

**Board of Okanogan County Commissioners**  
**Tuesday February 27<sup>th</sup>, 2024, 1:30 p.m.**

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**Present:**

Chris Branch (CB), BOCC District 1  
Andy Hover (AH), County Commissioner District 3  
Jon Neil (JN), County Commissioner District 2  
Raven Aea (RA), local resident  
Pete Palmer (PP), Planning Director  
Unidentified Woman (UW), local resident

Time stamps refer to Tuesday's AV Capture video. An AV Capture archive of the meeting on this date is available at:

[https://okanogancounty.org/departments/boards/live\\_streaming\\_of\\_meetings.php](https://okanogancounty.org/departments/boards/live_streaming_of_meetings.php)

**Summary of Important Discussions:**

- *Bridge project to receive \$22,000 from Recreation and Conservation; \$60,000 approved for cybersecurity*
- *Raven Aea pursues case for county administrator, law enforcement training*
- *Planning director reports on standing-room-only public hearing for zoning amendment, better understanding of process and changes needed; successor for resigning Hearings Examiner chosen; resident questions planning process; commissioners regret silence imposed by attorney-client privilege*
- *City of Okanogan's Elmway water main extension gets federal boost; contract approved for group to write broadband grant application*
- *Oroville's request to create port district discussed*

*3:04:00 - Public Hearing on two budget supplementals - Resolution 32-2024 directs \$22,000 from the RCO (Recreation and Conservation Office), towards a bridge project and \$60,000 from the equipment reserve fund for the cybersecurity platform SentinelOne. Motion carried.*

*CB asks AH if he'll be coming back because they've made "substantial changes" to meeting minutes from "manic Monday". AH is not usually concerned with the changes he makes but CB wants AH to review them. CB says he wants to make sure they include his reservations on the appointment of the person asking to fill the vacant planning commission position.*

AH: She does have a point of view that represents a number of people in this county... At the same time there are laws that we have to work with. There's things like this zoning code where we say yes and Public Health says no...

CB: ...This planning commission has some struggles. So the balance of power is being somewhat celebrated. How that develops with the kind of education we should be sure that we can provide—

AH: I'm all for paying for education for anyone to learn more about their job. *They discuss training or a retreat for the planning commission but the idea was already tossed out because people can't be available during the day. CB commends the workshops he's been to. AH leaves.*

3:16:31 - Discussion-County Administrator & Democratic Systems Strengthening - RA: Since we last spoke I called in another violation of a protective order. This time I worked with Deputy Hansen he didn't make the mandatory arrest that the order called for but he treated me with dignity, he didn't talk down to me, he followed through and called me back, which is not what I found with other other members of the Sheriff's office. *She says people fresh out of the academy reflect a quality of training that older law enforcement have not received. She says at meetings in Olympia "people were pushing (her) to call for decertification. She hopes that Sheriff's officer's can receive training regarding implicit bias, stalking... She was invited to join the Public Safety Caucus.* RA: I'm working with the Twisp town council, the Safety Council... (State) Senator Short has a keen interest in what constitutes independence, how to assure that checks and balances do what they're intended to do. What do you think of this?

JN: I've given it a lot of consideration. I don't know if, regarding law enforcement, it would be very effective. In Spokane County the State Patrol or another entity comes in for investigations.

RA: Who triggers the investigations?

JN: It's complaint-driven.

CB: We've seen the Prosecutor be the initiator. It could be the Attorney General. If it's some kind of investigation the Prosecutor should be part of it and the commissioners should have a say in what's being investigated. Checks and balances take partisanship out of county (*government*). It's always a concern of mine. People become beholden to their party. Regarding us, in a situation dealing with controversial land issues in an election year people (*threaten to vote us out*). But there may be voters who like what we're doing. Elected officials have accountability to voters. ...The Prosecutor, that's where real justice is supposed to occur.

RA: That's a real point about criminal behavior but, unethical behavior? I don't want punitive outcomes but the opportunity to be educated, accept recent information and what they've done wrong, something that recognizes the importance of our law enforcement officers. Deputy Hansen was polite and trauma- informed... Unfortunately the sheriff runs on a 4-year cycle and for women and children of the county cannot wait. Our lives are at stake. If the crime of stalking is not taken seriously... that is lethal. To Jon's point, other entities investigating, that's what a county administrator can (*order*). All we have is our representatives and senators. We need systems for complaints when something goes on. I'm not the only one with a complaint, just the only one to take it so far. An administrator would be non-partisan checks and balances, would have connections with the entities because the citizens don't (*have these*).

CB: Regarding the legislators you've spoken to, when it comes to the structure and

authority of local government, they are players in that. What did they have to say?

RA: They are very careful of the ethical problem of one elected official commenting on another elected official's behavior. They've refrained from doing any of that. Their concern is for the safety of their constituents. Their approach is... considering various proposals for (*inaudible*) allocations and, for the future, what kind of legislation can we put in place. If you wanted to have a discussion (*with them*) when they're not in session, I think they would be happy. (*Inaudible*) is exposing a key flaw in our county processes, not... of the commissioners themselves but of the whole... the need to treat everyone equally.

3:31:00 - CB: Sometimes I get a little leary of what might come of that because sometimes they create laws that you're actually experimenting with the system and that creates some grief for law enforcement. *He talks about their hands being tied by new rules, comes back to the subject of young officers being more able to apply what they've learned, and with time the system wears them out, talks about Washington Association of Sheriffs and Police Chiefs (WASPC) needing to encourage training. RA says one option could be an accreditation system.*

RA: Regarding cynicism (of older officers), it's not an age thing but a personality thing. Officers should quit if (*they get*) cynical. *She commends Representative Kretz for his "open-ness and willingness to find consensus across the board."* But I have found law enforcement officers who are cynical.

*CB talks about the best trained officer he'd ever seen, very young, who was very sincere and saved someone's life; he wrote a letter commending him. He says you might be suspicious of everyone if you've spent a long time dealing with criminals. He muses that they have never had a discussion like they're having with a citizen, someone promoting an idea, and finds it interesting.*

RA: I know it could feel offensive or rude. My key interest is strengthening the democratic system. I looked up some polling data and ...the democratic system is a super relevant topic in an election year. ...I am here as a thought partner. I want the town to be a locus of activity, making our county a better place to live. This issue is becoming a PR nightmare for the sheriff's office. ...I would like to write a job description (*for a county administrator*) that you could use. *RA leaves.*

3:42:20 - Zone Code Revision Update - PP: You've probably already heard that the public hearing is being continued on March 25th because during there were some complaints being sent down to the fire department that we were over capacitated in this room, it was standing room only. However, on our sign-up sheets we had 154 people sign in *and a maximum capacity of 240; they reported no incidents. They've booked the Agriplex but they won't be able to live-stream or film it because the wi fi there is too weak. The commissioners agree to foot the \$75 rental fee.* I would like to commend the Health Department, emergency manager and stepping up the other day for our big meeting. They all showed up to support us. I'm going to request permission to close for half a day on March 25th to prepare for the meeting. We have two expired terms in March. The Board wanted those advertised. *CB says the code mandates that each commissioner submit a candidate from their own district. Those resigning are from District 3.*

CB: It's no secret. The planning commission has had trouble working with itself.; we've

had people who have left, who have felt they're not being heard by the commissioners.

PP: Given what happened at the public hearing, it's important that the Board consider re-visiting that. We considered training, but (*people couldn't attend with the schedules they had*). The planning commission must understand its mission; the spokesperson must be able to control the meeting and not pay attention to unruliness. Our meeting will address what came out of the public hearing. It would be good if one of you could come. I don't know if you attended, but I'm embarrassed. They're the face of the county.

CB: ...It should be acknowledged that the circumstances that created that were a long-lived effort. It's not like there hasn't been this public process that occurred in the past that led us to litigation. What it does is it cuts us off from talking to each other (because of clauses of confidentiality). Once there's a suit, there are executive sessions, strategies, then for others it looks like it's hidden. In this case it's the Yakima nation. People ask what to do about other entities that have filed a suit. It costs us a lot of money.

3:53:15 - PP: And it takes away people's voices.

CB: It's not the way I expect a process to go for planning documents... Understanding what's going on right now is probably our biggest effort. ...I'm looking forward to the debriefing with the planning commissioners on the meeting itself...

PP: ...There's going to be a lot of uncomfortable things pointed out at that meeting.

CB: It takes quite a brave heart to stand up there and deal with that as a planning director as well so I thank you for that work... Introducing the issues and the problems is a good start to it if people will listen.

PP: Yes, if they will listen and understand. ...Some people are just set in what they think.

CB: There's a lot of misinformation.

PP: It's a good thing Mike Harr is revisiting the Rural 2 changes. He and Esther Milner (chief civil deputy prosecutor) are working on refining that. It will be part of the blue line changes version that hasn't come out yet.

CB: There are some expensive options out there.

PP: With new timelines for the March 25th hearing, that brings me to March 13th (date of planning commission meeting). We still have legal process reviewing and the comments that came in on the project that were substantial, to see if those were going to warrant any changes in this next round, including any changes in that Rural 2 designation, so if you guys have anything that you want to see, then we can get it in and avoid law suits down the road.

CB: There's a process that says "is this important to do now, or in the future in smaller bites?"

PP: I try to stay focused on the work at hand, knowing there will be changes. I wanted to remind you about the water banking project invoices, and am wondering how you

want *(them)* handled.

CB: Some of that work is to write the grant to pay for that work. There's money waiting for us at (the Dept. of ) Ecology. They can be authorized to use "The Eagle" to do the work.

PP: I haven't paid anything, just Riverbank. *CB says send (Aspect's) billing to them for review.*

CB: We have a relationship with Aspect. They're late getting things done, and we're late paying.

*PP has received two letters of interest for the position of hearings examiner. She is impressed by Andrew Kottkamp who works for a number of counties and cities, including Pasco, and gave examples of policy as well as a video. The other candidate's letter was more general and he had less experience. PP will have Kottkamp's sample contract reviewed. He is available to be interim hearings examiner if necessary for a March 28th hearing. The commissioners say they'll put this on Monday's agenda. JN has seen the video and also approves of this candidate.*

4:06:51 - LJ: We already have you scheduled Monday to give us a review of the public hearing. *They agree to substitute this item since the public hearing has been prolonged. PP prepares to leave.*

UW: I just have a question concerning the zone code. The director asked the board if they had suggestions or additions on the document. Isn't that the planning commission's responsibility, to review all comments and have a deliberation, and then decide what goes into the document before that board provides recommendations to the county commissioners?

JN: As such, yes, but as members of the public, beyond this, we have the opportunity to make a comments also, not necessarily a recommendation.

UW: So things are being added to what seems like a final document before the public testimony has been completed and before the planning board has a chance to go over those and deliberate those?

CB: I would characterize that as, is there anything that comes to mind for us to discuss with the planning commission? We're getting all sorts of emails; people are riled up about things where information has been given to them that's not right so we have to think about how to deal with those things, and we can talk to the planning director about issues that you might discuss with the commission. This is a legislative process, as you know... It's incumbent on us to make some corrections as to what people are saying, and if there's things in the code we might think should be addressed—

UW: It just has an impression right now that the planning commission is not being allowed to do what it's appointed to do. *(CB agrees.)* The public needs some clarification. And it's going to take them a bit of time to go through some of this comment.

PP: It's important that people understand this started with the commissioners and not with the the planning commission. Under *(RCW) 3670* they could have held

their own public hearing but opted to give the public a better opportunity to review the document and include the planning commission although the changes were done through litigation, through attorney-client privileges and are not up for changes.

UW: That's what's confusing for the public. As it stands the document is in the planning commission's hands to review all comments (*including*) comments coming in, and then propose to make changes to that document, correct?

PP: To the sections that they're able to make changes (*to*). *PP assures UW that the board knows which sections these are. CB reminds her that the board member who started at the last meeting might not know them yet.*

UW: Is written comment still being accepted?

PP: No, only verbal comment for those not able to speak at the first hearing (*February 20th*). I'm going to recommend that the commission deliberate, digest those comments and then come to a special meeting and make recommendations to the commissioners. *UW remarks that some comments came in after the February 12th deadline. CB says people are making comments all over, and even she is commenting now. She says the assumption is that (either) the deadline of the 12th was violated or that the comment period is still open. PP says no, written comment period is closed. CB doesn't know if the process was violated because the discussion is ongoing, a legislative process. UW objects to consideration of a comment dated the 13th. PP will look and see how to deal with that one.*

4:16:40 - PP: The majority of comments that came in had to do with WRIA 48 (*the Methow's Water Resources Inventory Area*), the dark skies initiative, the comprehensive plan, ridgetop building and such. About six of them had substantial information in them and were forwarded to legal counsel for review. *UW hands them copies of what she's talking about. CB wonders how many comments were about dark skies; PP says of the 100 comments on the comprehensive plan all but two were from the Methow and talked about dark skies and ridgetop construction.*

CB: Getting to the end of this has been a challenge for many years and we could say that nobody did anything right but that won't get us to where we want to go.

*PP agrees that they should move forward rather than dwell on the past: We ain't going to make everybody happy but... a lot of it's going to deal with understanding of why it's being done and what's being done. All people are seeing is (that) there's change. PP and UW leave. JN notices that comments don't have dates on them. CB repeats that it's an open process, and at least, though some have come in late, they usually echo earlier comments. Says this is not a county-wide re-zone but an amendment.*

CB: Through a legislative process they determined that the Three Devils Road was a legislative process. A lot of us already know that. The argument in the eyes of many people was that they violated the communications— as if it was a

land use decision... and all the conversations going on, including people going to the proponent's house didn't make any difference. They really had to do with what the decision in the end was with the BOCC... The fact that we were responding to litigation put timing issues into play, and the inability to talk about it.

JN: It's aggravating when you have two sets of lawyers who decide what path to take. ...At some point I would like to know what this costs the county.

CB: I don't like to revisit the past but we're picking up work that has a history... Fortunately you're very willing to be educated on it and move forward... A lot of these things make you look bad whether they're interested in zoning or not. It's politics. ...For instance, water. It was predicted years ago that it would be our biggest issue. Now we're in the middle of it, so much that big corporations are buying into it...

JN: When your rights move downstream, they almost never come back.

CB: The ones that Ecology didn't grab, which in some ways people would go in and grab, those are coming back to us because of a process. People responded, at least and (*discussed*) water banking.

4:30:54 - LJ talks about an ARPA (American Rescue Plan) request from the city of Okanogan for the Elmway water main extension, phase 3 for \$1,201 and two appointment letters to officially add Christopher Zahn and Deanna Melton to the Methow Irrigation District. They have been serving but missed the last election process; they may go through it in December to start their official terms in January. It is an odd situation because being elected is not necessary for them to fulfill their functions. LJ: An attorney is asking that these two members be appointed officially and then they'd go through the election process. *The commissioners approve the ARPA request and the two appointments.*

4:45:33 - Broadband Grant-writing Motion of Understanding (MOU) - A contract with Petricorp to assist the Economic Alliance with writing a grant to expand broadband service was sent to Deputy Civil Prosecutor Esther Milner. Petricorp will provide technical assistance and background work for grant applications. She gives her assent by phone and the interlocal agreement is approved.

4:57:08 CB: This is Resolution 33-2024 regarding continued hiring incentives to sheriff's office positions. *Motion is approved. They discuss Oroville's request to create a port district, which could help development. CB said advantages include ability to raise funds as a taxing district. They can own an airport. Chelan's is co-owned by their port district. JN says rules make it harder now to form one. It would have to go on the ballot. CB says there would need to be some kind of integration into the Economic Alliance. They would do well to talk about this with Northwest Economic Development District Director Craig Larson who was formerly a port district director.*

5:12:15 - CB mentions water banking invoices that they will cover while waiting to be reimbursed: We're paying them to write a grant to cover all this. He seems to say that this will come from a budget supplemental for Planning.

JN talks about "spreading good will" by reducing the usual \$1,500 Agriplex rental fee for Sunrise RV which changed the date of its event following a schedule conflict. A resolution is passed to this effect; JN suggests that the amount saved will allow them to cover \$1,000 in flyer re-printing costs.

There is a cryptic conversation referring to a Rachel, a Mel, a Dustin Best from the Law and Order Committee, and the Sheriff's Office. CB and JN have clearly already discussed this mystery topic.

5:28:40 - At 3:54 JN adjourns the meeting until Monday morning.