



JUL 18 2023

BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of July 10 – 14, 2023

EXECUTIVE SESSION – July 6, 2023

Pursuant to RCW 42.30.110, an executive session was held at 1 p.m., Thursday, July 6, 2023 in the Commissioners Small Conference Room, 223 East 4th Street, Port Angeles, Room 150. No Zoom option will be available.

The Board of Commissioners will discuss with the Prosecuting Attorney's Office potential litigation related to settlement offer for Clallam County Code Enforcement.

Per RCW 42.30.110(i), the Board may recess into executive session "to discuss with legal counsel representing the agency litigation . . . to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

The Board convened in open session at 1 p.m. to discuss potential litigation related to settlement offer for Clallam County Code Enforcement. Present were Commissioners Ozias, French and Johnson, Chief Civil Prosecuting Attorney Boughton, Deputy Director Human Resources/Administrator/Risk Reyes, Director Human Resources/Administrator Sill, Department of Community Development Emery, and Sheriff King.

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

The board recessed into executive session at 1:02 p.m.

The board convened in open session at 1:32 p.m.

ACTION TAKEN: CRJm to accept the Prosecuting Attorney's Office recommendation of option C to decline the settlement offer and other information that needs to be added to any letter going forward to the person that the County is declining the offer with, CMFs, mc

Meeting concluded at 1:33 p.m.

The work session convened at 9 a.m., Monday, July 10, 2023. Present were Commissioners Ozias, Johnson and French and Deputy Administrator Reyes. Administrator Sill was excused.

Items of discussion per the agenda published July 6 were:

- Calendar/Correspondence
- Agreement with City of Port Angeles for the Joint Public Safety Facility Project
- Change order agreement with OAC Services, Inc. for the Joint Public Safety Facility Project
- Contract with Thomson Reuters Enterprise Centre for Westlaw subscription services
- Request for waiver of bid/RFP/quote requirement with Rainbow Sweepers for chain-link fencing for Harm Reduction Health Center
- Request for waiver of bid/RFP/quote requirement with Burton Flooring for vinyl flooring for Forks office
- Land purchase agreement with Gary W. and Karen S. Johnson for right of way purchase Wisen Creek Road
- Briefing and request to move forward with easement with proposed new location of the segment of the West Elwha Trail (Altair Trail)
- Pre-application questionnaire with Department of Ecology for Shoreline Planning Competitive Grant Program
- Final approval of a Binding Site Plan LDV2022-00013 Traband
- Agreement amendment 1 with North Olympic Regional Veteran's Housing Network for American Rescue Plan Act Funds ARPA
- Agreement with Peninsula Housing Authority for American Rescue Plan Act Funds ARPA
- Discussion on proposed budget revisions to be considered on July 25

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- Discussion on proposed budget reductions to be considered on July 25
- Discussion of proposed supplemental appropriations to be considered on July 25
- Discussion of proposed budget emergencies to be considered on July 25

Meeting concluded at 10:52 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, July 11, 2023. Also present were Commissioners Johnson and French and Administrator Sill.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

Amended:

- 6d Resolution calling for a hearing to be held July 25 at 10:30 a.m. for the following debatable emergencies:

DCD-Environmental Quality – Unused funds from unfilled position in Long Range Planning will be used to upgrade and stabilize the Streamkeeper Database (2 of 2)/\$50,000

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

PUBLIC COMMENT

- Jim Bennett, Port Angeles, commented on Olympic Discovery Trail crossing safety, walking safety on the wrong side of the road, County right-of-way clean-up
- Ed Bowen, Clallam Bay, commented on item 6b and 6d

CONSENT AGENDA – Any Commissioner may remove items for discussion

1a Approval of minutes for the week of July 3

1b Letter to Health Care Authority for Salish to administer the Criminal Justice Treatment Account Funds

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

REPORTS AND PRESENTATIONS

- CMF commented on west end meetings, Lake Sutherland wake boat issue, Trails Advisory Committee
- CMF commented on Orville Campbell celebration of life, Navy attending for the Port Angeles 4th of July, health issues, Economic Development Council – Recompete Act
- CMO commented on Recompete Act, Clallam Transit Hurricane Ridge service, Sequim area emergency meeting, Navy

CONTRACTS AND AGREEMENTS

2a Agreement amendment 1 with Washington Water Trust regarding Dungeness Off-Channel Reservoir Project

ACTION TAKEN: CRJm to approve, CMFs, mc

2b Agreement with City of Port Angeles for the Joint Public Safety Facility Project

ACTION TAKEN: No action taken - Postpone item 2b to July 18 to allow the Prosecuting Attorney's Office to update agreement language

2c Contract with Thomson Reuters Enterprise Centre for Westlaw subscription services

ACTION TAKEN: CRJm to approve, CMFs, mc

ADMINISTRATION

3a Resolution appointing Juanita Weissenfels, Joseph Mocerri, and Joyce Stuart to the Homelessness Task Force

ACTION TAKEN: CRJm to adopt, CMFs, mc

3b Resolution appointing Greg Waters and John Kent to the Crescent Community Advisory Council

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ACTION TAKEN: CRJm to adopt, CMFs, mc

3c Resolution reappointing Eric Adolphsen and Bruce Paul to the Noxious Weed Control Board

ACTION TAKEN: CRJm to adopt, CMFs, mc

3d Resolution reappointing Fred Grant to the Noxious Weed Control Board

ACTION TAKEN: CRJm to adopt, CMFs, mc

COMMUNITY DEVELOPMENT

4a Final approval of the Eklund Heights 3 & 4 Subdivision

ACTION TAKEN: CRJm to approve, CMFs, mc

PUBLIC WORKS

5a Resolution for vacation of a County right-of-way a portion of Hermison Road

ACTION TAKEN: CRJm to adopt, CMFs, mc

BUDGET

6a Notice that the following budget revisions will be adopted by Resolution on July 25:

Sheriff – Jail - Contracted costs for Norpoint Services to provide courthouse security for the month of June 2023/\$19,773

ACTION TAKEN: CRJm to issue notice, CMFs, mc

6b Notice that the following budget reductions will be adopted by Resolution on July 25:

DCD-Long Range Planning – Unused funds from unfilled position in Long Range Planning will be used to upgrade and stabilize the Streamkeeper Database (1 of 2)/\$50,000

ACTION TAKEN: CRJm to issue notice, CMFs, mc

6c Notice that the following supplemental appropriations will be adopted by Resolution on July 25:

Parks & Facilities Capital Projects – Received Tourism Sustainability Grant funds to complete trail improvements at Robin Hill Farm County Park/\$20,000

ACTION TAKEN: CRJm to issue notice, CMFs, mc

6d Resolution calling for a hearing to be held July 25 at 10:30 a.m. for the following debatable emergencies:

DCD-Environmental Quality – Unused funds from unfilled position in Long Range Planning will be used to upgrade and stabilize the Streamkeeper Database (2 of 2)/\$50,000

ACTION TAKEN: CRJm to adopt, CMFs, mc

PUBLIC COMMENT

- Ed Telenick, Sequim, commented on Department of Community Development Code Enforcement (see attached)
- Ed Bowen, Clallam Bay, commented on the Wild Olympics and Trails situation on Herrick Road easement change
- Kenneth Reandeau, Port Angeles, commented on Orville Campbell passing

Meeting concluded at 10:51 a.m.

There are no Zoom chat logs for the week of July 10.

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The Board of Commissioners attended WSAC Virtual Update, Coffee with Colleen, KONP Radio Show, and KSQM Radio Show during the week of July 10.

PASSED AND ADOPTED this 18th day of July 2023.



ATTEST:

L. Gores
Loni Gores, MMC, Clerk of the Board

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias
Mark Ozias

Randy Johnson
Randy Johnson

Mike French
Mike French

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill

CMO Commissioner Mark Ozias

CRJ Commissioner Randy Johnson

CMF Commissioner Mike French

m moved

mc motion carried

s seconded

Public record 7/11/23 - read

Public Comment
Ed Telenick
7/11/23

Commissioners,

Once again, I am standing before you to speak out regarding another failed experiment that was supposed to empower Code enforcement and usher in a new era in cooperation within our broken Clallam County government.

Before I do however, I would like to publicly extend my thanks to the OPNET team who actually removed one of the problem people from our neighborhood last week. They handled a situation that would have never occurred had effective Code Enforcement been followed before it metastasized out of control.

Several of our neighbors have been trying for over 2 ½ years to get this County to protect our safety and rights with little success. This was due in large part because the DCD IS an ineffective Department that chooses to ignore serious problems and/or actually rewards those people who violate the laws. Environmental Health is no different and uses the same "reward bad behavior" strategy that costs taxpayers hundreds of thousands of dollars every year.

The County rationalizes this behavior saying it is using "grant money" which is considered as a sort of manna from heaven that must be used or will evaporate.... but that's a whole different story. While compliance may be the ultimate goal, rewarding those people who violate the laws is unfair to the rest of us who actually try to follow the laws. We are the citizens who actually pay the taxes that generate these funds in the first place.

The newest DCD Director petitioned the County to keep Code Enforcement within the DCD despite plans to move it to the Sheriff's Department. It took some smoke and mirrors to juggle the budget but they made it happen. A Memorandum of Understanding was then passed that was supposed to put into writing, a cooperative agreement between Departments. It was done in large part because the last DCD Director made a huge mess of not only her Department, but her actions impacted the entire County government, including the Board of County Commissioners. This MOU was supposed to prevent similar problems moving forward.

Instead, the new DCD Director who actually wrote part of and championed this MOU is now the very person who is ignoring it. He has turned a blind eye to safe building codes, allowed illegal occupation of a house for over 7 months, and has tried to deflect responsibility to Environmental Health, the Sheriff's Department or pretty much any Department other than his own.

I am submitting a letter that was written back in May, 2023 regarding just one of the chronic violators in our neighborhood. I am not going to read it but it was written by CE. It threatened the owner of a longstanding problem house in our neighborhood with turning the case over to the Sheriff's Department and the Prosecuting Attorneys office by June 4, 2023. I spoke with Sheriff King last week and this had not been done. This was a perfect test of the new MOU. I have also included a page of photos that were taken of the property that is referenced in the letter. These photos were taken within the past few days and show what the DCD has finaled from a failed 2004 and 2021 permit.

Sadly, we have spent the past 2 ½ years trying to point out that this property was subject to binding HE orders. We have been ignored, gaslit and directly lied to by County Staff as they tried to distort the meaning of his words. Now those same orders are being used as justification for their actions; which in essence means that the 2021 Orders were in fact binding after all.

As a result of our unwilling^{ness} to remain silent, we have been targeted by the County. Despite our repeated effort to have our situation looked at by an entity outside of this County our requests have fallen on deaf ears. Two internal investigations provided false and misleading information. My own District 2 Commissioner hasn't even bothered to respond to our concerns. He is the only one of the three (including the previous District 3 Commissioner) who hasn't.

Coincidentally he is also the previous CEO of the same company that employed the current DCD Director and was a generous contributor to his campaign.

I am here today to state that I am not going away and that you work for us. The power you wield neither frightens me nor will it silence me. Until you take your oaths of office and responsibilities to your taxpaying constituents seriously, I will continue to be there at every turn to expose your hypocrisy. DO THE RIGHT THING!

Public record 7/11/23



CLALLAM COUNTY
Department of Community Development
Bruce Emery, Director
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Code Enforcement: (360) 565-2677
Annie.Fricker@ClallamCountyWA.Gov

VIOLATION OF AN ORDER OF THE CLALLAM COUNTY HEARING EXAMINER

05/04/2023

~~REDACTED~~
~~REDACTED~~
Sequim, WA 98382

Case #: CMP2020-00130
Parcel #: 04-30-20-23-0100

~~REDACTED~~,
Per today's phone conversation where you stated that you will not have your son move out of the home located at 550 Sherburne Rd, Sequim WA 98382, at the parcel listed above, and that you would like to bypass the timeframe that we were offering in order to have him removed, Clallam County Department of Community Development has found that you are knowingly and voluntarily in violation of the Hearing Examiners Order dated 4.8.2021, which is included in this mailing for your review.

Fines in accordance with the Order of the Clallam County Hearing Examiner (Order) of \$100.00 per day will begin as of today's date. After 30 days, if you have not confirmed with Clallam County Code Enforcement that you have brought your property into compliance either with a request for a Certificate of Compliance, or a Certificate of Occupancy as required by the Order, this case will be referred to the Clallam County Sheriff's Office and the Prosecuting Attorney in order to pursue other civil or criminal remedies, including but not limited to, filing misdemeanor charges for knowingly violating the County Code. (Page 4, Paragraph 6 of the Order)

I have also included a request for a Certificate of Compliance. If before June 4, 2023, you have contacted our office to determine that there is no longer anyone living on the property, and you can confirm that a licensed and certified septic inspector has visited, or has scheduled a visit to the property, we can reevaluate the need for referral.

Please contact our office in writing either by mail or email if you intend to move forward with compliance.

Regards,

Annie Fricker
Code Enforcement Officer
Clallam County Department of Community Development
360-912-5053
Annie.Fricker@ClallamCountyWA.Gov

C.C.C. prohibits a V.C.A. once the issue is brought
20.12.010(2)
before a H.E. (26 months prior)

Public record 7/11/23



7/11/23 BOCC MEETING
PHOTOS TAKEN THIS WEEK

-DCD HAS FINALED THIS
FAILED 2004 PERMIT BY
MERGING IT WITH A SECOND
2021 PERMIT

EXTENSIVE DAMAGE WAS COVERED
DESPITE WELL DOCUMENTED
EVIDENCE THIS WAS OCCURRING,
FOR OVER 31 MONTHS

DCD DIRECTOR EMERY
(IGNORED) DIRECT EVIDENCE OF
WHAT WAS OCCURRING

