

MINUTES OF THE CHARTER REVIEW COMMISSION

June 20, 2002

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Chair Cummins called the meeting to order at 6:30 p.m. followed by the pledge of allegiance and roll call. Ken Foster, Lois Krafsky-Perry, and Ken Schermer were absent.

Public Hearing

- ▶ Each committee provided a thumbnail sketch of their proposed changes.

Questions were solicited from the public.

- ▶ Rosemary Cockrill, 494 Marsden Road, Port Angeles, asked if item "h" in the initiative process only applies if it's legal? Rod Fleck responded that the legal review can occasionally be wrong and then the proponent could still ask that it go forward.
- ▶ Helmut Wieseman, 375 Community Lane, Sequim, asks that since the Charter is organic why is it all combined? John Miller indicates it was done in this manner for clarity.
- ▶ Bruce Emery, 1301 Samara Drive, Port Angeles, asks if wording in 4.30 is referring to local ordinances or state statutes being adopted by reference? Lawrence Gaydeski indicates that the intention was that it could be either. Emery: Does the definition of shall mean that every ordinance adopted will have to reference all state and federal laws? Dave Cummins explains that the goal was to clarify that when creating new policy by ordinance, there is reference to what laws are being relied upon.
- ▶ Marilyn Pollock, 155 Hilltop Drive, Sequim, asks if codes and statutes by definition are adopted by public process, isn't it redundant? Rod Fleck points out that there are examples of codes adopted by professional subcommittees that may not have been through a public process.
- ▶ Jay Ward, 301 Eunice Street, Sequim, asks about the ramifications of Article 1? Fred deFrang indicates that it is a matter of personal opinion.
- ▶ Sue Erzen, 162 Covey Run Lane, Sequim, asks why after 12 years they decided on partisan elections? David Lotzgesell responds that the committee members felt that it would make it easier for newcomers to identify candidates by their political party. Joan Sargent indicates it was not a unanimous decision. Don Alexander points out that only three counties have a non-partisan treasurer.
- ▶ Jack Coleman, 238 North Dunlap Avenue, Sequim, asks how many items will appear on the ballot? Dave Cummins responds that they will know in about a month but that it could be between 17 and 30.

Frank Figg, 1950 Doe Run Road, Sequim, read the attached. ¹

John Pollock, 155 Hilltop Drive, Sequim, opposes:

- ▶ Proposed Article 1
- ▶ Excessive use of the definition of shall
- ▶ Commissioner election by district
- ▶ Making all offices partisan

Marilyn Pollock, 155 Hilltop Drive, Sequim, spoke in opposition to commissioner election by district.

Harry Lydiard, 164 Walker Ranch Road, Port Angeles, read the attached. ²

Bruce Emery, 1301 Samara Drive, Port Angeles, summarized the attached. ³

Jack Coleman, 238 North Dunlap Avenue, Sequim, suggests that all the proposed changes be placed on the ballot. He spoke in opposition to the proposed Article 1 and in support of commissioner election by district.

Rosemary Cockrill, 494 Marsden Road, Port Angeles, read the attached ⁴ and submitted testimony from Jack Markley. ⁵

Bob Martin, P.O. Box 2406, Sequim, read the attached ⁶ and submitted a copy of an editorial from the *Sequim Gazette*.

Kip McKeever, 238 Youngquist Road, Sequim, suggests the proposed changes go to the voters. He spoke in support of the initiative section, commissioner election by district, and electing the director of the Department of Community Development. He notes more money and attention should be given to law enforcement.

Vicci Rudin, 1002 Strait View Drive, Port Angeles, read the attached. ⁷

Marianne Grant, 131 South Olympic View, Sequim, opposes:

- ▶ Commissioner election by district.
- ▶ Elected director of the Department of Community Development
- ▶ Making all elected offices partisan

She made the following suggestions:

- ▶ Redistricting process should begin with the receipt of the decennial census information
- ▶ Composition of the Board should conform to all other charter counties and state commission which would include three members chosen by each political party and they would chose the 7th who would be the non-voting chair.
- ▶ Interval between Charter review be increased to 10 years which is used by all the other charter counties
- ▶ Rewrite Article X; 10.70 is confusing when compared to 10.10. Section 10.40 is overdone - micro-management in the extreme. There are no dates for the proposed budget, public hearing, or final adoption

Jack Lyon, 216 West 13th Street, Port Angeles, read the attached. ⁸

Anne Murray, 306 Lopez Avenue, Port Angeles, opposes:

- ▶ Elected director of the Department of Community Development
- ▶ Commissioner election by district
- ▶ Proposed Article 1

MINUTES OF THE CHARTER REVIEW COMMISSION

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Connie Hyatt, 143 Hogan Vista, Sequim, is opposed to an elected director of the Department of Community Development.

Helmut Weisman, 375 Community Lane, Sequim, opposes:

- ▶ Proposed Article 1
- ▶ Commissioner election by district
- ▶ Elected director of the Department of Community Development

He suggests:

- ▶ Defining emergency ordinance at the end of the paragraph
- ▶ Refining the initiative section. He feels there are too many words and that the main part has disappeared. He would like to see Section 8.3 included. He feels without it the county would go bankrupt.

Mary Bedinger, 297 Blue Mountain Road, Port Angeles, opposes:

- ▶ Proposed Article 1
- ▶ Commissioner election by district
- ▶ Elected director of the Department of Community Development
- ▶ Making all elected positions partisan

She suggests:

- ▶ Section 8.40 – public hearings should not be held without the census data and that 8 months is too long
- ▶ Page 13, Article 9 – include the word "initiative."

Sue Forde, P.O. Box 3457, Sequim, read the attached. ⁹

Dick French, 319 West Seventh, Port Angeles, suggests that all the proposed changes be placed on the ballot.

Rick Rodlend, 551 Fasola Road, Sequim, spoke in opposition to the proposed Article 1 and electing the Director of the Department of Community Development.

Jay Ward, 301 Eunice, Sequim, spoke in opposition to the proposed Article 1.

Jeff Well, 264 Dunmire Road, Port Angeles, opposes:

- ▶ Commissioner election by district
- ▶ Electing the director of the Department of Community Development

He presented the attached draft of district boundaries using 2000 census data for proposing 5 or 7 commissioner districts. ¹⁰

He indicates that the descending priority proposed Article 8.5 be modified as follows: North/south, then 5 percent population, then compact and contiguous. He feels this simplifies the job and allows the numbers to decide the boundaries. He suggests including a time frame for after the data is received and feels 8 months may be a bit excessive.

Norma Turner, 3928 Mt. Angeles Road, Port Angeles, read the attached. ¹¹

Barbara Moody, 1173 Dan Kelly Road, Port Angeles, opposes the proposed changes in the Emergency Ordinance section.

Sue Erzen, 162 Covey Run Lane, Sequim, read the attached. ¹²

Shauna Rash, P.O. Box 873, Sequim, supports:

- ▶ All partisan elected positions
- ▶ Commissioner election by district
- ▶ Elected director of the Department of Community Development

Announcement of Next Meeting: Terry Roth moved to continue to 6:30 p.m., June 27, 2002 in the Forks Council Chambers, Don Alexander seconded, motion carried.

Jeff Well was called back to explain his proposal for 5 and 7 districts.

New Business

Rod Fleck requests an agenda item for the Forks hearing to articulate how to proceed as a committee of the whole in determining what proposals to bring forward.

Adjournment: Terry Roth moved to adjourn, Rod Fleck seconded, motion carried.

Respectfully submitted,



Trish Perrott, Secretary
Charter Review Commission

Approved: July 11, 2002

CHARTER REVIEW COMMISSION
SPEAKER SIGN UP

PLEASE PRINT INFORMATION

No	NAME	ADDRESS
1	Frank Figg	1950 Doe Run Rd Sequim 98382
2	John Marilyn Pollock	155 Hilltop Dr. Sequim
3	Hanny Lydiard	164 Walker Ranch Road Port Angeles, WA 98363
4	Bruce Emery	1301 Samara Dr. Port Angeles 98363
5	Jack Coleman	238 N. Dunlap Sequim
6	Rosemary Cockrill	Marsden Rd P.A.
7	Jack Markley	Mt Angeles PA
8	BOB MARTIN	SEQUIM
9	KIP McKIEVER	SEQUIM
10	Vicci Rudin	Port Angeles
11	Marianne Grant	Sequim
12	JACK LYON	216 W. 13th St. Port Angeles
13	Anne Murray	300 Lopez P.A.
14	Connie Hoyatt	POB 143 ³⁵⁵ Sequim, WA
15	Helmut WIESEMANN	375 Community Ln Sequim, WA
16	Mary Bodinger	297 Blue Mt Rd P.A.
17	SUE FORDE	POB 3457, SEQUIM, WA
18	DICK FRENCH	719 W7 PA
19	RICK RODLUND	551 FASOLA Rd SEQUIM
20	Jay Wass	301 EUNICE SEQUIM

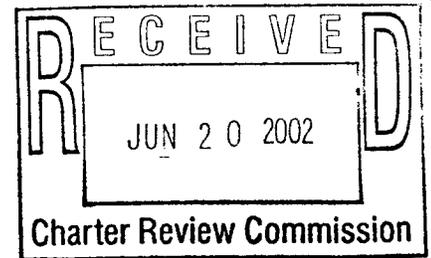
CHARTER REVIEW COMMISSION SPEAKER SIGN UP

PLEASE PRINT INFORMATION

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No	NAME	ADDRESS
1	Jeff Well	264 Dunmire Rd, P.A
2	MOORE	
3	Barbara Moody	Dan Kelly Rd, PA
4	DICK FRANKEL	319697 PA
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June 20, 2002



Comments to the Clallam County Charter Review ^{Freeholders} ~~Commission~~ opposing the addition of an elected Director of the Department of Community Development in Article V of the County Charter revisions.

I served for 11 years, leading up to my retirement in August of 2000, as Local Government Affairs Manager for The Boeing Company in the Puget Sound Region. I represented Boeing before at least 15 jurisdictions, including King and Snohomish Counties. My primary focus was in the areas of land uses and transportation.

I talked with all of the Directors of Community Development or Planning in those jurisdictions while carrying out my assignments. Each Director had decision making capacity on some issues and recommended a course of action to the Commission or Council for their decision on more major issues. They were all appointed and served at the pleasure of a Mayor/Executive/Administrator or a Commission/Council.

The Directors or Managers I dealt with were technically oriented. They were unbiased and represented the applicants and community equally to the extent possible.

Their skills included:

- Land Uses
- Zoning
- Community Design Standards
- State and National Environmental Protection Acts
- Clearing and Grading Ordinances
- Surface Water Impacts
- Local and Regional Transportation Infrastructure
- and the list goes on.

This position should serve at the pleasure of the County Commission. He or she should be hired on the basis of his or her technical competence and leadership skills. If they don't do the job they should be terminated and another Director sought.

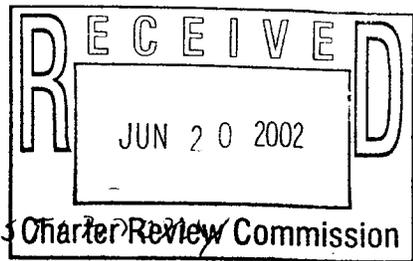
I can't imagine a situation where the Director, who should be balancing all sides on an issue, could be a partisan elected official and not carry that bias into the hearing process. And, if this prevailed, he or she is in office until the next election.

I also envision difficulties in enforcing Commission legislated codes if the partisan elected Director differs in philosophy.

I urge you to remove the proposed language and recommend that we continue with an appointed Director.

Frank Figg
1950 Doe Run Road
Sequim WA 98382

②



6/20/2002 Charter Review Test

Chair Dave Cummins & Charter Review Comm Members

My name is Harry Lydiard & I reside at 164 Walker Rd
Port Angeles

Thank you for this opportunity to present my views on some of the proposed changes to the Charter of Clallam County & again to urge the review commission to allow the citizens of our county to hear the arguments for and against & then to vote on whether or not they wish to have a money saving, broadly representative county council in place of the present commissioner based system.

I oppose making the elective offices of Treasurer, Auditor and Assessor partisan. Political parties do not & should not deal with the professional these offices perform.

I oppose making the position of Community Development Director elective. The office deals with & enforces regulations passed or approved by our elected representatives. Department policies carrying out those regulations are subject to review & rejection by those we elect. We don't elect our police. Community Development directors shouldn't be elected either.

Perhaps the most disturbing of your

recommendations is the suggestion that the issue of West End representation on the Board of Commissioners will be solved by election by district. Let's deal with facts not fiction! Over 10,000 people in present district 3 live east of Lake Crescent; 6000 west. Districts 1 & 2 ^{voting} actually give a good West End candidate a better chance of election, not less.

This county has a real problem getting fair representation on the board now. Don't intensify regionalism & representative bitterness by encouraging passing of this idea.

As I did several weeks ago, I urge you to put on the November ballot a proposal for the electorate consider replacing the present Commissioner system with a 7 member low or no paid County Council/County manager system, with 1 member to be selected from each of seven roughly equally populated districts. This would assure a West End representative in county executive/legislative decisions. Also since members would be low paid or no paid, the same as city councils are now in the county, we could save up to 200,000 yearly. Part time council members would open a gate of public service to those citizens ranging from the talented retired executive to the hard working logger.

Clallam County, in common with other charter counties in our state, ^{has} ~~can~~ divorced itself from many controls of state

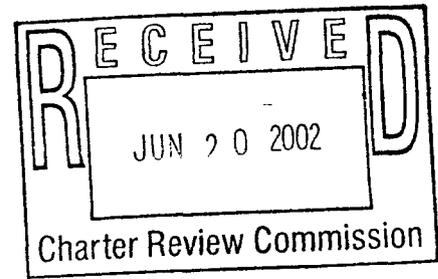
government. We can, except where law prevents it, with electorate approval be the masters of our fate. All other Charter Counties have long ago abandoned the narrow based outdated Commissioner form of legislative/ executive county management.

We can also!

Your Task as members of the Charter Review Commission is NOT to determine what is the best or worst form of government for our citizens. That is the people's responsibility. Your Task is to examine & present to the electorate governing alternatives. You have done this in some areas. Now do it in the executive/legislative area. The seven member low paid Council is one of those alternatives. It should save money. It will give broader based representation for our citizens. It will solve west end representation. It is your job to give our people the opportunity to select or reject this proposal.

June 20, 2002

Charter Review Commission, 2002
Clallam County Courthouse
223 East Fourth Street
Port Angeles, WA 98362



Chairman Cummins and Members of the Commission:

I am addressing you this evening regarding proposed changes to the Clallam County Home-Rule Charter. I have been a voting citizen of Clallam County since June of 1992, and have been employed by the Department of Community Development, Planning Division, since June of 1993. My experience with Clallam County has offered me great opportunity and insight into the role and function of county government in serving and protecting the interest of the citizens of the County.

I would like to start by commending your efforts on several of the changes being proposed, most of which I believe will serve the public interest. However, the following sections contain areas over which I feel compelled to voice my concerns:

Article III - Legislative and Executive Branches

Section 3.20: Composition and Term of Office: The changes proposed in this section appear to provide greater control to the individual Commissioner Districts for electing their representative Commissioner to the Board. At first glance, this appears to be a fair distribution of representation. But my concern is that it will have the reverse affect by reducing the level of representation currently enjoyed by the citizens of the County. By having all members of the Board elected to office by a Countywide vote, all members of the Board are equally subject to the interests of each citizen. In such a system, each citizen enjoys full representation at the executive and legislative level. However, by restricting the voting privilege for any given commissioner seat to only those that reside in that district, this full representation will be shifted to a minority representation where only one of the three elected commissioners is accountable to any individual citizen. That marks a significant departure from the full representation enjoyed under the current Charter.

A second issue is likely to develop if the proposed language in this section is approved. With no accountability to any other group, each commissioner will then act solely in the interest of their voting constituency. This creates a greater likelihood for alliances in county resource allocation, and a far greater likelihood that the over-all interest of the County will be neglected. Please take action to remove this change.

Article IV - Legislation

Section 4.30: Adoption of Statutes and Codes by Reference. The changes proposed to this section are confusing. The intent of the current language is to allow County ordinances to reference other local, state and federal laws without having to repeat them within the text of the particular ordinance. Two objectives are achieved; 1) the ordinance is simplified and reduced in size, and 2) any subsequent changes to the referenced laws are automatically updated, requiring no additional amendments just to stay current.

As I read the proposed changes to this section, I am perplexed as to its implications and it's intent. By using the word "shall" as defined elsewhere in the proposed changes, it would appear that any and all ordinances adopted by the County shall reference state or federal law. If so, wouldn't this invalidate the County Charter? How is "Public Process" defined. If a state or federal

law is to be referenced in an ordinance and that law was not established according to this undefined "public process", what then? The reason for this change and/or the benefit hoped to be obtained escapes me. Please take action to remove this change.

Article V - Other Elected Officials

Section 5.10: Composition. The changes proposed to this section causes me great concern. Having served under the Director of the Department of Community Development for more than nine years, I have a good knowledge of the role this position serves in the greater picture of county government. The legislative and executive powers of county government belong to the elected Board of County Commissioners. The Director of the Department of Community Development serves at the Pleasure of the Board. He provides technical information, advises the Board on county obligations under state and federal law in the areas of land use planning, building, and environmental health. While this position is important (defined by the county as essential), it requires a high degree of technical expertise, both in the technical duties of the Department and the political realities facing the Board of Commissioners.

Changing this position to a partisan, elected position is, in my opinion, a big mistake. At first glance, it sounds good. I'm certain voters at the polls will think the same thing. But consider what you get once it's done. No longer will there be any requirement on qualifications. Elected partisan officials are not required to demonstrate any level of competence in a given field. The subordinate relationship between the director and the Board will also disappear. This means the position will no longer serve the same function as the elected Director will be free to pursue their own agenda, and yet only the Board will retain authority to adopt changes to ordinances.

If the purpose of this change is to offer the public greater control over the policy administration of the Department of Community Development, I submit that the proposed change will do the exact opposite. It's nice to think that an elected official is more likely to respond to citizen concerns; however, bare in mind this will be a four-year position. Once in, the authority once granted to the Board under the current charter to remove such a person will be gone. Please take action to remove this change.

My views regarding proposed changes to make all elected positions partisan are similar. The question that comes to mind is why? Again, The County Auditor, Treasurer and Sheriff require a high degree of training in their field. Making those positions partisan would remove any such criteria and could jeopardize the effectiveness of those positions and the service to the citizens of the County. Please take action to remove this change.

Article IX - The Public Interest

Section 9.10.020: Limits on the Initiative Power

Section 9.40.020: Limitations [Mini-Initiative]

Section 9.60.020: Limitations [Referendum]. The changes contained in these three related sections raise the same issue. I feel your efforts in this area should be commended. Policies ensuring the rights of the citizens with respect to their involvement and control in government is certainly positive. However, my concern relates to the more narrowed scope stated in the purpose for the initiative and referendum processes. The citizens of this County should be entitled to will the removal or enactment of legislation; however, several ordinances are required of the County based on state and federal mandates. Allowing citizens the false belief that it is within their power to pass or repeal ordinances in conflict with state and federal law is a misrepresentation of the truth and unfair to those that seek to utilize these processes.

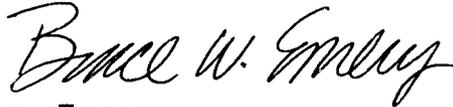
In response, I would suggest that you consider including the following language under the above identified sections on "Limits":

"The passage or repealing of any ordinance that violates the intent of any other local, state or federal law."

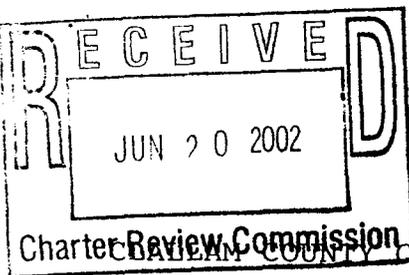
Please consider taking action to include this change.

Thank you for considering my comments and taking the time to listen to these areas of concern. It is my hope that you will consider them in the context of what is in the best interest for the citizens of Clallam County. Thanks again for your efforts.

Sincerely,

A handwritten signature in cursive script that reads "Bruce W. Emery".

Bruce Emery
1301 Samara Drive
Port Angeles, WA 98363
(360) 417-2358



June 20, 2002

Rosemary Cockrill
494 Marsden Rd
Port Angeles WA 98362-8600

4

CLALLAM COUNTY CHARTER REVIEW COMMISSION

I speak against proposed Article I on page 7. April 11 Joe Hawe spoke to you stating 51% of the county budget goes to the criminal justice system and 27% of the budget goes to the sheriff. That would seem ample for the protection of the county's citizens. We do not need to be a "police state" type county. For some county managers more is never enough!

page 7 and elsewhere-Art.II 2.30 The definition and use of the word "shall" is most definitely needed for proper administration of good government.

page 9 Art. V 5.10 The Director of Community Development should NOT be an elected position. There has been no good reason stated for this proposal other than developers don't like to follow rules and regulations. Such a situation could put Clallam County in a multiple number of law suits at tremendous taxpayer cost. And you propose it to be a partisan position? Nonsense!

page 10 Art. V 5.10 I oppose partisan county officials other than county commissioners and the prosecutor and sometimes wonder about them. At this level of government, it is more important to have an election between best qualified candidates than partisan candidates with possibly lesser qualifications. The reasoning for your proposal lacks credibility since you propose in ART VIII 8.560 (page 13, VACANCIES) to take away the right of party central committees to have any possible input on appointments. Partisan without process??

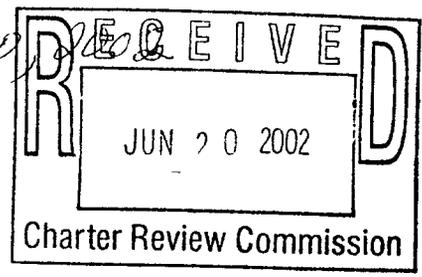
pages 14 & 15 ART. IX 9.10.030 F,G,H,I, If proposed initiative is determined to be in violation of State, Federal or Charter law, and under G is not withdrawn, why does Pros.Atty. (H) "formulatestatement"? Or does H apply only if initiative proposal passes legal review? This needs clarification before I is implemented.

page 19 ART.X 10.50,.60. .70...70, .80 in no sequential order. Since most of this is presently being done by the county, suggest that concerns be addressed by your group to the county commissioners rather than waste ballot space.

page 20 Art. XI Personnel System-Suggest your recommendations go to the commissioners for implementation rather more ballot clutter. Good recommendations just that it could quicker be done through housekeeping measures.

Thank you for your time and efforts. It has been a lot of meetings and time away from family and business.

June 20, 2002



5

Charter Review Board

I believe most of the proposals for change seen to date are unnecessary, harmful, and/or miniscule.

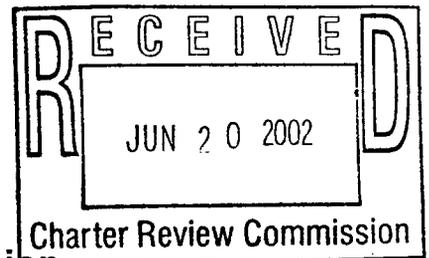
I would endorse the thinking of Vicei Rudin in today's Peninsula Daily News.

If real change is to be considered - the idea proposed by Amy Lydiard and Dorothy Duncan several weeks ago - to give Foster area people a rep - is worthwhile. (Martha Ireland's objections were largely unfounded).

Please don't allow "special interests" to use the ballot, and ignorance, to micro-manage government.

Sincerely

Jack R. Washley
5022 Mt. Angeles Rd



Testimony to Charter Review Commission

(6)

Bob Martin
PO Box 2406
Sequim, WA 98382

June 20, 2002

In explaining his rationale for recommending that the DCD Director be an elected position, Mr. Lotzgesell is quoted in the Gazette as saying: "the power is not being checked by (county) commissioners." Since this is the only rationale for the proposal from the Charter Review Commission that I've seen so far, I would like to briefly address Mr. Lotzgesell's comment.

First, I've carefully reviewed the entire written record placed before this Commission to date, and find absolutely nothing there to substantiate this assertion. This lack of factual foundation for your recommendation regarding the DCD position is also evident with respect to many of your other recommendations. This seems to me a serious failing of this Commission. You are proposing fundamental changes to County government, that if adopted by the voters, will for all practical purposes, be immutable for at least five years. You owe it to the citizens of this County to be objective, careful, thorough, and accurate in formulating your proposals. Changes of the magnitude you are proposing ought to be based on well-researched factual information. Unfortunately, the record before this committee so far,

particularly as it relates to making the DCD Director an elected position, is nearly void of supporting factual information; leading one to wonder just what are your recommendations based on? With this record one might conclude (true or not) that your recommendations are guided more by ad hominem arguments, unsupported accusations, ideological dogma, or just false statements, all of which are abundant in the record placed before this Commission. The Sequim Gazette expressed this concern back in February in an editorial that I offer for your consideration.

Secondly, in my un-refuted previous testimony before you, I pointed out that the position I occupy is not one that exercises significant power, or independent discretionary decision-making authority. Mr. Lotzgesell continues to confuse power with responsibility. As can be seen from the official position description I previously submitted to this Commission, the position I occupy has significant responsibilities that must be carried out in a competent manner by a qualified professional. The position has little, if any, independent discretionary decision-making power.

Concerning oversight of the position:

- ◆ Decisions of the DCD Director and staff are controlled by the ordinances adopted by the Board. It doesn't matter at all what I

want a decision to be, what controls are the requirements of the ordinances.

- ◆ The Hearing Examiner makes most land use permit decisions. Virtually all decisions that are the responsibility of the DCD Director are subject to review and appeal to the hearing examiner or the Board of Commissioners. This constitutes a very strong system of checks and balances on the regulatory responsibilities of my Department.
- ◆ The DCD director works under day to day supervision by the Administrator, who regularly passes on the wishes of the Board of Commissioners.
- ◆ The full board meets weekly in work session with DCD to review proposals, set priorities, and discuss policies. The Board frequently gives direction to the department in these meetings.
- ◆ There is nearly daily contact with individual Commissioners to discuss constituent problems, review alternative courses of action, and exchange information.

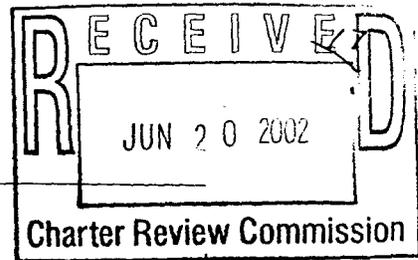
This is obviously a significant level of oversight, supervision, and review and is at variance with the unsubstantiated assertion that the Board of Commissioners is failing to "check" the supposed power of DCD, or its Director.

Concerning other recommendations of this Commission:

- ◆ The changes you have proposed in the referendum process are highly flawed. They would allow 100 citizens to literally suspend any existing ordinance for however long it might take to gather signatures of five percent of voters in the last election and hold an election. Suspending a legally enacted ordinance is something that will create legal chaos and have serious unintended consequences. The present requirement that referendum petitions be presented within ten days of enactment of an ordinance has a reason. Referendum petitions then affect only new ordinances before they go into effect. The 5% threshold for getting proposals the voters is too low. It would be possible to get 5% to support almost anything. In the meantime important duly enacted ordinances are delayed in coming into effect.
- ◆ Similarly changes proposed in the initiative process are also flawed. There is a conflict with 9.10.010 which authorizes initiatives to create new ordinances or amended existing ordinances, but is silent about repeal of existing ordinances. On the other hand, 9.10.030A allows the initiative to amend or repeal existing ordinances but says nothing about creating new ordinances. The initiative process ought to allow the citizens to repeal existing ordinances. In fact the initiative process should be

the only way citizens can repeal an ordinance after it goes into effect.

- ◆ The addition of a legal review by the prosecutor of proposed initiatives and referenda is good. You need to carry the process a step further however. If the prosecutor determines that the proposed initiative or referendum is not within the power of the people, why continue to allow the gathering of signatures and an election. This wastes time and creates false expectations. It would be better to allow the proponents an opportunity to challenge the determination of the prosecutor and if they prevail then, and only then, place the measure on the ballot.
- ◆ The idea of electing Commissioners by district is a particularly dangerous one. I believe it seriously weakens the ability of Commissioners to govern in the best interest of the entire county. This proposal, if adopted, would have serious unintended consequences. The ability of the Commissioners to direct staff would probably be weakened and the interests of a district represented by a minority Commissioner might be sacrificed in favor of the other two. This is a very poor idea that should be shelved by the Commission.



Editorials

A political charter review

Clallam County's Charter Review Commission members are addressing at least one issue that looks to be more politically motivated than objectively derived.

Members of the committee propose that the Clallam County Department of Community Development director be elected by voters.

Martin's staff of 42 administers the county's environmental health, development planning, building and natural resources matters. Those issues are all connected to county growth, at any rate.

Sequim property-rights activist Bob Forde, a charter review board member, believes that the department's director, Bob Martin, has become too powerful, one of the most powerful men in the county.

In other words, Forde disagrees with Martin's way of doing business and wants him out.

This is akin to killing the messenger for doing his job. The message, in this case, is the state Growth Management Act, which Martin and other Washington counties are mandated to uphold. The act requires that critical areas of the county be highlighted and that a code be developed to protect those areas. Critical areas are described as wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, frequently flooded areas and critical aquifer-recharge areas.

More than half of all property in Clallam County falls into one or more of the critical areas categories, while residential and commercial growth continues to take place.

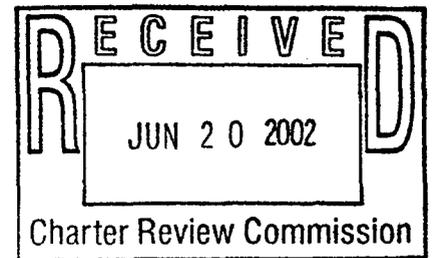
Property rights activists should be challenging state lawmakers, not county planners like Martin, who are merely enforcing the law and trying to preserve the quality of life we are blessed with in Clallam County.

We elect county commissioners who are charged with hiring and firing county department heads like Martin. That is good enough. Voters still have the real power (far more than Bob Martin) to vote in or throw out those who make the decisions at the courthouse.

not!



THE LEAGUE OF WOMEN VOTERS®
OF CLALLAM COUNTY
P.O. Box 982
Port Angeles, WA 98362



June 20, 2002

Charter Review Commission
Clallam County
223 East Fourth Street
Port Angeles, Washington 98362

Chairman Cummins and Members of the Commission:

I spoke to you on behalf of the League of Women Voters of Clallam County last week in Sequim. I do not intend to repeat what I said then. You have a copy of that statement and I trust you will take it to heart. I do, however, want to elaborate on some points mentioned previously and raise a few additional issues.

The League encourages you to keep uppermost in your minds the direction you want the County to go in the future. Don't recommend "quick fixes" for situations that may have individually aggravated you. Look instead for ways to improve County government for the long run and for all the citizens. Ask whether the changes you are proposing will enable the County to use its resources more efficiently. Ask whether the changes will make government procedures more open and understandable to the public.

The League believes Clallam County should be moving toward eventual adoption of a council-manager form of government. Anticipating the time when that is feasible, steps can be taken now to clarify the role of the County Administrator vis-à-vis the Commissioners. The Charter should make clear that administrative responsibilities are the purview of the Administrator, freeing the Commissioners to focus on their legislative and policy-setting responsibilities. A clear chain of command from the Commissioners to the Administrator to the non-elected department heads will bring clarity to issues of accountability and responsiveness. This will be far more effective than the proposal to increase the number of elected department heads.

The League believes there is no valid reason to revert to electing county officials on a partisan basis. Political party philosophies have nothing to do with the mandated functions of the

Assessor, Auditor, Treasurer and Sheriff. In fact, we believe partisan labels tend to get in the way when it comes to voter selection of County Commissioners as well. A previous Charter Review Commission decided to leave the Commissioners partisan because of their policy-making responsibilities. But is it not more important that Commissioners be selected because of their grasp of local issues, their advocacy on behalf of the needs of their constituents, and their ability and determination to work with their colleagues, rather than being pressured to vote along party lines? We think you should be moving toward making all elected County officials non-partisan instead of undoing the progress previously made.

In your deliberations next month, we urge you to do an *impact assessment* of each proposal you are considering. Weigh the pros and cons. Consider both the fiscal impacts and the social costs. In developing our League consensus, we performed this exercise and I will share with you some examples of the impacts we identified.

- Electing Commissioners by district
 - Fiscal impact: (positive) - may reduce campaign costs for candidate.
 - Social cost: (negative) - Commissioner elected solely by district may not work for good of entire County; may pit each Commissioner against the other two; lessens citizen's sense of access to all Commissioners.
- Electing the Director of the Department of Community Development
 - Fiscal impact: (negative) - although elected officials typically are paid less than appointed department heads, an elected department head may not have the required professional training and experience, necessitating the assistance of a professional deputy director, thus increasing County expenses.
 - Social impact: (negative) - Increasing the departments headed by an elected official diminishes the chain of command and direct accountability from the Board of Commissioners.
- Inserting the new Article I
 - Fiscal impact: (negative) - relegates all other departments and programs of county government to positions secondary to law enforcement and criminal justice services at budget time.
 - Social impact: (negative) - clearly states to the public the diminished importance of County services such as health and welfare, environment, capital improvements, parks and recreation, and so forth.

You might also question the fiscal impacts of renumbering the entire Charter document. Are the benefits worth the related bureaucratic expenses? Will attempting to narrow the definition of

“shall” reduce or increase litigation? Will bringing more specificity to the financial administration procedures create problems if there are changes in state or federal mandated budgeting or fiscal reporting?

We caution you that, if your proposed amendments are very lengthy, you will have to do an extremely thorough job explaining the merits of the changed language. From the perspective of many voters, it’s often easier to stay with the known and vote “No” rather than risk approving something that may have ramifications not clearly understood.

And, finally, we suggest you consider extending the time between Charter reviews. Providing staff support for an entire year, every five years, takes fiscal and staff resources away from other County duties. If a Charter Review Commission is convened too frequently, there is the danger of suggesting changes when there is no really compelling need to do so. The Charter is for the county what the Constitution is for the United States. Amendments should occur infrequently and only after thorough consideration. Ten-year intervals would be more appropriate and would coincide with the receipt of decennial census data as well.

Again, I thank you for your attention.



Vicci Rudin

Chair, LWV Charter Study Committee

8

Jack D. Lyon
216 W. 13th St.
Port Angeles, WA 98362

Comments on the Clallam County Home Rule Charter, Public Hearing Draft, undated but available June, 2002

Page 2: What date was this offered for hearings? Who/What entity offers this draft? It was not shown.

Page 8: New Sect. 3.20: Comp. Of Commissioners: ...three(3). FIVE commissioners will allow any two to meet without a public meeting restriction, thereby allowing much more efficient conduct of business.

Election of Commissioners: In my firm opinion, ELECTION BY DISTRICT (not by county) would be divisive for the whole county, tend to disrupt the cooperative and responsible conduct of county business and could result in the deterioration of the political processes. Retain the present election method.

New Sect. 3.30.20, last sentence: Probably should read "The commissioners MAY..."

Page 9, new Sect. 4.20: Next to last sentence: Suggest change to read: "The provisions of every emergency ordinance SHALL STATE AN EXPIRATION DATE AND shall cease...."

Page 9, new Sect. 4.30: Hard to read unambiguously. Suggest: Washington State statutes or recognized printed codes or a compilation of codes, in whole or part, that have been adopted by the public process, shall, when adopted by ordinance, make reference to the source.

Art. V - Other elected officials:

Sect. 5.10: Composition: I strongly recommend that the Sheriff, Treasurer and a proposed Director of the Dept. Of Community Development NOT BE ELECTED, BUT BE APPOINTED BY, AND BE SERVING AT THE PLEASURE OF THE COMMISSIONERS. THIS WOULD ENHANCE THE TEAM EFFORT OF THE ADMINISTRATION, which we all hope to see.

Last sentence: Let us KEEP ELECTIONS NON-PARTISAN that are so now. These are essentially staff positions anyway.

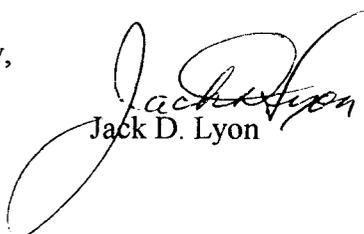
Page 12, new Sect 8.50: Last line: change to ".number 1 to 5" To jibe with 5 commissioners, as above.

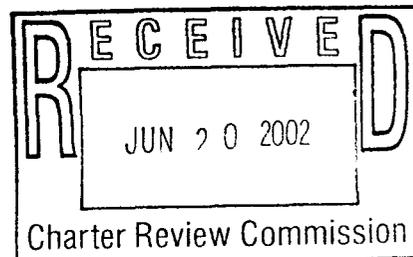
Page 13, new Sect. 8.60: I far prefer retaining the part stricken in the last 6 lines. It more closely serves the will of the voters of the last election.

Page 18, para. I. Of Sect. 9.60.030: In 3rd line starting "The petition...." Why was this sentence deleted? Such a point is needed. We may prefer to make registration by 30 DAYS after the ordinance is passed.

The Review Board has done a commendable job preparing these revisions. I offer these suggested changes in the hope that their efforts will prove even more enhancing to a smoothly functioning County government.

Respectfully,


Jack D. Lyon



Perrott, Trish

From: Tenforward [sforde@tenforward.com]

Sent: July 05, 2002 6:55 AM

To: CharterReview@co.clallam.wa.us

Cc: Dan & Lois

Subject: comments for the record

TO: Clallam County Home Rule Charter Board

CharterReview@co.clallam.wa.us

RE: Changes in the Home Rule Charter

This is the written statement in conjunction with the verbal statement I made on June 20, 2002 at the Home Rule Charter Commission public hearing, for the record:

First, I'd like to say that I've attended most of the meetings of the Home Rule Charter Commission, and I've seen firsthand how hard you've worked on reviewing the Charter. Thank you for your time and the good work you've done for the citizens of this county.

You've done a good job in breaking down the initiative and referendum processes so it's an easy-to-follow procedure. This will, I hope, eliminate the end-runs around the citizens' participation in their own government as we've seen over the past year.

I would like to see the section on recall expanded as you've done with the initiative and referendum. (page 18)

Article I, Section 1:10 should be eliminated, as it grants too much potential power to one department. (page 7) I would suggest substituting Article I, Section 1 of the Washington State Constitution in its stead.

The definition of the word "shall" is necessary, and I'm glad to see you included it, in view of potential legal variations of meanings when it is not defined. (pages 7 and 13)

The changes concerning the budgeting process are an excellent beginning for the ability of citizens to obtain necessary information and be involved in the process. I would like to see an addition concerning grants that the county is reviewing, with a stipulation as to what happens when the grant runs out. Possibly more important would be that potential grants would be available for easy access to the public in order to offer input, as so many of the grants have "strings" attached which may harm the citizens of the county in the long run. Grant money, after all, is taxpayers' money.

The emergency ordinance time limit of 60 days should not be changed. The definition and exclusions that you've included are very important, however, for clarification purposes. (page 10)

I am glad to see the provision for election of the director of the Department of Community Development for several reasons. This is one of the largest departments in the county, and wields much power over what people can and cannot do with their property. Many of the rules are subjective in nature, due to the vague wording of some of the ordinances; yet there is little or no recourse by the citizens except to the county commissioners. The commissioners most often stand behind their staff decisions; therefore, it is important that we the people have another alternative - and the ability to have a voice in how the department is run is a good one, via election. It has worked well with the treasurer's and auditor's office, and I see no reason that it wouldn't work well with the DCD. I think we as citizens would be better off without all the "professionals" to oversee us, but have representation of our needs. The position needs more accountability to the citizens, and having the position elected would help bring that about. (pages 9-10)

The idea of electing county commissioners from their respective districts is a good one, and doesn't preclude all of the commissioners from representing citizens across the county. Partisan elections for the various candidates will

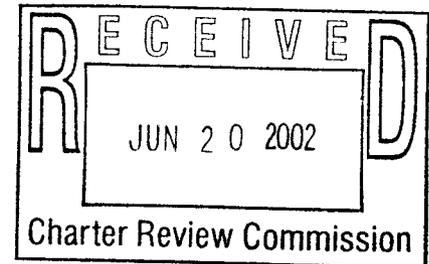
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assist citizens in determining the philosophy of each candidate, since each political party has distinctly different party platforms and view on how government should be run. The more information about a candidate, the better informed the voter at election time, and this is definitely a valuable piece of information.

Again, thank you for your diligent efforts to represent the citizens of this county.

Sue Forde

Sequim, Washington



Five District Draft										
Vote Dist	1 Of 5	Vote Dist	2 Of 5	Vote Dist	3 Of 5	Vote Dist	4 Of 5	Vote Dist	5 Of 5	
BLYN	1033	AGNEW	738	PA1	774	PA11	522	BEAV	939	
JAMES	683	CARLS	953	PA2	710	PA12	429	BOGA	875	
HAPPY	1244	E DUNG	803	PA3	722	PA13	896	SEKIU	392	
OLYMPIC	845	E FAIR	1643	PA4	661	PA14	639	CLALL B	1428	
N PRARI	1124	KLAHANE	863	PA5	618	PA 15	628	EDEN	1097	
PORT WI	686	GREY	847	PA6	503	PA16	624	ELWHA	405	
S PRARI	1176	W DUNG	1333	PA7	528	PA17	1036	HOKO	116	
SUN N	592	CLINE	788	PA8	509	PA20	1359	JOYCE	1521	
SUN S	409	MACLEA	910	PA9	883	BLACKD	1087	NEAH B	1460	
DIAMOND	561	BLUE MT	500	PA10	974	EDGEW	1323	PIEDMO	95	
SEQ 1	1262	EAGLE	750	CLARK	1580	PA19	1129	QUIL	730	
SEQ 2	595	MONTER	822	W FAIR	1378	PA21	942	SUN	1060	
SEQ 3	1282	PARKWO	194	MT ANG	483	PA22	1327	FORKS 1	1518	
SEQ 4	1195	RIV/LOST	1097	MT PLEA	559	PA23	407	FORKS 2	458	
				N BELLE	694	PA24	901	FORKS 3	306	
				S BELLE	858			FORKS 4	838	
				PA18	676					
Dist Total	12687		12241		13110		13249		13238	TOTAL 64525

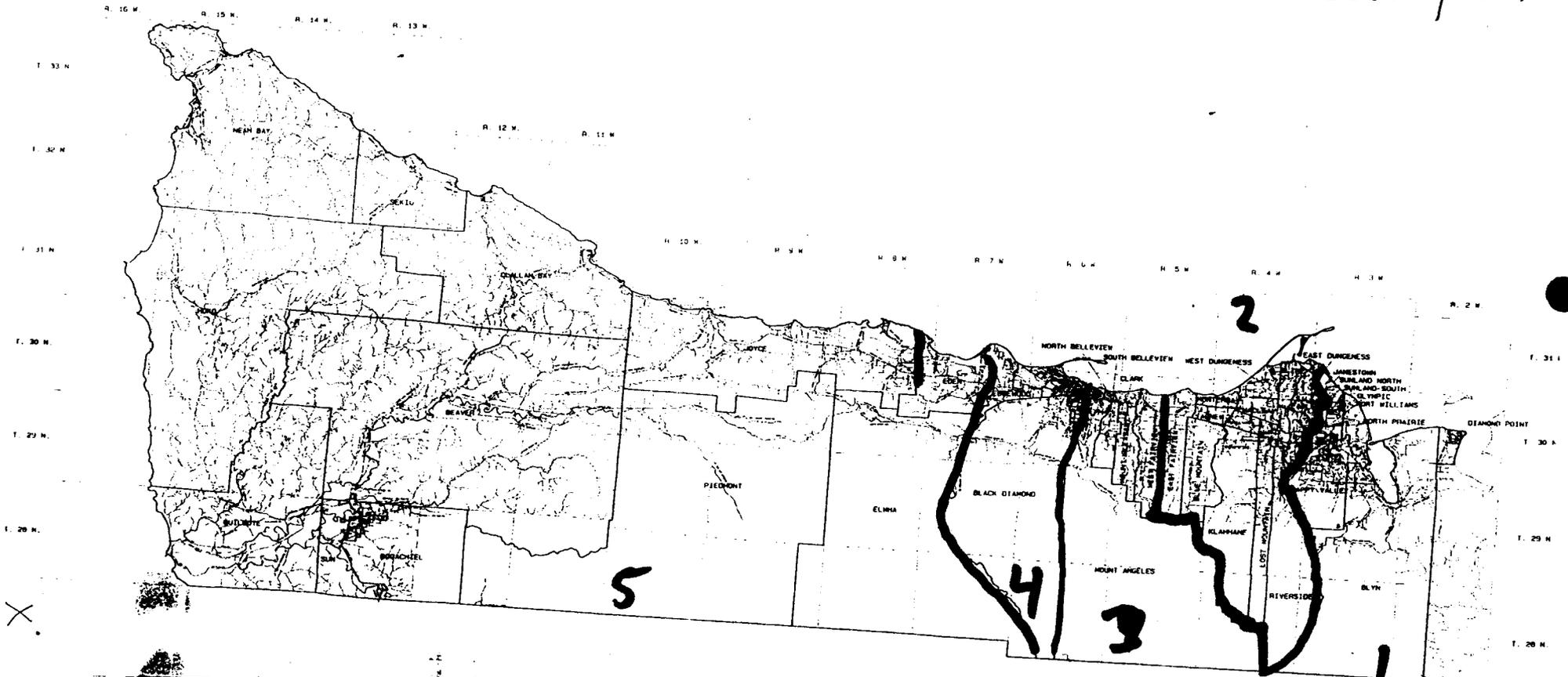
Total County / 5 = 12905 5% = 645

Seven District Option														
Vote Dist	1 of 7	Vote Dist	2 of 7	Vote Dist	3 of 7	Vote Dist	4 of 7	Vote Dist	5 of 7	Vote Dist	6 of 7	Vote Dist	7 of 7	
BLYN	1033	E DUNG	803	AGNEW	738	PA1	774	PA11	522	PA22	1327	BOGA	875	
HAPPY	1244	JAMES	683	CARLS	953	PA2	710	PA12	429	PA23	407	SEKIU	392	
OLYMPIC	845	N PRARI	1124	E FAIR	1643	PA3	722	PA13	896	PA24	901	CLALL B	1428	
PORT WI	686	S PRARI	1176	W DUNG	1333	PA4	661	PA14	639	BEAV	939	HOKO	116	
SUN N	592	KLAHANE	863	BLUE MT	500	PA5	618	PA 15	628	BLACKD	1087	NEAH B	1460	
SUN S	409	GREY	847	MONTER	822	PA6	503	PA16	624	EDEN	1097	QUIL	730	
DIAMOND	561	CLINE	788	CLARK	1580	PA7	528	PA17	1036	EDGEW	1323	SUN	1060	
SEQ 1	1262	MACLEA	910	W FAIR	1378	PA9	883	PA20	1359	ELWHA	405	FORKS 1	1518	
SEQ 2	595	EAGLE	750			PA10	974	PA19	1129	JOYCE	1521	FORKS 2	458	
SEQ 3	1282	PARKWO	194			MT ANG	483	PA21	942	PIEDMO	95	FORKS 3	306	
SEQ 4	1195	RIV/LOST	1097			MT PLEA	559	PA18	676			FORKS 4	838	
						N BELLE	694	PA8	509					
						S BELLE	858							
Dist Total	9704		9235		8947		8967		9389		9102		9181	TOTAL 64525

Total County / 7 = 9218 5% = 461

5 DIST

County #1

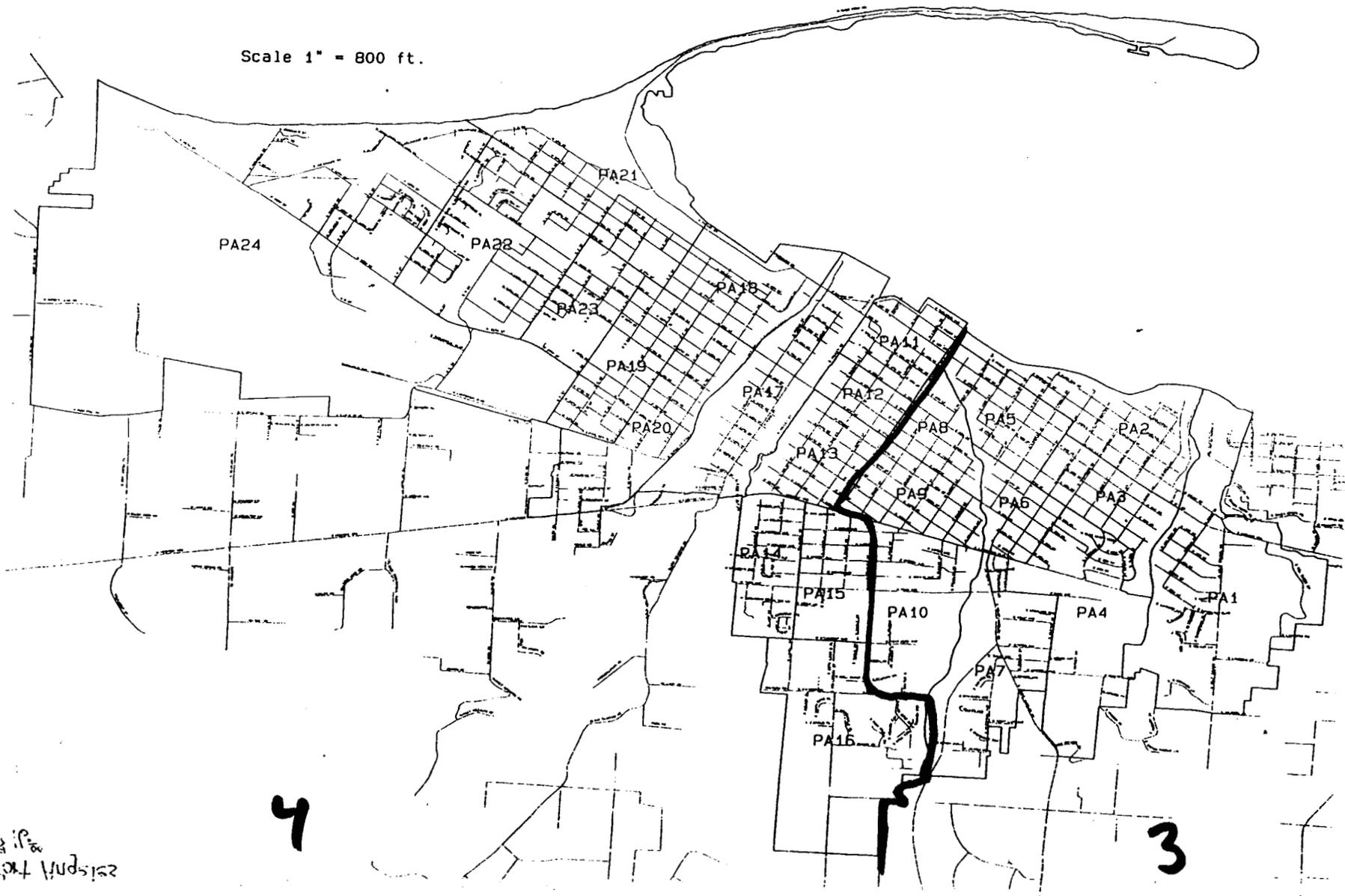


Scale 1" = 2 miles County #1

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City of P.A. #2

Scale 1" = 800 ft.



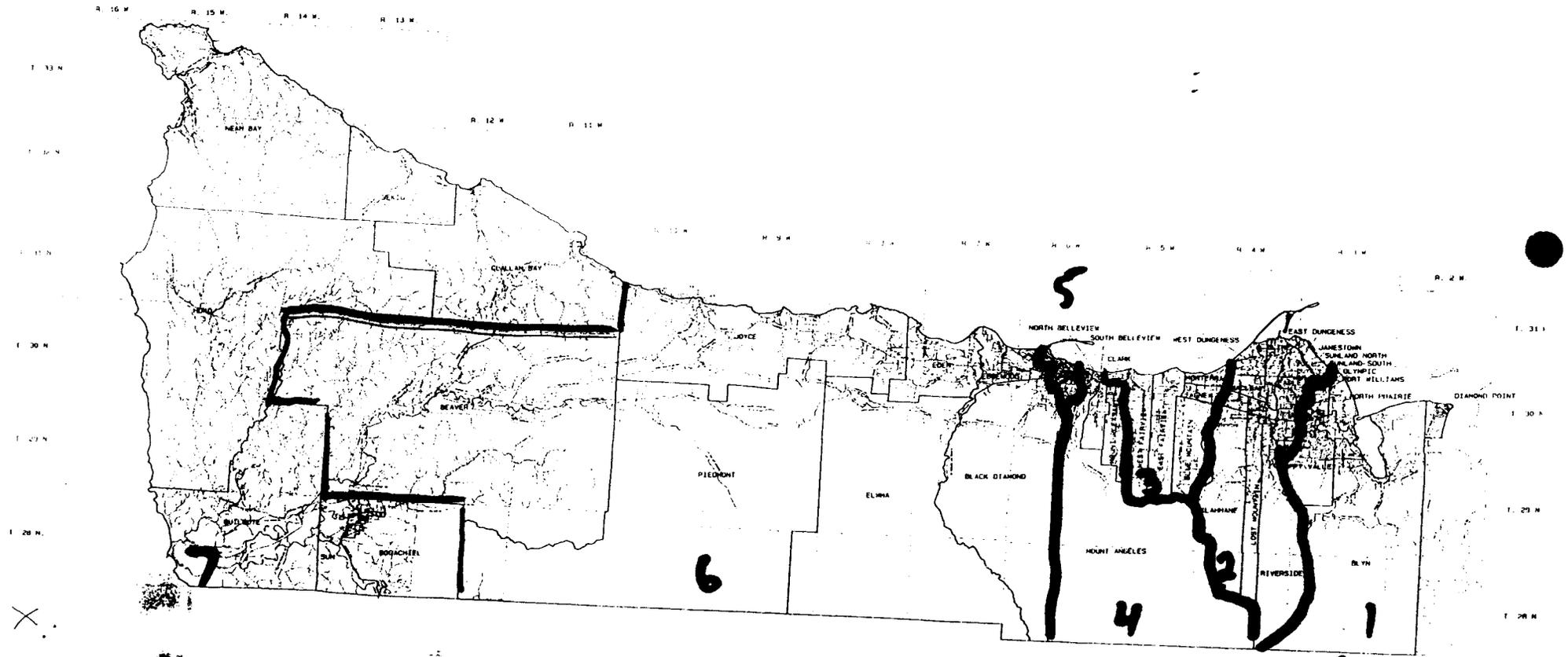
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3/16
1947 Wuds:152

7 DIST

County #1

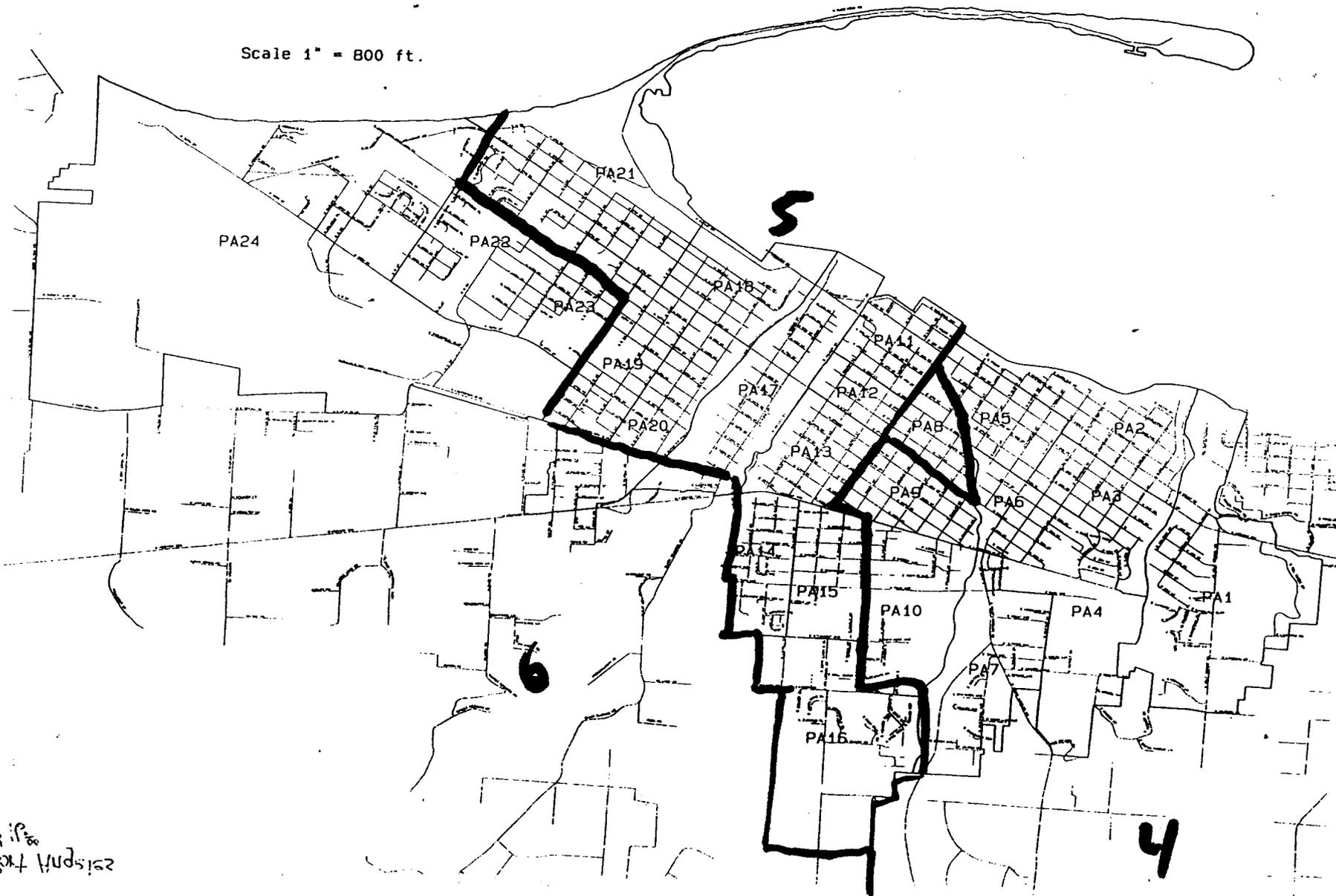


Scale 1" = 2 miles County #1

7 DIST

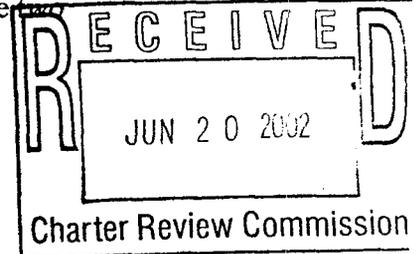
City of P.A. #2

Scale 1" = 800 ft.



2515 PMA 1/15/12

**Comments on proposed charter language -
Port Angeles - June 20, 2002
submitted by Norma Turner**



Thank you for this second chance to address you. As I mentioned in Sequim there were too many changes to allow adequate comments in the allotted seven minutes .

A quick synopsis of the issues covered in my Sequim testimony:

* **Article one** - the title is misleading because much of our personal safety comes from working to keep the population healthy - after spending a year in Africa the importance of assuring a clean drinking water supply, restaurant inspections to verify that the food is handled and cook in an appropriate way are just two examples of why safety and health are indeed intertwined. The proposed language actually only deals with law enforcement. The word ample is neither defined nor does it tell us who will define it. And lastly and most importantly while law enforcement is important I disagree that is it the paramount duty of the county. I am certain that even if you polled the members of the law and justice council they would acknowledge that it makes their job easier when there are healthy and well functioning other agencies and departments to work with to solve community problems. I hope you delete article one.

* **Article 5.10** - the idea of electing the head of community development is an expensive expansion of county government. It is NOT a new idea. The fact that it has been rejected by past charter review commissions, is NOT included in any other county charter in our state and as, was pointed out in Sequim, there is no state statutes governing this as an elected position. I reviewed all the minutes and documents that I retained from the 1994 charter review commission and many familiar names popped up. The concept of electing the head of DC D was put out to public hearings by the 1994 commission and out of the 24 persons that testified only one endorsed the concept. In addition members of the public were also given "ballots" so if they attended and chose not to speak they could still vote on all the proposals. Also in that format the majority did not endorse an elected DCD. The commission respected the public's view and after the public hearings voted not to place it on the ballot - I trust you will delete it from your list of ballot proposals also.

Regarding partisan offices - I had a chance to talk with a former commissioner the other day. One whom I disagreed with on many issues, so it was fun to discuss the charter. Their summary of the issue was concise and on target " It makes life much easier for the candidates, but doesn't do anything good for the county." The will of the electorate in 1989 should be respected since there has been no show of overwhelming desire by the public for this change, including the most recent Sequim hearing. Article 5.10 should return to its original language.

The overarching comment I would make about the proposed changes are to keep in mind that the Clallam County Charter is our local constitution. It needs only to frame guiding principles, similar to the US constitution which held up under 200 years of drastic changes. Many of the proposed changes are very worthy of consideration such as Articles 9, 10 and 11 but they tend to read more like a policy and procedure manual than a charter. There is far too much detail for the general public to read and care about prior to voting and what I've seen in the past with public vote on charter changes if didn't know what it really meant they voted no. Past charter review commissions have prepared two documents. Changes which they believed needed to be in the charter and recommendations to the county on policy and procedure issues, which were important but not appropriate for the charter.

Testimony of Norma Turner - Port Angeles - Re: Proposed Charter changes

Old 1.30 (pg 7)-Inserting the definition of " shall" fits and it easily follows the definition of "law", and I would propose that you are more apt to get this approved if it is in just this one section because it would hopefully clarify the entire document and thus would be a simple concept to explain to the people. When it is added to other sections then you may be defeating your purpose because then one could argue that in ANY section wherein it is NOT defined shall could again be construed as being ambiguous.

Old 6.10 (pg 11)-I am uncertain the reasons for these changes, the replacement language seems rather esoteric - i.e. Webster defines the old word "chosen " as picked out by preference, **selected"** In addition while the old language has this person perform functions by the commissioners the new language is vague and seems as though the administrator has no defined boss " carry to the administrative responsibilities of the county" Who defines what those responsibilities are? While the language in this section is not offensive it creates an ambiguity not now present does not changes the selection process enough, to justify it going on the ballot - you have proposed 33 section changes , you may need to "pick your battles"

Old 7.45 (pg 12) The same idea. the changes in the first paragraph are difficult to understand. The old language is removed and essentially the same language is reinserted the caveat that they be done in descending priority. In 1989 we did not list them in priority order because it was our expectation that redistricting to be accepted had to include all the components. Just like the list of requirements students had to fulfill to graduate this month - they are not listed in priority the student simply must meet all the requirements. The changes in the latter part of this section are needed and appropriate. Again if there is only one easy to understand change for this article it is more apt to pass. I also hope you will give serious consideration to the suggestion in Sequim on the composition of the redistricting commission.

Sec. 8.20 (pg 11) This makes sense and saves money for both the candidates and the county.

Sec. 8.6 (pg 13) There is a role for local party politics. It seems that if someone if elected by political party A and steps down then that party should play a role in nominating a successor.

In conclusion I look forward to your final deliberations. Thank you again for this second opportunity to speak.

Statement for Public Hearing June 20, 2001

My name is Susan Erzen and I live in Sequim.

As I stated last week, I oppose the proposal to make all elected county positions partisan. I don't understand what has precipitated your desire to change non partisan positions into partisan. Has there been some problem with the assessor, auditor, sheriff or treasurer being non partisan? -The proposed amendment goes against the 1989 vote of Clallam citizens and is a step backward for good county gov't. I also think it will be more expensive because politicians instead of professionals working in financial positions may require more staffing to run the department. As I stated at the hearing in Sequim, I believe that history clearly illustrates that partisan politics can stalemate our government. I urge you not to make all elected county positions partisan.

I also oppose the proposed Section 1 of the charter. That statement presents a narrow and militaristic view of government that contradicts the American belief in democratic ideals and individual rights. It elevates law enforcement above human services, public works, and environmental issues. I ask you not so support such a narrow view of county government. Our charter should affirm the rule of law not law enforcement.

I support the consensus of the League of Women Voters of Clallam County.

I support adding a statement to the charter that could eliminate much of the confusion and frustration about the initiative and referendum. The statement would explain that "initiatives and referendums cannot conflict with the federal and state constitution, the laws of the state of Washington or the County Charter". That statement is already in the County Administrative Code. Local citizens cannot pass laws that contradict federal and state constitutions and the laws of our state or county. That's why we fought a civil war a hundred and fifty years ago. States and citizens cannot decide to adopt laws that conflict with the laws of our land.

The proposed changes to the Initiative and Referendum clarify the process. I support the League position that a charter amendment is not required because the proposed details could be added to the county Code and administrative procedures. Such procedures should require a publicly-funded discussion to be held BEFORE circulating a petition to provide a broader understanding of the issues.

In conclusion I urge you keep county elected positions non partisan. I hope you will eliminate the proposed section 1 of the charter. And finally, I hope you will clarify the initiative and referendum process by including the statement that disallows initiatives and referendums which conflict with the federal and state constitution, the laws of the state of Washington or the county Charter.

Thank you for your attention.

