



DRAFT

MINUTES

Jefferson County Board of County Commissioners

Regular Meeting – August 5, 2024, 9:00 a.m.

Jefferson County Courthouse – Commissioners' Chambers
1820 Jefferson Street, Port Townsend, WA (Hybrid)

CALL TO ORDER: Due to Chair Kate Dean attending the meeting virtually, Commissioner Greg Brotherton assumed Chairing duties for the entirety of the meeting. Acting Chair Brotherton, Commissioner Dean and Commissioner Heidi Eisenhour participated in the meeting. Acting Chair Brotherton called the meeting to order at the appointed time. He noted that the Olympic Peninsula is receiving \$35 million for fish barrier projects.

PUBLIC COMMENT PERIOD: Acting Chair Brotherton called for public comments, and six comments were received. The Commissioners addressed the comments.

APPROVAL AND ADOPTION OF THE CONSENT AGENDA: Commissioner Eisenhour moved to approve the Consent Agenda as presented. Commissioner Dean seconded the motion which carried by a unanimous vote.

1. **RESOLUTION NO. 42-0805-24R** re: Authorizing a WA-RCO-COAF Grant for Quilcene Skate Park Construction; Community Outdoor Athletic Facility (COAF) Washington Recreation and Conservation Office (RCO)
2. **AWARD OF CONTRACT** re: Phase 4 - Stage 1 On-site Grinder Pump Installation for Port Hadlock UGA; In the Amount of \$2,589,588.87; Jefferson County Public Works; Strider Construction Inc.
3. **AGREEMENT** re: Cloud Storage of Superior Court Documents; In the Amount of \$2,400; Jefferson County Clerk; Modus Technology, Inc.
4. **AGREEMENT** re: Historical Document Image Enhancement and Indexing Services; In an Estimated Amount of \$265,856.12; Jefferson County Auditor; US Imaging, Inc.
5. **AGREEMENT** re: Economic Development Services; In the Amount of \$10,000; Jefferson County Administrator; Clallam County EDC
6. **AGREEMENT** re: Naylor's Creek at West Valley Road and Gibbs Lake Road Survey; In the Amount of \$25,225; Jefferson County Public Works; Van Aller Surveying
7. **AGREEMENT** re: Naylor's Creek at West Valley Road and Gibbs Lake Road Fish Exclusion Services; In the Amount of \$6,000; Jefferson County Public Works; North Olympic Salmon Coalition (NOSC)
8. **AGREEMENT, Amendment No. 1** re: Laundry Vouchers Program; In the Amount of \$6,000; Jefferson County Public Health; Mom's Laundromat

9. **AGREEMENT, Amendment No. 2** re: Services for People who experience Intellectual/Developmental Disabilities; In the Amount of \$867,692; Jefferson County Public Health; Developmental Disabilities Administration (DDA)
10. **AGREEMENT, Amendment No. 2** re: Mental Health – Therapy Services/School Districts; Additional Amount of \$191,260; Jefferson County Public Health; Olympic Educational Service District #114
11. **MEMORANDUM OF UNDERSTANDING (MOU), Amendment No. 2.** re: Nurse Family Partnership; No Fiscal Impact, Exchange of Services; Jefferson County Public Health; First Step Family Support Center
12. **AGREEMENT, Change Order No. 3** re: Phase 2 – Water Reclamation Plant for the Port Hadlock UGA; Additional Amount of \$82,523.59 for a Total \$10,183,042.53; Jefferson County Public Works; Interwest Construction of Burlington, Washington
13. **AGREEMENT, Amendment No. 4** re: PSA Infant Mental Health Mentor; No Fiscal Impact; Jefferson County Public Health; Gina Veloni
14. **AGREEMENT, Amendment No. 5** re: Chimacum Confluence Environmental Site Assessment; Additional Amount of \$4,050 for Total of \$54,636.30; Jefferson County Public Health; Evren Northwest, Inc.
15. **ADVISORY BOARD RESIGNATION (2)** re: Jefferson County Board of Health and the Behavioral Health Advisory Committee; Grey Schad
16. **APPROVAL OF ACCOUNTS PAYABLE WARRANTS:** Dated July 22, 2024 and Totaling \$888,950.27, and July 29, 2024 and Totaling \$402,191.45
17. **Payment of Jefferson County Payroll Warrants** Dated July 5, 2024 Totaling \$167,293.17

DISCUSSION re: Counties Litigation against Department of Children, Youth, Families (DCYF) related to Juvenile Rehabilitation intake freeze: Civil Deputy Prosecutor Melissa Pleimann was present to review the Counties litigation against DCYF. She requested authorization for Jefferson County to be added to the lawsuit filed by Pacifica Law Group on behalf of Washington State Association of Counties (WSAC) and 12 other counties. The lawsuit has now started, and the status is that there are several other counties requesting to be added as participants.

Civil Deputy Prosecutor Pleimann explained that on July 5, 2024, the DCYF announced they are putting a freeze on juvenile rehabilitation centers in Washington state, which is a blow to our county, as we had just recently sentenced someone to DCYF's detention center and were just getting ready to sentence someone else when the freeze occurred. Our County does not have a youth detention facility, so the freeze adds compounded stress to our jurisdiction.

Commissioner Eisenhour moved to approve Jefferson County's participation in the lawsuit filed by the Washington State Association of Counties, against the Department of Children, Youth, and Families related to its refusal to admit youth and young adult offenders sentenced into juvenile rehabilitation facilities, consistent with the law. Commissioner Dean seconded the motion. Acting Chair Brotherton called for public comments, and no comments were received. He called for a vote on the motion. The motion carried by a unanimous vote.

The meeting was recessed at 9:43 a.m. and reconvened at 9:46 a.m. with all three Commissioners present.

WORKSHOP re: HEARING NOTICE re: Department of Community Development (DCD) Fee Schedule Update: DCD Director Josh Peters, Code Administrator Greg Ballard were present to review their request to hold a hearing regarding DCD fees. They reviewed the proposed fee schedule and answered questions posed by the Board. Customer Assistance Meetings (CAMs) were discussed in more detail. Fire Marshal Phil Cecere commented on the proposed hourly fees for Fire Marshal services. The Commissioners noted they were in favor of holding a hearing on the proposed fees.

After discussion, Commissioner Eisenhower moved to approve the hearing notice, so that it can be submitted by noon today, to the newspaper record, for public notice on August 7 and 14, 2024, for a hearing to be held on the DCD Fee Schedule Update. Commissioner Dean seconded the motion.

Acting Chair Brotherton called for public comments, and two comments were received. After further discussion, he called for a vote on the motion. The motion carried by a unanimous vote. The hearing will be held on August 19, 2024 at 2:00 p.m. in the Commissioners' Chambers and virtually.

WORKSHOP re: Request for Funding for Fire Marshal Resources: Fire Marshal Phil Cecere was present to request resources for the office of the Fire Marshal. He noted that Deputy Fire Marshal Brian Tracer was unable to attend the meeting, as he was handling a wildfire issue. Fire Marshal Cecere reviewed what their duties include:

- Plan review
- Inspections
- Investigations
- Addressing and road naming
- Enforcement of burning regulations per JCC 8.72.050
- Monitor atmospheric conditions and communicate with interested parties
- Establish fire danger risk levels and corresponding restrictions per JCC 8.72.040

Fire Marshal Cecere noted that their office has been experiencing start-up challenges, and they are requesting funding for the following items:

- Equipment for investigations
- Records management for inspections and investigations
- Communications with JeffCOM and Fire and Law Enforcement partners
- Training to stay current with certifications
- Commercial and short-term rental inspection programs
- Public notification and outreach – currently limited to social media and county website
- Future staffing
- F150 crew cab truck with canopy and bed organizer – their #1 need at this time

Fire Marshal Cecere explained that they looked into an electric truck, but noted issues that would make an electric vehicle not feasible at this time. He reviewed the one-time cost of the vehicle, and ongoing costs. He reviewed other funding requests and answered questions posed by the Board. The current funding request is \$83,928.

The Commissioners deliberated on the budgetary request, noting they would not be in favor of purchasing a new gas-powered vehicle. After discussion, Commissioner Eisenhower moved to

approved up to \$17,000 for the Office of the Fire Marshal for all the tools and equipment they need to get their programs up and running. Commissioner Dean seconded the motion. Acting Chair Brotherton called for public comments, and one comment was received. The Commissioners and staff addressed the comment. Acting Chair Brotherton called for a vote on the motion. The motion carried by a unanimous vote.

The Commissioners continued discussion regarding the purchase and use of electric vehicles. Fire Marshal Cecere will bring forward a proposal for a vehicle at a later date.

ADDITIONAL BUSINESS: Tribal Agreement for Trust Land Transfer:

Commissioner Dean requested discussion and potential action regarding a letter received from the Point No Point Treaty Council, which indicated they are opposed to the four projects the County applied to the Washington State Department of Natural Resources (DNR) for a Trust Land Transfer (TLT), as it was not apparent how their Treaty Rights would be protected. Commissioner Eisenhower noted that this is the first time that DNR is consulting with Tribes on TLTs, and Tribal comments weigh heavily in project ranking.

Chief Civil Deputy Prosecuting Attorney (DPA) Philip Hunsucker was present to review the “Catch 22” issue and potential Tribal Agreement with the Board. He reviewed the principals of the agreement which include:

- Creates an opportunity for the Tribes to object to the final language
 - Must not violate “Treaty Rights,” as defined
 - Mechanism to resolve disputes, if any, about whether final language violates “Treaty Rights”
- Adds a Treaty Rights Easement that protects “Treaty Rights” that will be added at closing after the transfer
- Tribes agree to support the applications

Due to the nature of the document and the timeline, Chief DPA Hunsucker proposed delegating Chair Dean to sign the agreement on behalf of the County. There is a Special Meeting on August 6, 2024 at 3:00 p.m. on this issue, and he suggested keeping the meeting as a “check in” on the progress.

Commissioner Eisenhower moved to Authorize Chair Dean to sign an agreement with the Point No Point Treaty Council, and to continue holding the Special Meeting at 3:00 p.m. tomorrow on this matter. Acting Chair Brotherton seconded the motion.

Acting Chair Brotherton opened the floor to allow for public comments on the motion, and no comments were received. He called for a vote on the motion. The motion carried by a unanimous vote.

The meeting was recessed at 12:02 p.m. and reconvened at 1:30 p.m. with all three Commissioners present.

COMMISSIONERS’ BRIEFING SESSION: The Commissioners and County Administrator discussed recent meetings they attended, miscellaneous topics, and reviewed their meeting schedules.

CONTINUED WORKSHOP re: Sewer Utility Code Ordinance:

Public Works Director Monte Reinders and Wastewater Project Manager Samantha Harper were present to continue briefing the Board on the proposed Sewer Utility Code. Director Reinders noted they have been incorporating comments and suggestions from the public in their latest revision. They reviewed the proposed fee appendix, Chapter 13.05 Sewer Fees and Charges, incentives for connecting, County subsidy of monthly rates, and low-income program. They answered questions posed by the Board and shared next steps and goals.

After discussion, Acting Chair Brotherton opened the floor to allow for public comments, and no comments were received.

Director Reinders addressed questions about roundabout signage and his initial thoughts regarding a potential Tri-Area location for an aquatic facility.

ADDITIONAL BUSINESS: Letter of Support Quinault Indian Nation:

Commissioner Dean explained that the Quinault Indian Nation (QIN) is requesting a letter of non-protest for property located along Highway 101, that used to be reservation land, but at some point was sold to a private owner. The property changed hands again and is currently owned by the United States Forest Service. The property has old growth timber on it, and the QIN has indicated they would not be harvesting the land.

Congressman Derek Kilmer is interested in helping the Tribe get the land back from the forest service. Commissioner Dean shared a draft letter with the Board. After discussion, Commissioner Dean moved that the Board of County Commissioners send the letter of support to Quinault Indian Nation President Capoeman. Commissioner Eisenhower seconded the motion. Acting Chair Brotherton opened the floor to allow for public comments on the motion, and no comments were received. He called for a vote on the motion. The motion carried by a unanimous vote.

ADDITIONAL DISCUSSION ITEMS: The Commissioners and County Administrator reviewed the following:

- Community Conversations; Review of KPTZ radio schedule
- Board and Committee Vacancies

DISCUSSION re: Amending Resolution Adopting the Open Space Tax Program:

Department of Community Development (DCD) Associate Lead Planner David Wayne Johnson was present to review the draft resolution. The proposed resolution would amend Resolution No. 82-91 to remove the requirement for a Hearing Examiner Public Hearing and recommendation on Open Space Tax Applications, per Regulatory Reform Resolution No. 17-19. He provided background and history on the open space tax program and regulatory reform.

Planner Johnson explained that currently, the Open Space Tax Program specifies that the Jefferson County Hearings Examiner shall hold a public hearing and make a recommendation to the Commissioners based on a staff report and testimony that the application complies with the program, which is not an appealable decision. Staff has determined that this “extra step” is unnecessary and should be eliminated. He reviewed the Hearing Examiner powers and duties.

Deputy Assessor Sherrie Shold was also present to comment and answer questions posed by the Board. Clerk Carolyn Gallaway explained an issue with the title of the resolution, noting that resolutions are usually repealed and replaced, and any changes would be reflected in a new resolution, with a new number issued. Chief Civil Deputy Prosecuting Attorney Philip Hunsucker agreed and stated that they have time to work to correct the resolution, with that edit, and any other amendments requested today, and it could be placed on an upcoming Consent Agenda.

The Commissioners reviewed other edits they would like to incorporate into the final version. Acting Chair Brotherton called for public comments on the draft resolution, and no comments were received. The resolution will come before the Board for approval at a later date.

NOTICE OF ADJOURNMENT: Acting Chair Brotherton adjourned the meeting at 4:07 p.m. until the next regular meeting or special meeting as properly noticed.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

SEAL:

Kate Dean, Member

ATTEST:

Greg Brotherton, Acting Chair

Carolyn Gallaway, CMC
Clerk of the Board

Heidi Eisenhour, Member