

Board of Okanogan County Commissioners
Monday, March 14, 2022 AM

JD—Jim DeTro, BOCC, District 3
AH—Andy Hover, BOCC, Chair, District 1
CB—Chris Branch, BOCC, Vice Chair, District 2
LJ—Lalena Johns-clerk to the Commissioners
ZK—Zak Kennedy—Potts & Associates, Lobbyist for the County
BH—Brock Hones, North Central Region Director WDFW
Justin—WDFW
CH—Carrie Hall, Okanogan County Auditor

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Summary of significant discussions:

Commissioners discuss ways to adhere more closely to their published agenda. They decide to announce on every Tuesday at 1:30 whether the BOCC will meet on Wednesday. Towards the end of the session, BOCC returns to this issue and talks about state rules governing whether they can meet via Zoom if the situation warrants it.

Zak Kennedy, lobbyist, updates the BOCC about the legislative session that just ended.

Commissioners discuss funding several projects (a large volume well in Mazama for use by Fire District 6, several projects by the Economic Alliance and repairing the Nespelem water tower) and how to justify them under the ARPA rules.

Brock Hones of WDFW updates the BOCC on parcels it's interested in buying and explains how the WDFW policy on grazing may change in the future.

Cari Hall, County Auditor, has told the BOCC that they haven't yet formally approved an ordinance creating new district boundaries for the commissioner. They discuss the problem and how to fix it.

00:00--CB and AH have discussion about importance of sticking to an agenda. Discussion about the concept of making sure that the BOCC sticks to the rules about adhering to the agenda and giving the public adequate notification of meetings on Wednesdays.

05:40—JD arrives.

CB has a conflict that doesn't allow him to attend BOCC meetings on Wednesday mornings. AH has conflicts that make it hard for him to come on Wednesday afternoons.

LJ points out that the BOCC has not been adopting their agenda. They simply go with the preliminary agenda that is posted on Friday.

AH pushes for more flexibility and ability to conduct business as it comes up. CB wants to make every effort to give 24 hour notice of BOCC meetings.

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11:45—AH reviews history of when the BOCC started meeting on Wednesdays. An ordinance was passed that added Wednesday to the regular meeting schedule when Sheila Kennedy, Jim DeTro and Ray Campbell were the Commissioners.

More discussion about how to handle the occasional Wednesday meetings. It was decided that at 1:30 on Tuesdays the BOCC will decide whether they will be meeting on Wednesday.

18:00 – AH says he read the 467 pages of the ARPA rules. AH and CB discuss details of some ARPA rules around the “standard deduction”, government services, etc. (*Note: “standard deduction” is a term CB coined to discuss an ARPA rule with less strict reporting requirements for counties that receive less than \$10,000,000. Okanogan County would qualify for this.*) AH says they need to do it a certain way or some things won’t qualify, such as the Mazama well project, for example. Some conversation about need to prioritize low income community. They consider whether the new court house would qualify.

AH—Mentions the Economic Alliance and employee that they may hire.

23:10—ZK zooms in. Interesting session. We need to find out what they did to us and how it will affect us. Not all bills have gone to the Governor, so we will have to wait and see over the next 30 days which get signed. We didn’t get hit as hard as we thought on some things.

ZK—I sent an email to everyone with the transportation budget, capital budget and a list of all the bills that passed.

ZK—One of the things we should talk about is there is going to be a lot of movement. It’s an election year, and the thinking is that the Democratic Party isn’t going to do so well. This might be a year to get a lot of our issues out there. You may want to look at seats and candidates to support, either as the Commission (but have your attorney look at that) or as individuals.

There is a proposed constitutional amendment out there that would prevent the state from stealing the money. This might be the year to get it done. Not a lot of climate change language this year.

CB- on the .09 bill, did you know the year when the current allocation ends? (*Note: The .09 bill refers to RCW 82.14.370 Sales and use tax for public facilities in rural counties.*)

CB – thinks it goes out to 2030 but not sure.

ZK – yes, we have some time on that. A lot of counties have bonds and that will affect them.

CB- I got the impression that Sen. Rolfes (23rd LD, Bainbridge Island and Poulsbo) is against it, yet she has said she isn’t. Can you explain where she stands on that? Also, there is another bill that expands the use of those funds for affordable housing. Sen Hawkins said that it was interesting that the one bill passed allowing for broader use of the funds, but didn’t extend the funding itself.

ZK – 5868 – bill expands .09 money to rural housing.

CB – there were a lot of challenges in the past to spending by cities that wasn’t connected to economic development.

ZK – they are taking a bunch of money from us, how are we going to deal with this? One suggestion is that maybe counties should start taxing their cities. It’s one of those things where we need to step back and look at it.

CB – there are a lot of connections that people don’t understand.

ZK – 6 years ago, Wolfgang Opitz of the Office of Financial Management, got up to testify on the budget and held up a ball of yarn as an example. Said the only way to fix the budget is to destroy it and start over. He knows more about the budget than probably anybody.

CB – the questions is how do counties survive, and how will they survive into the future.

ZK – If I hear anything I will let you know, and will keep you informed about any more bill that get signed or vetoed.

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36:55—ZK leaves the meeting.

AH—to CB—Are you going to the Fair Advisory Committee (FAC) meeting tonight? We need to reset the whole thing.

CB – there are a lot of accusations being made. When someone says something, there is a reaction.

When somebody gets accused in a public meeting, there will be a response.

AH – maybe we should think about having a County Commissioner as the chair. We do that with some of our other major advisory committees (Trango, Watershed Council, Community Action Council, etc.). We can't expect volunteers to know how to run a meeting, how to keep order when people are barking at you. Ex-officio members.

CB – we need to make sure that we have someone who knows Robert's Rules, etc. If it runs amok, we end up dealing with it anyway. If things happen and there is a lot of gossip then it gets out of control. I agree with having an ex-officio member but my sense is that we need to encourage them to deal with their issues out in the open.

AH- that's what I thought, too. Also talked to someone about sub-committees and how they function. They are supposed to bring recommendations to the committee as a whole, not make them on their own.

CB- our employees need to be the same. The Fairgrounds manager needs to realize that her priorities may not be the same as the FAC. Discussion about how they need to work together.

JD- weighs in with support for an ex-officio county commissioner to be chair.

AH – states that the FAC is one of the most difficult to work on because people are heavily invested in their children's participation. I'm not proposing that a commissioner be on there to have control, but rather because it takes pressure of running the meeting off the inexperienced board members.

CB – talks a bit about how being familiar with the budget is important for the FAC and the fair manager. Having a Commissioner involved would provide budget info to the FAC. The biggest challenge lately is whether they fall under the open public meetings act. That is a whole new thing for them.

Discussion about how the proposed ex officio chair would not be a voting member, followed by a discussion about whether they could record their meeting on AV Capture. Might be possible in the future but not for the meeting tonight.

55:15—AH—Time for our continued ARPA discussion.

CB—Helpful to put our justifications of the decisions in written format.

AH—A resolution is fine to justify the court house decision. Low income people are served.

CB—I got a reply from a judge, and I think they'd be able to give us the statistics about that.

AH—After I read it, I finally understood what they were doing. Revenue loss (on page 7 of the rule).

CB—What do we need from the Economic Alliance?

AH—Were they, as an organization, impacted by Covid? Because they'd be getting money for an employee.

Conversation about whether services provided to community are direct vs indirect; various sub-classes of business or people; types of businesses, low and moderate income, etc.; use of money for government services.

1:09:20—discussion specifically about proposal for new well in Mazama requested by Fire District 6. Speculation that it would not qualify for ARPA funding.

AH—It's very limited about the type of water infrastructure that you can use—potable or mitigating to get clean water. Doesn't mainly serve an eligible class of people. If you take the \$10,000,000 deduction, you can apply the funds to more things. Trying to help smaller governments.

CB reads from document a list of things that qualify. Government services concerning fire qualify. Each project we engage in building, we grab that language and put it in our resolution.

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AH—But our calculation for revenue loss is less than the \$10,000,000. I don't see anywhere that you say you only want to use part of our \$8,000,000 for revenue loss.

CB—There's lots of details in the Q&A section. If we take revenue loss, I don't think we can only use that category.

AH—Me neither. If we're discussing the court house, here's where it'd fall in the ARPA funds if we were using that category.

CB—Here's how we write the Resolution: Whereas the operations of the Okanogan Superior Court are vital in maintaining the health, safety and welfare of the general public.

AH—With Covid mitigation, the general public is a classification you can use the money for. And we need to spread people out in the court house. Don't know that we have to use income issues.

CB—Just hit all the reasons in the resolution.

AH—And state the justification for why we purchased the new property.

CB—Whereas Covid hardships resulted in many cases before the court, including but not limited to community unrest, domestic violence, drug abuse and addiction....

AH—Perfect.

CB—In the end, we have enough points in the resolution.

AH—Add—An analysis of the ways for mitigation could occur, this is the justification for why we purchased the building. Quickest and cheapest way to expand the courts.

CB—Explain why the Agriplex wasn't a sustainable fix.

CB—Whereas BOCC became aware of facility located next to an existing building,

AH—And the architect said remodel would be way cheaper than building from scratch.

AH—Alan (Fanestock) is zooming in today. We need to come to decision of the standard loss of \$10,000,000 and then use the money for government services. But we'll justify all of the things we used the money for—to back up our decisions.

CB—Three decisions pending that need answers today. Economic Alliance. We can use economic development.

AH—But economic development is very restricted.

CB—Argument for retail strategies program, that one was tenuous. Did you read what Roni (Holder-Diefenbach of the Economic Alliance) sent for the justification?

AH—Here's what I was looking for: Under revenue loss eligible use category, recipients have broad latitude to use funds for government services up to their amount of revenue loss. A potential use of funds that does not fit within the other three eligible use categories may be permissible as a government service which recipients can refund up to the amount of their revenue loss. Cites examples. So basically it says we've got a pretty wide latitude for government services. Don't know how we say this is for revenue loss instead of for broadband. PUD should tell us how many kids live on each branch they're proposing.

AH—We could just put it all in revenue loss and make sure it's a government service we're funding.

CB—Put it all in there, but still reach out and find what would support it for other reasons.

AH—The Mazama well is a government service.

CB—Population in this county and the income level—use those references because we're rural with low/medium income.

CB—So our ability to provide services by those income levels and it's a distribution across the system. If it was under CDBG (Community Development Block Grants) and we asked who's being served, you might find the income level is too high. But the spread of wildfire doesn't just stay in one place.

AH—But it's much easier to tie it to government services. I'd start the resolution:

- Whereas the SLFRF (Coronavirus State and Local Fiscal Recovery Funds) final rules allow for recipients to take a standard \$10,000,000 loss of revenue and

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- Whereas that money can be used for government services and
- Whereas fire suppression is a government service, we choose to fund this project.

CB—Then I'll look it and see what all the associated businesses with government services are. I'll do a double check. Once we establish we'll fund a project, we go down through it and verify. Look at the parts of the rule that address what we're doing.

AH—The only place I see where it fits is here.

CB—The project in Nespelem needs an answer right away. (The foundation of their water tower is being eroded.) Try to see who they've already dealt with and find out what the holdup is.

AH—Median income in Nespelem is low. Eligible uses include water and sewer.

CB—So do I have support for me to rattle the cages of the agencies Nespelem has dealt with? We need money right now. What's the problem?

AH and JD are for CB doing that.

CB—So that funding, it has to be spent by a certain day and we can't fund the entire project. We should put the money out there to be available for this long, and if there's nothing, we move onto the next shovel ready project.

AH—Reads rule about necessary investments in water, sewer and broadband. Those designed to provide an adequate minimum level of service and not likely to be provided by private funds.

1:45:20—LJ—Just to inform you, at 10:50 you're scheduled to do county voucher approval.

AH—Thanks for the reminder.

LJ—No payroll, just Public Health and regular....

CB—I move to approve vouchers dated March 16, 2022 for \$462,473.43. Motion passes 3-0.

CB—Move to approve vouchers for Public Health for \$40,477.09. Motion passes 3-0.

AH—So we're for the fire project under the revenue loss category. Do we want to say what we're doing with the Economic Alliance is an indirect government service? Helping small businesses that have had economic losses, or revenue loss under \$10,000,000?

CB—I need to talk to Roni about the Retail Strategies. I don't quite get what she sent to us. It's about attracting new business.

AH—The grants (to the Economic Alliance) are easy. The extra person to do those grants—that's a little gray. And then the Retail Strategies. And Nespelem is critical water infrastructure. Do we want a motion?

CB—We better clarify the well. What about the labor standards. Don't want to spend money that should have been bid out. We can ask Josh. If you have volunteer labor and the project is less than \$300,000, a public work. Let's look at that. RCO (Recreation and Conservation Office) does a lot of that and I'm waiting for them to call me back anyway.

LJ—The county had a project at the gun range. They bid it out, but then volunteers did the work. Can't remember the details but the auditor had a concern.

CB—I've done it a few times, but RCO told me they're not the police.

AH—We need to know what prices of materials are. We should ask Josh. But we'd need to get a price from three people for land clearing and they'd have to pay the prevailing wage.

CB—I'll talk to Josh. Alan, we just need verify the volunteer work part of it.

AF—We can work that out. No issue with it. With the money you give me, I could even hire people.

AF—Fire District has the well bid out and I bet it gets only one because not many people do wells this big.

CB—I'll check to see if you have to bid the entire project.

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1:53:30—AH—It's 11:03 and the Director of the North Central Region of the Washington Department of Fish and Wildlife (WDFW).

BH—We've got an acquisition we're pursuing through the Lands 2020 Exemption Process similar to the other ones we presented a few weeks ago.

Justin—Asks LJ to project his presentation.

AH steps out and CB discusses bidding processes and prevailing wage requirement with WDFW.

Justin—Project that we didn't present is here. N side of Similkameen River. Inholding surrounded to WDFW 40 acres. Near Little Chopaka Mountain. Riparian and shrub steppe. Lots of good habitat. Big game & bird hunting. Administration value is obvious.

Discussion why WDFW is better to purchase than DNR. The owner approached them. No current use agriculture on that piece. Some grazing to the north. We allow grazing on the Similkameen Chopaka nearby, but not here because it's so steep.

BH—Is the parcel line where the river used to be? Yes.

AH—I asked about grazing because the (Fish and Wildlife) Commission was talking about grazing not being allowed on WDFW land. I would be really opposed to that. The pieces you're buying are usually not out in the wilderness, but old ranches with current grazing leases.

Justin—I appreciate that. BH may have more info about the commission but from my perspective, I value the working lands component. We'll continue to find opportunities.

CB—Commissioner Hover, I think we should take this head on with the Commission itself. Maybe we should stop moving forward when we hear something *might* happen. If that's a conversation the Commission is having, we need to talk to them. I don't want to hold up progress on this process because it takes a long time.

AH—I'm not saying no to this purchase!

CB—Not saying you are, but I think we should approach them directly.

JD—I agree. Talk to them directly. We've worked well with them on grazing in the past. This particular piece of property won't work for grazing.

AH—And I wouldn't suggest that if there isn't grazing on land acquired by WDFW that it would have to be opened up to grazing. But if there's grazing and WDFW bought it, they maintained grazing on it.

CB—I want to add that it's not a bad thing to bring up when BH is here. He's regional director.

AH—We either have to attend a Commission meeting or invite them here.

CB—I'm fine with one of us going there to attend their meeting and tell them how we feel.

BH—The Fish and Wildlife Commission went through an extensive review of their grazing policy and it was adopted in Feb. 2021. Key component was that we want to maintain grazing because of community character and values. There's a local value in Okanogan County if we have responsible grazing. But now we've got some new commissioners and they want to revisit that. We're doing a grazing tour in Okanogan and Kittitas Counties. Commissioners and permittees participate in the tour. Last update I got is that there's enough interest in the tour that they're all going to attend, so that makes it a public meeting. Public will be able to attend if they can. I don't see that changing. No official announcement yet.

AH—If a quorum of BOCC attends, we'll have to have it recorded on our end, too.

CB—If we go to something and we're both getting information, we're not doing business. (AH is not convinced by this argument.)

CB—A question on this project is the process of Lands 2020. It takes some time to do it. What's the timeline?

BH—We're going through the exemption process with all our acquisitions this year. We're doing this one first

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2:17:15—BH—discusses other projects. We presented this one in November. A little island in the confluence of Okanogan and Similkameen Rivers. Managed as part of Ihot (?) Island. Dry land agriculture. Meets our priority in in-holding and edge-holding.

CB—Is the Ihot in a floodway?

BH—Probably.

CB—I'd argue it should be in some kind of use like this.

BH—Next. This is new. Apply for State Lands Development to renovate the Green Lake Campground. New camping facilities—vault toilet, parking, more camping spots.

BH—Next. I've love to get letters of support from the County. It's NOVA (Non-motorized Off-road Vehicle Access), similar to Patterson Lake. In 2006, started to improve access at Sidley Lake through NOVA but after planning was done, it just dropped.

AH—Can you send us some boilerplate language for these projects? We'd appreciate that.

BH—This is a NOVA grant. Like Patterson, it's an 8 mph lake. Near a county road. It's the only public access. Don't own. It's a long term use agreement which we'd try to extend.

BH—Implementing a cooperative burn for the first time. WDFW, BLM and DRN. Sinlahekan, near Highlands Fire Camp. Probably be highly publicized and maybe the Lands Commission will come out for it. Just want you to be aware of it. If we get a date, we'll let you know.

BH—That's all I've got. I appreciate your time.

AH—I appreciate you're upgrading the boat launches.

CB—After you upgrade one, lots more people show up. Lots of people floating the river.

BH—Before we go, I want to express our appreciation of Lanie. She got us on the agenda and answered our emails, etc.

2:27:30—JD and AH discuss a potential correction to the minutes. CB joins in a discussion about how long it takes to get a building permit. AH says Okanogan County does it pretty dang quick.

AH—Mike Fort of the Water Conservancy Board found that Kittitas County has an Interlocal agreement with its Water Conservancy Board and he just sent me the agreement. It's really straight forward.

AH and CB discuss moving the time on the agenda to correct minutes. Since it's already on the agenda, they can move the time up. But they shouldn't move the starting time of a meeting up.

AH—What if we say on the Wednesday agenda that we'll start at 9AM, but we decide to change to 11 AM? Lanie could start Zoom and note in the chat box that there's no quorum until 11.

CB—Well, we've got Okanogan Watch and they have a schedule when they watch. We need to build trust in local government. They plan around what we're doing. There are expectations that our scheduled work is a framework.

AH—I'll say that on Wednesdays sometimes I'll attend on-line. Especially is it's just a 15 minute discussion.

CB—We need to decide on a policy of when we can meet on-line.

LJ—I don't think we have a written policy on that.

CB—Well, we should and change it if we need to.

AH—What? There was a bill in the legislature this session about how and when county commissioners could meet virtually?

CB—Yes. But the bill didn't go anywhere.

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AH—Need a motion to approve minutes and the consent agenda.

JD—So moved. All three days. Motion passes 3-0.

LJ—I was asked by Auditor Hall if the county had adopted the district revisions and they haven't been.

AH—We were just waited on the legal stuff.

LJ—But nobody is doing it. We've got a public meeting coming up that will be advertised on March 22. Carrie knows where the hold-up is. She's got a long email string about it. You adopted the map and not the descriptions. Also the revisions need to be adopted.

AH—Let's go back and look at the minutes of that meeting.

Commissioners try to remember what the hold-up was while LJ looks for the minutes.

LJ—Commissioners adopted the overall revisions via Ordinance 2022-1. After that, the corrections and additional revisions were found that needed to be made by the Auditor's Office. Once you adopted it, they went to the Auditor's Office. She reviewed them and relayed there were some revisions needed. At that point....

AH—It got lost.

CB—By the way, I talked with the Auditor about this.

AH—I thought we'd adopt the map and additional things after the corrections.

LJ—BOCC adopted the Ordinance, contingent on receiving the legal descriptions.

CH—Describes what the problem is and how it can be corrected. LJ explains that the ordinance can't be amended but must be repassed (per the Prosecutor's Office). That's scheduled for April 5. CH says that's enough time. Long discussion concerning whether they really need to pass a new ordinance and if so, do they need to have a new hearing.

AH—We're meeting tomorrow as the Board of Health and not meeting on Wednesday at all.

Adjourn.