

Board of Okanogan County Commissioners
Monday, September 12, 2022 AM & PM

JD—Jim DeTro, BOCC, District 3
AH—Andy Hover, BOCC, Chair, District 1
CB—Chris Branch, BOCC, Vice Chair, District 2
CHa—Crystal Hawley, Deputy Clerk of the Board
IS—Isabelle Spohn, Citizen
MG—Maurice Goodall, Emergency Management
PP—Pete Palmer, Director of Planning
LC—Lori Caswell, Secretary, Fair Advisory Committee
MW—Mike Worden, Okanogan County Dispatch Center
DS—Darla Schreckengast, District Court Administrator

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Summary of significant discussions:

- *The Fair was a success, especially the concert and the livestock auction.*
- *Maurice Goodall of Emergency Management updates the commissioners on several small fires in the county and an injured bear on the Similkameen Trail.*
- *The Planning Department now has two open positions.*
- *Commissioners approve \$55,000 in ARPA funds to upgrade video and security at the jail and courthouse.*
- *Commissioners Branch and Hover have a long discussion concerning the Infrastructure Fund and the 40-40-20 split.*
- *Commissioners hold three executive sessions. One concerns the performance of a public employee, one concerns pending litigation and includes the Director of Planning and the county's land-use attorney, and one concerns pending litigation involving the Sheriff's Office.*

6:55—Pledge of Allegiance

AH discusses several water problems at the RV Park at the Fair Grounds caused by the water valves being closed. AH also talked about the band and how he had his picture taken with Eddie Montgomery. JD—A director from the Stampede said we had 5 times the people they did.

AH—REALLY! Brock did a really good job setting up. I had a few people grumble about the auction, but that was before the auction, so we'll see how it goes. Somebody told me they were setting records in Chelan and Douglas Counties, so I wonder how we did.

AH—Any changes to the agenda? At some point we need to talk to Michael Beamon (court house project architect).He would like some direction about the 20 Year Master Plan. When we look at estimated cost of the Storage Building, it's \$3,000,000. And he's trying to figure out a (*unintelligible*)

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deal with the Forest Service Building. If phase 1 is just doing the utilities, that might help us out. If we get all the utilities done there, and then are able to build the three buildings we need, it'd probably work out better financially.

CB—Good to get them in first, anyway.

AH—We need to talk about within the next week or so.

CB—We have two executive sessions this afternoon? Both legal?

AH—Yes.

CB—None about personnel? We should have one. Evaluation of a public employee.

AH—How long?

CB—15 minutes.

AH—How about after public comments?

13:55—No public comments.

AH—Let's do it now with Shelley (Keitzman, Human Resources).

LC arrives unexpectedly to give an update on the auction at the fair.

LC—I'm Lori Caswell, livestock coordinator with the county fair. Here are numbers to compare with last year (which we blew out of the water by a lot). After lots of statistics about last year, market stock, additions and the fur and feathers category, LC says that with just the livestock, they were up \$175,000 from last year.

AH—I heard a rumor that if kids don't get paid by the end of the month, the kids have to try to get the money from the buyers themselves. Is that true?

LC—Not true. Last year we only had one person who didn't pay. This year almost everyone has paid already. There are only a few invoices we have to send.

CB—I'd heard that explanation before, but thanks for clearing that up. Rumors run rampant.

LC leaves.

CB—I move to go to executive session under RCW 42.30.110 (1)(g) to review the performance of a public employee until 9:30 inviting Shelley Keitzman of Human Resources. Motion passes 3-0 and off they go.

38:05—IS has zoomed in to give a public comment. Since the BOCC asked for comments a few minutes before the time listed on the agenda and were in executive session at the scheduled time, the BOCC is happy to hear her comment.

IS—There's a public hearing tomorrow about the moratorium in the Tunk Valley, but I can't find out what it's about. Can you tell me? A resolution maybe?

AH—asks PP if the meeting was noticed properly.

PP—Yes. We checked last week. It's the Tunk Basin Moratorium.

AH—Moratorium for subdivision?

PP—Correct.

IS—OK. There wasn't any resolution on that yet then?

AH—No. Wait!

PP—We had a resolution done on the moratorium and we have to have a public meeting within 60 days.

AH—Yes.

IS—Can I get a copy of the resolution?

PP—to IS, I'll send you a copy.

IS—Thanks.

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40:25—AH—Maurice, how are you? How'd that fire turn out.

MG—Maurice Goodall, Emergency Management. (*unintelligible*) Fire went to level 1 and 2. Our notification system worked well. Then it calmed down. It's still smoking at level 1. One thing that happened is that our Facebook friends hear chatter on the radio and they report that. They put it at level 3. I don't know how to stop it. Some say they won't report unless we report it. But a lot of people on this page have no concerns in the county. One guy was in Australia. But the fire went great.

MG—We had a fire on River View Road. Structure fire. Pot grows. I took photos and it put out a lot of black smoke.

MG—Haystack fire on Upper Beaver Creek. Controlled pretty good.

MG—A few other calls but nothing bad. One guy asked when we'd lift the burn ban because he had some stuff he wanted to burn.

MG—We closed the Similkameen Trail from Oroville to the bridge because of a bear on the trail. It was injured and acting strangely. WDFW and Sheriff's Office were there. Sheriff's Office issued a depredation permit.

MG—I helped AH at the Fair Grounds. I know the water systems there. Because we had good water pressure then, there was a blow out. Fixed it with channel locks and it needs to be tied down with twine. Sometimes I get called to fix things and then I'm told I don't know what I'm talking about. It sours me.

MG—Tonight we have our Okanogan County Emergency Services meeting via zoom or in person. Any questions?

JD—I heard a rumor about the Crumbacher Fire that it was kids on a 4-wheeler...

MG—Sounds like. There was a 4-wheeler fully engulfed. Looked like it was on the road. DNR will make the decision about the final outcome. No more questions?

CB—Thanks, Maurice.

49:00—PP—I'm Pete Palmer, Planning Director. Just a quick update today.

PP—We're down two employees again. Lost the Senior Planner last week, and had an Admin. Secretary start Tuesday and resigned today. On the consent agenda, I've got two proposed resolutions. One is to promote Rocky (Robbins) to Planner 3. Completed her first year of her training plan so it's time to promote her. That's one resolution. It's a 5% promotion and Shelley and Vicky helped me draft the resolution.

PP—Second resolution is to promote Pam Wilson from Planner 1 to Planner 2. She's already doing level 2 work—doing ½ of her time on Cannabis operations and ½ on Methow Valley water reviews, plus a few large lot segregations, boundary line adjustments and Conditional Use Permits (CUPs) as time allows. That will open up a Planner 1 position and they're easier to fill.

PP—Third thing on the Consent Agenda tomorrow is the File Destruction form from Modus Technology. They took 400+ boxes and scanning everything for us. They'll shred the documents we can shred, and return the documents we have to keep, but the ones returned are scanned, too.

PP—Lastly, there's a letter to the state Cannabis Board about Sunkist Cannabis. We'd met with them and they told us they had a fire in the warehouse in the Tonasket area. He told us he was letting his license go. We just got a notice from the state saying he was moving to another location in the county. Our letter says the address he's using on his application isn't valid, and he hasn't applied or received any authorization from the county to have a grow at this site.

PP—That's my update. Have a good day.

55:30—AH—Remember when we talked with John Wyse of the USDA about looking into electric charges for vehicles. I think we should have a conversation with PUD about capacity for electric vehicles.

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JD—California had to tell people not to charge their electrical vehicles and turn your thermostat down. The state is committing suicide.

AH—I just want to see what our grid will support.

JD—They already know it won't support (*unintelligible*) and they're tearing dams out.

1:37:20—AH—It's 10:30. Discussion of ARPA funding of Video Security Improvements in the Court House and Dispatch Center. Mike Worden and Darla Schreckengast.

MW—Darla & I've been working with contractor doing the jail video upgrades. We've talked about adding video security to the court house. Finally got estimate for conduit costs. Draft resolution to authorize us to proceed with this, plus a draft resolution justifying using just a sole source. Prosecutor says this qualifies as a sole source. ARPA funds.

AH—With ARPA, we want to make sure you keep detailed records of your expenses. They're getting billed out of one line in the budget.

MW—Darla has received a court security grant and she's working on "panic buttons" for the court house and some of the left over money can be applied to the video.

MW—Contractor did a walk-through with maintenance and there are so problems. It's ready to go forward.

AH—First Resolution says not to exceed \$55,000 but the contract number is \$65,800.

MW—That's because the balance of the grant money... Comfortable with \$55,000.

JD—I move to approve Resolution 128-2022 to authorize installing video at the court house and dispatch center. Passes 3-0.

CB—I move to approve Resolution 129-2022 authorizing a sole source of purchase of video improvements at the court house.

AH—There's also a contract that needs to be signed.

AH—Motion to approve Resolution 129-2022 passes 3-0.

CB—I move for the chair to sign both agreements. Passes 3-0

MW—That's all we've got. Thanks very much.

1:48:10—CB—My appointment for tomorrow (for an echocardiogram) is for an hour. But it's supposed to be less than that, so I should be here at 9:30.

AH—What to do if you're not? Barnsley Loop discussion.

CB—I'll call in to take part in that discussion.

1:56:15—CB and AH discuss Public Works union employees and contract employee.

2:01:00—AH—It's six minutes early, but do we want to start discussion on infrastructure Fund?

CB—I wondered if it was worth a discussion with the cities, given the consultation requirement. Also, I don't know what the situation is with Bonnie. The bill didn't pass trying to extend the date. We agreed not to bond anything.

AH—We can't bond anything now because of the earlier bond.

AH—Can you (CHa) look up in EDEN the revenue for infrastructure for fund 117 and see what the beginning balance was.

AH—We budgeted \$1,100,000. And \$720,000 in the .09 money. RDBG (?) has \$40,000. So right now we've got about \$700,000 or so coming in per year. We pay \$100,000 to the Economic Alliance every year. \$20,000 to the Omak Stampede every year. Does that go away at some point?

JD—It's really \$40,000, not \$20,000

AH—Stampede gets \$20,000 and City of Omak gets \$20,000.

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JD—Eventually it'll go away, when it gets paid out.

AH—Way over on our beginning fund balance. Good. Yearly revenue from sales tax is \$580,000. Looking good.

AH—Out of the recurring \$700,000, we pay \$100,000 to the Economic Alliance, \$20,000 to the Stampede and \$20,000 to the City of Omak.

AH—The Geo (?) bonds will go away, but the Public Works Trust Fund—how long does that to for? To 2030? So we've got \$295,000 for the Public Works Fund, \$100,000 for the Alliance—so there's \$395,000—and Fire District 10, er, the City of Omak was \$20,000 also. So out of the \$720,000, we have \$395,000 that goes out every year.

AH—So what I'm thinking, if you can use this money for project that are ranked, then we could get some fairly big projects done. And we could look at a two year pay-out for those.

CB—Just processing that whole thing, we left off from the conversation that if we were still to do the 40-40-20 (?), a project could come in requesting funds. Example—a project that looks viable with a lot of things in place. So there was a project identified that needed infrastructure.

AH—I'm assuming the way they rank infrastructure, you have to have a project, you have to have a why...

CB—If I say—I know they would build if I put this infrastructure in place, I would expect not to be ranked very high. It's a prediction like—if we build it, they will come. I wouldn't put faith in that. I'd use Bob Tolletson's (?) north end subdivision as an example of that. He didn't have those. It was all his financing to do the infrastructure. Mostly he laid that out.

CB—I doubt we'd be able to do a project like that if there were other funders. One of the criteria favors partnerships, and you'd probably rank high. Mumbles. That's what the statute says.

CB—However, in the 40-40-20 split, it could work that way. But if a city came in that we weren't involved in that project, they wouldn't necessarily go in after the county's 40. Then the whole fund wouldn't be hit, the city's side of it, I guess. Just thinking out loud.

AH—You run into an issue there, too. So, let me understand the 40-40-20 split. Basically what ever money is left over after your expenses—Alliance payment and (*unintelligible*) trust money, 40% of that is the city's, 40% is the county's to do whatever they want. How do you divide the 40% that's the city's by which cities?

CB—By the project prioritization. Essentially, the prioritization process has only applied to the cities. There's a caveat—the county has and still is using the city's portion to pay a big county project off. And the entire fund is affected by that.

AH—But I don't think the 40-40-20 deal has anything to do with the RCW.

CB—No, it doesn't. I agree.

AH—I don't think that the 40-40-20 is relevant anymore. The county should now be able to put in projects in the infrastructure ranking program. Then somehow, just like with the homeless funds, etc. and as a committee—maybe commissioners or mayors or whatever—designate...

CB—You wouldn't have the Economic Alliance involved anymore?

AH—They'd do the prioritization process. Let's say Brewster has a project that's ranked for \$1,000,000. Do we want to put money in for the next two years into that project? Or is there other money the Brewster project could get and we could put in some for the match, and move down to #2, and ask what do we want to do for them?

CB—So conceptually, I could easily advocate for the fund being an entire fund and not advocate for a split only because any project gets prioritized. The reason the split came is because the county wanted to have its own decision making at 40%.

AH—I understand that at a point in time if you want to use the money for something else. There are laws that control spending, there's a process right now for prioritization of projects. A lot of these

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economic development projects aren't going to happen in the county per se. If they do, they're happening in the cities. Maybe some will be in the county—an airport project, for example.

CB—Take away the 40-40-20, and look at the fact that Eastlake is in the county and we're paying for it.

AH—But the county is getting its money back.

CB—Through building permits on the Eastlake plat.

AH—It's a temporary outlay of money that should get paid back.

CB—Absolutely. Eventually, they get paid back. I think the rules change when they've been paid off.

We'd have to commit to those building permit fees be still paid to the infrastructure fund.

AH—They have to.

CB—Three different people sitting here (when we're replaced) and I don't know. Honestly, the picture changed a lot when the infrastructure fund went into play. This bond was defined back before they changed the laws and made sure they were specific about economic development projects. The county at the time was intending to pay for things the law didn't allow. Law updated to pay for economic development services.

AH—I have an email from Roni (Holder-Diefenbach, Executive Director of the Economic Alliance). Let's see. Would I search for project prioritization?

CB—What she most recently advertised was going to be happening soon.

(AH gets a phone call.

AH—to JD—Is there a place that re-soles boots?

JD—Tom Tougal.

AH—Does he have a place where he does that?

JD—Up at the ranch on the Conconully Highway.

AH—My kid's got a pair of boots he loves but they've got a hole.)

AH searching on his computer.

AH—The project list we did in 2022, the top ranked one was the Tonasket Perfect Passage Project. You could say—How much money could we use with DOT to get that project done?

AH—Next one down was Omak-Shumway Rd-US 97.

CB—And what are the returns? If you changed the way it was done, it'd change the priorities because criteria have changed. One big priority now for economic development that's allowable use is workmen's (?) houses. So if you had the criteria changed to reflect the priorities...

AH—That would be one thing I'd like to look at is how does the committee—what's their ranking process? What do they look for?

CB—That probably needs to be updated because they recently updated the law. And revisiting the projects that were ranked high—some jurisdiction weren't applying. They'd decided to go after other grants. I think that's crazy because if your project is ranked high, it's a good thing to put in your application for funding. But I got projects funded without prioritization.

CB—The other reason for prioritization is that it goes to the Fed—the Economic Development District and then applicable for projects they choose like...(mumbles). Projects like that are hard to deny. They have a direct economic development value, especially when the company puts in corporate money. And it's all applied to city and county infrastructure. Once in a while I see a project that comes out really high and I wonder—economic development-wise, where that takes us?

2:27:45—AH—We don't have anything left for the day except discuss our other meetings. Anybody have any other meetings?

CB—I went to for the training for Health. Maryanne (Williams, Board of Health) wrote the report with the understanding that Jim and I could add stuff if we wanted to. You'll get to hear about that when we go over there.

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AH—All my meetings are next week. OCTA, (Okanogan County Transit Authority), UCSRB (Upper Columbia Salmon Recovery Board) and LTAC (Lodging Tax Advisory Committee) next week.

AH—I sent a draft starting point, saying go ahead and pay so we can get this money distributed. We have no contracts now except Economic Alliance and ...

CB—Maybe the letter should include “here are the projects we’ve selected and you’re one of them. Could you please provide the details about the scope of the project”.

AH—That’s fine. Make it specific to the receiver. I have the state Auditor looking at how a county gives money to a city. Because we’re taken the \$10,000,000 (from ARPA), in general how could a county assist a city in an infrastructure project?

CB—I forwarded an email from Chris at WSAC (Washington State Association of Counties) that says the Department of Commerce has created a position to deal with that.

CB—I’ve got several next week. Municipal Services and Research Center meeting on Friday. Washington State Broadband Program under ARPA. 101 Training Module. Also Timber Counties on Thursday. State Public Health Advisory Board on Wednesday. You’ll be on zoom meeting tonight?

AH—If that’s all, we’ll recess until 1:30.

2:40:30—AH—We’re back in session.

CB—I move we have an executive session under RCW 42.30.110 (1)(i) to discuss pending litigation for 30 minutes. Inviting Ester Milner (Chief Deputy Civil Prosecutor), Pete Palmer, Jenna Mandell-Rice. Passes 3-0.

2:43:35—AH—We’ve got another one.

CB—Based on regards to what? Law suit with the Yakamas?

AH—No. The Sheriff’s Office.

JD—I’ll do it. I move we have an executive session until 2:30 under RCW 42.30.110 (1)(i) to discuss pending litigation, inviting Ester Milner (Chief Deputy Civil Prosecutor), Shelley Keitzman (HR) and Albert Lin (County Prosecutor).

2:47:15—AH—Tomorrow if we get a little time, Jeff Sarvis, the Public Works Director of Winthrop. We’d talked about their water line crossing (the Methow River). We budgeted about 25% or \$147,000. Jeff says what they need is about \$100,000 in ARPA funds because it “will expedite the project design so it’s ready for bid when final funding is secured. Winthrop will continue to pursue all avenues for funds.” Is this the kind of thing where we can say Yes? I was kind of drafting those letters to people to say “here’s our official response”.

CB—I think this is kind of the direction the Okanogan Project is going. As long as we know that’s what they’re going to do. As long as they’ve got a project that’s moving forward. And sometimes this is what they need to keep moving.

AH—Tomorrow we can have a more formal discussion on it.

AH—And we have a meeting tonight at 6:30. We’ll recess until 6:30 this evening.

CB—I’ll be there on zoom. I’m avoiding being with a lot of people because if I get Covid, I can’t get the surgery.