



BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of June 26 – 30, 2023

IC
7/3/23

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, June 26, 2023. Present were Commissioners Ozias and Johnson and Deputy Administrator Reyes. Commissioner French and Administrator Sill were excused.

Items of discussion per the agenda published June 22 were:

- Calendar/Correspondence
- Discussion with Department of Transportation regarding Highway 101 Project
- Discussion regarding Energy Futures Steering Committee
- Update regarding Joint Public Safety Facility Project
- Presentation regarding Resilient Fairchild Airport Microgrid Feasibility Study
- Update regarding the Community Health and Food Access Programming
- Agreement amendment 1 with Washington Water Trust regarding Dungeness Off-Channel Reservoir Project
- Briefing and request to approve a Lost Note and Deed of Trust Affidavit, Request for Full Reconveyance, and Substitution of Trustee for Deed of Trust with Burt H. Rickard
- Resolution appointing Juanita Weissenfels, Joseph Mocerri, and Joyce Stuart to the Homelessness Task Force
- Resolution appointing Greg Waters and John Kent to the Crescent Community Advisory Council
- Resolution reappointing Eric Adolphsen and Bruce Paul to the Noxious Weed Control Board
- Letter of approval of application and fee waiver fee \$150 for Clallam Bay / Sekiu Fun Days assembly permit applications
- Review the "How Did We Do" reports comparing each month's actual performance
- Call for hearing to be held Tuesday, July 18, 2023 at 10:30 a.m. for the Mid-Year 2023 Budget Review

Meeting concluded at 12:22 p.m.

EXECUTIVE SESSION – June 27, 2023 at 8 a.m.

Pursuant to RCW 42.30.110, an executive session will be held at 8 a.m., Tuesday, June 27, 2023 in the Commissioners Board Room, 223 East 4th Street, Port Angeles, Room 160. No Zoom option will be available.

An executive session is needed for the purpose of reviewing application materials (qualifications) and testing results on the three finalists for the Clallam County Administrator position.

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

The Board convened in open session at 8 a.m. to discuss application materials (qualifications) and testing results on the three finalists for the Clallam County Administrator position. Present were Commissioners Ozias, French and Johnson, Deputy Human Resources/Administrator/Risk Reyes, Auditor Riggs, Public Work/Road Department Gray, WSU Extension Office Rome, Department of Community Development Emery, Assessor Rushton and Health and Human Services LoPiccolo.

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

The board recessed into executive session at 8:02 a.m.

The board convened in open session at 9:02 a.m.

ACTION TAKEN: CRJm to approve that the County extends an offer to the number one applicant subject to an employment contract and other appropriate vetting, CMFs, mc

Meeting concluded at 9:09 a.m.

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REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, June 27, 2023. Also present were Commissioner Johnson and Deputy Administrator Reyes. Commissioner French and Administrator Sill were excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on item 2a, County Administrator Tours and executive session
- Ed Telenick, Sequim, commented on Korean War Veteran's, item 2b (see attached)
- Apryl Cramer, Port Angeles, commented on item 2b

CONSENT AGENDA

- 1a Approval of vouchers for the week of June 19
- 1b Approval of minutes for the week of June 19
- 1c Proclamation recognizing Korean War Remembrance Day

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

REPORTS AND PRESENTATIONS

- CRJ read the Proclamation recognizing Korean War Remembrance Day
- CMO commented on Sequim Realtors Meeting, WSU Extension new location, thanks to the Facilities Team for their work on setting up the WSU location

CONTRACTS AND AGREEMENTS

- 2a Agreement with Jamestown S'Klallam Tribe for Lower Dungeness River Floodplain

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2b Agreement with Sound Law Center, LLC for Hearing Examiner and Code Enforcement Services

ACTION TAKEN: CRJm to approve, CMOs, mc

ADMINISTRATION

- 3a Request to approve the quote provided by Axon Enterprise, Inc. for the Body Worn Camera Program

ACTION TAKEN: CRJm to approve, CMOs, mc

- 3b Letter of approval of application and fee waiver fee \$150 for Clallam Bay / Sekiu Fun Days assembly permit applications

ACTION TAKEN: CRJm to approve, CMOs, mc

BUDGET

- 4a Resolution adopting the following Budget Revisions:

Parks and Facilities – Capital Projects – Transform existing shower facility into a fully functional Mother's Lounge/\$30,000

HHS – Operations – Foundational Public Health Services (FPHS) Lifecourse funding to be used for furnishing employee workstations and public service areas at the Harm Reduction Health Center/\$36,032

HHS – Foundational Public Health Services

- Funding for Forks Health Department related costs such as the building purchase, inspection and related costs, HVAC system, and flooring (1 of 2)/\$274,800
- Funding for the following HRHC – Harm Reduction Health Center costs: HVAC system, flooring, painting, and copy machine (1 of 2)/\$49,168

Sheriff – Jail - Contracted costs for Norpoint Services to provide courthouse security for the month of May 2023/\$20,570

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Information Technology – Reallocation of current budgeted IT funds to more relevant BARS accounts and amounts/\$592,283

Geographic Information System - Reallocation of current budgeted GIS funds to more relevant BARS accounts and amount/\$7,500

ACTION TAKEN: CRJm to adopt, CMOs, mc

4b Resolution adopting the following Supplemental Appropriations:

HHS - Operations

- Receipt of funding from the Washington State Department of Health for drug users' health program supplies/\$7,500
- Funding for Forks Health Department related costs such as the building purchase, inspection and related costs, HVAC system, and flooring (2 of 2)/\$274,800
- Funding for the following HRHC – Harm Reduction Health Center costs: HVAC system, flooring, painting, and copy machine (2 of 2)/\$49,168

HHS Environmental Health – Receipt of funding from the Washington State Department of Health to perform mosquito trapping for West Nile Virus identification/\$3,000

Sheriff – OPNET Drug – Reimbursement for purchase of (1) digital currency counter that will adequately scan paper currency in a format suitable for retaining evidentiary value/\$9,850

Public Works – Road – Waterline and Sewer line work reimbursements from utility owners Dry Creek Water Association and the Lower Elwha Klallam Tribe/\$515,640

ACTION TAKEN: CRJm to adopt, CMOs, mc

4c Call for hearing to be held Tuesday, July 18, 2023 at 10:30 a.m. for the Mid-Year 2023 Budget

ACTION TAKEN: CRJm to issue notice, CMOs, mc

HEARING(S)

H1 Consideration of resolution adopting the following Debatable Emergencies:

Parks and Facilities – Funding for wages and benefits associated with the reclassification of the Administrative Specialist IV position to Administrative Operations Coordinator and pay equalization of the Facilities Maintenance Supervisor and eight Maintenance workers/\$35,000

NonDepartmental – Additional funding for a new Escrow Holding & Clearing account to be utilized to facilitate disbursement of earnest funds for real estate purchases by the County/\$30,000

- Reyes read the agenda item into the record

ACTION TAKEN: CRJm to open the public hearing, CMOs, mc

- The following provided comment:
 - Ed Bowen, Clallam Bay

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

H2 Proposed vacation of a portion of Hermison Road

- Reyes read the agenda item into the record

ACTION TAKEN: CRJm to open the public hearing, CMOs, mc

- CMO noted no one testimony

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

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on item H1 Escrow Holding & Clearing Fund, Clallam County Administrator process, Korean War Remembrance Day Proclamation, Korean War Memorial Highway signage upgrade
- Nina Sarmiento, Port Angeles, commented on Power Plant and TCB 23 – Elwha River
- Mary Telenick, Sequim, commented on property and County issues (see attached)
- Ed Telenick, Sequim, commented on property and County issues

The meeting concluded at 10:56 a.m. and continued to 9 a.m., Monday, July 3, 2023.

There are no Zoom chat logs for the week of June 26.

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The Board of Commissioners attended WSAC Virtual Update, Department of Natural Resources Meeting, William Shore Memorial Pool District Meeting, and Coffee with Colleen during the week of June 26.

PASSED AND ADOPTED this 3rd day of July 2023.

ATTEST:


Lori Gores, MMC, Clerk of the Board

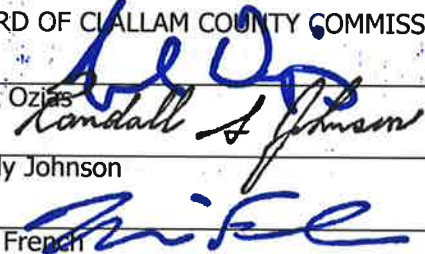


BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias

Randy Johnson

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

*Submitted for public record
June 27, 2023*

*Mary + Ed Telenick
Public comment
June 27, 2023*

From: Ed telenick

Sent: Monday, June 5, 2023 10:07 AM

To: andrew@soundlawcenter.com

Cc: tpaulhunter@gmail.com; info@soundlawcenter.com; Emery, Bruce; Reyes, Tom; Commissioners@ClallamCountyWA.gov

Subject: concern about the HE process in Clallam County

Good morning Mr. Reeves,

I attended the recent Hearings Examiner session (CUP 2023-00006/CUP2023-00005) that was conducted last week, as an observer. I have also attended several land use Hearings submitted by petitioners as well as those initiated by Code Enforcement for non compliance issues.

My interest in following these Hearings was piqued because of concerns that I have had since 2021, when you ruled on a Code Enforcement Case CMP 2020-00130.

The testimony provided to you during that Hearing was very thorough and well documented by J. Majors who was a Code Enforcement (CE) officer at that time. He provided considerable evidence for two chronic violations (junk vehicles and building code violations) that you used in determining the course of action that was supposed to be followed. It included accruing fines for non compliance in removing junk vehicles by a certain date and obtaining a building permit by a much later date. As citizens we were not allowed to provide testimony that would have refuted some of the false testimony that was given by the respondent but that is not my motivation for writing this letter.

Ultimately, neither of these deadlines were met and thousands of dollars in fines were accrued but never collected. The real problem occurred because Donella Clark and Annette Warren arbitrarily overrode your orders and bypassed the entire intent of your decision. They also falsified and distorted the truth about the underlying issue which created a situation where an unsafe structure was knowingly rebuilt without permits or proper oversight.

This time frame on the second infraction was extended for 7 months because Ms. Clark retracted her initial determination that no permit would be issued until a Boundary line that was bisecting the home was removed. Ms. Warren then allowed that home to be worked on despite your orders that it was not to be worked on or occupied; stating there were only minor corrections needed on a failed 2004 permit when she had photographic proof of the damage that CE submitted to you.

In addition, Anastasia White who became the acting CE supervisor after the entire CE team quit, issued a second CV later that summer for additional vehicle dumps on an open junk vehicle case when it was clear that this was a chronic problem that had full enforcement authority. She also failed to act on the building code infractions despite the respondent also continuing to violate your orders, even after the extended permit deadline. Ms. White is now the Clerk for Clallam County Hearings Examiner and your primary contact with regards to HE determinations.

During that time (and to this date) ongoing infractions have jeopardized an entire neighborhood and resulted in damage to a Critical Area while the County is comfortable covering it up hoping it will disappear.

I have come to learn over the past 2 years that your orders are frequently not followed or enforced; whether it be for Code infractions, landscaping requirements or other protections to sensitive ecosystems in various land use cases. I understand that you are not responsible for actions taken after your determination but you do have a responsibility to consider the actions of the Staff who are failing to perform their jobs within a County that has clearly been embroiled in multiple controversies and lawsuits as a result of ignoring your orders. One would think that you would consider the ethical responsibility you have to citizens that you supposedly represent.

Here's the problem that I observed after the recent HE meeting after the cameras were turned off.

You had a discussion with Bruce Emery, Donella Clark and Katherine Connors regarding your interest in providing future services offered by your law firm. I have no problem with a discussion that includes contract issues with SoundLawCenter but it was clear that there was a very comfortable relationship between yourself and Clallam County Staff; particularly with regards to some of the same Staff members who have provided you with false information and/or arbitrarily overridden your decisions on other cases as well.

During the recent Hearing you stated that you don't "rubber stamp" these things, but I certainly left the meeting that day feeling that there was little semblance of independence in your determinations, and that petitioners have no chance of getting a fair and impartial rulings if they are not supported by Staff recommendations. Especially, when such a cozy relationship exists with Staff who lie, misrepresent or override your determinations.

I was assured that a new era was dawning with the election of a new Director of Community Development and the recent MOU calling for interdepartmental cooperation, but his unwavering support of Staff indicates he is just as determined to support this dysfunctional government while it's citizens suffer injustice.

I had really hoped that a Hearings Examiner located outside of Clallam County would provide a counterbalance to what occurs here, but so far there is little evidence to support that hope. I have copied the language of the role of the Hearings Examiner from the Clallam County webpage and encourage you to read it and consider it along with this letter.

"The Hearings Examiner's role is to assure fairness and due process protection for all involved in the hearing process. It is his/her responsibility to render land-use decisions in accordance with local, state and federal regulations. No one may contact a Hearing Examiner for the purposes of influencing a decision."

Thanks for taking the time to read this and please thoughtfully consider my concerns. I have always been impressed with the thoughtfulness that you put into your determinations but would hope that you also recognize your ethical obligation to serve the citizens of Clallam County as an independent judge. I also encourage you to assure that Staff input is verified and reinforce that the resultant decisions are meant to be followed. At the end of the day this directly impacts your reputation as well as our faith in government.

Ed Telenick

who believed in lawsuits if at all avoidable. Besides we can't even afford our own attorney to defend our own property much less take on the county so we are stuck.

This county creates problems between neighbors and then washes their hands of them, leaving us to fend for ourselves. This should never happen to citizens and yet it did and does! What happened to for liberty and justice for all?

Thank you,
Mary Telenick

From: Ed telenick
Sent: Tuesday, June 27, 2023 9:30 AM
To: ed telenick
Subject:

Sent from Mail for Windows

Commissioners,

My name is Mary Telenick and I live in Sequim Washington.

I am speaking today because of what the county has done to us. I spoke to you last year before the new DCD director was elected and was told to be patient but if anything things are worse for us now.

We are retired seniors living on a fixed income who have only asked to live in peace on our own property where we have lived for 30 years. In 2020 our dreams were destroyed by a person who has yet to spend one night in this neighborhood. Initially, we tried to work with both our neighbor and the County to solve a simple boundary issue between our own two properties and the neighbor, to fix a problem that had been known for decades.

As a result we have become embroiled in a lawsuit that nearly resulted in the loss of our own well and has cost us a years worth of our salary. The county says it is not responsible for that lawsuit, which we agree with, but they did contribute to the problem and bypassed so many of their own laws that has made this much worse than it should have been.

They have also ended up targeting us for merely trying to see that laws are followed. Instead they actually rewarded the person who has violated dozens of laws and looked the other way while an unsafe house was completely ignored and criminals were allowed to live in the house or in trailers with no water, sanitation and who wreaked havoc in the neighborhood.

I have to carry a stun gun around our property because I'm fearful of walking alone in the woods. I have had to leash my own dog on my own property because the neighbors dogs, which have included several pitbulls run free on our property. I have seen garbage floating down a creek that is supposed to be protected and worry that our trees will be poached if we leave our home. Our tenant has threatened to leave because of the situation. He has also tried to involve the County but his concerns are largely ignored and he doesn't even bother to reach out to you these days. That tenant pays a significant portion of our monthly income.

My husband has spent hundreds of hours trying to work with the county towards a resolution but in the end it just got us targeted. Both of us are suffering from the stress. He is now on blood pressure medicine, antidepressants and we both need to take medicine to help us sleep. This situation has negatively impacted our marriage of 42 years because of the financial burden and other tolls this type of situation created.

Now we are trapped in a settlement agreement that will not be completed because the county attached rules to the neighbor before the boundary line will be signed off on that have nothing to do with us. This county has ruined a portion of our lives by ignoring laws, judges orders and environmental protections when we did NOTHING wrong. We have been told to sue the county but we have never been people