

**Okanogan County Board of County Commissioners**  
**Monday, January 27, 2020**

**In Attendance:**

Jim DeTro - (JD) BOCC, Chair, District 3  
Chris Branch - (CB) BOCC, District 1  
Andy Hover - (AH) BOCC, District 2  
Lalena Johns - (LJ) Clerk of the Board  
Dave Gecas - Civil Deputy Attorney  
Angela Hubbard (AHu) - Interim Director, Department of Planning and Development  
Jim Potts - POTTs, of Potts & Associates.  
Ameresco - AM (Contractor)

*Notes were taken at the meeting by a county watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized. Note taker comments or clarifications are in italics. These notes are published at <https://countywatch.org> and are not the official County record of the meeting. For officially approved minutes, which are normally published at a later time, see the Okanogan County Commissioners' website at <https://www.okanogancounty.org>.*

**Summary of Topics Discussed:**

Questions regarding weekly **Consent Agenda**; Discussion of state fuel tax, roads, traffic;  
Update on **State Legislative Session** & discussion - Jim Potts; **Duties of County Planning Commission**, date of creation, clarifications needed; **LTAC** membership; **Meeting with Ameresco** reps Rob Heine and Kirsten Deilson Re: County energy project: Complexities of new Commerce grant applications, well locations; contract, & more. **Public Hearing tonight** (Interim Control) and staff report (very brief.) Two **Executive Sessions**, one dealing with Lifeline.

**9:00**

Chit - chat before meeting - Public hearing on Interim Control on 1/27/2020

AH - I have asked Angie to go over staff report for tonight for us today (public hearing.)

CB - I was discussing with Jim that we get started with the hearing with each of us having 3 minutes a piece. Still a legislative matter. (*Hard to hear..... Note taker asks for mics to be checked. They are off. Turned on, still doesn't work. AH touches his mic and it goes on. Loud and clear for now.*)

**9:15 - Pledge of Allegiance**

AH leaves. Silence. He re-enters. Commissioners looking at paperwork on their computers, presumably reviewing Consent Agenda.

**Questions regarding Consent Agenda:**

9:17 - LJ - Asks about what should be brought to hearing tonight. There will be no access to internet unless it's available at the barn. Also, I will bring everything on a thumb drive that we need.

AH - Asks about Linnel contract on agenda.

LJ - This is just for supporting knowledge that it was approved by Karen Beatty.

AH - Meeting with mayors went well. They just want some consistency. Right now, we change rates every month. No one disputes the way the formula is, but I think it should be cleaned up. If we took previous data, and came up with a rate...etc. It will average out. There may be a higher population where we are overcharging or undercharging, and it will even out.

CB - Reasonable estimate?

AH - Yes.

AH - Down in Brewster - what is the Brewster finance .....”Missy.” (LJ)

CB - She tends to speak for several of the members. I talked about perceived retaliation. Are there any ideas he has that if that isn't going on, get out info that this is not the issue?

AH - Pulling patrol officers off duty?

### **Discussion of state fuel tax, roads, traffic**

CB - Right now they are trying to change out the loss of fuel tax. They tack that kind of stuff on because...passing fuel tax. When they do decrease the fuel tax, they have declining revenue.

AH - The thing that is beyond me... the state wasn't to go to this mileage thing. How will they figure out mileage for me?

CB - They are explaining 3 options now. One of them is better. TVW - can listen to exec director and Transportation Commission. A person with light dark-haired, black curly hair was explaining it to the Senate committee.

AH - I can't figure out - when you are going to license your vehicle...why don't they just say for an electric vehicle, you owe us x amt of \$\$ every year?

CB - I guess when I ask those questions, there are more complexities than you could ever imagine.

AH - I figure you are using our roads with our own vehicle.

CB - But there are fuel efficiencies, etc. We look at our system of roads - they are using (???) and (??) Is part of the tab too. That's what you get for living out here. If everyone takes the narrowest bridge to get over to the other side, it's a long way.

AH - Not disputing that they need to do stuff. But when I'm driving down 153 and there are chuck holes everywhere.....

CB - Talks about deferred maintenance - it takes more \$\$ . I have no info that they are doing this on purpose. (*Cites a ridiculous example.*) I too I thought this was a great example that they are doing it on purpose. But if you have a chance, watch the video. There are others asking similar questions. Widening the freeway isn't the solution (to West Side traffic.)

### **Discussion of Interim Control hearing tonight, 1/27/2020**

JD -Did you see what Mike Port wants to hand out tonight? Volunteer water metering. *(All agree they do not have a problem with it.)*

*Talking over each other.*

CB - It's his info- if he wants to present it, he can.

AH - Nice that he asked.

CB - Glad you brought it up. Did he actually ask if it's ok? He doesn't have to ask. I'm not saying that.  
*No answers.*

AH - Those comments we got.....

*No answers.*

### **State Legislature issues**

CB - I talked with (??) There are some bills re water banking, references to water transfers. The bill got dropped last week. There was a provision that allowed movement of water out of the street..in certain circumstances. Pointed out that like any other bill, it is (????)

AH - Do you have the bill #?

CB - It might have a number now.....let's see. (Looking at computer.)

AH - Protecting taxpayers from home foreclosure ....are you kidding? Don't pay your bill, and .....

### **Legislative Update: Jim Potts is on phone.. (He is Commissioners' eyes and ears in Olympia during Legislative Session.)**

POTTS - You didn't even hang up on this week. Joking around. Big things are driven by the Open Public meetings issue and Legislature's inability to deal with it. No one wants to talk with anyone because they don't know if they have to write it down.

CB - I gave them some advice.

AH - Tell them BOCC has been doing it for years.

POTTS - Not sure the people teaching it know either. They had to switch the schedules around because members have to go to a class, etc. We are dealing with that, and we are really only sending out info on bills that are scheduled for hearings. The Governor is pushing homelessness and climate change. They don't have time to hear anything that's not on the agenda. If we do not have a bill on the schedule, it's not on the agenda and will not be. There is obviously some poop for horse trading at the end. But the Demos have such a majority that they don't need to do any trading outside of their own caucus. The things **6414** - dealing with property taxes and collecting them, how and when, making it so that people wouldn't really

have to pay property taxes. No fine for not paying. Spokane county testified in favor of this. Big impact on small counties. Any communication with your legislators wouldn't hurt. And Bill **2526**.

Also, public records and public records bills are moving along, but they do not know how to handle it.

**5450** - Adding Superior Court judges. Who bears the cost? I'll keep following up on those.  
Cut - off for policy committees is next Friday. If it's not on the list, we will probably not see it this year.  
Mostly very good.

Any comments?

CB - I stopped in to see Victoria Lincoln in court list office. A bill we supported a long time ago, allowing the formation of a port list less than county-wide. I thought it was to expire this year. Check into it. We don't want it to expire.

POTTS - Will look into it. We like to make these small (*ports*.)

CB - She said they didn't want it to go away either. But I stumbled on something that Spokane county was supporting too.

POTTS - Will check into that. Even Spokane Cty would benefit from some smaller port districts.

CB - Takes a while to get something like this organized.

POTTS - A county like that has a lot of small county stuff. Lots of different (counties?) oppose smaller port districts. Will find Victoria and get back.

CB - List that Melanie had from WSAC - Didn't see **6314**. Are they weighing in on it?

POTTS - Still under review. Obviously Spokane Cty is supporting it, but other counties are not. WSAC can't take action without consensus. They think it's a problem too, but they have other members....

CB - Is there a hearing this week?

POTTS - (*Can't hear him over phone*) Exec session on 31st, public hearing at 10:00 AM. So they will hear it tomorrow in the House on local Governments.

POTTS - They don't know what to do with a major county in EW saying they want it.

CB. Home foreclosure. This week, Melanie has it - opposing on the 28th. 314 (?) is companion bill - Senate didn't do anything at hearing last week. House will be their vehicle. Names legislators who are onboard. Bi-partisan support. Would not be good for us. We are trying to make this clear as much as we can. Any conversation with legislators would be good.

CB - Was that the bill we talked to.... What did he mention about the whole (??)

POTTS: I don't know how he can achieve that and what he's trying to do. We won this last year; can't tell about this year. Majority is a little thinner this year.

CB - Our treasurer asks: What dos "hold harmless" mean? Any time it's in a contract, the attorneys say it has limited value.

POTTS - That's the problem. No clarification on that, don't know the amendments. Now, not even getting our bill digests, etc — So busy with the Open Public meetings stuff...will be interesting to see if the Spokane Cty treasurer is in attendance, like he was in the senate.

At WASAC mtg, said it's pretty obvious it's not good.

CB - Out of basin transfers? Goehner. 4027.

POTTS - No, that would be a resolution.

CB. - That's the bill request number.

POTTS - We will get that for you today.

CB - He (*Goehner*) knows it's a conversation starter. I advised Kretz and he's supportive, but he also has private property right folks too, to think of.

POTTS - Will follow up with an e-mail after our call today addressing the questions the counties ask.

CB. - On the bill that includes salmon and game - has language relative to critical areas. Want to know if it's applicable to the partially planning counties.

POTTS - we will ask for sure on this one. Will get on that. Do you have any last questions? Will be available on e-mail this afternoon.

Thanks. Call Ends 9: 48.

## **Discussions, including duties and dates of formation of County Planning Commission**

CB - We were at Bowles office, and he didn't want to talk about it. The whole Congress is (*??? asking what it means.* )

CB - I brought up some issues I don't know why we can't discuss....attorney should be able to advise. The rules as they change are a moving target for applicants and others. We need to be clear. I found some things in our code that are troubling. That doesn't need to be in Exec committee.

AH - I did research on Planning Commission - creation of PC. But it wasn't created in 1971. It was created by resolution in 1959.

CB - If you (?) the resolution it was probably done by ordinance. It should have made reference to the previous code provision. But it's been operating under the 1971 adoption for...

AH - Since 1959

CB - No, it has been operating.... If you'd like to make that argument, we can make the argument we've been doing everything wrong since 1971.

AH - No, we are not planning under a different Act. It makes a difference as to what the PC's roles, etc. were. There were certain things that under 3670, the PC had autonomy. George asked about the Planning Director.....

CB - Under our code today, since we plan under 3670 (Planning Enabling Act) - then is there a dispute over that?

AH - NO. Not even a dispute over (*rattles off numbers*)

CB - And isn't it relative to the same thing?

AH - No, just about Planning Commission. Some people had questions about their roles and things like that. They wanted to know how the PC was created. I found the resolution under 1959. Did you know that with 3670, GMA came out..... the Okanogan County Commissioners actually designated the lands of Long Term significance?

CB - Yes - I was on a committee - we were not required to regulate under (GMA?), like we are now.

AH - Some people are concerned that we can't do a business under this. They've been actually regulated for a long time. The GMA actually points out that Rural lands are important to WA state and that the economy is very different in rural economies.

CB - There was a dispute as to whether some folks could run a business on their farms. It was in re having to regulate under this. It's a restaurant. That was one of the early arguments about whether you can go out and run a business.

AH - Very specific under GMA.

CB - What is important is that we have a Planning Commission. When they did that (made it 7 members) they changed that (from 9 members). When they said that, it's established.

AH - it was already established. Can you find a resolution.....(?)

CB - If you want to look into it and think there is a conflict, you can ask the prosecutor.

AH - The Planning Commission has a duty ...they want help in understanding their duties, etc. If the Planning Dept is not giving them that info, the BOCC needs to get them the help. The PC are not trained planners, but they are doing significant work in order to help plan.

CB - Probably what the Planning Dept...in the present (?) They plan under 670 (Planning Enabling Act.)

AH - PEA. Do they plan under the 4 pieces of the GMA? My question is about the way they plan. George had asked the question a long time ago.

CB - If I go to 2264, I'll bet my money on it.

AH - I disagree with you.

CB - We will follow up on that.

## **LTAC Membership**

AH - On 7th of Feb..... I will send you this e-mail on the agenda - if you want anything to discuss with me. (to CB) it's our meeting agenda from last meeting.

LJ - Last year, the LTAC had discussed the two vacancies that .....the fact we had the requirement to have 5 members with at least 2 collectors and 2 receivers. And a chairman. I have a resolution regarding the amendment tho the resolution that makes up that commuter with 2 at-large positions, not being restricted by collector or...the resolution has a definition of tourism industry.

AH - So we have had 6 members for a long time. Sorry - 6 positions.

LJ- 7.

AH - Sorry the one could (inaudible) ...position and 6 other positions, 2 from each district. The problem is that we have a hard time filling those that way. My thought was that if we had districts 1 and 2 combined, as far as LTAC eligibility ....

LJ - That was the original idea, but it was very hard to explain in a resolution as to why they are not combined for anything else. So, the 5 remaining required positions are still representing areas of the county, but not by BOCC district.

AH - I need to read that part.

LJ - You'll be making those considerations on an appointment basis. Up to you how you want the districts represented.

CB - Question about agenda. Does Q mean G?

CB - Moves for exec session under 1- G. Inviting Dave Gecas and Angie Hubbard. 30 minutes.

AH - Let's do 2 in a row..

CB - Other is under 1- D.

AH - One hour for this?

LJ - The one at 2:00 we cannot combine with this morning. It involves Lifeline.

*So they adjourn. For 30 min. Then they will invite Tanya for another 20 or 30 min (When Lifeline is here.)*

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## **11:10 - Ameresco - Energy Project**

Rob Henealine and Kirsten Deilson DES

AM - Wanting to clarify contract and costs. Based on what we know about the system, there is plenty of GPM. Very comfortable with that. Want to do some injection wells and some testing. We have provided

some pricing. Estimate future JSA - best. 12,000 square feet. Incorporated into the total number. Could break this into phases, depending upon your budget. Could pick up the annex. Could phase.

AH - Re this whole discussion. One of these stacks - how much apiece?

8 of them. Probably \$25,000 per feet. Where they are staked is a problem in itself.

LJ - At one point, min-splits were suggested if we do replace those.

AH - Probably a good idea.

AM - Would be the same as what we are doing here.

AH - 585,000 courthouse annex, just for the new injection wells. About a 1, million project just for the Courthouse, which doesn't include volume, overhead, etc.

AM - Not \$1 million, but this is a worst case. The 585,000 is a good estimate.

AH - How about injection wells? Would this include??

AM - clarifies why it's not this much.

AH - So for everything, all controls, all of the heat, all that stuff, is included?

AM - yes. When I was not sure if you wanted this building (Va. Grainger.) Would like to work with Sean over there. This whole portfolio would be under the same Geothermal system.

AH - What is the county's actual...are there incentives anymore? Funding opportunity?

AM - There could be incentives if it meets EPA criteria for energy savings. We. Now know about Commerce branch If less than 35?? Payback, etc.. (*too rapid.*) Goes over criteria. That is a potential. To be honest, I don't think there will be an appetite for the commerce grant because they excluded lighting., so you can't include that. Also, the experience factor with the last round of grants. I won't discourage you, but I will forewarn you that it can be a very painful project. I have two projects - one solar, one energy efficiency. On that I had to sit with the city of Cle Elum on the application. Attempted to get all the info they wanted, but they threw it back at us. It was for buildings, but according to Commerce it had to be spread across the buildings correctly, but they then combined all the buildings. Right now, it is building by building request - one grant for each building. They have put a lot of hurdles. I am more than willing to walk you through this process, but I want to warn you that is can be quite painful. The project in Cle Elum is under construction, but they still do not have a contract.

CB - Can we go building by building?

AH - We could continue with Hydraulic geothermal, or we could replace the stacks and go through the mini-splits.

CB - Was that a separate cost?

AM - In the case of replace, are going to put the new units on top the building due to circulation issues.

AM - A couple of fundamental differences. We'd need to go through DivCo? Yes. Then designed, etc...and structural issues. IT is included with us. Guarantees and performance-based. We really want to do this project for you. I understand you (prefer?) to bro down the other path.

AH - Re the modularity: Let's say we do the courthouse annex. Let's plan on moving forward and doing all the injection wells at once. But we want to do only the courthouse annex in re ????. How far along .....etc. Obviously, we have inflation. Would it be hard to break it up into phases like that?

AM - No. We would know more after engineering. If you did all wells, and then just attached its other buildings. 3 wells max - I feel comfortable in picking up the remaining buildings.

Asks partner - says it's pumping now like 100 plus gallons.

CB - You were talking about injection wells in a different location

AM - not sure where. But needs to be close to the junction boxes. Not exactly sure they would go. Can't go too close to the existing wells.

CB - How far away?

AM - can't be within 100 ft of extraction well.

AM - If we put one in parking lot by courthouse. OT was always said the water comes off the hillside.....

CB - Not uncommon on this whole floodplain and flats. I would believe it.

AM - Is the parking lot still in rough shape?

LJ - We hadn't done any work on it.

AM - Definitely needs to be resurfaced.

AM - At one time when we looked at it, we looked at vertical bores....saw that the asphalt was in poor shape.

And if we could pick up water coming off the hillside.

AH - You don't want to pick up water from hill, do you?

AM - unclear. You find the water and inject, or you pull it out.

CB - If you are looking for area porous enough to take water, it will have water in it. Otherwise, if there is no water, you could have an impermeable foil, the water would tank.

AH. - So the grants are hard to get?

Woman. Not an easy process. The grant would take up to 1/4 of the cost. BPA's incentive is paying about 20 cents a kilowatt hour for savings. If it goes like this, it is a one-time payment. I don't see it as NOT qualifying for it, but I haven't looked at the incentives notice recently.

AH - So you want to have it all engineered, and after that....

AM - We would do the study, and who we roll into the project, we'd do the engineering. Included in the costs.

Only thing that's missing is under "audit." WE don't know how many buildings you want.

AH - ballpark for only the annex?

AM - 25 all- around for audit for whole thing. 150 - 175,000 for engineering, scoping, engineering, no well-drilling.

AH - But this is not in overall costs.

AM - Budget for design = 329. You'd pull it out of that. So audit and engineering is 150- 175,000.

AM - Back to grant discussion. It's been painful with then process. Dept of Commerce is running grant program, and more involved than in the past - at least a different group of people. They are "self-inflicting" effort. More of the pain is on our side of the project in educating you and connecting you.

CB - And that happened with Cle Elum?

AM The last biennium, Don C deeded...grant apps were too complicated to type. The packages for individual clients included full services for energy, etc etc. Commerce took a very long time to review it. Took out about 1/2 of them. Then they scored them, made awards by the end of May. Recognized they didn't have a contract template that they needed. Asked each agency that was awarded \$\$ to submit all the original info yet again in a different format. For city of Cle Elum, I just reviewed their stuff for the gang submission. I helped the city go through the appropriate info, etc. to fill in the template. Then Commerce came back and said they didn't like the 4 buildings. They wanted a line item for each building in the contract. That took a couple of hours for city employees and my time. A cost and an effort. I made sure they had the appropriate info that went to Commerce.

They are not going to really change it this time around. Not removing the problems, like doing it building by building.

CB - Also a problem that we have injection wells that don't necessarily apply to one building.

AM - My thought is that we would not, if we were to pursue it, we would only want to do one section well for that part. Works out better financially. As soon as you add potentially two more wells, it ups the cost, so we need to be very strategic about it. If we want to pursue this path and do the entire campus, that might actually be beneficial for you at this grant round. It simplifies everything so Commerce can find their way out of the paper bag.

CB - Sometimes, we need to kind of adjust to the specifications of the grant.

AM - Yes.

AH - The last, phase one of the energy project....

LJ - Capital improvements fund responded. Energy project. A combination of the 500,000 commerce grant, at one point 1.1 million for ??? And then 630,000 of cash.

AH - So we are done paying this?

LJ - No. We are still paying.

AM - that was an energy bond as well.

AH - How long are we bonded on that?

LJ. Believes it was a 30-year bond.

AM - This it was 20.

LJ - I was a not involved at that point, not sure how it came together.

AH - So about 100,00 per year?

CB - Would be interesting to see how it looks by

AM - Your utility, ok Cty PUD, you pay in utility bill every months for part of the tariff for ??? The is a way of getting part of that back. That utility grant incentive is part of the calculus regarding your match. For every dollar you ask for, you get max points for every 3 dollars put in. It goes to the part that you wouldn't qualify if you didn't put in \$3.. It became a de-facto Even though as coring criterion, it has to do with whether you obtain a grant more than energy savings. It is a percentages overall - not a vast amt of energy savings. If the 100,00 is coming off the 1 million kilowatt hours.....affects the score.

Discussion of complicated figures.

Somewhere between 350 and 500. Last time. If looking at a million \$ project, you could ask for 1/4 million.

AH - Could you phase this by Annex, then Juvie, then Virginia Granger?

CB - Finding this out in re practicality. Sounds good to me.

AM - The future building? In or out?

AH - We wouldn't know for sure, so keep it out. The logistics of piping would be the same.

Summary:

AM Clarifying. I will come back. These are the phases:

Phase 2 - Annex (Mechanical upright)

Phase 3 - All of juvie

Phase 4- Virginia Granger

Sp we wo;; get wot PUD and find out about incentives. Cap payout on grants. Get back and break out Phases 2,3, and 4 and include fees for audit. We should be able to give costs for each of this.

Agreed.

CB - re feasibility of injection wells - what is the procedures.

AM - A couple of different theories. If we go in to do a 4 inch well with air rotary, we can blow out the strata and frail. We will all have to think about what we are willing to do.

AM - At hospital in Tonasket, we did not complete that project for internal political reasons. We did actually drill test wells. 10 inch and 12 inch wells. Between the admin building and the nursing home. They drilled, got water flow, and the hospital paid to have us test for wells drilled and appropriate water flow, but they decided not to go with that. Now they are going to oil boilers.

CB - There are plenty of complications involved.

AM - Yes - what drillers are available? Hubbard, MVM Drilling? Colville - Folks. Brief discussions about who's who, who's available, etc.

CB - ON withdrawal well?

AM - around 200.

CB - Injection well - how deep? Water quality on this? Before you put it back into ground?

AM - Not sure. Every 10 feet you pull it out and document?

CB - Years ago - found in Florida - pulling out and injecting - we have arsenic in our soils.

AM - We are not drinking it, so.....

CB - Sometimes not the same aquifers because of how things are here. If you are pulling any contaminant out and putting it into another aquifer, that is the problem. Even when we did wells in Tonasket, had to (do a lot of testing.)

AM - We looked at putting the water back into the river because we were worried about the water being too hot. Ecology said all you need to do is plant a few trees. Seemed odd.

AM - It is a short-form and expedited process with ecology. Not long or detailed, because it's non-consumptive.

CB - There are other considerations other than non-consumptive use. I want us to be alert to things that can come up. I know some of these things have come up for you. The experience factor makes a big difference.

AM is based in Coeur d'Alene

About Western National Conference? - DeTro - I usually go. I know there is one back in DC, but I don't go to that.

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**1:35 PM: Angie Hubbard, Interim Director of Planning and Development**

**Staff report for tonight's meeting (hands out copies to BOCC and public.)**

AH - Questions Angie about the number of parcels involved with this proposal.

AHu - I created this short Memorandum for tonight. There was some confusion on R-5. Would like your opinion.

AH - We could not plot (?) in rest of WRIA 48 (*could not understand.*)

AHu - So the things that were in the 2019 -5 ordinance are actually contained in the 2019-11 to make it more readable. The study identified back the were transferred over into the 2019-5.

AH - Lanie should put all maps on thumb drive.

CB - Precursor to the testimony - at the end, the decision. We will listen to public. We do not have the ordinance to adopt. We still deliberate after hearing testimony.

Another possible outcome would be to continue to the public hearing.

CB - You can deliberate outside of the public testimony part of the hearing.

AH - You will need findings, no matter what happens.

CB - Those findings will depend upon what we decide to do.

AH - Just so we are prepared for any and all outcomes, asked LJ to find another date for continuation of the public hearing if need be. Feb 10th - one public hearing after planning update already. But at 3PM there is time.

Tuesday the 11th - Board of Health

AH - Asks for Tuesday...(?) 17th is a holiday. Tuesday the 18th .....time at 2:30 after Roger discusses his land use issue.

CB - 2019- 11. Lanie will get projector ready for tonight.

Notetaker Leaves at 2:00, before Executive Sessions, heading to hearing in Winthrop.