to the petitioner to go straight to the State Board of Tax Appeals and they chose not to.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair

Board of County Commissioners

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Distribution: • Assessor • Petitioner • BOE File

ORDER OF THE CLALLAM COUNTY BOARD OF EQUALIZATION

Property Owner: Richard Whittall
Petition Number: 2022-185
Property ID(s): 25326
Assessment Year: 2022 taxes payable 2023

Having considered the evidence presented by the parties in this appeal, the Board hereby:

- ☒ Sustains the determination of the Assessor.
☐ Overrules the determination of the Assessor.
☐ Overrules the ORIGINAL determination of the Assessor and accepts the REVISED determination of the Assessor.

<u>Assessor's True and Fair Value Determination</u>		<u>BOE True and Fair Value Determination</u>	
Land	\$ 228,228	Land	\$ 228,228
Buildings	\$ 0	Buildings	\$ 0
Total Value	\$ 228,228	Total Value	\$ 228,228

Petitioner: Richard Whittall
Hearing date: March 29, 2023
Property location: Doe Run Road, Sequim
Property description: Vacant 1.1-acre parcel
Purchase price, date: Not provided
Assessor's value for current tax year: \$ 228,228
Assessor's recommended value: \$ 228,228
Petitioner's estimate of value: \$ 150,000
Assessor's Response prepared by: Lisa Pluard
Hearing attendees: Hearing Examiners: Gordon Gibbs and Thomas Swanson
Appraiser: Lisa Pluard
Board Coordinator(s): Rachel Weed

Petitioner's evidence:

- Four comparable sales

Assessor's Response:

- Subject photographs
- Sales comparison approach of seven properties

Petitioner's comments:

The petitioner did not attend.

Assessor's comments:

Ms. Pluard started by saying she had spoken with the petitioner quite a bit. She did go to the subject property and agrees that the view is obstructed. Also, the access is not completely developed, but one could still drive right up to the subject property. She didn't get any bids for development of the access and isn't aware whose responsibility it is to accomplish that. She noted that the land is currently listed at \$260,000 and has been on the market for 131 days. She said the obstructed view was taken into consideration when making the assessment.

Board comments:

The Board inquired if the view was better at one point?

Ms. Pluard said the trees and homes around the subject property were there when the petitioner purchased the property, nothing had changed.

The Board asked if the petitioner appealed last year and what has changed between last year and this year?

Ms. Pluard said the petitioner did not appeal last year. She noted that the market is the only thing that had changed.

Board decision:

Standard of proof: 'Clear, Cogent, and Convincing'

According to state law, the Assessor's determination is presumed to be correct and can be overcome only by 'clear, cogent, and convincing' evidence that the value is erroneous (RCW 84.40.0301[1]). This means that the property owner(s) must provide enough evidence to convince the Board that the Assessor's determination may be incorrect.

After considering the petition and the information provided at the hearing, the Board finds that the petitioner has not presented sufficient evidence to support a reduction in value for the current tax year.

Therefore, the Board sustains the Assessor's value.

Dated:

Mailed:

Mark Ozias, Chair
Board of Clallam County Commissioners

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AGENDA ITEM SUMMARY

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

ES
MAY 08 2023
730am

Department: BOCC, Public Works

EXECUTIVE SESSION ☒ Meeting Date: 05/08/2023 @ 730am

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other Executive Session |

Documents exempt from public disclosure attached: ☐

Executive summary:

The Parks, Fairs and Facilities Department has requested an Executive Session with the Board of County Commissioners, the County Administrator, and the Real Estate Department to discuss the proposed purchase of property for Robin Hill Park

Discussing this matter in executive session is appropriate because public knowledge of the discussion would reveal the County's legal strategies and likely result in an adverse legal or financial consequence to the agency. RCW 42.30.110 (1) (i) expressly authorizes a governing body to convene an executive session for the above-described purposes.

Despite the availability of an Executive Session, the final action purchasing property shall be taken in a meeting open to the public;

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?** ☐

The sale price agreed to may impact the budget.

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

Give direction to staff as to how to proceed.

County Official signature & print name: Don Crawford

Name of Employee/Stakeholder attending meeting: Linda Capps, Kaia Moore, Don Crawford

Relevant Departments: Roads, Parks, Fairs and Facilities, BOCC

Date submitted: 05/012/20231

- * 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)

Agenda Item Summary
Revised: 3-04-2019



AGENDA ITEM SUMMARY

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

ES -
MAY 08 2023
@ 8:15am

Department: Prosecuting Attorney's Office

Executive Session ☒ **Meeting Date:** 5-8-23 at 8:15am

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other – Executive Session |

Executive summary:

Pursuant to RCW 42.30.110, an executive session will be held at 8:15am a.m., Monday, May 8, 2023 in the Commissioners Board Room, 223 East 4th Street, Port Angeles, Room 160. No Zoom option will be available.

This executive session is being called to discuss potential purchase of real estate.

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

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?** ☐

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Executive Session to discuss and request approval to move forward.

County Official signature & print name:  Kevin LoPiccolo, HHS Director

Name of Employee/Stakeholder attending meeting: BOCC, PAO, Human Resources/Risk Management, Linda Capps – Real Estate, Health and Human Services

Relevant Departments: BOCC, PAO, Human Resources/Risk Management, HHS

Date submitted: 5-2-23

* 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)

HHS Property purchase - Executive Session AIG
Revised: 3-04-2019