



NOV 07 2023

## BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of October 30 – November 3, 2023

### WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, October 30, 2023. Present were Commissioners Ozias, Johnson and French, and Administrator Mielke.

Items of discussion per the agenda published October 26 were:

- Calendar/Correspondence
- Resolution appointing Deacon Johnston to the Solid Waste Advisory Committee
- Washington Counties Risk Pool update
- Memorandum of Understanding amendment 1 with the City of Forks for the Forks Waste Water Treatment Facility Project
- Letter of support for Habitat for Humanity of Clallam County Connecting Housing to Infrastructure Program CHIP
- Conservation Futures Program Advisory Board update
- Agreement with Recreation and Conservation Office for Camp David Jr. Projects
- Subrecipient Monitoring Form for the Community Wildfire Defense Grant Program
- Agreement with Trout Unlimited Inc. for Fish Barrier Removal Projects
- Briefing and call for request for proposals/qualifications for Hearing Examiner Services
- Discussion and next steps on the City of Port Angeles request for regional meeting regarding Elwha Legacy Forests and Water Supply
- Agreement amendment 3 with Clallam Economic Development Council for American Rescue Plan Act Funds ARPA
- American Rescue Plan Act ARPA update

Meeting concluded at 12:07 p.m.

### REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, October 31, 2023. Also present were Commissioners Johnson and French and Administrator Mielke.

### REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

### PUBLIC COMMENT

- Ed Telenick, Sequim, commented on Hearing Examiner work session discussion item (see attached)

### CONSENT AGENDA

- 1a Approval of vouchers for the week of October 23
- 1b Approval of payroll for the period ending October 15
- 1c Approval of minutes for the week of October 23
- 1d Letter of support for Habitat for Humanity of Clallam County Connecting Housing to Infrastructure Program CHIP

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

### REPORTS AND PRESENTATIONS

- CRJ commented on Serenity House event
- CMF commented on Rayonier Grant Breakfast, Forks Chamber Meeting, Recompete
- CMO commented on Captain Joseph's House event, Port Angeles civics class, North Olympic Development Council, Washington State Association of Counties - weighted voting

## **ADMINISTRATION**

2a Resolution authorizing Auditor to void outstanding claims and warrants dated July 1, 2021 through June 30, 2022

**ACTION TAKEN: CRJm to adopt, CMFs, mc**

## **BUDGET**

3a Notice that the following budget revisions will be adopted by Resolution on October 31:  
Information Technology – Capital – Reallocation of funds for actual project costs/\$69,447  
Sheriff – VRF Boating Program – The purchase price of the new patrol vessel was updated after last year’s budget projections occurred, leading to a shortage on the capital line for the vessel cost/\$3,450  
Sheriff – Jail - Contracted costs for Norpoint Services to provide courthouse security for the month of September 2023/\$19,497

**ACTION TAKEN: CRJm to adopt, CMFs, mc**

3b Notice that the following budget reductions will be adopted by Resolution on October 31:  
HR-Employee Health Care Benefit – Updated guidance from WA State Auditor’s Office is that HR Employee Health Care fund is not a true Internal Services Fund and should be in the General Fund as part of payroll. All 2023 revenue and expenses will be moved to Human Resources in the General Fund, and once completed, the HR Employee Health Care fund will be closed (1 of 3)/\$48,450

**ACTION TAKEN: CRJm to adopt, CMFs, mc**

3c Notice that the following supplemental appropriations will be adopted by Resolution on October 31:  
HHS – Foundational Public Health Services - Department of Health Consolidated Contract #14 is adding Foundational Public Health Services funding for Environmental Health, HHS operations, and unanticipated projects pending program planning (1 of 3)/\$428,500  
HHS – Environmental Health - Department of Health Consolidated Contract #14 is adding Foundational Public Health Services funding for increases to salaries and benefits, overtime costs for the records scanning project, and food safety program position (2 of 3)/\$198,801  
HHS – Operations - Department of Health Consolidated Contract #14 is adding funding for the WIC, Immunizations, MCH and FPHS programs for increases to salaries and benefits, and also overtime costs for the records scanning project (3 of 3)/\$206,946  
Public Works – Solid Waste – Reimbursement from the Department of Ecology LSWFFA grant and the City of Port Angeles Enterprise Fund for the final scope of work and amount of WSU service efforts for the 2023 Waste Reduction Plan/\$10,000  
Auditor – 2022 Primary Election revenue budgeted in 2022 was not received until 2023/\$104,000  
Sheriff – Operations – Reimbursement for overtime shifts worked in support of our Operation Stonegarden Grants FY19 and FY20/\$62,136  
Sheriff – Jail Medical – Reimbursement for expenditures to Peninsula Behavioral Health as they are the provider filling in inmate evaluations as needed/\$6,100

**ACTION TAKEN: CRJm to adopt, CMFs, mc**

## **HEARING(S)**

H1 Ordinance amending Chapter 5.40 of the Clallam County Code, Opportunity Fund Program

- ATM, provided a staff report

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

- CMO noted no one provided testimony.

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

H2 Resolution calling for a hearing to be held October 31 at 10:30 a.m. for the following debatable emergencies:

HR – Employee Health Care Benefit – Updated guidance from WA State Auditor’s Office that HR Employee Health Care fund is not a true Internal Services Fund and should be in the General Fund as part of payroll. All 2023 revenue and expenses will be moved to Human Resources in the General Fund, and once completed, the HR Employee Health Care fund will be closed (2 of 3)/\$78,450

**BOARD of CLALLAM COUNTY COMMISSIONERS**  
**MINUTES for the week of October 30 – November 3, 2023**  
**Page 3**

Human Resources - Updated guidance from WA State Auditor's Office that HR Employee Health Care fund is not a true Internal Services Fund and should be in the General Fund as part of payroll. All 2023 revenue and expenses will be moved to Human Resources in the General Fund, and once completed, the HR Employee Health Care fund will be closed (3 of 3)/\$78,450

HR – Risk Management – Additional funding to address approved reclassifications as well as unanticipated increase in insurance premium costs that were not allocated or anticipated in the current budget/\$269,590

HR – Workers Compensation Claims – Additional funding to address approved position reclassification, unanticipated workers compensation claim costs, and unknown yet-to-be incurred charges for the remainder of 2023/\$203,600

Parks and Facilities – REET 2 – Funding to cover unforeseen construction issues such as removal of kiosk, replacement of curb and gutter at drive through, soft spot repair in driveway, and installation of a catch basin/\$60,200

Sheriff – Emergency Services – Additional funding to cover adjusted salary cost of Emergency Management Coordinators/\$5,400

Sheriff – Animal Control – Additional funding to cover adjusted salary cost of Animal Control Deputy/\$4,500

Sheriff – Jail Medical – Additional funding for Doctor salaries, inmate medicine, and inmate medical which covers outside provider services/\$50,000

Auditor – Unforeseen expense due to new requirement from K & H Printers to order envelopes for the 2024 February Special Election and the 2024 March Presidential Primary/\$28,000

- Mark Lane, Finance Department, provided a staff report

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

- The following signed up to provide testimony:
  - Ed Telenick, Sequim

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

**PUBLIC COMMENT**

- Brian Grad, Sequim, commented on Power Plant – Elwha River, City of Port Angeles transfer of trust land application (see attached)
- Ellen Manshew, Port Angeles, commented on Power Plant – Elwha River
- Tim Wheeler, Sequim, commented on Power Plant – Elwha River
- Karen Hubert, Sequim, commented on Power Plant – Elwha River, Towne Road, logging, environment, homelessness, affordable housing, Sequim School District graduation rate
- Ed Telenick, Sequim, commented on Port Angeles issue, water, forests

Meeting concluded at 11:16 a.m. and continued to a 1p.m. executive session regarding planning and discussions regarding County strategy and position related to upcoming collective bargaining negotiations.

**EXECUTIVE SESSION – 1 p.m.**

Pursuant to RCW 42.30.110, an executive session will be held at 1 p.m., Tuesday, October 31, 2023 in the Commissioners Board Room, 223 East 4<sup>th</sup> Street, Port Angeles, Room 160. No Zoom option will be available.

This Executive Session is for planning and discussions regarding County strategy and position related to upcoming collective bargaining negotiations.

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.

**BOARD of CLALLAM COUNTY COMMISSIONERS**  
**MINUTES for the week of October 30 – November 3, 2023**  
**Page 4**

The Board convened in open session at 1 p.m. to discuss planning and discussions regarding County strategy and position related to upcoming collective bargaining negotiations. Present were Commissioners Ozias, Johnson and French, Administrator Mielke, Department of Community Development Emery, Human Resources/Risk Reyes, Sill, Wenzl, and Hill, District Court I Williams, Superior Court Judge Erickson, Sheriff King, Superior Court Botnen, Finance Department Turner and Lane, Auditor Riggs, Treasurer White, Assessor Rushton and Chief Civil Deputy Prosecuting Attorney Boughton.

**ACTION TAKEN: CRJm to recess to executive session until 2:30 p.m., CMFs, mc**

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

The board convened in open session at 2:27 p.m. and continued to 3:27 p.m.

CRJ stepped out of the session at 3 p.m. for a William Shore Memorial Pool Meeting

The board convened in open session at 3:27 p.m. and recessed to 3:42 p.m. to wait for CRJ to return

The board convened in open session at 3:42 p.m. and recessed to 3:49 p.m. to wait for CRJ to return

The board convened in open session at 3:49 p.m. and recessed to 4 p.m. to wait for CRJ to return

The board convened in open session at 4 p.m. and continued to 4:29 p.m.

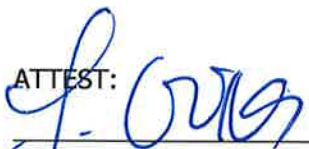
The board convened in open session at 4:29 p.m. and continued to 5:04 p.m.




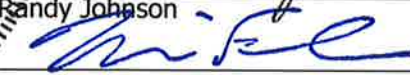
CMO noted no action will be taken

Meeting concluded at 5:04 p.m. and continued to 9 a.m., Monday, November 6, 2023.

The Board of Commissioners attended WSAC Virtual Update, Rayonier Grant Breakfast, Coffee with Colleen, and Housing Solutions Committee Meeting during the week of October 30.

PASSED AND ADOPTED this 7<sup>th</sup> day of November 2023.

ATTEST:   
Lori Gores, MMC, Clerk of the Board

 BOARD OF CLALLAM COUNTY COMMISSIONERS  
Mark Ozias   
Randy Johnson   
Randy Johnson  
Mike French   
Mike French

**KEY TO ABBREVIATIONS:**

ATM	Administrator Todd Mielke	m	moved
CMO	Commissioner Mark Ozias	mc	motion carried
CRJ	Commissioner Randy Johnson	s	seconded
CMF	Commissioner Mike French		

Oct. 31, 2023  
Public record  
Public comment  
Ed Telenick

Good morning, Commissioners,

I realize that this first comment period is generally reserved for today's agenda items but because the County won't provide an opportunity to provide public input during the work sessions, and because this important item should be addressed before it officially comes before the Board, I felt it should be flagged this week.

At yesterday's work session there was a discussion regarding an Executive Session that was held on October 24. It involved potential litigation regarding a County Contractor. It was yet another behind closed doors meeting (that seems to occur almost weekly these days).

Although much of the conversation was cryptic and without context, it was clear that it involved Andrew Reeves from Sound Law Center and it revolved around delays in 2 decisions that were brought before him. It was also clear that he resigned his position as the HE.

The DCD Director, who made the presentation also seems to have been tasked with preparing and submitting an RFPQ for a new Hearings Examiner that will be brought before the Board next week.

Here are my problems with that.

First, the HE is a position created under the Home Rule Charter. It is funded by, and under the authority of the BOCC, not the DCD.

Second, Director Emery himself is currently in violation of legally binding orders of Mr. Reeves for a Code Enforcement Case that dates back almost three years. He definitely should not be the person tasked with finding his replacement.

Third, Clallam County routinely delays their contracts with the HE and then retroactively signs off on them. I'm not even sure that they have a current contract, because on June 27 you signed off on one that was going to expire on June 30, 2023, three days later. It seems disingenuous to call out others for delays when you are just as guilty of doing so.

Fourth, the BOCC has been asking for statistics regarding the performance of the HE for years. I have yet to see that information presented, despite assurances by the DCD Director that it would be done by mid-summer. If anyone is interested, there was a discussion of this during the June 20 work session that is available online. Why are taxpayers continuing to fund a HE when they have no real metrics as to the effectiveness of this service?

In summary, I have personally attended several of Mr. Reeves (and recently Mr. Sidle's) hearings over the past 5 years. I have always found them to be reasonable and well prepared. I wish I could say the same about the Staff who occasionally present inaccurate information to the Examiners. It has made their jobs immeasurably harder by putting them in an untenable situation. Until that component of this process is corrected, it won't matter which Contractor is hired to mediate these cases.

Thank you.

Ed telenick

## 26.04.020 Appointment.

The Hearing Examiner shall be appointed and compensated by the Board of Clallam County Commissioners and shall serve at the pleasure of the Board.

*HOME RULE CHARTER 5.25*

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**The Clallam County Code is current through Ordinance 1007, passed September 19, 2023.**

Disclaimer: The Commissioner's Office has the official version of the Clallam County Code. Users should contact the Commissioner's Office for ordinances passed subsequent to the ordinance cited above.

[County Website: www.clallam.net](http://www.clallam.net)

[Hosted by Code Publishing Company, A General Code Company.](#)

Statement of Brian Grad - Sequim  
Oct 31, 2023  
Public Comment  
Brad Grad

Good morning Commissioners....!.....

This morning I would like to read to you some excerpts from an Opinion piece in the Oct 12 Tacoma News Tribune.

The title is "***We spent millions restoring a vital Washington waterway. Why is DNR going to log nearby?***"

It is written by BILL BRYANT, former Seattle Port Commissioner who was also the Republican nominee in the 2016 Governor's race.

And here I quote ..."When I learned Washington's DNR intended to log 125 acres ...near the Elwha River, I was incredulous. Taxpayers spent hundreds of millions of dollars removing [the dams] there so salmon could return, and now Washington state was going to log nearby. Really? "

Mr. Bryant goes on to talk about the visit he made to the site this past August...and describes the disappearance of the glaciers he used to see in the Olympics, when he hiked here in his 30's.

He continues: "I want to be clear: I support logging. In the 1950's my late father-in-law ...was a forester near the Elwha. Back then...forests like [this one]... were commonplace. Today they are disappearing. Yet, for \$657,000.... DNR hopes to log this one."

"What will happen to river temperatures and salmon runs when the glaciers are gone and summer in-stream flows fall? **That's when we will need the tall masts of older trees and the full sails of their canopies to capture and drip the Pacific's moisture onto the forest floor, eventually into the river. We shouldn't roll the dice, hoping that in 50 years replants will be tall and thick enough to capture the moisture the rivers need.**"

"... We should focus on the effect logging **this year** could have ...decades from now."

"Last year, The News Tribune reported that half of the Olympic mountains ' glaciers had melted. In 50 years most will be gone. **Unless we act to preserve the rivers.... the glaciers 'disappearance could threaten salmon and steelhead habitat, orca populations, lush forests and drinking water supplies for cities like Port Angeles.**" Unquote.

**Commissioners - we need you to ask for a delay on this decision.**