

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

JN—Jon Neal, BOCC, District 3  
AH—Andy Hover, BOCC, Vice-Chair, District 1  
CB—Chris Branch, BOCC, Chair, District 2-via zoom  
LJ—Lanie Johns, Clerk of the Board  
ZK—Zak Kennedy, Lobbyist for Okanogan County  
EM—Ester Milner, Chief Civil Deputy Prosecutor  
NP—Naomie Peasley, Fairgrounds Manager  
PP—Pete Palmer, Director of Planning  
MG—Maurice Goodall, Emergency Management

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Summary of significant discussions:

- *Commissioners discuss uses for the opioid settlement money.*
- *Commissioners hear an update from Olympia by Zak Kennedy, the county's lobbyist. He says 40% of the legislators and their aides have never worked in an in-person legislative session before and don't know how to talk to each other.*
- *Commissioners hear an update from Pete Palmer, Director of Planning. Discussion of how to deal with two members of the Planning Commission whose terms will soon expire. Also, the Mazama Subarea requested \$25,000 to hire a consultant to help write the Subarea Plan. The Commissioners will decide about this request after the Comprehensive Plan has passed its legal challenges.*
- *Commissioners and Ester Milner, Chief Civil Deputy Prosecutor continue to discuss updating the County Code. They discuss Chapter Two in detail.*
- *Adjourn at noon until 9:00 Tuesday.*

**07:00**—CB and JN chat waiting for AH to arrive.

**12:50**—CB—It's 9:00 so let's get started with the Pledge of Allegiance. After the Pledge, JN discusses a call he received complaining about speeders near a golf course. He referred the person to the Sheriff's Office.

CB—We need some time to talk today about the opioid settlement money and a couple of EM's issues. Also, I'm still trying to file for the next payment from the Feds. Karen Beatty (Director of Central Services) is going to try to troubleshoot my new laptop over the phone today. Then he'll be able to log in and do some business.

AH enters at 9:05. Asks CB how he's doing.

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

CB—I've had complications from the hip replacement, so I'll be zooming for the next three weeks. It can be pretty risky to be in a public setting. Just so you know. But I'm doing all right. Trying to stay out of the hospital.

CB—I have to go to the Public Health Advisory Board meeting today from 1-3. I see Ester is coming in, and I've got lots to talk to her about the code revision.

AH—We've got code update today at 10:30.

CB—I think we need an executive session with EM.

AH—Reads tomorrow's agenda to CB because his computer is up-dating.

AH—Let's add an executive session under (i) with EM at 10:30 and then talk about the code update.

CB—I want to have a discussion with EM about the opioid settlement.

AH—I talked to Dennis (Rabidou) on the phone. He didn't think that where Chelan County had referenced the group to administer the funds was correct.

CB—Beacon is the BH-ASO (Behavioral Health—Administrative Services Organization) for this region. The council that's required, Beacon can put it in place. I can schedule as representative from Beacon to talk to us on the phone if you'd like. In our region, it's an MCO (Managed Care Organization) that's the HB-ASO and that's Beacon. They're very capable doing what's required of it.

**28:25**—CB—Oh, it's time for public comments.

No comments.

CB—So anyway, there's the 10% for administration. Fine with me. We couldn't do it for that.

AH—I just want to make sure that the money we spend goes where we want it to.

CB—We need to get the commissioners from all of the counties and then three cities—Moses Lake, Wenatchee and East Wenatchee.—all in one meeting to agree.

CB—OBHC (Okanogan Behavioral Healthcare) has 70+ people on its waiting list right now.

JN—It's 90+ people.

AH—We have an Alcohol and Drug Abuse Fund. We could use that fund and do it in our normal fashion with OBHC as the contractor. They'd have to provide receipts about how they use the money.

CB—We could talk about the transfers of money with EM. I'll arrange to have us all get together. I can continue to be the contact if you want.

CB—I'm a member of the EMS Council. It's an opportunity to make big plans for the region. If that's an interest for JN, I can help him.

JN—That'd be great.

**36:05**—CB—It's 9:24. What's coming up.

AB—We've got ZK at 9:30.

CB—Is the Public Works update today? (It's tomorrow.) CB talks about a recycling bill introduced in Olympia. It's good to keep your foot in with bills that you think might pass, even if you're opposed to them. The recycling is voluntary but the bill will affect our tipping fees. The bill includes a deposit fee. ZK can clue us in on anything else.

AH—There's House Bill 1215. It's about riparian areas. There's a 200' mandatory buffer, even for agriculture. It's like a grant program, but we need to keep an eye on that bill.

CB—I'll look on the hot sheet to see if WSAC (Washington State Association of Counties) is opposed.

JN—Joel (Kretz, Representative for the 7th Legislative District?) was on the radio this morning talking about it.

AH—It looks like another Voluntary Stewardship Program (VSP) which wouldn't be horrible. If people wanted to restore riparian areas and there was money to do it, that's fine. But if it turns into mandatory buffers... The science they're using is WDFW repairing ecosystem documents.

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

JN—that was Joel’s biggest concern. It’s voluntary for now, but down the road, it could become mandatory.

AH—Being on the Salmon Recovery Board, why aren’t we modifying the allowed projects that can come into the SRF (Salmon Recovery Funding) Board funding. Ask for more money to flow through the SRF Board. This will be the same work we’re doing, but just a little out of stream.

**43:40**—ZK just zoomed in.

ZK—Can you hear me? Great. Do you have any questions?

AH—We were just talking about House Bill 1215. Discussing it’s like another VSP program concerned with riparian zones. From the shoreline out—I heard 200’. A question I have because I’m on the Salmon Recovery Board, is why are they not just running money through the SRF Board for projects that fall into those categories. It’s already set up?

ZK—Well, over 40% of the legislature and the legislative aides have never been in an in-person session before. They don’t know how to talk to each other. We have to tell them—you should talk to this guy or that guy. I think that’s part of what’s going on with this one. The issue with this one is that it’s likely to see more actual science behind it. And counties want to how it interfaces with the VSP which you’ve already got. How it looks now is definitely not how it’s going to look in 6 or 8 weeks. There’s some stuff they’ve got to work out and they’re really willing to work on this one. Rep. (*inaudible*) wants to have both side of the aisle, rural & urban, east & west.

AH—How hard would it be to see some of the Democrats on this bill?

ZK—Easy. Just tell me when you’re coming. (Lists people he should see.) If you do two days, that would help a lot. Conversation on that bill is especially welcome.

AH—I can do two days. Next week is better than this week. We’re all for streamlining. Okanogan, Chelan and Douglas Counties, the tribes, etc. have done all the watershed analysis. We know which areas are important.

ZK—I agree. I was talking to Rep. Kretz (?) about that. He’s confident we’ll get a good bill. Your example is very good.

AH—I’ll put together some talking points before I go next week. I don’t know there isn’t good planning on the west side.

ZK—I’ve got a couple of other things to share if you’ve got the time.

1. 40% of the legislature hasn’t been in an in-person session before. They aren’t talking to each other.
2. Climate action bills. They’re talking about the intent of each bill. Because of the climate emergency, salmon (or whatever) are impacted, so we have to take action. But this part isn’t in the code. There’s no science included in the legislation, no reference of fact that the science emergency affects something. Water system planning is an example. Water system planning is good for counties and local governments to do, but they just say the climate emergency is a fact, without including any science. And then the Department of Ecology, the DNR, Department of Agriculture—whatever agency that will put the rules into effect, it frames the implementation around the stated fact of a climate emergency. Whether you believe in it or not, that fact that they put that out there with no references at all, that’s concerning. If they pass these bills—in coming years—they may include that language in the legislative code. This is just so you’re aware of it. Nobody knows what will happen to those bills. These are all bills sponsored by Democrats and the GOP is working with them to make sure the bills will help the rural counties.

CB—I agree that the legislative intent is in the bills so it will impact the WAC (Washington Administrative Code)

ZK—That intent statement at the beginning of the bills could be enough to scope it.

CB—We need to make sure we have an open conversation about climate change.

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

ZK—When I point out that it'll affect the rule making process, people say they didn't realize that.  
ZK—That's all I've got. I appreciate your time. Call if you've got a question.

**1:00:45**—I want to ask Lanie to change something on the agenda real quick. The Planning Commission meeting scheduled for Monday at 6:00 is really the Tunk Basin Rezone Public Hearing. Can you make that change, please?

AH—to CB—We've got NP, PP and MG here for staff meetings. Naomie can be first.  
AH—We've got about 40 minutes for all three.

NP—I'm Naomie Peasley, Fairgrounds Manager. I'll be short and sweet. Here's a copy for the final application for funding for the County Fair. It's due in February. It's updated from the one I turned in in November. I added the state allocation money to it.

NP—I've got some general expense claim forms that need to be signed by someone. One's from the Fair Queen who has monthly expenses. The other is from me for mileage because I'm using my car to do county business. Hope to get a signature before I leave today.

NP—The vehicles—The Fairgrounds doesn't have any street-legal vehicles. I've asked other department heads, and they've got vehicles we can use.

AH—The Assessor's office has a short SUV that's not good for the hinterlands but would be fine for short trips to the Post Office, etc.

Discussion of how to transfer the car from the Assessor to the Fairgrounds. CB notes this would save the county money for mileage, but the county would be responsible for repairs.

NP—My maintenance staff also needs a truck that can tow trailers. The Building Department has one they were going to surplus.

Another discussion about how to transfer the truck to the Fairgrounds. LJ will write a resolution.

NP—If the county is going to have a surplus auction at the Fairgrounds, it needs to be booked because we're filling up fast.

Discussion about when to have the auction. Decide on a Saturday in June. NP will check the calendar to look for an open date.

NP—We remedied the leak at the boiler room.

NP—Epoxy floors are getting their first coat today.

NP—They've started to demolish the RV Park bathrooms. Everything's been ordered except the countertops. It should all be done within the next month.

AH—You sent up pictures of cinder blocks pulling apart. Is it in bathrooms?

NP—It's the north showers and the Home Ec Building.

AH—We need to figure out if insurance will cover the damage of the cinder blocks pulling apart. (There's a \$5,000 deductible.) I'll come and look at it today and we'll figure out what we're going to do. I'll bring the signed documents when I come.

NP—Great. That's all I've got.

**1:17:55**—CB—Pete, are you ready to go?

PP—I'm Pete Palmer, Director of Planning.

PP—Two people on the Planning Commission have terms that will expire soon. John Crandall from the Mazama area, and George Thornton from the Oroville area. Do you want the positions advertised or are you just going to reappoint?

Discussion about advertising the positions. CB says the commission needs someone interested in good planning, not just a strong voice. JN says he thinks George Thornton will probably leave the commission

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

in a year or year and a half. In the end it's decided to advertise the openings and also memorialize the process. Candidates can be evaluated in Executive Session.

PP—I'll advertise for two weeks.

AH—Can you just make a template for this. Also, for other things you advertise. So you just pull the template out and you've got boilerplate and it just needs the dates.

PP—About staffing—We hired Oneza consultants to help with the zone code update. We had savings from a Planner I position held open to pay Oneza. This year Oneza and the Planner I are both in the budget, so I'd like to advertise for that position.

AH—Go ahead.

PP—We're also advertising for a secretary. The one who had the position left because of health reasons.

PP—Mazama subarea A funding. They've requested \$25,000 to hire a consultant to help write the subarea plan. At that time, I was told they'd apply to the Economic Alliance, but there was a breakdown in communication. Jim corrected me and said that they were asking for the County to set the budget and fund it. How to respond?

AH—We need to think about it. Our Comprehensive Plan still has not gotten past the legal challenge yet. So we should wait until that gets done and they'll know how they have to coordinate with them.

CB—I think we should talk about that. You can never fund any department enough, but it sets precedents to fund a sub-planning group.

CB—With the updates to the code about cannabis production, and now there's an annual fee, I've been contacted by the industry about that. There are enforcement issues. There's another bill in the legislature to raise the cannabis (*inaudible*) distribution. We should be for that. Try to make an effort to tie the income we have from cannabis to planning.

AH—Let's look at what we've been getting lately. If there's an increase, we direct it towards cannabis.

CB—Everybody's got an idea about what to do with the money. And we spend a lot of time and effort on planning.

AH—The other thing we could use the money towards in criminal defense. I think Michael (?) is going to talk with the sheriff and prosecutor about changing the criminal codes to civil infractions.

CB—Either way, a lot of the cannabis funds are targeted towards thing related to cannabis. I hate to tax responsible small businesses at the expense of others.

CB—How's the time going?

AH—Just 10 minutes for Maurice.

PP—I've just got two more quick items.

--I renewed our 60 month lease for the postage machine. \$1,716.60/year and it's already in the budget.

--Noxious weed control invoice for the Lake Management District is \$17,142.11 for recent treatment at Lake Osoyoos. It's budgeted in that fund.

PP—That's all I've got today.

**1:32:45**—MG—I'm Maurice Goodall, Emergency Management.

MG—I received the quote from Everbridge (for mass notifications). I'm doing it this year through a grant. It's in the budget. It needs your signature.

AH—I move to authorize the Vice-chairman to sign the payment to Everbridge for \$20,779.34 plus tax for one year subscription. Motion passes.

MG—I'll go over to the tribe tomorrow for a flood meeting with the tribe and all three cities over there. The National Weather Service will be there, too.

MG—I went to Methow Saturday to talk to the ham radio people about emergency notification.

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

MG—Going to Pateros this week for safety meeting about the ammonia leak in Brewster. Also going to a public meeting at the fairgrounds about the Conconully reservoir.

JN—Speaking of the ammonia leak, would it be worthwhile to reach out to the Fire Departments to educate us about such things?

MG—I attended a meeting with CB and the Community Action Council about how to go forward with providing food, shelter for the homeless. How to deal with it all and look at the Comprehensive Emergency Management Plan. What agency can do what and when can they do it? Can they provide it 24/7?

CB—I think the meeting was a great start.

MG—Anything else? That’s all.

**1:43:05**—AH and LJ discuss about mileage reimbursement rates briefly.

CB—We spoke earlier about slipping in a short executive session.

AH—Let’s do it now. We’ll call you from the phone in the other room. I move to go to Executive Session inviting EM until 10:45. RCW 42.30.110(1)(i) to discuss potential or existing litigation.  
Off they go.

**1:48:50**—CB—We’re back in session.

EM—Back to the code revision. (Okanogan County Code: [Okanogan County Code \(codepublishing.com\)](http://codepublishing.com) )  
It’s slow progress. I have draft ordinances for 1.08.010, Chapters 1.24, 1.28 and 2.08. That’s only 4.  
When we’re ready to look at them, we should probably have more. They’re quick—maybe five minutes each—and require public hearings.

AH—Are we all the way through Chapter 1.

EM—Except for repealing the custodial care standards in 1.40 but the prior administration didn’t want us to repeal that section until they reviewed it. I had alternate language and they wanted to review it.

AH—Maybe we should print out the County Code and give it to the new sheriff. Like the part about cavity searches...

EM—The statutes our code is based on have been revised without us revising our code.

AH—Aside from that, we’re done?

EM—We talked about changing the general penalty to a civil infraction and then our final decision about county classification—repeal it. And repeal the sections about prisoners because they’re very old and no longer relevant.

EM—The nuclear free zone, we were going to leave it along. Maybe clarify some exceptions. Maybe use nuclear stuff in medical, agriculture, etc.

CB—Potential uses of nuclear materials. Also trucking company might have residual nuclear waste in the trailers. Something to think about.

EM—Also definitions and general provisions, but it will be easier to do that at the end, when we know all the changes that we’ll need.

CB—How about jails, and laws and policies outside the code include language as it may be amended in the future?

EM—That’s good language to put in when we’re referring to state statutes, like the custodial state standards. People will know they have to stay in compliance with the RCWs.

CB—That’s all I’ve got for Chapter 1.

**1:57:05**—EM—We got partway into recommendation on 2.08. It’s no longer relevant.

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

AH—Reviews beginning of Chapter 2 about Commissioners’ meetings. Proposed legislation might change this. Keep it on our radar.

JN—So you can have BOCC meetings in other places in the county. Not just in this building.

AH—Minutes being posted. We do that.

EM—We need to make some changes to 2.04.050. It has risk management stuff mixed in. Don’t have any recommendation for that yet. BOCC Resolution in 2013 might cover some of it. Another part is indemnification of county employees in 2.42. We should try to get all the risk management stuff in one place.

AH—Rules for sale and disposition of property is straightforward.

AH—2.08.010—County Fair Association.

EM—I’ve got a draft to repeal that.

AH—Good.

AH—2.12—Officers’ bonds. There’s nothing in it about elected officials are supposed to be bonded.

EM—It’s covered in the RCW. Do we need to remove the placeholder? There’s another one, too, that might need to go. Right of entry for inspection. If you want to have it, it’s better in the right chapter—like in building permits requiring inspections. You need to tailor it to the specific need.

CB—I agree. Put it where we use it.

AH—2.16—Credit cards. Need to be referred to the Treasurer because there’s stuff in it that’s not true anymore. Credit limits have been upped, and we can only use North Cascades National Bank. Ask Treasurer what’s the policy and do we want to codify it.

EM—Yes. What’s better as an internal policy and procedure or have it in the code.

AH and CB—Put it in policy.

AH—Stand-by reimbursement...

EM—Another example of something that should be in a policy, not the code.

AH—2.18.030 needs to get yanked. 1984 Resolutions.

EM—I have these on HR’s radar to look at.

AH—2.20 County Office hours.

EM—That’s in a few other counties’ codes, dating way back. The RCW says a resolution is OK.

AH—I think Court House hours should be in code and the only way to change is by the BOCC. What do you think, CB? Not holidays.

EM—Holidays could go into Personnel Manual.

CB—Let’s defer holidays to the next Department Heads Meeting.

EM—The code is too simplistic. There are too many exceptions.

AH—2.38—County Employee Safety Program. Shouldn’t be in code but in the policies and procedures manual, I think.

EM—I agree. People are working on Safety Manuals and we can incorporate them.

CB—Also Court House security.

AH—2.4—County Emergency Services Department. That needs a new title.

EM—I brought that up to HR and Risk Management. They’ll look at it. Same with 2.42—Indemnification of County Personnel for Insurance Purposes. A Risk Management resolution from 2014 covers it.

AH—2.44. Can we get rid of it because it’s repealed?

AH—2.48 about regional library. It needs to get looked at.

EM—Resolution from 1960. Is there an Interlocal agreement?

LJ—I imagine so.

CB—Revisit that.

AH—Update with correct names, etc.

Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

**2:20:00**—EM—Don't know our plan for 2.50—Agricultural Pest District. Should it be in the code?

AH—I think so. We have a district. In 2.50.040 it should set assessment by resolution.

EM—Should I run this chapter by Will (?)

AH—It should say we've got our own district but we're part of a three-county board.

AH—2.52—Television Districts. Just legal descriptions of the Television districts.

EM—We decided last time not to revise.

AH—2.56—Cemetery districts. There are only four in our code.

Discussion of the original four, plus Conconully. They'll revisit the issue when they have more information.

**2:33:25**—2.60 Community Action Council

CB—State requires it to be formed by the BOCC. Refer it to Rena (Shawver, Executive Director, Community Action Council) to see if it's still-up-to-date.

AH—We were talking today about the Planning Commission today. It says in 2.64 about how to make appointments. It's in the RCW 36.70.080

EM—I'll tell PP we're going through the code so she can look for anything that's not up-to-date or needs revision.

AH—2.64 Board of Adjustment established. It no longer exists. Hearing Examiner is the next on the list—2.65.

EM—So do we need to repeal 2.64.030?

AH—Yes, because we have a Hearing Examiner now.

AH-2.65.180 Sounds like the Planning Commission becomes the Hearing Examiner if that office is empty. We need to look at this more closely. We'll need to have a back-up plan.

AH—2.67 is Appeals of Administrative Actions. I think that should go with the Hearing Examiner.

EM—2.66 has been repealed, so when they change the numbers, they'll be next to each other.

**2:51:00**—AH—2.68 Emergency Services. That should go to MG for his comments. And 2.70—Hazardous Materials Incident Command Agency—should go, too.

AH—2.76—Charge for Checks Drawn on Insufficient Funds. Does that even need to be in the code? Just in the Treasurer's policy.

AH—The next one is all you—Prosecuting Attorney's Office. But maybe not. 2.78—Indigent Defense Services.

EM—They don't like us looking at their contract.

AH—Send to Risk Management and HR. Only a couple of things to be in this section. How we arrive at the contract, non-discrimination. All the other stuff would be in the contract itself.

CB—(Joking) Just need to add that the contractor sends its invoices to the State of Washington.

EM—So I should repeal 2.76?

AH—Well, not repeal, but just say it's in the Treasurer's Office policies.

AH—2.80—County Law and Justice Council. This is interesting. The membership? Do we do this? Established 1993. Reads it. Sounds like a good idea, but are we going to do it?

EM—Who would know the history?

AH—Speaking of that. We need to get all the mayors in here to talk about the jail (*billings?*)

CB—Take it to OCOG (Okanogan Council of Governments).

AH—Next meeting is next month.

EM—The Law and Justice Council is required in the RCW, but maybe it's been updated.

AH—2.84—County Courthouse Security Committee. Can you look at that, CB?



Board of Okanogan County Commissioners  
Monday, January 23, 2023 AM

CB—It's underway. I'm working on it with Dennis (Rabidou, Juvenile and Family Services) responding to the County Clerk.

AH—It's 12:02

EM—And we're exactly where I wanted us to be for tomorrow. Maybe start tomorrow with a 20 minute executive session about the Public Records Act. We're getting close to being done with Chapter 2. But we'll have to circle back some.

AH—I just looked at 2.96—Marketing and Special Excise Tax Board. We'll have to look at that because it's talking about Lodging Tax and there's a weird board composition.

LJ—This didn't get updated when the RCW was updated in 2013.

AH—So this just needs to be wiped out and talk about the Lodging Tax Advisory Committee and it follows the RCW. How we establish the Committee is different than in the RCW.

AH—Tomorrow we have Public Records and Water Conservancy Board. That should be easy.

EM—Public Records will take a while. I've got suggestions.

AH—Move to adjourn until 9:00 tomorrow.