

Board of Okanogan County Commissioners

Tuesday, November 12th, 2024, 1:30 p.m.

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Present:

Andy Hover (AH), BOCC District 2
Jon Neil (JN), BOCC District 3
Laney Johns (LJ), Clerk of the Board
Stacey McClellan (SM), Deputy Clerk of the Board
Pam Johnson (PJ), Treasurer
Lisa Schreckengost (LS), Finance Manager
Albert Linn (AL), Prosecutor (*via Zoom*)
Teagan Levine (TL), Administrative Assistant, Prosecutor's office
Dan Connolly (DC), public defense contractor
Shell Lewis (SL), public defense contractor
Byron Moore (BM), public defense contractor
Larry Hudson (LH), Noxious Weeds office
SR - Search and Rescue employee

Time stamps refer to the time on the wall clock. An AV Capture archive of the meeting on this date is available at:

https://okanogancounty.org/departments/boards/live_streaming_of_meetings.php

Summary of Important Discussions:

- *Prosecutor's office budget review: - Of \$100,000 in law books, all but \$3,000 is for online subscriptions - Lengthy discussion on state decreasing defense funding, people should pay their share, lawyers testified before Supreme Court against new rule to radically decrease defenders' caseloads - Commissioner Hover gets positive feedback on county having "in house" defense lawyers like most counties do - IT upgrades should enable doing more legal work remotely*
- *Noxious Weeds budget reflects savings on 2024 treatments, new office technician post, planned equipment and vehicle replacement*
- *Search and Rescue too dependent on volunteers, does rescues for bordering counties, !00% recreational rescues non-local; coordinator candidate ready, pending board's approval; Commissioner Hover announces county's budget deficit at around \$600,000 but supports maintaining SAR staff, Branch supports funding separately from sheriff's office, discussion to be continued*
- *Meeting adjourned at 5:17*

1:36 - Prosecutor's Office Budget Review - AH says there is \$100,000 for law books, spread out over different budget lines. PO says all but \$3,000 is online books/subscriptions.

1:46 - AL says they'll be going from a system of arresting for license suspensions and

filing directly in district court to “permanent complaint” so those numbers, a third of the caseload, should be lower in the future. AH asks for Prosecutor’s total revenue: \$621,613. Says the expenditure line should be increased to allow for a mid-year 3% increase in judges’ salaries (half of which are covered by the state)—from \$228,261 to \$236,465.

1:56 - A state fund for crime victims’ and witness’ assistant was cut two years earlier and funds have re-surfaced in different forms for this although \$1M less statewide than before. AH says three state programs have disappeared, leaving current expense to foot the bill; they should make these grant-funded positions which go away if the funding goes away. TL says they’ll look for grants; it’s hard to proceed with cases if there’s no one working with the victims.

AH: It’s out of control, the amount we’re spending on criminal activity—prosecution, defense—and the state’s paying less and less.

AL: And with indigent defense, the state’s paying nothing... Funding for crime victims gets cut and we have to go back... and ask them to do their share.

TL: We have two positions, one partially funded by STOP (a state sexual violence prevention program) grant, the other 90% by the victim-witness grant. ...The majority of the grant we share with the Sheriff’s department. Our share is \$18,173, theirs is roughly \$7,000, for training. *This is shared between superior and district court.* AH says state funding is gradually decreasing. TL says they would like to increase Therapeutic Court’s travel budget to allow for a training course. AH says okay, of it’s okay with Judge Grimm. Indigent defense - TL: Mister Linn, Deputy Prosecutor Chow and I went to testify before the State Supreme Court in regards to the indigent defense standards and the caseload standards, that changing and costing every county in the state a whole lot of money. (The state has ordered courts to radically reduce defender’s caseloads.) ...We agree there’s a problem but just flipping a switch... is going to cause more harm than good. Mr. Chow and I are going back tomorrow, and hoping to slow the roll on that... It might be a good fix for highly populated areas but might not be the best response for rural areas.

PJ: I don’t think it even works for bigger counties.

JN: It’s going to cost Pierce County some \$300M. TL says the defenders come from the Office of Public Defenders, that they’re against a “blanket fix”, and that there aren’t even attorneys to fill these spots.

2:09 - AL: ...What applied in King Co. is not an (inaudible) everywhere else. ...Hopefully the state Supreme Court will recognize that. AH says they’re going to “mandate change, no matter what”. There is no more business. AL thanks the BOCC. TL leaves.

2:25 - They note that the Fairgrounds administrative assistant position will be going from temporary to full-time, and another position will go from full-time to temporary (May to September).

2:30 - SK: I would like to read an email from (Public Defender) Anna Burica. She will be leaving her post to work for the Colville Tribe. She hopes they can find an arrangement to satisfy contract requirements. This is a \$1.5M contract, says AH. Three public defense system contractors come to the microphone. DC jokes about the “smooth transition”.

AH: ...How much of your wage is from our defense contract? ...One of our ideas is hiring our own attorneys at our own attorney rate and doing it that way. Is that feasible from the point of view of the attorneys doing that work? Private attorneys make more than our prosecuting attorneys although (*ours*) are up there at a fairly decent wage level.

DC: ...It might be feasible if it's within the county's budget. I can't speak for other lawyers but it seems there are always lawyers willing to take the public agency type of job. There are some reasonable trade-offs. (*Medical benefits...*)

BM: I'll give an exact answer... I'm on a three quarter contract... It accounts for 70% of my total revenue. One of the major trade-offs is (*medical*). One of the major challenges is, it's cumulative. At the end of a 25-year career (*you may or may not have had to pay much in malpractice insurance, which prosecutors don't have to pay.*) If that's filed, the rate goes up, whether or not we're found to be liable. When I left the Prosecutor's office I took a pay cut. It's more flexible. None of us know how the Supreme Court is going to rule. That's going to have a marked impact in the very near future. The other thing is, OCLA (*state Office of Civil Legal Aid*) is going to be transitioning the dependency side of their contract to them which, no offense, but it pays significantly better, two to one. *For them a contractor gets \$191,000 just for dependencies.*

DC: Historically that attorney rented space, hired staff. ...No communal "lawyering", like is going on now. ...That keeps the contract price down per lawyer because the lawyers stop running all these independent offices...

AH: At \$1.5M I think, if the Supreme Court nullifies their thoughts on caseloads, I believe we can offer defense attorneys better money and save us pay. Just in looking at the number of attorneys you would need. (*They may have enough space to do that, and help their budget out, by doing "in house".*)

DC: You still have to have conflict attorneys. *AH has been looking at other counties who have gone to theirs, like Douglas. They agree that attorneys for wages are readily available. BM concurs that the conflict council has to be outside the public office to avoid conflict of interest.*

BM: If it's left in it's present state, whoever's running the outfit is going to get sued, along with the county...

AH: That's the problem, we take on the liability. It passes on to the risk pool. ...You're semi-protected by that kind of council.

SK: The majority of the counties are in this type of structure.

AH: ...We'd have to figure out how many defense attorneys you'd actually need.

BM: A third of our work in "misdemeanor-land" is driving a license with a (*inaudible*). Which bogs it down... This year I had a three-day trial. That 75% of my time shot up to 100%.

2:46 - DC quotes someone who said having a county defender who also takes private cases is taking time away from cases he/she should be doing for the county, thus the advantage of naming a county defender.

BM: Dan's and my contracts are not the norm. Dan's engaged in truancy, juvenile, etc. Very complicated work you have to be certified for. And I'm the only one doing dependencies for children. If you're a kid, you'll get me. The pool is not deep. We can hardly deal with felony and misdemeanor. I don't know if anybody from Chelan-Douglas or Okanogan County could step into Dan's shoes.

DC: How many lawyers can you get to come here to work? I don't know how many do it remotely.

AH: We've been working with our IT department to see how we can do this seamlessly.

DC: I've done some conflict work out of Douglas County and it's all on Zoom unless you've got a trial or have to see someone in person. *BM remarks that the cat got let out of the bag with Covid and they're not going back. Says the jail would greatly benefit from lawyers being able to work through Zoom. DC says Douglas County was paying lawyers by the hour for awhile, offering them unlimited cases, and it must have been expensive. AH says they'll continue to talk, that the money for the contract is now in the budget.*

2:54 - SK: Our *(inaudible)* insurance is going up 7% this year, that means for non-bargaining employees it will cost \$83,000. *(Union employees are covered.) (Also) The Sheriff's department's administration had a 4% increase in their insurance that would be \$2,490 for the six employees. AH says they have to talk about wages for (overtime) exempt employees and for chief deputies. SK says they'll do that next time. AH sees the exempt employees "bumping up" quite a bit, going to a straight salary, whatever L&I is dictating. Chief deputies are at a level above that by a little. They'll have to see where they can cut costs. SK passes out some results of a salary survey for what might be a maintenance director position because she says it applies to "Tim" who does everything on the job description except budgets which he is learning more about. She leaves them to contemplate a salary raise for him, bringing his up to average.*

3:03 - Noxious Weeds Budget Review - *LH says they've made savings on their projected 2024 budget by buying less-expensive vehicles and laying off seasonal workers this year. AH suggests, for the additional vehicles LH wishes to acquire, that he go through ER&R (equipment rental and replacement). That fund would take care of vehicle maintenance. LH reports "very substantial" savings on Lake District treatments which only cost \$15,000 this year, some \$58,000 more will be available for next year's budget.*

CB: Conceptually, if we are ahead of the game on Lake Osoyoos and the cost is one we'd expect to do weed control... Then the assessment shouldn't be as high as it is, right?

LH: Last year was more money spent than what we'd laid out...

AH: If we start running a surplus, we should *(lower the number)*.

LH: This is just one year. *(Not a trend)*.

LJ remarks that there's not administrative fee line on that budget, AH says there should be. CH says put it in their professional services budget. They could model it on what Planning charges. PJ says she charges \$2 a parcel.

LH: We have a new office technician position that was approved last month that was not on the original budget. *They add \$45,246 plus benefits (about 35%, says AH) to the budget.* Our professional services (*figure*) is going to change dramatically with the savings on Lake Management District. *They'll be replacing some equipment so he's proposing a \$5,000 increase to that budget, bringing it to \$30,000. They talk about insurance increases. Budget is approved, LH leaves.*

Search and Rescue (SAR) budget -*\$37,000 for wages slightly higher than projected. AH asks if they can charge other departments for search and rescue. No. Says they need a broad discussion. How many recreational-type operations? At least 90%. Two evidence searches were lengthy.*

AH: The problem is that people come over here to recreate and the cost of search and us having to do search and rescue is now born on those people. Obviously we do get sales tax and things like that. But SAR is a pretty specific thing.

SR: Every time I go out I hold someone's life in my hands.

SR2: ...Part of the reason on the percentages is we're also called on for Chelan because our counties come together at Washington Pass.

SR: That discussion should probably come up. We had 8 out of 14 interventions from Chelan county because *(the road access from here is easier)*. ...100% of recreation missions are residents from out of the county.

SR2: Many counties don't have search and rescue. The sheriff asked these other sheriff's what they thought about creating a tax for SAR and they were all against it. *AH says it wouldn't be a tax, but a charge.* Many of those sheriffs don't even agree with the Discovery Pass. ...But some of them thought it would be good to add \$5 to a Discovery Pass. *AH says there's a line item in the sheriff's budget. SR says that's only for tools. AH proposes putting \$37,000 into the sheriff's budget for this.* That has to get changed by resolution. ...Just so the board knows, we do have a potential candidate, a young lady, who's very interested in the role of SAR coordinator, but we wanted to be sure there was funding.

JN: But will she be there indefinitely? *(Laughter)*. *AH wonders how they manage wages for SAR if they don't know how many rescues there will be.*

SR2: I would like to work our deputies who are SAR-trained into the program more so that the coordinator has at least a couple of days a week they know they're not going to be called-on. That will help with some of the expense. But ...you just don't know. I thought (SR1's?) wages would be higher than they were. *CB asks about a bill for SAR, SR2 says it died in legislature. SR1 says he doesn't have any days off, he's always on call.*

CB: I promote the idea of just putting it into our budget. There are some grant programs out there. I've looked them up. Most of them provide \$2,500 maximum. I'll take a couple looks, just to fill in. ...I suppose some of our county's mountaineers might be some of your volunteers.

SR2: They have training requirements they have to meet.

CB: Get the Methow EMS to get into it. Air-Methow.

SR1: The one they respond to is going to be ski trails, but they're very far from any trail head. We have one or two trained deputies in Ferry County... We have about 60 volunteers. *CB talks about the coordinator position being a good thing, wonders how tourism dollars can contribute. AH is dubious about tapping that source. SR1 talks about the huge amount of training that has to be done. AH announces the county's budget deficit of around \$600,000. Asks about Title III funds. AH reassures SR1 that they will not fund his part-time position.*

SR2: ...We need to have that link between the sheriff's office and our 60-person team and that oversight for all of that training. The coordinator's salary (*should*) come out of current expense so it's sure to be funded. ...If we move towards Title III for equipment then it's much easier to do the business. *SR2 says he's been lucky enough to recruit four back-country Forest Service rangers for SAR. They talk with the commissioners about having another meeting. JN thanks them for taking time out of their vacation. They leave.*

CB remarks that Goehner being elected to the state senate, there is a chance the SAR bill might be brought back for a vote.

4:03 - *Executive session for rating the performance of a public employee.*

4:20 - *JN asks AH if he'd be interested in joining the Timber Caucus or the Forest Health Collaborative, replacing CB. Yes, depending on the schedule of meetings. CH has left temporarily.*

5:08 - *The commissioners sign off on Nov. 4th minutes, CB has never seen so many.*

5:16 - *CB had gone for permits for his potluck retirement meal but it turned out since no food or drink was to be officially served he didn't need any permits. November 4th minutes, along with the previous week's minutes are signed off on.*

5:17 - *Meeting adjourned.*