

Board of Okanogan County Commissioners
Monday, November 28, 2022 AM

JD—Jim DeTro, BOCC, District 3
AH—Andy Hover, BOCC, Chair, District 1
CB—Chris Branch, BOCC, Vice Chair, District 2
LJ—Lanie Johns, Clerk of the Board
CHa—Crystal Hawley, Deputy Clerk of the Board
CH—Cari Hall, County Auditor
SK—Shelley Keitzman, Risk Management and Human Resources
JT—Josh Thomson, Director, Public Works
PP—Pete Palmer, Director of Planning
KB—Karen Beatty, Director of Central Services
AM—Arnie Marchand, Member, Lodging Tax Advisory Committee (LTAC)
DL—Don Linnertz, Member, Lodging Tax Advisory Committee (LTAC)
SD—Steve Devlin, Member, Lodging Tax Advisory Committee (LTAC)
RG—Ryan Graig, Project Manager, Tread Map

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Summary of significant discussions:

- *Pete Palmer, Director of Planning and the Commissioners discuss the upcoming meeting of the Planning Commission (PC). They also discuss their options if the PC makes a recommendation about the rezoning of the Tunk Basin that the BOCC disagrees with.*
- *Karen Beatty, Director of Central Services updates the Commissioners on two cybersecurity tools used by the county—the Albert Sensor and CISA (Cybersecurity and Infrastructure Agency). Commissioner Hover had received an email from a constituent concerned about the cost and safety of these.*
- *The Commissioners and members of the Lodging Tax Advisory Committee (LTAC) learn about Tread Map, an app designed to inform users about outdoor recreation in Washington.*

00:55—Pledge of Allegiance

AH—Reviews week’s agenda. Discussion of budgets that still need to be worked on. Coroner’s Office’s second position. Noxious Weeds budget also needs work. Discussion of noxious weed control in general, including the decision to raise all the assessments.

CB—Enforcement (of weed control regulations) works, but it’s hard.

15:30—No public comments.

Weed discussion continues. AH—I saw a YouTube video that showed a big drone that carried a 40 gallon spray rig, guided by GPS. It can get hard-to-reach places.

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Discussion of Planning Department's legal right to go onto someone's property without permission. CB refers to Revised Code of Washington (RCW) 36.70. Discusses tradeoff between need to do an inspection and probability of being shot by a property owner who doesn't want Planning to be on the property.

CB—Brad Scott would be good to talk to about enforcement for Planning.

Chit chat with JT and CH about upcoming snowstorm, cold temperatures, road conditions and icy sidewalks.

31:00—Discussion of Public Works Administration Insurance

SK—I'm Shelley Keitzman, Director of Risk Management.

SK—First thing—JT asked about the possibility of the administrative staff in Public Works getting on the UEBT (United Employees Benefit Trust) health insurance that the PCT (?) Union is on. Learned that it is a possibility. There are four employees who would have option of going to UEBT or staying with the current PEBB (Public Employee Benefits Board) coverage. We're asking that they get the same medical cap as those non-bargaining employees with PEBB insurance. That's \$883.45. They'd pay the difference in the premium. It's a couple hundred dollars for a composite plan. That way they could cover their families. Because it's Public Works and they have it, that's what makes them eligible to go on this insurance. So they're the only ones currently that would be eligible to go on this program.

AH—Because our caps are getting so close to the composite plans, we should have discussion with the union. Because their buying power is really high, we asked them if we could include the non-bargaining people in their plan.

SK—We could have that discussion to work through before the next go-round.

CB—What's a composite plan?

SK—Composite means you pay one price and can insure as many family members as you have.

AH—You could put your four kids and you wife on it, for example.

JT—But if you have a union group and somebody's single, then that person is paying the same price.

AH—The good thing here is the four administrative staff can stay where they want.

SK—If they stay on PEBB, they get their whole premium paid.

JT—Existing employees have coverage on January 1. If we hire a new person...

SK—Then that person would have a waiting period, just like union members, of 80 hours.

CB—So how does this apply to the partial planner position that's open?

JT—Doesn't apply because that's in the union and they're already in that plan.

SK—Being in the union, they pay only \$45 or so because it's in their contract.

CB—Have we come to resolution about the other part of it?

JT—Not necessarily. We still have the question about either the liability insurance to cover everything or the indemnification. It was discussed the last time.

CB—Sorry. I digressed.

SK—I asked the risk pool. They think each county should indemnify itself.

JT—Another options for someone who's part of the AWC insurance pool, CB mentioned that some of the other COGs (in Okanogan Council of Governments) has AWC insurance, so that's another option.

SK—The risk pool said they couldn't write separate coverage for something like that.

JT—AWC might if one of the cities would sponsor it. I'll look into it before the next OCOG meeting.

CB—Oroville's played that position for admin many times. Maybe we can figure that out with them before the mayor leaves. (Chuckling, because the mayor of Oroville will take a seat on the BOCC in January.) Maybe Twisp because it's heavy into AWC.

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JT—I'll send an email. Sean from Okanogan might be a good contact, too.

SK—Would you be OK with moving forward with UEFT for non-bargaining employees?

AH—If you look at wages we pay, it's a lot less than comparable counties, so this would help that situation, with no cost to us.

CB—I'm OK, too.

AH—I think that because of minimum wage going up and because of the rate of inflation, we should provide 5% increase to non-bargaining people as of January 1. Union contracts have this gotten more than this over the last 6 years.

SK—This included all non-bargaining employees in several different budgets. \$240,000 is the total cost.

AH—That includes all of them. Contracted, whatever...?

SK—Yes. Except for Public Works. They're not included in the cost.

SK—Leading with this because moving forward, it aligns with things we're trying to do. Mentioned before that the exempt threshold was going up significantly. Identified 12 currently exempt employees below the threshold. If we do the 5% COLA, it brings about half of them up to the threshold. Then, others, we've got a year. Those who aren't above the threshold would be made non-exempt and be eligible for overtime.

SK—And with minimum wage going up to \$15.74/hour, our current custodians, even with 5% increase, would be below that minimum wage threshold. I propose we move them from level 10 to 11, and with the 5% increase, they'll be at \$15.90, a little bit over minimum wage. Currently there are two custodians and possibly might be another position. But maybe that was maintenance, so it'd be a little higher.

CH—And eliminate 10 on the pay scale.

AH—Let's keep track of what we've done.

- Yes to JT and the UEFT insurance.
- Yes to 5% pay increase starting January 1 for non-bargaining employees.
- Discussed need to reclassify custodians to stage 11.

SK—I'll have resolutions for all three. And we've had discussions for our current exempt leave policy. After research, only Okanogan and King Counties are using this policy.

SK—Propose we change exempt leave policy to mirror non-bargaining units. You accrue leave monthly. You can cash out 240 hours. Also, for those going from exempt to this type, front load them with half a year's worth of leave. And they'll start accruing leave January 1, 2023.

AH—The extra six months will roll over, but can't be cashed out. Cash out 240 at separation.

CH—I talked to the State Auditor and there was no objection to any of this. They would audit based on whatever policy you adopted.

SK—So I'll be writing resolutions today.

CH—Changing of exempt leave needs to be done so payroll has time to make the changes.

49:35—AH—Two more things. A full time clerk at the Fairgrounds. Regular shift would be Wednesday through Sunday or Tuesday through Saturday. The Fairgrounds is one of the positions that's going to go hourly.

CB—We should probably talk about this in the context of the whole Fairgrounds management.

AH—OK, we'll let that be for a while. But sooner rather than later.

CB—I agree.

AH—The second thing is a deputy coroner. We think it's a good idea. Can you prepare the resolution?

SK—It'll have to be exempt. And there are certifications that position has to have.

CH—If you have an idea about pay range, if can put it in the budgets. And a new vehicle?

JT—Half ton truck would be about \$45,000.

CH—I'll put them at the bottom of the work sheet.

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SK—I'll be here with the coroner tomorrow. I'll have everything ready.

CB—Challenge to make sure the handbook is up-to-date.

SK—It's almost ready to roll.

JT—One related item. We've got four different unions. One negotiated a new contract for 2023. The others are all entering their third year. They all have a 2% wage increase for next year. I propose we add 3% to bring it up to the 5% non-bargaining raise. We did it last year, so I've got a template we can use. Approval process is a Letter of Agreement (LOA).

1:01:20—Staff meeting with Naomie Peasley, Fairgrounds Manager via zoom.

NP—I don't have anything currently. We're working on an extensive complete inventory this year.

AH—I looked at camera footage for the well. Did anyone give an opinion on the condition of the well?

NP—No. They were hired to do the photography, and we'd decide later who should look at it.

AH—Gotcha. Another thing is if the screen looks good, it's the MIV (Main Inlet Valve?) that we're just sucking too much water out of the well. It can't replace the water. Interesting to see.

NP—Waiting for you guys to tell me how to proceed.

AH—We'll have to talk to JT about this. Thanks, Naomie.

NP leaves the meeting.

1:09:20—PP—Sorry for my tardiness. We're having some upsets over there.

PP—I'm Pete Palmer, Planning Director. This morning, three people on the Planning Commission (PC) have called to say they won't be present at the meeting tonight. Thanksgiving Day, I spent most of the day exchanging emails with the Methow representative on the Commission about proposal moving forward. He wasn't at the last meeting, and he responded to an email in October asking for numbers. I provided the numbers about rezoning the 5s 20s and 100s. Scolded him a little bit how we're going in to the meeting on Monday and it would have been nice if he'd at least zoomed into the meeting and participated.

PP—Anyway, I've been stewing over everything all weekend about how to move forward. Spent most of yesterday preparing different scenarios about R-20s and what it would look like with R-100s, and also R-40s and R-80s. Give him the comparisons *again* about how many parcels would be potentially created in the Rural zones.

PP—I propose we continue the hearing. Give us three weeks to turn it around. We withdraw the SEPA (State Environmental Policy Act). Move forward with whatever scenario they think is best, even though they had all the information once and went with the more conservative approach, based on the comments that came in—all from the Methow. I just want to make sure they're making informed decision they can back up. So my proposal would be to continue the hearing, give us time to turn it around...

CB—That's an option. The other option is... and I did read that section.

AH—What did you think?

CB—I thought I agree with you to have your own hearing is the bottom line. If it's a decision that we made with the information presented to us, if a recommendation came out of the PC that we wanted to consider differently.

AH—In laymen's terms, so to see if I read the path right, if the commissioners put something to the PC, it would be our public hearing. They'd give us a recommendation to the question we put to them.

CB—What I read in the context that they had a hearing, made a recommendation to us and we decided we don't totally agree with this. We'll have our own hearing. And that was the path I thought was (*inaudible*).

AH—I didn't see that.

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PP—Basically, we would make the change and then we'd have to go out to public comment. Then we would come to you for another hearing. But we have to give the public the opportunity to review the changes.

AH—What I thought I read is if the commissioners come up with something they want to see done, they give it to the PC. The PC goes through all of the information gathering and comes up with a formal recommendation. Then we have to have a public hearing on that.

AH—If something comes up that's not directed by the commissioners themselves, like a re-do on the Shoreline Plan, then they go through all of that and have a hearing and give us a recommendation. If we don't like it, we can't change it. All we can do is remand it back to them. There's not a way for us to change their recommendation without them going back to do another public hearing or whatever. That's how I understood it.

PP—We're prepared to do that, but if it happens, we might not get it done by the time the moratorium runs out. But maybe that won't matter. It'll just be a days or weeks. It ends about December 26.

CB—So I'm reading RCW 36.70.630 I'll read it out loud—“*RCW 36.70.630 Official controls—Board to conduct hearing, adopt findings prior to incorporating changes in recommended control. If after considering the matter at a public meeting as provided in RCW 36.70.620 the board deems a change in the recommendations of the planning agency to be necessary, the change shall not be incorporated in the recommended control until the board shall conduct its own public hearing, giving notice thereof as provided in RCW 36.70.590, and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.*”

AH—So go to 36.70.620. Reads aloud—“*RCW 36.70.620 Official controls—Action by board. Upon receipt of any recommended official control or amendment thereto, the board shall at its next regular public meeting set the date for a public meeting where it may, by ordinance, adopt or reject the official control or amendment.*” Keep going back further.

AH reads several RCWs. Discussion back and forth between AH and CB about the rules governing the BOCC rejecting the recommendation of the PC and adopting its own.

CB—So the proposal the PC was considering was to go from R-5s to R-20s? That's what the hearing was about?

PP—Yes. This would be considered a substantial change.

AH—The hearing isn't until tonight and you might not have a quorum?

PP—Yes.

AH—If you can't have a hearing, you'll have to continue it. You better pick a date and start up again with the hearing.

PP—We don't want to go through the public hearing and have everything change and have to do it all over again. Basically withdraw the proposal, redo SEPA, and...

CB—What if you have the hearing and it comes to us whatever the recommendation is. We say we don't like it. So we have a public hearing for the proposal.

AH—We'd have to do our own finding of facts.

PP—And go through SEPA again?

CB—I think so.

PP—That's what I'm trying to avoid—go through all these public hearing and meetings just to turn it around and do what people want.

AH—I recommend we do stuff in the future. When we do this again, we say we want the PC to look at 160 acre zoning in the Tunk basin.

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PP—That's just what they did and rejected it. Said they wanted to be more conservative and not as restrictive on the property owners. They moved from 100 acres that I brought them down to 20 acres.

JD—Did they consider water adequacy?

PP—Yes. They went to Riverbank.

AH—That doesn't mean anything! That's not physically available water; it's just legally available water.

PP—Basically, there would be 66 parcels not served with water on the R-20s. So 154 would be served with water. Changed to R-100 that would mean only 55 new parcels created by subdivision.

CB—Depending on the recommendation we get, the finding of fact would include these things—this is why we made the decision. If they wanted to be more conservative, to take away the ability to subdivide.

PP—Their decision was based on assumptions and was driven by the farmers on the PC if one of their kids wanted to come home, they wanted to be able to carve out a 20 acre parcel for the kid.

AH—Do most of the agriculture have water or is it dry land?

PP—Most have water but it's in a conservation easement already. 47 have already gone to conservation. And other parcels are owned by the tribe or the Forest Service and aren't going to be subdivided anyway.

AH—A main thing I see is by allowing it, you're infringing on senior water rights. I've heard that the water levels have dropped in lots of wells. For us to allow a new house to go in would further impair the senior water rights holder.

PP—Yes.

CB—And other things can be in findings of facts, too, that direct you to make your decision in a certain way. If one of them is being conservative—that needs to be defined because conservative means more than one thing. I would look at what really was the efficient use of the land and a lot of other things, too. It's not just about water, but I'd ask if there are only X lots, and we have the ability to serve only so many lots, then if there are lots that won't be able to be developed. The question is: are there enough lots out there available for people to do what they want to do. People own them and we'd expect they have vesting rights. To protect the vesting rights of people who already own the lots having more lots created by subdividing might not be so good for them. So is that conservative? I'd ask—are you being conservative because you're afraid of what people will tell you because you didn't allow them to subdivide? If I create more lots, I create more private property rights owners who can't access the rights they have as property owners. It's a popular idea among some of the PC members. But we should explore that in our finding of facts.

PP—The two that were driving that are two that won't be here tonight.

CB—So it's really a tough job to answer to the public when you make a decision. Is the decision based on having to answer these questions or based on real life circumstances. So would we agree with the findings of fact? I wouldn't vote to adopt them as our own.

AH—Suppose I'm a farmer. I've got 100 acre zone and I've got 4 40 acre parcels. My kid wants to come back but he doesn't want to buy 40 acres. Fine. One provision in our planning says you can subdivide that down to 1 acre. But everything else, the larger remaining lot has to be put into no development. The only reason we allow this is so you can sell your kid a lot for less. I hear it all the time. What if my kid wants to come back?

CB—That piece you're talking about, I've heard it for a long time. When I hear that story, then I sell both lots. If we're doing this subdivision for the kid coming back, maybe we should figure out something else. It creates a loophole. People are going to use it.

AH—If your kid wants to come back and farm, that's one thing. But that other piece, it's a dry lot. You can put an ag barn on it.

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AH—If you say there are 55 lots are able to be created with 100 acre zoning, but you let them have 1 acre. Then you've just created 110 lots. And then they're going to be subdividing it.

PP—The ADU (Accessory Dwelling Unit) was allowed in the draft I gave them.

AH—Our ADU code needs to be looked at a lot.

PP—ADUs on this side have to be basically in the R-20s house can be 1,500 sq ft or smaller.

AH—We can talk a lot about ADU but we've got to move on.

CB—If you look at circumstances in the Tunk. Your kid comes home and builds a house but doesn't like it here and leaves. Now there are two houses. It's a loophole just like ADU.

AH—But over there, it's regulated by water. Over there it's regulated by actual law.

CB—Eventually, you'll run out of land and it'll be like the Methow. Road systems and EMS, we've got to think about all the services we provide. And highest and best use means different things to different people.

1:43:05—AH—We need to move on. Karen is here and it's 15 minutes into her time.

KB—I'm Karen Beatty, Director of Central Services. I don't have a whole lot today.

KB—Migration to Microsoft 365 is going OK. Little bumps but Microsoft is helping. Down to the Sheriff's Office and Commissioners' Office because of all the laptops.

KB—Our UPS system worked flawlessly in the last few weeks when we lost power.

CB—What's UPS?

KB—Universal Power System. We didn't lose power to the servers.

KB—Still working with the jail for the telehealth. I need a different cord.

KB—Want to give a shout-out to Phil and Carson because they complete ran the show when Eric and I both had family medical issues and were gone for most of two weeks.

AH—I think everyone in your office does an excellent job.

KB—We've bought new laptops for you commissioners. We're getting them set up and we'll need your passwords.

JD—Can I keep mine until I'm done?

KB—Absolutely.

KB—Last thing. I got your email about the Albert Sensor. Do you want to talk about it now?

AH—Yes. It was a big deal in Ferry County and people are talking about it, and do we really need it.

KB—I read the gentleman's comments and they were most helpful. He talked about it being an extra layer, but we see it as a tool for our layers of security. There was concern about election machines are not connected to the internet. But we have six machines connected to VoteWa. VoteWa doesn't have anything to do with vote counts, but does have registration information. It's looking at the envelope the information is received in, maybe hint at the subject, but not at the content. Earlier, the Sensor helped us. Something was trying to hit the Central Services admin password.

KB—Monitoring the system—they monitor it 24/7 and if we get a monthly report. If it's urgent, they notify us immediately.

AH—Who is they?

KB—CISA. (Cybersecurity and Infrastructure Security Agency). Doesn't cost the county any money. It's not sending information. CISA looks at the logs of how our information is traveling. Not what information is traveling.

KB—We had the Sensor before the attack (several years ago) but we hadn't fine-tuned it to where it was actually seeing. I would have loved to know if it would have alerted us.

CB—What is CISA? Federal?

KB—Federal and Washington state is working with them.

CB—What was the controversy about Albert?

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AH—Who was looking at the information? Did it provide a backdoor to hack your system?

CB—Does it pose a risk to us?

KB—I think it's a extra tool to lower risk. You can have as much insurance as you want, but people will still want to sell you insurance. We are a lot better off than before the attack. I think the SentinelOne is good. KnowB4 is helping. The Albert Sensor is another layer. Zero cost.

KB—CISA did a walk-through with Cari and looked at us. We did pretty well on their little test.

CB—Maybe CISA should make a presentation to the county. And I gathered that a little bit in the FBI meeting the other day. Learned about two specific nations attacking computers.

KB—So I'm OK with the Albert Sensor, but it's OK if you want to send it back.

CB—I'm OK with it.

AH—People were mostly concerned with the election.

KB—With respect to the machines scanning the ballots, Albert doesn't have anything to do with it.

1:55:35—Commissioners chat with AM while they wait for the Tread Map presentation to begin.

2:02:30—JD leaves for a previous engagement but will return after lunch.

AH—Now we've got Tread Map training session.

RG—Before I start, I'd like to hear what you people want to hear.

AH—Who allows the USFS and other groups to put data on your app?

RG—That's me. Either in training classes or I send them training videos. I approve people who want to be involved.

AH—The county paid for this via LTAC (Lodging Tax Advisory Committee) money. We'll have a new Public Works person to be in charge of trails and paths, etc.

RG—Great. Twisp and Winthrop Chamber of Commerce are also on the backend of the app. I also work with Methow Trails and the Trails Consortium.

CB—Also Emergency Management would be a key provider.

AM—Tread is working with Osoyoos. They provide information to tourists. Canada is way ahead of us with information about hiking and biking trails.

CB—EMS example. Fires near Pacific Crest Trail. EMS has a notification system.

AH—Because we funded it, that allowed Okanogan County to be part of Tread and then you decide who gets to share information on the app? Correct?

RG—Yes. We want all the information to be correct and useful.

RG—What we had this summer was good with current wildfire information. Updated by InciWeb and air quality information. Showed fire locations and trails closed if they were near the fire. And content from all the administrators, like your EMS people.

CB—Is the US Fish & Wildlife a partner?

RG—Spoken to them but it's more WDFW.

CB—We had an incident in 2017. Wolf incident where a woman was doing work for the USFS. Trapped in a tree. But there could have been a notification that might have avoided the situation.

RG—That would be great information. Our partners use Facebook, Instagram, etc. and they can pretty much copy and paste the same information into Tread Map.

DL—Arnie, Steve Devin, AH and I are all on the committee about the lodging tax. Can you give us a quick tour of your app. What we should know about as your ambassadors.

DL—I see my roll at administrator for Tread Map. Asked Twisp and Winthrop Chamber of Commerce to add Tread Map.

RG demonstrates Tread Map.

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AH—We need to get the QR codes, and other marketing tools to all the VICs (Visitor Information Center).

RG—We can do that, but there's also things on the app that's like the kiosk at the trailhead.

DL—Do you have a list of Okanogan County administrators?

SD—Does this mean you need to apply to be an administrator?

RG—You basically just need to tell me who you are. Helps avoid abuse in postings.

SD—What's the extent you're trying to achieve? The Pasayten Wilderness?

RG—All the outdoor recreation trails. Forest Service, National Park trails, State Park trails. Motorized and non-motorized trails. Urban paths, ski areas. We're about to do a training with State Parks and they'll tell the employees they have to make sure their parks are on it.

AM—For Steve and Don—OCTC (Okanogan County Tourism Council) was at the training and they're going to require the VICs become administrators. And we'll ask for training for the five VICs. When the Tourism Council understands what Tread Map is doing, they'll be supportive.

AH—I'd like to get the OCTC print up the marketing tools for the VICs.

AM—Tread Map is very much a part of what we're going to be doing next year.

RG—Land owner would do the trail locations and descriptions. Then users would populate the trail conditions.

AH—Here's a problem with the calendar. It doesn't scroll from November to December.

RG—My version scrolls but it just came out today.

SD—Another administrator question? Administrators are the land owners?

RG—Land owners and more. Trusted user groups, maintenance groups, volunteer groups. Like Methow Trails.

AH—Backcountry Horsemen.

RG—Those groups have all the information we need.

SD—But anyone can post information?

RG—Two ways to post—by the administrator. Also, members of the public can post to Tread Talk. Can take a picture and post it with comment. These comments are monitored a couple of ways. One is automatic and we set the settings. Also you can report a post and remove it immediately. We look at it and decide to if we should keep it removed.

SD—Sounds good because I was worried about abuse. But who verifies the partners?

RG—Well, like if the Forest Service vouches for groups, we'll train them up.

AH—Any more questions?

AM—Do you deal with Tri-Co Economic Development District in North Central Washington?

RG—I think so.

AM—They're involved with five counties, including Okanogan County. Tri-Co has a centralized trail organization that must have 70 partners. Trail owners, trail people with Ferry and Douglas Counties.

RG—I guess we are. Amy and Matt know the more extensive list of people we're talking to.

AM—Matt and I have been talking and wondered if you were talking to.

AH—Doesn't look like any more question. Thanks very much.

RG—I'll send the follow up email with info about marketing materials. You know how to book training session.

AH—I'm hoping LJ can forward the marketing materials to the OCTC.

AM—I'll be working with them.

AH—Can you include info on how big you can blow the posters up to?

RG—Yes.

AH—Thanks very much.

RG—Thanks to you, too. The app is all built and now we need users.

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RG leaves the meeting.
AH—Recess until 1:30.